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LETTER DATED 22 APRIL 1952 FROM MR. FRANK P. GRAHAM, UNITED NATIONS  
REPRESENTATIVE FOR INDIA AND PAKISTAN, TO THE SECRETARY-  
GENERAL TRANSMITTING HIS THIRD REPORT TO  
THE SECURITY COUNCIL

In accordance with the instructions of the Security Council as set forth in the statement made by its President on 31 January 1952 at the 572nd meeting of the Council, I have the honour to communicate to you herewith my third report to the Security Council, on the progress made to obtain the agreement of the Governments of India and Pakistan to a plan for the demilitarization of the State of Jammu and Kashmir, as well as my views on the matter and my suggestions for the continuance of the negotiations.

I should appreciate it if you will be good enough to transmit this report to the Security Council.

(Signed) Frank P. GRAHAM  
United Nations Representative for  
India and Pakistan

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THIRD REPORT OF MR. FRANK P. GRAHAM, UNITED NATIONS  
REPRESENTATIVE FOR INDIA AND PAKISTAN, TO THE  
SECURITY COUNCIL

INTRODUCTION

1. This report is to inform the Security Council of the manner in which the United Nations Representative has discharged his responsibilities under the resolutions of the Security Council of 30 March<sup>1/</sup> and 10 November<sup>2/</sup> 1951 in connexion with the statement made by the President of the Security Council on 31 January 1952.<sup>3/</sup>
2. The report is divided into three parts: part I deals with the progress made on the twelve proposals<sup>4/</sup> for an agreement on demilitarization; part II sets forth the views of the United Nations Representative on the general problem and his conclusions; part III contains his recommendations. The report is supplementary to the first<sup>5/</sup> and second<sup>6/</sup> reports of the United Nations Representative.

I.

TWELVE PROPOSALS FOR AN AGREEMENT ON DEMILITARIZATION

A. Terms of reference of the United Nations Representative

3. At the 572nd meeting of the Security Council on 31 January 1952 the President said:<sup>7/</sup>

(a) "... he [Mr. Graham]<sup>7</sup> should continue his negotiations in pursuance of his terms of reference under the resolutions of 30 March and 10 November 1951, in order to remove the remaining difficulties which he [Mr. Graham] has described." <sup>8/</sup>

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<sup>1/</sup> Annex I.

<sup>2/</sup> Annex II.

<sup>3/</sup> Annex III.

<sup>4/</sup> Annex IV.

<sup>5/</sup> S/2375 and Corr.1.

<sup>6/</sup> S/2448.

<sup>7/</sup> Annex III.

<sup>8/</sup> S/2248, paras. 24-33.

- (b) "Although we cannot strictly limit the negotiations which, to have every chance of success, must rather be flexible, I feel I can say that the Council definitely expects to receive a report within two months, that is by 31 March."

4. These terms of reference given to the United Nations Representative should be considered in connexion with those instructions set forth in the resolution of 30 March 1951<sup>9/</sup> as follows:

"The Security Council

...  
"3. Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

...

"5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;"

and with the resolution of the Security Council of 10 November 1951<sup>10/</sup> as follows:

"The Security Council

"Having received and noted the report of Mr. 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 Mr. 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

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<sup>9/</sup> Annex I.  
<sup>10/</sup> Annex II.

parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,

...

"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;

...

"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."

B. Procedure adopted by the United Nations Representative

5. The United Nations Representative in his statement to the Security Council on 31 January 1952<sup>11/</sup> indicated that he wished to enter into consultation with the Minister for Foreign Affairs of the Government of Pakistan and the representative of the Government of India, then in Paris, on the procedure for carrying out the responsibilities entrusted to him.

6. To this end discussions were held in Paris early in February with the representatives of the two Governments.

7. The United Nations Representative and his staff left New York on 26 February 1952, arriving in New Delhi on 29 February. He and his staff left the sub-continent on 25 March to report to the Security Council.

8. The United Nations Representative and his staff were as follows:

Mr. Frank P. Graham, United Nations Representative

Mr. Miguel A. Marin, Principal Secretary, (Department of Security Council Affairs)

General Jacob L. Devers, Military Adviser<sup>12/</sup>

Mr. J. F. Engers, Political Officer (Department of Security Council Affairs)

Colonel Joy Dow, Liaison Officer

Mr. Elmore Jackson, Personal Assistant to the United Nations Representative

Miss Louise A. Crawford, Secretary (Administrative and Financial Services)

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<sup>11/</sup> See Official Records of the Security Council, Seventh Year, 572nd meeting, para. 39.

<sup>12/</sup> General Devers remained at the disposal of the United Nations Representative although he did not accompany him to the sub-continent.

Miss Mary Robertson,<sup>13/</sup> Secretary (Department of Public Information)

9. In order to assist the Governments of India and Pakistan in removing the remaining difficulties described in his second report,<sup>14/</sup> the United Nations Representative continued, during this four-week period, his previous procedure of separate negotiations with the parties.

10. The possibility was also envisaged of having representatives of the two Governments, at a level to be decided, meet together with the United Nations Representative, but after careful consideration it was concluded that the meeting was not advisable until sufficient preliminary agreement had been reached as to ensure positive results from such a joint conference.

C. Analysis of the main questions

(1) Progress under the twelve proposals

11. The United Nations Representative in his first report<sup>15/</sup> informed the Security Council of the agreement of the Governments of India and Pakistan on the first four paragraphs of the twelve proposals, which read as follows:

"The Governments of India and Pakistan

"1. Reaffirm their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of the State of Jammu and Kashmir;

"2. Agree that each Government, on its part, will instruct its official spokesmen and will urge all its citizens, organizations, publications and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir;

"3. Reaffirm their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949;

"4. Reaffirm their acceptance of the principle 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 under the auspices of the United Nations;"

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<sup>13/</sup> Seconded from the United Nations Military Observer Group in India and Pakistan from 29 February through 24 March 1952.

<sup>14/</sup> S/2448, paras. 30-32.

<sup>15/</sup> S/2375, paras. 49-50.

12. In the second report<sup>16/</sup> the agreement of the two Governments on four more of the proposals was reported, namely,

"8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above;

"9. Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above;

"11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in paragraph 4(a) and (b) of the 5 January 1949 resolution;

"12. Agree that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final".<sup>17/</sup>

13. In the second report the United Nations Representative informed the Security Council that the four basic paragraphs on which agreement between the parties had not been reached were paragraphs 5, 6, 7 and 10 of the twelve proposals.<sup>18/</sup> The United Nations Representative, as a basis for an approach to the chief remaining difficulties, revised and completed paragraphs 6 and 7 of the proposals and redrafted them in the way they appear in his second report.<sup>19/</sup> Therefore, the four basic proposals on which agreement between the parties had not been reached at the moment of the submission of his second report on 19 December 1951 were as follows:

"5. Agree that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process;

<sup>16/</sup> S/2448, paras. 27-28.

<sup>17/</sup> For the positions of the two parties see the first and second reports, S/2375, paras. 45-60, and S/2448, paras. 13-23.

<sup>18/</sup> S/2448, paras. 29-30.

<sup>19/</sup> S/2448, para. 32.

"6. Agree that this process of demilitarization shall be completed on 15 July 1952, unless another date is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9;

"7. Agree that the demilitarization shall be carried out in such a way that on the date referred to in paragraph 6 above the situation will be:

"A. On the Pakistan side of the cease-fire line:

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State, and
- (iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

"B. On the Indian side of the cease-fire line:

- (i) The bulk of the Indian forces in the State will have withdrawn;
- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State Armed forces remaining in the State after the completion of the operation referred to in B (i) above will have been carried out;

so that on the date referred to in paragraph 6 above there will remain on each side of the cease-fire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949".

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above;"

(2) Clarifications

14. In his proposals of 7 September 1951, as revised and redrafted according to what has been expressed above (para. 13), the United Nations Representative stated:

- (a) That the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 should be effected in a single, continuous process (paragraph 5 of the proposals).<sup>20/</sup>

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<sup>20/</sup> S/2375, paras. 51-53.



The United Nations Representative said in his first report<sup>21/</sup> that agreement that the demilitarization of the State of Jammu and Kashmir should be effected in a single, continuous process, implied, in his opinion, the implementation of part II of the 13 August 1948 resolution, together with paragraph 4(a) and (b) of the 5 January 1949 resolution as a whole, and would lead to the following consequences:

- A. On the Pakistan side of the cease-fire line, the tribesmen and Pakistan troops would be withdrawn as provided in paragraph A.1 and 2 of part II of the UNCIP resolution of 13 August 1948 and the Azad Kashmir forces would be disbanded and disarmed as provided in paragraph 4(b) of the UNCIP resolution of 5 January 1949.
- B. On the Indian side of the cease-fire line, the bulk of the Indian forces would be withdrawn as provided in B.1 of part II of the UNCIP resolution of 13 August 1948 and further withdrawals or reductions, as the case may be, of the Indian and State armed forces would take place as provided in paragraph 4(a) of the UNCIP resolution of 5 January 1949.
- C. The Plebiscite Administrator should be appointed to office at some stage during the period of demilitarization inasmuch as the resolution of 5 January 1949 of the UNCIP conferred upon him certain responsibilities with respect to the implementation of paragraph 4(a) and (b) of that

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<sup>21/</sup> S/2375, para. 56.

resolution.<sup>22/</sup>

- (b) The United Nations Representative further stated that the process of demilitarization could be completed on 15 July 1952, unless another date is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 (redrafted paragraph 6 of the proposals).

The date 15 July 1952 was based on the premise that the weather would permit easier withdrawals of the troops on the Indian side of the cease-fire line at the end of the spring and the beginning of the summer.

- (c) It was stated that further withdrawals or reductions, as the case may be, of the Indian and State armed forces ... will have been carried out (paragraph 7 B (ii)).

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22/ The positions of the two Governments on this proposal were stated in the first report (S/2375, para. 57) as follows:

"India

"The Government of India agreed that demilitarization should be effected in a single continuous process in so far as it combines the demilitarization envisaged in 4(b) of the 5 January 1949 resolution with part II of the 13 August 1948 resolution but not to the extent of including the substantial part of 4(a) of the 5 January 1949 resolution. India was therefore willing to withdraw the bulk of the Indian forces plus some of the remainder (after the bulk) so as to leave on the Indian side of the cease-fire line one line of communication area headquarters and one infantry division (normal) but of four brigades of four battalions each, provided such a plan calls for complete demilitarization on the Pakistan side of the cease-fire line, except for a civil armed force of 4,000 persons normally resident in Azad Kashmir territory, half of whom should be followers of Azad Kashmir and the other half persons who are not followers of Azad Kashmir. This force, according to the Government of India, should be commanded by United Nations officers or "locals" and not by Pakistan officers.

"Pakistan

"The Government of Pakistan agreed that demilitarization should be effected in a single continuous process subject to the provisions of paragraph 11 of UNRIP's proposals. The demilitarization envisaged in 4(a) and (b) of the 5 January 1949 resolution should be combined with the provisions of part II of the 13 August 1948 resolution. Pakistan was therefore willing to accept large-scale disarming and disbanding of the Azad Kashmir forces in a plan for the implementation of part II of the 13 August 1948 resolution, provided such a plan calls for withdrawals of the balance of the Indian forces (after the bulk) and a reduction of the State armed forces and State Militia."

/The United Nations

The United Nations Representative had been requested to give his understanding of the term "State armed forces". In the UNCIP resolution of 13 August 1948 no mention is made of "State armed forces". The term appears in paragraph 4(a) of the UNCIP resolution of 5 January 1949.

The United Nations Representative believes that the term "State armed forces" is one which must be given careful consideration in preparation for the carrying out by the United Nations Representative and the Plebiscite Administrator of their responsibilities under paragraphs 4(a) and (b) of the resolution of 5 January 1949.

- (d) It was stated that on the date (15 July 1952) referred to in paragraph 6 there would remain on each side of the cease-fire line the lowest possible number of armed forces, based in proportion to the number of armed forces existing on each side of the cease-fire line on 1 January 1949.

After this suggestion was made, the United Nations Representative found such a wide difference of position still remaining between the two Governments on the issue of the quantum of forces that, without prejudice to further negotiations on this question, and as a practical matter, another approach to this problem should be explored.

- (e) It was stated that the completion of the programme of demilitarization would be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in paragraphs 4(a) and (b) of the 5 January 1949 resolution.

The United Nations Representative has been requested to give his understanding of the expression "final disposal" of forces. Paragraphs 4(a) and (b) of the 5 January 1949 resolution confer upon the Plebiscite Administrator certain responsibilities with respect to their implementation. It would therefore be premature for the United Nations Representative, without consulting the Plebiscite Administrator and without having further discussions with the two Governments, to give an opinion on this matter.

During the negotiations a reference was made to the powers of the

/Plebiscite

Plebiscite Administrator with regard to the "final disposal" of forces referred to in paragraph 4(a) and (b) of the UNCIP resolution of 5 January 1949. This is a matter that enters into the general question of the powers that the Plebiscite Administrator shall derive from the State of Jammu and Kashmir and it has already been a subject of discussion between the UNCIP and the Governments of India and Pakistan.<sup>23/</sup> The United Nations Representative does not deem it appropriate at this moment to enter into discussions on the subject.

15. In general, the United Nations Representative would like to remind the Security Council that in his first report<sup>24/</sup> he emphasized that the practical details of a programme of demilitarization could best be taken up in a meeting, held under the auspices of the United Nations, between representatives of the two Governments assisted by their military advisers, once agreement had been reached on the broad principles.

D. Negotiations with the two Governments in India and Pakistan in March 1952

(1) On the remaining differences concerning the twelve proposals

16. In his statements to the Security Council on 17 and 31 January 1952,<sup>25/</sup> the United Nations Representative emphasized that in order to obtain demilitarization, an agreed solution should be found for the following:

- (a) A definite period for demilitarization;
- (b) The scope of demilitarization;
- (c) The quantum of forces that would remain at the end of the period of demilitarization; and
- (d) The date for the formal induction into office of the Plebiscite Administrator.

<sup>23/</sup> Para. 3(b) of the UNCIP resolution of 5 January 1949 (S/1196, para. 15), and S/1430/Rev.1, annex 1, para. 4; annex 7, para. 2; annex 8, point 2.

<sup>24/</sup> S/2375, para. 54.

<sup>25/</sup> See Official Records of the Security Council, Seventh Year, 570th and 572nd meetings.

17. Following the meeting of the Security Council of 31 January 1952, the United Nations Representative, in discharging the duties conferred upon him by the Security Council, had in mind two purposes:

- (a) To assist the parties in removing the remaining described difficulties in an effort to reach an agreement on the twelve proposals, and
- (b). Without prejudice to the above, to obtain, if possible, further withdrawals from the State of Jammu and Kashmir, on both sides of the cease-fire line.

18. Concerning the four basic proposals on which agreement between the parties had not been reached, the United Nations Representative, in his conversations with the Governments of India and Pakistan in New Delhi and Karachi in March 1952, ascertained the then present points of view of the two Governments, and gives his understanding of their positions as follows:

Position of India

Forces to remain on either side of the cease-fire line

- (a) The Government of India maintains its position concerning the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, i.e.

On the Indian side: 21,000 regular Indian Army forces, plus 6,000 State militia;

On the Pakistan side: a force of 4,000 men consisting of persons normally resident in Azad Kashmir territory, half of whom should be followers of Azad Kashmir and the other half persons who are not followers of Azad Kashmir.

- (b) The Government of India also stated that, should the situation be favourable, it would be ready, at the end of the period of demilitarization, to enter into consultations with the Plebiscite Administrator and with the United Nations Representative to consider a further reduction of forces on the Indian side.

Period and scope of demilitarization and induction into office of the Plebiscite Administrator

- (c) Of the three other principal points of difference emerging from the second report of the United Nations Representative, the Government of India

/considers

considers that two, namely, a definite period for demilitarization and the date for the formal induction into office of the Plebiscite Administrator, can be settled without difficulty, provided agreement is reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization.

Position of Pakistan

Period of demilitarization

(a) Pakistan agrees that the demilitarization programme envisaged by the United Nations Representative should be completed not later than 15 July 1952.

Scope of demilitarization

(b) Pakistan insists that the demilitarization programme should embrace all the armed forces in Jammu and Kashmir without exception, namely, the Pakistan Army, the Azad Kashmir forces, the Indian Army, the State Army and the State militia.

(The tribesmen and Pakistan volunteers are stated to have already withdrawn from the Pakistan side of the cease-fire line.)

Quantum of forces

(c) Pakistan agrees that at the end of the period of demilitarization there should remain on each side of the cease-fire line "the lowest possible number of armed forces based in proportion to the number of armed forces existing on each side of the cease-fire line on 1 January, 1949".

Induction into office of the Plebiscite Administrator

(d) Pakistan agrees that the Plebiscite Administrator should be inducted into office not later than the final day of the demilitarization period referred to in (a) above.<sup>26/</sup>

(2) On the withdrawal of troops

18. Concerning withdrawals of troops from the State of Jammu and Kashmir, the

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<sup>26/</sup> After the meeting of the Security Council on 31 January 1952 the United Nations Representative held conversations with the representatives of India and Pakistan. On 5 February 1952 the Minister for Foreign Affairs of Pakistan made a statement to the United Nations Representative and gave him a resume of it, which is set forth in annex V.

United Nations Representative is able to report the following:

(a) On the Indian side of the cease-fire line

The Government of India has agreed to withdraw unconditionally and without prejudice to the negotiations concerning proposals for demilitarization submitted to the Governments of India and Pakistan, one division with supporting arms, from its side of the cease-fire line in the State of Jammu and Kashmir, which it estimates to be a force of approximately 18,000 men.

(b) On the Pakistan side of the cease-fire line

The Government of Pakistan contends that the Indian forces in Jammu and Kashmir were greatly augmented in the summer of 1951, and that even after the withdrawal of one Indian Army division, the strength of the Indian forces in Jammu and Kashmir would be far in excess of the Pakistan forces in the State.

(3) On related matters

19. The Security Council will recall that the United Nations Representative said in his first report<sup>27/</sup> that the period spent by the Mission on the sub-continent in July - September 1951 was a period characterized by the existence of a great tension between the two Governments.<sup>28/</sup> He also referred, among other things, to the fact that on 30 June 1951 the Permanent Representative of India to the United Nations addressed a communication to the President of the Security Council transmitting a communication from the Prime Minister and Foreign Minister of India alleging a series of violations by Pakistan of the cease-fire line. Also, on 15 July 1951, the Permanent Representative of Pakistan to the United Nations, addressed a communication to the President of the Security Council and the Secretary-General, bringing to the notice of the Security Council "that heavy concentrations of Indian Army forces are taking place in East Punjab and in Jammu and Kashmir. This constitutes a great threat to the security of Pakistan and to internal peace".

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<sup>27/</sup> S/2375, paras. 17-20.

<sup>28/</sup> S/2225, S/2245 and Corr.1, S/2252, S/2256, S/2260, S/2269, S/2271, S/2278 and Corr.1, S/2281, S/2285, S/2290, S/2293.

20. With regard to the present possibility of India and Pakistan making withdrawals of troops from their common frontiers near the borders of the State of Jammu and Kashmir, the United Nations Representative can now report to the Security Council that:

- (a) The Government of India has recently issued orders for withdrawals to distances varying from 70 to 450 miles of those military formations of the Indian Army, which last summer had, at certain points, been moved on Indian territory to within 30 miles of the western Indo-Pakistan border. These withdrawals are in the process of being carried out.
- (b) The Government of Pakistan indicated that most of the forces "which they had been compelled" to move to the Indo-Pakistan border during the summer of 1951 had been withdrawn to their "peace time stations".



II.

VIEWS OF THE UNITED NATIONS REPRESENTATIVE  
ON THE GENERAL PROBLEM

A. Terms of reference of the United Nations Representative under the  
30 March 1951 resolution

21. The United Nations Representative derives his terms of reference from the resolution of the Security Council of 30 March 1951<sup>29/</sup> in which the Security Council,

"3. Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;"

22. Of this quoted part of the resolution the words "to effect the demilitarization ... on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949" should be especially noted.

23. These two UNCIP resolutions are inter-dependent. The main purposes of the two resolutions, considered as a whole, were,

- (a) The cease-fire and preservation of peace, and
- (b) The plebiscite

the question of demilitarization (Truce Agreement) being one of procedure.

24. The main obstacles which the UNCIP and the previous<sup>30/</sup> and present United Nations Representatives found in the path of demilitarization centred in the scope of military withdrawals, the synchronization of such withdrawals, and the question of the disbanding and disarming of the Azad Kashmir forces.

25. The United Nations Representative chose the approach embodied in the twelve proposals in order to effect demilitarization in a single, continuous process, and therefore to solve indirectly one of the main obstacles, namely,

<sup>29/</sup> Annex I.

<sup>30/</sup> Sir Owen Dixon.

the synchronization of the withdrawals and the implementation of the principles of paragraphs 4(a) and (b) of the 5 January 1949 resolution.

B. Analysis of the resolutions

26. Before entering into the details concerning the UNCIP resolutions of 13 August 1948 and 5 January 1949, it may perhaps be of assistance if the time and circumstances in which the resolutions were adopted were recalled.

27. At the time the resolution of 13 August 1948 was proposed to the Governments of India and Pakistan, hostilities were taking place in the State of Jammu and Kashmir. The 5 January 1949 resolution, for all practical purposes, was accepted at the end of December 1948. As a consequence, the cease-fire orders were issued which brought the suspension of hostilities, on 1 January 1949.

(1) UNCIP resolution of 13 August 1948

(a) Part I

28. Part I deals with the cease-fire. The primary objective of the UNCIP during the first stage of its activities was to obtain a suspension of hostilities. The cease-fire was agreed upon between the two parties and made effective on 1 January 1949 and, as a completion of this part of the resolution, a cease-fire line was agreed upon between the two Governments under the auspices of the UNCIP in the Karachi Agreement of 27 July 1949. The line was demarcated subsequently on the ground.

29. Therefore, part I of the resolution of 13 August 1948 can be considered implemented.

(b) Part II

30. Part II of the 13 August 1948 resolution, entitled "Truce Agreement", outlined the way in which the demilitarization of the State should be carried out. This reads as follows:

/"Simultaneously

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

"A.

"1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

"2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani 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 Pakistani 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 Pakistani 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." 31/

31. The principles for the formulation of a truce agreement, as mentioned above, were established in August 1948. The cease-fire became effective on 1 January 1949. The Security Council may find it useful to consider part II of the resolution of 13 August 1948, in which the basic principles of demilitarization are laid down, in the light of the circumstances as they exist at the end of March 1952.

On the Pakistan side

32. Concerning A.1 of part II - Truce Agreement - the present number of armed forces on the Pakistan side of the cease-fire line is estimated to be less than 50 per cent of the number of armed forces existing on 1 January 1949.

33. Concerning A.2 of part II, the tribesmen and Pakistan nationals not normally resident in the State of Jammu and Kashmir who had entered the State for the purpose of fighting are reported by the Government of Pakistan to have been withdrawn from the State.

On the Indian side

34. Concerning B.2 of part II - Truce Agreement - the present number of armed forces on the Indian side of the cease-fire line is estimated to be less than 50 per cent of the number of armed forces existing on 1 January 1949.

35. From the above it appears that since the resolution of 13 August 1948 was agreed upon, and since the suspension of hostilities came into effect on 1 January 1949, there has been a considerable reduction in the forces on each side of the cease-fire line.

36. Therefore part II of the resolution of 13 August 1948 has to a considerable extent already been implemented.

37. (c) Concerning part III of the resolution of 13 August 1948, procedure for its implementation has been elaborated in the resolution of 5 January 1949.

(2) UNCIP resolution of 5 January 1949

38. The UNCIP resolution of 5 January 1949 set up the principles for a plebiscite in the State of Jammu and Kashmir. By inference, this resolution contemplates two main stages in connexion with the plebiscite:

- (a) The period for the preparation of the plebiscite, and
- (b) The plebiscite itself.

39. The first stage requires a preliminary step in which a study should be made of the conditions on each side of the cease-fire line and of the requirements for holding a free and impartial plebiscite in the State of Jammu and Kashmir.
40. Throughout this report and throughout all the negotiations-as set forth in the first and second reports of the United Nations Representative, it has been evident that many of the questions dealing with the demilitarization of the State are closely related to problems affecting the preparation of the plebiscite and with the responsibilities of the Plebiscite Administrator. Among these responsibilities is the final disposal of the forces to remain on each side of the cease-fire line, with due regard to the security of the State and the freedom of the plebiscite.
41. In short, the demilitarization of the State of Jammu and Kashmir has now reached a stage in which further considerations will affect the prerequisites for a plebiscite and therefore are inter-related with the responsibilities which the Plebiscite Administrator will one day be called upon to exercise.
42. It is the firm conviction of the United Nations Representative that besides the question of the final quantum of forces, there are other factors which have a bearing on demilitarization, which need now to be taken into consideration. The United Nations Representative is not at the present time in a position to give a considered statement on all these factors. He feels, however, that with further explorations into the relationships between the last stage of demilitarization and the first stage of preparation for the plebiscite he would perhaps be able to place the question of demilitarization in a perspective which would favour its solution.
43. Further reductions of troops on each side of the cease-fire line are directly related to the preparation of the plebiscite. The United Nations Representative, in addition to having the advice of the civilian and military members of his staff, deems it necessary that the Plebiscite Administrator-designate be associated with him in studies and consideration of common problems.

/C. Conclusions

C. Conclusions

(1) Progress has been made on the twelve proposals

44. Progress has been made in the acceptance of an increasing number of the twelve proposals for an agreement on demilitarization. On 15 October 1951 in his first report, the United Nations Representative reported to the Security Council that the two Governments had accepted four of the twelve proposals. On 19 December 1951, in his second report, he reported to the Security Council that four more of the twelve proposals, or a total of eight, had been accepted by both Governments.

45. He can now report acceptance, by Pakistan, of the remaining four proposals, with certain qualifications regarding the character of forces to be demilitarized. India maintains that if agreement can be reached on the issues of the number and character of forces to be left on each side of the cease-fire line, the other two remaining differences (i.e., the period of demilitarization and the induction into office of the Plebiscite Administrator) can be solved without difficulty.

46. The chief remaining obstacle is the difference over the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization.

(2) Progress has been made in demilitarization

47. (a) Substantial withdrawals of forces from the State of Jammu and Kashmir have been made from time to time by both India and Pakistan since the cease-fire on 1 January 1949.

(b) In response to discussions about further withdrawals of military forces from the State, the Government of India has, in addition, decided to withdraw unconditionally one division, with supporting armour. It estimates this to total 18,000 men.

(c) With such withdrawals it appears that the Governments of India and Pakistan will have both withdrawn over 50 per cent of their forces from the State.

/((d) The

(d) The Government of India has decided to withdraw to distances varying from 70 to 450 miles from the western Indo-Pakistan border, the forces which were moved up near that border last summer.

(e) The withdrawals referred to in sub-paragraphs (b) and (d) above are now in process of execution.

(f) The Government of Pakistan has indicated that most of its forces that were moved to the western Indo-Pakistan border during the past summer have been withdrawn to their peace-time stations.

(3) Inter-dependence of the two resolutions

48. Part II of the 13 August 1948 resolution and paragraphs 4 (a) and (b) of the 5 January resolution have been connected by the Governments of India and Pakistan and are inter-dependent on questions of demilitarization. Part II of the resolution of 13 August 1948 and the resolution of 5 January 1949, as a whole, are inter-dependent on requirements relating to the preparation of a plebiscite.

(4) Concerning further procedures

49. The United Nations Representative should have in mind the considerations set forth in this report. In the future, the United Nations Representative, in addition to the assistance to be provided by his civilian and military advisers, has the purpose to have the view of the Plebiscite Administrator-designate on those problems which have a bearing on their common responsibilities. This consultation should be without prejudice to the question of the formal induction into office of the Plebiscite Administrator-designate, which should be a result of the further negotiations.

(5) Urgent need of a settlement

50. The need is urgent for the settlement of the dispute between India and Pakistan concerning the State of Jammu and Kashmir. This dispute has been before the Security Council for over four years. More than three years ago the two Governments accepted the 13 August 1948 and the 5 January 1949 resolutions of the United Nations Commission for India and Pakistan. A settlement is important not only for the sake of approximately 4 million people in the State of Jammu and Kashmir, but also for the sake of over 400 million people in India and Pakistan, whose peaceful progress is of vital importance for the peoples of the world.

III.

RECOMMENDATIONS

51. Accordingly, the United Nations Representative recommends:

- (1) That, taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir through withdrawals of forces from both sides of the cease-fire line, the Governments of India and Pakistan refrain from taking any action which would augment the present military potential of the forces in the State.
- (2) That the Governments of India and Pakistan, taking into account their agreements under the UNCIP resolutions and their acceptances under the twelve proposals, should:
  - (a) Continue their determination not to resort to force and to adhere to peaceful procedures; and to follow faithfully their agreement to instruct their official spokesmen and to urge all their citizens not to make statements calculated to incite the people of either side to make war against the other with regard to the question of Jammu and Kashmir (twelve proposals, paragraphs 1 and 2).
  - (b) Observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949 (twelve proposals, paragraph 3).
- (3) That the Governments of India and Pakistan, as a means of further implementing the resolutions of 13 August 1948 and 5 January 1949, should undertake by 15 July 1952 further to reduce the forces under their control in the State of Jammu and Kashmir.
- (4) That the United Nations Representative's negotiations with the Governments of India and Pakistan be continued with a view to:
  - (a) Resolving the remaining differences on the twelve proposals, with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and
  - (b) The general implementation of the resolutions of the UNCIP of 13 August 1948 and 5 January 1949.



ANNEX I

RESOLUTION ADOPTED BY THE SECURITY COUNCIL ON  
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 resolutions of 13 August 1948 and 5 January 1949; and have re-affirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

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

Reminding the Governments and Authorities concerned of the principle embodied in 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 affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle;

/Declaring

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 Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;
4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;
5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;

/6. Calls

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.

ANNEX II

RESOLUTION CONCERNING THE INDIA-PAKISTAN QUESTION ADOPTED BY  
THE SECURITY COUNCIL AT ITS 566TH MEETING HELD  
ON 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.

/ANNEX III

ANNEX III

STATEMENT OF THE PRESIDENT OF THE SECURITY COUNCIL  
ON 31 JANUARY 1952<sup>32/</sup>

The PRESIDENT (translated from French) ...

"28. Speaking as President of the Security Council, I have the impression that a very clear and positive conclusion emerges from the practically unanimous statements made during the present discussion.

"29. The Council feels that Mr. Graham has made real progress in that some measure of agreement was reached between the parties on various points, and that he should continue his negotiations in pursuance of his terms of reference under the resolutions of 30 March 1951

[S/2017/Rev.1] and 10 November 1951 [S/192] in order to remove the remaining difficulties which he has described.

"30. It being understood that any member of the Council has the right to ask for a Council meeting to be convened at any time to deal with the question which is now being discussed, the sense of the meeting is also that Mr. Graham should submit a report to us, which we hope will be final.

"31. Although we cannot strictly limit the negotiations which, to have every chance of success, must be flexible, I feel I can say that the Council definitely expects to receive a report within two months, that is by 31 March.

"32. I believe that I am correctly interpreting the feelings of my colleagues in stating that in these circumstances Mr. Graham, acting under the resolutions I have mentioned will continue negotiations under the terms which I have just specified and which reflect the statements made in the Council."

32/ Official Records of the Security Council, Seventh Year, 572nd meeting.

ANNEX IV

LETTER DATED 7 SEPTEMBER 1951 FROM THE UNITED NATIONS REPRESENTATIVE,  
ADDRESSED TO THE PRIME MINISTERS OF INDIA AND PAKISTAN,  
REGARDING PROPOSALS FOR AN AGREEMENT

New Delhi,  
7 September 1951

As United Nations Representative for India and Pakistan appointed by the Security Council under the terms of its resolution of 30 March 1951, I have been trying during the past two months to ascertain the points of view of your Government and the Government of ..... in carrying out the demilitarization of the State of Jammu and Kashmir on the basis of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

Both Governments have sent me communications which have been of great value for my understanding of their approach to the problems which have arisen in the implementation of the already agreed resolutions of 13 August 1948 and 5 January 1949.

After most careful thought I have come to the conclusion that a compromise could be framed in such a way as to enable the Governments of India and Pakistan to implement their commitments under the above-mentioned UNCIP resolutions, and to create an atmosphere of good will and understanding between the two countries for the settlement of the question.

In view of the above, and to facilitate an opportunity to both Governments to draw up a plan of demilitarization, I have the honour to request your Government and the Government of ..... to consider the following proposals for an agreement:

The Governments of India and Pakistan

1. Reaffirm their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of Jammu and Kashmir;
2. Agree that each Government, on its part, will instruct its official spokesmen and will urge all its citizens, organizations, publications

/and

and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir;

3. Reaffirm their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949;

4. Reaffirm their acceptance of the principle 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 under the auspices of the United Nations;

5. Agree that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process;

6. Agree that this process of demilitarization shall be completed on 15 July 1952, unless another period is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 below;<sup>33/</sup>

7. Agree that the demilitarization shall be carried out in such a way that on the date referred to in paragraph 6 above the situation will be:

A. On the Pakistan side of the cease-fire line:

- (i) the tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) the Pakistan troops will have been withdrawn from the State, and
- (iii) large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

B. On the Indian side of the cease-fire line:

- (i) the bulk of the Indian forces in the State will have withdrawn;
- (ii) further withdrawals or reductions, as the case may be, of the Indian and State Armed forces remaining in the State after the completion of the operation referred to in B(i) above will have been carried out;

so that on the date referred to in paragraph 6 above there will remain on each side of the cease-fire line the lowest possible number of armed

<sup>33/</sup> Paragraphs 6 and 7 are set forth as revised and completed, as explained in paragraph 13 of this report.

forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949.

8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above;

9. Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above;

10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above;

11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in paragraph 4(a) and (b) of the 5 January 1949 resolution;

12. Agree that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final.

I should be grateful if you would give me

- (a) your comments on each separate paragraph, and your suggestions, and
- (b) your detailed plans for carrying out the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949.

Considering the time that has elapsed since my arrival on the sub-continent, and taking into account my terms of reference, I sincerely hope that your Government will understand that I am anxious to receive your written reply as soon as possible.

(Signed) FRANK P. GRAHAM,  
United Nations Representative  
for India and Pakistan



ANNEX V

RESUME OF THE STATEMENT OF THE FOREIGN MINISTER  
OF PAKISTAN ON 5 FEBRUARY 1952

Terms of reference of the United Nations Representative

The United Nations Representative has indicated that, in pursuance of his terms of reference under the Security Council's resolutions of 30 March and 10 November 1951, he will endeavour to resolve the outstanding differences concerning the twelve truce proposals contained in his second report to the Security Council. Pakistan is in full agreement with the United Nations Representative that no progress can be made "unless in one way or another agreed solutions are found for the following:

- (i) A definite period of demilitarization;
- (ii) The scope of demilitarization and quantum of forces that will remain at the end of the period of demilitarization; and
- (iii) The day for the formal induction into office of the Plebiscite Administrator."

Period for demilitarization

2. A period of three months should be more than enough for carrying out the demilitarization programme envisaged by the United Nations Representative, particularly as, with the advance of the year, the difficulties in respect of the weather will have been removed. In any case, the demilitarization programme should be completed not later than 15 July 1952.

Scope of demilitarization

3. The demilitarization programme should embrace all armed forces in Jammu and Kashmir without exception, namely, the Pakistan Army and the Azad Kashmir forces on the one hand, and the Indian Army, the State Army and Militia, on the other. (The tribesmen and Pakistan volunteers have already withdrawn). There is no justification whatsoever for the contention that the State Militia is a police force and so not liable to disbandment. The Maharaja's Government has a separate police force, a part of which is armed with rifles. The Militia, on the other hand, is, and has always been, a military formation. It is

/organized

organized and equipped exactly on the same lines as normal Indian infantry battalions. A considerable number of its commanders are officers taken on loan from the Indian Army.

The Militia took part in military operations in 1948, and since then its main role has been protection of lines of communication, guarding of military dumps and installations, bridges, military headquarters, etc.

4. Throughout the negotiations with the United Nations Commission, the Militia was considered a part of the State armed forces. In the demilitarization proposals submitted by the Pakistan Delegation to the Truce Sub-Committee on 9 March 1949, the strength of the Militia was estimated at 4,000. Since then the force has been increased to over 7,000. Pakistan asked for the early disbandment of this irregular force because its continuance was one of the greatest obstacles to the return of mutual confidence. (UNCYP's third report, annexure 10). No objection was raised by the Indian representatives at the meeting. If India made any representation to the Commission afterwards, it was not communicated to Pakistan.

General MacNaughton's demilitarization proposals of 22 December 1949 provided for the disbanding and disarming of the Militia along with the State Army and the Azad Kashmir forces. These proposals were endorsed by the Security Council in its resolution dated 14 March 1950. Sir Owen Dixon also called for the disarming and disbanding of the Militia as a necessary part of the demilitarization programme. He rejected the Indian Prime Minister's claim that the Militia should be treated as a police force. He insisted that the Militia could be retained only as a part of the armed forces kept in the State by agreement. He pointed out that "it was inconsistent with the fairness or freedom of the plebiscite to have any such exhibition of force as would be involved in the presence of the Militia, more especially as the State Government was so vitally interested in the result of the plebiscite." (Document S/1791, page 11).

In its negotiations with Dr. Graham also, Pakistan has proceeded on the assumption that the Jammu and Kashmir Militia would be regarded as a part of the State armed forces, and would be liable to disbandment in the same way, and to the same extent, as other local forces, such as the State Army and the Azad Kashmir forces.

/Quantum

Quantum of forces

5. We are in full agreement with the following observation of Sir Gladwyn Jebb (United Kingdom) made at the meeting of the Security Council held on 30 January 1952:<sup>34/</sup>

"... in order that the plebiscite shall be demonstrably fair and free from any external pressure, the number of troops on both sides of the cease-fire line should be reduced to the absolute minimum compatible with the need to preserve law and order and internal security."

This is also in accord with the principle enunciated by the United Nations Representative in paragraph 7 of his truce proposals.

India's alleged fears for the security of the State are unfounded, but, assuming for the sake of argument that there is some cause for India's concern, the same considerations also exist in respect of Azad Kashmir. The security of both areas has to be ensured, and neither side should be able to steal a march over the other; but the over-riding consideration is that neither India nor Pakistan should be placed in a position to intimidate the population and influence their vote in the plebiscite. As the representative of the Netherlands observed at the meeting of the Security Council held on 30 January 1952, the Security Council cannot "admit the right of either party for reasons of their own security to curtail the full freedom of choice by the people of Jammu and Kashmir." (S/PV.571, pages 38-40).

6. We also agree in principle with the suggestion of the United Nations Representative that the number of armed forces to be retained at the end of the demilitarization programme should be based, in proportion, on the number of armed forces existing on each side of the cease-fire line on 1 January 1949. In order to give effect to this formula, it is now necessary that the ratio of forces existing at the time of the cease-fire should be settled, and that the number of forces which should remain at the end of the demilitarization should be clearly specified in the truce agreement.

According to the best estimates available to the Pakistan Government, the forces engaged on the Pakistan side of the cease-fire line on 1 January 1949 included approximately 68,000 combatants, while the forces engaged on the

<sup>34/</sup> See Official Records of the Security Council, Seventh Year, 571st meeting, paragraph 37.

Indian side of the cease-fire line included approximately 84,000 combatants. On the basis of these figures, the ratio of forces would be roughly 4: 5. The proportion of forces at the end of the demilitarization should be based on the same ratio, particularly in view of the fact that only infantry forces have to be retained on both sides of the cease-fire line.

Date of induction into office of the Plebiscite Administrator

7. Under the UNCIP resolution of 5 January 1949, the Plebiscite Administrator has to be inducted into office as soon as tribesmen, Pakistan volunteers, the Pakistan Army and the bulk of the Indian Army have withdrawn. Dr. Graham's proposal that the Plebiscite Administrator should be appointed not later than the last day of the demilitarization programme represents a big concession to the Indian point of view. Nevertheless, Pakistan is prepared to accept it as a part of the twelve truce proposals suggested by the United Nations Representative.

It is, however, essential that the powers of the Plebiscite Administrator with regard to the "final disposal of forces" should be clearly defined. It will be recalled that this term occurs both in clause 4(a) and 4(b) of the UNCIP resolution of 5 January 1949, with reference to India and State armed forces, and the Azad Kashmir forces, respectively. Obviously the term means the same thing in both these clauses. Dr. Lozano told both the Government of India and the Government of Pakistan that under these clauses the Commission contemplated large-scale disbandment and disarming of all the forces concerned. This confirms Pakistan's view that the Plebiscite Administrator is competent to determine, in consultation with the United Nations Representative and the authorities concerned, not only the location and disposition of forces which remain in the State on the eve of the plebiscite, but also their strength.

Interpretation of new agreement

8. Paragraph 12 of Dr. Graham's proposals enables the United Nations Representative to determine finally points of difference relating to technical details concerning the actual implementation of the agreed demilitarization programme. This is not enough. Clause 2(a) of the Security Council's resolution dated 14 March 1950 authorized the United Nations Representative "to interpret the agreements reached by the parties for demilitarization". There should be a similar provision in the truce agreement. The experience of the last three years underlines the necessity for such a provision. Without it, there would be no means of resolving deadlocks that might arise.

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