

UN RESOLUTIONS ON JAMMU & KASHMIR



UNITED NATION'S RESOLUTIONS

ON

JAMMU & KASHMIR

Publisher: Kashmir Policy Research Institute (KPRI)

Copies: 500

Date of Publication: December 12, 2022

Table of Contents

S.No	Resolution	Page No
01	Resolution 38 (1948) of the Security Council at its 229th meeting held on 17 January, 1948.	04
02	Resolution 39 (1948) adopted by the Security Council at its 230th meeting held on 20 January, 1948.	05
03	Resolution 47 (1948) adopted by the Security Council at its 286th meeting held on 21 April, 1948.	07
04	Resolution 51 (1948) adopted by the Security Council at its 312th meeting held on 3 June, 1948 .	11
05	Resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948.	12
06	Resolution adopted at the meeting of the United Nations Commission for India and Pakistan on 5 January, 1949.	14
07	Resolution 80 (1950) adopted by the Security Council on March 14, 1950.	17
08	Resolution 91 (1951) adopted by the Security Council on March 30, 1951.	19
09	Resolution 96 (1951) adopted by the Security Council on 10th November, 1951.	21
10	Resolution 98 (1952) Adopted by the Security Council at its 611th meeting on 23 December, 1952.	22
11	Resolution 122 (1957) Adopted by the Security Council at its 765th meeting on 24 January, 1957.	23
12	Resolution 123 (1957) Adopted by the Security Council at its 774th meeting on 21 February, 1957.	24
13	Resolution 126 (1957) Adopted by the Security Council at its 808th meeting on 2 December, 1957.	25
14	Resolution 209 (1965) of 4 September 1965	26
15	Resolution 210 (1965) of 6 September 1965	27
16	Resolution 211 (1965) of UN Security Council (September 20, 1965)	28
17	Resolution 214(1965) of 27 September 1965	29
18	Resolution 215 (1965) of 5 November 1965	30
19	Resolution 303 (1971) adopted by the Security Council at its 1606th meeting, on 6 December 1971.	31
20	Resolution 307 (1971) of UN Security Council (December 21, 1971)	32
21	Proposal in respect of Jammu and Kashmir made by General A.G.L. McNaughton, President of the Security Council of the United Nations.	33
22	Resolution 1172 (1998) of UN Security Council (June 6, 1998)	35

Resolution 38 (1948)

**Submitted by the Representative of Belgium and adopted by the Security Council at its 229th meeting held on 17 January, 1948.
(Document No. S1651, dated the 17th January, 1948).**

THE SECURITY COUNCIL

Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan, Recognising the urgency of the situation. Taking note of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto; and in which they affirmed their intention to conform to the Charter of the United Nations.

1. Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;
2. Further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon.

*The Security Council voted on this Resolution on 17-1-48 with the following result:
In favour: Argentina, Belgium, Canada, China, Colombia, France, Syria, U.K. and U.S.A.
Against: None Abstaining: Ukrainian S.S.R. and U.S.S.R.*

Resolution 39 (1948)

**Submitted by the Representative of Belgium and adopted by the Security Council at its 230th meeting held on 20 January, 1948.
(Document No. S/654, dated the 20th January, 1948).**

THE SECURITY COUNCIL

Considering that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security, and that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency. Adopts the following resolution:

[A] A Commission of the Security Council is hereby established, composed of representatives of three Members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected. Each representative on the Commission shall be entitled to select his alternates and assistants.

[B] The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

[C] The Commission is invested with a dual function;

- (1) to investigate the facts pursuant to Article 34 of the Charter of the United Nations;
- (2) to exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties, to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council, have been carried out.

[D] The Commission shall perform the functions described in Clause C:

- (1) in regard to the situation in the Jammu and Kashmir State set out in the letter of the Representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948; and

- (2) in regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

[E] The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realisation of its mission and the reaching of its conclusions.

[F] The Commission, its members, alternate members, their assistants, and its personnel, shall be entitled to journey, separately or together, wherever the necessities of their task may require, and, in particular within those territories which are the theatre of the events of which the Security Council is seized.

[G] The Secretary-General shall furnish the Commission with such personnel and assistance as it may consider necessary.

The Security Council voted on this Resolution on 20-1-1948 with the following result:
In favor: Argentina, Belgium, Canada, China, Colombia, France, Syria, U.K., and U.S.A.
Against: None
Abstaining: Ukrainian S.S.R. and U.S.S.R.

"First of all, I would like to remind you of the fateful days of 1947 when I came to Srinagar and gave the solemn assurance that the people of India would stand by Kashmir in her struggle. On that assurance, I shook Sheikh Abdullah's hand before the vast multitude that had gathered there. I want to repeat that the Government of India will stand by that pledge, whatever happens. That pledge itself stated that it is for the people of Kashmir to decide their fate without external interference. That assurance also remains and will continue."

(JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA Address at public meeting in Srinagar June 4, 1951)

Resolution 47 (1948)

**On the India-Pakistan adopted by the Security Council at its 286th meeting held
on 21 April, 1948.**

(Document No. 5/726, dated the 21st April, 1948).

THE SECURITY COUNCIL

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan. Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about the cessation of all fighting. Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite, Considering that the continuation of the dispute is likely to endanger international peace and security, Reaffirms its resolution 38 (1948) of 17 January 1948;

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

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

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

A - RESTORATION OF PEACE AND ORDER

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

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of

fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

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

2. The Government of India should:

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

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage; When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;

(ii) That as small a number as possible should be retained in forward areas;

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area

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

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

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

B – PLEBISCITE

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the

conduct of the administration at the ministerial level, while the plebiscite is being prepared and carried out.

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

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

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

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator. The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate the assistants and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation and the conduct of a free and impartial plebiscite. The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

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

11. The Government of India should undertake to prevent to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

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

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

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

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

(b) there is no victimization; minorities in all parts of the State are accorded adequate protection.

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

C - GENERAL PROVISIONS

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

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

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

The Security Council voted on this Resolution on 21-4-1948 with the following result:

In favour: Argentina, Belgium, Canada, China, France, Syria, U.K. and U.S.A.

Against: None

Abstaining: Belgium, Colombia, Ukrainian S.S.R. and U.S.S.R.

Resolution 51 (1948)

On the India-Pakistan question adopted by the Security Council at its 312th meeting held on 3 June, 1948

(Document No. 51819, dated the 3rd June, 1948).

THE SECURITY COUNCIL,

1. Reaffirms its resolutions 38(1948) of 17 January, 39(1948) of 20 January, and 47(1948) of 21 April, 1948;
2. Directs the United Nations Commission for India and Pakistan to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by the resolution 47 (1948);
3. Directs the Commission further to study and report to the Security Council when it considers appropriate on the matters raised in the letter of Foreign Minister of Pakistan, dated 15th January, 1948, in the order outlined in paragraph D of Council resolution 39 (1948).

The Security Council voted on this Resolution on 3-6-1948 with the following result:

In favour: Argentina, Belgium, Canada, Colombia, France, Syria, U.K. and U.S.A.

Against: None

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

“We are anxious not to finalize anything in a moment of crisis and without the fullest opportunity to be given to the people of Kashmir to have their say. It is for them ultimately to decide.

And let me make it clear that it has been our policy all along that where there is a dispute about the accession of a state to either dominion, the accession must be made by the people of the State”.

(JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA, Address to the nation: All India Radio (November 2, 1947)

**Resolution adopted by the United Nations Commission for India and Pakistan on
13 August 1948.**

(Document No.1100, Para. 75, dated the 9th November, 1948).

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Having given careful consideration to the points of view expressed by the Representatives, of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavors to assist the Governments of India and Pakistan in effecting a final settlement of the situation, Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

PART I

CEASE-FIRE ORDER

[A] The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

[B] The High Commands of Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals 'forces under their control' shall be considered to include all forces, organised and unorganised, fighting or participating in hostilities on their respective sides).

[C] The Commanders-in-Chief of the Forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

[D] In its discretion, and as the Commission may find practicable, the Commission will appoint military observers who under the authority of the Commission and with the co-operation of both Commands will supervise the observance of the cease-fire order.

[E] The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

PART II

TRUCE AGREEMENT

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of

a truce agreement, the details of which shall be worked out in discussion between their Representatives and the Commission.

A.

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

(2) The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

(3) Pending a final solution the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B.

(1) When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II A2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from the State in stages to be agreed upon with the Commission.

(2) Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

(3) The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C.

(1) Upon signature, the full text of the Truce Agreement or communiqué containing the principles thereof as agreed upon between the two Governments and the Commission will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

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

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

**Resolution adopted at the meeting of the United Nations Commission for
India and Pakistan on 5 January, 1949.
(Document No. 5/1196 para. 15, dated the 10th January, 1949).**

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948;

- 1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;**
- 2.** A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed;
- 3.**
 - (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.
 - (b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organising and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.
 - (c) The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.
- 4.**
 - (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.
 - (b) As regards the territory referred to in A 2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6.

(a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation, there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan.

The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision to effect.

(b) All persons (other than citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure in collaboration with the Plebiscite Administrator that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultation envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations; Commends the Governments of India and Pakistan for their prompt action in ordering a

cease-fire to take effect from one minute before midnight of first January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948, and by the foregoing principles.

The UNCIP unanimously adopted this Resolution on 5-1-1949. Members of the Commission: Argentina, Belgium, Colombia, Czechoslovakia and U.S.A.

“We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established. We desire only to see peace restored in Kashmir and ensure that the people of Kashmir are left free to decide in an orderly and peaceful manner the future of their State. We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established.”

Gopalaswami Ayangar

(Chairman of the Armed Forces Nationalization Committee and Minister in Interim Government in India, Statement at the Security Council January 15, 1948)

Resolution 80 (1950)
adopted by the Security Council on March 14, 1950.
(Document No. S/1469), dated the 14th March, 1950).

THE SECURITY COUNCIL,

Having received and noted the reports of the United Nations Commission for India and Pakistan establishing its resolutions 39 (1948) of 20 January and 47 (1948) of 21 April 1948.

Having also received and noted the report of General A. G. L. McNaughton on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on December 17, 1949, Commending the Governments of India and Pakistan for their statesman like action in reaching the agreements embodied in the United Nations Commission's resolutions of August 13, 1948 and January 5, 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and commending the parties in particular for their action in partially implementing these Resolutions by

- (1) The cessation of hostilities effected January 1, 1949,
- (2) The establishment of a cease-fire line on July 27, 1949, and
- (3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator, Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement of fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,
 1. Calls upon the Governments of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton proposal or of such modifications of those principles as may be mutually agreed;
 2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate;
 - (a) to assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and' to interpret the agreements reached by the parties for demilitarisation;
 - (b) to place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two

Governments in regard to the State of Jammu and Kashmir; to exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the Resolutions of the United Nations Commission of August 13, 1948 and January 5, 1949; to arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties; to report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make;

3. Requests the two Governments to take all necessary precautions to ensure that (heir agreements regarding the cease-fire shall continue to be faithfully observed, and "calls upon them to take all possible measures to ensure the creation and maintenance of 'in atmosphere favourable to the promotion of further negotiations;

4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A. G. L. McNaughton for their arduous and fruitful labours;

5. Agrees that the United Nations Commission for India and Pakistan shall be (terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

The Security Council voted on this Resolution on 14-3-50 with the following result:

In favour: China, Cuba, Ecuador, Egypt, France, Norway, U.K. and U.S.A.

Against: None

Abstaining: India and Yugoslavia

Absent. U.S.S.R.

"I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the state to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with wishes of people and we adhere to this view."

(JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA, Telegram to the British and the Pakistani Prime Ministers October 27, 1947)

Resolution 91 (1951)
Concerning the India-Pakistan question adopted by the Security Council on
March 30, 1951.
(Document No. S/2017/Rev. 1, dated the 30th March, 1951).

THE SECURITY COUNCIL,

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 80 (1950) of March 14, 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 its resolutions 47(1948) of 21 April 1948, 51(1948) of 3 June, 1948 and 80 (1950) of 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 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.
- (1) Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to 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 demilitarisation of the State of Jammu and Kashmir;
- (5) Instructs the United Nations Representatives 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 demilitarisation in accordance with paragraph three above, or obtained the agreement of the parties to a plan for effecting such demilitarisation, 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 demilitarisation to be carried out;
- (6) Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations representative in accordance with paragraph five 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 cement regarding the cease-fire shall continue to be faithfully observed and calls 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 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.

The Security Council voted on this Resolution on 30-3-51 with the following result:

In favour: Brazil, China, Ecuador, France, Netherlands, Turkey, U.K. and U.S.A.

Against: None

Abstaining: India, U.S.S.R. and Yugoslavia.

Resolution 96 (1951)
Concerning the India-Pakistan question adopted by the Security Council on
10th November, 1951.
(Document No. 5/2392, dated the 10th November, 1951).

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 91(1951) of 30 March, 1951, and having heard Dr. Graham's address to the Council of 18 October, 1951.

Noting with approval the basis for a programme of demilitarisation 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,

Notes with gratification the declared agreement of the two parties to those parties 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 i)f 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 demilitarisation of the State of Jammu and Kashmir;
3. Calls upon the parties to co-operate with the United Nations Representative to lie 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 his efforts, together with these views concerning the problems confided to him, not later than six weeks after this resolution comes into effect

The Security Council voted on this Resolution on 10-11-51 with the following result:
In favour: Brazil, China, Ecuador, France, Netherlands, Turkey, U.K., U.S.A. and Yugoslavia

Against,

None

Abstaining: India and U.S.S.R.

Resolution 98 (1952)

Adopted by the Security Council at its 611th meeting on 23 December, 1952.

(Document No. 5/2883, dated the 24th December, 1952).

THE SECURITY COUNCIL,

Recalling its resolutions, 91(1951) of 30 March 1951, its decision of 30 April 1951 and its resolutions 96 (1951) of 10 November 1951,

Further Recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948, and 5 January 1949, which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Having received the third report, dated 22 April 1952, and the fourth report, dated 16 September 1952, of the United Nations Representative for India and Pakistan;

1. Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;
2. Notes with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;
3. Notes that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve- point proposals;
4. Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-line, as suggested by the United Nations Representative in his proposals of 16 July 1952, such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952;
5. Records its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;
5. Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution;
6. Requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.

*The Security Council voted on this Resolution on 23-12-52 with the following result:
In favour: Brazil, China, France, Greece, Netherlands, Turkey, U.K. and U.S.A.
Against: None , Abstaining: U.S.S.R.*

Resolution 122 (1957)

Adopted by the Security Council at its 765th meeting on 24 January, 1957.

THE SECURITY COUNCIL,

Having Heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir.

Reminding the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April, 1948, 51(1948) of 3 June, 1948, 80 (1950) of 14 March, 1950 and 91(1951) of 30 March, 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August, 1948, and 5 January, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

1. Reaffirms the affirmation in its resolution 91 (1951) and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle; Decides to continue its consideration of the dispute.

The Security Council voted on this Resolution on 24-1-57 with the following result:

In favour: Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, U.K. and U.S.A.

Against: None

Abstaining: U.S.S.R.

Vijay Lakshmi Pandit, Permanent Representative of India in UN (Statement at the Security Council December 8, 1952)

"I want to say for the purpose of the record that there is nothing that has been said on behalf of the Government of India which in the slightest degree indicates that the Government of India or the Union of India will dishonor any international obligations it has undertaken."

Resolution 123 (1957)

Adopted by the Security Council at its 774th meeting on 21 February, 1957.

(Document No. 5/3793, dated the 21st February 1957).

THE SECURITY COUNCIL,

Recalling its resolution 122 (1957) of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the sub-continent for this purpose; and to report to the Security Council not later than 15 April 1957;
2. Invites the Governments of India and Pakistan to co-operate with him in the performance of these functions;
3. Requests the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request.

The Security Council voted on this Resolution on 21-2-57 with the following result:

In favour: Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, U.K. and U.S.A.

Against: None

Abstaining: U.S.S.R.

"The Government of India not only reaffirms its acceptance of the principle that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations, but is anxious that the conditions necessary for such a plebiscite should be created as quickly as possible."

(Letter from Govt. of India to the UN Representative for India and Pakistan
September 11, 1951)

Resolution 126 (1957)

Adopted by the Security Council at its 808th meeting on 2 December, 1957.

THE SECURITY COUNCIL,

Having received and noted with appreciation the report of Mr. Gunner V. Jarring, the Representative of Sweden, on the mission undertaken by him pursuant to its resolution 123 (1957) of 21 February, 1957,

Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission, Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution,

Observing further that the governments of India and Pakistan recognise and accept the provisions of its resolution 38(1948) of 17 January, 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August, 1948 and 5 January, 1949, which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation,

Concerned over the lack of progress towards a settlement of the dispute which his report manifests,

Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards settlement,

Recalling its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. Requests the United Nations Representative for India and Pakistan to make any recommendations to the parties for further appropriate action, with a view to making progress towards the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August, 1948 and 5 January, 1949, and towards a peaceful settlement;
3. Authorizes the United Nations Representative to visit the sub-continent for these purposes;
4. Instructs the United Nations Representative to report to the Security Council on his efforts as soon as possible.

The Security Council voted on this Resolution on 2-12-57 with the following result:

In favour: Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, U.K. and U.S.A.

Against: None

Abstaining: U.S.S.R.

Resolution 209
The India-Pakistan Question
Resolution 209 (1965) of 4 September 1965

THE SECURITY COUNCIL,

Noting the report of the Secretary-General of 3 September 1965,

Having heard the statements of the representatives **of India and Pakistan, Concerned at the deteriorating situation along the cease-fire line in Kashmir,**

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

Adopted unanimously at the 1237th meeting.

Krishna Menon, (Statement at UN Security Council, January 24, 1957)

"If, as a result of a plebiscite, the people decided that they did not want to stay with India, then our duty at that time would be to adopt those constitutional procedures which would enable us to separate that territory."

Resolution 210
The India-Pakistan Question
Resolution 210 (1965) of 6 September 1965

THE SECURITY COUNCIL,

Noting the report of the Secretary-General on developments in the situation in Kashmir since the adoption of Security Council resolution 209 (1965) of 4 September 1965 calling for a cease-fire, Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation,

1. Calls upon the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel to the positions held by them before 5 August 1965;
2. Requests the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to strengthen the United Nations Military Observer Group in **India** and **Pakistan**, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area;
3. Decides to keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area.

Adopted unanimously at the 1238th meeting.

"In order to establish our bonafides, we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as the United Nations Organization. The issue in Kashmir is whether violence and naked force should decide the future or the will of the people."

(JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA, Statement in the
Indian Constituent Assembly November 25, 1947)

RESOLUTION 211 (1965) OF UN SECURITY COUNCIL (SEPTEMBER 20, 1965)

THE SECURITY COUNCIL,

Having considered the reports of the Secretary-General on his consultations with the Governments of India and Pakistan.

Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of the Security Council's Resolutions of 4 and 6 September, respectively,

Having heard the statements of the Representatives of India and Pakistan,

Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of Secretary-General (S/6683), but noting further with concern that no cease-fire has yet come into being,

Convinced that an early cessation of hostilities is essential as a first step toward a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters,

1. *Demands* that cease-fire should take effect on Wednesday, 22 September, 1965, at 0700 hours GMT and calls upon both governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August, 1965;
2. *Requests* the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel;
3. *Calls on* all States to refrain from any action which might aggravate the situation in the area;
4. *Decides* to consider as soon as operative Paragraph I of Council's Resolution 210 (1965) of 6 September has been implemented, what steps could be taken to assist towards a settlement of the political problem (Kashmir) underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end;
5. *Requests* the Secretary-General to exert every possible effort to give effect to this resolution, to seek a peaceful solution, and to report to the Security Council thereon.

Resolution 214

The India-Pakistan Question

Resolution 214(1965) of 27 September 1965

THE SECURITY COUNCIL,

Noting the reports of the Secretary-General,

Reaffirming its resolutions 209 (1965) of 4 September, 210(1965) of 6 September and 211 (1965) of 20 September 1965,

Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of **India** and **Pakistan** is not holding,

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

Demands that the parties urgently honor their commitments to the Council to observe the cease-fire, and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of resolution 211(1965).

Adopted at the 1245th meeting.

"Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order is restored and leave the decision regarding the future of this State to the people of the state is not merely a promise to your Government but also to the people of Kashmir and to the world."

(JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA Telegram to the Prime Minister of Pakistan October 31, 1947)

Resolution 215
The India-Pakistan Question
Resolution 215 (1965) of 5 November 1965

THE SECURITY COUNCIL,

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

1. Reaffirms its resolution 211 (1965) in all its parts;
2. Requests the Governments of **India** and **Pakistan** to co-operate towards a full implementation of paragraph 1 of resolution 211(1965); calls upon them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;
3. Demands the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of **India** and **Pakistan** that their representatives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;
4. Requests the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

Adopted at the 1251st meeting by 9 votes to none, with 2 abstentions (Jordan, Union of Soviet Socialist Republics).

RESOLUTION 303 (1971) ADOPTED BY THE SECURITY COUNCIL AT ITS 1606TH MEETING, ON 6 DECEMBER 1971.

THE SECURITY COUNCIL,

Having considered the item on the agenda of its 1606th meeting as contained in document S. Agenda/1606.

Taking into account that the lack of unanimity of its permanent members at the 1606th and 1607th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance on international peace and security,

Decides to refer the question contained in documents S/Agenda/1606 to the General Assembly at its twenty-sixth session, as provided for in Assembly resolution 377 A (V) of 3 November 1950. (Which again build on the same 13 Aug 1948)

"People seem to forget that Kashmir is not a commodity for sale or to be bartered. It has an individual existence and its people must be the final arbiters of their future."

(JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA , All-India Congress Committee Daily Statesman, New Delhi July 9, 1951)

RESOLUTION 307 (1971) OF UN SECURITY COUNCIL (DECEMBER 21, 1971)

THE SECURITY COUNCIL,

Having discussed the grave situation in the sub-continent, which remains a threat to international peace and security,

Noting General Assembly Resolution 2793 (XXVI) of 7 December 1971,

Noting the reply of the Government of Pakistan on 9 December 1971,

Noting the reply of the Government of India on 12 December 1971,

Having heard the statement of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

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

Noting Pakistan's agreement to the cease-fire in the western theatre with effect from 17 December 1971,

Noting that consequently a cease-fire and a cessation of hostilities prevail,

1. *Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, **of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan;**
2. *Calls upon* all Member States to refrain from any action which may aggravate the situation in the sub-continent or endanger international peace;
3. *Calls upon* all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and sick prisoners of war and civilian population;
4. *Calls for* international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes, and for full cooperation with the Secretary-General to that effect;
5. *Authorizes* the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems;
6. *Requests* the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolutions;
7. *Decides* to remain seized of the matter and to keep it under active consideration.

**Proposal in respect of Jammu and Kashmir made by General A.G.L. McNaughton,
President of the Security Council of the United Nations, pursuant to the decision of
the Security Council taken at its 457th meeting, on 22 December, 1949**

The principal considerations underlying the following proposals of the President of the Security Council of the United Nations are:

- (a) To determine the future of Jammu and Kashmir by the democratic method of the free and impartial plebiscite, to take place as early as possible; Thus to settle this issue between the Governments of India and Pakistan in accordance with the freely expressed will of the inhabitants, as is desired by both Governments;
- (b) To preserve the substantial measure of agreement of fundamental principles which has already been reached between the two Governments under the auspices of the United Nations.
- (c) To avoid unprofitable discussion of disputed issues of the past and to look forward into the future towards the good-neighborly and constructive co-operation of the two great nations.

DEMILITARISATION PREPARATORY TO THE PLEBISCITE

2. There should be an agreed programme of progressive demilitarization, the basic principle of which should be the reduction of armed forces on either side of the Cease-Fire Line by withdrawal, disbandment and disarmament in such stages as not to cause fear at any point of time to the people on either side of the Cease-Fire Line. The aim should be to reduce the armed personnel in the State of Jammu and Kashmir on both side of the Cease-Fire Line to the minimum compatible with the maintenance of security and of local law and order, and to a level sufficiently low and with the forces so disposed that they will not constitute a restriction on the free expression of opinion for the purposes of the plebiscite.

The programme of demilitarization should include the withdrawal from the State of Jammu and Kashmir of the regular forces of Pakistan; and the withdrawal of the regular forces of India not required for purposes of security or for the maintenance of local law and order on the Indian side of the Cease-Fire Line; also the reduction, by disbanding and disarming, of local forces, including on the one side the Armed Forces and Militia of the State of Kashmir and on the other, the Azad Forces. The "Northern Area" should also be included in the above programme of demilitarization, and its administration should, subject to United Nations supervision, be continued by the existing local authorities.

SUGGESTED BASIS OF AGREEMENT

3. The Governments of India and Pakistan should reach agreement not later than 31 January 1950, in New York on the following points;

- (a) The Government of Pakistan should give unconditional assurance to the Government of India that they will deal effectively within their own borders with any possibility of tribal incursion into Jammu

and Kashmir to the end that, under no circumstances, will tribesmen be able unlawfully to enter the State of Jammu and Kashmir from or through the territory of Pakistan. The Government of Pakistan should undertake to keep the senior United Nations military observer informed and to satisfy him that the arrangements to this end are and continue to be adequate.

(b) The Governments of India and Pakistan should confirm the continued and unconditional inviolability of the "Cease-Fire Line

(c) Agreement should be reached on the basic principles of demilitarization outlined in paragraph 2 above.

(d) Agreement should be reached on the minimum forces required for the maintenance of security and of local law and order, and on their general disposition.

(e) Agreement should be reached on a date by which the reduction of forces, to the level envisaged in paragraph 2 above, is to be accomplished. Agreement should be reached on the progressive steps to be taken in reducing and redistributing the forces to the level envisaged in paragraph 2 above.

4. In respect to the foregoing matters, the Governments of India and Pakistan should further agree that a United Nations representative, to be appointed by the Secretary-General of the United Nations in agreement with the two Governments, should supervise the execution of the progressive steps in reduction and redistribution of armed forces and that it should be the responsibility of this United Nations representative to give assurance to the people on both sides of the Cease-Fire Line that they have no cause for fear at any stage throughout the process.

The United Nations representative should have the duty and authority (a) of interpreting the agreements reached between the parties pursuant to paragraph 3, sub-paragraphs (c), (d), (e) and (f) above, and (b) of determining, in consultation with the Governments of India and Pakistan respectively, the implementation of the plan for the reduction and redistribution of armed forces referred to in paragraph 3 (f) above.

5. When the agreed programme of demilitarization preparatory to the plebiscite been accomplished to the satisfaction of the United Nations representative, the Plebiscite Administrator should proceed forthwith to exercise the functions assigned to him under the terms of UNCIP resolution of 5 January 1949, which, together with UNCIP resolution of 13 August 1948, was accepted by the Governments of India and Pakistan and which are now reaffirmed by these Governments except in so far as the provisions therein contained as modified by the relevant provisions of this document. The functions and powers of the Plebiscite Administrator remain as set forth in UNCIP resolution of 5 January, 1949.

6. The United Nations representative should be authorized to make any suggestions to the Governments of India and Pakistan which, in his opinion are likely to contribute to the expeditious and enduring solution of the Kashmir question, and to place his good offices at their disposal.

RESOLUTION 1172 (1998) OF UN SECURITY COUNCIL (JUNE 6, 1998)

The Security Council,

Reaffirming the statements of its President of 14 May 1998 (S/PRST/1998/12) and of 29 May 1998 (S/PRST/1998/17),

Reiterating the statement of its President of 31 January 1992 (S/ 23500), which stated, *inter alia*, that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security,

Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region,

Deeply concerned at the risk of a nuclear arms race in South Asia, and determined to prevent such a race,

Reaffirming the crucial importance of the Treaty on the Non- Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty for global efforts towards nuclear non- proliferation and nuclear disarmament,

Recalling the Principles and Objectives for Nuclear Non- Proliferation and Disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non- Proliferation of Nuclear Weapons, and the successful outcome of that Conference,

Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non- Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear- weapon States to fulfill their commitments relating to nuclear disarmament under Article VI of that Treaty,

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

1. *Condemns* the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;
2. *Endorses* the Joint Communiqué issued by the Foreign Ministers of China, France, the Russian Federation, the United Kingdom of Great Britain and

Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998 (S/1998/473);

3. *Demands* that India and Pakistan refrain from further nuclear tests and in this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear Test Ban Treaty;

4. *Urges* India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross- border violations, or other provocations in order to prevent an aggravation of the situation;

5. *Urges* India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them , and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;

6. *Welcomes* the efforts of the Secretary- General to encourage India and Pakistan to enter into dialogue;

7. *Calls* upon India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponisation or from the deployment of nuclear weapons, to cease development of ballistic missiles

capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;

8. *Encourages* all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for

nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;

9. *Expresses* its grave concern at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;

10. *Reaffirms* its full commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament;

11. *Expresses* its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated and recalls that in accordance with the Treaty on the Non- Proliferation of Nuclear Weapons India or Pakistan cannot have the status of a nuclear- weapon State;
12. *Recognizes* that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non- proliferation and disarmament;
13. *Urges* India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non- Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions;
14. *Urges* India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;
15. *Requests* the Secretary- General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;
16. *Expresses* its readiness to consider further how best to ensure the implementation of the present resolution;
17. *Decides* to remain actively seized of the matter.



KASHMIR POLICY RESEARCH INSTITUTE

Near State Guest House, Jallalabad, Muzaffarabad, AJK

Ph:05822-920969, Fax: 05822-920211

Email: kpri.azadkashmir@gmail.com

www.kprijk.org

www.kprijk.org

