

In favour: Afghanistan, Albania, Bolivia, Bulgaria, Burma, Byelorussian SSR, Ceylon, Costa Rica, Czechoslovakia, Egypt, El Salvador, Ethiopia, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Libya, Federation of Malaya, Morocco, Nepal, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand, Tunisia, Ukrainian SSR, USSR, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium,

Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, France, Honduras, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, Spain, Sweden, Union of South Africa, United Kingdom.

Abstaining: Cambodia, Ecuador, Finland, Liberia, Mexico, Panama, Paraguay, Turkey, United States, Uruguay, Venezuela.

CHAPTER IX

THE INDIA-PAKISTAN QUESTION

COMMUNICATIONS FROM PAKISTAN TO THE SECURITY COUNCIL

On 16 November 1956, the representative of Pakistan informed the President of the Security Council by letter that, according to press reports, a constitution for the State of Jammu and Kashmir, framed by an assembly calling itself a Constituent Assembly and sitting at Srinagar, was due to come into force on 26 January 1957. Further, that part of the Constitution integrating the State into India would come into force on 17 November 1956. The move would nullify the Council's resolution of 30 March 1951 and the assurances given by the Indian representative at that time. It would also run counter to the Council's objective that the accession of the State to India or Pakistan should be decided by a plebiscite under United Nations auspices.

Any action by India aimed at integration of the State of Jammu and Kashmir into its territory, the representative of Pakistan said, would constitute a violation of United Nations resolutions and a repudiation of international agreements to which India was a party. India should be called upon to desist from such action.

On 26 November, in another letter, the representative of Pakistan reported to the Council that it had now been confirmed that the action which, according to Indian press reports, was to be taken on 17 November 1956 by the "so-called Constituent Assembly at Srinagar", had been taken. He asked the President of the Council to seek clarification from the Government of India.

On 2 January 1957, the Foreign Minister of Pakistan informed the Security Council, by letter, that India had refused, "on one pretext

or another", to honour its international commitments accepted under the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) adopted on 13 August 1948 and 5 January 1949 respectively. Pakistan was therefore forced to the conclusion that continuance of direct negotiations between the two Governments held no prospect of settling the dispute. Believing that the current situation called for firm and timely action by the Council, he requested an early meeting of the Council to consider the Kashmir question.

CONSIDERATION BY SECURITY COUNCIL

The Security Council considered the question at 14 meetings between 16 January and 21 February 1957.

In the discussion, the representative of Pakistan made the point that the dispute between his country and India involved, in essence, the right of the people of the State of Jammu and Kashmir to self-determination. Until a plebiscite had been held, he also contended, the territory was neither part of India nor of Pakistan, despite the de facto situation whereby India occupied part of the State and the authority of Azad Kashmir prevailed over the remaining portion of the State. On the basis of the two resolutions of UNCIP, which had been accepted by the parties, an international agreement bound India and Pakistan. No part of the agreement, which was an integral whole, could be used, repudiated or frozen unilaterally. He further questioned India's assertion that the State was legally part of the territory of the Indian Union.

The representative of India said that his