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THE UNITED NATIONS MILITARY OBSERVER GROUP IN INDIA AND PAKISTAN (UNMOGIP) 1948-1965, with a Postscript on the Impact on UNMOGIP of the Indo-Pakistan War of 1971

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ABSTRACT

In January 1949 the first UN Military Observers arrived in Kashmir to supervise a ceasefire between India and Pakistan, following hostilities arising from Kashmir's disputed status after Independence. In accepting the resolutions of a UN Commission which had been despatched to the area, and by ratifying the Karachi Agreement of July 1949, India and Pakistan committed themselves to accepting the presence of Observers until the Dispute was resolved.

This thesis gives an overall view of UNMOGIP. It describes the background to the Dispute and the emergence, organisation and modus operandi of the Mission. It attempts to analyse UNMOGIP's contribution to the maintenance of peace by highlighting the Mission's efforts at stabilizing the situation. Considerable mention is made of civilians who were the major cause of incidents.

The thesis supports the view that for fifteen years UNMOGIP successfully assisted the parties in their desire for peace, but when this desire faltered a small group of Observers was unable to save the situation. Thus after five years of deteriorating relations between civilians and police along the Ceasefire Line, war again erupted for seventeen days in September 1965. The Observers had virtually to suspend operations until a further Ceasefire was called. Even then it was not until the Indian and Pakistan leaders reached a political agreement in Tashkent in January 1966 that the Ceasefire truly held, and the withdrawal of forces was able to take place under the supervision of the Observers.

In 1972, after another war, the two parties agreed to solve their problems bi-laterally, and India maintained that UNMOGIP had no further function to perform. Unable to obtain Pakistan's or the UN's consent to the Mission's withdrawal, she withdrew her own co-operation. UNMOGIP has not since been able to operate on the Indian side although it remains in position.

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enabled me to sample the flavour not only of the food, but of the conditions under which the Observers worked, and to talk to them about their duties.

I should like to thank the Pickerill family in Keele for looking after my home when I was away doing my research, Dr. John Vincent for taking the trouble to read my thesis in draft form, and give me the benefit of his views, my father - Lindsay McCutchion - for proof-reading it, and the friends who gave me their support, particularly Lorna Lloyd for her encouragement to me to begin this thesis, and Sheila Tolley for her shoulder when I thought I would never finish it. I am grateful to the Social Science Research Council (as it then was) for the financial grants which enabled me to undertake the project. And last, but not least, acknowledgements are due to my husband, Barry Dawson, for sharing me with UNMOGIP for our married life thus far, for the final drawings of the maps, compiled from a variety of sources, for his assistance in my use of a word processor, and for a small amount of proof reading and a large amount of photocopying.

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ABBREVIATIONS

ABV	Alleged Border Violations
ACFV	Alleged Ceasefire Line Violations
ACMO	Acting Chief Military Observer
AK	Azad Kashmir or Azad Kashmiri
BSF	Border Security Forces
CFL	Ceasefire Line
CGS	Chief of the General Staff
CIC	Commander-in-Chief
CMO	Chief Military Observer
COAS	Chief of the Army Staff
DMO	Director of Military Operations
DO	Demi-Official
ECOSOC	Economic and Social Council of the United Nations
GHQ	General Headquarters
GOC	General Officer Commanding
HQ	Headquarters
J&K	Jammu and Kashmir
NATO	North Atlantic Treaty Organisation
OIC	Officer-in-Charge
ONUC	UN Operation in the Congo
SEATO	South-East Asia Treaty Organisation
Pak	Pakistan
UK	United Kingdom
UN	United Nations
UNCIP	United Nations Commission for India and Pakistan
UNEF	United Nations Emergency Force
UNFO	United Nations Field Observer
UNFICYP	United Nations Force in Cyprus
UNHCR	United Nations High Commission for Refugees
UNHQ	United Nations Headquarters in New York
UNIFIL	United Nations Interim Force in the Lebanon
UNIPOM	United Nations India-Pakistan Observation Mission
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNOGIL	United Nations Observer Group in the Lebanon
UNRIP	United Nations Representative for India and Pakistan
UNTSO	United Nations Truce Supervision Organisation
US	United States of America
USMOK	United States Military Observers in Kashmir
VCGS	Vice Chief of the General Staff
VCOAS	Vice Chief of the Army Staff

PREFACE AND BIBLIOGRAPHICAL NOTE

The initial intention of this thesis was to make a study of India as both a major participant in United Nations Peacekeeping Operations, and as host to two such operations - in particular the United Nations Military Observer Group in India and Pakistan (UNMOGIP), since the United Nations India-Pakistan Observer Mission had already been covered in another thesis*. It seemed unlikely that there would be sufficient material available to sustain a complete thesis on UNMOGIP as very little indeed has been published about this Mission. The regular reports from the Chief Military Observer to the Secretary-General have always been on a strictly confidential basis. Indeed, although a summary has been made at moments of extreme crisis, it appears that the reports have only very rarely - if at all - been even so much as privately circulated to Members of the Security Council, which holds ultimate responsibility for the Mission.

However, during the early days of my research I was fortunate to have put at my disposal all the correspondence in the United Nations Archives between the Chief Military Observer of UNMOGIP and those responsible for the Mission on a day-to-day basis in the UN Secretariat in New York, including these confidential reports. As a special privilege I was also allowed to search a limited number of UNMOGIP's own files dating back to its inception, sixteen crates of which had only recently arrived from the Mission area, and had not yet been catalogued for the Archives. Since there was such a wealth of

*Chauhdry, S. H. - United Nations India-Pakistan Observation Mission, 1965-66 - Unpublished Ph.D. Thesis, 1979, Keele University.

material on the subject, material which had never before been seen by anyone not closely connected with the Mission, I decided to devote the whole of my thesis to UNMOGIP.

What I have done is to try to place this operation within the wider context of United Nations peacekeeping, assessing the extent to which it reflects the general principles and purposes of that activity. It is generally assumed that peacekeeping rests on the impartiality of the peacekeepers and the consent and cooperation of the states which are involved as parties, hosts and contributors. It is also assumed that peacekeeping operations cannot make a primary contribution to the maintenance of international peace, but may be able to play a valuable stabilizing role of a secondary kind - helping the parties in their desire to maintain quiet. In surveying the origin and work of UNMOGIP from 1949 to 1965 (with a postscript on its role during and after the 1971 war) I will be keeping these principles and purposes very much in mind. My aim is to see whether UNMOGIP did indeed act in accordance with the principles which came to be seen as integral to peacekeeping and, if so, to what extent, and how this helped it to make a contribution towards preventing the situation in the disputed state of Jammu and Kashmir giving rise to war between India and Pakistan.

As a background to the thesis, Part I - The Origin of UNMOGIP - reviews the development of United Nations Peacekeeping, the causes of the Kashmir Dispute between India and Pakistan, and the early involvement of the United Nations, leading to the emergence of UNMOGIP. Part II, an analysis of UNMOGIP's organisation and operation, is derived from reports received from the Mission by the UN Secretariat in New York, particularly those of its Chief Military Observer,

Major-General (latterly Lieutenant-General) R. H. Nimmo. General Nimmo held the office for just over fifteen years, from the end of 1950 until his death in January 1966, that is for the major part of the time covered by this thesis. The fact that, apart from a postscript on the impact of the 1971 war, the thesis ends at the time of the death of General Nimmo is, however, coincidental. His death occurred just as the leaders of India and Pakistan were about to meet in Tashkent, an event which was a major watershed in the unfortunate history of the two parties' relations, and thus a fitting moment to end. Furthermore, only a small amount of material dating from after that period had reached the Archives at the time of my research.

Part III on Attitudes to UNMOGIP is also taken mainly from reports from the Mission, but is interspersed with material from a variety of sources in order to place the events within the context of Indo-Pakistan relations in general. Part IV on the hostilities of 1965 and 1971 likewise draws on a variety of sources, including General Nimmo's reports on the events immediately preceding the war of 1965, which were to some extent eventually made public. But it particularly draws on the extensive number of cables which passed between the Mission and New York from early 1965 until February 1966, when the situation stabilized with the withdrawal of forces to their peacetime positions, and again during and after the war of 1971.

The urgency engendered by times of war necessitated most of the communications between the Mission and Headquarters being by cable, whereas in quieter times a somewhat slower method sufficed. The correspondence dating from 1966 onwards was for the most part not available in the Archives, but

fortuitously the cables were. Thus, although it is not possible to detail the period between 1966 and 1971*, the war of 1971 and its consequences can be fairly well documented. It seems appropriate, therefore, to add this as a postscript since the outcome of the war had a dramatic impact on the operation of UNMOGIP, a fact which I was able to confirm when I visited the Mission in 1982.

*It might reasonably be concluded that UNMOGIP's operations between 1966 and 1971 continued much as in the period from 1950 until the outbreak of war in 1965.

PART I - THE ORIGIN OF UNMOGIP

CHAPTER ONE - UNITED NATIONS PEACEKEEPING

EMERGENCE

Collective Security

The United Nations Organisation (UN) was conceived in London in 1941 as the successor to the League of Nations, which had failed in its primary purpose of preventing a second World War. On 1st January, 1942 in Washington the twenty-six states at war with Germany and Japan expressed their faith, in the form of the United Nations Declaration, that in the long-term, and with the Great Powers taking the lead, the common interest of states would enable the anarchy of international relations to be controlled. The Charter of the United Nations, which was signed in 1945, laid down a code of behaviour by which nations would work together to eliminate aggression and promote economic and social security. Its central aim, for which one organ of the Organisation - the Security Council - was given primary responsibility, was signified in Article 1. This was "to maintain international peace and security, and to that end to take collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression..."[1]. The right of self-defence in the event of an armed attack was upheld, so long as measures taken in the exercise of this right were immediately reported to the Security Council.

The Council, composed in the first place of eleven states and subsequently fifteen, included five Permanent Members - China, France, the Soviet Union, the United Kingdom and the

United States of America. These were the five major powers in alliance at the time of its conception, and are still the only avowed nuclear powers, although after the Communist takeover in China that nation was actually represented by the Government on Taiwan until 1971.

It was thus originally envisaged that the five Great Powers, in continuing harmony with each other and the rest of the world, would take enforcement action against any smaller state which committed an act of aggression against any other. The unanimity of these Five was the necessary condition for such joint action.

However, the international scene after the Second World War was different from that which had been envisaged. There were two major developments. Firstly, there was an open split between the Allies, coupled with a nuclear stalemate. The onset of the Cold War and the division of the world into two Superpower blocs gave rise to little hope for the kind of collective security that had been contemplated, and made any form of effective joint action difficult to achieve. Secondly, a period of rapid decolonisation, a movement to which the UN itself gave much impetus, resulted in a proliferation of new states, mainly small and underdeveloped, and led to international instability and local clashes, which became the source of most post-World War II conflicts seen as befitting United Nations intervention. Membership of the UN grew almost identically in line with the increasing number of sovereign states arising from this period of decolonisation, and with it the difficulties in reaching a consensus of views on any matter brought before the Organisation.

The Charter accepts that membership of the United Nations is composed of nation states whose sovereignty is paramount so

far as their domestic affairs are concerned, and specifically maintains that nothing contained in the Charter authorises the UN to intervene in matters which are essentially within the domestic jurisdiction of any state, or to require any Member to submit such matters to settlement under the Charter. It takes little account, however, of the fact that in this day and age many, if not most, internal conflicts have an international dimension, and that it may be difficult to distinguish between internal and interstate conflicts because of the tendency of some states to foment or support insurgencies in others.

Since it was never anticipated that the UN would take measures against any of the five Great Powers, the UN Charter never fully encompassed the principle of collective security. It was, nevertheless, designed to implement collective security in respect of situations where none of the Great Powers was directly involved, but even that required a degree of confidence and trust between them that was soon found to be lacking.

Instead of presenting a united front against aggression the Permanent Members of the Security Council were inclined to become politically involved in conflicts, and on different sides. The threat of small brushfire wars thus escalating into a nuclear conflagration became a major concern of the international community. The concept of collective security was reduced to an attempt at political action to contain such conflicts rather than military force to curb aggression.

The Charter's Provisions for the Maintenance of Peace

Differences between the Five rose to the surface even as preliminary discussions were taking place, and the Soviet Union, with little dissent from the others, insisted on the

power of veto being included in the Charter. Each of the five Permanent Members is therefore able to veto any resolution of the Council. This was a measure of realism reflecting the impossibility of taking enforcement action against a Great Power without risk of major war, but it had the effect of making it possible for the UN to act against an aggressor only if none of these Five was opposed to its doing so. It was also looked upon by the newly emerging states as an institutionalised means of perpetuating the hegemonic relationship of the Great Powers towards these smaller nations.

At first the use of the veto threatened to stultify any attempted action by the Security Council, but the Permanent Members soon adopted a procedure, not enshrined in the Charter and first used by the Soviet Union, which allowed for the possibility of a middle way between voting for a resolution and vetoing it: abstention from voting was deemed not to constitute a veto, but enabled a Permanent Member to express a degree of dissent without obstructing the will of the majority on an issue of insufficient importance to its own vital interests to warrant a veto.

Any state, member or not, can submit an issue to the United Nations. In addition the General Assembly - the organ of the Organisation consisting of representatives of all Member States - and the Secretary-General - an international civil servant in charge of the UN Secretariat - are empowered to bring to the attention of the Security Council any matter which may threaten the maintenance of peace. If a majority of members including the five Permanent Members agree, the Security Council can investigate such a situation.

Members of the Organisation agree to accept and carry out decisions of the Security Council in accordance with the

Charter. Chapter Six, regarding the Pacific Settlement of Disputes, obligates parties to a dispute "likely to endanger the maintenance of international peace and security" to "seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other means of their own choice"[2]. The Security Council does not, in this instance, have the power to impose a decision but can recommend the manner in or the terms on which the dispute might be settled. The states involved in the dispute have then to agree before any action can be taken. This reflects the insistence of states to hold on to their legal freedom until the last possible moment.

Under Chapter Seven, however, the Council is provided with enforcement powers if it determines that there exists a threat to the peace, a breach of the peace, or an act of aggression. In such an event it may order the parties to the conflict and all member states to accept "provisional measures" such as a ceasefire or an order prohibiting intervention by outside powers. As an alternative to the use of armed force, which is to be used only if all other measures prove inadequate, the Council is also empowered to call upon members to apply other sanctions, such as the severance of diplomatic relations or economic measures.

The Charter makes provision for Members "to make available to the Security Council, and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security"[3], and provides for a Military Staff Committee composed of the Chiefs of Staff of the Permanent Members to make the necessary arrangements. In April 1947 this Committee produced a report

which agreed that the five Permanent Members should provide the bulk of the armed forces, but members of the Committee were unable to agree, *inter alia*, on the size and locations of the forces and the balance of contributions. The degree of political mistrust which lay behind such disagreements on details led to the Committee's admission of defeat in July 1948. The Military Staff Committee continued to meet, but the military arrangements foreseen in Chapter Seven never became a reality, leaving the United Nations without the necessary means of enforcement to promote its central aim. Instead the Secretary-General and the General Assembly came to play more important roles in the realm of the maintenance of peace than was originally anticipated under the Charter.

In 1948 Secretary-General Trygve Lie proposed a United Nations Guard Force for duty with UN missions, the conduct of plebiscites under the supervision of the UN, and the administration of truce terms. This idea finally emerged in watered-down form as a UN Field Service of unarmed international civil servants to assist UN field operations in such activities as administration and the maintenance of communications equipment and vehicles[4].

The lack of trust does not extend only to the Great Powers. Whilst there is universal condemnation of aggression in the abstract, when it comes down to individual acts, one state's aggression is another's legitimate use of force to defend vital national interests. Every state recognises that it might itself feel obliged one day to use force to defend its national interests, even at the cost of being considered to be indulging in an act of aggression by the weight of UN opinion. Thus every state has reservations about offering the UN a competent means of enforcement.

Evolution of Observer Groups

In these early years, while the use of military personnel on a large scale and under the exact terms of the Charter was being discussed with diminishing prospect of agreement, methods of using them productively on a far smaller scale evolved almost by accident. In Greece in 1947 the military attaches of the members of the United Nations Special Committee on the Balkans proved themselves invaluable as an observer group in checking on infiltration into Greece from her northern neighbours[5]. As a result, UN missions sent to the Middle East and Kashmir in 1948 were formally offered the aid of Military Observers.

The first truce agreements in the Palestine war in July 1948 were supervised by Military Observers working under the United Nations Mediator and a Chief of Staff. This team developed into the United Nations Truce Supervision Organization (UNTSO) after the armistice agreements between Israel and her Arab neighbours were concluded in the period between February and July 1949. Similarly, and further to the suggestion in the Security Council resolution by which it was initiated in 1948[6], the United Nations Commission for India and Pakistan requested a group of Observers to supervise the ceasefire which came into effect in Kashmir on 1st January, 1949. This group subsequently became the United Nations Military Observer Group in India and Pakistan (UNMOGIP). Thus Observer Groups came into being soon after the United Nations itself, and long before the term "peacekeeping" came into vogue, although they did ultimately come to be embraced by the term.

Korea and the birth of non-alignment

The only true enforcement action taken in the name of the United Nations occurred when South Korea was invaded by North Korea in 1950, at a time when the Soviet Union could not veto the proposed action because she was boycotting the Security Council in protest against Communist China's exclusion from the Organisation. Since the armed contingents envisaged for the UN had not been prepared for, the Security Council was only able to recommend that members send forces to South Korea's assistance. Sixteen states did supply troops, and a further twenty-nine supplied some form of aid, but essentially the enforcement action was a United States operation under the formal umbrella of the United Nations. The fact that such a UN operation could not have taken place if the USSR had been present to register its veto in the Security Council led to the subsequent US-sponsored Uniting for Peace Resolution being passed by the General Assembly. The effect was to enable the General Assembly to take over some aspects of the Security Council's role in the maintenance of international peace and security when the latter's ability to move was blocked by a veto. Oddly enough, the United States and the Soviet Union were in limited agreement in the Security Council when the Uniting for Peace Resolution was first used to raise a United Nations force - at the time of the Suez crisis in 1956 - and it was the British and French vetoes which made the move to the General Assembly necessary.

It had by then become apparent that while there were still Five Permanent Members of the Security Council, there were only two powers that really counted, and they were too much at odds with each other to be able jointly to make use of the

enforcement measures originally intended by the framers of the Charter. Even when the United States condemned the invasion of Suez by Britain and France, she was not prepared to take up the Soviet offer of a combined Superpower force against her allies. Thus a new idea was born - a United Nations Peacekeeping Force.

The Hungarian invasion by the Soviet Union, coincident with the Suez Crisis, provoked stronger verbal denunciation from the General Assembly, yet a UN force was sent to Suez, but not even considered for Hungary, because no country was prepared to risk an outright clash with the Soviet Union in an area that was of vital interest to her. Britain and France, however, were no longer strong enough to resist the weight of world opinion, backed by these Superpowers[7].

At the other end of the spectrum, when in 1961 India invaded the Portuguese colony of Goa on the Indian Subcontinent, and Portugal brought the matter to the attention of the Security Council, a Western-sponsored resolution was not only defeated by a Soviet veto, but was opposed by all three Afro-Asian members of the Council. The Uniting for Peace mechanism was not invoked because there seemed no prospect of obtaining a two-thirds majority in the General Assembly for any similar resolution. And even the defeated resolution had not called for a UN force, but only for a withdrawal of Indian forces and a solution by peaceful means. The kind of aggression committed was not considered by the weight of public opinion this time to be as sinful as Portugal's crime of colonialism[8].

The reason for this was that smaller states had introduced a third, so-called non-aligned, bloc into international relations, to act both as a voting balance between East and

West, and as a force for the promotion of decolonisation. The seeds were sown in the Korean War when the Asian states, led by India, and a number of NATO countries, sought to induce the United States and the Soviet Union to settle for the *status quo ante bellum*. The movement developed during the 1950s, mainly under the leadership of India's Prime Minister Nehru, as many of the newly emerging nations found themselves united in their reluctance to have any part in Western military pacts directed, albeit defensively, against the Communist bloc.

The United Nations Emergency Force (UNEF)

The Suez Crisis was complicated by the heavy involvement of two Great Powers, France and Britain, and by the threat of involvement by a third, the Soviet Union[9]. It seemed that the only way to bring about a withdrawal without the disastrous intervention of the latter - possibly thus bringing that nation and the United States into direct armed conflict - was to create a face-saving device. Under the Uniting for Peace Resolution the General Assembly authorised the setting up of a United Nations Emergency Force, the first force of its kind and the one for which the term peacekeeping first came to be used. UNEF acted both as an interposition force between the combatants and as a police force to maintain order in the Canal Zone, so that the UK and France could claim that there was no longer any need for their presence. It was not a force designed actively to counter aggression but a security force designed to play for time, and allow the armies of the parties concerned to disengage and return to their own soil[10]. It was, in fact, a development of the idea of United Nations Military Observer Groups which had been established earlier with a view to patrolling borders when infiltration and

subversion were suspected, or supervising a ceasefire or truce after hostilities had ceased. However, unlike the Military Observers, the members of UNEF (and subsequent UN peacekeeping forces) have been equipped with light arms for defensive purposes.

Definition of Peacekeeping

Thus the term peacekeeping is not mentioned in the United Nations Charter. It came into use in the late 1950s to describe, at that time mainly retrospectively, the various *ad hoc* operations that the United Nations Organisation was able to mount for the purpose of aiding states in dispute to implement a political resolve to stabilize or restore the peace.

Commentators disagree on its exact definition, with some reserving the term purely for military forces, sometimes - but not normally - including the Korean enforcement action[11], and others taking in the whole spectrum of UN field activities concerned with the settlement of disputes[12], such as single mediators and investigation commissions, and even technical assistance aimed at increasing political stability. These latter might more conveniently be separately defined under the broader terms of "preventive diplomacy" or "a UN presence"[13], which encompass the various aspects of the UN's endeavours towards the maintenance of peace, with the term "peacekeeping" being reserved for non-enforcement missions composed of military personnel. The purpose of peacekeeping, then, is to establish a political presence which carries out certain military or policing duties with a view to assisting in the management of a conflict and setting the stage for peaceful settlement. Peacekeeping operations have varied widely in function and size, with missions ranging from observer groups

of less than twenty officers to a force of 20,000 troops. But all are composed of military personnel in an unaccustomed role - that of keeping the peace without resort to arms, but with political awareness, tact, diplomacy and utter impartiality. The inculcation of these qualities has not normally been part of a soldier's training, so that United Nations peacekeeping operations embody concepts which are almost completely alien to the professional soldier. As General Rikhye, a former Military Advisor to the Secretary-General and Commander of UNEF, said: "There is no enemy... to be defeated...,and the idea of neutralizing has a different tone; it is not enough to neutralize one opponent - it is necessary to neutralize all belligerents without using force, solely by being present"[14].

The reserve soldiers from some of the small countries which contribute, such as those of Scandinavia, have sometimes been looked down upon by their more professional counterparts, but the psychological demands of peacekeeping are a great deal more complex than those faced in classical military operations. Brigadier Harbottle makes the following points: "Peacekeeping is a form of soldiering that does not depend on the rifle for its answers but on quiet reasoning, infinite patience, an impartial attitude and approach, and above all an understanding of human relationships. A soldier who has been trained to meet force with force does not find it easy at first to adapt himself to the new requirements. For this reason the amateur of the small country has a lot to offer. He is the school teacher, the farmer, factory hand, shop keeper who volunteers from his national conscript service to serve in UN peacekeeping missions. He may not have the same degree of technical and professional standards, but he does have an immediate affinity with the community or communities that he has come to

serve"[15].

Comparison with other forms of Preventive Diplomacy

The role of personal diplomacy has normally been complementary to but distinct from the establishment and deployment of peacekeeping missions, since it has seemed desirable to have the two running in parallel. The former, consisting of mediators, arbitrators and investigation or conciliation commissions, is provided for under Chapter Six of the UN Charter, and has the task of attempting to find a solution to the dispute. The latter, which was a development of the spirit of the Charter, rather than being provided for in it, has the task of facilitating such endeavours by preventing ongoing hostilities. A certain amount of day-to-day mediation and conciliation is by no means unheard of as part of a peacekeeping mission's informal duties, but peacekeeping is primarily an auxiliary to diplomatic measures.

In many conflicts there is no definable aggressor, but a complex set of circumstances in which both sides may lay claim to injustices, which may be no fault of their own or the other side, but rather of historical experience. The conciliators engaged in personal diplomacy attempt, by means of negotiation or arbitration, to bring the parties to a situation of mutual understanding and compromise, whilst the peacekeepers attempt to assist the parties in their avowed wish to restrain hostilities in the interim. The majority of peacekeeping operations have been, and still are, in the Middle East, an area whose problems precede colonisation, but were most recently fired by Britain's departure from Palestine in 1948, and Israel's subsequent seizure of the land.

The Kashmir Dispute, where UNMOGIP is engaged, likewise

arose immediately from the departure of Britain from the Indian Subcontinent in 1947, but with the root of the problem stretching back into the history of the area. It was the much earlier Muslim encroachment on Hindu soil which led to the partition of the Subcontinent in 1947, and thus the dispute between India and Pakistan over who should have control of Kashmir; with its Hindu ruler, mainly Muslim population, and divided loyalties*. Viewed in comparison with many states which later achieved independence as the process of decolonisation gained momentum, Kashmir had strong grounds for claiming its own independence, in which event other differences between India and Pakistan might not have led to war. At the time it was felt that Kashmir, economically unviable and with five larger powers, including two Great Powers, in the immediate vicinity, was too vulnerable to outside interference to sustain independence. In fact, many post colonial states are neither economically nor militarily viable and are very vulnerable to interference even from small outside powers; and many are divided internally - for example, Cyprus, where the UN has played a significant role since 1964. In Cyprus the UN was originally explicitly involved with domestic matters, but the implicit fear was the intervention of Greece and Turkey. Furthermore, since both were in NATO, this could have led to an undesirable degree of involvement by the major NATO powers, and the Soviet Union was also showing interest. The first fear was justified when Turkey invaded Cyprus in 1974 despite the UN presence.

*See following Chapter.

Legal Basis

The authority for the command and control of each peacekeeping operation derives from the mandate contained in the Security Council or General Assembly resolution authorising the operation and is normally delegated to the Secretary-General, who is responsible for implementing the resolution and is the executive authority in charge of the operation*. A body of precedent has been established, with occasional challenge, by the peacekeeping resolutions he has been directed to implement, and by his own interpretations where specific guidance was lacking.

The Secretary-General appoints as head of the mission a senior officer, variously known as Commander, Chief Military Observer, Chief Officer or Chief of Staff. He is usually of the rank of Major-General or Lieutenant-General, and is appointed with the position of international civil servant, responsible to the organ of the UN which set up the operation, but on the staff of the UN, and reporting directly to the Secretary-General. The Secretary-General usually delegates the general politico-military direction of the peacekeeping operation to an Under-Secretary for Special Political Affairs, and most of the administrative and logistical support to the Field Operations Service, with some functions to the Offices of Personnel, Controller and Legal Affairs.

The Secretary-General gives the chief of the mission a directive, based on the resolution authorising the peacekeeping operation, and this constitutes the terms of reference for the

*The mandate of later operations played down the Secretary-General's role.

operation and provides the latter with his instructions for carrying out his tasks, so that he may issue his own operational instructions and standard operating procedures.

When the General Assembly made Secretary-General Hammarskjold responsible for negotiating the necessary arrangements for the establishment of UNEF, the experience enabled him to develop much of the philosophy and rationale in support of peacekeeping as a distinctive feature of UN practice. He interpreted a number of Articles in Chapter Six of the Charter, dealing with the settlement of disputes, plus some of the general spirit of Chapter Seven, the Preamble, and Article 1 as a sufficient mandate for peacekeeping operations, and defended the concept against those who questioned its legitimacy and the role of the Secretary-General in its operation. He adopted certain principles which, in October 1958, in the conclusion to his report on UNEF[14], he set out in black and white as guidelines for the creation of future peacekeeping missions. They remained the basis of peacekeeping thereafter but were formulated to a large extent not only from experience gained from UNEF, but also from observer groups which had been established much earlier, but which came likewise to be known as peacekeeping operations.

A major problem in peacekeeping has been the inadequate political control and guidance from the authorising organ of the UN, which then uses the Secretary-General as a scapegoat if anything goes wrong. On the other hand, this lack of guidance has given the Secretary-General a comparatively free and flexible hand in mounting peacekeeping operations. Hammarskjold maintained in 1958 that UN experience with various operations justified the assumption that in each new conflict situation in which the UN might be called upon to intervene,

the nature of the actual organization required and its paramilitary aspects would be determined by the particular needs of the situation, and could not, therefore, be anticipated in advance. Thus, he felt, a considerable degree of flexibility was required[17].

CONCEPT

Peacekeeping differs from collective security in four major respects. Firstly, a collective security force is partisan whilst a peacekeeping mission is impartial. Secondly, under the collective security provisions of Chapter Seven of the Charter, the Security Council is entitled to order a UN force to enter an area of conflict, whereas a peacekeeping mission can only enter the territory of a state after having received its consent. Thirdly a collective security force attempts to impose its will by force of arms, whilst a peacekeeping mission requires the cooperation of all parties in order to implement its tasks. And fourthly a collective security force is created in order to thwart aggression, whilst a peacekeeping mission is aimed at stabilizing a situation of conflict until a solution is reached by diplomatic methods.

Impartiality

In order to be acceptable to both sides and to have any hope of success, a peacekeeping mission has to establish its complete neutrality as regards the issues in dispute, or else one or both of the parties may resist cooperating out of fear that their security or interests will be compromised. Thus a peacekeeping mission insists that it should not itself be used to affect the political outcome of a dispute. According to

Hammarskjold, UNEF "functioned under a clear-cut mandate which entirely detached it from involvement in any internal or local problems, and enabled it to maintain its neutrality in relation to international political issues"[18]. He stressed the fact that United Nations personnel could not be permitted to be a party to internal conflicts. This was not a new concept, but one under which Observer Groups had been working for some years. Major-General Nimmo, who became Chief Military Observer of UNMOGIP in 1950, received a letter from Secretary-General Trygve Lie which confirmed his appointment and formulated his terms of reference. The letter explicitly stated: "it is imperative that every endeavour be made to ensure that the Military Observers remain fully impartial in their decisions and broad in their outlook"[19].

This impartiality does not, however, preclude the possibility of apportioning blame for specific incidents to one side or the other, provided that the mission can be seen to be equally prepared to blame either side according to the merits of the case. It does mean that classified documents have to be handled with extreme care, and that Observers should refrain from saying anything on sensitive political, religious or racial questions, to the extent of being careful in speaking to each other by telephone or radio, and even in writing personal letters*.

Consent

Under Chapter Seven of the Charter the Security Council can take decisions binding on all Member States and it seems reasonable to suppose that in a situation of complete breakdown

*See Cadwalader Incident, page 260.

of law and order the Council might yet find itself in sufficient agreement to decide to intervene without the consent of the state concerned. However, whilst the consent of the host government for collective security is not required by the UN Charter, with the onset of the Cold War, the strong nationalist feelings of the newly emerged states and the growth of non-alignment, political - and thus legal - realities dictated the necessity of consent. In recognition of this Hammarskjold advised: "As the arrangements...do not cover the type of force envisaged under Chapter Seven of the Charter, it follows then from international law and the Charter that the United Nations cannot undertake to implement them by stationing units on the territory of a Member State without the consent of the Government concerned"[20].

Such consent is necessary not least because states would be reluctant to contribute to a peacekeeping operation that was on the soil of an unwilling host for fear of setting a precedent that might be used against themselves. During the setting up of UNEF India specifically let it be known that she interpreted the phrase "with the consent of the nations concerned" to mean with the consent of the contributing as well as the host nations, and this interpretation was generally accepted[21]. This consent indicates a desire by the parties in dispute to avoid conflict, and emphasises the fact that the UN is assisting in maintaining the peace, rather than intervening in the hostilities.

Cooperation

A UN peacekeeping operation is essentially a moral presence and not normally of sufficient strength to impose its will. Such an operation can only be authorised and mounted

with the cooperation, of the parties involved. An Agreement on the Status of the Force in Egypt, concluded on February 8th, 1957, and one of the major legal documents on which UNEF was based covered all questions of definition, status, privileges, immunities and matters related to civil and criminal jurisdiction. It stated that Egypt would be guided in good faith by the General Assembly Resolution 100 when exercising its sovereign powers in all matters concerning the functioning of the Force on its territory. UNEF personnel, if involved in criminal actions, were to come under the jurisdiction of the criminal courts of their home countries, a principle that was followed in subsequent operations as it was considered essential for successful recruitment. Such issues have to be addressed by all peacekeeping missions and their hosts, although not all are blessed with such a comprehensive document in this regard.

Since it cannot use its own armed personnel to keep open the channels of communication, transportation and supply necessary for successful completion of its task, cooperation between the host nation and the mission is required for a peacekeeping mission to have within its area of operations the absolute right of freedom of movement, including overflights, and access to necessary facilities, whether to observe and report on border conditions, or to perform a policing function[22]. In practice most peacekeeping operations have faced certain problems in this connection.

Another issue which has led to controversy* between the United Nations and host states is the question of the national composition of missions. Hammarskjold insisted the United

*See The Question of the US Observers, pages 277-285.

Nations should reserve for itself the final right to decide on composition, but admitted that the host country, in giving its consent, could not be indifferent to the composition of personnel stationed on its soil. In order to limit the scope of possible differences of opinion, Hammarskjold laid down two principles: not to include units from any of the Permanent Members of the Security Council*, and not to include units from any country which because of its geographical position or for other reasons, might be considered as possibly having a special interest in the situation which has called for the operation[23].

Military personnel for UN peacekeeping forces have been raised by two methods: on *ad hoc* basis, provided by Member States willing to contribute them when the need for a peacekeeping operation arose, and by Member States earmarking them in advance**. There has been no recognition of any obligation by a Member State to contribute, nor of the right of a Member State to contribute to a particular operation, and states normally retain the right to withdraw units committed to an operation.

So far as Observer Groups are concerned, in 1948 the General Assembly made provision for a Panel of Observers. Each Member State was invited to appoint from one to five

*The UK has, as an exception to this rule, contributed the major contingent to the peacekeeping force in Cyprus, but with the complete agreement of both parties to the dispute, because having a base on the island she already had troops in position, and was able to supply all the necessary logistical support. And much later, in 1978, France was included when the UN Interim Force in the Lebanon was created, but by this time the political climate surrounding UN peacekeeping had changed somewhat.

**A small group of middle powers has provided the backbone of UN peacekeeping, notably the Scandinavian countries, Canada, India and Ireland. With their neutral political positions Finland, Sweden and India have been widely accepted, and found the role of peacekeeper congenial to their foreign policies.

persons to be available to serve as Observers, and several states made such provision[24], but in practice observer groups have tended to be organised on an *ad hoc* basis rather than by this means. When the Security Council has agreed to send a military observer group, the Secretary-General requests certain countries, acceptable to the parties concerned, to make officers available for the purpose from their national armies. Middle ranking officers are usually chosen as they have the necessary training to be able to report accurately on the military situation, yet tend to be young and fit enough to survive what are often rugged conditions.

Mr. Thunborg Anders, then Under-Secretary of State, Swedish Ministry of Foreign Affairs, suggested in 1976 there were many good reasons for responding to an invitation from the Secretary-General to participate in a peacekeeping operation: the preservation of peace is in the interests of all nations; it supports the authority of the UN and its Secretary-General in a delicate situation where a "no" would detract from the status of the UN as a preserver of peace; the country's own military command is usually in favour as it gives it an opportunity of doing something concrete rather than peacetime training and manouevres, and it raises the prestige of the whole military community - if the assignment is carried out well - thus promoting recruitment. But he suggested that the practical experience it afforded for national defence should not be overrated as international and national assignments generally differ far too much.

He also pointed out the disadvantages: a state's own military preparations may make it difficult to spare more than a limited force; the UN's financial situation may make it doubtful if and when costs incurred will be reimbursed; and,

more important, there is the possibility of the conflict in question developing in such a way that the task of the UN changes from that originally foreseen. If regular fighting breaks out causing loss of life, the support of home opinion for the operation may weaken. The situation may also become complicated from the political point of view. There may be a *coup d'etat* in the host country and the contingent sent from a participating country may suddenly find itself supporting a new regime. Participation may also lead to irritation in relations with other states: Sweden's participation in the Congo somewhat disturbed her relations with Belgium[28].

Stabilization

The primary aim of UN peacekeeping is to create an environment in which a peaceful solution to a dispute may be sought. To this end an attempt is made to insulate a conflict from external interference, and to prevent, terminate or contain violence in the area. For the most part the kind of conflict which has lent itself to UN peacekeeping has been that arising from the destabilization caused by decolonisation, both at the time or subsequently, and particularly where there is the likelihood of direct confrontation between the Great Powers. The deliberate introduction of a neutral third party enables the Great Powers - without whose agreement the operation would be unlikely to be established - to distance themselves from the scene, and acts as a deterrent to other forms of external involvement.

Whilst each mission has tasks peculiar to itself, both formal and informal, the main tasks have usually been either the supervision of a ceasefire, or the monitoring of a border or ceasefire line. The latter may take the form of control

and prevention of illegal crossings, which generally speaking only a peacekeeping force would be equipped to do, or the more passive role of observing and reporting on subversion and infiltration, which is that normally undertaken by an Observer group.

Observers usually set up posts on each side of the ceasefire line or border, but in some mission areas the observation posts may be many miles apart in remote regions of inhospitable terrain, and manned by as few as two Observers. Their potential effectiveness is therefore limited, and the Observers' presence may have more moral than practical value, but such value should not be underestimated. Peacekeeping forces indeed are largely symbolic since they are not normally of sufficient size to participate in a major confrontation, and are in any event restricted to the defensive use of force only.

Three continuing, and to some extent inter-related, objectives in the attempt to contain violence - normally within the context of the supervision of a ceasefire - are anxiety reduction, incident prevention and crisis defusion[24]. A peacekeeping operation's very presence, as the result of an agreement by the belligerents to accept such a mission on their soil, is a major factor in anxiety reduction, since it implies that neither side wishes to mount or resume hostilities. The fact that the opposing side is being watched by an independent party makes a further contribution because it creates confidence in the belief that the opposing side is not strengthening its defences in preparation for a renewal of military activity, and lessens the likelihood of incidents occurring.

In order to separate the belligerents and create a major means of incident prevention the first stages of ceasefire

supervision are likely to be the establishment of ceasefire lines and demilitarized zones, followed by supervision of the withdrawal of forces to a specified distance on their own side of the line. Nevertheless incidents - such as firing, ceasefire line or border crossings, strengthening of defences, or other belligerent acts - do occur, and the fact of being able to report them to an independent party, in the knowledge that they will be impartially investigated and reported on to the Secretary-General, acts as a safety valve and reduces the risk of escalation.

An impartial third party may also be able to suggest means of eliminating the risk of similar incidents recurring, or improve relations by offering its Good Offices to act as a channel of communication between the disputants to assist in such matters as arranging for the exchange of prisoners, often civilians who have crossed the into a forbidden area in all innocence, or the return of stray animals.

Should the mission's presence or endeavours not prove sufficient to forestall an incident, or prevent its escalation, it may at least be able to defuse the ensuing crisis, by negotiating a ceasefire between local commanders if minor hostilities erupt as the result of a local incident. If unsuccessful it may make a speedy report to the Secretary-General before the situation becomes really serious. Similarly it may report a buildup of forces by one or both sides, which the offenders refuse to rectify. In either event the Secretary-General is able to approach the respective delegations at the UN to put pressure on them and their governments, and if necessary report to the Security Council for its members to consider further action. By publicising and internationalising a crisis the UN exerts a special

pressure of its own in the form of the weight of world opinion, which states find surprisingly difficult - though by no means impossible - to ignore, and also more acceptable than pressure from individual states.

ATTITUDES OF THE PARTIES

A United Nations peacekeeping mission does not impose itself on the territory of its hosts without their consent. Accordingly it is reasonable to suppose that they are not unwilling to see it there, and are disposed to be cooperative. The chances of this being unreservedly so, however, are much higher if the objectives of the enterprise are quickly achieved and the mission speedily retires.

The military authorities, especially, might be expected to regard the operation from a professional point of view, and for the most part be cooperative with their colleagues from other countries, at least unless or until the peace begins to break down again, when their first priorities will be for the defence of their country. The local people, on the other hand, might be expected to judge it exclusively on whether they are helped or hindered by it - whether they are relieved to be given some respite, either temporarily or permanently from the ravages of war, or whether they are being prevented from fighting for what they consider a new and just order in their society. The political authorities might be more inclined to ebb and flow according to their perception of the progress of any parallel diplomatic discussions which are likely to be taking place under UN auspices, and use the mission as a tool on which to vent their occasional displeasure with the Organisation.

If there is no settlement of the underlying dispute, and

the mission if forced to linger on indefinitely, there may be such a change in the political environment that its welcome is no longer assured. Host states are only willing to accept an alien presence when they think it is to their advantage. They may be prepared to accept it as a face-saving device to end hostilities which do not seem to be leading to a desirable conclusion, or for its assistance to contain hostilities which they no longer wish to pursue if there is a chance of a peaceful settlement. But if the situation becomes frozen to the point where it seems to have no purpose in an unchanging scene, the mission may become something of an unwarranted burden. Either, or both, of the parties may then contemplate reverting to the use of force in order to settle the matter once and for all. On the other hand, one of the parties may decide to settle for the *status quo* in which case the operation draws any undesirable amount of attention to a dispute which that party may now wish to claim no longer exists, whilst the other party is only too happy to have an independent body on hand to draw attention to what it perceives as a continuing dispute.

The United Nations Military Observer Group in India and Pakistan has been supervising the ceasefire between these two nations in the disputed state of Kashmir since 1949. UNMOGIP is therefore a prime example of an observer group which has faced the problems of being deployed in an initially hopeful and ultimately frozen situation, which occurred despite numerous attempts at the diplomatic level by the United Nations to bring the two sides to a settlement, and a considerable amount of bi-lateral effort by the parties themselves. After years of assisting the parties to maintain their uneasy peace, UNMOGIP saw that peace break down when one of the parties felt

compelled, perhaps by the more militant civilians of the divided state, to take matters into its own hands in an unsuccessful attempt to break the deadlock. At the same time the other party, becoming increasingly prepared to accept the *status quo*, became correspondingly less willing to accept a UN peacekeeping mission on what it now deemed to be irrefutably its own soil, until finally it withdrew its cooperation. The following is an analysis of UNMOGIP's attempts to stabilize the situation under these circumstances.

CHAPTER TWO - THE KASHMIR DISPUTE

THE PARTITION OF INDIA

The Kashmir Dispute arose from the partition of India at the time of Independence. The Indian Independence Act was passed in London on 18th July, 1947[1] and provided for British India to be partitioned into the independent Dominions of India and Pakistan as from 15th August that year. What should happen to the Princely States, those parts of the Indian Subcontinent which were not directly ruled by Britain but which had, to a lesser or greater extent, retained their own autonomy within the British Empire, was left unclear. They included nearly 100 million people, or approximately one quarter of the population of the Subcontinent, and comprised 45% of its territory. The number of states involved is uncertain because of confusion over the status of some of the smaller ones, but the figure is probably well over 600, and some of these states were very small indeed. Theoretically, since the states had given up some important legal rights to Britain, those rights were now their own again. It soon became clear, however, that pragmatic considerations were to hold sway over legal niceties. The British Government abrogated the responsibility Britain had taken upon itself towards the states under treaties and agreements of many years' standing and simply maintained it would cease to exercise the powers of paramountcy from the date mentioned[2].

Many, perhaps the majority, of the states were too small to be viable on their own, and vital services such as the railways and postal services were already run by the authorities of British India and would be inherited by India

and Pakistan. Furthermore, the Freedom Movement had deliberately been extended to the peoples of the states, so that a large section of their population expected to join the Indian Union. Lord Louis Mountbatten, the last British Viceroy of India, who was overseeing the transfer of power and who subsequently became the first Governor-General of India, confirmed the legal independence of the Princely States, but advised their rulers that practical considerations left them only with the choice, based on geographical considerations and, in the case of any doubt, the will of their people, of accession either to India or to Pakistan. The Indian National Congress formed a special States Department in July 1947 which, with a skilful mixture of persuasion and coercion, convinced all but two of the states within India's geographic limits to accede to India[3]. The remaining two, Hyderabad and Junagadh*, after a considerable amount of trouble, did ultimately become part of the Indian Union**.

*See Map 1.

**Hyderabad was the most important princely state with a population of 17 million and territory of 83,000 square miles, situated in the heart of India. The Nizam was a Muslim but only 14% of his subjects were of his faith. However, in the hope of negotiating independence, he entered into a Standstill Agreement with India for one year. Before the year ended the terrorist activities of a para-military corps of Muslim extremists, which overspilled into Indian territory and raised the spectre of further communal violence in retaliation, caused India to launch police action against the State. Hyderabad then acceded to India.

Junagadh was a small coastal state contiguous to India with only an 18% Muslim population, but a Muslim Nawab who chose to accede to Pakistan. The State received tribute from two minor feudatories which acceded to India as a result of which they were invaded by troops from Junagadh. Three requests by Nehru to Pakistan for the withdrawal of these troops were ignored and Liaquat Ali Khan, Prime Minister of Pakistan, personally insisted to Nehru, in regard to Junagadh, that a ruler had the absolute right to accede without reference to the moral or ethnic aspects of the case, a remark which somewhat weakened his subsequent

The Instrument of Accession committed the states to accept the control of the Dominion to which they acceded in matters only of defence, external affairs and communications, without any financial liability and subject to final settlement. However, the takeover was far more complete than that, and in the "final settlement" all the states, except the State of Jammu and Kashmir, found themselves totally absorbed into either India or Pakistan.

Although contiguous to both India and Pakistan, had the logic of partition been applied, rather than the decision being left in the hands of its Hindu Maharaja, the greater part of the State of Jammu and Kashmir should have been awarded to Pakistan: there was an overwhelmingly Muslim majority contiguous to the Muslim majority region of the Punjab, which went to Pakistan; the State's communications with the outside world lay through Pakistan; and the waters of the Indus, Jhelum and Chenab Rivers, all of which flowed through Kashmir territory were vital to the agricultural life of Pakistan. The fact that partition did not automatically extend to the State's territories was essentially the result of a series of historical accidents, mainly in the nineteenth century, which converted a group of otherwise unrelated tracts of land into a Princely State.

objection to the Maharaja of Kashmir's accession to India. Eventually Indian troops also entered the two minor feudatories, and soon afterwards the Nawab of Junagadh fled to Pakistan. The Indian Government then referred the issue to a popular plebiscite which resulted in an overwhelming vote in favour of accession to India[4].

THE STATE OF JAMMU AND KASHMIR*

The State of Jammu and Kashmir was described before the UN Security Council in January 1948 as having been an independent state in treaty relations with the Crown of England and having no international existence[5]. Estimates of the total area of the State of Jammu and Kashmir vary, not least because the location of its border with China is in dispute, but it was something over 80,000 square miles, or roughly the same as the British mainland. The State comprised several regions: most importantly Kashmir Province in the centre, including the Vale of Kashmir, and Srinagar, the State capital, and Jammu Province to the South. There were also the districts of Muzaffarabad (administered as part of Kashmir Province), and Mirpur (administered as part of Jammu Province), and the feudatory state of Punch to the West. The frontier districts of Ladakh and Baltistan lay to the east and north. To the north-west, separated from the rest by the River Indus and by high and difficult mountain ranges, were Gilgit and Gilgit Agency, including the two small states of Hunza and Nagar. Though formally acknowledging the suzerainty of the Maharaja of Kashmir, these areas had never come under his control, and were governed by a Political Agent of the Government of British India between 1889 and 1947.

With most of the State without roads and quite inaccessible, so that whole communities lived in isolation, there was no cultural or linguistic unity in Jammu and Kashmir when British paramountcy lapsed in 1947: 34% of the population spoke Kashmiri, 15% Dogri and 30% Punjabi, and several more languages were spoken by small numbers of people. The present

*See Map 2.

Constitution (promulgated in 1956) allows for six official languages, and there are at least six distinct peoples with differing customs.

Jammu

A narrow fringe of flat land along the southern border, mainly contiguous to the Pakistani Punjab but partly also to the Indian Punjab and Chamba, in what is now Himachal Pradesh, gives way first to stony and sandy hills rising to about 2,000 feet and then to higher, temperate hills covered with forests, and finally to the Pir Panjal range, which divides the Provinces of Jammu and Kashmir and includes peaks of up to 15,000 feet.

Kashmir

The Vale of Kashmir, from where the main wealth is derived, comprises only about 10% of the total area of the State but about half its population. It is very fertile and consists of the main valley drained by the Jhelum River, and two lateral valleys, standing at over 5,000 feet above sea level and surrounded by mountains of about 12,000 feet. The Valley is covered with snow in the winter months but is a popular hot weather holiday resort.

The Frontier Districts

Except for Gilgit, which is fertile and has a good climate, these are areas of mountain ranges varying from 17,000 to 22,000 feet, and of very high plains and valleys. To the east Ladakh, drained by the River Indus, has a scanty population and has very little cultivable land. Baltistan, to the north, has the highest peaks including K2, the second highest in the world.

History[6]

Jammu was the capital of an ancient Dogra Rajput dynasty which became subject to the Sikh Government of the Punjab under Ranjit Singh at the beginning of the nineteenth century. The latter finally annexed Jammu and conferred it upon Gulab Singh, a member of its Dogra ruling family.

In contrast, Kashmir has undergone many changes, being ruled by a Hindu dynasty until the beginning of the fourteenth century and then by a variety of Muslim regimes, both Sunni and Shia, although the actual administration continued in Hindu hands for some considerable time. In 1588 it was conquered by the Indian Emperor Akbar whose Moghul dynasty lasted until 1752. Kashmir then came under Afghan rule until 1819, when the Sikh leader Ranjit Singh seized power. During the centuries of Muslim power the Kashmiri Hindus were often so badly persecuted that most converted to Islam in a vain attempt to relieve their lot. With the return of Hindu power they suffered again, directly as a result of this conversion. They are rarely described in a complimentary fashion, and are at best seen as passive and artistic, and very different from the warrior races of West Kashmir and the Punjab.

At the end of the first Sikh war in 1846 Gulab Singh, the Raja of Jammu, acted as mediator between the British and the Sikhs. The Sikh Maharaja, besides ceding a large tract of territory in the Punjab, had to pay an indemnity which he could not afford and instead gave up a large tract of hill territories, including Jammu and Kashmir. Lord Hardinge, the Governor-General, considered the occupation of the whole of these territories inadvisable for two reasons. Firstly, it would involve a very large extension of the British frontier

and a corresponding increase in the military establishments for guarding it. Secondly, the districts in question, with the exception of the comparatively small Vale of Kashmir, were for the most part unproductive and unlikely to pay the cost of occupation and management. On the other hand they included the whole of the hereditary possession of Gulab Singh, who offered to pay the war indemnity if he was constituted the independent ruler of Jammu and Kashmir. The offer was accepted and the Treaty of Amritsar of 16th March, 1846 thus confirmed Gulab Singh in the territories which he already possessed, and transferred to him both Kashmir and Gilgit, though he never succeeded in gaining control over the latter remote area. He for his part acknowledged the supremacy of the British Government, and thereafter the relations with the British of the new State of Jammu and Kashmir were similar to those of the other Indian States. The internal administration of the State remained under the control of successive Maharajas of the family of Gulab Singh, apart from an interlude beginning in 1889 when, because of the unsatisfactory rule of the Maharaja and increasing pressure from Russia, the administration was entrusted to a Council under the supervision of the British Resident. The Council was abolished in 1905 but the Maharaja was not restored to his full powers until 1925.

Sheik Mohammed Abdullah

After centuries of merciless exploitation there had been little political consciousness among the Kashmiri peoples until Sheik Abdullah came on the scene in the late 1920s. In spite of being regularly in and out of prison he remained their dominant political leader until his death in September 1982.

In 1931 he led a minor revolt and was imprisoned, briefly, for the first time. In October 1932 he founded the All-Jammu and Kashmir Muslim Conference which initiated a number of unsuccessful protests and revolts against the tyrannical regime of Maharaja Hari Singh. Later he came under the influence of Nehru, himself of Kashmiri Brahmin descent, though born in India*. Nehru admired Abdullah's national and socialist outlook, whilst Abdullah in turn was attracted to the secular politics of the Indian National Congress. The two men became close friends. In June 1939, in order to shed its communal label, Abdullah persuaded the Conference to change its name to the All-Jammu and Kashmir National Conference, so that it could become a focus for all the peoples of Kashmir and not just the Muslims. A minority, led by Chaudhri Ghulam Abbas, continued as the Muslim Conference. Inevitably the latter grew closer to the Muslim League and later threw in its lot with Pakistan, becoming the nucleus of the Azad Kashmir Government, whilst Abdullah's National Conference aligned itself with the Indian Congress. Abdullah fell out with Jinnah over what he considered to be Jinnah's partisan approach when asked to arbitrate between the National Conference and the Muslim Conference in 1944. The National Conference had

*Nehru, aware that many people believed his policies towards Kashmir were motivated by his emotional attachment to it, said in the Indian Parliament on 7 August, 1952: "I am called a Kashmiri in the sense that ten generations ago my people came down from Kashmir to India. That is not the bond I have in mind when I think of Kashmir, but other bonds which have tied us much closer". In fact, as Frank Moraes notes: "all Indians are emotionally drawn to Kashmir as a land which is seen as an almost perfect product of God's (or the gods') creation, a favourite holiday resort for rich Indians and a place that even the poorest dream of visiting, a dream which would be shattered if Kashmir was handed over to Pakistan"[7]. Lord Birdwood suggests that that is the result of a carefully conceived policy to accustom the public to regard Kashmir as inherently and without question Indian[8].

strengthened its hold in the War years as it welcomed Muslims, Sikhs and Hindus, but its secular appeal was based more on a common hatred of the Maharaja's autocratic government than on any sense of mutual brotherhood. In May 1946 Abdullah launched a "Quit Kashmir" campaign against the Maharaja and was sentenced to nine years' imprisonment. Nehru went to Kashmir to support Abdullah but was arrested and deported. This move, however, gave Nehru great popularity with the Kashmiri people which was later to stand him in good stead. Abdullah was also at this time President of the States Peoples Congress, a democratic movement in the Princely states which supported the All India Congress Party.

Population

The 1941 Census of India showed the population of the State of Jammu and Kashmir as 4,021,616 of which 77% were Muslims, but there was no further breakdown. From a breakdown in the 1931 census it appeared that the Muslim percentage in Kashmir Province was at least 92.5%, and in the frontier districts at least 80%, though the eastern quarter of the sparsely populated Ladakh held a concentration of about 40,000 Buddhists. The overall figure for Jammu was 61% Muslims, but in Jammu, Kathua, Udhampur and Chenani the Muslims were in a minority at 39.8%, 24.6%, 4.8% and 14% respectively. A mass exodus of Muslims from Jammu, in the disturbances of October and November 1947 in particular, eventually left Jammu with a mainly Hindu majority.

Communications and Trade

At the time of Independence in 1947 the only railway in the State was a short line linking Jammu with Sialkot in West

Punjab. The two principal roads joining the Kashmir Valley with the Punjab both entered Pakistan, firstly from Srinagar over the 9,200 foot Banihal Pass to Jammu and on to Sialkot, and secondly from Srinagar to Baramula, Uri and Domel and then south through Pakistan to Rawalpindi. The former was generally closed by snow during the winter whilst the latter remained open all the year. Although Kashmir's overseas trade passed through Bombay as well as, and mainly, through Karachi, it had to pass either by the various rivers or along these two main roads, all of which after Partition entered Pakistan. In the same way the State relied on these roads for its imports, of which only 36% - in the form of grains, pulses, oils, salt and petrol - were estimated to come either from Pakistan or overseas, but 64% from India - in the form of cotton manufactures, sugar, tea, oilseeds, metal and metal manufactures and tobacco. India, however, quickly completed a road between East Punjab and Jammu, but could not so easily overcome the problem of the Banihal Pass being blocked for part of the winter, though eventually a tunnel was built to overcome the problem.

The road joining Gilgit to the Kashmir Valley had to cross passes at heights of 11,000 and 13,000 feet which were always closed in winter. There was no direct route to Pakistan, and a regular air service had to be initiated when Gilgit opted to accede to that country.

THE ACCESSION OF KASHMIR

Indecision

When it came to the question of accession, the principle of geographic contiguity, which was a major ruling element

elsewhere, could not be applied in the State of Jammu & Kashmir which was contiguous to both India and Pakistan. In addition, with its boundaries, for many miles not internationally defined, abutting also on China (Sinkiang and Tibet), Afghanistan and the Soviet Union* it was in a position of great strategic importance. The principle that the ruler should decide but should take into account the wishes of his people was confused by the fact that the ruler was a Hindu who might well incline to the nominally secular but largely Hindu India, whilst the majority of his subjects were Muslim and might be expected to prefer the avowedly Muslim state of Pakistan. The issue was further confused by the fact the foremost Muslim leader in the State, Sheik Mohammed Abdullah, was in favour of accession to India, but he was in prison at the time as a result of his opposition to Maharaja Hari Singh's tyranny. The Maharaja could not decide which option to take and it seems likely that his inclination was to remain independent. Had he been a popular ruler with an effective representative government a bid for independence might well have been successful; as things were, however, Pakistan would be likely to plot to remove the unpopular Hindu ruler from continuing to rule his ill-treated Muslim subjects, and the Indian Government would be likely to seek his downfall, with the help of Sheik Abdullah, as an enemy of their own democracy[10]. It has been suggested that if the British had ensured that the major

*A narrow strip of inhospitable and mountainous terrain, known as the Wakhan Strip, had been established under the Pamirs Settlement of 1895 to be controlled by the Afghans as part of their territory to serve as a buffer between the Russian and British Empires. Nevertheless Kashmir was said to be bordering on the USSR by the Maharaja in his letter accompanying the Instrument of Accession, and tended to be so described during discussions about the Dispute'. Certain, but not all, maps also show this to be the case.

Princely States acquired workable representative governments, the Kashmir problem might well have been avoided, since a popular Kashmir Government could have made decisions about its future which both India and Pakistan would have respected, whilst an autocratic and unpopular Maharaja was in no position to make such decisions[11]. In the end Hari Singh seemed to be playing for time, perhaps to see what would happen in other states such as Hyderabad and Junagadh, but the communal massacres and migration of peoples which took place in the neighbouring state of Punjab in the wake of independence can have done nothing to encourage his accession to either state.

In June 1947 Lord Mountbatten went to Kashmir to advise the Maharaja that he should ascertain the will of his people and accede to whichever Dominion they chose. In a speech twelve months later to the East India Association in London Mountbatten said: "Had he acceded to Pakistan before August 14 the future Government of India had allowed me to give His Highness an assurance that no objection whatever would be raised by them. Had His Highness acceded to India by August 14, Pakistan did not then exist, and therefore could not have interfered"[12]. The future Indian Government was, however, apparently not prepared to consider the option of an independent Kashmir, possibly because this might set a precedent for other Indian princes, though the Indian Representative, perhaps foolishly, claimed before the Security Council in January 1948 that this was an option open to the Maharaja*.

The word "Pakistan", meaning "Land of the Pure", was derived in 1933 from the initial letters of the regions from

*Sir Zafrullah Khan said in reply that he wished the same choice had been offered to other states also[13].

which a Muslim nation might be created*, the "K" thus standing for Kashmir. It is often argued that not only does this imply that the Muslim leaders had always calculated on Kashmir becoming part of Pakistan if their call for partition was successful, but also that the Indian Congress leaders must have accepted this liklihood as they had never questioned the possibility in the light of the free use of the word over the years. In fact this is not so. The Muslim League's policy had always been one of non-intervention so far as the Princely States were concerned, to the extent of advocating independence for them. More conclusively, in reply to a query by Mahatma Gandhi on the Muslim League's decisive Lahore Resolution of 1940, which called for areas with a Muslim majority to be formed into separate independent nations, Jinnah specifically stated on 17th September, 1944: "Yes, the word Pakistan is not mentioned in the resolution and it does not bear the original meaning. The word has now become synonymous with the Lahore resolution...(which) is only confined to British India"[14]. In other words, it did not include the Princely States.

Mahatma Gandhi, being well aware of Kashmir's strategic importance, advocated joint discussions between the Maharaja, representatives of the Kashmiri people, and the Indian and Pakistan Governments in August 1947, in order to avert trouble over Kashmir's future. As early as July 7th he had said that the Indian and Pakistan armies were being created not to fight a common danger, but to destroy each other[15].

Finally, three days before Independence Day, the Maharaja offered a Standstill Agreement to India and Pakistan.

*Punjab, Afghans (meaning the inhabitants of the North-West Frontier Province, rather than some pretension to include Afghanistan itself), Kashmir, Sind and Baluchistan.

Pakistan signed such an agreement but negotiations with India were never completed[16]. Having secured the Standstill Agreement, under which Pakistan assumed the responsibilities previously held by the British to run the communications services for the State of Jammu and Kashmir, the Pakistan Government appeared to be attempting to force accession by economic pressure: essential supplies stopped flowing into Kashmir. Pakistan later blamed this on the general disruption caused by partition, but an embargo was also put on the sale of Kashmiri produce in Pakistan without, it would appear, any consideration that such pressure might prove counter-productive[17].

Sheik Abdullah admitted[18] that there was much to be said for accession to Pakistan in addition to religious affinity, since most communications went that way and timber especially, as one of the Kashmir's major exports, travelled down the Jhelum or Chenab Rivers. However, he preferred the progressiveness of Indian Congress with its secular notion of equal rights for all religions to the theocratic concept of Pakistan. He felt that economically Kashmir would be better off with the larger market India had to offer for Kashmiri handicrafts, and with the tourist trade rich Indians could supply. He also was attracted by the third option, independence, but fundamentally he believed that with five powers - China, the Soviet Union and Afghanistan, as well as India and Pakistan - on or close to its frontiers, Kashmir could only be independent with the good will of them all.

On 29th September, in response to popular agitation, and possibly also pressure from New Delhi, Sheik Abdullah was released from jail. He then arranged meetings in Kashmir at which he spoke in terms of Hindu-Muslim-Sikh unity, and

demanded a transfer of power to the people who could then decide which Dominion they should join. In mid-October he visited New Delhi, and in two Press statements confirmed that the Punchis were in open revolt against the Maharaja, and that he was against joining Pakistan. He sympathised with the Indian policy of Hindu-Muslim unity but insisted that no decision on accession should be made until a popular government was elected[19].

Formation of the Azad Army

The Hindu Maharaja of the predominantly Muslim people of Jammu and Kashmir drew his army mainly from Hindus, Sikhs and Gurkhas in spite of the fact that, with the exception of the Kashmiris from the Vale, the Muslims were formidable fighters: of the 71,667 citizens of the State who served in the British forces in the Second World War, 60,402 were Muslims[20]. However, the Maharaja did not trust them, and when he refused to accept them in his forces after the War and demobilisation, most went back to farming in their home regions of Punch and Mirpur.

The State of Punch was a separate state within the territory of the State of Jammu and Kashmir and owed allegiance to the Maharaja of Kashmir. Its people were Muslims but were racially akin to the Punjabis rather than the Kashmiris. In 1947 many Punch tribesmen returned from service with the Indian Army to find that their state had been dispossessed of its ruler because of a lawsuit, and the vicious system of taxation prevailing in the rest of Jammu and Kashmir had been imposed. They revolted and State troops were sent in, but the Muslims among them went over to those in revolt. Thereafter this

force formed the hard core around which the Azad* Kashmir (AK) movement gathered strength. On August 15th - Independence Day - they celebrated the day as Pakistan Day and displayed flags which the Maharaja ordered to be torn down[21]. Apart from this Jammu and Kashmir remained relatively calm at the time of Independence in spite of the massacres in the Punjab and the large-scale population movements between East and West Punjab in the weeks following - although, with safe passage afforded in both directions, many travelled through Jammu and the State had to feed and accommodate large numbers of people[22].

During the course of August and September the people of Punch continued to press their demand for accession to Pakistan, and the Maharaja adopted various stringent measures to quell the resulting disturbances, which culminated in an extension of the communal massacres that were taking place in the Punjab. The worst example occurred in early November when two crowded convoys of Muslim evacuees who had been promised safe conduct to Pakistan were set on by their guards and others outside Jammu, and men, women and children were slaughtered. As a result of this about 400,000 Muslims fled into Azad Kashmir and at least another 100,000 into Pakistan[23]. Soon an Azad Kashmir Government was formed and set up headquarters at Muzaffarabad.

In the meantime some of the "Azad" forces had also escaped to Pakistan where they collected money from sympathisers and bought weapons from the arms factories in the North-West Frontier Province. Here they told the tribesmen of the plight of their fellow Muslims in Jammu and Kashmir. It did not take much effort to incite these wild frontier men into holy war.

*"Azad" means "free".

In the harsh winters they already regularly descended into the lower valleys to loot the villages and abduct the women. Stories of atrocities against Muslims, probably exaggerated in the telling, undoubtedly inflamed their missionary zeal, but once the first fanaticism of jehad had passed there was left only the incentive of loot, and the tribal invasion rapidly degenerated into the indiscriminate looting and murder of Hindu and Muslim alike. If they had not stopped for two weeks to sack the town of Baramula they would have arrived in Srinagar before the Indians, whom the Maharaja in desperation had called in to repel the attack[24].

The incursions began in a small way in September, and on 15th October the Maharaja sent a telegram to the Pakistan Government requesting an inquiry and warning that if his request was not heeded he would have no option but to seek assistance. Pakistan nominated a representative but by then the Maharaja was saying he would enlist outside help if the aggression did not cease. The Pakistan Governor-General, Jinnah, believed that the threat to enlist outside assistance showed clearly that the real aim was to seek an opportunity to join the Indian Dominion by securing the intervention and assistance of that Dominion. He said such a policy was naturally creating deep resentment and grave apprehension among the 85% Muslim population of Kashmir. He repeated the proposal for an impartial inquiry but nothing happened[25].

Accession to India

On 22nd October a major tribal invasion occurred and the Maharaja anxiously called on India for help. Mountbatten insisted that the Act of Accession should precede the despatch of troops. He argued that it would be improper to send troops

into an independent country since Pakistan might then do exactly the same[26]. Critics of the rushed accession might wonder at his reasoning since International Law does allow for one country to send troops into another at that country's specific request, but does not grant others the right to do likewise at their own whim. However, on 26th October the Maharaja, supported by Sheik Abdullah, signed the Instrument of Accession, and in a covering letter promised to set up an interim Government and to ask Sheik Abdullah to carry out responsibilities in the emergency in conjunction with the Prime Minister[27]. Lord Mountbatten accepted the Instrument of Accession but included the following in his covering letter: "In consistence with their policy that in the case of any State, where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people"[28].

Indian Intervention

As the Maharaja fled to Jammu, Sheik Abdullah furthered his own popularity by organising the defence of Srinagar, whilst the Indian troops arrived just in time to beat the invading tribesmen back from the city. The Indian Air Force, assisted by over a hundred civilian aircraft, worked day and night for three weeks ferrying troops over the dangerous 500-mile mountainous route between Delhi and Srinagar. The Pakistanis refused to believe that the operation could have been anything other than the result of detailed and deliberate

planning for many weeks, but the three British chiefs of the Army, Air Force and Navy signed statements asserting that the operation was entirely spontaneous[27]*.

The question also arises as to how much assistance was given by Pakistan to the raiders. Simply by allowing them to pass through her territory, Pakistan was a party to the invasion, albeit unwillingly. The British had always used a mixture of bribery and well-armed guards at strategic positions to keep the tribesmen at bay. The new state of Pakistan was in no position to do either. The (British) Governor of the North-West Frontier Province, Sir George Cunningham, appealed to the Commander of the Peshawar Division for preventative action, but was told firstly that no Pakistani unit was sufficiently formed for action, and secondly that Muslim troops asked to repel a tribal invasion of Kashmir at that time would have laughed and joined the enemy. It does not seem likely that the Pakistan Government had any control over the raiders, or offered them any encouragement, but certainly they received assistance and support from individual officials, including the leaking of supplies and arms from the regular army. Then, when the Indian Army intervened in what the Pakistanis considered to be primarily a civil war, many Pakistani nationals joined the Azad forces. From the beginning of 1948, with Indian intentions unknown, Pakistani regular forces were increasingly deployed behind the irregular Azad forces, and units of the Pakistani Army were encouraged to go on extended

*The writer nevertheless remained sceptical until assured personally by Ambassador Khub Chand, who was present at the Cabinet Meeting where the decision was made, that this was indeed the case. He said they had even had trouble in locating the nearest battalion that could be sent out and in finding sufficient aircraft for the purpose - and that it was he himself who had ordered the civilian airlines chief that his aircraft should be used.

leave to help the Azad movement[30].

Negotiation

On November 1st, with the Prime Ministers of both India and Pakistan too ill to travel to meet each other, Lord Mountbatten met Mr. Jinnah in Lahore[31]. Mountbatten proposed a UN-organised plebiscite, which Jinnah rejected and put forward a plan by which the two Governors-General would issue a joint proclamation calling for a ceasefire. If the tribesmen did not obey, the two armies would take collective action against them, the Governors-General would take control, effect demilitarization, and organise a plebiscite[32]. The Indian Government rejected this plan. Speaking on the radio on 2nd November Nehru said: "We are prepared when peace and law and order have been established to have a referendum in Kashmir under some such international auspices as that of the UN"[33]. Pakistan then suggested a withdrawal of outside forces and UN administration of the State until the plebiscite could be held. Nehru did not think that the UN, which had no forces in Kashmir, could restore peace and order and that a UN role only arose after peace and order had been restored[34].

In December the two sides held quite constructive talks and there seemed to be the possibility of an amicable settlement. The idea of inviting a United Nations Commission to make recommendations to ensure a fair plebiscite was discussed, but no decision was reached: Liaquat Ali Khan, Prime Minister of Pakistan, wanted a neutral administrator to be appointed in place of Sheik Abdullah, whilst Nehru felt that Abdullah's was the first responsible ministry the State had ever had, based on the will of the people, with the National Conference analagous to the Congress in India or the Muslim

League in Pakistan. Nehru envisaged only a limited role for the UN in the form of observation and advice. The talks failed when Pakistan admitted she could not force the raiders to leave, and India refused to withdraw her troops until they did[35]. Mountbatten then suggested that the United Nations be called in unilaterally by India as he feared that if a solution were not found the fighting might degenerate into open war between the two Dominions. Thus on 31st December, 1947 India made an appeal to the Security Council of the UN[36].

CHAPTER THREE - UNITED NATIONS INVOLVEMENT IN KASHMIR

REFERENCE TO THE UN

Debate in the Security Council

An official letter of complaint is a necessary preliminary to a reference to the United Nations, and on 22nd December, 1947 Nehru personally handed to Liaquat Ali Khan, who happened to be in Delhi, a letter asking Pakistan to deny all facilities to the raiders[1]. By 31st December no reply had been received and the Government of India formally appealed to the Security Council of the United Nations Organisation[2]. In fact, later that day a reply was received from Liaquat Ali Khan, with a lengthy catalogue of countercharges against India which he said Pakistan would, in turn, take to the United Nations. Two weeks later Pakistan did indeed make her own submission to the UN[3]. The two sides' differing views, not only on the cause and nature of the conflict, but also on ways of solving it, immediately became apparent. To India the cause of the conflict was the tribal invasion and Pakistan's participation in it; to Pakistan, however, the hostilities in Kashmir were only a part of the troubled relations between India and Pakistan, and her presentation was an exhaustive account of all the problems dividing the two countries. She denied direct involvement in the tribal invasion and charged that India had acquired the accession of Kashmir by fraud and violence, had unlawfully occupied Junagadh and neighbouring states, had pre-planned an extensive campaign of genocide against Muslims in several parts of India, and was persistently attempting to destroy the State of Pakistan. Pakistan also cleverly managed to have the matter described as the India-Pakistan case before

the Security Council, rather than the Kashmir Dispute, which effectively broadened the case in the eyes of the world[4]. India soon felt that the Security Council was more interested in determining the validity of India's action in Kashmir, and studying the charges Pakistan brought against her, than in considering her complaint against Pakistan's aggression, and putting an end to the fighting in Kashmir.

Security Council Resolutions of 17 and 20 January, 1948[5], avoided all mention of the controversial issues involved, but called on the parties not to aggravate the situation, requested them to inform the Council immediately of any material change in the situation, and made provision for a three-member United Nations Commission for India and Pakistan (UNCIP) "to proceed to the spot as quickly as possible" with a mandate to investigate the facts and exercise a mediatory influence. However, the Security Council spent four months debating the issue before the Commission, eventually composed of five members, was finally established, and it was July before it reached the Subcontinent. Initially India and Pakistan were each to choose one member and those two were to elect the third. India chose Czechoslovakia, Pakistan Argentina, and the President of the Security Council designated the United States as the third member when the the other two members failed to agree.

Josef Korbel, who became the Czech representative, felt that the Security Council did not handle the situation either adequately or realistically. He thought that the time it took to get UNCIP out to the Subcontinent was particularly inexcusable as with every day that passed the situation became worse and the position of India and Pakistan more entrenched. At the very least he felt it should have been possible for a

Commission that was agreed upon in January to be on the Subcontinent before the snows melted and the fighting resumed with full force[6]. Lord Mountbatten had also hoped for an early despatch of the Commission, by the end of January at latest, and felt that the delay caused by deciding to seek a further resolution on the general issues meant a big political opportunity had been lost, and a serious psychological blunder committed[7].

The ensuing debate in the Security Council[8] was prolonged by bitter mutual accusations and total lack of consensus between the parties. A major area of disagreement concerned the roles to be played by Sheik Abdullah and by the UN. India was determined to maintain Abdullah in power, whereas Pakistan felt no impartial plebiscite could take place under his Government, and therefore wished the UN to have temporary administrative authority; India believed the UN should have only an advisory and observer role. There was, therefore, from the beginning, an inherent resistance in India to any interventionist role that the UN might assign itself in the Dispute, despite the fact that it was India who had initially referred the matter to that body.

Presentation of the Case

There has been much criticism in India of the Government's decision to take the Kashmir problem to the Security Council. By the end of January 1948 complaints began to appear in the Indian press, and Alan Campbell-Johnson, Lord Mountbatten's Press Attache, commented in his diary: "Unless India can establish some early formal recognition of her legal title and moral grievance as a plaintiff, we can anticipate an early disillusionment in Delhi with the process of the new

internationalism"[9].

Government leaders and most academics in India blamed the Great Powers for creating a situation around the Kashmir question where India, the aggrieved party and the accuser, was made to appear as the accused. Nehru described India's reference of the issue to the Security Council as "an act of faith": India had nothing to conceal and little realised that a simple issue of aggression would get bogged down in world power politics[10]. And it does seem that the Security Council inclined more towards Pakistan than India in the very early days of the Kashmir Dispute. But the Great Powers quickly initiated a non-partisan approach, either as a cover for their desire to remain neutral in the Dispute for political reasons, or in the sincere belief that this was the only way to gain the co-operation of both sides in order to bring the Dispute to a successful conclusion. Nevertheless, the major damage was already done so far as India was concerned, and in any event India believed that to treat the parties on an equal basis effectively favoured Pakistan as the wrongdoer.

However, one Indian academic specialising in the United Nations, Professor K. P. Saksena, believes that it was India's mishandling which created the adverse situation: India should have known that members of the Security Council are not jurists deciding issues on their merits, but representatives of governments with their own vested interests to serve. In 1948 Security Council members of both sides in the incipient Cold War looked upon India and Pakistan as prospective client states and did not wish to appear partisan; therefore the two sides were neutral in the conflict. Writing in 1978 Professor Saksena remarked: "...what motivated us to take the issue to the Security Council remains a mystery even today", and went on

to describe furthermore how badly India presented her case".

Professor Saksena maintained that India's arguments were self-contradictory and her conduct of parliamentary diplomacy so poor that the outcome could not have been any better than it was; the initial memorandum submitted to the Security Council consisted of 15 long paragraphs and was not sent by cable to highlight the urgency of the situation, but in a casual, routine manner. He describes India's submission as an attempt to justify sending forces into Kashmir by saying firstly that it could not allow a neighbouring and friendly state to be compelled by force to determine either its internal affairs or its external relations, and secondly that the accession of the State to the Dominion of India had made India legally responsible for the defence of the State. Saksena suggests that no thought was given to the fact that the first contention had no legal justification in terms of the Charter, and that the second one lost much of its validity when combined with and preceded by the first one. Further, India's complaint was totally blunted by its many reiterations of the common ties between India and Pakistan. He says that India's oral presentation before the Security Council continued to confuse the issue, as her representative argued on the one hand that in view of the Instrument of Accession Kashmir was an integral part of India, and that on the other India was still prepared to let Kashmir decide by means of a plebiscite under international auspices whether to join India or Pakistan or remain as an independent state. Once this choice was offered the legality of the accession became conditional, and Kashmir became an international issue in which Pakistan's interests were equated with those of India. Had India merely said Kashmir could choose whether to stay with India or not, it

would have remained a domestic issue[12].

Campbell-Johnson had warned Mountbatten that India's two representatives to the Security Council were not ideally chosen - Gopalswami Ayyangar was unknown and Sheik Abdullah too flamboyant and likely to weaken the case if he gave the sort of Press conferences he gave in Srinagar. Campbell-Johnson's diary subsequently reported that India fared even worse than he feared she would, with long indigestible speeches by Ayyangar and the personality of Sheik Abdullah being irreconcilable with the procedures of Lake Success. Furthermore, Sir Zafrullah Khan, an experienced and popular practitioner in UN dialectic was "as suave and smooth as the Indian delegates were awkward and angular". Eventually Campbell-Johnson informed Mountbatten that the case had been abominally presented and that nearly every canon of public relations procedure had been either violated or neglected; nor had enough attention been paid to answering Pakistan's case against India[13]. On 12th February, 1948 the Indian representative requested an adjournment so that he could return to Delhi for consultations, a move which did nothing to impress on the Security Council the urgency of the situation[14].

In view of the fact that fighting was already in progress, India would seem to have been mistaken also in invoking Chapter Six of the Charter in her submission, as this refers to situations likely to endanger international peace and security, when Chapter Seven, specifically concerned with acts of aggression, might have been more appropriate. Certainly many Indians have complained that Pakistan should have been castigated as an aggressor. But Nehru held the subtly different view that India had not asked that Pakistan be branded an aggressor in Kashmir because "that is not in our

opinion the way to seek a settlement. What we have pointed out was that the fact of Pakistan's aggression should be remembered ... in considering this question..."[15]. In view of the fact that decisions under Chapter Seven are, at least in theory, legally binding, whilst recommendations under Chapter Six are not, Josef Korbel maintained that the Security Council itself should have considered the matter under Chapter Seven so that its decisions would have had a better chance of enforcement as it would have imposed on India and Pakistan an obligation to abide by them*. Korbel admits, however, that this might have attracted a Soviet veto; whereas at the time the Soviet Union, together with the Ukraine, confined itself to refraining from both the debates and the votes[16].

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Security Council Resolution of 21st April, 1948

The Indian delegation returned to the Security Council on 10th March, but not until 21st April did the Council pass a further resolution, in which it called for an end to the fighting and noted with satisfaction that the future of Kashmir would be decided through a free and impartial plebiscite. It increased the membership of UNCIP from three to five, nominating Colombia and Belgium as the additional members, and recommended that Pakistan should secure the withdrawal of tribesmen and Pakistan nationals, and that India should

*After the wars of 1965 and 1971, the Security Council did move from the language of Chapter Six to the language of Chapter Seven in "demanding" a ceasefire. However, by this time the legal authority behind the demand was more than somewhat diluted by the knowledge that it was unlikely to be followed up by any necessary enforcement action.

progressively withdraw its forces to the minimum strength required for the maintenance of law and order. It suggested that a coalition cabinet be formed in Kashmir, representative of all major political groups; that measures to be taken for the release of political prisoners and political freedom; and that a Plebiscite Administrator be nominated to ensure freedom and impartiality in the eventual plebsicite. Notably, it also made the first mention of the use of observers in Kashmir: "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"[17].

Initially the Indian Government was very hostile to the Resolution, believing it did not sufficiently spell out Pakistan's obligations, nor take account of Kashmir's accession to India and India's duty to defend Kashmir against external aggression. In addition India feared a coalition government would see the collapse of the administration in Kashmir; and finally India objected to the powers being given to the Plebiscite Administrator. Pakistan was also disappointed with the Resolution, feeling that earlier ground had been lost by a British and American desire to redress the balance. Pakistani newspapers even urged a closer collaboration with the Soviet Union[18]. However, in spite of their rejection of the Resolution, both India and Pakistan said they were prepared to accept the good offices of UNCIP on the Subcontinent. And indeed it was emphasized by some members of the Security Council that the Resolution was only meant as a recommendation to the parties, as a plan submitted for their consideration. Although the Council felt that that recommendation and plan was the best it could give, it did not exclude the possibility of

the Commission, after studies on the spot and further discussions with the two Governments, considering alternative solutions[19].

Pakistan Troops in Kashmir

The Commission finally reached the Subcontinent on 7th July, 1948, accompanied by Erik Colban who, as the Secretary-General's Special Representative, acted as a link between UNCIP and the Secretary-General, and also held informal discussions with both parties. An atmosphere of severe mistrust on each side, and a situation politically and militarily quite different from what the Security Council had thought it to be when it had passed its Resolution awaited its arrival. The Commission members learned immediately from Pakistan's Foreign Minister, Sir Zafrullah Khan, that three Pakistan brigades had been operating in Kashmir since May which made the situation much more serious than either they or the Security Council had realised. Sir Zafrullah Khan claimed the troops had moved in to protect the territory of Pakistan from possible aggression, to prevent a "fait accompli" by the Indians, and to prevent the influx of refugees into Pakistan[20]. If UNCIP had been despatched to the Subcontinent immediately it had been mooted in January 1948, it might by its very presence have prevented this offensive, and the continuance of large-scale operations. As it was, India wanted the fighting to stop before anything was done about the plebiscite while Pakistan thought if the plebiscite arrangements were agreed the fighting would automatically stop. The Commission cabled the information to the Security Council, but did not inform India[21]. Sir Girja Bajpai, Secretary-General of the Indian Ministry of External Affairs, however, lost no time in telling

the Commission that Pakistan was now using its regular Army, and that there was therefore an undeclared war in progress. If the future of Jammu and Kashmir was to be determined by the sword, he said, there was no longer any question of a plebiscite. If Pakistan wanted a decision by force and that decision went against Pakistan, Pakistan could not invoke the machinery of the United Nations to obtain what it had failed to secure by its chosen weapon of force[22]. Nehru's view was that the Commission could not reasonably demand a ceasefire of India when it was not publicly admitted that Pakistan troops were in Kashmir[23].

This new and unforeseen situation caused by the presence of the Pakistan troops in Kashmir itself forced the Commission to spend much time and thought on the question of ceasefire and truce independently of the question of the plebiscite[24]. Having anticipated that its main task would be to influence the withdrawal of the tribesmen, which would be followed by Indian Army withdrawal and then a plebiscite, the Commission now found itself with the task of mediation between two governments. Korbel maintains that it gradually won the confidence of both sides but was still unable to bring them together, and in spite of the lack of success in dealing with Nehru, he did not doubt that Nehru felt strongly about the righteousness of India's case[25].

UNCIP Resolutions of 13th August, 1948 and 5th January, 1949

By 10th August, 1948 there was sufficient optimism among Commission members for them to have Colban cable the Secretary-General with a request for 20 Military Observers "in view of the possible achievement of a Ceasefire Agreement in the near future"[26]. On 13th August the Commission adopted its

first Resolution, having warned Pakistan that it could not let pass completely unnoticed the fact that, still supposedly unknown to the rest of the world, it was using its regular troops in Kashmir. Under Part I of the Resolution the two governments were to agree upon the issuing of a ceasefire order within four days of their acceptance of the Resolution, and the Commission would appoint Military Observers to supervise the ceasefire. Under Part II, regarding a truce agreement, "as the presence of troops of Pakistan in the territory of Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council" Pakistan would withdraw her troops from Kashmir, and the tribesmen and Pakistani nationals would also withdraw; the territory thus evacuated was to be administered by the local authorities under the surveillance of the Commission. Then the Government of India would begin to withdraw the bulk of its forces and, pending the acceptance of the conditions for a final settlement of the dispute, India would maintain a minimum force to assist local authorities in the observance of law and order. Under Part III both governments were asked to reaffirm their agreement that the future of Kashmir would be determined in accordance with the will of the people[27]*.

Detailed discussion with both parties followed. India then accepted the Resolution, accompanying her acceptance with a number of agreed points regarding its interpretation. Pakistan also accepted the Resolution, but with so many qualifications and reservations that the Commission had to consider the answer as "tantamount to rejection"[28]. Pakistan's main objection was the absence of detailed

*See Appendix II.

guarantees for a free plebiscite in Kashmir. She was of the opinion* that once fighting had stopped, India would be satisfied with a *de facto* division of Kashmir, the situation would subsequently become stabilized, and India would then obstruct a free plebiscite. Sir Zafrullah Khan said that any Pakistan Government who accepted the Resolution as it stood would be thrown out of office by public opinion. He believed it was not in India's interest to accept a free and fair plebiscite which would be bound to go in Pakistan's favour, whereas if there was no agreement on a plebiscite India could keep the part of Kashmir which she then occupied, which would be to her advantage[29].

The Commission left the Subcontinent on 21st September in order to draft new proposals to supplement its August Resolution. These were presented to the parties on 11th December, and were again followed by detailed discussions with both sides. To counter Pakistan's previous objections, the Commission proposed to state categorically 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". Provision for the nomination of a plebiscite administrator, to be formally appointed by the Government of Jammu and Kashmir, so as not to interfere with the sovereign rights of that state, was also suggested[30].

On 25th December, 1948, Sir Zafrullah Khan wrote to the Commission expressing his reservations and including a long memorandum of clarifications, but basically accepting the Commission's revised proposals[31]. After long discussions resulting in two long aides-memoire[32], India also accepted the

*Justifiably so in the light of future events.

proposals, but requested that the proceedings in choosing a Plebiscite Administrator should be kept confidential for the time being, and that no public announcement of the name of the person selected be made without prior consultation with the Indian Government[33]. The Indian Commander-in-Chief then duly cabled the Pakistan Commander-in-Chief (both British officers at the time!) suggesting a ceasefire, and this finally came into effect on 1st January, 1949[34].

On 5th January the Commission met in New York to embody its proposal in a formal resolution* and Josef Korbel, then Chairman of UNCIP, sent a cable to the Indian and Pakistan Governments incorporating the agreed principles and saying that the Commission would return to the Subcontinent in view of the fact that the resolution had been accepted by India and Pakistan[35]. UNCIP returned to the Subcontinent in February 1949, Korbel having been removed from his position by the new Communist Government of Czechoslovakia and replaced by Dr. Oldrich Chyle[36]**.

PLEBISCITE, PARTITION OR INDEPENDENCE

The Plebiscite

In accepting the Instrument of Accession in October, 1947 India had agreed to the ratification or otherwise of the accession by "reference to the people"[38]. At the time this did not necessarily imply offering them the possibility of acceding instead to Pakistan. Furthermore, had the choice

*See Appendix III.

**The two events may be unconnected, but on 24th February Colban cabled the Secretary-General: "Commission agrees with me that Czech observers not needed as present quota sufficient"[37].

been restricted as to whether or not the State of Jammu and Kashmir should accede to India, the matter would have been kept within the domestic jurisdiction of India[39]. Mention of a referendum "under international auspices" was first publicly made by Nehru on Indian radio on 2nd November, 1947, Mountbatten already having raised the subject at his recent meeting with Jinnah*. The idea was taken up by the UN Security Council after India's representative had, perhaps rather thoughtlessly, specifically proposed a plebiscite offering the choice of India, Pakistan or independence[40]. The Indian Government was thus committed only by degrees, and ultimately by its acceptance of the UNCIP resolution, to the UN-sponsored plebiscite, which it then became increasingly reluctant to hold.

The Secretary-General's representative, Erik Colban, gave a great deal of thought to the problems of holding a plebiscite. His conclusions at the beginning of August 1948, written at the time merely to clarify matters in his own mind, go straight to the heart of the matter, and although they encompass an *ex post facto* crystallisation of India's feelings, after her somewhat confused early guarantees, his analysis of the situation is difficult to fault.

Colban wrote: "It would seem that the approach of the plebiscite problem on the part of India and on that of Pakistan has been different from the very beginning. India appealed to the Security Council and asked for its intervention in order to obtain an end to the incursions of tribesmen in the State of Jammu and Kashmir, with direct or indirect assistance, and perhaps even the participation of Pakistan. India's

*See page 48.

declaration of willingness to hold a plebiscite was from the very beginning conditional upon order having been restored and the invaders having been driven out. India seems to have had in view a consultation of public opinion, administered entirely through the State authorities of Jammu and Kashmir, and assisted by such Indian forces as might still, in the view of the Indian and Kashmir Governments, be necessary for the maintenance of order and to guarantee the external security of the State... But the Pakistan Government viewed the plebiscite scheme in a different light, as dependent upon the previous withdrawal of all outsiders including members of the Armed Forces of the Indian Union, the restoration and rehabilitation of all Muslim residents of the Jammu and Kashmir State as on 15 August, 1947, payment to them by the Indian Union of compensation for damage and injuries, the establishment of an impartial independent administration in the State of Jammu and Kashmir and fully representative of the people of that State. The Security Council's resolution of the 21st April, 1948 appears to have, to some extent, a similar conception concerning the conditions of the plebiscite to that of the Pakistan Government. The Indian objections to the resolution thus become understandable"[41].

In the *New York Times* of 16th June, 1948 Mr. Robert Trumbull reported: "The Indian Press has begun to lay the groundwork for the rejection of any recommendations that the Commission may make unless they favour India. Dispatches from Kashmir make it clear that the pro-India Government of Sheik Abdullah is now unwilling to accept even an impartial plebiscite"[42]. Nehru also seemed already to be moving away from the idea of a plebiscite by the time the Commission arrived on the Subcontinent. He said that with the continuing

fighting it would be dangerous to prolong the conflict until the following year as the situation might deteriorate, but that it was impossible to get the State sufficiently back to normality for a plebiscite to be held that year[43]. Mohammed Ali, Secretary-General of the Pakistan Government agreed it would be impracticable to arrange a plebiscite in 1948 unless it was restricted to the Vale of Kashmir[44]*. The population had been considerably displaced along the borders and the records in many villages had been destroyed when the villages were burned. It was not even possible to give a very accurate estimate of the numbers of people involved[45]. Sheik Abdullah suggested it would take three years to arrange - and that even then it would be difficult to ascertain impartially the wishes of the people scattered over large areas and possibly subjected to intimidation[46].

However, the Security Council, whilst not excluding other solutions from being investigated as a basis of agreement between the parties, had laid great stress on the importance of the plebiscite as a means of stopping the fighting rather than the other way round, and also for laying the groundwork for a continuing and stable peace between India and Pakistan. Erik Colban now doubted this latter premise, believing that the outcome of any plebiscite would not be sufficiently conclusive for the losing side unquestioningly to accept the result, and the greater the minority - which he felt might well be considerable - the greater reason to expect further trouble. He thought that in spite of the fact that some 78% of the inhabitants were Muslims a considerable percentage of these, in

*The possibility of then using statistical data to determine the wishes of the rest of the State is discussed in the section on Partition, page 74.

addition to probably the whole of the other 22% of the population, would opt for India. Many would look upon the question mainly from the point of view of personal, material interests, and the majority were backward, illiterate and easily influenced by propaganda. The Vale of Kashmir's prime source of revenue was from the tourist trade and Colban felt - as, more importantly, did the very influential Sheik Abdullah - that such traffic might be heavier from or through India than Pakistan, and that that and other economic considerations might induce many Muslims to vote for India. Even Mohammed Ali, Secretary-General of the Government of Pakistan, admitted that this could be true for part of the population of Srinagar, though he thought not for the cultivators in the Vale, since Pakistan had been the receiver of some of their main products. Colban doubted that a decision based on a very close vote would prove a means of pacification: should the result be adhesion to India, the Azad forces would in all probability not give up fighting for at least certain parts of the territory to go to Pakistan and the tribesmen would also continue to stir up trouble; should the result be adhesion to Pakistan, the future political and economic relations between India and Pakistan might become difficult. He foresaw that even if the Indian Government accepted the decision as legally binding, a campaign of cession to India of at least parts of the territory of the State of Jammu and Kashmir would be initiated, based upon considerations of historical, economic and cultural relations[47]. Sheik Abdullah also expressed to Korbel his doubts about whether the losing party, either India or Pakistan, would accept the verdict[48].

The Commission was initially prevented from visiting Kashmir, and were told the issue would be decided in Delhi and

Karachi[49]. By the time the members were finally allowed to visit the State, in September 1948, they were told that many people were prepared to support Sheik Abdullah's National Conference simply because of its success in promoting Muslim-Hindu-Sikh unity, claiming that the unity of the Kashmiris after centuries of alien rule outweighed any communal considerations. The influx of the raiders had changed the political views of many of the more influential citizens. Not only had the tribesmen looted and killed indiscriminately, but also evidence in the form of vehicles, equipment and supplies gave the victims the impression that assistance to the raiders had been given by Pakistan. With the flight of the Maharaja and the collapse of the state forces, the police organization disintegrated and in the general panic the entire valley was on the verge of chaos. Confidence was restored not only by the arrival of the Indian Army but by the organization by the National Conference of the defence of Srinagar. As a result large numbers who had previously opposed Sheik Abdullah had come to have confidence in his progressive unity programme, rather than in those of parties which had divisive communal bases. They pointed out that the Azad group consisted of non-Kashmiris, from the north and west, more akin to the Punjabis than to themselves. Considerable support for Sheik Abdullah in East Punch was claimed, though it was admitted that the western areas were entirely pro-Pakistan[50].

Time and again individual members of the Commission were approached by simple, modest people who told them with tears in their eyes how anxiously everyone had awaited the arrival of the Commission, which was beseeched to undo wrongs and stop the political terror and corruption and make it possible for them to choose freely. Members of the Commission felt that in

Srinagar Sheik Abdullah seemed to have genuine popularity, but away from there the people were being subjected to what they recognised as totalitarian methods of organising a "spontaneous" expression of the people, and they also heard shouts for accession with Pakistan[51]. They came to the conclusion that the Kashmiris were politically uneducated, and that under any feeling of pressure they would not express their wish freely. Furthermore, the technicality of carrying out the plebiscite seemed beyond the scope of reality in a vast and rugged country populated by isolated villages. Nevertheless they felt obliged to adhere to their brief, and continue in their attempts to promote conditions suitable for the holding of a plebiscite[52].

During the course of the negotiations in December 1948 over the revised UNCIP proposals it became quite clear that the Indians would have much preferred another solution of the Kashmir problem than through a plebiscite, but Colban insisted that the Commission had to follow the lines of the Security Council Resolution and do its best to realize a plebiscite; only if the Plebiscite Administrator, in agreement with the Commission, were ultimately to come to the conviction that a plebiscite would not work, might alternative solutions be considered. Nehru maintained that when he urged the submission of the matter to a popular referendum, he had not in mind a plebiscite as the only alternative: a plebiscite was a means of getting a decision by "yeses and nos" but that was hardly the best procedure and results based upon it might not lead to real peace. He thought that election of a Constituent Assembly with powers to decide after due consideration upon the organization of the Government of the State, frontier rectifications and other such problems might be a better

procedure[53]. However, in accepting the second UNCIP resolution in December 1948, India did agree that a plebiscite should first be attempted, whilst making it quite clear that no arrangements should be made for it until Parts I and II of the Commission's Resolution of 13th August had been implemented. Colban understood this to mean that the Plebiscite Administrator could not be formally appointed by the Government of Jammu and Kashmir until then, since Nehru had agreed that India could not reasonably oppose immediate preliminary consultations regarding the details of the plebiscite[54].

The Commission wanted to set up a headquarters in Srinagar with a Pakistani representative assigned to it, but the Government of Jammu and Kashmir would not allow such a representative. As time went on the Commission became seriously concerned with the non-co-operative attitude of Sheik Abdullah, particularly in the matter of refugees and political prisoners, but also in connection with the Commission members when, on their second visit to Kashmir in 1949 he refused to allow them accommodation in the Government Guest House because it had to be kept "for important visitors"[55].

Plebiscite Administrator

Some weeks of discussion took place in early 1949, in which both India and Pakistan expressed disappointment at the Secretary-General's list of possible Plebiscite Administrator candidates. They considered none of the names suggested had sufficient standing. Pakistan also insisted he be American*,

*The Colombian Representative told the Security Council,, during a debate on Kashmir in 1957, that the Colombian delegate to UNCIP had urged that the Plebiscite Administrator be from a neutral country, ideally the President of the International Red Cross, as suggested by India, since that was the only way to induce India to

feeling that that would enable him to take a strong and determined attitude where necessary[57]. Finally the American Admiral Nimitz was chosen. Colban, however, suggested to the Secretary-General that Admiral Nimitz should not travel to the Subcontinent until the Truce Agreement was at least approaching completion, which he thought might take some weeks, and that formal appointment should not be made until after the Truce Agreement had been signed and Parts I and II of the UNCIP Resolution had been carried out[58].

In mid-April it was announced that Admiral Nimitz would arrive on the Subcontinent on 30th April, but this date was subsequently and indefinitely delayed because of lack of progress on the truce[59]. On 10th May Colban wrote to the Secretary-General stressing Pakistan's fears that India might obstruct the formal appointment of Nimitz[60]. On 6th June Nimitz wrote to the Secretary-General attaching his preliminary plans for the Plebiscite but recommending that, whilst he would continue to hold himself in readiness, the Plebiscite Mission which had been formed at Lake Success should be dissolved, in the interests of realism and economy, since it was apparent that a plebiscite could not be held that year[61].

Colban reported that it was generally considered that the following spring was the earliest possible date since, in addition to the problem of the truce agreement, there were 500,000 refugees to be returned to their homes. He himself believed also that the atmosphere for a plebiscite was not good since the propaganda war had not ceased in spite of the

abide by its agreement on a plebiscite, which had been obtained with such difficulty. He said that unfortunately other delegations had explicit instructions to urge for a US citizen; had India's choice been accepted, the plebiscite would have been held[56].

physical ceasefire[62]. Nimitz, however, felt that if the plebiscite was postponed to the indefinite future, India would have the opportunity of so consolidating her position in the contested area that the conditions of a "fair" plebiscite might never exist, which would create continuing and even increased bitterness between the two countries. He already believed, in fact, that the entire question would have to be referred back to the Security Council which might then endeavour to find a solution other than a plebiscite[63].

With still no progress in sight and at his own suggestion, Admiral Nimitz went on leave with pay in May 1950, and on his return went on leave without pay "until required to resume my functions as Plebiscite Administrator"[64]. In January 1951 a member of the British Commonwealth Relations Office suggested to Colban, who was in London in connection with the Commonwealth Prime Ministers Conference, that Nimitz might no longer be acceptable to Nehru[65]. In September 1953 Nimitz offered his resignation to Secretary-General Hammarskjold, and the following month told the Secretary-General's Executive Assistant, Andrew Cordier, that everything he read confirmed his conviction that there would be no plebiscite of the kind envisaged by the UN so long as Prime Minister Nehru was in power[66]. Cordier assured Nimitz that he had made it clear to the Secretary-General and the US authorities that it would be unfair to Nimitz personally to allow him to become a centre of controversy between India and Pakistan through the UN's delay in accepting his resignation. Pakistan, however, was reluctant to have him resign[67]. Hammarskjold also wanted to be sure that India would agree to a successor, as he felt the chances of reaching a solution would otherwise be lessened. In December 1953 Nimitz wrote again, suggesting his resignation

be accepted before the "so-called" friendship and goodwill between India and the United States "reaches a vanishing point"[68]*. Nevertheless, it was not until the end of 1954 that Pakistan agreed to the resignation, because at this point India seemed prepared to accept a Norwegian as successor. In the event, a successor was never appointed. Hammarskjold's letter to Nimitz, dated 17th December, 1954 and accepting his resignation, is on file in Cordier's papers[69]. Cordier himself, however, told the Chief Military Observer in Kashmir, General Nimmo, in April 1955 that in spite of his wanting to be relieved of the responsibility, Admiral Nimitz was still Plebiscite Administrator, in order to maintain the *status quo* until there seemed to be progress at the Prime Ministerial level[70].

In the meantime, in 1950, the Commission had been wound up and a single mediator, Sir Owen Dixon, appointed to take its place.

Sir Owen Dixon

By Resolution 80 of 14th March, 1950 the Security Council called upon India and Pakistan to prepare within five months a programme of demilitarization and proposed to appoint a UN Representative in India and Pakistan to assist them[71]. Sir Owen Dixon, duly appointed, arrived on the Subcontinent on 27th May and spent a few days each in New Delhi and Karachi speaking to the relevant authorities, and then a month in Kashmir, where he travelled a good deal in order to gain a further understanding of the situation, and had several interviews with Sheik Abdullah[72].

*The situation as at this time is discussed in detail on pages 267-277.

Since the UNCIP Resolution specifically stated that a plebiscite should decide the issue Sir Owen felt that he had to follow the course already taken by the Commission and the Security Council, even if the chances of success were much reduced by the previous months of failed negotiations. Only if he were satisfied that no agreement could be brought about on the prerequisite conditions for a plebiscite, including particularly demilitarization, did Sir Owen feel he could turn to some other form of settlement. He believed it was necessary to meet many of India's objections but thought that if the State Government of Jammu and Kashmir retained all its powers, and could exert whatever influence arose from its position, there were the gravest dangers to a free expression of the will of the inhabitants; on the other hand, if the result were adverse to Pakistan, the latter would challenge the plebiscite. He therefore worked on more than one set of plans to deal with the situation and met the Prime Ministers of India and Pakistan for discussions. However, he finally decided that Nehru would never agree to any conditions which would permit the plebiscite, in Sir Owen's opinion, to be conducted fairly. The two Prime Ministers agreed there seemed to be no hope of reaching agreement on demilitarization or on conditions to follow demilitarization, so Sir Owen made an attempt at obtaining the agreement of India and Pakistan on a partition of the State[73].

Partition

On 21st July, 1948, two weeks after the Commission arrived on the Subcontinent, members drafted (but did not apparently send) a cable to the President of the Security Council, saying that Nehru seemed to prefer the idea of partition to that of a

plebiscite, although Zafrullah Khan, Foreign Minister of Pakistan, was against partition[74]. At about the same time the American delegate to UNCIP distributed confidentially to members of the Commission and to Erik Colban a paper containing very tentative and non-committal considerations of a possible solution through partition[75]. Erik Colban felt that there seemed to be nothing in the Security Council records that would prevent the Plebiscite Administrator and the Commission from interpreting the result of the plebiscite in such a way that a partition of the territory might be effected if India, Pakistan and Kashmir could agree on such a solution[76].

Asked whether the plebiscite should apply to the whole State, Mohammed Ali, Secretary-General of the Pakistan Government, replied that the result might be foreseen with such certainty in different parts of the State that it might perhaps be superfluous to apply it in those parts. He said that it would be necessary in the Vale of Kashmir, where it would be a much simpler affair and could therefore quickly be held. The combined results of the plebiscite in the Vale and of statistical calculations showing the position in other parts of the territory would then lead to the whole of the territory acceding to one of the two Dominions. He himself did not have in view any partition of the territory, and in fact strove to give the impression that it was a foregone conclusion that a fair plebiscite would lead to the accession to Pakistan. Colban's mind, however, was turning towards the possibility of a speedy solution by means of a plebiscite in the Vale alone, that could lead either to accession to one of the parties or to partition, though he admitted that the use of statistical data for the other regions might not meet with a favourable reception in India. He also believed that if partition was

decided upon it was probably better arrived at by negotiation rather than by plebiscite, except in the Vale of Kashmir[77]*.

When the Commission visited Kashmir in September 1948 Sheik Abdullah seemed, in desperation, to be prepared to resort to the idea of partition, since it seemed the only solution to stop the fighting and suffering[78]. The following month at the Imperial Conference in London Nehru told the Prime Minister of Pakistan, Liaquat Ali Khan, that some kind of partition was his preferred solution to the Dispute[79], and in January, 1949 the Indian Defence Minister, Sardar Baldev Singh told Colban that whilst he fully endorsed the Indian Government in accepting the Commission's proposals relating to a plebiscite, he would have much preferred partition as a solution to the Kashmir problem[80]. Indian press editorials sometimes also mentioned the possibility of partition of the State, but the Pakistan press vehemently attacked the idea[81]. Sir Zafrullah Khan, the Pakistan Foreign Minister, always insisted on a plebiscite and was against partition as this would extend the Indian frontier with Pakistan and increase the perceived threat to Pakistan from India[82].

Having left the Subcontinent with the Commission in

*It seems unlikely in any event that, even if the principle had been allowed, the two sides would have been able to agree on what the statistics were saying in every case. Ladakh, for example, would have been an area of contention. The administrative area of Ladakh consisted of three districts: Skardu (in Baltistan) and Kargil, populated by about 150,000 Muslims, and Leh (in Ladakh proper), populated mainly by 40,000 Buddhists. When the Commission arrived on the Subcontinent in the summer of 1948 none of these regions had been involved in the fighting, but by the time of the Ceasefire at the end of the year this was not the case. The Skardu district was then held by Pakistan, and the Kargil and Leh districts were in Indian hands. Generally speaking it seems that the Buddhists of Ladakh would have preferred independence or association with Tibet, but strongly preferred India to either Kashmir or Pakistan.

October 1949, Colban returned in February 1950, still as Special Representative of the Secretary-General, but no longer connected with UNCIP, which ceased to exist from 1st July, 1950. At the end of the month he wrote a long letter to the Secretary-General reporting an "off-the-record" meeting he had had regarding partition of the State with Mr. Vishnu Sahay, the Indian Minister for Kashmir. Mr. Sahay did not feel any concern as to whether the Valley of Kashmir remained with India or not; what was important was for India and Pakistan to live in peace together. The Azad provinces in the West were of little interest to India and if incorporated would only mean endless trouble with the inhabitants[83]*. India would have to keep the mainly Hindu Jammu, however, and since the Buddhists in Ladakh had expressed a desire to remain with India he thought there was no reason not to let them do so. Concerning the mountainous and sparsely populated Northern Areas which had attracted so much discussion in the truce negotiations**, he denied they had any military or economic value for India and he could not see why Pakistan could not have them. The real reason for India's insistence on its right to garrison the areas and for administration to revert to the Kashmir Government was that there were about 200,000 persons living there who, in the event of a plebiscite covering the whole state, might be a decisive factor. The real problem, thus, would only be how to deal with the Valley of Kashmir, but since it was such a well-defined area it should be quite possible to find out what the inhabitants there would really favour. Mr.

*The sentiments in the Kashmir Valley proper and the area inhabited by Kashmiris differed from those in the western areas where the people were largely Punjabi speaking and were descended from settlers from the Punjab.

**See pages 90-92.

Sahay thought there would be 70% support for his view in India. Mr. Patel, the Deputy Prime Minister, was definitely in favour, but not prepared to take any initiative as Nehru's position was more doubtful and the latter was in charge of foreign affairs[84]. Mr. Sahay also said that Mr. Bakshi, Vice Prime Minister of Jammu and Kashmir had expressed his agreement with the plan[85], but a few weeks later Colban said Bakshi seemed to have changed his mind, having told pressmen that he would not be party to the partition of Kashmir in any shape or form[86]. However, since Sheik Abdullah had come out against partition, Bakshi might have been giving expression to the Prime Minister's view without necessarily having abandoned his own[87].

In a further letter, at the end of February 1950, Colban suggested that if a plebiscite for the whole territory brought 30% or 40% of the population under what they would consider foreign domination, the UN Representative* should be free to submit adequate proposals so as to bring about a solution whereby the will of the population was truly carried out, taking into account all relevant factors of a political, military, economic, religious and geographic nature. He believed that if this led to partition if would be a settlement on a democratic line in accordance with the will of the population[88]. In April 1950 Colban became Diplomatic Adviser to Sir Owen Dixon, the first UN Representative in India and Pakistan. His influence with regard to the suggestions towards partition which Sir Owen made in his report is quite apparent. Since the Secretary-General was already aware of the direction of Colban's thinking, it can only be assumed that he also inclined to such a possible solution of the Dispute.

*Whose appointment had not at that stage been formally proposed by the Security Council.

After deciding that the possibility of ensuring satisfactory conditions for an overall plebiscite did not exist, Sir Owen spent some time in negotiations on a plan for taking the plebiscite by sections, or conceding some areas where the result was a foregone conclusion, and confining the vote to an uncertain area - the Valley of Kashmir, and perhaps some adjacent country. India was prepared to discuss the suggestion providing due regard was given to geographical features and was prepared to allow certain areas to go to Pakistan or India without a plebiscite. The Indian Government felt there should be a plebiscite in the Valley of Kashmir, which should include part of Muzaffarabad District to bring in what India regarded as the natural geographic feature provided by the River Kishenganga and its watershed in the north. India felt she should receive the Province of Jammu east of the Ceasefire Line subject to minor corrections, including a reduction in the bulge of the Ceasefire Line between Uri and Punch*. She also expected to receive most of Ladakh but allowed that a small part should go according to the result of the plebiscite in the Valley. India was willing that Pakistan should have Gilgit, Gilgit Agency and Gilgit Wazarat, political districts and tribal territory, Baltistan and that part of Jammu to the West of the Ceasefire Line as corrected. Sir Owen told India that such territorial demands were not reasonable, and Pakistan declined to attend any conference which took the above position as its starting point, and maintained her belief that the fate of the entire state should be decided by plebiscite. Otherwise Pakistan was only prepared to agree to a simple and immediate partition, and only

**See Map 3.

if she could have the Kashmir Valley, which, of course, was not acceptable to India. There thus seemed no possibility of bringing the parties together, but as a last resort they did agree that Sir Owen should place a plan before them, subject to their modification and based on partition and a partial plebisicte[89].

For the limited plebiscite area Sir Owen proposed that an administrative body of UN officers should be set up to carry on the functions of government in conjunction with the local authorities (which he specified as being the existing district magistrates) in the area until the poll was declared, and to be able to call on troops from either side if necessary. Pakistan was only prepared to attend a conference to discuss the plan if India would agree in advance to this proposition. India did not agree, on the grounds that it would be to surrender to aggression to allow Pakistan to take any part in the plebiscite, and particularly - for three reasons - to allow in Pakistani troops: the State Government would be superseded; only the people of the State should be allowed any part in the campaign over the plebiscite; and the security of the State would be endangered.

Sir Owen felt these arguments overlooked the real nature of a proposal for partition and partial plebiscite, since to agree to such a solution must be to agree that both parties had an equal interest in the result, regardless of what had gone before. He believed also that it was not easy to exclude the danger that the inhabitants of the Vale of Kashmir would vote under fear of the consequences, and suggested the introduction of UN officers on a temporary basis. The authority of the Government in the rest of the State would not be affected. He thought the presence of troops to be unfavourable to a free

expression of the people's will and the UN administrative body could safely be given powers to decide what was necessary for the maintenance of order; it would be unlikely to invoke Pakistan troops without good cause. However, the UN could not be expected to run a plebiciscite that ran the risk of being thought unfair, therefore Pakistan's acceptance of the plan was essential.

Since the only thing that the two Prime Ministers seemed able to agree on was that no hope existed of an agreement for a plebiscite, Sir Owen remained convinced that the only solution to the problem was partition, but that some means of allocating the Valley had to be found. The State was not a unit geographically, demographically or economically, and if it passed entirely to India there would be large movements of Muslims and another refugee problem would arise for Pakistan. If the result favoured Pakistan, the same would happen in reverse, though there would be fewer refugees. Almost all this would be avoided by partition and thus pointed to the wisdom of abandoning the idea of an overall plebiscite. Economic and geographic considerations pointed in the same direction, the only difficulty was in forming a sound judgement as to where the line should be drawn[70].

The Quest for Independence or Autonomy

The UN Commission briefly, but inconclusively, discussed the possibility of alternatives to a plebiscite as a solution to the Kashmir problem, especially the possibility of partition, but also that of a co-protectorate under both India and Pakistan, or of independence for Kashmir[71]. The leaders of Azad Kashmir were not enthusiastic about the idea of independence and suggested it might mean two plebiscites, the

first for accession or independence and then, if necessary, one for which country they should accede to"[72]. The Indian Government, and Nehru in particular, had always been opposed to the option of independence, if only for the reason that it would encourage other parts of the Indian Union to entertain the same idea. Sheik Abdullah, on the other hand, did lean to the idea from time to time, despite a basic belief that the State was too vulnerable to become independent without the goodwill of all of its neighbours"[73]. In May 1953 a Working Committee in Kashmir, which included Bakshi and Sadiq - subsequent Prime Ministers of Kashmir - as well as Abdullah, formally contemplated independence either for the whole State, possibly with joint control of foreign relations, or independence just for the Vale of Kashmir, although it did not discount the possibility of a plebiscite"[74].

In June 1949 India announced she proposed to invite four representatives from the State of Jammu and Kashmir to her Constituent Assembly"[75]. Opposed though the Pakistanis were to this move, the Azad-Kashmir Government had also been strongly consolidated. The UNCIP Sub-Committee which visited western Kashmir in March 1949 felt the degree of organization already achieved by the Azad Kashmir authorities raised the problem of the consequent consolidation of the territory to the disadvantage of the State as a whole, about which the Government of India was already vehemently expressing itself. The subcommittee was in no doubt that this consolidation was indeed taking place, but to some extent it was the only alternative to chaos in the area until the plebiscite was held, and therefore it was inevitable"[76]. Whilst the Azad Government was not officially recognised by Pakistan, the opinions of its leaders were taken into consideration by Pakistan during the

negotiations in 1949. In private conversations all members of the Pakistan Government made it clear to Mr. Colban and members of the Commission that the Azad Kashmir Government was a necessary part of any settlement, and the difficulties presented by one of the major issues between India and Pakistan - the problem of disarming and disbanding the Azad Kashmir forces - confirmed this".

The State of Jammu and Kashmir did not join the other Princely States when they decided to vest all their rights in the Indian Parliament, and was granted special status by Article 370 of the Indian Constitution, which stated that the powers of the Union Parliament were to be limited to only those subjects as were covered by the Instrument of Accession - foreign affairs, defence and communications. Mr. Colban told the Secretary-General at the end of February 1950 that Mr. Vishnu Sahay, the Indian Minister for Kashmir Affairs, had said his own position with the Jammu and Kashmir State authorities was now very weak owing to Article 370 as the Government of Kashmir did not take orders from India, and even simple matters relating to internal affairs of the State were not well-received by the State authorities". This provision for the State to run its own internal affairs meant that a separate constitution had to be framed for the State, and it was decided to convene a Constituent Assembly on the basis of universal suffrage. Elections were held in September 1951. Many opposition candidates, mainly in the Jammu area, were told they had filled in their nomination papers incorrectly and therefore could not contest the election, although the National Conference would almost certainly have won a large majority, and most of any opposition candidates who did succeed would at least have been pro-Indian. In this way the traditional

animosity between Hindu and Muslim, so recently overcome, was reactivated and the Hindus in Jammu began protesting against Kashmiri domination and agitating for closer ties with India".

In spite of arguing strongly in the Constituent Assembly in favour of accepting accession, Abdullah seemed to fear even any pro-Indian opposition because of his desire to keep Kashmir as autonomous as possible. A division soon appeared in the National Conference within the Constituent Assembly, with a group headed by Bakshi Ghulam Mohammed standing for more integration with India. During the following months Abdullah became increasingly autocratic and intolerant of advice from the Indian Government. He also seemed to be showing certain communal tendencies by favouring Muslims at the expense of Hindus. Matters were brought to a head in the winter of 1952-53 with agitation by the right-wing Hindu parties, the Jana Sangh in Delhi and the Praja Parishad in Jammu, for full integration with India. Nehru also would have liked such integration, but felt that Pakistan and the Security Council could not just be ignored and therefore persuaded the Praja Parishad to call off the agitation by explaining that Jammu and Kashmir was already part of India, but as the matter was still under consideration by the Security Council, a separate status had to be maintained for the time being. He also asked Abdullah to desist from making communal and anti-Hindu speeches but Abdullah now became openly hostile to India and used the Hindu agitation for integration as an excuse to challenge India's secularism, and used this as an argument to demonstrate that the complete integration of Kashmir would not be in the interest of its Muslim peoples[100]. There were suspicions, never proved, that he was actively working for an independent Kashmir. It seems likely, however, that he would have been

prepared to settle for the *status quo* but was unwilling for further integration into India.

In August 1953, although his popularity amongst the Muslims of Srinagar was as high as ever, members of his own cabinet, backed by the Indian Government, conspired against him. With Bakshi Ghulam Mohammed replacing him, Abdullah was dismissed from his post and arrested. Apart from brief spells in 1958 and 1964-65 he remained in prison until 1968. At first there was violent agitation for his release, and he never actually lost his hold on his people. He was exiled from the State between 1970 and 1972, but finally became Chief Minister in 1975 when India was forced to accept that he was still the single most popular leader in Kashmir. He, for his part, publicly stated he did not dispute the legality of the State's original accession to India.

With Abdullah in prison Bakshi co-operated whole-heartedly with the Indian Government to help it consolidate its position, but it was not until his successor, G. M. Sadiq, was in power at the end of 1964 that the President of India acquired powers to take over the State's administration if he felt that the constitutional machinery had broken down. He abrogated the special status of the Head of State, who became known as Governor, as were the heads of all the other Indian states. Similarly the Prime Minister became known as Chief Minister[101].

CHAPTER FOUR - EMERGENCE OF UNMOGIP

THE INTRODUCTION OF AN OBSERVER GROUP

Legal Basis

The United Nations Military Observer Group watching over the Ceasefire Line in Kashmir originally came under the umbrella of the UN Commission. Its legal basis can be traced back to Paragraph 17 of the Security Council Resolution of 21st April, 1948 which stated: 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"[1]*.

Part I, Paragraph D of the UNCIP Resolution of 13th August, 1948 stated: "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"[2]**. On 3rd September the Commission confirmed that "United Nations neutral military observers will be posted on both sides of the ceasefire line with the object of ensuring that the conditions of the truce are adhered to. In case of a breach of any of these conditions, a report will be made to the Commission, and the Commission, on being satisfied that action in respect of the report is necessary, will call upon the authorities in either area to take the desired action"[3].

On 10th August, 1948 Ambassador Colban cabled the

*See Appendix I.

**See Appendix II.

Secretary-General with a request for 20 Military Observers "in view of the possible achievement of a Ceasefire Agreement in the near future"[4]. Confusion was caused when on the same day the UNCIP Secretariat sent a cable to the Security Council also requesting Observers[5], and there was uncertainty in New York as to whether the Security Council or the Secretary-General should appoint the Observers. The situation was clarified when it was explained that the second cable, to the Security Council, had been incorrectly transmitted and was for information purposes only[6]. This was followed by an official report from the Chairman of the Commission to the Security Council and the matter was placed on the provisional agenda for the latter's 356th meeting on 30th August, 1948. Following objections raised in the Council to the inclusion of the item on the grounds that under the terms of the Security Council Resolution of 21st April the appointment of Observers was the function of the Commission, the (Soviet) President of the Council expressed the view that the Council was "in duty bound to consider the the question and to decide how and on what principle these Military Observers (were) to be selected, and which countries (were) to send them". He concluded that the Secretary-General could not decide these questions alone. However, the provisional agenda was not adopted and in the absence of further decisions by the Security Council, the Military Observers were selected, after various consultations, by the Secretary-General[7].

Arrival of Military Adviser and Observers

The Ceasefire came into effect on 1st January, 1949, and the following day General Maurice Delvoie, a Belgian, arrived on the Subcontinent as Military Adviser to the Commission, and

effectively to take control of the Military Observers. On 26th August, 1948 Colban requested 20 Observers, each to be accompanied by a junior officer, the whole group being as homogenous as possible and only from countries considered by both parties as neutral in the conflict. Knowledge of the English language was essential[8]. On 26th December he cabled the Secretary-General requesting that Military Observers be sent out immediately[9], and during the course of January 1949 the Observers began to arrive. The Commanders-in-Chief of the two Armies met on 15th January and, amongst the other arrangements made, agreed to give all facilities to UNCIP required for establishing observer teams in the State of Jammu and Kashmir[10].

TRUCE NEGOTIATIONS

Truce Sub-Committee

After acceptance in December 1948 of its revised resolution of August 1948 by India and Pakistan, the UN Commission formed a Truce Sub-Committee which struggled, with the aid of the new Military Adviser, to find a basis of agreement between the two Governments. The main problems were the disbandment of the Azad Kashmir forces, the question of the administration of the Northern Areas of Kashmir, and the withdrawal of the Pakistan Army and the bulk of the Indian troops.

Furthermore the Ceasefire Agreement had provided that troops of the two armies would remain in the positions they occupied on 1st January, 1949[11]. However, precise information on these positions was lacking, especially in the Northern Areas where communications were hampered by snow and the

terrain. In most sectors a wide no-man's land separating the troops was a constant source of friction and alleged incidents. On 17th February General Delvoie recommended to UNCIP the establishment of a truce eliminating all no-man's land, and in March the military representatives of India and Pakistan reached an agreement on a Ceasefire Line except in three main areas. These gaps, and the inaccuracy of the map on which the line agreed upon was drawn nevertheless resulted in numerous difficulties and disputes[12].

Disbandment of the Azad Forces

The Azad Kashmir force was initially composed of recently pensioned Muslim soldiers from the British Indian Army, whose homeland was what was now Azad Kashmir, or who had migrated from Indian-controlled Kashmir. These were well-seasoned troops with experience of fighting in both World Wars. They had also been joined by a coerced and repressed Muslim section of the Maharaja's Army which had deserted. Subsequently training centres had been set up to train civilian recruits and refresh former British Indian Army soldiers in order to provide reinforcements. Their main problem was lack of arms rather than lack of recruits[13].

An agreement of 1st December, 1948 between the Azad Kashmir Government and Pakistan had allowed for the Pakistan Army to take over operational control of the Azad forces for the duration of the emergency, and thus allowed Pakistan to embark on these negotiations, although administrative matters continued to be the responsibility of the Defence Council of Azad Kashmir[14].

On 15th January the two Commanders-in-Chief agreed to present to their Governments proposals for the formation, under

the Commission, of a civil armed force composed of those members of the Azad Kashmir forces who were nationals of Jammu and Kashmir. Pakistan accepted the proposals but India did not. At a meeting of the Truce Sub-Committee in March, the Pakistan Representative presented a plan for the re-organisation of these forces, but India again opposed the scheme[15]. India insisted on the immediate disbanding and disarming on a large-scale of the Azad forces. Korbel claims that the Commission's proposals had contained no such suggestion, but had made it clear that the Azad disbandment was to be effected as the last measure preceding the actual act of plebiscite[16]. Lord Birdwood, on the other hand, suggests the members of the Commission had worked themselves into an ambiguous confusion over this particular question, with India indeed believing that the Commission had agreed to the disbandment of the Azad forces and the handing over of their territory to Abdullah as the appropriate "local authority" for administration, while Pakistan believed that the Azad forces could remain on the ground to hand over to the Azad Government before withdrawal[17]. Colban records a meeting between himself with Dr. Lozano, then Chairman of the Commission, and Nehru and Bajpai, the Indian Foreign Minister, which took place on 22nd December, 1948, in which the "large scale disarming" of the Azad was discussed, the term having been used in a memorandum of Bajpai's on their previous conversation. Dr. Lozano felt the Indian phrase "seemed a little strong" in contrast with the Commission's word "disposal" of the forces, but after some discussion Lozano, in agreement with Colban, said that although the disarmament of these forces was not foreseen for the truce period in the Commission's resolution of 13th August, it was just in order to consider the position with a view to the

plebiscite that the point had been inserted and that he would not object to the term being used in Bajpai's memorandum. He said that the Commission had not gone very deeply into the matter, feeling that it had to be further studied at a later stage[18]. The question, however, remained a continual stumbling block in the truce negotiations, as did the question of who indeed were the "local authorities", India believing them to be only Sheik Abdullah's Government, and Pakistan that they included also the Azad authorities. Josef Korbel maintains that UNCIP envisaged the local authorities would be existing local magistrates, as specifically suggested later by Sir Owen Dixon[19]. Both sides had, in any case, been shown copies of the memoranda and letters from the other side regarding the negotiations of December 1948[20], so any misunderstandings that arose cannot be attributed solely to the Commission.

Northern Areas

In his minority report Dr. Chyle blamed the Commission for deeply underrating the significance of the Azad forces, and failing altogether to take into account the situation in the Northern Areas, on which two problems subsequently all the Commission's work kept on foundering. He maintained that instead of taking a firm stand on definite issues, the Commission preferred to go by way of "clarification promises", thus compromising its own position[21]. The Government of India had submitted a reservation in respect of the resolution of 13 August, 1949, expressing the view that the administrative responsibility of the Northern Areas, which were not occupied by either India or Pakistan as no fighting had taken place there, should revert to the Government of Jammu and Kashmir.

The Commission said the question could be considered in the implementation of the resolution[22]. Chyle maintained that this was an obligation which should have been included as a formal part of the Resolution since Pakistan did not subsequently consider the letter to be legally binding. In the period between the UNCIP Resolution of August 1948 and the Ceasefire of January, 1949, Pakistan took control of many strategically importants parts of the Northern Areas under question. Thus the rights of the Jammu and Kashmir Government to administer them, and India to defend them, became considerably more tenuous than during the August correspondence.

In May General Delvoie went to Skardu and Gilgit*, partly to ascertain for himself if there was any foundation to Indian Army allegations of a Pakistan concentration of troops and warlike stores there, of which he found none, and - primarily - to study the ground in relation to Indian claims for garrisons in the Northern Areas to maintain the trade routes from Central Asia and to defend the area from possible invasion coming from

*At Independence there was general apprehension in Gilgit that the old laws of the Maharaja of Kashmir, which had been resented by the people of Gilgit and abolished by the British, would be reintroduced. In September a petition was sent to the Maharaja asking him to accede to Pakistan. At the end of October a small section of the Army mutinied in Gilgit and took control effectively of the whole of Gilgit Agency with the intention of seceding from Kashmir and acceding to Pakistan. In the light of general approval the attempt was successful, and with only minimal bloodshed, although the small states of Hunza and Nagar may have felt some reservations. Pakistan quickly appointed a Political Agent who assumed the powers of the former British Political Agents. The area was not considered to be, nor was it administered as part of Azad Kashmir[23], although the Azad Kashmiris did agitate for the area to come under their control[24]. Pakistan wanted to include Gilgit in the Plebiscite, but the Commission thought this put Pakistan in a delicate position since the people had already affirmed their desire to be part of Pakistan and were already administered by Pakistan[25].

the USSR or Sinkiang. He discovered that as the trade route from Central Asia to the Valley of Kashmir passes through Gilgit and was controlled by the Gilgit Scouts, there would be no point in giving India the right to maintain garrisons south of Gilgit on that route as such garrisons could not prevent the route being cut at will by the Gilgit garrison[26]*.

Troop Withdrawals

In connection with the withdrawal of the Pakistan forces and the bulk of Indian forces, the problems were to determine what constituted the "bulk" of Indian forces, taking into account India's wish to maintain sufficient forces in the State to protect it against external aggression, and to synchronise the withdrawals in conformity with promises made by the Commission to Pakistan[27]. After consultations with the two High Commands General Delvoie presented a plan which was incorporated in truce terms presented by the Commission to the two Governments on 15th April, and in revised proposals on 28th April. At the request of the Commission General Delvoie personally assured the Commander-in-Chief of the Pakistan Army of the fairness of the proposals before they were submitted to the Governments[28].

On 10th May Colban wrote to the Secretary-General stressing that Pakistan wanted the withdrawal of forces to be co-ordinated or India might make an all-out attack on Pakistan. Colban was forced to believe that Pakistan officials at least were convinced that their fears were justified[29]. General Cariappa, the Indian CIC, not long afterwards told Mr. Colban that the Commission should not leave the Subcontinent because

*See also Mr. Sahay's remark concerning the Northern Areas on page 76.

if hostilities were renewed they would not be confined to Kashmir, and he considered the presence of the Commission a guarantee against emergency[30].

Two further sets of proposals failed to find agreement and in June Delvoie submitted a statement, further to one from India, in which he showed that the troops India proposed to withdraw did not, in his opinion, constitute the bulk of India's forces. On 27th June he discussed the problem at length with General Kalwant Singh, CGS Indian Army, but could not reach a compromise as the Indian High Command considered that since the time of India's acceptance of the 13th August Resolution the situation had altered[31]. It was true that in the twelve months that the Commission had been on the Subcontinent the Azad forces had developed from a loosely-knit guerilla group into 32 disciplined and fully-armed battalions which, General Delvoie admitted, represented a formidable force. Furthermore, once Indian troops had been withdrawn it would be difficult to get them back again, but Pakistani supplies and even troops would be easily available to the Azad forces if the war erupted again[32].

THE KARACHI AGREEMENT

Meeting of Military Representatives

In June 1949 the Plebiscite Administrator-elect, Admiral Nimitz clearly expressed his view of the situation as it was at that time. He said that the replies of the Governments of India and Pakistan to the latest proposals of UNCIP were reported to be highly unsatisfactory, and it would appear that the suggestion had come up that a single individual - possibly

himself - might be able to achieve more*. He said there was a possibility that a single individual might succeed where UNCIP failed, but said he used the word "possibility" advisedly because he was convinced that India felt her position was so strong vis-a-vis Pakistan that this method would probably also fail. He actually felt little optimism that either UNCIP or a single individual substituted for UNCIP, or indeed the addition of such an individual to the Commission, could do much more under the existing framework of Security Council and UNCIP Resolutions, except to attempt to bring Indian and Pakistani representatives to negotiate face to face, which so far India had refused to countenance. He thought it inevitable that the problem would have to be referred back to the Security Council for the latter to re-examine the question and attempt a new solution, and he believed the Ceasefire would be sufficiently durable to permit such extended consideration in the Security Council since it was in the interest of both parties to observe it. He believed they would readily agree to consider even serious violations as "local" and "minor" incidents. He said also that certainly General Delvoie and his Military Observers should be kept on the spot[33].

Nimitz believed there was still hope for success if the two parties could be brought together at a neutral spot, and he thought it important for UNCIP first to explore every possible means of fulfilling the terms of the Truce Agreement in accordance with its Resolutions. Failing this he suggested an effort be made by General Delvoie to bring it about. Since the differences were primarily in the military field Nimitz thought - no doubt as a result of his own experience as a

*See page 101.

military man - that if the military chiefs of India and Pakistan were brought face to face in the presence of General Delvoie and asked to propose a solution for the truce, with no interference from their political chiefs, some advance towards success might be possible[34].

Just when Admiral Nimitz was advocating a meeting between General Delvoie and the military chiefs in order to sort out a truce agreement, Mr. Leguizamon, then the Colombian Chairman of UNCIP, also had the idea of a purely military meeting[35]. General Delvoie had been discussing with General Thimmaya, who commanded the Northern Indian front, and with General Gracey, the Pakistan CIC, the problem of the wide no-man's land separating the troops in most sectors, which was a constant source of friction and alleged incidents. He had concluded that on purely military grounds, the establishment of a precise Ceasefire Line, easily recognisable on the ground, was an urgent necessity, even if no agreement was reached on implementation of the truce[36].

On 2nd July, 1949, therefore, UNCIP invited the two Governments to send their representatives to Karachi to discuss the demarcation of a Ceasefire Line at a strictly military meeting which would set all political questions aside. They accepted, and the Conference was an unqualified success. In addition to the establishment of a Ceasefire Line (CFL)*, agreement was also reached on such matters as the type of constructions that could be built in areas which would change hands as a result of the Ceasefire Line Agreement. It was also agreed that territory to be evacuated by one side as a result of the Agreement must be freed of the troops of that

*See following sub-section, page 97.

side within 30 days from the exchange of ratifications, while no forward movement into territory thus vacated would be authorised, except by agreement between local commanders, during the same thirty-day period. Troops from both sides were henceforth to remain at least 500 yards from the CFL. The joint military meetings were held from 18th to 27th July and resulted in an agreement officially called the "Agreement between the Military Representatives of India and Pakistan regarding the Establishment of a Ceasefire Line in the State of Jammu and Kashmir", but more commonly known as "The Karachi Agreement" or "The Ceasefire Agreement"[37]*. The Agreement was signed, in three original texts, on 27th July, 1949, by the Heads of both Delegations and by the Chairman of the Truce Subcommittee and the Military Adviser. It was ratified by the Governments of India and Pakistan on 29th and 30th July, 1949 respectively. On 16th September General Delvoie obtained the agreement of the two armies on more precise definitions of breaches of the Ceasefire: these also came to be considered as part of the Karachi Agreement and are discussed at length in Chapter Six - Operation. The Agreement, and certain interpretations of it, were thereafter mutually agreed to constitute the basis of the activities of the United Nations Military Observer Group. The interpretations, though formulated by the Military Adviser or subsequent Chief Military Observers of the Group, were not unilateral rulings; they represented a consensus of the views of the parties after discussion[38].

*See Appendix IV.

Establishment of the Ceasefire Line[37]*

As a basis for discussion, General Delvoie had drawn a compromise line, taking into account the points of view of both India and Pakistan, but although the Delvoie Line, as it was referred to during the meetings, was by and large acceptable to Pakistan, it was unacceptable in important respects to India.

The Line was discussed in three sectors: from Manawar to Keran, Keran to Gurais and Gurais to the glaciers in the east. In order to get the discussions off to an auspicious start the Chairman took advantage of the fact that more agreement existed on one sector than the others and proposed that they should begin with that sector. Here all three points at issue were settled to the satisfaction of both sides in the course of a few meetings and complete agreement reached on the first sector.

Most dissension arose in the consideration of the entire second sector and the beginning of the third sector (from Keran to Dalunang), which was where the only two major violations of the Ceasefire Agreement had by then occurred. It became clear that unless both sides were prepared to modify their demands substantially the existing divergence of views on these areas would lead to the failure of the Karachi talks. The Truce Subcommittee therefore initiated a series of informal consultations between the Military Adviser and each of the two Delegations in an attempt to create a basis for resolving the impasse. In the meantime the formal meeting continued to consider the remainder of the third sector where agreement was quickly reached.

As a result of his private consultations with both

*See Map 3.

parties, General Delvoie suggested a further compromise Line. The positions of the two Delegations then became reversed: India found the "second Delvoie Line" acceptable by and large, while Pakistan did not. The Truce Subcommittee at this point suggested informal talks among members of the two Delegations. These talks took place and led to informal agreement, but the Delegations having thus gone beyond the instructions they had received had then to consult their Governments.

For India the informal agreement meant vacating some territory in the Taobat-Chorwan region and abandoning her previously strongly voiced claims to the Kishenganga line between Keran and Gurais and to the Burzil Bai Pass. For Pakistan it meant vacating a relatively large area south of the Kishenganga River between Keran and Gurais, while still retaining a foothold on the southern bank of the Kishenganga.

After an adjournment the meetings resumed on 26th July when one major point still separated the two Delegations: India, while generally speaking adhering to the line informally agreed to before the temporary adjournment, tried to obtain a salient from Chorwan to the south of Minimarg. This was unacceptable to Pakistan. India then abandoned her claim but insisted, instead, that Pakistan undertake not to post or operate troops in an area roughly corresponding to that of the salient. The Pakistan Delegation was ready to accept the Line itself, but wished to have time to consult its Government regarding the Indian proviso, since it seemed to the Pakistan Delegation to constitute a departure from the principle of applying the same standard to both sides: while Pakistan would be called upon to demilitarize an area, no such obligation would arise for India. At a second meeting held on 26th July, however, the Pakistan Delegation announced that its Government

had, most reluctantly, decided to accept this last Indian request in order to achieve agreement on a ceasefire line and thus to speed up the time when a free and impartial plebiscite could be conducted in the State of Jammu and Kashmir.

It was decided that the Ceasefire Line would be drawn on a one-inch map and then verified on the ground by local commanders of each side with the assistance of Military Observers, and that whenever local commanders could not reach agreement, the Military Adviser would give a final decision. General Delvoie immediately issued instructions to the Military Observers to give top priority to this task.

The Line, more than 500 miles long, was divided into eight sectors covering the areas of Manawar, Kotli, Punch, Uri, Tithwal, Keran, Gurais and Kargil. The Military Observers in charge of each sector called meetings of the opposing commanders and surveyed with them the Line on the ground, making a written description of the natural boundaries and establishing signs such as marks on trees or stone cairns. General Delvoie was called upon to give his decision in certain areas. Because of these differences, and the extremely difficult terrrain, the movement of troops was completed on 31st October instead of 31st August as had been planned, but by 1st November, 1949 a Ceasefire Line for the entire state of Jammu and Kashmir had been demarcated on the ground[40]*.

Continuing beyond the southern extremity of the Ceasefire

*Although the term "demarcation" is regularly used, uncertainty as to the exact location of the Ceasefire Line in some areas remained permanently a major source of incidents, and in 1981 Observers assured the writer there were no markers along the Line. It seems that there were few, if any, markers deliberately placed to show its position, and for the most part only existing natural elements such as rocks and trees, as described in the text, were used.

Line is the Border between Pakistan and the State of Jammu and Kashmir. This Border was not included in the Karachi Agreement, but Military Observers had been posted in that area, at Jammu and Sialkot, since February 1949. On 11th February, 1950, at the request of both Armies, the Chief Military Observer agreed that Observers would investigate all Border incidents reported to them by both Pakistan and Indian Armies[41]*.

Proposal for a Joint Political Meeting

In the light of the co-operative attitudes of both India and Pakistan in the restricted military field of the Karachi Conference, the Commission decided to try and persuade the two Governments to pursue such joint meetings in the political field[42]. The proposal came from Dr. Chyle, the Czech Delegate; the Belgian and American delegates, in fact, had severe doubts about taking such a step because they felt the differences between the two Governments were too great to be so easily bridged, and failure would make the situation worse. This view was shared by Sir Girja Bajpai for India and Mr. Liaquat Ali Khan for Pakistan, though they were prepared to agree to such a meeting. Sir Zafrullah Khan thought there was nothing to be lost by trying. Both sides made it clear that while accepting the meetings they were not ready to make concessions nor depart from their previous stand. In the end, since Pakistan refused to discuss the two main problems - the disbanding of the Azad forces, and the defence of the Northern Areas - and India refused to go unless they were discussed, the Commission decided to cancel the meeting. The two Governments

*See page 188.

were both very disappointed at the cancellation and Nehru in particular felt very bitter towards the Commission as a result. The Press was also full of recrimination. Dr. Chyle had been strongly against the cancellation in debate within the Commission, but defended it at the time when speaking to India or Pakistan[43].

Proposal for Arbitration

The American delegate to the Commission, Ambassador Huddle, had meanwhile been busy pursuing the possibility of arbitration[44]. Admiral Nimitz at first had said he believed that it would be a mistake to use him to attempt an arbitration of the truce because if he failed his usefulness as a future plebiscite administrator might be diminished[45]*. Ultimately he agreed to act as arbitrator if both India and Pakistan agreed to the suggestion[46]. However, whilst Pakistan was ready to accept it, India stated she would not accept arbitration regarding certain crucial issues. In fact the proposal did not really have much hope of succeeding because Nehru was furious at learning about it from an American newspaper before the UNCIP Chairman officially approached him with it, and his fury was compounded by the fact that Sir Girja Bajpai received UNCIP's secret memorandum on the subject only at the same time as the British High Commissioners in New Delhi and Karachi[47]. All the goodwill generated by the success of the Karachi Conference was thus quickly dissipated, and in September 1949 the Commission left the Subcontinent and spent the next few months compiling its report for the Security Council[48]. In his minority report, Dr. Chyle contended that

*See also Nimitz's further comments, pages 93-95.

UNCIP had failed because by proposing arbitration it had overstepped its competence". He asserted, not without some basis in fact, that the arbitration idea was inspired by the United States and the United Kingdom, which emphasised the lack of independence of the Commission.

On October 10th Admiral Nimitz wrote to the Secretary-General and reviewed the situation, reiterating that prolonged negotiations had failed to bring about an agreement on the conditions of a truce which would provide for a progressive stabilization of the State and permit the organisation of the plebiscite. This was mainly because of the two parties' inability to agree on the administration of the Northern Areas and the disposal of the armed forces. He pointed out that such a delay could only work in India's favour, provided that the delay did not involve the risk of war. Therefore India would inevitably attempt to continue the delays, in spite of having confirmed her willingness - in a letter to UNCIP on September 8th - to co-operate with the plebiscite as soon as her assurances had been met with regard to administration of the Northern Areas (even though they were not on the Indian side of the Ceasefire Line) and large scale disbanding and disarming of the Azad forces. Nimitz believed that although continued mediation offered many possibilities of prolonging the delay, the best course of action still appeared to be to propose that mediation be continued - preferably with a new mediating agency - with a view to achieving agreement on the terms of a truce under revised terms of reference which would consolidate all the gains thus made[50]. The UN Commission also considered that in view of the developments in the military situation its resolutions were now inadequate and outmoded, and suggested that the problem be turned over to one

person as a mediator[51].

A Mission in its own Right

On 14th March, 1950 the Security Council adopted Resolution 80 by which it appointed a United Nations Representative in India and Pakistan (UNRIP) who, amongst other tasks, was to "exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan"[52]. The Resolution provided for the termination of UNCIP, which was wound up by 1st July, 1950. General Delvoie's contract had also ended and the Secretary-General appointed a Chief Military Observer, Brigadier Angle of Canada, to take charge of the Observer Group. Erik Colban severed his links with the Commission when he returned to the Subcontinent in February 1950, but maintained his position as Special Representative of the Secretary-General for a time[53], before becoming Diplomatic Adviser to the first UNRIP, Sir Owen Dixon, in April 1950*. Colban continued to maintain an active link with the Military Observer Group which reported to him rather than to Sir Owen or Sir Owen's Military Adviser. At this time the idea was beginning to take hold that it was preferable to maintain a distinction between the Observer Group and the mediating agency, although more than a year elapsed before such a policy was formally agreed. During that time Brigadier Angle had been tragically killed in an aircrash and, in December 1950 Major-General Nimmo, an Australian, had taken his place as Chief Military Observer.

On 30th March, 1951 the Security Council, by Resolution 91, decided that "the Military Observer Group shall continue to

*See pages 72-73 and 77.

supervise the Ceasefire in the State"[54]. The question was subsequently raised in the Secretariat as to whether General Nimmo should also become Military Adviser to Dr. Frank Graham who had become the second UNRIP. On 25th May the Secretary-General wrote to Colban and mentioned that he hoped it would be possible for Graham to use the services of General Nimmo in view of the "outstanding qualities" he had already shown[55]. However, the Secretary-General's Executive Assistant, Andrew Cordier, who visited the Subcontinent in June 1951, thought an overriding factor was that the Observer Group should be kept distinct from Dr. Graham's mission. In the light of the possibility of increasing tension he felt that the status of Nimmo and his staff should be left unimpaired. He thus strongly put forward the case that Dr. Graham should have his own Military Adviser rather than using General Nimmo or one of his colonels. He did not discount the possibility of Dr. Graham seeking private advice from General Nimmo or the colonels on his staff, but felt the Observers should remain at their posts and not travel between the two capitals with Dr. Graham's mission[56]. It was therefore decided in New York that the Observer Group should become a mission in its own right, and after certain consultations during June and July 1951 it was given the title of "United Nations Military Observer Group in India and Pakistan"[57].

Dr. Graham offered the legitimisation for this action in his report of 15th October, 1951 by pointing out that the debate in the Security Council leading to the adoption of its Resolution 91 indicated that it was the intention of the Council that the Representative "should deal only with the question of the demilitarization of the State of Jammu and Kashmir"; the UNRIP was "therefore not concerned with the

existing arrangements for the supervision of the Ceasefire, the responsibility for which the Council had ... placed on the Military Observer Group"[58]. In offering no dissent to this statement the Security Council sanctioned the setting up of the Observer Group as a mission in its own right.

PART II - UNMOGIP IN THE FIELD, 1949-1965

CHAPTER FIVE - ORGANISATION AND DEPLOYMENT

CHIEF MILITARY OBSERVERS

General Delvoie was the first Chief of the Military Observer Group and became so more or less incidentally when he was appointed Military Adviser to UNCIP. He had been a Cavalry and then Artillery Officer during the 1914-18 war, and was Military Attache and Air Attache in Paris in 1938 and 1946. During the Second World War he was Military Attache in London, accredited to General de Gaulle and the London Governments of Norway, Czechoslovakia and Poland. He took part in the Paris Conference of 1946, and in 1947 was Head of the Belgian Delegation to the UN Commission on the Balkans[1]. He thus had some UN experience before he was appointed to UNMOGIP. Nevertheless, in spite of what might be called a successful tour of duty in terms of his achievements, he left the Subcontinent on 1st November, 1949, only ten months after his arrival, never to return and under something of a cloud as a result of the so-called "Delvoie Incident"*. General Delvoie was followed in February 1950 by Brigadier Angle with the title of Chief Military Observer (CMO). Angle died in an Indian Airlines air accident in July of that year, and in October 1950 Major-General R. H. Nimmo was appointed to the post, where he remained until his death in January 1966. The main part of this study ends before the new CMO, Major-General Luis Tassara Gonzalez of Chile, was appointed.

*See pages 246-252.

The Role of a CMO

UNCIP's Press Officer, Michael de Capite, who had been left in New Delhi when the Commission returned to Geneva in September 1949 to compile its report, wrote several letters to Erik Colban strongly voicing his concern about the problems Delvoie's sudden departure in early November had caused the Military Observer Group. Whilst not anticipating trouble immediately, from the long-range point of view bad management from the top was not satisfactory, he said. He maintained that although the team of Observers comprised alert men who could catch all the details that needed attending to, in the end an organisation of 40 men from five different countries needed a capable commander. De Capite did not think "liaison work with the Observers, pep talks, orientation circulars, in short anything we are able to do, would ever be more than amelioratives. The organisation needs backbone... (which) cannot be supplied by us: it must be supplied organically, in day-to-day details, meetings, administration and personal contacts; it must be supplied in a military way because the men operate under and think with a military psychology; it must be supplied by one of their own kind, a man they had confidence in and whose personality will permeate the entire Observer organisation"[2].

With the common consent of UNCIP, Colban and de Capite, Brigadier Angle, a Canadian, who had greatly distinguished himself as an Observer with UNMOGIP in 1949, was chosen for this role, in spite of being a more junior officer than was anticipated to head the Mission[3]. Indeed he was promoted from the rank of Lieutenant-Colonel to Brigadier, a rank he had held

temporarily during the 1939-45 War, at the instigation of the UN when his services were requested from the Canadian Government[4].

Angle's experience showed that a Canadian, or officer of some other part of the Commonwealth, had great advantages since the Indian and Pakistan Armies, as those of the other Commonwealth countries, were organized on the British system and used its nomenclature and methods. Thus, after Angle's death Sir Owen Dixon, who was then the UN Representative in India and Pakistan, was requested by the Secretary-General to persuade the Australian authorities to second one of their ablest general officers to serve in Kashmir, and General Nimmo was selected[5].

Major-General Nimmo

Major-General Robert Harold Nimmo, CBE, was born on 22nd November, 1893 and graduated from the Royal Military College, Duntroon in 1914 to serve in the Australian Army. During the First World War he saw service in Gallipoli and Palestine. He underwent a course of training in England in 1937-38 and during the Second World War commanded in turn the 1st Armoured Brigade, 4th Cavalry Brigade and 1st Australian Motor Brigade. As a member of the British Commonwealth Occupation Forces in Japan he commanded the 34th Australian Infantry Brigade. After the War he became General Officer Commanding Northern Command, Queensland[6].

On 6th November, 1950 the Secretary-General wrote to him regarding the terms of his appointment, which was actually effective from 28th October, 1950. His status was to be that of an international civil servant responsible to the Secretary-General and reporting to him through his Executive

Assistant, Andrew Cordier, whom he should keep currently informed of the work of the Group, and from whom he should seek instructions regarding the handling of major and substantive administrative problems[7]*. Cordier remained effectively responsible for the Mission at UNHQ in New York until his retirement in 1962 when Ralph Bunche took over this responsibility.

Nimmo's initial salary was US$13,000 which became $10,000 under the UN Staff Assessment Plan, plus $200 for each dependent child, plus a subsistence allowance of $12.50 while on duty and a travel subsistence allowance whilst travelling. The appointment was offered for the duration of the Mission subject to termination on 30 days' notice[9].

The Secretary-General informed Nimmo that his primary duty was to ensure that the Ceasefire Agreement of 1st January, 1949 was strictly observed and that additional duties might also be assigned to him either by the Secretary-General or his Executive Assistant. He said that Nimmo was the only direct UN appointee to the Military Observer Group, which would be under his direct control for all purposes related to the duties and functions of the UN Observers[10].

Shortly after his arrival at the Mission Cordier wrote to Erik Colban saying that Major-General Nimmo "appeared to be doing an extremely competent job and we are pleased that we were able to secure the services of so outstanding a soldier at a time when the assignment in Kashmir offers little possibility

*On 21.11.50 Cordier sent Nimmo a letter dated 8th November, 1950, identical to the one of 6th November but omitting the paragraph requesting him to keep Cordier "currently informed", with a covering letter asking him to destroy the first letter, the minor change being for "internal administrative reasons". The Secretariat did not, however, destroy their own carbon copy of the first letter[8].

of dynamic leadership"[11]. In 1953 Nimmo was offered a decoration by the Ministry of Defence in Chile. In writing to say that the Secretary-General had approved its acceptance, Cordier assured Nimmo that he fully agreed that Nimmo had earned the distinction through his "excellent handling of a multi-national team on a difficult assignment"[12].

The high regard in which General Nimmo came to be held was displayed in 1955 in a memorandum from Andrew Cordier's office to the Deputy Director of the Office of Personnel at the UN Secretariat, regarding Nimmo's leave arrangements. It explained that "after some rather unhappy experiences in filling the post"* General Nimmo had been selected and had "fully lived up to the high expectations which the Secretary-General had" of the incumbent of the post. Therefore the Secretary-General was "most anxious" to keep him at the head of the Group for as long as possible and, after Nimmo suffered a heart attack in 1953, had insisted that he see the best possible available specialists and spend as much time as possible attending to his health. The two circumstances, the very high value of General Nimmo to the Organisation, and his health, were thus the reason for a decision by the Secretary-General to allow him to accrue an extra number of days over and above the ceiling to enable him to return by sea rather than air from his leave[13].

In early 1953, on his way to New York for consultations, General Nimmo had suffered a heart attack on the boat between India and Liverpool and was sent to hospital for a month on his arrival in England. The newly-appointed Secretary-General Hammarskjold, who was in London for the Coronation of Queen

*No doubt referring to the Delvoie incident (pages 246-252) and the death of Brigadier Angle (page 106).

Elizabeth II, visited him in hospital and suggested that Nimmo go to New York as soon as he was able, but not to worry about returning to Kashmir as with the onset of the monsoon there was no urgency. In July 1953 it was announced that Major-General Bennett Louis de Ridder, a Belgian who had served as a Military Observer in UNTSO since 1949, and as Chairman of the Jordan-Israel Mixed Armistice Commission, would take over as Acting Chief Military Observer of UNMOGIP for three months in order to maintain the status of the Mission with a general at the top[14].

When Nimmo reached the age of 65, in November 1958, Cordier wrote to tell him that although statutory retirement age was 60, the Secretary-General could extend the contract until 65, and that thereafter the contract could be continued if the Secretary-General considered that the services of the staff member concerned were essential to the work of the United Nations. The Secretary-General did indeed consider that General Nimmo's service at the head of UNMOGIP was in the best interests of the United Nations at the time, and it was therefore his intention to continue General Nimmo's contract with no change in its terms[15]. Earlier that year the Mission had been visited on behalf of the Secretary-General by Sir Humphrey Trevelyan, an Under-Secretary for Special Political Affairs, and he had commenced his report by saying: "Mission successful and working excellently. Morale good; personal relations with local commanders excellent and Military Observers of different nationalities get on well together, all largely due to the personal qualities of General Nimmo"[16].

At the end of 1954 the Australian Army authorities promoted Major-General Nimmo to Lieutenant-General[17], and in 1955 he was promoted from Principal Officer to Director Level

within the UN scale[18]. In January 1964 he was again promoted to become an Under-Secretary, which raised him to the level of other heads of para-military missions[19]*. In 1955 UNMOGIP'S Chief Administrative Officer had pointed out to Cordier that although the Mission was then very quiet, General Nimmo had to be credited with that success as he had obtained the confidence of both sides by diligent work and patience, and that in addition to being highly respected he had managed to run the Mission on a small budget and restrict his requirements for Observers[20]. Ralph Bunche in his report to the Secretary-General after a visit to the Mission in April 1964, by which time the deteriorating relations between India and Pakistan had made the situation again very acute, described General Nimmo as "a highly competent, level-headed and efficient officer, who is... completely dedicated to his task and to the United Nations." He said he had a high regard for him, that the UN was fortunate in having his services, and that he had observed throughout his tour that General Nimmo was respected and received congenially on both sides of the Line[21].

MILITARY OBSERVERS

Nationalities

Further to the Security Council Resolution of 21st

*General Nimmo's successor, General Tassara, was appointed to the lower post of Assistant Secretary-General, refelecting no doubt not only his own lack of seniority, but the hope that UNMOGIP would prove to be progressively less important after the signing of the Tashkent Agreement in 1966. In 1972 a slightly changed Ceasefire Line became known instead as the Line of Control. Thereafter the Indians refused to co-operate with UNMOGIP, thus decreasing the Mission's capacity to operate fully, a fact which is reflected in the next CMO, Brigadier-General Waldenstrom, being taken on in 1978 at both a lower army ranking, and at the lower UN grading of Director.

April, 1948, which made provision for their introduction into Kashmir, a request for Observers to be sent to the Subcontinent was first made by UNCIP in August 1948, when the possibility of achieving a ceasefire agreement seemed to be in view. The Commission then asked for twenty Military Observers, each to be accompanied by a junior officer, the whole group being as homogenous as possible and drawn only from countries considered by both parties to be neutral in the conflict. A knowledge of the English language was said to be essential as both the Indian and Pakistani commanders spoke English[22]*.

By December 1948, despite some exchange of correspondence on the subject with UNHQ, Colban was still requesting twenty Observer teams. He suggested they came from Belgium, Canada, Mexico or other Latin American countries, Norway, Sweden or the United States of America, but preferably not from more than three or four countries[24]. With the establishment of the Ceasefire on 1st January, 1949 the situation became urgent, and Ambassador Huddle, the US Chairman of UNCIP, suggested the United States might be able to supply Observers from the Far Eastern theatre[25]. Later that month these were the first to arrive, seven on 24th January and nine the following week[26]. In the meantime the Secretary-General who, officially at least, made the final selection of nationalities, approached the above-mentioned countries and received favourable replies initially from Belgium, Canada, Norway and Mexico - though Mexico's contribution did not last beyond 1949, being replaced

*In April 1949 an attempt was made to have sent home three Mexican Observers who could not carry out their duties because they could not speak English. Colban suggested Delvoie ask the Mexican Consul to apply for their return, but this did not have the desired effect and Delvoie decided to keep them on the assumption that they would soon pick up essential English[23].

by Chile. Sweden also agreed to contribute in 1950, Denmark in 1951, and Australia, Ecuador, New Zealand and Uruguay each supplied Observers for the first time in 1952, though Ecuador did not continue to participate beyond that year. Norway refrained from providing Observers between 1953 and 1956[27]*.

UNCIP had in mind that as many as 25 of the originally envisaged 40 Observers might come from the US or Canada[27], but Mr. Bajpai, the Indian Foreign Minister told Colban that India would prefer not so many US Observers but more from smaller countries. He did not, however, insist[30]. Colban reassured him that at least the Commission had decided not to ask Great Britain to send Observers[31], and cabled the Secretary-General to the effect that it was important to have a considerable percentage from smaller states[32]. General Delvoie, however, soon expressed a preference for US Observers, who were usually younger for their rank, and therefore better fitted to the rigorous conditions[33]. The imbalance this led to in the Group subsequently caused some difficulties[34], a problem which was effectively solved when in 1954 US Observers were discontinued because they became politically unacceptable to India**.

The problem of an imbalance then became the problem of a tendency towards a division between British Commonwealth and non-Commonweatlh Officers, and General Nimmo decided it was probably advisable to keep the numbers of Commonwealth members down slightly, despite the fact that they fitted into the work most easily because of their common British heritage.

*In February 1953 the UN requested the re-assignment of one of Norway's officers on account of his age, accompanying the request with the words: "General Nimmo requires fewer officers in 1953 than in 1952 so no immediate replacement is required"[28].

**See pages 277-285.

Furthermore, they were best understood by the average Indian and Pakistani soldier, who normally knew at least some English[35]. At the end of 1955 he suggested to Cordier it would be a good idea to have a more even representation of countries by reducing the numbers of Canadian and Australian Observers from eight to six and increasing the number from Scandinavia[36]. Cordier's assistant Leo Malania informed Cordier, however, that the chances of increasing the representation were not good and there were more likely to be reductions, except from Canada, which would increase the imbalance, and he wondered whether more countries should be brought in "despite India's susceptibilities"[37]. Discussions with other countries then took place, although the first Italians did not arrive until 1961. In 1963 Finland also began to participate[38]*.

In his report after a visit to the Mission in 1964 Dr. Bunche also suggested giving a wider geographical base to the Observer Group by selecting from countries not then represented[40], but later that year he told Nimmo he had sounded the two Governments out on the possibility, and that Indian reaction had been reported as "negative, primarily (because it was) thought to be inopportune to consider any such change in practice just now"[41]. This comment, and Malania's, together with India's initial reluctance to have too many US Observers, and her refusal in 1954 to allow them at all, indicates her extreme sensitiveness to the issue.

*Belgium, Chile, Denmark, Finland, Italy, Norway, Sweden and Uruguay were continuing to supply Observers as of July 1987, New Zealand having withdrawn in 1976, Canada in 1978-9, and Australia in December 1985[39].

Numbers

Of the 40 Observers requested, only 21 had arrived by 22nd February, 1949, but Delvoie believed that "owing to the extreme goodwill of both opposing parties" he would be able to manage with a lesser number than originally envisaged[42]. By 1st April, 1949 he had 35 Observers which he thought was sufficient to carry out his mission. But at the end of May weather conditions enabled communications with the Northern Areas of the front in Kashmir to be re-established, necessitating more work and investigation as teams were also sent to these parts, and a request to bring the total to 60 was made. By this time, also, several officers were already being recalled by their armies or sent home for medical or compassionate reasons, and although in most cases replacements were sent, the total strength of Observers never exceeded 41 in the period to November 1949, when General Delvoie left the Mission[43].

When Brigadier Angle returned to the Mission as CMO in February 1950 there were 36 Observers with the Group, and he also wrote to tell Colban that as soon as it was possible to send Observers into the Northern Areas, the authorised group of 60 men would be needed. He requested an additional eleven Observers from nations other than America, since with the arrival of some American replacements already expected, the US would be supplying half the authorised number. He said that it was becoming increasingly apparent that the mere presence of Observers curtailed the number of incidents[44]. However by April, far from increasing, the numbers had dropped to 32. With the onset of summer and the reopening of those stations that were closed in winter, it was impossible to man all stations, since it was considered neither practical nor fair to

man a post with only one Observer[45].

When General Nimmo arrived at UNMOGIP at the end of 1950 there were 42 Military Observers with the Mission[46]. In January 1951 he wrote to Cordier proposing changes, notably an increase of six radio operators, which he believed would effect a saving of seven Observers without loss of efficiency[47]. He suggested the following proportional representation of Observers whilst making it clear he did not wish to preclude the possibility of representation by more countries should the UN decide to invite others to participate[48]:

United States	17
Belgium	5
Canada	5
Norway	2
Chile	2
Sweden	2
Denmark	2
Total	35

Cordier agreed to this proposal[49], and in the short term the number of Observers decreased, to as low indeed as 29 in June and July of that year[50]. However during the course of the year tension between the parties increased. Cordier visited the area in June 1951 and came to the conclusion that the Group needed considerable strengthening, both because of the distances which Observers had to cover, and because with the increase in tension Observers had to appear very promptly on the scene of an incident, as even a slight delay could be fraught with dangerous consequences, whereas in quieter times a delay, whilst undesirable, was not serious[51]. Encouraged by Cordier's views, General Nimmo requested reinforcements to bring the strength of the Group up from 35 to 65[52]. General Devers, Military Adviser to Dr. Graham also visited UNMOGIP in August 1951 and agreed it was desirable to have more officers

to ensure more adequate supervision of the CFL in the difficult terrain. He also felt that higher numbers would make it possible to rotate the officers more effectively which would contribute to better morale and thus higher efficiency[53].

As a result of requests to the contributing countries as well as others, so that Observers arrived for the first time that year from Australia, Ecuador, New Zealand and Uruguay, the number of Observers rose in 1952 to a maximum in September of 60, with a minimum number during the year of 49[54]. The numbers were reduced again to an official establishment of 52 when quieter conditions prevailed in 1953[55]. In early 1954, when India requested the withdrawal of all US Observers*, there were 44 Observers on the Mission, including 18 from the US[56]. By the end of that year the approved establishment had dropped to 35 and the situation was quiet enough for Nimmo to manage with 27 Observers, with a further two expected[57]. In 1955-56 the establishment dropped to as low as 30 Observers. It rose again in 1957 to become 36, where it remained, as below, until 1963 - although in practice the actual number was often lower[58]:

Australia	8
Belgium	3
Canada	8
Chile	4
Denmark	2
New Zealand	3
Sweden	3
Uruguay	4
Norway	1
Total	36

General Nimmo was always on the watch for opportunities to reduce the number of Observers employed because, firstly, he knew that it was not easy for the contributing countries to

*See pages 277-285.

maintain their quota year after year and, secondly, it was bad for morale and for the reputation of the Group to have too many officers and not enough work for them to do. Furthermore he realised that "life in the field can become dull, monotonous and sometimes uncomfortable if personnel are not fully occupied. It is not everyone who is suited, temperamentally or by training, to withstand these conditions for long, unless they are kept reasonably active"[59]. He also endeavoured to reduce the number of Observers in the winter months by deferring replacements until summer stations were due to open in order to save costs[60]. One UN official after an inspection visit to UNMOGIP in 1958 reported that it would be hard to find anyone in whom "persistence in the search for economies and insistence on the highest standards of operational efficiency were more plainly allied" than in General Nimmo[61].

As tension rose in the 1960s, General Nimmo was forced to request an additional six Observers in August 1961, and again in November 1963[62], and a further three twelve months later[63]. After the Indo-Pakistan War of 1965 the number of Observers serving with UNMOGIP was augmented to a record 99[64]*.

Status

Nimmo was informed by the Secretary-General when he was appointed CMO that the Military Observer Group would be under his direct control for all purposes related to their duties and functions as UN Observers, but that Observers were paid by their own Governments and were under the administration and discipline of their respective national commands. If in

*This was reduced again to 44 in March 1966[65] where it remained even after the withdrawal of New Zealand in 1976, but with the withdrawal also of Canada in 1978 the official establishment was reduced to 39 Observers[66].

Nimmo's judgment any disciplinary measure should become necessary, he had the authority to suspend an Observer from the performance of his functions as a member of the Group. He should then report the circumstances, together with his recommendations, to Andrew Cordier so that any further action which might be required could be implemented in consultation with the Government of whose armed forces the officer was a member[67].

In April 1949 the Principal Secretary of UNCIP informed the Indian and Pakistan authorities that "for the purpose of identification, Military Observers, who wear the uniform of their respective countries, are equipped with blue armbands inscribed in white letters with the words UNITED NATIONS. In addition the men have been furnished with UN identity cards, examples of which have been submitted to both Governments and to both High Commands"[68]. In 1958 Observers also commenced wearing the UN badge and blue beret[69].

Security

Officers assigned to UNMOGIP do not carry arms. In order to ensure their security when moving unescorted or unannounced across, or in the immediate vicinity of the Ceasefire Line, or in areas of military operations, they are required to make a conspicuous display of the UN flag, and also a white flag unless they are driving a white United Nations jeep - such jeeps being painted white in order to stand out, in contrast to the camouflage colour of normal army transport. Observers' instructions require them to take due care of their personal safety: they are not allowed to accompany armed Indian or Pakistan patrols in forward areas, and in the event of uncontrolled military operations they are instructed to

withdraw to a position where they can be in communication with the local authority, or from which they can endeavour to effect a cessation of hostilities[70].

During the early 1960s such operations became increasingly frequent, and in early 1964 Ralph Bunche checked with General Nimmo as to whether he had received assurances from both sides as to co-operation with the Mission and the security of its personnel. Nimmo informed him that there appeared to be no specific written assurances. However, both parties realized that they had obligations, and although co-operation was sometimes not what it should be, security was always provided for Headquarters and for Observers in the field, by means of guards, escorts and guides where necessary[71].

Attributes

General Nimmo believed that quality was far more important than numbers in any Observer group and he recommended that the fullest co-operation of each contributing country be sought to ensure that only the best available officers were sent as Military Observers, both for the sake of the prestige of the UN and of each Member Nation. So far as UNMOGIP was concerned, he said, the Indian and Pakistan Armies were highly trained and professional and their members quick to notice or be critical of any shortcomings in officers sent to work amongst them[72].

The American General Devers, Military Adviser to the UNRIP, Dr. Frank Graham, in his report to the Secretary-General after a visit to UNMOGIP in 1951 suggested that only officers with an efficiency rating of superior should be appointed[73]. And Sir Humphrey Trevelyan, reporting in 1958, also said that the quality of the individual Observer in the Mission was the essential qualification of its success[74]. After a visit to

the Mission in 1964 Ralph Bunche suggested that means should be devised of better screening of Observers being recruited, particularly as regards personality and English language proficiency[75]. The problem of language had recurred from time to time*, but otherwise this was one of the few occasions when it was even slightly intimated that the quality of the Observers serving left anything to be desired.

The principal requirements considered necessary for an officer selected for duty with UNMOGIP were initially set down in a leaflet entitled "Notes for the Guidance of an Observer on Appointment to UNMOGIP"[77]. These were:

a) Professional

1. He must be able to speak, read and write the English language.

2. He must possess a high degree of tact and commonsense. This is essential in his work, as also is an even temper.

3. He must get to know the customs, organisations and functions of the other armies from which his colleagues will have been appointed.

4. He must be capable of conducting a thorough and impartial investigation of alleged ceasefire violations and be able to prepare in writing a report covering all the facts and circumstances resulting from his investigation. He must be able to make sound impartial

*See footnote on page 113. In 1954 General Nimmo requested the recall of two Chilean colonels who had arrived unable either to write or speak English, but was prevailed upon to retain them as the matter was rather delicate since these officers were required to know English in order to have reached the rank of Colonel. Sir Humphrey Trevelyan also noted that Latin Americans often knew little English when they arrived, and were then of little use for the first six months[76].

recommendations to the Chief Military Observer based on his findings.

b) Physical

An Observer must be in first class physical condition. It is necessary for him to climb, on occasion to heights of 16,000 feet, and to walk many miles a day.

Health

So many Observers fell ill during the first six months of the Mission's work in Kashmir that General Delvoie requested that all officers assigned to the Mission in the future be, if possible, below 40 years of age and in good physical condition[78]. This unsatisfactory health situation was not entirely surprising in view of the differences of altitude and temperature to which Observers were often subjected. Frequently they would be sent from the extremely high and cold mountainous regions of Kashmir to the lowlands of Jammu where the temperature was above one hundred degrees Fahrenheit. In addition hygiene, especially in some remote areas, was not always all that could be desired. Furthermore, some Observers found it difficult to adapt themselves to eating Indian food and were often unable to obtain European food[79]. At the end of its first year of operation agitation for a Medical Officer to be attached to the Group began. In the two months from 15th December, 1949 to 15th February, 1950, five of the 41 Observers went into hospital, one with an infection and pneumonia, one with malignant malaria and three with ringworm. In addition there was a case of luikopalia of the tongue where the patient was sent abroad for treatment, a case of bronchitis and several colds[80].

On his arrival at the Mission Brigadier Angle requested a

medical officer, but insisted he be a military man or else it would be wiser to continue to evacuate all patients to the nearest big centre, either Delhi or Karachi, for the necessary medical attention, as they had already been doing. Angle maintained a UN military doctor could freely cross the Ceasefire Line, use army transportation and stay at the camps, whereas a civilian doctor - which the UN Field Service was planning to appoint - would always have to be accompanied by an Observer, and would encounter many complications moving around the Indian and Pakistani military units[81].

In fact the Mission was provided with a Medical Officer for a few months, but the incumbent of the post, for reasons unconnected with his work, did not prove satisfactory and had to be recalled in 1951. The CMO, then General Nimmo, decided that the local facilities provided by the Indians and Pakistanis were quite adequate for the Mission's needs[82]*. In 1952 Observers at Rajauri Field Station were not happy with the drinking water and were worried about the dangers of scrub typhus, malaria and snakes, but Nimmo maintained these were normal hazards, and the Mission could only issue warnings and make sure preventive measures were understood. Its success in this matter may be measured by the fact that the incidence of ill health decreased. In 1955 General Nimmo assured Cordier that if an officer was healthy and fit when he arrived there was no reason why he should not stay for a two-year tour, and return for a further tour after a break. Whilst he did stress the need for this break, he pointed out that British Army Officers and many European civilians had been there for

*Only since 1980 has a Military Observer been attached to the Mission as a medical assistant, or male nurse, with the function mainly to check up on hygiene and medical supplies in the field stations.

generations. He was more concerned over the question of dependants because women and children did not do so well in such surroundings, and especially under the conditions under which the Mission operated[83].

During the period under review, 1949-1965, there were no fatal casualties in line of duty among the Mission's Military Observers or civilian personnel. There were six fatalities resulting from accidents, and one from natural causes[84].

Personal Relations

In addition to resolving disputes on the Ceasefire Line, the Observers had to be able to resolve, or preferably prevent, disputes arising from amongst themselves. Assigning officers of mixed nationalities, with their differing customs and training, to spend long periods together in the heat and humidity of a Subcontinental summer is something of a test of human relations, quite apart from the tensions inherent in the situation of dispute between India and Pakistan. On the other hand perhaps the main positive gain to the contributing countries and the officers involved comes from this broadening of experience and horizons over and above that which was to be expected purely from the task of observing the Ceasefire.

Discipline and References

During the course of the Mission's period of operation very few Observers seem to have disgraced themselves, although there may well have been minor breaches of discipline dealt with on the spot, but not serious enough to warrant a mention in the correspondence with New York. From the end of 1955, whenever an Observer left the Group his country's delegation in New York received a performance evaluation from General

Nimmo[85]. These were almost invariably good and usually personalised in some way, such as: "reliable in every way and happiest when posted to remoter and more mountainous areas"[86].

Even before these evaluations came to be given automatically, Nimmo went out of his way to see that any action conspicuously above the call of duty was specifically brought to the attention of an Observer's home authorities. For example, in late 1951 a certain Canadian Lieutenant-Colonel, Paul Garneau, arrived in an area where there had been a considerable amount of firing. Fearing that any delay in settling the incident might develop into a more serious engagement, he proceeded over the open country in his white jeep towards the place where the trouble had started, and from which he could proceed to contact the other side. When about 100 yards from this point the jeep was fired upon, so he returned to cover to deposit two army officers from one of the parties who were with him, and then drove on again. The jeep was again fired on until the firing range was reduced to about 400 yards, and then stopped. Garneau left the jeep to speak to the patrol commander on the one side and the police and civilians on the other, and then returned to the original side and arranged a stand down of troops there*. Nimmo thought his action was sufficiently meritorious to be brought to the notice Canadian Army HQ, and said it was not only a contribution towards the maintenance of peace, but showed courage, determination and a high sense of duty[87].

On occasion an Observer has been recalled from the Mission on account of his behaviour, but such instances have usually been the result of certain actions being used by one or other

*Details of location were not given in the citation because of the confidential aspect of UNMOGIP's operation.

disputant for political purposes*. One case when this was not so serves as an indication of the attitude of General Nimmo and also of UNHQ in such circumstances. On this occasion, further to a cable requesting the immediate return home of an Observer "for personal and private reasons", which inevitably did happen quite genuinely from time to time, General Nimmo explained in a following letter that this particular officer had struck an Indian driver several times whilst under the influence of alcohol, and then fired a number of shots from a pistol**. Nimmo offered him the alternative of requesting his immediate return or a formal and official military Court of Inquiry and he chose the former. Nimmo explained that he was a regular officer who had given good service to the Mission but that this was not the first time he had been in such a condition, and often on such occasions he became difficult and professed afterwards to have no recollection of what happened. Nimmo had no desire to be the instigator of difficulty with the home authorities of any Observer, and gave the impression he was equally trying to save the country itself any embarrassment. He suggested that unless the Secretariat was pressed for an explanation they kept the reason for his early departure confidential, and that should it be necessary to give some reason perhaps it would suffice to say that he carried a pistol and ill-advisedly fired a couple of rounds in the air. The Secretariat agreed not to write to the Mission about the incident[88].

*Examples are given in Part III - pages 246-262 and 352-353.

**It is not explained how he came to be carrying a pistol, since the Observers were unarmed. Presumably it was his personal property.

Preferred Ranks

The question of which ranks it was preferable to have amongst the Observers was a perennial one, the rank of colonel being the main bone of contention. During the first months of the Mission Delvoie had requested healthy men aged between 30 and 40, ranking from Captain to Lieutenant-Colonel[89] and this continued to be the main requirement of the Group. In August 1951 General Nimmo had inserted in his Field Observer Regulations handbook that Observers should be selected as far as possible from officers with the following service qualifications[90]:

1. War Service*.
2. Infantry company (or equivalent sub-unit) commander, rank equal to captain or major.
3. Infantry battalion (or equivalent unit) commander, rank equal to lieutenant-colonel.
4. Staff officer, with field experience, rank senior captain, major or lieutenant-colonel.

Nevertheless, when his Chief Operations Officer, Colonel MacDonald, was due to leave in 1955, Nimmo wrote to Cordier pointing out that after this departure there would be no Observer above the rank of Lieutenant-Colonel and that he preferred to have a due proportion of mature and well-experienced officers, including two or three colonels provided they were still active and physically fit. At the time he considered that this provided a better balanced group and helped prestige. Most importantly it helped to satisfy

*This would have meant service in World War II. Service in any war might now be a more difficult qualification to achieve, particularly with officers from countries acceptable as contributors to Observer missions.

the susceptibilities of local commanders[71]*.

Later that year he added that he would prefer not to have more than one colonel from any one country as there was a risk of jealousies if there was an undue preponderance of one nationality[73]. He admitted that certain factors had at times caused a little friction. It was therefore desirable to alternate the more senior appointments among the several nationalities present to make for smoother working and harmony within the Mission. He also suggested that it would be a good idea to limit the length of service of colonels to two years, partly because of age, bearing in mind the living and operational conditions, but also because of the difficulty of finding postings over a period of more than two years, since there were few appoinments available in the Mission commensurate with their rank[74]**.

Reporting on a visit to the Mission in 1958 Sir Humphrey Treveleyan, Under-Secretary for Special Political Affairs, also pointed out that it was preferable not to have too many colonels, as they were older and less active, and in consequence an unfair burden was placed on junior officers[75]. Colonel Ostbye, who became Acting Chief Observer after General Delvoie left the Mission in 1949, was an early example. In December 1952 the Secretary-General wrote to the Permanent Representative of Norway repeating General Nimmo's comments

*Equally, General de Ridder, who had been Acting CMO when General Nimmo was absent in 1953, had suggested to Nimmo that it was probably not good policy to have at Field Stations Observers of a higher rank than the commanding officers with whom they had to deal at that particular station[72].

**Although he must have been fully aware of the problems, especially in view of his suggestion mentioned in the above note, General de Ridder had aggravated the situation by his continued presence on the Mission for a further year after Nimmo's return[73].

that in his four years of service Colonel Ostbye had been entrusted with important responsibilities and had discharged his duties with distinction, showing outstanding qualities of courage, initiative and devotion to the aims and purposes of the UN. Nevertheless, because of his age (then 67) the CMO had refrained from assigning him to field duty, though he himself was probably quite prepared to undertake it, and had retained him for long periods at HQ or as Liaison Officer in Delhi. The special arrangement, however, raised certain administrative problems in view of the Group's rotation policy, therefore the Secretary-General felt it would be consistent with the overall UN policy of compulsory retirement at 60 if the appropriate authorities in the Norwegian Government could give early consideration to the reassignment of Colonel Ostbye in Norway".

In July 1959 Nimmo reappraised the situation and remarked to Cordier that in spite of attempts to keep the amount of colonels to a minimum, the number seemed to increase almost without one being aware of the fact until it was too late. He then had four, plus another who was entitled to wear the rank of colonel but did not. He now maintained he was convinced that the best system was to accept no one for UNMOGIP above the rank of Lieutenant-Colonel, and not more than one of that rank from any single country, although he did not wish to ask for any withdrawals, or prevent any colonel who was more or less on his way from coming"[78].

Cordier agreed, but later that year informed Nimmo that after months of trying to persuade Chile to send lower ranks he finally received the explanation that captains were not eligible for the necessary special training Observers received, and because of duties and courses no majors were available.

As a compromise the Secretary-General thanked Chile for "the very full explanation" but said that under the actual conditions of work in the field he considered that the assignment of only one of the officers selected would meet adequately the current requirements of UNMOGIP. And he left it to Chile to select which one"*.

Despite the above comments, by 1962 General Nimmo had established a tradition that a Canadian Army colonel should always be the senior Observer in the Mission and act as his assistant in all operational matters, and he specificially informed UN HQ that he wished to maintain that procedure[101]**. However, when his assistant became Acting CMO after Nimmo's death in 1966 and wished to appoint a further Canadian

*A similar situation arose in 1966, with another Latin-American country, Uruguay, who tried to replace a departing major with a lieutenant-colonel. Ralph Bunche then wrote to the Permanent Representative of Uruguay saying "our request ... is not the least casual but is based on the carefully assessed needs of the Kashmir Mission...it is precisely because of our past experience that we are insisting on officers of a lower rank...and that to have lieutenant-colonels appointed to the same positions (as captains or majors) would lead to embarrassment and difficulty..." which might adversely affect the smooth functioning of UNMOGIP, particularly in the initial period when they would have to work under the direction of a major from another country. He also mentioned that owing to financial pressures they had to put more emphasis than ever before on the efficiency of UNMOGIP. Uruguay maintained that under its own system of ranking majors and lieutenant-colonels could hold identical posts, but nevertheless agreed to send a major. At this time, with General Tassara as the new CMO, it was felt that the minimum requirement was to have five lieutenant-colonels, each one to be a career officer[100].

**With the withdrawal of the Canadian Observers in 1978, and since the CMO has no longer been an Australian, his assistant has, in fact, tended again to be Australian. In 1982 the desired number of lieutenant-colonels was considered to be three, mainly in order to give the CMO a choice for his Chief Operations Officer. All lieutenant-colonels had to spend at least six months in the field before being given any other appointment within the Mission, and there were no full colonels with the Mission[102].

Lieutenant-Colonel as his own assistant, he was advised by UNHQ that he would have to appoint someone of a different nationality to himself as it was essential to maintain geographical distribution of senior posts in all UN operations[103]. No such objection had been raised when General Nimmo had had Colonel MacDonald, another Australian, as his Chief Operations Officer in the early 1950s.

Length of Service

The question of what should be considered the optimum length of service for an Observer was discussed from time to time, and although no definite ruling was made, a fairly well-established procedure evolved. Normally an Observer served a term of office of one year with the possibility of an extension for a further year if the CMO recommended it, and the Observer's country was able to allow it. A second tour of duty was also admissible after a break. It was considered desirable for some to stay longer than one year, but for the most part not more than two[104], as the advantages of having officers with a thorough grasp of the problems of the area, and having established good personal contacts on both sides of the dispute, not to mention a saving on travel costs, had to be weighed against certain possible disadvantages. As Cordier put it, either the responsibilities of the job might become so familiar as no longer to present a challenge to the ingenuity and resourcefulness of the officer concerned, or he might develop some of the occupational weaknesses that sometimes occur in foreign service as a result of extended residence in areas where life is on the whole softer and easier than at home[105]. General Nimmo was quick to refute Cordier's implication that life on a field station, where most of his

Observers were stationed most of the time, was a softer option than at home, and reminded Cordier that the work was also tinged with an element of risk[106]. A UN official visiting UNMOGIP in 1959 also reported that "the Observers work most of the time in the simplest conditions and not infrequently are exposed to real hardship as well as danger. It should not be imagined that theirs in any sense is an easy life"[107]. Nevertheless some people undoubtedly enjoy the challenges this kind of life has to offer, and others indeed may find in it an escape from the problems of a more conventional life. Over the years only the occasional Observer has been unable to cope and has had to be repatriated. It is the case that the odd one has demanded his return home within days of his arrival[108], but the record shows that very many serve two consecutive terms, and others return for a second tour after an absence of a few years[109].

General Nimmo pointed out that inevitably some officers retained their interest and activity better than others, and that the development of any "occupational weakness" depended on the individual. He admitted also, however, that since one never knew what a replacement would be like there was possibly an understandable tendency to retain the more experienced officers whose faults were known. He said that the Mission had always depended a great deal on having a framework of experienced Observers for employment in the more important field stations and, in particular, on the staff at Headquarters, and whilst some had been drawn from those with under a year's service, usually the most valuable had been those with more than a year. Thus he had always found it desirable to retain a hard core of experienced tried Observers who ensured Mission continuity and a uniformity of policy. Of

the four Observers currently at the Mission who had been there for more than a year, all had done invaluable work for the Mission, and whilst it might have suited them for personal reasons to stay on, they had done more work and accepted more responsibility than the average Observer[110].

He thought there was much to be said for appointing Observers for two years straight out but for the fact that non-regular officers often found it impossible to be absent from home for more than one year, for business or other reasons, and that it was often difficult for regular officers to be spared for that period by their countries, especially those with small standing armies. On the other hand such countries might prefer to contribute suitable and experienced Observers in whom they had confidence for longer than two years. Thus to restrict too rigidly the terms of service might also restrict the field of choice to the detriment of the high standards that the contributing country might desire and the Mission require. Experience in UNMOGIP showed that a tour of duty of one year was a suitable compromise, and one which also afforded an opportunity of rejecting more easily any officers who wished to stay but were not suitable. For although, as he said, each country endeavoured to send only suitable officers, sometimes it was difficult for them to foresee how they might respond to the rather unusual role of a Military Observer and in unaccumstomed surroundings[111].

Dependants

Most Observers tended to be single officers in the early days, or at least not to bring their families out with them, but they were not expressly forbidden to do so. In 1953 only twelve Observers had dependants actually in the Mission area,

and that was the highest number thus far. At the time General Nimmo became concerned about the increase because of the additional burden thrown on transportation and other facilities, and because of the additional responsibility in the event that it should be necessary to move the Group quickly. He therefore suggested that the movement of dependants to the area should be discouraged[112].

Nevertheless, as the Mission became more established and seemed set to remain for some time, it became quite commonplace for the Observers to be accompanied by their families, the cost of sending out them out being paid by their own countries, the UN only paying for the transportation of the Observers themselves. But in 1962 General Nimmo requested that preference be given to officers without dependants or to those with small families, say a wife and two children at most, in view of such factors as accommodation and transportation, increasing living expenses, and health and education problems. He pointed out that the majority of Observers were only able to see their dependants for a few days per month since the families were not allowed to visit field stations[113]. Ralph Bunche passed Nimmo's views on to the UN delegations of the contributing countries and suggested also that General Nimmo ask the Observers themselves to let their delegations know, informally, the various factors which made it undesirable for Observers to have more than one or two dependants in the area[114].

Immediately prior to the war in 1965, Nimmo cabled Bunche requesting him to ask Member Governments to restrict entry of dependants of Military Observers into the Mission area until further notice[115].

DEPLOYMENT AND ADMINISTRATION

Headquarters

In 1949 General Delvoie, in his role as Chief of the Observer Group, quickly decided that one group of Observers should be attached to each Army, with the senior officer of each group establishing a Control HQ under the direct command of Delvoie, and in close liaison with the commander of the operations theatre on his side. Each group was divided into teams of two Observers to be attached to the tactical formations in the field and directly responsible to their respective Control HQ. The plan was put into effect on the Pakistan side on 3rd February, 1949 with Control HQ at Rawalpindi, and on the Indian side on 10th February, with Control HQ at Jammu until the weather improved sufficiently for it to move to Srinagar. The two armies agreed to place accommodation and transport facilities at the disposal of the Observers and also allowed them the use of military radio and telephone nets[116].

Delvoie maintained his own Headquarters in Srinagar during the summer and moved it to Rawalpindi for the winter immediately before his return to Europe[117]. On his arrival as CMO in February 1950 Brigadier Angle also decided that the Military Observer Headquarters should move each six months, leaving a Liaison Officer on the side from which HQ was absent. Angle at first considered spending three of the six months on the Indian side in Delhi, where Indian Army Headquarters was situated, but decided it was too far from the Kashmir front to permit quick and easy contact between Headquarters and the Observers in the field. He therefore stationed a Liaison Officer in Delhi also to serve as a link between Indian Army HQ

and the Mission[118]*.

Angle immediately drafted a plan for the reorganisation and administration of the Group. The American Army had by then organized their officers on duty in Kashmir into a sub-unit known as the United States Military Observers in Kashmir (USMOK)**, which came under the direct supervision of the senior American officer for all administrative matters of a purely American Army nature. It placed a substantial load on the officer, since about half of the Observers were American.

Brigadier Angle considered that the USMOK administration could best be done from a central headquarters rather than through the two controls set up by General Delvoie, and decided that when HQ transferred to Srinagar for the summer, the two Control Commands would also move there, and their functions threafter become the responsibility of HQ. After the move had been effected in this manner, Headquarters consisted of the CMO, a deputy CMO, an Administrative Group and an Operations Planning Group. The Observer Teams then dealt directly with HQ in all matters[120].

General Nimmo and subsequent CMOs continued the tradition of having UNMOGIP Headquarters spend the six summer months, starting 1st May, in Srinagar and the six winter months, from 1st November, in Rawalpindi, though the bi-annual move was on occasion delayed by weather conditions, and in March 1958

*Officially the CMO dealt directly at the highest level with the Chief of the General Staff of the Indian Army, and with the Commander-in-Chief of the Pakistan Army, although in routine circumstances senior officers of the two Armies were delegated to attend to matters concerning UNMOGIP. In practice all Observers dealt regularly with the relevant military authorities at whatever level might be required according to the circumstance of the moment[119].

**USMOK was disbanded in 1954 when the last of the US Observers left the Mission. See pages 277-285.

General Nimmo moved to Delhi with part of his HQ "to create the impression of gaining closer contact with the staff at Indian Army HQ", in spite of the fact, as he commented, that he had known General Thimmaya, the CIC, and General Verma, Vice Chief of the General Staff, very well for years. The reason for this move was that he had noticed "an increased edginess and exasperation among senior officers over there" as far as the Pakistan Army was concerned, and he therefore thought such a move would be helpful[121]. He nevertheless returned to Rawalpindi correspondingly early in the autumn in order not to reverse the feeling and have Pakistan think UNMOGIP was fostering India too much, although the Pakistan Chief of Staff had agreed the move would be a good idea[122].

The Pakistan Government provided UNMOGIP with a house in Rawalpindi for its Headquarters which at first was rent-free, but as of 1957 a nominal rent became payable. The Indians provided a similar HQ in Srinagar and that, and also a liaison office in New Delhi, were provided rent-free, with charges for electricity and maintenance. The Observers stayed in hotels or rented houses when they were in Srinagar, Rawalpindi or New Delhi[123]. A further policy initiated by Angle, and subsequently continued, was to change the posting of Observers from one side of the Ceasefire Line to the other every few months. The Liaison Officers in Rawalpindi or Srinagar and Delhi also exchanged duties with Observers in the field every three months. The primary reason for these moves was to ensure the Observers' impartiality by giving them an opportunity to become acquainted with the troops and conditions on both sides, and not allowing them to become too attached to one side by always hearing only the one point of view[124]. It was also realised that moving officers around helped to prevent

them from becoming stale, and assisted in overcoming any personal tensions that inevitably arose amongst men of differing nationalities and cultural and military backgrounds working closely together in a confined area[125].

General Nimmo's Re-organizations

When General Nimmo took command of UNMOGIP at the end of 1950 he succeeded to an HQ divided into an Operations Section run by Military Observers and an Administration Section looked after by the Administration and Finance Officer, a member of the UN Secretariat. There were nine Observers at HQ, each with his own task and title, and 31 in the field plus two in the New Delhi Liaison Office. Also on the Operations side, but actually members of the UN Field Staff, were an Administrative Assistant and two secretaries at HQ, and twelve radio operators: three at HQ, two in New Delhi and seven at field stations. In addition there was a five-man US air crew[126].

In January 1951 Nimmo suggested a change in the establishment which Cordier approved. This resulted in a reduction in the number of Military Observers to 29 at field stations, one in New Delhi (to where one of the UN secretaries was then sent) and five at HQ. The latter held the posts of Chief of Staff, Operations Officer, Intelligence Officer, Administrative Officer (Military) and Assistant Administrative Officer (Supply, Transport and Communications). Even allowing for additional posts to be manned when snow conditions permitted, General Nimmo believed that the saving of seven Observers could be effected without loss of efficiency if he could achieve improved communications with the posts which had previously been without radio. Since radio staff were more

readily available than Observers the Mission recruited an extra six radio operators including a Chief Radio Operator and a radio mechanic[127]*.

After the re-organization only one Field Service member, a secretary, remained on the Operations Side, and the Administrative side consisted of the Chief Administrative Officer and his assistant, a Finance Officer and three clerks and three male secretaries from the UN Field Service. The Field Service also provided a Chief Signals Officer to be in charge of the radio operators and a Transport Officer and a mechanic[127].

Re-organizations in 1958 and 1959 led to overall responsibility for all administrative matters, not just those for which he was directly responsible to the UN, being given to a Chief Administrative Officer. The extra responsibilities he took over included transportation, movement, quartering, communications, leave of all personnel, and health and welfare including living conditions at field stations[130]. At a later stage some of the purely military administration reverted to the Operations side**.

Some locally-recruited personnel were also taken on since the cost was very low. These were mainly servants in accordance with local custom, but qualified clerks were also recruited[131], which is perhaps surprising in view of a prohibition on Indian secretaries being assigned to the Mission by the UN Field Service[132].

*In the tranquil months of 1955-56 when the Mission's strength was down to less than 30 Observers, the number maintained on the staff at Headquarters was reduced to three but subsequently rose again to five[128].

**Date uncertain.

Field Stations*

In order to maintain close contact with the commanders and their staffs in the disputed areas, Observer Teams were stationed in field stations located at or near selected military control centres, usually a brigade or sector HQ, but sometimes a larger formation. Because of lack of roads some sectors had to be reached on foot, which could take a great deal of time but did have an advantage, which General Delvoie noted, that "the presence of UN personnel materializing the notion of Ceasefire up to the remotest outposts had a considerable moral effect on the troops"[133].

Delvoie placed the first Observer Teams on the Pakistan side, with effect from 3rd February, 1949, at Kazibakar**, Kotli, Hajira and Domel, and on the Indian side, with effect from 10th February, at Jammu, Naushera, Punch and Srinagar, this last being abolished at the end of March when Control HQ Jammu moved to Srinagar[134]. As more Observers arrived, and weather conditions in the north permitted, Teams were established on the Pakistan side at Sialkot, Jhelum, Batrasi and Kamri, and on the Indian side at Uri, Gurais and Akhnur[135]. In October 1949 a team was sent to Gilgit at the request of the Indians[136], but a shortage of Observers in March 1950 caused the Mission to withdraw this team[137].

Since these early days major field stations have invariably been maintained on the Pakistan side at Domel,

*See Map 4

**Kazibakar is not to be found on any map and is not mentioned again. It is almost certainly a small village close to the Ceasefire Line which served as a forward position for the Pakistan Army. It is likely that the station was afterwards known under the name of a larger village in the area.

Rawalakot, Kotli and Sialkot, and from 1952 at Bhimber, the latter having previously been nearby at Jhelum. On the Indian side the major field stations have been at Punch, Jammu and either Naushera or Rajauri - sometimes both - and at Srinagar when HQ was at Rawalpindi. There has also usually been one at either Uri or Baramula. When the situation between the parties began to deteriorate in 1961 a further one was opened at Galuthi, and after the 1965 war a Team was sent to Akhnur which had been the location of a field station in the very early years. In addition field stations at Kargil on the Indian side and at Skardu and Astor on the Pakistan side were usually opened for three or four months during the summer when weather conditions permitted[138]*.

Field stations or sub-stations have also been set up with forward companies in the summer at Kel, Minimarg and Marol or Gangam on the Pakistan side which were somewhat closer to the Line than the Brigade Headquarters at Skardu, Astor and Bunji, and at Tangdhar, Gurais and Dras on the Indian side. In more active times other field stations also sometimes had sub-stations situated with companies much closer to the Line. Although the major field stations were known to both sides, the locations of such sub-stations on the one side were not divulged to the authorities on the other, as this would have constituted a breach of security by permitting the opposing side to know the location or new location of forward defences. For this reason a numbering system was used for the sub-stations[139]. For a short time from October 1952 a sub-station at Mendhar was promoted to a main field station[140].

*During the writer's visit to the Mission in 1982 all these field stations were in operation except Akhnur, Naushera, Galuthi and Uri.

Conditions in Field Stations

According to an official reporting back to UN HQ in New York in 1951 the accommodation in the field stations ranged all the way from a Majaraja's palace to mud huts or tents[141]. The following report from the field station in Tangdhar - subsequently only opened during the summer - was received by Brigadier Angle in February 1950: "Rations of this Brigade are at a very low ebb. Food is very scarce and very poor quality. Meat is just not obtainable as Q rations on the hoof are dying from lack of food. There is little possibility of any improvement as the only means of supply is over the Nasta Chum Pass now covered by 25 feet of snow and from present reports it will be May before any vehicles may cross pass. One air drop was made and consisted of poor quality turnips. There is no bread and canned milk is strictly rationed (2 oz per man per day). Fuel is not available in sufficient quantity to keep warm. When wood is supplied it is so wet it will just not burn without using kerosene which is rationed". Delivery of mail also inevitably left much to be desired and apparently the Indian officers were if anything even more disenchanted with the state of affairs than the Observer who made the report[142].

In 1952 the following details of all the field stations were reported. On the Pakistan side Observers lived in dak*

*Dak bungalows were originally built as overnight accommodation for touring officials. Two months after this report the Observers had a new home. It was built, at the instigation of the local Brigade Commander, in only three weeks, complete with terrace and access road for jeeps, for 300 Indian Rupees. The architect-builder was an American Observer, and an Australian Observer had made the furniture. "Perched high above the rushing Kishenganga River, it has caused much interest among the locals with its hidden lighting effects, shower-bath facilities, settees, large bed, curtains, arm chairs, etc."[143].

bungalows at Domel and Kotli and in a Nissen hut at Rawalakot. Between them these three stations maintained five sub-stations consisting of mud or stone Kashmiri huts. In all cases Observers ate at the various local officers' messes and rotated on duty for a period of not less than two weeks between control and sub-stations, contact between these being maintained by telephone. In Bhimber the control station itself consisted of only two mud and stone Kashmiri huts, with no electricity during the day which meant no fans for relief from the extreme summer heat, while in Sialkot Observers lived in a bungalow with electricity and refrigerator on the outskirts of the Cantonment area, and used the Officers' Mess of the Royal Pakistan Engineers. It was proposed to open summer stations when the weather permitted at Skardu, Kel, Minimarg and Marol, housed in tents and messing with local wing HQ or forward companies[144].

On the Indian side UNMOGIP maintained a house in Jammu, located on the outskirts of the city; which contained in addition to the Field Observer team an UNMOGIP staff office and also, when HQ was in Rawalpindi, a Liaison Officer to represent the CMO on the Indian side. A civilian contractor provided food. The Akhnur Team lived with an infantry battalion HQ in a stone house by the Chenab River where they had no electricity and experienced terrific seasonal heat. This was likewise the case at Naushera where Observers lived in a wooden bungalow adjoining a brigade HQ, and its sub-station at Rajauri which was located in tents in a divisional HQ area. By contrast at Punch the Observer Team lived in Punch Palace with the local brigade, although they also maintained a mud hut sub-station with a battalion HQ. At Uri they lived in a dak bungalow in a deserted village. The local brigade 17 miles to the east

provided orderlies to cook food. Summer stations due to be opened at the time were at Tangdhar, Kargil, with sub-station at Dras, and Gurais, each consisting of mud and stone huts, with food being taken at the local officers' mess[145].

All field stations were provided free of rent by the Indian and Pakistan Armies, but little or no furniture was provided and Observers bought or rented necessary equipment. The quality of the food varied as to quantity and degree of spiciness depending on the personal likes and dislikes of the senior officer of the mess, although in many cases a sincere effort was made to provide "European" food, and Observers often supplemented the rations provided with tins of food received from their homes. Messing charges were paid for at a daily rate set by the mess, and there were monthly subscriptions for newspapers, magazines and the maintenance of mess equipment[146].

When Sir Humphrey Trevelyan visited the Mission on behalf of the Secretary-General in 1958 he recommended an allowance from the UN of the provision of about $1,000 a year to enable the Mission to provide some badly needed basic amenities, such as showers and fans, and noted: "The Observers ... live under exceedingly primitive conditions (which they) accept so cheerfully without complaint, particularly with the added disadvantage of an extremely unpleasant summer climate in a number of them. The armies are supposed to provide accommodation, but their ideas of what is necessary are becoming more and more stingy. They are doubtless suffering from cuts in their own budgets and are generally unable to provide more than labour"[147].

Inevitably over the years conditions improved as the Kashmir Dispute came to be seen as a long-term rather than temporary problem. Mud huts and decaying dak bungalows gave

way to simple but adequate purpose-built accommodation which gave the Observers themselves the incentive to make improvements in their off-duty hours to the advantage not only of themselves but of those who followed them*.

*In 1968 the accommodation of all ten current Field Stations was described as having been brought up to the required standard, a two-year project for new facilities for six stations, and renovation of two, having been accomplished[148].

In 1982 the writer visited Kotli and Sialkot field stations. The stone-built one at Kotli, attached to a Pakistan formation HQ, consisted of lounge, dining-room, office, three bedrooms and two bathrooms, including a make-shift shower which the Observers themselves had erected, and a sauna bath constructed by a Finnish Observer. There was a pleasant, screened-in verandah overlooking a lawn with a backdrop of mountains. The Pakistan Army provided two batmen and three drivers. The Observers paid for their own cleaner. Portable fans and kerosene heaters were provided and the office had an air-conditioner. The Army also provided a limited amount of fresh rations and staple foods, plus a small allowance for food and a local cook, who sometimes received cooking lessons from the Observers. Observers could also go for morning tea and in the evenings to the Officers' mess where there was a squash court and a small library. Urdu films could be seen at the local cinema. Kotli, situated in Azad Kashmir at 2000 feet above sea level and about a four-hour jeep ride through mountainous country from Rawalpindi, was described in an UNMOGIP hand-out for new Observers as "normally relatively pleasant during the winter months", but with temperatures often reaching 40 degrees centigrade from late May to early September, with high humidity during late summer possibly resulting in mildew damage to clothing.

The Sialkot field station was a very adequate detached house, situated in a residential area of the Cantonment. Close to the Border with Indian-held Kashmir, the station was active in the early years when Border violations were a common occurrence, and again during the wars of 1965 and 1971, but in 1982 was considered a family station, where only one Observer was attached as he was able to have his family with him. His main task was to arrange and supervise the regular crossing of Observers over the Border into Jammu, a crossing which was not generally open so that special arrangements had to be made with the authorities on both sides whenever it was used.

UNMOGIP also ran a flourishing PX in Rawalpindi which provided members of the Mission, and other UN personnel in Pakistan, with many of the luxuries which they might otherwise lack[149].

CHAPTER SIX - MODUS OPERANDI AND COMMUNICATIONS

MODUS OPERANDI

Interpretations of the Karachi Agreement

Following the Karachi Agreement of July 1949, and over a period of time, a number of interpretations of the Agreement were made. They represented a consensus of views after discussion between the parties and, successively, General Delvoie, Brigadier Angle and General Nimmo. These interpretations were incorporated in a Field Regulations Manual issued under General Nimmo's* authority, and in which the operational activities of the Observers were also defined in detail. A numbered copy was given to every Military Observer to serve as his instructions, and a copy was furnished to both Indian and Pakistan Armies HQ[2]. The regulations were thus designed not only to instruct the Military Observers, but to make it explicit to the High Commands of the two parties why the Observers acted as they did. In 1954, after India had questioned the impartiality of Observers from the United States and requested their withdrawal**, the following phrase was carefully drafted into the Manual: "the Observer is entitled to require that acts contrary to the terms of the Karachi Agreement be not committed or that they be rectified. He has no authority to enforce such demands. He must rely upon his personal ability to settle disputes locally by direct approaches to local commanders..."[3].

*The Manual was updated by General Nimmo's successor, General Tassara, in 1967[4], but has apparently fallen into disuse since then.

**See pages 277-285.

According to a background note prepared for Secretary-General Hammarskjold in July 1961, the interpretations and procedures could not be regarded as an agreement binding on the two sides, but the following circumstances gave a unique mediatory character to the Observers' activities: the fact that both sides were fully informed of the instructions issued to the Observers; that the Commanders had the right to express their views to the Chief Military Observer, indeed were encouraged to do so; and that the Observers were stationed at the local army brigade HQ on either side of the CFL with their main function being to assist local commanders in observing the terms of the Ceasefire Agreement[4].

Development of Procedures by Generals Delvoie and Nimmo

It had been agreed by both High Commands that troops would not advance or patrol beyond their forward positions as held at the moment of Ceasefire on 1st January, 1949, and that neither side would try to increase its military potential by bringing more troops or war-like stores into the territory of the State or by improving defensive positions[5]. On 24th January, General Delvoie gave his Military Observers written instructions which specified that in cases of breaches of the two Armies' ceasefire orders, or in the event of important incidents, the Observers were to accompany the local authorities in their investigations, gather as much information as possible and report as completely, accurately and impartially as possible to Control Headquarters. Any direct intervention by the Observers between the opposing parties or any interference in the Armies' orders were to be avoided[6].

At a meeting with the two Commanders-in-Chief on January

15th, it had been decided that opposing local commanders would meet whenever minor adjustments had to be made to further satisfactory implementation of the Ceasefire. The Military Observers were instructed to attend any such meetings taking place in their respective sectors, and to organise such meetings whenever they considered difficulties could be solved in this way. They reported, however, that at most meetings no practical results were obtained because local commanders did not have sufficient authority to take significant decisions[7].

In March 1949, in an attempt to avoid unnecessary reports of alleged ceasefire violations, the Indian Military Authorities decided to adopt the policy of supplying Observers with advance information of all proposed movement of guns, tanks and ammunition. However, the number of complaints by both sides continued to increase. The importance of the incidents in most cases was greatly exaggerated but demanded much expenditure of effort on the part of the Observers to establish their unimportance[8]. In May General Delvoie assured the Indian CIC that only two of the incidents that had been reported since the Ceasefire could be considered major violations, and sent the latter 20 of the most significant reports of investigations he had received from Observers. General Delvoie also suggested that the two Armies allow their local commanders to settle minor incidents on the spot, with the help of Observers, without referring them to higher authorities, and he submitted a procedure for local commanders to follow in reporting alleged violations. This was accepted, and subsequently helped to eliminate numerous incidents[9]. In July 1949 he inaugurated a new investigation procedure. This required the Observers to carry out a joint investigation with their opposite number on the other side of the CFL, thereby

eliminating considerable duplication of work and reducing the number of trips necessary to establish the facts concerning the charge[10].

In September 1951 General Thorat, the Indian CGS, asked for the results of the investigations of certain complaints which had been dealt with on the spot so that neither the CMO nor he were aware of the outcome. As a result General Nimmo issued instructions that all complaints should be lodged in writing if investigation were desired. The Observers were then to give each one a case-number and include them on a bi-monthly list of cases to be sent to the CMO on a certain prescribed and printed form. In this way each case, however minor, would have a number and its progress would be watched at HQ and finally notified to both sides[11].

Investigation Procedures

If after a study of a complaint from either side, it was considered that the complaint was in proper form, that the necessary information about the allegations had been provided and that an investigation appeared to be warranted under the terms of the Karachi Agreement and related texts, an investigation was initiated by the appropriate Observer Team, as soon as possible after the incident and as near as possible to the place of the incident. Although an investigation could take place on one side only, normally Observers from teams stationed opposite one another on the CFL were present. Each Army was represented by an officer who produced any necessary witnesses[12].

An emergency, such as a prolonged firefight, was handled by the local Observer Team Officer-in-Charge who immediately contacted the local military authority and tried to arrange a

ceasefire. He also endeavoured to transmit information about the emergency to the Team on the opposite side of the Line, who would take similar action, and the CMO was immediately informed. An investigation was held as soon as the situation was under control[13].

A detailed report of every investigation giving a full summmary of their factual findings, as well as their conclusions as to whether the evidence substantiated the complaint that a breach of the Karachi Agreement had occurred, was prepared by the Observers on their return to their station from notes made at the investigation. It was then typed out on the specified form and forwarded under "Secret" cover, generally by hand, to the CMO. On the basis of the report the CMO decided whether or not a violation had taken place and accordingly whether to "award" a Violation to India and/or Pakistan, or to close the case as "No Violation"[14]. In 1961 General Nimmo began to receive so many complaints without substantive evidence in support of them that he informed the parties he had decided on two further possible decisions. If the evidence did not prove it either way he would dismiss the complaint; and where allegations were obviously unfounded or the Karachi Agreement did not apply, he would reject them, with or without investigation[15].

Notification of Decisions

In order to ensure the absence of publicity, the CMO's decisions were notified to the Armies on a classified basis. During his first years at the Mission General Nimmo's practice was to prepare a demi-official (DO) letter* to the Chief of

*The recognized method in Commonwealth armies of conducting correspondence between senior officers.

Staff of the Pakistan Army and the Chief of the General Staff of the Indian Army notifying them both of his decision in each case. The use of this type of communication meant the letter went personally to the addressee who would ultimately have the communication placed on an official subject file of appropriate security classification. The letters were delivered by hand, were usually identical and contained only those facts which were necessary to be known. However, if the evidence revealed some fact pertaining to the cause of the violation, General Nimmo generally recommended to the Army concerned what action he considered should be taken to eliminate the cause. If he gave a decision of a Violation against either side, or if he made some comment to one side or the other, the correspondence was classified as "Secret"; if the decision was No Violation and contained no added comments the correspondence was classified "Restricted"[16].

In January 1961 General Nimmo informed the parties that he would notify local commands only of his findings, leaving them to notify higher commands[17]. By the end of 1963*, he was sending bi-monthly records of cases closed during the period to the CGS. These reports were marked "confidential" and addressed simply to the "Chief of the General Staff" and not, as with a DO letter, to the individually named CGS. Such letters contained only the case number and General Nimmo's decision. In addition, in difficult or sensitive cases, he notified his findings to both sides by DO letter as soon as possible. These letters were addressed personally to the CGS and clearly marked "DO" and franked "secret" which was underscored. To make them more personal, General Nimmo wrote

*It is not clear at what stage between 1961 and 1963 this practice started.

the salutation and "yours sincerely" by hand. Both sides received identical reports[18]. However, in 1964 General Nimmo took to advising the two sides only of their own violations[19]. The reason for this may have been that in late 1963 one of his DO letters was leaked to the Indian Press*, and Nimmo wished to minimise the future possibility of either party using his findings for propaganda purposes.

The outward appearance of rigid formalism in the term of the decision "Violation" or "No Violation" thus did not preclude a frank and personal evaluation of the circumstances to the parties' senior commanders in the hope that remedial action, if appropriate, might be taken. General Nimmo also used to write to both commands confidentially on the general situation, including civilian problems in the area, and made certain suggestions for the maintenance of peace and good order. Frequent personal visits to the Chiefs of Command on both sides also enabled him to exchange views informally and thus to bring a moderating influence to bear on the activities of the two Armies.

A bi-monthly Operations Report[20], normally under the signature of the CMO, was also sent to Andrew Cordier until he retired in 1962 and then Ralph Bunche at UN HQ in New York**. It usually took the form of a comment on the general situation along the CFL, and a summary of complaints received, disposed of and still pending during the current period. It sometimes included a summary of complaints over a longer period and such matters as Order of Battle, troop movements, and other

*See Pages 375-376

**After the death of Dr. Bunche in 1971 Under-Secretary-General Brian Urquhart maintained overall responsibility for UNMOGIP until his retirement at the beginning of 1986. See also footnote on page 501.

activities of Observers for the purpose of supervising the Karachi Agreement. These included checks on forward units of the respective armies and treks to remote areas of the CFL which could not normally or easily be reached. Reports of visits by the CMO or his Chief Operations Officer to the respective Army Commands or to Observer Field Stations were also included.

Observers' Other functions

An important function of UNMOGIP was the supervision of the requirement of the Karachi Agreement that the quantum of forces within the State of Jammu and Kashmir did not exceed the number of forces actually employed by each side at the time when the Ceasefire was accepted on 1st January, 1949. In this connection both Armies periodically submitted to UNMOGIP HQ a list of units and their locations within the Mission's area of responsibility. As soon as a new disposition of forces was received from the appropriate Army it was checked at UNMOGIP HQ against the previous one to determine whether the forces reported were within the quantum of forces allowable, and to ascertain whether there had been a change in their distribution. The disposition of forces was then verified on the ground by the Officers-in-Charge of the various Observer Teams[21]. A general reconnaissance of the area of the CFL by the Observer Teams was also carried out periodically to locate and report to UNMOGIP HQ any new positions which might have been constructed[22]. Such information was, of course, of a highly secret nature, and stringent procedures were always adhered to to prevent this, and any other classified information made available by the parties to Military Observers, from becoming known to the other side[23].

In addition to monitoring Ceasefire violations and checking on the Order of Battle, procedures were laid down in the Field Regulations Manual for the performance of other functions by the Observers. These included assisting in defining or clarifying the CFL on the ground, reporting to Headquarters UNMOGIP any planned military exercises or any planned firing or use of explosives within the vicinity of the CFL as notified by their local command, so that the other side might be notified in advance, and facilitating meetings on the Ceasefire Line and/or Border between local commanders to co-ordinate plans and solve local problems[24]. An amendment to the Regulations Manual on 1st September, 1960 authorised Observers to attend meetings of local army commanders, but not to become involved in the discussions "unless invited to assist regarding any points in the Karachi Agreement which require elucidation"[25].

Good Offices

A further important but unofficial function of the Observers, which promoted a considerable easing of tension along the CFL, was to afford "Good Offices", chiefly to facilitate the return of prisoners, civilians, cattle and so on across the Line. The UN Military Observers were allowed to carry out these acts of Good Offices only because their manner of performing them was strictly laid down and specifically excluded from their formal duties. The procedure was that a request by one of the parties for Good Offices was to be forwarded verbatim to the opposite Observer Team which, in turn, was to pass it on to its local command. The reply, if received, was to be passed to the originating local command. There was to be no hastening action. If, as a result of the

Good Offices, it appeared necessary to arrange a joint meeting, this was to be done, and UNMOGIP HQ kept informed[26].

Standing Orders in 1965

On 14th May, 1965, in order to simplify current standing orders which had been somewhat qualified during the deteriorating situation of the 1960s, General Nimmo issued a detailed memorandum to incorporate all previous amendments to Operations Instructions for Handling Complaints and Investigations[27]. This clarified the fact that a complaint might be handed to an Observer on any one of a variety of subjects as well as those which were truly Ceasefire complaints, although it was only with these latter that Observers were concerned. An Alleged Ceasefire Line or Border Violation (ACFV or ABV) related strictly to the Karachi Agreement* and its interpretations, or subsequent agreements connected with the Border*. A "case" was an ACFV or ABV which had been accepted by UNMOGIP and on which the Mission was expected to take action. The procedure was that a receipt would be given for the letter containing the complaint but no other acknowledgement would be sent; a complaint, including those submitted "for information only" would be returned to the Local Command if it was not based on the terms of the above agreements, or if it contained offensive or threatening words, or if it related to incidents occurring more than three days previously, unless in the judgment of the UN Field Observer (UNFO) Team the delay in submission was justified owing to communication difficulties.

Before action was to be taken, details such as map

*See page 188.

references were to be checked, and the Local Command was to be requested for an assurance that it had already made a thorough investigation of the circumstances. If the UNFO Team was not then satisfied that the complaint was valid it was to forward it by letter to UNMOGIP HQ with an explanation supporting a recommendation of non-acceptance.

ACFV's relating to firing incidents, entering within 500-yards of the CFL or crossing the CFL were to be discussed with the Local Command to establish whether the incident was of a serious nature and whether tangible evidence was available. The Officer-in-Charge of the UNFO Team could then decide which complaints should be further investigated. Those which required no further investigation, including complaints submitted "for information only" were not to be allotted a case number, but a copy was to be prepared, omitting any information which should not be passed across the CFL, and sent to HQ with a note of why no further investigation was being undertaken. HQ might then decide to instruct further investigation after all.

Complaints to be investigated further were to be allotted a case number and forwarded both to UNMOGIP HQ and to the opposite UNFO Team. Neither the originating Local Command nor the opposite Local Command would be advised of which complaints had been accepted and which not. When a particularly serious complaint (such as a raid or ambush) was received, only general information relating to the incident and without a case number would be passed initially to HQ by radio. Then full details including case number would be passed to the opposite UNFO Team and UNMOGIP HQ by fastest means possible, excluding radio for reasons of confidentiality.

ACFV's relating to strengthening of defences, increase of

forces and use of explosives within five miles of the CFL were to be allotted a case number and forwarded by Special Delivery Service to HQ Operations Section and to the opposite UNFO Team without being mentioned on the radio, and also without Local Commands being advised that a case number had been allotted. The opposite UNFO Team would then be responsible for carrying out the necessary investigation by checking records and ensuring that the defences had not already been reported in a previous case and, if necessary, by investigation on the ground. Complaints relating to the area of a previous case which had not been investigated were to be added to the initial case. New field defences which were the subject of a case were to be included in the record of defended localities, and new positions which were established and reported by Observer's complaint or by complaint by the opposite Local Command were also to be recorded.

In all investigations involving the alleged firing by heavy weapons Observers were to check the record of defended localities against the actual presence of these weapons or of ammunition for them. Whenever they were discovered to be unauthorised separate Observers' complaints were to be submitted to HQ.

ACFV's relating to overflights were not to be allotted a case number but forwarded to HQ Operations Section, complete with any evidence produced by Local Command. HQ would then direct any further investigation thought necessary either through the Team concerned or through the appropriate Army Headquarters.

Observers' complaints were to be submitted to the CMO on an investigation report form with no case number until the CMO accepted the complaint, in the event of which the Team might be

asked to inform the Local Command accordingly by letter. If it was necessary to inform the opposite Local Command, HQ would do so. Names of Observers who had been fired on and submitted complaints were not to appear in radio signals.

The memorandum also modified existing investigation procedures due to problems which had arisen as a result of having police and/or civilian witnesses attend joint investigations on the CFL, since it was in fact they who were most often involved in incidents. Only UN and military personnel were to meet on the CFL, and any police or civilian evidence was to be given by the military representatives at the CFL. The essential point was that neither police nor civilians were to be permitted to attend joint investigations on the CFL, nor were they to be interrogated within sight of the opposite side. If either team considered it necessary or desirable to obtain direct evidence from police or civilians this was to be done either in a preliminary investigation, or in accordance with the procedure laid down for a single investigation.

COMMUNICATIONS

Ground Transport

Ground transport and drivers were originally supplied entirely by the two armies, but in 1951 General Nimmo pointed out to Andrew Cordier that the provision of transport was no small effort for the armies concerned "who have always been most generous" and he felt they should not be asked for more, but that provision should be made by the UN[28], and the Mission did thus receive some vehicles of its own. Reporting to the Missions Co-Ordinating Committee in 1953 after a visit to

UNMOGIP, a UN official noted he was impressed by the excellent quality of service rendered by the Indian and Pakistan Armies which made it possible for the Mission to hold its own jeeps in reserve for possible emergencies[29]. In 1956 there were 24 UN-owned vehicles and 51 supplied by the two Armies, but General Nimmo still felt that such long-term dependence on interested Parties for the supply of transportation was "not wholly desirable" and while both Armies had been "most generous they were at times hard put to it to keep UNMOGIP properly equipped"[30].

When the Mission began its operation the Observers virtually had to maintain the vehicles themselves, although the Armies supplied drivers and petrol[31]. By the end of the 1950s the vehicles were controlled and serviced by two members of the UN Field Service - a Transport Officer and a mechanic - with a locally-recruited staff of six mechanics and three apprentices, and they had the use of a workshop well-stocked with spare parts. Nevertheless it was felt that the replacement rate of vehicles by the UN was too low since the terrain in which they were used was difficult and frequently dangerous, the roads being in many cases none too reliable and built on precipitous mountain sides. The general strain on the vehicles was thus above average and if, for example, an axle broke or a wheel came off the results could be more than normally serious[32].

When the rent of the workshop rose steeply in 1960 the Administrative Officer suggested that vehicle maintenance should be handled by a Pakistan Army base workshop under the supervision of the UN mechanic, but Andrew Cordier decided that it was politically unwise to give a contract to one Army and not the other and that it was preferable to pay the higher rental[33].

Special Delivery Service

When the Mission began its operations in early 1949 a bi-weekly motor cycle service for the transmission of letters and documents between the Control HQ on each side of the Line was set up. In July 1949 this became a daily service[34]. Subsequently a system known as "Special Delivery Service" was established which allowed documents, particularly confidential or sensitive ones including information which could not be passed over the radio, to be taken from one point to another by UN jeep[35].

Aircraft

UNMOGIP has normally had an aircraft assigned to it. With the ownership of such transport so expensive, it is not practicable for the UN as a whole to acquire a permanent fleet, and the Organisation has relied mainly on American, Canadian and British assistance for all of its peacekeeping operations. For the first five years UNMOGIP's aircraft and crew were supplied by the American Air Force, and then from time to time by the Canadian Air Force. Charter arrangements with other countries or private companies have also been made. But on occasion the Mission has been without an aircraft, usually either between contracts or due to servicing. Such times have always been considered most unfortunate, both on political and operational grounds, and they have caused considerable dissatisfaction amongst the Observers who have maintained that it is contrary to the understanding on which they agreed to serve[36]. As General Nimmo pointed out, the aircraft was one of the greatest morale factors on the Mission. It gave members the chance to escape, particularly from outlying field

stations, from an extremely hot or cold climate, or from the diet, when they had only a few days leave per month[37].

From the political point of view he believed the possession of an aircraft was desirable because the sight of it enhanced the Mission's prestige throughout its area of operations, and was the only effective means of maintaining public awareness of the Mission's activities in New Delhi, which it visited at frequent intervals. This was particularly important during the winter months when the HQ was in Rawalpindi[38].

Operationally there was the possibility of the CMO having to travel quickly between Army HQ in Rawalpindi and Army HQ in New Delhi in the case of a crisis in relations beween the two sides. A rare flash of anger was shown by General Nimmo when the UN Aircraft was put out of action at such a time during a Pakistani attack on the airfield at Srinagar during the 1965 war, though he did confine himself to cabling the Pakistan CGS: "Your Air Force has succeeded in wrecking our Caribou aircraft UN 324 on the gound at Srinagar this afternoon where they knew it was parked"[39]. A replacement arrived a week later and narrowly escaped being bombed in an air attack six hours after it arrived on Srinagar Airfield[40].

In more normal times possession of an aircraft was required on account of the slowness and unreliability of road communications throughout the area. Road transportation to some field stations at the best of times was so slow that it was difficult to maintain the rotation of Observers, particularly necessary in the hot months, without an aircraft. In addition, landslides and subsidences, floods and snow frequently made certain essential roads impassable. Two of the field stations could not be reached at all except through

Srinagar and even when the roads were open it took fourteen hours to reach Srinagar from Rawalpindi by one of the two possible roads, and eight to ten hours by the other. By air the same journey could be completed in forty minutes[41]. After the winter of 1958-59 the shorter road route became impassable when the bridge across the nullah* at the Ceasefire Line on the road between Uri and Domel collapsed under the weight of snow. The Indian Government were not prepared to go to the expense of rebuilding it since, with the lack of communication between the two sides of Kashmir, UNMOGIP personnel were the only ones to use it. Indeed the Indians thought it would encourage infiltration. They did reluctantly agree to build a footbridge which made crossings by Observers for liaison meetings and local investigations possible**. At this point General Nimmo considered the possibility of using Rawalpindi as the main administrative base for UNMOGIP, rather than continuing with the six-monthly move between there and Srinagar, but ultimately decided this was politically inadvisable[42]. Possession of an aircraft thus became even more important to facilitate the six-monthly moves between Srinagar and Rawalpindi.

Radio

In July 1949 Andrew Cordier suggested sending out a communications officer with a view to setting up a skeleton

*stream

**After representation by ACMO Colonel Gauthier the two countries agreed, during withdrawal negotiations in February 1966 and in subsequent discussions, to erect another road bridge. I am unaware whether or not this occurred, but certainly the road was not in use at the time of my visit in 1982, although any bridge built could well have been washed away again.

communications system[43]. At first General Delvoie doubted whether this was necessary, but then he did request a radio system in order to be able to receive immediate information regarding serious Ceasefire violations and the results of investigations. Up to that time he had had to rely on the two Armies' telephone systems and the Observers' use of jeeps. He told Colban that because of the expense involved he had been endeavouring to carry out his duties without the use of radio communications. However, with the increase in Ceasefire violations and the constitution of Observer Teams in the northern mountain areas, where other forms of communication would be much too slow, it had become evident that a radio network was after all necessary[44].

In 1951 General Nimmo increased the number of radio officers on the Mission in order to be able to reduce the required number of Observers[45]. In 1956 he claimed that whilst good radio communications were essential to UNMOGIP's efficiency and effectiveness, he felt that the Mission's methods and equipment necessitated an excessive number of radio operators with all the resultant administrative and personnel problems which living in the Mission area normally produced. As a result, he said, they were trying to operate with fewer radio offficers than would actually provide the degree of continuity they would have liked, which was not entirely satisfactory. He was therefore considering ways of simplifying the system in order to obtain better results at less cost[46]. In 1958 he was able to reduce the number of radio operators by six with the introduction of voice radio equipment which the Observers were able to use themselves, rather than the morse equipment which could only be used by skilled operators[47].

A UN International Radio station in Karachi operating with the permission of the Pakistan Government enabled cabled messages to be sent between the Mission and New York and was administered by and came under the budget of UNMOGIP, which kept a minimal staff there, including for a short period a Military Observer. By the late 1950s UNMOGIP was responsible for only about 5% of the station's traffic, and in 1958 it was suggested that it should be separated administratively from UNMOGIP[48]. However, this change did not take place[49].

CHAPTER SEVEN - PROBLEMS

ALLEGED CEASEFIRE LINE VIOLATIONS

In the period from the end of January 1949, when UN Observers first arrived on the Subcontinent, to the departure of General Delvoie at the beginning of November that year, 272 alleged breaches of the Ceasefire were investigated, but were mainly found to be baseless or exaggerated. Only two of the reported violations were considered by General Delvoie to have any real military significance, and these were resolved at the meeting in Karachi in July[1].

Records of complaints of Alleged Ceasefire Line Violations (ACFV's), and of violations awarded as a result, were kept from 1st December, 1949. Border incidents were reported by India and Pakistan and investigated by Observers with effect from 9th February, 1950, and records kept thereafter[2].

In October 1952 General Nimmo remarked that it was apparent from the figures that Pakistan carefully investigated before alleging violations, which resulted in fewer complaints but more violations. Out of 223 complaints by India, 40 violations (45% of all violations) were awarded, whereas out of 169 complaints by Pakistan, 49 violations (55%) were awarded[3]. In early 1955 he reported that UNMOGIP's statistics had recently been exhaustively reviewed and they were fairly satisfied about their accuracy from 1951 onwards. He thought it was only to be expected that the degree of accuracy had increased each year, as turmoil gradually lessened and office procedures improved under the influence of better surroundings and more settled circumstances[4]. In the tables which follow the total number of complaints does not necessarily match the total number of violations and non-violations awarded, since

some alleged violations attracted a double violation award, whilst others may have been withdrawn at a later stage. The fact that so many complaints ended with a "No Violation" does not give a full picture of the situation as a "Violation" was awarded only when incontrovertible proof existed[5]. From 1961 the term "No Violation" included complaints that were either dismissed or rejected. Slight revisions of the figures were also made from time to time. Where no figure is shown, that figure was not available[6].

TABLE OF ALLEGED CEASEFIRE LINE VIOLATIONS 1949-1965

Year	Complaints by				Violations		
	Pak	Ind	UN	Total	Pak	Ind	Non-
1949*	1	4	0	5	1	0	0
1950	29	53	2	84	14	5	60
1951	63	98	0	161	11	18	122
1952	25	50	0	75	4	6	61
1953	19	20	0	39	1	6	25
1954	11	12	0	23	1	2	19
1955	13	16	0	29	5	4	18
1956				60	2	6	54
1957**							
1958				114			
1959(to June 15)				64			
1960	37	33	0	70	10	16	46
1961	302	281	0	583	35	56	492
1962	499	461	0	960	107	127	727
1963	310	317	2	629	163	150	326
1964				2149			
1965	1969	2274	123	4366	622	511	3389

*December only

**Fewer than in 1958

TABLE OF ALLEGED BORDER VIOLATIONS 1950-1965

Year	Complaints by				Violations		
	Pak	Ind	UN	Total	Pak	Ind	Non-
1950*	17	13	0	30	0	1	23
1951	25	20	0	45	3	7	28
1952	21	13	0	34	1	6	25
1953	3	8	0	11	4	0	5
1954	5	7	0	12	3	0	9
1955	7	10	0	17	3	2	9
1956				12	1	2	11
1957							
1958							
1959							
1960	1	2	0	3	0	0	3
1961	39	36	0	75	7	6	63
1962	7	6	0	13	0	0	13
1963	0	0	0	0	0	0	0
1964							
1965	27	119	2	148	17	11	126

*Commencing 9th February

It will be noted that in 1961 there was a sharp increase in the number of incidents with 583 Ceasefire Line complaints being reported, compared with 70 the previous year and only 23 in 1954, the quietest year. There was a further huge jump to nearly a thousand in 1962. The number was 629 in 1963 and then continued to spiral upwards until 1965 when the two countries went to war again and the number of complaints was well over 4000.

INCIDENTS

Throughout the history of the Mission the majority of the incidents which occurred along the CFL involved civilians. Such incidents will be discussed at length in due course, but first some mention must be made of incidents of a purely military nature.

It was agreed by both High Commands when the Ceasefire first came into effect that as from 1st January, 1949 troops would not advance or patrol beyond their forward positions, and that neither side would try to increase its military potential by bringing more troops or warlike stores into the territory of the State or by improving defensive positions. This was confirmed in the Karachi Agreement[7]. On 16th September, 1949, General Delvoie obtained the concurrence of the two armies on the following more precise definitions of a breach of the Ceasefire[8], and these were thereafter accepted by the parties as coming within the terms of the Karachi Agreement*:

1) Crossing the Ceasefire Line;

2) Firing or use of explosives within 5 miles of the CFL without prior warning to Military Observers;

3) New wiring or mining of positions;

4) Reinforcing of existing defensive positions with men or warlike stores;

5) Forward movement from outside into the State of Jammu and Kashmir of any warlike stores, equipment and personnel other than reliefs and maintenance;

6) Flying of aircraft over the other side's territory.

(3-5 are collectively referred to as "Strengthening of Defences".)

*See page 96 and Appendix IV.

Crossing the Ceasefire Line

Inevitably most of the complaints involving civilians come under this heading and will be dealt with later*. General Delvoie compiled a report in three parts on the 272 incidents investigated during his tour on the Subcontinent from January to October, 1949. One section concerned civilians. Under another he briefly described the only two major military incidents, which concerned one complaint from each side that the opposing army was advancing its position[9]. Both matters were dealt with at the time of the Karachi Conference in July 1949, rather than by the Military Observers, although General Delvoie himself was closely involved in the settlement[10].

The remaining complaints came under the heading "Minor military incidents", and included complaints of patrolling forward, where investigation had revealed that most could be attributed to soldiers losing their way, or not knowing the exact location of the CFL[11].

Reports of troops crossing the CFL were at times substantiated and a Violation awarded against the offending party. At other times troops were accused of aiding and abetting raiding parties, or of crossing the Line to steal goods themselves. Normally it was then claimed that the offenders were civilians in military clothing, a point difficult to prove, since many civilians did indeed wear discarded military dress[12]. However, on occasion the complaint was vindicated. In April 1952, for example, General Nimmo wrote to General Thorat, the Indian Chief of the General Staff, regarding a complaint by Pakistan. He stated that the investigation disclosed that a raid, in which twenty cattle

*See especially pages 186-243, and 332-344.

were removed, was carried out by civilians accompanied by armed personnel in Indian army uniform. Although the Indian Local Commander stated that no Indian troops were in the area at the time, the evidence was sufficient to substantiate the findings. General Nimmo declared a violation against India and suggested that the Local Commander should supervise more closely both civilians and armed personnel dressed in army clothing since this was not the first incident of the nature occurring in the area[13].

A short mention should perhaps also be made of another reason for crossing the CFL. In October 1952 General Nimmo wrote to General Thorat regarding such a case: "Inasmuch as these men appear to be deserters, I intend to follow the precedent established in a smilar case in August 1951, i.e. have an Observer interview the men to ascertain if they wish to be repatriated". The men did not wish it, and Pakistan GHQ returned their weapons, via UN Military Observers, to India[14].

Firing and use of explosives within 5 miles of the CFL

Again the majority of incidents reported under this heading proved upon investigation to involve either civilians or civilian police, and not troops and therefore could not, upon investigation, be confirmed as violations of the CF Agreement although, as more and more armed police came to be used in the area of the CFL, General Nimmo did begin to award a Ceasefire violation against the side whose police or even civilians used arms within 500 yards of the CFL*. Often, however, and particularly in the early years, such complaints turned out to be explosions for civilian purposes, or firing by hunting parties, either military or civilian[15].

*See page 223.

Strengthening of Defences

General Delvoie reported at the end of his tour in 1949 that complaints about the strengthening of defences nearly always turned out to be merely repairs[16]. This continued to be the case and they were particularly prone to occur early in the year when both sides undertook repairs and "spring cleaning" of their forward posts after the winter rains and snow[17]. Worsening relations in the 1960s brought forth a spate of verifiable incidents[18], but even in August 1951, during his first year with the Mission, General Nimmo circulated a memorandum to all Observers pointing out that while complaints of strengthening of defences usually turned out to be repairs, Observers should be alert to the possibility and order cessation and destruction of any new work found, and therefore to make frequent inspections of forward areas[19]. Thus even in more tranquil times the Observers always endeavoured to investigate these complaints and allay any alarm they caused. And on occasion they were well-founded. In May 1958 Nimmo reported to Cordier that Observers had discovered on the Indian side in one area not only a minor work, but a concealed group of 14 strong defensive bunkers[20].

Inevitably also if one side suspected the other to be strengthening its defences, it was tempted in turn to do the same. In August 1959 General Nimmo reported two complaints, one that Indian troops had been seen digging new trenches, a complaint that had been outstanding since the previous October, and for which General Nimmo was still awaiting an explanation by the CGS India, and the other that Pakistan military authorities had built a new bunker in the same area. The latter helped force the issue and General Nimmo awarded a

Violation against both parties[21].

Sir Humphrey Trevelyan, who visited the Mission area as Personal Representative of the Secretary-General in 1958, when General Nimmo felt that political pressures were growing, reported that: "A number of complaints, often of an insignificant nature, relate to the construction of new defensive positions, but there is no attempt on either side to reinforce forces substantially above the permitted maximum. The Pakistanis are not now taking much trouble over making up their roads, an indication that they do not consider operations likely in the future"[22].

Brigadier Angle first brought attention to the problem of road building in a letter to Ambassador Colban in 1950, saying that both sides alleged that such improvements, which included also the erection of bridges and construction of storehouses, were necessary to maintain the civilian population in the area. He argued that if a decision had been requested regarding action in such a matter which might or might not be construed as a breach of the Ceasefire Agreement, commonsense had ruled that if the other side had followed a similar course then a violation of the Ceasefire Agreement was not awarded, although that may have been contrary to a legal interpretation of the Agreement. But he wished to place on record his view that the military situation was nevertheless improved in the process[23].

One particular instance of this kind did cause considerable disagreement. On 23rd January, 1950 the Mission received a complaint from India that Pakistani civilians were constructing a bridge on the Mendhar River with the aid of explosives[24]. Colonel Ostbye, then Acting Chief Observer, had several meetings with the Chiefs of Staff of both Armies, and on 9th February the Indian CGS, General Kalwant Singh, agreed

that the Pakistanis should be permitted to rebuild the Bridge to carry three-ton trucks but nothing heavier, with the provisos that the rebuilding of the Bridge was technically a breach of the Ceasefire, that an Indian Engineer Officer should be permitted, with UN Observers, to inspect the bridge during construction, and that if the Indians decided from a tactical point of view that they must cover the Bridge, they be allowed to move troops and/or weapons[25]. Further discussions followed with both sides. The reaction of General McCay, CGS, Pakistan, was that India was insisting on the letter rather than the spirit of the Ceasefire Agreement. On 5th March Angle showed General Kalwant Singh some photographs and pointed out that the General had been poorly informed on the problem. General Kalwant Singh was forced to realise that the Pakistanis could in any case move tanks across the river, except in high water, without the aid of a bridge. Even so, later that month, Angle wrote to General McCay asking him to have the newly-constructed abutments and pillars erected within the 500-yard zone of the CFL destroyed. Meanwhile, at the end of March General Kalwant Singh admitted that his Legal Department had agreed with the Observer Group that there could be no legal objection to the Pakistanis building a bridge at Mendhar so long as the site was outside the 500-yard restricted zone. Angle informed McCay they could therefore proceed, the understanding being also that the new bridge would be such that it could not be used by tanks. Pakistan engineers then dismantled the first bridge and moved the materials to the new site[26].

In September 1956, after a series of complaints relating to road-building, General Nimmo decided to take the question up with Andrew Cordier, and requested a legal opinion on the whole

matter. He said that he had told both sides that in his opinion, the term "increased military potential" was often loosely applied in relation to the Ceasefire Agreement. Whether a road, track, bridge, tunnel or any other improvement to existing communications had been built was beside the point. Many had been built or improved in Kashmir since January 1949. The relevant point was whether they were used to build up the number of troops or amount of warlike stores in an area over and above the number or quantity permissible under the Agreement; it was conceivable that a road or track in a forward area could be regarded as a strengthening factor and therefore could be the subject of a justifiable complaint, and that such cases would have to be judged on their merits. He had suggested that in case of doubt any proposed construction would be better referred to the Chief Military Observer beforehand[27].

The legal opinion Nimmo subsequently received agreed with him that road-building could not be considered a breach of the Karachi Agreement *per se*, but only if it could be regarded as a strengthening of defences. Indeed, the opinion concluded after a lengthy exposition, it would be unreasonable to hinder unnecessarily the normal development of the State of Jammu and Kashmir[28].

In April 1965 General Nimmo wrote to the Chief of the Indian Army Staff expressing the view that the construction of a new airfield in Kashmir Valley was a violation of the Ceasefire Agreement in that it represented a major increase in the military potential in the area. In reply he was informed that the airfield had been constructed as a satellite airfield to the Srinagar Airfield, and would be necessary because high performance jet aircraft were to be introduced in the civil air

services to Srinagar. Further, the airfield's secondary role was to meet the threat from China*. General Nimmo thought the matter should be placed on record in New York, but felt there was nothing that could be done about it[29].

Forward movement into the State

According to the Karachi Agreement, the number of troops allowed to be stationed in the State of Jammu and Kashmir should not exceed the number stationed there at the time of the Ceasefire on 1st January, 1949, and both Armies regularly furnished the Mission with a copy of their Order of Battle which was checked, so far as was possible, by Observers when they visited the various army locations. However a few uncertain aspects of the Agreement came to light in the early months of 1950. Both India and Pakistan withdrew troops from Kashmir "for rest and administrative convenience". Since both claimed that this was not a breach of the Agreement, Angle accepted their interpretation of the Agreement. However, he argued that a battalion withdrawn from the front line, sent to a training area, re-organized and returned to its original position in Kashmir did improve the military position, and he wished to place this point of view on record[30]. In those days there was still optimism that a settlement of the Dispute was imminent, but as time elapsed Angle's view would inevitably have become untenable.

In January 1950 Lt. General McCay, the Pakistan Chief of Staff, wrote to Acting Chief Observer Colonel Ostbye claiming that during the previous few weeks there had been very considerably increased movement of Indian Army convoys near the

*India fought a war with China in Ladakh in 1962. See pages 305-306.

Ceasefire Line, which he admitted might be due to reliefs. However, he requested a categorical assurance that there had been no increase of forces contrary to the Karachi Agreement and furthermore asked for confirmation that if any such breach of the Agreement had or did occur, and was not rectified within a specified time, the Observer Group would inform the other party of the full details[31].

It was not until the end of April that he received a written reply, although Brigadier Angle - who was by then Chief Military Observer - had discussed the subject with him several times. Angle concluded that the convoys were not a breach of the Ceasefire Agreement and gave assurances that there had been no overall strengthening of Indian forces within the State since the Ceasefire Agreement. He said that readjustments made to conform to the Demarcation Line Agreement might have strengthened some sectors, but weakened others, and this applied to both sides. Angle would not commit the Observer Group to informing the other party of full details of any breach of the Agreement in respect of force levels and stated: "The policy followed by this HQ in one case where a violation of the Ceasefire Agreement had not been rectified immediately was to report the matter to Ambassador Colban, the Representative of the Secretary-General to United Nations. This case was then taken up on Governmental level"[32].

McCay had also inferred that a build up of Indian troops even close to the State of Jammu and Kashmir should be considered a breach of the Ceasefire Agreement since it was also close to the Pakistan border[33], and in March 1950, the Commander-in-Chief of the Pakistan Army, General Gracey suggested Observers should investigate Indian troop concentrations and dumps of warlike stores in East Punjab and

Bengal, about which he was greatly alarmed. He felt the Indians might create an incident so as to excuse military action by their troops[34]. Brigadier Angle cancelled all leave for Observers except annual leave, but explained to General Gracey that unless ordered to do so (presumably by the UN Secretary-General), he could not investigate Indian activities in Punjab or Bengal[35]. And he made it clear in his letter to McCay that a large concentration of troops by either country outside the State could not be considered within the scope of the Ceasefire Agreement[36]. However, he told Colban that all the military problems in India, Pakistan and Kashmir were so inter-related that it was difficult to draw a firm dividing line between what did and did not concern the Ceasefire Agreement, although he and Colban both agreed that the Observers could not undertake any task of a military nature outside the State territory[37].

On occasion the CMO was able not only to allay the fears of one side that the other had introduced further troops into the State, but also to use his unique position to bring the attention of one to the other of fears he had been told of, but which were outside his area of jurisdiction. In this way he was able to facilitate an easing of tension. For example, in July 1951 General Nimmo wrote to General Thorat referring to a communication he had received from him the previous May in which General Thorat had expressed concern about certain troop movements and activities both in Azad Kashmir and in the Sialkot area. General Nimmo pointed out that he had been able to allay the other's feelings about the former, but was in difficulty about the latter because the area in question was in Pakistan territory and therefore outside his terms of reference. However, in order to correct any mistaken

impressions, he had felt justified in going to the length of explaining to the Indian Liaison Officer attached to his HQ that as far as he could ascertain there were no unusual military activities in the Sialkot area. He also mentioned this fact at a Conference with the Commander-in-Chief. He continued: "Today, from my position as a neutral observer, I see the situation reversed and Pakistan GHQ concerned about reported troop movements and concentrations in Jammu and over the Border at Pathankot". He had informed them that there had been no Ceasefire violation in Jammu in respect of an increase of forces but as regards Pathankot he was in a similar difficult position as previously in relation to Sialkot, and in any case, not having visited the area, as he had Sialkot, his only knowledge was what he had seen in the Press of both countries. He went on: "Realizing the dangerous situation which can develop out of alarms and what I feel sure are misconceptions... I would urge that you might consider communicating with Pakistan GHQ on this matter...I suggest this action because the area is close to Jammu and I think it would be in keeping with the spirit of the Ceasefire Agreement"[38].

With the eventual reduction of force levels by both sides, the question of the quantum of forces ceased to be uppermost in anyone's mind, but UNMOGIP continued to receive details of and check upon the Order of Battle. Then, in 1962, the Indo-China War gave the matter a new dimension, although this does not seem to have caused the problems that might have been expected*. In August 1962 General Nimmo reported to Dr.

*It was perhaps neither reasonable nor feasible to prevent India from introducing extra forces into the State when the defence of the whole of India against a third party seemed to be at stake, particularly when the troops went straight to Ladakh. The latter, although administratively part of the State of Jammu and Kashmir,

Bunche that over the previous year the Indian Army had been strongly reinforcing its military position in the Ladakh region to counter Chinese military activity in the area, and had created a new ground and air administrative support system taking advantage of the new roads and airfields that had recently been constructed, to the extent of being in contravention of the Karachi Agreement. However, UNMOGIP felt certain that the build-up was indeed a reaction to the Chinese forces in the area, and not directly a threat to the Pakistan forces in the Northern Areas. Moreover, General Nimmo felt sure that the Pakistan Army was fully aware of the increase in the Indian Army military potential, but "for reasons best known to themselves" were reluctant to raise a complaint. It was by then difficult also for UNMOGIP to obtain permission to visit the area or insist on seeing the Order of Battle for that region. Other than informing the UN of the potential source of trouble, General Nimmo felt it best to take no action unless forced to do so by changing events[37]. In September 1963 the Indian Chief of the Army Staff informed General Nimmo verbally that they were considering the introduction of an additional Corps HQ into the State, one for control of the area north of the Pir Panjal Range plus Ladakh, and the other for the area below the range. General Nimmo could see the Indian point of view, but drew attention to the difficulties this could cause

and thus a part of the territory under dispute with Pakistan, was racially and geographically quite distinct from the Vale of Kashmir, which was the real prize being sought in the Dispute. The Buddhist inhabitants of Ladakh had already made it clear they would not stay if their land became part of Pakistan. Pakistan, in any case, probably had little interest in such an inhospitable and distant area, and indeed was in the process of negotiating away to China similar tracts of neighbouring territory. Pakistan was also under pressure from the West not to make extra difficulties for India during her war with China. See page 306.

under the terms of the Ceasefire Agreement, since it might be regarded as a threat to Pakistan. The Chief of Staff later told General Nimmo that he had changed his ideas so that one HQ would have a clear-cut responsibility towards Ladakh and the Tibetan Border, whilst the other would cover the remainder of the State as had always been the case. General Nimmo wrote to Dr. Bunche that he "felt this to be more satisfactory from our point of view, however much one may regard the proposed increase to be an unnecessary embarrassment. I take the view that there is little we can do about it except to hope that dispositions are only aimed at meeting a Chinese threat and do not disturb the *status quo* along the Ceasefire Line in the Kargil Sector. I say hope advisedly because as you know we are unable to observe the Ladakh area or the build-up of the forces therein"[40].

Flying of aircraft over the other side's territory

This was not a major problem during the early days of the Mission, although it did occur, but during the late-1950's the number of complaints about aircraft violations considerably increased. In January 1959 General Nimmo reported that of 18 cases then pending, 12 involved high-flying aircraft[41]. In July 1957 the Indians alleged that a Pakistan aeroplane had flown over Indian-occupied territory along the Kishenganga River. General Nimmo gave a No Violation award since it was practically impossible, without special training, for ground observers to fix the position of an aeroplane in flight, so that it could not be determined beyond reasonable doubt whether the aircraft had actually crossed the CFL. However, General Nimmo wrote to the Chief of Staff, Pakistan, deploring the fact that an aeroplane should fly so close to the Line "as to cause

doubt and suspicion"[42]. The issue was further complicated by political allegations regarding foreign air bases. Indeed one overflight complaint made by the Indians and denied by the Pakistanis, and which was given a No Violation award, was subsequently believed from information from outside sources to have derived from an American overflight[43]. General Nimmo told Andrew Cordier that he "intended strictly to avoid involvement in any such controversy"[44].

In August 1957 16 complaints about overflights were lodged. However, six dealt with the flight of one aircraft and two with another. The six complaints concerning the alleged flight of the same Pakistan aircraft over the CFL were each lodged with a different UNFO Team, but were given a single case number, and the investigation was co-ordinated by a senior Observer. It was confirmed that the flights took place but the 'plane could not be identified even after examination of available air logs. Pakistan high level authorities denied any participation by their aircraft. A declaration of No Violation against Pakistan was therefore made, and General Nimmo asked both High Commands to attack immediately this "new and difficult problem"[45].

Nevertheless the problem continued. Evidence produced during the investigations of six cases involving high-flying aircraft in January 1959 indicated that jet aircraft were flying in the areas, and at the times mentioned in the different complaints, but in each case both sides denied having had any aircraft in the areas at the times mentioned. Further, no evidence as to the identity of the aircraft was produced at any of the investigations. Therefore the six cases were again closed with awards of No Violation[46].

General Nimmo discussed with the Indians, who were the

more vociferous in their complaints about overflights, the difficulty of proving whose aircraft were flying when often all that was seen was a vapour trail[47]. He sent an Observer to various air stations in both India and Pakistan to conduct enquiries, the results of which, after about 600 miles travel in each country, were inconclusive even though logs and squadron flight plans were freely made available. He considered repeating the operation when further complaints arose, but decided it was unlikely to produce results commensurate with the time and expense involved. Short of stationing Observers permanently at all air stations outside Kashmir, which would first have to have been proposed and then agreed by both parties, he felt there was not much which could be done by UNMOGIP beyond the local enquiries it already conducted. He did, however, suggest that if both Air Forces frequently reminded their formations to keep well away from disputed areas, and thus be certain they did not cross the CFL, a lessening of the number of complaints would be achieved[48].

Occasionally an identification was possible, or other firm grounds for declaring a violation established. In January 1960 a civil aircraft hired by the Pakistan Government to conduct an aerial survey of the river system in Azad Kashmir was seen flying over Indian territory, and inevitably it was likely that photographs had been taken. A Violation was awarded against Pakistan since any aircraft, whether civil or military, was deemed to violate the Karachi Agreement if it flew over the CFL, as information of military value could be obtained by either[49].

In another instance a Royal Pakistan Air Force pilot was driven off course while flying from Lahore to Rawalpindi in bad weather. The pilot was forced to land on an airstrip at

Naushera owing to shortage of petrol, but was permitted to take off again as soon as the weather allowed. General Nimmo reported: "the co-operation and hospitality shown by the Indian Army to the Pakistan pilot, together with the facilities and arrangements for the prompt return of the pilot and 'plane were not only highly satisfactory, but in the best army traditions". A Violation was nevertheless awarded by General Nimmo against Pakistan[50].

Observer Incidents

Incidents termed by the Mission as "Observer Complaints" included any violation of the Ceasefire which was witnessed and reported by an Observer rather than by one of the parties. These inevitably tended to be few as neither side was inclined to breach the Karachi Agreement under the very noses of those who were there to safeguard it. Thus, in the normal way, Observers were only witnesses to breaches during serious incidents which continued after their arrival on the scene as the result of a report or complaint.

There were very few incidents of a purely military nature which could be said to have been deliberately directed against Observers, although they were at times caught in the crossfire, as happened during the Nekowal Incident*. In March 1959, fire was opened from the Pakistan side of the CFL into an area where Observers displaying a white flag were moving towards the CFL for a pre-arranged meeting for a joint investigation. The Observers were forced to take cover and a Violation was subsequently awarded against Pakistan[51]. Similarly in September 1961, in moving forward for a joint investigation

*Pages 212-213.

Observers came under fire from the Indian side whilst standing in the open near their white jeep and under the white UN flag, but such incidents were rare[52]. In October 1959 a UN jeep being driven by an Observer ran over a mine in the Punch area. He was not hurt, and it was in any event suspected that the mine was meant for the local Indian Brigadier who had driven over the road a few minutes before[53]. As the 1965 war approached the Observers found themselves in danger more often, and several incidents occurred in 1964. On one occasion two Observers were seriously hurt when a grenade exploded near their jeep when they were present to observe the withdrawal of Indian and Pakistani troops after a brief bout of fighting in the Border area. It seems unlikely, however, that this grenade was planted by the military or specifically aimed at the Observers[54]. In August 1964 an Observer investigating a heavy firing incident near the CFL on the Pakistan side started to follow a trail of blood caused by a body having been dragged away by the Indians. He came under heavy Indian fire which continued for one hour in spite of the white UN flag, blue beret and prior assurance from the Indian Local Commander that it was safe for him to enter the area. General Nimmo requested Dr. Bunche to inform the Indian delegation that the Secretary-General was being informed of the unwarranted action and to demand the immediate removal of the offending commanding officer and unit responsible. The Indians ordered a Court of Inquiry into the affair, but the result is not known[55]. However, in November that year Indian troops again opened fire at Observers who were carrying out investigations on the Pakistan side of the CFL after informing the Indian Local Commander concerned. As always they were wearing the UN blue berets and arm bands and displaying white flags. The Indian

Local Commander afterwards apologised for the action of his troops[56].

As the situation became still worse Observers reported being fired at on three separate occasions in May 1965 by Pakistan troops or para-military elements while carrying out investigations on the Indian side, and once they came under fire from an Indian post[57]. When war finally broke out, although buildings in which the Observers were situated were affected by the crossfire, there was no question of firing being deliberately directed against them. However, Observers were at times impeded from carrying out their duty by Local Commanders, seemingly for political reasons, but with the excuse that it was dangerous for them to move in the area*.

THE BORDER

Armed Raiders

UNMOGIP's brief was to concern itself purely with the activities of the military. But throughout the history of the operation the majority of incidents along the Ceasefire Line have had some civilian involvement. In many the trouble arose between the police of one side and civilians of the other, and there was no military involvement at all. Occasionally troops were involved with civilians, but in an unofficial capacity, and to make matters more complicated, civilians sometimes wore military clothing.

In the early years these incidents used to be particularly common on the Border between Pakistan and Indian-held Jammu, an area outside the Mission's terms of reference since the

*See pages 403-405.

Ceasefire Line, with which the Group was concerned, lay wholly within the State of Jammu and Kashmir, and ended at Manawar, at the point where it came into contact with this Border*. During the hostilities in 1947-48 few military operations had taken place in this area. Accordingly few units were garrisoned in the area, and the security of the Border was entrusted to the civilian Pakistan Border Police Force, and to just a few Indian troops. During the troubles of 1947, gangs of cattle thieves, basing their activities on both sides of the Border, took advantage of the unsettled conditions to operate in the frontier villages. When the first UN Observers arrived in the area on 11th February, 1949, a list of armed raids which had occurred since the Ceasefire was submitted to them. They concluded that as the incidents did not involve members of the Army, they could not be termed breaches of the Ceasefire[58].

The raids increased during March and April and serious casualties occurred among the local population. On 15th April General Delvoie suggested to the CIC, Pakistan, that some Pakistani regular troops be moved to the area, and also recommended that the Indian Army move some troops forward to the Border[59]. Constant patrolling of the area by troops of both sides succeeded in reducing the number of incidents for a time[60], although one incident in the late summer resulted in an open firefight between Pakistan Border Police and Indian troops[61], and a second in the wounding of one and killing of another Indian soldier[62]. A period of comparative quiet followed, but in November 1949 a new series of such incidents commenced, not only as a result of raiders, but also as civilians attempted to carry out their own innocent activities

*See Map 3.

on either side of the Border. It was recommended that the problem be brought to the attention of the Pakistan and Indian Governments as a civilian matter endangering the object of the Mission[63].

In January, 1950, another major incident occurred, when an armed gang of about 50 raiders attacked a Border village, firing indiscriminately in all directions. Four people were killed and one wounded, a boy was kidnapped and cash, ornaments and cattle stolen[64]. Thus with Brigadier Angle's arrival as the new Chief Military Observer, the question of Border incidents was one of the first items discussed with both Army HQ. It was agreed in early February, between the CMO and the two sides separately, that Border incidents would be reported by the Armies and investigated by UN Observers, following the same procedures as for incidents occurring on the CFL, with the proviso that if the Observers' investigations revealed that no troops from either side took part, the finding would be reported to the two GHQ. Thus the matter would then be outside the jurisdiction of the Observer Group, and be considered as a domestic affair[65].

On 6th March, 1950, Mr. Vishnu Sahay, Secretary for Kashmir Affairs, Indian Ministry of States, wrote to Erik Colban suggesting that UN Observers should deal with incursions of armed men into the territory even when they were not made by troops. He justified this suggestion on the grounds that the UN's object was to preserve the integrity of the Ceasefire arrangements, which could just as effectively be disturbed by personnel who look like armed civilians as by raids by troops who could in any case masquerade in civilian dress if making a raid[66]. Colban forwarded the letter to Brigadier Angle who made an intensive study of the subject on the basis of local

police records, information from Border Police officials on both sides, and from history books. He came to the conclusion that as Border incidents had occurred for several decades, they could not be viewed as resulting from the prevailing circumstances. Raiders had indeed taken advantage of the new situation, but their motive was invariably theft and plunder, and Angle thought it was most unlikely that Indian or Pakistan commanders knew about the raids prior to their execution, or would be a party to the incidents. He felt that it was impractical for his small group of 39 Observers to take on the additional role of Border policemen, and that in any event an attempt to do so would probably be resented by the police, and would be liable to cause confusion. He agreed that the raids could be made by troops who looked like armed civilians as well as by armed civilians who looked like troops, but could not understand how a small group of Observers could be expected to produce more information, and offer greater obstruction to raiders, than could the Border police forces of the two nations. He thought the only manner in which the Observers could assist was by acting as liaison officers between the two Border police forces. The Mission thus agreed to render its Good Offices in this way in an attempt to maintain peace and minimise tension[67].

In December 1951 General Nimmo reported to Andrew Cordier that incidents on the Border were of a much more serious nature than on the CFL, and took the nature of raids on villages, lifting of cattle, and injury to or killing of inhabitants. He felt, however, there was very little the Observers could do when civilians wearing uniform-like clothing and carrying weapons could only be treated as civilians and not as military personnel. He told Cordier, and the CGS of both Armies, that

if civilians on both sides of the Border were to be officially provided with weapons and ammunition by the respective armies, which appeared to be the case, it seemed fair that the Armies should assume responsibility for the actions of the civilians concerned, and that the Observers could treat them as semi-military personnel. He said he also considered that the very issuing of weapons to civilians, and even their training in the handling of them, on either side of the Border, was very much apt to lead to raids and looting, although he realised that looting and cattle-stealing had been more or less a tradition in the area for many years[68]. He suggested to both Army HQ that if they could not agree to the recognition of these civilians as semi-military personnel, the weapons already issued to them along the Border should be taken back, and only the police forces in addition to military personnel should be armed[69]. Neither this recognition nor the withdrawal of the arms was, however, forthcoming and General Nimmo was able only to use his discretion, initially in a small way, by awarding violations against the country whose armed police had flagrantly violated the Border or Ceasefire Line. At the end of 1958, when the problem had become more serious and spread along the Ceasefire Line, he informed both sides that he would award violations against any armed person, civilian or police as well as military, who resorted to firing within 500 yards of the CFL*.

Good Offices

Although most of the incidents on the Border involved civilians, they were not always caused by armed civilian raids.

*See page 223.

Often civilians would stray over the Border, either innocently or deliberately, in the normal course of their lives, whilst grazing cattle or cutting grass or timber and so on, and would be chased back by troops or police of the other side. Sometimes shots would be fired, injuries caused and complaints made of Alleged Border Violations (ABVs), which might or might not be confirmed by Observer investigation[70]. There were, however, instances of co-operation between the two sides: in March 1954 the Pakistan authorities approached the UNFO Team at Sialkot with a request that the UN use its Good Offices to effect the repair of an irrigation canal which had been breached on the Indian side for a few days and was in danger of ruining crops in the area. The following day the UNFO Team at Jammu was able to report that the Indian Army had itself successfully undertaken the repairs. General Nimmo told Cordier that he was particularly gratified at the full and immediate co-operation extended by the Indian Army, and had so informed the Pakistan Chief of Staff[71].

In the wake of the subsequent haze of goodwill, the General Officers Commanding Sialkot and Jammu requested their local UNFO Teams to arrange a meeting on the Border in September 1954. Army, police and civil representatives of both sides attended, and the Border situation was discussed in a friendly atmosphere. Topics included recent cattle-lifting cases, Border cultivation encroachment, and the possibility of the Indian Authorities passing Chenab River Basin flood warnings to the Pakistan side. It was hoped that the meeting would result in a diminution of Border incidents and a better understanding in the area[72]. As an immediate result of the meeting cattle involved in two cases were returned to their original owners, with UNFO Teams assisting in the exchange[73].

In April 1955 General Nimmo reported that since both India and Pakistan were keen to use the Good Offices of the Mission to settle and adjust civilian matters of this type, the attention of Observers in the Border area had been increasingly engaged with the wanderings of civilians over the Border and cattle-lifting and straying incidents. In an endeavour to forestall the possibility of more serious Border incidents developing from what were originally very minor civilian matters, General Nimmo had agreed to assist where possible in achieving rapid exchange of "strays". He noted that co-operation at Army level was very good[74].

As the months passed a regular system of Flag Meetings evolved, at which Junior Commanders in differing sectors and at different times discussed many minor problems, and also attempted to overcome and eliminate some indiscriminate firing that had been recurring. The two sides often also met at Brigadier level on the Border. Both types of meeting worked well and appeared to be beneficial. UNMOGIP's policy was to make it clear it took no responsibility for the subjects discussed or for their implementation, but was prepared to offer the Good Offices of the UN to help reduce discord or alleviate suffering and hardship along the Border, with a view to reducing local tension and lessening the risk of armed clashes[75].

The situation began to improve as cultivation was extended almost up to the Border, and the forces were withdrawn some distance on both sides[76]. Apart from a few somewhat prolonged disputes concerning its exact location[77], the Border then remained comparatively quiet until war broke out in 1965. It was largely unaffected by the threatening situation along the CFL in the early 1960s.

CIVILIANS ALONG THE CEASEFIRE LINE

An Analysis of the Problem

As on the Border, so on the Ceasefire Line, the majority of incidents involved civilians. At the end of May, 1952 General Nimmo reported that of the 80 incidents investigated since 1st January, 1951, 37 had involved civilians only, 22 involved civilians and troops, and 21 incidents alone had involved only troops. He thought also that many civilian incidents were not reported for investigation as no troops were suspected of being implicated, and therefore the incident could not be considered a breach of the Ceasefire under the terms of the Karachi Agreement[78].

In early 1951 General Nimmo instructed his Observers to make themselves aware of any major crossings of the CFL as such moves could form the basis for strife and hostility in the areas adjacent to the Line, and he did not want the Observers to be "caught napping" should they ever be called upon to investigate any happening which arose from such causes. The intention was to deal with the matter in a broad way, and not be concerned with minor movements and civil police matters, and in particular to be concerned only with the military aspects of the civilian movements, and not with political considerations[79].

Looting and raiding, as on the Border*, were common practice, and the very presence of the Ceasefire Line made it difficult to trace the criminals. However, General Nimmo also pointed out to Andrew Cordier on more than one occasion the unsuitability of the Line as an economic or administrative

*See page 189.

boundary. "Its unfortunate location in many places," he remarked, "is the chief cause of most of the Ceasefire violations we have..."[80]. In a more detailed analysis he said, "there is a good deal of unrest caused by the restrictions the Ceasefire Line imposes on normal intercourse between groups of civilians who have lived in these districts for generations. There is also much human suffering and hardship. The Line in certain places cuts across farming and grazing lands; divides communities living in the same valley; cuts off food grain areas from their former grist mills; blocks natural access routes used by communities in the mountains, forcing people to climb thousands of feet to get in or out; renders valuable stands of timber unobtainable by either side; and so on. In other words the Ceasefire Line, whilst serving to keep apart two opposing military forces, is proving more and more to be a most unsuitable civil boundary and is, in my opinion, a very real source of tension and irritation among the people on both sides. Rather than trying to prevent all movement across the Line, I think by the exercise of a little generosity on both sides, a spirit of give and take (subject, of course, to the requirements of military security) it should be possible to obtain some relief for the people whose interests lie in the immediate zone of the Ceasefire Line"[81].

Despite this view, and the fact that the handling of civilians was not covered by the Karachi Agreement, General Nimmo repeatedly pointed out that more stringent control of civilians would become a concern of the Armies unless steps were taken to stop them from crossing the CFL[82]. From the very beginning it was the Indians who objected to the crossing of the Line by civilians, no matter how innocent the motive for

the crossing might be[83]. The Pakistan side took the view that the Line was merely intended to separate the two Armies, but that civilians, as Kashmiris, could go anywhere in Kashmir[84]. At a Conference on the subject in July 1952* a representative from the Pakistan Ministry of Kashmir of Kashmir Affairs promised the full co-operation of his Government, but said it would be very difficult to take strong action against civilians crossing the Line[85].

Evacuation of the Indian side of the CFL

As the two sides became more entrenched in their positions, the Indians seemed to be aiming at making the Line into a definite frontier. General Nimmo remarked in 1958 that for all Pakistan's objections the Line was indeed becoming more and more a border[86]. Whilst Pakistan encouraged cultivation right up to the CFL on the one side, the Indians discouraged it on the other. It became an offence under Kashmir State law to cross the CFL, and considerable amounts were spent on roads and bridges in forward areas, particularly around Punch sector, to facilitate patrolling by troops and police. Indian police acted vigorously against Pakistan civilians who crossed the Line to graze cattle or cultivate either their own land, or land made fallow by the evacuation of civilians on the Indian side. Eventually almost the whole of the 500-yard zone prohibited to the military, and sometimes up to a mile or two away, was cleared of all cultivation and houses in the

*Pages 334-335.

western* portion of the CFL on the Indian side[87].

In August 1957 General Nimmo again drew the Pakistan authorities' attention to the need for strict control of civilians in areas near the CFL, saying, "their lack of adherence to a firm decision as to which side of the Line they wish to live on is a source of provocation to troops in the area". But the situation did not improve[88]. One week in September 1959 six complaints were received in quick succession, each one associated with harvesting, always a time of increased civilian activity, which caused a rise in the number of complaints received. General Nimmo wrote to Cordier: "The local Kashmiri, living on or near the CFL, displays little or no interest in its exact position - especially when his own land is involved. The resulting encroachment infuriates the Indians and is a source of satisfaction to the Pakistanis (at least unofficially)"[89].

Differing versions from the two sides often made it difficult to establish the true facts of an incident involving civilians even after investigation. Although General Nimmo did not suggest that senior Army Authorities were conniving in any form of deliberate deception he told Cordier that "evidence from civilian sources has in the past proved most unreliable and cannot be accepted without strong corroboration"[90].

*Adjoining Azad Kashmir, as opposed to the northern section adjoining the Northern Areas, which were under the direct control of Pakistan.

CHAPTER EIGHT - NEKOWAL - A CASE STUDY

Nekowal, in spite of being situated on the Border, is a particularly good subject for a case study within a thesis on UNMOGIP, because in a little over five years this tiny village encompassed to a lesser or greater extent many of the problems encountered by the Group along the whole 500-mile length of the Ceasefire Line over a much longer period, and served as an indicator of the dangers that might arise if the major problem of civilians along the Ceasefire Line was not solved. It shows that the situation of recurrent clashes between civilians and armed police was not one that developed in the worsening situation of the 1960s, but was inherent from the beginning. The history of Nekowal offers more to the researcher on UNMOGIP than any other owing to a combination of circumstances. Although the village had been occupying the Mission's attention from 1950, a serious incident occurred in the vicinity in 1955. This was followed by a leakage to the Press of part of General Nimmo's findings* which, as a by-product, caused more material on the incident itself to be available in the files than on other incident. Thus the history of Nekowal graphically illustrates firstly the situation endured by villages close together, but on alternate sides of the Ceasefire Line/Border, and secondly the United Nations Military Observer Group's attempts to calm a serious situation. It also offers a deeper insight into one of their investigations. Furthermore it not only highlights the activities of the Observers and the issues they encountered, but does so to some extent in the context of the political background against which the Group was working.

*This episode will be discussed at length in Chapter Twelve, pages 360-372.

The reason for this is that it draws attention to the unsatisfactory position of civilians affected by the dispute, and gives some idea of the attitudes of the two sides at both the political and the military level. The co-operation exercised between both armies and UNMOGIP is demonstrated, and also how much less disciplined the police were than the military. The extreme efforts made by Observers to bring about a ceasefire once firing has erupted is focused upon, recording the extent to which they were prepared to act at great personal risk over and above the call of duty in the interest of re-establishing peace. Finally the difficulties Observers faced in establishing the truth of what happened when confronted with conflicting stories is shown.

The Question of Control

Nekowal was situated in southern Jammu on the Border with Pakistan. It was about eight miles east of the Pakistan town of Sialkot in a small pocket of land bulging into Pakistan territory. Its population consisted of approximately 1000 Moslems in about 200 houses who supported themselves from the Pakistan side but did not claim allegiance to either the State of Jammu and Kashmir or to Pakistan. On the Pakistan side of the border was the village of Umranwali, and the people of the two villages were closely related. On 3rd November, 1948 (before the Ceasefire went into effect) the village was attacked by Indian soldiers and local people claimed many lives were lost. The inhabitants moved to Umranwali. Later some returned to Nekowal[1]. In March 1950 Brigadier Angle reported that the inhabitants of both villages were terrified of Indian troops, but investigation showed that no actual threats had been made by the Indians[2].

In February 1950 General Kalwant Singh, the Indian Army Chief-of-Staff, requested Brigadier Angle to have Military Observers talk to the people of Nekowal and ascertain their reaction to the proposed use of officials from the State of Jammu and Kashmir to check if they were *bona fide* residents, and to collect taxes. Observers went to investigate and reported that the villagers were prepared to pay their taxes, but were afraid of being evacuated from their homes, and would resist any attempt to do so[3].

At the end of February Observers also visited the Pakistan brigade at Sialkot to explain that efforts were being made through the Mission for a peaceful settlement of the Nekowal situation. They outlined the following programme suggested to Brigadier Angle by the Indian Army: that the villagers be notified through Pakistan channels of communication that a land check would be made to determine whether or not the people in the village were legal residents; that the local Indian commander would visit the village to explain the programme; that those who were unable to establish *bona fide* residency would probably be moved out; and that if an Indian post were established in the village, Observers would be present upon occupation[4].

The Brigade Major, to whom they spoke in the absence of the Local Commander, asked what would happen if the people refused to co-operate. The Observers, having assured him that the UN was interested in a peaceful settlement, pointed out that as the village was in the State of Jammu and Kashmir, what happened there was of no concern to the Sialkot Brigade as long as the Pakistan border was not crossed by Indian troops, or Pakistan lives or property endangered. Further, if the Indian Army was fired upon or the villagers refused to co-operate, the

Indian Army was legally justified in using any necessary force. The Major seemed convinced that the village would be forcibly evacuated by the Indian Army in spite of the Observers' repeated insistence that if the villagers caused no trouble, and were able to establish the fact that they were legal residents of the village, they would be allowed to remain. He, in turn, insisted the villagers were armed and would not allow Indian troops to occupy the village, and furthermore he claimed that the Pakistan Army would take steps to protect Pakistan life and property upon the first indication of Indian troops forcibly occupying the village[5].

Following their visit the Observers received a letter from the Major which, as they maintained, erroneously stated that they had informed him that Indian troops would ultimately evacuate the village, if necessary by force. The Major accepted that Nekowal was in the State of Jammu and Kashmir, but since Umranwali and Nekowal were only two hundred yards apart, and the whole area around both villages was cultivated, with Pakistani nationals working in the fields touching Nekowal, any military action in Nekowal was bound to involve violation of Pakistan territory and damage to Pakistan life and property. Fire directed at Nekowal from any point in the State territory would inevitably fall into Pakistan territory, as had happened when Indian troops attacked the village in November 1948, and killed six Pakistan nationals.

The Major went on to suggest that in the event of military action the residents of Nekowal would in any case withdraw into Pakistan territory which would lead to further complications, and he stressed that in the event of any direct or indirect violation of Pakistan territory, or damage to Pakistan life or property by the Indians, Pakistan troops would reluctantly be

obliged to intervene. In order to avoid an unpleasant situation he thus requested the UN to approach the Indian Army authorities and ask them to agree to a procedure whereby the *bona fides* of the residents could be checked jointly under the supervision of the UN Military Observers without the use of force[6].

The Major may have missed the point of the Observers' visit to him, but he quite succinctly stated the problems surrounding any attempt that might be made by the Indian authorities to occupy the village. Angle informed General McCay, the Pakistan Chief of Staff, that the Brigade Major's report was at variance with that of his Observers, who were emphatic that neither the Major nor the villagers had been told that they were to be evacuated[7]. General McCay had also received word that the Indian and Jammu and Kashmir State authorities intended to evacuate the Nekowal villagers, which would be likely to cause high feelings and border incidents, and had requested the CMO to use his influence[8]. Angle pointed out that there had been no repercussion on the Indian side of the border when Pakistan troops had recently occupied the Umranwali area, so there was no reason to surmise there would be in the reverse instance. On that occasion the Indians had simply informed the UN that as Umranwali was in Pakistan territory they did not propose to counter the movement of Pakistan troops into the area, and as Nekowal was in Kashmir territory Angle presumed that Pakistan would adopt the same attitude[9]. He was perhaps being somewhat unfair to the Major in that the Major was talking about the real possibility of firing being initiated by the villagers, not simply the movement of troops. However, Angle told McCay that in his opinion the Brigade Major was himself the prime agitator of the

locals in the area, where tension was being raised by rumours of prospective Indian military action against the villagers. McCay offered to remove the Major, but it was decided that he should just receive a warning[10]. Angle agreed that the Major's suggestion of an approach by Observers to the Indian authorities was a sensible one: it had also been made by Observers, and was being acted upon. Observers had also been instructed to visit the villages in question at least once every week[11].

A Land Check on the Village

On 17th March, after an initial discussion between Observers and local commanders, a meeting was held in the presence of four Observers at which about 50 villagers were informed by the Indian Brigade Commander that a land record officer from Jammu and Kashmir would come with UN Observers to check their legal right to remain in the village. He assured the villagers they would be treated fairly, their rights would be protected and there would be no religious discrimination. At the Observers' suggestion he added that the villagers should not be influenced by misleading statements of political agitators[12].

Most of the villagers, including the leader, had been noncommittal during the meeting, but a small group of three or four had made violent objection to being included in the State of Jammu and Kashmir, saying they did not trust Sheik Abdullah's Government and they would prefer to remain neutral until the dispute was settled. They admitted they had been told by someone from Pakistan that they would be forcibly ejected from the village. Observers were in no doubt that attempts were being made to raise objections to the whole

attempt towards a settlement of the Nekowal problem, but it was agreed that the land check would be made on 31 March[13].

General Kalwant Singh made his appreciation known to Angle for all the UN had done to keep the peace at Nekowal and he and, subsequently, the local Brigade Commander promised there would be no movement of Indian troops towards the village without the presence of UN Observers[14]. Brigadier Angle also visited the Pakistan Brigade Commander at Sialkot and suggested that tension in the area would be lessened if he withdrew his troops from the neighbourhood. The Commander agreed and immediately gave the necessary order, assuring Angle of his co-operation[15].

On 31st March, 1950 a check was made at Nekowal by Jammu and Kashmir Government land officer in the presence of UN Observers. The villagers were friendly and co-operative and the land officer was satisfied that those present were *bona fide* residents of the village, and were the owners of the land in the area, although the Observers believed there was probably a number of people living there who were not actually *bona fide* residents[16].

After the land check the villagers restated emphatically they did not trust the Jammu and Kashmir Government or Sheik Abdullah and would under no circumstances pay taxes to it nor recognize its authority. They were determined to maintain this attitude and be independent of any Government until the UN Security Council had solved the Kashmir problem, and only then would they be willing to abide by the decision that would finally be agreed to. In the meantime they felt they belonged to no government and had so far got along quite well on their own without any aid from Jammu and Kashmir since partition. They further stated that if they recognized the authority of

the Jammu and Kashmir Government the Pakistan Border Police would prevent them from crossing into Pakistan in the course of their business. They stated that should the Jammu and Kashmir Goverment or Indian Army attempt to force them to evacuate or recognise the authority of the Jammu and Kashmir Government they would join the Azad Kashmir Government, and would resist to the last man any encroachment by the Jammu and Kashmir or Indian Army. They further stated that they would open fire on any Indian troops who attempted to approach and enter the village[17].

The Observers present recommended that the villagers be allowed to remain in their village for the time being on humanitarian grounds[18]. They felt that to make an issue of the situation would only cause a further increase in political unrest at the time, which could result in a serious border incident developing. They suggested the Indian Army should be approached at the highest level with a view to preventing military personnel approaching the village[18].

Political Considerations

On 15th April Mr. Vishnu Sahay, Secretary for Kashmir Affairs to the Indian Government, requested a meeting with the Secretary-General's Special Representative, Erik Colban, to discuss the situation. He said the position was becoming embarrassing as Nekowal had been occupied by many so-called "Azad" people, some said to be armed, who refused to obey the authority of the Jammu and Kashmir Government[19]. He accepted that the land check had shown that a great number of the villagers appeared to be natives of Nekowal, who were entitled to remain there, but he was still concerned that they were armed. At the same time he was reluctant to advise his

Government to do anything that might lead to a "disagreeable development" at a time when a conference between the two Prime Ministers had given such good hope of a better political atmosphere*. It was decided to leave the matter with the Observer Group for the time being[21].

On 17th April General McCay agreed to detail a police officer to talk to the Nekowalis in the presence of UN Observers. They would be told that they would not be supported by Pakistan troops if they resisted the entry of Indian troops into their village, and should obey the instructions of the Indian officials, who were acting on behalf of the legal authority[22]. McCay had already made it clear to the Sialkot Brigade that the people of Nekowal had to obey the lawful authority represented by India[23].

Brigadier Angle and other senior members of his Mission dined with the Indian Commander-in-Chief, General Cariappa, on 20th April, and the latter said he intended to establish picquets in and near Nekowal to prevent infiltration of Pakistan nationals into India. Angle asked him to delay a week to allow the Observers time to arrange a "peaceful" occupation. He agreed[24]. Arrangements were thus made, through both Army HQ, whereby the Indian Army would enter the village and the Pakistan Army would refrain from action should any firing start. All military weapons would then be taken from the villagers[25]. However, in advance of this happening, on 22nd April an Indian patrol exchanged shots with Pakistan Border Police, and it was decided to invest the village which was already stirred up by the incident. It was feared that

*The Prime Ministers reached agreement later that month on various problems that had arisen between the two countries, and agreed to differ on Kashmir, trusting that the Dispute would not spoil an era of friendship[20].

a serious situation could result, leading to the involvement of both armies[26]. Angle sent a cable to General Cariappa imploring him to keep his troops away from Nekowal until he, Angle, had discussed the matter with him again[27]. He also cabled Colban and said he was convinced that the only guarantee that no incident would occur which would lead to a "disagreeable development" at the time of the Prime Minister's conference was to ensure that Indian troops did not advance on the village[28]. Colban approached Sahay on the subject, but meantime General Cariappa had already agreed that no action would be taken until Angle had been to Indian Army HQ and discussed the problem[29]. Angle flew immediately to Jammu to visit the Indian Brigade HQ which controlled the Nekowal area. He showed General Cariappa's telegram to the Brigade Major and insisted he send out orders to his battalions to conform with the signal. Angle then drove to Sialkot to see the Pakistan Brigadier, who also felt that the Nekowal fire-fight might be the start of a "shooting match along the whole front", and proposed the establishment of a 1000-yard restricted zone in the Nekowal area[30].

On 26th April General Gracey, the Pakistan Commander-in-Chief, told Angle that he had presented the Nekowal problem to Liaquat Ali Khan, the Pakistan Prime Minister, and had asked him to pass it on to Nehru. Liaquat agreed somewhat reluctantly as he considered India had every legal right to take over the area where Nekowal was situated. General Gracey had also endeavoured to have the Nekowalis evacuated, but they did not wish it[31]. The same day a UN Observer and the Pakistan Acting Commissioner of Border Police had a meeting with the Nekowalis, who had again suffered a change of heart to the extent of agreeing to pay their taxes

and obey the orders of the local authority. But they said they would still resist to the last man any attempt by Indian troops to enter their village[32].

Investigations by Observers left very little doubt that the Indian patrol involved in the firing incident had wandered within two hundred yards of Nekowal when they were driven off by rifle and light machine gun fire[33]. General Thorat, the new Indian CGS, expressed his concern to Angle that troops should have gone so close to the village contrary to his orders, and apologized for the fact that the Indian patrol had upset all the plans for a settlement of the problem. He said the Indian Army was considering the whole problem as a civil administrative affair, and might hand it over to the Jammu and Kashmir Government. Angle thought the latter might not be able to handle the situation in which case it would have to call on Indian troops in aid of the civil power, which he said would be disastrous. He felt that either the UN should see the Indian troops into Nekowal peaceably or a restricted zone should be agreed by both sides. The General said he would refer the matter to higher authority[34]. Brigadier Angle's death, in July 1950, occurred before the subject was raised again.

General Nimmo's Good Offices

One of General Nimmo's first letters to Andrew Cordier after his arrival at the Mission, written on 20th December, 1950, said that after taking up his duties and having had time to familiarize himself with the area he had discovered that one of the most pressing problems was that of Nekowal, and he had wondered whether the Observer Group had been justified in concerning itself in such detail in a purely domestic problem,

to do with a village that was not even on the Ceasefire Line. He came to the conclusion that it would be wrong to involve the Mission too deeply in the matter as it would most certainly be accused of taking sides and helping the Indians, and this would be fatal to the prestige and standing of the Group as far as Moslems were concerned. He also felt that the use of Observers to help settle problems of a domestic nature would create a precedent which would get them involved in a large number of disputes with which they should not deal. However, in view of the commitments made by Brigadier Angle in his general desire to maintain peace, General Nimmo felt morally bound to do what he could to influence both sides[35].

During November 1950 the subject of investing the village had again been brought up by the Indian Army, and the local commander had admitted to a UN Military Observer that if the Nekowal villagers started firing and fell back into Pakistan territory, the Indian Army would make a limited penetration into Pakistan if necessary to quell the firing. General Nimmo informed the local commander that the Observers would play no part in helping the Indian Army invest the village, and suggested that the Indian and Pakistan Governments should resolve the problem. He urged that they should be given time to do so, and stated that he also proposed to have a conference on the matter with the Indian Commander-in-Chief, to whom he made it clear the the Group would act in a purely observer role so as to be able to render factual reports of any Border violation. The CIC said the decision had been made to go ahead, but two days later Nimmo heard that the investment would be indefinitely postponed. Nimmo told Cordier that he did not know whether or not his action was the cause of the postponement of the operation by the Indians, but he rather

thought it was. Only an hour after receiving news of it Nimmo learned that a Pakistan unit was moving up to the village. He took the matter up with GHQ Pakistan who stated they knew nothing of it and would order the withdrawal of troops as such movement was contrary to previous instructions[36].

Nimmo felt certain that a serious incident had been avoided for the time being at least. He could understand the desire of the Jammu and Kashmir Government to bring the Nekowal villagers into line, but police action there, supported by military force would almost certainly involve the Umranwalis which could easily result in much bloodshed as many of the civilians were armed and intended to fight to the last. He still maintained the problem was a matter for the respective governments to resolve as peacefully as possible[37]*.

Cordier agreed that Nimmo was justified in taking the course he chose, even if it did not come within his terms of reference, if it prevented a serious Border incident. He said that it was often difficult to know where to draw the line between questions which lie clearly within the scope of an Observer Group's function and those which lie outside it. But experience had shown with other Missions that the moral authority of an Observer Group was extremely high especially when the Group had succeeded in maintaining a position of absolute impartiality, and when its members had shown by the manner in which they had handled various questions that they understood both the military issues involved and their political implications. Cordier felt that in a case where it

*Fifteen years later he was still insisting it was necessary for the Governments of India and Pakistan to come to some political agreement about the fate of civilians of the State of Kashmir who straddled the Line dividing those parts of the State administered by India from those administered by Pakistan.

was clear that action by one side or the other on what was a domestic problem might involve a breach of the ceasefire, it would seem quite proper to bring some influence to bear on both sides[38].

General Nimmo felt that the best solution to the Nekowal problem would be for the *status quo* to be allowed to remain until the final settlement of the Kashmir problem. Failing agreement, the civil police of both sides should act together by mutual arrangement[39]. Cordier suggested the best method in maintaining the *status quo* was for Nimmo to hold a watching brief and inform UNHQ by confidential telegram if the situation developed to the point where urgent intervention by the Secretary-General would be required[40].

On 26th December, 1950, at the request of the Indian General-Officer-Commanding in Jammu, the Observers arranged a meeting of the GOC most closely concerned on both sides of the Border. Discussions were friendly and it was agreed that both sides would co-operate in an endeavour to clear the matter up through the local civil authorities[41]. Six months later, however, Observers at Jammu reported that the local commander was insisting that his troops enter the village to collect the taxes, which the villagers had maintained they were willing to pay. Nimmo feared there would be trouble if it was the Army which went in to collect them, and wrote to General Thorat referring him to the agreement between the local commanders[42]. As a result of his intervention there was no incident on this occasion.

There followed a period of calm in the Nekowal area, but in December 1953 there was a recurrence of the problem when the Indian Army proposed to establish a post some 300-400 yards away from the village in order to protect the activities of a

State-operated collective farm which was reclaiming land that had lain fallow along the Border since the war in 1948. A meeting was again arranged between the two opposite commanders by the UN Field Observer Teams at Jammu and Sialkot, and the Indian Army agreed to do nothing to jeopardize Border relations before discussions had taken place[43]. Nevertheless some months of tension passed before, on 30th April, 1954, it was agreed at a meeting of the two commanders that the Indian Army would patrol approximately 300 yards from Nekowal, but would not enter the village itself. The Pakistan Army would instruct the Border Police not to interfere with the patrols and, further, would take action to tell the Nekowalis that it was in their best interest to foster good relations with the authorities of Jammu and Kashmir, epecially in regard to the supply of water and general civil services[44].

These incidents show that with the help of, and perhaps a little pushing by the UN Military Observer Group, the two Armies were only too willing to co-operate in order to minimise tension whilst a political solution was being sought. At the same time the Observers had to be continually on their guard in order to spot a situation that could develop into trouble in order to nip it in the bud, and also to ensure that the Armies kept to the promises made.

In spite of the endeavours on all sides to maintain the peace, in 1955 the long-feared serious incident did occur at Nekowal, and had greater ramifications than was at first anticipated. Colonel A. N. MacDonald, General Nimmo's Chief Operations Officer, who was closely involved in the investigation of the incident was due to leave the Mission soon afterwards; but General Nimmo, who was himself about to go on leave, requested an extension for him in view of his seniority

at the Mission, his knowledge of the incident and, particularly, because the Indian Commander had specifically requested his presence and supervision at the investigation[45].

The Nekowal Incident[46]

On 7th May, 1955 the UN Military Observer Team at Jammu received a message from the local command that there was shooting in the Nekowal area, and subsequently received a complaint claiming that a party of civilians, ploughing the land near Nekowal of the Indian Central Mechanized Farm of Nandur, and accompanied by a small protective army patrol, had been fired upon by heavy bursts of automatic fire from the north, south and west. Five soldiers, including an officer, and six civilians had been killed. The rest of the party fired back to extricate themselves, and later to recover the casualties, but could not move up due to to incessant heavy automatic fire from the Pakistan side.

Immediately upon receipt of the first message the Observers radioed their counterparts in Sialkot asking them to get in touch with their local command to have the firing stopped, and then themselves went to the spot. They requested the Indian battalion commander not to aggravate the situation by involving more troops. The latter felt he had to bring more in from his HQ, but promised there would not be any more firing or forward movement to the Border unless it was absolutely necessary. The Observers then went towards the firing which was still intermittently to be heard. The Sialkot Observers also drove quickly to the spot once they felt satisfied that orders for a ceasefire had been issued, following their report of the incident to their local command. On the way they saw several Pakistan Border Police with rifles

and ordered them to stop firing. Frequently during the afternoon all four Observers were themselves under fire. At one point the jeep in which two of them were travelling was hit by a bullet in spite of its flying the white UN flag.

The Observers were ultimately able to tell the Pakistan Police Captain, whom the Local Command had arranged to go to Umranwali to meet them, that the Indian Command had said that if the firing stopped his troops would also stop firing, and they requested him therefore to issue ceasefire orders to the Pakistan Border Police on the south flank. He said he was reluctant to do this if the Indians were advancing, but he wanted to respect the UN. The Observers assured him the Indians had no intention of advancing into Pakistan territory, and were concerned only with extricating their wounded. The Captain signed the necessary order and two Observers duly delivered it to one post, whilst the Captain relayed it to others, and finally the firing stopped. The two Observers then joined an Indian officer and doctor to recover the bodies from the scene of the original incident, but found only large blood stains. They then helped to arrange the return from Pakistan of the dead and wounded, who were eventually handed over at about dusk.

By the end of the day seventeen deaths had occurred. The Observers estimated that one company of Pakistan Border Police took part in the fighting, some of whom they saw on the Indian side of the Border, but no Pakistan Army personnel were in evidence.

Investigation of the Incident[47]

An investigation of the incident took place over the following two days. The Pakistan Border Police claimed that

the incident had occurred because the Indian farm employees working close to the Border, accompanied by a strong Indian patrol, had an argument with civilians from Nekowal. The patrol chased these civilians, firing shots across the Border and killing a Pakistani girl, and then crossed the Border themselves. Observers reported that the girl was shot from her front, as a wound on her breast showed, and she could have been accidentally shot by the firing from the Pakistan patrol. According to the Pakistan Border Police, of the three of their number who were close enough to the Border to witness the scene, only one was still alive, and the Observers found him to be an unreliable witness. The story of another Pakistan witness was totally discounted by Observers, who concluded that the Pakistan evidence that the Indians were overwhelmed by one man close by with a rifle, and four others from 150 to 300 yards away was extremely dubious. Furthermore, as their evidence could not be taken before the second day, and the Pakistan representatives had knowledge of the Indian evidence, they were in a position to brief their witnesses. All Pakistan witnesses in the vicinity had the same story about the argument, and they mentioned words of conversation which they claimed to have heard, irrespective of their position at the time, despite the noise of the diesel tractors. All Pakistan witnesses claimed to have seen the girl shot, and all claimed that they had shouted to the Indians not to cross the Border, and alleged that it was not until they had done so and shot the two Border Police that the other Border Police opened fire. There was no conclusive proof that Indian soldiers had crossed the Border; moreover Observers had seen large blood stains on the Indian side of the Border. The Observers found the Pakistan story very unlikely, and though they admitted the

evidence did not prove conclusively who fired the first shot across the Border, since this would inevitably be difficult to determine in such circumstances, they felt that the state of the area in which the Indians were killed and its tactical disadvantage to them indicated a preconceived design in which preparation by the Pakistan Border Police was an essential preliminary. General Nimmo thus declared a Border Violation by the Pakistan Border Police. The fact that the Pakistan Police were not within the jurisdiction of UNMOGIP was not mentioned by General Nimmo, and the Pakistan authorities do not appear to have made an issue of the matter, possibly because they accepted that the seriousness of the incident warranted the award of Violation.

General Nimmo subsequently told Cordier that his usual policy in dealing with investigations of complaints was to write as little as possible to each commander, merely giving a brief factual summary to each side, together with his decision. He explained that in this incident, as occasionally occurred, he went further as regards the comprehensiveness of his summary so as to give a correct and unbiased picture to the responsible authorities on each side. Even so he omitted certain aspects which he felt would only intensify ill-feelings. For that reason he had also taken the unusual step of furnishing, personally and confidentially, the Pakistan Chief of Staff with details from the Observers' reports to enable him to get the true picture rather than depend on the Border Police and civilians for information - no Pakistan Army personnel having been present. Indian Army officers were present and could therefore render reports to their own HQ. Nimmo also said he was greatly relieved that there was not a fiercer outcry from India than there was, and he felt some credit was due to the

Observers for this as they did their best to calm the natural feelings of those around them. They had described the event to Nimmo as "plain murder" and he thought it fortunate that stern reprisal did not eventuate on the Border[48]. Indian reaction was, in fact, perhaps muted by the fortuitous imminence of another meeting of the two countries' Prime Ministers*.

Aftermath

After the incident the Indian General Officer Commanding the area wrote to General Nimmo asking him to convey his appreciation to the four Observers for their efforts to bring about a ceasefire under the most trying conditions. He said their work undoubtedly saved many lives on both sides. He also said he was grateful for the help and co-operation given by Colonel MacDonald during the subsequent negotiations, and suggested that General Nimmo might commend the services of these officers to UNHQ[49].

In his regular Operations Report covering the incident General Nimmo wrote that the commanders on both sides of the Border were conferring regularly with the assistance of Observers in an endeavour to improve relations along the Border[50]. In the following report he stated that the Indian Army had indicated that in order to exercise control over the village of Nekowal they intended to patrol the lands of Nekowal, including the village itself, and would notify UNMOGIP of the exact date from which the patrolling would commence. The Pakistan Army maintained that the question of patrolling, or any deviation from previous agreements, was under

*See page 287.

consideration by the two Governments at Ministerial level, and strongly recommended to the Indian Army that the *status quo* be maintained until the results of inter-Governmental negotiations were known[51].

At the end of May 1955 General Nimmo departed on leave, leaving Colonel MacDonald in charge of the Mission[52]. On 2nd and 3rd June, 1955 Lt. General Thapar, the Indian GOC, called on Colonel MacDonald in Srinagar and expressed his intention to have the Army patrol right up to the village of Nekowal as from 5th June. He requested arrangements be made for his local commander to explain the intention to the villagers to allay their fears. He also asked for adequate observation to be undertaken by the Military Observers to help break the tension during the initial stages of patrolling. MacDonald made arrangements for Observers to be in the area, purely for observation purposes, and called on both Pakistan and Indian GOC to request their assurances that they had given full instructions to their subordinates in order to prevent a possible incident. The first few days of patrolling passed under observation and without incident and MacDonald thought the tension had eased[53]. However, at the end of June he reported that all the villagers had moved to the Pakistan side of the Border. Nekowal was deserted, and the dwellings had been either demolished or removed. During the removal operation the Indian Army did not interfere in any way and kept their patrols away[54]. General Nimmo visited the area in December of that year and reported that the village was still deserted and in ruins; the previous inhabitants were all living in Umranwali and neighbouring villages and farms, effectively as refugees. General Nimmo thought there would be no further trouble so long as the Indians remained at a

distance and did not try to farm the lands adjacent to the Border in the close vicinity of Nekowal since this would cause further deep resentment even if open hostility were suppressed[55]. And indeed there does not seem to have been any further complaint concerning the village of Nekowal*.

*However, repercussions arose elsewhere from the Nekowal Incident during the course of the summer of 1955. These are described in Chapter Twelve, pages 360-372.

CHAPTER NINE - INCREASING ACTIVITY ALONG THE CEASEFIRE LINE, 1961-1965

ARMED POLICE AND ARMED CIVILIANS

India's fears of infiltration

India's fears of infiltration from the Pakistan side of the CFL began as soon as the Line was established. B. N. Mullik, Nehru's Director of Intelligence, writes that in 1951 he was confronted with the problem when many of those who had fled from Jammu and Kashmir in 1947 were returning: some to see their families, some because they could not settle in Pakistan, but some who were being trained and infiltrated back by the Pakistan authorities for the purpose of organizing subversion and sabotage. Between 1949 and 1953 he claims that several thousands of people were infiltrated back from Pakistan and resettled mainly, but not only, in their original lands; many were listed by counter-intelligence staff, but because of political pressures on the Government only a few could be forced back. The military authorities complained that the infiltrators had fairly easy access into Indian territory because the Army posts had large gaps between them and, under the terms of the Karachi Agreement, the 500-yard zone up to the CFL could not be patrolled. Thus, so as not to contravene the Karachi Agreement, 500 Jammu and Kashmir Home Guards were deployed. They proved to be inadequately trained and insufficient in number and eventually Indian armed police battalions were used[1].

General Nimmo's representative at a conference in Pakistan on the problem of civilians in July 1952 made the point that General Nimmo realized it was not practicable for troops alone

to control civilian movements since they were not permitted to enter the 500-yard zone. Therefore it seemed to the CMO that civil police must be made available to do this[2]. However General Nimmo did not have in mind a situation which, only a few years later, compounded the existing problems when, instead of the normal civil police force, these special armed police were increasingly introduced to deal with the situation along the Ceasefire Line. As early as February 1953 General Nimmo suggested to General Thorat that the use of special armed police might well raise the issue of whether they constituted an addition to the military forces of the State[3].

Introduction of Special Armed Police

In May 1957 General Kalwant Singh, GOC Western Command, India, informed Nimmo that it was proposed to man the Indian military posts on the Border progressively with armed constabulary, withdrawing regular troops into back areas[4]. In July 1957, Nimmo reported to Cordier that the employment by India of special armed police all along the CFL was increasing, and at any time he might have to decide, in the event of an incident, whether or not they should be classified as military personnel, and included in the Order of Battle[5]. They were well-armed, billeted with the Armed Forces and almost indistinguishable from the latter apart from the fact that their uniforms were khaki rather than olive green[6]. Recently a complaint had been received from Pakistan that an Indian military patrol had entered the forbidden 500-yard zone along the CFL, whereupon investigations had disclosed that it was a special police patrol. The Indians admitted that their orders to enter the forbidden zone had been issued by the military post commander, and freely expressed the opinion that as they

were police they were not restricted by the Ceasefire Agreement. General Nimmo wrote to the CGS, Indian Army: "As the patrol did not cross the CFL, the action in itself does not constitute a breach of the Ceasefire under any of the six headings mutually agreed in 1949. Nevertheless, I think it is opportune to invite attention to the Karachi Agreement*, Section II,E, which I know you consider to be very important for the preservation of a peaceful atmosphere along the CFL. Whilst the Ceasefire Agreement applies only to military personnel and not to civilians, I find it difficult to detect any practical difference between a patrol of special armed police - carrying rifles and a sub-machine gun, wearing uniform and steel helmets and acting under military orders - and a military patrol. I think you will agree that the essential thing is to avoid any danger of armed clashes in the vicinity of the CFL"[7].

He told the CGS on several further occasions that he saw little difference between an armed police patrol, and a patrol by the Armed Forces themselves. It was his opinion that if the police committed any act falling within the terms of the Karachi Agreement they would be guilty of a violation of the Agreement**. He also referred the matter to Andrew Cordier, and requested legal advice[9].

*See Appendix IV.

**General Palit, Director of Military Operations on the Indian side from April 1961-January 1964 agreed in principle that a shot by an armed policeman was just as much a breach of the ceasefire as a shot by a soldier. However, he said, it was neither economic nor tactically possible to string an army all along the CFL with all the support it would need. Therefore police, which do not have support forces, were used. Before the police were introduced the Army was doing a para-police job which was not cost effective[8].

Counsel's Opinion

UN Legal Counsel agreed with Nimmo, and also suggested that Nimmo should investigate whether or not the presence of the police in the State, and the withdrawal of regular units which they had replaced, had been done in a manner which itself amounted to a breach of the Ceasefire Agreement*. Counsel maintained that whether or not armed police utilized by any State formed part of its military force was in general a question to be decided by the municipal law of that state. However, the status of armed police in this connection was not relevant in the present case. The issues were whether the employment of such police by India and their acts were consistent with the terms of the Agreement, taken in their proper context, to which India was a party. If the Agreement was relevant, it was not open to India to evade her obligation by characterizing a force of special armed police as non-military. The Indian intention, reported by General Nimmo, to man military posts with police would appear to rule out any possibility that the police were to be used solely for police purposes. Legal Counsel drew the conclusion that the Agreement specifically drew a distinction between "persons acting as military personnel" and "persons acting as civilians", therefore not only was General Nimmo correct, but the movement of these police into the State of Jammu and Kashmir might be considered against the provisions of the Agreement and agreed interpretations[11]. There is no evidence from the correspondence, however, that the UN raised the matter

*General Palit stated that the police could not originally have fought as an army to warrant their being included in the Order of Battle, but later when they were given machine guns, such an accusation was more valid[10].

with the Indian Government on an official basis.

Extension of Karachi Agreement

On 16th September, 1958 General Nimmo listed a number of activities by the police which could be classified as Ceasefire Violations, and on 29th September announced to both parties that resort to firing in the vicinity of the CFL by armed persons of any category, including civilians, would be liable to classification as a breach of the Ceasefire[12]. In further letters on 15th October, 1958[13] and 22nd January, 1959[14] he emphasised the point. The Indians agreed that Nimmo's list of activities of police forces which could be classified as Ceasefire Violations appeared to be reasonable and necessary[15].

General Nimmo told the Indian CIC, General Thimmaya, in February 1959 that he felt that the tension along the CFL during 1958 was mainly due to the unrest among the civilians and the counter-operations of the considerable numbers of Indian special armed police[16]. However, his widened interpretation of the Karachi Agreement had little effect. In his Operations Report for the period 16-31 May, 1959 General Nimmo stated that police activity continued to be the main problem along the CFL[17].

Unidentified Armed Groups

On 20th June, 1959 General Nimmo wrote identical letters to Major-General Yahya Khan and Lt. General Sen, the CGS of the two Armies. He said that in reviewing the record of Ceasefire Complaints he had been struck by the increasing number in which armed police had been involved. The obvious conclusion was that there had been a considerable increase of armed police in the zone leading to this unwelcome number of incidents, which

included firing and casualties on both sides. He went on: "The original framers of the Ceasefire Agreement seem to me to have placed much importance on the maintenance of a buffer zone of 1,000 yards between the armed forces of the two parties. This, allied with the training, discipline and good sense of the average Army unit, has resulted in only a minor proportion of 'troops versus troops' incidents. A situation can easily be envisaged in which the number of armed police (or, for that matter, groups of armed civilians) allowed to enter the Ceasefire Zone could be such that far more serious clashes could occur. Such a situation would be contrary to the spirit and intention of the original Agreement, and I feel it my duty to hold either party responsible if the factual finding in any investigation warrants my doing so, otherwise the Ceasefire Agreement will break down and hostilities, even on a guerilla scale, recommence. The following figures are interesting:

Year	Total ACFVs	No. in which Armed Police Involved	Percentage
1951	151	2	1.3%
1954	22	2	9.1%
1958	114	34	29.8%
To 15.6.59	64	18	28.1%

"It should be noted that 1959 could very well out do any previous year if local commanders do not exercise a stricter control over the actions of armed forces of any kind in forward areas"[18].

On 6th July General Yahya Kahn replied that the Pakistanis

entirely agreed. They were themselves very concerned about the prevailing state of affairs, and had already expressed their views to General Nimmo. He said also that an analysis of General Nimmo's decisions in the 56 incidents mentioned as involving armed police indicated that Azad Kashmir Police were involved in only seven incidents, and that further examination of these incidents suggested that the actions of the AK Police were mainly directed towards the protection of AK civilians against Indian Police incursions[17]. No mention, of course, was made of the possibility of armed civilians emanating from the Pakistan side causing the Indian Police to retaliate.

General Sen of India did not immediately reply directly to General Nimmo's letter, but countered with an exceptionally long letter written by Major-General Son Dutt of his staff. The latter stated that the Indians were forced to the conclusion that existing procedures had neither discouraged Pakistan authorities from resorting to violations of the Ceasefire Agreement, nor assured the necessary protection of Indian civilians and troops. One of the contributory factors to the situation, they felt, was UNMOGIP's acceptance of so-called "unidentified armed groups" as an entity but unconnected with Pakistan. No Violations had been awarded against Pakistan in several cases where firing was proved, in spite of General Nimmo's declarations that he would make awards in cases of breaches of the Ceasefire by armed persons of any category. Often the line taken was that the identity of armed gangs could not be established. The Indians felt very strongly that more vigorous efforts should have been made, and would have to be made in the future, to trace the identity of these armed gangs, and that the Pakstanis could not disown such gangs in order to avoid verdicts of violations. It was

inconceivable that armed gangs could find rifles, automatic weapons and grenades and operate without the knowledge and connivance of the Pakistan Army. Equally, someone must be training them in the use of military weapons, minor tactics and techniques of sabotage. The Indians had always ensured that no gangs operated from their side of the Ceasefire Line, as was confirmed, Son Dutt claimed, by the fact that UN investigations had not revealed any so-called unidentified Indian groups[20].

General Nimmo, however, maintained that unless members of the armed civilian groups were caught and identified, or at the very least had been seen to be emerging from over the other side of the Line, it had to be assumed that they belonged to the side from which they operated, since armed gangs could originate from within their own territory, particularly under conditions of civil unrest[21]. His policy was to assess any case on its own merits, awarding a Violation in the case of armed civilians only if they actually used their arms, and only if it were proved that they came from the other side of the Line. He therefore stressed the necessity of providing definite proof of the identity of armed groups before a violation could be given, and the only effective way of establishing guilt was to shoot or apprehend the miscreants[22]. General Sen's response was that the groups operated mainly in hours of darkness. They could therefore only be apprehended by Indian troops in the foward areas firing small arms and verey lights in order to locate them, which would be a technical violation of the Ceasefire Agreement[23]. General Son Dutt had already complained that on one occasion, not only had General Nimmo not awarded a Violation against some intruders because it was not possible to establish their identity, but further he had awarded a Violation against India for admitting

having fired a verey light and a few rifle shots. He said that it was manifestly unjust that a party which complained of being attacked should not only be denied the right of self-defence but should be penalised for what General Nimmo considered to be a technical breach of the Ceasefire Agreement, whilst the aggressors escaped on the grounds of difficulty of identification[24].

In March 1960, General Nimmo sent a memorandum to the Officers-in-Charge of all Field Stations stressing that Observers should continue with their normal functions of observing, assessing and reporting in a frank and open manner, realizing that they were not police spies or agents of any kind. He reminded Observers that they should keep an open mind on the subject of armed civilians and guerillas operating in Ceasefire areas and on accusations of stocks of arms, ammunition and bombs being continued to be held by civilians with the connivance of the authorities. Being impartial, the memorandum noted, Observers must realize that such allegations need not necessarily be confined to one side only, and they should deal with each case as it arose on its own merits and in the light of the terms of the Karachi Agreement[25].

In March 1960 General Nimmo sent copies of his correspondence with General Sen* to Andrew Cordier for advice, but even before he had received Cordier's answer he was able to report that the CICs of the two armies were meeting in Delhi which he felt should be a good augury for the future, a fact that was supported by another encouraging sign in the form of the repatriation of six prisoners each from India and Pakistan in the presence of Observers. Some of the men had been in

*See also Chapter 11, Pages 336-346.

captivity for five years in spite of requests by both sides at different times for UNMOGIP to try to effect repatriation[26]. There was also a sudden drop in the number of complaints along the CFL, which Nimmo felt could not be accounted for purely by the bad winter weather[27]. At the end of March 1960 he reported that the atmosphere was "very tranquil", although this tranquillity proved to be deceptive[28].

Balakot/Tarkundi

By the end of 1960 civilian unrest was increasing again and after numerous complaints and firing affrays in the Kotli-Galuthi Sector throughout the early part of 1961[29], on 12th June that year Indian police established and occupied two strongly manned and fortified posts in the Sector, one each at Balakot and neighbouring Tarkundi, and both within the 500-yard zone of the CFL[30]. This was the first of several serious situations which developed in the early 1960s, and which culminated in war in September 1965.

The progress of the police towards these places was opposed by fire from civilians and Pakistan police, who had crossed the CFL and taken up positions 350 yards on the Indian side of the Line, and supported by fire from two Indian Army patrols which remained outside the 500-yard zone[31]. In the period from 16th to 30th June, of the 54 complaints lodged with UNMOGIP, 47 referred to firing affrays between Indian police and civilians in these two valleys, and by 15th July 109 complaints had been received from the area[32]. General Nimmo declared a Violation by India for carrying out a combined military and armed police operation forward to the vicinity of the CFL, and for firing contrary to the Karachi Agreement: he did not accept the Indian claim of firing in self-defence. He

also declared a Violation by Pakistan for having allowed Pakistan police to cross the Line and resort to fire[33]. In his letter to the two Armies giving his decisions Nimmo said that the fire-fight which ensued had increased in intensity day by day and was of a very serious nature, several persons having been killed or wounded, and he feared that both Armies might become involved. He noted that he had stationed Observers at the forward positions on both sides hoping that their presence would bring calm to the area, but this had not been the case and he had to "conclude with regret that the spirit which gave rise to the ceasefire agreement is no longer discernable." He said that force was preferred to far better methods still open to all concerned and that it was his duty to report both the incidents and his conclusions to the Secretary-General[34].

Further to this report Andrew Cordier wrote to General Nimmo to say that as the main burden of assisting the parties in maintaining the Ceasefire rested on UNMOGIP, and on Nimmo in particular, the Secretary-General and he felt they should not at that stage intervene with the Indian and Pakistan Delegations except on General Nimmo's recommendation and to the extent he considered it necessary to do so. However, their general concern with the problem had been mentioned to the Indian Delegation. It would therefore be for General Nimmo to indicate whether further action should be taken at HQ, and if so the precise points he would wish to have emphasised. Cordier also felt that short of a direct personal intervention with Prime Minister Nehru, any approach, except to the Permanent Representative in a matter of extreme urgency, would not be productive[35].

In the following two and a half years firing occurred almost every day in the region, taking the form for the most

part of civilians firing from the Indian side at Indian police, supported by a few Azad Kashmir police in the Valley, or Indian police, and on occasion troops, firing into the Valley from their positions on ridges. Civilians were strongly armed and reinforced and kept the police under continuous attack with rifles, light machine guns and grenades. About forty people, mainly civilians, were killed altogether. Observers remained in forward positions on both sides, hoping to calm the situation and above all to restrain the Armies from any temptation to enter the field, though from time to time nearby Army picquets were reported as participating in the fighting[36]. General Nimmo kept in contact with New York as events occurred and made strong representations to the Headquarters of both Armies, but succeeded in establishing only occasional and short-lived lulls in the fighting[37]. As the new posts violated the Karachi Agreement by constituting a strengthening of defences, he wrote to the CGS, Indian Army, asking to have them withdrawn and the fortifications demolished, but the Indian Army Authorities claimed justification of the posts in defence of their territory against hostile elements from Pakistan[38]. The Pakistan Army authorities took the view that the police posts were for the purpose of coercing and harassing residents in clean-up operations[39]. General Nimmo felt that neither side was offering much co-operation[40].

On 10th August, 1961 he wrote to the CGS, India and Acting CGS, Pakistan and suggested a meeting to find practical ways of stopping the firing and restoring the peace. He suggested the meeting should be at a place remote from the troubled areas and that it should be held on a personal basis without publicity so that they would be free to explore in a confidential manner any practical military steps that were open to consideration under

the Karachi Agreement. His own suggestion, as a basis for discussion, was that there should be no fire-arms of any kind within 500 yards of the CFL. He felt this would be a big step forward and that practical means could be evolved to implement it under the active co-operation of both sides with the assistance of Observers[41]. The Indian CGS was willing for the meeting to be held, but the Pakistan side considered that such a meeting would not bring any useful results[42].

With reports indicating that the Indians were reinforcing their troops and re-occupying formerly unoccupied positions, which technically they could do since their overall defensive potential remained the same[43], on 17th August General Nimmo requested a further six Observers to help with the deteriorating situation[44].

For the first time since UNMOGIP started its operation a backlog of complaints was accumulating, with the number of outstanding cases in hand having risen to 199 during the last fortnight in August 1961[45], compared with nine in January of that year[46]. Nevertheless Observers who had spoken to Local Commanders said that neither side wanted to extend the scope of the conflict and it was understood that the matter had been taken up by both sides at Government level[47]. General Nimmo also continued his own representations. He wrote to the Indian CGS referring to a statement the latter had made to the effect that it was not possible for the Indians to agree to move the police posts unless law and order were fully restored, and suggested that the first essential was to cease fire everywhere; then the police posts could be removed and substituted by other methods of carrying out normal civil police duties, as were evident elsewhere[48]. He received no answer[49].

In 1962 a total of 973 complaints was lodged with UNMOGIP, which was an increase of 67% over 1961, and exceeded the total number lodged during the period 1949-1960 inclusive. Of these 973 complaints, 72% related to Balakot/Tarkundi. Of the 234 violations awarded (127 against India and 107 against Pakistan), 80% related to Balakot/Tarkundi, an increase of 125% over 1961, and more than during the whole period 1949 to 1960[50]. When pointing these figures out to the two sides General Nimmo said he felt that such readiness to resort to armed force when UN Observers were easily available, and had demonstrated their willingness to mediate at their own personal risk, was indeed deplorable. He insisted that the statistics revealed a decided deterioration in attitude as well as in application of the principle of the Karachi Agreement, and it was his earnest desire that both parties should exert every effort to restore peace and tranquillity throughout the area without delay: sincere co-operation was needed for this effort, and a willingness to deal firmly first of all with their own forces, including auxiliaries such as armed police and armed civilians[51].

In April 1962 he sent an identical cable to both sides suggesting he set up a permanently manned UN Observer post, complete with radio, at Balakot in place of the unauthorised Police post, and on the condition that no armed police be admitted into the 500-yard zone. Pakistan agreed and suggested a similar post at Tarkundi[52], but the Indians "felt it was difficult" for them to accept the proposals[53]. In June Nimmo cabled Ralph Bunche, who had taken over from Cordier, saying that the situation had deteriorated to such an extent that half the Mission's Observer strength was already deployed in the area. He was fearful for the safety of the Observers

stationed there, and felt that unless a Ceasefire could be arranged immediately he should withdraw all Observers from the vicinity. He pointed out that without the full co-operation of both armies UNMOGIP could not operate, and suggested that U Thant request the two Delegations to re-affirm their intention to abide both by the terms of the Karachi Agreement and by his decisions and recommendations without wrangling. He also suggested that India be requested to remove its police posts, and Pakistan to restrain its civilians and remove their weapons in Ceasefire areas. He thought that unless urgent action was taken the situation might get out of hand and spread to other sectors of the CFL[54].

Ralph Bunche duly approached the Delegations on the subject, and told Nimmo that the Indians had indeed re-affirmed their intention to abide by the terms of the Karachi Agreement and UN decisions and recommendations to maintain it, but they were not prepared to remove the police posts. The Government of India claimed the conditions which made them necessary still persisted, and "ventured to suggest it was the responsibility of the CMO to ensure that the Government of Pakistan restrain" armed civilians in the Ceasefire area[55].

Bunche's approach to the Permanent Representative of Pakistan resulted in the latter's sending a letter to the Secretary-General concerning the situation at Balakot and Tarkundi[56]. Asked to comment on the letter General Nimmo stated that the Pakistan letter was a "clear and factual analysis of the difficult situation". He reiterated that the Indian Army was adamant it had a perfect right to establish a fortified police post wherever it saw fit, whilst his position had always been that there was no objection to civil police entering within 500 yards of the CFL in pursuance of their

legitimate police functions of law and order, provided they were not stationed in that zone. However, the construction of new fortified positions which were tactically sited and supported by nearby military posts only served to increase tension and incidents, and were in fact violations of the Ceasefire Agreement. He felt he had explored every conceivable approach to the problem with the Indian Army and had been unable to obtain agreement to any suggestions made by UNMOGIP, whereas the Pakistan Army had agreed to all his suggestions[57]. U Thant passed Nimmo's letter to the Permanent Representative of India for his Government's comment, but received no reply; after a reminder the Permanent Representative expressed regrets but said his Government was rather preoccupied with the Sino-Indian frontier[58].

Nevertheless, either as a result of these interventions in New York, or of Nimmo's stationing yet another Observer in an Indian picquet north of Balakot[59], a steady improvement began at this time, although the police posts remained in existence and continued to be targets for sniping from areas unapproachable by Observers. During the last two weeks of October 1962, with only 15 complaints being recorded from Balakot/Tarkundi compared with between 60 and 70 at the height of the troubles, and new commitments arising in other sectors, General Nimmo decided to withdraw Observers from the forward picquets in the area and have complaints investigated in the normal way[60].

In both the spring and autumn of 1963, by which time General Nimmo had awarded several Violations against India for not removing the police posts, periods of intense activity were again experienced in the area[61]. In October 1963 he complained that neither of the opposite unit commanders in the

area was displaying any serious desire to maintain a peaceful ceasefire, and that the Pakistan unit commander had proved evasive and quite unco-operative during investigation of some alleged incidents. To cope with this lack of co-operation he had issued instructions that where representatives of either Army failed to appear as previously arranged for an investigation, the investigation would not be postponed, and where the defaulting representative was of the complaining side the cases concerned would be cancelled. Five Pakistan cases were cancelled as a result during that one two-week period[62].

At the end of October General Nimmo was visited by the Indian Chief of the Army Staff, General Chaudhuri, and the Indian Local Commander. General Nimmo felt General Chaudhuri was anxious to see the Balakot police post withdrawn if stability could be restored to the area. Nimmo pointed out to him that not only was the latter a festering sore, but also a direct refusal to accept a ruling given by the Chief Military Observer, which in turn weakened UNMOGIP's position in Pakistan's eyes[63]. This was followed by a visit to the Pakistan CGS and further discussions with the Indian Local Commander[64], as a result of which General Nimmo was able to announce that the two sides had accepted his suggestion of a ceasefire experiment in the area, and the number of incidents considerably decreased[65].

Finally, after one more request[66] to the Indian CGS for the demolition of the police posts, General Nimmo was informed in January 1964 that steps were being taken for their removal. He then arranged for the co-operation of the Pakistan CGS so as to avoid any untoward incident during the demolition[67]. The situation in the area continued to remain tense with incidents occurring from time to time, but other sectors were also by now

showing signs of even more intense activity. In the last two weeks of July 1964 there were only 12 complaints from the Kotli-Galuthi sector as opposed to 37 from Rawalakot-Punch and 26 from Bhimber-Naushera[68], and at the end of September Kotli-Galuthi had only three complaints whilst 11, 25, 46 and 48 complaints were received respectively from other sectors[69].

Jammu/Bhimber Sector

As intimated, other parts of the Ceasefire Line also began evincing increased activity in the early 1960s. In 1961 Indian and then Pakistan police were introduced into the Jammu/Bhimber sector, a fifteen-mile stretch of the CFL which ran across cultivated lands belonging to civilians who did not necessarily live on the same side as their land. The police tried to prevent these civilians from crossing the Line, and heavy firing ensued. Observers were stationed in forward army picquets on both sides of the Line in an endeavour to limit incidents and find a solution, but tension continued in the area throughout 1962 and into 1963[70].

In April 1963 General Nimmo reported one particular complaint which involved the deliberate shooting by an Indian patrol of an unarmed local inhabitant who was watering cattle near the Ceasefire Line, and noted it was the kind of "premeditated and ruthless procedure which has been all too common on the Indian side and which appears to have the concurrence of higher authority as a warning against what is called trespass"[71]. In May 1963 he noted that there appeared to be a pattern of incidents developing as two Pakistani civilians had been killed and two injured as the result of deliberate shooting at short range by Indian patrols, in spite of the fact that the civilians were engaged in peaceful

activities on their own side of the Line. General Nimmo felt these individual acts were not coincidental but seemed to arise from an established policy[72]. However, in October of that year, with only seven complaints being lodged for the Bhimber/Jammu sector during the previous two weeks, General Nimmo expressed the belief that the worst of the current tension in the area was over[73].

Punch/Rawalakot Sector

A new troublespot developed towards the end of 1962 at Polas in the Punch/Rawalakot Sector, with firing incidents occurring almost daily, and an Observer was posted to a forward Indian picquet in that area[74]. However, in spite of the problems from Balakot/Tarkundi, Jammu/Bhimber and Polas, the remainder of the Ceasefire Line was still relatively quiet[75]. At the end of 1963 tension developed in another part of Punch/Rawalakot sector over the distribution of water between towns and villages on opposite sides of the Ceasefire Line. The original cause of the trouble was drought, which caused the water level of a stream on the Indian side to fall below the entrance of a channel cut to supply villages on the Pakistan side. The Pakistanis, believing this to have been caused by Indians blocking the channel, cut another channel which supplied water from a stream on the Pakistani side for use by Indian villages. A crisis occurred when similar action was taken with a water channel which was used to generate electricity for the town of Punch on the Indian side. Indian civilians moved to restore the supply, supported by Indian troops. Heavy firing then broke out during which two Observers had a very narrow escape. Fresh troops were brought into the area and it became apparent that the Indians were

prepared to restore the flow of water by force. At great personal risk, and after a most difficult period of negotiation and restraint of impulsive individuals on both sides, the Observers succeeded in having water restored to all areas concerned, and in bringing the opposite local commanders together[76].

Tangdhar/Domel Sector

Two serious firing incidents occurred in February 1964 in the Tangdhar-Domel sector, and subsequently both sides lodged complaints alleging reinforcements of troops in that sector[77]. Nimmo alerted all Observers and requested both army commands to avoid any reinforcement or to withdraw immediately if such had already been carried out, and notified them that the Secretary-General was being kept informed[78].

In May 1964 there was an incident at a remote village called Kutan Bachi. The village was located on the Indian side of the Ceasefire Line, but was under Azad Kashmir *de facto* control[79]. Investigation by Observers ascertained that lumbermen from Azad Kashmir had been cutting vast quantities of timber deep on the Indian side of the Ceasefire Line under the protection of military picquets before the Indian attack, in which four Azad Kashmir soldiers were killed and two more wounded and captured. One of the latter admitted to Observers that the Pakistan brigadier at Domel had given them their orders and supplied their weapons and uniforms. General Nimmo expressed his real concern to the Pakistan CGS as he rejected the Pakistan complaint that the Indians had fired on civilians. He pointed out that whilst he realized the Ceasefire Line was not an established border, the fact remained that the territory on either side was occupied and controlled by the military and

neither side permitted entirely free and unrestricted movement of civilians from one side to the other. Thus he could not be expected to insist on one way traffic from the west into the large area under reference, and still less to support the setting up of defended posts across the Ceasefire Line, or indeed the crossing of the Line by any armed forces. Once again he underlined that what was urgently required was for the two parties to get together and formulate some ground rules for genuine local inhabitants in the ceasefire area so that they could live in peace[80].

A General Increase in Activity

From early 1964 increased activity was experienced all along the western and southern sectors of the Ceasefire Line and General Nimmo felt that there was a stepped-up policy of activity on the part of both sides. In addition to firing incidents, raids carried out on the Indian side were followed by retaliatory action by the Indians and there were also alleged overflight complaints[81].

There was a sharp increase in activity in June 1964, mainly in the central section. 91 complaints were received during the last two weeks of the month, 68 relating to firing incidents in which nine people were killed and 23 to strengthening of defences. Between 19th and 21st June Pakistani armed civilians crossed the Ceasefire Line in four different sectors and in the process put two Indian unit headquarters in danger. In the Tangdhar/Domel sector a Pakistani force estimated at one platoon plus one section penetrated to a depth of approximately 1000 yards across the Ceasefire Line and ambushed a party of Indian police, killing three and wounding three others. General Nimmo reported that

the planning and execution of the ambush indicated the use of regular troops and he feared such provocative actions would bring about a retaliatory effort by the Indians[82].

General Nimmo's Warnings

On 29th June, 1964 General Nimmo cabled Ralph Bunche about the general deterioration in relations, and said that recently in letters received from both Armies UNMOGIP had been urged to do something about the situation "otherwise they would not stand idly by and so on". He said that the growing number of firings and raidings by AK irregulars or armed civilians, sometimes deep into Indian territory, was a dangerous game as the Indians would strike back if provoked. He warned it was becoming a situation similar to that at the time of the ceasefire, and suggested that anything that Ralph Bunche might be able to do with delegates at HQ would be helpful[83].

The first fortnight in July 1964 was "no doubt the most active 15-day period in the history of the Mission", a phrase which General Nimmo was to use with monotonous regularity during the coming months. There were 240 complaints of which 168 related to firing incidents, two to crossing the Ceasefire Line, one to the use of explosives and 69 to the strengthening of defences. General Nimmo temporarily opened two sub-stations in the Tangdhar/Domel sector, where most of the activity was occurring, in the hope of stabilising the area[84].

The heavy activity in the north-central section of the Ceasefire Line slackened off during the following two weeks only to be replaced by a marked increase in the southern sectors[85], where heavy and persistent firing continued daily into August and September. There was an escalation of hostilities by both regular and irregular forces crossing the

CFL and ambushing and attacking opponents during the last two weeks of September, which were again described as the most active ever experienced by the Mission[86]. On 29th October General Nimmo requested an additional three Observers[87].

By the end of 1964 a record number of 2149 complaints had been accepted for the year, and there had been 337 casualties, as follows[88]:

India:	Army/Police.....129	- Killed:	77
		- Wounded:	52
	Civilians.....24	- Killed:	11
		- Wounded:	14
Pakistan:	Army/Police.....26	- Killed:	14
		- Wounded:	12
	Civilians.....157	- Killed:	81
		- Wounded:	76

The situation remained disturbed on into 1965 and General Nimmo continued to report sharp increases in the number of Ceasefire complaints as firing across the Ceasefire Line "became a habit"[89]. He noted that it had become a matter of routine, and was mostly ineffective and of a harassing and retaliatory nature, meant merely to impress and keep up morale[90]. Many cases were dismissed, he said, not so much due to lack of physical evidence but rather to the fact that many positions were so riddled with bullet holes, and had been the subject of so many complaints, that it was impossible to establish whether any new firings had taken place[91]. The Indians therefore began merely to report firing incidents rather than filing a complaint in cases where physical proof was unlikely to be available, thus slightly reducing the number

of official complaints[72]. Both sides used the firing and incursions across the CFL to justify continued strengthening of defences[73].

During that first five months of 1965, known casualties for the two sides were 59 killed and 119 wounded. A total of 2,231 ceasefire complaints was received, mainly firing incidents but also numerous incidents of crossings of the CFL by small armed parties of up to platoon, company and, in one case battalion strength. Of the proved crossings, 23 were by Pakistan, of which 12 were for attacks by fire on picquets, ambushes of patrols or water parties, and raids on military posts, and eight were by India, including six raids on villages in which there were nine civilians killed and 15 wounded. The other two Indian crossings consisted of an attack by fire on a picquet and a battalion scale attack in the Kargil area*. There was a great deal of strengthening of defences on both sides but new wiring, mining and reinforcing with warlike stores was mainly on the Indian side. India was also by this time reaching its permissible force limit under the Karachi Agreement, whilst Pakistan strength in Kashmir remained much as before with no appreciable reinforcement[74]. (Pakistan was in a better position to bring in forces quickly from outside Kashmir in the event of major hostilities than was India.) At the end of April the Vice Chief of the Army Staff (VCOAS), India advised General Nimmo that it was proposed to move an additional infantry brigade of three battalions into the Naushera-Galuthi-Punch area, for the purpose of providing rest and relief for troops in the area. The addition was not in excess of the permissible limit under the Karachi Agreement,

*The Kargil Incident is described on pages 392-397.

but General Nimmo told the VCOAS that any reinforcement of troops was to be regretted as it might lead to similar action by the other party[75]. And indeed, on 14th May, General Nimmo received a complaint from the Indian Army claiming that Pakistan was in the process of moving 5000 infantry soldiers, equipped for mountain warfare, into the State[76]. On May 21st General Nimmo told Ralph Bunche that he would not be surprised if some serious military clash were to occur in May or June[77].

PART III - ATTITUDES OF THE PARTIES

CHAPTER TEN - GOVERNMENTAL ATTITUDES

Governmental attitudes impinged only indirectly most of the time on UNMOGIP. Apart from the comparatively rare occasions when the UN Secretariat in New York became immediately involved in an issue, insights into the political manoeuvring behind the scenes are to be found mainly in UNCIP/UNMOGIP documents relating to the early months, when the Secretary-General's Special Representative, Erik Colban, was on the Subcontinent, and before UNMOGIP became a mission in its own right. Colban acted effectively as a link not only between the respective Governments and the Secretary-General during 1948 and 1949, when the UN Commission was attempting to find a solution to the Dispute, but also between the Governments and the Observer Group during 1949 and 1950, when General Delvoie and Brigadier Angle were, in turn, in charge of the Military Observers.

One of the few times - perhaps the only time - that an overtly political decision to leave a sensitive matter in the hands of the Observers can be seen to have been made was during the early days of the problems with the village of Nekowal, when Ambassador Colban was approached on the subject by the Indian Minister for Kashmir Affairs*. When Ambassador Colban left the Subcontinent in August 1950, and the Mission lost its link with the political authorities, it is questionable whether the latter gave the Observers much thought at times when their involvement might have been appropriate, or at least helpful.

*See page 204.

As a matter of policy UNMOGIP dealt solely with the military authorities, and was kept quite distinct from Dr. Graham, who was the United Nations Representative in India and Pakistan from 1951 onwards, and who negotiated with the political authorities*. General Nimmo, Chief Military Observer for the major part of the period under review, rarely mentions having had contact with the latter although, from the many social functions he attended, he was personally quite well acquainted with a number of them[1]. It seems likely that they took the opportunity of these occasions to make their views known to Nimmo, which must have enabled him to gain a broad understanding of the latest political trends in the Dispute. However, such was his discretion that rarely did he report on these conversations. Rarely also did he stray from his military brief to make any political comment of his own, apart from noting regularly that for the sake of the Kashmiri people a settlement should urgently be reached, and requesting that in the meantime an agreement be made between the parties concerning those civilians whose lives were directly affected by the presence of the Ceasefire Line**. This, of course, is not to say that UNMOGIP was not, at least indirectly, affected by political relations between the parties. The present Chapter is therefore interspersed with sections on the general political background showing, in particular, the state of relations between the parties at a given time.

It was indeed realised from time to time that UNMOGIP was working at a disadvantage in having no political contact. In 1953 Andrew Cordier, referring to the fact that UNMOGIP had neither political officer nor information officer, maintained

*See pages 262-266 and 293.

**See pages 194-5, 240, 302 and 389.

in a memorandum to the Secretary-General: "If a criticism of the present staffing of missions can be made, it is that in the interests of economy there has often been...too severe a curtailment of services in the light of the seriousness of the problems involved and the objectives of the UN in the area in question...Estimates of future needs are at best only well-informed guesses...Who can predict the future course of events in Kashmir?"[2]. In 1958 General Nimmo suggested it might be advisable to have a political adviser with the Mission, and in 1963 he requested a raising of the status of UNMOGIP for the purpose of negotiating with the political as well as military authorities[3], but when he was promoted to the rank of Under-Secretary in 1964 there was no suggestion that it was indeed for this purpose.

The usefulness of a political link when problems concerning the Group itself occurred is demonstrated below in the history of the Delvoie Incident, when Michael de Capite, UNCIP's Press Officer, was able to intercede with the Authorities on Delvoie's behalf. De Capite was deputising for Erik Colban when the latter and the Commission were in Geneva preparing UNCIP's Report to the Security Council.

THE POLITICAL SITUATION AND POLITICAL EXPLOITATION

The Delvoie Incident

In November 1949 General Delvoie, Military Adviser to the United Nations Commission to India and Pakistan (UNCIP), and head of the Observer Group, left the Subcontinent under something of a cloud and did not return. Apparently in all innocence, and quite openly but with the utmost indiscretion, he had taken seven sealed boxes from Srinagar across the

Ceasefire Line to their owner in Rawalpindi, where she was then living. It was alleged that the boxes contained items of value. He himself understood them to contain fishing tackle and warm clothing, and it was never proved otherwise. He claimed he was acting in good faith as a neutral between the two Dominions and would have done the same in the other direction if he had been asked[4]. The Kashmir Authorities made haste to seize on the incident for several reasons: in an attempt to discredit Delvoie, whose impartial military views were not always to their taste[5]; likewise to discredit the Commission just as it was preparing its last report to the Security Council[6]; and, more generally, to undermine the faith of the people of India in the United Nations since the State Government of Kashmir had never fully accepted to the idea, embraced by the United Nations, of a plebiscite in Kashmir*.

Delvoie's action was only questionably contrary to a Kashmiri law, of which he claimed ignorance[7], forbidding property of refugees from leaving the State. The owner of the goods, Begum Effendi, was an Afghan citizen who later asserted that she had left Srinagar before the commencement of hostilities and had been informed that her property had not been declared evacuee property, as had that of her husband who had been named an enemy of the State[8]. At all events, the Kashmir State Government, with the aid of the Press, blew the matter up, and whilst it seems likely that the Indian Government might have acted more diplomatically, and quietly asked Delvoie to leave, there was little it could do after the matter had been so heavily publicised.

When the first Press stories appeared Mr. Michael de

*See page 64.

Capite, UNCIP's Press Officer, called on Mr. Vishnu Sahay, Secretary to the Government of India for Kashmir Affairs, to learn that the latter had received no documentation on the subject and was inclined not to take the matter too seriously'. Two days later, after further Press reports, he became rather more excited about it and said the Indian Government was taking a serious view of the situation[10]. Finally he said his Government did not intend to take an extreme stand but the wide publicity made matters difficult and they would therefore present documentation to the Commission, and leave the Commission to take whatever action it deemed necessary[11]. De Capite also spoke to Sir Girja Bajpai, the Foreign Minister, about the hasty and extravagant publicity given to the incident and pointed out that some had related to Delvoie's impartiality and honour[12]. Bajpai and Sahay both said the Indian Government could not control Kashmir's actions in internal matters, and also could not take lightly a matter which was against the known laws of the State. They promised they would make it clear to the Press that they were placing the matter in the hands of the Commission, and Bajpai said he would try to quiet future reports. He said he would point out the abuse of diplomatic immunity to UNCIP, but promised to make clear that the Government of India was not impugning the honesty of the General[13]. The subsequent letter of 3rd October from Sahay to the Commission, whose Members were then in Geneva, said exactly this[14]. Sahay admitted to de Capite that he believed the General innocent of any premeditated act, but he also suggested that he thought nevertheless the Commission would have no alternative but to ask for Delvoie's resignation. Meanwhile, until the Commission convened and took a decision he expected Delvoie to continue his duties[15].

De Capite stressed that although the Commission had left the Subcontinent for Geneva, the work of the Military Observer organisation was most important, and nothing should harm the successful demarcation of the Ceasefire Line, which was still being undertaken, and the continuing observance of the Ceasefire. Mr. Sahay assured him that the Observers would continue to be given full and steady co-operation[16], which proved to be the case.

Indian Press reaction to the letter was unanimous that Delvoie should resign or be removed[17]. However, he continued his work on the demarcation of the Ceasefire Line whilst waiting to hear from the Commission, and his relations remained excellent with the Indian military[18], who wanted him to remain as Military Adviser[19]. General Thimayya arranged a guard of honour for him when he returned to Delhi from Pakistan and wrote a report favourable to him[20], and General Kalwant Singh interceded with the Indian States Ministry[21].

In both Geneva and New York there was consternation over what action should be taken, and even at first over who was ultimately responsible. It was then agreed that responsibility lay with the Secretary-General rather than the Commission as it was he who had appointed Delvoie[22]. The Belgian Delegation to the United Nations also had to be consulted in view of any possible diplomatic repercussions[23]. The Commission's letter referring the matter to the Secretary-General admitted the action was imprudent, but it was carried out neither covertly nor in bad faith and, the Commission believed, warranted only a caution to exercise the greatest discretion in the future. The Commission felt the State of Jammu and Kashmir had treated the matter "in a most unusual manner", contrary to normal diplomatic practice and "in

terms to which the Commission cannot but take exception"[24]. Mr. Sahay subsequently wrote to explain to the Commission that the matter had been taken up by the Press because the Effendi's caretaker had been talking about it and, in view of the rumours flying, the State Government felt it better to release the correspondence between itself and Delvoie[25]. This was probably more of a diplomatic attempt to smooth things over than a satisfactory explanation of a situation which had been set in motion before the Government of India was aware of the incident, which it therefore had little hope of controlling. In fact, the Indian Government did appear to succeed in quietening down the Press. When Delvoie was recalled to Geneva at the end of October, de Capite was able to report that the Press was absolutely quiet about the General's movements, but "gave excellent publicity" to the announcement that the demaraction of the Ceasefire Line was completed[26].

Sahay told de Capite the Kashmir Government would not accept too much complaisance in the affair, and he had to be influenced by them, but he would have no objection to the Commission or the Secretary-General putting the facts straight as they saw them once the issue was settled[27]. On 25th October the Commission met and accepted that while its members regretted it, it seemed inevitable that Delvoie could not remain at his post[28]. Since the Government of India had made it so clear he was now *persona non grata*, the problem became a question of arranging his resignation in such a way as to give rise to no doubts concerning his good faith and integrity[27].

Delvoie showed a marked reluctance to resign his post without his honour being properly satisfied, either by a more positive statement from India about his good faith and integrity, or by the offer a post of equal status within the

UN[30]. The UN had no such post to offer, and did not "believe it practicable" to ask the Indian Government for a more positive statement, though Indian Government officials promised to assist[31]. This they would do through Indian news and other channels, giving a proper interpretation of the whole affair, and particularly avoiding the impression that Delvoie had either resigned voluntarily or been forced to resign. At the same time the Belgian Government promised to provide an alternative assignment[32].

The incident conveniently and coincidentally came to a head at the time of both the completion of the demarcation of the Ceasefire Line, which Delvoie had initiated, and UNCIP's report to the Security Council, which could possibly result in a modification of the UN organizational arrangements in connection with the Kashmir issue. It also coincided with the completion of a full year of duty by Delvoie, which was the normal term for a temporary assignment under Mission regulations at the time. Thus on 30th November the Secretary-General wrote to Delvoie as follows: "I wish to take the occasion of the completion, on 9th December, of your year of service as Military Adviser to UNCIP to express my deep appreciation of your work with the United Nations. You have made an important and valuable contribution to the stabilization of the military position in Jammu and Kashmir through the demarcation of the Ceasefire Line which has been conducted under your immediate supervision..."[33]. Delvoie took the hint and three days later Ambassador Colban cabled from Geneva to tell the Secretary-General that Delvoie appreciated the Secretary-General's kind words and understood his appointment ended on 10th December[34]. The Commission, however, felt he should be asked to accompany it to Lake

Success where he could render good service[35]. The Permanent Representative of Belgium to the United Nations also suggested this should happen[36]. Accordingly the Secretary-General extended Delvoie's term of service to enable him to go to Lake Success with the Commission[37].

A further incident occurred at the time when the Delvoie publicity was at its height, and broke in an Indian newspaper, according to Michael de Capite, "with great fanfare on Friday, 7 October", the story "being killed" the following day with only a single paragraph in the same newspaper. According to de Capite, "the incipient campaign to smear the Commission and the Observers was so obvious in the handling of this incident, which was clearly the result of carelessness on the part of Smith, that the story was quashed"[38]. The story concerned the fact that an RAF Wing-Commander stationed in Karachi hitched a lift to Srinagar on a UN aircraft. Unfortunately he had inadvertently allowed his permit to enter Kashmir expire and he would thus have been unable to enter the state had he travelled in a more authorised manner[39]. Once again it was the Kashmir authorities who blew the matter up, and protested to Mr. Sahay that UNCIP officials had smuggled the Wing-Commander into the State. Once again it was the Indians who tried to smooth matters over. Wing Commander Smith was given his permit and even spent two days in Delhi as guest of an Indian Air Force Air Marshal, whilst a statement doing justice to him appeared in the Press[40]. In December 1949 Prime Minister Nehru, in answer to a question in Parliament, stated that enquiries had shown there was nothing *mala fide* in the incident[41]. Nevertheless, Mr. Sahay did feel compelled to write to the Commission regarding the desirability of using UN aircraft for official purposes only, in spite of the fact, as

Ambassador Colban informed the Secretary-General, most of the lifts they had previously given to persons outside the UN had gone to Indian Army officers and their families, Indian Government, and even Kashmir State officials[42]. Instructions were then given that use of the UN aircraft henceforth would be restricted to UN personnel[43].

Mediation

In its final report in December 1949 the United Nations Commission suggested that the Kashmir problem should be passed to a single individual to act as mediator between the parties[44]. After a brief and unsuccessful attempt by the President of the Security Council, General McNaughton of Canada, to act in this capacity[45], the Security Council, on 14th March, 1950, adopted a further Resolution which called upon India and Pakistan to prepare within five months a programme of demilitarization[46]. Sir Owen Dixon was appointed UN Representative in India and Pakistan (UNRIP) to assist them*. There was optimism that his mission might meet with success owing to a recent thaw in relations between the two parties, whose Prime Ministers met in April 1950 and reached agreements over waterways, trade, refugee and propaganda problems, though they had only "agreed to differ" on Kashmir[47], but this optimism was ill-founded. In the wake of his failure to bring them to a consensus Sir Owen suggested that Pakistan

*Sir Owen's main proposals have already been covered (pages 72-73 and 78-80), but essentially he reached the conclusion that, since the two Prime Ministers admitted that there seemed to be no hope of reaching agreement on demilitarization or on conditions to follow demilitarization, there was no possibility of holding a plebiscite, and the only solution was partition. His suggested method of partition was, however, also not agreeable to them.

and India should be left to negotiate bilaterally instead of throwing the whole responsibility onto the Security Council, since without their mutual agreement there was no possibility of settling the matter. He also pointed out that the continued maintenance of the two armies facing one another across the Ceasefire Line must constitute a danger to the peace and, apart from mutual mistrust, there was no reason for keeping them there, since the Ceasefire Line was a boundary which might be kept by check posts and the like in the same way as any frontier between countries at peace. He thought it was hard to believe that the Indian and Pakistan Chiefs of Staff would have any difficulty in arranging for a concurrent reduction of forces if they were instructed by their respective governments to meet for the purpose, and he suggested to both Prime Ministers that this should be done. India stated she did not consider it desirable to arrange a meeting with Pakistan, but would reduce her own troops by 20-25%. Sir Owen recommended that the UN Military Observers should stay in Kashmir for the foreseeable future and that the Security Council should press the parties to reduce the military strength holding the Ceasefire Line to the normal protection of a peacetime frontier. Indeed, he felt that since India and Pakistan could not come to an agreement, a division of the State along the Ceasefire Line might be a solution which would at least stabilize the situation and bring about peace, even if it neglected the justice of determining from the people involved their will for their nation[48].

Erik Colban told the Secretary-General that he believed Sir Owen's recommendation that the two sides had bilateral talks would not work, and that they needed the assistance of a UN Representative. He said that what Pakistan really wanted

was a strong resolution from the Security Council imposing on India the duty to co-operate in bringing about suitable conditions for a plebiscite, including the withdrawal of Indian forces, and that it was very concerned at the delay in discussing the Kashmir question in the Security Council[49].

Josef Korbel, a former member of UNCIP, sympathised generally with Sir Owen's conclusions, but thought that if the Security Council adopted his recommendation to leave the two countries to settle the matter bilaterally, it would be a humiliating admission of the UN's impotence and a grave blow to its prestige and authority. Furthermore, such an admission of UN failure was likely to cause Pakistan and - particularly - Azad Kashmir to renew their efforts by means of force rather than to submit to such an unsatisfactory state of affairs. Already the deadlock in negotiations was having a serious effect on India-Pakistan relations, with resumed attacks on each other in the Press of both countries, and articles were appearing calling for the withdrawal of the case, and even both countries, from the United Nations[50].

General Nimmo, who had arrived at the Mission as the new Chief Military Observer in December 1950, also noted in January 1951 that public speakers and the Press continued to feature the Kashmir problem with increasing virulency, and that the Observers had noticed that the subject was talked about quite openly and frankly in officers' messes in forward areas far more than it used to be, and that there was a growing determination that something would have to be done before long. Nimmo assured Cordier that he and his Observers avoided discussions on such matters with outsiders, but he had no doubt that the situation could become very serious by the summer if the tribesmen continued to be stirred by such speeches[51]. In

March he returned to the subject, saying that he hoped the two Governments would be able to get together because there was a growing sense of frustration on the Pakistan side, and he feared some sections of the people would be difficult to restrain from violent action if nothing was accomplished[52].

The next attempt at mediation occurred during informal discussions at the Commonwealth Prime Ministers Conference in London in January 1951. The Commonwealth Prime Ministers put forward three proposals, none of which India accepted[53]:

1) British Commonwealth to provide a force, at its own expense, during the plebiscite;

2) A joint Indo-Pakistani force under a single command;

3) A local Kashmiri force raised by the plebiscite administrator, enabling all other forces to be withdrawn from the State.

At a Press Conference in London following the meeting Nehru reaffirmed India's intention of letting the people of Kashmir decide, but said religion should not be brought in as it would upset the equilibrium on the matter already generally established, and would hinder the healing of wounds over partition[54].

On 19th February, 1951 the Secretary-General's Assistant, Andrew Cordier, wrote to Erik Colban to terminate (with gratitude) his contract[55]. The matter again returned to the Security Council, and - further to Resolution 80 of 30th March, 1951[56] - on 30th April Dr. Frank Graham was appointed as the new UN Representative in India and Pakistan. Dr. Graham, a distinguished American and former senator, described by Andrew Cordier as "one of the best negotiators that the US has at the present time"[57], retained the position until his death in 1972.

The Cadwalader Incident

The Resolution of 30th March, 1951 instructed the new UN Representative "to proceed to the Subcontinent and, after consultation with the Government of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan Resolutions of 13 August 1948 and 5 January, 1949" and to report to the Security Council within three months from the date of his arrival on the Subcontinent. It further called upon the parties, in the event of their discussion with the UN Representative failing to result in full agreement, to accept arbitration upon all outstanding points of difference 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[58]. India had firmly rejected the idea of arbitration when UNCIP had recommended it in 1949*. The Resolution also criticised India for sanctioning the convening of a Constituent Assembly by the All Jammu and Kashmir National Conference[59].

Nehru condemned the Resolution as "highly objectionable"[60], and in Kashmir demonstrations were arranged against the United Nations and Dr. Graham[61]. Sheik Abdullah went ahead with his plan to have his Constituent Assembly confirm "the final accession of Kashmir to India"[62]. With incitement to war in the Pakistan Press, Nehru declared that an attack on Kashmir would be treated as an attack on the whole of India[63]. Defence measures were taken accordingly and during the summer of 1951 the two countries were again on the brink of war[64]. Andrew Cordier visited the Subcontinent in June 1951

*See page 101.

immediately prior to Dr. Graham's arrival and the Prime Minister of Pakistan, Liaquat Ali Khan, told him that Pakistan would go to war rather than allow Sheik Abdullah to persist with his plan for a Constituent Assembly and the establishment of an elected Kashmir Government, in defiance of the Security Council Resolution. Liaquat also thought that if the Graham mission was unsuccessful the tribesmen might take matters into their own hands[65]. The atmosphere awaiting Dr. Graham's arrival could scarcely have been worse, and the effects rebounded on the Military Observer Group, resulting in an affair similar to the Delvoie Incident, though somewhat less serious.

General Nimmo noticed a hostile atmosphere as soon as his HQ moved from Rawalpindi to Srinagar in May 1951. Difficulties were made about obtaining an entry permit for a Canadian Observer's wife; comments in the Press described the Observers as agents of the Anglo-American bloc, smugglers and so on; mail was censored; and UNMOGIP personnel were closely watched by the Criminal Investigation Department[66]. At the same time, senior Indian Army Officers were friendly enough, and the Commander-in-Chief, General Cariappa, invited General Nimmo to be his guest at his home for a few days in Delhi[67]. In fact it was he who warned Nimmo of the impending trouble and tried to advise him how best to deal with it[68]. A message that an Observer had carried across the Ceasefire Line from father to daughter had been discovered. The message was innocuous enough and it was several weeks after it was known to have been discovered before the authorities decided to make an issue of it[69], a fact which in itself suggests some form of political timing.

Early in July 1951 General Cariappa gave General Nimmo a

note written on a menu card from the Majestic Hotel in Srinagar stating: "I have a message for Koulsoon, daughter of M. A. Sabir, from her father, and would like to deliver it. I will stop by again". It was signed J. Cadwalader, Commander, UN Observer[70]. At General Cariappa's suggestion Nimmo wrote immediately to Mr. Gopalswami Ayyangar, the Indian Government States Minister, and explained that Commander Cadwalader, US Navy, was one of his best officers and he was sure he had no other purpose in mind than doing a simple favour. He now fully realised the danger of such a move and General Nimmo was certain it would not be repeated. He went on to say that a few weeks previously he had warned all his personnel against such seemingly minor actions, and Commander Cadwalader had actually informed him then about the message he had carried, not having realized its possible significance until Nimmo's warning[71].

Ayyangar replied that he hoped Nimmo was right, but evidence had since come into his possession of conduct on the part of Cadwalader about which Nimmo would hear separately[72]. Following this letter Nimmo received one from the Indian Foreign Secretary saying that in addition to having conveyed a message from a person known to be hostile to the Government of Jammu and Kashmir, which was a clear breach of immunity, it had come to their knowledge that Commander Cadwalader had used the most offensive language against the Prime Minister of India. In the circumstances they had requested the Indian Permanent Delegation at the UN in New York to make a report to the Secretary-General and ask for Cadwalader's recall[73]. Nimmo replied that he had asked Mr. Cordier at the UN to recall Commander Cadwalader as he was *persona non grata* to the Indians, but he was still ignorant of anything Cadwalader may

have done or said[74]. Cadwalader submitted a long memorandum recalling the events and complaining that the Indian Government had given him no opportunity to answer the charges against him. He had acted on a humanitarian basis as well as on a policy of establishing goodwill with the civilian population. He noted that he had been told when he visited the hotel again that his message had been taken by the CID within ten minutes of his leaving it, and he had expected to be questioned at the time, but was confident he had a reasonable explanation. Since nothing had come of the incident for three months he assumed that nothing would, but it appeared "that it was saved up as an embarrassment for the UN during the mission of Dr. Graham". All he could suggest about any statements he had made about the Prime Minister was that since he had discussed him with no one outside the UN, his letters home, in which his estimate of Mr. Nehru had indeed been included, must have been opened, in spite of Indian denials that personal letters of UN personnel had been opened[75].

Cadwalader admitted that regardless of how his views were discovered, since the Indian Government was aware of them it was justified in not wishing him to act as an Observer. He maintained, however, that if having an opinion on the question as a whole disqualified one from deciding the rights and wrongs of an alleged ceasefire violation, there would be no Observers. He was just as ready to find a Pakistani guilty of stealing a goat or firing at a patrol as he was an Indian, as he believed would be substantiated by the records of his investigations[76].

Nimmo forwarded the letter to Cordier and said that if the Indian Government were prepared to withdraw their objections he would be pleased to keep Cadwalader who was keen, energetic, attentive to his duties and with a personality which made him

popular on both sides of the CFL, in fact one of the best officers in the Group[77]. UNHQ felt there was no alternative to recalling Cadwalader, but Nimmo's letter was passed to the US Mission to the UN with a request that it be placed on Cadwalader's personnel file[78]. Nevertheless Cadwalader, whilst grateful for the way Nimmo championed his cause, felt the UN Secretariat should have stood up to India on behalf of one of their Observers[79]. In fact Cordier told Nimmo privately that they would have been prepared to resist India's request since it was not well-substantiated. But their hands were tied by Nimmo's commitment to request Cadwalader's recall. Furthermore, they would never countermand any decision of this nature by the CMO, who was in the best position to judge whether the continuation of an officer was likely to detract from the effectiveness of the Mission. He also assured Nimmo that his mentioning the point was not in any sense intended to be a criticism of Nimmo's action: faced with the alternative of supporting an officer against whom insufficient evidence was produced, and a commitment, even an indirect one, by the CMO, they had chosen the latter alternative, and felt sure that if Commander Cadwalader were ever in the position of CMO he also would feel it essential to have the assurance of complete backing from HQ in such decisions or commitments as he found it necessary to make[80].

Nimmo replied that although he thought the Indian Government's request was harsh and unnecessary, since they would not discuss it there seemed no alternative, especially as tension was then acute and it would be unwise to involve the Mission in any dispute "when there was undoubtedly an air of suspicion surrounding us all in Srinagar at that period". He said he had explained it to Commander Cadwalader who was quite

satisfied and no longer concerned about the incident, and had continued to do excellent work, remaining one of the best in the Group and, incidentally, having won many friends in the Indian Army[81].

The fact remains that the incident seems to have been manipulated and blown up again out of all proportion to its size, initially by the Kashmir State Authorities, but with the ultimate support of the Indian authorities, in an attempt to embarrass the UN at the time of Dr. Graham's arrival. However, by the end of the year the atmosphere became less suspicious and more friendly, and General Nimmo and members of his HQ began to be included in official functions held by Sheik Abdullah, Prime Minister of Kashmir, including on the occasion of a visit by Mr. Nehru[82]. Even a matter they might well have picked on did not seem unduly to disturb the authorities, although it was the Indian Representative at the UN who first brought it to the notice of the Secretary-General. A very extreme and tendentious article which could only be expected to cause anger had appeared in a Danish newspaper and was apparently based on an interview with a former Observer[83]. Nimmo admitted he had heard something about it from Army HQ but went on to say: "In spite of this, I feel that the air of suspicion which surrounded us in Srinagar early last Summer has eased considerably"[84].

The easing in the atmosphere was no doubt largely contributed to by the fact that India found Dr. Graham's first report to be quite fair. Pakistan was less happy with it.

Dr. Graham[85]

The demilitarization programme suggested by Dr. Graham on 7th September, 1951 and reported to the Security Council on 15th

October, 1951[86], took the form of a draft Indo-Pakistani agreement providing for "a single continuous process" to be completed in 90 days, during which the following steps were to be taken:

1) On the Pakistan side: withdrawal of tribesmen, Pakistani nationals not normally resident in Kashmir and Pakistani troops, plus the large-scale disbanding and disarming of Azad Kashmir troops;

2) On the Indian side: withdrawal of the bulk of Indian troops followed by further withdrawals or reductions of Indian and State Armed Forces.

India made her withdrawal conditional on the complete disbandment and disarming of Azad forces, leaving on the Pakistan side of the Ceasefire Line only an armed civil police force of 4,000, of which only half could be followers of the Azad Kashmir movement, and to be commanded by UN, not Pakistani, officers.

Pakistan was prepared to accept "large-scale disarming and disbanding of Azad Kashmir forces" but only on condition that the "balance", and not merely some of the remaining Indian troops, would be withdrawn after the 90-day period. Pakistan preferred the retention of four infantry battalions on both sides of the Ceasefire Line, but was prepared to accept "some slight difference in the strength or description of the two forces".

Dr. Graham suggested that India should ensure the formal appointment of the Plebiscite Administrator by the Kashmir Government "not later than the final day of the demilitarization period". India believed the appropriate time for his appointment would be "as soon as conditions on both sides of the Ceasefire Line permit", and that therefore

provision for his appointment should be omitted from the draft agreement. Pakistan wanted his appointment "as much in advance of the final day of demilitarization as possible". Dr. Graham recommended to the Security Council that negotiations be continued. India's reaction to his report was quite favourable. Pakistan's was not, though official reaction was delayed because the Pakistan Prime Minister was assassinated the day after publication of the report.

On 10th November, 1951 the Security Council adopted a further Resolution instructing Dr. Graham to continue his efforts[87]. In his second report, in December 1951[88], Dr. Graham had to admit that he had not secured agreement on any of the four major points of difference. The only changes he proposed were that the demilitarization should be completed by 15th July, 1952, instead of after 90 days, and that the forces remaining after demilitarization should be "the lowest possible number... based in proportion on the number of armed forces existing on each side of the Ceasefire Line on 1st January, 1949". Pakistan was even less happy about this report than Graham's first. Nehru said India would abide by its agreement to hold a plebiscite, but renewed his warning that if Pakistan invaded there would be full-scale war between the two countries[89].

On 22nd April, 1952 Dr. Graham informed the Security Council that he had again failed to break the deadlock, although there had been some progress. Troops on the Pakistan side now totalled less than half the number in Kashmir at the time of signing the Ceasefire Agreement and Pakistan had announced the departure from the State of the tribesmen and all Pakistani nationals not normally resident there. India had agreed to withdraw sufficient troops to ensure that the

remainder would total less than half the number there when the Ceasefire became effective. India had also decided to withdraw forces which it had concentrated on Pakistan's frontiers in the summer of 1951. Pakistan too had returned its forces to their normal peacetime stations. With respect to the plebiscite, the chief remaining obstacle was the difference over the number and character of forces to be left on each side of the CFL at the end of the period of demilitarization[70]. Subsequent negotiations between May and July 1952, followed by a fourth report in September, 1952[71], did not enable Dr. Graham to resolve this difference. His failure again caused dissent in Pakistan.

Nevertheless a further resolution, sponsored by the UK and US, was passed by the Security Council in December 1952[72], and urged settlement on the basis of Dr. Graham's proposal, noting "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; that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Government of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals". The Resolution urged the two Governments "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 Ceasefire 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 Ceasefire Line and between 12,000 and 18,000 armed forces remaining on the India side..., as suggested by the United Nations Representative in his proposals of 16 July

1952".

On 23rd January, 1953 Dr. Graham informed the Security Council that the two parties had agreed to make another effort to resolve the impasse[73]. His suggestion to them was a further compromise on the number and character of forces which should remain in Kashmir at the end of the demilitarization period: "On the Pakistan side...an armed force of 6,000... separated from the administrative and operational command of the Pakistan High Command with no armour or artillery", and "on the Indian side an Indian armed force of 21,000 including State armed forces without armour or artillery.

India accepted the figure proposed for its forces, despite previous insistence on 21,000 troops excluding the Kashmir State Militia of 6,000, but she rejected the suggestion of 6,000 armed troops in Azad Kashmir, proposing instead a force of only 4,000. She expressed the willingness to agree to "some increase" in this force. She also demanded the removal of Pakistan appointed officials and of the Azad Kashmir Government from the Azad area, and insisted that there should be no connection between the local authorities in Azad Kashmir and the Pakistan Government.

Pakistan was far more critical. She termed Graham's proposals in contravention of the Security Council's resolution of 23rd December, 1952, and accused the proposals of "having no other object than to meet India's wishes...". At this point (March 1953) Dr. Graham did not request an extension of his mandate and like Sir Owen Dixon before him, recommended that the Indian and Pakistan leaders undertake direct negotiations to solve the impasse[74]. Such bilateral talks did then take place.

The Arrest of Sheik Abdullah

In spite of Dr. Graham's failure to gain the two sides' agreement in early 1953, the mere fact of bringing the leaders together face to face had beneficial effects. There was a general improvement in India-Pakistan relations and feelers were being put out as to the possibility of holding bilateral talks even before Dr. Graham recommended such a move in his fifth report in March 1953[75]. Nehru, especially, was now making it clear he preferred to have no outside interference on the Kashmir issue, blaming the fact that it had not been settled long ago on this interference[76].

The two Prime Ministers held meetings between 25th and 27th July, 1953 in Karachi in an atmosphere of goodwill. The Pakistan Press praised Nehru on his arrival, and crowds lined the streets and gave him a tremendous ovation. The general optimism persisted immediately afterwards, and further talks were envisaged for the near future, possibly the end of August. However, on 9th August Sheik Abdullah was dismissed by the Kashmir Head of State and arrested*. The Pakistan Press became hostile to India again and published highly exaggerated reports of what was happening in Kashmir[77].

Mohammed Ali, the Pakistan Prime Minister, hastily arranged to go to New Delhi to attempt a quick settlement of the Kashmir problem in order to ease the situation before the recent hopes were totally dashed. Nehru said a hasty solution was neither possible nor a good idea, but told the Indian people in his Independence Day** speech to welcome Mohammed Ali, as indeed they did. Meetings took place between 17th

*See page 84.

**15th August.

and 20th August, but the atmosphere was now much less propitious, with the Pakistan Press still reacting strongly to Abdullah's arrest, although Mohammed Ali showed a deliberate attempt not to be influenced by it[98]. In a Joint Press Release on 20th August the two Prime Ministers said that progress towards a plebiscite had not been made in the past because of lack of agreement in regard to preliminary issues, but it was their firm opinion that the Dispute should be settled in accordance with the wishes of the people. The Prime Ministers agreed to consider these issues directly with the aim of being able to appoint a Plebiscite Administrator by April 1954[99]. Pakistan was pleased that the Plebiscite Administrator had again been agreed to, in principle, and India that the United Nations was being kept out of the picture, but that they were still deeply divided on these issues was demonstrated in the protracted correspondence between the Prime Ministers which followed their meetings*.

Meanwhile there were widespread disturbances in Kashmir as the people demonstrated in support of Abdullah. General Nimmo, recovering from a heart attack at the time, was not on the Mission. Major-General de Ridder arrived as Acting CMO just as the Indian Press was suggesting that UN Observers were passing information to Pakistan, and saying that the Government of Jammu and Kashmir had lodged a protest with the Government of India, and that Bakshi Ghulam Mohammed, the new Prime Minister, had accused UN Observers of inciting demonstrations, and was therefore threatening to withdraw their diplomatic immunity[100]. *The Times of Karachi* maintained editorially: "the UN cannot allow these charges of complicity to go

*See pages 273-277.

unanswered without tarnishing its reputation and prestige. To redeem its honour the world organisation must immediately order the institution of an impartial inquiry to discover the truth or falsity of these allegations"[101].

General de Ridder wrote to tell General Nimmo that from newspaper accounts in Pakistan it appeared that the general situation was serious, but he found on arrival in Srinagar that the accounts had been exaggerated and that although the police had dispersed crowds of people only a few - contrary to reports - had been killed. He had been approached immediately by General Attal, GOC Western Command and informed, apparently reluctantly, that the new Prime Minister objected to the association of a certain person on UNMOGIP's staff with a western writer staying in Kashmir; because they had been seen together taking notes and photographs at the scene of civil disturbances. He objected also to Observers taking photographs of the disturbances. He alleged that Observers had held a conference, and then sent one of their number on a tour of the city to find out what was happening, and he questioned their right to do so[102].

The liaison with a western writer was ended and the staff member concerned posted elsewhere, but after inquiries General de Ridder informed General Attal that the other accusations were groundless. Indeed he himself had suggested that Colonel MacDonald, his Operations Officer, make a tour of the City, but on the advice of the Indian Army he had not done so. Nevertheless de Ridder put the City out of bounds for the duration of the emergency[103].

In a further demonstration in Srinagar police drove demonstrators through some UN houseboats which were slightly damaged. No harm came to UN personnel, but two or three local

people were drowned. General Attal promised General de Ridder police and Indian Army protection, and assured him that the Mission enjoyed the same high regard it always had so far as the Indian Army was concerned, and that its function had been fulfilled efficiently and to their complete satisfaction. However the Press continued its attacks, the substance of which was apparently released at a Government Press Conference. The articles quoted Jammu and Kashmir Government spokesmen threatening to restrict UN movement, but no official notice to that effect was received[104].

Andrew Cordier subsequently complimented de Ridder on his handling of a difficult situation without prior experience of the area[105]. Nevertheless, it was de Ridder himself who came close to causing another difficult situation.

Major-General de Ridder

Since 1949 Major-General de Ridder had been an Observer with UNTSO, and latterly Chairman of the Jordan-Israeli Mixed Armistice Commission, in which post he had been accused by Israel of being pro-Arab[106]. Whilst this fact had never been officially accepted, politically-conscious onlookers could not but have been aware that General Nimmo's illness had provided a fortuitous excuse for moving de Ridder away from an area where he may have been causing some embarrassment into a conveniently higher status, but only temporary, post elsewhere "with his outstanding record unblemished by recrimination"[107]. De Ridder had been quite agreeable to the move, even to the extent of saying he was prepared to stay on at UNMOGIP at the end of his three-month temporary assignment when General Nimmo returned to Kashmir[108]. And this indeed he did, to the discomfort of the UN who expected him to leave at the end of

the three months, but did not feel they could insist upon his departure[109].

On his return to the Mission General Nimmo reported that de Ridder, in spite of being effectively displaced, had been very cordial and showed no reluctance to accept orders from a man of equal rank, but after de Ridder had mentioned at a cocktail party in Rawalpindi that he was being posted to Delhi, the Pakistan Commander-in-Chief had apparently questioned him and said he would speak to Nimmo. Nimmo, being on good terms with the Pakistan Chief-of-Staff, asked the latter about this and was informed that the CIC had no wish to interfere in any way with the workings of UNMOGIP, but merely to give Nimmo a personal and friendly tip to the effect that de Ridder was well-known to favour the Arabs, and the Indians had recently seemed on very friendly terms with Israel. He thought India might be watching for a chance to embarrass not only Nimmo, but the UN through UNMOGIP "particularly in view of the Delvoie case" since both de Ridder and Delvoie were Belgians[110].

Nimmo discussed the problem with de Ridder and decided to delay his posting whilst he made discreet inquiries as to the attitude of Indian Army HQ. He was then reluctantly told by a senior Observer that the de Ridders had let it be generally known that Nimmo had been "ordered by the CIC to keep them in Rawalpindi". Seeking further information Nimmo discovered that the de Ridders had always been very outspokenly pro-Arab, a fact which could not have been missed by the Indian officers who no doubt thought "pro-Arab, therefore pro-Muslim and anti-Hindu"[111]. Nimmo limited himself to a veiled warning to de Ridder: "In view of the comments of the Pakistan Chief-of-Staff and also the Commander-in-Chief as to your posting on the Indian side, I am sure you are aware how

important it is to avoid any reference to conflicting events in Palestine and your experience there"[112]. In fact no untoward incident occurred as a result of de Ridder's presence on the Mission - possibily because the political authorities did not become aware of his outspoken views, and the military were less inclined to cause trouble. General Nimmo did try to sound out Indian reaction when he visited Delhi, but Major-General Chaudhuri merely remarked that it seemed redundant to have two Major-Generals on a small Mission[113]. De Ridder finally left, albeit reluctantly, a year after Nimmo's return[114].

However, in July 1954 - whilst de Ridder was still with the Mission - another potentially serious issue arose regarding yet another Belgian who had formerly been an Observer with UNMOGIP: the latter was nominated as his country's Ambassador to New Delhi. Relations between UNMOGIP and India were in any case rather sensitive at the time as what was probably UNMOGIP's major problem on the purely political side was reaching its climax*. Andrew Cordier approached the Belgian Permanent Representative to the UN and pointed out that the prospective Ambassador might be put in a rather delicate position because of the confidential information he would have on the Kashmir situation and the Indian and Pakistan forces, especially in view of the position recently taken by India towards Military Observers. Furthermore the situation might also give India and Pakistan cause to doubt the position of other Belgian Military Observers still serving. He made the point that he was not submitting an official request, but the Belgians appreciated the concern and agreed the appointment should not go ahead[115].

*The Question of the US Observers, pages 277-285.

THE QUESTION OF THE US OBSERVERS

Bilateral Relations

The new nation of Pakistan, born in 1947, lost its founding father and first Governor-General, Mr. Jinnah, in 1948, to be succeeded by Ghulam Mohammed. Then in October 1951 Liaquat Ali Khan, the nation's first Prime Minister, was assassinated. Thus Pakistan lost its most prominent leaders before the nation had really become established. A period of political instability set in, which lasted until the military takeover by General Ayub Khan in 1958, and which was not conducive to settlement of the differences between India and Pakistan. Khawja Nazimuddin succeeded Liaquat, to be followed by Mohammed Ali early in 1953. It has been suggested that the less competent hands which succeeded the first leaders decided to persist with the complicated political line which had been evolved with Nehru, one of shunning the road to co-operation and yet not creating a situation which would lead to conflagration[116]. At the same time the two nations' foreign policies, which had been largely similar or perhaps unformulated, also began to diverge, as India insisted on a policy of non-alignment in a divided world, and Pakistan moved towards the western camp.

On 27th August, 1953, following their meetings in July and August of that year, Mohammed Ali wrote to Nehru. This was the start of a long period of correspondence "throughout which they framed their accusations in the language of courtesy and good manners"[117], and which was eventually published by both Governments in the form of White Papers[118].

Mohammed Ali referred to Nehru's suggestion of selecting a Plebiscite Administrator from a smaller state in place of

Admiral Nimitz. Nehru felt an Administrator from a smaller country would be more appropriate, particularly in view of the recent problems in Korea: he did not want Kashmir to become an arena of Great Power rivalry. He did not question the merits of Nimitz as an individual, but in the four and a half years since Nimitz had been chosen, the world had consolidated into two camps. He felt not only that the whole situation had changed, but also that both the United States Government and Admiral Nimitz must have appreciated such changed circumstances, and that Admiral Nimitz would have quietly dropped out of the picture, had Pakistan not made such a fuss about it. Mohammed Ali was reluctant to drop Admiral Nimitz, who was generally held in high esteem and would be difficult to replace[119]. At this point it became public knowledge that Admiral Nimitz had offered his resignation to the Secretary-General[120]*.

Mohammed Ali also made certain suggestions regarding administration of the State for the promotion of an atmosphere of freedom and trust so that the people could vote without fear of pressure:

1) Supervision over the administration during the plebiscite should be in the hands of an impartial authority or a joint Indo-Pakistan commission;
2) Exclusion of troops of either country from the plebisicte area, or the presence of a joint force;
3) The Plebiscite Administrator should have all the powers he considered necessary for organising and conducting the plebiscite.

Nehru continued to insist that there could be no change in

*See pages 71-72.

the administration of the State, so there could be no question of Pakistan or any outside authority sharing in it in any of the ways Mohammed Ali had suggested. He maintained that the UN Commission had accepted that: the whole basis of the UN approach had been recognition of the authority of the Government of Jammu and Kashmir, which was why the Plebiscite Administrator was to be formally appointed by the State. Nehru made it clear that he did still expect the Plebiscite Administrator to function under UN supervision, but that any settlement had to depend upon the consent and co-operation of India and Pakistan[121].

Rumours regarding negotiations on the subject of US military aid to Pakistan then began to circulate. Nehru not only felt this as a specific threat to India but, in view of his non-aligned policy, was also opposed in principle. On 10th November he sent a personal letter to Mohammed Ali saying it would be seen as an unfriendly act in India and would change the psychological atmosphere for the worse, and that the situation in Kashmir in particular would change[122]. On 9th December he repeated his warning in a formal letter, saying that the whole issue of demilitarization which they had been discussing for so long would "change its face completely if heavy and rapid militarization of Pakistan itself is to take place. It is a relatively small matter what forces Pakistan maintains within the State of Kashmir as it is doing at present. They can withdraw them 30 or 40 or 50 miles into Pakistan territory. These forces can come back at a few hours' notice. If, however, they are backed by an increasing armed power in Pakistan itself, that is of far greater moment than the so-called demilitarization of Kashmir State. In fact it becomes rather absurd to talk of demilitarization if

Pakistan proceeds in the reverse direction with the help of the United States"[123]. Mohammed Ali pointed out that India's military potential was much greater than Pakistan's and India allowed three times as much as Pakistan in her defence budget, therefore it should be Pakistan worrying about India arming herself rather than the other way round, and anyway the question of strengthening either Pakistan's or India's defences had nothing to do with the question of demilitarization in Kashmir[124].

In February 1954 the Kashmir Constituent Assembly endorsed the proposal that the State of Jammu and Kashmir accede to India, much to Pakistan's fury. Nehru said in Parliament that it would be wrong of India to repudiate the decision of an elected assembly, but that India still stood by her international commitments "unless something else happens"[125]. On 22nd February the formal announcement of US military assistance to Pakistan was made. Nehru wrote to Mohammed Ali and said: "Now that the presence of arms has taken the place of a peaceful and co-operative approach... we can take no risks now as we were prepared to take previously and we must retain full liberty to keep such forces and military equipment in the Kashmir State as we may consider necessary in view of this new threat to us", and he refused to proceed with the appointment of the Plebiscite Administrator. Mohammed Ali claimed Pakistan's acceptance of aid was in the interest of India and all Asia also, but to Nehru such a comment only exemplified their differing outlook: India did not fear attack from any country, but lining up with one of the powers brought insecurity and danger, and was a move away from peace[126]. President Eisenhower pointed out that under the US Mutual Security legislation the US was bound to take action if the aid

was misused: aid could only be used for internal security[127]. Nehru said in the Indian Parliament on 1st March that he was convinced that President Eisenhower bore no ill-will to India, that he wished India well, and that he would not take any steps to injure India. However, he also said: "It is not a question of motives, but rather of certain results that follow certain actions". He accused Pakistan of aggression in 1947 and said similar action might occur if conditions promoted it in spite of the desire of the United States to prevent it*. He said the US Military Observers should be withdrawn from UNMOGIP as they could no longer be considered neutral[128].

Unparalleled Tranquillity along the Ceasefire Line

Whilst the Prime Ministers of India and Pakistan pursued their bilateral negotiations during 1953 and 1954, the Military Observer Group experienced a period of unparalleled tranquillity along the Ceasefire Line. In November 1953 General Nimmo reported that, as an indication of the excellent relations obtaining at the time between the military authorities of the two countries, there was to be a mutual exchange of prisoners captured since the ceasefire on a voluntary repatriation basis. The exchange was carried in the presence of Military Observers, as requested by the two Army HQ[129]. In February 1954 General Nimmo reported that relations along the Border and Ceasefire Line had never been better despite the political friction caused by the "so-called" final accession of Kashmir to India and the question of US military aid to Pakistan. The Pakistan Army had invited the Indian Army polo team to play in a tournament at Lahore the following

*And indeed India's worst fears were realised in 1965.

week, a sure sign of improved relations[130].

Perhaps surprisingly, in the light of the new political situation and its repercussions, the Ceasefire Line continued to remain calm throughout the year. The personnel and administrative problems experienced by the Mission as a result of India's demand for the withdrawal of all US Observers from UNMOGIP were therefore considerably less than might otherwise have been expected.

Impartiality of Observers

In March 1954 there were 44 Observers on the Mission of whom 18 were American, as also were the personnel of the US Air Force aircraft which was chartered to the Group*. Cordier now requested Nimmo to place the US Observers as much as possible where they would not come into contact with the Indian Army and asked for Nimmo's appraisal of their impartiality and conduct[132]. Nimmo said the majority were amongst the best in the Group and their impartiality was no different from that of the others. But he admitted they could have problems from being so numerous on the Mission, and also that coming from so powerful a nation any statement or action of theirs was more closely watched than those of the others. He suggested a gradual reduction to ten as a first step and the elimination of USMOK[133]**. The Secretary-General and Cordier initially accepted Nimmo's suggestion, but Cordier told Nimmo that

*Coincidentally, Nimmo had only recently suggested that another country should be found to relieve the United States of the burden of supplying the aircraft after such a long time[131].

**United States Military Observers in Kashmir, an administrative organisation within the Mission which looked after the large American contingent. See page 137.

Rajeshwar Dayal, India's Permanent Representative to the UN, had made it clear, while not making a formal* protest, that his Government expected the Secretary-General to withdraw the US Observers completely. Krishna Menon apparently presented the case to the UN Secretariat, unofficially, in more extreme terms[134].

Hammarskjold insisted that it was his right to choose the Observers**. Dayal told him: "I know the right of the Secretary-General to decide the nationality of the Observers, but once they are inducted they are supposed at least to profess to take orders from the UN"[135]. However, Dayal has admitted that the request for the US Observers to be withdrawn was purely political, and that there was no evidence that they were not acting impartially[136].

A UN legal expert gave his opinion to Hammarskjold that although the Secretary-General APPOINTS the Chief Military Observer, he REQUESTS a country to supply Observers, therefore it seemed that when confronted with a situation relating to a Military Observer he should dispose of the matter with the Government concerned[137]. Thus the United States was brought into the picture. At first Cordier and Hammarskjold seemed to believe that India would indeed accept a reduced US presence in UNMOGIP, which was important not only as a matter of principle, but also because it appeared that Pakistan would insist on the US being represented in the Group[138]. On 29th March the

*The lack of formal protest may be the reason for a lack of information in the files, which gives rise to an element of guesswork surrounding what information is available.

**In fact, when Observers were first being chosen for Kashmir in 1948, the Commission made a point of saying they should be from countries considered by both parties to be neutral in the conflict. See page 113.

Secretary-General sent important policy letters regarding the role of Observers, with special reference to their impartiality, to Dayal and Nimmo. Each also received a copy of the other's letter and, in addition, a copy of a note to the Secretary-General from the US Permanent Representative outlining United States' policy regarding US personnel in the Subcontinent[139]. The move, it was thought, had "provided at least some satisfaction to the Indians without abandoning the principle of preserving US representation among the Observers". Since the Pakistanis were prepared to accept a reduction to ten US Observers, it was hoped that the Indians would accept that "conception of balance as a reasonable response to their point of view"[140].

The US note included the words: "With respect to the statement of Prime Minister Nehru of India on March 1, concerning United States members of the United Nations Military Observer Group in India and Pakistan, the United States rejects as entirely unfounded any implication of lack of impartiality on the part of these members. In the view of the United States Government, it is within the authority of the Secretary-General to determine what steps, if any, are necessary in the matter"[141].

In his letter to General Nimmo, Hammarskjold referred to the Field Observer Information File*, and stated that the position it set forth regarding obligations incumbent on Military Observers in the performance of their functions fully corresponded to and corroborated his view of their status. He particularly noted the paragraph: "On appointment Observers work exclusively for the United Nations, and, although

*The name by which the Field Regulations Manual (see page 147) was known at this time.

recognised as military personnel of their respective countries, are assigned for service with the United Nations". And: "...the Observer must be completely objective in his attitude and judgments. He must maintain a thorough neutrality as regards the political issues in the Jammu and Kashmir disputes. Acting on behalf and under the orders of the UN Chief Military Observer, the Observer is an official representative of the UN. He is under the operational control of the Chief Military Observer. His status is approximately equivalent to that of an international civil servant. He represents the UN and not his own government...." And: "A member of an UNFO Team must remain completely neutral and do nothing to assist either side by rendering advice on training, strategy or tactics in the implementation of his assigned mission"[142].

The Secretary-General said he had also noted Regulation 3-6 "which underlines the responsibility of every Observer to safeguard any military information that is normally transmitted to an UNFO Team by the local army command". Furthermore, he noted "these principles of objectivity and impartiality underlie the specific instructions in the Manual on a variety of matters of procedure, such as the handling of confidential messages and documents... the restrictions on the taking of photographs and restrictions on the subjects appropriate for discussion between the Military Observers and the officers of the Armed Forces of the parties involved". His conclusion was that "the United Nations Observers, in spite of some differences in the construction of their offices, are wholly under UN direction in the performance of their task, bound to this organization and in duty bound to act accordingly. In the present situation I feel that it is desirable that this is in the most serious way brought to the attention of Observers,

establishing as it does the very basis for their work as agents of the United Nations". Finally he expressed his appreciation of the fine record which the military and civilian members of the UNMOGIP had established in living up to the "specific standards of impartiality imposed on them by the integration in an essential United Nations operation as agents of that organization..."[143].

In his letter to Dayal, Hammarskjold confirmed that in recruiting new Observers or in providing replacements for those whose assignments had been completed, he would consult with the Governments of India and Pakistan, which would then have an opportunity to develop the considerations they felt should be taken into account[144]. But, Cordier said to Nimmo, this did not mean that an objection registered by either party in the case of a new recruit would be regarded by the Secretary-General as sufficient reason for inaction, but rather that these opportunities for consultation would give the delegations concerned an opportunity to state their general views regarding principles for the selection of nationals, as well as the overall balance and distribution of various nationality groups[145].

A Compromise

Nevertheless, it seems that the Secretary-General was compelled to make a greater compromise than anticipated, in that although no US Observer then stationed on the Mission was prematurely withdrawn, equally no replacements were sent for those leaving, and from the end of 1954 onwards there were no US Observers serving with UNMOGIP. On 6th April, in order to reduce the number of US Observers, and hopefully to help promote India's acceptance of such a reduced number, General

Nimmo said he was prepared to go without replacements for those immediately due to leave the Group, and even up to the end of July if necessary, although that would cause operational difficulties. He felt that in view of the favourable situation on the Ceasefire Line at the time he could manage with only 40 Observers for the rest of the year[146]*. On 9th April, Cordier confirmed to the US Mission to the UN that all outstanding requests for replacements of US Military Observers should be cancelled, including four who had already received instructions[147]. At a Press Conference on 10th May, 1954, in answer to a question regarding the "formula" under which Americans would be removed when their time of office was up Hammarskjold stated: "Formula is a gross over-simplification because what I said and which goes without saying is that I would when replacing people leaving, consult the two Governments concerned - India and Pakistan... Generally-speaking... the tradition has been that in the case of Observers of that type you consult initially the Governments concerned as to the nationalities that can be used. But that has not been extended to the point where you consult in the course of operation on possible switches of emphasis or changes of set up and so on. In view of the conflict which has developed in this case I felt that such an extension of the consultation was perfectly appropriate and all right and therefore have told the two Governments that when replacements come up for consideration, they will be discussed on both sides. It is likely that a full understanding between the two parties will lead to certain changes, but it is an entirely different matter to change when they should be changed, i.e.

*The established number then being 45.

when somebody leaves and comes up for replacement, than to kick them out, which I have refused to do ...that is point one. Point two is to make a change when a man comes up for replacement in consultation with the two parties concerned. So when comments were that I promised to replace them, it was really not true to the facts"[148].

So far as Nimmo was concerned he was still sufficiently unclear as to exactly what was happening to write on 11th June: "I am assuming that it is not the intention to assign any more US Military Observers to this Mission and would appreciate confirmation of this for planning purposes". He reminded Cordier that by the end of July there would only be six US Observers on the Mission, three by the end of August, and the last one would leave in November[149]. Cordier replied that after consultations with the US Mission, the Secretary-General had requested that all Observers whose terms expired in August and November be extended until the end of the year[150]. Nimmo, however, feared that would revive local Press criticism, and he preferred to handle the matter on the spot, retaining just a few suitable officers[151]. Both UNHQ and the US Government agreed to this procedure[152].

Thus it would appear that the only concessions India made after requesting the withdrawal of US Observers was to allow those already serving to finish their term and - in order to overcome the difficulty of finding a sufficient number from other countries at such short notice - to allow a few to have their terms extended. It can only be assumed that between them the US and UNHQ persuaded Pakistan to give up her original insistence on a US representation on the Mission. When the last US Observer left at the end of 1954, Nimmo paid a final tribute to them, saying that 123 officers of the US Army, Navy,

Air Force and Marine Corps had served with the Mission, usually making up about half the Group and sometimes even more. In addition aircraft and crew were furnished by the the US, and in the early days much of the equipment and some of the vehicles used by the Mission as well: "For five years they have done excellent work and their absence is very much regretted by all members of UNMOGIP"[153].

There was, however, some sympathy from an unlikely direction for India's antagonism. Chester Bowles, a former US Ambassador to India, pointed out that the US was over-represented in the UN's efforts to solve the Kashmir dispute, with both Dr. Graham, the UN Representative, and Admiral Nimitz, the Plebiscite Administrator elect, being American, as well as so many of the Observers. He went on to say: "Despite the high calibre of these men and all the goodwill in the world, the UN effort to achieve a Kashmir settlement inevitably took on the character of a US operation. In a situation where passions run high, we have not only failed to achieve a settlement, but have inevitably come in for sharp criticism...It is a deeply emotional situation which we must seek to understand sympathetically and objectively. Since our aim is to seek peace and friendly co-operative action between India and Pakistan, it will be a grave mistake for us to become partisans of either"[154].

The end of bilateral negotiations

Notwithstanding the problems over the US Military Observers, 1954 was the Mission's quietest year so far as breaches of the Ceasefire Agreement were concerned, with only 23 complaints being submitted, out of which three violations

were awarded*. One wonders whether the adversaries were simply content to vent their aggression in the verbal battles in New York, or whether they felt it was politic to keep a low profile on the ground precisely because the matter was so much to the forefront in New York. General Nimmo was optimistic that it was due to the fact that experience of operating on two sides of the Line had taught the commanders how to keep the situation under control[155]. However, a continuing deterioration in relations between the parties caused pressures to re-emerge on UNMOGIP.

A relentless Press campaign followed Pakistan's announcement of her acceptance of US aid, and as the divergences in foreign policy became apparent at the 1954 Conference of Asian Premiers in Colombo, where Pakistan upheld the western view that neutralism in Asia was only helpful to Communism, and that a nation that was not with them was against them[156]. In August 1954 Nehru made it quite clear that because of Pakistan's deal with the United States India could not withdraw anything like the originally intended number of forces from Kashmir, and therefore it did not seem possible to settle the preliminary issues which were a prerequisite to going ahead with the Plebiscite[157]. As a result Mohammed Ali, who believed that the US Military aid issue was merely an excuse, decided to end the bilateral negotiations and refer the matter back to the Security Council[158]. Nehru, in his last letter continued to assert that disputes should be solved between themselves and not by outside interference[159].

Pakistan's decision to join the Southeast Asian Treaty Organization (SEATO) in September 1954 further vitiated the

*See Table of ACFVs, page 167.

atmosphere, the more so as Pakistan threatened not to sign the pact if the aggression envisaged was only Communist aggression. Pakistan's point was conceded, although the United States, in a separate statement after the pact was signed, made it clear that the US was committed only against Communist aggression[160].

A new Pakistan government came to power in October 1954. This was followed by a fresh spate of friendly statements on both sides, and the thread of negotiation was taken up again. However, by the time a new round of talks began in May 1955 the wide divergences in the two countries' foreign policies had again emerged, this time at the Bandung Conference of Asian Leaders in April. Furthermore the Governor-General of Pakistan, Ghulam Mohammed, was taken suddenly ill and was unable to attend the talks. As a personal friend of Nehru his presence was important to effect the necessary goundwork before the arrival of the Pakistan Prime Minister. In addition the Nekowal Incident had just occurred*. On arrival in Delhi Mohammed Ali immediately expressed his regret about the latter and promised stern action against the guilty if UN Military Observers held Pakistanis to blame, and to pay an *ex gratia* sum of Rs. 100,000 for the relief of the victims families. Although Pakistan subsequently denied its responsibility for the incident, in spite of the Observers' findings, at the time the gesture was considered satisfactory on the Indian side. The talks ended with a brief communique on 18th May which showed that whilst progress had been made on other issues, there appeared to be little with regard to Kashmir. But further talks were promised, and rumours followed that the Kashmir Dispute would be removed from the Security Council

*See pages 212-213.

agenda, and a new approach to the issue would include a stabilisation of the situation on the basis of the CFL[161].

In April 1956 Nehru confirmed that he had suggested to the Pakistan leaders that India would agree to the partition of Kashmir along the CFL and renounce her legal claim to the whole state: India had no desire to take it by fighting and had largely ruled out the question of a plebiscite, both because the pre-conditions had not been fulfilled, and because the US military aid to Pakistan had changed the situation in that Pakistan was now in a much stronger position to attack India. Indian Press and public opinion generally welcomed the statement[162].

The Pakistan Press became very critical when the rumours circulated in May 1955, and the Pakistan Government had to back down. On 26th May at a Press Conference Mohammed Ali made it clear that there was no question of withdrawing the issue from the UN, and admitted that no Government could exist for more than 24 hours in Pakistan if it agreed to a settlement of the Kashmir dispute in a way unsatisfactory to the people of Pakistan. The Press demanded an end to bilateral talks, and Mohammed Ali was forced to put a time limit on the talks, saying that if agreement was not reached at the next meeting, negotiations would be closed and the matter would revert to the UN[163]. Rather than concentrating the minds of both sides on the issue this simply caused India to stiffen her attitude, a fact also contributed to by Pakistan's announcement on 30th June of her intention to join the Baghdad Pact. On 8th July the Indian Home Minister said publicly that he could not see the tide being turned so far as that part of Jammu and Kashmir that was with India was concerned[164]. The chance of resuming the talks thus quickly receded. They were not specifically

repudiated, but they did not take place, possibly ultimately as the result of the fall of Mohammed Ali[165].

Early in 1956 General Nimmo wrote to Cordier in a despondent vein saying that for a long time he had felt that any hope for a solution of the Kashmir problem had been slowly but surely diminishing. Piecing together the unsought comments he had heard expressed since the end of 1955, he felt stagnation was complete and there was an apparent tendency in many quarters to accept the situation and take no further interest, an attitude which could not be more dangerous "because one side will certainly not be satisfied, and an explosion will occur some day". He added that UNMOGIP could now be expected to remain in Kashmir for an indefinite time. UNHQ's reaction was: "not surprised"[166].

Ghulam Mohammed left Pakistan for medical treatment after the talks in May 1955 and soon Iskander Mirza took his place as Governor-General, becoming President with the launching of a new constitution in 1956. In August 1955 Mohammed Ali resigned - to be succeeded by another Mohammed Ali, who had been General Secretary of the Pakistan Government at the time of the UNCIP mission. Between August 1955 and October 1958, when General Ayub Khan took control, Pakistan had four Prime Ministers. The Pakistan internal political situation was such that no Government was strong enough to take unpopular measures, and with so many changes was not well-placed to follow any coherent policy at all[167]. During this period relations between India and Pakistan continued to deteriorate as both sides became firmly entrenched in their opposing views.

In December 1956, after nearly four years of fruitless attempts to solve the problem bilaterally, Pakistan brought the Kashmir Dispute to the attention of the General Assembly of the

United Nations, and in January 1957 formally approached the Security Council again. The ostensible reason was the completion of the labours of the much-abhorred Kashmir Constituent Assembly. But Pakistan may have thought the timing was opportune in that she was popular in the West for having supported the western powers over Suez and Hungary, when India's popularity in that direction was at an all-time low as a result of her steadfast policy of non-alignment[168].

KRISHNA MENON AND OTHER PERSONALITIES

The Jarring Mission

The UN Security Council re-opened the Kashmir Question at Pakistan's request in January 1957, having been kept out of the picture for four years. Pakistan's immediate concern was that Kashmir's accession to India was about to be ratified following the State's adoption of a new Constitution. The Pakistan Foreign Minister, Malik Feroz Khan Noon reported on the failure of the bilateral talks which, he said, Pakistan had initiated in order to co-operate with the Security Council. He demanded the withdrawal of Indian troops from Kashmir and the holding of a plebiscite[169]. In a speech extending over three sessions Krishna Menon, for India, said that India did not ask for Pakistan to be formally condemned or to be declared an aggressor because she did not want to aggravate the situation, India simply wanted the ending of a wrong. As regards the plebiscite, India's desire was initially a wish, not an international commitment, based on political rather than legal grounds. If the country had not been divided by the ceasefire it would have been possible to do something. If an offer is made and not accepted at the time, it cannot be held for

generations over the heads of those who made it. He took the position that Kashmir's accession was valid and final, that the Kashmir people had expressed their desires in the elections of October 1951, and that those elections ended India's obligations in the matter of a plebiscite. The actions of the Kashmir Constituent Assembly were merely declaratory: an adverse opinion would have had no legal validity because there was no provision in the Indian Constitution for secession by one of the constituent units of the federation - that would need an Act of the Indian Parliament[170].

On 21st February, after considerable debate and a Soviet veto of one draft resolution, a resolution was adopted requesting the President of the Council, Gunnar Jarring of Sweden, to examine with the two Governments proposals likely to contribute towards the settlement of the dispute[171]. In accepting the mission, Jarring, who had previously been Sweden's Ambassador to Delhi, made it clear that his acceptance was based on the express understanding that the parties were willing to co-operate with him[172], but in the event the extent of co-operation was insufficient. Jarring held discussions with both sides between 14th March and 11th April and submitted his report on 29th April, 1957. He said that although "both parties are still desirous of finding a solution..." he was unable to suggest "any concrete proposals which ... are likely to contribute towards a settlement..."[173]. His major suggestion was a reference to arbitration to determine whether or not Pakistan had implemented Part I of the UNCIP Resolution, as Pakistan claimed but India denied. India still would not accept any form of arbitration, though Pakistan did accept after some hesitation[174]. On the other hand, whilst Pakistan again felt disillusioned by the ineffectiveness of the UN,

India welcomed Jarring's realism[175] when he said: "The Council will be aware that the implementation of international agreements of an *ad hoc* character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change"[176].

The Jarring Report came up for discussion in the Security Council on 24th September, 1957. India was again represented by Krishna Menon who made more long speeches, including another three-session one. He listed new acts of aggression by Pakistan, in the form of subversion and sabotage*, and asked what the Security Council was doing to stop it. His vehement opposition to the resolution being debated resulted in another Soviet veto in support of India[177]. A milder resolution was adopted; after an amendment by Gunnar Jarring; requesting the UN Representative, Dr. Graham, to visit the Subcontinent again and make further recommendations[178]. The Soviet Union abstained[179].

From then on it was apparent that the Security Council would not be able to pass any Resolution which was totally unacceptable to India, and many Indians felt that for the first time the Indian representative had come out victorious. However, C.S. Jha, India's Permanent Representative to the UN said that although Menon was "possessed of brilliant intellect and eloquence", he also had serious defects. As someone remarked at the UN, he was "an outstanding statesman but the world's worst diplomat". Jha believed that Menon's lack of diplomatic finesse and the abrasive manner in which he projected India's views needlessly caused offence, did India's

*See pages 340-344.

and Nehru's image much harm, and contributed greatly to the cooling of relations between India and the United States[180]. Another Indian, Air Chief Marshal Lal, said that if it had not been for Krishna Menon's bad manners India might have stood a better chance in the Security Council[181]. Andrew Cordier described Menon on 25th February, 1957 as "a man of considerable talent on the one side, but most unpredictable on the other"[182]. Philip Noel-Baker maintained Menon had some strange hold on Nehru, who kept him at the Ministry of Defence long after everyone wanted him out, and sent him to the General Assembly of the UN when he was the most unpopular member of the Assembly*.

In his resulting and final report, in March 1958, Dr. Graham recommended that India and Pakistan reaffirm the integrity of the Ceasefire Line and refrain from crossing it, and that a prompt study be made, under his auspices, of the methods of administrating the territory which would be evacuated by Pakistan. He also proposed a conference of the two Prime Ministers under his auspices[184]. Pakistan accepted the recommendations but India objected to several features of the report, in particular Dr. Graham's suggestion that Pakistan had implemented Part I of the UNCIP Resolution[185]. Dr, Graham's report was never debated in the Security Council**.

*Noel-Baker admitted Menon sometimes did useful things, such as in assisting in the conclusion of a truce in the Korean War[183].

**In 1967, approaching his 81st birthday, Dr. Graham went on paid sick leave, and then on leave without pay, suffering from advanced heart disease[186]. He appeared as UNRIP in the UN Yearbook until his death on 16th February, 1972. His post was described as "vacant" in the UN Year Books for 1973-1975, since when it has not been mentioned.

General Ayub Khan

In spite of Dr. Graham's failure to achieve any progress there was a brief improvement in relations in the summer of 1958 and agreement was reached on the East Pakistan border question, which had been a major problem. Before the improvement could continue, however, in October 1958 the Military Regime took over in Pakistan, and a period of uncertain policy towards India and Kashmir followed while General Ayub Khan consolidated his power at home[187].

On 10th April, 1959 an Indian Air Force Canberra was shot down in Pakistan and the crew arrested. India said the aeroplane had strayed by mistake so Pakistan's action was unwarranted. Pakistan claimed the crew had admitted to spying and felt an apology was due rather than prevarication and abuse from Krishna Menon; but both sides exercised restraint[188]. With tension between India and China increasing after China's suppression of Tibet, Ayub Khan took the opportunity to attempt an improvement in relations with India, and opened the issue of Joint Defence of the Subcontinent. For a time the emphasis was on Indo-Pakistan co-operation; on 1st September, 1959, the two sides met in New Delhi and discussed mutual problems, but Pakistan wanted a solution to Kashmir as a pre-condition for joint defence, and little resulted from the talks[189].

Not until September 1960 did Nehru return the visit, on the occasion of the signing of The Indus Waters Treaty. And during the five days of talks Nehru and Ayub "did not find themselves temperamentally akin"[190]. They did not meet again apart from casual contact at international conferences. Better frontier demarcation leading to fewer border affrays arose from the 1959-60 meetings[191], but otherwise relations

immediately took a turn for the worse - possibly because in their private talks Ayub Khan, a newcomer to the political as opposed to the military scene, had realised how divergent their views on Kashmir still were. On October 6th at a public meeting at Muzaffarabad in Azad Kashmir, he declared Pakistan could not trust India until the Kashmir question was solved, and that the Pakistan Army could not afford to leave the Kashmir issue unsolved for an indefinite time. India, not surprisingly, took this as a threat[192].

Krishna Menon

By the time of the military takeover in Pakistan in October 1958, General Nimmo was under the impression that there were increasing political pressures being placed on the Army on the Indian side[193]. After Martial Law was declared in Pakistan the line between the Government and the Military must have become very thin therefore there was less liklihood of the Government putting pressure on the Army to act in a way different from its own inclination. In fact there is no indication that the conditions the Pakistan military authorities worked under were any different after the military takeover than before. It is possible that the Army had always had reasonable autonomy as the Government was weak. This weakness worked against UNMOGIP in that it caused the Government to have less control over its civilians than did that of India, and civilians were the major cause of strife on the Ceasefire Line. But it did make dealing with the authorities an easier matter. Furthermore General Nimmo knew Ayub Khan personally, thus it is likely that the personality factor would have worked in General Nimmo's favour on the Pakistan side at this time, which was certainly not the case on

the Indian side.

Krishna Menon thought all peacekeeping operations, apart from UNEF, had been a dismal failure. He maintained that the Indians would never have agreed to the Ceasefire Line or a plebiscite if they had known the whole business was going to go on for so long, and had he not been away in London* in 1949, he would have suggested a time limit. As it was, by misinterpretation and disregard of the decisions, assurances, and pronouncements of the UN itself, the situation was used against India[174]. In May 1957, after the Jarring Mission, Nimmo was invited to a reception at the house of the Prime Minister of Kashmir, Bakshi Ghulam Mohammed, in honour of a visit by Krishna Menon. Menon spoke for three quarters of an hour making references to Britain, the United States and also Australia: at this point he glanced at Nimmo, who was an Australian. He stated that six of the members of the Security Council facing him around the table in New York were allies of Pakistan. He again emphasised Pakistan's aggression and insisted that India had no intention of using force, and that Pakistan had broken the Ceasefire Agreement in regard to military force. At the end he shook hands with General Nimmo and said he hoped he had not embarrassed him[175].

In July 1958 General Nimmo wrote to Cordier requesting a visit from the Secretary-General or his representative to reassess the role and composition of UNMOGIP because political considerations were becoming increasingly evident in nearly all the Ceasefire problems. Relations between India and Pakistan were worsening, and he felt the prestige of the Secretary-General might have a steadying effect. He thought

*As Indian High Commissioner

political pressures were being put on military commanders so that complaints were not so satisfactorily dealt with, and many were used as propaganda. He suggested a civil component might be advisable, or a reconstitution of the Commission[176].

The Secretary-General delegated his Under Secretary for Special Political Affairs, Sir Humphrey Trevelyan, to make the visit. Sir Humphrey was on secondment to the UN from the British Foreign Office and had previously seen service in the Indian Civil Service and the Indian Political Service, and in 1946-47 had been Joint Secretary for the Ministry of External Affairs in New Delhi[177]. Before departing for the Subcontinent he noted that at all costs the UN should avoid blowing up the Kashmir question into a difficult political issue by treating it as one, and particularly avoid re-creation of the Commission. He thought the most that might be advisable would probably be the appointment of a political adviser to General Nimmo, so that points of difficulty which could not be settled in the field might be taken up by the Secretary-General with the Representatives of India and Pakistan in New York, a procedure which was apparently followed in UNTSO[178].

Sir Humphrey met the most senior Government officials and Army officers in India and Pakistan, including both the President and the Prime Minister of Pakistan and the Head of the Kashmir State Government, and received no complaints of any kind against UNMOGIP. Both sides agreed that the Mission was useful and appeared to contemplate its indefinite continuation, saying that if it were not in Kashmir incidents would undoubtedly multiply. However, on his return he called on Krishna Menon, who happened to be in New York, and Menon said the UN was against India and some members of UNMOGIP were

biased against the Indian side. He referred particularly to the Australian Observers and, to a lesser extent, the Canadians. He said that, like Englishmen in the past, Observers from these two states found that it was easier to get on with Muslims than Hindus. He hinted the Indians might demand the removal of the Australians, as they had the US Observers*, and thought they might have to ask for Burmese and Indonesian Observers. He was apparently somewhat contemptuous of General Nimmo, but not hostile. He dismissed Sir Humphrey's arguments "as childish" and said he had given instructions that no complaints against the Mission were to be made to Sir Humphrey during his visit to save him from being involved in anything beyond the proper functions of the Secretariat. Arthur Lall, the Indian Permanent Representative, was embarrassed and later implied that Krishna Menon should not be taken too seriously. The fact remains that Krishna Menon, with his deep antipathy to the West which coloured all his thinking, was in a powerful position[199].

Sir Humphrey and General Nimmo decided that the introduction of a civilian element into UNMOGIP would arouse suspicion on both sides. It might also compromise, the Mission's relations with the armed forces, which were already under some strain on the Indian side - directly, it was felt, because of Menon's attitude[200]. In his letter of appreciation regarding Sir Humphrey's visit General Nimmo remarked that such an important envoy could not fail to raise the prestige of the Mission in the eyes of both parties concerned and should do much to remind them of the importance the Secretary-General attached to the continued observance of the Karachi

*See pages 277-285.

Agreement[201]. It was not apparent, however, that in spite of his perceptive report to the Secretary-General, Sir Humphrey's visit made much difference to the situation in the Mission area. Nor, indeed, did a short visit by the Secretary-General himself the following year during the course of a tour of Asia. The political overtones of this visit were such that it was strongly stressed that the visit was only to General Nimmo and his Mission in order to discuss administrative matters, and not to the State of Kashmir. The intention was that he should not be besieged by local party leaders wanting to put their case to him. He would, of course, Cordier told Nimmo, have detailed discussions on Kashmir with the leaders of India and Pakistan in New Delhi and Karachi[202].

Continuing Political Pressures

Between July 1959 and February 1960 General Nimmo was at odds with the Indian CGS, General Sen, on the problem of armed civilians and armed police along the Ceasefire Line. It was apparent then, from the long interludes between the letters, and the nature of their contents, that General Sen was being carefully briefed, both politically and legally*. Ultimately, in March 1960, General Nimmo sent copies of the correspondence to Andrew Cordier "for the information of the Secretary-General". At the same time he told Cordier he would be grateful for any comments or advice he might wish to give regarding the points raised, and went on to say that he felt ceasefire matters were receiving more and more attention by authorities other than purely military, which pointed to the necessity of UNMOGIP staying firmly within its terms of

*The correspondence is discussed in detail on pages 223-227 and 336-346.

reference, and not being diverted into political controversy. He also suggested that the UN might wish to reconsider his own retention of the post of CMO as his views did not coincide with the wishes of some Indian authorities[203]. Cordier replied that the position taken by General Sen should not cause alarm since it reflected a point of view he had every right to hold, and the fact that it differed from General Nimmo's was not necessarily an expression of lack of confidence in Nimmo's judgment. He agreed that UNMOGIP should not be diverted into political controversy, but said it was sometimes difficult to draw a clear cut line between military and legal problems which might in turn reflect political considerations, and he thought this was the case with regard to the present question of self-defence*. Cordier also offered to check the draft of any of Nimmo's communications to either of the parties for possible political implications, but said he felt the line Nimmo was following seemed to be cautious, patient and firm, and that the Secretary-General and he extended their good wishes in the handling of this delicate phase of the work of UNMOGIP[204].

In July 1960 Nimmo mentioned noticing in the Secretary-General's Report of September 1959 that UNMOGIP was on a lower grading than UNTSO and UNEF. He courteously asked Cordier to consider the effect making this public would have on the status and influence of UNMOGIP in the eyes of the two parties "now that a representative of one of them is a UN Commander** and another a military adviser to the Secretary-General"***. He thought that any tendency for the

*Pages 345-346

**General Gyani, Commander of UNEF

***General Rikhye

Observer Group to lose importance, or be pushed into the background, would not be at all desirable in the context of the current situation[205]. Cordier said there was no way of accounting for such discrepancies except by considering the context in which the various missions were conceived, their purpose and the present stage of their activities. A complicating factor was that UNMOGIP maintained a *status quo* until the Plebiscite Administrator had conducted a plebiscite, with the result that there was a kind of freeze as regards UNMOGIP. There was also a reluctance to alter the existing arrangement in any way, since any alteration was bound to raise questions as to why it was being made, and was bound to be evaluated in political terms, and perhaps misinterpreted[206].

Nimmo accepted Cordier's arguments and added, "I suppose one has felt the political pressures behind the simple military problem more so than formerly"[207]. In March 1960 he reported that on the Indian side the determination to resist "encroachment" from across the Line persisted and grew even stronger, as was evidenced by increased numbers of Indian (not Kashmiri) armed police in forward areas. Inevitably it was claimed that these were necessary in order to deal with "infiltrators" and "saboteurs", and to protect peaceful citizens. Pockets of civilians living on the Indian side but sympathetic to Pakistan came under increasing pressure, and were harassed in some areas, even to the extent of feeling obliged to leave their homes and fields, and flee to the other side. There were also civilian feuds between those willing to submit to the Indians and those who were not. This natural tendency was probably encouraged by agents from both sides[208].

On the Pakistan side, civilians pressed against the CFL and overflowed it in places much to the annoyance of the

Indians. In some areas local Indian commanders tried to ignore their activities as much as possible, but political pressure was exerted on them to take action. Azad Kashmir troops and police, naturally sympathetic, did not seriously try to stop the civilians continuing their farming and grazing operations, and claimed that the *status quo* should continue as far as the local inhabitants were concerned as the land was theirs. The stage was set therefore for constant clashes and the opportunity was not missed by local hotheads to fan the flames. Civilians had firearms which were not officially approved, nor normally in evidence, but which were produced when the occasion demanded[209].

Nimmo told Cordier that he fully understood his responsibility to avoid involvement in the political aspects of the Kashmir problem, but he felt it his duty to keep him informed of the facts of the case as reported above. He thought that in view of the serious possibilities of the situation a meeting of Governments had to come sooner or later, and the sooner the better if the United Nations was to avoid another difficult problem[210]. Cordier thanked Nimmo for his analysis but said that there did not appear to be any initiative they could usefully take at that stage, and that unfortunately the existence of the United Nations Representative for India and Pakistan was not likely to contribute to an easing of the situation since the Security Council had not at that time considered Dr. Graham's most recent report which was submitted in 1959. All Cordier could suggest was that if the situation deteriorated still further, it might become necessary either to transmit some of the relevant material to Dr. Graham, or for the Security Council to undertake some steps with the parties[211].

Nimmo remained convinced that political pressures stemmed largely from Krishna Menon, who still occasionally made public remarks against the Mission. In April 1962 Nimmo told Dr. Bunche that they did not let Menon's remarks influence them in their work in the slightest degree, but endeavoured to maintain their impartiality and friendly relations with both armies[212]. His letter was provoked by a speech of Menon's on the eve of a UN debate on Kashmir, in which Menon again questioned the impartiality of the Group[213]. In the same letter General Nimmo mentioned various social meetings he had had with Indian army officers and then said he was convinced many local commanders along the Ceasefire Line were obliged to submit as many complaints as possible which were used as grist to the political mill[214]. This suggests that officers he had met had privately admitted so. He went on to say that with a limited number of Observers operating in very difficult terrain this made their task almost impossible. In case after case they could find no actual supporting evidence and "one often wonders whether such complaints were genuine or whether they were not at least highly exaggerated in content and expression...I have always tried to meet their wishes by holding an investigation into every complaint at the place of the incident, even if hours, or even days are required for Observers to reach the spot". Lately, however, he said, they had had to get tougher and reject or decline to accept a few complaints which seemed to offer no basis for proof[215].

Krishna Menon was removed from his post at the end of 1962, but with the situation between India and Pakistan continuing to deteriorate, it cannot be said that his removal reduced the number of alleged ceasefire violation complaints which UNMOGIP received.

VISIT TO THE MISSION BY DR. BUNCHE

Indo-Pakistan Attitudes to each other 1961-64

During 1961 India continued to reiterate the view that any settlement of the problem could only be possible on the basis of the CFL, saying India would talk at any time on such a basis. Pakistan would not accept this. Ayub talked of "other means" if a peaceful settlement proved impossible[216]. The deterioration in India's relations with the West resulting from her takeover of Goa in December 1961 caused Pakistan to think it opportune to refer the Dispute to the Security Council again[217]. On 10th January, 1962 India offered bilateral talks to Pakistan regarding all outstanding problems between the two countries. Pakistan was not prepared to withdraw her referral to the UN even if these talks were to take place, so India decided the talks would be fruitless[218]. In early March Pakistan warned the Security Council that unless UN procedures were capable of halting India's dangerous policy "the people of Azad Kashmir and Pakistan may, in desperation, turn to other methods"[219]. The Security Council, however, seemed reluctant to take up the matter again and suggested the parties instead use the good offices of Eugene Black, President of the World Bank, who had played an important role in the negotiations on the Indus Waters Agreement. India again refused such arbitration, insisting the Dispute should be solved bilaterally[220]. The Security Council met on 27th April. Zafrullah Khan returned on the Pakistan side and spoke for two days, but the Soviet delegate prevented any attempt at a Resolution[221].

The question of their common boundary had always been a point of issue between India and China, in spite of their

professed friendship and India's belief that her own policy of non-alignment would ensure there was no danger of aggression from the Communist states. However, after China's suppression of the revolt in Tibet in 1958-59, strains arose to the point of minor border clashes by 1960[222]. Before the Indians were even aware of it, so little did they control the area, the Chinese had built a 300-mile long road across the Aksai Chin in Ladakh. Krishna Menon*, as India's Defence Minister, gave orders in late 1962 that the Indian Army should go and repel the Chinese Army from the area. The Chinese defeated the Indians, and immediately withdrew to what they considered to be their own side of the border. The Indian Government, fearing a much more serious situation, sought the military assistance of the UK and US - throwing aside her non-alignment, according to Pakistan, who was much displeased when the arms were sent, since the majority of India's army still faced Pakistan rather than China. Pakistan then turned increasingly towards China[223].

During the short war Pakistan newspapers and demonstrators insisted this was the moment for settling the Kashmir problem.

*In Lord Noel-Baker's words: "The vehemently anti-imperialist Krishna Menon worked on a British map which, on British imperial principles, put the frontier a long way to the north of the frontier shown on Chinese maps"[223]. In fact the Tibet-Ladakh frontier was supposed to have been defined by Commissioners appointed by the British and Gulab Singh when the latter acquired Kashmir. The Commissioners were unable to reach the frontier owing to a rebellion but believed the line was already sufficiently defined by nature, and recognized by custom. A second commission attempted to secure the co-operation of the Chinese, but the Chinese delegate failed to appear and the demarcation of the frontier had to be abandoned. Nevertheless a Chinese map published by Peking University in 1925 excluded the Aksai Chin from China's frontiers, although later ones include most of it. India claims further that in their mutual negotiations relating to the definition of the Border, China claimed a larger area in 1960 than she did in 1956[224].

The official position was more cautious. Friendly letters were passed between Nehru and Ayub Khan, and whilst Pakistan did little to alleviate India's predicament, she did assure the Western powers she would not herself move militarily[226].

As a condition of Western assistance in the war, India was persuaded to enter bilateral negotiations again. Six meetings were held between 27th December, 1962 and 16th May, 1963. Pakistan as usual pressed for a plebiscite, or at least a partial plebiscite, limited to the Vale and preceded by a year of international control of the Vale. India repeated the contention that circumstances had changed since 1949 and that a plebiscite was no longer feasible, and again suggested partition of the State. On that basis Pakistan wanted not only the Vale, but also large parts of Jammu. An agreement announced in March 1963 between Pakistan and China on the demarcation of their mutual boundary in Kashmir* - discussions on which had started in 1961 - not only soured negotiations, but also denied them any validity in the context of Ayub's proposal in 1959 for a joint defence policy against China. India vigorously protested against Pakistan's disposal of territory that was in dispute, although Pakistan assured her that the boundary would only remain as defined if the area became part of Pakistan[227]. Early in May 1963, the American Secretary of State, Dean Rusk, and the British Secretary for Commonwealth Relations, Duncan Sandys, offered their services. Contrary to its normal policy, the Indian Government accepted, but Pakistan did not[228]. On 16th May, 1963 a joint communique announced that the two Foreign Ministers, Mr. Z. A. Bhutto and Mr. Swaran Singh recorded with deep regret that no agreement

*See Map 1.

could be reached[229].

Nevertheless, Mr. Bhutto felt the negotiations had been useful, if only to bring the matter before the public eye again, and to demonstrate that the problem continued to exist. India had been endeavouring to maintain that this was no longer so, and that Kashmir was now an integral part of India. Furthermore the matter had lost its urgency as far as the United Nations was concerned. Bhutto maintained that India's admission in their joint communique that agreement could not be reached, proved that there was indeed still a dispute[230].

Nehru reported in the Indian Parliament on 13th August, 1963 that they had told Pakistan that while India was as anxious as ever for a settlement, there was no question of considering any proposals for the internationalisation or division of the Valley, or joint control of Kashmir and that the concessions they had offered Pakistan were no longer open[231].

With the failure of the talks, Pakistan again approached the Security Council, which met on 3rd February, 1964[232]. By May 1964 the Security Council had come to no unaninmous agreement except to express concern at the continuing lack of agreement between India and Pakistan[233]. The expectation of further bi-lateral talks in 1964, at the instigation mainly of Sheik Abdullah, newly released from prison, were dashed when Nehru died before they could take place. Shastri, his successor, showed no desire, or perhaps felt he had insufficient authority, to resume direct negotiations with Pakistan, and in May 1965 re-arrested Sheik Abdullah as a result of the latter's contacts with China[234].

General Nimmo Requests an Enlargement of UNMOGIP's Role

The major problem of civilians in Ceasefire areas, involving in particular the question of civil administration up to and even across the Ceasefire Line, culminated in a series of communications from General Nimmo to Ralph Bunche between October 1963 and January 1964[235]. General Nimmo's stand was that the use of armed force in any form to promote the policies of the respective sides could only be wrong in the eyes of the UN, as it ignored the spirit and intention of the Ceasefire Agreement relating to the demilitarized zone along the Ceasefire Line. Nevertheless, in November 1963 he said that threats by both sides in this regard were the greatest menace to peace at the time[236].

In October 1963, General Nimmo had what he subsequently described as a "frank, friendly and constructive discussion" with the Indian Chief of the Army Staff, General Chaudhuri, primarily regarding the troublesome fortified police posts at Balakot and Tarkundi*. General Chaudhuri who, Nimmo reported, certainly saw the need to curb as far as possible the activities of armed police and civilians, indicated that although he would try his utmost to have the military terms of the Karachi Agreement observed by his side, there were aspects of the situation which were above his, or indeed General Nimmo's power to control. He also wondered "whether the time had not come when the Secretary-General might not deem it necessary to ask a few pertinent questions of the Governments and point out *their* responsibilities and obligations towards the Ceasefire"[237].

Spurred on by this discussion and as a consequence of his

*See pages 228-236, particularly page 235.

general concern with the deteriorating situation, General Nimmo suggested to Bunche that the Mission needed to enlarge its scope by means of a change of terms and status if it was to continue to be effective. He reminded Bunche that a few years previously Sir Humphrey Trevelyan, and subsequently the Secretary-General, had visited UNMOGIP when Nimmo had suggested the possibility of broadening the scope of the Mission*, but it was decided at the time that the situation did not justify such a step, and that the Group should continue simply to hold the fort. Since neither he nor the military commanders could any longer solve the day to day problems from a purely military standpoint, he now suggested that the status of UNMOGIP should be raised sufficiently to allow himself, or whomsoever was considered best fitted for the role, to be vested with authority to approach certain Ministers, such as Kashmir Affairs and Defence, not with a view to settling the Kashmir Dispute, but at least to iron out some of the problems of the ceasefire and thus help to induce a better feeling and understanding among members of Governments in relation to ceasefire matters. He felt that if he had a Deputy to handle the daily ceasefire problems and other operational matters in detail he could, with the requisite status and authority, have more opportunity and be better equipped to interview not only Army HQ but also Ministers and Government officials in both countries. He already knew many personally and had known some, including President Ayub Khan for many years[238].

In November, fearing that it might appear that he was seeking promotion for its own sake, he emphasised that it was purely an enlargement of the scope of the Mission that he was

*See pages 297-299.

suggesting, and the Secretary-General might prefer to send his own Representative again, even temporarily, to discuss and advise as well as to contact Government authorities in person[239]. As a result of a letter to both CGS regarding the Chaknot situation* being made available by India to the Security Council, Nimmo again reiterated to Bunche in January 1964 his opinion that unless the Mission was elevated to the point where ministers and government leaders could be made responsible there could only be further deterioration in the situation. He suggested he should visit UNHQ in New York to discuss the situation as soon as possible[240]. In fact the result of his approaches was that in January 1964 he was promoted to the rank of Under-Secretary[241], though there is no suggestion in the files that this specifically gave him the extra authority he was requesting, and instead of his visiting New York Ralph Bunche made a visit to the Mission, which took place in April of that year.

On 20th March the Security Council appealed for calm in the area, but on 2nd April Nimmo reported there had been 31 ceasefire complaints since the appeal which, to his mind, was further evidence that neither Government had taken the Council's appeal very seriously[242].

Dr. Bunche's Report

Dr. Bunche was favourably impressed by Nimmo and the functioning of UNMOGIP, and thought that in the prevailing conditions the Mission was indispensable to the maintenance of the Ceasefire Agreement. In his report to the Secretary-General he said the purpose of his visit was to see

*See pages 349-353 and 375-376.

the operation at work, appraise its efficiency, and explore possible means of increasing its effectiveness. He verified that not only General Nimmo but also the Governments of India and Pakistan had urged that the visit be made at that time, and all had given their full co-operation[243]. Furthermore, both India and Pakistan favoured strengthening the operation[244].

As well as speaking to General Nimmo and all important governmental and military people on both sides, including President Ayub Khan and Prime Minister Nehru, Bunche followed the Ceasefire Line along most of its length and spoke to all but one of the 38 Military Observers then serving with the Mission. He had extensive discussions with Indian and Pakistani commanding and senior officers in each sector he visited. He said that the latter were friendly and co-operative and that the Observers were well thought of by them and on friendly terms with them[245].

He confirmed that most of the difficulties stemmed from the fact that in the 500-yard zone on the Indian side from where civilians were excluded, armed police were regularly stationed, whilst on the Pakistan side armed civilians were cultivating right up to the Line*, a concurrence of factors which increased the liklihood of incidents. He reminded the Secretary-General that whilst the Ceasefire Agreement provided that military personnel should be kept out of a 500-yard zone on each side of the Ceasefire Line, it did not specifically exclude armed police or armed civilians. He suggested exploratory approaches should be made to the two Governments about a revision of the Ceasefire Agreement so as to exclude all armed personnel, including armed police and armed

*See pages 195-196.

civilians, from the 500-yard zone[246], but if such approaches were informally made they were unsuccessful.

Bunche recommended better communications facilities in the form of portable two-way radio telephones, and an increase in the number of Observers from 40 to 45, but pointed out that only a peace force, which the Observer Group was not, could hope to police the Line. He thought the effect of the increase in numbers would be largely psychological, and that in fact an increase in the mobility of Observers would be more helpful than an increase in their numbers. He suggested a study be made of the feasibility - logistical and economic - of providing one or more helicopters for the operation, and mentioned the situation was at least to be improved with the imminent arrival of a new aircraft, as the Mission had been without one for the previous year[247]. Whether his suggested study was made is not known, but the helicopters were not in any event forthcoming. He also suggested giving a wider geographical base to the Observer Group by selecting from countries not then represented, examination of means of obtaining Observers for tours of duty of not less than two years, and that means should be devised of better screening of potential Observers, particularly as regards personality and English language proficiency[248].

Bunche advised there should be a more active back-stopping of the operation at Headquarters, including demarches - informal or formal as the need might be - to the Delegation whose country was responsible for each serious incident; he said this had never been done. He thought a more deterrent effect from the findings on serious breaches of the ceasefire could be achieved by a follow-up letter from the Secretary-General to the Government found responsible for the

breach, calling attention to the implications and, when considered necessary, circulation of the finding to the Security Council or making it otherwise public[249].

Approach to the Indian and Pakistan Delegations to the UN

General Nimmo welcomed Bunche's report and agreed that a little more logistic support would not come amiss[250]. It is difficult to find examples of any changes that actually came about, apart from representations being made to the two Delegations at the UN as the situation worsened, but events may have overtaken diplomatic discussions. There were sharp increases in activity along the north-central section of the CFL in June and July, which slackened off only to be replaced by an even greater increase in the southern sector*. On 22nd September, 1964, as heavy and persistent firing continued daily along the southern section, and firing and raiding incidents increased in other sectors, Nimmo cabled Bunche: "Obviously some deep political game is being played as both Army Commands seem either loath or powerless to intervene. It is no exaggeration to say that an undeclared war is going on in Jammu and Kashmir". Hundreds of thousands of rounds of fire were being expended, he said, in spite of Observers' efforts and his frequent awards of violations against both sides, and on many occasions Observers had come under heavy fire, which further indicated that the situation was getting out of hand. He urged that the Secretary-General be informed and that the strongest pressure be exerted upon the Governments to declare whether they intended to observe the ceasefire or not. He also suggested that the USA and others be informed of the use

*See page 240.

to which their military aid was being put so that they might exert strong pressure[251].

The Secretary-General did formally approach the Representatives of India and Pakistan at the UN, a fact which was mentioned in the Press of both countries. He also personally requested a further assessment of the situation from Nimmo[252]. Nimmo repeated the facts concerning the parties' conflicting policies towards civilians: Pakistan contended they had a right to pursue their normal activities in their traditional land irrespective of the Ceasefire Line, whilst India resisted their crossing of the Ceasefire Line and introduced armed police to ensure administration up to the Line, a move which had caused frequent clashes involving troops, police and armed civilians. Pakistan, he said, claimed that the Indians fired to dominate the Ceasefire Line and harass civilians, whilst India claimed Pakistan fired to harass their troops and force attention on the Kashmir problem to keep it active. The most serious incidents were raids and ambushes conducted from the Pakistan side across the Ceasefire Line, but on occasion India had counter-attacked[253]*.

Nimmo suggested that the best way the Secretary-General could usefully support the Mission's long-standing efforts would be to persuade the parties on three counts: to agree on a sensible policy towards civilians in ceasefire areas, which would require Government agreement and directive to their army commands; to have the Governments reaffirm the ceasefire and order compliance by commanders, including respect of the 500-yard demilitarised zone; and to cease the extensive firing which inflamed tempers and caused needless casualties[254]. In

*See page 239.

January 1965 he wrote again to Bunche expressing his concern that the situation continued to deteriorate. He suggested that the Secretary-General might wish to consider informing the members of the Security Council of the casualty figures and urge the Parties once again to search for ways and means of resolving their difficulties and eliminating the waste and loss of life which was continuing[255] - and which, indeed, continued, culminating in war in the September of that year*.

*See Chapter 14.

CHAPTER ELEVEN - MILITARY ATTITUDES

ATTITUDES TO UNMOGIP

Early Attitudes

The attitude of the Military Authorities to UNMOGIP was reflected to some extent in the attitude they were taking to each other at a given time, which for the most part was dictated by the political scene. But, as shown in Chapter Ten, the political background impinged more strongly on the attitude of the Indian Army to UNMOGIP than that of the Pakistan Army, particularly after Krishna Menon became Defence Minister in 1957. In the first years, however, any political embarrassment directed at UNMOGIP seemed to be instigated by the Government of the State of Jammu and Kashmir rather than the Indian Government. Thus the Indian Army officers were free to offer every assistance to the Group: the most senior officers were quick to support Delvoie when he was in disgrace at the end of his term of office; General Nimmo was advised by General Cariappa on how best to deal with the Cadwalader Incident; and General de Ridder received General Attal's help during the disturbances in Srinagar in August 1953, when he first arrived on the Mission*. Even when the political difficulties were inspired by the Indian Government, in the case of the request for the withdrawal of all US Military Observers in 1954**, General Nimmo reported that in spite of the publicity given the matter in the Press, the status of the US Observers with the Indian and Pakistan Armies had not been

*See pages 249, 258 and 268-270 respectively.

**See Pages 277-285.

affected. They were still able to carry out their duties in an impartial and satisfactory manner, and he felt they retained the confidence and respect of the Commanders on both sides of the CFL[1]. Nevertheless in July 1954, as the crisis over the US Observers was coming to an end, General Nimmo reported that the CGS India, General Chaudhuri, had spoken to him on a social occasion about the possibility of the Indians being involved in peacekeeping in Indo-China, and said he would like to talk about some aspects of the job with him if it came about. General Nimmo thought this to be "quite a change of outlook as most of the criticism we ever have comes from their side"[2], though it may be that he was referring to criticism from the political rather than military authorities. He was, of course, in any event pleased to help General Chaudhuri in any way he could[3].

In fact both sides regularly expressed the high esteem in which they held the Group and its Chief Officers. At the Karachi Conference of Military Representatives in 1949, which had been preceded by much adverse criticism of UNCIP in the Press*, the two Delegations paid tribute to the admirable and completely impartial manner in which the Truce Subcommittee in general, and General Delvoie in particular, had performed their difficult task[4].

When Brigadier Angle arrived at the Mission in February 1950 he was well-received by the two sides: General Cariappa, the Indian Commander-in-Chief was pleased with his plans to visit each Army HQ every two weeks and gave the opinion that he thought that the personal contact would be of benefit both to the Armies and the UN Observer Group. General McCay, the

*See page 357.

Pakistan Chief of the General Staff, likewise expressed approval of the plan, and also of Angle's intention to change Observers from the Indian side to the Pakistan side, and vice versa, every three months to ensure their impartiality[5]. Both CICs told Nimmo on his arrival at the end of that year that the presence of the Military Observers had had a most helpful stabilizing effect in the forward areas[6]. On separate occasions in 1956 both the Indian CGS, General Srinagesh, and General Chaudhuri, then Commander of the Indian Forces in Jammu and Kashmir, and later COAS, expressed themselves well-pleased with the fairness always experienced from UNMOGIP, and the confidence they felt in the Group[7].

During his short term of office, Angle reported to Colban that senior headquarters on both sides had been most co-operative, both on the question of ceasefire violations and administrative problems, although some subordinate commanders had not taken the Observers into their confidence. This had not only made the task of the Observers more difficult, but "it had not created the trust and mutual confidence which should have existed between the Observers and the two armies"[8]. Nimmo, however, reported within a few months of his arrival that the co-operation extended to him at conferences and during visits had ironed out the several petty grievances and misunderstandings which used to exist[9]. But the attitude of the Indian commanders hardened after the appointment of Krishna Menon as Defence Minister.

A Hardening of Attitudes

Social relations with both sides almost invariably remained good. General Nimmo and his Observers made a point of attending as many as possible of the local functions to

which they were invited, including army tattoos, parades and sports as well as social functions as this made for a happy relationship[10]. It also enabled General Nimmo to have unofficial discussions which must often have helped to ease the way out of difficult situations, but which only occasionally appeared on the record. However, although the Indians remained courteous, they seemed, as Sir Humphrey Trevelyan* reported in 1958, "to be frightened of (Menon) and were said to have instructions not to be too friendly with the Mission, which was not treated with the same cordiality and open-handedness as in previous years". Trevelyan maintained that the calibre of the commanders had deteriorated**, and they no longer admitted openly that the Ceasefire Agreement had to be observed. They had written some foolish letters, apparently because they were afraid of being taken to task for not being tough enough in dealing with incidents in Kashmir[11]. The more cautious dealings with the Group were thus combined with increased criticism, time-wasting complaints which did not stand up to investigation, downright deception on occasion and, ultimately, a refusal to abide by the decisions of the CMO on serious breaches of the Ceasefire, or at least without many months of difficult negotiation***.

Sabotage in the shape, for example, of small and somewhat amateurish attempts to blow up bridges began to take place on the Indian side when it became apparent that India did not intend to hold a plebiscite, and had hopes of settling the

*Details of Sir Humphrey's visit to the Mission are given on pages 296-299.

**See also pages 325-326.

***For example, see the Balakot/Tarkundi situation, pages 228-236.

Dispute on the basis of the *status quo*. General Nimmo discussed the sabotage with the Pakistan Commander-in-Chief who said his forces were not involved, but the incidents could be the work of Azad Kashmiris. The Indians, though increasingly concerned and making vague threats of retaliation, could not catch the perpetrators or produce any evidence of responsibility. However, keen younger Indian officers made complaints for which there was no evidence and then blamed the Observers when for this reason a No Violation decision was given[12]. Krishna Menon also used this as a means of discrediting the Observers, suggesting that those from Commonwealth countries in particular were partisan towards Pakistan[13]* . However, General Palit, India's Director of Military Operations between 1961 and 1964, expressed his conviction that General Nimmo was absolutely even-handed; that India placed great reliance on UNMOGIP's presence as a peace-maker; and that there could no aspersion cast against the Mission for not detecting infiltrators, either immediately prior to the war in 1965 or earlier. If the infinitely greater force of the Indian Army stationed by the Ceasefire Line could not detect them, such a small group as UNMOGIP could not be expected to do so[14].

Relations between senior Army officers and General Nimmo only once became bad at a personal level. Between July 1959 and March 1960 General Nimmo had two concurrent series of fairly acrimonious correspondence with the Indian CGS, General Sen. General Sen was taking a strongly legalistic approach in his attempts to further a policy with which he had been presented, and it is possible that General Nimmo took too

*See page 298.

personally a genuine difference in point of view. The letters were not numerous, but were lengthy and there were long intervals between them during which time General Sen had obviously carefully deliberated his response and sought legal advice. This legal input makes them a particularly useful study of the attitudes of the Indian side on certain issues, all connected with the question of civilians along the Ceasefire Line. They serve as an illustration of how policies formulated by the political authorities were reflected by the military, and in particular policies regarding civilians which were those which most affected the operations of UNMOGIP*.

In April 1964, as the situation deteriorated badly prior to the 1965 War, General Nimmo told Ralph Bunche that whilst the procedure for investigating incidents which occurred on the Ceasefire Line had always been respected in the past, because Local Commands were collaborating sincerely with UN Observers to find out who was responsible for the incidents and to take corrective action if required, this collaboration no longer existed. Incidents were not often investigated by Local Command before complaints were made, and frivolous complaints were frequently submitted. The result was that with the exception of a few with a strong personality the Observers had lost their restraining influence and advisory role, and their work consisted merely of investigating and reporting[18].

By this time difficulties were also being experienced at the operational level on the Pakistan side**. And when war was approaching, deliberate difficulties were made for the

*General Sen's communications are dealt with not only in the present Chapter (pages 336-346), but insofar as they concerned relations between armed civilians and police they are also referred to in Chapter Nine, pages 223-227.

**See pages 235 and 352-353 for examples.

Observers by the Local Commanders on the Pakistan side rather than the Indian side, but probably for pragmatic rather than personal reasons, since whatever the complexities of the Kashmir Dispute as a whole, the war was primarily instigated in the final instance by Pakistan*.

ATTITUDES OF THE ARMIES TO EACH OTHER 1949-58

In the Aftermath of the Ceasefire

In the initial atmosphere of mutual goodwill and enthusiastic approval of the Ceasefire of 1st January, 1949, India withdrew certain troops and aircraft, and Pakistan sent the tribesmen back, but as a truce and a formal reduction of forces was not then forthcoming, the inherent instability of the situation began to make itself felt as the officers and men on both sides became more uncertain about whether they were going to be sent home or were to be called on to fight again. They thus became inclined to make the most of tiny incidents and to try to improve their position with a view to a possible resurgence of the fighting[16]. Local commanders mentioned all alleged violations in daily situation reports addressed to their Army HQ who, in turn, informed the opposing Army HQ and General Delvoie. This practice of bringing the most trivial incidents to the knowledge of the CICs and of the Governments contributed greatly to the deterioration of relations between the two Armies[17]. By the end of March 1949 the goodwill which had existed immediately after the Ceasefire had depreciated considerably, and there was an increasing number of minor incidents and also a reluctance to carry out the exchange of

*The situation at this time is discussed more fully in Chapter Thirteen, pages 403-405.

prisoners-of-war agreed upon by the two CIC's[18]. During the nine-month period from when Military Observers first arrived on the Subcontinent until General Delvoie's departure at the end of October 1949, of the 272 complaints investigated only two were considered by General Delvoie to have any real military significance[19], but the two sides tended to over-emphasise the importance of incidents, thus increasing the tension in the atmosphere[20]. A Pakistan Divisional Commander told Brigadier Angle soon after his arrival as CMO in February 1950 that most of the complaints of the Ceasefire Agreement were petty and should not be reported[21], whilst an Indian Commander shortly afterwards admitted that he knew his junior officers were prone to exaggerate their alleged ceasefire violation reports[22].

At the thirteen meetings held in Karachi in July 1949* for the two Armies to reach a temporary agreement in lieu of a final political settlement, there was an attitude of marked friendliness, with senior officers of the two Armies calling each other by their first names. On the relatively infrequent occasions when their conflicting claims introduced a note of tension, the civilian observers of both delegations made successful efforts to calm rufffled tempers, indicating perhaps a strong political desire on the part of both Governments to achieve a purely military agreement[23]. Agreement was thus reached on what activities would constitute a breach of the Ceasefire, and for demarcation of the Ceasefire Line. Generally speaking the spirit of Karachi prevailed in the ensuing months, although some local Indian Commanders refused Pakistan officers access to all fortified areas in Indian-held territory to enable them to perform their agreed duties in

*See page 95.

demarcating the CFL[24].

When Brigadier Angle arrived at the Mission as CMO in February 1950, both General Cariappa and General Gracey, the Commanders-in-Chief of the two Armies, as well as other senior officers Angle met in his first few days, disclaimed any desire for further war and pointed out that the commanders on the other side were their friends as they were all serving in the same army so recently[25]. However, at the end of of March* General Cariappa told Ambassador Colban, strictly in private, that relations were deteriorating to a point he considered really dangerous[26], General Gracey expressed great alarm to Brigadier Angle at Indian troop concentrations in East Punjab[27], and Angle received a note from his Liaison Officer in Delhi saying that the French Military Attache was concerned over the increased movement of Indian troops which he viewed as indicating a feeling on the part of the Indian Army that further outbreaks were likely. He thought there was increasing discontent, particularly on the part of the Indian civilians[28]. General Srinagesh, GOC in Charge Western Command of the Indian Army, likewise expressed the view that civilians were more apt to provoke an outbreak of hostilities than the Indian soldiers who did not want to fight Pakistan[29]. Inevitably Pakistan also joined in with troop concentrations[30], but fears of an immediate resumption of hostilities died down after a successful meeting between the two Prime Ministers in April 1950**.

General Srinagesh also asked Angle to compare the present situation in Kashmir with the situation the previous year when

*See also pages 176-178.

**See page 205.

Angle had been stationed there as an Observer. Angle replied that the relationship between both sides at the top was good, but that the relationship at the lower levels had deteriorated, mainly due to new troops taking over the forward sectors and not being properly briefed by the troops being relieved[31]. Angle told Colban, moreover, that an Observer posted at Tangdhar field station had reported that every young officer arriving at the Brigade directly from the Indian Military Academy at Dehra Dun had "a most obvious and peculiar attitude towards even his own superior officers. He has an attitude of infallibility and cockiness and is decidedly critical of the experience of his seniors in the pre-Partition army. It is quite apparent that these young officers are being taught intolerance to the nth degree. This point is causing grave concern to the Brigade staff officers"[32]. The Observer's report was given added interest by reason of the fact that Brigadier Angle had previously had a conversation with General Kalwant Singh on the same subject[33]. Furthermore, a senior Pakistan officer told Angle he "deplored the rapid promotion of Indian officers", and said he felt the lack of trained and experienced senior officers was the weakness of the Indian Army[34].

The situation inevitably did not improve. In 1955 Lord Birdwood visited the CFL and noted that a Pakistan captain referred to the Indians as the "enemy". Lord Birdwood pointedly remarked that the officer had received his commission in 1950[35]. Sir Humphrey Trevelyan, who visited the Mission in 1958, also commented that relations between Indian and Pakistan forces were deteriorating because the younger officers brought up post-Partition were more strongly imbued with narrow ideas of nationalism, and were more aggressive in their attitude to

the other side than were the senior officers who remembered officers on the other side as colleagues[36].

Increasing Tension

When General Nimmo became CMO at the end of 1950, he described the situation as "undoubtedly an explosive one": although quiet on the surface, there were strong underlying influences which could cause some minor incident to flare up in a very short time. He saw the main stabilising factors as being the restraining influence of both High Commands over the troops, and through them the civilians, on both sides of the CFL, and the presence of Observers acting as umpires in the area. He pointed out that the troops had been facing one another across the CFL for a long time. Their life was hard in the mountains, especially in winter, and they were apt to become restless[37]. Lord Birdwood tells how the above-mentioned captain spoke, in 1955, of the comic relief of a rather dreary daily round: they propped up some logs and with a little ingenuity made them look like mortars. A few days later along came a UN Observer, summoned in a message from the Indian side. Lord Birdwood hoped he saw the joke! However, Lord Birdwood was also told that the Pakistan commander had ordered that there should be no saluting on the CFL as that gave away the presence of an officer, and a wary enemy might make some kind of deduction from the number of officers coming up to the front line[38]. Thus the patrols in the area were regarded more seriously than as mere routine even at this quietest period in the CFL's history.

In spite of the problems over the US Observers and a renewed cooling in relations between India and Pakistan*, in

*Pages 275-287.

1954 the number of complaints received by UNMOGIP was the smallest since the Mission began. General Nimmo felt it was because the Commanders in the forward areas had made it their business to ensure strict observance of the terms of the Karachi Agreement within their sectors. At the same time UNMOGIP maintained its policy of keeping the Ceasefire Agreement and the UN role before the field commanders by active association and personal liaison on the part of the Observers[39]. At the start of 1955, after the departure of the final US Observer, General Nimmo was able to report that although the current approved establishment was for 35 Observers, the actual strength was only 27 with two more expected, yet this was deemed sufficient in view of the satisfactory situation[40].

His optimism was nevertheless somewhat ill-founded as the number of ceasefire complaints was never again as low as in 1954. In April 1956 General Nimmo remarked in his Operations Report that the slight increase in the number of complaints received was indicative of the tenseness and general hardening of feeling between the two sides which had become noticeable and was undoubtedly due to recent political declarations made in reference to the Kashmir question[41]* . In January 1957, after Indian-held Kashmir had been more closely integrated with India, there were widespread protests in Pakistan and Azad Kashmir and General Nimmo noted that a number of statements had appeared in both Indian and Pakistan newspapers alleging that the two sides were building up their troops in Kashmir. He himself, whilst travelling between Jammu and Rawalpindi, had noticed a large number of civilians with their cattle and

*See page 288.

personal belongings moving towards Jammu from villages near the Border - an indication that they feared trouble. Observers made special inspections throughout their areas but reported only normal activity and no increase in troops[42]. Nevertheless speculation about such build-ups, in particular in the Northern Areas, continued in the newspapers throughout the year. One Observer made a special trip to the Northern Areas covering 500 miles by road and 300 miles by foot, mule and pony and reported that no such activity was evident[43]. But after a field trip in April 1958 Nimmo's report confirmed his previously formed impression that the atmosphere of tension had increased among the commanders and troops in the whole area, particularly on the Indian side, and was obviously a result of heightened political feeling between India and Pakistan over Kashmir[44].

Location of the Ceasefire Line

When tension was high in the summer of 1958, General Nimmo felt he was receiving a number of requests in connection with the redefinition of the CFL which he felt were not occasioned by military reasons. He therefore had Observers refer all such requests to him and await instructions in order to ensure deliberate and co-ordinated action acceptable to both parties, and to lessen the danger of mistakes in definition[45]. A few incidents which occurred in May 1960 serve to illustrate the confusion that still remained over the exact location of the Ceasefire Line more than ten years after its demarcation. They show also that co-operation between the Armies of the two sides still continued to manifest itself on occasion, but that a certain laxity that had been displayed in the Northern Areas

was unlikely to continue, due perhaps as much to India's deteriorating relations with China as to those with Pakistan.

Two similar complaints were reported by the Pakistan side to the Skardu Observer Team. They comprised only the 11th and 12th in over ten years of UNMOGIP's presence in this sector, although 37 complaints had been lodged with the Kargil Team on the Indian side, suggesting a greater sensitivity on the part of the Indians. The following incidents indicate that in these Northern Areas the latter nevertheless showed considerably less concern about the inviolability of the CFL than they had been demonstrating along its western stretch*.

One complaint claimed that four armed Indian riflemen and ten other ranks had approached the CFL within the vicinity of a nearby village with a view to kidnapping locals on the Pakistan side, but had withdrawn when spotted by the Pakistan checkpost. Since the area in question had been awarded to India by the Acting CMO in a letter ten years previously, and this was agreed by both sides, General Nimmo closed the case with an award of No Violation against India. At the time that the village was awarded to India, the new location of the CFL was described only as "the north border of the houses". Over a period of years it had developed that the local authorities on both sides considered the CFL to be a man-made water course running along the northern side of the village. Nimmo thus asked the Army authorities to advise their local commanders that a joint meeting should be arranged so that the location of the CFL could again be specified and agreed to. The noteworthy aspect of the whole matter, which was highlighted during the investigation, was that Pakistani military personnel

*See pages 195-196.

had been allowed to take their leave in the village, a fact which General Nimmo pointed out was legally, if not morally, a breach of the Karachi Agreement, and he requested the practice be stopped[46].

The other complaint concerned an incident arising from the use of a water point about 150 yards on the Indian side of the CFL by four soldiers and a coolie* from a Pakistani picquet. Such use had been made at intervals over a number of years and had never been authorised, nor had it been officially objected to. In this incident two of the sepoys were armed with rifles. A detachment of Indian troops was ordered forward to observe, capture if possible, and fire if necessary. Some firing from both sides took place, and one wounded Pakistani soldier and the coolie were captured near the water point. The Pakistanis accused the Indians, amongst other things, of abducting the two Pakistanis, but a Violation was declared against Pakistan for crossing the CFL. The Observers decided there was too much confusion in the stories for anything else to be determined. General Nimmo remarked, however, that the Indian troops could also be said to have laid themselves open to the charge of entering within 500 yards of the CFL, and with firing, when there were other ways of dealing with the situation within the letter and spirit of the Karachi Agreement[47].

Another incident in May 1960 resulted in a complaint being submitted from each side, and concerned a known trouble-spot, Sudpura in the Tangdhar-Domel sectors. The CFL in this area ran through cultivated fields which had been farmed for generations by villagers now living on both sides of the Line.

*Labourer

For some time after the Ceasefire the villagers continued to farm their lands regardless of the possible need to cross the CFL, the exact location of which they had also sometimes disputed. When the hardening of attitudes led to restraints on the farming of their traditional fields efforts were made by the villagers to exchange land so that each could farm on their own side, but inevitably there were a number of farmers who were dissatisfied and felt cheated. With no civil means of arbitration, the civilians resorted to force in an effort to farm their traditional land. This in turn led to the appearance of armed police, and subsequently incidents involving them also. On this particular occasion a Violation award was made against India because Indian personnel fired across the CFL. The cheering aspect of the incident was that the local commanders of both sides, assisted by Police of both sides, then got together with great co-operation and redefined the CFL in a practical way in order to solve the problem so far as the local inhabitants were concerned[48].

Finally, an incident occurred when Pakistan armed forces approached within 500 yards of the CFL in order to protect civilians who were harvesting along a disputed section of the Line. In awarding a Violation against Pakistan General Nimmo remarked that it was unfortunate that patience was not exercised by the local Pakistan commander until the problem was solved. However, he thought it was also worth noting that the problem was subsequently amicably settled at a meeting the two sector commanders[49].

ATTITUDES TO CIVILIANS

Limited Co-operation

In 1949 and the early 1950s the Armies tried to co-operate with UNMOGIP and, for the most part, each other in an attempt to ease the difficult situation caused by civilians along the CFL. However, their hands were considerably tied by political considerations, both at the top and locally, and by the anarchic attitudes of the civilians themselves.

At a UN Conference on 6th September, 1949 Mrs. Pandit, India's Ambassador to Washington had claimed that Moslem inhabitants of six villages along the CFL, five of which were in the Tilel Valley, had opted for India in the presence of Pakistan and Indian military representatives and UN Obervers, all of whom were present to demarcate the CFL[50]. As a result of the propaganda publicity aroused by this speech Lt. Colonel Angle*, one of the Observers present, sent a note to General Delvoie stating that in one of the villages the dominating factor was the enmity of two brothers, one of whom had a larger following than the other. Thus the villagers' opting for India had little to do with their feelings in regard to the Indo-Pakistan conflict, and in fact the Indian as well as the Pakistan military representative had tried, unsuccessfully, to persuade the villagers to return to their village which would be on the Pakistan side of the Line. In two of the other villages it was the Pakistan officer who persuaded the villagers to remain in their village, which would come under Indian administration, and in one at least positive affection for the Pakistan representative was shown at the time of their

*Later CMO, Brigadier Angle

agreement to stay. Apart from this the Observers formed the opinion that the villagers were more concerned with being allowed to harvest their crops and continue with their normal lives than with the political future of their village. The relations between the military representatives at the time were friendly and cordial and both considered the villagers to be unreliable and untrustworthy[51].

At a conference which the Indian CIC invited General Nimmo to attend in Srinagar in June 1951, one local commander stated that there were no serious breaches of the Ceasefire Agreement in his area: his two main troubles were agricultural encroachment onto the Indian side, and large-scale civilian infiltration. On three occasions during the previous two months groups of between 40 and 65 people had crossed the Line and been sent back by Indian troops. He and another Local Commander mentioned incidents when about 50 Pakistan personnel, on one occasion dressed in uniform, and the other carrying arms, had entered Indian territory and stolen cattle, but the Commanders had accepted that investigation by UNMOGIP had shown they were not Pakistan troops*. The CIC said he could stop both infiltration and encroachment by force but was averse to doing so, and would be grateful if General Nimmo would take up both matters with the civilian authorities, otherwise he would have to use force. He had given strict orders that no retaliatory raids were to be permitted as then the Army's object to maintain the peace could not be achieved[54].

*Many civilians possessed uniform-like clothing because when they were released from the British Indian Army at the time of Independence they had been given two khaki outfits each[52]. Furthermore both General Delvoie and General Nimmo expressed the opinion that Pakistan Border Police might have participated in the raids, or at least turned a blind eye to them[53].

General Nimmo had already been in touch with the Pakistan authorities and agreed to continue with his approaches[55]. Twelve months later, in June 1952, and further to a note from the Assistant CGS, India, regarding the cultivation by Pakistan civilians on the Indian side of the CFL, General Nimmo contacted the Pakistan CGS in order to discuss more stringent control of civilians along the CFL[56]. The Pakistan CGS expressed concern, but pointed out that with the restrictions placed on the troops of both sides not to patrol within 500 yards of the CFL, the handling of civilians within that area was a matter for the civil authorities, and in spite of stressing to the civil agency concerned that more control must be exercised, he had been unable to obtain concrete results. He did, however, arrange with the appropriate Ministry for a conference on the subject[57].

The conference was duly held on 12th July, 1952, in the presence of senior Army personnel, Deputy Secretaries from the Ministries of Defence and Kashmir Affairs, a Border Police Commandant and a UN Military Observer. Disturbance of economic life was the main reason put forward for the crossing of the Line by civilians, even when they knew their lives would be in danger as a result. Other reasons suggested were retaliation for raids emanating from the Indian side, and provocation by the Indians. It was explained that as the Indians had disturbed the watersheds, the fields on the Pakistan side which relied on irrigation by this water could no longer be cultivated. Thus the villagers had to choose between starvation or crossing the CFL in order to cultivate the better fields, at the risk of being killed by Indian troops. The UNMOGIP Representative asked for details of watersheds in order to contact the Indian authorities to have

the normal water courses re-established[58]*.

The Pakistan Chief of Staff pointed out that the Army had no legal authority to control civilians but promised its full co-operation. The UN Observer in turn stated that as the Karachi Agreement did not apply to civilians, the problem of the movement of civilians was equally not under the control of UNMOGIP. But as the crossing of the Line seemed to be increasing, the CMO felt that if some positive action was not taken quickly at a high Government level, tension would mount and real strife and bloodshed occur, with clashes beween troops and civilians. He stated further that UNMOGIP understood that Indian forces had orders to resist infiltration by civilians, and from what the Group had observed they had so far carried out the orders with restraint under the influence of senior local commanders. Obviously it was not practicable for troops alone to control civilian movements since they were not permitted to enter the 500-yard zone. Therefore it seemed to the CMO that civil police must be made available to do this. Further, since many civilians wore khaki, it was very difficult for UN Observers, when investigating a complaint, to be sure whether or not the Army was involved[59].

The Observer reported that the meeting was held in a spirit of co-operation, but that the Pakistan Army was in a very difficult position as it had no legal authority to control the civilians and did not want to be involved in civilian affairs[60]. The Pakistan CGS suggested that UNMOGIP might organise local meetings between India and Pakistan under the control of UN Observers, since the Army was willing to find a peaceful solution to the problem. The best results might be

*The outcome is not known.

obtained from such small meetings as Local Commanders were in the best position to suggest what action might be taken[61]. General Nimmo thus instructed his Observers that if the Local Commanders desired it, they were to be prepared to arrange such meetings provided there were only military personnel present[62]. Some time later Andrew Cordier agreed it was worth trying to forestall the possibility of more serious incidents developing from minor civilian matters, so long as the Observers engaged in the effort had Nimmos's approval, and so long as Nimmo felt "the friendly intervention of the Observers was welcomed by the parties and helps them in maintaining the ceasefire"[63]. Such meetings did take place, and in this way many problems were resolved, particularly in the area of the rapid exchange of people and cattle who had strayed across the Line and been imprisoned or impounded or, indeed, who had been abducted or stolen*. Nevertheless, civilian incidents continued to form the basis of the majority of complaints submitted to UNMOGIP.

Legal Issues

Between July 1959 and March 1960 General Nimmo had a series of somewhat acrimonious correspondence with the Indian CGS, General Sen**. One set of the correspondence started

*In November 1964 the Pakistan side briefly raised some opposition to the use of the UNMOGIP Good Offices channel for the exchange of prisoners, indicating that they would prefer to have the problem dealt with directly by the two Governments. General Nimmo told the CGS that he felt this would tend to close the existing channels for the exercise of UNMOGIP Good Offices in relation to persons of any category, and which previously had resulted in many repatriations. He suggested UNHQ could perhaps be used instead for the exercise of their Good Offices through the Delegations[64]. In fact the two sides continued to accept the Good Offices of the Mission: in February 1965 a 9-year-old boy was handed over from the Indian side to the Pakistan side[65].

**See also pages 223-227.

badly as General Nimmo's first letter on the subject, in July 1959, was not quite clear and "lacked personal comment", as General Sen pointed out[66]. General Nimmo wrote again apologising for his omission. He explained that the matter had originated in May of that year when the Indian commander at Naushera had asked UN Observers to stop civilians from the Pakistan side approaching the CFL. The Observers contacted their opposite Team at Bhimber who made representations to the Pakistanis and received, in return, a letter with a request that it be passed to the other side. General Nimmo sent General Sen an extract from the letter which stated that the CFL was a temporary line agreed to cease operations with a view to solving the Kashmir issue in a peaceful manner. The CFL had no bearing on the properties owned by the State subjects who, in an effort to make ends meet, ploughed the land they owned. General Nimmo checked with the CGS, Pakistan, to ascertain that the letter expressed his views. The latter took the view that if civilian problems were not controlled they might become the forerunner of serious incidents, but that civilian problems were not within the scope of the Karachi Agreement, and under existing circumstances the Army could not be expected to maintain control over the local people. He felt they should be left undisturbed and the *status quo* maintained. If the Indians thought otherwise the whole problem of civilians should be discussed by the Governments of the two countries. General Nimmo's comment to General Sen was that the civilian problem had been present for a long time, and that as it was a civil matter and outside the Karachi Agreement, UNMOGIP could only attempt to alleviate the situation and minimise incidents by endeavouring to use its influence with local commanders from a Good Offices

standpoint[67].

General Sen took until the end of February 1960 to answer this letter. He then maintained that he did not share Pakistan's contention that the CFL had no bearing on the properties owned by State subjects, but that indeed the CFL had been established specifically with the object of preventing clashes between the two sides. It was for the authorities on the Pakistan side of the Line to control their civilians. They could not absolve themselves from this responsibility on the ground that civilian problems were outside scope of the Karachi Agreement. He pointed out that such problems did not arise on the Indian side of the Line, and if the activities of the civilians on the other side were controlled, no problem would arise. He further maintained that legal conventions did not support the Pakistan claim so far as the question of civilian rights to cross the CFL were concerned. He quoted Article 51 of the Geneva Convention of 1949 which stated that civilians in occupied territory must not be asked to carry out work outside the occupied territory[68] - he did not make it clear how this affected the civilians who chose to cross the Line of their own accord. He also quoted an extract from Charles G. Fenwick's "International Law"*: "There appears to be no definite rule of customary law covering the relations during the armistice between the belligerent army and the population of occupied territory or between the population of occupied territory and their fellow citizens in territory held by the *de jure* government. Since the legal effects of the state of war continue, the presumption should be that the rights of the military occupant towards the inhabitants, in

*Pages 494-5, edition not specified

the absence of special agreement, remain unchanged, and that the inhabitants are in turn precluded from intercourse with their *de jure* government and the territory under its control. The Hague regulations call special attention to the fact that 'it rests with the Contracting Parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other'". General Sen went on to say that the matter had to be considered in the light of the spirit in which the Ceasefire Agreement was conceived and accepted by India and Pakistan. He stressed his point by reminding Nimmo of a plebiscite held at the time of the demarcation of the CFL in 1949 in the Tilel Valley*, in the presence of UN Observers, to decide whether the villagers who found themselves on the wrong side of the Line wished to stay or cross over. He maintained that this showed that any who elected to move to the other side of the Line from their property would lose their rights in this property. A further example he cited was the case of the Indian Army having built an almost duplicate village on the Indian side of the Line to accommodate villagers who decided to cross into Indian territory[69].

In his reply to General Sen, General Nimmo pointed out that the last part of the Fenwick extract, by Sen's own admission, stated "it rests with the Contracting Parties to settle, in the terms of the Armistice..." and the absence of any such settlement under the Karachi Agreement had caused difficulties for the Military Observers in the Ceasefire areas from time to time. He said he assumed that this absence

*See page 332.

stemmed from the directive under which the Karachi Agreement was formulated, which stated that the meetings would be for military purposes with political issues not being considered. He went on to say that he had therefore endeavoured to avoid political issues and use the Karachi Agreement as the basis for UNMOGIP's role, the most they could do regarding civilians being to use their Good Offices to ease disputes wherever possible - with some success he thought. He mentioned some achievements in this respect[70].

He told Cordier that although there was a lot left unsaid about civilians on the Kashmir CFL, he had chosen not to go deeply into the matter at this time with General Sen as it seemed better to try to keep the problem from escalating and to continue with UN Good Offices as before, whilst impressing on the armed forces their obligations under the Karachi Agreement. He also again explained that the pressure of population against the CFL was much greater from the Pakistan side because much of the land on the Indian side in forward areas was empty as the Indian Army did not permit civilians forward of or among their advanced positions. Accordingly civilian encroachment by farmers and suchlike was much more of a problem for the Indians than the Pakistanis, and he well understood the Indian point of view[71].

A WORSENING SITUATION

Sabotage

On 1st August, 1958, Major-General Verma, then Indian CGS, wrote to General Nimmo saying that sabotage activities over the CFL were causing grave concern. He said that 46 major cases had been reported that year, and from time to time incidents

had been brought to General Nimmo's notice. He reminded General Nimmo that the matter had been discussed the previous December, when General Nimmo had promised to give every assistance in pinning responsibility should definite evidence be produced[72].

In May 1958 General Nimmo assured the Indian side that he had spoken to the Pakistan Chief of Staff about the Indian concern that the Pakistan Army was involved in sabotage incidents in Kashmir, but was convinced by the reply that the Army Authorities were not responsible for such activities and would not condone them[73]. However, the Indians believed that since the beginning of 1958 Pakistan had been engineering more and more incidents across the CFL in order to keep the problem in the public eye. These included firing, encroachment on territory, stoppage of water channels flowing across the Line, incidents at harvest time, spurious claims to property, commando raids by soldiers disguised as civilians, planting of booby traps and bombs, cutting off telegraph and telephone lines, night attacks on picquets, posts and villages, and distribution of literature inciting people to religious hatred[74].

General Verma said the explosives and devices were so modern they could only come from the Pakistan Army via their US Military Aid, and that the Indian Army had evidence to prove complicity by the Pakistan authorities, and the employment of Pakistan/Azad Kashmiri soldiers in these acts[75]. Nimmo pointed out that of the 67 complaints so far received that year, only two might possibly have been amongst the 46 cases of sabotage mentioned by Verma, and in these two raids the presence of soldiers from Pakistan could not be established. Failing receipt of detailed information or definite proof of

the Pakistan Army's complicity, "I think you will agree it is a little difficult for the UN to make accusations". He suggested also that if the situation was as serious as depicted it was hard to understand why one did not hear more of it in Srinagar, or that Observers in forward positions did not receive formal complaints of Pakistan Army activities in this connection[76].

Asked for their opinion in writing on the matter of sabotage in August 1958, whilst some Observers did think such acts were on the increase, most thought they had always been pretty constant, and difficult to prove therefore not often reported. Since the Observers' tours of duty were normally only of one to two years, however, most of them would not have had a long period of time to make comparisons. One Observer, stationed at Punch did say: "...unofficially... there have been some half dozen cases of sabotage this year, and it would appear that the incidence of such cases is on the increase. Attempts have been made by civilians to demolish a medium-sized bridge, the invaluable flying fox, and some places of Hindu worship. These attempts were all unsuccessful. It is understood a civilian was caught red-handed. Indians here say that civilians are instructed by Pakistan military personnel and are sent to do the job, but become scared when laying the charges. The fuses seldom ignite"[77].

In February 1960 General Sen informed General Nimmo he could not subscribe to the latter's view that he, Nimmo, was unable to deal with incidents involving civilians and armed parties transgressing onto the Indian side of the Line. He drew Nimmo's attention to Paragraph B of Part I of the UNCIP Resolution of 13th August, 1948 wherein forces under the control of either High Command were defined as including "all

forces, organised and unorganised, fighting or participating in hostilities on their respective sides"[78]. The irregular forces in mind at the time of the Resolution would have been for the most part the tribesmen who had initiated the original invasion of Kashmir. Whether the armed gangs of civilians operating in Kashmir in 1960, even if it could be proved they had crossed the Line, could be said to be operating on the side of a Government which professed to have suspended hostilities, and to know nothing about them, is at least debatable. It is possible that some of the authorities on the Pakistan side, particularly those of Azad Kashmir, might have been prepared to turn a blind eye to their activities and even offer encouragement. But General Nimmo did not believe that senior Pakistan Army officers, the only authorities with whom he had the power to deal, were doing any such thing[79]. Indeed they would probably have preferred that the incidents did not take place. General Sen, however, was not prepared to believe that the Pakistan Army authorities were not actively conniving with the armed intruders, who would not otherwise have access to such a large stock of arms. He strongly expressed the view that the Pakistan High Command should be held fully responsible[80].

General Nimmo repeated the accusation to the CGS, Pakistan, General Yahya Khan, and received the reply that India's allegations were false, baseless and malicious. Yahya Khan reminded Nimmo that as a result of a similar complaint on a previous occasion they had made searches for arms in the presence of UN Observers, and no "large stocks" had been found in Azad Kashmir territory. He further suggested that the solution to the problem lay in adopting the recommendations they had made on that occasion, early in 1959[81]. The Pakistan

conclusion at that time was that the miscreants had sympathisers on both sides of the Line, and possibly resided on the Indian side, and that the main reason for the local people's hostility to Indian patrols seemed to be the repressive measures which the patrols had taken in disputed areas. The Pakistan Army authorities therefore suggested that since they themselves could not enter the 500-yard zone where most of the armed gangs were hiding, the Indians should discontinue their unpopular armed patrols within this zone and avoid disturbing the *status quo* in the disputed areas[82].

General Sen, however, maintained there were no "disputed areas" since the the CFL was well demarcated and its alignment well-known to all concerned[83]. Judging by the number of incidents which centred on the exact location of the Line over the years, this was not exactly so*, but neither was this what the Pakistan authorities had in mind in referring to the "disputed areas". However, General Nimmo did not pursue the matter further with India on this occasion for fear of exacerbating the situation at a time when the CFL had become comparatively quiet[84]. Yet again he remarked to Andrew Cordier that it would never be possible for a small observer group to deal with civilian unrest, robbery, smuggling, cattle thieving or encroachments to cut grass or scratch for a living in empty areas along the CFL, nor was it its function. Police and military forces were available to curb such activities, which was difficult even for them in the extensive mountainous area. UNMOGIP's object would be achieved, he said, if it managed to keep the armed forces from conflict and act as a deterrent by its presence[85].

*See pages 328-321.

Self-Defence

Various related matters were in dispute with General Sen, one of these being the question of self-defence. General Son Dutt, a member of Sen's staff, who actually began the communications from the Indian side, requested a review of certain cases, including one where UN investigations proved that firing emanated from the Pakistan side and was answered by the Indian side. Awards of Violation had been given against both sides with the comment that "no tangible reason was produced for this show of violence and irresponsible firing across the CFL by either side". The Indians felt their reason for firing was tangible enough, and General Son Dutt wanted to know if it was intended to deny them the right of self-defence. He quoted General Delvoie as having stated in a letter on 17th August, 1949 that it was understood that troops always retained the right to fire in self-defence[86]. What he did not quote, as General Nimmo pointed out to Andrew Cordier, when he forwarded the correspondence for information and possible comment, was that General Delvoie had gone on to say: "However, in order to avoid ill feelings between the armies, a soldier, before firing at an intruder, should have used all other means to dispel him from his area"[87].

General Nimmo reviewed the cases in question as requested, but felt that no revision of his original awards was necessary. Furthermore he stated that he felt the question of self-defence arose only when one was actually attacked[88]. General Sen said he had no option but to acquiesce in General Nimmo's decision that no revision was necessary, but did so "under protest". He also disagreed with General Nimmo on the question of self-defence since there could be no self-defence when the attacker was accomplishing or had accomplished his mission.

He maintained that all legal systems recognised that the right of self-defence had to be exercised when the life and/or property of an individual/post/picquet was *threatened*, before the attacker accomplished his mission[69].

Cordier thought that General Delvoie's comment seemed sound, and it would certainly be stretching the meaning of the term to use self-defence in a preventive sense, and on the basis of an assumption about the intention of the other side which might not be well-founded. However he admitted that the dilemma to which General Sen's letter drew attention was quite real: if one permitted the attacker to confirm in an overt act that his intention was to attack, it might be too late for the victim to exercise his right of self-defence. He thought it was relevant to note the Secretary-General's point in his report of 9th May, 1956 on Armistice Agreements in Palestine, that the reservation made by the parties as to their right of self defence was "necessarily of an indeterminate nature": the principle could not be applied in advance in hypothetical cases[70].

A Period of Tranquillity

In February 1960, after he had visited Lahore for the annual Horse and Cattle Show at the invitation of the Pakistan CIC, General Nimmo reported that General Thimmaya, Chief of the Indian Army Staff, and the Indian Deputy Defence Minister were also there. He said it was the first time he had seen the Chief of the Indian Army attending such a function since 1954[71]* . By March 1960, when Nimmo sent copies of his

*On that occasion Nimmo had noted it was "undoubtedly one of those signs which indicate improved relations"[72]. In fact he also visited Lahore in February 1955 for the National Horse Show, when there had been polo matches with India, and he remarked then on seeing the CICs of the Indian and Pakistan Armies together on the dais[73].

correspondence with General Sen to Andrew Cordier, he was able to report even before Cordier had a chance to reply, that a meeting of the two Commanders-in-Chief was to take place in New Delhi. General Nimmo thought such meetings between Commanders, which he himself had been advocating, were a good augury for the future. He found it difficult to reconcile such optimistic signs with the Indian attitude displayed in his recent correspondence with General Sen, but he hoped that the CICs would talk over some of the points which had been raised therein[74]. General Musa, CIC, Pakistan, not only visited General Thimayya, but also met Prime Minister Nehru and the Defence Minister, Krishna Menon[75]. General Nimmo subsequently reported, however, that so far as he could judge they "do not seem to have spoken about the Ceasefire problem at all"[76].

Nevertheless, to match this sudden improvement in relations there was an equally sudden drop in the number of complaints along the CFL. At the end of March General Nimmo was able to report that the atmosphere along the CFL was "very tranquil"[77], although this tranquillity was doomed to be short-lived.

Deterioration in Relations

By the end of 1960 General Nimmo's reports were showing signs of a further deterioration in relations, not only between the Armies themselves but also, to a lesser extent, between the Mission and the Armies. In September 1960 Nimmo wrote to the two Chiefs of the General Staff urging both sides to make more of an effort to carry out their past undertakings to trace and return stolen or strayed animals and thus endeavour to maintain peace in the area[78]. At about the same time there was a

complaint that Pakistan civilians cultivating land on the Indian side of the Ceasefire Line tried to overpower an Indian police patrol after being warned to withdraw. The patrol opened fire in self-defence". Another incident occurred in October 1960 when the Indians alleged that about 20 armed personnel from the Pakistan side dressed in khaki had crossed into Indian territory and fired upon an Indian patrol despatched to investigate. In their complaint the Indians admitted they had returned the fire in self-defence. Observers investigated the incident and found the evidence, though conflicting and even inaccurate, suggested that civilians in the general area had fired, but that there was no proof that Pakistan troops were involved, and there was some doubt as to which side had initiated the incident. General Nimmo remarked it was possible to argue that neither side was blameless and that such episodes should not occur at all under conditions of ceasefire, but that each command should examine its own procedures with a view to keeping the peace as they had contracted to do. No Violation was awarded[100].

There was a surge in the number of firing incidents which neither party seemed disposed to take any specific action to prevent, in spite of the promise of co-operation with UNMOGIP, and suggestions by General Nimmo such as replacement of the units concerned[101]. Observers did their best to investigate incidents and to calm the units but, as General Nimmo noted: "In the face of direct contradictions and sometimes outright lies during investigation, the task of detecting what went on is frequently very difficult"[102].

In January 1961 he reported that in view of indiscriminate firing by both sides in one small area he had stressed to both

India and Pakistan that hostility among the troops must not be allowed to get worse. He also gave his view that there were too many small posts in the area, and that common agreement already existed for re-grouping or re-siting of defences, provided the overall potential was not increased and new positions were further to the rear. He concluded by expressing his feeling that something could be done to restore calm in the area if each side concentrated on its own local problems and ceased merely to blame the other for all the existing troubles[103]. A few weeks later, in March 1961, he wrote to Cordier saying that the difficulties confronting a purely Military Observer Group increased as disturbances along the CFL tended to originate more and more from civilian/police activities, sometimes involving the troops themselves. He said that the Mission's efforts were directed towards maintaining a peaceful Ceasefire zone, whilst steering the "encroachment" problems into Government hands through Army channels, but with no result. Nor did he expect any result under the circumstances which existed. Indeed, the signs were that the situation was likely to deteriorate further that summer, and in this view he was not mistaken[104].

Chaknot

In June 1961 the Indians established two armed police posts, one each at Balakot and Tarkundi, and initiated the first of several serious situations which developed in advance of the war in 1965*. One of the major troublespots, however, had more political than military significance, and gave rise to the most serious incident in which Pakistan appeared quite

*See pages 228-236.

deliberately to make trouble for UNMOGIP in furtherance of its own policy. However, it could be said that this was for pragmatic rather political reasons, in that she may have had something to hide from UNMOGIP. The incident foreshadowed the way the Pakistan Army was inclined to behave immediately prior to the outbreak of war in 1965, when obstacles were put in the way of Observers attempting to carry out their duties*.

Chaknot was an isolated and extremely poor village consisting of about 200 inhabitants of Pathan origin located in the mountains 75 miles north of Srinagar on the Indian side of the Ceasefire Line, but with close blood and economic ties with two villages on the other side of the Line and, surprisingly, under the practical control of Azad Kashmir. Its only means of communication was by pony or on foot over very hazardous tracks for 37 miles on the Indian side or more than 100 miles on the Pakistan side. It had been a forgotten place until early in 1963 when a deputation of villagers went to Srinagar to request food aid. Subsequently an Indian police patrol went into the area, resulting in complaints from each side. Pakistan submitted a complaint in April 1963 that India was ill-treating the villagers, and India complained in May that Pakistan troops had been inciting the villagers to accede to Pakistan. Observers visited the area but their investigations did not substantiate the complaints. General Nimmo notified their findings to India and Pakistan, and said he considered the authorities of both sides had acted with the best of intentions. He pointed out that the matter was outside the authority of UNMOGIP. Nevertheless he suggested to GHQ Pakistan that since the village was on the Indian side of the

*See pages 403-405.

CFL, the civil authorities on the Pakistan side might be induced not to press their previous control across the CFL, which could only result in a disturbed situation in which the local civilians would be the principal sufferers. UNMOGIP, he said, would encourage the civil authorities on the Indian side to exercie humanity and tolerance in their handling of the situation. At the same time he suggested to the Indian authorities that, whilst it was their decision, any efforts they might make to administer Chaknot themselves would be fraught with difficulties. He also mentioned the question of a water mill on the Indian side, which was the only one in the area and had therefore been used for years by civilians from both sides of the Line. He said that prohibition of its use by villagers on the other side of the line would impose unnecessary hardship on them and would also anger the villagers of Chaknot: he suggested that there would therefore seem to be advantages in ignoring the presence and use of the mill at that stage[105].

However, tension developed as both sides complained of increasing activity by the other, and at the end of October 1963 India allegedly expelled some civilians from the area. Requested to investigate General Nimmo told Major-General Malik Sher Bahadur, the Pakistan CGS, that the matter was completely outside the competence of UNMOGIP. Pakistan then introduced a reinforcement battalion to the rear of the area, claiming that the Indians were also reinforcing. Although the dispute was essentially civil, General Nimmo felt that this Pakistan troop movement brought the situation within his responsibility. Observers made investigations from which it appeared that seven families had moved from homes in Chaknot and had camped on the Pakistan side of the Ceasefire Line near an army picquet. But

Observers maintained Indian troop concentrations had not occurred[106]. Not a single shot was fired, but the question of control of the area developed into a political dispute which made headlines in the international Press[107], with the result that the two parties saw their prestige publicly at stake and became entrenched in their positions, making a settlement harder to reach. In spite of the very difficult journey, General Nimmo sent several Observer teams to visit the area, but they could not go in without adequate administrative arrangements which provided either side with ample time to hide any forces or materials they did not wish to be seen by the UN[108]. General Nimmo noted: "It is quite clear...that a very minor situation was exploited beyond all reason by both parties for political ends"[109].

Of particular concern to UNMOGIP was an incident concerning an Observer who made two difficult treks to the area in November 1963. The Pakistan Local Command claimed he behaved in "a very rude manner" in the first instance, and appeared to be biased[110]. General Nimmo told Ralph Bunche that the Observer had reported that he had had words with a Pakistan Sector Commander, a Captain, but had apologised and the Sector Commander had stated the matter was forgotten. By the time Nimmo received a message to say that the Observer was unacceptable, he was already on his way for a follow-up check of the area, on which occasion he was prevented from crossing the CFL. Nimmo was certain that matter had been blown up out of all proportion, and it was difficult to understand why, unless it was a device temporarily to deny the area to the UN[111]. He pointed out to the CGS, Pakistan that as a result of the denial of access to this and an accompanying Observer - their entry being barred by armed troops and a loaded machine

gun in a firing position - an essential UN inpsection of the area did not proceed. Further, their return to the awaiting Indian escort did nothing to allay the suspicions of happenings on the other side. Nimmo told the CGS he was quite satisfied that the Observer in question was in no way biased; it was true he had used strong language, but under considerable provocation and in a tired condition. He went on to say that while he did not condone the use of strong language it never came as a surprise to him in any army he had mixed with, "even on the polo field"[112]. Nevertheless Nimmo felt obliged to cancel the pre-arranged extension of the Observer's tour of duty[113]*.

When the publicity died down at the end of the year the tension subsided and Pakistan withdrew her reinforcements. But she continued to maintain that the Observers had been mistaken in stating there had been no similar reinforcement on the Indian side[116]. General Nimmo admitted to Ralph Bunche that there could indeed have been some small Indian activity which was hidden from the Observers in the difficult terrain. Decisions, he emphasized, could only be based on actual findings[117].

Increased Strengthening of Defences

In January 1962 General Nimmo reported that an increased number of complaints referring to strengthening of defences and build up of troops had been investigated promptly but proved

*In fact the Observer, an Australian, withdrew his application for an extension "for family reasons", which was the official reason given by the Secretary-General in his letter to the Permanent Representative of Australia[114]. Otherwise Nimmo had intended writing to the Australian Army authorities as he did not want "a good officer and a good Observer...discredited over such a trivial incident"[115].

unfounded, and he felt they were rather the result of the prevailing political tension, and were attempts to use Observers to get information about the opposite side[118]. From the beginning of 1964 the number of such complaints increased substantially, and it became apparent that the Indians were re-occupying picquets which had not been used for several years. As a result Pakistan did indeed start to strengthen some defences[119], and as the year progressed the increased number of complaints was paralleled by an equal increase in their basis in fact. Requests for demolition tended to be met with the excuse that the deteriorating situation required better defensive measures, and were not always complied with. General Nimmo was particularly disturbed by reports of the laying of anti-personnel mines[120].

In January 1965 Nimmo assured Bunche that his Observer Teams were doing all they were able, and he knew of many instances in which their intervention had quietened things down and prevented escalation. However, they were constantly being deceived; on occasion fire had taken place when they were known to be in the area; and sometimes they had even been fired upon themselves. Although outward signs of co-operation were still frequently observed and duly appreciated, Nimmo said one had the feeling that UNMOGIP was regarded "as being rather in the way and somewhat of a nuisance". He admitted, however, that this was the lot of UN military observers anywhere, otherwise there would be no need for them[121] - a point with which Bunche agreed, whilst noting that the parties who tended to look on them in that way still insisted on retaining them[122].

CHAPTER TWELVE - ATTITUDES OF THE PRESS AND THE PEOPLE

Although the Indian and, even more so, the Kashmir State authorities were not above exploiting fairly innocuous incidents to embarrass UNMOGIP for political reasons, most of the politically-inspired embarrassment from the Pakistan side came from the quasi-official and local people of Azad Kashmir, rather than from the Pakistan authorities, and there were sometimes anti-UN references in the Press. The majority of the ill-feeling shown in Azad Kashmir, and expressed more generally in the Press of Pakistan, was directed against the UN for not having solved the Kashmir problem by forcing India to hold a plebiscite. It was not normally directed against UNMOGIP or the Military Observers, although in periods of high political tension, civilians sometimes harassed Observers as the living embodiment of the UN. On a few such occasions physical abuse occurred, but normally civilian grievances were aired in the form of demonstrations outside the UNMOGIP HQ building or field stations, or the Group was handed petitions requesting the UN to take action.

More general demonstrations regarding the situation in Kashmir were also prevalent, and hostile Press propaganda was an important ingredient of the Dispute. Adverse references in the Press to the UN or the Observer Group rarely caused major problems, but hostile Press propaganda put forth by both sides, but perhaps more so by Pakistan, constantly maintained the tension between the parties and soured the atmosphere in which the Mission had to work, and was therefore a greater source of concern. The study below* of a leakage to the Press of

*Pages 360-371.

General Nimmo's report of the Nekowal Incident serves as an example of how breaches of the Ceasefire could be used for propaganda purposes, and shows also how seriously the United Nations Secretariat took a breach in the confidentiality of UNMOGIP's reports.

THE PRESS

The Press and UNMOGIP

Even before sensational reports regarding the Delvoie Incident had appeared in the Press, media propaganda had given cause for concern. In mid-April 1949 at the time of the presentation of the Commission's first truce terms, information concerning alleged incidents was released to the Press and Indian newspapers published lists of violations of the Ceasefire Agreement allegedly committed by the Pakistan Army. The Pakistan Press countered by publishing violations attributed to the Indian Army[1]. The Indian Press at this time was usually more reserved and more informative regarding the Kashmir situation than the Pakistan Press, which tended to give emotional interpretations and show suspicion of India's intentions[2]. The fact that India chose this time to list ACFVs against Pakistan, combined with a spate angry editorials, suggests political motivation at the behest of the Government. Such publicity created a general feeling of uncertainty in spite of a communique from the Commission, on 21st April, endeavouring to restore the situation to its proper perspective, by pointing out that investigations had found most of the complaints to be either baseless or exaggerated, and that only two were considered to be serious[3].

Prior to the joint military meetings in Karachi in July

1949* rumours appeared in the Press to the effect that General Delvoie was pro-Pakistan and the Commission was at odds within itself, being split into pro-Indian and pro-Pakistan factions[4]. These rumours were again politically motivated, and if they were not totally without foundation, the differences which existed within the Commission were rather in the delegates' manner of approach to the problem than as a result of any lack of impartiality or integrity amongst its members. Indian officials, including Generals Cariappa and Thimayya, informally referred to such rumours in conversations with Erik Colban and members of the Commission, but following the meetings General Thimayya stated to one member of the Commission's staff that he had been extremely impressed with the impartiality of the proceedings in Karachi, and particularly with the "firm and one hundred percent fair dealing of General Delvoie"[5].

The news that the Commission had suggested a joint military conference had been received with mixed feelings by the Press in both India and Pakistan. The word "failure" occurred frequently and acted like a headline to many commentaries and editorials on the Commission's activities, especially in the Pakistan Press and radio. The *Indian Express* and *Free Press Journal* of Bombay wrote editorially of the "last hope", and warned of concessions that might be made by India, and blamed the Commission for not branding Pakistan as an aggressor[6]. However, the Truce Subcommittee adopted a policy of releasing news from the meetings daily and as a result the Karachi Conference was ultimately given a respectful and accurate coverage, free of speculation. Daily agreements in the news on minor points built a foundation for the eventual

*See page 95.

satisfactory climax which was headline news throughout the Subcontinent. And as the failure of seven months of negotiations was blamed on the Commission, so the success in Karachi was attributed to it. *The Times of India* even compared it with the Ceasefire Agreement of 1st January, 1949[7]. Nevertheless, a strong minority note in India, mainly the left of centre and the sensational Press, still complained about "Pakistan's gains", and at Pakistan having been treated as an equal rather than as an aggressor. Led by the Socialist newspaper *Nation*, this minority comment looked upon the Ceasefire Line as a partition line, coupling it with British intentions, and as such a defeat for India[8]. Further positive comment occurred in the Press when the demarcation on the ground of the Ceasefire Line was completed, in spite of its coinciding with the ignominious departure from the Subcontinent of General Delvoie[9]*.

Items disparaging the Observer Group in future years were comparatively rare**, so much so that General Nimmo was stung to react when on 10th May, 1955 a Pakistan newspaper published a leader on the Nekowal Incident*** in which it stated:

> "The UN Observer Team, it appears, could not arrive earlier. To avoid repetition of such incidents, it should be possible to arrange for the prompt arrival of Observers on the scene."[10]

General Nimmo wrote to the Pakistan Chief of Staff, General Nasir Ali Khan, bringing his attention to the item and commenting that it was NOT the UN Observers' function or duty

*Page 250.

**See pages 252, 258 and 268.

***See pages 212-213.

to ensure peace on the Border. They could only help the local authorities to do so and could do nothing without the necessary support. He further pointed out that he felt it would do no harm if it were generally known that it was entirely due to the initiative and prolonged efforts of the Military Observers over a period of more than four hours that the firing at Nekowal eventually stopped. Otherwise the disturbance could have increased to unlimited proportions, with tragic results, since nobody in authority gave them the slightest assistance in controlling or stopping the fighting. He went on to say that it was not the Observers' duty to go about the area under fire ordering individuals and groups to ceasefire, or carrying written orders in Urdu to this effect from a Border Police Captain, which they had all undertaken at much personal risk. They would have been quite within their normal sphere of duty if they had merely observed and reported the facts as they occurred so that the UN could assess the cause and apportion the blame[11].

General Nasir Ali Khan replied that it was unfortunate that the newspaper expressed its views without being in full knowledge of the facts or consulting anyone, and he was therefore issuing a small statement to the Press clarifying the point. Meanwhile he wished to express the Pakistan Army's appreciation to General Nimmo and his Observers for their assistance and the risks they had taken in order to maintain good relations across the Border[12]. The Press note he issued was duly published in *The Civil and Military Gazette*. It stated that physical intervention in such incidents as the one at Nekowal was neither practicable nor was it required of UN Observers, whose duty was to investigate and enquire into incidents brought to their attention. Nevertheless, the UN

Observers had always made every effort to help in maintaining good relations on the Ceasefire Line and at times, at great personal risk, had gone beyond the call of duty in an endeavour to restore the peace[13]. General Nimmo was happy to close the matter at that point and, in turn, assured General Nasir Ali Khan of his gratitude for the co-operation and friendliness the Group found everywhere in the Pakistan Army, and for the frank and fair way in which the General himself approached all problems presented to him[14].

Leakage to the Press of General Nimmo's findings in the Nekowal Incident*

Only two months before the Nekowal Incident occurred in May 1955, General Nimmo had remarked to Andrew Cordier on the noticeable improvement in Indo-Pakistan relations that year. Nevertheless, he said, an officer had recently been shot from across the Border, and antagonisms were deep-rooted. It was fortunate that incidents were seldom reported in the Press, otherwise tempers would be maintained at a higher pitch. It was fortunate also, he thought, that the higher command in each Army was always willing to co-operate with UNMOGIP, since they also preferred to see quiet reigning in the forward areas[15].

Most incidents along the Ceasefire Line were minor matters and received very little attention, even from the local Press, because they had to pass through the Public Relations branch of the Armies. The Nekowal Incident, however, occurred on the Border, in an area of unusually high population, and the casualties included members of a civilian communal farming organisation whose views could not be contained by military

*See pages 212-213.

discipline. The Incident was of sufficient gravity to have excited considerable Press comment from the start, intensified no doubt by the fact that it happened on the eve of talks between the two Prime Ministers*. Consequently the leakage of some information was probably unavoidable[16].

The two Armies received General Nimmo's report of his findings with regard to the Incident on 17th May, 1955. On 18th May the *Indian Express* stated: "It is learnt that UN Observers hold that the Pakistan police crossed into the Indian border and the attack was pre-planned". *The Times of India* reported similarly, but added that no official confirmation was available[17]. According to General Nimmo this leakage forced the hand of the Indian CGS, General Chaudhuri, and later his own hand, and caused resentment in Pakistan. General Chaudhuri agreed when General Nimmo pointed out that one of the good features of their dealings had always been that because their communications were personal and secret they promoted frankness and trust, but he requested Nimmo's permission to publish a brief factual statement if he found it necessary. Nimmo consented after he had received certain assurances[18]. In order to maintain his position of impartiality, and in an attempt to minimise the possible damage engendered by the leak, he also sent a cable to General Nasir Ali Khan, saying that in view of the wide publicity given to the incident he would agree that the CGS Pakistan issue a brief factual statement of the findings at his discretion[19]. General Nimmo's chief pre-occupation, as he intimated to both CGS, was the necessity of avoiding recriminations and retaliations. He also urged this, through his Observers, on local army and police

*See page 287.

authorities along the Border. He went away on leave feeling that the "unfortunate and ghastly" episode might in the long run do good[20].

The brief, factual statement authorised by General Nimmo appeared in similar versions in both the above newspapers on 21st May. They were described by Acting CMO Colonel MacDonald when he forwarded them to UNHQ to be "in accordance with the desire of the CMO in that they tend to avoid any recriminations" and showed "a desire to be factual but... considerably toned down"[21]. Nevertheless, however brief and factual, they could not avoid confirming the original leak, and Pakistan could not fail to be annoyed by the knowledge becoming public that Observers believed their nationals had made a pre-planned attack on India, inflicting both casualties and damage to property, however dispassionately this may have been reported. On 1st June Colonel MacDonald cabled Cordier that articles which appeared in two Pakistan newspapers, *The Civil and Military Gazette* and *Dawn*, had identical wording which suggested they were officially sponsored, and that he considered some of the quotations were "misleading and tendentious"[22]. General Chaudhuri inevitably then complained that the newspapers had published extracts from General Nimmo's original report and findings and presented them in a fashion which tended to discredit the Indians, and which showed recrimination. He believed they were in possession of the full report and therefore himself requested permission of the UN to release the full report and findings to the Press. He said he was also referring the matter for consideration by the two Governments[23].

Arthur Lall, India's Permanent Representative to the UN, also started to press for permission to release the whole

report. He said it might be necessary for India to leak more of it "in sheer self-defence", since the Pakistan elections were approaching and some candidates were using Press distortions about the Nekowal report, together with other charges, to intensify their attacks on India[24]. On 16th the Indian Press retaliated. Colonel MacDonald reported that the statements were factual except for a phrase blaming the incident on Pakistan troops, when in fact Pakistan Army personnel were not involved[25]. On 18th June he considered further Press statements were tendentious and inexact, but could have been the result of the Indian Army's own investigations into the incident[26]. Ambassador Mir Khan, the Pakistan Permanent Representative to the UN, complained to the UN Secretariat that the Indian Press was waging a virulent campaign against Pakistan over the Nekowal Incident, and that they too were guilty of leaking the contents of the report[27].

UN Reaction to the Leakage

The Secretary-General's office now became closely concerned with the affair, and began to consider the implications of a decision to release the report, not only for the future of both the Ceasefire and UNMOGIP, but also for the integrity of confidential UN reports in general. They were concerned that a situation might develop where both sides might compete to achieve the highest score of condemnations of the other side, as had happened in Palestine. But what they were most concerned about was the fact that Pakistan newspapers had used direct quotations, taken out of context, and sometimes twisted to mean the very opposite of what the report stated, but having all the appearance of being the very words of the report, including quotation marks and direct attribution[28].

Cordier's assistant, Leo Malania, compiled a memorandum on the issue. He blamed Pakistan for the most serious breach of General Nimmo's authorisation. He made it clear, however, that he believed not only had the report been leaked to the Pakistan Press, which in many instances grossly distorted its sense, but also that it had been available to the Indian Press which, whilst it exploited the incident for propaganda purposes against Pakistan, did not leak the report in any technical sense of the word. Many of the facts and allegations mentioned in the Indian Press could have been obtained from an independent investigation made by the Indian Army, and not necessarily from the report. Apart from one or two departures, items in the Indian Press regarding the incident were, by and large, in accordance with General Nimmo's authorisation[29].

Ambassador Mir Khan said that the leakage in the Pakistan Press was completely unauthorised, that an investigation was under way, and that the offenders would be punished[30]. Malania suggested that if Mir Khan would agree to state this in a letter and authorise its use by the Secretary-General to demonstrate to the Indian delegation that the Pakistan Government had, in effect, expressed regrets, the Secretary-General would not have to consider authorising release of the full text of the report. Instead he could request the two Governments to use their influence to have the Press refrain from making any further use of material from the secret report[31].

An aide memoire was thus drawn up in consultation with Mir Khan. It stated that in the Secretary-General's view a serious breach had taken place in the procedure followed hitherto, with the agreement of Pakistan and India, that

reports of investigations by UNMOGIP were treated as secret: "Some misleading references to the findings of the UN Observers were published in the Press of India, and a leakage of the report has occurred in the Press of Pakistan. Extracts from the Military Observers' report were quoted out of context, tending to create a misleading impression regarding the contents of the report. The Secretary-General is deeply concerned over this development. The function of the United Nations Military Observer Group is to assist the military authorities of India and Pakistan in maintaining the Ceasefire Agreement. The effectiveness of their work, of which the latest example has been their assistance in restoring the ceasefire in the vicinity of Nekowal, would be greatly impaired unless both sides continue to preserve, as they have in the past, the confidential character of the investigations conducted by the United Nations Observers and of the conclusions communicated confidentially by the Chief Military Observer to the Chief Commanding Officers of the Indian and Pakistan Armies". He trusted that the Governments concerned shared this view and would use their influence to ensure that the established procedure was faithfully observed in the future. The aide mémoire also mentioned that the Secretary-General had noted with satisfaction the assurances of the Permanent Representative of Pakistan that such publication in the Pakistan Press was unauthorised, that an investigation had been initiated for appropriate action, and that all possible steps had been taken to ensure secrecy of such reports in the future[32].

On 15th July the aide memoire was accepted by the Permanent Representative of Pakistan[33] - not surprisingly since it had been drawn up in consultation with him. What is

surprising is that the people concerned did not seem to feel it necessary to consult also with India, the party they were trying to placate. According to a cable from Cordier to Secretary-General Hammarskjold, who was in Geneva: "Lall called and in the strongest and most abusive language demanded withdrawal of aide memoire and demanded I send a letter immediately to both delegations to that effect... Lall regarded this as a very high-handed action of the Secretariat, that it condemned India more than Pakistan, that it made Pakistan the good boy and that India was singled out for a special attack... the letter that follows... is an effort to put the issue right with Lall. I assume we will not succeed"[34].

High-handed the action may have been, ill-considered - with the benefit of hindsight - at least, but to suggest that it condemned India more than Pakistan only demonstrated India's sensitivity to the whole issue of the Kashmir Dispute, and the extent to which, as a result, India could become blind to all reason. By the middle of 1955 the UN Secretariat must have been aware of this sensitivity, which arose initially because India felt it was unjust to treat the two countries equally, when she believed Pakistan to be the aggressor. Whatever the UN's beliefs about the main issue, or reasons for acting as it did, it was unwise to draw up a document that was sufficiently ambiguous to allow India to feel once again she was being treated less fairly than Pakistan, particularly when the Secretariat did not actually doubt that the greater wrong this time was perpetrated by Pakistan. To have consulted the one without the other must inevitably have added fuel to the fire, and Lall's fury was possibly compounded by the fact that he could see the opportunity of publishing the full report, which was quite damning to Pakistan, slipping away from him.

Cordier's lengthy letter to Lall expressed the Secretary-General's and his own deep regret that a misunderstanding had developed over the "draft" transmitted to him, and explained that their concern had been with the preservation of the secrecy of UN reports after the leakage in the Pakistan Press had been referred to them, first by the Acting CMO and then by Mr. Lall himself. He said it was felt that an identical aide memoire sent to both India and Pakistan, including positive assurances from Pakistan, would meet the requirements of the Indian Government, and he should note that they had not asked for similar assurances from the Indian Government, which indicated that the occurrences in the Indian Press had not been put on a level with the leak in Pakistan[33].

Arthur Lall also wrote a letter each to Cordier and to Hammarskjold. The first put in more restrained terms the points he had made on the telephone, saying why he considered the aide memoire laid greater blame on India. He grudgingly accepted that it was the impression he felt was given by the aide memoire rather than its intention that was at fault, but he did find it "a most extraordinary procedure" that Pakistan should have been consulted without India, and he seemed to find it difficult to believe that the reason was because the UN thought Pakistan was in the wrong, especially as the final document succeeded in giving a different impression "by blurring the facts"[34]. He enclosed a copy of this letter with the one to the Secretary-General, which was quite cordial and ended with the words: "I trust it will be possible to remedy what I am afraid is not at all a conciliatory or helpful document"[37].

The whole unfortunate situation then quickly changed for the better as Arthur Lall, either having relieved himself of

his annoyance, and being satisfied with Cordier's letter of explanation, or else having received instructions from New Delhi, apologized for his initial attitude, and had a lengthy conversation with Cordier "covering a number of matters", before informing Cordier that his Government had some weeks previously dropped the idea of publication of the report. Cordier expressed his appreciation for the new position taken by the Indian Government, and his regret that they were not informed in ample time. Lall suggested the aide memoire should be cancelled since his Government was satisfied with the assurances given by Pakistan, and they would regard the incident as closed[38]. This then happened, and the two sides agreed to continue to apply secrecy to General Nimmo's reports[39].

Cordier felt that as a result of the Secretary-General's strong reaction the incident had achieved considerable importance in showing to both parties that in the event of any statement violating the established practice of keeping secret the CMO's report on an incident, the Secretary-General was prepared to act strongly. He felt the outcome of the incident had been to strengthen respect for existing procedures[40].

His optimism may have been slightly misplaced because the following May - 1956 - Arthur Lall brought up the subject again, suggesting that if the Prime Ministers of India and Pakistan agreed mutually to the publication of the correspondence they had exchanged on the Nekowal Incident, perhaps the Secretary-General would not raise any objections even though the correspondence contained quotations from the Military Observers' Report[41]. Numerous questions were being raised in the Indian Parliament, and the Indian Government claimed that consistent with parliamentary practice it had no

alternative but to inform MPs what had happened[42]. General Nimmo was also approached on the subject by the CGS, Indian Army, and replied to the effect that the matter was up to the Secretary-General. He privately told Cordier that his personal opinion was that the Secretary-General should not agree as a matter of principle. He also believed that the Indian Government action would serve no useful purpose and merely inflame tempers further. Nekowal was only one of many incidents since 1950 involving deaths, and mistakes had been made by both sides[43]. Cordier passed these views on to Ambassador Mir Khan, saying that the publication of the secret report on this one incident was likely to lead to requests for the publication of similar reports on other incidents. This in turn would lead to Press controversies and an increase in tension. He pointed out that it had been the consistent policy of UNMOGIP to safeguard the confidential character of its investigations and reports on incidents. This had made it possible for the Group to render maximum assistance to the authorities concerned in maintaining compliance with the Ceasefire Agreement, and in many cases in quietly correcting the causes of such incidents[44]*.

Further Deliberations on the Leakage

The UN Secretariat realised it was impossible to expect one side or the other to employ restraint in the face of a virulent propaganda campaign without attempting some kind of defence[45]. They mistakenly believed that it was a regular procedure rather than a single *ad hoc* measure to authorise the Commanding Officers to issue "factual statements" based on the

*It is likely, but is not known, that Arthur Lall received a similar letter.

CMO's reports, and thought this gave a lot of latitude and was open to abuse[46]. The discretion of military commanders to issue statements would tend to be put under very heavy strain, and the temptation to leak those parts of the report which were favourable become rather difficult to resist[47]. Malania suggested that instead of giving blanket authorisation to both sides to issue their own version of the contents of the report, the CMO should be required to submit with his report an authorised Press release to be issued by the two sides, summarising the contents of the report[48].

Colonel MacDonald thought it was reasonable to suppose that in the case of Nekowal most of the information presented by both sides would have been made known to reporters making general enquiries, that any statement issued by the United Nations or the Armies would have been open to criticism by the Press, and that therefore it was preferable to have any such criticism directed at a factual statement made by the armies on each side rather than at a Press Release issued by the United Nations[49]. Cordier admitted that with so many sources of information available to both sides, comments in the Press were unavoidable. He told General Nimmo he could recognise a case for ensuring respect for the secrecy of the reports by putting both Commanding Officers on their honour to issue factual statements, since UNMOGIP's whole effort was based on bi-lateral agreement, but that the very extensive publicity which an incident of the importance of Nekowal had received brought a new element into the picture[50].

General Nimmo agreed that the publicity in the case introduced a new element into his considerations, if only because it made it evident that it was unwise to rely too much on security measures "in certain offices". His initial

reaction was to doubt whether a draft Press Release was actually preferable to merely issuing to each side with his finding of the case "a brief summary of the appropriate elements of a report", so that even if they wished to publish it, or the contents leaked out, they could not go beyond a minimum of strictly accurate data. Apart from the fact that this was the only time he had given authorisation to publish his findings, in view of the seriousness of the case he had, most unusually, sent full details of the Observers' reports to Pakistan, and himself made a fuller summary than was normal to each side[51].

General Nimmo, having already explained his reasons for departing from normal procedure*, added that he did so under special circumstances, and after a leakage had occurred. He would be more than ever careful in future that the data released to either side would be the barest minimum. He nevertheless thought it preferable to maintain the present procedure rather than that the CMO should add the text of a Press statement to be released by both sides. Theoretically it might have been better to have issued one in this abnormal instance, but he was "interested" to note that General Chaudhuri seemed to have kept his verbal agreement that the Indian releases were limited and factual, and he felt that the leakages on the Pakistan side probably occurred elsewhere than at GHQ, Rawalpindi. It seemed to him doubtful that an official Press Release would have satisfied the Press once they had access to the report itself[52].

Cordier was now fully satisfied that existing procedures should continue. He recommended only that if a leak occurred

*See pages 215 and 361.

again, and either of the two Armies GHQ felt they should issue a statement, they should do it in close consultation with General Nimmo and each other, to be released simultaneously by both sides if possible. He felt this could help in inducing them to stop further leaks from the report, and in putting an end to recriminations in the Press[53]. Leakages do not seem to have occurred again until immediately prior to the war in 1965*.

Hostile Propaganda

"Fifty percent of the reason for bad Indo-Pakistan relations over the Kashmir issue must be sought in mischievous irresponsibility of the Press of both Dominions" was the comment of one of Pakistan's representatives at the close of the successful Karachi Conference in 1949[54]. And in his first report as Chief Military Observer in February 1950, Brigadier Angle stated that the Indian Commander-in-Chief, General Cariappa, had requested that when next he was in Pakistan he should suggest that their Press stop publishing threats of war which achieved "nothing other than to antagonise our own troops..."[55]. General Gracey, CIC Pakistan Army replied that he had no control over the Pakistan Press, and he felt that both sides were guilty of alarmist propaganda[56]. And Angle himself soon suggested to Erik Colban that outbursts in Pakistani and Indian newspapers were aggravating the situation as it was upon these sources that officers and troops in the field formed their opinions[57]. On 5th May, 1950 more than 60 editors from the two countries met and arrived at an agreement not to carry on any propaganda against either country[58].

*See pages 375-376.

Colban suggested to the Secretary-General, however, that the step might not be extended to Kashmir where the worst of the propaganda by the two sides took place[59].

In any event, in spite of the agreement, hostile propaganda soon resumed. War-fever was at a pitch again by the summer of 1951. And indeed Kashmir, within and outside the State, continued to remain the major outlet for the two sides' verbal aggression against each other, although it was apparent that both sides were able to curtail the excesses of the Press when it suited them. When they agreed to hold bilateral negotiations in 1953, Nehru was suddenly highly praised in the Pakistan Press, and crowds lined the streets to cheer his arrival in Karachi[60]. By the time the Pakistan Prime Minister followed up this visit and went to New Delhi in August 1953, Sheik Abdullah had been arrested, and the Pakistan Press had become hysterical in their accusations against India again, although Nehru was still able to persuade his people to offer Mohammed Ali a warm welcome[61]. In their talks Nehru raised the question of the irresponsible Pakistan Press campaign of the preceding week, in contrast to the correct approach of the Indian Press, and in their statement at the end of this meeting the two Prime Ministers emphasised the need to curb irresponsible language, whether in newspapers, speech or by radio[62]. The situation did not noticeably improve, however, and the Indian Press soon became vociferous when rumours began to circulate of US military aid to Pakistan[63].

Hopes generated by a new series of talks tapered away in August 1955 as an anti-Indian campaign was again mounted in Pakistan when it was rumoured - and finally, in April 1956, confirmed - that Nehru had suggested a settlement on the basis of the *status quo*[64]. The meeting of SEATO in Karachi from

6-8th March, 1956 also increased the number of Press reports on the Kashmir problem, but General Nimmo felt that the increased publicity would not affect UNMOGIP operationally[65]. However, in 1957 Pakistan returned the question to the Security Council. This move was followed by the failure both of the Jarring Mission in 1957*, and Dr. Graham's final attempt at a settlement in 1958**. Further war fever ensued in the Press, and the tension started to have its effect on the Ceasefire Line, with an increasing number of complaints being submitted. Although the two Prime Ministers intervened and tried to calm down the Press in an attempt to improve relations, any improvement was again short-lived[66]. After his visit to the Mission in October 1958, Sir Humphrey Trevelyan*** noted that propaganda by radio from both sides, and speeches in the United Nations and the two Parliaments and elsewhere, kept tempers up[67].

By the end of 1961 political leaders and the Press alike were making statements regarding the build-up of aggressive intent, although Observers could find no sign of activity in the rear areas of the CFL, and the only incidents being reported were in established trouble spots[68]. From then onwards war-fever continued almost unabated in the Press until war actually broke out in 1965.

In October 1963 General Nimmo, told Dr. Bunche that when he read the frequent charges and counter-charges made by both parties in the daily Press, and the accounts of speeches in the General Assembly, he felt they in no way accorded with the Ceasefire Order contained in Part I of the UNCIP Resolution of

*See pages 291-292.

**See page 293.

***See pages 297-298.

13th August, 1948, paragraph E (246) which, he said, appeared to have been entirely forgotten by both sides. He thought that when such a spirit was abroad in high places, one could not wonder at frequent evidences of hostility among the rank and file on the CFL[69]. And in early 1964 he told Bunche that over the previous few months he had become increasingly concerned about the expeditious and slanted accuracy of Press reports in India and Pakistan, from the contents of which it was quite apparent that the two parties were issuing handouts to their Press since in most instances the Press could not possibly have obtained its information from any other source. In Nimmo's opinion it was all part of a carefully planned campaign on the part of both sides to keep the ceasefire situation at boiling point. At the same time he felt it was pointless to write to either CGS to register a complaint about making extracts of his secret and confidential communications public since it was quite clear that the military were acting on political direction[70].

The immediate cause for concern was a demi-official letter on the Chaknot situation* which General Nimmo had sent to both CGS, and which India had submitted to the Security Council. General Nimmo thought the Chaknot affair was in itself trivial and was only elevated to world notoriety to further the political aspirations of both sides. He regarded the Indian action as improper and unethical, but realised that India would claim there had been no breach of faith since both sides had received the letter. Whilst he would not accept this point, Nimmo reluctantly conceded that each side had to counter the propaganda tactics of the other, but he thought it unfortunate

*See pages 349-353.

- though inevitably that was why this particular letter had been used - that the letter in question had referred only to two specific incidents, which would create the impression to the uninformed that Pakistan was the Chaknot "boogyman". Nimmo did not feel this to be entirely the case. In any case Nimmo believed that it was fundamental that the United Nations could not permit Governments to support their claims or counter claims with any UN document which had not been made available to all member nations[71]. As Bunche and Nimmo feared, this was only the start of a chain reaction, whereby each side began to place certain of General Nimmo's findings before the Security Council in furtherance of their political aims[72].

The Holy Relic

In the last week of December, 1963, a Holy Relic, supposedly a Hair of the Prophet Mohammed, disappeared from the Hazratbal Shrine in Srinagar. There was great agitation, with strikes and demonstrations against the Jammu and Kashmir Government, in which Hindus and Sikhs as well as Muslims participated[73]. Pakistan newspapers, broadcasts and official statements presented it as an even graver crisis than it was. General Nimmo reported that apart from in Srinagar the situation had been relatively quiet throughout Kashmir and Pakistan. However, he thought there could have been serious trouble in Srinagar had the Indians not employed so many troops. Although neither Observers nor UN vehicles were molested in any way, for many days all shops in Srinagar were closed, and it was necessary to take food supplies in for the Observers stationed there. One point of interest he mentioned was that an Observer had spoken to an American journalist who was fluent in Urdu and had had considerable success in

interviewing the man in the street. Ordinarily these people would not talk, but he was able to take advantage of the emotion of the moment. He formed the opinion that they wanted Sheik Abdullah as their leader, and that they wanted a plebiscite. The relic appeared in his view to be secondary[74].

Nehru's Director of Intelligence, B. N. Mullik, rushed to the scene and was instrumental, as he claims, in having the relic found and returned by 3rd January. On 3rd February, after considerable doubts as to whether it was the real thing, the Relic was verified by important religious leaders, and conditions returned to normal[75]. The Pakistan Press, however, continued its virulent propaganda campaign, and it is possible that the massive infiltration of Indian-held Kashmir in August 1965 was a direct result, in that it led the Azad Kashmiris to believe that in conditions of such unrest they could, with little difficulty, encourage an internal rebellion against the so-called Indian occupation of Kashmir.

ACTION BY THE KASHMIRIS

Demonstrations on the Pakistan Side

On 24th October, 1952 a "Kashmir Day" was observed throughout Pakistan. Scores of meetings were held and resolutions passed urging action and condemning the "dilatory" policy of the UN and asking for Pakistan's withdrawal from the UN[76]. In September 1955 there was a Pakistan - though not Government-sponsored - movement for satyagraha* in Kashmir[77], following which, on 26th November, the Pakistan All-Parties Conference on Kashmir met and denounced Indian intransigence

*Non-violent resistance, as espoused by Mahatma Gandhi.

and expressed disappointment in the Security Council's lack of action[78]. On 28th November, 1955 Kashmir Day was observed in Karachi with slogans demanding the liberation of Kashmir, a break with both India and the UN, and for war against India[79]. In January 1957, as the Security Council was meeting again at Pakistan's request to discuss the Dispute, another Kashmir Day was observed, with demonstrations throughout Pakistan and Azad Kashmir in protest against the integration of "Indian occupied Kashmir" with India[80]. Subsequently there was great disappointment in Pakistan with Dr. Graham's report, presented in March 1958 as the ultimate result of this most recent resort to the UN. The AK President, Mr. Khurshid remarked that it was a confession of UN helplessness[81].

On 28th June, 1958 Chaudhry Ghulam Abbas*, leader of the Kashmir Liberation Movement, called on his followers to make a mass demonstration and cross to the Indian side of the Ceasefire Line[83]. Despite Pakistan official attempts to prevent them, some AK civilians did succeed in making the crossing. They were arrested by Indian Army authorities and handed over to the Jammu and Kashmir Government[84]. On 9th July, 1958 the Pakistan Mission to the UN issued a Press Release saying that the Government of Pakistan was continuing to enforce its order against the crossing of the Ceasefire Line, but maintained that the movement had widespread support not only in Azad Kashmir, but also in West and even East Pakistan. Meetings and processions also went ahead in

*When the Secretary-General visited the Subcontinent in 1959, Chaudhry Ghulam Abbas sent him a telegram saying that the Kashmiris were never a party to the "ominous" ceasefire agreement, and "urgently" and "loudly demand(ed) that the UN must without further delay redeem its pledges and fulfill its obligations about Kashmir in a bold and businesslike manner"[82].

defiance of a Government ban, and the Government was subjected to severe criticism by all principal opposition parties for curbing the movement. Seven top leaders and 1200 volunteers were arrested[85]. Demonstrators outside the Observers' bungalow in Sialkot claimed that if after ten years the UN had been unable to do anything it was time to take matters into their own hands[86].

In February 1961 there were further demonstrations against an UNFO team, this time within the Pakistan military compound in Domel. The demonstrators, approximately 250 young men, broke through the guard and into the office, smashing a chair and tearing down curtains before being expelled by orderlies and other soldiers. Slogans translated as "UN get out" were shouted. After their departure the demonstrators met an Observer returning to the station in a jeep which was stopped and the Observer struck several times with sticks. The local Army command expressed its regret and took steps to prevent further intrusions[87]. Nevertheless in January 1964 General Nimmo - writing on another subject - mentioned that the field station at Domel was being stoned by a demonstrating mob as a result of the Holy Relic situation[88]*. Demonstrations also occurred a this time outside Bhimber and Kotli field stations, also on the Pakistan side[87]. And during May 1965, at a time of disturbances in Srinagar as a result of Sheik Abdullah's re-arrest, the UN flag at Kotli was torn down, but no other damage done, when the field station was the focus for one of several demonstrations which took place on the Pakistan side against the UN for failing to settle the Kashmir problem. The demonstration was not, however, thought to be specifically

*See pages 376-377.

against UNMOGIP[70].

Demonstrations on the Indian Side

Demonstrations concerning the Kashmir dispute also occurred on the Indian side, but mainly only in Kashmir itself, and perhaps less frequently than on the Pakistan side as they faced the active resistance rather than the passive acceptance of the Government. They were also less often, perhaps for the same reason, directed against the UN**. Following the release of Sheik Abdullah from prison in April 1964 there were several demonstrations in his favour, and that same month about 300 demonstrators tried to invade a hotel in Srinagar where Ralph Bunche was expected to be lunching on the occasion of his visit to the Mission. In fact he had already left, and on being told this the demonstrators, members of the Jammu and Kashmir Students and Youth League, handed over for forward transmission, a petition that was "anti-India" in tone

**Those which occurred the first time Sheik Abdullah was arrested, at the time of General de Ridder's arrival as ACMO are mentioned on pages 268-270. Perhaps the worst demonstrations against UNMOGIP occurred in Srinagar at a time when the Observers were actually expecting trouble in Rawalpindi. This was on the occasion of former President Bhutto's hanging in 1979. General Waldenstrom, CMO at the time, believed it was either because US money was said to have been involved in the hanging, and the people could not distinguish between UN and US, or they blamed the UN for not succeeding in saving Bhutto since it was known that General Waldenstrom had personally delivered a message from Secretary-General Kurt Waldheim, through Mr.Agha Shahi, the Pakistan Foreign Minister, to President Zia requesting clemency. Stones and firebombs were thrown at the UNMOGIP HQ, and at first the local police and then the military were insufficient to strengthen the guard, and Delhi had to be requested for reinforcements, which took some hours. The villa next door was burned, and also a Christian church (because the hangman was said to be Christian), and the Srinagar Club (built by the British). Although only one member of the Mission was injured, some civilians were killed and it was feared there might be a movement for revenge, but Sheik Abdullah stepped in and eased the situation[71].

and in support of Sheik Abdullah, who was at the time himself advocating a plebiscite. It called for further intervention by the Security Council and the despatch of UN troops "to safeguard our lives and pave the way for a free and impartial plebiscite"[72].

Inevitably there were more demonstrations after Sheik Abdullah's re-arrest early in May 1965, with disturbances particularly in Srinagar. Shops were closed and there was little civilian transport, but police and troops kept the situation under control. An Observer's vehicle was stoned and a headlight smashed, so General Nimmo confined Mission personnel to their own areas except for official duties[73]. A few weeks later, this time on the anniversary of Sheik Abdullah's arrest in 1953, the UN transport carrying staff and Observers home was attacked and the vehicles damaged by flying bricks. It was nevertheless felt that the action was designed to draw attention to the Kashmir dispute using the UN as a medium, since no general hostility to the Group had been felt[74].

Petitions

Petitions were regularly handed in for onward transmission to New York often, but not necessarily, on the occasion of a demonstration. The Observers tried to communicate the fact that it was not their function to accept petitions as this could seem to be a partisan move, but if a nasty situation appeared to be developing as a result, they would take them and pass them on, and that would be the end of the matter[75]. Only on rare occasions did the acceptance of a petition give rise to further action. In 1953 during the disturbances caused by Sheik Abdullah's arrest, the UN Field Observer Team at Domel

received a petition against what the Azad Kashmiris understood to be wholesale genocide of Moslems taking place in Kashmir. Fearing "reaction to the distorted Press pictures elsewhere along the CFL" General de Ridder, who was Acting CMO in General Nimmo's absence, sent his Chief Operations Officer to the Pakistan Deputy CIC to assure him that the reports had no basis in fact, and that the Indian Army had neither been used to quell the disturbances, nor had it increased its forces in Kashmir. He also sent messages to the UN Observer Teams on the Pakistan side asking them to reassure local commanders, and caution them to be alert against incitement of front line troops by excited civilians"[4].

As tension between India and Pakistan increased in the late 1950s and early 1960s, the number of petitions presented likewise increased. In September 1961, General Nimmo told Cordier that his Observers on the Pakistan side had twice been handed petitions by local civilians since the trouble in the Balakot-Tarkundi* area had started. The headman who handed one of these over had said that the people were too poor to go anywhere else but since the Indians had established the new Police Post they did not dare to go out and work in the fields, graze their cattle or get water, because the Indians were firing at them and causing many casualties; they sincerely requested through the UN that the Police Post should be withdrawn. Nimmo suggested to Cordier that an informal approach might be made to the two Delegations in New York for the sake of the humanitarian considerations involved, since this was an aspect which was frequently publicised in connection with other situations in the world".

*See pages 228-236.

In April 1964 General Chaudhuri, the Indian CGS, wrote to complain to General Nimmo that students had taken petitions to the UN office in Srinagar in March, that a UN jeep had been provided to the student leader to take the resolution to the airport for onward despatch, and that several more meetings with Military Observers had followed[98]. *The Times of India* also had an item about General Chaudhuri's complaint, and said the Prime Minister of Kashmir had spoken to the Indian Ministry of External Affairs about the "objectionable activities of the United Nations Observers"[99]. Once again it would appear that the Kashmir State Government was at the root of the trouble for UNMOGIP. General Chaudhuri merely stated that apart from impressing upon the Observers the desirability of not transgressing the limits of their jurisdiction, even unwittingly, the Government of India did not appear to contemplate any action like lodging a formal complaint against the team[100].

Nimmo told Chaudhuri that although the petitions were accepted, no jeep was used and the action had had the effect of pacifying demonstrators and causing them to disperse peacefully. He went on: "Our Observers are neutral as regards political issues and have no desire to receive petitions, but it was difficult to see what other action could be taken and forwarding to the Secretary-General without comment seemed safe so that he could decide what to do"[101]. However the matter did not rest there. Ralph Bunche agreed that General Nimmo had taken the correct position[102], but comments were made about the incident in the Rajya Sabha* at the end of May, and it was suggested the Military Observers

*The Upper House of the Indian Parliament.

should be declared *persona non grata* and be asked to withdraw[103]. The Indian Government spokesman said they had rejected General Nimmo's explanation that the fact of receiving the petitions was a simple and safe one from all points of view, and that further representations would be made to the UN, after which whatever steps were considered appropriate would be taken[104]. General Nimmo wrote to Dr. Bunche enclosing various Press clippings on the matter and said: "The aspersions which continue to be publicised against us are not very fair or helpful"[105]. A Secretariat note on his letter suggested that the Secretary-General tell the Permanent Representative of India that he would be compelled to take a firm stand in supprt of the Military Observers if any representations were made to him, and express the hope that no such representation would therefore be made[106]. Presumably this happened as the file makes no further mention of the subject.

Azad Kashmir calls for war

When Brigadier Angle arrived as CMO in February 1950 senior Army officers on both sides expressed a strong desire for peace. In contrast the Azad Kashmir Deputy Commissioner told Angle that the UN should use "the hydrogen bomb, to force India to a settlement"![107]. In the summer of 1951 Sardar Ibrahim, the Prime Minister of Azad Kashmir, threatened that the Kashmir issue would not be settled by the UN but "on the battlefield"[108], and such threats continued to be made until the two sides did find themselves on the battlefield again, in 1965. In September 1952 Ibrahim criticized the inactivity of the UN and accused the Pakistan Government of "dilly-dallying". He called for a resumption of "liberation" fighting[109]. When the Kashmir Constituent Assembly ratified the Accession to

India in February, 1954 the AK leader Chaudhry Ghulam Abbas declared the people should depend solely on their own efforts and not look to the UN for the liberation of Kashmir, and there were bellicose speeches in the Pakistan Parliament and promises from the tribesmen that they were ready to invade again[110]. War cries were similarly raised after the failure of the last Graham mission in 1958*. The Pakistan Government faced constant and serious difficulties in keeping the Azad forces quiet amidst fears of revolution in Pakistan.

In the autumn of 1961 the unofficial government of Azad Kashmir went to the electorate for the first time. The President, Mr. K. H. Khurshid, ran his election campaign on the advocacy of direct action for settlement of the Kashmir question, and criticised the UN for its failure to resolve the problem. He described his armed forces not as purely defensive, but as "created with a specific objective", and "with a mission to fulfil". He said his government was taking "all necessary steps to equip the army for the liberation of enemy occupied areas of the State's territory"[111]. On 17th July, 1964 both the *Pakistan Times* and *Dawn* reported him as saying that no force in the world could prevent the Kashmiris from liberating their homeland[112].

Following the disturbances created by the loss of the Holy Relic UNMOGIP had, in February of that year, received warnings of war from two separate organisations on the Pakistan side for transmission to New York. The first, presented by Aafar Mahmood, President, and a ten-member deputation of Rostrum** stated that "the recent revolt of the people against the ugly

*See page 293.

*Details of this organisation not known.

role that India is playing in Kashmir... has clearly shown that unless solved immediately the Kashmir problem with its volcanic eruption is bound to endanger the world peace and security". The memorandum complained that the UN was playing in the hands of the big powers of the world and had concerned itself only with their interests[113]. Similarly, in the other petition, the Joint Secretary of the All Jammu and Kashmir Muslim Conference, the major political grouping of Azad Kashmir, expressed lack of confidence in the UN, a tool of the big powers, and warned that there could be armed conflict at any time between Kashmir volunteers and the Indian Army, mainly because the Kashmiris wanted a plebiscite. The letter attributed atrocities to the Indian Army in Ladakh and elsewhere, at Nehru's instigation, and maintained that the Conference considered the Ceasefire null and void. It went on to say that on 2nd February, 1964 a war of liberation had been declared, and guerilla warfare was to be practised[114]. This was obviously a warning of what had become deliberate policy, since incidents between Azad Kashmir civilians and Indian Police became steadily worse, with troops also increasingly involved, until war broke out in 1965. It suggests also that pressure on Pakistan for the war came from the Azad Kashmiris rather than being inherent in Pakistan itself.

In March 1964 the United Nations Association of Pakistan wrote directly to Secretary-General U Thant, saying there was imminent danger of war and that the people of Pakistan were fast losing faith in the United Nations and were at a loss to understand why the UN could not enforce resolutions passed by the Security Council. They urged the UN to make India fulfil its promise to give the right of self-determination to the people of Kashmir. The letter noted a public meeting had been

held under the auspices of the Association in furtherance of its drive to popularise the United Nations, and three resolutions had been passed: firstly to request U Thant to visit Kashmir and study the appalling conditions; secondly to request the Pakistan Government to afford facilities to such public representatives as understood the Kashmir problem to visit all member countries of the UN to acquaint them with the seriousness of the situation, so that they would direct their representatives in the UN to support the cause of Kashmir in such a manner that the UN would realize the necessity of early implementation of its resolution to hold a plebiscite in Kashmir; and thirdly that the nation as a whole should stand by the Government of Pakistan in presenting and pleading for the cause of Kashmir in the UN[115].

By August 1965, during the intense activity prior to the outbreak of war, political rallies were being held daily in Muzzafarabad, capital of Azad Kashmir. Villagers were brought in by bus from the surrounding areas to attend, and a louspeaker-equipped truck exhorted them to "jehad", or holy war. Local Command requested Observers at Domel to refrain from visiting the city, and expressed concern about their safety, but the Observers did not notice any hostility directed towards themselves[116].

PART IV - UNMOGIP AND THE HOSTILITIES OF 1965 AND 1971

CHAPTER THIRTEEN - INFILTRATION AND COUNTERMEASURES

As reported at the end of Chapter Nine*, the increasing activity experienced along the Ceasefire Line during the early 1960s continued with mounting intensity into 1965. In April the atmosphere was further vitiated when the Indians charged that Pakistan armed personnel had mounted heavy attacks on two Indian police posts in the Rann of Kutch, a small, desolate and sparsely populated border territory of little real value in the southern part of the international border between India and West Pakistan. Pakistan denied the charge, but a short period of fighting followed before the two Governments signed a ceasefire agreement and allowed the matter to be submitted to arbitration[1]**.

In May the constant incursions by the Pakistan side on the western portion of the CFL throughout the early part of the year were suddenly counterbalanced by the Indian occupation of Pakistan positions just over the Ceasefire Line in the Northern Areas near Kargil. This was the first time that either side had held ground across the Ceasefire Line since the Ceasefire in 1949[3], and was the most telling sign yet of the seriousness of the situation between the parties. With the evacuation of these positions at the beginning of July, and the signing of the Rann of Kutch Agreement, it seemed that the situation had calmed down. However, on 5th August, a massive infiltration began across the CFL from the Pakistan side into Indian-held

*See pages 241-243.

**The arbitration came to a successful conclusion in 1968[2].

Kashmir, with attacks taking place on bridges, military installations and picquets.

General Nimmo at first thought that the raids were purposely carried out to coincide with the anniversary of Sheik Abdullah's arrest, as an additional protest and possibly to promote further local unrest[4]. The Pakistanis claimed there was a spontaneous uprising of the local people[5], but General Nimmo was able to testify from his Observers' investigations that Azad Kashmiri regular troops and well-trained irregulars had crossed the CFL to perpetrate the trouble[6].

On 15th August the Indians counter-attacked, re-occupying the recently evacuated posts near Kargil. They also mounted a spirited defence in the Punch area where they subsequently crossed the CFL and held ground on the Pakistan side.

Meanwhile the Observers were finding it increasingly difficult to go about their duties, either because of limitations imposed by Local Commanders, or because continuous firing prevented their movement, or roads were closed for security reasons. Thus they were unable to carry out their primary objective of observing the Ceasefire - which in any event patently no longer existed. Nor could they properly investigate the source of the violations: by the time they were able to reach the scene of a complaint, the evidence was often too confused for realistic evaluations to be made.

WAR THREATENS

General Nimmo wrote to both sides in April 1965, as he had done many times before, without success, to attempt to arrange a high level conference concerning civilians in ceasefire areas, suggesting once again that a meeting be held at the

highest level possible to reach some agreed definition of the rights, privileges and responsibilities of civilians in the area of the CFL. On this occasion India agreed but Pakistan was "unable to agree under the prevailing conditions"[7].

In his report for the last fortnight of March, General Nimmo had mentioned that all the incidents involving the crossing of the CFL during that period were the responsibility of Pakistan[8]. On 11th May he wrote to the CGS, Pakistan asking whether he was aware of the number and nature of armed crossings of the CFL by Pakistan forces, since the total violations had already reached double figures that year. Such crossings, according to General Nimmo had been done "for the purpose of attacking established military posts, or firing at them from close range, or ambushing patrols, water or ration parties and the like", and represented "one of the most flagrant forms of ceasefire violation" as they were "premeditated and planned with the obvious approval of higher military authorities"[9].

The phrase, "the most active period in the history of the Mission", was again brought into use to describe the last two-week period in May, with a record number of 387 complaints being received, four of a serious nature, including the occupation by Indian forces of Pakistan occupied positions dominating the Kargil area[10]*. On three occasions during this period Observers reported being shot at by Pakistan troops or para-military elements, and once they came under fire from an Indian post[11].

On 21st May Nimmo cabled Bunche that he would not be surprised if a serious military clash occurred in May or June

*See pages 392-397.

before the monsoon broke since both sides were in positions of readiness and the atmosphere was tense. Most barracks and static quarters were empty, he said, and formation HQ and units were disposed in the field; airfields had an empty wartime look and both sides were "increasingly contemptuous of UN and their ceasefire obligations as you are already aware from the violations perpetrated daily. There are signs also that partial efforts are being made to deter Observers from visiting certain areas, but we are insisting upon our right of free movement both ground and air." He thought perhaps a curt reminder to both parties about their Ceasefire undertakings should be made[12]. Dr. Bunche queried whether the situation was threatening enough to warrant the Secretary-General submitting a brief report to the Security Council[13].

Nimmo's response was that it was, but he preferred that the matter "be kept in the family for the present as one of their aims may be to force such recognition. Should a clash occur involving seizing and holding positions across the CFL or Border, I shall not then hesitate to recommend such action to you"*. Meanwhile he thought both Representatives should be told quite plainly that the Secretary-General was aware of the military situation and its implications and deplored specifically the following aspects:

1. continued firing across the CFL;
2. the fact that the demilitarized zone was no longer respected, and that raids and ambushes were all too common;

*In fact Indian troops had already captured some Pakistan positions across the Line in the Kargil area (pages 392-397), and a week later Nimmo told Bunche that if they did not revert to their former dispositions "in reasonable time", it would be a matter for the Security Council[14].

3. that surreptitious reinforcement of forward areas was commonplace, as was the laying of mines and booby traps;
4. that forces of division strength were deployed opposite one another on the Jammu-Sialkot Border;
5. and that tenseness and an air of anticipation was very marked everywhere in forward areas[15].

Nimmo mentioned also that large forces were deployed on both sides in the Punjab, and all service leave had been cancelled[16]. A few days later he reported he had flown to several focal points and had discussions with most of his Observers. He said that although the CFL was very disturbed he did not anticipate major offensive operations being contemplated although tempers were high and many minor clashes and firing incidents were likely to continue. On the Indian side defensive preparations were "feverish", with infantry, mortars and artillery extensively deployed and dug in. On the Pakistan side also, but with less numbers and much less material, though many Azad Kashmir armed civilians were in evidence. On the Border there were no significant moves. The Indians were in defensive posture but well back from the Border itself, and Pakistan formations were mobile but also held back[17]. Bunche in his turn reported that the Secretary-General was to confer with both Permanent Representatives about the situation, and particularly about the increase of forces in Kashmir[18].

Indian Occupation of Pakistan Posts in the Kargil Area

On the night of 16th May, 1965, an Indian picquet was attacked by about 20 men supported, according to the Indian complaint, by light machine gun fire in the Kargil area. A Violation was subsequently awarded against Pakistan for

crossing the CFL[19]. However, as a result of the attack, Indian troops crossed the Ceasefire Line in the same area on 17th May and captured three Pakistan posts. General Nimmo several times requested them to evacuate the posts but without success, and after a personal talk with the Indian Army Chief, General Chaudhuri, he had to report that he had received no encouragement that early evacuation of the captured positions could be expected. He also felt, having visited Rawalpindi, that the Pakistanis were anxious to exploit the matter. All of which General Nimmo felt was "highly detrimental to UN authority and prestige", especially in the present military situation on the Subcontinent which was "definitely ominous"[20].

In early June, during the first two weeks of which the number of complaints rose to 545, Pakistan troops established two new positions in the Kargil area on high ground further to the West in an attempt to stabilize the situation. This was followed by Indian attacks to dislodge the Pakistan troops from their new positions[21]. By 8th June 80 Indians and 31 Pakistanis had already been killed in the area, and Observers expected the casualty figures to rise[22]. The Indians held a new front of approximately 15 miles along the CFL, which General Nimmo pointed out was in direct violation of the Karachi Agreement. The new positions were being consolidated, wired and mined and ammunition and stores were going forward on yaks. High ranking Indian officers had visited Kargil so were fully aware of the significance of their actions. Furthermore the Pakistan CGS told Nimmo that the Pakistanis would be forced to retaliate in the same manner if the Indian posts were not vacated, and "thus the CFL will cease to exist"[23]. Nimmo cabled Bunche that the situation had grown serious enough for reference by the Secretary-General to the Security Council for

an emergency meeting. He recommended that immediate action be directed towards ordering India to withdraw all troops who had advanced into the area as early as possible, and for Pakistan to ensure proper restraint in order to facilitate this movement under the supervision of UN Observers[24].

Dr. Bunche replied that the Secretary-General was disinclined to call an emergency meeting of the Security Council except under conditions of extreme urgency, and even if he did there was no guarantee that the Security Council would take action along the lines indicated by Nimmo. However, the Secretary-General would circulate to the Security Council a report on the situation which would include a warning sufficiently strong to alert them to the possibility of both an emergency meeting and an imminent blow-up along the CFL[25]. The Secretary-General would not make any specific recommendations to the Council for action, because this had to be left to the Council, but he was nevertheless interested in any ideas that Nimmo might have concerning what might usefully be done[26].

Nimmo recommended that both parties be urged strictly to observe their obligations under the Ceasefire Agreement. In particular they should withdraw all troops who had established themselves by force on or across the CFL, or had taken up positions in advance of their original line of forward defended localities, and should cease firing across, or having armed forces cross the CFL. He also suggested that an experienced Observer be attached to UNHQ for military liaison duties, possibly for the last three months of his tour. Finally he suggested frequent meetings of Indian and Pakistan representatives at HQ so that the true Ceasefire situation, based on Observers' reports, could be made known to them at the

discretion of the Secretary-General. He hoped this would gradually tend to promote better understanding of the worsening problem[27].

Bunche doubted the utility of having an Observer at HQ since approaches there were predominantly at the political level and on a political basis; and he felt that Nimmo's reports afforded ample information for the basis of talks in New York. However, he agreed with Nimmo on the desirability of meeting with Indian and Pakistan representatives at HQ which "has been and continues to be done"[28].

On 11th June the Permanent Representative of Pakistan sent a formal letter of complaint about the Kargil situation to the Secretary-General, expressing Pakistan's "deep concern that the UN Observers have proved totally ineffective in face of open aggression by Indian forces... If the aggression is not evacuated (sic) soon, an extremely serious situation is bound to develop in which the continued integrity of the CFL itself will become open to question..."[29].

The Secretary-General replied that General Nimmo and his Observers on the spot had been doing and were continuing to do everything possible to get the situation in the Kargil sector restored to normality, and that he himself had been seeking a similar result through efforts at HQ. If these efforts did not produce concrete results very shortly it was his intention to submit a factual report on the matter to the Security Council[30].

On 12th June the Secretary-General appealed to the Government of India to restore and observe the original CFL in the Kargil area. Circulation of the proposed report was deferred pending a response from India[31]. In the interest of "balance and fairness" the Indians drew attention to General

Nimmo's various attempts at addressing the problem of civilians along the CFL, and claimed that whilst they had co-operated, Pakistan had not, a fact which they felt was relevant to any report[32]. General Nimmo commented that the matter was less straightforward than the Indians suggested[33]. In reply to the question at issue, the Indians pointed out that the road from Srinagar to Leh was vitally strategic for the defence of Ladakh against China, and certain sectors of that road ran parallel to the CFL near Kargil. They claimed Pakistan forces had made frequent attempts to cut the road, and that on 16th May Pakistan armed units supported by artillery* had attacked an Indian army picquet several miles from the CFL on the Indian side northeast of Kargil. Faced with a continuing threat they were obliged to occupy the two high points across the CFL from which Pakistan forces had been mounting attacks on the Leh-Srinagar road and on the Kargil airfield[34]. According to General Nimmo, the last violation in the area was a minor one in 1960. No complaint had ever been received of Pakistan mounting attacks on either the road or Kargil airfield prior to Indian occupation of the Pakistan positions[35].

India affirmed her desire to withdraw from the occupied posts, but insisted there should be no repetition of Pakistan attacks from them, and that UNMOGIP should assure the safety of its vital communications to Ladakh by posting Observers in the area[36]. Bunche offered to make every effort to get additional Observers as replacements if Nimmo could take them immediately from less critical areas in view of the urgency of the situation[37]. General Nimmo sent a signal to the Indian COAS informing him that Observers had been posted in Kargil since

*No artillery was mentioned in the original complaint, see page 392.

25th May, and that the posting would be permanent[38]. He told Bunche that permanent postings there had been avoided in the past because of infrequent complaints and paucity of Pakistan forces in the area[39].

Thus, on the basis of an assurance by the Secretary-General that if the CFL in Kargil was restored, no report to the Security Council would be necessary, the Representative of India confirmed that his Government had taken the decision to withdraw troops from the Pakistan side[40]. There was subsequently an attempt by the Indians to remain at a point known as Black Rocks[41], an unauthorised position on their own side which it appears may previously have been illegally occupied by Pakistan[42], and further complications arose when anti-personnel mines were discovered[43], but the evacuation was complete by 7th July, 1965[44].

INFILTRATION

After a general decrease in activity noted in July[45], a massive infiltration across the CFL into Indian-held Kashmir began in August. A record number of 1,151 complaints was received during the month, compared with 440 for July. Clashes between Indian forces and infiltrators on the one hand, and attacks by Indian troops across the CFL on the other resulted in heavy casualties, with reports by India of 78 being killed (53 soldiers) and 203 wounded (184 soldiers), and by Pakistan of 147 killed (124 soldiers) and 28 wounded (6 soldiers). General Nimmo suggested the casualty figures were much higher, as both sides were loath fully to admit their casualties[46]. On 14th August Nimmo requested Bunche to ask Member Governments to restrict entry of dependants of Military

Observers into the Mission area until further notice[47].

On 2nd July the Kotli Observer Team noted a new Azad Kashmir battalion in their area, together with approximately one battalion of Razakars*. They also reported seeing several groups of civilians with rifles receiving military instruction from Army personnel[48]. Another Observer Team reported that a convoy of 19 vehicles carrying armed civilians had been seen in Rawalakot Sector on 24th July. No action was taken because at that time Pakistan regulars and Azad Kashmir forces were far below their permissible strength, whilst Indian forces were already up to theirs[49].

From 5th August India began to complain of attacks, mainly on bridges, military convoys and isolated picquets, but also increasingly on local headquarters. Some picquets were occupied by the attackers. In the Bhimber/Jammu Sectors the attacks were supported by heavy Pakistan artillery fire[50]. UN Observers themselves saw mortar and grenade explosions and light machine gun fire directed at two bridges located one and a half miles south of their location and four miles on the Indian side of the CFL on the main Punch-Jammu road[51].

On 11th August the Permanent Representative of India informed the Secretary-General that infiltrators were not only staying on the Indian side but were fanned out over a wide area[52]. Bunche cabled for comment from Nimmo, who detailed 27 attacks on the Indian side since 5th August, but declared it was impossible to state categorically that infiltrators were fanning over a wide area[53]. He had already, on 9th August, cabled that the situation had seriously deteriorated since the night of 5/6th August, and suggested that the Pakistan

*Armed civilians.

Permanent Representative be advised urgently that such actions could only result in a serious deterioration of the Ceasefire situation, and could even cause retaliation by Indian forces "of which they would be amply capable owing to the great advantage in numbers and weapons"[54].

Operation Gibraltar*

In New York the suggested demarche evoked the response from Pakistan that neither Pakistan nor Azad Kashmir troops had been involved in the incidents, but in fact there had been "local uprisings of the Kashmiri people" on the Indian side of the CFL[55]. The Permanent Representative of India asserted that substantial quantities of arms and ammunition which could only have been supplied by the Pakistan Government had been captured from the raiders, and that prisoners taken wore the badges of the Azad Kashmir Reserve Force, proving conclusively that infiltration was massive, well-organised and equipped by the Pakistan Government[56].

General Nimmo could not confirm the amount of weapons and ammunition the Indian Mission claimed had been captured, but agreed that the considerable quantity of warlike stores seen by Observers proved without doubt that the incidents must have been co-ordinated, mounted and fully supplied by Pakistan forces[57]. He reported that evidence picked up by Observers in an area where a picquet was attacked and a convoy ambushed, together with the evidence collected by interrogation of wounded Indians, whose statements corroborated each other's, clearly indicated that the attacks took place as alleged. Further, he was of the view that the professional manner of the

*The name came from the original Muslim thrust into Gibraltar as the spearhead of Islam into Spain.

attacks established that they were carried out by well-trained raiders[58], and that investigations by Military Observers proved irrefutably that Azad Kashmir regular forces and trained mujahids from the Pakistan side of the CFL were involved. It was possible that some had dribbled across the Line over a period of months, since Observers had noted that weapons and ammunition abandoned by the attackers were lacking in care and maintenance, possibly due to having been hidden for some time, or to the men living in harsh conditions. In such an event those involved must have received at least some assistance from local inhabitants.

Nimmo admitted that attacking or raiding parties seemed to know the country intimitely, as well as the locations of bridges, headquarters and installations, and the routes used by military and police. He felt, however, it was hard to believe that such groups could be wholly trained and equipped within the State. He maintained that there was no armed rebellion. Villagers had been seen moving away from troubled areas in southern sectors, and active support by the inhabitants of Indian-held Kashmir was not evident. Indeed, the considerable strength of Indian forces, both military and police, throughout the State of Jammu and Kashmir, would render any attempt at uprising futile. Nevertheless, this did not necessarily rule out natural sympathy for a cause, or active co-operation by individuals or small bodies with outsiders, especially in outlying areas of the Valley, and in mountainous districts such as Punch[59].

In fact there was a good deal of unrest in and around Srinagar also, the 9th August being the anniversary of Sheik Abdullah's arrest in 1953[60]. Numerous firing incidents occurred each night, but UNMOGIP only received six complaints

connected with the area, and these only after prolonged requests for their submission. In most cases it appeared that Indian security forces had been firing indiscriminately with little provocation[61]. On 15th August Nimmo told Bunche that an additional military command had been set up in Srinagar, but the Indians seemed loath to conduct Observers to troublespots, and his impression was that they were worried and unsure about what was happening. They seemed more concerned with the civilian than the military situation[62].

According to Air Chief Marshal P. C. Lal[63], who was Vice Chief of the Indian Air Force at the time, India wanted to localise the trouble, knowing that in spite of Pakistan claims, Kashmiris were not burning villages and "creating mayhem", but that infiltrators were causing trouble and the local authorities were unable to cope. The Indian Army was therefore asked to help in a policing rather than a fighting role. The Pakistanis launched their so-called "Operation Gibraltar" as a result of the Holy Relic incident*, believing that there was sufficient unrest amongst the Kashmiri people that with very little encouragement they would rise up and "do the job for them, but they didn't"[64]. And indeed two foreign journalists noted, firstly, that there was virtually no evidence of any significant popular support for the infiltrators[65] and, secondly, that the local population appeared to have been "indifferent to this latest attempt to 'liberate' them. The expected popular uprising did not happen. This was partly because of the speed of India's reaction... but mainly because the average Kashmiri is now rather disenchanted with Pakistan for its governing of Azad

*See pages 376-377.

Kashmir and its open friendship with China, whose record in Tibet alarms them"[66].

Evidence of Prisoners

UN Observers believed the statement of a prisoner taken by the Indians on the night of 7/8th August. He said he was a soldier of the 16 AK Infantry Battalion which had formed the bulk of the raiding party, estimated by him at 300 soldiers led by the Battalion second-in-charge and 100 mujahids. He said their task was to infiltrate deeply, blow up bridges and attack ammunition dumps and formation Headquarters[67].

On 17th and 18th August, Observers from the Baramula Team interviewed separately three prisoners who had allegedly been captured five and a half miles on the Indian side of the CFL. The first two said they had been recruited about two months previously and trained for six weeks near Muzaffarabad. Their company was comprised of mujahids and troops from 6AK. They had crossed the CFL early in August and had hidden in the forest until 6th August. They had then been surprised by Indian troops and had scattered. They later joined up with other raiders, but after some clashes with Indian patrols, they became frightened and ran away. They identified a rifle and small machine gun, produced by the Indians as evidence, as their personal weapons[68].

The third prisoner said he was a regular soldier from 9AK Regiment, and had been stationed near Muzaffarabad until about six weeks previously when, together with others from his unit, he had been selected for some special training. When trained, his group was known as B Company and consisted of soldiers from 9 AK, mujahids and a section of Special Service Group soldiers from the Para Baluch Regiments. B Company crossed the CFL

about 1st August and hid in the forest until 6th August when they were fired on by Indian artillery. They got disorganised and did not take part in any raids. He said the groups's task had been to cut telephone lines, to raid small military posts, and to raid police stations. He was carrying a rifle and part of a wireless set. He was not told how long he could expect to stay across the CFL, but had started off with 8 days' rations[69].

Further evidence came when Military Observers interviewed two prisoners on 29th August. They were AK sepoys who, after having been given a few weeks training in Rawalpindi and in a picquet, were taken to the CFL where they had to change their uniform to the dark blue dress they were wearing. They were then obliged to cross the CFL. Three soldiers who refused were sent to jail. Their mission was to destroy roads and Government buildings. 20-30 Azad Kashmir civilians were obliged to go with them in order to carry their equipment. The prisoners believed that if they were to go back to Pakistan they would go to jail or be killed[70].

Restrictions on Observers' Movements

Incidents were not always immediately reported to Observers: sometimes it was as much as four days before a complaint was submitted. Furthermore, continuous firing made it difficult for Observers to reach the scenes of the incidents, and with road and tracks closed for security reasons, there were problems in despatching reports of investigations to General Nimmo[71]. The Pakistan Army authorities, especially, were at times also less than co-operative. On 12th August an Observer from the Rawalakot Team reported that whilst on one visit he saw three artillery

guns in firing position. On making closer investigation he was halted by what he took to be "a soldier of unknown rank as he was not dressed in recognised uniform", who said he could not go forward. When the Observer explained who he was, and that he wanted to carry out his duties, the soldier pushed him "provocatively" backward a couple of times and shouted "go back"[72]. The Sector Commander afterwards apologised[73], but movement of Observers all along the CFL from that time became increasingly restricted.

The Pakistan Local Commander in Bhimber informed the Observers that he would permit investigation of a complaint only when he was ready to do so[74], and in Domel also Observers found they could go to investigate serious incidents only at the discretion of the Pakistan Local Commanders, although the Indian Local Commander in the area had already guaranteed the Observers' safety[75]. General Nimmo complained about the restrictions to the Pakistan CGS[76], who said that it was due to misunderstanding, and advised: "Local Commands have been informed that UN Observers are free to move and visit any area provided they keep our Local Commands informed about their schedules. Safety of UN Observers cannot however be guaranteed if the other side decides to lodge military operations in the area which the Observers may be visiting at the time"[77]. The Bhimber Team reported immediately afterwards that the Local Command had "suddenly reversed its attitude and declared that Observers would be allowed to move freely"[78]. But this still did not generally always prove to be the case, and a further cable was sent to the Pakistan CGS on 1st September protesting that Observers in Gangam, Skardu Sector, had not only been stopped from doing their job by Pakistan troops "but even manhandled in the most object manner including

threats with a rifle"[79]. The Local Commander initiated an immediate investigation and cabled that he was genuinely pained to learn of the complaint as they had always held and would continue to hold UNMOGIP in the highest esteem. This incident should not be construed as anything more than an isolated event, he said. However, he could not help pointing out that such an unfortunate thing could not have been unprovoked, and he would not pass judgment without hearing the other side of the story[80].

INDIA COUNTERATTACKS

Punch

Certain areas were more particularly affected by the infiltration than others. On 10th August it was reported that Pakistan troops had attacked Indian picquets 14 miles northeast of Punch. Observers could not reach the area because the tracks had been closed by the Local Commander for security reasons. The town of Mandi was said to have been taken and retaken during the next two days[81]. South of Punch civilians reported that a force of 100 infiltrators was seen on 7th August 12 miles from and moving towards the town. Before arriving the group split into three parties and, on the night of 12/13th August, attacked Punch and three separate picquets located in its rear[82]. The attackers were repulsed[83].

On 19th August Observers reported that Pakistan field artillery had made eight craters in Punch airfield and hit the operating rooms of the hospital[84]. Observers had little doubt that the Pakistanis knew it was a hospital as it had been there for many years and was well marked[85]. General Nimmo sent a signal to the CGS, Pakistan: "Am sure you will deprecate in

strongest terms the shelling of Punch airfield and hospital as witnessed by UN Observers"[87]*. The CGS replied that the Indians were using light fighter aircraft with the obvious intention of directing medium artillery fire on Pakistan positions. This had forced Pakistan to take limited action against the airfield. Engagement of the hospital was purely accidental. He said he would instruct Local Commanders to stop the artillery fire if the Indians would stop theirs and cease using the airfield for military aircraft[88].

That evening artillery fire was resumed on the hospital which was badly damaged[89]. Punch Local Command requested that UN Good Offices be used to evacuate wounded personnel from Punch airfield, the light aircraft, as Nimmo informed the CGS, Pakistan, having been brought in for the express purpose. The following morning the UN Liaison Officer at Rawalpindi and the Punch Observer Team made arrangements between both Local Commands for the evacuation by air of the wounded under UN supervision[90].

Punch was again shelled on 26th August, with shells actually hitting the building occupied by UN Observers[91]. The Indians returned the fire which resulted in a Pakistan complaint alleging that the Indians had fired 2,000 25-pounder shells. The Punch Observer Team stated the number was nearer 200[92].

On 28th August, the CGS; Pakistan advised that the Indians had crossed the CFL in strength and were attacking Azad Kashmir territory between Uri and Punch from north, south and east, supported by artillery[93]. According to Colonel Gauthier,

*On 8th September, 1965 the Indians bombed Sialkot Hospital, not in reprisal, but with with equal lack of humanitarian consideration[86].

UNMOGIP Chief Operations Officer, the terrain was such that it was militarily inconceivable that the attack could have developed from the east[74]. That notwithstanding, the Indians were certainly attacking, and made no attempt to deny the fact. The following morning they admitted to being deployed on a front of approximately ten miles in the Haji Pir Pass area, five miles on the Pakistan side[75]. The Indian VCOAS was informed that this action was in flagrant violation of the Ceasefire Agreement, and immediate steps should be taken for the withdrawal of Indian troops. Any excuse which attempted to justify the move by suggesting that it was taken to stop infiltration could not be entertained[76]. Nevertheless, this excuse was inevitably used by the VCOAS in his reply, which stated that the Indians had positive proof of Pakistan infiltrators using the Haji Pir area as a base for operations in the Valley of Kashmir, and they could not therefore vacate it[77].

The action, in fact, also involved a further breach of the Karachi Agreement, in that the brigade operating in the Haji Pir area had been removed from its location east of Srinagar, where it had been acting as reserve for troops facing the Chinese in Ladakh[78]*.

The Observers believed that the Indians probably intended to cut off the Bedori Bulge[79], a Pakistan-held enclave which protruded into Indian-held territory. On 10th September the Indian Local Command at Punch confirmed to Observers that his troops had joined up with Indian troops occupying the Haji Pir Pass, so that Indian troops had successfully cut off the Bedori Bulge and secured the entire Uri-Punch road[100].

*See pages 180-181.

Northern Sector

It was reported on 15th August that Indian troops had reoccupied the three positions which were at issue in the Kargil* area of the Northern Sector in May-June 1965. The Kargil Observer Team was advised that the Local Commander intended to take whatever steps necessary in view of the previous Pakistan aggressions in his area[101]. He stated that the safety of Observers on the Pakistan side of the CFL could not be guaranteed because of possible increased activity in the area. However, General Nimmo told the Observers to remain in position in the hope of discouraging escalation, but to move rearwards if forced to do so by events[102].

India's Representative to the UN informed the Secretary-General that since 5th August the Pakistanis had made four or five determined attacks to cut the Srinagar-Leh road, including attempts to blow up two bridges on the road, succeeding in damaging one, and had also placed mines on the road. He emphasized the strategic importance of the road to India and stated that UN Observers had not been able to ensure the security of the road, although this was the basis on which Indian troops were withdrawn from the Pakistan positions in late June and early July[103].

Nimmo confirmed the two raids on the bridges, but said no complaints had been received regarding other attacks, or mines on the roads. He said that India had made much play in the Press and official correspondence on the concept that Military Observers had assured the security of the road, but this was both absurd and physically impossible, although three Observers had been placed at Kargil as had been promised to the Indian

*See pages 392-397.

command. Two more were camped on the opposite side with a small Pakistan post at Gangam. He pointed out that the whole Kargil sector had been exceptionally peaceful for years until the Indians suddenly attacked on 17th May. Now, General Nimmo said, denials by Military Observers that 100 Pakistanis had moved up were not believed by India prior to an Indian patrol firing rifle shots and parachute flares at this post on the night of the occupation of 15th August. Threats were made to mortar the area whether Observers were there or not, although this did not happen. General Nimmo sent an urgent protest to the corps commander[104].

Domel Sector

On 14th August the Observer Team at Baramula was advised by the Local Indian Commander that the Uri area, seven miles from the Ceasefire Line, was being shelled by artillery from the Chakoti area on the Pakistan side, and that if the shelling did not stop he would retaliate in the same area using similar weapons. The Observer Team at Domel and the Pakistan CGS were informed. The former confirmed that firing was taking place as alleged, and reported that the local Pakistan Commander said he had no intention of stopping his guns from firing. The CGS intimated that since Indian artillery had been shelling the Pakistan side all along the Ceasefire Line since early August, they intended to carry out retaliatory fire[105]. This allegation was checked and it was found that only the Kotli Team had received complaints relating to artillery firing, and of 21 complaints only one could be substantiated by physical evidence[106]. However, later that day Indian troops did start shelling the Chakoti area[107]. Shelling in the area continued for a week and was the subject of many complaints, but

investigation was not possible until restrictions on Observers' movements were lifted, at which time they found evidence of considerable damage consistent with shellfire. They were also able to observe during their journey to the area that certain Pakistan formations were not in the positions listed on the current Order of Battle. One missing battalion was explained as being in Abbotabad (in Pakistan, and therefore outside the UNMOGIP area of jurisdiction) for training, which the Observers considered "to be at least unusual under present circumstances, when a trained unit would be expected to be on hand". No guns were seen in areas that were the subject of Indian complaints some days previously, but they could have been moved. Concentrations of vehicles bearing artillery tactical signs were noted in four places on the road, and the Azad Kashmir artillery major accompanying the Observers stated they were vehicles of his organisation, and that his mortars were not deployed in action positions. He admitted that his battalion might have had Pakistan artillery in support about 13th or 14th August, but that there were no guns in the area then[108]. One wonders whether restrictions on the Observers' movements were lifted only when the area was clear.

The Domel Team reported that relations with Local Command were cordial but guarded and that most enquiries were met with either a blank stare or an "I don't know". They felt it was difficult to believe that Local Command could be as unaware of unit and area activity as it professed to be. The Local Commander did, however, state that he expected escalation within a few days. The Observers reported also that overflight complaints were becoming a daily occurrence, and they had noticed that anti-aircraft guns were ready and manned[107].

On 25th August the Domel Observer Team was advised by Pakistan Local Command that Indian troops had launched a battalion attack during the night of 24/25 August and captured two Pakistan forward positions, a fact confirmed to the Baramula Team by the Indian Local Commander, who said that Pakistan forces had attacked first. The following day the Indians took a further Pakistan position and, having crossed the CFL in a second place, occupied a ridge three miles east of the first crossing place[110].

Colonel Gauthier, Acting CMO whilst General Nimmo was visiting New York for consultations, signalled to the Indian VCOAS that in capturing these positions India was in contravention of the Karachi Agreement, and that such actions rendered the task of rectifying the general situation much more difficult[111]. He received the usual reply that the posts had been established to stop the heavy infiltration of Pakistan personnel[112]. In his official complaint the CGS, Pakistan, maintained: "Apparently mild UN reaction after Indian aggression in Kargil sector has boldened Indians. Request take immediate steps to stop this blatant aggression failing which we will be forced to take appropriate action including offensive action across the CFL"[113].

Chamb

Another trouble spot was the Chamb area at the very southern end of the CFL. First reports, received on 14th August, claimed that about 300 intruders had crossed the CFL on the night of 10/11 August and gained control of three areas on the Indian side. The Indian Brigade Commander asked the Jammu Observer Team to initiate action for a Pakistan withdrawal as soon as possible in order to avoid unnecessary violence. He

said the Indians might wait for a UN solution, but as the intruders occupied important Indian areas and had cut the track between Indian picquets, they might be forced to start action very soon[114].

However the Pakistanis increased their forces and began massing forward and firing 25-pound artillery and heavy mortar over Indian picquets and all along the CFL in the Jammu/Bhimber Sector. The Jammu Team estimated the situation to be "very serious and ought to be regarded as war in this area"[115]. The CGS Pakistan ignored General Nimmo's requests for a cessation of firing[116]. On 16th August the Indians advised that nine of their picquets had been captured that night[117]. The CGS Pakistan reiterated that Pakistan action was in retaliation for continuous Indian shelling all along the CFL[118]. General Nimmo pointed out that retaliation for each other's violations was "not only wrong in principle, but definitely unhelpful towards getting any Ceasefire errors adjusted. Each individual action must be the entire responsibility of the doer...retaliatory fire cannot be justified under conditions of Ceasefire, especially so when in entirely different sector and time. There is no question of self-defence involved"[119]. Inevitably the Indians in turn attacked Pakistan positions in the sector. Although they were repulsed[120], the Pakistan Local Commander told Observers that his forward positions were being shelled continually along the whole front of the Bhimber/Jammu sectors. Further, he had to deploy to meet the Indian threat since his forward troops were reporting heavy Indian reinforcements in both men and materials, including tanks, a fact which Observers on both sides of the Line were able to confirm, although the Bhimber Team heard no shelling when they visited the forward battalion

HQ. The Commanding Officer was most anxious to have the two UN jeeps move along the CFL and view areas subjected to reported Indian artillery and inspect the damage. But the Team did not do so since no clearance had been obtained from the other side, and because they felt that any movement of UN jeeps at the time could only result in both sides taking advantage and making adjustments[121].

Pakistan's sudden reversal of attitude in raising its earlier restrictions on Observers' movements* appears thus to have come at a time when the tide appeared to be turning against them, and any evidence that was to be seen was likely to suggest that it was the Indians who were the aggressors. In spite of their visit, the Bhimber Team was unable to verify the Pakistan complaint about Indian attacks on their positions as all the evidence had been withdrawn during the delay of 24 hours imposed on the Observers before permission was granted to conduct an investigation, which they felt in the end had been stage-managed by Local Command. They were also unable to verify the Indian complaint concerning the loss of their forward picquets, though the Pakistanis attempted to prove, by firing at the positions in the presence of Observers, that they were not occupying them. In fact, although the Bhimber Team did not then know it, the Indians had retaken the picquets[122].

By 25th August, according to the Indian Local Command, all Indian picquets had been recaptured, but there was still a number of infiltrators in the area. Observers were now able to move into the Chamb sector, but realised that proper investigation so long after the event was futile. The rains were destroying much of the evidence, and it was impossible to

*See page 404.

say whether Pakistan or Indian artillery had destroyed the picquets and adjacent villages since the Indian forces had used artillery to recapture the picquets, many of which had also been repaired and rebuilt in the intervening few days. The Observers reported that the whole of the civilian population of the Chamb sector, probably about 25,000 people, had been evacuated during the previous two weeks and were living in refugee camps a short distance away[123].

INTERVENTION OF THE SECRETARY-GENERAL

Request for a full Report

A few days after the start of the major infiltration on 5th August, the Indian Press began to suggest that the Secretary-General, Ralph Bunche and General Nimmo were not taking the violations of the Ceasefire Line seriously enough, and were treating them routinely. Such allegations were refuted at UNHQ, and protests made to the Indian Representative[124]. In fact the Secretariat in New York kept in close and constant touch with the situation, but initially seemed unable to take any decisive action. In the period from when the infiltration started in earnest on the night of 5/6th August until the Ceasefire on 22nd September, 1965, well over 200 coded cables were sent to UN HQ in New York from UNMOGIP HQ in Srinagar, as well as numerous clear cables, letters and reports, not to mention a visit by General Nimmo.

On 12th August, Dr. Bunche requested the "fullest possible and most accurate report" from General Nimmo in case it was decided to submit a report on developments to the Security Council[125]. General Nimmo's report on the most serious incidents was sent to New York in parts on 16th, 18th, 20th,

23rd and 26th August and 1st and 7th September[126]*. He also let the Secretary-General have a separate letter, dated 30th August, enclosing an annotated list of incidents on which complaints had been submitted asserting violations of the Ceasefire between 5th and 30th August, and which Observers had been able to investigate[127]. These were all covered in the main report.

On 14th August Bunche cabled Nimmo asking whether he thought a "precedent-breaking" report by the Secretary-General to the Security Council would be likely to be helpful or harmful from the standpoint of UNMOGIP's operation. He also asked whether the report Nimmo was preparing would establish beyond challenge that many of those who crossed the CFL from the Pakistan side were, in fact, military rather than civilians, and even offer accurate numbers of infiltrators[128]. Nimmo replied that he preferred that UNMOGIP should remain free to be able to go on reporting without restraint, but that if the matter did go to the Security Council he hoped it would do so in a big way with the aim of achieving some settlement in Kashmir for the sake of the people of the whole State. Regarding proof, he said that no uniforms had been seen, but it was apparent that trained men had been operating. Further, although he could give a reasonable estimate of the numbers of armed men, he could not break the numbers down between military and civilian. He reminded Bunche that for some years armed civilians who fired across the CFL had been classed as troops for purposes of the Karachi Agreement[127].

Bunche said there had been no request from any quarter,

*With General Nimmo absent in New York, the parts dated 26th August and 1st September were signed by ACMO Colonel Gauthier.

not even India, that the Secretary-General should submit a report to the Security Council, but there was growing impatience on the part of India that something be done beyond the Secretary-General's demarches to the Government of Pakistan[130]. Nimmo suggested that the Secretary-General should issue a sharp reproof to Pakistan for not calling a Ceasefire and removing its guns from the Chamb area: Nimmo had twice requested the CGS, Pakistan, to do this, and had also sent a strong warning against further exacerbation either there or elsewhere along the CFL[131]. Bunche replied that the Secretary-General would indeed act as suggested, and also ask India to withdraw its troops from the Pakistan positions they had just re-occupied in Kargil[132].

Public Statement by the Secretary-General

On August 17th the Representatives of India and Pakistan - and also General Nimmo - received the draft of a public statement which the Secretary-General intended to issue about the situation in Kashmir. It stated that he, the Secretary-General, had been making renewed efforts to bring an end to a series of violations of the Cease Fire Line in Kashmir which had been taking place daily to an unprecedented degree since 5th August, mainly from the Pakistan side, costing many lives and much hardship and giving rise to great danger and to most serious concern. It mentioned that he had asked General Nimmo to submit a full report on the violations of the Ceasefire Line which would present information confirmed by the investigations of the UN Military Observers, and took the opportunity to state that UNMOGIP was performing its duties very well under circumstances that were often extremely trying and difficult, and at times dangerous. He continued: "I will

not, of course, reach any firm conclusions... until I have seen General Nimmo's comprehensive report. It is clear, however, from the information received from UNMOGIP to date that trained armed men have been participating in the raids which have taken place on the Indian side of the Ceasefire Line and that at least many of them have come from the Pakistan side...and have been supported from that side...Since Indian troops on 15 August re-occupied three Pakistan positions in the Kargil area, I have also appealed for the withdrawal of those troops and all personnel of either party who are found to be still on the wrong side of the Line. Likewise because of heavy and prolonged artillery fire in the Chamb/Bhimber area across the Line from the Pakistan side on 15-16 August, I have appealed to the Government of Pakistan about such firing as a violation of the CFL. I shall continue my efforts to restore normal conditions along the CFL"[133].

The statement was not released. The Indian Representative expressed unhappiness about some aspects*, but then agreed to its being issued. The Pakistan Representative expressed his Government's strong view that the statement should not be issued in the above form since it would create

**The Hindu* suggested that if India had not tried to get the paragraph on Kargil deleted from the statement, U Thant might have gone ahead with it: the time spent arguing about the matter gave Pakistan time to gather support to quash the statement as a whole[134].

In fact, part of the Statement was subsequently leaked in the Indian Press. India's Foreign Secretary, Mr. C. S. Jha, wrote to U Thant to apologise after the Secretary-General expressed his "surprise and feeling of hurt at the leakage" to the Permanent Representative of India. Mr. Jha claimed that the Government was horrified to see the leakage and had asked the Permanent Representative to express the Government of India's deep regret at the "unauthorised and clandestine publication of portions of that document". He blamed the leakage on enterprising journalists[135].

the impression that the UN wanted to maintain the *status quo*. Pakistan was also reported to have told U Thant that she would not want to stay in an organisation which made an unfavourable statement about her after having failed all these years to persuade India to implement the UNCIP resolutions[136].

On 19th August Nimmo cabled Bunche: "Stage is now reached when Pakistan has gone beyond all bounds of rational conduct, especially in regard to heavy shelling across Ceasefire Line with field and medium artillery on road, bridges, Indian military positions, and now on an airfield, and even a hospital*. Such actions give further and ample proof that regular army is involved and that policy direction emanates from highest level..."[137]. Bunche sympathised with the "extremely difficult position in which you and your Observers find yourselves because of the Pakistan attitude", and assured Nimmo that the Secretary-General was doing everything he could to support him, with regrettably negative results thus far. He had stressed that continuing violations by Pakistan, ignoring both his own and Nimmo's appeals, not only undermined the whole Ceasefire Agreement, but put in question the advisability of the continued maintenance of a UN Ceasefire operation in the area[138].

Thus, having lost faith in the UN's ability to resolve the Dispute, it seems that Pakistan was now the party which appeared determined to jeopardise the whole peacekeeping operation by totally disregarding General Nimmo's pleas for an end to hostilities, and putting obstacles in the way of the Observers efforts to carry out their investigations**.

*See pages 405-406.

**See pages 403-405.

Furthermore, Pakistan's Foreign Minister Bhutto told a Press Conference that he hoped U Thant would realise that UN Observers in Kashmir had no *locus standi* as far as happenings in that State were concerned. The main function of the UN was to work for the implementation of its own resolutions on Kashmir, he said[139]. In contrast the Indian newspaper, *The Hindu*, was proclaiming that the responsibility for reporting "was obviously that of the UN Observers...(who) have had enough experience to send in factual reports of what has happend. By all accounts they did send in such reports...and the Secretary-General was to have made a statement based on their findings. At the last minute, evidently under pressure, he dropped the idea..."[140]. *The Hindu* also maintained that U Thant had declined to take sides on the plea that his doing so would only prejudice his usefulness. Moreover, when General Nimmo's report on Ceasefire Line violations was received there was no guarantee that the Secretary-General would make it public if he took the view that by so doing he would only be widening the rift between the two countries[141].

On 24th August the Secretary-General did make a public statement expressing great concern over the situation in Kashmir. He said he had been in earnest consultation with the two Permanent Representatives with a view to stopping the violations of the Ceasefire Line reported by General Nimmo. He had considered sending Bunche as his Personal Representative to meet and talk with the two Governments and General Nimmo, but the response of the two Governments, while not negative, involved conditions which would make the mission not feasible at the time. Therefore he had asked General Nimmo to go to New York for consultations[142]. It seems likely that the conditions were that Pakistan insisted that the discussions

included the political background to the current troubles, and India insisted that discussions were confined to the problem of the infiltrations, without any mention the Kashmir Dispute as a whole.

Nimmo himself felt that it was preferable to have preliminary discussions, at least, in the atmosphere of New York rather than Delhi or Rawalpindi. Furthermore the situation in Kashmir was much quieter with conditions reaching a static stage bordering on temporary stalemate. He was confident that his Chief Operations Officer, Colonel Gauthier, could effectively take charge of the Mission in his absence[143]. Indeed, on 22nd August Bunche had cabled Nimmo: "Are we to interpret lack of any reports in last couple of days of incidents to mean violations have stopped?"[144]. Nimmo left for New York on 25th August[145].

The Pakistan Mission to the UN put out a statement expressing regret that the Bunche mission had been abandoned, and declared: "It is our conviction that the turmoil in Kashmir needs to be fully and impartially studied if any viable solution is to be evolved. Such a study will be futile if it seeks to separate the cause from the effect, if it neglects the root of the trouble. The Ceasefire Line cannot be isolated from the surrounding land and its people. The concept of restoring quiet along the Ceasefire Line presupposes that of making an effort towards a peaceful and honourable settlement of the dispute itself. Certainly it is something quite different from restoring or maintaining the *status quo ante* in Kashmir, which is all that India wants so that it could fulfil its designs of completely annexing the State"[146].

Appeal by the Soviet Union

At this stage the Soviet Union appealed to India and Pakistan to show wisdom and patience in settling the Kashmir conflict "from which neither side could benefit". India had been attempting to enlist support for its position, but *Pravda* made it clear that the Soviet Union did not intend to apportion blame to either side: "We are not going to discuss here which version gives a more accurate representation of events. The main thing is to find a way toward the immediate ending of bloodshed and conflict"[147].

General Nimmo's Report

On 29th August *The Hindu* reported that the Government of India had asked the Secretary-General to make available to members of the Security Council General Nimmo's report* on Pakistan infilitration into Kashmir. On the 30th General Nimmo submitted to the Secretary-General an annotated list, with covering letter, of 23 serious incidents or series of incidents on which complaints had been received and investigated by Observers between 5th and 30th August, 1965, and which had taken place virtually along the whole length of the Ceasefire Line, from Jammu/Bhimber in the south to Kargil/Skardu in the north. Of the 23 incidents, 18 were attacks on Indian positions, patrols, bridges or transport convoys; five were attacks by India against Pakistan-held Kashmir; and three were incidents of firing across the Ceasefire Line, and the occupation by Indian forces of Pakistan picquets in the Kargil and Tithwal areas[147]. The Indian

*As contained in his detailed accounts of 16th, 18th, 20th and 23rd August, 1965[148].

assault on the Bedori Bulge* occurred too late to be included. General Nimmo explained that in the same period many more complaints had also been received which Observers had not by then investigated. He pointed out that investigations, which often had to be carried out in extremely difficult circumstances, and at varying lengths of time after the particular action had occurred, had in general not been able to verify, either through observation or direct evidence, the identity of those responsible for the action and participating in it, or whether, and to what extent, there had in fact been a crossing of the Ceasefire Line[150]. Thus, in spite of having stressed his belief all along that the attacks in Indian-held Kashmir had been made by raiders and infiltrators, and despite the evidence he mentioned in his cables and reports, in this letter summarising the situation, General Nimmo maintained that he had little proof to offer. Abandoned weapons, for example, for the most part had their markings scratched off, although some were found which were known to have been manufactured in Pakistan. Observers in their reports constantly said they presumed the attackers came from across the Ceasefire Line, but could not determine their identity with certainty. Only once did General Nimmo state in this list of 23 major incidents that had been investigated that "available evidence indicated that some of the raiders must have come from across the Ceasefire Line". Circumstantial evidence offered on other occasions was that one dead raider wore dress similar to the uniforms of the Pakistan frontier corps of scouts, and that Observers had seen nine bodies whose clothing and general appearance led them to believe they were those of AK soldiers. Only one occasion

*See pages 406-407.

was mentioned when Observers interviewed a captured raider who admitted to being an AK soldier[151], though some of the evidence mentioned above would not have reached General Nimmo by 30th August, when he himself was in New York. It can only be assumed that after his talks in New York, in spite of his demonstrably strong belief that the attackers were indeed infiltrators from Pakistan, Nimmo was persuaded that there was insufficient proof to make this fact public. Alternatively political pressure might have dictated that the report should not be publicised in view of an overriding desire to maintain a balance between India and Pakistan, a view to which even the Soviet Union subscribed. Nevertheless, on 31st August the Secretary-General circulated a confidential memorandum to Security Council members, based on all of General Nimmo's reports, which was "understood to be a stronger indictment of Pakistan Ceasefire Line violations than that contained in the previous unpublished statement"[152]. U Thant also made a personal appeal to India and Pakistan leaders for immediate measures to end the imminent threat of war[153]. *The Hindu* reported: "India has noted with satisfaction that the Secretary-General has not mixed up the present trouble with a larger question of a settlement of the Kashmir issue[154].

On 3rd September Bunche cabled Nimmo, newly returned to the Mission area, that support for an early - though one might question whether at this stage it could be said to be "early" - meeting of the Security Council on Kashmir was growing[155]. Later the same day he cabled that the Secretary-General had decided to make a report to the Security Council which would be circulated on 4th September, and would be essentially that contained in the private paper circulated to individuals on 31st August, suitably modified and brought up to date[156].

General Nimmo's annotated list of incidents was included, updated to number 27 incidents, and on the basis of Nimmo's detailed reports the Secretary-General now said unequivocably that the series of violations of the CFL commencing on 5th August were "in the form of armed armed men, generally not in uniform, crossing the Ceasefire Line from the Pakistan side for the purpose of armed action on the Indian side". These conclusions had been reached "on the basis of investigations by the UN Observers, in the light of the extensiveness and character of the raiding activities and their proximity to the Ceasefire Line, even though in most cases the actual identity of those engaging in the armed attacks on the Indian side and their actual crossings of it could not be verified by direct observation or evidence. On the basis of General Nimmo's findings the Secretary-General pronounced that the Karachi Agreement had collapsed, although - he hoped - only temporarily[157].

Meeting of the Security Council

It was the new President of the Security Council, Ambassador Goldberg of the United States, who had finally called for the Security Council to meet, regardless of objections by India and the Soviet Union, and with only the reluctant acquiescence of Pakistan[158]. After an initial argument with Ambassador Goldberg over the question of the powers of the President of the Council to convene a meeting, the Soviet delegate joined the other members in voting for the Resolution put forward[159]. Thus, on the evening of 4th September, the Security Council adopted by unanimous vote the following Resolution (209-1965), sponsored by Bolivia, Ivory Coast, Jordan, Malaysia, Netherlands and Uruguay: "The

Security Council, noting the report of the Secretary-General (S-6651) dated 3rd 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 UNMOGIP in its task of supervising observance of the cease-fire;
4. requests the Secretary-General to report to the Council within three days on the implementation of this Resolution"[160].

Bunche pointed out to Nimmo that this direct action by the Security Council gave UNMOGIP a strengthened mandate[161]. During the course of the debate Ambassador Goldberg had also specifically said that the Resolution meant the Observers should have "full freedom of movement and access" in the discharge of their functions "to observe and report any violations of the ceasefire and ceasefire line and to supervise the ceasefire orders"[162]. The Resolution was kept simple and no judgements were made, the aim being only to effect a quick cessation of hostilities. But it did not succeed.

CHAPTER FOURTEEN - THE WAR OF 1965

When the Kashmiris did not rise as expected, and the Indian Army began to repel the Azad Kashmiri infiltrators, the Pakistan Army had to come to their aid and the war, which had effectively long begun between armed Azad Kashmiri civilians and the police of the State of Jammu and Kashmir, became inevitable. It was only after an abortive visit to the Subcontinent by the Secretary-General once war had broken out, and three Resolutions by the Security Council, that the exhausted parties finally agreed to a ceasefire, and an augmentation of UNMOGIP to assist in this and in the withdrawal of forces. U Thant then decided that a second, but temporary Mission should also be introduced to effect the same functions on the international border between India and West Pakistan, extending south from Jammu and Kashmir as far as the Arabian Sea.

It was anticipated that the strengthened mandate offered to UNMOGIP by the Security Council Resolutions of September 1965 would enable the mission effectively to police the new ceasefire which formally came into effect on 22nd September. However, although the Observers were able to testify to the many breaches of the Ceasefire in its first few weeks, and thus draw the attention of the Security Council to them, they were unable to persuade the reluctant parties to abide by their agreement until they were politically disposed to do so as a result of the goodwill generated by the Tashkent Conference in January 1966.

So far as withdrawals were concerned, the position was even worse since the parties categorically refused to contemplate any withdrawal before difficult issues on the

political side were resolved, despite the appointment by the Secretary-General of a Special Representative to aid them in reaching agreement. The withdrawals, supervised by UNMOGIP, went ahead without problem once the political motivation was there.

ESCALATION

Pakistan admits to crossing the CFL

On 31st August, 1965 an Observer travelling from Rawalpindi to Bhimber reported that he had seen at least three squadrons of Sherman tanks, some tank recovery vehicles, one infantry battalion and some medical units on the Gujrat-Bhimber road. Other Observers, stationed in Bhimber and Sialkot, reported that they had seen troop movements. The news was not received at UNMOGIP HQ until 2nd September as troop movement information could not be passed by radio for security reasons, and there were problems with road and air communications[1].

Meanwhile, on 1st September, the Jammu Team received an Indian complaint alleging that Pakistan artillery had started intensive shelling on five Indian picquets near the junction of the CFL and the Border. A further complaint stated that the artillery fire was continuing, and that one and a half tank squadrons had crossed the CFL and attacked a picquet located two miles on the Indian side. By the afternoon three Indian picquets had been occupied by Pakistan troops. The tank attack, supported by artillery, was still in progress. Military Observers in the area said they had seen Pakistan artillery firing directed at nine different areas, and had seen a village on fire[2]. Observers also confirmed Indian complaints that Pakistan artillery had fired, on one occasion

with 25 pounders, on battalion HQ in both Punch and Naushera sectors. On the same day an Indian platoon was alleged to have clashed with 200 infiltrators twelve miles southwest of Srinagar[3], and an Indian convoy had been ambushed at Gund, 24 miles on the Indian side northeast of Srinagar on the Leh road. The Indians recovered eight killed infiltrators, one prisoner and a quantity of weapons and equipment. Observers investigating the incident reported that they had positive identification that the equipment and personnel were from Pakistan since some of the ammunition was marked POF*, although other arms and ammunition shown to Observers had the numbers filed off. Further a prisoner allegedly captured during the clash told Observers that he was from the Gilgit area, and that he and a number of other Karakoram Scouts had been selected for the mission, which was to destroy the bridge at Gund[4].

General Nimmo was still in New York when Gauthier cabled news of the events of 1st September, adding: "Am much disturbed and worried about this turn of events"[5]. Bunche replied: "We share your worry and have feared all along that this would be the development. The Secretary-General is in touch with members of the Security Council and will use every means available to him to prevent disaster"[6].

The Pakistan CGS insisted to Gauthier that not only were the Indians the first to cross the CFL in strength in Kargil, Tithwal and Uri-Punch sectors, but had repeatedly boasted about it, and proclaimed their intention of doing so in other sectors as well. Thus Pakistan had crossed the CFL by Bhimber on 1st September as a purely defensive measure. This was the first official admission from the Pakistan authorities that they had

*Pakistan Ordnance Factory.

crossed the CFL since the troubles started in early August[7].

The Air Forces are Introduced

On 2nd September, the CGS, Pakistan, told Gauthier that for the first time since the Ceasefire on 1st January, 1949, the Indian Air Force had intervened in ground battle by taking offensive action against Pakistan troops in Bhimber: "All the four Indian Vampires which participated in this action were shot down by our aircraft," he said. "The scale and area of hostilities have increased at Indian initiative and they must bear responsibility for consequence"[8]. Indian radio admitted that two Indian aircraft did not return and two were damaged[9].

Air Chief Marshal Lal claimed that until 1st September, when the Indian Air Force was indeed first brought in, no plans had been made to fight a war, although both Nehru and Shastri had said that an attack on Kashmir would be an attack on India. His belief was that when the expected Kashmiri uprising failed to materialize, the Pakistan Army* was brought in, and Pakistan tanks entered Jammu. Pakistan had the advantage because their forces in that area, which was part of Pakistan rather than the State of Jammu and Kashmir, were not restricted in number by the Karachi Agreement, whilst in Jammu India was subject to it. India thus had only light tanks and a few troops**. When the Jammu highway was threatened by tanks General Chaudhuri, the Chief of the Indian Army Staff, asked the Air Force for assistance, and obtained its support over Jaurian[10].

*As opposed to Azad Kashmiri troops.

**Indeed, on 5th September, Observers reported that Indian troops were having trouble in performing artillery combat, partly because the Pakistan artillery was changing positions very often with its self-propelled artillery, and partly because of lack of sufficient Indian artillery[11].

On 2nd September the Jammu Team heard from the Indian Local Commander that Pakistan aircraft had that morning attacked the road between Chamb and Jaurian, with rockets and machine guns, inflicting many casualties; that Jaurian village, 14 miles east of the CFL, was in flames; and that Pakistan troops had crossed the Border* with approximately 90 tanks which were moving eastwards of Chamb[13]. A jeep with UN markings, although belonging to the Indian Army, had also been destroyed[14]. Observers who visited the area reported that there was good physical evidence that strafing had taken place, and that most of the civilian population west of Akhnur was being evacuated[15].

Pakistan in Control of Part of Jammu

That evening India radio broadcast the news that Pakistan troops had succeeded in establishing a salient of approximately five miles in the Chamb sector, and 13 Pakistan tanks had been destroyed[16]. The Jammu Team, unable to move into the sector since the beginning of the Pakistan thrust, reported they had good reason to believe that Pakistan troops had managed to occupy an area of approximately 30 square miles, extending roughly five miles east of the Ceasefire Line, and six miles north of the Border, up to the Chamb area. Pakistan appeared to be consolidating on this newly occupied territory[17].

On 3rd September the Pakistan Local Command at Sialkot told Observers that any Indian violation of the Border between

*The CGS assured the UNMOGIP Liaison Officer in Rawalpindi that Pakistan troops had not, in fact, crossed into Indian-held Kashmir from any area of adjoining Pakistan territory[12], i.e. across the Border. This was an important point assuming a desire to localise the dispute to Kashmir and avoid the appearance of international war between India and Pakistan.

Sialkot and Jammu would result in a general Pakistan offensive[18], whilst the Indians told the Jammu Team that 21 of their picquets in the Jammu/Bhimber sector of the Ceasefire Line had been abandoned, and the remaining seven picquets, in the northern part of the sector, were being shelled and attacked. The Indian complaint also alleged that two Pakistan tank regiments and an infantry brigade were advancing on the Indian side of the CFL. Pakistan aircraft had that day also strafed the Akhnur road[19].

On 4th September General Nimmo signalled the CGS, Pakistan and strongly urged him to issue the order for the withdrawal of his troops from the Chamb sector. He said that such a deliberate and co-ordinated attack and occupation of an area on the Indian side of the Ceasefire Line could only be qualified as retaliatory measures which were bound to delay the peaceful settlement of the situation and lead to further serious consequences that might endanger the very foundation of the Karachi Agreement[20]. The CGS replied immediately: "We are aware of your genuine efforts to make the Indians vacate their aggression. But having seen the hopelessness of these efforts we were forced to take action to stop the Indians from annexing Azad Kashmir. Our action was taken after repeated requests to you to convey to the Indians that their failure to vacate positions on our side of the Ceasefire Line will have serious consequences. Indians apparently refused to heed our warnings...Under the circumstances how can you expect us to unilaterally halt our purely defensive operations..."[21].

Reports continued to come in from the southern sector of artillery firing, overflights and anti-aircraft gunning, further attacks by Pakistan on the Jaurian-Akhnur road, and the advance of Indian reinforcements[22]. On 5th September Jaurian was taken, but fighting continued in the area[23].

Plans for further Infiltration

Meanwhile, during the night of 3/4th September, Indian troops from the Tangdhar Sector crossed the Ceasefire Line in the Sunjoi area, three miles north of Tangdhar, and captured some hill features with the aim of cutting the supply route of Pakistan infiltrators north of Tangdhar, specifically a Pakistan company group located 5 miles north of Sunjoi and one and a half miles on the Indian side of the Ceasefire Line[24]. On 7th September Nimmo sent a "highly confidential" coded cable for "Bunche only", saying that Observers at Baramula had brought him a copy of Pakistani operation instructions, said by Indian Command to have been captured by them at Sunjoi. It discussed plans for strong infiltrations and guerilla-type attacks on Tangdhar garrison from north and south flanks, and upon rear areas and the main supply route through the mountain range. "D-Day" was said to be first light on 7th September, and operations to last for 14 days. General Nimmo thought the information appeared to be genuine[25].

On the night of 5/6th September Indian troops crossed the Ceasefire Line along the Punch-Uri road and captured an important hill feature one and a half miles within Azad Kashmir territory. The action was the initial phase of further military operations to link up with the forces which had already captured the Haji Pir Pass in the Bedori Bulge. The Observer Teams were ignored and had to seek the information out on the strength of their suspicions. General Nimmo informed Indian Army HQ that the crossing was a serious violation[26].

THE WAR

War in Earnest

On 6th September, 1965 General Nimmo cabled Ralph Bunche that there were six infantry battalions in Galuthi Sector instead of five, and a new Brigade HQ had been established at Mendhar to take over three of the six battalions. Since the Indians had always had a preponderance of forces over Pakistan in the sector he felt the re-organisation could only be regarded with suspicion, and he had informed the Indian authorities that it was contrary to the Karachi Agreement[27]. In a second cable that day he said that 41 Mountain Brigade, which he believed belonged to the force in Leh which UNMOGIP was not permitted to visit*, was now thought to be near Akhnur, and was one of three infantry brigades deployed in Kashmir but not included in the Order of Battle for the State. He noted that there were not less than 17 Indian infantry brigades in Jammu and Kashmir State, whilst in January 1949 there were 12. There were also five armed police battalions on the CFL and three on the Jammu-Sialkot Border. He thought there must be three in Srinagar. Capacity for forward movement into Azad Kashmir, he pointed out, must therefore always be borne in mind[28].

That same day the CGS, Pakistan, reported that Indian forces had crossed the Border in the Sialkot-Jammu sector and the international border near Lahore[29], which meant they were attacking West Pakistan proper. Indian air raids on Dacca and Chittagong in East Pakistan, as well as Lahore and Rawalpindi, were reported during the night of 6/7th September. The

*See pages 180-181.

bombing of Rawalpindi Airfield was confirmed by Observers stationed there[30].

A cable from Bunche to Nimmo, dated 6th September, asked if the latter had any information on an Indian allegation of a Pakistan attack two or three days previously on Amritsar (in India proper) prior to any Indian military action across the international frontier[31]. Nimmo replied: "Not officially. Indian radio reported on 5th September that a Pakistan aircraft had strafed and damaged some air force installations in Amritsar. Pakistan Radio denied the allegation"[32]. This suggests that conceivably the attack was an over-zealous and unauthorised move by an individual Pakistani pilot which the Pakistan authorities would have preferred not to have happened. Or that India was attempting to claim that it was Pakistan who had first broadened the scale of hostilities to the international front, a move which made it impossible to keep up the pretence that the two countries were not at war. In fact war was never actually declared, but the hostilities have ever after been referred to as the "Indo-Pakistan War of 1965", which is generally taken to have started on 6th September.

On 7th September Jammu Observers reported that the Local Indian Commander would not allow them to move south or southwest without permission[33]. The reason soon became apparent. Observers at Sialkot that night reported intense shelling of the area by Indian artillery, which was eventually returned by Pakistan[34]. Earlier that day the Observers had travelled for 25 miles along the Border and reported no sign of Pakistani moves. General Nimmo felt therefore that as there had been no provocation the Indians had no excuse for attacking Sialkot. It was "another example of arrogant and deceptive disregard for not only ceasefire violations, but for the whole

of United Nations"[35]. As some of the shelling was falling around their base the Observer Team withdrew westward on the Rawalpindi Road. The Jammu Team reported they felt an Indian attack was imminent[36], and indeed during the night the Pakistanis complained that Indian troops had crossed the Border in three different places and were 12 miles inside Pakistan[37].

On 8th September the Sialkot Observer Team reported that two Indian jet aircraft had bombed Sialkot military hospital. Meanwhile Pakistan was carrying out air raids on Jammu, and continuing its artillery firing from Sialkot[38]. That day All India Radio broadcast that Indian troops had opened a second front in Jammu and a third one approximately 400 miles south of Lahore[39]. Indian troops attacked Sialkot from north, south and east on the evening of 8th September, and the town was shelled by medium and heavy Indian artillery and bombed by Indian aircraft during the night[40].

On 11th September Observers posted on the Pakistan side reported some movement of armed tribesmen towards the Border and CFL. About 20,000 of them were estimated to have passed through Rawalpindi, of which approximately 5000 were reported to be proceeding towards Domel and approximately 2000 were reported by Observers to be present in each of the Bhimber and Kotli sectors. General Nimmo pointed out that the presence in such numbers of unruly tribesmen could only mean more trouble in prospect[41].

By this time the Security Council had finally met and adopted two Resolutions, on 4th and 6th September respectively, calling for a Ceasefire, which they requested the Secretary-General to exert every effort to give effect to[42]*.

*See pages 471 and 437.

As a result he made a visit to the Subcontinent*, but the war continued. Heavy ground battles supported by armour, artillery shelling, bombing and strafing of airfields were reported either to Observers or on Indian and Pakistan national radio stations[43]. Although the engagements were becoming heavier, now that the war had spread outside the area of UNMOGIP's responsibility there was less the Observers could accomplish, confined as they were to their respective locations. Indeed they were being more or less ignored by their Local Commands and left to fare for themselves[44].

As a result of heavy Indian artillery shelling near their station, and because of increasing difficulties in maintaining contact with the Pakistan Local Command, who appeared reluctant to keep them in the picture, the Sialkot Team moved to the outskirts of Sialkot, out of artillery range, on the evening of 12th September. Colonel Gauthier**, cabled the CGS regarding the Team's difficulties and received the following reply: "The function of the UNFO teams was to supervise ceasefire in Jammu and Kashmir territory. Your Team at Sialkot was stationed there at our specific request. India and Pakistan are now at war. UNFO team can no longer perform duties until this war ends. Due to Indian attack, Sialkot now lies in an operational zone and we can no longer guarantee the safety of your team. You are requested to immediately withdraw your team from Sialkot"[45]. The Team thus moved to Bhimber, the nearest Field Station to Sialkot, with the intention of visiting Sialkot daily in an attempt to obtain information from the Local Command. At their first attempt on 14th September,

*See pages 437-442.

**General Nimmo was accompanying the Secretary-General on his visit to the Subcontinent.

they were stopped by Pakistan Military Police 13 miles from Sialkot and prevented from proceeding further[46].

The Secretary-General Visits the Subcontinent

The Security Council was due to hold a further meeting on 8th September, but was overtaken by the events of 6th September when Pakistan asked for an immediate meeting to consider the situation. That evening, after hearing representations from India and Pakistan, each asserting aggression by the other, and describing their own activity as necessary defensive measures, the Security Council unanimously adopted a further Resolution (210-65). It requested the Secretary-General "to exert every possible effort to give effect to the present Resolution and Resolution 209*, to take all measures possible to strengthen UNMOGIP, and to keep the Council promptly and currently informed on the implementation of the Resolutions and on the situation in the area". U Thant decided to visit the Subcontinent himself. Notes on the approach that the Secretary-General might make to India and Pakistan during his visit, with suggestions by Bunche and Rolz-Bennett, were found in the file, and presumably negotiations were started along these lines: that the Secretary-General should interpret the Security Council's mood of determination and urgency forcefully, and point out that the Security Council would persist in seeking a ceasefire, and continuance of the fighting would mean a loss of international goodwill for both parties; that the UN could offer supervisory machinery, if so desired, and assist the parties in the arrangements for withdrawal and help to tide over the probable lapse of time before the

*See page 425.

withdrawal could take place; that the strengthening of UNMOGIP, aside from being desirable in itself, might also provide a face-saving device for India to withdraw; as to any conditions on the ceasefire, the Council neither could, nor ever had, adopted a conditional ceasefire resolution because any conditions would in fact condone the fighting - the single object of the Resolution was to stop the fighting, and all parties were thus equated in the Resolution; that the question of merit, blame, etc., could be taken up later; neither side could really hope for military victory or gain, in the true sense of the word, from fighting - for Pakistan the ceasefire was an indispensable prerequisite to discussions of other issues, but a means had to be found to avoid the appearance of India being forced into a discussion of wider issues by the fighting. As to the wider issues, Bunche suggested it should be pointed out that it was no longer possible for any member of the United Nations to refuse to discuss a problem, particularly when it was a highly dangerous one, and therefore there had to be a discussion of the broader issues. The Secretary-General could offer assistance as a third party to such discussions, or in arranging for a third party to assist in the discussions, or possibly reference to the World Court, since it was apparent that bilateral negotiations had failed. For Pakistan the cease-fire presented great difficulties without broader discussions, and for India broader discussions presented great difficulties, but since they argued the merits of the Kashmir problem in the Security Council, it followed that they agreed that there were problems to be discussed. In any event a *modus vivendi* between the two countries on outstanding problems had to be found, and it should be pointed out that the Security Council had not yet taken all the action open to it, and would

certainly continue to exert pressure over the Kashmir situation[47].

U Thant was on the Subcontinent from 9th-15th September. Ayub Khan told him that India had embarked on a course of aggression across the CFL because it could not suppress the "freedom fighters" and that the Pakistanis who crossed could not be blamed for going to help. U Thant explained his mandate was to achieve an effective ceasefire and he had no authority to discuss the overall question of Kashmir. Ayub Khan insisted that the Security Council should concern itself with the fundamental problem and he was not receptive to a ceasefire without this. His Foreign Minister, Mr. Bhutto, also thought the ceasefire would not stick without a settlement of the whole Kashmir problem. He asked U Thant to convey his regards to Dr. Radhakrishnan, the President of India, who had been his tutor at Oxford. (Dr. Radhakrishnan was deeply touched.) India's position was that the Kashmir Assembly had approved accession in 1953 and the Security Council could not reverse this[48].

On 11th September, when it became apparent that negotiations were not progressing favourably, the Secretary-General received a cabled suggestion from Bunche that, for the record, he make a strongly-worded appeal to Ayub Khan and Shastri that they should meet at the earliest possible date at a mutually agreeable neutral place to discuss their differences and seek a peaceful solution, with or without the presence and assistance of a mutually agreed third party[49]. The Secretary-General, however, thought it was too early to make such a suggestion with any hope of its being acceptable to either party. He felt the initiative might be more timely after he had fully reported to the Security Council. He had

discreetly broached the subject but reactions were negative: India would agree to bilateral talks at any time, but not to the presence of a third party and, according to Shastri, would never agree to talks at any level on Kashmir; Pakistan would agree to talks with third party presence, but only to discuss Kashmir. U Thant said he was "impressed by the resolute, not to say obstinate, mood in both capitals" and felt, record notwithstanding, that it would not help future relations to make a formal public approach about Heads of State meeting if the cease-fire appeal failed[50]. In a further cable Bunche maintained that the two parties could not expect U Thant to give them any sympathy or protection in the course of the war they were pursuing: the interest of peace, the world's and the UN's, necessarily took precedence over any future relations with either of them. It seemed clear to Bunche that any hope for a change in their positions had to depend on the ability to mobilize and apply to them international pressure of a compelling force. Bunche appreciated U Thant's reasoning, but argued that a public appeal would put pressure on the two parties precisely because of their well-known and adamant positions and thus no longer protect them, and further have the record show that "you as Secretary-General acting under an urgent Secco* resolution were sparing no effort in view of the desperate nature of the situation. Opportunity for you to make such an approach would be largely lost, at least for some time, if it is not made before your return because Secco will then be meeting precluding any such initiative by you". U Thant's position, he said, would certainly be far stronger if, after the two parties had rejected his ceasefire request, as

*Security Council.

seemed likely, and before he left the area, he made a forceful, last ditch appeal to them to substitute talk for bullets, though public release of such an appeal could be deferred to be included in his report to the Security Council. He thought the Security Council Meeting would be more likely to produce a helpful result if it had before it a record showing that the Secretary-General had just about exhausted every effort he could reasonably make, and it was what the Resolution of September 6th called upon him to do[51]. The following day, 14th September, U Thant cabled Bunche that he had in mind to issue an appeal along the lines suggested by him after receipt of replies to his appeal for a ceasefire[52].

The Secretary-General actually made three appeals during his visit to the Subcontinent. Firstly he sent identical appeals for unconditional ceasefire on September 14th: India accepted but only in respect of armed forces in uniform, whilst reserving the right to deal with infiltrators; Pakistan accepted, but demanded that the ceasefire provide for an overall political settlement. India accepted a second appeal for a ceasefire, effective from 6.30 a.m. Indian standard time on 16th September, provided the Secretary-General confirmed in time that Pakistan was agreeable to do likewise, but Pakistan maintained her previous position. In his third appeal, sent on 15th September, U Thant offered to meet the parties and discuss offers of conciliation from a number of world leaders[53]. India made no reply; Pakistan pointed out that previous such talks had been abortive[54].

Unable to reach agreement between the two parties U Thant returned to New York and suggested that the Security Council might order the two Governments concerned to cease hostilities, or incur sanctions under Articles 39-40 of the Charter of the

United Nations. He recommended also that the Security Council request the two parties to meet and try to resolve their differences[55]. He suggested the Council might consider the possibility of creating a small committee to assist in these talks. India was annoyed that his suggestions represented a shift in attitude in Pakistan's favour, both by bracketing the two countries together, and - more especially - by giving in over the question of the background to the Dispute. The Indian representative also took issue with the Secretary-General's comment that both governments had put conditions for a ceasefire unacceptable to the other, citing Shastri's offer of an unconditional ceasefire if Pakistan agreed[56].

The Security Council took its cue from the Secretary-General and accepted that it had to do more than just stop the fighting. There followed some intensive behind-the scenes diplomacy whilst the war on the Subcontinent was reported to be intensifying, and India claimed that Chinese troops were massing on its border, before a draft resolution acceptable to both India and Pakistan could be introduced[57]. On 20th September the Council adopted Resolution 211. Whilst not specifically mentioning Articles 39 and 40, the Resolution used terminology more appropriate to those articles and "demanded" (as opposed to the usual "called for") a Ceasefire by 0700 hours on 22nd September, followed by withdrawal of all armed personnel. It requested the Secretary-General "to provide the necessary assistance to ensure supervision of the Ceasefire and withdrawal of all armed personnel" and, again, "to exert every possible effort to give effect to the present Resolution". It also included a reference to considering what steps could be taken to assist towards a settlement of the

political problem underlying the conflict[58]. This was rather less than Pakistan's demand for a self-implementing plan, but a reference nevertheless which India would have preferred not to have been included[59].

The Indian Prime Minister replied immediately in writing to say that he was willing to order a simple cease-fire and a cessation of hostilities on being informed of Pakistan's agreement to do likewise, but in order to comply by the requisite time he would need to issue the necessary orders to field commanders by 1200 hours GMT on 21st September[60]. The Secretary-General pointed out that to be fully consistent with the Security Council Resolution each party should instruct its forces to cease fire by 0700 hours GMT on 22nd September without condition, although it would be understandable if in issuing these orders the troops were authorized to fire if fired on[61]. However, India's position was accepted, and when Pakistan did not signify agreement in time for India's deadline, the timing of the Ceasefire was delayed until 2200 GMT on 22nd September[62].

SUPERVISION OF THE CEASEFIRE

UNMOGIP's Relationship to UNIPOM[63]

In anticipation of an eventual ceasefire, the UN Secretariat had been working on plans for its supervision even before the adoption of the Resolution of 20th September. In the State of Jammu and Kashmir the supervision called for by the Security Council was, not unexpectedly, to be exercised by UNMOGIP, which was considerably strengthened for the purpose. Less expectedly a second mission, described by the United Nations Secretariat as "an administrative adjunct of UNMOGIP",

was set up "as a purely temporary measure" to supervise the Ceasefire along the India-Pakistan Border outside Jammu and Kashmir[64].

On 20th September Bunche cabled Nimmo to say serious thought had to be given to the question of the relationship to UNMOGIP of a new operation with a temporary responsibility for supervising the ceasefire. He explained that as UNMOGIP's responsibility derived from the Karachi Agreement and would continue indefinitely until the Kashmir problem was settled, he thought it would be unwise to tie the indefinite UNMOGIP operation to the purely temporary broad ceasefire operation resulting from that day's Security Council Resolution, though the association and the working relationship between UNMOGIP and any new apparatus would need to be extremely close[65]. The Secretary-General did not make known to the Security Council the decision to create a second mission until 23rd September when he announced: "In view of the differences in origin and function between UNMOGIP and the new group of observers, I have decided to organise the observers whose function it is to supervise the ceasefire and withdrawals as an organisaton separate from UNMOGIP, entitled the United Nations India Pakistan Observation Mission (UNIPOM). Obviously the operations of UNIPOM and UNMOGIP will be closely co-ordinated both administratively and operationally"[66].

Bunche admitted to Nimmo that the question of one or two operations "was a very hot political issue with sharp division of view between India and Pakistan"[67]. India tried to insist on a single mission, whilst Pakistan approved the setting up of a second mission, and wanted as little co-ordination between the two missions as possible. It would seem that India felt that an extension of UNMOGIP's mandate would accentuate the

fact that the aggression was initiated by Pakistan in order to solve the Kashmir question to its own advantage. India may also have had some hope that when the current crisis was over the UNMOGIP operation would finally be wound up. Pakistan may equally have feared that this would be the case, and the Kashmir Dispute thus become forgotten. By having two operations, the one could be wound up when the ceasefire was stable and withdrawals completed, whilst UNMOGIP remained in place. Furthermore, the existence of a second operation accentuated the fact that hostilities had taken place across the international border between the two nations, such hostilities having been initiated - so Pakistan at least claimed - by India. The Secretary-General held his ground and by mid-October the arguments ceased[68]. However, they did not augur well for the maintenance of the Ceasefire.

For the first few days General Nimmo was in charge of each operation, and in order to ensure the close working relationship between the two Missions, Dr. Bunche requested him to exercise an informal overseeing eye on the new operation even after Major-General B. F. Macdonald, DSO, CD, a Canadian, was appointed Chief Officer of UNIPOM on 24th September[69]*. The Secretary-General also informed Macdonald that in view of his long experience and extended service in the area, he had asked Lt. Gen. Nimmo to exercise a general overseeing function with regard to both operations[70].

Until his appointment General Macdonald was with the Canadian contingent in UNFICYP as second-in-command of the Force, and was therefore considered to have good UN experience[71]. On 28th September, the Secretary-General

*Not the Australian Colonel A. N. MacDonald who was with UNMOGIP 1952-1955.

cabled[72] a welcome to him on his arrival in New Delhi and gave him certain basic instructions for his guidance, saying that UNIPOM's function was based on the Security Council Resolution of 20th September and its scope was the area of the conflict between India and Pakistan over Kashmir outside of Kashmir and beyond the Kashmir Ceasefire Line.

Bunche also cabled Macdonald to explain that it was not possible to speak of a complete separation of the two Missions, since UNMOGIP and UNIPOM were separate operations only because their origins were different, and UNMOGIP was restricted in its activities to Kashmir and the Kashmir CFL. UNIPOM was set up to deal with that aspect of the CFL which was outside Kashmir, but the ceasefire and the withdrawals called for by the Security Council involved the entire area of the conflict and were therefore to be treated as a whole. Thus UNMOGIP and UNIPOM had to establish and maintain the closest possible cooperation and co-ordination, administratively and operationally[73]. In the words of a UN Working Paper, "the functions and operating procedures of the UN Observers pursuant to Security Council Resolution 211(1965) of 20th September, 1965 were determined by the existence... of two parallel ceasefires in the Subcontinent, one based on the Karachi Agreement, relating only to Kashmir, the other being the overall ceasefire applying to the entire area of conflict, based on the acceptance by India and Pakistan of the ceasefire called for by Resolution 211(1965). The latter was a simple ceasefire in general terms, with no agreed list of activities constituting breaches of the ceasefire, and no agreed definition and demarcation outside Kashmir of the actual ceasefire line itself"[74].

However, the question of where UNIPOM's area of

responsibility ended and UNMOGIP's began soon caused confusion owing to the fact that UNMOGIP had always been responsible for that part of the border between Pakistan and the State of Jammu which was neither part of the CFL, nor the international border*. Nimmo initially explained to Macdonald that the whole of Jammu and Kashmir State was UNMOGIP responsibility, and not just the CFL, because of the Mission's responsibility for checking the Order of Battle, and as a result of the agreement with both army commands to resolve disputes on the Border[75]. He was therefore surprised to find UNIPOM Observers posted in the Jammu sector. Macdonald referred to the CGS, and told Nimmo the latter believed the Indian Government might wish UNIPOM "to be responsible north to the point where the CFL intersected with the international border". Macdonald said the CGS had indicated his view was not entirely firm and he, the CGS wished to give the matter further thought. Macdonald recognised that political aspects were clearly affecting his views; and in a later message he confirmed that he had received indications that India objected to having the area under UNMOGIP due to political reasons[76].

Bunche told Nimmo, who sought his advice, that the obvious rule of thumb was that the dividing line would be "where the Kashmir CFL intersects the international border, except where there is firm and continuing agreement between India and Pakistan that UNMOGIP should extend its operation beyond that area". He felt unable to say whether there was still firm agreement between India and Pakistan on an extended scope for UNMOGIP as in the past, and certainly did not think it

*See pages 186-188.

advisable to bring up the question at that stage since it would only serve to raise a further controversial issue at a time when they had enough. Bunche said that while there were two operations, made unavoidable by the inability of the Secretary-General himself to extend the scope and competence of UNMOGIP, there had to be the closest possible co-operation between the two operations, and acceptance of a team approach to the ceasefire in the area as a whole. Therefore, while for administrative purposes and indeed to protect the future existence of UNMOGIP as against the purely *ad hoc* and temporary existence of UNIPOM, Observers were being assigned to the two operations, they should not draw any sharp distinctions between those assigned to one operation or the other. Therefore Bunche said he would not be disturbed by the presence of UNIPOM Observers in Jammu or UNMOGIP Observers in Lahore, provided that Nimmo and Macdonald were fully co-ordinated on the matter. He could not overemphasize the importance of Nimmo and Macdonald presenting a united front to the political difficulties confronting them[77]. In response Nimmo firstly pointed out that the question of areas of responsibility had become very confused owing to the use of the term "international border" (used by both Macdonald supposedly, but almost certainly incorrectly, quoting the CGS Pakistan, and then Bunche) for that portion of the boundary below the southern limit of the CFL, which had never been recognised as such by Pakistan*, and for which UNMOGIP had always been responsible[78]. However, in a further cable he said that he fully understood what Bunche was saying, and would co-operate

*Since Pakistan did not accept that that part of Jammu belonged to India, its border with Pakistan could not, in the view of Pakistan, be part of the Indo-Pakistan international border[78].

to the full, keeping quiet about areas of responsibility in view of the problems. He had a picture of a number of UN Observer Teams along the whole front, reporting to respective centres for practical operational and administrative reasons[80].

Provision of Additional Observers

Each of the countries currently represented in UNMOGIP were asked to provide ten additional officers for the Mission. Canada, Denmark and Norway agreed immediately, and Finland and Sweden both offered five. Replies from Australia, Italy, New Zealand, Chile and Belgium were not received so speedily, but Bunche at first felt the attitude in general was positive[81]. However, on 30th September he cabled that he was holding the increase to approximately 70 Observers for the time being in view of certain difficulties at his end[82]*, and in fact only an extra 59 Observers were ultimately assigned to UNMOGIP[84]. Other countries were requested to supply Observers to UNIPOM, and in the first instance General Bull of UNTSO sent sixteen[85].

As soon as it was agreed that the Ceasefire would begin on 22nd September, and in order to establish a token presence in UNIPOM's area of responsibility pending the arrival of additional Observers from outside, General Nimmo sent Colonel Gauthier, as Officer-in-Charge, and six further Observers to form a Headquarters at Lahore (in Pakistan) and cover Kasur, Wagah, and Narowal. Another six Observers were sent to Amritsar (in India) to cover Ferozepur, Atare and Dhariwal. Nimmo reported that the necessary assistance and co-operation from both Armies appeared to be forthcoming[86]. The Observers

*Bunche told Macdonald that the political situation at UNHQ was so sensitive, that even the number of Observers was a hot political issue, not to mention their nationalities[83].

from UNMOGIP and UNTSO were gradually returned to their missions as Observers specially recruited for UNIPOM, of whom 90 were ultimately provided, began to arrive[87].

Unstable Ceasefire

Serious breaches of the ceasefire were to occur for some weeks to come. The simple ceasefire demanded by the Security Council was equally unsatisfactory to both India and Pakistan since it took into account neither India's strong views towards the infiltrators who sparked off the conflict, nor Pakistan's fear that it would only restore the *status quo* which was what Pakistan had been trying to change. This dissatisfaction was evident on the battlefront. The two armies began to consolidate their gains by digging trenches for future action and started edging forward to strategic positions. In the process there were clashes of varying magnitude in different sectors.

Colonel Gauthier, as Officer-in-Charge of UNIPOM for its first few days, was obliged to report breaches of the ceasefire starting as early as first light on 23rd September. Complaints were received from Local Headquarters, Lahore, that Indian troops were edging forward of the positions they held at the time of the Ceasefire[88]. Efforts were made by Gauthier to contact the Indian Battalion Commander, but he gained the impression that the Indian Commander had no wish to discuss the situation[89]. At 1715 hours on 24th September shelling started from the Indian side. The heavy firing continued for half an hour forcing Gauthier and another Observer who had gone to the CFL with him to investigate the earlier complaint to take cover. Gauthier requested Nimmo to pass a strong protest to the Indian VCOAS which was done[90]. Gauthier also visited the

Local Pakistan Command who assured him no Pakistan artillery had fired. His own considered opinion, however, was that the Indians had started the firing, but he believed some shots were returned. In any case, he said, the situation was explosive and he was experiencing great difficulty in preventing the Pakistanis from retaliating. He urged Bunche in New York to employ all means at his disposal to stop the Indian forces taking further offensive action"[71]. Gauthier's difficulties were compounded by the fact that the suddenness of the implementation of the UNIPOM operation meant that few facilities were available; he had insufficient Observers and no coding operator, and the above message had to be carried by hand from Lahore to Rawalpindi to make use of UNMOGIP's facilities"[72].

In New York, the Permanent Representative of Pakistan complained to the Secretary-General about India's breaches of the Ceasefire"[73]. General Nimmo agreed that many alleged ceasefire violations had been submitted by both sides, and Observers were endeavouring to investigate. One Observer had actually seen Pakistan troops firing with rifles and light machine guns towards the Uri-Punch road from dominating positions west of the road"[74].

On 26th September Observers at Domel received a Pakistan complaint alleging that a company strength of Indian troops had that night overrun a Pakistan standing patrol two and a half miles on the Pakistan side of the CFL, and had fired with artillery and medium machine guns into Shahkot village on the Pakistan side, and were attacking south of the village. A ceasefire proposed by Observers was not accepted by the Pakistan Local Commander who said that unless the UN guaranteed total Indian withdrawal from the area he would commence full

offensive operations. He stated that he had the approval of his higher headquarters for these operations as the Kishenganga bridges were considered vital. GHQ Pakistan later reported that they had directed their Local Command to exercise restraint, but that they could not allow Indians to occupy territory under their control and requested that the Indians vacated the positions as soon as possible[75].

The Indian Local Command confirmed there had been an exchange of fire, but said the Pakistanis had started it and the Indian troops had been in possession of the whole area between the CFL and the Kishenganga River[76]. The Indian occupation of that area had never, however, been reported to Observers so UNMOGIP concluded the Pakistan claim was the more likely to be correct[77]. On the same day Nimmo cabled Bunche that information just received from Lahore indicated that the situation had deteriorated further in the whole Lahore sector, and the next day Observers reported a build-up on both sides about 10 miles southeast of Lahore[78].

The Secretary-General reported on the situation to the Security Council, and a further Security Council Resolution on 27th September demanded that both sides honour their commitments to ceasefire and withdrawal. It was adopted unanimously[79]. However, tension remained at a high pitch into October with many serious incidents, including artillery shelling and forward movement[100]. Fighting in the Chamb area was so fierce that Observers had to make several attempts over a period of days at arranging a local ceasefire[101]. Other Observers were reaching areas previously not open to them which, General Nimmo said, would enable rival claims to be assessed, but would not stop the incidents occurring. He felt that with the bitterness that existed there was little prospect

of real improvement unless a disengagement of forces could be brought about, which would require great pressure[102].

On 7th October, Military Observers themselves had to withdraw when bridges were shelled and attacked by Indian troops[103]. That day also Nimmo sent Bunche two signals he had received from the CGS, Pakistan reporting messages they claimed to have intercepted of the Indians giving orders to destroy civilians and villages. General Nimmo felt they indicated the feeling that existed between the two sides and emphasised the belief in Pakistani minds regarding genocide of Muslims, a subject to which they often referred. He pointed out that such matters were difficult to handle since they were not strictly to do with the ceasefire, and to promulgate any adverse findings would only make things worse. Observers had found burning houses in one of the areas mentioned, but had also seen the results of alleged infiltrators' work in the form of cut telephone wires, and sabotaged roads and trucks. Despite everything, civilian life seemed more or less normal[104].

Primary Responsibility for Breaches laid on India

On 8th October Bunche cabled Nimmo and Macdonald asking for urgent comments on a statement made by the Permanent Representative of India in a letter to the Secretary-General to the effect that Indian forces had not gone into any new areas after the ceasefire, and whatever areas they were holding were held by them at the time of the ceasefire. Bunche was already aware that contrary suggestions had been made by the UN Observer teams, but he asked for precise detail[105]. He received a long cabled response from General Nimmo detailing Indian forward troop movements in three sectors[106].

On 15th October Bunche cabled that they were preparing a further report for the Secretary-General on the observance of the ceasefire, and had noted in presenting the incidents which had been investigated and reported on by UNMOGIP and UNIPOM that the total picture was somewhat one-sided and showed India to have the main reponsibility - by far - for breaches of the ceasefire. He wanted to check that this was an accurate reflection of the situation before publishing the report[107]. Nimmo replied that as their reports were based upon confirmations received from UN Observers, either as they themselves witnessed or as a result of prompt investigations, he saw no alternative but to accept them as an overall picture of the situation[108]. On 17th October the Secretary-General, in his report to the Security Council, noted further complaints and commented that there was "no reason to doubt the earnestness of either party in desiring to honour this agreement. But this attitude is not always reflected accurately at the front"[109].

A Slow Improvement

On 20th October General Nimmo reported that the Chamb area, which had been the most troublesome immediately after the Ceasefire, had now stabilised, but the Kishenganga River in Tangdhar-Domel sector had been the scene of many complaints by both sides during the previous week and there was no doubt that the Indians, with increased forces, were pressing westward from the CFL towards the River. Incidents were also still taking place daily in the Mendhar area, and Kotli-Naushera sector[110]. But at the beginning of November Nimmo was able to report that the situation was quiet in nine of his eleven sectors[111], and the general situation thereafter continued to improve.

However, minor firing incidents and complaints of strengthening of defences were still being reported daily, particularly in Kotli-Naushera sector and along the Kishenganga River, and were generally confirmed by Observers, who often found themselves in areas which were the target of shelling[112]. Although the number of incidents lessened at the beginning of December, Pakistan complaints of Indian shelling in the Kotli area continued to be confirmed on into that month. Observers believed the problems were caused mainly by the number of salients on the wrong side of the Ceasefire Line, and the intensive patrolling by both sides[113].

Overflights

Often Observers heard firing from both sides, but only received a complaint from Pakistan. It appeared to them that it was usually India who started the firing. Occasionally it was Pakistan, or Pakistan sometimes returned the fire, in which event India also complained[114]. On the other hand, on 14th October General Chaudhuri, Chief of the Indian Army Staff had sent messages to Generals Nimmo and Macdonald saying the Indians were seriously concerned with gross violations by Pakistan aircraft, which had been increasing and had culminated in an attack on a village in Rajasthan. He warned that continuance of such "provocative" actions might well irretrievably rupture the precarious ceasefire. General Macdonald, he said, had suggested some mutually acceptable rules to be observed by the Air Force, and General Chaudhuri himself put forward some recommendations in this respect[115]. However, it was not until 14th December, at a joint meeting of both parties in New Delhi in the presence of Generals Nimmo and Macdonald, that agreement was reached "for restriction of

flights in the vicinity of the respective lines of control throughout the area of conflict". It was also agreed by India and Pakistan that their light aircraft would not fly within 1600 metres, nor their high performance aircraft within 10,000 metres of their respective lines of control, and the agreement would be supervised by Military Observers[116].

The Ceasefire Holds

The following day in Delhi General Chaudhuri, Chief of the Indian Army Staff, informed Generals Nimmo and Macdonald of his intention to issue a unilateral order to his troops not to open fire unless physically attacked by Pakistan troops, the truce to take effect from 1700 hours on 26th December for an initial period of 24 hours[117]. This decision was conveyed on 22nd December by General Macdonald and Colonel Gauthier to the CGS, Pakistan Army. The latter afterwards confirmed in writing what he had expressed verbally: that the Pakistanis had no intention of disturbing the Ceasefire except in self-defence; and that in view of General Chaudhuri's undertaking he would issue fresh orders to his troops in order to re-emphasise the Pakistan stand, and reiterate the instructions with which they had been strictly complying[118].

Nevertheless, on 28th December, Indian troops were seen by Observers to be shelling Pakistan positions from the Kotli area. The Pakistanis did not return the fire. Colonel Gauthier cabled General Chaudhuri, noting "with regret that Indian troops saw fit to contravene" his order, and saying he assumed that this isolated violation took place because General Chaudhuri's order was not disseminated properly[119]. In the days that followed shelling decreased but did not stop altogether in the troublesome Kotli-Galuthi-Naushera and

Domel-Tangdhar areas[120]. The Indian Local Commander remained very much concerned about Pakistan troops occupying positions on the Indian side of the CFL south-west of Mendhar and Galuthi, and Observers feared the situation could yet lead to some action on the part of the Indians to clear the Pakistan salients although there was no positive indication that such action was being mounted[121]. In the Sialkot-Jammu Border area also Observers gained the impression from the general activity in the area that troops and civilians on the Pakistan side were being mentally conditioned for possible further fighting, and on the Indian side civilians were observed receiving small arms training from the military[122].

However, on 2nd January, 1966 the Prime Minister of India and the President of Pakistan met in Tashkent at the invitation of the Soviet Union, and on 10th January it was announced that they had agreed that the withdrawal of all armed personnel to the positions they held prior to 5th August, 1965 should be completed by 25th February, 1966, and that both sides should observe the ceasefire terms on the Ceasefire Line[123]. There were indeed thereafter only minor breaches of the Ceasefire. Meanwhile, on the night of 3/4 January, 1966, at his headquarters in Rawalpindi, General Nimmo died in his sleep[124]. Colonel Gauthier* took over as Acting Chief Military Observer of UNMOGIP until a new CMO, General Tassara of Chile, arrived at the Mission in July 1966**.

*See pages 107-112 for a profile of General Nimmo.

**Described by General Nimmo in August 1965 as "of much experience in Canadian Army and recently on staff of NATO. He has absorbed problems of this Mission very quickly and is interested in, and suitable for, this kind of work"[125].

***See Page 472.

WITHDRAWAL TO POSITIONS HELD BEFORE 5th AUGUST, 1965

Initial Efforts to Obtain Withdrawals

The problem of defining unequivocally the extent of occupation on the wrong side of the CFL and Border at the time of the Ceasefire was one of the most difficult to solve, and was the subject of controversy between local commanders. While the war was in progress Observers were denied the possibility of free movement in the battle areas and their only source of information at the time was limited to daily reports emanating from local commanders. From these an estimate of the extent of occupation on the wrong side of the CFL and Border was made[126]. On 24th September General Nimmo submitted a preliminary list of positions held by each side from which they would be required to withdraw. Within Kashmir Indian troops had occupied Pakistan positions in the Kargil-Skardu, Domel-Tangdhar, and Rawalakot-Uri-Punch sectors; Pakistan forces had occupied Indian positions in the Bhimber-Akhnur sector. Indian troops were also on the Pakistan side of the Border between Jammu and Sialkot[127]. Modifications were made in various cables as additional information was released by local commanders, and the collated information was finally reported to Dr. Bunche on 27th October[128]. However, General Nimmo emphasised that the information remained an estimate which in many places could not be verified because of fighting which continued several days after the Ceasefire. Moreover, as a result of the continued fighting, Indian troops had managed to nibble at the Pakistan salients in the Chamb area in the first instance, and later in the Mendhar area, and had extended their zone of occupation in the Kishenganga and Bedori Bulge sectors. Therefore the question of establishing beyond

doubt the positions held at the time of the Ceasefire was a practical impossibility and, in General Nimmo's opinion, if published could provoke violent reaction from either side if it did not coincide with the respective contentions on such a sensitive problem[129].

Initially, in his cable of 24th September, General Nimmo said that in view of the difficulty in defining exactly the positions held on the wrong side of the CFL and Border, he would prefer that troops of both parties withdraw to their respective sides, which were well-known to them, instead of defining the positions from where they had to withdraw[130]. India insisted that any schedule or plan of withdrawal had to be co-ordinated and synchronized with the withdrawal not only of Pakistan regular forces, but also armed men not in uniform[131]. The Pakistan Representative complained to the Secretary-General that the latter appeared "to be concentrating almost exclusively on making arrangements for withdrawal of troops... In our judgement military withdrawal should proceed concurrently with an honourable political settlement"[132].

On 26th and 27th September General Nimmo commented on the two sides' positions, as indicated to him when he had attempted to effect the necessary withdrawals. The CGS, Pakistan, stated: "Our government has not yet accepted withdrawal of troops to own side of border. Agreement thus far is only on ceasefire. In view this you are requested to concentrate on implementation of ceasefire. We will accept your instructions regarding withdrawal of troops after an agreement on the subject is reached. Please intimate reaction of Indian VCOAS to your request"[133]. In fact no reply at all was received to a request to the Indian VCOAS to withdraw Indian troops from their occupation of a hill feature on the Pakistan side in

Domel sector[134]. The relevant Local Commander, however, said: "Indian troops captured area...on night of 22nd September at 0300 hours before ceasefire announced therefore question of withdrawal does not arise"[135]. A general request to the Commander-in-Chief, Western Command, Indian Army, for the withdrawal of all troops from the Pakistan side of the international border also elicited no response[136].

Furthermore General Nimmo reported that it was apparent that some occupations of new positions or territory were made by groups of local commanders, sometimes in a rather hot-headed manner, or even by units somewhat out of control, especially in the case of irregulars or para-military, and it would take time for tempers to recede. There was therefore much work ahead to persuade Governments to order withdrawals, and for UNMOGIP to arrange and supervise them on a reciprocal basis and over a timed programme[137]. A further resolution[138] by the Security Council on 27th September calling for a prompt withdrawal of all armed personnel was therefore doomed to failure.

In his welcoming cable to General MacDonald on 28th September, the Secretary-General was forced to admit that it had become increasingly apparent that the main burden of the efforts to achieve withdrawals would have to be carried at UN HQ by the Security Council and the Secretary-General. It seemed unlikely in the light of experience thus far that the Observers in the field would be able to make much progress on withdrawals through their own efforts, though at a later stage that might change[139]. It was clear then, that a separate agreement on withdrawals was necessary.

Appointment of General Marambio

On 13th October the Secretary-General suggested two

possible options: either each party should formulate its own plan, to be put into effect with the aid of Military Observers; or military representatives of each side should come together with an acceptable representative to be designated by the Secretary-General in order to formulate a plan[140]. The two sides preferred the latter alternative, and India proposed General Nimmo as the representative in view of his unequalled experience in the area. U Thant felt General Nimmo's current responsibilities too great for him to take on the extra task, and in any event he was not acceptable to Pakistan[141]. Instead U Thant chose Major-General Sysno Sarmento of Brazil, who was Commander of UNEF at the time[142], but whom India was reluctant to accept.

On 5th November, the Security Council passed a new Resolution[143], regretting the delay in the full achievement of a complete and effective ceasefire and prompt withdrawal, and calling upon the parties to instruct their armed personnel to co-operate with the United Nations and cease all military activity. It insisted on an end to violations of the ceasefire and demanded "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..."[144].

The Secretary-General decided - possibly in view of India's reluctance to accept him - that General Sarmento could not so easily be immediately spared from UNEF. Instead on 25th November - after the said consultation with India and Pakistan - he appointed Brigadier-General Tulio Marambio of

Chile as his Special Representative to assist the parties with their withdrawal plans[145]. General Nimmo was assured that General Marambio's mission was to be of only short duration, and that any withdrawal plan so reached would be supervised by himself and General Macdonald and their Military Observers[146].

The Tashkent Agreement

General Marambio arrived on the Subcontinent on 6th December, and began a series of separate and informal consultation with each side and with Generals Nimmo and Macdonald[147]. On December 8th it was announced that the leaders of India and Pakistan would meet in Tashkent early in January under the auspices of the Soviet Premier, Mr. Kosygin. With this news, the outlook for General Marambio's mission looked more hopeful than at the time of his appointment. However, on 15th December, Colonel Gauthier noted that the Indian local command in Kotli-Naushera sector continued to regard Pakistan occupation of the Indian side of the CFL as an intrusion, and was apparently quite willing to accept Pakistan retaliatory fire as a result of its engaging Pakistan positions or troops moving in that zone[148]. Some days later Gauthier again reported that the Indians reserved the right to engage Pakistan targets on their side of the CFL, while Pakistan artillery retaliated on every occasion[149]. Furthermore he reported that in Kargil Sector, although the situation was quiet, the Local Commander had intimated to an Observer that he personally considered the withdrawal of troops to positions occupied prior to 5th August, 1965 applied only to the India-Pakistan international border area, and not to the Kashmir Ceasefire Line. He indicated that positions then occupied by his troops would remain as they were. He

explained his attitude by adding that the area occupied by the Pakistanis belonged to India anyway, so any area occupied by the Indians belonged to them[150]. Gauthier pointed out that the statement did not necessarily reflect the opinion of the higher Indian military authorities, but was nevertheless an indication of the prevailing state of mind[151]*.

After painstaking negotiations during the latter half of December, India agreed to send a military representative to a joint meeting on withdrawal under the auspices of General Marambio. Pakistan likewise agreed under, it would appear, pressure from President Johnson of the United States, whom President Ayub Khan visited on 21st December[153]. The first meeting took place in Lahore, Pakistan, on 3rd January, 1966, with successive meetings on 6th, 15th, 25th and 29th January alternating between Lahore and Amritsar - a short distance over the border in India[154]. UNMOGIP was not represented at the meetings[155].

Meanwhile, the leaders of India and Pakistan were also meeting. This resulted, on 10th January, in the important Tashkent Declaration, a significant watershed in the relations of the signatories. It was avowed, *inter alia*, that the two states would settle their differences by peaceful means, and discourage hostile propaganda. It was also agreed that the withdrawal of both sides' troops to positions held prior to 5th

*However, on 27th January at the first meeting of the two Local Commanders in the Skardu/Kargil sector for the implementation of the ultimate withdrawal agreement, the Indian Local Commander did, in the presence of a UN Observer, sign an agreement with his Pakistan opposite number to withdraw from Black Rocks, and from Kuru and Leila picquets, and this was indeed effected[152]. However, other unauthorised picquets remained occupied. As a result, and much to the displeasure of India, the Pakistanis then proceeded to re-occupy the Black Rocks themselves, see page 467.

August 1965 would be implemented by 25th February, 1966[156]*. Thus the parties were now committed to a speedy withdrawal in fulfilment of the various recent Security Council Resolutions on the subject, and the meetings under the chairmanship of General Marambio proceeded apace.

Agreement on Withdrawal

At their meeting on 15th January the parties agreed on the following principles of a plan and schedule for withdrawal, and discussed the role to be assumed by UN Military Observers in the withdrawal.

(a) First stage - seven days for reducing tensions and bringing about amity and peace;

(b) Second stage - a five-day period for disengagement: in the plains, and also in mountainous areas where they were too close, they would withdraw 1,000 yards on each side;

(c) Third stage - a 21-day period for lifting of mines, and dismantling of defensive and field works by unarmed personnel in uniform;

(d) Fourth and final stage - seven days or balance of days before 25th February for pulling troops back to their respective territories[158].

The plan was submitted to the COAS, India and CIC, Pakistan, and was approved by them at a meeting on 22nd January[159].

At their joint meeting on 25th January the parties agreed

*As a result of a request by UNMOGIP/UNIPOM for an interpretation of the phrase "positions held before 5th August, 1965", senior army representatives agreed to accept it as meaning "positions authorised by the Karachi Agreement"[157].

upon the ground rules for the implementation of the disengagement plan, which they divided into two parts. They agreed that Part 1, Phase I of the plan, (a) and (b) above, should begin at once. In Phase II, to commence immediately after completion of Phase I, both sides were to remove and nullify all defences within 21 days. The Good Offices of UNMOGIP and UNIPOM were to be requested to ensure that the action agreed to in Part 1 was fully implemented. In the event of disagreement between the parties, the decision of UNMOGIP/UNIPOM would be binding. The parties also agreed to maintain the existing agreement regarding restriction of flights of aircraft*[160].

Part 2 provided for the withdrawal of all troops, para-military forces and armed police who were on the other side of the Border and CFL, again with the assistance of the Observers' Good Offices. This was to take effect by 25th February regardless of the success of Part 1, Phase II. Any disagreement that could not be settled by the parties would be resolved by General Marambio whose decision would be final and binding, and whose mission would cease on 28th February. On 29th January, these arrangements having been approved by the two Governments, the Agreement on Withdrawal was signed by both parties[161]. The Agreement stipulated that apart from the scheduled daily or other discussion meetings between commanders regarding the dismantling of defences, there was to be no fraternization between opposing forces, and the level of liaison for discussing daily work plans would not be below battalion commander level, accompanied by UN representatives[162].

*See page 456.

It was also informally agreed that military representatives of India and Pakistan would have joint meetings with the ACMO*, UNMOGIP and Chief Officer of UNIPOM every Saturday to discuss any problems over the withdrawals[163]. In fact, in the atmosphere of intense goodwill which followed the Tashkent Agreement and the subsequent Withdrawal Agreement, problems were few, although Observers reported odd cases of looting and destruction of civilian property in occupied areas by both sides. These were brought to the attention of local commanders who promised corrective action[164].

On 31st January UNMOGIP/UNIPOM reported that Part 1, Phase I had been completed without incident or difficulty in all sectors concerned[165]. However, removal of defences under Phase II was hampered by bad weather[166]. As a result Phase II was ended by agreement on 20th February, and sketches of unrecovered mines and unexploded bombs and shells were included with the certificates of mine clearance and the dismantling of defence works, which were exchanged at sector and sub-sector levels. Observers carried out aerial and ground reconnaissance in order to confirm the conditions stated in the certificates. Whenever discrepancies were discovered, they were reported to the parties concerned[167].

Part 2 - withdrawal to positions held before 5th August, 1965 - was completed on schedule by 25th February, 1966[168]. So few were the problems that there is no evidence that General Marambio's Good Offices were sought to settle any disagreements in this final stage, and his mission ended, as anticipated, on 28th February[169]. UNIPOM's operation was also wound up during the course of the following two weeks[170]. UNMOGIP was

*General Nimmo having died early in January, see page 457.

gradually reduced, as soon as existing contractual arrangments permitted, to its strength in September 1965[171], maintaining its mandate to supervise the Karachi Agreement.

EPILOGUE

The Aftermath of the 1966 Withdrawal

Despite the withdrawal of troops to their own side of the CFL on schedule by 25th February 1966, a few problems remained unsettled, some of which were discussed at a meeting in Amritsar of Senior Army Representatives of India and Pakistan on 23rd February, 1966, which was also attended by Colonel Gauthier, General Macdonald and General Marambio[172]. Firstly, the question of withdrawal from unauthorised positions on the respective parties' own side of the Line in Kargil was still at issue. Sector commanders on both sides were in complete agreement to their troops' withdrawal from the wrong side of the Ceasefire Line, but made various claims and conditions regarding these unauthorised positions, withdrawal from which, it was agreed, was linked rather to the reduction of the quantum of forces in the State than to the withdrawal to positions held prior to 5th August, 1966[173]. Suspicion between the two sides continued, with one side occupying an unauthorised position to be counterbalanced by an equally unauthorised position on the other side[174]. On 13th May, further to recent recommendations made by Gauthier, the Indians agreed to vacate their major unauthorised positions, and Gauthier requested Pakistan to do the same by the same date[175]. However, some small unauthorised positions, often on snow-covered heights of over 13,000 feet, continued to be occupied by both sides in the area, where the exact position of

the Ceasefire Line was also in dispute[176].

A further bone of contention was the civil administration of villages on the Indian side of the Ceasefire Line which had previously been under the practical control of Azad Kashmir*, the village of Fandiot in Kotli-Galuthi Sector being the chief concern. The Indian Representative at the meeting on 23rd February stated that the Withdrawal Agreement stipulated quite clearly that all forces, including para-military and police, should be withdrawn, and that therefore the CFL should be the basis for the withdrawal of all personnel including civil administration. Colonel Gauthier suggested that India should take no action on the subject as in UNMOGIP's opinion there was no civil administration in the area. The Pakistan Representative believed that the question of civil administration was not within his terms of reference, therefore the matter should be discussed at a higher level[177]. At the end of March Pakistan referred the question of Fandiot to the Secretary-General[178]. By this time both sides had taken up unauthorised positions in the area, Pakistan because India had done so, and India because she believed para-military forces had been left in the village after Pakistan's somewhat reluctant withdrawal. India wanted a joint inspection of the village with Pakistan in order to make clear to the villagers (who were hostile to India) that Pakistan had withdrawn and they were now under Indian Control. Pakistan was unwilling for such an inspection[179]. On 4th April the first firing incident since the withdrawals took place in this area. Observers were unable to confirm which side was responsible[180]. Both sides did, however, subsequently withdraw from their

*Areas such as Chaknot, see page 350.

unauthorised positions in the area[181].

Quantum of Forces

On 9th and 10th February, 1966 the COAS, India and CIC, Pakistan held meetings at which it was agreed that the quantum of regular troops, para-military forces and armed civilians who might be considered to constitute a military potential to be located in the State of Jammu and Kashmir would not be more than as accepted by UNMOGIP in the context of the Karachi Agreement. The reduction of armed personnel to these numbers would be completed by 1st April, 1966, and certified as having been done by UNMOGIP[182]*. In fact it was not until June that the two Armies were able to supply the Mission with a detailed order of battle, location statement and list of occupied picquets. The task of verification then began, with the aim of checking the strength and dispositions of ground forces deployed in the State by 31st August, 1966. Observers were instructed to rely chiefly on their own experience and observations for information and to cause the minimum of disturbance to units investigated. Muster parades or similar detailed checks were only to be requested when a particular difficulty existed and after reference in each case to Headquarters. A physical count of all large calibre weapons was, however, to be conducted[183].

Continuation of UN Good Offices

Additional agreements also reached at meetings in February 1966 concerned the return of the few remaining

*It was decided that the question of the training and arming of irregulars was to be referred to the respective Governments for their consideration.

prisoners-of-war, and a decision that Sector Commanders nominated along each Sector of the Ceasefire Line and Border were to meet from time to time to settle any points that might arise. Colonel Gauthier stated that the UN Good Offices would be made available at any time to arrange such meetings. It was agreed that the Sialkot UNFO Team would continue to function after the withdrawal, and revert to the procedure in force for the Border area prior to 5th August, 1965[184].

Civilians

In May 1966 the usual springtime complaints of civilians crossing the Ceasefire Line for agricultural purposes were received from India. Gauthier pointed out these could not be considered ceasefire violations. He did, however, call the attention of Pakistan GHQ to the dangers inherent in such incidents, both for the civilians themselves, and through the increase in tension which they inevitably aroused[185]. He also made the same point to Dr. Bunche, reporting that unofficial representations to the Pakistan military authorities had had no useful result, and the policies of the two Armies remained diametrically opposed. He reminded Bunche that it was Mission practice to assume that the Karachi Agreement did not apply to civilians, and that therefore complaints about civilian movement in forward areas were not being accepted or investigated. Action was nevertheless frequently taken as a response to requests for UN Good Offices, normally in connection with the search for strayed cattle, or the return of detained civilians. The position whereby on the Indian side civilians were generally evacuated at least from the 500-yard zone and sometimes moved much further back, and on the Pakistan side they were permitted absolute freedom of movement up to and

across the Ceasefire Line, and apparently were encouraged to cultivate their farms and make their homes in the forward areas, was bound to be a continuing source of trouble, he told Bunche. A senior Pakistan Army officer had expressed the opinion to Gauthier that it was quite legitimate for civilians crossing the Line to carry weapons and ammunition for their protection. Gauthier explained further that the Indian evacuation of civilians from the forward areas created an arable no man's land to which the farmers from the opposite side of the Line were naturally attracted. The Indian commanders in the forward area were suspicious that their movements were a cloak for spying or infiltration, and frequently arrested the offenders. In such circumstances an exchange of fire could easily start. Gauthier realised the problem could only be solved by agreement between the two Governments and that no useful purpose would be served by further discussion with the military authorities, but wished to refer the matter to Bunche[186].

Essentially then, the major cause of the escalating tension which led to war the previous year still remained. Bunche thanked Gauthier for his succinct and penetrating analysis, but could only say the matter had been gone into very thoroughly before and taken up with the respective Missions in New York without noticeable result. However, the same would be done again after the new CMO, General Tassara, had discussed the situation on the spot with Gauthier[187]. On 1st June, 1966 Colonel Gauthier had been notified of the offer of appointment on 31st May to Major-General Luis Tassara Gonzalez of Chile[188].

CHAPTER FIFTEEN - THE IMPACT ON UNMOGIP OF THE INDO-PAKISTAN WAR OF 1971

PROLOGUE

General Tassara becomes CMO

Major-General* Tassara arrived at the Mission to begin his term as CMO on 2nd July, 1966, having recently retired from the Chilean Army, and having proved acceptable to both India and Pakistan as a successor to General Nimmo[2]. He had already served two separate tours of duty as a Military Observer with UNMOGIP, in 1951-52 and 1956-57, the second time at his own request and on General Nimmo's recommendation[3].

No major incident occurred along the Ceasefire Line during General Tassara's first year, but in June 1967 demonstrations occurred outside UNMOGIP HQ over alleged bombing of holy places[4], and in August of that year General Tassara advised that the two sides had recently become particularly sensitive to the activities of the other side, and events that would normally be considered unimportant were causing tension to rise. He pointed out that it was in August that the 1965 activities had commenced, and that in 1966 during August and September similar indications were noted, until heavy rains flooded a considerable area of Kashmir State, and it became apparent that military manoeuvres would be impracticable. He admitted that there was no sign of a military build up at this time, despite the sensitivity being displayed[5], but his concern was to some extent justified when Hindu and Moslem factions clashed in Srinagar at the end of the month, with references

*He was promoted to Lieutenant-General at the beginning of 1968[1].

being made to the Kashmir issue. A curfew was imposed intermittently on the central area of the town for a while, but the Mission's activities were unaffected[6].

Normalisation of Relations

In October 1967 there was an exchange of fire between Indian and Pakistan troops when an Indian patrol entered the 500-yard zone and carried out surveillance of unauthorised Pakistan positions within the 500-yard zone on the Pakistan side. These positions had already been the subject of a Violation and a request for their withdrawal. General Tassara considered the incident to be purely local as firing soon stopped and the patrol was withdrawn[7]. Unusually, however, the Director of the UN Information Service in New Delhi took it upon himself to write to U Thant regarding the incident, which he thought was the most serious one since the conflict in 1965. He said the Indians were playing it down, and whilst officially accusing the Pakistanis for the incident, unofficially had themselves stated that the incident should be taken as a purely local matter, and responsibility put on the shoulder of the local military people[8]. No public excitement was expressed in Indian political circles and the press showed restraint[9], suggesting that a high priority was being put on improving relations with Pakistan. At the time a top level Indian goodwill mission was visiting Pakistan to propose arrangements for the exchange of cultural delegations, student groups and sports teams; and on 11th October - two days after the incident - India and Pakistan reached agreement to re-establish the telecommunication links between the two countries which had been broken off during the 1965 conflict[10]. The Indian Chief of the Army Staff was to visit Pakistan that month to return an

earlier visit by Pakistan's Chief of Army Staff to India, and the incident did not cause a postponement of the visit[11].

On 24th and 25th October, 1967, the COAS, India, and the CIC, Pakistan, held meetings which indicated that both sides wished to settle differences by discussions and eliminate all tension areas on the CFL. They agreed that picquets already declared by UNMOGIP to be on the wrong side of the Line should be vacated as soon as possible except in one disputed area, where a joint survey was to be carried out under the auspices of UNMOGIP, and with the Mission's assistance and supervision. They also agreed that information on exercises to include level should be exchanged three clear days in advance, that meetings of Local Commanders to settle disputes or disagreements should be resumed, and that service light aircraft could fly up to a limit of 1000 metres on their own side of the Border or CFL[12]. A period of tranquillity followed with ACFV's, which had reached a 1967 peak in July of 101 complaints, down to 30 in November, 15 in December and only 10 in January 1968[13].

THE BUILDUP TO THE WAR OF 1971[14]

Dissension in East Pakistan

In the years following independence in 1947 the people of East Pakistan began increasingly to feel that their British colonial rulers had been replaced by a much more exploitative rule from West Pakistan. The two wings of Pakistan, 1000 miles apart from each other and climatically dissimilar, had populations which, though espousing the same religion, were physically and culturally very different, and which spoke different languages with different scripts. In the economic sphere the two wings were not similarly developed in either

degree or kind. The dominance of the West over the East was made both more surprising and more galling by virtue of the fact that a majority (55%) of the population of Pakistan lived in the East Wing[15]. Recruitment to the Pakistan Army and the Civil Service was, however, confined largely to the West[16], and there was enormous economic discrimination, perhaps the most outrageous being the distribution largely in the West of the export revenues from jute grown in the East[17].

In December 1970 General Yahya Khan, who had succeeded General Ayub Khan after the latter's fall from favour the previous year, held the first general elections since Martial Law had been declared in Pakistan in 1958. Sheik Mujibur Rahman's Awami League, the main political party of East Pakistan, won an overall majority of - appropriately - 55% of the seats, but Yahya Khan and the ruling Punjabi elite of West Pakistan refused to accept the democratic verdict of the people and Martial Law was retained[18]. In March 1971 the Awami League was outlawed and Sheik Mujibur Rahman and other leaders arrested[19]. The population of East Pakistan rose in revolt and on 26th March declared the independence of Bangladesh[20], and called on the United Nations for assistance[21]. A guerilla struggle, discreetly helped by India, quickly started against the Pakistan Army, which engaged in a policy of virtual genocide against the people of East Bengal[22].

Refugees

India was then struck by a sudden influx of refugees which imposed an intolerable strain on the country, and put its economic and social security at risk. Most of the refugees crossed over from East Pakistan during May and June 1971[23], but by the autumn the number had risen to nearly ten million[24].

Pakistan maintained that India had exaggerated the figure, but never denied that large numbers of refugees were involved[25].

In reply to repeated demands within the country that India should refer the matter to the UN, the Indian Foreign Minister, Swaran Singh, made the point in the Lok Sabh* at the end of June that the UN could do nothing that was not initiated by member States' home Governments. He also said: "We cannot forget that on earlier occasions it has not been our long speeches that have saved the situation but a veto of a friendly country that has saved us on some very crucial occasions. So, I would not like to give a false sense that the United Nations can pull us out of our troubles and difficulties"[26].

For a few weeks India had, in fact, quietly attempted to have the UN intercede in East Pakistan in the hope of improving conditions. She wanted credible guarantees to be given for the safety and well-being of the people who were fleeing in order to cease the flow and to persuade as many as possible to return home[27]. At a meeting of the UN Economic and Social Council (ECOSOC) in May 1971, she called publicly for UN action but Pakistan voiced opposition to the discussion of her internal affairs[28]. Mrs. Gandhi then soon began to claim that what had started as an internal problem for Pakistan had become an internal problem for India too[29], and sent delegations all over the world, firstly to explain the problem and secondly to request assistance in the form of pressure on Pakistan and material aid for the refugees[30]. A better understanding of India's position was achieved, but little assistance received in either direction. Of about $700 million spent on the relief operation for the refugees, only about 10% was received

*Lower House of the Indian Parliament.

in aid from abroad, in spite of many pledges[31].

Suggestion for the Posting of UN Observers on the Border

By the end of June India's suspicions of the political implications of a UN role in the crisis were aroused as plans for relief operations developed between the UN agencies and the Pakistan authorities. The efforts of the UN High Commission for Refugees (UNHCR) to achieve the repatriation of the refugees were regarded with increasing distrust[32]. In order to channel aid to the stricken area the UN relief effort had to restore the damage caused by the Bangladesh liberation movement, and thus effectively gave support to the Pakistan Government at the expense of the movement[33]. Pakistan then became increasingly willing to accept the assistance of outsiders whilst India became equally anxious to prevent any external intervention[34]. At the next meeting of ECOSOC, in July 1971, India rejected a suggestion, said to be the idea of the UN High Commissioner for Refugees, and supported by the United States, to post UN Observers on either side of East Pakistan's border with India in order to assist in the voluntary repatriation of the refugees. On American advice Pakistan accepted the idea and thereafter pressed for its implementation[35].

On 19th July U Thant suggested to India and Pakistan that representatives of the UNCHR be stationed along both sides of the border, which would be a less formal step than an observer mission, and on 20th July put his suggestion before the Security Council. The suggestion was welcomed by Pakistan and also by Britain and the United States, but the Bangladesh liberation movement made threats against the safety of the UN representatives, and after a respectable period of

consideration the Indian Government rejected the proposal, saying that it would simply create a cover for the continuation of atrocities rather than creating the necessary feeling of confidence among the refugees[36].

India and the leaders of the freedom movement believed that it was intended to use the Observers primarily to inhibit India from rendering assistance to the liberation movement[37]. India declared that she would consider support of the suggestion by anyone an unfriendly act. She insisted it would not be possible for a small group of Observers to stem the flow of refugees all along the border, nor would it be possible to persuade the refugees already in India to return to the atrocities from which they had recently escaped, therefore Observers would only be acceptable after peace and normal conditions had been established in East Pakistan, with an administration acceptable to the majority of the people[38].

India also felt that to have Observers placed on both sides of the border would be once again to equate India with Pakistan as a perpetrator of wrong, as had happened in Kashmir, and to make it seem that the Bangladesh issue was essentially a continuation of the Indo-Pakistan conflict, which it was not[39]. Since India was bearing the cost of looking after the refugees, and would be only too glad to have them return home if conditions permitted, there was no reason to station Observers on the Indian side[40].

To India's annoyance - but quite justifiably in the light of the war which eventuated some months later - U Thant had made the point in the Security Council that the crisis was unfolding in the context of the long-standing and unresolved differences between India and Pakistan, which had given rise to open warfare only six years previously[41]. India felt that U

Thant had unnecessarily brought in India, who had nothing to do with the conflict in East Pakistan, and that he was concentrating too much on the issue of the refugees and ignoring the causes of the conflict. Nor did he redeem himself by making useful recommendations, but left any further move to the Security Council, which also did nothing[42].

In the wake of India's dissent, the Soviet Union made it clear that it would veto any suggestion on the matter by the Security Council, which would have to be the organ of the UN to propose formally the stationing of Observers if it were to come about. France and Britain and were also opposed to the idea of isolating the question of refugees from the basic political problem[43].

Public opinion in India was firmly on the side of Bangladesh, and believed that to submit to UN pressure would be to leave the area in a state of continuing bloodshed and instability, which would lead to a loss confidence in Mrs. Gandhi's Government as a result of India's own humiliation[44]. However, in choosing to continue to support Bangladesh India had to commit herself to war with Pakistan in an attempt to resolve matters quickly, in order to ease the burden of the refugees, and ultimately to reduce the tension in the area[45].

The Indo-Soviet Treaty of Peace, Friendship and Co-operation

Up to this time the Soviet Union had attempted to maintain the balanced policy towards India and Pakistan that she had adopted since Tashkent, and had urged restraint on both sides. Most western countries had by now suspended economic aid to Pakistan but the Soviet Union continued to supply it, although arms were no longer included[46]. However, the balance of power in South Asia was suddenly significantly changed when the knowledge

became public, on 15th July, 1971, that official contact was being made for the first time between the United States of America and the Peoples' Republic of China. With Pakistan as the focal point of the contact, India's position was inevitably weakened, whilst the Soviet Union did not relish the prospect of a strengthened China. The result was the signing in Delhi on 9th August, and ratifification in Moscow the following day, of the Indo-Soviet Treaty of Peace, Friendship and Co-operation[47] which, in spite of its name, had a distinct defence orientation in its implicit warning to the United States and China not to intervene in the event of a conflict between India and Pakistan.

The Russians now backed India in the United Nations by opposing behind the scenes every proposal for any kind of UN intervention which might allow Pakistan to secure a political settlement unacceptable to India. On 11th August, for example, Mr. Agha Shahi of Pakistan wrote to the President of the Security Council proposing that a Good Offices team of the Council should visit the border, but the Soviet Representative said his country was opposed to the holding of a Security Council meeting to discuss the problem[48]. On 18th August India again rejected the idea of having UN Observers on the border[49].

Nevertheless the Soviets continued their economic aid to Pakistan and, together with the United States (both of whom realised that war between India and Pakistan could only damage their own relations), stressed the importance of a political solution in East Pakistan[50]. At one point India weakened to the extent of saying she would accept any settlement so long as the imprisoned Awami League leader, Sheik Mujibur Rahman, was a party to the talks, since he was the elected representative of

Bangladesh. Yahya Khan, however, was not prepared to negotiate with the Sheik[51]. Meanwhile the Bangladesh Liberation Movement was intensifying its activities[52].

Escalation along the Kashmir Ceasefire Line

During October and November 1971 there was an increasing number of complaints by both sides alleging shelling across the border, violations of air space and the strengthening of defences along the CFL in Kashmir. The number of ACFVs lodged by India for October was 253, of which 36 alleged firing within 5 miles of the CFL without notification. Four alleged firing across the CFL, but only one of these was substantiated[53].

In a speech on 12th October Yahya Khan suggested that forces on both sides be withdrawn and again brought up the idea of posting UN Observers on the border between East Pakistan and India. Immediately after his speech he moved troops towards the borders of both East and West Pakistan[54]. On 15th October General Tassara reported from Srinagar that tension on both sides of the CFL and border was very high, and escalation was reflected in the forward movement of troops and equipment on both sides, and exercises being conducted close to forward areas. Indian troops had replaced the Border Security Forces who were normally at the Border or CFL in Jammu Sector. Furthermore, civilians in a column 30 km long in every type of vehicle were on the move with all belongings, and a village near the CFL had been completely evacuated of its 500 inhabitants. Civilians from the Pakistan side around Sialkot/Bhimber were also being evacuated with all possessions. General Tassara blamed the escalation on agitation and warlike speeches on the radio by both Yahya Khan and Indira Gandhi. He said he had visited local authorities in many areas to

dissuade them from any acts of provocation, and that he would endeavour to bring down tension and have troops withdrawn to normal positions. Although he seemed fairly confident of his ability to do this, he recognised that matters outside his control in East and West Bengal might have serious repercussions in Kashmir: he had reliable information that the Indians were prepared to take offensive action over the Bangladesh issue, and had made the necessary preparations. Pakistan was well-prepared for a counter offensive in Sialkot/Bhimber areas, aimed at Pathankot, Jammu and Dhampur. He decided to send his Chief Operations Officer to Rawalpindi so that the two senior members of the Mission were one on each side of the Line in case an emergency arose. He also sent other personnel, especially dependants, from Srinagar to Rawalpindi, which would be further away from any fighting that might occur[55]. It was unfortunate that at this time, when mobility was important, the Mission was without its aircraft[56].

Tassara contacted the COAS, India - General Manekshaw - and conveyed his concern at the considerable tension which was apparent on both sides as a result of the intense activity, and movement of troops to forward positions for what was stated as exercises. The COAS admitted his movements were not for exercise purposes, but were defensive measures being taken in the face of the threat posed by Pakistan[57]. General Tassara pointed out that the CGS Pakistan stated that his movements were to counter the threat from India. Tassara asked Manekshaw if he was prepared to use UNMOGIP's Good Offices to ease tension by withdrawing his troops as he, Tassara, already had the promise of the CGS Pakistan that the latter would withdraw his troops if India did the same[58].

The COAS replied he would answer later in the day which

suggested to Tassara that he was consulting his Government on the political aspects of such action[59]. When he finally telephoned his answer he said that India was most concerned both about the propaganda from the President Ayub Khan that Pakistan was prepared for war, and the fact that Pakistan had been moving armour and artillery, not only in Kashmir but on all India's borders during the previous two weeks. He realized that General Tassara was doing his best, but he recalled the situation was similar to 1965 when Pakistan "suddenly started", and the United Nations was unable to do anything*. He could not let his guard down until fully convinced that their movements had stopped and their troops been withdrawn from all border areas, but Tassara should tell them that he was well disposed to withdraw to India's normal positions if he saw Pakistan taking concrete action to withdraw troops from Border and CFL[61]. General Tassara recognised that there were political implications in the background, and he had no doubt that the COAS had consulted the Prime Minister and the President, so his was a full statement based on political and strategic considerations[62].

Since General Yahya Khan was also at this time saying in speeches that he was inclined towards mutual withdrawal of Indian and Pakistan troops from the border, General Tassara felt both sides were genuine in stating they would not deliberately provoke hostilities, and that he might be able to make moves to conciliate them, but he was afraid a small

*The UN Secretariat thought General Manekshaw was somewhat ungracious about the events of 1965 since, they remarked, the UN at that time secured a ceasefire, supervised its observance and subsequently organised troop withdrawals to the satisfaction of all sides[60]. Perhaps General Manekshaw would have been more gracious if the UN had succeeded in preventing that war in the first place.

incident could cause the situation to get out of hand[63].

U Thant Offers his Good Offices

On 20th October, U Thant took up Yahya Khan's suggestion of a mutual withdrawal of forces and in identical memoranda addressed both to Yahya Khan and Mrs. Gandhi, and to the Indian and Pakistan Representatives at the UN, placed the UN and its facilities at their disposal. He remarked that along the international frontier between the two countries there was no equivalent to the safeguard mechanism provided by the UN Military Observers in Kashmir, and stated: "The CMO UNMOGIP, with my full backing, is doing all that he can on the CFL in Jammu and Kashmir to avert misunderstandings, to prevent military escalation and to avoid confrontation that might lead to open hostilities... Naturally he will continue to do his utmost to assist in maintaining the peace in the area of his responsibility"[64].

Yahya Khan welcomed the note and again called for UN Observers[65]. Mrs. Gandhi left for a three-week tour of Western capitals without replying, but indicated whilst she was away that she would not agree to the stationing of UN Observers on Indian soil, and pointed out that there were a number of UNHCR representatives in India whose presence had not brought about any disposition among the refugees to return to East Bengal. She again argued that U Thant was equating India with Pakistan although the situation was entirely a Pakistan creation[66].

In her belated formal reply to on 16th November Mrs. Gandhi said that U Thant should rather offer his good offices to Yahya Khan and the Awami League: the root of the problem was in the fate of 75 million people in Bengal, and the problem

could only be solved through peaceful negotiations between the military rulers of West Pakistan and the elected and accepted leaders of East Bengal. Thus the first step was the release of Sheik Mujibur Rahman. She graciously added in her reply that it was always a pleasure to meet U Thant and exchange views[67]. In other words, true to India's oft declared tradition of hospitality, as shown to various UN Representatives who tried to mediate over the Kashmir Dispute, she would not refuse to see anyone but would not accept the official basis of the visit. U Thant did not, however, take up such a limited acceptance of his offer.

General Tassara's Attempts to Ease Tensions

After discussions with the Chiefs of Staff of both Armies, General Tassara reported on 26th October that he had "reached a tacit agreement with both" that they would issue instructions to all concerned to avoid incidents which would create further tension[68]. At his request Pakistan had also withdrawn from an occupied position on the wrong side of the CFL. The Pakistan Chief of Staff said that if the Indian COAS assured withdrawal in all areas, both East and West, Pakistan would do the same[69]. The Indian COAS remarked that mere words of assurance from Pakistan were not enough to lower his guard, since in the past Pakistan had attacked twice in spite of many solemn assurances. He deduced from the reluctance of the Pakistan COS to have his forces return to their cantonments that the Pakistan authorities had no desire to defuse the escalation which they had started, but were merely playing for time. India may have breached the Karachi Agreement by bringing additional troops into Kashmir, but the situation created by Pakistan warranted India's taking steps that in the circumstances superceded the

Karachi Agreement. He was only prepared to withdraw when he saw Pakistan taking steps "to get the hell away from the border/CFL"[70].

Tassara thought at this time that the situation was still under UNMOGIP's control; that the apex of escalation in psychological tension had been reached; and that negotiations, if carried out, would help to avoid hostilities. He had the feeling from reliable political information that both parties were waiting for someone to bring them to the peace table[71]. However, in November he was forced to realise that India was prepared to launch an attack on East Pakistan to support her political aims for Bangladesh, whilst being fully aware that Pakistan would automatically react by launching an attack across the western border/CFL, so India was also taking the necessary precautions to meet that threat[72]. On 14th November Tassara reported that the GOC, Western Command, India, had admitted that the number of additional forces being inducted into the State had continued to increase by a considerable amount. The decision to do so had been taken by the Government following a move by Pakistan forces, both into the State and to the Indian border. The security of the country was more important than observing the terms of the Karachi Agreement, and Indian forces would not be withdrawn until the situation permitted. Tassara pointed out that until the Karachi Agreement was officially abrogated he had to continue to supervise its terms. The GOC had replied that since India admitted exceeding the quantum of forces allowed in Jammu and Kashmir, there was no requirement for Observers to continue to check this aspect as new forces deployed in battle positions and new defences, including minefields, could jeopardise the security of Observers. In view of this security factor

Tassara agreed that whilst UNMOGIP would continue to check on the official order of battle they would not check on the new forces introduced into the State, but insisted that until the Karachi Agreement was abrogated he would continue to supervise other aspects of UNMOGIP's functions under the Karachi Agreement. The GOC agreed to this[73].

Tassara mentioned that he had not actually received any complaint from Pakistan regarding the induction of additional Indian forces into the State, but had nevertheless awarded a Violation against India as he considered that although he could not "influence their withdrawal which is now under political decision, it is important that the UN accomplish its duties as supervisor of the agreement"[74]. Pakistan also inducted additional forces into the State, but not to the extent of raising their numbers above the permissible level. The Pakistan authorities stated they were taking defensive measures only as a reaction to the threat from India and would continue to do so as necessary, irrespective of the provisions of the Karachi Agreement[75]. Both sides were now openly breaching the Karachi Agreement by constructing additional defences in authorised positions, constructing new unauthorised positions, laying minefields and reinforcing existing forward defended localities with men and warlike stores, and violations had been awarded against both parties accordingly[76].

On 21st November India crossed the border into East Pakistan to help repel a Pakistan attack on some territory under the control of the Bangladesh liberation forces. Pakistan subsequently claimed that this was the date on which the war had started, although this is not the date generally accepted[77]. Tassara summarized the position on 25th November, saying that the forces of both sides were deployed in battle

positions, allegedly to meet the threat from the opposite side, and all formation HQ had occupied tactical positions in the field. He nevertheless felt that his Mission was still carrying out a useful function in the exercise of its duties. Both India and Pakistan were still using the machinery of UNMOGIP for lodging complaints of alleged ceasefire violations, and continued to afford facilities and permit movement of Observers to carry out investigations. Apart from complaints alleging the strengthening of defences, in the past five weeks there had been 40 complaints from India and 28 from Pakistan of firing by the other side, five from India and six from Pakistan of entering the 500-yard zone, and ten from India and two from Pakistan of crossing the CFL. Violations had been awarded where appropriate. Whilst both parties admitted to breaches of the Karachi Agreement for reasons outside their military control - because political circumstances had superseded military agreements - both were still anxious to use the machinery of UNMOGIP to prevent either an escalation of the tense situation existing on the CFL or direct open confrontation between the two armies, at least until the political situation demanded otherwise. Inevitably the situation in East Pakistan was influencing the climate along the CFL and had caused tension to run high, resulting in both sides more readily engaging each other by fire at the slightest provocation. However, such fire had in the main been confined to small patrol clashes or firing from a post at a patrol moving into the 500-yard zone, and to small arms and some two inch mortars - apart from one instance, on 12th November, where 81mm mortars were used[78].

On 29th November Yahya Khan wrote to U Thant suggesting Observers be stationed on the Pakistan side of the border

only[79], to report on border violations, but war broke out before the matter was decided.

THE WAR

War finally broke out on 3rd December, when Pakistan mounted a large air offensive against major Indian cities in the West. On 6th December India recognised the Provisional Government of Bangladesh, thus further committing herself to the state's independence. Pakistan broke off diplomatic relations with India[80].

Pakistan tried to follow three different, and to some extent incompatible courses, making it impossible to realize any of them. Firstly she had already sent forces to the East - to fight the insurgents rather than the Indians. Then she launched an attack in the West, because Pakistan strategic thinking had only ever allowed for the possibility of an attack in the West, or at least that the East could only be defended from the West, since territorial losses in the East could be exchanged for territorial gains in the West. By the end of 1971 it might even have been felt that the loss of the East might be acceptable if there was such a compensating gain in the West. Thirdly, on the diplomatic front, despite the fact that Kashmir would have been the preferable prize in the West, it was planned to fight on the international border with India in order to play on the fears of war in the United Nations so that the Organisation would put an end to the threat of full-scale international war on the Subcontinent[81]. However, in view of the UN's record in preventing war in 1965, and the speed with which the Organisation - if it can be credited with doing so at all - put an end to the hostilities in 1947-48 and

1965, Pakistan must have had a considerable amount of unwarranted optimism to launch an attack in the belief that the UN would prevent the war.

The Indian Army had been greatly strengthened since the wars with China in 1962, and Pakistan in 1965, and was much stronger than that of Pakistan, reflecting the fact that India had to be prepared to fight on both the Chinese and Pakistan fronts at the same time. Pakistan, on the other hand, was weakened by its forces having to fight on two fronts instead of the one they had been trained for, and by defections of Bengali soldiers. Furthermore with the Soviet veto, which was used twice during the first week of the war, aiding India, the UN - or effectively the United States - was unable to halt the war in the way that Pakistan had anticipated[82].

Protected by the Soviet veto in the UN, India's strategy was to act as swiftly and decisively as possible to render Pakistan's position untenable in the East, whilst simply defending herself as far as possible in the West[83]. Her forces quickly achieved victory in the East, and although the situation in the West was less clear cut, Indian gains were still greater than those of Pakistan[84]. On 14th December the Commander of the Pakistan forces in East Bengal offered to surrender[85]. The actual surrender was on 16th December[86]. India then ordered a unilateral ceasefire in the West from 20.00 hours on 17th December, in Mrs. Gandhi's words "to stop further bloodshed and unnecessary loss of life"[87]. Pakistan reciprocated[88].

The War in Kashmir

As in 1965, once war had broken out there was little UNMOGIP could even attempt to achieve, with the Karachi

Agreement effectively suspended and limitations placed on the Observers' movements, both for strategic reasons and for their own safety. Initially the only indication the Group had that war had commenced on 3rd December was the reported movement of tanks and infantry in the Bhimber sector of the CFL, near the Border[69]. General Tassara had just returned to Rawalpindi from a two-day tour of Srinagar and the northern areas during which he received no indication from either side of impending hostilities. The first he heard was when Pakistan television news service announced at 1900 WPT* that India had attacked Pakistan along the whole western front and that Pakistan aircraft had bombed Srinagar, Amritsar and Pathankot airfields[70]. That evening UN Observers confirmed that Srinagar airfield had been bombed, and reported that Pakistan troops had crossed the CFL in Punch sector and that Indian shelling toward Pakistan in the area had commenced. Later in the evening they reported that the Punch area was under fire from Pakistan artillery. The Kotli Team also reported continuing small arms fire from Pakistan picquets towards Indian picquets. The Jammu Team reported heavy artillery fire from both sides had commenced late in the evening and the Sialkot Team reported that rounds of artillery fire were landing in the vicinity. Finally that day the Rajauri Team reported that they had been informed by the local authority that fighting was taking place along the CFL from Punch to Naushera. General Tassara instructed his Observers to remain on station and not to move to the field[71].

The next day General Tassara received a report from the Indian Chief of the Army Staff that Pakistan "without any

*West Pakistan Time.

provocation" had spent all night attacking the airfields of Srinagar, Pathankot, Amritsar, Ambala, Agra, Faridkot, Jodhpur, Alwar and others, and Pakistan troops had crossed the CFL and international border in the West in many places, and were still in India. The Indians had not yet crossed the CFL or border but had made air attacks on Pakistan. An Emergency had been declared in India[72].

Tassara reported that ground activity along the CFL was relatively quiet that day and no major incidents were reported, although there was considerable isolated air activity[73]. During the next few days the CFL became more active with continuous artillery shelling and small arms fire in several places. Punch was bombed by Pakistan aircraft and certain other limited air raids were made by both sides, but no major moves occurred. The Pakistan CGS in answer to a query from Tassara said that Pakistan was not in a formal state of war with India, and that from Pakistan's point of view the Karachi Agreement was still in force[74].

On 8th December the Secretary-General cabled his appreciation for the courageous and outstanding work that UNMOGIP was doing and said it was important that the Mission should continue its work as long as circumstances, including reasonable safety of its personnel, allowed. He said he was increasingly concerned about the safety of Observers in areas where hostilities were taking place, but had full confidence in General Tassara's judgment in making the necessary decisions in the light of local developments[75]. That day General Tassara reported that the major action in his area of responsibility was centered on Jammu, Sialkot and Bhimber. Apart from the capture of Chamb by Pakistan both sides appeared to be holding firm. Fighting was reported from Bhimber and intense tank,

artillery and machine gun fire along the Border, particularly the area north of the Jammu/Sialkot road. Sialkot had been raided three times that day by Indian aircraft. The rest of the CFL was relatively quiet[76]. The heavy fighting on the southern part of the CFL and immediate Border area, which intensified during the following days, suggested to Tassara that both sides were attempting a breakthrough with limited objectives[77]. On the 9th for the first time there were reports in Pakistan newspapers of fighting in the Northern Sector near Kargil, otherwise the only apparent change in the situation was a decrease in air activity[78].

By 10th December General Tassara felt more confident in suggesting there had been a significant reduction in the intensity of the fighting during the previous two days. Government statements printed in the *Pakistan Times* maintained that Pakistan troops were content to consolidate their gains in the Sialkot/Jammu area, and made no claims of territorial gains elsewhere along the CFL[79]. On the 12th Tassara reported only small actions along the CFL. But he said that heavy fighting continued in the Border area of Jammu/Sialkot, where he had hoped to arrange a ceasefire. This, it would appear, was mainly to try and alleviate some of the administrative problems caused to Observers, particularly in connection with their mail and supplies, because all the crossings along the CFL and Border were closed to them. However, he was unable to obtain Indian concurrence. The Indian COAS, General Manekshaw signalled: "I fully appreciate the problems your Observers are facing and I sympathise with them. However, the existing situation is neither of my making nor choosing. I...cannot risk the security of my people and my territory by giving an assurance which I know Pakistan will not honour and can in fact

take advantage of. I am sure you will understand. With warm personal regards and many thanks for awarding such a big CFV against Pakistan"[100].

General Tassara considered that the moderate level of fighting within his area of responsibility would continue until a decision was reached in the East. He thought that if the Indians gained control of Dacca they would want to regain ground they lost in the Chamb area, and the level of hostilities in southern Kashmir would increase accordingly. Observers were given instructions to withdraw from their field stations if they considered they were in danger[101].

On the 14th there was an increase in air activity and the Pakistanis intensified their firing on Punch, which resulted in the evacuation of the UN Field Station to Rajauri. News releases suggested that the Indians had stepped up their pressure on Pakistan in the Kargil area, a fact later confirmed, but generally the situation on the CFL remained unchanged with artillery harassing fire by both sides[102]. And the situation remained much the same until a ceasefire was negotiated in Bangladesh on 16th December, after which India unilaterally declared a ceasefire in the West. The situation thereafter remained mainly quiet apart from some sporadic firing for a few days in the Rawalakot and Punch Sectors[103].

Deliberations in the UN

In the whole period from the Bangladesh declaration of independence on 26th March, 1971 until the outbreak of war on 3rd December of that year, neither India nor Pakistan nor the major powers called for a meeting of the Security Council to give it a chance to attempt to maintain peace on the Subcontinent. Nor can it be said that the UN had anything to

do with the bringing about of the ceasefire once hostilities had begun.

As a consequence of Pakistan's air attack India was able to make the first move in the UN, and lodged a complaint with the Secretary-General on the evening of 3rd December. At the same time it was stated in Delhi that India did not propose to take the matter to the Security Council because of her past unhappy experience with UN intervention in the case of previous Pakistan aggressions[104]. Pakistan also reported the outbreak of fighting to the UN, but did not call for a meeting of the Security Council, and it was Argentina, at the behest of the US which did so[105].

The Council met on 4th December. The Soviet Union proposed that representatives of Bangladesh should be invited to address the Council, but did not press the point[106]. Pakistan representatives argued that their country was being forcibly dismembered by a fellow Member of the UN, whilst India maintained that the military repression carried on since the end of March inside East Pakistan had destroyed the possibility of that country remaining voluntarily within Pakistan, and that Yahya Khan's refusal to release Sheik Mujib was conclusive evidence of the unreality of his proposed political solution[107]. The US submitted a draft resolution calling for a cessation of hostilities and withdrawal of armed personnel to their own sides of the India-Pakistan border and authorised the Secretary-General "at the request of the Government of India or Pakistan, to place Observers along the India-Pakistan borders to report on the implementation of the ceasefire and troop withdrawals, drawing as necessary on UNMOGIP personnel"[108]. The resolution also called on India and Pakistan to exert their best efforts toward the creation of a climate conducive to the

voluntary return of refugees to East Pakistan and to accept the Secretary-General's Good Offices to secure and maintain peace in the Subcontinent[109]. In introducing the resolution George Bush, of the United States, made an indirect charge that could not but make any further effort on his part unacceptable to India when he said: "This body cannot accept recourse to force to solve this problem...the very purpose which draws us together here - building a peaceful world - will be thwarted if a situation is accepted in which a government intervenes across its borders in the affairs of another with military force in violation of the UN Charter"[110]. The US was more concerned with keeping the Soviet Union from gaining influence in the Subcontinent than offering a solution to the problem created by Pakistan's refusal to accept the democratic verdict of its own people, but it seems odd that the United States, by its blatant support of Pakistan against India, did not seem to realise it was positively encouraging India to invite such influence. Eleven nations voted in favour, Britain and France abstained and the Soviet Union vetoed the Resolution. Poland also voted against it[111].

Two further resolutions, introduced by the Soviet Union and by the non-Permanent Members on 5th December, failed to find favour, and another two draft resolutions did not even get as far as a vote[112]. The Security Council remained deadlocked. Members could only agree to refer the matter under the Uniting for Peace procedure to the General Assembly. France, Poland, the Soviet Union and the United Kingdom abstained, mainly on the grounds that the stalemate encountered in the Security Council could not be altered in the Assembly[113]. Both the United States and the Soviet Union introduced resolutions, but after the former's was discussed

and adopted by 104 votes to 11, with 10 absentions, including those of France and the United Kingdom, the Soviet Union's resolution was not put to the vote[114]. The Resolution[115] which was adopted called for an immediate ceasefire and withdrawal of troops and urged an intensification of efforts to bring about conditions favourable to the voluntary repatriation of the refugees. Pakistan quickly accepted the Resolution and called for the stationing of UN Observers on both sides of the border to supervise the ceasefire and oversee the withdrawal[116]. India implicitly rejected the resolution, pointing out that it was unrealistic to ask India to ceasefire without giving a hearing to the representatives of Bangladesh whose armed forces were engaged against Pakistan, and who would continue their struggle even in the event of a ceasefire by India. India therefore once again asked the UN to recognise and eliminate the basic causes of the conflict[117].

The Security Council was reconvened on 12th December, just as Pakistan troops in the East were starting to surrender[118]. Mr. Swaran Singh and Mr. Bhutto, Foreign Ministers of India and Pakistan respectively, attended the meeting, which was now concerned to save West rather than East Pakistan[119]. India insisted a ceasefire was impossible until a representative of Bangladesh had been heard in the Council. The Council still refused to allow this[120]. The American representative called for a clear and unequivocal assurance that India did not intend to annex Pakistan territory and change the *status quo* in Kashmir. Mr. Swaran Singh assured the Security Council that India had no territorial ambitions in Bangladesh or West Pakistan, and was willing to discuss a ceasefire that would ensure the freedom of Bangladesh and the vacation of Pakistan troops from India territory[121]. Kashmir was not mentioned,

and although India declared a ceasefire in the West, including Kashmir, as soon as Pakistan surrendered in the East, the situation in Kashmir did not revert entirely to the *status quo ante bellum*.

INDIA'S WITHDRAWAL OF CO-OPERATION

Resolution 307

There were already several draft resolutions before the Security Council when the Ceasefire came into effect on 17th December, 1971, but the new situation made these largely irrelevant, and there was a further round of intensive negotiation before a new draft was formulated[122]. On 21st December the Security Council adopted its only Resolution (307) concerning the war, apart from the procedural one passing the matter to the General Assembly*. The Soviet Union and Poland abstained. The Resolution demanded "that a durable ceasefire 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 Ceasefire Line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan"[123]. The Resolution also requested the Secretary-General to "keep the Council informed without delay on developments relating to the implementation of this resolution"[124]. The Resolution, in order to be acceptable, was both vague and ambiguous. In their anxiety to be seen to be doing something Security Council members adopted the Resolution in spite of knowing that India

*See page 496.

and Pakistan had different, even conflicting interpretations in mind. In order to ensure its adoption they agreed to make interpretative statements after, rather than before, the vote. Thus the Resolution did not call for a withdrawal "immediately", but "as soon as practicable", leaving the whole matter open, and it soon transpired that Pakistan wanted negotiations to follow withdrawal and India wanted withdrawal to follow negotiations. The thorny problem of the recognition, or otherwise, of Bangladesh/East Pakistan was overcome by the use of the term "respective territories". However, the main ambiguity was in the phrase "the Ceasefire Line in Jammu and Kashmir". For the most part the Line coincided with the Karachi Agreement Ceasefire Line, but in certain areas there were incursions by one side or the other. In the Security Council Agha Shahi said that Pakistan recognized only the Ceasefire Line in Jammu and Kashmir which had been established in 1949. Swaran Singh for India said that though the Ceasefire Line of 1949 was acceptable for preserving peace there was "need to avoid the repetition of such incidents by making some adjustments in the Ceasefire Line in order to make it more stable, rational and viable"[125].

UNMOGIP was bound by the UN Secretariat's interpretation of the Resolution which envisaged two phases. The first was that the ceasefire would freeze positions as of 1930 hours on 17th December, 1971. On the basis of the 1965 precedent this was understood to be a simple ceasefire, requiring both parties to refrain from firing and from forward movement along the lines where the two armies were in actual control when the ceasefire came into effect, as indicated by the forward defended localities of the parties. These lines would be purely temporary as a first step towards the withdrawals called

for in the Security Council Resolution. The second phase, which was to commence "as soon as practicable" and be supervised by UNMOGIP, was the withdrawal of the armed forces of both parties to the CFL, which was presumed to be the Karachi Agreement CFL, but with the reservation that the Representative of Somalia had said on behalf of the sponsors of the Resolution immediately after its adoption that the parties "may make any mutually acceptable arrangement or adjustment"[126]. A UN Working Paper subsequently noted - after difficulties with India had been experienced - that it was "significant that the Resolution does not refer to any particular ceasefire line or ceasefire agreement (such as the Karachi Agrement), but to the ceasefire in Kashmir in general"[127].

General Tassara soon gained the impression the Indians would not be likely to give up any of the territory they had gained in Jammu and Kashmir as they did after the 1965 war. On the other hand, he felt they appeared willing to use gains in the south of the western border area as bargaining points for areas they had lost, such as Chamb. He suggested that not only did the Indians want an adjustment on the CFL before negotiating for withdrawal, they might well insist that the CFL be transformed into a border line. He thought that as both sides seemed to want an overall agreement simultaneously, the political dialogue would be carried on with great caution to settle problems once and for all, and therefore he did not expect that any formal withdrawal could be expected before May or June 1972[128].

Observers' Freedom of Movement

Early in January 1972 UNHQ asked Tassara for detailed

information as to how much the current line of control differed from the old Ceasefire Line[129]. Tassara pointed out that his Observers were restricted in their movements and could not see for themselves, and as the information was of a tactical nature he doubted if he would be provided with it until UNMOGIP was authorised to resume its normal functions[130]. Guyer and Urquhart* in New York expressed surprise that the Observers had continued to be restricted in their movements after the ceasefire, and remarked on the serious implications of such restrictions in terms of the discharge by the Secretary-General of his responsibilities under Security Council Resolution 307. They considered it essential to secure complete freedom of movement as a matter of priority so as to enable General Tassara to report on the strict observance of the 17th December ceasefire along the existing lines of control. However, as a practical matter, the full reactivation of UNMOGIP machinery for lodging ACFV's under the Karachi Agreement could only be envisaged in phase two when withdrawals had taken place to the Karachi Agreement CFL, or to an adjusted CFL[132].

General Tassara wrote to the Indian COAS, General Manekshaw, on 10th January and requested him to remove restrictions on the movement of Observers. In his reply Manekshaw made no mention of the request, which Tassara therefore repeated, and after being pressed twice for a reply by Tassara's Liaison Officer in Delhi, Manekshaw said that

*The dual signature was explained thus by Brian Urquhart: "At the end of 1971 Ralph Bunche died, but no suitable successor could be found. I, as the senior member of Bunche's office continued to do (his) work...Guyer, however, was senior in rank, and we agreed that we would co-sign all the operational cables to the field, although I was at that time not an Under Secretary-General. This arrangement continued after I was made an Under Secretary-General to fill Ralph Bunche's post in 1974 until Guyer finally left the United Nations in 1979"[131].

General Tassara's suggestion was a very important matter and it would take some time for him to receive an answer. General Tassara was annoyed and reported to Guyer and Urquhart that he felt very strongly that India was reluctant to accept any interference, as they called it, of the UN in any subject relating to the ceasefire and withdrawal. His opinion was that even while the Indians appeared, at least from Press reports, to favour bilateral talks, they were maintaining a ceasefire which, according to them, was brought about by their own initiative, but were always in a posture in Jammu and Kashmir to re-open hostilities, which from their point of view seemed not to have ceased[133]. General Tassara went on leave in February, but during his absence freedom of movement continued to be denied to the Observers despite approaches made to the Indian Representative in New York[134].

At the end of June the Pakistan Permanent Representative to the UN was critical of the fact that Observers had been instructed to receive complaints of violations only of the present Line of Control and not of the Karachi Agreement CFL[135]. Tassara reminded Guyer and Urquhart of their own interpretation of UNMOGIP's position in order to explain the situation. Such complaints, Tassara said, were received only from Pakistan, and concerned areas of the old Karachi Agreement Ceasefire Line as well as the new Ceasefire Line of Control - the latter differing only to a small extent from the former[136].

Tassara pointed out that since November 1971, when both Armies had openly breached the Karachi Agreement, for which he had awarded an overall Violation to both countries for laying of minefields, reinforcements, strengthening of defences and forward movement from outside the State of Jammu and Kashmir, neither side had reverted to the conditions required by the

Karachi Agreement. In fact, since December, Pakistan had been continually increasing her forces in Jammu and Kashmir, especially in the Northern Areas and in Domel Sector. Furthermore, in spite of assurances that there was no restriction of movement of Observers on the Pakistan side, as on the Indian side, in the Domel area it had been most difficult to check on forces in one area due to restrictions and difficulties placed on movement by the Pakistan authorities[137]. Observers were eventually able to visit there and confirm the build up, said to be to counter a similar Indian buildup on the other side[138].

The Position of UNMOGIP

On 18th December, 1971, General Tassara attempted to arrange a meeting with the Pakistan Chief of Staff to discuss the general situation along the CFL, particularly as it applied to the resumption of the Karachi Agreement, and was told that any discussion on the subject would be more fruitful if he waited until the situation became clarified[139]. On 23rd December he met the Acting Commander-in-Chief of the Pakistan Army who said he did not wish the UN to be active on the CFL as it would give the impression to the Army and the population that Pakistan had accepted withdrawal only in the CFL area and not the Border area[140]. The *Pakistan Times* had just published a statement by the GOC, Western Command, Indian Army, saying that his forces would remain deployed on the Border until a political settlement was reached. Tassara agreed that Observers should remain away from the forward areas until such an agreement was reached[141].

By this time Tassara had already cabled New York that he would appreciate some soundings around UNHQ as to whether the

Karachi Agreement would be reinstated in its original form, or whether a new agreement, in which UNMOGIP might still be used, was likely to emerge[142]. UNHQ replied that he should proceed on the assumption that the Karachi Agreement remained in effect despite the recent large-scale violations, and that UNMOGIP should continue its work, which in fact was never interrupted. Any initiative or suggestion to the contrary would have to originate with the parties[143]. The UN was thus fully prepared for a change in the role of UNMOGIP as a result of the 1971 war. The problem, inevitably, was that India and Pakistan could not agree on whether UNMOGIP had a role to play in the future. On 7 January the Pakistan authorities asked for UNMOGIP to resume its normal functions within the framework of the Karachi Agreement[144], but UNHQ now expressed reservations, reiterating that UNMOGIP could as yet only act on the basis of Resolution 307[145].

On 28th December Tassara had a meeting with the COAS, India, who said it was unrealistic to discuss the Karachi Agreement or withdrawals in the present circumstances. As far as the Karachi Agreement was concerned, he said, there was a new ceasefire line and there would have to be a new agreement based on the situation as it then was. His orders to the Army were to observe the Ceasefire meticulously, but if attacked by the Pakistanis, to retaliate in force. Tassara pointed out that it was pertinent to discuss the Karachi Agreement since although the Indian Army had ignored the Agreement, it had never been abrogated. The COAS agreed, but said that from his point of view the Karachi Agreement was dormant and was not functioning at that time[146].

Tassara decided that in the meantime UNMOGIP had to continue to keep in close touch with the situation through the

local authorities out in the field. He therefore informed the COAS that UNMOGIP would remain in position at field stations with the same distribution of teams as before, and would resume its normal role as soon as the situation permitted, and that in any event UNMOGIP'S work had never stopped but had carried on to the best of its ability under the prevailing circumstances; consequently the Mission would expect to receive the same support that the Indian Army had provided in the past. The COAS said he would co-operate fully[147].

On 28th March in a conversation at UNHQ in New York, the Permanent Representative of India stated that in his Government's view UNMOGIP machinery had no function to perform in the present situation, and that problems relating to the ceasefire, including ACFV's were being dealt with bilaterally through flag meetings. However the Indian Government, he said, would prefer not to bring the issue to a head at that time[148].

On 11th April, Colonel Halliday, Acting Chief Military Observer whilst Tassara was on leave, was called to a meeting with the Pakistan Director of Military Operations, apparently at the behest of the Department of Foreign Affairs who wanted to determine India's attitude towards the functioning of UNMOGIP. The DMO said that while Pakistan had welcomed the activities of UNMOGIP and had made all facilities available for investigations on the CFL he had gained the impression that this was not the case on the Indian side. Halliday explained that after the Ceasefire the Indian Authorities had requested UNMOGIP not to move to forward areas until a settlement had been reached, and that the CMO had agreed, and this was the reason why Observers had not been permitted to visit the CFL on the Pakistan side. Halliday pointed out in his report to New

York that the DMO was already fully aware of the situation, and Halliday considered that he was attempting to ascertain the official Indian attitude towards UNMOGIP since there had been so much comment on it in the Indian Press and Radio. Halliday assured him that while Observers were restricted in their movements in the forward areas the Indian Authorities were most co-operative in all other respects[149].

The Secretariat discussed the situation with General Tassara, who visited HQ at the end of April before returning to the Mission after his leave. On his return Tassara reported that the COAS Pakistan had confirmed that India had made several attempts by telephone between the Directors of Military Operations of each side to conduct bilateral flag meetings, but this had been strongly resisted by Pakistan. The COAS then "spontaneously offered full co-operation to UNMOGIP and stated that so far as the Pakistan Army was concerned meetings on the CFL will be under the auspices of UNMOGIP organisation"[150].

Tassara also reported that during a conversation with the COAS Indian Army on the 18th May it was made clear that the Indian Government's stand was that UNMOGIP had no role to play in the ceasefire. Tassara had explained that the machinery of UNMOGIP was available for reporting on the ceasefire in accordance with Security Council Resolution 307, and emphasized that this role was not to be confused with its previous role under the terms of the Karachi Agreement, as this was misleading and only caused confusion. Tassara found the COAS approachable and very understanding of his efforts to keep the image of UNMOGIP unimpaired, but adamant that there was no role for UNMOGIP[151]. An approach by the Secretariat to the Indian Mission on 23rd May had yielded the indication that while their position remained unchanged, they did not wish to say anything

officially which would tend to harden positions or close doors[152], and Tassara felt they should therefore also adopt that attitude and not push India into doing anything that would have that effect[153].

He said the COAS Pakistan Army was fully aware of the Indian Government's stand on UNMOGIP, which had been conveyed to them in direct telephone conversations between the two Army Headquarters as well as by Tassara himself. The latter had also explained that despite this attitude UNMOGIP's physical presence on the Indian side indicated a respect for the UN, and an awareness that the machinery of UNMOGIP was readily available for any role which might be assigned to them after the summit conference which was due to be held between Prime Minister Gandhi of India and President Bhutto of Pakistan only a few weeks later[154].

However, India's position had already been set out by Foreign Minister, Swaran Singh, in the Lok Sabha on 17th May, 1972, and was communicated in a Note Verbale addressed to the Secretary-General by the India's Permanent Representative on 2nd June. This was that the Karachi Agreement ceasefire line no longer existed. A new line had come into existence on 17th December, 1971. Since under its terms of reference UNMOGIP's functions applied only to the 1949 Ceasefire Line, not to the new line, UNMOGIP no longer had any function to perform. Any problems relating to the observance of the ceasefire should be considered bilaterally at flag meetings between local commanders, and without the involvement of UNMOGIP Observers[155].

The position of the UN, which was often hereafter stated, was that UNMOGIP was deployed in Kashmir on the basis of Security Council resolutions. If either party wished the

mission to be withdrawn, it should so notify the Secretary-General, who would promptly inform the Security Council which alone had authority to take a decision on the matter. On 21 December, 1971, however, the Council had specifically called for withdrawals to the "ceasefire line supervised by UNMOGIP"[156].

Withdrawals

On 22nd December, 1971 a senior staff officer from GHQ Pakistan visited General Tassara to ascertain whether UNMOGIP would supervise withdrawal from all areas in accordance with Resolution 307. Tassara told him that this was a political matter between the two Governments but once agreement on withdrawal was reached, and unless otherwise instructed, UNMOGIP would participate in its supervision, but only as it applied to the CFL and the Border area of Jammu and Sialkot[157]. Guyer and Urquhart confirmed that UNMOGIP was fully entitled under its mandate to supervise withdrawals in its area of operations provided both parties requested it to do so, but if both parties were to request similar assistance concerning withdrawals along the international border outside UNMOGIP's area of operations, Tassara should refer the matter immediately for instructions to UNHQ[158].

The following day the Acting Commander-in-Chief of the Pakistan Army told Tassara that Pakistan wanted withdrawal on the western front to take place simultaneously at the Border and CFL and not piecemeal, and the UN had been so advised. The Acting CIC was prepared to have UNMOGIP reinforced as necessary to supervise the withdrawal from all areas. He reaffirmed that the Karachi Agreement was still valid and said he considered that the time between the ceasefire and the

withdrawal taking place would be far less than in 1965 as this time it was based on a UN Resolution and it was not necessary "to have a Tashkent" to reach a withdrawal agreement[159].

However, at his meeting with the COAS India on 28th December, Tassara realised that the Indians intended to adopt a hard line over withdrawal discussions, which they were in no rush to get started. The COAS was not prepared to talk to the Pakistan Army until authorised to do so by the Indian Government. In the meantime his troops would stay where they were. Without committing himself he said that since there was an overall problem to solve, he would be favourably disposed towards simultaneous discussions on the western border and the CFL, but insisted that when it came to withdrawal his advice to the Government would be not to do so until the climate was right[160].

Discussions between the two sides eventually took place between August and December 1972, after which troop withdrawals along the international border quickly took place, being completed by 21st December, 1972. Withdrawal of troops in Jammu and Kashmir had already occurred in September. UNMOGIP was not involved[161].

ACFVs

As in 1965 there were conflicting claims about the locations of the actual lines of control, and this resulted in a number of firing incidents, though to a lesser extent than in 1965, as both sides sought to assert control over certain areas. Since the Observers' freedom of movement remained restricted even after the Ceasefire, they were unable to verify the locations of the lines, as reported to General Tassara by the two High Commands, or investigate these incidents.

Neither India nor Pakistan had been lodging ACFV's since the outbreak of war, but on the basis of general telephonic reports from the local authorities and on what the Observers heard at the field stations, it appeared that the situation along the CFL was sufficiently stable for Tassara to discontinue his daily situation reports to New York on 4th January. Then on 7th January Pakistan did lodge a number of ACFV's against India, saying: "The Government of Pakistan requests that UNMOGIP should resume their normal functions within the framework of the Karachi Agreement. You are therefore requested to inform your Field Stations accordingly"[162]. This move seemed to be a reaction to India's having by-passed UNMOGIP and submitted complaints directly to the Security Council, although Pakistan also subsequently brought to the notice of the President of the Security Council and the Secretary-General alleged violations of the Ceasefire by India[163].

Guyer and Urquhart agreed with Tassara that he should approach the COAS India about Pakistan's request for UNMOGIP to resume its role, but they emphasised that Pakistan's view did not necessarily coincide with that of the UN, which was that at that time UNMOGIP's primary function, which derived from Resolution 307, Paragraphs 1 and 6 and NOT from the Karachi Agreement, was to observe and report to the Secretary-General on the observance of the Ceasefire along the current lines of control in Jammu and Kashmir. They repeated that resumption of the Mission's full functioning could only be envisaged after withdrawal[164]. As a result Tassara also wrote to the COAS Pakistan explaining this position and saying that he was willing to offer UN Good Offices on any breaches of the present ceasefire, and would accept complaints which specifically

violated that ceasefire, in other words firing, overflights or forward movement of troops across the Line of Control[165].

In a lengthy reply to Tassara's approach, the COAS India suggested that it appeared that the Pakistan Army, being in a state of disarray, wished to use UNMOGIP to re-establish the Karachi Agreement which by "their flagrant acts of aggression" they had already twice denounced. He thought that General Tassara would agree that if the Indians were to accept the CIC Pakistan's proposal they would be indulging in self-deception since they had no guarantee that Pakistan would not once again regroup and reassemble its force for a further adventure along the lines of 1965 and 1971[166].

During Tassara's absence on leave between February and April 1972 India again submitted complaints to the Security Council, and the areas mentioned, Tithwal and Punch in particular, coincided with the areas of main activity reported in the Pakistan complaints to UNMOGIP since the Ceasefire. Observers felt it would not be unreasonable to assume, although the Indians had not told them so, that the alleged violations reported by the Pakistanis had not been entirely one-sided[167].

In early May there were Press reports that India and Pakistan were accusing each other of major violations in the Tithwal area and fighting was said to be in progress[168]. On 6th May the Pakistan COAS told Tassara that the two main areas where violations were being committed concerned stretches of land which were on the Pakistan side of the Karachi Agreement CFL, but which India claimed to have taken during the 1971 war. Pakistan denied that claim and submitted ACFV's regarding Indian encroachment to Tassara[167]. Tassara commented to New York that the discrepancies between claims by India and Pakistan of the location of the Line of Control as established

on 17th December, 1971 would continue to occur as a result of India not permitting any control on the location and movement of her troops, especially on the Line of Control itself. Tassara felt he was not in a position to appreciate fully the situation, but was in no doubt that Pakistan was not taking any large scale retaliation against India's actions[170]. The Indian Press then reported a local ceasefire in the Tithwal Sector had been ordered on 6th May after direct contact between the two Army Headquarters[171]. Pakistan GHQ told Tassara that India had requested a flag meeting for such purposes, but this had been refused by Pakistan unless UN Observers were present. But they confirmed firing had ceased in the area, although firing was still taking place in the Northern Sector, where Indian troops were still across the Line of Control[172].

Good Offices

On 17th June Tassara held discussions with the Indian COAS. He subsequently received a letter from the Pakistan COAS saying that the DMO India had indicated that, as a result of Tasssara's efforts, the COAS Indian Army had agreed to reduce tension along the Line of Control. Further, the two Army Chiefs had agreed to enforce the ceasefire strictly with effect from 1500 hours on 27th June, 1972. They had also agreed neither to strengthen existing defences along the Line of Control nor to try to edge forward from present positions. Tassara was requested to enforce their agreement so far as the State of Jammu and Kashmir was concerned. The COAS India confirmed the substance of the agreement[173]. Tassara therefore stated that as from 27th June he would only accept complaints which concerned alleged breaches of their agreement - firing, movement forward of their present positions and

strengthening of existing defences along the Line of Control[174].

New York thought this might be too restrictive and could even conflict with the Secretary-General's obligation under Resolution 307[175]. Tassara explained that the acceptance of UN Good Offices to assist Pakistan in its agreement with India did not represent changes in UNMOGIP's operation, but clarified a situation which had been in effect since January. Rather than its being restrictive UNMOGIP was now increasing its activities on the Pakistan side. Previously, when the Karachi Agreement was made dormant by the activities of both sides, they could only accept UN Good Offices on matters pertaining to breaches of the 1971 Ceasefire. Following this new agreement they could accept complaints from Pakistan alleging any movement forward of present positions, not necessarily across the Line of Control, and also strengthening of defences, and pass them on under UN Good Offices[176]. In other words, in addition to reporting to the Secretary-General on strict observance of the 17th December Ceasefire along existing lines of control, in accordance with Resolution 307, they were also passing complaints lodged by Pakistan Army as Good Offices to the Indian Army, even though the Indians would not allow UNMOGIP to function on their side.

At this time the communications Tassara forwarded on a Good Offices basis for consideration by the Indian COAS were acknowledged, but no indication of probable action given[177]. After the Simla Agreement was signed the following month*, the Indian COAS requested General Tassara to discontinue the practice[178]. In fact Tassara continued to forward Pakistan's

*See below.

complaints to him, whilst pointing out to the COAS Pakistan that Good Offices could "only be exercised with the concurrence of both parties. Any request for the United Nations Good Offices by one party is immediately transmitted by the CMO to the other party. The CMO is not in a position to advise as to the possible outcome of such a request in any particular case"[179].

The Simla Conference

After preliminary meetings of Special Emissaries in Pakistan at the end of April 1972, President Bhutto* and Prime Minister Indira Gandhi met at Simla where, on July 2nd, they signed an Agreement**, Article II of which stated that the two countries were "resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon by them"[180] - the UN Secretariat subsequently pointed out to General Tassara that the text clearly did not rule out resort to third party methods[181]. Article IV, paragraph 4 of the Agreement called for troop withdrawals to either side of the international border, and provided that: "In Jammu and Kashmir the Line of Control resulting from the ceasefire of December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side". Another passage stated that representatives of the two sides would meet to discuss arrangements for a durable peace "including the question of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of

*President Yahya Khan resigned in December 1971.

**The Simla Agreement entered into force on 4th August, 1972 after being ratified by the two Governments.

diplomatic relations"[182].

On 5th July, 1972, the Secretary-General issued the following statement: "I welcomed the joint statement of the Prime Minister of India and the President of Pakistan, which I have read with great interest and close attention. The agreement reached in Simla represents in my opinion an essential first step on the long and necessarily arduous road to peace on the Subcontinent. The joint statement encourages me to believe that the solution of these yet unresolved problems will be facilitated by this important step"[183].

Following the conclusion of the Simla Agreement the positions of the parties concerning UNMOGIP remained essentially unchanged. The Indian Foreign Minister, Swaran Singh, met the Secretary-General in Warsaw on 7th July, 1972 and repeated his Government's view that the Ceasefire Line no longer existed, therefore UNMOGIP had no longer had any function to perform. He said that India would appreciate it if UNMOGIP "would fade out". However, he did not officially request the termination of the Mission, and the Indian Government soon indicated that it had no intention of doing so for the time being[184].

On 20th July General Manekshaw, COAS, India, also reiterated to General Tassara his Government's position that UNMOGIP had become redundant, and that India considered that the Simla Accord required all matters in dispute to be settled bilaterally, without the intervention of any other party (despite the reference in the text to "any other means mutually agreed upon between them"). However, he said that India had no objection to UNMOGIP's continuing to function on the Pakistan side of the line of control. He intimated that his Government looked forward to an agreement with Pakistan which

would transform the line of control into an international frontier, meaning in effect that Pakistan would abandon its claim to the portion of Kashmir beyond the Line[185].

Pakistan, on the other hand, pointed out that the Agreement did not prejudice its position concerning the status of Kashmir and of the Ceasefire Line, and the Pakistan COAS assured General Tassara that Observers continued to be welcome and would be given complete freedom of movement on Pakistan's side of the Line[186].

After Simla

On 29th July General Tassara reported, to Guyer and Urquhart "ONLY", a reorganization of Indian forces in Jammu and Kashmir with a new formation headquarters, HQ Northern Command, being formed and located at Udhampur, and a further formation HQ formed and located in Jammu. He stated that India had definitely built up her forces in the State above the quantum allowable under the Karachi Agreement, and had created the machinery for command and control to meet any eventuality[187].

On 31st July the Norwegian Embassy informed the Secretary-General that the Indian Embassy in Oslo had denied a prospective Norwegian Observer a visa on account of the uncertainty of UNMOGIP's future: The Embassy said it had instructions from Delhi to refuse all visas for UNMOGIP Observers henceforward. The Acting Permanent Representative for India was asked for urgent clarification of his Government's position and was informed the Secretary-General could not accept such an approach, which would, if persistently applied, cause UNMOGIP to be phased out by attrition, and would also create great difficulities for governments supplying Observers. If the Indian Government wished UNMOGIP to be

withdrawn, the right course would be to notify the Secretary-General who would, in turn, report to the Security Council which would have to take a decision. An important aspect of the situation, he was told, would be that Pakistan wished UNMOGIP to continue[188]. The Acting Permanent Representative, knowing nothing of the matter, promised to contact Delhi immediately[189]. He later reported that the visa had been granted, and that the delay was due to a misunderstanding[190].

General Tassara's opinion on hearing of the problem, but before its resolution, was that India did not want UNMOGIP, and would not continue to accept the Mission for much longer. He was convinced that all devious methods to create difficulties for the continued presence of the Group were being used. Not only were the Observers denied movement in forward areas, but the Indian local authorities now refused to accept any communications from the field teams. In addition Observers on the Indian side had all experienced an atmosphere of being unwelcome to the Indian Officers with whom they came into contact[191].

Tassara had already recommended that Observers on the Indian side be located only in New Delhi, Srinagar, Jammu and Baramula, rather than at the out-lying field stations, in order to maintain just a basic framework on the Indian side. He now urged his proposal be implemented so that if it was later decided to withdraw completely from the Indian side they could take advantage of the normal move of Headquarters from Srinagar to Rawalpindi in October, which would show that they were taking action on their own initiative, and not placing too much importance on India's deliberations on the subject. He believed that was the way to keep the posture of the United

Nations unimpaired. He also thought the possibility of some threat or danger to UNMOGIP personnel and dependants should not be overlooked since this had happened in the past when situations developed which were not to the liking of the parties involved. He was concerned that the Indians might restrict the Group's movement across the CFL and border by land or air, as they had done during the war in December 1971. He even considered that plans for evacuation from the Indian side should be secretly made so that they could suddenly be executed if necessary[192].

The UN's Position on UNMOGIP

The Secretary-General sympathized with the difficulties UNMOGIP was facing, and especially with the problem of morale among Observers[193]. Indeed, he requested the Deputy Permanent Representative of India to ask his Government to ensure that until the Mission's future was settled one way or another, Indian authorities at all levels should avoid any action which might embarrass UNMOGIP Observers, either singly or collectively[194]. Tassara was instructed to report any case of harassment to him, when he would take prompt action, and any serious risk for Observers - such as movement in areas not cleared of mines - was to be avoided[195].

However the Secretary-General explained to Tassara - and he had taken the advice of Legal Counsel on the subject - that he was faced with an issue of principle, since under Security Council Resolutions, particularly Resolution 307, as well as the Karachi Agreement, the Secretary-General was obliged to maintain UNMOGIP until both parties agreed to request a change, and the Security Council formally decided to accept such a request. The Secretary-General could not take action on his

own initiative which would derogate from the responsibility vested in him by the parties and by Council resolutions; indeed, he was obliged to continue implementing those resolutions to the fullest extent possible. He went on to say that to shut down a substantial number of field stations on one side of the CFL, and reduce the number of Observers on that side to a skeleton staff, would amount to accommodating the position of one of the parties without regard for the position of the other, or for the Secretary-General's overall responsibility under Council resolutions. It would, in effect, also result in a change of the political-juridical situation. He could not therefore agree to closing any field stations or a substantial reduction in the number of Observers, though this did not, of course, preclude minor routine readjustments. He said he intended to take up the matter with both parties, and asked for Tassara's views as to whether there would be any advantage in exploring the possibility of more active functioning of UNMOGIP on the Pakistan side of the CFL, since Tassara had indicated that India would not mind if UNMOGIP continued operating on the Pakistan side[176].

Tassara did not consider it would serve any useful purpose to attempt more active functioning on the Pakistan side since they were already exercising the utmost activity on that side commensurate with the fact that they did not receive complaints from India for investigation on the Pakistan side, and could not investigate Pakistan's complaints on the Indian side. They would thus in effect only become a means of confirming Indian activities against Pakistan, but not Pakistan's activities against India. Although this might have some significance, it would be against the principle for which the Group was formed. All they could now do was to convey

complaints by Pakistan direct to the COAS India under UN Good Offices. In fact, the COAS India had asked Tassara to discontinue sending these requests, and said he was only prevented from returning them out of deference to Tassara. Tassara continued to forward them, however, as the only means of communication open to the Group, since Local Authorities on the Indian side refused to receive any communication from the UN Team in their area of control[197].

Tassara told the Secretary-General that he thought that at the next round of talks Pakistan would have to submit to the pressures from India to settle matters relating to the CFL or Line of Control in Jammu and Kashmir bilaterally, without the presence of the UN. He was even suspicious that there was already a secret agreement between the two parties to this effect. There was no doubt, he said, that India would exclude UNMOGIP from all discussions concerning the Karachi Agreement or Line of Control Agreement, and would not permit the resumption of UN functioning on the Indian side of the Line. Even the Pakistan COAS had said that India and Pakistan would be conducting bilateral talks without the presence of UNMOGIP, and that the UN should welcome such talks as they were being held in accordance with the Simla Accord which the Secretary-General had stated he welcomed. Tassara rather cynically suggested that when Pakistan considered UNMOGIP's presence was no longer necessary for its purposes it would do as India had done and also say "that we are ineffective and not performing any useful purpose thus discrediting us in the end"[198].

Guyer and Urquhart also told Tassara that they fully appreciated his difficulties. They said that if in their forthcoming talks India and Pakistan reached agreement on the

future of UNMOGIP in one way or another, there was little doubt that the Security Council would go along with their wishes. As long as UNMOGIP remained in existence, they would, in principle, wish it to operate on both sides of the Line. However, it was clear that the Secretary-General's reporting obligations, as well as the supervisory function of UNMOGIP, could only be implemented to the extent allowed by the parties. Conversely, as long as the Secretary-General's and UNMOGIP's mandate was not modified by the Security Council it was their duty to implement that mandate to the full extent possible. Restrictions imposed by one side on UNMOGIP's functioning did not relieve the Secretary-General of his responsibilities. Therefore, until its mandate was changed or terminated, UNMOGIP had to operate as best it could. It should in any case observe and report to the Secretary-General on the observance of the Ceasefire of December 1971, a task which should be more readily accomplished since the Indian COAS had stated that his Government had no objection to UNMOGIP operating on the Pakistan side of the Line, and as Observers could now approach the Line from the Pakistan side[199] - a move which had only been possible since 17th July, 1972 when, on the strength of assurances from the Pakistan Army Command, General Tassara had lifted the restrictions on the movement of Observers on the Pakistan side of the Line[200].

Troop Withdrawals and Delineation of the Line of Control

On the basis of the Simla Agreement of July 1972 troop withdrawals along the international frontier should have been completed by 4 September[201]. However, as soon as the Agreement was ratified early in August India raised the question of delineation of the Line of Control in Kashmir, and

insisted that withdrawals along the international frontier would not take place until delineation of the Line had been completed[202].

On 10th August, in spite of Pakistan's objections to India's stand that the Line of Control should cover the entire CFL, the Commanders of the two Armies commenced discussions which Pakistan insisted were to "determine the actual Line of Control in Jammu and Kashmir on limited areas where the old Ceasefire Line was disturbed by the December 1971 war"[203]. The Pakistan spokesman maintained that any impression that the demarcation of the "entire Ceasefire Line was going to be discussed was wholly wrong" - 95% of the old Ceasefire Line still existed, and the UN Observers still had a definite role to play[204]. The meeting was held on the Indian side at the crossing place on the Border between Jammu and Sialkot, and India prevented all movement of Observers through the area during the period of the talks[205].

General Tassara requested an official report on the meeting from Indian Army HQ and was told that as the meeting was bilateral the Chief of the Army Staff considered it would be inappropriate to give a copy of the minutes to a third party. However Tassara did receive a briefing on the meeting at GHQ Pakistan. Whilst a definition of the Line of Control was not agreed upon, with India still stating the entire CFL was the Line of Control and Pakistan only the portions which had changed, thirty-five areas of disturbance were agreed, as were procedures for delineation of the Line in these areas. As far as UNMOGIP was concerned, India did not want UN Observers to be allowed any participation in delineation or any future actions; Pakistan wanted UNMOGIP to stay and investigate disturbances along the CFL, and said the Simla

Agreement did not overrule the Security Council action, nor could India unilaterally abolish Security Council action. No agreement was reached[206].

Further meetings were arranged, and on 22nd August UNMOGIP's Chief Operations Officer was informed that India and Pakistan had reached an agreement to withdraw troops in Kashmir around 3rd-4th September[207]. For the most part the discussions were completed on 18th October, the Line of Control having been jointly delineated on the ground and on maps. However, formal agreement was held up for seven weeks over a small area on the Jammu/Pakistan Border where Pakistan felt if she withdrew her troops it would be tantamount to admitting that the Border was an international frontier, hence an abandonment of Pakistan's claim to Kashmir. A solution involving some minor exchanges of territory was eventually reached on 7th December and the delineation of the whole Line of Control completed on 11th December. Maps showing the Line were given to the CMO for forwarding to the Secretary-General by Pakistan, but not by India. Withdrawals along the international border then took place promptly[208].

Pakistan's position remains that the delineation of the Line of Control did not affect the real issues surrounding the Kashmir Dispute, but the fact that since 1972 the Ceasefire Line has generally been referred to as the Line of Control gives considerable weight to the Indian view that the situation was materially changed by the war of 1971.

UNMOGIP AFTER 1972

An Unsung Compromise

On 30th August, 1972 Guyer cabled Tassara that the

Secretariat's consideration of the role and functioning of UNMOGIP was necessarily affected by the bilateral talks in New Delhi. According to Press reports the question of UNMOGIP was still unresolved, but India was said to have no objection to Observers continuing to function on the Pakistan side of the Ceasefire Line and Line of Control. It seemed wise therefore to defer any further changes in UNMOGIP's *modus operandi* until the situation had been clarified[207].

In February 1973 the Secretary-General visited UNMOGIP during the course of a trip to the Subcontinent. He also met Mrs. Gandhi who recalled that, although the decision had not been popular in India, she had ordered a unilateral ceasefire on the West Pakistan front in December, 1971. She was convinced that only friendship and cooperation between the countries on the Subcontinent could facilitate progress and development. In this spirit she had invited President Bhutto to Simla. He had more or less agreed with her thinking. However, on his return to Pakistan, statements were made by him and others which were different in their tenor, and although it had been agreed that neither side would conduct a propaganda campaign against the other, anti-India propaganda was resumed in Pakistan[210].

Before he left for the Subcontinent the Secretary-General was briefed that there were three alternatives as far as the unsettled status of UNMOGIP was concerned, bearing in mind there was no question of withdrawing the Mission without the authorisation of the Security Council, which was unlikely to take action unless requested to do so by both parties. The first was that India and Pakistan might reach an agreement over its continued functioning, which was unlikely as India took the view that the Karachi Agreement had collapsed, thus the Karachi

CFL had disappeared, and UNMOGIP therefore had no function to perform. Pakistan's totally opposite view was tied to its basic stand concerning the status of Kashmir. Secondly they might both agree to discontinue UNMOGIP, in which case the Security Council would be likely to comply. Such a development, though highly improbable, might occur as part of a "package deal" including other issues. Pakistan could of course reserve its position over the future of Kashmir. Thirdly India and Pakistan might continue to disagree about UNMOGIP, in which case UNMOGIP would presumably continue its present limited functions on the Pakistan side of the Line of Control, and observe and report on the ceasefire. It would continue to be unable to operate on the Indian side, or might even be asked to depart from that area. In the latter case the Secretary-General would have to refer the matter to the Security Council[211]*. Essentially it was the third alternative which eventuated.

There was a major discussion at UNHQ and it was agreed that UNMOGIP could stay on the Indian side. However, no ACFV complaints were thereafter received from India. The Indians continued to maintain that the Simla Agreement had superseded the Karachi Agreement, and there should no longer be any need for UNMOGIP as India and Pakistan would sort out their problems on a bi-lateral basis. The last report on UNMOGIP to the Security Council was in 1972, and the Security Council was not again informed of the continued restrictions imposed on the movement of Observers on the Indian side, although it was a generally known fact to anyone with any interest in the matter.

*Presumably the Secretary-General discussed UNMOGIP along these lines during his visit, but there was no mention of UNMOGIP in the extract available of the minutes of his meeting with Mrs. Gandhi[212].

The support received from India in such matters as transport and accommodation was as good as it ever had been, and access to field stations and HQ in Srinagar was not hampered. Observers were not allowed to undertake field tasks, such as investigations of Pakistan complaints or checking on the Order of Battle on the Indian side, but inevitably they were able to make certain observations as they travelled to and fro, and report their observations. Social relations were good at senior level, but sometimes less good than on the Pakistan side at local level, where they varied considerably according to the individual Indian officer concerned[213].

In 1975 the Indian High Commission in London stated it was "up to the UN to decide whether they should be recalled"[214]. However, at the time of General Tassara's retirement in 1978 there were Press reports that "according to offical sources in Srinagar" India had decided to seek the withdrawal of UNMOGIP because "they are irrelevant in view of the growing Indo-Pakistan understanding to solve their problems bilaterally"[215]. Secretary-General Waldheim was reported to have told the Indian Minister of External Affairs that as the matter involved both India and Pakistan, the future of the UN Observers would have to be decided upon in consultation with Islamabad[216].

Brigadier-General Stig Waldenstrom, a Swede, succeeded General Tassara as CMO of UNMOGIP in 1978, and remained with the Mission until 1982*. Previously he had been in Korea with the Neutral Nations Supervisory Commission, and was with UNEF

*In 1982 Brigadier-General T. A. Johnsen, who had been with Norway's delegation to the UN for three and a half years, succeeded General Waldenstrom[217]. General Johnsen was succeeded by Brigadier-General Alf Hammer, another Norwegian, in August 1986[218].

in 1962. He also spent four years at the United Nations in New York as Military Adviser to the Swedish Delegation[219].

UNMOGIP under General Waldenstrom

When General Waldenstrom became CMO the possibility of changes in the Mission was discussed, and various alternatives considered, but it was decided that it was best left as it was. In particular the suggestion was raised not to have field stations on the Indian side, but to keep the Observers in Srinagar and send them out as the occasion arose. However, it was decided that India would never in such an event allow them out, and Pakistan would be furious if any Indian field station was closed[220].

In 1978, despite the withdrawal of New Zealand in 1976, there was still an establishment of 44 Observers. In 1978-9 Canada withdrew, having already been saying at the UN that if a problem had not been solved after many years of a peacekeeping mission's presence, that mission should be withdrawn. This initially brought the number down to one of the lowest ever at 32. In March 1982 there were 37 Observers, including a medical officer, a post which had only been initiated in 1980, and two more officers were shortly expected to arrive. A minimum requirement of 39 was considered necessary when the summer field stations opened[221]*.

After a marked decrease from the mid-1970s in the number of alleged ceasefire complaints - made, of course, only by Pakistan - the number started to increase again at the end of

*In December 1985 Australia withdrew her Military Observers. Uruguay and Italy then provided additional Observers to maintain the number at 37. Other countries still participating were Belgium, Chile, Denmark, Finland, Norway and Sweden[222].

the decade:

Number of ACFV'S made by Pakistan 1972-1982[223]*

1972	1344
1973	510
1974	335
1975	67
1976	12
1977	14
1978	51
1979	93
1980	60
1981	152
1982	90

Out of 152 complaints made by Pakistan in 1981, 131 alleged firing, 13 alleged strengthening of defences and 8 alleged overflights. Of these 152 complaints, 107 were in Kotli sector, including 94 firing complaints and 12 of strengthening of defences. There were insufficient Observers to investigate this number of complaints, especially with such a disproportionate amount in one area. They attempted to investigate as many as possible, but gave first priority to the serious ones; that is if an Observer's life had been endangered, a civilian or soldier killed or injured, or weapons heavier than a machine gun used[225].

Reporting of overflights had to be taken on trust as the Mission had no radar. Observers felt that some overflights were accidental but others were obviously on reconnaissance. Crossing the Line, a form of violation which did not happen in 1981, normally occurred when a patrol got lost, and was not then considered to be serious. It could easily occur as both sides patrolled aggressively right up to the Line[226].

The Indians, in accordance with their insistence that the Simla Agreement superseded the Karachi Agreement, claimed it

*The number of complaints made by Pakistan for the years 1983-1986 were 86, 124, 149 and 249 respectively. And there were 91 complaints between 1st January and 29th July, 1987[224].

was now permissible to construct and improve on defences right up to the Line of Control. The Simla Agreement in fact neither condoned nor forbade it. The Pakistanis claimed to stand by the Karachi Agreement, which did forbid it and which, they maintained, was still in force. Therefore any construction was a violation. After extensive informal negotiation at UNHQ in 1979, it was decided that UNMOGIP should record any strengthening of defences, but not condemn it as a violation. Observers tended to feel that this effectively gave support to India's standpoint, and somewhat weakened UNMOGIP's position of impartiality[227].

In 1981 in Rawalakot Sector two bunkers on the Indian side and one one on the Pakistan side were vacated by agreement. On the night of 6th July the Indians reoccupied their bunkers and attracted Pakistan firing. An Indian captain was killed. News of the death reached UNMOGIP only through the media, but the Indians told General Waldenstrom when he mentioned it to them that they had taken a very serious view of the matter. The Pakistan DMO admitted to UNMOGIP's Chief Operations Officer, Colonel Cloughley, that he had given orders to shoot. Colonel Cloughley requested a meeting at the time with the Indian DMO who agreed to see him, but said he would not talk about the Line of Control. Colonel Cloughley decided therefore that a visit to Delhi would be a waste of time, and instead saw the Indian Defence Attache in Pakistan and assured him that there was no military build up on the Pakistan side of the Line[228].

Strictly speaking no such initiatives were taken by the Mission, but if any area became very tense the CMO might ask to see the Army chiefs of both sides to tell them how it looked from the other side. They always agreed to see him if he so

requested, and he believed that even if they tended not to see each other's point of view when it was explained to them, at least they recognized the seriousness of a rise in tension when it was pointed out. The two Commanders also had hot lines to each other, and flag meetings were sometimes arranged[229].

In addition to sending a monthly summary of complaints to New York, General Waldenstrom continued General Tassara's practice of notifying the Indians of all Pakistan complaints that he accepted. The only time the Indians acknowledged his notification was when they were informed of a shooting incident which nearly killed an Observer in August 1981. The Indians denied any shooting, but said they had reiterated orders not to shoot. The Observers, whose flag was pierced through the middle, continued to believe the shot was meant to kill[230]*.

Most firing incidents, however, were caused by armed civilian farmers going too close to, or even crossing the Line of Control in pursuit of their animals. Farming close to the Line, was still forbiddden on the Indian side, and India still stated that the Pakistanis should also keep the farmers away so they would not get shot. Equally the Pakistan military officials continued to maintain that they had no authority to prevent farmers approaching the Line. Ultimately the argument was a political one: part of India's strategy to have the Line made an international border, and Pakistan's to prevent this from happening[231]. To this extent the situation remained much as it had been since the early 1950s.

*As reported to the writer by a Military Observer in March 1982. In January 1983 Professor Alan James was told by another Observer, who was not with UNMOGIP at the time of the incident - assuming that it was indeed the same incident - that it was not established from which side the shot came.

Indian Policy

In more general terms, Indian policy appears to be to keep a low profile on the subject of UNMOGIP so that people will simply forget about the Mission's existence. Most people in India indeed have never heard of UNMOGIP, and it seems that many of those who have do not realise it is still in position[232], although it was somewhat inexplicably brought to the public attention on 13th September, 1981. On that day the newspaper *National Herald*, the voice of the governing Congress Party, led with a story accusing UN Observers of spying and having contact with disgruntled political elements. The major rationale for these spying activities appeared to be that Observers were crossing the Line of Control between Srinagar and Rawalpindi too often[233]. The story does not seem to have been taken up, apart from an almost carbon copy appearing the following February in *Blitz*[234], a sensationalist newspaper at any time, and also the voice of the Communist Party, which had always tended to be opposed to the presence of UNMOGIP.

The *National Herald* article also stated: "Notwithstanding the commitment of India and Pakistan to resolve the outstanding issues between the two countries through bilateral negotiations, New Delhi has found it difficult to devise ways and means for the permanent closure of the offices of the UN Military Observers in Kashmir. Since the conversion of the old ceasefire line into a line of actual control in 1972, the Government of India has not been in favour of continuing the presence of UN observers on the soil of Kashmir. At the same time New Delhi is apparently hesitant to precipitate matters in the light of Islamabad's approval of the continuance of the UN military observers in Pakistan, and Dr. Kurt Waldheim's

none-too-old observation that a fresh discussion was needed if India wanted the offices of the UN observers in Kashmir to be wound up"[235]*.

India seems to take the view that if a fuss is made about asking UNMOGIP to leave, the whole Kashmir issue would be brought too much into the public eye, without the main aim necessarily being achieved. Furthermore a spokesman from the Ministry of External Affairs said in March 1982, that in spite of its shortcomings the United Nations was still a beacon of light in the world, and many of its agencies were doing good work**. It may be, therefore, that India is reluctant to cause - or at least to be seen to be causing - trouble to an organisation which essentially it supports; in order to score little more than a political point against Pakistan. However, K. Subrahmanyam, Director of the Indian Institute of Defence Analyses suggested that the opportunity of requesting UNMOGIP to leave was a card that India found useful to keep in its hand for possible future use[237]***.

Pakistan Policy

Pakistan takes comfort from the fact which India, even if reluctantly, seems to accept, that India cannot unilaterally ask the Mission to leave. The Pakistan Foreign Minister, Mr. Agha Shahi, referring to a statement by the Indian Foreign

*Presumably referring to the statement on page 526.

**He also said that UNMOGIP was harmless and the Observers were having a nice time, so India saw no reason to spoil their holiday[236].

***The writer put the suggestion to several Indians that perhaps India was secretly content to have UNMOGIP in position so that the Mission could report on any further transgressions by Pakistan in the area, but none would admit to this.

Minister that UN Resolutions on Kashmir had become obsolete, said in March 1978 that just because they had not been enforced did not mean they were obsolete, and Pakistan's stand on the two UNCIP resolutions remained unchanged[238].

Although there has been no discussion of Kashmir in the Security Council or General Assembly since 1972, Pakistan delegates have sometimes mentioned it in passing at the UN, to the annoyance of the Indian Government. In October 1978 India took particular exception to Kashmir being included in a UN list of regions where people have not exercised the right of self-determination, claiming that Kashmir was an integral part of India. Pakistan rejected the claim[239]. In October 1979 there was a similar exchange on Kashmir before the General Assembly committee on self-determination, when Pakistan said there should be a plebiscite[240]. India said the Kashmiris had expressed their will in five general elections[241].

India takes the line that under the Simla Agreement Pakistan has agreed not to raise the issue at any international forum. Official Pakistan spokesmen do not accept this claim. On a visit to India in July 1980 the Pakistan Foreign Minister Mr. Agha Shahi tried to assuage India's feelings by drawing a distinction between mentioning the Kashmir issue at international forums, and attempting to internationalise the issue. He said that irrespective of the repeated references to Kashmir at international forums Pakistan shared India's view that the Dispute should be resolved bilaterally through peaceful negotiations in terms of the Simla Agreement[242].

Indo-Pakistan Relations

In early 1982 the vast majority of both Indian and Pakistan forces were said to be in Kashmir, and along their

mutual border, despite Pakistan's fears about the situation on its boundary with Afghanistan, and India's of China[243]. In November 1982 the state of Indo-Pakistan relations took a major step in the right direction when the two leaders met for the first time since the Simla Agreement, ten years previously, although Mrs. Gandhi was a somewhat reluctant participant in the meeting, which she had been finding one excuse after another to put off. Academics and journalists had been pressurising for a rapprochement with Pakistan for some time, and were convinced that their continued pressure would force her back into negotiation[244]. Nevertheless, all the indications were that any such rapprochement would be a very slow process.

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CHAPTER SIXTEEN - UNMOGIP AND THE MAINTENANCE OF PEACE

The concept of peacekeeping developed from the realisation that the UN's members had insufficient political will or mutual trust to take the enforcement measures provided for in Chapter Seven of the Organisation's Charter. Thus the UN found itself in a position where it might be able to apply sufficient diplomatic pressure to end hostilities, but was unable or unwilling to impose a solution to the underlying problem. Peacekeeping was a compromise, its primary aim being to prevent or contain violence in order to stabilize the environment of a dispute so that a peaceful settlement could be sought by diplomatic methods. It was also an attempt to provide a remedy for the anxiety that small local wars could escalate to the point of Great Power conflict unless they were insulated from external interference.

Chapter Six of the UN Charter makes provision for the pacific settlement of disputes by obligating parties to a dispute likely to endanger the maintenance of international peace and security to seek a solution by such methods as negotiation, inquiry, mediation, conciliation, arbitration or judicial settlement, and when peacekeeping emerged it was envisaged that it would remain an auxiliary to, but distinct from, any of these methods. Peacekeeping provides a continuing, non-forceful military presence, usually in the form of border monitoring and/or ceasefire supervision, to assist the parties to a dispute in their avowed intent to avoid hostilities whilst they seek a satisfactory solution. To be both acceptable and feasible peacekeeping relies on the impartiality of the participants in its missions, the consent and cooperation of both contributing and host nations, and the

tacit consent, at least, of the five Permanent Members of the Security Council.

In the light of experience, an argument put forward against the concept has been that the security provided by peacekeeping allows the parties to avoid coming to any long term settlement of their disputes, which thus become frozen[1]. This accusation has been made in connection with the Kashmir Dispute between India and Pakistan* and therefore needs to be addressed when an assessment of UNMOGIP's impact on the Dispute is made.

UN MEDIATION IN KASHMIR

Many possible diplomatic methods of settling the Kashmir Dispute were considered, and several were attempted. The parties themselves had bilateral negotiations before bringing the matter before the United Nations in 1948, and made several similar attempts in the ensuing years. The United Nations Commission for India and Pakistan was the first UN mission to be despatched to the Subcontinent, in July 1948, with the dual purpose of investigation and conciliation. The Commission succeeded in launching a parallel peacekeeping mission (UNMOGIP) to supervise the ceasefire, which it also had some influence in bringing about, but it failed in its attempts to have the parties reach a settlement. It suggested that a single mediator might have more success. During the 1950s a number of UN mediators - General MacNaughton, Sir Owen Dixon, Dr. Graham (who made several attempts) and Ambassador Jarring - each in turn failed in their efforts to find a solution.

*Indeed the Canadian Observers were withdrawn from UNMOGIP in 1978 for this reason[2].

Both the Commission and Ambassador Jarring suggested the submission of aspects of the Dispute to arbitration, but India would not agree, and neither party chose to refer the matter to the International Court of Justice for a binding judicial settlement, although some observers of the situation believed such a reference would have assisted the search for a solution[3]. Josef Korbel, a member of the UN Commission, complained that the Security Council Resolution of 21st April, 1948 was a recommendation which bound India and Pakistan morally but not juridically: it did not take sides either by condemning Pakistan as aggressor or questioning the legality of Kashmir's accession, when a ruling on this matter by the International Court of Justice might have made the Dispute easier to handle. He believed that the Security Council was so busy considering the immediate political aspects of the Dispute from the point of view of its own individual member states that it failed to recognise the full gravity of the situation[4].

The Kashmir Dispute has effectively been frozen since the early 1950s. The UN Security Council, which has primary responsibility under the Charter for the maintenance of international peace, virtually gave up its efforts towards a settlement after the Jarring Mission in 1957. It did not debate Dr. Graham's last report, submitted in 1958. Not even the wars of 1965 or 1971 persuaded it to recommence its attempts at mediation or conciliation. India's hostility to further involvement by the Organization, and the attendant Soviet veto which successfully supported her stance, made any such move seem futile. However, if the UN cannot be said to have succeeded in assisting the parties to resolve their Dispute, it can lay claim to at least a limited success in

stopping hostilities on two of the three occasions when they broke out and, through the presence of its Military Observer Group, in restraining further outbreaks for considerable periods of time.

UN PEACEKEEPING IN KASHMIR

Impartiality

UNMOGIP was able to help the parties maintain their desired ceasefire mainly through inhibiting the escalation of minor incidents. It did this by acting as an impartial referee and a channel of communication between the disputants. The Mission ensured confidence in its impartiality by the even-handed way in which its Observers approached their investigations and the CMO awarded his findings, and by observing the strictest confidentiality in relation to any classified information they received as part of their work. This confidentiality was particularly important since the information made known to the Observers under the terms of the Karachi Agreement, including such matters as the Order of Battle of both Armies, was of a highly sensitive nature. Although the Chief Military Observer wrote regular reports to the Secretary-General, these reports were neither published nor even made available to Members of the Security Council, who were legally responsible for the Mission's activities. Only in extreme circumstances was a general summary made to the Council on the basis of these reports. UNMOGIP was therefore able to maintain a very low profile, and the atmosphere of mutual trust was greatly assisted by the lack of publicity which, with only rare exceptions, the Mission thus enjoyed.

However, whilst UNMOGIP's success can be attributed to its

impartiality, one of the parties - India - was sometimes disposed to find partiality in its actions. This was probably a consequence of India's belief that the Security Council, in its desire to be neutral between the two parties, took impartiality to the point of refusing to recognise an aggressor. Thus India was disenchanted with the UN from an early date, which may have laid the foundations for the eventual stalemate over the Dispute. As a result of the injustice she perceived in the UN's approach, she was never wholeheartedly supportive of any of the missions sent to assist in the search for a settlement. In this way the impartiality of the Security Council was not without cost.

It should also be noted that there are limits to the concept of impartiality. However elevated its best intentions, it may be an over-statement to say that a peacekeeping mission can be seen by the parties as totally impartial. The mission may well pursue its responsibilities in an even-handed manner, but its overall effect may prove less than even-handed. There is an inherent bias towards the *status quo* in UN peacekeeping, especially insofar as internal politics are concerned since[5], in a world of nation states, the United Nations reflects the view that the integrity of the nation state is paramount. If two of these states are in conflict each can put its case forward. Where internal conflict is concerned, there is no forum for the rebels' voices to be heard. Furthermore the UN is the sum of its Member Governments, who vote according to their own interests. It would therefore be unlikely to support any movement for secession within a member state, as this would set an uncomfortable precedent for the future of many of its members. By intervening to keep the peace, the UN may not be serving the

rebels' interests, and may therefore be accused of favouring the *status quo* rather than impartially allowing for the possibility of desirable change.

The Kashmir Dispute is not a clear-cut example of these issues, but it has been touched by them. In 1948 when the UN worked towards a cessation of hostilities and a plebiscite, it was indeed attempting to assist the people within the state to make their own choice. In 1965, after the envisaged plebiscite had long failed to take place, the people of Azad Kashmir took matters into their own hands, fully aided in the final instance by Pakistan. UNMOGIP was in no position to stop Azad Kashmiri infiltration into Indian-held Kashmir, but by identifying the Azad Kashmiri infiltrators in its reports to the Secretary-General, UNMOGIP potentially impeded the revolution they were seeking. It was on the basis of these reports that the Security Council was finally called into session, and pressure put on the parties for a ceasefire. When the UN then attempted to stop the hostilities without going into the background of the Dispute, or insisting that India fulfil its obligation to hold a plebiscite, Pakistan felt that the Organisation was favouring the *status quo**, which UNMOGIP had already helped to maintain for the previous 16 years. Indeed, the Security Council specifically demanded that the parties should withdraw to the positions held before the infiltration began on 5th August, 1965[6].

On the other hand, the bias towards the *status quo* worked to Pakistan's advantage - in intention, although it did not affect the outcome of the war - when the people of Bangladesh declared their independence from Pakistan in 1971, and war

*See pages 428 and 450.

between India and Pakistan ensued: the UN was not even prepared to give the Bangladeshis a hearing as it regarded the integrity of Pakistan as the more important consideration'.

Consent

India and Pakistan initially agreed somewhat reluctantly to receive UNCIP on the Subcontinent. Subsequently they formally consented to the presence of UNMOGIP when they accepted the Commission's resolutions of August 1948 and January 1949, which included mention of the stationing of Observers along the Ceasefire Line. This consent was reinforced when India and Pakistan signed the Karachi Agreement in July 1949, which stated that the United Nations Commission for India and Pakistan would station Observers where it deemed necessary*.

After the Indo-Pakistan war of 1971 India claimed that the Simla Accord, signed the following July, superseded the Karachi Agreement. However, after a few feeble attempts to have the Mission withdrawn, she appears to have offered her tacit consent to UNMOGIP's remaining in position**.

Cooperation

For the most part UNMOGIP received good cooperation from both parties until 1972 when India withdrew operational cooperation. Even then organisational support continued to be given as before. The Mission's contact was almost exclusively with the military authorities, who were nearly always cooperative, both when it came to investigating incidents and

*See Appendix I, Part 1, D; and Appendix IV, Paragraph I.

**See pages 515-7, 526 and 561.

in accepting suggestions as to how these might best be avoided in the future. Each Army also regularly furnished the Mission with its Order of Battle, and allowed Observers to check on it. The backlash of political events or ill-feeling was, however, occasionally directed through the military, or otherwise felt, especially on the Indian side. The most notable instance of this was in 1954 when India demanded the withdrawal of all US Observers from the Mission*.

Insofar as the important concept of freedom of movement was concerned, Observers were precluded by India from visiting the Ladakh area of Kashmir immediately preceding the war with China in 1962, and the CMO was obliged to accept that after this war the forces deployed along the front with China were not to be included in the Order of Battle checked by the Mission**, although technically not to include them was a breach of the Karachi Agreement. Observers also experienced problems with both parties in the period leading up to, during, and immediately after the war in 1965, and again during and after the war of 1971***. Such restrictions in times of war were understandable, and were as much related to a desire to guarantee the Observers' safety, or because the roads were closed for security reasons, as to inhibit Observers from carrying out their tasks. Prior to the war in 1965 there was, however, sometimes reason to believe it was because Pakistan, in particular, had something to hide. However, until India withdrew cooperation in 1972, UNMOGIP personnel probably experienced fewer problems with freedom of movement than most

*See pages 277-285.

**See pages 180-181.

***See pages 352-353, 403-405, 434-437,491, 503-505, 509-510, 519-521 and 525.

peacekeeping operations*. After 1972 there were considerable restrictions on the Indian side, although Observers were still able to travel to and from their field stations.

Stabilization

The Indo-Pakistan Dispute over Kashmir is typical of the kind of conflict that has lent itself to United Nations peacekeeping activity in that the operation emerged out of the turbulent events which followed the withdrawal of the colonial power. It was also a situation which called for stabilization in that it contained the necessary elements for Great Power intrigue and possibly confrontation: China bordered on Kashmir; the Soviet Union was only 50 miles away; Britain had residual interests in the area (being especially involved at the start of the Dispute as the Armies of both sides were then led by British officers); and, finally, the increasing global role of the United States, coupled with its fiercely anti-Communist stance, was soon also to give that Power an interest in the area.

When the Dispute was first placed on the agenda of the Security Council in early 1948, the Great Powers were anxious not to take sides for fear of losing influence with one party or the other, but the prospect of a Great Power armed confrontation was not then the consideration it was soon to become. With the passage of time and the shifting

*Restriction of freedom of movement has been imposed by both sides in UNTSO and UNFICYP; the various observer missions established in the Balkans and Korea were almost entirely restricted to Greece and South Korea respectively; UNOGIL was never permitted to enter the Moslem-dominated areas of Lebanon along the Syrian border, which was the region most likely to be affected by gun-running activities; and ONUC experienced difficulties of this kind in relation to Katanga.

relationships between the Great Powers and India and Pakistan, this consideration augmented UNMOGIP's original peacekeeping role because of the fear that a war between the parties would involve the United States and/or China on the Pakistan side, and the Soviet Union on the Indian side. In the event, when UNMOGIP was unable to prevent hostilities in 1965, the fear proved unjustified in that the Great Powers worked together to help terminate the war. In 1971 the Powers were no longer able to cooperate, either to maintain or to restore the peace, but India chose to bring the war to an early close. This may have been partly due to her worry about the possibility of external involvement.

Violence had already broken out when the Kashmir Dispute was first brought before the UN, and to the extent that the UN played a part in bringing about Ceasefires in 1949 and 1965, UNMOGIP was not involved. However, in the intervening years the Mission was able to assist the Indian and Pakistan Armies to maintain the peace that they and their Governments desired along the Ceasefire Line.

At the beginning of this period the very presence of the Mission was an avowal of the two sides' desire to maintain calm and a moral deterrent against the temptation to do otherwise, which was a major factor in reducing tension. At the same time the willing cooperation of the two Armies encouraged a lessening of tension on the ground as well as signifying its reduction in the political arena. This initial goodwill evaporated to some extent when it became clear that a political solution was not immediately forthcoming. Nevertheless, the Ceasefire Line was never as volatile as political relations between the parties, perhaps because of the presence of the Mission, and also because military personnel tend to be less

volatile than politicians. The military bureaucracy and the logistics of making sudden changes could not keep pace with the hot and cold air blowing in the corridors of power. A prime example of this occurred when India's anger at Pakistan's arms pact with the United States in 1954 was turned against the Mission, depriving it of American Observers (hitherto the largest nation group within UNMOGIP). Nevertheless, 1954 was one of the quietest years experienced along the Ceasefire Line itself*.

The Mission's function of checking on the Order of Battle of both parties served as a reassurance to each side that the other was not preparing for war, and at a more mundane level Observers were often able to assure one party that the other side was merely undertaking repairs rather than strengthening its defences. At times of increased tension at the political level, when each side was poised to mobilise in the belief that the other was already mobilising, the CMO could, on occasion, assure both sides that this was not so, thus at least reducing tension within the Mission area.

The knowledge that Observers would investigate and report on any incident, and apportion blame where it lay, served as an important and mostly successful deterrent to violations of the Ceasefire by the military. On numerous occasions the CMO and his Observers were able to smooth over difficulties resulting from incidents which were accidental, or provocative at a low level. The award of a Violation at appropriate times against either offending party by the CMO acted as a safety valve and tended to give the other side enough satisfaction for it not to pursue feelings of vengeance. Furthermore the Mission was

*See pages 277-8.

able to make suggestions to the Armies about how certain incidents might be avoided. These were invariably well-received, and often acted upon. However, the main cause of incidents arose from the activity of civilians on the Pakistan side of the Line, and the Pakistan Army professed to have no authority in this area, and therefore no ability to help in controlling such matters. But even so, the CMO and his Observers were able on numerous occasions to restrain or prevent a rise in tension caused by innocent civilians in the normal course of their daily lives.

Throughout the 1950s, with UNMOGIP and the Armies of both sides settling into the situation, the Line remained relatively calm, and UNMOGIP was usually able to defuse any tension arising from incidents. Inevitably, however, crises did occur, either because of external political circumstances, or as the result of the escalation of an incident. Generally at such times Observers acted as a channel of communication to make possible an understanding between the military authorities of the two sides. Sometimes they arranged and presided over flag-meetings. They acted as referees over disputed terms of the Karachi Agreement, particularly where the location of the Ceasefire Line was concerned. They helped to ease much of the tension caused by civilian problems along the Line, by offering their Good Offices in such matters as the return of kidnapped or imprisoned personnel and of stray animals. Some on-going incidents necessitated the very best endeavours of the CMO and Observers over a period of time before they were contained, and included negotiation on both sides with the local commanders or, indeed, more senior commanders, in order to arrange local ceasefires. On occasion, way above the call of duty and in direct contravention of their instructions, Observers put

themselves at great personal risk in their efforts at crisis defusion.

When the general situation began to deteriorate in the 1960s, events seemed to acquire a momentum of their own, almost regardless of the state of political relations between the parties. This again was perhaps partly because the machinery of the Armies could not change direction as quickly as the minds of politicians. In addition, younger recruits entering the respective Armies since the days when they had been one did not have the same feeling of comradeship towards the other side as had originally been present. The essential reason for the breakdown, however, can be laid rather at the feet of the Azad Kashmiris than of either India or Pakistan. These civilians became increasingly militant as it became more and more apparent that the Dispute was not to be speedily resolved, and they were generally dismissive of the moral suasion offered by the presence of UNMOGIP. They were concerned about their own personal objectives rather than world opinion, and if the police of the State of Jammu and Kashmir, or even the might of the Indian Army in Kashmir, could not deter them, they were unlikely to be inhibited in their actions by a small number of Observers. Furthermore civilian activity did not officially come within the Mission's brief, and such a small number of Observers as four or five dozen could not in any event hope to keep a detailed watch on the 500-mile length of the Ceasefire Line. Neverthless, UNMOGIP was able to confirm that there was a considerable amount of armed civilian or para-military activity across the Line prior to the war of 1965, and, in different circumstances, this might have had some prophylactic value[8].

Over the years General Nimmo had made constant reference

to the increasing number of incidents caused by civilians - mainly from the Pakistan side, and often quite innocently - crossing the Ceasefire Line. His regular suggestion that the two Governments should give some attention to the problem bore no fruit. Ultimately he had declared that where there was incontrovertible evidence that armed civilians had effectively breached the Ceasefire guidelines, they would be treated as military personnel, but proof was rarely forthcoming and the situation continued to deteriorate. Meanwhile General Nimmo's warnings seemed to receive little attention in New York.

It is likely that the Secretary-General mentioned the matter informally to the Permanent Representatives of both India and Pakistan more often during the years of increasing tension than is apparent from the record. But certainly the Security Council was not officially informed of the seriousness of the situation, with a view to its attempting some action in accordance with its responsibilities under the Charter, until a matter of days before war broke out in September 1965. This was more than three weeks after a massive infiltration of the State of Jammu and Kashmir had started, which had received widespread publicity in the world's Press.

Until this point, however, UNMOGIP had made a valuable contribution to the maintenance of stability in Kashmir, and, probably, beyond. On account of its manifest impartiality and with the the consent and cooperation of the parties, it had fulfilled its basic prophylactic' task of helping to maintain local calm and to defuse such incidents as occurred. Without its presence Kashmir would have been more likely to have been the fairly frequent scene of the sort of violence which the parties would, on their own, have found very hard to contain. In this way UNMOGIP helped India and Pakistan to implement

their common desire to keep the peace. However, in time the local pressures built up to the point at which the major contestants were unable or unwilling to keep them in check. And UNMOGIP was certainly not in a position to do this on its own. The result, in 1965, was a full scale conflict - underlining the fundamental point that for peacekpeeing to be successful it relies on the cooperation of all those who are in a physical position to break the peace.

ATTITUDES OF THE PARTIES

Attitudes to UNMOGIP

Neither India nor Pakistan were happy with the Security Council Resolution in April 1948 by which the UN Commission was mainly constituted, although both agreed to allow the Commission onto their soil. India subsequently did not accept any of the Security Council Resolutions which requested various mediators to attempt to find a solution. Accordingly, although she always agreed to offer the UN representatives what she regarded as India's customary hospitality, she did not commit herself to cooperating with them over the purpose of their visits. UNMOGIP was the exception in that, by accepting the UNCIP Resolutions and ratifying the subsequent Karachi Agreement, India as well as Pakistan agreed to the presence of an Observer Group in Kashmir. India's attitude to UNMOGIP was nevertheless always more ambivalent than Pakistan's, and this was reflected in her actions. On the one hand she wished to give the UN every support, viewing it as a beacon of light in its international economic and social policies, and an important forum for India's efforts to bridge the gap between East and West. On the other hand she felt badly let down as

an individual state who had placed an injury before the Organization and had it, if anything, exacerbated rather than assuaged.

The Government of the State of Jammu and Kashmir, effective on the Indian side of the Ceasefire Line, was even less well-disposed than India towards the UN. Its hostile attitude was particularly apparent in the early years of the Observer Group's operation, before India's administrative control over the State was consolidated. As has been seen from the history of the Delvoie and Cadwalader incidents, and the attitudes shown towards the Mission at the time of General de Ridder's arrival as Acting CMO in 1953*, the Jammu and Kashmir Government was not above exploiting comparatively minor incidents or external events to embarrass the Mission. Thus the Delvoie incident was blown up out of all proportion to discredit the UN when UNCIP was about to submit its report, and the Cadwalader incident was an endeavour to do the same when Dr. Graham, the UN Representative, was due to arrive - but protests quietened down when Graham's first report was found to be acceptable. The difficulties in 1953 probably stemmed from a fear that UNMOGIP might publicise the problems being encountered in Srinagar at the time of Sheik Abdullah's arrest, and the belief that if the Mission was discredited, little account would be taken of its reports.

For the most part the Indian Government was more subtle than the Kashmir State Government when it deemed it politically expedient to undermine UNMOGIP, as General Nimmo in particular discovered after Krishna Menon became Defence Minister in 1957**. However, the Indian Government was also prepared to

*See pages 246-270.

**See pages 295-303.

overlook incidents that might have caused offence when the current state of Indo-Pakistan relations or other outside events made this seem the wisest course. And actions which hurt UNMOGIP were not always aimed at it. Thus, India's request in 1954 for the withdrawal of US Observers*, though profound in its effect, seemed to be incidentally rather than deliberately aimed against UNMOGIP, in that the United States and Pakistan were the main causes of India's wrath: UNMOGIP was just a convenient target.

Pakistan, laying greater emphasis on regional ties, probably cared less about the United Nations as an Organisation than India did. But UNMOGIP was of more political value to Pakistan than to India, since the Group's presence underlined Pakistan's insistence that the Kashmir Dispute remained unresolved. Thus the Pakistan Government was not inclined to cause embarrassment to UNMOGIP for political purposes, though it equally made little attempt to do the one thing that might have facilitated UNMOGIP's operations - that is to restrain the civilians who were the main cause of incidents along the Ceasefire Line. This was in part because the freedom of civilians to cross the Line emphasised Pakistan's opposition to partition of the State, and in part because such incidents were a major factor in keeping the Dispute in the public eye.

Whilst it can be demonstrated that the political atmosphere had its effect on the Mission at the diplomatic level, a direct parallel is less obvious from a purely operational point of view. The Mission almost invariably enjoyed the goodwill of the military. Apart from one short

*See pages 277-285.

period on the Indian side*, which indeed seemed to be politically inspired, and a few incidents on the Pakistan side immediately preceding the 1965 war, which were probably due to pragmatic reasons**, UNMOGIP's relations with the Armies were generally good***. This was despite the inevitable strains caused by the increasing tension and continually rising number of incidents in the early 1960s. However, the cooperation and goodwill shown by the senior authorities of both Armies in the efforts to maintain the peace could not in the end counterbalance the volatility of the political relations between the parties, and the Azad Kashmiris' determination to attempt a resolution to their own satisfaction.

UNMOGIP's relations with the local people were limited, but there was never any general ill-feeling shown towards the Observers. Such rare ill-feeling as was occasionally shown, in the form of demonstrations or adverse Press reports, tended to be directed against the Observers as representatives of the UN, which was blamed for not having achieved a settlement of the Dispute****, rather than against the Mission itself for the way in which it performed its duties.

Indo-Pakistan Relations and the Azad Kashmiris

It is generally conceded that, in the ways which have been indicated, UNMOGIP helped to maintain the peace in Kashmir between 1949 and 1965. However, it may correspondingly

*See pages 223-227, 299 and 336-346

**See pages 352-353 and 403-405.

***Social relations, at least at the senior level, did not seriously suffer even after India withdrew cooperation in 1972.

****See pages 377-381.

be argued that if it was the presence of the Mission which helped to reduce tension between the Armies to the point of reducing the risk of war, and thus the urgency of the quest for a political solution, this was also a factor which caused the Azad Kashmiris to take the matter into their own hands, ultimately forcing the Pakistan authorities to support them. It seems unlikely, however, that it was the operation's effectiveness which greatly contributed to the frozen diplomatic situation. That was rooted in wider considerations. What UNMOGIP was able to do between 1949 and 1965 was to ensure that the peace was not broken as the result of minor incidents or accidents. The larger political situation was beyond its reach, and its mandate.

Kashmir was only one of a number of problems between India and Pakistan. The environment in which a solution to the Dispute had to be sought was in the general realm of Indo-Pakistan relations, on which the day-to-day situation in Kashmir, and along the Ceasefire Line, normally had very little effect. Without the aid of UNMOGIP the Ceasefire would have been more volatile and incidents might have escalated more quickly to the point of serious hostilities, thus worsening relations for a period. But in fact even serious incidents, such as the one at Nekowal in 1955*, were quickly smoothed over when it suited the parties to attempt an improvement in relations - although subsequently, when the attempt had failed, this incident was used for propaganda purposes. Similarly, much more minor incidents could be blown up for propaganda purposes when relations were bad, but were unlikely to have caused the deterioration in the first place. The leaders of

*See pages 212-216.

the two countries were well-acquainted, having previously been colleagues in the fight for Independence, and were quite adept at walking a joint tightrope in their relations. Equally, both the Indian and Pakistan Armies were well-disciplined and highly trained, and its members were also former colleagues who had little desire to fight each other. But for the presence of the Kashmiris it seems unlikely that matters would have escalated unduly.

Indo-Pakistan relations did not steadily deteriorate from the point at which the two sides accepted the UNCIP Resolutions in December 1948, and called a Ceasefire, to the point in 1965 when they were again at war. Rather their political relations ebbed and flowed during most of this time. However, with India essentially satisfied with the *status quo* it was inevitable that a head of steam was building up on the Pakistan side, which was perhaps bound to erupt one day, and was perhaps less easy to contain after the military takeover by General Ayub Khan in 1958.

UNMOGIP's importance lay in its ability to detect this head of steam. As the situation deteriorated at an ever increasing rate after 1961, General Nimmo's reports reflected his own increasing anxiety, until he reached the point of requesting an extension of his role from the purely military to enable him also to take some political initiatives. But although he was promoted to the rank of Under-Secretary there is no indication that his request was met. Instead Ralph Bunche visited the Mission, and in his report made some useful recommendations to the Secretary-General. It does not seem that these recommendations were acted upon, apart from representations being made to the two parties' Delegations in New York, but it may be that discussions were in progress when

war broke out in 1965. It does seem that the Secretary-General might have brought more pressure to bear at an earlier stage with a view to avoiding the outbreak of war, since he was receiving regular reports of the deteriorating conditions from General Nimmo. Mr. C.S. Jha, who has been both Foreign Secretary and India's Permanent Representative at the UN, has credited General Nimmo with sending a series of very searching and objective reports which were distributed to members of the Security Council*. He said that India was astonished that even after these the Security Council and the Secretary-General did not take action[10]. Mr. Jha was referring in particular to the reports General Nimmo made of the situation in August 1965, immediately prior to the outbreak of war. Details from earlier reports were rarely, if ever, made available to the Security Council, but this makes the Secretary-General's lack of action even less excusable.

Intransigence of the Parties

However, responsibility for a settlement of the Kashmir Dispute was ultimately that of the parties, and not that of the UN, UNMOGIP, or the Kashmiris. But the Dispute quickly reached the point where it seemed to suit both sides, so long as their relations remained generally poor, to have it as a tangible propaganda asset to use against their opponent. Thus both parties were content to keep the Kashmir Dispute simmering away, and there seems little hope of a solution in

*It is not known if the Secretary-General's paper privately circulated to individual members of the Security Council on 31st August, 1965 (see page 423) contained in full General Nimmo's series of reports on the incidents which occurred during the course of that month. Certainly his published report[11], of 3rd September, 1965, based on this paper but "suitably modified", did not.

the foreseeable future, whatever the UN does or does not do. This emphasises the limitations of the UN's role so far as the maintenance of peace is concerned. Despite the numerous long debates in the Security Council, and the various efforts by the United Nations during the early years of the Kashmir Dispute, and again during the wars of 1965 and 1971, the role of the Organisation was throughout only marginal. India's sense of grievance against the UN for tending, as she saw it, to side with Pakistan from the beginning did not predispose her to cooperate wholeheartedly with the Organisation, either as a conciliator or as a peacekeeping agency, and Pakistan soon became disillusioned by the UN's inability to ensure the implementation of its own resolutions. Thus the inadequacy of Security Council attempts to defuse the situation may have driven the parties to take up positions from which they found it difficult to retreat. What is apparent is that if the parties are intransigent, a solution will not be engineered by even the most enormous efforts of UN conciliators. In the face of this situation and in the light of its own physical and political weakness, there was nothing of significance which the UN could do.

It seems clear that on the Indian side there was considerable regret from the very beginning at ever having involved the UN in the Kashmir Dispute. It was believed, for example, in the UN Secretariat at the time of the Delvoie Incident at the end of 1949, and recalled when India requested the removal of the US Observers in 1954*, that "eventually, at one stage or another, the Government of India would try to find an excuse to request the withdrawal of UNMOGIP"[12].

*See pages 246-252 and 277-285.

In fact Indian policy quickly moved towards the positions of wishing to settle the Kashmir issue bilaterally and on the basis of the *status quo*, and bilateral talks did - equally unsuccessfully - from time to time take place. When Pakistan accepted American military aid in 1954, India indicated that the situation between the parties had so changed that a plebiscite was unlikely to take place, and suggested the partition of Kashmir*. The offer of partition was withdrawn when Pakistan did not accept, but India's position remained substantially the same, and was further reinforced by her victory over Pakistan in 1971. Indeed it has been suggested[13] that India and Pakistan effectively partitioned Kashmir in 1972 at Simla. What this Agreement actually said was that "in Jammu and Kashmir, the Line of Control resulting from the cease-fire of 17 December 1971, shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations; both sides further undertake to refrain from the threat of the use of force in violation of this line"[14].

Clearly, this was not an explicit agreement on partition. Perhaps this was because India forbore to press too hard for one, recognising that, in the hour of defeat and the traumatic loss of the East, the Pakistan Government did not feel strong enough to cope with the reaction at home if it formally agreed to the partition of the State. But manifestly India held the upper military hand. She might well have thought of trying to take over all of Kashmir. However, this would have been militarily difficult; such an attempt might have provoked external involvement; and India may even have had little

*See page 286 and 288.

desire to control western Kashmir, given its lack of resources and the anti-Indian sentiments of its people. The fact of the matter was that India was basically content with what she had in Kashmir, and had shown herself able to maintain her position there. In all the circumstances she may have felt that the Simla Accord was not just a satisfactory agreement in itself but, *de facto*, was also a final solution to the Kashmir problem in the shape of partition.

Be that as it may, after the 1971 war India certainly came to the position that the Kashmir Dispute should be removed from the international arena. Accordingly, there was no advantage for her in the continued existence of UNMOGIP. Pakistan, on the other hand, despite ignoring the presence of UNMOGIP in 1965, and thus proving that the Mission was in no position to maintain the peace when one of the parties was determined on war, insisted that UNMOGIP remain in position regardless of whether it was even partially able to fulfil its task. For its mere presence was testimony to the fact, as Pakistan saw it, that Kashmir was still an international issue. Thus, UNMOGIP became of political rather than operational value to Pakistan, and a political rather than an operational irritant to India. This seems to underline the basic point that for peacekeeping to achieve its stabilizing purpose, the cooperation of the parties is essential. Without that cooperation a peacekeeping operation inevitably begins to serve other purposes (or even, possibly, none), which raises the question of whether it should be continued.

THE QUESTION OF THE WITHDRAWAL OF UNMOGIP

Erosion of the Karachi Agreement

The war between India and Pakistan in 1971 was not fought over Kashmir, but over the issue of the independence of East Pakistan - now Bangladesh - from Pakistan. However, Kashmir supplied one of the battle fronts, and at the end of the war the troops did not return to their former positions in the State, as they had done after the 1965 war, but held on to their gains. During the full-scale hostilities from 3rd-17th December, 1971 General Tassara, UNMOGIP's Chief Military Observer, restricted his men to the immediate areas of their field stations. Both personal observations and contact with the local commands, operating from their tactical locations in the field, were therefore somewhat limited.

At the request of the two Army Commands these restrictions were continued after the ceasefire came into effect*. The Observers were therefore in no position either to supervise the old Karachi Agreement Ceasefire Line, or to report to the Secretary-General on the observance of the ceasefire along the new line of control, or indeed to verify the location of that line. The changes were not great**, but Pakistan had some gains in the West in the Chamb area and India in the North around Kargil. Under the Simla Accord of July 1972, President Bhutto of Pakistan and Mrs. Gandhi of India, formally agreed that the two countries should solve their problems on a bilateral basis. As a result India maintained that the United Nations should have nothing further to do with the Kashmir

*See pages 503-507.

**So minor - at most 100 yards in a few places - that it is not possible to represent them properly on Map 5[15].

issue. Mrs. Gandhi said immediately that the Observers now had "no role to play" and that India would soon be asking for their withdrawal[16].

India took the view that UNMOGIP's functions derived from the 1949 Karachi Agreement which had been superseded by the 1972 agreement, not least because the old Ceasefire Line, the basis of the Karachi Agreement, had changed and become a new Line of Control. Pakistan argued that the 1949 Agreement was still valid, the Line being the old one only slightly altered and that therefore UNMOGIP should continue to operate as before. Nevertheless the Line in question was referred to as the "Line of Control" in the Simla Agreement, and has been so ever since, which gives weight to India's argument that the Ceasefire Line no longer exists. India's withdrawal of cooperation from UNMOGIP has meant that not only has India not complained of any breaches of the Ceasefire by Pakistan since the war of 1971, but also that any complaints by Pakistan have not been investigated on the Indian side of the Line, and the Order of Battle has not been checked on the Indian side. India did not go so far as to remove established facilities, nor - after some slight hesitation - to deny visas to Observers in an attempt to force the Group's withdrawal. But she has quite successfully eroded the Karachi Agreement to the point where it can hardly be said to be sustainable.

Much as India may desire the withdrawal of UNMOGIP, she has not thought it worth making a formal request to this effect, given the Secretary-General's insistence that the Mission cannot be wound up without reference to the Security Council. She finds herself in a rather circular predicament: she insists that UNMOGIP has no part to play as she desires only bilateral discussions on the subject of Kashmir; but in

order to rid herself of UNMOGIP she would have to submit the matter to the Security Council, and thus take it out of the bilateral arena.

Pakistan still values the Mission's presence, but more for political reasons - to keep the Kashmir issue alive - than as an active Observer Group. This is a questionable reason for maintaining the operation. Furthermore, Pakistan makes little overt use of the Group even in this symbolic manner*, and does not seem prepared to make a formal complaint to the Security Council about the Mission's virtual inactivity. She may fear that if she forces the issue by resorting to the Security Council, India might win the argument, and the Group would be withdrawn - which would further weaken Pakistan's stand on Kashmir. This, however, does not explain the UN Secretariat's silence on the issue. It appears therefore, possibly as a result of informal discussions, that India offered her tacit consent to UNMOGIP's remaining on the Indian as well as the Pakistan side of the Line of Control, in return for the tacit consent of both Pakistan and the Secretary-General not to make an issue of the fact that India had withdrawn operational cooperation from the Mission.

Thus India claims that UNMOGIP has no function to perform in Kashmir, but seems to consider the operation a benign tumour which it might be less painful to ignore than to remove. Pakistan wants UNMOGIP to stay, but purely as a symbol of the fact that Kashmir is still an area of Dispute. The Secretary-General maintains the Group cannot be withdrawn without reference to the Security Council. No one - including the individual Members, who cannot fail to be aware of it -

*Ritual mention of the Kashmir Dispute, but not UNMOGIP, is made on occasion. See page 533.

has seen fit to bring before the Security Council the fact that while the Military Observers remain in position, they are unable to fulfil their mandate. Indeed, no report at all has been submitted to the Council since 1972. However, even if one totally accepts the executive authority of the Secretary-General, one cannot deny the ultimate reponsibility of the Security Council. The fact that the Council is not officially aware of India's policy of non-cooperation, either because it has not been given any report on UNMOGIP's operation since that date, or because it has chosen not to request one, must therefore put the whole value of the Mission since 1972 into question. No doubt it was considered politically expedient to leave the matter in the capable hands of the Secretary-General, and to maximise the flexibility of action which he enjoyed in a role that was essentially whatever he made of it. But in view of the failure of the UN to achieve a settlement in the past, and the unlikelihood of its being able to achieve better results in the foreseeable future, one may question whether there is still any value in maintaining UNMOGIP in position.

The Continuing Value of the Operation

It is possible that the United Nations Secretariat considers it worth keeping such a small operation in place not so much in the hope of preventing a further war as to have UN representation on the spot should one occur. Many Indians, even whilst promoting better relations with Pakistan, still believe that Pakistan might well launch another attack, whilst claiming that India would never do so. Pakistan equally fears an attack from India. The fact that UNMOGIP's presence has, on two occasions when hostilities have erupted, given the UN

greater leverage to intervene than might otherwise have been the case may be sufficient reason to keep the mission in position. But the second intervention was not very successful, and although in theory the UN can intervene in any event in the case of a breach of the peace, India is likely to be opposed to further intervention to the extent - especially with the aid of the Soviet veto - of making it impractical. This was effectively proved in the war of 1971 when India refused to allow Observers to be stationed on her borders with East Pakistan.

On a more positive note, since it has been demonstrated that UNMOGIP has been able to reduce tension and prevent incidents occurring, and to minimise the damage (particularly in terms of life and possibly in terms of politics) when incidents have occurred, it is reasonable to assume that it still does so - though to a much lesser extent because of India's lack of cooperation. CMO General Waldenstrom believed in 1982 that the UN considered UNMOGIP to be an important mission and was glad to have it in Kashmir. He maintained he still had the ear of the Indian Army, which would make an effort to lessen tensions if he reported they were rising unhealthily[17].

The cost of UNMOGIP to the UN in the ten years from 1954 to 1963 was under half a million dollars a year, having been slightly over that in its early years[18]*. Four million, two hundred thousand dollars were allocated for the two-year period 1978-79, and five million, eight hundred thousand dollars for 1980-81[19]. The total cost of UNMOGIP for the calendar year 1981 was estimated to have been approximately six million

*For an approximate breakdown of costs see Appendix V.

dollars, of which about half was accounted for in the UN budget, and the other half by the contributing and host countries[20]. The UN's annual budget was then in the region of seven hundred billion dollars. UNMOGIP's cost is therefore too small for financial considerations to be likely to hold much sway*. It might well be thought that it is worth maintaining such an inexpensive operation if it were to eliminate even a small amount of tension, and thus save the occasional life. And it is also just conceivable that a major conflict - leading to the involvement of the Great Powers - might be avoided by the presence of the Mission. A strong case for the removal of UNMOGIP can indeed be made. But it is difficult to escape the nagging feeling that if there is even the remotest chance that its being there will contribute in any small way to the maintenance of peace, it would be unwise for UNMOGIP to be withdrawn.

*In fact Australia withdrew her Observers from UNMOGIP in 1985 on grounds of cost (to Australia), but Italy and Uruguay thought it worthwhile to provide additional Observers to replace those withdrawn[21].

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APPENDIX I

Resolution of the Security Council - 21 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 countercomplaints of the representatives of Pakistan,

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security;

Reaffirms the Council's Resolution of January 17th,

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

Instructs the Commission to proceed at once to the Indian subcontinent and there place its good offices and mediation at the disposal of the 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 are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. Restoration of Peace and Order

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

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements and any furnishing of material 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 of 20 January that the tribesmen are withdrawn and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of Law and Order,

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage,

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

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

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

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

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

4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilised for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specififed 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 group to designate responsible representatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

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

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

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

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his Assistant and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his Assistants and subordinates.

(e) The Administrator should have the right to communicate direct with the Government of the State and with the Commission of the Security Council and, through the Commission with the Security Council, with the Governments of India and Pakistan and with their Representatives with the Commission. It would be his duty to bring to the notice of any or all of the

foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the 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 endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

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

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

(b) there is no victimization;

(c) minorities in all parts of the State are accorded adequate protection.

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

C. General Provisions

16. The 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.

APPENDIX II

Resolution of the UN Commission for India and Pakistan, 13 August 1948

The United Nations Commission for India and Pakistan,

Having given careful consideration to the points of view expressed by the Representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

Part I
Ceasefire Order

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

B. The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals "forces under their control" shall be considered to include all forces, organised and unorganised, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the ceasefire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the cooperation of both Commands, will supervise the observance of the ceasefire 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 th Government of India that the tribesmen and Pakistani nationals referred to in Part II, A,2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

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

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

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

Part III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and

Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement, both Governments agree to enter into consultations with Commission to determine fair and equitable conditions whereby such free expression will be assured.

APPENDIX III

Resolution of the UN Commission for India and Pakistan, 5 January 1949

The United Nations Commission for India and Pakistan, having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;

2. A plebiscite will be held when it shall be found by the Commission that the ceasefire 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 the 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 the authority to appoint such staff or Assistants and Observers as he may require;

4. (a) After implementation of Parts I and II of the Commission's Resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the Plebiscite;

(b) As regards the territory referred to in A,2 of Part II of the Resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities;

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

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

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

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

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

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

(c) All political prisoners are released;

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

(e) There is no victimization.

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

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

10. Upon the signature of the Truce Agreement, the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's Resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action ordering a ceasefire to take effect from one minute before midnight of 1 January 1949 pursuant to the agreement arrived at as provided for by the Commission's Resolution of 13 August 1948; and

Resolves to return in the immediate future to the Sub-continent to discharge the responsibilities imposed upon it by the Resolution of 13 August 1948 and by the foregoing principles.

APPENDIX IV

Agreement between military representatives of India and Pakistan regarding the establishment of a ceasefire line in the State of Jammu and Kashmir

INTRODUCTION

A. The military representatives of India and Pakistan met together in Karachi from 18 July to 27 July 1949 under the auspices of the Truce Sub-committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian delegation were: Lieutenant-General S. M. Srinagesh, Major-General K. S. Thimmaya, Brigadier S. H. F. J. Manekshaw. As observers: Mr. H. M. Patel, Mr. V. Sahay.

C. The members of the Pakistan delegation were: Major-General W. J. Cawthorn, Major-General Nazir Ahmad, Brigadier M. Sher Khan. As observers: Mr. M. Ayub, Mr. A. A. Khan.

D. The members of the Truce Sub-committee of the United Nations Commission for India and Pakistan were: Mr. Hernando Samper (Colombia), Chairman; Mr. L. S. Williams (United States); Lieutenant-General Maurice Delvoie, Military Adviser; Mr. Miguel A. Marin, Legal Adviser.

AGREEMENT

A. Considering:

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949, invited the Governments of India and Pakistan to send fully authorized military representatives to meet jointly in Karachi under the auspices of the Commission's Truce Sub-committee to establish a ceasefire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commission for India and Pakistan in its letter stated that "The meetings will be for military purposes; political issues will not be considered," and that "They will be conducted without prejudice to negotiations concerning a truce agreement";

3. That in the same letter the United Nations Commission for

India and Pakistan further stated that: "The ceasefire line is a complement of the suspension of hostilities, which falls within the provisions of part I of the resolution of 13 August 1948, and can be considered separately from the questions relating to part II of the same resolution";

4. That the Governments of India and Pakistan, in their letters dated 7 July 1949 to the Chairman of the Commission, accepted the Commission's invitation to the military conference in Karachi;

B. The delegations of India and Pakistan, duly authorized, have reached the following agreement:

1. Under the provision of part I of the resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a ceasefire line is established.

2. The ceasefire line runs from Manawar in the south, north to Keran and from Keran east to the glacier area, as follows:

(a) The line from Manawar to the south bank of the Jhelum River at Urusa (inclusive to India) is the line now defined by the factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

(i) In Patrana area; Kohel (inclusive to Pakistan) north along the Khuwala Kas Nullah up to Point 2276 (inclusive to India), thence to Kirni (inclusive to India).

(ii) Khambha, Pir Satwan, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at Bagla Gala, thence to the factual position at Point 3300.

(iii) In the area south of Uri the positions of Pir Kanthi and Ledi Gali are inclusive to Pakistan.

(b) From the north bank of the Jhelum River the line runs from a point opposite the village of Urusa (NL 972109), thence north following the Ballaseth Da Nar Nullah (inclusive to Pakistan), up to NL 973140, thence northeast to Chhota Qazing (Point 10657 inclusive to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 02534, inclusive to Pakistan), thence to Tutmari Gali (to be shared by both sides, posts to be established 500 yards, on either side of the Gali), thence to the northwest through the first "R" of Burji Nar to north of Gadori, thence straight west to just north of Point 9870, thence along the black line north of Bijidhar to north of Batarasi, thence to just south of Sudpura, thence due north to the Kathaqazinag Nullah, thence along the Nullah to its junction with the Grangar Nullah, thence along the latter Nullah to Kajnwala Pathra (inclusive to India), thence across the Danna ridge (folowing the factual positions) to Richmar Gali (inclusive to India), thence north to Thanda Katha Nullah, thence north to the Kishenganga River up to a point situated between Jargi and Tarban, thence (all inclusive to Pakistan) to Bankoran, thence northeast to Khori, thence to the hill feature 8930 (in square 9057), thence northeast straight to Guthur,

thence to Bhutpathra, thence to NL 980707, thence following the Bugina Nullah to the junction with the Kishenganga River at Point 4739. Thereafter the line follows the Kishenganga River to Keran and onwards to Point 4996 (NL 975818).

(c) From Point 4996 the line follows (all inclusive to Pakistan) the Jamgar Nullah eastward to Point 12124, to Katware, to Point 6678, then to the northeast to Sarian (Point 11279), to Point 11142, thence to Dhakki, thence to Point 11415, thence to Point 1301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence southeast to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the River to the east to Point 13449 (Durmat), thence to Point 14586 (Anzbari), thence to Point 13554, thence to Milestone 45 on the Burzil Nullah, thence to the east to Ziankal (Point 12909), thence to the southeast to Point 11114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to Karo (Point 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the line runs to Point 13647 (Karobal Gali, to be shared by both sides). The ceasefire line runs thence through Retagah Chhish (Point 15316), thence through Point 15889, thence through Point 16458, thence to Marpo La (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India), Dalunang.

(d) From Dalunang eastwards the ceasefire line will follow the general line Point 15495, Ishmam, Manus; Gangam, Gunderman, Point 13620, Junkar (Point 17628), Marmak, Natsara, Shangruti (Point 17531), Chorbat La (Point 16700), Chalunka (on the Shyok River), Khor, thence north to the glaciers. This portion of the ceasefire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The ceasefire line described above shall be drawn on a one-inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man's land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission's Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive ceasefire line.

D. No troops shall be stationed or operate in the area of the Burzil Nullah from the south of Minimarg to the ceasefire line. This area is bounded on the west by the ridge leading northeast from Dudgaikal to Point 13071, to Point 9447, to Point 13466, to Point 13463, and on the east by the ridge running from Point 12470, to Point 11608, to Point 13005, to Point 13976, to Point 13450. Pakistan may, however, post troops on the western of the above ridges to cover the approaches to Kamri Bal Pass.

E. In any dispositions that may be adopted in consequence of the present agreement troops will remain at least 500 yards from the ceasefire line except where the Kishanganga River

constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the ceasefire line as determined in paragraphs A through E, inclusive, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in areas where no major adjustments are involved by the determination of the ceasefire line.

G. The action permitted by paragraph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by paragraphs A to G inclusive, above, the military agreements between the two High Commands relating to the ceasefire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station Observers where it deems necessary.

J. The delegations shall refer this agreement to their respective Governments for ratifiation. The documents of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than 31 July 1949.

K. A period of thirty days from the date of the ratification shall be allowed to each side to vacate the areas at present occupied by them beyond the ceasefire line as now determined. Before the expiration of this thirty-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

APPENDIX V

UNMOGIP Budget Estimates for 1957

	1955	1956	1957
	Expenditure	Appropriations	Estimates
Temporary Assistance*	$ 20,605	$ 21,900	$ 23,200
Travel and Subsistence of Military Observers	$139,415	$140,500	$141,300
Travel and Subsistence of Staff	$ 85,960	$ 88,700	$ 89,600
Communications Services	$ 1,703	$ 1,800	$ 1,800
Rental and Maintenance of Premises and Equipment	$ 11,135	$ 12,000	$ 16,650
Stationery and Office Supplies	$ 1,412	$ 1,800	$ 1,800
Local Transportation	$ 2,220	$ 2,400	$ 2,400
Operation and Maintenance of Transportation Equipment	$ 27,937	$ 23,400	$ 22,600
Rental of Aircraft and Related Expenses	$ 98,812	$101,300	$101,300
Freight, Cartage and Express	$ 7,608	$ 10,800	$ 9,000
Insurance	$ 7,720	$ 6,800	$ 7,550
Miscellaneous Supplies and Services	$ 9,466	$ 13,200	$ 11,500
Transportation Equipment	$ -	$ 8,200	$ 6,750
Miscellaneous Equipment	$ 2,485	$ 4,000	$ 8,200
	$416,478	$436,800	$443,650

*The category "Temporary Assistance" includes the salary of the Chief Military Observer, Special Post Allowances for the Finance Officer and Assistant Administration Officer, and salaries of seven of the thirty locally recruited personnel not included under other categories.

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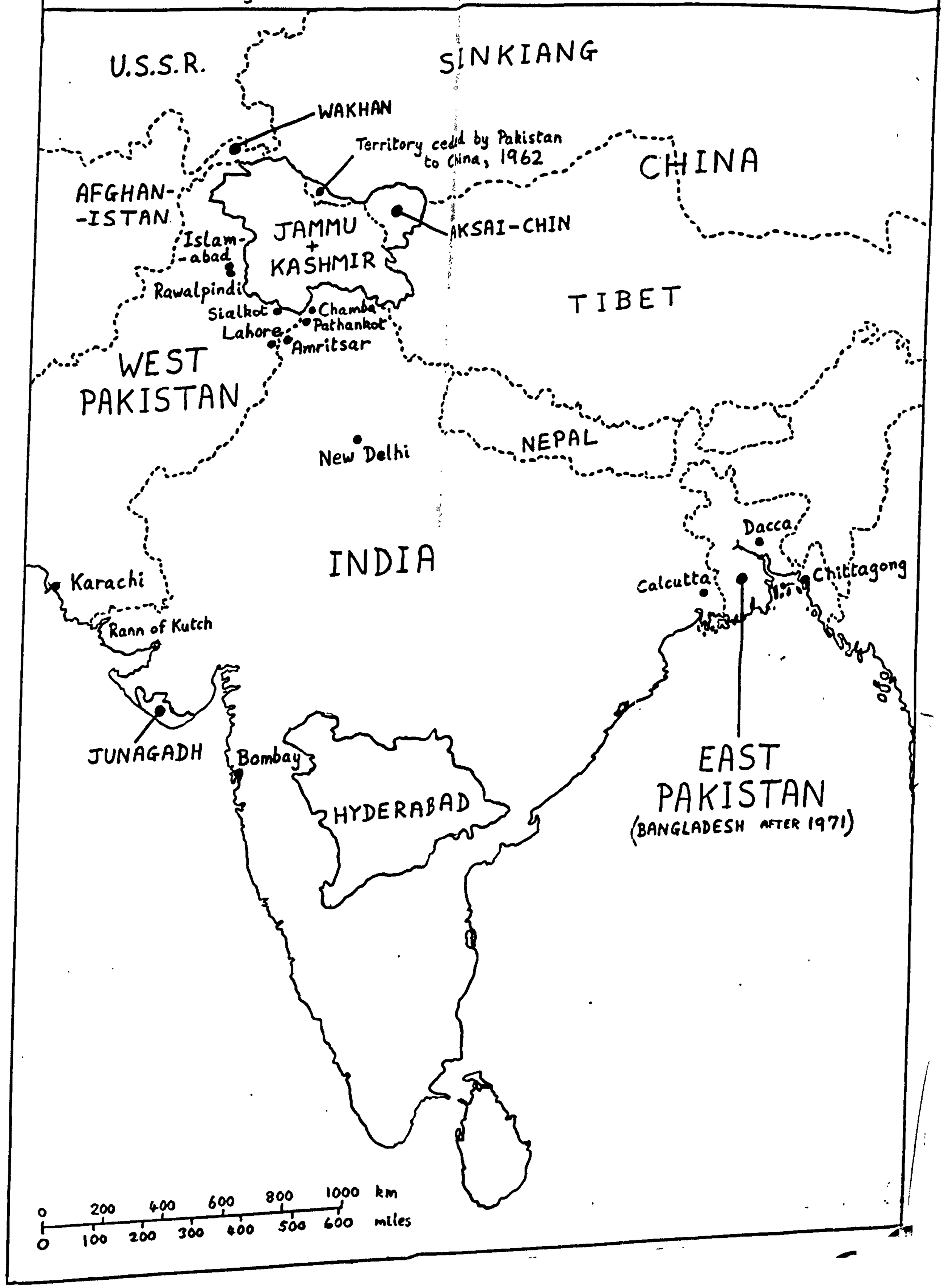
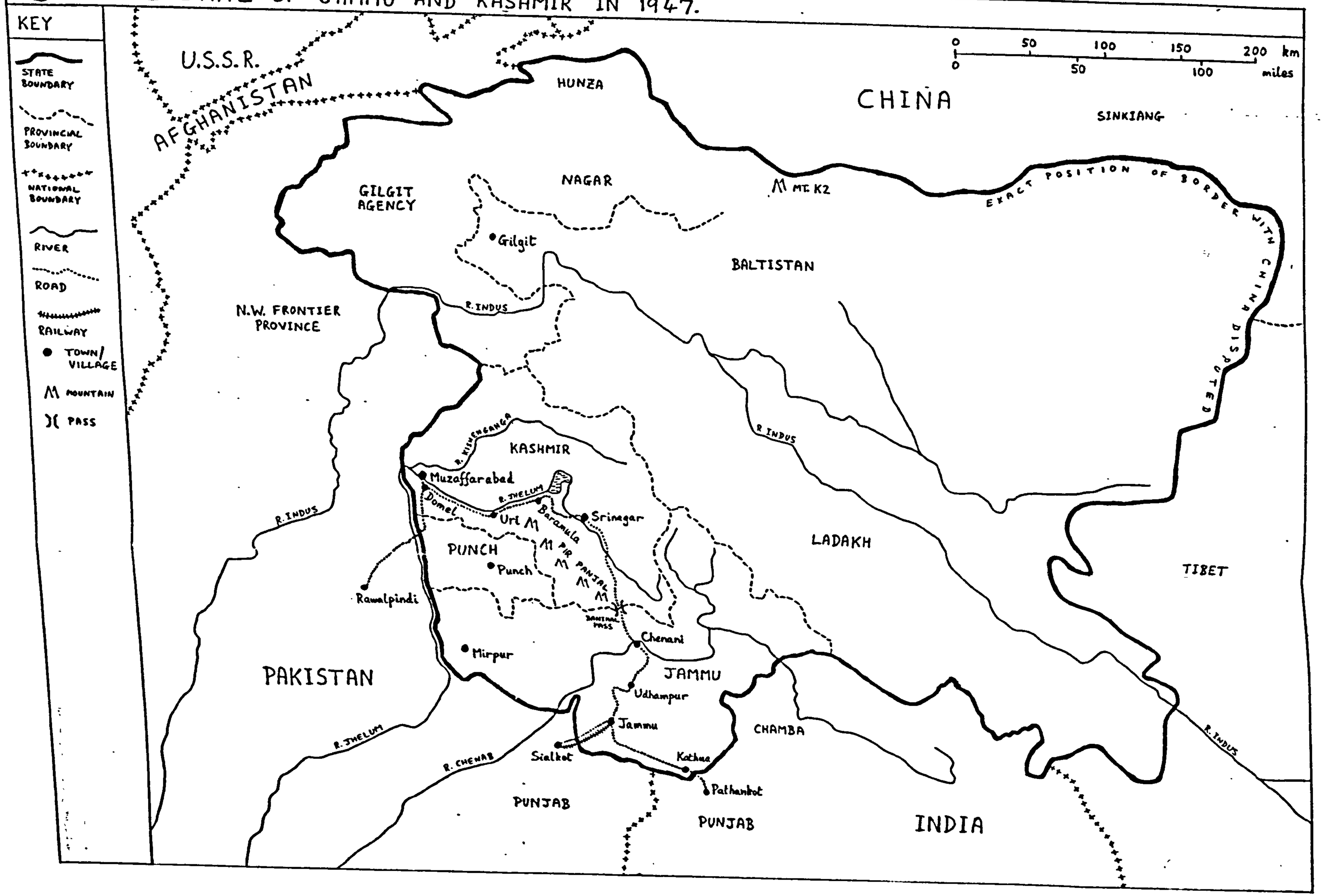
① THE INDIAN SUB-CONTINENT

Showing places mentioned in the text,
Excluding those in Jammu and Kashmir.



② THE STATE OF JAMMU AND KASHMIR IN 1947.



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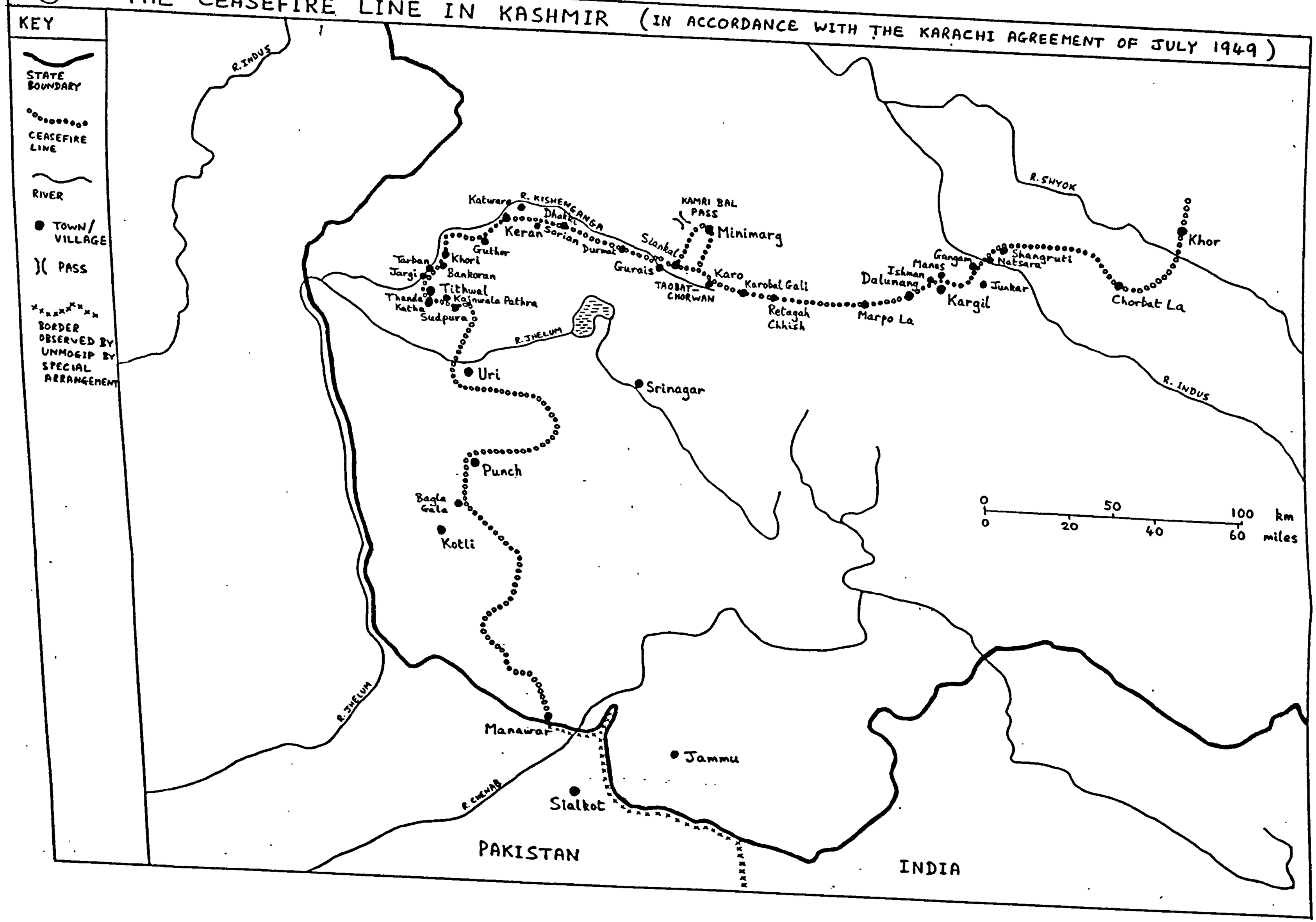
③ THE CEASEFIRE LINE IN KASHMIR (IN ACCORDANCE WITH THE KARACHI AGREEMENT OF JULY 1949)



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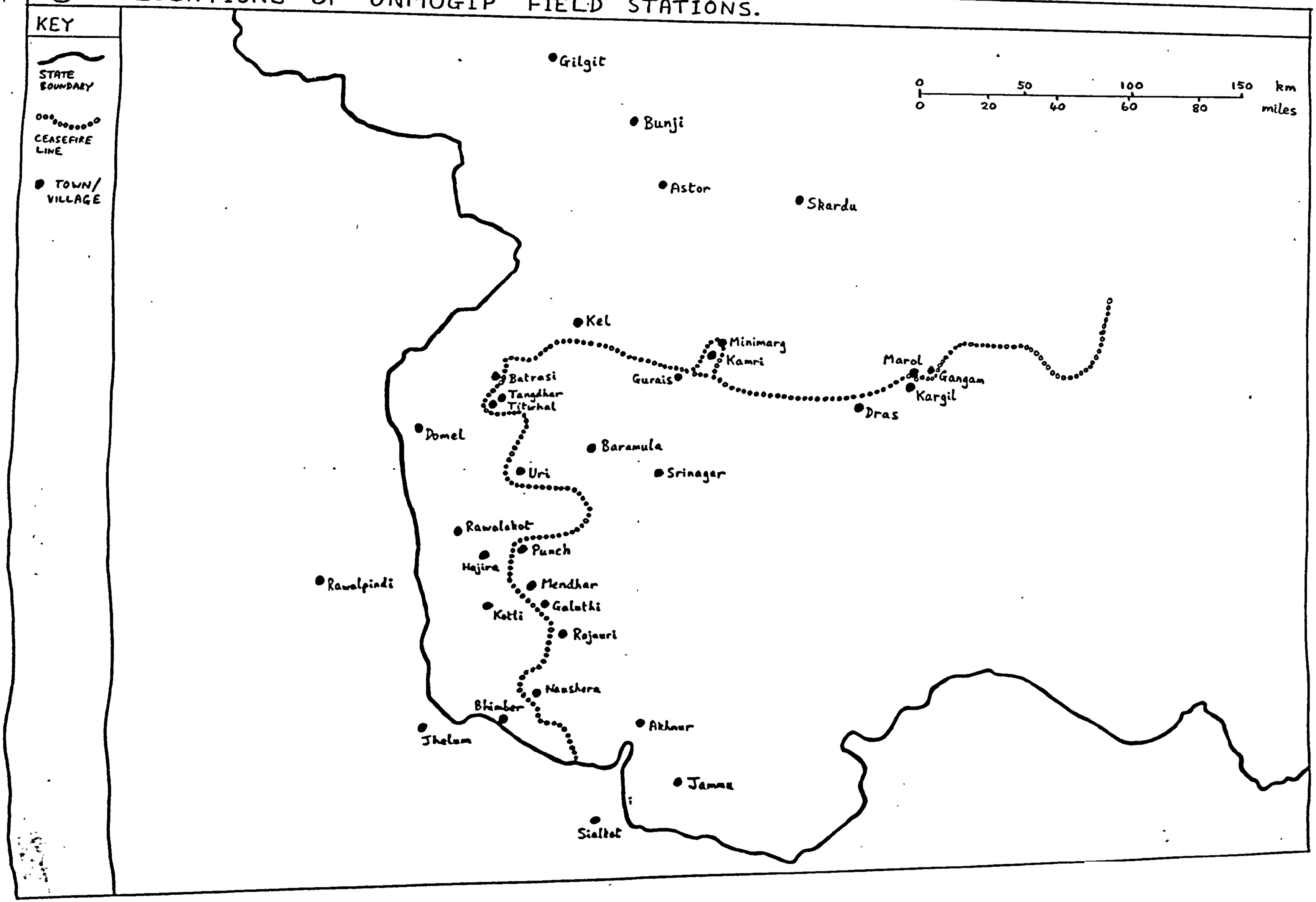
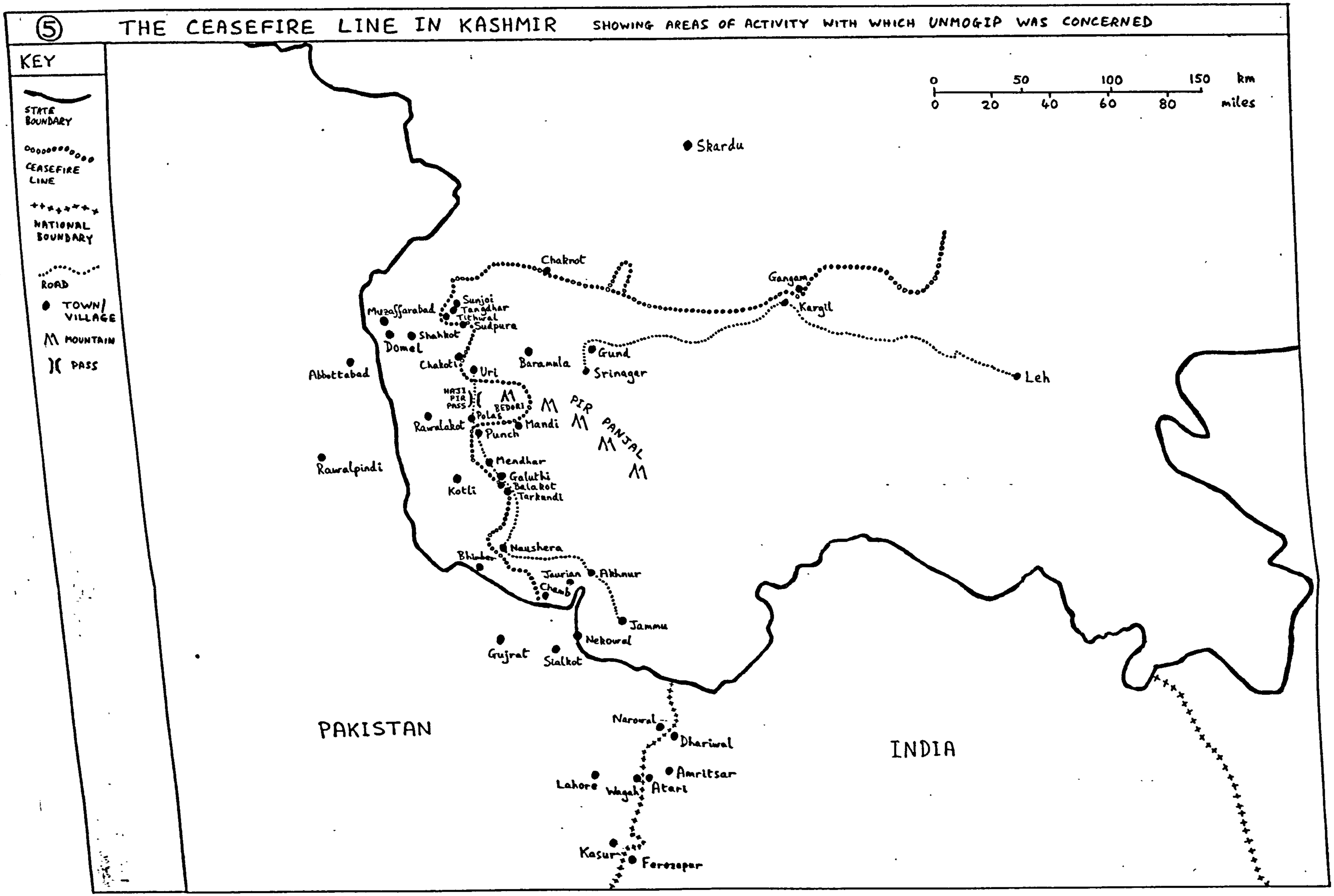
④ LOCATIONS OF UNMOGIP FIELD STATIONS.




5
THE CEASEFIRE LINE IN KASHMIR
SHOWING AREAS OF ACTIVITY WITH WHICH UNMOGIP WAS CONCERNED
KEY
STATE BOUNDARY
CEASEFIRE LINE
NATIONAL BOUNDARY
ROAD
TOWN/ VILLAGE
MOUNTAIN
PASS
0 50 100 150 km
0 20 40 60 80 miles
Skardu
Chaknot
Gangam
Kargil
Leh
Sunjoi
Tangdhar
Tithwal
Sudpura
Muzaffarabad
Shahkot
Domel
Chakoti
Uri
Baramula
Gund
Srinager
Abbottabad
HAJI PIR PASS
BEDORI
PIR PANJAL
Rawalakot
Polas
Mandi
Punch
Rawalpindi
Mendhar
Galuthi
Balakot
Tarkandi
Kotli
Naushera
Bhimber
Jaurian
Akhnur
Chenab
Jammu
Nekowal
Gujrat
Sialkot
PAKISTAN
Narowal
Dhariwal
INDIA
Amritsar
Lahore
Wagah
Atari
Kasur
Ferozepur