

Canadian view, the law and the facts are in doubt. Canada has indicated that it is satisfied that the question can be discussed by the United Nations (under Article 10 of the Charter), but is uncertain whether the United Nations can properly intervene. A reference to the International Court of Justice would clear up this controversial point. If the Court found that the United Nations is competent to deal with the question it could, under Article 50 of its Statute, send a commission of inquiry to South Africa to ascertain the facts of the dispute.

Kashmir

The dispute between India and Pakistan over the State of Jammu and Kashmir still had not been settled by the middle of 1952. The problem had confronted the United Nations since December 30, 1947, when the Government of India lodged with the President of the Security Council a complaint against the Government of Pakistan, alleging that Pakistan nationals and tribesmen had invaded Kashmir, which, it held, had legally acceded to India. India's action was followed by a counter-complaint by Pakistan.

Throughout the ensuing four and one half years — although a cease-fire was achieved on January 1, 1949 — the religious, economic, political and military ramifications of the Kashmir situation prevented the prolonged efforts at mediation carried on by the United Nations from reaching a solution. But although a settlement had not been achieved, there was no renewal of hostilities during the period under review and the United Nations had succeeded in bringing the dispute within a well-established framework of negotiation.

The matter was discussed in the Security Council many times during Canada's term of office in 1948 and 1949, and a Canadian President twice presided over the Council's attempts at mediation. The United Nations Commission for India and Pakistan (UNCIP) was set up by resolution of the Security Council in April 1948, and although it failed to bring the two parties together on a number of issues fundamental to the settlement of the dispute, it did bring about the cease-fire. A cease-fire line was agreed to by both India and Pakistan in July 1949.¹ (For more than three years, Canada has been one of several states providing military observers to aid the United Nations in its surveillance of the area.)

In March 1950, in consequence of a resolution of the Security Council, UNCIP was replaced by a United Nations Representative who was to arrange for, and act as mediator in, a demilitarization programme which would clear the way for a free plebiscite in the whole of Kashmir. Sir Owen Dixon of Australia, who was appointed to this post, spent four months on the sub-continent, but his efforts brought no results. Agreement between India and Pakistan was not obtained for a settlement based on either a plebiscite in the whole of Kashmir, or on partition combined with a plebiscite in the Vale of Kashmir — the area which has been most in dispute.

¹A map showing the cease-fire line appears at p. 36 in *Canada and the United Nations 1950*.