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American Policy in the Kashmir-Jammu Dispute Before the United Nations 1948-1957

Ronald Leach Wrigley
University of Rhode Island

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AMERICAN POLICY
IN THE KASHMIR-JAMMU
DISPUTE BEFORE THE UNITED NATIONS.
1948-1957

BY
RONALD LEACH WRIGLEY

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF
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IN
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ABSTRACT

The India-Pakistan dispute over the state of Jammu and Kashmir has been before the Security Council of the United Nations intermittently for some ten years. In all the attempts at settlement the only accomplishment of this body has been to effect a cease-fire agreement between the two disputants. The writer's objective in this paper is to investigate American policy in the dispute before the United Nations in an effort to discover the official position taken by the United States government.

In making a study of this type it was necessary for the writer to investigate the primary records of the United Nations General Assembly and the Security Council. Greater emphasis was placed upon the verbatim records of the Security Council, for it was in this organ that American policy was most evident. The main body of the thesis has been developed from these records. Other primary records examined were the State Department Bulletins which expressed broad American policy in regard to South Asia and its effect on the Kashmir issue. The New York Times proved an invaluable source of information for statements and actions taken by the United States and the Security Council which were not yet published in the official records of the U. N. The writer was able to obtain valuable primary and secondary

material from the embassies of India and Pakistan in Washington, D. C. These were examined in order to ascertain the official policy of the two disputants. Secondary source material was found in the reports and bulletins of the Foreign Policy Association and various books. These were examined for interpretation and application of facts obtained from the primary sources.

The results of the study seem to indicate that the United States continually urged the two parties to use peaceful means of settlement and to abstain from any use of force. This was a policy consistent with Chapter I, Article 2, Section 3, of the United Nations Charter.

Second, Washington placed great emphasis upon a plebiscite in Kashmir under United Nations auspices. The plebiscite alone would determine the final accession of the state to either India or Pakistan. This principle of self-determination has been a traditional policy of the United States.

Third, the United States denied the validity of the original accession instrument signed by the Maharaja of Kashmir and the Indian government. Furthermore, the State Department viewed Indian control over Kashmir as temporary.

Fourth, the United States refused to condemn Pakistan as an aggressor in Kashmir. This was a charge that India had sought from the Security Council since the introduction of the dispute in 1948.

Fifth, Washington sponsored jointly with other Council

members nine resolutions seeking to bring the parties to a settlement. Both disputants for various reasons were unable to accept the recommendations and suggestions made in the resolutions.

Sixth, the United States has maintained that military aid to Pakistan has not changed the Kashmir issue, nor altered the facts of the deadlock. Later military pacts, such as the SEATO and Bagdad treaties between the United States and Pakistan, are consistent with the Charter of the United Nations.

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CHAPTER I

INTRODUCTION

On August 15, 1947, Great Britain withdrew from the sub-continent of India. British India was to be partitioned into two major states - India and Pakistan - with the future of some 565 princely states to be determined by the rulers of the states themselves.¹ With reference to the constitutional consequences of partition for the Indian princely states, the Indian Independence Act of July 18, 1947 stated:

As from the appointed day (August 15, 1947). . . the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act . . . all obligations of His Majesty existing at that date towards Indian States or the Rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States.²

From a strictly legal point of view, both Hindu and Moslem political leaders agreed that this provision granted full freedom of action to the princely states, i.e., to accede to either India or Pakistan or to remain as independent states. The general assumption was that the Moslem states

¹Michael Brecher, Struggle for Kashmir (New York: Oxford University Press, 1953), p. 19.

²Ibid., p. 19. Brecher has reproduced this from the Government of India's, White Paper on Indian States (New Delhi, 1950), p. 153.

would accede to Pakistan and the Hindu states to India. Since Kashmir had not joined with either dominion, it became technically an independent state.¹ Two other rulers, those of Junagadh and Hyderabad also chose to join neither dominion, and their subjects would pay dearly for their rulers' indecision. In September, 1947, the Moslem ruler of Junagadh acceded to Pakistan, but the Indian army entered the state and assured the 700,000 Hindus that it would protect their rights and future. They voted for India. Similar events occurred when the Moslem ruler of Hyderabad tried to postpone indefinitely any decision concerning the future status of his predominantly Hindu state, and in September, 1948, the country became a part of India. The fate of Kashmir was not as simple as that of the previous two states.

Religious strife between the two peoples of the sub-continent was already raging unchecked. Leaders of the Muslim League and the Hindu Congress hurled charges back and forth. Riots reached threatening proportions in several regions, particularly in the Punjab, bordering on Kashmir. Thousands of people were killed, millions driven from their homes, and countless villages were burned to the ground. The long awaited day of independence was heralded with death, destruction and anguish.

The two newly established governments were unable to

¹Michael Brecher, Struggle for Kashmir (New York: Oxford University Press, 1953), p. 20.

cope with the situation. Displaced persons fleeing from Hindu to Moslem territories and vice-versa reached a staggering number. After these massive population movements were over, Hindu India still had 40,000,000 Muslims within its borders, and Moslem Pakistan was left with over 12,000,000 Hindus.

The religious frenzy that swept the area affected Kashmir as well as the other princely states. In the spring of 1947 the Hindu Maharaja brutally suppressed a "no tax campaign" which the Moslem population had tried to carry on. Followers of the Crescent from the Punjab and other districts entered the country to aid their Muslim brothers. The Maharaja, fearing his own position, sought and received assistance from Sikh and Hindu extremists from areas outside Kashmir.¹

Maharaja Hari Singh of Kashmir was repeatedly advised by Lord Mountbatten to ascertain the will of his people and to join one of the dominions. He disregarded this advice. Pressure within the state continued to mount as refugees poured into the area from the Punjab bringing with them the tensions and fears of bloodshed and death. Many Muslims of Kashmir fell before the rifles of the Maharaja's troops. Meanwhile, in Pakistan the tribesmen called for a jehad or holy war to avenge the death of their religious brethren. Aroused by the atrocities committed by the ruler's troops,

¹Michael Brecher, Struggle for Kashmir (New York: Oxford University Press, 1953), p. 26.

the Afridi and Mahsud warriors crossed the Kashmir frontier and swept into the Jhelum river valley, completely crushing all opposition.¹ Unfortunately, the invasion exceeded its bounds and ended in the raping, looting, and pillaging of Hindus and Muslims alike. According to Robert Trumbull, New York Times correspondent, the atrocities probably reached their peak at Baramulla where an estimated 3,000 Kashmiris were put to the sword by the raiders.²

On October 26, 1947, the Maharaja of Kashmir informed the Indian government at Delhi that he had decided to join the Indian Dominion and at the same time he asked for military aid to halt the invasion of his state by the tribesmen. On the following day India accepted the accession of the Jammu and Kashmir state to their dominion and sent Indian troops into Kashmir.³

Pakistan's only move here was to invite Indian leaders to Lahore for a discussion of the situation. A conference was held on November 1 at which both the Governors-General were present. They were unable to arrive at any lasting agreements. However, Ali Jinnah, Governor-General of Pakistan did present a three-point proposal involving a cease-fire, withdrawal of all alien troops,

¹Lord Birdwood, India and Pakistan (New York: F. A. Praeger, 1954), p. 223.

²November 10, 1947, p. 14.

³Lord Birdwood, India and Pakistan (New York: F. A. Praeger, 1954), p. 224.

and a plebiscite under joint control of India and Pakistan.¹

Mountbatten rejected Jinnah's proposals, and suggested that the plebiscite be administered by the United Nations, but Jinnah disagreed with this, maintaining that the Governors-General should organize it jointly. Nevertheless, on November 16 Liaquat Ali Khan, Prime Minister of Pakistan, asked that the United Nations be approached for a settlement of the dispute. At first the Indian government merely desired United Nations observers to advise them regarding a plebiscite, but a few weeks later Delhi officially requested the United Nations to intervene in the Kashmir conflict.²

¹Josef Korbel, Danger in Kashmir (Princeton, New Jersey: Princeton University Press, 1954), p. 88.

²Ibid., p. 90.

CHAPTER II

THE HOSTILITIES AND THE CEASE-FIRE AGREEMENT

The United Nations Intervenes

On January 1, 1948, the Government of India transmitted a letter to the President of the Security Council asking that body to intervene in the Kashmir dispute between its country and Pakistan. India specifically requested that the Council ask the Government of Pakistan to prevent its nationals from participating or assisting in the invasion of Kashmir. India further requested that Pakistan refuse to the invaders access to and use of her territory for any hostilities against Kashmir, and that Pakistan halt the movement of supplies or other materials to the invaders.¹

At a meeting of the Security Council on January 6 the Kashmir issue was placed on the agenda, initiating a discussion which was to last intermittently for ten years. The President of the Council, Fernand van Langenhove of Belgium, after asking for objections and finding none, concluded that the Council agreed to invite Pakistan and India

¹United Nations, Security Council, Official Records, 3rd Yr., Supplement for November 1948. Hereafter referred to as U. N., S. C., Off. Rec.

to participate in the discussions.¹

Noting that both the Indian and Pakistani delegates had sufficiently prepared their briefs on the Kashmir issue, President van Langenhove scheduled a discussion on January 15 at Lake Success, New York. The first to speak was Gopalaswami Ayyangar of India, who restated the original request of his government and indicated to the Council that his government had "at no time put the slightest pressure on the state to accede to the Indian Dominion, because we realised that Kashmir was in a very difficult position."² He also declared that India was preparing to negotiate a standstill agreement with Kashmir, an agreement which Pakistan had already accepted in a telegram to the Kashmir government some time earlier.³

The first official policy by the United States was given on the same day by the American representative, Warren Austin. He stated that the Kashmir issue was of utmost importance, but that "no intemperate action should be taken

¹U. N., S. C., Off. Rec., 3rd Yr., 226th Meeting, 6 January 1948, No. 1-35, p. 5.

²Ibid., 3rd Yr., 227th Meeting, 15 January 1948, No. 1-35, p. 13.

³The Maharaja of Kashmir, Hari Singh realised the necessity of reaching some understanding with the dominions of India and Pakistan. He notified both governments of his willingness to negotiate a Standstill Agreement. On August 15, 1947, he signed such an agreement with Pakistan giving the latter complete operation of postal and telegraph facilities. Pakistan was also charged with the responsibility of supplying food and other necessities. India neither accepted nor rejected the Maharaja's request.

by the Security Council either in point of time or in point of substance."¹ Washington felt that all sides of the question should be thoroughly aired before the Council acted on any resolutions in regard to the issue.

On January 16, 1948, the Pakistan case was presented by Sir Mohammed Zafrulla Khan, who argued that Moslems in Kashmir were being murdered and butchered by the Maharaja's troops, and that Pakistan could not stand idly by while these killings were taking place. He proclaimed that his government was astonished to learn that Kashmir was seeking "assistance" from an outside power.² Continuing his discussion on the following day, Khan suggested that the tribesmen withdraw from Kashmir, and at the same time have the Indian troops removed to areas outside the state. His further recommendations were to establish a cease-fire, and then the Governors-General of Pakistan and India would be given complete and full power to restore the peace. Following this action, Khan wanted the Governors-General to undertake full administration of the Jammu and Kashmir state and arrange a plebiscite without delay.³

¹U. N., S. C., Off. Rec., 3rd Yr., 227th Meeting, 15 January 1948, No. 1-35, p. 34.

²Ibid., 3rd Yr., 228th Meeting, 16 January 1948, No. 1-35, p. 77.

³Ibid., 3rd Yr., 229th Meeting, 17 January 1948, No. 1-35, p. 89.

Informal Discussions on Kashmir

After hearing the case as presented by the Indian and Pakistani representatives, the United Kingdom recommended several possible methods of solution. First, the Council would call upon the governments of both countries to refrain from issuing any statements that would aggravate the situation, and then the two governments would seek solution by direct negotiations. Meanwhile, both countries would inform the Council on any matters that could possibly change the situation.

The American delegation supported the proposals made by the United Kingdom and emphatically endorsed the recommendations that India and Pakistan try to reach an agreement on their problem by direct negotiations. Washington advised that the Council recess for several days in order to give the parties sufficient time to consider the matter.¹

Ayyangar of India and Khan of Pakistan both welcomed the United Kingdom proposals. The Indian delegate significantly praised these draft resolutions as giving India and Pakistan an opportunity to arrive at a solution which would be acceptable to both parties.²

Thus negotiations entered that type of informal

¹U. N., S. C., Off. Rec., 3rd Yr., 229th Meeting, 17 January 1948, No. 1-35, p. 126.

²Ibid., pp. 126-27.

conversations which were designed, in the spirit of Chapter VI of the United Nations Charter, to seek settlement by direct attempts of the parties in dispute, before the Security Council would have to intervene and make recommendations.

A Three-Man Commission on Kashmir

On January 20, 1948, as a result of these informal conversations, a resolution was passed in the Council establishing a United Nations commission to investigate the facts and exercise mediatory influence. Washington supported this resolution, noting that both parties wanted the dispute settled by peaceful means and not by the intervention of an armed force. The American position stressed the point that a plebiscite should be held under the supervision of the United Nations. This would ensure complete impartiality on the part of the plebiscite administrators and would permit the people of Jammu and Kashmir to exercise their vote in a free and democratic manner.¹

Unfortunately, the first three-man commission established by the Council was not dispatched to the sub-continent. The resolution which created the mediatory body was a highly modest one. It made no mention of the

¹U. N., S. C., Off. Rec., 3rd Yr., 237th Meeting, 29 January 1948, No. 1-35, p. 286.

withdrawal of either the tribesmen or the Indian army, nor did it incorporate the American demand for a plebiscite. The commission failed to accomplish any lasting agreements between the two disputants.

Indian Policy in Kashmir

The Indian position from the very beginning was that India was in fact and in law the legal sovereign of the Jammu and Kashmir state. The Maharaja had legally acceded his princely state to the Indian Union. Pakistani military forces had invaded Indian territory by going into Kashmir and the Council, according to New Delhi, must condemn Pakistan as an aggressor. No possible settlement would be considered by India until the Pakistani civilians (tribesmen) and military personnel were withdrawn from the state. The Indian government would not consider any plebiscite until these forces were withdrawn.

Washington's View That Indian Control over Kashmir Was Temporary

Indian control over Kashmir was only temporary as seen by Warren Austin, American delegate to the Security Council. A plebiscite was necessary before the temporary character of the control could become permanent.¹ The United States probably based its policy on the statements

¹U. N., S. C., Off. Rec., 3rd Yr., 240th Meeting, 4 February 1948, No. 1-35, p. 367.

issued by officials of the Indian government. Nehru, speaking before the Constituent Assembly in New Delhi on November 25, 1947, declared;

We did not want a mere accession from the top but an association in accordance with the will of her people. We have gone to Kashmir to protect the people and as soon as this duty is discharged our forces need not remain there and we shall withdraw them.¹

The Prime Minister of India clarified his views in other statements saying that until Kashmir was completely free of invaders, no possible plans could be made for holding a plebiscite.²

The United States Proposes
Second Commission for Indian-Pakistan Dispute

On April 21 the United States sponsored jointly with the United Kingdom, Belgium, Canada, China, and Colombia a resolution that would establish a second United Nations commission for India and Pakistan. The terms of the resolution were, briefly, that a five-man commission would be set up to go directly to the sub-continent and offer its good offices and mediation efforts to the two parties. Pakistan was asked to withdraw all its nationals not normally residents of the state and when this was accomplished India

¹India, Information Service, Kashmir, A Factual Survey (New Delhi; December, 1956), pp. 73-76.

²India, Information Service, Kashmir, 1947-1956, Excerpts from Prime Minister Nehru's Speeches (New Delhi: United Press, Old Secretariat, 1956, p. 11.

would remove all its troops. The Indian government was to be responsible for recruiting local people to maintain peace and order.¹

Austin, speaking to the Council just before the final adoption of the resolution, insisted that all political parties should be fairly represented within the government of the state, and this principle was later included in the resolution. He also added that his government was pleased to see that both Pakistan and India had agreed to settle their dispute through peaceful means. The American delegate placed special emphasis on the right of the people to decide their future by a plebiscite. Austin closed his remarks by noting that responsible Indian leaders had proclaimed the desire and willingness to see the dispute solved by a plebiscite under international auspices.²

The United States served as a member of the second United Nations Commission for India and Pakistan (UNCIP). Austin accepted the appointment of his country on May 7, 1948, and representing the United States was J. Klahr Huddle. The American delegation consisted of a military and political adviser as well as a secretarial staff.³

The Kashmir situation, according to Washington, now

¹U. N., S. C., Off. Rec., 3rd Yr., Supplement for April, 1948.

²Ibid., 3rd Yr., 284th Meeting, 21 April 1948, p. 20.

³Ibid., 3rd Yr., 289th Meeting, 7 May 1948, p. 5.

had priority on the agenda of the Security Council, Austin observed that both parties retained armed forces in Kashmir, regardless of their peaceful intentions of solution. He later added that possibly India and Pakistan did not want to settle their differences over Kashmir.¹

The resolution of April 21 was in substance not agreeable to either India or Pakistan. In a letter to the President of the Security Council, Zafrulla Khan of Pakistan expressed the following view: "Measures indicated in the resolution are not adequate to insure a free and impartial plebiscite, and the government of Pakistan cannot carry out obligations sought to be laid upon them by the resolution."² Mr. P. P. Pillai, the representative of India wrote the Security Council that his government could not implement those parts of the resolution concerning the plebiscite administrator.³

American Delegate Comments on Powers of
UNCIP and Interpretation of Pacific Settlement

The American representative, Warren Austin, supported the idea of widening the powers of the commission. He advocated that it report to the Council on the Pakistan charges against India in the Junagadh and genocide cases. New Delhi

¹U. N., S. C., Off. Rec., 3rd Yr., 304th Meeting, 26 May 1948, pp. 20-21.

²Ibid., 3rd Yr., Supplement for May 1948, p. 91.

³Ibid., p. 92.

did not want the UNCIP to investigate these charges.¹ Nevertheless, Austin suggested that the commission investigate and submit its results to the Council, and then the Council would instruct the mediatory body as to its later objectives.² This was considered a pro-Pakistani move on the part of the United States since it coincided with the proposals of the Pakistani delegation. India strongly asserted that this was not an international problem and the Junagadh and genocide claims of Pakistan were strictly a domestic matter to India alone. The United States wanted all these matters referred to the UNCIP, but with the understanding that the Kashmir issue had first priority and the other matters would be taken up at the discretion of the Council.

At the 304th meeting of the Security Council, Austin requested the Council to interpret the Charter of the United Nations. Specifically, he wished to know what the obligations were upon parties in a dispute under the "pacific settlement" provisions of the Charter. Perhaps, he continued, they might be determined and applied to this dispute or at least

¹Pakistan charged India with aggression resulting from India's invasion of the State of Junagadh. The ruler, a Moslem had acceded his state to Pakistan. Indian troops entered the state, deposed the ruler, and held a plebiscite. The Hindu majority voted for India. Karachi also charged India with genocide of the Moslem majority in Kapurthala as a result of the communal upheaval. Pakistan claimed 235,000 Muslims were massacred.

²U. N., S. C., Off. Rec., 3rd Yr., 312th Meeting, 3 June 1948, No. 36-94, p. 8.

established as a precedent for future parties to disputes.¹
His query went unanswered.

The commission did not arrive on the sub-continent until the second week of July, 1948, some six months after the parties had given a thorough account of the situation to the Security Council, and some three months after the Council had passed a resolution creating a feeble attempt at solution. When the commission arrived, the fighting had been renewed with intense vigor; thousands of civilians as well as soldiers were being killed in the conflict. Nevertheless, in the Security Council on August 30, 1948, Austin declared that no emergency existed in Kashmir. The United States at this time strenuously objected to having the Kashmir issue included on the provisional agenda of that body; its position was that the commission's objectives were clearly set forth in paragraph 17 of the resolution of April 21, and the commission had not asked for assistance.² Washington felt that the commission could well handle all negotiations and mediation that needed to be accomplished in order to effect a cease-fire and solution in the dispute.³

¹U. N., S. C., Off. Rec., 3rd Yr., 356th Meeting, 30 August 1948, No. 95-108, p. 3.

²Paragraph 17, Resolution of April 21, 1948, reads: "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."

³U. N., S. C., Off. Rec., 3rd Yr., 356th Meeting, 30 August 1948, No. 95-108, p. 4.

Secretary of State George C. Marshall, speaking before the General Assembly less than a month later, partially revised his country's attitude. He found the situation charged with great dangers that threatened world peace, but he still voiced the opinion that, since both parties maintained their willingness to use pacific means in settlement, an immediate conclusion could be clearly envisioned.¹

The Cease-Fire

By January 1949 the commission was able to bring about a cease-fire agreement between the parties. Further agreements were made on truce issues, demilitarization of the state, and a plebiscite. The greatest stumbling block was how and when to implement these agreements. Thereupon, the American delegate, Philip Jessup, praised both governments for their statesmanlike action on this issue. He and his government, Jessup continued, looked forward to an early settlement.² The American delegate gave much of the credit for the cease-fire to Pakistan and India, since it was to their advantage, for neither country could afford to bear the cost of war at this crucial time. Little did

¹United Nations, General Assembly, Official Records, 3rd Session, Part One, 139th Plenary Meeting, 23 September 1948, p. 41. Hereafter referred to as U. N., G. A., Off. Rec.

²U. N., S. C., Off. Rec., 4th Yr., 399th Meeting, 13 January 1949, No. 3, p. 7.

Jessup know that the basic issues on demilitarization and plebiscite proposals would never be resolved; at least they have not been in the decade which has passed.

American Policy in the First Year
of the Kashmir Deadlock

In summarizing American policy in the first crucial year, the writer believes that Washington was partial to the Pakistani argument on the issue. It was not a middle of the road course, nor was it a "do nothing" policy. It did without question support the idea that a final settlement of the dispute would rest upon a vote of the Kashmiris themselves. Both parties agreed to this principle and it was not imposed upon them by any Security Council resolution. American policy further emphasized that the plebiscite should be held under United Nations auspices, preferably under a plebiscite administrator. Washington first encouraged the idea that India and Pakistan hold informal conversations on their problems. From informal talks American delegates recommended that a three-man commission be created to act as mediators. This first commission was a complete failure. The United States then sponsored a resolution establishing a second commission, with an enlarged membership and stronger powers. This second commission was able to accomplish four major agreements: a cease-fire, truce, demilitarization, and a plebiscite. The cease-fire was implemented in January 1949 but the remaining three have been in question for the past

ten years of the deadlock.

CHAPTER III

NEW METHODS OF SOLUTION

India Suggests Arbitration on Agreed Issues

Throughout 1949 the UNCIP was unable to bring about any substantial progress on the Kashmir issue. There was one note of hope during the year, however; it came with the appointment of Admiral Chester W. Nimitz as United Nations Plebiscite Administrator for Kashmir. The State Department made it clear that he represented the United Nations as an international organization and not the United States.¹

A significant change in the method of solution occurred in the Indian position. Speaking before the General Assembly, Sir Benegal Rau declared that as far as Kashmir was concerned, India was not wholly opposed to the idea of arbitration on agreed issues, but these issues would have to be clearly defined beforehand. He repeated that India continued to desire a peaceful and stable solution to the issue.²

¹U. S., Department of State, "Fleet Adm., Named as Kashmir Plebiscite Administrator," Department of State Bulletin, XX (March, 1949), 419. Hereafter referred to as U. S., Department of State Bulletin.

²U. N., G. A., Off. Rec., 4th Session, 222nd Plenary Meeting, 21 September 1949, p. 10.

In October 1949 the Pakistan government accepted arbitration of truce issues as a means of pushing the dispute toward an early settlement. The Indian government refused arbitration, saying that the issues to be arbitrated were too ambiguous and not sufficiently defined.¹

UNCIP Reports to the Security Council

The idea of arbitration had been first suggested by the commission on all differences of implementing the truce agreement. Later in the year, Hernando Samper, Chairman of the UNCIP, informed the Council that the commission could do no more to bring about a settlement since it had been unable to get either party to implement the resolutions of August 13, 1948 and January 5, 1949.²

In the August 13 resolution India and Pakistan agreed to the complete withdrawal of all Pakistani troops from Kashmir as well as all non-Kashmiri nationals not normally residents of the state. When Pakistan had completed this movement the commission would notify the Government of India. New Delhi would then withdraw its forces from the state on stages to be agreed upon with the commission. India and Pakistan also consented to the principle of a plebiscite for the people of Kashmir in determining their future. The two governments gave their full consent to

¹U. S., Department of State Bulletin, "U. N. Action Reviewed," XXI (October, 1949), 654.

²U. N., S. C., Off. Rec., 4th Yr., 457th Meeting, 17 December 1949, No. 53, p. 2.

the UNCIP resolution of January 5, 1949, which reiterated the plebiscite proposal as soon as the truce agreement and plebiscite arrangements had been completed. India and Pakistan gave full approval to the appointment of a UN plebiscite administrator.¹

The United States found that the commission report in December 1949 suggested an equitable solution to the Kashmir issue. Washington was consistent with its previous stand on Kashmir in taking the view that the future of the state would be determined by the freely expressed will of its people. The State Department noted that the plans for solution were flexible enough to lend themselves to modification by the two parties concerned. The American deputy representative to the Council, Ernest Gross, said these were not the only solutions; others undoubtedly existed and could be arrived at by India and Pakistan.²

Washington Suggests Appointment of a
U. N. Representative to Replace UNCIP

By 1950 the United States seemed to show more interest in the issue, for it sponsored a resolution jointly with Cuba, Norway, and the United Kingdom. Washington believed

¹Josef Korbel, Danger in Kashmir (Princeton, New Jersey: Princeton University Press, 1954), pp. 312-19.

²U. N., S. C., Off. Rec., 4th Yr., 458th Meeting, 29 December 1949, No. 54, p. 13.

that the problem had to be solved along broad political grounds. The plan called for both parties to agree on a workable outline of demilitarization and then to carry it out as a prerequisite to the final stage of a plebiscite. This plan for reducing the forces called for a minimum number to a point where they did not interfere with the free expression of public opinion in the proposed plebiscite.¹

Washington wanted this demilitarization problem accomplished on both sides of the cease-fire line; Indian troops must not go into the northern or Pakistan-held areas of Kashmir. It heartily approved the UN plan to appoint a representative to supervise the implementation and assist in the preparation of a program of demilitarizing the state.² This American sponsored plan for Kashmir was finally adopted on March 14, 1950, embodying the above ideas and terminating the second UNCIP.³ India, in a note to the Council, proposed a three-man UN team, one appointed by India, one by Pakistan, and one by the President of the Security Council.⁴ Pakistan approved the resolution, but with reluctance. In April 1950 the Council consented to

¹U. N., S. C., Off. Rec., 5th Yr., 467th Meeting, 24 February 1950, No. 9, p. 15.

²Ibid., p. 17.

³U. N., G. A., Off. Rec., 5th Session, Supplement No. 2, p. 13.

⁴U. N., S. C., Off. Rec., 5th Yr., 469th Meeting, 8 March 1950, No. 11, p. 5.

the appointment of Sir Owen Dixon as UN representative for India and Pakistan.

Washington Notes Improvement in
Indian-Pakistan Relations

The State Department at this time was quite pleased to learn that the Prime Ministers of Pakistan and India had met in New Delhi to reach accord on minority groups in their countries. When the two nations signed a treaty guaranteeing the protection of minorities, the United States saw the opening of a new era in better relations between India and Pakistan.¹

Noting that this Prime Ministers' meeting in India might lead to further accord in Indian-Pakistan relations, the United States did not want the Security Council to consider the question of blame or guilt in the Kashmir dispute. What it did want was to increase the strength of the UN mediating representative as far as it was proper to do so. "In saying this we cast no aspersions whatsoever upon the parties," Austin explained.² Their problem was exceedingly difficult, he continued, and the Council was not trying to enforce something by punishment, coercion, or anything of that kind. Austin also declared that the Council

¹U. S., Department of State Bulletin, "Department Encouraged by India-Pakistan Talks," XXII (April, 1950), 631.

²U. N., S. C., Off. Rec., 5th Yr., 471st Meeting, 12 April 1950, No. 13, p. 10.

was attempting to use the finest of instrumentalities in all disputes, pacific settlement.

Sir Owen Dixon's First Report
to the Security Council

Unfortunately, Dixon's mediatory efforts were unavailing. In transmitting his report to the Council in September 1950, he informed the body that all his suggestions had fallen on deaf ears. Both parties failed to agree on any of the preliminary measures of demilitarization that must precede the plebiscite. India wanted Pakistan condemned as an aggressor, a charge that Washington did not wish the UN representative to even consider. Dixon informed the Indian officials that he was instructed by the Council not to pass any statements on this subject. India later claimed that Dixon did make a feeble attempt at condemning Pakistan as an aggressor in Kashmir. Dixon's statement ran to this effect:

Without going into the causes or reasons why it happened, which presumably formed part of the history of the sub-continent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed, on I believe 20 October 1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I believe, units of the regular Pakistan force moved into the territory of the State, that too was inconsistent with international law.¹

¹U. N., S. C., Off. Rec., 5th Yr., Supplement for September-December 1950, p. 29.

American Delegate Expresses Apprehension over
Constituent Assembly in Kashmir

In February 1951 the Kashmir dispute was once again placed on the agenda of the Security Council. The State Department observed that both countries were still of the opinion that the issue could be settled peacefully. Ernest Gross, the American delegate, wanted the Council to "help narrow the field of disagreement." He also expressed concern over the work of the authorities in the Indian controlled area of Kashmir, and their plan to determine the future affiliation of the state without a plebiscite. The Indian government had given its permission for the convening of a constituent assembly in its area of the state. Washington held that in such an event India would violate its earlier agreements in the UNCIP resolutions. In speaking to the Council, Gross noted that:

The United States government firmly believes that there can be no real and lasting settlement of the Kashmir dispute which is not acceptable to both parties. Any attempt to decide the issue without the consent of both parties would only leave a constant and explosive irritant in the relations between these two governments, an irritant which would effectively prevent the bringing about of peace and security in South Asia.¹

Washington took a firm stand that the Council should not accept or approve a plebiscite conducted without the

¹U. N., S. C., Off. Rec., 6th Yr., 532nd Meeting, 21 February 1951, p. 12.

latter's approval or without a supervisor appointed by the Council. The very existence of a constituent assembly in Indian-held Kashmir, able to determine Kashmir's future, would obviously not be in accordance with the terms of a fair and impartial plebiscite.¹

The Second UN Representative

In late February 1951 the United States proposed a joint draft resolution with the United Kingdom, asking the Security Council to re-appoint a UN representative to help the parties effect a demilitarization of the state. The mediator would present possible details and plans for carrying out the plebiscite agreeable to both parties. He would be given greater powers, with strengthened and amplified terms of reference. The demilitarization proposals would be drafted by the mediator and then presented to India and Pakistan. If at all possible, he would attempt to make use of these two aids: a United Nations force during the demilitarization and plebiscite period, and an attempt to get both parties to accept arbitration upon points of difference left over after negotiations have been made and carried out by the UN representative.

Washington believed it was the duty of the Security Council to call to the attention of both India and Pakistan their obligations under the United Nations Charter to seek

¹U. N., S. C., Off. Rec., 6th Yr., 532nd Meeting, 21 February 1951, p. 12.

a solution by all manner of peaceful means, including arbitration.¹ Although India had suggested this method of solution as early as September 1949, it was now opposed to arbitration. Pakistan also rejected this Washington proposal since it implied a reference to partition of Kashmir. Karachi would never consent to a plan involving partition.²

New Delhi Objects to the Resolution

India tried to reassure the United States and the other Council members that the constituent assembly in Kashmir was not intended to prejudice the problem as it existed before the Council. The Indian representative maintained that his nation was a secular state with minority rights guaranteed to all regardless of race or religion. He reiterated the principle that Kashmir was legally and integrally a part of the Indian Union. By federal law, the state was permitted to draft or formulate its own constitution, and to convene a constituent assembly for the state. India, he declared, could never permit the entry of foreign troops into the state, or in any other part of India. As for the Anglo-American draft resolution, the Indian government was wholly unable to accept it.³

¹U. N., S. C., Off. Rec., 6th Yr., 532nd Meeting, 21 February 1951, p. 15.

²Ibid., 6th Yr., 534th Meeting, 6 March 1951, p. 2.

³Ibid., 6th Yr., 533rd Meeting, 1 March 1951, p. 9.

Nehru, at a press conference some weeks later, announced that India would never accept arbitration on the differences confronting India and Pakistan. He declared that India could not upset nor violate its constitution because of some resolutions put forward in the Security Council.¹

Due to the strenuous objections by India and Pakistan, the United States found it necessary to tone down its proposals to what Ernest Gross called "the irreducible machinery." Since the two parties wanted the UN representative to utilize the previous UNCIP resolutions, the American delegation added the following amendments to its latest proposals:

- (1) The UN Representative would effect demilitarization on the basis of the UNCIP resolutions of 13 August 1948 and 5 January 1949.
- (2) If no agreement is made on demilitarization plan after a three month period, then the UN mediator is to report back to the Council.
- (3) The two parties should accept arbitration on those points reported to the Security Council by the UN Representative. The arbitrator would be appointed by the President of the International Court of Justice.²

The State Department regarded the arbitration proposal as the key to the resolution. It attempted to pro-

¹India, Information Service, Kashmir, 1947-1956, Excerpts from Prime Minister Nehru's Speeches (New Delhi: United Press, Old Secretariat, 1956), p. 26.

²U. N., S. C., Off. Rec., 6th Yr., 537th Meeting, 21 March 1951, p. 9.

vide both parties with recommendations needed in settling the dispute. Although India and Pakistan rejected it vigorously, Washington would not agree to its removal from the resolution.

The two disputants were given the opportunity to present their views on the revised British-American draft resolution. The first to speak to the Council was Sir Benegal Rau of India who again opposed the idea of arbitration on major differences. India, he declared, could never submit a purely domestic matter to an international arbitral body.¹ Several days later the Pakistani representative informed the Council that the revised resolution was acceptable to his government, including the item on arbitration.² Disregarding the Indian objections, the Council adopted the resolution by eight votes in favor with three abstentions.

Selected to serve as the new United Nations representative for India and Pakistan was Dr. Frank P. Graham, who was appointed on April 30, 1951. This time the mediation efforts were to be turned over to a noted American educator and former president of the University of North Carolina. His efforts on the sub-continent were frustrating for all three parties since no agreement could

¹U. N., S. C., Off. Rec., 6th Yr., 538th Meeting, 29 March 1951, No. 538, p. 7.

²Ibid., 6th Yr., 540th Meeting, 2 April 1951, No. 540, p. 4.

be reached on implementing the demilitarization of the state. After fifteen weeks of negotiation and mediation ending in failure, Graham submitted his report to the Security Council.

Constituent Assembly Again Annoys
the State Department

In late May 1951 the United States delegation to the United Nations was quite disturbed over the convening of the constituent assembly in Indian-held Kashmir. Gross said his government believed that no lasting settlement to the dispute could be accomplished if the two parties did not abide by the methods of solution agreeable to both. If the action proclaimed by Prime Minister Abdullah of Indian-held Kashmir were carried out, and India sanctioned this action, Gross maintained, no possible solution could be envisioned. Washington announced that it would regard any acts of the constituent assembly to settle the accession matter as completely null and void, regardless of what assurances the Indian government had already given to the Council.¹

The Second Graham Mission

The Security Council was forced once again to place the Kashmir dispute on its agenda for discussion. The

¹U. N., S. C., Off. Rec., 6th Yr., 548th Meeting, 29 May 1951, No. 548, p. 15.

American delegation saw the urgency of the issue and introduced another resolution jointly with the United Kingdom. It reaffirmed the objectives of India and Pakistan to settle the dispute peacefully with a desire to determine the will of all the people of the Jammu and Kashmir state through a free and impartial plebiscite conducted under the supervision of a UN team. Dr. Graham was asked to continue his efforts and to seek a plan of demilitarization for the parties. Finally, the Council requested Graham to report his findings no later than six weeks after the resolution went into effect. The State Department believed that the demilitarization proposals would have to form the solid basis for any future agreements.¹

Graham's second report was given to the Security Council at the Palais De Chaillot, Paris, on December 18, 1951. Negotiations had been carried on with Zafrulla Khan of Pakistan and Benegal Rau of India, but without success. One month later, on January 12, 1952, the American delegate noted that Graham did not attempt to impose any settlement upon the two parties. The mediator, he continued, merely suggested that India and Pakistan agree to certain issues before a settlement could be accomplished. These agreed issues were:

- (1) The scope of demilitarization and the number of troops to remain at the end of

¹U. N., S. C., Off. Rec., 6th Yr., Supplement for November 1951, p. 1.

- the period of demilitarization.
- (2) A definite period of demilitarization
 - (3) An established day for the introduction into office of the Plebiscite Administrator.¹

The State Department believed that these three issues formed a solid basis upon which India and Pakistan could arrive at an agreement. The American deputy representative expressed confidence that these issues could be solved and negotiations should not be halted; in fact, Graham should return to the sub-continent, basing further mediatory efforts on the resolutions of the Council.²

Further Mediation Efforts

Upon the adoption of an American resolution, Graham was instructed for the third time to aid the parties in settlement and report back to the Council at the end of March 1952. This was to be a "final attempt" to get the disputants to agree on a plan for demilitarization. When Graham gave his third report to the Security Council he again reported failure. There was one significant point in his findings and this was that he considered it an opportune time to consult the Plebiscite Administrator, Chester W. Nimitz on preliminary plans for implementing a plebiscite. Unfortunately, India and Pakistan objected to this suggestion

¹U. N., S. C., Off. Rec., 7th Yr., 570th Meeting, 12 January 1952, No. 570, p. 10.

²Ibid., 7th Yr., 571st Meeting, 30 January 1952, No. 571, p. 21.

for calling in the administrator as premature.¹

The Council was not discouraged over Graham's failure on the sub-continent. For the fourth time Graham was sent by the Council to negotiate with the parties, first in New York and then in Geneva, Switzerland. Returning to New York with his fourth report, he submitted his findings to the Security Council on September 11, 1952. Summarizing the problems confronting the disputants, he then made recommendations, and noted the difficulties of his position as mediator. The fourth Graham mission had ended in failure.²

Discussion in the General Assembly

Speaking before the General Assembly at its 380th meeting, Secretary of State Acheson mentioned very briefly the major issues confronting the United Nations. Although not specifically naming the India-Pakistan dispute, he did say the General Assembly could "create an atmosphere favorable to settlements" in accord with the principles of the Charter. He also declared that these settlements should be worked out by the parties themselves.³ Perhaps Acheson was able to see that the Council could not perform its appointed task of establishing conditions suitable for the growth of a

¹U. N., S. C., Off. Rec., 7th Yr., Special Supplement No. ", p. 1.

²Ibid., 7th Yr., 605th Meeting, 10 October 1952, No. 605, p. 2.

³U. N., G. A., Off. Rec., 7th Session, 380th Plenary Meeting, 16 October 1952, p. 42.

peaceful conclusion of disputes. He saw in the Assembly a powerful force of world opinion that would compel the parties involved in a dispute to settle it amicably, and as rapidly as possible. The Kashmir deadlock had been before the Council for a period of four years and it was well into its fifth year with no solution found by the appointed arm of the United Nations.

India was apparently willing to let the matter rest for the time being, for her delegates to the General Assembly failed to make any reference to the issue in November 1952. The issue, however, was not forgotten by the Pakistani delegate, for on November 12 Zafrulla Khan announced that the Council's inability to solve the dispute had not enhanced or strengthened the authority and prestige of the United Nations. He placed the responsibility for solving the deadlock upon the Security Council and specifically upon the five great powers; yet he saw his own government's actions as beyond reproach. This may have been the earliest evidence of Pakistan's "frustration" in the dispute.¹

A Fifth Anglo-American Resolution
Sends Graham to the Sub-continent

As a result of the pressuring and "needling" of the Pakistani delegation, the Security Council in late 1952 voted still another resolution prepared by the United States

¹U. N., G. A., Off. Rec., 7th Session, 395th Plenary Meeting, 12 November 1952, p. 237.

and the United Kingdom. Speaking for the former, Ernest Gross indicated that settlement must be based upon these principles:¹

- (1) Agreement by both parties to the political questions involved.
- (2) An agreement reached by both parties themselves.
- (3) Negotiations based on compromise.
- (4) The future of the state to be determined by the free and impartial plebiscite under United Nations auspices.

This resolution endorsed the recommendations made by Graham in his fourth report. The problem had been narrowed down to one basic issue, and the American-sponsored plan would help overcome this issue. India and Pakistan should negotiate with the aim of reaching agreement on the specific number of forces within certain areas or ranges suggested by Graham. This was the one problem upon which the two disputants had failed to agree. The draft resolution endorsed Graham's previous suggestion that "this number should be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line, and between 12,000 and 18,000 armed forces remaining on the Indian side of the line." After the demilitarization period had ended, all Pakistani nationals, troops, and tribesmen would be withdrawn from the Pakistan side of the line. On the Indian side all their troops would be withdrawn. A small token force would remain in each area to maintain law and order, but the

¹U. N., S. C., Off. Rec., 7th Yr., 607th Meeting, 5 December 1952, No. 607, p. 2.

force or local police would give due regard to the freedom of the future plebiscite.¹ Graham was asked to attempt a fifth try at mediation and the governments of India and Pakistan were asked to collaborate and assist him as much as possible. Washington viewed the situation as being very serious, saying that if no further action were to be taken, and the condition continued to drift, there would be great danger to all.²

The Pakistani delegate, Sir Mohammed Zafrulla Khan, was willing to accept the American proposal, provided that India agreed to keep only troops on its side of the cease-fire line and no armour or artillery. The Pakistani army would move out of its occupied area on this basis.³

The Indian position had always been that all Pakistani armies, auxiliary units, and other forces should withdraw from every inch of Jammu-Kashmir territory, and the Azad forces in Western Kashmir (under Pakistani control) should be disarmed. India alone would determine what forces it would withdraw. Jawaharlal Nehru had said in July 1952:

It was always a condition that we must have enough forces in Kashmir, and we were

¹U. N., S. C., Off. Rec., 7th Yr., 607th Meeting, 5 December 1952, No. 607, pp. 5-9.

²U. S., Department of State Bulletin, "U. S. Views on Prospects for Settling Kashmir Controversy," XXVII (December, 1952), 1030.

³U. S., Department of State Bulletin, "The U. S. in the U. N.," XXVII (December, 1952). 1042.

the judges of that.¹

On December 8, Mrs. Vijaya Lakshmi Pandit reported to the Security Council that her government would permit a small Azad force on the Pakistani side of the cease-fire line, but that state administrative authorities must be local people and not Pakistani nationals. Military forces on the Indian side, she continued, had to be fixed in number by Indian military authorities and not on the recommendations of the UN military adviser. Madame Pandit reiterated that any alternative figures must be justified on realistic considerations of security, and not be put forward merely as a matter of political bargaining or appeasement. In her closing statements she said that India found it necessary to reject the American proposals in the draft resolution.²

Nevertheless, the Anglo-American resolution was adopted by the Council and Graham was sent for the fifth time to the sub-continent. Upon his return to New York in March 1953 he transmitted his report, informing the Council that he had been unable to settle the major differences needed before a settlement could be accomplished.

¹India, Information Service, Kashmir, 1947-1956, Excerpts from Prime Minister Nehru's Speeches (New Delhi: United Press, Old Secretariat, 1956), p. 31.

²U. N., S. C., Off. Rec., 7th Yr., 608th Meeting, 8 December 1952, No. 608, p. 9.

American Policy during the Period 1950-1952

Washington, encouraged by Indian and Pakistani advances, sponsored jointly with other Council members a resolution terminating the UNCIP and establishing a single United Nations representative. The State Department wanted the representative, Sir Owen Dixon, to prepare a program of demilitarization of the state. His efforts ended in failure. Five successive resolutions sponsored by the United States and the United Kingdom sent Dr. Frank P. Graham to the sub-continent as the second United Nations representative. All five attempts were unsuccessful.

The State Department expressed great apprehension over the convening of the constituent assembly in Indian-held Kashmir. It denied the claims of this body to determine Kashmir's future without holding a state-wide plebiscite under United Nations auspices. American delegates declared that if the assembly concluded their plans to approve the Maharaja's accession, then no possible settlement could be envisioned in the dispute. New Delhi replied to these American fears by indicating that the assembly in no way prejudiced the issue; meanwhile, it encouraged the assembly to convene in Srinagar, capitol of the state.

Writing on American policy and its development during this period, Harry N. Howard, UN adviser, noted that the United States had sought a constructive and equitable solution to the Kashmir problem through the United Nations, its organs, and by direct negotiation with each party. The

heart of American policy as seen by Howard involved this principle:

If and when settlement came, the United States would want it as a result of free agreement by India and Pakistan with the aid of the Council and the UN representative.¹

¹ Harry N. Howard, "The Development of U. S. Policy in the Near East, South Asia, and Africa, 1951-1952," Department of State Bulletin, XXVII (November, 1952), 898.

CHAPTER IV

MILITARY AID TO PAKISTAN

The "Northern Tier" Defense System

The major spokesman for the Indian government, Prime Minister Jawaharlal Nehru, proclaimed in August 1952 that the Kashmiris would decide their future, and if they did not wish to stay with India, then India would not keep them against their will. His attitude would change when it became known that Pakistan had planned to accept military aid from the United States.¹

Chester Bowles, American Ambassador to India, in the same year saw a drastic change in U. S. policy occur after the national elections in the United States. This change, he noticed, was especially evident after the ill-timed bid had been extended to Pakistan to join the Middle East Defense Organization. This was greatly misunderstood in India.²

The State Department and its military strategists

¹India, Information Service, Kashmir, 1947-1956, Excerpts from Prime Minister Nehru's Speeches (New Delhi: United Press, Old Secretariat, 1956), p. 32.

²Chester Bowles, Ambassador's Report (New York: Harper and Brothers, 1954), p. 349.

envisioned the development of a "northern tier" defense system, which would include military aid to Pakistan. It would be based on a close political alignment with Turkey and Pakistan. This was without doubt the most outstanding development in the area in early 1954. The long term cost for the military program would run from 250 to 500 million dollars. This program was aimed at repelling the possibility of any Soviet aggression in that area of the world. The United States wished to establish a chain of local defensive arrangements operated by the nationals of those countries who wanted this aid. It did not desire bomber bases, as some governments thought.

Stipulations under
Military Aid Program

Thus, in 1954 the Kashmir situation changed abruptly when the United States offered military aid under the Mutual Defense Assistance Act to those nations needing and asking for such aid. Legislation under this grant for military aid stated that:

Nations receiving aid agree that equipment, materials, or services provided will be used solely to maintain its internal security, for legitimate self-defense, or to permit it to participate in the defense of the area, or in United Nations collective security arrangements and measures. It further agrees not to act in aggression against any other nation.¹

¹U. S., Department of State Bulletin, "The Problem of Security," XXX (March, 1955), 447.

The sovereign state of Pakistan requested such aid from the United States under this act. On February 25, 1954, President Eisenhower complied with the Pakistani request, but he assured the world that if this aid was misused or directed against another in aggression, he would immediately undertake appropriate action within and without the United Nations to thwart aggression. The President informed the Indian government that such military aid in no way changed our relations with India, and if it desired military aid, the United States would give India the most sympathetic consideration.¹

Agreements signed between Pakistan and the United States were completed in May, 1954, when both governments signed a mutual defense agreement at Karachi. The United States would provide military equipment and training assistance to Pakistani armed forces as well as a military advisory group.² Article 5 of the Pakistan - American agreement provided that:

1. The government of Pakistan will:
 - (a) join in promoting international understanding and good will, and maintaining world peace;
 - (b) take such action as may be mutually agreed upon to eliminate causes of international tension;
 - (c) make, consistent with its political and

¹U. S., Department of State Bulletin, "The Problem of Security," XXX (March, 1955), 448.

²U. S., Department of State Bulletin, "The U. S. - Pakistan Mutual Defense Assistance Agreement," XXX (June, 1954), 850.

- economic stability, the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;
- (d) take all reasonable measures which may be needed to develop its defence capacities; and
 - (e) take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.
2. (a) The Government of Pakistan will, consistent with the Charter of the United Nations, furnish to the Government of the United States, or to such other Governments as the Parties hereto may in each case agree upon, such equipment, materials, services or other assistance as may be agreed upon in order to increase their capacity for individual and collective self-defence and to facilitate their effective participation in the United Nations system for collective security.
- (b) In conformity with the principle of mutual aid, the Government of Pakistan will facilitate the production and transfer to the Government of the United States, for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Pakistan. Arrangements for such transfers shall give due regard to reasonable requirements of Pakistan for domestic use and commercial export.¹

According to press releases from the State Department, the agreement signed by the United States and Pakistan did not "involve any obligations on the part of Pakistan to provide military bases for the use of the United States."²

¹Mushtaq Ahmad, The United Nations and Pakistan (Karachi: The Times Press, 1955), pp. 147-48.

²U. S., Department of State Bulletin, "The U. S. - Pakistan Mutual Defense Assistance Agreement," XXX (June, 1954), 851.

U. S. - Indian Relations

When the decision to grant military aid was announced, many writers on Indian affairs in the United States voiced violent objections. Some saw it as very detrimental to the Asian relations of the United States because it would release a pandora's box of trouble, prevent or delay settlement of the Kashmir dispute, or cause extremist elements in Pakistan to attack India. What was needed, many advocated, was economic aid, which alone could bring improvement in Indian - American relations.¹

Some held that American military aid to Pakistan would drive needed development funds in India's budget into military expenditures in order to counterbalance Pakistan's aid from the United States. American policy in this area, they said, should be confined to economic aid only, not military, and without any strings attached.²

India viewed the aid offer to her neighbor with concern; in fact, she was naturally quite suspicious of these military pacts. Nehru declared that he could not understand why Pakistan had accepted American aid; he informed the Indian parliament that the situation was most abnormal, and the aid was likely to create aggression

¹"Truth and Consequences in World Affairs," Foreign Policy Bulletin, XXXIII (January 15, 1954), 6.

²"Should U. S. Give Military Aid to Pakistan?," Foreign Policy Bulletin, XXXIII (February 15, 1954), 4.

rather than prevent it. Nehru saw the United States as "interfering" in normal India-Pakistan relations and announced that India would have to reconsider the whole Kashmir issue from an entirely different point of view because additional forces had been thrust into Pakistan.¹

India became even more suspicious of the United States when rumors ran wild on the sub-continent that the American Secretary of State favored the idea of partition of Kashmir along the present cease-fire line. The situation became so precarious that in the latter part of 1953 the American Ambassador to India, George V. Allen, prohibited U. S. citizens from traveling into Kashmir because of this anti-American feeling.²

Ambassador G. L. Mehta, Indian Ambassador to the United States, briefly summed up Indian foreign policy at this time, declaring that his government wanted no entangling alliances. India, he noted, wanted time to grow and to develop its own country. Mehta saw this period as analogous to that of the United States from 1798 to 1937.³

Nevertheless, India would still fear Pakistan's

¹India, Information Service, Kashmir, 1947-1956, Excerpts from Prime Minister Nehru's Speeches (New Delhi: United Press, Old Secretariat, 1956), p. 38.

²Josef Korbel, Danger in Kashmir (Princeton, New Jersey: Princeton University Press, 1954), p. 238.

³G. L. Mehta, "India in World Affairs," Vital Speeches, XXI (July 1, 1955), 1322.

territorial ambitions on the sub-continent. Speaking on Indian preparedness in event of a Pakistani attack, Nehru proclaimed that:

Nothing is more important in the opinion of this government than to make India economically and militarily strong - not in the Big Power sense, because it is beyond our capacity - but as strong as we can, to defend ourselves if anybody attacks us.¹

Economic Aid to India

Many people who saw the strained Indo-American relations during the period strongly advocated an increase in economic aid to India, believing that to alienate India with its great influence in that area would mean alienation of other friends in Asia.²

Economic aid in the form of grants and loans was given to India, though not as much as India sought. The sum of \$1,028,000,000 had been provided in the U. S. federal budget for economic and technical development for India, Pakistan, and the Philippines. By July 1955, India had signed six operational agreements with the United States government involving loans of \$72.5 million. Some

¹Shantilal Kothari, India's Emerging Foreign Policies (Bombay: Vora and Company, 1951), p. 69. Kothari has reproduced this statement from Jawaharlal Nehru's, Independence and After, pp. 317-26.

²Chester Bowles, "Partnership Which Must Not Fail," Vital Speeches, XVII (March 1, 1952), 304.

twelve million of this was to go into technical assistance, and about sixty million into development assistance.

Although India would not accept military aid, it would take other assistance in the form of loans and direct grants of needed materials.¹ The mere acceptance of this aid was to be used against India by some writers and newspapers, for they saw this aid as being poured, not into India, but into Kashmir by the Indian government in an effort to influence the Kashmiris to remain with India. New Delhi has attempted some development of Kashmir by building dams, water facilities, hydro-electric stations, and schools.²

Regional Pacts

In 1954 Australia, France, New Zealand, Pakistan, Thailand, the United Kingdom, the Philippines, and the United States signed the South-East Asia Collective Defense Treaty known as SEATO. It was not as strong as the North Atlantic Treaty Organization.³

The SEATO pact provided for the settlement of disputes by peaceful means, the development of the ability to resist attack, and the promotion of economic progress.

¹India, Ministry of External Affairs, Foreign Affairs Record, I (July, 1955), 153.

²New York Times, April 25, 1957, p. 7.

³G. Eagleton, International Government (New York: Ronald Press Co., 1957), p. 569.

The preamble reads:

Reaffirming that in accordance with the Charter of the United Nations they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self government and to secure independence of all countries whose peoples desire and are able to undertake its responsibilities.¹

Pakistan would utilize the above to press its demands for an independent Kashmir, or a Kashmir that could decide itself to whom it would finally accede.

Article 4 of the treaty noted that:

(1) Each party recognizes that aggression by means of armed attack in the Treaty Area against any of the parties or against any state or territory, which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

(2) If, in the opinion of any of the parties the inviolability of integrity of the territory or sovereignty or political independence of any part in the Treaty Area or of any other state or territory, to which the provisions of paragraph one of this article from time to time apply, is threatened in any way other than by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on the measures which should be taken for common defence.

(3) It is understood that no action on the territory of any state designated by unanimous

¹Mushtaq Ahmad, The United Nations and Pakistan (Karachi: The Times Press, 1955), p. 150.

agreement under paragraph one of this article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.¹

Secretary of State John Foster Dulles, in an address to the General Assembly, made no specific mention of the Kashmir dispute or the SEATO pact, but did note that disputes should be referred to the Security Council only after peaceful measures had been exhausted.² Dulles indirectly defended the pact by implying that Pakistan was under greater obligation to use peaceful methods in solving the Kashmir deadlock. Pakistan could not, without violating the agreement and the UN Charter, enter into armed aggression with India over Kashmir. Karachi, as a signatory to the pact, agreed that:

The parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace, security, and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.³

Pakistan, although thwarted in its Kashmir objective,

¹Mushtaq Ahmad, The United Nations and Pakistan (Karachi: The Times Press, 1955), p. 151.

²U. N., G. A., Off. Rec., 9th Session, 475th Plenary Meeting, 23 September 1954, p. 26.

³Mushtaq Ahmad, The United Nations and Pakistan (Karachi: The Times Press, 1955), p. 150.

emphatically defended the pact into which it had entered. Prime Minister Suhrawardy in 1956 proclaimed that his country would:

loyally adhere to the SEATO agreements and there is no question of our backing out of any of our commitments or agreements. We will loyally stand by our allies.¹

SEATO as Viewed by India

The signing of the SEATO pact precipitated great fear and apprehension in India. Nehru, in speaking before the Indian parliament, expressed great concern that these SEATO powers would meddle in affairs that were none of their business. The internal affairs of India, and this included Kashmir, which was of vital domestic concern to her, could never be interrupted by a "right to intervene" by any of the SEATO members, he said. The Prime Minister saw a need for India to do "something" to thwart these pacts in Asia. His country could ill afford, he declared, to wait until it was absorbed by "evil forces" or other developments which India did not like.² The writer interprets Nehru's outlook on SEATO as a pact that pointed or forced India into an arms build-up against a possible Pakistani threat of invasion.

SEATO made no great contribution toward stability in that area, according to Krishna Menon, Indian delegate

¹Pakistan Affairs, October 8, 1956, p. 1.

²India, Lok Sabha Secretariat, Military Alliances, Excerpts from Prime Minister Nehru's Speeches in Parliament, 1954-1956, (New Delhi: April, 1957), p. 6.

to the United Nations. He expected that stability would be achieved through neighborliness, non-interference, and by a world cooperating through the instrumentalities of the United Nations. Menon implied that the SEATO pact was intervention by a foreign power in Asian affairs.¹

When the SEATO Council discussed the Kashmir issue in 1956, India was astounded, and saw Pakistan as using this organization to further its own demands on Kashmir. Nehru, in a speech to the Parliament, declared that this:

. . . confirmed our worst apprehensions about the organization which it represents and its reference to Kashmir only means that a military alliance is backing one country, namely Pakistan, in its dispute with India.²

Pakistan had joined these pacts, according to Nehru, because of her hostility to India. Yet he absolved the United States of any blame in this, by saying that the USA meant no wrong toward India; in fact, it probably did not even think of India in this connection. The Prime Minister viewed these pacts as forces pushing the world in the wrong direction.

To India, the SEATO pact and military aid to Pakistan had destroyed the very roots of the plebiscite proposals in

¹U. N., G. A., Off. Rec., 10th Session, 533rd Plenary Meeting, 4 October 1955, p. 242.

²India, Lok Sabha Secretariat, Military Alliances, Excerpts from Prime Minister Nehru's Speeches in Parliament, 1954-1956, (New Delhi: April, 1957), p. 10.

Kashmir. Nehru declared that he could not "talk with Pakistan on terms and facts that existed eight or nine years ago."¹

Karachi Views Kashmir Deadlock
With Impatience

Pakistan claimed that India was receiving more economic aid from the United States than Pakistan was obtaining under military agreements. This, declared Karachi, enabled India to use its own economic resources to a much greater extent and to turn them into military equipment and potential. A comparison of military strength between India and Pakistan, it was pointed out, had no relevance to the issue of holding a plebiscite in Kashmir. If the dispute continued, it would be difficult for the government of Pakistan to restrain the Kashmiri refugees in its country. The dispute once again had the ingredients of a grave threat to the peace of the world.²

Pakistan maintained with spirit that American aid had not changed the issue at heart. Some writers agreed with Karachi on this.³ The Pakistani Foreign Office saw

¹India, Information Service, Kashmir, 1947-1956, Excerpts from Prime Minister Nehru's Speeches, (New Delhi: United Press, Old Secretariat, 1956), p. 42.

²Pakistan, Pakistan Publications, Kashmir, Powder-Keg of Asia, (Karachi: 1956).

³Josef Korbel, "New Hope for Kashmir," Foreign Policy Bulletin, XXXIV (March 1, 1955), 3.

no reason for India to cut off further negotiations on the issue; in fact, Mohamad Ali, Prime Minister of Pakistan, declared in 1955 that Pakistan was prepared to explore and exhaust all possibilities for a peaceful settlement, but he warned that as time went on and the dispute continued unsolved, frustration and bitterness would seize the minds of the Kashmiris and Pakistani people and they would turn to desperate measures. He pledged Pakistan's very soul and existence to the deliverance of the Kashmiris from the Indian yoke.¹

The issue was not placed on the Security Council agenda during 1956. In the General Assembly however, the Pakistani delegate, Begum Ikramullah, resurrected the issue and wanted the United Nations to settle the dispute once and for all. She declared that the Security Council did not wish to offend India by making a final decision on the deadlock.²

Pakistan felt justified in taking the military aid, demonstrating to the West its desire to thwart any possible Soviet aggression; or so Karachi informed the United States. The writer believes that Pakistan looked upon these arms gains from the United States as a powerful bargaining agent in the Kashmir issue with India.

¹Pakistan, Ferozsons, All Parties Conference on Kashmir, 1955 (Karachi, 1955), pp. 22-23.

²U. N., G. A., Off. Rec., 11th Session, 611th Plenary Meeting, 6 December 1956, p. 581.

Nevertheless, Pakistan's frustration over the unsolved Kashmir deadlock was slowly reaching a very crucial point. The year 1957 would see the dispute again before the Security Council of the United Nations.

CHAPTER V

RECENT DEVELOPMENTS, 1957-1958

Apprehensions over the Constituent Assembly

The lengthy period of silence on the Kashmir issue was finally broken in January 1957 when the Security Council received a letter from the Prime Minister of Pakistan. He asked the Council to reconsider the Indian-Pakistan dispute over Kashmir.¹ He reminded the Council that previously he had suggested a 500-man United Nations force police the state of Kashmir. Hostilities would result if a U. N. force were not sent immediately, he added.²

Henry Cabot Lodge apparently supported Noon, for on January 16, 1957, he urged the Council to establish its position on the issue as soon as possible. Lodge announced that if the constituent assembly in Indian-held Kashmir proclaimed its intentions of determining the future of the state without waiting for a U. N. plebiscite, then his government would be forced to reprove the activities of that body. He urged the Council to assist the disputants immediately with respect to reaching an equitable settlement

¹New York Times, January 3, 1957, p. 4.

²Ibid., January 15, 1957, p. 6.

before India could accept the new constitution from the assembly.¹

Unfortunately, the Security Council did not act swiftly enough, notwithstanding the fact that Pakistan had the support of the United States at this particular phase of the problem. By January 21, 1957, the constituent assembly in Kashmir had promulgated a new constitution for the state. It was accepted by the Indian parliament on the same day. The legal bonds between Kashmir and India were now complete, and the United Nations was faced with a fait accompli. In addressing the Council on January 23, Krishna Menon expressed the Indian attitude by indicating that his country had no intention of permitting a U. N. plebiscite in the state. Since Kashmir was now an integral part of the Indian Union, he declared, it could never secede.²

Security Council Resolution
Reaffirms Its Stand on a Plebiscite

Washington disagreed with this Indian stand. Delegate Lodge requested the Security Council to inform India that such a move on its part was illegal since the latter had consented to a plebiscite in two UNCIP resolutions. The United States, United Kingdom, Australia, Colombia, and Cuba proceeded to offer a new draft resolution.

¹U. N., S. C., Off. Rec., 12th Yr., 761st Meeting, 16 January 1957, No. 761, p. 41.

²New York Times, January 24, 1957, p. 6.

In substance, it declared that any past, present, or future activities of the constituent assembly in Indian-held Kashmir which attempted to decide the future affiliation of the state would be invalid. Inserted in the resolution was Washington's insistence upon a plebiscite to be held by the United Nations. Lodge further reminded his listeners that India and Pakistan had agreed to this in 1948, 1949, and 1951, and this new Indian policy had not changed the Council's decision to hold a plebiscite. In subsequent debate on the draft resolution the Indian delegate remarked that his government could not accept the recommendations of the Council. Nevertheless, the Security Council adopted the American sponsored resolution by a vote of 10 to 0. The Soviet delegate abstained from voting on this resolution.¹

New Delhi Answers the Security Council

On January 26, 1957, the Indian government issued official statements declaring the accession of Kashmir as irrevocable; furthermore, India would ignore any further Security Council resolutions on the Kashmir dispute. The constituent assembly of the state was to be replaced by an elected legislative assembly. An excerpt from the new Kashmir constitution illustrates the difficulties the Security Council would encounter in attempting to sever

¹New York Times, January 25, 1957, p. 1.

the association:

The law rules out any amendment or bill to make Kashmir part of any other nation.¹

The State Department was persistent in urging a peaceful solution of the problem, but concrete suggestions were not exhibited until one month later. There was some discussion in official Indian circles of the possibility of a solution based upon partition, but there were no attempts by the Council to investigate these reports.²

The Jarring Mission

By the middle of February the Council was ready to suggest another effort toward satisfactory solution. The United States, United Kingdom, Australia, Cuba, and Colombia sponsored another joint draft resolution that asked for a truce agreement, demilitarization, plebiscite, and the utilization of a U. N. force to police the voting procedures. The resolution was vetoed by the Soviet Union, giving as its reason opposition to the use of a U. N. force. Washington withdrew the item on U. N. troops and the revised draft resolution was adopted by a vote of 10 to 0, the USSR abstaining. It asked the Security Council President, Gunnar V. Jarring of Sweden, to explore any and all

¹New York Times, January 26, 1957, p. 1.

²Ibid., January 31, 1957, p. 3.

possibilities of solution. If necessary he was to visit the sub-continent for this purpose and report back to the Council no later than April 15, 1957.¹

The United States and the United Kingdom had collaborated quite closely on this resolution. Its tone was much milder than previous resolutions. In asking Gunnar Jarring to mediate for the Council, they selected a man who had thorough knowledge and understanding of the Kashmir problem. He had served as the Swedish Ambassador to India in 1948 and to Pakistan in 1952. Considered by his co-workers in the United Nations as a "diplomatic gentleman," he, if anyone, could help the two disputants in arriving at an immediate solution.² Apparently, he knew beforehand what the outcome of his efforts would be, for in an interview with a New York Times reporter, he said he was not hopeful of any success of the mission. His methods of treating the subject were first to bring the two parties together to try and seek agreements on a solution, and then to attempt to have it brought before the International Court of Justice if the first method failed.³

The Indian government was not particularly concerned over the existence of the Jarring mission. It had indicated

¹U. N., S. C., Off. Rec., 12th Yr., 774th Meeting, 21 February 1957, No. 774, p. 32.

²New York Times, February 14, 1957, p. 13.

³Ibid., February 16, 1957, p. 10.

to the Council that any further resolutions on Kashmir would be ignored. In Bombay, Nehru assailed the British-American stand on Kashmir. He stated the only reason why Pakistan had the support of these two powers was because of its membership in the Bagdad pact. At a later election rally at Kampur, he declared emphatically that his country would never allow any power on earth to coerce her to change the Kashmir stand.¹

Elections in Indian-Held Kashmir

In March 1957 elections were held in the Indian occupied area of Kashmir. Some thirty-eight candidates were elected to the legislative assembly, and all were members of the pro-Indian Kashmir National Conference Party. No opposition parties were listed on the ballot. The question of a plebiscite was not a campaign issue. Authorities in the state saw to it that any opposition groups favoring a plebiscite were technically erased from the election lists. Forty-four leading Kashmiris, all advocating a plebiscite, were held as political prisoners. Authorities claimed this group followed an illegal political line which endangered the state.²

¹New York Times, March 5, 1957, p. 3.

²Ibid., March 6, 1957, p. 10.

The Jarring Report

Gunnar Jarring submitted his report to the Security Council on April 30, 1957. He noted that both parties wanted to settle the problem but could find no basis for agreement. His mission was unsuccessful. His recommendations included arbitration of questions involving the exact cease-fire line and the evacuation of troops from Kashmir. The arbitral body, according to Jarring, would later indicate to the parties what measures should be taken to arrive at a solution. Pakistan fell in line with his suggestions, but India did not think arbitration was appropriate to the Kashmir issue. In a press dispatch to the New York Times, Jarring regarded the case as closed.¹

Washington and Karachi Continue Their Demands for a Plebiscite

Upon failure of the Jarring mission, Pakistan and the United States renewed their efforts for a plebiscite under U. N. auspices. At a press conference in Washington, Secretary of State Dulles declared that since the Jarring negotiations were unsuccessful the Security Council decision to hold a plebiscite was binding on the parties.² Not only did Pakistan demand a plebiscite but it asked for the unqualified support of the United States on the entire Kashmir issue.

¹New York Times, May 1, 1957, p. 12.

²U. S., Department of State Bulletin, "Statement by Secretary of State Dulles," XXXVI (February 25, 1957), 306.

Prime Minister Suhrawardy was certain he could count on the United States to take a pro-Pakistani position in the Kashmir deadlock. He was confident that with American pressure in the Council and the Assembly, other nations could be made to see the justice of Pakistan's cause.¹ Karachi wanted the United States to repeat the stand it had taken in March 1957. The Pakistan Foreign Office further asked that the United States discontinue aid or help to those nations, specifically India, whom Pakistan viewed as potential aggressors. Karachi saw India's rapid military growth in 1956-1957 as indirectly based upon the sizable economic aid pouring in from the United States.² India had been using this same argument against Pakistan since 1954, but in relation to military and economic aid.

The Resolution of December 1957

The most recent attempt on the part of the United States to secure agreements leading to a solution was in the Security Council in the latter half of 1957. Washington suggested that Dr. Frank P. Graham negotiate with India and Pakistan. The American representative, James Wadsworth, asked the Council to be patient but persistent in continuing its efforts to implement the previous UNCIP resolutions. Any further agreements toward solution, he maintained, must

¹New York Times, July 15, 1957, p. 3.

²Pakistan News Digest, July 15, 1957, p. 3.

be based on these resolutions.¹ India and Pakistan had previously agreed to a truce agreement, cease-fire line, demilitarization, and plebiscite during the negotiations undertaken by the UNCIP in 1948-1950, and these resolutions, added Wadsworth, would be the greatest aids at solution.

On December 2, 1957, the American recommendations were embodied in a resolution sponsored jointly with the United Kingdom. It requested Graham to act as mediator in the Kashmir deadlock. The resolution further requested both parties to refrain from issuing statements that would aggravate the situation. Before reporting back to the Council, Graham was asked to make all possible suggestions and recommendations at solution.² The American delegate added that if progress could be made on demilitarization issues, then possibly agreements could be made on other differences.³

Pakistan Seeks Support Through Its Membership in the Bagdad Pact

Pakistan pleaded its case not only in the United Nations, but in the Council sessions of the Bagdad pact as well. Prime Minister Khan Noon made a frontal attack on

¹U. N., S. C., Off. Rec., 12th Yr., 797th Meeting, 25 October 1957, No. 797, pp. 19-20.

²U. S., Department of State Bulletin, "The U. S. in the U. N.," XXXVII (December 23, 1957), 1016-1017.

³U. N., S. C., Off. Rec., 12th Yr., 808th Meeting, 2 December 1957, No. 808, p. 11.

the policies of the Western nations for their large scale aid to so-called "neutralist" countries. Khan suggested that his country be equipped with atomic weapons. The United States and the United Kingdom were denounced for not supporting Pakistan on the Kashmir issue. For his country to remain with the West, he announced, it must have substantial economic and military aid over and above that given to India.¹

Karachi papers were extremely vocal over the lack of American support in Pakistan's demands on Kashmir. The editors of Dawn indicated that Noon's regime would soon fall if it did not obtain more economic assistance and military aid from the West.² In a move that was hardly a surprise, Khan Noon informed his National Assembly that if the Western allies failed his country on the Kashmir dispute or stopped arms aid under pressure of India, his nation would break all pacts and seek other friends. He concluded his speech by declaring that Pakistan would undertake a thorough revision of its Kashmir policy if Graham failed in this latest mission.³

As of March 27, 1958, Frank P. Graham had not

¹Pakistan News Digest, February 15, 1958, p. 1.

²Ibid., p. 3. An editorial reproduced from Dawn, a daily newspaper published in Karachi, Pakistan, n.d.

³Ibid., March 15, 1958, p. 1.

submitted his report to the Security Council. The writer does not believe that he will achieve any success in his mission.

In summarizing the recent attempts by the Council to solve the deadlock, it should be noted that special emphasis was placed upon a plebiscite in Kashmir. The United States specifically indicated to India and Pakistan that they had agreed to a plebiscite in the earlier UNCIP resolutions. The Jarring mission was to make use of these resolutions, and in order to implement them, Jarring urged the two parties to arbitrate all controversial issues involving demilitarization of the state. Pakistan accepted his recommendations, India did not. The Jarring mission ended in failure.

The Graham mission followed in late 1957 and continued into 1958. There is little reason to expect that any agreements will result from Graham's negotiation with Indian and Pakistani leaders.

In the interests of both India and Pakistan the issue should be settled because military expenditures are taking a great deal of needed capital from their economies. The Kashmir deadlock has contributed nothing toward the development and progress of the sub-continent. If anything, it has developed two opposing military forces, well equipped and trained for any emergency. The Kashmir issue has created massive arms supplies and equipment. Both countries should be developing their agricultural and industrial resources to

their fullest. With teeming millions to feed, and little food to distribute, Pakistan and India face tremendous problems in the years ahead.

CHAPTER VI

CONCLUSIONS

U. S. Policy toward the Accession Instrument

Throughout the entire course of the investigation the writer has been unable to find any positive action which could be interpreted as acceptance by Washington of the accession instrument signed by the Maharaja of Kashmir and the Indian government. American delegates to the United Nations made no reference to it in their discussions before the Security Council or the General Assembly. India's entire argument was based on the legality of this agreement which the United States completely ignored.

Peaceful Methods as the First Key to Settlement

The United States did not sanction the use of violence in settling the Kashmir situation. Washington did, however, suggest the use of a U. N. force to police the holding of a plebiscite if and when it could be held. Pakistan consented to this, but India strongly objected to the placing of foreign troops on her soil. Conciliation, mediation, negotiation, arbitration, and justiciable settlement before the International Court of Justice were still other methods

recommended by the State Department in solving the problem. Washington urged both parties to refrain from using force in their haste to solve the deadlock. Thus, the first major key toward settlement was in continued use of pacific means of solution.

The Second Key to Settlement

Washington placed special emphasis upon holding a free and impartial plebiscite in Kashmir. Just as New Delhi rested its case on the accession agreement alone, so the State Department based its policy on a second key to solution - upon a plebiscite which would determine the future of the state. From 1948 to 1957 every proposal sponsored or approved by the United States included this essential item. India originally proposed the plebiscite as a solution and gave at least lip service to this means from 1947 to 1954. The claim by India that a change of circumstances altered the means of solution was put forth in May, 1954, and has been maintained until the present (1958). In justifying its reversal in methods of solution, Nehru has claimed that the Kashmir issue had to be reconsidered due to the thrusting of military aid and forces into Pakistan. Washington and Karachi deny that military aid has changed the issue of a plebiscite.

Charges of Aggression

India has attempted since 1948 to have the Security

Council brand Pakistan as an aggressor. In each instance the American delegation failed to take any stand on this and abstained from voting. The United States and other members of the Council would not condemn Pakistan as the aggressor in Kashmir. U. N. mediators and commissions were of course, not endowed with powers designed to establish responsibility or guilt in the deadlock.

American Policies Were Not Neutralist

The United States could ill afford to take a definite side in disputes between the two powers and lose an important potential ally. It chose to serve as a friendly, impartial arbiter and ran the risk of losing the good will of both. Patient listening and thoughtful suggestions of solution were two aspects of this policy. Pakistan viewed this American stand on Kashmir as definitely neutralist. New Delhi, however, viewed it as anti-Indian. Washington ordered the American delegation to the United Nations to take part in all discussions on the issue. The evidence of active American participation toward solution of the problem can be seen in the nine resolutions sponsored by the United States alone or jointly with other Council members.

The Effect of Broad U. S. Policy upon the Kashmir Issue

American policy for Southeast Asia contained two

major aims of which the first was stability through adequate defense and internal security. Washington believed that this could be best achieved by direct military aid to nations in this area. Pakistan applied for this aid and received it. India was offered equivalent aid and rejected it. The arms build-up in Pakistan was an excuse used by India to deny a plebiscite in Kashmir and to hold on to the lion's share of the area in dispute.

The second aim of this broad policy was assistance to each country in creating conditions which would permit the economic and cultural development of the peoples in the area. Economic assistance was extended to both countries with more to India after 1956, much to the dismay of Karachi.

The core of this doctrine advocated the settlement of disputes through peaceful, equitable means both within and without the United Nations. Broad policy called for the settlement of these problems in accordance with the moral principles and opinions of mankind.

Prospects For The Future

Washington views the dispute as unchanged from its inception in 1948 to the present. New facts such as the military aid to Pakistan and other alliances have not altered the issue, according to statements made by American delegates in the Security Council. Reports from the State Department indicate that a common basis for agreement still

exists between India and Pakistan upon which they and the Council can achieve settlement. The United States values the friendship of both countries. Although Pakistan has threatened to use force to settle the issue, the writer does not believe that it would utilize such a course of action.

Hostilities between India and Pakistan to settle the deadlock would be sheer folly. Both are economically unable to undertake a wartime program. The only area upon which there is similarity in policy by the two contestants is their unqualified refusal to accept any form of partition. The State Department has never suggested this as a solution. American policy has always been guided by the desire of the Kashmiris, following the traditional policy of self-determination. The dilemma has been that it cannot know these desires until a free plebiscite is held. The real mind of the people cannot be ascertained if foreign troops are at their doorstep. Remove these troops, insure the holding of a free and impartial plebiscite, and the fact remains that this will be a clear indication of the people's will.

If the plebiscite solution cannot be accomplished, what other course is there to take? American delegates to the Security Council have stated that India and Pakistan do not want settlement.¹

¹U. N., S. C., Off. Rec., 3rd Yr., 304th Meeting, 26 May 1948, pp. 20-21.

Perhaps that is the case, for leaders in India and Pakistan know that if religion is to be the basis of nationality and Kashmir is the test case, then some forty million Muslims in India and fourteen million Hindus in East Pakistan immediately become semi-aliens. Should war break out on the sub-continent the status of minorities in India and Pakistan would be deplorable; and the possibility of such a conflict depends largely on the Kashmir deadlock, its solution, and the method in which its future is determined.

In time of crisis the majority community in the two countries would tend to consider the minority a potential "fifth column." Large scale migrations would result from war or even a plebiscite in favor of Pakistan. Migrations in the past were disastrous for both dominions. There is no guarantee that population movements in the future will be free from religious and political riots.

If the people of Kashmir should decide in favor of Pakistan, the Indian concept of a secular state would be undermined. Possibly other Moslem areas in India would demand autonomy or association with Pakistan. New Delhi would never be able to accept this.

Should the Kashmiris decide against Pakistan in a plebiscite, and favor an independent status, it would call into question the validity of the whole case of Pakistan's existence; for here the writer would see the first serious denial of the religious state.

If both chose to remain through the years on the

cease-fire line, the writer would have to admit that there is logic in the view that neither side really wants a final settlement. The greatest healer is time, and slowly the status quo comes to be accepted.

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