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THE US, UN AND THE KASHMIR DISPUTE (1947-1964)

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Abstract:

The Kashmir dispute had its origin in the partition of the Indian subcontinent into two sovereign nations: India and Pakistan. King of Kashmir Hari Singh's decision not to accede India or Pakistan by August 15, 1947 and subsequent Pakistani forces' invasion of Kashmir sparked off the problem. Pakistani invasion induced the king of Kashmir to seek Indian help. India refused to intervene unless Kashmir acceded to India. Once Hari Singh signed a letter of accession and Kashmir became part of India. Hence New Delhi sent Indian Army to Srinagar and Kashmir was saved from destruction at the hands of Pakistan Army.

KEYWORDS:

maintenance of international peace , Security Council ,United Nations Commission for India and Pakistan (UNCIP)

INTRODUCTION

The Government of India took the Kashmir conflict to the United Nation's Security Council on 1st January 1948 under the provision of Article 34 and 35 of the Charter of the United Nations, which said that any member might bring any situation, whose continuation was likely to endanger the maintenance of international peace and security, to the attention of the Security Council.¹ In its letter, New Delhi requested the Security Council to call upon Pakistan to desist from using force against India. The Security Council's first response came on January 6, 1948 when the President of the Security Council appealed to India and Pakistan to declare cease fire and maintain the status quo in Kashmir. The Security Council held its first meeting to discuss the Kashmir issue on January 15, 1948. The Government of Pakistan replied in writing to the Indian complaint and presented its own counter complaint, in which she denied having invaded or given aid to tribesmen.

Instead of addressing the Kashmir dispute, American delegate Warren Austin persuaded the Security Council to cover the whole spectrum of Indo-Pakistani differences.² To India, US adopted the tactics of delaying the consideration of the main problem. This widening the scope of the United Nations investigation in Kashmir dispute expanded the range of possible US and its allies' interference in Kashmir. The Security Council passed its first resolution on the Kashmir dispute on January 17, 1948 which called upon the two governments to refrain from doing or permitting any act which might aggravate the situation. During discussion US suggested that both delegations should meet under the Chairmanship of the President and try to find some common ground on the basis of which some solution could be found. India and Pakistan both accepted this proposal.

The Security Council passed the second resolution on January 20, 1948. The resolution provided for the establishment of the United Nations Commission for India and Pakistan (UNCIP) to resolve the

Kashmir dispute. According to the resolution, the commission would proceed to the spot under the authority of the Security Council and act according to its directions. During the debate India opposed Pakistani efforts to widen the scope of UN investigation to include all India-Pakistan differences. But finally India was trapped in Pakistani tactics and agreed to the omission of any specific reference to “The Jammu & Kashmir question” which by implication expanded the scope of the UN investigation. From the very beginning of the debate, US thought that India’s acceptance of accession was conditional. India insisted that first there should be stoppage of fighting in Kashmir and then people’s wishes should be ascertained regarding its accession to India.

Pakistan did not agree with the Indian point of view and said that one could not have cessation of hostilities and violence unless one had an understanding with the people. Pakistan emphasized that plebiscite should be held in Kashmir before cease-fire. In the next resolution passed by Security Council, it was suggested that the plebiscite would be held and supervised under the United Nations authority. It also specified the duties of the UN Commission in bringing the cessation of the hostilities. The United States, Canada, China, Syria and UK supported the resolution. Most of the Council members supported the Pakistani delegate’s point that the Security Council would not only observe but actually hold the plebiscite under its authority. This was strongly opposed by India. On the issue of plebiscite China and Columbia supported the Indian views.

When the Security Council met on February 10, 1948, the Indian representative requested the Council to adjourn its proceeding for some time. He demanded time for consultations with Government of India. For this, he was severely criticised by the United States. However, Chinese delegate supported Indian position and moved a resolution to this effect. Due to lack of adequate support the Chinese resolution was withdrawn the next day. Finally Indian delegation was allowed to proceed to New Delhi to have consultation with the Government of India. After Indian delegate returned from New Delhi, the UN Security Council took up the problem again on 10 March 1948. Indian delegate pleaded for a fresh approach on the part of all Security Council members to resolve the conflict, beginning with an end of the hostilities first. On April 21, 1948, the Security Council after a long debate passed the resolution on the settlement of the Kashmir dispute. It replaced all the earlier draft resolution. This resolution increased the membership of the United Nations Commission for India and Pakistan to five from three and instructed the Commission to place its good offices at the disposal of the two governments. Besides, it also recommended measure intended to constitute an overall settlement of the problem. Its recommendations related to restoration of peace and order put obligation on Pakistan. It also recommended for plebiscite, which imposed obligations on India. This was the first resolution which recommended the method for the resolution of the Kashmir dispute. It recommended that a plebiscite administrator would be nominated by the Security Council with adequate powers to prepare and conduct the plebiscite. This resolution was rejected by both India and Pakistan.

After expansion the United Nations Commission for India and Pakistan (UNCIP) consisted of five members: Argentina, nominated by Pakistan, Czechoslovakia, nominated by India, and Columbia, Belgium and the United States were selected by the Security Council. India objected to its being entrusted with the investigation of the other complaints which Pakistan had brought before the Security Council but it fell on deaf ear. It is significant that while most of the members of the UNCIP were vaguely informed about the dispute, only the American delegation led by Ambassador J. Klahr Huddle was properly equipped with an expert political, military and secretariat staff.³ The commission succeeded in convincing both the Governments of India and Pakistan to declare a cease-fire. Both the Governments ordered ceasefire in Kashmir, which came in to effect a minute before midnight on January 1, 1949.

When all mediatory efforts got exhausted, the UNCIP suggested an arbitration of all differences over the implementation of the truce agreement. There was a proposal to appoint US Fleet Admiral Chester W. Nimitz as the arbitrator. American President Harry S. Truman and British Prime Minister Atlee supported the move to appoint Mr. Nimitz as arbitrator. They urged both neighbours to accept this proposal. While Pakistan accepted, India rejected this proposal on the ground that the scope of the arbitration was not known in advance.

The Security Council met on October 29, 1949 to consider future steps to solve the Kashmir dispute. After deliberation, the Security Council decided to entrust the task of negotiation to Canadian General A.G.L. McNaughton. After discussing the issue with Indian and Pakistani representatives, presented a plan of progressive demilitarization. The US found the McNaughton proposals as “fair and sound”.⁴ Pakistan was ready to accept McNaughton’s plan but India rejected on the ground that there needed complete demilitarization of forces in occupied area of Jammu and Kashmir.

Again US with the support of Norway, Cuba and Great Britain obtained Security Council’s approval to appoint Sir Own Dixon (Australian Ambassador to United States during World War II) as a mediator and General H. Hodges as his military advisor. Dixon arrived in the subcontinent in May 1950 and

held parleys in New Delhi, Karachi and Kashmir. He returned back to New York to report UN Security Council about the failure of his mission saying there was no chance of settling the dispute on Kashmir by agreement between India and Pakistan. He suggested partition as the way out, not plebiscite.⁵

As Washington was getting impatient with New Delhi's critical stand on the America's policy towards the Korean peninsula, Washington suggested that there should be a United Nations Force to handle the Kashmir issue. This American move was perhaps guided by its desire to increase its military presence in areas close to Soviet Union and China. Indian Prime Minister Nehru strongly reacted to this US move saying the UN had drifted from its original conception and United States utilized the position of our having made a reference in the matter to widen the scope of their enquiry.⁶

In April 1951, Frank D. Graham was appointed the UN representative by the Security Council to mediate between India and Pakistan to bring demilitarization in Kashmir. Talks started in Geneva but failed to achieve anything. The failures of the Geneva talks were reported by Graham to the Security Council in September 1952. However, in the end, Graham expressed hope that only direct talks between the parties could resolve the problem. During this deliberation in the Security Council, the Soviet delegate openly criticized the US and Britain on the ground that they had "deliberately prevented the genuine" solution of this dispute due to their annexationist designs in Kashmir. With the failure of the Graham mission, the United Nations effort to settle the Kashmir question came to a temporary close.

The Kashmir issue had completely taken a new dimension in Indian eyes by 1954 when Pakistan signed a Mutual Defence Agreement with the US. Reacting to US-Pak Agreement Nehru said that US military aid to Pakistan had created a grave situation for India and these interventions would result in far reaching consequences. All this proves that US actively intervened in the Kashmir dispute through its leading role in the United Nations. It supported every resolution favourable to Pakistan in the name of conflict resolution including arbitration, stationing of foreign troops and the like. Washington's advocacy of plebiscite represented a general commitment to self-determination but constituted a clear support to Pakistan, which had by then become amenable to American influences.

Why did US take pro-Pakistan stand on Kashmir dispute during the Truman Administration? First, US saw the problem from the Cold War perspective and attempted at containing Communism. Its main concern was to stop the escalation of the problem into a general war between India and Pakistan as this would have adversely affected its policies and strategies in Asia.⁷ Second, Washington backed Pakistan over Kashmir in order to make India amenable to its broader policies in Asia. Americans always knew that it had no hope of getting military base in Kashmir, a territory of great strategic significance if it remained a part of India. In this respect only Pakistan could oblige her.⁸ Third, the Korean War started in June 1950 and created deep rift between the US and India because latter followed a neutralist approach. In contrast, Pakistan fully supported the UN actions in Korea and convinced Washington that Pakistan was more accommodative to its interests than India.

The Cold War was directly introduced in the Kashmir question in 1953 with the signing of the bilateral agreement between the US and Pakistan. It paved the way for American military assistance to Pakistan. The atmosphere was further vitiated when Pakistan became a full-fledged member of the South East Asia Treaty Organization (SEATO), a US led military alliances in September 1954. Again Pakistan joined Baghdad Pact in 1955. It included Turkey, Iraq, Iran, Britain and Pakistan. These US backed military alliances of which Pakistan was a member, brought the Cold War to Kashmir. Thereafter these organizations tried to intervene in the Kashmir dispute by raising the issue in their communique.

These military pacts and unnecessary interventions forced India to adopt harder policy on Kashmir. In March 1956, Nehru stated that the American military aid to Pakistan and Pakistan's membership in military pacts had destroyed the root and foundations of plebiscite proposal in Kashmir."⁹ Thereafter he proceeded to negate the United Nations resolutions, first by integrating Kashmir with India and finally by rejecting the idea of plebiscite. His Kashmir policy was fully supported by the Soviet Union.

In December 1956, the Kashmir issue was again brought back to the Security Council by Pakistan. It demanded that Indian and Pakistan forces in Kashmir should be replaced by the United Nations' force. The Pakistani demand was supported by the United States in the Security Council. A draft resolution (known as Five Power Resolution) was introduced in February 1957 by Britain, Cuba, Australia, Columbia and United States, expressing concern at the lack of progress in the resolution of the dispute. It also incorporated the Pakistani suggestion demanding UN force. India strongly opposed the idea of introducing the UN force in Kashmir. Soviet Union supported Indian view point and on the issue vetoed the resolution. This move of the Soviet Union was criticized by the United States and Britain.

Subsequently, the UN Security Council decided to send its President, Sweden's Gunner Jarring, to the subcontinent to find a solution of the Kashmir dispute. Jarring travelled to South Asia and reported back to the Council that the Kashmir dispute remained deadlocked. Later in 1957 the Security Council again decided to send Frank Graham to the subcontinent to mediate the dispute. Graham's effort proved as

fruitless as his earlier attempt at finding a settlement of the Kashmir dispute.

In 1959 President Dwight D. Eisenhower had talks with Prime Minister Nehru. During talks, he assured Nehru that the US would never permit Pakistan to use American supplied arms and equipments to attack India. He also agreed with Nehru on No War Pact idea between India and Pakistan. When Eisenhower proposed this to Pakistani President Ayub, he flatly rejected the suggestion.

In 1960, John F. Kennedy became the US President and increased efforts to solve the dispute. It has till now been the only administration during which the US President himself played direct effort to resolve the Kashmir dispute. In September 1961, when Jawaharlal Nehru visited Washington at a dinner meeting, Kennedy raised the Kashmir issue. Nehru clearly told Kennedy that the conversion of the ceasefire line into an international border was the only possible solution of the Kashmir dispute. In November 1961, President Kennedy discussed the matter with President Ayub and found that the Pakistani dictator's bottom line for a settlement was a partition that would leave Jammu with India.¹⁰ The UN debate on Kashmir once again took place in June 1962. When the United Nations supported the call for implementing earlier UN resolutions by holding a plebiscite, the Soviet Union vetoed the resolutions. The episode soured New Delhi's relation with Washington and Nehru severely criticized the US stance in the Parliament.¹¹

However, during the India-China War of 1962, India sought US military assistance. The Kennedy Administration immediately proceeded with a positive response to the Indian arms request and asked Pakistan to avoid using the conflict to seek advantage over Kashmir. After the unilateral ceasefire by China, the US made last major effort to push Kashmir settlement outside the UN framework. President Kennedy said that the Sino-Indian border war had given the United States an opportunity to resolve the Kashmir dispute.¹² For the purpose, the US and Britain sent envoys to hold discussion with the leaders of both India and Pakistan. Five rounds of talks took place between the Indian and Pakistani officials but in the end talks achieved nothing. After six months of serious efforts, the Kennedy Administration came to the conclusion that the chances of settlement of the Kashmir dispute were almost nil.

What motivated Eisenhower and Kennedy to side with Pakistan over the Kashmir issue? Joseph Korbelt felt that in American concept of defence of South and South East Asia and the Middle East, Pakistan was to be a pivotal state and military and economic assistance to Pakistan was meant to fortify the warm relations.¹³ Dennis Kux also agrees with Joseph Korbelt and argues that the military pact with Pakistan in 1954 pressurized US to keep the Kashmir issue alive internationally through discussions in UN and Communiqués of other organizations.¹⁴ Lastly, India did not vote with the US on a single council resolution.

In the end, it can be said that during the Cold War, the US adopted pro-Pakistan position on the Kashmir issue in the United Nations simply because Pakistan joined America led military alliances. Washington not only supported Pakistan in the United Nations on the Kashmir issue but also provided arms and ammunition to please its military ally.

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