INVOLVEMENT IN KASHMIR DISPUTE

At the time of Indian independence Jammu and Kashmir State was a heterogeneous conglomeration of diverse and distinct areas devoid of any basic unity, geographical, social or cultural, except obedience to a common ruler. Geographically the State presented a delightful panorama of alluvial plains to the south of Jammu obtained in return for the territory lying, between the Jhelum and the Indus, melting into hills, hills melting into snowy mountains and mountains into high arid and wind-swept plateaus of Ladakh and Baltistan with the vale of Kashmir as an emerald set in the centre inviting the wistful glances of all Asian neighbours. Geography divides this state into the catchment areas of three major rivers: The Chanab, the Jhelum and the Indus.

From the linguistic and cultural point of view, this vast and varied state of 84471 square miles, whose only unity lay in a unity and unified administration system could be divided into six distinct peoples with a distinct past. A clear understanding of the historical and cultural background of these different peoples and regions and a proper appreciation of their economic, social and cultural ties and political aspirations is essential for a proper understanding and appraisal of the Kashmir problem as it developed after partition.
The first and the foremost is the Jammu region, the homeland of the founder of the state as also of the Dogra people. It is directly contiguous to Panjab and Himachal Pradesh comprising the entire districts of Jammu, Kathua, Udhampur and Doda including Bhadarwah and Kishtwar. Politically, this area had remained divided into a number of small principalities ruled over by Hindu Rajas owing occasional and doubtful allegiance to the powerful empires rising in the plains till their unification into one compact whole by Raja Gulab Singh. He himself came from the ruling family of Jammu, which principally occupied, according to tradition, the leading place among the twenty two principalities of this hill area. Jammu is still the chief town of this region and the winter capital of the whole state.

The people of this region are indissolubly linked socially, culturally and economically with the Dogra belt of the Punjab. Infact, the Dogra belt spread over Gurdaspur, Kangra and Hoshiarpur districts of Punjab, Chamba and Mandi districts of Himachal Pradesh, and the Jammu region of the Jammu and Kashmir State forms, one compact homeland of the Dogras. Therefore, naturally, the people of this region aspire to remain connected with India, irrespective of what happens to other parts of the state.

If looked at through the Indian eyes this is the most important part of Jammu and Kashmir State. It forms the
The extensive plateau of Ladakh lies to the north of Jammu and to the northeast of the valley. It is directly contiguous to Himachal Pradesh. It was being ruled over local Buddhist Raja, Tandub Namgyal, when it was conquered by Zorawar Singh between 1834 and 1840 for his master, Maharaja Gulab Singh. He entered Ladakh through Kishtwar and not through the Kashmir valley. Its population is Buddhist. Leh, the chief town of this zone, is situated at the height of more than 11,000 feet above sea level and is one of the highest town of the world. It used to be the seat of the Raja of Ladakh before the Dogra conquest. After the conquest and formation of the Ladakh district, it became the summer headquarters of the District Officer appointed by the Maharaja.

A part of Ladakh was overrun by the Pakistanis in 1947-48 when, after capturing Askaru and Kargil, they began their advance on Leh. Several hundreds of innocent Buddhists were murdered and many monastries were looted, despoiled and desecrated by the Pakistanis. But the epoch-making landings
of the I.A.F. Dakotas carrying the sinews of war on the improvised airfields of Leh at more than 11,000 feet above sea level and the brilliant winter offensive of the Indian army leading to the capture of the Zojila and Kargil saved Leh and rest of Ladakh from going the way of Gilgit and Baltistan.

Baltistan is the third distinct zone of the state. It lies to the north of Kashmir and to the west of Ladakh. The Maharaja’s government had grouped it with Ladakh for administrative purposes. Here, almost all the population is Muslim. It was conquered by Zorawar Singh along with Ladakh between 1834 and 1840. Before that it was being ruled over by petty Muslim Rajas of Ladakhi decent. During the winter of 1947-48 Baltistan was overrun by Pakistani troops and Gilgit Scouts. The State garrison in the Askardu fort held on gallantly for some months. But no effective help could be sent from Kashmir because Zojila had passed into the control of Pakistan and aid by air was made difficult by the enemy occupation of all possible airstrips. The winter offensive of the Indian army in 1948 succeeded in the recapture of the Yojila and Kargil — which commands the road to Leh and Askardu. Thus a part of Baltistan came back into Indian hands but its major portion including the town of Askardu still lies on the Pakistan side.

Gilgit is the fourth distinct region of the State. It includes the Gilgit district which used to be
administered directly by the Maharaja, and the tributary states of Hunza, Nagar, Chillas, Punial Ishkuman, Kuh and Ghizar. The population is Shia Muslim or followers of Agha Khan. This region was controlled with great difficulty by Maharaja Gulab Singh and his son Ranbir Singh between 1846-1860. Thousands of Dogra soldiers lost their lives in the campaigns that led to the conquest of this inhospitable but strategically very important region. It is here, that the three empires, British, Chinese and Russian, met. Afghanistan also touched its boundaries. Since the advent of airforce and the expansion of USSR and the Red China towards the Central Asia regions adjoining, Gilgit and Baltistan, the strategic importance of this region had increased. The access to Gilgit from Pakistan via Peshawar is comparatively easy. The whole of Gilgit including Burzila now lie on the Pakistan side. The state garrison as also the military governor appointed by the state were overpowered by Pakistan troops with the aid of the local militia, the Gilgit Scouts, during the winter of 1947. Gilgit has since been developed as a major military base by Pakistan. Till 1947, these people were very much devoted to the Maharaja and his Government. They protested against the lease of Gilgit to the British (26 March, 1935). But after the partition they, especially the Rajas of Hunza and Nagar, were incited by the Pakistanis and the British Political Agent to press the
Maharaja for accession to Pakistan. They later became collaborators of the Pakistanis and revolted against the Maharaja. The silk route which now links Pakistan with Red China passes through Gilgit.

The fifth distinct region of the State constituted of the Punjabi-speaking districts of Mirpur, Poonch and Muzaffarabad lying along the river Jhelum which forms the Western boundary of the state. Mirpur formed a part of the Jammu province, Muzaffarabad of Kashmir and Poonch was a big jagir in the state ruled over by a descendant of Raja Dhian Singh, younger brother of Maharaja Gulab Singh, who was the Prime Minister of Maharaja Ranjit Singh. Here the Hindus have either been killed or squeezed out by the local Muslims with the help of the Pakistani invaders. The chief towns of this area are Mirpur, Poonch, which is still in Indian lands, and Muzaffarabad on the confluence of the Jhelum and the Krishna Ganga. This last town is now the headquarter of the so called Azad Kashmir government. Mirpur and Poonch were captured by Gulab Singh for Maharaja Ranjit Singh from the local Rajas. Muzaffarabad was acquired by him after he had occupied Kashmir after defeating its Muslim Sultan in a bloody battle. The real importance of this region lies in its war like man power. During the Second World War Poonch alone gave about 60,000 recruits to the Indian army. The Sudhams, the Jarals and the Chibs who inhabit this area are all Rajput converts to Islam. The people of this region are
bound by ties of common religion with those of Hazara, Rawalpindi and Jhelum districts of West Punjab. They actively sided with the Pakistani raiders when they invaded the state from that side. At present most of this zone except the towns of Poonch and Mendhar lies on the Pakistan side of the cease-fire line which runs just three miles from the town of Poonch.

In the centre of the State, surrounded by diverse regions and peoples mentioned above and cut off from them by high Himalayas, lies the Vale of Kashmir. Once a seat of Sanskrit learning and cradle of Aryan culture, it is now a predominantly Muslim area. The Kashmiris were forcibly converted to Islam by Sultan Sikander towards the end of fourteenth century. They wanted to came back to their ancestral faith during the region of Maharaja Ranbir Singh, but the orthodox Kashmiri pandits refused to receive them back in the Hindu fold.

Racially, the Kashmiris of the Vale belong to the Aryan stock. The Kashmiri language, originally written in Sharda, a form of the Devnagari script, has a rich literature. But under the influence of Islam this ancient script was discarded and the Persian script now rules the roost. Islam entered Kashmir through a Balti adventurer, Renchen Shah and a devout missionary, Shah Hamdan. The work begun by than was soon completed by Sikander, the Khorasani
iconoclast who converted the whole of Kashmir to Islam by force and destroyoned all shrines built by Hindu rulers. A few families managed to escape to safety. Their progeny now forms the Kashmiri Pandit Community of Kashmir. The Mughals followed the Turks in the 16th century. They enriched Kashmir by building the beautiful Mughal gardens. They were succeeded by the Afghans and Sikhs, who in turn were supplanted by the Dogras in 1846.

These linguistic, cultural and geographical divisions of the state provide the physical and historical background of the Kashmir problem which has been spewing fire all these years. The attitudes of the people inhabiting these distinct regions towards the partition of India and the political and legal implications of the accession of the state to India under Maharaja Hari Singh in 1947, are essential elements of the Kashmir problem.

The American foreign policy has directly and indirectly influenced the course of events in Kashmir. It is not possible to measure precisely the degree of American influence. In certain instances, the nature of this influence has contributed to the frustration of Americans foreign policy goals towards the Indian subcontinent.

The State Department officials dealing with South Asia and Henry F. Grady and Paul Alling, the Ambassadors to India and Pakistan, met in Washington in December 1947 to review the situation. The record of their discussions
indicated less concern about US relations with India or Pakistan than about their relations with each other -- strained by the continued exodus of Hindu and Muslim refugees and the outbreak of fighting over Kashmir. The documents of the meeting show that there was a consensus on one point -- the United States should promote some sort of loose economic cooperation between the two countries. US policy towards South Asia remained nebulous beyond expression of good-will and friendship.

The seeds of the contemporary Indo-Pakistan rivalry over Kashmir were sown long back. During a period of nearly 500 years (1330-1819) Kashmir was Muslim dominated. The population of Kashmir was entirely Hindu till 1330. It was totally proselytized by the Muslim invaders and sufi saints. Hence the Valley became a Muslim dominated territory till it was invaded and conquered by the Sikhs from the Afghans in 1819. The brief Afghan rule (1752-1819) was brutal in the tradition of Ahmad Shah Abaduli's well known atrocities. During the Sikh rule things did not improve much and the Muslim of Kashmir developed a tormented psyche. The British ended the Sikh rule. In Treaty of Amritsar of March 16, 1846, the British agreed to turn over the rule of Kashmir to Gulab Singh of Hindu Dogra Tribe in return for a sizeable monetary consideration. The Dogra rule remained intact until the British left India in 1947.
The Islamic majority of Kashmir throughout was dominated by a Hindu elite. In the wake of Gandhi's successful efforts at non-violent resistance in India during the 1930s; Kashmiri Muslims also began agitating for relief from the autocratic rule of the Dogras. At the time of the transfer of power, the agitation reached major proportions. Originally intending to keep India intact, partition was actually made imperative and inevitable by a series of historical developments. The partition followed communal lines. With the departure of the British, their Paramountcy over Indian Princely States lapsed. Hence, arose the problem of Kashmir and other native states.2

With the partition and creation of Pakistan many problems cropped up. First, there was the problem of dividing up the resources of the Government of undivided India. Somehow the military and financial resources had to be partitioned equitably between the two countries.3 The boundaries between the two countries had to be divided. There was the overwhelming problem of refugees streaming by the thousands into both countries -- Hindus to India and Muslims to Pakistan. Communal rioting and mutual slaughter resulted. Both the new governments in India and Pakistan were faced with the problem of restoring law and order. To add to their difficulties, the two governments began to quibble with one another. Pakistan charged India with
negligence in failing to live up to agreements concerning the partition of resources. India countercharged that Pakistan was making excessive demands which went far beyond their equity.

British India was composed of two basic legal categories. In one category were those areas directly administered by the British Government, i.e. the British Parliament, the Secretary of State for India and the Viceroy. The British directly administered slightly more than half of total surface area of India. The remaining portion of the country were divided up into nearly 565 separate Princely States. The internal affairs of the States were administered by hereditary princes. Over the princes was the British Government, which exercised what was called PARAMOUNTCY. Through paramountcy, the British Crown retained control of the diplomatic and military affairs of the various Princely States.

The transfer of power of British administered India was simply a matter of Britain transferring power either to India or Pakistan. But for the Princely States to be transferred from the system of paramountcy to the new political systems was a more complicated matter. The accession of the Princely States went smoothly for the most part, except for three - Hyderabad, Kashmir and Junagadh - which became problematic.
Kashmir borders on both India and Pakistan, so the contiguity principle could apply to both India and Pakistan. The majority of the population of Kashmir is Muslim but the Maharaja was a Hindu. In terms of the population Kashmir was nearer to Pakistan but the Maharaja being a Hindu was nearer to India.

Anticipating the likelihood of complications over Kashmir, Mountbatten encouraged the signing of Standstill Agreements between Kashmir, India and Pakistan, implying that neither India nor Pakistan would force the issue. Pakistan signed such an agreement but India delayed and never signed it. The situation in Kashmir deteriorated rapidly as the Maharaja procrastinated. There was an uprising against the Maharaja in the Poonch area of the West Kashmir in July 1947. This was apparently an effort to overthrow the oppressive rule of the Maharaja. The rebels were joined by the Pathan tribesmen from Pakistan in October. Pakistan on its part did nothing to discourage the intervention. This raid by the tribals had far reaching impact. It forced the Maharaja’s hand and he could no longer delay a decision on accession. It compelled India to react in the only feasible way -- favourably towards Kashmir’s accession to India. Pakistan’s position was also undermined and placed it at a disadvantage. Mountbatten refused to send the troops into Kashmir because this would have violated the whole fabric of partition and accession. Until Kashmir had
acceeded to India, nothing could be done, he argued. Mountbatten noted further that Pakistan might interpret a sudden accession of Kashmir to India as a seizure. Therefore, Mountbatten encouraged the Indians to make it clear that should the Maharaja accede to India, the issue of accession would subsequently be put to a plebiscite. Thus, the final disposition of Kashmir would be resolved.

The Indian Government agreed to Mountbatten’s suggestion. The Indian could hardly contemplate any resolution of the Kashmir problem other than accession to India on account of its strategic importance. India assumed that the Maharaja would eventually accede to India and accordingly pursued a fairly cautious course. The tribal invasion thus played into Indian hands by forcing the Maharaja into taking a decision in India’s favour.

The Maharaja, by his delaying tactics, could hardly have had any objective in mind other than independence. The tribal invasion, however, ruled out such a goal. The tribal actions reflected longstanding grievances against the Dogra rule and the tribal raids were planned and engineered by Pakistan to capture Kashmir.

The Maharaja to save himself and his Kingdom sought Indian help. Accordingly he Signed The Instrument of Accession on 26 October 1947. Once the Instrument of Accession was signed, India lost no time in providing
military support for the defence of Kashmir. Nehru announced on 2 November 1947, that the Indian Government favoured a plebiscite as the way of permanently resolving the Kashmir problem:

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir but to the world. We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer. Meanwhile we have given our word to the people of Kashmir to protect them against invader and we shall keep our pledge".

Liaquat Ali Khan, Prime Minister of Pakistan reacted negatively on the grounds that an impartial plebiscite could not be held because of the presence of the Indian troops and an Indian controlled government in Kashmir. The people of Kashmir would be unable to express freely their feelings under such conditions.

Pakistan denied any direct responsibility or involvement in the tribal raids. The activities of the Muslims in Kashmir was regarded as a native uprising against the ruthless regime of the Maharaja. Pakistan was charged by the Indian Government that Pakistan officers, including Brigadier and many Pakistani army deserters, were involved in the revolt. But Pakistan was of the opinion that the tribal invasion was because when the Hindus massacred
Muslims. Because of their sympathy for their co-religionists the tribesmen had invaded Kashmir. India countercharged Pakistan by saying that it was guilty of simple aggression.\textsuperscript{9} Events then moved swiftly to the point of no return, where military units of both India and Pakistan were involved. The fighting followed a line which bisected the State.

The Kashmir dispute brought in to focus the major bilateral difference of opinion between India and the United States. The difference was staged up with other issues of Cold War diplomacy. Kashmir being close to the Soviet Union involved American Cold War interests in South Asia. Neither the Cold War, dollar diplomacy, nor anti-colonialism caused the first major bilateral difference between the United Stated and India. The problem arose over the unfinished business of partition -- the dispute over the princely state of Jammu and Kashmir. The US activities reflected the reallocation of influence in this area into which Soviet influence might flow. The Indian Government saw the role of the United States in the Kashmir conflict as part of an overall American design in the Third World and in particular South Asia. The Kashmir conflict and its reference to the United Nations provided the United States an opportunity to establish its strategic influence in this area. At first, the United States sought primarily to work with India in seeking a resolution of the conflict that was satisfactory
to Washington. When Pakistan proved to be more adaptable to the United States foreign policy goals it became increasingly sympathetic to Pakistan on the Kashmir question.

Before the problem was referred to the United Nations the State Department prepared a Position Paper on the Indo-Pakistan dispute over Kashmir for the US delegation to the UN General Assembly, 2 December 1947. The Paper analysed the problem, offered recommendations and comments for the guidance of the US delegation to UN as also the guidance of the US Ambassadors to India and Pakistan (Extract).

Pandit Nehru stated in his speech when discussing the provisional accession of Kashmir to India that "as soon as Kashmir is free from the invaders our troops will have no further necessity to remain there and the fate of Kashmir be left in the hands of the people of Kashmir". Nehru then suggested a referendum in Kashmir "under international auspices like the United Nations".

We would much prefer that the Kashmir question be settled by direct negotiation between India and Pakistan. However, in the event that a resolution requesting the intervention of the United Nations, and in particular requesting the United nations to supervise a referendum in Kashmir, is introduced by India or Pakistan and supported by the United Kingdom, the United States Delegation should also support the resolution. Such a resolution should define the electoral body in terms of universal adult suffrage. In the event that a resolution requesting the intervention of the United Nations should be introduced by a third power (including any other member of the British Commonwealth) or introduced by India or Pakistan and opposed by the United Kingdom, the United States position must be further studied.
It is increasingly apparent that this major difficulty between India and Pakistan probably cannot be removed without external assistance, or without resort to further armed conflict which may eventually involve some or all of the Afghan border tribes. Despite their vested interests in this area, because of the peculiarities of their position and the recentness of their withdrawal, the British are apparently not in a position to render this outside assistance, and rather than have the role fall either to the United States or to any other single third party, assumption by the United Nations of the problem would be preferred. If a resolution of the nature suggested above is introduced, it will probably be by one of the interested parties. The Dominion of India may attempt to establish the extant electoral rolls as the basis for the referendum. As these rolls are said to contain less than 7% of the population and were compiled on a basis which served to weight the numbers of the wealthier educated Hindu minority who would obviously vote for accession to India, it is important that the electoral body should in fact be composed on a basis of complete adult suffrage in order that the result of the referendum may be representative of the actual wishes of the people of Kashmir.

The practical difficulties of supervising a general referendum in Kashmir should not be overlooked by the United Nations. No comprehensive electoral machinery is known to exist for conducting a general referendum. The population of Kashmir is scattered, and many sections will soon be isolated by winter. Few persons other than British political agents and missionaries have first hand knowledge of the people of Kashmir and finally, the people of Kashmir are largely illiterate and without political consciousness.

When it became inevitable that the Kashmir conflict should be resolved through the good offices of the United Nations the United States sent a note to both India and Pakistan on 31 December 1947. In it the US regretted that the two
countries have been unable to solve the Kashmir problem bilaterally. It said:

It now appears that the UNSC will soon be seized of issue USG will respond fully to its obligations as a member of the SC to assist in the attainment of an early and peaceful settlement. We are certain that such a settlement can be achieved only if, during the critical period when this question is under SC consideration, the GOI and GOP will not only refrain from taking any provocative action but will also restrain those irresponsible elements on both sides who are not alive to the grave consequences of their actions. We fear that precipitate action by either Govt at this stage would seriously jeopardize the international goodwill and prestige which it now enjoys.

India laid the Kashmir dispute before the Security Council on January 1, 1948, charging Pakistan under Article 35 of the United Nations Charter, with "an act of aggression against India:, and specifications. India believed that legally and morally its case against Pakistan was strong. Quite apart from political considerations, Nehru had strong emotional attachment to Kashmir, his family’s homeland. Nehru was also personal friend of Sheikh Abdullah, to whom the Maharaja turned over effective power after acceding to India under pressure from Nehru. Politically, the Sheikh had close ties with the Indian Congress Party, and had planned to grab power with the support of the Congress.

Initially the United States was reluctant to become involved in the Kashmir problem. When British Commonwealth Secretary Noel-Baker presented detailed ideas in January 1948 for conducting a plebiscite under international control, the State Department’s response was lukewarm. Near East Office Director Loy Henderson -- soon to become
Ambassador to India -- urged Acting Secretary of State Robert Lovett to stay out of the dispute. He argued the United States was already overcommitted globally, should avoid "making a choice between giving support to the interests of India or of Pakistan", and should not through US involvement provide the Soviets an opening to mix into the affairs of South Asia. State Department Officials were also skeptical that the United Nations would prove effective in resolving the dispute.

In giving the United States attitude on the case Mr. Lovett made the following points:

1. that although the United States wished to be helpful and the possibility of our giving concrete assistance should not be excluded, we shall have to give this matter the most careful consideration;

2. that the United States is spread out very thinly in its present commitments and must of necessity bear down on the European Recovery program now before Congress;

3. that marked initiative by the United States in this dispute might attract undesirable Russian attention and make a solution more difficult.

4. that we could not be sure of Russia taking a quiescent attitude in this matter merely because it did not wish to take sides since it could adopt an obstructionist role merely in order to keep the pot boiling;

5. that previous experience with the Security Council made it doubtful that quick and effective action could be obtained there;

6. that India and Pakistan have in the past themselves taken an obstructionist role in the UN with respect to United States objectives; reference was made in this connection to previous UN meetings in which Mrs. Pandit seems to have worked rather closely with the Russian.14

When the issue came before the UN Security Council, the United States, nonetheless cooperated with the British.
The initial presentations by India and Pakistan made clear the enormous gap between the two parties. "Both appeared as the aggrieved parties, both as the complainants. To India, Pakistan had committed aggression, had violated her territory; to Pakistan, India was always hostile and was intent on undoing the creation of Pakistan." Sir Gopalaswamy Ayyanger, the Indian delegate, based the Indian case purely on legal grounds, that is, the validity of Kashmir's accession to India due to the signing of the Instrument of Accession on October 26, 1947. Thus, to India the important issue was Pakistan's alleged aggression and the clearance of invaders from the soil of Kashmir. This accusation was emphatically rejected by the delegate of Pakistan, Sir Zafarulla Khan and replied two weeks later with a series of counter charges to the effect that the Indian position on the subcontinent had been aimed at the destruction of Pakistan.

The Kashmir issue was obfuscated by charges and counter-charges, from the very beginning of the long deliberations, and burdened with Cold War considerations. When UN intervention became a fait accompli the Truman Administration made attempts to bring peace, for the Kashmir conflict in the UN jeopardized the unwavering American goal of peace, security and commerce.

India and Pakistan undoubtedly forced a full scale war which would have been detrimental to both the sides. By
military means, neither India nor Pakistan could force the issue in its favour. Ceasefire was called for, and acting on India's petition, the United Nations was able to arrange a ceasefire effective January 13, 1948.

When the Kashmir conflict had come up for discussion in the Security Council, the American delegate Warren Austin and the British delegate Noel Baker, persuaded the Security Council to cover the whole spectrum of Indo-Pakistan differences. Austin said "that the parties involved would... conduct all the proceedings in regard to all the problems under the aegis of the Security Council". The Indians were of the opinion that the United States through such tactics wanted to delay considerations of the main problem. Thus the United States delegate following in line with the British widened the scope of discussion in the UN covering the entire gambit of Indo-Pakistan problem.

The Council heard Sir Gopalaswamy Ayyangar on January 15, 1948. He presented the Indian case. On the following day Sir Zaffarulla Khan's reply was listened to. The one bright feature among the crop of fresh accusations was the fact that both the delegations seemed glad enough to unburden their woes to the Security Council. Sheikh Abdullah and Ayyangar confined their argument to the presentation of a picture of the people of Kashmir rescued from the depredations of a desperate invader by the Indian Army. To
effect the withdrawal of the raiders was the first and the last task of the Security Council. Ayyangar stressed at the beginning of his address "the threat to international peace and security with which it (the situation in Kashmir) is pregnant if it is not solved immediately". The future status of Kashmir was summed up by him thus, "whether she (Kashmir) should withdraw from the accession to India, and either accede to India or remain independent with a right to claim admission as a member of the United Nations -- all this we have recognized to be a matter for unfettered decision by the people of Kashmir after normal life is restored to them". This is the only occasion on which it was ever stated on the Indian side that freedom of choice would involve a withdrawal from accession. Furthermore, the recognition by the Indian delegate of a possible status of complete independence must have taken the Indian Government by surprise. Independence was the last development which they were prepared to countenance years later. We can only presume that in 1948 the suggestion was so improbable as to involve no risk in its proposal.

The Pakistan representative requested that deliberations be postponed to allow him time to prepare the answer, but the Indian counterpart declared emphatically, "... the situation does not brook delay".

To the Indian complaint, Pakistan presented its own counter-complaint in writing. It was a lengthy paper consisting of three documents.
Though he outwardly rejected the independence option as unfeasible after supporting accession to India, Abdullah continued to consider the possibility as is evident from Warren Austin’s telegram to US Secretary of State George Marshall dated 28 January 1948:

Abdullah was unable or unwilling to see that fairness and impartiality in eyes of world would not be possible with one of parties in control of administration. He was likewise unable or unwilling to see that there was no question of SC imposing against sovereign will of Maharaja a government on Kashmir in contrast with free exercise of sovereign will of Maharaja in establishing an interim administration which would command respect of entire world for its fairness and impartiality. Abdullah pressed for my (US delegate) ideas of what kind of interim administration there might be. I made it clear to him and was not advising him nor expressing a US position. A possibility, however, would be a balanced administration including representatives of two major parties in Kashmir together with three man commission already provided for. In this way UN would hold a balance and fairness and impartiality would be assured. On other hand a UN commission charged with responsibility for fair and impartial plebiscite but without any administrative control could readily be a sham....

It is possible that principal purpose of Abdullah’s visit was to make clear to US that there is a third alternative, namely, independence. he seemed overly anxious to get this point across and made a quite a long and impassioned statement on subject. He said in effect that whether Kashmir went to Pakistan or India the other dominion would always be against solution. Kashmir would thus be a bone of contention. It is a rich country.... He did not want his people torn by dissension between Pakistan and India. It would be much better if Kashmir were independent and could ask American and British aid for development of country. I, of course, gave Abdullah no encouragement on the line and I am confident when he left he understood very well where we stand on this whole matter.
American diplomatic messages and also some diplomatic memoirs, confirm that Abdullah continued to probe Western missions on the feasibility of independence. But, contrary to the impression created at the time, he does not seem to have been encouraged by the US Government (though possibly by individual Americans). The official US line was laid down by Marshall in a telegram to his embassy in New Delhi on 4 March 1948:

Re various proposals for Kashmir independence, we have in the past, as you know, followed line that princely states should be incorporated in either India or Pakistan on assumption that Balkanization of Indian subcontinent would jeopardize and complicate political and economic transition and create conditions of instability ultimately adverse to broad US interests that area. Our current thinking re Kashmir is influenced by these considerations subject to proviso that should concept of independence appear to be basis for GOI-GOP peaceful settlement of Kashmir issue, we would probably not oppose such a solution, but would certainly take no initiative in supporting it.

Re suggestions for partition of Kashmir between GOI and GOP we shall certainly take no initiative this regard but would carefully consider proposals calling for partition by agreement between GOI and GOP.

We have noted Mountbatten’s view that possible alternative this stage would be despatch SC commission to area with mediatory powers as means bringing about eventual bilateral settlement GOI and GOP. Should efforts reach more comprehensive settlement New York fail, we believe Mountbatten’s idea has possibilities, particularly since it is based on assumption that in last analysis GOI-GOP agreement is essential prerequisite to peaceful settlement Kashmir issue. 24a

This was confirmed in a State Department memo two years later (when Dean Acheson was the Secretary of State)
opposing proposals for an independent Kashmir on the ground that it "(a) would not be economically viable; (b) would quite possible be taken over by the communists; (c) might otherwise weaken the security of the subcontinent".  

After the presentation of complaints and counter-complaints, the sharply different views of the two nations not only on the cause and nature of the conflict but also on the ways of solving it became immediately apparent. The President of the Security Council Langenhove announced on January 20, 1948, that India and Pakistan had agreed to the appointment of a commission to mediate between them. Both countries would choose one member, and the countries chosen would then select a third -- a method which was later discarded in favour of the appointment of a large commission.

To effect a direct agreement between the representatives of the two countries, the Security Council made efforts. Sheikh Abdullah argued that there was no magic lamp to discover what Pakistan had done and was doing in Kashmir. He told the Security Council that "the souls of Hitler and Goebbels have transmigrated to Pakistan". He said that when the Kashmiris had gained their freedom it would be for them to vote on the question either of accession or independence. Again the reference to independence attracted surprisingly little attention.
The commission was entrusted with "the dual function to investigate the facts pursuant to Article 24 of the Charter and to exercise the mediatory influence to smooth away the difficulties".\textsuperscript{26} Soviet delegate Andrei Gromyko protested against such an irregular procedure,\textsuperscript{27} but his objection was overruled. The United States delegate Austin added more to the confusion by taking lead in suggesting a change in the agenda to call for a neutral or impartial administration in the state to conduct a plebiscite. The policy of the American and the British representatives was revealed when the Security Council President Langenhove (Belgium) introduced two draft resolutions which declared that "the fate of Kashmir should be decided by a plebiscite ... under impartial authority".\textsuperscript{28} Warren Austin reinforced his plea for a plebiscite. He declared that "only when the tribesman was satisfied that there will be fair plebiscite would they agree to retire".\textsuperscript{29} Whether it was intentional or not, the effect of the United States support for a plebiscite was a morale booster for the invading raiders. In India's perceptions the issue of Pakistan's aggression was blurred by the United States and the distraction of plebiscite was introduced. In effect, this meant not dealing with the problem directly but placing Kashmir under a neutral administration. The Soviet and Ukraine delegates, evidently aware of the implications of Washington's proposals, abstained from both the debate and
A strong exception was taken by the Indian delegate, Ayyangar, to any change in the description of the item in the agenda. He contended that "the Security Council should not change the heading and content of the matter on a suggestion from the foreign minister of one of the contending parties (Pakistan)." He made a strong plea, "we seem here to be fiddling while Kashmir burns." He reminded the delegates of their condemnation of Yugoslavia, Albania and Bulgaria for abetting the rebels fighting the government forces in Greece. Now, argued Ayyangar, the tribesmen, who are Pakistani citizens, were similarly taking part with Pakistan assistance in fighting against the lawful government of Kashmir. He saw the situation as similar to that in Greece and was convinced that it was the duty of the Security Council to stop fighting first and to compel Pakistan to make the tribesman withdraw.

Warren Austin, the United States representative, declared that there "is nothing within our vision that will induce the tribesman to retire excepting a plebiscite." Great importance was attached to having the plebiscite conducted by the United Nations and under an impartial government. The Indian contention the administration and actual conduct of a plebiscite was an internal affair for Kashmir was rejected by them. Warren Austin, the American delegate, subjected the Indian argument to a critical,
jurisdiction analysis. He pointed out to the Kashmir sovereignty being now exercised by India as a result of accession, India having pledged herself to a plebiscite under United Nations auspices.

Deep resentment was caused in India because of the attitude of the United States. THE LONDON TIMES wrote on February 14, 1948: "A prolonged shock has been administered to the Indian opinion by the course which the discussion at Lake Success has followed". Nehru charged the United States with "refusal to face the straight issue put to the Council". Accordingly, the Indian delegation was recalled for further consultation. This was opposed by the American delegate who insisted that the Security Council should proceed with the deliberations "whether India attended or not". Ayyangar replied that it had not been a pleasure for the Indian delegation to sit in the Council to pass an innocuous resolution which did not take any substantial steps towards the solution of the problem. The Indian Government considered that the Truman Administration was magnifying a minor procedural matter into a major crisis. However, the Soviet and Ukrainian members of the Council stood against this move, the Council agreed to adjourn the meeting until Ayyangar's return.

After two months of wrangling, finally a resolution was adopted on April 21, 1948 which set up a United Nations Commission on India and Pakistan (UNCIP). The earlier
commission of three members was enlarged and the membership went up to five. This was done at the behest of the United States and United Kingdom.

The Indians reacted sourly, angrily that the UN failed to condemn Pakistan as the aggressor and seemed to be treating the two countries as equal parties to the dispute. Based apparently on what Belgian Ambassador Prince de Ligne told him, Nehru saw the US stance on Kashmir as influenced less by the merits of the dispute than by US global interests in light of the tensions with the Soviets. Expressing great distress to the Viceroy Lord Mountbatten, Nehru called the American and British attitude on Kashmir, "completely wrong", warning their stance would have "far reaching results in our relations". Writing to his sister, he charged, "The USA and the UK have played a dirty role". Nehru told the British Commonwealth Office Under Secretary Gordon Walker "the motives of the United States were to get military and economic concessions in Pakistan".36

The UNCIP was to proceed immediately to the Indian subcontinent to undertake the thankless task of effecting a ceasefire and "facilitate the necessary measures' for a plebiscite. This time the Soviet and the Ukraine registered their abstention.37 The expanded commission added several members acceptable to the United States. Belgium and Columbia,38 both cooperating with the United States, were
chosen by the Security Council. The resolution also provided that if the nominees of India and Pakistan could not agree on a third member within ten days, he should be chosen by the French delegate who was to be the President of the Security Council. Since there was a deadlock, French delegate added the United States. Thus, finally, the commission was composed of Czechoslovakia, Argentina, Belgium, Columbia and the United States. It is of interest to note that, of all the members, "the United States representative alone was properly equipped with an expert political, military and secretarial staff". The composition of the commission guaranteed greater United States’ influence in the disposition of Kashmir. The American delegation was led by Ambassador, J. Klahr Huddle. He faced the unhappy prospect of fighting his way through piles of documents and lengthy speeches, separating where possible facts from propaganda and finding points directly relevant to the issue from masses of informative background. Besides J. Klahr Huddle, the other members of the commission were : For Argentina, Richards J. Siri and his alternate Carlos A. Leguizamón; for Belgium, Egbert Graeffe and his alternate Harry Graeffe; for Columbia, Alfredo Lozano and his alternate Hernando Samper; for the United States, J. Klahr Huddle and his alternate C. Hawley Oakes. Erik Colban served as personal representative of the United Nations Secretary General; Dr Joseph Korbel represented Czechoslovakia and his alternate Oldrich Chyle.
During most of the summer of 1948, UNCIP shuttled back and forth between Pakistan and India trying in vain to reach agreement on arrangements for a ceasefire and a plebiscite. A major hurdle was a basic disagreement over who should control Kashmir during the plebiscite. The Indians wanted Sheikh Abdullah to remain in charge of the state, aided by UN observers. Pakistan wanted that there should be an impartial administration in Kashmir for the plebiscite. When India eventually accepted the UNCIP proposal on 20 August, Pakistan rejected the plan.

In October 1948, as UNCIP continued its work, Secretary of State George Marshall -- at the urging at British Foreign Secretary Ernest Bevin -- discussed Kashmir with Prime Minister Nehru during the UN General Assembly session in Paris. According to Marshall, Nehru was touchy during this discussion, finding it difficult to remain calm while talking about Kashmir. Beyond the issue of Pakistan's aggression, Nehru asserted with much emotion that the fate of Kashmir was important for India's policy of secular democracy which he contrasted with Pakistan's idea of a state based on religion. Eventually calming down, Nehru, in the end, said he was "very conscious of this problem, was sincerely desirous of having it settled and he hoped that some solution could be worked out".40

One September 21, 1948, the Commission left Srinagar for Geneva to prepare its report to the Security
Council, which was in session at that time in Paris. It left Kashmir deeply disappointed that it had been unable to stop the fighting and thereby bring some degree of peace to the suffering Kashmiris. The UNCIP presented a resolution which provided for a ceasefire and the subsequent negotiation of a truce agreement to be followed by a plebiscite. The proposals incorporated in the January 5, 1949 resolution clarified the steps to be taken for holding a plebiscite. The Government of Pakistan was to secure the withdrawal of the tribesmen and the Pakistani nationals (volunteers) not normally resident in the state who had entered for the purpose of fighting. The bulk of Indian troops were to be withdrawn after the departure of tribesmen and volunteers. The plebiscite was to be conducted by an Administrator named by the United Nations, but formally appointed by the Government of Jammu and Kashmir. He would wield extensive powers as the Plebiscite Administrator. Both countries accepted a ceasefire on January 1, 1949. The ceasefire was hailed by much of the world as a great achievement. On January 15, 1949, the Commanders of Indian and Pakistani Armies met and arranged the ceasefire order details. However, the final demarcation of the ceasefire line was not completed until July 27, 1949.

Although there was no agreement on the arrangements for holding a plebiscite, the Security Council appointed
Admiral Chester Nimitz, Commander of the US Navy in the Pacific during World War II, as Plebiscite Administrator. The principal differences related to the pace of withdrawal of Pakistan and Indian forces from Kashmir and the control of the Kashmir administration during the voting. Unlike the previous year the Pakistanis gradually shifted their stance to accept almost all UNCIP proposals. However, India became lukewarm and recalcitrant. US pressure in support of UNCIP increasingly irked New Delhi.

The Commission returned to the subcontinent on February 4, 1949, to implement the terms of the ceasefire, put into effect the truce agreement, and prepare for the plebiscite. Its activities were as strenuous as those of its first mission. It held 126 meetings in Delhi, Karachi, Srinagar, and Rawalpindi. It negotiated with the Indian and Pakistani representatives officially and conversed with them informally. But it ran into enormous difficulties.

When the commission met the Pakistan Foreign Minister observed that he was in a position to inform them "that considerable progress had already been made in the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals... not formally resident therein, who had entered the State for the purpose of fighting", and "he believed that by the middle of February, the obligation of the Pakistani Government in this respect would have been fulfilled".43
A few days later, the Indian representative, Sir Girja Shankar Bajpai, suggested that "the scope and the meaning of the resolutions of August 13 and January 5 should be clearly understood", as well as the terms "local authorities", and "surveillance". Then came the jolt. He named "the disbanding and disarming on a large scale of the Azad forces as an essential condition to be fulfilled before any plebiscite could be held".44

The terms of the Commission's proposals, accepted by both governments as the basis for the truce, had contained no suggestion of disbanding or disarming the Azad forces during the truce period. Pakistan, disturbed by the proposals, once again questioned India's good will.

The two governments were asked by the commission to present a plan of their own for the withdrawal of their forces. The proposals differed materially. The commission then submitted its own proposals, which had been elaborated in the spirit of its resolutions. Neither India nor Pakistan accepted it. The commission, trying again to reconcile the views of both governments, prepared another proposals for the demilitarization of Kashmir as envisaged in the truce agreement and asked for "unreserved acceptance". The answers were again in the negative. Another attempt was made by the commission by sending its representatives to Delhi and Karachi to discover "on what conditions would they accept the truce terms". India was principally preoccupied with the control of the sparsely populated areas north and northwest
of Kashmir proper. She also continued to insist upon the disbanding and disarming of the Azad forces, an act never envisaged at that stage by the commission. Pakistan's final answer elaborated on a number of points of the commission's truce terms, but principally, she based her rejection upon the fact that India refused to reveal the scope and schedule of the withdrawal of her troops from Kashmir.

The commission tried hard to overcome these hurdles by suggesting a common meeting with the representatives of both governments, but they could not even agree upon the nature of the agenda, and the idea of a common meeting had to be abandoned.

It is evident from the telegram from US Ambassador in India, Loy W. Henderson to Secretary of State Acheson, 30 March 1949 that while the US was willing to help and mediate in the truce proposals; India remained adamant. Following are principal points formal GOI truce proposals:

1. Reestablishment J and K administration over northern Kashmir, including Kargil, Skardu Astor and maintenance Indian Army garrisons these areas;

2. Disbandment and disarmament Azad forces as "essential both to fulfilment by GOI of their obligations under B1 and 2 of Part II and creation of conditions which would ensure free impartial plebiscite";

3. Creation civil armed force of 2500 with one-half armed one-half of force to be composed of Muslim and non-Muslim residents of areas "who do not follow political creed of A (zad) K (ashmir)", force to be commanded by neutrals appointed by Commission.
4. Program for withdrawal bulk GOI forces over 3 months period, leaving "one line communications area HQ" and one infantry division fulfilment this program to be "contingent upon" points 2,3.

In continuation of the telegram the following comments were mentioned. Following US Del's preliminary comments seriatim:

1. These are as now administered by GOP trough political agent Gilgit and garrisoned by 1000 Baltistan Scouts under command Gilgit Scouts, and small Pakistan forces in Bunji. Population 100 percent Muslim. Doubtful whether they or GOP would accepted Indian rule.

2. This is the first time GOI has proposed disbandment Azad forces during truce period as condition withdrawal GOI troops. This not contemplated August 13 resolution but was timed for consideration after truce carried and we intend urge commission make clear GOI position untenable.

3. There now functions in Azad area civil police with stated strength of 1100, all Muslims. While this might be expanded perhaps even to exceed 2500, believe proportion non-Muslims should approximate proportion total population. Highly doubtful that any Muslim residents, present or former, are not in sympathy with AK aims.

It now appears necessary for Commission to present compromise proposals for truce and we intend propose this course when commission meets today.

To both the Governments the Commission submitted simultaneously another set of truce proposals on April, 15, requesting them to accept them within three days. On 28 April, 1949 the revised "truce terms" were presented. It extended time limit for withdrawal of Pakistan troops from seven weeks to three months of decision reached in seven
weeks on reduction of Azad forces, accepted revised schedule for withdrawal of Indian forces, and requested "unreserved acceptance" of the truce terms with no further discussions by 5 May 1949. From a telegram of 22 April, 1949 from Henderson to Acheson it can be deduced on what points the Indian and Pakistani governments' raised objections. Extract of the telegram as follows:

Following principal points replies both governments April 15 proposals for truce agreement.... GOI objects : (1) Absences references disarming, disbanding Azad forces; (2) Plan of Indian withdrawal which GOI alleges does not sufficiently take into account Indian responsibility for security of State. GOI seeks to condition withdrawals on reduction Azad forces; (3) Commission formula re sparsely - populated areas of north renewing request to post garrisons throughout area now; (4) Proposals re free use roads and waterways in State and release political prisoners, both of which GOI argues, are not contemplated by Part II of August 13 resolution. GOP objects (1) 7 weeks period for Pakistan Army withdrawal which they argue precludes "synchronization" with bulk Indian withdrawal which is to be completed in 3 months; (2) Commission formula re northern area which GOP argues is contrary provisions Part II, August 13 resolution. Thus, neither response acceptable but GOP representative states it "accepts" proposals with stated exceptions whereas GOI reply makes no reference either acceptance or rejection.

The United States continued to press for Indian acceptance of the truce term set forth by the Commission. The State Department objected to the following points of the Indian Government:

(a) Disbandment Azad forces contemplated plebiscite period rather than under Part II,
August 13 resolution. If GOI wishes advance disbandment Azad forces to truce period it shld agree likewise advance final disposal Indian and state armed forces as originally provided Para 4a Jan 5 resolution.

(b) Department believes decision stationing GOI forces northern areas cannot be left in hands GOI and maximum concessions to GOI this respect contained in UNCIP proposals 28 Apr.

(c) Dept cannot agree that in framework peaceful settlement kashmir dispute withdrawal Indian forces constitutes "military secret". Dept believes GOP shld be given full disclosure GOI withdrawals.47

The United Nations' failure to induce Pakistan to honour its commitments under the 13 August 1948 and 5 January 1949 resolutions may not have been entirely distasteful to the Commission itself. For its substantially pro-western membership was effectively preventing the Azad territory, including the Gilgit area, from falling under the possible influence of Soviet Union. The truce agreement’s provision that the evacuated territory be administered by "local authority" under the surveillance of the Commission served the same end. But India was not satisfied, for throughout the negotiation the Indian Government insisted that the interpretation of the "local authority" should conform to the assurance it received from the Commission before the ceasefire. India demanded the restoration of the northern areas and of their defence to the state government.
Indian point of view was supported by one of the Commission members Czeck delegate Chyle:

The situation in the northern areas had, meanwhile undergone a material change in that the Pakistan army... conquered many strategically important places during the interval. The Commission is bound to admit that while the reservation of the government of India 29, 1949 may be legally valid, it is physically impossible to implement it.46

After all mediation efforts were exhausted, the Commission suggested an arbitration of all differences which had arisen about the implementation of the truce agreement. The arbitration proposed by the UN meant intervention of President Truman as evident from President’s telegram to Prime Minister Nehru.

Extract of the message 25th August, 1949 of President Truman to the Prime Minister of India and Pakistan proposing arbitration of truce terms is as follows:

You will, I am sure, agree that peace and cooperation between your country and (Pakistan) (India) are essential to the continuance of social and political progress in the subcontinent. The Kashmir dispute is the greatest threat to such peace and cooperation. My Govt is, therefore, deeply interested in an early peaceful settlement of this dispute.

Progress toward a peace settlement has been impeded during the last several months by the inability of your Govt and the Govt of (Pakistan) (India), with the assistance of the UN Comm, to agree through negot on the terms of a truce in Jammu and Kashmir. Without minimizing the issues which have prevented a negotiated truce agreement, I do venture the opinion that these are not so critical that they shld be permitted andy longer to impede an advance towards the ultimate goal of an over-all solution.
of the Kashmir problem. The establishment of a truce is in the nature of an intermediate step which will make it possible to give effect to the Commission's Resolution of January 5, 1949.

In the interest of your own nation and in the interest of the world community, I urge you to accept the recommendation for arbitration of truce terms now placed before your Govt by the UN (Commission).\textsuperscript{49}

It is noteworthy that the arbitration proposal mooted by UNCIP was known to Washington, London and Karachi before India came to know of it. The Czech delegate Chyle's Minority Report suggests that there was some pre-planning by these three powers over and above the head of UNCIP. While Pakistan accepted the proposal on account of advance briefing at the cost of ignoring India, India naturally rejected the proposition. Her objection was that the scope of arbitration was not known in advance and the Government of India considered "this procedure (was) novel and without precedent and could hardly be justified".\textsuperscript{50}

Prime Minister Nehru openly declared "at the intervention of Truman in the Kashmir dispute". He reminded the world of Pakistan's "unwarranted aggression against international law", and felt "...it is not right to sidetrack the basic cause of the conflict",\textsuperscript{51} ignoring Pakistan's perfidy.

Once more all the months of labour and frustration were in vain. The resolutions of the Commission of August 13, 1948, and January 5, 1949, provided a way out which was
vitiated by mutual mistrust between India and Pakistan accentuated by the partial role of big powers like US, ignoring UNCIP as well.

Having exhaust ed all possibilities of mediation and facing the Indian refusal of arbitration, the Commission returned from the subcontinent to present another report to the Security Council and to make a recommendation as to further procedure. It concluded in solemn and correct terms:

"the roots of the Kashmir dispute are deep; strong undercurrents - political, economic, religious - in both Dominions have acted, and do act, against an easy and prompt solution of this outstanding dispute between India and Pakistan. These currents, which at this early stage of national formation are often antagonistic, account to a considerable degree for the misgivings, reluctance, and hesitancy which the Commission felt were often present in the negotiations which they might otherwise have been prepared to make to facilitate agreement".52

On 15 August, 1949, reacting to charges India was not acting in good faith on Kashmir, Nehru called in Ambassador Loy Henderson to complain he was "tired of receiving moral advice from the United States.... So as far as Kashmir was concerned he would not given an inch. He would hold his ground even if Kashmir, India, and the whole world went to pieces".53 Soon after the surcharge meeting Sir Girja Shankar Bajpai was deputed to meet Henderson that Nehru felt sorry and regretted losing temper during the previous meeting with Loy Henderson on August 15, 1949.54
Kashmir figured prominently in the official talks during Nehru’s visit. After President Harry S. Truman raised the issue during a White House meeting — and Nehru agreed on the importance of finding a solution — Secretary of State Dean Acheson tried and failed in a subsequent talk with Nehru to pin the Indian leader down on the specifics. An exasperated Acheson wrote, "I got a curious combination of a public speech and flashes of anger and deep dislike for his opponents". Nehru’s main points — according to Acheson — were that the UN should not deal with the merits of the dispute until the Pakistani forces withdrew from Kashmir, that a plebiscite on the basis of a religious state would be disastrous for the stability of the subcontinent, and that the Pakistanis had no legitimate claim to Kashmir. Having failed in its mission, the UNCIP submitted its report to the Security Council. When the Security Council met on December 16, 1949, it was confronted with majority and minority reports, the latter prepared by Chyle of Czechoslovakia which charged his colleagues with making the Commission "an instrument of policy of certain great powers".

With UNCIP stymied, the UN Security Council — to India’s annoyance — did not drop the dispute. In December 1949 the Council asked its President, General McNaughton from Canada, to try to find some way to break the ice. He suggested his endorsement of the Pakistani formula of
demilitarization and the proposal to put the Northern areas under the control of the Azad government. In effect the McNaughton proposals in India’s perceptions ignored the moral and legal aspects of the Indian question.

On December 26, Nehru called in Ambassador Henderson to complain that "his Christmas had been spoiled by (the) message from, Bajpai outlining McNaughton’s proposals re Kashmir". Nehru’s main complaint related to the details of the troops withdrawal proposals and to the fuzziness of the provision for arbitration. In contrast to Nehru’s frosty response, the Pakistanis adopted a positive attitude toward McNaughton’s proposals.

Despite Nehru’s negative reaction, the United States continued to press for Indian acceptance of McNaughton’s ideas. In a 9 January 1950 meeting with Mrs. Vijayalakshmi Pandit, who had become ambassador to Washington, and External Affairs Ministry Secretary General Bajpai, Dean Acheson strenuously urged India not again to refuse UN Kashmir proposals.

Angry about the US demarche, Nehru sharply replied via Bajpai that Acheson’s message:

Is not only unfriendly in tone and substance but appears to us to be seeking to bring pressure on our government under threat of consequences.... It appears to be totally forgotten that we are not the aggressors, but that we are the victims of aggression.... I would like to add that it is a matter of great personal regret to me that Mr. Secretary Acheson should have sent us a message of this kind.
After the failure of McNaughton's efforts, the Security Council sent prominent Australian jurist Sir Owen Dixon to South Asia to try his hand. General H. Hodges was appointed Military Advisor to Dixon. Sir Owen Dixon arrived on the Indian subcontinent on May 27, 1950. Arriving during the oven-like heat of May, Dixon toiled through the summer of 1950, working quietly with Nehru, Pakistan's Prime Minister Liaquat Ali Khan, and others. When he concluded that a statewide plebiscite was impractical, the Australian suggested an approach similar to an idea put forward earlier by Girja Bajpai -- limiting the vote to the Valley while partitioning the rest of the state on religious lines. In the end, this proposal failed after Nehru rejected the very idea of UN control of the Valley during the plebiscite. The Australian, who perhaps came closer to reaching a Kashmir settlement than anyone else, left disappointed at the end of the summer. In fact, by the end of July Sir Owen Dixon had exhausted his inquiries. On 22nd August he issued his gloomy statement: "I have come to the conclusion that there is no immediate prospect of India and Pakistan composing any of their differences over Kashmir. No purpose can be served by my remaining longer in the Subcontinent". He had in fact examined the possibility of partition. He had thought that if each side could agree to absorb those areas where the wishes of the inhabitants were known, the way
might then be left for a plebiscite in the residual territory. But since the nucleus in dispute proved to be the Vale of Kashmir itself, with it 1,800,000 inhabitants, as a prize equal in value to the whole of the rest of the state. Sir Owen regretted that the one element which had been missing in his mission had been any positive proposal from the governments themselves. He then recommended them to return to the barren consolation of their own ways and means. He had made a gallant and determined effort, but the conclusion undoubtedly appeared in the nature of an anticlimax.

In his report to the Security Council, Dixon wrote, "I have formed the opinion that if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan it now lies in partition and in some means of allocating the Valley rather than an overall plebiscite". He recommended that the UN not pursue the mediation effort on Kashmir, letting the two antagonists seek a political settlement on their own.

The United States -- notwithstanding Dixon's recommendations -- did not favour letting the issue drop. In a 17 November 1950 meeting between Secretary Acheson and Pakistan's Foreign Minister Zafrullah Khan, Acheson said, "I needed advice and guidance. We had been very discouraged by Indian's attitude and had been trying through our Ambassador
to make India see what could be done -- with what success I do not know". In the discussion that followed, Acheson was in basic agreement with Zafrullah’s position that unless Indian troops were removed and a UN administration appointed for the Vale, it would not be possible to have a fair plebiscite.65

At the Commonwealth Conference in January 1951, Australia and New Zealand indicated their consent to land troops to administer Kashmir under partition. The Indian Government rejected the move.66 Nehru commented: "the arrival of any foreign army on India soil would have unfortunate repercussions on Indian public opinion... who are we to thrust foreign troops on Kashmir?"67

The intensity of the United States displeasure at this stand of the Indian Government was reflected in its new resolution suggesting "a UN force to hold the string", thus linking Kashmir to the United States "containment policy" during the Korean episode. The American delegation explained that a neutral force was essential for a successful plebiscite and that arbitration in the light of repeated failures was the only way out. Given the significant role of the United States in the United Nations’ handling of the Kashmir dispute proposing an expanded role for the United Nations in the strategic area, in India’s view would definitely confirm American designs in the region.

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Nehru's comments on the resolution indicated the extent of the deterioration of Indo-US relation:

The new resolution and the arguments advanced in support of it by the UK and US delegations put forward a fantastic and entirely new theory that Kashmir is a kind of no man's land where the sovereignty was undermined. Kashmir is juridically and politically an integral part of the State of India.68

Due to bitter opposition, the draft resolution was amended on March 22 to make it more acceptable. But the most objectionable part of it pertaining to arbitration was allowed to remain because of the insistence of the US delegate Ernest Gross. Nehru's reaction to the revised draft resolution was a forceful one.

The Security Council adopted the draft resolution on March 30 by eight votes to none, USSR and Yugoslavia abstaining. As a party of the dispute, India did not vote. Dr. Frank Graham was appointed the US mediator. A former President of the University of North Carolina and US Senator, Graham had gained an excellent reputation for his work in resolving the Dutch - Indonesia dispute. His approach was to package ideas into a series of detailed points and then seek agreement on these by both sides. By October 1951, Graham was down to these outstanding questions: the number of Indian troops to remain in Kashmir after demilitarization, the length of the demilitarization period, and the data for the formal appointment of a
plebiscite administration. Although the assassination of Pakistan’s Prime Minister Liaquat Ali in October 1951 and India’s first general elections in January 1952 delayed Graham’s work, he toiled away. Graham presented a twelve point proposal to the two governments on September 7, 1951 and later revised it 4 times. He suggested the induction into office of plebiscite Administrator Nimitz and a substantial increase in the number of UN observers in Kashmir. During the efforts of Graham a change at ambassadorial level took place. Loy Henderson was replaced by Chester Bowles in November 1951.

Bowles, following the communist takeover in China, felt people would look closely at India to see if democracy could provide an alternative to communism as a path to economic development in Asia.

Bowles engaged himself in recommending a less active US stance in the Kashmir dispute. He urged the United States in his messages to restrict its role to serving as a friend to both countries, willing to help in solving the dispute without taking sides. Since Bowles believed Graham’s insistence on a statewide plebiscite was certain to fail, he was at a loss to understand why Graham felt unable to suggest different alternatives. The State Department responded unsympathetically to Bowles’ views, instructing the envoy to continue giving full and firm support to Graham’s efforts.
In July 1952, Bowles briefly became the man in the middle on Kashmir when, after consultations in Washington, he stopped in Karachi on the way back to Delhi. There, Pakistani Prime Minister Nizammudin said he would be willing to make a substantial concession on the ratio of Indian to Pakistani troops to remain in Kashmir. Bowles was reasonably hopeful this proposal would be accepted since it was close to what the Indian were seeking on troop ratios.

Bowles' optimism was misplaced. When the Ambassador presented the idea to Nehru on 8 July, the latter thought silently for several minutes and then rejected the proposal. Arguing ratios were not the way to deal with the problem of troop levels, Nehru refused to budge even an inch from the previous Indian stance. A second meeting found Nehru still unwilling to accept the proposal. Bowles reported, "Nehru acting wholly unreasonable manner and probably will continue to do so". He continued, The Prime Minister hoped the problem would go away since he knew India had a weak position internationally. 72

The Russians at the United Nations, generally remained silent during Kashmir debates until 1952. They abstained from voting although their propaganda portrayed the dispute as an Anglo-American imperialist plot. By not openly taking sides, they presumably hoped to avoid damage in their relations with either India or Pakistan. Soviet
Delegate Jacob Malik thus caused surprise when on January 10, 1952, he sharply criticized Dr. Frank Graham’s report to the Security Council. Taken aback by Soviet support, Bajpai called in the American charge d’affaires. Stressing that India had not asked the Soviets to intervene, Bajpai emphasized that India did not want Kashmir to become embroiled in the Cold War.73

Jacob Malik made an elaborate statement of the Soviet view of the problem:

The United States of America and the United Kingdom are continuing as before to interfere in the settlement of Kashmir question, putting forward one plan or another. These plans in connection with Kashmir are of an annexationist nature because they are not based on an effort to achieve a real settlement. The purpose of these plans is interference... in the internal affairs of Kashmir, the promulgation of the dispute between India and Pakistan on the question of Kashmir, and the conversion of Kashmir into a protectorate of the United States of America and the United Kingdom under the pretext of rendering assistance through the United nations. Finally, the purpose of these plans in connexion with Kashmir is to serve the introduction of Anglo-American troops into the territory of Kashmir and convert the Kashmir into an Anglo-American colony and a military and strategic base.74

Malik’s sharp criticism of the Graham plan resulted in an adjournment of the debate sine die.

Graham laboured on until early 1953 before giving up. His final report, reached the Security Council on 27 March 1953 -- two months after Dwight Eisenhower succeeded Harry S. Truman in the presidency. Combined with three UNCIP
reports, those of McNaughton and Dixon, and the record of numerous council debates, Graham’s reports added to an impressive library of official documentation on unsuccessful efforts to resolve the Kashmir dispute. Nothing had been achieved, in fact, since India and Pakistan agreed upon the ceasefire in 1949. Although there was no progress toward a settlement, the guns at least had remained silent.75

With the failure of the Graham mission, the UN effort to settle the Kashmir question came to a temporary close. The question was not again debated in the Security Council until after 1955. But the issue was then completely altered in Indian eyes after Pakistan signed a mutual defense agreement with the US in 1954.76a

As Nehru predicted -- chronic friction between Washington and New Delhi over Kashmir inevitable had a negative impact on bilateral relations. In October 1952, Nehru wrote G.L. Mehta, the Bombay businessman he appointed to succeed Mrs. Pandit as Ambassador to Washington, that India had told the State Department "in the clearest language that we consider their attitude in this matter completely wrong and unfriendly to India and that this comes in the way of the development of cordial relations between India and America, that all of us desire, more than anything else".76b

The Kashmir question was a central and vital foreign policy issue for the Indians, inevitably linked with the traumatic partition of British India and the creation of
Pakistan. As Josef Korbel, onetime chairman of UNCIP, wrote:

The struggle for Kashmir is in every sense another battle in this continuing struggle and by now irrational war of ideas. In the minds of Nehru and the Congress, Kashmir is, in miniature another Pakistan, and if this Muslim nation can be successfully governed by India, then their philosophy of secularization is vindicated.77

The United States looked at Kashmir quite differently. Washington regarded the problem as a serious dispute between two countries with which the United States had friendly relations, but not as an issue involving vital US interests. Kashmir also appeared to be the type of regional dispute that the United Nations should be able to resolve, especially as India's original suggestion for a plebiscite provided a basis for settlement. The concern in Washington was that in the absence of a settlement fighting would again break out between India and Pakistan. Although at first Washington took no strong position on the merits, the US backed the UN call for a plebiscite and gradually became exasperated by Nehru's backsliding on this question and by incremental steps New Delhi took to formally incorporate Kashmir into the Indian Union.78 George McGhee, Assistant Secretary of State for Near Eastern and South Asian Affairs through much of this period, commented that the main US concern was about the possible outbreak of war over Kashmir. "We wanted to avert full scale war between India and Pakistan -- this was always a threat. Our efforts failed -- because of Nehru", McGhee asserted.79
Thus from 1948 through 1954, the United States actively intervened in the Kashmir dispute through its leading role in the United Nations. It put forward several suggestions favourable to Pakistan in the name of conflict resolution, including arbitration, stationing of foreign troops and the like. It championed the cause of plebiscite, evoking the liberal concept of national self-determination. Washington’s advocacy of plebiscite representing a general commitment to self-determination but it also constituted a specific support for Pakistan, which had become increasingly amenable to the US foreign policy goals. In championing plebiscite in Third World disputes such as Kashmir and rejecting it in the case of Germany in Europe, the United States acted in such a way that many Asians could question its motives. Given Indian non-alignment and the strategic importance of Kashmir in the context of the Cold War, Washington’s decision-making elite understood that a friendly Pakistan offered an anchor for the implementation of American strategic goals in Asia. Hence, the pro Pakistan stance at the cost of Indian national interest.
REFERENCES


3. Being the larger of the two countries, India received the larger share of the resources. The military for instance, was divided in the following way:

<table>
<thead>
<tr>
<th>ARMY</th>
<th>INDIA</th>
<th>PAKISTAN</th>
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<tr>
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<td>06</td>
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<tr>
<td>Artillery Regiments</td>
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<td>08</td>
</tr>
<tr>
<td>Transport Units</td>
<td>34</td>
<td>17</td>
</tr>
<tr>
<td>Hospitals</td>
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<td>04</td>
<td>02</td>
</tr>
<tr>
<td>Frigates</td>
<td>02</td>
<td>02</td>
</tr>
<tr>
<td>Minesweepers</td>
<td>12</td>
<td>04</td>
</tr>
<tr>
<td>Trawlers</td>
<td>04</td>
<td>02</td>
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<tr>
<td>Transport Squadrons</td>
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<td>03</td>
<td>02</td>
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</tbody>
</table>

* India gave Pakistan 60 million rupees in lieu of ordnance factoreis which could not be moved.

Source: D. Som Dutt, "Foreign Military Aid and Defense Strength of India and Pakistan: A Comparative Study".

INTERNATIONAL STUDIES, 8 (July, 1966-April, 1967), pp.67-68.

4. There is no agreement on the exact number of these princely states. For instance, Alan Campbell-Johnson says there were 565, Mission with Mountbatten (London: Robert Hale Ltd., 1952) p.357; Josef Korbel says that there were 584, Danger in Kashmir (Princeton, Princeton University Press, 1954), p.46; Alastair Lamb says that there were 562, The Kashmir Problem: A Historical Survey (New York: Frederick A. Praeger, 1966), p.3.
5. Lamb, pp.37-8. The uprising does not appear to have been directed exclusively at Hindus, as killing was indiscriminate including Hindus, Muslims, Catholic Nuns and British Military Personnel and their families. Sisir Gupta, Kashmir: A Study in Indo-Pakistan Relations (Bombay: Asia Publishing House, 1966), pp.110-112.


17. UN Security Council Official Records, January 2, 1948, S/628 (New York: 1948); see also Josef Korbel, Danger in Kashmir, p.100. See also Norman D. Palmer, South Asia and United States Policy (Houghton Mifflin, 1966). Palmer argues that the whole question of Kashmir was an emotional issue rather than the logical one. This was a cliche and an assertion without adequate demonstration. Infact it was a logical issue in the sense that it was an off-shoot of the partition of India.


20. Ibid., p.29.

21. Ibid., p.31.


28. Ibid.
29. Ibid.
38. Ibid.
39. Korbel, p.120.
44. Ibid.

UNCIP Minority Report, S/1430/Add.3.


Decimal File No.845.00/8-1949, National Archives, Washington, D.C.


Memorandum of conversation between Nehru and Truman 13 October, 1949.

In its first report the first to appear among the Annexes is not India's complaint but Pakistan’s reply. The Indian complaint is a subject matter of the last annex.


The former Agent General of India in Washington during World War II, Girja Shankar Bajpai stayed on briefly as No.2 after India’s first Ambassador Asaf Ali arrived in 1947. Returning to New Delhi, Bajpai sat on sidelines for a while, but was than appointed by Nehru as Secretary General in the Ministry of External Affairs, the top Civil Services position in the Ministry. Despite past differences in outlook during pre-independence days, the two worked closely together until 1952 when Nehru named Bajpai Governor of Bombay.

60. Ibid., pp.1763-64, 1771-72, US Mission to the UN report of talk with Zafrullah Khan of Pakistan, 20 December, 1949 and the US Mission telegram to State Department 28 December, 1949.


64. Gupta, pp.220-21.


68. Hindu, March 22, 1951, p.4.


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Gupta, pp.239-54. A good summary of Graham’s patient - but ultimately unsuccessful - mediation effort.

It was rumoured that on account of cold war compulsions the United States gradually came to the view that a weak and independent Kashmir depending upon the U.S. would be a base against Soviet Union and China. Adlai Stevenson’s visit to Kashmir in May, 1953 and Sheikh Abdullah’s suggestion of a third course (independence) after his confabulations with Stevenson lend credence to US – Abdullah collusion vigorously denied by Adlai Stevenson and the then US Ambassador to India G.V. Allen. The alliance with Pakistan was contracted only after the failure of an independent Kashmir plan due to the dismissal of Sheikh Abdullah. See K.K. Mishra, Kashmir and India’s Foreign Policy. Chugh Publication, Allahabad, 1979. pp. 415-16.


The Kashmir Constituent Assembly adopted a constitution giving Kashmir a special autonomous status within the Indian Union. Pakistan complained bitterly that this action clearly ran counter to the state’s future being settled by a plebiscite. The Indian response : since the people of Kashmir voted for the Assembly, this amounted to a "free choice" for India. Needless to say, the Pakistan’s strenuously opposed India’s action -- nor were US observers impressed with the strength of India’s argument.

Interview with George McGhee of Dennis Kux, 4 August, 1991. A Rhodes scholar, McGhee became wealthy as a young man in the oil business in Texas before entering public service through connections in the Democratic Party. After heading US aid to Greece, McGhee became the first Assistant Secretary of the New Bureau of Near East, South Asia, and Africa.
(NEA). He later served as Ambassador to Turkey under Truman and under Secretary for Political Affairs and Ambassador to Germany under Kennedy and Johnson. See Dennis Kux, Estranged Democracies pp. 68.