

**Challenge to Free Asia's
Survival**

THE KASHMIR DISPUTE

Address of

HIS EXCELLENCY AZIZ AHMED

Ambassador of Pakistan to U.S.A.

to

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I am grateful to the Jefferson Society for the opportunity it has given me to address this gathering on the Kashmir dispute. To many people in this country, this dispute may seem a somewhat distant issue, preoccupied currently as they are with issues such as Berlin, German re-unification and European security, now being debated by the Four-Power Foreign Ministers in Geneva. But peace, as you know, is indivisible, and recent developments in the Middle East and in Tibet have spot-lighted both the dangers inherent in this dispute as also the necessity of finding an early solution for it. A solution of this dispute would provide the key to friendly and cooperative relations between India and Pakistan, so essential at this critical juncture to peace and stability in Asia. Today this dispute is a festering sore that poisons and embitters Indo-Pakistan relations. If it is not removed, Kashmir may well become the Alsace-Lorraine of Asia.

What is the nature of this dispute? How did it arise? Why has it remained unsolved until today? These are some of the questions you would undoubtedly wish me to answer.

For the genesis of this dispute, we must go back to August 1947, when India and Pakistan came into independent existence with the common consent of the British and the two major communities inhabiting the subcontinent, the Hindus and the Muslims. It was then recognized, both by the British and the Hindus, that the Muslims of the subcontinent—a hundred million strong—were entitled to a separate homeland. Accordingly, the Muslim majority areas in the north-west and in the south-east of the subcontinent were carved out into a separate state of Pakistan.

Peoples Will the Determining Criterion

The question then arose as to how the Indian States, of which there were some 550, were to be disposed of. During the British rule, the British Government had exercised suzerainty over these States and the prerogatives of a protecting power. With the transfer of power from Britain to India and Pakistan, British suzerainty lapsed. The Indian States thus became free to accede either to India or Pakistan. The last British Governor-General of India, Lord Louis Mountbatten, however, advised the rulers that in deciding the question of accession they should pay due regard to the religious composition of their populations, the wishes of their peoples and the geographical location of their States. He told them: "You cannot run away from the Dominion Government which is your neighbor, any more than you can run away from the subjects for whose welfare you are responsible."

It was thus universally assumed that, following the basis on which British India had been partitioned, States contiguous to India and having a population the majority of which was Hindu would accede to India; conversely, States with a population the

majority of which was Muslim and which were contiguous to Pakistan would accede to Pakistan. In the case of Kashmir the position was therefore very clear. Here, although the ruler was a Hindu, 77 per cent of the population was Muslim. The State territory was almost throughout contiguous to Pakistan. All its economic ties were with Pakistan; practically all its lines of communications and all its rivers flowed into what today constitutes West Pakistan. Political, economic and strategic considerations made accession to Pakistan a foregone conclusion.

Accordingly, the Hindu Maharaja of Kashmir entered into a stand-still agreement with Pakistan. This made Pakistan responsible for the continuance of those agreements which the outgoing British Indian Government had with Kashmir. It was generally expected that in course of time Kashmir would formally accede to Pakistan. But this did not happen.

India Concedes Right of Self-Determination

Instead, soon after Partition, the Maharaja's forces and the terrorist Hindu gangs he had imported from India set out to overawe and put down by force a popular movement in favor of accession to Pakistan. The people of Kashmir rose in revolt against the Maharaja's tyranny. His forces were broken and scattered and the Maharaja himself fled the capital and found sanctuary in Jammu. Discredited by his people and bereft of authority, he appealed to India for help. Indian forces were flown into Kashmir to fight the insurgents, and as price for this help, India secretly demanded and obtained from the Maharaja an instrument of the State's accession to India.

When this "accession" to India was made public, Lord Mountbatten, India's Governor-General, clearly stipulated that, consistently with their policy that the question of accession should be decided in accordance with the wishes of the people of the State, it was his Government's wish that as soon as law and order had been restored in Kashmir the question of the State's accession should be settled by a reference to the people.

Simultaneously, the Indian Prime Minister, Mr. Nehru stated in a telegram to the Prime Minister of Pakistan: "I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with the wishes of the people and we adhere to this view."

There followed an unequal battle between the forces of liberation, poorly armed, and the Maharaja's forces now aided by the Indian army. The Free Kashmir forces naturally turned for help

to their brethren in Pakistan with whom they had numerous ties of blood and culture. Thus ensued a veritable war in Kashmir between the Indian army on the one side and the Free Kashmir Forces and Pakistan volunteers on the other.

India Pledges to Hold Free Plebiscite

While this battle raged, in January 1948, India appealed to the Security Council. In April 1948, contrary to the undertaking given by the Government of India to the Security Council that she will do nothing to aggravate the situation in Kashmir, the Indian army mounted a major offensive in the State. As the offensive developed, over half a million people were driven out of the State to seek refuge in Pakistan. With the advance of the Indian army, the security of Pakistan was directly threatened. It was at that stage that the Government of Pakistan moved a limited number of troops into Kashmir to hold certain defensive positions in that State. After months of debate and on-the-spot negotiations, the Security Council came to the conclusion that the only just, democratic and peaceful solution of this dispute was to let the question of accession of the State be decided in accordance with the freely expressed will of the people of Kashmir. This conclusion is embodied in two Resolutions of the Security Council, dated 13th August 1948 and 5th January 1949. They were accepted both by India and Pakistan and thus constitute an International Agreement between the two countries on the question of the disposition of the State of Kashmir.

This Agreement provides for a cease-fire in Kashmir, for the withdrawal of all Pakistan forces and the bulk of the Indian army from the State, and for the holding thereafter of a plebiscite under United Nations' auspices to decide the question of the State's accession to India or Pakistan.

As a first step in implementation of this Agreement, India and Pakistan ceased fire on 1st January, 1949. In July that year a cease-fire line was demarcated. And there the matter has stood ever since.

Today Indian and Pakistan troops stand facing each other along this line, maintaining an uneasy truce.

India Refuses to Withdraw Troops

Numerous attempts have been made to secure India's agreement to the withdrawal of Indian troops from the State in accordance with those Resolutions of the Security Council so that a free plebiscite may be held, but without avail. During the past several years, the Security Council and its representatives have put forward a number of specific proposals for the reduction of Indian and Pakistan forces stationed in Kashmir. Each one of these proposals has been accepted by Pakistan, rejected by India.

India Rejects Appeals of U. S. President and British Prime Minister

In the course of these discussions India has raised questions of interpretation of the two Resolutions which constitute the international agreement on Kashmir. Since there is a difference of opinion between India on the one hand and the representatives of the Security Council and Pakistan on the other, which has deadlocked this issue, the Security Council and its representatives have, on at least four specific occasions, proposed that the points in dispute be referred to international arbitration; one such proposal was endorsed by a personal appeal from President Truman and Mr. Attlee, the then British Prime Minister. Pakistan has accepted each one of these proposals. India has rejected every one of them. The ground advanced by India is that it would be derogatory to her prestige to submit these questions to arbitration, although the Indian Constitution itself enjoins that India shall "encourage the settlement of international disputes by arbitration."

India Opposes Entry of Neutral Troops

Broadly, India's objection to the withdrawal of her forces from Kashmir has been that Kashmir would thus be exposed to invasion from Pakistan. In January 1951, the Commonwealth Prime Ministers offered to reassure India on this score by putting forward three alternative proposals for ensuring the security of Kashmir during the plebiscite by stationing Commonwealth or other neutral forces in the State. Each of these proposals was accepted by Pakistan but rejected by India.

India's ground for rejecting these proposals was that she would not allow the stationing of any outside troops in Kashmir which she claimed was Indian territory. In September 1957, Pakistan went further. In order to assure India that she had no intention of threatening the security of Kashmir, Pakistan suggested that a United Nations force may be posted on the PAK-ISTAN side of the cease-fire line and that all Pakistan forces and the bulk of Indian forces should thereafter be withdrawn in accordance with the Security Council Resolutions on the subject. India rejected even this proposal.

As a matter of fact, at different times India has taken different stands to balk a solution of this dispute. I should like briefly to examine some of these varying stands.

India's Legal Title Spurious

India has claimed that the Maharaja's instrument of accession conferred a legal right on India to the possession of Kashmir. In the first place, the Maharaja had lost the authority either to speak for the State or for its people when he signed the instrument of accession. Secondly, as I have mentioned earlier, when

this instrument was executed, both the Governor-General of India and the Prime Minister Mr. Nehru made it clear that India's occupation of Kashmir was only provisional and that the question of accession must be decided in accordance with the wishes of the people of Kashmir. The wishes of the people can be ascertained only by means of a free and impartial plebiscite such as the Security Council has, in agreement with India, proposed. That plebiscite has not been held.

India Imprisons Her Own Champion

Apart from this doubtful legal title to Indian military intervention in Kashmir, India has also claimed that in occupying Kashmir she had the support of the people of Kashmir. In evidence thereof, India said that Shaikh Abdullah, the head of the National Conference in Kashmir, was wholly with India. Shaikh Abdullah was installed as Prime Minister in Kashmir soon after the Indian army occupied it. He used to be held up to the world as the very embodiment of popular support to India's stand in Kashmir. Five years later, when Shaikh Abdullah publicly suggested that the accession of Kashmir to India or Pakistan could only be decided by means of a plebiscite, he was summarily dismissed from his post and imprisoned. He and many other leaders of the Kashmir Plebiscite Movement have been in captivity WITHOUT TRIAL, for over five years. It is only now, after so many years of captivity, that he and some of his colleagues are being tried on some sort of a charge, presumably to justify their continued incarceration.

India Continues to Shift Stand

In defense of her legal claim to Kashmir, India has further urged that the Constituent Assembly of the State has subsequently decided that Kashmir accede to India. When the idea of convening this Assembly was first mooted by India, the Indian representative categorically assured the Security Council that it was not meant "to come in the way" of the Security Council and that while "the Assembly" might "express an opinion" on the question of accession, "it can take no decision on it."

India has further claimed that Kashmir is Indian territory because the Indian Constitution says so. I leave it to you to judge the validity of this naive contention.

Again, Indian spokesmen have said that conditions have settled down in the State. A plebiscite would only unsettle them. The world was originally assured that on the question of accession the wishes of the people of the State will be ascertained as soon as law and order have been restored in Kashmir. Now that law and order have been restored, we are told that a plebiscite cannot be held for it would disturb law and order in Kashmir.

Direct Negotiations Fail

At one time, India took the view that a solution of the Kashmir dispute can be reached only through direct negotiations between Pakistan and India; that outside interference made the solution more difficult. Forgetting for a moment that it was India herself that sought the intervention of the Security Council to solve this dispute, let us examine this thesis also on its merits. In pursuance of a proposal to this effect, the Pakistan Prime Minister opened direct negotiations with India on the Kashmir issue in 1953. In August 1953, in a joint communique, the two Prime Ministers reiterated their belief that the only feasible solution of the Kashmir dispute was that the question of accession to India and Pakistan should be settled by means of a free and impartial plebiscite. At one time it seemed they had come very close to a solution. Just at that time, however, India took the line that since Pakistan had entered into a mutual security arrangement with the United States and agreed to accept military aid from this country, the entire context of Kashmir negotiations had changed and the talks ultimately broke down.

In what way Pakistan's acceptance of military aid from the United States had resulted in depriving the people of Kashmir of their right to a free vote to decide their own fate has never since been explained.

Such is the melancholy story of this unhappy land of Kashmir, where four million people are held down by force of arms, by an Indian army of occupation nearly 100,000 strong.

India Flouts Bandung Resolution

The Indian Prime Minister has often attacked colonialism in the strongest of terms. He is also a signatory to the Bandung Resolution which condemns colonialism in all its manifestations. Yet what the world is witnessing in Kashmir today is clearly nothing but a manifestation of colonialism.

The other day, at a New York Times Youth Forum, John Sexton, a 16 year old student of Brooklyn Preparatory School, perplexedly put a question to Mr. Jha, India's Permanent Representative to the United Nations. He asked why India, in spite of her high principles, refused to hold a plebiscite in disputed Kashmir. Ambassador Jha said that in India's view the situation in Kashmir had not evolved to the point of a plebiscite. This after 10 years of Indian occupation of Kashmir!

Self-Determination the Only Issue

It is sometimes said that the Kashmir dispute has become very complicated. In actual fact, the issue is extremely simple. We do not say, give us Kashmir. By virtue of the very basis on which

the partition of British India was carried out and all the economic, strategic and geographic considerations that I have already mentioned, Kashmir should accede to Pakistan. We do not say that. All we say is: Let the people of Kashmir decide whether their State should accede to India or Pakistan. Allow them freely to exercise their right of self-determination. India is committed to doing so. Let her honor that commitment.

While India and Pakistan remain estranged and deeply and bitterly divided over this issue, new dangers have arisen across the Indo-Pakistan horizon. Recent developments in the Middle East and in Tibet pose a growing threat to India and Pakistan alike, a challenge both to their territorial integrity and ideological independence. They can meet this threat and face this challenge successfully only if they act together, individually they cannot.

Indo-Pakistan Cooperation Key to Survival of Free Asia

Speaking at New York last month, I stated that in my judgment the Indo-Pakistan subcontinent can be defended territorially and ideologically only by the joint efforts of India and Pakistan. It is because we in Pakistan are becoming increasingly conscious of this fact that we have offered to participate with India in a scheme of joint defense of the subcontinent if the impediments to such joint action are first eliminated. Obviously, such cooperation can become possible only after issues such as Kashmir which continue at present to poison Indo-Pakistan relations are resolved. Because of the dangers that today threaten the Indo-Pakistan subcontinent, it is of the utmost importance that the Kashmir dispute be resolved, and resolved before it becomes too late; so that India and Pakistan may cooperate in meeting this new challenge to their very survival as free countries.

In this context, the Kashmir dispute is not a matter which concerns India and Pakistan alone. It is a matter of deep and urgent concern to all freedom-loving peoples and, in particular, to your great country, for on its solution hinges the fate of free Asia.

**Information Division
Embassy of Pakistan
2201 R Street, N.W.
Washington, D. C.**

Jammu and Kashmir State
 Accession dispute before the
 Security Council



PAKISTAN AND INDIA

LEGEND

 PAKISTAN
  INDIA

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KILOMETERS 0 100 200 300 400