

UN's Failure in Kashmir

A Factual Survey

THE outbreak of fighting between the armies of India and Pakistan in August reminded the world of one of the signal failures of the United Nations. For eighteen years the UN Security Council has debated, passed resolutions and appointed commissions, mediators and representatives without getting near a solution of the Kashmir problem. New with its resolution of September 20, the Security Council has, so to say, re-assumed responsibility for Kashmir. Whether it will succeed any more this time it is, of course, impossible to say, but a survey, even a brief one, of the UN's past efforts may yield some pointers, besides being interesting in itself.

The United Nations was formally introduced to the Kashmir problem on December 30, 1947 when the Government of India announced its decision to bring the dispute before the Security Council under Article 35 of the UN Charter. This Article provides that any member-state can bring to the attention of the Security Council or the General Assembly any situation which it considers likely to lead to international conflict. In its reference, India complained that Pakistani nationals had taken part in the invasion of Kashmir and that the invaders had been actively assisted by Pakistan with equipment and supplies, training and guidance and bases within Pakistani territory from which to operate. India called upon the Security Council to take steps to prevent Pakistani nationals from participating in the attack on Kashmir and Pakistan from rendering assistance in any form to the invaders.

The Security Council took up the matter for consideration on January 15, 1948, India and Pakistan were represented by Gopalaswami Ayyangar, Minister without Portfolio in the Government of India, and Sir Muhammad Zafrulla Khan, Pakistan's Foreign Minister. The two countries agreed to the appointment of a UN Commission to mediate between them. A resolution moved by Belgium for a three-member Commission was approved by the Security Council. The Commission was to consist of one nominee each of India and Pakistan and a third member agreed upon by both. It was directed to proceed to India and Pakistan to ascertain the facts of the

Kashmir situation. Differences cropped up almost immediately about the role of the Commission. Pakistan insisted that it should supervise the withdrawal of Indian forces from Kashmir; this was naturally rejected by India who argued that her forces must stay in Kashmir to ensure its internal and external security.

Finding India and Pakistan unable to compose these differences, a resolution was moved on April 18, 1948 in the Security Council by seven members, including the U K and the U S. The resolution, which was passed despite protests from both India and Pakistan, expanded the size of the UN Commission on Kashmir from three to five and directed it to place its services at the disposal of India and Pakistan to restore peace and order in Kashmir and, when this was achieved, to hold a plebiscite there to determine the wishes of the people. To this end it directed Pakistan to withdraw all her personnel in Kashmir and to deny help to the invaders; when the Commission was satisfied that the invaders had started withdrawing, India would withdraw her forces leaving behind only a minimum necessary for maintaining law and order. The plebiscite was to be conducted by a Plebiscite Administrator to be appointed by the UN Secretary-General.

UN Commission on Kashmir

The Security Council nominated Belgium and Columbia to the Kashmir Commission; India nominated Czechoslovakia and Pakistan Argentina. India and Pakistan could not agree over the fifth member and so the Security Council President nominated the U S. The Commission arrived in Karachi on July 8, 1948 and within five weeks presented its report to the Security Council. It called for a cease-fire in Kashmir, It recognised the presence of regular Pakistani troops in Kashmir and called for their withdrawal as well as of all Pakistani nationals and invading tribesmen. On this being accomplished India was asked to withdraw the bulk of her forces, India and Pakistan were asked to affirm that the future of Kashmir would be decided through a plebiscite after the cease-fire and truce and to create conditions which would make a plebiscite possible.

India and Pakistan accepted the

cease-fire call, Pakistan with the condition that her views would not be binding on the so-called Azad Kashmir Government which alone, she said, had the power to order a cease-fire and which would continue to administer the territories under its control. In its report to the Security Council, submitted on November 23, 1948, the Kashmir Commission pointed out that the conditions attached by Pakistan made a cease-fire and solution of the problem impossible. The Security Council, however, asked the Commission to continue its work.

India and Pakistan voluntarily agreed to a cease-fire in Kashmir from the midnight of December 31, 1948. That being achieved, the UN Commission adopted a resolution on January 5, 1949 directing that the future of Kashmir would be decided by a plebiscite to be held when the conditions regarding withdrawal of forces contained in its earlier report were fulfilled and arrangements for a plebiscite completed. It called on the UN Secretary-General to appoint a Plebiscite Administrator.

The Kashmir Commission announced on March 12, 1949, that India and Pakistan had agreed to convert the cease-fire line into a truce line. On March 21, Fleet-Admiral Chester Nimitz, the US Naval Commander-in-Chief during the Second War, was appointed Plebiscite Administrator with the consent of India and Pakistan. However, on June 6 the Commission issued a communique stating that differences between India and Pakistan on the withdrawal of troops remained uncomposed and after another six months it presented its third interim report to the Security Council pointing out that a five-member commission was not the best agency for bringing India and Pakistan together on the issues which remained to be resolved, particularly the withdrawal of troops; it suggested instead the appointment of one person to tackle the job. On December 17, 1949 the Security Council appointed its current Chairman, General McNaughton of Canada, to hold talks with India and Pakistan, It, however, took less than two months for General McNaughton to report back to the Security Council that his efforts had failed. On March 14, 1950 the Council adopted a resolution moved by the U K, the U S,

Norway and Cuba providing for the appointment of a U N Mediator on Kashmir and for the dissolution of the Kashmir Commission. It called on India and Pakistan to agree, within five months, to a programme of demilitarisation under the supervision of the U N Mediator who would decide when the demilitarisation had proceeded enough for a plebiscite to be held.

On April 12, 1950 Owen Dixon, a judge of the Australian High Court, was appointed U N Mediator. Dixon presented his report on September 19, 1950. He stated in his report that he had proposed that the first step in demilitarisation should be the withdrawal of Pakistani regular forces to be followed, after the lapse of a "significant number" of days, by withdrawal of Indian forces and withdrawal and disarming of Kashmir State forces and Azad Kashmir forces. Ultimately only minimum forces would be left on either side. According to Dixon, Pakistan accepted these proposals while India rejected them on the ground that the continued presence of Indian troops in Kashmir was necessary to guard against a renewed Pakistani attack and to maintain internal security.

Dixon's Proposal for Partition

He was convinced, Dixon said in his report, that "India's agreement would never be obtained to demilitarisation in any such form, or to provisions governing the period of the plebiscite of any such character, as would in my opinion permit of the plebiscite's being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse, by which the freedom and fairness of the plebiscite might be imperilled. Having come to this conclusion, I thought, must either abandon all attempts to settle the dispute or turn from the plebiscite—by which the destination of the whole State would be decided—to some different solution". He had therefore suggested, he said, a partition of the State either outright or combined with a plebiscite limited to an area which would include the Valley of Kashmir. In response to the suggestion he had found that India would agree to a plebiscite in the Valley of Kashmir, to the part of Jammu lying east of the cease-fire line going to India, and to the Gilgit area and the part of Jammu to the west of the cease-fire line going to Pakistan. Pakistan, on the other hand, was prepared to accept partition only if the

Valley of Kashmir went to her. This India rejected.

These differences led Dixon to the admission that "there no longer existed any possibility of my bringing the parties to any composition of the dispute". A plebiscite covering the whole state was not possible because neither he nor the Kashmir Commission had been able to secure the agreement of India and Pakistan to the steps necessary to make an impartial plebiscite possible. The alternative of a partition hinged on the question of the disposal of the Valley of Kashmir; since the Valley could not be partitioned its future could be determined only through a plebiscite. "The difficulty of using the expedient of a plebiscite for the Valley) appears to lie entirely in the conflict between, on the one hand, the necessity of ensuring that the plebiscite is held in conditions which make it an effective means of ascertaining the real will of the people, independently formed and freely expressed and on the other hand, certain conceptions and pre-conceptions of the Indian Government. These are based in part on what India conceives to be the origin and course of the fighting in 1947 and 1948, and in part on her unwillingness to have any interference with or restriction of the powers of government in the state, whether in reference to the use of armed forces or in reference to the civil administration".

When the Security Council resumed consideration of the question on February 21, 1951, the U K delegate introduced a joint Anglo-American resolution proposing the appointment of a U N Representative for India and Pakistan to succeed Dixon. The resolution proposed that after consultation with India and Pakistan the U N Representative should effect the demilitarisation of Kashmir on the basis of Dixon's proposals and get the consent of both Governments to a detailed scheme to hold a plebiscite. In the event of differences between the two countries, these should be submitted to an arbitrator or a panel of arbitrators to be appointed by the International Court of Justice. This resolution was totally unacceptable to India and to meet Indian objections, the U K and the U S introduced a modified resolution on March 21. The principal changes made were that demilitarisation would be carried out according to the resolutions of the U N Kashmir Commission and not Owen Dixon's report; the proposal that

the U N Representative would present India and Pakistan with a detailed scheme for a plebiscite was omitted and he was asked only to report to the Security Council on the points of difference between the two countries. The revised resolution was passed by eight votes to nil, with the Soviet Union, Yugoslavia and India abstaining.

Graham's Four Reports

The Security Council appointed Dr Frank P Graham of the United States as the U N Representative to India and Pakistan on March 30. After visits to the two countries extending over two and a half months Graham presented his report to the Security Council on October 16. The report highlighted the differences on demilitarisation. Pakistan, he said, wanted forces on either side of the cease-fire line to be reduced to four infantry battalions (4,000 men); India, while agreeing that the bulk of her forces should be withdrawn, wanted that she should be allowed to keep 16 infantry battalions in Kashmir against a Pakistani civil armed defence force of 4,000 men. On November 10, the Security Council adopted an Anglo-American resolution asking Graham to continue his work and report back within six weeks.

Graham submitted his second report on December 18, 1951. It stated that while agreement had been secured on a number of points, differences remained on the scope of demilitarisation, the date for completing demilitarisation and the size of forces to be left on either side after demilitarisation. Once more the Security Council asked Graham to continue his efforts and report to it by March 31, 1952. Graham visited India and Pakistan again from February 26 to March 25 and presented his third report on April 25, stating that there was still no agreement on the size of forces to be left on either side after demilitarisation and suggesting continuance of negotiations.

Within five months, on September 24, Graham submitted his fourth report, once again reporting lack of agreement on demilitarisation. On November 16 a joint resolution was moved by the U K and the U S urging India and Pakistan, *inter alia*, to "enter into negotiations at the U N headquarters in order to reach an agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the demilitarisation period, this number to

be between 3,000 and 6,000 remaining on the Pakistani side of the cease-fire line and between 12,000 and 18,000 remaining on the Indian side". The resolution requested Graham to continue his efforts and asked India and Pakistan to report to the Security Council within 30 days. The resolution was passed by the Security Council on December 23 with the Soviet Union abstaining.

Graham reported to the Security Council on March 31, 1953 that discussions between the two countries had been fruitful and that differences, while they remained considerable, had been somewhat narrowed. He suggested that India and Pakistan should negotiate directly instead of through the UN Representative. Accordingly, the Prime Minister of Pakistan, Mohammed Ali, came to India in August 1953 and the two Prime Ministers held discussions between August 17 and 20. At the end of the talks a communique was issued stating that the two countries had agreed to appoint a Plebiscite Administrator by the end of April 1954. Pandit Nehru wanted the Plebiscite Administrator to be from one of the smaller countries and indicated that General Nimitz, the Plebiscite Administrator appointed by the UN, was no longer acceptable to India. General Nimitz, therefore, resigned on September 4, 1953. Joint committees of Indian and Pakistani civil and military experts met in Delhi towards the end of December to discuss the preliminaries to holding a plebiscite, including the vexed question of demilitarisation. From a statement issued at the end of the meetings it appeared that satisfactory progress had been made.

US Military Aid to Pakistan: The Fateful Development

This was perhaps the most hopeful point in the search for a solution to the Kashmir problem. Subsequent developments were sharply retrograde and differences between the two countries widened into a chasm. The publication of the long correspondence between Pandit Nehru and Mohammed Ali between August 1953 and September 1954 showed Pakistan's decision to accept US military aid as the fateful development which obliterated all hopes of a settlement in Kashmir. India now maintained that it was imperative for her to maintain sufficient forces in Kashmir to guard against attack by Pakistan emboldened and strengthened by US military aid. Subsequent contacts between the two countries inevitably led to a deadlock

and Pakistan's Prime Minister declared that the issue would have to be referred back to the Security Council.

However, simultaneously with the possibility of a direct settlement between the two countries receding, the UN's ability to solve the Kashmir problem had also been seriously undermined and for the same reason; Pakistan's involvement in Western military pacts and her decision to accept US military aid and permit US bases on her territory. The Soviet Union was naturally concerned at these developments and from now on she took anti-Pakistan and pro-India positions in discussions of the Kashmir question in the Security Council.

Soviet Support to India

Though negotiations between India and Pakistan had broken down in 1954, it was not till January 1957 that the Security Council resumed consideration of the Kashmir question. The Foreign Minister of Pakistan had asked for a meeting of the Council in view of the coming into force of Jammu and Kashmir's new constitution from January 26, 1957 and the State's integration into India from then. At the Council meeting five countries, including the UK and the US, moved a resolution calling attention to the earlier resolutions of the Security Council and the UN Kashmir Commission and reaffirming that the "final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations". The resolution stated that the Security Council would continue its consideration of the Kashmir question. The resolution was adopted by 10 votes to nil, with the Soviet Union abstaining.

On February 15, another resolution was moved in the Security Council by four countries, including the UK and the US, empowering Gunnar Jarring, the Swedish representative to the Council, to hold discussions with India and Pakistan on proposals for settling the Kashmir dispute. It requested Jarring to examine proposals "likely to contribute to the achievement of demilitarisation in Kashmir or to the establishment of other conditions for progress" with the two governments, keeping in mind "the proposal for the use of a temporary UN force". India objected to the resolution, and though it was passed by the Security Council by 9 votes to one, since the dissenting vote was that of the Soviet Union it was

rendered inoperative. This was the first time that the Soviet Union had vetoed a resolution on the Kashmir dispute.

The UK, the US and Australia then submitted a revised resolution. It made no reference to a plebiscite or to a UN force and asked Jarring only to examine with India and Pakistan any proposals which may lead to the settlement of the Kashmir dispute having regard to the earlier resolutions of the Security Council and the UN Kashmir Commission. The resolution was adopted with the Soviet Union abstaining. Jarring arrived in India and Pakistan in March 1957 and submitted his report within five weeks, expressing his inability to make any proposals likely to lead to a settlement.

The Security Council took up Kashmir for consideration next in September 1957, and on November 16 five countries, including the UK and the US, moved a resolution asking Graham to work out within three months "an early agreement on demilitarisation procedures". The Soviet Union, however, threatened to veto the resolution and so a revised version was submitted which omitted reference to demilitarisation and asked Graham to make recommendations to India and Pakistan for a peaceful settlement and for implementing the earlier resolutions on the subject. This resolution was adopted, the Soviet Union abstaining. Graham submitted his report on April 3, 1958. His major proposals were for the evacuation of Pakistani forces from Kashmir, stationing of UN forces on the Pakistani side of the ceasefire line, discussion between the UN Representative and the two Governments on the possibility of a plebiscite and a meeting between the Prime Ministers of the two countries. These proposals were, however, unacceptable to India. This was virtually the last serious attempt by the UN to solve the Kashmir question.

UN Shelves Issue

The Security Council met on Kashmir in February 1962 at the request of the Pakistani representative but agreed to postpone discussion till after the Indian General Election. Discussion was resumed in April and on June 22 a draft resolution was introduced reminding India and Pakistan of "the principles contained in the Security Council's and the UN Kashmir Commission's resolutions of 1948 and 1949 and asking the two countries to enter into negotiations to settle the question. The resolution, though passed, was vetoed by the Soviet Union, Subsequ-

ently, the Security Council held a series of meetings in February, March and May 1964 on Kashmir without, however, adopting any resolution. During the last of these meetings on May 12-13 1964 all members of the Council urged direct negotiations between India and Pakistan. Since there was no earthly prospect of direct negotiations producing any results, this was plainly an admission of the Security Council's inability to do anything about Kashmir and an excuse for shelving the issue.

The above account of the UN's efforts on Kashmir, as well as its performance in aspect of other problems, make it quite clear that the UN can be effective only if the US and the Soviet Union do not take up antagonistic positions—unless, of course, one

of the two is prepared to go the whole hog to push the UN into action in spite of the opposition of the other, as happened in the Congo. Since the second possibility can be ruled out in the case of Kashmir, the UN can hope to play a useful role in settling the dispute only if the US and the Soviet Union do not act at cross-purposes. The prospects of this are as yet uncertain, though the Security Council resolution of September 20 calling for a ceasefire and withdrawal of Indian and Pakistani forces and deciding to "consider... what steps can be taken to assist towards a settlement of the political problem underlying the present conflict" was passed unanimously, with the Soviet Union for the first time ever voting *in favour of* a Security Council resolution on Kashmir.

The Aftermath

S K Nath

THE large-scale Pakistani infiltration of Kashmir and her powerful armoured thrust through Chhamb towards the life-line of Kashmir made inevitable all the military actions which we took. No matter how willing some Indian Government might have been to negotiate for a permanent and mutually agreed solution of Kashmir, it could never let Pakistan annex Kashmir by force. Granting that our response was inevitable, it is perhaps not useless to examine the likely aftermath of this war.

The immediate effects on the economy are nothing but unfavourable. There has been some destruction of life and property; the civil defence measures have interfered with production, as also have the measures to move military men and material to the front; and of course the demand for food-stuffs, etc., of the armed forces has also gone up. These are comparatively minor effects. The serious (and the long-term) effect will take the form of increased diversion of foreign exchange and other resources from civil to military purposes. It is estimated that the expenditure on the armed forces is already about 40 per cent of the annual budget of the Central Government. Moreover, the recent foreign exchange crisis (one of the severest so far) was largely due to a steep rise in imports on government account during the previous months; imports on private account hardly rose; and of exports there was a sub-rose. It is possible that the steep rise of government imports was largely of arms and ammunition.

Paradoxically, a war can also have some beneficial effects on an economy—especially an economy like ours where there is more than one kind of excess capacity only waiting for a change in the human factor. There is the excess capacity in agriculture: the yields per acre on the best farms are five to seven times the local average in a number of regions. These higher yields are mostly the result of introducing simple improvements in techniques which a large number of other farmers could also adopt if they had enough initiative and awareness. A national emergency can sometimes introduce initiative and awareness in the hitherto apathetic rural areas. There were high hopes on this account after the Chinese attack, but they proved wrong. It remains to be seen if the new emergency can spark off a mental revolution. It has been a much more serious war, with a large number of men fighting and dying, and with a lot of damage to civil life and property; therefore, there is greater hope of people being reminded of the nation and the national needs.

There is also excess capacity in industry. Businessmen complain that it is due to their not being able to import enough raw materials and components; but government spokesmen often say that there could be lot more import substitution regarding these intermediate goods. During the last world war, belligerent countries on both sides invented a number of import substitutes; the effects of the war were particularly beneficial on the development of man-made fibres. It is possible then that the

new emergency may have some inspiring effect on our inventors and innovators. To some extent it is true even in an underdeveloped country which has various important shortages that demand creates supply.

The net effect on the economy of a war, or the preparation for a likely war, is then the result of these two opposing tendencies. It must always be very difficult to say in advance with confidence which of the two will be stronger; it is easier to make a judgement after the event. One can say with full confidence that the British economy in 1945 was much weaker than it would have been if there had been no war. I think one can also say with substantial confidence that any prolonged war, or the preparation for one, will do the Indian economy a great deal more harm than any incidental good.

What about the other elements of the aftermath? Once this war had been forced on us, our aim was to give a crushing blow to the Pakistani armed strength. Three important elements in that strength were: American tanks, American jet fighters and bombers, and American radar equipment which most effectively covered not only the approach to West Pakistani borders from our side but also all our advance air bases. We seem to have more or less achieved our purpose in crippling a substantial number (possibly half or even the majority) of the American tanks with Pakistan. We have also destroyed a number of their fighters; but the toll of their bombers does not seem to have been substantial. And as for their radar installations, the only time it has been clearly reported that we destroyed some such station was on the penultimate day of fighting; we seem to have destroyed then the radar station near Kutch. In short, our objective of thoroughly crippling Pakistan's borrowed armour does not seem to have been fully achieved, even though our armed forces have demonstrated that their valour and skill are second to none; it is just that Pakistan has had much superior equipment.

It is to our advantage that the cease-fire resolution of the U.N. recognises that the hostilities began on August 5, when Pakistan sent her armed infiltrators into Kashmir. But if the cease fire is going to mean that we shall not exercise our rights to continue rounding up these raiders, then this agreement is greatly to our disadvantage, because Pakistan may withdraw about 200 infiltrators and say that there are not any more