

**THE U.S. RESPONSE TO THE KASHMIR QUESTION
(1989 -2000)**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements for
the award of degree of*

MASTER OF PHILOSOPHY

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CERTIFICATE

Certified that the Dissertation entitled "THE U. S. RESPONSE TO THE KASHMIR QUESTION (1989 -2000) " submitted by M. MAYILVAGANAN in partial fulfilment for the award of the Degree of MASTER OF PHILOSOPHY, has not been previously submitted for any other degree of this or any other university. This is his own work.

We recommend that this dissertation be placed before the examiners for evaluation.

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Dedicated

To

My beloved Parents, Kiran

&

*the Indian soldiers who fought for
the cause of Kashmir*

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M.Mayilvaganan

PREFACE

"When I use a word ",Humpty Dumpty said ..."it means just
What I choose it to mean-neither more or less"

-Lewis Carroll

The present study attempts at analyzing the US response to the Kashmir question (1989-2000). This is done against the background of changes which took place in the international system at end of the cold war.

Literature on US policy towards south Asia and historical aspects of the Kashmir question is available in plenty. However, the material on the US response to the Kashmir question is limited; there is no comprehensive study focusing specifically on this problem. Rather, the academic response is so far limited to a few pages article. This has convinced me to under take this present study. When the problem is approached from the international perspective, one finds that the US has influenced the Kashmir question more than any other power. An attempt has been made in the present study to analyze the US response under the Bush and Clinton administration to the Kashmir question.

The main objectives of the present study:

- (1) To analyze how far the US global strategic interest has guided its policy towards Kashmir.
- (2) To study the policy of Bush administration towards the Kashmir question
- (3) To analyze the response of Clinton administration to the Kashmir question
- (4) To delineate the different factors responsible bringing about changes in the US question

The present study is divided into five Chapters.

Chapter one deals with the historical background of the Kashmir. It traces the origin and development of the problem. Chapter two focuses on the

US policy towards Kashmir question since the origin of the problem till the intervention of the Soviet Union in Afghanistan. It essentially deals with US policy during the Cold War period. Chapter three analyses the response of the Bush administration to the Kashmir question. In Chapter four, the response of the Clinton administration is examined to the extent of its position during the first and second periods. The concluding Chapter will evaluate the US response to the Kashmir disputes during 1989-2000.

The study is based on historical, descriptive and analytical method. The data for the study is drawn from both primary and secondary sources. The primary sources include Government publications and the USIS Reports. The secondary sources include Books, research articles, newspaper reports and seminar papers.

CHAPTER I

THE KASHMIR QUESTION: GENESIS AND PROGRESS

Chapter I

THE KASHMIR QUESTION: GENESIS AND PROGRESS

The Kashmir question, which erupted immediately after the Independence of India and Pakistan, is in many ways rooted in the colonial history of the subcontinent. The basis of the Kashmir conflict could be found in the events, which led to the partition of British India¹ and rival ideological claims between the Muslim League and the Indian National Congress.² Basically the question of Kashmir began with the British decision to withdraw from the subcontinent. At that time, at the national level, two different views were proposed by the national political leaders from the Muslim League and the Indian National Congress, on the creation of states.³

Schism – Ideological Context

Mohammed Ali Jinnah, the leader of the All India Muslim League, demanded a separate homeland for the Muslims after partitioning British India on the basis that Hindus and Muslims constituted two separate nations.⁴ The Indian National Congress refused to accept this demand and insisted on an unified India. The difference between the Congress and the Muslim League could be traced back to 1906, when the Muslims demanded a separate electorate from the British.⁵ The difference between the two organizations became widened, when the Muslim League passed a

¹ Raju G.C. Thomas, "Reflections on the Kashmir problem" in Raju G.C., Thomas (ed.), "Reflections on the Kashmir Problem", in *Perspectives on Kashmir: the Roots of Conflict in South-Asia* (Boulder, 1992), p.12.

² Josef Korbel, *Danger in Kashmir* (Princeton, 1954), p.25.

³ A.Z. Hilali, "Kashmir: A Dangerous Flash Point in South Asia", *Bulletin of Concerned Asian Scholars*, 3(2), May, 1999, p.66.

resolution under M.A. Jinnah at its Lahore session in 1940. It demanded the partition of British India on the basis of religion and creation of Muslim majority states.⁶

British Policy – Lapse of Paramountacy and Independence

In the late 1940's, the British Government felt that the continued unity of the subcontinent cannot be achieved. It therefore, decided to divide British India. Following a decision, in March 1946 they sent a Cabinet Mission to India in order to negotiate the terms and conditions with the Indian leaders for the transfer of power. The Cabinet Mission, which came to India, recognized the Indian National Congress, the Muslim League and the Princes – only three political entities- as the legitimate parties to the dispute.⁷ It proposed a two-tire federal plan to India in order to maintain national unity. According to the plan, there was to be a federation of provinces and states with federal centre controlling Defence, Foreign Affairs and Communication. At the same time, individual provinces can form regional unions by surrendering some of their powers to federal government by a mutual agreement. Both the Congress and the Muslim League accepted this plan, but differed on the provision of setting up an interim Government.⁸

In order to solve the constitutional problem that emerged out of setting up of interim government and constitutional assembly, both parties agreed for the partition of British India. The Congress

⁴ Sumit Ganguly, "Avoiding War in Kashmir", *Foreign Affairs*, 69(5), Winter 1990-91, p.58.

⁵ Sumit Ganguly, *The Origin of War in South Asia, Indo-Pakistani Conflict since 1947*, (Boulder, 1986), p.23.

⁶ Publication Division, *The Kashmir Story*, Ministry of Information and Broadcasting, Government of India, Delhi, p. 24

⁷ K.K. Misra, *Kashmir and India's Foreign Policy*, (Allahabad, 1979), p.46.

⁸ Ganguly, n.5.p.30.

agreed to the partition on the condition that only those areas, which were predominantly under the influence of Muslim League, could be separated. When the British partitioned the territory mainly on the basis of the principle of communal majority, a problem regarding the status of about 565 odd Princely States arose. In the meantime, the date of Indian Independence was fixed and the British Government published a plan known as “Mountbatten Plan” for the partition of India. Subsequently, on July 18, 1947, the Indian Independence Act was passed in the British Parliament, stating that India and Pakistan were to become independent on August 15 and the predominant Muslim Provinces were to form Pakistan.⁹

In the whole discussion on the Cabinet Mission proposals as well as the subsequent scheme of partition such as Indian Independence Act or “Mountbatten Plan”, the Congress raised the question of States.¹⁰ According to the June 3rd Statement of the British Government and the Indian Independence Act, the paramountcy of the States had lapsed. So, legally, the Princely States became independent after “the sovereignty of His Majesty over the Indian States lapses”.¹¹ Regarding the lapses of paramountcy on states, Jinnah said in a statement which was published in “The Dawn” dated June 18, 1947 that “... the policy of the AIML (All India Muslim League) has been clear from the very beginning. In my opinion they (Indian States) are free to remain independent if they so desire”.¹² The Congress leaders did not accept

⁹ See Korbelt, n.2, p.44.

¹⁰ Sisir Gupta, *Kashmir: A Study in India-Pakistan Relation* (Bombay, 1966), p. 42

¹¹ Hilali, n.3, p.66.

¹² Quoted in *The Kashmir Story*, n.6, p.31.

this position of Muslim League on the Princely States. Instead they called for accession of the Princely States to one or other of the two dominions.

Independence and Indecisiveness of Kashmir

In reality, however, the Princely States had to accede to anyone of the two dominions and in this regard, Lord Mountbatten made it clear that they should opt for any one of the two countries, keeping the geographical location and wishes of the people in consideration.¹³

The State Department, which was set up on July 1947, under the leadership of Sardar Patel, invited the States to accede to the Indian Dominion after the lapse of paramountcy. It further urged that the Princely States had to “bear in mind that the alternative to cooperation in the general interest is anarchy and chaos which will overwhelm great and small in a common ruin if we are unable to act together in the minimum of common task”.¹⁴ According to the plan of Lord Mountbatten, the majority of the Princely States joined either India or Pakistan before August 15, 1947. However, the three Princely States-Junagadh, Hyderabad, and Kashmir-were reluctant to join either of them and remained independent at the time of independence. Among them, Kashmir posed a particular problem because it shared borders with both India and Pakistan and had a Hindu ruler, Maharaja Harisingh, with predominant Muslim population. Once the British withdrew from the Indian subcontinent,

¹³ See Premshankar Jha, *Kashmir, 1947 Rival Version of History* (Delhi, 1996), p.51.

¹⁴ H.O. Agarwal, *Kashmir Problem its Legal Aspects* (Allahabad, 1979), p.12.

the Maharaja of Kashmir desired to become independent, where as the major political organizations, the Muslim-Conference and the National Conference, started urging the Maharaja to take decision on the question of Kashmir's future.

The Muslim League and its ally, the Muslim Conference in Kashmir had urged the Maharaja to accede to Pakistan¹⁵ on the basis of predominant Muslim population. Ramchandrakak, the then Prime Minister of Kashmir, also endorsed and advocated the view of the Muslim Conference, if the idea of "Independent Kashmir" was not feasible. But the National Conference, on the other hand, stated that the "question of accession will arise only after power is transformed to the people of Kashmir"¹⁶, where as the Congress insisted that the Maharaja should take decision at the earliest according to the wishes of the people.

When partition finally took place in August 1947, the political situation in Kashmir became more complicated due to the delay in Maharaja Harisingh decision on the accession. According to M.C. Mahajan, who was the then Prime Minister of Kashmir, Maharaja Harisingh, wanted to become a ruler of an independent Kashmir state.¹⁷ Even though the State Department defined its policy on the princely states after India's independence and invited them to join the Indian Union, it did not visualise the seriousness of the Kashmir problem and not made any necessary effort to contact the Maharaja at that time; it was too busy to settle the problems of other Indian

¹⁵ Rajat Ganguly, *Kin State Intervention in Ethnic Conflict* (New Delhi, 1998), p.41.

¹⁶ Gupta, n.10, p.67.

¹⁷ Ganguly, n.15, p.42.

States. But after meeting Lord Mountbatten, the Governor-General of India, during his visit to the State on the last week of June 1947, the Maharaja Harisingh found that the idea of independent Kashmir was not feasible. Following the meeting, the Prime Minister of Kashmir, Ramchandrakak, who advocated independence, resigned on August 11, 1947. It appears from the meeting that Lord Mountbatten ruled out the option of Maharaja's independent Kashmir, instead advised him to make up his mind on joining either country before August 15. Though he reportedly said in the beginning that the States were absolutely free to decide their future after the lapse of paramountcy.

In the press communiqué of July 25, 1947, Lord Mountbatten stated that the States had complete freedom and technically and legally, they were independent¹⁸ after the termination of paramountcy. But it is not known what made him to later advice them to choose any one of the newly independent dominions. And it is also unclear, why he did not advise the Maharaja to accede to the Indian Union, even when Pakistan alleged that he was helping India in integrating the states on the issue of accession. It was not possible for Maharaja Harisingh to ascertain the wishes of people in taking the decision because although Muslims inhabited Kashmir predominantly, they were divided between the two different political organisations-the National Conference and the Muslim Conference. And even, the Maharaja did not try to call a conference for discussing the question of accession with them.¹⁹ Even the Indian

¹⁸ Agarwal, n.14, p.24.

¹⁹ V.P. Menon, *The History of the Integration of the Indian States*, (Calcutta, 1966), p.395.

Independence Act of 1947 did not lie down that the ruler should join any of the new dominion.²⁰

Standstill Agreement

The Indian Independence Act of 1947 provided a provision for the temporary continuation of services such as customs, communication, post and telegraph and others to the Princely States till there was a decision on their accession to any one of the dominions. Lord Mountbatten also urged the princes to enter into a Standstill Agreement with future authorities of India and Pakistan, once again for their welfare and continuation of such services.²¹ According to this provision, the Government of Kashmir expressed its desire to have a Standstill Agreement with both India and Pakistan and rewardingly sent a telegram respectively to both the countries on August 12, 1947. The Government of Pakistan immediately agreed and accepted the offer of Kashmir for a Standstill Agreement through an exchange of telegram on August 16, 1947,²² while the Government of India did not accept immediately, rather kept it for consideration.²³ On India's reservation in accepting Kashmir's offer of Standstill Agreement, H.O. Agarwal states that it was perhaps aimed at pressurising the ruler to accept accession to one of the countries because if he had made Standstill Agreement with both, then he (the Maharaja Harisingh) might have delayed indefinitely in making up his mind on

²⁰ See Agarwal, n.14, p.24.

²¹ Korbelt, n.2, p.48.

²² Agarwal, n.14, p.20.

²³ Gupta, n.10, p.99.

the question of accession.²⁴ Because the recognition is necessary for the existence of an independent state. But V.P. Menon states that the Government of India wanted time to examine the implication of this agreement.²⁵

Despite a Standstill Agreement with Kashmir, Pakistan determined to annex the state with it. For this, Pakistan pressurised the Kashmiri leaders. On the other hand, India while maintaining interest in the decision of the Maharaja on the accession of the state, had not put any pressure on him in order to accede to the Indian Dominion. Pakistan began to exert an economic blockade by blocking the supplies of food, petrol and other essential commodities to Kashmir during September 1947, which it agreed to provide under the provisions of the Standstill Agreement.²⁶ By doing so, an attempt was made to restrict the growth of Kashmir economy and thus forced it to accede to Pakistan. The pressure exerted by Pakistan on Kashmir at that time was serious because it was not easy for the state to get the supplies of an essential commodities from India due to the difficulties of transport and communication. But Pakistan had a proper road linkage directly to the state. Moreover India had not accepted the offer of Standstill Agreement by the Maharaja of Kashmir.

In addition to continuing economic blockade of the state, Pakistan also used military pressure in the form of raids on the border areas. The Kashmir government protested against these

²⁴ See Agarwal, n.14, p.21.

²⁵ Menon, n.19, p.376.

²⁶ Michael Breacher, *The Struggle for Kashmir*, (New York, 1953), p.24.

border raids and made it clear that if they continued such activities it will be forced to ask for an outside help.²⁷ Meanwhile, internal changes were also taking place. The National Conference leader, Sheikh Abdullah, other leaders were released by the Kashmir Government unconditionally on September 1947; a provincial government was set up and Mehr Chand Mahajan was appointed as Prime Minister of Kashmir in place of Major General Janak Singh in early October, 1947.

On October 13, Pakistan sent a letter to the Government of Kashmir in which it alleged that the Muslims of the state were terrorized by the non-Muslim troops.²⁸ Following this, two days later, the Prime Minister of Kashmir, M.C.Mahajan in his reply categorically denied the Pakistani allegations and instead said that the personnel of Pakistani army had crossed the frontiers from the Sialkot district and committed atrocities on the non-Muslims of Poonch. Also he accused the Pakistani Government for economic blockade and described it as an “unfriendly act”²⁹. Further he said that if it was not stopped ‘friendly assistance’ would be taken from other powers. On the same day, Kashmir Prime Minister also sent a complaint to the Prime Minister of Britain in a telegram about the withholding of supplies and economic blockade of Pakistan in order to press the state for accession.³⁰ He requested the British Government to advise “to adopt a course of conduct consistent with

²⁷ Misra, n.7, p.52.

²⁸ *ibid.*, p.53.

²⁹ *ibid.*, p.54.

³⁰ Gupta, n.10, p.106.

the good name and the prestige of the Commonwealth”³¹ of which Pakistan was a member. Because, presumably the Prime Minister of Kashmir, Mahajan, still thought that the British Prime Minister was the overall protector of the Standstill Agreement. But no reply came from the British Prime Minister, Attlee, because of the fact that the sovereignty of His Majesty over the Indian states had lapsed and British Government had no responsibility at that time to protect the Indian State.

Liaquat Ali Khan, the Prime Minister of Pakistan, in his reply to the Kashmir complaint on October 18, 1947, denied the charges levied against Pakistan and protested the statement of Kashmir Government ‘of getting assistance from outside power’ and added that “the gravest consequences would follow” if the Muslims, who formed 85 per cent of the state population, were suppressed.³² Indeed, Pakistan Prime Minister was absolutely right in saying that Kashmir had a majority of the Muslim Population, but he failed to understand that in the state majority of Kashmiri Muslims had firmly refused to accept the two-nation theory of the Muslim League, when the majority of Muslims in India had acknowledged. On the other hand, Pakistan, never disputed that the supplies were withheld by them and rather asked the Kashmir Government to have a consultation with it for the resumption of supplies. Pakistan made it clear that such consultation should also include discussion of "other question."³³

³¹ See Menon, n.19, p.378 and 396.

³² Misra, n.7, p.55.

³³ *White Paper on Jammu and Kashmir*, Ministry of External Affairs, Government of India, (New Delhi, 1948), p. 8; see also Gupta, n.10, p.104.

Invasion and Accession

Meanwhile, the situation had grown serious in Kashmir as the Muslim peasantry in Poonch started revolt with the support of armed Pakistanis³⁴ against the local administration of the State Government. A full-scale invasion of Kashmir, started on October 22, 1947 when some 200 tribesmen fully armed with modern weapons³⁵ from the Northwest Frontier Province of Pakistan, invaded Kashmir with the help of Pakistan Government and marched towards Srinagar, the Capital of Kashmir. The state's force, which was small in number and scattered over the mountainous region, was not able to withstand the invaders. As a result, the invaders succeeded in occupying a considerable part of the territory on the way to Srinagar by occupying Chinari, Uri, Baramula, Mirpur, Kotly, Bhimbher, Jhanger, Muzafferabad, and Nausher. In order to help the state force, the National Conference came forward and organized a people's militia consists of nearly 15,000 men, women and children who resisted the invaders till the arrival of the Indian forces.³⁶

Under this situation, the Maharaja of Kashmir was desperate in saving the state from the invaders. For this, he had only two ways before him to manage the crisis. One was to ask for the help of India in order to stop the invaders or to surrender before Pakistani. In choosing the latter he was "not having any guarantee for the lives of

³⁴ Mishra, n. 7, p.56.

³⁵ Gupta, n. 10, p.111.

³⁶ See Misra, n .7, p.58.

people”.³⁷ So, the Maharaja sought India’s help by sending an “urgent appeal” on October 24, 1947 in which he requested the help of Indian troops against the invaders. Once the appeal came, the situation of Kashmir was discussed on October 25 at the meeting of the Defence Committee in New Delhi under Lord Mountbatten. Lord Mountbatten advised to be cautious³⁸ as it would be improper to move Indian troops into what was at the moment an independent country and held that no action should be taken till all the facts were ascertained. He feared that if the troops were to be sent to the state without the accession, then Kashmir would become a battleground between India and Pakistan.³⁹

In the Defence Committee it was agreed that before giving any assistance to the state of Kashmir there should be an offer of the Maharaja for the accession of the state to India and the same should be accepted by the Government of India. Further, it was also decided in the meeting to send V.P.Menon, Secretary in the Ministry of States, to Srinagar for an on-the-spot inquiry and to report back about the “seriousness of the situation”⁴⁰ to the Government of India. Army and Air Force officers accompanied V.P.Menon on his visit to Srinagar. On writing about his impression of the situation, which prevailed at the time of his arrival at Srinagar, V.P.Menon states:

From the aerodrome we went straight to the residence of the Prime Minister of the state. The road leading from the aerodrome to Srinagar was deserted. At some of the street corners I noticed volunteers of the National Conference with lathis who challenged

³⁷ Gupta, n. 10, p.119.

³⁸ *ibid.*, p. 122.

³⁹ Agarwal, n. 14, p.34.

⁴⁰ Gupta, n.10, p.122.

passers by: but the state police were conspicuous by their absence. Mehrchand Mahajan apprised us of the perilous situation and pleaded for the Government of India to come to the rescue of the state... it was no use harping on the past or blaming the Maharaja for his inaction. I am certain that he had never thought of the possibility of an invasion of his state by Tribesmen nor of the large-scale desertions of Muslims from his army and police...⁴¹

He advised Maharaja Harisingh to leave immediately for Jammu along with his family and valuable possession. After gathering the important information, V.P.Menon left Srinagar the next day to Delhi. After his arrival to Delhi on October 26, he reported to the Defence Committee about the necessity of sending the Indian troops to save Kashmir from the invaders. But Lord Mountbatten pointed out that it was improper to send Indian forces to Kashmir till the state acceded to India. Prime Minister, Nehru and other Cabinet Ministers accepted this view of Lord Mountbatten.

Immediately after the meeting of the Defence Committee, V.P.Menon, accompanied by the state (Kashmir) Prime Minister, Mahajan, flew again to Jammu, where the Maharaja was staying. The Maharaja was at once prepared to accede to India. He wrote a letter to Lord Mountbatten, the Governor General, in which the Maharaja expressed the prevailing painful condition of his state and repeated the request for military help. Further in the letter, he informed Lord Mountbatten that:

... with the conditions obtaining at present in my state and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for, by me without my state acceding to the Dominion of India. I have accordingly decided to do so, and I attach the instrument of accession for acceptance by your

⁴¹ Menon, n.19, p.398.

Government... if my state is to be saved, immediate assistance must be available at Srinagar...⁴²

Menon returned to Delhi with the letter of Maharaja's request for troops and with the offer for the accession of the state to the Dominion of India.⁴³ After taking that into consideration, the Government of India decided to accept the accession of the state to India and Maharaja's request for troops. The instrument of accession of Kashmir was signed and accepted in the same manner as was executed in the case of other Indian states, that is according to the provision of the 1947 Indian Independence Act⁴⁴. While accepting the instrument of accession executed by the Maharaja, the Government of India voluntarily announced itself by a separate communication to the ruler on October 27, 1947 that it would seek the wishes of the people on the question of accession once the invaders were pushed back from Kashmir and as soon as the law and order was restored.⁴⁵ It is to be remembered again that at that time there was no possible way to ascertain the wishes of the people when even the Muslims, who were predominant in Kashmir, were divided between the two organisations – the National Conference and the Muslim Conference.⁴⁶ It should be understood that the accession was made first by the Maharaja to India and the offer of plebiscite was not asked for or conditioned. It should be noted that the accession of the Kashmir state to India was complete when the Maharaja signed the instrument of accession. The offer of plebiscite was a separate

⁴² Refer Mishra, n.7, p.63.

⁴³ *ibid.*, p. 64.

⁴⁴ See Agarwal, n.14, p.35-36.

⁴⁵ *The Kashmir Question 1947-56*, Information service of India, (New Delhi, 1956), p.15.

⁴⁶ Gupta, n.10, p.93.

communication from Lord Mountbatten and leaders of India to the Maharaja was not a part of the instrument of accession; so it did not create any legal obligation upon India.

Once the Maharaja acceded to India, the Pakistani leaders put forward the argument that India allegedly got the accession by 'fraud and violence', which was not correct and baseless. It may be remembered that Government of India told the state to accede either Pakistan or India according to the wishes of people. And particularly Lord Mountbatten, during his visit to Kashmir in June 1947, had personally told the Maharaja that he was free to accede to Pakistan, if he wished so, before August 15, 1947 and the Government of India would not consider it as an unfriendly act.⁴⁷ It is apparent that the Maharaja was not forced by anyone to accede to India apart from the force of circumstances created by Pakistan. M.C.Chagla writes that the Maharaja according to "his own free will" signed the instrument of accession.⁴⁸ Further, the Maharaja of Kashmir was fully authorized to sign the instrument of accession on behalf of the state as he earlier signed a Standstill Agreement with Pakistan without any reference to the will of people. Moreover, the accession of the Kashmir was executed in accordance with the provision as adopted in the Provisional Constitution Act of 1947. Under section 6, the Act laid down that an "Indian state shall be deemed to have acceded to the Dominion if the Governor General has signified his acceptance of the instrument of accession by the Ruler there of"⁴⁹.

⁴⁷ See Campbell – Johnson, *Mission with Mountbatten* (London, 1951) p.117; also see Menon, n.19, p.376.

⁴⁸ Cited in M.C. Chagla, *Kashmir 1947-1965, Ministry of Information and Broadcasting*, Government of India, (New delhi, 1965), p.47.

⁴⁹ Agarwal, n.14, p.42.

The Indian Independence Act of 1947 did not firmly say anywhere that the accession of the state by the ruler would require to be ratified by the people.

For India, the invasion appeared as a “full fledged and pre-planned”⁵⁰ because it was felt that Pakistan could be able to stop the invasion easily, if they desired so. General Lockhart, a British officer of the Indian Army read a telegram from another British Officer who served in Pakistan Army at the Defence Committee meeting on October 25, 1947 that “some five thousand tribesmen had captured Muzaffarbad and reinforcement could be expected.”⁵¹ From this it is clear that Pakistan knows the activities of the invaders. By the accession of Maharaja, Kashmir now became part of India and “morally, legally and constitutionally”.⁵² It is the duty of India to protect it. Hence, on October 27 Indian forces were flown to Srinagar, which was almost close to the invaders. The introduction of Indian troops saved Srinagar and subsequently other areas were also recaptured from the invading forces. But quickly a war like situation emerged with Pakistan, which openly committed itself to the “cause of Kashmir liberation”⁵³ by supporting the invaders. It was only after the arrival of Indian troops, the large extent of Pakistan’s participation in the invasion of Kashmir came to be known.⁵⁴

⁵⁰ Gupta, n.10, p.112.

⁵¹ Campbell-Johnson, n.47, p.224

⁵² *The Kashmir Question 1947-56*, n.45, p.7.

⁵³ Ganguly, n.5, p.17.

⁵⁴ See *The Kashmir Question 1947-56*, n.45, p.8.

The arrival of Indian troops to Srinagar in a short notice, immediately after its airlift, was questioned by Pakistan. It's alleged that it was planned in advance. They criticized that without a prior planning so much Indian troops could not have flown to Srinagar at such a short notice. But there was no foul play in airlifting the troops on October 27. The criticism is also biased. In support of this argument, the following can be said V.P.Menon writes that:

never in the history of warfare has there been an operation like the airlift of Indian troops to Srinagar on 27 October and on subsequent days, an operation put through with no previous thought, let alone organized planning, and at such remarkably short notice. The Defence Headquarters consisting of British and Indian officers worked almost non stop from 26 October... In the early hours of the morning of 27th October over a hundred civilian aircraft and R.I.A.F. planes were mobilized to fly troops, equipment and supplies to Srinagar. The R.I.A.F. and civilian pilots and ground crews rose to the occasion and worked heroically to make the airlift a success... Nor should one forget to mention the civilian airline companies but for whose whole hearted cooperation the airlift could not have been possible⁵⁵.

And according to Lord Mountbatten, in his entire war experience, he had never heard of an airlift of this nature being carried out at such a short notice.⁵⁶ Even a British writer, Lord Birdwood, who endorse Pakistan's claim on Kashmir in his book, *Two Nations and Kashmir* says that "as a military operation only just in time to save Srinagar, going straight into action as they landed on the edge of the airstrip"⁵⁷ and he also produced a document signed by Gen.Lockhart, General Commander-in-Chief, Indian Army, T.W.Elmhirsck, Air Marshal Commanding and Rear Admiral J. T. S. Hall as an evidence and which establishes that there was no prior planning.

⁵⁵ .Menon,n.19, p.401.

⁵⁶ See Misra,n.7, p.68.

⁵⁷ Lord Birdwood, *Two Nations and Kashmir*, (London, 1956), p.59.

On October 30, Pakistan, by a Press Communiqué stated that “in the opinion of the Pakistan Government the accession of Kashmir to India is based on fraud and violence and as such cannot be recognized”⁵⁸ again, there is no truth in their charges. Josef Korbel, who was a chairman of UNCIP, writes in his article ‘Danger in Kashmir’: “Though there is no direct evidence concerning the conversations between Mountbatten and Maharaja.... Pakistanis are mistaken in their conviction that Mountbatten from the beginning connived with the Government of India to force the Maharaja and with him the state of Jammu and Kashmir into accession”.⁵⁹ Lord Mountbatten himself refuted the charges as baseless. He agreed that the accession was brought by violence but emphasized that the violence was from the invading tribesmen. Pakistan was absolutely responsible for the violence in Kashmir and not India.⁶⁰

M. A. Jinnah, on hearing the arrival of Indian troops to Kashmir, immediately ordered the Pakistani army to march into the state of Kashmir. However, Gen. Douglas Gracy, who was an acting Commander-in-Chief of the Pakistan Army at the time, refused to do so and instead told that the order should come from the Field Marshall Auckinleck, the Supreme Commander of the two Governments. So, Jinnah referred it to Auckinleck, who at once went to Lahore and reportedly told that the state of Kashmir had acceded to India legally and it would not be possible to do so. He further warned that if the Pakistani troops were to send it might be

⁵⁸ Misra, n.7, p.70.

⁵⁹ Cited in, *ibid.*

⁶⁰ See *Kashmir: V.K. Krishna Menon's Speeches in the Security Council* (New Delhi, 1958), p.117.

considered as an act of war against the neighbouring country and stressed that if he still wanted to carry out the order the British officers who were serving the Pakistani Army would resign.

As a result, Jinnah invited Lord Mountbatten and Nehru to Lahore for talks on the Kashmir Problem. Lord Mountbatten suggested that the invitation should be accepted for their visit. But Sardar Patel strongly resisted the idea of visiting Lahore. According to him, as Pakistan was an aggressor in Kashmir, if necessary Jinnah should come to Delhi to discuss the issue. But, Nehru did not accept his view. While discussion was going on, Nehru became ill and hence it was decided to send Lord Mountbatten alone.⁶¹ On November 1, 1947, Lord Mountbatten and Lord Ismay, the British resident to Kashmir, went to Lahore and held talks with Jinnah. Jinnah repeated his charges against India that accession was obtained by violence and pressure, but Lord Mountbatten refuted them. At the end of their meeting, Jinnah suggested that both sides should withdraw simultaneously from Kashmir. He further said to Lord Mountbatten that, "if you do this I will call the whole thing off".⁶² Here, arise a question. If Pakistan has no claim over the tribesmen as per their earlier argument then how could he "call the whole thing off"? So, it shows their hand in the tribal invasion. Lord Mountbatten proposed an idea of plebiscite in order to know the wishes of the people on the accession of the state, which Jinnah accepted after an earlier objection. But due to the difference over who should supervise the plebiscite, the talks ended in failure.

⁶¹ For details, .Menon, n.19, pp.403-404.

⁶² Mishra, n.7, p.75.

In the meanwhile fighting between the invaders and the Indian troops continued. After an initial success against the invading forces, the Indian troops suffered a set back in early December. This made the so-called 'Azad Kashmir' forces to make the Indian troops to move back from the border areas of 'Azad Kashmir', which they captured.⁶³ On the return of better weather condition in early spring, the Indian side attempted another offensive to take back some of the lost areas of and recaptured Jhangar, Dras and Kargil. Pakistan, by fearing that the war would come to its own territory, became more involved in fighting and supporting the 'Azad Kashmir' forces. As the fighting became intensified, the Indian leadership quickly realized that the war could not be brought to an end unless the support of Pakistan to the "Azad" forces topped.⁶⁴

In the first week of December 1947, Pakistan Prime Minister, Liaquat Ali Khan, visited Delhi in order to attend meeting of the Joint Defence Council. Lord Mountbatten used this opportunity to have a discussion between Nehru and Liaquat Ali. For this he also persuaded Nehru to agree for the discussion. But no fruitful solution emerged out of their discussion. After a repeated request, again on December 22, 1947, Indian Prime Minister gave a letter to his Pakistani counterpart, in which India requested Pakistan to stop extending support to the invading forces. However, Pakistan remained silent on India's request. Under these circumstances, instead of attacking the bases of invaders which were in Pakistan

⁶³ Sumit Ganguly, n.5, p.17.

⁶⁴ *ibid.*, p.18.

and in order “not to aggravate Indo-Pakistan relations”,⁶⁵ India decided to complaint to the in United Nations.

Reference to United Nations

On the suggestion of Lord Mountbatten India decided to seek the help of United Nations in the legitimate hope that it would bring the aggression of Pakistanis to an end. Accordingly under Article 35 of the UN Charter, India placed its case in the Security Council in order to persuade Pakistan to stop the aggression.

By referring the matter to the Security Council, India became a party to the dispute. In the words of K.K.Mishra, “It was a tactical mistake on the part of the Indian Government to have referred the matter to the United Nations before freeing the whole of Kashmir from the savage raiders”.⁶⁶ It is not clear on the part of India why it took the issue to the United Nations Security Council? On the advise of Lord Mountbatten before recapturing the lost areas. It seems that Nehru, might have thought that the problem would harm the growth of India. Besides, as a member of the United Nations, he might have believed firmly in the UN Charter. Lord Birdwood writes, “if Nehru was convinced that Abdullah’s administration was based on the will of the people, from his point of view there was no need of a plebiscite and he should never have agreed to one”.⁶⁷

⁶⁵ *The Kashmir Question 1947-56*, n.45, p.9

⁶⁶ Misra, n.7, p.91.

⁶⁷ Birdwood, n.57, p.64.



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Discussion in the Security Council

With regard to the Indian complaint, Pakistan emphatically denied its role in the invasion of Kashmir. In this regard, Pakistan Foreign Minister, Zafrullah Khan, said that the conflict in Kashmir was nothing but one among the other problems that started as a result of the partition of British India and accepted the necessity of UN role in Kashmir question. In reply to India's complaint, Pakistan filed a counter complaint in which it placed the Kashmir issue in a broader context in contrast to India's case. Further, it said that the tribal invasion was merely a by-product⁶⁸ of the past events. At the end of their argument, Pakistan claimed Kashmir on the grounds of religion, which was the basis of its creation from the British India.

On the discussion of Kashmir question in the UN Security Council, India urged that Pakistan couldn't claim Kashmir on the basis of religion under the partition scheme because it is applied only to the British India and not to the Princely States. Further, the Indian spokesperson, Gopaldaswamy Ayyengar, in the UN Security council proceedings, said, that Pakistan's participation in the aggression over the Kashmir was explicit as the Indian troops found vehicles with Pakistan number and soldiers with Pakistan Army dress and rifles during their fight with the invaders. To ascertain these facts, a few foreign observers' statement could be seen. For example, Russel K. Heighte Jr. a former American soldier who served 'Azad' Kashmir Army for a short period said that Pakistan had helped the 'Azad' forces by providing petrol, ammunition and organized camps for them. He responded this to the *New York Times*

⁶⁸ Brecher, n.26, p.66.

correspondent on January 16, 1948 at Lahore. Also A. Moorehead, of *London Observer* reported that recruitment was taking place in Pakistan⁶⁹ for the invasion purpose.

When Security Council took up the Kashmir matter for consideration, Pakistan emphatically denied that it had role in the invasion. Foreign Minister of Pakistan, Sir Mohd. Zafrullah Khan informed the Security Council that "... the Pakistan Government emphatically denies that they are giving aid and assistance to the so-called invaders are have committed any aggression against India...".⁷⁰ On the invading tribesmen, Pakistan reportedly said that it had no control over them. But, although the invasion was carried out mainly from Poonch area of the Kashmir state, mainly by the ex-soldiers, it was led and conducted from outside i.e. from the Northwest Frontier Province of Pakistan. Later the Pakistani soldiers who were on leave and some serving officers joined it. On India's repeated charges against Pakistan's invasion of Kashmir, it said that they have no control over the tribesmen of NWFP and the Pakistani soldiers on leave. Its further stated, that if so, they might have involved in the fighting against the Indian troops as a self defence and in order to 'liberate' their fellow Muslims in the state from the 'suppression' of non-Muslim rule. Hence, it should be noted that the use of force by the nationals of Pakistan could not be justified even on the ground of self-defence in accordance with the provisions of Article 51 of the UN Charter. It should be remembered that even on self-defence the forces could be used by one state against other only

⁶⁹ *ibid*, n.26, pp.30-31.

⁷⁰ *Kashmir and the United Nations*, Ministry of External Affairs, GOI (New Delhi, 1962), p.5.

if an armed attack occur on it. So, for the sake of argument even if the Muslims were being terrified, suppressed and driven out of the state of Kashmir, Pakistan had no legitimate right to use force against the state of Kashmir. It could request the concerned state to stop the anti-Muslim activities or could taken the case to International Forum. Further, Para 4 of Article 2 of the UN Charter makes it clear that “all the members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state...”⁷¹ As per this provision, it was wrong on the part of Pakistan to use force against Kashmir, which is a territorial part of India.

On the question of tribal invasion, India asked the Security Council whether it was possible for the ‘tribal force’ to invade Kashmir without the cooperation of Pakistan by referring the news which published in *The Daily Telegraph* dated January 17, 1948 saying “in any case there were a total of 60,000 Pathans fighting on the soil of Kashmir”.⁷² The Security Council failed to recognize this fact and take action against Pakistan for sending its forces unlawfully into the state of Kashmir. When the proceeding continues in UN Security Council, Pakistan made a claim on Kashmir by saying that, the state of Kashmir was very significant for its survival on the basis of rivers, because the most important rivers, which flow into Pakistan, arise in Kashmir and also serve as main sources of irrigation. So Pakistan felt insecure, over India stopping the flow of water in these rivers in order to punish it. Other than this Pakistan

⁷¹ Agarwal, n.14, p.47.

⁷² Gupta, n.10, p.115.

made a claim based upon its historical two-nation theory. This theory itself served as one of the basis for their claim to Kashmir⁷³ from the beginning. Hence, Pakistan called the withdrawal of Indian troops from Kashmir to allow for plebiscite under the UN.

India refused the claim of Pakistan over Kashmir on the basis of the rivers, because out of the three rivers, which Pakistan was concerned on the flow of water to its territory only Jhelum rises in Kashmir and the remaining two from other parts of the Indian territory.⁷⁴ In addition, India considered Kashmir as a strength for its secularism principle of the partition, because after independence Kashmir was the only state having a predominant Muslim population which rejected the ideology of two nation theory. On Pakistan's call for withdrawal of Indian troops, India stated that Kashmir became a legal state by acceding to Indian union, so it cannot leave it unless the accession be reversed by the Kashmiri people by voting against it. The Kashmir issue became complex and controversial due to the differences in facts that were submitted to the Security Council by the two countries. Therefore, it became a duty of the Security Council to examine these complaints and to find out a way to settle the issue amicably. As a result, on January 6, 1948 the President of the Security Council 'appealed' to both India and Pakistan to "maintain the status quo"⁷⁵ in Kashmir till a further action on the issue was taken.

⁷³ See Brecher, n.26, p.53.

⁷⁴ *The Kashmir Question*, 1947, n.45, p.25.

⁷⁵ Brecher, n.26, p.75.

On January 17, the UN announced that an agreement was reached between the representatives of the two countries over the proposal of Noel Baker, the British Minister for Commonwealth Relations and as already both the countries sought an UN mediation in finding a solution to the question of Kashmir, the UN Security Council passed a resolution on January 20, 1948 which creates a committee known as United Nation Commission for India and Pakistan (UNCIP) consisting of three members for the purpose of investigation and mediation. Among the three members, one would be elected by India, another by Pakistan and a third one would be designated by both, if not by the President of the Security Council.⁷⁶ The primary objective of the UNCIP was to remove the hostilities between India and Pakistan and to create a conducive atmosphere for holding a plebiscite for which both the parties expressed their approval.⁷⁷

Pakistan made another complaint to the Security Council through a letter on January 20, 1948, in which it included the question of Junagadh, Hyderabad and the water canal dispute between India, besides the Kashmir question. In view of Pakistan's letter, there was a discussion at the meeting on January 22, 1948 for a change in the agenda which had until then been entitled as "Jammu and Kashmir Question". This was changed to "India-Pakistan question"⁷⁸, for which, India strongly objected and said that Pakistan had tried to raise the settled issue again, where it had no locus standi. Though there was no need of any UN intervention on

⁷⁶ *ibid*, p.78.

⁷⁷ Gupta, n.10, p.65.

⁷⁸ Robert G. Wirsing, *India, Pakistan, and the Kashmir Dispute*, (London,1994), p.57

these cases required, it had widened the discussion and the case of Kashmir in the Security Council. Following the debate in the Security Council on Kashmir, India and Pakistan expressed their differences on two specific points in their meeting with the President of Security Council, Van Langenhove. The differences were: Pakistan demanded an immediate establishment of an impartial administration in place of Abdullah Government. India rejected this demand and instead proposed that Sheikh Abdullah's Provisional Government should be converted into Council of Ministers and to hold a Plebiscite under the auspices of the United Nations Commission. Secondly, Pakistan suggested that the Indian forces should be withdrawn from Kashmir. But India said the presence of the Indian troops was necessary for the security of the state. Further, it said that it would not withdraw till Kashmir remain an integral part of India. In the end, Langenhove, came out with a view that ending of the hostilities and conducting of a plebiscite were two aspects of the Kashmir question.

Accordingly, he presented two draft resolutions simultaneously. The first called for plebiscite under the authority of the Security Council and the second provided the Commission to promote harmony between the two countries in order to end the hostilities.⁷⁹ By this, more or less, the Security Council's view supported the Pakistani stand. But, India rejected these proposals. The resolutions passed by the Security Council showed a moved emphasis on a plebiscite in Kashmir. While passing the resolutions, however the members failed to understand the condition under which

⁷⁹ Misra, n. 7, p. 100

India offered to hold a plebiscite. India's commitment regarding plebiscite on the issue of accession was to be regarded only after the invaders had vacated the occupied part of the Kashmir state. India did not accept the Kashmir question to be a disputed one nor the aggression of Pakistan in Kashmir was to be disputed. It went to the United Nations for only asking and making Pakistan to vacate its occupied territory in the state of Kashmir.

Setting up of UNCIP

After a lengthy discussion on February 12, 1948, the Security Council decided to adjourn the discussion on the Kashmir question. On resuming their discussion again, UN Security Council passed a resolution on April 21, 1948 in which, it recommended to increase the members of UNCIP from 3 to 5; called Pakistan to secure the withdrawal of tribesmen including its nationals; permitted India to constitute an interim Government with all major political parties and finally recommended to have plebiscite under complete international control. India was however, not satisfied with these recommendations. According to Indian spokesman the coalition government with all major political parties in the state "would cause a paralysis"⁸⁰ and regarding allotment of "minimum forces" to India, he argued that it was not sufficient to monitor law and order and to protect the state from any external aggression. He also strongly objected to the proposal of conferring power to an international authority for conducting plebiscite. Even Pakistan was critical of the

⁸⁰ Brecher, n.26, p.85.

resolution, as it did not give any legal status on Kashmir.⁸¹ One of the significant outcomes of this resolution to India was that the right of maintaining force in Kashmir and the legality of accession was not questioned⁸² by the UN Commission. In spite of their objection, both India and Pakistan agreed to meet the UNCIP on this matter. The resolution of April 21, 1948 was somewhat significant than the earlier draft resolution of Security Council, because virtually it was the first attempt by the Security Council in which it made an effort to find a solution to the Kashmir question by considering that the continuation of the dispute was likely to endanger international peace and security.

Pakistan persistently denied its part in and out side and the UN on the invasion of Kashmir. But, on July 7, 1948, when UNCIP arrived to the subcontinent, Pakistan Foreign Minister informed the UN Commission on July 8, 1948 that three brigades of Pakistan troops were present in Kashmir at the time of aggression and they were sent in the first half of May.⁸³ According to Pakistan, this step was taken in order to stop the influx of refugees. As explained earlier, Pakistan had no right to use armed attack or aggression to stop the influx of refugees. Further it was against the Provision of Article 51 of the UN Charter. In addition, on August 4, 1948 Pakistan admitted that "the Pakistan Army was at present responsible for the overall command of 'Azad' Kashmir forces."⁸⁴

⁸¹ A.G. Noorani, "The Betrayal of Kashmir, Pakistan' Duplicity and India's Complicity" in Thomas (ed), n.1, p.268.

⁸² See *The Kashmir Question*, 1947-56, n.45, p.15.

⁸³ Brecher, n.26, p.30.

⁸⁴ Damodar R. Sardesi, "The Origins of Kashmir's International and Legal Status". in Thomas (ed), n.1, pp.88-89.

Later, in March 1949 more information on the invasion was disclosed by the Premier of the Northwest Frontier Province, Abdul Quayyam Khan. In his address on budget to the Provincial Legislature, he said that a special grant was allotted to the tribesmen. He further added that “the house will recall with pride the fact that in our greatest hour of danger the Masuds responded to our call by rushing to the rescue of the oppressed Muslims of Jammu and Kashmir state”.⁸⁵ Again as said earlier, Pakistan had no legitimate right to use its force and cross the territory of Kashmir, which was an integral part of India even if Muslims of the state were terrified.

Pakistan later explained that the regular troops of it were dispatched to Kashmir in the spring of 1948, on the ground of India’s military advancement, which was perceived as a threat to its security. It is worth to recall the provision of Article 51 of the UN Charter that: “in self-defense forces can be used by one state on another state only if an armed attack occur on it.”⁸⁶ So, Pakistan’s explanation of its troops dispatch on the ground of defence could not be justified, since Indian forces had not committed any such attack in their territory. The UN Security Council did not recognize these facts, which were openly accepted by Pakistan of its involvement in the invasion of Kashmir. Instead of taking action against Pakistan for the aggression, it simply equated India and Pakistan, victim and aggressor, by its majority resolutions.

⁸⁵ *The Kashmir Question*, n.45, p.12.

⁸⁶ Agrawal, n.14, p.48.

UNCIP Resolution of August 13, 1948

UNCIP proposed a resolution on August 13, 1948 which states that all Pakistani troops as well as the tribesmen were to be withdrawn; it permitted India to maintain necessary forces for law and order and asked the remaining 'bulk' of Indian forces be withdrawn according to Commission's satisfaction and not with Pakistan.⁸⁷ The Government of India accepted this resolution by sending a letter dated 20th August 1948 to the Commission. Before accepting the resolution India sought certain clarifications and assurances from the Commission, which the latter immediately came forward with it. The assurances that India got were the responsibility of security and sovereignty over entire Kashmir territory⁸⁸ and the powers to conduct plebiscite by the Kashmir State government with the consultation of the commission. On the other hand, the attitude of Pakistan was different. It sent a long memorandum on August 19, 1948 in which it asked for certain clarification on the defence of Gilgit region's separation from Kashmir; legality of its claim as a party of the dispute; because it declined to accept the resolution by insisting on "parity of treatment"⁸⁹ with India or the so-called 'Azad' Kashmir Government with the state of Jammu and Kashmir. On September 6, 1948, Pakistan accepted the UNCIP resolution of August 13, 1948 with certain reservations. Zafrullah Khan, the Pakistan Foreign Minister, told the Commission that it was prepared to accept the cease-fire (as per Part III of the resolution) on the condition that India agree to a "fair and impartial" plebiscite. He

⁸⁷ Sardesi, n.86, pp.88-89.

⁸⁸ *Kashmir and United Nations*, n.71, p.8.

⁸⁹ *ibid.*, p.7.

however emphasized that these views of Pakistan government were not binding on the 'Azad Kashmir' Government.⁹⁰

On September 7, 1948, the Prime Minister of India, Nehru, told in the Parliament that Pakistan's formal acceptance of the presence of troops in Kashmir clearly showed that the whole case of Pakistan before the Security Council was "bulk up on falsehood and deceit".⁹¹ The United Nations Commission for India and Pakistan left for Geneva on September 22, 1948 to draft an interim report for Security Council. Before leaving the subcontinent, the Commission sent a letter to Zafrullah Khan, in which it expressed a deep regret over the failure of Pakistan to accept the resolution of UNCIP dated August 13, 1948. The Commission's opinion was that by attaching conditions, Pakistan made immediate cease-fire almost impossible. So it expressed the need of unconditional cease-fire.

The UNCIP, submitted its first interim report to the Security Council on September 30. The report said that a cease-fire could not take place because of the Pakistan's reservation in regard to the resolutions of August 13. The report added that regular Pakistani forces were within Kashmir and were taking part in the fighting. Its first attempt to settle the Kashmir question had failed. The Commission's report showed Pakistan's part in the aggression in Kashmir, though it did not mention it specifically. Pakistan refused to accept the cease fire in Kashmir and continued fighting in the state, the settlement of issue became more difficult.

⁹⁰ Mishra, n.7, p.115.

⁹¹ *ibid.*

At the end of 1947 military operation of both countries were stopped in the Kashmir valley due to winter. But Indian forces began to advance in April in order to recapture the lost places such as Salamabad and Tithwal. Pakistan considered Indian troops advancement as a threat and hence started sending its regular troops into Kashmir. With the entry of Pakistani troops, Indian offensive stopped and a stalemate took place.⁹² But in the northern part of Kashmir territory, Pakistan army began to advance its troops from Gilgit and started occupying Baltistan, Kargil, Dras and Skandru. In November 1948, Indian army returned the offensive and recaptured Dras, Poonch and Kargil. In this situation Pakistan Foreign Minister called on UN Security Council and asked it to take action on India immediately. Further, he said if not then Pakistan “will have to undertake a counter offensive with all available resources, ... to prevent the over-running of the Poonch and Mirpur districts”. Three days after India captured Kargil, Pakistan Foreign Minister, Zafrullah Khan, stated their willingness to sign immediate cease fire.⁹³

By that time, the UN General Assembly started its proceeding taking advantage of the presence of representatives from both India and Pakistan. On December 11, 1948 the Commission again presented a new proposal to both the governments which was somewhat a supplement to Part III of the August 13 resolution, known as “Basic Principle for a plebiscite”. Under the new proposal the idea of an interim government by major political parties were left out entirely and instead Sheikh Abdullah regime was recognized

⁹² Brecher, n.26, p.98.

⁹³ *ibid.*, p.99.

until plebiscite result was known and powers of plebiscite administrator were also reduced considerably. With some reservations, India accepted the proposal on December 23, 1948 by a communiqué and Pakistan, though not fully accepted, gave its consent for further efforts by a communication to the Commission dated December 25, 1948. Later it accepted the resolution on January 5, 1949 after amplified by the Commission.⁹⁴

With the acceptance of Commission's proposal of December 11, 1948 by India and Pakistan, a cease-fire agreement was signed, which came in to effect from one minute before the midnight of January 1, 1949. However, India lost as much as 5,000 sq. miles of territory.⁹⁵ By the cease fire agreement, Part I of the August 13, 1948 resolution was put into effect. On January 5, 1949 UN Commission further formulated a resolution in order to supplement the earlier resolution of August 13, 1948. On the question of plebiscite it was decided to have impartial and democratic method of plebiscite; Commission will hold it when they found Parts I and II have been carried out. By this the Government of Kashmir was given power to appoint the proposed plebiscite administrator, who was to organize and conduct plebiscite along with the Security Council. The above facts clearly shows that the accession of Kashmir to India was legally valid.⁹⁶ India before accepting the resolution of January 5, 1949 had sought certain assurances from the Commission and also got it. Among them, the significant assurance was that the plebiscite

⁹⁴ The Kashmir Issue, Government of India (NewDelhi, year of publication not mentioned) p.23.

⁹⁵ Alistar Lamb, *Crisis in Kashmir 1947 to 1966* (London, 1966) p.67.

⁹⁶ The Kashmir Question, n.45, p.15.

proposals shall not be binding upon India, if Pakistan does not implement Parts I and II of the resolution of August 13, 1948. On the other hand, Pakistan accepted it, without attaching any conditions.

The UNCIP submitted its second interim report to the Security Council on January 13, 1949 in which it stated that the Governments of India and Pakistan had accepted the Commission's proposals and ordered a cease-fire on January 1, 1949. Further, United Nations Military Observer Group (UNMOG) was also sent to the subcontinent to help both countries to arrive an agreement on the war and to supervise the cease-fire. The cease-fire line which was agreed between India and Pakistan was not an agreement as such between the parties but it was adopted on the basis of the resolution of the Security Council. In February 1949, the Commission returned to India in order to implement Part II of the August 13 resolution relating to truce agreement which stated that Pakistan should withdraw its troops and nationals; second, the sovereignty of state of Kashmir over the evacuated area could be monitored with a sufficient force of Pakistan for law and order. On March 7 and 8, 1949, it held separate meeting's in New Delhi with the Civil and Military representatives of the two countries. Meanwhile, on March 21, 1949 the UN Secretary General, Trigvlie announced the appointment of Fleet Admiral Chester Nimitz of America as the plebiscite administrator for Kashmir⁹⁷ and the Commission also announced the same by a communiqué on March 25.

⁹⁷ Misra,n.7, p.127.

In April, after having met the two countries, the Commission submitted proposals for implementing the truce agreement. But, both countries refused to accept it. So the efforts of the Commission failed again. Although Part I of the resolution regarding the cease - fire line was accepted by both the states, one of the foremost reason for its failure was the non-implementation of Part II of the resolution by Pakistan. According to Part II of the August 13 resolution, Pakistan had to withdraw its forces from the state of Kashmir as the first step towards the implementation of the truce agreement. The reasons for the India's rejection of the Commission's truce line proposal was stated on June 7, 1949 by which India declared that no agreement could be reached until the 'Azad' Kashmir forces on the Pakistan side were disarmed and disbanded. So, UN Commission abandoned its further negotiation because of Pakistan's refusal to discuss the 'disarming and disbanding' of the 'Azad Kashmir' force by claiming that they were not part of the Pakistan Army.⁹⁸

Demilitarisation of the Northern area of Kashmir, which was unlawfully occupied by Pakistan and the withdrawal of Pakistan troops were the two major hurdles for further action. On July 27, 1949 an agreement on demarcating the cease-fire line was reached by the military representatives of the parties at a meeting in Karachi, though formally cease-fire line was accepted by both on January 5, 1949. The July agreement on demarcation was purely military than political. Under this agreement, India and Pakistan agreed to halt hostilities and also committed themselves to accept the presence of

⁹⁸ Government of India , p.26.

UN military observation in Kashmir until the dispute was resolved.⁹⁹ UNMOG for India and Pakistan was given permission to station at Karachi to monitor whether there was any increase in the force at Kashmir which was prohibited by the July 27, 1949 agreement.¹⁰⁰

The UNCIP in its third interim report to the Security Council, which was final, submitted in the first week of December recommended to replace five member commission by a single mediator and demilitarization of the whole Kashmir territory.¹⁰¹ This report was signed by only four members, the fifth member of the Commission Oldrich Chyle of Czechoslovakia submitted a separate minority report. In which Chyle said that the delegation of the United States tried utmost to further its plan of arbitration with Admiral Nimitz as the arbitrator and charged that outside influence was exerted upon the Commission. so he stressed that the mediation organ for Kashmir should be independent of outside interference. As Chyle rightly said, the interference of outside powers such as United States and United Kingdom had complicated the problem due to their power politics which will be discussed in detail in next chapter.

UN Mediation Process

(i) McNaughton Proposal

In view of the UNCIP's suggestion in their third interim report, the Security Council met on December 17, 1949 and appointed its President, General McNaughton of Canada, to act as

⁹⁹ Brecher, n.26, p.99.

¹⁰⁰ *ibid.*, p.103.

¹⁰¹ Misra, n.7, p.136.

the informal mediator. After having held discussions with the representatives of two countries, General McNaughton submitted his proposals to the Security Council asking both sides to demilitarize simultaneously. The northern areas of Baltistan and Gilgit would be administered by local authorities subject to the UN Supervision, according to the proposal. Pakistan readily accepted the proposal. However, India rejected it, by insisting upon the complete disbanding of the 'Azad' forces.¹⁰² In the Security Council, the McNaughton proposal was discussed on March 1950, in which majority of members supported Pakistan, despite the charges of its aid and encouragement to the invaders and involvement of its troops.

(ii) Owen Dixon Mediation

After India's rejection of the McNaughton proposals, the Security Council appointed Sir Owen Dixon as the Plebiscite administrator. The Indian press wrote that the replacement would not change India's basic stand on Kashmir. Sheikh Abdullah stated, on the appointment of new UN mediator, in *The Statesman* (Calcutta) (dated March 21, 1950) that "if he tries to base his proposals on the McNaughton formula, failure is certain".¹⁰³ In May 1950, Sir Owen Dixon visited India and Pakistan and met leaders of both the countries before reporting to the Security Council. He put forward several plans, one by one before giving up his assignment, among which he suggested for a coalition government with all major

¹⁰² Ganguly, n.5, pp.65-66; also see Korbelt, n.2, p.167.

¹⁰³ Cited in Korbelt, n.2, p.170.

political parties or a neutral administration by persons outside politics for the state and at last, he called for a partition of the Kashmir Valley.¹⁰⁴ India seriously objected the plans.

(iii) Frank Graham Effort

When the negotiations were going on in the United Nations, certain important developments took place in the state of Kashmir. Among them, the most important thing that took place in 1951 was the formation of Constitutional Assembly for Kashmir despite opposition from Pakistan and other powers in the UN. Pakistan sought immediate appointment of a new UN mediator on the latest move of India in Kashmir. The Security Council responded to the demand of Pakistan and appointed Dr. Frank Graham as an UN representative for India and Pakistan. His mission was limited to only two particular tasks: one was to bring a demilitarization in Kashmir and second, to hold a free plebiscite.¹⁰⁵ He relentlessly made efforts to demilitarise by drafting plans again and again. Finally he proposed that on demilitarization, the number of 'Azad' troops could be 6,000 and Indian troops to be 21,000 in Kashmir for security purpose and at the same time he made important efforts to include the Plebiscite Administrator. Both India and Pakistan objected to these proposals.

(iv) Bilateral Negotiation

Despite the attempts made by several UN representatives and plebiscite administrators such as General McNaughton, Sir Owen

¹⁰⁴ See Mishra, n.7, p.151.

¹⁰⁵ See Gupta, n.10, p.254.

Dixon, Admiral Chester Nimitz and Dr. Frank Graham between 1949 to 1953, no plebiscite could be held in Kashmir due to the different stands between India and Pakistan on demilitarisation, an essential condition before a plebiscite. They all failed mainly because they were not the nominees of the parties concerned. India rejected proposals and such as calling for arbitration, partition of Kashmir, removal of Indian troops and to the idea of stationing the foreign troops, because they were not agreeable and against the assurance given to India.

With the end of multilateral negotiation under UN in 1953, both India and Pakistan decided to solve the dispute on the basis of bilateral negotiation. The hopes became more when Mohammed Ali Bogra became Prime Minister of Pakistan in 1953. After this, the Prime Ministers of India and Pakistan, Nehru and M.A. Bogra, met in London on the occasion of the Commonwealth Heads of Government Conference¹⁰⁶ at Karachi and New Delhi. In the New Delhi meeting by a joint communique both stated their desire to settle the dispute at the earliest by to hold a plebiscite and to appoint a plebiscite administrator. When the progress was made, unfortunately difference had emerged on the plebiscite administrator. India expressed the preference of having someone from a smaller Asian country to avoid power politics rather the UN suggested Admiral Chester Nimitz of the United States. However, Pakistan was interested in the retention of Nimitz as a plebiscite administrator. Over this, the press of both countries charged each other with serious reports. During the course of exchange of letters

¹⁰⁶ Ganguly, n.5, p.68.

between the two Prime Ministers, an agreement was arrived to set up an expert committee to advice and deal with demilitarisation and selection of a plebiscite administrator".¹⁰⁷

At this juncture, Pakistan entered into a defence agreement with the US in 1954. After the US-Pakistan military pact, by citing that Pakistan's move had radically altered the situation, the Indian Government thereafter announced that it had no intention of holding a plebiscite in Kashmir and considered Kashmir accession to India as final.¹⁰⁸ In this regard, the Indian spokesperson, V.K. Krishna Menon told the Security Council that the accession of Kashmir to India was completed because legally "the assent of the people was not necessary for the validity and the perpetual character of state's accession. The Indian constitution contains no provision for 'de-accession' or partial or temporary accession".¹⁰⁹ He further said, that the Indian Union was created by the people of India in the Constitutional Assembly, in which the representatives of Kashmir participated. He added that if the accession of Jammu and Kashmir is to be reopened then "the same will apply to hundreds of states which have acceded to India".¹¹⁰

By India's refusal of further negotiations on Kashmir and declaration that the cease-fire line of 1949 between India and Pakistan became the defacto border between the two countries there by dividing Kashmir into two parts, the area held under Pakistan is

¹⁰⁷ Korbelt, n.2, p.195.

¹⁰⁸ Ganguly, n.15, p.44.

¹⁰⁹ Sardesai, n.86, p.92.

¹¹⁰ *ibid*

known as POK (Pakistan Occupied Kashmir) or 'Azad' Kashmir, which constitute 1/3rd of the whole territory. It includes the places such as Muzaffarabad, Mirpur, Poonch, Kotli, Bhimpur and Gilgit that are still possessed illegally by Pakistan. And the remaining 2/3rd of the territory is with India, which is known as the State of Jammu and Kashmir. This status quo continues even today. The Kashmir question became an international dispute due to the involvement of other countries, especially the super powers and the power politics of the United Nations.¹¹¹

¹¹¹ This point would be discussed in detail in the next chapter.

CHAPTER II

THE US STAND ON THE KASHMIR QUESTION: THE COLD WAR PERIOD

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THE US STAND ON THE KASHMIR QUESTION: THE COLD WAR PERIOD

Truman Administration and the Kashmir Question

On the Kashmir question, the US was initially unwilling to become involved due to its over all global concern over the emergence of communism as dominant force after the Second World War and formulation of cold war strategies in Europe and Middle East.¹ More over the US considered the South Asia region as a British responsibility, even after it left the subcontinent.² So, South Asia received less importance in the US foreign policy priorities while formulating Post- World War II policy when compared to other regions of the world till the conflict between India and Pakistan became intensified.

Ever since the Kashmir question was tabled in the United Nations by India on January 1, 1948 seeking the UN mediation to stop the Pakistan aggression on the state of Kashmir³ the US took active role in it. The US interest on the Kashmir question, primarily arose from its location, which is being close to Soviet Union, Afghanistan, China, Pakistan and India. The US viewed the dispute from the cold war perspective and feared that the regional dispute between two

¹ Saleem Kidwai, "U.S. and Kashmir Issue", *Asian Studies*, XVI, 16(1), January, 1998, p.1.

² Manoj Joshi, in Robert Cruden, et.al (ed.), *New Perspective on America and South Asia* (Delhi, 1984), p.1.

³ *The Kashmir Question, 1947-56*, Information Service of India, New Delhi, February, 1957, p.10.

countries might lead to a large conflict in the prevailing cold war atmosphere. Hence, its chief concern was to prevent the conflict from escalating into a general war between the two South Asian countries. In that case, a failure might push either side into opponent communist camp,⁴ which is against its policies and strategic interest in Asia. This view was very clear from the Loy Henderson report to Lovett in January 9, 1948 in which Loy Henderson, former Director of Near East office, who became ambassador to India, tried to persuade the acting secretary of state, Robert Lovell, to stay out of the dispute by indicating that the United States had already committed globally too much. Hence, he asked to avoid making decision of giving support to either side in the conflict because it would provide an opportunity to the Soviet Union to take part in the South Asian affairs.⁵

The US role in the Kashmir question is part of its overall design by which it wanted to ensure that the situation did not get out of its hand and to prevent the involvement of other external powers in the Kashmir issue. The US viewed the Kashmir question as a threat to its security because it might alter the position of the US by bringing other power, if so, it would lead to an another World War. As Aftab Alam says: “the concept of security to America is not merely limited to the security of its geographical boundary but more than physical security”.⁶ Hence, the US strategy is to oppose any state that seeks to influence other because it thought this would threaten its own security and status. The emergence of Soviet Union as a strong power

⁴ Kidwai, n.1, p.3.

⁵ Dennis Kux, *Estranged Democracies: India and the US 1941-1991* (New Delhi, 1994), p.60.

⁶ Aftab Alam, *U.S. Policy Towards South Asia, Special Reference to Indo-Pakistan Relation* (Delhi, 1998), p.15.

especially after the World War II and the growth of communist parties in Eastern Europe had made the US to reassess its foreign policy all over the world by which it became more active on the question of Kashmir. George Kennen, the expert on Soviet politics, presented a new basis of US foreign policy in 1946. Accordingly, the essence of the US policy was to seek the containment of the Soviet Union.⁷

The UN, US and The Kashmir Question

When the Kashmir question was placed before the UN Security Council, The US cooperated with British in moving many resolutions on the Kashmir issue. On January 1948, Pakistan made complaints to the Security Council through a letter in which it included the question of Junagadh, Hyderabad and the water canal dispute besides the Kashmir question. In the meeting, the US managed to convert Pakistan's aggression on Kashmir in the agenda into a "Indo-Pakistan Question", until then it was entitled as "Jammu and Kashmir Question".⁸ On April 21, 1948 the Security Council adopted a resolution which called for setting up of the United Nations Commission for India and Pakistan (UNCIP). The US failed to condemn Pakistan for its aggression. Moreover, by and large, through the resolution, the US accepted the view that "accession was incomplete and Kashmir was disputed territory".⁹ India strongly reacted to the April 1948 resolution and criticised the US stand for equating the aggressor with victim. Pakistan also persistently denied

⁷ See *ibid.*, pp.18-19.

⁸ Robert G. Wirsing, *India, Pakistan and the Kashmir Dispute* (London, 1994), p.57.

⁹ Kidwai, n.1, p.2.

its role in the invasion of Kashmir. But on July 7, 1948, when UNCIP arrived to the subcontinent, Pakistan Foreign Minister informed the UN Commission that three brigades of Pakistan troops were present in Kashmir at the time of aggression and it was been sent in the first half of May.¹⁰ According to Pakistan, their action was taken in order to stop the influx of refugees. The United States and other countries in the UN Security Council did not recognized these facts. According to Dennis Kux, "Nehru saw the US stance on Kashmir as influenced less by the merits of the dispute a by US global interests in light of the tensions with the Soviet."¹¹ Moreover, Nehru got disappointed with the function of UN in setting the issue.

On January 1, 1949 both India and Pakistan accepted the agreement on cease-fire, although there was no agreement on the method of holding plebiscite. After the agreement between the two countries, the UN Security Council appointed Admiral Chester Nimitz, Commander of US Navy as a plebiscite administrator on March 21, 1949. India and Pakistan accepted the nomination, but rejected the proposal of UNCIP, which called both countries to withdraw their troops from Kashmir simultaneously. At this stage, President Truman wrote an identical letter to both Indian and Pakistan Prime Minister's urging them to accept UNCIP proposal on the demilitarization of Kashmir.¹² But UNCIP failed to bring any result during its visit to the subcontinent. The efforts of the UN Commission failed. Although part I of the resolution regarding the cease-fire was

¹⁰ Michael Brecher, *The Struggle for Kashmir*, (New York, 1953), p.24.

¹¹ Kux, n.5, p.61.

¹² Mahmudul Haque, "U.S. Role in the Kashmir Dispute: A Survey", *Region Studies*, 19(4) Autumn, 1992, p.74.

accepted by both states, one of the foremost reasons for the failure was the non-implementation of Part II of the resolution by Pakistan. According to Part II of the August 13th resolution, Pakistan had to withdraw its forces from the state of Kashmir as the first step towards the implementation of the truce agreement. The reasons for India's rejection of the Commission's truce line proposal was that it declared that no agreement could be reached until the "Azad" Kashmir forces in Pakistan were disarmed and disbanded.¹³ Once their efforts became unsuccessful, the UNCIP submitted its final report to the Security Council in the first week of December in which they recommended to replace five member commission to single mediator. This report of the commission was signed only by four members, the fifth member of the commission, Oldrich Chyle of Czechoslovakia submitted a separate report to the security council due to has difference with the functions of other members. In the report, he stated that, "...in proposing arbitration and thus over stepping its terms of reference, in allowing the secret arbitration proposed to reach prematurely the United States and the United Kingdom who had then intervened... the disposition of the Northern area and in failing to win the confidence of either side".¹⁴ He further said that from June 1949 the delegation of the United States tried to further its plan of arbitration with Admiral Nimitz as the arbitrator and charged that outside influence was exerted upon the commission and added that the mediation organ for Kashmir must be independent of outside interference. It is clear from the Chyle's report that US tried to interfere in the function of UN and its resolution along with the

¹³ K.K. Mishra, *Kashmir and India's Foreign Policy*, (Allahabad, 1979), p.128.

¹⁴ *ibid.*, p.136.

United Kingdom. Pakistan responded favourably to President Truman's letter while India rejected and refused to obey his request.

The US and UN Mediation Process:

On India's refusal to accept the UNCIP proposal even after the instance of President Truman, U.S. Secretary of State, Dean Acheson viewed that the Maharaja's accession to India "did not definitely settle rights of parties and offer India no basis for superior moral position".¹⁵ In meantime, in view of the UNCIP's suggestion in their third interim report, the Security Council met on December 17, 1949 and appointed its President, General McNaughton of Canada to act as the informal mediator. After his discussion with representatives of two countries, India and Pakistan, General McNaughton submitted his proposals to the Security Council where by both sides were asked to demilitarize simultaneously. Since then, US pressurized India to accept McNaughton proposal, which was a modified version of UNCIP's demilitarization plan of Kashmir. According to the McNaughton proposal, a distinction was to be drawn between the forces of Pakistan and those of "Azad" Kashmir. The "Azad" Kashmir troops should be reduced by disbanding while the Pakistani troops should be withdrawn entirely. India rejected this proposal on the ground that it gave legal sanction to the 'Azad' Kashmir.¹⁶

On January 9, 1950, while meeting Vijayalakshmi Pandit , India's Ambassador to the US, and Bajpai, Secretary General in Ministry of External Affairs, US Secretary of State, Dean Acheson

¹⁵ Huque, n.13, p.74.

¹⁶ See Josef Korbel, *Danger in Kashmir*, (Princeton, 1954), p.167.

made an effort to persuade them, not to refuse the UN proposals again on Kashmir.¹⁷ The victory of communist in China and the war in Korea had forced the US to reassess its policy in Asia, because earlier US viewed only soviet as a threat but emergence of Communist China within the Asia made it to worry more. So, in the Korean War. The US sought the help of India in order to counter the spread of communism, but the US was disappointed when India refused to appreciate its position and declined to approve the Japanese Peace Treaty in 1950 due to its policy of nonalignment. Thus, the US came to the conclusion that Pakistan would be more adaptable and important for its security in Asia.¹⁸ However, Pakistan refused to provide manpower assistance to the US, when it sought during their military operation, on the ground that they were not in a position to spare forces. According to S.D. Muni, “this led the U.S. to involve itself in the resolution of Kashmir dispute”.¹⁹

Later, in July 1951, the State Department said in a note on the Kashmir question that “... the Kashmir dispute continues to be the greatest threat to realize our objectives that stability be maintained in Pakistan and in South Asia... The Kashmir issue more than any other is responsible for Pakistan’s desire for greater military security...”.²⁰ Its clear that the Kashmir question was an obstacle to the promotion of the US interest. It made the US to involve in Kashmir question more on the side of Pakistan. The UN Security Council made another

¹⁷ Kux, n.5, p.63.

¹⁸ A.G. Naidu, “U.S. Policy towards India: A National Interest Model”, *India Quarterly*, 37(1), January-March, 1981, p.28.

¹⁹ S.D. Muni, “The United States and South Asia: The Strategic Dimensions” in Shelton U. Kodikara (ed.), *External Compulsions of South Asia Politics*, (New Delhi), p.62.

²⁰ *ibid.*

effort, after the failure of McNaughton's mission. It sent Sir Owen Dixon, a Prominent Australian Jurist to South Asia in order to try again on the issue of plebiscite. After making efforts, he came to a conclusion that a plebiscite for whole territory of Kashmir was "impractical" and among others, he proposed a partition of the Kashmir Valley.²¹ India strongly objected to this proposal. But the US did not favour in dropping the issue, even after the recommendation of Sir Owen Dixon where he said plebiscite for Kashmir was 'impractical'. When Dean Acheson, Secretary of State met Pakistan Foreign Minister, Zafrullah Khan in November 1950, he basically agreed with Pakistan's view that unless Indian troops were removed and an UN administrator was appointed for plebiscite, it would not be possible to have a fair plebiscite.²²

The US had jointly sponsored a resolution with the United Kingdom on March 30, 1951 in which, as a renewed effort called the Security Council to appoint a new mediator. Accordingly, the Security Council appointed Dr. Frank Graham, as an UN mediator, to settle the Kashmir question. As part of the UN effort. Graham tried his best to bring about a consensus between the two parties on the demilitarization of the state and to pave the way for holding plebiscite. On his decision to leave the effort, he sent his final report to the Security Council, without any concrete proposal.²³

²¹ See Mishra, n.14, p.151.

²² Kux, n.5, p.64.

²³ *ibid.*, p.67.

Bowles Initiatives

Chester Bowles, replaced Loy Henderson as an ambassador to India, after assuming his office, recommended a less active role for the U.S. in the Kashmir question. In his message to the State Department, Bowles “urged the U.S. to restrict its role to serving as a friend to both countries, willing to help in solving the dispute without taking sides...he was at a loss to understand why Graham felt unable to suggest different approaches”²⁴ On the Kashmir issue the State Department did not agree with his view and as a reply to his message it instructed him to give continuous support to the UN mediation efforts. Later Chester Bowles took a personal initiative for settling the Kashmir question by giving the idea of partition of Kashmir as basis for the settlement of the problem along the lines of Owen Dixon’s proposal of 1950.²⁵ But Dean Acheson, Secretary of State, did not support this idea because he felt it would end the Graham’s mission, which was going on at that time.

Chester Bowles again made another attempt to solve the problem. In order, he met Nazimuddin, Prime Minister of Pakistan and discussed the issue of maintaining forces by both countries in Kashmir as a step to the plebiscite. In the discussion, he got consent of Nazimuddin. Accordingly, India could keep a 4 to 1 ratio of troops when compared to Pakistan. When Bowles US conveyed this to Nehru and sought his opinion, Nehru simply rejected it by saying that any such proposal must come through official UN mediator.²⁶ Hence, the

²⁴ *ibid.*, p.65.

²⁵ Huque, n.13, p.78.

²⁶ *ibid.*

peace initiatives of Bowles on demilitarization had failed without any further result. Throughout his peace initiatives, he did not get support from the US administration.

The US administration under President Truman was very much concerned about countering communism. Initially, it involved in the Kashmir question without taking side of any country. But slowly, due to its containment policy, it began to endorse Pakistan's claim in order to get its support for cold war politics.

Kashmir Question: Eisenhower Administration's Response

After assuming office in January 1953, President Eisenhower had recognized the need for the immediate resolution of the Kashmir question. So, he expressed his willingness to help in reducing tension between the two countries on the Kashmir issue. In this regard, he wrote a letter to John Foster Dulles, Secretary of State, that US "simply cannot afford an outbreak of hostilities between these two countries; and I would risk a great deal to prevent any such eventually".²⁷ Further, he instructed the State department to find out a way by which the US could contribute to the settlement of dispute. The State Department which had already noted the failure of the UN mediator of Owen Dixon and Frank Graham in bringing demilitarization, a condition necessary before holding an impartial plebiscite in Kashmir. Therefore, before suggesting President on his wish to find a solution to the Kashmir question, it carefully examined the earlier reports of Dixon and Graham, Henry A. Byroade, Assistant Secretary of State for Near Eastern, South Asia and African affairs,

²⁷ Cited in A.M.M. Saifuddin Khaled, "Cold War in the Subcontinent, President Eisenhower and the Kashmir Dispute, 1953-1954", *Strategic Digest*, 26 (6) June, 1996, p.809.

sent a memorandum to President Eisenhower on March 1953 recommending that a direct negotiation between the two parties would be the best way at this point to settle the issue. Further, he recommended that a personal representative could be sent to the subcontinent to initiate such negotiation between India and Pakistan.²⁸ From the above recommendation of the State Department, it is clear that there was slight change in the US approach since 1948 because it tried to provide an opportunity to both two parties to settle the issue outside of the UN.

Hoffman Mission:

On the recommendation of the State Department to the President, Secretary of State John Foster Dulles suggested Paul Hoffman's name for the purpose of President's envoy to the subcontinent. President Eisenhower gave an approval to the suggestion of sending Paul Hoffman, Head of Ford Foundation and Former Chief of the Marshall Plan, as his Personal Emissary in a non-official capacity to South Asia. On President Eisenhower's request, Paul Hoffman visited India and Pakistan. When he visited the subcontinent on April 15, 1953, he made a progress in obtaining the consent of two Prime Minister's, Nehru and Mohammad Ali Bogra for bilateral negotiations.²⁹

On the initiative of President Eisenhower's Personal emissary, Paul Hoffman, Prime Ministers of India and Pakistan, Nehru and Bogra met first in London in the first week of June, 1953. Next

²⁸ *ibid.*

²⁹ Kux, n.5, p.115.

meeting was held at Karachi on July 25, 1953, but nothing emerged concretely. Two days after the talk, while meeting John K. Emerson, US Charge d'affairs in Pakistan, Foreign Minister of Pakistan, Mohammed Zafrullah Khan informed him about the areas of disagreement between India and Pakistan. On the information obtained from the Pakistan Foreign Minister, Emerson, in a letter to the state Department stated that "Nehru's final proposal was for both countries to accept the status quo which he believed was working well. Mohammad Ali Bogra turned down this proposal as being completely unacceptable to Pakistan".³⁰

At the same time, the *New York Times* carried a report of its New Delhi correspondent, Robert Trumbell, where he stated that there was a plan between the two Prime Minister's for a settlement of the Kashmir question on the basis of an independence to the valley of Kashmir under a 'joint guarantee' between India and Pakistan. It also disclosed that the rest would be partitioned along the present cease fire line and even US Secretary of State, Dulles supported such a solution.³¹ These developments had complicated the negotiation process between the two countries. India denied that there is any such settlement plan under consideration and US too denied the report of Dulles meddling in Kashmir question.

US-Pakistan Military Alliance and the Kashmir Question

India refused to talk about plebiscite as a way to settle the Kashmir question. This position remained unchanged. On May 5,

³⁰ Cited in Khaled, n.28, p.810.

³¹ *ibid.*

1954, Prime Minister Nehru in a letter to Prime Minister of Pakistan, Mohammad Ali had withdrawn his earlier commitment regarding the reduction of Indian troops in Kashmir. Further, he stated that in view of a large-scale arms supply of US such commitment had little relevance and India could no longer take such a risk. By which, he gave up the intention of holding a plebiscite in Kashmir and also declared an end to all bilateral negotiation with Pakistan.

Also, India demanded the withdrawal of US personnels from the UN observer group in Kashmir. Nehru viewed that through its alliance, the US had taken a side with Pakistan. Therefore, it could not be neutral. The US did not accept this argument but finally agreed when UN Secretary General, Dag Hammarskjold requested the US not to send any replacement for its retiring personnel in observer group.³² The US became annoyed with India's position on the question of Kashmir.

In the beginning of 1957, the US made it clear that the constitutional assembly in Kashmir had no right to decide the state affiliation. Further, the US representative to the Security Council, expressed his disagreement on the changes made by Kashmir constitutional assembly on November 1956, where it adopted a new constitution and declared the state as an integral part of India.³³ Pakistan also opposed the moves of Kashmir constitutional assembly's resolution and called the US Security Council to take action on this matter. In the UN, it strongly criticized India. At the same time, Pakistani President Major Gen. Iskander Mirza sent a

³² Khaled, n.28, p.817.

³³ Hague, n.13, p.80.

telegram to US President Eisenhower, in which he said: "I should like to express my appreciation and the appreciation of the people of Pakistan for the support of the US Government for the Kashmir resolution in the UN under difficult circumstances..."³⁴ After US resolution, the UN Security Council declared that any action by the Constitutional Assembly which meant to determine the future of Kashmir "would not constitute a disposition of the state"³⁵ in accordance with the principles of the various UN resolution since 1948.

There was a large scale demonstration against the US for its alliance with Pakistan. Indian Press also severely criticized Washington. In order to reduce the anti-American feeling in India, President Eisenhower assured India that his government's agreement with Pakistan was not against India. He explained that if Pakistan was involved in aggression against India, he would take action against it. Further, he promised that if India request military assistance on the same terms as Pakistan, he would give it.³⁶ But India rejected the offer and refused to accept the US assurance of taking action against Pakistan.

Gunnar Jarring Proposal and US View:

In February 1957, the US extended its support to the idea of Gunnar Jarring of Sweden mission, who was President of the Security Council. The UN Secretary Council considered the question of Kashmir and sent Gunnar Jarring to find prospects for demilitarisation

³⁴ cited in Misra, n.14, p.227.

³⁵ Huque, n.13, p.80.

³⁶ Khaled, n.28, p.815.

and ways for the temporary deployment of UN forces.³⁷ India opposed the idea of stationing temporary UN force in Kashmir; such as the Soviet Union also opposed it. Accordingly, on February 18, 1957, the Soviet representative to the UN, Sobolvo presented three amendments to the draft resolution. These amendments excluded the reference to a plebiscite and to the introduction of UN forces.³⁸ After his visit to the subcontinent, Gunnar Jarring made a statement in the Security Council on April 1957 that the implementation of international agreement of an adhoc character, which had not been achieved, fairly and speedily, might become progressively more difficult because the situation with which they were to cope had tended to change.³⁹

The Gunnar Jarring's statement reflects the change in Kashmir situation after the US military alliance with Pakistan. After the end of the Jarring mission because of India's rejection of the proposal of UN arbitration in Kashmir, Security Council adopted a proposal to send Graham again at the initiatives of British representative, Sir Pierson Dixon. But it also ended in failure due to the difference of opinion between India and Pakistan and India's rejection of stationing of UN force in Kashmir.⁴⁰

President Kennedy and the Kashmir Question

When Kennedy became President of US in 1961, a change in its stand was witnessed on the Kashmir question. He declined to play an

³⁷ *ibid.*, p.237.

³⁸ *ibid.*, p.242.

³⁹ W. Norman Brown, *The United States and India and Pakistan* (Cambridge, 1963, p.197).

⁴⁰ Misra, n.14, p.282.

active role and favoured bilateral negotiations between the two countries in order to resolve the issue. He was of the view that US influence in the Kashmir question was limited, especially since the Indian and Pakistani leaders were not able to come together.⁴¹ But, at the same time, he desired that the Kashmir question should be settled amicably between the two countries. In this regard, President Kennedy proposed Eugene Black, the former World Bank President to visit South Asia in order to help promoting a favourable environment for settling the Kashmir question. In January 24, 1962 the *New York Times* carried a report, in which President Kennedy suggested that India and Pakistan used fresh efforts of Eugene Black to resolve the Kashmir question through direct negotiations. While Pakistan accepted the proposal immediately, India rejected it on the ground that it did not like any third party mediation on the issue.⁴²

After this, in June 1962, even though President Kennedy tried to avoid it, the debate on the Kashmir question took place in the Security Council, where a resolution was brought with the support of the US, the U.K. and other countries, which called for the implementation of the earlier UN resolutions on Plebiscite. Two day later, on June 22, Ireland tabled a resolution which urged India and Pakistan to enter into negotiations "at the earliest convenient time" with the view to settling the Kashmir question. Soviet representative to the UN, Morozov, criticized the resolution and said that the resolution was basically in line with the resume of the US

⁴¹ Alam, n.6, p.156.

⁴² Gupta, n.42, p.374.

representative. He added that the US was planned to sponsor the draft but, at the last moment ,it dropped out.⁴³

India strongly criticized the move of Ireland. Menon described it as an “unfriendly act” in the Security Council and further said that on the insistence of Pakistan for Security Council debate on the Kashmir question the US had taken the initiative and influenced Ireland to present a draft resolution. In addition, he said that the Irish resolution was against the sovereignty of a country and it could not be subjected to arbitration.⁴⁴ The Soviet Union vetoed the draft resolution when it was put to vote.⁴⁵

The US alliance with Pakistan had renewed the Soviet interest in the Kashmir question by which it strongly criticized the US policy of establishing military blocs in Asia. Further, the Soviet Union supported India in the Kashmir question. From the beginning of 1955, the Soviet Union made it as a policy to veto any resolution on the Kashmir question in the UN Security Council which had not been favourable to India’s interest. In the present case, India made it clear that it was not interested in any bilateral talks with Pakistan.⁴⁶

Harriman and Rostow Mission : 'honest broker'

The growth of Soviet-India relationship had made the US to worry. When the Sino-Indian conflict broke out in 1962, the US viewed it an opportunity to improve its relation with India. At same

⁴³ Misra, n.14, p.324.

⁴⁴ *ibid.*, p.327.

⁴⁵ Kux, n.5, p.201.

⁴⁶ G.W. Choudhary, *India, Pakistan, Bangladesh and Major Powers* (New York, 1975) p.82.

time, the US wants to use this chance to bring India and Pakistan together to a negotiating table on the Kashmir question. On November 21, 1962 President John F. Kennedy sent a mission headed by Averell Harriman along with Duncan Sandys, British Commonwealth Secretary of State to the Subcontinent with the aim of initiating talks between India and Pakistan on the Kashmir question and to frame modalities for the US military assistance to India against Chinese invasion. Pakistan's bitterness on the US support to India against China and India's firm refusal to any bilateral talks and to Pakistan's claim on Kashmir, proved to be an obstacle in the Harriman mission. However, he succeeded in getting the two countries to enter into a direct negotiation on the Kashmir issue.⁴⁷ As such, India and Pakistan entered into a Ministerial level talks on December 27, 1962. It was followed by subsequent talks held in both countries alternatively. Since then, the US was not active on the Kashmir question because of its other priorities in world politics.

But, when India-Pakistan talks on Kashmir headed towards an unsuccessful end in April 1963, the US sent Walt W. Rostow as President's special adviser and Secretary of state, Dean Rusk to the subcontinent. In his report to the *New York Time* on April 8, 1963, Rostow reportedly came up with the idea that only some kind of partition of Kashmir was the possible way to settle the issue, whereby both India and Pakistan could gain substantial position in the valley.⁴⁸ As a response to the Rostow idea, Nehru told the *New York Times* correspondent, Thomas P. Brady on April 16, 1963 that the Kashmir

⁴⁷ Kux,n.5, p.210.

⁴⁸ Huque, n.13, p.83.

was “a unit economically and psychologically”⁴⁹ of India. So he rejected the idea of partitioning Kashmir. Later US Secretary of State, Dean Rusk visited India again on May 5, 1963, where he suggested the idea of naming a new Kashmir negotiator. India viewed these suggestions as part of US design to pressure it to accept the US condition in the resolution of the Kashmir question.⁵⁰ By that time, Pakistan also concluded a border agreement with China by giving part of its occupied Kashmir territory.⁵¹ This irked India and following the difference between the two countries on the legality of Pakistan’s agreement with China, the final talk between India and Pakistan concluded on May 16, 1963 without any desirable result. The question is Pakistan had no right over the Kashmir territory which is an integral part of India, how could it concluded an agreement with China and give a part of Kashmir?

Prime Minister Nehru criticized US policy and Pakistan agreement with China on Kashmir. Later, on November 1963, he told the Indian Parliament that “anything which involved upsetting the present arrangement in Kashmir would be harmful to the people of Kashmir and the future relations between India and Pakistan” and added that “it would not be possible for India to by pass or ignore certain basic principle”⁵² such as endorsing the policy of US, or accepting the claims of Pakistan over Kashmir. Thus, the talks between two countries on the Kashmir question ended in failure which was initiated on the instance of Harriman mission. Describing

⁴⁹ *ibid.*

⁵⁰ Kux, n.5, p.211.

⁵¹ Alam, n.6, p.157.

⁵² Huque, n.13, p.83.

about the talks between India and Pakistan, Dennis Kux says that neither India nor Pakistan, in fact showed any real enthusiasm about the Kashmir talks with pressure from Washington and London was the only reason for their agreeing to participate.⁵³

When the Kashmir question came to the discussion in the Security Council after an interval, India called for condemning Pakistan as an aggressor and its treaty with China on Kashmir. US representative to the UN Security Council rejected, by saying that the origin of the conflict was “complicated and deeply buried in the history of great subcontinent in India”⁵⁴. Instead of going into the question of who was the responsible for aggression, he stressed the need for plebiscite, which India already had rejected. In the words of Norman D. Palmer: “American views on Kashmir have been more sympathetic with Pakistan, than with Indian case, an attitude reflected in votes by American representatives whenever the Kashmir question has been brought before the Security Council”.⁵⁵ Because of the U.S. policy decision to prevent the influence of Soviet in South Asia region, The US wanted to ensure that the region does not go out of its hand. The US needed this region for its strategic purpose as part of cold war policy in order to monitor and preserve the oil rich region of West Asia and South East Asia. For this purpose, it required the support of Pakistan and therefore it endorsed Pakistan's stand.

Thus US role in Kashmir question, under President Kennedy was part of its overall policy design in countering the influence of the

⁵³ Kux, n.5, p.211.

⁵⁴ Alam, n.6, p.155.

⁵⁵ Cited in *ibid.*, p.158.

Soviet Union and preserving the status quo on the fall out of Cuban crisis and Vietnam War. It is reflected in Philips Talbot's, US Assistant Secretary for Near Eastern and South Asian affairs, address to the UN association of Wichita on October 1964 where he told that "Kashmir is only one aspect of course, of our larger interest in the subcontinent of South Asia".⁵⁶

1965 India-Pakistan War and Johnson Administration's Response

In September 1965, Pakistan attacked India. President Johnson at that time did not want to involve directly, so he left the matter to the UN and supported its role for resolving the issue. But slowly the US attitude changed more or less favourable to Pakistan in the war in order to keep out the Pakistan's leaning towards China. It is clear from the Aftab Alam's observation that the 1965 war for the US was "a severe test to the US South Asian policy. The US wanted to halt the fighting in order to preclude possible Chinese involvement on Pakistan's behalf or the Soviet Union on India, for fear that the conflict would spread, endangering wide US interest".⁵⁷ On India's complaint about the Pakistan's misuse of US weapons, US Secretary of State Dean Rusk said that a ceasefire was more important than going into India's complaint. So, for the second time the US equated the aggressor with victim by imposing an arms and economic embargo.⁵⁸

⁵⁶ *ibid.*, p.154.

⁵⁷ *ibid.*, p.35.

⁵⁸ See K. Subramanyam in *Times of India*, August 11, 1997.

India was annoyed by the US action of economic sanction and equal treatment along with Pakistan. On the 1965 war between India and Pakistan, American scholar, Robert J. McMahon said that “the war had been precipitated by Ayub’s decision in early August (1965) to send Pakistani ‘volunteers’ into Kashmir. A gradual escalation had ensued, culminating on September 6....”.⁵⁹ From it, Pakistan’s aggression on India over Kashmir was very clear and as a further evidence, the report of UN Secretary General U Thant to the Security Council, stated that “Gen. Nimmo has indicated to me that the series of violation that began on 5th August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the cease fire line from the Pakistan side for the purpose of armed action on the India side...”.⁶⁰ The US did not take into account of these facts. The war between India and Pakistan ended on 22 September 1965.

Period of Prolonged Inactiveness – Kashmir Question and the US

After the 1965 war, US interest on Kashmir question and South Asia in general began to decline, due to its policies and need of preoccupation with Vietnam affairs and a détente between the Super Power since the Cuba crisis. So when the Soviet Union came forward to mediate between India and Pakistan in 1965 over Kashmir issue, the US gave its support immediately. By the Soviet initiatives, leaders of both India and Pakistan, Lal Bhadur Shastri and Ayub Khan met Kosygin, Foreign Minister of Soviet Union at Tashkent, a Soviet

⁵⁹ Robert J. McMahon in A.P. Rana (ed.) *Four Decades of Indo-US Relations: A Commemorative Retrospective* (New Delhi, 1994), p.94.

⁶⁰ Quoted in R.K. Jain (ed.), *US-South Asia Relations 1947-1982* (New Delhi, 1983), p.245.

Central Asian City. After the discussion in January 1966, both agreed to withdraw their troops and to hold the previous war position in Kashmir.⁶¹ Further, they agreed to make an attempt to solve the dispute peacefully. But the conference on the Soviet initiative came to end, when Lal Bahadur Shastri, Prime Minister of India suffered severe heart attack, after signing the accord. There was no activity on the question of Kashmir after the Tashkent agreement because Pakistan had caught between the domestic problem while super powers relations were characterized by a *détente*.

Nixon and the Kashmir Question

After assuming the office of President, Nixon showed more interest on Vietnam war than any other issue. In the late 1960s, President Nixon wanted to restructure the US security policy in Asia in order to end its involvement in Vietnam. In order to reach China, US needed the help of Pakistan who had cordial relation with China at that time. Thus, Pakistan emerged as an important ally of US again and began to get arms aid from it.⁶² Though the US renewed its relations with Pakistan for the purpose of reaching China, by providing arms aid, on the request of Pakistan, there was no official involvement on the Kashmir question due to the Vietnam war. This policy of US, continued till 1972 due to the US *détente* with Soviet Union and China. President Nixon submitted a report to the Congress in February 25, 1971 in which he indicated minimum laid down goals of U.S. on South Asia. According to the report prevention of any further conflict between countries of the region and to restrict the role

⁶¹ Kux, n.5, p.239.

⁶² Alam, n.6, p.36.

of outside power in the region were an important feature of the report.⁶³ Later in December 1971 war broke out between India and Pakistan over Bangladesh independence. Though India initially kept out of the conflict between the two wings of Pakistan, it was dragged into the conflict when over ten million East Pakistani sought refugees, by entering into the India. The US favoured Pakistan because it viewed the war “as part of cold war rather than a civil war between wings of Pakistan”.⁶⁴ The US felt that any success to India which was supported by the Soviet, would mean a victory of Soviet Union. At the Same time it wanted to demonstrate to China that it could be a trusted friend by supporting Pakistan.⁶⁵ India’s victory over Pakistan in 1971 war had brought a substantial alteration in the geopolitical situation of the region. At the end of the war, India and Pakistan signed an agreement in 1972, known as “Shimla Agreement”, under which both agreed to solve all the problems including Kashmir question bilaterally without any third party mediation. Significantly the US came forward and accepted this agreement⁶⁶ because there was no irritant relations with Soviet or China due to the détente at that time.

When India carried out its first nuclear explosion in May 1974, the US viewed it as a threat to global peace and considered that it could lead to an unstable condition in the international system. After

⁶³ Joshi,n.2, p.33.

⁶⁴ P.M. Kamath, “The End of the Cold War: Implications for Indian-American Relations”, *India Quarterly*, 1993, p.58.

⁶⁵ P.M. Kamath, “India’s Nuclear Tests, Then and Now: An Analysis of US and Canadian Responses”, *Strategic Analysis*, vol.XXIII,no.5, August 1999, p.753.

⁶⁶ Annapurna Nautiyal, “Kashmir Issue: The International Perspective”, *Asian Studies*, vol.XII, July-December, 1995, p.24.

1972's Simla Agreement, the US showed interest in the South Asia Affairs only when India conducted its nuclear test at Pokhran. The U.S. insisted that India should sign the Nuclear Non-Proliferation Treaty (NPT).⁶⁷

During late sixties and in seventies, there was no significant involvement of the US in the Kashmir question. This status continued till the broke out of Afghanistan crisis.

The Afghanistan crisis and the US Policy Change

In early 1978, the US tended to change its policy due to the strategic developments around the world. So in order to protect its strategic and security interests in the Gulf region, the US approached Pakistan again in the latter part of 1978. There was a dramatic change in the US policies and programmes, after the Soviet military intervention in Afghanistan. As such, Pakistan got importance in the US strategies. President Carter viewed Soviet intervention in Afghanistan as the gravest crisis since World War II.⁶⁸ Even, India expressed its unhappiness over the Soviet intervention in Afghanistan and sought its withdrawal. The attitude of the US, at that time, was very clear from the address of Ronald J. Spiers, the then U.S. ambassador to Pakistan, to the Karachi institute of foreign relation on April 1982, where he said that "... a principal focus of Pakistani concern has been India, the principal concern of US... is the potential threat and pressure form the Soviet Union".⁶⁹

⁶⁷ Kamath, n.80, p.757.

⁶⁸ Joshi, n.2, p.42.

⁶⁹ Cited in Kamath, n.79, p.58.

Since early 1980s the US interest in South Asia began to decline as the result of Soviet leader, Gorbachev's new political policies which brought a radical change in their relationship with other powers. By the Gorbachev's action, there was no tension between US and Soviet Union. So, there was no superpower in politics South Asia, other than the local disputes between India and Pakistan. In the end of 1986, India carried out one of the largest military exercises, Brass-tacks, which Pakistan viewed as a threat. Pakistan responded by its forces to the Indian border. Many scholars wrote that the crisis would possibly lead to nuclear war between India and Pakistan over Kashmir.⁷⁰ Since this crisis, the US took the issue of nuclear proliferation and started pressurising both the countries to sign Nuclear Non-Proliferation Treaty. Because the US felt that the 'possible' nuclear war in the subcontinent would make impact on the world economic system, in which it had a "vital stake".⁷¹ Though the US returned to South Asia after the Soviet intervention in Afghanistan, it had not taken keen interest in the Kashmir question, either in pushing for the UN plebiscite nor suggesting any proposal for the settlement of the issue. Only on a very few occasions like Brass-tacks, depending upon the intensity of the conflict between India and Pakistan, the US reacted on the matter of Kashmir.

The Soviet Union announced its plan to withdraw from Afghanistan before February 15, 1989, with this Pakistan lost its geopolitical importance to the US. Also the Kashmir question had declined fully from the US policy priority due to the lack of threat

⁷⁰ Stephen P. Cohen, "The US, India and Pakistan" in Selig S. Harrison et.al (ed.), *India and Pakistan: The First Fifty Years* (Cambridge, 1999), p.198.

⁷¹ Joshi, n.2, p.33.

perception from Soviet Union to the region, by which their stand on the question of Kashmir had undergone significant change. The US began sidelining the UN resolution, which calls for Plebiscite in Kashmir and moreover it tried to build a relationship with India. The US looked the region, particularly India as a sizeable market for its goods and investments because in future, if economic competition among the developed countries intensify then promoting its product and acquiring market could be difficult.⁷²

During the cold war period, the US stand on Kashmir issue was more or less Pakistan oriented. In the initial period, President Truman administration had supported Pakistan's claim, indirectly through various resolutions along with the United Kingdom in the United Nations. The emergence of Soviet Union as a dominant power immediately after the World War II and Korea war had made it to become active on the Kashmir question. With assuming of Eisenhower as a President the US support to Pakistan on Kashmir became strong due to India's non-alignment policy and unwillingness to endorse its security alliances. President Kennedy and Johnson also carried out the same policy due to the cold war compulsions of protecting the regions from influence of Soviet Union. But after the 1965 war, gradually there was decline in US interference in Kashmir due to its involvement in the Vietnam war and establishment of smooth relationship between the US and the Soviet Union and US and China. Only in few incidents such as the 1971 war between India and Pakistan; the Shimla Agreement; nuclear explosion and during the crisis in Siachen Glacier it reacted and showed little interest. But the

⁷² For details see Muni, n.20, p.72-73.

whole scenario changed with the Soviet decision of withdrawal of its troops from Afghanistan, which is discussed in next chapter.

The Kashmir question was not permanent factor in US foreign policy, it fluctuates according to the importance of Pakistan to the US. In turn, Pakistan's priority had been raised or lowered according to the intensity of threat perception it receives from the Soviet Union. Whenever the US needs the support of Pakistan for its security policy, it favoured pro-Pakistan solution to the Kashmir question and in remaining times it was calm but not supported India. The US did not formulate its policy with reference to the merit of the problem, if so, the problem might be solved in the UN earlier itself, but with reference to its relationship with the other superpower. Thus, the US stand on the Kashmir question in the cold war period (1947-89) was largely dictated by its global strategy which fluctuated in accordance with the response and reaction of the Soviet Union and China in the region.

CHAPTER III

THE RESPONSE OF THE BUSH ADMINISTRATION TO THE KASHMIR QUESTION

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The year 1989 was indeed a historical turning point in international politics. A lot of unexpected dramatic changes happened in the otherwise rigid *status quo* oriented arena of international relations. Yugoslavia had been fractured by ethnic warfare and violence; Czechoslovakia had peacefully been divorced into Czech and Slovak republics; the symbolically sensitive Berlin wall crumbled down and once again Germany was reunified. Above all, as a crowning moment, the Soviet Union collapsed and been replaced by Commonwealth of Independent States.

One cannot skirt away simply those happenings as something relevant only to Europe, or more particularly to Eastern Europe. On the contrary, it was presumed as a paradigm shift as far as the study of international relations is concerned. With the final disappearance of the one entire contending bloc from the environment of the five decades old, cold war ravaged international relations, the world had been moved towards a unipolar set up designed by the United States.

In this context, the Bush presidency requires a special treatment not because of being a witness to the world-historical events but for its response to them. Or to put it otherwise, the words and acts of Bush administration did structure the future course of international relations. In this general atmosphere of flux and fluidity, the Kashmir question was also bound to change both in its nature and

range of conflict. This chapter intends to raise the question whether the end of cold war did impute a cognitive shift in the US perception of the Kashmir problem; if then what are those determining factors that had propelled it towards such a shift.

This chapter has been conceptually divided into two parts: in the first section the general South Asian scenario at the end of cold war would be pictured out; in the second part, the response of the Bush administration towards the Kashmir problem will be taken up.

End of Cold war and the Changing Scenario in South Asia:

The immediate and visible impact of the end of cold war in the South Asian region is the Soviet Union's withdrawal of its troops from Afghanistan. This has brought down a decade old American proxy war with the Soviet Union in the Afghanistan. With the withdrawal of Soviet Union from Afghanistan, the importance of Pakistan to US policy priorities in the region had come down.

Moreover the India's policy of non-alignment had also lapsed with gradual end of cold war politics. India too began to diversify its relationship due to the decline of Soviet power. India's economic reforms under the Narashima Rao government had added an advantage to the India's favorable position in United States foreign policy priorities. Because they viewed India as a big emerging market for their product. On the change in the US perception Thomas Pickering, the US Ambassador to India had rightly, said:

It should not be surprising, then, that US policy towards India for most of the last four and one-half decades has been colored to an overwhelming degree by our respective relations with the Soviet Union and China. Successive US administrations tended to look at

South Asia through the strategic lens of containment. That optic may have suited global American views very well.¹

Pakistan had also faced a political change in 1989, where democracy was restored after the long term of military regime. Benazir Bhutto became the Prime Minister of Pakistan at the time of Pakistan's internal crisis. The US moved close to India than Pakistan due to the economic reforms and opening of market to International community. This new priority of US in South Asia had annoyed Pakistan, who was long standing ally in earlier period. Its evident from the former Chief of Pakistan army, Gen. Aslam Beg's statement, where he said: "Throughout the cold war, Pakistan had tried to be helpful; consider the case of the Sino-America normalisation, the Afghanistan crisis, the Persian Gulf war, and so. With the end of the world order, the US has been hasty in down grading its relationship with Pakistan"². In this circumstance, Kashmir question was revived by section of Kashmiri's who endorsed violence and militancy.

Revival of Kashmir the Question:

The upsurge of violence and militancy in the state of Jammu and Kashmir in late 1989 had once again brought the Kashmir into the international attention. Afghanistan development had an impact on Kashmir because the Kashmiri militants had an impression that the mujaheedin's of Afghanistan had defeated the forces of Soviet Union. Other than the Afghanistan influences, the domestic factors such as

¹ Global Changes Bode Well for Closer US-India Ties." Address by Thomas Pickering, the US Ambassador to India, at Georgetown University's Institute for the Study of Diplomacy. wireless file 09/18/92

² S.R.Tarir-Kheli, India, Pakistan and the US -breaking with the past ,(New york: Council on Foreign Relations Press,1997) p .64

unemployment, economic backwardness, increase in demand of greater autonomy and ineffectiveness of state government had fueled a section of Kashmiri youth to revolt against the state government.³ A section of Kashmiri Muslims who had longstanding aspiration for independence had begun to utilize the uprising for advocating their demand.⁴

The accounts of the Muslim separatist uprising in the Kashmir valley is set by a series of demonstrations, strikes and attacks on government installation. With the outbreak of secessionism in the state of Jammu and Kashmir, Pakistan had once again began to make its effort on Kashmir in order to gain over the new development. Pakistan Prime Minister Benazir Bhutto, who faced domestic problems at that time, took up the cause of Kashmiris, in order to down play her political opponents as well as to create problem for India by taking advantage of the rise of violence in the state of Jammu and Kashmir.⁵ First, her government had given moral and diplomatic support to the secessionist forces in Kashmir, then provided a base and training facilities in 'Azad' Kashmir region along with large quantities of arms to the insurgents to cross the line of control. It was believed that the arms were of the US supply provided during the Afghan war.⁶ According to Strategic Survey, 1990-91, Benazir Bhutto,

At the turn of the year, she abandoned the Afghan policy to General Beg and his Inter-Services Intelligence Agency (ISI),

³ A.Z. Hilali, "Kashmir: A Dangerous Flash Point in South Asia", Bulletin of Concerned Asian Scholars, 31(2), May 1999.

⁴ Selig Harrison in National Herald Tribune (Paris) March 4, 1992.

⁵ Chintamani Mahapatra, Indo-US Relations into the 21st Century (New Delhi, 1998), p.43.

⁶ See Rajat Ganguly, Kin State Intervention in Ethnic Conflict, (New Delhi, 1998) p.75, and 82.

which had long been managing the mujahedeen on the ground. She yielded to army demands for both a forward thrust in Pakistan's nuclear weapons programme and a 50 per cent increase in the defense budget, in response to threats and opportunities arising from unrest in the Indian part of Kashmir. Bhutto took up the cause of the Kashmiri 'freedom fighters' in an attempt to steal her political opponent's thunder with her own fiery nationalistic rhetoric. She left the job of assessing Pakistan's support for the insurgents to the army: this involved providing weapons, training and a sanctuary in Pakistan's part of divided Kashmir...Kashmir was not a matter of domestic dispute in Pakistan. Generals and politicians shared the objective of putting maximum pressure on India, short of actually provoking a war which Pakistan was certain to lose.⁷

At that time, in the beginning of 1990, the foreign and Indian press had carried out numerous reports on the Indian force 'high handed' and 'repressive behavior' in Kashmir. Most of the reports that were published in the foreign and Indian press had blamed the Indian government. Pakistan took full advantage of these reports and thereby raising the issue of human rights violations in the state of Jammu and Kashmir. Pakistan believed that the "foreign countries who were unwilling so far to rake up Kashmir on the strength of outdated UN resolutions, might do so if the question of human rights is brought to the fore"⁸. While doing so, Pakistan continued to support insurgency by trained armed men of Kashmiri Muslims through state sponsored terrorism in order to promote a "*low intensity conflict*"⁹ (LIC) against India. The Pakistani officials themselves had reportedly estimated that since the end of the Afghan war in 1989 at least 10,000 Islamic militants other than Kashmiri's also were trained by various groups in Pakistan-Afghanistan border areas¹⁰. Since Pakistan realised

⁷ Strategic Survey, 1990-91,(London: International Institute of strategic studies,1991)

⁸ Cited in Ganguly, n. 5, p. 75

⁹ P.M. Kamath, "The End of the Cold War: Implications for Indian-American Relations", India Quarterly, 1993, p.63

that in the wake of end of the US support, a conventional war with India is not possible to grab Kashmir. On reports in press against the Indian security forces, it should be remembered that the coercive method becomes 'inevitable and unavoidable' in a situation where armed-military and violence continues. When insurgency increased in Kashmir, India strengthened its military forces along the LoC as part of preventing any further movement. Pakistan in turn without stopping the activities of militants that functioned from its soil reacted with continuous cross border firing. Thus tension increased between Indian and Pakistan to a highest level since the raise of uprising. In Parliament on April 1990, Prime Minister V.P. Singh, who assumed office after the Congress defeat, warned Pakistan that it would have to "pay a heavy price"¹¹ for its activities, if it did not stop further action. And also asked the nation to be prepared for a possible war with Pakistan.

The outbreak of militancy and large-scale violence in Kashmir attracted the international attention towards the issue. Most of the countries began to view the agitation as a result of socio-economic alienation of the Kashmiris and human rights violations of Indian security forces, but they failed to see the reasons behind the entire large-scale trouble in the Kashmir valley. The political and material support which the militants and insurgents got from the foreign mercenaries such as Pakistan were the primary reason.

Bush Administration's Response

10 International Herald Tribune (Hongkong), March 10, 1995)

11 Manoj Joshi, *The Lost Rebellion Kashmir in the Nineties* (New Delhi, 1999) p.315.

The basic ideological undercurrent of the cold war as far as the US was concerned, was to contain the spread of Communism in the world. For the US, the supposed 'containment of Communism' was to preserve its security concerns and promote its global pre-eminence. This has compelled the US to actively involve in regional issues. As part of its over all global design, the US started strengthening its position by finding new allies all over the world. In South Asia, Pakistan particularly played a supporting role as an ally of the United States. This has conditioned the US's perception on the Kashmir question and made it tilted towards Pakistan in order to sustain a base to counter the influence of Soviet Union in the region. But the involvement of the US in the South Asian affairs, especially in the Kashmir question was not a constant one. Its fluctuation depended on the threat and competition it perceived from other great powers at the global level.¹²

When the uprising in Kashmir had gradually intensified, the US began to feel concerned about the situation in Kashmir on the context of nuclear proliferation and Islamic militancy, which it perceived as threat to its global status and economic interest. So US felt that the uprising, if not stopped could lead to a war between India and Pakistan. Hence, it tried to exert pressure on both India and Pakistan to find a solution to the Kashmir question. The US reviewed its foreign policies by which for the first time, it began to see India and Pakistan equally, since the origin of Kashmir question. Because the US had no compulsion to back Pakistan on the Kashmir question,

¹² S.D. Muni, "The United States and South Asia: The Strategic Dimension", in Shelton U. Kodikara (ed.), *External Compulsions of South Asian Politics* (New Delhi), p .58.

with gradual end of the cold war. Despite a low profile in South Asian affairs after the end of Soviet intervention in Afghanistan, the United States began to concern about the India-Pakistan rivalry over Kashmir. The US State Department spokesman Margaret Tutwiler deplored the violence in Kashmir by saying, "The United States government deeply regrets the current violence in Kashmir and we call on all sides to take steps to restore calm and security and to allow political dialogue to address the problems of Kashmir"¹³. So the US called upon both India and Pakistan to avoid further steps "which would lead events to spin dangerously out of control"¹⁴.

Henry Rowen the Deputy Assistant Secretary for Defense in his testimony before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs said: " we believe that neither country wishes to go to war and we have urged more restraint and closer consultation between the two parties".¹⁵ Despite the doubt about the ability to resolve the underlying conflict between India and Pakistan within the Bush administration, the so called risk of nuclear confrontation between the two countries of South Asia had forced United States to involve itself in the Kashmir question more directly after the Kennedy period. In this regard, John Kelly called India and Pakistan to halt the fighting and arms build up. He observes that US interest in South Asia was to reduce the proliferation of weapons and the high tension over Kashmir which possess a 'real danger, not just an abstract one'.¹⁶

¹³ Wireless File, State Department News Briefing, USIS, April 4, 1990

¹⁴ Cited in Aftab Alam, US Policy Towards South Asia Special Reference to Indo-Pak Conflict (Delhi, 1998) p.159.

¹⁵ Wireless file, 'Text' of Henry Rowen Testimony to HFAC panel on South Asia, June, 3, 1990

¹⁶ 'Text': John Kelly Assistant Secretary of State for Near Eastern and South Asian Affairs testimony before the House Foreign Affairs Committee, February 2, 1990

Gates Mission and Emphasis of Bilateralism:

In US, scholars and officials such as Stephen Cohen, Henry Rowen had all began to predict that there was a potential 'nuclear war' in South Asia, because of the Kashmir question. In this situation, the State Department spokesman, Fitzwater announced that President Bush is sending Deputy National Security Adviser, Robert Gates as his special envoy to India and Pakistan. He said that the purpose of the Gate's visit is to deliver presidential message to the leaders of both nations and to gain a "firsthand appreciation of the situation from both governments".

Fitzwater further added that the United States "deeply regrets the current violence" in Kashmir and " call on all sides to take steps to restore calm and security and to allow political dialogue to address the problems of Kashmir. This problem has vexed India-Pakistani relations since 1947. We have long favored a political resolution of all aspects of the Kashmir dilemma through peaceful negotiations." And called on both India and Pakistan must determine the future of Kashmir peacefully. On the question of the rational of sending Gate's mission, Fitzwater emphasized that " the problem is getting worse and it was "a trouble spot in the world, it is flaring up, and it's one...which the president would like to help resolve...if we can".¹⁷

Subsequently, in May 1990 Robert Gates, the National Security Advisor and John Kelly, the Assistant Secretary of State, had visited the sub-continent. They made it clear that the US has no longer backed a UN plebiscite as the best way to solve the Kashmir

¹⁷ Wireless file, 'news briefing- Fitzwater', White House report, ,USIS, July 18,1990:

issue, and instead would support bilateral talks between India and Pakistan, in accordance with the Shimla agreement. Later in her testimony before the Congress, the US deputy assistant secretary for Near East and South Asia, Teresita Schaffer said:

Indo-Pakistani tension over Kashmir has introduced a potentially destabilizing element into regional relations. The President's deep concern was demonstrated by the mission of Deputy National Security Advisor Gates to Islamabad and New Delhi. Our message was and remains a simple one: the Indo-Pakistani tension over Kashmir has introduced a potentially destabilizing element into regional relations. However, much work remains to be done by both sides if conflict -- with its tragic consequences for the people of Pakistan, India, and Kashmir -- is to be avoided.¹⁸

After that, the US was preoccupied in the Kuwait crisis and due to its full engagement in the Gulf war against Iraq, it just called India and Pakistan to start negotiation process. In this regard a State Department official noted that the United States "is not a party" to the Kashmir conflict, and that its role is limited to encouraging dialogue among those involved.¹⁹

Throughout the year 1990, the Bush administration continued to press both the countries to negotiate each other in order to prevent the large-scale war. Following the mission of Robert Gates, the two sides initiated a series of talks at the foreign secretary level designed to improve government to government communications and explore ways of reducing tensions. In this regard, on the part of the US the efforts were coordinated by the Richard N. Haass, Special Assistant to the President and Senior Director for Near East and South Asia division of the National Security Council. He put some of his idea to both countries in order of building confidence among themselves such

¹⁸ Wireless file, 'Text' of Schaffer testimony in Congress, July 18, 1990

¹⁹ Wireless File, Thomas Pickering, Ambassador to India on India-US Relations, USIS, July 31, 1992

as to set up a hotline between the army Headquarters and pushed for an agreement on an additional measures such as prior notification of military exercises.²⁰ India accepted his suggestion and offered the same as a confidence building measure to reduce the prevailed tension but Pakistan rejected it. But later the Prime Ministers of both India and Pakistan had established rapport in mid 1991. Welcoming this as a healthy trend, Henry Rowen, the US Assistant Secretary of Defense observed: "The two prime ministers appear to have established a positive personal relationship, and we are much encouraged over the exchange of instruments of ratification of the no-strike of nuclear facilities pledge and the promise of additional confidence building measures."²¹ The US Assistant Secretary of State, John Kelly had further elaborated the United States policy on the Kashmir issue, where he said that the US no longer supported a plebiscite in Kashmir and that Pakistan and India should resolve the issue between them as agreed in the Shimla agreement.²² He argued that Pakistan should settle the question of Kashmir with India through negotiation instead of endorsing "self-determination" of Kashmiri's. Even though the Bush administration called Kashmir as a disputed territory, it accepted the spirit of Shimla agreement as a framework for further settlement. At the same time during news briefing, the deputy spokesman of the US State Department, Richard Boucher reiterated the Bush administration's policy to resolve their differences over Kashmir through discussion and negotiation. He said: "We have urged

²⁰ *ibid.*, p.316.

²¹ Wireless fire, 'text' of by Henry S.Rowen statement before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, USIS, September 3,1991)

²² Wireless file , Assistant Secretary of State Kelly's testimony before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, USIS, June 3,1990.

both sides to solve their differences through discussion and negotiation, as they agreed, themselves, in the Shimla accords of 1972"²³.

Thus, there is a clear shift in traditional US Kashmir policy where it endorsed India's preference of bilateral negotiation for resolving the Kashmir question instead of UN proposal on plebiscite. It is further evident from the statements of John Kelly that the US has accepted the importance of Shimla agreement. First, in the written statement to the subcommittee on Asian and Pacific affairs, he said:

the US think that the best framework for a resolution of this dispute (Kashmir dispute) can be found in the 1972 Shimla Agreement, in which both India and Pakistan agreed to resolve this dispute over Kashmir peacefully and in bilateral channels, without prejudice to their position on bilateralism.²⁴

Secondly, in a reply to Congressmen Stephen Solarz's questions, Kelly orally expressed that the United States has no longer favored the United Nations resolutions on plebiscite in Kashmir. The same sentiment was again echoed by the Deputy Secretary of State, Teresita Scheffer during the hearing of the subcommittee of the house of foreign relations, that the resolutions of United Nations, requiring a plebiscite in Kashmir question were no longer tenable. Instead she said, that the United States now favoured bilateral negotiations to solve the problem within the framework of the Shimla Agreement of 1972.²⁵

²³ Wireless file, 'State Department Report' release, USIS, April 26, 1999

²⁴ Cited in Robert Wirsing, *India, Pakistan, and the Kashmir Dispute* (London, 1994), p.23

²⁵ B.K. Shrivastava, "Indo-American Relations: Search for a New Equation", *International Studies*, vo.30(2) April-June, 1993, p.221.

These statements of US officials were unquestionably a set back to the Pakistan's longstanding position on Kashmir. Their policy response on the Kashmir had contributed to the Indo-US relations, which began to flourish after long years. This is clear from the decision of Indian government to allow the US military aircraft to refuel at Bombay airport during Gulf crisis.

Kashmir, US and Nuclear Proliferation

Bush administration's main concern at that time was to ease the situation from escalating into a major nuclear war. In this regard only the US Government send Robert Gates to the subcontinent in order to avert the possible nuclear clash between India and Pakistan. The United States' interest in preventing nuclear proliferation was linked to its interest in promoting regional stability as part of its global interest in maintaining a status quo, by which it desired to prevent any threat to its dominance. This has been further evident from the report 'National Security Strategy', which President Bush submitted to the Congress that he would encourage Indo-Pak rapprochement and a halt to nuclear proliferation.²⁶ The United States had a suspicion that Pakistan was developing a secret nuclear device with the help of China. This had further made the US to worry about the situation in South Asia. So the United States suspended aid and most of arms sales to Pakistan. President Bush did not issue an annual certificate to Congress as required under the "Pressler amendment" that Pakistan

²⁶ See Times of India, March 21, 1990.

does not possess a nuclear explosive device.²⁷ India too had conveyed its objection earlier, by saying that Pakistan might use against it.

On the visit of Robert Gate's to the South Asia, the American Press *New York Times* on May 16,1990 reported that Robert Gates "impressed upon India and Pakistan that yet another round of war over Kashmir could lead to a nuclear confrontation and that his diplomatic efforts succeeded in averting a possible nuclear confrontation in South Asia."²⁸ Later on, John Kelly himself said to the foreign affairs committee that: "The immediate risk of conflict between India and Pakistan has subsided, but tensions between the two countries remain high. We hope that the two governments will continue their contacts through diplomatic and military channels and will institute other confidence building measures to reduce the risk of conflict. We will continue to urge implementation of the 1988 India-Pakistan agreement prohibiting attacks on each other's nuclear facilities"²⁹

Subsequently, there were various reports in US press, which mostly emphasised that the Kashmir was a possible nuclear flash point in subcontinent and started creating an impression that the danger of nuclear confrontation between India and Pakistan could be resolved through the settlement of the Kashmir question. The US government was worried about the possibility of a fourth round of India and Pakistan war due to the continuous fighting between the

²⁷ Joshi, n.9, p.317.

²⁸ For detail see, Chintamani Mahapatra, "American activism on the Kashmir question", *Strategic Analysis*, 17(5) August 1994, p.991.

²⁹ Wireless file, 'Text' of John Kelly to HFAC testimony', USIS, February 11,1990

two sides. In this regard, Senator Alan Cranston, who has recently returned from a visit to India and Pakistan, had warned the International community that war could erupt between the two South Asian nations, which "could quickly escalate to nuclear war." Pakistan, he said, must "put an immediate stop" to training and arming Muslim separatists in Kashmir in order to reduce the tension.³⁰

Thus, according to the US, the 1990 crisis in Kashmir was qualitatively different from the previous conflict. But whether India and Pakistan faced such possibility of a nuclear war was a controversial issue. Because there is no evidence that Pakistan had nuclear weapons at that time, though India had exploded one in 1974. In the beginning, the US failed to view the Pakistan's involvement in supporting the militancy and cross border terrorism in Kashmir. Instead it viewed seen the Kashmir question on the light of human rights violations and against the backdrop of their theory of possible 'nuclear confrontation'.

Islamic Terrorism and American Response to the Kashmir Question

The uprising in Kashmir and tension between India and Pakistan should be seen in a broader context. Even though violence and militancy had raised in the state of Jammu and Kashmir due to some domestic issues initially, it could not have been continued for long with increased velocity if it is not fueled by any outside support. Pakistan had generally given political, diplomatic and material support to the Kashmiri militant groups during the uprising in the

³⁰ Wireless File, 'Text' of Cranston News conference statement ,USIS, December 7,1990

state of Kashmir. About the support given by Pakistan to the insurgents, Robert Wirsing states thus:

the material support took various forms, including the training; indoctrination, arming and across-boarder movement of the infiltrating forces; that the ex-filtration of Kashmir Muslims cross the LoC into Pakistan and their covert re-infiltration, following training in light arms and guerilla tactics, played a very important role in maintaining the tempo of the insurgency; that the support was planned and coordinated in large part by Pakistan's ISI; and that all this was carried out with the full knowledge and under the auspices of the Pakistan army".³¹

But, Pakistan officials denied any official involvement in insurgency and uprising in Kashmir. They claimed that it was difficult for the Government of Pakistan to stop infiltration and the activities, which are privately sponsored by the religious groups³² and further said that no serving military personnel had given training to them. On India's contention of its training and supply of arms to the Kashmiri secessionist, Pakistan said that it was impossible for them to control the arms traffic and supply of weapons to the Kashmiris from the 'Azad' Kashmir³³, which according to them had no control over it. Its important to quote Robert Wirsing to show the role of Pakistan in the "low intensity conflict" and its support. He writes: "no doubt, groups other than Pakistan army have operated their own territory camps for Kashmiri militants (such as Jama'at-i-Islami Party); and unquestionably funds have flowed to the militant organization from a variety of foreign sources, including Gulf Arab states. When all is said and done, however, there is very little likelihood that many infiltrators have made their way across the LoC into Indian Kashmir

³¹ Wirsing, n.12, p.119.

³² Joshi, n.9, p.318.

³³ See Wirsing, n.12, p.120.

without the knowledge and active cooperation of the Pakistan army".³⁴ Further its clear from the US State Department pattern report of 1991 on terrorism in which US says: "There were continuing credible reports throughout 1991 of official Pakistani support for Kashmiri militant groups engaged in terrorism in Indian-controlled Kashmir".³⁵ In spite of the Pakistan's denial, from the above statement it is very clear that it had provided full support to the Kashmiri militants, other than a few religious Islamic groups who are operating in Pakistan. If so, then how could Pakistan say that it had no role? Moreover, the official statement of Pakistan was against the provision of the United Nations charter that says that it was the responsibility of the state to control the groups and nationals from promoting violence against another state. Also as it is not fair on the part of Pakistan to say that it had no control over 'Azad' Kashmir because the whole region was under their control.

A significant change occurred in the United States foreign policy, when it began to look Islamic militancy as a great threat to its security, especially to its interest in Asia. The US had expressed its concern over Pakistan's involvement in Kashmir. It had taken a strong position against the aid given by Pakistan to terrorists and Kashmiri secessionists. This response of the US was a result of their perception of Islamic terrorism during the event of Gulf war in Middle East and Central Asia. It may also be recalled, in this connection, that the US had even threatened to place Pakistan on the watch list of states that

³⁴ ibid.

³⁵ US State Department's "Patterns of Global Terrorism: 1991" report to Congress, USIS, May 5, 1992

are involved in state sponsored terrorism. Further it was stated that it would cut all aid to Pakistan if it were found to be supporting insurgency in the state of Jammu and Kashmir³⁶. Later in 1993, the US House Republican Committee's *Task Force on Terrorism and Unconventional Warfare* had come to the conclusion that "the ISI's vast and highly experienced terrorist support infrastructure, tempered by years of assistance to such regional armed struggles as those in Afghanistan and India, is increasingly expanding its operations to include the sponsoring of global Islamist terrorism."³⁷ In spite of its consistent but concealed support to the militants, at the time, Pakistan tried to revive the Kashmir issue once again in the United Nations Security Council as a 'potential crisis' which would disturb international peace. It called upon the UN to prevent India from strengthening its troops in Kashmir. However, the US was not supportive of Pakistan's move. The US permanent representative in the UN, Thomas Pickering said that the US was opposed to a UN role in settling the Kashmir question. Instead, he stated that the US belief in the Shimla agreement remained strong and abided.³⁸ This response of the United States was very significant to India in the absence of the Soviet veto. Owing to the change in the US position of not endorsing its claim and pressure to abandon its activities, Pakistan dropped the idea of raising the issue in the UN. Later, Pakistan decided to take the Kashmir question in Organization of Islamic Conference (OIC) which

³⁶ Alam, n .10, p.160.

³⁷ Wireless file, 'Pakistan, Afghanistan and the Export of Terrorism' in *The New Islamist International- a report by Task Force on Terrorism and Unconventional Warfare* By House Republican Research Committee, US House of Representatives, Washington D.C., February 1, 1993,p.52

³⁸ See Times of India (Bombay) August 27, 1991.

was to be held at that time. Its reportedly stated that the US had privately conveyed its opposition to Pakistan on raising the Kashmir question, a bilateral issue at international forums such as OIC.³⁹ India also strongly objected to the Pakistan move. From this, the US policy response was more favorable to India's position than Pakistan's.

Under this circumstances, Pakistan felt that the chance of becoming a credible ally of US once again could not be possible in the context of differences over the issue of Islamic militancy.⁴⁰ So Nawaz Sharif, the then Prime Minister of Pakistan, who took over the power from Benazir Bhutto, began to set his hope on the Islamic groups and nations to pursue their policy against India. At that time, a militant organization—Jammu and Kashmir Liberation Front had announced a plan to storm the state of Jammu and Kashmir, by marching across the Indian border from 'Azad' Kashmir area, in order to demonstrate their solidarity with the Kashmiri militants, who were fighting against the Indian government. The Pakistan government came forward immediately and supported the call given by the JKLF and other Islamic fundamental organizations as sympathy to the cause of the Kashmir Muslims in the state of Jammu and Kashmir. In addition he assured them of a full government help to 'free' the Kashmir State from India.⁴¹

In the wake of Islamic militant groups threat and Pakistan's open support to them, Indian army declared that it would shoot any

³⁹ See *ibid.*

⁴⁰ Saleem Kidwai, "US and Kashmir Issue", *Asian Studies*, Vol. XVI (10), January-June, 1998, p .6.

⁴¹ Kamath, n. 8, p. 64.

marcher who attempted to cross the line of control (LoC). The increased tension in the subcontinent along the Line of Control between India and Pakistan had brought other powers to the picture. Especially the US was more concerned about the situation and hence started pressurizing Pakistan to stop the activities of the militants groups. Because of the Indian government's decision to 'shoot at sight' in border and US Pressure to end the activities of militants, the Pakistan government persuaded the militants organization to halt the so called march to the state of Jammu and Kashmir. But its effort was not fruitful. So Pakistan opened mild firing against the demonstrators and succeeded in forcing the marchers to disband before crossing the border. It helped to avoid a large-scale violence and conflict between India and Pakistan. Though Pakistan Prime Minister Nawaz Sharif endorsed the militant organization's decision to march towards the Kashmir state in order to gain political mileage, in reality he did not wish another war with India at the loss of US support. Because as 'weaker power' Pakistan had always required a foreign backing, either the United States or China to pursue its foreign policy goals⁴² against India.

. On 22 April 1992, while giving testimony to the US Senate Judiciary Committee, the Chief of the Central Intelligence Agency, James Woolsey revealed that Pakistan was 'on brink' of being declared as a state sponsor of terrorism by the United States State Department. This came out on the same day when the *Washington Post* brought out a report from Islamabad in which it quoted a former

⁴² P.M. Kamath, "Security Considerations in Indo-US Relations" in A.P. Rana (ed.) *Four Decades of Indo-US Relations: A Commemorative Retrospective*, (New Delhi, 1994), p. 137.

officer of Pakistan ISI as saying that the Jamaat-i-Islamic, a militant organization, had hired former employees of the ISI and others from special services group and army,⁴³ to run its operation against the Indian government in Kashmir. Further, in June 1992, the Secretary of State, James Baker sent a letter to the Government of Pakistan by warning that it could be branded as a state sponsoring of terrorism, under which no help and aid would be given to Pakistan, if it did not stop supporting the Kashmiri militants. However, no decision had been taken in this regard due to the fear of US that it would reduce their leverage against Pakistan and further action was also stayed because of the subsequent Presidential election at that year.

To sum up, the United States response under the Bush administration corresponded with the Indian held position on Kashmir. The US strong preference for the Shimla Agreement of 1972, in the process of settling the Kashmir question was against the Pakistan's traditional desire to involve other powers to its side. During the Bush presidency, the US had not actively involved in the Kashmir question as compared to the previous US administrations, due to the lack of threat perception from the Soviet Union or China to the South Asia region. But they have shown concern over the issue, due to their fear of nuclear proliferation and the Islamic militancy in the region.

⁴³ Joshi, no. 9, pp.318-19.

CHAPTER IV

THE KASHMIR QUESTION: THE RESPONSE OF THE CLINTON ADMINISTRATION

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Clinton's First Term Policies- Altered Prolonged Stand

The US policy response under the Bush administration had endorsed India's stand of seeking bilateral solution to the Kashmir question, without any interference from other countries. Since 1993, when Bill Clinton became President, the US viewed Kashmir question from the non-proliferation and human rights perspective.¹ Moreover the Clinton administration formulated its policies by taking into account of its interest in the Central Asian region.

The Clinton administration's altered line on the Kashmir question was first witnessed when John Mallot, the interim Director of Bureau of South Asia Affairs visited India in May 1993. It was a first visit by a senior state Department official in the Clinton administration. During his visit, he openly criticized the Indian security forces in Kashmir for their 'repressive act'.² On India's demand for declaring Pakistan as a terrorist state, he said that the US was cautioned to brand Pakistan as a 'terrorist state' as it would reduce the US 'leverage' on Pakistan³. Further, while delivering a lecture at the India international Center on May 19, 1993, John Mallot stated that there were three basic principles that govern US position on the Kashmir question. They were:

¹ Vinay Kumar Malhotra, *The Clinton Administration and South Asia 1993-94*, (New Delhi, 1997), p.128.

² *Times of India*, May 20, 1993.

³ Manoj Joshi, *The Last Rebellion, Kashmir in the Nineties* (New Delhi, 1999), p.320.

- (i) consideration of Kashmir as a disputed territory, between India and Pakistan,.
- (ii) This is “an issues to be settled peacefully by India and Pakistan after taking into accounts of the views of the Kashmiri's, both Muslims and non-Muslims”; and
- (iii) The United States would be “prepared to be helpful in this process, if that is desired by both sides”

He also said that it was “time for India and Pakistan to begin (negotiation) to resolve the issues between them and “time to convert the principles embodied in the Simla paper into a reality”⁴.

From Malott’s statement it was clear that, the US did not wish to criticise Pakistan for its terrorist activities. Instead it criticised India for ‘human rights abuse’ in Kashmir.

Another indication of change of the US administration stand on kashmir was evident from President Clinton's statement. In his address to the UN General Assembly on September 27, 1993, President Clinton mentioned Kashmir as one of the conflict that posed threat to world peace. He said: “thus as we marvel at this era’s promise of new peace, we must also recognize that the serious threat remains. Bloody ethnic, religious and civil wars rage from Angola to the Caucasus to Kashmir...”⁵. Thus, he equated Kashmir question with civil wars in Angola, Caucasus and others. Significantly, none of the US Presidents had made such a reference in any international forum earlier. On President Clinton’s reference to Kashmir at the UN, it was held that he linked the Kashmir issue to the question of

⁴ “US Interest in India and Pakistan”, Text of the John R. Malott Speech in *Strategic Digest*, vol.xxiii, no.7, July, 1993, p.1058.

⁵ Birbal Nath, *Kashmir the Nuclear Flash Point* (New Delhi, 1998), p.188.

non-proliferation of nuclear and missile technologies⁶. India seriously objected to President Clinton's reference to the Kashmir question and comparison with the civil war in Angola and others. The *Times of India* on November 7, 1993 carried out a report on the US Assistant Secretary of State, Robin Raphal's clarification on Clinton's speech. In which she said: "it was meant to say we see Kashmir on the radar screen along with Yugoslavia and Somalia and lots of other places in the former Soviet Union, Georgia, where there is civil conflict going. We cannot easily overlook it and there is a message in that..." India was further disappointed with these remarks and US stand, by which it felt a tilt in the US policy from the earlier Bush regime.

Raphal's Affair – 'Tilt' towards Pakistan

India's above view was further strengthened by certain statements made by the officials in Clinton administration. Before the row over Clinton's remark on Kashmir at UN laid down, the US Assistant Secretary of State for South Asia went one step further and said during a background briefing in Washington: "we view the whole of Kashmir as a disputed territory. This means we do not recognize that instrument of accession as meaning that Kashmir is forever an integral part of India".⁷ As such, then the US does not consider the state of Jammu and Kashmir as an integral part of India. At the same time the US also raised the doubt over the Shimla Accord by saying "it is 20-plus years old and there have been very few discussion, if any, under that accord in terms of resolving the Kashmir dispute.... It is fine to discuss the Kashmir dispute under the Simla Accord but it

⁶ Saleem Kidwai, "US and Kashmir Issue", *Asian Studies*, XVI (1), January-June 1998, p.7.

⁷ Malhotra, n.1, p.131.

needs to happen but that hasn't happened. So by definitions, *ipso facto*, it has not been very effective."⁸

By these statements, the U.S questioned the instrument of Accession, which was signed by the ruler of Jammu and Kashmir in 1947. Moreover by questioning the Instrument of Accession, it not only questioned the Kashmir's accession to India, but of the foundation of the India's integrity. On the dismissal of Shimla Agreement by claiming not very effective in settling the Kashmir question, the US forgot to understand the reasons for its ineffectiveness. The problem was not due to the Shimla Agreement but Pakistan's refusal to resolve the issue bilaterally under its provision without any third party mediation. So far no US administration had questioned the validity of the Instrument of Accession and the Shimla Agreement. While saying so, the US also added a third element to the issue by asking the two countries to take into the account of the 'wishes of Kashmiris' for any settlement. It should be noted that earlier only the Bush administration had accepted the Shimla Agreement as a framework for settling any dispute between India and Pakistan. But Raphael's addition of the 'will of Kashmiri people' as a third element had made it as a trilateral. Since the beginning of the Kashmir question, India had not accepted a section of Kashmir's demand for self-determination and even the Kashmir ruler's wish of being Independent. It was clearly stated by Lord Mountbatten, viceroy of India at that time that all Princely States should join either country, India or Pakistan.

⁸ Aftab Alam, *US Policy towards South Asia Special Reference to Indo-Pak Relations* (Delhi: 1998), p.163.

Even though Pakistan talked about the wishes of Kashmiris while supporting the militant activities against India, it never accepted the proposal of Independent Kashmir as a state. The Clinton administration's new emphasis on ascertaining the wishes of the Kashmiri people had caused a great concern to India. But while responding to India's objection, the US said the inclusion of the 'wishes of the Kashmiris' to the issue had not a change in their policy but merely slight difference due to the certain compulsion of the recent developments'⁹ since 1990.

Raphel's statement was severely criticised in India as it came at the time of Hazratbal crisis in Kashmir. Indian officials and the press condemned the US for interfering in India's internal affairs and questioning its territorial integrity. India viewed a 'qualitative shift in US position' and 'tilt towards Pakistan'. Further the Government of India stated that the US statement would encourage terrorism in Kashmir. In this regard, on October 30, 1993, India's External Affairs Minister, Dinesh Singh warned the US that India would not tolerate any outside interference on the Kashmir question.¹⁰ Further it was seen as a clearest pronouncement on the part of Clinton administration of its intervention to pressurize India to agree to US terms on non-proliferation. On Raphel's statement, Jasjit Singh observes that "the US approach was counter-productive and liked to reduce the prospects of peace, encourage radicalism and militant

⁹ Joshi, n. 3, p. 325.

¹⁰ Malhotra, n. 1, p. 131.

separatism, undermine the stabilizing of democracy in Pakistan and prolong the agony of Jammu and Kashmir.”¹¹

The State Department spokesman, Mike McCury, made it clear that the statement of Raphel, did not represent ‘a change in US policy towards Kashmir; nor in any way on India’s territorial integrity’. He further said that the US had noted consistently and believed since 1947 that ‘the entire geographic area of the princely state of Jammu and Kashmir is disputed territory.’¹² But his clarification also raised opposition from the Government of India, where the Indian officials had charged that it was an another way of presenting the same policy. While, the ‘disputed’ element in the Kashmir question, appeared only after 1948 when the issue was placed in the UN, McCury declared that Kashmir was ‘disputed territory’ since 1947.

The Indian Ambassador in US, S.S. Ray sought a clarification from the US government on the Raphel’s statement and the subsequent controversial clarifications from the US officials. In addition, he sought the clear US policy towards Kashmir question. Sensing India’s reaction, the US Under Secretary of State for Political Affairs, Peter Tarnoff in order to pacify India, responded to Ray’s letter by dispelling that there was no ‘tilt’ towards Pakistan or change in US policy and demanded that India and Pakistan solve the Kashmir question in accordance with the wishes of the Kashmiri people.¹³ Moreover, when tension increased due to the Hazratbal crisis, US persuaded Pakistan not to take the Kashmir issue to the UN General

¹¹ Cited in Alam, n. 8, p. 165.

¹² Joshi, n.3, p.329.

¹³ Kidwai, n.6, p.11.

Assembly at that time when it was planning to do so. It also asked the member countries of Organization of Islamic Conference (OIC) to restrain from making any provocative statements on the issue which might complicate further. However Raphael's statement had indicated a change in the US policy response to the Kashmir question by the addition of the will of Kashmir people as a third element and the questioning of Instrument of Accession, which was in line with Pakistan's claim. Moreover it was different from the Bush administration which supported the Shimla Agreement and ruled out the UN plebiscite as a method of solving the Kashmir question.

The US attempt to reduce the political row in India over Raphael's controversial remarks on Kashmir was pushed back by President Clinton's reply letter to Ghulam Nabi Fai, a Kashmiri separatist in US, in which he stated that he was interested to work with him and others in order to bring peace to Kashmir.¹⁴ Later while accepting the credentials of Pakistan's new Ambassador, Maleeha Lodi' in February 1994, President Clinton shared the concerns of Pakistan on human rights violation in Kashmir. India viewed it as 'unjustified' act because only in Bush administration, the US came to a stage to declare Pakistan as a 'state sponsoring terrorism for its aid and activity in Kashmir subsequently, while addressing the Asia Society in Washington, Robin Raphael, equated the situation in Kashmir with that of in Afghanistan.¹⁵ Indian government and the press reacted vehemently to the deed of President and US Assistant

¹⁴ *The Sunday Times*, January 30, 1994.

¹⁵ Chintamani Mahapatra, *Indo-US Relations into 21st Century* (Delhi, 1994), p. 46.

Secretary. It was viewed as a signal of major shift in US policy towards Kashmir question.

There was no doubt, throughout the first one and half years of assuming the office, the Clinton administration's, State Department had issued a negative statement on the Kashmir question though in between tried to clarify that there was no change. It should be noted that the US had began to seek more interventionist role since the end of cold war due to the need of Pakistan in order to promote a US oil company 'Unocal' in the Central Asia.¹⁶ However, Tom A. Travis, observes that US shift probably was due to three objectives: firstly, reference to the wishes of the Kashmiri people may had intended to encourage India to be more attentive to the internal source of the Kashmir dilemma. Secondly, to exemplify the US role as the world's leading power and its concomitant responsibility to provide leadership to solve the conflict. And finally to soften India for concessions on the issues like NPT.¹⁷

Linkage of Nuclear Issue with the Kashmir Question

After a gap of nearly one and half years, India and Pakistan had resumed the secretary level talks over the Kashmir question on January 2, 1994. The talks were held for two days, but no progress was made as two sides differed dramatically on the method of solving the Kashmir question. While India stressed on Shimla Agreement as a framework for any further settlement, Pakistan emphasized the utility

¹⁶ See for details, Ahmed Rashid, *Taliban, Islam, Oil and the New Great Game in Central Asia* (London, 2000), pp. 161-64.

¹⁷ Tom A. Travis, "Indo-American Relations: The Kashmir Controversy", *India Quarterly*, vol. XLIX, no. 4, October-December, 1993, p. 54.

of the UN resolutions. But according to India, the UN resolutions were no longer relevant in the changed scenario. Further as for the continuation of the talks, Pakistan demanded India to end human rights violation in Kashmir against the Kashmiri Muslims. It insisted to engage in any future talks with India either at the Secretary level or any other level but improvement in Kashmir situation was necessary.¹⁸ This attitude of Pakistan was bolstered by the US official statements especially Raphel's statement of questioning the effectiveness of the Shimla Accord.

At the time of bilateral talks between two countries, the Pakistan Foreign Minister, Assef Ahmad Ali, reportedly warned the international community that South Asia might be a place for nuclear war, if the Kashmir question was not resolved.¹⁹ In order to attract the world attention and to pressurize India to accept their terms for the talks on Kashmir question, Pakistan linked the nuclear issue with Kashmir question. During a visit to Pakistan in November 1993, Robin Raphel, justified Pakistan's linkage of Kashmir problem with nuclear issue by saying that it was a "natural line of thought"²⁰. India strongly rejected the linkage. In this direction on February 24, 1994 both the houses of the Parliament had unanimously affirmed that Kashmir had been and shall be an integral part of India and any attempt to separate it from the rest of the country would be resisted by all necessary means.²¹ By this a clear message was sent to Pakistan,

¹⁸ See Malhotra, n.1, pp.138-139.

¹⁹ Ibid.

²⁰ Alam, n.8, p.167.

²¹ Annapurna Nautiyal, "Kashmir Issue: The International Perspective", *Asian Studies*, vol.XIII, no.2, July-December, 1995, p.31.

militants in Kashmir and also to the US to refrain from their activities.

When the bilateral talks between India and Pakistan failed, following Pakistan's precondition and nuclear linkage, US began to express its concern about the situation in South Asia. Hence US called on Pakistan not to raise any such proposal and instead asked them to concentrate on further talks with India. The scholars in the US began to insist the US administration for a direct involvement in the South Asian Affairs in order to cope with the new realities after the end of Cold War and Gulf War. For instance, Stephen P. Cohen called US to interfere, even if it had "no vital interests in South Asia. Something worth giving war over... it must sustain its presence and advance a new South Asia Regional Initiative (SARI) and for this it must keep pressing India regarding Kashmir."²²

The US interest on the Kashmir question is also due to the fear of 'possible' nuclear war in the subcontinent, an impression created by Pakistan. The idea of linking nuclear issue with Kashmir began during the Clinton Administration, though it evolved in 1990 itself when the experts and scholars in the US had projected dangerous image of the subcontinent after the increase of cross border firing and upsurge of militancy in the Kashmir valley. In this regard, Stephen P. Cohen urged that the road to accession to the NPT runs through Kashmir.²³ As India and Pakistan fought over Kashmir earlier, the US wanted to bring the two countries under the NPT fold. So it was

²² Alam, n.8, p.167.

²³ *The Indian Express* (New Delhi), March 2, 1994.

another reason for US activism in Kashmir in order to pressurize them.

Freezing of the Kashmir Issue

The US understood the sensitiveness of Kashmir question due to the strong reaction from the Indian government and the press at that time, which it felt would harm their economic interests in India. After taking this into consideration, US asked its officials to freeze the Kashmir question for the time being in order to calm the Indians. A clear slight shift in the US policy was visible from the Raphel's testimony to the Ackerman Panel of the house of foreign affairs committee in March 1994, when she said "Kashmir was disputed territory and the US believed that the bilateral talks between India and Pakistan under the Shimla Agreement were the best means of resolving the issue....".²⁴

Later when she visited India in March 1994, Raphel was cautious and adopted a low profile on the issue of Kashmir question. She mainly focused on the growing economic relations between India and US. On the Kashmir question, she clarified that the US view was "misinterpreted and terribly distorted."²⁵ She spelled it clear that US would "... support a negotiated end to the conflict Kashmir... as envisaged in the Shimla Accord..." and "oppose outside aid to the militants".²⁶ But on analyzing Raphel's speech it is clear that that

²⁴ Joshi, n.3, p.332.

²⁵ Malhotra, n.1, p.140.

²⁶ Joshi, n.3,p.334. John Cherian had also observed this. See *Frontline*, April 22, 1994

“without deviating from the US position, she sugarcoated Washington’s policy and glossed over the prickly aspects.”

Raphel’s visit to India cleared and paved the way for Strobe Talbott, Deputy Secretary of State’s visit. During his visit to the subcontinent in April 1994, he delineated the settlement of Kashmir question from the nuclear issue. He also emphasized that the question of Kashmir could be resolved best under the Shimla Agreement.²⁷ This delinking of Kashmir question from the nuclear issue and support to Shimla Agreement was seen as a shift in Clinton administration’s response towards the issue of Kashmir question.

Prime Minister Visit and Change in US Position

During his visit to the US in May 1994, Prime Minister Narashima Rao tried to adopt a low profile on the Kashmir question. In his address to the joint session of the US Congress, he argued against the US ‘flirtations’ with the secessionists in Kashmir and firmly stated that Kashmir is an inalienable part of India as the Texas to US. Significant aspect of the Prime Minister’s visit was that after his meeting with US President Clinton both the leaders made a joint statement in which they had agreed on the need for bilateral negotiation between India and Pakistan to resolve all outstanding issues including Kashmir as per the Shimla Accord.²⁸

During the meeting, Clinton said that internationalizing of the Kashmir question would not help in, as “the ultimate answer is for the

²⁷ Malhotra, n.1, p.141.

²⁸ Ibid., p.142.

two great nations together and resolve it”.²⁹ For the first time Clinton himself endorsed the Shimla Accord and did not mention about ascertaining the wishes of the Kashmiri people. It was clear that the US had changed its policy again on Kashmir question since 1993 in order to promote its economic interests. However, on Pakistan’s support to Kashmir militants, Clinton had not publicly blamed it for sponsoring terrorism against India in Kashmir. Instead he said that the US would closely monitor the situation. Even though they began to review their policy on India and Pakistan, they had not fully dumped the latter. They needed Pakistan for their strategic interest in Central Asia. So the US maintained a slight tilt towards Pakistan by not publicly criticizing for its aid to the militancy. But much of the controversy over Kashmir which had arisen by the remarks of US officials on the validity of Instrument of Accession and the relevance of Shimla Accord was calmed down during the Prime Minister Rao’s visit to US.

At the same time, Pakistan Prime Minister, Benazir Bhutto, told *The New York Times* correspondent in May 1994 to a question on ascertaining the wishes of the Kashmir people that Pakistan “would not agree to an independent Kashmir as it was a ploy to divide the Kashmir vote.”³⁰ Though she accepted the US view that Kashmir was a disputed territory, she did not desire to give any importance to the third option for the Kashmiri people. It was another change on the part of Pakistan, who supported and aided the Kashmir militants. This change was due to Pakistan’s fear of losing Kashmir by the option of

²⁹ Alam, n.8, p.167.

³⁰ Malhotra, n.1,p.143.

plebiscite. Moreover she had difference with US at that time on the question of supporting US oil company Unocal's plan in Central Asia.

Kashmir and US Oil Politics

In spite of changing its policy response towards India on the issue of Kashmir, the US continued its support to Pakistan. For instance, the US Secretary of Defence, William Perry, during his visit to South Asia in January 1995 had made a categorical statement that US does not have evidence to accuse Pakistan of being actually aided militants in Kashmir. Rather he said that US thought that Pakistan was "a model of moderation in the Islamic world afflicted by rising fundamentalism."³¹ This statement clearly indicates that the US still considers Pakistan as important for its global policy design especially for its strategic interest in Central Asia. The Clinton Administration had framed the policies according to its own wishes and whims and not by the merits of the problem. Though the big market of India had certainly attracted US for developing bilateral relations by reducing its activism on Kashmir question, Pakistan appeared to be more helpful at that time to pursue its strategic interest in Afghanistan and Central Asia. In this regard Hari Jai Singh observe that: "... the break-up of Central Asia remains an unfinished business. Today, the US wants to prevent the Central Asian States from going back to Russia to form an alliance, either military or economic".³²

Other than maintaining its influence in Central Asia, US was very much particular in obtaining the support of Afghanistan for the

³¹ Nautiyal, n.20, pp.30-31.

³² Hari Jai Singh, *Kashmir: A Tale of Shame* (New Delhi, 1996), p.182.

proposed pipeline project of Unocal from Turkmenistan to Pakistan via Afghanistan. As a result the US policy responses began to appear balanced one - by retaining their continued support to Pakistan and at the same time reducing the tone and negative statements on Kashmir. This clearly demarcated policies of US was visible with the appointment of Frank G. Wisner as US Ambassador to India. Even before taking the new assignment in India, he told the Indian reporters at Washington that US did not have any game plan on Kashmir and he hoped that a settlement could be worked out by direct negotiations between India and Pakistan by taking into account the wishes of Kashmiri people. Further he said that US had no aspiration to play a role in this matter.³³

Subsequently, while answering a question after a lecture at the United Service Institution in New Delhi on April 1995, the US Under Secretary of State, Peter Tarnoff, had emphatically reiterated that "US is not going to be a mediator" in the Kashmir question and made it clear that there could be no 'made in USA' solution to the issue.³⁴ Although by saying that there would be no US role, US did not come forward to take action against Pakistan for its terrorist activities in the Kashmir Valley. Neither it abstained from its reference on Kashmir as a 'nuclear flash point'. The above observation was clear from the State Department release on terrorism in April 1995 in which it was stated that: "There were credible reports in 1994 of official Pakistani

³³ Joshi, n.3, p.337.

³⁴ Ibid., p.338.

support to Kashmiri militants who undertook attacks of terrorism in Indian controlled Kashmir.”³⁵

However, the Director of US Central Intelligence Agency, John Deutch told the Senate Sub Committee on Kashmir in February 1996 as:

“The Kashmir dispute is not easily susceptible to resolutions and remains a possible flashpoint for regional war with the potential to escalate into a nuclear exchange... no where in the world are the stakes for the global proliferation regime higher than in South Asia...”³⁶

The above statements and reports of US officials in the Clinton Administration had clearly shows an inconsistency in their policy towards the Kashmir question.

India’s Political Initiatives and the US Response

The Government of India initiated a political process in the state of Jammu and Kashmir in 1996. The United States stated its support with a caution to these initiatives. In the beginning, while responding to the question of India’s decision to hold election to the Kashmir, the US Assistant Secretary of State, Robin Raphel, dismissed the idea as impractical to meet the needs of the situation. But immediately she changed her opinion after knowing the position of US Ambassador on the matter. On the eve of the Indian parliamentary election in 1996, she said, “if the Kashmiri people participated in India’s Lok Sabha polls, the verdict would be

³⁵ Congressional Research Service Report (CRS) for Congress, “*Pakistan-US Relations*”, November 7, 1996.

³⁶ Cited in Nath, n.5, pp.205-206.

acceptable to the US Administration".³⁷ On the other hand, Wisner commented that "The US will continued to express its support for a political process in Kashmir and a resumption of dialogue between India and Pakistan".³⁸ Robin Raphel, who earlier doubted and said that the elections in Kashmir were impractical, later commenting on the concluded election, reportedly said that the elections were 'free and fair'.³⁹ Moreover, she criticized Pakistan's proposal for nine nations conference on Kashmir and instead called it to engage in the negotiation process with India. On the other hand, Pakistan slammed the concluded election in Kashmir by saying it did not represent the verdict of whole Kashmiri people.

The change in Clinton administration's response after the fresh political initiatives had further carried out by Wisner. In July 1996, while speaking at the Pakistan's Command and Staff College, he outlined the US views on Kashmir question:

First, that its (US) role was limited and it for India and Pakistan to find the solution to the issue following the steps set out by Tashkent and Shimla Agreement 'outsides can wish you well, and may find ways to help, but you and India have what it takes to do the job second and more importantly, the solution by role in 'revisiting the troubled history of the Kashmir dispute... [but through].... A fresh look at your assumptions so that you can arrive at new conclusions; third and most important, Pakistan is had to acknowledge that 'after nearly 50 years, there are certain fundamental realities that will not be changed'.⁴⁰

In 1996, Presidential election process began in the US, the Clinton Administration's policy responses were silent for a while. But, on the whole the first term policies of the Clinton administration

³⁷ Kidwai, n.6, p.13.

³⁸ *The Hindu*, September 11, 1996.

³⁹ Kidwai, n.6, p.15.

⁴⁰ Cited in Joshi, n.3, p.339.

on the question of Kashmir were favourable to Pakistan such as questioning of the Instrument of Accession, by reducing the importance of Shimla Agreement, adding a new element to the issue by bringing the will of the Kashmiri people as a third option and finally sharing of Pakistan's concern on human rights and nuclear issues.

President Clinton's Re-election – Policy of Continuity

Bill Clinton returned to the office of Presidency after securing popular verdict in the beginning of 1997. In his second term, Madeleine Albright became the Secretary of State in the place of Warren Christopher and Karl Inderfurth replaced Robin Raphel. Though Clinton restructured his administration, the major foreign policies remained the same especially with regard to South Asia. It is very clear from the statement of Clinton, in August 1997 when he said that the presence of US in South Asia was strongly needed due to “the people of Pakistan and the people of India have not been able to work through their differences”. Further he added that US would be a “more constructive supporter of resolving these difficulties in the near term”.⁴¹ India strongly objected to the statement of President Clinton's desire to involve in the affairs of Kashmir question. As a response, Prime Minister Gujral said that India's sovereignty over Kashmir was not negotiable.⁴² Clarifying Clinton's remarks of emphasis the requirement of US presence in the subcontinent, the State Department spokesman, James Rubin, said perhaps, he was talking about the fact that Secretary of state, Madeleine Albright's

⁴¹ *The Hindu*, August 8, 1997.

⁴² *Ibid.*, August 12, 1997.

proposed visit the region that year and that President was not referring to a physical presence of US in the South Asia region but was only hinting the importance of the region to the US.⁴³ These statements had created suspicion in India where an impression emerged that the US was trying to formulate its new policy aiming an active role in the internal affairs of India. So the State Department later issued a clarification whereby saying that any impression created by the US official statements of 'enunciating a new policy' were wrong.⁴⁴ It should be noted that several times in the past too, all kinds of statements, which had been made by the Clinton Administration's officials, were refuted in the face of protests in India. While reiterating its support to bilateralism as envisaged in the Shimla Agreement between India and Pakistan the US kicked up the old policies of interfering in the Kashmir question whenever it suits its strategic interests.

However, the Clinton administration's response towards Kashmir question in particular and India in general witnessed a change. It began to respond to the incidents or events related to Kashmir.

This change was the result of tough posture of Taliban, which showed unrelentness to the US backed oil pipeline project. Before giving the economic and other assistance to the Taliban, the US told them to improve the human rights condition and relax strict Islamic laws, which they had not carried out. Also, the Clinton

⁴³ Chintamani Mahapatra, "American Activism on the Kashmir Question", *Strategic Analysis*, 21(7) October 1997, p.996.

⁴⁴ *The Hindu*, August 12, 1997.

Administration faced a strong protest and criticism from the feminist and human rights groups in the US against its support to Taliban. Moreover the growth of Indo-US economic ties due to the intensified economic liberalization policies of India had paved the way for US policy change. The visit of Madeleine Albright, to India on November 19, 1997 marked an important change in the US perception on Kashmir question. After meeting the Indian Lok Sabha Speaker and other Members of Parliament, she declared that the US had no desire to be involved in the Kashmir question. But she hinted that the US was willing to play the role of a mediator, if both countries invited to do so.⁴⁵ Since then the US had been showing less interest in the issue of Kashmir question until 1998 nuclear explosion of India and Pakistan.

US View on Nuclear Tests and Lahore Declaration

Following the threat perception from the neighbouring countries, the government of India decided to strengthen its defence system by opting the execution of nuclear policy. Accordingly, on May 11 and 13, 1998, India conducted nuclear tests by exploding five nuclear devices at Pokhran. After the successful nuclear explosion, the Indian Home Minister, L.K. Advani said that the geopolitical situation in the region had changed and hence Pakistan should “roll back its anti-India policy with regard to Kashmir”. Further he said, the decisive step to become a nuclear weapon state had brought about a qualitatively new stage in Indo-Pak relations,⁴⁶ particularly in finding a lasting solution to the Kashmir question. Many scholars and

⁴⁵ Nath, n.5, p.194.

⁴⁶ *The Hindu*, May 19, 1998.

press criticized Advani's remark by saying that it in fact encouraged Pakistan to follow India. The tone of message or statement might look like a threat to Pakistan but it should be noted that Pakistan had developed the nuclear capability since late 1980s and was ready to execute at any time. India's tests were just a chance for its later explosion.

After India's nuclear tests at Pokhran, US strongly condemned it and expressed concern about the situation in South Asia. Clinton described it as a "terrible mistake"⁴⁷ and called India to accept the Nuclear Non-Proliferation Treaty. In the wake of India's nuclear tests the US tried its best to restrain Pakistan from responding to India's test by sending a high level delegation under Deputy Secretary of State Strobe Talbott. Evidently it did not succeed. Subsequently, despite US and world efforts, Pakistan followed suit by exploding five nuclear devices on May 28 and 30, 1998 at Chagai. On Pakistan's nuclear tests, the *Washington Post* observed "Pakistan's nuclear tests internationalized the Kashmir dispute and bringing it back on the active agenda of the UN".⁴⁸ On commenting upon the nuclear tests of India and Pakistan, the US Secretary of State, Madeleine Albright said "we want to make them understand that they cannot blast their way into nuclear status".⁴⁹ On the other hand, US Congressman Frank Pallone, the Co-chairman of the Congressional India Caucus, on the question of India's nuclear tests, told that he did not support it but at the same time that the China-Pakistan strategic and nuclear

⁴⁷ P.M. Kamath, "Indian Nuclear Tests, Then and Now: An Analysis of US and Canadian Responses", *Strategic Analysis*, vol.xxiii, no.5, August 1999, p.757.

⁴⁸ A.Z. Hilali, "Kashmir: A Dangerous Flash Point in South Asia", *Bulletin of Concerned Asian Scholars*, 31(2), May 1999, p.71.

⁴⁹ *The Times of India*, June 23, 1998.

collaboration had “placed India in a vulnerable position”⁵⁰ which led to India’s decision to explode nuclear device.

Following the nuclear tests, the US imposed economic and military sanctions on India and Pakistan, which was mandated under its laws. Further the US also asked other members of the G-8 countries to follow such measures. Subsequently, US began to understand the circumstances under which India went ahead with its nuclear programme and in order to reduce the tension between India and Pakistan, Strobe Talbott, began a series of separate talks with foreign Ministers of India and Pakistan. The motive behind this series of discussion was that US felt that the nuclear war might escalate, if the question of Kashmir was not resolved. Significantly other than negotiation, US did not involve itself directly in the affair of subcontinent and left the issue with India and Pakistan to resolve bilaterally.

In this regard of ensuring harmony in the subcontinent, Indian Prime Minister A.B. Vajpayee, took a bus ride to Pakistan on February 20, 1999. During his visit, he held talks with the Pakistan Prime Minister Nawaz Sharif, and the two Prime Ministers signed the Lahore Declaration. In the Declaration, they agreed, among other things to: refrain from interference in each other’s internal affairs; to take immediate steps to reduce the risk of accidental or unauthorized use of nuclear weapons and more importantly “to intensify efforts to resolve all issues including Jammu and Kashmir”.⁵¹ The features or principles which were given in the Declaration were nothing new, but

⁵⁰ Kamath, n.47, p.758/

⁵¹ K.K. Katyal, *The Hindu*, July, 2001,p.8.

just reiteration as Shimla Agreement or Panchasheel. But the importance of this declaration was the circumstance under which it was signed when both the countries became nuclearized. Significantly, Pakistan did not link the Kashmir question with the nuclear issue. While commenting on the Lahore Declaration, the US Assistant Secretary of State, Karl Inderfurth said “there was hope”⁵² in the US that the tension between two countries would be reduced. Further, he said that it was fundamentally important in the situation after the nuclear tests.

In this circumstance, India test fired the extended range Agni II Intermediate Range Ballistic Missile (IRBM) as part of its regular test programme on April 11, 1999. But Pakistan reacted subsequently by test firing the Ghauri-2 missile on April 13, 1999. Later testing of Trishul and Shaheen missiles by both countries introduced a new tension in the Indo-Pakistan relationship.⁵³ The Lahore Declaration was violated by the above acts. Instead of consulting each other in order to reduce the tension, both sides went ahead with second test firing of Trishul and Shaheen.

Kargil War and the US Response

Immediately after the fallout of missile test fire, Pakistan’s heavily armed regular troops and foreign mercenaries began to intrude into the Indian side of the Line of Control (LoC) upto eight kilometers and established themselves on the high mountain ridges of the Kargil District by physically occupying the territory of Jammu

⁵² from Inderfurth interview on “US-Indo Relation” in Wireless File (Transcript) New Delhi, Public Affairs Office of the US. Embassy, October 4, 2000, p.2.

⁵³ Frontline, May 21, 1999.

and Kashmir. The overall aim of Pakistan was to provide a fresh impetus to the jihadi groups who were already indulged in terrorist activities against India over Kashmir. The Pakistan military played a vital role in the intrusion with political support, but there were reports that political leaders in Pakistan including Prime Minister were kept in darkness by the Army.⁵⁴

Pakistan attempted to link the Kargil intrusion with the larger issue of Kashmir question, by which it added a new dimension to its ten-year old proxy war against India since 1989 uprising. India strongly objected and warned Pakistan for its covert move to grab Kashmir. But Pakistan refuted India's charges by saying that it had no role in the intrusion and instead claimed that only the local Kashmiri militants were involved.⁵⁵ Pakistan's proactive action compelled India to launch military measures in order to stop the intruders from further encroaching upon the Indian Territory. Tension increased due to the fighting between Indian forces and the Pakistani intruders by the first week of June 1999, when it appeared that a potentially dangerous military confrontation was ahead along the Line of Control. The reason for Pakistan's intrusion inside the Indian Territory was due to the frustration of Pakistani military establishment in their policy design to occupy Kashmir and the militant groups, who could not accept the peaceful way of political process.

The two-month fighting witnessed the worst outbreak of cross-border firing between India and Pakistan since 1971. The Indian

⁵⁴ See Kalim Bahadur, "India-Pakistan Relations in the Context of the Kargil Conflict" in *Kargil-The crisis and its implications*, Nehru Memorial Museum and Library, Debate Series I, 1999, .19.

⁵⁵ *Ibid.*, p.13.

forces took part in the operation to dislodge the large Pakistani intruders who occupied fortified positions of mountain ridges on the Indian side of the LoC. According to the Indian government the intruders were mainly Pakistan and ethnic Afghan forces. But Pakistan stated it to be the Kashmiri groups.

The sudden break out of conflict between India and Pakistan in the Kargil sector destroyed the hopes of the US on the Lahore Declaration. By early June 1999, the Clinton administration expressed its concern over the destabilization of the Line of Control by the Pakistani forces and hence urged both the countries to resume dialogue under the Lahore process.⁵⁶ Following the instruction from the US and in order to demonstrate that Pakistan was not involved in the intrusion, the Pakistan's Foreign Minister visited New Delhi on June 12 and had a discussion with India's Foreign Minister, Jaswant Singh. But nothing had emerged productively on the Kargil issue. ON the visit of Pakistan's Foreign Minister, it was observed that: "the objective was to show that the Line of Control was not clear and the intrusion was by the local militants".⁵⁷

It was reportedly stated that India had conveyed to Pakistan that its further talks on the matters of Kargil were dependent on the withdrawal of infiltrators. In this regard, after a visit to Kargil on June 13, 1999, the Indian Prime Minister, Vajpayee said India was "for continuation of the Lahore process which includes a commitment to the Shimla agreement", but for that process, he stressed that it was "absolutely necessary for the *status quo ante* to be restored on the

⁵⁶ Major Sulakshan Mohan, *Kashmir is there a solution?* (Delhi, 2000), p.302.

⁵⁷ Bahadur, n.54, p.19.

LoC”⁵⁸. Further, he declared that India’s plan was “to regain that area (Kargil) through peaceful means and dialogue. In addition on June 14, at a public meeting in Udhampur, Prime Minister reiterated his earlier stand that “you withdraw your troops and then we are prepared for talks”.⁵⁹ But Pakistan continued to maintain that it had no control over the Kashmiri militants who intruded into the Indian side of the LoC and in turn charged India that it had violated the LoC previously.

The the US and most other countries refused to accept Pakistan’s claim that the intrusion was only by the Kashmiri militant groups without its help. They felt that the militants without an outside support could not have executed such a large-scale and well-planned offensive. The US National Security Advisor, Samuel Berger said that Pakistan had to “bore responsibility”⁶⁰ for the Kargil adventure. Further, on the Pakistan’s intrusion, the US Secretary of State, Madeleine Albright stated that nations must not attempted to change borders or zones of occupation through the armed force.⁶¹ Meanwhile India further proved by evidence that majority of the intruders were actually Pakistani army men by the weapons, identity cards and dresses of the Pakistani soldiers, who fighting inside the Indian territory. It asked Pakistan to call back its troops and nationals from the Indian Territory. ON the question of ending the Kargil conflict between India and Pakistan, the US Assistant Secretary of State, Karl Inderfurth, responded by saying that “the fighting would end only

⁵⁸ The Hindu, June 14, 1999.

⁵⁹ The Hindustan Times, June 15, 1999.

⁶⁰ The Hindu, March 20, 2000.

⁶¹ *The Hindu*, March 20, 2000.

when the intruders either departed voluntarily or were taken out by the Indians”⁶².

By the mid June 1999, there appeared a potentially dangerous war situation between India and Pakistan in Kashmir due to the advancement of both the troops. US began to express concern concerned about the deteriorating situation. On June 15, the US President, Bill Clinton telephoned to both the Prime Ministers of India and Pakistan and told them categorically that he expected peace in the region, that both sides should withdraw their forces and to resume the dialogue on resolving the Kashmir question which had been agreed upon by the Lahore Declaration. He called the Pakistan Prime Minister, Sharif privately and made it clear that he believed Pakistan was responsible for the infiltration. So he encouraged him to withdraw the militants back across the Line of Control.⁶³ In succeeding days the US officials visited Pakistan to urge it to roll back its forces and return to bilateral negotiations with India. At the same time international pressure also built on Pakistan. Even China which was longstanding supporter other than the US delivered a neutral message to Pakistan during the visit of Pakistan Prime Minister Sharif to Beijing on June 28.

In order to ease the international pressure, Nawaz Sharif, visited US on July 4 to discuss the situation of Kargil with the US President Clinton. Following the meeting between the President Clinton and Prime Minister Nawaz Sharif, the two leaders issued a

⁶² Kapil Kak, “International Responses” in Jasjit Singh, *Kargil 1999, Pakistan’s Fourth War of Kashmir* (New Delhi, 1999), p.196.

⁶³ *The Asian Age*, June 26, 1999.

joint statement on Kashmir, particularly Kargil conflict. Accordingly, Pakistan had to quit Kargil, resume dialogue with India. President Clinton said he “Would take a personal interest in encouraging an expeditious resumption and intensification of those bilateral efforts once the sanctity of the Line of Control has been fully restored”⁶⁴. Further both the leaders agreed that “concrete steps will be taken for the restoration of the line of control in accordance with the Shimla Agreement”⁶⁵. This had been hailed as a major diplomatic achievement of India since the origin of Kashmir question because it was for the first time that US had publicly criticized Pakistan and called it to stop the aggression against India.

Accordingly, on his return to Pakistan, he called the intruders to fall back of the Line of Control from the Indian Territory. At the same time Military commanders of the both sides met and discussed the modalities in New Delhi for the disengagement of forces and the withdrawal of the infiltrators. As a result of the meeting between India and Pakistan, the withdrawal of infiltrators and troops disengagement were largely completed by July 18, 1999. The Prime Minister Nawaz Sahrif faced sever criticism within Pakistan the Major Islamic militant groups and the press charged him of selling out the cause of the Kashmiri freedom. He suffered major loss of domestic and military confidence. Interestingly, there was another report on the line of linking nuclear issue with Kashmir. The British intelligence reports said that India and Pakistan came close to a nuclear exchange and the crisis was prevented only after the US

⁶⁴ A.G. Noorani, “From Ceasfire to Dialogue” in *Frontline*, December, 22, 2000.

⁶⁵ See “Text”, *Clinton, Sharif Joint Statement on Kashmir Conflict*, USIS Washington File, July 6, 1999.

intervention.⁶⁶ Whether the above report was correct or not, the US role in the Kargil conflict indicated the shift in their policy response which was more favourable to India since the origin of the Kashmir question.

Clinton's Visit and Reinforcement of Position

US gradually shifted to policy responses towards India over Kashmir ever since the Kargil conflict by calling Pakistan to engage in talks with India. The US Deputy Secretary of State, Strobe Tolbott told that US “looks to India’s emergence as a global power”⁶⁷ after the explosion of nuclear device and victory over Pakistan in the Kargil conflict. This shows the healthy growth of Indo-US ties in recent years. It could be further clearly seen from the visit of President Clinton to India in March 2000. On March 21, while addressing a press conference at New Delhi, President Clinton summed up his position on the Kashmir question where he said thus: “You cannot expect a dialogue to go forward unless there is an absence of violence and a respect for the Line of Control”.⁶⁸

In a significant shift of, President Clinton aligned himself with the Indian position that the creation of an appropriate environment was necessary for any purposeful talk with Pakistan. Further he emphasized four principles which were necessary for an Indo-Pak dialogue: mutual ‘restraint’ by both sides, “respect for the LoC”, renewal” of the Indo-Pak dialogue and the “rejection of violence”,⁶⁹

⁶⁶ See Ajay Singh, “Kashmir Peace Maker” in *Asia Week*, April 17, 2000.

⁶⁷ *The Times of India*, November 13, 1998.

⁶⁸ *The Hindu*, March 22, 2000.

⁶⁹ Ibid.

which means there is no military solution. The above four principles were similar to the India's longstanding policy to bilateral talks with Pakistan.

President Bill Clinton's visit to the subcontinent was an important milestone in the US policy response to the Kashmir question. On the question of US support to UN resolution, President Clinton remarked that the resolutions adopted by the UN in the late 1940's and the early 1950s were no longer relevant in the present circumstance. In addition, on ascertaining the wishes of Kashmiri people through a plebiscite, he said that it was no longer practical.⁷⁰ He further elaborated that "in a nuclearized environment, self-determination must play second fiddle to stability and lowering tensions",⁷¹ hence the US was now committed to the *status quo* in Kashmir. Other than emphasizing the need for dialogue between India and Pakistan, he totally avoided in using or discussing the self-determination or taking into account of will of Kashmiris.

In an address to Indian Parliament, President Clinton told that the US would not act as a mediator and while hoped that both India and Pakistan would resolve the Kashmir issue bilaterally. But at same time, he under lined the support of the US in the process by stating that the two countries should consider going along the political process with the "support of others who can help where possible, as American diplomacy did in urging the Pakistanis to go back behind the Line of Control in the Kargil crisis"⁷².

⁷⁰ *Deccan Herald*, April 10, 2000.

⁷¹ *Telegraph* (Calcutta), April 14, 2000.

⁷² *The Asia Week*, April 7, 2000.

In a stop over of five hours at Pakistan, President Clinton warned it over the issue of supporting cross border terrorism by saying that “this era does not reward people who struggle in vain to redraw borders with blood” and reminded Pakistan that “there is no military solution to Kashmir”⁷³. In his television address, he made it clear that US would no longer back Pakistan on the Kashmir issue. He said, “we cannot and will not mediate... the dispute in Kashmir only you and India can do that through dialogue I will do all I can to help both sides restore the promise and process of Lahore”⁷⁴.

Thus Clinton’s visit to the subcontinent reinforced US position on Kashmir. This paved the way for the continuity of the US policy from 1997, which supported Shimla, and Lahore processes as a vehicles to further resolution on Kashmir. It also rejected the UN resolution of plebiscite as a solution and at the same time categorically sidelined the point of ascertaining the wishes of Kashmiri people. Finally, it warned Pakistan for its continuous support to Kashmiri militants. This stature of US was a big set back to the Pakistan’s desire of grabbing Kashmir through violence and external support.

While analyzing the Clinton administration’s policy responses, it was clear that there was a continuous fluctuation in their policy with regard to Kashmir question. This policy fluctuation was related to the US strategic interests in Central Asia, Afghanistan and India. The US response on Kashmir witnessed dramatic fluctuation during his two terms. In the first term, the US State Department officials had

⁷³ *The Hindu*, March 26, 2000.

⁷⁴ *Ibid.*

questioned the validity of Instrument of Accession and Shimla Agreement of 1972. During his second term, the US policies were more favourable to India. It should be noted that the Clinton administration's responses were changed from anti-India stand to pro-India position. At the same time their policy towards Pakistan had changed from more active support to normal one. Though Pakistan had lost its importance to the US after the end of Cold War and to some extent due to the loss of US oil interest in the Central Asia, it remained as a low priority than total rejection. Because US think that any hard decision might stop its leverage upon Pakistan. Therefore, the US response and their position on the issue of Kashmir question has been fluctuating continuously in accordance with their interests.

CHAPTER V

CONCLUSION

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The US policy towards the Kashmir question, as seen in the previous chapters, has never been uniform. Cold War, Nuclear Proliferation in South Asia and US interests in Persian Gulf and Central Asia-all have greatly shaped the US policy towards the Kashmir question, at different periods. The study concludes that the US policy towards the Kashmir question were/are based on the following five factors.

Firstly, the US policy towards the Kashmir question, during the Cold War period was based on its global Cold War interests, rather than being Kashmir specific.

Secondly, Pakistan's role as the "frontline state" for the US security interests in the region, especially in containing the Soviet Union, resulted in the US adopting a pro-Pak position on Kashmir, during the Cold War period.

Thirdly, during the Cold War period, when there was a détente between the US and the Soviet Union, the US preferred a bilateral solution to the Kashmir question between India and Pakistan.

Fourthly, in the post Cold War period, in the early 1990s, its global economic interests in Persian Gulf and Central Asia shaped US policy towards the Kashmir question.

Finally, in the aftermath of the nuclear tests in South Asia, the US policy is based on preventing any nuclear war between India and Pakistan, as the US views Kashmir as “a nuclear flash point”.

I. US Policy Towards Kashmir, during the Cold War was based on US Global Cold War Interests

The US did not have a Kashmir specific policy during the Cold War and was largely based on its global cold war interests. In the aftermath of the Second World War, the US did not find any of its interests in South Asia at stake. Hence, at this juncture, the US expected the British to take care of the security issues in South Asia and the US policy towards South Asia, was largely guided by the British.

It was because of this factor that the US did not take up Pakistan’s offer in November 1947, to “fight to the last man against communism.” It was again because of the same factor that the US did not respond to Pakistan’s request, the same year, to strengthen military ties with the US and to strengthen Pakistani forces with US military assistance.

When the Kashmir question was taken to the UN in 1948, the US role in the UN, initially was based on two considerations. Firstly, the US did not want any escalation in conflict between India and Pakistan, which would affect the political stability in South Asia. The US found Kashmir as the “greatest

threat” that would affect the US objectives in South Asia, which, during this period, was the maintenance of stability in South Asia

Secondly, since Kashmir is situated very close to Soviet Union, Afghanistan and China, it was not in the interests of the US to witness an Indo-Pak war, which would attract the attention of any outside power, especially the Soviet Union. During this period the US did not want to take any sides with either India or Pakistan. This was the reason, why the US treated Pakistan and India equally and viewed both the aggressor and victim alike. The US view on Kashmir that it was a “disputed territory” and “the accession was incomplete”, though went against the Indian position, was based on the above consideration. The US support to the proposals of the UNCIP, especially on de-militarizing Kashmir, was based on the US efforts to avoid any escalation of tension between India and Pakistan that would invite any outside interference in Kashmir.

Subsequently, its global Cold War interests shaped the US response to the Kashmir question. During 1948-1950, the US witnessed the Soviet Union breaking the US atomic monopoly, China becoming a communist power and the outbreak of Korean War. These events at the global level greatly shaped the US interests in South Asia and in Kashmir. With the Cold War consolidating by the end of 1950, the US started looking for allies and “frontline states”, which could fight against the Soviet Union along with the

US. India's refusal to be a part of the US alliance system to fight the Soviet Union and Pakistan's acceptance to be a part of it, resulted in the US and Pakistan coming together. Ever since, the US response to the Kashmir question was based on its global Cold War interests. In the aftermath of military alliance between Pakistan and the US, the US feared that India would come under the influence of the Soviet Union. The victory of the Communist Party in Kerala in the 1956 elections was seen by the US as the spread of communist influence in India, which had a direct bearing on the "national security of the US."

In the second half of the 1950s, in its efforts to prevent the spread of Soviet influence in India, the US decided to provide economic aid to India. With India and Pakistan, becoming vital to its national interests, the US took efforts to settle the Kashmir question through negotiations between India and Pakistan. The US, especially under President Kennedy's administration attempted to work towards a bilateral settlement between India and Pakistan. President Kennedy expected India and Pakistan to settle the Kashmir question amicably among themselves.

II. The US, during détente, was dis-interested in Kashmir and preferred bilateral settlement between India and Pakistan.

The US policy till the end of Cold War in 1989, towards the Kashmir question was not uniform. Whenever there was a détente, the US did not take any

serious efforts to resolve the Kashmir question. During these periods, the US preferred a bilateral settlement of the Kashmir question between India and Pakistan.

In the early 1960s, with the US getting involved in Vietnam War, the US became disinterested in the South Asian region. This was the main reason for the US disengaging totally from the Indo-Pak War of 1965 and even allowed the Soviet Union to intervene between the two countries and mediate at Tashkent. In the aftermath of the Indo-Pak War of 1971, with Pakistan losing its security importance, after the relations with China was established, the US decided to emphasis on a bilateral framework between India and Pakistan to resolve the issues between them, including Kashmir. That was the reason for the US support to the Shimla agreement during the 1970s, till the Soviet troops entered Afghanistan in 1979.

III. Pakistan's role as the "Frontline State" shaped US policy towards Kashmir and tilted towards Pakistan.

With the Cold War getting strengthened in the 1950s and with US and Pakistan signing a mutual Defence Agreement in 1954, the US sided with Pakistan on Indo-Pak issues, which included Kashmir. Pakistan becoming a part of the US led CENTO and SEATO, brought the Cold War into South Asia, in which the US allied with Pakistan. The US administration, under the

President Eisenhower and the Secretary of State, John Foster Dulles, based on Cold War calculus, sided with Pakistan on the Kashmir question.

In the late 1970s and in the 1980s, when the Soviet troops were present in Afghanistan, the US policy towards Kashmir question, sided with Pakistan, as Pakistan became a frontline state in the US efforts to fight the Soviet troops in Afghanistan.

IV. US policy Towards the Kashmir Question in the early 1990s was shaped by the US interests in Central Asia and the Persian Gulf.

Two factors shaped the US interests in the Kashmir question during the first half of the 1990s. Firstly, the Gulf War, which underlined the US interests in the region. The US, in the post Cold War period, with the dis-integration of Soviet Union, finds threats to its interests in the Gulf region, from rogue states such as Iraq. Secondly, the US interests in Central Asia, especially on the economic interests such as oil and natural gas reserves, made Pakistan significant in the US security calculus.

The Bush administration and the Clinton administration during its initial period responded to the Kashmir question against this background. The US during this period considered that “all of Kashmir” as the “disputed territory” and the issue should be settled by India, Pakistan and the Kashmiris. Kashmir was equated by the US with the Civil Wars in Angola and Caucus. Robin

Raphael, the US Assistant Secretary of State, during this period, even went to the extent of telling that the US did not recognize the Instrument of Accession. Besides, the US also emphasized on resolving the crisis according to the will of Kashmiris. The US policy towards the Kashmir question was tilted towards Pakistan during this period and the US did not take into account, the terrorist activities sponsored by Pakistan. Pakistan, during this period, was significant to the US interests in Afghanistan and Central Asia. The indirect support to the Taliban, in the initial period was again born out of this factor.

V. Kashmir as a “Nuclear Flash Point” guides the US policy towards the Kashmir Question in the present period.

The US non-proliferation interests in South Asia and avoidance of a nuclear war between India and Pakistan guide the US policy towards the Kashmir question. With the end of Cold War, ever since 1989, the US has been attempting to pursue a vigorous non-proliferation policy towards South Asia. During the Cold War, the US non-proliferation interests were largely overshadowed by its global cold war security interests.

With India and Pakistan becoming nuclear powers in 1998, the US policy is based on the consideration that Kashmir is a “nuclear flashpoint”, between India and Pakistan. The US supported the bilateral efforts that became a part of the Lahore declaration, in resolving the issues between India and Pakistan including Kashmir.

The US policy towards avoiding any nuclear war over Kashmir was evident in its efforts taken during the Kargil War. The US, during the initial period of the crisis, was very reluctant to get involved. The reluctance was due to the perception that the crisis was a routine affair along the Indo-Pak border. The US made it very clear during the initial period of the crisis that it did not favor any role for itself. However, during the later period, with the crisis resulting into a limited war and with Pakistan made it very clear that it would use any weapon, including nuclear, to protect its security, the US decided to intervene. The US sent a mission under Lanpher and Zinni, which had extensive discussions in India and Pakistan. To a great extent, this mission resulted in Nawaz Sharif going to the US on July 04, 1999. The Clinton-Sharif meeting resulted in de-escalation of hostilities between India and Pakistan. Thus, the fear of nuclear war over Kashmir had guided the US policy towards Kashmir during the Kargil war.

In the future, the US policy towards the Kashmir question will be greatly influenced by its nuclear non-proliferation interests in the region.

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