

The Kashmir Issue and the USA Stand

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Abstract – *The USA was immensely prone to Pakistan on the Kashmir issue. The American stand on the Kashmir issue from the very beginning was unsympathetic to India. The major Indian view regarding Kashmir was that Pakistan being an aggressor in Kashmir be asked to vacate the territory it illegally occupied. But Sir Zafrullah Khan of Pakistan, in a bid to divert the attention of the Security Council from the Pakistani aggression clearly sought to consider other matters like forcible and unlawful occupation of Junagarh, Manavadar and some other states in Kathiawar by India along with the Kashmir issue. Warren Austin, the US delegate supported the Pakistani stand in widening the scope of the dispute from that on Kashmir to include all other Indo-Pakistani problems.*

Keywords : *Plebiscite, Indo-US relation, Economic Aid, Communist Intervention, American Foreign Policy, Invaders, Freedom Fighters.*

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INTRODUCTION

The involvement of USA in the Kashmir issue dates back from the earliest stages of its reference to the United Nations Security Council. The power vacuum created by the exit of the British from this strategic area close to the Soviet Union and involvement of the protection of the interest that it had already identified in South Asia resulted in the Kashmir dispute. The US activities reflected the reallocation of influence in this area into which soviet influence might flow. The Indian government saw the role of the US in the Kashmir conflict as part of an overall American design in the Third World and in particular South Asia. The Kashmir issue and its reference to the UN did provide the US an opportunity to establish its strategic influence in this region.[1]

In the beginning, the US aspired primarily to work with India in seeking a resolution of the issue that was satisfactory to Washington. When Pakistan came to be more adaptable to American foreign policy in the Korean War during 1950s, the US proved to be increasingly sympathetic to Karachi on the Kashmir question and many Indian officials perceived there was a casual connection. This Indian impression was strengthened by the growing assistance by the US in the UN that the Kashmir dispute be resolved by plebiscite, a measure New Delhi considered inimical to its interest.[2]

At first, the US stand on the Kashmir dispute was pro-Pakistani and unsympathetic to India. The major Indian point of view was that Pakistan being an aggressor in Kashmir be asked to vacate the territory it illegally occupied. But Sir Zafrullah Khan of Pakistan, in order to divert the attention of the Security Council from the Pakistani aggression

clearly sought to consider other matters like forcible and unlawful occupation of Junagarh, Manavadar and some other states in Kathiawar by India along with the Kashmir dispute. Warren Austin, the US delegate supported the Pakistani stand in widening the scope of the dispute from that on Kashmir to include all other Indo-Pakistani problems. But M.C. Setalved, an Indian representative, exposed Pakistan's objective to confuse the major issue and reminded the Council that the prime issue was 'invasion of Kashmir' by Pakistan. But ultimately India lost the point and the 'Jammu & Kashmir Question' changed into 'Indo Pakistani Question'.[3]

But America did not challenge the legality of the Kashmir's accession to India. The US also recognized Indian sovereignty over Kashmir as its representative in the Security Council considered its accession to India as valid. The US delegate Austin said : "The external sovereignty of J&K is the sovereignty that is involved here. This is an affair between nations, and with the accession of J&K of India, this foreign sovereignty went over to India and is exercised by India, and that is how India happens to be here as a petitioner".[4]

On this plane, it could reasonably be argued that an attack on J&K aided and abetted by Pakistan was an attack on India and the Indian Government rightly demanded the Security Council to ask Pakistan to vacate its aggression from the Indian soil. But to the amazement of the Indian Government and the public, the American representative refused to consider Pakistan an aggressor. It continued to maintain that the invasion of Kashmir by Pakistan did not constitute an act of hostility. There was no official American criticism of the murder, arson, rape and terror

perpetuated by the invaders in Kashmir refrained from even commenting on the role of Pakistan in the aggression on Kashmir. On the other hand, he pointedly criticized the Indian delegate for his demand for the expulsion of the invaders from Kashmir and to ask Pakistan not to assist them in any way. He said that the Indian delegation's attempts to persuade the Security Council to take firm measures against Pakistan would amount to that of an ally in a war. The American delegate alleged that India was striving to get the council to pull off Pakistan (from Kashmir) and allow India to finish the job by force against the tribesmen.[5]

In a categorical way, Sheikh Abdullah suggested the Security Council to ask Pakistan to stop furnishing supplies, ammunition and weapons to the invaders and to stop it from allowing the use of its territory as base by the invaders. It appeared to Austin as perfectly astonishing. He argued, "Now here we see the external sovereignty of J&K possessed, and exercised before us in this petition by India. A plebiscite is one of the conditions attending the accession and the grant of this part of the exercise of sovereignty from J&K to India. That is the cold fact in matter. The Maharaja had already assented to these proposals and India is fully authorized to go through to the end with all the negotiations that are necessary to bring about a solution of this international problem".

The well-established facts of Pakistani aggression on Kashmir was not only overlooked by the United States but it laid great emphasis on the need to settle the issue by means of plebiscite. The cold-shouldering attitude of the US towards India's complaint against tribal invasion aroused furious resentment in India. It was difficult for the Indian to understand how on the one hand the US conceded that Kashmir's sovereignty had been transferred to India and, on the other hand, refused to support India's case that the tribal invasion aided and abetted by Pakistan constituted an act of aggression. In India, the American attitude was labeled as biased and unjust.

India criticized the US biased and unjust policy. Jawahar Lal Nehru said in March 1954 - "The US has not only condemned the aggression but we have been asked not to press it in the interest of peace. He further under the auspices of the UN decided to solve the issue as soon as the invaders have been driven from Kashmir soil. He repeatedly declared that the wishes of the Kashmiri people would be ascertained after Pakistan had vacated the aggression from the so-called 'Azad Kashmir". The US stressed on India holding the plebiscite in Kashmir before Pakistan fulfilled the other conditions. It completely ignored the essential point that the Indian offer to hold the plebiscite was based upon the prior fulfillment of certain conditions by Pakistan which in fact had not been fulfilled. However, in consistence with the policy that in the case of any

state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the state.

When Indian government thought the withdrawal of the invaders from to be one of the prior conditions to hold plebiscite, the US delegate held just opposite stand. He argued that a fair and just plebiscite be held first to induce the tribal invaders to withdraw from Kashmir peacefully. But it was unacceptable to India. As a result, the United States of America not only refused to support India's insistence on expelling the tribal invaders from Kashmir but tried to depict the tribesmen of Northwest Frontier as one of the parties to the Kashmir dispute, besides India and Pakistan, against which the force was not to be used and the views of which were to be taken into consideration while arriving on any final decision. This was in fact an unexpected and extraordinary stand for any government to take in the forum of the UN. Thus the US neither condemned Pakistan for its sinister role in question, nor brought any pressure on it to withdraw its troops from illegally occupied Kashmir. But the American government as well as press continued to criticize India for not abiding by United Nations resolutions and the proposals of various commissions on Kashmir.

The American government seized upon the Indian pledge of plebiscite under the UN supervision. It also paid no attention to the other prior steps urged by India and accepted partly by the UN. India opposed it strongly. However, the US along with other western peoples continued to lend its support for a plebiscite under the UN auspices. During the years 1951-52, the Indian government moved to convene the Constituent Assembly of J&K to decide the future of the state. The USA strongly condemned the Indian stand. While speaking on 21st February 1951 the US representative, Ernest Gross said: "The Security Council cannot accept or approve of a plebiscite inducted without the Security Council or its representative". He demanded free and impartial plebiscite in J&K whereby the people of Kashmir could vote without fear or intimidation.

As early as 1954, the Constituent Assembly of J&K unanimously ratified the accession to India. This aroused strong condemnation from the USA. The US incessantly supported Pakistan's demand for plebiscite in the UN. The Soviets sympathetic of the Indian cause, expressed the view that the US had failed to correctly assess the situation and that the people of Kashmir had already finalized the issue.[6]

The Security Council at Pakistan's request, resumed the discussion on the Kashmir issue in 1957. On 24 January, the US along with Australia, Colombia, Cuba and Great Britain, submitted a draft resolution. It reminded the governments of

India and Pakistan of the principles embodied in the previous resolutions of the Security Council and the UN Commission for India and Pakistan. The USA reminded that the merger of J&K approved by the Constituent Assembly is a new element in the situation, and the Security Council is bound to take note of this. But India opposed it and called it a serious meddling in India's domestic matters.

There was one more draft resolution introduced by Australia, Cuba, the UK and the US in the Security Council on February 1957. It provided, among others, the temporary presence of the UN force in Kashmir in order to achieve the demilitarization of the State preparatory to the holding of a plebiscite. The present resolution provoked severe condemnation against some members of the Security Council, including the US, in India. Nehru declared: "In no circumstances will we accept any foreign force on our territory. He criticized Western Powers for creating disunity in India and attempting to weaken us and destroy us. He characterized the UN action as "collective aggression" or "collective approval of aggression" against India". But as Soviet used veto, the resolution could not be adopted.

The US point of view on the Kashmir dispute made it clear to India that the US was not impartial. Indians came to look upon it as pro-Pakistan and anti-Indian in the UN which, disregarding the principle of justice and fair play intended to support the Pakistani version of the Kashmir dispute. On the whole, American views on Kashmir were more sympathetic with Pakistan than with the Indian case.

The US attitude to the problem during the Sino Indian border conflict of 1962 was more compromising compared to its earlier stand because of the convergence of its national interest with that of India. Though the US provided military aid to India, it also attempted to pressurize and influence both sides-especially India - towards a final settlement, peacefully and bilaterally.⁶ However, when India was in a weakened state after the 1962 war, the US and Britain again tried to pressurize India to start negotiations with Pakistan. In spite of six rounds of talks between Mr. Zulfikar Ali Bhutto of Pakistan and Mr. Sawarn Singh of India, from 1962 to 16th May 1963, no agreement was reached. The failure according to Pakistan was due to lukewarm US pressure on India.

In spite of the pro-Pakistani stand of the US on Kashmir since its introduction to the Security Council, Pakistan's flirtations with China from 1962 onwards caused a further change in the US Kashmir policy.^[7] However, in February 1964, the discussion on Kashmir issue was started in the UN Security Council. The US stand was constantly supportive of Pakistan and was seen as a threat by India to its territorial integrity. Therefore, the Kashmir dispute adversely affected the Indo-US relations.

In March 1964, the US Assistant Secretary of State, Phillips Talbot, visited India to propose for an independent Kashmir and detailed blueprint of this had been sent to the External Affairs Ministry. According to this plan Pakistan was to vacate the territories of Kashmir she had occupied, excepting Hunza and Gilgit, to integrate Jammu and Ladakh with India and to allow the rest of Kashmir, including the Kashmir valley, to enjoy an independent status guaranteed by India, Pakistan and the UN. But India denied this in Lok Sabha and blamed the US for the deadlock on the Kashmir issue.^[8]

While the Indo-Pak War in 1965 was in progress, a new shift was seen in the US attitude towards the Kashmir issue. The 1965 war showed that USA could not be relied on in a war with India. On 14 September, 1965 when Pakistan appealed to the US to mediate for a ceasefire, the latter refused to intervene directly, and insisted on the UN role as mediator. The US also praised the role of the Soviet Union in resolving the problem at Tashkent.^[9]

The US government was well aware and concerned about the fact that its equipment had been used in the war between India and Pakistan as USA wanted stability in the South Asian region. The US congress condemned their country's policy of giving military aid to India and Pakistan. In order to restore stability in the region, the US used economic aid, as a lever to force India to come to a settlement with Pakistan. On the whole, the Indo-Pak War (1965) was a depressing experience for the US because it observed in it a complete failure of its diplomacy and utter waste of American aid.

Now the Kashmir issue became an important issue in the South Asia Policy of USA, and it, therefore, took an initiative to settle this dispute. But again the US saw this issue in the global context, i.e., a solution of this issue would bring about peace and stability in the region thus preventing Communist intervention. But this issue went on escalating and brought the Soviet Union on India's side in the UN. The US stood with Pakistan on this issue because of the strategic location of Kashmir. On the other hand, Kashmir had become a prestige issue for Pakistan and it used it as a barometer in its foreign relations. Thus, by 1971, the US had ceased to be pro-Pakistani on Kashmir but rather insisted on bilateral talks for a settlement.

Pertaining to the Kashmir dispute, India, referred it to the UN on the ground that the accession of Kashmir was legal and that Pakistan was the aggressor. But, the US right from the beginning took the British line of thought and favoured Pakistan's claims against India's legalistic semantics. But when the Soviets decided to cast their veto on Kashmir, India found the Soviets friendlier and hence, looked towards Moscow to salvage India's position on Kashmir. Thus, from

this point onwards, the Indo-US equation became apprehensive through the Pakistani factor, while the US-Soviet equation was geared up through India. With this situation, both the US and India preferred mutual defection with regard to the Kashmir problem. Nonetheless, with the end of the cold war (1989), the US came to stress the need to work according to the Shimla Agreement (1972) while not neglecting the wishes of the people of Kashmir.[10]

After the cold war era except for a brief spell in the early parts of 1990, and 1991, it showed agreement and willingness with the Indian stand that the 1972 Shimla Agreement being more recent superseded the UN resolution calling for a plebiscite. The US even accepted the fact that the Pakistan was supporting terrorist in Kashmir and Punjab and threatened to place Pakistan in its list of terrorist nations. The Kashmir dispute came in the frontline again with the statement of President Clinton in which he equated Kashmir with the Civil War in Angola and Caucasus. When he was delivering his maiden speech at the UN, he declared that Kashmir was among the area where bloody ethnic, religious and civil war raged. The Clinton administration considered Kashmir as a disputed territory and assisted on ascertaining the wishes of Kashmir people. The US at one time appeared to follow the same line with India, Pakistan and Kashmir's people as party to dispute. The US also announced that the Kashmir issue should be resolved by peaceful dialogue and it was willing to mediate only if both parties agreed to it.[11]

The US stand on Kashmir appears to contradict its own position. While on one hand the US, supports the view that Kashmir is a bilateral dialogue, on the other hand, it stresses on ascertaining the aspirations of Kashmiri people and even proposed to mediate on voluntary approval of conflicting parties. Pakistan has time and again tried to internationalize this issue at various international forums and the US stand on the issue encourages Pakistan to harp on the problem more vociferously.

On Kashmir issue, for example, the Prime Minister Nawaz Sharif expressed his opinions that the US in particular, must intervene in the Kashmir dispute. But, America said : "It has been our hope that the Kashmir issue should be solved through bilateral talks. The international community can play a vital and positive role in it. The nuclear tests by India and Pakistan had made many apprehensive that the Kashmir issue could become a dangerous flash point. But the bright side was that he being willing to place Kashmir issue on the agenda and preserving with further talks, the countries were moving in the right direction and we supported that." [12]

The complexion and contours of the US interests in South Asia became very explicit when a pragmatic Clinton calculating the political leverage refused to involve in the ongoing bilateral dialogue between

India and Pakistan over the contentious issue of Kashmir. While welcoming Sharif at the Oval Office on December 2, 1998 President Clinton had categorically said that "the US can be effective in that (mediatory) role only when both parties want us to do so. There is no case in which we have injected ourselves into a dispute in the absence of the agreement of both sides, because otherwise, it does not work".

During the Kargil conflict in 1999, the Clinton administration openly condemned the Pakistani misadventure, which led to the limited war. Washington thwarted Islamabad's attempt to internationalize the Kashmir issue and emphasized on the sanctity and inviolability of the LoC between India and Pakistan.[13] But the 9/11 terrorist attacks on the US and the consequent US-led anti-terrorism campaign dramatically transformed the US-Pakistan relations. Pakistan has once again become a front line state in the US-led global war against international terrorism. These developments create new problems in Indo-US relations especially regarding the terrorism in Kashmir.

The Kashmir issue and its umbilical cord to India-Pakistan problem need not give any further introduction. The Kashmir issue since it went to the UN Security Council has often taken hostage of Indo-US relations. The Cold War psychology has been an important ingredient in how the US observed the Kashmir problem, making the Pakistan factor a potent force. Post-Cold War, the US policy maker and strategic thinkers viewed the Kashmir issue as a nuclear flashpoint. While Pakistan wanted the US into any mechanism of resolution, India has been averse to any third party mediation, even after the end of the Cold War. India feels that it would be inconsistent with its policy that Kashmir is an internal problem. There has always been a reiteration of the US offer to mediate if both the parties agree.

It was seen as the moral victory of India again when President Bush refused to oblige Pakistan on Kashmir. It was his visit to India in March 2006 that 43rd American President firmly ruled out his country's mediation between India and Pakistan on the Kashmir issue. "He also agreed that Pervez Musharraf must stop supporting terrorist groups operating from Pakistani soil if the Kashmir issue was to be resolved amicably. He had earlier cleared that the US would support any solution that was acceptable to "all" India, Pakistan and those residing in Kashmir." [14]

But, the US has not given up its core stand on J&K. It regards Kashmir as a disputed territory and wants its just and amicable solution through bilateral talks between the two countries. The agreement reached should be acceptable to the people of Kashmir. However, the US claims that it

wanted to limit its role to facilitate the search for the solution of Kashmir issue by bringing the parties to the negotiation table. The attack of 9/11 had no impact on this basic position. It only multiplied urgency for the resolution of the issue in the interest of peace and stability in the region. The only thing that has changed is the US belief that the militancy in Kashmir is indigenous and the government of Pakistan had nothing to do with it. It has led to a shift in emphasis. The cessation of cross-border terrorism on priority. As China and Russia also claim that they are up with the problem of international terrorism.[15]

Now the US bias made known its position on the Kashmir issue, which is not very helpful to the Kashmiris or to Pakistan. Mushahid Hussain writes :

- "The US accept that Kashmir is a disputed territory and that Pakistan and India should resolve the issue between them as agreed in Shimla in 1872.
- The US no longer supports a plebiscite in Kashmir (both these position were enunciated by the US Assistant Secretary of State for Near East and South Asia, John Kelly, during Congressional testimony in Washington on March, 06, 1990.
- The US has privately conveyed to Pakistan that it is opposed to raising the Kashmir issue in the UN Security Council :
- The US accepts Kashmiris as the third party in the issue.
- The US even threatened during April-May 1990 to cut aid to Pakistan if Islamabad was found to be supporting Kashmiris freedom fighters, as such Pakistani assistance, in the US view, would amount to aiding and abetting state terrorism." [16]

Barack Obama, whose election as United States President has been widely welcomed in India, has views on Kashmir which may not go down well with the foreign policy establishment in New Delhi. In a recent interview to *Time* magazine, he wondered why India wants to 'keep on messing' with the Kashmir issue which is a 'potential tar pit diplomatically'.

Working with Pakistan and India to try to resolve the Kashmir "crisis in a serious way are critical tasks" for the next administration, he said. New Delhi has been vocal in its consistent opposition to any third party mediation in Kashmir.

His line to Pakistan was, "look at India and what they are doing, why do you want to keep on being bogged down with this particularly at a time where the biggest threat now is coming from the Afghan

border? I think there is a moment where potentially we could get their attention. It won't be easy, but it's important". On whether this was a job cut out for former US President Bill Clinton, Obama said, "might not be bad. I actually talked to President Clinton about this when we had lunch in Harlem.

Meanwhile, chairman of hardline faction of Hurriyat Syed Ali Shah Geelani said the election of Obama is a 'historic event' for America and added, "We hope that he will use his good offices to resolve Kashmir issue in its historic perspective." Geelani, who is undergoing treatment in Delhi, said bilateral talks between India and Pakistan have failed to deliver in the past. Geelani also hoped that Obama's election would bring a positive change in the foreign policy of that country.

Congratulating Obama on his election, Jammu and Kashmir Liberation Front said his recent statements with regard to Kashmir are encouraging. "Kashmiris are hopeful that he will use good offices in resolution of Kashmir issue," senior vice president of JKLF Bashir Ahmad Bhat said.

On the first day of 2018, the president of the United States, Donald Trump, took to Twitter to intimate a change in his country's policy toward its long-time ally Pakistan. A day later, the White House confirmed a \$255 million military aid cut to Pakistan, followed by the cutting of \$1.3 billion in annual aid to the South Asian nuclear power, which has been the United States' partner in the now 17-year-long Afghanistan war. The move had many connotations for South Asia, in general, but particularly for Pakistan, which has been in conflict with its neighbor India over many issues — mainly the status of Kashmir.

India and Pakistan have never really been at peace since their birth after the partition of British India in 1947. The conflict started with their conflicting claims over the Muslim-majority princely state of Jammu and Kashmir, commonly known as Kashmir. Both countries control parts of the region with a *de facto* border — the Line of Control (LoC) — dividing the two sides. The LoC has lately been tense and the two countries have been exchanging mortar shells and bullets, resulting in the deaths of dozens of their soldiers and civilians. Within the Kashmir valley too, violence has only increased.

The current crisis between India and Pakistan remains centered on Kashmir. Their dispute leaves the civilians in the area living in a highly militarized zone, facing continuous violence. U.S. policy over Kashmir has constantly been that India and Pakistan need to solve the issue bilaterally. The only way out is to engage in talks and those have been at a standstill for years. But Kamal, the diplomat, points out that Pakistan is ready to wait rather than give way to the other side "in view of

the rejectionist India[n] stance on the normalization process.”

“Islamabad will continue to uphold Kashmiris’ right to self-determination, though maintaining a high graph of support to its ‘Kashmir constituency’ and without any militaristic underpinning,” he says. The long-running conflict between the two sides over Kashmir has cost tens of thousands of civilian lives, with many estimating that as many as 70,000 civilians have died in last 29 years. Since the 2016 civilian uprising in the Kashmir valley, there has been a rise in young boys joining militant groups and even attacking Indian forces’ installations.

The violence has reached such a level that last month the United States issued an advisory to its citizens, cautioning them against travel to Jammu and Kashmir. In August 2017, Indian Prime Minister Narendra Modi had said that “not the gun, nor bullets” would lead to a breakthrough, but instead that “a solution will be reached through dialogue.” But this month, after a militant attack on an Indian army camp in Jammu, Indian Defense Minister Nirmala Sitharaman told reporters that “Pakistan will pay for this misadventure.”

The dynamics in Jammu and Kashmir and along the LoC, says Jaishankar, are partly independent of the larger regional dynamics involving the United States, China, and others. “Taken together, developments in Jammu and Kashmir, the continuing stalemate in Afghanistan, the new role of China, and domestic political dynamics in both Pakistan and India do not augur well for India-Pakistan engagement in the medium-term future,” he added.

Looking back at history, outside powers have not had much success mediating in the Kashmir dispute; not even the United Nations is able to do much. Washington in particular has not been very useful as a mediator on this issue, notes Noor Mohammad Baba, a political scientist. He says that the United States hasn’t been active in Kashmir so recent trends won’t make much difference for the Kashmir conflict. “[T]hey [the United States] have accepted the problem but they can’t enforce a solution on Kashmir; they can only persuade,” he says. “The Americans will not say that Kashmir is not an issue; they will not go out of their way to keep eyes closed against terrorism. Even if they do, it wouldn’t make much difference. When the U.S. was very close to Pakistan, and had problems with India, both were weak — the Americans were interested but only to persuade both countries,” says Baba.

CONCLUSION:

To sum up, we can say that the US view on the Kashmir issue has always been pro-Pakistani. The US has played a prominent role in shaping the problem an international stand. But, because of Soviet stand on the side of India, she could not force

India to accept the suggestion of plebiscite at the early stage. After the disintegration of Soviet Union, the US brought basic change in her attitude. Now she has started saying that the issue should be solved by bilateral dialogue between India and Pakistan. However, in spite of this the US has not given up her basic position on the Kashmir issue. In the changing global relations, the Kashmir issue needs to be solved for the peace and security in South Asia. This issue is such a burning issue which can lead the world to the Third World War.

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