18 Round Two in Kashmir

The right of an external power to intervene in support of a group seeking self-determination – the right which had been claimed by Indonesia in relation to West Irian and Malaysia and by Turkey in relation to Cyprus – arose again in the conflict between Pakistan and India over Kashmir.

The origins of the conflict, the first armed confrontation, and the earlier UN attempts to bring about a settlement, were traced in Volume I (pp. 278–94). As was shown then, the two principal contestants based their claims on two rival principles: the principle of legitimacy, that is that the future of the former princely states in India should be determined, as agreed before independence, by the rulers (a principle upheld by India); and the principle of self-determination, that the future of the territory should be determined by its inhabitants (the principle upheld, in this case at least, by Pakistan – the same right was not accorded so readily to the people of East Pakistan). Because it was seen, and presented, as a conflict of principles, the possibility of compromise – for example in the form of partition – was rarely contemplated. India maintained she had a legal right to the entire territory of the former Kashmir (including that part occupied by Pakistan), and would not therefore accept proposals for a plebiscite in the territory except, at best, on conditions highly favourable to her own claim; while Pakistan, conversely, held that self-determination should be accorded to the people of the entire, vast and variegated area, ensuring that all would share the same future according to the wishes expressed by the numerical majority.

It was largely because of this all-or-nothing approach that all the efforts at mediation which the United Nations had attempted over a decade had got nowhere. There had been endless wrangles and debates about the details of military withdrawal by both sides, the precise timing of different phases of the operation, and exactly how the plebiscite would be conducted and under what
form of administration. But these had not been able to overcome the basic differences between the two sides. Each had therefore continued to hang on to the parts of the state under its own control. Pakistan was the more dissatisfied with this status quo, believing that a majority of the population would endorse her claim. And, believing herself to have the support of much international opinion, including that of major Western powers, she continued to demand the full implementation of the principle of self-determination. India, on the other hand, continued to maintain that the state had legally acceded to India. Pakistan was therefore in illegal occupation of the area she held and must withdraw before there could be any question of testing the wishes of the people (a procedure to which the Indian leader had rashly committed himself in the immediate aftermath of accession).

Because of these entrenched positions successive UN mediators – General McNaughton, Owen Dixon and Gunnar Jarring – had failed to break the deadlock. After the failure of the Jarring effort (Volume I, pp. 290–1), the hope that a settlement could be achieved seemed increasingly remote. In early 1958 India categorically rejected the recommendations of yet another UN mediator, Dr Graham (Volume I, pp. 291–2). It began to appear increasingly unlikely that she would accept any compromise at all. In particular it seemed certain that she would not, as had been earlier hoped, accept the idea of a UN-supervised plebiscite throughout the territory. On the contrary, acting on the principle that possession is nine points of the law, she proceeded to integrate the state, slowly but steadily, into the Indian Union. From 1959 onwards her growing territorial dispute with China over Ladakh, on her northernmost border, increased her reluctance to compromise, since communications with that area lay through the Kashmir valley. The pact which Pakistan entered into with China further increased her reluctance to reach a settlement, since it meant that any concession made to Pakistan would represent a gain also to China, now an equally bitter antagonist, which was challenging her on two of her borders.

The heads of government of the two states, Nehru and Ayub Khan, twice met and had relatively friendly discussions: in September 1960 (at the signing of the agreement on the sharing of the Indus waters) and during the following summer (at a meeting of the heads of Commonwealth governments). On the latter