

THE KASHMIR DISPUTE AND THE SIMLA AGREEMENT

Author(s): Zubeida Mustafa

Source: *Pakistan Horizon*, Vol. 25, No. 3, THE SIMLA ACCORD (Third Quarter, 1972), pp. 38-52

Published by: Pakistan Institute of International Affairs

Stable URL: <https://www.jstor.org/stable/41403844>

Accessed: 13-04-2020 14:54 UTC

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

Pakistan Institute of International Affairs is collaborating with JSTOR to digitize, preserve and extend access to *Pakistan Horizon*

THE KASHMIR DISPUTE AND THE SIMLA AGREEMENT

Zubeida Mustafa

Of all the issues dividing India and Pakistan, the Kashmir dispute has proved to be the most tenacious. Kashmir has thrice been the theatre of war between the two countries during the past twenty-five years and is now the major obstacle to a peace settlement in the subcontinent.

The origin of the Kashmir dispute is now too well-known to call for a detailed account. One of the 562 Princely States of the British Indian Empire, Kashmir possessed a Muslim majority population ruled by a Hindu dynasty. At the time of the transfer of power in 1947, the Dogra ruler found himself faced with an armed revolt from his Muslim subjects, especially in the Poonch area, resulting subsequently in intervention by the tribesmen from the adjoining territory of Pakistan. Turning towards New Delhi for military help, the Maharaja acceded to the Dominion of India on 26 October 1947. The following day, Lord Mountbatten, the Governor-General of India, accepted the accession but in the accompanying letter he emphasized the provisional character of the accession when he wrote, ". . . it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people"¹. This commitment was reaffirmed on several occasions by Pandit Nehru and later found expression in UN resolutions which were accepted by both India and Pakistan. In the meanwhile the momentum of the fighting in Kashmir led to Pakistan's military involvement in support of the Azad Kashmir Government which had emerged from the revolt in Poonch in October 1947. The fighting between the two sides ended in a ceasefire arranged under United Nations auspices on 1 January 1949. In July 1949, India and Pakistan concluded the Karachi Agreement defining the ceasefire line in Kashmir which marked the effective limit of Indian and Pakistani control in the area. Pakistan held the Gilgit region, Baltistan and a narrow strip of Kashmir Province, Poonch and Jammu along the West Punjab border. India held Ladakh,

¹ Letter of Lord Mountbatten addressed to the Maharaja of Kashmir dated 27 October 1947. K. Sarwar Hasan and Zubeida Hasan, *The Kashmir Question*. Karachi, The Pakistan Institute of International Affairs, 1966, p. 57.

the bulk of Kashmir Province and Jammu, and half of Poonch. The Karachi Agreement also provided for military observers to be stationed along the line where necessary.

Thus until recently the ceasefire line demarcated in 1949 served to define the areas under the effective control of India and Pakistan respectively. Although many changes occurred in the legal and political positions of the parties involved but territorially the area under control of the two Governments and the legal status of the ceasefire line remained virtually unaltered through the last twenty-two years except for a brief period in 1965-66. But the Indo-Pakistan War of December 1971 brought about changes which are bound to have far-reaching repercussions. In order to analyse the emerging situation in its correct perspective, it would not be out of place to examine the positions of the various parties directly involved in one way or another in the Kashmir dispute.

Pakistan and the Kashmir Dispute

Pakistan's stand on the Kashmir issue has been remarkably consistent throughout the years. It has demanded the right of self-determination for the people of Kashmir and has upheld the various UN resolutions calling for an internationally supervised plebiscite. In 1947, when the future of Kashmir was in the balance, Pakistan viewed the problem in its ideological perspective. If the principle upon which Pakistan was founded, *viz.*, the two-nation theory, had any validity, Kashmir with its preponderantly Muslim population should have become a part of Pakistan. For the advocates of the two-nation theory, India's claim to Kashmir posed a challenge to the very basis of Pakistan and lent itself to the interpretation that the ruling Indian Congress Party refusing to recognize the moral right of Pakistan to exist was out to undo the partition. Conversely, Kashmir became the symbol of secularism and unity for India.

It was not just in the theoretical context that Pakistan viewed the Kashmir question. The economic aspect was also important. West Pakistan depends on the waters of the Indus River system for its agriculture. The Indus, Jhelum and Chenab flow through Kashmir territory before entering the Punjab. Hence any Power controlling the Kashmir Valley possesses a potential stranglehold over the very life of Pakistan. Since 1947, Pakistani leaders have feared that India would exploit this potential and their fears have not proved to be baseless. In times of acute crises in Indo-Pakistan relations, New Delhi has interrupted the flow of these rivers, as in 1948 and 1965.

Of equal significance was the cultural affinity which existed between the people of Kashmir and of the areas comprising West Pakistan. In respect of their backgrounds, customs, language and mode of living the

Kashmiris were not only akin to their co-religionists in West Punjab, but the two people were also in close contact and intermingled freely with one another so much so that a political frontier in the Western sense did not exist between Kashmir and Pakistan. It was basically the absence of such barriers between the two people which in 1947 led to the influx of tribesmen from the NWFP into Kashmir. This affinity has injected a strong feeling of emotionalism to the entire problem as a result of which any Government in Pakistan has had to proceed cautiously in dealing with Kashmir.

Strategically, Kashmir has a special significance for Pakistan in its relations with India, Afghanistan and China. During the first war in Kashmir, Pakistan fought desperately to retain the northern areas in order to prevent India from gaining territory which would provide it with a link with Afghanistan. Thus through Kashmir, India could establish a common boundary of 150 miles with Afghanistan and make Pakistan the victim of a pincer movement leaving it to face two adversaries on two fronts. India's claim to Chitral which lies along the Afghan border and was legally not an integral part of the Kashmir State in 1947 further confirms this view.

The strategic importance of Kashmir for Pakistan *vis-a-vis* China has emerged in due course with the development of Sino-Pakistan relations. Kashmir provides Pakistan with a vital common border with China. Communications across this border have been developed and now there are two roads connecting Gilgit with Sinkiang. There is the famous traditional silk route which traverses the 15,400 feet Mintaka Pass and lies very close to the borders of China, Afghanistan, and the USSR. But the more important route is the Karakoram Highway which passes through the Khunjerab Pass and is an all-weather road constructed for heavy traffic. In the light of these developments in the lines of communications between China and Pakistan, the strategic significance of Kashmir for either of them cannot be overestimated.

India and Kashmir

India's stand on Kashmir has undergone a marked change over the last two decades. The Kashmir issue has generated as much emotionalism in India as in Pakistan but on different grounds. Kashmir represents the concept of secularism and unity of the motherland for the Hindus of India. Furthermore, by the late 1950's, the Ladakh area had acquired special strategic significance in view of the Sino-Indian border dispute and in the context of the relations between these two Asian Powers. The Chinese road to Tibet runs through the Aksai Chin which lies to the extreme north-east of Kashmir. The dispute over Kashmir's northern borders has had a profound impact on the future of Kashmir.

In 1947, when the Maharaja of Kashmir acceded to India, the Indian

Government committed itself to holding a plebiscite in Kashmir to determine the will of the people. The Indian Prime Minister Pandit Jawaharlal Nehru himself described the commitment to consult the people as constituting a "proviso to the Instrument of Accession of Kashmir".¹ This promise was reiterated by various spokesmen of the Indian Government in clear-cut terms. Thus the representative of India, Mr. G. Ayyangar, declared in the Security Council: "The question of the future status of Kashmir *vis-a-vis* her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India, and either accede to Pakistan or remain independent, with a right to claim admission as a member of the United Nations—all this we have recognized to be a matter for unfettered decision by the people of Kashmir, after normal life is restored to them."²

Subsequently India accepted the Security Council Resolution of 21 April 1948 and the UNCIP Resolutions of 13 August 1948 and 5 January 1949 which provided for a plebiscite to be held under the auspices of a UN appointed administrator in Kashmir.

During the early years, India stood by this commitment in principle, though it failed to implement it on account of differences with Pakistan on procedural details such as the programme of demilitarization of Kashmir, the timing of the induction of the plebiscite administrator and the control of the Northern Areas. But as the years passed, the Indian Government veered away from its commitment to hold a plebiscite in the disputed State so much so that in February 1964 the Indian Education Minister, Mr. M. C. Chagla, categorically declared in the Security Council, "I wish to make it clear on behalf of my Government that under no circumstances can we agree to the holding of a plebiscite in Kashmir".³ The ground had already been prepared for this repudiation by Mr. Krishna Menon, the Defence Minister of India, who had adduced the principle of *rebus sic stantibus* in the Security Council debates in 1962. Enumerating the changed circumstances which, according to Mr. Menon, released India from its commitments, he pointed out Pakistan's "annexation of Gilgit and other Northern Areas", the creation of the Azad Kashmir Government, Pakistan's membership of the military pacts and its negotiations with China on the delimitation of a section of Kashmir's border with Sinkiang. These arguments which were advanced *ex post facto* hardly affected the intrinsic position relating to a plebiscite in Kashmir.

In the meanwhile the Indian Government proceeded to integrate Kashmir with the Indian Union. Accession had been limited to only defence,

¹ Broadcast by Mr. Nehru of 2 November 1947, *ibid.*, p. 74.

² Statement of 15 January 1948, *ibid.*, p. 144.

³ Statement of 5 February 1964, *ibid.*, p. 381.

foreign affairs and communications but gradually Indian administrative control was extended in the other spheres and Kashmir lost its special autonomous status. Although Article 370 of the Indian Constitution granting Kashmir a special status has not been formally abrogated but it has definitely been eroded for all practical purposes. The Indian stand is that Kashmir is an integral part of India and its future is no longer in dispute. New Delhi, in fact, lays claim to Azad Kashmir and the Northern Areas under the control of Pakistan.

The People of Kashmir

The people of Kashmir constitute one of the most important elements in the dispute but have been relegated to a secondary position in the struggle between India and Pakistan. The public opinion in the Indian-held Kashmir broadly centres round two schools of thought, *viz.*, one which accepts the accession of the State to India as final and irrevocable; and the other which demands the right of self-determination for the people on the basis of pledges made to them by the Indian Government. Those who support the *status quo* include the extremist Hindus. Though in a minority but by virtue of their superior economic status and the backing they receive from the communal rightist parties in India, they have proved to be quite a vocal group. Thus the Praja Parishad movement in 1952-53 and the more recent Pandit's agitation of 1967 demonstrated the strength of the Hindu community in Kashmir. Among those who support the *status quo* are also the Muslim supporters of the ruling Pradesh Congress which was formed by the merger of the National Conference with the Indian National Congress in 1965.

Among the parties opposing the *status quo* in Kashmir, the most prominent are the Plebiscite Front and the Awami Action Party. The Plebiscite Front was formed in 1956 under the leadership of Mirza Afzal Beg with the declared objective of procuring the right of self-determination for the people of Kashmir through an impartial plebiscite. Its emphasis has been on the mechanism and procedure to determine the will of the people rather than on the political future of Kashmir. It has adopted a strictly non-committal stand on the question of accession and theoretically it does not find the concept of an independent Kashmir untenable. The Awami Action Party was formed as an offshoot of the Central Action Committee in 1964 in the wake of the Hazratbal riots. Led by Maulvi Mohammad Farooq, the Awami Action Party demands the accession of the State to Pakistan. Since none of these two parties have been tried at the national polls it is difficult to estimate their exact strength. But there is no denial of the fact that the Plebiscite Front is the most organised and the largest political organisation in the Valley. Far from being a monolithic party, it includes in

its folds all shades of public opinion and has acquired a broad based character receiving support from leaders of high calibre such as Sheikh Abdullah, Maulana Masoodi of the Central Action Committee, Mohiuddin Karra of the Political Conference and Maulvi Farooq of the Awami Action Party.

The elections held in Kashmir hardly reflected the true climate of opinion there. According to Alistair Lamb, these elections have been "carefully managed" and opposition groups have not been able to participate effectively.¹ Thus the large number of candidates elected unopposed which has been accomplished by disqualifying opposition candidates shows that the votes by no means represent a free expression of the will of the people.

As for impartial foreign observers, most of them have testified that there is unrest in the Valley and resentment against the *status quo*. Peter Gill writes in *The Daily Telegraph*: "In the Kashmir Valley . . . there is a sullenness and resentment against India that 25 years of development and good Indian money have done nothing to erode. In Srinagar . . . I was approached again and again by shop-keepers, taxi drivers and hotel staff to be told that their dream was to join Pakistan."²

That the Indian Government realises this, is obvious from its decision to ban the Plebiscite Front in 1971 and debar its leaders from Kashmir, when Sheikh Abdullah decided to contest the mid-term Parliamentary elections. Another foreign observer, Peter Hazelhurst, noted: "There can be no doubt that Mrs. Gandhi, the Indian Prime Minister, and Mr. Sadiq are aware that their party would be defeated if the Plebiscite Front contested the elections. The Government's drastic action will again leave the field open to the Congress. But, more important, the Central Government probably feared that the election would in fact, turn into a referendum if the Sheikh emerged with a large majority."³

United Nations and Kashmir

The UN involvement in Kashmir is by no means a small one, but lately it has tended to fade into the background mainly due to the ineffectiveness of the world body. In the earlier years the UN was actively involved in the Kashmir dispute as is reflected in the strongly-worded resolutions adopted and the numerous missions and representatives appointed to seek a settlement. However, with the passage of time the big Power rivalries and the interplay of political forces in the region led to a deadlock in the United Nations. In 1962, when the Security Council took up the Kashmir dispute, a Soviet veto prevented the adoption of a watered down Irish draft resolution which did not even specifically mention the commitment of the

¹ Alistair Lamb, *Crisis In Kashmir*, London, Routledge & Kegan Paul, 1966, p. 77.

² *The Daily Telegraph*, London, 25 April 1972.

³ *The Times*, London, 11 January 1971.

two sides to hold a plebiscite in Kashmir. It simply urged the two Governments to enter into negotiations to reach a settlement in accordance with the UN Charter. This later turned out to be the last resolution on Kashmir to be considered by the Council. At the conclusion of the 1964 debates, the President of the Council simply read out a statement giving the views of the various members on the problem. In 1965, no resolution touched the substance of the dispute and when the Pakistan delegation tried to initiate a debate on the substantive issues, the Indians simply walked out of the Council Chamber. In 1971, the resolutions adopted by the Assembly and the Council, merely refer to the ceasefire line in Kashmir in the context of military withdrawals.

Thus it seems clear that the UN is in no position to play a positive role. Yet it cannot be ignored, since the resolutions recommending the basis of settlement had been accepted by both parties and constitute international engagements. Furthermore the UN observers are still stationed in Kashmir and any move to withdraw them should be supported by the Security Council.

China and Kashmir

China's interest in Kashmir can in no way be overestimated. In fact, by virtue of its border dispute with India in the Ladakh region, China might be viewed as another party to the Kashmir dispute. In the 'fifties China's attitude towards Kashmir was more or less neutral. But once it developed closer ties with Pakistan, Kashmir became an important pivot in China's South Asian policy. It recognized the disputed nature of the territory and upheld the Kashmiris' right to self-determination. China also concluded an agreement with Pakistan delimiting the border between Sinkiang and the Gilgit Agency. By developing its lines of communications through this border, China has now made Kashmir the land bridge not only to Pakistan but also to South Asia and the Indian Ocean. Thus in the power struggle between Russia and China in Asia, Kashmir has acquired great strategic significance. Chinese influence in this region has brought it closer to the Pamirs and in close vicinity to Russia's most tender underbelly—Central Asia. The Russians have no direct border with or *locus standi* in the dispute, hence they can only hope to achieve their aims through India. China has supported Pakistan's stand, but by virtue of its presence on the borders of Kashmir it is in a position to act independently.

By supporting the right of self-determination of the people of Kashmir, China has secured a special status for itself with the Kashmiris. On his foreign tour in 1965, Sheikh Abdullah specially asked for a meeting to be arranged with Premier Chou En-lai in Algiers. The Sheikh also accepted an invitation to visit Peking. Of course this turned out to be anathema

to the Indian Government and immediately on his return to New Delhi, the Sheikh was arrested. Nevertheless the Kashmiris still hope to obtain help from China in their struggle against Indian domination. A Minister in the Azad Kashmir Government declared, "One day we will ask the Chinese to step in and support us militarily."¹ Sheikh Abdullah's leaning towards the Chinese are also known and recently he spoke of the attraction the people of Kashmir felt towards China on account of its support to their cause.² China's security interests in South Asia depend on Kashmir. Hence it is unlikely that it would act as a passive spectator and not influence in any way the final settlement of the Kashmir problem.

The Simla Agreement and Kashmir

That Kashmir is the pivot to Indo-Pakistan relations is obvious from the fact that the war of December 1971 began in East Pakistan but ended in Kashmir. Again in the effort to reach a post-war settlement it is primarily Kashmir rather than "Bangla Desh" which has proved to be the stumbling block.

In December 1971, the fighting in Kashmir was confined to those areas which were of vital, strategic interest to the two combatants respectively. Pakistan's major assault was launched in the Chhamb sector in an attempt to cut off India's communications link with Kashmir. In the process the Pakistan Army captured 53 square miles of territory. India, on the other hand, attacked in the north in order to seize posts overlooking the road to Leh. It even hoped to advance to Skardu and thence to Chitral where the new highway connecting Pakistan with China begins.³ In all, India occupied 480 square miles of territory in Kashmir during the war. In skirmishes after the ceasefire, India seized another 40 square miles near Minimarg in the north and Pakistan recaptured two of its outposts in the Lipa valley.

This was the military situation in Kashmir on the eve of the Simla summit. Of greater significance than the territorial gains by either side in Kashmir was the fact that India's status was immensely enhanced by virtue of its military victory over Pakistan and it emerged as the dominant regional Power possessed of substantial military capability. Conversely, Pakistan lost its capacity for response and found itself on the defensive to renewed Indian pressures on Kashmir. Hence President Bhutto abandoned the policy

¹ *The Daily Telegraph*, London, 24 April 1972.

² Speech at public meeting at Sopore, *Morning News*, Karachi, 5 July 1972.

³ One of India's strategic aim in northern Kashmir is to cut off Pakistan's lines of communications with China. Hence the destruction of the Karakoram Highway has figured prominently in Indian military planning as was disclosed during the enquiry conducted by the Pakistan Government into the hijacking of the Indian Airliner *Ganga*, to Lahore in 1971.

of confrontation with India. He has repeatedly declared that Pakistan alone could not fight for the right of self-determination of the Kashmiris. It was up to them to struggle for their right.¹ Thus on the one hand the Pakistan Government dissociated itself from the struggle for self-determination, but on the other hand, it did not sign away its claim to Kashmir which can technically be reactivated at any time. Furthermore, President Bhutto advocated the concept of a soft frontier in Kashmir which would enable the people on either side of the ceasefire line to mix freely and find an equilibrium.² The Indian Government found itself in a position to press for a change in the *status quo* in its own favour.

Immediately after the war, on 31 December 1971, Mrs. Gandhi hinted that an adjustment in the old ceasefire line in Kashmir would be necessary for settling matters.³ In February 1972, the Indian Defence Minister, Mr. Jagjivan Ram, came out with the claim that the ceasefire line in Kashmir no longer existed and implied that with due adjustments the ceasefire line should be accepted as a permanent international frontier. He made it clear that the UN observers had become redundant and had no role to play since the entire line had been destroyed by the war.⁴ Later, the Indian Foreign Minister, Sardar Swaran Singh, reiterated that the UN observers could serve no useful purpose and since the ceasefire line had been altered, legally the observers could not function without a fresh agreement on their status.⁵ Pakistan insisted that the ceasefire line had been changed in a few sectors only and 90 per cent of it was intact. This did not affect the legal status of the line or the observers. It based its stand on the UN Security Council Resolution of 21 December 1971 which calls upon the two sides to withdraw to positions in Kashmir which fully respect the ceasefire line.

However by the beginning of June 1972, indications were available that India was willing to settle for a compromise solution and would not insist on a formal recognition of the ceasefire line as an international border. A treaty renouncing the use of force by Pakistan would be acceptable to India so long as the *status quo* in the northern areas of Kashmir was considered a non-negotiable subject. This change in attitude could be attributed to the developments in international politics which generated pressures on India to reach a settlement with Pakistan. During his visit to Peking, President Nixon took up discussion on events in South Asia with the Chinese leaders and in the joint communique issued they called for a withdrawal

¹ Interview with Richard Lindley of the Independent Television News of London, *Dawn*, Karachi, 4 May 1972.

² Interview with George Verghese of the *Hindustan Times* of New Delhi, *ibid*, 11 May 1972.

³ *The Times*, London, 1 January 1972.

⁴ *Dawn*, Karachi, 3 February 1972.

⁵ Speech in the *Lok Sabha*, *ibid*, 19 May 1972.

of troops by India and Pakistan to their respective sides of the ceasefire line in Kashmir. Furthermore the American President's visit to Moscow was not without significance in determining the Soviet attitude towards New Delhi.

At Simla, the customary attitudes of India and Pakistan to a peace settlement were completely reversed. Previously, India had called for a settlement of outstanding disputes on a step by step formula, declaring the Kashmir issue to be a closed chapter. At Simla, India as the stronger party sought a settlement of the Kashmir issue once and for all in its own favour. It was Pakistan who now demanded that the peripheral issues be taken up first and the Kashmir problem be left in the cold storage. The Simla summit nearly ended in a deadlock on the Kashmir issue. The situation was saved when the two leaders succeeded in finding a new language and a new outlook, which enabled them to reach an agreement highly abstract in character. It provides that in Jammu and Kashmir the "line of control" resulting from the ceasefire on 17 December 1971 shall be respected by both sides without prejudice to the recognised positions of either side. Neither party would seek to alter this position unilaterally irrespective of their mutual differences and legal interpretations and each of them would refrain from the threat or use of force in violation of this line. The Agreement also stated that the representatives of the two sides would meet to discuss the modalities and arrangements for the establishment of a durable peace and normalisation of relations including a final settlement of Jammu and Kashmir. Apart from these specific clauses on Kashmir, the general provisions of the Simla Agreement which would apply to the Kashmir dispute as well include the Article on bilateralism which binds the two sides "to settle their differences by peaceful means through bilateral negotiations". (Article II).

It clearly emerges that the two sides agreed to disagree on Kashmir but resolved to work for a permanent solution of the problem. By removing the issue from international surveillance the two parties agreed to a prolonged freezing of the entire dispute. By ruling out war in the area, they expressed their willingness to preserve the *status quo*, since no other course is really open to Pakistan. But neither India nor Pakistan formally abandoned their claims to Kashmir which was declared to be a disputed issue.

When it came to actually implementing the pact, neither side was prepared to concede much. Hence varying interpretations were advanced. India insisted that by agreeing to the bilateral approach, Pakistan had conceded removal of the Kashmir dispute from the international arena and reach a bilateral settlement without outside interference. As a corollary to that India claimed that the UN observers¹ should be withdrawn. Mr. Jag-

¹ The observers group comprises a staff of 45 men drawn from 11 countries under the command of the Chilean General Luis Tassara. It costs the UN £ 500,000 per annum to maintain the UNMOGIP.

jivan Ram declared in August 1972 that "the UN are now aware of the Simla Agreement in which India and Pakistan agreed to solve problems bilaterally. As a sensible body, they should realise they have no duty to perform and should now take the decision to abrogate the observer group arrangement".¹ Pakistan on the other hand, wishing to retain a theoretical right to take its claim to Kashmir back to the world body, insisted that the principle of bilateralism did not preclude it from raising the Kashmir issue in the United Nations. President Bhutto categorically declared in the National Assembly that he would not withdraw the issue from the UN.²

Differences over the role of the United Nations have found practical expression in the attitude of the two sides to the ceasefire line and the military observers in Kashmir. India's claim is that the ceasefire line established by the Karachi Agreement of 1949 no longer exists as it was destroyed by the war of December 1971. Therefore Indian spokesmen refer to it as the "line of control", which they insist is an entirely new line and this also explains India's demand to delineate anew and in its entirety the line in Kashmir. In view of the new dispensation, the Indians claim that the UN observers have no role to perform, especially when the two parties have agreed to respect the line of control. In keeping with this stand they stopped reporting border incidents to the UN observers, who were restricted to the immediate areas of their field stations. But the Indians have made no official request to the UN Secretary-General to withdraw the observers. Any move to secure the removal of the UNMOGIP would involve Security Council action and with China, a permanent member of the Council, backing Pakistan's stand on the ceasefire line the Indian Government would prefer not to raise this issue. India's insistence on securing recognition for the line of control in Kashmir is significant since through usage the line is likely to acquire the status of an international boundary.

Pakistan's position is that despite some alterations there has been no change in the legal status of the ceasefire line. Hence it has specifically demanded that the observers should be retained in Kashmir and until August 1972 when the officials' meeting took place, Pakistan maintained that only those portions of the ceasefire line in Kashmir should be delineated which had been disturbed by the war. It persistently denied that a new ceasefire line was to be drawn up.

Furthermore, there was a wide gap in the interpretations offered by India and Pakistan of the clauses regarding the withdrawal of troops to the international borders. India finding itself in a superior position by virtue

¹ *The Daily Telegraph*, London, 2 August 1972.

² *Dawn*, Karachi, 15 July 1972.

of its military victory, has linked up other issues such as troop withdrawals and the question of Pakistani prisoners of war to its ambitions in Kashmir. New Delhi has made it amply clear that it would not pull back its troops from the 5,000 square miles of Pakistani territory occupied during the war unless it extracted satisfactory concessions in Kashmir. Although the Simla Agreement does not specify that there should be withdrawals in Kashmir, it states that both sides would respect the line of control resulting from the ceasefire of 17 December 1971. This implies that the posts captured by either side in subsequent fighting skirmishes would be returned. Although the Simla Pact does not link the delineation of the line of control in Kashmir with the withdrawals on the international borders, India has specifically demanded that the two measures be taken simultaneously so that withdrawals in Kashmir be synchronised with troops pull out on the West Pakistan borders. The Pakistan Government has emphasized that the withdrawal of troops across the international borders should not be linked with the delineation of the actual line of control in Kashmir.

These differences first made themselves felt when the military commanders of the two sides met at Suchetgarh on 10 August to determine the actual line of control in Kashmir. Agreement had already been reached on the "hot line" on the method and procedure of the withdrawal of troops across the international frontiers. On 12 August, the Pakistan Ministry of Defence announced that the military commanders had reached an agreement on procedure for the delineation of the line of control in disputed areas of Kashmir. But the Suchetgarh agreement failed to iron out the fundamental differences, which were mainly on account of the antithetical approach of the two parties to the Simla Pact. Thus India viewed the withdrawal of troops as a part of a complex process towards peace which included among other things Pakistan's recognition of "Bangla Desh". With President Bhutto's announcement in August 1972 that the question of recognition of "Bangla Desh" was to be deferred further, and the Chinese decision to veto "Bangla Desh's" entry into the United Nations India found itself unable to force a package deal through, on which it had been banking. Furthermore, there was no agreement on the status of the line of control, its actual delineation and the position of the UN observers. To resolve these differences, senior officials of the two Governments met at New Delhi on 25 August 1972. The agreement reached here was once again a compromise solution. The three-point agreement, technically a recommendation to the Governments of India and Pakistan, stated that the field commanders would be directed to reach agreement on a new line by 4 September and troop withdrawals be completed by 15 September 1972. The two sides were to respect the line of control in Kashmir without prejudice to the recognized positions of either side. There was no mention of the UN observers.

Thus India gained a tactical victory since the entire line of control is to be delineated, and the two parties have agreed to respect the inviolability of the line. This has relegated the UN observers to a secondary role.

But differences still persist and the two Governments have failed to keep to their time-table for restoring agreed frontiers. No specific date has now been announced for troops withdrawals and the army commanders have yet to agree upon two out of 23 maps charting out the line. This covers an area of 7.5 to 18.13 square kilometres. Although it has not been officially disclosed as to what is blocking the completion of the task of delineation of the line of control, it is understood that India is seeking adjustments which would extend its control beyond the December 1971 line.¹ A BBC correspondent also reported that India is trying to retain a post in Kashmir which it had occupied four months after the ceasefire,² while Pakistan has agreed to give up the Lipa valley posts it captured in May 1972. Mrs. Gandhi has called off the next summit meeting scheduled for October. She has declared, "No talks are going to be held until the line of control in Kashmir has been finally drawn."³

It would not be out of place to analyse the attitude of the Kashmiri leaders towards the present situation. In June 1972, the Indian Government withdrew the 18-month ban on Sheikh Abdullah from entering Kashmir. In the meanwhile it was reported in the press that the Soviet Union was working for a reconciliation between the Indian Government and the Sheikh on the basis of regional autonomy for Kashmir within the Indian Union. The Soviet plan provided for a permanent link with India but full autonomy for Kashmir except in the fields of defence, foreign affairs and communications which would be India's responsibility.⁴ That these reports were not entirely baseless was borne out by Sheikh Abdullah's statement at a public meeting at Srinagar in June 1972. He declared that it would first have to be accepted that Kashmir's accession to India in 1947 was limited to defence, foreign affairs and communications. He demanded effective guarantees for a return to the 1947 position which was reversed in 1953, and a dialogue between Kashmir, India and Pakistan to accommodate Islamabad's interests for a durable peace in the subcontinent.⁵ He made it clear that he had no quarrel with India over the question of accession but differences existed on the quantum of autonomy. Since the autonomy provided by the Instrument of Accession had been eroded, the people of Kashmir would demand an effective assurance that their autonomy would

¹. *The Daily Telegraph*, London, 5 September 1972.

². Cited in *Outlook*, Karachi, 16 September 1972, p. 5

³. *The Daily Telegraph*, London, 21 September 1972.

⁴. *Dawn*, Karachi, 30 March 1972.

⁵. *Ibid*, 22 June 1972.

be properly safeguarded.

The Sheikh also demanded that the real representatives of the people of Kashmir be actively associated with the Indo-Pakistan talks in order to give the settlement a lasting character and ensure peace and progress in the subcontinent. He refused to accept any solution arrived at behind the back of the people of Kashmir.

Following the Simla Agreement, Sheikh Abdullah adopted a hardened attitude and demanded the right of self-determination for his people. He made it clear that any attempt to convert the ceasefire line into a permanent international boundary would be resisted by the Kashmiris. He once again demanded that Kashmiri leaders be associated with further Indo-Pakistan discussions and their sentiments should not be bypassed. Alternatively he asked Mrs. Gandhi to enter into bilateral talks with Kashmiri leaders to find an acceptable formula. The second alternative was accepted by New Delhi and in August 1972, Sheikh Abdullah disclosed that talks were taking place between Mrs. Gandhi and his representatives on the future of Kashmir.

That the Kashmiri leaders now realize that Pakistan can no longer be seen as an eventual liberator of Kashmir is now obvious. The line of action adopted by them now indicates that they are now seeking a settlement with India through cooperation and discussion rather than confrontation. Although it cannot be ruled out that Sheikh Abdullah might be working to destroy the Indian hold on Kashmir through constitutional means. Thus the Plebiscite Front and the Awami Action Committee formed a United Front to contest the civic elections in Srinagar in which they achieved a massive victory. At a mass rally in September 1972, Sheikh Abdullah declared, "We are prepared to cooperate with the Indian Government. Let New Delhi cooperate with us and not treat us as untouchables. Cooperation is a two-way traffic. Refusal to recognise us as the people's true representatives and denial of funds to us will inevitably lead us to confrontation. Then young and old Kashmiris will fight to bitter end."¹

In Azad Kashmir, feelings against India are stronger. Sardar Ibrahim, President of the ruling party in Muzaffarabad, insisted that the Kashmir issue could not be linked with the consequences of the war and the right of self-determination of the Kashmiris could not be bargained away.² But prospects of a guerrilla offensive are bleak. Although more than 200,000 Kashmiris have been mobilized into a volunteer force and there are two divisions of Kashmiri-officered Azad Kashmir regular forces in the State, without active assistance from Islamabad, Muzaffarabad will not find itself in a position to launch a guerrilla attack.

Thus it is now clear that the final settlement of the Kashmir issue will be

¹ *Ibid.*, 23 September 1972.

² *The Pakistan Times*, Lahore, 2 June 1972.

determined not only by the policies adopted by India and Pakistan, but also the attitude taken by the people of Kashmir on either side of the cease-fire line and also the shape the power struggle between China and the USSR assumes in the region.