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Kashmir Question

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ACCESSION

Legally and constitutionally, when the Ruler of Kashmir executed the Instrument of Accession to India and Lord Mountbatten, the then Governor-General of India, accepted the Instrument, the whole of Kashmir became an integral part of the Union of India. It is necessary to look at the political and constitutional position prevailing in the sub-continent of India on the eve of Independence. There was British India over which the United Kingdom exercised complete sovereignty. There were also more than 560 Princely States which were semi-independent and which were protected by the United Kingdom by a doctrine known as paramountcy.

The meaning of this doctrine was that the King of England and Emperor of India was the paramount lord as far as these Princes were concerned and, in return for the fealty pledged by them, the King Emperor gave them protection. When the Indian Independence Act was passed by the British Parliament, British power was transferred to the people of India as far as British India was concerned and Britain also put an end to paramountcy, leaving it to the Princes to arrive at such arrangements as they thought proper with the Governments of India and Pakistan.

At the same time, India was partitioned, a part of the country seceding to constitute itself into Pakistan. But the present Government of India was the successor

Government to the Government of the United Kingdom. Pakistan was a new State which came into existence. It was also provided that it was open to every Princely State to accede either to India or to Pakistan. The law did not provide that the Instrument of Accession could be conditional. Once the accession was accepted, either by the Governor-General of India or of Pakistan, the particular Princely State became an integral part of one or the other of the two Dominions.

It is significant to note that there was no provision for consulting the people of the Princely State concerned. Nor was there any provision that the accession had to be ratified by ascertaining the wishes of the people of the acceding State. Leaving aside for a moment the question of Jammu and Kashmir, several Princely States under this law acceded to India or Pakistan. It has never been suggested either by India or Pakistan, that these accessions are, in any way, incomplete or require some action to be taken before they become conclusive.

It has also to be remembered that the partition of India was confined to British India and that in drawing the lines of the frontier, the question of Muslim majority provinces in North-West and East India was taken into consideration only with regard to British India. There was no question whatsoever with regard to the religious complexion of the population of the Princely States. The question whether one Princely State should accede to India or Pakistan was left to the determination of the Ruler of the State. Pakistan has often put forward a proposition that the State of Jammu and Kashmir, by reason of its large Muslim majority and of the fact that Pakistan came into existence as a Muslim State, should naturally form part

of Pakistan. This is a wholly erroneous view of the legal and constitutional position.

The British Government had made it quite clear that partition was only of British India and that this principle did not apply to those States such as Kashmir and several hundred others, which were ruled by Indian Princes. The British Government's announcement of 3 June 1947, said:

“His Majesty's Government wish to make it clear that the decisions announced above (about partition) relate only to British India and that their policy towards Indian States contained in the Cabinet Mission's Memorandum of 12 May 1946 remains unchanged.”

The Cabinet Mission's Memorandum reads as follows:

“His Majesty's Government will cease to exercise power of paramountcy. This means that the rights of the States, which flow from their relationship to the Crown, will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India or, failing this, entering into particular political arrangements with it or them.”

Provision for accession was made in the Government of India Act of 1935 as adapted under the Independence Act of 1947:

“An Indian State shall be deemed to have acceded to the Dominion if the Governor-General has

signified his acceptance of an Instrument of Accession executed by the Ruler thereof."

These were Acts of the British Parliament which created the Dominions of India and Pakistan. None of the provisions of these Acts can be questioned, at least by India, Pakistan or the United Kingdom which were parties to this agreement.

It was entirely for the Ruler of Jammu & Kashmir to decide, taking all factors into consideration — the factor of contiguity, the factor of communications, the factor of economic ties and others — whether it would be beneficial for the State to be part of one Dominion or the other. The question of religion did not come into play at all. As a matter of historical fact, although the communal question assumed a large and unfortunate proportion in British India and was the platform on which the Muslim League based its policy, the people of the Princely States, particularly Kashmir, although they suffered from many other disabilities and infirmities, did not suffer the disastrous consequences of religious hatred of intolerance.

Therefore, there is no substance in the suggestion that the accession of Jammu and Kashmir was not complete and absolute because the people of that State had not been consulted nor been given opportunity to express their choice. International law does not require that a treaty concluded by the Ruler of a State, and with the mutual consent of the contracting parties, a treaty which is otherwise valid and binding, should be referred to the will of the people before it takes effect.

There is no doubt that the Government of the Maharaja of Kashmir was recognised by Pakistan. It was with this Government that Pakistan had concluded a Standstill Agreement by the exchange of telegrams on 12 and 16 August 1947. At that time the Government of Pakistan had not questioned whether the Government of the Maharaja was capable of expressing the will of the people nor had it doubted the validity of the Agreement. International law does not require that the party to an agreement should look behind a recognised Government with whom it contracts to see that the agreement had been arrived at by prior consultations with the people. In fact the accession was also supported by the largest political party in Kashmir.

The State's accession to India has never been challenged by the U.N. Commission or the Security Council. As early as 4 February 1948, the U.S. Representative in the Security Council declared:

“External sovereignty of Jammu and Kashmir is no longer under the control of the Maharaja . . . With the accession of Jammu and Kashmir to 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.”

At the 611th meeting of the Council this view was supported by the Representative of The Netherlands. He said:

“We know of course that in 1947 the then Ruler of the State of Jammu and Kashmir acceded to India by an Instrument which was accepted by the then Governor-General of India, Lord Mountbatten.”

At the 768th meeting of the Council, the Representative of Colombia referred to the findings of the U. N. Commission for India and Pakistan, and declared:

“The Commission never recognised the legality of the presence of Pakistani troops in Kashmir.”

Similarly, the Representative of the U.S.S.R. said at the 765th meeting:

“The question of Kashmir has been settled by the people of Kashmir themselves. They decided that Kashmir is an integral part of the Republic of India.”

The Legal Adviser to the U. N. Commission came to the conclusion that the State's accession was legal and could not be questioned. This fact was further recognised by the U.N. Commission in its report submitted to the U. N. in defining its resolutions of 13 August 1948 and 5 January 1949. Both these Resolutions were accepted by India and Pakistan.

AGGRESSION

Unlike most of the rulers who had acceded to India or Pakistan before 15 August 1947, the Ruler of Kashmir did not make up his mind. Pending a decision on accession, he asked for a standstill agreement both with India and with Pakistan in regard to communications, supplies and post and telegraph arrangements which had always been interlinked with British India. Pakistan concluded the standstill agreement, but before a standstill agreement with India could be concluded tribal raids started. Despite the standstill agreement, Pakistan cut off communications and stopped the supplies of essential commodities thereby putting undue pressure on Kashmir.

When this pressure failed, armed invasion by nationals of Pakistan and tribal raiders followed. The Ruler's appeals to Pakistan were of no avail. The raiders caused havoc in different parts of Kashmir. The Kashmir State troops were incapable of offering effective resistance to such a large body of raiders. Events moved with great rapidity and the threat to the Valley of Kashmir became grave. Unable to prevent the raiders from committing large-scale killings, loot and arson, the Ruler requested the Government of India that the State of Jammu and Kashmir should be allowed to accede to the Indian Dominion.

An appeal for help was also simultaneously received by the Government of India from the National Conference which was the largest popular organisation in

Kashmir and which had fought for the people's rights and agitated for freedom of Kashmir from the rule of the Maharaja. The Conference also supported the request for the State's accession to India. Sheikh Abdullah, who was then the leader of the Jammu and Kashmir National Conference, said:

“When the raiders were fast approaching Srinagar, we could think of only one way to save the State from total annihilation, by asking for help from a friendly neighbour. The representatives of the National Conference, therefore, flew to Delhi to seek help from the Government of India but the absence of any constitutional ties between our State and India made it impossible for her to render any effective assistance in meeting the aggressor. . . Since the people's representatives themselves sought an alliance, the Government of India showed readiness to accept it. Legally, the Instrument of Accession had to be signed by the Ruler of the State. This the Maharaja did.”

The Governor-General, Lord Mountbatten, accepted the Instrument of Accession. In answer to a letter of the Prime Minister of India, dated 22 December 1947, requesting Pakistan not to give aid or assistance to the raiders and not to prolong the struggle, the Prime Minister of Pakistan on 30 December 1947, replied:

“As regards the charges of aid and assistance to the invaders by the Pakistan Government, we emphatically repudiate them. On the contrary, the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war.”

On 1 January 1948, India approached the Security Council and in its letter of that date stated:

“Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. . . . The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India.”

It is an extremely significant fact, which is often overlooked, that India was the complainant before the Security Council, and that India complained of aggression by Pakistan. On 15 January 1948, the Foreign Minister of Pakistan again emphatically denied that the Pakistan Government was giving aid and assistance to the invaders or had committed any act of aggression against India. On the contrary, the Foreign Minister stated his Government had continued to do all in its power to discourage the tribal movement by all means short of war. He stated that the allegations made by the Indian Government that the Pakistan Government was affording aid and assistance to the tribal forces, or that these forces had bases in Pakistan territory or were being trained by the Pakistan Army, were utterly unconfirmed. Pakistan never contended that India had no right to be in Kashmir.

This categorical denial by Pakistan of being behind the tribal raid is the most important and significant

aspect of the whole Kashmir issue. It is significant that, at that stage, Pakistan never tried to justify its presence in Kashmir or to claim any right to be there. Pakistan was obviously quite aware of the fact that its presence in Kashmir was contrary to international law and was fully conscious of the illegality of its action. That is why Pakistan could not admit its presence in Kashmir and that is why there was a total and straight denial of its presence. Incidentally, these facts clearly show that the plea now put forward that Pakistan went to Kashmir in support of a liberation movement is clearly an afterthought designed to create a false moral justification for its invasion of Kashmir. Subsequent admissions by Pakistan have made clear that this was not merely an equivocation but a deliberate falsehood.

In its reply to the Government of India's complaint dated 1 January 1948, Pakistan, on 15 January, cast doubts on the legality of the accession of Jammu and Kashmir to India by suggesting that the accession had been obtained by fraud and violence. It is clear that in law, if fraud and violence was not established as vitiating it, the accession was perfectly legal and binding. On the question of fraud and violence, it may be stated that Lord Mountbatten had told the Maharaja of Kashmir, on behalf of the Government, that "you may accede to Pakistan if you wish and we will not take it as an unfriendly act." It is also an admitted fact that not a single Indian soldier was sent to Kashmir to fight against the raiders before the accession.

If any violence was used at all against the State of Jammu and Kashmir and the Maharaja, it was by Pakistan. If the Ruler of Jammu and Kashmir was forced to accede to India, it was not because violence

was used by India but because it was used by Pakistan and, therefore, strangely enough, the fraud and violence which Pakistan was complaining of was used not by India, but by itself. It does not require a very deep knowledge of law to understand that a party cannot challenge or vitiate the legality of a contract by pleading its own unlawful acts.

Pakistan has tried to argue that India obtained the signature of the Ruler on the Instrument of Accession at a time when the people of Jammu and Kashmir had risen in rebellion against the Ruler and had ousted his authority from the State. This is a complete and utter distortion of facts. It was the tribal raiders and Pakistan nationals, aided and abetted by the Pakistan Government, who carried fire and sword into Kashmir, whose fate is now of such great concern to Pakistan, and compelled the Ruler to turn to India in the hour of extreme peril. Sheikh Abdullah, whose testimony is of great importance because it is the testimony of a witness who is speaking about contemporary events, said:

“When for the first time the people of Srinagar saw the incoming planes from India and the tanks of the Indian Army passing through the streets here, their disappointment and anguish was turned into joy and happiness. The people here, Muslims, Hindus and Sikhs, heaved a sigh of relief, knowing that their honour and dignity could now be safeguarded. We must not forget that time.”

When the United Nations Commission for India and Pakistan visited Karachi in July 1948, Pakistan could no longer keep up the story that it had a blameless

record as far as the invasion by the raiders was concerned, and Sir Mohammad Zafrullah Khan informed the Commission that three regular Pakistani Brigades had been fighting in Kashmir territory since May 1948.

Commenting on this admission, the U.N. Commission observed: "According to the Security Council's resolution of 17 January, the Government of Pakistan was requested to inform the Security Council immediately of any material change in the situation. In a letter addressed to the Security Council, the Pakistan Government agreed to comply with this request. The Government of Pakistan had, however, not informed the Security Council about the presence of Pakistani troops in the State of Jammu and Kashmir."

Sir Owen Dixon, eminent Australian jurist and U.N. Representative for India and Pakistan, expressed the view that the entry of hostile elements into the territory of Jammu and Kashmir on 20 October 1947 was "contrary to international law" and the entry of regular Pakistani forces in May 1948, too was "inconsistent with international law."

The fact of Pakistan's invasion of Kashmir has been amply corroborated by the testimony of numerous independent observers. Here is what Mr. Robert Trumbull, Correspondent of *The New York Times*, says in his book, "AS I SEE INDIA": "...The Pakistan Government has steadfastly denied any official encouragement to the tribes in the invasion of Kashmir But there was never any doubt that Pakistani provincial authorities, perhaps unofficially but certainly not without the knowledge of Karachi, supplied the bloodthirsty tribal 'lashkars' (war parties) with truck transport. And Pakistani Army officers, alleged to be on 'leave', led the

contingents... The Indians arrived just in time to stop the raiders five miles from the Capital..."

Another independent observer, Vincent Sheean in his book, "NEHRU — TEN YEARS OF POWER", stated: "By early September of that year (1947) the Pathan tribesmen had been converging on the borders of the Jammu & Kashmir State and the western part of Jammu (the Poonch area) was soon in their hands. In mid-October they began the infiltration of Kashmir proper, armed with modern equipment which could only have come from the Pakistan Army... The Maharajah's accession to India (October 24, made final on the 26th) and the dispatch of the first Indian troops (October 27th) were not only next in order, but were the direct, inevitable consequences of this invasion. So far as the dates and facts are concerned there can be no dispute."

Even Pakistan leaders could not suppress the facts. The late Mohammad Ali Jinnah, founder of Pakistan, told Lord Mountbatten towards the end of 1947 that if Indian troops were withdrawn from Kashmir, "I will call the whole thing off" — suggesting thereby that he would withdraw Pakistan forces from Kashmir.

Khan Abdul Qayum Khan (then Premier of the North-West Frontier Province of Pakistan) and Nawab of Mamdot, in a judicial enquiry made in some other connection in Lahore, admitted that Pakistan was behind the invasion of Kashmir by the tribesmen.

President Ayub Khan of Pakistan, contrary to what Pakistan representatives had pleaded in the Security Council when India lodged its complaint, namely, that

Pakistan had no part in the tribal invasion, proudly declared at a meeting held in Djakarta on 7 December 1960:

“.....thus began the problem of Kashmir where the Muslims were fighting for freedom. Naturally, we in Pakistan went to their help.”

The Pakistan Times of Lahore, then officially controlled, stated in an editorial in its issue of 12 October 1960:

“When Pakistan volunteers and tribes went into Kashmir to aid the armed struggle of its long oppressed people even the so-called Deed of Accession on which India’s whole case on Kashmir rests, had not yet been signed.”

PLEBISCITE

It is in this context that the UNCIP resolutions of 13 August 1948 and 5 January 1949, which India accepted — and these are the only two resolutions, apart from the resolution of 17 January 1948, to which India agreed — have to be understood. The very foundation of these resolutions was that the presence of Pakistan in parts of Jammu and Kashmir was illegal, and that it must withdraw its troops and vacate the aggression against India. It is clear from the wording of paragraph 2 A (1) of the resolution of 13 August:

“As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was reported by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State.”

It was only on Pakistan's complying with this essential condition that the possibility of holding a plebiscite in Kashmir could arise. It is clear that the Security Council could not possibly have suggested to India the holding of plebiscite so long as a gross illegality perpetrated by Pakistan and a deliberate violation of international law remained unrectified. The Security Council could not possibly countenance a naked aggression by one country against another.

Throughout this Kashmir controversy, which in all conscience has been sufficiently long and protracted,

Pakistan has continued to be an aggressor. Even today it is guilty of continuing aggression and it has no *locus standi* whatsoever to make any complaint with regard to what India is doing in an integral part of its country.

A plebiscite is only a machinery for ascertaining the wishes of a people. There is nothing sacrosanct about it. There are other methods which are equally efficient. The British Government has, in the last 20 years, transferred power to a large number of its colonies, but it has never thought of ascertaining the wishes of these colonies by holding a plebiscite. In India itself no plebiscite was held to determine either whether the people of the sub-continent of India wanted freedom or whether the majority of Muslims living in the country wanted partition. The United Kingdom came to the conclusion that independence should be given and the country should be partitioned because it was satisfied that the Indian National Congress on the one hand and the Muslim League on the other represented the people on these two issues. In Jammu & Kashmir the National Conference as a party represented the overwhelming majority of the people of the State, and it fully supported the accession of Jammu & Kashmir to India.

The argument that India has wriggled out of a commitment to hold a plebiscite has no basis in fact. All statements made by the Prime Minister or India's representatives in the Security Council on the subject were made on the repeatedly affirmed condition that Pakistan would first vacate the aggression on Indian territory. The UNCIP resolution of 5 January 1949, which deals with plebiscite, was to come to life only after the UNCIP resolution of 13 August 1948 had been

implemented. Under the latter resolution, Pakistan was required to withdraw its troops, regular or irregular, from Jammu & Kashmir. By its failure to vacate the aggression, and by consolidating its unlawful position in the occupied area, Pakistan is directly responsible for making plebiscite impossible.

India's position is stated clearly not only in the UNCIP resolution of 13 August 1948, but also in the assurance given by the Chairman of the U. N. Commission to the Prime Minister of India towards the end of December 1948 that "in the event of Pakistan not accepting these proposals (plebiscite) or having accepted them, not implementing Parts 1 and 2 of the resolution of 13 August 1948, India's acceptance of them should not be regarded in any way as binding upon them." This assurance was not given in secrecy but is included in the Second Interim Report of the U. N. Commission which is a public document.

Merely by withdrawing its troops from the State, Pakistan could have had a plebiscite at any time. If the Pakistan authorities deliberately avoided honouring this obligation, by raising controversies over the quantum and character of the armed forces or "synchronisation" of withdrawals, it was quite clear that they were afraid of the verdict of the people against whom they had committed a naked aggression.

The U. N. Commission resolutions have thus become obsolete. This was a view expressed by the U. N. Commission itself, as far back as in 1949, and has been reiterated by Dr. Jarring and Dr. Graham, both U. N. Representatives. Passage of time, change of circumstances, and Pakistan's repeated and continuing vio-

lations have ruled out all possibility of implementing them.

The Pakistan Foreign Minister's argument that, if U.N. resolutions are obsolete, so is the cease-fire line, is baseless. A cease-fire was brought about and agreed to between the military representatives of India and Pakistan. Under this Agreement, a cease-fire line was laid down and it is a reality. Besides the cease-fire line is under continuous supervision by a large number of U. N. Observers and cannot be questioned or regarded as obsolete. Foreign Minister Bhutto's argument is only indicative of Pakistan's *mala fide* intentions and a desire to ignore the cease-fire line and commit further aggression against India. Already repeated threats have been held out in the so-called "Azad Kashmir" and Pakistan to smash the cease-fire line and there has been incitement by the Pakistan Press and leaders to the so-called volunteers to declare 'Jehad' or holy war.

SELF-DETERMINATION

Pakistan seeks to build its case on the idea of self-determination. It has tried to appeal to world opinion by proclaiming that its interest in Kashmir arises from the fact that the people of that State have been denied the right of self-determination.

India fully subscribes to the principle of self-determination. It can be operative only when one is dealing with a nation as a whole, and the context in which it can be applicable is the context of conquest or of foreign domination or of colonial exploitation. It would lead to disastrous consequences if the expression were extended to apply to the integral part of any country or sections of its population, or to enable such integrated part or sections of the population to secede. The principle of self-determination cannot and must not be applied to bring about the fragmentation of a country or its people.

The United States fought a bloody civil war to prevent, not a small part, but the whole of the South of the United States from seceding and constituting itself into an independent country. A large majority of the people of that part of the United States were opposed to Abraham Lincoln and his policies and they wanted the freedom to refuse to emancipate the slaves; and yet the United States Government, very rightly and properly, refused to break up its country by permitting a part of it the right to secede.

In the world today there are innumerable countries in Africa and Asia with dissident minorities. Many of these minorities might like to set up governments of their own. This would mean repainting the map of the world and breaking up many Member States of the United Nations. Many countries today have living in them people of different races, religions and cultures, and the future of the world depends upon the evolution of multi-racial States and nations in different parts of the world.

Pakistan's thesis is a reactionary and obscurantist one. The thesis of self-determination, which Pakistan advocates, has been used in the recent past by colonialists and neo-colonialists for the disruption of newly emergent States. Pakistan would have the hands of the clock set backwards and would go back to the days when countries permitted only one religion and persecuted those who followed another faith.

As a Member State of the United Nations, India has already exercised the right of self-determination. Through a Constituent Assembly of elected representatives, in which the Representatives of the Jammu and Kashmir State participated, the Indian people gave to themselves a Constitution which has been in force for fourteen years. Under the Constitution three general elections based on universal adult suffrage have been held, in the last of which there was an electorate of 210 million — the largest known in history. The Indian people inhabiting Jammu and Kashmir have fully shared in that self-determination.

In order to draw up a constitution for internal administration of the State, within the larger framework

of the Constitution of India, the people of Jammu and Kashmir elected representatives on the basis of universal franchise, thus giving a practical demonstration of the exercise of their right of self-determination.

The State's Constituent Assembly drew up a democratic constitution under which the people of the State enjoy political freedom and civil liberties. The last General Elections in the State were held under the supervision of the Election Commission of India. The people of Kashmir enjoy fundamental rights, the protection of which is ensured by the Supreme Court of India.

Since Pakistan has sought to misrepresent the Kashmir situation by falsely asserting that the people's fundamental rights are being violated by India, it is necessary to refer to the absence of civil liberties and freedom in Pakistan. How complete is the denial of self-determination in East Pakistan, for example, is clear from statements made on the Franchise Day in East Pakistan. In West Pakistan there is the suppression of Pakhtoons and Baluchis who are being bent almost to the breaking point by a rigorous policy of repression. Further, the border agreement between Pakistan and China about Kashmir under which Pakistan gave away over 2,000 square miles of Indian territory to China completely contradicts the principle of self-determination.

If further proof is required of Pakistan's complete disbelief in the principle of self-determination, it is provided by numerous statements made by its President, quotations from some of which are given below:

"Kashmir is vital for Pakistan, not only politically but militarily as well. Kashmir is a matter of life and death." (December 1959).



“You might say, ‘why can’t you give up Kashmir?’. Well, we cannot give up that dispute not because we are bloody minded but . . . for example for the reason that Kashmir is connected with our physical security. Thirty-two million acres in Pakistan are irrigated from rivers that start in Kashmir.” (13 July 1961)

“Kashmir is important to us for our physical as well as economic security.” (19 July 1961)

“Pakistan’s President declared that Kashmir was a life-and-death question for Pakistan and without the solution of this problem we cannot be assured of the safety of our territory, especially the western wing of our country” (18 October 1961)

Did Pakistan permit the people of Princely States in Pakistan to exercise the right of self-determination after the Ruler acceded to Pakistan? As was disclosed in the West Pakistan High Court a few years ago, the accession of Bahawalpur had been forced on the Ruler of that State. The Khan of Kalat revolted against accession and was arrested and detained in 1958. In neither case was the principle of self-determination applied. When Pakistan purchased, and it is necessary to emphasize the word “purchased”, the territory of Gwadar from the Sultan of Muscat, what happened to Pakistan’s solicitous regard for the people’s right to self-determination? No opportunity was given to the people of Gwadar to say whether in the second half of this, the twentieth century, they wished to be bought like chattels.

PAKISTAN-CHINA COLLUSION

A striking illustration of Pakistan's policy of opportunism, of working under false pretences and of concealing vital facts in its pursuit of territorial aggrandisement, is provided by the growing collusion between Pakistan and China against India.

In 1954, Pakistan signed a military aid agreement with U.S.A. and pledged fealty to CENTO and SEATO, both directed against Communist countries. This was only one side of the medal. While taking a pledge to resist any aggression from Communist countries, Pakistan was at the same time assuring China, as recently revealed by Premier Chou En-lai, that the military aid agreement and her membership of CENTO and SEATO were not directed against China, but only against India. She thus tried to deceive U.S.A. or China or both.

She has been no less sedulous in her efforts to deceive India. She tried to tempt India with support against China provided India surrendered Kashmir. This was the time when President Ayub used to warn India against a push from the north and the necessity for a joint defence by India and Pakistan against such a danger, making it clear at the same time that a joint defence would not be possible without India first handing Kashmir to Pakistan on a platter. This blackmail was followed by another — namely, a warning to India's neighbours that if India became economically

and militarily strong, their only hope might lie in seeking protection against India from China. When these tactics failed, Pakistan went over completely to China and became its spokesman and advocate in the Sino-Indian border conflict.

Although Pakistan has no border with China, it has signed a border agreement with that country under which it has surrendered over 2,000 square miles of Indian territory in Kashmir. This is in blatant violation of the U.N. Commission resolutions. It breaks up the unity of the State and makes nonsense of Pakistan's professed faith in the principle of self-determination which it claims for the people of Kashmir but which it resolutely denies to its own people. There are Pakistan official statements to the effect that even if the Kashmir dispute is settled amicably, Pakistan could not go to the defence of India against China or change her friendly relations with Peking.

In exchange for surrender of Indian Union territory in Kashmir, Pakistan appears to have obtained a guarantee of military assistance from China in case of war with India. Mr. Bhutto announced in the Pakistan National Assembly last year that war between India and Pakistan would involve the territorial integrity and security of the largest State in Asia. In December 1963, the Chinese Vice Minister of Foreign Trade, Nan Han Chen, then on a visit to Pakistan, said: "If ever there is a war between India and Pakistan, China will surely support Pakistan and not India." The recent visit of Premier Chou En-lai to Pakistan symbolised a concerted attempt on the part of Pakistan and China to project themselves as partners in a new alliance. Marshal Chen Yi said that the two countries were

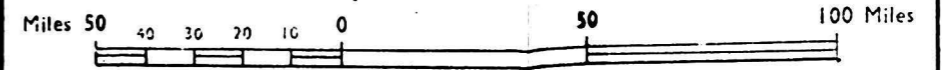
confronted with a common fighting task. While the President and Ministers of Pakistan vied with one another in assuring the world of China's peace-loving policy, the Chinese Premier acknowledged the value of this service by supporting Pakistan on Kashmir. Marshal Chen Yi, Chinese Foreign Minister, said in Lahore last February, "Pakistan and China will continue to be friends even after you get Kashmir and we take Taiwan." The joint communique which President Ayub and Premier Chou En-lai issued could fittingly be described as an aggressors' pact.

Both promised to defend the peace of Asia and the world, in spite of the fact that China does not believe in peace, abolition of nuclear weapons, disarmament or respect for other people's sovereignty or way of life, and Pakistan is already an aggressor in Kashmir. Both China and Pakistan are aggressors in Kashmir, one being in unlawful occupation of Indian Union territory in east Kashmir, the other in north and west Kashmir. Neither respects international law or human rights. Pakistan has already driven out, like cattle, over half a million refugees — Hindus, Christians and Buddhists — into India and thousands are continuing to pour in every day, from East Pakistan. Uprooted by violence and driven by fear, the refugees were sometimes set upon by the police and fired upon by the Pakistan border forces. Many women were abducted. Pakistan has adopted religious *apartheid* as an instrument of policy and can take full credit for emulating South Africa in suppressing human rights.

JAMMU AND KASHMIR

Scale 1:2,500,000

(39.46 MMes to 1 Inch)



Boundary, international; state
Cantonments in West Pakistan MURREE
Cease Fire Line

