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Role and Mandate of UNMOGIP for Peacekeeping under UNSC Resolutions on Jammu and Kashmir

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Abstract

The purpose of this study is to analyze the role and mandate of the UNMOGIP for peacekeeping. The UNMOGIP has been tasked to ensure peace and prevention of violations of the ceasefire line. The mechanism of UNMOGIP was part of the UN Peacekeeping. There is a need for a critical analysis of the role of the UNMOGIP in observance and reporting of CFL violations. The research paper will analyze the nature and scope of the work of the UNMOGIP. The findings of this research paper will be based upon the critical review of existing literature on UNMOGIP, Resolution of the UNSC on J&K. This critical analysis will provide a deeper and critical understanding of the nature, role, and mandate of the UNMOGIP under the spirit of the UNSC. This study can be useful to analyze the role of the UNMOGIP in maintaining peace across the LoC in the future.

Key Words: UNMOGIP, UN Resolutions, Peacekeeping, Line of Control, Jammu and Kashmir

Introduction

United Nations Military Observer Group for India and Pakistan (UNMOGIP) was established by UNSC through Resolution No. 91 on March 30, 1951. The conflict of J&K is a longstanding conflict between India and Pakistan. The UNMOGIP was deployed by the UNSC on LoC to prevent the lives of the civilians and promote peace and security in the conflict-affected region of J&K. The Kashmir dispute where UNMOGIP has been engaged has its roots in the withdrawal of British Imperialism from Indo Pakistan Subcontinent and Partition Plan for India and Pakistan with special policy for all the princely states as J&K was one of the princely states of colonial India with Hindu ruler and the majority of the Muslim population having divided loyalties and a strong sense of Muslim identity.

The term "peacekeeping" is not explicitly present and defined in the UN Charter, and this term came into the limelight in the 1950s when the UN sent different ad hoc operations to settle political disputes in different parts of the world. Peacekeeping can be regarded as the mechanism to have a political presence with certain political and military responsibilities with the aim to settle the political disputes and pave the way for the peaceful settlement of the disputes. Over the period of time, it has been observed that 'Peacekeeping Operations' have different nature, characteristics, and significance in terms of their size and functions in different conflicts of the world. With a variety of differences in composition and nature, all share one common objective to maintain peace without using arms. The core

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values of the 'Peacekeeping Missions' are impartiality and effectiveness.

UN Mediation on Jammu and Kashmir: Historical Perspective

On 31 December 1947, India referred the matter to the UNSC. [\(GUPTA, 1968\)](#) On 1 January 1948, the representatives of India formally lodged the complaint by invoking Article 35 of the UN Charter in the UNSC requesting to intervene on the grounds that Pakistan not only instigated but also supported the tribesmen to invade J&K, which had signed the Instrument of Accession with India on 26 October 1947. [\(Sumit Ganguly, 2003\)](#) Consequently, the representative also submitted its official reply in the UNSC on January 15, 1948. In its complaint, India declared Pakistan a wrongdoer for sending its nationals to J&K.

Through the complaint, India made a request to the UNSC to ask the Government of Pakistan to clear the J&K from all the invaders. Through its complaint, India leveled two allegations at Pakistan: first, the tribesmen and Pakistan nationals had prompted the presence of Indian forces in J&K; and second, the presence of Pakistan's troops had caused a material change in the situation in J&K. (PAKISTAN, 1948) Both factors had collectively given rise to a situation that threatened international peace. Article 35 permitted a member state to invite the attention of the UNSC towards a situation jeopardizing international peace. India's complaint filed under Article 35 also contained a threat of direct attack in retaliation against Pakistan. To elaborate this point, Article 35 was invoked to declare Pakistan an aggressor against which India could launch a counter-attack in self-defense (even under the ruse of pursuing invaders into Pakistan) under Article 51 of the Charter of the UN.

On 6 January 1948, the SC considered the issue under the title, The J&K question. On the same day, the President of the UNSC asked both India and Pakistan to refrain from taking any step incompatible with the UN Charter. On 15 January 1948, an Indian representative to UNSC, Gopalaswamy Ayyangar India's Ambassador to the UN, said that only the people of J&K were entitled to decide on the future of their State whether it would accede

to India or Pakistan. [\(Cheema, 2017\)](#) Gopalaswamy Ayyangar was the former Prime Minister of J&K and it is alleged that that he bungled the J&K's case in the UN. [\(Akbar, 2003\)](#) In fact, he did not. He toed the line of Lord Mountbatten and Jawaharlal Nehru by declaring the issue of accession provisional and by making the fate of J&K dependent on the decision of the people of J&K.

The Government of Pakistan submitted its reply that not only refuted the Indian allegations but also posed counter-allegations. Pakistan's representative to the UN, Mohammad Zafarullah, who was also Pakistan's foreign minister, stated that the fundamental fact for consideration was the right of the people of J&K to self-determination, which could not be dropped by labeling Pakistan as an offender. Further, it was not possible to appraise the issue referred to the UNSC under Article 35 of the UN Charter. He accused the Dogra army of unleashing genocide on the Muslims with the intent to cleanse J&K of the Muslims. He also demanded the evacuation of all elements foreign to J&K, such as the Indian army troops and tribesmen, as the best solution to the question. Zafarullah put the point across that not Article 35 but Article 34 of the UN's Charter was relevant. Nevertheless, by this time, the local people also revolved against the Maharaja of J&K in Poonch, Muzaffarabad and Mirpur areas and established a revolutionary, representative and indigenous government.

On 17 January 1948, the UNSC passed Resolution 38 calling upon the warring parties not only to refrain from aggravating the situation further but also avoiding to introduce any material change on the ground in the future. [\(Council, 1948\)](#) On 20 January 1948, the SC adopted its Resolution 39 to bring about a peaceful resolution of the conflict. The resolution established a three-member commission that would act under the authority and directions of the UNSC. [\(Council, 1948b\)](#)

In this regard, instead of Article 35, Article 34 of the UN Charter attained relevance, saying that the UNSC was empowered to investigate any situation that gave rise to a dispute carrying the potential of disrupting regional or international peace. (Nations) The United Nations Security Council Resolution 39 (1948) opened the option for investigating the

background of the matter leading to local disturbances and the consequent war on J&K between India and Pakistan. After completing its investigation, the commission was to write a letter to the UNSC advising it on the best course of action to restore and maintain peace. Despite the urgency of the matter, the commission could not be formed until 21 April 1948 when the UNSC passed its Resolution 47, as India-Pakistan question. ([Resolutions, 1948](#)) This was one of the principal resolutions on J&K. ([Bashir, 2004](#)). With the main aim of urging upon both the countries to create conditions for holding a plebiscite, the resolution noted that both India and Pakistan had agreed to determine the question of accession through a plebiscite, which should be free and impartial. Resolution 47 had two parts. The first part increased the number of the commission from three to five, named the commission as the UNCIP, and asked the commission to proceed to the subcontinent at once for mediation between the two warring countries.

The second part of the resolution asked Pakistan to use its "best endeavors" to secure the withdrawal of tribal invaders and Pakistani "nationals." ([Bajpai, 1994](#)) The resolutions of the UNSC and UNCIP neither recognized nor endorsed the accession of the J&K with India nor declared Pakistan as the aggressor as desired by India and treated both India and Pakistan equally on the issue of the J&K. The resolution asked India to "progressively reduce" its forces to a minimum but retain them in J&K for maintaining law and order. ([GUPTA D., 1970](#)) Moreover, the resolution asked India to do two things: first, ensure the formation of a national government having a coalition cabinet in J&K; second, appoint a Plebiscite Administrator entrusted with all powers to hold a plebiscite. ([GUPTA D., 1970b](#)) To meet the plebiscite objective, the resolution asked India to ensure political freedom in J&K by releasing political prisoners and permitting the return of refugees to participate in the plebiscite. ([GUPTA D., 1970c](#))

On 13 August 1948, the commission unanimously amended to improve Resolution 47, and adopted it. ([Resolutions, 1948b](#)) The resolution's upgraded version offered both India and Pakistan a proposal consisting of three parts: Part I, to deal with ceasefire; Part II,

to introduce a truce agreement; and Part III, to hold a plebiscite. ([Bashir, 2004b](#)) Implementation of Part III of the resolution was contingent upon the compliance with Parts I and II. This was why the resolution did not give any timeline to determine the will of the people through a plebiscite. Any ruse to delay to do so was meant to suppress the people's right to self-determination and harming the lives of the people. ([Bashir, 2004c](#)) Further, on the recommendation of the UNCIP, the Secretary-General appointed the Military Advisor who would support the Commission on issues related to the military. Further, the Military Advisor was empowered to have a group of sub-ordinate military observers for assistance. On 9 February 1948, Gilgit rebels attacked Skardu, which fell to them after six months on 14 August 1948. Skardu was one of four tehsils of Ladakh. ([Gupta, 1970d](#)) In November, India occupied Drass and Kargil.

In the meantime, on 9 November 1948, the UNCIP submitted an Interim Report to the UNSC. On 23 December 1948, India, and on 25 December 1948, Pakistan accepted the principles supplementary to the UNCIP's Resolution of 13 August 1948. (PAKISTAN, 1948) That is, both India and Pakistan accepted the proposal that the UNCIP unanimously adopted on 13 August 1948 to improve upon Resolution 47. Consequently, on 1 January 1949, the commission adopted a resolution bringing about a ceasefire into effect between India and Pakistan. Both warring countries declared the ceasefire to pave the way for holding the plebiscite. To supervise the ceasefire, the first team of unarmed military observers reached the mission area in J&K. The Military Advisor assigned tasks to the military observers to report about ceasefire violations. Nevertheless, the military observers could not interfere if any border conflict between India and Pakistan started. The observers had to restrict themselves to the assigned task of observing the ceasefire line, which was later on called the LoC. ([Ishtiaq Ahmed, 2004](#))

On 27 July 1949, at Karachi, under the auspices of the truce sub-committee of the UNCIP, military representatives of India and Pakistan met to enter into a Ceasefire Line (CFL) agreement in Kashmir, and the agreement was called the Karachi Agreement.

([Nations U., 1949](#)) The agreement had to be accomplished by 1 April 1950. ([Gupta, 1970e](#)) The agreement set to establish a ceasefire line between India and Pakistan, giving the assurance that their troops would remain at a certain distance from the ceasefire line and that the UNCIP would station their military observers where it deemed necessary. ([Mahapatra, 2018](#)) Further, the CFL would be verified mutually by the armies of both India and Pakistan with the assistance of the United Nations' military observers. Disagreements, if any, would be referred to the commission's military advisor, the decision of whom would be final. ([Bhattacharya, 2013](#)) ([Ganguly, 2016](#)) The agreement established a CFL. On 14 March 1950, the UNSC passed a resolution, Resolution 80, which terminated the UNCIP and made a provision for the appointment of the United Nations representative for India and Pakistan. ([Ishtiaq Ahmad, 2004b](#)) The UNSC not only asked Owen Dixon to be the next representative of the UN for both countries. ([Gupta, 1970b](#))

On 30 March 1951, following the termination of the UNCIP, through Resolution 91, the Security Council established a UNMOGIP. On 30 April 1951, UNSC appointed Dr. Frank P. Graham as the UN representative for India and Pakistan, and on 30 June 1951, Graham reached the subcontinent to work on bringing both countries to an agreement on the demilitarization of J&K. On 10 November 1951, having received a report from Graham, the UN's new representative for J&K, the UNSC passed another resolution, Resolution 96, and expressed satisfaction over three declarations made by both India and Pakistan: first, to work for a peaceful settlement of the issue; second, to continue observing the cease-fire; and third, to accept the principle that the accession of J&K. ([Nations U., 1951](#)) Now, the challenge of demilitarization leading to a plebiscite existed. Graham's job was to devise a new demilitarization scheme. ([Hilali, 1997b](#))

On 4 September 1952, the United Nations' representative Frank Graham proposed a twelve-point demilitarization plan. In paragraph 7, he proposed that India must reduce its troops to a range between 12,000 and 18,000, whereas Pakistan should reduce its troops to a range between 3000 and 6000 on

their sides of the ceasefire line. ([Korbel, 1954](#)) On 23 December 1952, in its Resolution 98, the UNSC gave India and Pakistan 30 days to agree on the demilitarization of J&K regarding the 'specific number' within the parameters of the troops as specified in the resolution. The actual withdrawal of troops was to start simultaneously and be completed within 90 days. On 27 March 1953, Graham presented his final report and, with that, he concluded his mediatory efforts. ([Gupta, 1970c](#)) Both India and Pakistan did not agree to the demilitarization mechanism, and most of the suggestions were rejected by India. This agreement on the number of troops to remain on each side after demilitarization was a pre-condition to permit the plebiscite administrators to perform the given tasks. ([Hilali, 1977c](#)) Hence no agreement was reached between India and Pakistan on paragraph 7 of the twelve-point proposals.

Peacekeeping Missions of UN and Importance of UNMOGIP

The objectives and functions of the UN are reflected in the UN Charter. The core function of the UN is to prevent and maintain peace and harmony in the world. The peacekeeping has been a very important function of the UN these days, and the UN has many peacekeeping operations in different parts of the world to maintain peace and minimize the lethal effects of the wars and skirmishes in the conflict-affected territories of the world. ([Dayal, 2018](#)) By careful and critical analysis of the provisions of the UN Charter, it can be inferred that peacekeeping was not the function of the UN in the Charter of the UN when this Charter was promulgated in 1945. There is no term of peacekeeping or peace operations in the UN Charter. The post-world war II scenario made it imperative and necessary for the United Nations to develop a specialized mechanism to observe and monitor the peace deals and ceasefire agreements in the world to ensure peace and harmony across the world. Since 1948, the UN had to confront many situations of crises and wars in different parts of the world, and in order to deal with those emergent situations, the UN had devised the strategy of managing and deploying the peacekeeping operations. The issue of Kashmir was also taken to the United Nations by India in 1948, and after

a long process of deliberations and UN-supervised negotiations, a ceasefire agreement was entered between India and Pakistan in 1949. ([Westcott, 2002](#)) So it can be argued that the peacekeeping operations of the UN have been developed and shaped in the course of working and dealing of UN with the various emerging and suddenly evolving conflicts and violent situations endangering the peace and stability of the world. ([Sheehan, 2008](#))

Historically, the first-ever peacekeeping mission was established by the UNSC in 1947 for the issue of Palestine. The decision of the UNGA to partition Palestine in November 1947 and to establish a separate Israeli state in May 1948 resulted in chaos and unrest in the region when this decision was not welcomed by the Palestinian Arabs and Arab states. ([Sharland, 2018](#)). To deal with this unprecedented new violent situation and chaos, UNGA adopted a resolution in 1948 and called for the cessation of the hostilities and for the supervisor of the truce by the UN Mediator with the assistance of military observers. These observers were the first UN Peacekeeping mission in the history of the UN working to maintain peace and security since 1945. This peacekeeping mission was called as "UN Truce Supervision Organization – UNTSO". After the deployment of the UNSTO, the issue of Kashmir was also brought by India in the United Nations and UNSC established UNCIP for the settlement of the Kashmir dispute through the active mediation between India and Pakistan through multilateral peace operations. During this mediation process of the UNCIP, the ceasefire line was established between the belligerent states of India and Pakistan in 1949 ([UNCIP, 1948,1950](#)) and a peacekeeping mission was also deployed in the region to monitor and report about this peace agreement and ceasefire line to United Nations. This peacekeeping mission was formally formed as UNMOGIP in 1951 with the termination of UNCIP. ([Dayal, 2002b](#))

There were many developments and factors in the UN Peacekeeping Missions in the early days which shaped and evolved the Peacekeeping policy for the management and deployment of the Peacekeeping missions. As the peacekeeping missions are normally deployed when the conflict gets prolonged due to the disunity among the P5 states and

failure of the UNSC to resolve the conflict immediately, so the UN secretary General and UNGA assumed a broader and leading role in these situations and also became more effective and pivotal in development and formulation of the UN Peacekeeping policy. In the 1960s, there was a severe difference of opinion between the United States and the Soviet Union regarding the payment of the expenses of the Peacekeeping missions by the states. This severe and complicated difference of opinion led to the establishment of a special committee to review a comprehensive policy of the peacekeeping missions of the UN. During the cold war, many new peacekeeping missions were sent to different conflicts, and these issues were also taken up by the special committee. With the joining of China in this special committee, it actually became C -34 during the 1990's and this resulted in the opening of the membership and observer status for other states as well.

During the tenure of the Secretary-General Boutros – Ghali, the UN secretariat tried to professionalize the UN Peacekeeping system and also established the Department of Peacekeeping Operations (DPKO). Unfortunately, UN Peacekeeping Missions failed to protect civilians in Rwanda (1994) and Srebrenica (1995). This failure put a lot of pressure and criticism on the UN Peacekeeping Missions and its effectiveness for promoting peace and protecting the lives and properties of civilians. As a result and responding to this emerging pressure, UNSC started to establish the UN Peacekeeping Missions with a mandate to protect the lives of civilians explicitly. In 2000, during the tenure of Kofi Annan, Secretary-General, Brahimi Report made several significant suggestions for developing the UN Peacekeeping policy as per the emerging needs and trends. During the tenure of Bann Ki Mon, Secretary-General, another important committee was constituted to review the UN Peacekeeping policy. The UNMOGIP is also one of the important and leading Peacekeeping Missions which has the mandate to monitor and report the situations of the Line of Control to the United Nations Secretary-General. The Line of Control has great significance due to the nuclear declared capabilities of India and Pakistan. ([W.P.S. Sidhu, 1998](#)) Since 1949, the UNMOGIP has been

working to maintain peace on LoC between India and Pakistan. During this period, many wars, limited wars, LOC skirmishes and violations of the CFL took place and UNMOGIP have regularly reported all this to UN Secretariat as per the basic mandate and guideline of the establishment of the UNMOGIP as well as general policy for the UN Peacekeeping missions.

Composition and Functions of UNMOGIP

The legal basis and mandate of the UNMOGIP have its roots in paragraph 17 of the UNSC of April 21, 1948. ([Westcott, 2020](#)) The first time, Ambassador Colban requested the Secretary-General of the UN to send twenty Military Observers to supervise the ceasefire line. This request was made before the ceasefire agreement between India and Pakistan. The ceasefire was executed between India and Pakistan on January 01, 1949 and the first Military Advisory of the UNCIP reached an erstwhile state of J&K on January 02, 1949 who then communicated for the arrival of the requested twenty observers; (which is a summary of AG-046 United Nations Commission for India and Pakistan (UNCIP) (1948-1950). (1950), 1948-1950) and also to oversight the other relevant matters pertaining to the deployment and working of the Military Observers in this region. In 1951, UNSC decided to terminate the UNCIP through resolution No 91 and also directed the UNMOGIP to continue to supervise the ceasefire line. After the Shimla Agreement of 1971 between India and Pakistan, Ceasefire Line was converted into LoC, and India unilaterally refused to recognize the UNMOGIP and since then never allowed the officials of the UNMOGIP based in Indian administered Jammu and Kashmir to visit the LoC to supervise and report about the violations of the Ceasefire Agreement. The UNMOGIP is still present in Pakistan Administered parts of the erstwhile state of J&K and Gilgit Baltistan and also in Indian Administered J&K with their main offices situated in Islamabad and Delhi, respectively. ([REINER, 1985](#))

The UNMOGIP mostly work near the LOC and working boundary and has the mandate to supervise the violations of the Karachi

Agreement of 1949 and subsequent ceasefire understandings between India and Pakistan. In case of any violation, UNMOGIP reports the violations and any complaints by the parties to the Secretary-General of United Nations through the Department of Peacekeeping Operations. During their mandated activities, the UNMOGIP visit to field stations and perform different relevant field tasks. A Chief Military Observer who is the head of the mission supervise all the activities and the working of the UNMOGIP. The UNMOGIP has its field stations across the Line of Control and Working Boundary. In Pakistan Administered J&K (AJ&K), UN Filed stations are present at Muzaffarabad, Rawalakot, Kotli, and Bhimber. Two Field stations are also situated in Gilgit Baltistan: one in Gilgit and the other in Skardu. As UNMOGIP also has the mandate to supervise the working boundary, there is also a UN Field station along the working boundary in Sialkot. On the Indian Administered J&K, there are three UN Field stations located in Rajouri, Poonch, and Jammu, respectively. Then there is a Liaison Office of the UNMOGIP in Delhi. As far as the working of the UNMOGIP is concerned, all the activities of the UN Filed stations are controlled and supervised by the UNMOGIP main Headquarters. The Headquarters of UNMOGIP is based in Islamabad from November to April every year and then move to Srinagar, Indian Administered J&K from the months of May to October every year. When UNMOGIP Headquarters moved to Srinagar, Indian Administered J&K, a Rear Headquarters became active and operational in Islamabad and when it comes back to Islamabad, then a Rear Headquarters operationalizes in Srinagar, Indian Administered J&K. ([Dawson, n.d.](#))

The Mandate of UNMOGIP under UNSC Resolution

The authority for the command and control of the Peacekeeping missions mainly derived from the mandate of the resolutions of the UNSC or UNGA as the case may be. Therefore, the mandate of the UNMOGIP also based on the resolution of the UNSC, which actually created the mechanism of the UNMOGIP to monitor and report the violations of the CFL in the conflict-affected and divided J&K. Major

General Nimmo was nominated as Chief Military Observer of the UNMOGIP by Secretary-General in 1950 and it is very important to consider the Terms of Reference of his appointment to analyze and review the mandate of the UNMOGIP under UNSC resolutions. ([Hilal Ahmad Wani, 2014](#)) The most important term of reference of the appointment was impartiality, and it was expressly mentioned in the appointment letter that "every endeavor should be made to ensure that military observers are impartial in their decisions". Moreover, the peacekeeping forces have been deployed on the LOC with the expressed consent of both India and Pakistan. Unlike to Collective security, where no consent is required for the interference of the UN, in the case of peacekeeping mission, consent is the essential part of the mission. When UN was deputed UNMOGIP, India asked the UN to mention it expressly that this peacekeeping mission has been deployed with the consent of the parties of the dispute as well as with the consent of the states contributing personnel for the Peacekeeping mission. Besides, the UN Peacekeeping mission is also a moral presence, and it is not to impose the will of the Peacekeepers on the parties to the disputed territory where UN Peacekeeping force. The UNMOGIP has been supervising, monitoring and reporting the ceasefire line in the disputed territory of J&K between India and Pakistan since 1949. The UNMOGIP has been trying to maintain the peace on the LOC, but it has observed many escalations, skirmishes, and violations of the ceasefire line frequently due to impatience and strategic designs of the parties to the dispute of J&K. ([Dawson, n.d.](#))

As far as the mandate and legal basis of the UNMOGIP are concerned, it can be traced back to the paragraph 17 of the Resolution of the UNSC dated April 21, 1948. Furthermore, there was also a reference to the UNMOGIP in the resolution of the UNCIP. In the light of these relevant provisions of the resolutions of the UNSC and UNCIP as stated above, the core objective and mandate of the UNMOGIP is to supervise and monitor the CFL and report the instances of the violations of the ceasefire agreement to the UN to take appropriate actions as per the prevailing rules and practices of the UN. On the receipts of the reports of the UNMOGIP, if UNSC consider any matter very

urgent and alarming, UNSC can call urgent meetings to consider that matter on priority and take important decisions accordingly. ([Hilal Ahmad Wani, 2014b](#))

Causes of the Failure of the UNMOGIP to Maintain Peace across the LoC and its Challenges

There have been numerous factors responsible for the failure of the UNMOGIP in maintaining peace across the LoC. These factors can also be termed as the causes of the failure and challenges being faced by the UNMOGIP during the discharge of its responsibilities under the relevant resolutions of the UNSC. Following are a few significant causes of the failure of UNMOGIP among others:

- i) The UNSC failed to recognize the full gravity and threshold of the situation in the erstwhile state of J&K. This also directly affected the working of the UNMOGIP in the erstwhile state of J&K.
- ii) The UNSC virtually gave up its efforts towards the settlement of the dispute of J&K after the Jarring visit of 1957. That is why, it has been observed that UNSC did not show any active supervisory role of the mandate and working of the UNMOGIP in the erstwhile state of J&K as well as also did not respond in an effective and timely manner to the regular periodical reports of the UNMOGIP duly submitted to the General Secretary of the UN.
- iii) When UNSC failed to settle the difference between India and Pakistan, it also had an impact on the working and mandate of the UNMOGIP and in spite of the mandate of the UNMOGIP under the relevant provisions of the resolutions of the UNSC. The dispute of J&K has been made frozen in the UN since the late 1950s. ([Waqar-un-Nisa, 2017](#))
- iv) There are examples of the wars of 1965, 1971 and Kargil war between India and Pakistan and many other border and working boundary skirmishes as well as violations of the CFL that established the argument that the UNMOGIP failed to prevent wars and maintain peace in this region.

- v) The powers and mandate of the UNMOGIP was very limited as compared to the other peace keeping missions of the UN. This limited scope and mandate of the powers of the UNMOGIP to only observe and report the instances of the violations of the CFL to the UN is also an important factor for the failure of the UNMOGIP to effectively maintain peace in this region. Although, the values of the Neutrality and Impartiality are the core values of the working of UNMOGIP like other missions of the United Nations, but this also effected the role of the UNMOGIP in maintaining peace in the region of the erstwhile state of J&K as UNMOGIP could not directly participate in any direct hostility between India and Pakistan. The UNMOGIP acted as impartial referee and also followed the impartial and direct channel of communication for correspondence with the concerned office of the United Nations. [\(KS, 2006\)](#)
- vi) The attitude of the India to not allow UNMOGIP to work in Indian administered J&K after the war of 1971 was also another important reason for the ineffectiveness of the UNMOGIP in maintaining peace in the region of erstwhile state of J&K. The Indian attitude to not give any importance to UNMOGIP or UNSC is emboldened due to its economic potential and greater market size.
- vii) As the UNMOGIP is one of the missions of the UN so the failure of the UN in peacefully mediate the longstanding conflict of J&K has also affected the role and working of the UNMOGIP.
- viii) It has been observed that the states and other back door channels were more effective as compared to the UNMOGIP and other mechanisms of the UN. That is why, the ceasefire agreement of 2004 and 2020 and other confidence-building measures (CBMs) between India and Pakistan with respect to the conflict of J&K were negotiated and formalized between India and Pakistan through the mediation and good offices of the third states and international organizations other than UN and its mission in the erstwhile state of J&K, i.e.; UNMOGIP. The peace processes between India and Pakistan and deliberations on the Four Points Formula of Musharraf were the result direct and mediated negotiations between India and Pakistan out of the given framework as prescribed by the resolutions of the UNSC and UNCIP on J&K. [\(Waqar-un-Nisa, 2017b\)](#)
- ix) The reports of the UNMOGIP were never made published and not presented to the members of the UNSC. Moreover, India right from the first day considered UN as partial organ inclined towards Pakistan as UN did not declare Pakistan as aggressor. These were also the causes that hampered the working of the UNMOGIP as it has a consent based mechanism.
- x) There is also an impact of Cold war politics on the working and role of the UN and its mission UNMOGIP towards the conflict of J&K. It is not possible to overlook the impact of the external pressure and involvement of world powers in this region that has been affecting the dynamics and politics of this region of South Asia.
- xi) There is now a direct hotline communication between Director General Military Operations (DGMOs) of India and Pakistan regarding the issues pertaining to the ceasefire line violations, ceasefire agreements and escalations on the Line of Control. This clearly shows that the role and working of the UNMOGIP has been overshadowed and curtailed by this bilateral and direct arrangement between India and Pakistan without giving any supervisory role to the peace mission of UNMOGIP deputed to maintain peace across the Line of Control in erstwhile state of Jammu and Kashmir.

Conclusion

It is concluded that the UNMOGIP has a pivotal role in maintaining peace and harmony across the Line of Control and also has the mandate to observe the ceasefire agreement between the forces of India and Pakistan and to report the instances of the violations of the ceasefire

agreements to the Secretary-General of the United Nations. The UNMOGIP has failed to maintain peace in the erstwhile state of J&K between India and Pakistan, and many instances of full-fledged war, limited war, skirmishes and violations of the ceasefire agreements have been happened so far. The one of the important reasons for the ineffective role of the UNMOGIP is the non-recognition of the mandate of the UNMOGIP by India after the Shimla Agreement, 1972. Moreover, the passive role of the United Nations Security Council (UNSC) on the conflict of J&K due to cold war politics in early years and then due to the increasing economic role and trade volume of India in the world also badly affected the working of the UNMOGIP in maintaining the peace across the Line of Control in erstwhile state of Jammu and Kashmir.

To revive and strengthen the role of UNMOGIP, UNSC should pressurize India to give recognition to the mandate and working of the UNMOGIP as per the resolutions of the UNSC on J&K and may provide UNMOGIP an uninterrupted and conducive environment for working in the conflict-ridden and divided region of J&K.

This is also important for UNSC to do timely and effective follow up on the reports of UNMOGIP and arrange special sessions on these reports on a priority basis to prevent any adverse security and humanitarian conditions in the erstwhile state of J&K between India and Pakistan. The UNSC has to recognize the sensitivity and high threshold tension across LoC between two nuclear states of India and Pakistan as well as strategic and security interests of China in this disputed and highest militarized part of the world.

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