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United Nations Involvement in Kashmir Conflict

ABSTRACT: *Third party involvement or mediation is one of the methods to resolve the conflict. Mediation is the process of conflict resolution. In Kashmir conflict, the major involvement for the conflict resolution is the role of United Nations (UN). Actually, Kashmiris have been suppressed through the process of centralization and over centralization. Anyway, United Nations resolutions strengthened the Kashmiri movement of freedom. However, it is also reality that, somehow and somewhere, UN had failed in Kashmir conflict in order to give the final touch to its resolutions. In addition, Kashmir conflict remains a longstanding dispute in international politics. The Kashmir imbroglio could have been resolved if UN had taken its responsibility. On the other side, the main failure of third party mediation in Kashmir context is India's strong rejection to third party mediation. It is not wrong that if Kashmiris were demanding their due share and due rights that is right of self-determination and freedom. All parties of the Kashmir conflict should respect the covenants and resolutions of UN and protect human blood, which is costless. Finally, it can be said that India cannot win the hearts of Kashmiris through might and force basis, rather it is only possible through tolerance, love, respect the dignity of Kashmiris, and above all through greater autonomy.*

KEY WORD: *United Nations, Kashmir conflict, India, Pakistan, third party, conflict resolution, and right of self-determination.*

IKHTISAR: *Artikel ini berjudul "Keterlibatan Perserikatan Bangsa-Bangsa dalam Konflik Kashmir". Keterlibatan pihak ketiga atau mediasi merupakan salah satu metode untuk menyelesaikan konflik. Mediasi adalah proses penyelesaian konflik. Dalam konflik Kashmir, keterlibatan utama untuk resolusi konflik adalah peran PBB (Perserikatan Bangsa-Bangsa). Sebenarnya, Kashmir telah ditekan melalui proses sentralisasi dan sentralisasi yang berlebihan. Lagi pula, resolusi PBB memperkuat gerakan kemerdekaan Kashmir. Namun juga kenyataan bahwa, entah bagaimana dan dimana, PBB telah gagal dalam konflik Kashmir untuk memberikan sentuhan akhir untuk resolusinya. Selain itu, konflik Kashmir tetap menjadi sengketa lama dalam politik internasional. Keruwetan Kashmir bisa saja diselesaikan jika PBB telah mengambil tanggung jawabnya. Di sisi lain, kegagalan utama mediasi pihak ketiga dalam konteks Kashmir adalah penolakan yang kuat dari India untuk mediasi pihak ketiga. Maka tidak salah jika Kashmir menuntut bagian dan hak-hak mereka yakni hak penentuan nasib sendiri dan kemerdekaan. Semua pihak dalam konflik Kashmir harus menghormati perjanjian dan resolusi PBB dan melindungi jiwa manusia, yang tiada terkira. Akhirnya, dapat dikatakan bahwa India tidak bisa memenangkan hati rakyat Kashmir melalui kekuatan dan basis tentara, melainkan hanya mungkin melalui toleransi, cinta, menghormati martabat rakyat Kashmir, dan di atas semuanya melalui otonomi yang lebih besar.*

KATA KUNCI: *Perserikatan Bangsa-Bangsa, konflik Kashmir, India, Pakistan, pihak ketiga, resolusi konflik, dan hak menentukan nasib sendiri.*

INTRODUCTION

"In our search for lasting solution to Kashmir problem, both in its external and internal dimensions, we shall not traverse solely on

the beaten track of the past. Mindsets will have to be altered and historical baggage jettisoned", Atal Behari Vajpayee, Prime Minister of India, on January 2002 (cited by Bose, 2003:1).

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“If we want to normalize relations between Pakistan and India, and bring harmony to the region, the Kashmir dispute will have to be resolved peacefully through a dialogue, on the basis of the aspirations of the Kashmiri people. Solving the Kashmir issue is the joint responsibility of our two countries [...] Mr. Vajpayee [...] I take you up on this offer. Let us start talking in this spirit”, General Pervez Musharraf, President of Pakistan, on January 2002 (cited by Bose, 2003:1).

Kashmir conflict remains both a struggle for a land as well as about the rights of people to determine their future. From the very beginning, when Kashmir conflict reached in United Nations platform at that time, it was declared by the UN (United Nations) that let Kashmiris decide their own destiny and future; in other sense, it is also called plebiscite that means people are free to decide their own will. Although UN had played a good role in preventing, the hostilities and antagonistic attitude of two countries (India and Pakistan), but it did not play any crucial role as an international body in order to protect the interests of Kashmiris.

What was wrong if Kashmiris as marginalized people were demanding their due share and their due rights? Kashmir problem could have been solved if UN had played its role, but every learned man knows that international politics is totally based on some kind of interest or bargaining. India always rejected the plebiscite notion, which is the major reason that India never tolerated any third party mediation and involvement in Kashmir issue.

Since 1947, Kashmiris are fighting for their right to self-determination and special rights, which India violated through the discriminatory and power means. Many gross violations took place in Jammu and Kashmir still it is going on, but the question is why UN is silent and not doing anything in order to prevent the cycle of violence and barbarism of India over Kashmiris (Ganguly, 2003). Has UN failed in

its agendas and primary objectives? The need is to secure humanity be it Kashmiris, or any body else, because the human blood is much worthy and costly no body can pay its cost (Ahmad Wani, Suwirta & Fayeye, 2013b).

It is quite clear that if UN will not play its positive role in Kashmir conflict, then, whole of South Asian region will remain under the grip of suspicion and turmoil; and on the other side, UN popularity as an international organization will come to end. Kashmir, along with the Israeli-Palestinian conflict and the war in Korean peninsula, was among the first crisis that the United Nations had to confront in the post-world war II period. More than sixty years have passed when the Kashmir conflict was first debated and discussed at the UN platform.

However, it is irony that conflict is yet continues and it needs complete solution. The UN involvement in the Kashmir conflict largely lasted for 17 years (1948-1965). After the Indo-Pak (India-Pakistan) war of 1965, the engagement with Kashmir continued at a very nominal level till the third Pakistan-India war of 1971. It completely ended with the signing of the Shimla Agreement in 1972, an Indo-Pak peace agreement, which laid emphasis on adopting a bilateral framework to solve the Kashmir imbroglio and kept the UN out of the picture afterwards.

During the course of its engagement with the Kashmir conflict, spanning 23 years (1948-1971), the UN passed a number of resolutions, which were aimed at mediation and the resolution of the conflict. Between 1948 and 1971, the UN Security Council passed 23 resolutions on Kashmir conflict. The UN resolutions regarding the Kashmir issue are not self enforceable. In other words, the resolutions are recommendatory in nature and can be enforced only if the parties to the dispute, viz. India and Pakistan, consent to their application (Ahmad Wani, Suwirta & Fayeye,

2013a). Indian refusal to implement the UN resolutions on Kashmir was to relegate them to the margins of the conflict (Ganguly, 2003:173).

India lodged a complaint under Art.35 (Chapter VI) of the UN Charter in the UN Security Council on 1 January 1948, charging Pakistan with “aiding and abetting” the Pakistani tribal invasion in Jammu and Kashmir. In the United Nations, India claimed that all the territories of the Princely State of Jammu and Kashmir legally belonged to her by the virtue of the treaty of accession signed by the Hindu King of the Kingdom with the Indian Union (Mohd Pir & Rashid Shiekh, 2013). Two weeks later, Pakistan responded to the Indian complaint with counter charges. Pakistan denied having aided the raiders, accused India of annexing Kashmir and of trying to throttle Pakistan in its infancy.

**DEBATS ON KASHMIR
IN THE UNITED NATIONS**

The first UN (United Nations) debate on Kashmir started under the rubric of “Kashmir Question”. However, the Pakistani delegation argued that the Kashmir Question had to be seen in the context of India’s attempts to negate the existence of the newly born State of Pakistan and that the conflict in Kashmir was threatening the very survival of Pakistan. The Pakistani argument was to prevail and the debate in the UN shifted from “Kashmir Question” to “India-Pakistan Dispute”.

The UN Military Observers Group, that was later established in divided territories of Kashmir with offices in both Indian Occupied Kashmir and Pakistan Occupied Kashmir, was to be known as “UN Military Observer Group in India and Pakistan” (UNMOGIP) and not as “UN Military Observer Group in Kashmir”. The job of the group was to monitor, investigate, and report complaints of ceasefire violations along the “ceasefire line” in Kashmir to the United Nations.

After hearing Indian and Pakistani representatives, the UN Security Council passed its first resolution (Resolution 38) on Kashmir conflict on 17 January 1948, calling India and Pakistan to exercise restraint and ease tensions. Three days later, on 20 January 1948, the Security Council passed another resolution (Resolution 39), creating the United Nations Commission for Indian and Pakistan (UNCIP) to investigate the dispute and mediate between the two countries led by Britain and the United States of America.

The UN Security Council passed another resolution (Resolution 47) on 21 April 1948, which enlarged the membership of the UNCIP from 3 to 5, called the cessation of hostilities between India and Pakistan, withdrawal of all Pakistani troops and tribesmen and bulk of Indian troops (except for a minimal number required for maintaining law order), allowing return of refugees, release of political prisoners, and holding of a UN supervised plebiscite in the Princely State of Jammu and Kashmir to determine the aspirations of her people. The plebiscite was to be held by a UN appointed plebiscite administrator. The UN Security Council passed another resolution on 3 June 1948, which reaffirmed the previous resolutions and asked the UNCIP to proceed to the “disputed areas” to carry out its mission as stated under Resolution 47 of 21 April 1948.¹

The United Nations Commission’s plan for a cease-fire and Truce Agreement was formalized in its resolution of 13 August 1948, which proposed that:

Question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite: a plebiscite will be held when it shall be

¹See, for example, [file:///H:/pen_data_un/Kashmir and United Nations.html](file:///H:/pen_data_un/Kashmir_and_United_Nations.html) [accessed in Kuala Lumpur, Malaysia: 10/12/2013].

found by the Commission that the ceasefire and truce agreements set forth in the parts I and II (regarding the ceasefire and withdrawal of Pakistani troops in the State of Jammu and Kashmir, respectively) of the Commission's Resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed; the Secretary-General of the United Nations will in agreement with the commission, nominate a "plebiscite administrator" who shall be personality of high international standing and commanding general confidence (cited in Hilali, 1997).

The UNCIP (United Nations Commission for Indian and Pakistan) reached the Indian sub-continent in July 1948 and after deliberations with Indian and Pakistani leadership, produced a proposal, which called for an immediate ceasefire and truce agreement between India and Pakistan, withdrawal of all Pakistani tribals and nationals, and bulk of India's troops. India rejected the proposals on the basis of the argument that the proposal did not opportune and blame on Pakistan, which India considered as the aggressor in Kashmir; whereas Pakistan rejected the plan as the interim administration of valley of Kashmir and the territories that had fallen under Indian control had been assigned to Sheikh Abdullah's control.

Sheikh Abdullah, who had become the Prime Minister of the autonomous Jammu and Kashmir State on 5 March 1948, was considered by Pakistan as India's ally and by implication could influence the plebiscite in India's favour. Pakistan also rejected the agreement on the ground that it was supposed to withdraw all its forces from the state; whereas India allowed to retain some of its troops to maintain order, which could potentially lead to coercion or intimidation of voters by Indian forces to influence the outcome of the proposed plebiscite (Hilali, 1997:65-72).

On August 14, 1948, the UNCIP submitted proposals to the Indian and

Pakistani government, which for the first time contained an acknowledgement from Pakistan about the presence of its troops in the State of Jammu and Kashmir. The proposal envisioned the withdrawal of Pakistani troops and nationals, and bulk of Indian troops from the state, subsequent to their withdrawal the administration of the territory was to be run by the commission.

On December 11, 1948, the UNCIP laid out a new set of proposals that elaborated on the question of plebiscite in the State of Jammu and Kashmir. As per the proposals stated:

[...] "the question of accession to India or Pakistan" was to be decided by a free and impartial plebiscite, which was contingent upon having a case-fire. The two countries accepted the cease-fire plan and allowed the UN to observe the ceasefire from 1 January 1949. The ceasefire line "went through the western part of Jammu and the eastern part of Poonch, leaving the capital city of Poonch on the Indian side of the line, then crossed the Jhelum River at a point west of Uri and made a large sweep following the valley of the Kishinganga River. From there, it proceeded to Kargil, which also remained on the Indian side, and then north-west to the Chinese border. Hunza, Gilgit, Baltistan, Chilas, the great part of Poonch, and the smaller part of Jammu remained in control of Pakistan and Azad Kashmir" (cited in Bazaz, 1951:326).

On January 5, 1949, the United Nations came up with a new plan for a plebiscite. To address Pakistan's fears that the plebiscite outcome may be influenced in India's favour by Sheikh Abdullah, who was seen as close to Indian PM (Prime Minister) Nehru, and had been appointed as the interim head of Jammu and Kashmir administration and the limited Indian troops which were meant to maintain law and order during the plebiscite.

The UN proposed that the State of Jammu and Kashmir should be under the full control of the Plebiscite Administrator. The Plebiscite

Administrator was to enjoy quasi-sovereign powers over the State of Jammu and Kashmir. The proposal was rejected by the Indian side, which maintained that the state had become a part of the Indian Union.

In December 1949, UNSC (United Nations Security Council) President, General A.G.L. McNaughton, tried to mediate between Indian and Pakistan at the UN, but failed to manage an agreement between the two sides. General A.G.L. McNaughton submitted a series of proposals, suggesting demilitarization of Kashmir to ensure an impartial plebiscite in Kashmir. These proposals were rejected by India.

After the failure of General A.G.L. McNaughton proposals, the United Nations replaced the UNCIP by a single UN representative Owen Dixon in 1950. Owen Dixon, after meeting the officials of India and Pakistan, soon concluded that there was a little or no hope regarding an Indo-Pak agreement on demilitarization proposals. Owen Dixon came up with a set of proposals, which envisioned holding a "regional plebiscite in the State of Jammu and Kashmir".

The proposals submitted to the UN Security Council in 1950, suggested: (1) Holding a plebiscite in the whole State of Jammu and Kashmir, region by region; and (2) Holding a plebiscite only in regions which were "doubtful", the rest would constitute those regions that were expected to vote definitely either for an accession with either India and Pakistan. The "doubtful" region was meant to be the valley of Kashmir.

However, India and Pakistan could not come to an agreement on the Owen Dixon proposals. After the failure of Owen Dixon, the UN appointed Frank Graham as a UN representative to mediate between Indian and Pakistan to get them to agree on holding a plebiscite in Kashmir. Frank Graham worked from 1951-1953 without meeting any success. Frank Graham was followed by Gunnar Jarring in 1957, who also

failed to make any headway on Kashmir (Lamb, 1992:228-230).

In the wake of the termination of the mandate of UNCIP, the UN Security Council passed Resolution 91 on 30 March 1951, which established the UNMOGIP (United Nations Military Observer Group in India and Pakistan) to monitor the ceasefire line (now called *Line of Control*, the border that divides Indian and Pakistani controlled parts of Kashmir) in Kashmir. The UNMOGIP still maintain its presence in both Indian Administered Kashmir and Pakistan Administered Kashmir.

On 23 January 1957, India's client regime in Jammu and Kashmir, led by Bakshi Ghulam Mohammad, adopted a constitution for the state and a resolution ratifying the state's accession with India. Pakistan raised the issue in the UN Security Council and a day after, the UNSC (United Nations Security Council) passed a resolution, which reiterated the earlier UN resolutions on Kashmir that called for a final settlement of the dispute "in accordance with the will of the people expressed through the democratic method of free and impartial plebiscite conducted under the auspices of the UN" (Lamb, 1992:229).

Thus, the 1957 UN resolution deemed any constitution change undertaken by India within Indian Administered Kashmir as irrelevant to the resolution of Kashmir conflict. The Owen Dixon plan seemed to be the last serious endeavour on part of the UN to solve the Kashmir conundrum. Although Pakistan kept raising the Kashmir issue in the United Nations in the 1960s, UN involvement in Kashmir was considerably reduced after Indo-Pak war of 1965. In 1962, the Kashmir question was again debated and discussed in the UN Security Council.

However, the UNSC failed to pass a resolution on Kashmir in view of a Soviet Union veto, which discouraged the UNSC from pursuing the Kashmir

question afterwards. The UN was virtually elbowed out of the Kashmir dispute by Russia after the Indo-Pak war of 1965, when Russian negotiated the Tashkent Peace Agreement between the two rival nations on January 1965. During the Indo-Pak 1965 war, the UN passed a strongly worded resolution, calling on India and Pakistan to agree on a ceasefire.

However, it was only after intense pressure applied by the two superpowers, USA (United States of America) and the Soviet Union that India and Pakistan agreed to observe a UN sponsored ceasefire on 23 September 1965. The last UNSC resolution (307) that dealt with Kashmir was passed in the wake of the India-Pakistan war of 1971, where Kashmir was not at the centre of the conflict between the two countries. The resolution could be passed only after Indian had declared a unilateral ceasefire. UNSC attempts to pass resolutions during the 1971 war were blocked by a Soviet Union veto and with the signing of the Shimla peace accord between India and Pakistan in 1972, which laid stress on bilateral solutions to the Kashmir issue, the UN involvement in Kashmir was in reality dead (Brown, 1993:162).

The failure of the UN in mediating a solution to the Kashmir dispute can be largely ascribed to Indian refusal to heed to the resolutions. India had taken the issue to the UN with the hope that the international body would declare Pakistan as an aggressor in the 1947-1948 war and would help her to gain control over Pakistan Administered Kashmir as India claimed the whole of Kashmir by virtue of the accession treaty signed by the Maharaja of Jammu and Kashmir with her. Contrary to India's expectations, the UN called for a plebiscite in Kashmir. Consequently, India was to shy away from implementation of UN resolutions.

The fresh delineation "cease-fire line" which was originally established

in 1949, after the Indo-Pakistan ceasefire in Jammu and Kashmir by India and Pakistan in 1972, converted the "ceasefire line" into Line of Control (LOC), which from an Indian perspective turned the temporary border in the disputed territory of Kashmir into a de facto "permanent border between" India and Pakistan. Pakistan was forced to accept the change in the wake of its defeat in the 1971 war.

India contended that with the formation of Line of Control, the mandate of the UNMOGIP had expired. However, Pakistan insisted that the "UN Military Observer Group in India and Pakistan" (UNMOGIP) continue monitoring the LOC as it was a disputed border; and that the "LOC" was in fact the original ceasefire line. India wanted the UNMOGIP to leave, as it did not want to accept any sort of international intervention in the Kashmir conflict.

Since 1972, India has not reported to the UNMOGIP, whereas Pakistan has continued to report Indian violations of the LOC to the observer group, while the movement of the UNMOGIP is unrestricted in Pakistan Administered Kashmir. The Observer group is nowhere in sight beyond their office premises at Sonawari locality of Srinagar. With its limited mandate, the group has played virtually no role in the conflict after 1972. Even during the popular Kashmir uprising in 1989-1990, when hundred and thousands of Kashmiris marched in pro-freedom processions in Kashmir valley and when thousands crossed the LOC to receive arms training, the UNMOGIP remained in Liberation in its Srinagar office.

In October 2001, the UNMOGIP Chief, Major General Hermann Loidolt, described Kashmir as a "tormented country" and blamed India and Pakistan for playing games with Kashmir. The observer also described the LOC as a ceasefire-line and a disputed border, which fell under UNMOGIP mandate. The statement evinced a sharp reaction

form India, which called the UN observer's statement as "uncalled for" and the Indian External Affairs Minister threatened to lodge a complaint in the UN against the Observer.

Not surprisingly, Major General Hermann Loidolt statement was welcomed by Kashmiri separatist leaders (Behera, 2008:208-215). The most recent UN effort to engage with Kashmir came during the Indo-Pak border confrontation of 2002, when India mobilized half a million troops along its border with Pakistan to pressurize Pakistan to stop aiding insurgents in Kashmir. UN Secretary-General, Kofi Anan, efforts to mediate during the crisis were snubbed by India. Kofi Annan was not allowed to visit India and to placate Indian fears; Kofi Annan stated that UN resolutions on Kashmir were not "enforceable in a mandatory sweep" (cited in Behera, 2008:211).

Nevertheless, the Kashmir issue was for a long time discussed and debated in the United Nations, which then accepted the principle of a plebiscite to resolve the Kashmir conflict. Hopes were raised in the early 1950s for an Indo-Pakistani reconciliation, but the issue has remained a bone of contention between the two major actors of South Asia.

There were chances to resolve the Kashmir issue in its early stages through international arbitration and by reference to the Kashmiris-themselves – as was agreed by both Pakistan and India – the course of events in South Asia would have been quite different. Even the wars of 1965 and 1971, as well as the futile and extremely expensive arms race, could have been avoided and minimized.

UNITED NATIONS STRENGTHENED KASHMIRI MOVEMENT

Though UN (United Nations) involvement in Kashmir has been reduced to a naught, the existence of UN resolutions on Kashmir has greatly shaped Kashmiri political identity *vis-à-*

vis the Kashmir conflict. The disputed status of Kashmir, as declared by the UN, played on the psyche of Kashmiri people and strengthened their distinct political identity. The UN involvement in Kashmir has left a firm imprint on separatist party, Plebiscite Front, alluded to and took its name from the UN's notion of plebiscite (Schofield, 2004:1-4).

The party was established in 1955 in Indian Administered Kashmir by Sheikh Abdullah's close associate, Afzal Beig, and defined the Kashmiri self-determination movement for around two decades. In Pakistan Kashmiri nationalists formed Administered Kashmir, a pro-independence party, also by the name of Plebiscite Front. Though not formally linked to the Kashmir valley centered, Plebiscite Front shared its political vision.

Despite that, the UN resolutions on Kashmir gave Kashmiris only two choices to determine their political fate, *viz.* accession to India or to Pakistan; and the Plebiscite movement in both parts of Kashmir while calling for a UN referendum in Kashmir wanted the inclusion of an independent Kashmir as a political option in the plebiscite.

From 1955 to 1974, the words, Plebiscite Front and Plebiscite, known as *Mahaz-e-Rai Shumari* and *Rai-Shumari*, respectively, in Kashmir were to dominate the popular political discourse in Kashmir. "Hold the plebiscite now, holds it fast", constituted the key slogans of the Plebiscite movement in Kashmir during the 1950s and 1960s (Schofield, 2004).

When a popular uprising broke out against Indian rule in Indian administered Kashmir in 1990, one of most shouted slogans during pro-independence processions was to be, "until a plebiscite is held, our struggle will continue". During the heady days of the 1990, uprising large pro-Independence processions of Kashmiris would often lead to the UNMOGIP

(United Nations Military Observer Group in India and Pakistan) headquarters in Srinagar to lodge protests and call on the UN to implement its resolutions on Kashmir.

In one such procession, more than a million Kashmiris marched up to the UNMOGIP headquarters in Srinagar on 1 March 1990, shouting pro-freedom slogans and calling for a UN supervised plebiscite. The crowd also submitted memorandum to UN Secretary-General urging him to intervene and push India into granting Kashmiris their “right to self determination”. Even now, it is a common practice among Kashmiri separatists to send memorandum to the UNMOGIP in Srinagar, demanding implementation of UN resolutions in Kashmir or the fulfillment of the right of self-determination of Kashmiris.

In the ongoing wave, pro-independence mass protests in Kashmir, Kashmiris are again looking towards the UN with a faint hope. On August 18, 2008, responding to the call of separatist leaders who had called for a mass march up to UNMOGIP office, hundreds of thousands of people from the length and breadth of the valley converged near the Tourist Reception Centre, close to the UNMOGIP office in Sonawari locality of Srinagar to urge on the UN to intervene in Kashmir. The sea of people comprising students from schools, colleges and universities, doctors, teachers, paramedics, thousands of Kashmir government employees, professionals, and peasant masses-carried placards which read, “Stop Genocide of Kashmiris, Intervene UNO [United Nations Organization]”, “Banki-Moon, Come Soon”, “We Want Plebiscite”, etc (Koithara, 2004:34-35).

Representatives of the Kashmiri separatist leadership presented a memorandum (addressed to UN Secretary-General, Banki-Moon) to the UNMOGIP Observers, urging on the UN to intervene in Kashmir. The memorandum, which was also

published in the local press in Kashmir valley, stated as follows:

We, the people of Jammu and Kashmir, have firm faith in the institution of United Nations, which has been working for the mitigation of the sufferings of the oppressed around the world, will actively engage/monitor and intervene in Jammu and Kashmir; and (1) Call upon India to end its forcible occupation of Jammu and Kashmir and also desist from use of brute force against the people of Jammu and Kashmir; and (2) By itself take all effective measures in giving the people of the state, the chance to exercise their right to self-determination for deciding their future as has been conceded to them by Pakistan and India and approved by the United Nations Organization (cited in Koithara, 2004:36-37).

Some of the protestors carried copies of the memorandum, which had been circulated by the “Coordination Committee” of the separatist leadership. In Kashmir’s current media and popular discourses on Kashmir conflict, “UN Kashmir relationship” has again come under focus. Kashmir valley’s largest selling English daily, *Greater Kashmir*, recently cited Zafar Shah, an eminent Kashmiri lawyer, as saying “*When armed resistance broke out in the valley in 1990, at least 600 memorandums were presented to the UN Observers stationed in Kashmir*”. Zafar Shah, a Kashmiri nationalist, further said as follows:

The UN resolutions passed in 1948 are the backbone of the Kashmir struggle and give legitimacy to it. Despite the UN’s gross failure in Kashmir, the presence of UNMOGIP office in Kashmir continues to symbolically affirm the Kashmiri sentiment that their land is not yet another Indian state but an internationally recognized disputed territory and their cause is a historical and just one (cited in Hilali, 1997:80-84).

The words of “United Nations”, “Self-Determination”, and “Plebiscite” have become integral to the Kashmiri political lexicon. Though the UN has failed in bringing about a solution to the Kashmir

conundrum, its past involvement in Kashmir conflict has undoubtedly provided legitimacy and strength to the separatist argument in Kashmir (Ahmad Wani & Andi Suwirta, 2013).

Ironically, on the one hand, Kashmiri separatism has drawn strength from the UN resolutions but, on the other hand, the framing of the Kashmir conflict as an India-Pakistan (inter-state) conflict in the UN has prevented international recognition of the Kashmiri nationalist movement as the defining characteristic of the present day Kashmir conflict.

CONCLUSION

The history of the Kashmir negotiations is marked by a series of failures, lack of trust, and mutual suspicion on the part of both Pakistan and India. Several times negotiations took place, but ultimately ended without constructive result. India never accepted any proposal concerning demilitarization and holding a plebiscite in Kashmir. In this perspective, Kashmir is still a most important irritant between India and Pakistan.

However, the trouble of Kashmir is wholly indigenous and India's stand on the issue is morally bankrupt and politically indefensible. Throughout the earlier years till the present day, the Kashmir has been a source of misery, tension, instability, and bloodshed in South Asia. India had no hesitation in backing out from all commitments and is not willing to accept UN (United Nations) resolutions. India claims that UN resolutions (13 August 1948 and 5 January 1949) are undisputed and inviolable principle – the principle of the right of self-determination – which forms the cornerstone of many international charters and declarations designed to establish national and human rights around the world on firm foundations.

The facts of the Kashmir issue show that numerous historic opportunities were lost to resolve the stalemate of Kashmir due to obstinacy on the part of

the Indian leadership. The concessions from both sides under the UN auspices, as initially agreed by them, could have helped South Asia to avert a continuum of unnecessary tragedies that were to befall its peoples. In the same vein, Nehru-Ayub talks unable to mature into an agreement on Kashmir. Neither the wars nor the various summits between Pakistan and India resulted in a tangible solution to the problem.

The Shimla Accord underlined Pakistani pronouncements on Kashmir being a disputed territory, which needed to be resolved through more resolute efforts, particularly through negotiations or by UN resolutions. Kashmir conflict is long standing unresolved dispute and it remains a matter of international interest. The United Nations retains the status in this matter, which it was granted by the original Indian reference under Article 35 of the UN Charter, and the Security Council still has the duty to endeavour to bring about by persuasion the implementations of its resolutions.

Although secessionism is not a good option to be adopted in Kashmir context, rather greater autonomy is best mechanism to be restored and protected. UN could play a greater role in order to check gross violations of human rights and misuse of powers in Kashmir valley. As an international community, it can pave a way to peace and prosperity in disturbed areas like Kashmir.

It can be said tactfully that if UN will not play its work, which it has been assigned, then, there is no need of such institution. Paradigm shift could be made when India and Pakistan, including Kashmiris, will accept the resolutions of United Nations; otherwise, it would be a tough task to be resolved. Keeping in view the respect of United Nations among the countries of world, it is better option for both India and Pakistan to go through the provisions and covenants of United Nations and resolve the Kashmir problem without

following the path of terror and insecurity.

International mediation or involvement, whether through UN or other international bodies, could be best mechanism for the conflict resolution process in Kashmir. However, irony is that India rejects third party mediation because India knew that it would expose the actuality of Kashmir conflict. Whereas the second rival, Pakistan, invites third party mediation for resolving the Kashmir issue. The UN has twice called for a referendum in Kashmir, which is yet to be held.

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