

The Kashmir Crisis and the Futility of U.N. Peacekeeping

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Introduction

U.N. focus and mandate have become more complex and multifaceted regarding establishing international peace and security in the conflict-ridden areas (Malone & Thakur, 2001; Sloan, 2014). The peacekeeping mandate has evolved from being an arbiter to being actively involved in political processes, Protection of Civilians (PoC), upholding human rights enshrined in the United Nations Declaration of Human Rights (UNDHR), and implementing the general rule of law. Disarmament also remains a crucial mandate of the U.N. peacekeeping agenda in the conflict-ridden context around the world (Howard & Dayal, 2017). Currently, U.N. has 12 active peacekeeping missions worldwide, led by the Department of Peace Operations (DPO)². The majority of their involvement remains in the highly volatile Sub Saharan and Central African countries. These include interventions like the Mission for the Referendum in Western Sahara (MINURSO), Multidimensional Integrated Stabilization Mission in CAR (MINUSCA) and Stabilization Mission in the Democratic Republic of Congo (MONUSCO) (United Nations Peacekeeping, n.d.).

Nevertheless, there are several contexts where U.N. peacekeeping operations or deployments have failed to bring stability or normalization. The case of Kashmir is one such protracted conflict that has remained an unresolved agenda on the U.N. mandate since 1948 when India sought resolution of the issue at the U.N. Security Council (UNSC). It has remained a source of contention between India and Pakistan; both the nuclear-armed countries laying claim over Kashmir. Kashmir has immense geostrategic value as it borders India, Pakistan, and China. In addition, the territory hosts the Indus river basin and the Silk route (Ilyas, 2021; Mahesar et al., 2015). China also controls part of the valley near the border with Tibet. This complexity has created an amalgam that has wreaked havoc for the past half a century. Despite the United Nations Military Observer Group in India and Pakistan (UNMOGIP³) engagements, the border (between India and Pakistan) is still highly volatile and contested, and military presence has only increased in recent years. Regular clashes

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² Department of Peace Operations: <https://peacekeeping.un.org/en/departments-of-peace-operations>

³ UNMOGIP: <https://unmogip.unmissions.org/background>

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and violations of the U.N. brokered ceasefire continue. Therefore, the role of the U.N. and its peacekeeping effort in the region (UNMOGIP) must be assessed.

UNMOGIP in Kashmir

The hitherto princely state of Jammu and Kashmir is a territory of nearly 222,236 km² with a majority Muslim population — the only state in India with such demography. After the war in 1947, the Northern part of the state, including Gilgit-Baltistan and the now labelled Azad Jammu and Kashmir (AJK), ascended to Pakistan. The southern and south-eastern Jammu and Kashmir (J&K) became de facto parts of India. In addition, the Chinese gained control of the Aksai Chin, the eastern border with Tibet, after the 1962 war against India (Ilyas, 2021).

The Kashmir dispute between India and Pakistan represents the oldest unresolved mission on the U.N. peacekeeping agenda. There are numerous UNSC resolutions regarding the disputed territory. Considering the geostrategic significance of Kashmir, it has become highly challenging for India and Pakistan to find common ground. Jawaharlal Nehru first approached the U.N. in 1948 to mediate on the Kashmir issue. This subsequently led to the first U.N. resolution and the United Nations Commission for India and Pakistan (UNCIP) on January 20, 1948. Both countries were refrained from using further violence to establish their territorial control(s). With regards, the U.N. arranged the first ceasefire between the two neighbors in 1948 after war broke out in 1947 over the demarcation of the Kashmir valley. Since 1949, the UNMOGIP has been ever-present in the region to oversee compliance with the ceasefire.

It was further decided that a general plebiscite be held in the disputed valley of Kashmir to determine the future course of action (e.g., Qadri, 2019). However, the U.N. has failed to implement mechanisms for the said referendum. UNCIP and its successor UNMOGIP advised, according to the Security Council resolution, that all foreign troops be removed from the region before a plebiscite is to be held. That condition has never materialized. India has been continuously contesting the plebiscite while claiming that Kashmir is an ‘internal’ matter and U.N. has no mandate to interfere in the internal issues (Sundararaman, 2000). Therefore, despite the UNMOGIP role (i.e., U.N. peacekeeping mission is mandated to protect), the hostilities between the two rival nations continue to ravage the people of Kashmir.

It is also important to recognize that the effectiveness of U.N. intervention in Kashmir has been *conditional*. The conditionality for interventions has been the involvement of interests of major powers (i.e., P5⁴). During the cold war era, countries that were aligned with either the U.S. or USSR were off the U.N. mandate in an unofficial and practical capacity. Not necessarily due to a lack of will, but often due to the veto power held in the UNSC. Examples of the Hungarian Rising (1956) and the Civil War in Congo (1960-64) are indications of how helpless the U.N. peacekeeping forces are when faced with stern resistance from a formidable opposition, which in these two cases was Russia (Lowe, 2013). The issue of Palestine is another glaring example where U.N. remained docile despite the extreme humanitarian crisis (Kamal, 2021); impacting the integrity of the U.N., especially among the weaker nations (Lowe, 2013). Similarly, regarding Kashmir, there are different international dynamics at play. For instance, India is an important ally of the U.S. enjoying full support in the U.N. Correspondingly, China has had historically

⁴ P5 countries refer to the permanent members of UNSC, including USA, UK, France, Russia and China. P5+1 refers to the inclusion of Germany to the council as permanent representatives.

strong ties with Pakistan, and the rise of China as a global power means that Pakistan's position towards the cause of Kashmir will be well supported.

The underperformance of U.N. can be underpinned by three major factors; inadequate policy framework; weak management; and impractical operational tactics (Malone & Thakur, 2001). One can add a fourth dimension by considering the acute problem of *conditionality* imposed on fund and personnel provision. The U.N. relies on funding from member states to run its operations. The US. and China are their most dominant financiers (Shendruk & Rosenthal, 2021). This creates dependence on the part of the U.N. that is contrary to the multilateral spirit of the organization. This crucial chink in the U.N. armour is exploited repeatedly and virtually influences decision making when it comes to peacekeeping in critical areas. The U.N. is inadvertently acting as a rubber stamp for the countries with the highest input in terms of providing funds and personnel to the body. The acute lack of funding to the peacekeeping mission in different parts of the world has exposed U.N., and resultantly there are several lessons to be learned. The case of UNMOGIP is no exception. The U.N. barely has enough people in the area to monitor the events that unfold in this highly volatile region, let alone enforce peace and development. According to U.N. data, there are 109 UN operatives in the UNMOGIP, including 68 civilians and 41 experts of the mission. The budget allocated is around \$10 million out of the total peacekeeping budget of \$6.38 billion allocated for the year 2021 (United Nations, 2021). The idea behind the presence of U.N. in the area is to monitor the ceasefire after the Kargil war of 1997 and make sure that human rights are not violated in any form.

Concluding Remarks

According to several sources, more than a hundred thousand people have lost their lives in the conflict of Kashmir since 1989 (including civilians and armed forces personnel, both India and Pakistan). One estimate puts the death toll due to terrorism-related incidents to 70,000 from 1989 to 2017 (Rai, 2018). Politics, rhetoric, and the occasional condemnation followed by more promises are all the Kashmir people have had from the U.N. and its representatives. The validity and success of peacekeeping efforts are assessed on both actions and omissions of the use of *authority* (Lundren, Oksamytna, & Bove, 2021). In the case of Kashmir, there is a serious omission of the use of force where required and silence where there should be coherent and substantive chatter. A proposed way forward for the betterment of overall performance and fulfilling the original mandate of U.N. would start with the adherence of all members of UNSC, the extended committees and Military Staff Committee (MSC) to work on a linear and focused plan of action for the greater good of global population rather than political motives.

The Independent High-Level Panel for Peace Operations (HIPPO) is an effort in this direction. The excessive control in the UNSC by the three nations, the U.S., U.K, and France, needs to be checked before any progress (van der Lijn et al., 2017). Peacekeeping is a complex phenomenon and needs to be addressed on multi-levels with engagement on the participatory level of conflicted communities and a responsible, humane approach for all relevant stakeholders.

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