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External Intervention on Kashmir Issue

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Why in News

Recently, at the **World Economic Forum (WEF)** summit in Davos Pakistan has reiterated the United Nations (UN) and United States(US) intervention in Kashmir issue.

Key Points

- Pakistan has demanded that UN Military Observer Group in India and Pakistan (UNMOGIP) be allowed along the Line of Control(LoC).
- Pakistan also wanted US intervention in the Kashmir issue to help de-escalate tensions with India and prevent the possibility of nuclear conflict.
- India has always **rejected the third party role** in its bilateral relationship with Pakistan.

UN Military Observer Group in India and Pakistan (UNMOGIP)

- It was established in **January 1949**.
- After the first war in Kashmir (1947-1948), India approached the **United Nations Security Council (UNSC)** to bring the conflict in Kashmir to the notice of Security Council members.
- In **January 1948**, the UNSC adopted **Resolution 39**, establishing the three-member **United Nations Commission for India and Pakistan (UNCIP)** to **investigate and mediate the dispute**.
- In April 1948, by its **Resolution 47**, the UNCIP was reconstituted as UNMOGIP.

United Nations Security Council Resolution 47

- It is concerned with the **resolution of the Kashmir conflict**.
- According to it, Pakistan was to withdraw its nationals who had entered the State for the purpose of fighting and to prevent future intrusions.

- The five member UNMOGIP reconstituted through this resolution urged India and Pakistan to hold a **plebiscite** after the restoration of law and order.
- **UN Military Observer Group in India and Pakistan (UNMOGIP)** was meant to supervise the **Cease Fire Line (CFL)** established in Jammu and Kashmir in July 1949 under the **Karachi Agreement**.
- UNMOGIP is funded through the **UN's regular budget**.

Karachi Agreement

- After the 1st Indo-Pak armed conflict in 1948, under the **supervision** of the **UNCIP**, military representatives of both Pakistan and India met in Karachi and signed the Karachi Agreement on **27 July 1949**.
- It established a **cease-fire line (CFL)** in Kashmir.

India's stand on Resolution 47

- India **rejected** the UNSC Resolution 47 and maintained that the resolution ignored the military invasion by Pakistan and placed both nations on an equal diplomatic ground was a dismissal of Pakistan's aggression.
- The Instrument of Accession (IoA) signed by the Maharaja of Kashmir was ignored in the resolution.

Pakistan's stand on Resolution 47

- It objected to even the minimum presence of Indian forces in Kashmir, as mandated by the resolution.
- It wanted equal representation in the state government for the dominant party in Pakistani-held Kashmir i.e the Muslim Conference.

Disagreement Over Role of UNMOGIP

- **India's stand on UNMOGIP:**
 - The mandate of **UNMOGIP had lapsed** since it related specifically to the ceasefire line under the **Karachi Agreement**.
 - India has maintained that **UNMOGIP has outlived its utility** and is irrelevant after the **Simla Agreement** and the consequent establishment of the Line of Control (LoC).
 - **Pakistan's stand:** Pakistan did not accept India's position.
- **UN's Stand:** Given the disagreement between the two parties over UNMOGIP's mandate and functions, **the UNMOGIP could be terminated only by a decision of the Security Council**.
- Despite their differences with the provisions of Resolution 47, **both India and Pakistan welcomed the UNMOGIP** and agreed to work with it.

Simla Agreement

- It followed from the Bangladesh Liberation War in 1971 that led to the independence of **Bangladesh**.
- India and Pakistan signed it in July 1972.
- It established a **Line of Control (LoC)** in Kashmir which, with minor deviations, followed the same course as the ceasefire line established by the **Karachi Agreement**.
- India and Pakistan mutually agreed on certain principles that both sides would adhere to while managing relations with each other.
 - These emphasized respect for each other's territorial integrity and sovereignty, **non-interference in each other's internal affairs**, respect for each others unity, political independence, sovereign equality, and abjuring hostile propaganda.
 - The two countries resolved to solve their differences by peaceful means, through bilateral means or other means mutually agreed upon by them.

Source: TH