

LIMITATIONS OF PEACEKEEPING IN SOUTH ASIA

BY

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**A Thesis
Submitted to the Faculty of Graduate Studies
in Partial Fulfillment of the Requirements
for the Degree of**

MASTER OF ARTS

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TABLE OF CONTENTS

	Page
ABSTRACT	iii
ACKNOWLEDGEMENT	iv
INTRODUCTION.....	1
Chapter	
1. THE CHANGING NATURE OF UN PEACEKEEPING.....	5
Peacekeeping in the Cold War... ..	8
Peacekeeping in the Post-Cold War Era.....	18
Conclusion.....	28
2. SOURCES OF CONFLICT AND INSTABILITY IN SOUTH ASIA.....	34
The Seeds of Permanent Conflict in South Asia.....	35
Princely State and the British Disengagement Policy.....	41
Domestic Conflict: Sources of Instability.....	50
Conclusion.....	56
3. THE UN PEACEKEEPING MISSION IN KASHMIR REVISITED.....	62
Peacekeeping in Kashmir.....	64
The Kashmir Dispute in the Cold War Politics.....	75
The Kashmir Dispute in the Post-Cold War Period.....	81
Conclusion.....	91
4. PEACEMAKING AND PEACEKEEPING IN SRI LANKA.....	103
Indian Peacemaking and Peacekeeping Mission in the Cold War.....	104
Sri Lankan Conflict in the Post-Cold War Era.....	120
Conclusion.....	124
5. CONCLUSION.....	129
APPENDIX	
A. SELECTED ARTICLES FROM THE UN CHARTER.....	134
B. UN PEACEKEEPING OPERATIONS DURING THE COLD WAR: 1945-1987.....	142

C. UN PEACEKEEPING OPERATIONS IN THE POST-COLD WAR: 1988- PRESENT.....	144
D. INDIAN INDEPENDENCE ACT.....	149
E. SECURITY COUNCIL AND THE UN COMMISSION FOR INDIA AND PAKISTAN'S RESOLUTIONS ON KASHMIR.....	152
F. SIMLA AGREEMENT BETWEEN INDIA AND PAKISTAN OF 1972.....	172
G. INDO-SRI LANKA AGREEMENT OF 1987 AND EXCHNGES OF LETTERS.....	174
H. MAPS.....	181
BIBLIOGRAPHY.....	187

ABSTRACT

The United Nations Charter includes provisions for the peaceful settlement of conflicts and the use of collective security to ensure international peace and security. In practice during the Cold War, the United Nations failed to implement collective security provisions largely because of the division between the great powers in the Security Council. As a result, peacekeeping was invented as a middle ground to face the challenges that originated from Cold War politics. However, peacekeeping in the Cold War period depended heavily on the attitudes of the great powers. Peacekeeping operations were introduced in areas of great power influence in order to protect the interests of their allies and to avoid the possibility of great power confrontation. After the end of Cold War, the Security Council was free from Cold War politics and the great powers were initially willing to expand peacekeeping into areas of conflict resolution and peace enforcement at the interstate and intra-state level. However, the selectivity of peacekeeping operations and reluctance of great powers to support operations outside their vital interests or sphere of influence limited the ability of the UN to resolve conflict. Drawing upon the case studies of Kashmir and Sri Lanka, this thesis posits that without significant great power interests in conflict, and without taking the interests of the regional power on board, the likelihood of more robust, if any, successful peacekeeping operation is low.

ACKNOWLEDGEMENT

This work could not have been completed without the support of many friends and family. Moreover, the J.W. Dafoe Graduate Fellowship made possible for my study and I would like to acknowledge the University of Manitoba for its support.

Jim Fergusson, my thesis advisor, has been a source of constant support. I am indebted for his encouragement, advice, and especially for his patience. His sincere help, insightful assistance and guidance have been extremely helpful to me.

Last but not least, I would like to thank my wife, Nurunnahar Fatima Kakon, for not only providing support and encouragement, but also for putting up with me throughout this whole process.

To my parents

INTRODUCTION

The central issues of international security have changed since the end of Cold War. The end of the bipolar confrontation facilitated the resolution of half a dozen lingering conflicts in Central America, Asia and Southern Africa. The United Nations (UN) peacekeeping operations played a significant role in the management of these ethnic conflict and civil wars. Moreover, peacekeeping is one of the major means by which the UN has fulfilled its responsibilities for the maintenance of international peace and security. However, conflicts in South Asia have neither been resolved nor has any UN involvement occurred since the end of the Cold War.

During the Cold War, the performance of the UN peacekeeping operations depended heavily on the attitudes of the United States and Soviet Union, the two superpowers. Superpower rivalry prevented the Security Council (SC) in many cases from taking concrete action. After the Cold War, political deadlock in the SC was reduced and enabled the UN to become more responsive to conflicts in which the interests of the United States' and the former Soviet Union had previously prevented effective involvement. Thus, the end of the Cold War saw a dramatic increase in the number of peacekeeping operations undertaken by the UN. Subsequently, a number of Cold War conflicts were also resolved with the assistance of UN peacekeeping. The nature of these operations also changed from traditional military peacekeeping to multidimensional operations, which involved political and humanitarian work such as the supervision of elections, verification of human rights practices and the delivery of humanitarian relief. Many of these new missions were interventions into internal conflicts and major humanitarian crises in failed and disintegrating states.

After the end of British colonialism, South Asia emerged as a regional system of hostile states, with the absence of common strategic and political objectives.¹ The region is characterized by multi-ethnic societies with internal divisions along linguistic, religious, communal, and sectarian lines that cut across national boundaries. The ethnic links that cut across borders in South Asia connect peoples and cultural groups to ideologies and movements, which often conflict with the interests of the states. Moreover, ethnic conflict has expanded from intrastate, and interstate, to extra-regional levels.

The internal tensions within South Asian societies has led to separatism and interstate conflict which in turn facilitated the extra-regional environment of antagonistic power blocks formed in the shadows of the Cold War.² The issues that dominated the security landscape of the South Asian region from the Cold War to today are Kashmir and the Sri Lankan Tamil insurgency. The Kashmir crisis originated from the colonial disengagement policy of the British in relation to political forces within British India. The Indo-Pakistan dispute over Kashmir is a manifestation of the intertwining of intra and interstate dimensions of conflict.³ In Sri Lanka, the ethnic conflict can be seen as part of the post-colonial modernization process, though British colonial policy also had a definitive impact.⁴

Both South Asian conflicts emerged during the Cold War period. Even though, significant peacemaking and peacekeeping initiatives were undertaken during the Cold War period, both conflicts remain stalemated. In the case of Kashmir, a UN Peacekeeping mission was introduced in 1948. The issue has remained on the UN agenda and peacekeepers continue to observe the ceasefire line. In the case of Sri Lankan conflict, the

UN did not even attempt to establish any peacekeeping mission. Rather an Indian peacekeeping force worked to facilitate the settlement of the conflict with no success. After the Cold War, both conflicts (Kashmir and Sri Lanka) witnessed some changes, but no significant UN involvement occurred. Moreover, South Asia has become a nuclear flashpoint, which represents arguably a clear threat to international peace and security.

This thesis examines the reasons why the UN has been completely unsuccessful in either resolving or managing conflicts in South Asia, either in terms of peacemaking or peacekeeping. This has largely been a function of the great powers relative to their role in the SC. By looking at the failure of the UN, peacekeeping operations in South Asia since independence are examined; the causes and the sources of conflict in the region, especially with regards to their political dimensions are investigated; the historical record of peacekeeping missions evaluated; and the regional conflicts (intra and interstate) and external (superpowers) involvement in the region, which made it impossible for successful third party (UN) mediations, are identified.

Chapter one of this thesis examines how peacekeeping operations changed since the end of Cold War. It reviews past and present achievements of peacekeeping operations from the perspective of international peace and security. Chapter two explores the enormous sources of conflict that have made peacemaking and peacekeeping problematic in the region. In this connection, the partition of the sub-continent will be investigated as an event that displaced millions, led large-scale communal carnage, and laid the foundation for conflict.

Chapter three analyzes the longstanding conflict and war in Kashmir. Animosity between the two countries (India and Pakistan) is rooted in uncompromising claims on

the territory of Kashmir. To resolve the conflict, there have been a considerable number of UN resolutions since 1948. However, the record of UN activity in Kashmir is a chronicle of passive multilateral involvement in the conflict, because of the nature of external power involvement in the region, which complicated the conflict and made the UN resolutions unworkable.

Chapter four analyzes the longstanding Sri Lankan ethnic conflict. Although the UN was involved in Kashmir, it did not attempt to help resolve the Sri Lankan conflict. Due to the transnational dimension of the ethnic conflict, significant geo-strategic considerations attracted Indian intervention as third party. This chapter evaluates Indian intervention in the conflict and its peacemaking and peacekeeping operation. Simultaneously, this chapter explores why a UN peacekeeping mission was not introduced.

The concluding chapter analyzes the prospect of future UN engagement in South Asian conflicts and future cooperation in South Asia. Drawing upon the case studies of Kashmir and Sri Lanka, it posits that without significant great power interest in the conflict area, and without taking into account regional power interests, the likelihood of a more robust, if any, peacekeeping operation is low.

Notes:

- 1) Istiaq Ahmed, State Nation and Ethnicity in Contemporary South Asia (London and New York: Pinter, 1996): 61.
- 2) Ibid. 60.
- 3) Mohammed Ayoob, The Third World Security Predicament: State Making, Regional Conflict, and the International System (Boulder & London: Lynne Rienner Publishers, 1995): 50.
- 4) Ibid. 38.

CHAPTER 1

THE CHANGING NATURE OF UN PEACEKEEPING

Founded in the aftermath of the two great wars in 1945, the United Nations (UN) was formed to “save succeeding generations from the scourge of war.”¹ The organization through its Charter was empowered to protect international peace and security. In so doing, the Charter did not originally envisage a peacekeeping role for the organization. Instead, the Charter under Chapter VI authorized other means for pacific settlement and mediation. Moreover, the Charter also endorsed the ambitious scheme of collective security or enforcement action under Chapter VII. The founders built the UN upon assumption that it would succeed in securing international peace and security if the great powers were united in the SC. However, with the Cold War, the SC became deadlocked, and collective security became impossible. This impossibility led to a search for alternative security measures to ensure international peace and security. Peacekeeping became the answer for a divided SC that lacked the consensus for collective action under Chapter VII.

Peacekeeping was based upon the principle that an impartial UN presence on the ground can ease tensions and allow for negotiated solutions in a conflict situation. Peacekeeping initially developed as a means of dealing with inter-state conflicts and involved the deployment of military personnel from a number of countries, normally under UN command, to help control and manage armed conflict. The development of peacekeeping forces allowed the UN to engage in conflict containment, and to avoid confronting superpower interests.

During the UN's first two decades, the great powers clashed repeatedly over the question of how and when UN peacekeeping missions should be established in regional conflicts. Each superpower feared that the other might exploit UN peacekeeping to its advantage. Their rivalry also led to peacekeeping largely being restricted to the periphery of direct great power conflict. The United States and Soviet Union had a common interest in ensuring that these peripheral conflicts neither escalated to direct confrontation between them, nor undermined their respective political relationships with allies and clients.

The superpower confrontation not only made it difficult for the SC to take decisions on many important questions brought before it, but also lessened the Council's ability to implement its decisions. In fact, areas of great power vital interests were excluded from the UN. Peacekeeping was thus established in areas where the great powers had no direct interest in the disputes, but nonetheless, sought to protect the interests of their allies and/or to avoid any developments that might lead to a great power confrontation. During the second Cold War period (1978-1988) there were no new peacekeeping missions. The UN in general fell into great disfavor with the United States' administration, as it appeared that the Soviet Union and Third World nations were using the UN as a tool directed against American interests.

The end of Cold War eliminated the conflict between the superpowers. As a result, the SC became willing to respond to a wide range of conflicts in areas where previously the great powers' vital interests had blocked involvement. In the post-Cold War, Russia recognized that the UN peacekeeping not only managed Third World conflicts, but also prevented the negative spill over of these conflicts into the great power relationship.² The

US maintained that its own interests could be best served by measures that encouraged great power cooperation and strengthen multilateral diplomacy.

With great power cooperation in the post-Cold War period, peacekeeping operations expanded greatly and became more complex. Since 1948, in total there have been fifty six UN peacekeeping missions. Since the end of the Cold War, the SC created forty two of these missions, and there are currently fourteen UN peacekeeping operations in the field. As of May 31, 2003 there were some 34,941 uniformed personnel and over 9980 civilians participating in these operations, whereas in 1987 only 9666 UN troops and military observers were deployed.³ Even with these missions, many conflict areas still suffer from protracted conflict without any UN involvement. For example, in 1999 ten peacekeeping operations were authorized out of thirty five civil wars.⁴ Between 1988 and 1998, at least thirty eight formal peace agreements were signed which aimed at resolving internal conflicts in thirty three countries. The UN was directly involved in only sixteen of them.⁵

In recent years, peacekeeping tasks have become more varied. Furthermore, peace enforcement measures have been taken in many instances by a coalition of willing states, or regional organizations. This chapter provides an overview of the evolution of peacekeeping and how it appears to have changed over the last fifty-four years since its first mission in 1948. It also demonstrates why the SC failed to secure peacekeeping operations in many areas of conflict, which arguably threatened international peace and security. Moreover, Cold War or post-Cold War, great power interests decided where the peacekeeping mission would be established.

Peacekeeping in the Cold War

Peacekeeping was developed from the roots of the collective security system of the UN Charter observer missions under Chapter VI and Chapter VII. Nevertheless, peacekeeping does possess some unique attributes that distinguish it from other approaches to peace.⁶ The UN continued the tradition of mission observation that had begun under the League of Nations. The concept of UN peacekeeping was the functional adaptation of the UN to the Cold War international political system. It was an innovation in UN practice with the United Nations Emergency Force (UNEF) in the Middle East that created the basic principles of peacekeeping.⁷

The architects of the UN Charter structured arrangements for the settlement of disputes on four conflict resolution techniques: peaceful negotiations (Chapter VI); collective security (Chapter VII); regional arrangements (Chapter VIII); and the International Court of Justice (Chapter XIV). According to Chapter VI (Articles 33-38) protagonists are given a number of dispute resolution alternatives to the use of military force. Beyond operations such as mediation and judicial settlement, the UN, through the SC, is empowered to investigate the disputes (article 34) and recommend means (article 36) or terms (articles 37, 38) of settlement.

Chapter VII of the UN Charter lists the courses of action for UN members if the peaceful methods of settlement outlined in Chapter VI fail. Article 42 directly identifies the collective security option: “(the Security Council) may take such action by air, sea or land as may be as necessary to maintain or restore international peace and security.” The Charter also includes the measures to carry out that action. First, it provides for a military staff committee (article 47) that is “responsible... for the strategic direction of any armed

forces placed at the disposal of the Security Council.” Second, Article 43 provides “all members of the United Nations... to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilitates, including rights of passage, necessary for the purpose of maintaining international peace and security.”

Articles 39-42 of Charter provide the SC the power to take enforcement actions in response to a situation. Peace enforcement operations were undertaken under Chapter VII of the Charter in Somalia, Rwanda, Haiti, Bosnia and Herzegovina, Albania, and East Timor. Article 42 allows the SC to enforce collective security action. With such authorization, member states have formed coalitions to take joint military action as in the Korean conflict in 1950, and more recently following Iraq’s invasion of Kuwait. Finally, Chapter VIII of the UN Charter envisages enforcement actions through regional arrangements. However, Article 53 categorically states that the SC retains final authority and therefore, political control.⁸

In addition to the UN Charter, the Uniting for Peace Resolution was adopted by the UN General Assembly in 1950 in response to the Soviet Union’s continued use of the veto in the SC during the Korean War. This resolution empowered the General Assembly to consider any threat to the peace, or act of aggression, if the SC, for want of unanimity among its permanent members, had failed to discharge its primary responsibility and to make appropriate recommendations including the use of force, if necessary. The Resolution provided for the following procedures: the authority to transfer a peace and security issue to the General Assembly if the SC was blocked by veto; the capacity to call an emergency session of the General Assembly, if necessary, for this purpose; a

recommendation that Members States maintain special UN designated units in their national armed forces; a peace observation committee; a panel of military experts; and a collective measures committee.⁹

With regard to peacekeeping as the other major development outside the original Charter, Goulding writes:

Field operations established by the United Nations, with the consent of the parties concerned, to help control and resolve conflicts between them, under United Nations command and control, at the expense collectively of the member states, and with military and other personnel and equipment provided voluntarily by them, acting impartially between parties and using force to the minimum extent necessary.¹⁰

Peacekeeping contains the range of activity ostensibly between Chapter VI and VII, which it is referred to as chapter-six-and-a-half.¹¹

Peacekeeping was a product of the strategic consequences of the Cold War. In the early years the superpowers found themselves in increasing disagreement over the post-World War II world. The clash of interests rapidly provided an atmosphere of distrust and hostility, especially in the cases of Greece, Iran, Indonesia, and Lebanon and Syria.¹² Thus, from the very beginning, growing rivalry between the superpowers blocked the ability of the UN to act. As a result, it was hardly favorable to the implementation and carrying out of Charter provisions for keeping the peace. Within a year of 1946, Soviet Union had cast several vetoes in the SC.¹³

Moreover, the SC failed to come up with specific decisions about the conflicts of Indonesia (1947), Palestine (1947- 48), and Kashmir (1948). In these conflicts the SC hardly acted on the collective security provision under the Chapter VII of the Charter, though these situations threaten international peace and security. Moreover, no military, economic, or enforcement action was taken despite war. Furthermore, in all of these

conflicts the SC even avoided identifying the name of the party responsible for the breach of peace.

East-West competition politicized virtually every question brought before the UN. Where they had a more direct conflict of vital interests or spheres of influence in Central Europe, the Balkans, and the Far East, discussions were kept outside of the UN. For example, the UN had no role in central areas of direct East-West rivalry in Hungary in 1956, in Czechoslovakia in 1968, and in Indo-China from 1947 to 1991.¹⁴ In all these instances which may be judged as a threat to peace, the role of the SC was minimal, or its initiatives proved ineffective.

As collective security proved unworkable, traditional missions of peace observation that had begun with the League of Nations provided the new organization with a basis for intervention, and, in a few instances, offered guidelines that would be adopted under peacekeeping. As a result, elements of peacekeeping began to appear with basic observer missions that were set up soon after World War II. The observer missions of late 1940s established the basic characteristics of future peacekeeping missions, such as monitoring, observing, reporting, mediating, and initiating negotiations between parties. These included the United Nations Special Commission on Balkans (UNSCOB, 1947-51), United Nations Truce Supervision Organization in Middle East (UNTSO, 1948 to present), and the United Nations Military Observer Group in India and Pakistan (UNMOGIP, 1949 to present). These small-unarmed observation missions established the nature of UN peacekeeping as an essentially consensual alternative to collective security by the SC under Chapter VII of the Charter. However, the basic principles of

peacekeeping were developed by the much larger forces established following the Suez Crisis (1956), Congo (1960), and Cyprus (1965).

The failure of collective security demonstrated the limitations of the UN in dealing with threats to international peace and security. The early UN peace observation missions were an attempt to fill the void left by collective security. The mixed record of peace observation and the new challenge of the Suez crisis led the organization to seek a new strategy- peacekeeping.¹⁵

Peacekeeping proved effective at managing conflicts between states and as a sort of transitional authority while more permanent solution of the conflicts were hopefully found. A number of regional conflicts that seemed likely to bring superpower confrontation were successfully de-escalated by these means. Peacekeeping provided a safety net and an alternative to active confrontation between East and West in the Middle East, Lebanon, Cyprus, and the Congo. Peacekeeping also became a means to maintain the status quo, in providing little hope for settling the dispute by peaceful means. For example, the United Nations Force in Cyprus (UNFICYP) was established in 1964 following a cease-fire between the Greek and Turkish communities. Since then, little progress has been made towards a long-term political solution.

The first peacekeeping mission came in 1956, when the United Nations Emergency Force (UNEF) I was established in response to the British, French, and Israeli attack on Egypt.¹⁶ In the 1956 Suez Crisis, observation forces under Chapter VI were deemed insufficient to ensure disengagement, and collective security under Chapter VII risked a confrontation among the great powers. Moreover, the SC was paralyzed by the French and British veto. Consequently, an alternative means for maintaining the peace was

required; one that would permit UN action with great powers agreement or at least acquiescence. The General Assembly provided a solution under the Uniting for Peace Resolution in creating UNEF to facilitate the withdrawal of Israeli, French and British troops, prevent a recurrence of hostilities, and act as barrier separating the protagonists.

In UNEF, the soldiers (peacekeepers) were authorized to use force only in self-defence and were lightly armed. The goal was simply to separate the parties to allow for negotiation and peaceful settlement between them. No judgment about right and wrong in the conflict was made. No permanent members of the SC were involved in the operation. All of these factors contributed to a sense of impartiality after the ceasefire. Finally, the operation was made possible, because it had the consent of all of the parties to the conflict.

After UNEF I, the next operation that helped to shape both the practice and normative framework for UN peacekeeping operation was the United Nations Operation in Congo (ONUC). This operation was important for several reasons.¹⁷ First, the UN tasks were different from the previous operation, which had involved monitoring and observing buffer zones or ceasefire lines. In this case, the institutions of state had collapsed with a civil war. The ONUC mandate was not only monitoring but also rendering military assistance and maintaining the country's territorial integrity. It also included a substantial civilian component. Finally, in this operation the SC authorized enforcement action under Chapter VII, when it became clear that it could not achieve its objective as a neutral peacekeeping force. This was the only case of a transition from peacekeeping to peace enforcement in the Cold War. Above all else, the Congo operation (1960-64) was seen as

a formidable example of what to do and not to do in the UN's development of peacekeeping.

The next important peacekeeping mission was Cyprus, established in March 1964. The overall function of the United Nations Force in Cyprus (UNCICYPR) was to interpose itself between the Greek and Turkish Cypriot communities on the island. The UNFICYP had a mandate similar to UNEF. In addition to providing a force to maintain peace, the Secretary-General undertook steps to provide a mediator for the purpose of promoting a peaceful solution to the crisis.¹⁸ This was an important development for UN peacekeeping since rarely had the UN sought to pursue a political settlement alongside peacekeeping. It was also significant that peace-making efforts were seen as important as the establishment of peacekeeping missions.¹⁹ In the operations of Congo and Cyprus, the Secretary-General followed the formula which was devised for the Suez peace process in 1956. This formula consisted of three basic principles that assured political neutrality: consent of the parties related to the dispute; non-intervention in the domestic affairs of the parties; and non-use of force except in self-defense. Moreover, to ensure the neutrality of the force, no force was deployed from the great powers.

Several additional operations were established during the Cold War period, but their influence on development of peacekeeping was limited. Following the October 1973 Arab-Israeli war, a second United Nations Emergency Force (UNEF II) was deployed between the Egyptian and Israel armies in an exceedingly dangerous and complicated military situation. It was not only important in re-establishing a buffer zone between Israel and Egypt, but it also helped to diffuse a crisis which had threatened to bring about a direct superpower confrontation in the Middle East.²⁰ Eight months later, the United

Nations Disengagement Observer Force (UNDOF) was deployed to supervise and control the agreed buffer zone between Israeli and Syrian forces on the Golan Heights in Syria. It undoubtedly contributed greatly to the relative calm of the situation after 1973.

From 1974 to the end of the Cold War, only one new operation was established- the United Nations Interim Force in Lebanon (UNIFIL). It largely failed to carry out its mandate, because it never enjoyed the necessary cooperation from all the concerned parties. Moreover, alongside these operations, there were several other peacekeeping operations: the United Nations Observation Group in Lebanon (UNOGIL); the United Nations Temporary Executive Authority in West Irian, the United Nations Security Force in West New Guinea (UNTEA/ UNSF); the United Nations Yemen Observer Mission (UNYOM); and the Representative of the Secretary-General in the Dominican Republic (DOMEP).

Overall, thirteen operations established during the cold war (of which five remain in existence) led to a body of principles, procedures and practices for peacekeeping that have been conceptualized as traditional peacekeeping. The traditional tasks of UN peacekeeping operations, as they evolved from the 1950s to the 1970s, included monitoring and enforcing ceasefire, observing frontiers lines, and interposing neutral forces between belligerents. These tasks were generally carried out on the basis of three principles: the consent of the parties; the impartiality of the peacekeepers; and the non-use of force in most circumstances. These three principles were seen as being interlinked and fundamental to operations. Above all else, the non-use of force was central to UN peacekeeping for many years. As Marrack Goulding, UN under Secretary- General for Political Affairs said:

More than half the organization's peacekeeping operations before 1988 had consisted only of unarmed military observers. But when operations were armed, it had become an established principle that they should use force only to the minimum extent necessary and that normally fire should be opened only in self-defence.²¹

In the Cold War period only thirteen peacekeeping missions were established and many conflicts were excluded, because of great power rivalry and their vital interests or sphere of interests. Peacekeeping missions were established mainly in Middle East and Africa. The conflicts of East Europe, Latin America, Caribbean, and Southeast Asia were excluded from peacekeeping mission because of the vital interests of the great powers.

From the early years the Soviet Union was hostile to peacekeeping and it used the veto to prevent any resolution which did not serve its interests. Moreover, it did not accept the Uniting for Peace Resolution. The Soviet Union also became increasingly hostile to the peacekeeping, contending that the West used peacekeeping against the Soviet bloc and its allies in the Third World. Moreover, at the same time, the Soviet Union alleged that the Secretary-General was also using his office to further Western interests in the Third World. As a result, between 1945 and 1963, Soviet Union vetoed forty two SC resolutions, and the SC failed to take concrete decisions in many conflicts areas where the Soviet Union or its allies had vital interests.

However, the veto was not intended to block the UN, but to function in manner of a fuse in an electrical circuit- safety device.²² The architects of the UN Charter believed that in any case where a great power strongly opposed a resolution, it would be better to have a stalemate, than direct confrontation. In fact, they assumed that the great powers would maintain harmonious relations. Thus the veto would not be used and the UN security system would function effectively.

Overall, the SC became a victim of great power interests and the US in particular, used the UN to further its national interests. Lincon P. Bloomfield argued that the US never considered developments in multinational peacekeeping capacity as a significant priority. In this connection, the US was very selective in limiting its support for peacekeeping only in Middle East and Africa.²³ Federick H. Fleitz believed that in almost all cases, traditional peacekeeping in the Cold War served US interests and prevented the outbreak of major conflicts.²⁴ During the Cold War, peacekeeping advanced US interests in the Middle East, where six operations were deployed between 1948 and 1978 and promoted the security of Israel, one of America's closest allies. Peacekeeping efforts also served US allies, such as Turkey, Greece, Pakistan, and Morocco.²⁵ Moreover, when the SC was paralyzed by the Soviet veto, the US successfully led the UN in circumventing the Soviet veto by employing the Uniting for Peace Resolution.²⁶

In the height of the second Cold War (1978-1987), the SC and General assembly were deadlocked and the UN between 1978 and 1987 failed to authorize any new peacekeeping mission. In the early 1980s, the UN failed to prevent war between Iran and Iraq, or Israel from invading Lebanon in 1982. Moreover, the SC failed to bring about a peaceful Argentine withdrawal from the Falkland Islands in 1982, and Soviet troops from Afghanistan in 1979. In the same period, the US took a more negative attitude towards the UN and there was a growing tendency to conduct its foreign policy bilaterally and regionally outside of the UN framework. The US believed that UN goals contradicted its own. The Reagan administration threatened to withdraw from a number of agencies, stepped up the use of its veto in the SC and refused to pay its UN's due. Between 1979 and 1987, the US vetoed twenty five SC resolutions.²⁷

By 1988, US began to support the selective use of multilateral peace efforts when and where they served US vital interests. It still resisted UN involvement in those regions considered part of the US sphere of influence and where it would conflict with US goals. Thus, the US welcomed UN mediation in the War in Afghanistan, Iran – Iraq, and also Namibia, but refused to support UN involvement in Central America and the Arab-Israeli conflict.

During the Cold War period, the UN did not attempt to become involved in civil wars, except for the Congo. The SC largely ignored the civil wars in Indo-China, Algeria, and Cyprus in the 1950s. The same status was applied to post-independence civil wars in Nigeria in the 1960s, Sri Lanka in the 1980s, and in the Sudan; the latter a devastating conflict which has continued intermittently since Sudanese independence in 1956.

Peacekeeping in the Post Cold War Era

With the end of the Cold War, the SC became free of East-West rivalry and able to expand its role. This brought a new willingness on the part of the United States and Russia to work together on international peace and security. These developments made success possible in areas such as Namibia, and Central America. Moreover, in the early 1990s, the UN took on new, ambitious and challenging missions in Somalia, Bosnia, Haiti, Rwanda, and Liberia and in late 1990s Sierra Leone and East Timor. The great powers broadened their perceptions of self-interest in response to the pressure of public opinion, as well as refugee flows and humanitarian abuses. Between 1988 and 1993, fifteen new UN peacekeeping operations were established and the number of deployed forces increased dramatically. In 1987, 9666 UN troops and military observers were deployed, whereas by May 1993, 75738 were in action.²⁸

With these new peacekeeping operations, the old peacekeeping principles proved inadequate. Post-1988 peacekeeping missions have been called 'multidimensional operations,' 'second generation peacekeeping operations,' 'wider peacekeeping,' 'peace support operations,' or 'second generation multinational forces'.²⁹ Although different authorities classify their roles in a variety of ways, many current peacekeeping operations consist of military, political, and humanitarian functions. The Secretary-General's Agenda for Peace is indicative of the changing nature of UN action in the post-Cold War world. The UN Secretary-General, Boutros Boutros-Ghali defined peacekeeping as "the deployment of a United Nations presence in the field, hitherto with the consent of all parties concerned ... that expands the possibilities for both the prevention of conflict and the making of peace."³⁰ The UN Secretary-General, Boutros Boutros-Ghali called preventive diplomacy, peacemaking, peacekeeping, and post-conflict peace-building as the key conflict resolution tools of UN. He argued that the UN operations should no longer be limited to maintaining ceasefires. The goal of post Cold War peacekeeping became not only the stabilization of a conflict, but also the attainment of a long-term political solutions.³¹ The various post-Cold War missions comprised four types of operations: preventive diplomacy, peacemaking, peace building, and peace enforcement.

Preventive diplomacy is defined as an action to prevent disputes from arising between parties, prevent existing disputes from escalating into conflict and limit the spread of the conflict once it occurred. Preventive diplomacy is a means of preventing human suffering and as an alternative to costly politico-military operations to resolve conflicts after they have broken out. Although diplomacy is a well-tried means of preventing conflict, the UN experience in recent years has shown that there are several

forms of action that may also have a useful preventive effect: preventive deployment; preventive disarmament; preventive humanitarian action; and preventive peace-building, which can involve, with the consent of the government or governments concerned, a wide range of action in the field of good governance, human rights and economic and social development. For this reason, the Secretary-General decided to rename the activity called 'preventive diplomacy' as 'preventive action'.³² One example is the UN's role in preventing a war between Iran and Afghanistan (1998).³³

Peacemaking covers the diplomatic activities conducted after the commencement of a conflict aimed at establishing a cease-fire or a rapid peaceful settlement. Secretary-General Butros Ghali defined peacemaking as: "the use of diplomatic means to persuade parties in a conflict to cease hostilities and to negotiate a peaceful settlement of their dispute."³⁴ Peacemaking describes a range of political activities that attempt to bring parties in conflict together by peaceful means, which are ostensibly found in Chapter VI of the Charter.

Peace building covers action that support political, economical, social and military measures aimed at strengthening and solidifying political settlements in order to address the cause of conflict. Peace building is concerned with establishing a stable environment in which negotiated settlements can flourish. It complements peacekeeping and peacemaking activities of the UN, since it attempts to transform the destructive process which first led to violence. Peace-building missions are long-term. They attempt to empower ordinary people to create stable and lasting institutions. As of June 15, 2003 there are twelve UN political and peace-building missions ongoing.³⁵

In his An Agenda for Peace, the Secretary-General introduced the concept of 'peace-enforcement', in which forces under UN command could be used to enforce a ceasefire by taking coercive action against any party which violated it.³⁶ Secretary-General clarified this idea:

The purpose of peace enforcement units (perhaps) they should be called "cease-fire enforcement units" would be to enable the United Nations to deploy troops quickly to enforce a cease-fire by taking coercive action against either party, or both, if they violate it.... The concept goes beyond peacekeeping to the extent that the operation would be deployed with the consent of the two parties... UN troops would be authorized to use force to ensure respect for the cease-fire.³⁷

Some attempts have also been made to work out a new strategic enforcement role for the UN. Kofi Annan, the then Under Secretary-General for peacekeeping operations wrote in late 1993:

Today's conflicts in Somalia and Bosnia have fundamentally redrawn the parameters. It is no longer enough to implement agreements or separate antagonists; the international community now wants the UN to demarcate boundaries, control and eliminate heavy weapons, quell anarchy. And guarantee the delivery of humanitarian aid in war zones. These are clearly tasks that call for 'teeth' and 'muscle', in addition to less tangible qualities that have sought in the past. In other words, these are increasing demands that the United Nations now enforce the peace, as originally envisaged in the Charter.³⁸

In the case of enforcement actions, the SC is expected to give member states the authority to take "all necessary measures" to achieve a stated objective, and consent of the parties in conflict is not required. Such actions have been used in the cases of the Gulf War, Somalia, Rwanda, Haiti, Bosnia and Herzegovina, Albania, Sierra Leone, East Timor, and Afghanistan (2001). Interestingly, these enforcement operations were not under direct UN control. Instead, a single country or a group of countries directed them. For example, the international force authorized by the SC for East Timor in 1999, was led by Australia. In Bosnia and Herzegovina, a NATO-led multinational force succeeded UN

peacekeeping operations in 1995. In Kosovo, the Council authorized an international security presence in June 1999 led by NATO and it works alongside the UN Interim Administrative Mission in Kosovo, a UN peacekeeping operation.

The Charter's provisions for the maintenance of international peace and security are the basis for both peacekeeping and enforcement action. As the UN Secretary-General put it:

the logic of peacekeeping flows from political and military premises that are quite distinct from those of enforcement; and the dynamics of the latter are incompatible with the political process that peacekeeping is intended to facilitate. To blur the distinction between the two can undermine the viability of the peacekeeping operation and endanger its personnel.³⁹

Primarily because of changes in the nature and functions of peacekeeping missions, post-Cold War operations have come under the term 'peace operations'. In this regard, the main difference between traditional peacekeeping and what some call 'second generation' peacekeeping is that the latter seeks to implement peace, not just freeze conflicts. In so doing peacekeeping operations should not only stabilize the conflict but also should facilitate movement toward comprehensive solution and transformation of the conflict.⁴⁰

At the end of Cold war, between 1988 and 1991, UN initiated an agreement that brought to an end the eight-year old Iran-Iraq war, mediated a series of agreements that paved the way for the withdrawal of Soviet troops from Afghanistan, ended the civil war in El Salvador, prepared the ground for Namibia's independence, and established a broad-based coalition government in Cambodia. These substantial achievements were possible because of the favorable climate resulting from the decline and end of Cold War.

This climate also made successes possible in Namibia and Central America. In Namibia, the United Nations Transition Assistance Group (UNTAG) was the first peacekeeping mission with primarily a non-military mandate. UNTAG was to ensure the peaceful transfer of power in Namibia from South Africa. UNTAG left its most important legacy for the new peacekeeping in the link it established between the operational aspects of earlier missions and the multi-functional mandates that would define second generation peacekeeping. The UNTAG mission was comprised of a military force, a police component, an electoral component, and the United Nations HR to oversee the repatriation of refugees. The timing of UNTAG, just as Cold War wound down, and its success emboldened the UN to undertake similar civilian-military missions in Africa, Central America and most ambitiously in Cambodia.

The United Nations Observer Group in Central America (ONAUCA) was the second post-Cold War mission. It assisted in the demobilization of the Contras in Nicaragua and supported the establishment of a more ambitious operation in El Salvador with a civilian component to observe and help a national electoral process. In Africa, the second United Nations Angola Verification Mission (UNAVEM II) was a paradigmatic example of what became known as second-generation peacekeeping. Its tasks not only involved traditional peacekeeping but also included the supervision of the Angolan police force, the monitoring of the electoral process, and humanitarian efforts to alleviate the suffering of the Angolan population. Finally, the United Nations Transitional Authority in Cambodia (UNTAC) was established in February 1992 to help rebuild the country and oversee its transition to democratic rule. UNTAC was the largest and most ambitious UN

peacekeeping operation at the time with significant multidimensional, multilateral, and multicultural features.

The United Nations Operation in Somalia (UNOSOM) established in April 1992- represented an ambitious plan to rebuild the institutions of a collapsed state. Here, the SC extended its peacekeeping activities to include humanitarian intervention. It provided important lessons about the changing nature of conflict and about the theory and practice of multidimensional peacekeeping in the post- Cold War era. Nevertheless, UNOSOM's Chapter VII mandate raised serious questions about the role of peace enforcement, and the basic peacekeeping principles of consent, and impartiality.

The UN response to the Somalia crisis involved peace making, peacekeeping, peace enforcement and peace building, and it became one of the most graphic examples of multidimensional peace operations. But the slow deployment of troops and staffing deficiencies, both in numbers and experience, were a severe problem in several components of UNOSOM I and II. UNOSOM I and its successors failed to attain all of the ambitious objectives set out for them by SC, particularly the goal of achieving political reconciliation.

The breakup of the Yugoslav federation started in early 1991 when Slovenia and Croatia declared their independence. This led to successive civil wars. A United Nations Protection Force (UNPROFOR) was created to oversee cease-fires, and later, the mission under took new mandates requiring the use of force, while not abandoning its traditional peacekeeping functions. As a result, a conceptual and practical confusion about the linkage between peacekeeping and peace enforcement emerged related to a gap between goals and the necessary military means. NATO developed the concepts of 'core air

support' and 'air strikes' under a 'dual key' arrangement with the UN. This also contributed to serious disagreements on the conditional use of force, both in protecting the safe-areas and UNPROFOR's peacekeepers.⁴¹ After three and a half years of war, on 14 December, 1995 the parties put their signature to the General Framework Agreement for peace in Bosnia- Herzegovina, a military and civilian component, and a mixture of peace enforcement, peacekeeping and post-conflict peace building.⁴² Importantly, the peace had been brokered by the US, which in turn had taken a significant lead role in bringing the Serbs to the table with NATO air strikes.

After the humiliations of Somalia, the SC was reluctant to get deeply involved in Rwanda. At the time of the first reports of genocide in May 1994, there was already a small UN peacekeeping force in Rwanda with a limited mandate. It was ill equipped to deal with the scale of bloodshed, and most countries immediately withdrew their contingents upon the outbreak of violence.⁴³ The lack of a mandate and financial support indicated that the US and other major powers were unwilling to support an expanded mission, which they believed would be a dangerous one. Similarly, the UN's involvement in Sierra Leone as its largest peacekeeping effort to date was handicapped because the great powers would not engage. As a result, many of the peacekeepers were ill equipped and poorly trained. The rebels managed to steal UN weapons, tanks and uniforms and kidnapped hundreds of UN peacekeepers. When the Nigerian led ECOMOG force withdrew because of domestic pressure, the peacekeeping operation descended into chaos.⁴⁴

International events in the early 1990s led to a proliferation of peace operations, but none of the great powers had developed a doctrine or even a model applicable to

expanded UN based commitments. At the same time, the great powers became more reluctant to send troops and money to resolve disputes that did not directly threaten their security. One study suggests that in the 1990s, the great powers consistently used the UN to legitimize international intervention, such as in the Persian Gulf, Somalia, Haiti, Rwanda, Tajikistan, former Yugoslavia, Albania, East Timor.⁴⁵ But, in the case of Bosnia, Rwanda, Angola, Liberia and many other conflicts, the great powers were not prepared to risk casualties in long intractable civil wars and in many conflicts areas, the great powers did not take any initiative to protect human rights.

The great powers became increasingly reluctant to operate outside their own sphere of interest and doubted whether, for example, the UN could operate effectively in countries such as Sierra Leone. Moreover, UN activities also became victims of other great power interests. For example, the Bush administration said that it would consider cutting as many as a dozen UN peacekeeping missions in a growing dispute over the new International Criminal Court.⁴⁶ Moreover, a Chinese veto delayed the deployment of UN military observers in Guatemala, because of Guatemala's support for Taiwan.⁴⁷

Peacekeeping operation remain significantly depended on the willingness of the great powers to act, and this willingness remained largely a function of their own domestic and national security concerns.⁴⁸ Without significant interests no operation can be authorized by the SC. However, if new operation is authorized, little will happen unless the great powers support the operations. United States Presidential Directive 25 (May 1994) outlined highly restrictive guidelines for US support of, and participation in UN peace operations. It represented a major down turn in the already deteriorating relationship between the US and the UN. In July 1994, a US National Security Strategic statement

noted, “we can and must make the differences through our engagement; but our involvement must be carefully tailored to serve our interests and priorities.”⁴⁹ In addition to US financial and political disengagement, US continues to threaten and vetoed any possible UN peacekeeping role in the Palestine-Israeli conflict, Russia continues to cultivate traditional allies such as Serbia, China remains intransigent on issues such as human rights, sovereignty and Taiwan, and France remains determined to retain its influence over its former colonies.⁵⁰ All these, and others, have had, and will to continue to have a detrimental effect on SC cooperation, and the UN’s role in conflicts. It is also clear that the great powers are extremely reluctant to commit their forces to combat unless there is a clear national or strategic interest. The consequence of this dwindling ability and willingness of the Council to act decisively in the face of crisis has led to a significant reduction in total number of deployed UN military and civilian personnel.⁵¹ With the UN has been incapacitated, the impetus for peacemaking and peacekeeping, including military action has passed from the SC into the hands of regional and sub-regional organizations, ad hoc coalitions of UN member states, and even individual states.

Beyond internal changes in the framework of UN peacekeeping operations, institutional alternatives for conducting the operations outside of the UN has been supported, for example, in a report submitted to the UN General Assembly in October 1995 by the Joint Inspection Unit:

...regional organizations should be the first port of call for the prevention and pacific settlement of local disputes...Since many conflicts are increasingly local or civil in nature, there is a growing consensus that they could more easily be prevented or speedily resolved through regional initiatives and approaches.⁵²

Since 1995, UN peacekeeping missions have declined and peace operations led by regional organizations or ad hoc coalitions have increased.

Conclusion

It is obvious that peacekeeping operations have been changed significantly after the end of Cold War. In the Cold War era, peacekeeping operations were mainly consensual and the collective security provision, except in Korea, was not applied. Traditional peacekeeping emerged in practice to avoid greater confrontation among the great powers, and to fill the vacuum left by the non-implementation of the Charter collective security system. The East-West conflict paralyzed the SC. During the Cold War, each super power wanted to prevent the other from using the UN for its own purposes, and the result was UN paralysis.

With the end of Cold War, the new environment brought major changes in UN peacekeeping operations. A new willingness of member states and the SC to authorize expanded mandates from peacekeeping, and peace enforcement to humanitarian intervention emerged. Moreover, peace enforcement actions also became very common. However, the mixture of UN peacekeeping and peace enforcement and inadequate mission mandates in many operations undermined the credibility of the UN and increased reluctance among member states to support UN missions. In addition, the UN no longer could be seen as a neutral, impartial and non-interventionist actor, as it had been in its peacekeeping role during the Cold War.

Several trends emerged in reviewing how peacekeeping evolved since the end of the Cold War. First, the SC has become more active in humanitarian intervention and failed states. Second, UN member states have been more willing to get involved in intrastate

conflict, but not under direct UN command and control. Third, external military interventions for conflict management or humanitarian purposes by single states, group of states or ad hoc coalition, regional and sub-regional organizations have increased. In short, selective intervention in the area of vital national interests has emerged. Finally, the UN can only address a crisis if the great powers choose to collaborate, as they did in the Gulf War. If the great powers view their interests as incompatible, then the door of the SC is closed. Moreover, during the second half of 1990s, a commitment gap between the missions undertaken by states with regard to SC resolutions and the resources they are actually prepared to devote to such operations remains a crucial problem. The great powers may cooperate to approve a mission, but it does not mean that they will necessarily take a lead or devote resources to it. Without such a commitment as seen repeatedly in the past decade, the missions are pretty well doomed to failure.

Notes:

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2. Thomas G. Weiss & Meryl A. Kessler, "Resurrecting Peacekeeping: The Superpowers and Conflict Management" Third World Quarterly 12, nos. 3-4 (1990-91): 133
3. New York: Peace and Security Section of the UN Department of Public Information. < [http:// www. un.org/Depts/dpa/prev_dip/fst_prev_dip.html](http://www.un.org/Depts/dpa/prev_dip/fst_prev_dip.html)>.
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5. John Darby and James Rae, "Peace Process from 1989-1998: Changing Patterns" Ethnic Studies Report 17, no.1 (January 1999): 46

6. Paul F Diehl, International Peacekeeping (Baltimore & London: The Johns Hopkins University Press, 1993), 5.
7. Mats R. Berdal, "Whither UN Peacekeeping?" Adelphi Paper 281 (London: Brassey's UK, 1993): 6.
8. Michele Griffin, "Blue Hemet Blues: Assessing the Trend Towards 'Subcontracting' UN Peace Operations" Security Dialogue 30, no.1: 45.
9. General Assembly Resolution No. 377 (V), November 3, 1950.
10. Adam Roberts, "From San Francisco to Sarajevo: The UN and the Use of Force" Survival 37, no. 4 (Winter 1995-96), 95.
11. Christopher Bellamy, Knights in White Armour (New York: Random House, 1997): 15.
12. Iran complained to the SC on January 19, 1946 for the Soviet Union to remove its troops from Iran, but Soviet refused. On January 21, USSR brought a complaint of interference by the British in the internal affairs of Greece. The same day the Ukrainian SSR complained of military operations directed against the local population by the British troops in Indonesia. On February 4, 1946, Lebanon and Syria brought the attention of SC to the presence of French troops in their countries and demanded them withdrawal. See, K.P. Saksena, The United Nations and Collective Security: A Historical Analysis (Delhi: D.K. Publishing House, 1974): 51-52.
13. In 1946, the USSR vetoed 12 SC resolutions, and in 1947 it vetoed 13 SC resolutions. On the Syria-Lebanon complaint, a draft resolution was formulated by United States with the acceptance of concerned parties. The Soviet vetoed the resolution, because it did not go far enough in indicting the British and French Governments. In this case, there was no direct Soviet interest. See, New York: Subjects of UN Security Council Vetoes, Global Policy Forum. <[http:// www.globalpolicy.org/ security/membership/veto/vetosubj.htm](http://www.globalpolicy.org/security/membership/veto/vetosubj.htm)>. Also see, Ibid. 52-53.
14. In the Syrian-Lebanon complaint to the SC, the Indonesian case, and on the question of Palestine, and Kashmir, the superpowers' roles were decisive. Also see, K.P. Saksena, The United Nations and Collective Security: A Historical Analysis (Delhi: D.K. Publishing House, 1974): 364-365.

15. Paul F Diehl, op. cit.: 28
16. Before 1965, the UN authorized few observer missions and mediating mission in conflict areas. In the Suez crisis, the UN just invented armed observers to separate belligerent's parties. Moreover, the basic principal of peacekeeping was first used in the mission.
17. Oliver Ram Sbothem & Tom Woodhouse, Encyclopedia of International Peacekeeping Operations (Oxford: ABC-Clio, 1999): xii-xiii.
18. Ibid.
19. Stephen M.Hill & Shahin P. Malik, Peacekeeping and the United Nations (Aldershot: Dartmouth publishing Company, 1996): 45.
20. Ibid. 47.
21. Adam Roberts, "From San Francisco to Sarajevo: The UN and the Use of Force" Survival Vol.37, No. 4 (Winter 1995-96), 94.
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23. Lincon P. Bloomfield, "The United States, the Soviet Union, and the Prospects for Peacekeeping" International Organization 34, no. 3 (Summer 1970): 556.
24. Frederick H. Fleitz, Jr., Peacekeeping Fiasco of the 1990s: Causes, Solutions, and U.S. Interests (Westport, Connecticut & London: Praeger, 2002): 16.
25. Ibid.67.
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28. Dennis C. Jett, Why Peacekeeping Fails (New York: St. Martin's Press, 1999): 11.
29. Oliver Ram, Encyclopedia, op.cit.: xviii.
30. Boutros Boutros-Ghali, Agenda for Peace (New York: United Nations, 1992): 20.
31. Stephen Hill & Malik, Peacekeeping and the United Nations, 92.
32. New York: Department of Peacemaking and Preventive Action of UN. < <http://www.un.org/depts/dpa/docs/peacemak.htm>>.

33. The Report of the Panel on United Nations Peace Operations, (New York: United Nations Department of Public Information, 2000). Para 15.
34. Boutros Boutros-Ghali, Supplement to An Agenda for Peace, A/50/60-S/1995, January 3, 1995.
35. New York: Department of Public Information of UN. < [http:// www.un.org/Depts/dpa/prev_dip/fst_prev_dip.htm](http://www.un.org/Depts/dpa/prev_dip/fst_prev_dip.htm)>.
36. Stephen Hill & Malik. Peacekeeping and the United Nations, *op.cit.*: 92.
37. Boutros Boutros-Ghali, "Empowering the UN" Foreign Affairs 71, no. 5 (Winter 1992/93): 93.
38. Kofi Annan, "United Nations Peace Operations and Cooperation with NATO" NATO Review 41, no. 5 (October 1993): 4.
39. Boutros-Ghali, Supplement of Agenda for Peace, para 35.
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41. Leurdijk, Dick A., "Before and after Dayton: The UN and NATO in the former Yugoslavia" Third World Quarterly 18, no.3 (1997): 5.
42. Ibid.7.
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47. Michele Griffin, *op.cit.*: 44.
48. Griffin, Blue Hemet Blues, *op.cit.*: 44.
49. Joel Solosky, "Great Ideals and Uneasy Compromise: The US Approach to Peacekeeping" International Journal 50, no. 2 (Spring 1995): 272.
50. Griffin, Blue Helmets Blues, *op.cit.* : 44.

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CHAPTER 2

SOURCES OF CONFLICT AND INSTABILITY IN SOUTH ASIA

In South Asia, the most violent conflicts in terms of fatalities, casualties, refugees, and displaced persons are the Kashmiri and Sri Lankan insurgencies. In addition, the two major powers in South Asia, India and Pakistan, have fought three wars since independence: 1947-48, 1965, and 1971. Moreover, the two countries narrowly avoided full-scale war after crises in 1987, 1990, 1998, 1999, and 2002. In Sri Lanka major violence and riots occurred in 1958, 1977, 1978, 1981, 1982, 1983, 1985 and the insurgency is still going on.

These conflicts and wars in South Asia share common characteristics with other international conflicts that occurred after de-colonization. The process of de-colonization that followed colonial disengagement was neither well planned nor tranquil. In South Asia, it produced violent conflicts as the long suppressed internal divisions of language, religion, caste, and ethnicity came to the forefront and existing institutions failed to cope with them.¹ Such divisions within nations had often been used by the colonial power for the purpose of imperial dominance. With the departure of the colonial power, these differences made the newly established states vulnerable.

The condition of a state in a post-colonial country is roughly analogous to a castle -- repository of rules and orders--- which in the past had dominated a territory without actually resting upon it, held up instead by stilts representing coercive superiority, technological and organizational innovation, and indigenous difference. The end of colonial rule either weakened or cut through these supporting stilts, leaving the castle precariously hovering above the ground.²

In addition, South Asian nations found that their boundaries drawn by the colonial power were incongruent with the natural distribution of social, economic, linguistic or cultural traits of the populations.³ Consequently, with independence an array of groups

with primordial ties found themselves in different countries, which instigated struggles among the neighboring states. This chapter explores the enormous sources of conflict in South Asia, which make peace building problematic. In this connection, the partition of the Indian subcontinent is investigated: a political decision that displaced millions and led to communal carnage, motivated by religion and /or ethnicity. In the Sri Lankan case, independence from the British left the minorities without their rights and led to an ethnic and religious based nationalism and aspirations for a separate state. This chapter also investigates the factor of ethnic, religious identities that causes interstate conflict, and provides an atmosphere of mistrust and disagreement. This chapter investigates the legal and political background of the Kashmir and Sri Lankan ethnic crises.

The Seeds of Permanent Conflict in South Asia

The seven states of South Asia share a common geography, eco-system, roots in an ancient civilization, and, except for Bhutan and Nepal, a common history of colonial rule.⁴ Britain left the subcontinent after ruling it for around two hundred years. Furthermore, it made inadequate efforts to maintain order at the time of transferring power. Its disengagement policy inevitably created a struggle for power, and political uncertainty in the Indian subcontinent and Ceylon (now Sri Lanka).

At the time of British control, the Indian subcontinent was inhabited by four hundred million people, composed of various racial-linguistic communities, living under widely differing systems of government and administration in Provinces and States. With Britain's departure, the Indian subcontinent was divided as a consequence of the 'two-nation' idea advanced by the Muslim League. According to the idea, the Hindu and Muslim communities in the subcontinent constituted two separate nations. In 1940, the

Muslim League claimed that, "...those areas in which the Muslims are in a numerical majority, as in the north-west and the north-eastern zones, should be grouped to constitute independent states in which the constituted units shall be autonomous and sovereign."⁵

The two-nation idea resulted in the creation of Muslim Pakistan consisting of a two-winged nation, one in the northwest and the other in the northeast, and a secular predominantly Hindu, India. As a consequence of partition, over one million people died, as Muslims left for Pakistan, and Hindus left for India. The communal violence, which accompanied the partition of the subcontinent in 1947, created the greatest refugee crisis of the twentieth century.⁶

It is simplistic to regard the emergence of an independent India and Pakistan as a triumph of nationalism over ethnic and communal identities. Secular territorial nationalism was shaken by competing identities and significant compromises with communalism and parochial loyalties.⁷ In fact, religious antagonism between the two major communities of India has been commonly regarded as the problem of communalism⁸ that originated with the advent of British rule in India.

The 1857 Mutiny⁹ is a proximate reference point to understand the adversity between India and Pakistan today. In the 1857 Mutiny, both Hindus and Muslims joined together and suffered equally.¹⁰ However, British wrath was directed solely towards the Muslims. As a result, the Indian Mutiny found the Muslim community isolated and on the defensive that in turn, reduced them to a state of objective poverty, ignorance and disparity.¹¹ In contrast, the Hindu middle class developed, and the Hindus eventually reconciled themselves to the ruling power politically, socially and culturally.

As a result of British colonial policies after the Mutiny, various movements (such as Wahhabi movement) aroused an anti-British feeling directed towards the Muslim lower and upper classes. The British Indian government sought a remedy for the frustrations and angst of the Muslim community. The policy was to acknowledge and encourage a separate social, religious, and cultural Muslim identity as a distinct political entity in India. This policy helped the Muslims gain the political, economic, cultural, and educational demands and aspirations in a compartmentalized way separate from the Hindus.¹² Moreover, a conscious decision was taken to exploit the existing divisions between Hindus and Muslims. As a result, separate political and social movements and leaders emerged in both communities.

The Indian scene between 1857 and 1914 was characterized by the expansion of modern communications, the establishment of western education, and the rise of a professional and business middle class. These trends helped to stir a spirit of nationalism that was signaled by the founding of the National Congress in 1885. In theory a truly national and secular party, the Congress was actually much more a Hindu organization in its membership. Moreover, a Hindu religious reform movement emerged with anti Muslim and anti British sentiments that was closely tied to the rise of political nationalism. In response, the Aligarh Muslim movement emerged that set about creating a Muslim revival. As a result, the Muslim community also became imbued with the spirit of nationalism. Consequently, the All India Muslim League was created in 1906.

The idea of separation had begun as an initial demand for a Muslim polity within India. The British, on their part, found the communal division both useful and necessary to nurture and thus accentuated the socio-cultural divisions between the Hindus and the

Muslims. The British Indian Government took the opportunity to create separate constituencies, together with the reservation of seats for the minority Muslims in the Imperial Legislative Council in the Indian Council Act of 1909. Religious nationalism received official validation through the linking of religion with political representation, power, and patronage.¹³ Between the 1880s and the early 1920s, communal and religious identities were thus politicized. As result, communal self-awareness had taken politics far beyond culture. As India began to search for a way out of British control, the communal question emerged as a future nemesis.

The British idea of monolithic religious communities was institutionalized with the granting of separate electoral constituencies. These were conceded to the Muslims in 1909 and further extended by the 1919 Government of India Act, and 1932 Communal Award.¹⁴ In so doing, the British provided legal recognition to the two religious communities, and this widened the cleavage between them, and germinated the seeds of partition and political antagonism between the two communities.

The period of 1937 to 1942 was critical to the growth of Muslim nationalism and the idea of partition. The 1937 provincial elections were a turning point. In this election, Congress enjoyed a clear majority in six out of eleven provinces. In those provinces won by Congress, there were large Muslim minorities. Mohammed Ali Jinnah (Muslim League) keeping in mind that a large Muslim community lived in the United Provinces of Avadh and Agra suggested that these provinces should have a coalition government with the Muslim League, to ensure that Muslims interests would be protected. However, Congress, which had won the majority seats in the province, rejected the proposal. As a result, Jinnah alleged that Congress was pursuing a policy of Hindu domination and

called for Muslim unity and solidarity. He also argued that only by organization and unity could Muslim minority rights and interests be protected from what he saw as the permanent Hindu majority.¹⁵ Immediately afterwards, the Muslim League raised the demand for the separate state Pakistan.

Like British India, the conflict in Sri Lanka was a long-simmering struggle between the island's two major ethnic groups: the majority Buddhist Sinhalese and the minority Tamils. When the Portuguese came to the island in 1505, they encountered three sovereign kingdoms in present Sri Lanka: two were Sinhalese and one Tamil.¹⁶ When the British conquered the island, they created a unitary state, Ceylon, with centralized administration under the British Crown in 1815.

With constitutional reform in the late nineteenth century, the British established separate electorate systems. The separation of the different communities by nominating representatives to the Legislative Council system introduced communal representation. The British maintained communal representation as an effective method of discerning the views and needs of the different communities. However, communal representation became a serious issue after 1908. The Sinhalese demanded representation according to population, and the Tamils sought representation in excess of their numbers. Such differences increased over time as other minorities also disputed communal representation ratios.¹⁷

Moreover, at the middle of nineteenth century Buddhist scholars began to address the theme that the Sinhalese-Buddhist people alone had rights to Sri Lanka. This was reinforced at the beginning of the twentieth century by rising Sinhalese nationalism that came into conflict with other religious communities.¹⁸ From the mid 1920s onwards,

Tamil national awareness also emerged and transformed into a Tamil national consciousness that insisted upon the need to protect the interests of the Ceylon Tamil Community.¹⁹ Thus, two distinct nationalisms emerged side by side in Ceylon.

In 1944, Lord Soulbury arrived as the head of a new commission that was to draft a constitution for Ceylon. The Tamil leaders demanded fifty-fifty power sharing between the Sinhalese and the rest of the minorities. In response, the commission recommended a liberal parliamentary democracy, without any powers sharing for minorities. However, it failed to define a bill of rights for individuals and minorities.²⁰ In this situation, the British left the island without resolving the issue. As a result, in the early years of independence, conflict developed between the two groups over the question of voting rights for Indian Tamil settlers in Sri Lanka. Three laws came into force: the Ceylon Citizenship Act of 1948, the Indian and Pakistani Residents (Citizenship) Act of 1949, and the Parliamentary elections (Amendment) Act of 1949. These removed the majority of Indian Tamils from electoral registers.²¹ This helped the Sinhalese to hold a majority of seats in the legislature. Moreover, the Sri Lanka government's policies favored the Sinhalese in the area of language, regional autonomy, settlement of Sinhalese on land claimed by the Tamils, and access to higher education. As a result, both Indian and Sri Lankan Tamils jointly formed the Tamil United Liberation Front (TULF) that demanded for a separate Tamil state to be called Ealam. Moreover, from the 1970s, Tamil separatist underground activities were begun by the Tamil youths. This was accelerated by the riots of 1983 that became a turning point for the separatist movement in Sri Lanka. As a result, the politics of separate nationalism and nationhood emerged which would be followed by a protracted conflict in Sri Lanka.

Princely States and the British Disengagement Policy

The independence of the subcontinent was assured on 20 February 1947. The British government announced its intention to transfer power to responsible Indian hands by a date no later than June 1948. On July 18, the Indian Independence Act was passed establishing India and Pakistan as independent countries as of August 15. But the transfer of power and partition did not end all the problems. The boundaries between the two countries had to be defined and the most critical problem that still remained concerned the princely states. Under British rule, two classes of states existed in the subcontinent. One group of states was under direct British rule. The second were the princely states, which were independent as long as they accepted the 'paramourncy' of the British Crown.

The monarchs of the princely states had control over all matters except defense, foreign policy and communication. In 1947, over 565 princely states administered two fifths of the Indian subcontinent, and were scattered throughout the Indian Empire.²² On August 15, 1947, the political agreements between the princely states and the British Crown lapsed, with the most important question regarding the settlement of princely states unresolved.

In this regard, the Cabinet Mission Memorandum on States 'Treaties and Paramountcy' of 1946 became the basis for settling their status after British withdrawal. First, the princely Indian states would legally and technically regain independence. Second, the possibility of their accession to either successor state was admitted. Third, if the princely states failed to accede either, they were to enter into particular arrangements with one or the other to obtain extra time before making a decision.²³

Moreover, in a speech at a special meeting at the chamber of princes in New Delhi on July 25, 1947, Lord Mountbatten, the viceroy of British India, advised the princely states to choose any of the two states - India or Pakistan. Defense, foreign affairs, and communications were to be the only subjects that they were required to transfer to whatever state they acceded to. They could also stay independent, but Mountbatten pointed out the difficulties confronting such a choice.²⁴

The Indian Independence Act 1947 provided the princes with some time to consider a decision on accession.²⁵ The transfer of power involving the princely states on India / Pakistan was governed by the principle of accession. Alan Campbell Johnson, Lord Mountbatten's Press Attaché stated,

The basic principle of Accession was that it was vested in the personal discretion of the rulers, since he was an autocrat. But it was recognized that their discretion should be qualified by the geographical contiguity of the state to the successor Dominion, the communal composition of the state, and a plebiscite if necessary to ascertain the will of the people. All but three of the five hundred sixty five princely states had acceded by 14th August either to India or Pakistan.²⁶

The British decision to divide British India into two states, significantly affected the importance of the princely states. In a technical and legal sense, the princely states were independent and had the right to decide whether they would join India or Pakistan, or stay as sovereign states. This position was stated by Jinnah:

Constitutionally and legally the Indian states will be independent sovereign states on the termination of paramountcy and they will be free to decide for them to adopt any course they like. It is open to them to join the Hindustan constituent Assembly or the Pakistan constituent Assembly or remain independent.²⁷

In contrast, although Congress accepted the idea in principle, its leaders also made it clear that the princely states must join either India or Pakistan not only as a practical matter but also to ensure a peaceful transfer of power.²⁸ Moreover, Mountbatten recommended the

princely states consider their accession either to India or Pakistan by the communal allegiance of the people and geographical contiguity.²⁹

As of 15 August 1947, the accessions of the princely states had gone smoothly. Most of those states that were small and geographically close to, or within India and ruled by a Hindu prince naturally acceded to India. Three princely states proved to be a source of considerable problems: Junagadh, Hyderabad, and Jammu and Kashmir (regarded as Kashmir)(Appendix H, Figure 2.1).

Junagadh was a princely state on the west coast of India (Appendix H, Figure 2.1). Its significance followed from the precedent it set as a small state of five thousand square miles geographically surrounded by India, with a Muslim ruler over eighty two percent Hindu inhabitants. Its railways, ports, and telegraphs were also an integral part of the Indian system. It was clear that any decision by the prince to accede to Pakistan would be a direct challenge to the accession policy of princely states, considering its population and contiguity with India.³⁰ Nonetheless, the state acceded to Pakistan on 15 August 1947.

India opposed the accession on the grounds of geographical contiguity and the wishes of the people. In a telegraph dated 12 September, India expressed its readiness to accept and abide by the verdict of the people of Junagadh with respect to the accession of the state to either of the Dominions. On 25 September, the Government of India reiterated its demand for a referendum on the state. Pakistani Prime Minister, Mr. Liaquat Ali Khan, replied by asserting the right of the ruler to accede to Pakistan on the grounds that plebiscite was a matter between the ruler and his subjects only. In an Indian cabinet meeting on the same day, the clamor for some sort of military operation became almost

overwhelming. However, the Governor General Mountbatten was dismayed at the prospect of any armed conflict between India and Pakistan:

If the “strong line” included entering Junagadh (i.e, Pakistan) territory, a senseless act of aggression, for which India would have to pay the price before the world, would have been committed. All the high international prestige which India had achieved, all the Ambassadors and Embassies we had established abroad, and all the corps Diplomatique which we were so assiduously collecting in Delhi, would become a liability instead of an asset, for we should have assuredly lost our international position if we were to prove otherwise to be nothing more than “out – and – out “ aggressors.³¹

Burke wrote that Mountbatten wanted to refer the issue to the United Nations for resolution, but Sardar Patel (the then Indian Home Minister) and Nehru disagreed.³² Jawaharlal Nehru, the Indian Prime Minister introduced the issue at a joint Defense Council.³³ On October 16, Mountbatten personally intervened into the dispute in suggesting a plebiscite, but Liaquat Ali refused to consider the proposal. India sent troops into Junagadh on November 1947. On February 20, 1948, India unilaterally held a referendum in the state and ninety one percent voted for India. Pakistan did not accept the plebiscite results and continued to regard Junagadh as its territory under Indian occupation. In so doing, Pakistan maintained its previous stand that the princely rulers had the right to accede to either state. In contrast, India did not recognize the minority ruler’s right to accede.

The case of Hyderabad was similar to Junagadh (Appendix H, Figure 2.1). Hyderabad was surrounded by Indian Territory with an eighty six percent Hindu majority and a Muslim ruler, the Nizam. It was the richest and the most populous (17 million) of all the princely states.³⁴ The ruler of Hyderabad refused to accede to India. In response, V.P. Menon, the State Secretary of India stated that the Hyderabad would be “a Pakistani

island within India.”³⁵ Instead, Nizam declined to accede to either India or Pakistan and sought to become an independent entity and join the British Commonwealth.³⁶

However, the Nizam did express a willingness to negotiate an agreement with India. A standstill agreement was concluded between India and Hyderabad in November 1947. The Nizam also opened up discussions with Pakistan and with the United Nations’ Secretariat to ensure Hyderabad’s emergence as an independent state.³⁷ However, an independent Hyderabad would include a huge expanse of southern India, and pose a political and strategic threat to the consolidation of India. Prolonged negotiations between Hyderabad and Indian representatives failed. At the same time, Nizam changed his conciliatory tone and declare that if negotiations with India broke down over accession, he would join Pakistan.³⁸

With allegations and counter allegations, political stability steadily deteriorated. The activists of Kasim Rizvi, head of Ittihad ul Muslimeen and of the razakars (volunteers) continued their operations, attacking both Hindus and Muslims whose loyalty to the Nizam was suspect. India blockaded the state and prevented necessary supplies, even medical, from entry into Hyderabad.³⁹ By early September, the internal situation had deteriorated and a complete breakdown of law and order followed. As a consequence, India intervene militarily on September 13, 1947 and by September 17, Nizam’s forces surrendered to the Indians following brief resistance.

The princely state of Kashmir was the largest and the fourth most populous of the princely states in the Indian subcontinent prior to 1947. In terms of demography, religion, culture, ethnicity and language there were variations among the different regions of Kashmir. According to 1941 census, seventy seven percent were Muslims, twenty percent

Hindus, one and a half percent Sikhs, and one percent Buddhists (Appendix H, Figure 2.2).⁴⁰ Despite its Muslim majority, communal relations were good.⁴¹

Kashmir was important to both India and Pakistan because its northern border formed an international frontier with China and the Soviet Union, which concerned both countries. It was also a source of rivers that provided water for the irrigation of large tracts of land in both countries. Although Kashmir was geographically contiguous with both India and Pakistan, its communications were easiest with Pakistan (Appendix H, Figure 2.4).⁴²

On August 15, 1947, Kashmir legally became an independent state. The Kashmiri Maharaja wanted to remain independent. On the other hand, India and Pakistan sought to persuade Maharaja one way or another to join their respective states. In this circumstance, in order to get some extra time to take a decision, the Maharaja requested Standstill Agreements with India and Pakistan. Pakistan accepted the request on August 16, 1947. India, on the other hand, asked the Maharaja to send representatives to Delhi for negotiations.⁴³ Pakistan claimed that the ties of tradition, culture, and economy linked Kashmir to it. Moreover, the claim was also based on the two-nation idea.⁴⁴ On the other hand, India wanted Kashmir to accede to India. Sardar Patel wrote to the Maharaja on July 3, 1947, "I wish to assure you that the interests of Kashmir lies in joining the Indian Union without any delay. Kashmir's past history and traditions demand it, and all India looks up to you and expects you to take this decision."⁴⁵ Moreover, as a Kashmiri, Nehru had always stood for something that went beyond the geographical borders of Kashmir. He was also driven by geopolitical and ideological considerations. Kashmir's joining secular India would be a definite blow to Pakistan, as well as Jinnah's two-nation idea.⁴⁶

On the accession issue, Pakistani leaders accused Mountbatten of favoring India, though he clearly stated, "My chief concern was to persuade the Maharaja that he should decide which Dominion Kashmir should join, after consulting the wishes of his people and without undue pressure from either side, especially the congress leaders."⁴⁷ He also brought the message from the Congress leaders that if the Maharaja decided in favor of Pakistan because of his Muslim majority population, India would not take offense.⁴⁸

In the prevailing circumstances, a local revolt against the Maharaja's rule broke in Poonch, a few weeks before August 1947. This revolt was undertaken by Kashmiri Sardar Mohammad Ibrahim Khan, who had escaped arrest by the Maharaja's force and fled to Pakistan,⁴⁹ where he established contact with the Pathan tribes and laid the foundation for an armed liberation movement against the Maharaja's rule.⁵⁰ In October 1947, Pathan tribesmen invaded Kashmir and captured Muzaffarabad and Poonch, and within five days reached Baramulla, near Srinagar. At that time Maharaja Hari Singh panicked and asked for help from India. India responded that it would send forces into Kashmir only if the Maharaja formally acceded to India, otherwise their entry would be illegal.⁵¹ Menon, the State Secretary of India, went to Kashmir and returned to Delhi on October 26, 1947, with the Instrument of Accession duly executed by the Kashmir Maharaja on the same day.⁵²

Even though Kashmir's Maharaja had the legal right to accede to India, the decision conflicted with Mountbatten's previous position that the princes accede to a state based upon the communal allegiance of the people and the geographical contiguity of the state. Moreover, considering the Junagadh case, Lord Mountbatten reiterated his suggestion made at the Defence Committee meeting on October 25, that the accession of Kashmir to

India be considered as temporary, and be finalized through a plebiscite. He urged, "that in reply his Government asked him to send on their behalf to the Maharaja accepting his accession offer he should be allowed to add that this was conditional on the will of the people being ascertained as soon as law and order were restored. This principle was at once freely accepted and unilaterally proposed by Nehru."⁵³

Immediately after the accession papers were signed, Indian troops were airlifted into Kashmir. Pakistani troops followed in response to the Indian decision to send in its forces.⁵⁴ Thus, the first Indo-Pakistan war commenced in October 1947 and ended in January 1949 with a UN sponsored ceasefire declaration.

This standard interpretation of events has been challenged by Pakistan, which posits that an internal popular revolt against the Maharaja had started before the partition.⁵⁵ As a result, the Maharaja's authority had been challenged and he had been effectively overthrown by a domestic insurrection before the accession to India, in a manner similar to India annexing Hyderabad after sponsoring an uprising against the Muslim ruler. Alastair Lamb has argued that Kashmir's accession was the result of connivance between Mountbatten and Nehru.⁵⁶ He has also asserted that the British were keen to keep Kashmir within India for geo- strategic reasons. Lamb cited the Radcliff Boundary Commission's Award of the Muslim majority's three tehsils (small territorial area) in the Gurdaspur district to India as proof of British complicity in preventing Kashmir from acceding to Pakistan.⁵⁷ The Gurduspur award provided a land link to Kashmir, making its accession to India possible (Appendix H, Figure 2.3 & 2.4). There is no doubt that the political leadership of both India and Pakistan regarded Kashmir as a territorial prize too important to be lost to the other. Both countries harbored their own territorial ambitions.

The Kashmir crisis occurred side by side with the Hyderabad and Junagadh cases. In the case of Hyderabad and Junagadh, Pakistan upheld the right of a minority ruler, without recourse to a plebiscite. In contrast, it did not recognize the Kashmir's Maharja's accession to India. On the other hand, in both the Hyderabad and Junagadh cases, India refused to accept as legally valid the minority ruler's decisions with regard to accession without the demonstrable support of the people. In all cases, the results were determined by military force.

Both India and Pakistan's position were contradictory. India had encouraged and supported by force the wishes of the Hindu Majority population in Hyderabad and Junagadh to overthrow their Muslim rulers and accede to India. If this was so, according to Pakistan, Kashmir should have gone to Pakistan. Pakistan challenged the validity of the accession claiming that the Maharaja had been overthrown by a domestic insurrection before the accession. Pakistan defended its arguments by noting the Indian action in Hyderabad in which India invaded and annexed after sponsoring an uprising against the minority Muslim ruler.⁵⁸ Taking into consideration the accession crises in Junagadh and Hyderabad as well as Kashmir, India's position was inconsistent.⁵⁹ On the other hand, Pakistan's position on the state of Junagadh and Kashmir was also contradictory.

In addition, both the Muslim League and Congress used ideology as principal justification in making their claim over Kashmir. Sumit Ganguly has pointed out that it was ideologically important for the Congress leaders to demonstrate that Muslims could thrive in a predominantly Hindu but secular state. He also stated " if India were to concede the territory of Kashmir to Pakistan, it would mean that Indian secularism was

merely cosmetic and only religion (particularly one that was numerically dominant) could serve as the basis for a state in South Asia.”⁶⁰

The situation created in 1947 has defied a solution despite endless diplomatic efforts. Ideological constraints and domestic politics within both India and Pakistan conspired against a compromise. India has continued to maintain its hold over Kashmir on legal grounds, citing the Instrument of Accession signed by the Maharaja in 1947.⁶¹ Pakistan's view is that the accession was conditional upon a plebiscite, which has never taken place. Pakistan considers Kashmir as the unfinished business of partition, arguing that if Hyderabad and Junagadh-- Hindu majority states with Muslim rulers- were to go with India, it was only logical that Kashmir a Muslim majority state with a Hindu ruler should have acceded to Pakistan. As a result of their conflicting views, Indo-Pakistan mistrust intensified, and interstate conflict and war broke out several times. The Kashmir dispute was a direct consequence of the inefficiency of the partition plan and process. Moreover, both India and Pakistan were large, multi-ethnic, and multi-linguistic states, with relatively high levels of domestic unrest and instability. These created huge opportunities for each other to intervene covertly in the domestic area of tensions and politics of others. The demarcation of international border left many serious anomalies, which propounded domestic and interstate relations vulnerable in South Asia.

Domestic Conflict: Sources of Instability

The consequences of colonial legacy (divide and rule, uneven distribution / development, separate electoral systems) were the stimulus for ethnic, linguistics, and religious reassertion among various groups and regions. Post-colonial states with weak institutions were ill equipped to manage ethno-religious nationalism that grew stronger in

the post independence era. Moreover, South Asia's new rulers were faced with the problems of converting independence movements into political parties and transferring themselves from opposition figures to responsible rulers. They also faced what was to become the familiar post-independence task of establishing a sense of unity amongst peoples divided by language, ethnicity, and religion once the common colonial enemy had been removed.

The struggle for independence left many unresolved questions, such as whether Pakistan should be run on secular or Islamic lines. Equally contested was the relationship between Pakistani or Indian nationalism and ethnic and linguistic allegiances. Moreover, in Sri Lanka, this would include an official language and religion, and subsequently minority rights. Furthermore, refugees and migration, and the majority and minority complex and identity crisis made the whole situation volatile. Partha Ghosh stated,

The long-drawn struggle for independence, the sheer size of the minorities and the political implications of population shift following the partition of India at the time of independence have combined to make the area one of the worst victims of ethnic-religious majority-minority cleavages in the Third World.⁶²

The problem has its roots in the composition of freedom movements in India, Sri Lanka, and Pakistan during 1880s. In the South Asian countries, nation building emphasized particular religious, ethnic and linguistic components, rather than secular or universalistic ones. In addition, sectarian forces such as communal, regional, and linguistic forces became powerful parts of the political process. This process of nation building in each country became entangled with the majority and minority dilemma that cut across national boundaries; each country tended to exploit and intervene into other's internal tensions and weaknesses through propaganda and other means which challenges regional cooperation in South Asia.⁶³

Six out of seven countries in the region face domestic crises. South Asian countries confront various levels of domestic dissent, either in terms of cultural and ethnic demands for political decentralization, or broad-based secessionist movements. These movements, for historical reasons, are deeply implicated in the partition story. In recent years such narratives have powerfully challenged carefully crafted 'national ideologies'. The success of Bengali linguistic nationalism in East Pakistan and the establishment of Bangladesh as a separate state in 1971 is at least an illustration of a 'sub national' discourse emerging triumphant after challenging the received national wisdom about partition. This had a definitive impact on Tamil nationalism in Sri Lanka.

Secessionist demands by the minority, and or even by an ethnic majority have become endemic in South Asia. Since independence, separatists' movements based on religion, language, race, and culture include Kashmir, Punjab, Assam, and the tribal areas of northeast India; the Tamils area of India and Sri Lanka; and Sindh, Baluchistan and the Northwest Frontier province of Pakistan. Some of the problems have been absorbed into the larger concept of a multi-ethnic nationhood. After years of guerrilla warfare, India practically resolved the Naga, Mizo, Gharo, and Khasia separatist movements by granting greater autonomy. The Pashtunistan separatist movement in Pakistan's Northwest Frontier Province was ended with the Soviet invasion of Afghanistan, and the Baluchistan separatist movement was crushed in 1974, although not fully resolved.⁶⁴

India has gone through different phases of internal conflict in the last fifty-five years. In the first two decades after independence, various ethnic groups in the southern and northeastern parts of the country sought autonomy. By the mid-1980s, besides the ongoing conflicts in the northeast, there were additional separatist or autonomy

movements involving the Sikhs, Kashmiris, Assamese, Bodes, Jharkhandis and Gorkhas. Ashok Behuria stated, "Autonomy in the Indian case has been primarily used to denote the demands of plural regional-ethno-national identities for a greater degree of self-administration within the larger federal framework of the Indian constitution."⁶⁵

In the 1950s and 1960s, in the wake of the movement for constitutional recognition of Hindi as the national language, the demands for the secession of southern states and establishment of Dravidistan were based on racial / linguistic grounds.⁶⁶ The 1980s saw the rise of secessionist movements in Punjab, Kashmir and some of the northeastern states (Nagaland, Manipur, and Tripura). The movements for autonomy in several reasons- Jharkhand, Chhatisgarh, Uttaranchal, and Gorkhaland—also gathered momentum and made their presence felt in the political horizon. During the 1990s movements for Uttaranchal, Jharkhand, and Chhatisgarh came to fore, and Congress was rather undecided about granting autonomy to these regions. Nonetheless, Bharatiya Janata Party (BJP)—the party currently in power in India- sought to accommodate their aspiration of statehood because of its gaining political footholds in that areas.⁶⁷

The most serious potential internal security problem that India faces is Hindu-Muslim violence as the result of a new dimension of militant Hindu nationalism. The growing Hindu-Muslim confrontation and the decline in India's secular commitment is reflected in the Mosque- Temple dispute in Ayodha, Uttar Pradesh.⁶⁸ This controversy provoked widespread Hindu-Muslim communal conflicts all over the South Asia.

Like India, Pakistan is also a multi-ethnic and multi-lingual state. After independence in 1947, the Pakistani ruling class adopted a nation-building strategy that was overtly centrist and distinctly biased in favor of the Punjabis. An ethos based on Urdu culture, a

particular version of Islam was projected as symbol of Pakistani national identity at the expense of hopes and aspirations of a number of majority (Bengali in East Pakistan represented fifty four percent of the total population of Pakistan), and minority ethnic groups.⁶⁹

This policy of governance constituted the prelude to a series of ethnic assertions that rocked the province of Sindh and the northwestern part of the country. The Pakistani rulers refused to recognize the identities of the minority and governmental policies of internal colonialism included Urduized pan-Pakistanism. This resulted in the emergence of Bengali nationalism in East Pakistan (now Bangladesh), and the Sindh imbroglio, which acquired attributes of a secessionist movement.⁷⁰ In the Sindh, clashes have often take place among non-Punjabi ethnic groups such as Sindhis, Mohajirs, and Afghan refugees.⁷¹ Aggrieved people in the northern areas of Baluchistan, Sindh, and Sariki have agitated for different degrees of autonomy. Of all the different movements in Pakistan, the one in northern Karakoram is potentially the most dangerous for the stability of the Pakistan as well as South Asian region.

Like the Pakistani governing elite, the Sri Lankan elites also introduced discriminatory policies after independence. Sri Lankan state's selective patronage of the Sinhala majority community's religion, language, and culture deprived the minority population of Tamil and Muslims. The adaptation of Sinhala as the only official language after independence created Sinhalese- Tamil ethnic animosity. The 1956 constitution recognized Sinhala as the only official language, which was followed by riots in Sri Lanka.

The governing elite ignored the Tamil minority, and the 1956 constitution failed to recognize its rights. A pact was signed in 1957 that recognized Tamil as the language of a national minority, and a language of administration in the north and eastern provinces without prejudice to Sinhala as the official language. Nonetheless, a watershed in the 'Sinhalization' of the state came in May 1972 with the passage of the republican constitution, which asserted Sinhalese Buddhist cultural forms and contained weak protections for the minority Tamils. The 1972 constitution confirmed Sinhala as the state language and Buddhism gained special status in the constitution.

Governmental policy confirmed the Tamils' feelings of second-class citizens. The sense of alienation was further reinforced by the government's policies on university entrance. In the 1970s, the government introduced new 'area-weighted' admission criteria, which left thousands of Tamils unable to attend universities.⁷² Furthermore, a policy of settling Sinhalese in traditional Tamil and Muslim areas finally alienated the minority populations. Myron Weiner states:

Hegemony rather than accommodative ethnic politics characterize a single ethnic group has taken control over the state and used its powers to exercise control over others...In retrospect, there had been far less nation-building than many analysts had expected or hoped, for the process of state-building has rendered many ethnic groups devoid of power and influence.⁷³

Inequalities in state policy that politicized religious and /or ethnic identity can pose a serious threat to state integration and security. Sri Lanka was the prime example of this. As a result, the Tamil response was first civil disobedience, and then separatism. In 1976, the Tamil United Liberation Front demanded the formation of the separate state of Tamil Eelam in the areas that were considered the Tamil homelands in the north and east of the

island and won election on this platform. Major outbreaks of violence occurred in 1977, 1978, 1981, 1982, 1983, and 1985.

Conclusion

The pursuit of colonial divide and rule policies inevitably contributed to the politics of identity within ethnic groups remained unresolved after independence. The Kashmir conflict was the direct result of de-colonization followed by the colonial disengagement policy concerning princely states. In the case of Sri Lanka, the ethnic conflict can be seen as part of the post-colonial modernization process in which colonial policy had an impact. As a result, after the independence, the cross-national ethnic, religious problems of South Asia posed a potential threat to the region's peace and stability. It is also evident that ethnic minority explosions not only strained bilateral and multilateral relations but also created inter-state crises. The conflict was whipped up by communalism and Muslim as well as Hindu nationalism and in Sri Lanka Sinhalese, as well as Tamil nationalism.

Notes:

- 1) Sumit Ganguly, The Origins of War in South Asia: Indo-Pakistan Conflicts Since 1947, Second edition (Boulder: West view Press, 1994): 1
- 2) Ibid. 2
- 3) Ibid.
- 4) Pakistan became independent on August 14, India became independent on 15 August, 1947, Sri Lanka on February 4, 1948, Maldives in 1965, Bangladesh on March 26, 1971. Although the Nepal and Bhutan were not direct British colonial control, they were British protectorate states.
- 5) Vernon Hewitt, "Creating a Common Home? Indo-Pakistan Relations and the Search for Security in South Asia" in The Post-Colonial State of South Asia: Democracy,

- Identity, Development and Security, eds. Amita Shasrtri, & A. Jeyaratnam Wilson (Surrey: Curzon, 2001): 286.
- 6) Ian Talbot, India & Pakistan (London: Arnold, 2000): 157.
 - 7) Ibid. 160.
 - 8) The word communalism came to South Asia from special usage under the British Raj. It is an ideology, which emphasizes the separate identity of a religious group in relation to other groups and offers a tendency to promote its own interest at their expense. The rivalries and collisions of religious, linguistic, and racial groupings were all considered expressions of communalism.
 - 9) The revolt shook the whole of India, and particularly the British administration. The British Crown took over the country from the East India Company. The techniques of British rule were established. This organized revolt also produced the foundation for freedom struggle.
 - 10) B.N. Pandey, The Break-up of British India (New York: St Martin's Press, 1969): 57.
 - 11) M.S. Jain, The Aligarh Movement (Agra: Sri Ram Mehra, 1965): 4.
 - 12) J.N. Dixit, India- Pakistan in War & Peace (London and New York: Routledge, 2002): 103.
 - 13) Talbot, op.cit.: 118.
 - 14) The award provided a representational and voting scheme for separate electorates, weighted representation and a reserved seat for different communities in the provincial and the federal legislature of the Government of British India, under the Government of British India Act 1935.
 - 15) Paul R. Brass, Ethnicity and Nationalism: Theory and Comparison (London: Sage Publications, 1991): 95.
 - 16) Sinhalese located one in the south and west of the island and the other in the central Kandyan highland, with the Tamils in the north of the island.
 - 17) Istiaq Ahmed, State Nation and Ethnicity in Contemporary South Asia (London and New York: Pinter, 1996): 243
 - 18) In the late nineteenth century separate electorates were introduced into the Sri Lankan Assembly. However, in the beginning of twentieth century rising Sinhalese

- nationalism began to blame non-Sinhalese and non-Buddhists for the ills of Sinhalese society. In 1915 anti Muslim riots were instigated by Sinhalese nationalists. See, Ibid: 242.
- 19) A Jeyaratnam Wilson, Sri Lankan Tamil Nationalism: Its Origins and Development in the 19th and 20th Centuries (Vancouver: UBC Press, 2000): 33-35.
 - 20) Istiaq, op.cit.: 243.
 - 21) C.R. de Silva, “ The Sinhalese-Tamil Rift in Sri Lanka” in the State of South Asia: Problems of National Integration, eds A. Jeyaratnam Wilson & Dennis Dalton, (Honolulu: The University Press of Hawaii, 1982): 161.
 - 22) Vernon Hewitt, op.cit.: 288.
 - 23) Jyoti Bhusan Das Gupta, Jammu and Kashmir (The Hague: Martinus Nijhoff, 1968): 73.
 - 24) Mountbatten insisted the rulers of the princely states keep in view the welfare of these people and geographical considerations in reaching a decision on the issue of accession. He mentioned that if any wanted to become independent, they would be too small to stand alone and they would balkanize the subcontinent. P.L Lakhanpal, Essential Documents and Notes on Kashmir Dispute, Second Revised & Enlarged edition (Delhi: International Books, 1965): 27.
 - 25) To arrange a standstill agreement between states and the neighboring province and dominion in order to allow the rulers for some extra time to decision.
 - 26) Alan Campbell-Johnson, Mission With Mountbatten (London: A Hamish Hamilton Paperback, 1985): 357-358.
 - 27) Surendra Chopra, UN Mediation in Kashmir: A Study in Power Politics (Kurukshetra University Campus: Vishal Publications, 1971): 3.
 - 28) Rajat Ganguly, Kin State Intervention in Ethnic Conflicts: Lesson from south Asia (New Delhi: Sage Publications, 1988): 41.
 - 29) Ibid.; also see Alan Campbell Johnson, op.cit.:358.
 - 30) Campbell Johnson, op.cit.: 192.
 - 31) Quoted by Philip Ziegler, Mountbatten. (New York: A. Knof, 1985): 443.
 - 32) Mustaqur Rahman, Divided Kashmir (Boulder London: Lynne Rienner Publishers, 1996): 66.

- 33) Although the India and Pakistan divided, the British Army worked with both countries and defence members from both countries met in New Delhi discuss the matters, in what was called a joint Defense Council.
- 34) See, Louis D. Hayes, "The Impact of U.S. Policy on the Kashmir Conflict" International Studies Number 2, (Tuscon, Arizona: The University of Arizona Press, 1971): 17; Das Gupta, op.cit.: 81.
- 35) Robert G. Wirsing, India, Pakistan and the Kashmir Dispute: On the Regional Conflict and its Resolution (New York: St. Martin's Press, 1994): 36-37.
- 36) Summit Ganguly, op.cit.: 33.
- 37) See, Dixit, op.cit.: 112.
- 38) Summit Ganguly, op.cit.: 33.
- 39) Campbell-Johnson, op.cit. 360.
- 40) Rajat Ganguly, op.cit. 38.
- 41) Despite the Muslim majority in Kashmir, inter-communal relations were good, but the Dogra ruler of Kashmir was harsh and oppressive towards the Muslims. In the early twentieth century, the Kashmiri Muslims demonstrated against the Dogra ruler. See also, Ibid. 40.
- 42) Tai Yong Tan and Gyanesh Kudaisya, The Aftermath of Partition in South Asia (New York: Routledge, 2000): 224; also see Rajat Ganguly, op.cit.: 41; Sir Conard Corfield, The princely India I Knew: From Reading to Mountbatten (Madras: Indo British Historical Society, 1975): 171.
- 43) Lankhanpal, op.cit.: 28.
- 44) Quoted by S. Chopra, op.cit. 9; Tan Yong, op.cit. 224.
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- 46) Sten Wildalm, Kashmir in Comparative Perspective: Democracy and Violent Separatism in India (London: Routledge Curzon, 2002): 37.
- 47) Victoria Schfield, op.cit.: 122.
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- 52) Lakhanpal, op.cit.: 47.
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- 54) Rajat Ganguly, op.cit.: 43.
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- 58) Arun R. Swamy, "Déjà vu all over again? Why Dialogue Won't Solve the Kashmir Dispute" Asia Pacific Issue 56. Also see, Raju G.C.Thomas, op.cit.: (1992): 21.
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CHAPTER 3

THE UN PEACEKEEPING MISSION IN KASHMIR REVISITED

Shortly after the independence in 1947, fighting broke out between India and Pakistan over Kashmir. On January 1, 1948, India complained to the SC that the continuation of the conflict was likely to endanger international peace and security. The SC established the Commission for India and Pakistan (UNCIP) to investigate and mediate the dispute. Since then, there have been a considerable number of UN's resolutions. The last was passed in 1971. Nonetheless, the question of Kashmir still remains on the SC's agenda. Most of the resolutions have been variations on the theme of appealing to both sides to withdraw their forces to the cease-fire line and negotiate. Regardless, the Kashmir problem has been the subject of exhaustive deliberation, investigation and mediation by the UN. Since the first resolution of the UN, it was clear that it would not intervene into the conflict directly, but only offered its help as an observer, mediator, and intermediary for negotiations under the Chapter VI of the Charter.¹

The 1948 UNCIP plan for a plebiscite and the withdrawal of troops from the Kashmir did not materialize. Later, a series of UN representatives failed to bring the parties any closer to a solution, despite various proposals. In addition, the role of the UN, and, in particular the role of the SC was thrown into question, justifiably or not because it became impossible to isolate the Kashmir crisis from Cold War politics. The Cold War was brought into the South Asia by the great powers for their strategic and ideological interests.

In 1948, when the Kashmir conflict was being discussed in the SC, the British representative, Mr. Noel Baker, described it as "the greatest and gravest single issue in international affairs."² The unsettled Kashmir question has continued to be recognized by

the international community as one of the most volatile and serious disputes in the South Asian region and a threat to international peace and security.

The UN operation in Kashmir occupies a unique place in the history of the UN not only because of when it occurred, but also due to its continued existence. This original operation was successful in the sense that it secured a ceasefire and observed its maintenance. But, it has failed to prevent wars and arrive at any pacific settlement and permanent peace. Certainly, the UN has not been satisfied with the mere achievement of a precarious cease-fire in Kashmir. But the UN's efforts to date have failed to progress beyond these poorly – enforced ceasefire arrangements. The record of the UN activity in Kashmir is a chronicle of passive multilateral involvement in the conflict of two intransigent parties.

The conflict between India and Pakistan over Kashmir is now a military stalemate on line of control. The focus has shifted to the struggle within an Indian controlled Kashmir by Kashmiris seeking independence. Moreover, the nuclearization of South Asia has added grave concerns for international peace and security. Regardless, the dispute between India and Pakistan over Kashmir is no closer to solution than when it first arose shortly after the two nations gained their independence in 1947.

Over fifty years, UN peacemaking and bilateral negotiations have failed to achieve any progress towards a settlement on the Kashmir issue. This chapter analyzes why UN peacemaking and peacekeeping failed to achieve a permanent settlement in Kashmir. This chapter also explores the degree to which other factors (internal and Cold War) impinged upon the ability of the UN to create an enduring political solution to the

Kashmir conflict. It also analyzes post-Cold War great power national interests and their role in the conflict and other multilateral engagements in the Kashmir dispute.

Peacekeeping in Kashmir

In 1948, under the Article 35 of the Charter, India referred the Kashmir question to the SC as a situation whose continuance was likely to endanger the maintenance of international peace and security. India charged that Pakistan was giving support to insurgents by allowing them to use Pakistan as a base of operations, supplying them with military equipment and transit, and permitting Pakistani nationals to participate in the fighting, and training Kashmiri rebels. On the basis of these allegations, India requested the SC to call upon Pakistan to refrain from all such activities in the future.³

The Indian representative in UN, Gopaldaswami Ayyanger, informed the Council that once the state had been cleared of the invader and normal conditions restored, its people would be free to decide their future by a plebiscite or referendum that might be held under international auspices.⁴ In response, the Pakistani representative denied any role in the violence of Kashmir. He noted that the hostilities in Kashmir were only a part of troubled relations between India and Pakistan after partition. He argued that these problems complicated relations between the countries and included a persistent attempt by India to undo the partition scheme, conduct a pre-planned and extensive campaign of genocide against the Muslims in East Punjab and the Punjab princely states, and to occupy unlawfully Junagadh and neighboring states. He further stressed Kashmir's accession to India was "by fraud and violence", and the failure of India to fulfill its obligations under the Partition Agreements. All of these, in turn, were related to the Indian object of "the destruction of the state of Pakistan."⁵

The government of Pakistan requested the SC to call upon the government of India to desist from acts of aggression against Pakistan and implement all agreements it had signed with Pakistan, appoint a commission charged with the task of investigating all the accusations against India, arrange the cessation of hostilities in Kashmir, and enforce the withdrawal of all outsiders whether they come from Indian or Pakistan, facilitate the return and rehabilitation of Kashmiri refugees, establish an impartial administration in Kashmir, and finally, conduct an impartial plebiscite.⁶

The SC responded by passing Resolution S/636, on January 6, 1948 recognizing the urgency of the situation and appealing to both governments to refrain from any steps incompatible with the UN Charter and liable to result in any aggravation of the situation.⁷ The Council also requested that the representatives of India and Pakistan meet under the auspices of the next Council President to attempt to find some common ground on which the structure of a settlement might be built.⁸ On January 20, the SC established a three member United Nations Commission for India and Pakistan (UNCIP) to investigate the facts, and to exercise a mediatory role in order to solve the crisis.⁹

The SC resolution attempted to find a compromise between the Indian and Pakistani viewpoints and consequently failed to satisfy either. India wanted the commission to confine its activities to the cessation of hostilities, and observation of a plebiscite under the government of Kashmir. Pakistan, on the other hand, wanted the commission to work within a wider mandate to enforce the ceasefire, and to consult with all the political parties in Kashmir to form an interim neutral administration that would organize the plebiscite in Kashmir.

When the Council met after a round of negotiations on 28 January, the differences between the Indian and Pakistani approach were now on record. India wished the fighting to stop first; Pakistan insisted that if the Council did not come into an agreement on guaranteeing a fair plebiscite, the fighting would not stop. In the SC's discussion that followed, it was clear that opinion in the UN favored the Pakistani proposal with regard to three crucial matters: fighting could not stop without a formula for the solution of the problem; an impartial interim administration was necessary; and the SC should not only observe but also hold the plebiscite under its authority.¹⁰

In response, the Indian representative remarked that its proposal had been brushed aside.¹¹ He also stated that neither India, Pakistan nor the SC had any jurisdiction to form and/or create a government in Kashmir. He also suggested that the SC had no right to conduct the plebiscite. It was a matter for the Government and people of the State of Kashmir.¹² India's Prime Minister Nehru also stated that he was surprised and distressed at the fact that the SC had not even properly considered the Indian case.¹³

On April 21, 1948, the SC adopted a resolution to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Kashmir was to accede to India or Pakistan.¹⁴ This resolution was the first attempt to provide an overall solution to the Kashmir dispute. In it, the SC established a five-member commission to place its good offices for mediation at the disposal of both governments, and to be of assistance in the restoration of peace and holding the plebiscite.¹⁵

Acting under Chapter VI of the UN Charter, the SC did not direct any parties to the dispute to act, but only provided recommendations for future actions. These

recommendations were not juridically obligatory on the parties. Moreover, these recommendations were not enforceable by the SC. The established commission's role, therefore, was one of consent-based mediation without any right to impose its will. It was thus limited in its activities. The final solution remained with the government of India and Pakistan and depended upon their good will. Furthermore, the SC avoided taking sides in the dispute. It did not, as India requested, condemn Pakistan as aggressor, nor on the other hand, did it examine the legal aspects of the Kashmir's accession to India, as possible under Article 96 of the UN Charter.¹⁶

The SC also did not act according to the Chapter VII of the Charter, which specifically deals with threats to international peace and security. Both India and Pakistan repeatedly stated before the SC that the situation represented such a threat. Both argued that the Council should provide an immediate solution and stressed its urgency. The Indian delegate, for example, emphasized the ongoing war between India and Pakistan, while the SC was deliberating. It appears that the SC either failed to recognize the full gravity of the situation, or chooses to ignore it.

The governments of India and Pakistan both expressed dissatisfaction with the resolution. Initially the Indian government was very hostile to the resolution, and declared many parts of it unacceptable. India particularly resented the failure of the resolution to condemn Pakistan for aggression. Nehru described the resolution as unreasonable, and argued that India could neither execute nor accept many points.¹⁷ The government of India sent a protest letter to the UN and refused to offer any cooperation towards its implementation.

Pakistan, in contrast, felt that the original trend in the debate had been favorable to Pakistan and ground had been lost due to British and American desire to redress the balance between India and Pakistan.¹⁸ As a result, Pakistani newspapers urged closer collaboration with the Soviet Union. Pakistan rejected the resolution.

Despite the fact that India and Pakistan rejected the resolution, both the parties expressed their readiness to accept the good offices of the UNCIP on the subcontinent. The Commission reached the subcontinent on July 7, 1948, and immediately embarked upon consultations in Karachi and New Delhi. It did so in an atmosphere of severe mistrust on each side, and a situation politically and militarily different from what the SC had thought existed when it had passed its resolution.¹⁹ The Commission discovered a full scale war raging between the two young countries. Previously Pakistan did not admit that its troops were in the Kashmir, but when the Commission came to subcontinent, Pakistan informed the Commission that three brigades of regular Pakistani troops had been in Kashmir since May 1948. In response, the Commission shifted emphasis towards mediating a ceasefire that would be followed by a truce agreement providing for demilitarization, and subsequently the holding of a free and impartial plebiscite.

On August 13, 1948, the Commission unanimously passed a three-part resolution. Part I asked the government of India and Pakistan to issue ceasefire orders and to accept the appointment of UN military observers to supervise its implementation. Under Part II, Pakistan would withdraw its troops from Kashmir, as well as tribesmen²⁰ and Pakistani nationals. Local authorities under the surveillance of the commission would administer the evacuated territory. India was requested to withdraw the bulk of its forces as per the SC resolution. Finally, under Part III, both governments were asked to reaffirm their

agreement to a future Kashmir that would be determined in accordance with the will of the people. In response, India accepted the resolution. Pakistan attached to its acceptance so many reservations, qualifications, and assumptions as to make its answer “tantamount to rejection.”²¹ It revealed Pakistan’s fear that once the fighting stopped, India, being in possession of the better part of Kashmir, would be satisfied with the *de facto* division of the country and obstruct a free plebiscite.

Pursuing its task of mediation, the commission prepared a supplementary proposal to alleviate the apprehensions of Pakistan. On January 5, 1949, UNCIP adopted a supplement to the original SC resolution, indicating the way to demilitarization as the last measure preceding the plebiscite. This supplement confirmed unequivocally that the question of the accession of state of Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.²² It also made provisions for the nomination of a plebiscite administrator who would be a personality of high international standing and commanding general confidence.²³

Pakistan agreed to accept the resolution on the grounds that the Secretary-General in consultation with the Commission would appoint the plebiscite administrator. Further the SC assured Pakistan that the Plebiscite Administrator would not be an employee of the Kashmir Government or subject to its control and would enjoy exclusive power in organizing and conducting the plebiscite.²⁴ After the fighting had ceased and the truce agreement as envisaged in Part II implemented, the Commission and Plebiscite Administrator, in consultation with the government of India and the Azad Kashmir authorities, would begin to determine the final disposal of Indian and Azad Kashmir forces respectively.

With the acceptance of both parties, the ceasefire came into effect one minute before midnight on January 1, 1949. The UNCIP planned for the organization and deployment of military observers. These observers, under the command of the UNCIP military adviser, formed the nucleus of the United Nations Military Observer Groups in India and Pakistan (UNMOGIP). The subsequent Karachi Agreement of July 1949 established a ceasefire line and specified that UNCIP would station UNMOGIP observers where necessary. Since then UNMOGIP has remained in place.²⁵

On February 4, 1949, the UN Commission returned to the subcontinent to put into effect the truce agreement in order to prepare for the plebiscite, but met with difficulties. Both governments rejected the Commission's proposal. In response, the Commission presented a memorandum on arbitration stating that the two governments would submit to arbitrate all their differences regarding the implementation of the truce agreement. Fleet Admiral C. W. Nimitz (US) was proposed as arbitrator. This proposal was supported by President Truman (US) and Prime Minister Attlee (UK), who sent messages to the Prime Ministers of India and Pakistan urging them to accept the commission's proposal. Pakistan accepted, but India rejected the idea of international arbitration entirely.²⁶

India objected that the scope of the arbitration was not known in advance and the Indian government considered that "this procedure (was) novel and without precedent and could hardly be justified;" it could "only express surprise and disappointment at the attitude of the commission."²⁷ India's Prime Minister Nehru considered the US President and UK Prime Minister's request as interference into the Kashmir conflict.

As the arbitration effort failed by the end of 1949, the UNCIP returned to the SC and concluded that it had exhausted the possibilities for obtaining agreement between the parties on the demilitarization of Kashmir. It recommended that a single mediator with broad powers appropriate to settle the problem replace the five-member commission. In response, the SC appointed Sir Owen Dixon (Australia) as the United Nations Representative for India and Pakistan (UNRIP). His proposed plan for demilitarization also failed to gain support from both states. With a complete deadlock having been reached, he then suggested the idea of partitioning most of the state of Kashmir.²⁸ Following the failure of Dixon mediation, in 1951, the SC appointed Dr. Frank Graham (US) as UNRIP and instructed him to effect the demilitarization of Kashmir. He also subsequently failed to secure an agreement. The SC then suggested that an arbitrator or a panel of arbitrators be appointed by the President of the International Court of Justice after consultation with the parties.²⁹ At the same time, the Council also criticized India for sanctioning the convening of a Constituent Assembly by the All Jammu and Kashmir National Conference.³⁰ Pakistan accepted the SC suggestion of arbitration, but India rejected it as 'highly objectionable'.³¹ In Kashmir, demonstrations were arranged by the National Conference against the UN and Dr Graham. The Kashmir Constituent Assembly declared that Kashmir was not interested in the United Nations, which was the victim of international intrigues.³²

As a result of his failure,³³ Dr. Graham did not seek an extension of his mandate. However, he, as others before him, recommended that the leaders of India and Pakistan undertake direct negotiations to resolve the deadlock. The departure of Graham brought an end to the multilateral negotiations effort. In 1953, India and Pakistan moved to

resolve the dispute on a bilateral basis. On June 5, Indian Prime Minister Nehru and Pakistan Prime Minister Mohammed Ali met in London for informal talks. The meeting produced a joint statement that affirmed the desire of both parties to settle the dispute without resort to force, to hold an impartial plebiscite to ascertain the wishes of the people of that state, and to appoint a Plebiscite Administrator. Many believed that this move was a significant development and great opportunity, because India had agreed to what it had previously refused to accept.³⁴

To appoint a Plebiscite Administrator became the main concern for both countries. India's view was that the new Plebiscite Administrator should be someone from a small country. On the other hand, Pakistan was interested in seeing Admiral Nimitz (US) as the Plebiscite Administrator, because of its improving relations with the US. India doubted Nimitz's impartiality, as there were rumors that Pakistan was about to join a US led military pact.³⁵ Nehru responded that Pakistan would have to choose India's offer of a free, fair plebiscite and good neighborly relations, or military partnership with the US.³⁶ It is important to note that just as India appeared willing to settle the Kashmir dispute bilaterally, Pakistan failed to meet the Indian condition and joined with the US in a military pact with the signing of a Mutual Defence Agreement. Nehru argued that Pakistan's alliance with the US had altered the entire context of the Indo-Pakistan relations and consequently all previous agreements about the plebiscite in Kashmir had become obsolete.³⁷

However, at the same time, significant internal changes occurred in Kashmir. On August 8, 1953, Sheikh Abdullah was dismissed as Prime Minister and put under arrest. Abdullah's procrastination in confirming the Instrument of Accession did not serve

India's objective of consolidating its hold on Kashmir. Karan Singh—Sadar-i-Riyasat—the replacement of the Maharaja of Kashmir stated that he was moving in entirely different direction.³⁸ Gulam Bakshi was appointed the new Prime Minister of Kashmir. On February 6, 1954, the Constituent Assembly formally ratified the accession of the state of Kashmir, which was intended to legitimate the Instrument of Accession, signed by Maharaja Hari Singh in 1947. On August 1956, a draft of the Kashmir's constitution was presented to the Constituent Assembly. The constitution declared that the "State is and shall be an integral part of the Union of India," and its territories "shall comprise all territories which on August 15, 1947, were under the sovereignty."³⁹ On January 26, 1957 the state of Kashmir approved its own constitution.

Pakistan strongly opposed ratification and the Prime Minister of Pakistan ridiculed the Constituent Assembly's authority to legislate for Kashmir. He also refused to recognize the validity of its decision. He noted that both India and Pakistan had pledged to hold a plebiscite in Kashmir to which the SC was also a party. Pakistan raised the issue at the SC. The Pakistan Foreign Minister, Malik Feroz Khan Noon requested the SC to call upon India to refrain from accepting changes envisaged in the new constitution adopted by the Constituent Assembly of Kashmir. He demanded arrangements for the withdrawal of troops and the introduction of a UN force in Kashmir immediately.

Accepting the Pakistani proposal, five Council members (United States, United Kingdom, Australia, Cuba, and Colombia) introduced a draft resolution suggesting a temporary UN force in Kashmir. India categorically declared that it would reject any attempt to introduce 'war elements' in the form of a UN force.⁴⁰ Moreover, the Soviet representative opposed the UN force in Kashmir. He emphasized that the UN Charter did

not permit the use of force for the purpose of holding a plebiscite in any country, as it was contrary to the principles of the Charter.⁴¹ Subsequently, the Soviet Union vetoed the final resolution. The Soviet delegation stated “India had already granted the right of self-determination to the people of Kashmir through elections and that the Kashmiris had thereby decided their future conclusively.”⁴²

Despite the Soviet Union’s veto, Australia, United States, and United Kingdom introduced another resolution. The resolution requested the SC President to examine with the two governments any proposal, which, in his opinion, would likely contribute towards the settlement of the dispute. It passed, and SC President Jarring visited the two countries, but failed to make any progress.

Subsequently, in 1962 several developments occurred that led Pakistan to raise the Kashmir dispute again in the SC.⁴³ This time, the Ireland delegation submitted a draft resolution stressing the need for direct negotiations between the two countries in accordance with Article 33, and other relevant provisions of the Charter. The Soviet representative opposed the proposal and promptly vetoed the draft resolution.⁴⁴ After this, the SC never discussed Kashmir again. Nonetheless, after the 1965 Indo-Pakistan war, the SC passed a resolution calling for a ceasefire between India and Pakistan. Again in 1971, when a short war followed between India and Pakistan with the emergence of East Pakistan as a sovereign state of Bangladesh, fighting also occurred in Kashmir. Subsequently, to demarcate the line of control and secure the release of prisoners of war, an Indo- Pakistan summit was held at Simla in July 1972 and agreement was signed. The Simla agreement envisaged that India and Pakistan would settle their differences by peaceful means through bilateral negotiations, or by any other peaceful means mutually

agreed between them.⁴⁵ Since then the Simla agreement remains central to the Indian government's approach to a settlement of Kashmir with Pakistan.

The Kashmir Dispute in the Cold War Politics

Pakistan's signing of a Mutual Defence Assistance Agreement (1954) with the United States and its acceptance of American aid provided the most direct means for the intrusion of major external powers—first the US and then, as a counter to it, the Soviet Union. This brought the Cold War fully into the subcontinent. The introduction of the Cold War froze the Kashmir issue in the SC. Immediately after independence when the dispute came to the forefront of the SC, Kashmir had been of little interest to the great powers. American policy towards the new nations of Indian and Pakistan appeared straightforward and uncomplicated. Both the US and British officials continued to believe that there would be no peace in the region until the Kashmir dispute had been resolved. They considered that its solution was the key to regional stability, and thus became the objective of American diplomacy.⁴⁶ Ironically, in the early 1950, US policy toward South Asia was revised and the US tilted initially towards India, not Pakistan.⁴⁷

After independence, India perceived itself as South Asia's natural dominant power with the balance of power in its favor. India's main concern was to prevent external powers from establishing a foothold in the region. India, following a non-aligned, independent foreign policy, made it clear that it would not join any Western alliance or alliances. In contrast, Pakistan's regional security perception was the opposite of India's. Pakistan sought to deny Indian's predominance in South Asia by altering the regional balance of powers. This required alliances.

In searching for an ally, Pakistan consistently supported US foreign policy initiatives. With Indian Prime Minister Nehru's non-aligned posture, Pakistan was the only option for the US in South Asia. Moreover, the fragility of the Near East in the face of growing Soviet military power and Britain's declining financial and material resources lent new urgency to Anglo-American military planning for the region. By mid-1953, anti communist paranoia had reached new heights in the United States. Events in China, Korea, Vietnam, Berlin had created much concern in Washington. The US government was determined to prevent communist expansion through a series of US-sponsored security pacts.

The United States' main consideration in allying with Pakistan was to advance its policy of Soviet containment by strengthening the chain of collective defence arrangements around the borders of the Soviet Union. The existence of two strong communist powers to the north of the subcontinent drew the attention of the US to South Asia. Pakistan's close location to the Soviet Union and China and close proximity to the Middle East and East Asia attracted US strategists. Moreover, its potential role in the defense of both the Indian Ocean and the Indian subcontinent, as the largest Muslim nation in the world with a proud military tradition, also made Pakistan an attractive ally. The US purpose was to protect Southeast Asia and the Middle East against possible Chinese or Soviet attack, and/or infiltration.

While the US was motivated by the Cold War to ally with Pakistan, Pakistan sought arms and alignment to protect itself from India: its chief regional rival. Pakistan believed that during the SC debate in April 1948, the SC favored the Pakistani argument, even though the US and Britain were trying to strike a balance between India and Pakistan.

The US did not want to take sides in the conflict. Thus, Pakistan hoped that as an ally, the US would support the Pakistani case in the SC and facilitate the implementation of the SC resolutions regarding the plebiscite in Kashmir. Pakistan willingly linked itself with US strategic planning in a Mutual Defense Agreement (1954), the Southeast Asia Treaty Organization (SEATO, 1954), and the Baghdad Pact (1955— known as the Central Treaty Organization, CENTO).

The Indian response was very harsh. Indian Prime Minister, Nehru stated that US military aid to Pakistan was intervention in South Asia that directly effected the Kashmir issue.⁴⁸ Inevitably, the US- Pakistan's new relationship and defence agreement led to changes in India's policy towards the outside world. First, an intense anti American sentiment swept India. The UN was advised to remove its American officers stationed in Kashmir, since they were no longer considered neutral in the Kashmir dispute. Second, India directly moved closer to China and the Soviet Union for support.⁴⁹ Nehru saw three main implications of US military assistance to Pakistan. First, it had invariably upset the natural balance of power in South Asia, as well as between India and Pakistan. Second, Pakistan had brought the Cold War to the subcontinent. The Indian view was that when neighbors are allied to powerful intruders, its domestic politics and foreign policies are distorted. Third, the US had established a foothold in South Asia that could bring Western dominance into the area.⁵⁰

The US, while arguably promoting international stability relative to its vital strategic interests, contributed to instability in South Asia. Naturally, the main reasons for the American military commitment to Pakistan were interests that were defined almost exclusively in strategic terms. Chester Bowles, US Ambassador to India believed,

however, that the American pact with Pakistan would be catastrophic. It would jeopardize the settlement of the Kashmir conflict. Moreover, this would surely provide the opportunity for the Soviet Union to involve in the region.⁵¹

The American arms supply to Pakistan also created a major security problem for India. As a result, Nehru sought to counter the security threat by forging strong political links with its two communist neighbors, China and the Soviet Union. In general, during the mid-1950s Pakistan looked upon its alliances with the West as a security guarantee against India, and India regarded its close political relations with Soviet Union as a safeguard against any joint Pakistan-Western anti-Indian move at the UN with regard to Kashmir. South Asia emerged as an important competitive arena for the US and Soviet Union, although on a non-confrontational basis between them. The two governments supported different sides in South Asia—Moscow enthusiastically endorsing any Indian regional claim (for example, Kashmir); Washington tilting, although not unequivocally, toward Pakistan.

All these developments gave a further twist to the fate of Kashmir and linked it to the fortunes of the Cold War rivalry. Indian Prime Minister Nehru argued that Pakistan's alliance with the US might embolden Pakistani leaders to seek a military solution to the Kashmir problem. Furthermore, India argued that it had altered the entire context of the Indo-Pakistan relations and consequently all previous agreements and understanding about the plebiscite in Kashmir had become unworkable. In the meantime, the Constituent Assembly of Kashmir ratified the Instrument of Accession. India's position in the SC also changed and hardened. India claimed that Kashmir's accession to India

was final and Kashmir Constituent Assembly was the only authority to decide any matter concerning the state, and that Pakistan should end its aggression in Kashmir.⁵²

As part of diplomatic developments, the Soviet Union extended complete support to India on Kashmir. On these issues, the Soviet Government came out openly and uncategorically on India's side. During Bulganin and Khrushchev's visit to India in 1955, for example, they made no secret of their support for the Indian view on Kashmir. Khrushchev visited Srinagar (capital of Kashmir) and announced: "The question of Kashmir as one of the constituent States of the Republic of India has already been decided by the People of Kashmir... Facts show that the population of Kashmir do not wish that Kashmir become a toy in the hands of imperialistic forces."⁵³ As a result, the Soviet delegation extended full support to India at the SC and subsequently vetoed all SC resolutions against India. Subsequently, the expectation of a veto kept it off the SC agenda.

Moreover, the emerging Indo- China dispute redirected both Soviet and US policy in South Asia. Changed perceptions in both US and Soviet Union concerning their respective roles in South Asia led to a quasi-alignment between the two superpowers.⁵⁴ The critical factor was the Indo-China border war of 1962. After this war, the US and Soviet Union both provided arms and logistic support to India. The United States and Soviet Union's motivations were quite clear; namely, to enlist India's cooperation in the containment of China, which by 1963 had become the basis for the Asian strategies of both superpowers.

The US and Soviet policies toward Pakistan in the 1960s were also regulated by the tilt toward India as a factor of China. The US continued its military aid to Pakistan in the

first half of the decade, but it was substantially reduced in the later half of 1960s.⁵⁵ At the same time, the US with British collaboration, tried and failed to nudge India towards working out a settlement of the Kashmir problem with Pakistan. India responded reluctantly to Anglo-US pressure, but soon found justification for abandoning its conciliatory efforts when China concluded a border agreement with Pakistan that conferred tentative legitimacy on Pakistan's occupation of part of Kashmir.⁵⁶

At the start of the 1965 war between India and Pakistan, the US military aid program was terminated for both sides. During the conflict, the SC passed a strong resolution on the war calling for a ceasefire. However, the Kashmir question was overlooked. The US did not support Pakistan. In fact, both America and Soviet foreign policy became seriously distorted by the Vietnam imbroglio, which reduced their capacity for any creative intervention into the Kashmir issue. Ashok Kapur rightly observed, "In this period there was no regional power, no bipolarized regional power structure, no permanent intrusive crisis manager, no conception of an operative Indocentric (India-managed) regional power structure. But there was an Indo-Pakistani cold war."⁵⁷

After the 1965 war, India began to look towards the Soviet Union not only for arms but also for technology. The Soviet Union did not lose interest in India. Indeed, its own conflict with China enhanced India's importance to the Soviet Union, which remained heavily tilted towards India while seeking to improve its relations with Pakistan. Pakistan began to look towards China as an alternative source of military supplies from the US.

In the 1971 India- Pakistan war, US and China helped Pakistan against India. The most important development was the improvement in US- Chinese relations, which eventually transformed into a quasi-alliance directed against the Soviet Union in Asia in

general, particularly in South Asia.⁵⁸ Chinese and American policies toward South Asia led India to sign a treaty of friendship with Soviet Union in 1971.⁵⁹ Again, in the 1980s, with the Soviet Union's intervention into Afghanistan, US and Pakistan became closer. This reinforced the existing international alignments of India and Pakistan: India with Soviet Union, and Pakistan with the US and China.

In South Asia, superpowers policies changed intermediately relative to their interests. For example, during the nineteen fifties, the main thrust of US strategy was to involve as many nations as possible in military pacts designed to contain Soviet Union-Chinese power. In the sixties, the US worked with the Soviet Union to contain the influence and power of China. In the seventies the US remain interested in containing both the China and Soviet Union, but considered the Soviet Union stronger and more necessary to be contained.⁶⁰ The superpowers national interests brought the Cold War to South Asia. The SC split along Cold War lines. With it, the possibility of UN peacemaking had come to an end.

The Kashmir Dispute in the Post-Cold War Period

The end of the Cold War dramatically changed the nature of the regional conflicts around the world by ending the superpowers' patronage of local combatants. The SC was free from the structural barrier created by the superpowers. In so doing, it became more active in responding to threats to international peace and security with the passing of peacemaking, peacekeeping, and peace enforcement mandates. Expectations emerged that progress in conflict would be made and the UN would take a greater role. However, while armed conflict between Kashmiri fighters and Indian security forces became common and routine, the world's attention focused on Kosovo, Yugoslavia, Somalia, the

Middle East, and East Timor. Humanitarian intervention by the international community into domestic conflicts in several troubled regions heightened Pakistani expectation that Kashmir would get a similar response. The Kashmiri fighters and Pakistan attempted to introduce the Kashmir issue to the international community and demanded international intervention.⁶¹ Regardless, the SC did not even discuss the Kashmir conflict, even though it was on the UN agenda.⁶² Moreover, rather than easing tensions in South Asia, the end of Cold War made the situation more dangerous and intractable. One Asian expert rightly explained the situation:

The region seems to be prepared neither to take the advantages offered by the demise of the Cold War nor to face the challenges posed by it; the security scenario in South Asia remains almost unaffected. Contrary to the expectations, both intra and interstate conflicts have become more intractable.⁶³

Since 1989, the two sides regularly fired artillery shells across the Line of Control. Moreover, Kashmir had become scene of a national self-determination movement among Kashmiri Muslims, particularly due to bad Indian governance.⁶⁴ Pakistan gave both moral and material support to the militants in Kashmir.⁶⁵ The first violent skirmishes began with the secular Kashmir Liberation Front (JKLF) in late 1988, when it started a campaign for independence that brought a sudden and rapid escalation of violence, especially in the Kashmir Valley. In 1989, the Kashmir Valley became engrossed in a mass-based nationalist movement, which was accompanied by a wide scale political insurgency. Ethnic, religious, and territorial divisions gave rise to irredentist claims on both sides of Kashmir, even though, a substantial portion of Kashmiri opinion favored a third option: independence from both India and Pakistan.⁶⁶

While India fought against the militants, numerous human rights violations occurred especially by the Indian security force and police. In the early 1990s, India faced tough

international criticism over human rights violations in Kashmir.⁶⁷ The insurgency also led to the revival of Kashmir as a significant American concern. The US administration criticized India's violation of human rights in Kashmir, where half million troops were fighting a civil war against Muslim militants. In October 1993, the US South Asia Bureau's first Assistant Secretary Robin Raphael commented that the US still regarded Kashmir as disputed territory.⁶⁸

At the end of Cold War, global power relationship had profound implications for South Asia, because it was one of the areas, which was closely tied to the Cold War nexus. The regional powers reviewed their respective policies that had been shaped by the East-West struggle. India's policies changed significantly. It tried to normalize its relationships with both China and the US. The US responded positively to the Indian move and closer ties with India were sought.

As a result, the US position on Kashmir dispute began to change with improved relations between US and India. The US pursued a policy of parallelism toward India and Pakistan in order to support a regional balance in South Asia that would serve its perceived interests in countering terrorism, managing nuclear proliferation, and containing China.⁶⁹ After the Cold War with Moscow's withdrawal from Afghanistan, followed by the collapsed of Soviet Union, the strategic importance of South Asian region declined to US. The US interest in South Asia had been strictly derivative of its global rivalry with the Soviet Union. Now as rivalry abated, there was less reason for the US to play any high posture in South Asia. The US does not have vital interests in South Asia, unlike its interests in the Persian Gulf, the Caribbean, or in East Asia, where oil,

and/or geographic proximity defined US interests. Moreover, Kashmir has no significant resources needed by the US or its allies.

The solution of Kashmir dispute was also not directed to any ideological values of significance to US. As a result, the US interest in the Kashmiri dispute was limited.⁷⁰ Moreover, if the US chooses to favor one country's position on the dispute, relations with other country would be tainted. Though the US policy of parallelism, the US administration expressed concerns about the Kashmir dispute, but only supported bilateral negotiations. In 1993, Robin Raphael publicly suggested that the Kashmir dispute be resolved according to relevant UN resolutions. However, Washington quickly yielded in the face of Indian objections and adopted India's position calling for a solution on a bilateral basis between India and Pakistan as envisaged in the 1972 Simla Agreement.⁷¹ The US Under Secretary of State of Political Affairs Thomas Pickering reiterated this during his visit to the region in October 1997.⁷² The U.S government encouraged both parties to resolve the conflict by bilateral discussion as envisaged in the Simla Agreement. The US also stated that the two governments should take into account the wishes of the Kashmiri people. United States policy makers also emphasized the need for changes in the way the Indian government governed Kashmir in order to provide a greater degree of autonomy for the state.

India argued that the Simla Agreement had supplanted the UN resolutions for resolving the Kashmir dispute. India believed that the two parties had pledged to work directly with one another, and thus had implicitly abandoned extra-regional involvement in the conflict. However, Pakistan argued that the Simla Agreement supplemented, but did not replace the UN resolutions on Kashmir.⁷³ The Simla Agreement did envisage the

solution of all outstanding disputes by bilateral means, including Kashmir. But, it did not rule out mediation, UN involvement or any multilateral diplomacy, if both sides agree to do so.⁷⁴ Pakistan argued that it was the UN's responsibility to implement the resolutions related to Kashmir. In 1998, Pakistani Prime Minister Nawaj Sharif met UN Secretary-General, Kofi Annan on the eve of 53rd session of the General Assembly and urged him to send a special envoy to help resolve the Kashmir issue. He also stated: "It is obligatory for the UN to get its resolutions on Kashmir implemented which (are) lying unattended so long. We are disappointed over the selective implementation of the UN resolutions."⁷⁵

Though the US administration enjoyed close ties with India, great care was taken to avoid isolating Pakistan. Pakistan continued utility to America and Western interests- in Afghanistan, in Central Asia, and with the Muslim world remained clear. Pakistan in the Cold War period expected continued support from US, because as a front line state it had cooperated fully with the US in the struggle against the Soviet Empire. But, with the demise of USSR, the US virtually lost interest in the region's struggle and Pakistan's role. Another factor that complicated the relationship was American's disapproval of Pakistani nuclear program. In 1990, the US had suspended aid and arms transfer to Pakistan with the Pressler Amendment.⁷⁶ In 1993, the return to power of Pakistan Prime Minister Benzir Bhutto improved US-Pakistan relations. The US administration sought closer ties with Pakistan, but the Pressler Amendment was seen as an obstacle.⁷⁷ To improve relations with Pakistan, in October 1995, the US Congress approved the Brown Amendment, which allowed the release of all military equipment purchased by Pakistan except for F-16s.⁷⁸

South Asia was an area of special interest for the Soviet Union throughout the Cold War, but after the end of Cold War, Russia showed little interest to engage in South Asian conflicts.⁷⁹ In 1990 when India and Pakistan were at the edge of war, the US wanted Moscow's help to undertake joint action to reduced the tensions, but Moscow declined. In the post-Cold War period Russia agreed to a variety of US initiatives in the SC and it supported US policy priorities.⁸⁰ Regardless, the Indo-Russia relationship remained close as it was before. India renewed the Treaty of Cooperation and Mutual Friendship (1971) in 1991 and relations with Russian Federation would continue on basis of a strategic partnership. As a result, Russia still endorsed the Indian view of Kashmir.

Pakistan from the mid 1960s continued to rely on support from China in its confrontation with India. In the post-Cold War era, China moderated its support for Pakistan's claims to Kashmir. Today, China is not interested in giving the guarantees against India on Kashmir.⁸¹ During the post-Cold War period, China also began to work towards improved relations with India. In 1993, India and China signed an agreement to ease tensions along the disputed border.⁸² Moreover, China sought India's support regarding the matter of Tibet.⁸³ As a result of significant developments, China is now a reluctant and silent third party to the Kashmir dispute. After the 1999, post-Kargil crisis, China suggested that a settlement of Kashmir begin with a bilateral dialogue between India and Pakistan.⁸⁴ As such, the regional situation favored India, and Pakistan came under pressure from China as well as Iran, its most trusted friends, to normalize relations with India. A prominent Pakistani Newspaper even reported that Iran had offered a strategic relationship with India.⁸⁵

Britain always tried to maintain a neutral position in the Kashmir conflict. In the post-Cold War period, Britain's conservative government as well the major powers, considered Kashmir a bilateral dispute between India and Pakistan, although, the British Labour party's policy on Kashmir appeared to initially tilt towards Pakistan, when it came into power in 1997, its official policy changed. The Labour government continued the policy of the previous administration in viewing Kashmir as a bilateral issue between India and Pakistan.⁸⁶ In June 2002, British Foreign Secretary Jack Straw stressed the need to solve the conflict with appropriate dialogue. He also encouraged both India and Pakistan to resolve the conflict bilaterally, while considering the issue as one with profound international implications.⁸⁷

The United Nations' Secretary-General, Butros Butros Ghali, made special reference to the situation in Kashmir in his report to General Assembly in 1993, and US President Bill Clinton identified the Kashmir situation as a flashpoint that required international attention.⁸⁸ With the likelihood that Pakistan would sponsor a resolution reviving the UN role's in the General Assembly session, India pursued huge diplomatic efforts to prevent it and its lobbying resulted in the Pakistani resolution being aborted.⁸⁹ Moreover, in October 1993, in a meeting with the Indian External Affairs Minister Dinesh Singh, Secretary-General Butros Ghali expressed his willingness to assist India and Pakistan in resolving the Kashmir issue. He also mentioned that his assistance need not be construed as intrusion by the SC. However, the Indian Prime Minister immediately contacted the Secretary-General and informed him that India did not need any mediatory or jurisdictional role for him or the UN in Kashmir.⁹⁰ Nonetheless, the issue was discussed

in the UN General Assembly. After this move, all the efforts by UN or international community were directed to facilitate bilateral negotiations between the two parties.

In the aftermath of the Indian and Pakistani nuclear test in 1998, the Kashmir dispute attracted renewed international attention. The SC condemned both countries and expressed its grave concerns about the challenge that the nuclear tests presented to international efforts aimed at strengthening the global non-proliferation regime, and the danger to peace and stability in the region.⁹¹ The SC urged India and Pakistan to exercise maximum restraint and avoid threatening military movements, cross-border violations, and other provocations in order to prevent an aggravation of the situation.⁹²

In the 1998 World View Report, UN Secretary-General Kofi Annan addressed the Kashmir crisis, alongside Cyprus, Afghanistan and other problem areas of the world.⁹³ After the nuclear tests of 1998 by India and Pakistan, Kofi Annan also tried to mediate between the two countries. In June 1998, he sent Mr. Alvaro de Soto as a UN Special Envoy to India and Pakistan. India categorically rejected this intervention by refusing to receive the UN special envoy. Once again the UN Secretary-General's initiatives failed to bring the parties to the table.

In the response to the nuclear tests by the two countries, the American response was three fold. It imposed sanctions, sought to forge a strategic partnership with Beijing by underwriting a role in South Asia for China, and pressured India and Pakistan to sign the CTBT and negotiate a resolution to Kashmir problem.⁹⁴ The US position was reiterated by Mike McCarty, a White House spokesman, on June 1, 1998: "Jammu and Kashmir are disputed territories and have been (so) for sometime and they have to be resolved taking into account the concern of the affected peoples. That has been our longstanding view."⁹⁵

After the nuclear test, one of US's areas of basic concern was progress in bilateral discussions to resolve the dispute over Kashmir.⁹⁶ As result of the nuclear tests by India and Pakistan, Britain and other foreign governments also imposed economic and other sanctions on both countries, and declared Kashmir as a potential zone of war and even nuclear war. It appeared possible that the issue would be discussed in the SC as bilateral talks failed to resolve the issue, but there were no such initiatives.

In the spring and summer of 1999, India and Pakistan fought a war in the mountains of Kargil along the Line of Control. After three months fighting, it ended with the help of President Bill Clinton's diplomatic intervention. The 1999 Kargil conflict was disturbing not only because it demonstrated that nuclear-armed states can fight wars, but also because the Pakistani military was a major cause of the conflict.⁹⁷

The United Nations Annual Report of the Secretary-General in 1999 noted that Kargil had demonstrated the 'fragility of the situation' on the subcontinent. After the Kargil war, the US President visited India in 2000. He reiterated US opposition to violence, particularly violence propagated by third parties within Kashmir. He also warned against Indian efforts to use force to suppress the Kashmiris, who deserved to have their concerns addressed 'on the merits' of some process by which the Kashmiri's legitimate grievances were addressed.⁹⁸

The past year's crisis and the subsequent militant attacks on the Kashmir Legislative Assembly in Srinagar and India's National Parliament brought the Kashmir issue back to the front pages, and put India and Pakistan on a collision course that complicated relations between them. Both India and Pakistan massed hundreds of thousands of troops on their shared border and mobilized their military in the biggest armed face-off in

decades. India believed that Pakistani based militants carried out the attack. It also accused Pakistan of offering such groups military training and weapons. Naturally, Pakistan denied the charge.

International pressures in the post nuclearization of South Asia led to bilateral talks between the two countries. As tensions heighten in the region, along with pressure from the international actors, the Vajpayee-Musharraf summit meeting was held at Agra July 2001. It failed to produce even a joint statement defining the differences between the countries. Moreover, India seized the opportunity after 9/11 to emphasize the link between the militants operating in Kashmir and Al-Qaeda and the Taliban. However, in the aftermath of the September 11, the Pakistan became a strong US ally in cracking down on terrorism. In so doing, Pakistan sought to insulate its support for Kashmiri militants from its support for the US against Al- Qaeda and Taliban terrorists, and minimize the links between them. This closer US relationship troubled India, not least of all because in the election of 2002 in Kashmir, US called for international observers, and the release of Kashmiri politicians from prison. Simultaneously, India also became suspicious that the US would not pressure Pakistan to fulfill its pledge to end support to the Kashmiri militants and end infiltration permanently.⁹⁹

In January 2002, the UN Secretary-General, Kofi Annan visited Central Asia and stopped over in Pakistan, Afghanistan, and Iran. Briefing the SC on his trip, Kofi Annan confirmed that he had urged India and Pakistan to resume direct talks.¹⁰⁰ He also stressed that there was not only a need for immediate military de-escalation, but also for a sustained and determined dialogue to avoid future crises. He urged India and Pakistan to

begin dialogue over the Kashmir dispute and offered UN help to begin the process.¹⁰¹

India again reiterated its position to settle the issue bilaterally.

Pakistanis increasingly, in and out of government, felt that the Kashmir disputes had become part of the global war on terrorism, rather than its own freedom struggle.¹⁰²

Pakistan's position hardened as it realized that any US led solution to Kashmir would not satisfy its population, because Pakistan would have to compromise.¹⁰³ At the same time, the US even refused to take any mediatory role in the conflict. As of August 2002, US Deputy Secretary of State Richard Armitage declared, "We cannot impose the solution, would not impose the solution, could not impose the solution."¹⁰⁴

The Russian position remains consistent from Cold War period. On May 6, 2003, Russian Deputy Foreign Minister, Yuri Fedotov, opposed Pakistan's reported move to take the Kashmir issue to the SC. He stated that the issue is not on the agenda of world body.¹⁰⁵ Thus, in the post-Cold War period the great power positions on the issue had not changed significantly with neither accepting any role undertaking any important initiatives to address the issue. When the Pakistani government repeatedly tried to raise the issue at the SC, it failed. Great power interests with regard to India and the region has led them to accept India's point of view that the Kashmir conflict should be solve by bilateral negotiations between India and Pakistan without any third party involvement.

Conclusion

The Kashmir dispute is both a territorial battle for physical control of the state and an ideological one between India and Pakistan. The dispute between two countries over fifty years combined with a struggle for the self-determination of the people of Kashmir. The legacy of mistrust has become institutionalized thereby making effective dialogue even

more difficult. Not only has the conflict over Kashmir affected relations between India and Pakistan, it has prevented the development of a more constructive regional relationship.

The resolution of Kashmir dispute faced its first blow when Pakistan joined military alliance with United States. India's non-aligned status and Pakistan's courting of the West led to internationalization of Kashmir dispute. Combining the Cold War politics and internal changes in Kashmir hardened the Indian position on the question of a plebiscite. India categorically rejected the use of a plebiscite to settle the Kashmir dispute.

It is obvious that the UN has made no progress at all in its quest for a solution to the Kashmir problem. However, it has played an important role in initially securing of a ceasefire and the demarcation of a ceasefire line. But it failed to prevent large-scale war between the two countries in 1965, 1971, and especially after the nuclearization of South Asia in 1998, when Kashmir proved to be a flashpoint between India and Pakistan, and to resolve the conflict.

The post-Cold War period great powers position on the issue has not changed significantly. Their interests, including improved relations with India, have made a UN role on Kashmir conflict unworkable, even though the Pakistani government repeatedly demanded the implementation of the UN resolutions regarding Kashmir. Pakistan also tried to raise the issue at the SC and appealed to the international community to intervene into the conflict.

Notes:

- 1) The UN Security Council's resolution January 6, 1948; resolution of January 20, 1948; and the resolution of April 21, 1948 made it clear that SC would work as a mediator. Also see, Sten Widmalm, Kashmir in Comparative Perspective: Democracy and Violent Separatism in India (London: Routledge Curzon, 2002): 44.
- 2) Felicity Volk, "Kashmir: The Problem of United Nations Peacekeeping Contributing to Political 'Stasis'," in Building International Community: Cooperation for Peace case Studies, eds. Kevin Clements and Robin Ward, (Canberra: Allen & Unwin, 1994): 290
- 3) S / 628, 1.1.1948.
- 4) The Governor General Lord Mountbatten stated that the question of the Kashmir's accession would be settled by a reference to the people. Also see, Sisir Gupta, Kashmir: A Study in India-Pakistan Relations (Bombay, New York: Asia Publishing House, 1966): 142.
- 5) Michel Brecher, The Struggle for Kashmir (Toronto: Ryerson Press, 1953): 56.
- 6) Sisir Gupta, op.cit.: 148.
- 7) Ibid.
- 8) S / 651
- 9) S / 654
- 10) Josef Korbel, Danger in Kashmir (Princeton, N.J: Princeton University Press, 1954): 105; also see, Sisir Gupta, op.cit. 158-159.
- 11) Michel Brecher, op.cit.: 80.
- 12) The Name of Indian side of the Line of Control is Jammu and Kashmir. On the Indian side these are three regions: Jammu, the Kashmir Valley, and Ladak. In this thesis Kashmir refers to the Indian part of Jammu and Kashmir. For the Pakistani part of Kashmir is used Azad Kashmir. Josef Korbel, op. cit.: 107
- 13) Sisir Gupta, op. cit.: 163.
- 14) David W. Wainhouse, International Peacekeeping at the Crossroads: National Support--- Experience and Prospects (Baltimore and London: The Johns Hopkins University Press, 1973): 65

- 15) The SC increased the commissions' members from three to five. It also recommended that Pakistan withdraw tribesman and Pakistani nationals, and India progressively withdraw its troops to the minimum to ensure law and order. The Council also suggested that measures be taken for the release of political prisoners and granting of political freedom. See, P.L. Lakhanpal, Essentials Documents and Notes on Kashmir Dispute, Second Revised & Enlarged edition, (Delhi: International Books, 1965): 97.
- 16) Article 96 (1) of the UN Charter provides for the General Assembly or the Security Council to request the International Court of Justice to give an advisory opinion on any legal question.
- 17) Josef Korbel, op.cit.: 112.
- 18) In the SC debate, Pakistan's case was favored and when the SC passed the resolution, US and Britain tried to mollify India. Their initiative was to seek a balance and to become a neutral party of the conflict. See, Josef Korbel, Ibid.: 113.
- 19) Quoted by Sisir Gupta, Kashmir, op.cit.: 175
- 20) In the second week of August 1947, the Poonch revolt began against the authority of the Maharaja and the Raja of Poonch. With communal violence occurring in the region, they sought fresh weapons from the tribes of the North-West Frontier who were well known for arms manufacturing. Members of Poonch resistance and the tribesman who lived in the strip of mountain tribal territory bordering Pakistan and Afghanistan joined the revolt led by Sardar Moohammed Ibrahim. Moreover, Poonch and Mirpur had been the recruiting ground of British Indian forces. After the World War II sixty thousand Muslim forces came back from the war and subsequently they joined the tribesman. For more, see. Micheal Brecher, op.cit.: 24-32; Victoria Schofield, Kashmir in the Crossfire (London & New York: I.B.Tauris Publishers, 1996): 133-135.
- 21) Pauline Dawson, The peacekeepers of Kashmir (New York: St. Martin's Press, 1994): 26
- 22) S / 1196
- 23) Ibid.

- 24) Ibid.
- 25) As the ceasefire held in Kashmir in January 1, 1949, under UNCIP plan United Nations Military Observers Groups of India and Pakistan (UNMOGIP) was observing the ceasefire line. Resolution 91 of 30 March 1951 divorced the UNMOGIP from the UNCIP to avoid controversy. Since then UNMOGIP has been functioning as an autonomous operation directed by the Chief Military Observer under the authority of the Secretary-General of UN.
- 26) Josef Korbel, Danger in Kashmir, op.cit.: 157.
- 27) Ibid. 158.
- 28) Sir Dixon suggested the idea of partitioning most of the state of Jammu and Kashmir and of a plebiscite limited to Valley of Kashmir, with proviso that the Valley be completely demilitarized and put under a UN administration during the plebiscite period.
- 29) Pauline Dawson, op.cit.: 125
- 30) Michel Brecher, op.cit.: 116.
- 31) Pauline Dawson, op.cit.: 125
- 32) Riyaz Punjabi, "Kashmir: the Bruised Identity," in Perspectives on Kashmir: The Roots of Conflict in South Asia, ed. Raju G.C. Thomas, (Oxford: Westview Press, 1992): 139.
- 33) Dr. Graham submitted four reports to the Security Council. He submitted his first report, October 15, 1951; second report December 18, 1951; third report on April 22, 1952; and fourth report on September 16. He also provided a lengthy statement to the SC on October 10, 1952. His entire mediation sought to demilitarize Kashmir and delimit the size and character of forces that should remain on each side of the ceasefire line at the end of demilitarization period.
- 34) James Clad, "An American Perspective I" Asian Affairs: An American Review 22, no.1 (Spring 1995): 9-11; Denis Kux, Estranged democracies: India and the United States 1941-1991 (New Delhi: Sage Publications, 1993): 115-118; Gowher Rizvi, "India, Pakistan, and the Kashmir Problem" in Perspectives on Kashmir: The Roots of the Conflict in South Asia, ed. Raju G.C. Thomas, (Oxford: Westview Press, 1992): 57-65.

- 35) In the late 1952, there were rumors that the West planned to establish a Middle East command structure, the Middle East Defence Organization (MEDO) that include Pakistan. See, Robert J. McMahon, "United States Cold War Strategy in South Asia: Making a Military Commitment to Pakistan, 1947-1954" The Journal of American History 75, no.3 (December 1988): 828-829.
- 36) Gowher Rizvi, op.cit.: 60.
- 37) Ibid: 61.
- 38) Victoria Schofield, Kashmir in Conflict: India, Pakistan and the Unfinished War (London: I.B.Tauris Publishers, 2000): 92
- 39) Jyoti Bhusan Das Gupta, Jammu and Kashmir (The Hague: Martinus Nijhoff 1968): 225
- 40) S/ P.V. 769, 15.2.1957
- 41) S/P.V. 773, 20.2.1957
- 42) Das Gupta, op.cit.: 258.
- 43) Bilateral Talks going on between India and Pakistan failed to make any result. In 1961, India took military action against the Portuguese administration in Goa, which provoked angry comment in the West. Some statements of a few highly placed Indian's had created an impression that India wanted to amalgamate the Azad Kashmir with Indian administered Kashmir by a resort, if necessary, to force. Moreover, India's attitude towards disarmament at Geneva angered the West. All these developments encouraged Pakistan to raise the issue to the SC.
- 44) Harish Kapur, The Soviet Union and the Emerging Nations: A case study of Soviet policy towards India (Geneva: Michel Joshef Ltd., 1972): 48.
- 45) See, Felicity Folk, op.cit.: 293-299; also see, J.N. Dixit, India-Pakistan in War and Peace (London and New York: Routledge, 2002): 222-229.
- 46) Robert J. McMahon, "United States Cold War Strategy in South Asia: Making a Military commitment to Pakistan, 1947-1954" The Journal of American History 75, no. 3 (December 1988): 816-20.
- 47) The American administration speculated that India might emerge as the most effective bulwark against further communist expansion on the Asian mainland. Moreover, with its vigorous leadership, rich natural resources, and vast size of

- population, India was destined to play a major role on the world stage. On the other hand, they viewed that Pakistan as an anomalous creation whose very survival was much in question. Also see, McMahon, *Ibid.* 819
- 48) Dennis Kux, Estranged Democracies: India and the United Nations 1941-1991 (London: Sage Publications, 1993): 114.
- 49) Haris Kapur, *op.cit.*: 46-47.
- 50) Louis D. Hayes, "The Impact of U.S. Policy on the Kashmir Conflict" *International Studies 2* (Tuscon, Arizona: The University of Arizona Press, 1971): 36
- 51) Robert J. McMohan, *op.cit.*: 829.
- 52) Gowher Rizvi, "India, Pakistan, and the Kashmir Problem," in Perspectives on Kashmir: The Roots of the Conflict in South Asia, ed. Raju G.C. Thomas, (Oxford: Westview Press, 1992): 60
- 53) Alastair Lamb, The Kashmir Problem: A historical Survey (New York: Frederick A. Praeger, Publishers, 1966): 88.
- 54) In the perspective of Sino-Soviet rivalry, when Indo-China war broke out, the Soviet Union naturally took India's part. Moreover, US did not want China as the dominant power and security manager in South Asia. Thus, both the US and Soviet Union's policy was to contain China. Also see, Leo E. Rose, "The Superpowers in South Asia: A Geo-strategic Analysis" *Orbis* 22, no. 2 (Summer 1978): 408
- 55) Denis Kux, *op.cit.*: 239.
- 56) In 1963, a border demarcation agreement of Kashmir states west of the Karakoram pass was signed between India and Pakistan. As the Kashmir was a disputed territory between India and Pakistan and subsequently any agreement between China and Pakistan meant that China considered Pakistan's claim on Kashmir legitimate. Bhabani Sen Gupta. "South Asia and Great Powers." ed. William E. Griffith, The World and great Powers Triangles (Cambridge, Masschateuets: The MIT Press, 1975): 189.

- 57) Ashok Kapur, "The Indian Subcontinent: The Contemporary Structure of Power and the Developments of Power Relations" Asian Survey 38, no.7 (July 1988): 703.
- 58) Leo Rose, op.cit.: 412; also see Denis Kux, op.cit. : 305-308.
- 59) The Indo-Soviet friendship pact supposedly served to guarantee a Soviet response against Chinese support of Pakistan in the event of hostilities, this making it safer for India to resort to force.
- 60) Bhabani Sen Gupta, op.cit.: 249.
- 61) Every year Pakistan tried to discuss the issue in the UN General Assembly, (especially in 1993) Organization of Islamic Conference (OIC), the United Nations Commission for Human Rights (March 1994), and at the Commonwealth meeting in London on November 10, 1998. The All Party Hurriyat Conference of Kashmir on September 23, 1998 submitted a request to the UN to send a UN emissary to assess the Human Rights violation and overall situation in Kashmir. See, Mohd. Moazzam Ali. "Impact of Change of Regimes on Inter-State Conflicts: The BJP Regime and the Kashmir Question" in Intra and Inter-State Conflicts in South Asia, ed. Sudhir Jacob George, (New Delhi: South Asian Publishers, 2001): 224-225.
- 62) The Statement of the President of the Security Council on May 18, 1964, S/ PV. 1117 concluded that the India-Pakistan question remained on the agenda of the Security Council. After that the SC never discussed the issue, and the UNMOGIP is still in present in the Line of Control between India and Pakistan.
- 63) A.K.M. Abdus Sabur, "South Asian Security in the Post-Cold War Era: Issues and Outlook" Contemporary South Asia 3, no. 2 (July 1994): 96.
- 64) In the Indian part of Kashmir, the Indian central government determined to increase its influence and 1984 imposed central rule. Moreover, the Congress-National Conference alliance was engaged in electoral fraud in Kashmir and blocked political protest in Kashmir Valley. As a result, the frustrated young population started a separatist and insurgent movement. See also, Stephen Philip Cohen, "India, Pakistan and Kashmir" The Journal of Strategic Studies 25, no. 4

- (December 2002): 47. Also see Sumit Ganguly and Kanti Bajpai, "India and the Crisis in Kashmir" Asian Survey 34, no. 5 (May 1994): 403-408.
- 65) Thomas Thornton & Maxim Bratersky, "India and Pakistan: The Roots of Conflict," in Cooperative Security: Reducing Third World Wars, eds. William I. Zartman & Victor A. Kremenyuk, (Syracuse, New York: Syracuse University Press, 1995): 193.
- 66) The movement was carried out by the secular JKLF, pro-Pakistani Hizb-ul-Mujahideen, Hurriyat Conference of Kashmir (seeking to implement of UN resolution), and by other Jihadi groups such as the Jamat-ul-Mujahideen, Lashkar-e-Taiba, and Harkatul Mujahideen. The continuing violence completely polarized the Hindus from Muslims and marginalized other communities. Both India and Pakistan used the sentiments of one sect to another for their tactical advantage which sharpened divisions and inter-ethnic strife.
- 67) Human rights organizations such as Amnesty International, and Asia Watch regularly published reports on the situation in Kashmir and multilateral donors like International Monetary Fund, World Bank, Germany, and Japan expressed concerns about India's level of defense spending. All these raised their voices on human rights in Kashmir. See, Kristoffel Lieten, "Jammu and Kashmir: Half a century of Conflict" in Searching for Peace in Central and South Asia, eds. Monique Mekenkamp, Paul van Tonreren, & Hans van de Veen, (Boulder & London: Lynne Rienner Publishers, 2002): 367; Sumit Ganguly and Kanti Bajpai, "India and the Crisis in Kashmir" Asian Survey 39, no 5 (May 1994): 407-409.
- 68) Victoria Schofield, op.cit.: 191
- 69) Indo-US relations developed as US recognized its economic interests with India as a large market and a provider of information-age goods and services. Moreover, US strategic and political interests coincided with India in the following areas: promotion of democracy, countering terrorism, and containing China. See, S. D Muni, "India and the Post-Cold War World" Asian Survey 31, no.9 (September 1991): 867; Mohammed Ayoob, "India Matters" The Washington Quarterly 23, no1 (Winter 2000): 23-39.

- 70) Satu P. Limay, "Mediating Kashmir: A Bridge Too Far" The Washington Quarterly 26, no. 1 (Winter 2002-2003): 164.
- 71) Mohon J. Malik, "India Copes with the Kremlin's Fall" Orbis 37, no.1 (winter 1993): 85.
- 72) Jeffrey E. Kay, "Beyond "Tilting Both Ways": A New Post-Cold War South Asia Policy" Asian Affairs: An American Review 25, no.2 (summer 1998): 71.
- 73) Stephen Cohen, op.cit.: 50.
- 74) Ibid.
- 75) Mohd. Moazzam Ali, op.cit.: 224.
- 76) The 'Pressler amendment' made binding what had been an official policy, namely that US aid would be tied to risk of nuclear proliferation. It also clarified--by its broad prohibition on all arms transfers under any U.S. law--that a failure to meet these standards would lead to a cutoff of not only assistance but of military sales as well. In summary, there would be no US aid to countries pursuing nuclear weapons program. Also see, Arthur G. Rubinoff, "Changing Perceptions of India in the U.S. Congress" Asian Affairs: An American Review 28, no.1 (Spring 2001): 47.
- 77) Ibid. 49.
- 78) Jeffrey E.Kay, op. cit.: 97.
- 79) Sirin Tahir-Kheli, "In the Shadow of Soviet Collapse: South Asia Without superpower Competition" in The Lost Equilibrium: International Relations in the Post-Soviet Era, eds. Bettie M. Smolansky and Oles M. Smolansky, (London: Associated University Press, 2001): 165.
- 80) Within the Security Council, the Russian supported US policy priorities, for example, in the Iraq-Kuwait conflict (1990), even though Iraq was a Russian client state. Ibid.: 160.
- 81) Ibid. 165; also see, Stephen Cohen, op. cit.: 44.
- 82) Victoria Schiffield (2000), op. cit.: 214.
- 83) China considers Tibet as its own and India did not agree with China.
- 84) Micael Yahuda, "China and the Kashmir Crisis" BBC World Edition. June 2, 2002.

- 85) Bhabani Sen Gupta, "India in Twenty- First Century" International Affairs 73, no.2 (April 1997): 308.
- 86) In 1992, the Labour party policy was to find a negotiated solution to the problem acceptable to all the people of Kashmir. In 1995, Labour drew its attention to the UN resolutions of 1948-49 and the Simla agreement of 1972, stating that it believes that the UN resolutions on Kashmir are equal validity to all other UN resolutions. Even in 1997 its policy was favorable to Kashmiri self-determination on the basis of UN resolutions. For more see, Vernon Hewitt and Marck Wickham-Jones, "New Labour and Politics of Kashmir," in New Labour's Foreign Policy: A New Moral Crusade? eds. Richard Little & Mark Wickham-Jones, (Manchester and New York: Manchester University Press, 2000): 201-217.
- 87) Guardian on line edition. June 6, 2002.
- 88) J.N. Dixit, India-Pakistan in War and Peace (London and New York: Routledge, 2002): 314.
- 89) Ibid
- 90) Ibid.
- 91) S/Res.1172, June 6, 1998.
- 92) Ibid.
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- 94) Ibid.: 220.
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- 96) Victoria Schofield, op. cit.: 208.
- 97) Scott D. Sagan, "The Perils of Proliferation in South Asia" Asian Survey 41, no.6 (November-December 2001): 1072.
- 98) Howard B. Schaffer, "Reconsidering the U.S. Role." The Washington Quarterly 24, no. 2 (Spring2001): 203; also see Asia Week, April 7, 2000.
- 99) Satu P. Limay, "Mediating Kashmir: A Bridge Too Far" The Washington Quarterly 26, no. 1 (Winter 2002-2003): 162.

- 100) "Russia Opposes Pakistan Move to Raise Kashmir Issue at UN." The Hindu Online Edition (International), May 07, 2003. <[http:// www.thehindu.com/2003/05/07/stories/2003050703871200.htm](http://www.thehindu.com/2003/05/07/stories/2003050703871200.htm)>.
- 101) Ibid.
- 102) Satu P. Limay, op.cit.: 162
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- 104) Satu P. Limay, op.cit.: 164
- 105) "Kofi Annan's Offer," Editorial. Dawn Internet Edition, (Karachi) February 09, 2002. <[http:// www.Dawn.com](http://www.Dawn.com)>.

CHAPTER 4

PEACEMAKING AND PEACEKEEPING IN SRI LANKA

The conflict raging in Sri Lanka is a long-simmering struggle between the island nation's two major ethnic groups: the majority, mostly Buddhist, Sinhalese, and the minority, mostly Hindu Tamils. The hegemonic assertions of the Sinhalese became apparent immediately after independence in their attitudes towards the Tamils. These were reflected particularly in language and religious policies, and were also found in policies on education, employment, and land colonization. The politicization of resource allocation in Sri Lanka also had a discriminatory impact on the Sri Lankan Tamils.

The alienation of the minority Tamils followed from their political, economic, and social marginalization and especially undermined the Tamils' confidence in the state's institutions. The Tamils demanded equal linguistic rights that grew into a demand for a federal constitution on the island.

In the late 1970s, the Tamils began demonstrating for a separate Tamil state. After the alleged genocide of Tamils in 1983, Tamils have taken the path of militancy, violence and terrorism. Politics of accommodation and bargaining were replaced by demands for a separate state and armed struggle. The Sri Lankan ethnic conflict also affected Sri Lanka's relations with India, and had a great impact on internal Indian politics in Tamilnadu. In effect, the separatist movement constituted an intrastate conflict that had regional security implications.

In the cold war period, ethnic conflict was recognized as an internal affair of a country. The international community was not supposed to interfere. Nonetheless, in the conflict of Kashmir in the same region, the UN's attempt to resolve the conflict became

struck in Cold War politics. However, in the conflict of Sri Lanka, neither the great powers nor UN even tried to become involved. The Cold War politics and geo-political calculations complicated the issue. It is legitimate to ask why the UN did not become involved. A UN multinational peacekeeping force could have supervised a ceasefire and the SC facilitated the peace process. In fact, the Sri Lanka government on several occasions tried to bring the super powers' attention to the conflict. Moreover, when Sri Lanka's government sought to bring the matter to the UN, it was advised to work with India,¹ because of the Indian connection to the conflict. The great powers had little interests in Sri Lanka and they did not want to oppose the regional power, India, over the issue. These complex motives led to Indian intervention in the Sri Lankan ethnic conflict that followed the unsuccessful Indian peacekeeping operation.

This chapter evaluates Indian intervention into the conflict, and Indian peacemaking and peacekeeping activities. It also analyzes the impact of Cold War politics in the region that prevented a role for the great powers and the UN in the conflict and the post –Cold War peace process.

Indian Peacemaking and Peacekeeping Mission in Sri Lanka in the Cold War

In the late 1970s the relations between the two superpowers deteriorated dramatically. The escalation of tension at the global level had a definite impact on South Asia. The Soviet intervention in Afghanistan and the superpower rivalry in the Indian Ocean created security concerns for all South Asian countries. This also caused a substantial US military build up on India's western side, and also heightened concerns in New Delhi that hostile forces were slowly encircling India. In this complex situation, three significant developments widened the gap between India and Sri Lanka. First, Sri Lanka's pro-

Western foreign policy provided opportunities for US and other Western countries to access Sri Lankan ports. Second, a Sri Lankan close relationship emerged with Pakistan, including a Pakistani role in the training of the Sri Lanka's military. Finally, Sri Lanka began to openly criticize India for providing training facilities and other material support such as arms, trainings and bases to the Tamil separatists.

India was concerned that Sri Lanka was collaborating with the West, which India considered as extra-regional military presence in the region. As one analyst of India- Sri Lanka relations explained: "Though New Delhi sympathized with the plight of the Sri Lankan Tamils and offered relief to refugees from the island, a distinction was made between the 'Indian perspective' and 'Tamil perspective.' The Indian perspective was concerned more with the geopolitical fallout of the ethnic crisis and the need to prevent foreign involvement; security considerations weighed very heavily in it."²

The extension of extra regional great power rivalry and conflict that had started in the mid-1950s gave India a sense of weakness and vulnerability. India was always concerned about the activities of neighboring countries, whose actions might threaten Indian security interests. Sri Lanka ignored these concerns and India's sense of vulnerability, and simultaneously, accused India of helping the Tamil militants.

In the wake of the ethnic insurgency in 1983, both the militants and the Sri Lankan government sought to mobilize external political and military support. With the insurgency, the Sri Lankan armed forces were expanded. Sri Lanka sought military assistance from a number of countries including the US, the UK, Pakistan and Bangladesh.³ Moreover, Sri Lanka also sought stronger ties with other pro-Western Asian countries, such as Malaysia, and South Korea. Simultaneously, it sought help from the

US, and UK. In October 1983, US Defense Secretary visited Sri Lanka, and a considerable diplomatic effort was expended to make the government's case and obtain support.

As a result, the contract to develop the old British built Tank Farm in Trincomalee, one of the islands' largest natural harbors, was given to a Singapore based US company. Moreover, Indian diplomat J.N. Dixit commented, " Sri Lanka signed informal confidential agreements with the governments of the United States and the United Kingdom to bring their warships into Colombo, Trincomalee and the Gulf."⁴

The Sri Lankan and US governments also signed an agreement (1983) to build a communication center for a Voice of America (VOA) transmission station in Sri Lanka. Several Indian parliament members protested that it would give the US new means to interfere in South Asian affairs.⁵ Furthermore, India was also concerned due to the lessons of 1971 Indo-Pakistani war, when a US naval taskforce led by the USS Enterprise essentially intervened in the Bay of Bengal and the possible development of a Chinese naval submarine launched ballistic missile (SLBM) presence in the Indian Ocean.⁶ Sri Lanka at the time also tried to join the Association of South East Asian Nations (ASEAN). Although it failed, the attempt irritated India.⁷

Indian press reports speculated that Bangladesh and Sri Lanka would provide space for US naval bases in Chittagong and Trincomalee, which would enable the US to build up a chain of military bases linking the Indian Ocean with the Pacific, even though both countries denied the allegation. After the 1983 riot, a series of US officials visited Sri Lanka. Referring to the visit of US Defense Secretary Casper Weinberger's visit in September and December in 1983, the journal *Pravda* commented:

The worsening of situation in South Asia also stems from the intrigues of U.S. imperialism in Sri Lanka, which causes the natural concern of India, especially in connection with the just completed visit to Colombo of the same Weinberger who concluded a “ring trip around” India (reference to his earlier visit to Pakistan) with unfriendly aims towards it.⁸

The Sri Lankan President also tried to seek Britain’s direct involvement in the conflict by giving fresh lease of life to the UK-Ceylon 1947 Defence Agreement.⁹ Despite Britain’s initial concerns about the happenings in Sri Lanka, it showed no intention of becoming seriously involved in the conflict. Instead, the British Prime Minister advised Sri Lanka to work with India to find out a negotiated settlement to the internal conflict.¹⁰

At this point, India considered Sri Lanka as an imminent threat to its security because of increasing foreign involvement in the island.¹¹ Indian strategists were also concerned that the Trincomalee harbor facilities had been made available to the US naval ships.

According to Indian strategist K Subrahmanyam:

The US appears to have accorded in the recent period a greater priority to Sri Lanka and its maritime facilities than was the case in the past. This is understandable in view of the greater need for facilities in the Indian Ocean, because of the increased level of US naval presence; and to develop Sri Lanka or other similar alternatives as back –up options in the event of denial of the Subic Bay in the Philippines to the US navy at some future date.¹²

In these circumstances, New Delhi expressed its opposition to Sri Lankan initiatives in seeking foreign help. India expressed deep concern about those countries helping the Sri Lankan government. India’s policy of regional preeminence, known as the Indira Doctrine stated: “India will neither intervene in the domestic affairs of any state in the region, unless requested to do so, nor tolerate such intervention by an outside power; if external assistance is needed to meet an internal crisis, states should first look within the region for help.”¹³ It was an attempt to warn other major powers that showed interests in

the Indian Ocean that any attempt on their part to intervene in Sri Lankan affairs would be viewed as an unfriendly act by India.

At the same time, Soviet concerns in the Indian Ocean were a part of a broader expansion of naval policy in the early 1970s and as a deterrence to a perceived American and Chinese threat to India.¹⁴ Moreover, in the South Asian Conflict, the Soviet Union endorsed Indian policy.¹⁵ The Soviet media generally tried to project India as a peacemaker. An editorial in Pravda in October 1983 wrote: "The soviet people highly value and well-considered approach which India invariably adopts with neighbors states and its persistent efforts towards a political settlement of tense situations arising in South Asia."¹⁶

Two major elements determined Indian policy towards Sri Lanka. First, as a most powerful nation in South Asia, India was unwilling to accept interference by any other country in the region. Second, India was also threatened by a number of ethnic separatists' movement, and India could not accept any other separatist movement within the region, or allow them to succeed because they could jeopardize its internal security.

In the case of Sri Lanka, India's specific concern was the Indian Tamils separatist ambitions in early 1960s and continued the existence of such sentiments. India was also concerned by Tamil sympathy for, or active support of the Sri Lankan Tamil cause. India was determined not to allow the emergence of a separate new Tamil state in Sri Lanka, which could give new life to separatists in Tamilnadu and other areas of India. At the same time for domestic political reasons, India could not ignore the Sri Lankan Tamils' plight. Thus, India's goal was to prevent the disintegration of Sri Lanka, fulfill the

demands of Tamils of Sri Lanka, and gain the support of Indian Tamils in Indian domestic politics.¹⁷

As a result, India pressured Sri Lanka to accept its mediatory role in the Sri Lankan ethnic. In so doing, it engaged both diplomatic and military means. From the 1983 to 1986, India sought mediation to resolve the conflict but failed. In June 1987, when the Sri Lankan government blockaded the Jaffna Peninsula and Sri Lankan army tried to capture and control the area militarily, the Indian Air Force dropped food and essentials to the Tamil rebels. It was a signal to Colombo that an exclusive military solution to the insurgency was unacceptable. Subsequently, negotiations led to the Indo-Sri Lanka Agreement that legitimized its role as the guarantor of both Sri Lankan territorial integrity and the establishment of Tamil provincial autonomy. The agreement also authorized the Indian army to move into Sri Lanka's north and eastern provinces as a peacekeeping force. The Indian peacekeeping force was to disarm the militants by any means, even if necessary by use of force.

Phase One (1983-84)

During the first phase, India persuaded the Tamil United Liberation Front (TULF),¹⁸ the main Tamil political party, to negotiate with the Sri Lanka government through an All Party Conference in Colombo to discuss the growing problems of the country and seek solutions. Representatives of Sri Lankan political parties entered into negotiations. However, the Tamil militants were not allowed to take part because they were not recognized as legitimate representatives of the Tamils.¹⁹ The Sri Lankan President proposed the devolution of power to the provincial level as the basis for discussion at the Conference. India, however did not take part in the discussions. Its intention was to play

the limited role of facilitator between the Sri Lankan government and TULF. However, in 1984, ethnic violence intensified on the island, and the Sri Lankan government dissolved the All Party Conference.

During this phase India also supplied arms and provided training facilities to the Tamil militants, and publicized human rights violation against the Tamils in international fora.²⁰ India's policy was to create international pressure to compel the Sri Lanka government to give up a military approach, and increase the likelihood of a negotiated resolution.

The Sri Lankan government at this point accused India of harboring Tamil terrorists in Tamilnadu, India. In June 1984, Indian Prime Minister Indira Gandhi and Sri Lankan President Jayewardene met in New Delhi. The summit failed largely because Jayewardene's position was that the Tamil issue was Sri Lanka's internal matter and that there was no need for India's good offices.²¹ The Sri Lankan President continued to seek support from extra-regional great powers and friendly states to curb the Tamil militants.

Phase Two (1985- 1986)

Although the US and the UK government did not provide direct support to Sri Lanka, former British Special Air Service (SAS) personnel trained Sri Lankan commando units and the US assisted the Sri Lankan governments in negotiating an agreement with Israel.²² The US government also opened an Israel Interest Section in the US Embassy in Colombo, which many interpreted as designed to enable Israel to act for US interests in Sri Lanka. A Soviet observer, Yuri Vinogradov, observed, "while Washington prefers to refrain from delivering military supplies to Sri Lanka... its 'strategic allies and partners,' primarily Israel, South Africa, and Pakistan, have had the go-ahead in this respect."²³

Moreover, China and Pakistan also directly helped the Sri Lankan government. In 1984, Sri Lanka's President Jayewardene visited China, and some Indian commentators accused him of trying to collaborate with a country that was hostile to India.²⁴ Chinese policy was different from the US or Soviet Union. It was based upon two sets of concerns.²⁵ First, China borders with both India and Pakistan, and China is a crucial actor in the great power politics of Indo-Pakistan relations. Moreover, China had always kept a close eye on India's foreign policy connection with the Soviet Union. Second, Chinese policy was very much related to other great powers' policies in the region. In the 1980s, China began to show an active interest in the Indian Ocean. Chinese policy was also driven by a desire for basing rights and there was some speculation that China's interest in Trincomalee had been renewed.²⁶

China's primary concern was that India, or the superpowers might intervene in the conflict, which would upset regional stability.²⁷ China was also Sri Lanka's second largest trading partner and supplied sophisticated counter-terror military equipment to Sri Lanka. Although China and Sri Lanka shared a common concern with great power pretensions in Indian foreign policy, Chinese support did not compare to its help to Pakistan.²⁸ Furthermore, Sino-Indian relations had started to improve since 1980s.

Pakistani support was more vigorous than China's. Pakistan helped train Sri Lankan soldiers and officers. In 1985, Pakistan's President General Zia promised practical support to the Sri Lankan government to crackdown on the Tamil militants. The India's Ministry of External Affairs Annual Report 1985-86 stated "The growing military nexus between Pakistan and Sri Lanka, following President Jayawardene's visit to Pakistan in April 1985 and the visit of President of Pakistan to Sri Lanka in December 1985 is being

viewed with some concern.”²⁹ Moreover, an official Indian spokesman expressed deep concern about the intention of Sri Lankan authority to ask Pakistan to help train its air force pilots. He stressed that “this, coupled with use of Israeli and US personnel and mercenaries from Britain, would seriously aggravate the situation in the insular state.”³⁰

In this situation, Rajiv Gandhi, who had succeeded his mother as Prime Minister of India, took several new initiatives to improve Indo-Sri Lanka relations. First, in February 1985, Ramesh Bhaduri replaced G. Partasarathy, an Indian Tamil, as the prime minister’s special envoy dealing with Sri Lankan problem. Second, the Indian government took steps to curb Tamil militant activities in India,³¹ by removing Tamil militants from their bases in India. He also brought pressure to bear to bring the militants to the negotiating table.

The subsequent Bhaduri mission succeeded in obtaining a new peace package from the Sri Lankan government, which included a general amnesty for Tamil rebels, the release of detainees, the confinement of security forces to their barracks, and most important, the resumption of negotiations to resolve the Tamil issue. A summit meeting was also arranged between Rajiv Gandhi and Jayewardene in June 1985, which concluded with an agreement that India would take more effective measures to curb Tamil militant activities on Indian soil and stem the flow of arms if Sri Lanka agreed to keep its army in its barracks. As a result, the Sri Lankan government and five Sri Lankan Tamil separatists group reached a three-month ceasefire agreement and started a fresh round of negotiations.³²

The new rounds of negotiations were held on July 8-13 and August 12-17, 1985 with all the Tamil groups (moderate and militants) represented. President Jayewardene viewed

the demands of the Tamil representatives as tantamount to secession, and refused to view them as even a starting point for the negotiation process.³³ In the process, India was set to play a limited role. It was present at the meeting, but did not take direct part in the negotiations. Although the Indian government sought to act as a neutral mediator, it could not do so because of the Tamil militants' presence in the Indian Tamilnadu state. P. Venkateshw Rao pointed out: "The Indira Doctrine and New Delhi's inability to discourage organized militant activity conducted from its soil against a small neighbor did not help convince Sri Lanka of India's sincerity as an honest broker."³⁴

The negotiations were adjourned on August 18, after the Tamils walked out accusing the government of killing Tamil civilians. In this situation, the Sri Lankan government was not willing to continue the talks, and turned to a military response. Subsequently, the ceasefire collapsed. Nevertheless, the moderate Tamil group, the TULF, put forward a revised proposal in December 1985. It proposed a Tamil state within the present framework of the Sri Lankan constitution with powers similar to an autonomous state in India. The Sri Lankan government turned down the offer in January 1986.

By the mid-1986, it was clear that the limited intermediary role of India would not bring significant results. To re-start the negotiating process, a high level Indian delegation led by a central government minister, P. Chidambaram, visited Colombo. In November, at the time of the South Asian Association for Regional Cooperation (SAARC) summit, diplomatic efforts were taken by Indian and Sri Lankan authorities to find a solution to the Tamil problem.³⁵ Following a meeting between Rajiv Gandhi and Jayewardene, the Tamilnadu chief minister of India and the Liberation Tigers of Tamil Eelam (LTTE) leader Prabhakaran met with the Sri Lankan President in Bangalore, India. Jayewardene

offered to trifurcate the existing eastern province into a Tamil-majority Batticaloa province, a Sinhalese majority Trincomalee province, and a Muslim majority Amparai province. Each would have its own provincial council (Appendix H, Figure 4.2). The Indian response to the proposal was favorable, but the Tamils, moderate (TULF) as well as militants (LTTE) rejected the proposal. Prabhakaran, in particular called the plan seriously inadequate.³⁶

In this situation, India opted to expand its role in December 1986. The Indian Minister for Internal Security, P. Chidambaram, seeking a middle ground between the Tamil and the Sinhalese leaders in Sri Lanka, formulated a new set of proposals. The existing Eastern province would merge with the Tamil-majority Batticaloa province resulting a province forty eight percent Tamils, thirty seven percent Muslims, and fourteen percent Sinhalese. This would ensure a Tamil plurality, but not absolute majority with the main purpose was to carve out a Tamil linguistic unit in the Northern and Eastern provinces.³⁷ However, as the LTTE planned a unilateral declaration of independence for separate Tamil state, the government once again turned to a military solution.

On January 1, 1987, the LTTE took control of the civil administration under its control in Jaffna and opened a secretariat. The Sri Lankan government responded by imposing a ban on the supply of fuel and other essential commodities to the Jaffna Peninsula. Simultaneously, the government stepped up military action both in the north and east. With the worsening situation, India expressed its concern and warned Sri Lanka to stop the military campaign and lift the economic blockade of Jaffna.

At the same time, New Delhi attempted to get the LTTE to reject violence and return to the negotiating table. The LTTE, however, demanded the lifting of the economic

blockade as a pre-requisite. Rajiv Gandhi conveyed the message to the Sri Lankan government, and appealed for the lifting of the economic blockade. Responding to India's appeal on April 10, Sri Lanka declared a ten-day unilateral ceasefire. After the militants violated the ceasefire, the Sri Lankan government launched a full-scale military campaign on the Jaffna Peninsula. At the end of May 1987, Sri Lankan security forces were close to Jaffna and controlled several towns and had destroyed many LTTE bases. It appeared that the Jaffna Peninsula, the Tamil stronghold would be lost to the LTTE.

The Sri Lankan government's military victory over the militants was unacceptable to India, because it would eliminate an Indian role and its security goal.³⁸ Moreover, the Indian government was looking for a way to keep the Tamils cause alive politically, partly because of sentiment in Indian Tamilnadu state.³⁹ India severely criticized Sri Lankan military actions and the Indian Prime Minister once again warned Colombo: "the time to desist from military occupation of Jaffna is now. Later may be too late."⁴⁰ Nonetheless, Sri Lanka went ahead. Condemning Colombo's act, India strongly warned Sri Lanka and stated that India would not remain a silent spectator to the plight of the Tamils in Jaffna.⁴¹

In a drastic move on June 4, five Indian Air Forces planes escorted by fighter jets entered Sri Lanka's airspace and dropped relief supplies in and around Jaffna Peninsula. Sri Lanka protested Indian intervention as a violation of its independence, sovereignty, and territorial integrity. Again Sri Lanka sought support from the great powers and friendly states, but the response was negative. The US was deeply concerned about New Delhi's views. Washington would not upset the most important regional power, India.⁴² Moreover, the US had alternatives to Sri Lanka's ports. In fact, the port of Karachi, and

Gwader of Pakistan would serve the strategic needs of CENTCOM better than the Sri Lanka's ports of Colombo and Trincomalee. Moreover, the US had also declared that it had no strategic objectives in Sri Lanka.⁴³ Considering these factors, the US insisted that Sri Lankan government work with the Indian government to resolve the problem. The US Deputy Assistant Secretary for Near Eastern and South Asian Affairs, Robert A. Peck, asserted that US had maintained communication with India on Sri Lanka issue. He also maintained that US and Indian policies regarding the issues were parallel and mutually reinforcing.⁴⁴ As a result, the Sri Lankan government stopped its military offensive and lifted the economic blockade. India's intervention had achieved its goal. It was followed by the Indo-Sri Lankan Peace Agreement (1987), which transformed India's peacemaking role into a peacekeeping one.

Phase Three (1987- 89)

The Indo-Sri Lanka agreement signed by Jayawardene and Rajiv Gandhi on 29 July, 1987 constitutes the third phase of Indian involvement in the ethnic conflict in Sri Lanka. The preamble to the agreement assured the unity, sovereignty, and territorial integrity of Sri Lanka. It also recognized Sri Lanka as a multi-ethnic and multi-lingual plural society consisting of Sinhalese, Tamils, Muslims (Moors), and Burghers. The agreement recognized that the northern and eastern provinces of the country were areas of historical habitation of the Sri Lankan Tamil speaking peoples. This agreement also confirmed that Tamil and English would be official languages alongside Sinhala. The merger of the two provinces into one administrative unit was to be subject to a referendum, although the agreement did not mention the concept of a 'traditional homeland' for the Tamil people.

Further to the agreement, the Indian government demanded broad undertakings from Sri Lanka to desist from entering to any military relations with Indian adversaries. In exchange, the Sri Lankan government reaffirmed its commitment to a nonaligned foreign policy and to keep closed its territory to any foreign military or strategic use against Indian interests.

The Indo-Sri Lanka agreement of 1987 provided India with the guarantee that not only Trincomalee would be closed to foreign navies, but also that the oil tank farm located in Trincomalee would be developed and operated by India and Sri Lanka jointly. With the agreement, a covering letter also provided for the following: an early understanding between the two countries about the employment of foreign military and intelligence personnel with a view to ensuring that such presence will not prejudice Indo-Sri Lankan relations; and Sri Lanka's agreement to review foreign broadcasting facilities to ensure that they were not used for any military or intelligence purpose. One Indian official remarked at the time: "this is the best possible accord keeping in mind India's concern for the Tamils and her geo-political interests."⁴⁵

The agreement provided for the cessation of hostilities with the Tamils turning their weapons over to the Indian Peacekeeping Force (IPKF). India undertook to prevent the continued use of its territory as a base for Tamil militants. In addition, Sri Lanka made several concessions. First, troops in the north and east would return to their barracks. Second, new military bases built in the Jaffna Peninsula were to be closed. Third, the home guards were disarmed. Finally, a general amnesty was granted to all political and other prisoners held in custody or convicted under the Prevention of Terrorism Act and emergency laws.⁴⁶

The Indian government underwrote the agreement by providing the necessary assistance to implement the agreement and military assistance requested by the Sri Lankan government. The agreement also provided for an Indian peacekeeping force to guarantee and enforce the cessation of hostilities. The Sri Lankan government announced the entry of some 7000 Indian troops into the northern and eastern provinces to assist the implementation of military accord. By the end of 1988 over 60,000 and by 1990 over 70,000 Indian troops were engaged in collecting arms from militants and enforcing law and order.⁴⁷ The Indian army was also assigned the security and safety of all communities inhabiting in two provinces.

The Agreement provided a framework for the restoration of peace and normalcy in the north and eastern area of Sri Lanka. When the IPKF started collecting arms from all Tamil groups, the Tamil Tigers made a token gesture of publicly surrendering their weapons. Regardless, LTTE leader Prabhakaran complained that the agreement did not meet their objectives. He also argued that India sought an agreement with Sri Lanka to protect its interests, rather than meet Tamil concerns. He maintained that they were not bound by the agreement.⁴⁸ Nonetheless, to implement the agreement, the Indian High Commission office in Colombo and Indian foreign intelligence agency, RAW (Research and Analysis Wing) engaged in negotiations with LTTE. The LTTE leadership did not change their basic aim to secure recognition as the sole spokesmen of the Tamils of Sri Lanka, and they regarded the accord as an obstacle to their objective of establishing a separate Tamil state.

Within a short period of time, the Tigers first turned their guns on their rivals, and then, after eliminating them, began to wage a guerrilla war against Indian troops. In

response, the IPKF launched a major attack on the LTTE strongholds in the Jaffna in October 1987. Despite stiff resistance from the LTTE, the LTTE's hold on the peninsula was eventually broken.

These developments led to the transformation of the IPKF from peacekeeping to peace enforcement force. By late 1989, neither the Sri Lankan government nor the LTTE wanted the IPKF's presence to continue. A military stalemate continued until May 1989, nearly two years after the IPKF's initial deployment. The Sri Lankan government called for the IPKF to withdraw by the end of July 1989, with its final withdrawal occurring in March of 1990.

Although India withdrew its peacekeeping force, it considered its intervention to have been successful. India's goal of preventing involvement of extra-regional power was achieved. Also its relations improved with the US and China, and with the Soviet withdrawal from Afghanistan followed by the end of Cold War, the South Asian strategic environment had changed dramatically. Especially with the Soviet withdrawal from Afghanistan, US interests in a strategic foothold in Sri Lanka largely disappeared. Moreover, US relations with India had improved significantly. In the 1980s, the major focus of US policy had centered on South West Asia and the Gulf,⁴⁹ and Indo-US cooperation took on greater importance. From mid 1980s, the Indian government also emphasized its relations with the US. Economic factors became significant as well. India also focused on military relations with the US, and the US broadened its contacts with the Indian navy. Ties between the US and Indian forces were increased by the Kickleighter proposal in the early 1990s.⁵⁰ Its purpose was to reassure India of a non-threatening US naval presence in the Indian Ocean.⁵¹ This provided India some comfort and a sense of

security with regard to Sri Lanka. As a result, the Sri Lankan ethnic conflict and Indian intervention did not attract superpowers interest. The Sri Lanka's crisis did not pose any significant strategic values that warranted a major diplomatic confrontation with New Delhi.

Sri Lankan Conflict in the Post-Cold War Era

At the end of Cold war and collapse of the Soviet Union, South Asia lost much of its importance to the great powers. Cold War politics complicated and had increased Indian involvement in the Sri Lankan conflict. With the end of the Cold War, and Rajiv Gandhi's assassination in 1991, India showed no inclination to become directly involved again. The Indian government identified four parameters which guided India's policy towards Sri Lanka: India would not be a party to a process of political disintegration in Sri Lanka; India would not allow foreign forces to interfere in Sri Lanka; India's armed forces would not be sent again to Sri Lanka; and Indian territory will not be allowed to be used as a base for terrorist activities directed against Sri Lanka.⁵²

Moreover, India's Sri Lanka policy was envisaged from the point of view of Indo-US, and Indo- China relations, which in turn reflected the absence of a Indian concern for great power intervention.⁵³ As a result, India had little strategic interests to support the LTTE in the 1990s. With the Indo-Sri Lanka agreement (1987), New Delhi had successfully achieved most of its security ends.

At the same time, the importance of the region declined. International actors continued to call for a political solution to the conflict, condemnation of LTTE attacks on noncombatants, and humanitarian efforts to mitigate the worst effects of the war on civilians. The UN Human Rights Commission insisted that international mediation was

necessary to bring peace.⁵⁴ In 1998, the UN Working Group on Disappearances and its Special Rapporteur Bruce N'daiye called for a negotiated settlement to the conflict, possibly with UN assistance.⁵⁵ Moreover, Amnesty International, the UN Committee on Economics, Social and Cultural Rights, Human Rights Watch, even the UN Special Representative of the Secretary-General for Children in Armed Conflict expressed concerns and published regular reports on the protracted conflict. They brought international attention to the conflict areas, and voiced concerns over the lack of progress towards a political settlement. Nonetheless, neither the UN nor the SC took an initiative to settle the conflict.

Indian support for LTTE came to an end in 1990, and the LTTE's offices and support network in Tamilnadu came under hostile scrutiny from the Indian government. Throughout the 1990s outside of its military presence in northeast of Sri Lanka, the LTTE's presence was visible largely in the international locations of its offices in London and Paris. The LTTE also lobbied other national governments and NGOs at United Nations' meetings.

From the mid 1990s onwards international terrorism became a growing concern for many countries. By December 1994, the nature of the new post-Cold War era consensus on the issue led to landmark United Nations General Assembly Resolution 49/60 on measures to eliminate international terrorism. With it, the Sri Lankan government successfully registered the LTTE as an international terrorist organization. Subsequently, the LTTE was declared a terrorist organization by India, United States, Britain, Canada and Australia, which significantly reduced its support and fundraising bases.⁵⁶

Simultaneously, international media coverage helped to rehabilitate the Sri Lanka state and demonize the LTTE, which was accused of the assassination of two heads of state. Most of the international attention focused upon the LTTE suicide bombing campaign that claimed numerous civilian lives. In addition, the LTTE was also accused of conscripting child soldiers. The Sri Lankan government and international human rights organizations reported that some of the LTTE combatants in the civil war were as young as ten years old.

In another significant development, the US resumed arms sales to Sri Lanka and provided advanced training to the Sri Lanka security forces. The Bush administration showed support for the Sri Lankan government, looking more broadly at the once-neglected region as it pursues its war on terrorism. In March 2002, the American Ambassador to Sri Lanka warned the Tamils not to break the ongoing ceasefire that could jeopardize the peace process.⁵⁷

Other than these developments, the Sri Lankan government has sought to accommodate the legitimate demands of the Tamil population by constitutional reforms. A Parliamentary Select Committee (PSC) was formed in 1991 to examine the possible devolution of power. The Thondaman Proposal (1991) submitted to the PSC suggested a High Court in every Province, exclusive Provincial control over state-land, the establishment of a Provincial Police Force and a Provincial Planning Commission, and the provision of powers to the Provincial government to exercise full control over Provincial public finance as well as to conduct negotiations for foreign aid.⁵⁸

The Kumaratunga government sought to rebuild the constitutional foundation of a plural society within a united and sovereign Republic of Sri Lanka. The Republic would

be a Union of Regions. The 1996 legal draft contained not only detailed provisions on devolution but also made recommendations for the repeal, amendment, addition or replacement of the constitution.⁵⁹

In August 2000, after extensive multi-party talks and agreement on the previous draft proposals, President Kumaratunga presented a new bill to the parliament to repeal and replace the present constitution in order to accommodate Tamils demands and aspirations. Despite a favorable response to the draft new constitution, the United National Party (opposition party) decided to withdraw from the process. On July 2001, President Kumaratunga announced a referendum to ascertain public support for the new constitution. However, serious reservation from the Sinhalese political parties, and religious organizations, alongside public demonstrations led the President to postpone the referendum.

In 2000, a Norwegian diplomat Erik Solheim, special advisor to the Norwegian Foreign Ministry, met with Sri Lankan acting Foreign Minister Lakshman Kiriealla as well as opposition leader Ranil Wickremesinghe and R Sampadan, a member of Tamil United Party, and discussed the prospects for peace in Sri Lanka. Norway had often facilitated such dialogue in areas of conflict, and was instrumental in bringing the Israelis and Palestinians together to launch the Middle East peace process. Both parties to the Sri Lanka conflict agreed to a Norwegian involvement. In this light, in February 2002, a ceasefire between the Government of Sri Lanka and the Liberation Tigers of Tamil Ealam (LTTE) was signed and soon after taking over as the new Prime Minister, Ranil Wickremesinghe took steps toward a negotiated settlement. The ongoing peace process

had broad international support. The US, the UK, Japan, and some other forty nations attended the talks and pledged support for reconstruction and development.⁶⁰

The overall objective of the peace process was to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka. Both the Sri Lankan government and the LTTE recognized the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. The parties agreed to enter into a ceasefire, refrain from conduct that could undermine the good intentions, or violate the spirits of the agreement and commit to implementing confidence-building measures. The parties have also agreed to set up an international monitoring mission to investigate of any violation of the terms and conditions of the agreement. However, after a sixth round of negotiations between the two parties, on April 21, 2003, the Tamil Tigers unilaterally suspended peace talks with the government for the time being complaining that the government failed to implement the terms and conditions enunciated in the truce document. The international communities, with Norwegian mediating, are trying to re-start the peace process.

Conclusion:

After independence from the British, Sri Lanka's governing elites alienated the islands large minority Tamils. By the early 1980s, the conflict had turned into a separatist movement and Sri Lankan government responded militarily. Simultaneously, the Sri Lankan government sought support from the great powers and other friendly states. Sri Lankan geopolitical location and Cold War politics compelled an Indian response. India as an interested and affected party in the conflict expressed its willingness to mediate to the conflict. Subsequently, India intervened into the conflict first as mediator and then a

peacekeeper. Nevertheless, neither role brought peace in the island. Although, the conflict is continuing and India failed to create a negotiated settlement, India achieved its goals.

Notes:

- 1) Marshall R. Singer, "New Realities in Sri Lankan Politics" Asian Survey 30, no.4 (April 1990): 420.
- 2) Mohammed Ayoob, "India in South Asia: The Quest for Regional Predominance" World Policy Journal 7, no. (Winter 1989-90): 123.
- 3) Urmila Phadnis and Rajat Ganguly, Ethnicity and Nation-building in South Asia, Revised edition, (New Delhi: Sage Publications, 2001): 324.
- 4) K.M.de Silva, Regional Powers and Small State Security: India and Sri Lanka 1977- 90 (Washington D.C.: The Woodrow Wilson Center Press, 1995): 309.
- 5) Amal Jayawardane, "The Soviet Attitude Towards the Indo-Sri Lankan Problem" Pacific Affairs 64, no.2 (Summer 1991): 199.
- 6) Shelton U. Kodikara, "Internal Politics and Foreign Policy: Prospects for Indo-Sri Lanka Relations in the Nineties" in External Compulsions of South Asian Politics, ed. Shelton U Kodikara, (New Delhi / London/ Newbury Park: Sage Publications, 1993): 242.
- 7) Shantha K. Hennayake, "The Peace Accord and the Tamils in Sri Lanka" Asian Survey 29, no.4 (April 1989): 405.
- 8) Amal Jawardane, op. cit.: 199.
- 9) P. Sahadevan, "Ethnic Conflicts as a Transnational Event" in Intra and Inter-State Conflicts in South Asia ed. Sudhir Jacob George, (New Delhi: South Asian Publishers, 2001): 108.
- 10) P. Venkateshwar Rao, "Foreign Involvement in Sri Lanka" The Round Table 309 (1989): 93-94.
- 11) Amal Jayawardane, op.cit.: 196.

- 12) Shelton U. Kodikara, "The Indo-Sri Lanka Agreement of July: Retrospect" in South Asian Strategic Issues: Sri Lanka Perspectives, ed. Shelton U Kodikara, (New Delhi/ Newbury Park/London: Sage Publications, 1990): 163.
- 13) Venkateshwar P. Rao, "Ethnic Conflict in Sri Lanka: India's Role and Perception" Asian Survey 28, no.4 (April 1988): 422.
- 14) Manor, James Manor & Gerald Segal, "Causes of Conflict: Sri Lanka and Indian Ocean Strategy" Asian Survey 25, no.12 (December 1985): 1180.
- 15) Amal Jawardane, op.cit.: 194-207.
- 16) Ibid. 201.
- 17) Marshall R. Singer (1990), op. cit.: 424.
- 18) In 1972 the Federal Party, the Tamil Congress, and the Ceylon Workers Congress formed an alliance called the Tamil United Front. In 1976, the Tamil United Front was renamed the Tamil United Liberation Front (TULF).
- 19) In the early 1980s, the LTTE emerged as a militant group. This was not a political party and the Sri Lankan government did not consider it representative of Tamil population, and thus was not invited to the conference.
- 20) Amnesty International and the UN in 1983.
- 21) Venkateshwar P. Rao, "Ethnic Conflict in Sri Lanka: India's Role and Perception" Asian Survey 28, no.4 (April 1988): 423.
- 22) Urmila Phandis and Rajat Ganguly, op.cit.: 325.
- 23) Yuri Vinogradoy, "Conflict in Sri Lanka" International Affairs (April 1988): 69.
- 24) Amal Jawardane, op.cit.: 202.
- 25) James Manor & Gerald Segal, op.cit.: 1182-83.
- 26) Ibid. 1184.
- 27) Ibid.
- 28) Ibid.
- 29) Yuri Vinogradoy, op.cit.: 70.
- 30) Ibid. 71.
- 31) Venkateshw Rao (1988), op.cit.: 427.
- 32) The five Tamil militant groups are: The Peoples liberation Organization of Tamil Eelam (PLOTE); LTTE; Tamil Eelam Liberation Organization (TELO); The

Eelam People's Revolutionary Liberation Front (EPRLF); and The Eelam Revolutionary Organization of Students (EROS).

- 33) The proposal entailed four points with significant provincial autonomy, a provincial assembly, and the union of the northern and eastern provinces into a single Tamil homeland. Also see, Bryan Pfaffenberger, "Sri Lanka in 1986: A Nation at the Crossroads" Asian Survey 27, no. 2 (February 1987): 156.
- 34) Amal Jawardane, op.cit.: 200.
- 35) SAARC is a South Asian organization like ASEAN. Its members are India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, and Maldives. A summit meeting's held every year and common problems of South Asia are discussed.
- 36) P. Venkateshwar Rao, op.cit. (1988): 430.
- 37) Ibid.
- 38) India's preference was for a military stalemate that would force Sri Lanka to seek a political settlement of the conflict, and provide an opportunity for India to act as a mediator. See, P. Sahadevan, "Ethnic Conflicts as a Transnational Event" in Intra and Inter-State Conflicts in South Asia, ed. Sudhir Jacob George, (New Delhi: South Asian Publishers, 2001): 115.
- 39) Barbara Crossette, "Sri Lanka: In the Shadow of the Indian Elephant" World Policy Journal 19, no.1 (Spring 2002): 29.
- 40) Rao, op.cit. (1988): 433.
- 41) Ibid.
- 42) James Manor & Gerald Segal, op.cit.: 1187.
- 43) Venketshaw Rao (1989), op.cit.: 92.
- 44) Amal Jawardane, op.cit.: 199.
- 45) Devin Hagerty, op.cit.: 357.
- 46) Ralph R. Premdas & S.W.R.de A.Samarasinghe, "Sri Lanka's Ethnic Conflict" Asian Survey 28, no.6 (June 1988): 681.
- 47) Istiaq Ahmed, State Nation and Ethnicity in Contemporary South Asia (London & New York: Pinter, 1996): 260.
- 48) Venkateshw Rao (1988), op.cit.: 434.
- 49) Venkateshw Rao (1989), op.cit.: 92.

- 50) To improve ties between the US and India armed forces, a number of measures were taken. The Commanding General of the US Army Pacific Command, Lt. Gen. Claude Kicklighter, presented the proposals to the Indian Army. See, Mohan J. Malik, "India Copes with the Kremlin's Fall" Orbis 37, no.1 (winter 1993): 73.
- 51) Paul Kreisberg, "The United States, South Asia and American Interests" Journal of International Affairs 43, no.1 (Summer/Fall 1989): 93.
- 52) Selton U. Kodikara (1993), op.cit.: 241.
- 53) From the 1980s Indo- US military cooperation increased, and Indian fear of US involvement decreased. Moreover, by the mid-1980s, Indo-China relations were normalized.
- 54) United Nations Economic and Social Council Report, E/CN.4/1994/NGO/37, 17 February 1994.
- 55) Human Rights Watch Report of 1999.
- 56) Barbara Crossette, op.cit.: 29.
- 57) Ibid. 33.
- 58) P. Shahadevan, "Resistance to Resolution: Explaining the intractability of Ethnic Conflict in Sri Lanka" International Journal of Group Tensions 27, no.1 (1997): 34.
- 59) The opposition United National Party did not support the governments' proposal and offered a counter proposal that contained marginal improvements on the existing constitutional arrangements. The main features were the acceptance in principle the idea of second chamber (with adequate representation for minorities).
- 60) Amita Shastri, "Sri Lanka in 2002: Turning the Corner?" Asian Survey 43, no.1 (January/ February 2003): 218.

CHAPTER 5

CONCLUSION

It was believed in 1945 that the UN would be able to ensure international peace and security after World War II. The Charter centered upon the peaceful settlement of disputes if possible, and the employment of collective security, if necessary. Moreover, to ensure an effective system and avoid the likelihood that the UN would be used relative to great power rivalries, the Charter provided the five great powers with a veto. However, this also handicapped the SC and made it unworkable relative to the original text of the Charter. As an alternative, peacekeeping was developed to respond to several conflicts. In many instances, the UN was successful in stabilizing the conflicts through peacekeeping, but it failed to find a means for their specific settlement. Peacekeepers developed a range of useful techniques to reassure adversaries, maintain a cease-fire, and stabilize a local conflict or war.

Overall, UN peacekeeping was restricted relative to the nature of superpower influence and interests. The use of the veto in the SC largely prevented its use in areas within each power bloc. Furthermore, the great powers veto prevented in many instances the ability of the UN to implement resolutions effectively.

In the post-Cold War era, it was expected that the SC would be free from these Cold War impediments. Initially, this appeared to be the case. Great power cooperation led to an expansion of peacekeeping missions, from collective enforcement action in the Persian Gulf to peace building in East Timor. There was also a widespread belief that peacekeeping operations would not only secure international peace and security, but also prevent humanitarian catastrophe. Experience shows, however, that although many

missions were undertaken to prevent human suffering, and protect human rights, many deadly conflicts were ignored. The UN's or SC's selectivity in these crises suggest that a range of state and great power interests continue to affect the role of the SC. In effect, without the consent of the great powers, there still would be no peacekeeping, and the great powers continued to see peacekeeping as a foreign policy tool.

In the second half of 1990s, the willingness of the great powers to support peacekeeping operations steadily declined. They were increasingly reluctant to accept a role in peacekeeping operations beyond their sphere of interests. Although there were several new peacekeeping operations, the great powers appeared reluctant to employ their own forces or provide financial support. In this situation, peacekeeping missions were handed over from the UN to regional or sub-regional organizations and/ or an ad hoc coalition of willing states.

South Asia was no different with regard to these Cold and post-Cold War considerations. The Kashmir conflict was brought to the UN's attention quite early. At that time, the UN faced a clash of interests and hostility between two dominant great powers- the US and USSR. However, as the Kashmir conflict initially was not directly related to the immediate interests of either, the UN was able to stabilize the conflict, and offer a mechanism for its resolution. However, it failed to come up with a resolution acceptable to both parties. Acting under Chapter VI of the UN Charter, the SC did not direct any parties to the dispute to act, but only provided recommendations for future actions. These recommendations were not juridically obligatory on the parties. Moreover, these recommendations were not enforceable by the SC. The first commission's role, for example, was one of consent-based mediation without any right to impose its will. It was

thus limited in its activities. The final solution remained with the government of India and Pakistan and depended upon their good will. The SC also did not act according to the Chapter VII of the Charter, which specifically deals with threats to international peace and security. Both India and Pakistan repeatedly stated before the SC that the situation represented such a threat. There was also a great opportunity for the UN to resolve the issue in 1953-54. India appeared willing to settle the Kashmir dispute bilaterally, but Pakistan failed to meet the Indian condition and joined with the US in a military pact with the signing of a Mutual Defence Agreement. India's non-aligned status and Pakistan's courting of the West led to internationalization of Kashmir dispute. The Combining of Cold War politics and internal changes in Kashmir hardened the Indian position on the question of a Kashmir plebiscite, and it categorically rejected a plebiscite to settle the Kashmir dispute.

At the same time, India looked towards the Soviet Union for assistance. The Soviet Union vetoed and/ or threatened to veto anything unacceptable to India. The United States for its part, sought to avoid any stand that could be construed as either pro-Pakistani or pro-Indian. As a result, the SC not only failed to devise any acceptable political solution to both parties, but it also lost any role in the conflict.

After the end of Cold War following the collapse of the Soviet Union, the importance of South Asia declined, and the situation remained the same. In particular, US relations with the India improved greatly, with both countries sharing common interests. At the same time, the US continued to seek to balance its relations with India and Pakistan. The Russian position on Kashmir issue did not change at all. After the nuclearization of South Asia, the great powers and the international community expressed an urgency to resolve

the conflict between India and Pakistan over Kashmir. Nonetheless, no UN initiatives nor any innovative proposal from the great powers, which have the leverage to mediate the conflict, appeared. All the great powers agreed that India and Pakistan should resolve the conflict bilaterally, even though history shows that their intense mistrust and hostility makes such a resolution on this basis unlikely.

In the case of Sri Lanka, the conflict started after the independence with the process of post-independence modernization. However, the conflict became violent after the riots of 1983 and the government's military response. In addition, the Sri Lankan government sought support from the great powers and other friendly states to support its military, but Sri Lanka's geopolitical location and Cold War politics compelled an Indian response. India as an interested and affected party in the conflict expressed its willingness to mediate to the conflict. Subsequently, India intervened into the conflict first as mediator and then a peacekeeper. Nevertheless, neither role brought peace to the island

At the same time, Sri Lankan conflict emerged at the height of the so-called second Cold War when the UN was completely deadlocked by the East-West rivalry; a period of no new peacekeeping missions. As in the case of Kashmir, US policy in Sri Lanka was determined by wider interests. As Indo-US relations improved, the US advised Sri Lanka to work with India. As usual, the Soviet Union supported Indian intervention and its peacekeeping efforts. Again, no substantial UN involvement occurred after the Cold war. No great power took any initiative to resolve the protracted conflict, because they had no significant interests in Sri Lanka worth sacrificing their relations with India.

In the end, the SC's function relative to peacekeeping is largely determined by great power interests, and these interests take into account the interests of regional power. In

South Asia any comprehensive peace process with substantial multilateral / UN involvement to define a framework for stabilizing the situation would require a significant shift in the position of the great powers, especially the US, Russia and China. Unfortunately, this is unlikely to occur.

Appendix A

Selected Articles from the United Nations Charter

Preamble

We the Peoples of the United Nations Determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

And for These Ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have Resolved to Combine our Efforts to Accomplish These Aims

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Chapter 1

Purpose and Principles

Article 1

The purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following principles.

1. The organization is based on the principle of the sovereign equality of all its members.
2. All members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present charter.
3. All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All member shall give the United Nations every assistance in any action it takes in accordance with the present charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Chapter VI

Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any member of the United Nations may bring any dispute, or any situation of the nature referred in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purpose of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of article 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or method of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the statute of the court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Article 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Chapter VII

Action with Respect to Threats to the Peace, Breaches of the Peace, and Act of Aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land

forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the

Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Chapter VIII

Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Chapter XIV

The International Court of Justice

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

Chapter XV

The Secretariat

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Source: New York: the United Nations Department of Public Information, The Charter of the United Nations. <<http://www.un.org/aboutun/charter/index.html>>.

Appendix B

UN Peacekeeping Operations During the Cold War: 1945-1987

UN operation	Dates	Mandate
UN Special Committee on the Balkans (UNSOB)	October 1947- May 1951	Observer compliance with UN recommendations by four governments (Greece, Albania, Bulgaria, Yugoslavia)
UN Temporary Commission in Korea	1947-1948	Supervise elections in South Korea
UN Truce Supervisory Organization (UNTSO)	June 1948- present	Monitor cease-fires, supervise armistice agreement, prevent isolated incidents from escalating and assist subsequent peacekeeping missions along Arab-Israeli borders
UN Military Observer Group in India and Pakistan (UNMOGIP)	January 1949- present	Monitor Cease-fire between India and Pakistan over state of Jammu and Kashmir
UN Emergency Force (UNEF I)	November 1956- June 1967	Supervise withdrawal of invading forces and act as a buffer between Egyptian and Israeli forces
UN Observer Group in Lebanon (UNOGIL)	June- 1958- December 1958	Monitor infiltration of arms, material and troops into Lebanon from Syria
UN Operation in the Congo (ONUC)	July 1960-June 1964	Render military assistance, maintain the country's territorial integrity and political independence, prevent civil war, and remove foreign military elements
UN Security Force in West New Guinea/ West Irian (UNSF)	October 1962- April 1963	Keep order and administer West New Guinea pending its transfer to Indonesia from Netherlands
UN Yemen Observer Mission (UNYOM)	July 1963- September 1964	Observe implementation of disengagement agreement between Egypt and Saudi Arabia
UN Force in Cyprus (UNFICYP)	March 1964- present	Prevent further fighting between Greek and Turkish Cypriots and contribute to maintenance of law and order and a return of normal conditions; from 1974, supervise cease-fire lines, monitor buffer zone separating Greek and Turkish communities and undertake

		humanitarian activities to encourage normal conditions
Mission of the Representative of the Secretary-General in the Dominican Republic (DOMREP)	May 1965- October 1966	Report on the situation in the Dominican Republic given emergence of rival governments
UN India and Pakistan Observer Mission (UNIPOM)	September 1965- October 1966	Monitor cease-fire after 1965 India-Pakistan War and supervise the withdrawal of forces
UN Emergency Force II (UNEF II)	October 1973- July 1979	Stabilize the situation in Canal Sector and Sinai, separate Egyptian and Israeli forces and form buffers between them
UN Disengagement Observer force (UNDOF)	June 1974- present	Supervise implementation of disengagement agreement between Syrian and Israeli forces and maintain cease-fire
UN Interim Force in Lebanon (UNIFIL)	March 1978- present	Confirm Israeli withdrawal from Lebanon, restore international peace and security and help the Lebanese Government restore its effective authority; further strive to prevent hostilities and protect civilians caught in the fighting

Source: New York: Peace and Security Section of the United Nations Department of Public Information, June 31, 2003. <<http://www.un.org/Depts/dpko/dpko/homes.shtml>>.

Appendix C

UN Peacekeeping Operations in the Post-Cold War: 1988- present

UN Operation	Dates	Mandate
UN Good Offices Mission to Afghanistan and Pakistan (UNGOMAP)	April 1988- March 1990	Monitor withdrawal of Soviet forces from Afghanistan
UN Iran- Iraq Observer Group (UNIMMOG)	August 1988- February 1991	Monitor cease-fire Iran-Iraq War
UN Angola Verification Mission I (UNAVEM I)	Jan 1989- June 1991	Monitor withdrawal of Cuban forces from Angola
UN Angola Verification Mission II (UNAVEM II)	June 1991- Feb 1995	Observe general cease-fire and verify elections in September 1992
UN Angola Verification Mission III (UNAVEM III)	Feb 1995- June 1997	To provide good offices and mediation to the Angolan parties; to monitor and verify national reconciliation; to supervise, control and verify the disengagement of forces and to monitor cease-fire
UN Observer Mission in Angola (MONUA)	June 1997- Feb 1999	Assist national reconciliation, rehabilitation, confidence building, and conducive to long term stability democratic development
UN Transition Assistance Group in Namibia (UNTAG)	April 1989- March 1990	Supervise the transition of Namibia from South Africa rule to independence
UN Mission in Central America (ONUCA)	November 1989- April 1991	Verify compliance of five Central American Governments with their security commitments, monitor cease-fire and separation of forces between opposition parties in Nicaragua and in demobilizing Nicaraguan assistance
UN Mission in Haiti	September 1993-	Provide security, humanitarian

(UNMIH)	June 1996	assistance; assist build infrastructure and observe Haitian elections
UN Support Mission in Haiti (UNSMIH)	June 1996- June 1997	Assist the Government of Haiti in the profesionalization of the police and in the maintenance of secure and stable environment
UN Transitional Mission in Haiti (UNTMIH)	August to November 1997	Assist the Haitian Government by supporting and contributing to the professionalization of Haitian national police
UN Civilian Mission in Haiti (MIPONUH)	Dec 1997- March 2000	Assistance at the supervising level and on training specialized police unit
UN Iraq-Kuwait Observer Mission (UNIKOM)	April 1991- present	Monitor demilitarized zone along Iraq-Kuwaiti border, deter border violations and report on any hostile action
UN Observer Mission in El Salvador (ONUSAL)	July 1991- April 1995	Monitor agreement between Salvadorian Government and FMLN including cease-fire, demobilization of FMLN forces, reform and reduction of Government armed forces, creation of civilian police force, constitutional, economic and social reforms, and human rights
Mission for the Referendum in Western Sahara (MINURSO)	September 1991- present	Verify cease-fire and conduct referendum on independence vs joining Morocco.
UN Advance Mission in Cambodia (UNAMIC) UN Temporary Authority in Cambodia (UNTAC)	October 1991- March 1992 March 1992- September 1993	Conduct elections, supervise police, control the activities of existing administrative structures, promote human rights, repatriate refugees, begin rehabilitation of the country as well disarm and demobilize the armed forces of the factions and carry out military functions
UN Protection Force in Yugoslavia (UNPROFOR)	March 1992- March 1995	Secure cease-fire, humanitarian relief in Sarajevo area; later, ensure security and functioning of Sarajevo airport and delivery of humanitarian assistance

UN Peace Forces (UNPF) consists of UNPROFOR, UNCRO (UN Confidence Restoration Operation) and UNPREDEP (UN Preventive Deployment Force in Macedonia)	March 1995- January 1996	Observe, patrol and clear mines in Croatia, provide aid in Bosnia and Herzegovina and prevent civil war in Macedonia
IFOR	December 1995- present	A UN-endorsed, NATO-led enforcement mission responsible for overseeing the implementation of the military aspects of the Dayton Peace Agreement. Including developing a secure and stable environment in Bosnia and Herzegovina
UN Operation in Somalia (UNOSOM)	April 1992- May 1993	Monitor cease-fire, coordinate humanitarian assistance and ensure security of relief supplies
UN Operation in Somalia (UNOSOM II)	May 1993- March 1995	Distribute relief supplies
UN Operation in Mozambique (UNUMS)	December 1992- December 1994	Provide security, monitor de-mining and cease-fire
UN Observer Mission in Rwanda (UNAMUR)	June 1993-March 1994	Verify that military supplies do not cross border into Rwanda
UN Assistance Mission for Rwanda (UNAMIR)	October 1993- March 1996	Assist interim government with transition measures leading to elections
UN Observer Mission in Georgia (UNOMIG)	August 1993- present	Monitor cease-fire agreement and investigate violations
UN Observer Mission in Liberia (UNOMIL)	September 1993- present	Monitor implementation of peace agreement, and humanitarian assistance
UN Aouzou Strip Observer Group (UNASOG)	May 1994- June 1994	Monitor withdrawal of Libyan administration
UN Mission of Observers in Tajikistan (UNMOT)	December 1994- present	Assist implementation of cease-fire

UN Human Rights Verification Mission in Guatemala (MINUGUA)	1994 - Jan 1997	Verify implementation of the Human Rights Agreement and assist in strengthening the institutions working in that area
UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES)	January 1996 -	Facilitate the demilitarization of the region and assist with repatriation of refugees
UN Verification Mission in Guatemala (MINUGUA)	Jan 1997- May 1997	Verify the agreement, observance of cease-fire, the separation of forces, and demilitarization of URNG combatants
UN Civilian Police Support Group (UNPSG)	Jan 1998- Oct 1998	Monitoring the performance of Croatian police
MINURCA (Central African Republic)	April 1998- Feb 2000	Assist maintaining security, disarmament, capacity-building of national police; and providing technical support for elections
UN Observer Mission in Sierra Leone (UNOMSIL)	July 1998- Oct. 1999	To monitor the military and security situation, as well as disarmament and demobilization of former combatants; and to assist in monitoring international humanitarian law
UN Mission in Sierra Leone (UNAMSIL)	Oct 1999- present	Cooperate with the government and other parties in implementing the Lome Peace Agreement; and to assist disarmament, demobilization
UN Interim Administrative Mission in Kosovo (UNMIK)	June 1999- present	Assist civilian administration, support humanitarian and disaster relief, human rights, and maintenance of law and order

UN Transitional administration in East Timor (UNTAET)	August 1999- May 2002	To provide security, maintain law and order; to establish administration; to ensure humanitarian assistance; and support capacity building for self-government
UN Mission of support in East Timor (UNMISET)	May 2002 - present	Provide assistance to East Timor until all operational responsibilities are fully developed to East Timor authorities
UN Mission in Ethiopia and Eritrea (UNMEE)	June 2000- present	Verifying cease-fire, monitor the cessation of hostilities and assist in ensuring observance of security commitments
UN Mission in Cote d'Ivoire (MINUCI)	May 2003 - present	Monitoring military situation, including the security of Liberian refugees; planning on disengagement, disarmament and demobilization

Source: New York: Peace and Security Section of the United Nations Department of Public Information, June 31, 2003. <<http://www.un.org/Depts/dpko/dpko/homes.shtml>>.

Appendix D

INDIAN INDEPENDENCE ACT, 1947 (Section 1 and 7)

An Act to make provision for the setting up in India of two independent Dominion, to substitute order provision for certain provisions of the Government of India Act. 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as "the new Dominions" and the said fifteenth day of August is hereafter in this Act referred to as "the appointed day".

2. Territories of the new dominions. (1) Subject to the provisions of subsection (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be -

(a) the territories which, on the appointed day, are included in the provinces of East Bengal and West Punjab, as constituted under the two following section:

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of the British Baluchistan and

(c) if, whether before or after the passing of this act but before the appointed day, the Governor- General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North-Western Frontier Province are in favour of representatives of that province taking part in the constituent Assembly of Pakistan, the territories which, at the date of the passing of the act are included in that province

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either off the new dominions, so, however that

a) no area not forming part of the territories specified in sub-section (1) or, as the case may be sub-section(2) of this section shall be included in either dominion without the consent of the dominion and

b) no area which forms part of the territories specified in the said sub-section(1) or , as the case may be, the said sub-section (2) or which has after the appointed day been included in either dominion, shall be excluded from that dominion without the consent of the dominion.

(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States of either of the new Dominions.

7. Consequences of the setting up of the new Dominions. (1) As from the appointed day.

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India.

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date with towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

(c) there also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this subsection, effect shall, as nearly as may be continue to be given to the provisions of any such agreement as is therein referred to which relate to customs transit and communications, posts and telegraph, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part there of concerned on the other hand, or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words "Indian Emperor" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

Source: Essential Documents and Notes on Kashmir Dispute, P.L.Lakhanpal, 2d ed., Delhi: International Books, 1965.

Appendix E

Security Council and the UN Commission for India and Pakistan's Selected Resolutions on the Kashmir Issue

E.1: Security Council, January 17, 1948

Resolution S/ 651

Having heard statements on the situation in Kashmir from the representatives of the Governments of India and Pakistan,

Recognizing the urgency of the situation,

Taking note of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto; and in which they affirmed their intention to conform to the Charter of the United Nations.

1. Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;
2. Further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon.

*The Security Council voted on this Resolution on 17-1-48 with the following result:

Infavour: Argentina, Belgium, Canada, China, Columbia, France, Syria, U.K and U.S.A.

Against: none

Abstaining: Ukrainian S.S.R. and U.S.S.R.

E. 2: Security Council, 6 February 1948

Resolution S/ 667

1. Having considered the claims and allegations of India and Pakistan expresses the conviction that a peaceful settlement of the dispute about the accession of Jammu and Kashmir will best promote the interests of the peoples of Jammu and Kashmir of India, and of Pakistan.

2. Considers that it is urgent and important to stop acts of violence and hostility in Jammu and Kashmir and to decide the question of whether the State of Jammu and Kashmir shall accede to Pakistan or to India by the democratic method of a plebiscite to be held, as recognized by the parties, under the auspices of the United Nations to ensure complete impartiality.

1. Believes that the joint action of the Governments of India and Pakistan is required to carry out the purposes set forth below:

2. Alternative A

Takes note with satisfaction that both Governments, in seeking a solution by negotiation under the auspices of the Council, have agreed to cooperate with each other and with the Council in developing specific proposals, and, to this end, to apply the following principles which, in the opinion of the Council, should, among others, constitute the basis of a just settlement;

Alternative B

Appeals, therefore, to both parties, in seeking a solution by negotiation under the auspices of the Council, to cooperate with each other and with the Council in developing specific proposals and, to this end, to apply the following principles which, in the opinion of the Council, should, among others, constitute the basis of a just settlement;

a. Acts of violence and hostility must end.

b. The withdrawal and continued exclusion of all irregular forces and armed individuals who have entered Jammu and Kashmir from outside must be brought about, each party using to that end all the influence at its disposal.

c. Regular armed forces in aid of the establishment and maintenance of order must be made available. In this connection the Governments should seek to ensure cooperation between their military forces to establish order and security until the question of accession shall have been determined by the plebiscite.

d. Regular armed forces must be withdrawn as soon as reestablishment of law and order permits.

e. After acts of violence and hostility have ceased, all citizens of the Jammu and Kashmir State, who had left on account of the recent disturbances, shall be invited and be free to return to their homes and to exercise all their rights without any restrictions on legitimate political activity. There shall be no victimization. All political prisoners should be released.

f. The conditions necessary for a free and fair plebiscite on the question of whether the State of Jammu and Kashmir shall accede to India or to Pakistan, including an interim administration which will command confidence and respect of the people of the State of Jammu and Kashmir must be established.

g. Such conditions include that the plebiscite must be organized, held and supervised under the authority of the Security Council at the earliest possible date.

*This draft resolution was considered by the Security Council on 10th and 11th February, 1948, but was not put to vote. Subsequently, a Joint Draft Resolution was introduced by the Representatives of Belgium, Canada, China, Columbia, United Kingdom and the United States of America and its amended version (Doc. No S/726) was adopted by the Security Council on 21-4-1948, vide Resolution No 47 (1948).

E.3: Security Council, April 21, 1948

Resolution S/ 726

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan,

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security,

Reaffirms its resolution 38 (1948) of 17 January 1948;

Resolves that the membership of the Commission established by its resolution 39 (1948) of 20 January 1948, shall be increased to five and shall include, in addition to the membership mentioned in that Resolution, representatives ofand ..., and that if the membership of the commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution; and, to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A - RESTORATION OF PEACE AND ORDER

1. The Government of Pakistan should undertake to use its best endeavors:

a. To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

b. To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should:

a. When it is established to the satisfaction of the Commission set up in accordance with the Council's Resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

b. Make known that the withdrawal is taking place in stages and announce the completion of each stage;

c. When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

b. That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;

c. That as small a number as possible should be retained in forward areas;

i. That any reserve of troops which may be included in the total strength should be located within their present base area.

ii. The Government of India should agree that until such time as the plebiscite administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and policy provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

iii. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the reestablishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

3. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B - PLEBISCITE

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

a. The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

b. The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate the assistants and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

c. The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation and the conduct of a free and impartial plebiscite.

d. The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

e. The Administrator should have the right to communicate directly, with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.

10. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

11. The Government of India should themselves and through the government of the State declare and make known that all subjects of the state of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

12. The Government of India should use and should ensure that the Government of the State also use their best endeavour to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15th August 1947 have entered it for a lawful purpose.

13. The Government of India should ensure that the Government of the State releases all political prisoners and take all possible steps so that:

a. all citizens of the State who have left it on account of disturbances are invited and are free to return to their homes and to exercise their rights as such citizens;

b. there is no victimization;

c. minorities in all parts of the State are accorded adequate protection.

14. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C-GENERAL PROVISIONS

15. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

16. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

17. The Security Council Commission should carry out the tasks assigned to it herein.

* The Security Council voted on this Resolution on 20-1-1948 with the following result:-

In favor: Argentina, Canada, China, France, Syria, U. K, and U. S. A

Against: None

Abstaining: Belgium, Columbia, Ukrainian S. S. R. and U. S. S. R.

E. 4: Resolution Adopted by the United Nations Commission for India and Pakistan, August 13, 1948. S/ 1100.

“The United Nations Commission For India And Pakistan;

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the Jammu and Kashmir and,

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation.

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

Part I: Cease fire order

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control and in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

Part II: Truce Agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both the Governments accept the following principles as a

basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A.

1. 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 represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.
3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the commission.

B.

1. When the commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2, hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.
2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.
3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its powers to make it publicly known that peace, law and order will be safeguarded and that all human political rights will be granted.
4. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

Part III

The Government of India and the Government of Pakistan reaffirm their wish that the

future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

*The UNCIP unanimously adopted this Resolution on 13-8-1948
Members of the Commission: Argentina, Belgium, Columbia, Czechoslovakia and U.S.A.

E.5: United Nations Commission for India and Pakistan (UNCIP) Resolution,

S/ 1196, January 5, 1949

Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948;

1. The 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;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed;
 - a. The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.
 - b. The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.
 - c. The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.
 - a. After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.
 - b. As regards the territory referred to in A 2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.
3. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.
 - a. All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of

facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan.

The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision to effect.

b. All persons (other than citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.

4. All authorities within the State of Jammu and Kashmir will undertake to ensure in collaboration with the Plebiscite Administrator that:

a. There is no threat, coercion or intimidation, bribery other undue influence on the voters in plebiscite;

b. No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

c. All political prisoners are released;

d. Minorities in all parts of the State are accorded adequate protection; and

e. There is no victimization.

5. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

6. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial;

7. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultation envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of first January 1949, pursuant

to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948, and by the foregoing principles.

* UNCIP unanimously adopted this Resolution on 5-1-1949.

Members of the Commission: Argentina, Belgium, Columbia, Czechoslovakia and U.S.A.

E.6: Security Council, March 14, 1950.

Resolution S/ 1469

Having received and noted the reports of the United Nations Commission for India and Pakistan establishing its resolutions 39 (1948) of 20 January and 47 (1948) of 21 April 1948,

Having also received and noted the report of General A. G. L. McNaughton on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on December 17, 1949,

Commending the Governments of India and Pakistan for their statesman like action in reaching the agreements embodied in the United Nations Commission's resolutions of August 13, 1948 and January 5, 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and commending the parties in particular for their action in partially implementing these Resolutions by

1. The cessation of hostilities effected January 1, 1949,
2. The establishment of a cease-fire line on July 27, 1949,
3. The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator.

Considering that the resolution of the outstanding difficulties be based upon the substantial measure of agreement of fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

1. Calls upon the Governments of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a program of demilitarization on the basis of the principles of paragraph 2 of General McNaughton proposal or of such modifications of those principles as may be mutually agreed;

2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate;

- a. to assist in the preparation and to supervise the implementation of the program of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization;
- b. to place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir;
- c. to exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the Resolutions of the United Nations Commission of August 13, 1948 and January 5, 1949;
- d. to arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties;
- e. to report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make;

1. Requests the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire line continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

2. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A.G. L. McNaughton for their arduous and fruitful labours;

3. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

*The Security Council voted on this Resolution on 14-3-1950 with the following result:-

In favour: China, Cuba, Ecuador, Egypt, France, Norway, U.K., and U.S.A.

Against: None Abstaining: India, and Yugoslavia.

Absent: U.S.S.R.

E.7: Security Council, February 20, 1957

Security Council S/3787

**The India-Pakistan Question, Australia, Cuba, UK and Northern Ireland and USA:
Joint Draft Resolution**

Recalling its resolution of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question;

Having taken into consideration the statements of the representatives of the Governments of India and Pakistan;

Concerned at the lack of progress in settling the dispute;

Considering the importance which it has attached to the demilitarization of the State of Jammu and Kashmir as a step towards the settlement of the dispute;

Noting that demilitarization preparatory to the holding of a free and impartial plebiscite under United Nations auspices has not been achieved in accordance with the resolutions of the United Nations Commission for India and Pakistan;

Noting the proposal of the representative of Pakistan for the use of a temporary United Nations force in connexion with demilitarization;

Believing that, insofar as it might contribute towards the achievement of demilitarization as envisaged in the resolutions of the United Nations Commission for India and Pakistan and towards the pacific settlement of the dispute, the use of such a force would deserve consideration;

1. Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan proposals which, in his opinion, are likely to contribute to the achievement of demilitarization or to the establishment of other conditions for progress towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan, and bearing in mind the statements of the representatives of the Governments of India and Pakistan and the proposal for the use of a temporary United Nations force;

2. Authorizes him to visit the sub-continent for this purpose;

3. Requests him to report to the Security Council as soon as possible but not later than 15 April 1957;

4. Invites the Governments of India and Pakistan to cooperate with him in the performance of these functions;

5. *Requests* the Secretary-General and the United Nations representative for India and Pakistan to render such assistance to him as he may request.

*The Security Council voted on this Resolution (S/3787) on February 20, 1957 with the following result:-

In favour: Australia, China, Columbia, Cuba, France, Iraq, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Union of Soviet Socialist Republics.

Abstaining: Sweden.

The President (Mr. Jarring, the Representative of Sweden) announced the result in the following words:

"There were 9 votes in favor, one against and one abstention. Since the negative vote was cast by a member of the Council the joint draft resolution has not been adopted".

E.8: Security Council, May 18, 1964
Resolution S / PV. 1117

I

"(a) The members of the Council noted that this week's debate was a continuation of our discussions of February and March on the question of Jammu and Kashmir. They recalled that they had already, particularly during the debate in February, stated the views of their Governments on the basic facts of the problem, including the relevant United Nations resolutions, the question as to the juridical status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid;

"(b) The members of the Council expressed their concern with respect to two great countries which have everything to gain from re-establishing good relations with each other and whose present disputes, particularly that cantering upon Jammu and Kashmir, should be settled amicably in the interest of world peace;

"(c) The members of the Council expressed their feeling that recent developments were such as might lead to the adoption of more flexible positions to better mutual understanding, and therefore to a situation in which conversations between the parties concerned would have better prospects of leading to a settlement;

"(d) The members of the Council expressed their conviction that everything should be done to consolidate those favorable factors and to avoid jeopardizing those prospects and that this required an attitude of conciliatory moderation on the part of the both parties and an attitude of caution, but also of vigilant attention, on the part of the United Nations;

"(e) The members of the Council expressed the hope that both Parties would refrain from any act which might aggravate the situation and that they would take steps calculated to reestablish an atmosphere of moderation between the two countries and peace and harmony between the communities;

"(f) The members of the Council expressed the hope that, in the light of our recent debates, the two countries concerned would resume their contacts in the near future with a view to settling their disputes, Particularly that cantering upon Jammu and Kashmir, by negotiation;

II

"Several members of the Council expressed the view that the Secretary-General of the United Nations might possibly give useful assistance to the parties in order to facilitate the resumption of negotiations negotiations in the event of the latter encountering difficulties. Other members of the Council, however, expressed the view that the negotiations between India and Pakistan might be complicated by any outside

intervention, and that even the principle of having recourse to the Secretary-General should be a matter for agreement between the parties.

III

The India-Pakistan question remains on the agenda of the Security Council."

Sources: P.L. Lakhapal, Essential Documents and Notes on Kashmir Dispute, 2nd revised and enlarged edition, Delhi, International Books, 1965. Also see, UN Department of Public Information. <<http://www.un.org>>.

Appendix F

Simla Agreement between India and Pakistan, 1972

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples. In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:-

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;

(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;

(v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;

(vi) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that;

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including over flights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

(iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. In order to initiate the process of the establishment of durable peace, both the Governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line.

(iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.

5. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

6. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

(Indira Gandhi)

(Zulfikar Ali Bhutto)

Prime Minister
Republic of India

President, Islamic Republic of Pakistan

Source: J.N Dixit, India-Pakistan in War and Peace, London & New York: Routledge, 2002.

Appendix G

G.1: The Indo-Sri Lanka Agreement

To establish peace and normalcy in Sri Lanka

The president of the Democratic Socialist Republic of Sri Lanka, his excellency Mr. J.R. Jayawardene, and the Prime Minister of The Republic of India, His Excellency Mr. Rajiv Gandhi, having met at Colombo on July 29, 1987,

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of Sri Lanka and India, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, wellbeing and prosperity of people belonging to all communities of Sri Lanka,

Have this day entered into the following agreement to fulfil this Objective.

1. In this context,

1.1 Desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka,

1.2 Acknowledging that Sri Lanka is a "multi-ethnic and multi-lingual plural society" consisting, inter-alia, of Sinhalese, Tamils, Muslims (Moors) and Burgers,

1.3 Recognising that each ethnic group has a distinct cultural and linguistic identity, which has to be carefully nurtured,

1.4 Also recognising that the northern and the eastern provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups,

1.5 Conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations,

2. RESOLVE THAT:

2.1 Since the Government of Sri Lanka proposes to permit adjoining provinces to join to form one administrative unit and also by a referendum to separate as may be permitted to the northern and eastern provinces as outlined below:

2.2 During the period, which shall be considered an interim period (i.e. from the date of the elections to the provincial council, as specified in para 2.8 to the date of the referendum as specified in para 2.3), the northern and eastern provinces as now

constituted, will form one administrative unit, having one elected provincial council. Such a unit will have one governor, one chief minister and one board of ministers.

2.3 There will be a referendum on or before 31st December 1988 to enable the people of the eastern province to decide whether:

a) The eastern province should remain linked with the northern province as one administrative unit, and continue to be governed together with the northern province as specified in para 2.2 or:

b) The eastern province should constitute a separate administrative unit having its own distinct provincial council with a separate governor, chief minister and board of ministers. The president may, at his discretion, decide to postpone such a referendum.

2.4 All persons, who have been displaced due to ethnic violence or other reasons, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.

2.5 The referendum, when held, will be monitored by a committee headed by the chief Justice, a member appointed by the President, nominated by the government of Sri Lanka, and a member appointed by the president, nominated by the representatives of the Tamil speaking people of the eastern province.

2.6 A simple majority will be sufficient to determine the result of the referendum.

2.7 Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the referendum.

2.8 Elections to provincial councils will be held within the next three months, in any event before 31st December 1987. Indian observers will be invited for elections to the provincial council of the north and east.

2.9 The emergency will be lifted in the eastern and northern provinces by Aug. 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of signing of this agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the army and other security personnel will be confined to barracks in camps as on 25 May 1987. The process of surrendering arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

2.10 The government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the northern and eastern provinces same organisations and mechanisms of government as are used in the rest of the country.

2.11 The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under The Prevention of Terrorism Act and other emergency laws, and to combatants, as well as to those persons accused, charged and/or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with a view to bringing them back into the mainstream of national life. India will co-operate in the process.

2.12 The government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.

2.13 If the framework for the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.

2.14 The government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals.

2.15 These proposals are conditional to an acceptance of the proposals negotiated from 4.5.1986 to 19.12.1986. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this agreement. These proposals are also conditional to the Government of India co-operating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following actions if any militant groups operating in Sri Lanka do not accept this framework of proposals for a settlement, namely,

a) India will take all necessary steps to ensure that Indian Territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka

b) The Indian navy/coast guard will cooperate with the Sri Lankan navy in preventing Tamil militant activities from affecting Sri Lanka.

c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will co-operate by giving to the Government of Sri Lanka such military assistance as and when requested.

d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident here, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.

e) The Governments of Sri Lanka and India will co-operate in ensuring the physical security and safety of all communities inhabiting the northern and eastern provinces.

2.17 The government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the northern and eastern provinces in electoral processes envisaged in this agreement. The government of India will extend full co-operation to the government of Sri Lanka in this regard.

2.18 The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.

3. This agreement and the Annexure thereto shall come into force upon signature.

In witness whereof we have set our hands and seals hereunto.

Done in Colombo, Sri Lanka, on this the twenty-ninth day of July of the year one thousand nine hundred and eighty seven, in duplicate, both texts being equally authentic.

Junius Richard Jayawardene

Rajiv Gandhi

President of the Democratic

Prime Minister of Republic India

Socialist Republic of Sri Lanka

G.2: Annexure to the Indo- Sri Lanka Agreement

1. His Excellency the President of Sri Lanka and the Prime Minister of India agree that the referendum mentioned in paragraph 2 and its sub- paragraphs of the agreement will be observed by a representative of the election Commission of India to be invited by His Excellency the President of Sri Lanka.
2. Similarly, both heads of Government agree that the elections to the provincial council mentioned in paragraph 2.8 of the agreement will be observed and all para-military personnel will be withdrawn from the eastern and northern provinces with a view to creating conditions conducive to fair elections to the council.
3. The President, in his discretion shall absorb such para-military forces, which came into being due to ethnic violence, into the regular security forces of Sri Lanka.
4. The President of Sri Lanka and the Prime Minister of India agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.
5. The President of Sri Lanka and the Prime Minister of India agree that a joint Indo-Sri Lankan observer group consisting of qualified representatives of the Government of Sri Lanka and the Government of India would monitor the cessation of hostilities from 31 July 1987.
6. The President of Sri Lanka and the Prime Minister of India also agree that in the terms of paragraph 2.14 and paragraph 2.16(c) of the agreement, an Indian peace keeping contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.

G.3: Exchange of Letters Between the Prime Minister of India and the President of Sri Lanka

Prime Minister of India

New Delhi, July 29, 1987

Excellency,

1. Conscious of the friendship between our two countries stretching over two millenia and more, and recognizing the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, in the course of our discussions agreed to meet some of India's concerns as follows:

Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presences will not prejudice Indo-Sri Lankan relations.

Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.

The work of resotoring and operating the Trincomalee Oil Tank Farm will be undertaken as a joint venture between India and Sri Lanka.

Sri Lanka's agreements with foreign broadcasting organizations will be reviewed to ensure that any facilities set up by them in Sri Lanka

3. In the same spirit India will:

Deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or secessionism. Provide training facilities and military supplies for Sri Lankan forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in paragraph 1 and specifically to monitor the implementation of other matters contained in this letter.

Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept, Excellency, the assurances of my highest consideration.

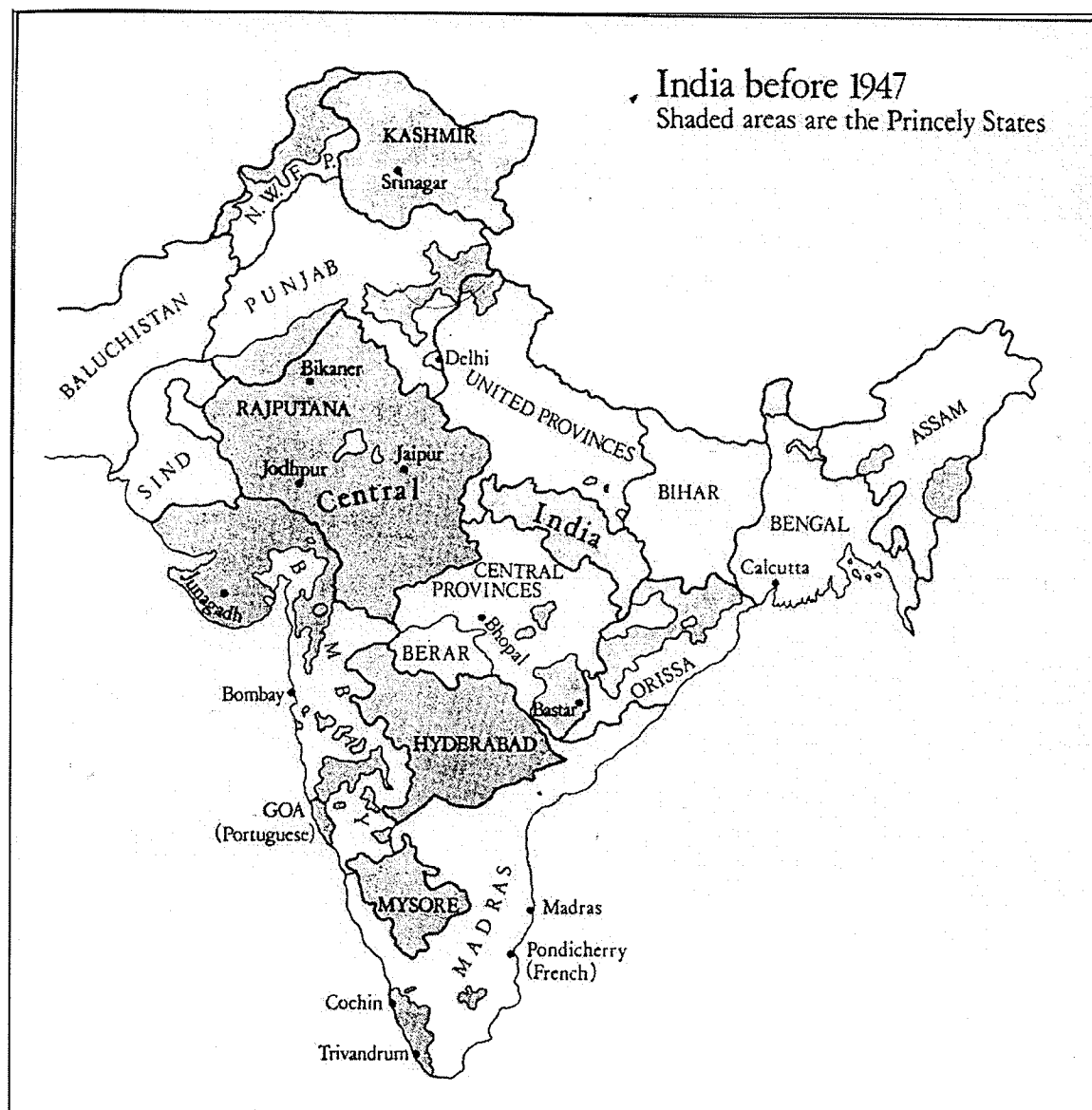
Yours sincerely,

(Rajiv Gandhi)

Source: S.D. Muni, Pangs of Proximity: India and Sri Lanka's Ethnic Crisis, New Delhi, London, & Newbury Park: Sage Publications, 1983.

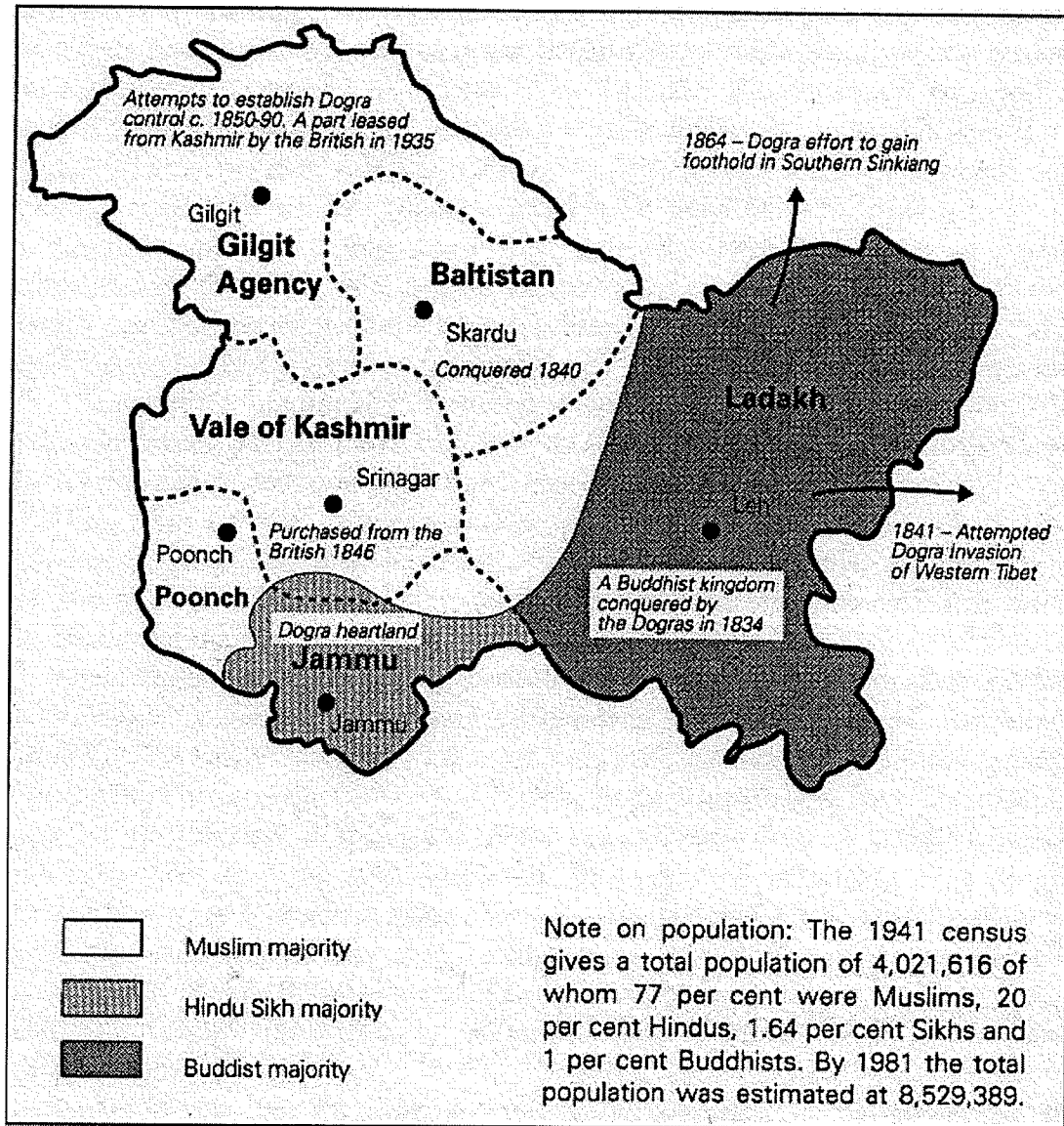
Appendix: B

Figure 2.1: Princely states of British India



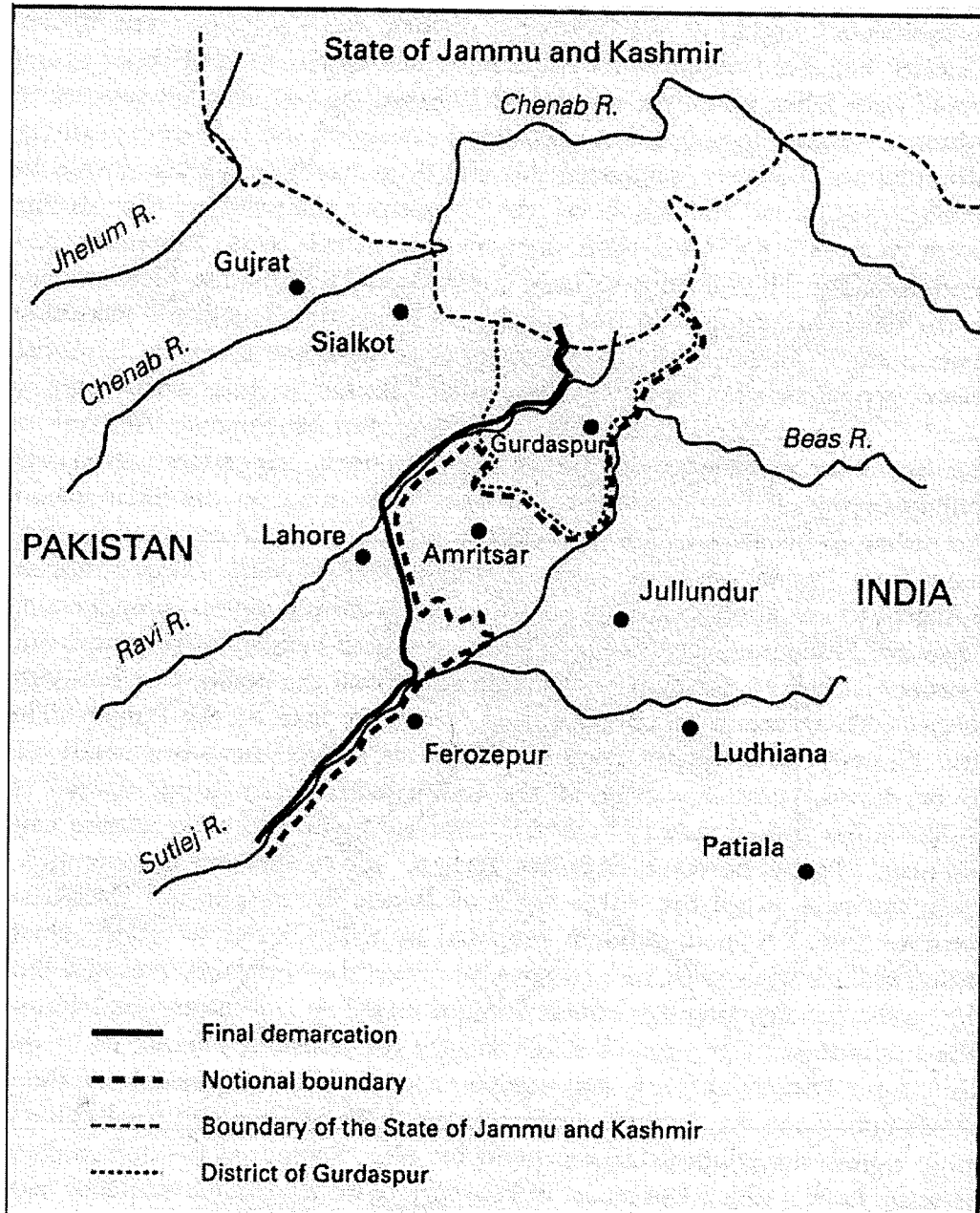
Source: Sarvepalli Gopal, *Jawaharlal Nehru: A Biography*, Vol. 1, 1889-1947, (Cambridge, Massachusetts: Harvard University Press, 1976)

Figure: 2.2: Communal Groupings of Jammu and Kashmir



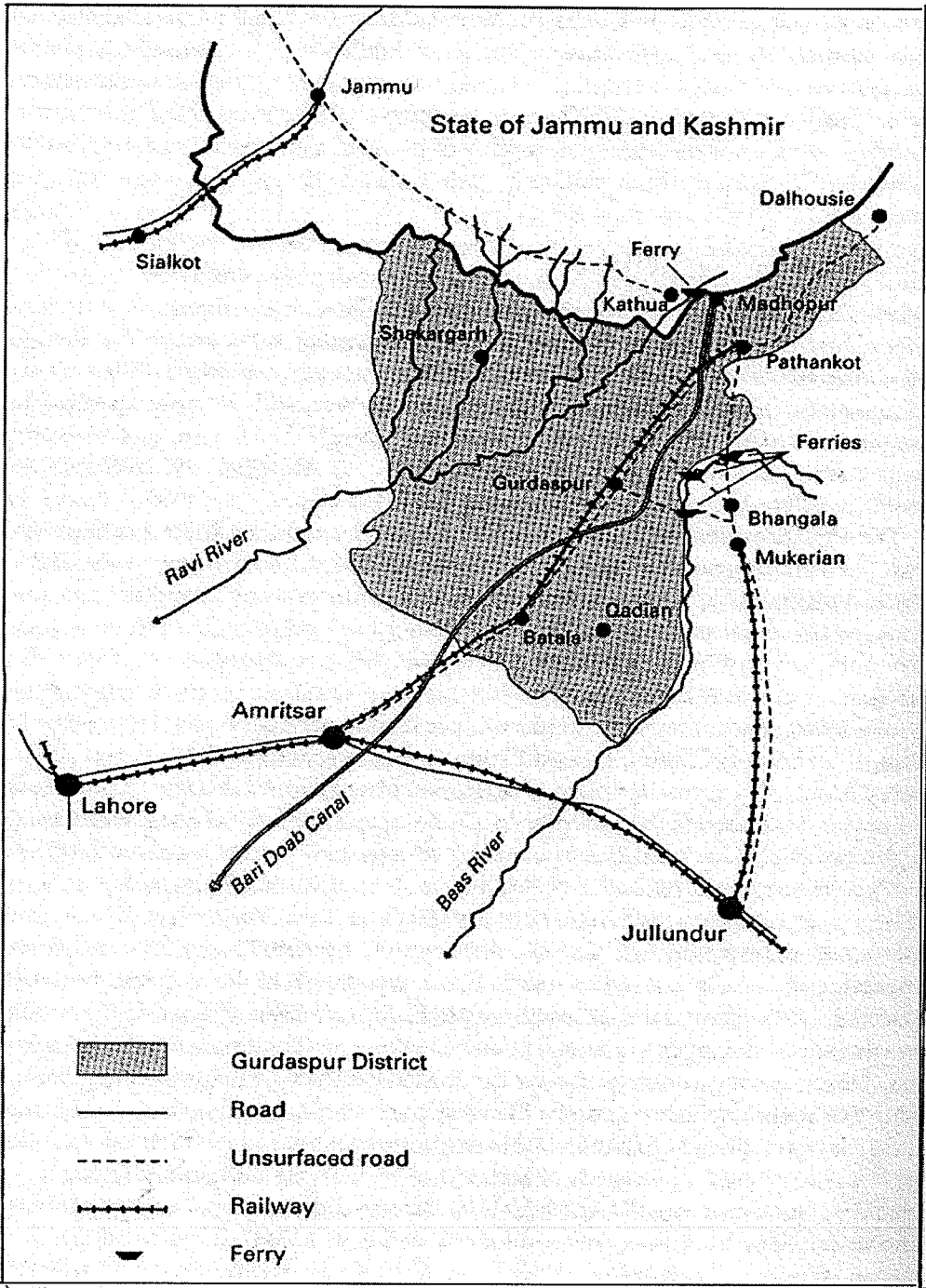
Source: Victoria Schofield, *Kashmir in the Crossroad*, (London & New York: I.B. Tauris Publishers, 1996)

Figure 2.3: Partition Boundaries in the Punjab



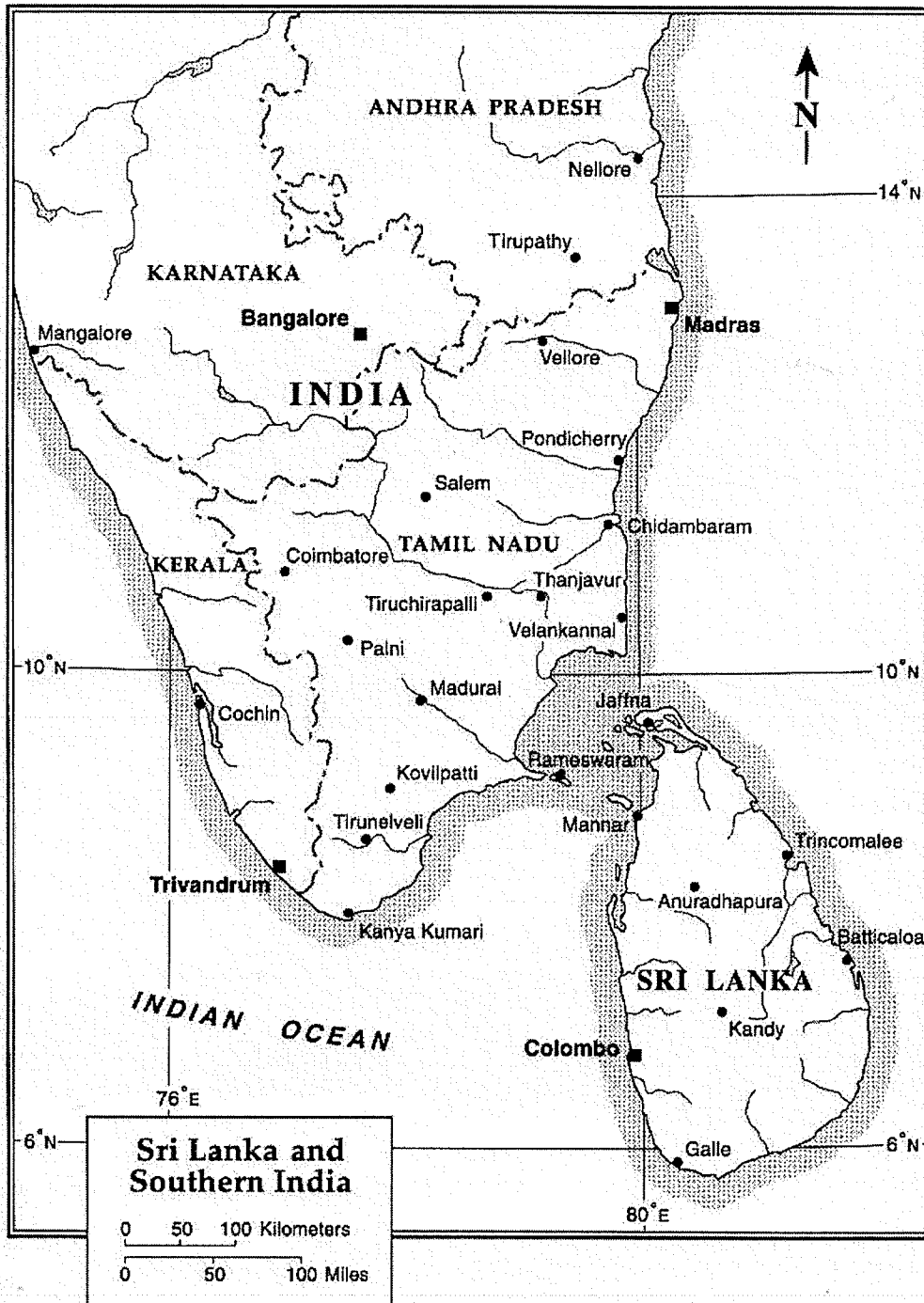
Source: Victoria Schofield, *Kashmir in the Crossroad*, (London & New York: I.B. Tauris Publishers, 1996)

Figure 2.4: Lines of Communication to Jammu and Kashmir



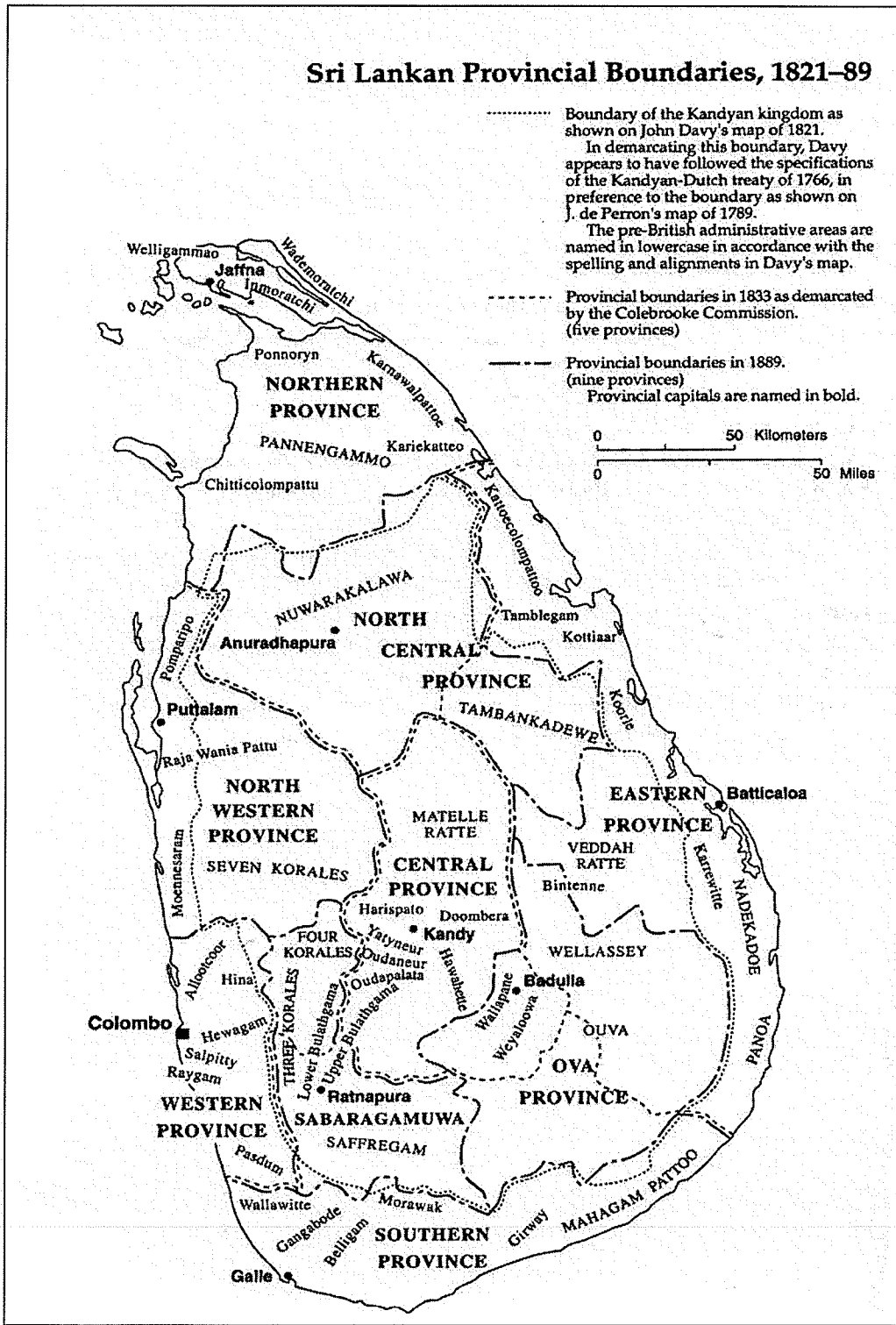
Source: Victoria Schofield, *Kashmir in the Crossroad*, (London & New York: I.B. Tauris Publishers, 1996)

Figure 4.1: Sri Lanka and Southern India



Source: K.M. de Silva, Regional Powers and Small State Security: India and Sri Lanka, 1977-90, (Washington D.C.: The Woodrow Wilson Center Press, 1995)

Figure 4.2: Provincial Boundaries of Sri Lanka



Source: K.M. de Silva, *Regional Powers and Small State Security: India and Sri Lanka, 1977-90*, (Washington D.C.: The Woodrow Wilson Center Press, 1995).

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