

PAKISTAN'S UN FANTASY

Relevant for: International Relations | Topic: India - Pakistan

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After failing to get the UN Security Council (UNSC) to take formal notice of its antics over [Article 370](#) and the situation in Jammu and Kashmir (J&K), Pakistan has yet again attempted to internationalise J&K by writing to the president of the UNSC. It has asked for “doubling the strength of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) Observers and to persuade India to allow them to patrol on its side of the Line of Control (LoC) as well”. In the letter, Pakistan Foreign Minister Shah Mahmood Qureshi further requested the UNSC to consider “all possible avenues available under the UN Charter to fulfil its responsibility of maintaining peace in the region”.

Pakistan knows that India totally rejects third-party involvement. Barring a few aberrant acolytes of Pakistan, the global community, including the US, has openly favoured the bilateral framework to address all the issues between India and Pakistan. Yet, Pakistan clings on to the idea of third-party mediation or a UN role in order to create a false alibi for continuing with the use of terrorism as an instrument to wage a low-intensity war against India. Pakistan has sought UN mediation despite being bound by the principle of bilateralism under the 1972 Simla Agreement.

UN resolutions have proved ineffective in the past in getting Pakistan to withdraw its occupying forces from Jammu and Kashmir, as was required under the UN Resolutions of April 21 and August 13, 1948, which have since been overtaken by the bilateral Simla Agreement and the Lahore Declaration of 1999.

This has not prevented a desperate Pakistan from turning its attention to UNMOGIP, another redundant vestige of the past, long overtaken by the bilateral process agreed to under the Simla Agreement. Its genesis can be traced to the UN Commission for India & Pakistan (UNCIP), which was set up through UNSCR 39 on January 20, 1948.

By way of background, UNSCR 47 of April 21, 1948 and the UNCIP Resolution of August 13, 1948, provided the basis for the UNMOGIP's establishment. The ceasefire was bilaterally agreed to by India and Pakistan on January 1, 1949, one day before the UNCIP Military Adviser reached the mission area. The first of the UN military observers arrived there only on January 24, 1949.

As outlined in para 3 of the UNSG's Report S/6651 of September 3, 1965, UNMOGIP's role was very limited, confined to observation of the Cease Fire Line (CFL) and monitoring of violations, if any. The limited mandate was related to the CFL and the Karachi Ceasefire Agreement of July 27, 1949, from which it flowed, both of which ceased to be operative when Pakistan committed aggression against India on December 3, 1971 and declared a state of war against India the following day. The UNMOGIP's mandate lapsed as a result, and did not legally extend to the LoC, a materially different line which came into being on December 17, 1971, following India's unilateral declaration of a ceasefire, later accepted by Pakistan. The Simla Agreement, which

superceded all previous agreements and committed both sides to a bilateral framework, delivered the coup de grâce with regard to UNMOGIP's locus standi.

The UNMOGIP's limited mandate renders it incapable of monitoring the terrorist havens on the Pakistani side of the LoC or preventing cross-border infiltration. Nor is it capable of preventing the frequent ceasefire violations.

The Indian side has not lodged any complaint over the ceasefire violations by Pakistan since January 1972, which further buttresses India's standpoint on the UNMOGIP and denies it any role. Pakistan continues to lodge "complaints about ceasefire violations by India" with the UNMOGIP, which issues reports containing the unilateral "complaints" made by Pakistan. This is yet another example of obfuscation by Pakistan of facts relating to Jammu and Kashmir.

In recent years, the Government of India (GoI) has taken the right steps vis-à-vis the UNMOGIP. In response to a question in Parliament on August 13, 2014, the then Minister of State for External Affairs, V K Singh, stated that the UNMOGIP was mandated to supervise the CFL established in July 1949 under the agreement between military representatives of India and Pakistan, and that with the signing of the Simla Agreement and the establishment of the LoC, its role had become redundant, and further, that it had "outlived its relevance". The GoI has taken various steps asking the UNMOGIP to vacate government properties in India, which had been provided free of charge until then. Action has also been taken to monetise various other facilities that were earlier being provided free of cost to the UNMOGIP.

Given President Donald Trump's strong criticism of the performance of the UN and his lamenting the fact that the US provides one-fourth of its budget, it is worth noting that the US alone contributes \$4.3 million, the lion's share, of the UNMOGIP's annual budget of \$19.7 million.

These funds could be better utilised to achieve Sustainable Development Goals in developing countries, including for the long-suffering people of Pakistan, who have yet to realise their true potential as a result of the appalling policies and abysmally poor track record of successive Pakistani governments and military rulers. Prime Minister [Narendra Modi](#) has, on many occasions, driven home the point that eradication of poverty and economic development are the primary and common challenges confronting both countries and that both countries should work together for the welfare of their peoples.

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