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give rise to a



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According to the United Nations mediation is a process “ whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements” (peacemediation.

de). Figure 1: The different tracks of peace mediationAs illustrated in the figure above, mediation can take place with help of different actors. Track 1 requires a country to lead the mediation process while track 2 is depending on societal leaders such as religious dignitaries, academics and intellectuals. Finally, track 3 covers local leaders including grassroots leaders.

In order to communicate effectively with both parties a mediator needs to do following: Identify the history and content of the conflict. UN ResolutionIt was on 1st Jan, 1948 that the Kashmir dispute was for the first time brought to the attention of the Security Council by the Government of India referring to article 35 of the UN Charter which states following: Article 35: Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly (legal. un. org)Article 34: The Security Council may investigate any dispute, or any situation which might lead to international friction or give 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 (legal. un.

org)The two countries agreed to the appointment of a UN Commission to mediate between them. The UN Security Council urged a cease-fire and a resolution was passed encouraging Pakistan to withdraw its forces from the

State of Jammu and Kashmir and when this was achieved the India would withdraw its forces as well leaving behind only a necessary amount to maintain security in the area. The aim was to hold an internationally supervised plebiscite so that “ the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations (www. un. org). The differences however made it very difficult to achieve such demilitarisation. The discussions and negotiations remained regarding when demilitarisation shall be completed and the size of forces that should be left for security concerns. In addition, Pakistan’s decision to accept military aid from US made India insecure, while The Soviet Union due to such developments took a pro-India position on the Kashmir issue in the Security Council.

This worsened the possibility for a resolution. The UN was very active in the beginning of the Kashmir dispute. However, when the attempts of resolutions failed numerous times the UN’s role as a mediator became increasingly limited.