



FACULTY OF LEGAL SCIENCES

SCHOOL OF INTERNATIONAL STUDIES

**ANALYSIS OF THE BEHAVIOR OF THE UNITED NATIONS SECURITY COUNCIL
DURING THE FIRST 25 YEARS OF THE CONFLICT CONCERNING THE KASHMIR
REGION.**

GRADUATION THESIS PRIOR TO OBTAINING A BACHELOR DEGREE IN
INTERNATIONAL STUDIES WITH A BILINGUAL MINOR IN FOREIGN TRADE.

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DEDICATION.

This is a work inspired by the love for my parents and the special people in my life, who are always in my heart and who, despite the vicissitudes of life, adverse circumstances, my problems and whims; I have never been left alone to the tough battle of getting ahead in my life. And to God who has allowed me to know the grace of having the opportunity to go further and further each day.

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SUMMARY

Kashmir is a region found in Southeast Asia. It is an area that is in conflict as India and Pakistan claim this region as theirs. The conflict began in 1947 with the partition of British India into the new states of India and Pakistan. It was not agreed which state Kashmir belonged to, which caused disputes between these states. Between 1947 and 1972 there were three wars, in addition to other conflictive situations between the two states.

Being a worrying situation for the international community, the United Nations decided to participate through the Security Council. This UN body issued 17 resolutions in the period of time analyzed.

Mediation was proposed between the leaders of India and Pakistan, the signing of a new agreement between those involved was negotiated, a committee was created that would exclusively dedicate itself to the Kashmir problem in addition to supporting a plebiscite in which the Kashmiri population would elect what state to belong to, however, none of these proposals was a solution to the problem, that is why this project will analyze the participation of the UN body in the Kashmir conflict.

ABSTRACT.

This project analyzes the participation of the United Nations through the Security Council in Kashmir, a region of Southeast Asia that is in conflict as India and Pakistan fight over it. The conflict began in 1947 with the independence of India and Pakistan, Kashmir was an independent territory that both states wanted to have. The Security Council decided to participate when ~~started~~ the first Indo-Pakistani war started.

In 1947-1972 the Security Council had a more constant participation, specifically in the three Indo-Pakistani wars. It issued 17 resolutions in which it proposed different types of solutions that did not have the expected results. This project is a study of what happened in Kashmir between 1947-1972, it analyzes the behavior of the countries involved and the influence of the actions taken by the Security Council.

INTRODUCTION

When speaking of the international system, without a doubt the most alarming situation and the one that draws the most attention is when wars or armed conflicts take place. With the First and Second World Wars, the leaders of the world's governments were able to notice the catastrophic consequences of armed conflicts, which leave damages that the administrations of the countries find difficult to repair since they threaten security, life and development of the territories where these battles take place, not to mention that in these cases governments have to use a significant part of their budget for armaments instead of being able to invest in other projects that promote development.

Seeking to avoid this type of situation and that countries can work together, on October 24, 1945 the United Nations (UN), which is made up of different committees that deal with specific issues., the committee in charge of armed conflicts is the Security Council (United Nations, 2019). Since its inception, the Security Council intervened in multiple issues, however, one that draws attention is the conflict in Kashmir. It is a battle between the Republic of China, India and Pakistan since Jamu and Kashmir, a mountainous region ~~that~~ lies between the border of the three countries. It began in 1947 and continues to this day, it has been in force for more than 70 years and its results are devastating since violence, insecurity, discrimination, poverty and malnutrition reign in Kashmir, among other problems (Goel, 2019).

This work seeks to analyze the conflict between 1947-1972, choosing this period of time since there were three armed confrontations between India and Pakistan (the first between 1947-1948, the second in 1965 and the third in 1971) and one between India and China (in 1962), not counting multiple disputes within Kashmir between the military and opposition groups. From its inception, it drew the attention of the international system as well as raised concern about the damage caused in the region. The Security Council issued 17 different resolutions in the period of time analyzed seeking a total solution that never happened. This work will seek to analyze the actions taken by the Security Council, the reason for the decisions, their result and why they did not end up being a total solution to the problem.

In order to understand the situation and achieve the expected results, it was considered necessary to divide this work into four chapters, each one will analyze the problem from a different perspective. In chapter one the conflict and participation of the Security Council with the two traditional theories considered as realism and liberalism will be analyzed. This chapter is entitled Theories of International Relations and their relationship with the conflict. Since the objective of this work is to know about the interference role of the Security Council in the conflict, I consider it necessary to know all the events that occurred in the chosen period of time, that is why in chapter two (Approaches to the Kashmir Conflict between 1947- 1972) the historical context, the reason why all this conflict began, the economic and political causes and the consequences of the problem are reviewed. Since the purpose of this work is to know all the strategies carried out by the Security Council in Kashmir, it is necessary to analyze in detail each resolution and its results, this will be documented in chapter three: United Nations Security Council, and at end of the work, chapter four will show conclusions and criticisms.

CHAPTER 1: THEORIES OF INTERNATIONAL RELATIONS AND THEIR RELATION TO THE CONFLICT.

1. Relationship of liberal and realist theory in relation to conflict.

One of the objectives of international relations is to analyze and understand the behavior of different international actors in the world under any circumstance, such as wars. At the beginning of the 20th century, countries such as Germany, the United States, the United Kingdom, among others, began research projects seeking to analyze particular situations and thus have a broader vision to understand different perspectives. In this way theories about international relations arose.

There are two theories considered traditional in international relations, the realism and, liberalism which emerged in the 20th century. What is considered as the first great debate in international relations occurs between professors who followed the realism school against the followers of liberalism. These ideologies have opposing points of view that I will use in this paper to understand possible actions by the United Nations Security Council in the Kashmir conflict. I decided to analyze what these two ideological schools enact since they are related to the behavior of the countries involved in the conflict and also to the actions of the Security Council, not to mention that the two visions are broad enough to be able to carry out a complete analysis (Salomon, 2002).

1.1 Realistic Theory.

Realism is one of the most influential ideologies in international relations. It had great influence in the world in the 1930s. The historical thinkers who had a greater influence and laid the foundations for the formation of this theory of international relations are: Thucydides, Athenian historian of the fourth century BC, from whom other important figures would be inspired such as the American politician Hans Morgenthau, Nicolás Machiavelli, George Kenan and Reinhold Nienbuhr. There are other thinkers like Kenneth Waltz who contributed much to the development of this theory.

Robert Keohane described realism as a starting point for analyzing international relations (Salomon, 2002).

Realism speaks of power and security as its promulgated principles, it refers to the State as the highest type of organization. This theory also describes the international context as an anarchic environment in which there is no superior organism to the states that regulates their behavior, that is why in the international system the states act thinking about their survival, the governments of the strongest countries seek to prevail and dominate the less developed countries.

By recognizing countries as independent, this theory ignores the role of international organizations such as the United Nations. The states have the power to govern themselves, they are not accountable to any type of body and their behavior cannot be limited by any other type of organization (Donnelly, 2005).

Although by sovereignty states can decide whether to abide by the provisions of the United Nations, according to chapter 7 of the United Nations charter in addition to recommendations, the Security Council can influence that such recommendations are taken seeking to maintain the International peace and security. However, India or Pakistan did not care about winning enmity or breaking commercial relations with members of the UN, their rivalry was so great that no warning stopped them, that is why the Security Council had to look for some stronger action. (United Nations, 1945).

The UN Security Council is the body in charge of maintaining international peace and security. This body has the authority to make decisions that are binding not only on its own members but also on all member states of the Organization (articles 2 (5), 25 and 49), and even non-members, article 2 (6). The Security Council participated in the Kashmir Conflict, issuing 17 resolutions between 1947 and 1972 proposing different types of solutions, however, none of its provisions were respected or obeyed by India or Pakistan, regardless of the repercussions they may have within the organization. As Salomón (2002) mentions, the ethnocentrism of which Morgenthau speaks can be noted, that although there are international organizations they focus on the situations and behavior of states, which means that they place countries as the axis of the international system. Although the Security Council tries to be a regulator on issues of peace and security, its provisions are not always followed by the actors in wars; governments make their own decisions, reducing the efficiency of the Security Council. The governments of India, Pakistan and China were either momentarily complying with the provisions or not.

The North American political and scientist Kenneth Waltz details how states relate to each other, with whom they have diplomatic relations and for what reasons they interact. States work in pursuit of their individual interests, to survive in the international system they begin to interact with other states depending on their preferences. States are more likely to join with their rivals than with allies, this happens when rivals have similar interests and to achieve them they decide to work as a team (Donnelly, 2005). Such a statement could not be applied to Kashmir as two rivals such as India and Pakistan would find it difficult to ally because, although they both want the same as the territory, only one of the two countries can have it.

Realism defines the State as the supreme entity. Hans Morgenthau calls it state-centrism. According to this theory, the State is the only actor that should be considered in the international system, leaving aside the operation of international organizations since it is the only one that has a political character (decision-making capacity). Morgenthau sees power as something inherent to the human being, that is why it relates all activities that countries have with power, that when they interact, they do so in search of having more power. Morgenthau divides state-centrism into two categories of analysis that are: balance of power and national interest, in these the state phenomenon is based. The balance of power is a political situation in which countries interact seeking stable relationships and maintaining the status quo. In the national interest, the countries seek to have their interests prevail when interacting with each other. It qualifies the state as a rational actor, capable of making its own decisions thinking about the welfare of its population (Barbe, 1987).

The balance of power is found in the Security Council, since the permanent members interact seeking to have stable relationships, in case of conflict the first action they propose is the interaction between those involved. As happened in Kashmir when they proposed that India and Pakistan negotiate an agreement, with the balance of power, it is sought to avoid possible conflicts and if they happen, they propose peaceful alternatives (Donnelly, 2005). The negotiation and mediation proposed by the Security Council has no results due to what is expressed in the national interest. At the time that the governments of India and Pakistan negotiated they did not reach an agreement because their interests prevailed over cooperation, in this situation another characteristic of realism also appears, which is about the selfishness of the states being superior to the common interest and to democracy.

Morgenthau (1986) analyzed the behavior of states and related it to the behavior of the human beings who lead them defining their interests as related to the search or maximization of power and greater security. It speaks of the selfishness of the people who lead the states, who make decisions thinking about their individual well-being over the good of their population, something that can be seen in Kashmir in the case of the Marajá Hari Sign and their desire to maintain control of the region no matter what country it belonged to. The states prefer to look after their own interests.

Relationships between states are given solely to seek increased power and survival. In this aspect, cooperation occurs as a strategy in which individual development and national interest are sought. Kenneth Waltz related human nature to international conflicts. It could be said that in border conflicts such as that of Kashmir, countries want to have more territory because they relate it to power, in addition to that some territories function in strategic plans for economic or commercial issues. Beyond wanting Kashmir seeking to protect the population, they fight for it seeking to be better positioned countries in the international system. In this type of problem, the participation of the Security Council becomes complicated since this UN body cannot decide how the border issue can be defined or to which country Kashmir can belong.

After the Second World War, the independence of many territories that were colonies took place and with this the creation of new countries, India and Pakistan fall into this category, in this process armed conflicts began due to border issues and for owning territory as in the case from Kashmir. In this case can be seen the realistic principles in this battle since the participants that are China, India and Pakistan did not give in and never reached an agreement in the different negotiations, they did not even accept the different provisions of the Security Council in which they could lose autonomy in Kashmir.

In Kashmir, the individual interest of the states over the search for the well-being of the population predominated. They preferred to have battles in which they destroyed the territory before seeking security in the territory or economic development and growth. At this time, although the international system was marked by the fear that a new conflict such as the First or Second World War would originate, states became accustomed to being prepared for war. By not seeing mediation as the most viable alternative, the work of the Security Council was even more

complicated, it was more likely to fight than to yield in a negotiation and the winning country of the conflict put its conditions in the peace agreement.

In realism, the main thing is survival in an anarchic system in which all countries seek to have their individual interests prevail, that is why the high investment of governments in military matters, they were ready for threats and took war as an option to get what they wanted. There was an arms race between India and Pakistan, in which each country took measures and countermeasures against the other. They attacked each other's military bases within Kashmir or took territories, the interest of each was to have Kashmir by force and for that they had to appropriate the greatest amount of territory (Donnelly, 2005).

When speaking of power, Michael Mastanduno (1991) made a comparison between states in which they analyze the difference that exists between them. The important thing for a government is to be stronger than the rest, it does not matter if a country has problems as long as the others are worse off since with that it will be able to survive in the international system and influence the behavior of the rest of the states. This theory can be related to the conflict India or Pakistan found it convenient to attack the other since they generated damage with which led to reduce the strength of their opponent. Being the winner of the problem meant that one country was better than the other regardless of the damage suffered or the economic and social losses.

The possible alliance within realism means a strategy that seeks internal interests, a survival strategy, these possible alliances are given by similarities in objectives or also when one country is a threat to another. The affinity that can occur between two states can be measured through the coincidence in the votes in the United Nations General Assembly where each one expresses its position on different issues.

One of the strategies for survival between states was that the smaller countries joined seeking to be defended in some battle, in this he also had to see the political inclination as a motive of affinity. The world powers helped the smaller countries by seeking that their dominant position prevail and that their provisions be obeyed. During the Kashmir conflict, the United States and the Soviet Union had a confrontation in which they sought to be the leading country in the international system, a strategy for both was to have the greatest number of allies, that is why the Soviet Union decided to support India and the United States, in order to have an ally on the Asian continent that is close to the Soviet Union, decides to support Pakistan.

It was contradictory for the Security Council to seek a solution to the Kashmir conflict and for two of its permanent members, such as the United States and the Soviet Union, to individually support one side, the most correct thing was for the permanent members to maintain a neutral position and that they participate solely as the Security Council. The participation of the United States and the Soviet Union is related to the characteristic of the realistic theory that specifies that individual interests prevail over common interests, in this case, it was more important for world powers to have allies, thinking about that desire they had. to be the dominant country in the world, to work together constantly seeking peace in needy sectors such as Kashmir.

After the Second World War there was a struggle for domination and power between the two powers of that time: The United States and the Soviet Union, considered the capitalist and communist. Communist states were always interpreted as enemies or threats to capitalist countries, some strategies of the capitalist powers were based on helping other countries with capitalist tendencies and helping countries that had conflicts with communists. This conflict occurs due to ideological differences that they promote, while capitalism seeks cooperation as a strategy to develop its individual objectives, communism promotes joint work as a block in which the strongest help the less developed seeking joint growth in which individual interests take a backseat (Barbe, 1987).

According to Kenneth Waltz, the international system is an anarchic system in which nations are capable of asserting power exercise some authority over those with less power, that is, subordination. The ways of exercising power occur when states interact, there are ways of influence in relations between countries, they can be given by persuasion or by the use of force, these two normally occur from the strongest to the weaker. Countries have different types of qualities that increase or decrease their strength, the most powerful influencing the decisions of those with less power. The members of the Security Council were world powers, according to this theory of hierarchies, if they wished they could exert influence in India and Pakistan to end the conflict, however, this did not happen since the purpose of the United Nations was to promote a democratic system in which could not exercise domination from one country to another. World powers promoted democracy by working together as an international body to maintain some stability in the international system, but when they interacted individually with other less developed countries, they exercised their authority as dominant.

Another strategy to influence the behavior of states and dominate is through bribery of the leaders of less developed states. A government negotiates with leaders of less developed territories focusing on individual interests to reach an agreement, this happened in Kashmir when Maharaja Hari Singh signed the Instrument of Accession with India regardless of the fact that the majority of its population was Muslim, as in Pakistan, while India was dominated by the Hindu population (Petschen, 2000). One might think that the egoism of a leader predominated in maintaining control of his territory, a characteristic always detailed in realism. This complicates any mediation by the Security Council since they could not reach any other type of agreement if the leaders had already committed to something specific and had received bonuses for it. This situation happens before the intervention of the Security Council, it was a matter in which the action of an international organization is limited since it is difficult to be aware of this type of agreement.

Since realism is based more than anything on power, perhaps Kashmir was not a priority for the permanent members of the Security Council since there was nothing that would attract attention to these powers of this conflict, Kashmir was a small territory with few resources. It could even be positive for the powers since they were strong producers of weapons and as long as the battle was going on, they could market their old planes and weapons that were left over from World War II, without India and Pakistan being a threat since these powers had much more military power than the two countries mentioned above. The Security Council could be a tool to maintain good relations with India and Pakistan, the international body could be used as a means to show the intention to help them, it was well with the international system as it showed interest in the conflict, with which could attract new members and the problem of causing damage to the international system was kept under control (Padilla, 2011).

The United Nations Organization and its different committees are created to regulate relations between states in order to maintain peace, it seeks to avoid what happened in previous years with the First and Second World War, since its creation the objective has always been stability in the international system. Cases such as Kashmir are the exception because when analyzing the high rates of poverty, insecurity, illiteracy, human rights violations and the number of deaths and displaced persons during the years analyzed in the region, the conclusion is that the action of the Security Council did not have good results. For results like these, it could be said that the triumph of realism over liberalism in the first great debate of international relations, because the individual

interest of the states (realistic characteristic) predominates over the work of organizations that work together (principles liberals, a trend followed by the Security Council).

1.1.1 State Security.

Two themes that were always taken into account in international relations are power and peace, both were analyzed by the different theories of international relations. All over the time, power and peace were absorbed by a new definition that encompasses them, which is state security, expressed as the condition that states have to be free from threats. It is based on seeking new alternatives, solutions and ways of interpreting conflicts, it studies everything that concerns the policies that are created with respect to armaments, their production and trade (Taliaferro, 2001).

Authors of the realism theory take from Thomas Hobbes the idea of state security as a state competence, in which security provides economic and social stability, gives the population the opportunity to have a free life in which they can develop without threats. Hedley Bull in his work *Hobbes and International Anarchy* details that there is no world order that guarantees peace, the freedom that states have makes them a danger and at any time a country could make the decision to attack another, that is why that governments invest in weapons and military training, to be prepared for any threat (Bull, 2015).

In history, states have the known condition of fighting each other. That is why in the international community all countries allocate part of their budget to weapons for possible conflicts, a situation that can complicate security and peace since if one state is armed it becomes a threat to the rest (Bull, 2015). This causes governments to be alert to any situation that may cause conflict and at the same time the countries enter into an arms race in which they seek to have their strongest and most developed military area.

The function of the United Nations and the Security Council is to provide the necessary guarantees to the states so they do not fear that a war could happen at any time, this organization offers this by creating a world order in which states maintain stable relationships. State organizations reduce the possibility of an armed battle. But a difficulty that the Security Council experienced at the time of the beginning of the Kashmir conflict was that the international organization was not seen as a superior order that the states had to obey, nor was it seen as a solution to armed conflicts. The

United Nations was not recognized as either that is why governments did not believe that it could guarantee international security (Sanchez, 2006).

The American academic Jeffrey W. Taliaferro (2001) divides realism into two parts, offensive realism that is based on an anarchic world without a world government, in which states create survival strategies and at the same time seek to expand to have more power, and the defensive realism that details when states increase their weapons seeking security, the security of the rest of the international system actors decreases and creates a hostile environment. The author proposed other security routes such as stopping expansionist processes and even under certain conditions that countries cooperate, thus avoiding war. Defensive realism is criticized by other theorists such as Fareed Zakaria and Randall Schweller, arguing that there are incentives for expansion. In the case of India and Pakistan, obviously there would be an offensive realism since there was the uncertainty that either of the two attacks on the other and that is why they were equipped with more weapons, that is why it was necessary for the Security Council to create rules that regulate the acquisition and evolution of military weapons.

In theory, defensive realism sounds like a viable solution, however, its application in the case of Kashmir was complex due to religious differences and its conflictive history, not to mention that in disputes over bordering issues in most cases armed conflicts occurred that they ended when a country surrendered. It is ironic that security is a primary objective within realism but that the same theory details expansionary processes and military development since the more weapons there are, the more difficult it is to control a conflict. When speaking of realism, the work that the Security Council could carry out is left aside since the State is the strongest participant in international politics, with this the states that are stronger would not have to follow the recommendations of organizations that do not understand their individual interests (Taliaferro, 2001).

Realism details the international system as anarchic, lacking a centralized power and therefore conflictive between states, according to the theory of nuclear deterrence the countries that have the greatest rivalry are those that cooperate the most with each other. This happens due to the large investment in nuclear weapons that countries make, when they are developed in military weapons issues, they become a threat, that is why rival states prefer to work together rather than not give in between them and when there is a situation in when world powers have tense relations is when

there is a greater intervention of the United Nations. That is why one of the largest interventions of the Security Council in Kashmir happened in 1971, with the third Indo-Pakistani War, at the time that the Soviet Union decided to intervene, it became an international threat for all its military resources, that is why the Conflict became a priority for the Security Council (Bull, 2015).

Kant details that conflict between states arise through the rulers. There is an admiration for power on the part of world leaders, they think that with power they can obtain anything they want, if a country is powerful it can influence the decisions of other countries, achieve respect in the international system and power is a guarantee to achieve the safety of the population. The states interact seeking common ends; however, they would not be willing to take any action that diminishes their power in the international system since it makes them vulnerable. Although the great powers created the United Nations for common objectives, they would not be willing for said organization to have the power to exercise greater dominance, in that case they would lose their ability to make decisions for more benefits that said organization could grant them (Braz, 2003).

The states are willing to give up some of their powers to an order that can provide certain guarantees, the main one was security, they gave their freedom to this order (it happens with the Security Council when there is the intervention of military troops of the members of the organization to regulate the conflict) but they maintain their natural right to be preserved in case the aforementioned order cannot protect them from possible harm (Bull, 2015). This means that states do trust that organizations such as the Security Council can maintain peace and security, however, countries have their support through weapons in case the Security Council fails its objective.

Security is something so important that governments do not trust a single type of guarantee, it is something that must be guaranteed by the governments of each state, but when said governments cannot maintain security in their territory, the intervention of a higher body that has sufficient resources to achieve peace. For this statement to work, it is necessary for the states to grant certain powers to the organizations that they comprise, for example, for the Security Council to guarantee security, it must have sufficient resources to influence governments that are in conflict, In the case of Kashmir, resources were necessary to form the United Nations Commission in India and Pakistan and it was also necessary for the organization to have military personnel to intervene in Kashmir.

The reality that the international community was experiencing in 1947 was quite delicate, the result of the First and Second World War was a community fearful that another conflict of that magnitude could be unleashed, world powers with significant expenditures on military weapons, which made them in possible threat to other countries; In the case of British India, it lost the support, defense and leadership of Great Britain, a situation that would cause great chaos since the division of the territory in India and Pakistan would occur, and at the same time the dispute between the two to have the largest amount of territory (Petschen, 2000). It was a complicated task for a Security Council that had only been in existence for a short time, a reason that would perhaps lead one to think that the new international organization could lack experience in this type of case.

The biggest controversies arose over the native territories, which were regions that were not agreed in the legislative assemblies of Bengal and Punjab belong to India or Pakistan. Kashmir was one of them. An error in the Security Council, nor did it have any type of procedure that details to do in the event of a border conflict over independent territories, the solution was a dialogue between the leaders, but it was clear that this would not work in most cases since no government would give up some territory in front of a neighboring country, and less if they were two states with such marked religious differences. Perhaps the conflict would not have lasted so long if the Security Council had participated in the plebiscite process recommended in resolution 47, since it seemed a viable solution that did not have the expected results due to complaints of illegitimacy (Security Council of the United Nations, 1948).

For Thomas Hobbes, in the words of Bull (2015), security is a condition that must be provided by the administrations or governments of a specific territory. In the case of Jamu and Kashmir, it was a region that never had to worry about security until Indian independence had the support of the British crown. After independence in the event of an international war they could not defend themselves, so the most logical thing was that they have alliances with countries that would support them. They had to ally themselves with the strongest country, which in this case was India since it had more resources compared to another country that was just organizing itself like Pakistan. If the Security Council could not bring peace to Kashmir, it was obvious that it had to seek to ally itself with a state, although it also contributed to the destruction.

Another aspect to analyze was that, due to the short time the Security Council existed, countries were not used to going to this organization, they were used to trying to defend themselves from any possible threat.

The strategy of the Indian government was to promulgate this idea in the native regions, they created a problem that was the threat of a conflict and at the same time their solution was the protection they could provide, they used fear. When analyzing this situation between India and Kashmir, one can appreciate one of the ways in which power works, the most powerful actor in this case India influences the decisions of the actor with less force than is Kashmir and does so in order to achieve its mission which is to make Kashmir officially part of its territory. Social actors intervene since in the Instrument of Accession it was detailed that the Indian government would be responsible for providing security to Kashmir and dealing with threats from internal opposition groups and Pakistani threats (Petschen, 2000).

In the period of years in which the conflict was analyzed, a strong anarchy can be noticed in which the countries sought to survive even within Kashmir despite the fact that there was an administration that had to regulate this, something that made it difficult for the Security Council to act. This situation was normal, in which countries did not believe that the Security Council could guarantee stability, since decades before the First World War occurred, the League of Nations was created to prevent this type of conflict in the future, said organization fails to meet its goal and World War II occurs. The failure of the League of Nations had its consequence in the UN and in turn in the Security Council, it took away credibility, the states did not think that the Security Council could keep the peace and did not respect or follow its decisions, which complicated the work of this UN body.

1.2 Liberal Theory.

Liberalism arises from historical milestones such as the Protestant Reformation in the 16th century, the English Revolution in the 17th century, and the American and French revolutions in the 18th century. Events that highlight the fight for freedom, in which the population's preference for more representative governments was fought over authoritarian monarchies. The greatest exponent of political liberalism is the English philosopher John Locke, as well as other thinkers who had

influence with their works in promoting this political school such as Jean-Jaques Montesquieu, Jean D'Alembert, Jacobo Rousseau and Thomas Hobbes, among others (Arenas, 2007).

Liberalism is a political-economic school of international relations that promulgates the defense of individual freedom within society, assuming that with greater freedom higher levels of prosperity are reached. It limits the participation of the State in economic and social issues, seeking to help people to develop in a competitive world. This individual freedom promoted by political liberalism is explained in a decentralized power that is divided into different functions and public institutions, taking away all functions from the monarch and giving the population more power in decision-making process (Arenas, 2007).

Similarly, Emmanuel Kant stated that security is the responsibility of the State, but there are situations in which the State is not capable of guaranteeing security, that is why Kant believed that countries should generate an international legal order with a similar operation to the states, he proposed this based on the cooperative nature that he thought existed in the international system, it was easier to achieve something by working together. This argument supports the functions of the Security Council and shows the organization as a solution, however, for this theory to be effective, the organization must be able to exercise power and must ensure that its rules are complied with by the states. Although the Security Council could intervene with the military forces of its member countries in cases it deems appropriate, when speaking specifically about Kashmir, it was not able to ensure that its resolutions were carried out by those involved (Braz, 2003).

This theory is better related to the functioning of the United Nations since it proposed a decentralized power. The functions were specialized in the different committees and specifically the Security Council was led by its five permanent members, who belonged to three different continents, the United States was in America, France and the United Kingdom in Europe, China in Asia and the territory of The Soviet Union was divided between the European and Asian continents, this factor allowed the Security Council to understand and reach any type of problem (Burchill, 2015).

Liberalism emphasizes national sovereignty, based on the limitation of powers to selective groups through the creation of regulations or constitutions, in which democracy is promoted and the guarantees of the population are defended, regardless of who is in charge of the State. Seeking to limit possible actions of the countries that affect peace and security, the United Nations Charter

was issued, which was a regulation that sought to guide the behavior of the countries. Said regulations were agreed upon by fifty countries and detailed the structure, principles and functioning of the Security Council and the rest of the United Nations committees. By proposing guidelines to be followed by all members of the international system, the common good was being considered and the selfishness detailed in the realistic theory was being set aside.

In Kashmir, the Marajá was the highest authority in the territory and could make any decision, such as signing IDA (Instrument of Accession to India) in an authoritarian manner and without consulting the people since power was maintained centrally. If we apply the liberal theory in Kashmir, the Security Council would not agree to recognize Hari Sign as the monarch of Kashmir since the organization promotes decentralized power, which is why it would propose a different solution to the Instrument of Accession, seeking to change the political system, limit the power of the Marajá, recommending that there be a parliament in Kashmir, made up of leaders of the region, democratically elected by the population. It was believed that such a parliament could better decide the future of Kashmir, which state to stay in (Petschen, 2000). Under pressure from the Security Council and Kashmiri rebel groups.

By decentralizing power, liberalism designated the power to legislate only to parliaments and citizens were not obliged to comply with more than what the laws provide. Many constitutions agreed that the leaders of a territory are chosen through the vote of the people (Burchill, 2015). The population does not constitute a homogeneous group, it has ideological differences and that is why they are grouped with people who had similarities in their thinking creating political parties, in these internal leaders were elected who sought the vote of the population to govern. That is why it seemed logical to the Security Council to publish resolution 47 which was based on a popular consultation in Kashmir for the people to decide if they wanted to belong to India or Pakistan.

This democratization began to cause difficulties in Kashmir as groups with differences of thought were created and fought among themselves, these groups were influenced by the governments of India and Pakistan and their differences diminished the effectiveness of the operation of the Kashmir parliament, which had little time of existence and lacked credibility. Although the Security Council proposed and supported the creation of the parliament in Kashmir, it could not force its members to work together.

Liberalism is seeking to promote the decentralization of power and listen to the population which depending on the government system have a certain jurisdiction (Burchill, 2015). These regulations regulated the relationships and behavior of people to ensure their well-being. Some of the most mentioned rights are to express their opinion claiming that people have more benefit doing what they want rather than being subjected to what others want them to do. During the time period that we analyze the conflict these regulations and constitutions were not obeyed and neither the government of India nor the Security Council managed to stop these abuses. The Security Council issued several resolutions seeking to defend principles, they were attached to the human side, the problem is that in battle situations the human part is left aside. (Katehon, 2016).

The Security Council had been in existence for a short time and the international system had different problems in the world that it had to attend to. Not dedicating all their resources only to a conflict, it made them take time to achieve results in their different missions. Seeking to carry out a correct follow-up to each problem, the Security Council delegated functions through the creation of commissions that were exclusively dedicated to each conflict, in the case of Kashmir it was the United Nations Commission in India and Pakistan. This commission provided reports to the Security Council, which were used for the issuance of resolutions.

Another way to limit the centralization of power was through the free market (Burchill, 2015). It consisted of governments intervening only in political issues, giving society freedom to carry out economic activities and once it solves social problems with minimal regulation. The population is guided by work and consumption. This theory is known as *laissez faire*, *laissez passer*. Liberalism alleges that with economic development the population will be fine, but in case of conflicts such as what is happening in Kashmir it is complicated because the markets cannot properly function, that is why seeking peace should also be a priority of liberalism.

If we talk about markets, we must remember that two of the five permanent members of the Security Council were arms exporters - the United Kingdom and the United States - and the greater the conflict, the greater the demand for arms. The Kashmir conflict was beneficial for the circulation of capital in the production and commercialization of arms in the international market, the conflict generated jobs for the military and arms producers. It is contradictory that one of the objectives of the Security Council is the regulation of arms but that its permanent members are strong in marketing them.

When analyzing conflictive situations with liberal theory, it is also important to consider that difficulties occur when two or more groups or states with racial or religious differences are related since these aspects that define their behavior make it difficult for them to recognize other points of view or give in to other requests. The points of view of two groups with strong differences are most of the time irreconcilable. It could be said that it is a vacuum that liberalism has, since it focuses on the freedom of the human being to make decisions and on the movement of capital, but it is not as effective when analyzing international conflicts on border issues of countries with different religions in Kashmir, the only proposal found in liberal theory is mediation, something that the Security Council tried to implement in resolutions 38 and 39, a committee was even created for this, but none of the parties yielded as The only thing that both Hindus and Pakistanis sought was total control of the disputed territory (United Nations Security Council, 1948).

Political liberalism takes as one of its basic starting points the recognition of the impossibility of overcoming the deep religious, moral and, also, philosophical disagreements that characterize the culture of contemporary democracies. This recognition means renouncing the illusion, that philosophy could be capable of constituting a less controversial basis of justification for human projects than that offered by the morals coined by the different cultures or religions. Most liberals believe that extremist ideologies and religions negatively affect the productivity of the system. The English writer Martin Ceadel described wars as irrational and specified that they could occur under the influence of political tendencies, such as capitalism. (Garreta, 2012).

Liberals always took the notion of not intervening in situations of other states (Burchill, 2015). This is related to tolerance for difference, in addition to the fact that for liberalism trade and the circulation of capital prevail over using its resources to avoid tensions. In other words, applying liberal theory, the role of the Security Council was minimal and this UN body should only have advisory and recommendation functions and its field of action in the conflict was quite limited.

But when analyzing the functions of the Security Council, one is to maintain peace and security and it is the elaboration of regulations regarding weapons, which means that this liberal principle is not related to the objectives of the

Security Council and it is not an entirely valid ideology for this UN body to fulfill its functions. Perhaps the Security Council could not intervene directly in the battle of Kashmir for internal

sovereignty, but it could issue economic sanctions for the two countries, and in case of violation of human rights it could intervene through the blue helmets.

In the mid-twentieth century, an opposition to war arises with liberal thinking that promulgated that war was unnecessary. Ceadel proposed as a solution to transfer state power to higher bodies such as international organizations. However, liberalism was considered weak to promote peace and at the same time could not defend the small states since the liberal system mainly worked for the expansion of the western powers. What Martin Ceadel argues has to do with the dominance of the power system, the five permanent members of the Security Council were world powers, they were countries with resources that could allocate significant values to help underdeveloped countries, but it was also somewhat ironic since these permanent members who promulgated peace through the Security Council were also the main participants in World War II, how a group of countries that participated in one of the most fateful events in history could encourage peace, they argued that they would work so that conflicts like this do not happen again but they could not solve small internal wars.

Adam Smith, who laid the foundations of liberal economic thought, describes the human being as a selfish being who seeks to promote economic activities that favor them in a personal way, which can provide the greatest benefit regardless of the rest and thus continue with consumerism that is implanted in society. The governments of the world powers promoted global development through economic expansion. With this, the state is left without much force and the dominant groups have the advantage since they have more resources and at the same time can influence this system at their convenience. If economic affairs were a priority in the liberal system, it could be argued that the United Nations bodies that dealt with economic affairs were a priority over the Security Council and that the importance of the Security Council passed only when war conflicts could be complicated enough as to affect the international economy (Monares, 2016).

1.2.1 Cooperation for international peace and security.

On June 28, 1919, the Community of Nations arises in order to reorganize the international system after all the ravages caused by the First World War, it also sought to prevent wars of that magnitude from happening again to maintain peace and security. Obviously, it would fail for 20 years later World War II would begin. From this organization arises the United Nations, a body that began to gain the trust of the governments of most countries in the world. This organization tried to promote the joint work of all countries, claiming that by working together, future wars could be avoided. That was the promise of liberalism, that international organizations, like in this case the UN, helped countries to work together. In the international community, cooperation was sought between countries so that they could have good relations, thereby reducing the risk of future conflicts.

Cooperation was a proposal of liberal ideology, a school that lost the first debate of international relations against realism with the failure of the League of Nations, but that some political leaders who believed in it continued to work based on their ideals to form the United Nations Organization. In an international system in which individual interests predominated, and in which states did not trust other countries of the international system due to all the past conflicts, it was difficult to achieve cooperation or for it to have immediate results. That is why some strategies would have to be carried out. Most of the conflicts in which they intervene occur in underdeveloped countries (Arenas, 2007).

The best way to achieve cooperation between states was to promote in the international system the discourse that countries should seek to develop in order to be better, thereby encouraging the same objective to all states and it was easier for them to cooperate because all would seek the same thing. which was development. The UN promoted the idea that they could have better growth if they worked together, that is, they were all given the same individual interests and at the same time the solution that to achieve that individual objective they had to work together.

Robert Keohane (1995) highlights the importance of international organizations since they promote cooperation between states, facilitate joint work and communication, however, their efficiency depends on the context in which they find themselves, in the case of Indians and Indians. Pakistanis it was difficult to get two totally different groups who had a conflictive history to cooperate, that is why the different attempts of the Security Council through its resolutions did not

have permanent results, because hatred and little tolerance prevailed among the Hindus of India and the Muslims of Pakistan.

A solution proposed by Lumsdaine is for the most powerful countries to help underdeveloped countries for human motivations linked to helping the neediest countries with their problems. The world powers would spend a large number of resources to create the UN, in the case of the Security Council and their work did not have an economic benefit, but they did not need it either, they believed that it was something necessary when seeing the consequences of world conflicts, the organization was the means to the end which was peace and security. In the case of Kashmir, they could not find a solution, but perhaps it was not necessary for them, they could settle for the conflict not expanding to the point where more states participated (Pauselli, 2013).

The truth is that, when speaking of cooperation, there are different points of view. It could be said that the permanent members of the Security Council are countries with a large number of resources, it could be cooperation for human purposes seeking to be better or it could also be to say that the cooperation that exists between the members of the Security Council is given more than anything to maintain their position as powers. Depending on the ideological school with which international cooperation is analyzed, various points of view can be found and different solutions can be achieved.

CHAPTER 2: APPROACHES TO THE KASHMIR CONFLICT BETWEEN 1947-1972

2.1 Background to the conflict: border situation in 1947.

Kashmir is a mountainous valley that lies between the border of India, China and Pakistan. It is made up of three regions: The Kashmir Valley, Jammu, Ladakh and Azad Kashmir. The largest and most significant is the Kashmir valley, considered the main one in the region, in which the majority of inhabitants are of Muslim origin, although there are a small Hindu minority belonging to the Brahmin. This valley has always been a desire of the Pakistani government because it is populated mostly by Muslims (Petschen, 2000).

The Jammu region is protected by a mountainous area that makes this region one of the most difficult to access in the world. It is located in the south-west of the Himalayas and is divided into the Hindu part, led by the Dogra dynasty, the Muslim part that is in the districts of Poonch, Muzaffarabad and Mirpur, also known as Azad Kashmir, a sector that split is from Kashmir and that according to what is established in the control line is part of Pakistan (Petschen, 2000).

In the mountainous area at the north of the region are Gilgit and Baltistan, this territory is occupied by Muslim groups of the Shiite branch of Tibetan ethnic origin. The Ladakh region is located in the eastern area and unlike the previous ones it is quite small and sparsely populated, it is inhabited by Tibetans.

This region was led by the Singh family since the 16th century. In 1846 the British government declared the territory as theirs after an armed conflict in which they defeated the Sikh army (group of military warriors defending Kashmir). At that time the region was ruled by the Hindu from Jammu, Gulab Singh. The region, although it belonged to Great Britain, enjoyed some autonomy when making decisions, that is why, although the region was colonized, the Singh family continued leading, it was an autocratic government. It should be noted that this family always had the support of the upper class of the region. In 1925 Hari Singh assumed command of the territory after the death of his uncle Pratap Singh. Authors such as Nicolás Dorronsoro (2002) argue that the fact that Kashmir caused it to lose its sense of identity, something that had the consequence that at the time of Great Britain's withdrawal the population sought to belong to another territory.

Pakistan after achieving its independence on August 15, 1947, argued that Jammu and Kashmir should belong to their country since they had Islam in common (Gonzalez, 2005). On the contrary the prime minister of India at the time, Jawaharlal Nehru, argued that Jammu and Kashmir could belong to India without any difficulty, since a predominantly Muslim state like Kashmir could peacefully coexist in a secular state with a Hindu majority. Like India, contradictory statements with the troubled past that Muslims and Hindus had.

In 1946, shortly after the Second World War, the British government was experiencing a difficult economic situation. As a result of the world war conflict, Great Britain stops its expansionist project in the East and decides to withdraw from some territories that it had colonized in the past, sending a delegation to India to negotiate their independence. Representatives of Great Britain met with the leaders of the different movements and the assembly of the Indian Union to discuss this possibility and on June 3, 1947, the Governor of the Indian Union, Lord Mountbatten, reported that in the legislative assemblies of Bengal and Punjab would approve the partition of what in the past was known as British India and the birth of the Republic of India (Petschen, 2000).

Following the aforementioned decisions, on August 15, 1947, the majority of the Muslim population in the region formed the state of Pakistan and the Hindu majority remained in independent India. The Indian independence law was born during the riots between Muslims and Hindus in which hundreds of thousands of people would be affected (Rey, 2011). The UN Refugee Agency (UNHCR) estimated nearly five hundred thousand dead in addition to 14 million Hindus, Sikhs, and Muslims who moved to other territories. This situation is known as the largest mass migration in history. Everything that happened in 1946 would also have another background, which was the separation between the National Conference and the Muslim Conference, from which the state of Pakistan would emerge.

The idea of the British government was a division of these territories according to their religious ideology, 315 million inhabitants followed Hinduism compared to 35 million who practiced Islam, which were located in areas distant from India. However, there would be a problem after the Bengal and Punjab assemblies' disagreements were generated due to the unclear boundary delimitation established that is why the British ambassadors proposed a neutral boundary commission which was never created (Petschen, 2000).

An issue that did not end up being specified in the legislative assemblies of Bengal and Punjab was related to the native states, which were territories within the region that were led by monarchies in an autocratic manner who administered their territory with some independence from the Indian Union. These were supported by the British colony, among them were Jammu and Kashmir. The problem was that what would happen to these states after the independence of India. The procedure to be recognized as independent states was complex and most did not have enough resources to be prosperous, that is why before independence they received help from Great Britain (Petschen, 2000).

There were about 500 of these states divided into two groups, those that had legislative and jurisdictional power like Jammu and Kashmir, which received aid from the British government but were ultimately monarchies and the second group those that were administered by the British Empire. The Indian Union sought the adhesion of these states to its government, anticipating a Pakistan that had little time of existence and that was organizing itself internally. These native regions could decide about their future, whether to be independent or to be part of India or Pakistan but due to issues of resources and power it was convenient for India to have them. While the Pakistani government also proposed that they were going to be part of its State. With these positions it was evident that most of these native states would end up being part of India, since it was a country with more resources that offered them greater benefits.

With the British withdrawal, discussions began over the membership of Jammu and Kashmir. The Indian Union offered the Maharaja Hari Singh to sign an adhesion agreement which detailed that Jammu and Kashmir would belong to India, that the Maharaja would not lose control of this region and that in cases where Kashmir required it, it would receive support from India seeking to promote peace, security and development (Observatori Solidaritat Universitat de Barcelona, 2019).

The Pakistani government had also had close ties with the Maharaja seeking to make Kashmir part of their country. Armed clashes began to take place within the region, the Kashmiri leaders preferred independence, however, they knew that due to the disputes between India and Pakistan they would not be sure of being independent. The tensions with the Pakistani government were increasingly complex and more than anything Hari Singh did not want to lose its power or control of the region, that is why after a long time considering the two offers, it leaned towards the offer of adhesion of India on October 15, 1947, however, what unleashed much more controversy and

the anger of the Pakistanis, was that the Marajá had negotiations and even signed agreements with the Pakistani government; the Hindu policy Sumitra Mahajan details that Pakistan brought an Instrument of Accession to the Marajá which would end up being rejected (Petschen, 2000).

According to the historian Alastair Lamb (1991), an expert on the Jammu and Kashmir case, Mounbatten was looking for a way to influence Hari Singh to sign an agreement that would allow India to have a privileged position in the region. They were negotiations of a long time, the Marajá would propose a communication, trade and services agreement with India on August 15, 1947, seeking to maintain a good diplomatic relationship, however, it would not be finalized since New Delhi would show rejection to this type of agreement. The Indian leaders did not want to have these relations with Kashmir and sought to possess their territory as soon as possible since they knew that after the independence of Pakistan the Pakistanis would seek the same. There is no version that is exact about the negotiations between the Marajah and India and Pakistan, they vary according to versions of some historians. Blinkenberg argued that India did seek to sign this type of document. Proof of this is what happened in 1946, the Muslim League demonstrated its rejection of the “Quit Kashmir” democratization project, stating that it was a Hindu strategy to distract the population from the vandalism and unjust acts that the population had and that the Assembly allowed towards Muslims (Crespo, 2015).

Pakistani leaders outraged by the Marajá action related to the negotiations with India invaded Kashmir on October 22, 1947 (Diaz, 2006). Pakistan claimed that Jammu and Kashmir should belong to its state since this region was principally a Muslim group that prevailed in its territory. In addition, it alleged that the negotiations between India and the Maharaja were conducted in a corrupt manner in which the main leader of Kashmir was bribed fulfilling his desire to have control of the region. At the time of the Pakistani invasion, the Maharaja asked India for help and this country responded that it would only help Kashmir with the invasion if the instrument of accession was signed which accepted that Kashmir would be part of India officially.

After several negotiations, Hari Singh accepted the offer of Śrī Pandit Jawāharlāl Nehru about the annexation of Kashmir to the Indian Union and with this the Instrument of Accession was signed, a document that, unlike the aforementioned agreements, would be recognized by the Council of security. This action was quite controversial within the region since the Marajá made this decision in an authoritarian way without consulting the population, which did not agree ~~due to~~ with their

religious difference with India and preferred to belong to Pakistan due to the similarity with their beliefs. religious; realizing this problem Lord Mountbatten, seeking to have a better reception with the population of Kashmir, would include a plebiscite in the Instrument of Accession with which people could decide on the future status of Kashmir (Observatori Solidaritat Universitat de Barcelona, 2019).

There were several strategic reasons why the governments of India and Pakistan sought control of Kashmir. One of them was the communication routes that crossed this region, as there were two transport routes built by the British Empire that connected the Karakoram mountain range, one was located in the part of the Himalayas that was in Kashmir with the mountainous region of Pamir, located in China and the second one, known as the Gilgit route, which passed through northwestern Kashmir, extended from Hunza to Kashgaria via the Mintaka, Khunjerab passes and also connected with the western part of the Karakoram chain, an Asian mountain range that was found in the Himalayas (Petschen, 2000)

The delimitation made by the English colony showed that Kashmir reached Aksai Chin, disputes never occurred over this territory since it was sparsely populated and remote, it did not fit into the plans of China or British India, but the same did not happen with Gilgit and Ladakh, due to the aforementioned regarding transport routes, even with the withdrawal of the British colony, the Soviet Union would also apply slight pressure to possess these routes.

2.2 Review of the historical facts of the Kashmir conflict between 1948 and 1972.

Pakistan would initiate a military invasion into Kashmir from the city of Pathan at the end of September 1947, after this, the Indian troops would also enter Kashmir with the aim of countering the Pakistani military, seeking to surround them from the Muzaffarabad border to Srinagar, with this on October 21 would become official the first Indo-Pakistani battle for this territory which lasted until December 31, 1948 (Petschen, 2000). On October 22 Pathan troops from Pakistan would enter Punjab and begin a battle with the Hindus on the border of Muzaffarabad. The Pandit (Hindu scholars of the region) would be affected by robberies, rapes and different types of aggressions and violent acts and due to the complicated situation, the Marajá had to take refuge in another part of India after requesting help from this government.

One of the first actions of the UN Security Council was to seek a solution by calling the leaders of both countries to mediate. Pakistani leaders denounced that the Maharaja and India were holding non-transparent negotiations in which the individual interests of the Maharaja prevailed prior to entering into the Accession Agreement. The Indian Prime Minister at that time, Sri Pandit Jawaharlal Nehru requested a ceasefire, something that would be accepted by the United Nations (UN) this would form the United Nations Commission for India and Pakistan that would be in charge of regulating the conflict. . His first act was to order Pakistan to withdraw its military troops from Jammu and Kashmir (United Nations Security Council, 1948).

Sheikh Abdullah would tell the Security Council that Pakistan was trying to apply pressure through the Muslim League on the Maharaja to sign the Accession Agreement. On April 21, 1948, the UN Security Council approved resolution 47 which specified that "The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through democratic method of the free and impartial plebiscite", in other words, a voting process would be called in Jammu and Kashmir with which the population would choose which state to belong to (United Nations Security Council, 1948).

The point of view and the actions taken by the Security Council were always ignored or misinterpreted by the countries involved and would never end up providing a total solution to the problem. Kashmir was classified as a disputed territory, something that increasingly complicated the situation was the division that arose internally among the Muslims living in Kashmir. They

were divided into two groups, one wanted the creation of an independent and democratic state, following socialist ideals and having relations with India (this group was strongly influenced by Sheikh Abdultah) and the other wanted the accession of Jamu and Kashmir to Pakistan.

The first Indo-Pakistani battle also had the consequence that the Kashmir population was divided before the decision to belong to India and Pakistan. The Dogra dynasty that had a striking history ended up being divided into two parts, the city of Azad Kashmir that would be controlled by Pakistan, and the rest of the territory that comprised the majority of Dogra that would pass into the hands of India. The Gilgit Scouts, (who were the most powerful military force in the region) showed their rejection of the Hari Sign decisions, thus supporting the accession to Pakistan (Behera, 2006).

The Poonch region was also divided between Muslims who had a notable dislike of the leader of Kashmir and the other side that supported him. It should be added that the Muslims of Ponnch were also prominent military soldiers, many of them participated in World War II serving the British Army. The situation was worrying for the Marajá since his opponents were experienced warriors who could create a resistance and at the same time overthrow him from office, they were more than 60,000 soldiers. These groups, with the support of the Pakistani government, began clashes with the rest of the population of Kashmir and it was evident that in order not to be overthrown, the Hari Singh had to request external help from the Indian government, which would send its troops and strong-armed battles ensued. (Petschen, 2000).

In 1949, on the recommendation of the Security Council, India and Pakistan agreed to a ceasefire and signed the agreement known as the Line of Control which said that established borders in Jamu and Kashmir would belong to India and the part of the north (including Gilgit Baltistan and Azad Kashmir) to Pakistan. This solution did not have good results either, since the defined borders were neither respected nor accepted by the military troops, it would even cause conflicts in later years (Rey, 2011).

April 12, 1950, the Security Council positions the Australian nationality law professor Owen Dixon as leader of UNCIP (Security Council Commission for India and Kashmir) to which he issued a report on the conflict in Kashmir and at the same time proposed a solution known as “regional plebiscites” based on holding a voting process by sectors within Kashmir in which the population of the region could choose which country they want to belong. The leaders of India

were against the plebiscite for the Muslim majority of Kashmir. They feared that they would choose to belong to Pakistan, that is why they negotiated with Owen Dixon the division of Kashmir: that Jammu and Ladakh become part of India and the rest of the region will go through the voting process. The Pakistani prime minister of the moment, Liaquat Ah Khan, would show his rejection of this division and would request a general plebiscite in the entire Jammu and Kashmir region to define its future (Petschen, 2000).

In 1951, India would propose the disappearance of UNCIP by claiming that it did not have the expected results by not finding a solution to the problem, the Security Council, with the publication of resolution 91, would modify UNCIP calling it

UNMOGIP (United Nations Group of Military Observers in India and Pakistan) which would investigate in depth attacks by military troops against the Kashmiri community and human rights violations and at the same time would seek to stop the conflicts. They would appoint a new mediator, the Englishman Frank P. Graham in 1951. He investigated the situation, issued reports and negotiated with the parties' possible solutions. He proposed a bilateral agreement in which India and Pakistan should limit the number of troops and restrict their participation in certain territories of Kashmir, something complicated by the discrepancies and rivalry between the two countries.

In 1954 after several years of the conflict and not reaching an agreement, the Security Council through two of its permanent members, the United States and the United Kingdom, proposed another type of solution that was based on the Organization of Nations. The United States would take administrative control of Jammu and Kashmir also they would appoint an American administrator elected in the Security Council and the North American country would send armed troops to Kashmir seeking to maintain peace and security. This idea never came to fruition as another member of the Security Council, the Soviet Union, showed its rejection by intervening.

Shortly after the Line of Control, the leader of the Muslim Conference Mohamed Abdullah, was appointed as Minister of Jammu and Kashmir, a person who had a great reception in the population for his work in search of the self-determination of Kashmir. He proposed the incorporation of the territory to which he represented India with a high status of autonomy and that only relegated to India the powers of: defending the territory, foreign relations and communications. In preparation for the referendum, Abdullah changes the content seeking full autonomy of the territory as a

sovereign state. This decision caused discomfort in the Indian government and they began a process of incorporation of Kashmir in which they would put Abdalá's work aside and imprison the Muslim leader (Observatori Solidaritat Universidad de Barcelona, 2019).

In 1959 a new actor would appear in the dispute, which was the Republic of China. The aforementioned country maintained good relations with India until conflict situations began to arise in the territories of Tibet in which until that moment there were Indian troops, the Chinese leaders would invade Tibet claiming the border territories disputed with India, Aksai Chin in Kashmir and Arunachal Pradesh north of Assam. In 1962 there would be an armed battle between China and India on the border between the two countries, China had attacked the Indian operations centers that were in Tibet. However, the Chinese military occupying the territory were defeated by well-equipped Chinese soldiers, which would result in the victory of the Chinese troops and their control in Asaki Chin (Ventura, 2015).

In April 1965, Pakistan took advantage of the discontent of the Kashmiri population with the Indian government and began "Operation Gibraltar." It was a military operation based on invading Kashmir with armed troops, seeking the support of the Muslim population to create a rebellion against the Hindu government. The Pakistani troops had support from the US for a possible conflict, they had acquired a large number of weapons, (the F-104 and F-86 aircraft) The Indian government only had at its disposal ancient weapons such as Hunters, Spitfires, Vampires, Liberators, Harvards and others used in World War II. The Indian Defense Minister, Yashwantrao Chaván, sought help from the Pentagon, being rejected by the United States. What caught the attention of this armed conflict is that with few modern weapons (compared to what Pakistan possessed) India would end up winning the battle and would end up maintaining the position of 1,920 km² of Pakistani land, while Pakistan would only have 550 km² of Indian territory . The result of this war left Pakistan with a severe economic crisis that would have consequences in the following years (Diaz, 2006).

On January 10, 1966, the "Declaration of Tanskent" was signed, which was a declaration of peace signed between the representatives of India and Pakistan, based on a solution after 22 days that the second Indo-Pakistani battle lasted and declared the same as concluded. This declaration had the intervention of some powers who feared that the battle could expand to other sectors, since the Soviet Union supported India, expressing that they would intervene in favor of this country in

future battles and alleging that the problem originated from the Pakistani invasion, while the United Kingdom and the United States supported Pakistan. This declaration of peace was that the countries involved could not interfere in the affairs of the other country and would cease fire in Kashmir (Bouzas, 2006).

In 1971 a new confrontation between the two countries would begin as there were conflicts between East and West Pakistan seeking the independence of Bangladesh, a territory that belonged to Pakistan. The Indian Prime Minister of the time, Indira Gandhi, would unconditionally support the Awami League, an independentist group from East Pakistan, receiving exiled leaders of this group (Diaz, 2006). India sought that world powers such as France and the United Kingdom provide support in this independence process and even wanted cooperation agreements to be signed with the Soviet Union, thus limiting the participation of China and the United States, countries that supported the Pakistani government in the problematic. All of these actions angered Pakistan, responding to an airstrike on several Indian airports in Kashmir and Punjab on December 3. India responds to these actions by declaring war on Pakistan by carrying out air, land and sea attacks as well as an invasion on the Pakistani border jointly with military personnel from the Awami League.

The United States Ambassador to the UN, George H.W. Bush, promoted a resolution in the Security Council with which a cease-fire and the withdrawal of military troops from both countries were sought, seeking to prevent other world powers from entering the conflict. The Soviet Union, seeking to support the independence groups, vetoed the resolution with this kind of support. India had a clear path to support the independence of Bangladesh. The response of the President of Pakistan at that time, Yahya Jan, was to promote violence against Bengalis, claiming that they were Hindus and approving that their women could be taken as spoils of war, that is, they could be attacked and raped by the Muslims. This action caused acts of violence in which three million people would die and about 10 million Bengalis would end up as refugees in India (Petschen, 2000).

The United States showed its support for Pakistan by sending an aircraft carrier to the Bay of Bengal, which was armed with more than 70 battle planes, cruise missiles and bombers. The United Kingdom also helped Pakistan by sending battle ships such as: HMS Albion, HMS Eagle, among others to the Pakistani western front. Indira Gandhi would request help from the Soviets through

the Indian-Soviet cooperation agreement, which established that the USSR should defend India in case of external aggression. The USSR sent nuclear-armed submarines and other battle ships into the Indian Ocean, which would intercept the US Navy forcing it to retreat. Chinese military troops would decide not to participate due to warnings from the USSR and the United Kingdom.

After 13 days of conflict, with severe damage, Pakistani troops decided to surrender on December 16. India would continue its support for East Pakistan to achieve its independence, which would result in the birth of Bangladesh as an independent state. After the war, on July 2, 1972, India and Pakistan signed the Shimla Agreement in the capital of the Himalayan state. With this agreement, the Indo-Pakistani battle of 1971 could end and in turn the two countries could relate in a better way, the recognition of the independence of the state of Bangladesh was also established (Aznar, 1972).

2.2.1 Political and economic causes.

At the time of the conflict, Kashmir was a region that, although it did have some agricultural wealth, the territory did not possess significant natural resources such as oil, natural gas or others. It was not a producing region or one that had a significant movement of capital, even the majority of the population lived in rural areas.

The multiple disputes in Jammu and Kashmir, in addition to being on border issues, also have to do with ethnic and religious issues. The Singh family that led this territory was of Hindu origin, however, 77% of the population were Muslims and only 23% were Hindu, a situation that created much instability (Rey, 2011). Although the majority were Muslim, they suffered strong discrimination from the Hindu party which, although minor, was also the upper class of Kashmir and also the one that controlled the majority of resources. There have always been acts of discrimination and violence towards the Muslim people within Kashmir, there were campaigns to drive away Muslims from Kashmir, attacks and destruction of their religious centers, in addition to programs for the expansion of Hinduism in the territory where the Kashmiris resided. Muslims.

The leaders who created Pakistan defended the idea of independence and freedom that the Kashmiri people should have to choose which state to belong to, they did not agree that decisions

should be made in an authoritarian way by a single person as the Marajah did, Obviously, his arguments had to do with the fact that the Pakistanis had full assurance that the majority of the Kashmiri people preferred to belong to their country due to the religious and ideological similarity and that they did not have the best relations with the Maharaja Hari Sign. Pakistan is credited with creating guerrilla groups within Kashmir that supported the removal of the Maharaja, the independence of Kashmir and its union with Pakistan, implanting the idea that India was a threat to them because of religious difference. It should be noted that these groups created insecurity in the region. Obviously, India did not agree with these actions, that is why they sent their troops to Kashmir, which resulted in multiple armed battles.

The Indian leaders quickly met with the representatives of the territories ~~of which~~ but it was not specified in the Assembly of Bengal and Punjab which state they would belong to invite them to join India. Contrary to Pakistan, they had good relations with the Maraja and advanced negotiations to sign the accession agreement, that is why the Indian leaders always considered Kashmir as part of their territory.

The Hindu population always had differences with the Muslims. Ah Jinnah, a Muslim politician, did not have a good relationship with Abdullah who was a representative of the Indian democratic group which controlled the Indian Union. Some resentment of the Muslim League would arise towards the leaders of the Indian Union and any action they took was not taken in a good way by the Muslims, it was quite complicated for both leaders to have a meeting point since Abdullah argued that there was always a strong negativity towards the position of the Muslim League and vice versa.

It is clear that the religious differences that existed between India and Pakistan had to do with the conflict arising. In addition to their failure to reach an agreement, however, it is also believed that the dispute had another reason: in 1947, before the start of the conflict , most of the land routes in the region passed through the Gilgit route and at the same time throughout Jamu and Kashmir. As a result of the different altercations and the first Indo-Pakistani war between 1947-1948, the possession of the two routes of the region was divided between the participants of the battle: India took possession of the Ladakh route and Pakistan took the route of Gilgit. It could be said that the Gilgit route is the one that has the most relevance of the two since it connects the part of the Karakoram Mountain Range that is in China with the Arabian Sea corresponding to more than

1200 km in length. The potential of these transport routes or the impact they would have within the India-Pakistan dispute was never realized. It should be added that along the Gilgit route, there were problems with other states in the region such as China or the Soviet Union (Petschen, 2000).

Another reason that can be highlighted with respect to the problem that occurs in Kashmir is that since it belonged to the British Empire there were difficulties regarding the true delimitation of the region since the border established in London in 1899 was not accepted by China or fully recognized by other states in the region. Representatives of China exclaimed that there were inconsistencies with the cartography in the part that included the Ladakh subregion, even later investigations were made looking for a solution to the boundary problem, but this territory was never delimited since the Indian government had little influence on the government of Askai Chin and Ladakh (Gonzalez, 2005).

In the Bengal and Punjab assemblies, it was not determined what corresponds to native territories, which influenced the conflict to begin, since they were territories that did not have the capacity to be totally independent, they remained in the air and became the objective in India and Pakistan and in international relations. Border issues are always the subject of disputes since the countries closest to them seek to obtain them and fight for them. The United Kingdom did not give the native territories the necessary time for reflection to define whether they would belong to India since they were too busy with their economic problems and wanted to separate themselves from many of their colonies in the fastest way.

2.2.2 Socio-economic impacts on Kashmir.

All these conflicts between Hindus and Muslims had consequences in the Indian subcontinent as they affected the security of the population. The low tolerance to ideological and religious differences led to situations linked to discrimination, violence, armed conflicts, migration and even Muslims not feeling comfortable living with Hindus. It is worrying that only in the period of time analyzed in this study three different wars can be seen between these two countries (the first between 1948-1949, the second in 1965 and the third in 1971) without counting other smaller-scale confrontations. In the case of Kashmir, military settlements and military conflicts resulted in a negative situation within this territory.

With the armed battles and other conflicts, it was not possible to define the situation in Kashmir, the Hindus and Pakistanis did not give in with respect to their position and the only thing they achieved was the destruction of the region, creating a state of insecurity for its population. In the period analyzed, there were complaints related to the abuse of force by troops, as well as human rights violations by military and independent groups. Said infractions include: mass murder, destruction of real property, sexual abuse, kidnapping, torture, among others. There were Hindu troops who, through assassination, sought to influence the Kashmiri population and political groups so that they are against the Pakistanis (Gonzalez, 2005).

In the period of time analyzed, there were three Indo-Pakistani wars and one between China and India, without counting on multiple invasions of Kashmir territory, for all this a significant part of the funds of both countries had to be allocated to issues such as: formation of military equipment, development and acquisition of weapons, including the case of Pakistan, also used part of its funds to finance opposition groups in Kashmir. According to information from the Danish Lars Blinkenberg, between 1966-1967 Pakistan allocated 473 million dollars to defense, which represented 19% of its total budget, while India invested approximately 1171 million that corresponded to 17% of its budget. At that time, the Kashmiri population was experiencing problems related to poverty, malnutrition, illiteracy, not counting the insecurity that existed due to the conflicts between the military troops of the countries involved and the opposition groups with the government. All the capital invested could be used for the better development of Kashmir instead of causing its destruction (Petschen, 2000).

Putting such a significant amount of capital into military matters would have its internal consequences in both India and Pakistan. Between 1966 to 1970 were years in which there were fewer disputes in Kashmir, compared to previous years since in the case of Pakistan the Ayub Khan government had lost credibility due to the results in the Indo-Pakistani battle of 1965, agriculture and Industry was in crisis and the population complained that the government was more concerned with acquiring weapons than with improving the situation of these strategic sectors of the country. Between 1968, there were marches in East Pakistan, promoted by the peasant sector, in which they expressed their rejection of the president, including an attempt on his life that same year. In the case of India, the government of Indira Gandhi lost credibility as there was a severe food shortage within the country. During this time, the participation of the Security Council was

not very prominent, no resolutions were issued and the participants in the Kashmir Conflict did not believe in the solutions provided by this international body (Petschen, 2000).

These conflicts between Hindus and Pakistanis had strong consequences in the region. The conflict in Kashmir and the independence of Bangladesh produced a number of refugees of approximately 9.8 million people until 1971, after which the United Nations Organization carried out work related to helping refugees and people affected by the situation. The first Indo-Pakistani conflict left as a result close to 4,000 soldiers dead from both sides, the second Indo-Pakistani conflict recorded 7,000 soldiers killed, while the third battle in 1971 reached approximately 13,000 soldiers killed, not counting civilians wounded or killed. during the time analyzing (Benitez, 2010).

CHAPTER 3: UNITED NATIONS ORGANIZATION AND THE KASHMIR CONFLICT.

3.1 Analysis of the United Nations Charter.

The international community was shocked by the Second World War, the damage was quite great and there was fear that a war of this magnitude would happen again. In order to avoid this type of conflict, in addition to seeking solutions to the consequences of war and any other problem of that magnitude, the United Nations officially emerged in October 1945. Its operation, internal structure, procedures and Bodies that make up said organization would be specified in the United Nations charter, considered the international founding treaty of the organization (Nagata, 2020).

The letter of the United Nations was signed on June 26, 1945 in San Francisco, United States. It was signed by the representatives of 50 of the 51 States considered members at that time, with the exception of Poland, a country that did not attend the Conference, but would sign two months later. On October 24, 1945, the Charter of the United Nations came into force, after being ratified by the five permanent members of the Security Council, who at that time were known by the names of the United States, the Union of Soviet Socialist Republics, France, the United Kingdom and the ROC. To better understand the intervention and actions of the Security Council in Kashmir, it is important to analyze the provisions of the United Nations Charter to later relate the rules to the decisions taken (United Nations Organization, 2020).

Chapter 1 of the Charter of the United Nations shows the purposes and principles of the UN. The principles in which this organization believes are: equality and cooperation. It works in search of promoting peace and security in the international system through decisions taken collectively. It would act on situations that promote aggression, violence and that violate the aforementioned fundamental principle. The UN seeks to promote camaraderie and cooperation among members, who have friendly and peaceful relations, who work together in the pursuit of common goals while respecting the self-determination of peoples (a fundamental principle of law that is based on states being able to take decisions freely without anyone affecting them, in other words, that any action they have with another member is voluntary). The organization seeks to promote the development of the countries, respecting their cultural, ethnic and religious variety and that any controversy or disagreement is resolved through dialogue between their leaders, seeking solutions (United Nations Organization, 1945).

Chapter 2 refers to the members of the UN, which are all those peace-loving states that accept and follow the provisions of the UN charter. The admission process was carried out by the General Assembly, the main body of the United Nations and the only one in which all members participate. Such admission will be given on the recommendation of the Security Council. Article 5 details that any state that has been the object of preventive action by the Security Council can be suspended in the organization, in addition, according to article 6 the Security Council can request the expulsion of a member country in the event that violates any norm of the organization (United Nations Organization, 1945).

Chapter 5 is focused exclusively on the Security Council, its structure and functions. They have their own rules of procedure and elect their president. It is made up of fifteen members of the United Nations, 5 permanent and 10 non-permanent or rotating members who will be elected by the General Assembly, will be in office for two years and cannot be re-elected in the future. They must promote peace and ensure compliance with the purposes and principles of the UN, will present annual reports to the General Assembly. In accordance with article 26, the Security Council adopts measures with which peace is sought by allocating the least amount of funds possible to armaments. Measures are also adopted to regulate weapons. The members of the Security Council will have regular meetings, decisions will be made through voting among its members, and may establish subsidiary bodies that help them with the fulfillment of their functions. In the case of Kashmir, this provision was fulfilled by creating the United Nations Commission for India and Pakistan (United Nations Organization, 1945).

At the time that controversies occur with any member of the organization, even if they are not part of the Security Council, they can attend the meetings and have the right to vote as long as it is considered that their rights are being affected, as the representatives of India and Pakistan to attend Security Council meetings when the three Indo-Pakistani wars occurred in 1947,

1965 and 1971. If the country participating in the conflict is not part of the United Nations, it can also be invited to the Security Council without the right to vote.

In Chapter 6 the actions that can be taken in controversies are detailed, it details that any action that may put peace and security at risk in the international context must be taken into account and a solution must be sought through methods such as: negotiation, investigation, mediation, conciliation, arbitration, judicial settlement or any other peaceful means. All the methods detailed

above were used in the Kashmir Conflict between 1947 and 1972. First the representatives of India and Pakistan were called to mediation, the United Nations Commission for India and Pakistan was created and one of its functions was to prepare reports. that detail the problem, arbitration was applied, in addition to other measures, such as a process of demilitarization of the invading troops in Kashmir, none of them managed to be a total solution, which calls into question the effectiveness of the Security Council. According to Chapter 34, any state that is or is not a member of the UN can request help from the Security Council with any situation that is problematic and this body will act with any of the peaceful measures indicated above, in addition to recommending any changes or adjustments to conclude the controversy.

Chapter 7 refers to the actions that can be taken in cases of threat, breaches of the peace or cases of aggression. According to Chapter 39, the Security Council will make recommendations to defuse the controversy and keep the peace. According to article 41, it may also take any other decision that does not harm the rights of the parties or that involves the use of force, such as: cutting off diplomatic, economic, maritime, rail relations or any type of communication. In the event that it is considered that the measures taken have no effect, the actions deemed necessary to maintain security may be exercised through the air or maritime forces of the member countries. Agreements may be negotiated with the help of the Security Council so that the affected parties have help from the body or so that it can have military troops from any country that wishes to participate so that they can help with the problem. In the case of Kashmir, an agreement was negotiated with the help of the Security Council, it was the line of control, which was based on a division of Kashmir in which one part would belong to India and another to Pakistan, however, not It ended up being a solution since the countries involved did not want a part of Kashmir, they wanted all of it.

According to article 44, if the Security Council considers the use of force as the only option, a General Staff Committee will be created which will be dedicated only to this problem, this committee will be formed by the heads of state of the five permanent members and it will have at its disposal all the armed forces that assist the Security Council. Article 49 specifies that all countries must provide assistance to the extent that the Security Council proposes and preventive measures can be taken according to the economic situation of a state.

Article 52 states that no provision of the Charter of the United Nations can oppose regional agreements as long as said agreements are not contrary to the principles of the United Nations. An important article since, if a regional agreement was signed between Kashmir and India, which was the Instrument of Accession (IDA), however, although said agreement does not go against the principles of the United Nations Charter, its effects if they threaten peace and security, in that case, the same article 52 specifies that a peaceful agreement will be sought for actions that threaten regional peace and security such as those caused by the IDA, that is why, as will be analyzed in the resolutions of the Security Council, it was sought that the parties specify another type of agreement.

Article 53 specifies that, if necessary, in the event of regional agreements threatening the peace, the Security Council may apply coercive measures under its authority, that is, the use of force if it deems it necessary. What was expressed in this article was applied in Kashmir since there was the intervention of military troops from member countries of the United Nations during the three Indo-Pakistani wars, however, these troops did not have the power to use force to withdraw the Indian military or Pakistanis, they only fulfilled the function of supervising the conflict seeking compliance with what was detailed in the resolutions issued (the process of demilitarization of Kashmir), something in which they failed since the troops of either side were never withdrawn. Said article also details that said regional agreements can be renewed, which is why the Instrument of Accession could be rendered invalid and a new agreement could be signed, something that was attempted with the creation of the Line of Control.

The Security Council must be informed of any situation related to regional agreements or activities undertaken in the participating states of said agreements to maintain peace and security, that is why the Instrument of Accession passed through the Security Council and before the problem was preferred to seek another solution. In addition, the Security Council initiated the United Nations Commission of India and Pakistan, this committee presented reports to the Security Council so that it is informed about the Kashmir Conflict and can make the best decisions.

3.2 Repercussions of the Security Council.

3.2.1 Resolutions 38 and 39.

These were the first resolutions published by the Security Council on the Kashmir conflict, in which they sought more than anything to analyze the problem and propose solutions. These resolutions were discussed in session 226, on January 6, 1948, the representatives of India and Pakistan were invited to participate in the session offering their respective positions without the right to vote (United Nations Security Council, 1948) . Resolution 38 determined that it was an emergency situation, since the Security Council considered that the actions within Kashmir violated one of the principles of the United Nations Charter, which was to maintain peace and security. The governments of the two countries involved were asked that any action or declaration they make is to keep the peace in order to avoid violent acts, they should also communicate to the Security Council everything that happens with the problem and the President of the Security Council would invite the leaders of both governments to negotiate a possible solution under their tutelage (United Nations Security Council, 1948).

In session 229, held on January 17 of the same year, these resolutions were approved with seven votes in favor and two abstentions by the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. Resolution 39 made the decision that the Security Council would begin investigations into the Kashmir conflict. When analyzing the operation of the

It is noted that the Security Council began its functions in 1946, in its early years its resolutions were based on issues of inclusion of new members, regulations about its structure and - not counting the resolutions related to conflicts that existed in the Peninsula Balkan - most conflicts in which they intervened were in Asian territory, this happened since at that time independence processes began and at the same time border disputes in the region. The Kashmir conflict always had a borderline-religious background, the actions of the Security Council were not drastic since it intervened two months after the conflict began and more than anything it sought to know in depth the problem, which is correct, however. As the investigation process began, the conflict worsened (United Nations Security Council, 1947).

3.2.2 Resolutions 47 and 51.

On April 21, 1948, in the face of tension for not finding a solution to the Indo-Pakistani war that began in October 1947, the Security Council issued Resolution number 47, in which it was approved to create a commission specifically in charge of the problem in Kashmir, which would be composed of three representatives of the United Nations: India and Pakistan were involved, the would be chosen by both countries mentioned above. Subsequently, the Security Council decided to increase the number of representatives on said commission to five, electing Belgium and Colombia as additional members (United Nations Security Council, 1947).

The committee moved to the place where the problem had the greatest force, acted under the orders of the Security Council and communicated to it everything that was happening in Kashmir, as well as conclusions and possible solutions to the armed conflict. The commission took decisions by majority, could divide functions with its different members, and received resources from the United Nations Secretary General. The governments of India and Pakistan readily accepted the solution proposed by this commission, based on deciding the future of Kashmir with a plebiscite, that the military troops be withdrawn from Kashmir and in the event that the commission considers it pertinent if they are not respected its provisions, the Security Council would send troops to control the situation.

The commission delegated the government of India to be in charge of executing the plebiscite in Jammu and Kashmir, appointing a person to administer the electoral process along with a qualified team that can carry out the required. Everything that happened should be communicated to the Security Council, explaining how the pertinent electoral process was carried out. The government of India had to guarantee the safety of the Kashmiri population during the plebiscite, taking the necessary measures to avoid threats or any act that affects the decision of the voters.

Resolution number 51 was held a few months after resolution 47, on June 3, 1948, commissioned the representatives of India and Pakistan to travel to the conflict zone to review the results of what was established months ago, that is, how the plebiscite process was in progress and the commission had to present a report to the Security Council (United Nations Security Council, 1948).

It is decided that India will be in charge of the electoral process because unlike Pakistan it had more resources, in addition to having good relations with the Kashmir administration, however, it

was a decision with little neutrality since India wanted to have Kashmir and if the plebiscite was entrusted to one of the participants in the conflict, there was the possibility that the electoral process had a certain bias in favor of the Indians. Pakistan would complain that the process was not handled properly as the majority of Muslims were prevented from voting and they would end up re-invading Kashmir. For this resolution to have the expected results, the most appropriate thing was for one of the three countries of the commission, neutral to the conflict, to administer the electoral process with the help of the Security Council (United Nations Security Council, 1948).

3.2.3 Resolution 80.

This resolution was published on March 14, 1950, two years after the last resolution on this issue in 1948. It details that the Security Council received the reports from the United Nations Commission for India and Pakistan about the entire conflict. and how the electoral process was conducted. The Security Council congratulated the governments of India and Pakistan for the reduction of arms and troops in the Kashmir region and at the same time indicated that during the following five months after the publication of this resolution, both governments involved should carry out a process total demilitarization in Jammu and Kashmir in order to preserve peace within this territory. (United Nations Security Council, 1950).

The Security Council appointed a representative as mediator between the two participants in the conflict to carry out the demilitarization process, the person in charge was General Andrew McNaughton (Canadian military, diplomat and scientist, with experience in armed conflicts, with participation in the First and World War II) this person also fulfilled other functions such as: monitoring compliance with the agreements and provisions previously specified by the Security Council, advising the governments of India and Pakistan about any altercation that arises, seeking solutions to maintain peace. He was to present reports on his work to the Security Council. Owen Dixon would also be appointed as the new United Nations representative for India and Pakistan (United Nations Security Council, 1950).

When analyzing this resolution, it could be said that more than anything it fulfills the function of reviewing how the situation in Kashmir occurred. The Security Council sought for the demilitarization process to occur in a progressive manner since with Resolution 47 and 51 it requested the military withdrawal from Pakistan and allowed India to maintain a limited number

of military troops and with Resolution 80 it would request military withdrawal Kashmir total. Due to the tensions between India and Pakistan, demilitarization was considered difficult from one moment to the next and even more so when they were in an armed conflict. As the 1947-1948 Indo-Pakistani war ended more than a year, the Security Council considered that it was not necessary for India and Pakistan to maintain troops in Kashmir, seeking to ensure that the provisions were complied with and that it was not repeated. To give the conflict sent an observer such as McNaughton, however, this was only a momentary solution since it was not yet defined which state Jamu and Kashmir would belong to and the countries of India and Pakistan continued to maintain a great rivalry.

3.2.4 Resolution 91 and 96.

This resolution was published on March 30, 1951, it was issued after the presentation of the Owen Dixon report that detailed the situation in Kashmir, confirming that the future of the region would be decided in a democratic way. The Kashmiri government reported that it would follow the recommendation of the Security Council that the operation of the region go through a constituent assembly, that is, a body would be created with representatives elected by the people, considered as possible leaders of the region, in which would agree norms that would regulate the behavior of society between the rulers and the ruled, in addition to creating institutions with which power would be decentralized within Kashmir (United Nations Security Council, 1951).

With this decision it was sought to change the monarchical regime in Kashmir, in which the Marajá had total power and could make all decisions without any control. It was considered necessary since the population of Kashmir was not happy with this way of government, a significant part of the people who resided in the region did not feel represented with the Hari Sign and because of the religious variety within Kashmir. The population preferred decisions will be made between groups composed of several leaders as proposed by an assembly. The assembly would have the power to choose about the future of Kashmir about how to relate to any other state.

Owen Dixon in his report detailed that a solution could not be reached and that the electoral process could not be carried out in the best way since India and Pakistan did not completely withdraw their troops from the region and exerted influence on the decisions that it took over the administration of Kashmir, with which the plebiscite process could not be carried out in an impartial and free

manner. The Security Council in this resolution stated that, in order to provide peace and security in the Indian subcontinent, the latent difference between the two countries involved would continue to be regulated through a mediation process in which the United Nations Commission would intervene. United for India and Pakistan (Petschen, 2000).

This resolution also reported that Owen Dixon would be replaced as representative of the United Nations Commission for India and Pakistan with the American diplomat Frank Graham. He was elected by the Security Council and from the moment of his appointment he had to move immediately to the place where the conflict was happening most strongly. He was to issue a report on the situation three months after his arrival in Kashmir. It would also have to check that the demilitarization process is carried out and in case it does not pass in the established manner, it should notify the Security Council immediately (Petschen, 2000).

Resolution 96 was officially published on November 10 of the same year. In it, Frank Graham would review how everything related to the demilitarization process was carried out, which to date had not been fully carried out. In this resolution it was stated that the commission would keep in constant communication with the countries involved in the search for a solution, since at that time there were still confrontations within Kashmir. Frank Graham would also request a ceasefire. India opposed this resolution in front of the Security Council, they did not agree with the demilitarization process or mediation, their leaders argued that these measures were inclined in favor of Pakistan (United Nations Security Council, 1948).

The United Nations commission for India and Pakistan would remain with a group of military observers who helped regulate the situation, safeguarding peace and security in Kashmir. As of the issuance of these resolutions, India and Pakistan had six weeks to complete the demilitarization process. What is striking is that from the military invasion in 1947 to 1951, troops from the two countries involved in Kashmir were maintained, and even remained, years after the first Indo-Pakistani war ended in 1948. This type of situation had consequences. In the mentality of the population, they implanted fear and a feeling of insecurity that caused the population to live on the defensive. Not counting the consumption of resources by the military troops and all the physical damage they caused during their stay in the region.

3.2.5 Resolution 98.

This resolution was passed on December 23, 1952, a very controversial year in Jammu and Kashmir for the creation of the constituent assembly. The founder of the Muslim Conference in Kashmir, Sheikh Abdullah was declared as Prime Minister of Kashmir. His appointment was followed by a series of protests because he did not have the approval of some groups in the region, especially in Ladakh. After multiple efforts to apply the demilitarization process, Frank Graham presented a report detailing that an agreement could not be reached with the countries involved, after which the representatives of India and Pakistan were called to attend the meeting immediately. United Nations headquarters to find a solution to the problem, said negotiation was regulated by the Secretary General of the United Nations (United Nations Security Council, 1952).

All the resolutions issued that dealt with Kashmir showed an exhaustion of instances and options on the part of the Security Council, firstly, calling for mediation, then creating a commission that would focus solely on the problem, which would collect data and seek solutions. Sheikh Abdullah proposed the plebiscite process and even the demilitarization process, he even criticized the work of Owen Dixon as president of the Commission and when he did not find a total solution, he changed his representative to Frank Graham. The worrying thing is that various measures were taken, they calmed the conflict only momentarily, proof of this is that none of the countries involved withdrew the troops completely.

3.2.6 Resolution 122, 123 and 126.

Some years passed for the Security Council to issue a new resolution related to Kashmir, during this time Frank Graham issued reports about the situation in the region, the organization did not pay much attention to these reports. During this time the troops of both countries remained in Kashmir, except for small armed conflicts, everything calmed down since the creation of the constituent assembly in 1952, however, at the end of 1956 there were complaints from the Pakistani government and also military attacks since in the constituent assembly of Jammu and Kashmir declared that the region always belonged to the Indian Union. During this time, the application of the plebiscite was not finalized, that is why the Hindu leader Sri Pandit Jawaharlal Nehru declared that they would no longer approve this process since India did not consider it as a viable solution (Petschen, 2000).

Bilateral relations between India and Pakistan got complicated, that is why Pakistan went to the Security Council. Between January 24 and February 21, 1956, resolutions 122 and 123 were published; said body requested the governments of both countries to present documents that verify their position on the controversy. In said resolutions, it was stated that what was agreed in previous resolutions, which was the free and democratic process in which the population would choose which state to belong, would be executed, in addition to respecting the decisions made in the Jammu and Kashmir constituent assembly. The president of the Security Council would visit the conflict zone and hold a dialogue with the representatives of the countries involved.

Between 1952 and 1956, little intervention by the Security Council in the Kashmir Conflict can be noted. Although the situation was calmer compared to previous years, the demilitarization process had not yet taken place by either of the two countries involved, violent acts continued to take place within the region, in addition to the violation of various human rights. The Security Council neglects the conflict and at the same time the fulfillment of the plebiscite, it draws attention that it intervenes again in the problem after the presidency of the Security Council is assumed by Gunnar V. Jarring, a Swedish national in 1957, also calls the attention that the president of the Security Council intervenes directly in the problem, thus reducing the participation of the United Nations Commission for India and Kashmir, which is not taken into account in resolutions 122 and 123 (Council United Nations Security Council, 1957).

3.2.7 Resolution 209, 210, 211, 214 and 215.

All were published between September and November of the year 1965. It is the year with the most resolutions issued about the Conflict between India and Pakistan since from April the tension increased due to the fact that the Hindu leader Mohammed Abdullah presented the desire to apply self-determination in Kashmir, that is, it could decide which country to belong to without any outside influence. This caused annoyance among Pakistani leaders as Abdullah had good relations with the Indian government and it was thought that he would choose to belong to this country. Kashmir's desire for self-determination, in addition to having the help of India, also had the support of the Chinese government. After quite complicated months, in August the second Indo-Pakistani war would begin after the attack by Pakistani soldiers on Indian troops who were in Kashmir, this event was known as Operation Gibraltar (Terreros, 2018).

Faced with the armed battle, in its session number 1237, the Security Council decided to invite the representatives of India to Pakistan to participate, without the right to vote, in a dialogue about the problem. In this resolution, the actors in the conflict were asked for an immediate ceasefire, in addition, groups of military observers would be sent to be in charge of maintaining the ceasefire order, and India and Pakistan were asked to lend a certain number of troops that can help military observers to fulfill the entrusted objective. These military observers were required to keep the Security Council informed about the situation in the conflict zone. The immediate withdrawal of all weapons and armed personnel was also requested (United Nations Security Council, 1965).

It was concerned that after several weeks the ceasefire had not yet happened, that is why the Secretary General of the United Nations was requested to help with resources to monitor the conflict area and ensure the ceasefire and the withdrawal of the military forces from the countries involved. The rest of the member countries of the United Nations were asked to refrain from any initiative that could affect this war, this was requested for twenty years had passed since the culmination of World War II and the Security Council was afraid that the conflict grow and have catastrophic consequences at the international level.

Resolution 215 was issued on November 5 of the same year, in which the Security Council once again expressed its concern for two months had passed since the conclusion of resolution 209 and the ceasefire or military withdrawal was still not noticed. of the participating countries, that is why India and Pakistan were once again requested in the most restrained way to conclude their conflicts in a peaceful manner since they could affect international peace and security. As can be seen with the publication of this resolution, none of the provisions set forth by the Security Council were obeyed by the actors in the conflict, although the international organization was pending, its participation did not significantly influence the problem (Security Council of the United Nations, 1965).

3.2.8 Resolution 303 and 307.

They were the last resolutions issued in the years analyzed and at the same time the last one published to date by the Security Council. It is a year of considerable tension in the Indian subcontinent since the third Indo-Pakistani war happened and part of the Pakistani population (current inhabitants of Bangladesh) sought their independence and received collaboration from India. This war caused concern in the international community since there was the participation of actors outside the conflict. After a meeting held by Henry Kissinger, representative of the United States (sent by North American President Richard Nixon) with Chinese, British and Pakistani leaders, it was agreed that Pakistan would receive aid from the United States and the United Kingdom, after which the Soviet Union decided to support India. These countries mentioned were considered as world powers that had military weapons in large quantities and the latest technology at their disposal (IES Bachiller Sabuco, 2012).

The third Indo-Pakistani war took place from December 3 to 16, 1971, after which the Security Council decided to issue resolution 303 on December 6, 1971, in which what was analyzed in the 1606th sessions was discussed. and 1607a. in which the General Assembly recommended to the Security Council to change the actions taken for future problems, since they did not have the expected results. An example of this is the Kashmir Conflict to which the Security Council could not find a solution after many years and several proposed resolutions. The representative of Ceylon, a territory close to India that also sought its independence, was invited to participate in the meeting that dealt with the aforementioned subject without the right to vote (United Nations Security Council, 1971).

A few days later, on December 21, Resolution 307 was issued, in which the representatives of India and Pakistan were called to render their version of the problem. Although the Pakistani war ended five days before the publication of this resolution, there were still military troops in the sector, that is why a demilitarization process was requested, to supervise that this happens, the Security Council sent a group of observer's militaries. One of the points discussed indicated that assistance with resources or the rehabilitation of refugees would be accepted by member countries that wish to collaborate. It was also approved that, should the General Assembly consider it pertinent, to reappoint a representative to deal exclusively with the conflict (United Nations Security Council, 1971).

3.3 Summary of the position of the five permanent members of the Security Council regarding the conflict in Kashmir between 1948-1972.

During the period of time analyzed in this project, there were several interventions by the Security Council seeking to calm the conflict. It is striking that in the last Indo-Pakistani war of 1971 several powers participated such as: China, the United States and the United Kingdom in favor of Pakistan and the Soviet Union in favor of India. The interesting thing is that these countries are permanent members of the Security Council and the fact that they ~~have~~ had directly supported one of the actors involved in the armed battle is not the most correct since they had to fulfill functions in a neutral way, and work as a Council of Security to find a solution instead of sending troops to support one side of the problem. To know the reason for their decisions, both individual of these world powers as well as those taken as the Security Council, it was considered necessary to analyze the position of each of the permanent members that are: The People's Republic of China, United States, United Kingdom , the Soviet Union and France. The French government did not show any inclination towards India or Pakistan, its intervention was little, it showed certain disinterest since they lived in difficult situations due to the aftermath of the Second World War to which they put their greatest emphasis.

Although there was a good relationship between the Chinese and Indian government in 1950, the position taken by the Chinese leaders was quite neutral, however, this was changing, in the early 1960s and early 1970s China leaned towards Pakistan , even declaring formally from Beijing its support for Pakistan during the second and third Indo-Pakistani wars; Expressing that his decisions are in search of the security of the region, he collaborated with the military preparation and equipping Pakistani military troops. Tensions between India and China began in the 1960s after the problem over Tibet, a subject that led to an armed conflict that had China as the winner. This conflict would have consequences for the relationship between the two countries, which influenced the position of the People's Republic of China on any issue with India. When speaking of Kashmir, China's position was to support the democratic process of choosing which state to belong to (Garver, 2010).

In 1947, when Pakistani troops invaded Kashmir, the Soviet Union maintained a neutral position within the Security Council, even absent from the vote on the first resolution issued. Later it would

change the position of the Soviet Union, under the leadership of Nikita Khrushchev, it was considered opportune to improve diplomatic relations with European and Asian countries, helping them to promote peace and security. Moscow began to create a strong bilateral relationship with India through similar ways of thinking about the international system, such as disarmament and colonialism, among other issues, for which the Soviet Union became a strong defender of the idea that Kashmir should belong to the Indian country (Palit, 2008).

In 1954 the incorporation of Pakistan into SEATO (Southeast Asian Treaty Organization) worried the Soviet Union and India as it meant that Pakistan began to have good diplomatic relations with the United States, the main rival of the Soviet Union, not to mention that the United States United, and at the same time Pakistan, began to have a good deal with China. Because of how countries began to choose sides after the beginning of the Cold War, a strategic partner that the Soviet Union could trust within Asia was India, that is why Soviet leaders collaborated with resources to India, in addition to defending its position within the Security Council, most of the resolutions calling for a democratic process for Kashmir were rejected by the Soviet Union as they defended the idea that the disputed region belonged to India and criticized the government. Pakistani when expressing that their actions disrupted peace and security (Palit, 2008).

In the 60s the Soviet Union thought of Kashmir as an opportunity to position itself in the international system, since if it managed to solve the conflict it would become a promoter of world security, that is why the Soviet country placed priority on solving the Second Indo-Pakistani War of 1965 by signing the Tashkent Agreement and in 1968 by signing an Arms Agreement with Pakistan, an action that caused India's anger. However, the Soviet Union never managed to make Pakistan its ally, an example of this was the rejection of the Pakistani government to the Soviet proposals for a trade agreement with the countries of South Asia. The relationship between the Soviet Union and Pakistan became even more tense with the Pakistani War of 1971, when Soviet leaders asked Islamabad to sign a peaceful agreement with India, after no such agreement there was an intervention in the battle by armed troops Soviet (Palit, 2008).

While it was noted that China and the Soviet Union had leanings towards certain sides in the Kashmir conflict, the position of the United States was different. The intention of the representatives of the North American country was to seek a solution to the problem by promoting mediation between India and Pakistan. Since the First Indo-Pakistani War, ~~he~~ they asked the two

countries to settle the controversy in a peaceful manner, in addition, in the period 1961-1962, together with the United Kingdom, they began six different rounds of negotiation about the problem, in which the representatives of the countries involved were unable to reach an agreement. This position would vary in 1971 before the third Indo-Pakistani War since the United States, together with China, would express their support for Pakistan, saying that the population of Kashmir had similarities with the Pakistani population. In the battle they collaborated with Pakistan by sending military troops and armed planes, this support for Pakistan could be interpreted as a way to have it as an ally in the face of the rivalry that the United States had with the Soviet Union, it was strategic to have a country as an ally that he was in Asia and that he showed reluctance to interact with the Soviet Union (Congressional Research Service, 2019).

CONCLUSIONS.

The purpose of this project is to educate about the beginnings of the Kashmir conflict, to learn about the procedures in this type of conflict of an international organization such as the United Nations that had only a few years of existence. It was considered to analyze the first 25 years of the problem because during this period of time it can be seen how the Kashmir conflict worsened and the actions of the Security Council could be reviewed with each situation that occurred between the countries involved. During the time that was analyzed, there was the participation of the United Nations through the Security Council in addition to other actors of the international system. Various methods of conflict resolution were used; however, the problem had a high degree of complexity. In the time analyzed, three wars took place, the incursion of another country into the problem such as China, internal revolutionary groups arose in Kashmir and multiple disturbances occurred. The Security Council issued 18 different resolutions, dialogue was proposed, a specialized commission was created on the issue with professionals with extensive experience in international conflicts, among other proposed alternatives; they all failed as they did not satisfy the Indian and Pakistani leaders at all. In this project some conclusions can be found, which will be reviewed in this chapter.

After studying realism and liberalism, it can be seen that both theories had an influence on the international system and on the Kashmir conflict. We found a clash of both theories between those involved, on the one hand, the Security Council that followed liberal ideals against India and Pakistan that presented a realism behavior. The operation of the Security Council follows the liberal principles that countries provide certain powers for its operation, said United Nations body works jointly with the states of the international system seeking joint development and peace, they sought to avoid international wars , but the Indo-Pakistani case showed a clear predominance of the realism theory since India and Pakistan sought to stay with Kashmir for individual interests and did not reach an agreement because these interests prevailed over the collective good. That is why the Security Council resolutions on Kashmir were not very effective; If the organization had ideals opposed to the behavior of those involved, it was difficult for the proposals to take effect, they would lack credibility for India or Pakistan.

Historically, the Indians dominated the Muslims, this situation generated resentment from the Muslims, something that would lead to their independence. These two religions created a division in the region and at the same time a strong rivalry between countries such as India and Pakistan. There are ideological differences marked in each community, with a long history which increased the degree of difficulty of the problem, it was difficult for the Security Council to be able to resolve in a couple of months or in a couple of years a rivalry that began centuries ago.

The alternatives proposed by the Security Council in most of its resolutions were based on dialogue, on seeking agreements between the leaders of the countries involved. However, it was somewhat complicated for the leaders of both countries to put aside their differences and seek an agreement since history detailed them as rivals by nature, their religious beliefs significantly influenced their behavior and at the same time in their way of leading their respective countries. Due to these differences, all the mediation or conciliation attempts proposed by the Security Council failed.

In the first resolutions issued by the Security Council, the representatives of both countries were called to negotiate an agreement, it could be said that it was something formal, listen to the version of each of the parties, know their demands and find a peaceful solution. This type of action was started since it was intended that the conflict in Kashmir does not worsen and that strong damage does not occur to those involved. What is questionable about this type of resolution is that, due to the aforementioned ideological differences, it was difficult for them to reach an agreement, when reviewing the background of those involved it could be predicted that the dialogue would not have the best results, instead of seeking that both parties are arranged, it was possible to carry out a prior investigation by the Security Council, which would know the roots of the battle and the needs of those involved and thus issue a slightly more personalized resolution towards the Kashmir conflict, which deepens the problem and come up with more drastic solutions.

The Security Council did carry out an investigation process into the Kashmir conflict, created the United Nations Commission for India and Pakistan and sent the mission delegates to Kashmir so that they could learn more about the problem, however, it did so. action sometime after the problem started, when its magnitude was already quite large. A preliminary investigation could be carried out, the Security Council had the resources, however, its leaders were pressured to make quick decisions since every minute that passed more deaths occurred in the first Indo-Pakistani conflict

and the position of the Security Council was expected by the international community. The issuance of the first resolution on the conflict was rushed, with a broader prior investigation perhaps a more effective first resolution would have been issued.

There is another question when talking about the five permanent members; to seek a peaceful solution, the most appropriate thing was for them to maintain a neutral position, however, they did the opposite. The permanent members did not participate as a united group in the conflict. In the armed conflict in 1971 in Kashmir ~~also~~ the permanent members participated since China, Great Britain and the United States supported Pakistan and the Soviet Union to India in some moments of the conflict, especially in the third Indo-Pakistani confrontation by sending ~~his~~ armed troops into the conflict. By deciding to support one side, the permanent members were promoting an armed battle, something contradictory to what the Security Council was looking for, which was peace and security, instead of seeking solutions, they only enlarged the problem.

It is necessary to analyze why the United States supported Pakistan and the Soviet Union did the same with India. After the Second World War there were strong tensions about which world power could be recognized as the dominant one in the world, this situation was known as the Cold War and it happened throughout the analyzed period of the Kashmir conflict. A rivalry arose between the United States and the Soviet Union, both countries sought to have the support of countries of the international system. The Soviet Union maintained good relations with India, while the United States needed an ally that was geographically close to the USSR, outside the Asian continent, and took advantage of the situation to generate good diplomatic relations with Pakistan, supporting them in the Kashmir problem. It was difficult to expect a proper functioning of the Security Council if its permanent members maintained a strong rivalry.

In the case of China, another of the permanent members of the Security Council had direct conflicts with India in the early sixties and was even recognized as a participant in the problem by claiming part of the territory of Kashmir as their own, it was even included in the agreement known as the line of control since it was agreed that it has 20% of the territory of Kashmir. It could be considered delicate to expect a neutral participation from China as a permanent member of the Security Council if it was a participant in the problem, in addition to having a negative relationship with India.

By mentioning these positions of some of the permanent members of the Security Council, a point of discussion is generated. The international organization sought a collaborative process of its members seeking peace and security. This objective is linked to liberal ideals; however, it was contradictory that they issue resolutions seeking a solution in a moment and that they also individually supported India or Pakistan. Inside the United Nations they talked about teamwork, but outside it they also followed a realism behavior since the permanent members of the Security Council by supporting one of those involved demonstrated their personal interest in strategic alliances with India or Pakistan.

One of the permanent members of the Security Council is the cause of the problem. It is the United Kingdom because when it decided to allow the independence of the Indian subcontinent, it did not dedicate much effort to the signing of the independence agreements in the Bengal and Punjab assemblies. The agreements did not take into account native territories such as Kashmir. If there were territories that did not belong to anyone, it was evident that a conflict would arise. The participation of the United Kingdom has a direct influence on the conflict, at the beginning by not knowing in detail the territory it administered in the region and later as a permanent member by not finding effective solutions. A more effective solution on the part of the United Kingdom was to create a commission to investigate the entire border issue and that any assembly that dealt with the independence of British India was made with the results of said commission.

The performance of the United Kingdom and later of the Security Council can be exposed as indifferent. Without counting the Third Indo-Pakistani War, the participation of the British country was always minimal compared to the United States or China. This happened because the situation after the Second World War was complex, there was a lot of damage and the British leaders put aside the problem in Kashmir, the same happened with France. Their little participation could be related to the fact that the conflict did not affect their interests and the other members of the Security Council were already pending, this has to do with a realistic behavior, they were more concerned with solving their situation marked by some damages from the Second World War and both India and Pakistan had neither enough weaponry nor enough influence to be dangerous to the international community.

According to John Mearshiemer, although institutions help to promote peace and security ~~but~~ the United Nations had less influence on the Asian continent since they were a proposal from mostly

Western countries that had a different order from Asia, that is why perhaps India or Pakistan could feel a lack of understanding in the different resolutions which generated mistrust. For cooperation to exist there must be a certain degree of trust with which one government will act without fear of being betrayed by another and in the Kashmir conflict there was no such trust, India and Pakistan did not trust each other and neither trusted each other enough. Security Council.

When analyzing the issuance of the different Security Council resolutions, we can see that the organization participated in the problem in specific periods, when the problem worsened. The first period, also the longest in which it participated, was between 1948-1952. During the First Indo-Pakistani Conflict, the Security Council tried to seek solutions through the United Nations Commission for India and Pakistan. After not achieving results, the security council left to show notable participation until 1957, the year in which it issued three resolutions, later the Security Council returned to show interest only in the Second and Third Indo-Pakistani War in 1965 and 1971. If the Security Council had taken more constant actions in Kashmir and not only in certain periods of time might have found a solution.

Reviewing the issuance of the different resolutions, it can be seen that the Security Council intervened only when the problem worsened, to the point of having strong armed wars. The United Nations was an international organization with a few years of experience, with previous experience of the failure of the League of Nations and with an international community that was still suffering the ravages of World War II. It tried to guide the emergence of stability in the international system, that is why it only acted when India and Pakistan had strong battles, because they could get worse. The action of the Security Council consisted of keeping the problem under control, so that it does not affect other countries in the region. This conflict was not of greater importance for the United Nations since its actors were not world powers and without counting armed wars, the differences between India and Pakistan did not cause shocks in the international system.

The situation in the international community was delicate and due to previous experience with the League of Nations, the credibility of an international organization such as the United Nations was minimal. As it was not considered a higher order than the states, the organization's decisions were not carried out by many countries, as can be seen in the Kashmir conflict. The purpose of the Security Council was the search for peace and security, something that it did not achieve, in the

problem studied, since it could not promote the well-being of the Kashmiri population, which experienced many moments of insecurity and abuse.

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