



Investigating the Role of United Nation in Kashmir Dispute

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Abstract: *The Kashmir dispute is not being solved because the top powers are not taking affinity for it. India also would not want to solve this issue. Actually, the major powers may not be serious in the solution of the problem. India stated that Kashmir is an integral part of India and Pakistan also believed that Kashmir is mistake Pakistan. The role of the United Countries in the resolving of Kashmir dispute this is crucial issue between Pakistan and India. This study examines the inability of the United Nations around the world in the resolution of the Kashmir Dispute. The study concludes that the Un has taken sue resolution for the solution of Kashmir issue like India referred the Kashmir dispute to the United Nations on January you, 1948, this world body has become party to it, thus so that it is a multiparty dispute. Since India took the dispute to UN, but surprisingly, in later year (after the middle of 1950), it tried to relegate the UN role over the resolution of Kashmir dispute.*

Keywords: United Nation, territorial integrity, Conflict, peaceful and resolving

1. Introduction

The failure of the Category of Nations on the one hand and the horror and ruthless devastation caused by the Moment World Battle with the other hand disturbed many minds especially in interrelated countries. They expressed their wish to create an international organization that could be resolved the issues among different states also to stop the approaching in the future. Basically, the League of Nations around the world solved so many conflicts among the several states but in the small countries the League of Countries was failed in the big countries. A consideration of the important occasions leading to the business of the United Nations around the world is as followed. (Haq, 1973)

One hundred and seventy years ago this year, the First Indo-Pakistani War was fought for the Indian state of Kashmir (simply referred to as Kashmir from here on out). Both India and Pakistan agreed to remove their troops

and hold a referendum to let the people of Kashmir to vote on which country they wanted to join (S/RES/47) UN Security Council attempted to put self-determination into effect with this resolution, ostensibly. Though it may seem counterintuitive at first, I argue that the Security Council, by restricting a person's option between joining either India or Pakistan, and by failing to carry out its mandated referendum, was in reality prioritizing another norm—the sovereign state's right to remain independent. The UN Charter provides the foundation for this decision. Article 2 of the UN Charter plainly says that 'nothing contained in the present [UN] Charter shall authorize the UN to act in subjects that are substantially within the authority of any state' despite the UN Charter's renowned demand for 'equal rights and self-determination of peoples' [3] (1945)]. Self-determination norms often clash with state territorial integrity since individuals seeking self-determination are intrinsically part of a state. Because of the tensions that exist between India and Pakistan over Kashmir, the issue gets even more complicated.

The situation in Kashmir is not unique. Many self-determination groups exist on territory that is actively disputed between two governments, but the UN has historically been unwilling to recognize any self-determination movements that seek a split with previously recognized countries or states (Westcott, 2020). Although some have actually formed de facto states, such as Somaliland and Transnistria, others are only wannabe independence movements, like that of the Tibetans, Kurds and West Papuans. This chapter aims to provide light on the contradiction between the UN's fundamental rights of state sovereignty and the concept of self-determination. For example, this chapter uses the situation of Jammu and Kashmir to illustrate that although the United Nations once advocated for self-determination and territorial sovereignty, it in fact defends the notion of territorial sovereignty. There are a number of issues that must be addressed before we can get into the history and repercussions of the UN Security Council's activities in Kashmir.

When it comes to the integrity of a state's territory, the conflict between the principles of self-determination and state sovereignty is a crucial one in international law theory and practice. To put it another way, self-determination refers to the idea that individuals should be able to choose their own destinies in terms of politics, economy, and culture. This is different from the norm of sovereignty, wherein nations' claims to be the exclusive political authority in a certain area are recognized by other states. Self-determination is frequently the cornerstone of a state, but when an ambitious people desire to break away from an existing state (secessionism or irredentism), it becomes a problem (Taras and Ganguly 2006, 41–44). (A state's sovereignty is composed of two parts.

States should be able to conduct their internal affairs free of outside influence under the concept of non-interference, which is the first principle. A state's boundaries are sacred and should not be changed without the approval of all relevant parties; the second principle is territorial integrity. In other words, the territorial integrity part of the norm does not recognize the freedom of citizens to engage in a unilateral secession, while the non-interference requirement assures that foreign actors cannot lawfully coerce the state to do so Because of this, self-determination often clashes with state sovereignty as a norm.

Immediately after Dixon's resignation, the UN Security Council named two more officials to monitor the status of the ceasefire, as well as to work with India and Pakistan to demilitarize Kashmir in order to hold a plebiscite or to

find another way out of the deadlock.. To no avail were any real attempts to reach an agreement with India or Pakistan (Lamb 1991, 175–178), nor were any meaningful attempts made to engage the local leadership in Kashmir. After realizing that it would be difficult to win a popular vote on the accession of Kashmir, India's inclination to stage a referendum swiftly diminished. It became more difficult for India to accept any UN recommendation because of its belief that the Security Council, and specifically the United Kingdom, was biased against Pakistan (Ankit 2010; Hingorani 2016, 192–217) (Ankit 2010; Hingorani 2016, 192–217). Despite Pakistan's apparent receptivity to having a referendum, the country remained wary of India and declined to initiate contact. Soon after the 1949 truce in Kashmir, both sides of the Line of Control continued to ruthlessly restrict Kashmiri rights, greatly jeopardizing the chances of a successful referendum there. Pro-independence Sheik Abdullah was replaced by a succession of pro-India puppets who were held in power via what is widely believed to have been fraudulent elections in 1953 (Lamb 1991, 199–204; Snedden 2005, 75). It is no surprise that after creating a puppet government in Azad Kashmir and taking direct control of Gilgit and Baltistan, Pakistan turned to dictatorial rule in the parts of Kashmir it had previously seized.

The Kashmir dispute is not being solved because the top powers are not taking affinity for it. India also would not want to solve this issue. The Unified Nations passed many promises about the resolution of the Kashmir dispute but however these resolutions are not enforced. India has refused the resolution of 1948 that was passed by the UN. Actually the major powers may not be serious in the solution of the problem. India stated that Kashmir is the integral part of India and Pakistan also believed that Kashmir is mistake Pakistan.

This study centers to highlight the inability of the United Nations on the world in the resolution of the Kashmir Dispute. And the following **Research Objectives of the study are:**

- a) To highlight the negative role of the top powers in the resolving of Kashmir dispute.
- b) To explore the peaceful ways whereby the Kashmir dispute can be solved.
- c) To talk about the role of UN in fixing Kashmir dispute.

2. Literature review

According to Khan, 2016, the international court of justice is the contentious organ of the United Nations. All members of the United Nations become parties to the prescription to comply with the decision of the judge. There three non-member claims to the statute as Switzerland, San Marino and lechenstien. The court contains 15 everlasting judges who are elected for the 9 year term by the general assembly and the Security Council. Heading off judges can seek re-election. The court is always in the session other than vacation. Each of the cases helped bring to the court and the court decided the cases by almost all have your vote. Headquarter of the courtroom found in Hague (Netherlands). Right now there can be no charm resistant to the decision of the international court of the law.

(Shahid, 2016) The Kashmir valley tenants were for the most part Muslims, with a little society of Sikhs and Kashmir savants; Jammu another Dogra India lion's share with a significant Muslims segment; the standard western shred from Muzaffarabad to Mirpur had a numerous Punjab Muslims; Gilgit, Skardu, and Kargil were additionally lived on by Muslims; and numerous Ladakh occupants were Lamaistic Buddhists. At the season of segment of the Indian subcontinent in 1947, the territory of Jammu and Kashmir was one of the 564 critical states that confronted the option of either sign up India Pakistan concurring with the way of thinking of physical contiguity and self-government following a lap of British centrality. In spite of the fact that J and P had Muslims larger part (77% in the evaluation of 1941), and imparted an outright outskirts to the new territory of Pakistan, the Maharaja won't incline toward for Pakistan. His quietness stemmed both for his craving to stay unbiased and from showdown by his dominatingly Muslim topics against his horrible sign. Stood up to with arms change by Muslims from Poonch in June 1947, the Maharaja fought back with merciless power against them. The then widen to the others region of Jammu and Kashmir. To wind up steady the circumstance, the Maharaja settled upon a mull accord with new province of Pakistan. The problem fall apart during July and September of 1947, as the Kashmiri Muslims plainly revolted.

As far back as India alluded the Kashmir carton to the United Nations association on January 1, 1948, our whole world body hosts become a get-together to it, along these lines portrayal it a consolidated fight. Since India took the distinction of supposition to UN, however incredibly, in later years (after mid 1950), it attempt to consign the United Countries job over the prevalence of the Kashmir dare. Since 1972, India even hindered the United International areas military eyewitness bunch in India and Pakistan (UNMOGIP), to see the line of control for screen the truce infringement among India and Pakistan militaries. This will most likely be noticed that (UNMOGIP) began in 1951, through UNSC choice number 91.

Organization and improvement of the United Nations qualification for Pakistan and India (UNCIP) to watch truce in the contested territory of Jammu and Kashmir (Joseph, 1975). Past India and Pakistan signal Karachi understanding, enabling inability to notice of truce line by the UN spectator in March 1951, (UNMOGIP) has been the auditorium its undertakings skillfully trustworthy with the aggregate Nations command. In the wake of assuming control over power, Indian Leading Minister Narendra mode had made some hostile move to disregard the United Nations around the globe and UNMOGIP over the Kashmir issue. My figures were so high, the administration of India has given the arranged to the task to leave an administration working under its utilization in Fresh DelhiAs indicated by Main Nicolas Diaz, the administrative body in oversee of New Delhi mind part of UNMOGIP, Of India foundation have not given any valid justification, while requesting clear house which was under the utilization of the mission for a considerable length of time. He further pronounced, "the onlookers bunch persistently work in accordance with the UN command and that it was taking a gander at elective convenience." For the guideline of the truce in the contested province of Jammu and Kashmir, UNMOGIP has its workplaces at; Srinagar, New Delhi, Muzaffarabad and Islamabad.

(Huston, 1988) Since the India is against any job of the Unified Nations and UNMOGIP on the Kashmir, in this manner it is full scale to dispose of the event of UNMOGIP in Indian and Pakistan. In this development, on January

30, 2013, when Pakistan requested the investigation of LOC (Line of Control) infringement through this unbiased gathering of military onlookers, India turned down. To such an extent, over a discussion among Pakistan and India delegate in the UN about the work and job of the UNMOGIP, the Native American everlasting agent to the United Nations, Hardeep Singh puri said that, "UNMOGIP job had been surpassed by the 1972 Simla agreement." "This is certainly and misdirecting by India".

The reality of the topic is and the United Nations quality has made normal strides for the fathoming of the Kashmir issue, in spite of Simla or any understanding. Your _opening revelation of the Simla understanding says, "That the standards and principles dodgy the rental of the United Nations around the globe will be administer the relations the relations between the two nations. "In what manner can the India the Un job or the job of UNMOGIP.

(kuris, 1977) This sort of Indian position was declined by then Pakistani rep, Masood khan (the present leader of Azad Jammu Kashmir). He challenged the announcement of MR puri and urge that, Simla understanding - 1972 would not dismiss or consign the United Nations goals and the job of UNMOGIP. Afterward, MR Martin Nesirky, the representative of the Un Secretary-General explained that, "UNMOGIP must be ended by the choice of the UN consistency Council" rather by the affirmation one gathering (India). This is valid that through Simla understanding 1972, Pakistan and India consented to fathom their common worry through by discretionary and pacification mean, yet Kashmir is neither a zwischenstaatlich question nor outside the United Nations area In the Indian position 1972 about the UNMOGIP, at that point the Un Secretary General said that, UNMOGIP just deny by the United International areas Security Council. Inside the nonattendance of such an understanding, UNMOGIP has recently been kept up with same set up as built up consequent January 1971 truce. All things considered, Kashmir is the most established uncertain question on the arrangement of the United International areas. The United Nations all goals is totaling more than two dozen, call for reasonable and unbiased plebiscite to go over and choose the future position of Jammu and Kashmir in accordance with the wants of the people of Kashmir.

In purpose of actuality it's the matter of twenty-million individuals of Kashmir. India can't be permitted to proceed with its old inclusion of expansionism and solid occupation. Though United International areas and majors power appreciated have huge job in goals of others issues like east Taimor, Southwest Sudan and Balkans, etc, it has been discovered holding up in the circumstance of Kashmir debate. This sort of is regardless of three clashes among India and Pakistan and bunches of endeavors made for the serene goals of Kashmir question. Today, the general population of Kashmir question United Nations permit and United Nations goals over the Kashmir was this all mean to stick around on the settlement of contest and advantages India. Without a doubt examining from the substantial, one can clearly report the UN as having twofold gauges in working with significant issues like Kashmir. Kashmiri feel that, maybe, it was because of lack of concern with respect to the UN that encouraged New Delhi to add that contested domain firmly. Considerably section VI does undoubtedly stop a mighty United Nations job. Article thirty-three and 34 of the United Nations sanction says that "any question that resembles to hazard the continuation of universal harmony and wellbeing measures ought to be first through course of action, two-sided

push toward, intervention and through others serene mean and the board can consider the gatherings to such an approach to settle their debate.

.(Riaz, 1962) On account of non-settlement, the inquiry can be alluded to the UNSC for the settlement. The United Countries article 34, enable the Security Council to look at and direct choice procedure of the contest, or any circumstance that imperil the worldwide harmony and security. The atomic components of the Kashmir question doubtlessly talks about the prompt job by the UNSC for need settlement of Kashmir debate, as it jeopardize the harmony in south Asia and truth the worldwide peace.

(Rabbani, 2010)There might be need that the Este ought to intensely returns to it is job over the future status of Kashmir additionally to give right of Kashmir, as conceded in is contract and goals. more often than not there is need of significant forces and worldwide society exertion. India should stop infringement of human fortress under the law and regard United Nations around the globe contract and its record sizes gone by United Countries for the settlement of the Kashmir issue. Kashmir be in the correct spot Kashmiri and should quit pestering their deceptive trademark of get in touch with it as the huge part.

3. Research Methodology

3.1 Method of data collection

3.2 Qualitative method

Qualitative method is non numerical and descriptive method. Data collected through this method are in form of words and sentences. Overall this method use for social sciences and it provides detail information about the research topic. The questions asks in this method are open ended and usually how and why use in this method. The data collected through responses, interviews, participants and observation, and findings and results in this method are less generalizable.

3.3 Tools for data collection

In nature this research is qualitative; website article and journal are the different tools through which the data is collected for this study. From different researchers' publication, some material for this research has been collected.

3.4 Primary source

Interviews and surveys serve as the primary means of gathering data for primary sources. This sort of information is novel and has never been published in a book or online previously. In order to get relevant information about any topic or issue, appropriate interviews with groups of individuals are conducted. The interviewee expresses their own thoughts on any topic throughout the interview. Formalists, political specialists, educators, and analysts are all consulted to gather comprehensive data on a variety of subjects. Interviews with historical figures are conducted in

order to have a better understanding of previous occurrences. Online interviews with subject matter experts are also popular among researchers.

4 Data Analysis

4.1 India and Pakistan perspective on Kashmir

The Indian strategy: At the center of Indian position on Kashmir is Delhi's case that the choice of maharaja Hari Singh to yes to the Indian organization, paying little respect to its conditions, is "conclusive and legitimate and it can't be contested. In the event that there is "incomplete" business of canton, the need Pakistan gives up control of that piece of Jammu and Kashmir that it's wrongfully possesses. India further keep up that Unified Nations goals requiring the need of the general population to be resolved are never again reasonable in light of the fact that Pakistan has not pursued circumstances of to withdrawal of its landscape they says that Pakistan involved the domain by power and animosity.

Crisp Delhi further keeps up that after thee Pakistan give a shot to change the position quo, by power of war over forty years back, Islamabad has invigorated the support to conjure the United Nations around the globe goals. The desire of the general population does not be found out just by utilizing a plebiscite. The issue of Kashmir was deferring by Pakistan since Pakistan supporting fear based oppressor in the Kashmir territory and giving affordable and individual guide to the psychological oppressors' exercises. The objectives are Muslims in Kashmir, belying Pakistan contentions that it is stressed over the prosperity of Muslims in Kashmir. While India needs to every one of the issues managing through quiet procedure and through discourse and discussion.(Saied, 2003) But proclaim that the power and autonomy may not be abused in the dissolvable of the Kashmir concern. The Indian arrangement towards Kashmir works three particular levels neighborhood, respective, and global.

At the nearby level, the chief objective is to take out the Kashmir opposition by gigantic use power then again and by endeavor the refinements among various Kashmir obstruction bunches on the other. At the Indo-Pakistan level, India while communicating its eagerness to talk about every one of the issues with Pakistan, has kept up to abstain from leading any important exchange with Pakistan in regards to Kashmir which includes a development away from the clarified Indian position that Kashmir is a urgent piece of India. Despite the fact that India chief reason to keep up a stance of exchange with Pakistan to pick up the ideal time to solidify the situation over the Kashmir by assuaging the Kashmir is individuals opposition, autonomous industry examiners expect that "as of now responsible for the greater and most prized segment of the condition of lovely Hawaii and mindful of the trouble that could confront any push to pry Pakistan free from the rest", New Delhi would" acknowledge change of the LOC... into a durable worldwide boundary"(Petten, 1971).

For the universal level, India strategy on Kashmir is for the most part gone for 3 targets: Deflecting the Pakistani crusade charging human-rights encroachment in Kashmir; underscoring that the Simla understanding presents just suitable answer for the void of Kashmir; and undermining the Kashmiri opposition movement as a "fear monger action" supported by Pakistan.

4.2 The Pakistani Approach

In times past, the central legislature of Pakistan has kept up that Jammu and Kashmir has been a contested region. The Native American Indian military power assaulted by the region of Kashmir in 1947 was interino and executed under the coercive weight Indian outfitted administration nearness. Both the disputants were recognized the guarantees of the United Nations around the globe like 13, August 1948 and 5, January 49 settled on the addressed zones yet later on they disregarded the guideline and guideline of the United Nations. These record sizes remain completely in power today, and can't be singularly dismissed by either party.

4.3 Talks between India and Pakistan

The Indian and Pakistan need to verify the privilege of self persistence no Jammu and Kashmir for those of Kashmir. This correct involves a free, reasonable and around the world regulated plebiscite, as organized in the 1948 and 1949 UN Security Authorities goals.

4.4 Choice of Permanent Accession

Is it doesn't decision of the general population of Kashmir to either India or Pakistan they need to join. They might be undoubtedly support India or Pakistan for the dependable promotion it is the readiness of the Kashmiri individuals.

4.5 Council mediation and the Kashmir dispute: Reflection on its failures and possibilities for renewal

Abstract: India and Pakistan strife over the legitimate status of Kashmir compromise the security of the entire area. In their initial intercession exertion, the Security Council endeavored, however fizzled, to bring the long haul choice for the Kashmir question's perspective on the contest as essentially a political debate without alluding sufficiently to the lawful system of India and Pakistani case of Kashmir. This assists expresses that, in light of this prior disappointment, of the Security Council reinsert itself as a vermittler by understanding this powerlessness and by reconnecting India, which has turned out to be safe in the last thirty a year to global intercession in Kashmir. The regional unrest among India and Pakistan in the district of Kashmir is the huge impediments in the connection of two states additionally to the territorial security and peacefulness in the South America. Since the two territories got autonomy from the British Empire. India and Pakistan have involved distinctive fragment of the district and battled four clashes, in which Kashmir legitimate status was either the key impelling element or fixed to the outside of the outfitted clash. On the most recent decade, the Kashmiri dissident developments inside Indian-controlled Kashmir and the presentation of atomic highlights by India and Pakistan have expanded strains inside the area and make another factor of incredulity between the two countries.(Zest, 1972). The gravity of the risk to the "upkeep of worldwide harmony and security" that the Kashmir struggle speak to makes the circumstance ready for thinking about restored intercession for the United Nation. The Reliability Council endeavored to be associated with the intercession at the commencement of the contention. Anyway it's, recommendation and endeavors at intercession neglected to achieve everlasting goals.

4.5 Future status of Jammu and Kashmir

The exchange among India and Pakistan in regard to the future position of Jammu and Kashmir ought to be held in similarity both with the Simla understanding of July first 1972 and the important United Nations Security Authorities goals. A universal mediatory job is to be fitting in this issue in light of the fact that the job of the global Schleicher would be bound on the two states.

5 Conclusion of the Study

That is concluded that the Un has taken sue resolution for the solution of Kashmir issue like India referred the Kashmir dispute to the United Nations on January you, 1948, this world body has become party to it, thus so that it is a multiparty dispute. Since India took the dispute to UN, but surprisingly, in later year (after the middle of 1950), it tried to relegate the UN role over the resolution of Kashmir dispute. Since 72, India even blocked the United Nations Military Viewer Group in India and Pakistan (UNMOPG), to check out the Line of Control (LOC) for monitoring the ceasefire violations between the India Pakistan militaries. It is to be noted that, United Nations Military Viewer Group for India Pakistan (UNMOGIP) was established in 1951, through UNSC image resolution number 91. It was in succession of the United Nations resolution; 39 (1948), and 47 (1948), establishment and enlargement of United Nations commission for India and Pakistan (UNCIP) to observe ceasefire in the dispute state of Jammu and Kashmir. The United Nations Security Authorities resolution of August 13, 1948 and 5, 49, proposed the plebiscite option for settling the Kashmir dispute. (Khan, 2010). These promises laid down the rules and procedures for a free and impartial plebiscite under Un auspices. The two India and Pakistan accepted these resolutions but later clashed over the model of numerous clauses especially those pertaining to the demilitarization of Jammu and Kashmir in 1950, the protection Council nominated Sir Owen Dixon, as the EI mediator. He attempted to address the Azad Kashmir territory by suggesting that administrative duties be allocated to this local territory.

5.1 Recommendations

1. The United Nations Security Authorities resolutions are the best option for settling the Kashmir dispute.
2. The best possible model should be adopted through mutual consensus to resolve the dispute.

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