

How Does the India Pakistan Conflict Highlight the Limitations of Peacekeeping Structures and the Enforcement of War Laws?

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ABSTRACT

Stemming from the broader India-Pakistan conflict, the Kashmir dispute is often described as the oldest unresolved international conflict in the world today. This protracted territorial dispute profoundly highlights the limitations of international peacekeeping structures and the enforcement of war laws, particularly concerning the Fourth Geneva Convention. While the conflict traces back to the 1947 Partition, its persistence has entrenched militarization, human rights abuses, and recurring interstate clashes, most recently exemplified by India's 2025 Operation Sindoor. International frameworks such as the Fourth Geneva Convention guarantee protections for civilians, yet in Kashmir these rights are routinely violated with little accountability. Adopting a case study analysis, this research assesses the intersection of peacekeeping frameworks, sovereignty claims, and human rights discourses using academic scholarship, UN documents, legal texts, and human rights reports. Focusing on three themes, the enforcement gap in the laws of war, the role of sovereignty and bilateralism in restricting oversight, and the structural limits of peacekeeping mandates, findings show that India's rejection of third-party involvement, Pakistan's internationalization strategy, and the persistence of laws such as the Armed Forces (Special Powers) Act (AFSPA) and the Public Safety Act (PSA) perpetuate impunity. The Kashmir case demonstrates how, in sovereignty-driven conflicts, peacekeeping collapses into symbolism, underscoring the urgent need to reconceptualize it as a legal framework accountable to international humanitarian law.

Keywords: Kashmir Conflict; Peacekeeping; Sovereignty; UNMOGIP; International Humanitarian Law

INTRODUCTION

When international law intersects with geopolitical rivalry, enforcement often becomes secondary to strategic interests. This is exemplified by the militant attack in Indian-administered Kashmir, which triggered

a sharp escalation between India and Pakistan, with both sides exchanging gunfire across the Line of Control (LoC) and downgrading diplomatic ties. On May 6, India launched Operation Sindoor, targeting nine sites in Pakistan and Pakistan-administered Jammu and Kashmir, which it alleged were used to plan the attacks (1). The situation heightened fears of a broader military conflict between the two nuclear-armed nations, marking the most significant confrontation since 2019 (2). Despite the presence of international observers such as UNMOGIP, the lack of enforcement authority ensures that ceasefire violations and retaliatory strikes continue largely unchecked (1). Both India and Pakistan frame

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their actions within sovereignty and national security, leaving little room for neutral mediation. The recurrence of such flashpoints exemplifies the inadequacy of peacekeeping frameworks in South Asia and the heightened risks posed when legal and diplomatic avenues are subordinated to military logic (2).

Routine violence and suppression in Kashmir have triggered international debates about humanitarian protections, press freedom, and civilian treatment under occupation (3), resulting in thousands of deaths and ongoing physical and psychological harm. Generations of Kashmiris have grown up under militarization, curfews, restricted mobility, and surveillance, leaving deep social, economic, and psychological scars (3, 4). International organizations and human rights groups have repeatedly documented enforced disappearances, custodial violence, and restrictions on fundamental freedoms, yet accountability remains absent (4). This highlights the disjuncture between international legal frameworks that guarantee civilian protection and the realities of contested sovereignty and military dominance on the ground (3).

This research focuses on how the India–Pakistan conflict illustrates the limitations of peacekeeping structures in enforcing the laws of war, particularly regarding civilian protection (5). Civilians face extrajudicial killings, arbitrary detentions, enforced disappearances, and restrictions on movement that undermine protections under international law (4, 5). Despite these violations, avenues for justice remain limited, as both states shield their actions under sovereignty and security claims (6).

Peacekeeping refers to operations, often led by international organizations such as the United Nations, designed to maintain peace and security in conflict zones (5). These missions are typically non-combat, neutral forces tasked with monitoring ceasefires, protecting civilians, and assisting in post-conflict rebuilding (5). The primary peacekeeping mechanism in the India–Pakistan conflict is the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established in 1949 (1). UNMOGIP observes and reports violations of the ceasefire but has minimal enforcement power, limited access on the Indian side, and is often ignored by the parties it monitors (1).

National peacekeeping and domestic legal structures also play critical roles. India's deployment of paramilitary forces under the Armed Forces (Special Powers) Act (AFSPA) has been associated with

widespread human rights abuses (4). Ethnographic research shows these laws facilitate enforced disappearances, arbitrary detention, and impunity for security personnel (4), while legal analyses highlight that AFSPA grants powers conflicting with constitutional protections and international human rights standards (6). These national mechanisms operate in tension with international war laws, raising questions about sovereignty, accountability, and the limits of international oversight. The relevance of the Fourth Geneva Convention becomes particularly evident in this context. Articles 27, 32, and 33 of the Convention guarantee civilians protection from violence, collective punishment, and torture, while ensuring humane treatment even during armed conflict. In Kashmir, however, these protections remain largely theoretical. India's use of the AFSPA and the Public Safety Act (PSA) has facilitated prolonged detentions, curfews, and restrictions on movements that contradict these core humanitarian provisions. On the other side, Pakistan's tolerance of militant activity and its failure to safeguard civilians in Pakistan-administered Kashmir similarly breach obligations under the Convention. The inability of international bodies to enforce these standards highlights how sovereignty claims by both states have weakened the practical authority of international humanitarian law in South Asia.

The relevance of these issues is evident today, as global attention focuses on failures of international law to protect civilians, whether in Gaza, Ukraine, or South Asia (2,3). Understanding why peacekeeping fails in the India–Pakistan conflict offers a framework for examining similar shortcomings elsewhere (2). Scholars note that India's 2025 retaliatory strikes, including Operation Sindoor, were largely symbolic and failed to deter further escalation (1,2). By analyzing this conflict through the lens of peacekeeping and legal enforcement, this research fills a gap in the literature and emphasizes the need to evaluate peacekeeping not just as a diplomatic tool, but as a mechanism accountable to international law (5). This narrative review synthesizes scholarly, legal, and policy literature to examine how the India–Pakistan conflict illustrates structural limits of international peacekeeping and war law enforcement.

UNMOGIP'S ORIGIN AND MANDATE

The conflict arose from the 1947 Partition of British India, which created a Muslim-majority Pakistan and

a Hindu-majority India and gave Jammu and Kashmir the choice to join either state. Maharaja Hari Singh chose India in exchange for military assistance against invading tribal forces from Pakistan, triggering the first Indo-Pakistani war (1947–48) (3). India gained control of the Kashmir Valley, Pakistan retained one-third, now known as Pakistan-occupied Kashmir (PoK), and the 1949 Karachi Agreement ended hostilities temporarily, establishing a ceasefire line (CFL) supervised by UNMOGIP (6). A second war broke out in 1965, followed by the 1971 war over East Pakistan, resulting in Bangladesh's creation (3). Despite its early establishment to monitor ceasefires, UNMOGIP's mandate has remained limited, leaving it largely as an observer without enforcement authority in a conflict that has continued to evolve over decades.

POST-1972 SIMLA CONTEXT AND SIGNING

India and Pakistan signed the 1972 Simla Agreement, transforming the CFL into the LoC, a de facto border (3). Nuclearization in 1974 (India) and 1998 (Pakistan) further raised the stakes (8, 9). Tensions surged in 1989 when Pakistan backed an insurgency in Indian-administered Kashmir, fueling violence and counterinsurgency measures (3). The 1999 Kargil War further entrenched hostilities (3). Despite a 2003 ceasefire, cross-border skirmishes continue, and both nations accuse each other of violations (2). Militant attacks, including the 2008 Mumbai and 2016 Uri attacks, repeatedly derailed peace efforts (1, 2). Indian retaliation included surgical strikes and the 2019 Balakot air raid, killing 40 paramilitary personnel (2).

In August 2019, India abrogated Article 370, stripping Jammu and Kashmir of semi-autonomous status (2). This angered Kashmiris and Pakistan (2). India has since been accused of media suppression, electoral manipulation, and intensified military operations (5, 7). Peacekeeping efforts, especially by UNMOGIP, remain largely symbolic. India views the UN role as obsolete post-Simla Agreement, while Pakistan continues to advocate for oversight (1). The mission lacks enforcement power, highlighting the limits of international peacekeeping structures (1).

EFFECTIVENESS AND “SYMBOLIC PEACEKEEPING”

The India–Pakistan conflict over Jammu and Kashmir represents a critical test of international

peacekeeping frameworks. At the heart of this conflict is the UNMOGIP, established in 1949 to monitor ceasefire agreements between the two states (6). UNMOGIP's mandate was designed for observation rather than enforcement, reflecting the post-World War II philosophy of peacekeeping that emphasized non-combat roles, neutrality, and state consent (1). Scholars and policy analysts have frequently critiqued UNMOGIP for its limited operational impact. Aslam, Rahman, and Shahbaz (1) argue that the mission has been reduced to “symbolic peacekeeping,” a ceremonial presence without the capacity to influence outcomes significantly. The mission monitors, reports, and recommends, but it cannot enforce compliance, leaving violations of ceasefires or international law largely unchecked.

Noorani (7) echoes this perspective, highlighting that UNMOGIP's lack of enforcement powers is compounded by political realities, particularly India's resistance to third-party oversight. While the UN has repeatedly stressed the importance of peacekeeping as a stabilizing mechanism, in the Kashmir context, its symbolic role has overshadowed any substantive effect. This underscores a broader theme in peacekeeping literature: without enforcement authority, international missions can document violations but cannot compel compliance, effectively rendering them observers rather than active enforcers (1).

ENFORCEMENT POWER AND ITS ABSENCE

A recurring theme in the literature is the absence of enforcement authority within UNMOGIP. Enforcement in this context refers to the ability to ensure compliance with ceasefire agreements, apply diplomatic or punitive measures, and impose accountability for violations (1, 3). Unlike other UN missions with multidimensional mandates, UNMOGIP has no capacity to intervene militarily, impose sanctions, or hold parties accountable for transgressions (6). Aslam, Rahman, and Shahbaz (1) emphasize that without such power, peacekeeping operations remain largely ceremonial, documenting violations without translating reports into actionable outcomes. This limitation is structural rather than incidental: the mission's operational design relies entirely on cooperation from both India and Pakistan, meaning it cannot act independently even when violations are clear.

The literature also emphasizes that this lack of enforcement is not simply a bureaucratic constraint but

a reflection of sovereignty and state interests (3, 6). The post-war international system grants states significant latitude to reject external oversight, particularly in politically sensitive territories. In Kashmir, India's refusal to provide UNMOGIP with full access to monitor the Line of Control (LoC) reflects the broader tension between international legal norms and the sovereignty claims of postcolonial states (3, 7). Pakistan, by contrast, continues to advocate for UN monitoring, reflecting its strategy of internationalizing the dispute to counterbalance India's domestic framing of Kashmir (3, 6).

BILATERALISM, SOVEREIGNTY, AND HOST-STATE CONSENT

India's insistence on bilateral conflict resolution since the 1972 Simla Agreement has further constrained UNMOGIP's role. Jacob (3) notes that India formally withdrew recognition of UNMOGIP's authority after Simla, emphasizing that the Kashmir issue should be resolved bilaterally rather than through third-party intervention. Schaefer (11) highlights how this bilateralism erodes UNMOGIP's legitimacy and diminishes its operational relevance. The persistence of the mission, despite limited influence, demonstrates a paradox: UNMOGIP continues to exist, largely due to institutional inertia and symbolic value rather than tangible peacekeeping outcomes (1, 12).

Aslam *et al.* (1) explain that UN peacekeeping fundamentally relies on host-state consent, meaning that the mission's success is contingent upon the political will of the countries in which it operates. In the Kashmir case, India's partial refusal to allow UNMOGIP full operational access illustrates the "primacy of the political," whereby the sovereignty of a host state overrides the mission's technical mandate. Scholars including Frieden, Lake, and Schultz (10) reinforce that in anarchic international systems, state security imperatives often supersede commitments to law or multilateral oversight, particularly in high-stakes territorial disputes.

SOVEREIGNTY THEORIES AND POST-COLONIAL SENSITIVITIES

India frames Kashmir as an internal matter, asserting its exclusive authority and legally rejecting external intervention (3, 6). This aligns with the broader literature on postcolonial sovereignty, which

emphasizes that newly independent states perceive external scrutiny as a challenge to legitimacy and a potential infringement on state authority (6). Pakistan, conversely, has selectively leveraged international institutions to strengthen its claims against India, demonstrating a strategic use of sovereignty to bolster territorial arguments (3, 6). This selective invocation of sovereignty reflects the asymmetry in how states approach international law: India resists external oversight to maintain domestic authority, while Pakistan seeks internationalization to amplify its bargaining position (3, 6).

HUMAN RIGHTS, EXCEPTIONAL LAWS, AND THE LAWS OF WAR

The civilian population in Kashmir bears the brunt of militarization and exceptional legal regimes. India's Armed Forces (Special Powers) Act (AFSPA) and the Public Safety Act (PSA) grant broad powers of arrest, detention, and immunity to security personnel, creating a legal environment where ordinary constitutional and international protections are suspended (7). Mathur (5) provides ethnographic evidence documenting enforced disappearances, custodial violence, and arbitrary detention under these laws. Human Rights Watch (4) corroborates these accounts, noting the systematic suppression of political dissent, restrictions on press freedom, and curfews that inhibit freedom of movement.

Noorani (7) critiques these exceptional laws as instruments of state control rather than temporary security measures, allowing authorities to act with impunity while undermining both domestic and international legal norms. The lack of enforcement by UNMOGIP further exacerbates this vulnerability, as civilians have few avenues for external recourse. This dynamic illustrates the intersection of militarization, exceptional laws, and contested sovereignty, which severely limits the operational capacity of international law to protect civilian populations (1, 5, 6, 7).

NUCLEARIZATION AND STRATEGIC CONSTRAINTS

The nuclearization of India and Pakistan further complicates conflict management. Khan (8) and Narang (9) argue that the acquisition of nuclear weapons transforms strategic calculations, deterring large-scale conventional warfare while encouraging asymmetric

and proxy engagements. Frieden, Lake, and Schultz (10) contend that nuclear capabilities shift priorities toward national survival and strategic advantage, often at the expense of adherence to international law or norms. The Kashmir conflict exemplifies this dynamic: despite decades of UN monitoring and diplomatic efforts, persistent militarization, and occasional cross-border escalations continue, reflecting the limited efficacy of peacekeeping in high-stakes nuclear contexts (1, 6, 8, 9).

SYMBOLIC PEACEKEEPING AND INTERNATIONAL INSTITUTIONS

Despite operational limitations, UNMOGIP's continued presence carries symbolic significance. Aslam *et al.* (1) suggest that documentation and visibility help maintain international attention on violations, even if the mission cannot enforce compliance. Schaefer (11) notes that symbolic peacekeeping can serve as a restraint mechanism, potentially reducing the likelihood of nuclear escalation or full-scale war. However, while symbolic presence may have a deterrent effect, it cannot replace the protective functions envisaged under international humanitarian law. The gap between normative frameworks and operational capacity is particularly pronounced in Kashmir, where sovereignty and political considerations consistently override enforcement mechanisms (1, 6, 11).

DISCUSSION

The India-Pakistan conflict over Kashmir serves as a critical case study for exploring the fundamental shortcomings of the post-war international system (1–7). The limitations of peacekeeping structures and the non-enforcement of war laws in the region are not fortuitous but are the predictable outcomes of a collision between the unyielding logic of state sovereignty and the inadequacies of a 20th-century legal framework in a 21st-century conflict (1, 6). This analysis interprets these dynamics to argue that in conflicts where core sovereignty claims dominate, international institutions and legal norms collapse into symbolism, revealing the core of the global security architecture (1, 6).

Limits of Peacekeeping, Unmogip's Structural Constraints

The United Nations Military Observer Group in India and Pakistan (UNMOGIP), set up in the Kashmir region, illustrates both the potential and futility of

international peacekeeping in protracted conflicts (1). Its mandate, established in 1949, is confined to observing and reporting ceasefire violations, without enforcement powers (1). This sharply limits the mission's ability to shape state behavior (1). Unlike later peacekeeping operations that incorporated enforcement provisions or multidimensional state-building components, UNMOGIP was designed solely as a passive observer (1, 2). Aslam, Rahman, and Shahbaz (2021) describe this as "symbolic peacekeeping," since the mission cannot compel compliance or independently verify violations (1). Instead, it depends entirely on the cooperation of India and Pakistan to provide information and grant access (2). This reliance is not a minor administrative inconvenience but a structural flaw. When one party withholds cooperation, the mission's credibility diminishes, and its effectiveness is reduced (2).

India, in particular, has contested UNMOGIP's relevance since the 1972 Simla Agreement, refusing to brief observers on ceasefire violations and restricting their movements along sensitive areas of the Line of Control (3). This is not simply a bureaucratic limitation but a direct political strategy (3). By cutting UNMOGIP out, India reduces international visibility over its actions in Kashmir and reinforces its sovereignty claim that the issue is strictly bilateral (3). The practical effect is that UNMOGIP cannot cross-check ceasefire claims from both sides, leaving its reports incomplete and, in India's view, irrelevant (3). As a result, the mission now functions more as a residual presence of early UN involvement than as an effective peacekeeping mechanism (1, 6). Its activities continue, but without access to both parties or the ability to verify violations independently, its operational impact is minimal (1, 6). This development underscores a deeper structural limitation. Peacekeeping operations that rely on host-state cooperation are always vulnerable to political rejection, but in Kashmir this vulnerability is amplified by the sovereignty dispute itself (1, 3). India's refusal to engage has significantly reduced UNMOGIP's ability to operate, demonstrating the extent to which peacekeeping mechanisms can be constrained when a powerful state withdraws consent (3). The mission's marginalization illustrates how sovereignty claims in Kashmir have limited the scope of UN involvement and highlight a broader structural constraint on peacekeeping effectiveness in contested territories (1, 6).

While UNMOGIP's operational limitations are evident, some scholars argue that its continued presence

still conveys symbolic and stabilizing value (2, 3). Even without enforcement powers, the mission's visibility and documentation of ceasefire violations may help deter escalation by keeping a degree of international attention on the conflict (2, 3). Similarly, bilateral frameworks such as the 1972 Simla Agreement have been credited with preventing nuclear confrontation, even if they have not achieved a lasting resolution (3, 6). From this perspective, peacekeeping and diplomatic mechanisms may function less as instruments of enforcement and more as tools of restraint, mitigating the risk of full-scale war (2, 3). However, while these arguments highlight the symbolic importance of international and bilateral engagement, they do not negate the core finding of this research: without binding enforcement authority, such mechanisms remain reactive rather than preventive, leaving fundamental humanitarian protections unfulfilled (1, 2, 6).

Sovereignty Versus International Norms

India has consistently invoked sovereignty to frame Kashmir as an internal matter, rejecting external involvement (3, 7). This position exemplifies what Krasner (1999) termed “Westphalian sovereignty,” in which non-interference remains a cardinal principle (8). Pakistan, by contrast, has often sought international mediation, using institutions like the UN to reinforce its claims (3, 7). At first glance, this appears to contradict Ayoob's (1995) argument that postcolonial states are particularly sensitive to sovereignty because of their fragile legitimacy (7). However, Pakistan's willingness to invite external involvement is not necessarily a rejection of sovereignty concerns; rather, it reflects a strategic calculation that internationalization of the dispute strengthens its position vis-à-vis India (3, 7). In this sense, both states are using sovereignty selectively: India to resist oversight and Pakistan to advance its territorial claim through international channels (3, 7).

Without enforcement of international norms, including the Responsibility to Protect (R2P) or the laws of war, civilian protection depends almost entirely on domestic political will (3, 5, 7). India's refusal to allow external monitoring has made civilian protection contingent on its domestic policies, while Pakistan's openness to mediation has not translated into greater enforcement (3, 5, 7). The case demonstrates how sovereignty claims, whether used to block intervention or to instrumentalize it, limit the practical influence of humanitarian norms (3, 5, 7). These limits are felt most directly in the sphere of human rights,

where exceptional laws and militarization expose the consequences of weak international enforcement for civilian protection (5, 7).

While India's exceptional legal regime has received significant international scrutiny, Pakistan's role in perpetuating instability across the Line of Control also reveals the enforcement limits of international humanitarian law (5, 7). Since the late 1980s, Pakistan's military and intelligence apparatus have been linked to the training, arming, and logistical support of militant groups such as Lashkar-e-Taiba and Jaish-e-Mohammed, designated terrorist organizations under UN Security Council resolutions (5). These groups have been implicated in high-profile attacks, including the 2008 Mumbai attacks and the 2016 Uri base assault, which directly undermined ceasefire agreements and triggered Indian retaliation (5, 7). In 2025, following a series of deadly militant attacks that targeted civilian families in Indian-administered Kashmir, India launched Operation Sindoor, a series of strikes on sites in Pakistan and Pakistan-administered Kashmir that it alleged were linked to the planning of those assaults (12). These incidents underscore how the persistence of cross-border militancy continues to destabilize the region and complicate the enforcement of international humanitarian law (12). By tolerating or indirectly sponsoring such actors, Pakistan has blurred the line between state and non-state violence, further complicating the application of the laws of war and limiting accountability mechanisms (5, 7, 12).

Furthermore, Pakistan-administered Kashmir (PaK) presents its own set of human rights concerns (5, 7). Reports by Amnesty International (2019) and Human Rights Watch (2020) document restrictions on political dissent, arbitrary detention, and intimidation of activists who criticize the military's dominance in local governance (5, 7). Civil society organizations have limited operational freedom, and judicial processes often lack transparency in cases involving security forces (5, 7). Allegations of enforced disappearances and suppression of peaceful protests indicate that the region remains under heavy military oversight, with few avenues for redress (5, 7). The absence of independent monitoring or international access mirrors the same structural problem observed on the Indian side, sovereignty claims insulating state authorities from external scrutiny (3, 5, 7). Together, these dynamics demonstrate that both India and Pakistan employ security and sovereignty narratives to avoid accountability for human rights violations, leaving

civilians in both territories exposed to ongoing abuse and legal vulnerability (3, 5, 7).

Human Rights, Exceptional Laws and the Laws of War

The conflict's most direct impact is borne by civilians, who are caught between militarization and exceptional laws. AFSPA and PSA grant sweeping powers of arrest, detention, and immunity to security forces, creating a legal environment in which ordinary constitutional and international protections are suspended (5, 7). These laws do not merely exist on paper; they structure the daily exercise of military authority, shaping the lived realities of civilian life (5, 7).

Mathur's ethnographic study vividly illustrates this dynamic through the experiences of Kashmiri families (5). Her research documents how AFSPA and the PSA facilitate enforced disappearances, custodial violence, and long-term detentions without trial (9). Families of the disappeared describe cycles of uncertainty and helplessness, unable to seek justice because the same laws that authorize arrests also shield perpetrators from accountability (9). This pattern demonstrates that exceptional legislation functions as a tool of militarization: instead of ensuring security, it normalizes impunity, undermines trust in legal institutions, and renders civilian life highly precarious (5, 7, 9).

From the perspective of international humanitarian law (IHL), many of these practices contravene the Geneva Conventions and customary prohibitions against targeting civilians (5, 7). UN human rights reports in 2018 and 2019 documented excessive use of force, arbitrary detentions, and restrictions on freedom of expression under the PSA (5, 7). Specifically, India's AFSPA and PSA violate protections under the Fourth Geneva Convention, including Article 3, which prohibits violence to life and person, and Articles 27 and 32, which protect civilians from coercion, humiliation, torture, and other abuses. Arbitrary detention, enforced disappearances, and excessive use of force against civilians directly contravene these provisions, highlighting the gap between domestic security legislation and international legal obligations. Similarly, reports of political suppression and arbitrary detention in Pakistan-administered Kashmir reflect violations of these same protections, demonstrating that civilian rights under IHL remain broadly unenforced across both territories. India's rejection of these reports, and Pakistan's suppression of dissent in its administered

territories, reveal that when state legitimacy is perceived to be at stake, norms and laws designed to protect civilians remain largely unenforced (5, 7).

UNMOGIP, lacking authority to investigate human rights abuses, is similarly constrained, highlighting how sovereignty can render peacekeeping structures operationally ineffective (1, 3, 7). The Kashmir case thus underscores a broader structural gap: the intersection of militarization, exceptional laws, and contested sovereignty significantly limits the capacity of international law and peacekeeping mechanisms to protect civilians (5, 7). In this context, civilian safety and accountability are contingent almost entirely on the political will of the state, revealing the narrow operational space in which UN missions like UNMOGIP can function (1, 3, 5, 7).

Limitations

The main limitation of this methodology is its reliance on secondary sources, given the absence of fieldwork or interviews with affected populations. This means the analysis cannot claim to provide new empirical data. Additionally, much of the evidence is drawn from reports by human rights organizations, which, while credible, may reflect particular institutional or advocacy perspectives. The ongoing and politically sensitive nature of the India–Pakistan conflict further restricts access to transparent data and verifiable information, limiting the ability to cross-check official claims from both sides. Furthermore, given the constantly evolving nature of ceasefire violations and peacekeeping efforts, some findings may shift as new developments emerge. Despite these constraints, the study provides a meaningful synthesis of existing scholarships and documentation that offers insight into the structural and legal limits of peacekeeping in South Asia.

CONCLUSION

The conflict in Kashmir has served as a testing ground for the post-war international order, particularly its commitments to collective security and humanitarian law. This paper has examined three interrelated factors that constrain the effectiveness of international intervention: the structural weakness of UNMOGIP's mandate, the selective invocation of sovereignty by India and Pakistan, and the persistence of exceptional laws that place civilians in a state of legal and political vulnerability. Together, these dynamics demonstrate that in sovereignty-based conflicts, peacekeeping

mechanisms are limited not only by their institutional design but also by the deliberate refusal of states to permit external oversight (1–7).

The persistence of exceptional laws and their human rights implications underscore the limits of international legal norms when state legitimacy is perceived to be at stake. In Kashmir, the AFSPA and PSA have created a framework in which constitutional guarantees and international humanitarian law are routinely suspended, while India's rejection of UN human rights reporting prevents external scrutiny (4, 5, 7). At the same time, Pakistan's restrictions on dissent within its administered territories reflect a parallel tendency to prioritize sovereignty over accountability (4, 5). This dynamic highlights a common thread: when states perceive external oversight as a challenge to their authority, international norms remain unenforced, leaving civilians in a condition of prolonged vulnerability (5, 7).

The Kashmir case also demonstrates how exceptional laws interact with militarization to compound civilian insecurity. AFSPA and PSA grant wide-ranging powers of detention and immunity to security forces, resulting in enforced disappearances, arbitrary detention, and curfews that restrict freedom of movement (5, 7). Families of disappeared individuals often face cycles of uncertainty and helplessness, as legal structures simultaneously authorize state actions and shield perpetrators from accountability (5). This reinforces the notion that civilian rights, such as the right to life, liberty, and access to justice, are contingent upon the political will of the state rather than guaranteed by international law (5, 7).

Furthermore, the conflict illustrates the structural limits of UN peacekeeping missions in contested territories. UNMOGIP, while present in Kashmir for decades, lacks enforcement authority and relies entirely on host-state cooperation (1, 6). India's refusal to allow full operational access and Pakistan's selective engagement have reduced UNMOGIP to a largely symbolic observer, demonstrating that peacekeeping without binding powers cannot prevent violations or ensure accountability (1, 6). The persistence of cross-border militancy, including incidents such as the 2025 Operation Sindoor strikes, further complicates the enforcement of international humanitarian law, showing how both state and non-state actors can undermine protective norms when oversight is weak (2, 5).

Finally, this analysis underscores the broader theoretical and practical lessons of the Kashmir conflict.

It highlights the tension between state sovereignty and international norms, the challenges of operationalizing peacekeeping in politically sensitive environments, and the human cost when legal frameworks fail to protect civilians (3–7). Its scope has been limited to three factors—peacekeeping mandates, sovereignty claims, and exceptional laws—but further research could expand this framework to examine other sovereignty-based conflicts, enabling a deeper understanding of how international law and peacekeeping mechanisms can remain relevant in the 21st century (1–7).

In conclusion, the Kashmir conflict illustrates the structural constraints of peacekeeping and humanitarian law enforcement in protracted disputes. Exceptional domestic laws, selective sovereignty invocation, and weak enforcement mechanisms together leave civilians vulnerable, despite decades of international presence and monitoring. Addressing these structural challenges requires rethinking peacekeeping not merely as diplomatic engagement but as an accountable mechanism that can uphold the protections envisioned under international humanitarian law (1–7).

CONFLICT OF INTEREST

The author declares that there are no conflicts of interest regarding the publication of this article.

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