

**T.C.
NECMETTIN ERBAKAN UNIVERSITY
THE INSTITUTE OF SOCIAL SCIENCES
THE DEPARTMENT OF INTERNATIONAL RELATIONS
SOUTH ASIAN STUDIES AND INTERNATIONAL RELATIONS**

**THE KEY ROLE OF KASHMIR IN THE BORDER
CONFLICT BETWEEN PAKISTAN AND INDIA**

Ahmet AKKAYA

MA THESIS

**Advisor
Dr. Lecturer Gökhan BOZBAS**

KONYA-2018

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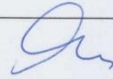
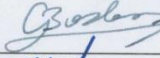
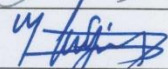
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I hereby declare that all information in MA Thesis has been obtained and presented in accordance with the academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all materials and results that are not original to this work.

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Dağlık bir coğrafyada bulunmasına rağmen, verimli topraklara ve doğal güzelliklere sahip olması nedeniyle “Cennet Vadisi” olarak adlandırılan Keşmir, Hindistan, Pakistan, Afganistan ve Çin sınırlarının kesiştiği bir noktada yer almaktadır. Söz konusu bölge, Hindistan ve Pakistan devletlerinin 1947’de bağımsızlıklarını kazanmalarını müteakiben iki aktör arasında yaşanan çekişmenin en önemli nedeni olmuştur. Özellikle, Çin ve ABD gibi büyük aktörlerin kendi çıkarları doğrultusunda, tarafların yanında yer almaları, çekişmeli Keşmir bölgesinin bölge ülkeleri açısından ulusal bir hedef olmasının yanısıra, meselenin uluslararası bir sorun haline dönüşmesine sebebiyet vermiştir. Sorunun uluslararası bir boyuta taşınmasında Hindistan ve Pakistanın bölgede kurmaya çalıştıkları hâkimiyet konusunda yaşadıkları keskin anlaşmazlık büyük bir rol oynamıştır. Pakistan bölgedeki iddasına Keşmir halkının Müslüman olmasını dayanak gösterirken, Hindistan iltihak belgesine ve bölge ile olan tarihi bağlarına dayanak göstermektedir. Keşmir’de hâkimiyet sağlamak amacıyla 1947, 1965 ve 1999 yıllarında iki ülke arasında çıkan savaşlar kesin bir sonuç vermemiş olup, meseleyi daha vahim bir hale getirmiştir.

Geçmişten günümüze süre gelen karşılıklı güvensizlik, soruna dış politika kapsamında hayati çıkar gözüyle bakılması taraflar arasında karşılıklı imtiyazların verilmesini zorlaştırırken, sorunun çözümüne yönelik BM üyeleri arasında mevcut olan görüş farklılıkları meselenin çözümüne dair yapılan arabuluculuk rolünü başarısız kılmaktadır. Karşılıklı suçlamalarla devam eden sorun, Hindistan’ın Pakistan üzerinde üstünlüğünü kabul ettirme ve prestij malzemesi olarak dış politika öncelikleri arasında kullanma argümanı olarak üst sıralarda yer almaktadır. Aynı paralelde, Keşmir’i bağımsızlığının ayrılmaz bir parçası olarak gören Hindistan, Pakistan’ı terör faaliyetlerini desteklemekle itham etmektedir. Buna karşın, Pakistan söz konusu suçlamalara şiddetle karşı çıkmakta olup, özel bir statüye sahip olan Keşmir’de self determinasyon hakkının uygulanması gerektiğini savunmaktadır.

Anahtar Kelimeler: Arabuluculuk, Çözüm, Hakimiyet, Hindistan, Keşmir, Pakistan



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ABSTRACT

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Kashmir, which is called 'Paradise Valley' because of its fertile lands and natural beauty despite being located in a mountainous region, is located at a junction of India, Pakistan, Afghanistan and China borders. The region has been the most volatile cause of the controversy between the two actors ever since the Indian and Pakistani states gained their independence in 1947. In particular, major actors such as China and the United States have taken sides of the contesting parties in the interests of their own gains, thus causing the contentious Kashmir region to become a national goal in terms of the countries of the region, as well as an international problem. In bringing the issue to an international dimension, the sharp disagreement that India and Pakistan have over the dominance they try to establish in the region, has played a significant role. Whereas Pakistan lays claim to the region on the basis that the Kashmir people are heavily Muslim, Indian claim over Kashmir is based on the Instrument of Accession and historical ties of India with the region. In order to secure dominance in Kashmir, the wars between the two countries in 1947, 1965 and 1999 did not result in a conclusive outcome and thus have exacerbated the conflict much worse.

While the mutual insecurity lingering to the present day, and appraisal of the issue as a vital interest within the context of foreign policy render it difficult to give mutual concessions between the parties, the differences of opinion among the members of the UN towards resolving the problem make the mediation role of resolution unsuccessful. The ongoing problem with reciprocal accusations ranks at the top as an India's argument for imposing superiority over Pakistan and manipulation of the case to gain prestige in the Indian foreign policy priorities. In a parallel manner, holding Kashmir as an integral part of its independence, India accuses Pakistan of supporting terrorist activities. In contrast, Pakistan absolutely denies such accusations and argues that the right of self-determination should be implemented in Kashmir, which has a special status.

Key Words: Dominance, India, Kashmir, Mediation, Pakistan, Resolution

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LIST OF ABBREVIATIONS

AD	: anno Domini
AJK	: Azad Jammu and Kashmir
BC	: before Christ
EU	: European Union
ICJ	: The International Court of Justice
IMF	: International Monetary Fund
J&K	: Jammu and Kashmir
LOC	: Line of Control
NATO	: The North Atlantic Treaty of Organization
OBOR	: One Belt and One Road
SEATO	: Southeast Asia Treaty Organization
UN	: The United Nations
UNCIP	: United Nations Commission for India and Pakistan
UNCLOS	: United Nations Convention on the Law of the Sea
US	: The United States
WB	: The World Bank

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CHAPTER I

INTRODUCTION

The chapter encompasses the description of the subject, the purpose sought after and the research questions together with the perimeters of the study confined here and the objectives meant to be analyzed throughout the layout of research topic.

1.1. The Prologue to Kashmir

Today, the word '*Kashmir*' has branded the word of synonymy with fatality, mentioned by devastation and doctrinal slaughtering in South Asia. Whereas the essence of the matter on the territory apparently lies in an areal dispute amid India and Pakistan, it has just shifted into a multi-dimensional problem with a great many aspects over time.

In a jammed spot of South Asia, Kashmir is namely stuck among the countries of especially India, Pakistan, Afghanistan and China. The location spans on 85,000 square miles, taking up an area of larger than 87 independent nations across the world and thus being home to almost thirteen million people.¹ Along with a majority of Muslim community, the state boards the minorities of Hindu, Buddhist and Sikh populations as well. Inherently, Kashmir, surrounded by the chains of the Himalayas and irrigated by the Satluj and Indus, is often depicted as a paradise on Earth. Yet, owing to the terrorism and an infamous border conflict peculiarly between India and Pakistan, this paradise has unfortunately been named after the hell on Earth. With a widely pastoral population and less than 100 U.S per capita, the majority of the populace is obliged to live within extreme squalor and misery.²

Such facets of the issue are merely some of the driving factors which have precipitated Kashmir to be one of the most contentious and hotly debated topics existing in the region as yet. Hence, such delineation of the current situation in

¹Kashmir Study Group, *Jammu and Kashmir: General Reference Map*, http://kashmirstudygroup.com/awayforward/mapsexplan/jammu_kashmir.html, (accessed 10.02.2017)

²Reserve Bank of India, *Yearly Bulletin*, https://www.rbi.org.in/scripts/BS_ViewBulletin.aspx, (accessed 11.02.2017)

Kashmir is crucial to catch up within the retrospection of the region. In 1846, following the purchase of Kashmir by Maharaja Ghulab Singh after the offer made by the British, the famous treaty of Amritsar empowered the Maharaja Ghulab Singh as an autonomously princely ruler. Upon Maharaja's demise, the throne of his kingdom was ascended by his successors. The kingdom was administered ultimately by Maharaja Hari Singh till 1949. The Maharajas of the princely state of the time were notoriously known to be tyrannical and dictatorial and from time to time there were some uprisings, one of which was even the outbreak of the revolt and an extensive sedition in the majority of population, in particular Muslims during 1930s. As the South Asian part of the British Empire was partitioned between the countries of India and Pakistan in 1947, Maharaja Hari Singh was authorized to weigh the adjacent dominion, religious and ethnic issues to decide on which territory to accede to. Consequently, to get Hari Singh to concede to their side of the dispute, India and Pakistan did not hesitate to wield profound leverage on the outcome. Anyway, Maharaja Hari Singh remained impartial and did not agree to either dominion. Yet, Pakistan tried to annex Kashmir and deployed a bulky army composed of men from the local tribes and regulars from Pakistan army to bring down Hari Singh to add Kashmir into the land of Pakistan. In the aftermath of the incidences, an accession offer of Kashmir to the Indian side was made by the Maharaja in return for guardianship to be granted by the Indian forces, upon which India readily welcomed to deploy its troops to Kashmir, thus igniting the initial war between the two countries.

Pakistan's encroachment with the subsequent war in 1948 gave rise to the creation of a very unstable and sharp contention in the region. The forces of India repelled the Pakistani incursion, and even further, could have invaded Mirpur and Muzaffarabad presently located in the demarcating borders of Pakistan.³ But instead, the Prime Minister of India, Nehru withdrew his forces and resorted to the UN for the issue to get resolved. The UN Security Council sealed a resolution stipulating that Pakistan retreat all her citizens and tribes from the area and a call for a plebiscite be made to determine the future of the state.⁴ Nonetheless, on account of the fact that

³Victoria Schofield, *Kashmir in Conflict*, St Martin's Press, NY 2003, pp. 27-37

⁴Peter Lyon, *Conflict between India and Pakistan*, ABC-CLIO, Inc., Santa Barbara, CA, 2008, pp. 79-83

international community lacked any sufficient interest in the strife, neither of the objectives of the resolution ended up with a breakthrough. Therefore, Kashmir was split into two separate Kashmirs; the one described as the Azad Kashmir held under the control of Pakistan (also dubbed Pakistani occupied Kashmir in India) and Jammu & Kashmir (the one known as a part of the Indian Union, but also repudiated by Pakistan as Indian invaded Kashmir in Pakistan). Correspondingly, the line known as the de facto border for the demarcation of two states came on stage with the reputable name of LoC (Line of Control). Currently, such partition of two rivals with the divisive line still holds alive though it is postulated by the sides to unofficially bisect the contenders over Kashmir. Despite this de facto demarcation line, both of the countries argue conflicting claims over the integrity of Kashmir valley. Naturally, the case has inevitably brought about a volatile dispute between the neighboring nuclear powers of the region, India and Pakistan, and accordingly has played the primary role in the cause of clashes and skirmishes over the factious border line ever since 1948.

It is undeniable neither of the countries waives their claims on Kashmir especially for the critical significance of the terrain in terms of strategic location. On the grounds that the indispensable necessity of Pakistan for water is heavily met by the area, the water source of irrigation on the plains of Punjab region is provided through the river of Indus and its branches meandering from Kashmir and containing the major fresh water source to supply Pakistan. As such, any supremacy attempt to be made on the supervision and absolute control of water resources from these rivers through such dams and canals to be set on the way has always played a role of a lynchpin over the issue for decades in the region.

Further, the Silk Route, the fundamental land connection between Pakistan and China, slithers through Kashmir. This lays great significance over the terrain as China has had border disputes with India too, which accordingly makes itself a partner and an ally of Pakistan. The Silk route enables China to preserve a belligerent attitude towards India as the chief regional opponent. An example of the case denoting the critical weight of the Silk Route was experienced when, in 1965, opening the road

again, Pakistan turned over overall supremacy of Gilgit on the way to China.⁵ Even today, the vulnerable location bears much more gravity of significance as Gilgit holds the gateway through which China may encroach on Indian territory deeper with ease and such strategic stance highly counterbalances the natural security of India the mountainous range of Himalayas renders her over the Northern front. Strangely enough, this move was made only once when border tensions came to surface between India and China in early 1960s. To reinforce her relations and trade with China, the Silk Route gives a great opportunity for the party of Pakistan. Along with the Silk Route, some other spots in Kashmir region have major geopolitical values as well. In the Karakoram Pass, the glacier of Siachen emerges as one of those areas, forming an extremely valuable natural barrier in favour of India to prevent the forces of China and Pakistan from uniting up in Kashmir. It is of such a bearing that the security maintained by Indian forces alongside the northern frontier would be breached to a great extent, were Pakistan and China permitted to merge their forces at Siachen. So, such a merge of powers would form a very powerful military force, thus rendering India's two biggest rivals advantageous and making them potentially able to fulfill joint and deterrent operations against India.

Besides, the regionally strategic importance of Kashmir goes far beyond the local borders of South Asia and so it is presumed to well affect the others on the global stage respectively. Strikingly, the presumed attachment of Kashmir to Pakistan or the establishment of an independent state there would surely bring up an unceasing line of possibly Islamic fundamentalist region spanning all the way from Morocco to Malaysia. Under the presumed situation, quite a detrimental impact on the strategies globally taken might be posed in the war waged against the terrorism given that Kashmir, which is already notorious for sheltering and harboring terrorist might fall into the hands of radicals and so emerge to be a radical state. To the recent unsorted documents, the West are in the pursuit of some martial gains in Kashmir.⁶ Some analysts assume that, since an independent Kashmir, impartial between India and

⁵Chari et al, *Perception, Politics and Security in South Asia*, Routledge, NY, 2003, pp. 39-41

⁶Husnain Iqbal, *India's Obsession with Kashmir*, <https://intpolicydigest.org/2016/12/31/india-s-obsession-with-kashmir/>, (accessed 13.02.2017)

Pakistan, would have to be partly partial with the West thanks to her geographically stranded location, it could provide the West with a trump to maintain military existence, thus facilitating it to extend its influence farther than the Middle East to Central Asia and even to the western front of China. Yet, another claim disowns such an assertion while contending that establishing a military base in the valley would be far too costly and unattainable on account of the unsuitable terrain. Kashmir has been exploited in the foreign policies of the western countries with both India and Pakistan. In the 1980s, Pakistan was a very dear cold war ally of the West during the combat waged against the Soviets in Afghanistan and proved herself very functional for this major interest whereas India was mostly non-aligned with the West, but with a prejudice siding with inclination for the favor of the Soviet Union though. In return, the West prized Pakistan for its support by changing its stand on the Kashmir issue while assisting her upon a span of disengagement from the conflict, which grew more lenient with Pakistan's indirect backing to the violence at the cross border. Owing the escalated tension between Pakistan and the West towards 1990s and the dissolution of Soviet Union, Pakistan endured the impositions of more critical approaches and sanctions on her cross borders infested with terrorism. As a result, to prevent Pakistan from backing terrorist in any form, the applications of financial and diplomatic sanctions were not avoided. However, as of late, the West has eased the application of such pressure on Pakistan to take precautions against terrorist organizations in Kashmir. Likewise, in the foreign policies of the western World, Kashmir has also been manipulated, as a leverage against Indian government to sway the deeds of the country as a result of which Kashmir has turned out to be ultimately strategic for not only Pakistan, India but world politics as well.

Together with being strategically and politically significant, Kashmir is indispensable to both of the rival states for cultural and social reasons too. In retrospect, both countries have brought about a universal enmity between themselves and fierce competition observed in almost all walks of life. Hence, Kashmir has proved to mean very high stakes for both sides considering national pride. Conversely, the struggle of power over Kashmir has shown itself kind of strategic strife between two rivals as well.

In this context, the theory of offensive realism proposed by Mearsheimer can be applied to suit the case as both Pakistan and India are heavily engaged in rivalry based on security dilemma in which each does her best to manipulate the power so as to take advantage of any opportunity to the detriment of the other opponent so that they can boost their interest and gains utmost.⁷ To be precise, despite the solid and clandestine interests of the two belligerent countries contrary to those of their overt claims on the disputed territory in the region, emphasizing and bringing the underlying facets of this issue from the perspective of both rivals into the light so as to comprehend the whole picture largely through eyes of the politics of South Asia is to abet in understanding the situation further.

In conclusion, in the following such sections as in Introduction; under the chapters of Purpose of the Study with the Arguments, Frame of Thesis and Method with the Sources, the thesis topic will be delianeted for this aim in mind.

1.1.1. The Subject of the Thesis and Arguments

In essence, what is notoriously acknowledged to be the border conflict over Kashmir is intrinsically a territorial dispute between India and Pakistan. Known as one of the most dangerous border conflicts in the world, the Kashmir border has always been a crucial element of a source for the perpetual conflict between India and Pakistan ever since 1947 following especially the partition of India into Pakistan, which is essentially concealed under the guise of a religious or an ethnic war though.

Within this context, the answer to the question; *'What is the role of Kashmir in the ongoing border conflict between Pakistan and India?'* is to be examined throughout the paper. Together with the major research question, the thesis will also evaluate the conflict between India and Pakistan over Kashmir under the following issues at large and is expected to render an analysis of the impact on the regional peace through the dispute over Kashmir.

⁷John J. Mearsheimer, *The Tragedy of Great Power Politic*, WW Norton & Company, New York and London, 2001, pp. 16-29

So as to realize research objectives, the status of Kashmir within the context of Indo-Pakistan-related developments are to be scrutinized by the following devised research questions below to be sought after throughout a descriptive and analytical methodology through the research paper.

- 1) *What is the texture of the incessant border conflict over Kashmir?*
- 2) *Why have India and Pakistan been insisting on clashing claims over the border conflict at issue?*
- 3) *How is the perpetuation of border conflict between two rival countries considered through the lens of politics in South Asia?*

With a view to addressing and shedding light on the research of the study in scope, the thesis with the aforementioned research questions will examine the motifs of why India and Pakistan have been insisting on clashing claims to the border demarcating Kashmir while also making an attempt to analyse the territorial dispute of both rivals through the lens of realism, and thus delineating the impacts of border conflict primarily ensued from the perpetuation of the counter claims in the contested region.

1.1.2. Purpose of the Study

The major purpose of this paper is to denote how the key role of Kashmir is uniquely tied to the conflict between Pakistan and India. One of the most crucial issues facing the rival countries is now how to bring about the sought-after peace and stability in Kashmir. However, two of the primary neighbours in the region are highly involved in an ongoing battle. Evidently, the Kashmir conflict is a vital element of a resource for the battle between India and Pakistan though it is often disguised as an ethnic or a religious war.

Hence, the present research aims to display an analysis on the impact of the fierce conflict over Kashmir between India and Pakistan and its collateral influence on establishment of the stability back in the region. Thus, with the primary purpose, the thesis is to make an attempt to show how the role of Kashmir may introduce the new proliferating conflicts between two neighbours, Pakistan and India or boost the peace efforts and stability in South Asia.

1.1.3. Significance

In today's world, what is known as Kashmir has turned out to be interchangeable with fatality, bloody clashes and past genocides prominently based on sectarian factions in South Asia. As such, the border conflict of both countries Pakistan and India lingers as the paramount obstacle to the peace and stability in the region since the heavily engagement of both fierce rivals in a security dilemma concentrated at the disputed border poses subservient impacts on others countries in South Asia as well.

The roots of the conflict over Kashmir seem to have matters to do with territorial claims on the surface though, the evolution of the problem into a multi-faceted issue with so many related facets and actors over the years is indisputable. The discussion over this dispute fed by the history, and its effects on the involving parties and their potentially constructive steps towards restoring a long-standing peaceful resolution is of utmost significance to those seeking for the answers to the regional ramification. Thus, growing acquainted with all about this predicament accompanied with ins and outs and how the dispute on Kashmir molds the deeds of India and Pakistan while undermining the efforts of conciliation is to help comprehend the whole picture adeptly and recognise the nature of the matter prior to taking any actions.

Another perspective that should be taken into consideration to add significance to the issue on the research paper is is how Turkey has recently been doing her best to play a mild, but effective role in the politics of South Asia. As Turkey has a lot in common with the South Asian countries in terms of arhaic, historical and cultural attachments, she is of a strong determination to improve and better the relations, affinities and collaborations with them. Furhermore, Turkey is of the belief that efforts made to enhance her relations with these South Asian countries are to be significantly conducive to increase her influence on the regional peace, stability and and potential cooperation.

In additon to the aforementioned paramountcy laid above, Turkey is known to have succesfully altered towards U.S. and NATO policies in South Asian countries such as Afghanistan in an attempt to get engaged in no proxy wars of any, but to do

her best to reinforce her status as an ultimately committed ally and mediator for peace and the war against terrorism of any kind. Thus, considering the recent peaceful outstanding efforts of Turkey as an influential actor in the region, the understanding of the Kashmir border issue is expected to bring sufficient insight for those to be involved so as to get acquainted with the issue and may well provide them with a road map for future involvements within the parameters of Turkish foreign policy in the region with non-military engagements despite the other actors' presence of military role, which is of great importance to seize as it seems very instrumental in transforming policies.

1.2. Methodology

This thesis will uncover the connections of the impacts of the friction created by the dispute over Kashmir in the relations of Pakistan and India. One of these impacts is surely the continuous conflict in Kashmir. This dispute with instability, inherently related to realism, is one of the agents influencing the peace in the region. The thesis, through the evaluations of the conflict in Kashmir, plots the maneuver of actors employing the case to advance their strategic positions. While taking a closer look at the political and religious context of the Kashmir conflict, to closely examine the Kashmir in conflict and its impact, the thesis is heavily reliant on a wide variety of sources. Of these sources, the first set argues Pakistani and Indian strategic interests and how the Kashmir conflict plays a significant role in reaching them. As to the next set of sources, it provides evidence on terrorism as part of regional strategy.

As a consequence of the security competition between India and Pakistan, terrorism has turned into a very a significant threat to the stability of the region. To uncover the impact of terrorism with its demands and whereabouts is of crucial consequence to the instability brought about by the rivalry on the rule of Kashmir between two neighbours. Throughout the paper, such contributions made to sustain stability in the fields as safety and security, basic services, developments in economy, functionality of the government, institutions of civilian society, humanitarian assistance, political processes associated with mediation efforts are to be analyzed and described.

1.2.1. Data Gathering

To realize the descriptive and analytic function of the paper, it is entailed to gather the findings on the related topics by means of which the arguments of the paper will be dealt. The pile of the data is to be composed of the bits from conversations of summits and the written and/or visual records of the public, the projects, speeches, international media reports, political party agendas, reports of local media, interviews carried by researchers and renowned interviews as well as the documents from the official web sites of the Presidency, Ministries of Foreign Affairs, Energy, Religious Affairs, and other supportive data of UN resolutions, which we'll try to reach the data for the analysis of our objectives through.

1.2.2. Analysis of the Data

On the way to find the answer to the stated questions of the thesis, though there exist some other applicable theories in our paper to apply to the research, predominantly the influence exerted by the theory of realism in the context of such security, cultural, historical and religious ideas with norms will be sought to be employed. Due to the fact that the subject study is a multi-faceted and bound with domestic players and variety of groups, the application of such theories of sociology are likely to be very decisive in some cases too.

Thus, with a view to performing analysis of the data, a succinct review of the policies related to countries in the region especially Pakistan and India will also be covered in the study of the paper. To consolidate the findings, statements from such political actors as the leaders in the countries of those in particular involved in the resolving process of conflict from either side will also be taken into account while being both analyzed, and described to a detailed extent.

1.3. The Layout

Thus, the research study composed of four chapters will respectively cover the following sections in which the research study is to be thoroughly dealt with as stated below.

Upon the introduction to the thesis, in the first chapter, the description of the subject, the purpose sought after and the research questions together with the

perimeters of the study confined and the objectives meant to be analyzed throughout the layout of research topic are to be presented.

Following the initial chapter, the second chapter intends to cover the literature review along with a concise history of developments supported by the current situation to foresee the improvements in the elusive maxims of conflict for an acquaintance with the magnitude of the subject in scope. The chapter additionally covers the prerequisite of the literature about the conflict to comprehend the axioms of the border conflict, basically centered over Kashmir.

Throughout the third chapter, the findings of the research to answer the questions of the thesis are to be presented and discussed and also employed to support the presence of realism instruments in the relations of both states under the caption of results and discussions where the arguments of the thesis are commented and expounded explicitly so as to deliberate the controversial claims of Pakistan and India over Kashmir while also indicating evidence of archaic claims, course of changes in the attitudes of both countries to the current date and comparing the vantage points of either state.

Ultimately, it is the fourth chapter where the conclusion with the implications of the study together with limitations and outlook for future researches will be presented. With the conclusion and final overall remarks, the chapter under the title of conclusion and implications is as well to focus on the challenges posed internally and externally in the dispute over Kashmir along with internal dynamics of the conflict of Kashmir.

CHAPTER II

LITERATURE REVIEW ON CONFLICT

The chapter outlines elusive maxims about the conflict as a single must term to apprehend the gravity of the subject in scope. These areas cover the vast literature about the conflict itself to particularly elucidate the nature of the border conflict focused on Kashmir between two belligerent countries, which are further to be illustrated from their stands on the disputed line by the discussion about the background of the controversy rooted back in the past to present with a panoramic view towards getting the gist of the topics in discussion.

2.1. The Word of '*Conflict*'

The word of '*conflict*' is not a brand new term coined recently, but rather the contention, which has been on the stage of world ever since the maiden creation and is likely to exist for good. The maintenance of the humane existence heavily depends on the way how the miscellaneous attributions of various conflicts within clashing interests and hostilities are handled. In this context, of all the conflicts, the one between states is the most detrimental and noxious with not only individual but also social havocs on people. The controversies exploiting no violence are also very common in search for resources in scarcity and relative gains. Yet, engendering the intended change may well entail the employment of any force as well, which is inevitable in some cases.

For such a conflict to form fiercely, both cognitive and constructural elements of adverse attitude are expected to come together to further the estrangement.⁸ Therefore, a close look at the motifs, and understanding of process in resolution is essential to inquire the tenets of struggle, fierce competition, and dispute at international venues. Whether it is the genuine or possible menace, in both cases the conflict comes into being thanks to ill recognition of the constructural demeanor by the other opponent or inadequacy of mutual faith of the parties in each other challenging for gains and superiority of power to the detriment of the other.

⁸Kevin Avruch, *Culture & Conflict Resolution*, Institute of Peace Press, Washington, 2004, pp. 23-26

To evaluate the lingering conflict between parties, the core of the focus is on the construct of the situation, which is not consistent with the interest of either aspirant. In his context, a great many conflicts emerge from the cumulative practices constructurally manipulated and fuelled.⁹ To inquire about such conflicts, the root of enmity and uneasiness while being sorted out in historic periods of the antagonism along with the rise of tension with probable standstills and the path to resolution is to be elucidated. In particular, to bring the gravity of the situation down and keep the friction under control, special care should be paid to handle and monitor the conducts bearing sharp hostility and animosity. Thus, with a view to interventionist intrusions, an appreciation of such elements of any conflict as essence, motive, actors and agents should be explicated as it could turn out to be a crossroad of a variety of circumstances entangled within structural and cognitive components.

Within these terms, conflict is characterized with relentless rivalry, incessant and prevalent in essence by driving forces for divergent gains and assets. Thus, the sound grasp of employment of extreme force apace with clashes, skirmishes and disputes should be collectively evaluated in the light of intellectual and physical movements exciting the hostility among agents. The adverse influence is so extensive that it may be well observed at every phase of those involved in that sole confinement of negative aspects in either economy and supremacy of power or ethical and ethnic discrepancy fails to suffice so as to illustrate the gravity of the situation.¹⁰ In such cases, the risen alienation is likely to have rooted in relative behaviour of nations, states, governors concerning national interests and utmost gains from the issue conflicting with the perspective of either side. Accordingly, a variety of interplays among the actors are palpable in the concept of animosity where conflicting profits, gains and advantages are juxtaposed. This eventually leads to diverse patterns of conspicuous controversies. As Boulding K. E. noted, the common conception behind the term of conflict is that it is kind of contest for putting competing claims on power, existent sources in shortage and position of status.¹¹ In societies, the staple resources, power,

⁹Rudolph J. Rummel, *Understanding Conflict and War: War, Power, Peace*, Sage Publications, CA, 1979

¹⁰Christopher J. Mitchell, *The Structure of International Conflict*, Macmillan, London, 1981, pp. 2-14

¹¹Kenneth E. Boulding, *Conflict and Defense*, Harper and Row, New York, 1962, pp. 227-246

and the statuses are all expected to be delivered fairly and equally to the individuals of the communities. Therefore, should there be an unwelcome perception towards the unequal allocation of the goods and services from these staple items, it will be inevitable for the escalation of tension and resulting conflicts to occur and bring such drastic changes in societies. In the absence of mutually set precepts, the tug of war in search of the interests is to emerge unrestrained, which could lead either side to alter their views towards reaching the goal of profit. Were the set precepts and criteria knife sharp and rigid, this would unavoidably engender discontent and rage for falling short in the pursuit of relative gain where the shares of the participants profiting in cooperative interactions are not equal, which means any part takes advantage of the situation more than others and tends to boost the grudge against each other.¹²

In such circumstances, the direction of the behavior with the taken response is doomed to turn into aggressive reaction displayed to impose supremacy on the opponent's actions at all cost. As such, brutality is likely to succeed immoral efforts to monopolize predominance over claims for gains, interests, face value, and goods. To illustrate the nature of any conflict, the appreciation of the challenge for the limited resources to meet the numerous ambitions of those engaged to their advantage is a must.¹³

This is when the aspirations and engagements for interests and gains at peril clash with each other and tends to expose subversive actions to hinder the opponent from reaching the contentious matter at issue. Owing to the struggle for the relative distribution of the gains, unease and escalation of hostility emerge quite sizable. In other words, the context of a conflict is to be derived from the sheer disparity in objectives of benefit and repugnant attitude towards the opponent. Under the circumstances where conflicting matters are offered no conciliatory hand to resolve the issues, it is ultimate to disturb the balance of reciprocal gains in the correlated affairs of nations. The employment of indiscriminate and disproportionate potential and

¹²Ho-Won Jeong, *Understanding Conflict and Conflict Analysis*, Sage Publications, CA, 2008, pp. 3-15

¹³Kevin T. Leicht, Craig Jenkins, *Handbook of Politics: State and Society in Global Perspective*, Springer, Newyork, 2010, pp. 177-190

strength, exerted to force the other party to come to terms within the direction of the more able one, determines the path the conflict follows.¹⁴ The exercise of such capabilities in the caption of power is related to divert the other's actions and potential from the conflicting issue to exploit the situation to its advantage. In such a case, the hold of power in the conflict to triumph is vitally substantial to get hold of the objectives in scope.

2.2. The Characterizations of Conflict

There stand a great many associations in the traits of any conflict where tension always plays quite a critical role on the decisions to be made within the confrontations of various actors and agents.¹⁵ Thus, such an explicit definition of conflict entails detailed delineation of the roots underlying the clashing associations of issues at stake. In this screening process, any encounter with so many facets of strife is highly likely, so they may appear as frictions in the form of international, organizational or national arguments. In other word, conflict is the sharp disagreement decorated with challenges against the set rules of conduct between involving parties. The so-called attempts to challenge the authority of the other claimant may bring tangible destruction upon the other opponent. As such, in international relations, many a discrepancy mirrors itself as belligerent acts of moves toward the aimed objective in mind. Should the roots of fierce competition have the links with too much past, it is unavoidable for the struggle to turn out with fatal and ruinous outcomes.

Therefore, the political, moral and subjective components are what makes the content of the conflict along with underscoring social and policy-making elements. The driving factors for pursuing conflict arise from a wide range of gains and interests and even ethical values, cherished by a specific community. In interest of involved actors and hostile dynamics as in skirmishes and passive battles, a conflict tends to be identified and defined in literature. As for the conflicts in the extent of international

¹⁴Anthony Wanis, Suzanne Ghais, 'International Conflict Resolution From Practice to Knowledge and Back Again' In *The Handbook of Conflict Resolution: Theory and Practice*, Eds. Morton Deutsch, Peter T. Coleman, Eric C. Marcus Jossey-Bass, San Francisco, 2014, pp. 1-7

¹⁵Ralf Dahrendorf, *Class and Class Conflict in Industrial Society*, Stanford University Press, Stanford, CA, 1959, pp. 3-35

relation, it does not necessarily need to be manifested in only the scope of adverse relations and racially armed competitions as it is too extensive a field of discussion among the interstate actors.

Generally, what is meant with the term of international conflict is the fierce disagreement between states or people and organizations of different nations. Even in some rare cases, it may well refer the conflict of inter-group waging war for freedom, more economic, political and social potentials within the same nation. Therefore, it is wise to categorize the term under three umbrella subterms, which are intra, trans and international conflicts though the other sorts with distinct attributes are due to emerge in a variety of manners defying states and international organisations in the following decades.¹⁶ In the form of intra-state conflict, it is very common to stumble on upheavals, agitated with deep-seated gaps in community, economic disturbances, and obvious disparities, which is of inclination to promote to enfeeble legitimizing power of government and so, the collapse of the ruling tenets and control escorted by the result of unrestrained social order. In the absence of authorized law and legitimized order, the state falls unmanageable and vulnerable to attacks from the violent bands of outlaws instigating the separatist movement in society on the basis of their own ethnic identities leading up to inbound clashes with heavy tolls. As such, the ungovernable incidences are high in propensity to extend from the state borders into those neighbouring the country fighting within herself in the center of every illicit deed of actions. Terrorism at international venues, disruptions for economic gains, and recent actions of cyber attacks intended to cripple and debilitate security of the states and even exacerbate the conflicting situations with the support of advocate countries are inclusive of trans-state conflicts. With the boost from the mass media instruments, terrorism at international scale lays the utmost menace for the routine life of communities almost everywhere across the world. Given the increasing values of resources focused on energy, they may be rather susceptible to the intentional interruptions by wrongdoers. Owing to the innovative gadgets of the era, such cyber breaches of individual perpetrators, worldwide networks and agencies of governments

¹⁶Kenneth E. Boulding, *Conflict and Defense*, Harper and Row, New York, 1962, pp. 227-230

are quite notorious for wreaking bulky havocs on such various and vital bloodlines of the states as executive exercises, national security and trade.¹⁷

When the conflict surfaces among nations and states, it is more apt to be discussed on the disputable stretches of lands, employment of ethnic relationships, which is obviously the overflow of bordering states into the others. Among these points at issue, the one over energy sources and in peculiar natural means may well play substantial roles in the international conflicts. To illustrate, in the international forms of conflict are commonly found the premises of economy, government, territory, ideology and the religion. In these, the web of eluding unison of components based on religious attitudes, racial or cultural enmities and sharp discrepancies in ideologies come afore. Especially, the perceptions, rooted in races, is the ethnic nationalism, which people find easily adoptable enough to bind themselves with an identity of a nation with further interests and ideologies are quiet prominent. In a sense, the individuals prioritize their national gains and profits vis a vis the other rivals. With the ethnic ascriptions to the conflict, it is the most prominent core of quite a few disputes across the present world. The agents of ethnic based conflicts commonly hold the traits of solid identity premises on such tenets as in the culture, clergy, dialect, which all lay the foundations for the sentimentalism for a nation.¹⁸

The predomination over the certain patches of the land, aimed to be demarcated by the application of enforcement, may disturb not only the people of the territory but also worry the owner nation of the minorities, surviving and exposed to the pressure in the borders of the state. Between the nations and groups of people may lie gaps of discrepancies in ideas and dogmas, which are harshly advocated and fuelled in the conflicts of ideology where the followers are well set in motion for the sake of defending and setting ground for the ideas. In comparison to the conflicts based on religious beliefs, ideological disputes fall secondary in the density of plights for the international venues as the sides ultimately end up pursuing the interest of their own

¹⁷Constantin von der Groeben, *Transnational Conflicts and International Law*, BoD-Books on Demand, Köln, 2014, pp. 15-17

¹⁸Joshua S. Goldstein, John C. Pevehouse, *International Relations*, Pearson, New Jersey, 2013, pp.160-168

states instead of the very aims of the ideologies cherished.¹⁹ Of all the sorts of conflicts known to states as the most insistent is the conflict of economy where the competitive business dealings for the reciprocal profits are proceeding, thus giving the boost to pursuit the aspiration of any state for long. In the economic conflict, though it is a very occasion to witness such armed clashes and wars of any scale to acquire the interest, it might be employed to the advantage of the pursuitors.²⁰

As to the conflicts of beliefs in religions, it is the form of conflict in which the most precious values and norms of the societal organisations in the states lie and where the divergent ones from the main trend of the religious beliefs are segregated and alienated from the other with the inhumane practices. This is the very extensive case of the conflicts, which is easily apparent in so-called religious states.²¹

In some other cases, the governments striving to administer control over the disputed territory may not intend to revise the borderlines, but instead enforce the ultimate domination. Theoretically, no state should interfere in the governing practices of the others owing to the set norms of sovereignty. Yet, as for the proceedings of real world, states tend to encroach upon each other with an aim to oust the present governing body, which internationally engenders rampage in conflicts. Conversely, the other conflict over territories seeks to impose total military control over the disputed land, which means seceding the region from the present dominion state to annex it.

2.3. Territorial Conflict

The conflict rising from the dispute over the property and domination of a strip of land is described as the territorial conflict between or among the states and entities. Generally, it is referred as the controversies over the ownership and monopoly of the indispensable and invaluable reserves of supply in such resources as water, farming areas, and energy sources. In a broader scope, the states often seek various means to

¹⁹Bhikhu Parekh, *Marx's Theory of Ideology*, Routledge, NY, 2015, pp. 35-45

²⁰Charles H. Anderton, John R. Carter. *Principles of Conflict Economics: A Primer for Social Scientists*, Cambridge University Press, NY, 2009, pp. 1-9

²¹Marc Gopin, 'Religion, Violence, and Conflict Resolution', *Peace & Change*, Vol. 22, No. 1, 1997, pp. 1-31

claim their sovereignty over the controversial territory.²² Hence, the dispute over a territory is one of the primary catalysts of today's wars and even terrorist activities, exploited to sway the deeds of those in power despite the fact that it is clearly stated illegitimate by the international laws. According to the law, the annexation of any territory with the exercise of any force into another state is not approved and openly rejected. Similarly, it is sharply promulgated in the UN Charter under item 4 of article 2 that '*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.*'²³

While the conflicts instigated by territorial disagreements are likely to be induced by the driving factors from religious beliefs, cultural assets and racial differences as well, it is common to encounter the rootings of the dispute in the ambiguities of the language, decreeing the initial demarcation lines, previously agreed upon. In such cases of territorial conflicts as in Kashmir where the boundaries are not clearly demarcated, the de facto border between the sides is designated by each of the states to define a line of control in between as a controversial borderline. Consequently, the dispute over the border between states is over a confined territory on which they both put their own claims on the contentious land and show it as a part of their national demarcation lines. However, the contending states recognise the presence of each other, but either repudiates the property of the disputed territory in the opponent state's demarcation lines notwithstanding the actual governance in the disputed territory and recognition in the international arena.

In a world where the societies are interconnected and the threats are transnationally considered, the term of border tends to be used more geographically than it is applied to indicate the national demarcation lines of a state. Naturally, at the international venues, the disputes over the territories are of utmost gravity for it not only involves the crucial prerogatives of the states with their sovereignty, but also

²²Joshua S. Goldstein, John C. Pevehouse, *International Relations*, New Jersey, Pearson, 2013, pp.177-193

²³*Purposes and Principles of the United Nations*, <http://www.un.org/en/sc/repertoire/principles.shtml>, (accessed 10.04.2017)

signifies the value of the international peace. As stated by Sumner, the property of any territory is important since the established sovereignty over the land proclaims the presence of that state according to the international laws and relations.²⁴ That is why such infringements of any state's borders or disagreement over territories are perceived as a menace to the presence of a sovereign state.

Many a conflict shares the established attributes in the disciplines of psychology, ethics and politics with the distinctive variables of power and identity, structurally and socially emphasizing direction of the contention. The reasons for the opponents to linger on their claims in the pursuit of conflict vary in the motives. Whereas the roots of every case of conflict are inherent in itself, for most occurrences in the non-Western communities, such collaborators as the economic and political instabilities, exacerbated with inequality in the fair allocation of legislation, administration and welfare to the mixture of socially, ethnically diverse society are the major accomplices. Within the general terms, sorting the conflicts out is to be realized on the basis of the involving actors and adverse engagement of armed confrontations and encounters. However, the conflict among states should not only be comprehended with the unfriendly associations of the actors, but the widespread impacts across the region and the world as well.²⁵ To elaborate the territorial conflicts, particularly focused on the border disputes, the motif of interplays between the parties is an essential maxim to deduce some understanding from the actors' mood and perceptions.

Therefore, the inquest into root causes of enmity is constrained to analyze the cognitive, ethical and political affinities of countries. The pursued course of covert intention on the assets at issue navigates the options of reactions to expose the opposing claimant, that is, the matter of argument, which is plotted in the axioms of economy, environment, ethnicity, religion, energy, and history, symbolizes the application of peaceful or violent means to attain the interests. Accordingly, such a philosophical method of analysis of motives, courses of actions, attitudes of the actors

²⁴Brian T. Sumner, '*Territorial Disputes at the International Court of Justice*', Duke Law Journal, Vol. 53, No. 1779, 2015, pp. 1780-1792

²⁵Ho-Won Jeong, *Understanding Conflict and Conflict Analysis*, Sage Publications, CA, 2008, pp.18-19

in the conflicting situation is accountable to exhibit complex concepts or propositions within the compounds and functions of more basic ones as well as the interpretation of the phases in intensification and decrease of the tension and likely conclusion.

2.3.1. Motives behind the Territorial Border Disputes

Conflict is bound to be understood on the basis of a warlike struggle where it is manipulated as an effective tool of politics to sustain the intended policy through the application of all other instruments on hand.²⁶ Within the environs of clashing interests and aspirations, at least two or many more agents are involved in achieving their goals. From this perspective, conflict is likely to get appreciated a string of successive strifes of two struggling parties vying against the goals of the opponent's gains.²⁷ In determining the motives and thus sorting out the varieties of conflicts, there stand significant obstacles to the classifications as the subject of the conflict entails to be intermingled with so numerous facades of the issue. Though some may concentrate on the conflicts based on international motives once the participant sides are politically autonomous with their own dominion and hegemony over the land and people, some others conflicts are not appreciable enough to trace back the underlying impetuses, which requires exclusive scrutiny.

In the case of such an intractable conflict as seen in the border disputes, in so much as the instruments employed are intractably maintained to be persistently harmful to the conflicting party, it turns too unintelligible to resort any resolute and peaceful settlement. As such, neither consents to yielding the other's interests for any resolution would mean waiving their claims on the controversial assets. However, while parties may display the signs to disburden themselves of such damages of submission, on the grounds that the perception of pursuing the contention outweighs the renouncement, the lingering conflict turns out to extensively prevail.²⁸

With a view to differentiating the underlying catalysts and tallying uncompromising controversies, one needs to pay attention so scrupulously as to

²⁶Carl V. Clausewitz, *On War*, Barnes and Noble Books, New York, 2004, pp. 16-18

²⁷Simon Cottle, *Mediatized Conflict*, Open University Press, Berkshire, England, 2006, pp. 4-6

²⁸Guy Burgess, Heidi Burgess, *The Beyond Intractability Approach*, [http:// www.beyondintractability.org/](http://www.beyondintractability.org/), (accessed 01.05.2017)

expound the distinguishing canons, which are very decisive about long-established strifes. In most, border conflicts are observed to have been rather dragging for long, which has contributed to the mass of hatred and antagonism, thus engendering the notion that the opponent should take and hold her uncompromising stance at all cost. On the side of the precious subsidies made on the achievement of the interest, it is inevitable for the conflicting parties to linger on the claim given all available sources of economy, military, dearly manipulated to secure the gains, which gives no way to any concession for either side. Hence, by its very nature, the subsequent armed confrontations result in not only material casualties, but the death toll of citizens as well.²⁹ Even if neither side gains anything superior to the other's in return for their fierce and belligerent involvement, the sides consider the impairment and havoc inflicted upon the conflicting rival as a gain, which can be best explained by zero-sum in the theory of game.³⁰ In terms of absolute existence, the struggle for sought-after assets and profits is regarded indispensable for the sake of continuity in the concept of totality where the survival of the actors seems to depend on the superior outcomes of the challenge for the dispute as a consequence of which the so-called conflict of the matter is always a hot point on the agenda of a nation and the issue, which the people of the such country are deeply absorbed in.

Whereas each case of conflict of any sort is of peculiar traits to be determined, there emerge some common natures of the conflict such as those on border disputes. With general terms, in such conflicts, the traces of archaic historical vengeance and grudges accompanied with resentments are rather obvious with the aspiration for balancing the account of the past. As recognised, these facets are the accumulation of the long phases of the struggle, which is characterized with the perceived threats to the very independence, cultural and religious values and national identities of the parties. On grounds of the antagonism and likely combative engagement of the opponent, the involving sides' perceptions of each other are divided into discernibly opposing factions. Accordingly, for the resolution, the border conflicts are among the most stubborn, which has meant to be unyielding to repetitive conciliatory undertakings

²⁹Paul R. Viotti, Mark V. Kauppi, *International Relations Theory*, Pearson, IL, 2012, pp.56-57

³⁰Louis Kriesberg, *Intractable Conflicts*, Peace Review, Vol. 5, No. 4, 1993, pp. 418-420

where what is notably acting as a buffer state commonly stands in the geopolitically driven border conflicts on disputed territories between the two contentious sovereignties.

Characteristically, the argument over any strip of land or body of water is the dissent in which two or more claimant sovereign countries assert their property of right on the controversial tract of boundary. Given the prevalent conflicts over the territorial borders, the incidences of territorial border seem pervasive and in particular very rampant. Thus, the dispute that generally stems from the improper demarcation borderlines eventually brings about the armed clashes, violent skirmishes and outbreak of wars in most cases.³¹ Given that the states or governments are of special interests and gains on a certain terrestrial geography, the preset demarcation lines of sovereign states politically play a very crucial role among them. Intrinsicly, the indiscriminate execution of marking off the borders has always laid the valid foundation of disputes over the borders as the ancient executors of the time paid no attention to such brittle issues as identity, religion, language, ethnicity and social structure. Since there have always been too equivocal human factors to delineate flawless borders between the states, the awkward practices of obscure demarcation forms the very basis of the lasting disputes.

To better grasp the territorial border conflicts, the appropriate definition of the major driving factors behind the territorial border disputes needs precise delineation. Although there could be other subsidiary reasons to put the blame, they are no more than accomplices of the dispute when the following antagonists of the conflicts are taken in close consideration as the major sources of the friction.³²

As per international jurisprudence and relations in International Court of Justice, insomuch as the sovereignty on any piece of land is construed to be the full right and power of a governing body to administer on its own authority with no external interference and intrusion, the establishment of sovereignty significantly makes up a

³¹Francesco Mancini, *Uncertain Borders: Territorial Disputes in Asia*, Columbia University-School of International & Public Affairs; International Peace Institute, Columbia, 2013, pp. 1-5

³²Jon Maynard, *Causes of boundary disputes*, <http://www.boundary-problems.co.uk/boundary-problems/dispute%20causes.html>, (accessed 05.05.2017)

state. As one of the prioritized objectives, the states ascribe to make the acquisition of territories, but the gains and advantages of holding a territory possesses utmost value insofar as the boundaries of the assertive state are demarcated clearly enough to survive independently. Even if the demarcation border lines of the states are discernible, the rivalry and the fierce competition among the states makes the borders susceptible to contending territorial claims, which can be legitimately justified by the conflicting actors under the captions of economy, geography, culture, bilateral treaties, elitism, ideology, history, and efficient domination to support their assertion at the International Court of Justice (ICJ). Among the contentions over the territorial border, the struggle for efficient domination on the contentious territory, geographical motifs, historical background and cultural uniformity are preponderant in weight, force of influence and number of participants.

In some incidences of conflicts over the borders, the unsuitable terms of topography used for geographical shapes such as foothill, outskirts, range of mountain, estuary, waterways and sheds in the terrain may well cause confusion, leading to the understanding of each side as they ascribe for, because such geographical shapes of the land are always vulnerable to the ongoing change and are very elusive for a constant description over time.³³ Especially, the ambiguity in the applications of some uncertain attributions to describe the pieces geography such as river basin marking off the boundaries between the states of dispute is at the root of the impropriety leading to initial border disputes and then conflicts, an incidence of which may well be observed in the resolved Sino-Russian boundary dispute between Russia and China.³⁴

Considering current ambivalences in the disputed demarcation lines, it is ineludible to confront with a great number of too much intertwined natures of human and aspects of culture. In peculiar, based on the ethnicity in culture and the assortments of the public in the state and the adjacent neighbors, the confrontations between states are particularly common, the factual motives of which are intermingled with races,

³³Guo, Rongxing, *Territorial Disputes and Conflict Management: The Art of Avoiding War*, Routledge, London and Newyork, 2012, p.10

³⁴Michael S. Gerson, *The Sino-Soviet Border Conflict: Deterrence, Escalation, and the Threat of Nuclear War in 1969*, https://www.cna.org/CNA_files/PDF/D0022974.A2.pdf, (accessed 11.05.2017)

human civilization and the historic archaic ethnicities. Even some literally conflicting statements made by international foundations such as UN both obscure clear understanding and contravene within themselves. For instance, according to articles 56 under part V Exclusive Economic Zone and 76 under part VI Continental Shelf in the UN Convention of the Law at the Sea (UNCLOS), while it is clearly set forth that the exclusive economic marine zone, or rather continental shelf of a country lies 200 miles into the sea off the shoreline, this does not put an actual end to flaring up some conflicts among the states with conjunct properties over semi-enclosed waters as their claims of ownerships lap over each other in the extension of 200 miles each.³⁵ As the statement leaves a a loophole that could be exploited to the advantage of each claimant, it creates the basis of impetus for infinite struggles in the territory.

Accordingly, the extensive coverage of the border conflicts over territorial disputes entails the multilateral apprehension of all facets in the motives and causes in so much as the cases are involved or customarily participated in by more than at least two contentious states or agents of the nations, seeking all possible means to subjugate the territory at issue. Though the conflicts may emerge as a mixture of material and cultural based elements, the ones, due to crucial necessities for material reserves among the geographically competitive states with the recognition of fragile relative power to each other, are rather discernible at international arena while ideologies fed by national dogmas aggravate the fragile balance of interest in economy. But, anyway, the battle of relative power between the conflicting states is ordinarily what could be found at the bottom of so many territorial border conflicts as the mundane accomplice. In that context, the tool of realism as an explanatory approach towards conflicts exemplifies the reason why the nations confront with each other for the contentious lines of borders over the disputed territory.³⁶

Thus, in the eyes of the theory of realism, the conflicts over the territorial border disputes are illustrated as the sheer expression of power in which the relative

³⁵*United Nations Convention on the Law of the Sea of 10 December 1982*, http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm, (accessed 15.05.2017)

³⁶Harvey Star, Benjamin A. Most, '*The Substance and Study of Borders in International Relations Research*', *International Studies Quarterly*, Vol. 20, No. 4, 1976, pp. 581-620

incline in power will be the major agitator of the increasing conflict while the unlike is expected to yield to more belligerent claims on the factious territory in the broken balance of opposing powers. In some other cases, as well as the realist theory as a means to explicate the drivers of conflicts, other elucidations based on subjectively biased norms construe the nonobjective beliefs and appreciation of legitimacy as the cardinal catalysts of the rising conflicts from the lingering disputes.³⁷

Together with the political significance and economic worth added by the emphasis on the weight of border of the territory in the conflict, the border conflict pivots around autonomous integrity and peculiar identity as well. Thus, the integrity of the state forms the legitimate basis for such conflicting claims according to the internationally agreed laws when the any strip of land or body of water is illegitimately claimed by the other claimant, which lays the roots for the most cases. Furthermore, in considering the motives, the prescribed rules concerning the norms, specifically culturally assumed and regarded as the standard of normative behavior in cultural disparities necessitate a close study where the historical past and patriotic beliefs of the nations are the prominent agents leading the path of the conflict followed by the actors who have taken part in the ongoing dispute, a vivid case of which is viewed in the border conflict of Kashmir between India and Pakistan.³⁸

As the number of people of the countries multiplies and intensifies the urge for the sources, the indispensable need for the essential resources in shortage increases the chances of the territorial border to occur and thus prompting the actors to take much more assertive stances and hold uncompromising claims over the disputed assets. Insofar as the disposition to avoidance from making any concessions, the association of the conflict with the gravity of such distinct, impalpable and figurative assets of policy, economy, ethnicity, and nationalism determines the vehemence of the situation. In today's conflicts, the aforementioned stimula are well-grounded for the ongoing disputes with especially those incited to have come into being due to three fundamental factors; shifting trend in geopolitics, fierce rivalry for limited such

³⁷Peter Liberman, '*Spoils of Conquest*', *International Security*, Vol. 18, No. 2, 1993, pp. 125-153

³⁸David B. Knight, '*Identity and Territory: Geographical Perspectives on Nationalism and Regionalism*', *Annals of the Association of American Geographers*, Vol. 72, No. 4, 2012, pp. 514-531

resources of water, gas, and oil and the deterioration of environment, which all have tangible boost to turn the present disputes into armed conflicts in that the assertive claims, put forward on the territorial borders, tend to be the nasty arguments for the countries to contend for their supremacy over the geopolitical structure where the volatile blend of agents from pool of driving factors, induced by culture, economy and politics of the actors, may well set off the conflict of the interest in confrontations.

As well as the topographical value of borders in the terrain, the industrial and climatic deterioration of environment where the conflicting sides exist, plays as an antagonistic agent when considered in the light of the rapid changes, which are of rather depleting impacts on the inadequate assets in short supply. One of such notorious constituents of climatic changes is the excessive increase in global temperature, which has already given rise to the disproportionately premature melt of ice sheets and glaciers in some conflict-stricken parts of the world and thus ending up with the expansion of sea water and swallowing up lower lands, a recent instance of which is remarkable in the past dispute of India and Bangladesh for a small piece of land located in the Bay of Bengal that was naturally resolved by the manipulation of global heating, which enveloped the contentious island below the sea level and concluded the conflict.³⁹

Coupled with the global warming, high sea levels, water and air pollutions, dried up rivers, alleged to be induced by the neighboring countries could also set the ground for the escalation of the tension in the conflicting border matters as the effects of the degradation in environment are doomed to eventually inflict irrevocable detriment and losses upon the people and economies of the opponent countries. Thus, the weight of the environmental deterioration with the inevitably adverse burdens on the regional peace, welfare and development is too convincing a factor to be underestimated in leading the course of breaking the balances in territorial border conflicts. Another determinant motive of the conflict is the fact that, as the populations of the countries rise, so does the need for raw materials, especially found in scarcity.

³⁹Ben Arnoldy, *Global Warming as Peacemaker? Disputed Island Disappears Under Rising Sea*, <http://www.csmonitor.com/World/Asia-South-Central/2010/0324/Global-warming-as-peacemaker-Disputed-island-disappears-under-rising-sea>, (accessed 18.05.2017)

The contest for the compelling energy sources, demanded for the maintenance of the stable economic growth and water for husbandry obliges the nations to hold such unyielding claims on limited, critical natural resources so as to advocate their side of dispute in the context of survival. Though the legendary water fights of the future between the conflicting states have not been fought yet, there stands no sure sign of the absolute peace over the contentious borders since water is bound to continue to be far more scarce and potentially bring on resource wars as the deterioration in climatic change persists and there is no way to curtail the demand on water with present populations of the nations, getting much more populated than ever before.⁴⁰

Conventionally, the border conflicts ensue from the religious, ethnical, political and cultural disparities of the involving actors. Hence, the framework of the conflict could be expounded in the close study of events and happenings in the historical process of the conflicts as each incident is chained to another in physical and organizational settings as the constituents of the historic context of an ongoing conflict in parts. Likewise, no such conflict happens to come out by itself as the associations of the actors are influenced in the means of exchanging and the policymaking structure of each other. In the correlation, the emergence and accumulation of incidences within the other party affect the other and founds the footing for the dispute. The interlinked organization of the motives tends to be entangled with one another as a triggering point of the chain conflicts.⁴¹

For one to apprehend the key components of the integration generated in the conflict with a more comprehensive insight, the annals of the events leading to the current dilemma should be deliberately appraised with a view to reaching the mutual rectification with the reminder of the fact that an assesment for the chronicle of instances may not only shed light on the aftermath of the events, but also disclose the means to pave the way for the conflict resolutions.

Last but not least, border disputes are one of the most tangible conflicts of interest in goods, yet the conflicts of borders, however, stand out due to the exceptional

⁴⁰Brahma Chellaney, *Water: Asia's New Battleground*, Georgetown University Press, Washington, 2011, pp. 9-12

⁴¹Maire A. Dugan, 'A Nested Theory of Conflict', *A Leadership Journal*, Vol. 1, No. 1, 1996, pp. 14-17

structure of the boundaries, which authoritatively make a state sovereign. The conflict which stems from the struggle for the dominance of the territory may emerge from either the controversy over whereabouts of the borders to be demarcated or subjection of the present states in the perimeters of the current demarcated borders. Such borders, as the line of division between states, signify the proprietorship of the supervision on the domain. Naturally, the dispute is of too much price for the actors to waive their claims to other parties since the assertive states regard the territory as a part of their homeland and in no way are they willing to relinquish their arguments for any form of negotiation. Despite the fact that the asserted values of the disputed territory may dwindle over time, the magnitude of integrity for the homeland never cease to hold the paramountcy. Correspondingly, the states may challenge to reclaim the territory lost to the opposing party in the past in a case of irredentism,⁴² where the states with the grudge against the surrender of the territory to the opponent have the well-founded reason for the conflict between states on grounds that such territories are the evident signs of the integrity of states and are inclined to be paid much more worth than that of strategy and economy. In retrospect, for manufacture of the goods out of raw materials and agricultural yields, the territories were regarded as the linchpin of the economies for the countries, but however, with the advent of rapid technological and commercial developments, the interpretation of the territory as the loss of economic wealth by the states has devalued as the countries manage to handle much of their need from international commerce and technology and such wars based on the integrity of borders overshadow the possible gains. Yet, the norm of integrity has been exposed to some erosion from the integrity of the state to that of the territory, defined as the territorial integrity.⁴³

In the case of the secessionist border conflict motives where the secession of a territory from the existent state is considered to be an internal issue, the territory vies for the separation to redemarcate the independent boundaries as a state, which sets the grounds for the incessant origin of the conflicts of borders at international venues. In

⁴²Thomas Ambrosio, *Irredentism: Ethnic Conflict and International Politics*, Praeger, CT, 2000, pp. 3-20

⁴³Jamie Scudder, *Territorial Integrity: Modern States and the International System*, http://www.exploringgeopolitics.org/publication_scudder_jamie, (accessed 20.05.2017)

spite of the recurrence of secessionist movements of the territories, these ventures hardly manage to secede and form a new state because the present states never give way to such undertakings thus challenging against the deformation of the current, sovereign boundaries at all cost.⁴⁴ When the territory in the question of secession shares some common ethnical and religious values with the neighboring states, the surge of border conflict may spread into the adjacent countries. Notwithstanding the disparagement of the international norms, even the territory in conflict for a breakoff could unite the aspirations of secession with the bordering states, which bring about new demarcation lines of international boundaries as well.

Compared to the secessionist border disputes, less common though they are because of the norm of territorial integrity, the border conflicts among states are far more gravely treated than the border conflicts of secession, which are deemed to be internal and domestic affair of a state.⁴⁵ Even if such conflicting claims over borders are laid to the territories by the states, the chances of resolution with the employment of peaceful and conciliatory efforts are likely to be higher. In this context, there stand just a couple of interstate conflicts, which have lingered long and yielded to hardly any settlements. One of these chronic border conflicts, infamously known to be the intersection of the world's greatest and by far the most heavily armed territorial dispute with parts under the de facto administration of especially between India and Pakistan along with China (Aksai Chin) is prominently over Kashmir between Pakistan and India. As both states insist on their claims on Kashmir, the province is divided by the Line of Control (LoC). Thus, both sides put the blame on each other from their perspective of the conflict. The part of territory held by India (Jammu and Kashmir) is largely populated by the majority of Muslim populace. Whereas Pakistan demands the India allow the people of Kashmir to decide about their future with a previously agreed referendum and stop alleged oppressions, India blames Pakistan for supporting radical Islamic actions under her part of the Kashmir (Azad Kashmir and Northern Areas) to commit attacks in the part of Kashmir controlled by Indians. So far, there have been

⁴⁴Joshua S. Goldstein, John C. Pevehouse, *International Relations*, Pearson, New Jersey, 2013, pp. 178-180

⁴⁵Mark W. Zacher, 'The Territorial Integrity Norm: International Boundaries and the Use of Force', *International Organization*, Vol. 55, No. 2, 2001, pp. 215-250

twice major incidences of warlike attempts, and currently across the Line of Control happen such occasional casualties of confrontations with the potential volatility of future developments in the conflict when considered within the water resources of the two confronting states, which meet the need of water for irrigation and energy from the Indus River and its tributaries.⁴⁶

In summary, the conflict established over the territorial border looms as the most baffling conflict of international interest on account of the prominence of the state borders, cemented with the norm of integrity. Besides, the perception of statehood shaped by nationalism may mould the course of the border conflicts with the strong claims for the demarcation of argumentative boundaries. When associated with ethnical roots and religion based attributes, the territorial border conflicts with cognitive prejudices of the parties towards each other turn into deadlocks where any conciliation looks hardly promising for the involved actors.

2.3.2. Approaches towards the Resolution to Conflicts

To shed light and help grasp an approach towards the cessation of hostilities, the insight into such progress for the termination of assorted conflicts with a broad understanding of associations between the parties for the prospective sustainability in the peaceful coexistence coerces into evaluating consequences in aftermath of the dispute. The disappointment in the miscarriage of any mediation attempt to effect a peaceful settlement manifest itself in the way whereby bringing about resolution to the conflicts proves to be a challenging and zealous engagement. As the conflict proceeds, the further adverse cognitive and materialistic elements aggregate and build up an insurmountable barrier of antagonism once actors of each side conflictingly contest to inflict devastating affects on the other in strife. Thus, with the addition of each course of action taken by the opponents to consolidate the unilateral claim, the conflict turns into quagmire, which entails the development of organizational and structural compositions towards reconstructing the path to a solid resolution.⁴⁷

⁴⁶The CIA's World Factbook, *Disputes-International*, <https://www.cia.gov/library/publications/the-world-factbook/fields/2070.html>, (accessed 21.05.2017)

⁴⁷Louis Kriesberg, Bruce W. Dayton, *Constructive Conflicts: From Escalation to Resolution*, Rowman and Littlefield, Lanham, 2012, pp. 1-23

Along with overt and covert aspirations, dissolving conflict requires complete or partial discontinuation of all combative ventures against the other. Under typical circumstances, the termination of such disputes are bound to contrive to generate the consolation, especially for the more advantageous one. However, it is not always a clean-cut case to emerge triumphant out of a conflict as the earnings of either side may well counterbalance each other and peculiarly the outcomes of such conflicts without the manipulation of any military force are not so discernible as the results of armed ones in societies, thus defusing or turning dormant of their own accord.⁴⁸ When considered within the balance between the large and small-scale conflicts in the scope, reaching bilaterally absolute resolutions for more preponderant conflicts to make all sides content with the yields and gains out of the deal does not look genuinely attainable in that the disagreement does not necessitate a reciprocally fulfilling settlement for both the parties since either could come out better than the opponent making concession in the conclusion.

The proportions of the attainment in the gains of interests by the parties are disproportionate to each other, which concludes with unlike goal achievement between them. Accordingly, the subsequent realization of the aspirations and subjective evaluation of actualization in the winnings determine the judgements of the claiming sides in the termination of conflict. Based on the outcomes, the opponents may have to reassess the original and the final objectives so as to emerge victorious in defiance of the original claims. The reassessment of the cessation in conflicting outcomes of the struggle for power tends to lead to the successive phases and steps of the controversy where the resentment and grudge against the deficient fulfilling of goals propagate proliferating contemporary conflicts and the ensued perception of uncertainty and distrust, the sides harbor for the opposing party, undermines the prospect for a powerful resolution. In prospect, the attempts to resolve the conflicts are not all-inclusive of all participant actors and the outcomes are highly likely to trigger new disputes in the course of the termination process.⁴⁹

⁴⁸Hubert M. Blalock, *Power and Conflict: Toward a General Theory*, Sage Publications, CA, 1989, pp. 20-26

⁴⁹Darren Filson, Suzanne Werner, *A Bargaining Model of War and Peace: Anticipating the Onset, Duration, and Outcome of War*, <https://www.econstor.eu/bitstream/10419/94597/1/2001-02.pdf>, (accessed 05.06.2017)

Hence, the crucial element of reconciliation to agree to an amicable settlement is what is badly needed to cease all belligerent acts of nature in a conflict and make commitment to reaffirming the progress as well. When there reciprocally exists no bilateral fulfillment of the aspirations and interests, the cessation of the conflict is bound to wind up being in contrasting disparity in goal realization and thus instigating the less advantaged to act against the efforts to bring the controversy to the end.⁵⁰ However, to ease the escalation of tension during the resolutionary process and increase the outlook for peaceful solutions, the creation of convergent relations with intermutual lines and values may well play a constructive role in bringing down the escalation and friction over the allocation of the gains upon the following negotiation to bargain for a joint action of reaching a satisfactorily mutual resolution to a complex conflict. Yet, this does not necessarily mean that all cases of conflict resolution are to be dismissed with the balanced gains of interest and victory for both parties as there generally stands out one component of the common trilogy in bringing an end to a conflict such as unilateral victory, compromise for reconciliation and retreat from the conflicting claims.

As per usual, it is notoriously malleable for a conflicting situation to emerge among states, yet such termination is not so effortless as said. Seeing as the actors rather postulate the incompatible goals, interests, or arguments to the detriments of the other disputant, bringing a conclusion to conflicts especially among states is quite an annoying undertaking whereby the common termination may well surface itself within the outcomes of either one-sided defeat or bilaterally utter destruction. In some cases of the deep-rooted hostility where the parties have the differing capacity of manipulative competence, the sides could as well go for a mutual offer to a voluntary freeze on offensive actions, which is a sort of call for a moratorium on belligerent strategies, in attempt to cool down the tensions in the condition though it is not a solution, but may be regarded as a pause on the present conditions. Despite the existent controversies in the description of the frozen conflict, the reciprocal identification of provoking conduct by the disputant states leads the course of action in compliance

⁵⁰Michael Krepon, Julia Thompson, *Deterrence Stability and Escalation Control in South Asia*, Stimson, Washington, 2017, pp. 21-26, 187

with the mutually identified terms, which generally serves to protract and create the dormant conflicts in stagnation.⁵¹ Within the ethnopolitically based disputes for secessionist movement, the paused or rather frozen controversies are known to generate the formation of a de facto administration, the vivid example of which can be depicted in the conflict over Kashmir where not only Pakistan and India but international community repudiates such entity as well.⁵²

With the aim of reacting to the conflict, the resolution via retreat is simply a withdrawal when all the efforts to dissolve the dispute have fallen short of meeting the claims of either party in consideration of prioritizing and focusing on the termination rather than the original goals and interests. Should the prize out of a conflict fail to be so invaluable as the survival of the states, the withdrawal from the battle of clashing interests arises as an alternative to the rooted struggles as the likely outcomes of retreat override those of perpetuation. The partial cessation of the conflicting claims on some aspirations comes afore whilst the traces of long-established animosities may still hold validity. By all means, the tendency for the sides to seek to evade straightforward commitment to resolution is not to end the opposing views, but it is considered to reduce the expenditure of the sources, which are otherwise to be exploited to stand up the nations. Though the parties may seem to be content with the existing state of affairs in the condition of concessible withdrawal, which is rather in the status quo to preserve the present stances, this does not necessarily entail that they should not go after the exploitation of better opportunities in order to reinforce their stand compared to the counterpart's when they manage to employ the occasion of any betterment or superiority. Thus, the mutual abortion of the fierce contest for the goals is bound to bring on the ease of escalation and tension and mitigate the negative affects on the conflicting matters and once the differences for the interests disappear or rather the disputed subjects are no more exigent, the conflict may readily get eliminated.⁵³

⁵¹Dursunov Ramil, *Frozen Conflicts as the Instrument of Foreign Policy*, <https://cyberleninka.ru/article/n/frozen-conflicts-as-the-instrument-of-foreign-policy>, (accessed 06.06.2017)

⁵²Paul T. Varkey, *The India-Pakistan Conflict: An Enduring Rivalry*, Cambridge, Newyork, 2005, pp. 85-87

⁵³Rudolph J. Rummel, *Understanding Conflict and War: War, Power, Peace*, <https://www.hawaii.edu/powerkills/WPP.CHAP12.HTM>, (accessed 06.06.2017)

The waste of too precious assets and great magnitude of likely loss on the insistence of controversy lay the basis for the motives of a thorough retreat since any disputant state puts the survival as the top priority on the agenda and considers the renunciation of conflict to reach a stable solution more lucrative than maintenance of a conflict. Correspondingly, the reciprocal abatement of antagonistic actions leads to behaviour of evasion from intensification of tension and hostility and the urgency for a reconciliation or the drastic adjustment may not be so imperative since the parties mutually agree to withdraw from the dispute of their own accord and demand preserving the status quo. Therefore, observing such a winner and loser out of a withdrawal is not a clean-cut subject as the factors to determine on a retreat from a conflict range from the uncertainty of the victory and unsatisfactory earnings of the rivals, notably in the conflicts between relatively commensurate actors of strength while the outcomes of a withdrawal from a conflict of disproportionate contestants are discernible with the obvious gains and losses in the end.⁵⁴

However, coming to terms through a withdrawal to reach a temporal solution to a conflict may not emerge as a sole option for the disputants. When the relative power of the actors is rather disproportionate to each other, the employment of menacing use of power by sides wins the struggle for the claims of their counterpart, which accordingly turns the contentious claims to the advantage of the more powerful. As the need for a negotiation to reconsider the unlike interests and goals is no more valid, the unilateral victory of the winner enables the holder to impose one-sided decrees to the detriment of the opponent's stances in the conflict.⁵⁵ Should an overwhelming victory occur and an extensive havoc be inflicted upon the less advantageous, the defeated are to bear up with the terms of the victor. The outcome of such victory in unfavour of the weaker could result in total defeat of the opponent as well, which provides a trump card for the more dominant to force the loser to comply with the intended aspirations and terms of unilateral deals through the cognitively and physically manipulative use of force and influence.

⁵⁴Christopher R. Mitchell, *The Structure of International Conflict: Managing Conflict*, Macmillan, London, 1981, pp. 253-268

⁵⁵Robert Mandel, *The Meaning of Military Victory*, Lynne Rienner Publishing, CO, 2006, pp. 8-15

In contrast to non-military withdrawal from the controversy, the perseverance and end of an armed conflict situation is strikingly obvious with the palpable outcomes. In the recent application of resolution to conflicts, based on the sorts of impositions made on the defeated side, the multilateral interactions in the international body could be quite affected on account of the need for an international recognition. Whereas, rather than implementation of peaceful strategies for settling conflicts, the termination of rooted animosities through the application of imposition based on the aspirations of the superior actor with the aim of denying the defeated of bare necessities for survival and legal rights is not a welcome conclusion in the eyes of peaceful resolution arguments as the settlement of a conflict via unilateral impositions empowers the dominant much more than ever before the end of dispute, which renders a total monopoly on the issue, the case is what has often been observed in the international arena where the advantage of decision making is gained by the superior opponent depending on the coercive and crushing power which gets the counterpart to yield to the conditions of the winner.⁵⁶

Amongst the components of common trilogy in resolution to a conflict, the compromise for reconciliation as one of the most peaceful implements in conflict termination entails both participant actors to yield to the claim of the opponent to the extent that it makes either party partially content with the gains out of the bilateral deal. The termination by means of negotiation for a settlement may require overt and covert bargaining processes where both sides consider reasonable compromise inevitable to put an end to the hostility. Hence, the reciprocal concessions made by the opponents to reach a termination ease the escalation and give way to allow both disputants to realize unilateral objectives insofar as the counterpart waives the belligerent claims as opposed to the rivaling party. The prospect for greater losses with high assets and the risk of escalating the tug of war into worse phases could be the catalysts for sitting at the table of negotiation. Especially, the imbalanced form of power to continue the claims and the geographically and economically intertwined interactions of the actors may push the contestants into weighing the pros and cons of

⁵⁶David Kinsella, David Rousseau, *Democracy and Conflict Resolution*, <http://web.pdx.edu/~kinsella/offprints/shcr09.proof.pdf>, (accessed 10.06.2017)

a compromise and launching peace talks for a reconciliation. To gain reciprocally convincing acceptance of legitimate assertions in unlike claims on the contentious issue, the sides should make great efforts to persuade each other the valid foundation and merit of the compromise to be made.⁵⁷

The peacetalks through negotiation abets the parties in smoothing the discrepancies to come to terms with a bilateral conciliation to make the resolution happen. The conciliation is bound to generate a constructive change in the mindset and attitude of the claimants towards unacceptable goals instead of displaying flagrant disregard for counter claims as long as it creates room for replacing the deep-rooted hostilities with renewed aspirations and interests. Yet, not in all reconciliation processes, it is promising to observe the satisfactory amount of reconciliation, thus the sides may end up with almost no compromise either. But, however the sides abide by their commitment to carrying on negotiative deals while making efforts to safeguard the interests and strike a bargain. The act of bargaining is capable of setting the ground to conclude the latent dispute and in particular, of the potential for leading to the initial settlement in controversies though, it is unavoidable that some areas of the contention might still have to stay untouched. Yet, through bargaining in the case of win-win based resolutions, the parties bilaterally fulfill individual ambitions via the outcomes of the conflict solution, which is meant to render both the winner out of the deal.

2.4. The Conflict in the Stage of Conclusion

The conclusive settlement of such conflicts is formally realized through the agreed treaties between the rivals, yet the enforcement of reciprocal conditions on the deal to be complied by the sides determines the way a conflict comes to a plain conclusion. In an armed struggle, it is apparent to regard the termination of hostile acts and skirmishes as a sign of end in the hostility upon the mutual consent to sign an official pact not to perpetuate the conflict. In the implementation of a retreat or rather withdrawal from the conflict as a means of solution, such finalizing signs of conclusion may not be so discernible and overt as with those of the armed conflict despite the

⁵⁷Kenneth Cloke, *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution*, Janis Publications, AB, 2006, pp. 11-25

discontinuity of belligerent attitude, taken and not promulgated explicitly by either disputant, but rather regarded as the end.⁵⁸ As the abatement in the hostile behaviour outweighs the fueling struggle, the parties appreciate the issue less and less worthy of attempts to reach a resolution since the conflict may come to end of its own accord with no further interference from each side. When a conflict has been terminated, the perseverance in the face of deadlocks depends on the sort of reciprocal compliance with the mutual terms of agreement to sustain precepts of the deal. Thus, the unilateral promulgation to end a conflict does not suffice to channel the sides into giving full consent to restore the status quo and the conflict still survives notwithstanding the fact that no major signs of hostility are visible.⁵⁹

With no bilaterally official declaration of the termination, the end of conflict through withdrawals is likely to be assumed to be in practice as the retreating part does not expose much resistance against the results of likely impositions to follow. But for the advantageous party, the perception of such conclusion may mean the invasion of conflicting party's terrain to stop all belligerent causes of action whereas this act is regarded as a *casus belli* by the vanquished, which later proliferates the spread of extensive skirmishes and fights in the domain. Even if the outcomes are discriminating enough to evidently observe the actors of the conflict as a victor or loser, the mutual acceptance of the parties, especially from the defeated front is a must to sustain the solution. The establishment and protection of a durable consent to the agreement is required to last the maintenance of peaceful reconciliation as the attempts to make the situation void of legitimate basis are resorted to repudiate the status quo by the less advantageous.⁶⁰ Peculiarly, once the termination of a dispute through a deal has inflicted a forfeiture of the possession over some land on the defeated party, the case is rather to antagonize and agitate the loser, thus encouraging the side to bear grudge against the opponent to make the case even or more advantageous for its interests.

⁵⁸Myraa W. Isenhardt, Micheal Spangle, *Collaborative Approaches to Resolving Conflict*, Thousand Sage, CA, 2000, pp. 45-55

⁵⁹Micheal Greig, 'Moments of Opportunity: Recognizing Conditions of Ripeness for International Mediation between Enduring Rivals', *Journal of Conflict Resolution*, Vol. 45, No. 6, 2001, pp. 692–715

⁶⁰Fred. C. Ikle, *Every War Must End*, Columbia University Press, New York, 2005, pp. 10-12

Out of the agreement, the results and the effects tend to create motives for retaliatory responses if the victorious party is vested with the power of pressing unconditional yields on the defeated actors by the conciliation. That is, the conditions determine the continuity of the settlement in the aftermath. Should a deal be made through the realization of bilateral negotiations, this is expected to smoothly channel the claimant actors into coming to terms and abiding by the mutually set rules of the agreement, which increases the chances of a fulfilling resolution for both parties. The implementation of co-operative and collaborative engagement based on the mutual accommodation of the interests and gains serves two masters. Even if the outcomes of yields seem to side against the other, the sides are predisposed to the obedience due to the expectation of future gains to balance out the advantages based on mutual trust and gestures of goodwill. Correspondingly, the impartial interpretation and reciprocal acceptance of the differentially set values and expectations for the requisitions promote the longevity of the sustainable resolutions, which are intended to bring about the crucial shifts of actions in the conflicting situations.⁶¹

Maintenance of the interrelations and setting up a clear code of conduct depend on the means of the resolution to a conflict. To introduce novel features of the solution, the present conditions may well be preserved as they are, so as to take advantage of the exigent state with an aim of consolidation for the party's share of the deal. However, unlike the case where the present status quo is exploited to bring on the changes, the preservation of the existing conditions does not serve best to eliminate the likelihood of new hostile feelings in peculiar in the conflicts based on imbalanced power struggle since overwhelming victory of either side is doomed to follow such extreme sanctions as the unilateral allocation of the assets and redemarcation at a loss of the opponent. When conflict turns into a contest of superiority for power, the sides could either opt against continuing the deal as a remedy or adapting considerable modification in relations. In the attempts to bargain on the deal, the conditions which impose concessions and force the less advantageous party to resign to the aspirations of more advantageous are made to redress the result of imbalance in armed conflicts. As a

⁶¹Kevin Avruch, 'Context and Pretext in Conflict Resolution', *Journal of Dispute Resolution*, Vol. 2003, No.2, 2003, pp. 353-365

course action to take, such withdrawals with the hopes that the conflict might be resolved without any resort to violence may require upkeep of the existent conditions though it is highly susceptible to change any time.



2.1. Map of Strategies for Conflict Resolution⁶²

As the sides turn more capable and go after the chances of exploitation in occurrences to fulfill the covert and implicit aspirations, the recent conflicting situations are highly capable of erupting as consequence of prospects for better gains and relative increase in power.⁶³ Whereas the call for an immediate cessation of the conflict is probably inclined to be taken as an end to settle the controversy, it is merely an unfortunate outcome that essential issues that call for resolution have not been satisfactorily resolved yet, which compels the understanding of the disputants'

⁶²Agency for Healthcare Research and Quality (AHRQ), *Strategies for Conflict Resolution*, <https://www.ahrq.gov/professionals/education/curriculum-tools/cusptoolkit/toolkit/contentcalls/conflict-resolution-slides/conflictresslides.html#slide12>, (accessed 15.06.2017)

⁶³Monty G. Marshall, Ted R. Gurr, *Peace and Conflict: A Global Survey of Armed Conflicts, Self-Determination Movements and Democracy*, CIDCM, University of Maryland, 2005, pp. 1-8

insistence on strict terms and constructively collaborative efforts to rebuild the relations on new terms though the conflicting situation has come to a standstill, but anyway is already keeping the volatile elements for later comebacks.

Hence, the occurrences of the events in the termination require paving the way to establish new relations entrusted to foundation of mutual premises that both sides have commensurate risks and gains. While some privileged posse in the settlement of conflict between the same group of people in the country may arise as the exclusive holder of power and supervision over the administrative echelons and thus being able to make drastic alterations in the social structure, the creation of such sole rulers with the exercise of complete governing rights out of a conflict conclusion is a common phenomenon too. Therefore, as an alternative to the current values and institutional structures, the introduction of new merits and implementation of system buildups are to be aimed to counteract the formation of succeeding disputes and enable the mutually dependent relations to come afore as such setups will help sides have a predictable understanding in attitudes toward each other.⁶⁴

⁶⁴Charles T. Call, Elizabeth M. Cousens, *Ending Wars and Building Peace: International Responses to War-Torn Societies*, International Studies Perspectives, Vol. 9, 2008, pp. 1-21

CHAPTER III

THE KASHMIR IN CONFLICT

In today's world, what is known as Kashmir has turned out to be synonymous with death, destruction and genocide notoriously based on sectarian factions in South Asia. Despite a very sharp territorial conflict constituting the root element of the controversy over Kashmir between two competitive countries, the ongoing dispute basically amid the states of Pakistan and India has long developed into a multi-dimensional tug of war with many an intermingled actor over the years. The discussion over this dispute fed by the history, and its effects on the involving parties and their conceivably constructive measures towards restoring a long-standing peaceful settlement is of utmost significance to those seeking for the answers to a regional ramification. Hence, growing acquainted with all about this predicament in association with ins and outs is to help comprehend the whole prospect adeptly.

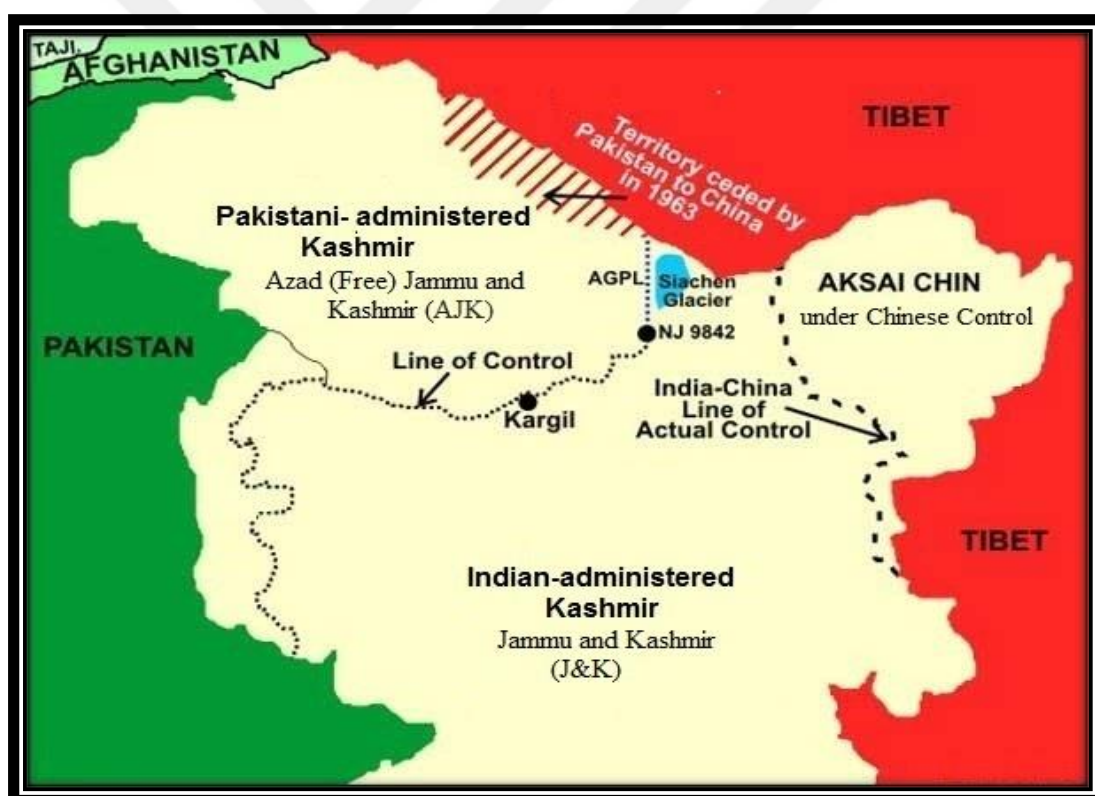
To this end, across the present chapter titled as The Kashmir in Conflict is studied the conflicting situation of Kashmir with a thorough overview of the perspectives in history so as to disclose the origin of the matter as of 1846 the conflict over Jammu and Kashmir emerged. The succinct presentation of the events that led to the armed confrontations for the separatist movements accompanied with the political, economic, strategic and social facets of the issue from the perspectives of Pakistan and India is particularly presumed to efficiently shed light on the prerequisite insight into the birth of the intractable contention over Kashmir while also making deep exploration into the motives in the aftermath of the 1947 and as well, forming the vintage points of sides at issue.

3.1. The Land of Kashmir

Snuggled into the Alpine Himalayas, Jammu & Kashmir lies farthest to the north of India in the South while China borders the northeast with a strip of demarcation line recognized as the Line of Actual Control,⁶⁵ spanning 2,520-miles, which essentially forms the same Line of Control as it has been between the

⁶⁵Shri R. Sharma, *India-China Relations 1947-1971: Friendship Goes with Power Part I*, Discovery Publishing House, New Delhi, 1999, pp. 52-56

Chinese and Indian sides since 7, November, 1959.⁶⁶ The Indian states of Himachal Pradesh and Punjab are adjacent from the south to Jammu & Kashmir, the west and northwest directions of which are bordered by the state of Pakistan with a 460 mile long boundary, named as the Line of Control (LOC). Of all the population of 12,548,926, according to the census taken in 2011 by India, 55,04% (6,907,622) thrive in Kashmir region while 42,63% (5,350,811) live in Jammu and 2,31% (290,492) populate the region of Ladakh. To realize the administration and ruling chores, today's Kashmir has been divided into three parts. Of the territory, %45 is controlled by India in Jammu and Kashmir (J&K) while 35% is executed under the Pakistani administration of Gilgit-Baltistan in Azad (free) Jammu and Kashmir (AJK) and the rest of the region in Aksai Chin controlled by China accounts for % 20.⁶⁷



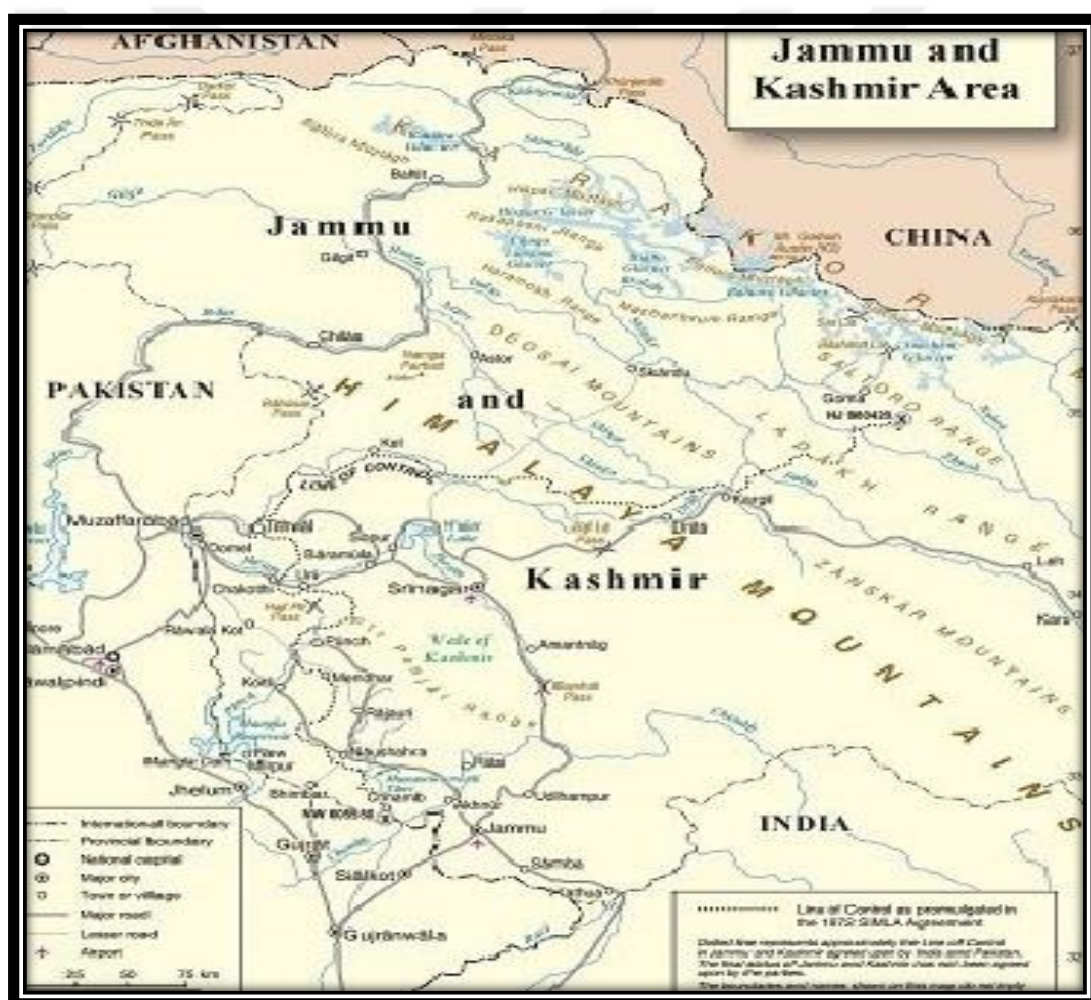
3.1. Kashmir with Lines of Control⁶⁸

⁶⁶Christopher Snedden, *Understanding Kashmir And Kashmiris*, Hurst & Company, London, 2015, pp. 235

⁶⁷*Population of Jammu and Kashmir*, <http://www.indiaonlinepages.com/population/jammu-kashmir-population.html>, (accessed 01.07.2017)

⁶⁸*The Lines of Control*, http://www.dostpakistan.pk/wp-content/uploads/2013/02/line_of_control.jpg, (accessed 01.07.2017)

Reputably known as Kashmir, which results in the friction between India and Pakistan is the region landlocked and enclosed among the states of India, Pakistan as well as Afghanistan and China in South Asia. It extends on a strip of land spanning 86,000 square miles, which is larger than 87 sovereignties of the world. With such a large piece of land, Kashmir is home to nearly thirteen million people. Despite being Muslim in majority, the state lodges weighty Hindu, Buddhist and Sikh populations as well. Restrained by the mountain chain of the contiguous ridge of Himalayas and nurtured by such major rivers as Satluj and Indus, Kashmir has customarily been described by the nickname ‘Paradise on Earth’.



3.2. General Map of Kashmir⁶⁹

⁶⁹United Nations, Department of Field Support Cartographic Section, *Map No. 3953*, <http://www.un.org/Depts/Cartographic/map/profile/kashmir.pdf>, (accessed 02.07.2017)

Notwithstanding that reputation, this paradise has often meant to arouse the apprehension of the Hell on Earth as a consequence of terrorism and notably the outbreak of the border dispute, which has given rise to the infamy. Kashmir is home to preponderantly agrarian population earning the per capita income less than 100\$.⁷⁰ With the low level of earnings accompanied with the lack of bare necessities and deficiencies, the residents of the region are constrained to suffer immense squalor and survive under oppression in essence, which leads to forge the ground for some of the fundamental culprits in what has rendered Kashmir controversial and hotly debated issue as one of the most factious topics between Pakistan and India in South Asia, a region housing almost a quarter of the world's population.

However, the word 'Kashmir' is literally of two different Kashmirs paving the way for the very dispute between India and Pakistan. Initially, there stands the physical state of Kashmir, the former princely state of Jammu and Kashmir in abbreviated form as J&K and sometimes named merely as 'Kashmir', which results in much avoidable confusion.⁷¹ Contrary to the physical state of Kashmir, the typology of Kashmir is secondly what occupies much the minds of politicians, strategists, and scholars. Whereas it is no more than merely a symbolic Kashmir with a gridlock where broader national and sub-national identities are entangled and overlapped against each other, the conflict hosted by this Kashmir is much more a clash between identities, imaginations, and history than it unfolds itself as the conflict over territory, resources, and peoples of different ethnicities.

Accordingly, Kashmir has unfortunately emerged sharply exacerbating as the most notorious headache of South Asia between the relations of two border countries, Pakistan and India. The more recent origins of the dispute can be traced back to the partition of the claimant states from the reign of British administration in 1947. In nearly three centuries under the British hegemony, the imposed strategies on the cultural, economic, ideological, social, and almost every walk of life matters were exploited to the detriment of especially Hindu and Muslims so as to create a gap of

⁷⁰Arun Prabhudesai, *Per Capita Income of Various Indian States [2016]*, <http://trak.in/2012/average-per-capita-income-indian-states/>, (accessed 03.07.2017)

⁷¹Jyotindra N. Dixit, *India-Pakistan in War and Peace*, Routledge, London, 2002, pp. 301-302

alienation to preclude these people from forming such a unison against the British aspirations, which is infamously renowned for being divisive and further ruling. The manipulated people of the factions in a Hindu preponderance, set against each other, did no good for the future of the region, so constitution of such a state to be later called Pakistan was a compelling necessity for the Muslim league to submit to the necessity of the Muslims, appealing for self-representation to defend their stakes. Upon the British turnover of the power on 15 August 1947, two separate states emerged individually sovereign, namely Pakistan and India. However, the formation of such states out of the partition would bring about a pile of major ordeals and plights, entangled with afflicted transmigrants, allocation of resources, and in peculiar the incorporation of princely states into the state, the most vicious of which was to be the accession of Kashmir that would bring the two newborn sovereignties to the brink of war before long.⁷² Before long, upon the successor Hindu Maharaja, Hari Singh's accession of Kashmir to the Indian rule right after the secession, the impasse over Kashmir sharply emerged as it was against the will of majority, who had the very right to determine at their own discretion which state to get annexed to, as clearly stipulated in the Partition. Ever since then, the fierce competition and strife over Kashmir has intensified the grievance of the contenders against each other as a matter of face value and an unbroken principle of state of art.

Thus, to well grasp the gravity of the current situation in Kashmir, it is evidently unavoidable to come to the realization that catching up with the history of the region as the springboard is to elucidate the perplexity of the ongoing contest between the two contenders in tug of war.

3.1.1. The History of Conflict over Kashmir

The incessant core of the contention, Kashmir is at the heart of belligerent acts of claims over the proprietorship of the territory, inflamed more with the political aspirations than the ideologies based on religious assets of the states. Considering the archaic history of the region, knitted with diverse populace for centuries, one may tend

⁷²Rita Manchanda, *Living on the Margins: Minorities in South Asia*, EURASIA-Net Partners, Kathmandu, 2009, pp. 2-3

to contemplate the religion as the fundamental catalyst of the dispute and enmity. Yet, the two more prevalent publics, namely Hindus and Muslims of Kashmir have managed to get along with each other smoothly in mixture of ethnic culture, which has existed side-by-side within a mosaic of symbiotic and cooperative relationship ever since the emergence of Islam in the region ever since around 1300s.⁷³

According to the Indian epic Mahabharata, the oldest history of Kashmir is assumed to set off with the war at Kurukshetra. As far back as the 3rd century, found are the traces of Buddhism, which was brought to the valley of Kashmir by the Indian emperor of Maurya Dynasty, Ashoka who reigned the Indian subcontinent between 268 and 232 BC, which therefore facilitated the Kashmir to turn into the center of Buddhism till the 9th century AD. Kashmir was ruled by the Hindu Rajas until the 10th century. From that date on, Muslim Turks were employed in the palaces of the rajas as mercenaries. One of these, Shah Mirza, quickly strengthened his influence, and thus seized the Kashmir throne upon which he founded an Islamic state in the region in 1339. Starting from this date, Islam spread rapidly in the region that was in the hands of Buddhists and Hindus as of the early ages in the aftermath of the Muslim dominant rule in the 14th century and the Sultanate of Kashmir ruled the region until 1589.⁷⁴

Subsequently, Kashmir was captured respectively by the Indian-Mongol Emperor, Akbar Shah in 1586, and then 1756 by the Afghan King Ahmet Shah. Through the annexation of Kashmir to the Sikh kingdom of Punjab in 1819, the region fell under the reign of the Sikh Maharaja Ranjit Singh. In the year 1822, for his distinguished service and talents, one of the former commanders of the ruling Ranjit Singh, Gulab Singh, was put in the ruling of the territory as the Raja of Jammu, who would later be the maharaja and add Kashmir besides Ladakh, a part of Tibet, into Kashmir territory with the British support. Upon the First Sikh War in 1846 when the British colonial power waged war against the ruler of the time, Maharaja Duleep Singh

⁷³Subhamoy Das, *Understanding the Kashmir Conflict*, <https://www.thoughtco.com/history-of-the-kashmir-conflict-1770394>, (accessed 03.07.2017)

⁷⁴Mohammad I. Khan, *The impact of Islam on Kashmir in the Sultanate period (1320-1586)*, SAGE Journals, Vol. 23, No. 2, 1986, pp. 187-205

who reigned the land of Jammu neighboring Kashmir valley in the Indian subcontinent, his vassal Ghulab Singh did not run for support, but instead preferred to evade direct involvement, and stayed in close association with the British power, which therefore precipitated the fall of Duleep Singh. Subsequent to the war, the British rewarded Kashmir to Ghulab Singh, the vassal of the Sikh ruler Maharaja in return for his co-operation in the British victory and role in the overwhelming defeat of his Sikh king in the course of war.⁷⁵ In the aftermath of war, the Dogra ruler, Ghulab Singh, established himself as the independent princely ruler of Jammu. This was made to happen through the plotted treaty of Amritsar (16 March 1846), commonly known as the Treaty of Lahore, designed by the British to vest Ghulab Singh as Maharaja while also handing over the territories of Jammu and Kashmir as well as Gilgit and Hunza to Singh's independent dominion with the purchase of Kashmir for merely 7.5 million Rupees from the British rule.

Consequently, populated by diverse peoples in an artificial frame of segments not only ethnically, linguistically, but also administratively and geographically differing from each other, the princely state of Jammu and Kashmir came into existence across the indigenous Jammu and Kashmir valley in addition to Baltistan and Ladakh, which was doomed to the separation and uprising and insistently prone to discrimination of the diverse people especially Muslims against Hindus.⁷⁶ Upon Ghulab Singh's demise, his ruling power was put in the hands of his successors, the last of whom was the Maharaja Hari Singh who would enjoy ruling up to 1951. In a similar way to those who preceded him as the rulers of the time, he is also known to have been oppressive and tyrannical. As a consequence of such harsh ruling with oppression, widespread unrests and sporadic uprisings broke out amongst the Muslim majority in 1931. Though it emerged to be muslim-supported upheavels across the region, there were also Hindu pandits, who did not spare contribution to the uprising as it was not a communal insurrection, but rather a crusade against the ruling autocracy. By the second half of the 1940s, the belief in creating individually independent

⁷⁵Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War*, I.B.Tauris & Co Ltd, London, 2003, pp. 1-7

⁷⁶Sumantra Bose, *Kashmir: Roots of Conflict, Paths To Peace*, Harvard University Press, Cambridge, 2003, pp. 14-17

Pakistan and India had already been forged as the signs of British who were displaying the movements of pullout from the region became obvious.

It was in 1947 that the division of South Asian portion of the British Empire was to be made between the two states, India and Pakistan, as a consequence of British withdrawal out of the subcontinent, which was bound to engender the separate state formations of Pakistan and India in the process of the partition with the inevitable exodus of the people sweltered by violent commotions, and sectarian bloodshed. Accordingly, Maharaja Hari Singh had no option but to weigh the gravity of the contiguous dominion, religious and ethnic assets while decreeing on which side to accede to. However, he got stuck in an insurmountable predicament of opting for any of three choices. Because he was a Hindu Maharaja of a state in between Pakistan and India and populated heavily by Muslim indigenes, his accession to Pakistan would mean causing Hindus and Buddhists in Jammu and Ladakh to stay in a minority in Muslim Pakistan whereas the unlike, or rather, such an annexation to the state of India would entail not complying with the majority stipulation clearly stated in the Partition.⁷⁷ On the other hand, the odds were that he could still remain impartial so as to build up a new independent kingdom too, but he fell a prey to two fledgling nations caballing to gain the accession of territory to the new state. In this guagmire, the British turned over the power to India and Pakistan in August, 1947, yet the execution of such power was deficient in expounding clear guide lines and efficiency, thus engendering so much confusion and gray area that it eventually paved the way for both of the contending parties to put their belligerent claims on Kashmir to annex it at once.⁷⁸

To get Hari Singh to accede to them, respectively Pakistan and India, the disputant states did not evade exerting pressure to influence the ruler. Anyhow, Maharaja Hari Singh kept neutrality and did not accede to either of the two dominions. Consequently, on 21 October 1947, claiming to emancipate Kashmiri Muslims from Hindu tyranny, Pakistan endeavored to annex Kashmir and make it a part of Pakistan

⁷⁷Tai Y. Tan, Gyanesh Kudaisya, *The Aftermath of Partition in South Asia*, Routledge, London, 2000, pp. 218-219

⁷⁸Gyanendra Pandey, *Remembering Partition: Violence, Nationalism, and History in India*, Cambridge University Press, Cambridge, 2001, pp. 32-35

and so deployed a large military force composed of tribesmen and Pakistani soldiers to dethrone Hari Singh. Following the event, the Maharaja, whose army was vanquished by the Pakistani forces, had no other choice, but had to propose to grant a compliance of accession to the Indian state in exchange for safeguarding by the Indian forces. The Indian side readily dispatched the military assistance, yet, provided that the Maharaja sealed the Instrument of Accession, which controversially made Jammu and Kashmir a part of India while also setting the ground for the outset of later Kashmir Conflict.⁷⁹

India's acquiescence to this appeal and deployment of its troops to Kashmir sparked off the first of three warlike situations between the two contesting countries. The incursion of Pakistan and the consecutive war in 1948 brought about the very foundation of a highly brittle and dangerous rivalry and fickle balance in the Indian subcontinent. The incursion venture of Pakistan in 1948 was auspiciously prevented by the Indian army, which later attempted to invade the present cities of Muzaffarabad and Mirpur in Pakistan in the aftermath.⁸⁰ All the same, advised by the Governor General of India, Lord Mauntbatten, the Government of India summoned their forces to return and took the issue to the UN Security Council to get it resolved, which prompted the establishment of UN Commission in both countries (UNCIP).⁸¹ The UN Security Council passed a ceasefire resolution, which decreed that Pakistan should recede all units of its army and the tribesmen located in the region and for the people of Kashmir to determine for their own future, a plebiscite should be held.⁸²

The sides' agreement which demanded either side should comply with Maharaja's instrument of accession, soon to be endorsed based on the result of referendum was of no robust footing when especially considered the fact that Hari Singh might have sealed the pact of accession under the coercion of Indian forces or

⁷⁹*Kashmir Issue Begins with the Instrument Accession*, <https://indiafacts.org/kashmir-issue-begins-instrument-accession>, (accessed 05.07.2017)

⁸⁰Ashique H. Syed, *Victims of Massacre, 22nd October 1947*, <https://defence.pk/pdf/threads/victims-of-massacre-22nd-october-1947-black-day.137665/>, (accessed 07.07.2017)

⁸¹United Nations Archives, *Summary of AG-046 United Nations Commission for India and Pakistan (UNCIP) (1948-1950)*, <https://search.archives.un.org/united-nations-commission-for-india-and-pakistan-uncip-1948-1950>, (accessed 07.07.2017)

⁸²Husain Haqqani, '*Pakistan's Endgame in Kashmir*', *India Review, Journal of Conflict Resolution*, Vol. 2, No. 3, 2003, pp. 35-36

of his own accord, which has been a matter of controversy for long. However, as the international community lacked sufficient interest in the issue, neither objective of the so-called resolution was made to get accomplished without reservation. As a result, the anger of the people at Hari Singh's decree on bargaining Kashmir to India would mature into bitterness in the years to come for a referendum under the international patronage was not held for the Kashmiri people to decide for themselves about their side and demand for self-determination although realization of such referendum was pledged to the peoples of Kashmir and the world by the first prime minister of India, Jawaharlal Nehru and, which as yet has never come true.

As of 1 January 1949 upon the ceasefire, despite parties' incessant reference to the hold of other's as the India or Pakistan occupied slice of Kashmir, 63% of the J&K territory (139,000 square kilometres) fell under the control of Indians with the Kashmir valley and a larger strip in the region of Ladakh region. And, the rest of the land which accounted for around a third (84,000 square kilometres) was left to the control of Pakistan with a stretch of land spanning from north to south in the west of J&K and a small piece of Ladakh including Gilgit and Baltistan.⁸³ The Constituent Assembly of India endorsed the accession of Jammu and Kashmir to India in the year 1954, upon which the Constituent Assembly of Jammu and Kashmir of 1957 conversely ratified the accession officially.

In 1965, a second war succeeded between Pakistan and India. In the aforementioned date, there were some infiltrations by Pakistan on the Indian side of the Kashmir control line. In response to Indian troops intervening against the infiltrating Pakistani units, Pakistani forces attacked the Jammu and Kashmir division and took the path of Srinashar, the only way whereby the Indian forces could supply. In retaliation, India then advanced up to Lahor, the second largest city of Pakistan, upon which a ceasefire was declared between the sides by the intervention of the United Nations. In 1966, through the Soviet Union's mediation, an agreement was reached and signed in the Uzbekistan's capital city, Tashkent.⁸⁴ It was decided that the

⁸³Sumantra Bose, *Kashmir: Roots of Conflict, Paths To Peace*, Harvard University Press, Cambridge, 2003, pp. 41-42

⁸⁴Mehrunnisa Ali, 'The Simla and Tashkent Agreements', JSTOR, Vol. 25, No. 3, 1972, pp. 59-60

parties would solve the Kashmir conflict through negotiations. However, India displayed reluctance towards the resolution and did not approach the negotiations related to the solution of the dispute over Kashmir.

Between Pakistan and India, the third war in a row broke out in 1971 that had an indirect connection to Kashmir though. Over East Pakistan, the conflict began when the central Pakistani government, located in West Pakistan, under the administration of Zulfikar Ali Bhutto denied Awami League Bengali leader Sheikh Mujibur Rahman of taking on the premiership despite the majority of seats won by his party out of 1970 election. Sharp disagreement between East Pakistan and West Pakistan surfaced in a thrice, which triggered the escalation of tension for a civil war. As the internal war-torn tensions escalated, around 10 million refugees fled to India, which prompted India to support Bangladesh forces.⁸⁵ In return, Pakistan interdicted the war planes flown by Indian airforce. At the end of a series of emerging border conflicts, Pakistan ended up with a defeat while Bangladesh emerged triumphant and declared independence and so, seceded from Pakistan. In Simla, on 2 July 1972, for the common purpose of bringing the fierce conflict and the sporadic confrontations over Kashmir to an end, the Prime Ministers of Indian and Pakistani states, Indira Gandhi and Zulfikar Ali Bhutto respectively, gathered to come to terms on a settlement for the peace in the region. Out of the Simla Agreement, to provide a ceasefire, the new Line of Control (LoC) was established to be recognized as the designated demarcation line, on which both sides consented not to put any further unilateral claim against the treaty and which was to be employed as the bilateral boundary while the parties declared that either side would respect the territorial integrity of the other.⁸⁶

In 1999, a group of Pakistani, Afghan and Kashmiri armed troops seized the control of a military facility in a mountainous area in the Kargil district of Kashmir and elsewhere along the Line of Control in Jammu and Kashmir. As a result of India's intervention and the pressures of the international community, these troops were compelled to withdraw, which is regarded by some politics circles of India as a

⁸⁵Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War*, I.B.Tauris & Co Ltd, London, 2003, pp. 116-117

⁸⁶Srinath Raghavan, *1971 A Global History of the Creation of Bangladesh*, Harvard University Press, Cambridge, 2013, pp. 268-269

Pakistani proxy war in Kashmir against India. Apart from the three wars mentioned, there have been many border conflicts and low intensity wars between Pakistan and India since then. Though, there are some recent constructive approaches towards the resolution, they have been no more than sporadic attempts, which lack genuine intention to terminate the conflict. Therefore, Kashmir is still volatile and vulnerable to exploitation in politics of both contentious states.⁸⁷

Partitioned into two subregions by the de facto border named after the Line of Control (LoC) though repudiated vice versa, Kashmir is named as Azad Kashmir controlled by Pakistan whereas it is labeled as Pakistan occupied Kashmir in India while Jammu and Kashmir, which is a part of the India and known by Pakistan as India occupied Kashmir in Pakistan.⁸⁸



3.3. Line of Control between Pakistan and India as of December 17, 1971⁸⁹

⁸⁷Asad Hashim, *Timeline: India-Pakistan Relations, A Timeline of the Rocky Relationship*, <http://www.aljazeera.com/indepth/spotlight/kashmirtheforgottenconflict>, (accessed 09.07.2017)

⁸⁸Aman M. Hingorani, *Unravelling the Kashmir Knot*, SAGE Publications, New Delhi, 2016, pp. 204-205

⁸⁹LARAIB, *LOC–Pakistan India*, <http://www.dostpakistan.pk/loc/>, (accessed 15.07.2017)

This division still stands obnoxious and is regarded unofficially deemed as the border between the two countries, that is what is meant by the demarcation line between two sides on the border dispute. Today, both rival countries still hold insistence on putting claims over the whole Kashmir valley with what they consider theirs. This attitude taken by both claimant states towards the region has induced motives for a perilous strife between the adjacent nuclear powers, India and Pakistan, and has instigated wars and skirmishes on the factious border since 1948.⁹⁰

3.1.2. The Overall Magnitude and Significance of Kashmir in Conflict

The Kashmir region, located on the south western skirts of the Himalayas, is surrounded by Turkestan and Afghanistan in the north, Pakistan in the west, Tibet in the northeast, and India in the southeast. Kashmir valley with an area of 222,226 sq. km is 135 km long from northwest to southwest and Azad Kashmir with the area of 78,932 sq. km lies in the northwest part of the region, thereby being controlled by Pakistan while India dominates the eastern provinces of Jammu and Kashmir with 100,569 sq. km across.⁹¹

Partitioned among Pakistan, India and China, Kashmir has remained a major element of tension in South Asia's regional security. Especially in Pakistan and India relations, as a hotly controversial issue since 1947, Kashmir seems to occupy an important place in the security perception of the two countries. In 1962, the complexity of the problem exacerbated following China's control of the Aksai Chin region in the conflict. The ensued rapprochement between Pakistan and China in the region was to fret India and heartened to bolster its geopolitical expansionist understanding. The pervasive insights of Pakistan, India and China vice versa have led them to pursue an irredentist policy and rendered the issue intractably inconceivable to this day. Though Kashmir tends to have turned into a frozen conflict, it is vulnerable to eruption with the volatile impact of the strategic balance between Pakistan and India over the region.⁹²

⁹⁰Christopher Snedden, *Understanding Kashmir And Kashmiris*, Hurst & Company, London, 2015, pp. 244-246

⁹¹Eric S. Margolis, *War at the Top of the World: The Struggle for Afghanistan, Kashmir, and Tibet*, Routledge, New York, 2001, pp. 56-57

⁹²Syed R. Hussain, 'Resolving the Kashmir Dispute: Blending Realism with Justice', *The Pakistan Development Review*, Vol. 48, No. 4, 2009, pp. 1007–1010

South Asia is of a consequential stance in the world where new balances are in the process of establishment subsequent to end of the Cold War. The intersection of energy routes of the territory confronts many powerful states in the region. In 1947, Pakistan and India states, which achieved the independence, faced up to each other over the conflict of Kashmir. According to the Indian Independence Act of 1947, the British withdrawal from the region revealed that the 562 remaining princes should themselves determine whether to join Pakistan or India. Accordingly, Jammu Kashmir under the rule of Hindu Maharaja Hary Singh preferred to join India despite the dominant Muslim population, and signed the Instrument of Accession in October 1947, which ignited a series of clashes in the aftermath and caused the issue to be chronic. Unlike the expectations, the cessation of the British occupation in the region prevented the development of both countries for many years, thus making the Kashmir region a bone of contention that has led to wars for many years between India and Pakistan.⁹³

A large part of Kashmir, apportioned into three parts, is the Jammu Kashmir region controlled by India. While Azad Kashmir, Gilgit and Baltistan are under the control of Pakistan, Aksai Chin and Shaksgam Valley are under the Chinese domination. The triply divided Kashmir plays an important role in the destabilization of regional security. The human rights violations and oppressive practices employed in the region, especially since the 1990s have made Kashmir an international issue. Regarded as one of the world's largest democracies, India values Kashmir so dear to its strategic intactness that she is of doubts that such a forfeiture could cause a chain reaction in the country if Kashmir secedes.

Hence, the regime maintains that the region must be under its control in terms of security while also pursuing the claims that Kashmir is an innate part of India based on the accession treaty of 1947. Conversely, Pakistan also has assertive claims on Kashmir depending on the UN's 47th plebiscite decree of 1948 and the fact that the dominant population of Kashmir is Muslim. In the pursuit of these assertions, in 1947,

⁹³Sumantra Bose, *Contested Lands: Israel-Palestine, Kashmir, Bosnia, Cyprus*, Harvard University Press, Cambridge, 2007, pp. 154-155, 165-167

1965 and 1999, Pakistan engaged in three wars and countless border conflicting clashes with the rival India.⁹⁴ China, which occupied the Aksai Chin section of Kashmir in the Chinese-Indian war in 1962, further complicated the issue by claiming that the area under its control was not a part of Kashmir and belonged to itself. It is also another interesting aspect of the event that the Shaksgam Valley was handed over to China through the treaty in 1963 by Pakistan. Although India has recognised this transfer process of turnover, it also grows concerned about the close relation between Pakistan and China.

So as to understand the nature of the Kashmir problem, it is necessary to take a closer look at the other putative constituents as well as such historical background of the region inasmuch as both regional security and the activities of the great powers in South Asia are indeed decisively influential on Kashmir.⁹⁵ Located in the middle of the energy corridor, Kashmir has an inherently potential to turn into a battleground in the middle of nuclear weapons as well in that the economic dimension of the Kashmir region is influential in the pathway of the issue whereby India and Pakistan had three wars for Kashmir and threatened each other with nuclear power. The fact that the region is the center of drug trafficking and that many actors are fed by the profits they make from the region is another driving factor of the conflicting interests in Kashmir. Strangely enough, it is Europe's leading heroin producer with 20% of the United States' drugs coming from this region. Of the three countries producing heroin, Pakistan has the largest share with about 2.7 million US dollars of annual income from drug sales. Therefore, drug trafficking is closely linked to Pakistan's economy and policy. Apart from the land route that leads to Central Europe through the Balkans, the border between India and Pakistan is a region where drug trafficking intensifies and reaches first to India and then to other countries. Apparently, terrorism and drug trafficking in the province of Jammu and Kashmir make easy money for both conflicting parties.⁹⁶ The Indian government has built a railway to link the provinces of Jammu and Kashmir

⁹⁴Madan G. Gupta, *International Relations Since 1919, Part II*, Chaitanya Publishing House, Allahabad, 1961, pp.489-494

⁹⁵Sumantra Bose, *Kashmir: Roots of Conflict, Paths to Peace, New Peace*, Harvard University Press, Cambridge, 2003, pp.76-77.

⁹⁶Pushpita Das, *Drug Trafficking in India: Case for Border Security*, http://www.idsa.in/system/files/OP_DrugTraffickinginIndia.pdf, (accessed 03.08.2017)

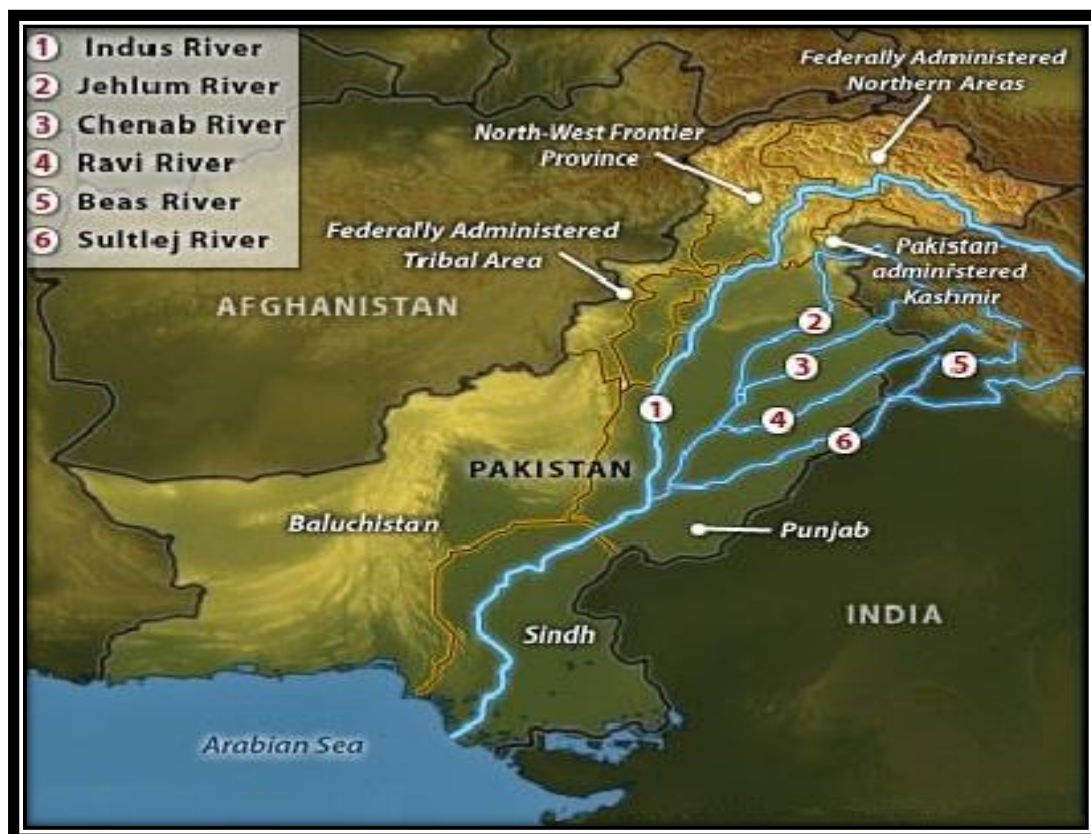
to India. The road is described as an engineering wonder because it passes through earthquake zones surrounded by mountains.

While the new world order is being established, the geography of Kashmir gains more and more strategically important geopolitical significance in South Asia. Together with its strategic priorities for Pakistan and India, Kashmir possesses the worldwide recognised natural beauties of the world as well and it is the hub of the highest peaks in the Himalayas with the extensions of Karakoram, Pir and Panjal range of mountains to merge in there. In addition, the world's second highest mountain on the Himalayas, K2 Godwin Austen and Nanga Parbat peaks are within Kashmir's boundaries and are referred as heaven valleys with their skirts and green valleys. At the foothills of these mountains thrive the reputable Kashmir goats. The precious Kashmir fabric is gleaned from the thin and soft wool of these ruminants. As such, the industrial activities are concentrated on this area where the local people carry out silk manufacture and weaving as the staple industrial activities and deliver silk fabrics to many of the world's far ends on the fertile lands of Kashmir valleys where agricultural products of wheat, barley, corn, rice, tobacco farming and fruit farming are made in the regions.⁹⁷

Given that the people earn most of their livelihood from agriculture, the region has developed in agrarian sector thanks to generous water resources. Originating in the southeast, the Indus River, which irrigates the agricultural lands, flows through deep valleys and transcends the state of Jammu and Kashmir and further blends with main tributaries; Beas, Chenab, Jhelum, Ravi, Satlej and other rivers. These rivers nourish the Indian peninsula and then pour into the Indian Ocean. It is due to these rich water resources and the presence of fertile plains that the region has developed in terms of agriculture. Correspondingly, these water resources have crucial weight in agriculture and energy of Pakistan and India, a consequence of which is self-evident in the construction of the Mangla dam on the Jhelum River, which worries Pakistan that her vital water supply for the agricultural sector will not thrive and such constructions are

⁹⁷The Editors of Encyclopedia Britannica, *Kashmir: Region, Indian Subcontinent*, <https://www.britannica.com/place/Kashmir-region-Indian-subcontinent>, (accessed 05.08.2017)

likely to bring on an interruption of control on electricity over the rivers, thus turning the case into a political struggle in the internal and bilateral affairs of the both claimant countries.⁹⁸



3.4. Indus River System: Jhelum, Chenab, Ravi, Beas & Satluj⁹⁹

Kashmir, one of the most important strategic regions in South Asia, has the second highest peak of the world with a prevailing ascendancy to the surrounding lands. In addition to her increasing importance in possession of underground resources and fertile lands that are home to a variety of mines such as rubies, lignite, bauxite and gypsum, it is regarded as a strategic region because of the decisive geographical location on the cross borders of countries with different cultural identities such as Pakistan, India and China. Therefore, due to the characteristic features of each claimant, Kashmir has been the very stage where it is constantly faced with the struggle

⁹⁸Institute for Defence Studies and Analyses, *Water Security for India: The External Dynamics*, M/s A. M. Offsetters, New Delhi, 2010, pp. 31-35

⁹⁹Himalayan River Systems, *Indus River System: Jhelum, Chenab, Ravi, Beas & Satluj*, <https://www.pmfias.com/indus-river-system-jhelum-chenab-ravi-beas-satluj/>, (accessed 06.08.2017)

among the regional powers, further the occupation and the ensuing war. In order to gain dominance in Kashmir, great wars were fought between India and Pakistan in 1947 and 1965 as well as India and China in 1962. Besides the aforementioned wars, the region of Kashmir has also witnessed the scene of numerous border conflicts where each of the regional countries is motivated to preserve the strategic interests of their own state and considers Kashmir as their national affair whereas the people of the region are paying a heavy price in the face of the struggles of the belligerent powers and thus suffering great pain and loss.¹⁰⁰

In the aftermath of British occupation that came to an end in 1947, India and Pakistan emerged as separately independent states, but status of Kashmir was left unsettled and so unmanageable. Whereas a series of resolutions by the UN emphasized that the people of Kashmir should be vested with the power to determine their own destiny, the sides, especially India exposed reluctance towards such an approach of resolution to settle the problem. Essentially, the control of India in Kashmir at the expense of the Kashmiris' own will, which is based on the consideration that Kashmir is Indian own province, has fuelled the perpetuation of the conflict over Kashmir and dragged it to the present day while Chinese controlled part of the territory over Kashmir in the process has brought the issue to an inextricable dimension.

Respectively, Pakistan, China and India attach importance to Kashmir due to different reasons. Pakistan, desiring to hold the upper reaches of the rivers with vital importance for her energy resource under control, aims to meet its energy demand from hydroelectric facilities on the streams originating from Kashmir while also giving weight of great significance to Kashmir on the grounds that the majority of the people of the region are Muslims and therefore based on the treaties and UN resolutions, there stands the possibility of adjoining Kashmir to the lands of Pakistan. China had the opportunity to link the provinces of Tibet and Xinjiang to each other by means of overland route thanks to the region bestowed to her by Pakistan in 1963 and the Aksai Chin territory it had captured in the 1962 war. In this context, China considers the lands of Kashmir under her control strategically critical for her interests and regards it

¹⁰⁰Jeremy Black, *War Since 1945*, Reaktion Books Ltd., London, 2005, pp. 116-117

as its natural part to the integrity of the state.¹⁰¹ The most strategic vantage points that Kashmir enjoys are under the control of India, which avails India the opportunity to control the region. Considering the long-going conflict, India has not been reluctant to resort to every possible means, including the use of force to persist her claims and employ this advantage. Although she has applied to the UN organization for the issue of Kashmir in the past, it is noticeable that the decisions taken on the issue by UN are not observed by the Indian side and India persists in widening its dominance in the region and taking steps to make Kashmir an integral part of India.¹⁰² In addition to having strategic priorities for India, Kashmir is also important because of its potential to establish arguments of politics in India's internal politics. Indeed, India is the country with the most crowded Muslim minority in the world. Hence, India is of deep concerns that the independence of such Kashmir or the attachment to Pakistan by a plebiscite may well set an example to the Muslims living in India, which is one of the most important elements of the problem in Kashmir that hinges on a religious base on the Muslim-Hindu axis.

Pakistan has long been claiming that the Kashmir problem results from India's refusal to accept the presence of Pakistan and Indian hegemonic desires. Should India get by with these, then a peaceful solution to the Kashmir problem can be discussed and practically found. From the side of the Pakistanis, Kashmir stands as the unfinished business of the 1947 partition. Pakistan adds that because both India and Pakistan agreed on the UN Security Council resolutions of 13 August 1948, and 5 January 1949, the Kashmiris should be authorized to enforce the right of self-determination based on these resolutions. Indians, anyway, contend that Pakistan, defined and led by its obsession with religion, has irredentist objectives in Kashmir since it does not want to yield to the fact of a secular India. As such, the presence of such an India inquires about the very need for Pakistan to exist at all, inflaming the Pakistani contention that Indians have never resigned themselves to Pakistan.¹⁰³

¹⁰¹Robert G. Wirsing, 'War or Peace on the Line of Control?: The India-Pakistan Dispute over Kashmir Turns Fifty', *Boundary & Territory Briefing*, Vol. 2, No. 5, 1998, pp. 15-16

¹⁰²Zaib N. Aziz, *The Pursuit of Kashmir*, <https://herald.dawn.com/news/1153341>, (accessed 8.08.2017)

¹⁰³DLIFLC, *Kashmiri Cultural Orientation*, Technology Integration Division, Monterey, CA 2007, pp. 11-13

In conjunction with these facets, this precious strip of land for both sides, Kashmir is of strategic gravity for India and Pakistan. As Kashmir supplies Pakistan with the much needed water to irrigate the fertile, dry plains of Punjab, the Indus and its tributaries meandering in from Kashmir make up the crucial source of fresh water in Pakistan. Accordingly, harnessing the hydropower of the streams via dams and waterways has always been a very compelling concern for decades. Furthermore, by means of the Silk Route meandering between Pakistan and China, the crucial land connection is made accessible. Given China's previous border confrontations with India over Kashmiri region and being a prominent diplomatic and military ally of Pakistan, Kashmir holds a meritable stance for both parties.¹⁰⁴ The Silk Route enables China to sustain a belligerent stance towards India, its biggest regional rival. A very vivid illustration denoting the strategic magnitude of the Silk Route was observed when Pakistan opened the road again in 1965 and turned over the entire control of Gilgit, a modern air force base on this route, to China. Indeed, this prospect is regarded very substantial granted that Gilgit presently poses as a vantage point through which China's penetration into the deepest part of Indian territory may occur. Consequently the prospect of such incursion neutralizes the natural security bestowed to the Indian State from the Himalayan range over the North front of India. Intriguingly, such an attempt of incursion was once made when the border tensions between India and China peaked in the 1960s. Accompanied with the strategic value, the Silk Route is effectively employed to also reinforce Pakistan's interrelations and especially the commerce with China.¹⁰⁵

There stand many other areas worthy of emphasis on Kashmir with supreme geopolitical significance, one of which is the Siachen Glacier lying in the area known to be the Karakoram Pass. It lies there as the only natural roadblock that is to hinder Pakistani and Chinese forces from merging up in Kashmir. Thus, such an assumption that Pakistan and China were allowed to rendezvous their military powers at Siachen,

¹⁰⁴Fahad Shah, *Does the China-Pakistan Economic Corridor Worry India?: The \$46bn CPEC Project Connecting Xinjiang in China to Gwadar in Pakistan has Raised Concerns in India.*, <http://www.aljazeera.com/indepth/features/2017/02/china-pakistan-economic-corridor-worry-india>, (accessed 11.08.2017)

¹⁰⁵Naseer A. Kalis, Shaheen S. Dar, 'Geo-Political Significance of Kashmir: An Overview of Indo-Pak Relations', *IOSR-Journal of Humanities and Social Science*, Vol. 9, No. 2, 2013, p. 115-123

the whole northern frontier of India's national security could be immeasurably undermined with the unifications of the armed units, composed of India's two biggest rivals that would bring a hefty military force into existence. As a consequence, the united military force would manage to possess the joint and potentially decisive military power to take action against India.

Aside from the regional importance of the area from the very perspectives of the involving parties, the strategic value of Kashmir fans out beyond the bounds of South Asia and to the global scale. As such, were an imaginable Kashmir annexed into Pakistan or rather an independently established state in Kashmir state created, that would inevitably imply a seamless mass of territories comprising Islamic regions with potential fundamentalism, spanning all the way from Morocco to Malaysia. Such circumstance could inflict detrimental consequences upon the global strategy in the war fought against the terrorism at regional and global scale. In that case, already assumed to be somewhat of a harbor for terrorists worldwide, Kashmir might rise up as a fundamentalist state fostering and harboring circulations in terrorism.¹⁰⁶ Given the recent deeds of the western power in the area, the West also bore strategic military interests in Kashmir. A free, neutral Kashmir between India and Pakistan would fall reliant on the western world on account of the geographical nature, which is in landlocked location among the surrounding countries. The geographical stand of Kashmir would constitute an excuse for the West to base a military presence in the valley to aggrandize its impact spreading from the Middle East to Central Asia and even the western boundary of China. Yet, based on the reports written in unfavor of the military presence, they all had to dismiss the idea since establishment of such a military base in the valley was bound to cost far too expensive and be inoperable owing to the geographical inconvenience of the terrain.¹⁰⁷

In their foreign policies with India and Pakistan, the nations of West have repeatedly leveraged Kashmir, as a consequence of which Pakistan was a primary cold

¹⁰⁶Iveshu R. Bhatia, *An Analysis of the Kashmir Issue and A Possible Path To Peace*, <http://www.docs-engine.com/doc/1/war-and-piece.html>, (accessed 13.08.2017)

¹⁰⁷Mohan C. Bhandar, *Solving Kashmir*, Lancer Publishers and Distributors, New Delhi, 2006, pp. 94-95

war ally for the West and was conducive for the fight against the Soviets in Afghanistan in the 1980s. As opposed to Pakistan, India was predominantly non-aligned with a bias siding with the Soviet Union. Doing a U-turn of its stand for the Kashmir issue to assist Pakistan after a period of relative disengagement from the dispute, the West accordingly rewarded Pakistan for its backing, which ended up growing more tolerant of Pakistan's tacit supports for the violence at the crossborder. Due to the fact that western relations with Pakistan went sour and strained and the Soviet Union fell obsolete in the 1990s, the West was forced to make realignment of its attitude towards Pakistan displaying a tendency to be harsh and more critical of Pakistan's tacit support over the cross border infested with terrorist activities and with an aim to this end, it did not avoid manipulating diplomatic and financial instruments to exert pressure on Pakistan to cease the support given to the terrorist activities. Nevertheless, the West discharged some constraints for Pakistan so as to crack down on terrorist bodies in Kashmir. Seemingly, the constraint had to be slackened taking for granted that Pakistan provided aid and gave overt support in the recent war waged on terrorism and the Pakistani government lacked so much control to take over these terrorists organizations as it wielded a couple of years ago.¹⁰⁸ In the similar foreign policy followed by the West related to India, the West has often manipulated Kashmir to exert influence and veer the acts of the Indian government. Therefore, the Kashmir valley has evolved into a very important issue for especially Pakistan, India and world politics in all.

As well as its strategic and political values, both Pakistan and India extend their claim on Kashmir on grounds of the culturally and socially rooted reasons. Rooting in the memory of both Pakistanis and Indians, Kashmir has solely grown the most vital bone of content the Indian subcontinent has to encounter. Considering that Pakistan has faced the defeats in previous wars against India over Kashmir, Pakistan and India both feed a universal enmity and rivalry against each other, which has spread across all the nooks of life. Accordingly, occupying the hardcore posture taken in the pride of both nations, the region of Kashmir does come to mean the figure of too much prized

¹⁰⁸Sudhir S. Bloeria, *The J&K Peace Process: Imperatives of a Strategic Vision*, <http://www.satp.org/satporgtp/publication/faultlines/volume9/Article3.htm>, (accessed 20.08.2017)

stakes for both countries that neither attempts to waiving the claimed rights in the lights of the national values of both nations.¹⁰⁹

3.2. How has Kashmir Evolved into a Conflict?

Kashmir's accession to India against popular will of the people living in the area of the present issue led to the emergence of the conflict over Kashmir, which has been ongoing for quite a while in particular between Pakistan and India. Whereas the Kashmir administration of the time, which was in the hands of the Hindus after the British occupation, considered remaining independent rather than getting subject to either Pakistan or India, the majority of the Muslim population was in favor of such a unity with Pakistan. Yet, Muslim people got stirred following the Sikh-Hindu attacks on Muslim villagers in Jammu and the consequence of positively unanswered response to their anticipation of an integration with Pakistan, which mobilized Muslims in the cities of Punch and Mirpur to uprising against the Hindu government. Some Pakistani groups also intervened to help Kashmiri Muslims gain their objectives. As a result of the uprising, Azad Kashmir Islamic Republic was established on 24 October 1947. Upon these developments, Kashmir's Hindu Maharaja sought help from India. The call for help was readily responded by India provided that Kashmir would accede to India. The Hindu administration, which asked for support, sat on the table of agreement with India, and thus on 26 October 1947, Kashmir signed the annexation agreement to India.¹¹⁰

Indeed, the Indian administrators declared that the conclusion made was temporary and that Kashmiri people would themselves decide the future of Kashmir. After the accession agreement, Indian troops which entered Srinagar were involved in the war of Kashmir. While India captured the capital Srinagar, Kashmir Valley and Jammu holding the control over much of Kashmir, Pakistan managed to subdue merely a small region in the north of Kashmir.¹¹¹ On 1 January 1948, the Indian government

¹⁰⁹Neha Navlakha, *Kashmir: The Clash of Identities, Beyond Intractability*, <http://www.beyondintractability.org/casestudy/navlakha-kashmir>, (accessed 20.08.2017)

¹¹⁰Necdet Sevil, *Bitmeyen trajedi: Keşmir Sorunu*, <http://www.dunyabulteni.net/tarih-dosyasi/171008/bitmeyen-trajedi-kesmir-sorunu>, (accessed 02.09.2017)

¹¹¹Christopher Smith 'India Arms and Abuses in Indian Punjab and Kashmir', Human Rights Watch Arms Project, Vol. 6, No. 10, 1994, pp. 35-36

applied to the United Nations, complaining that Pakistanis supported the rebels. In return, Pakistan demanded a plebiscite to be held under the auspices of the UN, claiming that India committed genocide to Muslims of Kashmir. On 21 April 1948, as a result of the assessments made by the United Nations Security Council, it was decreed that the Kashmir people were to use the self-determination right in a plebiscite. Upon the bilateral interviews, a commission was established for Kashmir. In line with the Commission's reports, the UN's decision in November 1948 set out the principles for the implementation of the plebiscite. The most important of the conditions was that India should withdraw its armed forces in the region, but India did not get along with such a retreat of army from the region.

Therefore, the conditions for a plebiscite did not grow mature enough to form. During the plebiscite talks, 77% of the Kashmir population were Muslims while the ruling was in the hands of the Hindus. UN observers were situated on the control line in Kashmir, but in practice they were of no effects. A large number of Muslims were massacred owing to long-standing clashes. Eventually, a ceasefire agreement was signed between the sides on 1 January 1949. According to the agreement, the armed forces were to recede from Kashmir. Additionally, in accordance with the agreement made on 5 January 1949, a referendum was to be held and the people's preference was to be respected whichever side they preferred to stay with. However, India has never fulfilled the obligations laid down in these agreements.¹¹²

From the very first day, India was planning to make Kashmir an Indian province. With an aim to this end, Kashmir's government presidential status was abolished in a parliamentary session of the Indian government held in 1963. Instead, Kashmir was considered a province of the Indian state and thereby a governor was appointed there. This initiative of India led the Kashmir issue to turn into a much more complex issue. In the 1980s, the Kashmiris launched to organize a series of protests against the persecution of India. The main purpose of the demonstrations was to force India to abandon Kashmir. However, India manipulated the policies of massacres and

¹¹²Musarat J. Cheema, '*Pakistan-India Conflict with Special Reference to Kashmir Musarat*', *South Asian Studies A Research Journal of South Asian Studies*, Vol. 30, No. 1, 2015, pp. 45-69

intimidation by violently responding to civil demonstrations.¹¹³ Nonetheless, in 1989, the armed resistance against the Indian oppression began to emerge. India, on the other hand, continued to persevere its military occupation by deploying more troops to the area.

The prominent agents of the Kashmir problem are Pakistan, India and China. India claims that Kashmir sided with the accession to India in 1947, therefore it is an Indian land while also accusing Pakistan of weakening India and trying to get its land back in support of separatist movements in the region. On the contrary, Pakistan argues that Kashmir should be attached to Pakistan as the majority of the people of Kashmir are Muslims in accordance with the agreement reached during the period of independence of the two countries. China, on the other hand, became another side of the Kashmir conflict in the wake of a war with India in 1962 when east of Kashmir, the region called Aksai China was seized by the Chinese forces. China lays claims that this piece of land does not belong to Kashmir and assumes that this is an extension of Tibet, an autonomous region in China. In contrast, India defines China as an invader and demands China to abandon the region of Aksai.¹¹⁴

The hot controversies over Kashmir and sometimes the warlike clashes have made the Kashmir a national issue for all the parties involved. There have been many armed conflicts, especially the notorious ones between India and Pakistan. So, the Kashmir issue has caused both countries to regard each other as threats to their very existence, and thus implement dear investments in the field of military so as to increase the military capacity of both rivals in an offensive approach. In the process of offensive attitudes towards the opponent, along with the small-scale skirmishes, three wars have broken out between India and Pakistan, respectively in 1947-48, 1965 and 1971.¹¹⁵

Upon the first conflicts between the Indian and Pakistani forces, the UN Security Council, which came into force in 1949, made a decree calling for both parties

¹¹³Gautam Navlakha, *The Kashmir Question: Nation-state, War and Religion*, <http://sanhati-india.org/wp-content/uploads/2017/07/Kashmir-and-Nation-State.pdf>, (accessed 04.09.2017)

¹¹⁴Shodhganga, *India's Relations with China and Pakistan from Historical Perspective*, http://shodhganga.inflibnet.ac.in/bitstream/10603/86881/10/10_chapter%202.pdf, (accessed 08.09.2017)

¹¹⁵Historical Security Council Study Guide, *The Indo-Pakistani War of 1965*, http://bismun.com/HSC_topic.pdf, (accessed 09.09.2017)

to observe a ceasefire. According to the UN ruling, both countries were to withdraw their armed forces from Kashmir and Kashmiri people of the region would vote in order to determine their own future in a plebiscite. Yet, aware of the fact that Muslims, who populated the majority of the people in Kashmir, would not prefer such an affiliation with the Indian government, India have incessantly manipulated events to obstruct such a plebiscite.¹¹⁶

Towards the 1960s, some friction over Kashmir between China and India appeared to surface. India, uneasy about China's agreement with Pakistan on the border with Kashmir, began to deploy troops to its border. With China's sudden response, the Kashmir war that broke out between China and India in 1962, ended up with India's defeat. Consequently, China seized the Aksai Chinese territory and continued to assert claims that it was not Kashmir's, but its natural part. Furthermore, Pakistan's relinquishment of a small part of northern Kashmir under her control to China in 1963 made the matter more complicated, which thus got Kashmir divided into three divisions, presently 45 percent in India, 35 percent in Pakistan and 20 percent in China.¹¹⁷

The second war between Pakistan and India broke out in 1965 due to the infiltrations by Pakistan into the Indian side of the Kashmir control line. Despite Indian forces intervening against infiltrators, Pakistani forces attacked the Jammu and Kashmir area and seized the control of Srinagar, the only way whereby the Indian forces could supply logistics. In a response, India advanced to Lahor, Pakistan's second largest city. In the aftermath of the intervention by the United Nations, an armistice was declared and in 1966 through the Soviet mediation, an agreement was reached and signed in Uzbekistan's capital with the final settlement that the parties were to resolve the Kashmir issue through bilateral negotiations.¹¹⁸ India, however hesitated to lend herself to such negotiations on the solution of the Kashmir strife.

¹¹⁶Elham Aminzadeh, *The United Nations and International Peace and Security: A Legal and Practical Analysis*, Faculty of Law and Financial Studies, University of Glasgow, 1997, pp. 167-170

¹¹⁷Amit R. Das Gupta, Lorenz M. Lüthi, *The Sino-Indian War of 1962*, Routledge, NY, 2017, pp. 32-34

¹¹⁸Russell Brines, *The Indo-Pakistani Conflict*, Pall Mall Press, London, 1968, pp. 401-410

In 1971, another war, despite a collateral linkage to the Kashmir issue, was fought between Pakistan and India consequent to the disagreement between East and West Pakistan where the escalating tensions turned into the civil war and around 10 million refugees had to seek asylum in India. In return, India supported Bangladesh forces while closing off the use of Indian airspace by Pakistani fighter planes. Concurrently, a series of border conflict bursted out between Pakistan and India. The war ended with Pakistan's defeat, upon which Bangladesh declared independence and seceded from Pakistan. With the following Simla Agreement sealed between Pakistan and India, Pakistan and India promulgated to respect each other's territorial integrity and the establishment of a line of control was agreed for the assurance of ceasefire.¹¹⁹ Apart from the three wars mentioned between Pakistan and India, there have also been many border conflicts and low intensity wars between two contending countries, one of which took place in 1999 when a group of Pakistani, Afghan and Kashmirian armed forces seized a military facility in a mountainous region in Jammu and Kashmir, upon which India's intervention and the pressures of the international community forced these troops to withdraw and the politics circles in India argued that Pakistan carried out a proxy war against India in Kashmir.

In the ongoing Kashmir conflict, the demands of the rivaling parties are sharply different from each other and have fuelled the disagreements with the consequences of ensuing wars. Hence, the parties of India, Pakistan and China have made reciprocal ventures at local, regional and global scale in order to realize their own demands and increase interests and gains to their advantage. Accordingly, the Indian presence in Kashmir and ongoing harsh policies have led to the emergence of various resistance groups among the Kashmiris, and in return, these groups have taken hostile actions towards India. A considerable number of these groups struggling for the freedom of Kashmir conduct their activities through Pakistan, which begets a situation to lay the ground for anti-Pakistani activities of India striving to keep Pakistan under constant pressure on the international arena. However, India, ignoring the fact that the Kashmir problem originated from its own policies, totally relates the issue to the activities of

¹¹⁹Ahmad M. Tayat, *Pakistani Options for Resolution of the Kashmir Dispute*, <http://www.dtic.mil/dtic/tr/fulltext/u2/a367737.pdf>, (accessed 11.09.2017)

Pakistan in Kashmir and demands that it stop supporting the resistance groups in Kashmir, whereas it is an obvious fact that India is organizing Hindu groups in Kashmir against Muslims in terms of her own interests too.¹²⁰

Today, the population of India's Muslims is around 180 million, thus making India the third country that houses the most populous Muslim population in the world. Because of the large Muslim population in Kashmir, India literally regards Kashmir as a small Pakistan. In this context, India is of great concerns that the large Muslim population in her borders would come up with similar demands if it were to relinquish Kashmir. Moreover, the Hindu rulers in opposition to the separation of India and Pakistan, want to show that Kashmir's annexation to India was a wrongdoing, and Muslims manage to live in harmony in India as well.¹²¹

On the other hand, Pakistan considers Kashmir as a natural part of itself, and therefore regards Kashmir as its own internal issue. For this reason, Pakistan demands India to recede from Kashmir, and the popular vote, a plebiscite to be taken so as to enable the administration to be transferred to her. Pakistan is sharply against the annexation of Kashmir to India especially on grounds of the facts that the majority of the population in the region is Muslim, and that the source of the Punjab (Five Water) rivers, the source of which originates in India is likely to be cut off. Pakistan, however, notes that the settlement of the Kashmir problem may be possible through a dialogue with India.¹²²

In the war of 1962 with India, China occupied the Aksai-China region, located in the eastern part of Kashmir, arguing that it had not been consulted in the treaty signed between Britain and Tibet in 1914, and that this border was drawn without considering the social, political, cultural and geographical facts of the region. For China, Kashmir's east is of strategic importance. Before the Chinese occupation,

¹²⁰Beverly Crawford, Ronnie D. Lipschutz, *The Myth of Ethnic Conflict: Politics, Economics, and Cultural Violence*, University of California, Berkeley, 1998, pp. 343-346

¹²¹The South Asian Idea Weblog, *What If India Were Not Partitioned?*, <https://thesouthasianidea.wordpress.com/2008/09/27/what-if-india-were-not-partitioned/>, (accessed 14.09.2017)

¹²²Muhammad N. Mirza, *Indus Water Disputes and India-Pakistan Relations*, <https://archiv.ub.uni-heidelberg.de/volltextserver/20915/1/Mirza%20PhD%20Dissertation%20for%20heiDOK.pdf>, (accessed 16.09.2017)

Ladakh territory of Tibet and Kashmir served as a natural set against China for India. This region, on the other hand, allowed China to spread to the South and provided the opportunity to link the provinces of Tibet and Xinjiang to each other via Aksai, a part of China's Ladakh region. That is why China does not want to leave the control of the region. China has not displayed any attitude about the future of Kashmir for a long time and preferred to regard the issue as a Pakistani and Indian matter because she presumes that such a Kashmir's self-determination is likely to inflict a negative impact on the Uyghur territories and Tibet as well.

On the other hand, the Kashmir people are willing to make their own decisions about their own future as suggested by the UN decisions. While some of the Kashmirians find it appropriate to accede to Pakistan, there are also some others, who want to be an independent state. Yet, according to the latest attitude of the people, it is the common request of all to end the war and the oppression whether they are in favour of accession to Pakistan or independence.¹²³

3.2.1. The Impact of External Factors on the Conflict of Kashmir

It is not so difficult to witness the very trace of the West as an external driving factor to the present conflict over Kashmir, especially in the period leading up to the emergence of the imperialist power of Britain's problems with international dimensions such as Kashmir. Therefore, it is presumed to be appropriate to assess the Western direct or indirect effects of Kashmir on key actors.

There is no doubt that the agreement separating India and Pakistan from the British occupation was realized not in the ethnic dimension, but in the axis of faith. According to the agreement, it was decided to leave places where Hindu population was concentrated to India, and places where Muslim population was concentrated to Pakistan. For this reason, the Bengali province was linked to Pakistan as a state called East Pakistan because most of the population was Muslim while there was no land connection. However, Kashmir the majority of whose population is Muslim like the state of Bengal, and has a 1100 km border with Pakistan was allowed neither to be

¹²³Zaib N. Aziz, *The Pursuit of Kashmir*, <https://herald.dawn.com/news/1153341>, (accessed 18.09.2017)

annexed to Pakistan nor to get independent. Yet, instead, the treaty which annexed Kashmir to India was made possible by the last governor of Great Britain of India, Lord Mountbatten.¹²⁴ England, thus ignoring the common will of the people of Kashmir, ignited a serious tension between Pakistan and India. In other words, England left Kashmir, over which he lost his direct colonial administration, in an ungovernable situation. As well as England, the adverse contributions of other western countries to the Kashmir problem have played substantial role in the continuity of the conflict to the present day. These countries' imperial strategies towards South Asia have indeed caused the issues to go beyond the regional identifications and emerge international. In this respect, the attitudes of the external players of the countries towards the Kashmir problem can be considered as the protection of the status quo.

Pakistan, which was not directly exposed to the Soviet threat, took part in the Western bloc during the Cold War period due to the Kashmir problem and joined the SEATO (Southeast Asia Treaty Organization) in 1954 and the Baghdad Pact in 1955. In addition, Pakistan signed bilateral defense agreements with the United States and thus periodically significant contacts were developed. However, the most prominent feature of 60-year Pakistan-US relations is that it has been heavily influenced by the international conjuncture and regional dynamics. In this context, the US attitude towards the Kashmir problem bears the traces of such a self-centered and conjunctural approach for unilateral interests. For this reason, US has been close to India via indirect methods. To illustrate, in the 1965 Pakistan-India war, the United States indirectly supported India by applying weapons embargoes on both sides even though it was allied with Pakistan. Whereas US was the only arsenal whereby Pakistan manages to meet her supply of weapon, India had different alternatives. In other words, India came up with other ways to supply weapons from the US through other countries.¹²⁵

In a way similar to the US, the EU countries have also taken an interest-oriented approach to the Kashmir problem. It is especially of great importance that India is an

¹²⁴Elham Aminzadeh, *The United Nations and International Peace and Security: A Legal and Practical Analysis*, Faculty of Law and Financial Studies, University of Glasgow, 1997, pp.167-168

¹²⁵Mussarat Jabeen, Muhammad S. Mazhar, 'Security Game: Seato and Cento as Instrument of Economic and Military Assistance to Encircle Pakistan', *Pakistan Economic and Social Review*, Vol. 49, No. 1, 2011, pp. 119-121

economically grand market for EU countries in that it is appraised that India, with a population of over one billion people, has recently been regarded as a strategic partner in the economic cooperation with the EU countries.¹²⁶ For this reason, the EU holds a ground close to Indian arguments of Kashmir conflict and thus legitimizes the illicit acts, ignoring and turning a blind eye to the asserted human rights violations in Kashmir. The attitudes of the United States and the EU towards the Kashmir issue are adversely affecting the fair sanctions imposed on India even though the UN has been on the agenda since 1948.¹²⁷ The UN Security Council envisaged with the resolutions from 1949 to 1952 that Kashmir should be demilitarized first, and then the future of Jammu and Kashmir was to be determined based on a plebiscite under UN surveillance. Yet, both parties accepted these resolutions though, India has never displayed a constructive approach for such plebiscite to happen, which shows that UN resolutions are no more than merely formality for power holders. In the face of the ignorance of the will of the Kashmir people and the military incursion of Kashmir by India, the UN have made no sanctions to ensure the fulfillment of the requirements of the decisions taken by the UN.

Indeed, the Kashmir Problem, which is quite simple to solve in legal ways and in accordance with international resolutions, has not managed to reach a solution as a result of the rejecting attitude of the Indian side. Because, in view of the decisions of the UN Security Council dated 1948-1949, it is clear that the people of Kashmir are entitled to appoint their own future. In addition, at the All Jammu and Kashmir Muslim Conference, representing the overwhelming majority of the elected Muslim members of the Kashmir Assembly on 19 July 1947, due to geographical, economic, racial, religious, language, cultural and historical features of Kashmir, it was decided for Kashmir to join Pakistan. Besides, on 24 October 1947, the Azad (Free) Kashmir Government was formally announced, and upon the objection of India, in 1948 a decision for a plebiscite was taken by a popular vote, which India had to accept grudgingly though. However, such a public referendum could not come into existence

¹²⁶ Mohan, C. Raja, 'India and the Balance of Power', *Foreign Affairs*, Vol. 85, No. 4, 2006, pp. 1-11

¹²⁷ Vincent Ferraro, *Resolution adopted at the meeting of the United Nations Commission for India and Pakistan on 5 January, 1949: The United Nations Commission for India and Pakistan*, <https://www.mtholyoke.edu/acad/intrel/uncom2.htm>, (accessed 19.09.2017)

as a result of India's negative reaction.¹²⁸ In 1953, India showed the Kashmir Parliament election as an excuse to manipulate the calls for a referendum and stated there was no need for a popular vote, upon which India's policy about Kashmir was followed by the presumption that there was no problem in Kashmir because Kashmir was a part of India as a whole.

Given the UN's plans for 13 August 1948, 5 January 1949 and 24 January 1957 under Security Council Resolution 122, the final settlement of the dispute in Kashmir should be based on a free and impartial public vote, a democratic method under the auspices of the UN as required.¹²⁹ The future of Kashmir was to be left to the decision of the people of Kashmir as the former Prime Minister of India, Nehru repeatedly and personally committed and stated between 1947 and 1952 in his statements dated 26 June 1952 that India was to accept the situation, knowing that even if Kashmiri people was unlikely to want such a union with India in the aftermath of a plebiscite made within the people of Kashmir and Indian state would make amendment to the constitution if necessary. Unfortunately, the remarks for such commitments were not long-standing and remained merely in the discourses, which has literally fuelled the Kashmir problem to last till today and turn into an unrelenting conflict.¹³⁰

3.2.2. The Sides of Kashmir in Conflict

Kashmir, which broke down between Pakistan, India and China, remains an important focus of tension in the regional security of South Asia. Particularly, in Pakistani and Indian relations, the disputed territory which has been a controversial issue since the partition in 1947 seems to occupy a very volatile and fragile stance in the security perception of the two countries. With China's control of the Aksai Chin region in 1962, the complexity of the problem increased upon Chinese involvement in the conflict. The ensued rapprochement between Pakistan and China in the region worried India and caused her to strengthen the geopolitical expansionist understanding. The reciprocally pervasive notions of Pakistan, India and China have

¹²⁸Puri Balraj, 'Jammu Kashmir' Epilogue, Vol. 4, No. 8, 2010, pp. 4-8

¹²⁹United Nations Security Council, *Security Council Resolutions*, <http://www.un.org/en/sc/documents/resolutions/1957.shtml>, (accessed 25.09.2017)

¹³⁰Greater Kashmir, *Kashmir Belongs to Kashmiris*, <http://www.greaterkashmir.com/news/gk-magazine/thus-spake-nehru/86674.html>, (accessed 27.09.2017)

led to the formation and close pursuit of an irredentist policy and ultimately rendered the issue inconceivable. Hence, the focus on how Kashmir has become a frozen dispute and the impact of the strategic balance between Pakistan and India on the region is of utmost importance to shed light on the behaviour of two contesting countries.¹³¹

The people of Jammu and Kashmir have been living for over 60 years in an insecure, unjust geographical region where violent and terrorist events are dominant. The problem has become chronic and the deadlock has been presented as a solution. Thus, the Jammu and Kashmir problem should be assessed within a social conflicting class caught up in the war as well. Because the region is far behind economic and technological development, it is a structure in which the social and political system is not integrated and the existence of different identities, the lack of common values, the insecurity surrounding them, and inability to create an effective political division all have contributed this conflict to come out.¹³² Accordingly, the Kashmir problem may also be regarded a social conflict, traces of which insistently remain in the incompetence of identity, security and political sharing of the disputants.

The presence of India in Kashmir basically stems from its consideration that Kashmir is a crucial region to manage to maintain a secular and democratic construction. As a consequence, Kashmir has become a symbol of the ongoing struggle between India and Pakistan and has been a region where the both powers have struggled to get their own solutions about the region adopted in every manageable argument even up to nuclear weapons within the tension created by the competitive environment. India does not want to lose control over the region where 20% Hindu live, nor does it wish to allow Pakistan to gain such an advantageous position by dominating the region. As such, India considers Kashmir as an integral part of itself and sees the issue resolved simply in this way while accusing Pakistan of supporting the separatists there. It is important for India to get the claim acknowledged by the USA that the separatists in Kashmir are engaged in terrorist activities while trying to

¹³¹Sadia Fayaz, *Kashmir Dispute between Pakistan and India: The Way Out*, http://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/11_1/Dialogue_January_March2016_65-82.pdf, (accessed 02.10.2017)

¹³²Pyt. S. Douma, *The Origins of Contemporary Conflict: A Comparison of Violence in Three World Regions*, Netherlands Institute of International Relations, The Hague, 2003, pp. 30-35

justify Indian actions there, and to present Pakistan as a state that nurtures the terrorism and fosters its resources in the international system. Parallel to this, India aims to ensure that the terrorist incidents, which are against it in Kashmir, are perceived in the international environment.¹³³

Similarly, it rejects any international mediation offer related to Kashmir, and prevents the talks with Pakistan from attaining an international value by putting military power in the forefront. Blocking international intervention, India leverages the Kashmir problem as a means of pressure on Pakistan, reflecting Kashmir to the world as a matter of its own national security.¹³⁴ This uncompromising attitude displayed by India on Kashmir maims Pakistan's maneuvers in the region at issue and ultimately leaves her desperate in the face of Indian demands. As India has not able to fully legitimize its sovereignty over Kashmir, civil war still continues in the region and the harsh measures taken by India, as well as the support provided by Pakistan to the separatist groups make the solution of the problem even more difficult. On the other hand, the proposal by the UN to make public referendums in the region is constantly rejected by India. Housing a large number of ethnic groups, India absolutely makes no concession to the demands for such an independence in order to protect the integrity of the country, thus insists on the claims that Kashmir is an integral part of India despite being a state with a Muslim majority and refuses the theory of two nations put forward by Pakistan.¹³⁵

The contradicting views and allegations against each other about Kashmir conflict indicate that especially Pakistan and India have both been exploiting black propaganda fueling hatred against one another on every likely arena. India demonstrates an authoritarian regime in order to provide extreme control in Kashmir, and in return, the local people have been carrying out a resistant struggle for freedom. Further, the robust management of Kashmir is vitally important for the state of India so as to prove to the world that Indian state is powerful enough to fight against violence

¹³³Rodrigo Tavares, 'Resolving the Kashmir Conflict: Pakistan, India, Kashmiris and Religious Militants', *Asian Journal of Political Science*, Vol. 16, No. 3, 2008, pp. 276-302.

¹³⁴Lesley G. Terris, *Mediation of International Conflict: A Rational Model*, Routledge, New York, 2014, pp. 134-140

¹³⁵Ali Mubarak, *Pakistan In Search of Identity*, Aakar Books, Delhi, 2011, pp. 20-24

and it has succeeded in it. The control of Kashmir, on the other hand, is like a symbol of indivisible territorial integrity and a nation state for India too. However, this control of the region is accompanied by a definition that Kashmir's claims are a threat to India's integrity. On the base of this context, the enemy that India presents to the world public is the Muslims living in Kashmir. Behind all of these initiatives lies the effort to draw attention to the fact that India is the victim of the terrorism in Kashmir supported from Pakistan.¹³⁶ With the hope that confirming to the US that the separatists in Kashmir are in the pursuit of terrorist activities will legitimize every action of India and leave Pakistan in a difficult situation, the Indian state is doing her best effort to manipulate the Kashmir issue as a means to reflect the world as its own national security problem so that it can exert pressure on Pakistan while also preventing any further international intervention. Hence, India's uncompromising attitude towards Kashmir has diminished Pakistan's maneuvering area and rendered it helpless against Indian demands.

Similar to Indian claims, Pakistan sees Kashmir as a part that has not been integrated into Pakistani land though it is an agreeable party to the decisions put forward by the UN Security Council. The state of Pakistan argues that Jammu and Kashmir, 60% of whose population is Muslim, is a controversial region where the ultimate status has not been established yet, and therefore people of Kashmir should make a plebiscite for their own destiny. Kashmir is of importance for Pakistan for two major reasons, which are that 60% of the population of Kashmir is Muslim and the region possesses dearly economical values. Peculiarly, the Indus waters that pass through the mountainous region of Kashmir force Pakistan to keep the upper reaches of the river under its control. Parallel to this interest, it aspires to meet its energy needs from hydroelectric plants on these water resources.¹³⁷

Pakistan claims that there are two nations in Jammu and Kashmir, and that the people should have the right to self-determination. India, on the other hand, argues that Pakistan's theory of two nations has triggered the movement of jihadism and terrorism.

¹³⁶Anil A. Athale, *India, Pakistan and the Kashmir Problem*, <http://www.inpad.org/res3.html>, (accessed 05.10.2017)

¹³⁷Kulbhushan Warikoo, *The Other Kashmir: Society, Culture and Politics in the Karakoram Himalayas*, Pentagon Press, New Delhi, 2014, pp. 222-240

In 2006, the former President of Pakistan, Pervez Musharraf, proposed a four-step formula for the solution of the problem.¹³⁸ The mentioned proposal put forth that recognition of Kashmir was a must condition for resolving the problem while it was also necessary to open borders between India, Pakistan and Kashmir and that bilateral dialogues about unnegotiated matters should be launched under the presidency of the presidents with the participation of foreign representatives and additionally, it was crucial to secure and ensure the rights within the framework of the win-win approach within the two states along with the realization of disarmament. This four-phase plan is important for pragmatic solutions in terms of all sides of the problem. The plan shows that Pakistan compromised a great deal of its claims over Kashmir in interest of the security of the region. On the other hand, India's negative consideration on the proposed formula by Pakistan and reluctant attitude resulted in diminishing the effectiveness of bilateral political talks initiated between Pakistan and India in 2004.¹³⁹ The identification of ethnic and geographical boundaries, the removal of military troops from Kashmir, and recognition of legal and public status were all put forth as preconditions. Besides these, Kashmir was to be a region with definite boundaries where people could freely enter and exit. The country was to be given autonomy for the use of resources as a self-government, but full independence would not be vested. Military units shall be located in the area in accordance with the proclaimed minutes of the plan and a common observer mechanism representing both India and Pakistan and Kashmir was to be established.¹⁴⁰

The fact that Pakistan aimed to emancipate not only Kashmir but also adopted an understanding of jihad in the name of liberation of the Muslims in India and the findings that the Pakistani secret service clandestinely supported the Taliban, and the training of children as freedom fighters in the madrassas were all the claims underlined in Western sources.¹⁴¹ It was also observed that Pakistan exploited the Indian threat as

¹³⁸Shaeens Akhter, *War on Terrorism & Kashmir Issue*, [http://pu.edu.pk/images/journal/pols/Current issue-pdf/SHAHEEN%20AKHTAR.pdf](http://pu.edu.pk/images/journal/pols/Current%20issue-pdf/SHAHEEN%20AKHTAR.pdf), (accessed 06.10.2017)

¹³⁹Sunjay Chandiramani, Marc Finaud, Khalid Koser, *Pakistan and South Asia's Security Nexus, Scenarios for the Future*, Geneva Center for Security Policy, Geneva, 2010, pp. 1-62

¹⁴⁰Syed R.Hussain, 'Resolving the Kashmir Dispute: Blending Realism with Justice' *The Pakistan Development Review*, Vol. 48, No. 4, 2009, pp. 1007-1035

¹⁴¹Jessica Stern, 'Pakistan's Jihad Culture', *Foreign Affairs*, Vol. 79, No. 6, 2000, pp. 115-126

a national glue to preserve his national unity and not to experience the similar traumas it had to go through following the loss of East Pakistan in 1971. As such, India did not turn any response for the declared steps of the proposed solution conditions. However, it overtly rejected the proposed autonomy of Kashmir. On the other hand, it is worth recollecting that Hari Singh argued in time that Kashmir was a matter of concern to both sides and that mutual resolution should be reached and further stated that the joint fulfillment of operations through a common observer mechanism would be beneficial in solving the social and economic problems of the region as well.¹⁴²

Overall, the overt attitude towards the negotiation displayed by the parties in relation to the Kashmir issue after 2005 gave rise to the impression that sides of Kashmir at issue were somewhat giving way to constructive steps to the resolutions, but anyway the relationship between two rivals have tightened on the grounds of India's energy-centered initiatives towards Central Asia, and her statements that Pakistan-based terrorism is an obstacle to Indian ventures in Central Asia. With the normalization of the relations of the two countries, it is thought that economic growth opportunities in the region is to yield to bring about the increase for the economic prospects with the commercial agreements. Yet, with regard to the Kashmir problem, the demands of the two sides to maintain superiority to the other seems to make any resolutions unsustainable and turn the deadlock persistent.

Three basic factors are prominently sticking out in the deterioration of the issue. Especially, the role played by the states is of the priority. A dual classification as centrifugal and centripetal states well applies to the description at this point.¹⁴³ Subsequently, the security and the attempts to make the region insecure follow the scale on the gravity of the situation while the religious and ethnic border problems lay the final ground for the conflict. When viewed from the prospects of the states, it is seen that there exist not only states, which are the parties to the problem, in other words the states, which are directly affected by the issue, but the states, which are as well indirectly affected by the conflict on the grounds of their national interests. Therefore,

¹⁴²Husain Haqqani, *'Pakistan's Endgame in Kashmir'*, India Review, Vol. 2, No. 3, 2003, pp. 34-54

¹⁴³Krumwiede and Hurtado, *Centrifugal and Centripetal Forces*, http://www.lewishistoricalociety.com/wiki/tiki-print_article.php?articleId=146, (accessed 08.10.2017)

as in physics, it is conceivable to deduce that some states contribute to create centrifugal force in the international system. The outward propagation of these states ensures that a force exerts pressure on the states towards the outside of the system. By the centrifugal states to hold the centrifugal states in a certain orbit, this force reacts in the form of an inward force. In the direction of deduction to be made here, it tends to be right to say that the centripetal states are those that can influence the movements of the centrifugal states that make their way out in favor of them in international system in decision-making. In that context, given the geographical presence of the Kashmir conflict in the system with its peripherals, the territory covers Pakistan, India, Bangladesh, Nepal, Bhutan and Sri Lanka and specifically China, which is included in the region as an effective country in the periphery and well deserves to be weighed in the politics of South West and Southeast Asia.¹⁴⁴

Nonetheless, in the global system, interdependence principles, nested relations, the existence of relations between political variables have led to the division of the issue according to the levels and types of relations of centrifugal and centripetal states. In particular, when the autonomous behavior of the states is restricted in a certain measure of dependency, nothing guarantees that the benefit to be obtained from the relations will be multiplied exponentially against the loss to be suffered in return. The lack of such a collateral insurance obliges states to be a part of conflicts in a distant, geographical area even if it stands far from themselves. The system where conflicts of interest exist, led to the changes of behavior associated with military, economic, technological and demographic factors. As such, it is likely to be conceived that the fact that the British aimed to establish a defense line against the highly feared Soviet progress during the Cold War through creating satellite states from the Islamic states in South Asian subsystems lies at the very root of the dispute over Kashmir in that British power might have had the idea of creating a secure area against Soviet expansion and protection over profitable oil fields located in Middle East.¹⁴⁵ The assertion that argues that Britain could not put region of Kashmir in a sound division

¹⁴⁴Mindaugas Norkevičius, 'Regional Security Dynamic of South Asian Region: Analysis of Kashmir Conflict', *Journal of Security and Sustainability Issues*, Vol. 3, No. 4, 2014, pp. 61-69

¹⁴⁵Victoria Schofield, 'Kashmiri Separatism and Pakistan in the Current Global Environment', *Contemporary South Asia*, Vol. 16, No. 1, 2008, pp. 83-92

where it was to be managed in a peaceful manner and groups of Hindu, Shiite and Muslim could be politically recognised is well presumed another driving factor of the present conflict in Kashmir. That is, the crucial gravity of Kashmir for the national identities of the two sides and especially the state leaders' passion for Kashmir, reputedly displayed by Jinnah and Nehru in time, have all caused the problem to remain unresolved. The states in the region are members of the international organisations with their parts of the international system and interdependent relations. Yet, since these states do not have an equal distribution of power among themselves, the power gap is filled by other states aiming for clandestine interests to protect the balance.¹⁴⁶ Therefore, failure to establish common and continuing mechanisms for economy, politics, security and other areas of local business union among the region's states in the country triggers insecurity and instability in return.

In peculiar, the most common problems of the states are the lack of security and unreliability owing to the separatist movements and terrorism. In this context, the net of problems such as Moscow with Chechens, China with Tibet and Taiwan, and India with Kashmir brought an trilateral union that has manifested itself as a partnership where the insecurity prevailed between especially China and India since China supports Pakistan's nuclear program and India perseveres its relationship with the United States.¹⁴⁷ Looking at China's presence in the region and approach to the problem, it is seen that China has added a region to its own territory where no one else lives. This region, currently known Aksai Chin, is one of the areas China and India fought for in 1962 when the war ended with India's final defeat. Parallel to this, it is observed that China supported Pakistan in the conflicts with India in 1965 and 1971 owing to Chinese problems with Indians. The fact that Pakistan, which has problems with India, cooperates with China is very important both in terms of Pakistan and China in that Pakistan is the country among the Muslim countries where China has the best relations.¹⁴⁸ In 2006, the Free Trade Agreement signed between China and Pakistan, succeeded in securing partly the flow of raw materials from Pakistan, which

¹⁴⁶Maroof Raza, *Wars and No Peace Over Kashmir*, Lancer Publisher, New Delhi, 1996, pp. 8-19

¹⁴⁷Collin L. Powell, 'A Strategy of Partnership', *Foreign Affairs*, Vol. 83, No. 1, 2004, pp. 22-34

¹⁴⁸Manojkumar L. Sali, *India-China Border Dispute: A Case Study of the Eastern Sector*, A.P.H. Publishing Corporation, New Delhi, 1998, pp. 99-101

is vital for economic growth of China. Pakistan also occupies a very significant stance in terms of creating trade and energy corridors for China, which built a short oil route, intended from Burma, through Pakistan's Gwadar Balochistan Port and Karakorum known Western China, thus producing an alternative to the project.¹⁴⁹

Standing by Pakistan with her disputes against India and providing contributions to the development of Pakistan, China has gained serious benefits to itself and as well as significant rewards against India. Pakistan, on the other hand, is backed by China against the sanctions imposed by the US and is reliant on China, another power in its neighboring position against India. As the growing Chinese influence in the South Asian region disturbs India, it also concerns western countries, especially the US. Particularly, the fact that the region is one of the notorious centers of terrorist groups makes the US sanctions against Pakistan much more worthless, acting with the perception of global terrorism.¹⁵⁰

Pakistan and India in the international system reveal behaviors unique to their own states to fulfill their own needs. The conflicting situation between two nations in the international system needs explaining the major variables in the system of both states. The fundamental rules that set out the state behavior in state's claims are the prominent variables though the rules of change that both states are forced to implement by the system depending on the changing world order are the runner-up. The variables that can be depicted as centrifugal forces that guide Pakistan and India's policies affecting decision-making basins by centripetal states, systems, international actors, and non-state actors are attributed as the restrictive irregularities.¹⁵¹

Besides such factors, the feasibility variables are the criteria that show the potential of the states to execute the fundamental rules with the means which determines the scale on which the states communicate with each other. In Pakistan, the

¹⁴⁹Fakhar Hussain, Mezhzar Hussain, '*China-Pak Economic Corridor (Cpec) and Its Geopolitical Paradigms*', IJSSHE-International Journal of Social Sciences, Humanities and Education, Vol. 1, No. 2, 2017, pp. 2-13

¹⁵⁰Anita I. Singh, *China's expanding influence in South Asia*, <http://uyghuramerican.org/article/chinas-expanding-influence-s-asia.html>, (accessed 15.10.2017)

¹⁵¹Krumwiede and Hurtado, *Centrifugal and Centripetal Forces*, http://www.lewishistoricalsociety.com/wiki/tiki-print_article.php?articleId=146, (accessed 16.10.2017)

essential rules in the Kashmir issue are emphasis on religious items in Kashmir, liberation of the Muslim population, adoption of Hindus and Muslims under the two nation theory, and use of the international environment for this end. As to the Indian point of view, the source of problem is reflected in the system. The country rejects the two nations theory and sees the problem as the main element of its sovereignty and identity.

Particularly, fast-growing economic growth allows centripetal forces to draw attention to new perceptions and the states are reluctant to take sides with the issue in order not to fall in a separate line with India and not to speed up the nuclear race. Thus, the rules of change is the condition which depends on the fact that the system forces the states towards conflict resolution methods in the direction of peace.¹⁵² Both states manipulate the instruments of peace to manage to attract the centripetal forces and balance each other in the system for the conflict while negotiations, bilateral multi-party talks, participation into the regional and global organizations are used as communication variables.

In recapitulation, the Kashmir conflict has played a vital role in the formation of the national consciousness and identity of both the Indian and Pakistani people. Contrary to state based conflicts internationally experienced among other countries, the prerequisites of the issue over Kashmir can not solely be addressed either as crucially strategic motive or merely severity of the geopolitical position. The roots of the strife is to be involved in the disparate interpretation for state building process of South Asia in the tug of war as well.

Accordingly, when considered in a versatile manner from the perspectives of the participant nations, it is therefore a must to delineate the motives of the belligerent contenders individually. As a state, which has committed itself to secular nationalism, India demands the inclusion of Kashmir, known to be heavily the Muslim state, into her lands to denote the extension of its secularism based on the argument that, were an area mostly populated by Muslims to thrive in the boundaries of a state reigned by

¹⁵²Ajit Bhalla, Dan Luo, *Poverty and Exclusion of Minorities in China and India*, Palgrave Macmillan, New York, 2013, pp. 251-255

Hindus, the state of India could be well committed to the secularism. For the Pakistani front, seen as the motherland for the Muslims in South Asia, the integration of Kashmir into the land of Pakistan under its sovereignty weighs as much as it does for India. As such, the reigns of both countries have regarded their nations unfulfilled without the integration or addition of Kashmir into their lands.¹⁵³

¹⁵³Musarat J. Cheema, '*Pakistan-India Conflict with Special Reference to Kashmir*', *South Asian Studies*, Vol. 30, No. 1, 2015, pp. 45–69

CHAPTER IV

THE STANCES OF PARTIES OVER KASHMIR CONFLICT

The dispute in the Kashmir region, which originated as of 1947 when the Muslims living in the Indian subcontinent partitioned from India as an independent state under the name of Pakistan, has lived up to today. The outset of the issue in Jammu and Kashmir, one of India's 560 local governments, seems to be the fact that Hindu and Muslims hold control over some areas where either is in a minority though. In other words, this was the case during the foundation of the Pakistani state that the majority of the people in the centers of Hyderabad and Junagadh were Hindu while the governing body was Muslim. However, contrary to Hyderabad and Junagadh, the administration in Kashmir was in the hands of the Hindus although the majority of the people were Muslims. As such, this situation made it difficult for the Kashmir region to accede to Pakistan, thus leading to buildup of the problem into a major dilemma with the consequences of wars between Pakistan and India in the process since the middle of 1900.

Over the time, Kashmir has become the most important argument on the foreign policy and domestic security debates in Pakistan and India, and has still held the title of the most volatile discussion topic between the two countries' agenda. All the same, evaluating the developments in Kashmir only within the context of one party is to lack the comprehensive insight into the very conflict over Kashmir at a large scale. From this perspective, unraveling the global and regional goals of both political actors with their potential impact on the region and the ongoing stances of political transformations is bound to help grasp the motives of contenders and the climax of the conflict between Pakistan and India.

4.1. The Perspectives of Pakistan over Kashmir

The states of Pakistan and India have both held unwaivering interests in annexing Kashmir to their land for long. To get the comprehensive apprehension of motives for the controversial claims of the parties, it is a must to investigate into the reasons of each country individually. Such rational grounds and motives are of peculiar contextual aspects with distinct actors and agents of participants, who have not spared

the exploitation of different tactics to earn the aspired goals to the detriment of the opponent's. However, they all share the common feature that is simply to assume the absolute dominion over Kashmir and attach it to the claimant's motherland. As such, the tug of war in the region for supremacy and authoritative domination has formed the core of the struggle ever since the partition of 1947.¹⁵⁴

Considering the motives of the issue from the side of Pakistan, it is inevitable to come across the religious canons as the primary instigators, which are the conspicuously fabricated flaws in the construction of the present dilemma. Based on the partition policy, which also applies to Kashmir with a majority of Muslim population, it should have incorporated into the existing Pakistani state and united itself with the Muslims of Pakistan. Yet, contrary to the expectation, the ruler of the time, Maharaja Hari Singh sided with Indian accession against the will of Muslim majority, which confounded the state of Pakistan regarding itself sole protectorate of Muslims in the region. In other word, with such an accession of Kashmir into India, the people of Kashmir were to be handed over to the Indian side without the general consent, which was disconcerting for those struggling to reestablish the Muslims as the governing power.¹⁵⁵

Along with the catalyst based on the motives instigated by the religious impetus, Pakistan's incessant claim on the maintenance of Kashmir is of administrative grounds as well. In the course of the partition where the demarcation lines of two opponent countries were drawn, Pakistan was allowed to state neither its objections to the partition devised by the British nor the opinions, yet merely authorized to send a delegation. As such, Pakistan disowns any Indian claims laid on Kashmir and keeps maintaining its objections to the drawn borders based on the agreements and treaties made to happen in interests of the British and arranged between Kashmir and India.¹⁵⁶ In reality, the Maharaja's standstill consent with Pakistan in 1947 was to buy enough time to weigh the situation in his favor and disguise the plot with Indian side. This

¹⁵⁴The Telegraph, *A Brief History of the Kashmir Conflict*, <http://www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html>, (accessed 01.11.2017)

¹⁵⁵Arif Jamal, *Shadow War: The Untold Story of Jihad in Kashmir*, Melville House Publishing, New York, 2009, pp. 43-44

¹⁵⁶Victoria Schofield, *Kashmir in Conflict*, St. Martin's Press, New York, 2003, pp. 40-41

attitude thus contributed to Pakistan's and its followers', especially the Muslim League's belief in a deceitful fact that Kashmir was to be acceded to Pakistan in the wake of Kashmir's declaration of independence on 14 August 1947. Yet, the expectations of all Kashmiris fell short when the ruler of the time ordered the independent flag of Kashmir to get removed off all places, which subsequently gave rise to the utmost frustration among the Muslim League supporters and has laid the foundation of the following disturbances and turmoil to the present date.

By its very nature, Kashmir is of utmost strategic significance for both sides, and therefore incites the policy makers to implement realist approaches to their claims. The realist traces of Pakistan over the issue are witnessed both internal and external affairs of the state. The policy makers of the country exploits the dispute over Kashmir as an argument to gain political ground and earn backing for their interests. Backed by the exploitation of the region as a buffer zone, Pakistan seeks for the means of supreme domination over Kashmir to manifest the territory against its opponent's threat and increase the security on the borderline.¹⁵⁷ In this struggle, despite the tens of years upon the partition, Pakistan exposes the traits of offensive realist claims over the issue against Indian claims. Correspondingly, considered as the main water supply of the Indus from the perspective of the vital water resources in the region, Kashmir is too dear for Pakistanis to yield to any compensation towards securing the maintenance of control over such assets as those based on water. These geopolitical factors, which Kashmir region possesses, constitute a strategic location for hydropower generation. However, this great hydroelectric potential has not been fully exploited owing to a series of border conflicts that broke out between two states.

Thereupon, the essential insight into the conflict over Kashmir requires the investigation into the diverse elements of the fragile situation as the sides of the conflict see the dispute disparate from their vantage points. Unlike India, Pakistan, which is an aggrieved state, deems the matter unfulfilled act on the partition of India and insists the self-determination of the people in Kashmir should be vested in Kashmiris in accordance with the partition principle, which was clearly laid by the UN

¹⁵⁷Graham Usher, 'Afghan Triangle', Middle East Report, Vol. 39, No. 251, 2009, p. 20

Security Council Resolution, though it has not happened to wind up accordingly as yet.¹⁵⁸ Contrary to Pakistan's claims laid at the Council, India followed a path of allegations asserting that Kashmir's tribes were supported and provoked against Indian's interests. Yet, such accusations were sharply rejected by Pakistan. The initial uprisings of the people in Kashmir were simply against tyrannical rule of Maharaja. According to the standstill agreement reached in 1947 between two opponents, Pakistan held itself in charge of providing protection for Kashmir and maintained its claims that through deception and brutality, India forced Kashmir to accede to itself, a consequence of which it is considered null and void.¹⁵⁹

Especially, the idea known as the two-nation theory and closely pursued by All India Muslim League to create an independent piece of land for the Muslims in the region boosted the gravity of the dispute over Kashmir and added the magnitude of significance for Pakistanis. As stated by such theory of two nations, it is blatantly claimed that the people of Hindus and Muslims failed to manage to survive together since they were totally disparate communities and such survival of Muslim believers under the Hindu rule seemed impractical. As such, the past Indian control over the region at issue created agitation and resistance in light of fact that Kashmir stands out with its prominent Muslim populace not acceded to Pakistan. But, despite the contrary, ruled by a Muslim ruler, Junagadh state with Hindu preponderance was annexed into India in 1948 soon after the partition act. Based on the annexation of Junagadh into Indian territory, the ruling body of Pakistan employed the practicality of such issue to consolidate their stance on the politics of the country and exploited the favoritism for the national identity of Pakistani people so effectively that the land of Kashmir has evolved into a synonym with the tenet of national identity. Consequently, today, few Pakistanis regard that the Pakistani independence and separation from India has fully been fulfilled with the present dimensions of the dispute over Kashmir.¹⁶⁰

¹⁵⁸Kashmir, *UN Security Council Resolution 47*, <https://www.mtholyoke.edu/acad/intrel/kashun47.htm>, (accessed 03.11.2017)

¹⁵⁹Alastair Lamb, *Kashmir: A Disputed Legacy 1846–1990*, Oxford University Press, Karachi, 2002, pp. 121-125

¹⁶⁰Rajesh M. Basrur, *South Asia's Cold War: Nuclear Weapons and Conflict in Comparative Perspective*, Routledge, New York, 2008, pp. 89-91

Accompanied with economically pronounced acquisitions, the location of the Kashmir is strategically of such a prized value for Pakistan as is it for India that it is weighed that the national security of Pakistan is bound up with securing Kashmir. Considering the prospect of the menaces from India and Russia, but for Kashmir, Pakistan would fall vulnerable to India.¹⁶¹ Besides the strategic point of the region, flowing through the heart of Kashmir to the Pakistani land, rivers of Jhelum, Chenab, Indus with tributaries add up to the vitality of region as the bloodlines. This vitality is considerably noteworthy in the agricultural yields of the Punjab and Sindh provinces. Thus, were these rivers to be diverted out of the natural routes or cut out through dams, Pakistan would be economically and strategically enslaved to India or even stop surviving an independent, sovereign state.¹⁶² Such a case of applying stoppage over the waters of Kashmir through dams has already been expressed by the state of Pakistan. About the indispensability of Indus, it was clearly signified by Asif Ali Zardari, the former President that such attempts as dams over the Indus were bound to bring about the cessation of water flow into the land of Pakistan, which was to be taken as overt violation of the Indus Water Treaty¹⁶³ and thus creating a bilateral context of exacerbating the brittle relations between the two countries in the years to come.¹⁶⁴ Hence, with a view to reaching a thorough coverage of the conflict over Kashmir between two rivals, the comprehensive probe into the following subtitles is bound to cast light on the fragility of the situation through the vantage points of Pakistan as the vulnerable party of archaic confrontation.

4.1.1. The Essentiality of Kashmir to Pakistan's Conduct of Struggle

The warfare between Hindu, Sikh, Buddhist alongside some other minority forces, which assisted the hostile British, and the ancient Islamic authority of the era on the peninsula developed flickerig movements for the actors of the future disputes.

¹⁶¹Iffat Malik, *Kashmir: Ethnic Conflict International Dispute*, Oxford University Press, Karachi, 2002, p. 207

¹⁶²Khan M. Rashid, 'Crucial Water Issues between Pakistan and India' South Asian Studies, Vol. 28, No. 1, 2013, pp. 213-221 ç

¹⁶³World Bank Group, *Indus Waters Treaty*, [http://siteresources.worldbank.org/INTSOUTHASIA / Resources/223497-1105737253588/IWT_Article_XI.pdf](http://siteresources.worldbank.org/INTSOUTHASIA/ Resources/223497-1105737253588/IWT_Article_XI.pdf), (accessed 10.11.2017)

¹⁶⁴News&Politics, Business, *Water Dispute Between India and Pakistan*, <https://www.slideshare.net/lineking/ps-assignment-3>, (accessed 10.11.2017)

Notably, Britain faced tough resistance from the Muslims when they invaded the peninsula in 1819. The British ultimately managed to acquire dominions over the contentious territory in 1846 following the years of violent battles against Muslims. Britain subsequently asserted the imperial dominance across the region and thus eventually was bound to draw up the division of the region into three partitions. Over the peninsula where about 55% of populace Muslims existed, the British rule was directly executed while 565 provinces enjoyed their own autonomous Hindu or Muslim governors. The piece of the division, known as Kashmir, was sold to Hindu feudalism for a century in conformity with the treaty, which is recognized as Amritsar sealed on 16 March 1846 between the sides of British East India Company and Gulab Singh Dogra to legitimize the arrangements of the peace treaty following the First Anglo-Sikh War. Subsequently, Jammu and Kashmir was handed over to Gulab Singh for a mere sum of 7.5 million Rupees (some \$2,250,000) for his service at the war and Kashmir fell under the domination of the Hindus thanks to the agreement of turnover.¹⁶⁵

The Hindu administration in Kashmir continued to provide overt and covert support for the British rule till 1947 when the British separated the peninsula into two states; India and Pakistan according to their population with the exception of Kashmir. However, the Hindu ruler of Kashmir joined India without paying any concern to the wishes of the Muslim people. It should be noted that while the British Hindu Peninsula was divided into India and Pakistan, the British Cabinet Mission Memorandum was sent to the executives of the 565 Indian provinces on 12 May 1946 calling on their people that they should make their decisions to remain independent or accede to one of the two states; India or Pakistan for their respective provinces.¹⁶⁶ Yet, the provinces of Hyderabad, Srinagar and Kashmir were prevented from participating in their respective state of Pakistan. Especially, the reason for the prevention of Hyderabad and Srinagar from such an accession to Pakistan was that the rulers of these provinces were Muslims although the majority of the population was composed of Hindu. Thus, they joined India whereas the ruler of Kashmir was Hindu, but most of the population

¹⁶⁵Pacific University, *Great Britain's Motives in Jammu and Kashmir*, <https://www.pacificu.edu/sites/default/files/documents/Potter.pdf>, (accessed 10.12.2017)

¹⁶⁶Fozia N. Lone, 'The Creation Story of Kashmiri People: The Right To Self-Determination', *The Denning Law Journal*, Vol. 21, No. 1, 2009, pp. 1-25

was Muslim, they were not allowed to join Pakistan, but India. The factor that made it possible for these three provinces, especially Kashmir to be annexed to India was that the British favored the Hindus and granted them privileges. Following such a fraud annexation to Indian side, successive wars broke out between India with the Hindu rulers on one front and Muslims of Kashmir along with Pakistan on the other, which concluded with the present form of Kashmir with the portions of 45,62% by India, 35,15% by Pakistan and the remaining 19,23% by China.¹⁶⁷

Though generally known as a problem between Pakistan and India, the Kashmir dispute involves China as well, yet it does not come to the agenda so much as the one between Pakistan and India. Kashmir is geographically surrounded by Afghanistan over a very small border at the eastern end of Pakistan, China, India and Wakhan Corridor. It may even be thought that Kashmir is adjacent to Tajikistan in the north via the narrow Wakhan Corridor. So Pakistan, China, India, Afghanistan and Tajikistan are the neighbors of Kashmir. In different aspects, these five countries are the countries frequently mentioned within regional and global politics. China's neighborhood to Kashmir, East Turkestan (Xinjiang-Uyghur Autonomous Region) and Tibet also make Kashmir both geopolitically and strategically valuable. In a more general context, Kashmir is actually composed of four parts. North of Kashmir is controlled by Pakistan and in the west, there stands the Azad Kashmir Islamic Republic, which is not recognized except for Pakistan, and is under the control of Pakistan.¹⁶⁸ While in the south lies the Jammu-Kashmir region controlled by India, in the east, the area called Aksai China spans, which China added to its country at the end of the war against India in 1962. Pakistan relinquished its own hold on the area in favor of China in 1963, thus inflaming Indian insistence on the claims of such piece of land. The part of Kashmir controlled by China subsequent to Pakistan's relinquishment of the sovereignty avails Beijing to control Karakoram highway, which runs from East Turkestan to the city of Abbottabad in Khyber Pakhtunkhwa in Pakistan and provides the Pakistan-China overland border crossing.

¹⁶⁷Musarat J. Cheema, *'Pakistan – India Conflict with Special Reference to Kashmir'*, South Asian Studies, Vol. 30, No.1, 2015, pp. 45–46

¹⁶⁸Maps of India, *India-Pakistan Border*, <https://www.mapsofindia.com/jammu-kashmir/india-pakistan-border-dispute.html>, (accessed 13.12.2017)

With such a partition of Kashmir among the claimant countries, the magnitude of the region for Pakistan is strategically undisputable. The motives of strategic value are of various grounds ranging from offsetting the political balance with India to acting as protectorate of the Muslims in the region. The strong Kashmir belief mixed within Pakistani patriotism fed by the notion of the face value gained at national arena fuels the Pakistani desire to accede the Kashmir to the land of Pakistan and alternately emerge as a prominent power on the territory in that Pakistan labors to keep up with Indian incommensurate attitude towards the Kashmir issue to counterbalance India's expansion over the region.¹⁶⁹ In retrospect of what was left to be Pakistan upon the partition, it is obvious that Pakistan was inferior to India, which grasped the lion's share out of the partition. Hence Pakistan was either to be satisfied with the disproportionate portion or to seek for other means to make up for the disproportional split-up. To balance out the unequal power distribution, which was lopsided against Pakistan in almost every asset of the former union, Pakistan did its best to seize any favorable circumstances. Taking into account the demarcation process of the British-designed boundary commission, especially Kashmir, which was left up in the air, is strategically of paramount importance to Pakistan. Since the adjacent area is heavily populated by Muslims and such prospect of Indian seizure on Kashmir is to aggrandize Indian supremacy over the region, Pakistan has no intention of any to relinquish or fall rather behind India in power struggle over the dispute. To match India in a security dilemma, Pakistan applies realism policies in almost every aspect of politics to have the influential say.¹⁷⁰

Over the conflict, the Muslim association of Pakistan with Kashmiris is strategically exploited to mobilize the Muslims of the region to challenge for independency against the Hindu ruling so as to undermine the strength of Indian power across the Pakistani borders. In return, Pakistan manipulates the situation in its favor to nationally reinforce the overall security against India. In the course of time spent competing for power, two belligerent states have confronted one another in four

¹⁶⁹Sumit Ganguly, William R. Thompson, *Asian Rivalries: Conflict, Escalation, and Limitations on Two-level Games*, Stanford University Press, CA, 2011, pp. 61-69

¹⁷⁰Barry R. Posen, 'The Security Dilemma and Ethnic Conflict', *Survival*, Vol. 35, No. 1, 1993, pp. 27-29

successive armed conflicts where they came to the threshold of nuclear war, which therefore reins in both rivals' undertakings to go further as the retaliation of such nuclear response would be rather to the very detriment of any side. Yet, Pakistan wields the proxy warfare to reach their objectives, which is observed through the upward scale at the hostile encounters with Indian forces.¹⁷¹ Though such proxy skirmishes are prone to being regarded for the freedom of Muslims in Kashmir, they are more likely to occur owing to the fact that Pakistan aspires to realize its objectives and also relatively harness Indian power across the territory.¹⁷²

Compared to the past of Kashmir, somewhat rudimentary principles of political and social democracy for Kashmiris appear to show signs of existence in voting processes. Such developments have caused Pakistani interference in the affairs of Kashmir to wane too much to tamper with the results and accordingly begun to lose strong footings over the area. To reclaim the patriotism and former political power to sway on Kashmir and alter the situation to their advantage, Pakistan triggered the war in Kargil district of Jammu and Kashmir in May to July of 1999, as a consequence of which they lost the war to India again despite the mere possession of some land and tolls at both sides. The manipulation of similar military power over strategic Kashmir issue has often been employed by successive Pakistani governments to substantiate the reason why military power should be maintained at best for the national security while also staging the traces of offensive realist approaches in pursuit of possession accompanied by the utilization of power.¹⁷³

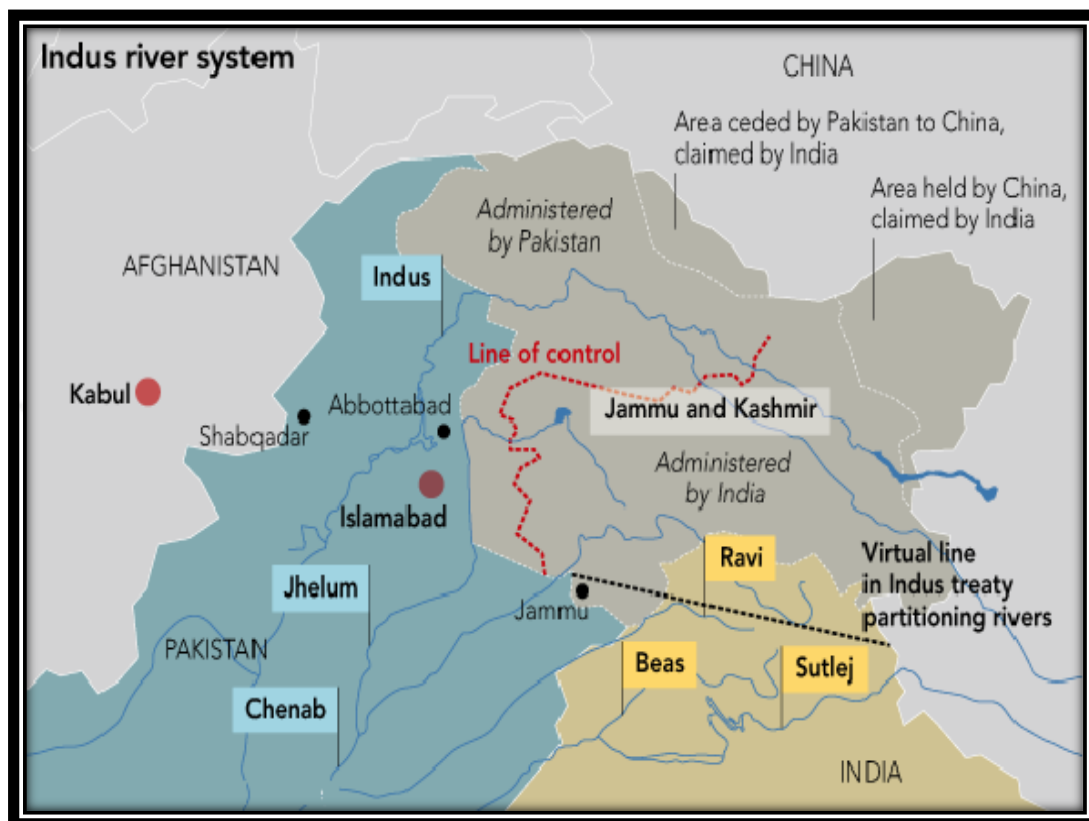
Furthermore, in view of the securing water resources, mainly met by the rivers flowing down to Pakistan from Kashmir basin mostly under Indian control, water security is geopolitically of the utmost significance for Pakistan. As any stoppage of water may be brought on Pakistani land, the state of Pakistan is rightfully edgy on the water related matters of Kashmir. Simply, Pakistan is heavily reliant on Kashmir to meet water demand for fresh water supply and the irrigation on the plains of Punjab

¹⁷¹Andrew Mumford, 'Proxy Warfare and the Future of Conflict', *The RUSI Journal*, Vol. 158, No. 2, 2013, pp. 40-46

¹⁷²Rabasa et al, *The Lessons of Mumbai*, RAND Corporation, CA, 2009, pp. 13-17

¹⁷³Praveen Swami, *India, Pakistan and the Secret Jihad: The Covert War in Kashmir, 1947-2004*, Routledge, New York, 2007, pp. 184-189

region through the river of Indus with ramifying branches meandering from Kashmir to Pakistan.



3.5. Rivers of Conflict between India and Pakistan¹⁷⁴

As such, any Indian supremacy attempt to be imposed on the supervision and absolute control of water resources from these rivers has been a grave concern to Pakistan for decades. To secure the water resources from Indus, two states signed the Indus Water Treaty in Karachi on 19 September 1960. Since then, the flow of water to Pakistan has not stopped, yet Pakistan's concern that water flow could be brought to stop by India, still justifies Pakistani side of the argument that Kashmir is strategically of too much importance to give up.¹⁷⁵

Above all, for Pakistan acting as protectorate of the Muslims in the region, it is assumed that Kashmiris' determination on accession to Pakistan is a natural selection

¹⁷⁴Brahma Chellaney, *Rivers of Conflict between India and Pakistan*, <https://schellaney.net/2016/08/19/rivers-of-conflict-between-india-and-pakistan/>, (accessed 15.12.2017)

¹⁷⁵World Bank Group, *Indus Waters Treaty*, http://siteresources.worldbank.org/INTSOUTHASIA/Resources/223497-1105737253588/IWT_Article_XI.pdf, (accessed 23.12.2017)

in that the territory at issue is contiguous to Pakistan. Accordingly, on the basis of the two nation theory that asserts Hindus and Muslims are the people of two disparate nations in every respect, Muslims are of to possess their own independent land where the Muslim majority afford to flourish in accordance with the tenets of Islam of their own accord. As such, this land, which represents the very idea of what has made Pakistan, should be in Pakistan's land where the Muslims of the region can dwell and live independently, which conversely undermines the idea of the statehood.¹⁷⁶

4.1.2. The Executive Aspects of Kashmir for Pakistan

The executive claims of Pakistan over Kashmir mainly stem from the signed agreements and accredited papers, and bear presumptions that the Maharaja of the time and India defrauded Kashmiris of self-determination to accede to Pakistan.¹⁷⁷ On the basis of the partition agreement and the pact with the Maharaja in 1947, the accession of Kashmir was to be made into Pakistan, but such accession into Pakistani side did not end up as it was agreed upon. The administrative accession of Kashmir was made into India instead. Consequently, Pakistan opposed the accession, implying that the accession of Kashmir happened in a fraudulent plot whereas Kashmir was supposed to be annexed into Pakistan, which has repudiated the accession of Kashmir into India ever since then.

As expected, the sides of Kashmir and Pakistan were to be the parties of a mutually signed standstill agreement, which India refused to be a party rather than participation into the standstill agreement in 1947.¹⁷⁸ The intention of Maharaja with such an agreement was to gain time to weigh the prospects of independence or accession to either of the rivaling parties. In the agreement, the governmental processes to provide support and communication services were stipulated to be met by Pakistan, which was taken by Pakistan that India did not bear any interests in the issue since it rejected signing the agreement. Upon the standstill agreement, the functions associated

¹⁷⁶Farzana Shaikh, *Making Sense of Pakistan*, Columbia University Press, New York, 2009, pp. 187-188

¹⁷⁷Farzana Shaikh, *Making Sense of Pakistan*, Columbia University Press, New York, 2009, pp. 186-187

¹⁷⁸Robert G. Wirsing, Ehsan Ahrari, *Fixing Fractured Nations: The Challenge of Ethnic Separatism in the Asia-Pacific*, Palgrave Macmillan, London, 2010, pp. 140-158

with trade in Kashmir were realized by Pakistan, which managed and took care of rail lines and transportation of wood on rivers.

Originally, the standstill agreement was devised to maintain the governmental functions and provide a smooth changeover from the British ruling on India.¹⁷⁹ Through the agreement, the Maharaja regarded it was in effect as planned in that it would gain time for the Kashmiri ruling of the time to weigh the choices and determine on the most promising one, either independence or accession to Pakistan or India while Pakistan presumed that Kashmir was to accede to them as it was already fulfilling some of the major governmental functions and also getting more qualified in the administrative services. Over the course of partition, what came out of the real division was that Pakistan was to be given the unfortunate slice of only 17.5% out of all Indian assets and liabilities in addition to 30% of the British Indian military force. Contrary to the decree taken at the Joint Defense Council, out of 160,000 tons of military weapon, Pakistan was entitled to possess only some 23,000 tons whereas major arsenals and weaponry premises were left in the Indian possession. Thus, the sheer disparity and further engendering deficit in the military equities fuelled the enmity in depth of bitter resentment with distrust, in particular for Pakistan in the fledgling state.¹⁸⁰

When considered from the eyes of Pakistanis, the occupation of Kashmir and proprietorship of material by Indian state is unwarranted and unjust in that Kashmir was devised to be a component of Pakistan upon the advent of the partition agreement between the parties. Therefore, the Indian proceedings are obvious infringement of the partition act. In other words, Pakistan should have been handed over the conceded share of military assets and Muslims of Kashmir should have got the free will of their own to accede to Pakistan. However, such accession of Kashmir into Pakistan was not an element of the partition agreement. Instead, as reported by the British, the prerogative of accession to either side was left with the ruling Maharaja. Out of the deal, Pakistan formed the presumption that they would be the side to be acceded by Kashmiri Maharaja on the ground that they had already sealed a standstill agreement with the ruler of Kashmir, which vested Pakistan with administrative power to oversee

¹⁷⁹Victoria Schofield, *Kashmir in Conflict*, St. Martin's Press, New York, 2003, pp. 39-41

¹⁸⁰Ian Talbot, *Pakistan: A Modern History*, St. Martin's Press, New York, 1998, pp. 98-99

some major governmental functions and communication-based services.¹⁸¹ Further, upon weighing such justifications and the partition agreements, Pakistan deemed Indian occupation in Kashmir both illegitimate and unsanctioned adding that the so-called instrument of accession signed between the Maharaja and India is thus forged and deceptive in that it lacks the requisite adjudication of international laws.¹⁸² A great many people of Pakistan thereupon deem Kashmir's accession to Pakistani land unfulfilled task in the implementation of partition. In as much as the instrument of accession to India, which was sealed by the ruling Maharaja, authorized such an Indian occupation in Kashmir and the British demarcation lines were still in progress at the time of partitioning process, the Pakistan was simply denied of the Kashmir's accession to them, upon which hostilities were bound to resume with vigour on both sides. From the Pakistani perspective, on the basis of the fact that such developments of the process totally clash with the legitimacy of Indian claims on Kashmir, such move of India is absolutely void and an unacceptable occupation of Pakistani land, whereupon it clearly repudiates Indian claims over Kashmir and incessantly asserts that Kashmir does belong to Pakistan by all means.¹⁸³

At the Boundary Commission, established to create the new demarcation lines between the two claimant states, the common goal was to maintain the communication operative lest any encroachment or intrusion into the other's land to gain access to their own land happen due to prospect of crossing over the rival's borders. The railways and land transportation crossings such as those in especially the town of Gurdaspur in Punjab were all assumed to be left under the supervision of Pakistan. In his public statements, Viceroy Mountbatten, assigned as the head of commission, unfortunately announced that Pakistan would not take the district of Gurdaspur. As opposed to Pakistan's assumptions, the news that Gurdaspur would not be left under Pakistani administration activated Chaudhri Muhammad, the Pakistani representative to the Commission to consult Lord Ismay, Viceroy Mountbatten's chief of staff for any last minute alteration or change to the plan mutually agreed upon as the

¹⁸¹Mark Tran, *Kashmir: The Background to the India-Pakistan Conflict*, <https://www.theguardian.com/world/1999/sep/08/kashmir.india>, (accessed 13.11.2017)

¹⁸²Victoria Schofield, *Kashmir in Conflict*, St. Martin's Press, New York, 2003, pp. 189-192

¹⁸³Seek Wisdom, *The Pakistani Perspective*, <https://pols1413.wikispaces.com/Introduction>, (accessed 14.11.2017)

partition.¹⁸⁴ Though Lord Ismay was even unaware of the ultimate partition map, it was self-evident 3/4 of the districts labeled as Gurdaspur already seemed demarcated in Indian land and so accessed to the state of India on the secretly revised partition map against the will of the rivaling party, the state of Pakistan. The fraudulent accession brought about the suspicion that Viceroy Mountbatten conspired with Indians to partition the Kashmir's communication network in interest of India. It is strikingly weird for a district of Muslim preponderance to be left in Indian share of the map, but India, who lacked this hub of communication routes in this district was bound to lay no effective claims over Kashmir. Henceforth, the claims of Pakistan over Kashmir issue have dwelled upon the fact that such a partition is unacceptable and void on the grounds that the bargaining and dealings by the Boundary Commission were imprudent and fraudulent.¹⁸⁵

Notably, the imprisonment of Muslim League's headmen in the course of the standstill agreement availed the ruler of Kashmir to exterminate and thus oust the Muslims out of Jammu and Kashmir. In pursuance of ethnic cleansing, Dogra forces were manipulated to oppress and loot the native Muslims insofar as the Muslim populace of such places as Jammu dramatically dropped to the figures where the numbers of people from the ethnic groups of Sikhs and Hindu exceed the others, in particular the Muslim population. The purgation exterminated some 200,000 Muslims enclosed by non-Muslims and Dogra forces while the rest around 300,000 were displaced from their motherlands and forced out to flee to Punjab. Pakistan was to be heralded of such news of outrageous and brutal acts before long and deployed a tribal force, composed of the tribesmen in 1947. As a protectorate, the motive of Pakistan's interference in Jammu was to support Muslims and interrupt the affliction for Kashmiri people to accede to Pakistan.¹⁸⁶ On 24 October 1947, as a result of the engendering uprising, Azad Kashmir Islamic Republic was established. Faced with Pakistani intrusion, destitute of any defensive force, the Maharaja Hari Singh, who had already exposed inclination towards Indian side, felt obliged to desperately call for military

¹⁸⁴Lord Birdwood, *India And Pakistan: A Continent Decides*, Frederick A. Praeger, Inc. Publishers, New York, 1954, pp. 216-220

¹⁸⁵Thazha V. Paul, *The India-Pakistan Conflict: An Enduring Rivalry*, Cambridge University Press, New York, 2005, pp. 7-10

¹⁸⁶Ian Talbot, *Pakistan: A Modern History*, St. Martin's Press, New York, 1998, pp. 98-99

support from India. It was stipulated by India such backing would be provided on condition that Kashmir should accede to India. Therefore, the ruling Maharaja apparently had no other choice but rather to seal the Instrument of Accession to India on 27 October 1947.

Accordingly, the Maharaja's execution of the Instrument of Accession based on the provisions stated in the Indian Independence Act 1947 gave the accession to India. In view of Pakistan, this act was a clear sign of deception and treachery on the basis of the previously signed standstill agreement and eventually led to the opening of a series of war to be waged on Kashmir between the contesting states of Pakistan and Kashmir. As a consequence of the confrontations as yet to come where the two countries would fight thrice (1947-48, 1965 and 1971) due to the Kashmir problem, Pakistan's share of Kashmir was to be only a third lying in the Northern part of the region whereas that of India was to take hold of the rest, which was about two thirds.¹⁸⁷ From 1947 onwards India and Pakistan's theses on Kashmir have not undergone much change. According to Pakistan's thesis, the vast majority of Kashmir's population is Muslim and therefore, the people of Kashmir are bound to annex to Pakistan except for their free preferences. So, the state of Pakistan still lays its claims over Kashmir and justifies them on the basis of the initial agreement signed between Pakistan and the Maharaja much as India argues the thesis that Kashmir has become a part of India through the Instrument of Accession of 1947.¹⁸⁸

4.1.3. Pakistan's Religious Credentials

The breadth, depth and intensity of religious beliefs, values and practices in the international system are evident between all the units of social and cultural life and even disputes between nations. Religion, one of the most important factors of cultural construction, is also a dynamic social identity that clarifies social boundaries and definitions even in today's conflicts. Correspondingly, it is widely accepted as one of the foundations of cultural identity at both national and international scales, a vivid

¹⁸⁷Mushtaq A. Mir, *India-Pakistan: The History of Unsolved Conflicts*, IOSR Journal of Humanities and Social Science, Vol. 19, No. 4, 2014, pp. 101-110

¹⁸⁸Strateji Düşünce ve Analiz Merkezi, *Dünden Bugüne Keşmir Sorunu*, <http://www.stratejidusunce.org/Detay/Haber/1006/dunden-bugune-kesmir-sorunu.aspx>, (accessed 15.11.2017)

example of which is depicted in Kashmir conflict where a large number of the Jammu and Kashmir population consists of Muslims and a number of people belong to Christian, Buddhist and Sikh religions. The fact that Kashmir is rich in culture of belief is rather causing conflicts in the region, that is, Muslims in Kashmir region are fighting against Indian occupation in this region. Within that context, religion is dominant in the process of building national identity in societies rich in ethnic and religious structures, and crossing religious boundaries propagate conflict to turn into social upheavals. Hence, the conflict over Kashmir should be put into a division that Muslim, Hindu and Shiite groups can accept politically.¹⁸⁹

For a thorough insight into Pakistani basis on the ongoing conflict, the ethnic and religious structure of the region needs to be well analyzed. Indians, Muslims and Buddhists living in the valleys in Kashmir, which is mostly populated by Muslim, are scattered over certain regions. According to Pakistan, the majority of Muslims in these regions such as Kashmir and East Bengal had to be tied to Pakistan, a Muslim country because the basis of separation had already emerged from religious reasons, and Pakistan was identified with the idea of this religious society. Whereas India asserts that secession is not an issue of society, but an issue of land, and therefore two separate nation theory put forward by Pakistan was not accepted. Although India claims that ethnic and religious structure is not important and it is a matter of land, claims reinforced on religious grounds lay the foundation for the basis of the problem over Kashmir.

The beginning of the Kashmir problem dates back to the period when the terrains forming the subcontinent were shared between Pakistan and India after the breakaway of the British India in 1947.¹⁹⁰ In the breakaway, the principle of taking account of the aspirations and geographical location of the residents of the provinces was adopted. As a result, the provinces where the majority of the Hindus chose India, while the states where the majority Muslims lived, sided with Pakistan. Essentially, when Pakistan and India gained their independence from Britain in 1947, the Kashmir

¹⁸⁹Carolyn C. James, Özgür Özdamar, 'Religion as a Factor in Ethnic Conflict: Kashmir and Indian Foreign Policy' *Terrorism and Political Violence*, Vol. 17, No. 3, 2005, pp. 447-465

¹⁹⁰Ian Talbot, Gurharpal Singh, *The Partition of India*, Cambridge, New York, 2009, p. 180

people used their electoral rights in favor of Muslim Pakistan according to the partition act. But, it did not develop in accordance with the agreement in that Maharaja Hari Singh, the ruler of Kashmir, who should have acceded to Pakistan like the Muslim regions of India's subcontinent, joined Kashmir region to Indian dominion in exchange of money and fled to England.

Prior to the partition, the ethnic makeup of the populace in Kashmir was already predominantly Muslims, the population of which was around 90% at the census taken in 1941.¹⁹¹ The concern that Kashmir was region out of the perimeter of Muslim rule distressed many a Muslim believer. Ere the division, Hindu minority Maharaja had his own administrative consideration. Yet, as time passed by, the power balance leant towards the Muslims around 1930s when they got effective enough to found their own political group named as Reading Room managed by Shaikh Abdullah, who reorganized the group into the Party of All Jammu and Kashmir Muslim Conference. As anticipated, the Muslim political party aspired to gain the independence of Kashmiri people from Hindu ruler in a similar way to Pakistan, which would eventually step forward to emancipate Kashmir and lay its own claims on the region through the tribal forces employed to encroach on Kashmir.¹⁹² In response to Pakistani incursion in 1947, Indian was to deploy forces, which ended up with a stalemate between the claimants, who were later separated from each other with an emergent line of control, which has been on stage ever since then.

With a view to advocating the acquisition of Kashmir region, Pakistan wields the religion as the root matter to realize its aspirations and interests in the issue. On the basis of the partition act, the inclusion of Kashmir within Pakistan is justified by Pakistanis since the Muslim residents are in majority in the domain. Hence, the outbreak of the successive wars between the opponents mainly stemmed from the Pakistan's presumption that Kashmir is populated by preponderant Muslims, thereupon it should accede to them.¹⁹³ Given the core motive leading to the separation

¹⁹¹Arif Jamal, *Shadow War: The Untold Story of Jihad in Kashmir*, Melville House Publishing, New York, 2009, pp. 23-32

¹⁹²Jonathan Fox, Shmeul Sandler, *Religion in World Conflict*, Routledge, New York, 2006, pp. 151-152

¹⁹³Sumit Ganguly, 'Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay', *International Security*, Vol. 21, No. 2, 1996, pp. 1-2

from India and creation of such a nation where the Muslims of the region afford to survive, it is inevitable for Pakistan not to strive to join the territory into Muslim land. In pursuance of the ambition for administration over Kashmir, Pakistan went into battles with India in 1947-48, 1965 and 1971, where the Pakistani state failed to achieve the objective to include Kashmir into its land. Acting as protectorate of the Muslims in the region, it was assumed that Kashmiris' determination on accession to Pakistan was a natural selection in that the territory at issue was contiguous to Pakistan and furthermore, according to the two nation theory that asserts Hindus and Muslims were the people of two disparate nations in every respect, Muslims were of to possess their own independent land where the Muslim majority thrived in accordance with the tenets of their religion of their own accord. As such, this land should be Pakistan where the Muslims of the region can dwell and live independently, which conversely undermines the idea that Muslims and Hindus harmoniously exist in the subcontinent.¹⁹⁴

The Muslim perception and recognition of people in Pakistan is an indispensable fundamental theme in the struggle to subjugate Kashmir, which adversely forges Pakistani identity in hatred and negative attitude towards India. While the presence of the state and its legitimacy is advocated over the opposition to India, the religious point of view determines the foreign policy and security perceptions along with domestic politics. In this direction, the association of Kashmiri Muslims with those of Pakistan is rather decisive in both religion based-state relations with the social and political definition of religion as well as the Pakistani national identity within the complex ethnic structure.¹⁹⁵

Thus, a thorough insight into the ethnic and religious structure of the region is to be well studied. Indians, Muslims and Buddhists dwelling in the valleys in Kashmir, populated mostly by Muslim, were dispersed across the certain regions. According to Pakistan, the majority of Muslims in these regions such as Kashmir and East Bengal were to be adjoined to Pakistan, a Muslim country because the grounds of separation

¹⁹⁴ Shaikh Farzana, *Making Sense of Pakistan*, Columbia University Press, New York, 2009, pp. 187-188

¹⁹⁵ Salim Çevik, *Pakistan Siyasetini Anlama Kılavuzu*, SETA Yayınları, Ankara, 2013, p. 18

had emerged from the very religious cause, and Pakistan was clad with the identity of this religious society. On the contrary, India contends that separation is not an issue of society, but rather an issue of land, and so, two separate nation theory asserted by Pakistan was not accepted. Pakistan's religious claims lay the foundation for the basis of the problem over Kashmir though, India claims that ethnic and religious structure is not important and, namely the issue is a matter of land. In retrospect of this religious motive, named as the Father of Pakistan, Jinnah had paid visits to Kashmiri Muslims to give them backing in consideration of their expected accession to Pakistan much earlier than the partition. Unfortunately, such visits did not do much about attitudes of the Muslim League, which contemplated getting independent rather than accession to Pakistan. The following developments forced the Kashmiri ruling body to opt for Indian side on condition that the provision of defense and right of self-governing as an Indian part were granted to them. Pakistan argues this accession on the grounds that the state of Pakistan closely associates its national identity with the Muslim population in Kashmir. Such a claim laid on religious basis over Kashmir by Pakistan is the nationwide agreement with a close attachment to Islam. This consensus fuels Pakistani governments to persevere its assertions as the protectorate of the Muslims in the region, which is appreciated and praised by the Pakistani public, who regards Kashmir a part of Muslim homeland and is convinced that such a piece of territory should accede to the Muslim state in consideration of Muslims and their religious identity with Pakistan.¹⁹⁶

Accordingly, the identity in Islam has been the fundamental foundation for nationality of Pakistan to be built upon ever since Pakistan was established as the country of Muslims in that there was no common cultural icon that could be called the nation by the various ethnicities of Pakistan. In that sense, Pakistan is an ideological state rather than a nation-state, that is, there is no ethnicity called Pakistani.¹⁹⁷ Hence, the fact that makes Pakistanis a nation is their identity with Islam as Pakistan consists of various nationalities that differ greatly in language and other forms of cultural

¹⁹⁶Vikas Kapur, Vipin Narang, *Global Conflict: The Fate of Kashmir: International Law or Lawlessness*, https://web.stanford.edu/group/sjir/3.1.06_kapur-narang.html, (accessed 01.12.2017)

¹⁹⁷Javid Iqbal, *Islam and Pakistan's Identity*, Print Expert, Lahore, 2002, p. 361

expression, so the only thing to bring together and unite these different ethnicities closer is their common religion, Islam as in the case with Kashmir issue.

4.2. The Indian Perspectives over Kashmir

Kashmir, where the struggle of power up to threat of nuclear weapons within the tension created by the competitive environment of two rival countries challenging to get their side of the argument adopted in the region, has become a symbol of the ongoing confrontation between India and Pakistan. India's presence in Kashmir is predicated on the fact that it regards it as an essential component so as to manage to maintain its secular and democratic structure. India does not want to lose control over the region where 20% Hindu live, nor does it intend to allow its counterpart to gain an advantageous position by exerting any Pakistani dominance. Simply, India considers Kashmir as an integral element to its integrity and regards the issue resolved through this way while accusing Pakistan of supporting separatists in the region at issue. Accordingly, it is compelling for Indian argument to get acknowledged by the United States that the separatists in Kashmir are involved in terrorist activity and also to present Pakistan as a state that fosters and nurtures terrorism in the international system in order to justify the India's actions there.¹⁹⁸ In parallel with such an attempt, India aims to have the terrorist events in Kashmir perceived in its unfavor in the international arena. Furthermore, by putting military power at the forefront, it rejects any international mediation offer related to Kashmir to prevent the issue from gaining an international character in talks with Pakistan. Interfering with any international intervention, it manipulates Kashmir dispute to exert pressure on Pakistan through the exposure of the issue as a matter of its own national security while this uncompromising attitude reduces Pakistan's maneuvering area and leaves it desperate in the face of Indian demands. As India has not managed to fully legitimize its sovereignty over Kashmir, the war in the region is still ongoing.¹⁹⁹ Similarly, the hard measures taken by India as well as alleged support to separatist groups by Pakistan make the case even more difficult to resolve. The proposal by the UN to make public

¹⁹⁸Rodrigo Tavares, 'Resolving the Kashmir Conflict: Pakistan, India, Kashmiris and Religious Militants', *Asian Journal of Political Science*, Vol. 16, No. 3, 2008, pp. 276-302

¹⁹⁹Ashley J. Tellis, *Are India-Pakistan Peace Talks Worth a Damn?*, <http://carnegieendowment.org/2017/09/20/are-india-pakistan-peace-talks-worth-damn-pub-73145>, (accessed 28.12.2017)

referendums in the region is constantly rejected by India inasmuch as India is a country with a large number of ethnic groups and there should absolutely be no concession to the demands for independence in order to protect the integrity of the country.

In conjunction with the integrity of the state, India denies the two-nations theory put forward by Pakistan and asserts that Kashmir is an integral part of India despite the Muslim majority. Likewise, the unofficial views and allegations of India argue Pakistan has been fueling hatred and black propaganda against India on radio and television programs to detriment of Indian integral structure. While India displays an authoritarian regime in order to exercise authority in Kashmir, the people of Kashmir offer resistance to gain freedom. In particular, the sovereignty over Kashmir is of paramount importance for India to demonstrate to the world that India is a powerful state, which is capable of fighting against violence, and has succeeded in it as well. The control of Kashmir, on the other hand, is like a symbol of indivisible territorial integrity and being a nation state for India.²⁰⁰ However, this control of the region is accompanied by a definition that Kashmir's claims are a threat to very Indian integrity. In this direction, the enemy that India strives to present to the world public is the Muslims suffering in the security dilemma and controversy in Kashmir.

Behind all of these initiatives lies the Indian effort to draw attention to the facts that India is a victim of the terrorism in Kashmir, which originates from Pakistan and that both countries share the same destiny as terrorism has victimized the US as well. Such an American acknowledgment that the separatists in Kashmir are in terrorist activities will legitimize every action of India and leave Pakistan in a tight spot.²⁰¹ Thus, blocking any international intervention, India wields the Kashmir issue as a means of oppression on Pakistan while it also strives to reflect the dispute to the world as its own national security problem. Accordingly, India's uncompromising attitude towards Kashmir is aimed to enervate Pakistan's maneuvering area and ultimately leave it desperate in defiance of Indian demands. The controversy shows no signs of

²⁰⁰Rajpal Budania, *India's National Security Dilemma: The Pakistan Factor and India's Policy Response*, Indus Publishing Company, New Delhi, 2001, pp. 86-119

²⁰¹Ayaz Gul, *Pakistan Slams US for Declaring Anti-India Kashmir Group as 'Terrorist'*, <https://www.voanews.com/a/pakistan-slams-us-for-declaring-anti-india-kashmir-group-as-terrorist/3989418.html>, (accessed 30.12.2017)

abiding as a result of India's lack of legitimization over Kashmir and in addition to the claims of Pakistan's support for separatist groups, drastic Indian measures in the region make the solution to the problem far more complicated to handle. As such, on grounds of the fact India is a country with a large number of ethnic groups, to preserve the integrity of the country, no compromise for such independence demands is allowed to be made. Likewise, the mutual insecurity between India and Pakistan forces the Indian party to see the problem too vital for the Indian interests to make any mutual concessions. Moreover, how the concessions to be given may reflect in the public opinion is another dilemma for India.

Specifically, Indian perspectives of Kashmir to be mainly sorted out on the axes of strategy, national identity and domination show close association with those of Pakistan, which is therefore to be expounded under following captions in detail.

4.2.1. The Gravity of Kashmir for Indian Domination over the Region

Indian attempts to enjoy sovereignty accompanied with the national identity and strategic weight of Kashmir lay the solid ground for India to gain absolute domination over the disputed region. Such claims of authority goes back to the Instrument of Accession, which vested India with the power to exercise sovereignty and allowed Kashmir to attain accession to India.²⁰² In the course of time, the state building processes of India in Kashmir availed to attach the disputed land to the state of India with the advantage of gaining much better political influence on the rulers of Kashmir compared to its rivaling party. Long before the partition of two newborn states, it was already obvious to witness the signs of Kashmiri rapprochement in favor of India because the ruling Maharaja had established closer ties with Indians than those of Pakistan. As anticipated, India competently exploited the conditions of the time and managed to secure Kashmir through the accession devised in unfavor of its rival.

In fact, the standstill agreement between Maharaja and Pakistan in 1947 was meant to buy time to turn the conditions for his favor and obscure the plot agreed to

²⁰²Fida A. Fida, *Accession, not Merger*, <http://www.greaterkashmir.com/news/gk-magazine/accession-not-merger/171529.html>, (accessed 05.01.2018)

be followed with Indian side.²⁰³ According to the agreement, though the governmental processes for the provision of support and communication based services were to be assumed by Pakistan, Indian side seemed to bear little interests in the standstill. Yet, the following movements of India in Kashmir proved unlike as exposed Indian actions displayed India was of bare intentions to secure its stance in case of further strifes to develop between India and Pakistan. Such Indian intentions emerged prominently when the Kashmir region was added to the national postal service of India whereas it was clearly stated on the standstill agreement that the Kashmiri postal service should be operated by Pakistan. In response to Indian interference in the provisions of the standstill, Pakistani incursion in Kashmir came about, as a result of which Maharaja of Kashmir had to ask for Indian military support and accept the precepts of the Instrument of Accession with India on 27 October 1947. In return for the aid, India conclusively attained the legitimate validation to reign Kashmir under Indian jurisdiction, which is still claimed by the Indian state.²⁰⁴

Over the disputed region, India has waged tree wars against Pakistan apart from some small scale skirmishes to preserve its stance. According to Indian assertions, the Pakistan claims are void of any legitimate grounds based on the Instrument of Accession. As such, India deems Kashmir imperative to nationally maintain the security and manipulate it as a means of valid argument to be an influential regional authority, thus imposing the Instrument of Accession as the binding obligation on Pakistan to recognize that Kashmir is rightfully an Indian land. Conversely, it is asserted that Kashmir is an indispensable Indian strip, so such claims on this piece of land are to be taken as a menace to the Indian sovereign integrity.

Presumably, Indian absolute sovereign presence in Kashmir stems from fact that it sees Kashmir crucial to maintain its secular and democratic structure. Indicated as one of the world's largest democracies, India regards Kashmir as its own strategic depth and has concerns that it could lead to a chain reaction in the country if it is detached. For this reason, India attaches great weight to the fact that Kashmir region

²⁰³Robert G. Wirsing, Ehsan Ahrari, *Fixing Fractured Nations: The Challenge of Ethnic Separatism in the Asia-Pacific*, Palgrave Macmillan, London, 2010, pp. 140-158

²⁰⁴Mushtaq A. Mir, 'India-Pakistan: The History of Unsolved Conflicts', *IOSR Journal Of Humanities And Social Science*, Vol. 19, No. 4, 2014, pp. 101-110

must be under its control in terms of both sovereignty and security.²⁰⁵ Considering any likely incursion from either Pakistan or China in Kashmir, it is readily presupposed that India would not concede to such breaches since similar attempts mean to undermine the Indian sovereignty over the region and prestige for a regional authority.

4.2.2. Kashmir from the Perspective of Indian Identity

Secularism lays the foundation for the Indian state. Across the borders of the country, the coexistence of various religious ethnicities is the vivid symbol of secular India where Kashmir is asserted to be an inseparable part for the national integrity. This secular integrity of the nation is strongly depicted within the presence of Kashmir, which houses a great number of Muslims. Given the majority of Indian populace, which is composed of a large majority of Hindus, holding Kashmir in India represents a robust democracy and secularism, which India strives to legitimize. Thus, such secession of Kashmir from India would mean the demands for disintegration of other Muslim regions under the Indian sovereignty, especially those located in the Pakistani proximity in that Kashmir plays a cohesive bond in the unity of India.²⁰⁶

Compared to Pakistan who struggles to project itself as the protectorate of Muslims in the region, in particular within the challenge of Kashmir to attach to Pakistan, Indian identity does not prominently appear to be based on religion based cavets, but rather secular values of a state where the national identity of diverse groups is unified under the secular Indian land. Accordingly, in retrospect of South Asia where many a state was ruled by various ethnic rulers, the addition of such a Muslim state would set a strong example to demonstrate that Indian state embraces all people from different ethnicities and religions. Since the contrary of the case would as such build up serious menaces to the unity and integrity of the country, which has been in ongoing conflict with Pakistan over Kashmir, such a unison with the accession of the territory to Indian landmass is to seemingly illustrate the secular and all-encompassing Indian policy, which simply justifies the Indian motives to seize the region at issue at all

²⁰⁵David Scott, *Handbook of India's International Relations*, Routledge, London, 2011, pp. 38-41

²⁰⁶Ashutosh Varshney, 'India, Pakistan, and Kashmir: Antinomies of Nationalism' *Asian Survey*, Vol. 31, No. 11, 1991, pp. 997-1019

costs.²⁰⁷ Hence, considering such Kashmiri secession from India, it might as well stimulate other princely states united under Indian integrity to undermine the present Indian tenets of the all-inclusive and eventually disjoin from the Indian unity.

When notably seen from the sheer perspectives of the partition, which is postulated to have been fulfilled based on religious ethnicities, particularly Muslims and Hindus, Indian insistence to hold Kashmir in the integrity of state is readily delineated. Naturally, based on the precept that India is a secular state where apart from Hindus, all other religious ethnicities are entitled to enjoy freedom and democracy, the integration of a Muslim majority exclusively in Kashmir to India substantiates the very idea that India is secular state, which is not established on the commonly asserted pillars of religion, but secularism. Accordingly, the realization of a referendum known as the plebiscite for the people of Kashmir to determine for either independence or accession to rivaling Pakistani side would be in direct contradiction to the national identity and principles where India claims to have established that India is a secular country with all diversities. Otherwise, the likely chain reaction to be ensued from the Kashmir case would readily launch a demolishing wave among the other states ruled princely for a secession from the Indian state, which justifies and thus validates why such a plebiscite in Kashmir has not been allowed to happen by India as yet.²⁰⁸

In plain sight when the current situation is examined, it is observed that the attitude of the populace in Kashmir towards both India and Pakistan has also been transforming. While a number of people in the region demand to be attached to Pakistan and a smaller number to India, a great many advocate the independence of Jammu and Kashmir and request the principle of self-determination to get implemented accordingly. India and Pakistan, which regard the region as strategically indispensable, challenge to continue their existence in the region without any compromise for each other or a third party. Yet, such an implementation of the

²⁰⁷Vali Nasr, *National Identities and the India-Pakistan Conflict*, In *The India-Pakistan Conflict an Enduring Rivalry*, Ed. Thazha V. Paul, Cambridge University Press, Cambridge, 2005, pp. 178-201

²⁰⁸Rashmi Sehgal, *Kashmir Conflict: Solutions and Demand for Self-determination* International Journal of Humanities and Social Science, Vol. 1, No. 6, 2011, pp. 188-195

principle of self-determination in Kashmir is likely to produce harmful consequences for the integrity of not only India but Pakistan as well because this would prompt the other ethnic and religious communities in the country to demand for the right of self-determination, in peculiar for India, in the provinces of Tamil Nadu, Punjab, Assam.²⁰⁹ Consequently, the execution of such plebiscite for self-determination in Kashmir is highly capable of adversely affecting the integrity of India and tends to avail other actors to get encouraged to involve and intervene in Kashmir issue.

4.2.3. The Strategic Value of Kashmir for India

Kashmir, or rather commonly renowned as Paradise Valley with the attribution, ascribed by the indigeneous to the region is the junction point of the countries where India, Pakistan, Afghanistan and China converge. Located at the most northern demarcation line of India, the territory is of utmost strategic value to the Indian state insomuch as it naturally provides an inherent protection for a larger Indian maneuver in North and renders a more dynamic security to the detriment of its rivals. To maintain the region under control and in the Indian borders, India is seemingly obliged to enforce the military stance over the issue. Therefore, the Indian motives of Kashmir for imposing superiority over Pakistan characterize the stark traces realism, which especially typifies those of offensive.²¹⁰

At the partition plans devised by commission established by the British to assign the new demarcation lines between the recent states of Pakistan and India, Indian side wielded their close association with Britain to secure the only accessible routes to Kashmir under its control. At the original partition plot, the district of Gurdaspur, which is a gateway to the land routes winding through the Kashmir Valley, was to fall within Pakistani border as stipulated by the partition act, which stipulated that the peoples of the district should determine to side with either Pakistan or India, and this region was populated by a majority of Muslims, yet this strategic location was plotted in Indian side at the expense of Pakistan thanks to Indian manipulations to suit

²⁰⁹Thomas Benedikter, *Solving Ethnic Conflict through Self-Government: A Short Guide to Autonomy in South Asia and Europe*, ESPERIA srl, Trento, 2009, pp. 98-99

²¹⁰Manoj Saxena, *Pakistan's India Policy in Context of Realism in International Relations*, <http://www.southasianewsreview.com/south-asian-affairs/pakistans-india-policy-in-context-of-realism-in-international-relations>, (accessed 15.01.2018)

the partition to their purpose and advantage.²¹¹ Such supervision and control so close to the Pakistani border as in Gurdaspur would undoubtedly endow India with an effective tool to maintain national security and surveillance over Pakistan. Besides the Gurdaspur, the Indian attempts to increase its land mass and win at all cost and by all means so as to secure the districts of Junagadh and Kashmir are also well worth mentioning to expose the strategic value of the region and demonstrate the offensive Indian actions in the realm of realism.

The provisions for partition of Kashmir and Junagadh contradict each other. As stated clearly by the partition act, the states ruled by princes and bordering India or Pakistan should accede to either with the decision to be made by ethnic majority in these states. Much to India's surprise, the district of Junagadh sided with Pakistan as the muslim ruler went for Pakistan despite the wish of some 80% Hindus there. As a matter of course, India, who had the fears to lose the control of princely states, repudiated the result and deployed the army to Junagadh and seized it, as a consequence of which a plebiscite was taken by the populace to determine which side they should remain with. The outcome of the voting was certainly in favor of Indian accession in advance thanks to the large number of the Hindu voters siding with the Indian ruling.²¹²

Compared to the case in Junagadh, the precept on the accession process of Kashmir to India clearly clashes with what India displayed with that of Junagadh. By virtue of the fact the accession of Junagadh to India was a result of a plebiscite, it was as such assumed in Kashmir ruled by a Hindu prince that such a plebiscite should determine the accession side of Kashmiris. Yet, though the majority of populace was Muslims there, Pakistan did not risk losing Kashmir as it was outwitted in Junagadh and lost it to India, thus to seize and add Kashmir, Pakistan deployed an army of tribal forces to the region. Faced with Pakistani intrusion, destitute of any defensive force, the Maharaja Hari Singh got obliged to desperately call for military support from India. In return, India, who was strategically after Kashmir, stipulated that military support

²¹¹Matthew J. Webb, *Kashmir's Right to Secede: A Critical Examination of Contemporary Theories* Routledge, Newyork, 2012, pp. 29-31

²¹²Varun Vaish, *Negotiating the India-Pakistan Conflict in relation to Kashmir*, International Journal of World Peace, Vol. 28, No. 3. 2011, pp. 55-75

would be provided on condition that Kashmir should accede to India. The Maharaja did not have any other option but to approve the Instrument of Accession to India on 27 October 1947.

Consequently, the Maharaja's approval of the Accession gave the ultimate accession to India.²¹³ Following the months of clashes between the sides and the division of the Kashmir, the mutual agreement of Pakistan and India demanded a plebiscite to be taken by Kashmiris to determine the side of the accession. However, contrary to how it ended up in Junagadh, India wielded the agreement to buy time so as to consolidate its stance there, thus never allowing such a referendum to take place through the exercise of military power to suppress the demonstrations in favor of a plebiscite in case it might lose the accession of Kashmir, the population of which is heavily Muslims. And even with this movement, India clearly contradicts itself. In view of the realism tenets, the Indian acts of utilizing military power to earn land and increase the diameter of its security goals are clear signs of offensive Indian movements in Kashmir. The aspiration for holding Kashmir by all means reveals Indian offensive realist approaches in the region and the indispensable strategic weight of Kashmir in the struggle.

It is strikingly unquestionable that India is rather determined to make no compromise with its claims on Kashmir on the grounds of vitally strategic value of the terrain in interest of strategic location. Considering the fact that the vital water necessities of Pakistan are provided by rivers in the area and furthermore the majority of irrigations on the plains in Punjab is facilitated from the Indus and its branches, which meanders from Kashmir and comprise the major fresh water source supply to Pakistan, any Indian supremacy to be imposed on the supervision and absolute control of water resources from these rivers adds to the strategic gravity of Kashmir for India.²¹⁴ In conjunction with these facets, the prospect for harnessing the hydropower of the streams via dams and waterways by India has caused Pakistan to carry great concerns for decades. Besides, only through the Silk Route winding between Pakistan

²¹³Mushtaq A. Mir, *India–Pakistan: The History of Unsolved Conflicts*, IOSR Journal of Humanities and Social Science, Vol. 19, No. 4, 2014, pp. 101-110

²¹⁴Chari et al, *Perception, Politics and Security in South Asia*, Routledge, NY, 2003, pp. 39-41

and China, the crucial land connection is accessible. In retrospect of Indian previous border confrontations with China, which is renowned for being diplomatic and military ally of Pakistan, Kashmir maintains a meritable stance for the actors.²¹⁵

The region enjoys far more gravity since the location of Gilgit is a gateway whence China may readily invade the Indian territory, which is thus of high potential to neutralize the natural security of India. Hence, holding the mountainous range of Himalayas in Kashmir as a buffer zone between India and China, Kashmir renders India naturally safeguarded on Northern front. By its very nature, the region carries utmost strategic significance for all involved in the conflict, and therefore encourages the Indian policy makers to exercise relative approaches towards their claims. The realist features of India on the territory are exposed at both internal and external affairs related to Kashmir issue. Similarly, the dispute over Kashmir is well defined and distinctly exploited by the policy makers of the country as an effective tool to reinforce the stance and draw support for their political gains. Spurred by the manipulation of the region as a natural buffer zone, India is in pursuit of the means to establish supremacy over Kashmir so as to efficiently take advantage of the territory as a safeguard to counter threats and so build up the security on the northern borderline.²¹⁶

Together with strategic and political significance, Kashmir is too precious for India to give up owing to the cultural and social reasons too. In the course of time, the country has brought about a universal enmity against Pakistan and the ensued fierce rivalry in almost all walks of life is easy to observe. Kashmir has proved to mean so valuable a stake for India in the light of national pride that the struggle for supreme domination over Kashmir has proved itself strategically archaic in the conflict between two rivals. In this context, the theory of offensive realism can be well applied to suit the case of India, which is engaged in rivalry on the core basis of security dilemma where Indian state wields any means to outmaneuver its opponent and profit from such

²¹⁵Fahad Shah, *Does the China-Pakistan Economic Corridor Worry India?: The \$46bn CPEC Project Connecting Xinjiang in China to Gwadar in Pakistan has Raised Concerns in India.*, <http://www.aljazeera.com/indepth/features/2017/02/china-pakistan-economic-corridor-worry-india>, (accessed 17.01.2018)

²¹⁶Graham Usher, 'Afghan Triangle', *Middle East Report*, Vol. 39, No. 251, 2009, p. 20

opportunities at a loss of Pakistan.²¹⁷ In conjunction with these facets, claiming as one of the world's largest democracies, India holds Kashmir so valuable to its strategic intactness that it does believe that such a relinquishment of Kashmir to any party is to trigger a chain reaction of secessions from Indian integrity.

4.3. The Kashmir Conflict through the Lens of Politics in South Asia

Kashmir, which has been the most important item on the agenda of foreign policy and domestic security debates in Pakistan and India since the 1950s, still holds the title of the most volatile issue in the politics of South Asia. However, evaluation of the developments in Kashmir solely within the context of Pakistan and India relations may result in overlooking the new conflicts of future to be possibly experienced in the region and the compulsory steps to be taken on the global level. Viewed from this point, seeing the Kashmir conflict from the perspectives of international political actors, which pursue the global goals with the regional influence over the region in the close association with the geopolitical transformations that have taken place in the region in recent years, tends to provide rational reasoning in terms of revealing how the conflict has culminated in the current climax and why Kashmir is to be of much greater significance in the policies of South Asian future. Thus, the global dimension, which may be attributed as the root cause of tension between Pakistan and India, is to be grasped more explicitly.²¹⁸ When the conflict over Kashmir is closely examined, defining parties of the conflict and the determination of the historical development of the conflict constitute the first step to understand the conflict thoroughly. The major regional actors of the issue are Pakistan and India while the United States and China, which are influential in taking the issue to the international arena as a regional problem, make up the subsidiary front.

Despite its huge population regarded disadvantageous, India, which is tallied on the list of rapidly developing countries, is bound to protect India's secular and democratic structure, which lies at the heart of its presence in Kashmir, which is the

²¹⁷John J.Mearsheimer, *The Tragedy of Great Power Politic*, WW Norton & Company, New York and London, 2001, pp. 16-29

²¹⁸Happymon Jacob, *Contours of the Contemporary Kashmir Conflict*, http://src-h.slav.hokudai.ac.jp/publicn/eurasia_border_review/ebr2/2_happymon.pdf, (accessed 20.01.2018)

symbol of its struggle with Pakistan for 60 years. On the ground of this indispensable fact, India does not step back from its claims on the maintenance of its presence in Kashmir.²¹⁹ Apart from securing the continuation of the domination over Kashmir, which is home to a fifth of the Hindu population of India, Indian state sharply opposes any Pakistan's dominance over the region and so holding an advantageous position as well. Accordingly, the territory of Kashmir is regarded as an integral part of the country in India, which establishes the basis on which India postulates that the dispute over Kashmir is unilaterally solved for itself. To reinforce its stance on Kashmir, accusing Pakistan of supporting separatists in Kashmir, India strives to get this acknowledged by the United States so as to legitimize its actions on Kashmir. Similarly, selling the Kashmir issue as its own international problem, India puts tangible pressure on Pakistan by preventing any international intervention on the issue while also displaying an uncompromising attitude to limit the area of Pakistan's maneuvers and leave Pakistan desperate in the face of Indian demands.²²⁰

On the other hand, Pakistan, the rivaling side in the conflict, has two major areas of interest in Kashmir, which are the 60% Muslim population in the region and economic values added by the Indus River flowing through the Kashmir mountains and thus making the location a serious hydroelectric potential for Pakistan. As opposed to India's uncompromising policy towards Kashmir, Pakistan has closely followed a policy which states that there stand two ethnic nations in Jammu and Kashmir, and Pakistan supports the right of self-determination in international law for the Kashmiris to opt for the side of the accession. In the course of Pakistani policy to solve the dispute, various formulas have been developed by the leaders of the country. As a precept of Pakistani policy in one of those proposed plans, devised by the former Pakistani President Pervez Musharraf, it was proposed that recognition of Kashmir was a mandatory provision for the solution of the problem while borders must be opened between India, Pakistan and Kashmir as well. Therefore, to manage to secure the breakthrough of such a solution, the additional principles whereby dialogues

²¹⁹ Arpita Anant 'Identity and Conflict: Perspectives from the Kashmir Valley', Strategic Analysis, Vol. 33, No. 5, 2009, pp. 760-773

²²⁰ Navnita C. Behera, 'Kashmir: Redefining the U.S. Role', <https://www.brookings.edu/research/kashmir-redefining-the-u-s-role/>, (accessed 20.01.2018)

should be initiated in the presence of the presidents at the negotiations where foreign representatives are also involved, and furthermore securing and ensuring the rights within the framework of the win-win approach for the two states accompanied with the realization of disarmament are the must.²²¹ The plan is important to offer utilitarian solutions between the parties and clearly shows that Pakistan compromised a great deal from its assertions over the policy of Kashmir in terms of the security of the region. Yet, India presumed that the formula proposed by Pakistan was not suitable for a solution, and thus the reluctant attitude resulted in diminishing effectiveness of bilateral political talks between Pakistan and India in 2004.²²²

Considered in terms of the policies of both rivals, it is remarkable that the Pakistan's Muslim identity and indispensable economic value of the territory play a great role in determining the Pakistan's policy over the issue while the fact that the value of Kashmir as a vital element of Indian national identity is sharply portrayed as the policy of India in the conflict context of the Kashmir issue. Correspondingly, the controversy over Kashmir entails examining a conflict of social classes that is caught up in the war where the region is far behind the economic and technological development, and the social and political system is not competently integrated into the policies of the actors in the subcontinent. In this geography, the existence of different identities, deprivation of common values for peoples, insecure environment and the failure to create a political division serve to exacerbate the conflicting situation. Especially the policy, India abides by, emerges to be a completely competitive style in the context of Indian win-lose policy. With such policy where India openly displays an irreconcilable approach towards the solution of the problem, India overtly aims to basically legitimize its activities on the region by getting the United States to adopt the existence of Pakistani support for the separatist terrorist activities in Kashmir. Contrary to Indian policy, Pakistan is observed to seek solutions within the framework of win-win policy within the compromising style and diplomatic relations.²²³

²²¹Syed R. Hussain, '*Resolving the Kashmir Dispute: Blending Realism with Justice*', The Pakistan Development Review, Vol. 48, No. 4, 2009, pp. 1023–1024

²²²Owen B. Jones, '*Musharraf's Kashmir Policy*' Asian Affairs', Vol. 38, No. 3, 2007, pp. 305-317

²²³Sumit Ganguly, *The Kashmir Question: Retrospect and Prospect*, Frank Cass and Company Limited, Oxon, 2005, pp. 100-111

In the context of the national policies adhered by the claimants, Kashmir distinctly characterizes the realist political ambitions of India and Pakistan. The mutual insecurity between India and Pakistan upon the partition, and the stance on the dispute with vital interests in the scope of foreign policy have forced them to reciprocally make no concessions for a solution. Even despite United Nations' role of mediator in resolving the differences between the rivals, such attempts have practically failed especially on the grounds that the Kashmir issue has always been at the top of the Indian foreign policy priorities to earn prestige and impose superiority over Pakistan. While regarding Kashmir as an integral part of its independence, India accuses Pakistan of turning a blind eye to terrorist activities in the region.²²⁴ In sharp opposition to Indian blatant accusations, Pakistan emphasizes that Kashmir is of a special status and the right to self-determination should be applied to the region. Hence, it is vital for the parties to demonstrate a compromising attitude in resolving the Kashmir problem, where the parties are still in conflict and no resolution has been reached for years.

However, evaluating the developments in Kashmir only within the context of Pakistan-India relations is to lack the perception of the conflict to set in motion at a large scale. From this perspective, unraveling the global goals of other international and regional political actors with the potential impact of Kashmir in the region and the ongoing geopolitical transformations is bound to help grasp the motives of contenders and the climax of the conflict in South Asia. Over Kashmir with a fairly turbulent history in the region that has hosted endless conflicts between the two countries for years, a new phase seems to be passed on with recent developments.

It is argued today that the calls of the Great Powers overtly tend to have an interest in building up new alliances over the region rather than the sincere aspiration for peace.²²⁵ Accordingly, the geopolitical transformations leading to the birth of such alliances are of vital importance to disclose the emergent polarization among the

²²⁴Ministry of External Affairs, Government of India, *The Jammu and Kashmir Issue*, <http://mea.gov.in/in-focus-article.htm?18971/The+Jammu+and+Kashmir+Issue>, (accessed 30.01.2018)

²²⁵The Council on Foreign Relations, *New Geopolitics of China, India, and Pakistan*, <https://tr.scribd.com/document/340814890/New-Geopolitics-of-China-India-and-Pakistan-May-26-2016-In>, (accessed 13.02.2018)

regional powers of the subcontinent.²²⁶ It is undeniable that the geopolitical and geoeconomic transformations that began in the region in 2015 have affected not only Pakistan and India, but the entire South Asian region as well. A vivid example of such transformation is to be depicted in the nuclear deal that Iran reached with P5+ 1 countries (namely China, France, Russia, the United Kingdom, and the United States; plus Germany), which subsequently lifted economic sanctions against the country and further not only revitalized the Iranian economy, but also created cooperation and investment ventures in the economic and commercial deals with other countries.²²⁷ Another initiative taken in terms of the transformation in the region should be mentioned in the relations between Pakistan and China through the Chinese-Pakistan Economic Corridor initiative at the visit of China President, Xi Jinping to Pakistan. Following the meeting on 20 April 2015, it was the Chinese announcement that an investment of \$ 46 billion in transportation, public transport and energy sectors is to be made in Pakistan, which thus has increased its strategic importance of the region.²²⁸ As opposed to the rapprochement between China and Pakistan, India also feels obliged to keep up with the transformation pace in the region. As a response to the Chinese-Pakistan Economic Corridor, India, uneasy about the close relations of China and Pakistan, signed the Chabahar agreement over the Iranian port of Chabahar with Iran, and Afghanistan on 24, May, 2016 so as to create an alternative route to China's and Pakistan's economic corridor through Pakistan's Gwadar port and to facilitate the connection of India via Afghanistan to Central Asia.²²⁹

Obviously, there seems to be a very close relationship between redesigning movements and China's increasing stature on the region. Especially considered from the objectives of China's '*One Belt and One Road*' initiative (OBOR) to connect the China and the World, it has undoubtedly disturbed the United States a lot rather than

²²⁶Bhumitra Chakma, *South Asia in Transition: Democracy, Political Economy and Security*, Palgrave Macmillan, Hampshire, 2014, p. 284

²²⁷Emily B. Landau, Shimon Stein, *What's Really Going On with the P5+1–Iran Nuclear Talks?*, <http://nationalinterest.org/feature/whats-really-going-the-p5-1%E2%80%93iran-nuclear-talks-11760>, (accessed 16.02.2018)

²²⁸Hamzah Rifaat, Tridivesh S. Maini, *The China-Pakistan Economic Corridor*, Stimson Center, Washington, 2016, pp. 1-2

²²⁹Subhash Singh, '*India's Chabahar Policy: Implications for China-Pakistan Cooperation*', *International Journal of Applied Social Science*, Vol. 4, No. 5-6, 2017, pp. 172-182

India.²³⁰ Indeed, in today's international political arena where the fact that global power are inclined towards the East is being debated, the United States has not delayed implementation of its policy to rebalance the region. In this context, one of the most striking points of this policy, which aims to contain China and its surroundings is to encourage India against the rise of Chinese over the region. Thus, the ensuing tension in China-India relations is to surely serve the clandestine American interests and has brought a devastating effect on the relations between Pakistan and India in the wake of such developments.

Indeed, the condition that came into existence through the deal between Iran and P5+ 1 countries in 2015 and the programs of the newly elected Pakistani and Indian governments to achieve more development indexes, somewhat created a peace process between the two countries. At the point where the parties stand currently, the struggle between China-Pakistan with their peripheries and the US-India with the peripheries, which is trying to prevent the rise of China-Pakistan alliance in the region, seems to be the real challenger of all the conflicts. On the other hand, it should not be overlooked that such actors as Russia and Iran display a pragmatic manner towards the stance of the sides while establishing relations with both poles. In the lights of such developments and the fact that the IMF and the World Bank are controlled by the United States whereas the Asian Development Bank is in China's control, it looks rather perceptible that the fierce struggle for Jammu and Kashmir in the region and the tension between Pakistan and India is bound to be closely related to the course of the geopolitical alliances and shifts.²³¹

On the other hand, viewed from the perspective of politics recently followed by the parties against each other, Pakistan stands up for voicing the human rights violations committed by India during operations in Jammu and Kashmir and strives to destroy India's legitimacy while India holds Pakistan responsible for the latest terrorist attack near the town of Uri in the Indian side of Jammu and Kashmir on 18, September, 2016 and thus makes great efforts for the international isolation of Pakistan

²³⁰Peter Cai, *Understanding China's Belt and Road Initiative*, Lowy Institute, Sydney, 2017, pp. 1-8

²³¹Ashley J. Tellis, Sean Mirski, *Crux of Asia: China, India, and the Emerging Global Order*, Carnegie Endowment for International Peace, Washington, 2013, pp. 48-49

by accusing it of being a terrorist state.²³² Apart from such a venture for Pakistani isolation from the international arena, to bring the rival to the Indian terms, India has stated that they are to apply such means as economic sanctions and in this respect, the necessity to take the stock of Indus Water Agreement with Pakistan is underway.²³³ Also, in Indian Prime Minister, Modi's Independence Day speech delivered on 15, August, 2016, Pakistan's ill-treatment towards Baloch people in the province of Balochistan under Pakistan administration was stressed and it was subsequently announced that the Indian State was to be with the people of Balochistan, which is well interpreted as the Indian response to Pakistan's intervention in Jammu and Kashmir.²³⁴ The fact that the Balochistan region is located on the China-Pakistan Economic Corridor and the Baloch people, who demand the independence are of the population in the countries of India, Pakistan, Iran and Afghanistan, increases the volatility of the region to likely stage for new fights.

In this context, it tends to be assumed that the further clashes in the region are bound to linger over the infamously conflicted territory of Kashmir. As a result, it should be wise to keep in mind that that Kashmir holds the only key to securing peace in the region. Nonetheless, evaluating the developments in Kashmir only within the context of Pakistan-India axis is highly likely to lead to the ignorance of new conflicts that may be experienced in the future region and the precautionary steps that need taking on the global level. Namely, closely looking at the global goals of other international political actors with a potential impact on the region at issue and the geopolitical transformations that have taken place in the region over recent years is expected to shed light in terms of understanding how the problem has reached its current climax and why South Asia will be of much greater importance in the future.

²³²Mukhtar Ahmad, *Soldiers Killed in Army Base Attack in Indian-Administered Kashmir*, <https://edition.cnn.com/2016/09/18/asia/india-kashmir-attack/index.html>, (accessed 18.02.2018)

²³³Rahul Shrivastava, *Uri Attack Response: PM Modi to Take Stock of Indus Waters Treaty*, <https://www.ndtv.com/india-news/uri-attack-response-pm-modi-to-take-stock-of-indus-water-treaty-1466307>, (accessed 18.02.2018)

²³⁴Reuters, *People of Balochistan, Kashmir Thanked Me: Modi on India's Independence Day*, <https://www.dawn.com/news/1277670/people-of-balochistan-kashmir-thanked-me-modi-on-indias-independence-day>, (accessed 19.02.2018)

CHAPTER V

THE CONCLUSION WITH EVALUATION OF FURTHER IMPLICATIONS

Prominent for being the most significant location with the highest peaks dominating the surrounding lands in South Asia, Kashmir is of increasing strategic gravity for not only underground resources and fertile lands that maintain various assets but also holding a strategic position due to its geographical location. On the grounds of lying at the crossroads of such countries with diverse cultural identities as Pakistan, India and China, Kashmir has constantly been the very stage of the regional powers in struggle for power, occupation and even war.

Starting with the termination of the British domination on the subcontinent in 1947, India and Pakistan emerged as independent states, yet Kashmir's status was left undefined, which has ultimately paved the way for the region to be in the present ungovernable condition for the sides. Notwithstanding a series of UN's resolutions which proposed and stressed that the people of Kashmir had the power and right to determine their own destiny, the sides, especially India did not display an agreeable attitude towards the settlement of the dispute by all means. Furthermore, while the encroachment on Kashmir by India, which regards the territory its own province despite the will of people in Kashmir, has caused the dispute to continue up to the present day, China's control over a part of the territory in Kashmir in the process has brought the issue to an inextricable dimension too.

The importance, Pakistan, China and India attach to the controversial Kashmir region varies based on the interests and arguments of the involved parties. As the water resources with vital significance for Pakistan stem from this region, Pakistan which aims to meet its energy needs from the hydroelectric facilities to be built on the tributaries, accordingly aspires to keep the upper reaches of the streams under control. Additionally, Pakistan lays serious claim to Kashmir in that the region is of high potential to accede to Pakistan in the light of the treaties and UN resolutions, which propose that the people of the region have the right of self-determination to freely choose their side to join and the majority of Kashmir are Muslims. On the same controversial strip of land, China, thanks to the regions of Aksai Chin seized in 1962

upon a battle against India, and the one Pakistan ceded to Chinese control in 1963 to extend the border southward, also caught the opportunity to link the western provinces of Tibet and Xinjiang via an overland route, which renders the lands of Kashmir under its control strategically crucial and an inherent part of China from the Chinese standpoint.

Despite the internationally binding decisions, India, ignorant of the will of the people in Kashmir, has occasionally deployed military force to the region in order to suppress the supporters of such demands for independence or accession to any side rather than India and overtly displays an obsessively political attitude towards the conflicting issue. On the grounds that India holds the control of the most important positions among the strategic points in Kashmir, it gives India an upperhand to oversee the region. So as not to give up on this advantageous stance, India is not hesitant to resort to every possible means as a result of which it does not seem to observe the decisions the UN organization makes about the issue of Kashmir, and takes steps toward expanding its dominance over the region and thus making Kashmir an indispensable part of Indian integrity. Along with the possession of strategic priorities for India, Kashmir carries a great deal of weight given its potential to set a striking example in India's internal politics too. As India is the country with the most crowded minority of some 170 million Muslims, it rightly carries great concerns that such an independence of Kashmir or the attachment to Pakistan is to prepare a role model for the Muslims living in India. As such, the fact that Kashmir is of a religious basis intertwined on the Muslim-Hindu axis is one of the most important elements of volatility for the ongoing conflict in the region.

On the strategically indispensable region, such major wars apart from some small scale confrontations between India and Pakistan in 1947 and 1965 and as well as those between India and China in 1962 in the struggle to gain supreme dominance in Kashmir have so far been fought. Each of the regional countries is highly motivated to preserve the strategic interests of their own state and regards Kashmir as their national affairs while the peoples of Kashmir are exposed to manipulations and paying the heavy price in the face of the struggles of the claiming powers. Thus, the deepening

security crisis in the region draws attention to the point that the Kashmir conflict entails the resolution of the issue in a just and peaceful manner whereby what needs to be done in order to solve the chronic problem of Kashmir is likely to be outlined under certain precepts.

Whereas the possibility of the recently occurred events to evolve into a large scale war in the short run seem to be weak, the conflict over Kashmir should not be overlooked as it is of the potential to turn South Asia into a ring of fire. Accordingly, for such a resolution to be stable, the people of Kashmir must be vested with the right of plebiscite to determine the status of region in accordance with UN resolutions, and the outcome to result from the referendum is to be regionally and globally recognized by the parties while dialogue channels between the parties should be kept open to avoid further confrontations. Yet, to lessen the radical tension, the number of soldiers deployed in Kashmir must be reduced as well until the referendum is concluded and the nonjudicial executions should be avoided. Further illegitimate applications of disproportionate violence by the security forces against human rights demanding humane treatment is not to be allowed to happen to any people of the parties.

5.1. The Resolutions to Kashmir of South Asia in Retrospective

Kashmir, which is divided into three parts between Pakistan, India and China, maintains its fragmented structure today. With its geocultural and geostrategic characteristics at the heart of Asia, the territory is literally stuck between great regional powers and continues to occupy the agenda of all parties involved. Thus, Kashmir, the bone of contention between Pakistan and India still holds the title of the most intractable conflict between the two states though it is some 70 years since the partition or rather the independence of two rivals. Considering the fierce controversy, it is well worth remembering the people of Kashmir have long been bound to suffer in confinement despite the repetitive promises of plebiscite made by the initiatives of Pakistan and the UN Security Council, and yet has never come true.

Essentially, there stand three options en route to solution of the conflict for the Jammu and Kashmir peoples displeased with the status vested with them since the very

first day they were acceded to India. An autonomous structure with increased prerogatives to be bestowed by India, makes up the first of these options. However, it is quite obvious that already one of India's provinces, Jammu and Kashmir, does not consent to such a status on the grounds that the prospect of direct Indian intervention by India in the region reveals that the existent autonomous structure is not a solution. On the other hand, the accession of whole Kashmir to Pakistan or India as a whole may emerge as another option for the peoples of Kashmir, but still such alternative is destined to fail in short term especially given the population of Jammu and Kashmir, which is predominantly populated by Muslims and so, India deems that people tend to support for an accession in favor of Pakistan and displays reluctance to approach such a solution.

Given the options, the independence of Kashmir stands out as the most decisive solution of all. Yet, it is a very unfortunate situation where, looking at the historical background of Kashmir, it is obvious that neither of the claimant states will give up their presence to the detriment of national interests in the Kashmir region, which is trapped between Pakistan and India. Moreover, such an option of independent Kashmir is bound for the refusal of both sides and is not to be warmly welcomed inasmuch as both India and Pakistan are made up of various ethnic diversities in their borders and are of great concerns that, with a possible independence status to be given to Kashmir, both countries are to face the danger of division and crumble into pieces. Nonetheless, despite such a gloomy perception of an Independent Kashmir, the only permanent solution to the problem in the region tends to be the Kashmir's independence despite the security dilemma observed in Kashmir conflict through both belligerents' moves and solely to be reduced in the case of an independent Jammu and Kashmir. Meanwhile, the Kashmiris' demand for the independence occupies the most significant place when the demands of the Kashmir people are examined and the people of the region presuppose that Pakistan and India should stop laying claims to the right on Kashmir and the region is to win independence of Kashmir as a whole.

As a likely alternative to an independent Kashmir, the fair implementation of the referendum decision made by the UN Security Council, but not fulfilled so far, is

of a vital gravity for the solution of the problem insofar as such a referendum to be held under the supervision of an impartial commission is likely to be a solution to the Kashmir issue. Therefore, the measures to avoid political discourses that will lead to exacerbating the situation should be taken, and so with the plebiscite to be made in the region, the outcome of the peoples' decision should be respected and recognized by both Pakistan and India to neutralize the sensitivity of the sides and bring the dispute to a peaceful end.

5.2. The Options on the Pathway to Resolution

The Kashmir problem, which has not favorably been solved for over 70 years, not only maims the good neighborly relations between states of Pakistan and India, but adversely affects the prosperity of the Kashmir people and the stability alongside the security in South Asia as well. In the lights of the recent developments that reveal the urgent demand for the upmost priority to settle the dispute, the resolution of the Kashmir problem that has been the most important agenda item on the foreign and domestic security debates between Pakistan and India since the mid 1900s, is a crucial step to be taken towards resolving the problems in the South Asian region, where the violence and conflicts still remain rampant. With the changing governments and their attitudes in Pakistan and India, the destiny of Kashmir has always been determined in diverse manners and drawn in clandestine ways. Yet, despite the fact that the problem is getting more and more complex, there is no mutually definite resolution agreed between the belligerent two states.

Notably, to resolve the existent problems of Kashmir, the demilitarization of the region lays the essential ground for the initial prerequisite to be met. Hence, the withdrawal of the tribal warfare and jihad organizations of Pakistan along with over half a million of Indian military force in the region holds the key to a peace process to be set up while the following step to be taken is to disperse the militarist movement over the terrain. Particularly, the numerous human rights violations in Kashmir and violence Pakistan claims to be carried out by India on the basis of the Indian laws notoriously known to be the black laws in practice, are bound to be abolished so as to improve the quality of the life in Kashmir and for the consolidation process of the

improvement, the relevant institutions of the International Society to ensure the resolution of the conflict and raise awareness of the situation is to be established to get the reconciliation recognized at the international level.

As a consequence of the demilitarization of Kashmir, a viable autonomy to be established in the region is to possess a special status. In a likely autonomy to be set under the supervision of India, Pakistan and China, the avoidance of definite demarcation lines between parts of Kashmir; Azad Kashmir, Jammu Kashmir and Aksai Chin is bound to accelerate integration of the region with the creation of a tolerant atmosphere so as to help found a democratic and respectful administrative approach. Thus far, events in Kashmir have caused the general majority of people to take an amiable attitude towards neither Pakistan nor India. Considering the processes of the Pakistani and Indian states to build their own regimes, which seem to be obstructing a solution to the problem, the two states need to restore their own structures and get rid of the fear of disintegration. Such fears are quite lucid in the political language and discourse, which reveal that neither allows for a multicultural existence.

Yet, when viewed from the angle of self-determination, the dispute over Kashmir with the choice of self-determination emerges rather divergent. According to the dictionary definition, self-determination tends to be defined as the right of an ethnic, language, or religious group to regroup existing national borders in order to establish a separate national sovereignty, or in other word, it may mean the separation of a political unit from a federal system and gaining the status of an independent sovereign state. Other than the separation or independency, self-determination is only to be regarded as the right of ethnic, linguistic or religious groups living in a sovereign state to obtain broader autonomy, language or religious rights without forming a self-dominating state as well. Accordingly, it is obvious self-determination is a controversial issue and various formulations might be deduced from such definitions especially when considered from the disparate characteristics of Kashmir. Initially, it is well worth recollecting that the ethnic and religious structure of Kashmir is not made up of a homogeneous population distribution where Muslims, Hindus and Buddhists live together and the discrimination between the sects of Sunni and Shiite among Muslims brings about trouble. In the hindsight of such contrasting distinctions, it

appears difficult to come up with a resolution that could exactly suit to the very definition of self-determination in Kashmir dispute, which furthermore requires strong social-economic innovations to be implemented effectively enough to curb the fundamentalist movements in the region and create improvement in the socio-economic structure of Kashmir.

Correspondingly, the idea of a plebiscite with the acceptance of both Pakistan and India in the region is rightly supported. In order for such a plebiscite to be made in a healthy and reliable environment, it requires the provision of guarantees by the states that Pakistan and India choose as their guarantors separately. Additionally, both claimant states are of to be respectful to the very will of the people and thus the problem of the region needs resolving the conflict according to outcome of the plebiscite. As such, the plebiscite should be made up of the prominent three major views that cover the general public with the options of full independence, accession to Pakistan, being a province of India or a particular autonomy. Therefore, upon the plebiscite to be made in this form, the outcome needs to be put in practice with a vengeance in order for the peace to reign over the region again. However, Kashmir is a complex question that needs resolving by taking into account of the balances within itself and regional security balances with the present de-facto situation, which is also prone to exposure to solution of the problem with a special autonomy as well.

Hence, with the demilitarization of the region, the implementation of a particular autonomy, and the introduction of a powerful social-economic reform with the vested right of plebiscite or even mutually consented accession of the territory to either party, Kashmir is possibly expected to overcome its violent and turbulent past and begin to live in peace and harmony. But anyway, considered from the prospect of the current stances taken by the regional politics, there unfortunately seems to be no intention of such a plebiscite or a decision to result in a definitive solution in the near future of the conflict over Kashmir.

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APPENDICES

Appendix 1 The Treaty of Amritsar 16 March 1846

The treaty between the British Government on the one part and Maharajah Gulab Singh of Jammu on the other concluded on the part of the British Government by Frederick Currie, Esq. and Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Rt. Hon. Sir Henry Hardinge, G.C.B., one of her Britannic Majesty's most Honorable Privy Council, Governor-General of the possessions of the East India Company, to direct and control all the affairs in the East Indies and by Maharajah Gulab Singh in person - 1846.

Article 1

The British Government transfers and makes over for ever in independent possession to Maharajah Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward of the River Ravi including Chamba and excluding Lahol, being part of the territories ceded to the British Government by the Lahore State according to the provisions of Article IV of the Treaty of Lahore, dated 9th March, 1846.

Article 2

The eastern boundary of the tract transferred by the foregoing article to Maharajah Gulab Singh shall be laid down by the Commissioners appointed by the British Government and Maharajah Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

Article 3

In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharajah Gulab Singh will pay to the British Government the sum of seventy-five lakhs of rupees (Nanukshahee), fifty lakhs to be paid on or before the 1st October of the current year, A.D., 1846.

Article 4

The limits of territories of Maharajah Gulab Singh shall not be at any time changed without concurrence of the British Government.

Article 5

Maharajah Gulab Singh will refer to the arbitration of the British Government any disputes or question that may arise between himself and the Government of Lahore

or any other neighboring State, and will abide by the decision of the British Government.

Article 6

Maharajah Gulab Singh engages for himself and heirs to join, with the whole of his Military Forces, the British troops when employed within the hills or in the territories adjoining his possessions.

Article 7

Maharajah Gulab Singh engages never to take to retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

Article 8

Maharajah Gulab Singh engages to respect in regard to the territory transferred to him, the provisions of Articles V, VI and VII of the separate Engagement between the British Government and the Lahore Durbar, dated 11th March, 1846.

Article 9

The British Government will give its aid to Maharajah Gulab Singh in protecting his territories from external enemies.

Article 10

Maharajah Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of Cashmere shawls.

This Treaty of ten articles has been this day settled by Frederick Currie, Esq. and Brevet-Major Henry Montgomery Lawrence, acting under directions of the Rt. Hon. Sir Henry Hardinge, Governor-General, on the part of the British Government and by Maharajah Gulab Singh in person, and the said Treaty has been this day ratified by the seal of the Rt. Hon. Sir Henry Hardinge, Governor-General.

Done at Amritsar the sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-six, corresponding with the seventeenth day of Rubeel-ul-Awal (1262 Hijri).

Sd/- H. Hardinge

Sd/- F. Currie

Sd/- M. Lawrence

Appendix 2 The Instrument of Accession 27 October 1947

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as India and that the Government of India Act 1935, shall with such omissions, additions, adaptations and modifications as the Governor General may by order specify be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adapted by the Governor General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, Therefore

I, Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms therefore, and for the purposes only of the Dominion, exercise in relation to the State of Jammu & Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as "the Act").
2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedules here to as the matters with respect to which the Dominion Legislature may make law for this State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State where by any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of the State, then any such agreement shall be construed and have effect accordingly.
5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to be a commitment in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty seven.

Sd/- Hari Singh

Maharajadhiraj of Jammu and Kashmir State

I do hereby accept this Instrument of Accession.

Dated this twenty seventh day of October, nineteen hundred and forty seven.

Sd/- Mountbatten of Burma

Governor General of India

SCHEDULE

The matters with respect to which the Dominion Legislature may make laws for the State.

A. Defence

1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.
2. Naval, military and air force works, administration of cantonment areas.
3. Arms, fire-arms, ammunition.
4. Explosives.

B. External Affairs

1. External Affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.
2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.
3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
2. Federal Railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.
3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made there under.
2. Offences against laws with respect to any of the aforesaid matters.
3. Inquiries and statistics for the purposes of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

Appendix 3 The Tashkent Declaration 10 January 1966

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

(i) The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu & Kashmir was discussed, and each of the sides set forth its respective position.

Troops Withdrawal

(ii) The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

(iii) The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

(iv) The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries.

(v) The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan of India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

Trade Relations

(vi) The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreement between India and Pakistan.

(vii) The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

(viii) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussions of questions relating to the problems of refugees and eviction of illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agree to discuss the return of the property and assets taken over by either side in connection with the conflict.

Soviet Leaders Thanked

(ix) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at highest and at other levels of matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

(x) The Prime Minister of India and the President of Pakistan record their feelings, deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.

Sd/- Lal Bahadur Shastri

Prime Minister of India

Sd/- Mohammed Ayub Khan

President of Pakistan

Appendix 4 The Simla Agreement 02 July 1972

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:-

I. That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

II. That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

III. That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;

IV. That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;

V. That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;

VI. That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that;

- I. Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights.
- II. Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.
- III. Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- IV. Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. In order to initiate the process of the establishment of durable peace, both the Governments agree that:

- I. Indian and Pakistani forces shall be withdrawn to their side of the international border.
- II. In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line.
- III. The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.
- IV. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

5. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Sd/- Indira Gandhi
Prime Minister Republic of India

Sd/- Zulfikar Ali Bhutto
President Islamic Republic of Pakistan



T.C.
NECMETTİN ERBAKAN ÜNİVERSİTESİ
Sosyal Bilimler Enstitüsü Müdürlüğü



RESUME

Name, Surname	Ahmet AKKAYA	Signature		
Place of Birth	Ankara			
Date of Birth	10.11.1971			
Marital Status	Married			
Educational Status				
Degree	Name	Program	Place	Year
Elementary	İnkilap	Elementary	Ankara	1977-1982
Secondary	Cumhuriyet	Secondary	Ankara	1982-1985
High School	Endüstri Meslek	Vocational	Ankara	1985-1988
BA	Anadolu University	Tertiary	Eskişehir	2008-2012
MA in ELT	Necmettin Erbakan U.	Master of Arts	Konya	2012-2014
MA	Necmettin Erbakan U.	Master of Arts	Konya	2015- in Thesis/English International Relations
MA	Selçuk U.	Master of Arts	Konya	2015- in Thesis/ Educational Administration, SPE
Skills	German /Aviation/Amateur Sports			
Area of Interest	ELT and related fields in teaching / International military aviation / Sports			
Experience	Thus far as of 1988, I've taken and delivered training and education on aviation and in particular English language from basics to advance levels with TOEFL, YDS, IELTS in all skills at a public institution in the country and abroad while holding the experience of ELT teacher and Aviatational trainer for over 20 years within the disciplines of various engineerings as well.			
Rewards	Rewards, prizes and decorations accomplished during my career and the education taken in the country and various places abroad			
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