

SETTLEMENT OF KASHMIR DISPUTE: IMPEDIMENTS AND IMPLICATIONS



Researcher

Zubair Jamshaid

REG No. 10-FSS/PHDIR/S15

Supervisor

Prof. Dr. Muhammad Khan

Co-Supervisor

Dr. Manzoor Ahmad Naazer



**Department of Politics and International Relations
Faculty of Social Sciences
International Islamic University, Islamabad
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SETTLEMENT OF KASHMIR DISPUTE: IMPEDIMENTS AND IMPLICATIONS



By

Zubair Jamshaid
Reg. No. 10-FSS-PHDIR/S15

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International Islamic University, Islamabad

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FINAL APPROVAL

This is to certify that we gone through and evaluated the dissertation titled "Settlement of Kashmir Issue: Impediments and Implications", submitted by Mr. Zubair Jamshaid, a student of Ph. D International Relations under University Registration No. 10-FSS/PHDIR/S15, in partial fulfillment of the award of the degree of Ph. D. This thesis fulfills the requirements in its core and quality for the award of the degree.

1. **Supervisor**

Professor Dr. Muhammad Khan
Department of Politics & International Relations
Dean, Faculty of Social Sciences
International Islamic University
Islamabad

2. **Co-supervisor**

Dr. Manzoor Ahmad
Assistant Professor
Department of Politics & International Relations
Faculty of Social Sciences
International Islamic University
Islamabad

3. **Internal Examiner**

Dr. Manzoor Khan Afridi
Associate Professor
Department of Politics & International Relations
Faculty of Social Sciences
International Islamic University
Islamabad

4. **External Examiner-I**

Professor Dr. Arshi Saleem
Department of International Relations
National Defense University Islamabad

5. **External Examiner-II**

Dr. Saif ur Rehman
Director
Institute of Strategic Studies
Islamabad (ISSI)

6. **Incharge/Chairman**

Department of Politics & International Relations
Faculty of Social Sciences
International Islamic University
Islamabad

7. **Dean**

Faculty of Social Sciences
International Islamic University
Islamabad

Arshi Saleem
Manzoor
Zubair

DECLARATION

I hereby declare that this PhD dissertation is the result of my individual research under kind supervision of Prof. Dr. Muhammad Khan and co-supervision of Dr. Manzoor Ahmad Naazer and that it has not been submitted to any other university for any other degree.

Zubair Jamshaid (PhD)

DEDICATION

I dedicate the potential effort to my family; my parents (the most influential teachers in my life), my brothers and other family members for their unending support and love. I further dedicate it to my Supervisor, Professor Dr. Muhammad Khan for his pursuit and guidance throughout conduct of my research since the start till the very end.

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ABSTRACT

Jammu and Kashmir is lifeline (as endorsed by founding father of Pakistan) for Pakistan and its occupation by India since independence of sub-continent poses potential threat towards survival of Pakistan. India naturally emerged as a potential power in South Asian region given its size. Indian leaders intended to pursue the goal of regional hegemony since even prior to its inception as an independent state. The post-9/11 political environment created useful incentives for India to further enhance its power at the expense of notably Pakistan. India therefore exploited the opportunity and adopted regional hegemonic aggressive policy design to further shift the regional balance in its favor to ease the reach of regional hegemony. The aggressive pursuit of regional hegemony by India has further impeded the settlement of Kashmir dispute. US transformed its ties with India into a strategic nexus. The nexus primarily meant for containing China served India to turn more aggressive to pursue the ultimate goal of regional hegemony (in South Asian region). Moreover, significance of Jammu and Kashmir region is especially critical towards explanation of its long-standing unsettled position. The emerging significance of Jammu and Kashmir in the face of its water resources in a global climatic change perspective as well as its strategic significance notably with inception of CPEC as a game changing mega-initiative of China, has further added into the significance of this potential dispute. The study accommodates China factor vis-à-vis Jammu and Kashmir to better understand and explain Kashmir cause which generally gets ignored in literature and debate on Kashmir. The research intends to carry out a comprehensive, detailed and systematic analysis to understand and explain major impediments towards the settlement of Kashmir dispute. Aggressive arms race, rising poverty, chances of nuclear exchange with potential threat of war have turned South Asia into the most dangerous region of the world. Jammu and Kashmir turned disputed with the independence of both; Pakistan and India in August 1947. Kashmir is the major political dispute between both the states. Multiple efforts and initiatives have been taken to resolve this issue by especially Pakistan yet India has not been at the responding end. Among such efforts, study especially highlights Musharraf's four-point proposal which falls under proposed time period of investigation of major factors and has

been under-highlighted which requires detailed and systematic analysis. The long persistence of the dispute shifts attention from discovering new ways of its resolution to the factors which impede the prospects of its resolution. The study is an effort to explore and analyze major factors which impede prospects of the settlement especially in the post-9/11 period. Without comprehensive knowledge and consideration of the factors, no permanent solution to this problem is viable. India and Pakistan have engaged in wars, conflicts, military standoffs and trade cut-offs over Kashmir. The unsettled position of Jammu and Kashmir has far reaching implications for security and survival of India and Pakistan as well as the entire region with risks of nuclear confrontation with consequences beyond region. The study attempts to present potential political bargaining as a useful proposal to seek the ultimate resolution of this long-standing dispute in significantly bargaining manner. Finally, it would generate significant recommendations meant to guide Pakistan's overall Kashmir approach.

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INTRODUCTION

I Background of Kashmir Dispute

Kashmir which turned into a dispute between India and Pakistan given controversial (highly doubtful) document of accession has mainly dominated India-Pakistan ties since their inception in 1947. It triggered wars, border tensions, military standoff, diplomatic confrontation, and conventional and nuclear arms race between both states. Nuclearization of South Asia has particularly endangered the stability and security of entire region given the unsettled position of Kashmir dispute. In the post-9/11 arena, significant developments took place impacting global and regional politics notably Kashmir cause in the region. The international political environment in the 21st century provided fresh incentives to India to enhance its power and pursue its quest for regional hegemony in more aggressive way thereby further impeding the prospects of peaceful settlement of Kashmir dispute.

Moreover, US uplifted its ties with India to develop a strong strategic nexus with latter primarily intended to contain China yet causing India to adopt aggressive policy design thereby further altering regional balance of power to ultimately serve Indian quest of regional hegemony (In South Asian region). The partnership significantly impacted Kashmir cause in the region in multiple ways.

Furthermore, significance of Jammu and Kashmir for parties involved is another irritant to reach the settlement of Kashmir dispute. The water resource is especially

critical in this regard especially in global climate change perspective along-with its strategic significance. China-Pakistan Economic Corridor (CPEC) which is termed game changer has further enhanced significance of this region.¹ China holds a part of Jammu and Kashmir and its consideration in J&K context provides a useful dimension to Kashmir dispute especially to work out its resolution.

The post-9/11 developments require detailed and systematic analysis as Kashmir is the major political dispute in the South Asian region. Kashmir dispute has also given birth to some other disputes, contentious issues and political problems between both states such as Siachen Glacier, water issues, HR violations and so on, challenging security of India and Pakistan. The persistence of Kashmir dispute in the region has also led to limited socio-economic growth of South Asian region.

Non-settlement of Kashmir issue has, thus, deprived both states of immense potential benefits of their possible cooperation in various fields. It, thus, also adversely affected the process of socio-economic development of both countries especially India which had to spend too high on its defense forces and military preparedness given outstanding regional political problems.

Several efforts to amicably resolve the Kashmir issue have not been successful. Kashmir issue is on the agenda of United Nations Security Council (UNSC) since 1948 when India brought the matter to international body after an obvious defeat in the hands of freedom fighters that had raised arms against Dogra Rule to gain their independence.

¹ CPEC has provided a new dimension to Kahmir dispute whereby USA under containment of China policy has questioned the mega Chinese initiative based on its passage through GB region.

UNSC had decided to hold plebiscite in the disputed territory and had given the people right of self-determination to decide their will to accede to either India or Pakistan. However, after seven decades since then, the issue is still unresolved and plebiscite has not been held in Jammu and Kashmir.

Meanwhile, several rounds of bilateral talks to address bilateral political problems and contentious issues including Kashmir dispute have failed to reach a peaceful resolution of Kashmir dispute. It necessitates a systematic and thorough investigation of the factors which impeded the prospects of resolving Kashmir issue along-with implications for Pakistan and India and for overall environment of South Asia.

An escalation in tension over Kashmir issue generally leads to distortion in (nominally existing) cooperation between both the countries. Moreover, Indian single minded approach of forcefully annexing the occupied state of Jammu and Kashmir through especially political, constitutional, military and diplomatic means while restricting peaceful means and dialogue is consequently leading the region towards a major war and thus increased the risks of a nuclear confrontation in the region. The massive human rights violations in Indian Occupied Jammu and Kashmir (IOJK) clearly highlight Indian brutality to suppress an indigenous freedom struggle meant to acquire freedom from Indian occupation (revocation of Article 370 and thereby imposing curfew in occupied state has further explicitly confirmed Indian cruel occupation of J&K).

Indian regional hegemonic pursuance is further reflected in its regional economic behavior whereby all South Asian states trading with India face significant trade deficit and merely producers of raw material for India. India exploits regional economic forum,

South Asian Association for Regional Cooperation, SAARC to achieve specific political objective while boycotting SAARC Summits.²

J&K is potentially significant for Pakistan. All major rivers flowing into Pakistan and irrigating its fertile land, originate from Kashmir. These rivers are very important for agricultural-life of Pakistan. Kashmir issue has also instigated nuclear arms race besides conventional arms race in the region. It is worth investigating major impediments which impinge on resolution of this potential dispute.

Moreover, scenario developed around Kashmir in the wake of illegal annexation of Kashmir by India with revocation of Article 370 and thereby imposing curfew in the occupied state has put the security and survival of the entire South Asian region at stake.

II Rationale of the Study

Finding factors which reduce the prospects of settlement is more critical than finding ways of its resolution in case of particularly long-persisting disputes. The study accounts for major factors which impinge on Kashmir resolution along-with efforts aimed at its settlement. The 21st century experienced drastic changes in global political system after 9/11 incident. It also impacted the politics of South Asian region. The study analyses significantly growing factors which impact over the prospects of Kashmir settlement specifically in the post-9/11 context. Moreover, it takes into account Musharraf's four-point agenda which has been a less discussed area.

² Though SAARC Summits have not yet generated any potential outcomes with South Asia fastly growing as the poorest region of the world.

The study attempts to investigate Indian regional hegemonic pursuance in historical context. Indian regional hegemonic pursuance is the primary impediment towards persistence of outstanding disputes in South Asian region. Indo-US strategic convergence primarily aimed at limiting Chinese growing regional and global influence has evolved into enhanced defense and strategic cooperation and caused India to pursue regional hegemony in South Asian region in more offensive fashion. It is reflected in Indo-US civil nuclear agreement (2005-2008), Indo-US defense deals especially providing advanced equipment, US support to India to seek permanent seat on UNSC, sharing common stances on terrorism and so on. These developments have greatly impacted regional political outlook notably Kashmir cause which is worth investigating towards systematic understanding of the problem. The India-US strategic Nexus has served to further shift balance of power to India's favor thus further reducing the prospects of Kashmir settlement.

The (growing) significance of Kashmir is another important factor which impact over its settlement. Kashmir is geo-economically and geo-strategically very important for both; India and Pakistan and China as well. Glaciers and fresh water resource as well as its strategic significance further reduce prospects of its settlement. The increased significance of J&K state in global climatic change perspective as well as Chinese mega initiative CPEC has turned it into a nuclear flashpoint.

Furthermore, study explores the four party (tetra-lateral) nature of Kashmir dispute i.e. China factor is another important factor which gets generally ignored in studies and literature on Kashmir which requires comprehensive coverage. Territorial composition of Kashmir makes China to be a direct stakeholder in Kashmir dispute. As

India has occupied major and resourcefully rich part of Kashmir comprising Jammu, Ladakh and Kashmir valley while Pakistan does hold on part of Kashmir; it is AJK and Gilgit Baltistan while China holds Aksai Chin and Shaksgam Valley. China Pakistan Economic Corridor (CPEC) which is considered as game changer for the entire region passes through Gilgit Baltistan. This clearly indicates the relevance of highlighting China-factor in Kashmir context.

Pakistan Kashmir policy is mainly UN oriented for achieving right of self-determination for Kashmiris. The policy has not generated desired outcomes. In this regard, there is a need to explore UN character vis-à-vis Kashmir and produce some useful guidance for Pakistan's potential policy on Kashmir.

In spite of great number of proposals, Kashmir conflict has not been amicably resolved. Musharraf's untiring efforts could not generate positive outcomes towards resolution of Kashmir conflict. The systematic understanding of impediments is required to look into the reasons of its unresolved position. Moreover, there is a need of discovering more realistic proposals addressing concerns of parties involved within given regional and political environment. The study puts an effort in this regard to introduce a fresh proposal towards ultimate Kashmir resolution.

It is pertinent to highlight implications of unresolved Kashmir conflict with special reference to global climate change perspective as well as enhanced strategic significance of the region and risk of nuclear confrontation.

III Statement of Problem

The world experienced transformation of global political scenario in the wake of 9/11 incident. It significantly impacted politics of South Asian region as well. The global and regional political environment in the face of 21st century potentially impacted Kashmir cause. India exploited the opportunity created by international political system and pursued regional hegemony in more aggressive fashion thereby further impeding the resolution of Kashmir dispute. India developed strategic nexus with USA to further enhance its power position. The nexus fed into Indian regional hegemonic pursuance causing India to adopt aggressive policy design thereby significantly impacting position of Kashmir dispute in the region. Moreover, study highlighted significance of Kashmir (in geo-strategic and geo-economic perspective) as another important factor towards its peaceful resolution. Study has taken into account China factor in context of Kashmir dispute which has got generally ignored in literature and debates over Kashmir being an important stake holder. The factors thus reduce the prospects of Kashmir settlement with immense repercussions for security and stability of South Asian region which require an in-depth and systematic analysis. Moreover, research generates useful recommendations to guide Pakistan's overall Kashmir approach in given regional and global environment and introduces a fresh proposal towards ultimate resolution.

IV Objectives of the Study

The proposed study intended to pursue the following objectives:

To carry out an in-depth and systematic study focusing dynamics of the dispute and various efforts intended towards its settlement

To explore major factors which impede settlement of Kashmir dispute

To assess the impact of non-resolution of the dispute on South Asian region

To introduce a fresh proposal to eventually resolve long-prevailing Kashmir dispute

To generate useful recommendations regarding Pakistan's Kashmir approach

V Research Questions

Primary Research Question

What are the major factors impinging upon settlement of Kashmir dispute?

Secondary Research Questions

Q.1: How does Indian regional hegemonic aggressive policy design impede settlement of Kashmir dispute?

Q.2: How and in what ways, India-US strategic nexus impact over Kashmir conflict?

Q.3: In what ways, significance of Kashmir (in geo-strategic and geo-economic perspective) impedes its resolution?

Q.4: To what extent, China-factor casts an impact on settlement of Kashmir dispute?

Q.5: How should Pakistan approach Kashmir resolution under given regional and global political environment?

VI Significance of the Study

The study is significant in several respects. It takes into account a comprehensive, detailed and systematic analysis of Kashmir dispute along-with critical impediments towards its settlement with a focus on post-9/11 era in an offensive realist perspective. Moreover, study accommodates China factor vis-à-vis Kashmir cause in its entirety. It generally gets neglected in discussions and literature on Kashmir cause. The study presents a systematic account of Indian regional hegemonic behavior among other critical factors towards South Asian region mainly impeding the resolution of outstanding disputes in the region. The dispute has been studied under regional and global political setting to provide useful understanding of the problem under investigation. It attempts to provide systematic understanding of India's Kashmir policy. It inquires UN position vis-à-vis Kashmir dispute to address limits of Pakistan's mainly UN-oriented Kashmir policy. It highlights efforts and proposals made so far towards the resolution of Kashmir dispute. Study generates useful recommendations regarding Pakistan's Kashmir approach under given regional and global political scenario. It contributes significantly by introducing a fresh proposal to ultimately resolve long-standing Kashmir dispute. The study fills several gaps towards writings and literature on Kashmir frascas and as such contributes significantly to the existing knowledge in this regard. The research would be quite useful for foreign office officials, diplomats, policy makers, researchers, academicians, analysts, scholars and students on the subject and would explore new avenues for future research.

VII Delimitations of the Study

The study explores major factors impeding the settlement of Kashmir dispute in historical-context as well as repercussions of non-resolution of Kashmir dispute with focus on post-9/11 era. The drastic global political change took place after the incident of 9/11. The era is worth investigating given its potential impact on global and regional politics as well as Kashmir dispute. The post-9/11 world created an opportunity for India to adopt regional hegemonic aggressive policy design by developing strategic nexus with US which too furthered former's hegemonic aspirations and impacted Kashmir cause in the region. The significance of region has enhanced in hydro-economic as well as strategic perspective. Moreover, China factor vis-à-vis Kashmir dispute is highlighted especially in post-9/11 politics. The era is also significant because of Musharraf's critical engagement with India to sort out Kashmir dispute in the start of 21st century. Multiple aspects of Kashmir cause in regional and global political scenario have been investigated with focus on 21st century politics.

IX Literature Review

This section contains variety of literature highlighting different aspects of Kashmir dispute. An attempt is made to address possible gaps within the literature consulted.

According to S. Ganguly (2003), India and Pakistan with secular and Islamic ideological orientations asserted their respective claims over Kashmir. With disintegration of Pakistan in 1971, Pakistan lost ideological ground and left with certain

moral claims over Muslims in IOJK. Similarly, with erosion of Indian practice of secularism in 1980s, its secularist claims over the occupied state deteriorated. Consequently, both states shifted their claims mainly based on statecraft-ship. The work highlighted various aspects of the conflict. Among other items, author analyzed respective end-games of India and Pakistan in Kashmir, evolution of US policy towards conflict, risks of nuclear escalation in the region and insurgency in IOJK.

S. Ganguly ignored the basis while building on his argument. What was a straight-forward question of accession of Kashmir to Pakistan on basis of its Muslim majority and geographical proximity in line with Indian Independence Act had nothing to do with Indian so-called secularist orientation. Moreover, S. Ganguly's view of 1971 scenario in terms of ideology lacked logical grounds as East Pakistan got separated on basis of huge geographical barrier (as eastern and western parts of Pakistan were separated by means of huge Indian territory), management issues, communication gap, language barrier, Indian visible and invisible character in separation and probable acknowledgement of difficulty of managing eastern part among political spheres of west Pakistan. Such Indian claim was baseless as there was no alternative ideology in eastern Pakistan to challenge Two Nation Theory. As far as Two Nation Theory is concerned, it has gained ground even in India today as in words of Shashi Tharoor (an Indian Congress member), 'Jinnah's Two Nation Theory is winning'.

Koithara (2004) presented an overview of conflicts in Northern Ireland, Sri Lanka and Palestine and provided conflict dynamics. He viewed peace strategy as more useful than war strategy. To writer, Kashmir settlement did not lie in the stakes involved rather

in the patterns of behavior and attitudes developed over years. The structure of the conflict was more of actual resolution than was generally sought. He claimed to offer a realistic solution to Kashmir conflict based on conversion of LoC into an international boundary while providing autonomy on both sides of new border. However, while proposing for a peace strategy, he ignored historical Indian hegemonic character which has been the actual impediment towards settlement of bilateral disputes of India with its neighbors notably Pakistan.

Habibullah (2004) viewed economic opportunities as directly associated with political violence in Kashmir and Indo-Pak ties could not reach at good level unless the political violence was reduced. He highlighted political history of Kashmir since independence and revolt of 1989-1990 till 2003 and explored economic aspect of the conflict as well as opportunities for peace-building. Habibullah suggested both; India and Pakistan to take lead in promoting the economic strength yet they required assistance from international financial institutions and US.

The economic approach has failed in 1980s as noted by Ganguly and Fidler (2009) that Indian state investment towards education, health care and mass media served to strengthen political mobilization within Kashmir against Indian occupation. Habibullah ignored basis of Kashmir problem as well as Kashmiris' historical struggle for the right of self-determination while presenting his argument. Thus, historical indigenous struggle was basically meant to resist Indian occupation and not to seek economic assistance.

The Schaffer (2009) highlighted the role of United States towards Kashmir conflict. He presented recommendations regarding Kashmir settlement in terms of US

involvement while focusing to reduce tensions between the two nuclear rival states. He discussed present and future Kashmir dilemma and its impact on US policy towards South Asia. He elaborated upon Pakistan's significant role vis-à-vis war on terror serving great US interests in the region thereby increasing importance of US vis-à-vis Kashmir conflict. However, Schaffer neglected potential US character towards building on Indian regional hegemonic pursuance (which is the primary impediment towards Kashmir settlement) in the region. The historical evidence tells a different story whereby US Kashmir policy was based on merely careful diplomatic gestures based on US national interest calculations without playing any critical role towards Kashmir settlement.

Widmalm (2014) analyzed the factors leading to democratic distortion and increased violent separatism in Jammu and Kashmir in the 1980s and its impact to generate threats of large scale wars in South Asia in the 1990s. Widmalm argued that solution to the problem had required basic knowledge of what caused it and how the conflict was so dangerous. He further maintained that ethnic factors had not been the major cause of the conflict although these were the salient features of the dispute. He viewed undermining of democratic institutions as potential cause of secessionist insurgency in Jammu and Kashmir fueled by kidnapping of Rubaya Saeed in 1989 resulting in polarization of great Hindus and Muslims. As far matter of democratic distortion in 1980s is concerned, UN resolution has clearly ruled out elections as well as actions of constituent assembly of Indian Occupied Jammu and Kashmir as substitute to plebiscite. Moreover, elections always lacked transparency and consistency in occupied territory and people voted for governance-related issues and not on subject of accession.

So, Indian extended secularism and democracy towards occupied state were simply means to provide ideological and political shelters to its occupation leading ultimately to failure with India imposing curfew and detaining political leadership of Kashmir on 5th August 2019.

Ankit (2016) focused international dimensions of the conflict since the birth of the dispute in October 1947. Ankit pointed out the dispute as under researched regarding transnational dimensions. He argued that evolution of the dispute had been determined by international concerns onwards and before the partition of subcontinent. Ankit considered Kashmir conflict under twin setting of decolonization and cold war and analyzed international understanding with respect to those twin processes. Ankit critically analyzed Kashmir position from a residual irritant of British Indian Empire to becoming a Commonwealth embarrassment with consequent evolution towards becoming a security concern in cold war environment. The complex religious composition, geo-strategic location and significance in terms of Indian and Pakistani notions of nation and statehood over Kashmir complicated India-Pakistan relations with US, Britain, China, Soviet Union, commonwealth countries and the Afro-Arab-Asian world.

Kashmir has been the dominant factor in Pakistan- India relations. The birth of the dispute caused bitter rivalry between the two states and impacted their ties with region and the world at large. Global and regional politics over Kashmir significantly impacted the potential conflict.

Panigrahi (2009) examined multi-dimensional reality of Kashmir problem. Panigrahi has located Kashmir dispute within international politics; the cold war and

India's relations with UK. Panigrahi highlighted various aspects and important features of the problem. The work incorporated interviews from Indian and UK personnel and public documents on US external relations. Panigrahi explored myths about Kashmir problem reinforcing known and unknown truths. He refuted clash of civilizations or religious notion of statehood towards consideration of the conflict. Rather, he considered national self-interests and principle of give and take causing states to cooperate. However, partition of Indian subcontinent and succession of princely states had potential religious element.

Bose (2010) maintained that the search for durable peace in lands torn by ethno-national conflict had been one of the most urgent issues designing global future. Considering peace projections in peace processes in Israel-Palestine, Kashmir, Bosnia, Cyprus, and Sri Lanka, Bose presented suggestions regarding peace in the disputed region among the warring states of different claims. He viewed powerful intermediaries as critical to success vis-à-vis dispute settlement. Since US role over the years has not yielded any fruitful outcome, in this regard, China-factor could replace this requisite to reach a positive output.

Kux (2006) viewed Indo-Pak relations in terms of bilateral negotiations over the issues of concerns including Kashmir. The progress was impeded by changes in political leadership and party control. Kux considered six key Indo-Pak negotiations mainly over shared resources and political boundaries. Pre-independence negotiations which led to partitioning of the two nation-states were critical vis-à-vis subsequent Indo-Pak negotiations. By analyzing critical negotiation processes, Kux suggested that the two

states should have creative, strong and stable leadership to achieve solid and enduring improvement in their bilateral ties as well as the security of South Asia. However, Indian state policy towards Pakistan and Kashmir reflected a systematic approach since the beginning till today without significant role of change in regime or leaders.

Bose (2009) highlighted Indo-Pak military mobilization in 2002 over the disputed territory of Kashmir and exposed the conflict as the nuclear flashpoint between the two states as well as suggested possible measures to initiate peace. The conflict intensified due to authoritarian nature of Indian rule as well as the independence movement and guerilla war through the 1990's by the Islamist groups. Bose suggested practical framework for peace by taking into the consideration the sovereignty of India and Pakistan, popular desires for self-rule and contradictory loyalties within Kashmir. He considered peace mechanism in Northern Ireland and drew upon peace mechanism in Kashmir. The West did not appreciate the Kashmir tragedy between 1989-2003 violence causing 80.000 lives. He further maintained that informative, stable and accessible Kashmir had been critical for understanding one of the world's most dangerous conflicts.

Wolpert (2010) examined the political history of India and Pakistan and found reasons for their rivalry being the most dangerous crisis in the world. Tragic partition and Kashmir conflict led to conflicts and wars between both the states. He investigated the nature of the conflict and suggested solution and concluded with a roadmap to brighter future of South Asia. He proposed to convert LoC into permanent border with India ensuring provincial autonomy.

Paul (2005) maintained that India and Pakistan since their emergence had been subject to wars and conflicts. It impacted their inter-state and societal relations and there existed only occasional peace. The work looked into persistence of the rivalry and explored different causes such as regional power distribution, great power politics, territorial divisions, nuclear weapons and incompatible national identities. The analysis offered possible conditions to end this rivalry.

Cohen (2013) considered India-Pakistan rivalry to be one of the most intractable international conflicts. He predicted about the rivalry to continue for another thirty years based on their cultural, strategic and historical differences. He also highlighted the costs of the rivalry for citizens of both countries, low economic development and less regional integration. He worked out various solutions especially the role of the United States to address the issues between both states which divide them. According to Cohen, long term normalization was not likely in short term rather limited normalization could exist. However, given the historical US character towards South Asian region, it was mainly concerned with promotion of specific interests irrespective of peace conditions in the region and more importantly US furthered Indian hegemonic aspirations which are basic impediment to regional peace.

Dash (2008) examined regionalism in South Asia by exploring linkage between institutional structures, government capabilities and domestic actors' preferences to express dynamics of cooperation in the region. Dash explained the reasons for slow output of SAARC such as nuclearization, Kashmir conflict, war against global terror and India's growing economy. Finally, he provided important information regarding trends,

issues and prospects for regional cooperation. Dash has mentioned various factors for slow growth of SAARC yet ignored Indian hegemonic character vis-à-vis regional cooperation.

Ahmed, Kelegama and Ghani (2010) highlighted the significance of cooperation for development of South Asian region. The writers explored avenues of cooperation such as trade, trade facilitation, transport, financial and food crisis, migration and tourism. They provided perspectives of leaders of business community from Bangladesh, Pakistan, India and Sri Lanka. Finally, writers have highlighted political economic issues regarding distribution of gains through cooperation for cooperating states as well as improving efficacy of SAARC for implementing agreed programs in Economic Summit 2008. However, SAARC has become political instrument whereby India manipulated it to attain certain political objectives. Cancellation or boycott of SAARC Summit recently to be held in Pakistan by India was an example.

Dixit (2002) viewed India-Pakistan rivalry based on legacy of history like Israel-Palestine conflict. Both states have indulged in wars and opposed each other diplomatically at United Nation as both have totally different nationhood and national imagination. However, writer ignored Indian aspirations of regional hegemony since the beginning as the major cause of hostile behaviors and persistence of rivalry.

Wolf (1998) highlighted significance of Kashmir for India and Pakistan in terms of its water resources. He considered Kashmir as flashpoint between both states due to its water potential. The portion between India and Pakistan left Indus basin divided in a complex fashion. He maintained that disputes over irrigation water had intensified tensions in still

sensitive region of Kashmir and pushed two riparian states towards war. Ultimately, twelve years of World Bank negotiations led to 1960 Indus water agreements.

India illegally occupied the territory given its great water potential to seek an offensive edge over Pakistan since the beginning. Currently in this regard, basic issue relating water resources was Indian aggressive hydro-politics based on aggressive pursuance of Dams construction and threatening to unilaterally end IWT meant to further harm Pakistan's agric-based economy.

Ali (2008) supported the view that one of the most important reasons for Kashmir to be a dispute between India and Pakistan had been water resources of Kashmir. He maintained that urgency for territorial claims on Kashmir for Pakistan had hydrological element as most among six rivers (in the Indus basin) rise in Kashmir given their significance for Pakistan agric lands being an agricultural economy. To writer, Indus Water Treaty like agreements enhanced the cooperation level of both sides and created confidence building on each other. As, soon after the treaty was signed, both states agreed to negotiate actively on Kashmir and six rounds of bilateral talks were held from 1962 to 1964. However, negotiations failed because of inflexibility on both sides and escalation of domestic political pressure. Shortly, writer viewed agreements between two rival states as contributory towards confidence building and cooperation and also settling their disputes including Kashmir. Given the strategic location and water resource of Kashmir, it was considered lifeline for Pakistan and Indian hold of territory had potentially threatened Pakistan's survival.

Kapur (2008) presented two distinct views of observers regarding nuclear weapons in South Asia. The first group viewed South Asian nuclearization as stabilizing factor in the region by making conflicts probability risky. Other view held that given the bitter historical rivalry of India and Pakistan due to Kashmir dispute as well as possibility of accident and miscalculation, proliferation would turn subcontinent to a more dangerous place.

In another article, Kapur (2005) focused the probability of usage of nuclear weapons in South Asia. By highlighting increasing insurgency in Kashmir, terroristic attacks in India and conventional conflicts of small scale as contributory towards creating disturbance in peace and stability of South Asia, writer maintained that small scale conventional conflicts could not lead to the use of nuclear weapons. Moreover, in writer's view, if conventional small scale conflicts converted to full fledge and large scale conventional conflicts, the probability of the use of nuclear weapons might seriously be high. It was true given the significance of Kashmir region; it had become a nuclear flash-point in South Asia. The probability of conflict and war could not be denied even in nuclear presence. Moreover, a state could attempt to use nuclear weapons given nuclear superiority over counter-part or state with non-nuclear rival. The evidence lied with nuclear bombing of USA over Japan in 1945.

Vaezi (2007) highlighted Iran-India gas pipeline as the first and fundamental step towards Asian inter- dependence on each other. He opined that the establishment of gas pipeline between India and Pakistan also known as peace pipeline would be very much useful in settling the most important crisis of South Asia, the Kashmir border dispute

between both states. It would be a practical step towards peace and development. The writer while pointing towards economic projects as means to settle disputes has misinterpreted Kashmir territorial dispute as Kashmir border dispute (as there exist potential territorial claims over Kashmir). As far as pipeline project was concerned in terms of Kashmir settlement, economic cooperation and regional projects served as means of generating wealth to improve state's power structure vis-à-vis its rivals.

Poplin (2011) pointed out Kashmir dispute as one of the major security issues for US. Since independence movement in India, the valley had become source of frequent conflicts in and over Kashmir between the two states. He proposed a roadmap for peace in the region by drawing on strategic interests of India and Pakistan. In the article, he suggested Pakistan to resist further attacks against India in return for territorial concessions in Kashmir. He added that hundreds of terrorist attacks in India had been due to the insurgency which had been gradually increasing in Kashmir region demanding autonomy from New Delhi. He predicted that India might have an interest to end the conflict sooner rather than latter as the stakes of the conflict over Kashmir were escalating. The writer has highlighted the escalating stakes over Kashmir in terms of its early resolution. In this regard, enormous cost of occupation among other factors creates incentives for its early resolution.

Overall Gap in Literature

The study highlighted Kashmir conflict in an offensive realist perspective with focus on 21st century world politics. The study area is under researched with respect to critical impediments casting significant impact on Kashmir dispute particularly in the post-9/11

era. Through its length and argument, study presented a holistic framework to understand Kashmir conflict and suggested a way forward. By presenting important proposals put forward so far guiding the resolution of the dispute, it inquired Musharraf's Four-Point Formula and explored the reasons for its failure. UN has been significantly highlighted by scholars vis-à-vis Kashmir dispute. The study evaluated UN character vis-à-vis Kashmir. It carried out an in-depth analysis of dynamics of Kashmir dispute. The research critically highlighted Indian democratic character vis-à-vis question of right to self-determination of Kashmiris. The research presented a picture of indigenous Freedom struggle of Kashmiris. It carried out a systematic analysis of Indian political, constitutional, military and diplomatic means towards illegal annexation of occupied Kashmir and suppressing freedom movement as well as Indian attempts to deflect the main issue by labeling it as Pakistan's sponsored terrorist activity.

The study investigated major impediments towards settlement of Kashmir dispute. Indian regional hegemonic pursuance since its independence with a focus on aggressive policy design (after 9/11) to achieve the goal of regional hegemony was the major impediment which has been studied. Second important factor was the historical US approach towards South Asia and Kashmir especially India-US strategic nexus which had over the years played critical role especially since the-post 9/11 era. US had fed into Indian regional hegemonic pursuance and caused India to adopt regional hegemonic aggressive policy design towards Pakistan. Pakistan has been the major claimant of Kashmir and has been the only state challenging Indian hegemony in the region. The nexus required in-depth and systematic understanding. Third important factor towards the

unsettled position of Kashmir dispute was its own significance. The study took into account Kashmir's significance vis-à-vis its un settlement. Fourthly, study considered China factor which has also been at the ignorant end within the existing literature on Kashmir dispute. The study accommodated recent and current developments regarding Kashmir conflict. Moreover, research generated useful recommendations to guide Pakistan's long-standing Kashmir policy along-with a more realistic plan towards resolution of Kashmir dispute. The study attempted to comprehensively evaluate different aspects of Kashmir dispute in an offensive realist (structural) perspective. Moreover, study attempted to highlight the bias of some Indian scholars along-with some others towards writings on Kashmir.

X Methodology

The research study adopted analytical method as generally applied to research in political science (international studies): it explored, inquired and analyzed various impediments towards settlement of Kashmir dispute in an offensive-realist perspective.

Research Design

The study applied deductive approach to address the area under investigation. Data was collected through primary and secondary sources (where access to primary sources was limited) mainly based on library research.

As the research relied mainly on library and online sources, the instruments useful for data collection included especially; digital library sources (JSTORE, Taylor & Francis etc.), official websites, different uniform resource locators (URLs), Google scholar, etc.

The research mainly focused original sources of information. The study examined primary and secondary sources (where access to primary source was limited) mainly from; books, journal articles, newspaper articles, magazine articles, research reports, government and official documents, press releases, official and unofficial records of various organizations and govt. agencies, statements and speeches by officials, dissertations, agreements, official websites, archival materials, interviews available online, various websites etc. Research managed to take care of diversity, relevance, reliability and originality of sources. The study mainly consulted qualitative data however quantitative data have been used where required in further support of the argument. Historical records have widely been consulted to better understand the nature and context of the issue under investigation which somewhere has led to replication of previous studies on the subject. However, effort has been made to consult various sources to great extent (in limited time period) to avoid intentional replication.

Data Analysis

Research is qualitative in nature and different research techniques such as exploratory, descriptive, and predictive were used to analyze the subject matter. These techniques were helpful in extracting useful and relevant data regarding the area under research.

XI Organization of Study

Study started with introduction of the dissertation. Introduction part of research study highlighted various components of research proposal including rationale of study,

statement of problem, research questions, objectives of study, significance of study, delimitation of study, research methodology, and literature review. It basically presented overview of the problem under investigation.

The study comprised five chapters in total. Chapter 1 highlighted the dynamics of Kashmir dispute. The chapter began with brief overview of history of Jammu and Kashmir. By presenting the geographical and administrative outlook of Kashmir, it then looked into the engineering of the conflict prior to partition of subcontinent. It explored divergent stand-points held by the parties involved. The study presented historical account of illegal constitutional annexation of Kashmir by India. It finally ended with analysis of Indian democratic character in relation to right of self-determination of Kashmiris.

Chapter 2 highlighted struggling aspect of Kashmir dispute vis-à-vis its settlement. It explored detailed account of UN character vis-à-vis Kashmir dispute. It presented various proposals vis-à-vis settlement of Kashmir dispute. It highlighted Musharraf's Four-Point Formula towards the settlement of Kashmir dispute. It finally provided an analysis of historical indigenous freedom struggle of Kashmiris against Indian Occupation.

Chapter 3 presented theoretical framework of the study. In this chapter, theoretical framework was developed guiding various aspects of research and setting the context of research. The theory of offensive realism along-with related bearings of different scholars provided useful context to understand different aspects of research especially impediments towards settlement of the dispute.

Chapter 4 provided various impediments towards settlement of Kashmir dispute. It presented four major impediments. The first and foremost was Indian regional hegemonic aggressive policy design. It then provided systematic analysis of second impediment which was India-US strategic nexus. By examining the next impediment of significance of Kashmir, it finally discussed China factor in context of Kashmir dispute.

Final chapter of study provided for repercussions of unsettled Kashmir dispute. It introduced a more realistic proposal towards eventual resolution of Kashmir dispute.

After concluding the discussion of the dissertation, it finally presented useful recommendations guiding Pakistan's Kashmir approach under given regional and global political setting.

CHAPTER 1

DYNAMICS OF KASHMIR DISPUTE

The Chapter aims to highlight dynamics of Kashmir dispute. It begins with brief historical overview of Jammu and Kashmir State. It highlights geographic overview and administrative possession of the region by different states. It attempts to revisit the birth of conflict and highlights differing claims of the parties involved. It develops systematic understanding of Indian gradual pursuance of illegal constitutional maneuvering of occupied state. It critically evaluates Indian democratic-secularist orientations vis-à-vis Kashmiris' legitimate right to self-determination and awful HR violations elsewhere in India.

1.1 Brief Historical Overview of Kashmir

The state of Jammu and Kashmir is considered as heaven on earth with its beauty providing it with great potential for tourism which could turn out to be single dominant driver of economy. Yet, it could not be materialized due to invasions, occupations and long-standing unrests. Eventually, the region has turned into flashpoint primarily between India and Pakistan since 1947. Historians who have written on Kashmir praised it as the most beautiful place on earth.

Malik and Majid (2016) have called the beauty of Kashmir as legendary and praised it as a white footprint set in a mass of black mountains. A legend known about Kashmir valley traced its origin as a huge mountainous lake named Satisar. Satisar Lake has also

been recognized by geologists. The archeological evidence indicated fluvial origin of this region. The pre-historic period has generally been known through legends and traditions. According to a tradition, the lake was named after an austere Kashyapa who drained the lake, as Kashyap-pur or Kash-yap-mar and later as Kashmir. Meanwhile, in the classical literature, Herodotus referred to it as Kaspalyros while Hekataios called it Kaspalyros or Kaspapyros. Yeng and Sung Yan (578 AD) named it as Shie-mi. Heun Tsiang called it Kia-shi-mi-lo while he visited Kashmir in 631 AD (Bamzai, 1994).

According to documentary traditions, the first ever person to become King of Kashmir in 4249 BC was Adgonand. In 308 BC, Ashoka introduced Buddhism to Kashmir. Sakhi Muni Gautam later called Buddha was the founder of that religion who was prince of isolated Kingdom near Nepal in 6th century BC. Tatars conquered the valley in 3rd century BC (Bakshi, 1997).

According to Kalhana (a poet-historian), history of Kashmir started with Gonanda as the first King (2448 BC). Ashoka who founded Srinagar probably gifted entire Kashmir to Buddhist Sangha. Kushan Kings experienced revival of Buddhism. Kanishka held Buddhist Council at Srinagar in 1st century AD. Huns ruled the valley in early 6th century AD. Ujjain Empire overtook the control after a short-lived independence regained in 530 AD. Lalitaditya (724-761 AD) was considered as one of the most significant figures as Kashmir experienced a synthesis of Buddhist and Hindu cultures. Avantivarman (825-883 AD) was able to make Kashmir as prosperous as never before. Aryans experienced renaissance in Kashmir during period of Jaya Simha (1128-1155 AD). A Mongolian named Dulacha from Turkistan invaded Kashmir in 1320 AD.

Rinchana, a Ladakhi Buddhist embraced Islam and became the first ruler of Kashmir and got title of Sultan Sadr-ud-Din Kashmir. He died in 1323 AD after a short-lived rule. Islam arrived in Kashmir in 14th and 15th centuries AD. Zain-ul-Abedin (1420-1470 AD) was the most famous of Muslim rulers. Chaks replaced Haider Shah, son of Zain-ul-Abedin and ruled until Akbar's invasion of Kashmir in 1586 AD. Kashmir became the province of Mughal sultanate in 1589 AD. It retained under Afghan rule from 1756 AD. In 1819 AD, Sikh Kingdom of Punjab annexed it. Ranjit Singh transferred powers to Gulab Singh in 1820 AD, who was his powerful governor and so began the period of Dogra rule in Kashmir. Ladakh was annexed by Gulab Singh in 1830 AD. Under Treaty of Amritsar, Kashmir was retreaded to Gulab Singh in 1846 AD. The period experienced four rulers; Gulab Singh (1846-1857 AD), Ranbir Singh (1857-1885 AD), Pratap Singh (1885-1925 AD) and lastly, Hari Singh (1925-1952 AD) (Aggarwal & Agrawal, 1995; Raina, 2002).

With independence and partition of subcontinent in 1947 following end of British colonial rule, India illegally occupied the state through force based on a controversial document of accession. The state has been under Indian illegal occupation since 1947 with Pakistan and China retaining control of remaining parts of Jammu and Kashmir.

1.2 Geographical and Administrative Outlook

Jammu and Kashmir is situated at the centre of Asia and lies between 32 and 37 degrees North latitude and 37 and 80 degrees East longitude. The state is surrounded by Pakistan in west, China in northeast, Afghanistan in northwest and India in south. It has in total 36 districts; out of which 22 districts have been under Indian-occupation, 9 in

Azad Jammu and Kashmir and 5 in Gilgit Baltistan. It has magnificent climate. It is highly rich in natural beauty especially the valley with its huge water-resource surrounded by high mountains is generally called heaven on earth. Its affluent oasis, lakes, cleanly streams, green sod, herbals, splendid trees, and high mountains add to the beauty of Kashmir. Kashmir's highest mountain range includes; Nanga Parbat 27,000 ft. and Nun Ku and Nubr 24,000 ft. with most of mountains 18,000 ft. and above with bulging valleys adding to its beautiful geographical character (Tabassum, 2012).

At the time of British occupation of India, total area of Jammu and Kashmir (former princely state) was approximately 222,798 square kilometers (Cheema, 2015). Its area at the time of partition including Aksai Chin was 222,236 sq. km. Out of which, Kashmir constituted 10%, Jammu 14.4% and the frontier districts 75.6%. In accordance with 1941 Census, it was populated with 4.02 million people with Muslim and Hindu population of 77% and 20% respectively. As per present composition of the state, nearly 46% of the original territory of state has been under Indian occupation, 35% under Pakistan and 19% under China. The Line of Control divided J&K state to an area of 778 KM with unequivocal border of 198 KM between the part of state with Pakistani and Indian Punjab. There exists line (beyond LoC) of about 150 KM in the Siachen Glacier between India and Pakistan (as cited in Cheema, 2015).

It is 640 Km in length from North to South and 480 KM wide from East to West. It has numerous low lying valleys including Tavi valley, Chenab valley, Poonch valley, Sindh valley and Liddar valley. The main among all valleys is the Vale of Kashmir with

100 km of width and an area of 15520 sq. km. Jhelum River along its tributaries flows through this valley. The valley lies 1700 meters above sea level (Raina, 2002).

The disputed region is controlled and administered by three states. India occupies the southern and central part (Jammu and Kashmir) as well as Ladakh. Pakistan controls northwestern part (Gilgit Baltistan and Azad Kashmir) while China retain northeastern part (Aksai Chin and Shaksgam Valley [Trans-Karakoram Tract]). Majority of Siachen Glacier with higher peaks has been under Indian occupation while Pakistan maintains control of its lower peaks. Administratively, India revoked so-called autonomy of occupied state of Jammu and Kashmir on 5th August, 2019 by adopting 'Reorganization Act'. The Act divided the state into two union territories; (i) Ladakh, and (ii) Jammu and Kashmir. Both Union territories were proposed to be administered by President through his appointed Lieutenant Governor for each territory. Currently, total number of seats for Legislative Assembly of Jammu and Kashmir was proposed to be 107 including 24 seats reserved for Pakistan's Azad Kashmir and Gilgit Baltistan. Moreover, 6 seats reserved from both union territories for Lok Sabha (lower house). Pakistan's administered Kashmir has its own elected prime minister, president, legislature and high court. It has two administrative divisions and eight districts. Gilgit Baltistan has three divisions and six districts. Out of its two controlled regions i.e. Aksai Chin and Trans Karakoram Tract, China transferred Aksai Chin to Muslim Xinjiang autonomous region from Tibet in 2007 with its majority as part of Hotan County (New World Encyclopedia, n.d.; Jammu and Kashmir Reorganization Act, 2019). Figure 1 shows geographical location of various regions of Jammu and Kashmir.

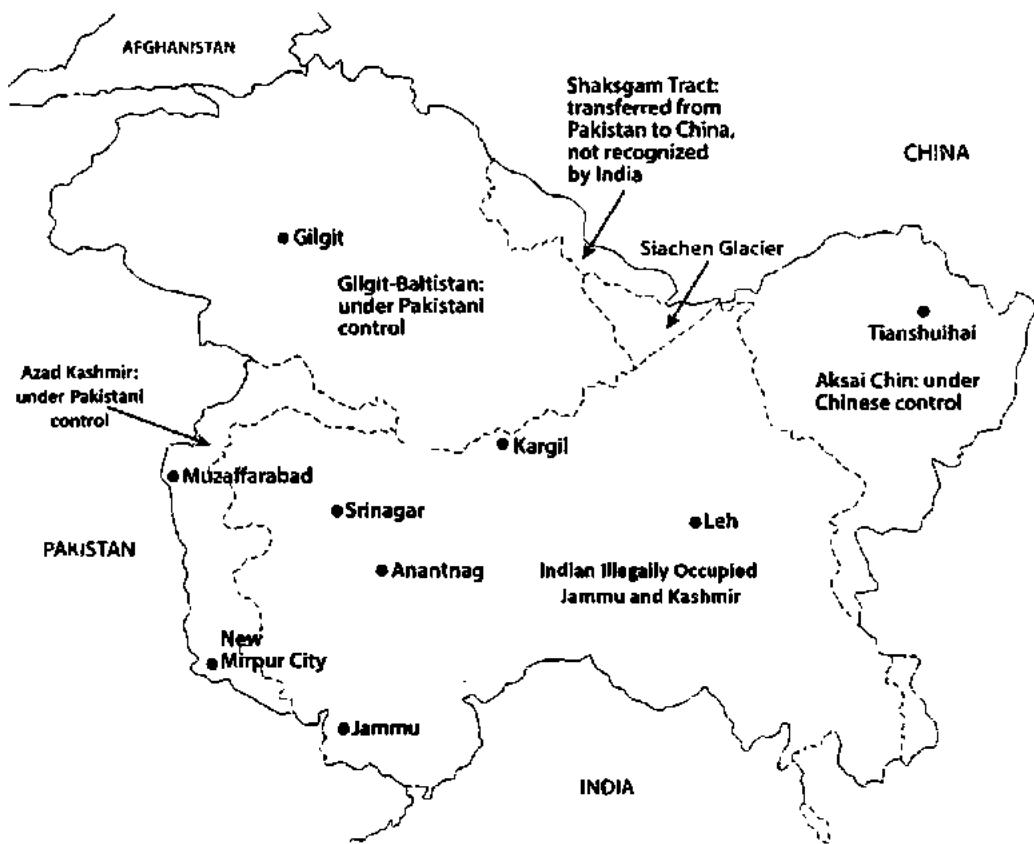


Figure 1. Map of Jammu and Kashmir. Reproduced from “Map about the division of Jammu and Kashmir” by R. Lesniewski, 2017, Retrieved from <https://www.alamy.com/map-about-the-division-of-jammu-and-kashmir-image154420867.html>.

1.3 Engineering of the Conflict

Independence Act 1947, Section 7(1) (b), was the major constitutional instrument to determine the future of princely states which provided for:

The suzerainty of His Majesty over the Indian states lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of the Indian states, all functions exercisable by His Majesty at the date with respect to Indian states, all obligations of His Majesty at the date

towards Indian states or the rulers thereof and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian states, by treaty, grant usage, sufferance or otherwise (World Directory of Minorities and Indigenous Peoples, n.d. para. 5).

In accordance with this principle, the date later than that laid down in the principle is of no legal value and therefore, the so-called document of accession of the state of Jammu and Kashmir as claimed by India as a matter of general observation becomes questionable.

According to Thorner (1948), first large-scale attempt was made against Maharaja's autocratic rule in 1930s. To an extent, it was inspired by Gandhi's disobedience campaigns. The struggle turned communal as most of Kashmiris being Muslims had grievances against Hindu monarch, Hindu administration and Hindu landlords. British troops intervened when Muslims from neighboring Punjab joined their Kashmiri Muslim brothers against the ruler. Consequently, Maharaja was compelled to initiate some concessions regarding fundamental civil liberties as well as forming a legislature.

However, Kashmiris' struggle was primarily inspired by political activity of Muslims in India meant to acquire a separate homeland realizing the existence of two entirely distinct nations in subcontinent. The autocratic rule of Maharaja based on politico-economic marginalization of Muslims was confirmation of idea of Two Nations as advocated by Muhammad Ali Jinnah. It therefore generated sense of alienation among

Muslims of Jammu and Kashmir consequently leading them to launch a communal struggle against Hindu Maharaja.³

India activated its political machinery to influence internal politics of Kashmir even prior to departure of British from India. Aggressive Indian political activity was meant to trap Maharaja vis-à-vis accession decision. Many leaders attempted to persuade Maharaja to decide for accession to India before partitioning of subcontinent. Among such leaders included; Mr. Acharya Kirpalani, President of Indian Congress, Maharajas of Faridkot, Kapurthala, Patiala and the rulers of Punjab Hill States, who had already decided to join India. Lord Mountbatten himself visited Kashmir with similar plans in June 1947, followed by Gandhi. All attempts in that regard turned out to be useless except one made by the state Prime Minister Ram Chandra Kak who favored sovereign status for Kashmir. Ram Chandra was replaced by a Dogra, Janak Singh. Later, PM Janak Singh was substituted by Mehr Chand Mahajan, an Indian Congress Nominee who was provided with commitment of military assistance available to him at his discretion (as cited in Mangrio, 2012).

An Indian writer Puri (2011) claimed that (careful) support of Congress party towards the struggle of Kashmiri people against a Hindu Maharaja had led to a close ideological affinity between the two which was faced with open condemnation by Muslim League. Gandhi and Nehru both had asserted that the citizens, not their rulers had the right to accede to any of India and Pakistan.

³ There was considerable marginalization of Muslims in British India. It was probably one more reason to Jinnah to opt for a separate homeland for Muslims of subcontinent whereby Muslims perhaps would have turned into a marginalized minority in post-independent India.

From Pakistan's stand-point, such claim is baseless as reflected through historical evidence whereby India has never been willing to endorse popular will to confirm ideological affinity of people of Kashmir. Indian leaders persuaded Maharaja for accession to India while at the same time expression of support to Kashmiri people against Maharaja by Indian leadership was simply an attempt to distort public opinion in Kashmir (and to gain advantage in a possible scenario of plebiscite).

According to Thorner (1949a), Maharaja adopted reconciliatory policy with India by releasing Sheikh Abdullah (a pro-Indian Kashmiri leader who regretted throughout later years of his life for being pro-Indian) while keeping Chowdhury Ghulam Abbas in jail who was the leader of Kashmir Muslim Conference, an organization encouraged and sponsored by Jinnah. In quick succession, all voices were silenced supporting accession decision in favor of Pakistan. Newspaper were shut down or censored, journalists were jailed and finally State Assembly of Kashmir was adjourned to stop any further criticism over the government of state. However, it was not Maharaja taking such measures leading to reconciliation with India. In fact, Sheikh Abdullah (who was able to attract public in Kashmir) being a close friend of Nehru was key figure considered by Indian leadership thereby Indian leaders pressurized Maharaja to ensure release of Sheikh Abdullah.

The historical developments following Indian occupation of Jammu and Kashmir in October 1947 reflect engineering of conflict in a highly dedicated manner. After the departure of Major-General Scott from Jammu and Kashmir on 22nd of September, active measures were adopted to build up Kashmir's links with India by equipping Srinagar

airfield with wireless armaments to enhance aptness for bad weather operation. Indian military adviser Lt. Col. Katoch arranged supply of additional arms and ammunitions to armed forces of Jammu and Kashmir. To reinforce the state army, staff was activated at Madhopur in Pathankot Tehsil near Jammu border for concentration of Indian troops. Construction of road from Jammu to Indian frontier towards Pathankot (which was started at the time of Power Transfer) was speeded up with expansion of telegraphic lines of communication. First volume of Sardar Patel's correspondence published in 1971 had clear mention of all such activities. It clearly proved key involvement of Sardar Patel and defense minister Baldev Singh in some sort of military intervention in state of Jammu and Kashmir at least on contingency basis by 13th September 1947. Significant foundation for operation was laid. Indian leaders disowned any such efforts and Indian representative at Security Council on 22nd October accused Pakistan of pressurizing Kashmir for accession while denying any involvement in whatever was happening in Kashmir. At the same time, India asserted significance of Kashmir in Security Council in terms of geography, security and international links of Indian Union. He further asserted that Kashmir had been closely associated with India economically (as cited in Mahmood, 2001).

Pakistani leaders highlighted Indian involvement in decision of accession. They charged that without prior planning and readiness, landing of Indian troops in Kashmir on 27th October 1947, one day after signing of accession could have simply been impossible (as cited in Hilali, 1997). India carefully prepared the ground for successful occupation of the territory well prior to any accession decision.

Indian forces landed in Kashmir when people revolted against the Dogra rule. Majority members of state assembly assembled in Srinagar to announce their favor to accede to Pakistan. Alaister Lamb (who is considered as leading authority on juridic and diplomatic history of Kashmir conflict) in his book “Birth of a Tragedy” reported that Indian forces had landed prior to Mahraja’s signing of any instrument of accession. The ruler of Bhopal, Nawab Hamidullah Khan headed the Chamber of Princes. Lord Mountbatten while addressing the Chamber of Princes laid two principles; geographical proximity and popular will to be considered by the Princes for their decision to accede either to India or Pakistan. Meanwhile, some unusual thing happened. The rejection of accepting Lord Mountbatten as the Governor General of newly becoming Pakistan against his desire by working committee of Muslim League while declaring Muhammad Ali Jinnah as the Governor General resulted in the change of Radcliffe Award overnight. Consequently, Gurdaspur, despite of its Muslim majority area was handed over to India to provide (Indian forces) a passage to Kashmir. (N. N. Khan, 2001). Lord Mountbatten played a critical role towards making of the conflict.

Moreover, Great Britain had critical role in disputation of the entire region. The British being the administrator and colonial master could be held responsible for the issues emerging out of the partition. As Roys (1981) pointed out that despite nearly three hundred years of Indian experience and close knowledge of inherent problems, British had granted India its independence with great haste. Since, it was difficult to keep sizable military forces in India yet a slower and more systematic approach could prevent post-partition bloodbath as well as sort out some outstanding territorial conflicts.

Winston Churchill (Former British Prime Minister) was confident of seeing Indian subcontinent divided into three; Hindustan, Pakistan and Princetan. He wanted some of the princely states like Hyderabad, Kashmir, Bhopal, Bikander, Jodhpur, Indore, and Travancore among some others to stay independent as British pockets in Indian subcontinent. The High Command of Congress created pressure and consequently Mountbatten closed up British Political Department having charge of the princely states (Priyadarshini, n.d.).

Sardar Patel was offered to hold charge of newly formed States Department by the Interim Government who pursued princes to surrender their demands for independence. He explicitly stated,

“The India States will bear in mind that the alternative to co-operation in the general interest in anarchy and chaos which will overwhelm great and small in a common ruin” (Priyadarshini, n.d. para. 24).

Mountbatten called for a meeting of the Chamber of Princes on the advice of Nehru on 25th July 1947, just 20 days prior to the declaration of independence. The anxious Princes one after the other joined Indian Union before 15th of August (Priyadarshini, n.d.). Shortly, Indian political machinery was activated to seek accession decisions by (some) princes ignoring their will in particular and popular will in general against the core principles of Independence Act of 1947.

Najam (2018) critically viewed the role of Lord Mountbatten towards partitioning of sub-continent. Lord Mountbatten who would care about wearing at official ceremonies

made little effort regarding division or sharing of resources. The unfinished business of partition and consequently India-Pakistan continuing conflict over Kashmir has been bleeding more profusely than at any other part of the world.

Failure of Great Britain towards a peace-yielding partitioning of Indian subcontinent was not only limited to subcontinent rather it extended to generate Sino-Indian conflict over Aksai Chin (where India claimed Aksai Chin as part of J&K). Failure of British Raj to clearly demarcate borders between China and its colony led to the creation of the dispute. To great extent, today's Sino-Indian border dispute moved around two boundary designs laid by the Great Britain. Johnson-line declared Aksai Chin as India's territory while MacDonald-line set it as Chinese territory. However, none of these lines had any codified bilateral treaty. At the time of India's independence, status of Sino-Indian western section remained unclear. Johnson-line was considered by India as its national border while China referred to Macdonald-line.⁴ Consequently, Aksai Chin was turned into a conflict zone. Peoples Liberation Army annexed Xinjiang and Tibet in 1950s. Beijing ordered to construct a highway to link the two regions called Highway 219 running through Aksai Chin. China started taking effectual control of the region. India learnt about the road in 1957. Zhou Enlai proposed border settlement by recognizing Indian control over Arunachal Pradesh and Aksai Chin under the control of China. However, Nehru rejected the proposal. India adopted an aggressive approach to push China's forces out of the Aksai Chin region (which India claimed as Ladakh's

⁴ The two boundary concepts over Sino-Indian boundary created ambiguity towards identification of borders (that move was probably in line with the principle of divide and rule). Moreover, China was assumed as threat to western supremacy as US viewed India as counter-weight against China even prior to its independence.

integral part). It was responded with China's military campaigning in 1962 resulting in humiliating defeat for India. Consequently, in the western sector, MacDonald-line became de facto border-ly arrangement since that time (Aarten, 2013). The British unwillingness to define Indian borders with China prior to decolonization resulted in permanence of tensions over border conflict between the two states.

Geographical Proximity and Muslim Majority

Couple of principles including geographical proximity and religion of majority people determined the fate of princely states. Jammu and Kashmir was strictly linked with Pakistan geographically and religiously. Its close geographical proximity (as also reflected in acceptance and operation of Standstill Agreement) and Islam as the religion of majority people of the state set the ground naturally for state acceding to Pakistan. However, Indian political, diplomatic and military involvement in Kashmir along-with British character prior to independence of subcontinent led to the creation of dispute over the state.

As per partition-principle of subcontinent whereby accession of Muslim-majority regions had to go to Pakistan's favor and rest of the regions to India, it could have connoted that Jammu and Kashmir had become Pakistan. Another assertion for the ruler to accede to Pakistan was geographic and economic link of Jammu and Kashmir with Pakistan's regions of western Punjab and NWFP (later renamed as Khyber Pakhtunkha). The all-weather road from Srinagar, a depot of Kashmir Valley products moving along Muzaffarabad to Rawalpindi had faster and simpler passage to plunge into sub-continental plains. Moreover, Jammu and Kashmir timber was sailed to Jhelum town

through Kishanganga (later Neelum) and Jhelum River with major markets for this item in Pakistan (as cited in Snedden, 2005). Additionally, Karachi was traditionally the port of J&K where city of Jammu (winter capital of J&K) was linked to Sialkot via railway and road (Snedden, 2005). It clearly reflected geographical closeness of Kashmir with Pakistan.

Every rational consideration confirmed J&K's accession to Pakistan. Muslims in Kashmir were nearly 80% of total population and were bound through Kinship, religion, culture and social customs with their Muslim brothers in Pakistan. Geographically, Kashmir shared a boundary of 600 miles. Importantly, its reach to the outside world was through Pakistan. In this way, all its motor-able roads linked it to Pakistan. The state was dependant on Pakistan for supply of sugar, salt, petrol and other goods. To export its costly fruit and timber, the route was Valley road along Jhelum River which passed through Pakistan. Tourism which was an important source of revenue for state, transited through Sialkot and Rawalpindi. The explicit implication of 3rd June partition plan and keen awareness of Indian leaders' designs provided naïve momentum to political agitation in Jammu and Kashmir (M. Khan, 2000). Moreover, three rivers of Kashmir flowing into Pakistan made the region a single geographic unit (Amin, 2003).

Birdwood (1952) highlighted award of Gurdaspur district as clear violation of partition plan of 3rd June 1947. Only Shakargarh Tehsil was left to Pakistan. India was provided with railway and railhead by awarding three Tehsils without which it was impossible to carry out operations in Kashmir. The railway up to railhead, Pathankot went through middle of Gurdaspur district.

Mangrio (2012) also observed that India had explicitly lacked any land route to J&K other than Gurdaspur which was placed (illegally) by boundary commission under Sir Red Cliffe. In this manner, a land route was created for India which turned out to be one more cause of resentment for Muslims in Kashmir and Pakistan. The boundary Awards of Bengal, Punjab and especially Gurdaspur Award were soon widely begrimed and Lord Mountbatten's staff in Delhi was marked pro-Indian (Dobell, 1964-1965). Lord Mountbatten appeared as a highly-biased character. Pakistan did avoid choosing him as governor general. Perhaps, there could have been negative implications of his appointment as first governor general of Pakistan.

Muslim League regarded accession of J&K to Pakistan as a matter of irrefutable right based on its overwhelming majority (Thorner, 1948). Meanwhile, most of the historians from Stanley Wolpert to Alister Lamb pointed out Nehru's passion-ism to see Kashmir as part of India at any cost. According to historian Ramachandra Guha, at one time, Sardar Patel was prepared to see Kashmir acceding to Pakistan. Sardar Patel (First Deputy Prime Minister of India) was not looking for Kashmir's inclusion into Indian Union (Muhammad, 2018).

Approximately 600 princely states had the choice to either accede to India or Pakistan on the grounds of majority will of their people. The ruler of Hyderabad (Muslim ruler of a Hindu-majority state) wanted to accede to Pakistan whereby Lord Mountbatten refused to entertain the document of accession arguing that it was violation of principles of partition. On the other hand, when Hindu ruler of a Muslim-majority state of J&K wanted its accession to India, Mountbatten accepted the accession (although the

accession is highly disputed and doubtful and any such document of accession was never produced by India in UNSC or before Pakistan's early leadership) upon condition of determination of free will of the state subjects (to confirm the accession) (Hussein, 1993).

Since that time, India pledged to hold referendum in Jammu and Kashmir. Bradnock (1998) argued that Indian government had itself endorsed accession condition upon holding of referendum in line with Lord Mountbatten's argument and not as result of any external pressure.

Geography played critical role towards partition. Junagarh and Hyderabad, which had Muslim rulers with Hindu majority wanted accession to Pakistan. Both states were considered geographically close to India. India objected based on their Hindu-majority and annexed both states through primarily military action.

The source highlighted Maharaja's standstill agreement offer to India and Pakistan. Maharaja offered standstill agreement to both, India and Pakistan on 12th August 1947. Pakistan accepted and signed the agreement on 15th August 1947 which authorized it to govern communication, postal and telegraph services. In turn, Pakistan was obligated to supply food and other necessities. India did not sign the agreement and maintained that it had lacked the approval of the representatives of the people (as cited in Bhat, 2015).

However, such claim was baseless mainly because of two reasons; India should not have accepted document of accession as it was presented by the same ruler (Maharaja

Hari Singh) without popular will. Meanwhile, other probable reason for avoiding the agreement was India lacking proper routes to fulfill requirements of the agreement.

Pakistan's Foreign Minister while addressing Security Council questioned appointment of Indian officer Risha Regena as In-Charge of Kashmir Postal Division by Post Meister General of Ambala as an attempt to distort operation of Standstill Agreement as already signed between Pakistan and Kashmir. Moreover, Director-General Postal and Telegraph, New Delhi sent a list containing mail to be sent through India to General Post of London mentioning stations in Jammu and Kashmir as J&K had become Indian state (as cited in Mahmood 2001).

All such developments explicitly pointed towards nefarious Indian designs as well as Indo-British illegal maneuvering prior to even the so-called signing of Instrument of Accession to occupy Kashmir against will of the state despite its geographical proximity, Muslim majority and economic closeness to Pakistan.

1.4 Divergent Viewpoints on Kashmir

Indian Stance

India entirely based its claim over disputed state of Jammu and Kashmir on so-called Instrument of Accession. (Its validity would be highlighted later in this Chapter).

India was done with long pursued illegal annexation of the territory on 5th August 2019. By means of Presidential Order, 2019, India ultimately ended up the so-called autonomous status of the territory under occupation. It was done in a highly cruel and

illegal manner by keeping leadership of Jammu and Kashmir under the house-arrest and imposing curfew with additional deployment of troops in the occupied state. Even pro-Indian (puppet) leadership of J&K strictly opposed the move. India was eventually exposed with ending of Article 370 by turning the entire Valley and other regions of Kashmir into a Jail (by imposing curfew).

Indian Ministry of Law and Justice notified Presidential Order, 2019 on 5th August 2019. The opening paragraph of the Notification titled “The Constitution (Application to Jammu and Kashmir), Order, 2019” claimed to have concurrence of the government of occupied J&K state vis-à-vis Presidential Order, 2019. Presidential Order 2019 provided for full extension of application of Indian Constitution to state of J&K with addition of a clause (clause-4) in Article 367. The clause replaced Sadar-i-Riyasat of the State with Governor of J&K as well as Constituent Assembly of J&K with that of Legislative Assembly (Government of India, Ministry of Law and Justice, 2019a).

On 6th Aug 2019, Indian Ministry of Law and Justice published a Notification titled “Declaration under Article 370(3) of the Constitution” regarding cease of Article 370 along-with all of its provisions and replaced its substance with new provision 370. The new provision provided for extension of application of all provisions of Indian constitution irrespective of any internal and external legal connection of the State (Government of India, Ministry of Law and Justice, 2019b). The unilateral illegal move fully disregarded and violated Simla Agreement as well as UN resolutions on Kashmir. The attempt eventually ended up Simla Agreement (at least in essence).

India has over the time considered Kashmir essential to its constitutionally designed secularism and thereby upgraded its status as an integral part of Indian Union. Formerly, it was allocated special status in Indian constitution by means of Article 370. Article 370 was the only instrument governing relations of J&K with Indian Union.

According to Article 370, it restricted application of Article 238 to J&K and limited powers of Indian parliament to items and corresponding matters and such other matters specified by Presidential Order, and declared by President in consultation with government of the state provided in Instrument of Accession. Provisions of Article 370 and Article 1 of Indian constitution assumed their application to J&K. Any other provision of constitution could be applied to the state by Presidential Order only in consultation with that state. Constituent Assembly after being convened had to decide (matters placed for acquiring) concurrence of the government of the state. On recommendations of Constituent Assembly of the state, President might declare through Public notification end of operation of Article 370 (Indian Const. art. 370).

Article 370 provided Kashmir a special status in Indian constitutional draft while restricting Indian jurisdiction to merely the subjects as allocated in Indian claimed Document of Accession. The article dealing with J&K state was designed in a way that it could be revoked anytime in the future through an instrument termed as Presidential Order in concurrence with the state (whereas UN in one of its resolutions regarded convening as well as actions of Constituent Assembly of Indian Occupied Kashmir as invalid).

As soon as Indian Union consolidated its hold of occupied Kashmir and experienced an especially convenient time, it revoked Article 370 to permanently annex Kashmir into Indian Union. On the other side, many Kashmiris have long believed that the place of Article 370 had been permanent in the constitution (as reflected in a judgment of J&K High Court declaring existence of Article 370 as permanent). While revoking the Article, Indian Union kept the highest leadership of IOJK under house-arrest and imposed curfew to deal with the potential public reaction and to suppress popular public demands of freedom under total black out.

Nehru on 2nd November, 1947, on All India Radio announced that plebiscite would decide the future of Jammu and Kashmir. However, referendum could never take place yet. India attempted to refer convening of elections (electoral politics) in Kashmir as substitute to plebiscite. (While Pakistan and others opposing this view have questioned the transparency of elections and maintained that the purpose of election was governance-related issues and not sorting out Kashmir conflict [UNSC resolution has already nullified any significance of elections or any actions of Kashmir's constituent Assembly vis-à-vis status of Kashmir dispute, see Table 1 for details]. Furthermore, elections could never be free and fair in the presence of six to seven hundred thousand Indian troops stationed in IOJK). The massive military presence has caused causalities so far in Kashmir estimated around 89000 according to some agencies with enforced disappearances standing at 10,000 (Sehgal, 2011).

Hussain (2009) has highlighted Indian position on Kashmir. India has now claimed accession decision of Maharaja as final and legal which could not be disputed.

Presently, India has maintained that only unfinished business of partition is Pakistan to vacate territory under its control. India further maintains that UN resolutions are no more acceptable as Pakistan has not vacated the territory under its hold. Furthermore, India disregards Pakistan's right to invoke UN resolutions on the basis of alleged aggression in 1965. To India, the will of the state subjects is not determined only through referendum. India has further maintained that the only problem of Kashmir lies in Pakistani sponsored terrorism. Meanwhile, India has laid condition towards the possibility of any dialogue with Pakistan wherein integrity and sovereignty of India could not be a matter for discussion i.e. negotiation over the status of IOJK with Pakistan cannot be an agenda item.

In short, India designed its Kashmir policy for local, bilateral and international level. At local level, major Indian goal has been crushing Kashmir resistance movement through extraordinary use of force while manipulating differences between various Kashmiri resistance groups at the same time. On bilateral front, Indian (occasional) willingness is actually intended at avoiding any engagement over Kashmir to save its stated stand on Kashmir as Indian integral part. The main purpose of Indian engagement with Pakistan on Kashmir has been aimed at bargaining time to strengthen its grip over Kashmir and to pacify Kashmir resistance. Independent analysts believed that India would be comfortable with turning LoC into a de jure international border. On global front, Indian policy is mainly meant for; averting Pakistan's diplomatic campaigning alleging HR violations in IOJK, endorsing Simla Agreement as only viable platform to

settle Kashmir dispute, and discrediting Kashmir resistance movement by labeling it as Pakistan sponsored terrorism (Hussain, 2009).

Pakistan's Stance

Pakistan considers Kashmir as its Jugular vein and unfinished business of partition pending with its final settlement through free and fair plebiscite. Pakistan's constitution in its first article has provided for Kashmir while defining state territories;

Article 1, clause 2 (d) has defined the status of Kashmir which reads as:

“such states and territories as are or may be included in Pakistan, whether by accession or otherwise” (Pakistani Const. art. 1, cl. 2(d)).

Another article in Pakistan's constitution has further clarified article 1 regarding the status of Jammu and Kashmir i.e. article 257, which reads as:

“When the people of state of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that state” (Pakistan Const. art. 257).

Pakistan officially views Kashmir as a disputed territory as acknowledged explicitly in UN resolutions making India and Pakistan; both as parties to the dispute.

The UN resolutions are still operative which cannot be disregarded by any of the two states. India-Pakistan talks over Kashmir must be centered at determining free will of the subjects of J&K with a choice to accede to either side as agreed upon by both under UN Security Council resolutions. Furthermore, talks should be held under Simla

agreement and relevant UN resolutions with international mediation as appropriate if agreed upon by both the states (Ahmar, n.d.).

India claimed Kashmir as its integral part by means of accession document while Pakistan has rejected any such claim based on assertion that will of the state subjects was not considered prior to signing of accession document (though the signing of accession paper itself has been questioned by Pakistan and challenged by others within scholarly class) (Jauhari, 2013).

Pakistan has historically advocated for right of self-determination for Kashmiris to determine their fate. The state's accession was provisional as well as sought under coercive pressure of Indian military presence. The disputed status is endorsed by UN resolution of 13, August 1948 and 5, January 1949 having agreement of both; India and Pakistan. These resolutions have been still in force and cannot unilaterally be disowned by either side (Hussain, 2009). However, India has historically disregarded UN resolutions through variety of means vis-à-vis IOJK.

Unfortunately, Pakistan is still stuck to its over-reliance on the UN-oriented Kashmir policy. Pakistan's policy on Kashmir has been centered on single point agenda; acquiring self-determination for people of J&K state by means of transparent plebiscite under UN sponsorship as provided to the people of the disputed territory by this international organization. Pakistan's stated position on Kashmir holds that it would remain supporting people of J&K on political, diplomatic and moral fronts.

The founding Father of Pakistan, Muhammad Ali Jinnah explicitly declared position of Kashmir as lifeline for Pakistan (Pakistan's jugular vein). While realizing nature of Indian state (and intentions of early Indian leadership), he ordered for liberation of Kashmir from Indian Occupation. His orders are still awaiting full implementation with inability (or limited success) of successive governments to generate potential policies in response to Indian regional hegemonic pursuance since its beginning and to achieve resolution of Kashmir dispute. Pakistan requires an appropriate policy design in this regard.

Moreover, Pakistan requires further promoting and strengthening its single national narrative regarding Kashmir dispute; Kashmir being an Indian Occupied State as lost child of Pakistan was a straightforward question of accession to Pakistan based on overwhelming Muslim majority and geographical proximity to Pakistan in accordance with principles of partition. Indian occupation based on so-called Instrument of Accession was collectively put to condition of plebiscite by Mountbatten, Indian early leadership and UN. Plebiscite could not be materialized even after 73 years of Indian occupation. India has significantly transformed demographic position of Occupied Kashmir in over 70 years. With curfew in occupied Kashmir, in a total black out, India has been pursuing demographic transformation more aggressively through significant Hindu migrations while committing atrocities of Muslims in Kashmir under massive military presence. India has pursued demographic engineering of IOJK to protract its occupation. From being 79% in 1947, Muslim population has reduced to 68% in 2016 due to settlement of Hindus in Kashmir valley. (as cited in Abbas, 2019).

Kashmiris' Stance

The post-9/11 period experienced dramatic changes around the political globe. South Asian region is no exception. US war on terror and thereby Indian anti-Pakistan diplomatic campaigning on so-called terrorism significantly influenced Pakistan's Kashmir policy. With Kashmiris' realization about possible decrease in influence of Pakistan's Kashmir policy, they turned politically activated. The educated Kashmiri Youth geared up with Pakistani Flags to lead Freedom Movement. The movement experienced increasing momentum with every passing day. Assassination of a Young educated Kashmiri, Burhan Wani fueled the insurgency with thousands attending his funeral ceremony in spite of potential Indian military resistance. Kashmiris have long dreamed to become Pakistan. Moreover, pro-Indian elements in Kashmir have also turned anti-Indian with revocation of Article 370⁵ which was meant to seize autonomous status of IOJK. Kashmiris have been locked down under military curfew since 2019 to prevent public reaction and to crush popular aspirations of Freedom.

After 1971 debacle and Kashmir Accord, Kashmiris had no option other than to develop Kashmiri nationalism and their distinct Kashmiri identity (which they called Kashmiriyat) as an effort to secure their freedom and identity under Indian occupation.

Kashmiri nationalism found its roots in the 1960s with the formation of Plebiscite Front and other separatist organizations. Political nationalism or separatism in IOJK was less in potential than that of 1980s while the discourse regarding the concept and the

⁵ It is significantly reflected in response of pro-Indian Kashmiri leaders; Farooq Abdullah and Mufti Mehbooba following the revocation of Article 370.

term, “Kashmiriyat” existed through that period of time. Behind the discourse, there was flourishing literature on Kashmir with increasing number of university students in Kashmir. Yet, Muhammad Ishaq Khan, a well-known Kashmiri historian, first heard the term from fellow researchers during mid 1970s. As an implication of 1971 war which ended in Simla agreement with creation of Bangladesh and 1975 Kashmir Accord, intellectuals in Kashmir became worried about their futuristic political vision as Kashmiris viewed Pakistan army as a hope to liberate them from India. Such possibility was then nearly ruled out. Furthermore, Sheikh Abdullah ended up separatism and acquired the chair of Chief Minister. After the Accord, he was dubbed even by his keen supporters as traitor. It disappointed Kashmiris who had believed in charismatic leadership of Sheikh Abdullah. The possibility of central laws to be discussed and re-examined in Assembly had re-gained some respect by Kashmiris for Sheikh Abdullah. During those days, Khan spent his time in different research institutions of Srinagar including; Research Library (Lal Mandi), State Archives and J&K Academy of Art, Culture and Languages (generally known as J&K Cultural Academy). Once, during an intellectual discussion on current issues, he heard Ibn-e-Mahjoor, son of Kashmir's national poet G.A. Mahjoor, saying; we could neither go to Pakistan nor could become independent as Sheikh Abdullah had sold us. The only option left to us was to form regionally rooted party retaining the culture of Kashmir which would be Kashmiriyat. It was the first time, Khan heard the term. The term thereafter became stable among the intellectuals. Soon, it appeared in Urdu Dailies of Kashmir particularly in Srinagar Times (as cited in Tak, 2013).

According to another source, Kashmiri nationalism began in 20th century with excessive abuses from Dogras who were perceived by locals as foreign and illegitimate. Dogras were descendants of Hindu Rajputs speaking Dogri language. Kashmiri nationalism since 1931 was a Muslim political movement against Dogra's autocratic government. It expanded to all regions in 1939 and transformed from Muslim Conference into All Jammu and Kashmir National Conference. This resulted in creation of a constitutive story called Kashmiriyat which propounded a distinctive Kashmiri identity shared by Muslims and (to an extent) Hindus. Sheikh Abdullah along-with other nationalists promoted Kashmiriyat through combination of; newspaper articles, political rallies, religious sermons and populist appeals demanding land reforms and political parity. According to Smith's Model, Kashmiri nationalists validated Kashmiriyat as means of political identity and legitimizing National Conference (NC) as representatives of Kashmiriyat. However, NC was less resistant to fully accommodate all religions and ethnicities especially Muslims of Jammu and Poonch and the Dogra Rajputs. For many impoverished Kashmiris, NC's Quit Kashmir campaign was successful in punting greater wealth and opportunity (Arakotaram, n.d.).

However, Muslim Conference was transformed into National Conference to increase magnitude of resistance against Maharaja's autocratic rule and to provide Hindus an alternative political platform. Kashmiriyat had its limitations; it was an ethno-political instrument to defend Kashmiri identity against secularist Indian orientation and to prevent its autonomy under Indian occupation. Rigged elections in 1980s (thereby assessment of Indian political entry in J&K electoral politics by means of rigging) caused

Muslims in IOJK to launch Freedom Struggle to get rid of Indian occupation. Rigged elections generated sense of political marginalization among Muslims through enhancement in Indian political presence.

On the other hand, it would be greatly un-wise to report about the true aspirations of the inhabitants of Jammu and Kashmir without free and fair referendum. Indian massive military presence and imposition of curfew in IOJK is the confirmation of the fact that overwhelming majority does not simply accept Indian presence. The huge deployment of troops simply confirms great potential of resistance in Kashmir.

Reality and Validity of Instrument of Accession

Alaister Lamb has challenged the Instrument of Accession by presenting his arguments on historical and chronological basis. By presenting detailed account of events historically and chronologically, he proved that Instrument of Accession could have been signed on 27th of October and not on 26th of October at the earliest if it was actually signed. He considered Instrument of Accession as a fake document that India did not produce even when it took the matter to the United Nations. Moreover, a meeting was held on 8th November 1947 between two very senior officials, V.P Menon from India and Chaudhri Muhammad Ali from Pakistan, a detailed scheme for holding plebiscite in Jammu & Kashmir was worked out, with the clear blessing of the Indian Deputy Prime Minister, Vallabhbhai Patel, which laid the following principle: neither of the two governments would accept accession of a state whereby religion of ruler was different from majority of his subjects without holding a plebiscite (Lamb, n.d.). India could not

accept accession document in accordance with that principle yet India violated the principle and claimed to have accepted the accession.

Lone (2018) by having thorough examination of archival documents has suggested that even Congress leadership presumed Kashmir as its integral part even prior to the enforcement of Indian Independence Act 1947. Preparations were already made to seize the territory of J&K through intimidation and dissimulation and tribal invasion just actuated the ongoing Indian invasion.

On 25th July 1947, Lord Mountbatten considered geographical contiguity and communal factors as guiding principles for princely states to accede to either India or Pakistan. Kashmir was denied to Pakistan through employment of that principle used by India to bring about the accession of Junagarh and Hyderabad (whereby rulers of both states wanted accession to Pakistan). Both the factors fully endorsed Kashmir's accession to Pakistan. Mountbatten and Gandhi visited Kashmir to influence Maharaja to accede to India which led to incursion of tribesmen into the state. Mountbatten accepted Instrument of Accession subject to holding of plebiscite in the state to confirm the accession. So, accession was never final (if it actually was achieved). The promises made by Mountbatten and PM Jawaharlal Nehru to Kashmiri people were basis of UN resolutions of 13th August 1948 and 5 January 1949 (as cited in Shakoor, 1998).

India even after securing the so-called accession of Kashmir made repeated pledges regarding holding of a plebiscite. On 30 October 1947, Indian PM Nehru in a telegram to Pakistani PM Liaquat Ali Khan clarified that:

Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world (as cited in Amin, 2003, p. 42).

What could not be understood by especially Karachi at that time was Nehru's plebiscite trap explicitly meant to bargain time; his promises regarding holding of plebiscite to Kashmiris, Pakistan and to the world ended up in dodge and deceit and plebiscite could never be held.

Aside from Kashmir's case, India annexed states of Junagarh and Hyderabad by means of aggression. It was noticed and complained by Sir Zafrullah in the Security Council who lodged a formal complaint in response to Indian allegations against Pakistan regarding aggression in Kashmir. It basically contained three elements; aggression against Junagarh, genocide in Punjab and Non-implementation of partition agreements (with India holding up Pakistan's due share of cash balances, munitions etc.) (Thorner, 1949b). India lost basis of its complaint in UN alleging Pakistan for aggression in Kashmir while it annexed Junagarh and Hyderabad by means of aggression.

Alaister Lamb pointed out few possibilities in the wake of Indian forceful annexation of state of Junagarh: firstly; direct exchange of Junagarh for J&K where final accessions were made on communal basis rather than will of the rulers, secondly; Indian military action in Junagarh provided sound justification for a similar action in J&K, and thirdly; using Junagarh situation to establish precedent to settle J&K's future through plebiscite (Lamb, 1991).

Maharaja had lost effective control of Gilgit Agency by the stated date of accession i.e. 26th of October 1947. Meanwhile in Poonch, his rule had formally been

replaced with creation of new state on 24th of October which had seceded from him, Azad (Free) Kashmir. Only in Jammu and Ladakh, Maharaja could possibly continue his rule without support of an external military. He had been thankful for being escaped from his own summer capital, and capital of Vale, Srinagar. Even letters regarding Instrument of Accession exchanged formally between Maharaja and Mountbatten provided leaning recognition to that general situation (Lamb, 1991).

It challenged the authority of Maharaja to issue a document of accession on behalf of such territories where he had lost control and jurisdiction. It thus simply makes document of accession null and void especially vis-à-vis its application to Kashmir Valley in a possible post-plebiscite scenario. Moreover, Alastair Lamb noticed that Kashmir's accession (considered by Maharaja truly as temporary) had been a clear violation of Standstill Agreements signed between Kashmir and Pakistan (Aamir, 2020).

Mr. Lord Mountbatten had meeting with Mr. Jinnah on 1st November 1947. After meeting, he asserted that as accession had been brought about by fraud and violence, so, it should not be accepted by Pakistan. Accession was result of long connives and that it was brought about by violence (Tabassum, 2012). Mountbatten (who accepted accession) himself acknowledged the fraudulent case of accession of Kashmir to India and therefore advised Pakistan to defy it.

Moreover, Maharaja agreed to sign document of accession under Indian pressure on 26th October 1947. Dr. Ijaz Hussain, an International Law expert has observed that under article 49 of Vienna Convention on law of treaties, 1969, a treaty is void and

violates the principles of the Charter of United Nation if it is drawn by means of threat or use of force (as cited in W. A. Khan, 2017).

Meanwhile, according to Article 48 of Vienna Convention on Succession of States in respect of Treaties, 1978:

“The present Convention shall remain open for accession by any State. The Instruments of Accession shall be deposited with the Secretary-General of the United Nations” (Vienna Convention on Succession of States in respect of Treaties, 1978, art.48). However, India did not present Instrument of Accession before the Secretary General of the United Nations.

India claimed that the document of accession had been signed on 26th October 1947. However, there are serious doubts about signing of any such document by Maharaja. India has never produced original of Instrument of accession before any international forum, to Pakistan or before UN. In summer 1995, Indian authorities reported (unconfirmed) the loss or stealing of document of accession. It further created doubt whether Maharaja in fact had signed any such document. Lord Mountbatten, first Governor General of India, clarified that acceptance of accession had only been valid upon consulting people. Indian PM accepted the principle and repeated his position in letters to PM of Pakistan and Britain later. So, Instrument of Accession should have been provisional or conditional upon outcome of referendum (Mohiuddin, 1997).

Indian government declared Kashmir as its integral part based on Instrument of Accession. It asserted that there could be no conditional accession, so, it was complete

and final and Mountbatten's letter had no legal force since it had merely an expression of wish to assert will of people regarding accession. Meanwhile, Mountbatten's letter clarified that accession had been temporary under special circumstances subject to finalization through a reference to people. This declaration had become binding under international law once it was noted by Pakistan and other countries likewise. This declaration was repeated in speeches and statements of Indian Ministers (including PM Nehru himself). Mr. G. Ayyangar, Indian Representative in Security Council declared that it would be the will of Kashmiri people whether Kashmir should withdraw from accession or accede to Pakistan or remain independent with a right to become a member of UN (as cited in Hasan, 1963).

Rather disclosing the original document of accession before Pakistan, UN and international community and ensuring plebiscite to confirm accession, India has circulated a fake document of accession in soft version on internet so as to mislead the global public opinion. The date of signing of accession, circumstances under which it got signed and whether it was actually signed or not; all are contested by Pakistan and eminent scholars from around the world. Particularly, the document was conditional and provisional upon plebiscite in case it was actually signed. Failing to hold plebiscite in over 70 years with significant transformation of demographic outlook of Kashmir, India has no legal and moral right to stay any further in IOJK.

Last but not least, what if India now after 74 years claims to have original document of accession which gets endorsed by some others? Pakistan should simply disregard it given pledges of Indian first PM to hold plebiscite, clear UN Resolutions on

plebiscite, and precedents set by India through annexations of states of Junagarh and Hyderabad, among other legal reasons.

1.5 Towards Illegal Annexation of Occupied Kashmir

India adopted illegal constitutional maneuvering as soft weapon in illegally occupied state of Jammu and Kashmir. Indian manipulation of its own constitution is not a new phenomenon. India since prior to its independence exploited constitution as an instrument to influence the process of independence. The proposed constitutional structure played its part to influence states as well as subjects in India while choosing between India and Pakistan. It is a noticeable factor in case of Kashmir as well. The constitutional trap had an impact to an extent in the initial years after independence over Kashmir Freedom Struggle.

It was considered a useful instrument to deal with the risks of separatism. India was vulnerable to any such situation given its potentially diverse character. The word 'secularism' was incorporated in Constitution later. The present history of India and contradictions within the constitution reveal the fact whereby an extremist government under Bhartiya Jannata Party (BJP) has been politically sidelining Muslims in India and seized constitutional autonomy of IOJK by imposing curfew in the occupied state to significantly transform its demography and to massively constrict Kashmir Freedom Movement.

Prior to independence, Hindu-Muslim communal question and issue of princely states led to the emergence of consensus for federal polity for Indian Union. Objectives

Resolution forwarded by Pandit Jawaharlal Nehru was aimed to establish a federal system with least powers lying with centre. It had only three subjects; Defence, External Affairs and Communication while resting maximum autonomy with constituent units including residuary powers. It was approved under the terms of Cabinet Mission Plan by Constituent Assembly on 13th December 1946. The objective was to influence and impress Muslim League and Princely states to become part of India under Federal Scheme (Raju, 1991).

India prior to its first constitution (that became operative on 26th January 1950), had Independence Act 1947 and Government of India Act 1935 with all enactments amending or supplementing Government of India Act 1935, as an interim working constitution of India.

Illegal Constitutional Annexation of Indian Occupied Jammu and Kashmir took place in a systematic manner. Leader of Rajya Sabha (Upper House of Indian bicameral legislature) and a former Diwan of Maharaja Hari Singh, Mr. Ayyangar being member of drafting committee of the Constitution framed Article 370 on directions of the then Prime Minister, Jawaharlal Nehru (News18.com, 2019).

India adopted its constitution on 26th November 1949. Indian Territory comprised territories of states mentioned in Parts, A, B and C of the first Schedule and territories mentioned in Part D of that Schedule. Eight states were placed in Part B including state of Jammu and Kashmir. Part B states were subject to governance under Article 238 except J&K which had to be governed through Article 370. Article 370 contained role of President to issue his Order regarding application of provision(s) of Indian constitution

towards J&K in consultation with government of the state or later Constituent Assembly of that state. According to first Presidential Order which was issued on the same date as of the enforcement of Indian Constitution i.e. 26th January 1950, parliament could make laws regarding matters mentioned in 39 entries out of 97 in the Union list (as cited in Sharma, 1958).

Moreover, Article 152 excluded J&K state from the very definition of Indian state and Chapter 2 dealing with states did not apply to J&K state. In spite of that India had adopted rhetoric of Kashmir being an Indian integral part (Gillani, 2018).

Political interference of India in Jammu and Kashmir dated back prior to independence of India. It was reflected in pre-conditions laid by Nehru for extending military support to J&K, among other conditions, one was empowerment of Sheikh Abdullah (a close friend of Nehru) in administration of Kashmir. Furthermore, elections in Kashmir lacked consistency and transparency. In fact, the major reason for massive public agitation in 1980's was rigging allegations in elections. India had always exploited elections in occupied Kashmir and supported only those political factions which were more inclined to fulfill New Delhi's designs. Through these puppet governments, India smoothly pursued illegal constitutional maneuvering in Kashmir.

India immediately after accession of J&K had begun the task of constitutional annexation of the state. For that purpose, India induced Article 370 in its constitution which accorded Kashmir special status in Indian Union. India signed agreement with Sheikh Abdullah in 1952 which rested on ensuring constitutional and political autonomy to the state. Article 370 and Delhi Agreement were actually constitutional covers to

strengthen India's writ in Indian Occupied Jammu and Kashmir. The developments took place at a time when the issue was lying before Security Council and India agreed for a referendum. India began to back off from its pledges regarding Kashmir and so the autonomy accorded under Article 370 started fading. Meanwhile, signatory of Delhi Agreement, Sheikh Abdullah was overthrown and imprisoned in 1953 (R. H. Khan, 2009). It reflected Indian confidence towards ineffectiveness of UN while pursuing integration of Kashmir in spite of its commitments at UN vis-à-vis Kashmir at the same time.

India attempted to achieve close integration of state in 1954 with Fourth Presidential Order issued on 14th May 1954 which permitted the extension of 98 more Articles to state of J&K. (Sharma, 1958). Furthermore, the process of (illegal) constitutional annexation further stretched with Presidential Order of 26th February 1958. This Order extended the diction of Comptroller and Auditor-General to state of J&K. Part XII and Part XIII and Part XIV of Indian Constitution were extended to Jammu and Kashmir (Sharma, 1958).

On advice of Nehru-led union government, President Rajendra Prasad introduced Article 35A under Article 370 ("Explained: Kashmir's Article 35A," 2019). The provision 35A which empowered Jammu and Kashmir legislature was brought to Indian constitution through Constitution Order 1954 (Application of Jammu and Kashmir); generally called Mother of all Presidential Orders. J&K Constitution was adopted on 17th November, 1956 which defined Permanent Resident (PR) as a person being a state subject on May 14, 1954 or a person who had been state subject for 10 years and had

legally acquired immovable property in the state. It could be amended by law passed by J&K legislature on basis of 2/3rd of majority. According to State Autonomy Committee Report, 94 out of 97 entries and 260 out of 395 Articles were extended to J&K through further 41 Presidential Orders, each of which was amendment or modification of 1954 Order. Through these Orders, positions of Prime Minister and President of the state were replaced with Chief Minister and Governor respectively. Powers of Supreme Court and Election Commission were extended to J&K state. One of these Presidential Orders prevented state Assembly to introduce any amendment to constitution of J&K. The Presidential Orders found their utility towards imposing direct central rule to J&K state unlike Punjab where constitution had to be amended frequently through Parliament to impose President's rule (Singh, 2016). The duplicitous Order of 1954 while inducing Article 35A stretched constitutional jurisdiction of India over occupied Kashmir to great extent.

Constitutional manipulation was further extended to legitimize cruel use of force in the occupied territory. India introduced special laws to suppress Indigenous Freedom Struggle of Kashmiris. The special laws included:

a) Jammu and Kashmir Public Safety Act 1978:

The act permitted authorities to detain a person up to one year without any charge on grounds of security and public order.

b) Terrorist and Disruptive Activities (Prevention) Act (TADA) 1987

It allowed detention for a period of 189 days without charges. TADA defined disruptive activity as any speech, article or any act supporting secession from Union. Two special courts lied in Jammu and Srinagar. With suspended operation of Srinagar Court, life turned distressing for those acquiring bail or passing through trial close to home.

c) Armed Forces Special Power Act 1990

It equipped authorities with power to declare states as disturbed area and legitimized the use of armed forces in combination with civil power. It simply provided military the basis to suppress legitimate political activity.

d) Prevention of Terrorism Act (POTA)

It is another instrument considered incompatible with Indian constitution and international human rights standards containing provisions; detentions without trial, confessions under police custody as evidence, exemption of trials from public hearings and criminalization of legitimate political dissent and free speech. These laws (generally referred as black laws) have been subject to criticism at national and international level. Moreover, judicial system in Kashmir was nearly dysfunctional according to international commission of jurist report (Majid & Hussain, 2016). The constitution was exploited in aid to suppress popular aspirations of freedom in Kashmir.

India after adulterating Article 370 by means of Presidential Orders issued throughout years of its occupation ultimately began to pursue its revocation from Indian

constitution. The large number of Presidential Orders had already almost practically disabled Article 370. In practice, Article 370 was merely a showpiece meant to provide occupation with constitutional attire in the face of Indian potential political presence, Indian policy design and transforming demographic outlook.

Abrogation of Article 370 has taken place in a systematic way. The removal of Article 370 and 35A were particularly on agenda of BJP government. While talking to media, BJP President Amit Shah expressed his willingness to remove Article 35A which was on BJP's manifesto since 1950. With expected majority in Rajya Sabha by 2020, he ensured regarding BJP's fulfillment of its commitment for removal of Article 35A ("BJP President vows," n.d.). While referring to the issue of removal of Article 370, he (BJP State spokesperson on Kashmir Affairs, Ashwani Kumar Chrungoo) called Article 35A straightway a constitutional fraud ("Article 35A is a Constitutional fraud," 2019). At the time of increasing hostility between India and Pakistan in the face of Pulwama Attack in Jammu and Kashmir, Indian Supreme Court was subject to hear petitions challenging the validity of Article 35A ("SC to hear petitions," 2019).

Reflecting the long persisting desire of Sangh Parivar, a murky NGO registered a petition in Supreme Court challenging Article 35A which was strongly criticized by BJP coalition partner, Chief Minister of Jammu and Kashmir, Mehbooba Mufti. Meanwhile, Kashmiris anxiously considered such move an attack on demography of the Valley. J&K government was especially concerned about Union government's unwillingness towards filing any counter affidavit. The petition was baseless as it challenged the Article on basis of already non-applicable Article 368 (Raghavan, 2017).

It was constituted in BJP's Manifesto; providing for BJP's firm commitment to take steps for abrogation of Article 370 by consulting it with all stakeholders ("Highlights of BJP manifesto 2014," 2014). Meanwhile, Jammu and Kashmir High Court had already made clear decision on nature of Article 370 whereby the article had assumed permanent place in Constitution and was beyond amendment, repeal or abrogation (Press Trust of India, 2015). Despite the Court's ruling, BJP kept pushing for abrogation of Article 370 against the decision of the Court and called for national debate over the issue of Article 370. A petition was registered in the Supreme Court by the RSS linked think tank regarding abrogation of Article 35A.

Finally, resolution on abrogation of Article 370 was passed by Lok Sabha on 6th August after being passed by Rajya Sabha a day earlier. After Parliament's move, President Ram Nath Kovind declared abrogation of provisions of Article 370 from Indian Constitution (Ians, 2019). With that move, India completed the long pursued task of illegal constitutional annexation.

Indian government divided the state into two federally administered territories; one comprised Muslim-majority Kashmir and Hindu-majority Jammu while the other was Buddhist-majority Ladakh having close cultural and historical proximity to Tibet ("Article 370: What happened with", 2019). Ladakh (a part of Jammu and Kashmir) was given status of a separate Union Territory via Notification issued by Amit Shah. Following Amit Shah's proposal, President Ram Nath Kovind issued Constitution (Application to Jammu and Kashmir) Order, 2019 containing the extension of provisions

of Indian Constitution to the state of Jammu and Kashmir. The Constitution Order, 2019 came into force at once and superseded the Constitution Order, 1954 (ET Online, 2019).

After revoking Article 370, India has aggressively begun transforming the demography of occupied Kashmir. The new set of laws introduced by Indian government vis-à-vis Kashmir including domicile rights for Indian citizens has generated fear among residents as well as experts for altering demographic status of Muslim majority Himalayan region. Under new law, persons residing for a period of fifteen years or studied for a period of seven years and attempted Class 10/12 Examination in local educational institutions have become eligible for being permanent residents (Bisht, 2020). The law would entitle hundreds of thousands of Indian military personnel suppressing Kashmiris for decades at once for permanent residency, employment and Kashmir's local resources (*Kashmir's new domicile law*, 2020).

The witty placement of Article 370 was meant to satisfy local politics in Kashmir to prevent any major popular revolt. The article faded over time with India gradually forwarding with illegal constitutional annexation of the occupied territory. The special provision of Article 370 was designed in a way to set up a smooth way for systematic annexation of state. The provision was primarily constructed to be destructed. India took calculated constitutional measures to complete the task of Kashmir's integration into Indian Union against the will of the state subjects.

The unilateral move comprehensively exposed Indian fraudulent case of occupation of Kashmir whereby it kept Kashmir's political leadership under house arrest and imposed an inhumane curfew in occupied Kashmir to keep the entire state under total

black out to get rid of potential reaction. The move violated Simla Agreement, UN Resolutions and so-called Instrument of Accession (which was conditional upon plebiscite and limited Indian jurisdiction to three specific subjects) as well.

To finalize accession by conducting impartial plebiscite, India rather illegally incorporated Article 370 to provide its occupation a constitutional cover against the popular will. The constitutional link of India with IOJK lacked legal grounds and thus it explicitly held no legal value.

Pakistan has never accepted Article 370 or Indian legitimacy over the territory it has been occupying for over 70 years. Responding to Indian move of abrogating Article 370, Pakistan's Parliament strongly condemned the move by passing resolution of condemnation in that regard. Parliamentary members showed strong resolve to see Kashmir becoming Pakistan. Pakistan's Military Spokesperson Lt. Gen. Asif Ghafoor clarified that end of Article 370 had ended sham Indian justification over Kashmir. He further affirmed that Pakistan's Army would go to any extent to fulfill its obligations to Kashmiris and would stand by them in their just struggle till the end.

On the other hand, the notion that Kashmir has been integrated into Indian Union so it cannot be separated and thus, no sense prevailed towards holding plebiscite. The argument is invalid as a state can cede even a part of its territory. If India could principally agree to cede Berubari Union to Pakistan under Border Agreement of 1958 and Lok Sabha could amend constitution to implement the cession, same can be done to Kashmir, if plebiscite results favor Pakistan (Hasan, 1963). Given translucent UN

resolutions on Kashmir, Indian illegal constitutional annexation of occupied Kashmir holds no legal value.

1.6 Democracy, Self-Determination and Indian Occupation

States prefer power and self interests over obligations of international law and international institutions. States adhere to the rules of international morality only if it serves to protect self-interests of the states.

Self-determination is a democratic method of accession of state while India being world's largest democracy has been illegally occupying on Jammu and Kashmir against the popular will for over 70 years. India has denied people of Kashmir the right of self-determination as endorsed in partition-principles. Mountbatten's imposed condition regarding finalization of accession, UN resolutions (agreed upon by India and Pakistan), and even through pledges and declarations of India's own early leadership.

Democracy simply refers to popular will and self-rule with supremacy of the people. India is world's largest democracy with secularism as a defining character of statecraft. Indian being the largest democracy in the world has been illegally holding 66% area of J&K in an undemocratic manner where free elections could not become a norm till today (despite potential political and military presence of India in the occupied territory) (R. M. Khan, 2015).

The case for Kashmir plebiscite is well established through the acceptance letter by Mountbatten, pledges by Indian officials notably PM Nehru himself, UN Resolutions accepted by India and Pakistan. According to Fai (2019), in case of Kashmir, UNSC

Resolution (relating plebiscite and thereby acceptance by both, India and Pakistan) may conveniently be regarded as international law formula for sorting out the status of the disputed territory.

Kashmiris around the world and in Azad Kashmir celebrate 5th January as right to self-determination day. This is done to remind UN (and International Community) to ensure implementation of its resolution and early grant of right to self-determination. As on this day, 5th January 1949, UNCIP passed a resolution specifying UN supervised referendum in Kashmir (Associated Press of Pakistan, 2019).

Pakistan has always emphasized UN role to let Kashmiris exercise their right to self-determination by means of free and fair plebiscite while India has denied any such obligation and avoided any mediation by (unlawfully) declaring Kashmir as its integral part and calling it an internal matter. Recently at a General Assembly Session, Pakistan's Representative at UN, Maleeha Lodhi clarified that Kashmir issue would remain on UN agenda until Kashmiris are allowed to exercise right to self-determination in accordance with UNSC resolution. India rejected it calling Kashmir an integral part of India (Press Trust of India, 2018).

Self-determination, a basic principle of international law is explicitly recognized as a human right and a peremptory law. Furthermore, principle of self-determination is established through International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) .India and Pakistan are parties to both the Covenants though India made reservations on Article 1 of

both covenants. Such restrictive interpretation by India arguably denies the basic objective of both these covenants (Hashmi, 2016).

The expression came into use in the beginning of 1860s (Fisch, 2015). Self-determination is the key to democracy (Jarche, 2018). The principle of self-determination was encouraged by Former US President Woodrow Wilson while addressing a Session of Congress. He argued that people could be dominated and governed only by their consent. He highlighted respect for National aspirations and further emphasized self-determination as not mere a phrase rather an essential principle of actions (U.S. Cong., 1997). The right of self-determination is embodied and emphasized in UN Charter.

Moreover, self-determination was used to be regarded as a political principle with the development of modern state system in Europe. However, it was during the period of First World War (WW-I) when right of national independence was considered as principle of national self-determination. It was generally believed that every nation had the right to have independent state and determine its own government. In that perspective, revolt of North American British colonies was defined as the first affirmation of right of national and democratic self-determination in the history of the world (Unterberger, 2002).

Two aspects are associated with the principle of self-determination, i.e. internal self-determination which is right to self-rule without outside intervention while external self-determination is the right to determine by peoples their own political status and independence from foreign domination including creation of their own sovereign state (Hannum, n.d.).

India has been denying people of Kashmir the right of external self-determination for over 70 years. Meanwhile, India seized their right of internal self-determination with abrogation of Article 370 on August 5, 2019 (though Article 370 had no legal meanings in case of J&K and had already lost substance given large number of intervening Presidential Orders). Moreover, Kashmir cannot be restricted to internal self-determination as Kashmir's Constituent Assembly and its decisions (as noted in a UN Resolution) cannot over-ride a UN decided plebiscite to determine the political future of Kashmir.

Cassesse (1995) has discussed (in context of Declaration of friendly relations) conditions for secession as: refusal to participatory rights to a particular religious or racial group, crushing their fundamental rights and removing possibility of any internal peaceful settlement. Furthermore, Declaration on Friendly Relations in a way links internal and external self-determination in special circumstances. A racial or religious group may go for secession, a form of external self-determination when internal self-determination is apparently impossible. With abrogation of Article 370, Kashmiris have secured right to attempt secession. In case of Kashmir, it has right to external self-determination as fully acknowledged in UN Resolutions, Letter of Mountbatten, Pledges made by Indian Officials including PM Nehru. Kashmir is thus a well-established case of self-determination.

People of an Indonesian province, East Timor exercised right of self-determination by voting in favor of Indonesia. Peoples Assembly through a formal request integrated with Indonesia after its decolonization from Portugal in 1975 (Lu,

2004). East Timor became an independent state in 2002 without having UN to pass several Resolutions with strong support from US and EU on basis of right of self-determination. USA and EU maintained that Indonesia by means of force had annexed it and Peoples Assembly had ratified it without popular support. Furthermore, human rights allegations relating political, social and cultural suppression by Indonesian administration and forming treaties on behalf of East Timorese for self-serving economic interests were among major reasons. On the other hand, twin cases of Kashmir and Palestine where human rights violations are severe (involving mass killing and genocide of thousands) still searching for resolution as both cases lack element of US and EU support despite several UN Resolutions (R.M. Khan, 2015).

Kosovo's parliament declared it as an independent and sovereign state on February 17, 2008. US and some of its important allies recognized Kosovo's independence while Russia along-with some other states questioned the secession and or recognition of the secession as violation of international law with majority of states adopting a middle way (Borgen, 2011).

On the other hand, when Crimea's parliament which had certain level of autonomy under Ukrainian law, voted 78-0 with 8 abstentions to favor referendum to join Russia, US President Obama objected the process while maintaining that it would violate Ukrainian constitution and international law. Similar statements were already issued by State Department (Fox News, 2015). Kosovo parliament's declaration of independence should have become precedent for the upcoming Crimea's case but it couldn't. Simply a

question of internal affairs of Russia and Crimea was intruded by US as in that case, Ukraine was a NATO ally.

However, there are some successful cases of self-determination whereby states got independence. These included; dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland. Under the Statute of Westminster 1931, Articles 3 & 4 fully authorized the parliaments of these dominions to make laws with extra-territorial operations while Parliament of UK had no more authority of legislation on behalf of the said dominions (Statute of Westminster, 1931).

Similarly, India and Pakistan got independence after potential political struggle for independence ending British Raj with enactment of Indian Independence Act 1947. It was especially during and after WW-I and WW-II that the concept of self-determination was significantly applied and many states got their independence.

Recently, Iraqi Kurds overwhelmingly chose independence from Iraq in a controversial and historic referendum (Qiblawi, 2017). Meanwhile in Spain, Catalonia favored independence from Spain with 90% people supporting freedom in referendum according to Catalan government (Minder, 2017). Both the cases of self-determination were however controversial.

Rather empowering Kashmiris to decide their political future through popular will; Indian state has been forcefully pursuing illegal annexation of the occupied territory.

Aside from constitutional measures taken towards integration of Kashmir, India has adopted certain policies to transform the demography of IOKJ.

Jammu and Kashmir had basically 14 districts in total, 6 each in Kashmir and Jammu while 2 in Ladakh. Out of total 14 districts, 10 had Muslim majority with 6 in Kashmir, 3 in Jammu and 1 in Ladakh, 3 had Hindu majority and 1 had Buddhist majority. Total number of districts was raised to 22 with creation of 8 new districts. Now, Hindus have majority in 4 districts of Jammu division while Buddhist have majority in Leh and Muslim majority districts included 10 in Kashmir, 1 in Ladakh and 6 in Jammu (Shaikh, 2016).

According to 2011 census, Muslim population was 68%, Hindu population was 28.4%, Sikh being 1.5%, Buddhism being 0.6% and Christians being 0.4% (India Population 2019, n.d.). Muslim population in India increased from 10.70% in 1961 to 14.23% in 2011 while in Kashmir it was nearly same as in 1961. It declined from 78% to 69% from 1941 to 1961. Settlement of non-state subjects within IOKJ has been a critical factor for decline of Muslim population. Genocide and ethnic cleansing are among other reasons in early years of Indian rule. Hundreds of thousands of Muslims from Udhampur, Kathua and Jammu were massacred while many were forced to migrate. India considered return of Hindu pundits a critical issue. Kashmiri pundits who were not more than one hundred thousand in number have right to return but residing them in specific towns is considered by Kashmiris as an attempt to create social discord in Kashmir (Nabeel, 2017).

Interestingly, Punjab which is also non-Hindu and primarily a state of Punjabi Sikhs follow a kind of similar situation vis-à-vis its demography. For instance, growth rate of Sikh population was 24.99% (1971-81) while it declined to mere 9.68% (2001-2011). Sikh population stood at 60.21% of the state (Punjab) according to census of 1971 while as per 2011 census, it declined to 57.69% (as cited in Gills, 2017). In Indian Punjab, there exist considerable signs of separatism. Sikh community around the world has been demanding referendum to seek an independent state of Khalistan.

Two new districts were created in BJP government taking the total number of districts to 22 in Punjab. Out of total 22 districts, Sikhs constitute majority in 18 while Hindus in 4 districts. Gupta (2019) has pointed out that if the present trend of declining of Sikh population prevails then in next 50 years, Sikhs would be transformed into minority in Punjab.

According to Preamble of Indian constitution, India is sovereign, socialist, secular, democratic republic. The words socialist and secular were added later in 1976 through 42nd amendment, also called mini constitution.

Democracy which is generally referred as common man's involvement in process of governing has never become reality. To Prof. Noam Chomsky, even masses in America are like bewildered herd which has stopped thinking. Few people analyze, execute, make decisions and regulate political, economic and ideological systems while controlling that bewildered herd as the greatest objective (Jaaved, 2019).

States prefer self-interests without caring for international human rights, moral values and international norms as well as irrespective of their governing regimes and politico-constitutional outlooks. Generally, states restrain from leaving territories under their control. Dynamics of power, internal problems of states, the level of resistance in occupied territories along-with dynamics of international political system compel states sometimes to leave territories under their control and permit internationally acknowledged right of national self-determination.

The exploitation of minorities is not mere limited to Indian Occupied Jammu and Kashmir but in other parts of India as well. State has experienced massacres of minorities. Among major events of violations included; Gujrat riots which involved killing of over 3000 Muslims in 2002. Other was targeting of Sikh population involving killing of over 8000 Sikhs by Hindus in 1984. Moreover, exploitation and targeting of minorities is a routine matter in India. Secularism has practically been absent in India throughout the post-independence period. Indian Hindu extremists want removal of word secular from the constitution to promote a Hindu-centric ideology (based on Hindu-Nationalism) called Hindutva.

Swami Aseemanand is leader of a Hindutva extremist organization, Abhinav Bharat. His recent confession regarding involvement of Hindutva outfits in terror attacks raised important questions about the nature of terror activity in India. Confession revealed support of leaders of mainstream Hindutva organizations within Rashtriya Swayamsevak Sangh (RSS)-led Sangh Parivar. It posed a serious question regarding responsibility of government and judicial system in India. His confession of December

18, 2010 confirmed his participation in as many as five terror attacks. Being member of Hindutva terror outfits, he and his associates were behind many terror attacks including, Samjhota Express Blasts in February 2007, Hyderabad Mecca Masjid of May 2007 and Ajmer Dargah of October 2007. Meanwhile, various agencies investigating the attacks put the entire focus on Jehadi terror groups and their national and international links like Students Islamic Movement of India SIMI, Lashkar-e-Taiba LeT and Harkat-ul-Jehad-e-Islami HuJI (Ramakrishnan, 2011). After more than four years since confession made by Aseemanand, the innocents accused by police were still denied justice in that regard (Khare, 2011).

Besides Muslims, Sikhs and lower caste Dalits, Indian Christians have also been victims of worst communal violence. In 2008, Christians became victims of communal violence following the murder of Vishwa Hindu Parishad (VHP), leader Swami Lakshmanananda Saraswati and four of his disciples. Police alleged Communist Party of India (Maoists) while Sangh Parivar rejected Police accusation and started up with violence in district of Kandhamal killing as many as 30 Christians, putting thousands of houses on fire and involved incidence of looting while police remained silent spectators (Das, 2008).

India has jumped up to 15 in the list of states where those practicing faith most likely to be persecuted. India experienced rise in religious intolerance affecting millions of Christians according to Pearce. Merely 2% of Indian population, Christians faced with escalation in attacks by Hindu nationalists (Sherwood, 2017). The consistent and escalating communal violence against minorities and consequently ineffectiveness of

state's institutions and justice system has endangered the future of minorities (especially Muslims who are confronted with controversial anti-Muslim bills of NRC-CAB) in the face of rising Hindu nationalism based on Hindutva.

Jaffrelot (2011), a Paris-based sociologist, has critically analyzed Indian democracy and its secularist orientation. Indian secularism unlike others was aimed at recognition of all religions in state rather complete exclusion of religion from state. Hindu militancy has greatly challenged secularism impacting badly not only over the electoral politics but judiciary and society too. Rashtriya Swayamsevak (RSS) which was founded in 1925 believed in Hinduism as the soul religion and basis of Indian identity. It supported construction of temple in place of Babri Masjid which was constructed in 1528 AD at Ayodhya, Uttar Pradesh. Demolition of Babri Masjid in 1992 and thereby communal riots had contributed towards BJP's electoral gains between 1998 and 2004. Even the return of Congress party in 2004 could not bring back religious balance in India. Killing of unprecedented number of Muslims since independence including 1000 killed in Bhagalpur in 1989, 2000 in Gujrat in 2002, posed serious question on Indian Justice System whereby reports of inquiry commissions were either not publicized or not followed by proper action. Gujrat like incidence could have resulted in at least formation of a justice and reconciliation commission in most of democracies. Muslims' political marginalization has been noticed by Former Indian PM Manmohan Singh who commissioned a report regarding status of Muslims in India under a committee chaired by Justice Rajinder Sachar. However, none of Sachar committee's recommendations had undergone implementation to improve the situation. The writer predicted about Indian

transformation into an ethnic democracy like those in Israel⁶ and Srilanka where minorities are treated as second class citizens. Consequently, if such scenario prevails, India would loose basic pillar of its soft power, i.e. multiculturalism and more importantly respect for rule of law.

Jaffrelot highlighted object of Indian secularism as recognition of all religions in state. However, it was not meant to recognize all religions rather constitutionally trap minorities to achieve political objective of expansionism. Meanwhile, Indian historical policy-practice reveals Hindu-centric and Hindu-dominated nature of Indian state. It is reflected in systematic political sidelining of Muslims from mainstream Indian politics.

Recently, Indian PM N. Modi celebrated the legacy of Hindutva ideology (Indian nationalism based on preeminence of Hindu religion and Hindu culture) which reflected his opinion of constitution. Two senior BJP leaders Anant Kumar Hedge (BJP Union Minister) and Yogi Adityanath (CM of Uttar Pradesh) have threatened to change the constitution especially ruling out the word secularism from the constitution. The words socialist and secular were introduced to preamble through 42nd amendment while chief author of Indian constitution Bhimrao Ambedkar and Nehru were suspicious of placing the word secular in the Preamble (Shekhawat, 2019). Moreover, a Hindu Group, Sanatan Sanstha, demanded the exclusion of word secular from the constitution (“Hindu group says,” 2018).

⁶ Interestingly, like India, Israel has been conducting severe HR violations against Palestinians and also aspires to achieve its quest for ‘Greater Israel’. USA is strong strategic partner of Israel and recently, USA has recognized Jerusalem as capital of Israel.

India is the largest practicing democracy in the world today with increasing electoral marginalization of Muslims. There were merely 22 Muslims out of 543 politicians in the Lower House, Lok Sabha. Forming 14% of country's 1.3 billion population, Muslims' representation in Lok Sabha constituted merely 4%. Young Muslims talking to Al Jazeera expressed pessimism regarding their political future in India (especially) under BJP. Polarization of politics by BJP party has taken such marginalization to a greater level. BJP party won 2014 election with 282 seats without a single MP from Muslim minority. Critics blamed BJP for continuous decline of Muslim representation in state assemblies. According to a political scientist, Gilles Verniers from Ashoka University Haryana based in India, BJP has carefully aimed Muslims exclusion from public sphere. Meanwhile, Professor of Aligarh Muslim University Uttar Pradesh, Mohammad Sajjad asserted that Hindu majoritarianism had served as means to turn Muslims electorally irrelevant (Kuchay, 2019).

Given the election rhetoric being dominantly Hindutva based and Hindu-centric, percentage of Hindus supporting BJP increased from 36% in 2014 to 44% in 2019. Meanwhile, there was no such increase among Indian minorities towards supporting BJP (Sardesai & Attri, 2019).

Venkatesan & James (2020) have viewed severe HR violation in Jammu and Kashmir and elsewhere by India as serious threat to Indian democracy. Killings of Kashmiris for no reason on daily basis raise serious and fundamental question regarding India's democracy.

UN Human Rights Chief warned India of divisive policies aimed at marginalization and increasing harassment against minorities especially Muslims and also historically disadvantaged groups including Dalits and Adivasis in an already unequal society in terms of the impact on economic growth. He warned a day after Amnesty International reporting disturbing number of hate crimes including assault, rape and murder against the section of society (Kuchay, 2019).

States apply all means (legal or illegal) to attain certain goals irrespective of their democratic outlook or political system. The nature and form of government does not prevent states from adopting potentially violent means (India and Israel are two prominent cases of exercising potential violence on state level). Secular democracy has been turning out to be a dream for India and minorities especially Muslims are losing their relevance vis-à-vis national politics. The situation is rather worse in Kashmir where India has over a long period of time illegally deployed more than 6 to 7 hundred thousand troops making state the most militarized region in the world.

Democratic states weigh human rights, rule of law, civil liberty and popular aspirations. The case of Indian occupation suggests an entirely different story whereby it adopted all measures other than democratic means to consolidate its hold over Kashmir. Indian constitution and constitutionally designed secularism have failed to address basic HR situation. The constitutional outlook was merely an instrument to acquire more territory and to deal with the risks of separatism with ultimate object to achieve Hindutva based Hindu-state.

Democratic and Secularist aspirations in reality have no significant existence in India. The unaddressed cases of Gujrat riots 2002 and Sikh genocide 1984 and genocide of Muslims in Kashmir are eminent examples. Kashmir holds internationally recognized disputed status as well as right to self-determination was acknowledged by UN. India has been denying the basic right of Kashmiri people regarding self-determination and ruled out Article 370 in an attempt to annex Kashmir illegally while imposed curfew in Kashmir to suppress and attempt to eliminate Kashmir Freedom Struggle. It poses serious question on democracy, constitutionalism and constitutionally framed secularism in India. Given the prevailing scenario of fundamental rights of minorities and threat to their existence, the fear may turn into reality regarding India emerging as a lawless society with power holding Hindu majority.

CHAPTER 2

KASHMIR DISPUTE: STRUGGLING FOR SETTLEMENT

The Chapter presents struggling facet of Kashmir dispute. It explores and critically evaluates UN character vis-à-vis Kashmir question. It presents an overview of various proposals made so far meant to settle Kashmir dispute. It intends to review Musharraf's Four Point Formula tended to resolve long prevailing conflict with India. It finally presents a picture of Kashmiris' historic indigenous freedom struggle solely meant to get rid of Indian occupation of their state.

2.1 Kashmir at UNO

On 1st January 1948, India brought Kashmir dispute to United Nations Security Council under Article 35 (Chapter VI) of UN Charter. A day earlier, on December 31, 1947, Indian government through a letter to UN pledged to sort out Kashmir dispute by means of internationally recognized democratic method of plebiscite. Since that time, United Nations has got involved in Kashmir Cause. United Nations Security Council passed numerous resolutions dealing with resolution of Kashmir dispute. The first resolution was passed by UNSC on January 17, 1948 (Tabassum, 2012).

Table 1 presents summary of the resolutions passed by UNSC on India-Pakistan question (Kashmir problem).

Table 1. *UNSC Resolutions on India-Pakistan Question (Kashmir Conflict)*

Resolution#/ Date	Brief Description	Voting Results
38 January 17, 1948	Directed India, Pakistan to take measures to restrict any disturbance as well as material change in situation	9 votes to none, 2 abstentions
39 January 20, 1948	Established a Security Council Commission to look into and supervise situation in J&K and addressed functions, procedures and guidelines for Commission	9 votes to none, 2 abstentions
47 April 21, 1948	Bring about cession of fighting and membership of Commission was increased to 5. It contained procedures and guidelines for demilitarization for free impartial plebiscite thereof	Voting paragraph by paragraph, no voting on resolution as a whole
51 June 3, 1948	Reaffirmed its earlier resolutions on the subject and directed Commission to carry forward its functions assigned to it in resolution 47 and to study and report the matters raised in letter of Pakistani Foreign Minister on Jan 15, 1948 at an appropriate time	8 votes to none, 2 abstentions
80 March 14, 1950	Commended India, Pakistan to reach agreements as mentioned in UN Commission's resolutions of Aug 13, 1948 and Jan 5, 1949 especially agreeing upon W. Nimitz as Plebiscite Administrator, demilitarization in line with G. McNaughton's proposal, it further directed appointment of UN Representative for assistance in this regard. Requested both the parties to observe cease-fire agreement and transfer of power of UN Commission to UN Representative with agreement of both the parties	8 votes to none, 2 abstentions
91 March 30, 1951	Rejected attempt of Kashmir's Constituent Assembly to determine position of entire or part(s) of J&K state and reminded parties of the principles set forth in the early resolutions regarding determination of free will of the people. Appointment of UNRIP in succession to Sir Owen Dixon to carry forward the process of free and fair plebiscite. It further accepted arbitration in case UN Representative failed to seek their full agreement. UNMOGIP to continue to supervise ceasefire in the state. Requested Secretary General to equip UN Representative with services and facilities to carry out terms of this resolution	8 votes to none, 3 abstentions
96	Gratifyingly noted agreement of parties to those parts of	9 votes to

November 10, 1951	Mr. Frank's proposal which contained determination for peaceful settlement, observance of cease-fire agreement and acceptance of plebiscite. Directed him to continue efforts regarding demilitarization and called upon parties to fully cooperate with him to resolve points of difference	none, 2 abstentions
98 December 23, 1952	Noted with gratitude the acceptance of 12-points proposal by UNRIP except for two paragraphs and urged both the parties to agree upon specific number of troops to be stationed on each side through immediate negotiations and UN Representative to continue his efforts in this regard	9 votes to none, 1 abstention
122 January 24, 1957	Clarified convening and action of Constituent Assembly that such action would not constitute disposition of state and decided to continue consideration of dispute	10 votes to none, 1 abstention
123 February 21, 1957	Requested President of Security Council to initiate proposal for settlement of the dispute and invited both the parties to cooperate with him. It further requested Secretary General and UN Representative for India and Pakistan to render assistance upon his request	10 votes to none, 1 abstention
126 December 2, 1957	Requested India, Pakistan to create favorable environment for further negotiations. It requested UNRIP to make recommendations for implementation of UN Commission's resolutions of Aug 13, 1948 and Jan 5, 1949	10 votes to none, 1 abstention
209 September 4, 1965	Called for immediate ceasefire and with-drawl of troops. It further called upon both the governments to cooperate with UNMOGIP in its task of supervision of ceasefire	Unanimously adopted
210 September 6, 1965	Called upon both the parties to stop hostilities and ensure with-drawl immediately. Requested Secretary General to put all efforts to implement this and previous resolution and take all measures to strengthen UNMOGIP	Unanimously adopted
211 September 20, 1965	Demanded ceasefire within two days and requested Secretary General (SG) for his assistance in this regard. Called upon both the governments to adopt peaceful means to this end. Requested SG to put efforts for implementation of this resolution	10 votes to none, 1 abstention
214 September 27, 1965	Demanded both the governments to observe cease-fire and ensure with-drawl of forces as a needed step towards full implementation of resolution 211	---
215 November 5,	Called upon both governments to instruct armed personnel to cooperate with UN, stop fighting and end	9 votes to none, 2

1965	ceasefire violations. India, Pakistan to meet SG's representative to agree upon a plan of with-drawl	abstentions
303 December 6, 1971	Referred question enclosed in document S/Agenda/1606 to General Assembly at its 26 th session given lack of unanimity of its permanent members in 1606 th and 1607 th SC meetings	11 votes to none, 4 abstentions
307 December 21, 1971	Demanded durable cease-fire and end of hostilities and it remained in effect until with-drawl which fully respected ceasefire line in J&K. Called member states to refrain concerned states to observe Geneva Convention of 1949, rehabilitation and return of refugees, authorized SG to appoint representative to provide good offices concerning solution of humanitarian issues	13 votes to none, 2 abstentions
1172 June 6, 1998	Held for its commitment regarding nuclear non-proliferation by any state and condemned nuclear tests by India and Pakistan on 11&13 May 1998 and 28&30 May 1998 respectively. It demanded to refrain from further nuclear tests. Urged both the parties to find mutually agreed solutions to their problems including Kashmir. It urged both to become parties to treaty on nuclear non-proliferation and comprehensive nuclear test ban treaty immediately without conditions	Adopted unanimously

Note. Resolutions on India-Pakistan conflict from (UNSCR., n.d.).

These resolutions dealt with Kashmir dispute along-with troubled ties of India and Pakistan. Meanwhile, UN General Assembly adopted Pakistani sponsored resolution on December 19, 2016 under the title “Universal realization of the right of peoples to self-determination” focusing right of self-determination and human right violations in the occupied territories (“Resolution adopted,” n.d.).

Adoption of resolutions followed democratic procedure of voting. All the resolutions were passed through voting (see Table 1) except in case of Resolution 214 where voting results were not mentioned. In this case, Sonnenfeld (1988) clarified that resolutions adopted by consensus could be passed with or without voting. A close look at

voting results revealed that in all of the resolutions passed by the Security Council, there had not been even a single vote casted against adoption of any of the resolutions. In that way, these resolutions reflected internationally recognized position on Kashmir dispute. Plebiscite was proposed as an internationally endorsed method of settling Kashmir dispute.

Article 25 of UN Charter obliged member states to agree to accept and to carry out decisions of the Security Council in accordance with the Charter (U.N. Charter art. 25).

Higgins (1972) (Former President of ICJ) provided an account of Article 25 of the UN Charter and its relationship with Chapter VI and Chapter VII. She observed that there had been nothing in the titles of Chapter VI and Chapter VII which could make these Chapters recommendations and decisions respectively. She argued that Article 25 had been placed outside Chapter VI and Chapter VII and if it sought its application only to Chapter VII then it could have been located in that Chapter. Furthermore, she observed that if Article 25 had been only meant for Chapter VII then it was not required to be included in the Charter. Travaux by implication provided some evidence about Article 25 to be only confined to VII or its inapplicability to Chapter VI. She referred to J. Casteneda's observations that between 1949 and 1958; at least two clear decisions were taken under Article 25 within Provisions of Chapter VI. Binding and Non-Binding quality of decisions under Chapter VI in context of Kashmir dispute came under discussion in 1957. UNSC Resolution 91 was rejected by India by calling it merely recommendation under Chapter VI. Other UNSC members maintained that UNSC

Resolutions validly concluded were binding decisions upon members. It thus was never clearly resolved. The wordings and practices of Charter directed at the application of Article 25 not confined to Chapter VII excluding Chapter VI. UN practice in at least early years had been ambiguous in this regard. She argued that Article 25 had been simply depended on contextual reading whether decision or recommendation was intended (strong wording of resolutions reflect their existence as decisions). Similarly, some Resolutions passed under Chapter VII were not decisions. Furthermore, there was nothing in the resolutions on Kashmir dispute which could make them to be limited in their scope to only Chapter VI.

On the other hand, R. Khan (1969) argued that Chapter VI of UN Charter had laid no binding obligations upon states and states could deny UN intervention in this regard. However, exceptions exist in case of breach of peace, threat to peace or act of aggression. R. Khan mentioned these exceptions as justification for UN intervention. Still in such case, there exists potential threat to international peace as both states indulged in wars, conflicts and above all, Kashmir dispute has now become a nuclear flashpoint after the Nuclearization of South Asia with implications of nuclear confrontation beyond national territories of both states.

Mustafa (1972) argued that UN's role in Kashmir context had reduced mainly due to its ineffectiveness. The big power rivalry and regional politics led to a deadlock in UN on Kashmir. The Irish draft presented to the Security Council which simply urged the two disputing parties to enter into negotiation to settle Kashmir dispute was vetoed by Soviet Union in 1962. In 1965, when Pakistan tried to initiate debate on substantive issues,

Indians simply walked out of the Council Chamber. UN was in no position to play a healthy role. Yet the resolutions stay significant as these were accepted by both the parties and laid the basis for international engagement over Kashmir. Moreover, UN Observers have been stationed in Kashmir till-date and their with-drawl could only be provided through Security Council.

International politics set the scene for India. According to the source, India faced doses in early years of its non-alignment movement. Soviet Union vetoed Western sponsored resolution regarding plebiscite in Kashmir in UN in 1953. India signed MIG-Deal in 1962 with Soviet Union which had served to further upgrade their ties to Indo-Soviet Treaty of Peace and Friendship. The friendship overturned war against Pakistan on Bangladesh in 1971 (as cited in Ray, 2003). However, Indian non-alignment was not faced with any dosage and UN considered plebiscite as a way forward in line with the Indian letter to UN containing wish for plebiscite in Kashmir to decide its fate.

India throughout years enjoyed Soviet Union's presence at UN as great power. Moreover, UNSC's careful considerations were always shaded by unreality. Everyone including speakers knew that whichever resolutions were passed at UN, course of action certainly depended on will and consent of great powers. Implementation of UN resolutions depended on the support of at least one of the two major powers (Senior Correspondent, 1971). US being close to Pakistan could do that favor in return for Pakistan's service to its anti-communist campaign yet it didn't.

Jen-min-Jih-pao in an editorial while expressing hope regarding Kashmiris realizing their desire of national self-determination accused India of expansionism and

annexationism vis-à-vis Kashmir. In another editorial, he accused UN of siding with India and boasting Indian reactionary's aggressive arrogance. SC was held responsible for delaying plebiscite and sparkling Indian violation of faith. China accused India for aggression and also criticized United States and Soviet Union. According to China, Soviet Union fully supported Indian policy of annexing Kashmir. It accused Soviet Union of aiding India under the shelter of its good offices (as cited in Chopra, 1968).

Jen-min-Jih-pao has appropriately pointed out UN's favors to Indian state vis-à-vis Kashmir cause. UN favored plebiscite on will of India as reflected in Indian letter to UN a day earlier. It favored India by inventing ceasefire line thereby stopping Pakistan to get back the lost child while displaying its weak character vis-à-vis Kashmir resolution. UN kept endorsing respect for ceasefire line by the states involved through its resolutions (India could have quite satisfied with it). The ceasefire line was a temporary arrangement to stop war. UN could have implemented its resolutions to get rid of the temporarily held ceasefire line to end the dispute ultimately. With UN keeping its focus on merely passing resolutions, India actively transformed ceasefire line into Line of Control in 1971.

A proposal by Yahya Khan in a UN meeting regarding with-drawl of Indian and Pakistani troops from Kashmir was subject of immense criticism in Indian Press. Free Press Journal commented as treating the proposal with disdain it deserved. Indian Express while commenting on proposal called it out-dated aimed at bringing the dead issue back to the burner which could not happen. It called it not even a proposal at all. Meanwhile, portraying the entire issue as Pakistan's aggression, it accused UN of ignoring the basic issue of aggression for sorting out Kashmir dispute. According to a

statesman, Mrs. Gandhi played her role in dismissing Yahya Khan's proposal (Nireekshak, 1970). It reflected Indian decades old approach of diverting the real issue through offensive tactics (here Pakistan's aggression was portrayed as the real issue).

Mr. Noon on 16th January presented Kashmir case before Security Council. He said whatever he could against India regarding Kashmir. It was not a lawyer's presentation. However, it was followed by Mr. Menon's reply from Indian side. The speech made by Menon was the longest speech ever made in SC, though it was illogical, inconsistent and confused and arguments related to even the basics of the dispute i.e. issue of accession, (called accession as final and labeled Pakistan as aggressor) were irrelevant. In response, Mr. Noon pointed out that UN Commission had decided fate of Kashmir by means of a UN supervised plebiscite through its resolutions expressly adhered by India (Hassan, 2008).

On April 3, 1958, Graham submitted a report. His proposals contained; replacement of Pakistani forces in Kashmir with UN forces, carrying out discussion between UN Representative and the concerned governments on possibility of plebiscite and meeting between the two Prime Ministers. India refused to accept the proposals. It seemed to be the last UN attempt towards sorting out Kashmir problem ("UN's Failure in Kashmir," 1965).

By referring to the words of Nehru that cold war had reached sub-continent, Schaffer (2008) believed that in the light of the fact that any such proposal unacceptable to New Delhi could be vetoed by Soviet Union; in that way, US occasionally promoted UN role to merely keep new ally, Pakistan satisfied. Under such scenario, other states

stayed distant recognizing the impossibility of resolution of the dispute (through UN) (Schaffer, 2008).

UN and Simla Accord

India maintained that Simla Agreement 1972 had overtaken the role of UN. The fact is that UN involvement already faded much earlier with Graham's report in 1958 which ended in Indian refusal to accept the proposals provided in the report. The UN's role (however merely limited to issuing resolutions) gradually reduced because of multiple reasons; firstly, impact of the nature of world order whereby Kashmir problem resided at UN in balanced bi-polar world whereby India and Pakistan were aligned to two opposite blocks. Secondly, mainly Indian inflexible approach frustrated UN efforts towards the handling of the dispute. Thirdly, occurrence of the wars further caused UN's diplomatic engagement shifted from Kashmir cause to ease tensed relations. Simla did not end the role of UN as two more resolutions on India-Pakistan question have the recognition of Kashmir as dispute (i.e. UNSC Resolution of 1998, GA Resolution of 2016).

Moreover, UN issued its first ever report on human rights violations in Kashmir in 2018. The claim that Simla Agreement ended UN role in Kashmir has no legal basis. UN still lies with its responsibility to ensure free and fair plebiscite in Kashmir endorsed through its resolutions.

Furthermore, UN Secretary General Antonio Guterres has recently called for implementation of UNSC Resolution of 1948 containing plebiscite to confirm Kashmir's

accession to either India or Pakistan. He offered to exercise good offices if requested by both states, India and Pakistan (Guterres, 2020).

The historic political developments taking place prior to the conclusion of Simla Agreement 1972 explicitly reflected unilateralism in Indian approach towards Kashmir. India attempted to permanently end the role of UN (to deflect global opinion) by achieving Simla Accord with Pakistan. In this way, India attempted to shift the dispute to a bilateral setting. India onwards refused any mediation by merely referring to the Simla Accord as the only viable platform. Below is a brief evidence of some major developments in this regard:

India unilaterally concluded Delhi Agreement 1952 with pro-Indian Kashmiri leadership while simultaneously continued making pledges at UN.

Constituent Assembly of Kashmir ratified Kashmir's accession to India accepted later on May 14, 1954. Furthermore, Indian Home Minister on July 10, 1955 announced with-drawl from its pledges to hold plebiscite in Kashmir. Six rounds of talks which took place between December 1962-May 1963 between Foreign Ministers of India and Pakistan ended without any outcome. In March 1965, constituent assembly of Kashmir passed Integration Bill meant to form Kashmir an Indian province (Ahmed, 2000). These were some of the major developments reflecting Indian intentions and pledges regarding UN resolutions for holding plebiscite in Kashmir.

UNSC resolutions and Simla Accord are two subjects when it comes to pathway for Kashmir settlement in multilateral and bilateral frameworks. From multilateralism

(United Nations) to bilateralism (Pakistan and India), India has adopted unilateralism in its policy vis-à-vis Kashmir since the beginning to alter situation in illegally occupied state against violation of UN resolutions as well as Simla Agreement of 1972.

Article 1(a) of Simla agreement declared UN Charter as the basis for India-Pakistan relations and its sub-clause (b) emphasized two states to resolve their differences through bilateral negotiations or other mutually agreed peaceful means while no side could unilaterally alter the situation till the final settlement of any of the problems. Moreover, according to Article 6 of Simla agreement, the Heads of both the states were subject to meet up to discuss modalities and arrangements to address outstanding issues including the final settlement of Kashmir dispute (Simla Agreement, 1972).

These Articles recognized the disputed position of Kashmir which required final disposition through bilateral dialogue and other mutually agreed channels. India announced Kashmir as its integral part in clear violation of Simla agreement. India since beginning applied political, constitutional and military means to alter situation in Kashmir unilaterally against the spirit of UN resolutions and Simla Agreement. Operation Maghdoot of 1984, Indian move to claim Pakistan's administered Kashmir through parliamentary resolution in 1994, regular cease-fire violations (especially reported hundreds of time in 2016), revocation of Article 370 (although Pakistan has never recognized Article 370), imposition of curfew in the occupied territory are among multiple violations of UN and Simla Accord.

Moreover, while interpreting and referring to recognized position as embedded in Simla Agreement, Zulfiqar Ali Bhutto clarified regarding recognized position as one

which was internationally accepted. In case of Kashmir, the recognized position lied in world's endorsed UN Resolutions (Bhutto, 1972).

Simla Agreement did not change the nature of recognition of Kashmir problem. Furthermore, both states agreed through the accord regarding their relations to be governed in spirit of principles and purposes of UN Charter (whereby UN passed resolutions on Kashmir under Chapter VI of its Charter). Simla agreement recognized Kashmir as a dispute. It encouraged bilateral engagement or other mutually agreed peaceful means to settle their differences including Kashmir dispute yet there was nothing in the agreement which could lead to withdraw Kashmir dispute altogether from United Nations.

Akram and Shehzad (2015) discussed Simla Agreement in UN Context. Indian stance on Kashmir dispute after Simla Agreement transformed altogether. India maintained that UN resolutions as well as status of UNMOGIP (United Nations Military Observer Group for India and Pakistan) had become irrelevant in the face of bilateralism as acknowledged in Simla agreement. According to writers, detailed exploration of Simla agreement revealed that both states had wanted their relationship governed under UN Charter (clause 1.1). Moreover, writers referred to Article 103 of UN Charter which clarified the matter in this regard. According to Article 103, obligations of members of UN under present charter shall prevail in case of conflict between the obligations of member states under present charter and their obligations under any international agreement. So, Simla agreement did not alter position of Kashmir dispute which had to be decided through plebiscite.

Wani and Suwirta (2014) argued that international engagement whether through UN or other international bodies could best serve to resolve Kashmir problem yet India had rejected third party mediation based on exposure of factuality of situation in Kashmir while Pakistan invited third party mediation vis-à-vis Kashmir settlement.

In a media briefing, Pakistan's Former Foreign Office Spokesperson Tasnim Aslam clarified that in Simla Agreement, there had been nothing which could override UN Resolutions and such argument had no legal basis. She further clarified that if two states could reach an agreement on Kashmir settlement in future, both would require another UN Resolution for endorsement of that agreement (Menon, 2016).

At international level, India avoids any kind of engagement by simply referring to Simla Agreement while at bilateral level, Indian policy shuffles between terrorism as an impediment to talks and terrorism as the only agenda of discussion between both; India and Pakistan.

In a weekly media briefing, Foreign Office of Pakistan clarified that Simla agreement could not change UN Resolutions on Kashmir. The Foreign Office Spokesperson further highlighted that open evidence was available regarding Indian involvement and financing of terrorism in Pakistan. The confessional statement of RAW's arrested officer Kulbhushan Jadhav had confirmed that who was in fact spreading terror (Baabar, 2016).

UN resolutions nullify Indian constitutional application to J&K. UN declared the status of Kashmir as disputed prior and after the adoption of Article 370 by India and

simply disqualified even the convening and actions of Kashmir's Constituent Assembly to alter the status of the disputed state. Therefore, developments regarding Article 370 (gradually stretching Indian constitutional jurisdiction over Kashmir through Presidential Orders) and or its revocation legally hold zero value towards disposition of the dispute.

UNSC does not seem to play any significant role towards the settlement of Kashmir dispute. On the other hand, India has refused any bilateral engagement with Pakistan. In these circumstances, Pakistan may utilize another UN organ as an option and may take the dispute to International Court of Justice. As Article 36(1) of the Statute of ICJ clarified that the Court could exercise jurisdiction over all cases and matters especially provided in the UN Charter or in Treaties and Conventions in force. Meanwhile, Article 36(6) further clarified that in case of dispute over the jurisdiction of the Court, the matter had to be settled by the decision of the Court (International Court of Justice. statute, art. 36). ICJ may better interpret UNSC resolutions as well as may further clarify nature of implementation of these resolutions in that regard.

According to Kuszewska (2016), Pakistan's policy to draw international attention to Kashmir cause has been failing along-with clear UN position based on non-intervention. UN Secretary General's mediation offer was subject to invitation by both, India and Pakistan. With Indian policy clearly based on bilateralism vis-à-vis conflict resolution, Kuszewska considered UNSC's mediation offer to India's advantage because India had considered any international involvement as interference in its internal affairs.

The people of Jammu and Kashmir have not been given the right to determine their future yet. UN endorsed this right explicitly through its resolutions. UN's failure in

over 70 years to ensure implementation of its resolutions convince one to believe that it was merely UN trap to stop Pakistanis (from tribal areas) to acquire the territory by inventing Ceasefire Line to prevent Pakistan to move any further. UN resolutions on Kashmir dispute did not come out to be in favor of Pakistan or even Kashmiris acquiring their right to self-determination. Some believed that USA and Great Britain's support to Pakistan and Indian non-alignment had contributed to passing of resolutions on Kashmir dispute. The resolutions simply endorsed Indian wish contained in its letter to UN, Nehru's plebiscite pledges, Mountbatten's laid principles of partition and condition in his letter of acceptance of document of accession and the scenario developed around Kashmir. These resolutions were simply a careful response to Indian registered complaint regarding Pakistan's aggression.

In fact, UN intervention favored India by inventing Ceasefire Line rather pushing India out of Kashmir. UN's failure for over 70 years has given birth to several questions; what prevented UN to ensure implementation of its resolutions?, what caused UN's failure to stop severe HR violations in Indian Occupied Jammu and Kashmir?, what stopped UN to put efforts to uplift an inhuman curfew in Indian Occupied Jammu and Kashmir?, and so on. The answer lies in simply the confirmation of the will of great powers residing on UN. However, UN is still pending with responsibility to ensure implementation of its resolutions as Pakistan is a member state of UN.

In this regard, prevailing Pakistan's policy of over-relying and over-emphasizing UN regarding Kashmir dispute would ultimately find its natural failure in years to come with India crushing potential resistance movement under total black out (and military

curfew) and forwarding with demographic transformation of occupied Kashmir thereby further pushing Pakistan on back foot with each passing day vis-à-vis its UN-oriented plebiscite policy. Pakistan UN based policy meant to pursue resolutions or expressions of condemnation in crisis situation by UN officials simply resulted in prolonging the dispute ultimately favoring India on Kashmir front. Pakistan should keep promoting its aggressive diplomatic campaign at UN, among international and Muslim community as well as other regional and extra-regional organizations. At the same time, Pakistan would require potential power policies. Moreover, heavy power basket along-with strong policies ensures state's influence in international organizations.

UN decisions are influenced mainly by five permanent members on SC, it still lies with the responsibility to practically address prevailing potential issues endangering regional and global peace, as primarily an organization to maintain and promote international peace.

Given the selection criterion of (permanent members of) UNSC, it is unfortunate to have not even a single Muslim voice (as permanent member) on Security Council whereby Muslims are nearly 2 billion making almost 25% of world's total population.

2.2 Overview of Proposals towards Kashmir Settlement

Great number of proposals by different quarters around the world exists regarding resolution of Kashmir conflict.

In a meeting with Lord Mountbatten in November 1947, M. A. Jinnah proposed cease-fire, with-drawl of all outside forces and thereby conducting plebiscite under Indo-

Pak joint supervision. India however, rejected the proposal ("A Brief Chronology," 1971). It was reflection of Indian intentions since the beginning regarding holding of plebiscite in Kashmir.

According to Korbel (1954), the only final and effective solution to Kashmir problem was the democratic one; giving people opportunity to express their will freely so as to determine their future.

According to renowned Indian writer Mr. Noorani, the only acceptable solution to Kashmir problem was one which could undergo three main tests; a Kashmiri Leader could announce it in Lal Chowk, a Pakistani Leader in Mochigate, Lahore and an Indian Leader on Red Fort (Bukhari, 2009). Such solution was based on satisfaction of all the parties involved in dispute.

Engagement over Kashmir issue has been dominated mainly by Track I and Track II diplomatic approaches. Track I approach included mainly (top leadership), UN mediation, Bhutto-Swaran Singh talks (1962-63), Tashkent Agreement of 1963 mediated by Soviet Union, Simla Accord of 1972, Lahore Declaration of 1999 and Agra Summit of 2001. Track II engagement has been significant since 1990s especially India-Pakistan Neemrana Initiative of 1991, Pakistan-India People's Forum for Peace and Democracy (1994) and Kashmir Study Group (1996). Track II engagements specifically on Kashmir were ever more frequent after Composite Dialogue 2004 (Bali & Akhtar, n.d.). However, reason for activation of Track II channels was simply Indian intention of face saving in the wake of repeated Indian delaying tactics.

Table 2 provides a summary of some of important proposals towards resolution of Kashmir dispute.

Table 2. Various Proposals on Kashmir Settlement

Contributor	Brief Description of Proposal
A. McNaughton (1949-50)	The then President of UNSC suggested for holding plebiscite in entire J&K with significant demilitarization while Northern areas to be administered by local authorities under supervision of UN. Beside plebiscite, proposal however was meant to set a stage for international presence in Pakistan's Northern Areas and probable reason was to have close eye over China
Owen Dixon (1950) (1 st Proposal)	J&K's division into three regions i.e. a) Valley, Kargil and Muslim majority areas of Jammu-Poonch, Doda and Rajouri. b) Jammu with remaining district of Ladakh c) Pakistani controlled Kashmir and Northern areas. Now plebiscite to be held separately in these regions to determine their allocation to either state
Owen Dixon (1950) (2 nd Proposal)	Partition of Kashmir between India and Pakistan except for Kashmir valley which was subject to plebiscite under UN, however, valley being subject to plebiscite was keen towards Pakistan's geo-strategic and geo-economic interests
Joseph Korbel (1954)	He was first to be appointed as Chairman of UNCIP by UNSC. He proposed plebiscite in entire J&K
John Galbraith (1961)	It was meant for maintaining permanent status quo with demilitarization of line of control and freedom of movement across line of control only for residents of specially designated areas, proposal favored India which long desired for conversion of LoC into an international border
India (1962-63)	Turn LOC into permanent international boundary
Pakistan (1962-63)	Partition of J&K along Chenab river, Pakistan to leave off remote region of Ladakh and some Hindu majority areas of Jammu to India's favor. This generally was known as Chenab Formula
Pakistan (1963)	It was based on dividing Kashmir along communal lines yet the division was only meant for Jammu. It was based on partition along Pir Panchal range to Northern Jammu while Valley to be internationalized for 5-10 years and the residents to decide their fate thereof.
USA (1963)	It proposed for partition through valley; northwest part of valley and western part of Jammu with Pakistan while silver of territory above Kargil with India, New soft border and a degree of self-rule for residents of valley, US to assist its implementation, however, soft borders are not a permanent way forward and cause to generate

	conflicts
Outcome of Indo-Pak Negotiations (1964)	Jammu and Ladakh with India and Valley to Pakistan with soft borders for Kashmiris on both sides
Pervez Iqbal Cheema (1986)	Status quo to be permanently maintained with valley under UN Trusteeship for at least decade and plebiscite to be held in valley thereof.
BJP & supported Organizations (1990 onward)	Converting Indian Occupied Jammu and Kashmir into Muslim minority area through large Hindu-Sikh immigrations, for that purpose current Indian government under BJP has removed article 370 and imposed curfew to transform demography of IOJK
AG Noorani (1992)	Maximum autonomy for entire J&K region and power sharing between the three parties to be decided through sustained dialogue between them while LoC to become soft border
Asia Society (1992)	Turn LoC into an international boundary with India to remove special status of its part of Kashmir and both parts of Kashmir were subject to joint management, it insisted for international players to assist both states to reach an agreement
Robert Wirsing (1994)	USA to serve as mediator to achieve demilitarization, peace-keeping and pacification along LoC while India-Pakistan to have joint-patrolling of the boundary
Saeed Shafqat (1995)	Partition along communal lines where all Muslim-majority areas to go to Pakistan while Jammu and Ladakh to India with China as participant to negotiations.
Sumit Ganguly (1997)	Step-wise partition along a modified LoC, negotiations leading to with-drawl of Pakistan's support for insurgency & pardoning insurgents as well as autonomy for J&K by India
Fazal Haq Qureshi (2000)	Semi-sovereign status for J&K while both jointly-manage with their jurisdiction restricted to defense, foreign affairs and communications whereby Kashmiris to be provided dual citizenship
Verghese Koithara (2004)	Converting LoC into an international border after negligible changes, border to remain soft. Maximum autonomy with decreased level of governance on both sides as well as demilitarization to greater extent while US to mediate at low level
Pervez Musharraf (2004)	This proposal revolved around demilitarization, joint-supervision, soft borders and self-governance (maximum autonomy)
Manmohan Singh (2004)	Full autonomy except for defense, currency, election process and judicial systems. LoC still demarcating territorial controls to become open-border (borderless). Retaining defense and electoral process pointed out potential Indian presence in the wake of a settled Kashmir Sovereignty for J&K, demilitarization of Indian and Pakistani Kashmir, Both States to have formal relations with each other's part of Kashmir. It further proposed for assisting Kashmiris for having
Sajjad Lone (2006)	

Shahid Javed
Burki (2007)

economic union, joint- control over immigration, combined control of natural resources and sector specified cooperation

He proposed an economic solution to Kashmir problem based on 10-years economic development plan. It provided: firstly; autonomy beyond Article 370 by India, secondly; both sides to permit free mobility of people and goods between Pakistani Kashmir and IOJK, thirdly; India-Pakistan partnership to launch a massive economic program on both sides of LoC with the assistance of bilateral and international donors. It was estimated to be \$20 billion and expected to generate 9.5% GDP growth rate. Thus, economic development of this region & Kashmir's economic integration with both states to set stage for resolution. He was Pakistani former vice-President of world bank and he adopted liberal approach in his proposal to sort out the problem, however that was not the case, India attempted to adopt such approach in 1980s which proved counter-productive

Note. Different proposals regarding resolution of Kashmir dispute from (Choudhary, 2011).

Among these proposals, there were few proposals dealing with the dispute based on creation of de jure borders along modified LoC.

Former PM of Pakistan, Benazir Bhutto also proposed a settlement plan for Kashmir dispute. According to her, Kashmir could be settled in line with settlement of Israel-Jordan issue. The plan suggested for porous borders and free movement across borders and it could be supervised either by International peacekeeping forces or Joint India-Pakistan forces. Moreover, she adopted a liberal approach and suggested for South Asian Free Market Zone. After adopting such Confidence Building Measures CBMs, both parties could interact to work out formal and final Kashmir settlement based on popular wishes and security concerns of India and Pakistan (as cited in Pattanaik, 2002). She considered settlement of dispute from liberalist perspective. However, pursuance of building trade ties with India by Pakistan in the wake of 21st century further worsened the conflict with India ruling out possibility of dialogue on Kashmir.

Yusuf and Najam (2009) provided a summary of proposals regarding Kashmir dispute. Generally, Kashmir proposals revolved around four kinds of solutions to the problem. These included; referendum, autonomy (including semi autonomous status for the disputed territory), independence and partition. Partition meant *de jure* sovereignty of India and Pakistan over the parts of Kashmir. It had two forms; partition along LoC and modified LoC to cultivate new borders. Partition has been considered the most viable solution after autonomy. Among these proposals, 14 out of 35 post-insurgency proposals favored partition. However, partition-related proposals have faced a decline after 2003, whereby it was proposed 5 times while 16 proposals favored autonomy. In post-insurgency 1989 period, 9 out of 14 proposed partition along LoC as most of Indians and Kashmiris sought to propose various plans regarding settlement. Meanwhile, Pakistani side favored fundamental renegotiation along LoC. Partition has increasingly been seen with the combination of autonomy. Only one Pakistani source supported this partition-autonomy combination while most of Indian sources supported this kind of plan. The decline of partition-related proposals in post-2003 period was Indian assessment of significant power enhancement in the wake of given global and regional political setting.

The increased support from Indian side towards partition-autonomy proposals is a reflection of the fact that India does not want pie (territory) to be on Pakistan's side as it is against the dictates of offensive realism whereby states enhance power at the expense of rivals. Kashmir being geo-strategically and geo-economically significant region is potential source of threat and provides India with an offensive position against Pakistan.

Different proposals were provided throughout years meant to suggest the way forward although no one could be materialized. These proposals suggested partition,

independence, plebiscite, third party mediation, economic liberalism, and so on. Pakistan proposed number of solutions yet Indian inflexible approach towards Kashmir problem has been the major irritant in this regard.

Many scholars especially from India believed conversion of LoC into a permanent international border as the most viable and acceptable solution for India. India has been strictly inflexible vis-à-vis its position on Kashmir. On other hand, Pakistan simply cannot adhere to oblige Indian designed proposals meant to transform LOC into an international boundary. Both states are required to reach a solution acceptable to all the parties to the dispute. In this regard, Former Pakistani President Musharraf proposed a win-win solution to Kashmir problem which also could not be materialized. However, there is immense need to discover new ways and fresh approaches towards Kashmir settlement as the peace and stability of the South Asian region is potentially at stake mainly due to unresolved position of Kashmir conflict.

2.3 Review of Musharraf's Four-Point Formula

In post-9/11 scenario, US designed rhetoric on global terrorism had deep and long-term implications for Pakistan. According to Gare (2002), distinction between terrorist and freedom fighter became difficult when terrorism is considered an absolute evil though with whatever political objectives. The global rhetoric on terrorism provided India with a great opportunity to portray Kashmir Freedom Struggle as a Terrorism-Related Activity. To this end, India offered to assist US without any condition regarding war on terror. It would have severe implications on Kashmir freedom movement and posed great challenge to Pakistan's foreign and especially Kashmir policy. Pakistan

ultimately decided to become a frontline state and ally of US in war on terror. However, alliance imposed by global political transformation proved costly with over hundred billion dollars loss to Pakistan's economy and nearly one hundred thousand Pakistanis losing their lives among major losses.

Former President Pervez Musharraf's interaction with India was critical vis-à-vis Kashmir problem. He was quite willing to improve ties with India by sorting out Kashmir problem. He put great efforts to improve the level of trust among both the states. Musharraf administration preferred to keep balanced ties with India. The first significant move in that regard was Agra Summit of July 2001 taking place between the Chief Executives of the two states. However, the Summit failed to achieve any outcome. For Pakistan, internal politics of BJP was the major reason for its failure. Meanwhile, India accused Pakistan for denying its role in Kashmir insurgency. According to Rana (2018), Indian establishment was an important factor towards the failure of Agra Summit. He referred to an interview of Former RAW Chief A. S. Dulat back in 2015 in which he had held Deputy Prime Minister LK Advani responsible for failure of Agra Summit.

Bhombhal (2003) reported that Musharraf held Hindu Rightists in BJP government responsible for not having to reach an agreement. This view was substantially supported by Pakistani intellectuals, commentators and scholarly class. The writer further pointed out that many liberal commentators in India had believed that any agreement with Pakistan had been impossible in the presence of Hindu Rightist Forces in Indian establishment. However, it is the decision making elite of a state which impedes or

achieves agreement in the face of given political environment and national interest calculations.

From 2004 to 2007, President Musharraf put forward numerous proposals to settle Kashmir problem. On September 24, 2004, President Musharraf and Indian Prime Minister, Dr. Manmohan Singh faced each other in New York. The two leaders signed a joint statement in which both had agreed to start considering various options on Kashmir and take the peace process forward (Padder, 2012).

Former President Pervez Musharraf introduced his Four-Point Formula in his book "In the Line of Fire". The idea was a win-win outside the box solution satisfying all concerned parties. The Four-Point Proposal comprised: firstly; identification and consideration of geographical regions of Kashmir for resolution and assessing whether all subject to discussion for seeking some give and take, secondly; demilitarizing the identified region(s) and curbing all militancy to provide comfort to Kashmiris, thirdly; let Kashmiris to have self-rule without any external character, and last but not least, forming joint management mechanism comprising all the three parties to supervise common residual subjects or subjects beyond scope of self-rule. He called the idea as purely his personal which required refinement and it had to be publicized for acceptance by all the parties (Musharraf, 2006). The Four-Point Formula was a practical and realistic move by President Musharraf to suggest the pathway for permanent settlement of Kashmir dispute.

There was mixed response and lack of consensus in India on Joint anti-terror mechanism offered by Pakistan's Former President Musharraf in his Four-Point Formula. The idea could have been very useful to avoid any disruption in talks in the face of any

terrorist activity. In this way, both states could jointly respond to such terror and proceed further with the dialogue. If terrorism was the real issue, India could have availed that useful opportunity by Pakistan.

Singh (2014) reported various reactions in Kashmir, Pakistan and India vis-à-vis Musharraf's Kashmir proposal. In the political sphere of Kashmir, it generated mixed response. Major political parties in Kashmir desired to be on the right side of Pakistan. Indian government had mixed response on issue of joint management while partiality towards joint consultative mechanism in the background of the decision of having joint anti-terror mechanism. Basically, Indian approach was subject to bargaining time and judging reaction in political circles. In Pakistan, the religious organizations rejected the proposal and suggested Jihad as the only way forward. To Ali Hamza, Leader of JuD, Musharraf had no right to introduce such proposals. Meanwhile, Syed Shah Gillani declared the proposal as surrender from Pakistan's official Kashmir policy as well as destruction of Two Nation Theory. However, his proposal was misunderstood and responded with emotional considerations of people linked to Kashmir.

Durrani & Dulat (2013) believed that Musharraf's Four-Point Formula had been the most realistic way forward in Indian Kashmir. They referred Khurshid M. Kasuri's (the then Foreign Minister) words that both states were about to settle the dispute. They further maintained that compromise and accommodation of all three viewpoints had been central to any settlement.

Adhikari and Kamle (2010) argued that if the agreement could have reached between both the states, it would have given birth to a new chapter in sub-continent by

guaranteeing durable peace and stability in the region and evolution of India-Pakistan rivalry into permanent linkage between the two. The writers presented liberal scholarly view. However, permanent peace is unlikely in a state-system under international anarchic structure. Yet Kashmir settlement could bring comfort from aggressive arms race, high nuclear risks, Indo-Pak intense rivalry, and under-development and so on.

An Indian leader, Mr. Ram Jethmalani (a Former BJP MP and Former Chairman of Kashmir Committee, India) called Musharraf's proposal a fantastic solution to Kashmir issue. He further argued that the wonderful proposal should have been the basis for permanent Kashmir settlement. He maintained that Musharraf had come to India with honest and firm intentions and his efforts were frustrated by New Delhi. Furthermore, he said that he had introduced some changes to Musharraf's document on behalf of Kashmir Committee which got accepted by President Musharraf (Press Trust of India, 2014).

Fai (2017) argued that the proposal had been favorable for all except Kashmiris as the self-governance offered was merely expansion of Article 370. In his opinion, the proposal could lead to the permanence of status quo. According to writer, for proposal to become a workable solution, it should have passed through referendum in Kashmir i.e. subject to will of Kashmiri people. However, the proposal had to be publicized first before acceptance.

Dr. Shireen M. Mazari (present Pakistani Parliamentarian) shared her views on Musharraf's Four-Point Formula as well as Simla Agreement. She opined that Musharraf's Four-Point Formula had not been a well-thought idea as Foreign Office had faced difficulties in justifying it. She asserted that Pakistan could bring new ideas based

on Good Friday Agreement. Meanwhile, talking about Simla Agreement in UN context, Dr. Shireen M. Mazari maintained that the agreement had been violated by India itself when it had incurred into Pakistan's territory in 1984 (Hafeez, 2011).

However, her justification for criticizing Musharraf's proposal given the difficulty faced by Foreign Office was baseless. Every new thought and non-traditional approach naturally undergoes criticism whereas Foreign Office could have skillfully presented the idea. Moreover, she probably ignored Indian policy practice while suggesting for inventing new proposals. The issue does not merely lie with lack of proposals sorting out Kashmir problem but the policy approach in the face of Indian hegemonic pursuance preventing India to move forward. A key policy approach is required in that regard. Meanwhile, fresh proposals may still be worked out while assessing dynamics of regional and global politics.

Transformation of global political scenario in the post-9/11 period, posed fresh challenges to regional as well as state politics. In such circumstances, President Musharraf's fresh approach was meant to satisfy the interests of India, Pakistan and Kashmiris. The out of box approach was meant to reach the resolution to end the conflict. As a matter of fact, India however lost the opportunity. The Musharraf's designed formula was based on political bargaining by all the parties. It fulfilled the pre-condition of bilateralism as decided under Simla Accord and stressed by India.

To counter possible impact of Indian effort to propagate Kashmir freedom struggle as a terrorist activity sponsored by Pakistan, Musharraf allied to US in war on terror as well as actively engaged India to sort out Kashmir issue. The circumstances

offered by international political system served to create an opportunity regarding peaceful resolution of the dispute based on political bargaining. The present scenario has changed altogether, US has withdrawn its troops from Afghanistan. Pakistan neither adheres anymore to US's 'Do More Policy' nor strategic partner to US. Pakistan's adopted 'No More Policy' has released US pressure over the former. Such an opportunity seems less likely to be created in the near future yet possibility in that regard cannot be denied.

What President Pervez Musharraf offered, fit ground realities of the time and addressed the interests of the concerned parties. Former President's out of the box approach surprised leadership and policy makers in New Delhi and there was no reason to back off from the proposal by India to reach out to the settlement. The regional hegemonic aspirations held by India mainly impeded the acceptance of proposal. It was likely well-acknowledged by decision making elite in New Delhi that India in the years to come would be even stronger to strengthen its hold over Kashmir. India might have considered bargaining and flexing on Kashmir as unfavorable.

The extraordinary non-traditional approach adopted by President Musharraf caused policy makers in New Delhi to permanently avoid any interaction on Kashmir (perhaps at least till reaching a position where India could obtain at the minimum *de jure* sovereignty over entire territory under its occupation in any negotiation with Pakistan in the future). Backing off from the Musharraf's out of the box approach was a kind of embarrassment and held Indian policy makers to discover out of the box ways to permanently avoid any interaction on Kashmir. It is explicitly reflected in recent Indian

approach meant to rather rule out Kashmir dispute from any possible negotiation process. Pakistan requires revisiting its approach in the face of failure of highly flexible approach. The study generates some useful recommendations in this regard in the end.

2.4 Freedom from Occupation as basis for Kashmiris' Struggle

Political unrest in Kashmir is not a new phenomenon and dates back prior to decolonization of subcontinent. Recognizing the services of Gulab Singh for British Crown, he was awarded Kashmir under Treaty of Amritsar for sum of 750,000 pounds. Dogra rule experienced an era of political and social discrimination leading to mistrust among Kashmiris against Dogras. Consequently, a massive agitation began in 1931 against Dogras. In 1932, All Jammu and Kashmir Muslim Conference MC was founded demanding basic rights of Kashmiri Muslims. Maharaja tried to suppress the movement through massive use of force causing Muslims to take up arms. Finally, Maharaja informed the British about the rebellion and sought military help (Behera, 2006).

The 1946 Quit Kashmir Movement launched by Sheikh Mohammad Abdullah against Maharaja Hari Singh was aimed to force Maharaja to leave Valley. Mr. Gandhi and Mr. Nehru appreciated the movement but Acharya Kripalani and other central leaders notably Sardar Patel did not do so. Sheikh Mohammad Abdullah was arrested on May 20, 1946 and the movement was withdrawn on account of criticism (Parashar, 2004).

The general reason for criticizing and opposing the movement against Hindu Maharaja by central leaders of Indian Congress was its close resemblance with Two Nation Theory. Moreover, Indian Congress carefully prevented its support to Quit

Kashmir Movement to avoid possible anger of Maharaja. On the other hand, two key leaders supported the cause to win the confidence of Sheikh Abdullah for upcoming futuristic considerations. It reflected duplicitous approach of Indian Congress to reach the objectives.

Sheikh Abdullah challenged British sale of valley on basis of its legal validity. Dogra military brutally handled state subjects and finally Martial Law was imposed and Sheikh was imprisoned for three years on charges of incitement. During that period, Muslim Conference could not contribute significantly except for launching Quit Kashmir Movement (Sheikh, Pandey, Rather, Aalum & Wani, 2016). The fact of the matter was that Kashmir's key and even pro-Indian leader, Sheikh Abdullah questioned the legality of sale of Kashmir to Dogras by the British. Meanwhile, document of accession was signed (as India claimed) by last one of the Dogra rulers, Maharaja Hari Singh. This further weakened Indian lone claim over occupied Kashmir based on so-called accession document.

In accordance with the terms of Indian Independence Bill 1947, Kashmir was left with option to accede to either of the two states. Pakistan was hoping Kashmir accession in its favor based on its predominantly Muslim population. Conversely, Maharaja Hari Singh being a Hindu ruler acceded to India (though the accession is highly doubtful and disputed). The accession decision was accepted by Indian parliament on October 26, 1947. The event resulted in an uprising in Kashmir (Tucker, 2013). Kashmiris resisted Indian occupation since the beginning. The uprising reflected local resistance against Indian moves of occupying their state.

The way Soviet Union withdrew from Afghanistan and independence of Central Asian states were such developments which paved the way for Kashmiris to launch insurgency to get rid of Indian occupation. India took harsh measures to crush the struggle and increased number of troops in Kashmir up to 600,000. Such huge military presence in a small territory had not been found even in WWI and WWII. Neither Nazi Germany nor Britain installed such a huge force in a small territory. Up to 1993, over 50,000 young men martyred. Torture cells and crude laws were introduced. Settlements of Kashmiris were put to fire and gang rape was a matter of daily life. Under those circumstances, Kashmir Committee was formed in 1993 (N. N. Khan, 2001).

The recent history of Kashmir insurgency dated back to 1987. The rigged election of 1987 was the main reason for insurgency to break out along-with Afghan Mujahideen defeating Soviets as an inspirational factor. Sheikh Abdullah, founder of National Conference was no more a popular leader in Kashmir. Moreover, his son formed alliance with Indian Congress leading to Indian state presence which fueled hatred sentiments towards the party. Insurgency broke out in 1987 when Kashmiri people experienced massively rigged elections realizing Indian interpose into the internal politics of Kashmir.

Wide-scale corruption and incompetency of Sheikh's party in the 1980s evaporated local support for the party. Farooq Abdullah's alliance with the Congress party resulted in loss of all credibility for him among Kashmiris. Meanwhile, in 1989, Sheikh Abdullah's birth anniversary was observed as black day and his grave was provided massive security to save it from the people (Athale, 2012). Sheikh Abdullah was dubbed as traitor by local Kashmiris based on his closeness to India.

An Indian writer Seethi (1999) called elections in Jammu and Kashmir as mere a sham and almost all elections faced large-scale rigging and institutional corruption. To writer, both the INC and NC were responsible for Kashmiris' alienation from mainstream.

Secessionist insurgency entrenched in early 1990s whereby insurgents established their strong hold especially in Kashmir valley. According to an Indian writer, the insurgents sidelined few leaders who were pro-Indian. Hindu families were thrown out of the valley and Buddhists in Ladakh were also victims of violence. This resulted in Hindu and Buddhist counter-mobilization. Furthermore, Hindu and Buddhist leaders in Kashmir clarified that if Kashmir had wanted to secede, only valley with its Muslim-majority could do so (Ganguly, 2001).

Muslims could have attempted to throw some Hindus out of the Valley because of Indian attempts to seek potential political entry through rigged elections in 1980s and as response to BJP's proposal (and policy) since 1990s meant to alter the demography of Kashmir through massive Hindu-Sikh migrations (see Table 2 regarding proposals towards settlement). On the other hand, Hindu and Buddhist leaders in Kashmir highlighted secession (separation) of valley from India as a way forward. It reflected secession of valley as a way forward even by Hindus and Buddhists in Kashmir.

According to Ganguly and Fidler (2009), Indian state investment in education, health care and mass media proved counter-productive. Instead of winning sympathies of Kashmiris, it contributed towards political mobilization. It provided young Kashmiris a political channel to get mobilized for political dissent and with less probability for

launching civil disobedience, they turned to violence. Insurgency immediately precipitated due to 1987 rigged elections. Muslim United Front MUF (composing of various political parties) contesting elections against AJKNC-INC alliance experienced compromised electoral process and turned to demonstrations, protests and ultimately to violence. Kashmiris primarily considered India as occupier whereby Indian pursuance of socio-economic means failed to win sympathies of Kashmiris.

According to Kaura (2016), young Kashmiris have opposed Indian state presence in Kashmir at times of social unrest. The protests of 2010 created much anger and anti-India emotions in Kashmir valley. The unrest of 2016 was different from previous ones with respect to intensity, scale and nature of mobilization. Violence and fatalities have experienced significant growth. In recent years, Azadi slogan has been gaining popularity among Kashmiri youth and thus mobilizing them at large scale. The writer has ignored historical freedom struggle of Kashmiris while making his point. Indian presence was resisted throughout years since the beginning of occupation. However, nature, scale and intensity of resistance differed from time to time. Moreover, post-2016 insurgency further re-confirmed Kashmiris Struggle for 'Azadi' (Freedom from Occupation).

India has globally painted Kashmir freedom struggle as Pakistan sponsored terrorist activity. It aggressively launched diplomatic war against Pakistan since the beginning of 21st century. It was meant to shelter its nefarious designs in occupied Kashmir meant to crush local freedom struggle by deflecting it as a matter of sponsored terrorist activity.

An Indian writer, Narain (2016) pointed towards the growth of local militancy as an alarming event. Over a year, more than hundred joined militant groups. He referred to the report of state's Home Department highlighting the presence of local and foreign militancy, according to which South Kashmir had 109 locals and 7 foreigners whereas North Kashmir had 66 local and 44 foreign militants. A young Hizbul Mujahideen Commander, Burhan Muzaffar Wani was able to attract young Kashmiris.

Even Indian scholar confirmed potential local resistance. Meanwhile, referring to militancy, writer ignored hundreds of thousands of Kashmiris notably youth demanding freedom from occupation. Moreover, thousands of Kashmiris attended funeral ceremony of young Kashmiri Martyr Burhan Wani despite potential military resistance. It has simply confirmed local aspirations for 'Azadi' (freedom).

Moreover, as Singh (2018) reported a case where Delhi High Court granted bail to Zahoor Ahmad Shah Watali, a Kashmiri Businessman who was charged by National Investigation Agency of India in terror funding case. The Court observed that no evidence had been provided to prove that his business was geared at terror financing and thus the court bailed the accused.

The leading political party in Kashmir, Peoples Democratic Party which formed alliance with BJP of India had recently shown willingness on Musharraf's proposal. The pro-Indian PDP and NC also supported the idea of demilitarization and joint supervision for Kashmir. In fact, PDP had threatened to leave out coalition, in case there was no significant progress over the issue of demilitarization (Akhtar, 2018). It pointed towards

the political struggle at Kashmir's top leadership level whereby pro-Indian and coalition partner of BJP favored Musharraf's proposal for the resolution of Kashmir dispute.

Rather addressing the real issue, Indian government has repeatedly accused Pakistan vis-à-vis cross-border infiltration and funding militants in Kashmir. The Kashmiris have been fighting for their basic right of self-determination. Calling an indigenous struggle a foreign sponsored agenda by avoiding resolution of the real issue had contributed to furtherance of hatred feelings against Indian state especially among young Kashmiri generation. The educated Kashmiri youth has mobilized for their freedom from Indian occupation.

On the other hand, Indian military has long involved in genocide of Kashmiris. According to recent Indian official data, total 41,000 have lost their lives for last 27 years at an average of 1519 casualties a year. Militancy related incidents experienced an increase after 2014. Burhan Wani's death has raised a sense of alienation among a section of Kashmiri youth as well as created a favorable environment for anti-India sentiment and strengthening of ideology (Jacob & Naqshbandi, 2017). Meanwhile, the data available on website of Kashmir Media Service indicated total 95,105 martyred, people arrested were 144,558, women gang-raped were 110 till 2018 ("HR Violations," 2018). Moreover, civilian casualties increased at 166% in 2017 than last year in Indian Occupied Jammu and Kashmir. ("J&K saw 166% rise in civilian casualties," 2018).

India adopted policy of forceful annexation of the occupied territory. On one hand, India has been transforming the demography of Kashmir by carrying out genocide of Kashmiris and mass migrations of Hindu and others while pursuing illegal

constitutional maneuvering on the other hand. In modern time period, Kashmir and Palestine are twin cases of occupation long awaiting resolution despite clear recognition by UN and international community.

Indian state has been severely violating basic human rights in Kashmir. The existence of Armed Forces Special Powers Act and Public Safety Act (anti-human laws generally called black laws) in occupied Kashmir reflected nature and scale of human rights violation in Kashmir. Kashmiris especially young generation are struggling hard to seek freedom from occupation. Indian state has consistently been suppressing Kashmiris. Recently, Former Indian Army Chief Gen. Rawat warned Kashmiri youth to prevent themselves from picking up weapons for freedom (Azadi). He further warned that freedom could never happen (Jaleel, 2018).

The local Kashmiris have never accepted Indian presence in their state and strictly and consistently resisted against the occupation. The indigenous freedom struggle of Kashmiris is aimed at achieving freedom from Indian occupation and right of self-determination so as to decide their future through their own will. This right cannot be denied in any way. The massive Indian military presence has only contributed to further develop the potential struggle as military solution is not viable. As M. Ganguly (2018), a South Asia Director at Human Rights Watch has reported that they were young Kashmiris now, who were leading armed struggle and had support from vast sections of population. Kashmiris would therefore require unity, further clarity of thought and object, and most importantly an organized armed struggle to get rid of ongoing Kashmiri genocide and independence of their state from illegal Indian occupation.

CHAPTER 3

THEORETICAL FRAMEWORK

The Chapter develops theoretical foundation of the entire study. Various sections (parts) of the study are discussed under neo-realism (offensive realism). Theoretical framework develops systematic understanding of the problem under investigation as well as guides various aspects of the entire research study.

Theoretical framework is basically developed to set the context of the research. Grant and Osanloo (n.d.) have referred to theoretical framework as the blueprint of the whole dissertation. It is like a guide to build and support a study. It provides structure to define how researcher would philosophically, epistemologically, methodologically and analytically approach the entire dissertation.

Realism is considered as the oldest and the most widely used tradition in political studies. Number of scholars contributed towards the development of the realist school of thought. Realist scholars include; Sun Tzu, Thucydides, Chanakya Kautalya, Nicollo Machiavelli, Thomas Hobbes, Hans Morgenthau, Kenneth Waltz, John J. Mearsheimer among others. Their writings presented principle guidelines regarding selfish and ego-centric behavior of human beings as well as states (states real behavior).

Realism is a dominant IR theory lying under positivist school of thought. An in-depth study and understanding of realism generally suggests about power as the ultimate

refuge of a state. It has different variants. Classical realism; where one significant paradigm is Human Nature Realism presented by Hans Morgenthau. Neo-realism is another variant of realism which refers to modern thinkers of this school of thought.

Neo-realism is further classified into two main categories; defensive realism and offensive realism. The father of defensive realism is Kenneth Waltz who presented his theory in his book, "Theory of International Politics". The second variant of neo-realism called offensive realism was put forward by John J. Mearsheimer. The major difference between two approaches lies in the amount of power necessary for a state to hold in a chaotic international system. Both theories are based on nearly same assumptions. However, both particularly differentiate from one another in terms of the amount of power; a state must hold to ensure its survival.

The transformation of the world with growing interdependency and ever enhanced cooperation posed serious challenge towards traditional realist insights of international politics. In this way, liberalist and neo-liberalist worldview attracted serious attention and attempted to overcome the impact of mainstream realist theoretical perspectives. It was then, the realist thought revived with the writings of Kenneth Waltz who carried out a scientific and systematic study of the behavior of states. He provided scientific explanation regarding the cooperative behavior of the states.

Kenneth Waltz presented his ideas in his book 'Theory of International Politics' in 1979. His scientific explanation of state behavior served to revive the realist perspective of international politics. His theory is generally categorized as neo-realism, structural realism or more precisely as defensive realism.

His ideas contributed significantly towards systematic understanding of state behavior in a technically advanced world. He assumed the structure of international system being inherently anarchic given the absence of a centralized authority whereby states pursue survival as their supreme objective. He signified acquisition of power but he did not advocate for excessive accumulation of power by a state as in such case other states could gang up to punish it. His work is categorized as defensive realism. It has its limitations to explain regional hegemonic pursuance by a state. The Waltz theory of defensive realism fails to address excessive accumulation of power by a state in the face of incentives provided by international system. The theory therefore, does not merit the scope of this research.

In this regard, Mearsheimer's theory of offensive realism finds its scope to explain the aggressive behavior of a state to reach the ultimate goal of regional hegemony.

John J. Mearsheimer presented the theory of offensive realism. It is a useful addition towards neorealist worldview. Offensive realism is based on core idea of regional hegemony. In accordance with offensive realism, great powers tend to pursue power until they become status quo states so that no other states may challenge their survival. States never miss an opportunity available to them to become regional hegemons by dominating their own geographical regions. Such states tend to pursue expansionist policies closer to their regional hegemony.

Basic difference of offensive and defensive realism is highlighted appropriately in the work of Wohlforth, whereby a state should acquire sufficient concentration of power

to become hegemon so as to regulate the affairs of other states according to its own interests. Such situation goes against the tendency towards equilibrium thereby contradicting the definition of balance of power system as advocated by various scholars (as cited in Wohlforth, 1993).

The conflict-oriented nature of India-Pakistan relations is better understood through neo-realist lens. Offensive realism develops the context of the problem under investigation. Offensive realism is useful towards the understanding of Indian expansionist policies and quest for regional hegemony thus impeding peaceful settlement of Kashmir dispute. Indian hegemonic pursuance in the region thereby adoption of aggressive policy design is meant to become ultimately a status quo state.

Moreover, concept of buck-passing and or alliance formation provides useful understanding of India-US strategic partnership which is another major factor investigated in this study. The theory helps to understand the occupation of Jammu and Kashmir by India and how continuation of its occupation by India serves to vandalize Pakistan and poses threat to its survival. The concept of relative gains consideration explains the lack of cooperation over political disputes. This concept is useful in understanding Indian behavior of avoiding any engagement towards the settlement of Kashmir dispute. Indian side has always been at the ignorant end while sorting out potential dispute.

Offensive Realism

The study finds its scope in offensive realism. Offensive realism mainly holds the study and provides useful understanding of various questions raised in the study. Offensive realism mainly develops the context of the research. John J. Mearsheimer is the chief contributor and founder of offensive realist school of thought. His theory of offensive realism is comprehensively presented in his book "The Tragedy of Great Power Politics". The main focus towards theoretical construction of the research is John Mearsheimer's book. The core idea of his theory of offensive realism is an endless struggle for power by a state unless it reaches the ultimate goal of regional hegemony. The study tends to utilize the theory to construct theoretical framework. The study employs various useful concepts incorporated in his book to develop the context of the research and constructing theoretical framework. Moreover, related concepts and bearings of different scholars on the topic under investigation are consulted with main focus on John J. Mearsheimer's work.

The book comes with high recommendations from eminent scholars of political studies:

According to Samuel P. Huntington, the book supersedes the works of Morgenthau and Waltz in ranking and many other respects as the major realist writing on international politics. He suggested all serious learners of international politics to deal with arguments presented in the book. Stephen Waltz considers the book as an essential reading for scholars and students and especially for one who intends to know how international relations actually work. Kenneth Waltz perhaps being the most widely

discussed realist among modern-day realist thinkers, offers his recommendation including his note of realist authorization regarding the book (Lacy, 2012).

According to Mearsheimer, classical realism or human nature realism of Hans Morgenthau and structural realism or defensive realism of Kenneth Waltz make the case for offensive realism.

Mearsheimer incorporates five assumptions to explain the behavior of states in international relations. These assumptions include; existence of an international anarchic system, possession of inherent offensive military capability by great powers, uncertainty of states' intentions, survival as the principle objective of great powers and lastly, great powers being rational actors. These five assumptions collectively according to Mearsheimer create powerful incentives for great powers to act offensively towards each other and pursue the goal of regional hegemony. In this regard, Indian regional hegemonic behavior is explained under the dictates of offensive realism which is the major impediment towards settlement of Kashmir conflict.

Related writings from different scholars on the issue under investigation in addition to Mearsheimer's offensive realism are highlighted to understand different aspects of the problem.

Democracy, Constitution and Kashmir Freedom Struggle

According to Mearsheimer, a liberal democracy observing power politics is likely to obliterate the essence of a liberal set up i.e. violating individual rights and rule of law. Leaders may rationalize curbing of freedom of speech and freedom of press at times of

national emergency such as wars to avoid criticism over their policies. Leaders are apt to make deep concerns regarding an internal enemy who might be disloyal citizens and even foreigners. Fear prevails and suspicious environment always causes leaders to cut down individual rights and liberties. This is often done with extensive public support (Mearsheimer, 2018).

States follow the principles of realism irrespective of their political outlook being democratic or non-democratic. Mearsheimer has pointed out restriction on individual rights and liberties against the will of the constitution in critical times or when state is confronted with disloyal citizens or foreigners. However, his analyses are limited in case of Indian treatment of the subjects of the occupied territory whereby mass murders, inhumane tortures, rapes, political and constitutional deception, demographic transformation through genocide of Kashmiris and mass immigrations into the occupied state reflect inhumane Indian state practice. Yet realism would probably rationalize even such inhumane Indian behavior and forceful occupation given the power advantage to Indian state associated with this inhumanity.

Rather acknowledging the will of people and let people exercise their basic right of self-determination (which has explicitly been acknowledged through numerous UN Resolutions), India conversely, applied illegal constitutional measures to forcefully annex the occupied territory against the popular will. Mearsheimer's views fit the situation whereby nature of political system does not matter in pursuance of state's objectives. India's primary concern in Kashmir has been to pursue annexation of the territory. India

applied combination of soft (political and constitutional) and hard (military) measures to achieve the requisite object in Kashmir.

Mearsheimer (2002) has observed less importance for human rights and values in the realist account. To realists, states interest towards acquiring power is either natural or for sake of survival without much place for values (in states' policies).

Indian policy is guided by realist proposition. Indian policy vis-à-vis Kashmir has been guided by rules of power politics against democratic assertions or International Law and Morality or respect for International Institutions (strictly denying UN Resolutions aimed at endorsing democratic-formula for Kashmir resolution). Rather observing UN resolutions, Kashmir Freedom Struggle, an internationally recognized freedom movement has been labeled by India as a terrorist activity sponsored by Pakistan. UN has recently issued a report providing for massive HR violations in Indian Occupied Jammu and Kashmir. India has denied UN the access into the territory it occupies for over seventy years. So, Indian case for democracy is even worse when it comes to suppression of Kashmiris in IOJK and discriminatory practices against minorities within India.

Mearshimer has pointed out that great powers rarely attempt to promote human rights across the globe. However, states may pursue such goal with other non-security goals. He has argued that states pursue non-security goals as long as the required behavior does not upset the balance of power logic which is mostly the case (2001, p. 46).

It is reflected in USA's (being the strongest and the oldest democracy of modern time period) ignorance of massive HR violations in Indian Occupied Jammu and Kashmir. This is primarily due to significance of India as balancing partner against China in Asian continent. India (being the largest modern democracy) has been occupying illegally over the territory of Kashmir for over seventy years and convicted severe HR violations in Jammu and Kashmir. India's main objective towards the occupied territory has been to consolidate its hold even at the cost of lives of Kashmiris (with no place for basic HR in Indian policy towards Kashmir).

USA with its high priority on perpetuating HR around the globe has frequently ignored India regarding HR situation. It is reflected in highly biased US treatment of India vis-à-vis HR violations. Despite intense HR violations in India; Sikh genocide 1983, Gujrat riots 2003 and genocide of Kashmiris in IOJK where more than one hundred thousand people lost their lives, hundreds blinded in recent wave of Indian brutality (by use of pellet guns), thousands of women raped, cases of torture, imposition of curfew and total black out in IOJK for last few years and so on, US State Department has been hesitant of putting India on notice based merely on democratic assertions. The fact of the matter is that US enjoys warm strategic ties with India.

Meanwhile, US State Department has put China, Russia among others on notice vis-à-vis HR violations. Annual reports of US State Department regarding the condition of HR around the globe reflect the story. Such practice (inclusion of China and Russia while ignoring India being potential HR violating state) serves US to attain certain

political objectives by adopting soft strategies (what Mearsheimer would probably point out as clever strategies).

Kashmir at UNO

To realists, institutions primarily reflect distribution of power in the world and are based on self-interested calculations of great powers. They do not have independent effect on state behavior and are thus not an important factor to cause peace. Institutions have limited value. Institutions cast nominal influence on state behavior and hold little promise to promote stability in the post-cold war arena (Mearsheimer, 1994/1995). The unsettled position of Kashmir is reflection of this realists' view whereby UN has still been unable to implement its resolutions to sort out Kashmir dispute to bring about and sustain peace in the South Asian region in particular and world in general simply because power on UNSC is unavailable in that regard.

Mearsheimer has asserted that states do not prefer interests of other states or the interests of the so-called international community over their own self-interests and almost always act in accordance with their own self-interests (2001, p. 33).

To Mearsheimer, states surely operate through institutions at times and benefit from doing so. Meanwhile, the most powerful states in the system form and organize institutions to maintain if not increase, their own share of world power. Institutions are necessarily arenas to carry forward power relationships. US forced Secretary General Boutros-Ghali to leave the Office to be held for second term although all other members of SC wanted him to stay in the office. USA being the most powerful state in the system

has its way on issues it considers important or otherwise ignores the institution and act in line with its own national interest (2001, pp. 364-365). The realist tradition presents pessimistic (yet actual) judgment regarding the effectiveness of UN and considers UN as an ineffective institution (Minar, 2018).

India being one great power in the system (also its alliance with other great powers in the system) has frequently ignored any UN role vis-à-vis Kashmir dispute and more recently denied UN Commission the access to the territory of Kashmir to look into HR violations conducted by Indian troops. States therefore act in accordance with their self-interests while explicitly ignore international institution, International Law and Morality, concerns of so-called international community and any global norms and values.

According to Mearsheimer, UN is the only worldly organization with any hope to exert power but it could not stop war in Bosnia between 1992 and 1995. A little influence, UN exerts over states is likely to fade even further in the new century with increase in especially number of permanent members in Security Council. In the wake of more permanent members with a veto power over UN policy, it would be practically impossible to make and implement policies to control the actions of great power (2001, p. 364). India is contesting for a permanent seat on Security Council backed by particularly US. If India becomes a permanent SC member, it would further reduce the prospects of any positive outcome towards Kashmir dispute through this international body.

Mearsheimer (2002) has undressed the real scenario whereby states usually talk of values but they actually behave in a realistic manner when they confront real-situation.

He advises people to have their own state and lots of power so as to survive and avoid depending on international community.

Mearsheimer's advice in such scenario for Kashmiris as well as Pakistan is simple; to have one's own state and lots of power. Kashmiris would require unity among themselves and more power (through organized armed struggle) to get rid of Indian occupation. On the other hand, Pakistan would have to rely less on international community and even international body of UN to get back the lost child and more on realistic ways to gain more power to generate strong approach towards Kashmir.

Moreover, USA vetoed 42 UNSC resolutions between the period of 1972 and 2006 which were critical of Israel. The number is greater than all the vetoes by all other SC members for that period. It was slightly over half of all USA vetoes during the period (which shows strong will of US decision makers to protect Jewish interests) (Mearsheimer & Walt, 2007). Similarly USSR exerted its influence on to the Security Council in favor of India and vetoed some important UN resolutions on Kashmir dispute over the years. Therefore, UN has been the battlefield of great powers' interests.

The study has pointed out four major factors impeding the settlement of Kashmir dispute. These impediments are studied mainly under the dictates of Mearsheimer's offensive realism as well as related concepts have also been incorporated to further understand the subject matter.

a) Indian Regional Hegemonic Aggressive Policy Design

The first and foremost impediment towards Kashmir settlement is Indian regional hegemonic aggressive policy design.

Kashmir's occupation was a pre-planned maneuver given its significance as per the dictates of offensive realism. Both Nehru and Gandhi were realists in terms of their policy approach since the beginning of India.

As pointed out by Bharat Karnad, M. K. Gandhi's assertion of non-violence was strategic in nature and in his frank moments, he categorized his true self ultimately as run-of-the-mill realist. In this way, term moral-politik has been used indicating Indian aggressive use of morality to achieve its national interests. Moreover, according to K. Subrahmanyam, Indian non-alignment movement was not based on morality but national interest calculations (as cited in Roy, 2018).

Srinath Raghavan (2010) highlighted Nehru's viewpoint who considered force as an electable element in relations among states which could only be ruled out when there was only a single world state.

There are different conceptions of hegemony. Hegemony is essentially coercive based on exercising power; hegemon must alter policies of other states effectively to fulfill its own goals (as cited in Destradi, 2010). This use of the term hegemony is although strictly different with widespread conception of hegemony as bountiful leadership or the provision of public goods (Destradi, 2010).

According to Mearsheimer, hegemony means domination of the system which is generally interpreted to refer to the entire world. However, the concept may be possibly applied at regional level distinguishing global hegemony dominating the entire world and regional hegemony dominating distinct geographical region (2001, p. 40).

Colin Elman and John Mearsheimer have perceived regional hegemony as the next best to unattainable global hegemony and defined it as great power's dominance of its own geographical region (as cited in Prys, 2008). Thus, regional hegemony is the sole strategic objective of a state, so, regional level is central to Mearsheimer's thinking (Toft, 2005).

Indian regional hegemonic pursuance is referred to (here) as South Asian regional hegemony. India aspires to dominate this geographical region especially where among all South Asian states, Pakistan is the only state which resists and challenges its hegemony in the region.

The great power behaves more aggressively if it has marked power advantage over its rival state(s) as it provides the great power capability as well as incentive to adopt such (policy) behavior (as cited in Legvold, 2007). India started lifting up its economy since the end of cold war by closely collaborating with the western bloc. After years of 9/11 incident, India while realizing marked power advantage (with fast growing economy and military modernization) over Pakistan turned aggressive against the latter and started pursuing regional hegemony in more aggressive way.

So, Indian aggressive policy design (set of aggressive policies including cold start doctrine, surgical strike, airstrike, aggression across borders, diplomatic offensive, frequent war threats, projection of terror in Pakistan, revocation of Article 370 and so on) against Pakistan (which is the only impediment towards Indian regional hegemonic pursuance) to deteriorate latter's power position are meant to reach out to the status of regional hegemon in South Asia.

Mearsheimer (2010) has considered regional hegemony as the best outcome for a great power with possibly dominating nearby region accessible over land. USA is the only state in modern history which has managed to be the regional hegemon by dominating western hemisphere. Five others including, Imperial Germany, Imperial Japan, Nazi Germany, Napoleonic France and Soviet Union have attempted to reach the similar status but failed.

India tends to pursue regional hegemony in South Asia and at the same time it aspires to control (or increase influence) nearby region i.e. Southeast Asia.

Kaarbo, Lantis and Beasley (2013) have maintained that middle powers might insert influence regionally in the face of incentives provided by Uni-polar world due to their mismatch with global hegemons and condition to act in line with area interests of global hegemony. It shows tendency in the system for great powers to exert influence in their respective regions.

However, Mearsheimer makes his case for regional hegemony unlike global hegemony whereby great powers pursue regional hegemony as their ultimate objective

with or without caring for interests of a potential hegemon (global hegemon) given the incentives provided by global political system.

For Mearsheimer, pursuing regional hegemony is not unrealistic yet difficult to achieve. Since hegemony offers gigantic security outcomes, powerful states would always be convinced to follow United States to dominate their own region of the world (2001, p. 213). The best way to survive is to achieve hegemony given the difficulty to determine power required to ensure survival so as to eliminate chances of being challenged by other great power (as cited in Snyder, 2002). India aspires to become regional hegemon of South Asia given the useful outcomes associated with regional hegemony particularly to sustain status quo over Kashmir.

To Mearsheimer, in case, a great power lacks the required potential to achieve hegemony (which is often the case), it would still behave aggressively to accumulate as much power as it can as states' comfort nearly always lies with more power rather than less power (2001, p. 35). The aggressive Indian behavior intended to pursue regional hegemony highlights Indian appetite for power. However, presently, Pakistan is still a potential challenge for India towards latter's achievement of South Asian regional hegemony.

United States built regional hegemony in the 19th century by strictly pursuing two closely interconnected policies; firstly, expanding across America and becoming the most powerful state in the western hemisphere, a policy generally called Manifest Destiny, and secondly, decreasing the influence of United kingdom and other European powers in the Americas, a policy generally called Monroe Doctrine (Mearsheimer, 2010).

Indian influence to an extent has reached out to Southeast Asia while it has always been inconvenient with the influence of outside power notably China in South Asian region. It conceives Chinese presence in South Asia with suspicion (especially India intends to challenge China-Pakistan Economic Corridor CPEC). Both policies have nearly clear reflection in Indian behavior towards South Asian region. With probable increase in wealth and power, it is likely in the near future regarding India to pursue both the policies more aggressively.

According to offensive realists, as observed by Organski, expansion causes aggressive foreign, political, economic and military policies to change the balance of power and taking advantage of opportunities to gain more power at the expense of other states while weakening potential challengers by means of preventive wars and delaying tactics to slow their rise (as cited in Lobell, 2017).

The post-9/11 global political system encouraged India with fresh incentives to adopt an aggressive policy design intended especially to weaken Pakistan. The set of aggressive foreign, political, economic and military policies by India in the 21st century was meant to alter balance of power further in its favor. Aggressive diplomatic war against Pakistan based on false allegations of sponsorship of terrorism, aggressive pursuance of strategic partnerships, constant denial from any bilateral (or multilateral) political dialogue, adoption of aggressive military doctrines, trade cut-offs and frequent boycotts of SAARC Summits are among critical Indian policies aimed at further shifting regional balance of power in its favor.

In this way, pursuance of regional hegemony thereby adopting aggressive policy design based on domination and expansionism rather than diplomatic resolve and political bargaining is the major impediment towards the settlement of outstanding disputes especially Kashmir.

According to Prys (2010), official rhetoric of regional powers might mislead regarding conceptions of their regional role. Potential hegemons might be hesitant while embracing their status openly as exceptional state. They might still openly disown any sense of exceptionalism or special responsibilities towards the region to maintain unstable balance of regional hegemony and deterring suspicion and jealousies if not clear hostility by their neighbors. In that regard, India on multiple occasions has clearly denied any such aspirations of regional hegemony.

India has successfully launched diplomatic offensive against Pakistan to isolate the latter diplomatically vis-à-vis Kashmir and de-rationalizing the possibility of any influence of outside powers so that in case of conflict, territorial acquisition may become smooth leaving behind international pressure on India vis-à-vis Kashmir. As correctly pointed out by Fazal (2013) that territory is the most significant cause of war whereby most important clusters of wars in the post-1945 period were; two wars fought between India and Pakistan as well as in Middle East over borders of Israel. If aggression occurs over a territory and strong international norm exists against the aggression then public transfer of territory as an outcome of interstate war may become unacceptable.

To Mearsheimer, states take care of defense and offense, consider conquest and check aggressive states gaining power at their expense. This ultimately leads to world of

permanent security competition where states willingly lie, cheat and make use of brute force if it helps to provide them with an advantage over their rivals (2001, p. 35).

It is reflected in Indian use of excessive military force in Occupied Kashmir while depicting the entire problem as Pakistan's backed infiltration. Indian policy approach towards occupied Kashmir contained; imposition of black laws explicitly against the human right standards and International law and morality, massive HR violations as acknowledged in UN report 2018 on HR violations in Kashmir, aggressive transformation of demography of Kashmir, India's revocation of Article 370, imposing inhumane curfew in occupied territory, mass killings, and so on. It was meant to alter the situation in Kashmir to seek advantage over Pakistan vis-à-vis Kashmir conflict. The aggressive pursuance of demographic transformation would help India against Pakistan vis-à-vis latter's Kashmir policy based on UN-held plebiscite.

According to Mearsheimer, states closely watch distribution of power and make special efforts to increase their share of world power. They specifically look for opportunities to acquire additional increment of power to alter the balance of power at the expense of potential rivals. States use variety of means including economic, diplomatic and military to turn balance of power to their favor although it makes others distrustful or even hostile. As one state's power gain is other state's power loss, great powers act with zero-sum mentality towards their dealings with each other (2001, p. 34).

The post-cold war era particularly, post-9/11 period provided India with incentives to enhance its power; economic, diplomatic and military at the expense of its rivals notably Pakistan. In such circumstances, Indian power enhanced with formation of

numerous strategic partnerships, building on its economy and modernizing its military. India launched diplomatic campaign against Pakistan to increase power at the expense of the latter while attempting to shift global opinion in its favor. India aggressively pursued regional and extra-regional partnerships especially in the post-9/11 era. At regional level, India cultivated strategic ties with Afghanistan and Iran while at extra-regional level India formed strategic partnerships with US, Israel, France etc. to increase its share of global power.

Realist states prefer self vested interests over and above cooperation and mutual sovereign existence. This is reflected in Indian state behavior towards other regional states. India enjoys trade monopoly over all its South Asian neighbors and also distorts cooperation at SAARC upon its will by simply boycotting SAARC Summits. Indian behavior has turned some of its neighboring states suspicious about Indian regional hegemonic character. As far as Indian regional economic behavior in South Asian region is concerned, all neighboring economies trading with India face significant trade deficit. India influences the economy and politics of neighboring states especially small states in South Asia. It turns out to be one reason for failure of SAARC as a regional organization. This provides India to dominate its region and attempt to challenge other great powers especially China (though to a limited extent presently). Indian liberalization of economy thereby seeking to pursue military modernization is meant to challenge great power rivals notably China and Pakistan.

Mearsheimer has held that common land borders increase the offensive capability of great powers in terms of launching attacks than rivals separated through large body of

water which invariably reduce offensive capability to a great extent (2001, p. 114). India-Pakistan share common borders which provides India with greater offensive capability against Pakistan.

Yet in a nuclearized world, associated danger with war to achieve political objectives is so high that it becomes difficult for super powers (here nuclearized India and Pakistan) to think of that way (Mearsheimer, 1984-1985). The fact is reflected in the absence of war since inception of nuclear weapons in the military power of both states; India and Pakistan.

Most of IR studies and defense analyses have considered military power as a direct product of material resources (Mearsheimer views economic power as basis for military power). The military power is often taken in terms of size of a state's defense budget, military forces, or gross domestic product (GDP) (Beckley, 2010). Moreover, as Mearsheimer has put it, having an eye on relative wealth, great powers tend to maximize their share of global wealth. Great powers tend to possess powerful and dynamic economy as it enhances welfare as well as reliability towards acquiring military advantage over rivals (2001, pp. 143-144).

With end of cold war, India opened up its economy and closely collaborated with western bloc to increase its wealth. India managed to pursue economic growth and attempted to accumulate its share of global economic power. Better economic growth served India to pursue military modernization to create mighty military machine.

According to Mearsheimer, building land forces along-with supporting air and naval forces, great powers use to spend on acquiring nuclear weapons. Since land power is still the dominant form of military power even in the nuclear age, states aim to have most terrible army in their region of the world. He has asserted that states in particular build lots of counterforce capability in the hope to gain nuclear superiority as only nuclear superiority may ensure global hegemony with no great power to seriously challenge it (2001, pp. 145-147).

Indian military modernization scheme in the wake of rapid economic growth in the post-9/11 period served India to enhance its defense spending. Besides building strong naval power in the Indian Ocean, India worked out to build strategic air forces. In that regard, it recently acquired modern aircrafts system from France. India recently signed a deal with Russia to buy S-400 anti-ballistic missile system while with India-US civil nuclear deal; India has been attempting to achieve nuclear superiority over Pakistan.

Grmasci has pointed towards a form of hegemony called hard hegemony that states practice coercion in a more clever way in the absence of use of military power or threat of intervention. A hegemonic state primarily aspires to realize its own goals and accomplish its own interests but intends to hide such aspiration to some extent by stressing community of interests with subordinate states. Such hegemonic strategy is based on divergence between rhetoric and intention to act unilaterally establishing kind of dominance over subordinate states. Secondary states are compelled to change their practices through threats, sanctions, and political pressure and to lesser extent incentives as pointed out by Ikenberry and Kupchan in their coercion model and Pedersen in his

model of unilateral hegemony and in most of realist writings. Another hegemonic strategy mostly ignored is use of political pressure and political and diplomatic sanctions (from protest notes and delaying or cancelling state visits to suspension of diplomatic ties) to make subordinate states follow the hegemon's hierarchical conception of order. Threats of exclusion from established international institutions (or regional institutions) are another specific form of pressure (as cited in Destradi, 2010).

It is reflected in Indian hegemonic behavior in South Asian region. In the absence of use of military power, India has pursued its objectives by pressurizing other regional states especially Pakistan through threats, sanctions and political pressures. This reflects Indian policy of unilateralism. India has insisted earlier to bring the dispute to bilateral level to alter it unilaterally while held a policy of suspension of bilateral political dialogue. Indian boycott of SAARC Summits on multiple occasions was meant to put pressure on Pakistan. Moreover, India associated possibility of any political dialogue with Pakistan with latter's measures vis-à-vis so-called terrorism in line with former's interests.

Kautyala's writings are also critical towards Indian strategic thinking vis-à-vis its rivals. Kautyala, (an Indian strategist and realist) author of Arthashastra and Chandragupta's chief minister, authorized the use of secret actions, spying, assassinations, implanting conflict among enemy leaders, spreading disinformations, making as well as breaking treaties as per national interest requirements in addition to accommodate other hyper-realist strategies to control and defeat the enemy. According to Kautyala, enemy must be dominated or defeated through clever strategies. Kautyala

however was aware of importance of credible military power in realizing such strategies. Kuatyal considered foreign policy and diplomacy as instruments of warfare and he wanted to win wars at any cost with low casualties on both sides. To him, the strongest weapon of war was intellect or cunningness of the strategist. He suggested to take series of actions to weaken enemy and gain advantages intending towards eventual (defeat or) conquest beside diplomacy (and foreign policy) which is really a faint act of war (as cited in Pardesi, 2005).

There is reflection of Chanakya's thought in Indian policy behavior. Indian spying network was identified and captured by Pakistan recently. It was spying in Pakistan via Iran. Kulbhushan Jadhav was the mastermind of spying activities in Pakistan who was arrested in Pakistan. In his confessional video, he admitted his role towards carrying out terrorist activities (causing killing and injuring of thousands of Pakistanis) inside Pakistan. India on multiple times threatened Pakistan of terminating Indus Water Treaty, an important treaty governing control of waters by both (India has been aggressively pursuing construction of dams in violation of Indus Water Treaty, 1960) (Pardesi, 2005). Meanwhile India has managed to use diplomacy (and foreign policy) to weaken and isolate Pakistan based on its self-nurtured story (containing false allegations) of terrorism.

Meanwhile, stressing the outcomes of war, Mearsheimer has placed great significance for war as it provides victor to shift balance of power in its favor by removing the state from the ranks of great powers. The winning state may divide a defeated great power into two or more smaller states (2001, p. 151).

India secretly assisted East Pakistan in 1971 vis-à-vis its separation from West Pakistan and managed to divide Pakistan into two separate states (as a consequence of 1971 war). Indian PM Narendra Modi has openly acknowledged Indian role towards the separation of East and West Pakistan. Moreover, Subramanian Swamy, an Indian minister, has threatened Pakistan to divide it into four parts.⁷ (Times Now Digital, 2018).

Mearsheimer has maintained that a state may gain power at its rival's expense through coercive threats and intimidation without actual use of force to produce desired results. Blackmail is less likely to generate desired outcomes in the face of formidable military strength of the great power. However, it is useful in case of minor powers with no great power ally (2001, p. 152).

India adopted cold start doctrine, surgical strikes, and air strikes as strategies to blackmail Pakistan against the consequences however, these blackmailing strategies ended up in failure. Issuance of war threats is another frequently used strategy by India intended to achieve specific interests. (Motives would probably be; impacting on progress of CPEC, any developments made towards GB, shifting state's strategic intentions, preventing it to play any positive role towards IOJK, and so on).

Indian strategic thinking dominated by the PM Nehru's world view has been unstable since end of cold war. Three diverse ways of thinking seemed to be competing for dominance which may be called Nehruvianism, neo-liberalism and hyperrealism. Indian strategic writings both scholarly and in English-language press between 1998 and

⁷ In this regard, Pakistan could think of creating new provinces on administrative basis to get rid of ethnic vulnerability while promoting national unification and nationalism to enhance national power to ease achievement of national interests.

2001-2002 reveal these three diverse approaches. Hyperrealists argued in favor of power and offense whereby; India should cause huge military cost for Pakistan over Kashmir conflict, aggressively pursuing counter-insurgency operation in Kashmir as carried out in Punjab, testing line of control and international boundary, artillery fire, air strikes, and hot pursuit of attacks in Pakistan held Kashmir, preparedness to attack Pakistan's heartland. Moreover, hyper realists consider limited war under nuclear condition a serious possibility as they consider India a side with nuclear superiority having escalation domination i.e. ability to control speed and direction of military action, funding and arming rebellious groups especially in Baluchistan, Sindh and unhappy religious groups in Punjab. So, hyperrealists consider collapse or destruction of Pakistan or making it a state of permanent chaos as the only way to move forward. Meanwhile, Nehruvians view patience, long-term diplomacy, defensive defense, societal level contact and communication and nonalignment as way forward. On the other hand, neoliberals favor a pragmatic, flexible approach towards Pakistan, economic contacts, and alignment with great powers (particularly US) (Bajpai, 2007).

In practice, Indian behavior has strictly been dominated by hyperrealist approach throughout years and it fluctuated between offense and defense given the regional and global political scenario and internal condition of rival. In post-9/11 scenario, Indian behavior has become more aggressive towards Pakistan. Overall, at the heart of Indian policy approach towards Pakistan, there lies hyper-realistic scheme.

Bait and bleed is another strategy used by great powers whereby this strategy involves two rivals (states) to engage in prolonged war with baiter staying on sideline, saving its military power (Toft, 2005).

India has over the years worked out to turn Afghanistan-Pakistan border into a place of regular conflict whereby multiple incidents of cross-firing have been reported involving killing of troops. India caused Pakistan to deploy significant number of troops at Af-Pak border in recent past. India through significant presence in Afghanistan created a safe haven to carry out terrorist operations inside Pakistan through its spying agency RAW in close intelligence collaboration with Afghan intelligence.

Buck-passing is preferable strategy which all great powers commonly adopt not just offshore balancers (as cited in Paul, Wirtz, & Fortmann, 2007).

India shaped an anti-Pakistan Afghan state over the years. It developed strategic relations with Afghanistan (regional) and Iran (nearby region). It significantly invested in Iran's Chabahar port to challenge Pakistan's Gawadar port. Moreover, India has been exploiting Afghan as well as Iranian soil to terrorize Baluchistan and beyond.

In line with Mearsheimer's observation, USA and USSR pursued strategies to achieve nuclear superiority over one another during years of cold war given the benefits associated with the nuclear superiority (2001, p. 232). Like the cold war competitors, India and Pakistan are two nuclear rivals in South Asia. India has been taking measures to achieve nuclear superiority (at regional level) over Pakistan. India-US nuclear cooperation, its membership of Nuclear Arms Supplier Group, Civil Nuclear Use, buying

of S-400 anti-Missile System from Russia, all is meant to achieve nuclear superiority over Pakistan.

b) India-US Strategic Nexus

Another impediment towards the settlement of Kashmir dispute investigated in this study is India-US strategic nexus.

In Mearsheimer's view, USA is the only regional hegemon in modern history and it has never tended to conquer either Europe or Northeast Asia. Great power may conquer a neighboring region accessible through land but global hegemony would still be far from being achieved. Regional hegemons while dominating their own region tend to prevent rivals in other regions to gain hegemony as the peer hegemon may upset the balance of power in their region. Great powers prefer two or more great powers lie in other important regions so that these great powers compete among themselves leaving out to threaten distant hegemon. If power is evenly distributed among great powers in key regions, distant hegemon would stay safe without involvement as no one would be powerful enough to conquer all of the other by letting local great powers to check the threat what Mearsheimer has pointed out as buck-passing. States prefer buck-passing over balancing when faced with dangerous rival. The distant hegemon would get in and balance only if the local great powers fail to contain the threat. With main goal as containment, distant hegemon would look for opportunities to undercut the threat and restructure rough balance of power in the region so that it could move back to its region. In spirit, regional hegemons prefer to be offshore balancers while adopt balancing as final choice (2001, p. 141).

Furthermore, Mearsheimer has argued that states view wealthier states or states following such path as serious threats irrespective of whether or not they possess formidable military power. After all, wealth can easily be transformed to build military might (2001, p. 144).

Great accumulation of wealth, rapidly growing economy and great economic potential of China is considered as an emerging potential threat by US. Rise of China is perceived by US as a great threat to its potential hegemony. USA has pushed India to counter-balance China. For that reason, USA has managed to cultivate strong strategic relations with India.

According to Mearsheimer, rival hegemons separated by ocean may still upset the balance of power in each other's region especially. Regional hegemon may face a local challenge by an unknown state having strong incentive to ally with distant hegemon intending to protect itself from neighboring hegemon. Distant hegemon may have certain specific reasons to ally with the upstart state. Distant hegemon could land its troops onto the territory of allied upstart state across the ocean in the rival hegemon's region, while still requiring ability to move freely across the ocean (2001, p. 142). USA has collaborated with India to push it to check and balance against China. India has allied to US given the benefits associated with the alliance and its interests to balance out China. US Presence in Indian Ocean is meant to challenge China.

Containing China

US should adjust deployment of its military and air forces in Europe, Gulf and Northeast Asia given less chances of rise of a potential hegemon in these three regions with low significance of building large military establishment at home. Since it takes years to become regional hegemon, US would have time to respond. US would pursue regional forces as first line of defense to maintain balance of power in their own region. US could extend assistance and support to allies. US may implant certain military assets abroad but it should prefer to pass the buck to local powers which would have greater interest to prevent a state from dominating them. US should deploy enough firepower if local powers fail to contain local hegemon to shift the balance in its favor. This sometimes means deploying troops before start of war (Mearsheimer & Walt, n.d.).

Mearsheimer and Walt (n.d.) have foreseen neither a serious challenge to American hegemony in Western Hemisphere nor rise of potential hegemon in Europe or Persian Gulf. Yet China with its impressive economic growth is likely to dominate Asia. USA requires a major effort to prevent its rise as hegemon. Due to power gap of local regional powers with that of China and their distant geographic positions to form better coalition, local powers would be unable to contain Chinese threat at their own. US would therefore require filling this gap and coordinating their efforts to confront this challenge. US would thus be central state in Asia.

US policy preference in Asia has been to contain China's rise through local regional powers. With less capacity of local powers along-with the issue of their distant geographical locations, the neighboring states would find it difficult to contain Chinese

power all alone as pointed out by Mearsheimer and Walt. For that reason, US would step in with its troops and requisite military installations to assist local powers to get the job done.

Mearsheimer (n.d.) has pointed out persisting impressive economic growth of China leading US and China engage in intense security competition over few decades with considerable potential for war. Meanwhile, most of China's neighbors including India, Japan, Singapore, South Korea, Russia and Vietnam would ally with US to contain China's power.

Mearsheimer and Walt (2016) have advised US to adopt policy of offshore balancing leaving behind ambitious struggle to remake other societies and concentrate on keeping US dominance in the Western Hemisphere while counter (rise of) potential hegemons in Northeast Asia, Europe and Persian Gulf. US could push other states to check rising powers while get in only if required. This would not mean surrendering US status as superpower or undermining US power. Rather by conserving US power, offshore balancing would preserve US dominance for a longer period and protect liberty at home.

US should pass the buck to regional states as they would have much greater interest in getting prevented by any state dominating them. In case, if they fail to contain potential hegemon on their own, US must get in to complete the job, deploying weapons sufficiently to the region to turn the balance of power in its favor (Mearsheimer & Walt, 2016).

The buck-passing strategy finds its utility given the distance of US from Asian continent in case of pursuing containment of China. US has over the years cultivated good strategic ties with local powers notably India. These ties are especially meant for containing Chinese potential rise.

Mearsheimer has highlighted various aspects of buck-passing. A buck-passing state while recognizing the need to prevent aggressor from increasing its share of world power attempts to work out a state to deter or possibly fight the aggressor while keeping itself on sidelines. Threatened state may adopt few measures to assist buck-passing. Firstly, forming good diplomatic relations with the aggressor to divert its focus towards buck-catcher (US has been enjoying good diplomatic ties over the years with China). Secondly, buck-passing state seeks to keep balance in its ties with buck-catcher to keep itself at distance in case of a war. Thirdly, buck-passing state keeps its defenses strong with high defense spending to keep the aggressor's focus on buck-catcher while turning itself to be a difficult target for aggressor and to regulate buck-passing; the reason is clear, increase in power of a state decreases the chances of being attacked by the aggressor. Meanwhile, buck-passing state must be capable of containing the aggressor in case buck passing fails. Fourthly, buck-passing state may assist growth in power of the intended buck-catcher to prepare it to better contain the aggressor and increasing its own prospects of staying on sideline (2001, pp. 157-159).

Moreover, as Mearsheimer has put it, buck-passing is useful in case buck-catcher and aggressor are caught in a long and costly war so that balance of power would go in buck-passing's favor putting it to a dominating position in the postwar world (2001, p.

160). Furthermore, buck-passing is even more appropriate in case buck-passers has more than one dangerous rival to reduce number of threats. Buck-passing is chiefly a deterrence strategy with war as the default option (2001, pp. 161-162).

USA has managed to buck-pass India by cultivating strategic ties and assisting India to effectively balance against China. Economic and trade cooperation, assisting Indian economic growth, defense cooperation, joint military exercises, export of high-tech weaponry to India, joint defense production, carefully ignoring (or permitting) India-Russia S-400 deal, mutual intelligence sharing programs, US-India nuclear cooperation, recently signed BECA agreement and so on are meant to form India an effective buck-catcher so that it could balance the threat emerging from rising China. US would certainly prefer China and India get involved in war yielding out the balance of power in US favor as an outcome of war.

India-US strategic partnership may also be studied under another concept as illustrated in Mearsheimer's theory of offensive realism. Threatened states may form defensive alliance aimed to contain dangerous rival. This diplomatic exercise which is usually called external balancing is highly preferred by threatened states as costs of checking an aggressor get shared in an alliance especially if war breaks out. Moreover, alliance formation increases amount of firepower against the aggressor resulting in enhancement of deterrence (2001, p. 156).

India-US nexus is likely a case of buck-passing given the geographical location of both states. The enhanced India-US cooperation in multiple spheres is meant to cultivate strong India to contain China. However, with less ability of India to contain

China, Quad alliance has been developed recently containing four major powers; US, India, Japan and Australia as defensive alliance.

Moreover, India-US cooperation demonstrates US strategy of passing the buck to India to contain Chinese power in South Asia. Historically, US could not cultivate strong strategic ties with India. It was because of US ties with Pakistan, an arch enemy of India while India was close to Soviet Union. However, USA has managed to maintain strong ties with India since post-cold war period (Rizwan, 2019). Another reason simply lies in comparatively weak China in cold war period with US focusing its anti-communist campaign.

Meanwhile, China could be a source of upcoming threat for USA in time to come, India-US strategic nexus has resulted in shifting South Asian balance of power to India's favor. Moreover, USA does not hesitate towards assisting and encouraging India for a hegemonic role in South Asia. In fact, USA at times openly embraced India's leadership role in South Asia. The difference of power is high between China and India; India could neither seriously challenge Chinese economy nor it could pose a threat to Chinese military. India after years of assistance by USA is still in no position to seriously contain China at least presently. Moreover, China and India have relatively stable diplomatic relations; both have engaged in political dialogues for settlement of bilateral disputes. They have significant level of bilateral trade and investment. Both indulged in war only once in their entire history after independence i.e. 1962 war. Yet there lies great potential for war between the two states with India to challenge China with the assistance of US.

On South Asian front, while putting the matter of China-containment on prospects of India to become an effective buck-catcher, USA has in fact served to weaken Pakistan by assisting regional hegemonic pursuance of India and appreciating India's leadership role in South Asia. In fact, US policy of containment of China served two clear objectives; containment of China (though India has been unable to effectively perform the job in this regard at least at the present) and weakening of Pakistan by encouraging Indian regional hegemonic role through variety of measures. The China-containment policy of USA has naturally turned out to be Pakistan-containment policy as well (vis-à-vis at least South Asian region).

On nuclear front, the possibility to gang up would remain; several nuclear states could join together against a single nuclear state and possibly aggregating as much strength to overcome its deterrent (Mearsheimer, 1990). India-US enhanced nuclear cooperation casted an impact on especially Pakistan's nuclear deterrent.

Sometimes pursuit of non-security goals (democracy, human rights etc.) is faced with balance of power logic whereby states usually follow the dictates of realism. For example, despite US commitment to promote democracy around the globe, it helped remove democratically elected governments while embracing number of authoritarian regimes during cold war when policy makers realized such actions would serve to contain Soviet Union (Mearsheimer, n.d.).

In the beginning of Kashmir conflict, US attempted to endorse UN Resolutions at least officially as India was not a US ally. Being champion of democracy and human rights, US conveniently ignored massive human right violations (most recently

imposition of curfew) in Occupied Kashmir where India-US partnership supersedes any such human right concerns. Also, India being the largest democracy of the world has nothing to do with human right concerns and aggressively convicting HR violations and putting all its efforts to illegally transform the demography of Kashmir. Moreover, India-US counter-insurgency collaborations are also a matter of concern in that regard.

Finally, Mearsheimer and Walt (2007) in their book, "The Israel Lobby and US Foreign Policy" have disclosed influence and role of Israel lobby towards USA's foreign policy. They concluded by considering this maneuvering significantly harming US interests as well as Israel. In this regard, there is significant Indian presence in America. The Indian lobby strongly pushes for specific Indian interests which might cast negative impact on US national interests.

c) Significance of Kashmir

Third factor considered in this study is Kashmir's geo-strategic and geo-economic significance as an important impediment towards its settlement.

Relative gains concerns impede cooperation among states. Since, Mearshimer does not deny cooperation among states yet consider it as less likely in the presence of relative gains mentality.

According to Mearsheimer, great powers intend to prevent other great powers from domination of wealth producing areas of world. Such areas are controlled by leading industrial states. Meanwhile, the region may be occupied by less-developed states possessing important raw materials. Great powers sometimes tend to dominate

those regions or at least prevent other rival great powers gaining its control. Similarly, areas of little natural wealth are less important to great powers. Moreover, the ideal situation for a state as Mearsheimer has suggested is experiencing significant economic growth while rival economies face slow growth or grow hardly at all (2001, p. 144).

States prefer geographical expansion and pursue power maximization thus gaining power at the expense of other states. In this context, Kashmir serves Indian interests of power maximization and gaining power at the expense of rival Pakistan, by sustaining its occupation of significant geographic territory. Kashmir's geo-strategic location is a direct strategic threat to Pakistan which is well acknowledged in Indian strategic thought. The control of Kashmir's waters by India poses great economic threat to Pakistan's arid-based economy and its hydropower needs. Moreover, India has threatened Pakistan of using water as strategic weapon against the latter.

The point highlights the reason for sustaining the occupation of strategically and economically rich territory of Kashmir by India (Kashmir possesses great water resources and huge potential for tourism as well as holds vital strategic position). Moreover, India had close eyes over resource-rich Baluchistan province of Pakistan where it planted terrorism while Gilgit Baltistan region which is strategically important especially with respect to CPEC (a mega project and a game changer and source of wealth generation for China and Pakistan) is now regularly claimed by India. India and USA have questioned CPEC on such basis like its passage through GB.

The occupation of geo-strategically and geo-economically significant territory of Kashmir provides India with an edge to threaten rival's economic growth. Indian

aggressive pursuance of construction of dams to gain potential control of the water resources of Kashmir is aimed to stop water at times of water-scarcity as well as overflow waters at times of floods causing potential damage to Pakistan especially being an agricultural economy (whereby Pakistan's potential existence significantly depends on rivers flowing through Kashmir under the occupation of India).

Moreover, Pakistan over the years has not yet successfully transformed its agriculture-based economy to a modern industrialized economy like that of China and India. In this way, Kashmir under Indian occupation being geo-strategically (lying at high altitudes providing India naturally with an offensive position against the rival Pakistan) and geo-economically (water-rich region) significant region poses a potential threat to Pakistan vis-à-vis strategy and more importantly economy.

Another reason regarding Indian control of the territory since long time whereby cost of occupation is huge (stationing nearly 700,000 troops and even more after imposing curfew in occupied state) lies in its tendency to prevent the territory on all costs to go to Pakistan's favor (It is followed by simple realist logic whereby gain in power of one state is loss in power of the other). In this way, in future, if India tends towards de-occupation, it would prefer the territory to become independent and put all its efforts to prevent it from becoming part of Pakistan (the fact must be acknowledged by Pakistan's strategists and Pakistan must be prepared to resist any such pro-Indian or an internationally imposed solution to the dispute). One more reason further confirming this point lies in a section of Kashmiris voicing for independence from India rather directly

asserting for accession with Pakistan due to realization of Indian strict opposition to accession of Kashmir to Pakistan.

d) The China Factor

According to Mearsheimer, great powers do not act mindlessly gaining power by losing or winning wars. Conversely, great powers take offensive actions after carefully watching balance of power and the reaction of other states. They consider risks and costs against expected benefits. If benefits do not supersede risks, they set aside and wait for more favorable time (2001, p. 37).

China and India since 1962 have been very careful towards each other to get involved into war on borders and disputed regions. China caused brutal defeat on India in 1962 war. Since that time, India has been cautious towards China and preferred to consider diplomatic means as more reliable than to work out to initiate any aggression on China acknowledging the potential conventional superiority of China. China being emerging economic giant and an important international player adopted a careful behavior towards India over the years.

China and India have significant mutual trade volume (India being potential market for consumption of Chinese goods outweighs the benefits of aggression for China as per national interest calculations from probably an offensive realist stand-point). Moreover, China probably acknowledges (as minor factor) the fact that retaining the territory acquired as a result of war may become difficult in the face China's status of

peaceful rise in international community. Another factor towards absence of war between China and India is because of nuclear weapons under possession of both these states.

To Mearsheimer, great powers balance against formidable military capability as this offensive potential poses direct threat to their survival. Great powers also carefully watch rival state's covert power, as rich and highly populated states may and do build powerful military machines. So, great powers likely fear states with huge population sizes and rapidly growing economies even if such states have not translated their wealth into military might (2001, pp. 45-46). Both, China and India are highly populated states and both have fast economic growth. Both have pursued military modernization to translate their wealth into military power. India has been pursuing to balance against China although presently, China is far more powerful than India economically and militarily.

Mearsheimer has maintained that even if a state possesses wherewithal to become potential hegemon, other great powers in the system will work out preventing it from actually becoming a regional hegemon (2001, p. 143). Sino-Indian competition (especially in economic and military aspect) is reflection of this point. Indian policy priority has been to check out China and have close eye over its progress. USA is highly concerned regarding rapid Chinese growth and accumulation of wealth and has therefore buck-passed India to counter-balance China.

Liberal scholars would argue that Sino-Indian trade and inter-dependence prevented war between them. Mearsheimer presents historically important case opposing this view-stand. He referred to economic inter-dependence in Europe from 1900 to 1914 as probably equal to one of today. Those years were prosperous for great powers in

Europe. Despite that, World War-I started up in 1914. Therefore, a greatly inter-dependent world economy does not make war between great powers more or less likely. So, great powers should be watchful and prefer survival over any other goal including prosperity (2001, p. 371). In this way, Sino-Indian trade would not likely reduce chances of occurrence of war in the future, especially in case, India with assistance of USA keeps challenging CPEC, (having immense significance to China) a mega-project of China, it may seriously consider war as a viable option. Meanwhile China and India have been recently caught in border clashes resulting in forwarding of Chinese troops beyond LAC into Chinese claimed territories.

Mearsheimer has advised China to follow the footprints of USA to become regional hegemon of Asia given its survival under international anarchy. China can start pursuing the goal of regional hegemony by enhancing power gap with its larger neighboring states like India, Japan and Russia and thereby achieve military dominance in its region (Etzioni, 2015).

Implication of Non-Resolution of Dispute

On war, Mearsheimer has disowned the view that war is less likely in the age of information rather he has believed that it is more useful in modern industrial age. He has maintained that conquest sometimes pays the victor gaining important strategic territory. Particularly, states may gain a buffer zone which helps them protected from an attack or launching an attack on rival state (2001, pp. 150-151). In that regard, China may turn offensive to get back its claimed territories (notably Arunachal Pradesh) under Indian occupation.

India holds strategically important territory of Kashmir providing it with further utility to initiate war against Pakistan. Similarly, it provides Pakistan to work out to plan an attack to get back the strategic territory it has been claiming for over seventy years (Pakistan considers Kashmir as its jugular vein). The existence of this strategically important region between India and Pakistan whereby the status of the territory is disputed further increases chances of war between both states.

Furthermore, an argument is placed about the impossibility of war due to possession of nuclear weapons by the rival states, for no one may claim clear victory in an all out nuclear exchange. Mearsheimer has disagreed with such argument. He has held the view that nuclear weapons though reduce the chances of war significantly but war is still a serious possibility between nuclear armed rivals. As during cold war, USA and its NATO allies were highly worried about Soviet conventional attack into Western Europe and Soviet invasion of Iran in 1979. Despite the fact that both superpowers got massive nuclear forces, didn't convince either side to believe that the other had no offensive military capability (2001, p. 367).

So, acquisition of nuclear weapons by India and Pakistan provides no surety for prevention of war and there still exist significant chances of war between both especially in the presence of potential political dispute; the Kashmir dispute.

Moreover, Mearsheimer has maintained that states do not start arms races which are not likely to improve their overall position (as cited in Ro, 2013). The region is caught in an intense arms race. Spending too high cannot provide India to seek overall

match with China. Similarly, this may be the case for Pakistan whereby India has been dragging Pakistan into an intense arms race.

Potential Political Bargaining

States in a realist world are concerned with balance of power; so they must be motivated preferably by relative gains while considering cooperation. Since each state urges to maximize its absolute gains, it should also be concerned about how much it achieves compared to other in an agreement. However, relative gains approach makes cooperation even more difficult to achieve. As states intending absolute gains are concerned only with their share while states preferring relative gains are concerned with their share as compared to others complicating the cooperative efforts. Moreover, cheating concerns impede cooperation between states. Despite these obstructions, states do cooperate in a realist world. In short, cooperation occurs in a world which is competitive at its core whereby states have powerful incentives taking advantage of other states. The point is illustrated by considering the example of Europe in 40 years before WWI whereby they had much cooperation but it could not prevent them to go to war in 1914 (Mearsheimer, 1994/1995). Mearsheimer does not deny the possibility of cooperation among states. Nevertheless, he views the world as truly competitive in which cooperation takes place.

Mearsheimer (1994/1995) has suggested that as relative gains consideration pose serious impediment to cooperation, it must be taken into account while developing a theory of cooperation among states. This point is now in fact recognized by liberal institutionalists. As Keohane (a renowned liberalist scholar) has admitted his mistake for

under-emphasizing distributive problems and complexities towards international cooperation.

Cooperation exists among rivals as well as allies. So, deals can be made roughly reflecting the distribution of power and satisfying concerns about cheating (Mearsheimer, 1994/95).

Mearsheimer's viewpoint regarding cooperation among states is based on states' acknowledgement of the existence of severity of competition and concerns about cheating while cooperating with each other. By satisfying each other in terms of distribution of gains and concerns about cheating, India, Pakistan and China could still reach a settlement through a peaceful political dialogue.

According to Morgenthau, states offer concessions while expecting nearly equal compensations by their counterparts. States cooperate as long as outcome of cooperation does not shift balance of power to anyone's favor. He presented case of cooperation between Prussia, Austria and Russia towards partitions of Poland in 1772, 1793 and 1795 whereby in each partitioning, distribution of power among the three nations was approximately equal as it had been before. To Morgenthau, states balancing joint gains had been universal characteristic of diplomatic cooperation (as cited in Grieco, 1988).

Powell (1991) has maintained that from a structural realist perspective, cooperation collapses when the cost of fighting is sufficiently low in case where force is at issue. Similarly, cooperation becomes feasible when cost of fighting is high in case where force is not at issue. In case of Kashmir, cost of fighting and countering insurgency

is sufficiently high (with Kashmir Freedom Movement increasing in its potential with each passing day). In this way, cooperation should be more likely. Moreover, use of force (military force) outside Kashmir with fighting Pakistan would be highly expensive under nuclear risks. Pakistan in this regard may work out to further increase the cost of Indian occupation in occupied Kashmir through clever strategies so as to increase the prospects of its settlement.

Since states achieve agreements through cooperation (though highly competitive diplomacy is critical among other factors to achieve agreements), South Asian region might in fact have over-emphasized (probably miscalculated) real-politik resulting in complete suspension of prospects of moving forward, leading to what may be called as diplomatic immaturity; heading towards nowhere but unnecessary wars and mutual destruction.

Offensive Realism on Threatened State (Pakistan)

Since Mearsheimer explicitly makes his case for regional hegemony as the best way to ensure survival of state in an international anarchic system, yet, he presents small set of advices to threatened states as well (here threatened state is a state facing aggressive state pursuing regional hegemonic status).

Mearsheimer has elaborated on appeasement and band wagoning as two strategies which state might think of vis-à-vis its dealings with an aggressor state. Appeasement is based on providing some special concessions in form of territory (may be part of territory or whole territory) to the aggressive rival to modify its aggressive behavior into a kind

and gentler behavior. Band wagoner does nothing to contain aggressor, while the appeaser remains committed to check the threat. Both appeasement and band wagoning violate the rules of offensive realism. Appeasement makes the aggressive state even more dangerous as in world of international anarchy; states are primarily concerned with power maximization and they pursue it at the expense of other states. So, this peace-loving logic of appeasing to the aggressor state explicitly contradicts the dictates of offensive realism (2001, pp. 163-164).

Backing off from Indian Occupied Jammu and Kashmir and accepting the status quo (making LoC a permanent border) would not be viable as it would endanger the very survival of Pakistan and would make India even more aggressive and cause it to claim even more territory (recently India has started up frequently claiming Azad Kashmir and Gilgit Baltistan). Pakistan in that regard must strongly claim IOJK and seriously avoid considering any such behavior and policy leading to appeasement irrespective of its power position. The overall power asymmetry is not likely to overcome between India and Pakistan especially in the foreseeable future so conceding power to rival based on power position would not be a viable strategy and violate the basic rules of state behavior in line with offensive realism. So, withdrawing claim on IOJK and accepting LoC would result in loss of what is essentially Pakistan's jugular vein and its great geo-economic and geo-strategic significance for Pakistan as well as for Pakistan's potential survival.

So, Mearsheimer has considered appeasement as a short term strategy (if required) intended at buying time to mobilize resources to contain the threat (2001, p. 165). Pakistan should work out to mobilize resources in the face of illegal constitutional

annexation of Kashmir whereby India could now more conveniently impact over the demography of Kashmir making its hold on Kashmir even stronger leading to complications regarding any peaceful settlement. Pakistan's appeasing behavior over the years in the post-Musharraf era has turned India more aggressive against the former.

Clever strategies as Mearsheimer has advocated sometimes are useful towards defeating more powerful enemies by less powerful states (2001, p. 34). Pakistan in this regard should work out various clever strategies to win a possible war against India or at least reduce the chances of a defeat.

The core idea Mearsheimer presents in his theory of offensive realism is based on offense as the best defense. Pakistan should rely on offensive tactics when and where required (and avoid adopting permanent defensive behavior prevailing since a long time) to accumulate power and ensure its security and survival.

Mearsheimer has pointed out states' deceptive behavior. States undergo miscalculations on the basis of imperfect information as states misrepresent their strength or weakness and hide their true goals. Weaker states may exaggerate their power to prevent aggressor from attacking while aggressor may exaggerate its military weakness so that weaker may not build up its arms and stay vulnerable to attack. Adolf Hitler was expert of practicing such kind of deception (2001, p. 38).

At times India exaggerates its military weakness, which is also sometimes highlighted by its strategic ally, US. It may possibly be intended to prevent the rivals;

China and Pakistan building stronger. Pakistan must be careful of any kind of deception while preparing for the best.

Mearsheimer (2002) has called nationalism as the most powerful political ideology in the world for two centuries. Mearsheimer has considered nationalism as non-ideological. He has further considered national unification as complementary towards the pursuit of power. He has viewed nationalism as superior ideology in terms of its compatibility with realism. This compatibility is based on the fact that nationalism and realism share core assumptions at the root level i.e. both are specific and both focus state and survival (as cited in Kostagiannis, 2018).

According to Walt (2019), nationalism is even powerful than nuclear deterrence. He points out nationalism as central to President Xi Jinping's ambitious struggle to make China world leader as well as a common factor which unites right wing European politicians in Italy, France, Austria, Poland and Hungary.

National unification is the most important of state objectives. Pakistan in this regard, should focus to further promote national unity and strongly discourage and possibly eliminate any such elements (if exist so) harming national unification.

Mearsheimer has pointed out that pursuing non-security goal (ideology) is sometimes complementary towards the hunt for relative power. He has exemplified expansion of Nazi Germany into Eastern Europe as well as super powers' competition during cold war based on both, ideological and realist reasons (2001, p. 46). So far an

ideology lies in compatibility with the premises of offensive realism; there is nothing wrong for a state pursuing it (Kostagiannis, 2018).

Pakistan in this regard is blessed with a strong ideology, one which is based on Islam. The Islamist ideology is one of the most powerful ideologies of the world with Muslims as majority state subjects in fifty seven Islamic countries. Pakistan should preserve, strengthen and promote its Islamist ideology to achieve potential support from Muslims in over fifty Islamic countries against the potential rival, India. This is especially useful in case of an event of war with India where it could easily fill the balance of power gap between the two rivals.

To Mearsheimer, states carefully observe balance of covert and balance of military power. Non-material factors sometimes provide a state with critical advantage over its rival. The non-material factors include; strategy, intelligence, resolve, weather, disease etc. It is not possible equating the balance of tangible factors with that of outcome as non-material elements like strategy sometimes strongly impact over outcomes (2001, pp. 56, 58&60).

It is difficult for Pakistan to balance against India in terms of tangible factors especially conventional power resources. In this regard, Pakistan must exercise significant efforts to work out non-tangible power resources. Moreover, a variety of clever strategies should be worked out in this regard.

Mearsheimer has considered balance of power simply as balance of military power. Armies are the most important element of military power even in the nuclear eon.

The strongest state is one with the strongest army. Army is simply a state's offensive potential (2001, pp. 56, 84&87).

This provides Pakistan with an edge over its rival as Pakistan's army is hard battle trained especially in wake of long-prevailing war on terror. Pak army is world's only army to have fought successful war on terror. India in this regard, is faced with a strong opponent. It relied on other means to weaken Pakistan; attempting strategic encirclement, proxy wars, projecting terror, propaganda warfare, and so on.

According to Mearsheimer, clear-cut nuclear superiority provides a state with a secure and unchallenging position and a pre-condition to become global superpower. The concept may be applied at regional level. Pakistan should work out to further enhance technical features of nuclear weaponry along-with increasing the number of nuclear arsenals with a goal to attain nuclear superiority over India to ensure its survival.

A Turkish Professor, Yilmaz (2010) has conducted a research on hegemony (along its various conceptions and challenges faced by nation-states in the wake of evolution of international system in modern time period) and survival of a state under the shadow of hegemon. A hegemon implements concepts and power policies meant to destroy the power utilization capacities of nation states. His consideration of hard, economic and soft power instruments are necessarily meant to increase overall power basket of state (thus, may be accommodated within the scope of this study). He has added certain significant elements towards countering hegemony nevertheless he has emphasized economic viability and development (what Mearsheimer called economic wherewithal as pre-requisite to build a strong military machine). In his study, he has

provided some recommendations for a state facing (regional) hegemon. Some of his recommendations provide useful guidelines towards survival of state under the threat of a hegemon. Firstly, political body should build conceptual and institutional infrastructure which will execute crucial power elements; security mechanism based on combination of soft, economic and hard power elements. Secondly, protecting nation-state structure, national identity and unity is important. Besides focusing interior policies, state should determine fresh roles with respect to its geographical position and form fresh conceptual approaches to build connections with adjacent regions with specific strategies. It should create common but independent doctrines and execution practices to carry out cooperation with hegemonic state instead of submission. Thirdly, counter-measures should be taken to get rid of negative effects of external centers targeting national security through subversive activities sourced and funded by foreigners by using manipulated media, the business world, civil society, foundations, influence agents etc. Economic development should be in progress based on maximum utilization of indigenous national resources so as to reduce foreign dependency to great extent. National power should be based on strong economic resilient to foreign debt, economic sanctions and financial plans. Moreover, minor alliances and partnership processes should be worked out to neutralize the impact of external powers over state's national interests.

There are few more recommendations as provided in Recommendations Section to bring about improvement in overall power position of state (Pakistan).

CHAPTER 4

KASHMIR DISPUTE: IMPEDIMENTS TO SETTLEMENT

There are critical impediments impinging on resolution of long-persisting Kashmir dispute which are worth investigating vis-à-vis its non-resolution in real world. The Chapter inquires major impediments with special focus on 21st century politics. The major impediments include; Indian Regional Hegemonic Aggressive Policy Design, India-US Strategic Nexus, Significance of Kashmir Region and the China Factor.

4.1 Indian Regional Hegemonic Aggressive Policy Design

Indian regional hegemonic aggressive policy design is the most critical impediment towards the settlement of Kashmir dispute. The historical evidence vis-à-vis Indian diplomatic engagement over Kashmir further confirmed Indian regional hegemonic approach since the beginning throughout years. India practiced procrastination policy over the years to avoid international and bilateral interaction over Kashmir conflict. The case for India regarding Kashmir merits the proclamation ‘power dictates policy’. Indian policy on Kashmir evolved with the increase in its national power with ultimate quest for regional hegemony in South Asia since the very start.

The latest formal interaction over Kashmir was Musharraf's diplomatic interaction with India in the post-9/11 period. The out of the box approach adopted by Musharraf surprised leadership and policy makers in New Delhi. Pakistan exercised an

extremely flexible approach to reach out to the resolution of the conflict. An effort was made by Pakistan while flexing on its traditional stance on Kashmir. India however frustrated the effort and conveniently backed off from negotiation process when the agreement was just a signature away without presenting any solid reason. Musharraf's out of box approach exposed New Delhi with Indian policy makers working out to discover out of box ways to avoid any engagement in future. India thereafter adopted policy of disengagement vis-à-vis Kashmir cause. It promoted multiple narratives to avoid and simply deny any interaction on Kashmir.

The post-9/11 global political structure created an opportunity exploited by India to increase its share of world power and to pursue regional hegemony on aggressive lines thereby adopting aggressive policy design. The aggressive policy design was meant to obtain as much power as it could to further shift the balance of power in its favor. Indian offensive policy behavior comprised a set of aggressive political, diplomatic, economic, and military policies. A comprehensive aggressive policy scheme was sorted out by India meant to enhance its power position especially in South Asian region to reach the ultimate goal of regional hegemony to sustain (and possibly alter) the status quo regarding outstanding disputes.

The aggressive policy design had range of policy behaviors including; aggressive pursuance of occupied Kashmir's annexation into Indian Union, altering demographic composition of IOJK, crushing Kashmir Freedom Movement by means of massive use of force, attempts to destabilize LoC through frequent cease-fire violations to put Pakistan under pressure, Indian diplomatic offensive to isolate Pakistan internationally particularly

vis-à-vis Kashmir, pursuance of military modernization program, adoption of aggressive military doctrines, issuance of frequent war threats, political boycott, Boycott at regional forum (SAARC), evolving nuclear gesture, aggressively pursuing strategic partnerships at regional and international levels and so on.

The regional hegemonic aggressive approach was meant to gain power advantage over Pakistan especially vis-à-vis Kashmir with an object to deteriorate Pakistan to a position where it could not challenge Indian primacy in the region (To India, that would be an ideal outcome and in that regard India might think to dissociate strategically significant regions of Pakistan including GB and Baluchistan to further deteriorate Pakistan's power position). If present Indian policy prevails without being challenged by any regional (South Asian) state then in years to come, India well short of regional hegemony would be able to permanently sustain the status quo vis-à-vis Kashmir. Furthermore, India would be strongly claiming (or possibly attacking) even the parts under Pakistan's administration in time to come. Different aspects of Indian regional hegemonic aggressive policy design and consequently its impact on Kashmir cause are highlighted.

South Asian people have had complex set of identities based on ethnicity, religion, caste, language and region and never called themselves Indians. Indians never called their land India until modern times. Indo-Aryans called Indus River as Sindhu which was renamed to Hindu by Persians. Accordingly Greeks renamed the river again as Indus. The word India was extracted from word Indus. In later part of middle ages, Europeans started using term India to refer to subcontinent. However, it was on August

15, 1947 onwards that a state called India existed with the very end of British colonization in subcontinent. Moreover, according to Eraly, there were no pure native Indians or a pure native Indian culture and it has been politically fashionable nowadays to refer to certain community and its culture as truly Indian. Indians today are descendants of invaders or migrants. Legal definition is the only valid definition of India (as cited in Pardesi, 2005).

Ahmad (2002) has advised that the region (South Asia) requires stable peace rather confrontation by adopting cooperative approach to resolve contentious issues by means of dialogue rather continuation of hegemonic ambitions which causes disputes. The approach demands responsibility, restraint and statesmanship. Conversely, South Asia has been a home to unabashed practice of power politics including statements like deliberate threats of aggression. India has adopted single-minded approach of a hegemonic role to dominate its periphery and Indian Ocean region. Over-emphasizing real-politik while completely sidelining diplomatic means could prove counter-productive as states being rational actors are not mindless aggressors and do not act aggressively all the time.

The pragmatic approach in the region and power gain at the expense of rival started up with the very independence of subcontinent. It is reflected explicitly in upholding of due share of assets including armaments to Pakistan by India. India probably considered it a useful measure to undo Pakistan. Moreover, Indian resistance towards partition and historical genocide of Muslims during the partition process reflect

Indian hegemonic intentions since the very beginning. Indian state policy since the beginning was in accordance with the dictates of offensive realism.

Quest for Regional Hegemony

It was once clearly embodied in Pentagon's "Defence Planning Guidance for 1994-99", while hurting Indian sensibilities that India had aspired hegemonic role in South Asia (as cited in Budania, 1995-1996).

Nayar (1977) reported that US had endorsed Indian position even at the peak of Soviet-Indian ties. US Secretary Kissinger visited New Delhi in 1974. Kissinger opened up a new page while accepting Indian non-alignment and acknowledging that due to its size and position, India had special role of South Asian leadership and in global affairs. Joint commissions were established to develop mutual ties. Ejaz (n.d.) observed that India had realized the significance of strategic alliance with US in political, military and economic spheres to build favorable environment for extension of Indian hegemonic influence in South Asia.

Indian natural emergence as regional hegemon since its independences posed basic security challenge to its small neighbors especially Ceylon (Sri Lanka) which required alliance with extra-regional powers for security and survival. In Sri Lankan context, it was achieved through; Defense Agreement with Britain 1947, External Affairs Agreement with Britain 1947, Public Officers Agreement 1947, Promoting strong trade ties with Britain and Joining British Commonwealth immediately after independence (Silva, n.d.).

Similar was the case of Pakistan whereby the nascent state joined Western block to protect security and survival. As observed by Kreft (n.d.), India-Pakistan relations were dictated by power politics. Pakistan's elite had never been willing towards acceptance of Indian hegemonic ambitions in South Asia and sought to ally itself with foreign powers, initially US and later China.

Indian first PM Jawaharlal Nehru emphasized the significance of keeping foreign powers out of Asia while considering subcontinent as an exclusive region of influence for India. India in early years of its history was in no position to keep great powers out of the region. In fact, it requested for support of US and USSR on multiple occasions. Later on, India was able to manage more balanced partnerships with Washington, Moscow and Beijing especially after disintegration of Soviet Union (Malone, 2011). It reflected Indian primacy in the region since independence considering South Asia as an exclusive region of Indian hegemony whereby India intended to resist influence of outside powers in the region.

Indian quest for regional hegemony grew more prominent with introduction of Indira doctrine. After disintegration of Pakistan in 1971, India was more confident to pursue or even claim regional hegemony. Indira Gandhi who was former Indian PM, a member of Indian Congress party presented a doctrine referred to as Indira doctrine. Two notable principles of Indira doctrine included; firstly, foreign powers should not get involved in South Asian region, secondly, a foreign power involved in the region without recognizing Indian predominance would be considered hostile to Indian interest (Shanmugasundaram, 2012).

Similarly, Chandramohan (2014) while highlighting PM Modi's efforts to reach out to neighbors to increase Indian existing influence in South Asia and countering further Chinese ambitions in the region called it as Indian Monroe Doctrine.

According to Harshe (1999), South Asia could also be characterized as an Indo-centric region because of Indian superior power as compared to its neighbors. The writer pointed out some elements of national power making India a regional hegemon. These included; vast geographical size, big population, rich natural and mineral resources, large and nearly well-developed industrial base, skilled manpower, economic size, capacity to produce nuclear weapons and vibrant democracy. Indian dominance turned more obvious after Pakistan's disintegration in 1971. Indian military interventions, e.g. in Bangladesh (1971), Sri Lanka (1987-1990), and Maldives (1988) were perceived by India's neighbors as external projections, demonstration of military might and Indian regional hegemony however, Indian strategic community interpreted it in defensive terms. India played critical part towards disintegration of Pakistan in 1971 to reach out to regional hegemony.

Indian strategic community and Indian scholarly class have occasionally denied any aspirations of regional hegemony (that itself is a feature of regional hegemonic pursuance as hegemonic states usually deny any such aspirations).

Petre (2014) has found that historical experiences indicated Indian approach ranging from interference through brutal military intervention (East Pakistan 1971, Sri Lanka 1987-90, Maldives 1988) along-with mischievousness of assisting radical groups (Tamil Tigers in early 1980s, Nepali Maoists 1996-2001) to softer tools such as joint

ventures and financial aid outflows. However, hard and soft measures were basically adopted to align regional states' foreign policies with Indian interests.

India was the major South Asian undisputed power however its leadership in the region had not been accepted indisputably. Pakistan sharing turbulent history with India since 1947 had constantly challenged latter's leadership (Bava, 2007). India targeted Pakistan through latter's dismemberment in 1971 and in the post-9/11 period by projecting terror onto Pakistan's territory to further promote regional hegemonic ambition.

Khetran (2017) highlighted Indian interventionist policy towards the region. Since the beginning in 1950s through 1960s, India indulged in conflicts with China (1962) war, Pakistan (three wars), Nepal (interference in internal affairs of the royal family) and Sri Lanka (India supported Tamil Tigers in Sri Lankan civil war). The policy was aimed at destabilizing neighbors and to influence their foreign policies. To writer, however, the policy achieved limited success but growing Indian hostility could disturb regional peace. India had always supported and promoted sub-nationalism, secessionist movements and insurgencies in neighboring states. Meanwhile, Pakistan challenged Indian primacy to potentially dominate and control the affairs of the region.

India maintained political, economic and strategic influence over its smaller neighbors to turn neighbor's policies compliant and achieve regional hegemony. Such policies included; election manipulation in neighbors, trade embargoes, military interventions, sponsoring separatist movements, sponsoring terrorism and so on. Furthermore, Pakistan on multiple occasions claimed to have undeniable proofs of Indian

sponsored terrorism in Baluchistan and elsewhere. Most recent proof was confession of Indian Spy Kalbhushan Jadhav who had admitted involvement in terrorism inside Pakistan especially Baluchistan. According to US former Defense Secretary, Mr. Hegel and former US Commander in Afghanistan, Gen. MC. Crystal, India had been creating problems in Baluchistan by using Afghan soil. Furthermore, Nepal had experienced trade embargoes by India. Most recent trade embargo was experienced in September 2015 whereby Nepal government had called it an unofficial blockade by India (as reported in Wall Street Journal). Bhutan was also not independent vis-à-vis foreign and defense policies. India had significant influence over politics of Maldives and Bangladesh as well (Hanif, 2018a).

In another article, Hanif (2018b) expressed Indian intentions towards South Asian region. India had close eye over its neighbors' policies and intervened when and where required through incentives and coercion. India maintained influence over all its neighbors with only Pakistan contesting its hegemony in the region although Nepal, Sri Lanka and Maldives also kept resisting Indian hegemonic policies.

In post-cold war era, world experienced dramatic transformation with major changes taking place in regional security framework including nuclearization of South Asia, rise of Hindu fundamentalism in India, and return of democracy to Pakistan. Furthermore, disintegration of Soviet Union threatened Indian relations with its successor states including newly emerged Islamic states in Central Asia. Meanwhile, China emerged as a market economy and prominent regional super power. These developments affected regional balance of power (as in Bradnock, 1998).

Furthermore, Baru (2002) highlighted economic dimension of Indian strategy. Indian economic performance since 1990s with opening up its economy and accelerated economic growth had brought strategic relevance to economic policies. The change was brought about by end of cold war as well as IT and software revolution in India. It served India to enhance strategic engagement. The vibrant Indian economy served India to enhance its military power and pursue regional hegemony aggressively particularly in the post-9/11 period.

Cold War end and in particular post-9/11 world experienced transformation of global political scenario with new political dynamics. It significantly impacted South Asian regional politics. It provided India with an opportunity to obtain its share of global power distribution. India exploited the opportunity to pursue its quest for regional hegemony thereby adopted regional hegemonic aggressive policy design towards Pakistan, the only state in region to challenge former's regional hegemony.⁸

Moreover, good offense is the best defense what offensive realism suggests. Since offensive state poses a direct challenge to rival state and consequently offended state requires countering the threat through proper response. In this way, a state consistently relying on defensive strategies would eventually provide its rival opportunity to prepare for offense when and where required. The magnitude and level of offense is basically guided by balance of power logic. The wider the power gap, the more the chances of offense. The more aggressive Indian policy in the post-9/11 era was the result of

⁸ The world's transformation following end of cold war and 9-11 incident created an opportunity for Pakistan to work out to seek its due share of global power especially by cultivating strong ties with Russia and its energy rich former colonies of Central Asia while retaining balanced relations with US.

disturbing balance of power in South Asia. Moreover, one major reason for Pakistan for being defensive is the geo-strategic position of Indian Occupied Jammu and Kashmir posing direct strategic threat to Pakistan.⁹

Another reason for ever aggressive Indian behavior is Pakistan's policy of appeasement in the recent times which turned former aggressive. There existed frequent expressions of committing to combat terrorism with less emphasis on UN mechanism (for resolution of Kashmir conflict) to resolve Kashmir dispute by Pakistan (Shakoor, 2004). Pakistan must refrain from any such policy behavior leading to appeasement.

In any way(s), letting Kashmir successfully annexed by India would challenge the very existence of Pakistan. After fully annexing IOJK, India would turn more aggressive thereby it would freely work out to strongly claim Pakistan's strategic regions including Azad Kashmir and GB. Furthermore, accepting the status quo or over-flexing on Kashmir would have severe consequences because of the sentiments of over 220 million Pakistanis associated with Kashmir as well as Kashmiris on both sides of LoC including religious and political parties in Pakistan as well as in Azad and Indian Occupied Jammu and Kashmir. As noted by Bennett (2007), attempts to assassinate Musharraf were indicative of the fact that any leader showing signs of compromise on Kashmir would pay the ultimate cost (although Musharraf approached Kashmir resolution in a dedicating manner yet his case was not highlighted properly and probably ill-propagated). Pakistan in that regard would require to practically work out a plan to bring back the lost child and should

⁹ Pakistan has overcome the threat over the years by enhancing its Air Force capabilities. Pakistan may still consider offensive policy options by working out clever strategies to prevent India hurting its security and survival as well as national interests through aggressive policy behaviour.

not compromise any less than the Kashmir Valley in a possible bargain as an outcome of a dialogue process.

Meanwhile, India has been promoting its Hindutva ideology (based on Hindu culture and religion). One goal of this ideological pursuance is to seek public support for its military towards pursuing Indian regional hegemony and particularly forceful annexation of Kashmir. The ideology of Hindutva has been gaining grounds and perceived as better ideological alternative than secularism by Indian decision-making elite.

According to Leidig (2020), Hindutva could not be mainstreamed until election of 2014. To build a narrative tended to further generate insecurity among Hindus, Modi launched political campaign based on reassessments of a Muslim threat to Hindu majority. As a result, Hindutva turned identical to Indian nationalism.¹⁰

In that regard, Pakistan also requires further promoting its Islamist ideology as a primary goal of its national policy to ease achievement of national interests. To that end, Pakistan may pursue to preserve ideology at home while promoting it abroad in the Muslim world. Secularism did not appeal as a convincing idea to the founding father of Pakistan and other main leaders because of the accommodative Islamic principles. Perhaps, it was the reason for Jinnah to conveniently avoid it and went for an Islamic ideological state (along-with probable assessment of Indian politically motivated case of

¹⁰ Other communities in India especially Muslims should realize their relevance in an emerging Hindu-based Indian state. Muslims would thus require potential political struggle for their due share in politics, economy, as well as securing their social status.

secularism). Moreover, historical evidence from Indian internal politics and society further strengthened the idea of Two Nations.

Since regime change does not impact overall state policy. In this regard, change in ruling party does not impact core policies of the state.¹¹ For instance, it was Indian Congress which resisted creation of Pakistan, laid occupation of Kashmir, played critical role towards separation of East Pakistan from West Pakistan, and so on. Moreover, it was Congress party to initiate illegal constitutional annexation of Kashmir through Article 370 whereby through Presidential Order, it pursued systematic annexation of Kashmir in constitutional terms. The Congress completed all necessary groundwork for eventual abrogation of Article 370 by BJP government. The two-party trap should not be misunderstood by Pakistan. BJP is usually labeled anti-Muslim pursuing political sidelining of Muslims without having a single elected member from Muslim minority. However, Muslims' political sidelining has significant reflection in Congress party too. The difference just lies with approach of the two parties with nearly same objectives. Hindutva could simply not be considered as an option in the beginning because of the partitioning of subcontinent whereby India adopted a flexible constitutional approach to accommodate as much princely states as it could while influencing Muslims regarding their vote to Pakistan's favor. Moreover, nascent India was not much powerful to afford promoting Hindutva, in a highly diverse society in the initial years. So, overall policy behavior of Indian state reflects that there would be no change in India's overall Kashmir policy with change in regime. It would thus be to the disadvantage of strategic

¹¹ In this regard, Pakistan's consideration of Modi regime as sole factor towards aggression against it or towards a forward Kashmir policy is not appropriate. This is simply continuation of core Indian policy of becoming regional hegemon.

community in Pakistan to expect regime change as of any significance vis-à-vis Indian policy towards Kashmir and Pakistan.

Indian aggressive policy was meant to gain power at the expense of Pakistan (a direct party to Kashmir conflict) to shift the balance of power in its favor to reach the goal of regional hegemony (In South Asian context). Post-9/11 Indian designed offensive approach was aimed at aggressive pursuance of Kashmir's annexation while adopting policy of political boycott with Pakistan on outstanding issues particularly Kashmir issue (at least until the time whereby India would have a marked advantage over Pakistan in a possible political bargaining on Kashmir with an intent to occupy Pakistan's part of Kashmir and possibly along-with controlling or at least dissociating strategically important parts notably GB and Baluchistan as an ideal outcome of regional hegemony).

Indian aggressive behavior towards Pakistan (containing range of offensive political, military, diplomatic and regional-economic behaviors while observing political boycott) was simply meant to unilaterally alter situation in Kashmir and to permanently annex the occupied territory illegally while ensuring to reach the goal of regional hegemony.

The Military Front (Quest to build Mighty Military Machine)

India emerged as a great power on the map of South Asia given its size. Other states in South Asian region had huge power gap with India. After independence, India developed strong defense ties with Soviet Union. It simultaneously balanced its ties with the western world. Until the end of cold war, India had lacked required economic

wherewithal to build a mighty military machine. However, with disintegration of Soviet Union, India opened up its economy and allied to western powers. With cold war end, India worked out to increase its share of global power. India attempted to transform its better economic growth to build mighty military machine in the post-9/11 era.

According to Sethna (n.d.), India intended to become regional hegemon since its independence. Atomic Energy Act was passed through parliament in 1948 while government established a Department of Atomic Energy in 1954 burdened with sole responsibility to carry out all nuclear activities in the country.

In August 1971, India signed India-Soviet Peace and Friendship Cooperation Treaty which by implication reflected Indian strategic alliance with Soviet Union. India with the assistance of Soviet Union expanded its military forces regularly in 1980s (Hong, 2006).

Death of cold war transformed strategic outlook of India. India recognized Israel in 1992 and Israel became 2nd largest supplier of weaponry to India a decade later. BJP (Bhartiya Jannata Party) considered ties with US essential to its security and survival. India and USA relocated their foreign policies towards Israel. BJP tied up strongly with Israel in terms of security cooperation. Israel provided much required artillery shells and mortars to India to fight limited Kargil war with Pakistan in 1999. Moreover, Israel had provided critical subsystems to upgrade India's Russian based arsenal (Gupta, 2005).

India heavily procured military equipment from Russia in the post-Kargil scenario mainly including; 10 state of the art Sukhoi Su-30 K multiple fighter, 80 T-90 tanks, 3

Russian built frigates, and 4000-ton Krivak class frigate to carry a naval version of Prithvi among other items. Defense deal worth \$3 billion was signed during President Putin visit to India in October 2000. Subsequent deals were made with Russia during high level visits by mid-2001 worth \$5-7 billion. China and India procured 60% of Russian defense equipment significantly leading to revival of Russian military industrial complex and Russian economy in general making Russia 2nd largest arms supplier after US (Gidadhulbi, 2001).

Indian defense budget has been rapidly increasing over the years. India has introduced a 15-year Long Term Integrated Perspective Plan (LTIPP) for modernization of its Armed forces from 2012 to 2027. India intended to minimize military gap with China because of instability in Southeast Asian region. Such factors pushed India to become largest buyer of arms in the world. Its defense capital expenditure experienced an increase from 5.89 billion USD in 2006-07 to 13.6 billion USD in 2013-2014. Moreover, its defense capital expenditure was projected to reach to 50 billion USD by 2023-2024 (*Indo-US trade*, 2015). However, the source has ignored critical factor of Indian rivalry with Pakistan (and goal of South Asian regional hegemony) among major factors for Indian aggressive pursuance of military power.

India has been planning to acquire or build 126 Medium Multi-Role Combat Aircraft (MMRCA) fighter aircrafts amounting to \$12 billion, around 250 light helicopters, 4 more P81 Poseidon maritime reconnaissance aircraft, 6 more C-17s, almost 1500 155-mm howitzers and other defense equipments. The statistics indicated defense diplomacy as an increasingly key variable in Indian foreign policy planning. Moreover,

major US defense and aerospace companies were hopeful to win \$30 billion high profile defense deals with India (Bishoyi, n.d.).

Israel's security cabinet approved \$1.1 billion export of 3 airborne radar systems to India modeled on US Airborne Warning and Control System (considered as one of the most sensitive systems in US weaponry). Pakistan highly protested against the deal. The Bush administration prevented Israel from providing Phalcon systems to China and approved the latest deal which followed India's purchases of Barack (Lightning) sea-to-sea missiles and laser guided bombs by state owned Israel's Aircraft Industries Ltd (The Washington Times, 2004). Meanwhile, India-Israel defense trade averaged more than \$1 billion per year in last 5 years (Ahronheim, 2017).

Israel's technology transfer to India would increase the already existing conventional imbalance between India and Pakistan. Furthermore, India-Israel nuclear cooperation would inflict a sense of strategic inferiority in Pakistan's mind-set. Most alarming part of their nuclear ties was consent of both states to launch preemptive strike in an attempt to destroy Pakistan's nuclear program. Indian regional hegemonic pursuance significantly impacted security of Indian Ocean, whereby Sino-Pakistan economic collaboration under CPEC might turn into quarrelsome environment rather discovering economic opportunities over there (Rehman & Jaspal, 2017).

India and Russia recently signed a major defense deal whereby India procured 5 regiments of Russian-made Almaz-Antei S-400 Triumf air defense systems on October 5. 2018. (Gady, 2018). The deal was carefully ignored by US. The deal might have serious security implications for Pakistan.

The S-400 works with 4 different missiles along-with multilayered radar tracking umbrella covering its entire performance envelop. It would give radar coverage of 600KMs with option of shooting down hostile aircraft or missile within 400KMs to 40KMs outside its territory when deployed with Pakistan's border. Each S-400 battalion has 8 launchers, a control center, radar and 16 reserved missiles. Projectiles travel at an intense speed of 170,000 KMs an hour towards the target. China might not be concerned about S-400 system deal with implications for Pakistan Air Force and Missile Program. Meanwhile, highly advanced stealth aircrafts or faster low observable ones or stealth cruise missiles could only deceive integrated defense system. On the other hand, in an all out war, Pakistan may launch too many missiles and fighter jet attacks making it nearly impossible for S-400 or Akash missiles to prevent penetration in Indian airspace although, such attack requires high-cost with limited-success. With economy performing as per potential, Pakistan could follow China's outfit with development of hypersonic multistage missiles (Ahmad, 2016).

Attacks in 2001 and 2008 on Indian Lok Sabha and Mumbai by actors that India associated with Pakistan were most probable trigger of war. India introduced Cold Start Doctrine meant to incur and hold Pakistan's territory to put latter under immense pressure. Meanwhile, India assumed that US diplomatic support would favor the former more as per situation on ground. Pakistan's military leadership maintained that Indian Cold Start Doctrine causing military hostilities would be responded with Hot End i.e. with use of nuclear weapons (Perkovich, 2010).

The defense and nuclear cooperation of India with Israel, USA and Russia turned India aggressive against Pakistan. India therefore worked out aggressive military doctrines against Pakistan.

Indian designed offensive military doctrines to deter Pakistan included;

Indian cold start doctrine

The surgical strike

Airstrike

The aggressive military doctrines were meant to deter Pakistan as well as to demonstrate Indian regional leadership. However, Indian military doctrines could not achieve success given Pakistan's strong defense position.

Indian Regional Economic Behavior

The source highlighted the nature of Indian hegemony in South Asia. Contrary to benevolent leadership intended to provide assistance in development, Indian hegemony in practice had been necessarily an expansionist based regional hegemony. According to source, Indian expansionism in South Asia was taking place in subordinate collaboration with TNCs (Trans-National Corporations) in economic terms. Indian state had made its smaller South Asian neighbors as suppliers of primary goods and buyers of Indian made manufactures. Some of these states were merely source of cheap labor. The trade-deficit indicated the money transfer from earnings of these states to India. Their development was necessarily subordinate to the requirements of Indian state. Moreover, two viewpoints regarding Indian expansionist hegemony included; Srikanth Dutt's proto-imperialism; an imperialism in the making and CPI's (ML) sub-imperialism; an

imperialism in the making yet subordinate to another imperialism (subordinate to great powers, in this case, subordinate to US). Soviet Union forced Pakistan in 1960s to accept Indian terms in Tashkent Agreement to fully support and back Indian hegemony in the region (N., 1988).¹²

India has trade-monopoly in South Asian region (all South Asian states trading with India face significant trade deficit). Furthermore, India dominated and manipulated regional economic institution to protect and promote specific interests. For instance, India frequently boycotted SAARC Summits to be held in Islamabad, Pakistan to further pressurize and isolate the latter regionally.

As observed by Sigdel (2017), SAARC had only 5% of intra-regional trade in comparison to that among ASEAN members where mutual-trade was 25%. Indian hegemonic behavior impedes economic cooperation among SAARC members and one major reason for its failure as an effective regional economic forum.

Moreover, Indian trade with its neighbors was merely \$19 billion making it only 3% of its global trade (Suneja, 2018). South Asian trade balance explicitly favored India.

Table 3. India's Trade with South Asian States for Year 2016-2017 in Million US Dollars

South Asian States	Indian Imports	Indian Exports
Afghanistan	292.90	507.68
Bangladesh	703.77	6,728.29
Bhutan	299.42	509.30

¹² The concept of Indian regional hegemony may be understood in this way whereby Indian imperialism may be subordinate to US as US essentially push for Indian imperialism. With decline in Soviet power, India since 1990 has turned to US to accomplish its hegemonic ambitions. However, the concept does not merit the nature and scope of this study.

Maldives	9.17	198.93
Nepal	445.38	5,399.98
Pakistan	456.33	1,831.85
Sri Lanka	602.21	3,921.85

Note. Data for South Asian intra-regional trade from (“Trade with neighbours,” 2018).

It reflected Indian monopoly over regional trade whereby each South Asian state was faced with significant trade deficit with India. The huge trade imbalance favored India causing significant transfer of money from poor South Asian states to India. Indian regional economic behavior further confirmed its regional hegemonic behavior.

India significantly influenced SAARC even prior to its formation in 1985. Reservations by India and some others were accordingly incorporated in the Charter. All bilateral and contentious issues were excluded. (Gonsalves, 2014-2015). It reflected Indian intention vis-à-vis cooperative arrangements and denial from any political interaction over resolution of contentious bilateral issues in a regional framework.

Besides diplomatic offensive at international level, India played terrorism card at regional level. To achieve certain diplomatic objectives, India manipulated SAARC Forum and pursued regional states to boycott SAARC Summits expected to be held in Islamabad. As India Today reported, in view of Uri attack, Maldives had become fifth state confirming the boycott of SAARC Summit to be held in Islamabad in November, 2016 with Bangladesh, Bhutan, Afghanistan and Sri Lanka already announced their absence at SAARC Summit. (“SAARC: Maldives joins,” 2016).

Again in 2018, External Affairs Minister Sushma Swaraj announced the boycott of proposed SAARC Summit to be held in Islamabad on similar basis of terror related

allegations and demands (“India to boycott SAARC,” 2018). Pakistan has frequently warned about possible Indian self-designed attacks on its own soil to consequently accuse Pakistan to attain certain objectives.¹³

Bhatta (2019) questioned the very nature and existence of SAARC. It was not clear about SAARC whether it was developmental organization, political entity, trading bloc, or an agency to address regional problems or issues faced by individual countries? If that was the case, SAARC should have addressed Nepalese crisis. There existed no regional effort to address Nepalese crisis or any such crisis faced by any other regional state in the past. Indian deliberation towards BIMSTEC (Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation) clearly indicated lack of Indian interest to fortify SAARC.

Similarly, Pakistan has been going through serious economic crisis. Rather having a kind of support or encouragement through this regional organization, India has rather exploited the forum as an attempt to further deteriorate Pakistan.¹⁴

Indian Interventionism

Indian interventionist policy towards its neighbors is not a new one. There exists sound historical evidence of Indian interventionism.

Pakistan’s Foreign Office confirmed the substance of discussion between Pakistan’s PM Yousaf Raza Gilani and Dr. Manmohan Singh whereby PM Gilani

¹³ Indian historical approach was meant to impede cooperation so as to avoid resolution of outstanding issues

¹⁴ Pakistan might think of revising its membership of SAARC after doing a cost-benefit analysis of its membership at SAARC and thereby pursue other South Asian countries to follow the footstep.

provided evidence of Indian involvement in Pakistan vis-à-vis terrorism. The proofs contained; attack on Sri Lankan team, Indian support to insurgency in Baluchistan and Indian manipulation of Afghan soil to sabotage peace in Pakistan. The evidence was shared with USA and Afghanistan while demanding the latter to prevent its soil exploited against Pakistan by India ("Proof of RAW involvement," 2009).

India attempted to force Mr. Akhtar, a Pakistani Mission Staffer to name four officials as spies. Moreover, a publicized media leak confirmed the involvement of eight Indian officers in High commission working for Indian intelligence agencies. Pakistan captured an Indian military officer Kalbhushan Jadhav, who confessed regarding his involvement towards activating terrorism across Pakistan especially Baluchistan (Syed, 2016).

India actively intervened and played critical role in separating East Pakistan (Bangladesh) from West Pakistan. Recently, in June 2018, government of Bangladesh awarded Former Indian PM A. B. Vajpayee with Liberation War Honor Award for his active role in independence struggle of Bangladesh and firming friendship with India. The award was received by Indian Prime Minister N. Modi on behalf of Former PM Vajpayee (Press Trust of India, 2015).

Furthermore, India extended its security system to all its neighbors except Pakistan which was regional rather national in scope (Rose & Kumar, 1980). Pakistan has been the only state to challenge Indian regional hegemonic designs. Indian extension of security system towards regional states was meant to promote Indian security interests in the region and to further enhance influence in region.

Indian hegemonic status or its perceived aspiration to the status led to threat perception among smaller neighbors and Indian ties with them were far from settled. Neighbors viewed Indian military and other interventions as outward projection and demonstration of military might (as cited in Mukherjee & Malone, 2011).

Meanwhile, Failed State Index (FDI), a project of Fund for Peace has judged 178 states against two categories with total twelve performance criterion. Six categories against which states were judged included; demographic pressures, refugees and IDPs (Internally Displaced Persons), uneven economic development, group grievance, human flight and brain, poverty, and economic decline. Amongst other socio-economic indicators included; state legitimacy, public services, security apparatus, human rights and rule of law, factionalized elites and external intervention among military and political indicators. Not surprisingly, South Asian Indian neighboring states have consistently ranked among top 100s (Hukil, n.d.). Indian political, economic, military and strategic influence over small poor neighbors was the dominant factor towards their poor positions in Failed State Index (FDI).

Ranasinghe (2011) highlighted challenges to Indian foreign policy and pointed out Indian quest to become pre-eminent strategic power in South Asia among core Indian foreign policy objectives. Other objectives included; seeking international support to acquire permanent seat on UNSC, preventing China to gain significant strategic footing in South Asia, and strengthening ties with Africa, Middle East and Southeast Asia. Moreover, India considered sustaining status quo over Kashmir while keeping South

Asian states under influence as primary strategic and foreign policy objective in coming decade and beyond.

Indian existing policy behavior is reflected in Non-alignment report published in 2012 providing policy guidelines for India. The report recommended adoption of soft and hard measures to deal with Pakistan. It suggested making use of combination of positive and negative levers in accordance with the evolving situation. It was meant to mold behavior of Pakistan in response to what India claimed as Pakistan's role towards supporting terrorism. The measures provided in 2.0 Document were meant to guide Indian contemporary strategy. It provided guidelines vis-à-vis Indian strategy towards Pakistan containing positive as well as negative levers to pressurize Pakistan. Negative levers could be summarized as; conducting effective stand-off punitive operations, enhancing diplomatic pressure to put Pakistan on back foot, exploit Pakistan's vulnerabilities in Baluchistan and elsewhere, Reassertion of claims over GB and Azad Kashmir, media propagation could be utilized, and reject any special role for Pakistan in Afghanistan. Meanwhile, positive levers included; provision of incentives to alter Pakistan's behavior, continuation of dialogue even at an event of provocation, interaction through back-channels and direct interaction with Pakistan Army, military exchanges to reduce hostile mind set, enhance bilateral trade and creating constituencies having stake in peaceful-friendly ties with India, cooperation on water and energy along-with seriously considering regional projects and contact at all levels including those in media, civil society and so on (Khilnani et al., 2012). However, India mainly adopted set of hard policies with significant place for soft policies to attain certain goals.

It is reflected in Former Advisor to Pakistan's Prime Minister on Foreign Affairs Mr. Sartaj Aziz words who had highlighted Indian aggressive policy designs towards Pakistan. He mentioned Indian sponsorship of terrorism inside Pakistan, Cease-fire violations across LoC in J&K to engage Pakistan to limit ability of Pakistan's army towards employing more resources on its western border with Afghanistan, Indian deployment of advanced weapon systems, offensive positioning of troops and Indian military exercises along the border to enhance capacity of surprise attack as envisioned in its cold start doctrine, opposing CPEC for no obvious reason other than impeding Pakistan's economic development, Indian tendency to use force against innocents civilians in Indian Occupied Jammu and Kashmir and avoiding any dialogue over Jammu and Kashmir with Pakistan, all had led to continuous crisis in relationship of both states (Aziz, 2019).

Bhardwaj (2018) highlighted persistence of dominant Indian influence. He argued that India had managed it for so long only because outside great powers had not been simply interested to step in. India forcefully divided Pakistan in 1971 while it annexed small Himalayan Kingdom Sikkim in 1975. Being target of Indian hegemonic policies, South Asian states with the beginning of the decade turned to external balancing as means to reduce Indian hegemonic influence. It was reflected in contemporary political behavior of these states; Sri Lanka proposed UN sponsored Zone of Peace in the Indian ocean, Nepal wanted to be declared Zone of Peace jointly supported by China and India, Maldives offered USA its Gan Airbase with satisfactory one-time payment, Sri Lanka attempted to develop similar military relationship with US, while Bhutan requested

revision of uneven Indo-Bhutanese Treaty. At different time intervals, nearly all these states attempted to develop political and military relations with China. According to writer, China since 2010s has been approaching to firm its foothold in South Asian region even if it could be achieved at the cost of angering India. China has begun to get involved in South Asia from; flexing military muscle at Bhutan's border, to signing free trade agreement with Maldives, expanding border trade with newly-formed Maoist government in Nepal, to seeking strategic Hambantota port in Sri Lanka.

If such situation goes, South Asian region would be increasingly becoming avenue of Sino-India competition for influence. It would probably lead to softening of Indian regional policy towards the neighbors and probably increase the prospects of settlement of bilateral disputes persisting between India and its South Asian neighbors beside considerable decrease in Indian hegemonic influence.

Encirclement of Pakistan

India has maintained its influence over South Asian neighbors excluding Pakistan. India pursued small neighbors to regionally isolate Pakistan as reflected in successful Indian campaigns to pursue South Asian neighbors towards boycott of SAARC Summits to be held in Pakistan as mentioned earlier in this chapter. Meanwhile, India cultivated strong strategic ties with Afghanistan and Pakistani bordered Iran aimed at strategic encirclement of Pakistan.

- Through Afghanistan**

With growing internal turmoil in Afghanistan whereby central government faced challenge by Al Qaeda and other groups, India exploited the opportunity and developed ties with Afghanistan (with strategic dimension). According to Ganguly and Pardesi (2007), India contributed \$0.75 billion towards the reconstruction of Afghanistan.

Khory (2010) highlighted divergent US and Indian interests in Afghanistan. Indian interest lied in an Afghanistan free from any influence of Pakistan and any move favoring Pakistan in any way vis-à-vis Afghanistan was contested by India. It was reflected in Indian rejection of comprehensive US strategy (under Obama administration). India perceived the strategy as compromise over its strategic interests in Afghanistan and region.

Indian representative in United Nations justified Soviet invasion of Afghanistan while maintaining that the intervention was requested by Afghan government. India lifted up its role in Afghanistan in 1980s by training Afghan Army and expanding developmental and industrial projects (as cited in Chaudhuri, 2010).

India and Afghanistan signed agreement on strategic partnership on October 4, 2011. According to clause 5 of the deal, India agreed to assist in mutual determination regarding training, equipping and capacity building programs of Afghan National Security Forces (Text of Agreement on Strategic Partnership between the Republic of India and the Islamic Republic of Afghanistan, 2011).

According to Raiphea (2013), strategic partnership agreement was meant to train Afghan National Security Forces and Afghan Police while urging a strong, stable

government as critical to Indian strategic interests in the region. Indian main interest in Afghanistan as stated by the writer was projection of its power status and seeking access to energy rich markets of Central Asia. However, real Indian motive in Afghanistan was shaping an anti-Pakistan state that consequently compelled Pakistan to deploy significant number of troops on its western border. In that way, India engaged Pakistan on eastern as well as western fronts.

According to an Indian writer Pant (2012), instability in Indian South Asian neighbors impeded India's major global power status. Nearly all of the Indian neighbors underwent instability. To writer, one of the most significant challenges to Indian foreign policy was the suspicion among smaller neighbors regarding its hegemonic status. The writer suggested that India should meaningfully engage its neighbors while becoming net provider of regional peace and stability. Afghanistan since 2001 has provided India with latter's struggling foreign policy vis-à-vis neighbors to highlight its role as regional power.

However, Pant has ignored Indian historical interventionism causing instability in neighboring states and Indian hegemonic designs meant to enhance its power at the cost of its neighbors. Indian regional hegemony enshrined with inflexible approach has served as the basic impediment towards settlement of outstanding issues between India and its neighbors. Rather providing security to small neighbors, India over the years caused immense instability in its neighborhood. Indian presence in Afghanistan was strategically oriented i.e. cultivating an anti-Pakistan Afghan state and exploiting Afghan soil to destabilize Pakistan.

Indo-Afghan strategic partnership served to enhance Indian role in Afghanistan. Burgess (n.d.) suggested that US and India should work together after 2014 (in case of US withdrawl from Afghanistan) to prevent Taliban takeover in Afghanistan and managing relations with Pakistan. India preferred US to end its ties with non-NATO ally, Pakistan. India intended to impact Pakistan-US relations while working out to enhance its role in Afghanistan. India challenged Pakistan's presence in Afghanistan.

Burgess (2013) maintained that Pakistan would keep guaranteeing US access to Afghanistan and US would keep pressing Pakistan to fight Taliban and Al Qaeda, preventing loose nukes and counter its relation with China being monopolized. Furthermore, writer believed that US-Pakistan alliance vis-à-vis Afghanistan would slow the pace of India-US strategic partnership.

However, India-US strategic cooperation has not been impeded by Pakistan-US alliance in Afghanistan. In fact, USA has encouraged Indian presence in Afghanistan under the garb of the so-called reconstruction scheme. The potential Indian presence would not have been possible without assent of USA in Afghanistan.

Indian spy agency played critical role towards creation of Afghanistan's national Directorate of Security (NDS). Indian national army trained Afghan army especially equipping them with guerrilla warfare techniques (Javaid, 2016).

Indian presence in Afghanistan in the post-9/11 period turned Pakistan's western border instable with regular exchange of fire. India managed to cultivate a successful proxy ground against Pakistan through its presence over the years in Afghanistan. Not

surprisingly, India adopted similar policy in East Pakistan whereby it created a hostile East Pakistan against West Pakistan. India militarily assisted Eastern part to ultimately reach out to the objective of disintegration of Pakistan.

It is appropriately pointed out by Rizvi (2016) that India under the garb of reconstruction and rebuilding had actually exploited Afghan soil to terrorize Pakistan. It was also highlighted by Webster Griffin Tarpley, an American Correspondent in a TV interview while responding to a question that Indian Intelligence RAW (Research and Analysis Wing) had been there in Afghanistan to recruit crazy people, train them and launch them for terrorism inside Pakistan. Indians had that real dirty side.

According to an Indian writer Kirk (2010), Afghan government aimed to pursue a policy of reconciliation and reintegration to those insurgents willing to give up violence, accept Afghan constitution, and end ties with Al Qaeda. The new policy favored Obama administration's goal and help US NATO allies and International Security Assistance Forces to transfer security functions to Afghan forces. To writer, India would fully oppose any such reconciliatory policy as it contradicted the core Indian interests in a way that it had long contested any argument making distinction between good and bad Taliban. It would absolutely privilege Afghan Taliban leaders based in Quetta and Tribal Areas since they got displaced in 2001.

In this regard, Indian unwillingness towards possible scenario of reconciliation between Afghan Mujahideen and Afghan government (meant to achieve peace and stability in the country) reflected Indian position as peace-destroying rather peace-securing. The probable reason for Indian unwillingness towards stable and peaceful

Afghanistan as an outcome of reconciliation was possibility of end of Indian secret war-ground and consequently limitation of Indian role in Afghanistan.

Jain (2016) urged India to continue its role in Afghanistan. Pakistan had been unwilling to provide India much strategic space in Afghanistan. India had significantly trained Afghan army and security forces with a role to assist infrastructure and building civilian capacity. Obama administration had assured support to India vis-à-vis latter's security and economic role in Afghanistan. General John Nicholson in his visit to India in 2016 appreciated Indian role towards training of thousands of Afghan forces. John insisted that Afghanistan had required more military hardware including helicopters to fight against Taliban and other terrorist outfits including Haqqani network. India's greater role in Afghanistan in terms of military or their presence for developmental assistance would get hostile reaction from Pakistan.

In that regard, extension of India-US strategic partnership to Afghanistan created significant security challenges for Pakistan. A war (US war on terror) meant to fight Afghan Taliban resulted in security-related risks and challenges for Pakistan. Meanwhile, regarding Indian economic role in Afghanistan, it would be hard to believe that a state with nearly 70% of its population existing below poverty line to carry out welfare projects without certain strategic objectives and sacrifices in return.¹⁵ Therefore, Indian money in Afghanistan was meant to further create instability and a state of lasting chaos.

According to Jahangir (2015), US had supported Baloch insurgents through Indian assistance for a long time. US assistance to open consulates along Pakistan-

¹⁵ India wanted Afghanistan to be a challenging state for Pakistan and possibly get into war with Pakistan.

Afghanistan border was meant to encourage India to strengthen its spy network in Afghanistan. These consulates served as bases for Indian Intelligence RAW to assist Baloch rebels financially and otherwise. Officials in Pakistan had consistently highlighted Indian involvement and also expressed doubts regarding US and Iranian involvement.

Meanwhile, according to former US intelligence official who served in Pakistan as well as Afghanistan, same forces attacking Pakistan and American soldiers were seeking support from India, so, India should close its diplomatic establishments in Afghanistan. Afghan officials notably, Afghan government's Advisor, Ehsanullah Aryanzai had also confirmed Indian involvement in destabilizing Pakistan through Afghanistan. To him, Afghan security agencies were unable to stop India destabilizing Pakistan through Afghan soil because of absence of centralized government mechanism. Furthermore, a renowned scholar, Christine Fair of Rand Corporation after a visit to Indian mission in Zahedan stated that Indian officials had told him about the pumping of money into Baluchistan. An Italian Journalist, Austro D Agnelli had also exposed Indian involvement towards promoting terrorism. According to Agnelli, Indian Air force and military bases Farkhor and Ayni located in Tajikistan had been used as terrorist training camps. Agnelli further reported that Indian Secret Service had recruited unemployed underage Uzbeks and Tajiks in garb of high paid jobs. An amount of US \$5000 was paid to each family for recruitment of young children (as cited in U. A. Khan, 2015).

Beside security aspect, economic aspect was also associated with Indian partnership with Afghanistan. India had exploited already water-stressed situation in

Pakistan through its presence in Afghanistan. India was expected to begin work on \$236 million Shahtoot Dam project on Kabul River in Afghanistan in weeks to come. The three years project had raised serious concerns in Pakistan being low riparian country. Meanwhile, it would reduce water-flow into Pakistan and further worsen Pak-Afghan ties. Kabul river basin extended to 9 Afghan and 2 Pakistani provinces and sole source of drinking water for seven million Afghans and Pakistanis. It got capacity of 147 million cubic meters (MCM) of water. Kabul River along-with tributaries added 20-28 million acre feet (MAF) of water into the Indus River at Attock. Moreover, river powered 250 MW of Pakistani Warsak dam (Ramachandran, 2018).

Dawn News report revealed that India had intended to build 12 projects on river Kabul along-with repairing of Friendship dam (Salma dam) on Chishti-e-Sharif River in Herat province. Afghan authorities with assistance of India and international community would initiate construction of multi-purpose water projects on tributaries of river Kabul which would impact Pakistan adversely. World Bank would also provide funding for 12 dams amounting to \$7.079 billion (Mustafa, 2016). Moreover, Indian government would provide funding of \$300 million for Salma dam project (Javaid, 2016).

In that scenario, Malik (2019) advised Afghanistan and Pakistan to immediately develop an integrated mechanism based on basic principle of benefit sharing instead of dividing waters or undertaking unilateral developments.

India-Afghanistan strategic partnership was explicitly meant to hurt security and economy of Pakistan besides destroying ties of two brotherly states. The sole Indian motive had been creation of a hostile Afghanistan towards Pakistan.

- **Through Iran**

India pursued Pakistan-bordered Iran with strategic mindset in the post-9/11 period. US considered Iran as rival state and imposed sanctions on latter while carefully ignored Indian-Iranian partnership given the strategic ties between India and US.

Pant (2004) while highlighting the significance of strategic agreement for India and Iran (which was signed on week before 2003) asserted that it would provide India with a successful attempt towards strategic encirclement of Pakistan. Meanwhile for Iran, the agreement led to great enhancement of its military and diplomatic standing in the region.

As per agreement, (Russia, India and Iran signed an agreement called Inter-Governmental Agreement on International North-South Transport Corridor in 2000) India agreed to assist expansion of Chabahar laying Railway tracks connecting Chabahar with Afghan city of Zaranj. Iran considered it a relief towards blockage of Bandar Abbas to some extent. The kind of facility proposed to be materialized was subject to ambiguity with India claiming it a commercial port. Meanwhile, others in the region, China and Pakistan considered it a step that might affect China-Pakistan planning at Gwadar port lying along Pakistan's Makran coast, only few hundred kilometers from Chabahar (Fair, 2007).

India and Iran signed defense cooperation agreement in 2003 whereby India was required to support construction of warship repair facilities at Iranian newly developed Chabahar port and station Indian Air Force engineers at Iranian military bases to maintain

and provide upgrading of Iran's MIG 29 fighters. Furthermore, India was supposed to; assist refitting and maintenance of T-72 tanks, provide BMP infantry fighting vehicles and 150mm and 130mm artillery guns, train Iranian troops at India and Iran, sale of Indian Konkurs anti-tank guided weapons and spare parts. In return, India wanted surveillance platforms from Iran during crises with Pakistan. For Indian defense circles, the accord would serve India with its military exports to Middle East and use of Iranian military bases in event of war with Pakistan (Zeb, 2003).

Moreover, India sought to develop first Iranian liquefied natural gas plant. Iran was India's second largest supplier of petroleum by the end of 20th century. Indian firms invested nearly 11 billion USD in Iran's Farzad B gas field and South Pars gas field. Due to lack of proper refinery infrastructure, Iran was forced to rely on imports for over forty percent of its consumption. By some accounts, Iran once imported forty percent of oil from Indian refineries (Padukone, 2012).

Fair (2007) pointed out that volume of defense trade had been less relevant than kind of activity going on at Chabahar which was more of qualitative in nature. The presence of Indian engineers, military advisors, and intelligence officers at Chabahar provided India access to Iran and enhance Indian power projection vis-à-vis Pakistan and Central Asia. Furthermore, it provided India ability to monitor Pakistan and even launch sub-conventional operations against latter via Iran. Some Pakistani officials maintained that India had been supporting insurgency in Baluchistan via Iran as well as exploiting its position in Afghanistan to enhance intelligence activities against Pakistan. Moreover,

Pakistani observers opined that Indian presence at Chabahar port would provide India with a utility to closely watch activities at Pakistan's Gwadar port.

India has over the years exploited Iranian soil to run a terrorist network to pursue terrorist activities inside Pakistan especially creating instability in Baluchistan. Indian spy Kalbhushan Jadhav (who was operating through Iran to carry out terrorist attacks across Pakistan especially Baluchistan, caught by Pakistan's security agencies) is an existing evidence of Indian involvement in projecting terrorism in Pakistan.

Pakistan's govt. had due recognition of possible challenges emanating from Chabahar port. Meanwhile, Pakistan brought the issue of Indian exploitation of Iranian soil towards terrorizing Pakistan to Iran's notice. However, Pakistan would require strengthening ties as well as close cooperation with Iran to address any possible challenges emanating from India-Iran strategic understanding.

Indian Diplomatic Offensive in 21st Century

With the beginning of 21st century, India launched an offensive diplomatic campaign against Pakistan to diplomatically isolate the latter particularly vis-à-vis Kashmir. In this regard, India aggressively pursued development of strategic ties with number of states in post-9/11 period. It established strategic relations with more than a dozen states in post-9/11 era. The strategic partnerships covered a vast range of areas including; defense equipment and technology, joint-military exercises, cooperation in nuclear energy, trade and investments, diplomatic support on critical issues, cooperation in science and technology, education, agriculture, information and communication

technology, banking, insurance and so on. The nature of partnerships varied depending on level and goals. The source highlighted three core areas where India pursued diplomatic support. These included; Indian policy towards Kashmir, Pakistan, Afghanistan and terrorism, Indian nuclear policy and Indian bid for permanent seat on UNSC (Kumar, Pradhan, Sibal, Bedi & Ganguly, 2011).

India-European Union upgraded their ties to strategic partnership. The strategic partnership focused dialogues, working groups and joint actions to upgrade relations from trade to host of issues such as; counter-terrorism, climate change, economic cooperation, and civil society interactions with societal level contacts. EU was India's largest trading partner with India 14th important state for EU in trade. The source highlighted similarities between India and EU as both had possessed diverse cultures, religions, languages, states with struggling to construct modern, multi-cultural, multi-ethnic and secular societies facilitating social cohesion and inclusion (Hughes, 2005). Among other objectives, EU being an important regional power was pursued by India to seek former's support for Indian laid counter-terrorism narrative.

Fani (2005) maintained that surprisingly for Pakistan, Indian manner to react to 9/11 incident had violated basic diplomatic norms. India voluntarily offered assistance to US in war on terror especially against Taliban and Al Qaeda network. It attempted to allege Pakistan in attacks. India insisted that support to Taliban regime by Pakistan and extremist organizations had actually encouraged such groups to hurt US interests and its citizens. Declaring Pakistan as supporter of terrorist elements in Kashmir, India pursued US to pressurize Pakistan for taking action against Jihadi groups involved in what India

had called terrorist activity in Kashmir and elsewhere in India. Kashmir seemed to assume a different dimension after 9/11 period with Indian utmost efforts to label Kashmir Freedom Movement as Pakistani sponsored terrorist activity. India pursued US and international community to take action against Pakistan. In this regard, ultimate Indian motive was discrediting Kashmir freedom struggle and declaring Pakistan as terrorist state.

India managed to manipulate historical indigenous freedom struggle of Kashmiris internationally in the wake of global political transformation with 9/11 incident. According to Puri (2001), Osama Bin Laden's Al Qaeda in its video tapped statement ordered Americans to end their support to Hindus in Kashmir. It was the first time; Kashmir was put to international terrorist agenda thereby creating an opportunity in what was perceived as clash of civilization between Islam and west for some naïve Hindus to align to western bloc.

President Vladimir Putin visited India in 2014. He skipped his address to Indian Parliament while mentioning busy schedule. Meanwhile, joint statement merely emphasized global resolve and cooperative measures without double standards vis-à-vis terrorist acts in J&K and Chechnya (Stobdan, 2016). Despite comparatively weak ties with Russia as compared to cold war period, India was able to buy Russian opinion in former's favor regarding terrorism.

The diplomatic war launched against Pakistan by India in the post-9/11 period resulted in diplomatic win for India leaving Pakistan to a diplomatically disadvantaged

position.¹⁶ Pakistan's diplomatic activity had been slow and inefficient especially in post-Musharraf era. President Musharraf was however able to engage India more actively while introducing out of box solutions approaching the resolution of Kashmir dispute.¹⁷

India greatly exploited the opportunity created in the wake of 9/11 incident with USA's declared global war on terror (against Islamic Fundamentalism). India launched aggressive diplomatic campaign against Pakistan while propagating latter as terror-sponsoring state. Indian campaign caused gradual increase in US pressure over Pakistan to address Indian concerns. Indian diplomatic offensive managed to achieve desired outcomes to great extent and impacted global public opinion significantly. .

India on Kashmir Front

India adopted a comprehensive scheme to consolidate its hold over Occupied Kashmir. India over the years worked out variety of political, military, diplomatic and economic policies to firm its illegal occupation by altering situation on ground. India being the largest democracy manipulated its parliament and constitution to forcefully annex the state under its occupation while repudiating Kashmiris their basic right of self-determination pledged to them by Indian first Prime Minister as well as through UN resolutions.

¹⁶An important element to exercise effective foreign policy behaviour is through pursuance of enhancement in national power. Moreover, a powerful state is more attractive to the interests of other states for cultivating good ties to get rid of isolationism.

¹⁷Pakistan requires more effective, efficient and proactive diplomacy in regional and extra-regional (notably SAARC, SCO) and international organizations (notably United Nations) to highlight Indian aggressive designs particularly towards Kashmir.

Indian behavior since the very independence was in line with the rules of offensive realism. It turned down from due share of Pakistan under partition scheme. It played significant political and military role to dissociate eastern part from western part to deteriorate Pakistan to accomplish the goal of regional hegemony. In post-Simla Accord scenario, India exploited the agreement as an ultimate forum to resolve bilateral disputes while ruling out any possible third party mediation as an attempt to further enhance its position on Kashmir vis-à-vis Pakistan.

Indian intention since the beginning regarding peaceful settlement of disputes was reflected in Indian rejection of Jinnah's Kashmir proposal. India rejected Jinnah's proposed plebiscite under joint India-Pakistan supervision and advanced its troops against Kashmiri fighters and Pakistan's tribesmen ("A brief chronology of Kashmir," 1971).

After Abdullah's dismissal from his Office (and his arrest), pro-Indian Kashmiri leaders (Indian puppet government in Kashmir) overlooked pre-designed and gradual decline of J&K autonomy accorded under Article 370 of Indian constitution. On February 6, 1954, J&K constituent Assembly confirmed Maharaja's accession to India. Meanwhile, on 26 January 1957, J&K constitution was formed which declared J&K as an integral part of Indian Union (as cited in Snedden, 2005). However, UN declared convening and actions of Constituent Assembly of Kashmir as void in Resolution 122 (see Table 1 for details). Moreover, abrogation of Article 370 required Presidential Order after consultation with Constituent Assembly (or Legislative Assembly or State government) of Kashmir under Indian constitution. The Order was made while putting ruling Kashmiri leadership under house-arrest. In that way, Indian potential move

violated its own constitution. However, enactment as well as abrogation of Article 370 is legally void given clear UN resolutions in that regard.

Former President Ayub Khan (assuming power in 1958) had clear vision about Kashmir issue and its resolution. In a little while, he got disappointed with Indian insistence to convert Ceasefire Line into permanent international border which was never acceptable to him. Dreaming to liberate Kashmir from shackles of India, Ayub Khan employed great logic and rationality vis-à-vis Pakistan's stand on Kashmir. Referring to map of Kashmir, he pointed out location of three rivers as lifeline for 45 million people of Pakistan, growing even more significant in years to come with increase in population. He further added physical security as another issue linked with Kashmir. To him, ceasefire line was like a grip around Pakistan's neck (as cited in Shakoor, 2004). The ceasefire was imposed by UN in 1948 (to hold plebiscite in Kashmir that has never been held) restricting Pakistan to move forward on Kashmir.

Power dictates policy. India's Kashmir policy evolved with enhancement in power position whereby with increase in power, India turned more inflexible towards Kashmir dispute.

According to Pakistani politician and former Chairperson of Kashmir Committee, Nawabzada Nasrullah Khan, India faced a humiliating defeat by China in 1962. Pakistani forces without necessary armaments like tanks, armored cars, planes and helicopters could conveniently liberate occupied Kashmir. At that time, American representative Mr. Averall Harriman as well as British Minister Mr. Duncan Sands visited Pakistan to convince it to start bilateral dialogue with India. The real intention of America and

western powers was containing China (while preventing Pakistan from forwarding on Kashmir front). Moreover, they planned to fulfill Indian self-sufficiency in military hardware. As soon as India realized, it had become self-sufficient in military hardware, it started calling Kashmir as its integral part. It consequently led to suspension of talks. Like Simla agreement, emphasis was made in Taskent agreement too yet bilateral negotiations could not take place simply due to Indian insistence on Kashmir being an integral part whenever an effort was made to hold talks. Certainly, when a state refused to acknowledge existence of any dispute, there could hardly be any negotiations at all. Similarly, Kashmir resolution through mutual negotiations was emphasized in 1972 which too did not occur. (N. N. Khan, 2001). It clearly reflected that how American and western assistance to India towards containment of China had resulted in loss of opportunity for Pakistan to gain control of the occupied state of Kashmir.

Meanwhile, Lahore Declaration of 1999 emphasized the resolution of all outstanding disputes including Kashmir dispute along-with determination to implement Simla agreement.

Noor (2007) maintained that surprise attack in 2001 on parliament building in India and events that followed had immensely impacted Pakistan's policy on Kashmir. Like US launched global war on terror (against Islamic Fundamentalism as threat to global peace), India played terrorism card on bilateral, regional and international level to diplomatically sideline Pakistan. It was done to influence Pakistan's position on Kashmir. Meanwhile, at the same time, India attempted to strengthen potential hold over the occupied territory through variety of means.

India's blame game continued throughout 1990s over Kashmir with former's refusal to consider Kashmir as a major bilateral issue (Noor, 2007). The blame game was simply the consequence of a long-held Indian policy of buying time to avoid an effective negotiation.

Once addressing to Rajya Sabha, Former Indian PM Lal Bahadur Shastri assured members regarding progress over administrative integration of Kashmir with rest of the state ("The Task in Kashmir," 1994).

Pakistan's former Foreign Minister Gohar Ayub Khan while talking to "The News" on 9 June 1998, clarified that Indian offer regarding dialogue over Kashmir had been meaningless without third party involvement (as cited in Jain, 1998). It was reflected in historical Indian interaction with Pakistan on Kashmir whereby negotiation-drama was simply intended to bargain time. In that regard, Indian offer was useless in the absence of neutral third party mediation. Moreover, third party participation was probably preferred by Pakistan to balance as well as sustain outcomes of negotiations.

Hussain (2009) provided a precise account of India's Kashmir policy at local, bilateral and international level. At local level, Indian objective had been to crush freedom movement by massively applying force while manipulating the political differences within Kashmir. At bilateral level, India tended to avoid any interaction involving a movement away from stated (latest Indian stance) Indian position on Kashmir being an integral part. Meanwhile, core Indian objective to maintain a posture of dialogue with Pakistan was based on gaining time to firm its hold over Kashmir while pacifying Kashmir freedom struggle. At international level, India referred to Simla agreement as

viable forum to settle outstanding issues including Kashmir issue while labeling Pakistan's campaign alleging HR violations as well as Kashmir resistance movement as Pakistan sponsored terrorist activity.

To address Indian cross-border allegations, Pakistan offered UN for monitoring of LoC yet India refused any such possibility which proved invalidity of such allegations. India had mainly avoided any result-oriented interaction over Kashmir. India's occasional agreement to hold dialogue was simply meant to divert international pressure by creating pretense of talks rather seriously reaching out resolution of the conflict (as cited in Fayaz, n.d.).

Indian baseless cross-border (and terrorism) allegations deserve a reality check. Firstly, India had mainly resisted achievement of de jure borders with Pakistan (as well as China) by sorting out Kashmir conflict which reflected former's expansionist policies. India had rather adopted variety of political, economic, military and diplomatic means to strengthen the very hold of the occupied state. Secondly, India almost always accused Pakistan in an event of terrorism in haste without proper investigation. Thirdly, India had failed to present solid evidence before Pakistan for latter's involvement in terrorist activity in India. Fourthly, India accused Hafiz Saeed as mastermind behind Mumbai attacks without producing solid evidence. He was discharged by local Courts after a fair-trial based on provision of no such evidence proving his guilt in that regard. Fifthly, Musharraf's Four-Point Formula contained an important item called 'Joint anti-terrorism mechanism' among other substance to curb regional terrorist elements. India could have regarded the proposal if it really had been victim of terrorism yet it turned down from the

proposal without presenting solid reason. Sixthly, Pakistan captured a serving Indian Navy Official, Kulbhushan Jadhav who openly confessed regarding Indian nefarious designs to project terror across Pakistan. Lastly, Pakistan frequently warned about possible Indian self-nurtured terrorist activity to accuse Pakistan to attain certain political objectives. It clearly reflected Indian propaganda on terrorism based on falsehoods. Pakistan should simply disregard Indian allegations of cross-border infiltration as India has no legal and moral right to stay in occupied Kashmir. Pakistan should rather balance it by questioning Indian illegal presence in Kashmir and Indian state terrorism in occupied state to carry out severe HR violations.

Rather addressing real issue, India adopted diversionary tactics to avoid any meaningful dialogue to reach an ultimate resolution of the conflict. India created serious human-crisis in Occupied Kashmir with long-held curfew and deployment of extraordinary number of troops in the wake of its illegal move of revocation of Article 370. India had been ever aggressively terrorizing Kashmir by conducting severe HR violations and pursuing systematic transformation of demography of occupied state.

Indian policy had been expansionist one since the very independence of subcontinent. India considered South Asia as an exclusive region of its hegemony. Meanwhile, for many scholars, Indian non-alignment in the initial years was simply meant to discharge it from the burden of cold-war (being nascent state).

With revocation of Article 370, India has been pursuing systematic demographic transformation in IOJK while frequently issuing threats of aggression to Pakistan. Indian prevailing policy on Kashmir is all set to achieve status quo through offensive means.

With absence of any potential resistance along-with UN inability, India in coming years would have potentially altered situation in Kashmir. Pakistan would thus require comprehensive policy design to address Indian offensive in Kashmir and beyond.

4.2 India-US Strategic Nexus

The nature of US-India strategic nexus meant to contain China in the region has led to further Indian regional hegemonic aspirations in South Asian region. The partnership and thereby US political, economic, military and strategic assistance to India has fed into regional hegemonic pursuance (which is the primary impediment towards settlement of Kashmir dispute). The US high-tech transfer, Indo-US civil nuclear deal, export of advanced military equipments, converging strategic thinking with enhanced strategic cooperation have caused India to adopt regional hegemonic aggressive policy design.

The partnership has potentially impacted Kashmir cause in the region. It has significantly disturbed balance of power in the region. It has served to provide India to pursue hegemonic ambitions more aggressively whereby only Pakistan in the region contests former's hegemony. It has impacted the overall political scenario of the South Asian region. India-US strategic nexus vis-à-vis Kashmir conflict is worth investigating. Moreover, study intends to highlight ways in which US-Factor impacts significantly over Kashmir cause.

According to Raghu (2007), term strategic refers to a holistic framework covering diplomacy, security in defense, food, energy and trade. Shortly, it covers all aspects

addressing a nation's long term interests. Raghu considered security as the dominant factor in Indo-US strategic partnership. It was primarily forged to contain China. It extended well to South Asian region including Afghanistan and particularly uplifted Indian regional hegemonic position.

US Congress highlighted the very nature of India-US strategic nexus. The transformation of US approach towards India as key strategic, defense and military partner was guided by emerging US security interests including; keeping stable balance of power in Asia, reducing threats emanating from terrorism and religious extremism, controlling nuclear proliferation in Asia and securing US political and economic interests in Asia-Pacific region, partially through free trade, freedom of navigation and alliance structures (U.S. Cong., 2012).

US-India strategic partnership was based on several mutual interests. The containment of China was the primary US goal whereby India was loaded to counter-balance China in the region. Counter-terrorism was another domain of US-India partnership. India manipulated war on terror over the years by launching an international propaganda against Pakistan alleging latter as sponsor of global terror especially terrorist attacks carried out in India. The aggressive Indian propaganda on terror was carefully ignored by USA against its strategic ally, Pakistan.¹⁸ Surprisingly, US gradually entertained Indian propaganda while occasionally questioning Pakistan's role in this regard. By the end of day, USA ultimately accused Pakistan to double-cross the former in the wake of long-held failure in Afghanistan.

¹⁸ Pakistan was frontline state and key ally of US in its war on terror.

India globally propagated Kashmir's Indigenous Freedom Struggle as a terrorist activity sponsored by Pakistan. Meanwhile, India-US counter-terrorism cooperation and emerging convergence on counter-terrorism narrative over the years might serve to enhance Indian capacity to suppress an indigenous movement. Both states have agreed to enhance civil nuclear cooperation. USA has been willing to assist India seeking a permanent seat on UNSC despite clear Indian violations of UN resolutions on Kashmir dispute. It reflected irrelevance of UN resolutions for US regarding Kashmir.

With strengthening of India-US partnership, US views have been increasingly converging with Indian stance meant to accuse Pakistan as a safe haven for terrorists. It is reflected in US-Indian convergent (common) views on Let (Lashkar-e-Tayyaba) Pakistan. India has frequently accused Hafiz Saeed as a terrorist and mastermind behind terrorist attacks in India without providing evidence. Hafiz Saeed was discharged from Pakistan's local court based on provision of no evidence against him to prove his guilt in that regard.

USA considered India even prior to its independence a key partner in the region given latter's strategic significance in the face of balancing China. USA was perhaps the most important state to press for Indian independence from British colonial-ship. In view of American ideals of liberty, Roosevelt and Truman administration strongly advocated for Indian independence. Reciprocally, Indian leadership under Nehru eagerly sought to develop close strategic ties with US meant to seek arms, economic assistance and diplomatic support despite their formal inclination towards nonalignment in the light of emerging cold war. India-US ties remained limited more specifically due to little room

for informal alliance given emerging US vision of containment of communism. However, both states experienced cordial relationship from 1947-1962. During this period, US became the largest donor of India. US considered India as an important player in former's global anti-communism campaign in spite of New Delhi's reluctance. The year 1962 turned out to be the highest point in India-US relations with significant US support to India on political, diplomatic and military fronts during Sino-Indian war of 1962 (Tellis, 2007). India even prior to its independence was strategically vital for US interests in the wake of US global campaign against communism as well as locating a counter-weight against China.

On the other hand, Pakistan perceived US as a useful alliance partner given the formal distance between US and India in the starting years. Pakistan-US relations sought military dimension with the signing of Southeast Asia Treaty Organization (SEATO) and Central Treaty Organization (CENTO) pacts.

The sources highlighted that Pakistan had lost Soviet Union because of the useless CENTO and SEATO pacts. The pacts changed Soviet perception of Pakistan on one hand while on other hand; the pacts posed great challenge towards managing ties with China. Later on, US elevated its relationship with India to a higher level in the wake of rapidly growing China. US signed 10-year defense agreement with India in June materializing arms trade, technology transfer and coproduction of military arms. Moreover, US permitted export of advanced patriot anti-missile defense system and allowed American defense manufacturers bidding for Indian combat aircraft requirements. Meanwhile, few months earlier, both sides signed big "open skies" agreement permitting unlimited

civilian flights between them. India ordered import of 50 Boeing aircraft meant for its international carrier. A landmark joint statement was made by President George Bush and PM Manmohan Singh in which both leaders pledged to upgrade their ties by establishing global partnership in July. India was constrained vis-à-vis pursuance of its civil nuclear program being non-signatory of Nuclear Non-Proliferation Treaty (NPT) lacking international cooperation. The statement was start of the end of Indian isolation in nuclear field enforced since 1970s. In this regard, US made a grand bargain by accepting India a de facto member of exclusive nuclear club (Nayar, 2006).

According to Budania (1995-1996), since 1950s, USA's South Asia policy was based on pursuing two objectives; limiting Soviet influence and upsetting India's regional role. The factors which brought US and Pakistan closer to each other included; firstly, in 1950s, US keenly viewed Pakistan's involvement in any joint western defense plan towards Middle East whereby in Foster Dulles' 'Northern tier', India had no place. Secondly, Foster Dulles dubbed Indian nonalignment as immoral policy, declaring that 'those who are not with us are against us'. Thirdly, US perceived India as an emerging Asian leader. In that way, realizing its global objectives, US viewed Pakistan as an effective counter-weight.

However, while highlighting India as an emerging Asian leader, the writer ignored the fact that India had been relatively least threatening to US. US-India ties were limited because of Indian hesitant behavior towards entering a formal alliance given Indian policy of non-alignment. US support over the years to India had sound reflection in wars of 1962, 1965 and 1971 (in 1965 and 1971 wars, USA simply did not assist

Pakistan against India). USA's carefully architected (calculated) ties with Pakistan were meant to achieve certain objectives while simultaneously maintaining balance in relationship with India.

Shakoor (1994) viewed US-India ties driven by economic aspect in the post-cold war period with assumption of office by PM P.V. Narasimha Rao in India and President Bill Clinton in US. US interests in India superseded its objectives of Human Rights or Nuclear Non-Proliferation. Moreover, US global appeal for Human Rights and Nuclear Non-Proliferation lost its existence in case of Indian emergence as one of world's top ten markets for USA. The opening relationship of both states sought economic aspect with India opening up its economy. However, it soon transformed into a full-fledged partnership covering numerous areas including military and strategic aspects.

Besides ignoring question of Indian human right abuses and nuclear issue, US rather established partnership with India in International Peace and Security. A Press release issued by US State Department declared India as US partner in International Peace and Security and towards maintaining with others strategic stability in Asia and beyond with enhanced counter-terrorism cooperation as well as addressing other challenges to regional peace (US Department of State, Office of the Press Secretary, 2000).

Given India-Pakistan rivalry, Kanjilal (1997) considered external and internal interference in South Asian politics as highly contributory factor towards the permanence of tensions between India and Pakistan. According to writer, as arms races and peace could not go together, great induction of arms in South Asia in the face of cold war had

worsened India-Pakistan tensions and endangered peace and stability of the region. The aggressive pursuance of arms in South Asian region has been contributory towards persistence of potential disputes and socio-economic instability among other implications.

In that regard, India aggressively borrowed military equipments from US, Russia and Israel to accelerate arms race in South Asia compelling Pakistan to answer Indian military purchases. India and USA signed New Framework for US-India Defence Relationship on June 28, 2005 to further strengthen strategic relationship between them ("New Framework for the U.S-India defense relationship," 2005).

USA has been committed to comprehensively strengthen through agreements the Indian military, economic and technological capabilities. The 10-year Defence Cooperation Program covered; advanced joint exercises and training, expansion in defense trade, transfer of defense technology, missile defense collaboration and defense procurement and coproduction. USA aggressively promoted defense and technology transfer to India with ignorable concerns for relative gain. US offered transfer of entire jet assembly line and other defense platforms to India without insisting India to commit to military alliance or even to common geopolitical objectives. The 2005 and 2006 strategic partnership agreements formalized mutual collaboration on high technology transfer, civil nuclear energy, economic capacity building, trade and investment, science, agriculture,

education and so on. All was meant for India's development flight (Twining, 2007). It was primarily intended to build India capable of balancing China.¹⁹

On economic front, US trade in goods and services with India was estimated at total of \$126.2 billion in 2017 with exports totaling \$49.4 billion and imports collecting \$76.7 billion. US trade deficit in goods and services was \$27.3 billion in 2017. US foreign direct investment in India (stock) experienced 15.1% increase in 2017 from previous year estimating at \$44.5 billion. US direct investment in India comprised professional, scientific and technical services as well as manufacturing and whole sale trade. India's FDI's in US (stock) totaled \$9.8 billion in 2017, 11.5% increase from 2016. Indian direct investment in US comprised professional, scientific and technical services and manufacturing and depository institutions. US and Indian owned firms' sale of services in 2015 stood at \$24.5 billion and \$14.7 billion respectively (Office of the United States Trade Representative, Executive Office of the President, n.d.). US accelerated trade with India while experiencing significant trade deficit. It was meant to build India stronger to effectively compete China.

India and USA expressed great hope to lift up their trade volume from \$100 billion to \$500 billion over the next decade (Sahoo, 2014). President and CEO of US Chamber of Commerce, Thomas J Donohue while referring to 2+2 deal, expressed hope to see India-US trade to reach \$500 billion while emphasizing economic aspect, along-with defense ties between both states (Press Trust of India, 2018).

¹⁹ Increase in Indian economic and military power was carried out under US policy of offshore balancing.

On the other hand, Pakistan stood 56th in goods trade merely totaling \$6.4 billion with US during 2017. Pakistan's goods exports were \$3.6 billion while imports were \$2.8 billion with US facing trade deficit of \$766 million with Pakistan in 2017 (Office of the United States Trade Representative, Executive Office of the President, n.d.). Pakistan being a key strategic US ally throughout years of latter's war on terror was incapable of enhancing economic aspect through implication of mutual strategic ties.

Containment of China

The US policy of containment of China is not a new one. In 1958, US Central Intelligence Agency (CIA) was found to be involved in financing and training of Tibetan rebels in Indian Territory (as cited in Malone & Mukherjee, 2010).

US Provided India with emergency military assistance during Sino-Indian war of 1962 in spite of Pakistan's protests. Meanwhile, during India-Pakistan war of 1965, US warned China to stay out of war with a goal to utilize UN efforts to stop war. US consequently cut off military and economic assistance to India and Pakistan. The move however hurt Pakistan more than India (and probably favored India) given latter's larger industrial base and great self-sufficiency in small arms (Mudiam, 2003). US cautiously treated India since the beginning given latter's strategic significance in Asian continent.

Chung (1997) pointed towards China's potential economic growth as a matter of serious concern for American strategists. The Chinese GDP which doubled every 10 years being already one half of that of US was critical vis-à-vis prevailing US economic domination in the world unlike USSR which had never actually posed any such challenge

to US economic domination. US managed to dominate 50% of world's energy resources 20 years ago which had already been declined to 25%. With China emerging as global giant, US would face decline in its global economic share with every passing year. Chung asserted that rich cold war expertise could get unemployed in case new target had not been located whereby China fit that concern. Chung predicted that symbols like democracy, human rights,²⁰ self-determination for minorities, and anti-forced abortion would have found their utility towards dealing with potential rival.

Chinese growing strategic pressure on Malacca Straits led to India-US maritime collaboration with joint patrolling of straits by their respective navies. US-India strategic cooperation reached new heights with series of measures that had been often reserved for close allies and friends including; joint military exercises in Alaska to enhance Indian high altitude warfare capabilities in Himalayan glaciers where it faced China and Pakistan in Northern Kashmir, sale of military hardware including radars, surveillance equipment, aircraft engines, and joint naval exercises with training of Indian special forces, intelligence sharing and joint naval patrolling in Straits of Malacca. US further permitted the purchase of Israel-based Phalcon Airborne Early Warning and Control System (AWACS) by India. The system was earlier denied to China to enhance Beijing's air surveillance and early warning capabilities in Taiwan Strait (Malik, 2003). The high-end technology was conveniently permitted by US to India to uplift its defenses against China and Pakistan. Indian purchase of S-400 defense system from Russia was conveniently ignored by USA.

²⁰ US International Religious Freedom Commission has placed China, Russia (rivals or competitors) among others in list of Tier 1 states which contain Countries of Particular Concern while ignoring India.

National Intelligence Council (NIC) in its 2004 report predicted Chinese and Indian emergence as major global powers in 21st century given their sustained high economic growth, increasing military capabilities, and huge population sizes as basic factors towards rise in economic and political power. Their rise as similar to German rise in 19th century and US rise in 20th century was considered to evolve geopolitical scenario with impacts significantly as dramatic as those of the past two centuries (Inderfurth, 2008).

US conceived China containment in the initial years of the beginning of cold war. US provided nearly \$161 million as military assistance to India between the period of 1947 to 2006, more than 90% of the total was given between 1962 to 1966 (U.S. Cong., 2006). The assistance was meant to prevent China from emerging as a single dominant power in Asia while enabling India as a balancer in the region. However, it experienced limited success in the initial years primarily because of Indian perception of US-Pakistan ties as well as Indian unwillingness based on its non-alignment policy. Moreover, India considered South Asia as a region of exclusive regional hegemony whereby entry of an external power could have been irresistible given relatively less heavy power basket of newly independent India. Moreover, India was less useful towards US anti-communist campaign with China being comparatively less threatening to US in initial years.

US accommodation of China in its policy or broadly Sino-US relationship was meant for utility and stance of a middle power vis-à-vis containment of Soviet Union. The stance of middle powers additionally defined their conditions as loyalist or rebellious in consideration of US policy makers (Nayar, 1976). Another factor for US balanced

approach towards China in initial years was former's ties with Pakistan to some extent. Meanwhile, in line with argument of offensive realism, US cultivated good diplomatic ties with China to secure successful buck-passing²¹ against the latter.

Bajpai (2006-2007) summarized India-US relations into three categories; classical cold war period, post-cold war period and post-9/11 period featuring relationship from estrangement to engagement and conflict to cooperation. According to Bajpai, first period was conflictual, second period experienced increase in cooperation and third period was loaded with elements of real strategic partnership. The India-US convergence of interests has never been greater and confined to Chinese rise and fear of Islamic extremism. Bajpai predicted regarding convergence to enliven the partnership for many years; China's rise and world adjusting to it would take next half century while Islamic extremism also showing no signs of vanishing any time soon. Contrary to writer's view about estrangement and conflict between India and US, there was no substantial (or even noticeable) conflict between US and India throughout years.

Moreover, China-Factor is critical vis-à-vis Pakistan-US ties. To make India a better regional balancer to contain China more effectively, US war on terror policy served to deteriorate Pakistan which has been the only impediment towards Indian realization of regional hegemony (in South Asian context). US policy of containing China by its very implication reflected an unarticulated US policy objective of Pakistan-containment (as a subproject).

²¹ One of buck-passing strategies require to cultivate better diplomatic ties with rival state (China) as means to divert its attention from buck-passing state (USA) to buck-catcher (India).

India-US Defense Cooperation

India received up to 50% of its aid from US from 1950 to 1965 where more than half was in the form of food aid under Public Law 480 (1954). For US, it was a convenient political way to dispose of its food surplus. In 1957, US formed Development Loan Fund intended to provide India with loans to enable it towards procurement of capital goods from US. World Bank on a US initiative created Aid India Consortium providing India the substantial loans for its third Five Year Plan. In 1963, an agreement regarding construction of nuclear power plants was signed starting with one at Tarapur close to Bombay. USA was however, limited vis-à-vis investment in Indian heavy industry for probable reasons including; preventing it from self-sufficiency in the sector and ensuring a market for US products. To that end as well as for acquisition of military equipment, India approved Soviet Union (Tomar, n.d.). Initial years experienced limited though significant cooperation between India and US.

India-US military assistance relationship in the post-1962 period soon disentangled. However, it gained momentum in 1985 with signing of MoU on Defense Technology Cooperation. Factors leading to develop the relationship included Indian economic liberalization and cold war end. India initiated three ambitious projects in 1983 which included; Integrated Guided Missile Development Project (IGMDP), Light Combat Aircraft (LCA) and Main Battle Tank (MBT). For assistance in Defense Research and Development Organization (DRDO), India turned to west rather Soviet Union. In that regard, US Air Force laboratories and Supply of General Electric F404-GE engines provided assistance to make LCA fly. MBT project was assisted mainly by

Western Europe. Moreover, regarding IGMDP, two of the five missiles (nuclear capable Prithvi and Agni) could not be assisted by outside sources while other three (anti-craft Trishul, Akash and anti-tank Nag) could be assisted. The period experienced gradual up-gradation of military to military ties especially with the US Pacific Command. US-India made first arms deal in four decades with sale of eight Raytheon counter-battery radars in 2002 to India. Furthermore, Israel's sale of numerous advanced weapon systems including Phalcon mini AWACS to India was supported by US (Koithara, 2005).

In post-Soviet disintegration period, India and USA formed close strategic relations in the face of common security interests and challenges. Independent of Soviet influence after its disintegration, India opened up its economy as per guidelines of International Monetary Fund (IMF). In 1991, as per implementation of IMF orders, India adopted new economic policy called LPG (Liberalization, Privatization, and Globalization). US along-with other developed states began investing in India. Strategic partnership document was signed in 2002 between Indian PM Atal Bihari Vajpayee and US President Bill Clinton (Singh, 2017).

India expressed great interest towards US-Israel jointly developed Arrow Weapon System based on intercepting short and medium range ballistic missiles. India considered itself an ideal candidate for such System in view of any possibility of missile threats from China and Pakistan. Since, the system was claimed to be defensive with a purpose of defending Pakistan's Shaheen and Ghauri missiles capable of delivering nuclear warheads, yet the system was enough powerful to deliver 500KG payload to a distance of 300 KMs. For many South Asian analysts, it could compel Pakistan to enhance its

offensive nuclear capability to counter Indian defensive shield or otherwise to work out its own version of missile defense (Shuja, 2006). Such Indian move was meant to accelerate nuclear arms race in South Asian region and possibly adopting path of achieving nuclear superiority over Pakistan at regional level.

Completion of extraordinary agreements (including; Communication Interoperability and Security Memorandum of Agreement, CISMOA and Mutual Logistic Support Agreement, MLSA) served to enhance Indian capacity to access advanced US defense technology. Moreover, competition for India's next tactical fighter aircraft (also called medium multi-role combat aircraft due to its significance and visibility) served to contribute as an important milestone towards India-US defense and security relationship (Armitage, Burns and Fontaine, 2010). The agreements paved the way for India to reach out to US modern defense technology.

US House of Representatives passed National Defense Authorization Act (NDAA) in 2017 by 375-34 votes. Section 1292 of NDAA held Defense Secretary and Secretary of State responsible to take necessary measures to recognize India as USA's major defense partner. The bill had to be signed by President to assume status of law. The President congratulated both for bolstering defense cooperation and greater cooperation on technological development. It was meant to strengthen bilateral security cooperation. The Senate passed the bill by 92-7 votes (Press Trust of India, 2016).

In September 2018, under two-plus-two dialogue in New Delhi, an agreement to enhance communications sharing on defense platforms generally called Communications Compatibility and Security Agreement (COMCASA) was finally reached. The agreement

was meant to provide India access to advanced communications technology for Indian-purchased defense equipment as well as provide India, US and allies real-time coordination for similar defense equipment (Ayres, 2018).

Moreover, in 2020, US President Donald Trump paid an official visit to India. Both sides finalized defense deal worth more than \$3 billion for 24 multi-role MH-60R Seahawk maritime helicopters and 6 AH-64E Apache attack helicopters (Parpiani, 2020).

Among four foundational agreements for closer military cooperation and working, BECA (Basic Exchange and Cooperation Agreement) was the last which was signed in 2020. BECA Agreement served India to gain access to US geospatial data and equipment for military purpose. The access provided to India to US geospatial data included access to satellite and topographic data, geophysical, geomagnetic data, geodetic data, nautical and aeronautical data. US military satellites were subject to provide real-time information to India regarding rival's movement. Further information was not declassified. The access to latest and advanced data would serve to increase Indian ballistic and cruise missiles' accuracy while feeding them précis target information and location (Ali, 2020). The BECA Agreement and thereby India's access to different kinds of sensitive data reflected India-US defense collaboration reaching its full potential.

Indo-US defense cooperation switched arms race in the region to aggressive mode. It significantly disturbed balance of power in South Asian region thereby contributing towards Indian quest for regional hegemony. Advanced arms and technology transfer to India served it to pursue regional hegemony on more aggressive lines. In Kashmir context, defense deals and ending constraints towards use of defense equipments

were dangerous as the technology could be used against Kashmir Freedom Movement. US did not define scope of application of defense equipment while ignoring already existing enormous human rights violations in occupied Kashmir.

India-US Nuclear Cooperation and Pakistan

US signed civil nuclear deal with India in 2005. In regional South Asian context, the agreement has shifted Indian nuclear capabilities to an unprecedented level. Besides strengthening India-US nuclear partnership, the deal enhanced strategic capabilities of India. It has enhanced India's nuclear weaponry, defensive and offensive missile systems, and radioactive fueling capabilities. It legitimized Indian international nuclear trading. It has made India eligible to import dual use nuclear technology from US. Some benefits out of the deal included; end of US nuclear embargo on India, importing enriched uranium and plutonium from international suppliers and applying enriched uranium and plutonium solely for military purposes, improving civil and military nuclear infrastructure, constructing new reactors with US assistance, program of advance nuclear bomb production, attempts to become nuclear hegemon based on nuclear superiority in the region, nuclear fuel import from US, generating high revenues relating Foreign Direct Investment (FDI), and so on. The deal violated the norms of international Non-Proliferation. It led to nuclear arms race in South Asian region and compelled Pakistan to advance its nuclear weaponry (*Implications of Indo-US*, n.d.).

On the other hand, Pakistan's nuclear program was strongly opposed by US since the very beginning. Pakistan conducted nuclear tests in May 1998 following Indian

Nuclear explosions. Consequently, US President Bill Clinton imposed non-humanitarian sanctions under Section 102 of the Arms Export Control Act (Akhtar, 2012).

USA enhanced nuclear cooperation with India while declaring latter a responsible nuclear state. On the other side, US consistently put Pakistan under pressure vis-à-vis its nuclear program. Moreover, US carried out propaganda on multiple occasions regarding safety and security of Pakistan's nuclear assets based on internal instability and possible reach of terrorists to nuclear weapons. USA-India nuclear partnership served to marginalize Pakistan against India in terms of nuclear technology.

India-US nuclear deal signed in 2006 fueled nuclear arms race in South Asia. US un-declared acceptance of India's nuclear status added a dangerous dimension to the nuclear race. The deal was made in view of balancing China and considering India as a responsible nuclear state given emerging US perception about Pakistan's links to terrorism. It fulfilled Indian urge to gain nuclear superiority to keep its preeminence in the region. The deal was concluded in spite of Indian refusal to put nuclear facilities to international inspection, its non-commitment to Nuclear Non-Proliferation Treaty (NPT), and decision to undergo non-peaceful nuclear tests in 1990s. US supported Indian position (without taking Pakistan's concerns into account) while no such deal was offered to Pakistan. Indo-US nuclear partnership has enhanced Pakistan's suspicion while requiring it to look to outside powers especially China vis-à-vis enhancement in its nuclear capabilities (Jauhari, 2013). The potential American move of uplifting Indian nuclear power position has casted negative impact on strategic stability of the region.

Li (2009) also highlighted US perception of Pakistan's nuclear assets as an unaffordable source of danger. USA has doubted Pakistan's ability to manage elementary nuclear facilities properly. USA has feared terrorists reach to the nuclear assets and transfer of nuclear devices in the face of failing central control. It has even once led to serious debate in US taking over Pakistan's nuclear assets by means of a commando operation however, it declined for political reasons. Furthermore, US perceived it as not an exaggerated response in view of intensity of extremist conduct and unchecked turmoil in Pakistan.

However, US ignored potentially unstable internal situation of India facing separatist movements in seven sisters as well as potential insurgency in Kashmir (along-with number of militant organizations operating in India) while nurturing anti-Pakistan propaganda on such baseless reasons. Rather discouraging India, US lifted up Indian nuclear capabilities through civil nuclear agreement with former.

Moreover, US perception about Pakistan's links with terrorism is baseless as Pakistan fought war on terror as frontline non-NATO US ally. USA has thought through implication of its strategic nexus with India. US policy is geared at assisting India achieving nuclear superiority in the region while simultaneously attempting to prevent Pakistan to develop and advance its nuclear technology. So, the exploitative tool has been functional for US undermining Pakistan's nuclear capabilities vis-à-vis India.

Travis (1994) highlighted US approach towards Pakistan's nuclear program and evolving US Kashmir policy. He pointed out that despite more resemblance between Pakistan and US than India and US towards nuclear proliferation and arms control issues,

Washington had focused to curb Pakistan's nuclear program more than India's. Consequently, Pressler sanctions were imposed on Pakistan and not India. Meanwhile, Raphael and Clinton statements regarding Kashmir faced solid Indian protest turning US officials more careful towards the issue.

US took on diplomatic effort to compel Pakistan to abide by any nuclear testing in the face of Indian nuclear tests. President Bill Clinton made several phone calls to PM Nawaz Sharif to convince him for not to follow India's track for sake of moral advantage. Pakistan's GDP comprised 6-8% of foreign aid where Indian GDP had half of it as important to economy. In that way, Pakistan's economy was supposed to get hurt more than that of India's (Riedel, 2008). It reflected US intentions since beginning of nuclearization of South Asia. The US case for preventing Pakistan was baseless and lacked the substance as moral advantage could never supersede national interest as well as state's security and survival. In that regard, US intention since the start was to keep Pakistan un-nuclear. In this way, US policy to question Pakistan's nuclear technology more than India's reflected US preference to see a single nuclear state in South Asia.

Krepon and Stolar (2007) predicted that India-US nuclear cooperation agreement would cast negative impacts on global non-proliferation norms. Moreover, approval of such agreement would further strengthen India's status as an exceptional nation and increase Pakistan's sense of grievance. Grievances aside, it might potentially contribute to threaten Pakistan's security and survival.

US demanded Pakistan to expose nuclear installations for international inspection and roll back its nuclear program. Pakistan refused to surrender to US pressure to end up

its nuclear program. In November 1991, US Deputy Secretary of State for International Security warned Pakistan for being placed in the list of terrorist states in case Pakistan did not comply with US demands of disposing of nuclear program and stop backing Kashmiri militants (Bhola, 1994). It was reflection of clear US policy tilt towards India irrespective of long services and role of Pakistan in anti-Soviet US campaign.

US Support to Indian Bid for Permanent Seat on UNSC

The scope of India-US strategic nexus extended well beyond to international institutions notably United Nations. It is reflected in US support to Indian preferred bilateralism towards resolution of contentious issues between India and Pakistan.

As observed by Jha (1994), US Deputy Assistant Secretary of State Teresita Schaffer during a hearing of House Sub-committee on Asia and Pacific Affairs in March 1991, maintained that UN resolution regarding Kashmir resolution by means of plebiscite which had been strongly supported by US earlier, was no longer defensible and that the US should favor bilateralism to resolve the issue within the mechanism of Simla agreement of 1972. US openly endorsed Simla agreement and ruled out UN's role vis-à-vis plebiscite in Kashmir. Consequently, Pakistan was discouraged to raise Kashmir issue at UN. US globally advocated for basic human rights, civil liberties and self-determination and surprisingly ignored genuine Kashmir cause for self-determination.

The joint Indo-US vision statement contained commitment to strengthen international security system including in the UN and assisting UN towards peacekeeping

efforts. Meanwhile, both states acknowledged resolution of South Asian issues only through South Asian states (Office of the Press Secretary, 2000).

Koshy (2000) considered the joint Indo-US vision statement issued during Bill Clinton's visit as indication of Indian acceptance as well as support to US attempts intended to sideline UN in matters relating to international security thereby US taking over the role of global policeman. Other part of the statement containing USA's acknowledgment to handle regional affairs by regional states was explicitly meant to endorse Simla Agreement.

President Barack Obama supported India's permanent membership in UNSC during Joint Session of Indian Parliament in New Delhi. While appreciating Indian contribution in UN peacekeeping missions, India was welcome by US in its preparation to take seat on UNSC (The White House, Office of the Press Secretary, 2010).

A. Q. Khan (2014) highlighted possible and probable consequences of Indian permanent position in UNSC. Indian permanent position at UNSC would fuel regional confrontations, conflicts and would have disastrous effects for Pakistan. India would endanger Pakistan's very survival being traditional rival. It would have serious consequences for Pak-US ties given probable Pakistan's urge for same status (that might not be endorsed by US). Despite conducting severe HR violations and genocide of Kashmiris for over 70 years while denying them UN acknowledged right of self-determination, India taking permanent seat on UNSC would have severe consequences for IOJK state as well as for Pakistan.

The Indian Lobby in US

Indian community in US has been significantly politically activated to pursue Indian interests in US. America has been home to over four million Indians. Such significant presence of Indians in America has a political aspect associated with it. The Indian-Americans played an important role over the time to impact US policy towards India (and South Asia). The lobby in America has specifically pursued keen Indian interests.

US hostility towards India with passing of Brown Amendment due to latter's ties with Russia, though Russia was no longer threat to US, was influenced by growing significance of Indian Americans in US politics along-with importance of Indian market for US businesses. It changed congressional attitude and public policy towards India in spite of controversy emerged out of 1998 Indian nuclear tests (Rubinoff, 2001).

According to H. R. Khan (2003), New Delhi hired a new strong lobbying firm to strengthen its strategic ties with US and seeking strong support against Pakistan on what India called cross-border terrorism.

Chicago-based Indian-American businessman Shalabh Shali Kumar launched Republican Hindu Coalition (RHC) focusing US presidential elections favoring Trump. The lobby was able to raise \$1.5 million for Donald Trump's campaign. Kumar put \$898,800 into Trump's victory. He organized 50 meetings in a significant way in Florida, North Carolina and Ohio. The reasons to support Trump in election campaign included his promises on policy fronts towards India, Indians and American economy. To Kumar,

Hindu-American community (nearly 4 million) comprising significant number of professionals and entrepreneurs proved worthy vis-à-vis elections (Duttagupta, 2016).

Hindu lobby has deep presence in US administration and highly succeeded in copying the footsteps of the Republic Jewish Coalition lobby. Being anti-Islamic and stage for anti-Pakistani policies, Indian lobby has worked hard protecting Indian economic, trade and defense interests in Trump administration. Since Trump banned immigration for seven Muslim states, Kumar proposed to ban Pakistan, Afghanistan and Saudi Arabia. Trump administration has more than five Indian Americans holding important posts making Indian presence strong. Moreover, legislation was to be proposed with the help of keen Indian lobby regarding possibility of certain US companies for sale of advanced military weapons to India without any difficulty (M. Khan, n.d.).

It reflected critical presence of Indians in America to protect and promote certain Indian interests. Indian community in US impacted US foreign policy towards South Asia to an extent. Like Jewish lobby in US which significantly influenced US foreign policy thereby pinching US national interests, in the same manner, Hindu lobby might cast negative impact on US policy interests in South Asia region.

Counter-Terrorism Front

According to Sasikumar (2010), by 1990s, with Indian perception of changing world opinion, policy makers in India began to find evidence of transnational Islamic links of militancy in Kashmir. In post-cold war period, Indian foreign policy guided by

pragmatism and strategic orientation was less likely to be influenced by Third World Solidarity or Non-alignment. However, an opportunity was created in the face of transformation of global politics with disintegration of Soviet Union. India exploited the opportunity and attempted to label Indigenous Freedom Struggle as Islamic militancy sponsored by Pakistan.

India and United States signed India-US Counter Terrorism Initiative. Initiative regarding counter-terrorism was significant element of strategic partnership and contained *inter alia*; strengthening capabilities to combat terrorism efficiently, promoting exchanges to modernize techniques, sharing of best practices on issues relating to mutual interests, developing investigative skills, promoting cooperation between forensic science laboratories, developing procedures to provide mutual investigative assistance, enhancing capabilities to prevent money laundering, fake currency and financing of terrorism, sharing best practices on mass transit and rail security, increasing the exchanges of Coast Guards and Navy on maritime security, exchanging expertise and experience on port and border security and enhancing links and training between Specialist Counter Terrorism Units including National Security Guard with their US counter parts (Embassy of India, Washington, D.C., Press Information Bureau, New Delhi, n.d.).

Counter-terrorism cooperation was an important aspect of India-US strategic partnership. Pakistan's strategic significance for US particularly w.r.t. Afghanistan and international legal status of Jammu and Kashmir had restricted US role to an extent regarding its cooperation with India vis-à-vis Kashmir insurgency.

Inderfurth and Riedel (n.d.) highlighted the prospects of India-US cooperation to achieve outcomes regarding issues faced by India in immediate neighbors as both states have jointly worked towards end of Maoist insurgency in Nepal. Meanwhile, USA has turned India's way, from favoring struggle for self-determination of Kashmiris to gradually increasing its support to Indian stance.

US President Trump and Indian PM Modi announced to jointly fight against terrorism while issuing warning to Pakistan. American policy makers and strategic thinkers have been highly supportive of US stance based on accusing Pakistan for double game in Afghanistan conflict as well as US support to Indian concerns regarding its allegations on Pakistan for terror-sponsorship. It is reflected in US support for UNSC resolution-1267 designating Masood Azhar (JeM leader) as an international terrorist. Moreover, recently America declared top Kashmiri insurgent, Syed Salahuddin (HM leader) as specially designated global terrorist ("Role of China," n.d.). It was primarily India-US strategic nexus whereby its implications extended well to Indigenous Kashmiri Struggle. USA cautiously responded to Indian based narrative regarding Kashmir Freedom Movement.

Moreover, US negotiated a deal with India in 2002 worth \$190 million selling 12 counter-battery radar sets (or Firefinder radars). India imported \$29 million worth of counter-terrorism equipment intended for Indian Special Forces and received sophisticated US-made electronic ground sensors to watch infiltration in Kashmir region with a close eye (U.S. Cong., 2006).

US-India carried out joint training on counter-insurgency and or counter-terrorism scenarios in 2007 during annual joint military exercise called Yudh Abhyas. US played mediatory role in the wake of Mumbai attack 2008. US eased tensions between India and Pakistan given its interests associated with Pakistan vis-à-vis war on terror. US did not want Pakistani troops to move eastwards to Indian borders from FATA where they were carrying out anti-terrorism operations (Latif, 2011).

Moreover, Jabeen (2014) highlighted US approach under Bush administration vis-à-vis terrorism. Bush administration having Pakistan as frontline ally in war on terror, was hesitant of listening to Indian demands for labeling Kashmir movement as Pakistan sponsored terrorist activity or having links with Afghanistan. However, India kept pursuing US regarding its terror-related propaganda directed against Pakistan. The writer advised US being the 'trustee of global stability' that for elimination of terrorism, it had to be rooted out rather than necessarily removing terrorists. Bush administration managed to promote and strengthen strategic ties with India while attempting to keep Pakistan considerably satisfied.

Kumar while highlighting implications of India-US cooperation for Pakistan and South Asian region advocated that Pakistan's re-inclusion on international terrorism-financing watch list had been the outcome of consistent and successful India-US bilateral efforts (as cited in Chung, 2018).

Mian (2009) pointed towards Hilary Clinton's visit to India in the first decade of 21st century aimed at recruitment of strategic ally so as to cultivate a new market for US weapons while ignoring Indian nuclear weapons. According to writer, US move in turn

generated arms race which might lead Pakistan to collapse. The writer further highlighted concern of Pakistan's military leadership regarding India-US strategic ties especially when Taliban war would move to an end.

According to Khokhar (2018), Pakistan has not objected India-US strategic partnership however; it was highly concerned with US discriminatory policies towards provision of high-end dual-use defense technology to India. Increasing acquisition of such advanced defense weapons turned India aggressive towards Pakistan.

India linked Kashmir Independence Movement with radical Islamic terrorist group such as al-Qaeda thereby able to draw Israel and US support. Moreover, the unholy alliance has made Pakistan to withdraw support to Kashmiri hardliners like Syed Ali Gilani. India was among few states to endorse US new strategic framework which resulted in US pledge to provide Tactical Missile Defense System to India leading to upset nuclear balance between India and Pakistan and even with China. India offered unconditional support to US in its Afghan war on terror while offering several Indian military bases (Niazi, n.d.).

India exploited the partnership to diplomatically isolate Pakistan based on terror-related propaganda through global diplomatic campaigning as well as refusing to engage with Pakistan at regional level. On the other hand, American strategy to accept Pakistan as non-NATO ally, while declining to provide NATO membership to Pakistan in war on terror was meant to achieve certain strategic goals with Pakistan's support whereby America could easily turn down from that temporary alliance later at any time.

USA was among the first states to appreciate Indian COIN (Counter-insurgency) capability. In 2001, US sent three personnel to Indian military's Counter Insurgency and Jungle Warfare School (CIJWS) as trainees in Mizoram state. India for the first time accepted any foreign students at school. In 2003, the school held joint training with Special Forces of US military, which onwards held on regular basis (The National Institute for Defense Studies, 2013).

US assistance to India in number of areas under the garb of strategic partnership on counter-terrorism front provided India with military offensive especially in occupied Kashmir. It provided India requisite confidence and will to adopt an aggressive policy framework towards occupied Kashmir. US delivery of high-tech counter-terrorism equipment to India without seeking latter's insurance regarding its applicability to occupied Kashmir casted negative impact on genuine case of self-determination of Kashmiris.

USA's Kashmir Policy

US tactfully designed policy towards Kashmir cause based on its national interest calculations. On one hand, US played Kashmir card to put India under pressure in the early period, while on the other hand, it managed its ties with Pakistan carefully if not cleverly vis-à-vis Kashmir.

In the wake of Sino-Indian border war of 1962, Nehru was required to seek assistance from western powers. US response was warmly though strategically oriented. It was based on assurance to India that Pakistan would not invade Kashmir so that India

could redeploy its troops from northern borders towards frontiers with China. Moreover, a US carrier 'Enterprise' was sent towards the Bay of Bengal (Malone and Mukherjee, 2009). The opportunity created for Pakistan in the wake of 1962 Sino-Indian war vis-à-vis Kashmir was lost due to US-Pakistan ties.

Indurthy (2005) summarized US Kashmir approach since the beginning till second Bush administration. Under Truman administration (1947-53), there was support for plebiscite in the state. Eisenhower administration (1953-61) extended its support for plebiscite and partition. Kennedy administration (1961-63) favored bilateral engagement. Johnson administration (1963-69) initially supported a UN resolution and then lost interest in the issue. Nixon administration (1969-74) considered Kashmir as non-issue. Meanwhile, during the period of 1972-1989, issue got deep frozen. First Bush administration (1989-93) supported resolution under Simla agreement. Clinton administration's approach began with questioning the efficiency of Simla Accord to supporting the accord. Clinton administration (1994-1998) returned to Simla agreement as an efficient framework for dispute settlement. In 1998, as a result of India-Pakistan nuclear testing, President Clinton called for resolution of the conflict. Clinton administration (1999-2000) sidelined Kashmir issue as a result of Kargil war. Bush administration (2001-onward) played a role towards prevention of the threat of war.

Recently, America's Kashmir policy is cautiously tilted towards India (with occasional expressions of little support to Pakistan). The US expressions of support for plebiscite in the initial years were based on careful diplomatic calculations to satisfy

Pakistan given the latter's strategic significance in the wake of campaign against communism.

According to an Indian writer Gupta (1997), in early 1990s, with insurgency at its peak, there was considerable US pressure over Indian government and political elite to significantly accommodate the demands of insurgents and Pakistan to reach durable solution. However, any such pressure could have yielded some result which was simply not the case.

Pakistan pursued US for mediation over Kashmir conflict on multiple occasions. US however refused to address any such Pakistani urge unless both of India and Pakistan require US to mediate while US preferred to focus on diffusing tensions at borders. US pursued Pakistan for ending latter's support to Kashmiri Freedom Fighters. Pakistan has taken extensive and decisive steps intended at containing activities of transnational militant groups. However, USA has considered Pakistan's efforts in this regard simply not enough explicitly endorsing Indian position (Akhtar, 2011).

Hagerty (2003) analyzed American policy on Kashmir. According to writer, US policy had tended towards pessimism. While occasionally displaying optimism regarding prospects of Kashmir settlement, US policy makers offered vague procedures to pursue resolution. It reflected US non-seriousness towards resolution of Kashmir conflict.

Nawabzada Nasrullah Khan (a former Pakistani politician) highlighted President Clinton's visit to South Asia. According to writer, President Clinton's South Asia visit had no room for Pakistan with four days for India and one day for Bangladesh. A lot of

begging led to offering five hours. In India, Clinton declared to make India permanent member of UNSC. The writer pointed out that the state (India) which had been blatantly violating UN resolutions moved to be permanent SC member. President Clinton's advisor and staff member, Mr. Burgor in New Delhi warned Pakistan of choosing between Kashmir negotiations or prefer to have peace in region. He further warned of refusal from any US support to Pakistan in case Pakistan had become victim to any accident. Responding to the statement of Mr. Burgor, Khan through a press statement pointed out that US had never come to Pakistan's rescue in the past. We could have believed US, if it had come to our help in 1965 or 1971. US President made first ever speech before Pakistani parliament in which he warned Pakistanis to alter their attitude otherwise the sanctity of Line of Control would be at risk (N. N. Khan, 2001).

Mahmud (2005) provided a brief overview of American position in the wake of President Clinton's South Asia visit 2001.

Pakistan should focus future developments while leaving out past.

Implementation of UNSC resolutions was not possible yet genuine grievances of Kashmiris should be taken care of.

America would never mediate unless requested by both states.

Both states should respect line of control.

He stressed Pakistan to discover non-violent means to discuss issue with India while discouraging militancy in that regard.

He advised India to hold negotiations with Kashmiris to resolve the problem while realizing that force was not a possible method of conflict-resolution.

The visit significantly favored India in terms of Indian position vis-à-vis Pakistan and Kashmir. Clinton stressed mutual respect for line of control leading to continuation of status quo. His advice to India to negotiate with Kashmiris was meant for a possible political settlement within as well as dealing with Kashmir Freedom Movement through political maneuvering. On the other hand, he advised Pakistan to stay peaceful and look for peace ideas with India for sorting out issues.

US adopted a pro-Indian Kashmiri policy with clear support to Indian occupation of Kashmir. Pakistani diplomats preferred US expressions of support towards Kashmir cause and realized unproductive alliance with US an important factor vis-à-vis Kashmir. The historical evidence suggested regarding Pakistan's alliance with US as much costly hurting national interests of Pakistan.

US pressed Pakistan to end its support towards Kashmir insurgency on one hand while encouraged India to exploit elections as chance to bring about political change on the other hand (Winner and Yoshihara, 2002). It reflected US clear tilt towards Indian designs in Kashmir with the beginning of 21st century. US intervention in that regard was meant to support Indian consolidation of latter's grip over occupied state of Kashmir. Meanwhile in Kargil war, US held Pakistan guilty in entire Kargil episode (Sharma, 2008).

Ganguly (2003) highlighted US approach towards Kashmir issue in the 21st century. He considered US involvement as most unlikely unless invited by both, India and Pakistan. Democratic as well as Republican administrations have put emphasis on bilateral negotiations. The writer predicted about any dramatic shift in US Kashmir approach as most unlikely in the near future. While pursuing Pakistan to end support for insurgents, US urged New Delhi to improve situation of governance, economic development, human rights, public order and security in Kashmir. It reflected US approach towards Kashmir particularly in post-9/11 scenario.

Historically, US policy on Kashmir was simply a set of tactfully designed diplomatic expressions in line with regional and global political environment and American national interest preference with no substantial support to Pakistan through the existence of the potential conflict.

Kanjwal and Junaid (2018) while referring to a New York Times editorial, 'A long Shot in Kashmir' highlighted the bias and misrepresentation of facts in world's leading newspaper. While misrepresenting the nature of Kashmir issue, it raised slogan of Islamism to further damage pure mass aspiration for self-determination and freedom from Indian occupation among Kashmiris. The writers believed that simply referring to Islamist insurgency sponsored by Pakistan had easily gone India's way, which dehumanized Kashmiris and denied them any political agency to self-rule. Indian conspiracy theories which US seemed aligned with neither explained decades old Kashmiri struggle for self-determination prior to 1990s nor did they cover entire range of Kashmiris' opinions on the issue. The writers considered Pakistan's role towards the

issue as negligible in the wake of 9/11 incident and especially Mumbai attacks 2008 yet it has been still a party to the dispute. In this way, large segments which have now been demanding freedom in Kashmir were not activated by Pakistan; it has been an indigenous revival. Editorial ignored intense Indian oppression and political inspection faced by Kashmiris on daily basis. Islamist insurgency was one side of Kashmiri response to occupation and itself outcome of Indian oppression and curbing of the dispute. The editorial worked India's way by presenting historical Kashmiri struggle towards self-determination as an Islamic militancy; supporting India to present itself as victim of terrorism rather executor of state-violence (terrorism).

It is reflection of changing public opinion in US regarding Kashmir. US media machinery is cautiously tilted towards India. It reflected ignorance of basic and original aspects of Kashmir problem including; massive HR violations, Indigenous Freedom Struggle, Question of self-determination as decided through UN resolutions still lying on SC agenda and illegitimate Indian occupation.

On the other hand, reports of US Commission for International Religious Freedom reflected bias towards India. Despite severe and regular religion-based violations; killing of minorities including Muslims (notably Gujrat riots), Sikhs (Sikh killings in early 1980s), Christians and discrimination against Dalits (the lower caste) and notably long-persisting occupation of Kashmir with massive HR violations, India has not been placed in the list of Tier 1 states which included Countries of Particular Concern (CPC) merely on such basis like possessing democratic setup. Meanwhile, the Commission has placed Russia, China and Pakistan among others in list of Tier 1 states

(while these states hardly would have experienced any such HR violations and genocides as India). Pakistan has experienced no major incident of religion- based violence involving killing of minorities. Such bias of ignoring India in that regard was reflected in all reports issued by the Commission.²²

US State Department ignored recommendations of US Commission for International Religious Freedom in 2003 to designate India as CPC because of Gujrat riot of early 2002. Meanwhile surprisingly, at the end of 2018, US added Pakistan in blacklist for violations of religious freedom although it was withdrawn within no time. The institutional practice was explicitly meant to achieve certain objectives through unjust and bias treatment of states. These bias reports and State Department practices are significantly guided by power relations of US with other states.

4.3 Significance of Kashmir

The territory of Kashmir provided India with an advantageous position over Pakistan; both in terms of its geo-strategic location as well as geo-economic significance. Holding territory of Kashmir or at least preventing Pakistan of its control significantly served India to deteriorate Pakistan.

Simla Agreement altered the status of Ceasefire Line to Line of Control (LoC) which could be called as de facto border between India and Pakistan. LoC has been subject to frequent artillery exchange and source of friction between both the sides. India occupies on two thirds of the territory of Jammu and Kashmir. It comprise three parts;

²² See reports of US Commission for International Religious Freedom for details: <https://www.uscirf.gov/>

Jammu (predominantly Hindu), Kashmir valley (Muslim majority) and Ladakh (Buddhist majority). Pakistan administers a quarter of Kashmir which include; Gilgit Baltistan and Azad Kashmir. China administers Aksai Chin and Trans Karakoram Tract. The border between India (Jammu and Kashmir) and China (Aksai Chin) is called Line of Actual Control (LAC) (which is also not an international border and existing since Sino-Indian cease-fire which was acknowledged as such in 1993) (D'Ambrogio, 2018). These temporary boundary adjustments put security of the states to vulnerability.

N. N. Khan (2001) has highlighted the significance of Kashmir to Founding Father of Pakistan, Muhammad Ali Jinnah as well as the Poet of the East, Allama Iqbal. Allama Iqbal was the first Secretary General of Kashmir Committee and later became its Chairman. He was Kashmiri by origin who presented the idea of Pakistan. Meanwhile, Quaid-e-Azam declared Kashmir as lifeline for Pakistan.

On the other hand, PM Nehru highlighted the strategic significance of Kashmir while addressing the Constituent Assembly in 1947. J. Nehru asserted that geographical position of Kashmir bordering three states; Soviet Union, China and Afghanistan had made it closely linked to security and international contacts of India. To Nehru, Kashmir was closely linked to India economically too. The cavalcade trading routes from India to Central Asia pass via Kashmir state (as cited in Alam, 2015). The dominant reason towards signifying Kashmir for India was gaining control of the key region (since it was mainly critical towards threatening the survival of the nascent Pakistani state to realize the goal of regional hegemony).

According to Larkin (2013), Indian ability to stop flow of Kashmir's rivers has been a matter of great concern and a strategic point which has pushed Pakistan to seek control of entire Kashmir valley. Moreover, Kashmir's hydro-economic significance vis-à-vis its ultimate resolution was acknowledged by European parliament in its resolution on Kashmir (European Parliament, 2007).

The hold of Kashmir's rivers has provided India with an offensive position in economic (or hydro-economic) terms against Pakistan. Pakistan's arid based economy has been extremely vulnerable given Indian control of Kashmir's rivers. Moreover, growing Indian economy might assist a mega-project based on water-diversion in time to come. Since, India has currently lacked requisite potential yet any such possibility in future cannot be denied.

Kashmir has experienced great strategic significance in cold war context sharing common borders with India, Pakistan, China, Afghanistan and Former Soviet Union. In post-cold war arena, Kashmir has become gateway to South, South-West and Central Asia (Harshe, 1999). With great geo-economic potential, Kashmir's geographic position also provides it with key geo-strategic significance, bordering three nuclear powers and an important access-point to various regions.

According to Sehgal (2011), geographical location of Kashmir has made it a buffer zone between India and Pakistan, making things even more difficult. She asserted that Kashmir resolution had become difficult on two basis; firstly, its strategic position, whereby none of the two states would surrender respective part under its control.

Secondly, an independent Kashmir would face numerous threats from both the sides given the enmity among them and prevailing extremism in both countries.

Sehgal has pointed out strategic significance and social responses in both states as impediments to Kashmir settlement. Kashmir has been the primary cause of conflict between India and Pakistan whereby its resolution would assist towards overcoming the level of enmity between the two states. Social factor was less significant as mainly state influence and regulate social behaviors being dominant actor in domestic and international politics. The strategic position of Kashmir has been an important consideration which has generally been highlighted by different quarters vis-à-vis its resolution. A cautiously crafted resolution satisfying the interests of concerned parties would certainly relieve them while addressing geo-strategy and less significant social-factor in this regard.

According to an Indian writer, Singh (1981), a united Kashmir wholly owned by India or Pakistan might lead to expose Chinese defense and nuclear installations in Sinkiang and its supply lines with western Tibet. Moreover, continuing India-Pakistan conflict ensured Chinese influence in Pakistan with a secure Sinkiang where China had been uncomfortable over the decades. In writer's view, an independent Kashmir would have only been acceptable to China as it might reasonably ensure its dominance over it.

However, Singh weakly presented his point in case of Pakistan's possession of entire Kashmir state for mainly two reasons. Firstly, China and Pakistan are locked in strong strategic ties. Secondly, both states have signed border agreement in 1963 which has still been fully observed by both. In this regard, both have potential for mutual

understanding towards addressing each other's strategic sensitivities. However, Indian possession of entire Kashmir would be unacceptable for China given their bitter rivalry since 1962 war and mutual claims on Aksai Chin and Arunachal Pradesh. Both have not yet reached an agreement on border alignments. Being great Asian competitors, pie (Kashmir) going to India's favor would not simply be suitable for Chinese national interests (given Sino-Indian competition, none of the two states would prefer potential gain in power by anyone).

Referring to persisting control of Jammu by India as contributory to increasing vulnerability for Pakistan (the biggest tank battle since end of Second World War occurred at Sialkot district adjoining Jammu to North), Ahmad (2004) has highlighted significance of Pakistan administered Kashmir. To Ahmad, Pakistan would never lose control of Azad Kashmir and Northern Areas (Gilgit Baltistan) mainly on basis of geo-strategy. Gilgit Baltistan served to connect Pakistan with China, making it extremely significant for Pakistan in terms of strategy at times of war as well as peace. It hosted land route i.e. Karakoram Highway between Pakistan and China. On the other hand, Azad Kashmir has been strategically significant for Pakistan as it served as the first line of defense especially its northern corridor as well as hosting two mega hydro-projects of Mangla and Tarbela.

Siachen Glacier 75 km in length lying beyond Point NJ9842 (LoC end point) in eastern Karakoram Range has been the world's highest battle-ground. India occupied the territory through military operation in 1984 (operation Maghdoot). It has taken nearly 2000 lives of Indian and Pakistani soldiers due to intense weather conditions causing

severe health issues. Negating the view of Indian strategic edge with Siachen vis-à-vis preventing Sino-Pak joint offensive to occupy Ladakh, Indian Brigadier (retired) Gurmeet Kanwal asserted that Siachen could not stop China and Pakistan to approach Ladakh with better options already available to them. Moreover, New Delhi based associate professor and scholar, Happymon Jacob disregarded any offensive or defensive advantage of Siachen for India rather considered it as symbolic and political. Given poor life conditions, voices were raised in India to demilitarize the region. On the other hand, some strategic circles opposed any idea of demilitarization. A former RAW chief, Vikram Sood warned of any such move without acquiring guarantees from Pakistan. Indian military considered demilitarization while seeking prior recognition of the region (Ramachandran, 2016).

Since mixed opinion existed on demilitarization of Siachen, it would be highly unlikely in near future for India to consider demilitarization given offensive Indian policy. Operation Maghdoot was simply the continuation of Indian expansionism in clear violation to Simla Agreement whereby it occupied the territory to seek strategic edge vis-à-vis holding high altitudes. Siachen Glacier was agreed upon in Karachi as well as Simla Agreement as Pakistan's territory. India continued aggression based on different interpretation of the agreement. Moreover, Indian military doctrines (cold war doctrine, surgical strike) were perhaps designed to occupy a piece of land in Pakistan (India recently threatened regarding aggression on Azad Kashmir) to seek latter's recognition over Siachen Glaciers and possibly over entire Indian occupied territory of Kashmir with

an ideal outcome to hold significant parts of Azad Kashmir. However, the doctrines ended in failure given Pakistan's strong defenses.

Gilgit Baltistan lied between Xinjiang Autonomous Region of China, Wakhan Corridor of Afghanistan, Ladakh region of Indian Occupied Jammu and Kashmir, Azad Jammu and Kashmir and Khyber Pakhtunkhwa with Central Asia and Tibet of China as its distant neighbors. Lying on old and new Silk route and on the nose of CPEC, GB region held immense geo-strategic and geo-economic significance (E. M. Khan, 2017).

Given the passage of China-Pakistan Economic Corridor (CPEC) through GB, continuing US pressure in the region might serve to contribute towards instability of GB region in years to come. Meanwhile, US might possibly pursue GB's independence at UN given potential US influence over the international organization in time to come.

Baqai (2005) viewed India-Pakistan unresolved water conflict as well as Indian designs on Chenab River as a new dimension to Kashmir dispute. Indian exploitative behavior along-with direct and indirect violation of the Treaty (which was never in Pakistan's favor to start with) has caused disturbance among pacifist lobby in Pakistan. Water and its usage would emerge as the major source of conflict between two states with underlying strains to Indus Water Treaty. Both states (especially Pakistan) have been faced with water stress. However, the sharing mechanism has led both states to cooperation although limited. In this regard, Indian limited cooperative behavior was meant to influence Pakistan vis-à-vis latter's claim on dispute over Kashmir.

Kashmir has the potential to generate 20,000 MW of electricity with energy generation capacity of 2556 MW few years ago (Umar, 2016). Meanwhile in 2018, India pulled 3,389 MW of electricity from occupied J&K (Statistical Research Department, 2019).

Kashmir's geographic position posed direct strategic threat to Pakistan. With hold on Kashmir's rivers, India has exploited water as weapon against Pakistan on multiple occasions. India has usually drained overflow of rivers to Pakistan causing severe floods. India has also warned Pakistan regarding possible diversion of water. It has also threatened to breach Indus Water Treaty 1960. In this regard, Indian PM Narendra Modi held talks with senior advisors to discuss stoppage of water flowing into Pakistan ("Modi threatens to cut Pakistan's water," 2016).

However, Amin (2003) pointed out that India might not disregard Indus Water Treaty of 1960 as such an attempt would actually result in resurrection of three eastern rivers allotted to India under the Treaty.

According to Snow (2016), glacial water resources of Kashmir provided water and electricity to a billion people in India as well as critical towards particularly agricultural sector of Pakistan. India has been working out to develop hydro facilities given growing Indian population and increasing demands for energy. Probable water diversion and its stoppage directly impacting irrigation has been a matter of serious concern for Pakistan. Furthermore, India has warned Pakistan regarding weaponization of water. World Bank brokered Indus Water Treaty provided rights of eastern rivers to India while western rivers to Pakistan. The most alarming aspect of emerging water-related

problem was record melting of glaciers of Kashmir (which provide fresh water to rivers) due to global warming. Himalayan glaciers have lost nearly 174 Gigatons of water. The geostrategic position of Kashmir being source of water and power generation for both states leads to zero-sum game.

However, Snow has over-emphasized and probably misrepresented the significance of water resources of Kashmir for India whereby coal has been the single largest energy source to produce electricity in India among variety of energy sources including renewable energy sources, nuclear and growing solar energy sources. The hydro-electric source has been recently contributing merely just over 10% and continued as the slowest growing energy source.

Persistence of Indian occupation of strategically significant territory would continue contributing towards increasing vulnerability for Pakistan. Moreover, Hommel and Murphy (2013) have pointed out that additional water stress in conflict oriented regions such as Kashmir might further add to diplomatic complications as well as existing challenges to peaceful resolution of disputed boundaries in the South Asian region. Since large-scale predictions were essentially tentative, climatic and other environmental changes might have serious implications for global politics indeed through instability of entire regions.

However, serious diplomatic interaction based on political bargaining by all along-with appropriate consideration of conflict-resolution in terms of its immense implications would ultimately lead to overcome presumed diplomatic complications. Meanwhile, Pakistan would require pursuing an early resolution of the conflict as

growing water-stress might impact Pakistan's position on bargaining table that might be further exploited by India.

Akhter (2019) has highlighted significance of Ladakh region for India given its geographical location connecting India to China, Pakistan, Siachin Glaciers, Middle East, Central Asia as well as South Asia. Moreover, it has historically served as entryway from India to Central Asia and Tibet.

Aarten (2013) has highlighted significance of Aksai Chin region. In addition to economic and security concerns, Beijing could not afford to give up Aksai Chin because of multiple reasons. It hosted Highway 219 which was the only road connecting Tibet and Xinjiang. It has been necessary not just for mobilization of troops but also connected China's two least developed regions. Infrastructure has served to increase trade and movement of people and thus played its part towards regional development. Secondly, Aksai Chin being located at the north-western part of the Tibetan plain, compressed between Kunlun mountain range to its north separating Tibet from Xinjiang and Karakoram Range of Himalayas to its west served to create a natural barrier between China and India. If India might get the hold of Aksai Chin, China would strategically become exposed. Chinese military build-up along LAC in Aksai Chin seemed to be principally designed to protect its economic and security interests in Pakistan (especially GB region) as well as in Arabian Sea and Indian Ocean. High military presence in Aksai Chin region served to deter and exert pressure on India to prevent it taking any action intended to harm Chinese interests.

Moreover, according to Qureshi (1962), control of Aksai Chin provided China with development of Tibet as well as its closeness to China. Aksai Chin has been important to India as India intended to prevent it being wholly integrated with China and India would even further prefer Tibet to look to New Delhi instead of Peking for guidance. An autonomous Tibet with least Chinese control would perfectly suit India as it would become a buffer zone between both states. For India, it would be important to satisfy its vanity. Furthermore, India also considered Tibet important because of some important Himalayan passes located in the region. Given the strategic significance of Aksai Chin region, China would never lose its hold over the key region as it would pose potential threat to Chinese interests.

The Chinese mega-initiative CPEC (China-Pakistan Economic Corridor) also termed as game changer has multiplied significance of Gilgit Baltistan region. China-Pakistan Economic Corridor (a mega project under Chinese One Belt One Road OBOR Scheme) was envisioned to connect Kashgar city with Gwadar deep sea port through highways, railways and pipelines. The corridor was intended to link Eurasian land routes and maritime silk routes envisioned under OBOR. It served to provide strategic advantage to Pakistan in terms of becoming hub of international trade and integration of economies of Asia, Africa and Europe. Gwadar was strategically vital being located at the crossroads of three sub-regional systems and served to provide Central Asia, South Asia and China with shortest and economical route for transit and supply. CPEC would provide China with shortest access to its markets in Asia, Europe and beyond. China sought secure, quick and economical route in the form of Gwadar port for its oil imports

from Middle East and Africa. Furthermore, CPEC would assist to develop less developed regions of Chinese Xinjiang and Pakistan's GB and Baluchistan ("Advantages of CPEC," n.d.).

The potential project was extremely significant for China and Pakistan given economic benefits for both states. It would serve to further strengthen economic connection of the two states. Apart from being a potential trade route, the project was aimed to develop the less developed regions of both states. According to U. Javaid and R. Javaid (2016), the corridor flanked by China and Pakistan would provide China, Pakistan, India, Afghanistan and eight Central Asian states with benefit in trade.

The 3,000 Kilometers long corridor connecting Kashgar to Gwadar had more than \$46 billion of Chinese investment. China has got potential to challenge US as world's largest economy. The seriousness of Chinese leadership to promote regional connectivity and mutual benefit was reflected in Beijing's approach to make use of Pakistan's strategic location (Ahmar, n.d.).

The rapidly growing Chinese economy with potential to challenge US economy was considered serious threat by US for its superiority. USA therefore viewed mega-Chinese projects (OBOR, CPEC) with suspicion. The projects intended to provide China with economic acceleration. For USA, OBOR and subsequently CPEC was a matter of great concern. USA has opposed these mega initiatives by China on multiple occasions. USA has criticized CPEC on baseless grounds such as its passage through GB region. Moreover, USA has pushed India to counter-balance China. India has also opposed the

mega-initiative based on its so-called stance on GB region. Nevertheless, India-US strategic nexus has been critical towards Sino-Pakistan strategic partnership.

In the end of discussion, it may be concluded that an all-out win for a single player notably India holding all of Kashmir would be practically impossible given the geo-strategic and geo-economic significance of Kashmir for China and Pakistan. A durable resolution in that regard would require political give and take by all the parties involved.

4.4 The China Factor

Inclusion of China as direct participant towards Kashmir problem would have significantly impacted nature and outcome of diplomatic interaction over Kashmir. China-Factor got generally neglected in literature and discussions particularly towards proposing any framework of negotiations on Kashmir. The study intends to highlight China-Factor vis-à-vis Kashmir.

As the dispute primarily involves four parties; inclusion of China is critical in this regard. The interaction over Kashmir involving four parties (China, India, Pakistan and Kashmiris) may serve to provide a constructive dimension to the dispute. The Chinese presence may yield useful outcomes. In this regard, even nominal presence of China in a possible negotiation process would help to effectively design the outcomes.

The China-Factor is critical vis-à-vis Kashmir's holistic perspective. Three states hold parts of Kashmir with India occupying Jammu, Ladakh and Kashmir Valley, Pakistan administering Azad Kashmir and Gilgit Baltistan and China administering

Demchok district, Shaksgam valley and Aksai Chin region (China however mainly holds uninhabited and less significant region). China has generally been ignored whether intentionally or unintentionally towards any framework of diplomatic interaction over Kashmir.

China has significant trade and diplomatic ties with South Asian neighbors. Chinese presence in South Asian region is generally defined by trade and investment. Sino-Indian diplomatic ties have been relatively stable in spite of prevailing border disputes between both states. China has preferred peaceful settlement of border disputes with India.

Zhang (2015) has highlighted China's peaceful rise strategy under the leadership of Xi Jinping. Contrary to the view that China was diverting from its peaceful rise strategy, the new policy was aimed at seeking peaceful external environment for peaceful development with rather a different approach. The policy approach has diverted from long-prevailing approach of 'hiding one's capabilities and biding one's time'. It intended to protect and advance national interests by making right use of China's growing power and influence to shape a favorable external environment. Shortly, the new policy approach portrayed a purposeful and confident pursuit of China's national interests while energetically seeking to maintain a peaceful external environment. Zhang has presented existing Chinese policy meant to address national interests by pursuing peaceful external environment. In that regard, China would require a more handy approach to protect its interests (economic interests) outside its territories across regions given emerging challenges emanating from notably India-US strategic nexus.

China's One Belt One Road Initiative relevant to South Asia included several projects; BCIM i.e. Bangladesh-China-India-Myanmar Economic Corridor, CPEC i.e. China-Pakistan Economic Corridor and Maritime Silk Route through Indian Ocean (Chandran, 2018). To better approach its peaceful rise, China offered BCIM Economic Corridor along-with CPEC which reflected Chinese balanced approach.

The contemporary Chinese foreign policy was enshrined with emphasis on dialogue and negotiations as the only way to sort out global conflicts. Since CPEC has not changed Chinese formal position on Kashmir rather it has enhanced its interests in regional stability to secure its economic interests (Chang, 2017). Chinese policy was largely driven by its economic interests while stressing peaceful means to settle outstanding disputes.

Origin of Sino-Indian Dispute

In 1940s, some of the maps issued by the British represented McMahon Line as the boundary enshrined with word 'undemarcated' (i.e. pending with final settlement through joint-process of the two neighbors). British during the war initiated a dangerous and difficult task of extending their administration towards their claimed border. Chinese then Nationalist government immediately launched strong protests and demanded withdrawal. In early 1947, China re-launched and redirected the protests to the incoming Indian authorities. In 1949, a formal note was issued to New Delhi by the Chinese Nationalist government rejecting all documents emerging out of Simla Conference. British in spite of Chinese protests made some progress towards making McMahon Line as Indian Northeast border and succeeding government in New Delhi was handed over

the task of completion. The continuation of British policy by New Delhi based on falsehoods was under question (Maxwell, 1999). The developed North had close eye on China even prior to its independence in 1949. British inability to demarcate Sino-Indian borders led to the continuation of the dispute between the two states. The British had critical role towards long persisting Sino-Indian border conflict.

The long Sino-Indian border in its entirety has not been delineated formally. Number of disputed regions existed along the border. Aksai Chin in the western part equal in size of Switzerland lied between Chinese autonomous regions of Xinjiang and Tibet. Arunachal Pradesh formerly known as North East Frontier Agency lies at the eastern border between Burma and Bhutan. Both states have not reached the exact alignment of their common boundary within complexities of Himalayan Ranges. However, potential conflicts existed in eastern and western sectors (Hameedy, 2013) whereby China claimed Arunachal Pradesh and India held its claim over Aksai Chin.

Sino-Indian dispute over Arunachal Pradesh led both states to war in 1962 (from October 20 to November 21, 1962) resulting in unilateral withdrawal of victorious China. Tibet and Britain demarcated the border at Simla Convention which was held from 1913 to 1914 between Britain, China and Tibet. China has not acknowledged McMahon Line as Chinese then Kuomintang government did not sign the treaty, among other reasons. India claimed McMahon Line as border. Consequently, state of Arunachal Pradesh comprising an area of 83,743 square kilometers turned disputed between China and India. Other dispute has been over Aksai Chin with an area of 37,555 square kilometers in Northwestern Kashmir. China claimed Arunachal Pradesh as part of its Tibet

Autonomous Region. Chinese Ambassador to India in an interview to Indian TV in 2006 claimed entire state of Arunachal Pradesh as Chinese territory. Indian Minister of External Affairs immediately responded by declaring Arunachal Pradesh state as wholly part of India. It was believed that China in particular had wished to seek control of Tawang region lying at west of Arunachal Pradesh being the second most holy site for Tibet Buddhism after Lhasa and home of fabulous temples (Horimoto, 2015). On the other hand, Indian parliament passed a resolution containing determination to get back every inch of the territory held by China (Acharya, & Deshpande, 2003).

Sino-Indian Relationship

Perceiving itself as a major global player, India intended to compete for hegemony in the region with China (Butt, n.d.). India has been pursuing regional hegemony in South Asian region and it would probably aspire to seek potential hegemony in Asia as ultimate object of its policy.

The major conflict between China and India has been over Aksai Chin region and Arunachal Pradesh having population of 1.4 million. China has considered Arunachal Pradesh as its Lower Tibet. Both states have held talks since 1981. In 1988, with Rajiv Gandhi's visit to Beijing, both states agreed to create a task force meant to sort out border issues (Guruswamy, 2017). Thoker and Singh (2017) believed that Sino-Indian mutual rivalry had been rooted in border issues lying across territories of Arunachal Pradesh, Sikkim and Aksai Chin.

Fisher and Rose (1962) considered Aksai Chin as the major impediment towards the settlement of Sino-Indian border dispute. As a result of Tibet revolt of 1959, significance of Aksai Chin had enhanced for both the states. At one point, Peking government offered India to hold back all territorial claims in return for concessions over Aksai Chin by New Delhi. The writers advised India that in the absence of a quid pro quo, India had to control the area given its strategic and political considerations. However, it would be highly unlikely for India to control the region given asymmetry of power between China and India.

Gancheng (2009) maintained that since India and China had got great momentum and acknowledged as rising powers, prevailing disputes over boundary would not have casted negative impact significantly on their respective behaviors towards each other within international system. It was precisely reflected in their policy towards each other including Indian participation in regional integration of East Asia and Chinese role as observer in SAARC. Both sides had not shifted their support in regional and global affairs in spite of their historical legacy.

Spiegeleire, Jans and Verhagen (n.d.) highlighted Sino-Indian relations as largely driven by mutual trade and economic interests. They believed that confrontational relationship between both states had extended from border disputes to more strategic configurations such as OBOR initiative and CPEC. The writers predicted that the trend would likely to increase with India increasingly taking its perceived natural place as great power in the World Order.

According to Jain (1989), China and India have passed through eight sessions of dialogue with some progress with basic difference still lying in their perceptions of the dispute. The pending dispute hurt India more with China to lose not much if the dispute might remain unresolved for an indefinite period of time. Moreover, India has linked regaining control of the lost territory (in 1962 Sino-Indian war) to its national pride. Meanwhile, China would not prefer to be projected as war monger, expansionist or hegemonist because of building its image in ASEAN, Middle East, Northwest Asia and Pacific region to become sole voice of Asia and deciding factor in the Third World.

Jain pointed out national pride of India given the parliamentary resolution passed earlier to regain territories lost in 1962. It was primarily a political measure adopted in the wake of military defeat. The recognized disputed Kashmir was once wholly claimed by India back in 1994 through parliamentary resolution. However, parliament has been exploited by India to achieve certain political objectives. Recently, parliament of India passed controversial bills (NRC and CAA) against Muslims in spite of massive protests across the country. Parliamentary resolutions in that regard have been political in nature irrespective of representing popular sentiments. On the other hand, Chinese diplomacy has been well crafted whereby China has been careful towards its peaceful rise to pursue its economic interests with less significant role of international image towards designing strategic policy of China.

According to Jin-dong Yuan, some Chinese Indian experts believed that China should have accepted Indian ambitions of regional dominance and international great power status in return for at least limited partnership as both states had shared common

perspectives on wide range of international issues. Careful diplomacy might overcome the mistrust in spite of continued strong strategic support to Pakistan, including arms and technology transfer, military exchanges and other assistance. Since revival of Sino-Russian Friendship Treaty has not been affected by Russian arms sales to India. Nonetheless, it would be to the strategic advantage of both states without discrimination to Moscow (as cited in Dittmer, 2001).

Indian regional hegemonic aspirations have been supported as well as assisted by US. In such scenario, Chinese acceptance of any such status as an attempt to overcome US influence over India (meant to contain China) would prove counter-productive. It would result in Indian aggressive pursuance of resisting Chinese presence in South Asian region given former's hegemonic aspirations. In that regard, after reducing Chinese role in South Asian region, India would resist Chinese interests in other regions. However, it would be unlikely given Chinese interests in overall South Asian region and strategic value of Pakistan. India and China have been emerging as regional and global competitors.

Chinese President Jiang Zemin reciprocated visit of Narasimha Rao in 1996. It was in spirit the first visit from Chinese head of state to India. The visit yielded an agreement on Confidence Building Measures CBMs in the military domain along the LAC (Line of Actual Control) (as cited in Siddiqi, 2012).

China-India jointly signed an agreement on September 7, 1993 regarding maintenance of Peace and Tranquility along Line of Actual Control in Sino-Indian Border areas. With Chinese Premier Wen Jiabao visit to India in April 2005, both sides

signed an agreement to reach mutually acceptable political resolution of boundary issue and to set guidelines and principles through equal and friendly negotiations. Chinese President Hu Jintao faced Indian PM Manmohan Singh on April 13, 2011 to emphasize early settlement of border issue by means of consultation and coordination mechanism to better manage peace at boundaries. President Xi Jinping in a meeting with Indian PM at BRICS Summit at Durban, South Africa on March 29, 2013 urged to appoint special representatives to strive for a fair and rational mechanism leading to earlier settlement of border issues on earliest possible basis. Moreover, both sides reached Border Defence Cooperation Pact on October 24, 2013 (“India-China Border,” 2018).

China and India appointed special representatives in 2003 to reach a mechanism to resolve mutual dispute. Agreement on Political Parameters and Guiding Principles was intended to achieve settlement package by regarding principle of mutual respect and mutual understanding to create meaningful and mutually acceptable adjustments to their respective stances. Give and take norm was stressed with considering all the three sectors of the border at once. Among other principles included; considering each other’s interest, mutual and equal security, historical evidence, national sentiment, practical difficulties, reasonable concerns, and caring sensitivities of both sides (“India and China Move Forward,” 2005). However, both sides have yet achieved limited progress in that regard.

In April 2005, Premier Wen Jiabao held talks with PM Manmohan Singh for 3 hours. Both sides declared establishment of strategic partnership for peace and prosperity. Furthermore, Jiabao presented 6-point proposal to expand Sino-Indian ties. In six-point proposal, sixth point contained promotion of negotiations over demarcation and

maintenance of peace in boundary areas (Ministry of Foreign Affair of Peoples Republic of China, 2005).

China-India moved towards close relationship ever since 1950s by recognizing each other's sovereignty over Tibet and Sikkim respectively. In addition, both signed eleven other agreements in areas like trade, investment and joint-military exercises (Denoon, 2007).

Thirteen rounds of high level dialogue have been conducted by two special representatives on behalf of their top political authorities. The latest round conducted in August 2009 failed to reach a credible outcome. China's foreign ministry rejected reports regarding some major concessions made by China. There existed huge gap between China and India vis-à-vis conflicting interest settings and political constraints. Many in China argued that India's emergence as global power had made settlement of border dispute even more unlikely. Meanwhile, for some Indian strategists, China was not interested to resolve the issue with India unless and until China sought great strategic edge. However, to an extent, Indian inflexibility on negotiating table has led to China's inaction towards pushing for an early settlement. The writer has predicted that both might adopt a tougher stance in future negotiations given their military modernization and growing nationalist sentiments (Li, 2010).

According to Hameedy (2013), India could not bargain over region of Aksai Chin because of Pakistan's involvement in Kashmir dispute as a party. The accession of Aksai Chin to China which was part of Ladakh region of Kashmir would have enfeebled Indian claim over Pakistan's administered region of Kashmir.

Meanwhile, Ladakh was given status of a separate union territory (separated from J&K) by India, recently. It could be meant to negotiate its border dispute bilaterally with China based on mutual bargaining. Any such possibility might not be denied in years to come. In case India could successfully bargain with China in Ladakh and elsewhere, it might cast a negative impact on Pakistan's position on Kashmir.

According to a source, over the years, strategic significance of Aksai Chin for China has decreased vis-à-vis Arunachal Pradesh. In this regard, Ladakh could be an experimenting place to search out ways to carry forward Sino-India relations and explore new approaches to reach out ultimate settlement of the boundary dispute. Meanwhile, Kashmiris on both sides have called for Chinese involvement in Kashmir dispute. Former Chief Justice of Azad Kashmir High Court, Abdul Majeed Malick and Leader of Jammu and Kashmir Liberation League claimed that Chinese Ambassador to Pakistan had assured about Chinese evacuation of Aksai Chin in case Kashmir became independent. Moreover, leader and Hurriat Chairman from Indian occupied Kashmir Mirwaiz Umer Farooq invited China to be a party to the dispute being one of the most important regional powers as well as retaining an area of Kashmir. Pakistan's Foreign Office has ruled out any Chinese role by maintaining that only India and Pakistan have been parties as per UN resolutions. During his visit to Pakistan in 2006, Chinese President did not refer to any role by China towards Kashmir resolution with focus to resolve Kashmir dispute through dialogue between India and Pakistan. In 2006, Mirwaiz again called for Chinese involvement while referring to his upcoming visit to Beijing (Jacob, 2008). The redefined

status of Ladakh as a separate union territory could mean Indian willingness to bilaterally negotiate with China in future.

However, Javaid and Jahangir (2015) reported another view whereby Kashmir issue caused disturbance in triangular interactions among China, India and Pakistan. China instantly pursued neutral stance over Kashmir issue to settle its boundary disputes with India. However, Indian unwillingness to settle territorial disputes with China provided strong basis to further China-Pakistan entente. Meanwhile, China stressed to resolve the disputes in accordance with UN resolutions. In academia circles, Pakistan's interests could be impacted negatively in case of Delhi-Washington-Islamabad relationship whereas scenario could be different in case of Delhi-Beijing-Islamabad ties. Since, it was assured that Sino-Indian ties would never supersede Sino-Pakistan ties. Including China as part of bargaining process would help both; India and Pakistan. Moreover, it would also pave the way for India and China to bargain and resolve disputed state of Arunachal Pradesh and other border disputes.

Basu (1991) highlighted two important elements existing between China and India towards prevention or un-likeness of major conflict between both; conflict causing adverse impact on their bilateral relations and jeopardizing their position in the continent. Both states would keep watching each other closely in South and Southeast Asia while attempting to enhance bilateral cooperation and mutual regional well being at the same time.

Border disputes and question of political co-existence have been key consideration in India's China Policy. Like foreign policy in general, India's China policy

has three objectives; getting back lost Indian territories and deter China from attacking any further, promoting international peace to seek friendly environment required to accelerate Indian developmental activities, achieving a status and articulating a role in regional and global affairs (Bhola, 1989). On regional level, India aspired to be regional hegemon in South Asia while it further aspired for major power status with a permanent seat on UNSC.

Paul (2006) has pointed towards the crucial structural factor causing persistence of rivalry since over half a century. The power asymmetry was the major reason for long-prevailing rivalry. A full compromise was difficult to achieve for both states in near and midterm basis given the existing power asymmetry. However, Chinese insistence on early resolution of disputes reflected a different story whereby Indian inflexible approach mainly impeded the resolution.

Siddiqi (2012) has suggested that China and India should resolve their border disputes through peaceful means while limiting the influence of US and other outside powers. However, Siddiqi has predicted resolution in near future as unlikely. It has been simply because of US assistance to India to reach the goal of regional hegemony (in South Asian region) as well as building India as a counter-weight against China.

The US-factor as well as Indian aggressive regional hegemonic behavior has caused China to think realistically. Sino-Indian borders have been unstable given their de facto positions. The fact was reflected in recent Sino-Indian 73-days stand-off at Doklam in 2017 (as well as Sino-Indian war in 1962) as reported by Press Trust of India. According to Indian source, Indian side stopped construction of road by Chinese army in

the disputed area. China was constructing new roads and developing its overall infrastructure along nearly 4,000 km long border with India. In January last year, Indian Army Chief Bipin Rawat stated that time had come for India to shift its focus from borders with Pakistan to frontiers with China (Press Trust of India, 2018). According to Basrur (2019), with Doklam clashes of 2017 between China and India, situation evolved into a nuclear rivalry between both states.

Moreover, China and India faced each other in 2020 in Ladakh region whereby Indian official experts conventionally estimated Chinese capture of over 60 square kilometers of Indian patrolled territory with advanced positioning of Chinese troops still in place (Zaafir, 2020).

According to Rajagopalan (2019), Indian domestic foreign policy debates simply held New Delhi responsible for existing state of affairs with China given Indian growing ties with US, to which Beijing has simply responded.

From general realist perspective, Indian de jure hold of the occupied territory would lead to increase in Indian power at the expense of the parties involved. In that regard, letting to go much of the pie (state of Kashmir under Indian jurisdiction) into the Indian pocket would simply not favor China as well as Pakistan.

India considered South Asian region as an exclusive zone of its influence. In this regard, India considered Sino-Pakistan ties as well as Chinese presence in South Asian region as challenge to its China policy given India's regional hegemonic ambitions.

- **Pakistan (and Kashmir) in Sino-Indian Ties**

Chinese support to Pakistan in India-Pakistan conflict has been continuing source of tension in Sino-Indian ties. In case, China-India could get resolved with their border disputes, Sino-Indian normalized relations would still be unlikely as far Kashmir issue prevailed. Since Kashmir conflict lied at the heart of South Asia's tensions, India would suffer its ties with neighbors including China. If Delhi continued focusing Kashmir and other security problems in immediate region, it would limit India's development including; infrastructure, poverty alleviation, other domestic issues and its trade and diplomatic ties with rest of the world (Merringtn, 2012). In that regard, sorting out Kashmir conflict through mutual understanding would serve India to experience better diplomatic ties with South Asian states as well as China.

In the aftermath of 9/11 incident, global strategic transformation occurred with US launching an international campaign on global terror (Islamic Fundamentalism and Muslims were sole US target). India voluntarily offered US its bases without conditions. Pakistan allied to US in latter's war given the regional and global political scenario. The long war caused immense instability in Pakistan with thousands of casualties and loss of over 100 billion dollars to Pakistan's economy.

Trump administration in 2018 suspended \$300 million of military funding to Pakistan. The move was made on a time when Pakistan was already faced with economic crisis. US war on terror caused potential damage to Pakistan's economy. The potential losses in war on terror resulted in potential decrease in Pakistan's power (thereby it served to fulfill India ambitions of regional hegemony). On the other hand, India

exploited the opportunity based on Pakistan's role in war on terror. Through global diplomatic campaign, India attempted to isolate Pakistan internationally to further shift balance of power in its favor (at the expense of Pakistan). Global war on terror significantly favored India with worst implications for Pakistan causing socio-economic instability and huge financial losses.

The fact was appropriately pointed out by many Chinese strategists who believed that India had been manipulating war on terror as an excuse against Pakistan to restrain it or to destabilize or dismember it. The reason was simple; Pakistan has been the only power in South Asia challenging Indian regional hegemony. Furthermore, Chinese strategists were also worried about destabilizing consequence of US prolonged military presence in (or near) Pakistan and greater influence on Sino-Pakistan relations and Pakistan's domestic stability (Evans, 2002).

According to a source, Chinese Ambassador while addressing a session of UN in June 1998 clarified that China had been opposed to any action aimed at regional hegemony. The source further highlighted regarding regional hegemony as long-standing Chinese code word regarding Indian policies objectionable to China (as cited in Garver, 2001). However, in reality, Indian single minded pursuance of regional hegemony since its inception as independent state has clear historical evidence in Indian political, economic, military and diplomatic behavior towards South Asian region. China would require a more handy South Asia policy given the challenges emanating from Indian regional hegemony towards Chinese interests as well as Chinese mutual interests with its partnering states in South Asia.

Ghani, Alam, Gul and Shah (2013) maintained that while China had carefully devised its policy towards India aimed to encourage India playing positive role in regional peace and convincing it to undergo moderation in its geopolitical ambitions. Pakistan should have thought through implications of enhanced Sino-Indian trade and take advantage of its positive outcomes. In that regard, Pakistan could encourage both states to design a comprehensive regional plan involving all parties to settle mutual outstanding disputes. However, such an outcome would be practically more unlikely yet possible given Indian blatant pursuance of regional hegemony.

An Indian writer, Acharya (2005) maintained that China's neutral position and urging for both states to resolve their disputes through mutual consensus had every reason for India to appreciate such standpoint leading to prevent China to endorse Pakistan's maximalist position on Kashmir dispute. Pakistan might think to move with fresh carefully architected Chinese policy while pursuing the resolution of its outstanding disputes with India. The writer has however ignored Indian hegemonic aspirations as the major impediment towards resolution of disputes with Pakistan and other neighboring states. Pakistan's historical willingness to resolve Kashmir dispute especially Musharraf's flexible approach was the living evidence of Pakistan's seriousness to sort out outstanding issues through political dialogue yet India exercised its expansionist and hegemonic policy.

On question of nuclear and missile technology transfer to Pakistan from China, President Hu attempted to lessen Indian concerns by welcoming India-Pakistan process while mentioning that China had no selfish gains in South Asia and sincerely wished

peace in the region and China would extend meaningful assistance in that regard (“Beyond the India-China Bilateral,” 2006). China has always encouraged peaceful means to resolve prevailing disputes in South Asia whereby a peaceful and stable South Asia has been critical for Chinese projects and investment in the region.

Ramachandran (2005) believed that Chinese position over Kashmir dispute had turned India's favor. According to the writer, China opposed internationalization of Kashmir dispute in 1996. The writer referred to President Jiang Zemin address to Pakistan's Senate in 1996 in which he had urged India and Pakistan to resolve disputes through consultations and negotiations. According to writer, Chinese position while fitting the recent developments had actually reflected appropriate wisdom to reach the settlement of disputes while India always considered bilateralism as a scenario which could easily be exploited and disregarded.

Mahanty (1996) highlighted that India's diplomacy had begun to generate results with both sides i.e. China and India agreeing to maintain status quo along border until resolution of disputes had reached. At the same time, China altered its position regarding South Asian region by stressing regional cooperation at SAARC level and conflict resolution through bilateral dialogue among South Asian Nations. In that context, Chinese stance on Kashmir had transformed.

Given disintegration of Soviet Union, failure and languor of UN over Kashmir and Indian emerging partnerships with the West (Chinese containment as important in Western thought), China adopted careful diplomatic approach in overall political scenario and insisted on regional cooperation among South Asian states. Moreover, India

internationally propagated Simla Agreement as an ultimate forum to address bilateral disputes which impacted global Kashmir opinion as well as China.

Li (2009) has pointed out that emerging ethno-religious unrest and secessionist breakout in Xinjiang and Tibet has complicated to an extent the Beijing's perception of Kashmir issue. As the logic goes, China would not urge to see a nationalist movement in Kashmir based on contentious formula of self-determination which was believed to be a precedent for Xinjiang or Tibet.

However, case of Xinjiang had no parallel with Kashmir which was an entirely different case. Kashmir was simply question of Indian illegal occupation against the principles of partition of sub-continent. Moreover, self-determination was provided by Mountbatten's letter, through pledges of early Indian own leadership, UN resolutions as accepted by India and Pakistan. India disregarded its own commitments and rather adopted other means to firm its hold including policy of demographic transformation.

Another scenario could emerge in context of Sino-Indian ties. Enhancement in India's power and further growth of its strategic partnership with US might probably compel China to address basic Indian concern i.e. nexus with Pakistan and it might ultimately lead to some concessions by China in that regard. In that way, India would be able to put more pressure on Pakistan which has been one principal claimant of Kashmir. Pakistan would require closely watching regional and extra-regional scenario and accordingly work out its policy addressing any such developments.

Both India and China considered Pakistan and US respectively as external factors in their mutual bilateral relations (Chatterjee, 2011). India has always preferred China to limit its ties with Pakistan. It was primarily aimed to reduce Chinese presence in South Asian region to streamline India's regional hegemonic pursuance in South Asia.

Panda (2003) asserted that neither USA nor China had urged a powerful and tension free India. However, Indian tensions with its neighbors would not be allowed to consequently lead to a full-scale war but every opportunity to keep up the tension would be availed. Meanwhile, writer has ignored Chinese historical approach to end political differences through peaceful means while presenting his point. Moreover, China has always encouraged India-Pakistan to initiate mutual dialogue to sort out their political disputes.

A source has highlighted evolution of Chinese position on Kashmir dispute in four different stages. In 1950s, China adopted a nearly neutral position over Kashmir dispute. In 1960s and 1970s, with worsening Sino-Indian ties, China adopted a policy intended at public support of Pakistan's standpoint on Kashmir. In 1980s, Beijing shifted back to its earlier position of neutrality with normalization of ties with India while seeking to maintain balance between Pakistan's demands for support and emerging needs to keep better ties with India. By 1990s, China considered Kashmir issue as bilateral requiring resolution through bilateral means between India and Pakistan (as cited in Yuan, 2005). This position was generally held by other great powers including US and Russia which referred to bilateral means in times of Indo-Pak crisis. One probable reason

for great powers to encourage bilateralism was careful balancing of Pakistan's insistence on UNSC resolutions.

Meanwhile, an Indian writer Chopra (1968) accused China for banking upon Kashmir to become independent as in that way, it would be highly convenient for China to put up claims on entire Ladakh region.

On the other hand, Clinton administration's support for idea of Independent Kashmir was a matter of concern for Beijing. In a possible Chinese view, it was part of American strategy to seek access to that strategic area to simply have close eye over China, India, Russia, Afghanistan, Muslim countries of Central Asia as well as Pakistan. The US penetration in the region would pose a direct threat to Chinese nuclear installations and strategic highways (Bhola, 1994).

US forces have withdrawn from Afghanistan, USA might seriously consider its presence in Kashmir while rationalizing Islamic Fundamentalism (US media has occasionally referred to indigenous freedom struggle of Kashmiris as Islamic militancy) in the region for possible intervention.

▪ China in South Asia

Katooch (2018) has pointed towards China's rising influence in South Asian region. It challenged the predominance of India in the region due to its geography, comparative economic strength, and cultural and historical relevance to the region. China's Belt and Road Initiative aimed at strengthening its position in six continental and maritime areas including South Asia and Indian Ocean region by acquiring strategic

communications, forming dependencies and marginalizing India. China and Pakistan have been locked in strong strategic relationship over few decades with Chinese entry in South Asian region started up with the new century. It has developed strong economic ties with other South Asian states through trade, diplomacy, aid and investment with numerous projects pursued under sovereign agreements. China's growth rate has been exceptional with Annual GDP rate of 9.6% since 1989 till 2018.

Chinese links to South Asian region were based on geographical closeness to South Asian states among other factors. It has provided South Asian states an alternative to stretch their national policies in the face of Indian hegemonic designs which impeded conflict resolution as well as major reason for their limited economic progress. Pakistan has been the key partnering state of China in the region. Pakistan should encourage, assist and promote China's ties with South Asian neighbors based on mutual benefits, fulfillment of mutual interests and progress of overall region.

Sino-Pakistan Ties

Pakistan and China observe strong strategic ties over a long period of time. Both states enjoy friendly ties and hold cooperation in political, economic, cultural and other spheres.

China and Pakistan developed common strategic thinking following Sino-Indian war 1962, with Pakistan openly condemning India as an aggressor. China realized Pakistan's significance in regional and global perspective in the wake of Soviet and American aid to India during the war. Pakistan's geo-political significance and its enmity

with India paved the way for China to forge friendly ties with Pakistan. Furthermore, geographical proximity of Kashmir to the disputed Sino-Indian border also signified Pakistan into the strategic centre of Chinese South Asian policy (Mahmood & Rana, 2015).

China and Pakistan reached an agreement in 1963 whereby China assigned Pakistan 1,942 sq.km of territory and Pakistan recognized sovereignty of China over thousands of square kilometers in Northern Kashmir and Ladakh. India on the other hand, contested the agreement (as cited in Ahmad & Malik, 2017).

Meanwhile, addressing to a session of National Assembly, Pakistan's then Foreign Minister clarified that an attack on Pakistan by India would not be limited to security and territorial integrity of Pakistan but it would involve territorial integrity and security of the largest state in Asia (China). He declared it as a very important factor (as cited in Dobell, 1964).

Malik (1995) highlighted rationale for a strong Sino-Pakistan strategic nexus and inability of Sino-Indian interaction to bypass or supersede Sino-Pakistani partnership. The combined political and strategic benefits to China from its ties with Pakistan (and with Islamic countries through Pakistan) had potential to easily prevail over potential benefits that China might seek through developing even closer ties with India. More importantly, Pakistan has been the only state to challenge India and prevent latter's hegemony in the region thereby fulfilling key strategic goal of China's South Asia policy.

Meanwhile, Malone and Mukherjee (2010) have highlighted Chinese neutral position vis-à-vis Kargil war of 1999, attack on Indian parliament in 2001, and Mumbai terrorist attacks in 2008. According to writers, growing instability in Pakistan coupled with growing Indian power has caused China adopting a middle way. In that regard, potential increase in Pakistan's power would cause Kashmiris as well as China to adopt even more tilted approach towards Pakistan.

However, India has consistently viewed Sino-Pakistan ties with suspicion. India pursued China on different occasions to limit latter's ties with Pakistan. India has long opposed CPEC (a mega initiative between China and Pakistan) on baseless grounds. Rather than evacuating the territories illegally occupied by India, it adopted an offensive approach and questioned CPEC based on its passage through Gilgit Baltistan.

Moreover, a source highlighted Indian intentions to sabotage Pakistan-China relations. According to source, Indian spy agency Research and Analysis Wing (RAW) had been persuading Chinese nationals in Badakhshan who were believed to be members of East Turkmen Independent Movement (ETIM) to train them and send them to Chinese province of Xinjiang to create instability. In particular, they were being encouraged to target important installations and high profile officials including security officials. India was providing ETIM members with moral, financial and material assistance to launch them to Afghan soil against China. They could be provided with fake passports of Pakistani origin to accuse Pakistan. Reports further suggested that Indian agents had instructed their operatives to keep close contacts with Al-Qaeda for financial assistance of ETIM leadership. The sole purpose of such proposed design was primarily meant to

distort historical Pakistan-China ties (“RAW starts exporting terror,” 2010). India has already been active with policy of projecting terror in other states especially Pakistan since a long period of time.

Chinese possible resolution of disputes through bilateral negotiation with India would serve India to behave more offensively to pursue its regional hegemonic position especially vis-à-vis Kashmir given an end to combined impact of Sino-Pakistan ties over India (with Pakistan’s weak position). India would more actively challenge Chinese interests in South Asian and Southeast Asian region. It might potentially encourage India in Kashmir to host possible US presence in the region directly casting negative impact on Chinese national interests and survival.²³ In that regard, China could further encourage parties involved for a comprehensive resolution of disputes. However, China would require a more careful diplomacy addressing regional and extra-regional scenario while interacting with India on outstanding issues. More importantly, China and Pakistan would require jointly working out a futuristic comprehensive plan regarding Kashmir addressing regional and extra-regional environment. Pakistan would require taking advantage of any possible prolonged conflict between China and India at borders in terms of offensive considerations to possibly attempt to recover its lost child.

Rationale for Chinese Inclusion

After consolidating its hold over occupied Kashmir, India would more assertively challenge Chinese control of Aksai Chin through baseless claim on Chinese region. On

²³ As emerging Confucianist civilization has been perceived as potential threat to potential regional hegemony of USA (and to Western supremacy).

the other hand, China by asserting itself as a participant might prevent or challenge India firming its hold of all of occupied state of Jammu and Kashmir. Such possible Chinese assertion would make China ever more relevant to Kashmir.

After achieving full annexation of Kashmir thereby deteriorating Pakistan, India would probably perceive itself being regional hegemon in South Asian region. India would thereby resist Chinese interests in South Asian region while realizing a powerful position. It would likely pursue its dream of Asian hegemony thereby challenging China by further strengthening partnerships with Western bloc. Indian avoidance over the years regarding peaceful political settlement of border issues with China was probable indication of former's expansionist policy as well as Indian dream of becoming preeminent Asian power.

If China could become a party to reach out a final deal, there would be no Kashmiri voice (or otherwise international propaganda on behalf of Kashmiris) towards Chinese de jure control of Aksai Chin or otherwise in case China pursued bilateral resolution of conflict with India, it would not as such be an ideal outcome for China.

The great rationale lied in the fact whereby Kashmiris (Kashmiri Leaders notably Mir Waiz Umer Farooq) themselves have openly invited China for an active role towards Kashmir cause.

Indian continually growing stronghold on Kashmir would cast negative impact on resultant accumulation of power from Sino-Pakistan strategic relationship and their common strategic interests.

Indian achievement of status quo over Kashmir with probable Chinese isolationism on Kashmir Front could serve India to encourage probable US presence in Kashmir in coming years to closely watch and challenge China through mutual maneuver.

Chinese inclusion as participant would bring requisite balance on bargaining table.

Indian illegal annexation of Kashmir thereby its growing strong-hold would serve to damage Chinese national interests in the long run.

India throughout years cleverly avoided highlighting China (formally) in Kashmir context (or asserting a comprehensive framework of negotiations involving China) while continued asserting claim on Aksai Chin. The logic lied in acquiring South Asian hegemony to be able to pursue Asian hegemony thereby challenging China.

Since Pakistan allied to US for primarily its security concerns and support on Kashmir cause. The USA-Pakistan relationship served to prevent Sino-Pakistan relationship to reach its full potential. In that regard, Chinese mutual understanding with Pakistan on Kashmir would result in enhancement of strategic nexus to an unprecedented level.

From an offensive realist perspective, Kashmir (pie) being an important strategic region going to India's favor would result in gain of potential power by India and thereby loss of power for China (zero-sum game).

Last but not least, a potential Chinese diplomatic move of entering an agreement like one presented in this research study (Potential Political Bargaining PPB) would be certainly a setback (or significantly impact) for US project of China-containment involving India.

Advice for China

The Chinese diplomacy (especially trade diplomacy) has been well in place. Meanwhile, China adopted a Gentleman's approach in its peaceful rise and pursuance of economic interests across regions around the globe, it would require a more handy and carefully designed offensive approach to protect its interests given the threats emanating from America (along-with US allies) and India. A carefully crafted offensive policy would serve China pursuing its interests in the region and elsewhere. In case, China ignores to appropriately address the transformation of its economic power into building up its military might and keeps forwarding with its peace-loving and peace-caring approach, its survival and national interests would be subject to significant threat by US along-with (buck-passed) India in spite of its active and careful diplomacy and over-emphasis on peaceful means. Since in Mearsheimer's world, states prefer offense as and when required to gain as much power as possible. India has not been convinced well to properly demarcate its frontiers with China despite untiring Chinese engagement with India. Indian avoidance to complexify negotiations with China reflects future Indian intentions towards China. India is the most immediate challenging state for Chinese regional hegemony and latter's interests in especially Asia as a natural competitor and rival of China. However, given the existing economic and military power position of China, India is presently in no position to go offensive against China. Yet, India growing stronger and powerful (through internal and external balancing and by possibly achieving nuclear superiority over China at regional level) may disappoint Chinese peace-approaching policy in the upcoming years. China therefore requires a careful offensive

approach appropriately addressing its future interests and potential survival. In this regard, given the existing significant power gap between China and India, China may seriously consider an offensive policy against India and may regain the control of its claimed parts under Indian occupation.

For Pakistan

The evolution of Indian policy on Kashmir required UN to evolve nature of its position vis-à-vis Kashmir. Given systematic transformation of demography of IOJK (more aggressive since end of its special status), UN may uplift its position to ending Indian illegal occupation of IOJK and confirm latter's accession to Pakistan given clear legal and moral justification and historical evidence. Pakistan requires pursuing UN to address Indian systematic demographic change in IOJK and accordingly adopt a resolution in this regard.²⁴ To get back the lost child, prevailing UN-oriented Kashmir approach to ensure Kashmiris' their right of self-determination is not adequate. India invaded Hyderabad and Junagarh by means of force despite their leaders' will to accede to Pakistan. It has set a precedent for Pakistan vis-à-vis Kashmir. Pakistan can still consider a similar option while assessing its total power accumulation as a result of internal and external balancing as well as evolving regional environment. For a successful Kashmir liberation campaign, Pakistan would first require to complete constitutional groundwork (on priority basis given Indian aggressive pursuit of demographic change in Kashmir). In that regard, Pakistan may introduce a constitutional provision (may be sub-provision under Article 257) by moving a bill in the parliament.

²⁴ Pakistan might appreciate any such UN resolution in future providing for Indian complete withdrawal from IOJK and confirming accession of Kashmir to Pakistan.

The substance of such bill may contain further clarity of constitutional status of state of Jammu and Kashmir. The bill may provide for Azad Kashmir as well as Indian Occupied parts of Kashmir as a (sixth after GB) province of Pakistan (through UN's active role or otherwise). Such provision would achieve certain objectives; firstly, it would pave the way for full-fledged provincial status of GB province, secondly, it would certainly provide people of Azad Kashmir their due political right of acquiring a provincial status²⁵, thirdly, it would provide requisite confidence and further clarity to Kashmiris on other side of LoC regarding their political future. The constitutional measure would be adopted without compromising Pakistan's over-emphasized UN policy on Kashmir (in case some Pakistani scholars may argue about keeping relevance of UN vis-à-vis Kashmir). Meanwhile, Pakistan would require avoiding any lone offensive with India prior to ultimate peaceful resolution of Kashmir conflict.

For Kashmiris

Kashmiris have been denied their legitimate right to self-determination. They would therefore require an organized struggle against illegitimate occupation of their state. Given Indian pursuance of systematic transformation of Kashmir's demography, Kashmiris would require potential resistance (including an organized armed struggle against Indian conduct of Kashmiris' genocide) against Indian hard and soft means and overall political maneuvering (and foreign Indian occupation) in Kashmir while realizing their emerging irrelevance in their own state.

²⁵ Any possible grievances of people of Azad Kashmir would be valid without providing them their due constitutional status in case of making GB a full-fledge province. Moreover, Kashmiris on both sides of LoC (however few and politically misguided) should think through a realist angle while urging an independent status. In that regard, Kashmiris in Pakistan should pressurize Islamabad for acquiring provincial status following footsteps of people of GB.

Moreover, Abbas (2019) has produced useful advice for Kashmiris. To writer, long march, sit-ins, blockades and other collective non-violent actions would be useful towards increasing Indian cost of occupation in Kashmir Valley as well as further mobilizing Kashmiris internally. This would significantly enhance potential of Kashmiri nonviolent struggle. The unifying emerging trends along-with strategic non-violent options might create problems towards Indian illegitimate rule and to further challenge Indian presence in future.

For India

India is confronted with China recently. China-India power gap is significant. It would be to the disadvantage of Indian state to enter a major conflict with China given the weak side of external balancing especially when Indian partners (particularly US) don't share borders with India in line with the argument of offensive realism. India is also faced with internal problems particularly in Kashmir. India may therefore seriously consider a proposal like PPB as presented in this study to acquire legitimate borders. Moreover, constant Indian regional hegemonic aggressive policy has turned Indian neighbors hostile towards India. US would prefer China-India indulge in long-war whereby resultant balance of power would thus go to US favor. Any such maneuver by India to initiate war with China would more particularly impact overall Indian security and national interests. India would require exercising diplomatic means to sort out outstanding issues with neighbors including China, Pakistan and other South Asian states while appropriately making national interest calculations.

CHAPTER 5

IMPLICATIONS AND WAY FORWARD

The Chapter highlights major implications of prevailing unsettled position of Kashmir dispute as well as introduces a fresh proposal towards ultimate resolution of the conflict once for all. The potential conflict creates immense implications given its non-resolution ranging from socio-economic under-development of South Asian region to overall unstable security environment. The proposed scheme of settlement is meant to create de-jure borders among the disputants involved based on Potential Political Bargaining.

5.1 Repercussions of Non-Resolution of Kashmir Dispute

Persisting conflict over Kashmir creates immense implications for states involved. The dispute has intensified rivalry leading to aggressive arms race and more importantly in the nuclear field as well. The high military-spending impacts socio-economic condition of the states. The emerging water crisis especially in the wake of global climate change has great potential to lead the states to war. Moreover, Indian recent aggressive unilateral moves to alter political scenario of occupied state have ignited the flames of war. Such possible war could be so dangerous challenging the very survival of the states especially given the nuclearization of the region.

Rising Water Conflict

Sharma (2012) pointed towards prevailing notion regarding future wars based on water resource rather oil resource given its requirement to sustain human life. The core idea was based on the fact that natural resources and environmental issues could turn sensitive with implications for regional security.

According to Zeitoun (2006), hydro-hegemony of a riparian state is related to power position, riparian position and resource exploitation potential. All the three indicators confirming hydro-hegemony make the case for India being a hydro-hegemon. With respect to power position, India is potentially powerful (w.r.t. South Asian region), it is a high riparian state; another indicator which confirms Indian hydro-hegemony, while it has great potential to exploit water resources (It is reflected in aggressive pursuance of construction of dams to control maximum water-resource).

Hanasz (2014) has considered four factors responsible for existing fear of war over water in South Asia. These included; intense competition over water resources, climatic change and increasing demand based on growing population, political and social instability and finally perception of India as regional bully. These potential factors lead to fear of war over water resources in South Asia.

Pakistan lists fourth in the world with highest rate of water-usage while its economy is the world's most water-intensive economy (Khaver, 2017). Since Pakistan has not successfully transformed its economy from being an arid-based economy to a

modern industrialized economy, it puts Pakistan rather under more pressure vis-à-vis Kashmir's geo-strategic and geo-economic position whereby India has an edge to exploit water resources and threaten the economy of Pakistan directly.

A recent International Monetary Fund (IMF) report has placed Pakistan 3rd in the list of countries facing shortage of water. According to United Nations Development Program (UNDP) and Pakistan Council of Research in Water Resources (PCRWR), Pakistan would face complete scarcity by 2025 (as cited in Kanwal, 2018). According to State of Environment Report 2005, per capita water availability which stood at 5300 cubic meters in 1951 is predicted to decline at 659 cubic meters per capita by 2025 (as cited in Ahmed, Iftikhar & Chaudhry, 2007). Pakistan's water crisis is critical which requires serious policy-making based on water conservation and its fair use.

Agriculture depends on irrigation which is based on some of earth's mightiest river systems originating from glaciated parts of Tibetan Plateau. China holds the key of waters of South and Southeast Asia. In South Asian perspective, low riparian states; Pakistan and Bangladesh and upper riparian Nepal, all face water conflicts with India. Some treaties including Indus Water Treaty, Ganges Water Sharing Treaty, and Mahakali Treaty however, prevail and prevented escalation of water disputes temporarily (with increased water-scarcity, conflict is more likely to occur in years to come). Unforeseeable climatic conditions in the wake of global warming and greenhouse effect, Indian strategy to undertake controversial hydro-projects and Chinese plan to divert water-flow from Tibet to mainland China may lead to severe water crisis in low riparian states. Consequently, these arid-based economies facing water-shortages begin with intra-state

water disputes thus leading them to inter-state conflicts. The existing rift based on Indo-Chinese water disputes may escalate and encourage India at same time to carry out hydro-projects against Indus Basin Treaty and Ganges Water Sharing Treaty (Qadir, 2008). India adopted aggressive hydro policy to dominate and control waters of the region to further push its hegemonic pursuance.

The main instrument governing water rights over Indus river system is Indus Water Treaty. World Bank brokered a treaty in 1960 between India and Pakistan governing the use of Indus river system called Indus Water Treaty. It was signed on 19th of September by Indian PM Nehru, Pakistan's President Ayub Khan and Word Bank Representative Mr. W. A. B. Iliff (Vice-President, World Bank) in unavoidable absence of Mr. Eugene R. Black, President of World Bank who was recovering from illness. The treaty allocated eastern rivers of Ravi, Beas and Sutlej to India while western rivers of Indus, Chenab and Jehlum to Pakistan (The World Bank, 1960). However, the treaty favored India by allocating three eastern rivers to India flowing into Pakistan.

Technical disagreements over Baglihar, Kishanganga and Wullar projects create serious implications and a matter of great concern for Pakistan. Any structure providing India with control of western rivers being upper riparian, reduction of water inflows in dry season and floods in rainy season with the possibility of water being used as weapon of war are naturally apprehensive for Pakistan. These concerns are based partly on water-sharing and partly security related. The construction of Wullar barrage, Baglihar dam and Indian plans to construct nine hydroelectric projects on headwork of Chenab river have

serious consequences on security, economy and provincial harmony of Pakistan. Dialogues over water-sharing have not generated any results. India while refusing to settle water disputes has threatened to reconsider the only existing treaty on water i.e. Indus Water Treaty. Indian designs on Chenab River provide another dimension to the Kashmir issue. Pakistan's intelligentsia and policy-makers have centralized Kashmir as the core dispute. Indian exploitative approach and its overt and covert violation of treaty which was not in Pakistan's favor to start up, has upset pacifist lobby in Pakistan. The uncertain future of Indus Water Treaty which was signed in 1960 when Pakistan's population was 42 million which is now 142 million (nearly above 220 million as of 2018) point towards water and its usage as the major source of conflict in the near future (Baqai, 2005).

Construction of Baglihar dam was started in 1999 and it took over 15 years for its completion while Kishanganga hydro-project was inaugurated in 2018. Presently, India has resumed construction of Wular project while Pakistan has asked India to stop its construction. Moreover, India has also been pursuing construction of some other hydroelectric projects in IOK. The aggressive pursuance of hydroelectric projects by India on rivers allocated to Pakistan under IWT to further pressurize Pakistan has challenged peace and security environment of the region.

Future energy and water demands may lead India to carry out projects against IWT. Some quarters in India have already been talking of its abrogation. Although India does not have the capability to divert western rivers but possibility of any such project like that of China's Great South North Water Transfer Project cannot simply be ignored

(Iqbal, 2010). India has managed to carry forward aggressive water policy to deteriorate Pakistan vis-à-vis waters. In this way, merely waiting for India vis-à-vis acquiring any such technology meant to divert water; Pakistan should rather practically work out plans to ensure its potential water security.

Khattak (2008) has pointed out that weaponization of water by means of dam (Baglihar dam) and thereby controlling mechanisms by India had created a threat perception about flooding Pakistan's farms and populated areas or stoppage of much needed water in dry seasons. Besides threat perception, India several times flooded Pakistan.

India has been exploiting water resources of occupied Kashmir for power generation. According to list compiled by PICW, India completed 41 hydropower projects with 12 projects in process of completion in addition to 155 projects worked out for western rivers. It has constructed 6 hydropower projects on Chenab River including Baglihar 1 of 450 MW and Salal 2 of 690 MW with two projects under construction including Baglihar 2 of 450 MW and Ranja-Ala-Dunadi of 15 MW. It has planned 56 hydropower projects additionally on Chenab river with some big projects like Sawalkot (1 and 2) of 1200 MW, Seli of 715 MW, Pakaldul (1 and 2) of 1000 MW Bursar (1 and 2) of 1020 MW, Rattle (1 and 2) of 690 MW and Kiru of 600 MW. Meanwhile, on Jhelum River, it has constructed 15 projects, including Uri-1 of 480 MW, Lower Jhelum of 105 MW and Upper Sindh of 105 MW with six projects in process of completion including Uri-2 of 240 MW and Kishanganga of 330 MW. Furthermore, India plans to begin 74 projects on Jhelum river including few projects like Sonamarg Storage of 165

MW, Gangabal Storage of 100 MW and multipurpose Ujh Storage of 280 MW (Bhutta, 2011).

According to experts, water issue is exploited by Delhi to pressurize Pakistan on conflict over Kashmir (Khadka, 2016). The growing mechanism of dams provides India with an advantage over western rivers and their control. Pakistan can face immense pressure especially in years to come. The ignorance of such critical issue related directly to the existence of state would pose serious challenge to the survival of the country being primarily an agricultural economy.

Sino-Indian Water Conflict

The source has highlighted significance of natural resources (especially water) as engines of power struggle in the face of geo-political competition. Asia lists at the top in terms of water pollution and water shortages in the world. It is world's most water stressed continent. Water stress (which is per capita per year less than 1700 cubic meters) is highly critical in case of Asia. It has further worsened due to rapid economic growth and urbanization (Chellaney, 2014). Asia being the most populated continent is world's most water-stressed continent.

China announced to construct series of dams on middle reaches of Brahmaputra River in Tibet in 2008. The "South to North Water Diversion" project which was meant to address Northern water crisis in China was estimated at \$62 billion. It is expected to impact seven states including India, Bangladesh, Myanmar, Laos, Thailand, Vietnam and Cambodia (Kattumuri, 2012).

Chinese plans to divert Brahmaputra River originating in southwestern Tibet (where it is called Yalong Tsangpo River) towards its water scarce areas is meant to address the threat to Nation's survival from emerging water scarcity. The river covers a distance of 1600 KM flowing eastwards through Southern Tibet. Its easternmost part forms stunning U-Turn called Shoumatan point or the Great Bend. It then enters India where it is joined by two major rivers and because of this point of convergence, it is called as Brahmaputra. It then flows to Bangladesh where it is joined by Ganges River creating largest Delta of the world before falling into Bay of Bengal. The potential hydro-engineering project, South-North Water Diversion Scheme planned at the Great Bend by China also includes hydroelectric power project generating 40,000 MW. The scheme has three man-made rivers taking water from icy Tibetan Plateau to the arid north. The scheme involves diversion of Yalong, Dadu and Jinsha rivers rising in Tibetan Plateau towards Yellow river to overcome water scarcity in north and northwest. Diversion routes contain eastern, western and central routes. Western route which is diversion of Yalong Tsangpo at the Great Bend is the most technologically challenging and controversial of these three routes. Transfer of over 40 billion cubic meters is expected for water scarce areas through water diversion scheme. 47% of world's population is dependent on Tibetan Plateau which is Asia's main watershed and source of its 10 major rivers. In short, this water diversion scheme would have serious implications for India and Bangladesh (Ramachandran, 2008). On the other hand, India has threatened to divert Pakistan's waters as well as termination of Indus Water Treaty.

Few analysts foresee Sino-Indian conflict in coming years on Brahmaputra. However, water-related issues have not dominated their bilateral ties yet global warming and its impact on melting of Himalayan glaciers being sole source of Brahmaputra River like Indus may result in glaciers to disappear due to climate change. It would crucially impact both, China and India. Given critical significance of Brahmaputra River for both states in terms of agriculture and economic activity, any long-term decline in its flow would lead to disruption thereby causing potential adversity and social unrest. (as cited in Klare, 2019).

In the face of global warming, rapid economic growth, increasingly growing population, lack of adequate water sharing mechanism, regional cooperation and urbanization of Asia (especially China and India as two economic giants); the situation would get worsen with each passing day especially, in the absence of seriously active and result-oriented diplomatic interaction among Asian states. The region is heading towards conflict over water in time to come.

Given prevailing water conflicts between India and its neighbors, Xu (2012) has wisely suggested for regional mechanism of negotiations on water-related issues as appropriate course of action in the long run.

Aggressive Arms Race

The post-Cold War world turned out to be even more loaded with conflict against what was expected to be a more peaceful world. South Asian region was faced with nuclearization, terrorism, ethnic conflicts, religious turmoil, Human Right violations,

increasing number of refugees, grown poverty, high disparity between rich and poor, and no visible end to environmental degradation among numerous problems. South Asia is hot spot of all regions where India and Pakistan were about to initiate nuclear conflict just after the 9/11 incidence. On one hand, global defense budget is reduced by 35% while on the other hand; South Asian budget has increased by 12% with 47% of South Asian population living below the poverty line (Soherwordi, 2005).

As per data available for the year 2019, US got world's largest defense budget of \$717bn followed by China with \$177bn while India listed third in terms of defense budget with \$60.9bn ("The world's biggest defence budgets," 2019). Pakistan's government proposed Rs. 1152bn (\$7.47bn) as defense budget for fiscal year 2019-2020 (Anis, 2019).

India is massively spending to enhance its military power. In the post-9/11 period, India has been aggressively pursuing its military modernization program. The aggressive military spending and military modernization programs of China and India in particular reflect emerging risks of conflict in the region. The non-resolution of long-standing disputes further contributes to aggressive pursuit of military power. South Asia which is world's poorest region with highest illiteracy rate lagging far behind in socio-economic development cannot afford such aggressive pursuance of military power. The high military spending by India compelling Pakistan to spend on defenses to keep the balance of power impede South Asian states' overall development and socio-economic progress.

Bava (2007) has highlighted that regional conflicts and uncertainty of peace process with Pakistan has the potential to keep India limited to South Asia as well as

preventing South Asian region to emerge as strong economic entity and impeded the economic fruits to the states. Moreover, states should not indulge in aimless high military spending which are not likely to achieve an all out defeat on either side and improve their overall position and especially in the face of nuclearization of region (whereby no one of India and Pakistan has achieved nuclear superiority yet).

South Asia as Nuclear Threat Zone (Nuclear Risks)

India, Pakistan and China control parts of Kashmir which is primarily a Muslim majority state along-with other minorities including Buddhists and Hindus. It has seven major language families. Kashmir valley being the violent centre of conflict is merely 0.25% of territory, population and GNP of South Asia (*The Kashmiri Conflict*, 2002).

The US National Intelligence Council in its report titled “Global Trends: Paradox of Progress” has predicted nuclear war between India and Pakistan in 2028. The 1800 miles long border is the only place in the world where both nuclearized states confront each other making South Asia among the most dangerous places on earth. According to the report, India would be world’s fastest growing economy in coming five years while Chinese economy would get slower and growth elsewhere would struggle however, Indian expansion would be complicated by internal tensions over religion and inequality. India’s economic and conventional military capabilities would compel Pakistan to balance it asymmetrically. Pakistan would increase nuclear deterrence against India through expansion of nuclear warheads and modes of delivery including pursuance of battlefield nuclear arsenals and sea-based options. In the coming two decades, nuclear deployments at sea by India, Pakistan and probably China would greatly nuclearize

Indian Ocean region. Existence of multiple nuclear powers with undefined nuclear doctrines to manage sea incidents between nuclearized vessels would enhance the risk of miscalculation and accidental escalation. Nuclear friendly requirements for naval-based delivery means confiscate safety regulator which has kept nuclear weapons placed separately from missiles in South Asian region (Ghazali, 2017). Shift in recent Indian nuclear gesture whereby it expressed willingness to withdraw any commitment to nuclear first use point towards risks of nuclear confrontation. Pakistan must therefore be aware of and be prepared for any nuclear misadventure.

The pro-nuclear lobbyists and notably Indian defense Minister Manohar Parrikar has stated that India must not abide by its commitment to No-First Use in its nuclear doctrine or to what was provided by Vajpayee government as Indian nuclear doctrine or suspension of nuclear tests unilaterally. Meanwhile some members viewed Chinese origin Pakistani bombs better in reliability and effectiveness (Jain, 2016). Indian nuclear aggression was reflected in Indian attempt on 27th February 2019 to nearly initiate a nuclear strike against Pakistan according to some unofficial sources.

Recently in the beginning of 2019, India initiated an air-strike resulting in the loss of two Indian fighter jets with an Indian pilot captured by Pakistan. Pakistan released Indian pilot immediately as an attempt to de-escalate the situation. The aggression was calculative and it simply reflected the acquisition and execution of power by Indian state with less important factor of ruling regime in India. India would keep the policy forward to achieve its goals. Initiating wars and nuclear conflict especially by India would not favor anyone as it greatly involves miscalculations based on incomplete information as

well as states sometimes do not exhibit the real potential they possess (as that may be the case of Pakistan, according to offensive realism).

Wenning (2003) discussed the implication of nuclear war between India and Pakistan whereby a full-fledge nuclear war between India and Pakistan would result in millions of deaths instantly on one hand and on the other hand it would cause global environmental devastation.

India and Pakistan have not faced a nuclear exchange yet however if India achieves nuclear superiority over Pakistan in future, it might attempt to launch a nuclear attack (or possibly a limited nuclear attack on strategically significant region(s) of Pakistan) on Pakistan. There exists strong probability of any such attack by India meant to weaken Pakistan; the only impediment towards its regional hegemony in South Asia so that a nuclear defeated Pakistan would not be able to challenge India. Pakistan in that regard would require a more offensive and effective nuclear doctrine besides working out to enhance its nuclear capabilities.

5.2 Potential Political Bargaining: A Way Forward

Persisting conflict over Kashmir is a symbol of South Asian diplomatic failure in particular and world in general. For a comprehensive solution and useful and lasting outcome of Kashmir conflict, recognition and active engagement of all parties to the dispute is a pre-requisite. The study is an effort to provide a realistic plan towards settlement of Kashmir conflict. Potential Political Bargaining is based on significant

concessions by all the parties involved in the dispute. The proposal is meant for creation of de jure borders among the disputants involved.

Different Perspectives on Kashmir Settlement

The writer highlighted the multi-dimensional nature of Kashmir conflict. The conflict included wide range of parties and different manifestations of violence and struggle. He pointed towards four major players; India, Pakistan, religious militants and Kashmiris as important players among variety of equally significant players (Tavares, 2008). In particular, Kashmiri educated youth has taken over the leading role towards freedom struggle whereas large segments have been demanding freedom from Indian occupation. Moreover, writer ignored China as an important player while mentioning important parties to the dispute whereby Chinese presence as a participant in negotiation process would significantly impact over the outcomes. Chopra (1964) opined that direct India-Pakistan negotiations might yield better outcomes. However, historical developments regarding bilateral India-Pakistan engagement over Kashmir (most recently President Musharraf's untiring efforts) tell entirely different story whereby India has consistently frustrated bilateral engagements.

According to Akthar (2010), participation of Kashmiri people in the process is a pre-condition towards legitimacy of Kashmir resolution. On stressing the involvement of Kashmiris, he insisted that future of Kashmiri people should be a matter of concern for India and Pakistan and both states should not merely be concerned about their own geo-political interests. However, writer has ignored Pakistan's historical standpoint and efforts towards pursuing UN to fulfill its commitment with respect to providing

Kashmiris their basic right of self-determination. India has however pursued a single-minded policy of forcefully annexing Kashmir since the beginning.

Kashmir dispute has been inquired since its inception by scholars around the world. Professor Joseph Schwarzenberg from Kashmir Study Group, a newly founded organization in US, reviewed 43 proposals put forward since 1989. The proposals ranged from advocating pro-Indian proposals of converting LoC to permanent international boundary to Pakistan's stand to hold plebiscite in Kashmir. Meanwhile, there are other proposals with flexible approach from Indian, Pakistani, British and American commentators particularly including; Selig Harrison, Kuldeep Nayar, Robert Wirsing, Pran Chopra and Ayesha Jalal. Most of such proposals advocated for considering Kashmiri groups in the process. The Proposals meant to revive Dixon's plan for a regional plebiscite through Confidence Building Measures between India and Pakistan by starting up with smaller issues like Siachen Glacier and partition along alternative geographical lines than LoC. However, no one of the 43 proposals seriously favored an independent Kashmir (Schofield, 1997).

Matto (2003) has asserted that a solution to Kashmir issue based on absolutes cannot be given. Absolute victory is impossible for anyone of India and Pakistan. It is impractical for New Delhi or Islamabad that it can reunite whole of J&K territory by means of either force or diplomacy. In this way, flexible approach by each side is critical towards sorting out Kashmir problem once for all. Meanwhile, a solution favoring one side while ignoring others is an explicitly rare possibility. According to Ganguly, Blank,

and DeVotta (2005), nearly all concerned held that neither of the two sides could succeed militarily in Kashmir and a final settlement might be achieved only through diplomacy.

According to Sehgal (2011), independence is the toughest of all solutions to the Kashmir dispute. She has argued that as Kashmir is situated between the countries which are still faced with poverty and illiteracy and even thought of making Kashmir an independent state threatens to put these countries to instability. Another challenge is Hindu and Muslim extremism in India and Pakistan respectively. So, it would be difficult for public in both states to believe about Kashmir deserving the right to be an independent state. Furthermore, separation of Kashmir may result into bloodshed and riots from both sides if Kashmir emerges as a free Nation. She viewed Kashmir's independence in public-reaction context. However, a systematic and organized process may help to prevent violence in this regard, in case of Kashmir's independence.

Third party mediation has been advocated by Pakistan to reach out to a solution to Kashmir problem. International players would seriously not be interested in any sincere mediation towards Kashmir problem notably US. According to the rules of offensive realism, US being the only true regional hegemon would not prefer to see the pie going in favor of either side (as Kashmir's integration into either state especially India may result in increase into the power of that state). However, there is strong possibility that US might support India in that regard for a successful balancing against China.

Since division of Kashmir would not be a preferred US interest rather it may advocate for an independent Kashmir. Kashmir may be strategically vital for US interests because of its strategic value. Moreover, it provides US with a rationale for its presence

in the face of so-called religious militancy in Kashmir. US historic nominal involvement in Kashmir dispute was based on diplomatic calculations to attain certain objectives. US over the years supported Pakistan's stand on Kashmir to keep the later satisfied and to exert some pressure on India. Now, US policy is carefully tilted towards India vis-à-vis Kashmir dispute to keep its new ally intact.

A former US official, Ambassador Haass, in an interview by Talat Hussain of Pakistan Television was asked about US policy or how US defined Kashmir dispute. He answered quite diplomatically.²⁵ According to him, it was all that was useful for any administration to play definition games. Meanwhile, pointing towards a peaceful solution sorted out diplomatically under Simla agreement, he suggested for inclusion of Kashmiri people as well. However, he explicitly clarified that US had not held any plan or framework in its pocket as the solution of Kashmir problem (Haass, 2002).

Kumar (2003) pointed out that US Deputy Secretary of State, Richard Armitage during his visit to subcontinent in May 2003 was careful in emphasizing that there was no US intention of mediation. Those were the beginning years of US-India strategic partnership on one hand and Pakistan was a Front-Line US ally in war on terror on the other hand. So, such diplomatic gesture was quite understandable.

According to Mazari (n.d.), from Pakistan's standpoint, inviting US to intervention or mediation on Kashmir would be a grave mistake as US has its own policy interests in the region not resting on principle of self-determination.

²⁵ The historical US role towards Kashmir dispute was based on its own national interests abroad under given regional and global power dynamics.

Moreover, like Northern Ireland for British, Kashmir appears to be an un-solving issue unless major concessions made by all the sides. On the other hand, outside pressure by US, Russia or even the British in case of Kashmir dispute has been proved counter-productive (as cited in Shailo, 2013). According to Gupta (1997), as long as opposing stands on Kashmir by India and Pakistan prevail, it would not be possible to find out a solution. However, resolution of Kashmir dispute is feasible through careful diplomacy based on bargaining.

In this way, simply a solution reached out regionally might be more appropriate, valid and lasting than a solution sorted out by means of international mediation or involvement of extra-regional players.

Significant number of proposals by different quarters has been presented regarding the settlement of Kashmir dispute since the inception of the dispute yet unfortunately no one could be materialized (see Table 2 comprising different proposals). Nonetheless, Kashmir has now become a nuclear flashpoint. Furthermore, persisting dispute over Kashmir has been testing South Asian diplomacy for over 70 years.

Prospects of India-Pakistan Cooperation

States do cooperate despite nature of international system and other constraints. Limited cooperation does exist between India and Pakistan in different areas at different levels. Both states have interacted on multiple occasions to conclude certain agreements (though the agreements have not been fully observed). Some of the agreements included; Karachi Agreement, Tashkent Agreement, Simla Agreement, Lahore Summit, Agra

Summit etc. Moreover, sports (cricket) have considerably been an important source of interaction between the two states.

Hussain (2006) presented an overall picture of India-Pakistan cooperation up to 2006. After that period, cooperation has been extraordinarily limited. No serious interaction could have been possible given diplomatic boycott by India based on forged narrative of terrorism. India rested any diplomatic interaction with Pakistan with latter's fulfillment of Indian demands vis-à-vis (based on Indian propaganda on terrorism) terrorism.

Table 4. *Status of India-Pakistan Engagement*

Agenda	Status & Progress	Deadlock	Prospects	Indian stance	Pakistani stance
J&K	Active on back channel with Ceasefire observance along LoC since Nov 2003	India stick to its traditional stand while territorial status quo not acceptable to Pakistan	Good if talks continue and Kashmiris get involved in the process	Pakistan to end cross-border infiltration as a condition for progress on Kashmir	India lacks seriousness as it rejects Pakistan's proposals relating Demilitarization, Self-governance and Joint Management
Siachin Glaciers	Multiple rounds of Talks with Ceasefire since Nov 2005	Definition of LoC beyond NJ9842. Validating present positions Vs evolving a troop withdraw mechanism to create zones of disengagement	Deadlock	Pakistan must agree to recognize existing Indian position before troops withdraw to agreed location	Both to work for troops withdraw and agree to respect the delimited zone
Sir	Talks at	No real	Hopeful	Bargain a	Seek arbitration

Creek	Technical level with May 2006 Agreement on joint survey of Sir Creek & nearby region	agreement on Sir Creek boundary termination points	fixed boundary in middle of Creek along 1914 resolution Map	if mutual efforts fail to yield demilitarization of maritime boundary
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Note. Adapted from “The India–Pakistan Peace Process” by R. Hussain, 2006. *Defense & Security Analysis*, 22(4), 414-415.

J&K has been the most discussed and debated part of the peace process especially proposals provided by General Musharraf (Misra, 2007). It highlights the significance of Kashmir dispute as the core issue between India and Pakistan.

Incidents of terrorism have interrupted the peace process and caused termination of dialogue between India and Pakistan. India on one hand played terrorism card to avoid any dialogue with Pakistan while adopted policy of implanting terror onto the latter's territory on the other hand. President Musharraf was quite successful to engage India. He adopted extraordinarily flexible approach by flexing on traditional Pakistan's stand on Kashmir issue to reach out to a positive outcome. Musharraf was however made frustrated in the end when New Delhi suddenly backed off from the dialogue when the agreement over Kashmir was just a signature away, without any valid reason.

The Carter Center conducted a study regarding peace process and identified impediments to the peace process. The report provided some useful recommendations regarding the peace process. According to the report, peace process has usually been

subject to violence by those who fear to lose their interests in case an agreement is reached. It suggested that violence should not be made an excuse to avoid peace process. Such an excuse would consequently provide veto power to the spoilers towards the dialogue process. Some peace processes are faced with early termination with a great deal of compromise already in view while most terminate towards the end. Spoilers may be made part of the peace process and may be avoided when required and later bringing them to enhance sustainability. Efforts to reach out an agreement should find a middle way for both sides. Parties should seek to isolate extremes without destroying the chance of agreement in case of avoiding extremes in the process ("The Kashmir Conflict," 2002).

In case of India-Pakistan peace process, violence has been unidentified though India has always accused Pakistan in this regard. However, India has long practiced policy of disengagement. The historical evidence supports this point whereby India worked out Simla Agreement to avoid participation of any third party while played terrorism card to avoid any dialogue at bilateral level. Few occasions of India-Pakistan interaction were merely based on procrastination by India. Simultaneously, India attempted to illegally annex Kashmir into Indian Union through unilateral political, constitutional and military means right since the beginning. In this way, terror-based disruption in talks has clearly served Indian interests. It strongly creates doubts regarding Indian self-designed terror activity to potentially avoid talks and distract the main issue.

On the other hand, Sino-Indian dispute is also faced with deadlock. China cannot give up the strategically significant territory of Aksai Chin which links Xinjiang with

Tibet. Similarly, Arunachal Pradesh is strategically critical as it ensures the security of the plains to the south. Ceding even a part of the state would provide China with a greater covert military advantage than at present through the placement of Chinese advanced positions forward of the toughest area. Acceptance of status quo, i.e. exchange of claims; Aksai Chin in exchange for Arunachal Pradesh has been proposed by China in the 1950s and in the early 1980s as well. It was the most credible outcome (for India). However, present Indian public opinion was not favorable towards concessions. A resolution was passed in 1962 committing the government to recover every inch of the claimed territory. In 2006, Chinese Ambassador claimed all of Arunachal Pradesh as Chinese territory; since Tawang was only one place, China claimed all of that. Tawang was critical to Tibetan Buddhism; it was a place where Dalai Lama crossed into India after fleeing from China, 60 years back. The statement of Ambassador could be opening negotiating position although in contrast with earlier understandings that settled areas would not be evacuated (Joshi, 2010).

The writer has associated bargaining with public opinion, however, it is not necessarily the case. India has exploited parliament in aid to attain certain objectives without considering popular sentiments. The passing of controversial bills i.e. CAA and NRC against Muslims in India have been responded by massive local protests by Muslims and section of Hindus. India passed parliamentary resolution in 1990s claiming even the part of Kashmir under Pakistan.

Recognizing permanent Chinese hold over Aksai Chin by India would help India to bargain (or at least pave the way to bargain) with China over disputed state of

Arunachal Pradesh and other contentious issues. India and China have conducted bilateral dialogue on several occasions. However, India has frustrated China by introducing bureaucratic complications basically meant to avoid an outcome through bilateral dialogue, yet cooperation is still a very much possibility in the real world.

Evans (2001) insisted that solution should come out of the region and supported by others including US. A South Asian solution would be suitable for New Delhi with agreement of majority of Kashmiris in Kashmir Valley to the basic terms of the solution so as to make it lasting and workable. Writer has ignored China while referring to a local solution of Kashmir dispute. However, US support to sustain the solution may be conveniently overcome by Chinese involvement which is more importantly a direct stake holder in Kashmir.

The Proposal; Potential Political Bargaining (PPB)

The study takes into account Potential Political Bargaining as an appropriate and realistic plan to reach the ultimate settlement of long persisting Kashmir conflict. It is an out of box approach like one adopted by President Musharraf while sorting out Kashmir problem. The proposal is however significantly different from that of Musharraf's Four Point Formula. Moreover, it is considerably different from previous partition-based proposals. It suggests for a broader framework involving Pakistan, India, China and Kashiniris as major players in negotiation process to reach the final agreement. It proposes permanent division of Kashmir among the states holding different areas of Kashmir; India occupies on three regions i.e. Jammu, Ladakh and Kashmir Valley, Pakistan retains administration of two regions i.e. Gilgit Baltistan (GB region however,

independently acceded to Pakistan and Pakistan accepted its accession) and Azad Kashmir while China administers Aksai Chin and Trans-Karakoram Tract or Shaksgam Valley. The proposal takes into account all the regions. The proposal is intended for creation of de jure borders for India, Pakistan and China. The existence of de facto border-ly arrangements put the security of the states at risk as well as potential cause of conflict among the states.

Under the proposed scheme, Aksai Chin should be given de jure control of China (whereby India claims some part of this largely un-inhabited region) in exchange for ending Chinese claims over the state of Arunachal Pradesh. It would further pave the way for China and India towards creation of defined permanent borders between them. Meanwhile Shaksgam Valley which was ceded to China by Pakistan under an agreement in 1963 should be subject to re-negotiation as agreed upon by both whereby it may be held by either side or be divided among both or Pakistan may recognize de jure control of China over this region. India occupies on geo-strategically and geo-economically significant regions of Kashmir. The areas under Indian occupation (i.e. Ladakh, Jammu and Kashmir Valley) should be bargained by taking into consideration religion as well as geo-strategic and geo-economic factors.

The valley is overwhelmingly Muslim majority region. It is particularly subject to potential Indigenous Freedom Struggle with Pakistani flags in the hands of youth on streets resisting Indian occupation. However, potential for resistance is comparatively low in other regions of Kashmir. Only Valley of the total three regions under Indian occupation should be given de-jure control of Pakistan with India to demilitarize

Pakistan's region of Siachen Glaciers. Jammu and Ladakh should be given de jure control of India. This would further pave the way for both states to address each other's geo-strategic and geo-economic interests. Moreover, Jammu and Ladakh should be subject to free and fair plebiscite under the auspices of UN whereby Muslim population be provided with a choice to either choose for Kashmir Valley under Pakistan or remain in Indian Jammu and Ladakh. The proposal has incorporated two significant roles for UN,²⁶ firstly, holding free and fair referendum in Jammu and Ladakh, secondly, UN with support of International donors may provide financial assistance towards creation of new permanent borders for said states or otherwise intended states should pursue the task of formation of permanent borders. In this regard, bargaining takes place in such a way that Pakistan would have to accommodate Muslim population of the entire Jammu and Ladakh in case they vote for Pakistan (Pakistan may work out voluntary Afghan repatriation so as to accommodate the migrated Muslim population of Jammu and Ladakh region).

This would lead to formation of well-determined international boundaries. The proposal is significantly different from gradual or stage-wise partition as proposed by Musharraf. It should come at once without risk of any kind of possible regional or extra-regional intervention or any disruption since gradual partition is not favorable given the overall unstable security environment of South Asian region. With agreement of all said parties on this plan, partition (along-with referendum) should take place within a period of maximum 30 days. So, a quick resolution would generate results and certainly lead to permanent settlement of Kashmir problem. In post-agreement scenario, Pakistan would

²⁶ UN being primarily a peace promoting international institution may play the said role towards this peace initiative

maintain de jure control of GB, Azad Kashmir and Kashmir Valley, India would retain de jure control of Jammu and Ladakh while China would have de jure control of Aksai Chin and possibly Shaksgam Valley (Shaksgam Valley as mentioned earlier would be subject to Sino-Pakistan mutual understanding). After striking final deal, all states would be required to officially recognize each other's international borders immediately. Given is a picture of proposed settlement plan of Kashmir conflict as an outcome of Potential Political Bargaining (PPB).

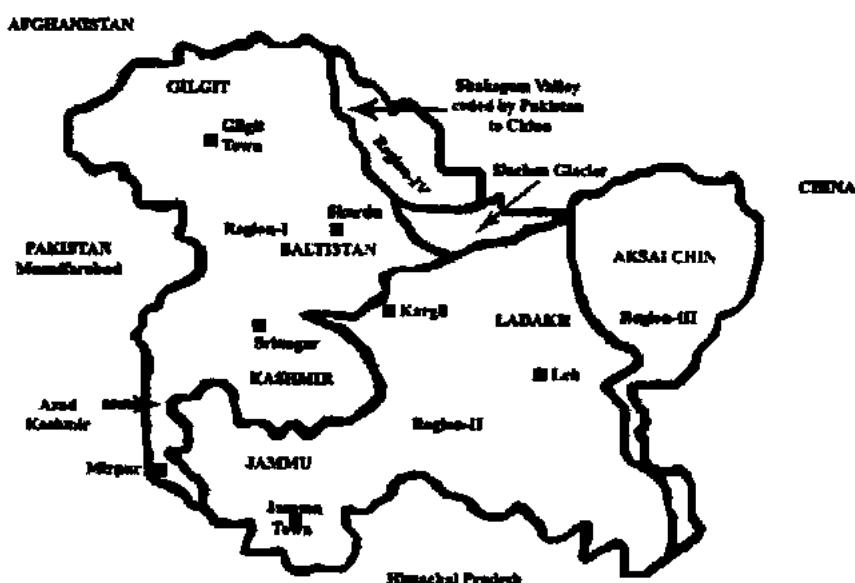


Figure 2 Proposed settlement map of Kashmir dispute. Reproduced from “Jammu and Kashmir: In the Shadow of Imperialism” by M. K. Kaul, n.d., Retrieved from <http://jammukashmir.homestead.com/J-K-05.html>.

While approaching Kashmir settlement and considering any framework, one should take into consideration the costs and consequences of persistence of Kashmir problem. Kashmir is the single dominant source of war carrying great nuclear risks. Sino-Indian border dispute in its place is a flashpoint. The cost of stationing nearly over seven hundred thousand troops in Kashmir by India making it the most heavily militarized region, conventional and nuclear war risks, possible impact of Kashmir freedom struggle over ethnic uprising in different parts of India given internal aspirations of separatism in Indian northeast and Punjab, aggressive pursuance of arms and higher military spending, already deprived condition of South Asian region and its low socio-economic development, impact on South Asian diplomacy, security environment of overall South Asian region, emerging water-based challenges in climate change perspective are among major challenges revolving around Kashmir problem. Moreover, allocating Kashmir Valley to Pakistan would not shift the balance of power to Pakistan's favor given the significant power gap between India and Pakistan.²⁷

Indian northeast is comprised of seven sister states including Assam, Manipur, Nagaland, Arunachal Pradesh, Tripura, Meghalaya and Mizoram. This region is 7.6 % of area land and 3.6% of country's population. Assam has central position among all these states. Other states in fact have been created out of Assam to ease tensions among various ethnic groups and tribes. The region is ethnic hotspot comprising 160 Scheduled Tribes. The feeling of belonging to East Asia or China is dominant among communities within Northeastern region. The region is called mongoloid part of India because of its origin of

²⁷ India is nearly six to seven times greater than Pakistan thus possession of Kashmir valley cannot simply alter the balance of power to Pakistan's favor.

East Asia. The region is isolated from India through mountains like Kashmir and linked to India through small strip of land called Chicken's Neck. The region is subject to strong sentiments of isolation and separation. The whole region is faced with complicated relation with the rest of India or more appropriately New Delhi (as cited in "Comparing China and India's disputed," n.d.).

Moreover, growing voices of independence in Indian Punjab by Sikh community for separation from Indian Union have got new momentum (generally known as Khalistan Movement) with increased demands for Khalistan Referendum. The growing Hindu-Indian state under current BJP setup practicing significant discrimination towards Muslims who constitute significant portion of Indian population may turn out to be another challenge for Indian Union.

Durable peace with China would help India to focus on more sensitive internal security problems in Assam and elsewhere. Further, détente with China would provide India with an opportunity to pull back at least two thirds of its mountain divisions on the Chinese borders. China too is also faced with separatist problems in Tibet and Xinjiang. According to Western intelligence, number of troops in Tibet was estimated between 100,000 and 200,000. Shortly, both states have highly acknowledged the threats to their security as coming from inside (internally) and not from outside (externally) (Malik, 1995).

It would be extremely unwise to intricate the problem based on clusters of history, ethnicity, communal politics, social composition, political setup, regional political behaviors, identity, diverging ideological manifestations, bureaucratic complexities,

differing legal interpretations, social behaviors, scholarly literature and so on. Since it would only contribute towards persistence of the conflict. Survival is the primary motive of a state. Prevailing dispute over Kashmir may put the survival of millions of people in the region at stake being nuclear flashpoint (as both states have not yet achieved clear cut nuclear superiority over one another to avoid being challenged by each other). Moreover, Indian mindless aggression towards South Asian neighbors especially against Pakistan may prove counter-productive.²⁸ The region thus requires diplomatic resilience since nothing could be achieved by closing the door yet something may be obtained by opening the door.

²⁸ As states are not mindless aggressors behaving offensively all the time according to the rules of offensive realism.

CONCLUSION

Jammu and Kashmir is one of the most important strategic regions of the world. It has been centre of regional politics and global attention especially since its inception as dispute. Majority area of this region has been under Indian illegal occupation based on highly controversial accession document with Pakistan and China controlling retaining parts of the state. All the parties to the dispute hold divergent stand-points on Kashmir which has led consequently to dead-lock regarding any significant progress towards its resolution. India has significantly manipulated its own constitution in a systematic manner to ultimately achieve illegal annexation of the occupied state. The brutal military occupation of J&K state while denying Kashmiris the right to self-determination as well as carrying out severe HR violations has raised serious questions towards secularist-democratic setup of India.

The study explores UN character vis-à-vis Kashmir dispute in detail to seek systematic understanding of its long existing failure in Kashmir. In this regard, study draws important conclusions regarding UN (as well as Simla Agreement under UN context) to guide Pakistan's over-emphasized and over-relied UN-oriented Kashmir policy. The detailed analysis of UN character vis-à-vis Kashmir reflects Indian power position superseding UN vis-à-vis Kashmir with inability of this international organization to cast any noticeable impact on Indian state behavior. The study reviews a significant number of different proposals meant to propose Kashmir settlement and looks into their suitability while realizing situation on ground. In this regard, Musharraf's Four-

Point Formula has been highlighted to systematically understand Indian avoidance of any result-oriented interaction with Pakistan on Kashmir confirming Indian Kashmir policy to be strictly guided by its power position in the region and appropriately in line with rules of offensive realist behavior. The study presents historical account of Kashmir Freedom Struggle. By analyzing various aspects of Kashmir Freedom Movement, study undresses indigenous character of Kashmir Freedom Struggle meant exclusively to get rid of Indian occupation of their state.

The study investigates potential impediments towards settlement of Kashmir dispute. Indian regional hegemonic aggressive policy design is the primary impediment among other factors impinging upon Kashmir resolution. By evaluating Indian regional hegemonic pursuance in historical context with special focus on post-9/11 Indian policy behavior, study finds that India accelerated its hegemonic pursuance since the beginning of 21st century. India exploited incentives created by international political system in post-cold war especially post-9/11 period to uplift its power position to reach the goal of regional hegemony in an aggressive fashion by shifting balance of power to its favor. By highlighting various aspects of Indian quest for regional hegemony, study presents systematic account of Indian regional hegemonic aggressive pursuance as the major impediment towards persistence of outstanding South Asian regional disputes notably Kashmir dispute.

Study uncovers India-US strategic nexus casting significant impact on Kashmir cause. US strong strategic connection with India in political, economic, diplomatic, strategic, defense, nuclear and other domains (primarily meant for China-containment)

exclusively uplifted Indian regional hegemonic aspirations thereby causing latter to observe its regional hegemonic pursuance in more aggressive way. India-US strategic nexus has potentially served to deteriorate Pakistan's power position thereby reflecting Pakistan-containment as a subproject under larger China-containment project. Moreover, study evaluates US policy on Kashmir in historical context. Study finds US Official Kashmir policy carefully tilting towards India without having any concern for UN character in this regard. US South Asia policy has turned India-centric in the wake of emerging Chinese threat causing potential impact on South Asian politics especially Kashmir cause in numerous ways.

Kashmir's significance in geo-strategic and geo-economic terms is worth investigating while studying factors towards its unsettlement. By highlighting significance of various regions of Jammu and Kashmir, study finds that especially in the post-9/11 global and regional politics, its significance has reached new heights with notably hydro-economic component associated with it as well as its strategic enhancement in the wake of Chinese mega-initiative, CPEC. The increasing significance of this region (Kashmir) has further reduced the prospects of its peaceful settlement (given relative gain concerns as well as states' single minded mentality to gain power at the expense of others). Furthermore, sustaining control of occupied Kashmir state by India serves the object of deteriorating Pakistan's power position as hold of Kashmir state provides India with an offensive position in geo-strategic and geo-economic (hydro-economic) terms.

The research accommodates China-factor vis-à-vis Kashmir cause. China being an important stake holder in Kashmir is worth investigating. Inclusion of China-factor adds useful dimension towards studying the problem. Study discovers China-factor being critical towards dispute consideration as well as for working out a lasting, durable and valid solution of the dispute.

The research examines the implications of non-resolution of Kashmir dispute from hydro-factor to aggressive arms race and emerging nuclear risks as well as socio-economic progress of overall region. The study introduces a new thought on Kashmir resolution to ultimately resolve Kashmir dispute once for all through potential political bargaining by all the parties involved to reach *de jure* borders among them. Lastly, study generates useful recommendations to guide Pakistan's Kashmir approach in given regional and political environment while identifying limits of Pakistan's largely UN-oriented Kashmir policy.

KEY FINDINGS

The effort is carried out to develop systematic understanding of regional and international politics revolving around Kashmir cause in a realist world. An attempt is made to investigate Kashmir dispute from an offensive realist perspective especially focusing 21st century politics.

The study comprised five chapters in total. Chapter 1 highlighted dynamics of Kashmir dispute. The study has found that the dispute was engineered in a dedicated fashion prior to its inception with British policy decisions leading to creation of Sino-Indian border dispute as well before their unabridged departure from Indian subcontinent. It reflected western designs to contain China prior to departure of British from subcontinent thereby inflicting rivalry among states of the region including India, Pakistan and China to keep up supremacy of the west. The historical evidence and legal interpretations confirm Indian presence in occupied state as immoral and illegal based on so-called Instrument of Accession.

The research has found Indian illegal annexation of Kashmir as a systematic process spreading over more than 70 years. India manipulated its constitution in aid to achieve illegal annexation in gradual manner while realizing its power position since the start till the Revocation of Article 370 to ultimately annex Kashmir illegally. Human rights conditioning as well as denial of basic right of self-determination to Kashmiris in a secularist-democratic India raised serious questions over its democratic and secularist orientations. The study has found Indian state machinery geared at conducting serious

HR violations and long-held genocide of Kashmiris in spite of its democratic-secularist outlook to advance its regional hegemonic approach.

Chapter 2 presented struggling facet of Kashmir dispute. The study highlighted and critically evaluated UN character vis-à-vis Kashmir dispute. By exploring detailed character of UN vis-à-vis Kashmir, study discovered UN body largely political in nature hesitant of playing any potential role towards Kashmir cause. Given strengthening nexus of India with US, UN would turn out to be almost irrelevant vis-à-vis Kashmir cause.

The study highlighted various proposals presented from around the world including Musharraf's Four-Point Formula meant to sort out Kashmir conflict. The study has found Indian policy strictly resistive of a bilateral peaceful settlement despite ever flexible approach adopted by Musharraf. Indian policy vis-à-vis diplomatic interaction on Kashmir evolved with enhancement in power position ultimately ending in political boycott with India realizing a heavy power basket. Regarding Kashmiris' struggle, study inquired Kashmir resistance movement in historical perspective as well as highlighted dynamics of Kashmiri struggle thereby discovering its indigenous character aimed at acquiring freedom from Indian illegal occupation of their state.

Chapter 3 highlighted theoretical framework of study. John Mearshiemer's theory of offensive realism largely confirmed Indian case of regional hegemony along-with other factors.

In Chapter 4, major impediments to settlement have been investigated. The study uncovered Indian regional hegemonic pursuance since the beginning. India adopted

aggressive policy design in the face of enhanced power position in the post-9/11 period. India has been enjoying trade monopoly over its South Asian neighbors and exploiting regional economic forum (SAARC) to pursue and promote specific interests. Indian interventionist policies in neighboring states were meant to keep preeminence in the region while pursuing the goal of regional hegemony. India attempted to encircle and destabilize Pakistan (only impediment to Indian primacy in the region) through Afghanistan and Iran. India exploited Afghan soil to implant terror in Pakistan thereby creating a second war front for Pakistan. India attempted to create an anti-Pakistan Afghan state through its potential presence over the years. India also exploited its ties with Iran to run an organized spy network to fuel insurgency in Baluchistan and elsewhere in Pakistan.

India exploited the opportunity created in the wake of 9/11 twin tower attacks thereby launching diplomatic offensive to gain power at the expense of Pakistan. In short, India adopted set of aggressive political, economic and diplomatic policy behaviors in the post-9/11 era to deteriorate Pakistan's power position (to further shift balance of power to former's favor) especially vis-à-vis Kashmir ultimately resulting in revocation of Article 370 to illegally annex occupied state.

India-US strategic Nexus is the next in the list of impediments. The partnership primarily meant to contain China served India to adopt more aggressive policy in South Asia thereby impacting Pakistan. Pakistan allied to US in latter's war on terror (WOT). The possible reason could be to impact India-US emerging nexus. The study has

discovered that US double-crossed Pakistan playing double game in the region leading to deteriorating Pakistan's power position.

The strategic nexus fueled arms race in the region by equipping India with advanced and sensitive warfare equipments thereby disturbing balance of power in South Asian region. The increase in wealth of India as a result of (especially) strategic nexus served India to build modern military machine. The nuclear cooperation paved the way for India to adopt aggressive nuclear posture in the region. US supported for Indian bid for permanent seat on UNSC despite latter's violations of UNSC resolutions on Kashmir. The Indian lobby in US played its part to influence US South Asia policy by pursuing Indian interests. The strengthening nexus with ever enhanced anti-terror cooperation led to careful (though presently limited) convergence on anti-terror stance which would significantly grow in coming years thereby impacting Pakistan badly. In short, US political, economic, military and diplomatic support to India greatly impacted regional politics on Kashmir with US Kashmir policy gradually tilting towards India.

Significance of Kashmir region in geo-strategic and geo-economic perspective is another impediment towards its settlement. The study has highlighted significance of various regions of Kashmir. Kashmir is an important region mainly because of its strategic position and water resource. The induction of CPEC has further multiplied its significance. The CPEC passing through GB region is an important factor in India-US strategic convergence. India has firmed its hold over the significant region to deteriorate Pakistan's power position as Kashmir serves as lifeline for Pakistan especially due to its water resources and strategic position. The hold of occupied state has provided India with

offensive position against Pakistan in strategic as well as economic (or hydro-economic) terms and thus India has deeply acknowledged the fact.

Study has accommodated China-factor vis-à-vis Kashmir dispute. The factor is worth highlighting as China is direct stake holder in Kashmir and region. Sino-Indian interaction over the years to resolve bilateral border disputes have not been successful. India has considered Sino-Pakistan ties as well as Chinese presence in South Asian region as irritant in its relationship with China. China and Pakistan have established strong strategic ties over the years. By carrying out a detailed study of Chinese relationship with South Asian states, research has found China-factor being highly critical to reach a comprehensive framework of negotiation and useful and lasting outcome over resolution of outstanding disputes notably Kashmir.

Chapter 5 has discussed various implications of unresolved Kashmir dispute as well as presented a proposal to resolve the long-prevailing conflict once for all. The rising water scarcity and thereby Indian aggressive pursuance of dams' construction as well as threatening to end IWT may lead the region to war. The living conflict has generated arms race in the region especially on aggressive lines given the increasing importance of Kashmir. The aggressive arms race especially in the nuclear field has endangered the survival (uncertain future) of the region while impacting socio-economic development of the entire region. The proposal presented in the study is meant to resolve the conflict once for all by generating permanent international boundaries between states involved. It proposed for division of Kashmir among states on real and political bargaining basis.

RECOMMENDATIONS FOR PAKISTAN'S OVERALL KASHMIR APPROACH

Since Kashmir policy is not simply meant to pursue UN to condemn Indian occupation and atrocities and ensure implementation of its resolutions, as such policy has nearly failed (along-with UN failure to ensure implementation of its resolutions or prevent HR violations or more specifically even gaining access to IOJK to look into HR situation) to generate any positive outcome towards Kashmir resolution for over 70 years with India forwarding with illegal constitutional annexation of occupied state (though Article 370 and its revocation legally hold zero-value). Pakistan's Kashmir approach is strictly related to its power position. A comprehensive and complex set of policies (containing internal and external level pursuit) is to be worked out tended towards power enhancement as well as working out clever strategies to appropriately address the challenge emanating from Indian regional hegemonic pursuance (on more aggressive lines since post-9/11 era) which is the primary impediment towards settlement of outstanding issues particularly Kashmir dispute. The study provides some useful recommendations regarding Pakistan's Kashmir approach.

Internal Level Pursuit

- Pakistan should realize its potential existence²⁹ and a major regional power status at the first place.

²⁹ Pakistan has got important elements of power which include; Islamist ideology, population size, natural resources, its geo-strategic location, strong military force (most important element according to offensive realism), advancing military technology, nuclear weaponry and so on.

- On economic front, Pakistan requires working out a comprehensive economic development and sustainability plan based on maximum utilization of indigenous resources. To develop vibrant economy, Pakistan is required to add technique to its productivity while realizing its capacity and produce and export semi-finished and preferably finished goods. It needs to rely on its own production for the matter of consumption to reduce its imports to the maximum extent (as probably done by China). Besides production of semi-finished and finished products, state requires discovering various markets (in addition to its traditional export markets) for export of its products. State should take necessary measures adopt pathway to achieve technically advanced economy (technical advancement is based on applying technique to whatever state is producing to generate more profit from export-oriented production). State should attempt to promote modern industrial base. Moreover, state should make as well as execute a comprehensive plan to transform its agriculture-based economy to modern industrial economy (along-with modernization of agriculture sector) to generate more revenues and to relieve already threatened sector of economy based on existence of potential water conflict with rival, India.
- National power should be built on strong economic resilience (rebuild or revival from) to economic sanctions, foreign debts and financial plans.
- Pursue debt-forgiveness and other options to fully adopt and execute independent policies to get rid of influence of international financial institutions. Moreover, state should pursue to develop strong mechanism to prevent outflow of money towards the developed world through money laundering and strongly pursue such

money holding states to facilitate return of illegally transferred money. This would help developing national economy.

- Pakistan requires passing parliamentary resolution (as a practical move) claiming entire Jammu & Kashmir state as a counter-balance the same Indian effort back in 1994.
- National media and national radio should organize programs highlighting dynamics of Kashmir dispute including genesis of dispute, Kashmir Freedom Struggle and massive HR Violations in IOJK to further strengthen local public opinion.
- Pakistan should promote and publicize map explicitly evincing at least Kashmir Valley as part of Pakistan.
- Pakistan would require adopting appropriate measures to prevent soft targets including media, business world, civil society, foundations, and influence agents etc. to get exploited through subversive activities sourced and funded by foreigners targeting ideology, national security and national interests of the state. Moreover, state should be able to identify, target and curtail promotion of rival's ideology meant to target nation's ideological base. In this regard, media could be the key target which might be exploited vis-à-vis promotion of rival's ideology or weakening its own national ideology.³⁰
- Reinforcement of institutional formations, staff and capabilities are critical towards short, middle and long term projections as well as alternative strategies.

³⁰ Moreover, ideology has an economic aspect too associated with it given the relationship between ideology and culture thereby leading to consumption of cultural products.

In this regard, besides further building capabilities of security institutions (police force, anti-terrorism force, etc.), capacity building and efficiency build up of other economic and political institutions are also critical. As structural and institutional elements would then become new projectors or warriors of power policies while putting them in line with national interests.

- A state can simply not implement its policies in the face of inefficient and corruption-affected bureaucratic machinery. The state should actively take measures towards enhancement of efficiency, effectiveness as well as getting rid of corruption practices within bureaucracy.
- Self-reliance especially in a probable event of war is a great strategy to pursue as pointed out by Mearsheimer (while referring to Napoleon, who fought mostly against alliances without allies) while highlighting the downside of external balancing due to its slowness and inefficiency particularly towards formulating strategy to contain the aggressor (here India), (2001, p. 156).
- Non-tangible and non-material factors (as highlighted by offensive realism like strategy, intelligence, resolve etc.) are especially critical to defend strong rival. War is a complex game of strategies whereby sometimes superior strategies help small states against potential rivals to avoid defeat or win war.
- Pakistan's Foreign Office should further accelerate its activity regarding Kashmir crisis.
- Pakistan may seriously consider claiming states of Junagarh and Hyderabad (both wanted accession to Pakistan) yet illegally annexed by India, in an attempt to

counter aggressive Indian strategy of claiming even the part of Kashmir under Pakistan's administration. In this regard, national debate may be initiated.

- On nuclear front, Pakistan should work out to enhance delivery, quality (and retaliatory feature) of its nuclear weaponry besides increasing the number of nuclear arsenals as well as adopting a more effective nuclear doctrine to balance nuclear threat or any possible nuclear imbalance resulted from Indo-US nuclear deal. In this regard, Pakistan should keep pursuing notably China for a similar deal (as generally highlighted by some among Pakistan's scholarly class).
- Pakistan requires development of more lethal warfare equipments including in that of nuclear technology. The equipment which could even further potential deterrence to dismantle influence of aggressive Indian regional hegemonic approach. In this regard, dedicated research department may be activated to carry forward research in said field.

External Level Pursuit

- Pakistan should keep encouraging, promoting and facilitating Chinese role in South Asia and nearby region thereby countering Indian regional dominance as well as providing South Asian Nations an alternative to stretch their foreign policies beyond Indian regional influence and protect their national integrity. Since long persisting Indian influence has casted negative impact over politics, economy, territorial integrity and security of these states.
- Pakistan in an attempt to reduce the likely impacts of Indian regional hegemony over the smaller neighbors may pursue connectivity, political interactions,

economic cooperation and trade, agreements relating areas of mutual interests, and so on (among South Asian neighbors) so that these states could gradually overcome the impacts of Indian hegemonic influence. Since South Asian states, notably large segments in Bangladesh are opposed to Indian hegemony in the region. There are good prospects regarding positive outcomes of such policy.

- Pakistan may pursue South Asian states to develop counter-terrorism mechanism in an attempt to overcome Indian interventionism. South Asian regional states require effective external balancing as internal balancing is nearly impossible given the size of Indian power so as to resist Indian regional hegemonic influence otherwise these states would turn out to be submissive units (or client states) of India and may probably be absorbed in India in time to come.
- In post-US withdrawal setting, state should further promote brotherly close ties with Afghanistan to prevent India (with a goal to eliminate covert Indian presence) to further exploit Afghan soil against Pakistan..
- Pakistan should achieve a balanced agreement with Afghanistan on priority basis over sharing of water resources to avoid any conflict over water in years to come in the face of Indian architecting of possible water dispute between both states.
- Pakistan may promote positive role of China as well as Russia after US withdrawl from Afghanistan to counter any Indian threat emanating from Afghanistan.
- While entering a possible political dialogue with India, Pakistan should well-acknowledge Indian procrastination policy.
- The state may pursue Pakistani community abroad for being politically activated to possibly play their part towards promotion of interests of their state.

- Pakistan may seriously consider extending its support towards Khalistan cause (a strong movement in Indian Punjab by the Sikh community for their independent homeland) as a counter measure (counter-offense) to balance Indian intervention especially in Baluchistan.
- Since the economic logic goes, states should pursue economic development and attainment of vibrant economy to build strong military power to ensure survival yet threatened states can still defeat aggressive great powers through clever strategies (in line with offensive realist argument). Moreover, power gap in face of Indian potential economic position vis-à-vis Pakistan is not much significant w.r.t. later considering offensive option. Since Pakistan's tribesmen were able to liberate part of Kashmir in 1947-48 when Pakistan was comparatively at much weaker economic position.
- Pakistan may consider developing counter-terrorism mechanism with China to address issues of any possible Indian involvement in terrorist activity on Chinese citizens within China or without China (in Pakistan) causing distance between the two states.
- Pakistan should closely watch and address any Indian attempt meant to create instability in Pakistan through Iran or Afghanistan.
- Pakistan should potentially limit economic cooperation with India pending the ultimate settlement of Kashmir dispute (whereby mutual trade already faces significant trade deficit with India). Any urgency to cooperation must be guided by the principle of equality whereby Pakistan should avoid any submissive behavior.

- Pakistan-US cooperation in any sphere should be based on mutual interest basis. Since alliance with US has proved costly over the years, Pakistan should deal with US (and regional and extra-regional powers) through careful diplomacy based on national interest calculations. Moreover, Pakistan should be careful of dollars diplomacy (financial aid) played by international institutions along-with US hurting national interests and integrity in any manner.
- Pakistan should pursue to further promote defense co-production with defense partners as it would provide assistance in terms of defense burden as well as to enhance self-reliance.
- Pakistan should further promote pursuance of strategic partnerships based on promotion of specific interests with priority to seek support for its Kashmir cause. In this regard, Pakistan may preferably approach ideologically closer states while presenting before them the case of Kashmir in an effective manner to counter India's cleverly architected Kashmir story based on misrepresentation of facts.
- Indian hegemonic approach can be countered by having an eye on visible as well as invisible attacks from the enemy. To better counter, Pakistan would require partnerships with small power units and also require limiting Indian partners' influence towards itself. Foreign policy activism is key requirement in this regard.
- Pakistan's leadership should support hard-liners and pro-independent Kashmiri leadership while pursuing them through back channels for joining Pakistan. Since an independent Kashmir would simply become another pocket of Indian regional hegemony whereby only Pakistan challenges its hegemony in the region. Moreover, Kashmir joining Pakistan would become a defensively strong and

nuclearized province (or an autonomous state under Pakistan's administration) of Pakistan. Kashmiris may enjoy an autonomous status under Pakistan as the nature of relationship between Pakistan and Kashmir would be decided upon the will of Kashmiris as endorsed in Article 257 of Pakistan's constitution.

- Indian aggressive pursuance of arms (requiring appropriate response from Pakistan towards counter-balancing) may drag staggering economy of Pakistan to answer Indian military purchases. Pakistan may condemn such Indian moves through intense diplomatic protests before international institutions and international community as a counter-balancing effort while working out clever strategies as well as attempting to afford purchases of much required weaponry.
- Pakistan may work out offensive tactics as offense is the best defense. A carefully designed offensive (or offensive-defense) policy could be more useful than permanently adopting a defensive approach.
- Indian strategy of exaggerating its military weakness on different occasions which sometimes highlighted by its strategic ally USA may be intended to prevent Pakistan and China building stronger. Pakistan should carefully watch any possible deceptive strategies while making calculations.
- Pakistan may work out to build common but independent doctrines and execution practices accordingly to cooperate with hegemonic power while avoiding any submissive approach.
- As highlighted in Chapter 3 under theoretical context of the study, Pakistan may narrow down and overcome the power gap with India through the pursuit of non-security goal i.e. ideology. Pakistan's Islamist ideology may serve to overcome

power gap with India especially in an event of war, if pursued in an effective manner so as to ensure survival of the former. India has turned ever-aggressive against Pakistan. It has shown preparedness to attack and possibly occupy parts of Kashmir under Pakistan's administration. Yet, in case of Indian aggression on Pakistan or Pakistan's administrative and claimed parts, Pakistan should make use of its ideology by working out to create collective Muslim resistance against Indian aggression to ensure potential survival of Pakistan.

- Chinese experience has set a precedent whereby it comprehensively defeated India in 1962 war and pushed India mostly on defensive front onwards. Pakistan however, possesses limited resources yet it may seriously consider attempting to prevent India from its consistent offensive behavior through massive retaliation by successfully ganging up with China in a possible Indian aggression to considerably reduce Indian power, making the cost of aggression too high for India.
- State may adopt one, two or more or entire set of recommendations while assessing its potential and capabilities as well as requirements in given regional and political environment. Finally, state should take measures to overcome any difficulties towards implementation of these recommendations.

SUGGESTION FOR FUTURE RESEARCH

The realist writings mainly focus great power politics especially offensive realism which advises great powers to attain goal of regional hegemony. In this regard, there is small set of advices for small or middle powers to counter regional hegemonic quest of their region's great power. There is need to carry out research in this regard to appropriately address the gap.

Since, historical alliance of Pakistan with US proved costly (whereby Pakistan was almost always supported with diplomatic expressions and not actions by US). So, Pakistan requires carefully determining and observing national interest calculations. In this regard, "Anti-China Global Campaign in 21st Century: Challenges and Opportunities for Pakistan", may be a very useful topic of research.

Moreover, "India-US Emerging Partnership in International Institutions: Implications and Policy Options for Pakistan" would be another useful topic to be studied.

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APPENDIX

Operational Definitions of Major Terms

i. Indian Regional Hegemonic Aggressive Policy Design

It refers to Indian hegemonic pursuance on aggressive lines in the post-9/11 era containing set of aggressive political, military, economic and diplomatic policies.

ii. India-US strategic Nexus

It refers to ever-enhanced India-US strategic ties in the post-9/11 period with common strategic thinking. (USA has pushed India to what it calls China containment, the nexus strongly fed into Indian hegemonic pursuance in South Asian region thereby significantly impacting Pakistan in general and Kashmir cause in particular).

iii. Geo-strategic Significance

Geo-strategic significance means the geographical factors guiding the strategy (or foreign policy). It has significant impact on political and military planning of a state.

iv. Geo-economic Significance

Geo-economic significance is simply referred to as the economic significance of a particular geographical area.

v. China-Factor

China factor simply refers to highlighting China in context of Kashmir dispute.

vi. Illegal Constitutional Annexation

It is defined as manipulation of constitution by India to achieve illegal annexation of Kashmir

vii. Potential Political Bargaining

It means significant political bargaining by all the parties involved in a possible agreement to reach the ultimate resolution of Kashmir dispute.