

Kashmir Crisis: A Critical Analysis of Indo-Pak Intercession

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Abstract

This paper explores the various intervention approaches adopted by both India and Pakistan regarding Kashmir issue. It uses the theoretical approaches of Constructivism, Realism and Balance of Power Theory. The study's objectives are divided into three categories, each entailing the Kashmir issue under the mentioned three theoretical approaches mentioned earlier. These variables are observed keeping in mind the empirical data available over the years, which define the situation of Kashmir from the time of Independence 1947 to the present scenario with regards to the Indo-Pak policies of influence under the cited theoretical prospects. As a result, the research concludes that not only Kashmir has been a humanitarian crisis where innocent people are slaughtered daily, but also a grave phenomenon for the international community who has failed to resolve it in 70 years.

Key Words: Constructivism, Realism, Balance of Power, Humanitarian Crisis

Introduction

Kashmir, a hilly district, with a significant geo-political condition, is located in the North-Indian Himalayan ranges of the world. The northern and western sides of the region are controlled by Pakistan commonly known as Azad Kashmir and Gilgit Baltistan, whereas the southern and eastern parts controlled by the Indian Union are called Jammu and Kashmir. For over six decades, the territory has been pounded by standoffs between the two countries. Issue amongst India and Pakistan regarding Kashmir territory began with the inception of Pakistan in August 1947. At the time of independence 1947 all the princely states of the Indian Subcontinent were presented with the option to pick between the two newly independent states of Pakistan or India as its domain as they didn't have the option for independent dominion, for they would not be accepted by the British Crown. Keeping this in mind the then rulers of the princely state had to present their decision. There were said to be a few preliminaries, while choosing from either of the two states; one was the geographical proximity and other was the aspiration of the people. Despite the fact that Kashmir was a Muslim majority

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state who opted for the state of Pakistan, in October of 1947, the Maharaja of Kashmir chose in support of India. This choice was seen as fraudulent, unfair and totally unrecognized judgement by the Pakistani government. Thus, these injustices faced at the hand of Maharaja's biased decision despite the will of Kashmiri population is seen as one of the fundamental driver of Kashmir issue. Moreover, another factor of this conflict can be seen through the religious orientation of greater number of Kashmiri inhabitants, who are Muslims.

Keeping in mind the geographic location and religious groupings inside Kashmir, this conflict can be termed as a failure of humanity. Where the neighboring states of India and Pakistan have only brought demise to its fate, over the years after subcontinent's independence. During this time numerous UN interventions can be monitored but, nevertheless were unable to achieve a desired conclusion. Furthermore, due to the Kashmir issue, various escalations have been witnessed between Indian-Pakistani which have further worsened the relationship between the two countries. A few of them are mentioned below:

- The first Kashmir war 1947-48 which resulted into the liberation of majority of Azad Jammu and Kashmir.
- The Indo-Pakistan war of 1965 was also fought on the premise of liberation of Kashmir, however, ended into stalemate.
- The Kargil conflict of 1999 had direct linkage with the status-quo of Kashmir.
- The Indian escalation of 2002 and resultant disposition of over .7 million troops on Indian side and over .3 million on Pakistani side in the nuclearized environment of South Asia posed grave international security issue, therefore, UN and major powers intervened towards de-escalation (Arghya Ray, 2010).

The Current State of Affairs

Today the Indian-Pakistani conflicts are generally not over. Blame game by Indian perspective on supporting militants to cause disturbances in Kashmir and rebuttal by Pakistan is generally causing uneasy situation along the Line of Control and other parts of the border regions. About a few events, India has charged that Pakistan has supported the distinctive fear-based oppressor organizations in Kashmir. On the other hand, Pakistan positively adheres it to the arrangement of expanding 'moral help' to the separatists in Kashmir. In that condition of issue, the normal Kashmiris are enduring most. Showdowns between Indian military services and furnished separatists have caused tremendous loss of property, cash, and lives up until this time. The security Council of United Nation has left the Kashmir issue out of the list with differences ("Kashmir issue left unmentioned in United Nations"), as Jammu and Kashmir were not mentioned in

the set of the unresolved of the long-term running clashes. Pakistan has seriously objected to this decision and reiterates its fundamental resolve for resolution of Kashmir through dialoged and political means rather than military muscle demonstrated by India as per UNSCR resolutions and wishes of Kashmiri people.

Theoretical Framework

Constructivism

The representation of Kashmir issue in the international politics has more to do with the propaganda spread by the Indian lobby, as compared to what is the on-ground reality. This theory is of the view that security is a social phenomenon constructed on the basis of ideas, norms and ideology. As stated by Karin Fierke, “to construct something is an act which brings into being a subject or object that otherwise would not exist (Williams, 2008). This construct of security can be clearly observed through the Indian intervention in Kashmir, as of how they associate Kashmiri Muslims as a threat to Indian security forces and thus various acts of violence are inflicted upon them.

The theory was founded by 1980s, but the term was first coined by Nicholas Onuf under his book *World of Our Making* in 1989 (ohn Baylis, Steve Smith, Patricia Owens., 2008). Constructivism focusing on a combination of ontological and critical approaches, as discussed under the realist perspective as well, who believe that the theory of constructivism focuses more on norms as compared to the power politics of security. They also share the central assumption that security is a social phenomenon.

Realism

Another explanation of the Kashmir crisis can be done through the realist study of international society, who are of the view that states are rational actors, who are in a constant desire for power and domination. Thus, keeping in mind, the neo-realist concept while discussing Kashmir conflict, the conflict can be seen as a power and domination struggle between India and Pakistan irrespective of the concern for Kashmiri population’s betterment.

This theory was initially founded in 430-406 BC, by the theorist Thucydides, under his discussion about the representation of power politics as a law of human behaviour (Williams, 2008). According to this popular belief of realism, power can be seen as the main aspect which is associated with survival and self-interest. Realism is further distributed into 3 main sub- divisions over the period of time, namely; Classical realism, Structural realism and Neo-realism. Despite the various sub-divisions of realism, the major components are constant throughout i.e. statism, survival and self-help.

Neo- Realism

Neo- realism is considered the modern form of realism, where more emphasis is placed on domestic politics and its overriding variables regarding distribution of power and foreign policy behaviour. Neo realist are of the view that states possess different capacities that can be utilized into various elements of national power into state power (ohn Baylis, Steve Smith, Patricia Owens,, 2008).

Balance of power

Another explanation for the Kashmir crisis and Indo-Pak role can be discussed through the balance of power theory, that is of how that two states are in a never-ending situation of war and try to maximize each other's acts through balancing. Numerous cases of LOC violations, border killings of military officials, deployment of latest and well-equipped ammunition by both states can be debated under the balance of power concept.

Balance of power is one of the main components attributed to realism. According to this phenomenon, it is said to be that the international system is anarchic, and in order to survive it is necessary for each state to increase its military capability. It is believed that this balancing of power not only increases the state's ability, but also minimizes prospect threats.

Data Analysis

Ideological linkages between Kashmir, Indians and Pakistanis

The international relations theory of constructivism can be used as a lens to examine this state behaviour. Under this framework, we can state that all states are unique and have set of defining political, cultural, economic, social, or religious characteristics that influences its foreign policy. States have identities and those identities define their behaviour in the international system.

Pakistan is an Islamic Republic. It is one of the major objectives of Pakistan's foreign policy to have special relations with Muslim countries. Pakistan has always been the voice of Muslim world whether be it Muslims in Palestine, Myanmar, Afghanistan or Kashmir. Pakistan has been successful in keeping Kashmir issue alive on the international forum for years. Despite the strategic significance of Kashmir and our claim on Kashmir since the announcement of Radcliff award, Kashmir is critical for Pakistan because of Kashmiris. Pakistanis and Kashmiris are bonded by Islamic ideology. Majority of population in Kashmir is Muslim. Having an ideological bond means living by a same code of conduct. This means celebrating same events, permitting the same food, living by the same codes of conduct. The idea of ideologically similar

people living together ensures better freedom to worship, celebration, education and life style.

India on the other hand claims to be secular but predominance of Hindutva creed is not hidden from anyone. Rashtriya Swayamsevak Sangh (RSS), political wing of RSS Bharatiya Janata Party (BJP), Shiv Sena and its offshoot Maharashtra Navnirman Sena (MNS) have strong influence on India's politics (Teltumde, "Hindu Fundamentalist Politics and American Empire," Voice of Dalit 1, no. 2 (2008), December 2, 2017,). Even the proclaimed secular political parties like Indian National Congress are under influence of Hindutva ideology and its collator party BJP. It is Rajiv Gandhi's regime that made space for communal elements by creating the Shah Bano case and opening the locks of Ram temple in Ayodhya. Demolishment of Babri Masjid was also the continuation of actions under influence of Hindutva (Teltumde, "Hindu Fundamentalist Politics and American Empire," Voice of Dalit 1, no. 2 (2008);, December 2, 2017,).

Analysing through the constructivist prism Muslim majority of Kashmir socially and ideologically resemble Pakistanis and their religious and social freedom is more secure with Pakistan.

Secular India depriving Kashmiri Muslims of their religious rights is not the talk of past. In Muharram, September 29, 2017 police fired tear smoke shells and resorted to cane charge to foil attempts by Shia Muslim mourners to take out traditional Muharram procession in civil lines areas of Srinagar (Observer News Service, "Kashmir Observer," kashmirobservers.ne, December 2, 2017). Similar was done in year 2016 also a curfew was imposed in all 10 districts of the Kashmir Valley on the occasion of Eid (Sharma, September 13, 2016). On July, 2016. Burhan Wani, a young man and popular Kashmiri freedom fighter was ambushed and brutally murdered. In the wake of this heinous murder, over 110 Kashmiri youth had been martyred because they were protesting the extra judicial killing of Wani. Indian forces targeted the Kashmiri youth with pellet guns, which blind the victims. Pakistan projects the voice against such brutal Indian atrocities on every national and international forum.

Wani is a martyr and a hero for Pakistanis and Kashmiris whereas Indians call him *aatankwadi* meaning terrorist. Not only Pakistanis and Kashmiris have same martyrs and heroes, they also celebrate same ideals. This can be seen by a recent Indian forces and Indian cricketer interaction with Kashmiri public. Former Indian cricketer Mahendra Singh Dhoni, on November 26, 2017 visited Kunzar area of Baramulla District in Kashmir as a chief guest for the Chinar Cricket Premier League. The event was organised by Indian Army in North Kashmir. While thousands gathered early in the morning considering the Ranchi cricketer's massive popularity across the world, in a shocking incident, pro-Shahid Afridi slogans were heard when Dhoni arrived at the venue. Local media reported that some of the locals chanted 'Boom Boom Afridi' slogans as Dhoni, who holds an

honorary rank of Lieutenant Colonel in the Army, interacted with aspiring cricketers. Later on, a video also emerged on social media confirming the same. 'Boom Boom Afridi' slogans were also followed by 'Pakistan Zindabad' slogans.' On the other hand Pakistanis share similar love for their Kashmiri (religiously claimed) brothers. On February 5, of every year Pakistanis celebrate Kashmir day in solidarity with Kashmiris. There are long rallies and marches to show respect to Kashmiri struggle for independence. The Pakistani media plays content that shows the struggle of Kashmiris and Indian atrocities at international level. The Pakistani public reciprocate the same love for Kashmiris.

If viewed from the constructivist school of thought Kashmiris and Pakistanis are united by ethos and pathos. Their celebrations, ideals, sorrows and code of conduct for life are similar. All the historical and current series of events show that Kashmiris and Pakistanis are virtually one unit. Kashmiri ideals are not only politically, culturally, economically, socially and religiously similar to Pakistanis but they are in conflict with self-proclaimed secular Hindu India.

Understanding Kashmir conflict under the framework of power and dominance

In order to underline the argument it is compulsory to analyse Kashmir issue under the realist prospect. The major aspects of realism are sovereignty, state survival and self-help. This school of thought considers that there is anarchy at international level and states can survive only by attaining endless means of power. Both India and Pakistan has applied realist approach towards Kashmir issue. India and Pakistan are considered to be two poles who are applying their strategies to resolve the bilateral problem considering the realist and neo-realist patterns. Their foreign policies towards each other depict the projection of soft power and hard power continuum to protect their national interests in which Kashmir issue has an important place. The confrontational approaches of both neighbouring countries vis-à-vis Kashmir issue has further worsen the situation.

Analysing India's foreign policy in South Asia, it is clear that India's strategy is to become a benign hegemon in region and it has shifted its efforts to attain soft power more than hard power (From Hard Power to Soft Power? Ideas, ntraction, Institution, and Images in India's South Asia Policy, , 2005). But the fact that cannot be neglected is that India is utilizing most of its soft power to strengthen its hard power. According to realist prospect states strive for expansion, military might and power in its all forms so the both neighbouring countries are doing. India is not only concerned for occupying Kashmir but to become a regional hegemon is also one of its priorities. The motive of Pakistan is to protect the Muslim community of Kashmir by Indian atrocities. Not only that but to strengthen its boundary more adeptly by freedom of Kashmir from India

(Basrur, "International Relations Theory and Minimum Deterrence". In: *India Review* 1125–143. , 2005).

Realists approach propagates not only the expansion of state but also state survival and self-help. Pakistan foreign policy towards India in case of Kashmir is totally protection of state survival. India has not accepted the division of Subcontinent and it considers Pakistan its torn part that must joined India again. The freedom of Kashmir is necessary for the survival of Pakistan's struggle for freedom. India must have to accept that neither the Pakistan nor Kashmir is its part. Pakistan is adopting defensive approach in handling Kashmir issue due to India's occupation over Kashmir.

There are certain reasons that are curtailing both countries from waging war for Kashmir. India's military strength is more powerful as compare to Pakistan and it is strengthening it in a greater term to compete China also (Basrur, "International Relations Theory and Minimum Deterrence". In: *India Review* 1125–143, 2005). Pakistan is not in proper situation to compete India. While analysing Pakistan's Nuclear power it is not difficult for Pakistan to wage a war against India but the realist approach would not allow Pakistan to do so because to start war with India will cause harm to national interest of Pakistan. It will damage Pakistan economy and Pakistan is very much aware of the fact that India has the capability of second strike.

It is quite possible for India to wage a war against Pakistan for weaken Pakistan's defence but India is also bound in certain restrictions. In case of war India would have to bear international criticism. Not only that this will also affect India's economy in terms of sanctions. India has yet another threat in form of China. That would not be easy for India because China has its interests in Pakistan so the China would definitely intervene in such a situation.

According to realist approach the long historic rivalry of both countries would not allow them to retreat from what has done in past in Kashmir crisis. According to democratic peace theory if both countries are democratic then they must resolve the issue in diplomatic ways. Both countries are trying to resolve the Kashmir issue through peaceful means and bilateral talks because they cannot afford war as war would cripple their economy. In realist paradigm state has to survive by protecting its national rights at its own. So they are the national interests that are considered to be more important than territory expansion in case of Pakistan and India strategy towards Kashmir.

So far the realist approach is concerned If the two states have contradicted interest or there is conflict of interests among them then the competition must arise among two states in all aspects whether economic, military, cultural or political. The same situation is prevailing for Pakistan and India in issue of Kashmir. They have strong political rivalry, extensive competition of military might and there is hatred among the people of both neighbouring for each other. In this regard the social intuitions in both countries

should pave the way forward towards peace and harmony not for Pakistan and India but also for Kashmir.

Indo-Pak balance of power approach to Kashmir Crisis

Since the in 1947 of India and Pakistan, Kashmir Issues remained a bone of Contention between Pakistan and India. Since, Kashmir is situated in a very important geo strategic area of Asia .It has a great impact on India and is a cause of chaos between Pakistan and India. Not only India arose as an enemy but many other countries like Soviet union and Great Britain were enemies for coming years of Kashmir due to its importance in every aspect .Balance of power theory in international relations refers to the condition of stable position among countries when there emerge a threat like situation and in order to overcome every country tries to stable through maximizing their military weapons and making strong decision and policies that entertain a good and balance treatment for their own country .In the world of dominating and powerful states ,it is often the only dependable strategy. It is all the game for achieving nuclear domination, military power and economic world by all the states in this world.

In the context of Balance of power theory a major thing to be added is hard and soft power in the lens of Kashmir issue. Hard power is the concept that involves the use of military and economic power to influence or control the behaviour of other states. What India is trying to do right now is basically making itself militarily and economically hard by building strong ties with USA and China and many neighbouring countries .Well on the other side , Pakistan is continuously facing fear and threats from its neighbouring countries and Kashmir is emerging as the highlight for making hard power in response to India counterpart. Pakistan joined many alliances like CENTO and SEATO. Incidents like 9/11 and USSR invaded Afghanistan those all moves led Pakistan to join in the development of hard power. Developing its military and economy better than ever before to end Threats and fears that India is trying to make through attacking with the use of military weapons and Crossing Line of control the defacto border which has been shared by India and Pakistan. The use of military in Kashmir like pellets guns and chili based arms to threaten the people Of Kashmir. Ethnic cleansing has been practiced in Kashmir but what Pakistan is lacking is the sense of controlling its border management due to ill decision making regarding how to overcome the threats in Kashmir territory.

Proposed Way Forward

To put it straightforwardly, the disappointments that the Kashmiris have had and the severity of the problem need to be looked throughout the years and shouldn't

weaken the democratic desires. Extremism should be removed at all cost from all grounds or else neither the intensity nor the problem can ever be solved.

A determination to the Kashmir complication requires an exceptional and solid political will from authorities, policy makers, and the third sector of society on the two sides of the Line of Control. Beside, we have to recall that democratization is a transformation procedure and there are no immediate answers for it. In addition, to encourage this methodology, it is crucial to regard the pluralistic society, ethnic, cultural and religious ideology of Jammu and Kashmir.

Initially there must be free and fair election in Kashmir (AJK, Indian occupied Kashmir and J&k). The Kashmiris like any other nation deserve the right to select their representative so that the elected government can work for the betterment of the people of Kashmir. These elected participants should have a joint consultation to form a secular and democratic charter to run a united autonomous nation of Kashmir underneath the combine realm of India and Pakistan. If India boldly crosses the Rubicon by conducting free, fair and transparent elections reflective of the genuine sentiments of the Kashmiri people, then a final peaceful settlement of the 76-year-old Kashmir conflict will be in sight. If India balks at a crossing and continues its old bad habit of election rigging and denying Kashmiri self-determination celebrated in United Nations Security Council resolutions, then Kashmir will remain beleaguered by repression, misery and destitution. If India and Pakistan will start doing business and trade together for their mutual benefit it will create a situation of financial dependency which would help them to resolve the Kashmir issue. Expanding business and trading beyond boundaries and having investments in both the countries can create a bond between them, eventually creating new connections and have a positive influence on peace negotiations and resolution of Kashmir issue.

Media of both sides need to play their role with responsibility and sincerity. Keeping in mind the final goal to change the wrong impression among the three nations. These sorts of exercises are expanding, however there are parts of Pakistani and Indian social orders that could better be come to by articulating and clarifying perspectives of the restricting side in their particular local language. The language they get very easily. Misinterpretations and misconceptions are between India and Pakistan majorly due to which the Kashmiris from day are on the suffering side. Media can play a very positive and integral role to change the mentality by reporting and presenting the view point of all the parties in a neutral and unbiased way. These nations should not disregard religious and ethnic extremism, or the increasing regression in either India or Pakistan. It is hard to isolate religion from legislative issues in sub-continent and religion is without a doubt embroiled in the governmental issues encompassing the Kashmir issue. This won't be favourable for a peaceful

settlement to the Kashmir debate. Likewise, the rigid and impulsive political leaders and religious extremism and thinking in both India and Pakistan will avert development on the problem.

Both countries are not aware that turning to arms and using forces does not shape any feasible result to the dispute that divided them. They should quit under-throwing the political talks because not resolving issue through negotiations is their biggest mistake and the way Indian army is violating the international code of conduct of human right is making the situation worse than ever and using arms against the young protectors, women and children is like giving fuel to the fire. Cases like Burhan Wani can lead to a lot more trouble and never ending civil war. Demilitarization of the State of Jammu & Kashmir on either side of the Cease-fire Line would greatly help in resolving the issue. An atmosphere of peace and security must be created along with the deployment of an international and neutral team is a must to conduct the fair elections. The elected officials must be given a mandate to negotiate a final settlement of the Kashmir conflict with India and Pakistan. Lastly, any solution which is considered to be helping to resolve the conflict and is considered to be in favour of the persecuted Kashmiri nation must satisfy democratic principles, the rule of law, and security for every inhabitant of Kashmir.

Kashmir dispute has been one of the greatest clashes since the partition and one of the reason behind India-Pakistan issues. Both countries activities against each other did not deliver any positive outcome. The land of Kashmir and its religious assortment inside the country make it a never ending problem. Peace talk should be held on serious note and with a mediator whose intentions are to solve the problem, but it is very difficult under the prevailing circumstances for a mediator to make them sit on the same table. Like United Nations over the years just tried to not just cool down the issue with a specific goal but also to keep the world from a destructive war between India and Pakistan. In such condition Kashmir has transformed into a position of dissidence and psychological warfare. The dispute will most likely stay unresolved after the UN has removed it from the rundown of long running issues.

Conclusion

The unfinished agenda of partition of sub-continent in the form of Kashmir has passed through several transformatory phases in last 70 years. Despite three conventional wars, several border skirmishes, escalations and near war situations, the indigenous movement in Kashmir is moving ahead with renewed commitment by every young generation. The world community despite its indifferent approach and every attempt to equalize it as terrorist movement in connivance with Indian Government, it has been recharged with even greater force and vigour. United Nation's oldest peace mission UNMOGIP along the line

of control is just the observer group is almost dysfunctional due to Indian intransigence and hypocrite attitude. While UN has been quite effective in enforcing its resolutions against Middle Eastern countries, however, appears to be helpless in front of Indian hegemonic aspirations. The Indian sponsored puppet governments and sham elections despite every effort have not been able to gain legitimacy in the eyes of Kashmiris who despite enormous losses are determined for their self-determination. The people and the state of Pakistan stand firmly united for the cause of Kashmir in providing moral, diplomatic and political support for the just cause. In our earnest desire, the day is not very far off when liberated Kashmiris will reap the fruits of their sacrifices and become part of Pakistan as unfinished agenda will end for ever.

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