BRATISLAVA INTERNATIONAL SCHOOL OF LIBERAL ARTS

When Power Interests Matter:

India as the Spoiler in the Kashmiri Intractable Dispute

Bachelor Thesis

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Declaration of Originality

I hereby declare that this bachelor thesis is my own work and has not been published in part or in whole elsewhere. All used academic and other sources of literature are referenced and listed in Bibliography.

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When Power Interests Matter: India as the Spoiler in the Kashmiri Intractable Dispute

ABSTRACT

Looking into the core of the Kashmiri conflict, the thesis explores the political motivations of the main actors and demonstrates that the dispute remains unsurmountable primarily due to Indian government's power interests. The motive of this work is to examine and highlight the underlying reasons for this conflict, i.e. India's disproportional power on external as well as internal level. As the dispute is frozen, it creates an enormous suffering of the Kashmiri people whose rights and self-identification have been largely suppressed since 1947 onwards, and therefore it is essential to address the core reasons why the dispute remains unresolved.

As the study was aimed to examine India's power interests in order to understand the Kashmiri conflict, it conducted research on India's political agenda towards this conflicted region. More specifically, it illustrated the terrain of negotiations and India's status in international arena and on domestic level. As its position is very influential on both levels, the Indian government has a great ability to have a say in international matters and control the domestic ones at the same time. Hence, with the help of appropriate literature, academic theories, Kashmiri conflict documents, and interviews with selected representatives of India, Pakistan, and Kashmir, the data for this research

was collected and proposed that India's role of a spoiler is the key factor of the persistence of the conflict. Consequently, the research results suggest that India's power interests intervene into Kashmiri regional agenda such as the dispute being frozen.

Keď mocenské záujmy rozhodujú: India ako rušič v kašmírskom zamrznutom konflikte

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ABSTRAKT

Skúmajúc jadro konfliktu v Kašmíri, tento výskum sa zaoberá politickými motívmi hlavných hráčov tohoto sporu, a uvádza, že kašmírsky konflikt zostáva nevyriešiteľný najmä kvôli mocenským záujmom indickej vlády. Motívom tejto práce je preskúmať a zdôrazniť dôvody tohoto konfliktu, t.j. indická disproporcionalita moci, na vonkajšej tak ako i na vnútornej úrovni. Nakoľko je tento konflikt na bode mrazu, spôsobuje to obrovské utrpenie kašmírskeho obyvateľstva, ktorého ľudské práva a sebaurčenie boli vysoko potlačené od roku 1947. Preto je potrebné adresovať hlavné dôvody tohoto neriešiteľného sporu.

Práca sa zaoberá indickou politikou v súvislosti s konfliktnou zónou v Kašmíri, nakoľko cieľom tejto štúdie bolo skúmanie indických mocenských záujmov na porozumenie tohoto konfliktu. Presnejšie, výskum ilustruje terén negociácií a indický

mocenský status v medzinárodnej aréne i na domácej pôde. Keďže pozícia Indie je veľmi vplyvná na oboch úrovniach, indická vláda má schopnosť silného hlasu v medzinárodných záležitostiach a zároveň kontrolovať tie domáce. Pomocou dát z adekvátna literatúry, za použitia akademických teórií, dokumentov o kašmírskom konflikte a rozhovorov s vybranými reprezentantmi z Indie, Pakistanu a Kašmíru, táto štúdia navrhuje, že indická rola rušiča (spoiler) je kľúčovým faktorom tohto konfliktu. Následne, výsledky výskumu ponúkajú záver, že indické mocenské záujmy zasahujú do kašmírskej regionálnej politiky natoľko, že tento konflikt zostáva neriešiteľný.

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INTRODUCTION

Year 1947 – the year of Indian Partition, ethnic divisions, mass migrations, year that marked destinies to 390 million people throughout South-Asia. After the ultimate achievement of the possibility to make India a sovereign, independent country, other problems were brought about. In the former British India, diverse nations across the country started fearing of being under a domination of their fellow nations (BBC, 2013). As a consequence, religious and cultural disputes started occurring and soon the internal conflicts became a central issue. Kashmir, a key region between the most populous Muslim and Hindu regions and largely Muslim-populated itself, was not an exception. The Kashmiri conflict which arose shortly after the Indian independence was declared, triggered one of the bloodiest and the most longstanding struggles in the world.

When it became clear that India would became an independent state, tremendous clashes and tensions between religions, particularly Hindus against Muslims and vice versa, started taking place more and more frequently. Muslims understood that their identity and rights could be easily suppressed by the Hindu majority, and hence commenced demanding their own state. Muhammad Ali Jinnah, a 70-year old barrister educated in London, led the Muslim League standing for Indian Muslims and their rights. In spite of trying to negotiate with the Indian National Congress led by the Prime Minister Jawaharlal Nehru, and proposing a policy which would make the governmental center less powerful, he was not successful. As a result of this refusal he changed his agenda and called for a policy of creating an independent Muslim state (BBC, 2013).

While the question of Hindu and Muslim nations' separation was being addressed, there was another problem needed to be reconciled. That is, the fate of 565 princely states. Hari Singh, a Maharaja of Jammu and Kashmir, was proposed to choose whether he would join India or Pakistan. Wishing to keep Kashmir as an autonomous unit, he did not declare himself towards this issue and remained diplomatically unable to proclaim his stance. Kashmir, being mostly populated with Muslims was predictable to join Pakistan, but when the situation started looking as if the Maharaja would oppose this idea or even

choose to become a part of India, the Pakistani Pashtun tribes attacked Kashmir. Fearing the tribesmen to conquer the state, he fled Kashmir and began to be involved in a dialogue with India as well as with the British Empire represented by the British viceroy, Lord Mountbatten. From the legal point of view, Indian troops could not intervene unless the Maharaja signed an accession to India. Hari Singh eventually agreed upon joining India, so that he could be protected from the tribes. Subsequently, the Indian forces stepped in, overpowered the Pashtuns, and Jammu and Kashmir was now an official part of India (Lapierre & Collins, 1983).

Since the Partition in 1947, when India and Pakistan emerged as independent states, the border region of Kashmir has undergone several major conflicts. While being part of both India and Pakistan, the Indian Kashmiris have sought independence from India due to ethnic, religious, political and cultural differences feeling their right to self-determination has been suppressed. Comparing Indian government's domestic political agenda with the one in the Kashmiri region, it is almost impossible to find a common ground.

Examining what the foremost impediments to the solution possibilities of the longstanding Kashmiri dispute are, this thesis proposes the conclusion as follows. From the menu of possible solutions to ethnic and territorial Kashmiri dispute, none was available to be tried and/or addressed the root of the conflict due to the following reasons. This conflict continues, if not escalates, because it is deeply rooted in India's power interests. The dispute is frozen, and India acts as a spoiler to the negotiation processes because of the disproportionality of its power externally as well as within the negotiations, cemented through centralized control of ethnically and religiously contested territories within India.

By external power disproportionality, it is meant that the country's status is so influential in the international arena that it is practically not obliged to draw back even if duties were imposed on it by other states. Disproportional power within the negotiations represents the governmental rule being able to control peace processes in terms of maintaining its political agenda. Centralization, under which it is understood that power is consolidated in the authoritative center that determines rights and duties to its

subdivisions, both is a product of and produces the internal disproportional power. In short, India's disproportional power, which keeps the Kashmiri dispute unresolved, is reflected:

1. within the pecking order of the great powers,
2. within the negotiation processes on the Kashmiri dispute,
3. in centralization and control of its public administration,
4. in viewing a compromise as a potential threat to the integrity of the country.

The thesis moves within the fields of international relations and comparative politics with respect to international conflict and cooperation. The first chapter is based on negotiation theories drawn by Robert Putnam and Robert Mnookin, which provide the core methodical framework of this thesis. Their theories are important to start with as they portray the ground in which diplomatic talks and peace processes occur, as well as they help to identify the key cause of a dispute. It is essential to examine negotiations and peace processes if a conflict occurs as these processes are supposed to tackle the conflict origin, so that it will be prevented in the future. Besides identifying the space of negotiation, the abovementioned scholars recognize actors whose desires are crucial in an agreement formation. One type of actors in negotiations is spoilers. Deriving from Stephen John Stedman's concept of spoilers, India will be analyzed as the greatest menace to the peaceful settlement in the disputed area of Kashmir.

The second chapter will address the hypothesis that peace over Kashmir has not been successful primarily because of the Indian government acting as a spoiler in the negotiation processes over Kashmir. It will be argued that India can afford to be a spoiler and does not have to step back due to its powerful position in the international arena as well as on the domestic level. India's strategies to keep its position consolidated are presumed to be the main reason of why the possibilities to solve this dispute remain unsuccessful. Tracing back the origins of the religious and territorial Kashmiri dispute, it will be suggested that Indian powerful position is cemented by its centralization and less

power sharing. In this matter, state-nations theory suggested by Alfred Stepan and his colleagues be examined, as the failure to craft a coherent state-nation is perhaps one of the underlying factors why the conflict emerged.

The most vocalized possibilities, which, however, did not accomplish or address the problem due to the abovementioned causes yet, are Partition, maintaining the status quo, and decentralization. Deriving from the hypothesis in the second chapter, the third chapter will concisely show why the individual solutions did not work.

CHAPTER I: Negotiations in Ethnic Dispute Peace Processes

Negotiations and peace processes are a delicate matter. Parties or states rarely comply with everything that is at stake, and when their serious concerns, i.e. power interests, do not coincide, a trouble emerges. Several theoretical analyses have been written on these issues, which help statesmen, state brokers, stakeholders, but also academic world to understand these processes. Primarily, one is to look at the sphere and levels in which a dispute occurs as well as at the conflicting parties' strives. Not only is it useful to apprehend what each party wills and apply those wills to an international arena, but it is also vital to identify possible threats, i.e. the spoilers in the process of negotiations. Accordingly, one can draw strategies and analyze possible conclusions which are to resolve a conflict. These possibilities have to be considered carefully with regard to the current situation, stakeholders' desires and hindering factors in order to adopt the most apt strategies. However, it might not be always possible to draw a coherent solution in the current conditions.

1.1 Actors and the Diplomatic Soil for Negotiations

By dint of Robert Putnam's theory of two level games, it is conductive to analyze to what extent domestic and international politics impact each other and how they interact or do not interact in international talks. Putnam provides a deep theoretical outlook of how diplomacy and negotiations work when political decision-making is met on two levels – the international level (Level I) and the domestic one (Level II), and how the latter is often underestimated though playing a vital role (Putnam, 1998).

One of the foremost arguments Putnam makes is the importance of the involved actors gaining a "win-set" on the domestic level, as he conducts an analysis of actors with their powers and positions within the negotiation process. By a win-set, Putnam means "the set of all possible Level I agreements that would 'win'– that is, gain the necessary majority among the constituents – when simply voted up or down" (Putnam, 1998, p. 436). It is important to bear in mind that the more win-sets a particular state acquires on a

domestic level, the higher chance to achieve an international concerted approach. That is, if the concluded agreements by the concerned parties on Level I overlap, it is likely that negotiations will advance towards a successful conclusion (Putnam, 1998).

Putnam's analysis is beneficial for both academia and international diplomatic studies since one observes that negotiations on two levels do have a structure and how this structure influences the final outcome of negotiations. His theoretical perspectives of negotiations help to understand how and under what circumstances peace processes occur. Putnam's framework serves as the main analytical framework for this case study and the involved stakeholders – those who negotiate on various levels including those who hinder the peace processes, i.e. spoilers.

Considering the conflict in the disputed Kashmir, it goes without saying that the win-sets on the domestic levels of India and Pakistan were not successfully achieved as their agendas have fundamentally differed. This conflict was primarily an international dispute between India and Pakistan which sparked shortly after the Independence from the British rule in 1947 when the Pakistani Pashtun tribes attacked Jammu and Kashmir due to a possible threat of Kashmir being peculiarly affiliated to India (Lapierre & Collins, 1983). However, as some scholars may suggest, India would claim the current problem of Kashmir has rather been a domestic matter (A Dar, 2010). That is because the Indian government never recognized Kashmir as an independent unit. Nevertheless, the fact that India and Pakistan have pursued very different goals, and there has been almost no meeting point of how the conflict should be resolved, indicates that it has not been possible to draw a coherent win-set in this matter.

However, not only is the Kashmiri problem an interstate dispute between India and Pakistan, but it has become primarily a matter of the Kashmiri population which strives for independence. Although the dispute was subjected to Indo-Pakistani wars and resulted in the unsettled Kashmiri region, nowadays, the conflict is more centered on the Kashmiri people as opposed to the Indian government. Perhaps the main movement representing the Kashmiri right to self-determination and independence is the All Party

Hurriyat Conference, which was established in 1993 when Kashmiri parties' with an ideology of an independent Kashmir joined to become a stronger player (Kashmir Herald, 2002). In the last couple of years, the Hurriyat movement and the Kashmiri region as such have been strongly supported by Pakistan and its government, which is calling for Kashmiri independence (GreaterKashmir, 2016). Since Pakistan demonstrates the support for Kashmiris, the today's conflict is a conflict of two blocks – the Indian government, led by the Prime Minister Narendra Modi, which maintains the current status quo, and the Kashmir-Pakistani leaders, including the Pakistani Prime Minister Nawaz Sharif, who make the endeavor for Kashmiri Partition and independence. These great approach differences towards the struggle need to be reconciled for negotiation processes to be successful.

If negotiating parties (states) are to achieve a common ground and gain win-sets that would be beneficial for both, it is important come up with prudent strategies. Mnookin proposes that while negotiating towards a peaceful conclusion, conflicting parties should not trace back the past as they hardly agree upon something the dispute arose from. Instead, they ought to look forward and strive to find something they both could benefit from. Commonness and the ability to talk about the future is a crucial step towards a prosperous clause (Mnookin, 2013).

Although in many cases, it is perhaps one of the most viable ways out of a dispute and many negotiators stand for similar approach, the conflicts of identity cannot be resolved in the long run without addressing the past. If there is a peace agreement without tackling the roots of an identity conflict, it is very likely that the conflict will not cease since the very problems why a dispute appeared remain.

Mnookin helps to understand conflicts and provides propositions as well as experience from which one learns how to manage a struggle. He specializes on personal disputes along with interstate ones. Although they are somewhat different in terms of a scale, there are fundamental factors which remain the same in both cases, and should not be overlooked if one is to achieve a resolution. Furthermore, he indicates that one of the key factors that prompt an attainment of a fruitful conclusion is that the negotiators and stakeholders are to focus on the interests of the involved people and their requests

(Mnookin, 2013). Therefore, it is the people with their concerned interests who should be considered whilst resolving a conflict rather than unions and outside negotiators' interests. If the primal concerns and core underlying aspects of a dispute are not addressed well, it may result in an ineffective end of negotiations.

It should be pointed out that in the case of Kashmir the negotiations have not taken into account those whose region was contested about – the Kashmiri people, which could have undermined the peace process. In 1949, shortly after the dispute has broken out, a ceasefire line was established, signed by the military leaders on behalf of both India and Pakistan, and the UN representation. This agreement was signed with the aim of the disputed region to be monitored by the UN military observers (Agreement between Military Representatives of India and Pakistan, 1949). However, there was no representation from Jammu and Kashmir, whose territory was negotiated. Despite the fact that it was necessary to start peace processes between India and Pakistan, the Kashmiri stakeholders' desires were not considered at this agreement, which was perhaps one of the reasons why it did not prevent further Indo-Pakistani conflicts, and in 1965, the ceasefire broke down due to India's and Pakistani territorial demands. Subsequently, the United Nations and the Security Council initiated other resolutions to monitor the disputed soil, which ceased to operate after the India's and Pakistani military units withdrew in the late 60's (United Nations).

However, great Indo-Pakistani wars occurred in the early 70's, which resulted in the Simla Agreement in 1972. As far as Jammu and Kashmir were concerned, this agreement transformed the ceasefire into the line of control (LoC) dividing Kashmir between Pakistan and India (Simla Agreement, 1972). It was again accorded between India and Pakistan without the presence of Kashmiri leaders. This could overlook and suppress the actual Kashmiri desires, which likely contributed to the future upheavals.

As the evidence shows, the Kashmiri conflict did not vanish, and it has endured for nearly 70 years. In spite of several initiations to resolve the dispute, it remained frozen. The unsuccessful attempts might suggest that the future negotiations should address the deeply rooted ethno-religious origins of the war as it is difficult to resolve such longstanding conflict without looking at the core of its emergence. The negotiations

should also include Kashmiri actors as they know what their people aspire to. The Kashmiris desires should be borne in bind in the first place, because it is the region of Kashmir where struggle occurs, and their desires seem to be undermined, which makes the dispute a stalemate. Addressing the past, and including the Kashmiris within negotiation processes seem as a good strategy, and these two factors are interconnected as the Kashmiri people' desires are rooted in the original conflict of identity.

However, whilst negotiating a conflict, there are often those who make the peace resolution difficult to achieve. The possible threats, spoilers, should be always recognized and analyzed if the peace impediments are to be addressed.

1.2 Spoilers – Possible Dangers to Peace Processes

Power interests are among the most crucial motives of an interstate conflict emergence. States' agendas and desires largely differ and what is often convenient for one may not be for the other. In order to avoid disturbances caused by power interests, peace processes should ensure more or less stable solutions, agreed by the involved. There are many factors which shape the peace processes. While there are some of them which enhance or even contribute to a successful conflict resolution, there are still a lot of aspects hindering peacekeeping to a large extent. One of the foremost aspects which undermines peace is presence of a "spoiler". The spoiler dilemma, suggested by Stedman, discusses how a party, a so-called spoiler, may undermine peace diplomatic processes (Stedman, 1997).

Dividing spoilers theoretically into categories, he examines strategies they tend to use as well as the strategies used (by custodians of the negotiation process) to manage spoilers. It is essential to recognize precisely the latter strategies, because they are very circumstantial, and what is appropriate in one case, may not be in other one. Therefore, they should be adopted accordingly (Stedman, 1997). If international actors and custodians are to manage an internal conflict, their strategy has to be well-thought

through as otherwise it may create even more harm to those who are concerned in a conflicted soil, as noted by Stedman (Stedman, 1999). Today, as there are still longstanding conflicts which have not reached a peaceful end and fall under a supranational level agenda, i.e. the UN, questions of what were the custodians′ strategies, and why the solution has not been reached yet, arise.

Being consonant with this chain of thoughts, Stedman′s academic works are useful as they pinpoint how peace processes can work if a spoiler appears, and custodians could analyze spoilers more thoughtfully with regard to their behavior, and so decide more effectively on corresponding strategies of spoiler management. Not only have researchers of conflict considered his text as a classic, but it has been useful for statesmen and peace brokers as well. It is useful to understand a spoiler and his desires as thereafter it becomes easier to address the possible strategies of moving forward in the conflict stalemate.

It is worthwhile to analyze a specific type of a spoiler we encounter in a particular conflict situation. Stedman asserts that "the biggest potential liability in managing a spoiler are member states that are patrons of the spoiler" (Stedman, 1997, p. 26). If a state appears to be the main articulator of a spoiler or a spoiler itself, it is much more difficult to resolute a conflict. Thereunto, if such spoiler embodies a large state and is to negotiate with a less influential region, the disproportional negotiations may become even more difficult to accomplish. Stedman divides spoilers typologically into two main categories first, i.e. outside and inside spoilers, and his further division comprises of limited, greedy, and total spoilers, according to the goals they pursue and their commitment. By an outside spoiler, he deems external actors who intervene using violent means whereas an internal spoiler is represented by the leaders or government within a country. The limited spoilers' aims are limited, and it is easier to change their agenda in the negotiation process than the latter two. For greedy spoilers, the most important factors that affect their conduct are risk and cost, and thus they act accordingly. The total spoilers are those whose pursuit is usually not negotiable as they seek full achievement of their goals without any changes (Stedman, 1997).

As practice may suggest, India would fall under the category of an inside, total spoiler. It can be regarded as an inside spoiler, because it is the internal Indian government which has been turning aside the Kashmiri demands and possible compromises. If India is not willing to withdraw from its agenda, and there is a quite large part of the population (in Kashmir) which does not comply with this agenda, peace cannot be achieved. Also, India's ability not to withdraw allows the government to play the role of a total spoiler without almost any confines. This is reflected in the country's disproportionality.

CHAPTER II: India's Power Disproportionality – a Root which Preserves the Hold on Kashmir

Disproportionality of power could be one of the reasons why conflicts end up in a deadlock. In ethnic disputes, for instance, if a government negotiates with a less experienced community of a lower status, it is very likely that the latter's objectives will not be addressed. Mnookin believes that experience and resources are one of the essential aspects in disputable talks. Besides, in the processes of negotiations, it is crucial for each side to be represented by those who can speak effectively for them (Mnookin, 2013). Mnookin's insights are important to be aware of, because one could study how chances can be unequal in an asymmetrical dispute.

Usually, it is the parties with means and powerful status which can afford the best representatives. If a government appears to be involved in negotiations, however, other factors like international tradeoffs and treaties matter as well. Nonetheless, a government position is very convenient if it negotiates with someone without such power as the latter does not possess equal means and strength. It is important to highlight that a reachable compromise is unlikely to be achieved if a state is to negotiate with its subdivision over an ethnic dispute. In fact, in such conflict a subunit does not have many possibilities to appeal to since it belongs under the state's charge.

Disproportionality is often reflected in state centralization in which the more dominant part – the center – can dictate its agenda to less influential units, suppressing their demands. If a state decides not to let its subdivisions to pursue their objectives and rules by the means of gaining more power, it may, as Robert A. Dahl argues, cause a suppression of pluralism by the hegemon – the state. Too much central power brings about intense regulations and ability to control interdivisions, which can be often misused. Such power may, for instance, compel people of the units to adjust to the hegemonic system and its rules in spite of different preferences (Dahl, 1978). However good intensions a centralized state may have, it should always look at its regions and subunits in terms of whether their aims overlap or whether their preferences vary. In the

latter case, these preferences and principles should be considered, as otherwise it could bring tensions and instability.

In addition, leaders of a center (i.e. government) are altered as time passes, and even if the former leaders made rules that are satisfactory for people living in subunits, the subsequent leaders are always unrestricted to redirect them according to their strives. Consequently, centralized structure might generate inequality facilitating the governing elite to grow (Dahl, 1978).

Since Jammu and Kashmir is a legitimate part of India, it falls under the Indian competence. Compared to India, it is very difficult for the Kashmiri region to have valid demands if they contradict the main national agenda. Although India is the largest democracy in the world if speaking demographically (Encyclopaedia Britanica, 2016), her power-sharing mechanism might not function ideally, which is claimed by the Kashmiris themselves (anonymous written interview, 2016). As a consequence of power disproportionality, i.e. power concentration in the center and restrictions to the subunits' autonomy, local people and their representatives might be inclined towards ideas promoting independence. The Indian government's asymmetry can be seen reflected on two levels, i.e. the external and the internal level.

2.1   External Power Asymmetry

Nowadays, the international arena is much interconnected and states are bounded by coalitions, treaties, but also by informal networks. India's status worldwide has reached an influential position due to her size, demography, economy and alliances. The more powerful the international status of a country is, the less likely that the country will have to be engaged in regulations imposed by others. As a result, it is very difficult to enforce an action upon India by other states as it is a very influential country. This can be reflected in India's domestic policies - such as the approach towards Kashmir - which do not have a reason to let this region go independent.

To push ahead an international law has always been an issue if a state pursues different aims. In fact, if an international agenda is troublesome for a state and it is more beneficial not to follow it, it simply does not follow it. India, in particular, is a country which does not have to depend on others as it has means, resources and internationally recognized position. This makes the obligations even more difficult to accomplish. India's strong international status can be observed from several angles. For instance, India belongs among the nine countries which possess nuclear weapons (sipri, 2012). Together with China they make up some 40 percent of the world's population and the high development of these Asian countries is supported by the cooperation as well as competition between them (Gratius, 2008, pp. 5-7). Also, India is being highly developed economically which is reflected in being the third largest economy in 2007 and remaining growing (Gratius, 2008, p. 5). As a democracy, India is ideologically allied to the US as well as Europe (Gratius, 2008, p. 7). The BRICS countries (Brazil, Russia, India, China, South Africa) alliance enhances India's position too since this block is made of countries whose development is on its increase and acts as a strong player in the international arena. The support of countries such as China and Russia is significant for India not only on the Asian continent but also worldwide. Setting up the New Development Bank and Contingent Reserves Arrangement (BRICS, Ministry of External Relations), BRICS plays a role of a great counterbalance to the World Bank and the International Monetary Fund. Overall, since India is allied with the powerful BRICS alliance and at the same time shares democracy principles with the West, India's international status is very influential and supported globally. Therefore, it is difficult and inconvenient for the international community to impose rules on India.

An example of India's powerful position is the plebiscite suggested by the British which would decide whether the Kashmiris would want to join India or Pakistan. After India's Independence in 1947, Mountbatten – the British viceroy - standing for democratic principles, maintained that no resolution of the Kashmiri problem should be a resolution against the will of the Kashmiri Muslim population. Therefore, he convinced the Indian government to add an important provision to the agreement. That is, the Singh's decision would be only temporary and only after a plebiscite confirmation in the time of peace it would become official (Lapierre & Collins, 1983). However, the

plebiscite has not been realized since. As the plebiscite was not successful, other possible international enforcements on India regarding the dispute in Kashmir might be unlikely to be carried out. This largely contributes to the difficulties to resolve the Kashmiri problem.

However, at the same time the Indian power is not limitless. It should be kept in mind that India does have to regard the UN and international actors as it is still developing in many areas and relies on their aid. In 2013, the greatest contributors of financial aid to India were the World Bank, Japan, and Germany (TheLogicalIndian, 2015). Therefore, India cannot afford to act without boundaries and is bound to the network of countries it relies on. Nevertheless, India still has limits beyond which it will not go, and more importantly is not too pressured to go. A clear example is the dispute in Kashmir. Despite the fact that the UN showed the willingness to assess the situation in Kashmir after the conflict escalation in summer 2016, it could only do so after India's consent to allow the UN to enter its soil. However, India refused the international community to evaluate its domestic affairs (Dawn, 2016). As India denied this proposal, the UN could not and did not enforce India to retreat.

2.2   Internal Power Asymmetry

Not only is India's power disproportionality reflected externally, but it also extends to its domestic political agenda. The fact that India would not benefit from any proposed solution by the Kashmiris results in her aversion to cooperation. In practice, India does not have to negotiate, because of the center's strong position which has nothing to gain from negotiations over Kashmir as the current status quo to keep the region under its influence seems suitable. The way India manages her hold on Kashmir and the ability to control regional politics throughout the state is cemented through centralization and domestic policies to keep the disputable regions under its rule.

Centralization

During the course of last millennia, India has appeared as a country which comprises of diverse ethnicities, religions and languages. Despite various conflicts

amongst the melting pot of cultures, India has been more or less capable of maintaining the size of the country. However, being a multiethnic country with democratic structure, it is important for India to adopt adequate steps to keep the state stable. If democracy is to be stable in largely divided societies, as the consociational theory suggest, it is important to preserve power sharing between different ethnic and social groups within that democracy (Saurugger, 2016). Lijphart believes that based on the consociational understanding, the puzzle of Indian democracy is "troublesome" (Lijphart, 1996, p. 258). This is to be caused by the fact that since the end of the 1960s, India experienced vast centralization to the advantage of the government. One of the greatest examples which Lijphart provides is Kashmir whose autonomy was also rapidly suppressed (Lijphart, 1996, p.260). Although the power concentration seeks to maintain greater stability in the state – and it has been achieved to some extent – due to the very policy and power sharing weakening clashes and violence are inevitable in the conflicting regions (Lijphart, 1996, p. 166). This in turn promotes instability. In order to understand the Indian government's policy of centralization, it is important to address the very roots of its emergence.

When independent India was about to be created in 1947, it was impossible to create a state grounded on the nation-state model - a state which is created on the basis of one coherent nation. India, on the other hand is a state which some scholars (Alfred Stepan, Juan J. Linz, Yogendra Yadav) would call "robustly politically multinational". That is to say, it is a state where "more than one group thinks of itself as a nation and has leaders who strive for independence" (Stepan, Linz & Yadav, 2011, p. xii). Stepan and his colleagues present a model of state-nation which is much more effective in cases such as India. In order for state-nation draft to function, it is essential that it complies with the following: citizens are to identify with the polity, but at the same time they are able to recognize their own identities which complement the former one. Moreover, there is a need for confidence in institutions and support of the democratic structure (Stepan, Linz & Yadav, 2011, pp. 7-8).

Taking into account the Kashmiri case, it is questionable whether the Kashmiris identify with the state and whether they trust the public institutions. As the evidence

shows, they feel mistrust towards the central politicians and public administration (anonymous written interviews, 2016). Since the Indian government took over Kashmiri elections in the late 1980s, detained the opposition and installed its own political agenda, violations and pro-independence initiatives have even increased (Peers, 2010). As a result of the Kashmiri mistrust and strive for independence, it might suggest that India as a state-nation still does not fulfill the state-nation preconditions, and that the state is not capable of providing the soil for the people from Kashmir such as the aforesaid problems would be prevented.

Although Stepan et al. consider India as an illustrative example of a state-nation, they too believe that violations in regions such as Kashmir, Punjab, Mizoram, and Nagaland are exceptions which undermine the idea of a democratic state-nation (Stepan, Linz & Yadav, 2011, pp. xiv). This advocates that the inability to include all of India's nations equally into the newly formed state-nation and provide space for their self-determination could prompt the advent of ethno-territorial disputes throughout the state.

If the power is concentrated in the center, it has an influence on other regions as well. The question is whether the subdivisions comply with the central agenda or whether they adopt a policy of non-compliance like the Kashmiris. Likewise, as the people from the Kashmiri region who do not identify with India, there are other regions which perceive their culture being different from the Indian.

Step back – a threat to India's integrity?

If the central political agenda favors the subdivisions' aspirations, they will very unlikely protest. Yet, if the subdivisions' distinct identity and culture are suppressed, they will dissent against this agenda. In India, Kashmir is not the only region which leans towards pro-self-rule tendencies. Similarly, states like Tamil Nadu and Punjab have endeavored for separation due to cultural, linguistic and religious reasons (Kukab & Hussain, 2016).

One of the facts why India strives to keep Kashmir as a region, and thus engages in policy of centralization and intervention, is the threat to her integrity. If Kashmir went independent, there might be a chance of other disintegrated regions to take an action. This could result in India's loss of integrity, influence, and status of a powerful state. The danger of losing states within the country reinforces the central hold over Kashmir. Although Partition would be perhaps a possibility to resolve this problem, other regions like Bengal, the seven sister states of the Northeast, and Tamil Nadu which feel distinct to Indian identity, may follow a similar path.

CHAPTER III: Possibilities of The Kashmiri Dispute Resolution - How Achievable Are They Today?

Alternatives and Strategies to Resolve an Ethnic Dispute

3.1 Partition

Although Jammu and Kashmir fell under the Indian influence in 1947, separatist initiatives were not as prevalent as later on, because Kashmiris were initially still assured some degree of autonomy. Defense, foreign affairs and telecommunications were the only domains controlled by India, and Kashmiri people had their own constitution, prime minister and president (Peers, 2010). Although the autonomy might have seemed conciliatory, the Kashmiri identity seemed to be still suppressed being under a nation they had not identified with. The local Prime Minister Sheikh Abdullah was initiating moves promoting an independent Kashmir, which ultimately prompted India to confine him in 1953. Thereafter, the Kashmiri autonomy ceased to function. Such actions and further Kashmiri rights suppression led local separatist groups to object and fight for self-determination. Yasin Malik, a leader of the Jammu and Kashmir Liberation Front, and others took a combat action against India's rule and fought for Kashmiri sovereignty. Many of them were trained behind the border in Pakistan and they were largely admired by the Kashmiris. India's response resulted in sending more armed forces in the region which produced violent, brutal clashes (Peers, 2010).

Nowadays, people from the Kashmiri region are largely in favor for an autonomous state (Reuters, 2007). From seven Kashmiri respondents within the research interviews, all of them believed Indian armed forces misuse their power against common inhabitants and their basic rights are undermined (anonymous written interviews, 2016). Moreover, some of them claim that the Indian government controls the media, and so the truth is shown in a false way against the Kashmiris throughout India and worldwide (Asumalik, written interview, 2016). Although it is often claimed that people from Kashmir have different desires, i.e. some of them wish to join Pakistan, some feel they would be better off joining India, and some strive for an independent country, the current

situation suggests that vast majority of Kashmiris would like to go independent. Basharat Peer from Kashmir and Owen Bennett Jones, both independent investigative journalists who studied the conflict profoundly on the main soil too believe that most of the Kashmiri people would vote for independence if they had a chance (Kulkarni, 2016; Jones, 2014).

The phenomenon of striving for Partition has become prevalent especially after 1960s when people from the Kashmiri region started feeling their self-determination was being undermined. One of the foremost reasons for such sentiments was probably the fact that the Indian government was involved in the policy of centralization. As Arend Lijphart writes, towards the end of 1960s power-sharing was weakened in India (Lijphart, 1996, pp. 263-265). As the tendencies to make Kashmir more autonomous were not achieved, and Kashmiris perceive their rights having been suppressed, people from this region strive to attain Partition.

The current Pakistani government too supports the idea of an independent Kashmir (TheIndianExpress, 2016). From the geopolitical point of view, one could argue that whereas it is almost impossible to affiliate Kashmir to Pakistan today, Pakistan might at least weaken India's position making Kashmir independent. However, cultural and religious motives play a great role in this matter since Pakistan as well as Kashmir are predominantly Muslim-populated. As a result, Pakistan is closer to Kashmir than India based on the identity, and thus is likely to support the independence struggle.

Hamza Khan from Pakistan, an expert on international relations, also believes that India undermines the peace processes over Kashmir. According to him, it is facilitated by the means of AFSPA (Armed Forces Special Power Act) which allows for Indian militarization of the conflicting region. Although he indicates that both India and Pakistan use Kashmir for "proxy purposes", it is India which inhibits successful peace resolution and an access of UN observers to weigh the Kashmiri matter independently (Khan, written interview, 2016).

Although the usual narrative among scholars has claimed that partitions usually end up in even greater violence than before, and hence should not be carried out, Chaim

Kaufmann challenges this view discussing both possibilities. Moreover, he argues that even though violence emerged after the split of several countries, such violence was not caused by the partition itself. For instance, in the India's case of partition in 1947, the underlying reason for violence was the independence from the British rule rather than the partition. His research concludes that when a partition is accomplished fully, i.e. the ethnic cleavages separate, it results in less violence (Kaufmann, 1998).

Kaufmann's theory of partition and ethnic population transfers is worth of attention and interesting to look at as it challenges the approaches of critics and provides a new perspective of looking at partitions. As one of his central case studies from 20th century includes India-Pakistani clash over Kashmir, it provides a platform for this dispute. His research, carried out profoundly, discloses that it is not partition which brings about further violence, but rather other factors. This remark is important to note as it makes people rethink the traditional way of looking at partitions and consider their positive effects.

Despite the fact that the discussion around the possibility to make Kashmir independent has lasted for about 70 years, it has not been accomplished. As the research suggests, this has not been possible due to India's strong position and power asymmetry discussed in the second chapter.

3.2 Status Quo

With regard to reconciliation of a conflict, one of the strategies might be to maintain a current state – status quo – and to keep up with the in-process policy. This might be useful if there is a positive tendency towards the conflict's resolution and the adopted initiatives work. Conversely, such solution is probably not the most effective if a conflict is not likely to be resolved in the foreseeable future. In case the status quo even escalates the problem, it is reasonable to reconsider the current policies and conventions.

Nonetheless, as some scholars argue (e.g. Kumar, 1997), partition may become a trigger for causing even more violence than before. For Kumar, status quo may act as the safest strategy for solving internal conflicts. If a state whose inhabitants seem not to be able to coexist splits, it may promote even further violence. This is due to the fact that such partitions cause massive migrations as people might find themselves on the other side they feel they belong to, plus wars often accompany these events. In addition, Kumar indicates that partitions are usually only a provisional solution. Although partitions might resolve ethic differences for a period of time, ultimately, other challenges such as further cleavages, divisions, and inability of less experienced institutions to govern could appear (Kumar, 1997).

The approach of viewing partition as a great danger is interesting as it presupposes scenarios that are likely to occur if we overlook important factors which eventuate in even greater complications. If it is conceivable to overcome the differences and set common interests such as economy, maintaining the status quo might be a sound solution. Nevertheless, while partition did bring further violence in many cases, it does not equal that it would be so in potential partitions in the future (e.g. partition of Czechoslovakia). In cases where social cleavages escalate to a great extent leading to continuous wars and human suffering, partition is perhaps one of the thinkable solutions.

In the region of Kashmir, the current status quo seems not to resolve or address the conflict. What is more, with the recent upheavals the dispute appears to worsen due to today's status quo maintenance. India's political representatives - e.g. Rajnath Singh, minister of home affairs - stand for keeping the situation along the lines of the status quo, i.e. to keep the disputed region under India's rule as they believe Kashmir has always been a legitimate part of India (PTI, 2016).

Within the last months, the conflict in Kashmir has intensified to a great extent. This was primarily when the Indian army killed Burhan Wani, the leader of Hizbul Mujahideen separatist group, in July, 2016 (Dasgupta, 2017). As a consequence, the Indian army fights the Kashmiri separatist groups and volunteers striving for independence. Moreover, there are indications that there have been abuses towards civilians. Both India and Pakistan accuse each other for human rights violations in

Kashmir appealing to UN Human Rights Council. Whereas Pakistanis claim the Indian army attacks even innocent people from Kashmir and commits atrocities there, Indians believe that it is Pakistan which commits human rights violations due to spreading terrorism and supporting separatist groups (Mitra-Jha, 2016).

The further escalation proves that the current status quo has not addressed or solved the Kashmiri problem. Such intensification indicates that appropriate steps are needed to be implemented, and the status quo should be probably reconsidered if this dispute is to achieve its ultimate peace.

3.3 Decentralization/ Autonomy

If a state is too large, heterogeneous, or unstable to govern itself, decentralization may become one of the possibilities to make it more solid. Consequently, a state intervention is limited and its subdivisions acquire independence to some extent. Dahl proposes that such phenomenon results in greater pluralism, which is, among other things, one of the characteristics of a democratic regime (Dahl, 1978). From the perspective of intrastate actors, this sort of decentralization might be conductive to stability as India would act more as a unanimous actor in the international arena without possible domestic violations which might also threaten intrastate negotiation outcomes. What is more, ensuring more autonomy to Kashmir, the tendencies towards Partition would be probably lessened. This could contribute to cooperation between India and the region of Kashmir, and thus promoting a more stable position of India in the international matters.

Looking at a state structure and its political system, one may find advantages as well as disadvantages in both centralization and decentralization. Whereas, as some people might argue, centralization enables a greater center control over its unit and reduces inequalities, Dahl favors the possibility of decentralization. That is, the internal actors gain more power and autonomy, which results in jettisoning the restrictions initiated by the hegemon. Hence, although centralization advocates itself with the argument of reducing inequality - which is produced once pluralism is strengthened - this

centralized structure, in fact, generates inequality facilitating the governing elite to grow (Dahl, 1978).

It is useful to consider Dahl's propositions and theories as they outline what both centralization and decentralization may bring, and the relation between people of subdivisions and state. Pluralism as his core subject acknowledges that states sometimes have a variety of cultures. This variety's representation can be enhanced in decentralized states as the units get some kind of autonomy and thereby can govern themselves according to their wishes. However, it should be also noted that even though there are countries whose federal structures are supposed to grant more autonomy to their units according to constitutions, it may not always be so. Therefore, it is also important to look at particular circumstances into depth in order to evaluate the degree of autonomy and consider even already federalized states in view of autonomy.

Similarly to the possible solution of Partition, the possibility of decentralization is unlikely to be accomplished. India does not step back and does not give autonomy to Kashmir as it is practically not obliged to and has no advantage from that. On the contrary, India might perceive it as jeopardy as other regions could easily start seeking more autonomy which would endanger the country's stability. This is the main hindrance why even decentralization remains unattainable at the present time.

CONCLUSION

The findings suggest that the enduring struggle in the disputed region of Kashmir is embedded in India's power interests. Notably, India, or rather the Indian central government acts as a spoiler in the peace processes over Kashmir, because it is not obliged to step back due to its influential position in the international arena as well as in the installed domestic agenda. On the basis of the studied facts, the research concludes that India pursues a policy of centralization in the internal matters on account of her disproportionality. That is, the powerful center provides no or very little autonomy to its subunits. Kashmir, being one of them, struggles as its identity and culture is different from most of India.

Since India's centralization of public administration provides too much power to the center and less autonomy to Kashmiris, the conflict is fostered. When Kashmiris' autonomy ceased and their self-determination had been threatened to a large extent, separatist groups started to fight for people's rights and identity, which resulted in massive upheavals and encounters with the Indian troops. Therefore, the power sharing weakening and centralization are crucial causes of the Kashmiri conflict being frozen.

Although India was able to incorporate most of the regions, Kashmir is one of the exceptions where the project of state-nation proved not to be fully achieved. Whilst the current status quo is not able to achieve peace and there is an indication that the conflict might even intensify, Partition and decentralization are currently unlikely to be accomplished primarily due to India's power interests and the present reluctance to negotiate.

It should be however borne in mind that it has been the Kashmiri people who have faced violations in the region, human rights threatening and war atrocities. Their means are incomparable with the ones India' central government has and they do not have many possibilities to accomplish their self-determination and identity expression or to attain a compromise which would ensure peace. As the conflict has not come to an end over the

course of nearly 70 years, it is important to address the sources of its deadlock, i.e. to look at the fundamental reasons why Kashmiris pursue independence, as well as India's political aspirations of not letting them achieve so.

To reconcile this dispute, it is fundamental to manage negotiations between the conflicting parties. As India appears not to have a motive to negotiate, one should think which strategies would be the most appropriate to get India behind the negotiating table. As it is very likely that neither India nor Kashmir would find a common narrative of what happened in the past, it is essential to find common grounds for future on which the peace processes could be based on, and to target the deeply-rooted origins of this identity conflict.

Resumé

Táto bakalárska práca sa pohybuje v oblastiach medzinárodných vzťahov a komparatívnej politológie vzhľadom na medzinárodný konflikt a spoluprácu. Práca sa zaoberá hlavnými prekážkami riešenia konfliktu v Kašmíri, problémovej zóne v severnej Indii na hranici s Pakistanom, a analyzuje, čo spôsobuje dlhodobé znemožnenie úspešnej mierovej dohody.

Rámec výskumu sa odvíja od teórií negociácií, ktoré poskytujú základ, na ktorom sa diplomatické dohovory a mierové procesy odohrávajú a taktiež pomáhajú identifikovať kľúčovú príčinu konfliktu. Navyše, tieto teórie rozpoznávajú niekoľko typov hráčov, ktorí sa zúčastňujú týchto procesov. Jedným z nich sú "spojleri", ktorí bránia v riešení problémov. V súvislosti s konfliktom v Kašmíri, táto práca nachádza Indiu ako spojlera, kvôli čomu sa kašmírsky problém doposiaľ nestretol s riešením alebo kompromisom.

Výskum nachádza hlavnú príčinu kašmírskeho problému a neúspech možných riešení v mocenských záujmoch indickej centrálnej vlády. Tento konflikt je na bode mrazu s tendenciami eskalácie primárne kvôli prekážkam zo strany indickej vlády nakoľko nemá záujem o negociáciu kašmírskeho regiónu a mierové dohody s Kašmírom, tak ako s medzinárodnými a nadnárodnými koalíciami. Práca nachádza príčinu tejto neochoty jednať v disproporcionalite moci na vonkajšej i na vnútornej úrovni Indie, čo je upevnené cez centralizáciu etnicky a nábožensky rozdielnych teritórií v Indii.

Vonkajšia nerovnováha indickej moci hovorí o tom, že status krajiny je natoľko vplyvný na medzinárodnej scéne, že v mnohých veciach prakticky nie je donútená inými štátmi ustupovať. To dáva Indii možnosť riešiť konflikt v Kašmíri podľa domácej politiky nakoľko iné štáty a organizácie, ako napríklad Spojené národy, nedonucujú Indiu urobiť kompromisy ohľadom tohoto problému.

Nerovnováha na vnútornej úrovni a na úrovni negociácií o kašmírskom regióne naznačuje, že centrálna vláda je schopná kontrolovať možné dohovory v súlade s jej

politickou agendou. Táto vnútorná nerovnováha moci, kde centrálna vláda má omnoho väčšie slovo ako jej jednotky, je odrazená v centralizácii. I keď centralizácia môže umožňovať stabilitu v Indii do istej miery, tá istá politika môže mať za následok narušenie tejto stability nakoľko multietnické regióny vrátane Kašmíru sa považujú za regióny s inou identitou, náboženstvom a kultúrou.

Nakoľko sa zdá, že India nemá motív negociovať ohľadom Kašmírskeho konfliktu, je dôležité, aby ostatné štáty a samotný Kašmír tento motív vytvorili. Keďže je veľmi pravdepodobné že ani India ani Kašmír sa nedohodnú na spoločnom naratíve minulosti, treba nájsť základ, na ktorom by sa zhodli a od ktorého by sa mohli odvodiť budúce mierové procesy a konečné vyriešenie kašmírskeho dlhotrvajúceho konfliktu.

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