



## Potential Political Bargaining (PPB): A more realistic way of handling Kashmir Problem

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### Abstract:

The world's most minacious conflict over Kashmir has been testing international as well as South Asian diplomacy for over seventy years. The persisting dispute has put security and survival of the region at stake as it has become nuclear flashpoint among states involved. Despite great number of proposals and multiple attempts by stake holders to approach resolution of the conflict, the potential dispute still prevails. Involvement of United Nations as well as India-Pakistan bilateral engagements has failed to create any potential outcome over this dispute. Variety of proposals mainly based on independence and partitioning of disputed state have been presented yet no one could be materialized. The enormity of dispute requires us to find a more pertinent and realistic plan to ultimately reach its resolution. The research is an attempt to present one such proposal based on potential political bargaining as a more realistic plan to eventually resolve Kashmir conflict once for all. It requires bargaining by all the parties involved. It is an out of box partition-based proposal meant to resolve the conflict permanently among the states.

**Key Words:** Potential Political Bargaining, Resolution of Kashmir Dispute, Jammu and Kashmir, India-Pakistan interaction, South Asian diplomacy, Kashmir proposal

### INTRODUCTION

The dispute over Jammu and Kashmir (J&K) originated when British agreed on partition of Indian sub-continent in 1947. The newly independent states, i.e. India and Pakistan fought a war over J&K in 1948 that resulted in a ceasefire through UN intervention. Since then, UN passed number of resolutions calling for free and impartial plebiscite in the disputed state of Jammu and Kashmir. Over 70 years have passed since UN intervention; UN could not implement its resolutions in this regard. On the other hand, India has recently illegally abolished the so-called autonomous status of occupied Kashmir by revoking Article 370 by acting against popular will. Both states have indulged in wars over Kashmir with great nuclear risks associated with it. The potentially dangerous scenario given the existence of the potential dispute requires scholarly efforts to keep searching for out of box approaches meant to end the world's most dangerous conflict. The study is an effort to introduce a fresh proposal to resolve the conflict once for all among the disputants involved. The

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study considers Potential Political Bargaining (PPB) as a more realistic plan to sort out Kashmir problem. States do cooperate in real world despite international chaotic structure and other constraints. They interact in a competitive world and deals may be struck addressing states' relative gains mentality. The proposal offers a more handy solution to the long-prevailing conflict by partitioning the disputed state among the parties involved in such a way that resultant balance of power may not shift to anyone's favor after the final agreement is reached.

### **RESEARCH DESIGN**

The study was qualitative in nature and applied analytical method of research. The study utilized various research techniques such as exploratory, descriptive, and predictive to analyze the subject matter. These techniques were also helpful in extracting useful and relevant data regarding area under 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. It mainly accommodated primary (original) sources of information however secondary sources were also used (where access to primary source was limited) mainly from; books, journal articles, newspaper articles, research reports, etc.

### **THEORETICAL FRAMEWORK**

States in a realist world are concerned with balance of power; so they must be motivated preferably by relative gains while considering cooperation. While each state urges to maximize its absolute gains, it should also be concerned about how much it achieves compared to other in an agreement. Although 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 where states have powerful incentives taking advantage of other states. The point is illustrated by considering the example of Europe in 40 years before WWI where 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) suggests 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) admits 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). The proposal is meant to suggest division of Kashmir in such a way that outcome of the deal might not lead to shift the balance of power to anyone's favor thereby addressing relative gains concerns of the states involved.

Powell (1991) 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 (and with freedom movement increasing in its potential with each passing day). In this way, cooperation should be more likely. Moreover, use of force (military force) by India 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. States achieve agreements through cooperation (though sharp 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 failure; heading towards nowhere but wars and mutual destruction.

### **DIFFERENT PERSPECTIVES ON KASHMIR SETTLEMENT**

Persisting dispute over Kashmir is a symbol of South Asian diplomatic failure in particular and world in general. For a comprehensive solution and useful as well as lasting outcome of Kashmir dispute, 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 dispute. Potential Political Bargaining is meant for significant concessions by all the parties involved in the dispute.

Tavares (2008) highlighted the multi-dimensional nature of Kashmir conflict. The conflict included wide range of parties and different manifestations of violence and struggle. He pointed out four major players; India, Pakistan, religious militants and Kashmiris as important players among variety of equally significant players. In particular, Kashmiri educated youth has taken over the leading role towards freedom struggle whereas large segments have been demanding freedom from Indian occupation. While mentioning important parties to the dispute, Tavares ignored China as an important player whereby Chinese presence as a party in negotiation process may significantly impact outcomes. According to Chopra (1964), direct India-Pakistan negotiations could yield better outcomes. However, historical developments regarding bilateral India-Pakistan engagement over Kashmir (President Musharraf's untiring efforts being the most recent) suggest 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 a legitimate resolution of Kashmir conflict. While stressing the involvement of Kashmiris,

he has maintained 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, Akthar 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.

According to Ahanger (2019), Kashmir dispute lies among the most controversial and hotly debated topics in a region of almost one fourth of world's population. Kashmir dispute has been inquired since its inception by scholars from 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 Line of Control (LoC) to permanent international boundary to Pakistan's stand to hold plebiscite in Kashmir. Moreover, there are various 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. Meanwhile no one of the 43 proposals seriously favored an independent Kashmir (Schofield, 1997).

Pakistan's Kashmir policy is based on acquiring right of self-determination for Kashmiris. Pakistan has historically advocated for a free and fair plebiscite to determine the fate of state of Jammu and Kashmir. After more than seventy years have passed, plebiscite could not be held in the disputed state. Moreover, any such possibility is unlikely in the near future. Furthermore, Rizvi (1994) has pointed out different logistic issues in plebiscite-based proposals. Who would have right to vote in the wake of two way migrations from both sides of Kashmir? Would plebiscite take place in the whole state or it would be regions or district based? Would the outcome of a region or district based plebiscite be considered separately? How would be security and administrative arrangements right before, during and after the holding of a plebiscite? Meanwhile, how question of demographic change in Indian occupied Kashmir (in more aggressive fashion after end of Article 370) would be addressed in any possible plebiscite scenario?

Mattoo (2003) has maintained 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 from every side is critical towards sorting out Kashmir problem once for all. Therefore, there is a rare possibility of reaching out a solution favoring one side while ignoring other. According to Ganguly, Blank, and DeVotta (2003), nearly all concerned asserted that neither of the two sides could succeed militarily in Kashmir and a final settlement could 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 from a public-reaction perspective. 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 with either state particularly India may result in increase into the power of that state). However, there is still a possibility that US might support India in this regard for a successful counter-balancing against China.

Moreover, as observed by Seethi (1999), Britain at the start and US afterwards mainly caused disagreement between Pakistan and India over Kashmir problem. In this way, Seethi advised Indians to be highly cautious of their offer towards mediation in the prevailing conflict. While 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. Over the years, US nominal support to Pakistan's standpoint on Kashmir was meant to keep the later committed and to exert little pressure on India. Now, US policy is cautiously tilted towards India vis-à-vis Kashmir dispute to keep its new ally satisfied. 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. According to him, it was all that was useful for any administration to play definition games. While pointing towards a peaceful solution sorted out diplomatically under Simla agreement, he suggested taking into account the Kashmiri people as well. While, he explicitly clarified that US did not hold 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. These 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. Like Northern Ireland for British, Kashmir looks to be an un-solving issue unless major concessions are made by all the sides. While outside pressure including from US, Russia or even the British in case of Kashmir dispute has been proved at times 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 would 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 scholars, organizations and stake holders has been presented regarding the settlement of Kashmir dispute since the inception of this dispute yet



no one could be materialized. Nonetheless, Kashmir has now become a nuclear flashpoint. Furthermore, persisting dispute over Kashmir has been challenging the diplomatic competence of South Asia for over 70 years.

### AN OVERVIEW OF PAKISTAN-INDIA DIPLOMATIC INTERACTION

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 and at different time periods. 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 in the past. Hussain (2006) presented the 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 engagement with Pakistan with latter's fulfillment of Indian demands vis-à-vis (based on Indian propaganda on terrorism) terrorism. Pakistan has suspended diplomatic ties with India since latter's unilateral move towards removal of Article 370 in August 2019.

Table 4 Status of India-Pakistan Engagement

Agenda	Status & Progress	Deadlock	Prospects	Indian stance	Pakistan's 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 with-drawl mechanism to create zones of disengagement.	Deadlock	Pakistan must agree to recognize existing Indian position before troops with-drawl to agreed location	Both to work for troops with-drawl and agree to respect the de-limited zone
Sir Creek	Talks at Technical level with May 2006 Agreement on joint survey of Sir Creek & nearby region	No real agreement on Sir Creek boundary termination points	Hopeful	Bargain a fixed boundary in middle of Creek along 1914 resolution Map	Seek arbitration if mutual efforts fail to yield demilitarization of maritime boundary

(Adapted from Hussain, R. (2006). The India-Pakistan Peace Process. *Defense & Security Analysis*, 22(4), 414-15)

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 (to pressurize Pakistan for challenging India on Kashmir). President Musharraf was quite successful in engaging 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 at a time 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 while considering especially Vale of Kashmir which is 0.25 percent of South Asian population and GNP as violent centre of conflict which could trigger nuclear war. The report provided some useful recommendations regarding the peace process. According to the report, peace process has usually been subject to the violence by those who fear to lose their interests in case an agreement is reached. It suggested that violence must not be made an excuse to avoid peace process. Such an excuse would result into providing 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 at times when needed and later bringing them to enhance sustainability. Efforts to reach out to an agreement should find a middle way for both sides and 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 pursued Kashmir's integration 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.

An Indian writer Pradhan (2004) has discussed India-Pakistan peace process. While praising Indian secular democracy, writer viewed weak and inconsistent democracy in Pakistan and thereby dictatorial regimes as an important factor towards reaching out an agreement. As he believed that a dictatorial regime had never respected bilateral agreements and international laws unless that served its own interests.

The argument is often presented by Indians. India is world's largest and probably the most successful democracy whereby there have never been a military intervention. However, historical developments in India-Pakistan relations suggest an entirely different story. Indian breach of

international commitments and agreements began with the deception of India's first Prime Minister Jawaharlal Nehru through his false pledges and commitments to his Pakistani counterpart and to the world. The pledges and those international commitments by PM Nehru were merely based on bargaining time to consolidate hold over Jammu and Kashmir (as historically reflected in Indian engagements with Pakistan merely meant to bargain time, the most recent in this regard was President Musharraf's engagement with India whereby India backed off without any reason despite Pakistan's ever flexible approach). India breached Simla agreement 1972 by launching operation Meghdoot in 1984 incurring into Pakistan's territory. India over the years has been violating Indus Water Treaty of 1960 by constructing multiple dams to threaten Pakistan vis-à-vis water resource. India has also openly threatened Pakistan of unilaterally ending Indus Water Treaty. Most importantly, India has strictly opposed democratic solution of Jammu and Kashmir despite its commitment at United Nations forum.

According to another Indian writer Puri (2010), both, India and Pakistan should promote democracy in regions under their respective control as a prerequisite to reach out to a feasible solution. In this regard, Indian has totally failed to ensure democratic norms in the occupied state. It has never conducted free and fair elections in the state under its occupation. More recently, revoking Article 370 thereby imposing an inhumane curfew has further highlighted Indian intentions towards democratization of the state. Therefore, such pathway to settlement is highly unlikely given the prevailing scenario.

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 is not favorable towards concessions. A resolution was passed in 1962 committing the government to recover every inch of claimed territory. In 2006, Chinese Ambassador claimed all of Arunachal Pradesh as Chinese territory; while Tawang is only one place, and China claimed all of that. Tawang is critical to Tibetan Buddhism; it is 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 the case. Indian state has manipulated its parliament in aid to attain certain objectives without considering popular sentiments. The passing of recent controversial bills CAA (Citizenship Amendment Act) and NRC (National Register of Citizens) against Muslims in India have been responded by massive local protests by Muslims and section of Hindus. India has passed parliamentary resolution in 1990s claiming even the part of Kashmir under Pakistan.

Chinese perception of state of Arunachal Pradesh became clearer when in 2009 Beijing went against loan grant by Asian Development Bank towards development projects in what China called disputed state of Arunachal Pradesh (Rather, 2019).



India perceives emerging China as a security threat. Historical enmity between both the states has led them to mistrust despite prevailing economic and security ties. Moreover, Sino-Pakistani friendship is considered as a challenge by India in the region (Akhtar, 2015).

Recognizing permanent Chinese hold over Aksai Chin by India would help India 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 multiple occasions. However, India has frustrated China as well by bringing in the bureaucratic complications basically meant to avoid an outcome through bilateral means, yet cooperation is still a very much possibility in the real world.

According to Akhtar (2015), India and Pakistan were about to sign an agreement over Kashmir after successful rounds of negotiations in 1963, 1992 and 2007.

Evans (2001) suggested that solution should be from within 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 to make it lasting and workable. However, writer has ignored China while referring to a local solution of Kashmir dispute. Moreover, US support to sustain the solution may be conveniently replaced by Chinese involvement which is more importantly a direct stake holder in Kashmir.

Regarding time required to resolve Kashmir issue, Rizvi (1994) advocated for a gradual step-by-step approach due to complexity and multi-dimensional nature of Kashmir conflict and avoid going for a quick resolution. Any solution should consume a length of time to avoid opposition in either India or Pakistan. There should be a gradual phase-wise settlement scheme with an option for mid-course evaluation and review.

However, given instability and overall security scenario of South Asian region, a gradual and time-consuming approach is unlikely to yield positive outcomes. The issue of unidentified violence (what India claims cross-border terror), involvement of multiple players, evolving regional and extra-regional politics and so on are few among major factors which do not favor a resolution spread over time. As far as opposition from both states towards Kashmir settlement is concerned, Pakistan has been surviving for over seventy years despite keen Indian opposition to partitioning of subcontinent (which too was not spread over time) since the beginning.

### **THE PROPOSAL; POTENTIAL POLITICAL BARGAINING (PPB) AS A WAY FORWARD**

The study takes into account Potential Political Bargaining as apposite and realistic approach to reach the final settlement of long persisting Kashmir dispute. 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 earlier partition-based proposals. It suggests for a broader framework involving Pakistan, India, China and Kashmiris as major players in negotiation process to reach the final agreement. It proposed for permanent division of Kashmir among the states holding 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 and Azad Kashmir while China administers Aksai Chin and Karakoram Tract or Shaksgam Valley. The proposal takes into account all these regions.

The proposal is meant for creation of de jure borders for India, Pakistan and China. The existence of de facto border-ly arrangements put the security of these states at risk as well as potential cause of conflict among them as in words of Curzon, a Viceroy of Indian subcontinent, "Frontiers are indeed the razor's edge on which hang suspended the modern issues of war or peace, of life or death to nations"(Curzon, 1907, p. 2).

Under this settlement scheme, Aksai Chin may be given permanent recognition by all the parties to the dispute (where India claims some part of this largely un-inhabited region) in lieu of ending Chinese claims over the state of Arunachal Pradesh.

It would further help China and India towards creation of defined permanent borders between them. While Shaksgam Valley which was ceded to China by Pakistan under an agreement in 1962 should be subject to re-negotiation as agreed 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 areas of Kashmir. The areas under Indian occupation i.e. Ladakh, Jammu and Kashmir Valley are to be bargained on population basis as well as geo-strategic and geo-economic considerations.

The valley is overwhelmingly Muslim majority area. It is especially in the Valley where an Indigenous Freedom Struggle is at its peak 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 should be given de-jure recognition of Pakistan with India to demilitarize Pakistan's region of Siachen Glacier while Jammu and Ladakh be given de jure recognition of India.<sup>4</sup> Moreover, Jammu and Ladakh should be subject to free and fair plebiscite under the auspices of UN whereby Muslim population be given 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<sup>5</sup>; firstly, holding free and fair referendum in Jammu and Ladakh, secondly, UN with support of International donors may financially assist creation of new permanent borders for said states or otherwise said states themselves 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 towards Afghan repatriation so as to accommodate the migrated Muslim population of Jammu and Ladakh region).

This would lead to generation of well-determined international boundaries. Kashmir is the single dominant source of wars and now great nuclear risks are associated with Kashmir. It 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. As gradual partition is not pertinent and useful plan given the unstable security condition of South Asian region. With agreement of all four parties over this plan, partition (along-with referendum) should take place within a period of maximum thirty days. So, a quick resolution would generate results and certainly

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<sup>4</sup> Pakistan would have to end historical and legal claims over Jammu and Ladakh in lieu of Kashmir Valley.

<sup>5</sup> UN being primarily a peace promoting international institution may play the said role towards this peace initiative

leads to permanent settlement of Kashmir problem. Given is a picture of proposed settlement of Kashmir dispute as an outcome of Potential Political Bargaining (PPB).

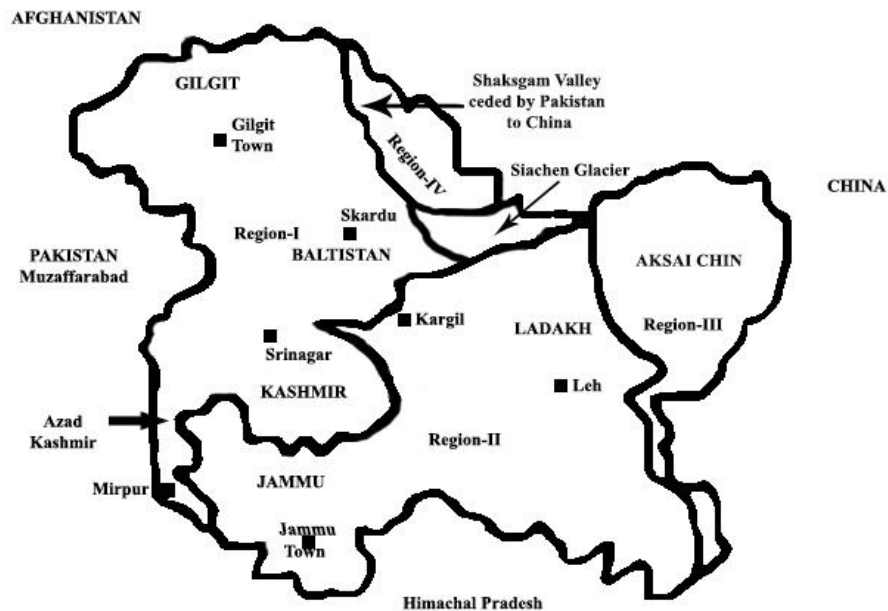


Figure 2 Proposed settlement map of Kashmir dispute. Reproduced from “Jammu and Kashmir: In the Shadow of Imperialism” by M. K. Kaul, n.d., Retrieved from <http://jammukashmir.homestead.com/I-K-05.html>.

Regarding partition of Jammu and Kashmir, Vaish (2011) observed that the option to concede Kashmir valley to Pakistan had gained considerable acceptance amongst Indian public.

While approaching Kashmir settlement and considering any framework, one should take into account the costs and consequences of persistence of Kashmir problem. Kashmir has become a nuclear flash-point between India and Pakistan. 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 area, associated risks of conventional and nuclear war, possible impacts of Kashmir freedom struggle over ethnic uprising in different parts of India given internal aspirations for separation in seven sisters and Punjab, aggressive pursuance of arms and higher military spending, already deprived condition of South Asian region and its socio-economic development, impact on diplomatic image of South Asian region globally, security and stability of overall region, emerging water-based challenges in climate change perspective, persistence of Kashmir dispute adding into internal instability in India and so on are some major challenges associated with Kashmir problem. Moreover, allocating Kashmir Valley to Pakistan would not as such shift the balance of power in Pakistan’s favor given the significant power gap between India and Pakistan. In this regard, Pakistan must not bargain any less than Valley in a possible deal on Kashmir.

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 and 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 tracing their origin to East Asia and because of it the region is called mongoloid part of India. The region is isolated from India through mountains like Kashmir and is 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 Mukherjee, 2015).

Durable peace with China will 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 estimated at between 100,000 and 200,000. Shortly, both states have highly acknowledged the threats to their security as coming from inside (internal) and not from outside (external) (Malik, 1995).

By having an in-depth analysis of Sino-Indian border disputes, Sitaraman (2020) predicted that China could revise status quo along Line of Actual Control (LAC) in the long run i.e. in coming 30 years with likely occurrence of potential bargain while conflict between the two would persist during that span of 30 years. Therefore, If India fails to appropriately address disputes with China and adopt a flexible approach; it would be to the disadvantage of Indian state in the near future.

Moreover, growing voices of separation in Indian Punjab by Sikh community for separation from India have got new momentum in their struggle (generally known as Khalistan Movement) with increased demands for Khalistan Referendum. If India fails to address territorial disputes diplomatically, it would further lead to creating instability within and without India.

Meanwhile, it would be highly un-wise 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 and so on. As it would only contribute towards persistence of the dispute. 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.<sup>6</sup>

Moreover, as Srivastava (2010) has argued that continued disputes between India and Pakistan along-with their formally non-nuclear status have turned down full independence of both the

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<sup>6</sup> As states are not mindless aggressors behaving offensively all the time according to the rules of offensive realism.

states. Nevertheless, the two states could enjoy more freedom if both nations invest in peace simultaneously.

## CONCLUSION

Dispute over Kashmir has the potential to challenge the security as well as survival of the region. Three nuclear powers are caught into the dispute especially Pakistan and India. Despite historical rivalry, Pakistan, China and India have interacted bilaterally with each other and concluded certain agreements. There still exists a great possibility for a final Kashmir deal among the states involved. Potential Political Bargaining is a realistic plan based on addressing balance of power logic in cooperation among states from a possible deal as probably no state can unite all of Kashmir under its control by means of diplomacy. The proposal seeks to offer creation of permanent borders for states based on potential bargaining. The realistic plan would probably lead to end the potential conflict once for all to relieve at least one quarter of world's population.

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