

**THE ROLE OF NATIONALISM AND RELIGIOUS DYNAMICS ON THE
NON-RESOLUTION OF CONFLICT: THE CASE OF KASHMIR
CONFLICT**

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CONFLICT**

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ABSTRACT

THE ROLE OF NATIONALISM AND RELIGIOUS DYNAMICS ON THE NON-RESOLUTION OF CONFLICT: THE CASE OF KASHMİR CONFLICT

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The clashes between the states which are derived from nationalist and religious causes, have deep roots in historical and cultural background of the society. On the other hand, the importance of the Kashmir's geography for both India and Pakistan as strategic and economic point of view makes the Kashmir dispute much more complicated and harder to resolve. Although United Nations involved to the issue, it did not able to find a permanent solution. There are reasons of the UN's failure on Kashmir case and, these reasons can be examined with theoretical approaches. In this study, comparative analysis of liberal and realist theories has examined through the result of the UN's resolution for Kashmir conflict, by taking the historical context of the issue into consideration.

The purpose of this research, was to explain the causes of United Nations' failure in Kashmir case. Nationalism and religion are the reasons of the conflict and the obstacles for the resolution process. These key concepts, as reasons of Kashmir case, got enough attention in UN resolutions or not, is the core subject of the research. Realist and liberal aspects of United Nations resolutions had been discussed to find out if realism is more explanatory than liberalism or otherwise.

Key Words: Kashmir, Conflict, UN Resolution, Realism, Liberalism.

ÖZ

ÇATIŞMALARIN ÇÖZÜLEMESİNDE MİLLİYETÇİLİK VE DİN DİNAMİKLERİNİN ROLÜ: KEŞMİR ÇATIŞMASI ÖRNEĞİ

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Milliyetçi ve dini sebeplerden kaynaklanan devletler arasındaki çatışmalar, toplumun tarihi ve kültürel geçmişinde derin köklere sahiptir. Öte yandan Keşmir coğrafyasının hem Hindistan hem de Pakistan için stratejik ve ekonomik açıdan önemi, Keşmir anlaşmazlığını çok daha karmaşık bir hale getirmektedir ve çözülmesini zorlaştırmaktadır. Birleşmiş Milletler konuya dâhil olmasına rağmen kalıcı bir çözüm bulamamıştır. Birleşmiş Milletler'in Keşmir davasında başarısız olmasının bazı nedenleri var ve bu nedenler teorik yaklaşımlarla incelenebilir. Bu çalışmada, konunun tarihsel bağlamı dikkate alınarak, liberal ve realist teorilerin karşılaştırmalı analizi yapılmış ve BM'nin Keşmir çatışmasına ilişkin kararı üzerinde incelenmiştir.

Bu araştırmanın amacı, Birleşmiş Milletler'in Keşmir çatışmasındaki başarısızlığının nedenlerini açıklamaktır. Milliyetçilik ve din, çatışmanın asıl nedenleri ve çözüm sürecinin önündeki engellerdir. Bu anahtar kavramların, Keşmir davasının nedenleri olarak, BM kararlarında yeterince dikkat çekip çekmediği, bu araştırmanın asıl konusudur. Gerçekçiliğin liberalizmden daha açıklayıcı olup olmadığını anlamak için Birleşmiş Milletler kararlarının realist ve liberal yönleri tartışılmıştır.

Anahtar Kelimeler: Keşmir, Çatışma, BM Çözümü, Gerçekçilik, Liberalizm



Ođlum Poyraz Deniz'e,
Bu başarıya ulaşmamı sađlayan Anneme ve Babama...

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LIST OF ABBREVIATIONS

BJP	Bharatiya Janata Party
CPEC	China–Pakistan Economic Corridor
RSS	Rashtriya Swayamsewak Sangh
UN	The United Nations
UNIPOM	The United Nations India-Pakistan Observation Mission
UNMOGIP	The United Nations India and Pakistan Military Observation Group
USA	United States of America
USSR	Union of Soviet Socialist Republics

Chapter 1

Introduction

1.1. The History of the Study

The nationalism and religion are the two main reasons of state-conflict since the very beginning of the history. These two strong concepts lead to the wars and conflicts and they made resolution process harder. Kashmir Conflict is a clear example of unresolved conflict. This conflict is acknowledged as a territorial conflict over Kashmir territory between India and Pakistan. This case has also national and religious reasons in itself.

India and Pakistan are two neighboring countries which were divided according to national and religious differences in 1947. Indian nationalism and religion of Pakistan were effective in the division. The problem has started when British Empire left the Indian subcontinent without solving Kashmir situation. Status of Kashmir was not clear because it was under the rule of Hindu prince. However, population of Kashmir was mostly Muslim. It caused to wars and conflict between Pakistan and India. They had war four times in their histories, however, the conflict is never ended. End of the day, Muslim population suffered under Indian rule because of its regulations. They did not want to accept Indian rule, Pakistan wanted to protect Muslim majority in Kashmir. Today, Kashmir's situation is still not clear. Conflict goes on in Indian subcontinent. The religious dynamics and nationalism made this conflict more aggressive.

1.2. Purpose of Study

Kashmir conflict always got attention from other countries. Because of its strategic location in the continent, Kashmir conflict creates unstable and dangerous situation in the region, not only for India and Pakistan but also for other countries. Because of endless rivalry between Pakistan and India, countries feel insecure in the region. Non- resolution of Kashmir conflict because of nationalism and religious dynamics, also affects the

regional power dynamics. If the resolution of Kashmir Conflict was possible until today, the region would be more stable and power balanced.

The purpose of this study, to explain the non-resolution of Kashmir Conflict is related with the UN resolutions since because United Nations resolutions were not focused on the fundamental reasons of the conflict. The root cause of Kashmir conflict actually comes from rise of nationalism and feeling of independence towards to Britain in colony times. Indian nationalism turned to other nations when Britain left the continent. Pakistan was the most affected nation by Indian nationalism because of the different religious dynamics. Indian elites were the leaders of the independence war against Britain. Their aggression, hope and willingness gave direction to its independence war. That is why Indian nationalism has played significant role in Kashmir conflict. Religious dynamics were significant because of Pakistan. Its Muslim population in Kashmir made this conflict sensitive for itself. Since India and Pakistan have different religions, their corporation over Kashmir was never possible. Indian nationalism and Pakistan's religious sensitivity created conflict in Kashmir. They both had aggressive strategies against each other because of their sensitivities in Kashmir. Since nationalism and religion were deeply effective in this case, United Nations resolution process was not successful because it was not addressing nationalism and religion.

1.3. Significance of the Study

Close tensions in Kashmir always got attention from international press. Within this context, the non-resolution of Kashmir Conflict is already significant topic for the international community. Kashmir conflict has two fundamental reasons which are nationalism and religion; however; these reasons were ignored on the resolution process. United Nations decisions were not successful because UN was not addressing the actual reasons behind the conflict. This study adds an extension understanding on non-resolution of Kashmir conflict in the perspective of United Nations resolutions. At the end, this study aims to establish a clear perspective while criticizing UN resolutions to understand its failure.

It will examine the issue in the context of conflict, religion and nationalism. National and religious reasons of Kashmir case are significant to understand non-resolution of the conflict because these aspects should have been used in the UN resolutions to solve Kashmir conflict.

1.4. Hypothesis and Research Questions

The hypotheses of the thesis are as follows:

- a) If the religion and nationalism are the exact reasons behind the state-conflict, it affects the resolution process negatively.
- b) The involvement of United Nations to the Kashmir conflict would be efficient if the UN Resolutions on Kashmir were successful and applicable through the realist perspective.

The first hypothesis of the thesis will be explained with the realist theory in the specific case of Kashmir. To test this hypothesis, the national and religious reasons of Pakistan and India which take place in the contextual background chapter, will be taken into account. Since Kashmir case has strong national and religious reasons, the national and religious motivations of Pakistan and India will help to measure how resolution process affected negatively. The second hypothesis of the thesis will be explained with the both realist and liberal theories with the comparative research method to find out which theory has better explanation for this hypothesis.

‘What is the effect of nationalism and religion in the non-resolved Kashmir Conflict?’ is going to be examined through this research. Together with this research, moreover, Kashmir Case is the major focus of the thesis to explain why UN resolutions were not successful in Kashmir case.

Following research questions will be answered in this research:

1. What are the negative effects of nationalism and religion on the resolution process of Kashmir Conflict?
2. What are the actual reasons of non-resolution of Kashmir Conflict?
3. Why UN resolution was not successful in Kashmir case?
4. If UN was addressing nationalism and religion in the resolutions, would resolution process of Kashmir be successful?

To address these questions, the most significant three UN resolutions which are Resolution 38, Resolution 39 and 47 will be examined.

The research study includes seven chapters which will cover the following sections. First, the introduction chapter, the second chapter is literature review, the third chapter is contextual background, the fourth chapter is data and method, fifth chapter is analysis of three UN resolutions, then discussion chapter, and final chapter is conclusion.



Chapter 2

Literature Review

The purpose of the chapter is analyzing specific books and articles which focus on religious and national factors that has been the major reasons for the Kashmir Conflict.

In the Kashmir valley since 1947, the conflict continues to become more and complicated without any permanent solution. The historical background to the conflict is paramount in understanding why no solutions can be or have failed to be made in the past 72 years (Bose 2003). Tavares (2008) introduces a conflict resolution framework for Kashmir. Firstly, Kashmir is designed as a multi-dimensional dispute between various parties. It means that, Kashmir is an armed conflict between India and the Kashmiris who have a right of self-determination. Besides, the conflict is also between India and the religious militants who carry about the idea of jihad to create a theocratic state. In the light of this argument, He proposes a roadmap for peace, which comprises three successive steps: confidence-building measures, restoration of the asymmetric original status of Jammu and Kashmir and, finally, shared sovereignty (partial or total condominium) between India and Pakistan (Tavares, 2008).

According to James and Ozdamar (2006), the issue in Kashmir is a theory known as 'ethno religious conflict' which is when religious polarization and mistrust is rampant among the local population such as the Muslims and Hindus, ethno conflict among them is bond to erupt as both groups had different political agendas and loyalties to different states based on their religious identities. Ozdamar (2006) also states that two months following India's partition, the ruler of Kashmir named Maharaja Hari Singh, remained its territory as 'independent' however, Pakistan had allowed large number of tribesmen from the neighboring North West Frontier province to invade the state in hopes of acquiring the entire portion and to merge with the Dominion of Pakistan. Out of desperation, he asked for helped to India for military assistance before the Kashmir could fall.

Hari Singh had been chosen into joining India's Union in order to provide assistance against the Pakistani rebellions and the Muslim Kashmiris, by signing the document

known as the “Instrument of Accession” on 26 October 1947 (Appendix 4). Pakistan had immediately protested this agreement because Kashmir was a Muslim majority state and should have been joined to Pakistan. According Mohan (2008), Pakistan is primarily to blame for causing the conflict in first place as it had sent tribal militias and later its army in the Kashmir valley, committing acts of violence against the minority Hindu pundit population. Mohan (2008) blames Pakistan for continuously campaigning ‘Islamic Jihad’ in Kashmir and also India by using the religious factors for its advantage to create religious tensions among the Kashmir society to demand Kashmir’s succession from India.

Ozdamar (2006) talks about the rise of right-wing Hindu nationalism in the Indian politics which made the resolution of Kashmir conflict more difficult because of the nationalist movement known as “Hindutva”. There is no any kind of tolerance or place for non-Hindu minorities in the Hindu dominated India. Extremist right wing groups in the government were responsible of the attacks on Muslims in India. Mostly Kashmiri Muslims have been damaged and tortured by Hindu police or secretly taken away to prisons. Indian armed forces violated human rights in the form of arrest, torture, rape, killings which are ignored by the Indian government although it was very well-known situation.

James and Ozdamar (2006) express that the Kashmir region has great geostrategic importance for economic and political security. However, they also state that in the case of Kashmir, economic dimension is not a significant source of the conflict: Kashmir simply has little substantial economic value for either India or Pakistan. Geopolitics become a significant factor in the recent years. The strategic location of Kashmir between Pakistan and China is the main factor in terms of trade between the countries. The China–Pakistan Economic Corridor (CPEC) is an economic cooperation between Pakistan and China. The purpose of this project is promoting economic development, bilateral connection, road construction, and exploring the potential trade capability. This project goes on in the Pakistan administered region of Azad Kashmir (Irshad, 2015).

Bose (2003) refers to religious conflict which Muslim Kashmiri’s had to face during the crackdowns with Indian police and Indian army. He mentions about the development of the new independence movements which had more aggressive stance towards Indian administration. Their main purpose was to merge Indian Kashmir with the rest of Pakistan

even if it causes more violence. Moreover, Bose (2003) argues that the repression and violence which were committed by Indian police, military and also by Hindu Kashmiris, who committed acts of murder, extortion and abduction of children for ransom, against the Muslim population had created an environment of fear.

The tensions between Pakistan and India have a long history and remains complicated for external parties such as the United Nations to resolve it. Because of the stubbornness of India, Kashmir conflict could only be resolved bilaterally and diplomatically between India and Pakistan. The involvement of UN as a third party, became ineffective for the resolution process since because Pakistan and India have strong national and religious motivations.

According to Vaish (2011), the Kashmir conflict comes from a mixture of geopolitical, historical, economic, sociological and importantly, identity/ethnic related factors.

Vaish (2011) argues that after the independence and the partition of India, the hostility and tensions increased among the religious communities mainly towards Muslims, because of the resource distribution and territory especially land related issues between the Muslim majority areas and Hindu majority areas. Further events clearly showed that when Pakistan and India got their independence from British colony in 1947, Kashmir territory became the main point of hostility between two states and religion used as political tool by both nations in order to legitimize their interests.

The perceptions of Kashmiris should also be carried out about their right of self-determination and sovereignty which were announced with Resolution 47 by the United Nations. Kashmiri people gave up from the institutions of democracy since they were ignored by the Indian government. This situation has forced them to find extra-institutional ways to fight for their right of self-determination and freedom.

Vaish (2011) discusses this issue that the main obstacle of resolution for Kashmir conflict remains with India and Pakistan's "blame game" of one another on the grounds of the violation of fundamental rights which each state derives from their own cherry-picked understanding of international law. Another scholar who is Tavares (2008) shares the same idea; "Kashmir is neither a territorial nor a religious dispute, it is mainly about

sovereignty” (Tavares 2008). The Kashmir dispute is mainly between Indian military and “religious militants” who are actually defending the idea of jihad.

Vaish (2011) states that “the conflict has rested on the Twin prongs of “Identity” based on religion, culture, language, distribution of political, economic and social power” (Vaish 2011:53-54). Kashmir dispute between Pakistan and India has the major reasons such as religious identity, extreme communalism, and nationalistic fervor, which is clearly the conflict between Islam and Hinduism, which has been going on since the 8th century A.D when Islam first made contact with the Indian sub-continent.

According to Devadas (2018) and Roy (2011), Kashmir is just one chapter in this “unfinished religious war”. The state who will become a winner in Kashmir conflict, will receive the complete territory. It clearly shows that Hindus and Muslims are fighting with each other for the dominance of the region. Moreover, another reason that should be mentioned which is the impact of shared colonial past. It has an effect on creating the Kashmir conflict. This theory is also argued in the field of postcolonial studies. Sidhwa (1988) also claims that the existence of Britain from India in 1947 was so hastily done to leave Kashmir high and dry was a deliberate tactical ploy by them to keep both Pakistan and India in permanent conflict. Moreover, Sidhwa (1998) points out to the traditional British colonial mindset which is the policy of “divide and rule”. The aim of Britain was dividing the Muslims and Hindus by creating Pakistan and India. However, Kashmir situation was unclear, therefore, two religious groups continue fighting with each other.

As can be seen from the literature review, there are several perspectives and discussions for the Kashmir conflict. Mainly, scholars point out that the Kashmir Conflict is a religious war. Because of the strong national and religious motivations of the states, Kashmir dispute continues in the Indian subcontinent. In the next chapter, the aim is to discuss the origins of the Kashmir conflict by writing historical background. Besides, the motivations of the India and Pakistan will be discussed separately.

Chapter 3

Contextual Background

States have different nationalist and religious behaviors and motivations. Religious and nationalist characteristics of states are shaped by their history as a nation and state. To understand the state's behaviors; history of the nation is significant. Every state should be evaluated under its own conditions. Moreover, the relations between states in the region also depends on states' behaviors. States may have aggressive attitudes towards neighboring states because of its nationalist and religious motivations or they may have close relations because their shared history and religion. Kashmir Conflict is occurred between two neighboring states after a shared colonial past in the same region. Kashmir, which is seen among the most fertile valleys of Asia, caused sovereignty problems especially between Pakistan and India; first of all, it is one of the geographical, demographic and political characteristics of the region. The north of the region is controlled by Pakistan, while the west is under the sovereignty of the Islamic Republic of Azad Kashmir, which is recognized only by Pakistan. While the eastern part of Kashmir is generally under Chinese domination, the area that is the main center of the Kashmir problem is located in the Jammu-Kashmir region (Cheema, 2015).

Pakistan and India have different perspectives and reasons for the Kashmir conflict which will be examined in the following part.

3.1. Pakistan's Religious and National Motivations

The specific characteristics of Pakistani nationalism is, it is not secular nationalism, and it is Islamic nationalism. Religion is the key point of Pakistani nationalism. Secularism never became major concern of Pakistan since it was founded in 1947. The independence of Pakistan also symbolized freedom of religion since Pakistan was a British colony with India in the region. It was hard to exercise religious practices under a Christian colony. When Pakistan gained its independence, it means was a lot for it. While it was establishing independent, sovereign state; to have freedom of religion in its own state was also victory for Pakistan. Religion is the only bond between people in the country, although there are many different languages, cultures, ethnicities in Pakistan. In 1947, the

foundation of Pakistan and India was based on religious lines. Since the beginning of the foundation of Pakistan, different ethnic groups were the biggest problem in front of being a nation. Because of different ethnic groups and cultural heterogeneity, religion played an important role for nationalism. The biggest problem for Pakistan nationalism was Bengali people. They were in majority in East Pakistan. West Pakistan was under control of Pakistani elites. When British colony left the continent; Bengali people thought that colonization time is over, maybe they may have opportunity to have a nation or regional autonomy. However, they continue to stay as like colony in Pakistan borders just like in Britain times. Bengali independence war was against Pakistan to establish Bangladesh as an independent state and nation. Bangladesh and Pakistan were a single state for 24 years (Maddex, 2014, p.18). Bengali people could not get what they expected from independent Pakistan state. Bengali language which is a symbol of being a nation, was not recognized by Pakistan government. Pakistan was a British colony for years; they would not do the same thing to other ethnic groups. Pakistan's goal was unifying the society with religious and nationalistic motives instead of giving autonomous to each ethnic groups. Since Bengali people were in East Pakistan, West Pakistan did not want to give up from East part as a territory and society while the goal was creating common nation consciousness. East and West Pakistan was trying to create one single Pakistan which is strong and arbiter. Pakistan had to deal with this Bengal problem at the same time with establishing its independent state. The focus of West Pakistan was clear but not result-oriented since there were ethnic issues in the state. Protecting Pakistan territory was the major agenda. That is why Pakistan did not want to accept Bengal's independence such as it did not want to give up from Kashmir. In the time of foundation of new state, losing territory means being a loser in the eyes of international community. To be accepted as a new independent state; Pakistan had to protect and keep together its territories. It was the most significant agenda of Pakistan.

Kashmir was major problem such as Bengals for Pakistan. Kashmir valley was fertile land between Pakistan and India. Moreover; religious and nationalist dynamics were effective in the stubbornness of Pakistan over Kashmir. Giving up from Kashmir means giving up from its nationalism and religion for Pakistan. Kashmir issue was more

difficult for Pakistan side since majority of the population was Muslim. Pakistan did not want to quit its own people to India with the idea of religion and nationalism. India was harsh against Pakistanis because of shared colonial past. Protecting Muslim majority population was the priority of Pakistan. While Pakistan was establishing an independent state, it was not mindful to leave Kashmir community alone. West Pakistan did not want to seem weak in the eyes of international community. Hard time for Pakistan, it could not focus on the Kashmir issue directly. Bengal issue on the west side of the state; and Kashmir issue with India; at the same time establishing a sovereign, independent state.

Kashmir was always strategic territory even in the time of Britain. Since its population was Muslim majority; it was hard to control for Britain as well. After Britain left the continent, British government tried to be even-handed and non-partisan as between India and Pakistan. In the 1970s and the 1980s, as more Kashmiris came to settle in Britain as immigrants, the issue of Kashmir became to some extent more complex and entwined in British politics (Lyon, 2019). As it seemed, Kashmir actually never broke away from Britain because of its history. Moreover; it could not find a place in the map because of ongoing conflict between Pakistan and India. This fertile valley became a war zone since 1947 to today. When Britain left Pakistan and India with their own fate, Pakistan felt responsibility about Kashmir. The Hindu prince of Kashmir signed an Accession Agreement with India to join their side when Britain left in 1947. However, Kashmir community wanted to join Pakistan side since they are Muslim. They wanted to have freedom about their religion since they suffered under Christian colony for many years. Because of the rebellion of Kashmir people; the Prince of Kashmir called India for help to control this rebellion. When Indian soldiers occupied and tried to control rebellion in Kashmir with military force, Kashmir community asked Pakistan for help. Therefore, Pakistan and India came across again although they thought that they were separated after colony times. Pakistan always see Kashmir as a part of its state. To be a sovereign and independent state; Pakistan would have Kashmir. Therefore, Kashmir conflict is always in agenda of Pakistan to complete its unity. President of Azad Jammu and Kashmir Sardar Masood Khan has said Pakistan is incomplete without Kashmir (Blom, 2002). There are several actors which were effective in Pakistan's policy in Kashmir conflict. The strongest

role belongs to the Pakistan Army. The idea of army was that, it is a destructive war and it has to be win. Army's policy towards Kashmir is not only driven by strategical concerns, it is also a matter of perceptions. There was first a deeply rooted perception that Indians cannot be trusted (Blom, 2002).

Pakistani leaders mostly describe Kashmir conflict as the "core issue" between two states because Kashmir conflict and India threat Pakistan's national identity. Pakistan was concerning about Muslim population in Kashmir without using destructive force to protect them. Pakistan's mission was rescuing Muslim population which were suffering for long years under British and Indian control. However, army was seeing this conflict more professional with the idea of nationalism. Strategy of Pakistan is motivated by religious ideas. On the other hand, India does not have any responsibility towards people. India's only gain in this play is materialistic. More territory gives more power to India in the eyes of international community according to its own faith. Pakistan saw a role for it in the internal situation of Kashmir. Since the situation was volatile, the objective of the Pakistan army became to engage in low intensity conflict without evoking a general war in Kashmir (Cohen, 1998, p.173). On the other hand, Pakistan government also knows that a destructive war with India does not solve Kashmir issue. Pakistan believes that it has ability to control violence has given Pakistan the capability and influence to dictate peace in the valley (The Nation, 1989).

The strategy of Pakistan was based on three concepts; militancy, religion and history. A historical perspective of Pakistan's Kashmir policy reflects an approach of pressurizing India by adopting a strategy of military option and internationalization. Although UN resolution did not work in Kashmir; Pakistan always refers to UN resolutions in its speeches. Pakistan hoped that it gives legitimacy to its strategies in the eyes of India. Moreover; it is important to point out that if they wanted to solve this conflict or not. Although they both have reasons to fight for Kashmir valley; they also had gains from the conflict. The military power of India and Pakistan showed themselves in the establishment of new states in 1947. Pakistan also had a chance to show India as a murderer in the eyes of international community because Muslim population was damaged by Indian soldiers in Kashmir territory because of ambitious actions of India.

Kashmir also has strategic importance for Pakistan. Kashmir has a plethora of resources. Moreover, Pakistan is largely dependent on the Kashmiri Rivers. If India has complete control over Kashmir, it could potentially paralyze Pakistani agriculture and induce droughts (Asoori, 2020). To be a nation; agriculture is very significant. Pakistan may be dependent on outside financial sources if it loses access to Kashmir. Economy of Pakistan is very dependent to Kashmir valley. Kashmir is also the way between China and Pakistan. Their economic ties also make impossible to give up from Kashmir for Pakistan. China helps Pakistan economically and militarily. Pakistan does not want to lose this relation which helps Pakistan to improve itself as a state. The China-Pakistan Economic Corridor (CPEC) goes through Kashmir. Pakistan sees itself legitimate in its case because of nationalist and religious reasons. Kashmir is indispensable for Pakistan; Pakistan does not believe that sovereignty of Pakistan cannot be complete without Kashmir.

Pakistani leaders insisted on Irredentist type of nationalism among Pakistan society to emphasize the importance of Kashmir conflict. Irredentist type nationalism means the preference of nationalists in one state for greater autonomy, for whom they consider co-nationals in another state, and the wish for “unification of all co-nationals in one state” (Sidra, 2021). Through Irredentism, Pakistan had desire to have Kashmir as it was a part of Pakistan territorially and religiously. Kashmir people are co-nations of Pakistan who are under control of Indian forces partly. If Pakistan could have Kashmir totally, it would be easier to integrate Kashmir to Pakistan because of national and religious factors. Kashmir conflict represents the sign of Irredentist nationalism for Pakistan. Pakistani leaders used Islam to fuel irredentist-type nationalism in Pakistan to reach their agenda in Kashmir. The idea of nationalism in Pakistan is based on the concept of ‘ummah’. This concept focuses on the significance of Muslim community and Muslim unity. Although Muslims live in different territories, they have different backgrounds and they are from different races and ethnicities, they all share same Islamic faith. In the light of Ummah idea, Pakistan wanted to have Kashmir to bind Muslim people under Pakistan nation. Irredentist nationalism has become a valuable idea for Pakistan to bind Kashmiri and Pakistani Muslims against Hindus and others. Since the foundation of Pakistan, the purpose of Pakistan was creating a strong Muslim unity to protect the rights of Muslim

minority against outside threats such as India or Britain. Pakistan elites used Irredentist nationalism for their own interests which is maintaining their positions. These elites tried to legitimize their elite positions through Islam. While doing that, Kashmir conflict was a chance for them, they used Kashmir conflict in their speeches that how Kashmir is necessary for Muslim unity. Pakistan saw Kashmir conflict as a national identity problem. If Pakistan gave up from Kashmir, India would have total control over Kashmir which is Muslim majority territory. It means that a Muslim political entity can exist under the control of a Hindu-majority Indian state, Muslim majority territory does not have to a part of Muslim entity. It would damage deeply the idea of ummah and national identity of Pakistan. Hindu control over Muslim majority area was not acceptable because it was totally against with Pakistan's national principles. Pakistan's fight for Kashmir was seen as a unification of Muslim identity. Kashmir dispute was more than territorial issue for Pakistan. The first Pakistani Prime Minister, Liaquat Ali Khan, made a statement based on the "ummah" idea: "Geographically, economically, culturally and religiously, Kashmir is part of Pakistan due to the overwhelming Muslim character of its population, the flow of its rivers, the direction of its roads, the continual intimate association which binds it to the people of Pakistan, link Kashmir indissolubly with Pakistan." (Abu & Salahuddin, 1999). The founders of Pakistan, Muhammad Iqbal and Jinnah always stated that Muslim culture is the core of the Muslim national identity. Although Jinnah and Iqbal were aware of the cultural diversity among the Muslims, they were convinced that the idea of "ummah" was the unifying power of Pakistani and Kashmiri Muslims. The concepts of nationalism and religion went together since the foundation of Pakistan and it made a Pakistani identity synonymous with an Islamic identity. Islam was seen as a tool to promote irredentist nationalism, with the aim of mobilizing and uniting Pakistan for Kashmir conflict. From the beginning, Pakistan has followed the nation-building project which includes the integration of Kashmir into Pakistan state. Pakistani elites used Islam as a tool on purpose to achieve their personal and political goals in the country where the majority of the population has a strong connection with Islam. Unifying Kashmiri Muslims under the state of Pakistan as a part of 'ummah' idea and protecting national identity of Pakistan was the religious and national motivation of Pakistan in Kashmir conflict.

3.2. Indian Religious and National Motivations

Hindutva is the central concepts which shapes the ideology of Hindu nationalism. This idea firstly expressed by Sangh Parivar. The idea of Hindutva started with the question who is Hindu? It was the first sign of foundation of Hindu identity. For Savarkar, “Hinduness” encompasses three pillars: common nation, race, and a culture centered exclusively on the rights of Hindus. A Hindu should share with others common blood and a tie of respect to Hindu culture and civilization. India should be the fatherland and the holy land of the Hindus. Moreover, those who follow other faiths shall live in the country only at the sufferance of Hindus (Bhatt & Mukta, 2000). The idea of Hindutva believes the exclusion of the Muslim minority in India. The basic concern is preventing the spread of Islam for Hindutva. Moreover, Hindu nationalist organizations also exerted effort to follow the idea of Hindutva since the foundation of independent India. Hindutva believes in supremacy of Indian nationalism and rejects the others like Islam. Hindus constructed its nationalism with the principle of “one nation, one people, and one culture.” Muslim minority was considered as a threat for Indian nationalism. Bharatiya Janata Party (BJP) government gain support from Indian population with anti-Muslim speeches. BJP was ultra-nationalist and it used this ideology to manage Indian people with the enmity towards Muslims. Besides BJP described the freedom fight of Kashmiri people as Islamic terrorism to legitimize its intervention in Kashmir. The popular phenomena Islamophobia was spreading through India with the hate speeches of BJP. This part also because second-largest party in the Jammu and Kashmir Legislative Assembly. BJP always supported integration of Kashmir and India. Islamic terrorism and Kashmir conflict are considered together in the speeches of BJP. In India, society corroborated national feelings with religious practices. Indian leaders openly declared that the Hindu ascetics, saints and monks, who normally do not concern themselves with political issues, should abandon spirituality and return to the mainstream society as advocates of nationalism (Kishwar, 1998).

The Instrument of Accession was signed between Maharaja Hari Singh, the then ruler of the state of Jammu and Kashmir, and the then Government of India (Kumar, 2020). India still shows this agreement as a reference to international community. India believes that this agreement is legally binding which proves Kashmir belongs to India. However, the legal referendum also took place in Kashmir in the meantime. In this referendum, majority of Kashmir population which is mostly Muslim, wanted to join Pakistan. India never respected to this result. Therefore, Kashmir conflict actually started with this disagreement. Both sides put in a claim for Kashmir territory. According to India, Pakistan is falsely laying claim on Indian territories. The strategic position of Kashmir is very important for India. Kashmir is only way for India to connect with Central Asia and Europe. To have connect with Central Asia and Europe, Kashmir is the only chance for India. Since the establishment of independent India, desire for Kashmir is never ended. India is still unrestful because of China and Pakistan alliance. Strategic position of Kashmir is very significant for national security of India. China and Pakistan could act jointly against India through Kashmir if Pakistan and India face with a conflict. As it is mentioned, hesitations about national security of India plays an active role in Indian strategy. India has to be on guard for the threats which may come from Pakistan and China. This national security issue of India extremely motivates India for Kashmir conflict. India is generally motivated to Kashmir conflict because of national dynamics. In 1963, Pakistan transferred some parts of Kashmir to China which were under control of Pakistan. In Shaksgam valley and Gilgitto belong to China according to this transaction (Ishtiaq, 1998). China could have soldiers in this part of Kashmir. It allows Chinese military presence in Kashmir. That is why India has fear about its national security. Since the foundation of the state of Jammu and Kashmir, this region and India had to deal with many terrorist attacks, both by outside and local terrorist groups. Many Indian soldiers and civilians died in these attacks. Because of these difficult times, India blamed Pakistan about damaging national integrity of India. Many of the terrorist was coming from the camps in Pakistan. Historical harassment between India and Pakistan was always coming to light at the least provocation.

The Kashmir crisis has serious implications for Indian domestic and international politics. At the domestic level, it has been and will continue to be consequential for secularism, democracy, federalism, and nationalism-the four pillars of India's political structure (Ganguly & Bajpai, 1994). At international level, India believes that Kashmir conflict damages Indian national integrity. National security and national integrity are the most significant problems in its agenda about Kashmir. Although India used intensive military force in Kashmir over Kashmir people, it became angrier when the number of death soldiers increased in Kashmir. Indian military forces abused many human rights which are killing, torture and rape against civil population of Kashmir. According to Amnesty International, no member of the Indian military deployed in Jammu and Kashmir has been tried for human rights violations in a civilian court as of June 2015, although military courts-martial have been held (Amnesty International, 2015). India always has reference to the accession agreement which was signed by Hindu Prince of Kashmir in 1947. India believes that only this agreement is binding, other ones are not, including UN resolution. Instrument of Accession was a legal act because it was signed between the ruler of Kashmir and the governor of India. Accession agreement is completely valid in terms of the Government of India Act Indian Independence Act as well as under international law. India quoted reference to national institutions and international law to make believable its rights in Kashmir.

In 1972, Shimla Agreement is signed between India and Pakistan. It was kind of peace treaty which significantly states that both countries will "settle their differences by peaceful means through bilateral negotiations" (Zubeida, 1972). As reference to this agreement, India states that Kashmir conflict is bilateral issue and it should be solved through bilateral negotiations. Because of that, India refuses United Nations resolution as it is third side intervention. However, Kashmir conflict could not be solved with bilateral negotiations. In the countries such as India which has ethnic diversity, disaffection and discontent are usual in the society. Because of that Indian democracy has the necessary resilience to accommodate genuine grievances within the framework of India's sovereignty, unity, and integrity (Ministry of External Affairs, 2008). Prime Minister of

India, Manmohan Singh, stated in 2010 that Indian government was willing to give autonomy to Kashmir region.

Purpose of India in Kashmir conflict, having Kashmir to complete its national integrity. According to speeches of India, Pakistan is trying to promulgate anti-India idea among Kashmir people to win them in its side. In the TV and radio channels, Pakistan is giving hate videos about India. Moreover, Pakistan is giving support to Kashmiri militants, it gives weapons and financial support to them to feed terrorism in Kashmir towards Indians. According to contravention of United Nations Security Council Resolution 1373, member states cannot provide active or passive support to terrorist organizations (Rosand, 2003). India calls United Nations for duty since Pakistan violated this chapter. Therefore, it damages the national integrity of India since India believes that Kashmir is belong to India.

Kashmir conflict is seen as a significant test of Indian national cohesion. India has fear about if it loses Kashmir, it may create a domino effect in India. Giving up from Kashmir may trigger regional, political, and religious secessionist trends which would damage the foundation and integrity of India. Moreover, Kashmir was the way of developing the idea of Hindutva. For Hindu nationalism, Kashmir was very important because India tried to spread the idea of Hindutva through Kashmir conflict. Kashmir conflict actually gave chance to India to corroborate Hindu nationalism in new independent state. To be in Kashmir, India decided to give special status to Jammu and Kashmir with article 370 in Indian constitution in 1954 (Noorani, 2014). According to this article, Kashmir has power to have a state constitution, a state flag and autonomy for the internal administration of the state. Jammu and Kashmir were in Indian administration which is the larger part the Kashmir region. Article 370 of Indian constitution gave chance to India to hold in Kashmir territory. Besides, Hindu nationalism is fueled with anti-Muslim ideas. BJP government used this conflict to spread and strength the idea of Hindutva. While India was strengthening with Hindu nationalism, it did this through blaming Pakistan being Muslim.

The rise of Hindu nationalism led to increase pressure over minorities. Muslim minority in India and Muslims in Kashmir were exposed to oppression by India. While

India was founding Hindu nationalism with spreading the idea of Hindutva, actually, Kashmir conflict was an advantage for India or it knew how to turn into an opportunity. Muslim minority has been blamed by India by damaging national integrity of India. When the phenomena of nationalism upraised in the world, ethnic and religious minorities suffered because of nation-states. Nation-states maximized their power with using power over these minorities. Oppression over minorities is gradually increased and they faced with less tolerance and less autonomy. Kashmiri people exactly faced with this oppression by India. Since the foundation of India, it maximized its national power over Muslims, especially in Kashmir. While Kashmir was expecting to have more space with its own constitution, it was actually a control method of India. More Indian soldiers were attended in Kashmir streets for timely intervention. Muslim population, whether they were Pakistani or not, was tortured, raped and suffered because of national gains of India.

Hindu nationalists are rooted their motivations to fighting an external force, they have embraced this model for shaping politics based on “us” and “them” (Jaffrelot, 2009). ‘Us’ was representing the Hindu people who are nationally and religiously belong to them. ‘Them’ was representing the Muslims who are from Kashmir and Pakistan. Fighting with Pakistan in and for Kashmir was strengthening Hindu nationalism because when the ‘others’ are known, it is easier to define ‘us’. Hinduism holds the state gains before the individuals. That is why India ignored also Indian Muslim in Kashmir for India’s gains in Kashmir. India blames Indian Muslims with not clearly standing against Pakistan which makes them not loyal to India.

India’s national purposes in the conflict can be considered as an obstacle for the ceasefire. In Kashmir, Hindu reformists gain credibility and trust among minority ethnic groups. It damaged national being of Kashmir. Although Article 370 gave autonomous to Kashmir, it is intervened by Indian government step by step. The intervention India began in 1953 with the removal of Sheikh Abdullah, the greatest leader of the Kashmir freedom movement, from the office of Kashmir Prime Minister by the Nehru government on suspicion that he harbored secessionist tendencies (Prasad, 2014).

Because of these intervenes, Article 370 lost its significance and it stayed only as a symbol of freedom of Kashmir. Indian government started to control Kashmiri politicians

with its political interferences. At the end, BJP government removed the special status of Kashmir in 2019. India went back to the beginning of the conflict and it still says that Kashmir belongs to India.

3.3. Involvement of United Nations

The Kashmir conflict has caused to important wars between India and Pakistan in 1947, 1965 and 1971. At the end, Pakistan did not want to accept the annexation of Kashmir to India. On the other side, India was insisting about Kashmir territory. The Governor of Pakistan, Sheikh Abdullah's proposed a plebiscite in Kashmir (Lockwood, 1975). India was not close to accept this proposal. In addition, the Indian government brought the issue to the agenda of the UN on 1 January 1948; India claimed that Pakistan was supporting the rebels. Pakistan, on the other hand, claimed that India committed genocide against Kashmiri Muslims and demanded a "plebiscite" under the auspices of the UN. As a result of the evaluations made by the UN Security Council, with the Resolution 47 taken on April 21, 1948, it was recommended that the Kashmiri people use their right to self-determination and to hold a plebiscite for this purpose. However, this decision was never implemented.

UN Security Council recommended that the individuals who were not settled in Kashmir and were sent to the region by India and Pakistan should be returned to their country of origin. Besides, UN also recommended a plebiscite to decide the future situation of Kashmir. The aim of UN was establishing a ceasefire between the parties with the result of plebiscite. The UN Security Council decided to establish a mediator commission to be ensure stability in the region in 1948. For monitoring ceasefire between India and Pakistan, the United Nations India and Pakistan Military Observation Group (UNMOGIP) has been founded in Kashmir in 1949 (Hasgüler and Uludağ, 2005, p. 129). Although, this observation group is serving since 1949, it is totally useless and unaffected monitoring system of UN because the conflict has continued even after 1949.

In 1948, UN Security Council recommended the withdrawal of foreign military forces from Kashmir, the foundation of a neutral administration, and the implementation of a plebiscite under the UN control to determine which side the Principality of Jammu-

Kashmir would like to join (Pakistan Embassy Press Attaché, 1952, p. 17-18). However, plebiscite process of Kashmir did not complete with an effective result which UN expected. India and Pakistan became together with the call of UN to discuss about the requirements of the ceasefire line. The implementation that the Council deemed necessary for this call was the agreement of the parties with the special representative appointed for the healthy implementation of the solution recommendations and the plebiscite, but the call of the Security Council was not sufficient for the implementation of the agreed plebiscite (Hasgüler and Uludağ, 2005, p. 129). The involvement of UN could not get effective and sufficient result for Kashmir issue. The power struggle between the members of UN Security Council affected the resolution process. Since USA supported Pakistan, the Soviet Union clearly stated that it supported India and expressed its opposition to the plebiscite in the UN negotiations.

The permanent member of the UN Security Council, the Soviet Union, had veto power just like other permanent members. Therefore, it had used its veto power in the council to block the decisions which were taken by the UN for Kashmir resolution. Since, The Soviet Union supported India in the Kashmir conflict, it used its veto power through its own interests (Erdal, 2018, p. 101).

In January 1950, India accorded a 'special statuses to the Kashmir through Article 370 of the Indian Constitution. In 1957, India declared that it occupied Kashmir to the international community. In 1962, China also occupied Aksai China region and claimed that it was an extension of the Tibet autonomous region. Therefore, China became a side of Kashmir conflict. (Erdal, 2018, p. 90). Because of the pressures of the Soviet Union, applications of Pakistan to the UN Security Council in 1962 and 1963 were not accepted. Besides, India announced that Kashmir is a part of India and declared and it cannot be separated from India. India was increasing the volume of the conflict with its speeches. In 1965, the UN intervened and a ceasefire was declared again. However, ceasefires were never permanent since UN intervention was temporary solution for Kashmir conflict. After a while, in 1966, the Treaty of Tashkent between the Pakistan and was signed. This treaty claims that, resolution will be possible through negotiations. However, India has not made moves towards a solution through negotiations (Erdal, 2018, p. 91).

In the 1967, UN mediatory report which expressed the reason of the non-implementation of the UNSC resolutions, was published. It identified that the requirement for the withdrawal of all the Pakistani forces was related to the required withdrawal of Indian forces in stages to be agreed upon by India and the UN Commission. While no such agreement was reached with India by the UN Commission, as provided in part II of the UNSC Resolution of August 13, 1948, Pakistan also denied to withdraw all of its forces from Kashmir (Qadeer, 2017, p. 65-95).

Since the violent conflict continues in Kashmir, in 1972, the Simla Treaty was signed between India and Pakistan. According to this agreement, the Border Control Line was established in Kashmir. In May 1998, nuclear tests of India and Pakistan created significant international pressure on both countries to normalize their relationship to avoid a possible nuclear war. In June 1998, UN Security Council Resolution No. 1172 called on both Pakistan and India to ease tensions and to find “mutually acceptable solutions that address the root causes of those tensions including Kashmir” (United Nations, 1998). In 1999, the two sides again came to the brink of war. India launched an attack on militants in Kashmir, but nuclear armament prevented an all-out war from occurring (Alaca, 2012).

The plebiscite decision of UN for Kashmir conflict was blocked by India. UN Security Council was not efficient to implement its decisions in Kashmir. Regarding the question of plebiscite, Pakistan was in favor of giving authority to the UN for organizing and supervising the plebiscite. India, on the other hand, only wanted the non-binding advice of the UN. UN mediators were appointed to resolve this issue, but no one was successful about convincing India. The failure of UN Security Council may be arguable however, the certain thing is that the necessary steps did not taken by UN organs. India was allied with Soviet Union; Pakistan was allied with USA. The decisions in UN Security Council were taken through the biased ideas of USA and Soviet Union. The negative decisions against India were prevented by the Soviet Union. There was a double standard policy to protect India in United Nations’ bodies. The power blocks were effective in the resolution process of Kashmir. The position of UN was not neuter in this case because of the members of UNSC.

3.4. Demographic Structure of Kashmir

Kashmir territory was home for more than 12.5 million people and was divided into three administrations –Jammu, Kashmir Valley and Ladakh. In terms of distribution of religious groups, they were Muslim majority. In addition, there were three Hindu-majority districts and one Buddhist-majority districts. In 2006, eight more districts were created, increasing the number of districts 16 to 22. Of these 22 districts, there were 17 Muslim-majority districts; three Hindu-majority districts and one Buddhist-majority districts (Smith, 2012).

Table 1

Total Population and Percentage of Muslim Population in IHK (Source: Census India)

Year	1941	1961	1971	1981	2001	2011
Total	2,946,728	3,560,976	4,616,632	5,987,389	10,143,700	12,541,302
Muslims (%)	72.41	68.3	65.85	64.19	66.97	68.31
Hindus (%)	25.01	28.45	30.42	32.24	29.63	28.44

Since from the establishment of the new states India and Pakistan in 1947; Muslim population was in majority in Kashmir territory. Actually, the major reason of the Kashmir conflict was the Muslim majority people. The religious sensitivities of Pakistan were occurred to protect Muslim people under Hindu rule. However, the Muslim population of Kashmir declined from 72% to 68% between 1941 and 1961. Rashtriya Swayamsewak Sangh (RSS) was known as the parent organization of BJP, has openly stated the policy of transforming the demography of Kashmir by settling Hindus in Kashmir.

Table 2

Percentages of Muslim Population in Some Distiricts of Jammu Division

(Source:Census India)

Districts (%)	1941	1961	1971	1981	2001	2011
Jammu	39.59	10.5	7.95	4.27	5.68	7.03
Udhampur	43.15	33.6	32.9	26.23	25.57	10.77
Kathum	25.44	12.99	10.85	6.96	8.14	10.42

According to 1971 Kashmir census, there were 12,740 Urdu speakers in the state. But the numbers of Urdu speakers reduced to 6,867 in the 1981 census. Although the official language of Kashmir was Urdu, the result was not realistic. From time to time, various Kashmiri politicians and Hurriyat leaders have also raised the allegations of tinkering figures (Warikoo, 2000).

Besides all the efforts of the India to change the demography of Kashmir, Muslim majority population has continued to increase in Kashmir. The gap between the Hindus and Muslims in Kashmir still exists in 2022 according to the estimated numbers. Hindu population has highly increased in Kashmir since 1941 as it is seen in Table 1. Moreover, many Muslim Kashmiris were killed and kidnaped during the Kashmir conflict. The human right violations during the conflict, have also decreased the number of Muslims in Kashmir. However, there are still huge numbers between Hindu and Muslim population according to the Table 3. The effort of India was successful to increase the number of Hindus in Kashmir, however it was not enough to decrease the number of Muslims because they are the real residents of the Kashmir territory.

Table 3

Jammu and Kashmir Religious Data (Source: Census India)

Description	Population in 2011	Percentage	Estimated Population in 2022
Hindus	3,566,674	28.44%	4,265,742
Muslims	8,567,485	68.31%	10,246,712
Christians	35,631	0.28%	42,615
Sikhs	234,848	1.87%	280,878
Buddhists	112,584	0.90%	134,650
Jains	2,490	0.02%	2,978
Not Stated	20,082	0.16%	24,018
Others	1,508	0.01%	1,804
Total	12,541,302	100.00%	14,999,397

India has tried very hard to win Kashmir not only as a territory, also with numbers. However, the Indian government should have given chance to Kashmir people to express their ideas and desires, through the UN-supervised plebiscite, to accede to either India or Pakistan. India was guessing the result of plebiscite because of the Muslim majority population. Therefore, he was against UN-supervised plebiscite in Kashmir. Besides, another reason behind the changing demography of Kashmir was the exercising power over Kashmir people easily. When Kashmir demography was mostly Muslim; it was hard to control them. India thought that, if the religious connection was lost between Kashmir people and Pakistan; he could control and have them. Religious motivations of the Pakistan in Kashmir conflict were mostly depending on Kashmir population. Because of the religious motivations of Pakistan, India was trying to change the demography of Kashmir population.

Chapter 4

Data and Method

In this research, qualitative and case study research methods were used. Qualitative method helped to analyze activities of UN which was performed in Kashmir conflict. United Nations' actions in Kashmir to resolve the conflict, criticized by taking as references from three UN resolutions, UN reports, academic articles, books, newspapers and magazines supplied from international press. Moreover, the population of Kashmir was determinant in the non-resolution of Kashmir Conflict. The division of the population according to religion, was effective since because UN's most important decision was plebiscite in UN Resolution 47. The Kashmir population was analyzed with numbers in Table 1, Table 2 and Table 3 in the previous chapter.

Case study method enables to closely examine the UN resolutions within a specific context which is Kashmir case. Case study method is selected to explain failure of UN resolutions in Kashmir case as the subject of study. The case study examination provides a systematic way of observing UN' resolutions on Kashmir conflict, and analyzing information over a long time period of the conflict.

Unlike quantitative analysis which observes patterns in data at the macro level on the basis of the frequency of occurrence of the phenomena being observed, case studies observe the data at the micro level (Yin, 1984). In this research, three UN resolutions on Kashmir case were examined at micro level. The details of the three UN resolutions, how UN resolutions got respond from India and Pakistan, their effects on the resolution process were examined. Resolution 38, 39 and 47 were the most determinant resolutions in the Kashmir Resolution process, especially 'applying plebiscite' decision of UN which was placed in Resolution 47. Kashmir population's religious division, which was shown in Table 1 with percentages, was significant and determinant for the UN's plebiscite decision. Examining the data of Kashmir population in micro level gave chance to catch up significant details which are actually give direction to whole study. In this study, understanding the demography of Kashmir population would help to understand the failure of UN resolutions in Kashmir issue because it was highly effective in the plebiscite decision.

This study is a case study to describe the phenomena of non-resolution of state-conflict. The failure of UN in Kashmir case will be discussed through realist and liberal theories in the next chapter to test the hypothesis if the religion and nationalism are motivations of conflict, resolution process becomes harder. The targeted data set is three UN resolutions in the research setting because they had played significant role in the resolution of Kashmir case. Although UN had place in the conflict as a peacemaker, it was not enough to resolve the conflict.

The deductive research type is used in this research. Through the next chapter, the resolutions of UN on Kashmir case will be analyzed with the content analysis method. In the discussion chapter, comparative research method will be used to find out which theory has better explanation for failure of UN. United Nations as an organization and its perspectives on Kashmir conflict, will be discussed with two theories with compared to each other. Realist and liberal theories will be applied to the United Nations' attitudes on Kashmir case. The thesis goes broad to specific. Firstly, Kashmir conflict was covered with all aspects, the perspectives of India and Pakistan were discussed. In specific, UN's actions and the three important resolutions of UN will be examined with two theoretical models. Longitudinal time horizon was used for the study. Kashmir conflict has been continued since 1947. Understanding the whole conflict with its all aspects and effects is necessary to analyze the collected data which are UN resolutions.

Moreover, the causality between nationalism/religion and the conflict were examined to understand the actual reasons behind Kashmir conflict. Religion and nationalism were the reasons for Kashmir conflict; however, they have also occurred as obstacles for resolution process. Since UN did not give enough attention to real motivations of Kashmir conflict, the resolutions could not be applied by Pakistan and India. Kashmir Case is the major focus of the thesis to explain if nationalism and religious dynamics are effective behind the unsolved conflicts such as Kashmir Conflict.

Kashmir dispute between India and Pakistan is a sample of unresolved conflict. The thesis, through the evaluation of Kashmir conflict, focusses on if the religious motivations and the idea of nationalism of the states make impossible to solve conflicts or not. To find

out, the related political policies of India and Pakistan were covered in the research. To combining the findings, speeches of political leaders in Pakistan and India, who are involved to the non-resolution process of the conflict, will be taken into account while analyzing and describing the research.

The arguments proposed in this research are to be supported with the written records of the Kashmir public, the projects of Hindu nationalism, speeches of Pakistan government, international and national media reports of Pakistan and India, states' political party agendas over Kashmir and the official documents of United Nations. Besides, three specific UN resolutions on Kashmir were examined. These UN resolutions are the data set of the thesis. The literature review was completed about Kashmir conflict, the reasons behind the Kashmir case were researched in the national and international documents of India and Pakistan. Finally, official documents of UN about Kashmir resolutions are read gracefully.

In this research, the realist theory will be helpful to understand the nature of conflict. Besides, the nationalism and religion are the most influential factors behind the conflict, these factors also will be explained with the realist perspective. On the other hand, liberal theory will be helpful to understand the effectiveness of international organizations. At the end, UN's actions and attitudes will be argued with both liberal and realist theories to discover the reasons of failure of UN resolutions in Kashmir case. The aim of the thesis is testing the hypothesis of the research with established theories which were introduced in the first chapter.

In this research, nationalism and religion are exogenous factors to understand the conflict. Dependent variable is the non-resolution of the conflict. The resolution process is under the effect of nationalism and religion if they are the reasons of the conflict. They affect the resolution process in a negative way. Religion and nationalism become obstacles for the resolution of conflict. In the context of Kashmir case, nationalism and religion were the exact reasons of the conflict and they have played influential role in the resolution process since UN resolutions have stayed limited because of these strong motivations. The causality between these variables will be tested with the liberal and realist theories in the discussion chapter of the thesis.

Chapter 5

The Analysis of United Nations Resolutions

The United Nations involved to the Kashmir issue in 1948 with the application of India when Pakistan sent its soldiers to the Kashmir territory. The request of India was stating the violence of irregulars from the local population and the soldiers from Pakistan. Therefore, “Jammu and Kashmir Question” was created at the UN Security Council. The title was changed on January 22, 1948 to “The India-Pakistan Question” (Bhattacharjee, 2019).

Since the beginning of the resolution process of Kashmir conflict, the expectation was India and Pakistan to resolve the issue through bilateral negotiations as UN also recommended. Involvement of UNSC to the Kashmir issue was already insufficient because of several reasons. Discussing the Kashmir issue under the UN monitors will be difficult for both sides because India and Pakistan continued the fight in the territories which are already under the control of themselves. Moreover, both sides were agreed about solving the issue bilaterally. The involvement of the third party to the issue was far from being efficient under these attitudes of Pakistan and India. The confrontation of two nuclear powers; has forced international actors to be involved to the problem against a possible nuclear war. Especially the resolutions of the UN Security Council (38), (39) and (47) indicate that this problem is an international problem. At the same time, these decisions have revealed the perspective of international law on Kashmir.

UNSC Resolution 38, 39 and 47 are the most significant ones to understand the perspective of UN in the Kashmir conflict. Besides, there are the most effective resolutions which could resolve the conflict if they could be applied in the meantime. Especially Resolution 47 was a great chance to resolve the conflict. Therefore, these three resolutions were analyzed with the content analysis method to understand their effectiveness in the resolution process of Kashmir case. In this analysis chapter, the aim was to measure the applicability of UNSC resolutions to the Kashmir conflict. The approach of UN to the Kashmir case and the discourses of UNSC in the resolutions were determinative. The approach of UN to the Kashmir case and language which were used in

the resolutions have determined if UNSC had willingness to resolve Kashmir case with its resolutions or it was only involved to the issue because of the international pressure.

5.1. UN Security Council Resolution 38 of January 1948

It was the first resolution on the India-Pakistan Question, which called India and Pakistan to take measures to improve the situation in Kashmir and to refrain from doing anything that would aggravate it. The UNSC Resolution 38 dated 17 January 1948 is based on a classical call. In the decision, it is not just that the parties take steps to improve the situation; it was also called upon to refrain from aggravating actions (S/RES/38/1948). This recommendation did not have much effect on the solution of the problem, as it is often in the diplomatic field. In addition, in the decision, from each of the governments; if, during the Council's review of the matter, the situation has changed, or is believed to be, to change significantly, they are requested to immediately notify the Council and consult the Council on the matter.

5.2. UN Security Council Resolution 39 of January 1948

In the UN's Resolution 39 taken at the level of the Security Council, the actual entry of the Council into the problem is striking. Because in this decision, it was emphasized that a commission representing the Council should be established and this commission should investigate the situation in the region in an objective way. In fact, according to Article 34 of the UN Charter, the Security Council has the authority to investigate the possible harms of an international problem to world peace. Therefore, the Council uses this authority directly from the founding document of the United Nations. Under the Resolution 39 on January 20, 1948, the UN Security Council set up a UN Commission for India and Pakistan (UNCIP) with three-member. However, because of the disagreement between India and Pakistan caused to the first failure of the commission. The commission was reset up with five members on April 21, 1948. It was mandated to plan a mechanism to ensure a plebiscite in the State. Resolution 39 was a part of the UNSC Resolution 47. The UNSC Resolution 47 passed on this date urged India and Pakistan to hold a plebiscite

after restoration of law and order. The UNCIP passed a resolution on January 5, 1949 that provided the mechanism for holding a “free and impartial plebiscite” in Kashmir.

In this context, Pakistan managed to get an upper hand as the UNSC, under the influence of the United Kingdom, agreed to a ceasefire proposal without first ensuring Pakistan’s withdrawal from the area that it had gained during the early tribal raid in Kashmir. This allowed Pakistan to hold on to territory that would ultimately contribute to undermining the terms of the plebiscite itself.

The UNCIP was in the middle of the conflict, tried to keep its distance with both side of the conflict. It formally recognized Sheik Abdullah as the ‘Prime Minister of the State of Jammu and Kashmir’. However, it mostly avoided engaging with his administration. The UNCIP also spent great effort to avoid indirectly bestowing any legitimacy upon the Azad Kashmir officials, explicitly resolving to ‘avoid an action which might be interpreted as signifying *de facto* or *de jure* recognition of the “Azad Kashmir Government” (UNCIP, 1948). These decisions of UNCIP to disregard the ‘local authorities’ comes from its belief that mandating to mediate between the governments in New Delhi and Karachi rather than identifying the preferences of Kashmiris. Moreover, choosing to recognize India and Pakistan as the only parties of the conflict, UNCIP was deferring to the norm of state sovereignty rather than engage in a genuine effort to advance the principle of self-determination.

The UNCIP and the UN Security Council clearly considered the Kashmir conflict as a territorial dispute between India and Pakistan. Therefore, UN Security Council or its agents, at no point, did not discuss about any option of independence for Kashmir. Besides, there is no mention in any of the UNCIP’s reports (S/1100, S/1196 and S/1430) of even a discussion over whether the proposed plebiscite should include an option other than a straightforward vote as to which state to join (Westcott, 2020).

5.3. UN Security Council Resolution 47 of April 1948

Regarding the Kashmir issue, the Resolution 47 is the most detailed decision taken for the region and is close to the solution (Toker, 2003). Because the most significant point of the decision; it was an emphasis on the will of the Kashmiris. According to the

Resolution 47, a referendum on which state to participate in the Jammu-Kashmir region is foreseen; Pakistan and India are given the confidence of this referendum. On the other hand, recommendations are given to Pakistan and India to take the necessary measure for the safe conduct of this referendum (S/RES/47/1948). It was planned to apply a plebiscite in the Kashmir which was recommended in the Resolution 47. The UNSC Resolution 47 called again India and Pakistan to apply a plebiscite. The UNCIP accepted a resolution on January 5, 1949 which provided the mechanism for holding a “free and impartial plebiscite” in Kashmir (Bhattacharjee, 2019). Resolution 47 can be examined in general terms in three columns. First of all, in the calls to Pakistan; it was stated that the support given to the armed groups in the Jammu-Kashmir region as well as the Pakistani citizens who had infiltrated the region should be withdrawn. As expected from the India, the most striking situation is on the Indian military forces in Jammu-Kashmir. While it was emphasized in the decision that this would prevent the plebiscite from being held; The Indian government was called upon to gradually withdraw these forces. Except for these calls that the Resolution 47 emphasized for the two states, the parts that are left are the decisions regarding the conduct of the referendum to be held. Accordingly, it was requested that an administration be established to carry out the referendum in Jammu-Kashmir and that the administration should be authorized in this regard. The head of this administration, which will be established institutionally, is chosen by the UN Secretary-General and the Indian government does not oppose it. The other articles of the Resolution 47 are also aimed at ensuring that the election environment is passed in a reliable and objective environment (S/RES/47/1948).

The 1948 India-Pakistan war ended with a ceasefire, however, the significant condition for the plebiscite was withdrawal of Pakistan soldiers from the areas and India withdrawing individuals who were not residents of the Kashmir. These conditions could not be possible because both side of the conflict was insisting about Kashmir territory. There against, both sides have increased their volume in the conflict zone. India took the Kashmir issue to the UN for “prompt and effective action” but as it is discussed on the previous chapter, the big powers (USA and Soviet Union) were the obstacle to take action in UNSC (Khan, 1969).

As mentioned above, looking at the Resolution 47 of the UNSC, it is seen that the final settlement of the conflict in Kashmir was determined as a free and impartial plebiscite, which is a democratic method, under the auspices of the UN. However, the prediction by India that Muslims, who make up the vast majority of Kashmiri people, would not prefer Indian rule, resulted in a permanent blocking of the plebiscite. However, in the speech of Nehru, one of the former Prime Ministers of India, on 26 June 1952, even if the people of Kashmir say in a plebiscite, 'We do not want to be with India', we will accept the situation knowing that it will hurt us. If necessary, we will change the constitution' (The Kashmir Problem, 2018). However, these and similar statements that were recorded were never put into practice; The Kashmir issue has survived to this day within the 'desperate' structure of the UN system. In 1954, Nehru unilaterally declared that the plebiscite was no longer an option that India supported (Snedden 2005, 75–76). The UN Security Council responded with Resolution 122 in January 1957, which expressed the UN's frustration with the lack of progress and restated its position that the future of Kashmir could only be decided by a free and fair plebiscite (S/RES/122/1965). However, the UN did not have effective authority to force the issue by imposing sanctions or other measures. Finally, UN gave up trying to insisting on the principle of self-determination for Kashmir. Therefore, in both 1965 and 1971 India-Pakistan wars, the UNSC only declared a ceasefire between the two sides through Resolution 211 and Resolution 307. There was no reference to plebiscite or self-determination right of Kashmiris in these documents (S/RES/211/1965 and S/RES/307/1971). To find out if UNSC has focused on the actual reasons of the conflict in the resolutions or UNSC was only involved to the issue because of the demand of international community; the specific key words were researched in the resolutions.

Table 4

Content Analysis of UN Resolutions

Theories	Keywords	Resolution 38	Resolution 39	Resolution 47
Realism	Nationalism	0	0	0
	Religious/ Religion	0	0	0
	Free and impartial plebiscite	0	1	4
Liberalism	International Peace and Order	1	1	1
	Corporation	1	0	2
	International Security	1	1	1

In the first part of the Table 4, the specific keywords were selected through the realism to find out if UN resolutions were pointing out the actual reasons of conflict. In the second part of the Table 4, the specific keywords were selected through the liberalism to find out if UN resolutions were only answering the request of international community. At the end of the content analysis of the UN Resolutions, it was seen that there was not any word which was related with the actual reasons of the conflict. UNSC Resolution 38, Resolution 39 and Resolution 47 were only focusing on the specific themes which were international peace and security, finding common ground, representatives of Pakistan and India, free and impartial plebiscite, restoration of peace and order. The resolutions were only aiming to answer the request of the international community. They have stayed superficial. On the other hand, only the decision of plebiscite would point out the major reason of the conflict which was Muslim majority population. However, it was not still not enough to resolve the conflict because it was not applicable because of the concerns of India and it was not included the option for independence of Kashmir. The actual reasons of the conflict were nationalism and religion which were explained in the contextual background chapter. Since there was no sign of these reasons in the resolutions, it led to failure of UN resolutions in Kashmir case.

The UNSC Resolution 38, 39 and 47 were analyzed separately in this chapter. UNSC played a limited role in the case although it had spent great effort through the resolutions since the beginning of the conflict. However, when the content of three important UNSC resolutions were analyzed, it has seen that the resolutions were stayed superficial considering how deeply the conflict has its causes. The Resolution 38 was totally dysfunctional to end or resolve the conflict. It was stayed only as a recommendation to keep calm international community. In deeply, UNSC would already know that Pakistan and India will not stop because of Resolution 38. International community, including UN, were aware of the actual reasons of the Kashmir case which were religion and nationalism. The Resolution 39 could have been more effective in compare to Resolution 38, however UNCIP did not work through its purpose. It has caused to more disagreements between Pakistan and India instead of decreasing the hot tension. Moreover, the failure of UNCIP was because it was not giving any chance to Kashmir territory for its independence. Resolution 47 was the closest one the resolve the conflict. However, the approach of UNSC to the Kashmir issue, even in Resolution 47, was superficial. The decision of plebiscite would be acceptable by the both sides of the conflict if the population of Hindus and Muslims were closer. However, UNSC should have known that India would never accept the result of plebiscite since there were Muslim majority population in Kashmir. The content analysis of three UN Resolutions showed that UNSC resolutions were not functional over Kashmir case, and remained as official and diplomatic interventions of the UN to ensure peace in the region with the request of the international community.

Chapter 6

Discussion

The involvement of UN to the Kashmir conflict could not eliminate this conflict. Moreover, although the conflict is between Pakistan and India, the involvement of other actors, Soviet Union, USA, China, shows that there was a power struggle for regional domination. Since the realist theory argues, international organizations work through the interests of big powers; in this case, UNSC was under the domination of USA and Soviet Union. The failure of UN decisions was also connected with the effect of big powers. When UNSC wanted to take a decision about Kashmir issue, it was blocked by USSR if the decision was not an advantage for India. Because of these interferences of the member states, UNSC could not take reliable and efficient decisions to resolve Kashmir conflict. The clash of interest is the nature of the conflict. The failure of the UN resolutions can be explained with the conflict-based approach which is related with the realist theory. Kenneth Waltz who is the leading thinker of neorealist theory, which is also called structural realism, emphasis that since the phenomenon of anarchy continues to exist, and the state is the premise of self-confidence. Their aims to protect and increase its power. Because of that neorealist argue, in this context, the state's aim to protect its power rather than maximizing it, to ensure the balance of power (Waltz, 2015, pp. 110-116). Both classical realism and neorealism analyzes international relations conflict-based.

According to Hans Morgenthau who is the thinker of realist theory, the important issue is the future of the state, its security, independence and national interest. In the structure of the states, it is necessary to maintain their existence and to ensure their national interests with the use of force (Morgenthau, 2014). In this theory, the fundamental concept is national interest, individuals must comply with disregarding their own demands. In this perspective, elimination of moral values is possible to reach state's goals. According to realist theory is a conflict- based theory because of the human nature and anarchy is dominant due to the lack of central authority. The purpose of states is maintaining their power and increasing it in the anarchic international system. Therefore, the power struggle in international system always exists, it is not possible to eliminate it. Realist theory accepts that the state is a fundamental actor in international politics, they

argue the existence of the conflict is directly related with anarchic system. According to realism, the identities and interests of states are primarily effective in establishing relations with other states. In this regard, states focus to protect their interest and increase their power.

In Kashmir case, its strategic position is significant. Kashmir has been the stage of the regional powers in struggle for power, occupation and war by countries with diverse cultural identities as Pakistan, India and China. In the case of Kashmir conflict, resolution could not be possible until today. Kashmir territory has been highly militarized war-zone by Indian and Pakistan armed forces. Military forces which are highly educated, powerful and ambitious could not end the conflict with weapons. Even today, both Pakistan and India, and partly China, have all nuclear weapons which makes Kashmir conflict most dangerous one in the world. As it is seen in Kashmir case, fear of possible nuclear war also did not bring peace to the region. All players have different interests and motivations for the Kashmir conflict. The states focus about their own gains from Kashmir territory. However, they are two specific motivations of India and Pakistan which are nationalism and religion. These specific motivations of India and Pakistan also connected with the desire of increasing power in the region. Realist theory makes understandable the reasons of Kashmir conflict with the perspective of conflict-based. In this case realist theory may explain the reason of Kashmir conflict and the failure of UN resolutions. They all connects with the concepts of nationalism and religion. Religious dynamics of the states and their nationalisms are the most effective factors for the non-resolution processes. In the case of Kashmir conflict, both religion and nationalism concepts were highly influential. Even UNSC decisions were affected by other actors' nationalist gains such as USSR and USA. As it seen, Kashmir issue was not a two-sided conflict. There were many actors. UN also emerges as an 'actor' with its involvement to this issue. In the international system, states and international organizations are the main actors. In the conflicts, actors should be influential in the conflict and resolution period. UN could not be influential in the resolution process. To be effective, many resolutions declared and UN India and Pakistan Military Observation Group (UNMOGIP) which works for the ceasefire, was established in 1949 in Kashmir. UNCIP, which was established through the Resolution 39, could be considered as a positive initiative by UN, however, the observations groups were not

effective bodies of UN and there was no effort to make it more effective by UN side. United Nations was an international platform for the actors of the Kashmir conflict and it would not be more than that. When Resolution 39 was analyzed in the previous chapter, it was seen that the observation groups did not affect the violent actions of any side of the conflict. The decisions of the UN's observation groups were not taken into account by India or Pakistan because real actors of the conflict were the states. UN has stayed unfunctional as an international organization in the anarchic international system. According to the realist thinker Pease (2016), even if there are international organizations, states are the center of international relations, they are real actors. The state, as the central actor, is the main unit of decision-making. In the light of this argument, UN cannot be actor of the Kashmir conflict that is why it could not have an active role in resolution process, it is not the center of decision-making process. India and Pakistan have decided to continue this war until today through their nationalist and religious reasons. UN resolutions were not applied because of the unwillingness of the states and the interferences of the other actors. It basically means that India and Pakistan chose to continue this conflict as main actors of the conflict. Therefore, there is no other entity which can have a word in the resolution process other than the states. Waltz argued that states have a structure that tries to protect themselves. States should consider other states as potential threats in order to ensure their security (Brown & Ainley, 2007, p. 37). In Kashmir case, one of the reasons of India was national security threat. India definitely refuses to leave Kashmir territory since because it feels insecure because of the corporation between China and Pakistan. India sees the Pakistan and China as threats to its national security. This national concern of India can be explained with realist theory. Besides, because of the national security fear of India, Kashmir conflict became impossible to resolve. Since national motivations of the states are that much strong, UN resolutions have stayed in the level of recommendation. UN resolutions were not realistic and applicable since they did not come from authoritarian organization. It is certain that Kashmir conflict is a state-centered issue.

Although states are different from each other, they behave in similar ways in the international system. States take decisions to increase power with the motivation of protecting their safety in the anarchic system. In Kashmir case, the behaviors and the

motivations of India and Pakistan were similar. Especially neighbor states are most likely to have conflict since they share territories and borders. Because of its nature, conflict is inevitable between states, especially between neighbor states. India-Pakistan conflict is a sample of this type of conflict since they both want to have power over Kashmir territory through their interests. Realist argument is clearly close to explain the reasons of Kashmir conflict. In the case of Kashmir Conflict, the expectation was to determine the conflict policies of states according to UN recommendations. However, India and Pakistan did not change their strategies over Kashmir since they have strong nationalistic and religious motivations. Although Pakistan forcefully advocates the implementation of the UN resolution, its militaristic approach to resolve the Kashmir issue clearly shows its lack of interest in adhering to the UN resolution. While defending about the wishes of the Kashmiri people, it has followed its own political agenda. Whenever it talks of failure of bilateralism to solve the Kashmir issue, it can be interpreted as the non-resolution of the issue on Pakistan's terms. Pakistan's persuasion of its nationalistic agenda within the framework of bilateralism has resulted in diplomatic stalemates (Hilali, 1997, pp. 61-86).

The attitudes of India were harsher than Pakistan. It clearly stated that it was against the UN resolutions since it did not match its interests in Kashmir. India has spent great effort for preventing the Resolution 47 which was applying plebiscite in Kashmir. Therefore, UNSC Resolution 47 has failed. The Resolution 47 was problematic since the majority of the population was Muslim in Kashmir. UNSC took the decision of plebiscite although it knew the result would be advantage of Pakistan. The result of the referendum was guessable by India. That is why the Resolution 47 was not applicable in Kashmir. The strong religious and national motivations of Pakistan and India was enough to eliminate UN resolutions. Both side of the conflict act through their own interest through their nationalist and religious motivations. At the end, UN resolutions were not applicable for Kashmir case since they did not touch and focus to solve the reasons of conflict.

The international organizations have similar behaviors in anarchic system such as states. The position of the hegemon states become legal in the international organizations. Their hegemony would be accepted even in the international organization, other states may join to the organization, and however, big powers use the organizations through their own benefits. Influence of big powers on UN resolution was very high, it has seen that

India acted according to its own interests despite the UN decisions with the support of USSR. The alliances were determinant for the resolution process of Kashmir. India rejected the plebiscite which took place in Resolution 47 (United Nations, 1948), because India already knew that there was a possibility that Kashmir would be out of his hands as a result of plebiscite. Therefore, the Resolution 47 was not realistic since it recommended to apply a plebiscite in Kashmir to decide its future. India already worked to change the demographic structure of Kashmir which was shown in the Table 1 and Table 2. India predicted that Muslim-majority population eventually would create trouble for itself. Moreover, the UNSC Resolution 47 was not actually giving any chance to Kashmiris to choose their own future because there was no possible option for independence. Eventually, Kashmiris would have chosen one side of the conflict. However, Kashmiris have damaged by both India and Pakistan in the time of conflict. The resolution 39 was also aiming to prepare a ground for impartial plebiscite however, there was no mention about independence in any of the UNCIP's reports. In reality, the problem about the decision of applying plebiscite have started with Resolution 39 and continued with Resolution 47.

In the example of the Kashmir conflict, states have expressed their policies in order to maximize their own interests. UN was inefficient because it gave chance to states to use this organization as tool to maximize their powers. Moreover, since the Non-Aligned Countries and Socialist Bloc in the General Assembly would not support any anti-India resolution. Third World Countries have consciously protected India because it is a great state among themselves (Yıldız, 2019, p.13).

Until this part of the chapter, UN actions and resolutions were discussed with the realist theory. The liberal theory will be also discussed to explain failure of UN resolutions in Kashmir. Liberalism emphasis the construction of institutions that facilitate both economic exchange and broader international corporation (Keohane, 2002). The states cooperate with each other rather than being at war with each other. The concept of 'interdependence' is the basis for states to cooperate. In the same region, the existence of such a dependency which prevents conflicts between India and Pakistan, loses its effectiveness. International organizations create useful platform to share the interest of states. Since the international organizations give chance to corporation of states, it also

reduces the fear of conflict or war. International organizations also decrease the possibility of being in war among states since they come closer in the international platforms. These all assumptions about international organizations are more optimistic than realist view. In the light of liberalism, UN is a useful international organization for the states come together for their shared interests. Liberalism states that although the main actors are the states in the international system, international organizations, transnational organizations and national pressure groups are also effective and useful actors which increase the collaboration between states. According to liberalism, when the interests of states are identified, non-governmental and international actors also involve. It is not possible to ignore other actors in the system. While determining foreign policy, the existence of intrastate actors and their effectiveness in the determination of interests cannot be denied. The government considers the wishes of different segments of the society while determining its foreign policies (Oğuzlu, 2012, pp. 25-26).

Among the various principles central to the tradition of liberalism is the claim that the state should protect individual liberty without dictating the goals (Christman, 1991, pp. 343-359). Since liberalism cares about individuals, their freedom and ideas; the UN decision about applying plebiscite which was analyzed in Resolution 47, could be explained with the liberal theory. Although it was hard process to take 'plebiscite' decision in UNSC because of the all efforts of USSR to protect India, the decision of plebiscite in Kashmir was accepted in UN Security Council on April 21, 1948. People of Kashmir exercised the right of self-determination through plebiscite. In this situation, it can be observed that the individual is important in international politics, it was shown by UN in its decision. However, Kashmir issue cannot be resolved by applying a plebiscite as liberalism defends. Since the states are the main actors in the international conflicts, individual choices were not taken into consideration by the states. Since the majority of Kashmir population was Muslim, religious concerns were determinant in the resolution process of Kashmir. As it was shown in the Table 1, Muslim majority population was already enough to determine the future of Kashmir. UN plebiscite decision was a milestone in the resolution process. If the result of plebiscite was evaluated by UN and if it could be applied to determine the future of Kashmir, Kashmir conflict would be resolved until today. UNSC Resolution 47 was the most determinant one to resolve the conflict.

However, the effectiveness of the UN in the international conflicts was limited. Because of that, Resolution 47 did not match with the expectations of the Kashmiris. Moreover, according to liberalism, social and economic practices also have an impact on determining international politics and shaping international relations (Pease, 2016, p. 8). This conflict is also about social concerns since Muslim majority does not want to accept Indian rule. Kashmir suffered socially, economically and psychologically in the time of conflict. UN involved to the Kashmir conflict when Kashmir people have demonstrated living under Indian rule. UN involvement in the social context, was not efficient. The religious and nationalist dynamics of the Kashmir population would be considered by UN. Although UN gave chance to Kashmir people to select their futures with plebiscite since they were the actual victims of the conflict, it was obvious that this option was not acceptable by India. Besides there was no possibility of independence for Kashmir.

UN ignored the religious and nationalist dynamics of the conflict with this decision. These two concepts made impossible to solve the conflict and Kashmir stayed as an unresolved conflict until today. The UN resolutions can become invalid only when the UN Security Council declares them null and void, in the absence of any fundamental change in the circumstances (Hussain, 2009). In 1956, the then UN Secretary General, Dag Hammarskjold, had clearly stated that ‘the UN decision is valid until it has been invalidated by the organ which took it.’ Thus, the manipulated elections to the Jammu and Kashmir State Assembly, often cited by India as the expression of the will of the people of Kashmir, cannot replace the international consensus which endorses impartial plebiscite under the UN auspices, as the means for ascertaining the wishes of the Kashmiris regarding the future status of the State (Ashraf, 2002, p.51). It is seen that the UN is defending and protecting its decision about Kashmir resolution however, the absence is the using authority to make it applied by the side of the conflict states. Since realism emphasizes that the international system is anarchic, UN as an international organization, is not a main actor as states. The authority of UN would be existing through Pakistan and India if big powers would create pressure over UN to apply its decisions.

The failure of UN in Kashmir was discussed in this chapter through realist and liberal theories. Realist theory was more explanatory to explain UN’s failure. Although

liberalism has positive perception about international organizations, UN was not effective in the resolution process of Kashmir since it was not a main actor as states. Moreover, liberal theory states that international organizations are efficient platforms for states to cooperate. However, states act through their own interest in UNSC while taking decision about Kashmir. It was a proof that states act according to their own interests as realist theory argues. The reasons of Kashmir conflict were obviously nationalism and religion as it is discussed in the previous chapters. Since Kashmir conflict has these reasons which are extremely strong, UN resolution would have taken national and religious dynamics into account to be successful in the resolution process. UN's resolutions were not troubleshoot for Kashmir issue. Position of UN was not neuter because of the interests of member states. The UNSC Resolution 38 and 39 were clearly showed that UN was in advisor and mediator position. Therefore, India and Pakistan did not have to apply its decisions. This situation is also explained with realist theory, international system is anarchic. International organizations cannot be decision-makers as states. That's is why UN resolutions was not successful because India refused to apply its resolutions as a state which is a decision-maker.

UN resolutions, especially applying a plebiscite in Kashmir, was not a realistic decision. Therefore, it could not be applied with the way of UN recommended which was impartial plebiscite. Religious reasons of the Kashmir conflict were already known by international community. If plebiscite would be applied in Kashmir, and the results would be accepted by every side, Kashmir conflict would be resolved today. Since religious and national reasons were determinant in Kashmir case and they were ignored in the UN's plebiscite decision; Kashmir has stayed as a non-resolved conflict.

Chapter 7

Conclusion

Kashmir has been the stage of the regional powers in struggle for power, occupation and war by countries with diverse cultural identities as Pakistan, India and China. In the case of Kashmir conflict, resolution could not be possible until today. Kashmir territory has been highly militarized war-zone by Indian and Pakistan armed forces. Even today, both Pakistan and India, and partly China, have all nuclear weapons which makes Kashmir conflict most dangerous one in the world. All players have different interests and motivations for the conflict. In the Kashmir conflict, both religion and nationalism concepts were highly influential. Since because nationalism and religion are strong feelings, they shape the destiny of the conflicts. Neither military power nor bilateral negotiation may not be enough for the resolution process if there are strong religious and national dynamics behind the conflict. In this research, the national and religious motivations of India and Pakistan have been examined and their negative effects over resolution process of the conflicts were detailed in the specific case of Kashmir dispute. Kashmir conflict is special with its all aspects because it has been continued since 1947 between two nuclear rival powers with strong nationalist and religious dynamics. Moreover, the involvement of the United Nations to the Kashmir case was not enough to resolve the conflict. The failure of the UN in Kashmir was because the resolutions were biased because of the members of the UNSC. The effect of nationalism and religion also showed itself in the decision-making process of UNSC. In the UNSC, the member states acted according to their nation's interests and agendas. As it was seen in Kashmir conflict, Pakistan and India have their own reasons for the conflict and because of their nationalistic gains, they could not reach a common ground. The gains of India and Pakistan were different in Kashmir. Kashmir was not the only issue between Pakistan and India. Their fight comes from the history which they shared under British colony for years. Pakistan and India as new independent states, came across with Kashmir conflict because of their colonial past. In 1947, India and Pakistan were dealing with establishing a nation-state and developing the idea nationalism, it had direct effect to Kashmir conflict for both sides. Their motivations for establishing a nation-state have turned to Kashmir conflict and India

and Pakistan fight for Kashmir through with their nationalistic ideas. As nations Pakistan and India directed their historical fight to Kashmir conflict which made the conflict unresolved.

In Kashmir conflict, India's concerns were about its national security. Because of the partnership between Pakistan and China, India felt in danger. Therefore, Kashmir was necessary for India. Moreover, fighting for Kashmir became a way of strengthening Hindu nationalism. The idea of Hindutva gain power with Kashmir conflict because the conflict offered India someone to blame. Supremacy of Hindu nation which is directly same with the idea of nationalism, was the basis of Hindutva. Because of nationalistic motivation of India, Kashmir was indispensable. Since the majority of the population is Muslim in Kashmir, it was also dispensable for Pakistan. If Pakistan accepted Indian control and left the territory; it would mean that Muslims can leave under the control of other states and religions which is opposite idea to Ummah. Kashmir conflict has seen as a territory conflict in the beginning; however, it was actually war of religions and nations. Therefore, India did not want to apply UNSC Resolution 47 in Kashmir. Since India fights with Pakistan as a nation for Kashmir, it was also motivated to this conflict religiously. Fighting with Muslim was the same with fighting with Pakistanis. Moreover, Kashmiri people, who are Muslims, were the victims of Kashmir conflict. They were killed, raped and tortured by Indian soldiers. India has tried to change demography of Kashmir in the years. It was partly successful, Hindu population in Kashmir has increased but still it is not close to numbers of Muslim population. UNSC Resolution 47 showed that India was right about its effort to change demography of Kashmir. India would never respect to the result of the referendum because it was not legally bonding according to India. The only legal document was in the Instrument of Accession which was signed with the Prince of Kashmir in 1947. Therefore, Hindu nationalism fights with Islam, Islamic Republic of Pakistan fights with India. It shows how the situation is complex because of nationalism and religious dynamics. Although Kashmir was seen as a territorial conflict in the beginning, the victory was about supremacy of nations and religions. In the Kashmir case, the emotion of trust between India and Pakistan is never existed. The involvement of UN was ineffective because there was no chance to find a common ground between Pakistan and India. The all efforts of UN have failed in Resolution 38 and 39. To decrease the

tension in the war-zone with establishing observation groups did not meet with the actions of India and Pakistan. UN resolutions were not pointing out to the actual reasons of Kashmir conflict. It was not effective to resolve the concerns of India which are national security or supremacy of Hinduism. Besides, it was not answering the concerns of Pakistan which was protecting Muslim majority or spreading Ummah idea.

Until today, several resolutions were recommended by UN to resolve the conflict in peace through bilateral negotiations. However, UN did not apply any authority over states since international system is anarchic. According the realist theory, international organizations are not the main actors. Therefore, their effectiveness is limited over states. UN resolutions were failed because Pakistan and India were not willing to apply these decisions because of their strong motivations. They rejected to sit to the same table to the negotiations process. India claimed that Pakistan is threatening its national security because of its corporation with China. The issue of national security is a big deal for a state. It is a significant reason of India for not leaving Kashmir. Firstly, Pakistan should have guaranteed its national safety. UN resolutions or sanctions should have been formulated through to resolve these concerns. Nationalism and religion of the states should have been considered in the resolution process of the UN. The failure of the UN was because of that.

Another specific point of the non-resolution of Kashmir conflict is Kashmiri nationalism. Kashmiri people and their political, religious and national choices were totally ignored during the conflict. They did not have a chance to decide anything about their territory and their future. Even UNSC Resolution 39 and 47 did not any chance Kashmiris for being independent. In the beginning, when Indian soldiers occupied Kashmir in 1947, Kashmiris called Pakistan for help against India. Kashmiris were protesting against India with slogans like "Kashmir banega Pakistan" (Kashmir will become Pakistan). When Kashmir was disappointed about Pakistan's help, they have changed their slogans like "Hum kya chahtey, Azaadi" (What do we demand, freedom) (Shah, 1995). Kashmiris were demanding freedom from both Pakistan and India. Since Pakistan and India lost their ways and purposes about Kashmir, Kashmiri people have suffered a lot in the time period of the conflict. Resolution 47 of UN gave chance to Kashmiris to choose their future with the plebiscite. However, Resolution 47 was still

problematic because Kashmiris have suffered because of both sides of the conflict. The desire of Kashmiris has changed in the time. Joining to India or Pakistan was not a desire of Kashmiris anymore. They were demanding freedom. Liberal theory gives importance to individuals and their decisions. This action of UN could be explained with liberalism however, Resolution 47 was not enough to meet with Kashmiris' desire. It was already hard to take a decision about applying plebiscite in Kashmir because of the pressure of USSR. Besides, the result was guessable and India never would accept the result of plebiscite. That is why, Resolution 47 was not enough to resolve Kashmir conflict. Pakistan and India both changed their targets in the conflict. It turned to a war between Hindu nationalism and Islam. Therefore, Kashmiri people could not get what they wanted. Kashmiri people, their nationalism and their religion always ignored by India, Pakistan and UN. Although Pakistan was seen as brother to Kashmiris, major concern of Pakistan has changed in time. Fighting with India fired the ambition of Pakistan. The major concern of Pakistan has turned to protect Islam identity and unity through the idea of Ummah. On the other side, India never cared about Kashmiri people; its purpose was proving the dominance of Hindu nationalism over Muslims. Because of that Kashmiri people were not the concern of anyone.

Liberal theory gives chance to international organizations and sees them as useful and effective. However, realist theory argues that international organizations act through states' interest. In Kashmir conflict, the realism is clearly explanatory theory for the ineffectiveness of the international organizations. The UNSC decisions were under the effect of big-powers in the time of Kashmir conflict, because they acted through their own interests. Although the conflict was between Pakistan and India, the involvement of other actors, Soviet Union, USA, China, showed that there was a power struggle for regional domination. Because of these biased actions of the member states, UNSC could not take reliable and efficient decisions for resolution of Kashmir conflict. There was clash of interests in the UNSC, it is the nature of the conflict as realist theory argues. The failure of the UN resolutions can be explained with the conflict-based approach. The decision-making mechanism of UNSC was not neuter because of the dominance of big powers, they also acted through their own nationalist and religious motivations.

Consequently, UN resolutions on Kashmir issue was not efficient enough to end the conflict. The Resolution 38, 39, 47 and the position of UNSC were discussed with the realist and liberal theories in the thesis. Realist theory was more applicable and explanatory for the explaining failure of UN. The hypotheses of the thesis were tested through these theories in the context of UN's failures in Kashmir issue. The first hypothesis of the thesis was 'If the religion and nationalism are the reasons of state-conflict, it affects the resolution process negatively.' This hypothesis was examined through Kashmir conflict and proved with the realist theory. The strong nationalist and religious reasons of Kashmir conflict, also created difficulty for resolution process. UN could not overcome these strong reasons of conflict in the resolution process. The second hypothesis of the thesis was 'The involvement of United Nations to the Kashmir conflict would be efficient if the UN Resolutions on Kashmir were successful and applicable through the realist perspective'. The realist theory was applied to the UN decision to analyze their effectiveness. As it was seen in the discussion part of the thesis, the UN Resolutions on Kashmir could not be efficient since UN is not a main actor in the international system. Besides, it was not giving attention to the real reasons of the conflict which were nationalism and religion.

Kashmir Conflict is a paragon for this thesis. When Pakistan and India were analyzed in the context of religion and nationalism, the reason of the non-resolution of Kashmir conflict can be understood. Resolution of Kashmir conflict would be end of an era. However, it is not close to end, it is like it has just started. It is clear that because of Hindu and Pakistani nationalism and their religious motivations, Kashmir conflict cannot be resolved. This game is going on for 75 years, but the states never gave up from Kashmir. Kashmir is more than a piece of land, it symbolizes the domination of Hindu nationalism for India, it symbolizes Islamic identity and unity for Pakistan. These are the strong reasons which states could not overcome until today.

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