

Research Article / Araştırma Makalesi

PROSPECT THEORY AND INDIAN POLICY TOWARDS KASHMIR

Asst. Prof. Gökhan TEKİR 

Ankara Hacı Bayram Veli University, FEAS, Ankara, Turkey, (gokhan.tekir@hbv.edu.tr)

ABSTRACT

This paper tries to analyze recent risky moves of India regarding Kashmir. The dispute over Kashmir caused four wars with Pakistan since 1947. Prospect theory, which analyzes decision making processes depending on gains or losses according to a reference point, instead of expected utility theory, which calculates net gains or losses, will be used to explain risky Indian actions regarding Kashmir. Prospect theory is useful in explaining risky behavior in foreign policy decisions. To analyze Indian risky moves in Kashmir, firstly, this paper tries to identify Indian reference points with the help of the Indian policymakers' speeches and statements. After determining Indian leaders' reference points regarding Kashmir, it engages in understanding circumstances which drove them to pursue risky decisions to preserve reference points. The main argument of this paper is that the China Pakistan Economic Corridor (CPEC) will infringe Indian reference points regarding Kashmir in that it harms India's sovereignty claims over Kashmir and it internationalizes the conflict by involving China. Therefore, India resorts to risky moves in a highly troublesome region to preserve what it perceives to be the status quo.

Keywords: Prospect Theory, India, Kashmir, The CPEC, Risk-Acceptance.

BEKLENTİ TEORİSİ VE HİNDİSTAN'IN KEŞMİR POLİTİKASI

ÖZET

Bu çalışma, son zamanlardaki Hindistan'ın Keşmir bölgesindeki riskli hareketlerini analiz etmektedir. Keşmir üzerindeki anlaşmazlık 1947 yılından itibaren dört savaşa neden olmuştur. Net kayıp ve kazançları inceleyen fayda teorisine karşı olarak, bir referans noktasına göre kayıp ve kazançlara yönelik karar verme sürecini inceleyen beklenti teorisi, Keşmir'e yönelik riskli Hint politikasını açıklamak için kullanılacaktır. Beklenti teorisi, dış politikadaki riskli davranışları açıklamak için yararlıdır. Keşmir'deki riskli Hint politikasını analiz etmek için, bu çalışma, Hint referans noktalarını Hint politika yapımcılarının konuşmalarının ve bildirimlerinin yardımıyla teşhis etmeye çalışacaktır. Hintli politika yapımcılarının Keşmir hakkındaki referans noktalarını belirledikten sonra, kendilerini referans noktalarını korumak için riskli politikalara sevk eden şartları inceleyecektir. Bu makalenin ana fikri Hindistan'ın Keşmir üzerindeki egemenliğini tehdit ederek ve çatışmayı uluslararası hale getirerek, Çin Pakistan Ekonomik Koridoru, Hindistan'ın Keşmir konusundaki referans noktalarını zedelemektedir. Bu yüzden, Hindistan hayli gergin bir bölgede referans noktalarını korumak için riskli hamlelere başvurmaktadır.

Anahtar Kelimeler: Beklenti Teorisi, Hindistan, Keşmir, ÇPEK, Risk-Kabülü.

1. Introduction

The nationalistic pledges and controversial measures over Kashmir on the Indian side escalated the tension with Pakistan. Indian rhetoric and behavior are inflammatory and impetuous in that they risk the outbreak of another war over Kashmir, which has led to four wars since its partition in 1947. This indicates the Indians are accepting the risk of war over Kashmir. In August 2019, India revoked the special status granted by the Indian constitution through a presidential decree. The special rights of Muslim-majority region and the autonomy of the state were abolished. This move is considered as the most daring political move on Kashmir in the last 70 years, risking an armed confrontation with Pakistan (Al Jazeera, 2019). This paper argues that prospect theory explains why Indian leadership took such a risky approach concerning Kashmir.

The recent military clashes with China also revealed that a reckless and confrontational policy started to be adopted by the Indian policy makers. This risk-acceptant behavior is interesting because it contradicts the expected utility model. Instead, it is in conformity with prospect theory which suggests that the outcome is assessed in terms of gains and losses depending on a reference point instead of a net value analysis (Kahneman & Tversky, 1979: 263).

This article tries to answer why the Indian policymakers are resorting to a reckless policy that might engender a war in the region. It uses prospect theory to analyze the behavior of Indian policymakers. To explain Indian risk-acceptance behavior according to cognitive processes identified by prospect theory, this paper seeks to identify the reference points of Indian policymakers from which they evaluate gains or losses. It argues that Kashmir, belonging to the Indian state, constitutes the main reference point for the Indian policymakers. The inauguration of the China-Pakistan Economic Corridor (CPEC) is the main determinant, which affects this reference point in that the CPEC passes through the disputed territory in Kashmir, and it furthers the relationship between Pakistan and China, threatening to sideline India in the region. To justify these arguments this paper offers the brief summary of the Kashmir conflict and the development of the CPEC before analyzing current Indian policy regarding Kashmir. The next section, however, presents the main elements of prospect theory.

2. Prospect Theory

Prospect theory suggests that the reference point is a critical variable in identifying losses and gains. As the individuals give more importance to losses than gains, they are risk-acceptant to losses and risk-averse to gains (Levy, 1992a:171). The loss aversion can be found in individuals' behavior of selling and buying goods. The individuals are likely to retain the possessions of an object rather than buying the same object when they do not own it because the individuals' endowment will be more highly valued than those do not hold in the endowment. This is called endowment effect (Thaler, 1980:48). When they face losses, the individuals are more prone to taking risks. In an experiment in which the respondent's risk-acceptance behavior is tested, in a gamble 80 percent of the respondents chose certain \$3000 to 80 percent probability of winning \$4000. However, 92 percent of the same respondents were willing to gamble when they face 80 percent probability of losing \$4000 and 20 percent of losing nothing rather than accepting a certain \$3000 loss (Kahneman & Tversky, 1979:268).

Prospect theory, thus, contrasts with expected utility theory, which calculates net gains or losses in that it evaluates gains or losses in terms of a reference point. The experiment demonstrated in the previous paragraph indicate that even a small hope of preventing the loss energizes people to take risk more than the desire to gain. The reference point, usually the status quo, is crucial in determining gains or losses. Reestablishing the previous position propels people to seek risk even they face greater odds. This tendency to remain in the status quo is called as the status quo bias by Samuelson & Zeckhauser (1988). In the experiments conducted by Samuelson & Zeckhauser (1988), subject followed status quo choices more frequently than expected utility model predicted. The status quo framing also affected the subsequent choices of subjects. Subjects adhered to preferences identified as the status quo among other choices (Samuelson & Zeckhauser, 1988:8).

The sunk cost effect is related with prospect theory. It refers to the commitment to a project once the investment in money, effort, and time was made (Arkes & Blumer, 1985:124). When the initial investment is made, the returns of the investment are negative, the investor attempts to avert this perceived loss by investing more (Tait & Miller Jr., 2019:10). The individuals do not evaluate prospects according to the status quo, but they evaluate prospects according to the domain of losses. Further losses do not cause additional pain but possible wins lead to greater increases in value. Therefore, they tend to invest more for possible better outcome (Zeelenberg & Van Dijk, 1997:681).

Prospect theory was initially posed to explain economic behaviors, yet it started to be used to explain the decisions of statesmen. The status quo bias is a strong motivation for statesmen to increase aggression. War becomes an attractive option for a statesman if the alternative to fighting means serious deterioration in his position. Under these circumstances, this statesman could risk a war, which might bring greater suffering and destruction. Similarly, loss aversion drives statesmen to seek aggression when they face losses than they desire expansion (Jervis, 1992:194). In the literature, several studies are conducted to apply prospect theory to explain the behaviors of statesmen. McInerney argues that the Soviet risk-taking behavior during in the Six Day War, which took place in 1967 was related with Soviet desire to protect its Middle Eastern ally Syria. The policymakers of the Soviet Union framed the status quo as the existence of Soviet-friendly regime in Syria and even risked a bigger confrontation with the United States of America (USA) (McInerney, 1992:265). McDermott demonstrates that during hostage crisis with Iran, Carter was in the domain in losses so he risked a military confrontation with Iran by authorizing a rescue mission (McDermott, 1992:237). While analyzing Roosevelt's policy regarding the Munich crisis, Farnham argues that although initially Roosevelt thought the crisis in Europe would not affect the USA, in the midst he changed his mind, thinking that an outcome of a war in Europe would mean a loss for the USA. The overall situation in Europe did not change but this sense of loss incited him to take an action (Farnham, 1992:206). The examples of case applications of prospect theory to foreign decision makings can be expanded but there are some problems in the applications.

The first problem is that the experiments are conducted in the laboratory in a highly structured environment. The experiments are structured in such a way that subjects are offered one risky and one riskless option. Foreign policy decisions, on the other hand, rarely involve one risky and one riskless option, perfectly. Instead of evaluating risks foreign decisions are made under uncertain circumstances (Levy, 1992b:293). The second problem is prospect

theory concerns itself with individual decision-making. It tries to calculate people's decisions regarding losses and gains (Shafir, 1992:313). This raises problems concerning the unit of analysis while examining foreign policy decisions according to prospect theory as states are regarded as unit of analysis in evaluating foreign decisions.

Taliaferro addresses the latter problem by arguing that: "The growing experimental literature on escalating commitment and investment behavior shows that prospect theory provides a descriptive model for organizational and group decision-making" (Taliaferro, 2004:231). Treating leaders' speeches as agents of the states' preferences by analyzing their statements and speeches will help us to overcome this problem (He & Feng, 2013:6). Related with the first problem identifying framing of an actor in international setting is a crucial element in analyzing the actor's choice. Defining the reference point, available options, and probability of each outcome are necessary tasks for an analyst (Levy, 1992b:296).

The main question of this article addresses why the Indian leadership has started to follow a reckless and risky behavior. To apply prospect theory to respond this question framing of the Indian leadership must be examined. The historical status of the Kashmir conflict and its place on the minds of the Indian leadership, therefore, will be offered in the next section.

3. The Kashmir Conflict and the Indian Framing

The partition of India in 1947 should be referred to begin the analysis of the conflict over Kashmir. The religious division was set as a criterion in the partition of British India. States with Muslim majority would accede to Pakistan whereas states with Hindu majority would accede to India. Kashmir had a Muslim population, but its ruler Maharajah Hari Singh was a Hindu. The rulers of other states joined into Pakistan or India, but Singh could not make up his mind even after Pakistan and India formally declared their independence in August. In October, an army consisted of 5,000 Muslim Pathan tribesmen invaded Kashmir. Fearing for his life, Singh asked for India's military assistance, agreeing to cede Kashmir to India (Hay, 2006:2-4). The preamble of the constitution of Jammu and Kashmir states that: "WE, THE PEOPLE OF THE STATE OF JAMMU AND KASHMIR, having solemnly resolved, in pursuance of the accession of this State to India which took place on the twenty sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof" (Government of Jammu and Kashmir, n.d.).

Indian soldiers repelled the tribal forces in the autumn 1947. In the spring 1948, the second phase of conflict involved Indian and Pakistani regular troops. The first war between India-Pakistan ended in January 1949. India managed to assert its control over almost the entire Kashmir valley and Jammu region, and high-altitude region of Ladakh. The Pakistani only controlled small parts of Jammu and Kashmir and high-altitude regions of Gilgit- Baltistan (Bose, 2007:168).

Map 1: The Delimitation of Kashmir



Reference: BBC. (2019). Kashmir territories profile. Retrieved July 1, 2020, from <https://www.bbc.com/news/world-south-asia-11693674>

This delimitation has been considered as a valid the status quo for Indian leadership. V. K. Menon, who was the Indian representative to the United Nations (UN) in 1947, contended that: “Accession of the state State of Jammu and Kashmir to India was final and complete, its status could be altered only by the Government of India, and the Government of India could not permit secession of any unit of the union ” (Raju, 2001:13). In 1956, in a meeting, Jawaharlal Nehru, the first Prime Minister of India suggested the formal partition between two countries on the basis of the cease-fire line (Raju, 2001:12). While the partition based on cease-fire was agreeable, any attempt to change the status quo has been considered as an aggressive act. The Indian leadership rejected plebiscite calls made by other countries for the resolution of the conflict on the ground that Pakistan was an aggressor in 1947 and holding plebiscite would mean rewarding the aggressor party (Raju, 2001:10). Considering Pakistan as an aggressor party in the Kashmir dispute has also been put forward by The Ministry of External Affairs of India. In 2004, in the document prepared by the Ministry, it is argued that the accession of Kashmir into India was in conformity with the Government of India Act (1935), Indian Independence Act (1947), and international law, claiming that Pakistan’s action of sending Pathan tribe into Kashmir in 1947 constituted an aggression. It insists that Jammu and Kashmir is an integral and inseparable part of India (Ministry of External Affairs Government of India, 2004).

Since Kashmir's accession into India, the Indian leaders regarded Kashmir as an integral part of India. Nehru, commented that:

Kashmir has been in history for thousands of years-not always politically but essentially-a part of India, for thousands of years. It was politically part of India long before the British came. Culturally... of course, it has been one of the biggest seats of Indian culture and learning throughout history for about 2,000 years. Some of the first books on Indian history were written Kashmir (Ahmed & Chakma, 2012:25).

In 1965 at the UN meeting, Lal Bahadar Shastri, who succeeded Nehru as the Prime Minister of India, stated that: "...no pressures or attacks will defeat us from our firm resolve to maintain the sovereignty and territorial integrity of our country, of which the state of J&K is an integral part of India" (Raju, 2001:13). These statements reflect the stance on the Indian leadership regarding Kashmir. India, later, backed this stance by engaging three wars with Pakistan.

Assuming that the Indian military was scarred after Sino-Indian war of 1962, Pakistan instigated riots in Kashmir, planning to use these riots as pretext for its military incursion. In September 1965, Pakistan started its offensive but Indian forces repelled the attack. Through the Soviet mediation, two sides retreated to the previous borders. In 1971, another war erupted between Pakistan and India. The reason of the conflict was over Bengali separatism in Pakistan. The Indian side calculated that it was less costly to wage war against Pakistan than hosting Bengali refugees. When the Indians attacked the East Pakistan, the Yahya Khan regime in Pakistan invaded Kashmir. The war resulted in Bengali independence and return to the status quo in Kashmir (Ganguly, 1998:4).

Simla Agreement was signed in 1972 to end the war. One of the most important articles is "That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them" (Ministry of External Affairs Government of India, 1972:n.d.). Ganguly argues that India has insisted on the strict implementation of bilateral resolution on the Kashmir conflict without involving other parties whereas Pakistan tries to internationalize the Kashmir conflict (Ganguly, 1998:4). Since the eruption of the Kashmir conflict, preventing internationalization had been Indian's foreign policy goal. It had resisted U.S. and British attempts to mediate the conflict during Nehru's premiership. Y. D. Gundevia said to the British diplomat Paul Gore-Booth that: "internationalization simply would not work" (McGarr, 2013:198). According to the Indian policy-makers, internationalization has a potential to infringe the legitimacy of Kashmir's accession to India and to dilute India's sovereignty claims over Kashmir (Kampani, 2005:169). Thus, Simla Agreement was a big win for the Indian diplomacy by having Pakistan agree to resolve the Kashmir conflict bilaterally. Once this objective was achieved, bilateral negotiation became the status quo for the Kashmir conflict. The Indian leadership would consider allowing internationalization of the Kashmir conflict as loss with reference to this status quo.

The Pakistani leadership, on the other hand, tried to internationalize the Kashmir dispute as it can overturn the status quo in Kashmir by receiving international support vis-à-vis an advantageous India. Robert Wirsing argues that one of the primary objectives of the Kargil operation in 1999, which triggered the fourth war between Pakistan and India, was

to involve international community, which feared the escalation of the conflict between two nuclear powers. U.S. President Bill Clinton and the Prime Minister of Pakistan Nawaz Sheriff contacted immediately after the skirmishes started. India's Prime Minister Atal Vajpayee was kept informed about the discussion, although formally the Indian leadership did not involve themselves into the process. Clinton and Shariff issued a declaration, which stated that Pakistan would withdraw its forces (Wirsing, 2003:80–84). Pakistan's gamble to reverse the status quo in Kashmir through Kargil operation did not pay off. Humiliatingly, it had to withdraw Kargil and expressed the validity of Simla Agreement signed in 1972. Although the Prime Minister Vajpayee had an opportunity to press on the military victory and invade further territory in Pakistan, he did not send the Indian army to Pakistani side of Kashmir (Chengappa et al., 1999). This behavior is consistent with prospect theory. According to prospect theory individuals are less risk-acceptant for gains than losses. The preservation of the territorial status quo emerged after the first Indo-Pakistan war in 1947 and the non-interference of international powers determined in Simla Agreement signed in 1972 have been considered a sufficient achievement.

Besides this short war between India and Pakistan, since 1990s the violence in Kashmir has been characterized as an Islamic insurgency in Kashmir. Although Islamic militancy had existed since 1960s, the war in Afghanistan and the revolution in Iran gave a new impetus the Islamic militant groups regarding the separation of Kashmir from India. Syed Ali Shah Geelani, the leader of one of these Islamic groups Jamaat-i Islami expressed the sentiments of Islamic groups in a booklet: "You the nation of Kashmiri Muslims, how long will you continue to remain easygoing slaves! Your enemies are bent upon destroying your identity and faith" (Ahmed & Chakma, 2012:28). The closeness of those militants with Pakistan was admitted by the former President Pervez Musharraf in an interview published by *Der Spiegel*. He stated that the Islamic militants were formed and trained to draw India to the discussions regarding the status of Kashmir. He excuses Pakistan's behavior by arguing that as India is not prepared to resolve the Kashmir dispute at the UN, Pakistan supported these insurgent groups (Spiegel, 2010). These statements reflect that Islamic insurgency in Kashmir is seen as tactical tool for Pakistan to force India to accede to international resolution of the conflict. This means reversal of Indian position acquired in Simla Agreement. Therefore, the Indian response to Islamic insurgency was swift. The Indian military presence in Kashmir increased. India even resorted to using paramilitary groups to suppress insurgent groups (Ganguly, 1998:8). These draconian measures include "identification parades, house-to-house searches, custodial killings, illegal detention, rape and molestation of Kashmiri women, and related coercive methods" (Hajni, 2008:12). India's these actions demonstrate that India is resorting to extraordinary measures not to reverse its stance in Kashmir, risking condemnation of international community due to its violations of human rights.

This section tried offer the brief history of the Kashmir conflict and the Indian leadership's stance regarding the status of Kashmir. Two main consequences can be drawn about the reference points of the Indian leadership over Kashmir. The first reference point is the Indian leadership considers the status quo as the demarcation of 1947 lines in Kashmir. When these borders are threatened, they are prepared to go to war. The second reference point is the Indian leadership does not want internationalization of the Kashmir dispute since India has already acquired an advantageous position. The Pakistani leadership has, on the other hand, sought internationalization by provoking skirmishes, limited wars, or even helping jihadists,

considering that international powers would not remain aloof against the possibility of a war between two countries, which have nuclear bombs. Yet, the Indian leaders have so far succeeded in preserving two main achievements of the previous leaders. When the Indian part of Kashmir was invaded, invasions were repelled, but the Indian leaders did not attempt to invade Pakistani part. This is consistent with prospect theory, which suggests the individuals are less willing to take risks with the prospect of gain according to the reference point, but they are more risk-acceptant when they are faced with losses. The next section will try to analyze the recent developments in Kashmir and the reasons why the Indian leadership decided to take an aggressive approach.

4. India's Suspension of Article 370

Article 370 has governed the relationship between Jammu & Kashmir and India since Kashmir's accession to India in 1947. This article has limited the applicability of Indian constitution in Jammu & Kashmir. "The provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir" (Indian Kanoon, n.d.). The authority of the Indian parliament has been limited and the certain elements of the Indian government's powers could only be used with the consultation with the State Government. Jammu & Kashmir has been allowed even to have its own constitution. "The concurrence of the Government of the State referred to in paragraph (ii) of sub clause (b) of clause (1) or in the second proviso to sub clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon"(Indian Kanoon, n.d.).

The Constitution of Jammu & Kashmir promulgated in 1952 as a result of agreement between Nehru and Singh, has granted additional powers to the residents of the region. Article 35 of the State regulates the rights of the residents of Jammu & Kashmir:

Saving of laws with respect to permanent residents and their rights. - Notwithstanding anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State. — (a) defining the classes of persons who are, or shall be, permanent residents of the State of Jammu and Kashmir; or (b) conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects— (i) employment under the State Government; (ii) acquisition of immovable property in the State; (iii) settlement in the State; or (iv) right to scholarships and such other forms of aid as the State Government may provide, shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this Part (Government of Jammu and Kashmir, n.d.).

Thus, without the permission of the government of Jammu & Kashmir the Indian citizens cannot move to Jammu & Kashmir, buy property, or find a job. These extensive rights are related with the preservation of the demography of this sensible region with the aim of not upsetting the Muslim residents.

Article 370 confers the President of India the right to abolish this article. After 70 years, on 5 August 2019, the President of India with the recommendation of the Parliament issued the resolution which revoked the status of Jammu & Kashmir:

All provisions of this Constitution, as amended from time to time, without any modifications or exceptions, shall apply to the State of Jammu and Kashmir notwithstanding anything contrary contained in article 152 or article 308 or any other article of this Constitution or any other provision of the Constitution of Jammu and Kashmir or any law, document, judgement, ordinance, order, by-law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instrument, treaty or agreement as envisaged under article 363 or otherwise. (Egazette, 2019a).

The abrogation of Article 270 also meant the abrogation of the constitution of Jammu & Kashmir, which has granted special advantages to the residents of the state. The Indian constitution became applicable without opposition (Venkataramanan, 2019). On 5 August 2019, the Parliament of India also passed a resolution, which reorganized the territorial boundaries of Jammu & Kashmir, revoking its unity and dividing into two. They will have state legislatures. It also created a new Union territory of Ladakh, which will be under direct government control, comprised of Kargil & Leh districts of Kashmir valley (Egazette, 2019b). The Pakistani reacted to this move furiously. The Foreign Minister of Pakistan claimed that India violated UN resolutions. Pakistan's army chief General Qamar Javed Bajwa said: "Pakistan army firmly stands by the Kashmiris in their just struggle to the very end... We are prepared and shall go to any extent to fulfil our obligations in this regard" (House of Commons Library, 2019). Pakistan also convened the National Security Committee to review the relations with India. After the meeting, the Pakistani leadership announced downgrading the level of relationship with India, the suspension of bilateral trade, taking India's latest decisions to Security Council, and dedication of the Independence Day celebrations to the brave Kashmiris. Besides these decisions, Pakistani army has been ordered to remain vigilant on the borders. Pakistan also closed air corridor for Indian planes, which will mean additional 12 minutes for overseas flights (India Today, 2019).

In addition to Pakistan, China's statements reflected that China is also a party of the Kashmir conflict. China's dissatisfaction arises from Ladakh's change of status. The Foreign Ministry's spokesman commented that:

China is always opposed to India's inclusion of the Chinese territory in the western sector of the China-India boundary into its administrative jurisdiction. This firm and consistent position remains unchanged. Recently India has continued to undermine China's territorial sovereignty by unilaterally changing its domestic law. Such practice is unacceptable and will not come into force. We urge India to exercise prudence in words and deeds concerning the boundary question, strictly abide by relevant agreements concluded between the two sides and avoid taking any move that may further complicate the boundary question (Ministry of Foreign Affairs of the People's Republic of China, 2019).

The Chinese scholar Wang Shida argues that with the revocation of Article 370, India "opened up a new territory on the map" in that India unlawfully incorporated Ladakh territory, which is under the jurisdiction of Xinjiang and Tibet, into the union. This act pushed China into the Kashmir dispute, increasing the likelihood of countermeasures on Chinese and Pakistani side (Shida, 2020).

Shida's assessment is not a mere threat. China showed that it could prefer war with India when it was provoked. In 1962, China went to a border war against India over Ladakh, considering India's border resolutions as an aggression towards Tibet (Garver, 2003). In June 2020, the conflict between India and China revived in Ladakh. The Indian side reported approximately 20 deaths for the Indians and 40 deaths for Chinese troops (Ayres, 2020). This skirmish, despite its smaller scale, marked the first armed conflict between two countries after four decades. Although there are reasons listed to explain this military clash such as China's desire to distract people from the effects of Covid-19, India's close relations with the USA, appraisal of India's imbalance with China, the real trigger was India's decision to revoke Article 370 which led to the creation of the Union Territory of Ladakh (Ayres, 2020).

Thus, India's revocation of Article 370 was a risky and dangerous move, which attracted strong condemnation of Pakistan and China. The next section seeks to analyze India's revocation of Article 370, pointing out the fact that it risked wars on two fronts with Pakistan and China over Kashmir's status. It tries to answer why the Indian leaders made such a reckless decision after 70 years later, which fueled Pakistan's enmity and escalated conflict with China? While using prospect theory in answering this question, it also points out the contradictions of India's decision in revocation of Article 370 with expected utility theory.

5. Analysis on India's Risk-Acceptant Behavior

According to prospect theory, the Indian leadership is likely to behave risky and recklessly in order to maintain the status quo in Kashmir. Revisiting the first chapter, the status quo in Kashmir has been defined in the minds of the Indian leadership as the demarcation of boundaries based on 1947 division and the bilateral resolution of the any dispute arising from Kashmir, determined in Simla Agreement signed in 1972. Any loss considered according to these reference points would precipitate India's risky behavior. The revocation of Article 370, which brought India into conflict with Pakistan and China should be evaluated in this context. Then, according to prospect theory the Indian leadership must have perceived Kashmir's status is in jeopardy. This section tries to analyze why the Indian leadership felt threatened about India's sovereignty over Kashmir. Thus, India strengthened the centralization of Kashmir by annulling the region's privileges granted during the independence, risking the war with Pakistan and China.

This paper argues that the recently announced the Belt and Road Initiative led by China has been the main factor, which led the Indian leadership to conceive that they are in the domain of losses regarding Kashmir's status. In Vision and Actions Paper, the foremost goal of the Belt and Road Initiative is emphasized as building connectivity between China and rest of the world. The infrastructure, financial, policy, and people-to-people connectivity are listed as main elements of the initiative (Ministry of Foreign Affairs of the People's Republic of China, 2015). The Indian foreign policy makers, however, consider that the discourse of connectivity hides China's geopolitical ambitions. "we cannot be impervious to the reality that others may see connectivity as an exercise in hard-wiring that influences choices. This should be discouraged, because particularly in the absence of an agreed security architecture in Asia, it could give rise to unnecessary competitiveness. Connectivity should diffuse national rivalries, not add to regional tensions" (Ministry of External Affairs Government of India, 2016). The

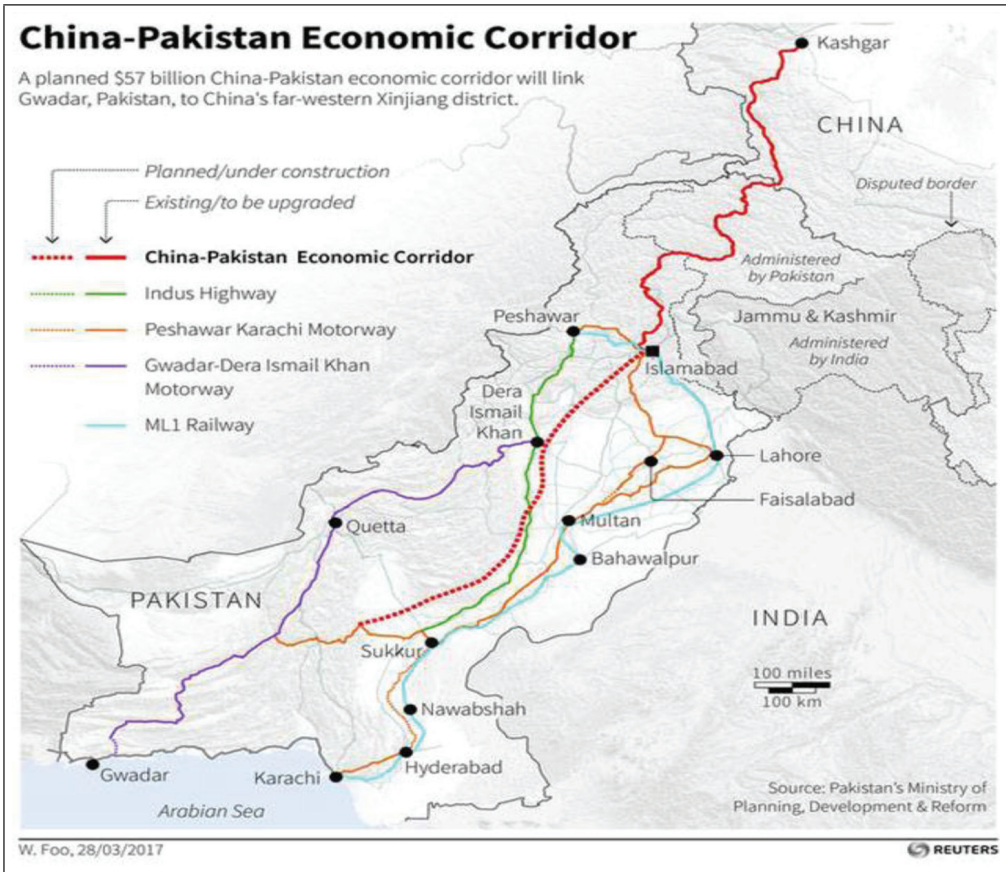
Prime Minister Modi also stated that: “Connectivity in itself cannot override or undermine the sovereignty of other nations” (Unnikrishnan & Purushothaman 2020:116). India sent a clearer message to China by not attending Belt and Forum held in 2019. 130 countries and 29 heads of state attended to this forum. India’s boycotting was visible in such an environment (Park, 2017).

Baruah argues that India’s discontent with the Belt and Road Initiative mostly emanates from its threat to India’s territorial integrity. Particularly, the CPEC, which runs through disputed Kashmir territory, raises India’s concerns. According to India, this corridor violates India’s sovereignty and strengthens China’s ties with Pakistan (Baruah, 2018:14). Thus, the CPEC and how it is framed in the minds of the Indian leadership must be examined thoroughly to identify why the Indian leadership felt threatened by this corridor.

As one of six Belt and Road corridors, the CPEC was formally launched in April 2015. It involves \$46 billion investment in Pakistan’s energy and transportation sectors. It is designed to promote interconnectedness between Pakistan and China (Rifaat & Maini, 2016:1). Despite the close political relations between China and Pakistan since 1960s, economic relations between these two countries were the weakest part. The CPEC attempts to reinforce economic relations by unleashing \$46 billion Chinese investment. The Pakistani side claims that the total amount of investments reached \$62 billion, boosting Pakistani morale (Rafiq 2017:4). The official document states that the CPEC strives to alleviate Pakistan’s social and economic problems by 2020; it aims to complete industrial complexes and major economic goals by 2025; and it seeks to completely finish by 2030, stimulating economic development Central Asia and South Asia (CPEC, 2017).

The CPEC aims to connect Chinese city Kashgar to Pakistan’s Gwadar port located in Pakistan’s Balochistan Province. The construction of Gwadar enables the Chinese goods’ transportation from China’s western provinces to the Arabian Sea through the Indian Ocean. The modernization of the Karakoram Highway provides land connection between Punjab and Gilgit-Baltistan by linking Gilgit to Gwadar (Baruah, 2018:15).

Map 2: The CPEC projects



Reference: India Today. (2017a). Opposed to China's CPEC that passes through PoK, India boycotts belt and road initiative. Retrieved July, 14, 2020, <https://www.indiatoday.in/world/story/one-belt-one-road-pakistan-occupied-kashmir-china-cpec-beijing-976918-2017-05-13>.

India has objected the participation of Gilgit-Baltistan region into the CPEC as if it is a part of Pakistani territory. Instead of accepting Gilgit-Baltistan as a part of Pakistan, India perceives it to be a disputed region. In 2015, India criticized Pakistan's decision to hold elections in the region. The spokesman from Ministry of External Affairs Vikas Swarup stated that: "The entire state of Jammu and Kashmir, which includes regions of Gilgit-Baltistan, is an integral part of India. The election...is an attempt by Pakistan to camouflage its forcible and illegal occupation [of Gilgit-Baltistan]" (Rifaat & Maini, 2016:23). In fact, the constitution of Pakistan does not include Gilgit-Baltistan as a Pakistani territory but states that Pakistan administers the area (Bhattacharjee, 2015:1).

However, Gilgit-Baltistan is a crucial section of the CPEC. The infrastructure projects made within the CPEC assumes a new territorialization for Gilgit-Baltistan. Lim argues that the CPEC can be evaluated as a border-making event. It introduces Chinese management and

labor and other bodies' inflow to underdeveloped regions of Pakistan, opening industrialization (Lim, 2017:3). Gilgit-Baltistan is situated on a highly rugged terrain, which made infrastructure difficult to develop. The investments made by China in the context of CPEC overcome the structural difficulties in the region. Upgrading the Karakoram Highway would facilitate trade between Pakistan and China. Besides trade facilitation, the improvement in transportation and communication would ease integration of Gilgit-Baltistan into Pakistan (Beg et al., 2018: 183). Bhattacharjee reminds that Gilgit-Baltistan is used directly by Pakistani army during the Kargil war as an operational base (2015:9). The further integration of Gilgit-Baltistan into Pakistan must have raised the threat level in the minds of the Indian leadership.

Pakistan considered going as far as to declare Gilgit-Baltistan as a province of Pakistan in 2017. Anonymous source from Pakistani government explained that the logic behind this move was China's desire not to get caught in a legal limbo while investing in the region: "China cannot afford to invest billions of dollars on a road that passes through a disputed territory claimed both by India and Pakistan" (Tribune, 2016). Yet, Pakistani leadership decided not to go ahead with the plan, thinking that this annexation would strengthen India's claims on Kashmir (Rifaat & Maini, 2016:23). Chinese pressure on Pakistan in altering the status of Gilgit-Baltistan shows that China is increasing its presence in the Kashmir dispute.

These infrastructure projects in Gilgit-Baltistan are disturbing for India. Former security Adviser Shiv Shankar Menon argues through infrastructure projects China "seems to solidify and legitimize" Pakistani presence in Kashmir (Bhattacharjee, 2017:24). China's participation in infrastructure projects invites a third party into the Kashmir dispute, internationalizing it. This development is contradictory for India's stance in resolving the Kashmir dispute bilaterally. The spokesman of Ministry of External Affairs Anurag Sirivastava warned China about the infrastructure projects: "Our position is clear. The entire territory of Jammu and Kashmir is part of India" (The Hindu, 2020).

Prospect theory assumes that instead of net gains or losses, the reference point determines the evaluation of gains or losses. When the individuals perceive themselves in the domain of losses, they are induced to make risky decisions to avert these losses. The Indian leadership's risky move of revoking the status of Jammu & Kashmir should be evaluated in this context. Feeling threatened by infrastructure projects and increasing Chinese presence due to the CPEC, India resorted to reckless behavior, which might escalate the tension in the region. India's policy makers consider revoking Article 370 is just one step, urging India to take more assertive actions. In September 2019, Indian army top commander General Bipin Rawat stated that India's next agenda would be to retrieve Pakistani administered Gilgit-Baltistan, emphasizing the army is always ready (Zargar, 2019). The former foreign secretary Shyam Saran argues that the revocation of Article 370 is a final act, which cannot be retrieved. He also induced the Indian leadership to help the dissidents in Gilgit-Baltistan. "We must assert more strongly and consistently our claim on Gilgit and Baltistan. Why not invite and give prominence to dissidents and activists from these areas? After all, they are technically our own citizens" (Saran, 2019). In January 2020, General Rawat also proposed the establishment of deradicalization camps in Kashmir where the radicalized youth could be cleansed from radical views (Gettleman & Schultz, 2020). This proposal reminds the reeducation camps established by the Chinese government to incarcerate Uyghur population, which led to the condemnation

of international society. These statements indicate the Indian policy makers would continue their risky actions, which would further amplify the risk of war over Kashmir with China and Pakistan.

While mentioning the problems of prospect theory, Levy emphasized that in order to solidify applicability of prospect theory one should rule out the possibility that this case could be explained via expected utility theory (Levy, 1992b:297). According to expected utility theory, decision makers list alternatives in terms of highest utility. As rational beings, they select strategies which would bring the highest utility (Mesquita, 1988:630). The utility of an outcome is determined according to net gains or losses rather than reference point (Kahneman & Tversky, 1979:265).

When the international impacts of the revocation of Article 370 are examined, it is seen that this decision is not optimal option for India according to expected utility theory. As a result of rising tension with Pakistan and China, India is on the brink of two front war. India's Chief of Army Staff General Manoj Mukund Naravane says that: "As far two front war is concerned it is a possibility. A country does not go to war with its armed forces alone. It has other pillars like diplomatic corps and other organs of government which will come into play to make sure that we are not forced into a corner where we will have to deal with two adversaries at the same time and in full strength" (India Times, 2020). Naravane's this statement implicitly suggests that the Indian policymakers have taken a stance, which risked a confrontation with Pakistan and China, while other options are available.

Risking a war with two nuclear powers over Kashmir cannot be indeed explained by rational choice. Kashmir only comprises one percent of the total population of India, and it is only a symbolic mark of Indian nationhood (Munshi, 2012:264). A less risky option concerning Kashmir has been proposed by National Conference Chief and former chief minister of Jammu & Kashmir, Farooq Abdullah. He suggested that instead of resorting to military solution, the Indian leadership should gather all stakeholders in Kashmir including Pakistani leadership, Kashmiri youth, separatists to find a political solution (India Today, 2017b). Abdullah made this proposal in 2017 before the revocation of Article 370. The revocation of Article 370 made it difficult of the implementation of a political dialogue among the parties in Kashmir. This proposal could have lowered the existing tension over Kashmir, reducing the risk of an armed confrontation.

These statements show that the international risks of reckless policies over Kashmir are recognized by domestic policymakers. Political dialogue with Pakistan and avoiding unnecessary steps, which might induce India to confront with Pakistan and China simultaneously, have been advised by some policymakers as rational options. However, the principal policymakers, the Prime Minister, Minister of External Affairs, and the Chief of Army Staff, thought that India's sovereignty over Kashmir has been infringed due to the CPEC and decided to implement risky options. They not only revoked Article 370, which solidified the central government's hold over Jammu & Kashmir but also proposed military action to establish India's control over Gilgit-Baltistan which will secure India's claims over Kashmir region despite the fact that these actions seriously are risking military confrontations with Pakistan and China.

6. Conclusion

Prospect theory can help to explain India's provocative decision to revoke Article 370, which exempted the residents of Kashmir from the implementation of some articles of the Indian constitution. This act was met with fury of the Pakistani and Chinese leadership. Both countries condemned revocation of Article 370 with strong words. In June 2020, the clash between Indian and Chinese armed forces claimed the lives of the Indian and Chinese soldiers, risking a large scale of war.

The de facto situation after 1947 constituted first Indian framing concerning the status quo in Kashmir in terms of territorial delimitation. When this delimitation has been threatened by Pakistani incursions, the Indian leadership has not showed any hesitation to go to war since 1947. The second framing is related with the Simla Agreement signed in 1972. This was a huge diplomatic win for India in that India had Pakistan agree on the bilateral resolution of the Kashmir dispute. As a disadvantageous party of the 1947 delimitation Pakistan sought to internationalize the Kashmir. However, the Indian side has so far resisted Pakistan's those attempts.

The initiation of the CPEC, on the other hand, led the Indian leadership to perceive losses with their reference points. In the minds of the Indian policymakers, the CPEC both threatened the sovereignty of India over Kashmir and internationalized the Kashmir dispute. They were driven to take risky decisions when they thought that they were in domain of losses regarding Kashmir as prospect theory assumes. Some officials admitted that there were other less risky policy choices in Kashmir, which would not place India in a direct confrontation with Pakistan and China. However, the primary decision makers opted for risky options.

Prospect theory not only helps to analyze India's decisions but also helps to predict future developments. Pakistan and China determined to continue the CPEC despite Indian concerns. Further progress of the CPEC in Kashmir will induce the Indian leadership to take more risky decisions. The statements of the Indian policymakers concerning Gilgit-Baltistan indicate the Indian leadership is risk-acceptant to avoid further losses. Thus, the escalation of the conflict over Kashmir among three nuclear powers is highly possible in South Asia.

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