

**Closed Session**

# India and Pakistan: A Case Study in Crisis Management

*Umer Karim*





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The TRT World Forum 2019, recognised as one of the most significant political events of the year, took place from October 21st- 22nd at the Istanbul Congress Center with over one thousand esteemed guests and panellists. Consisting of nine keynote speeches and exclusive talks, 12 public sessions, and 15 closed sessions this year's Forum succeeded in providing a platform for serious engagement with the most pressing challenges of our time. The themes of the sessions ranged from the rise of far-right terrorism, populism and nationalism, environmental issues, the future of the Middle East, trade wars, the future of the European Union and cooperation of emerging powers. Uniting all of these themes was a focus on the fragmented state of today's world and a sincere desire to offer meaningful solutions.

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# Background

## India – Pakistan Relations and Kashmir Issue

Under the auspices of TRT World Forum 2019, a closed session was held to debate 'India and Pakistan: A Case Study in Crisis Management'. The discussion during this session primarily remained focussed on the issue of Jammu and Kashmir particularly in the backdrop of India's decision to end the special status of the Indian Administered State of Jammu and Kashmir on 5th of August 2019. The debate helped in understanding the historical development and political context of the issue, while also deliberating upon the crisis management strategies employed by both South Asian neighbours.

The workshop panel included authentic voices from Pakistan, India and the Kashmiri community who have worked on the Pak-India relationship. They also have first-hand knowledge of crisis management processes and mechanisms employed by both countries. Additionally, they were able to shed light on differing historical perspectives on the Kashmir issue between India and Pakistan, and to also talk about the agency of the Kashmiri people themselves. The panellists were able to give their estimate of the current crisis in Kashmir, how it has been playing out domestically within both India and Pakistan, as well as on the International political scene. The deliberation between three esteemed voices on the issue also echoed the sharply differing

conceptions of reality and truth held by both sides. The panellists representing Pakistan and Kashmir remained in agreement on most of the points discussed during the session, while the Indian panellist disagreed with most of these assertions and gave an alternative perspective of the discussion.

The workshop was dominated by the following themes

- Kashmir as the unfinished agenda of Indian partition.
- Bilateral engagement between India and Pakistan over Kashmir, and Kashmir's importance in domestic politics.
- Confidence Building Measures and the importance of Track Two Initiatives
- The rise of Hindu Nationalism under Modi and the Abrogation of Kashmir's Special Status.
- The humanitarian side of the conflict and the agency of Kashmiris.

## Introduction



The Indo-Pak relationship, from the very time of independence, has been plagued by multiple political issues. As Stanley Wolpert has eluded, both countries seem to have been born into the conflict (Wolpert, 2010). This conflict has contributed toward the orientation of foreign policies, internal politics and the national identities of both nations. Although the leadership from both sides have engaged in resolution of the issue

through dialogue and negotiations, a peaceful conclusion to the Kashmir issue remains elusive. The dialogue between experts on this panel also painted a similar picture, with both sides engaging in endless arguments in attempts to undermine the political and legal status of the other side vis-à-vis Kashmir. This report will give a detailed account of the themes touched upon by the session panellists during their debates, and it will also try to point out points of agreement and divergence in their discussions.

## Kashmir As the Unfinished Agenda of Indian Partition: A Historical Debate A Political Backdrop to the Current Crisis

The princely State of Jammu and Kashmir has an intriguing history, and even before the Indian partition the state had been at the forefront of politics among various political players. Kashmir has been under the territorial control of Mughals, Afghans and then the Sikhs, yet a political episode of more enormous implications began in 1846. As the British East India Company defeated the Sikh Empire in the First Anglo-Sikh War, Kashmir was sold to the Dogra ruler of Jammu, Maharaja Gulab Singh, for 7.5 million rupees, along with its population which was barely considered a commodity. Kashmir was henceforth controlled by the Dogra rulers of Jammu, and this state of affairs only ended with the announcement of the British plan to partition the Indian subcontinent, creating two new states of Pakistan and India (Huttenback, 1968, p. 81).

The panellists disagreed in their assertions regarding the political developments that followed the partition plan. One viewpoint echoed mainly from Kashmiri and Pakistani side, arguing that the Maharaja Hari Singh Dogra, the ruler of the state at that time, was reluctant to sign the document of accession in favour of India, wishing for Kashmir to be free and autonomous. However, the new Indian government did not want the existence of an autonomous state along its geographical frontier, and it believed in creating reality on the ground by the use of force. This strategy was applied in the case of Kashmir. As the law and order situation in the valley began to deteriorate, the Raja acquiesced to Indian pressure and signed the document of accession (Lamb, 1994). For other such states, where the local rulers wanted to maintain their independent

status, the Indian government also used force. A case in this regard was the invasion and annexation of the State of Hyderabad in 1948 (Benichou, 2000).

The argument from the Indian side stated that according to the terms of the partition plan, it was at the discretion of the rulers of these princely states to join the state they liked, even if this step was unpopular with their citizens. It was also argued that once tribesmen supported by the government of Pakistan and its military began entering Kashmir, the equation then changed. The Raja then asked for India's help (Mahapatra, 2017). However, the response from the Pakistani side countered that the tribesmen only entered the state when reports of the killing of Muslims in Jammu began to emerge.

These historical contestations from both sides make it abundantly clear that both stakeholders have a very different view of history, and that they consider the opposite side responsible for the conflict in Kashmir.

Both groups tend to vilify the moves taken by the other side and frame them as a breach of the partition plan. However, a unique agreement remains across the board, that the conflict was the fault of the British colonial administration. They did not foresee that the contestation of Kashmir could jeopardise bilateral ties between the two states, subsequently leading to armed conflict which locked them into an unending security dilemma.

Eventually the panellists agree upon the following issues:

- The complicity of the British colonial administration in the development of the political crisis in the State of Jammu and Kashmir
- The existence of alternative historical narratives that have been used by both sides to prove the legality of their stance on Kashmir.

## Bilateral Engagement Between India and Pakistan over Kashmir

The panellists agreed on the fact that Kashmir has been an issue that has enormously impacted the bilateral ties between India and Pakistan since independence. From a Pakistani perspective, the logical resolution of the conflict can only take place once the United Nations resolutions regarding Kashmir are implemented. These resolutions eventually suggest holding a plebiscite, which would allow the Kashmiris residing within both Indian- and Pakistani-administered areas to decide about their future themselves. It is pertinent to note here that this issue was taken to the United Nations by India, not by Pakistan. Therefore, India has a greater responsibility to implement the UN resolutions regarding Kashmir (Yasmeen, 2002).

The Indian side of the argument remains that UN has called for the withdrawal of forces from the region. The responsibility rests upon Pakistan to withdraw its

forces first, and only then will India be obliged to remove its military from Kashmir. Since Pakistan is reluctant to implement this condition, the UN resolutions cannot actually be applied in letter and in spirit. The view from the Pakistani side remains that it was not the Pakistani army which moved its forces into Kashmir, but that in reality it was the British military, led by British military officers. For this reason, the demand to withdraw the Pakistani army first from the disputed territory is unrealistic. In any case, as Pakistan joined US-sponsored defence pacts in the 1950s, the Indian leadership has started to backtrack from its promises regarding settlement of the conflict according to the UN resolutions. The Indian leadership announced that ground realities had changed after the intervention of external powers, so India had no reason to abide by its previous commitments to the UN (Deo, 1995).

The next major milestone that also impacted the Kashmir issue was the Simla Accord of 1972. In July 1972, the Indian Prime Minister Indira Gandhi and her Pakistani counterpart Prime Minister Zulifigari Ali Bhutto signed an agreement in the Indian town of Simla. Both countries agreed to put an end to the conflict and confrontation that had hitherto marred bilateral relations, and they agreed to work for the promotion of a friendly and harmonious relationship. They wanted to establish a durable peace in the subcontinent. Both sides agreed to settle any disputes 'by peaceful means through bilateral negotiations'. The Simla Agreement designated the ceasefire line of December 17, 1971, as being the new 'Line of Control (LoC)' between the two countries, which neither side would seek to alter unilaterally, and which would 'be respected by both sides without prejudice to the recognised position of either side' (Crisis Group, 2003).

The argument from the Indian side has consistently held that it was emphasised that the Simla Pact had paved the way for a mechanism where the Kashmir issue could only be resolved through bilateral means, and not by third-party mediation (Katju, 2018). The panellist of Pakistani origin, who is an esteemed veteran politician considered as an authority on the subject, considers this a misrepresentation of the Simla Accord, adding that the accord does not bind both sides to resolve the matter bilaterally. It was argued that the agreement has provisions that encourage both sides to look for other options in addition to bilateral mechanisms. From a Kashmiri perspective, the negotiations in Simla were focused on ending the war between the two nations and should only be considered a guideline when it comes to resolving older conflicts like Kashmir.

The next major escalation within Kashmir happened in 1987, when Kashmiri separatists tried to have their voice heard by contesting elections and using the ballot to proceed with their demands. As the results poured in, it was alleged that the polls had been rigged by the Indian government. This resulted in some political parties' rejection of the political process and taking up arms, and in 1988 a campaign of

militant violence began. It was started mainly by the pro-independence Jammu and Kashmir Liberation Front (JKLF) in the Valley of Kashmir, but later on other groups joined as well. Pakistan's support for this new movement was primarily along moral, political and diplomatic lines. Later, material support was also provided to some of the pro-Pakistan militant groups. Indian security forces responded with a counter-insurgency campaign that was marked by grave human rights violations. From 1987 to 2005, these military operations resulted in the killing of at least 40,000 Kashmiris (Grare, 2008).

The 1990s was a period when both sides had excessive political engagement but could not reach a breakthrough on the issue owing to the ongoing violence within Kashmir. An attempt was made by the Pakistani Prime Minister Nawaz Sharif and his Indian counterpart Atal Bihari Vajpayee, but with the hostilities erupting in Kargil, negotiations did not move forward. Under General Musharraf's reign in Pakistan, another attempt was made in 2001 to engage with Indian Premier Vajpayee to resolve the dispute, resulting in the Agra Summit. Both sides failed to move forward during this episode of bilateral engagement, falling short of securing a mutually acceptable outcome. Afterward, back channel negotiations were held between General Musharraf and the Congress government of Prime Minister Manmohan Singh (Dulat & Sinha, 2017).

Some points were particularly important to the panellists when it came to the bilateral engagement between the two countries about Kashmir:

- The nature of the relationship and the personalities on both sides have had an impact on the state of bilateral ties.
- In order to achieve a comprehensive change in the nature of Pakistan-India engagement, both sides need to resolve the Kashmir issue.
- Security institutions on both sides remain essential stakeholders, and without their involvement, any peace initiative will not last long.



## Confidence-Building Measures and the Importance of Track Two Initiatives

Track Two diplomacy pertains to the policy-oriented discussions that are non-governmental, informal and un-official in nature. They are quite close to governmental agendas and often involve participation of people who are influential in policy matters, such as retired diplomats, retired civil and military officials, public figures and policy analysts (Mazari, 2005).

The first prominent Track Two initiative between India and Pakistan was the Neemrana Dialogue that took place under the auspices of the United States Information Services (USIS) in 1990. It was later joined by American foundations and German nongovernmental organisations (NGOs). Its first meeting was held in Neemrana Fort in Rajasthan, India, in October 1991. The group was comprised of former diplomats, former military persons, media personalities, NGO workers and academics from India and Pakistan. Since then, there has been a significant increase in the number of Track Two initiatives between India and Pakistan. Of late, some new initiatives have started, such as the Chaophraya Dialogue, the WISCOMP Annual Workshop, the Pugwash Conferences, Ottawa Dialogue, and so on. There exist more than twelve highly institutionalised Track Two groups, as well as over twenty other people-to-people exchange programmes operating between the two nuclear powers, with both external and internal funding (Ahmad, 2016).

This workshop and the audience were particularly fortunate as one of panellists hailing from Pakistan has remained a very active participant in most of the Track Two initiatives between India and Pakistan. He was of the view that regardless of the worsening ties and failure of both nations to find a solution for the Kashmir conflict, still a lot of progress has been made by the two sides on various issues, eventually solving

some of them. He took the audience on an historical tour and argued by citing numerous examples that both countries have of political crises handles through suitable forums, and that they have behaved in a very mature manner.

A most interesting case in this regard has been the signing of the Liaquat-Nehru Pact in 1950, where, in spite of the opposition of his colleague Vallabhbhai Patel, Jawaharlal Nehru, Prime Minister of India, concluded a pact with Liaquat Ali Khan, Prime Minister of Pakistan. Refugees were thereby allowed to return unmolested to dispose of their property, abducted women and looted property were to be returned, forced conversions were unrecognised, and minority rights were confirmed. A further example is the sign-

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ing of the Indus Water Treaty between India and Pakistan in 1960, with the mediation of the World Bank, that ended the water dispute between the two nations in an amicable manner. Furthermore, both sides exchange the lists of their nuclear facilities in order to avoid any accidental attack from each side on such sensitive installations. The political engagement between General Musharaf and Prime Minister Vajpayee managed specifically to achieve the opening up of trade and travel across the LOC. This paved the way for Kashmiris from both sides to interact and meet up with their relatives. Bilateral trade has also progressed, while both countries have been facing each other in sport competitions as well. A most recent example in this regard has been the opening up of the Kartarpur Corridor, which has enabled not only Sikh pilgrims, but all Indian nationals to enter Pakistan and visit the Kartarpur Sahab Gurdwara without any visa. However,

er, from the panellist's point of view, the negative attitude of the current Indian government toward such overtures remains a major obstacle in achieving any breakthrough between the two sides.

All panellists agreed upon the utility of these confidence-building measures and Track Two initiatives, and they suggested the following proposals:

- The need to effectively utilise diplomatic channels and re-activate Track Two initiatives.
- A need for bilateral dialogue between the Indian and Pakistani militaries.
- Putting a stop to the venomous media campaigns on both sides.

## The Rise of Hindu Nationalism under Modi and the Abrogation of Kashmir's Special Status

On August 5, India unilaterally breached the fundamental conditions of the Instrument of Accession, by which the former princely State of Jammu and Kashmir acceded to India in 1947. It was announced that the government had decided to repeal Article 370 of the Indian Constitution, which provided the state 'special' autonomous status. The state would be bifurcated into two successors 'Union Territories' with more limited indigenous administrative powers. This was done by turning Kashmir into a giant prison camp with seven million Kashmiris barricaded within their homes, Internet connections cut and their phones going dead (Filkins, 2019).

The Pakistani and Kashmiri panellists both contended that this step was entirely unsurprising, as for some

years they had seen posturing from the Indian government that had indicated a change in its approach to Kashmir. After the elections of 2014, the Bharatiya Janata Party (BJP) government at the centre did manage to get into a power-sharing agreement with the People's Democratic Party (PDP). This development ushered in a new era within the political demography of the state. For the first time, BJP was ruling Jammu and Kashmir State. Still, this new political settlement came with its own complexities. BJP had swept across the Hindu-dominated Jammu region of the state, while PDP had emerged as the largest party within the Kashmir Valley. This meant that both partners catered to entirely different sets of constituents, and their political goals within the state did not overlap either.

In the wake of the death of militant leader Burhan Wani, a new wave of anti-India sentiment rocked the Kashmir Valley. It is important to note that from a Pakistani perspective, Wani was a totally indigenous actor. Allegations of a Pakistani role in propping up Wani remain untrue. However, the Indian side has been consistent in its rhetoric that militancy in the valley consistently happens due to infiltration from the Pakistani side and with Pakistan's material support. When a non-partisan Concerned Citizens Group (CCG) led by veteran BJP leader Yashwant Sinha visited Kashmir in 2016 after the death of Wani, it found the valley's youth full of anger toward the security forces for their excessive use of force, and in particular the use of pellet guns. The report pointed out that the Indian ruling circle's decision to employ force as a strategy to deal with this wave of unrest further politically disenfranchised the population of the Kashmir Valley. In its last visit in 2017, the CCG observed wide-scale dismay and despondency among the people of the Kashmir Valley toward the Indian state that was not only engaging with them militarily but was also bent upon altering their special status guaranteed in the Constitution (Express, 2017).

For Kashmiris, after these developments the writing on the wall has been quite clear. The Indian government is paving the way for the implementation of a new governance paradigm within the state of Jammu and Kashmir. The revocation of Kashmir's special status is just one critical step in that direction.

The Indian liberal perspective on these developments in Kashmir has been rather interesting. The panellist, while contextualising an Indian liberal perspective, urged that the intellectual elite within the country has been visibly perturbed by the state of affairs in Kashmir. They have been critical of the government's political steps in the form of repealing Article 370 to scrap the special status of Jammu and Kashmir, as well as demoting it from a state into two union territories. They argue that there has been a consensus between the liberal and non-liberal elements of Indian polity that Pakistan has used militant groups in Kashmir to

sabotage law and order. Additionally, agreement also remains that until the Pakistan establishment's hold over its foreign policy is not weakened, Pakistan's support for these elements will continue. This essentially brings a unique agreement within the Indian political spectrum when it comes to Pakistan, and there is also concurrence that there is reason for the Indian military to be deployed within Kashmir (Zutshi, 2019).

This has emboldened the BJP government to bulldoze its way into issues like Kashmir, regardless of the criticism of rather liberal segments of Indian society. It is clear that the civilian leadership remains at the helm of decision-making and the armed forces enter the fray only at the implementation level. This decision-making circle is limited specifically to Prime Minister Modi, Home Minister Amit Shah and the National Security Advisor, Ajit Doval. They remain the principal authorities when it comes to taking decisions related to national security. The security apparatus, which consists of intelligence agencies and the armed forces, are responsible for keeping the leadership informed about the developing security situation and threat perception throughout the nation. These institutions, however, do not have the power to enforce their preferred options.

At the end, the panellist agreed upon the following points:

- The current crisis in Kashmir is an entirely unique one, and it has the potential to completely alter the nature of Indo-Pak ties.
- Changes within the Indian domestic fold, the rise of Prime Minister Modi and Indian nationalism have a direct bearing on the conflict.
- The state of affairs in Kashmir after the repeal of Article 370 remains unstable, and the actions of the Indian government are in no manner justified.

## The Humanitarian Side of the Conflict and the Agency of Kashmiris

During the panel debates, the panellist representing Kashmir raised a specific point, emphasising the dire human rights situation within Indian-Administered Kashmir. The constant firing and shelling across the LOC have imperilled the lives of Kashmiris, resulting in a huge number of civilian casualties. A UN report has indicated that in 2018, around 160 civilians were killed due to ceasefire violations in Kashmir and across the LOC (Commissioner, 2019). This invariably means that it is ultimately the Kashmiris who are paying the highest price for the continuation of conflict. This already dire situation has been further aggravated by the Indian government's decision to repeal Kashmir's special status.

The everyday lives of Kashmiris are now increasingly policed and regulated due to the deployment of more than half a million troops into the Kashmir Valley and the enforcement of a security lockdown. The other aspect of the new paradigm of governance has been the complete silencing of the valley's political voices. The

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Indian government has not only arrested and jailed most of the prominent separatist leaders, but it has not allowed discussion from even the pro-Indian political fraternity of the valley who have ruled it for more than seventy years. This shows that regardless of political loyalties, the voice of Kashmiris from all walks of life has been muted (Donthi, 2019). There was to some extent unanimity about this point from among the panellists. The Indian State has acted in a most brutal manner, imposing its will on the people of Kashmir by eliminating their agency.

This theme also reappeared as the floor was opened to the audience for a round of questions and answers. Some participants in the audience were themselves Kashmiri refugees, mostly from Jammu, and living in Pakistan or other parts of the world. They asked the panellists if there remained a chance that one day they could go back to their homes, or in most cases to their parents' ancestral towns and villages within the Jammu region. The panellists were unable to give definite answers, as no one realistically thinks there remains any chance of a return of these refugees. Their hometowns and villages have changed in every way, and they themselves have also gone through a process of identity transformation.

The following are points that were discussed about the humanitarian side of the conflict:

- Kashmiris have paid a heavy price for the political whims of India and Pakistan.
- The agency of Kashmiris and their human rights remain severely curtailed.
- The Kashmiri refugees who were displaced as a result of wars between India and Pakistan may never be able to return to their homes.

## Conclusion

The session which discussed the bilateral ties of India and Pakistan, and how much of a role the Kashmir conflict plays in setting the trajectory of this relationship, was insightful in many ways. The comprehensive discussion which included differing historical perspectives increased the audience's awareness and added information about the origins of this conflict. The debate outlined in detail how the situation in Kashmir has had a direct impact upon the security dynamics of the region. If the participants agreed

on one hand about the need for restarting diplomatic engagement and Track Two or back channel engagements, they also conceded that after the abrogation of Kashmir's special status by the Indian government, such a course of action remains extremely unlikely. Ultimately, it is the Kashmiris who are at the centre of this whole debate, and it is their perspective that deserves the most attention.

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