

The Kashmir Conflict:
Policy Recommendations

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Introduction

For seventy-three years, the Kashmir conflict has defined South Asia. It has influenced the identity, politics, and populations of Kashmir and the independent India and Pakistan. It is an active, evolving, and complex conflict. There is no end in sight. Kashmir is the battleground of diverse influences and conflicting interests and actions. The ongoing escalation pushes India and Pakistan to the brink of war once again. There is no national willingness to take the steps necessary for a sustainable peace because each country's national identity and interests remain tied to control of Kashmir. The international community has taken a step back from addressing the conflict because of the problems of diplomacy. Importantly, the forgotten Kashmiri people have been trapped in the crossfires of a seventy-three-year conflict without a voice. Today, the Kashmir conflict gives no hope for a conclusion but there is capacity for and optimism in conflict management, the very first steps to a meaningful and sustainable peace resolution.

At this point of the conflict, any action has the potential to become an all-out war. The Indian and Pakistani armies exchange fire along the Line of Control (LOC) almost daily. On November 26, Kashmiri militants killed two Indian soldiers.¹ On November 13, clashes killed nine civilians and six soldiers on both sides of the LOC, one of the bloodiest days in recent years.² This paper analyzes the history of conflict resolution and the evolving situation to provide policy recommendations in the hopes of preventing further escalation and violence.

The paper introduces an overview of the Kashmir conflict. It focuses on previous conflict resolution efforts and analyzes the outcome. These efforts are considered within the greater context of competing interests to understand the factors that continue this conflict. It moves to an

¹ "Kashmir Fighters Kill Two Indian Soldiers in Region's Main City," *Al Jazeera*, November 26, 2020, <https://www.aljazeera.com/news/2020/11/26/kashmir-fighters-kill-two-indian-soldiers-in-regions-main-city>.

² Ibid.

examination of the current situation and the obstacles to peace. This analysis contributes to policy recommendations for modern conflict management and resolution.

The Kashmir Conflict

The Kashmir conflict centers on the politics of identity. It originates in the “two-nation” theory that divided the Hindus and Muslims. This is the national identity that polarizes India and Pakistan. It inspires each country’s nationalist claims to Kashmir. The polarization of national identity prevents a shared vision of the Indian subcontinent.

Kashmir is integral to the national identity of India and Pakistan. In 1947, the territory was ruled by a Hindu ruler but inhabited by a majority Muslim population.³ Thus, India and Pakistan held competing claims to the territory. India needs a Muslim majority territory in its Hindu majority state to prove itself a secular democracy.⁴ Pakistan needs the Muslim majority territory to prove itself a Muslim homeland in South Asia.⁵ Often overlooked in the discussion of competing nationalisms, Kashmiris do not identify as Indian or Pakistani.⁶ The population opposes Indian control because Kashmir is a Muslim minority governed by a Hindu majority state that is losing the values of a secular democracy. Moreover, the population feels forgotten by a Pakistan that claims to be a homeland but does not or cannot do enough to protect Kashmiris, Muslims of South Asia. Competing nationalisms define India and Pakistan’s interests in the territory. It polarizes identity. National identity promotes the political and military competition for Kashmir. Competing nationalisms each demand full control of Kashmir.

The evolution of the Kashmir conflict makes peace difficult. In its seventy-three years, conflict resolution efforts have adapted to the stages of conflict. It originated in the

³ “Kashmir: Learning From the Past,” pp. 1-2.

⁴ “Kashmir: The View From New Delhi,” *International Crisis Group* (December 2003): pp. 1.

⁵ “Kashmir: The View From Islamabad,” *International Crisis Group* (December 2003): pp. 25.

⁶ “Kashmir: The View From Srinagar,” *International Crisis Group* (November 2002): pp. 18.

decolonization and state-building process. Initial peace resolution efforts involved the United Nations to “maintain international peace and security”. An intervention by the international community was, arguably, necessary to implement a ceasefire and set the de-facto border dividing the new states.⁷ Moreover, it gave the UN an opportunity to grant self-determination, a global standard, to Kashmiris.⁸ These efforts failed and India and Pakistan fought a series of conventional wars. A bilateral approach replaced the failed international efforts. Nuclear proliferation raised the stakes of direct violence. The Kashmir conflict developed into a conflict comparable to a proxy war with Pakistani sponsored extremism and Indian military responses.⁹ These were escalations that complicated bilateral peace efforts. The heightened tensions of the current situation are the result of national identity polarization and policy. Conflict resolution must address identity and competing nationalisms. It must reform antagonizing political structures and policies. Notably, peace necessitates the protection of the Kashmiri population.

The Contemporary Conflict

Kashmir is in a worsening active conflict. On February 14, 2019, Jaish-e-Mohammed (JeM) killed forty Indian soldiers in a suicide attack in Jammu and Kashmir.¹⁰ JeM is an extremist organization that aims to liberate Kashmir from Indian control.¹¹ Credible allegations by India and other members of the international community, including the United States, suggest Pakistan sponsors JeM.¹² In response, India conducted its first airstrike into mainland Pakistan

⁷ Jakob Avgustin, *The United Nations: Friend or Foe of Self-Determination?* (Bristol: E-International Relations Publishing, 2020).

⁸ Ibid.

⁹ Sahar Khan, “Double Game: Why Pakistan Supports Militants and Resists U.S. Pressure to Stop,” CATO Institute, September 20, 2018, <https://www.cato.org/publications/policy-analysis/double-game-why-pakistan-supports-militants-resists-us-pressure-stop>.

¹⁰ Raj Chengappa, “Balakot - The Inside Story.” *India Today*, March 25, 2019.

¹¹ Asad Hashim, “Profile: What is Jaish-e-Muhammad?” *Al Jazeera*, May 1, 2019. <https://www.aljazeera.com/news/2019/5/1/profile-what-is-jaish-e-muhammad>.

¹² Khan, “Double Game.”

since 1971, targeting a terrorist camp.¹³ A prominent element of the modern Kashmir conflict is the cycle of extremism. Allegedly sponsored by Pakistan, a Kashmiri extremist organization will commit an act of terrorism. India will retaliate with a greater military presence or a show of force. In this case, India's airstrikes violated Pakistani sovereignty, signifying a bold shift to aggressive retaliation and pushing the two countries closest to a war since 2002.¹⁴ Witnessing violence alienates and radicalizes the Kashmiri youth that join extremist organizations.¹⁵ This cycle pushes India and Pakistan to armed conflict. The Kashmiri population and their relation to India suffers, setting up for future armed conflict. Yet, the cycle of extremism is difficult to break. India and Pakistan have yet to comprehensively address these recent acts of extremism.

Polarization in identity and politics is the second antagonist of the modern Kashmir conflict. On August 5, 2019, India revoked Article 370 of its Constitution, stripping Kashmir of its special status and autonomy to integrate it as a union territory governed under direct federal control.¹⁶ The Modi administration and his Bharatiya Janata Party (BJP) aim for a Hindu nation, not the secular democracy of the original vision of India.¹⁷ The popularity of the BJP has polarized Hindus and Muslims. Integrating a Muslim majority territory into a majority Hindu state does not provide protection for the minority from the majority as Muslims feared in 1947. Moreover, the Indian government placed Kashmir on "lockdown, arresting local politicians, cutting off communications, limiting movement, and flooding Kashmir with troops".¹⁸ The bold move has contributed to a flare in tensions. A lockdown of Kashmir violates human rights and

¹³ Raj Chengappa, "Balakot - The Inside Story".

¹⁴ Ibid.

¹⁵ "Kashmir Attack: Tracing the Path that Led to Pulwama," *BBC*. April 30, 2019.

<https://www.bbc.com/news/world-asia-india-47302467>.

¹⁶ Pratap Bhanu Mehta. "Winning Kashmir and Losing India." *Foreign Affairs*, September 20, 2019.

<https://www.foreignaffairs.com/articles/asia/2019-09-20/winning-kashmir-and-losing-india>.

¹⁷ Ibid.

¹⁸ Ibid.

pushes Kashmiris to the cycle of extremism. It is a unilateral move that disregards Pakistan's claims to the territory. It has brought international attention to the conflict. Hindu nationalist policy continues the history of a conflict that polarizes identity for nationalism.

International Conflict Resolution Efforts

The Kashmir conflict threatens international peace and security. In the early years, the United Nations (UN) took on an important role in conflict resolution efforts. It stepped in following India and Pakistan's failure to bilaterally end the Indo-Pakistan War of 1947.¹⁹ It was simultaneously a success and a failure. UN Resolution 39 established the UN Commission for India and Pakistan (UNCIP) as a mediator.²⁰ UNCIP negotiated a ceasefire and set the LOC.²¹ Currently, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) monitors the ceasefire along the LOC.²² However, UNMOGIP only monitors violations of the ceasefire. It has no authority in conflict resolution. The UN has stepped back from the responsibility of setting peace and preventing conflict in Kashmir. As time has told this peace resolution did not end the conflict.

The continuation of the Kashmir conflict reflects the criticisms of the UN. UN Resolution 47 called for the removal of the Indian and Pakistani presence in Kashmir and a free and impartial plebiscite.²³ A vote on self-determination was never held and the LOC became the de-facto border.²⁴ The UN defers the norm of self-determination to state sovereignty.²⁵ The vote of self-determination was limited to decisions accepted by the states, accession to India or Pakistan,

¹⁹ Avgustin, *The United Nations*.

²⁰ Security Council resolution 39, Establishing a Commission on the India-Pakistan question, S/RES/39 (1948).

²¹ Avgustin, *The United Nations*.

²² United Nations Military Observer Group in India and Pakistan. Accessed December 6, 2020. <https://unmogip.unmissions.org/>.

²³ Security Council resolution 47, On restoration of peace and order and the plebiscite in the State of Jammu and Kashmir, S/RES/47 (1948).

²⁴ Avgustin, *The United Nations*.

²⁵ Ibid.

not independence. Deferring to state sovereignty, the UN does not have the power or will to demand self-determination if it is not supported by India and Pakistan. The Kashmir conflict continues because international intervention is overpowered by state sovereignty.

Without an invitation from both India and Pakistan, there is an absence of international action in Kashmir because of state sovereignty. India, taking up the argument of state sovereignty, asserts the Kashmir conflict is a strictly bilateral issue.²⁶ At the 2019 UN General Assembly (UNGA), India's UN Ambassador Syed Akbaruddin stated, "It's entirely an internal matter for India. We don't need international busybodies".²⁷ Pakistan, taking a conflicting approach, asserts the Kashmir conflict requires international attention. Addressing the 2019 UNGA, Pakistan's Imran Khan made a case for UN intervention: "This is a test for the United Nations. You are the one who guaranteed the people of Kashmir the right of self-determination. They are suffering because of that. And this is the time. This is the time not to appease like in 1939 appeasement took place. This is the time to take action".²⁸ Pakistan claims Kashmir is a responsibility of the UN as a matter of international peace and security, justice for human rights violations, and humanitarianism. It asserts the importance of self-determination as a principle and purpose of the UN. In a plebiscite, it is likely the Kashmiri population would choose Pakistan because of a shared Muslim identity.²⁹ Without the support of both states, the UN can only resort to coercive measures not cooperative measures. However, coercive action is a significant risk. India and Pakistan's appeal to the contrasting principles of the UN, state sovereignty and self-determination, complicate international conflict resolution.

²⁶ Richard Roth, "UN Security Council Has Its First Meeting on Kashmir in Decades – and Fails to Agree on a Statement," *CNN*, August 16, 2019, <https://www.cnn.com/2019/08/16/asia/un-security-council-kashmir-intl/index.html>.

²⁷ Ibid.

²⁸ "Pakistan – Prime Minister Addresses General Debate, 74th Session," United Nations, September 27, 2019, <https://www.youtube.com/watch?v=uvaQgnQCQ5k>.

²⁹ "Kashmir: The View From Islamabad," pp. 25.

The politics of the international community influences international involvement in Kashmir. India is a rising power in the international community. It is the politically dominant state of South Asia. It is a key player in world trade with a massive economic market of one billion people. India is in the position to vie for a permanent seat on the UN Security Council (UNSC). In comparison, Pakistan is a fragile state. It is economically weak. Moreover, Pakistan politically “damaged its standing... by supporting militant groups that have attacked Indian troops”.³⁰ Many UN member states are not willing to intervene and risk opposing India because of its political and economic power. The few UN member states that notably oppose India have a self-interest to confront India’s influence. International institutions represent power imbalances in their decisions on conflict resolution, favoring India’s argument over Pakistan’s call to action.

The UN Security Council is divided on its approach to the conflict. In 2019, the UNSC could not even reach an agreement on a shared message, let alone any action.³¹ It is another consequence of the US-China rivalry. China has its own escalating border conflict with India and an intense competition for dominance of Asia and beyond. An opponent to India and an ally to Pakistan, China is responsible for setting up the 2019 UNSC discussion on Kashmir, the first since 1971.³² In contrast, the US is an ally to India in the pursuit of its own interests, particularly as the balance of power to China’s rising threat to American hegemony. At the UNSC discussion, the US maintained an approach favorable to India by objecting “to language that might have broadened the issue beyond the possibility of future bilateral” talks.³³ In an analysis, The Editorial Board of The New York Times published, “The United Nations’ lack of resolve is

³⁰ The Editorial Board, “The U.N. Can’t Ignore Kashmir Anymore,” *The New York Times*, October 2, 2019, <https://www.nytimes.com/2019/10/02/opinion/editorials/kashmir-india-pakistan-un.html?searchResultPosition=14>.

³¹ Ibid.

³² Roth, “UN Security Council Has Its First Meeting on Kashmir in Decades – and Fails to Agree on a Statement.”

³³ Ibid.

a sad sign of the dysfunction in international diplomacy as American leadership declines and divisions among world powers grow”.³⁴

Bilateral Conflict Resolution Efforts

Modern conflict resolution efforts on Kashmir are primarily bilateral. The 1972 Simla Agreement determined the two countries will “settle their difference by peaceful means through bilateral negotiations”.³⁵ Bilateral conflict resolution relies on the initiative and will of India and Pakistan. However, Kashmir is not the classic mutually hurting stalemate that motivates peace agreements. In a cost-benefit analysis, India and Pakistan find the continuation of the Kashmir conflict more advantageous than the negotiations and concessions of a peace agreement. Currently, the two countries are not willing to engage in bilateral conflict resolution.

The India-Pakistan Composite Dialogue Process (CDP) is the most far-reaching and successful bilateral effort. In five rounds of discussion, it addressed territorial disputes, security, economics, and confidence-building measures.³⁶ Following the highs and lows of India-Pakistan relations, it has stopped and started. Introduced in 1997, political will for peace developed CDP.³⁷ It set the discussion of the Kashmir conflict in the context of broader India-Pakistan relations. In a compromise, India agreed to discuss the status of Kashmir and Pakistan agreed to engage in counterterrorism.³⁸ This peace effort was interrupted by their emergence as nuclear states in 1998 and the Kargil War in 1999.³⁹ The terror attack on the Indian Parliament by Pakistan based extremist organizations Lashkar-e-Taiba (LeT) and JeM in 2001 halted

³⁴ The Editorial Board, “The U.N. Can’t Ignore Kashmir Anymore.”

³⁵ “Simla Agreement.” July 2, 1972. <https://www.stimson.org/1972/simla-agreement/>.

³⁶ Ashutosh Misra, “An Audit of the India-Pakistan Peace Process,” *Australian Journal of International Affairs* 61, no. 4 (December 2007): pp. 506-528.

³⁷ *Ibid.*, pp. 507.

³⁸ *Ibid.*

³⁹ *Ibid.*, pp. 509.

dialogue.⁴⁰ A rapprochement in 2004 produced the most successful round of CDP.⁴¹ Dialogue was interrupted again in 2006 by the LeT's Mumbai train blasts.⁴² CDP ended in 2008 with the 26/11 terror attacks by LeT in Mumbai.⁴³ The course of events has contributed to a loss of political will to continue dialogue. Extremism hinders India and Pakistan from engaging in conflict resolution. In CDP, polarization was an obstacle to far-reaching and successful peace agreements. Currently, polarization and frequent clashes along the LOC prevent bilateralism. CDP was a relatively successful first step in bilateral conflict resolution.

It gives hope to the future of bilateral conflict resolution. Taking a comprehensive approach to India-Pakistan relations, CDP can address the structural problems that prevent sustainable peace. The 2004 round provides a guide to success for future bilateral peace dialogue. India and Pakistan agreed on a ceasefire, confidence building measures (CBM), counterterrorism, bilateral trade, and transportation across the border.⁴⁴ Notably, the dialogue concluded in hopes of a more permanent resolution to the conflict. Pakistan's President Musharraf agreed, in principle, to acknowledge "the LOC as the final border, provided that Kashmir is jointly administered by India and Pakistan".⁴⁵ In response, India's Prime Minister Singh "demonstrated his willingness to compromise when he declared that India could accept any solution with the exception of secession".⁴⁶ Though these agreements have been made null by the revocation of Article 370, the dialogue was a success at the time. It is an agreement that gives hope for future peace efforts. The possibility of a continued dialogue remains open.

⁴⁰ Ibid.

⁴¹ Ibid., pp. 510.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Thorsten Wojczewski, "The Persistency of the India-Pakistan Conflict: Chances and Obstacles of the Bilateral Composite Dialogue," *Journal of Asian Security and International Affairs* 1, no. 3 (2014): pp. 322-323.

⁴⁵ Ibid.

⁴⁶ Ibid.

Policy Recommendations

The escalation in the Kashmir conflict compels action. A peace process will be bilateral, not international. International involvement is limited because of the norm of state sovereignty, insufficient interest, finite money and resources, and a division in support for India or Pakistan. It exemplifies the problems of international diplomacy. Avoiding the outbreak of war will require the political will of India and Pakistan. The tense situation requires conflict management in the short-term and conflict resolution in the long-term.

Conflict Management

The objective of conflict management is preventing an escalation to a greater armed conflict. Proven by the history of India-Pakistan relations, there are many flashpoints that could set off a war. A terrorist attack in India by any extremist organization connected to Pakistan or Kashmir can provoke a forceful military response by India. A significant number of fatalities along the LOC can aggravate hostilities. An important policy change in Kashmir by India or Pakistan can lead to a breakdown of relations. Conflict management and de-escalation is necessary because any one of these situations is possible.

The international community, as a whole, cannot agree on the message or action in Kashmir. However, powerful actors remain interested and willing to act. The US has the political will, the capacity, and the influence to engage in conflict management. The close relationship between the Trump administration and the Modi government displays significant partiality. In contrast, the Biden administration has criticized India's actions in Kashmir and is likely to develop a foreign policy that reflects this criticism.⁴⁷ It does, however, carry the legacy of good

⁴⁷ Anik Joshi, "A Biden-Harris Administration Would Mean a Harder Eye on Kashmir," *Foreign Policy*, September 3, 2020. <https://foreignpolicy-com.proxygw.wrlc.org/2020/09/03/biden-harris-kashmir-policy-india-modi/>.

will established by the Obama administration.⁴⁸ Moreover, the US under a Biden administration will still align with India over Pakistan. In a new administration, the US is more likely to be accepted as a third party by both sides. The US under a Biden administration has a greater opportunity to mediate any escalation in the future.

Confidence building measures build the trust necessary in conflict management and resolution. CBMs are not extremely risky or costly. During the escalation in 2019, India and Pakistan opened the Kartarpur Corridor, a visa-free border crossing for Indians to travel to the Gurdwara Darbar Sahib, a holy site for Sikhs in Pakistan.⁴⁹ It builds trust and relationships along the border at the community level. It is a bottom-up approach to peacebuilding because social relationships are formed among a public that can pressure domestic governments to avoid any conflict that may close the Kartarpur Corridor. India and Pakistan can engage in economic CBMs. In April 2019, all trade and most transportation were cut.⁵⁰ It was the end to bilateral trade that had survived the highs and lows of relations for a decade.⁵¹ From 2008 to 2018, the two countries traded a total value of \$90,843,750.⁵² The purpose of bilateral trade is to convert “social interconnectedness into commercial interdependence”.⁵³ Trade builds an economic interdependence that would make the escalation of conflict costly for both countries. It can reduce polarization by building trade relations and interdependence. Notably, bilateral trade has stood the test of time for a decade of success.⁵⁴ Social and economic CBMs can build the trust necessary to manage and eventually resolve the Kashmir conflict.

⁴⁸ Ibid.

⁴⁹ “Indo-Pak Ties in 2019: From Brink of War to Corridor of Peace,” *Economic Times*, December 23, 2019. <https://economictimes.indiatimes.com/news/defence/indo-pak-ties-in-2019-from-brink-of-war-to-corridor-of-peace/articleshow/72923605.cms>.

⁵⁰ Ibid.

⁵¹ “Indo-Pak Ties in 2019: From Brink of War to Corridor of Peace.”

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

Conflict Resolution

To achieve a conclusion to the conflict and a sustainable peace, there must be conflict resolution through dialogue. The most viable solution is “quiet diplomacy”. It is efficient and allows for compromise without the risks of external pressure or showing weakness. India and Pakistan must take the initiative to engage in dialogue. This dialogue is possible only with an act of good faith or a mutually hurting stalemate. Though India will not allow for direct third-party involvement, there are still methods for international action in support of the peace process. For example, the US can undertake a strategy of “quiet engagement” by offering “economic aid to both countries, but especially Pakistan, to show the people that ... aligning with US interests... will yield tangible benefits”.⁵⁵ “Quiet diplomacy” sets up bilateral conflict resolution efforts without the pressures of polarization.

An effective peace agreement requires an end to the political power of Hindu nationalism. Modi and his BJP party contribute to the polarization of national identities. The party believes Pakistan is representative of a “Muslim invasion of the Hindu-dominated Indian subcontinent”.⁵⁶ At his 2019 UNGA speech, Imran Khan asked “what kind of a mindset locks up eight million people” in his justification of a homeland to protect Muslims in South Asia.⁵⁷ In its pursuit of a Hindu nation, the BJP is not willing to take the bilateral measures necessary for a peaceful end to the conflict. Modi, the strongman leader of South Asia, is responsible for the recent escalation. Taking measures to unilaterally integrate Kashmir and make a Hindu nation, Modi has been the boldest and most active Indian prime minister in recent years. Hindu

⁵⁵ Esther Pan. “India-Pakistan: Peace Talks.” *Council on Foreign Relations*, February 7, 2005.

<https://www.cfr.org/background/india-pakistan-peace-talks>.

⁵⁶ Wojcowski, “The Persistency of the India-Pakistan Conflict: Chances and Obstacles of the Bilateral Composite Dialogue,” 327.

⁵⁷ “Pakistan – Prime Minister Addresses General Debate, 74th Session.”

nationalism fundamentally opposes the expansion of a Pakistani state into Kashmir. This ideology is not conducive to the compromises necessary for conflict resolution.

Good governance in Pakistan is necessary to peace in Kashmir. The incomplete state-building process resulted in “the different governments, particularly the military governments, [having] regularly exploited the conflict for political interests. In particular, the army uses the conflict with India to justify its dominant role within the state”.⁵⁸ The Pakistani military has an interest in continuing the Kashmir conflict to maintain its legitimacy and power. Imran Khan is not directly connected to the military. However, the military holds significant political and economic power. Most importantly, Pakistan cannot engage in a proxy war approach to the conflict by supporting extremism in Kashmir or India. The cycle of extremism continues the conflict with Pakistani extremism and Indian military conflicts. Pakistan’s bad governance contributes to instability and encourages a continuation of the conflict.

The voice of the Kashmiri people is important to peace. Self-determination or independence are not possible. However, an end to the violence in Kashmir is possible with the protection of human security. If violence continues, India will continue its military efforts to end Pakistani extremism and Pakistan will demand action to protect the violation of human rights by India. A sustainable peace must guarantee security, freedom, and rights for the Kashmiri people.

Conclusion

The potential for greater armed conflict in Kashmir remains a significant threat. It requires conflict management. To end this seventy-three-year conflict, India and Pakistan must engage in consistent, bilateral diplomatic efforts. In the peace process, the Kashmiri people must not be forgotten. Though the end is not near, there is hope for peace in Kashmir.

⁵⁸ Wojcieszski, “The Persistency of the India-Pakistan Conflict: Chances and Obstacles of the Bilateral Composite Dialogue,” 329.

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