

**RESEARCH PAPER****Kashmir: The Unfinished Business from 1947-2007****<sup>1</sup>Dr. Fida Bazai\* <sup>2</sup>Dr. Ruqia Rehman and Amjad Rashid**

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**\*Corresponding Author:** zahfida.bizai@uob.edu.pk**ABSTRACT**

This paper discusses the fifty years of dispute between India and Pakistan on the issue of Kashmir. It analyses how the unplanned withdrawal of the British from the subcontinent, the geostrategic shift in the international political and addition of nuclear weapons affected the bilateral relationship on the issue of Kashmir. The lingering dispute of Kashmir, which has always been at the top of hierarchy in the agenda of priorities of Pakistan, never let it to establish cordial relationship with India. The hasty British farewell and the premature partition of the United India in June 1947 unleashed a plethora of problems. The influx of crises became complex and intractable by the indecisive position of the Maharaja of Kashmir, who was a Sikh ruler of the overwhelming Muslim population of the state. The dispute between New-Delhi and Islamabad always took a new turned after the shifts of international politics in 1950s, 1980s and 2001. The addition of nuclear weapons has discouraged both countries from crossing international borders, but does not help in the stability of bilateral relationship. There were small autonomous units in the United India called Princely States whose relationships with the British government were governed by the treaty of paramountcy. At the time of the independence of India, these states were given the option of joining either India or Pakistan according to the India Independence act of 1947. Religious majority and geographical contiguity was the determining principles of accession of the princely states. All states accessed successfully either to India or Pakistan except Junagadh, Hyderabad and Kashmir. The states of Junagadh and Hyderabad were occupied by the Indian forces after the delay of their accessions later on legitimised their occupation by referendums, which has never been held in the Kashmir (Lamb, 1966). This paper consists of six sections. The second section of the paper is about the accession of Kashmir, the third one discusses how the shift in geo-strategic environment affected the Kashmir dispute. The fourth section is about the effect of nuclear weapons on the bilateral relationship. The fifth part discusses how the event of 9/11 changed Pakistan's position on the issue of Kashmir and final one is conclusion of the paper.

**KEYWORDS** Kashmir Issue, Security Threat, Identity, Rivalry, Terrorism**Introduction**

The lingering dispute of Kashmir, which has always been at the top of hierarchy in the agenda of priorities of Pakistan, never let it to establish cordial relationship with India. The hasty British farewell and the premature partition of the United India in June 1947 unleashed a plethora of problems. The influx of crises became complex and intractable by the indecisive position of the Maharaja of Kashmir, who was a Sikh ruler of the overwhelming Muslim population of the state. The dispute between New-Delhi and Islamabad always took a new turned after the shifts of international politics in 1950s, 1980s and 2001. The addition of nuclear weapons has discouraged both countries from crossing international borders, but does not help in the stability of bilateral relationship.

Kashmir had greater political significance and strategic importance in the all 562 princely states of the British India. Politically, it was a contesting battleground for two conflicting ideologies: Two Nations vs. One Nation theories based on the religion and the Indian Nationalism respectively. Strategically, the occupation of Kashmir makes the other party vulnerable to the enemy belligerency, "The Indian army, echoing nineteenth century British geopolitics, claims that giving up the mountainous Kashmir would expose the plains of Punjab and Haryana, and even Delhi, to foreign (Pakistan) attack.....for Pakistan the proximity of the capital, Islamabad, to Kashmir makes it vulnerable to an Indian offensive along the Jhelum river (Masood& Muzaffar, 2019). Further, Pakistanis argue that the inclusion of Kashmir would give it a strategic depth that Pakistan otherwise lacks (Cohan, 2001). Kashmir also has geographical proximity with China and Afghanistan (Figure. 1).

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### **The Accession of Kashmir**

The accession of the Kashmir wounded the soul of the Indian subcontinent, which turned into festering sore, sabotaged every development between India and Pakistan. The Partition Plan of 3<sup>rd</sup> June, 1947 of the United India was the recognition and acknowledgement of the Two Nation Theory on the basis of religion, which was extended to the district and Tehsil level e.g. the division of Punjab and Bengal, and the subdivision of Gurdaspure, Ferozpure and Pathankut in Punjab. Kashmir, which was a predominantly Muslim state, had with closed geographical proximity, greater trade dependency and natural communication lines with the big cities of Pakistan (Rawalpindi and Jhelum) was automatically becoming part of it according to the two principles of partition (Figure.1) (Nawaz, 2008). The Indian claim over the Kashmir was on the basis of popular support due to Congress political alliance with Sheikh Abdullah's popular National Conference, which was a secular Muslim party. India had been supporting the United Nation Security Council resolution of Plebiscite in Kashmir as long it had the support of National Conference in Srinagar.

The vacillating position of the Maharaja of Kashmir over accession deteriorated the thick atmosphere of suspicion and mistrust between India and Pakistan. In those prevailing circumstances, the tribal Pashtuns warrior from the NWFP and FATA crossed the border with the tacit approval of Pakistan's Army second level command and Maharaja Forces were swiftly defeated (Nawaz, 2008). The Maharaja requested the Indian government assistance against the tribal forces, but New-Delhi made support conditional to accession. According to Birdwood, "Lord Mountbatten had emphatically advised his government that without the formal accession of Kashmir it would be neither right nor wise to take military action (Birdwood, 1956)". On 26 October, 1947, under the immense pressure from the tribal fast progress toward the Kashmir capital Srinagar and the Indian government steadfastness on accession, Maharaja hesitantly acceded to India (Masood, et. al., 2020).



Figure1:[http://www.lib.utexas.edu/maps/middle-east\\_and\\_asia/jammu\\_kashmir\\_ethnic\\_2000.jpg](http://www.lib.utexas.edu/maps/middle-east_and_asia/jammu_kashmir_ethnic_2000.jpg)

The tribal incursion under the de-facto auspices of Pakistan indigenous army officers was approaching Srinagar, when Indian forces arrived and prevented its occupation. Pakistan army under the British Generals refused to declare war due to a bilateral 'Stand By' agreement between the two countries of no war under the British command. Therefore, Pakistan could not wage a complete war until December, 1947 and depended on the tribal invaders and ex-servicemen of the Azad Kashmir to occupy Kashmir (Nawaz, 2008). Pakistan formally entered the war on December 4, 1947 when Indian forces had already strengthened their positions around Srinagar. The passage of war is behind the scope of the paper.

After the accession of Maharaja and support of Sheikh Abdullah, India had called upon the United Nations Security Council on 1<sup>st</sup> of January, 1948 to intervene in the Kashmir and stopped Pakistan's incursion. It portrayed Pakistan as an aggressor against the state of Jammu and Kashmir, which had legally acceded to India, but Islamabad's skilful foreign Minister Zafar Ullah Khan adroitly defended its position. Pakistan rather started emphasizing the implementation of the Indian resolution, which called for plebiscite in entire Kashmir. Eventually the United Nations Security Council succeeded in facilitating a ceasefire between the two countries on 1<sup>st</sup> of January, 1949 and demanded both to create

amicable environment for the conduct of free and fair plebiscite in the state of Jammu and Kashmir,

‘The search for a resolution to the Kashmir dispute began with the adoption of two resolutions by the United Nations Security Council (UNSC) on August 13, 1948 and January 5, 1949, respectively calling for the determining the future of the state in accordance with the will of the Kashmiri people to be ascertained through the democratic method of free and impartial plebiscite under the aegis of the United Nations’ (Khan, IPRI).

The Indian Government, as a status quo power, refused to conduct plebiscite after losing the support of National Conference by removing Sheikh Abdullah’s government and special status of the Kashmir in 1953 provided in 1949 Constitution.

The conflict between India and Pakistan in the Kashmir didn’t escalate to a full-fledged war across the International border primarily because of the restraint at the highest Command level by the British Generals, the vehement intervention of United Nations and the behaviours of Prime Ministers in both countries. These developments led to a temporary rapprochement and settlement of the Kashmir question for next decade.

According to Lamb, ‘Instead of the escalation of war in the final days of 1948 there were negotiations leading to a cease-fire which took effect on 1 January 1949: and 27 July 1949. India and Pakistan signed in Karachi an agreement defining the cease-fire line in Kashmir which, until the outbreak of the 1965 war, was to mark the effective limit of the sovereignties of the two states’ (Lamb, 1966).

Although it remained an important dispute between India and Pakistan, but other issues like water distribution, refugee settlement, division of financial and military resources dominated the agenda of the bilateral dialogues in the early phases of the partition.

### **Shift in the geo-strategic environment**

One of the most significant factors in reducing the rivalry between India and Pakistan in 1950s was the shift in global geo-strategic development from Asia to Europe in the beginning of the Cold War. International distribution of power has always been a fundamental factor in changing the pattern of politics between New-Delhi and Islamabad over the dispute of Kashmir. Pakistan had joined SEATO and CENTO in 1954 and 1955 respectively; two security alliances with the United States, by formally becoming an important member of the western security block, whereas, India was tilted towards Soviet Union and wanted to provide leadership to political neutral states. According to Korbel, India rejected the plebiscite proposal after a formal alliance between Pakistan and the United States. He says, “In March 1956 Nehru had warned that “the American military aid to Pakistan and Pakistan membership in the military pact ..... have destroyed the roots and foundations of the plebiscite proposal in Kashmir” (Korbel, 1966).

The second important factor was internal opposition to Indian rule after the collapse of political coalition between Sheikh Abdullah’s National Conference and the Congress Party. There were resentments and widespread protests after the release of the Sheikh Abdullah from prison in 1958 against the gradual erosion of the Kashmir autonomy and step by step integration with the Indian Union. Abdullah had established the Kashmir Plebiscite Front and had popular public support (Korbel, 1966). The internal instability in Kashmir encouraged Pakistan to support dis-enfranchised and beleaguered youth in Kashmir in 1965. The situation had taken its own course and triggered a full-fledged war across the international border on the dispute of Kashmir that inflicted considerable damages on both parties, which finally ended after the UNSC intervention and strict ultimatum to both countries to observe ceasefire and withdraw to pre-September position. ‘It simply but firmly demanded a ceasefire in three days , “ September 22, 1965 at 0700 hours GMT,” and a subsequent withdrawal of all armed personnel back to the positions” held by both governments on August 5’ (Korbel, 1966). The successful Soviet diplomatic intervention broke the deadlock and persuaded both leaders to resolve all bilateral issues

including Jammu and Kashmir politically. Thus on January 10, 1966, both countries signed the Tashkent Declaration and agreed to withdraw to August 5, 1965 positions.

In 1971, there was a civil war in Pakistan. East Pakistan revolted against the hegemony of the West Pakistan, which provided ample opportunity to India to inflict irreparable damage on Pakistan and tilt balance of power permanently toward India in South Asia (Nawab, et. al, 2021). It disintegrated East from the West Pakistan and created the state of Bangladesh in 1971. The disintegration of Pakistan permanently damaged the Indo-Pak relationship and deepened the rivalry between the two countries. It was subsequently followed by a moderate political deal in Shimla in 1972, called the Shimla Declaration, which temporarily brought a thaw in the bilateral relationship over the issue of Kashmir for the upcoming two decades (Shimla agreement, 1971). There were forty five meetings between India and Pakistan from 1971 to 1998, which was the longest peaceful period, only one was fully devoted to the issue of Kashmir issue (Cohen, 2001).

The change in the international structure at the end of the Cold War and the Indian government series of fraud election in 1980s triggered another insurgency in the Kashmir in 1989. It was reinvigorated by the clandestine support of Pakistan's Intelligence agency; ISI and successful experience of Mujahedeen in Afghanistan. According to Cohen, 'The basis of this belief was that if a super power like the Soviet Union could be expelled from Afghanistan through Jihad, there was no reason to believe that why similar struggle could not succeed against India in Kashmir' (Cohen, 2001). It virtually collapsed the state administration and ran a parallel administration of the guerrilla in the Kashmir. It didn't only inflict massive damage on India, but also unleashed a vehement international condemnation of the Indian counter-terrorism strategies against the insurgency, project by Pakistan diplomatic scouts abroad (Masood, 2009).

During the 1990s, Pakistan successfully executed its geo-strategic plan by supporting the Kashmir's insurgency at the tactical level, installing the Taliban's regime in Afghanistan at the regional level and developing Nuclear weapons at the strategic level, which were considered strategically significant achievements against India and tilted the balance towards Pakistan. This was the first time in the bilateral relationship that Pakistan got strategic parity with India. It started stresses upon the issue of Kashmir as the core one and subject every talk with New-Delhi conditional to the recognition of Kashmir dispute (Khan, 2008, Ahmer, 2009)

### **The Nuclear explosions and Afterwards**

The leadership of both countries realised the gravity of the situation after the test of nuclear weapons in 1998 and commenced a productive round of bilateral negotiation in 1999. The Indian Prime Minister; Atal Bihari Vajpayee, visited Lahore by Bus that was an unprecedented development in the relationships towards meaning strategic dialogue for the resolution of all outstanding dispute including the issue of Kashmir. According to Ganguly and Haderty,

'The journey was fraught with symbolic and material significance. It was symbolically significant because Vajpayee, the leader of the hyper nationalist party, chose to initiate this attempt of reconciliation. It was also symbolically charged because during the visit he paid his respect at the Minar-e-Pakistan, a monument that commemorates the call for the creation of Pakistani state' (Ganguly & Haderty, 2005).

They started negotiating bilateral disputes under the framework of composite dialogue, which constituted the basis of bilateral negotiations. The Lahore Declaration was although dominated by the nuclear weapons, but they also thoroughly discussed the issues of terrorism and Kashmir (Appendix VI). It was conducted in a cordial and friendly atmosphere. There were expectations that two stable democratic regime would soon reached any sensible agreement on the issue of Kashmir ([www.pkpolitics.com/dunya-today/16-july-2009](http://www.pkpolitics.com/dunya-today/16-july-2009)), (Ishtiaq, 2009).

Unfortunately the military development in the Kargil in 1999 did not allow the political process to generate amicable atmosphere for the resolution of outstanding issues. The conflict didn't escalate to a full-fledged international border war due to USA timely intervention and nuclear deterrence, but profoundly damaged the framework of composite dialogue initiated by Prime Minister Vajpayee and Nawaz Sharif. According to expert, the Kargil incursion in 1999, which derailed the peace process and badly damaged Pakistan image diplomatically was the product of nuclear weapons. There was a perception in the military establishment that the lethal nuclear weapons had minimised the chances of a total war between India and Pakistan, therefore limited war could be fought in the shadow of nuclear arsenal without understanding the diplomatic repercussion of this misadventure (Masood, 2009). Jalil Jilani, the former Director General for South Asia in Pakistan's ministry of Foreign Affairs said "nuclear weapons played a dual role in Pakistani strategy at Kargil. They "deterred India" from all-out conventional retaliation against Pakistan. And they sent a message to the outside world regarding the seriousness of the Kashmir dispute: "War between nuclear powers is not a picnic. It's very serious business. One little incident in Kashmir could undermine everything" (Kapur, 2008). The Indian government was defensive rather than offensive, limited the operation to the Pakistan incursion areas only, and didn't broaden it to the International border due to international pressure and possibility of nuclear catastrophe.

The deadlock generated by the Kargil War was broken by the Indian Prime Minister Atal Bihari Vajpayee invitation to the Chief Executive of Pakistan General Pervez Musharraf in 2001. He visited Agra on 15-16 July 2001 and conducted several meetings with the Indian Prime Minister A.B Vajpayee. It is important to mention here that no joint statement had been issued in the Agra summit. Both parties were not ready to show flexibility in their approaches to the problem of Jammu and Kashmir. Pakistan insisted India to recognise Kashmir as the core issue, whereas, India urged Pakistan to acknowledge the infiltration in the Kashmir as cross-border terrorism, which changed after the event of 9/11 and emergence of terrorism as particular concern of the international community that also affected Pakistan's Kashmir policy. Later on in Islamabad's Declaration in 2004 and subsequently Pakistan didn't only condemn infiltration in Kashmir, but publicly promised India that its soil would not be used for terrorism against India in Kashmir (Ganguly & Kraig, 2005, Ahmer, 2009).

### **The event of 9/11 and the Kashmir dispute**

The catastrophic event of 9/11 has great influence on the pattern of politics in South Asia. Pakistan's Afghanistan and Kashmir policies were the worst victim of this dynamic change. In fact, Islamabad's U-turn on the Taliban after September 11, 2001 was primarily to secure two main strategic objectives of Islamabad: to protect its nuclear assets and to salvage the Kashmir movement for emancipation (Ahmer, 2009). In the face of insurmountable pressure, Pakistan eventually recognised the complexity in its Kashmir policy. Interestingly President Musharraf, who sized power on the basis that Nawaz Sharif ignored Kashmir in the Lahore Declaration, proposed four points Kashmir resolution formula, which had removed Pakistan claim over the possession of Kashmir for the first time (Wirsing, 2008), (Masood, 2009).

There were two deadly incidents in India of terrorism immediately after 9/11. On 1 October, 2001 there was an unprecedented attack on the Indian Kashmir Assembly that dead 38 people, but no member of the parliament. Similarly on 13 December, there was "mysterious attack" on Indian parliament. India accused Pakistan based militant organisations Jaish-e-Muhammad and Lashkar-e-Taiba as main culprits behind the incidents (Moeed, 2003, 8). The attack on the Indian Parliament was followed by six months of bellicose statements and continued military mobilisations across the border. It caught the attention of the United States and the global powers regarding the level of tension between India and Pakistan (Ganguly & Kraig, 2005, 300). Finally the deadlock ended in the SAARC (South Asian Association for Regional Cooperation) Summit on January 4-6 2004 in Islamabad. The Islamabad Declaration was part of the composite



dialogue started in 1999 (Appendix VII). Unlike Agra Summit, when Pakistan condemned the recognition of Kashmir insurgency as terrorism, then in Islamabad in 2004 it signed an additional protocol on the combat of terrorism (Appendix v). Pakistan had moved in the Islamabad Declaration from its original position on the issue of Kashmir, therefore relationship started normalising. 'Musharraf has conceded what he refused to concede at Agra, but two and a half years later' (Haqqani, 2004, 11). Both countries were moving ahead on every issue resolution except Kashmir (Ashraf, 2004, 3). President had personally assured Indian Prime Minister Vajpayee about the permanent blockade of infiltration in Kashmir. Thus he started crackdown against the militant elements indigenously, which resulted in two suicide attacks on his life and one on former Prime Minister of Pakistan Shaukat Aziz.

The relation between India and Pakistan derailed again after the Mumbai attack in India on 26-29 November, 2008, when gunmen started senseless firing and killed more than 200 people in Mumbai. India accused Pakistan based Lashkar-e-Taiba and demanded Pakistan to take strict action against the terrorists. The relationship between India and Pakistan suspended until Sharm el Sheikh Conference. The dialogue started again after a bilateral meeting between Indian and Pakistani Prime Ministers after a real and full-fledged struggle of Pakistan against extremism. In July, 2009 both countries Prime Ministers met in Sharm el Sheikh Egypt and agreed on Joint statement. Interestingly there is not a single word regarding the Kashmir dispute. Pakistan insisted on the resumption of the composite dialogue, which was suspended in the wake of Mumbai attack, whereas India pressurised Pakistan to arrest masterminds of the Mumbai attack.

## **Conclusion**

This paper has reflected upon three major developments effect on the bilateral relationship generally and the issue of Kashmir specifically. The first one is the messy accession of Kashmir to India. New-Delhi and Islamabad had managed to resolve other outstanding disputes like the distribution of financial assets, transfer of millions of refugees and the water issue, which had greater potential to destabilize the bilateral relationship, but fortunately the issue of Kashmir could not be resolved as amicably as the other ones. The resolution of the dispute by forceful means by the both parties has profoundly affected the nature of relationship between two parties and turned them into arch-rivals of each other for the last seven decades. If they had resolved the issue on the set principles of partition; religious majority and territorial contiguity, it would have given them an opportunity to emerge as normal countries and focus on other disastrous issues like poverty, unemployment, health, education, infrastructure and natural calamities, because South Asia is one of the poorest region in the world. It could have developed a structure of normal relationship that would have given them people-centric identities to focus on the problems of common people rather than dumping resources in meaningless arms race and security dilemma.

The second important factor in the bilateral relationship is the shift in the international structure after the inception of the Cold War. When the Second World War ended in 1945 and a new world order start developing, the United States of America and the Soviet Union; war-tie allies, turned into arch-rivals for expanding their sphere of influences in Europe particularly and World generally. The security competition between them was so intense in Europe that it diverted their focus and resources from other parts of the World including South Asia. Europe was considered as strategically important and politically significant due to its economic and military potential. Pakistan and India did not find any external supporter, therefore kept the rivalry on the issue of Kashmir to a manageable level. The situation changed after the shift of the Cold war from Europe to proxies in 1980s, which also affected the intensity of rivalry between the two countries. The third shift in the international structure was witnessed after the event of 9/11, which forced Pakistan to re-calibrate its position on the issue of Kashmir and cross-border terrorism.

The last but not least important factor is the inclusion of nuclear weapons in the bilateral calculation. India and Pakistan both conducted nuclear tests in May 1998 on the face of stiff resistance from the international community and the threat of grave economic sanctions. The addition of nuclear weapons in 1998 did not only embolden Pakistan to initiate the Kargil incursion; which killed the 'Composite Dialogue' started in 1999, but also stopped India from crossing International border on any other point unlike in 1965 and 1971. The nuclear weapons have also bring the element of restraint in both countries, but it did not contribute either in the resolution of dispute or the normalization of relationship between them, but only avoided the possibility of limited warfare instead of dangerous terrorist attacks in India's homeland beyond Kashmir territory. There does not seem any possibility of normal relationship between them in foreseeable future especially in the emergence of new world order after the withdrawal of the United States from Afghanistan and the emergence of China as regional hegemon.



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