



BRIEFING PAPER

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Kashmir: January 2019 update

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Summary

This briefing covers events in Indian-administered Kashmir since July 2016, which have been characterised by a dramatic upsurge in protest and violence on the ground – what some have called the “worst crisis in a generation”.

On 8 July 2016, Burhan Wani, a 22-year-old leader of the armed group Hizbul Mujahedin, was killed by the Indian security forces. Following Wani’s death, the Kashmir Valley saw its biggest outbreak of protest and violence since 2010.

As the clashes increased, a war of words also broke out between India and Pakistan, with the former reiterating its accusation that the Pakistani army provides support to pro-separatist armed militants. Within a month or so the war of words had escalated into firing bullets and shells at each other across the Line of Control. Infiltration and attacks by armed militants, which India accuses Pakistan of supporting, also increased.

In mid-September 2016, militants attacked an army base at Uri, killing 19 Indian soldiers – the army’s worst loss of life for 14 years. This provoked outrage across India and at the end of that month India retaliated with what it called “surgical strikes” against militant camps on the Pakistani side of the Line of Control.

Winter then brought some brief respite, but during 2017 protest and violence remained at high levels. Indeed, the International Crisis Group confirmed at the end of 2017 that it had been the deadliest year since 2010 in Indian-administered Kashmir, with over 200 militants, about 80 members of the Indian security forces and at least 57 civilians killed.

2018 has been even deadlier. Final fatality figures for 2018 are not yet out, but most estimates put the figure at 500-600 people.

In June, the then UN High Commissioner for Human Rights, Zeid Ra’ad al-Hussein, published a report on human rights violations on both sides of the Line of Control since 2016, urging the establishment of an international commission of inquiry into those violations. India rejected the report

In mid-June, the security crisis was compounded by deepening political crisis when the provincial government in Jammu and Kashmir collapsed and was soon afterwards replaced by ‘Governor’s rule’, which can operate for up to six months under the state constitution (see more below). In December, this was replaced by ‘President’s rule’, which can continue indefinitely.

As we enter 2019, the opposing forces on the ground in Indian-administered Kashmir appear to be in a ‘stand-off’, with all sides waiting for the other to blink and with few ideas circulating about how permanently to reduce tensions. Efforts to restore a ceasefire across the Line of Control have so far been unsuccessful, although winter is likely to reduce the number of clashes and incursions for the next few

months. There have also been no substantive moves towards resuming negotiations that might address the 'root causes' of the conflict.

Critics say that the BJP-led government in India appears to prefer military solutions to political ones. For many on the Indian side, the 'root cause' that needs to be addressed first is Pakistan's support for terrorism. Only then will a solution be possible.

The election of a new civilian government in Pakistan led by prime minister Imran Khan in 2018 has not so far made much difference to the situation. There appears to be no prospect of any shift in the official Indian position until the coming national elections are over. There may be a brief opportunity after the elections to change the dynamic, but there are few grounds for optimism.

It also seems highly unlikely that the international community will put its shoulder to the wheel. While the emergence during 2017 of an *al-Qaeda* affiliated group in Indian-administered Kashmir, along with some signs of support for so-called Islamic State, may cause Western governments some concern, it is highly unlikely that it will be enough to change what critics view as a 'semi-detached' stance on the conflict.

In addition, there seems little international anxiety that this festering dispute might trigger another full-blown conflict between India and Pakistan, two nuclear weapon states.

The *Washington Post* went so far last year as to claim that "the world no longer cares about Kashmir".

For deeper historical background, see: [Kashmir](#) (March 2004).

1. 2016: The killing of Burhan Wani triggers renewed violence

On 8 July 2016, Burhan Wani, a 22-year-old leader of the armed group *Hizbul Mujahedin* was killed by the Indian security forces. Wani had been highly active on social media and had been called the 'Twitter terrorist'. Tens of thousands attended his funeral, at which clashes broke out between the security forces and protestors. The security forces fired live ammunition into the crowd, killing several people. One police officer was also killed.

Protests, strikes and curfews

Following Wani's death, the Kashmir Valley saw its biggest outbreak of protest and violence since 2010. The authorities declared a succession of curfews and closed down mobile phone services and the media. Protestors organised a series of general strikes and there have been regular public rallies against Indian rule. Schools, colleges and universities were closed and the economy was badly hit. Funerals often led to further clashes between protestors and the security forces.

By mid-October 2016 at least 91 civilians had been killed, thousands arrested and thousands more injured.¹ Around the same time, it was claimed that at least 434 people had been detained under the Public Safety Act, which provides for detention for up to six months without trial of people who pose a threat to state security.²

The arrival of deep winter as 2016 turned into 2017 led to some reduction in the level of protest as 2016 turned into 2017. But there were a couple of well-observed general strikes in February 2017 to mark the anniversaries of the hanging of two Kashmiri separatist leaders, Muhammad Afzal Guru and Mohammed Maqbool Bhat.³

Response of the Indian Government

The Indian Government sent 2,000 additional forces to the Kashmir Valley following Burhan Wani's killing. As protests intensified, it was forced to create an expert panel to consider alternatives to the use of supposedly 'non-lethal' pellet guns, which caused serious injuries to protestors, by the security forces. The use of these weapons had been controversial for some time.⁴ It was reported in October 2016 that 1,000 people had sustained eye injuries from pellets.⁵

¹ "Kashmir Valley remains shut for 103rd consecutive day", *Chennai Online*, 19 October 2016

² "100 days of Valley ferment: over 400 detained under PSA", *Indian Express*, 20 October 2016

³ "Hurriyat (G) thanks people of Kashmir for making shutdown call a 'success'", *Kashmir Monitor*, 11 February 2017

⁴ "Rajnath says the Centre is looking at alternatives to pellet guns after several protestors were blinded by the weapons in J&K", *Mail Online*, 21 July 2016

⁵ "Jammu and Kashmir: Three months, 1,000 eye injuries by pellets", *Indian Express*, 13 October 2016

The authorities promised that alternatives would be introduced, but they did not make clear what they would be. There were reports that chili powder shells were being used instead.

Flaring up of tension between India and Pakistan

As clashes increased following the death of Burhan Wani, a war of words also broke out between India and Pakistan, with the former reiterating its accusation that the Pakistani army provides support to pro-separatist armed militants. Within a month or so the war of words had escalated into firing bullets and shells at each other across the Line of Control. Infiltration and attacks by armed militants, which India accuses Pakistan of supporting, also increased.

In mid-September 2016, militants attacked an army base at Uri, killing 19 Indian soldiers – the army's worst loss of life for 14 years. This provoked outrage across India and at the end of that month India retaliated with what it called "surgical strikes" against militant camps on the Pakistani side of the Line of Control, killing at least a dozen. In October, the Indian army reported that it had killed seven armed militants who had attempted unsuccessfully to enter a military encampment in Kupwara District.

There were growing fears of a major escalation in conflict between the two countries. India moved thousands of civilians from the border areas and strengthened its fortifications. A senior BJP figure said that India will no longer respond proportionately to attacks, saying "for one tooth, the complete jaw". Prime Minister Modi called Pakistan the "mother ship of terrorism" and declined to attend a regional summit that was due to be held in Islamabad. The summit was eventually [cancelled](#). Pakistan's defence minister [said](#) that his country's nuclear weapons were "not just showpieces".

2. Developments during 2017⁶

2017 the deadliest year since 2010

The International Crisis Group confirmed at the end of 2017 that it had been the deadliest year since 2010 in Indian-administered Kashmir, with over 200 militants, about 80 members of the Indian security forces and at least 57 civilians killed.

Main flashpoints and incidents

Clashes between the Indian security forces and armed militants continued into early 2017. For example, in mid-February there was a gun battle between security forces and militants in which at least eight people died – four militants, two soldiers and two civilians.⁷ Both India and Pakistan continued to accuse the other of firing across the Line of Control.⁸

When the Pakistani authorities placed Lashkar-e-Taiba leader Hafiz Saeed under house arrest in January 2017, some hoped that this might open the way for a relative thaw in India-Pakistan relations. However, in mid-February, a senior Indian official was reported as saying that currently India had no interest in beginning peace talks.⁹

There was an upsurge in protest and violence in March-April 2017 around by-elections held in central and south Kashmir. Syed Ali Gilani and Mirwaiz Umar Farooq, Kashmiri separatist leaders from the All Parties Hurriyat Conference, along with Muhammad Yasin Malik, the leader of the Jammu and Kashmir Liberation Front (JKLF), called for a boycott of the vote and a general strike while the by-elections were taking place. All three were detained until the end of the year.

On the day of the by-elections, clashes between protestors and the security forces left eight civilians dead and over 200 people injured. In some places, the by-elections were rescheduled. Overall, the turn-out was reportedly in single figures. In the same month, at least three Indian soldiers and two militants were killed in clashes at a military camp near the Line of Control.

In May 2017, there were numerous exchanges of fire across the Line of Control, with India accusing Pakistani soldiers of killing and mutilating two Indian soldiers. Despite Pakistani denials, India threatened retaliatory actions. In the following month, there were discussions between the two countries at senior military level aimed at reducing the number of clashes across the Line of Control, but they came to little.

There was a high security presence for the first anniversary of the death of Burhan Wani in early-July 2017. Demonstrations and protests took place but there were no reported fatalities. There was no let up, however, in exchanges of fire across the Line of Control. There was also

⁶ This section draws extensively on the International Crisis Group's [monthly summaries](#) of events in Kashmir.

⁷ "Eight killed in gun battle", *Daily Mirror*, 13 February 2017

⁸ "Three injured in Indian shelling", *Dawn*, 11 January 2017

⁹ "Indi will decide time and place of peace talks with Pakistan, says government", *Financial Express*, 12 February 2017

a militant attack in Anantnag in which seven Hindu pilgrims were killed and others injured.¹⁰

In the same month, Al-Qaeda announced the existence of a cell in Indian-administered Kashmir, *Ansar Ghawzat-ul-Hind*, led by Zakir Musa. Some experts have argued that *Ansar Ghawzat-ul-Hind* will prove to be only a minor player in the region.¹¹

In August 2017, in the worst attack on a security installation since the 2016 Uri attack, eight Indian police were killed in a militant attack on their camp in south Kashmir. This came several weeks after a *Lashkar-e-Taiba* commander in the same area had been killed by the security forces. There was a general shut-down across much of Kashmir in protest at killings of civilians by the security forces.

In October 2017 the Indian government appointed a retired senior intelligence official, Dineshwar Sharma, as an interlocutor with a mandate to hold talks with all parties to the conflict in Indian-administered Kashmir.

In late-November 2017, *Lashkar-e-Taiba* leader Hafiz Saaed was released from house arrest by order of a Pakistani court. India protested vociferously, as did the US. Soon afterwards, the Pakistani authorities announced a ban on the group's charitable operations but this was subsequently [overturned](#) in the courts.

¹⁰ "Attack by militants kills at least seven Hindu pilgrims in Kashmir", *Guardian*, 10 July 2017

¹¹ "How al-Qaeda came to Kashmir", *The Diplomat*, 20 December 2017

3. Developments during 2018

2018 more violent than 2017

Final fatality figures for 2018 are not yet out, but most estimates put the [figure](#) at around 500-600 people.

Flashpoints and incidents

It was widely expected that levels of violence would rise again once winter had released its grip and so it proved. In February 2018 there was a militant attack on an Indian army base in which six soldiers and one civilian were killed. The incident revived the war of words between the two countries, with India once again threatening retaliation.¹² At the same time, there was a militant attack on a base in Srinagar, in which there were further fatalities. Exchanges of fire across the Line of Control continued, with media reports indicating that the Indian army had fired heavy artillery across the Line for the first time in 15 years.¹³

In early March four civilians and two militants were killed by the security forces in a clash in south Kashmir. In the days that followed, tens of thousands of people were reported to have taken part in protests against the killings.¹⁴ Nearly 50 people were reportedly injured. There was also a shut-down of shops, businesses and petrol stations in the Kashmir Valley. There were more clashes and protests over subsequent days. In mid-March flags of the so-called Islamic State were seen at a funeral of militants killed by the Indian security forces.¹⁵

The first few months of 2018 also saw rising communal tensions between Hindus and Muslims in Jammu and Kashmir following the rape and murder of an eight year-old Muslim girl, [Asifa Bano](#), in January. There were protests in the Kashmir Valley and beyond about alleged attempts to protect Hindu officials charged with the murder. Their trial continues. Since Asifa Bano's death, the Indian government has said that it will introduce the death penalty for child rape.

With Hindus in Jammu and Kashmir claiming that were increasingly becoming a target of Islamist terrorism, the provincial government announced in mid-March that it had agreed in principle to establish a commission to protect the rights of minorities in the state.¹⁶ But the commission has not yet been [established](#).

In Mid-May, the Indian authorities announced that they would suspend military operations against separatist militants during the month of Ramadan, responding only if attacked. But clashes continued. With firing across the Line of Control continuing, at the end of May there

¹² "Pakistan will have to pay for attack in held Kashmir: India", *Dawn*, 13 February 2018

¹³ "Upcoming elections increase risk of cross-border exchanges between India and Pakistan in Kashmir and northern Punjab", *IHS Insight*, 1 March 2018

¹⁴ "Kashmir: civilian killings threaten new anti-India protests", *Al-jazeera*, 6 March 2018

¹⁵ "IS flags seen at funeral of militants in indian-run Kashmir", *BBC Monitoring South Asia*, 13 March 2018

¹⁶ "Kashmir's government may set up minority commission for Hindus", *Siasat Daily*, 13 March 2018

were efforts by both countries to restore the 2003 ceasefire. But these too came to nothing.

In the same month, there were strikes and protests during a visit by Indian prime minister Modi. As they have regularly done since 2016, the authorities cut mobile services, closed public institutions and instigated a partial curfew in response to the protests.

In June, the then UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, [published](#) a report on human rights violations on both sides of the Line of Control since 2016, urging the establishment of an international commission of inquiry into those violations. India rejected the report (see also below).

In the same month, Shujaat Bukhari, a prominent journalist, was [murdered](#) in Srinagar. He was the first journalist to be murdered in a decade. Both of his bodyguards were also killed in the attack.

In mid-June, the security crisis was compounded by deepening political crisis when the provincial government in Jammu and Kashmir collapsed and was soon afterwards replaced by 'Governor's rule', which can operate for up to six months under the state constitution (see more below). The Governor is appointed by the President of India, who must give their approval for the introduction of 'Governor's rule'. The current governor is Satya Pal Malik, a BJP politician.

Clashes across the Line of Control, militant attacks and street protests continued unabated throughout the summer. In August, there were strikes and demonstrations against the launching of a legal challenge to [Article 35A](#) of the Indian Constitution in the Supreme Court, which gives special rights and privileges to permanent residents in Jammu and Kashmir and bars non-residents from buying non-movable property. The protestors claimed that this move was part of an attempt to alter the demographic balance in the state in favour of Hindus and against Muslims. The challenge currently seems to be in abeyance – but it has not been withdrawn.

Calls in August and September by the new Pakistani prime minister Imran Khan for a resumption of bilateral dialogue fell on stony ground, with India reiterating that progress had first to be made towards ending the launching of militant attacks from Pakistani territory. India cancelled a meeting between the two countries' foreign ministers that had been scheduled to take place in late-September on the margins of the UN General Assembly.

As the year came to an end, there was a meeting between the two armies at commander-level to try and re-establish the ceasefire along the Line of Control. At the same time, the Indian army intensified its operations against militants, [killing](#) several leading figures in *Lashkar-e-Taiba*, *Hizbul Mujahedin*, *Jaish-e-Mohammad* and an *al-Qaeda* affiliated group called *Ansar Ghazwatul Hind*.

Supporters of the separatist cause [claimed](#) that eleven non-combatants were killed by the security forces during one clash in Pulwama district in mid-December.

Deepening political crisis

In 2015, following state elections, the People's Democratic Party (PDP), a moderate Muslim party and the Bharatiya Janata Party (BJP), the party of prime minister Narendra Modi and the national government, unexpectedly formed a coalition government in Jammu and Kashmir.

However, hopes that this unlikely alliance might somehow break the log-jam in Kashmir were never realised. The coalition government limped along over the years that followed, often appearing to be little more than a spectator as the security situation deteriorated after the killing in mid-2016 of Burhan Wani.

By this year, the relationship between the two parties was increasingly poor. The BJP increasingly [highlighted](#) the cause of Hindus forced out of the Kashmir Valley by harassment and violence (known as [Pandits](#)), arguing that they should be helped to return.

With nationwide elections beckoning in April-May 2019, in June the BJP withdrew from the coalition, triggering the temporary imposition of 'Governor's rule' – in effect, direct rule from New Delhi. Soon afterwards, a legal challenge to Article 35A of the Indian Constitution, which all Kashmiri political groupings strongly oppose, was launched (see above).

In November, the state governor, Satya Pal Malik, dissolved the state legislative assembly. New elections are due to be held by mid-2019. But if key elements of Jammu and Kashmir's 'special status' under the Indian Constitution are still perceived as being under threat, it is possible that neither the PDP nor its mainstream rival, the National Conference, will take part in them: both boycotted local elections during the last quarter of 2018 for this reason.

In December 2018, six months after it was imposed, 'Governor's rule' in Jammu and Kashmir was replaced by [President's rule](#), a permanent form of direct rule (renewable every six months) from New Delhi provided for under the Indian Constitution. Opposition parties protested against the move.

Dineshwar Sharma, appointed as the central government's interlocutor in Indian-administered Kashmir in late-2017, remains in position. To date he has no tangible achievements to his name. One press report [asked](#) whether he should be called the "forgotten man of Kashmir".

4. Responses of Western governments and the UN

US response

The previous Obama Administration [called](#) on India and Pakistan to find a solution to the Kashmir issue through “meaningful dialogue” – a reiteration of the US’s longstanding position.

In the run-up to the presidential election in November 2016, Donald Trump offered to [mediate](#) between the parties to the Kashmir conflict. Before taking office on 20 January 2017, then Vice-President Elect Mike Pence said that the future President Trump’s “[extraordinary deal-making skills](#)” could help to resolve the conflict.

Any mediation role would have been a break with past US policy and no initiatives of this nature have been announced since the new US Administration took office. Instead, the US-India relationship has grown closer while the US-Pakistan relationship has come under intense strain over Pakistan’s [failure](#) to clamp down on terrorism.

It is only in this context that Kashmir has meaningfully featured on the Trump Administration’s agenda. For example, in June 2017 a [senior leader](#) of one of the main militant armed groups operating in Indian-administered Kashmir, *Hizbul Mujahedin*, was designated a ‘Specially Designated Global Terrorist’ by the State Department. In August 2017 the [group](#) itself was designated a ‘Foreign Terrorist Organization’.

UK response

The UK’s stance on the issue has not been changed by developments in Indian-administered Kashmir since 2016. It would like to see a resumption of bilateral dialogue on Kashmir between India and Pakistan, while emphasising that it is for them to find a solution. It is concerned about human rights abuses, whoever commits them, but declines to take sides. It wants Pakistan to do more to combat terrorism but, in contrast to the current US Administration, still prioritises engagement over confrontation.

This position was well summarised by FCO minister Alok Sharma during a January 2017 [debate](#) on Kashmir in the Commons (c1133):

The long-standing position of the UK is that it can neither prescribe a solution to the situation in Kashmir nor act as a mediator. It is for the Governments of India and Pakistan to find a lasting resolution, taking into account the wishes of the Kashmiri people. In our discussions with both India and Pakistan, we encourage both sides to maintain positive dialogue, but the pace and scope of that dialogue is for them to determine.

This position has been [reiterated](#) on numerous occasions since then too – for example, by FCO Minister Mark Field in [exchanges](#) on the issue in the Commons on 30 October 2018.

These exchanges were partly prompted by the publication of a [report](#) on human rights abuses in Kashmir by the All Party Parliamentary Group on

Kashmir. The Minister has [agreed](#) to meet representatives of the Group to discuss the report.

On 30 October the Minister also briefly set out the UK government's [view](#) of the June 2018 report on human rights abuses in Kashmir published by the previous UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein:

The UN report on human rights has rightly been referred to. We very much take note of former high commissioner Zeid's presentation to the Human Rights Council in June this year and the clear recommendations for the Governments of India and Pakistan. We hope that those will be adhered to.

EU response

While expressing concern about human rights abuses by parties to the Kashmir dispute, the EU also avoids taking sides. It has continued to [emphasise](#) the need for "dialogue and constructive engagement" to resolve the dispute.

UN response

In August 2016, the Office of the UN High Commissioner for Human Rights expressed its "[regret](#)" over India and Pakistan's refusal to accede to its request to send a team to Indian-administered and Pakistan-administered Kashmir to investigate alleged human rights abuses on both sides of the Line of Control.

Access has continued to be refused to the Office since then. However, the then UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, decided nonetheless to commission a report on human rights abuses on both sides of the Line of Control since 2016. It was [published](#) in June 2018. Amongst other recommendations, the Office urged the establishment by the UN Human Rights Council of an international commission of inquiry. India has rejected the report outright. Pakistan has [emphasised](#) the criticisms of the Indian authorities made in the report.

In September 2018 Hussein's successor, Michele Bachelet [reflected](#) on the lack of a substantive response to the June 2018 report by the main stakeholders, India and Pakistan:

In Kashmir, our recent report on the human rights situation has not been followed up with meaningful improvements, or even open and serious discussions on how the grave issues raised could be addressed. The people of Kashmir have exactly the same rights to justice and dignity as people all over the world, and we urge the authorities to respect them. The Office continues to request permission to visit both sides of the Line of Control, and in the meantime, will continue its monitoring and reporting.

With India [elected](#) to the Human Rights Council in October, the odds are very slim that the body will agree in the foreseeable future to a set up a commission of inquiry into human rights abuses in Kashmir.

5. Conclusion: impasse without end?

The opposing forces on the ground in Indian-administered Kashmir appear to be in a 'stand-off', with all sides waiting for the other to blink and with few ideas circulating about how permanently to reduce tensions. Efforts to restore a ceasefire across the Line of Control have so far been unsuccessful, although winter is likely to reduce the number of clashes and incursions for the next few months. There have also been no substantive moves towards resuming negotiations that might address the 'root causes' of the conflict.

Critics say that the BJP-led government in India appears to prefer military solutions to political ones. Those who take this view point to the fact that the Indian Government continues to be so resistant to lifting the *Armed Forces (Special Powers) Act* in Jammu and Kashmir – emergency legislation which has long given the security forces immunity from prosecution and which is detested by many Kashmiris.¹⁷

For many on the Indian side, the 'root cause' that needs to be addressed first is Pakistan's support for terrorism. Only then will a solution be possible. Many analysts are sure that elements within the Pakistani security establishment continue to provide support to the militant groups carrying out attacks in Indian-administered Kashmir.¹⁸ This does not create an atmosphere conducive to dialogue.

The election of a new civilian government in Pakistan led by prime minister Imran Khan in 2018 has not so far made much difference to the situation. There appears to be no prospect of any shift in the official Indian position until the coming national elections are over. There may be a brief opportunity after the elections to change the dynamic, but there are few grounds for optimism.

It also seems highly unlikely that the international community will put its shoulder to the wheel. While the emergence during 2017 of an Al-Qaeda affiliated group in Indian-administered Kashmir, along with some signs of support for so-called Islamic State, may cause western governments some concern, it is highly unlikely that it will be enough to change what critics view as a 'semi-detached' stance on the conflict.

In addition, there seems little international anxiety that this festering dispute might trigger another full-blown conflict between India and Pakistan, two nuclear weapon states.

The *Washington Post* went so far last year as to [claim](#) that "the world no longer cares about Kashmir".

¹⁷ "Impunity, immunity: continuing debate around the AFSPA", *Indian Express*, 1 August 2016

¹⁸ "Pak army backs talks, even as India hangs tough", *Kashmir Monitor*, 31 January 2018; "Pakistan Army supplied military equipment to LeT in Kashmir: Afghan envoy to the US", *Times of India*, 30 January 2018

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