

# Jammu-Kashmir: Analyzing the Reasons for Ethnic Stability

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*The end of colonialism after World War II caused an increase of ethnic conflicts in formally colonized territories. In South Asia, borders were created between India and Pakistan during the Partition of 1947, leaving a land between India and Pakistan to fend for themselves. This paper examines a region that is still up for contention between India and Pakistan, known as Jammu-Kashmir. This semi-autonomous region has been going through a form of ethnic conflict, primarily between Indian Hindu nationalists and Kashmiri Muslims. However, compared to other conflicts, the conflict between Indian citizens and Kashmiris remains relatively stable. This paper argues that the reason that there is regional stability is because of the vast ethnic groups, the different strengths of political and military power between India and Pakistan, and the increasing risk and fear of terrorism. The paper refers to other regions of the world that have on-going ethnic conflicts to come to a conclusion on the reasons for Jammu-Kashmir stability. The purpose of this paper is to analyze and understand the stability in the region, and give an explanation as to why there is regional stability.*

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## Introduction

The Partition of 1947 generated a new age of uncertainty amongst Indians and Pakistanis. The creation of India and Pakistan prompted chaos that stems from ethnic hatreds and rivalries. The main religious groups that were in British India before the Partition were Hindus and Muslims. With the expulsion of the British government along with its military, discontent still permeated within the region. The two major religious groups desired to establish themselves as the dominant authority in the nation. After the Partition, the two nations were created, but left a land between India, Pakistan, and China untouched. This region, named Jammu-Kashmir, was left untouched due to both religious groups living in it and wanting it to be their own territory. As a result, there were wars, border skirmishes, and policies drafted as a result for wanting this land. Jammu-Kashmir's stability is heavily dependent on the surrounding countries, primarily India. The reason for this being that India has taken ownership of the territory while Pakistan has taken a step back. In India, the government officials use ethnic outbidding to gain sympathy and the following that is needed to dehumanize and destroy the other ethnic group.

The rise of Islamic fundamentalism and Hindu nationalism created a new fear for Kashmir, as they both have a strong desire for an ethno-state, primarily in India. The question of stability in Kashmir has been on the rise since the inauguration of Prime Minister Narendra Modi in 2014. The Prime Minister has increased insecurity in Kashmir, making the people who live in the valley fearful of their survival and future. PM Modi has one main goal in India: the creation of a Hindu nationalist state. He has spewed anti-Muslim rhetoric, anti-immigrant rhetoric, and has said time and time again that India is the land for Hindus, and no one else. He has been using this same ideology against Kashmir, and as a result it is destabilizing the region.

This paper seeks to answer the question of what maintains stability in Jammu-Kashmir, or if there is stability to maintain. Modi, during his time in power, has implemented laws and regulations that in turn seems to destabilize the region, as the

paper will delve into. The power of the Hindu nationalists in India has been astonishing, as they have generated a new era of hatred. This is most prevalent in Jammu-Kashmir, as the region is majority Muslim. The analysis looks at how Kashmir has maintained its stability in the region, and what has prompted it. It will also look at the history of Jammu-Kashmir from the time of Partition until the rise of the Hindu nationalist party that holds the most power in India right now. The paper will also dive deep into the actions that Prime Minister Narendra Modi is taking in Jammu-Kashmir.

Narendra Modi during his time in office has been ruthless in trying to divide Muslims and Hindus who have been living together with little to no issue. Modi's stance on Muslims and other religious minorities is that they are threatening the religion of Hinduism and that Hinduism needs protection from jihadists and terrorists. The Bharatiya Janata Party is infamous for victimizing themselves in portraying that they are in danger from the terrorist activities that reside in Muslim communities in India and Jammu-Kashmir. This adds strain to the national and democratic stability. The analysis looks into the definitions and analyses of both national and democratic stability, and how it's important in talking about Jammu-Kashmir and the toll India is putting on the valley.

Besides the religious significance in Jammu-Kashmir, both India and Pakistan are dependent on one major resource: water. Jammu-Kashmir holds the Indus Basin, which contains fresh water that both India and Pakistan need to sustain agricultural demands and their populations. As India is in control of Jammu-Kashmir, this adds fuel for increased tensions between India and Pakistan. This, in turn, causes a security dilemma in the already volatile region of the world. However, because of the volatile nature of the region, the UN has gotten involved with trying to find a solution that brings peace to South Asia, primarily in Jammu-Kashmir. The United Nations Security Council, alongside the United Nations Commission for India and Pakistan work together with India and Pakistan to create legislation, agreements, and declarations for the

protection of the Kashmiri people.

## Literature Review

### *Identities*

The Partition caused a divide between two major religions in the region, as well as created borders that made it hard for certain ethnicities, social groups, and religious groups to be together. In Jammu-Kashmir, the partition didn't give them sovereignty and independence, as it did for India and Pakistan. Jammu-Kashmir is majority Muslim, giving Pakistan a higher chance to annex it compared to India. Authors Mohd Amin Mir and Zulafqar Ahmed introduce the idea that the reason there is a large amount of conflict in South Asia is due to the variety of religious, political, and social groups. In their article, they talk about how because South Asia is a newly independent region of the world relative to West Europe, a large amount of ethnic conflict stems from nation building (Mir and Ahmed, 2020). Conflicts arise due to not only nation building, but the fear of being marginalized and assimilated, as well as losing power (Baqai, 2004). The Jammu-Kashmir conflict is not the only major one South Asia has seen. South India has a large number of Tamil people, as well as Sri Lanka. The ethnic conflict in Sri Lanka was caused by ethnic riots between the Sinhalese and Tamils (Rao, 1988). Baqai says in her work that the dispersion of ethno-religious groups in South Asia is what is contributing towards the tensions in both intra and interstate dynamics (Baqai, 2004). Sri Lanka and India have shared ethnic groups, making it more likely for conflict to arise between the two nations.

While ethno-religious issues are one of the core reasons why ethnic conflicts happen in South Asia, it is important to look at political parties and their dynamics in South Asia to get a deeper understanding. One of the ways that political dynamics are correlated with ethnic conflict is that it is linked with destabilization of democracy (Chandra, 2005). Chandra explains that this causes one or more ethnic political parties to rise and gain traction, not allowing for the smaller political parties to be in power in the same political system (Chandra, 2005). Contrasting Chandra, Dawn Brancati talks about

how decentralization of political power could help reduce the occurrence of ethnic conflict world wide (Brancati, 2006). Brancati makes the claim that regional parties increase ethnic conflict by reinforcing ethnic identities that are regionally based, therefore introducing legislation that would only pertain to certain groups over others (Brancati, 2006). By introducing legislation that only benefits certain groups over another, it'll create tension and a division both socially and politically. Independence after colonialism is another key factor in looking at why ethnic conflicts happen. Related to power-sharing and policy-building, the increase in ethnic conflict before and during times of independence stems from a declining pattern of political status for certain groups (Ray, 2016). The type of government also takes into account how likely ethnic conflicts are. Democratization nations that were once authoritarian are more likely to see ethnic conflicts because they shed light on their democratic rights (Singh, 2002). Tying this back to Chandra, to avoid an unstable democracy, the author suggests that India should aim for freely formed ethnic majorities, as it may be an effective safeguard against the destabilization of democracy (Chandra, 2005). Singh mentions how post-colonial ethnic conflicts are a reflection of how central governments are vulnerable (Singh, 2006).

The question of Kashmiri sovereignty has been analyzed since the Partition, coming to no solid decision or conclusion since the conception of the question. Kashmir is surrounded by two nuclear superpowers being India and Pakistan, which has intensified the conflict. Ahanger looks at the conflict in depth, focusing on security and peace in the region. A reason he states that could be a possible cause for the instability in the region is the growing militancy in South Asia (Ahanger, 2019). The need for Jammu and Kashmir for both India and Pakistan are politically, socially, and culturally important (Ahanger, 2019). These are important factors in what essentially starts an ethnic conflict or internal conflict. Due to the fact that Prime Minister Narendra Modi stripped autonomous rights away from Jammu and Kashmir through the abrogation of Article

370, it is an internal conflict with India.

Identity and the sense of belonging is important to ethnic groups that do not have a homeland and reside in undisputed territories. In his article, Tahir Amin goes into great detail about how there are three different sets of ideologies in Jammu-Kashmir that want three different end goals for the territory. The people of Jammu-Kashmir themselves have varying visions for the future of the region. Amin mentions a group called the Hizbul Mujahideen, who dream of Kashmir being a part of Pakistan under UN resolutions (Amin, 1995). Jammu-Kashmir has a majority Muslim population, therefore the desire for this territory to be a part of Pakistan is not an outlandish idea. Another group called the Jammu and Kashmir Liberation Front and related organizations want Kashmir to gain full independence and sovereignty, and want an option for independence alongside the choice of accession between India and Pakistan (Amin, 1995).

A case related to Jammu-Kashmir in regards to identities would be the Karabakh war. Looking at the Karabakh war, Mark Uhlig explains that the war was waged under territorial terms, stating that the ethnic war was initiated after the Armenian-dominant enclave in the region declared their desire for secession from Azerbaijan in 1988 (Uhlig, 1993). This region between Azerbaijan and Armenia, Nagorno-Karabakh, is claimed to be a part of Armenia due to historical ties to Armenia, and has a majority of Armenian speaking residents compared to Turkish speaking Azerbaijan (Uhlig, 1993). In her article about secession and ethnic conflicts, Barbara Walter makes the claim that ethnic groups seek self-determination, which could be a reason that ethnic conflict occurs (Walter, 2006). She adds that the central government's treatment of these groups could be the main factor in why they choose to secede (Walter, 2006). This correlates with what other scholars have said in regards to how mistreatment by central governments aides in the creation of ethnic conflicts, how decentralization could be beneficial to avoid future ethnic conflicts as Brancati suggests.

#### *Territorial and Non-Territorial Disputes*

While identities are important to understand why ethnic conflicts arise, the concept of territorial and non-territorial disputes is a key factor in looking at the causes of such conflicts. In the case of Kashmir, the partition didn't help resolve the border dispute (Hanauer & Miller, n.d.). Without a defined territory, it leaves them to fend for themselves and cause tension within the state and between Pakistan and India. A good way to resolve this would be by granting a group territorial autonomy which would allow them to self-govern themselves and give a sense of home and community to Kashmir (Hanauer & Miller, n.d.). Non-territorial disputes are related to political power, and by granting them autonomy, they would have to select their own representatives to manage certain aspects of affairs regardless of where the members reside (Hanauer & Miller, n.d.).

Coakley focuses on looking at non-territorial disputes and ethnic conflicts, and he focuses on two ideas that would limit ethnic conflicts in traditional states which are giving non-territorial groups recognition that is definable in ethnic terms, and a minimum degree of autonomy (Coakley, 1994). In another article Coakley wrote talks about typography in reference to a set of policies that were adopted by states to deal with their ethnic minorities (Coakley, 1992). This article covers more of a "timeline" of how ethnic minority groups are managed under a state. He uses eight different terms to signify the management strategies, which are indigenization, accommodation, assimilation, acculturation, population transfer, boundary alteration, genocide, and ethnic suicide (Coakley, 1992). Singh cites Anthony Smith as he argues that territory is important to an ethnicity because the ethnic group has a connection with it, whether it is objective or spiritual (Singh, 2006).

On the other hand, scholars suggest that there has been an uptick in territorial conflicts solely, with less frequent ethnic conflicts. Barbara Walter claims that one of the main factors of conflict is territorial issues, and competing governments are less likely to resolve any disagreements regarding territory compared to other issues (Walter, 2003).

She also suggests that resources are a main reason why territorial conflicts occur and why there is a lower chance of a resolution because of the resources in those territories (Walter, 2003). This can be seen put into action during the Cameroon and Nigeria conflict. Okoi's article about the conflict says that the Bakassi peninsula which Nigeria and Cameroon were fighting over is an oil rich territory over the Gulf of Guinea (Okoi, 2016). Although his article is about international law and its role in this conflict, it is heavy with information regarding how resources play a role in territorial conflict. Okoi claims that both Nigeria and Cameroon have strong ties to the peninsula, as it was given to Cameroon by the International Court of Justice but has thousands of Nigerian citizens on the territory (Okoi, 2016). The method in which the conflict had to be resolved is a perfect example of how states do not reach agreements easily and peacefully when it comes to territorial conflicts, as Walter writes in her article (Walter, 2003).

#### *International Law and Relations*

Müllerson, in his article, talks about the different approaches of international humanitarian law in terms of internal conflict. He reasons that international law differentiates between both internal armed conflicts and international ones, as well as internal conflicts where international humanitarian law is applicable (Müllerson, 1997). He also referenced Theodor Meron, saying that the norms that are stated in Article 3 (1) (a-c) of the Geneva Conventions could be regarded as embodying standards of customary law that are also applicable to internal conflicts (Müllerson, 1997). Kathleen Cavanaugh explains how international law is important in stopping or avoiding ethnic conflict, as she focuses on the Palestinian-Israeli conflict and the failed accords. However, international law cannot be fully implemented when dealing with ethnic conflict because it is not between two sovereign states, but rather a group and a sovereign state. This is exemplified in her article, as she examines how the conflict is an intra-state conflict, and not an inter-state conflict, meaning that they do not need to strictly abide by international law (Cavanaugh, 1999). Cavanaugh mentions how Israel can get

away with anything because they know that they can get away with it, making the accords work in their favor and violating international humanitarian law (Cavanaugh, 1999).

In a deep dive on the Oslo Accords and bilateral treaties, an article by Sara Roy goes into detail about how Oslo failed. Roy explains that the Oslo peace process was shaped with the help of the United States government to achieve the policies the Israeli government desires, and looks at the desires of the Palestinian authority second (Roy, 2007). They do, however, need to abide by international humanitarian and human rights law, although not strictly, referring back to Cavanaugh's article. Both Cavanaugh and Roy mention the Declaration of Principles, which was signed in 1993. In Cavanaugh's article, she mentions how both points of the Accords have failed on both points, one being that they have to abide by international human rights law, and the other one being the High Court analyzing the policies Israel has on the Occupied Territories and the compliance with customary international law (Cavanaugh, 1999).

This could be connected back to Jammu-Kashmir with how India is in charge of their semi-autonomous status. Amnesty International makes the claim that the decision to revoke Jammu-Kashmir's autonomy was made without any consultation with the people or the government agency in Jammu-Kashmir (Amnesty International, 2022). The same article explains how there is an absence of a human rights commission in Jammu and Kashmir is a violation of India's highest court, which deprives the region of the right to equal and effective access to justice (Amnesty International, 2022). An attempt for a bilateral treaty between India and Pakistan about the Kashmiri question has been made, however not getting very far. Ahanger states that in 2004, the Indian Prime Minister at the time, Atal Bihari Vajpayee, and Pakistani President Pervez Musharraf, opened up a conversation about wanting to attain peace and security in the region (Ahanger, 2019).

Okoi talks about how international law and territorial conflict interact with each other. He does a deep dive on how international law

played a role in resolving the conflict between Nigeria and Cameroon in regards to the Bakassi Peninsula. He looks at this through the lens of realism and liberalism, as he states the military conflict is likely to escalate from unbalanced power relations (Okoi, 2016). As previously mentioned, international law does not have full power in ethnic conflicts because ethnic conflicts occur between intrastate actors and state governments, as Müllerson states. However, due to the nature of the conflict between Nigeria and Cameroon, international law has the upper hand. This is different from the Kashmir conflict, as Kashmir does not have statehood and India is a sovereign state.

India and Pakistan's relationship has been unstable since 1947, when both countries gained independence. The Kashmir conflict has only exacerbated it. Josef Korbel, in his article talking about the Kashmir dispute and the involvement of the United Nations, talks about how the UN Security Council has taken time to assess the problem (Korbel, 1949). Both nations were given a treaty that would have given Kashmir freedom through a free and impartial plebiscite, that could have been resolved through a free vote of the Kashmiri population, however it was rejected by India and Pakistan (Korbel, 1949). Without coming to a compromise, it leaves the fate of Kashmir unclear and unstable. The involvement of the UNSC is particularly useful in cases such as these, but does not give Kashmir a chance to voice their stance because the region is being disputed based on religion, ethnicity, and political standings. Eventually, both governments accepted a new agreement, which was drafted by the UNSC that allowed Kashmir to have a free and impartial plebiscite (Korbel, 1949). This solution goes to show that the UN and international law are potentially helpful in deciding sovereignty and autonomy for undisputed territories.

Resolutions that get passed through the UN are more than likely non-binding in nature. India has a long history of bypassing agreements due to this being a common occurrence. In an article titled, "Violation of the UN Resolutions on Kashmir" written by Shamsa Nawaz, she talks about the ways in which Modi and his

government have violated UN resolutions. She mentions on page 156 how India has been violating the UN Charter, which advocates for fundamental rights of a person, regardless of who they are in all nations (Nawaz, 2018). This is important, as Modi has been dividing up the people of India and the people of Kashmir for his own political gain. The UN as well has not been very helpful in solving the problem, as the same article states that there is no secure method in which the UN can effectively make sure the resolutions are being followed through by any one country (Nawaz, 2018 p157). While the UN is regarded as useful in certain situations, in cases such as this one, without binding documents and agreements the resolutions will not be fulfilled to the desired degree due to the lack of military presence and check ins by the UN or UNSC.

Due to how recent the question about Jammu-Kashmir's sovereignty is, I have not been able to find relevant, scholarly articles discussing how the latest removal of the semi-autonomous status will affect Jammu-Kashmir's future. An article that was found talks about the reactions of different countries in response to the abrogation. Vivek Kumar Mishra goes into detail about the reactions, as he mentions that the United Nations has claimed that the Jammu and Kashmir is now in the hands of India alone, and it's an internal matter (Mishra 2020). This, once again, puts Jammu and Kashmir's status in the hands of another country.

### Methodology

The question this paper is trying to answer is: what maintains stability in Jammu-Kashmir? The research of this paper seeks to answer the question of the causes of regional stability in Jammu-Kashmir. The methodology being used in this paper is qualitative, as the analysis looks at a single case study focusing on Jammu-Kashmir. Ethnic conflicts are primarily caused by ethnic fear of the future, border creation post independence, ethnic outbidding, and territorial disputes. The research also looks at the political reasons that could potentially answer the question of stability in Jammu-Kashmir. The methods in which the research was conducted contains

looking at different causes of ethnic conflicts.

The decision of focusing on Jammu-Kashmir stems from wanting to examine the policies both India and Pakistan have in regards to the semi-autonomous regions. The recent repeal of Article 370 from the Indian Constitution, which grants semi-autonomous status for Jammu-Kashmir, was the starting point of analyzing the literature. Revoking one's autonomous status, regardless of semi or full, is concerning for groups of people that do not have a permanent homeland. This paper is going to look at and make connections between the decisions that Prime Minister Narendra Modi and his cabinet made to revoke the special status. Both India and Pakistan, who have gone to war over Jammu-Kashmir, have varying approaches towards Kashmir.

A key factor of the Kashmiri semi-autonomous status is the relationship between India and Pakistan. Both countries have different policies and goals with the territory, and the rise of militancy in India has made the problem worse. The research into the rise of militancy in South Asia is a major factor in the instability in the region, and could lead to further instability in Kashmir. Research also showed that both countries have a difference in what they want in the case of Kashmir. Research also shows that the risk of terrorism is also high in the region, which changes the policies and stances on Kashmir. Terrorism is a big threat to India, as India houses about 1.5 billion citizens. Kashmir being a stronghold for growing terrorist groups causes an increase in militancy in Kashmir to attempt to deter the rise of terrorism and terrorist ideology.

The first part of the methodology contains the methods in which the research was conducted. Jammu-Kashmir has a long history, starting from the Partition of 1947. Before starting research, it was important to recall the different reasons for ethnic conflict, such as ethnic-outbidding, self-determination, territorial disputes, and colonial legacies. The Partition of 1947 created a fear of the future for many ethnic groups between India and Pakistan. Fear of the future details that an ethnic or religious group lacks security of their survival, increasing the chances of young members of that group to join a terrorist group to fight for their

security against the dominant group or oppressor. Self-determination is another cause for ethnic conflict, as it coincides with fear of the future. Research has indicated that terrorist groups in Jammu and Kashmir have been linked to opening up dialogue for negotiation. It also shows that there is a correlation between the abrogation of Article 370 and the rise of insurgency in the region. The effects of spoilers are also important to look at, as they are a main factor in what could damage the chances of negotiations.

Another factor to focus on was that the Kashmiri question has been exacerbated in recent years due to political tensions within India, in which the government aims to annex the semi-autonomous territory. To analyze the reasons for the tension between India and Jammu-Kashmir, it is important to look at the policy history regarding the semi-autonomous status of Jammu-Kashmir. The research done for this was to look at the articles in the Indian constitution that were ratified for the security of Jammu-Kashmir. Two articles that were looked at were Article 370 and Article 35A. While it is important to look at policies between India and Pakistan, looking at the United Nations and their stake and influence in the region is important to answer the question of stability in Kashmir.

Researching the effects of religion on Kashmir and policies pertaining to it is vital due to the rise of a Hindu Nationalist government in India. This government regime has maintained power and strength as it started growing in the 1980s. The Hindu Nationalist party, also known as the Bharatiya Janata Party, has been tough on Kashmir and the policies revolving around the territory. By analyzing the Bharatiya Janata Party, this paper seeks to answer whether or not the rise of a Hindu Nationalist state has contributed stability or instability in the Kashmir valley. The BJP enacted laws that were placed to protect the people of Kashmir, but they believe otherwise. The rise of the Hindu Nationalist governance mainly affects Kashmir due to the fact that Kashmir is a Muslim majority, and the Hindu Nationalist government aims to turn the nation that was created on the notion of secularism into an ethno-nationalist state.

The paper defines the terms regarding stability. This was especially challenging, as there are many different types of stability. By narrowing down to two types, the paper focuses on what constitutes national and democratic stability. It's important to discuss this due to the fact that stability is a loose, general term for a much more concise topic. National stability, concerning the groups that live in the country and make up the demographic, is important because it establishes that different ethnic groups coexisting is important to one aspect of stability. The other term, democratic stability, focuses on how elections, governance, and media play an important role in creating a country free of external influence.

Another way in which religion plays a part in the stability of Kashmir comes from the way Hindu nationalists see Muslims. The way in which the research was conducted for this topic was looking at the BJP and the role they had in ostracizing other religious minorities and the reasons for it. In the case of Muslims, they were fearful that all Muslims were plotting against the Hindu nationalist movement. This also partially stems from the distrust India has with Pakistan. Pakistan is a breeding ground for terrorism and unstable government regimes that has the potential to prop up Islamic fundamentalist governments. The role that this plays in Kashmir is one of regional security, as the region is frightened at the prospect of terrorism. India is prone to more terrorism comparative to Pakistan, which causes them to have more protectionist policies against terrorism. India and Pakistan both have to be on high alert of terrorist attacks in their region, some of which stem from attempting to force Pakistan or India to allow Kashmir to gain independence. This paper goes on to talk about the role of terrorism and how India and Pakistan are affected by the attacks that are done in the name of Kashmiri sovereignty.

#### *Defining Terms*

The notion of stability is a general term for a large variety of ideas of what it means to be stable. This paper analyzes whether Kashmir has maintained stability, and if so then what are the causes. Kashmiri stability primarily

relies on national stability and political stability. Unfortunately, the stability in Kashmir is heavily dependent on the stability of both India and Pakistan. An article written by Hasan-Askari Rivzi, he states that national stability requires the establishment of viable political institutions, smooth transition of power, and participation, alongside accommodating linguistic, ethnic, and regional identities so that they work together (Rivzi, 1989). Looking at modern day India, after the rise of the BJP and their official inauguration in 2014, national stability in India has decreased. The implementation of islamophobic rhetoric, increase in hate crimes against Muslims, as well as a stark rise in violence in Kashmir equates to an unbalanced or a sense of destabilization in national stability in the region. Tying in the role of Pakistan in maintaining stability in Kashmir, the article states that Pakistan has more military intervention rather than a proper democratic model as the military has secured internal bonds (Rivzi, 1989). The constant military action leads to a destabilized central government, which is vital to have a fully functioning nation. Pakistan has had coups in the recent years, allowing for the military to once again take over the government and rule as it wants.

There are many theories regarding democratic stability, whether it's connected with economic stability or institutional stability. While there has been literature talking about how democratic stability coincides with economic growth because it promotes the creation of a strong middle class, there have been conflicting findings which state that modernization and economic standpoints do not dictate how stable a democracy is (Carugati, 2020). This interpretation of democratic stability would somewhat align with India, as their middle class is growing but is still significantly small. Democratic stability also relies on looking at other variables such as institutions that protect property rights, investments, degree of state autonomy, fostering political stability, and human capital (Carugati, 2020). India prides itself for being the only democracy in South Asia, as the government claims that they have free elections all over the nation. This is not the case at all, as India uses violence towards voters in



Kashmir. The elections in Jammu and Kashmir have been portrayed as free to the outside, but internally the elections are rigged (Khurshid, 2016). This removes the notion that Kashmir, before the revocation of Articles 370 and 35A, didn't maintain a true semi-autonomous status. Elections that occur in a true autonomous country or semi-autonomous region do not get meddled with, or get rigged results. The notion that the policies surrounding Kashmir's protection and special rights give the region stability move towards the idea that Kashmir's stability has not been maintained properly in the true definition of democratic stability.

A stable government is also important when discussing the stability of a region. This occurs when government officials are held accountable, populations can participate in governance, independent media, and political parties (United States Institute of Peace). This is difficult to achieve in Jammu-Kashmir because of the repression that's involved in the region. The paper dives into the repression in Jammu-Kashmir, primarily in regards to free press and journalism. By repressing the media in the region, the voices of Kashmiri people do not get heard. They are not able to get their story across the border, and they effectively have no one to defend them.

## Results

### *Role of India*

Indian policy surrounding Jammu-Kashmir is one that includes different endings for the region. An article that was written about several changing policies regarding Kashmir in India mentions that there are four phases. According to Naeem Ahmed, the first phase lasted from 1947-1953, which stated that India's government could not determine the fate of the entire population of Jammu-Kashmir (Ahmed, 2000 pg 24). This statement alone by the government of India stated that the people of Kashmir are the only ones responsible for the future and fate of Kashmir. The region of Jammu-Kashmir could only be decided by elections done in the region, which gives most of the power to the people.

The second phase started in 1954 and ended in 1972. During this time, there were three wars

between India and Pakistan, which didn't result in much delegation amongst Indian Foreign Minister Sardar Swaran Singh and Pakistani Foreign Minister Zulfikar Ali Bhutto, who proposed an internationalization of Kashmir (Ahmed, 2000). Internationalization of Kashmir would ultimately lead to further stability of the region due to other countries trading with Kashmir, meaning that they would not be dependent or reliant on India. It would bolster trade relations with other countries, making it an easier route to gain full sovereignty. Soon after this offer, that was rejected by India, the Constituent Assembly of Kashmir passed an "Integration Bill" which gave Kashmir the right to be a province of India (Ahmed, 2000). This would have given Kashmir more stability as it would be a part of India, and they would have a functioning government the citizens would have followed.

In 1972 up until 1988, the third phase in India's policies surrounding Kashmir began. This started after the Simla Agreement was agreed upon, in which Pakistan and India came to a conclusion that Kashmir is an area of contention between them (Ahmed, 2000). The author goes on to discuss how India and Pakistan would use peaceful bilateral negotiations to decide the fate of Kashmir, and no one country can alter the state of Kashmir or cause any action that could result in a disruption of peace (Ahmed, 2000). By deciding these terms amongst each other, they would be responsible for maintaining the peace in Kashmir, which is a main focal point for violence between India and Pakistan. The maintenance of peace would also be beneficial for the people of the Valley due to the uncertainty, at the time, of their future. India on February 24, 1975 signed an accord named the Kashmir Accord which stated, "Where any provision of the Constitution of India had been applied to the state of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal on this behalf being considered on its merits: but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptations and modifications

are unalterable” (Ahmed, 2000). This accord simply confirmed that Jammu-Kashmir’s semi-autonomous status would be under control of India. However, this document can’t be altered without proper changes.

The fourth phase brought upon a change in rule within Kashmir. This phase started in 1989 and it was still active during the publication of this article. They started a campaign against the Indian rule in Kashmir called the Intefadah (Ahmed, 2000). This campaign against India would enable Pakistan to get further involved with Kashmiri internal politics, causing further instability within the Kashmiri valley. This would go against the Simla Agreement, which aimed for peaceful bilateral talks about Kashmir and its future rather than violent ones. The stability of Kashmir heavily relies on the peaceful talks between India and Pakistan due to the fact that they are in charge of the future of the territory, whether it’s annexation, giving full autonomy and sovereignty, or opening trade connections in the region.

India has many policies in respect of Jammu-Kashmir, the most important ones being Article 370 and Article 35A. In an article titled, “India’s Kashmir Conundrum: Before and After the Abrogation of Article 370” written by Sameer P. Lalwani and Gillian Gayner, they state how Article 370 gave Jammu-Kashmir a constitution and legislative authority outside of foreign policy, defense and communications, while Article 35A gave Kashmir special rights to Kashmiris (Gayner and Lalwani, 2020). These two articles protected Kashmir and its citizens from any disruptions from outside influences. It granted them semi-autonomous status, and as a result allowed them to hold elections and have a semi-structured government system. While still under the stronghold of India, as the articles are in the Constitution of India, it allows them to have free will and reign to provide for their own people without needing much help from its neighbors.

The method in which India, primarily the Modi Government, is handling the issue of Kashmir is one that concerns regional security. South Asia is already in limbo due to terrorism and the rise of power in China, but their stance on Kashmir

brings more turmoil than necessary. India under Modi has implemented a policy called “go slow policy” in which Modi vows to remove Article 370 to re-integrate Kashmir into India after he is elected (Cheema and Khan, 2016). This policy that was enacted 3 years prior to the abrogation paved the way to gain support for the BJP to get the most seats in the parliament, so that the party has the most power in the Indian government. By achieving this status, the Indian government is effectively destabilizing the region of Kashmir due to the power sharing dynamic that gives the Hindu Nationalist party the most power. Lisa Curtis predicted that the election of Modi would increase the likelihood for worsened Indo-Pakistani tensions and military escalations, especially if there is a major terrorist attack in India (Cheema and Khan, 2016). Modi’s election heavily affects the communications they have with Pakistan in trying to find a solution or trying to stabilize the region. Modi’s harsh stances on Kashmir does not give any wiggle room in creating a more stable region. Modi has violated the ceasefire agreement along the Line of Control (LoC), in which Indian troops shot at public transportation alongside killing and injuring innocent people (Cheema and Khan, 2016). These actions committed under Prime Minister Modi’s reign are a signal that he is not worried about the relationship with Pakistan.

India has felt a sense of discomfort with Kashmir, as they have been a breeding ground for terrorism and terrorist groups. The authors suggest that because of the fostering of terrorism groups in Kashmir that are on the side of Pakistan, primarily during the post-9/11 world, the government of India decided to take drastic measures against Kashmir (Gayner and Lalwani, 2020). India is a densely populated area, having approximately 1.4 billion people living in it. Taking precautions is the correct step into stopping terrorism from seeping into India. However, by taking drastic measures against Kashmir, it can fuel more hateful tensions in the valley against India.

However, another author Fahmida Ashraf states in her article that the Indian government funds state-sponsored terrorism in Jammu-

Kashmir. She quotes another author, as Donald J. Hanle states that repressive state terrorism is, “the use of lethal force by a state government against its own civilian population to weaken the population’s willingness to support revolutionary or other anti-government movements” (Hanle; Ashraf, 2001 pg 119). The use of state-sponsored terrorism in India is a big deal due to the fact that India is one of the world’s largest democracies, with a population about 1.4 billion people. Ashraf states that India has 700,000 troops stationed in Kashmir, and that India should have control over what it sees as “cross-border terrorism” (Ashraf, 2001).

Modi’s abrogation of Articles 370 and 35A sent Kashmir into a repressed state. India, acting like an occupying force in India, has been committing violent acts against the people of Kashmir in order to prevent terrorism and violent uprisings against India. Amnesty International states that one day before the abrogation of Article 370, Kashmir was plunged into darkness, as they had no internet which in turn affected the human rights defenders and their reports on the violations done by the Indian government (Amnesty International, 2022). This form of repression causes uneasiness in the valley, with no communication with the outside world to maintain a sense of semblance. By implementing an internet blackout, it shows that the ruling party in India would go above and beyond to make the assertion that everything is fine in India and Kashmir valley. India, while violating the International Covenant on Civil and Political Rights, has raided journalists and human rights offices (Amnesty International, 2022).

The state control of the media causes miscommunication with the outside world, and the false notion that the Hindutva movement (Hindu nationalism) is working the way that Modi and his government officials intended. In correlation to Jammu-Kashmir, the Indian media does not report on the cases of military siege and lockdowns of Jammu-Kashmir, the curfew, and restrictions (Tajammul-ul-Islam, 2019). The Modi regime wants to maintain control over how they appear to the world. They want to maintain the status that they are not oppressive and hold up to

the secular stances that the Constitution of India advocates for. A few days after the revocation of Article 370, there were reports of protests in Jammu-Kashmir, but the Indian media claimed that it was fake news and it got no coverage in the media (Tajammul-ul-Islam, 2019). This form of suppression of media takes a toll on what the outside world sees. It shows a fake portrayal of India and how helpful of a player they are in maintaining the stability in Jammu-Kashmir.

For PM Modi, India has the right to Kashmir. By claiming this, he bolsters his citizens to enter Kashmir to settle there and kick out indigenous Kashmiris. Accordingly, in an article written in 2018, Modi has the desire to create settlements within Jammu-Kashmir for his own citizens, which is illegal under Article 49 of the IV Geneva Conventions; the article states, “the occupying forces shall not deport of its own civilian population into the territory it occupies” (Nawaz, 2018 p146). Modi attempting this settlement is reminiscent of the settlements in the West Bank in the Palestinian Territories, but Israeli settlers. Modi clearly has the goal to create a Hindu-majority Kashmir. The attempt of the settlements in Jammu-Kashmir reduces the sense of stability due to the fact that it’s increasing tensions between Hindus, Sikhs, and Muslims in the valley. In an article written by Ashutosh Sharma, he talks about how the resettlements done by Kashmiri Pandits has caused an increase in killings of Hindus and Sikhs in the region (Sharma, 2022). This severely diminishes stability in the region, as the main religious groups are starting to fight one another due to resentments. National stability is dependent on how the cleavages work together harmoniously, rather than fighting because it increases the chances of turmoil within a territory.

#### *Role of Pakistan*

Pakistan has criticized India in their handling and treatment of Kashmir. The country has maintained ties to support Kashmir and find a solution to their struggle of sovereignty. In a case study regarding the Kashmir dispute written by Saira Bano Orakzai, she talks about Pakistan having brought up the struggle of Kashmir at the

Organization of The Islamic Conference, which aims to diffuse, prevent or resolve conflicts (Article II A (1)) (Orakzai, 2010). This gives an advantage to Muslim countries to find a solution for Kashmir, as Kashmir is predominantly Muslim. They can coordinate and negotiate plans for self-determination for Kashmir together without interference from an outside governmental body. On November 3, 1994, the OIC group on Jammu and Kashmir was set up, which was mandated to coordinate the efforts of member states so that they can promote the right of self-determination of the Kashmiri people, aligning with the UN resolutions and protecting the human rights of Kashmiri citizens (Orakzai, 2010). By creating this mandate group, they can work with the people of Kashmir to achieve the right of self-determination and sovereignty that they desire. They, compared to India, do not aim to annex this territory. They are working alongside the people of Kashmir, instead of deciding what is right for the valley.

Pakistan is a fairly poorer nation, needing to depend on others for resources to sustain its economy and people. Water is a vital resource that Pakistan needs due to climate change. In Jammu-Kashmir, the Indus Basin lies which passes through both India and Pakistan. An article regarding water security in India and Pakistan states that the partition pushed the rivers that once entered into Pakistan, into India, giving India the most water comparative to Pakistan (Salik, 2015). This leaves Pakistan with little to no water due to the power that India has to protect its nation and people. With very little water entering Pakistan through the diverted river, the agricultural sector declines. This is relevant because of the fact that the Indus Basin resides in Jammu-Kashmir, which entices Pakistan to get involved in the valley. The Jammu-Kashmir dispute is highly related to the water dispute between India and Pakistan, as the author states that the former President of Pakistan, Pervez Musharraf, stated that the dispute was based on the distribution of waters of the Indus Basin between India and Pakistan (Salik, 2015). Due to the fact that Kashmir holds a vital resource for both India and Pakistan, intervention by both

nations jeopardizes the stability in the region.

#### *Role of Religion*

The Partition of 1947 was done due to the increase in tensions between Muslims and Hindus during the British Raj. In an article discussing the reasons for the Partition, the purpose of the creation of new borders was to establish a predominantly Muslim area in the north west and north east parts of India, and the rest of India would be Hindu majority (India Quarterly, 1999). The North West portion of India before the time of Partition comprises Pakistan and Jammu-Kashmir. The problem with the partition plan was that India and Pakistan decided that the rulers of each state had to be either Hindu for India to annex them, or Muslim for Pakistan to annex them, and their population's majority religion needed to match. Naeem Ahmed talks about this, as he states that India and Pakistan determined land ownership based on religious majority and leadership in the nation (Ahmed, 2000). This caused problems due to the fact that Kashmir was ruled by a Hindu ruler. This wasn't allowed, as previously stated due to the fact that they have to have a leader that matches the majority religion demographic in the state in which was divided up amongst India and Pakistan. As a result, Jammu-Kashmir was divided up into three sections ethnically: Jammu turned into a Hindu majority, Ladakh became Buddhist dominated, and the Kashmir valley was decided to be a Muslim majority (Ahmad, 2003).

Religion, in particular, is a common starting point for destabilization in regions. Hatred and dehumanization of a religious group by a leader or political official sends the green light to their citizens to commit atrocities to those who identify with that particular religion. This is true in the case of India. Prime Minister Modi was elected into office based on his hatred of Muslims, Christians, and other small religious minorities in the country. In the election of Modi, as previously stated, he campaigned on a hatred of Muslims. His primary goal was to create a Hindu Nationalist country, and focused on annexing Kashmir completely into India. Modi's policy in India was to apply restrictions on them

and keep them under heavy surveillance. His government, alongside the People's Democratic Party, imposed a curfew on Kashmir which led to harsh repression that resulted in 83 dead and thousands injured (Jaffrelot, 2016). This level of violent repression and force signals that Kashmir under Modi is not stable. Stability does not entail heavy government oversight and surveillance, alongside violent action taken against civilians.

Hinduism is the largest religion in India and is the dominant religion. Modi, to win his election, had to victimize themselves and assert that they were under attack. This was seen when the Supreme Court of India struck down a law that banned women ages 10 to 50 from entering one of the holiest temples of Hinduism, Sabarimala Temple. As a result of the restriction being overturned, there were strong reactions from the Hindu nationalists (Reynolds, 2020). The nature of victimhood is common amongst those who want to form an ethno-nationalist state. To achieve the long term goal they desire, they had to gain sympathy and power through claiming that they need the same minority protections as Muslims, Christians, and other religions, despite them being the dominant religion in India. The Hindu nationalists also claimed that Muslim areas bred anti-national activities, and that they are fueled by jihadi ideology (Reynolds, 2020). This accusation, once again, only asserts that they're using islamophobic rhetoric to bolster their movement and create more of a divide between Hindus and Muslims. The constant victimization correlates to the Hindu nationalists as feeling under attack.

Hinduism is being used as a tool in India as a way for the Bharatiya Janata Party to garner a strong following. The role of religion has been prevalent in cases similar to Kashmir, such as North Ireland. The use of religion in the creation of an ethno-national state is important because it provides a point of convergence in the goals they aim for. Religion and nationalism are tied due to the fact that both share an imagined community and depend on religious symbols to grow a following to achieve their long term goal of an ethno-nationalist state (Rieffer, 2003). The way in which this is being utilized in India is by Modi

and his use of the victimhood narrative. The Indian government has full control of the media in Jammu-Kashmir and in India, which pushes a false narrative about the valley. By suppressing the voices of journalists in the country and in the valley, the full story about the atrocities are not being reported.

#### *Role of the United Nations*

The United Nations is a key organization that partakes in answering the question of what causes stability in Kashmir. The institution has passed resolutions in hopes of the betterment of Jammu-Kashmir. The mediation of the United Nations started after the wars that India and Pakistan fought together over Jammu-Kashmir. After the first resolution on Kashmir in 1948, the United Nations Security Council announced that both India and Pakistan must work with what power they have to improve the situation in Kashmir (Shakoor, 1998). These measures were taken with the intention to make India and Pakistan solve the Kashmir question without further intervention from the UNSC. They simply wanted a solution to end the fighting between India and Pakistan, so that Kashmir does not further destabilize. A resolution drafted by the United Nations Commission for India and Pakistan (UNCIP) that was passed one year later stated that the future status of Kashmir should be left to the people of the valley, and troops from both India and Pakistan should leave the valley immediately (Shakoor, 1998). By involving the people of Kashmir to decide their own fate, they can dictate what form of government they want, what election processes look like, they would have full control of their own media, and would be economically sound. These variables lead to a stable government and country, as democratic stability relies on the state of autonomy a region or territory has.

The United Nations worked tirelessly to help Kashmir maintain its stability and decrease the chance for external involvement, as it passed resolutions attempting to get India and Pakistan out of Kashmir. The issue herein lies that these resolutions are not binding, so that the countries are not obligated to follow them (Shakoor, 1998).

This makes it hard for Kashmir to achieve a proper sense of self, as India and Pakistan stay involved whether it's military or governmental. Today, India still has more than 500,000 to make sure the insurgents in Kashmir do not attempt an attack, or multiple, against India. India's human rights violations in Jammu-Kashmir has been a cause for concern for the United Nations. The United Nations themselves has not been helpful, or useful, in trying to resolve the question of Kashmiri stability and autonomous status.

India and Pakistan have worked together in the past to try and resolve the Kashmir issue. The United Nations acts as mediator in bilateral agreements, making sure that each country gets what they desire in an agreement or treaty. In the case of Kashmir, there were multiple such agreements, declarations, and treaties. One notable case that the United Nations worked on with India and Pakistan is called the Lahore Declaration, which calls for a commitment by both nations to the principles of the UN Charter and the implementation of the Simla Agreement (Khurshid, 2016). This is the most recent and important bilateral agreement by both India and Pakistan, which claims that they must allow Kashmir to remain self-governing and can advocate for self-determination. While Kashmir is not its own country, a large number of people residing in Kashmir want the valley to gain independence from India because of the atrocities committed by the Modi regime. The right to self-determination stems from Article 18 of the UN declaration on the rights of the indigenous people, which states, "indigenous people have the right to participate in the decision making matters which would affect their rights" (Khurshid, 2016 p119). Jammu-Kashmir has a large population of indigenous Kashmiris who, by law, deserve the right to participate in the lawmaking and decision making regarding their country. Although the UN declaration on the rights of the indigenous people is not binding, as Kashmir is now under full control of India, India has the right to maintain and uphold their protections and security, but fails to do so. This, once again, hinders the national stability in Kashmir, as the people in the territory are not

treated as equal while they are under full control of India.

### Limitations

The goal of this paper was to look at both Indian and Pakistani policies pertaining to Kashmir and its stability. Some limitations I had during the researching portion of the paper was differentiating between the joint collaboration between India and Pakistan and solely focusing on Pakistan. I suspect this is because of Pakistan dealing with other internal issues such as terrorism and a weak government system compared to India. However, it made it harder to equalize the amount of data for Pakistan and how its government went about and is going about Jammu-Kashmir. Another limitation encountered was looking at the Bharatiya Janata Party and its founding. The party itself is important to showcase the fragile state of Kashmir, however there weren't that many recently published peer reviewed articles pertaining to the BJP and its effect on Kashmir. Some literature that was previously found wasn't used due to the fact that after doing more research about this topic, it had no significance or correlation to the question at hand. The literature previously gathered, however, provided a good background in making connections with cases that couldn't form organically. New literature found made those connections stronger.

### Conclusion

While Kashmir looks like it has maintained stability since Partition, the opposite is also true. The research question the paper looked at was what were the causes of the maintenance of stability in Kashmir. It is safe to assume that the causes of stability in the region were due to the UNSC measures, bilateral agreements with India and Pakistan, Pakistan working with other nations, and the UN involvement with India and Pakistan. However, with the rise of the Hindu nationalist party and its forefront ideology of wanting to create an ethnostate, the claim that Kashmir has maintained stability is false. The Hindu nationalist government has an agenda to make India a purely Hindu state, which is hard to do because of various ethnic cleavages the nation

contains. The BJP clearly does not want a Muslim majority state to co-exist with them, as they see Muslims as anti-Hindu and a threat to Hindus all over India. This is far from the truth, as many Hindus and Muslims get along just fine in other parts of India.

The democratic stability and national stability in India as a whole is fragile, as there is a stark division between Hindus and minority religions. As previously stated, the main components of democratic stability contain election freedom, ability of governance without interference, and media control. India has been in control of Jammu-Kashmir in an oppressive manner since the abrogation of Article 370 in 2019. With full control of the valley, Modi and his government officials have maintained control over journalism and media, as they have arrested and illegally detained journalists. India has been rigging the elections as well, so that citizens of Jammu-Kashmir do not get their voices heard in the legislative process. Without proper election outcomes, processes, or action, the voices of voters in Kashmir are effectively silenced by the BJP.

Stability in Jammu-Kashmir heavily correlates to how well the two nations, India and Pakistan, are doing. In the case of resources, Jammu-Kashmir holds a large water reserve that is needed by both India and Pakistan. For Pakistan, access to water is important because it can substantially help their agricultural needs and sustain the citizens. Compared to India, Pakistan does not have a strong economy and could get all the help it can from water reserves in the Indus Basin. The concern for stability applies here, due to the fact that regional security dilemmas destabilize not only governments, but the people living there. The way in which Kashmir depends on the relationship of India and Pakistan in terms of their stability showcases how truly fragile their overall stability is. A true stable region, in this case democratic and national, does not need to depend on external forces that could make or break how well they're doing as a region.

Relating back to the role of the United Nations and the commission based on India and Pakistan, without the United Nations and its efforts to

maintain regional stability, the option of a stable Kashmir would not exist. While the agreements and declarations that were passed weren't binding on any level, it still gave a semblance of power to the people of Kashmir. This showcased that the people of Kashmir do in fact have the power to maintain themselves and create stable environments, but once again it is dependent on India and the government in power. Without the mediation of the United Nations and efforts made by the UNSC and the UNCIP, there would be no negotiations, recognitions, or agreements that could potentially stabilize Kashmir further.

To summarize, the stability of Kashmir is not an easy answer, as there are many factors into why Kashmir has the potential to be a stable region of the world. If there was little to no external, or at this rate internal, meddling, Jammu-Kashmir would be more stable than it is 30 post-2019. The actions done by the Hindu nationalist party has caused an influx of tensions surrounding ethnic identity, and in this case religious. The dehumanization of Kashmiris and victimhood narrative of the Hindu nationalists have created a prominent divide between Muslims and Hindus, and caused a new era of bigotry towards Muslims in India. The future of Kashmir solely relies on the BJP and future political action done by those in places of power in India.

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