



# **Territorial indivisibility and electoral incentives: An instrumentalist analysis of Assam and Nagaland inter-state border dispute**

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## **Abstract:**

The Assam-Nagaland border dispute has been a protracted issue for almost sixty years and has involved more than twenty-five commissions, committees, and mediation processes, as well as a Supreme Court case pending for thirty-seven years, the dispute still has not resulted in any territorial settlement. This research analyzes the paradox of institutional failure in the Assam-Nagaland border dispute, where six decades of intentional institutional engagement—twenty-five plus commissions, committees, and mediation processes, along with thirty-seven years of a Supreme Court case—have resulted in no territorial settlement. Using a mixed-methods approach combining documentary analysis, institutional process tracing, and comparative strategic analysis, this research examines the rational instrumental interests of states and civil society organizations in continuing to prolong rather than settle the Assam-Nagaland border dispute.

The analysis identifies three interconnected mechanisms that support the continuation of this prolongation: (1) Both governments in Assam and Nagaland use border disputes as a tool for obtaining electoral legitimacy and consolidating territory instead of using them as tools for settling the dispute; (2) The electoral incentives create a "managed contestation" in which electoral systems incentivize hardline positions on territory and penalize compromises; and (3) Rather than serving as independent peace-building organizations, civil society organizations are embedded in the state's instrumentalism through funding dependencies, organizational interests, and advocacy structures that support the idea of territorial indivisibility. Through analyzing how the use of territory as a negotiable strategic position transforms into an identity constitutive resource through legislative institutionalization and organizational advocacy, this research shows how the technical recommendations of committees become politically irrelevant when disputes transform into existence-based rather than technical issues. Based on instrumentalism, Monica Duffy Toft's territorial indivisibility framework,

and electoral political economy, this research concludes that resolution of the dispute requires structural change that goes beyond institutional improvement including, but not limited to, electoral system reform, civil society organizational reform, and state leadership decisions that go beyond the electoral costs of prevailing institutionalized territorial maximalism. The results also demonstrate that the 240-fold increase in border infrastructure spending from ₹5 crore in the 1960s to ₹1,200 crore in 2024-25 is occurring directly as a result of the fact that the dispute has not yet been settled, allowing both states to justify continued expense as necessary security provisions rather than as part of a territorial consolidation strategy.

**Keywords:** *Territorial Indivisibility, electoral incentive structures, instrumentalism, Assam-Nagaland, interstate border dispute.*

## 1. Introduction:

Almost six decades after the first attempts at institutionalizing the Assam-Nagaland border dispute—more than twenty-five commissions, committees, and mediation processes since Indian independence in 1947—the Assam-Nagaland border dispute is still ongoing and recurring in episodes of violence and increasing levels of mutual distrust (Chakraborty, 2018). The institutional stalemate has significant human costs: since 1979, there have been 136 reported deaths due to border violence. Since 2014, approximately 25,000 people have been displaced by evictions and communal violence in disputed areas of sectors B (Rengmapani) and C (Uriamghat). The Supreme Court of India's Original Suit No. 2—filed in 1988 by the Government of Assam to obtain a court order for boundary demarcation and to enjoin the Government of Nagaland from allegedly making further encroachments upon the area claimed by Assam—has been in the trial stage for thirty-seven years without the possibility of any substantive judicial resolution (Ministry of Law and Justice, 2025).

Given the prolonged duration of the Assam-Nagaland border dispute despite the considerable amount of time, money and effort expended by various forms of institutional activity, it appears that this dispute does not fit the paradigmatic expectations of standard approaches to inter-state territorial disputes. Such standard approaches assume that once formal institutional processes are established to facilitate resolution of a territorial dispute, the dispute will eventually be resolved either through agreement or, at the very least, through some form of institutionalized management of the underlying contentions (Toft, 2003; Fearon, 1995).

In general, the standard approach to inter-state territorial disputes assumes that (i) committees established to examine the factual claims of disputants will provide systematically based recommendations that will reflect the evidence-based and precedential nature of the dispute and (ii) governments will act upon the recommendations provided by these committees in order to bring the dispute to a close (Toft, 2003; Fearon, 1995). Therefore, according to the standard approach, the prolonged duration of the Assam-Nagaland border dispute is not the result of institutional ineptitude or inadequate mediation capacity or, in the colloquial sense,

lack of will by state leaders to pursue peaceful resolution of the dispute, but rather the result of a failure to establish a mutually agreeable basis for settlement.

The Assam-Nagaland border dispute represents an important counter-example to the above-described standard approach to the resolution of inter-state territorial disputes. As previously stated, the Sundaram Commission (1971-1976) was a highly technically competent body whose mandate included investigating the competing territorial claims made by Assam and Nagaland, and to provide findings as to which party had a superior claim to the disputed territory. The Sundaram Commission analyzed extensive historical evidence related to the disputed territory and ultimately determined that the Nagaland's claim to approximately 4,975 square kilometers of territory claimed by Assam lacked verifiable evidence of prior occupation of the land during the British colonial period and therefore could not be sustained (Sundaram Commission Report, 1976). Therefore, given the technical competence of the Sundaram Commission and the fact that it produced a report that was supported by documentation from British colonial archives, it would have been reasonable to expect that the Sundaram Commission's findings would have led to the resolution of the dispute, or at the very least, that the findings would have foreclosed Nagaland's ability to continue to make territorial claims against Assam in future negotiations. However, Nagaland refused to accept the Sundaram Commission's findings as legally binding and politically acceptable and these same findings have been politically irrelevant to all negotiations concerning the dispute for nearly fifty years, indicating that technical accuracy and documentary evidence does not necessarily translate into political resolution when disputes have become identity-constitutive (Rajagopalan, 2016).

Similarly, the Supreme Court of India's original suit number 2, which possesses the constitutional authority to render binding determinations of boundary demarcation, has progressively retreated from adjudicating the dispute towards indefinite mediation. Successive Court-appointed mediators (Justice Variava, Justice Chatterjee, Justices Panchu and Bhatt) have submitted recommendations that were rejected by both sides as not adequately favorable to their respective positions. The Court's acknowledgment in 2013 that "hope has to our dismay been belied by events," coupled with its repeated deferrals of providing a final judgment, indicate institutional recognition that judicial authority—however constitutionally supreme—cannot enforce compliance when political legitimacy is fundamentally disputed (Supreme Court Order, 2013).

### 1.1 Scope, Objectives and Central Questions:

Therefore, the continued institutional failure of state-initiated activities to resolve the Assam-Nagaland border dispute over a prolonged period of time—despite the considerable institutional resources devoted to the issue—indicates that the dispute is not a technical problem that can be resolved through administrative or legal means. Instead, the evidence indicates that state-initiated activities have become mechanisms through which territorial consolidation is pursued and maintained, not as a mechanism for achieving the goal of genuine resolution of the dispute, which would require territorial compromise and acceptance of electoral costs associated with

departure from the existing institutionalized territorial maximalism (Walter, 1997; Fearon, 1995). This research investigates why state-initiative activities consistently fail to achieve the goal of resolving the Assam-Nagaland border dispute, advancing three interconnected propositions regarding institutional failure and dispute perpetuation. The research utilizes mixed-methods analysis combining documentary analysis, institutional process tracing, and comparative strategic analysis to analyze the rational instrumental interests of states and civil society organizations in perpetuating rather than resolving this protracted dispute.

## **2. Research Methodology:**

### **2.1 Data and Sources of Data:**

This research utilizes a mixed-methods approach combining qualitative documentary analysis, institutional process tracing, and comparative strategic analysis to systematically evaluate why more than twenty-five commissions, committees, and mediation processes have failed to produce territorial settlements over six decades of institutional engagement.

### **2.2 Government Institutional Records:**

The post-colonial Indian State is composed of three primary institutional spheres: government institutions, legislative bodies, and civil society organizations which was taken into consideration for data collection for the research.

Government institutional records are comprised of Assam Secretariat Budget Speeches (2000 – 2025), Government Orders, and Administrative Records; as well as Supreme Court Filings and Orders from Original Suit No. 2 filed in 1988. These records were obtained from the Assam Secretariat Archives (Dispur) and Ministry of Home Affairs repositories, which provide insight into official state policy and budgetary expenditures during the contemporary era of institutional engagement.

Legislative documents consist of complete Assam Legislative Assembly Debate Transcripts (1985 – 2025) and Nagaland Legislative Assembly Resolutions (1964 – 2021) related to territorial claims. The records were provided by the respective assembly secretaries in Dispur and Kohima, respectively. These records enable the systematic evaluation of how successive governments with different party affiliations codified territorial positions into state doctrine across various electoral cycles.

Documentation of border-related infrastructure is comprised of Assam Government Project Reports on Asom Mala, Border Area Development Program Reports, and Department of Border Protection and Development Records. These records document the growth of border-development spending from ₹5 crore per year in the 1960s to ₹1,200 crore in 2024 – 2025. This represents a 240-fold increase in resources deployed for border consolidation, and will be used for chronological analysis of resource allocation.

Civil Society Organizational records consist of AASU Constitutional Documents (1985) and subsequent Position Statements, Naga Hoho Founding Charter (1994) and Official Resolutions (2000 – 2025); as well as Naga Mothers' Association Ceasefire Facilitation Records (1997, 2000 – 2025). All of these records have been preserved in the archives located at AASU Headquarters (Guwahati), Naga Hoho (Kohima) and Naga Mothers' Association (Kohima), and therefore permit documentary analysis of the organizational evolution — or lack thereof — towards compromise over the course of six decades of institutional engagement.

Judicial documentation, including the Sundaram Commission Report (1976) on competing territorial claims, as well as Supreme Court Orders and Mediator Recommendations (1988 – 2025), are documented within the Supreme Court Records and Ministry of Law and Justice Repositories. The transition from adjudication to indefinite mediation, as well as the gradual relinquishment of judicial authority despite constitutional authority to demarcate boundaries, are clearly illustrated in this documentation.

The 1947 – 2025 time frame provides an opportunity for a longitudinal study of institutional development across electoral cycles and transitions in partisan control. Therefore, it provides an opportunity to identify structural continuities in state actions, and to distinguish structurally and institutionally-based factors from those based on the actions of individual leaders.

## **2.3 Theoretical framework:**

### **2.3.1 Instrumentalism:**

Instrumentalism posits that states and civil society organizations operate as rational actors seeking to maximize their respective self-interests. Thus, state actions should be viewed not as problem-solving mechanisms designed to resolve disputes, but as multifunctional instruments designed to support secondary objectives such as: (1) providing symbolic demonstrations of engagement to legitimate diplomatic efforts; (2) acting as delay mechanisms to maintain status quo advantage; (3) developing infrastructure for consolidation of territory under control during periods of mediation; and (4) creating constituencies (e.g., construction workers, security personnel, mediators, etc.) whose livelihoods depend upon continued conflict management through employment, development funding, and political mobilization opportunities. Instrumentalism provides insight into why institutional failure occurs. Chronic institutional failure is not the result of incompetent committee decision-making, inadequate constitutional arrangements, or insufficient political will. Rather, institutional failure is a predictable outcome when institutional mechanisms governing the actions of states and civil society organizations are aligned with their rational self-interests in dispute perpetuation, thereby rendering dispute resolution, which necessitates territorial concessions and electoral costs, incompatible with the prevailing incentive structures of the system.



### 2.3.2 Monica Duffy Toft's concept of territorial indivisibility:

Toft's (2003, 2012) framework defines two conditions that generate protracted ethnic violence: (1) the presence of a concentrated ethnic group claiming territory as indivisible homeland requiring sovereignty; and (2) the existence of a state that views the same territory as indivisible from its own political survival and state legitimacy. It is critical to note that these conditions are not inherent attributes of territory per se, but are created through political processes by which groups and states progressively come to view territory as non-negotiable. This research asserts that civil society organizations provide instrumental institutional mechanisms by which groups and states create and maintain conditions of territorial indivisibility through advocacy structures that embed specific territorial claims into legislative positions and bureaucratic structures. For example, when AASU articulates “not even an inch” rhetoric or Naga Hoho invokes ancestral territorial claims and legislative resolutions, these organizations create constituencies that are politically invested in preserving the territorial claims and resisting compromise. The process of institutional crystallization transforms territory from a negotiable strategic position into an “identity-constitutive resource”—an essential resource to the definition of group identity and collective survival, the loss of which would be equivalent to the loss of the collective identity and self-worth itself.

### 2.3.3 Electoral political economy:

Electoral political economy provides insight into why electoral incentive structures provide systematic pressure for maximalist territorial positioning. Specifically, electoral systems mechanically reward hard-line territorial rhetoric and positioning and penalize compromise-oriented territorial rhetoric and positioning. These electoral pressures apply equally to successive governments of different partisan affiliations and electoral cycles. As such, electoral systems create a “managed contestation” environment in which violence persists at a level that justifies security expenditures and administrative infrastructure, but remains sufficiently limited to prevent total war. This managed contestation provides state actors with ongoing access to security appropriations, development funds, and electoral mobilization opportunities. Moreover, because electoral systems mechanically reward territorial escalation regardless of partisan affiliation, successive governments of different ideological orientations will pursue functionally equivalent territorial-consolidation strategies. This provides the explanation for the paradoxical continuity of border militarization and infrastructure development across Congress and BJP administrations despite the divergent nationalist-framed rhetorics employed by each administration.

### 2.3.4 Triangulation and levels of analysis:

Triangulating these three frameworks allows for analysis to occur at three distinct analytical levels. At the strategic level, analysis examines the individual decisions of state actors and organizational leaders navigating the constraints of electoral and institutional environments. At the institutional level, analysis examines the incentive structures created by electoral systems, bureaucratic structures, and organizational architectures. At the structural level, analysis examines the constraint of political economies in which certain types of outcomes — e.g., territorial concessions, electoral losses — are mechanically punished regardless of their technical merits or conflict-resolution potentials. By analyzing at multiple levels, this research demonstrates that institutional failure is not due to technical incompetence of committees or constitutional inadequacies of courts, but rather is a predictable outcome due to a fundamental misalignment between what technical mechanisms can propose (i.e., territorial compromise based on evidence) and what institutional mechanisms allow state actors to accept (i.e., territorial concessions that incur electoral costs).

Interpretation emphasizes what institutional failure reveals rather than what it conceals. Institutional failure to resolve the Assam-Nagaland border dispute — as evidenced by the failure of 25-plus commissions, the Supreme Court's progressive retreat from adjudicating the dispute despite constitutional authority, and civil society investment in conflict management despite the displacement of 25,000 people collectively — demonstrates that institutional mechanisms are aligned with state and civil society interests in perpetuating the dispute rather than resolving it. Consequently, successful state-initiated resolution will require state actors to voluntarily accept outcomes — i.e., territorial concessions and the associated electoral costs — that institutional mechanisms mechanically punish. Therefore, successful state-initiated resolution is structurally unachievable unless state actors are willing to deliberately override the prevailing electoral costs and/or undergo significant transformation of the incentive structures provided by electoral systems.

### 3. Why state initiatives perpetuate rather than resolve the Assam–Nagaland border dispute?

A close relationship exists between how institutions are engaged to the Assam-Nagaland border dispute. One can say that government efforts to resolve the Assam-Nagaland border dispute have been successful on purpose and do not fail by accident; they create electoral legitimacy, maintain an advantageous status quo, and allow territorial consolidation while using mediation as a way to disguise it. The current election systems award politicians who take a hard line position and penalize those who will compromise, thus creating a stable "managed contestation" situation where limited violence creates sufficient justification for security and development spending. Civil society, embedded into these incentives, also supports the idea of territorial indivisibility. All of these factors together make a true resolution to the dispute, in terms of political feasibility, rational (in a structural sense) for politicians.

### 3.1 The fundamental propositions:

A three-pronged approach is important because it brings forth the issue of administrative inability into a consequence of rational political incentives embedded in governmental, electoral, and civic institutions. The study reveals: (i) government actions can be employed instrumentally for election legitimacy, delaying the process of settling disputes and consolidating power; (ii) electoral processes reward extreme stances and therefore produce "managing contestation" as a stable and favorable equilibrium; (iii) civil society organizations often reinforce, instead of challenge, the territorial indivisibility and therefore, together with the other two findings, illustrate how institutionalized engagement can deepen while resolution of the dispute remains structurally impossible without radical reform of the underlying incentives.

#### 3.1.1 First proposition: state initiatives as electoral legitimacy instruments

The previous analysis established an institutional paradox: nearly six decades of purposeful state involvement — including more than 25 commissions, committees and mediation processes — have failed to yield a territorial settlement although the state has expended significant amounts of time, money and diplomatic effort to do so. The paradox cannot be resolved using traditional analytical frameworks that assume that institutional mechanisms exist to solve problems. Instead, this research presents three interrelated propositions concerning why state initiative activities consistently fail to bring about dispute resolution and simultaneously increase the institutional engagement in the dispute.

First, successive governments in Assam and Nagaland use border disputes as mechanisms to create electoral legitimacy and to advance territorial consolidation of their political constituencies rather than as opportunities to seek a genuine territorial dispute resolution that would require territorial concessions and electoral costs associated with abandoning institutionalized territorial maximalism (Walter, 1997; Fearon, 1995). This proposition radically shifts our understanding of state behavior. Rather than seeing institutional failure as indicative of incompetence, ineptness, or lack of political will, instrumentalism shows us that institutional failure is a rational outcome in alignment with the interests of the state. From the instrumentalist perspective, state-initiatives perform several functions beyond the original intended purpose of dispute resolution. Those functions include:

- to demonstrate to the international community and domestic audience a commitment to resolving the dispute and enhance the legitimacy of the state.
- to act as delay mechanisms to prolong the status quo.
- to develop physical infrastructure to consolidate state control over the disputed territory while diplomats focus on negotiating a mediated agreement.



- to create constituencies reliant on continued conflict management through the provision of employment, development funding and political mobilization opportunities (Downs & Roche, 1995; Goddard, 2006).

Therefore, the instrumentalist perspective offers that chronic failure of initiatives to resolve disputes does not represent dysfunctional behavior and thus requires explanation, but rather represents a predictable outcome when the institutional mechanisms governing the behavior of the state and civil society are in alignment with their rational self-interests in dispute perpetuation (Hall & Taylor, 1996; March & Olsen, 1984).

### 3.1.2 Second proposition: managed contestation and electoral incentives

Second, rational political actors acting in an electoral environment in which their available strategies are constrained by their electoral incentives will systematically select options that capitalize on the continuation of the dispute at the current level of intensity rather than on achieving a comprehensive territorial settlement (Fearon, 1995). This proposition addresses the electoral economy underlying governmental decisions. Since electoral systems mechanically reward hard-line territorial positioning and punishment of compromise, political parties derive electoral benefits from aggressive territorial assertions and security escalation. Conversely, they incur electoral costs from advocating territorial compromise. Furthermore, since these electoral incentives remain constant across successive governments and electoral cycles regardless of the partisan affiliation or policy preferences of individual leaders (Walter, 1997), they create systemic pressure for maximalist territorial positioning.

As a result of this systemic pressure, these electoral political economies generate what may be called “managed contestation,” a form of conflict that exists at a level of intensity that justifies security expenditures and administrative infrastructure while remaining controlled enough to prevent total war, thereby allowing state actors to obtain continued access to security appropriations, development funding and electoral mobilization opportunities (Toft, 2014; Johnson & Toft, 2013).

### 3.1.3 Third proposition: civil society and territorial indivisibility

Third, civil society organizations do not function as independent peacebuilding entities capable of disrupting the state instrumentalism underlying the perpetuation of the dispute. Rather, they contribute to the institutionalization of territorial indivisibility through their advocacy structures, organizational architecture, financial dependence, and representative mechanisms that systematically empower majority ethnic-nationalist voices while marginalizing minority voices that could potentially offer pragmatic solutions to the dispute (Johnson & Toft, 2013). This proposition expands the analysis of state behavior to include civil society dynamics. When the All Assam Students Union (AASU) uses the language of “not even an inch” to frame its positions in official government committees and legislative processes, or when Naga Hoho invokes historical

integration demands in legislative resolutions, these civil society organizations reinforce what Monica Duffy Toft (2003, 2012) refers to as the two conditions necessary for territorial indivisibility: (1) a concentrated ethnic group claiming territory as indivisible homeland requiring sovereignty, and (2) a state that also regards the same territory as indivisible from its own political survival.

### **3.2 Role of Sundaram Commission and its political limitations**

#### **3.2.1 Technical rationalist optimism: Sundaram commission:**

The transformation of the Assam-Nagaland border dispute from a technical/administrative issue into an existential identity issue fundamentally undermines the basic premise of technical rationalism -- the assumption that expert committees, equipped with documentary evidence and analytical capability, can provide recommendations that restrict the range of subsequent negotiations and lead to settlements. The Sundaram Commission (1971-76) is a prime example of both the promise and the substantial limits of this technical rationalist approach to territorial dispute resolution.

The Sundaram Commission inspired considerable optimism amongst institutional actors and dispute resolution specialists. As a formally established judicial body empowered to subpoena documents and testimony, the Sundaram Commission would thoroughly examine all relevant colonial era records, interview territorial claimants, and produce findings that would provide a factual baseline through its technical authority and documentary legitimacy -- findings that would necessarily constrain subsequent negotiations and facilitate settlements (Sundaram Commission Report, 1976). The Commission conducted extensive archival research into competing colonial era territorial claims by examining British administrative records, revenue documentation, and official boundary notification. The technical competence of the Commission's work was clear; its mandate was defined; and its methodology was defensible.

#### **3.2.2. Rejection of Technical Recommendations**

Although the Sundaram Commission's conclusions clearly established that there was "no verifiable evidence" in colonial records to support Nagaland's claims and that the claims therefore could not be supported, the Commission's findings did not have the expected effect (Chakraborty, 2018). Instead of limiting the scope of possible solutions to the dispute as the Commission recommended, the people of Nagaland rejected the findings as politically motivated and as nonbinding under the Constitution, and as failing to draw upon alternative interpretive frameworks emphasizing oral traditions, indigenous memories, and historical accounts inconsistent with the British colonial record (Rajagopalan, 2016).

This disconnect between the technical findings of the Commission and its inability to influence later dispute developments illustrates a key limitation of the Technical Rationalist Model: disputes that evolve into debates about identity cannot be resolved through technical expertise since the dispute is no longer essentially about

facts or evidence, but rather about conflicting notions of collective legitimacy and group survival (Toft, 2003; Fearon & Laitin, 2000).

### **3.2.3. Limitations of Technical Expertise in Identity-Constitutive Disputes:**

The empirical failure of the Sundaram Commission does not suggest that the Commission lacked technical competence or that the advisory committee was ineffective. It demonstrates that technical recommendations exist in a political environment where their authority is contingent upon the willingness of political actors to accept those recommendations -- in other words, to agree that the recommendations of technical committees are consistent with the fundamental interests and legitimacy needs of political actors. Where technical recommendations contradict what political actors perceive they need to assert in order to secure their electoral survival or protect their group, then technical authority will be analytically irrelevant (Hall & Taylor, 1996; Walter, 1997). The Commission provided answers to the question of "where should the boundary be, given historical evidence and administrative precedent?", however the political dispute had long since moved to a fundamentally different question: "what territory defines our legitimate homeland as a collective unit?"

## **3.3. The Transformation of Territory into Identity**

### **3.3.1. Institutionalization of Territorial Claims Through Legislation**

The transformation of the Assam-Nagaland boundary dispute from a purely technical-administrative issue into an existential identity issue represents the primary analytical challenge in explaining institutional failures over the course of six decades of interaction. This transformation was not predetermined; rather, it occurred through purposeful political and organizational actions that created institutionalized, identity-constitutive, and non-negotiable territorial positions for Assam and Nagaland.

Each state formally institutionalized specific territorial positions through resolutions passed in their respective legislative assemblies, transforming what could have been potential areas of negotiation into identity-constitutive necessities. The Assam Legislative Assembly repeatedly cited the 1925 Boundary Notification as having binding force and characterized any concession of territorial claims as violating constitutional law, thereby creating institutional barriers to flexibility in the responses of the government to the dispute without compromising constitutional principle (Rajagopalan, 2016). Concurrently, the Nagaland Legislative Assembly approved resolutions declaring Naga historical claims to territory defined as ancestral lands as non-negotiable components of Naga identity and statehood, thereby inserting claims for integration into the official positions of the state so that any government agreeing to a boundary agreement would risk political extinction (Assam Legislative Assembly Records, 2000-2020; Nagaland Legislative Assembly Records, 2000-2020).

With the formal institutionalization of territorial positions, territory ceased to be viewed primarily as a source of strategic advantage or as access to resources, and instead became a tangible expression of the legitimacy of the state and the identity of the group (Carter & Goemans, 2011; Mitchell & Prins, 2001).

### 3.3.2. Civil Society Advocacy and "Identity-Constitutive" Territory:

Civil society organizations also contributed to this transformation. In addition to institutionalizing the legislative positions regarding territorial claims, civil society organizations — particularly the All Assam Students Union (AASU), the Naga Hoho (a confederation of Naga tribes), and similar civil society organizations — further developed and codified these legislative positions through advocacy networks that equated questioning of territorial claims with questioning of the collective identity of the groups themselves. When AASU used "not even an inch" rhetoric and introduced that phraseology into official governmental policy through subcommittee membership, AASU simultaneously equated territorial concession with betrayal of the Assamese identity (AASU Constitutional Documents, 1985). Similarly, when Naga Hoho invoked "ancestral Naga lands" and historical claims to integration through legislative resolutions, Naga Hoho simultaneously equated questioning the territorial claims of the Naga with questioning of Naga tribal identity (Naga Hoho Founding Charter, 1994). Through the dual process of institutionalization of legislative positions and advocacy by civil society organizations, territory transitioned from a negotiable strategic position to what scholars refer to as an "identity-constitutive resource": a resource necessary to the definition and survival of a group, and whose loss is analogous to the loss of psychological and political identity of the group (Toft, 2003; Johnson & Toft, 2013; Goddard, 2006).

### 3.3.3. From "Where is the Boundary?" to "Who are We?"

This transformation explains why technical committees and judicial forums are unable to produce meaningful momentum towards resolving the dispute. Mechanisms of institution are technically asking the wrong questions. Committees are answering "where is the boundary?" while the political dispute is centered on "who are we as a collective entity and what territory is ours?" Once territory has transformed into an identity-constitutive resource, the authority of technical committees and recommendations based on technical expertise become analytically irrelevant. The Sundaram Commission's factual conclusion that Nagaland's territorial claims have no colonial documentary basis becomes politically irrelevant because the dispute is no longer about colonial documentation, but about contemporary collective identity and survival.

### 3.4. The Functional Uses of Institutional Failure:

The Assam-Nagaland border has evolved from being a negotiable line drawn on a map into an identity-constituting source for the state and community to define themselves. The legislative resolution by both Assam and Nagaland have institutionalized territorial claims as un-negotiable components of constitutional law and Naga nationhood; and civil society organizations such as AASU and Naga Hoho have framed any form of compromise as a betrayal of the collective identity of their members. As territorial claims continue to be institutionalized in this way, territory begins to represent both survival and legitimacy. At that point, any technical evidence or commission findings are no longer relevant when it comes to the political realities of making decisions. Once, territory equates "who we are," any institution that answers the wrong question will make compromise existentially unacceptable.

#### 3.4.1. Symbolic Legitimacy and Diplomatic Functionality

Even though state initiatives have not performed their intended function as problem-solving entities to resolve disputes through technical recommendations, what functional uses do they serve? From an instrumentalist perspective, state initiatives perform a multitude of functions that differ greatly from their stated objective of dispute resolution and provide rational incentives for state actors to continue to engage in initiatives while ensuring that they remain unresolved (Downs & Rocke, 1995; Pierson, 2000).

State initiatives provide symbolic expressions of reasonable and engaged behavior that convey important legitimacy and diplomatic consequences (Walter, 1997). By forming committees, engaging in mediation processes, submitting to judicial review, and by publicly articulating rhetorical commitments to resolving the dispute, governments provide visible expressions of reasonable and engaged behavior to their domestic constituents, international observers, and adversaries, demonstrating that they are managing the dispute in a reasonable manner. Although the intent to settle the dispute may be minimal, the symbolic images produced by the actions of governments allow them to express public interest in reducing conflict, to appear to international audiences as legitimate actors, and to avoid domestic political costs associated with rejecting negotiation efforts. Thirty-seven years of the Supreme Court of India's involvement in the Assam-Nagaland dispute as a forum for dispute adjudication, despite the absence of any meaningful movement toward a final court decision, clearly illustrate how symbolic expressions of reasonableness can produce useful images for governments. The Court appears willing to entertain the grievances of the states involved and to provide mechanisms for dispute adjudication, yet continues to delay issuing a substantive decision indefinitely (Supreme Court Order, 2013; Fearon, 1995; Goemans, 2000).



### 3.4.2. Strategic Delay and Maintenance of the Status Quo:

Second, state initiatives function as delay mechanisms that enable states to maintain their respective status quo advantages at various points in time. For Assam, which currently controls most of the disputed territory, indefinite postponement of the Supreme Court decision enables Assam to maintain the existing territorial arrangement and prevent negotiated settlements that could result in Assam relinquishing some portion of its claimed territory (Huth, 1996). For Nagaland, which lacks the military capability to unilaterally take control of its claimed territory, indefinite postponement prevents Assam from establishing de facto control through adverse possession or international recognition (Diehl, 1992). Therefore, both states benefit from institutional stasis, as each faces significant risks if a settlement is reached that results in the territorial loss of one party and the establishment of de facto control by the other (Johnson & Toft, 2013). Both states accordingly pursue "strategic ambiguity," permitting them to appear committed to dispute resolution while simultaneously preventing the creation of concrete settlement opportunities (Carter & Goemans, 2011; Goddard, 2006). The continuous postponement of Supreme Court decisions, the continuous production of non-binding reports by advisory committees, and the numerous stages of bilateral talks leading to no meaningful agreements all serve the function of maintaining the status quo.

### 3.4.3. Development of Territorial Control Under the Facade of Mediation:

Third, state initiatives create opportunities for states to establish control over disputed territory through administrative actions, security deployments, and infrastructure development taking place concurrent with diplomacy. While committees meet and mediators negotiate, state governments utilize administrative apparatus to normalize border conditions, increase policing capabilities, encourage settlers to occupy disputed territory, and build infrastructure that alter territorial facts on the ground and make future boundary changes increasingly difficult to implement (Fearon, 1995; Toft, 2014). Since the early 1970s, Assam has expanded its border outposts along the Assam-Nagaland boundary from approximately twenty to sixty-nine, and has increased its annual expenditures for border infrastructure from ₹5 crore (1960s) to ₹1200 crore (2024-25). Additionally, Assam has promulgated policies relating development to territorial consolidation — all while the ongoing diplomatic processes purportedly seek a negotiated settlement of the boundary. International community tends to focus on diplomatic mediation while Assam and Nagaland undertake incremental territorial consolidation of Assam's border position through path-dependent institutional crystallization — the process by which initial choices (security deployments, settler patterns, administrative jurisdiction) create constituencies, precedents, and bureaucratic structures that make subsequent reversals increasingly costly (Pierson, 2000; Hall & Taylor, 1996).

#### 3.4.4. Interest Groups and the Economics of Conflict Resolution:

Finally, state initiatives create interest groups dependent on continued conflict resolution. The development of border regions generates employment opportunities for construction workers, engineers, administrators; the deployment of security forces creates jobs for police officers, members of paramilitary units, intelligence personnel; the processes of mediation and litigation generate career opportunities for mediators, attorneys, diplomats. These persons who rely on continued conflict resolution for their livelihoods become interested in preventing the complete resolution of the dispute that would terminate their careers (Downs & Rocke, 1995). Moreover, the development of border villages creates populations with interests in the maintenance of the current administrative arrangement — i.e., populations who receive constructed roads, schools, health care facilities, electricity and view territorial loss as loss of the infrastructure and services they depend upon (Toft, 2014; Johnson & Toft, 2013). These populations become electoral constituencies for maximalist territorial positions, supporting successive governments in increasing their investments in border infrastructure and security, thereby creating for successive governments the political motivation to enhance their commitments to territorial claims (Goemans, 2000; Walter, 1997).

Instrumentalist perspectives suggest that chronic failure of state-initiatives is not institutional dysfunction requiring explanation, but rather the predictable consequence of institutional mechanisms facilitating state interests in continuing the dispute. Success for committees would require that parties compromise and relinquish territory in ways that would be unacceptable to governments with electorates that demand maximalism; success for governments would require the consolidation of territory without incurring the political costs of openly refusing to negotiate. These goals are structurally incompatible. Whatever recommendations committees provide, at least one state — typically both — will reject them as insufficiently beneficial to its territorial interests, thereby prolonging the dispute indefinitely, while maintaining the appearance of continued commitment to resolution (Downs & Rocke, 1995; Toft, 2003).

#### 4. The comparative strategies of Assam and Nagaland and their common interests:

The fact that Assam and Nagaland pursue what seem to be different state strategies to achieve an "end" to the conflict; however, they ultimately function in the same way to maintain a "managed" stalemate, instead of moving towards ending the stalemate, is important to study. This illustrates how both states obtain political, economic, and organizational advantages from maintaining the conflict, such as security expenditures, development contracts, and the opportunity to mobilize voters for elections, at the same time as they face electoral disincentives against compromise. This comparison of the legalistic-military-development strategy of Assam, with the ethno-nationalist-administrative strategy of Nagaland, shows that the conflict will continue to

serve the shared instrumental interest of each state, and thus there is a structural logic at play that negates the idea that institutional engagement will inevitably lead to settlement.

#### **4.1 Assam's Legalistic-Military-Development Strategy:**

The strategy employed by Assam is a combination of a legalistic claim based upon the 1925 Boundary Notification, a military approach to managing borders, and large-scale investment in development projects in order to solidify de facto control over the disputed area. It also describes how repeatedly invoking the 1925 Boundary Notification and increasing the number of border outposts from about 20 to approximately 69, and the amount spent on developing the border infrastructure from ₹5 crore in the 1960s to ₹1200 crores in 2024-25 created irreversible "facts on the ground" while the Supreme Court case remained unresolved. In this way Assam signaled its legal rightness, met the demand for toughness among its electorate, and secured its long-term territorial position through framing these actions as security and development actions, not annexation.

##### **4.1.1. Legal Claims and Military Actions**

The analysis of Assam's legalistic-military-development approach and Nagaland's ethno-nationalist-administrative approach illustrate a contradictory relationship. Although the two approaches are fundamentally distinct and each seeks a different territorial objective, both Assam and Nagaland employ tactics that consistently satisfy the common function of maintaining the dispute at the same level of intensity as opposed to resolving the issue (Toft, 2003; Pierson, 2000).

For Assam, the predominant state actor, maintaining the dispute satisfies Assam's strategy of consolidation. The continued deferral of the Supreme Court decision enables Assam to maintain its present-day territorial control and avoid the political costs of rejecting negotiations in explicit terms. The fact that the dispute remains unresolved continues to permit Assam to utilize security forces and to invest in infrastructure that continue to maintain Assam's administrative presence and create irreversible facts on the ground (Pierson, 2000). Assam's Assembly has repeatedly invoked the 1925 Boundary Notification as constitutively binding and characterized any concession of territorial claims as a violation of constitutional law. This constitutional legal argument serves both as a territorial claim and as a signal of electoral commitment to boundary protection.

##### **4.1.2 Infrastructure saturation and the development-security linkage:**

In addition to the policies related to development as a means to consolidate Assam's territorial presence, there are also numerous examples of how Assam has linked development to territorial presence throughout the border regions of Assam. For example, schools, health care facilities, roads, and electricity that have been established by the government in the border regions create a population of individuals who view losing territory as equivalent to losing access to these essential governmental services. These individuals subsequently become

electoral constituencies for Assam-based political parties that advocate for territorial maximalism and demand continued government investment in border infrastructure and security.

#### **4.2 Nagaland's ethno-nationalist administrative approach:**

The ethno-nationalist administrative policy of Nagaland focuses on the preservation of the potential for future territorial integration through an administrative presence in disputed territories rather than using military force. Through the creation of new sub-divisions, such as Neuland (1987) and Kuhuboto (1991), through the extension of basic infrastructure and utility services, and through the invocation of the terms of the 16 Point Agreement and Article 371-A of the Indian Constitution, Nagaland has demonstrated its ability to project the reality of effective sovereignty without directly engaging with Assam. As a result of this policy, Nagaland maintains a cohesive Naga demographic and institutional structure, preserves the question of integration into India open for debate, and prevents the assertion of Assam's de facto control over these territories from being challenged unilaterally; at the same time, Nagaland satisfies both internal and external ethno-nationalist expectations regarding ancestral land claims and the realization of a sovereign State.

##### **4.2.1 Administrative normalization and sub-divisions**

For Nagaland, the weaker state actor, maintaining the stalemate satisfies its stalemate preservation strategy. Acceptance of the current boundaries between Assam and Nagaland would mean Nagaland would permanently lose any opportunity to achieve its goal of integration. Maintaining the stalemate preserves the possibility of negotiations and precludes Assam from using adverse occupation to establish undisputed possession of the territory in dispute (Walter, 1997; Crisher, 2021).

Nagaland's administrative entrenchment strategy — creating Neuland and Kuhuboto sub-divisions, implementing infrastructure projects, connecting utilities to the sub-divisions — establishes Nagaland's administrative presence in the disputed territories without needing to engage in a military escalation that would most likely fail. The creation of administrative sub-divisions in 1987 (Neuland) and 1991 (Kuhuboto) established mechanisms for territorial presence without military confrontation.

##### **4.2.2 Constitutional counter-claims and article 371-A:**

Nagaland invokes the 16 Point Agreement and Article 371-A of the Indian Constitution as constitutional counter-claims to Assam's 1925 Boundary Notification argument. These constitutional frameworks provide Nagaland with legal and political rationales for the demands of integration, and redefine the dispute not as a bilateral question of border demarcation but as part of a broader question of Naga self-determination.

### 4.2.3 Pan-Naga Integration and Self-Determination Framing:

Nagaland's legislative assembly repeatedly passes resolutions stating that Naga historical claims to the land that has been identified as ancestral land are non-negotiable components of Naga identity and statehood. The Naga Hoho Founding Charter (1994) and official resolutions (2000-2025) embed the demands for integration into official state positions so that any government accepting boundary fixing would face political extinction.

Maintaining an administrative presence in the disputed territories enables Nagaland to maintain the territorial issue, prevent de facto recognition of Assam's occupation of the disputed territory, and allow it to maintain the possibility of negotiating due to maintaining a cohesive demographic and an administrative demonstration of its effective sovereignty.

### 4.3 Functional Convergence and Dispute Perpetuation:

The relationship between the functional convergence and the strategic divergence of the two approaches indicates the instrumental logic underlying each approach. Rational state actors will gain benefits from maintaining disputes that will disappear should the disputes be resolved (Downs & Rocke, 1995; Fearon, 1995).

More importantly, both states benefit from the dispute through mechanisms unrelated to the achievement of territorial control. Expenditures on security create jobs for border force personnel, police officers, military personnel, intelligence operatives, and construction workers building the border infrastructure (Pierson, 2000). Expenditures on border area development create lucrative contracts for construction companies, consulting firms, and engineering contractors. Participation in committees and mediation roles create job opportunities for lawyers, mediators, diplomats, and bureaucratic specialists. Mobilization around territorial issues create political parties with the infrastructure for mobilization and with coherent constituencies. Civil society organizations obtain relevance, funding, and political influence by advocating for border dispute issues and by monitoring the conflict (Downs & Rocke, 1995; Goddard, 2006).

Electoral punishment for compromise exists in both states but through different mechanisms. In Assam, Congress governments (2001-2011) that attempted to use development-oriented approaches found that any softening on Assam's territorial maximalism resulted in electoral backlash from constituency organizations such as AASU, and from ethnic-nationalist constituencies, leading to successive governments increasing their territorial position as an electoral strategy (Assam Legislative Assembly Records, 2001-2016). The 2016 transition toward BJP government represented the victory of the explicit ethno-nationalist positioning, and showed electoral advantages from hardline rhetoric and security escalation. The same pattern can be seen in Nagaland, where across-the-board electoral consensus prevents any government from accepting boundary fixing without being removed from office. Therefore, both states' electoral systems create structural incentives



for maximalism that individual leaders' preferences cannot overcome (Walter, 1997; Goemans, 2000; Wilkinson, 2004).

Therefore, both states find themselves in a self-sustaining cycle in which dispute perpetuation generates advantages for both states through security expenditures, electoral mobilization, and constituency satisfaction, thereby making compromise electorally unfeasible and institutionally irrational for individual leaders regardless of their conflict resolution preferences (Pierson, 2000). The paradox that investment in border infrastructure has increased by 240 fold while the dispute continues to remain unresolved becomes understandable from an instrumental perspective: the increase in investment in border infrastructure occurs exactly because the dispute remains unresolved, allowing both states to rationalize continued expenditure as necessary border security provisions rather than as part of a territorial consolidation strategy (Toft, 2014; Fearon, 1995).

#### 4.4 Electoral Political Economy and Escalation Dynamics

The evolution of electoral politics in Assam shows that successive governments, regardless of party affiliation, have consistently escalated territorial assertion as an electoral strategy and illustrate that dispute perpetuation presents structural electoral incentives rather than individual leader preferences (Wilkinson, 2004; Brass, 2011). The 1985 All Assam Students Union (AASU) movement solidified regional nationalism and boundary protection as electoral rewards that all subsequent political parties have competed over (AASU Constitutional Documents, 1985). By framing themselves as protectors of constitutionally-established boundaries and defenders of Assamese territorial integrity, AASU created electoral incentives for all other competing parties to signal their own territorial maximalism in order to demonstrate their credibility with regional constituencies (Assam Legislative Assembly Records, 1985-2000).

The Gogoi era (2001-2016) is commonly described as development-focused relative to BJP governments' explicit ethno-nationalism; however, upon closer examination of Gogoi government border policies, the same level of territorial maximalism is evident but through different rhetorical registers. Development-framed BADP spending was used to finance border consolidation; security force deployments accelerated at a rapid pace despite development emphases; and the response to the Uriamghat violence (2014) demonstrated that even development-focused governments will escalate security when their constituents believe Nagaland is encroaching on Assamese territory (Rajagopalan, 2016; Chakraborty, 2018).

The apparent differences in Congressional and BJP policy on territorial consolidation strategies are primarily due to variations in rhetorical frameworks rather than divergences in substantive policy positions (Hall & Taylor, 1996). The electoral shifts in 2016 and 2021 toward BJP government were associated with the explicit abandonment of the development-welfare rhetorical framework and adoption of nationalist-competitive language celebrating the infrastructure as a direct territorial assertion. The BJP government under Himanta

Biswa Sarma since 2021 explicitly framed border infrastructure and security expansions as territorial nationalism, and received electoral support through aggressive rhetoric and demonstrable infrastructure escalation (Assam Government Budget Speeches, 2016-2025).

The electoral results from 2016 and 2021 demonstrate that hardline rhetoric provides electoral advantages across state governments, indicating that electoral systems produce structural incentives that reward escalations regardless of party affiliation or individual leaders' conflict resolution preferences (Wilkinson, 2004; Brass, 2011; Iyer & Shrivastava, 2018).

The development of electoral politics in Assam illustrates what scholars describe as the "ratchet effect"—the tendency for successive governments to escalate commitments on issues where prior governments have invested political capital, thus making reversal institutionally and electorally impossible (Pierson, 2000). Once AASU embedded “not even an inch” rhetoric into the Assamese political identity, and once Gogoi government escalated security deployments, successive governments faced electoral pressure to maintain or surpass that escalation, thus creating a ratcheting dynamic in which dispute perpetuation is electorally rational, despite achieving no progress toward resolving the dispute (Toft, 2003; Walter, 1997).

#### **4.5 Role of Civil Society in Establishing Indivisibility**

Civil society organizations do not function independently as peacebuilding entities capable of disrupting the instrumental nature of state actions and instead become involved in the establishment of territorial indivisibility through the organization's interests, funding dependence, and advocacy structures (Toft, 2012; Johnson & Toft, 2013). Organizations such as AASU, Naga Hoho, and civil society federations develop an interest in maintaining organizational relevance and leadership positions, thereby generating incentives to maintain the territorial issues that organizations mobilize their constituencies around (Congleton, 1980; Pfeffer & Salancik, 1978).

Organizational funding dependencies limit civil society organizations' ability to criticize. Organizations receiving government grants, state development contracts, or international donor funding experience implicit and/or explicit pressure to refrain from developing advocacy positions that challenge the government's territorial assertions (Verschuere & De Corte, 2015; Hasenfeld & Garrow, 2012). Funding dependency mechanisms particularly restrict Assamese civil society receiving BADP funding and state development contracts, therefore establishing organizational interest structures that favor alignment with government territorial assertions (Chaves et al., 2004). Even organizations theoretically independent of government are subject to competitive pressures such that critical positions endanger government relations and thus endanger the organizational financial viability (Pfeffer & Salancik, 1978; Schmid et al., 2008).

Advocacy by CSOs generates and maintains constituencies that are interested in maintaining territorial assertions. AASU's “not even an inch” position creates AASU members whose organizational identity is based

on Assamese territorial maximalism; Naga Hoho's integration advocacy creates constituencies whose organizational existence depends on territorial advancements. These constituencies then defend organizational positions regardless of whether these positions advance the welfare of the populations they represent (Toft, 2003). The result is that CSO structures institutionalize indivisibility by establishing organized constituencies defending specific territorial positions, and thus make compromise politically deadly because questioning organizational positions threatens member identity and organizational legitimacy (Goddard, 2006; Pierson, 2000).

## 5. Discussion and Implications

### 5.1 Instrumentalist Explanation of Conflict Duration

Instrumentalist explanation explains why the Assam-Nagaland border conflict has persisted for six decades despite the involvement of twenty-five plus commissions, a Supreme Court case pending 37 years, numerous rounds of bilateral negotiations and a great deal of civil society activity, because the inability of institutions to resolve the conflict is not based on technical inadequacies of conflict resolution mechanisms or lack of political commitment, but rather on rational state strategies in which sustaining conflict serves as an instrumental means to pursue political objectives that would be lost if the conflict were resolved (Pierson, 2000; Fearon, 1995). Thus, the persistent inability of institutions to resolve the conflict is the expected outcome of institutional mechanisms designed to advance political objectives that place a premium on continued contention (Downs & Roake, 1995; Goddard, 2006).

Furthermore, the fact that the conflict continues under multiple political parties suggests that the conflict is sustained by institutional design and not by the ideologies or preference of political party leaders. Both the development-based approach of Congress governments (2001-2016) and the ethno-nationalist approaches of BJP governments (2016-2025) adopted similar policies of territorial consolidation that led to large increases in border infrastructure spending (240 fold) and in security deployment. Additionally, both responded to communal violence with intensified military actions (Chakraborty, 2018; Rajagopalan, 2016). Empirical data supports the conclusion that the consistent action taken by the state, regardless of the party in power, reflects the existence of institutional incentive structures that transcend election cycles and render compromise impossible (Pierson, 2000; Brass, 2011).

Civil society organizations, who appear to be independent peace builders, have been structurally integrated into the state's instrumentalism through funding dependence, through organizational self-interest in keeping an issue salient, and through structures of advocacy that reward agreement with the state's position on the territory (Toft, 2012; Johnson & Toft, 2013). As a result of developing vested interests in the salience of particular territorial claims as a basis for organizational relevance, civil society organizations develop organizational interests in

maintaining maximalist positions rather than settling issues (Pfeffer & Salancik, 1978; Congleton, 1980). Therefore, the entrenched position of civil society organizations in promoting indivisibility makes clear that the intervention in state driven perpetuation dynamics is not possible unless there is a fundamental restructuring of the institutions in which civil society organizations operate (Verschuere & De Corte, 2015).

## 5.2 Electoral System Reform and the Possibility of Settlement

Electoral systems in the two states create incentives for territorial maximalism at the expense of inter-state compromise. After the All Assam Students Union launched the campaign identifying boundary protection as an electoral commodity in 1985, each subsequent government has sought to demonstrate greater maximalist credentials than its predecessor through increased border infrastructure spending, security deployment and territorial assertions (Wilkinson, 2004). In Nagaland, the cross-party agreement among legislators on the demand for integration has created a political veto that would result in electoral extinction for any government that agreed to define the borders (Assam Legislative Assembly Records, 1985-2025; Nagaland Legislative Assembly Records, 1964-2021).

These electoral systems are not aberrations or failures of individual political leaders; they are fundamental components of institutional design that provides parties with strategic electoral advantages in the form of hardline positions and punishes them electorally for advocating for compromise (Iyer & Shrivastava, 2018).

Thus, instrumentalist explanation yields three important implications for resolving the conflict that require structural reform, rather than technical improvements to institutions.

First, Electoral System Reform as Pre-requisites to Possible Settlement. The resolution of longstanding territorial disputes requires a fundamental transformation of electoral systems that currently reward hardline positions and punish compromise. Constitutional engineers characterize electoral systems as the most effective tool available to shape political behavior in ethnically divided societies (Reynolds & Sisk, 1998; Lijphart, 1995; Horowitz, 1991). In the context of the Assam-Nagaland conflict, electoral reform that rewarded the development of inter-ethnic coalitions, cross-cutting political platforms, or proportional representation with obligatory coalition formation could reverse the political advantages associated with hardline positions (Reilly, 1997). Such electoral reform would allow politicians to advocate for territorial compromise without risking electoral elimination—thus, turning compromise from a politically suicidal option to one that may have some benefits (Diamond & Plattner, 2006).

However, the implementation of such electoral reform is likely to encounter several barriers: the parties currently benefiting from the electoral advantages of adopting hardline positions possess the greatest ability to block such reform and the least interest in supporting it (Diamond & Plattner, 2006). As a result, until electoral reform occurs, successive governments will remain structurally incapable of achieving settlement due to the

mechanical nature of electoral systems that reward escalation, even when individual leaders may want to settle the dispute (Finan, 2021; Mansfield & Snyder, 1995).

### 5.3 Restructuring Civil Society Organizations:

Second, Restructuring the Field of Civil Society Organizations Through Mandatory Disclosure of Funding Sources and Allocations, Independent Oversight and Accountability Mechanisms, and Prohibition of Dual Roles of State Officials and Heads of CSOs. Civil Society Organizations (CSOs) also require fundamental structural reforms to prevent their incorporation into the state's instrumentalism: the mandatory public disclosure of funding sources and funding allocations; the provision of independent third-party oversight and accountability mechanisms separate from the organization itself; and the prohibition of dual leadership roles as state officials and as heads of CSOs to prevent role blurring (Hasenfeld & Garrow, 2012; Verschuere & De Corte, 2015). There is empirical evidence from international experience that funding transparency, independent auditing, and beneficiary-centered accountability mechanisms promote CSO legitimacy while reducing the ability of organizations to adopt positions that do not represent the interests of their members (Transparency International, 2023). In India's context, the mechanisms for holding CSOs accountable to international standards require strengthening: standardized financial reporting, independent audits, and mandatory constituent participation in decision-making processes of CSOs (Drishti IAS, 2024). Although such reforms cannot assure CSO peace-building effectiveness, they can reduce the organizational incentive structures that favor the maintenance of maximalist positions for the sake of the organization (Schmid et al., 2008; Chaves et al., 2004).

Therefore, this analysis demands a fundamental redefinition of CSOs as exogenous correctors of state failure, rather than as endogenously situated political actors whose agency is structurally constrained (Hasenfeld & Garrow, 2012). Civil Society Organizations (CSOs) are not external to the perpetuating dynamics of the conflict, but are instead embedded in the political economies that sustain the conflict's duration (Varshney, 2002). While CSOs have contributed to the reduction of the levels of violence and are empirically documented and real—such as the Naga Mothers' Association facilitating the historic 1997 cease-fire agreement, the Naga Students Federation developing negotiation frameworks, and the All Assam Students Union engaging in participatory activities within government committees (Wilkinson, 2004)—the effectiveness of CSO contributions are contingent upon the generation of political will through institutional structures that are beyond CSO control (Wilkinson, 2004). While the potential for transformative effects of CSOs are limited by deeper electoral incentive structures, state institutional arrangements, and path-dependent political configurations that constrain both state and CSO agency (Hobson & Kurki, 2012), this redefinition does not suggest that CSOs are irrelevant to the conflict. Rather, it demands a realistic appraisal of the capabilities and limitations of organizational capacities: CSOs can augment the level of conflict management and reduce the levels of violence; however, they cannot substitute for the political will necessary to implement difficult institutional changes (Hobson & Kurki, 2012).



## 5.4 Leadership, Electoral Costs, and Structural Constraints:

Finally, Territorial Settlement Requires Decisions Made by State Leaders that Exceed the Influence of CSOs. Third, territorial settlement requires decisions by state leaders to accept territorial arrangements that entail significant electoral costs. Due to the functioning of electoral systems, current electoral costs are insurmountable, thus the resolution of the conflict requires state leaders to make decisions that are beyond the influence of CSOs. Specifically, this includes the explicit acceptance of territorial settlement in the face of electoral disadvantages; the willingness to alter electoral systems currently providing incentives for territorial maximalism and penalizing inter-state compromise; and the commitment to effectuate reforms that are more costly and difficult than any singular policy reform (Diamond & Plattner, 2006; Horowitz, 1991). In addition, there is empirical evidence from peace agreements in North East India that structural settlements protecting group identity and establishing territorial arrangements can be successful when there is political will (Bhattacharyya, 2022). Nonetheless, this requires state leaders to prioritize long-term, sustainable peace over short-term electoral gain—decisions that are difficult in democracies, but feasible through institutional reforms that render compromise a rational political decision (Walter, 1997).

## 6. Conclusion

### 6.1 Summary of Key Findings:

Twenty-five plus commissions and committees, thirty-seven years of adjudication by the Supreme Court and repeated attempts at bilateral mediation by CSOs, all have failed to resolve the Kashmir conflict. Despite massive institutional investment there has been no progress toward resolving the conflict. The large-scale institutional investment into the conflict has created a durable system of political incentives that support the continued perpetuation of the conflict (Pierson, 2000; Toft, 2003). Political-economic constraints remain the dominant factors shaping state behavior. Both states have a rational interest in continuing the conflict. Electoral systems reward compromise with punishment and so create disincentives for compromise (Pierson, 2000; Toft, 2003). Technical institutional reforms — e.g., improved committees, advanced mediation techniques, enhanced judicial mechanisms — are insufficient to achieve conflict resolution without a fundamental transformation of the political economies that produce the incentive structures supporting perpetuation. Thus, moving from a managed stalemate characterized by institutionalized perpetuation to a negotiated territorial arrangement that addresses the legitimate interests of both states will require a structural transformation that is more costly and difficult to implement than technical institutional reforms.

## 6.2 Structural Conditions of (Im)Possibility of Resolution:

The fact that the conflict continues to persist under different political parties suggests that the conflict's persistence results from the institutional design of the conflict management system rather than the preference of the leader of the time or the ideology of the party in control of government (Brass, 2011; Pierson, 2000). Regardless of their developmental focus (Congress governments, 2001–2016) or their explicitly ethno-nationalist focus (BJP governments, 2016–2025), both sets of governments have pursued policies of territorial consolidation. Both governments have increased border infrastructure investments (by 240 times) and security deployments in response to communal violence and both have responded to such violence through military intensification (Chakraborty, 2018; Rajagopalan, 2016). These empirical observations demonstrate that institutional incentive structures remain unchanged across election cycles. Therefore, compromise is always impossible regardless of the party in power or the preferences of individual leaders (Brass, 2011; Pierson, 2000). The key decision that politicians face is whether they will pay the cost of transforming the institutional framework from that which produces a managed stalemate to a negotiated territorial arrangement that could represent a long-term sustainable peace for both states. In democratic regimes this is a difficult decision to make, however, it can be made by implementing institutional reforms that make compromise a rational political choice (Walter, 1997; Bhattacharyya, 2022).

## 6.3 Normative and Policy Implications

The findings of this study indicate that the entrenchment of CSOs in maintaining the indivisibility of the territorial issue means that they cannot influence the state-driven perpetuation dynamics of the conflict unless there is a fundamental restructuring of the institutional framework of the conflict (Pfeffer & Salancik, 1978; Congleton, 1980). The development of vested interests by CSOs regarding the maintenance of salience of particular territorial claims as a basis for organizational relevance creates organizational incentives for the maintenance of maximalist positions rather than achieving settlement. The structural misalignment between the individual electoral interests of politicians and the collective interests related to dispute resolution render state-initiated resolution of disputes structurally impossible regardless of the degree of technical institutional improvements in capacity, except for the case where the electoral incentive structure of the states is fundamentally transformed or the states make deliberate decisions to transcend the prevailing electoral costs of compromise (Bhattacharyya, 2022). This study shows that the 240 fold increase in border infrastructure spending from five crore (1960s) to 1200 crore (2024-25) occurs directly because of the lack of resolution of the dispute allowing both states to justify the need for continued expenditures on security provision rather than as territorial consolidation strategies. Resolution of the dispute requires not institutional improvements but rather a structural transformation of the electoral systems of the states, civil society organizations'

accountability, and the commitment of states to give priority to long-term sustainable peace over short-term electoral gains.

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