**UN Seminar of the Expert Mechanism on the Rights of Indigenous Peoples**

“Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their

constitutional recognition.”

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**Implementing Indo-Naga Accords and Agreements: Naga Self-determination.**

The purpose of this statement is to briefly identify the major Indo-Naga accords and constructive agreements from 1947 to date, in order to point out the barriers to their implementation, and to recommend creating an enabling condition for constitutional recognition and implementation of the accords and agreements.

**The Nagas:** Nagas are indigenous people of over 3 million living in an area of 120,000 square kilometers in South Asia. Before the British arrived in their land Nagas enjoyed complete independence and lived in a homeland of their own. The problem of Naga people’s self-determination intensified in the postcolonial period starting 1947, when India and Burma became independent nation-states and assumed power over the Naga homeland and deprived the people of their political rights and agency, against the expressed and documented will of the Nagas. Today, Nagas live separated by an international boundary in four Indian states of Assam, Arunachal Pradesh, Manipur, Nagaland, and in the Myanmar division of Sagaing and Kachin state. These physical divisions of the land have gravely affected Naga people’s ties and ability to maintain relationship with one another as an indigenous nation. These artificial separations violate Naga people’s human rights and contravene Article 36 of the United Nations Declaration on the Rights of Indigenous Peoples.

**Historical gist of Naga self-determination:** The Naga political movement can be traced back to January 10, 1929, when the first Naga memorandum for self-determination was submitted to the Simon Commission of the British Parliament. It was followed up by a self-declaration of Naga Independence on the August 14, 1947. Nagas boycotted the first general elections of the newly independent republic of India. In 1951 a voluntary Naga plebiscite was conducted by the Naga National Council (NNC) among Nagas in which 99% of the people voted for independence. India ignored the result of the plebiscite. So Nagas took to peaceful mass protests, which were met with Indian military force. By 1956 there were two divisions and thirty-five battalions of its armed forces operating in the India side of the Naga homeland (B.N. Mullik), which worked out to about one Indian soldier for every male Naga. Naga were compelled to take up armed resistance against India’s aggression. After all these decades later, the Naga people’s aspiration for self-determination and integration of their homeland continues to run high among the young and the old alike, but remains unfulfilled to this day. It is crucial to remember that Nagas resisted joining the Indian Union even before the British left the subcontinent, and have continuously sustained their struggle for self-determination for more than seven decades. The struggle has become extremely vexed owing to opposition from the two States, especially India.

**Naga Peace Accords:**

Several Peace Agreements and Accords have been signed between the Government of India and the Nagas to resolve the Indo-Naga political conflict, but none has produced a peaceful resolution, instead has created divisions and many complicated problems.

**9-Point Agreement, 1947**, recognized the right of the Nagas to “develop themselves according to their freely expressed wishes,” and after a period of ten years, the freedom to decide on their own future within or outside the Indian Union. The Constituent Assembly of India, however, failed to endorse the agreement and the accord was never implemented.

**16-Point Agreement, 1960**, between India and a small break-away group of Naga leaders called Naga People’s Convention (NPC) led to the creation of Nagaland in 1962, a state within India, with an area of just 16,579 square kilometres demarcated from the much larger Naga homeland. The Naga National Council, the parent representative leadership of the Nagas, refused to recognise the arrangement. An overwhelming majority of the Naga people also vehemently opposed both the Agreement and the creation of Nagaland state. The 16-Point Agreement has never been accepted as an inclusive political agreement; it led to discord among the Naga national groups and political problems for the people.

**Shillong Accord, 1975,** was signed by the Governor of Nagaland and a section of the “underground organisations” not the Naga National Council. Under the provisions of the Shillong Accord, representatives of the underground organisations “of their own volition” agreed to surrender and accept “without condition” the Indian Constitution. This happened during the infamous Indira Gandhi Emergency rule period. The surrender of the small rebel group did not only not end the Naga struggle for self-determination, but led to the formation of a stronger Naga liberation organization, National Socialist Council of Nagaland (NSCN) in 1980.

**Ceasefire Agreement of 1997 & 2000**: A ceasefire agreement was signed between the Government of India and the two factions of the National Socialist Council of Nagaland (NSCN) on separate occasions, to pave the way for political dialogue to end the Indo-Naga political problem. Many rounds of talks have taken place since, in New Delhi and abroad, between the Government of India and the Naga organisations. The negotiations led to the historic **Framework Agreement of 2015** between the Government of India and NSCN (IM). It laid the foundation for a Shared Sovereignty between the Indian state and the Nagas as the honourable solution to the long-drawn-out problem. The Framework Agreement envisioned a new enduring and inclusive relationship for peaceful co-existence between India and Nagas. Soon after, however, the Interlocutor and signatory on the Indian side of the Framework Agreement was appointed Governor of Nagaland. He signed another agreement, **Agreed Position, 2017,** with several splinter-groups of Naga nationalists who formed themselves into the Naga National Political Groups (NNPGs) for the purpose. After a period of impasse, the negotiation between the Indian government and NSCN (IM) is back, so it remains to be seen how the Framework Agreement model will feature in the final agreement.

**Barriers to successful resolution of the Indo-Naga problem** **include:**

**a)** **Continued imposition of repressive military laws** from the 1950s in violation of the people’s civil rights, especially the Armed Forces (Special) Powers Act, 1958 (AFSPA). AFSPA invests Indian military personnel and the state Governor with extra-judicial powers; they are above the democratic laws of the land. The unabated militarization of the Naga homeland, even while peace negotiations are ongoing, is a huge hurdle to peace and resolution of the problem.

**b)** **Breach of agreements by the Indian state** and its lack of good faith negotiation, as seen, for example, since the signing of the Framework Agreement in 2015.

**c) Failure of the peace accords to address the core issues** behind the conflict, namely military repression against Naga people’s struggle for self-determination and denial of their rights as an indigenous family of people with an undivided homeland. The Indian state’s failure to negotiate in good faith on these core issues have reproduced the same discords not only between India and the Naga negotiators but among Nagas themselves, who have been living the problems for over seventy years.

**d) A serious flaw has been the absence of transparency** in the past peace processes and the failure to engage all the stakeholders and include their voices in the negotiations. Vested interests have tried successfully to sideline conflict parties at every important juncture. This has greatly damaged peace negotiations and agreements.

**e) Human Rights Situation.** Since 1953 the Naga homeland has been ravaged by armed conflicts and heavy-handed militarism disrupting normal civilian life. The imposition of AFSPA in the name of law and order has destroyed the basic human rights and liberty, and the right to self-determination of Nagas who live amidst interrogation, torture, sexual abuse and the destruction of life and property among others. The conflict situation has also adverse impact on the social and economic progress of the Nagas. This environment is inimical to peace, public trust, and hope especially among the youths.

**Recommendation: Third Party Mediation**. To date, there has been no official outside mediation in the Indo-Naga political talks, a tool that has been critical in other political peace settlements. India is yet to welcome third party intervention. Naga Civil Society has argued for this earlier. Most recently, the Global Naga Forum has appealed the United Nations through the EMRIP mandate, Human Rights Council, to send human rights delegation to assess and provide expert advice to the ongoing Indo-Naga peace negotiations. The Naga people are deeply concerned that the chance for peace and political solution to the protracted Naga self-determination issue will slip by once again without a meaningful third-party intervention. The longest running political problem in Asia desperately needs willing and able expert mediation from the world community at the United Nations.

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