

UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

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COVID-19, Peace Negotiations and Accords in Northeast India

Joint Statement by:

1. Naga Peoples Movement for Human Rights (NPMHR), Northeast India
2. Karbi Human Rights Watch (KHRW), Northeast India
3. Borok Peoples' Human Rights Organization (BPHRO), Northeast India
4. Zo Indigenous Forum (ZIF), Northeast India
5. Boro Peoples Committee for Peace Initiatives (BPCPI), Northeast India

Respected Chair,

The Indigenous Peoples all over the world practice right to self-determination in some form or the other. It is the oldest value passed down from one generation to the other.

The denial, non-recognition and/or non-implementation of this fundamental right to self-determination has caused years of conflict.

The Northeast India; a region that comprises mostly of Indigenous communities spread across 8 states is a case in point. Some of them arbitrarily divided and scattered in different states and countries too. The Naga people for instance are divided across four contiguous states in India and many zones in Myanmar, while in the case of the Tripura the indigenous peoples (tribals) have been reduced to a minority in their own land from 95 percent to 30 percent population.

With a long history of being brutalized and militarized, the COVID-19 pandemic protocols that discourage big gatherings and appeal for social distancing have not stopped militarization against indigenous peoples in Northeast India. In fact, one of the

greatest impacts of COVID-19 is intensified military operations. In the Indo-Myanmar border and Naga areas, there are military standoffs and confrontations occurring frequently even during lockdown despite an ongoing ceasefire and peace negotiations. Women are forced to gather in big groups to break these confrontations.

The Indian armed forces are also responsible for the high rise in COVID-19 cases. In Nagaland they constitute more than 40% of COVID-19 cases. In Mizoram and Nagaland entry and movement of security forces personnel are banned while Meghalaya has imposed restricted entry.

It is to bring to your attention respected chair that the IPs of this region struggle with appalling basic public services, infrastructural and conditions impacted by protracted armed conflict which is a direct fallout of adopting a quick fix approach. Instead of resolving the conflict, the endless accords have produced complex social, political and factional tensions in the region as the number of accords listed below demonstrates.

1. The Bodo Accords:

The Bodo people demand for a separate state has seen three agreements. The first Bodo Accord was signed in 1993 with 'All Bodo Students Union' (ABSU) and the second in 2003 with Bodo Liberation Tiger Force (BLTF). However, these two accords were ineffective and a third accord was signed recently in January 2020 with five Bodo organizations, predominantly National Democratic Front of Boroland (NDFB).

However, some of the signatories are held as political prisoners and are languishing in the jail and the third accord may not guarantee a lasting peace as it does not genuinely recognise the right to self-determination which is central to the Bodo peoples' aspiration.

2. The Tripura Indigenous (tribal) People Accords:

The Government of India and Tripura government has signed three agreements with the different armed groups in three decades. The first was a Tripartite Accord between the Government of India, State Government of Tripura and the Tribal

National Volunteers (TNV) in 1988, the second with the All Tripura Tribal Force (ATTF) in 1993 and the third with the National Liberation Front of Tripura (NLFT) in 2019 but Tripura continue to be embroiled in deep political uncertainties with violent out breaks of conflicts between different communities.

3. The Karbi Accords:

What started as a demand for implementation of Article 244(A) of the Indian constitution that allows greater autonomy, the Karbis were pushed to a violent demand for statehood. A memorandum of understanding was signed with the Karbi organizations and the government in 1995 which was not fully implemented and following which a new accord was signed in 2011 with greater autonomy power. The new accord was supposed to be implemented before the council election of 2017 but it has not been done so.

4. The Mizo Accord:

The Mizo people movement for right to self-determination took to arms in 1966 and after years of resistance signed the Mizo Peace Accord in 1986 and became the 23rd state of India from a Union Territory. Mizoram considerably is more peaceful but issues of ‘immigration’ and border disputes suggest that the accord have not been able to cover nor resolve serious political problems.

5. The Naga Accords:

The Government of India have signed the Nine-Point Agreement in 1947 (with British-India), the Sixteen Point Agreement in 1960, and the Shillong Accord in 1975. Currently, there are two ceasefire agreement and peace talks being held with two Naga groups; the National Socialist Council of Nagaland (NSCN-IM) since 1997 and the Naga National Political Groups (NNPGs) since 2017.

In 2015 a “Framework Agreement” was signed with the NSCN-IM and in 2017 an “Agreed Position” was signed with the NNPGs. The duplicity of the government holding parallel negotiation has created confusion and division among the Naga

people and if this is not resolved it has the potential to unleash great scale violence.

Respected Chair, the above cases reflect the peculiarity, insincerity, and failure of peace accords in India.

It is unfortunate that these accords also do not recognize the impact of violence and conflict on IPs of the region particularly women and children which have nothing to address the devastating impact on them.

When right to self-determination is not recognized in its true sense, violence and oppression will continue and, in this light, we place the following recommendations.

1. The Expert Mechanism on the Rights of Indigenous Peoples and the Office of the High Commission on Human Rights undertake a study on the peace accords, including the peace negotiation between the Government of India and the Nagas in Northeast India to understand the situation and to promote dialogue at the local level and at the United Nations to advance the rights to self-determination and autonomy of Indigenous Peoples in the region.
2. The Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum and the Special Rapporteur Rights of Indigenous Peoples should facilitate an inclusive process aimed at the development of guiding principles for the realization and implementation of the right to self-determination and autonomy based on the Declaration on the Rights of Indigenous Peoples and universal human rights standards in Northeast India.
3. The Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum along with the Office of the High Commission on Human Rights and the UN Department of Political and Peace building Affairs should facilitate regional and local level dialogues between Indigenous Peoples and Governments for the realization and implementation of the right to self-determination and autonomy.

4. States should establish ombudsman institutions to ensure that the rights of Indigenous Peoples are respected and protected and to facilitate the establishment of similar institutions in the existing Indigenous autonomous areas in Northeast India.

Respected chair, it is urgent that the significance of UNDRIP is not only recognized but implemented in letter and spirit by every nation including India so that indigenous population across can contribute in their full capacity towards the restoration and healing of this world.