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**THE NAGA ACCORD: SKIMMING OVER AUTONOMY AND  
COOPERATIVE FEDERALISM?**

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## OVERVIEW

The Naga nationalist movement is the oldest insurgency in India and has sustained itself in a strategically important geography for close to seven decades. The BJP-led NDA Government has announced a supposedly “historic” agreement with the National Socialist Council of Nagaland (NSCN) (IM), the largest armed outfit claiming to represent the interests of the Naga nationalist movement. However, it has done so without consulting several stakeholders whose lands graphically overlap with the Nagas. The deal is shrouded in secrecy and its details have not been shared even with other Chief Ministers in the region.

This document provides a brief overview of the possible contours and consequences of the accord and argues that greater autonomy of tribal communities based on a system of cooperative federalism with the Centre and State Governments is a possible democratic solution that would respect the distinct doctrines and ways of life of the Naga people. This document is a living document as the details of the accord have not been revealed yet and new developments on the issue are emerging on a daily basis.

- **Integration versus Deep Diversity in Naga Inhabited Areas:** The Integration of all Naga inhabited areas as a possible outcome of the ‘framework accord’ between the Government of India and NSCN (IM) would lead to a major backlash from various other communities and groups in the region. The issue of Naga integration has deep ramifications on issues of the distribution of land between different communities in the region, claims put forward by other armed outfits in the region, and the integrity of territory and borders of existing states, especially that of Manipur.
- **Who Represents the Nagas?** The NSCN (IM) is not the only armed outfit who claim to represent the Government of the (unilaterally declared) People’s Republic of Nagaland. The NSCN (K), led by SS. Khaplang is also an active armed outfit in the region. The legitimacy of these groups has been questioned with the rise of a bureaucratic and professional Naga middle class. Will an agreement that might lead to institutional changes in the region arrived at by the Government of India with the NSCN (K) alone represent the interest of the Nagas as a whole?
- **Protecting Constitutional Provisions which Recognize Difference of Naga Communities:** Land and customary ways of life of the people of Nagaland are currently protected by Section 371 A of the Indian Constitution. No constitutional protection of the kind has been extended to Naga tribes living in Manipur. Will the constitutional provisions that recognize some Naga communities’ right to customary law and land be compromised if the Government uses this accord, as it is saying it will, as an instrument to making the North-East a commercial hub?<sup>1</sup>
- **Disregard for Cooperative Federalism:** By not consulting relevant State Governments and various other autonomous institutions over the details of the Accord, the Central Government has flouted democratic procedures and disregarded tenets of our basic structure such as cooperative federalism. Its silence over the details of the Accord even after ten days of the announcement of a supposedly historic agreement has raised questions over whether there is any substance to the Agreement.

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<sup>1</sup> See Sumir Karmakar, “Rijuju Criticises CMs’ U-turn – Ibohi meets PM and home minister on peace accord with NSCN – IM”, [http://www.telegraphindia.com/1150809/jsp/frontpage/story\\_36217.jsp#.Vc10vmmqgko](http://www.telegraphindia.com/1150809/jsp/frontpage/story_36217.jsp#.Vc10vmmqgko), August 9, 2015, Accessed on August 14, 2015.

## **POLITICAL CONTEXT**

The latest accord announced by the Government of India and the NSCN (IM) is only one of the many accords that have been signed between the Government Naga insurgent groups over time. The latest series of peace accords were initiated by the Congress-led government when Narasimha Rao met the NSCN leader, T Muivah in July, 1995. The Congress Party actively invested in bringing the NSCN(IM) to come forward for peace talks, led by the then Minister of State (Home Affairs), Rajender Pilot as an interlocutor in the talks. The first cease-fire agreement with the NSCN (IM) was only signed in 1997, when IK Gujral was the Prime Minister of India. In 2001, the Vajpayee led NDA Government signed another ceasefire agreement, without territorial limits with the NSCN (IM). These agreements have largely been adhered to successfully, even during the 80 rounds of peace talks that have been carried out between the two sides since 1995.

In March this year, the NSCN (K) led by SS Khaplang whose influence is strong over large swathes of territory on the Indo Burma border, abrogated the ceasefire accord of 2001 by killing 18 members of the Indian Army in Manipur's Chandel district. Following the attack, the Indian Home Ministry has been pushing for NSCN (K) to be included in the list of banned organizations under the anti-terror law According to a Joint Consultative Commission Meeting attended by the Foreign Ministers of India and Myanmar in July, 2015, this group has been building bunkers in undisclosed locations around the border in the last six months. This has been done in alliance with the United Liberation Front of Assam (ULFA) with whom Khaplang has formed an umbrella group named United National Liberation Front of West South East Asia.<sup>2</sup> The Accord announced on August 3<sup>rd</sup> does not have the NSCN (K) as a signatory.

The current Accord has been announced in consultation with very few interest groups in the region. This includes various representative head of Governments of Indian states in the region, including the Chief Ministers of Arunachal Pradesh, Assam and Manipur. All these Ministers, heading Congress-led Governments in their respective states, claim that they have not been consulted by the Government on the details of the accord<sup>3</sup> and have demanded that the details of the same be publicly revealed immediately.<sup>4</sup> The policies of their governments have been to resist all proposals to divide/adjust the territorial integrity of their respective states. The resistance to state division is especially strong in Manipur where the movement for maintaining the territorial integrity of the state is backed by not just many Meitei-led<sup>5</sup> movements in the state like the Manipur Peoples Liberation Front but also by various armed outfits purportedly fighting for the cause of secession of Manipur from the Indian state like the People's Liberation Army of Manipur

The only Chief Minister who has accepted that he was consulted by the Government on the present Accord is the Chief Minister of Nagaland, T.R. Zeliang. The party in power in Nagaland, the Naga People's Front

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<sup>2</sup> See Abhishek Bhalla, "Manipur Ambush: NSCN-K gets ready for fight to the finish", <http://indiatoday.intoday.in/story/manipur-ambush-nscn-k-gets-ready-for-fight-to-the-finish/1/451977.html>, July 17, 2015. Accessed on August 14, 2015.

<sup>3</sup> See Express News Service, "Naga peace accord: Reveal details of deal says Congress northeast CMs", <http://indianexpress.com/article/india/india-others/wont-cede-an-inch-of-land-assam-arunachal-manipur-cms/>, August 8, 2015, Accessed on August 14, 2015

<sup>4</sup> See Khelen Thokchom, "Ibobi seeks contents of Naga 'accord'", [http://www.telegraphindia.com/1150808/jsp/frontpage/story\\_36054.jsp#.Vc2McPmqkko](http://www.telegraphindia.com/1150808/jsp/frontpage/story_36054.jsp#.Vc2McPmqkko), August 8, 2015, Accessed on 14 August 2015.

<sup>5</sup> Meitei's are the community who inhabit Imphal valley and whose native language is Manipuri. They refer to themselves as the original inhabitants of the ancient Manipuri Kingdom which signed several treaties with the Naga and Kuki tribes who inhabited the hill areas of the Kingdom. Today, while the Meiteis constitute 69% of the state's population, they are largely concentrated in Imphal Valley. Four of the five hill districts of Manipur are largely inhabited by Naga tribes, the fifth being largely inhabited by the Kukis.

(NPF) is an ally of the NDA Government at the Centre and endorses the demand of Greater Nagalim made by various armed outfits like the NSCN (IM). The Nagaland Assembly has passed a resolution on “Integration of all Naga- inhabited contiguous areas under one administrative umbrella” five times since its constitution: in December 1964, August 1970, September 1994, December 2003, and July 27, 2015.<sup>6</sup> The State Government of Nagaland is currently an all-party government, supported also by the Congress Party in the state. Zeliang has announced that he, along with all the members of the Nagaland Assembly “are ready to step down if an acceptable and honourable solution is found for the Naga people”.<sup>7</sup>

But is the pact representative of all the Naga people? Why has it been announced in such a hurry without details of the pact being provided? Given the secrecy that the pact is shrouded in, it is speculated that the accord was announced in an unscheduled manner because Isak Swu, the elderly founding leader of the NSCN and who represents the “I” in the NSCN (IM), is in poor health and is currently being treated in Delhi’s Fortis hospital. Swu is the main leader of the NSCN from Nagaland. The other tall leaders of the movement, such as T.Muivah, belong to tribes that do not live in Nagaland but in states like Manipur. The accord would have legitimacy for the people of Nagaland only with Swu’s name on it.<sup>8</sup> The NSCN (IM), therefore, cannot risk procrastinating on an agreement. Given this sensitive situation, they are taking careful steps to ensure that this accord will be a success for them. They have enlisted the counsel of international lawyers like Yash Ghai, who helped in drafting the new constitution for Kenya, Michael Von Valt Praag, who is involved in negotiations between China and the Tibetan Autonomous Region and Anthony Reagan, professor of law at the Australian National University as their counsel for these negotiations.<sup>9</sup>

While the Government of India announced that they will attempt to bring other outfits in the region to sign the pact, no such developments have been announced yet. Will the pact, then really live up to the expectations of the Naga people? In order to gain some insight into their expectations, let us look at the historical context of the claim for independence and autonomy by the Naga nationalist movement.

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<sup>6</sup> See Samudra Gupta Kashyap, “Towards the Govt-Naga peace accord: Everything you need to know”, <http://indianexpress.com/article/explained/simply-put-towards-accord-step-by-step/>, August 4, 2015, Accessed on August 14, 2015

<sup>7</sup> See PTI “Nagaland pact just a ‘formula’: CM TR Zeliang”, <http://indianexpress.com/article/india/india-others/naga-pact-just-a-formula-cm-t-r-zeliang/>, August 10, 2015, Accessed on August 14, 2015

<sup>8</sup> See Nishit Dholabhai, “Centre, NSCN- IM sign draft truce: - Momentous, says Muivah”, [http://www.telegraphindia.com/1150804/jsp/frontpage/story\\_35341.jsp#.Vc2Vx\\_mqqko](http://www.telegraphindia.com/1150804/jsp/frontpage/story_35341.jsp#.Vc2Vx_mqqko), New Delhi August 3

<sup>9</sup> See Nandita Haksar, “The Future of the Centre-Naga Accord”, <http://www.thecitizen.in/NewsDetail.aspx?Id=4644>, August 5, 2015, Accessed on August 13, 2015

## **HISTORICAL CONTEXT**

### **The Nagas and the demand for a Naga homeland**

The Nagas are a collective of tribes that inhabit most of the Indian state of Nagaland, some sections of Arunachal Pradesh, Assam and Manipur, and some areas of Myanmar across the border. Naga nationalist history states that the Nagas, as a collective of different tribes, have been partitioned twice: first, in 1826 by the Treaty of Yandaboo, where the British divided Naga occupied territories between British India and Burma, and second, in 1963 when independent India established the state of Nagaland from which Naga dominated hill districts in Assam, Manipur and Arunachal Pradesh were left out. Both these partitions have been seen as intrusive acts on the self-determination of the Naga tribes as a whole. The main Naga nationalist demand, therefore, has been a claim for a common administrative unit, constructed and sustained as a yearning for a homeland for all Nagas called Nagalim. This demand was made before India herself became independent.

### **Nehru and the Naga Nationalist Movement**

After 15<sup>th</sup> August, 1947, Naga inhabited areas that were on the Indian side of the border became part of the political territory of the Indian post-colonial state. The leaders of the Indian National Congress, especially Jawaharlal Nehru were deeply engaged with the demands of the Naga nationalist movement. Nehru wrote extensively on how the tribes of North-East India must be approached. He argued that the Nagas must feel that “they have the perfect freedom to live their lives and develop according to their wishes and genius... Any conception that the customs and habits with which they are unfamiliar are going to be imposed on them, will alienate them and make our frontier problem more difficult.”<sup>10</sup>

The demand for an independent Nagalim was made first by the Naga National Council (NNC) led by Angami Zapu Phizo. To strengthen this demand, in March 1952, Phizo formed the underground Federal Government of Nagaland (FGN) and the Naga Federal Army. This Government was constructed around the idea that the Nagas were never a part of India before the British conquered them. The FGN declared the independence of the Nagas unilaterally when negotiations with the Independent State of India over their claims failed. They started attacking any symbols of Indian presence in the Naga hills. Their demand for independence was backed by an organized campaign that constructed a Naga idea of the self and treated India as the other, arguing that the Nagas were ethnically different from other Indians, had a distinct social life, manner of living, laws and customs and methods of governance.<sup>11</sup>

But this discourse was not strong enough to convince the Indian establishment. India was, and continues to be a deeply ethnic country, where a variety of communities form a part of its Federal Republic while retaining their distinct social life, manner of living, and customary laws and modes of governance. With regard to tribal communities, under provisions like the 6<sup>th</sup> Schedule, the Indian Constitution explicitly protects and maintains the right of communities to retain the same and allows them to thrive. Following this constitutional precedent, the thrust of Nehru’s Naga policy was to grant Nagas the fullest autonomy so that their traditions, customs and culture could be protected and perpetuated.<sup>12</sup> Nehru was, to some extent, pushed into formulating strong principles of autonomy for the Nagas of Nagaland because of the demands of the FGN. At the same time, the recourse to violence by the FGN left Nehru with few options but taking recourse to military assistance to control the situation. When the army was sent to Nagaland, they received instructions from the first Prime Minister to remember that they were operating among fellow Indians. “The

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<sup>10</sup> See Sajal Nag, “Nehru and the Nagar: Minority Nationalism and the Post-Colonial State”, *Economic and Political Weekly*, December 5, 2009, Vol XLIV No 49.

<sup>11</sup> *Ibid*, pp 52

<sup>12</sup> *Ibid*, pp 49

very fact that they are different yet form a part of India is a reflection of India's greatness... You must do everything possible to win their confidence and respect and help them feel that they belong to India.”<sup>13</sup>

Nehru was not prepared to accept the demands for secession given that Nagaland was sandwiched between India and China. The strategic location of the Naga inhabited areas' with their shared border with Myanmar that provided access to the rest of South-East Asia, has always been an important point of consideration in all deliberations the Indian state has had with the outfits claiming to represent the Nagas.

### **The National Socialist Council of Nagaland**

Several peace initiatives by the Government of India with those demanding freedom for the nation of Nagaland have failed ever since. The organization that is NSCN (IM) today was the outcome of several NNC leaders including Isak Swu, Muivah and Khaplang boycotting one of these peace initiatives – the Shillong Accord in 1975. Isak Swu belongs to the community of Sema Nagas, a powerful tribe within the Nagas who live largely in Mon district of Nagaland. Muivah is a Thangkhul Naga from Ukhrul district in Manipur that shares a border with Manipur. Khaplang belongs to the Konyak Naga tribe and is from Myanmar. Together, under the banner of the NSCN, these three leaders made a claim for Greater Nagalim, unifying Nagaland with some areas of Manipur, Arunachal Pradesh and Myanmar, as an independent homeland for Naga people. They were trained in arms and the use of sophisticated weapons in the forests of Burma and China and created a formidable army to counter the Indian army in areas that they dominated. Some of the worst attacks they have been held responsible for have not been attacks on the Indian army but attacks on members of other tribal communities such as the Kukis and Meiteis before they agreed to a ceasefire with the Indian Government in 1997.<sup>14</sup> The Indian Army has also been accused of several human rights violations in their fight against the NSCN cadres, and have got away with these violations due to the imposition of the Armed Forces Special Powers Act (AFSPA) in the region.<sup>15</sup> Since the signing of the peace treaties between the NSCN and the Government of India beginning from the first cease-fire treaty in 1997, the open war declared by the NSCN against the Indian state has effectively ended. Political dialogue and talks between the two sides have consistently defined the Naga nationalist movement ever since.

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<sup>13</sup> Ibid, pp 51

<sup>14</sup> See Aheibam Koireng Singh, *Ethnicity and Inter-Community Conflicts: A case of Kuki-Naga in Manipur*. Delhi: Akansha Publishing House, 2008.

<sup>15</sup> See Phanjoubam Tarapot, *Bleeding Manipur*, New Delhi: HAR-Anand Publications Pvt Ltd, 2003

## KEY ISSUES

- **INTEGRATION VERSUS DEEP DIVERSITY IN NAGA INHABITED AREAS:** The main demand of the NSCN has been integration of Naga inhabited areas. However, this demand faces a huge opposition from different parties:
  - **Land and territorial integrity:** Various state governments argue that the integrity of states cannot be violated. This claim has its loudest voice in Manipur. The claim for Nagalim demands that four out of the eight undisputed districts of Manipur: Senapati, Ukhrul, Tamenlong and Chandel be part of Nagaland. These are all districts with Naga majorities. However, along with the hill district of Churachandpur, dominantly inhabited by Kukis, these 5 districts contain 90% of the area of the state. According to the 2011 Census, these districts are inhabited by only 34% of the state's population, mostly members of Naga and Kuki-Chin-Zomi tribal communities.<sup>16</sup> If the four districts dominated by Naga communities were to become part of a larger state of greater Nagaland or Nagalim, then Manipur as a state would be left with very little land and with a denser population.
    - The hill districts of Manipur that are inhabited largely by tribal communities do not come under any special provision of the Indian Constitution such as the 5<sup>th</sup> or the 6<sup>th</sup> Schedule. In 1971, Article 371 C empowered the Governor of Manipur to report directly to the President regarding the administration of the hill areas. But this has been seen as an attempt by the State to control hill areas instead of granting these areas autonomy like the districts of Nagaland who have complete autonomy over administrative decisions due to the constitution of Autonomous District Councils under Section 371 A. The demand from these hill districts to be part of the 6<sup>th</sup> Schedule of the Indian Constitution has been long standing and stands out as one possible solution for the demands of the Naga people.
    - The Meiteis, or the Manipuri speaking people of Manipur, have strongly, and sometimes violently, resisted any compromise on the territorial integrity of Manipur state. In 2001, when the Government of India was negotiating a ceasefire agreement with the NSCN that could have led to the changing of the borders of the state, there were anti-ceasefire protests in Imphal valley by the Meitei's that made several resident Nagas (from Imphal) flee the valley. Any territorial compromise might lead to a similar backlash from the dominant communities in Manipur.
  - **Opposition from Minorities/ Other Tribal Groups:** The Naga inhabited districts within different states that the NSCN wants integrated into a larger state of Nagaland are not homogeneously populated with Nagas alone. There are also other tribal communities in these areas, most prominently Kukis in Manipur. The Naga – Kuki conflict that extended from 1993-1997 drove out many Kukis in the manner of a mass exodus from these lands. However, there are two points to note on this issue (i) relations between Nagas and the Kukis who stayed behind on their lands are still tense. While they live largely in peace with each other today, the memory of the conflict, in which the NSCN was an active participant, has not been erased. A huge political backlash from the Kuki and Zomi community as a whole, as well as various guerrilla groups who claim to represent the Kukis such as the Kuki National Organization (KNO) and the Zomis like the United Peoples Front (UPF) can be expected. The KNF have been demanding their own homeland, Zale'n-gam for close to two decades now. These organizations have had a Suspension of Operations Arrangement with the Indian Army since 2005 but have been waiting anxiously for political talks with the Indian Government

<sup>16</sup> See Census of India, <http://www.census2011.co.in/census/state/manipur.html>

ever since. Their patience might be tested with the present accord.<sup>17</sup> (ii) Some Kukis have started returning to the lands that they were forcibly displaced from during the conflict. Speculations about these lands being integrated into Nagaland might slow down or stop this process of rehabilitation.

- After the violence in Golaghat district of Assam bordering Nagaland by another faction of the NSCN (Khola Kitovi), the Birsa Commando Force, currently also in peace talks with the Government of India, has welcomed the accord but with reservations regarding the safety of inhabitants on inter-state borders are protected.<sup>18</sup> The violence on the Assam – Nagaland state border has been largely attributed to the NSCN (Khola Kitovi), a splinter group of the NSCN (IM). Will an accord signed by the Government of India and the NSCN(IM) lead to these smaller splinter groups of the NSCN bullying other outfits like the BCF, KNF, etc?

The PM’s carefully worded speech, however, spoke to the leaders and the people of *Nagaland*. “You will not only build a bright future for Nagaland, but your talents, traditions and efforts will also contribute to making the nation stronger, more secure, more inclusive and more prosperous.”<sup>19</sup> If the integration of Naga inhabited states into Nagaland was not on the agenda, then perhaps the Prime Minister ought to have spoken about building a bright future for Naga peoples in different states in India, rather than just the people of Nagaland.

## **WHO REPRESENTS THE NAGAS?**

- **Will other factions support the accord?** The Naga nationalist movement itself is a contested space. A Centre for the Study of Developing Societies (CSDS) pre-poll survey (2008) showed that 54% of the respondents did not agree that I-M spoke for all Nagas.<sup>20</sup> There are two big camps claiming to represent this movement today: (i) The NSCN (IM) led by Isak Swu and T. Muivah with which the Government of India has signed the framework accord. (ii) The NSCN (K) led by Khaplang whose training camps in Myanmar were cleared out by the covert operation carried out by the Indian Army. The NSCN (K) is reported to have joined hands with other Insurgent movements in the region like the ULFA to launch a new insurgent movement against the Indian State. The GOI claims to be reaching out to the other factions as well, but will it succeed in doing so given the new alliances these groups have made with each other?
  - **Naga Civil Society Organizations** Besides armed outfits there are various organizations like the Naga HoHo, the United Naga Council (UNC), Naga Mothers Association (NMA), Naga Women’s Union Manipur (NWUM), and the Naga People’s Movement for Human Rights (NPHMR) that have criticized “national workers” (armed organizations like the NSCN) for imposing unbearable taxes on Naga people as a whole.<sup>21</sup> Some also argue that Naga nationalism drew its inspiration from a generation of Christian, Western educated Nagas who were the frontrunners of the nascent Naga middle class.<sup>22</sup> But with the development of a market economy

<sup>17</sup> See Thankgkhanlal Ngaihte, “How the Naga Accord Will Affect Politics in the Rest of the North-East”, <http://thewire.in/2015/08/13/how-the-naga-accord-will-affect-politics-in-the-north-east-8367/>, August 13, 2015, Accessed on August 13, 2015

<sup>18</sup> See Nishit Dholabhai, “Centre, NSCN- IM sign draft truce: - Momentous, says Muivah”.

<sup>19</sup> See <http://www.narendramodi.in/text-of-pm-s-remarks-after-witnessing-the-signing-of-the-historic-agreement-between-government-of-india-and-nscn->

<sup>20</sup> See the Lokniti-CSDS Election Survey of Nagaland (2008), figures also mentioned in Rita Manchanda and Tapan Bose, “Expanding the Middle Space in the Naga Peace Process”, *Economic and Political Weekly*, December 31, 2011

<sup>21</sup> Ibid, pp 52

<sup>22</sup> Ibid, pp 53

and representative political institutions in Nagaland, a powerful new middle class comprising of bureaucrats, businessmen, professionals, and various activist groups have emerged and reshaped Naga nationalist aspirations. This latter group of people have been demanding autonomy and not independence like the armed groups in the region.<sup>23</sup> Will any pact signed with the NSCN alone represent the aspirations of autonomy that these civil society organizations have been fighting for?

- **The Different Denominations of the Christian Church:** The Nagas are dominantly a Christian Community. Close to 90% of the Nagas as a whole are American Baptists, about 6% are Catholics and the rest continue to retain their traditional religions. The church has played an active role in peace talks in the region, acting as interlocutors between the Indian government and the NSCN. The North east Centre of the All India Christian Council have welcomed the peace accord, describing it as a first step for peace and announced their commitment towards lasting peace in the region.<sup>24</sup> However, there are some who fear that cadres of the NSCN (IM) are more influenced by the fundamentalist ideology of the American Baptist church. Denominational minorities within the Nagas, like the Catholic Nagas and those who have retained their traditional animistic doctrines have often been discriminated against by the cadres.<sup>25</sup>

• **OPENING THE GATEWAY TO THE EAST:** The PM's words over the accord being an example of dealing with each other in a spirit of equality, respect, trust and confidence seems to have outlined a moral and ethical reason for signing an accord. Some even commented on the sensitivity with which the ceremony was conducted. But there are strategic concerns that seem to have driven the accord. The PM called the Nagas "the guardians of our eastern frontiers and our gateway to the world beyond".<sup>26</sup> Treating the Nagas as a gateway to the world beyond raises some issues:

- **Protecting Customary Ways of Life:** Protecting the rich cultural heritage and ways of life of the Naga people has been a concern for the Naga people throughout their history. This accord will have to ensure that these concerns will be protected and allowed to thrive even as these areas open up to greater traffic from South East Asia or the "world beyond". Naga nationalists have not made the preservation and development of Naga culture a priority in their agendas. In the process they have failed to see the importance of Naga culture as a resource.<sup>27</sup>
- **Section 371 versus the ruling party's demand for Uniform Civil Code:** The Prime Minister has made a sensitive speech on the unique culture of the Nagas. But the ruling party at the Centre, the BJP is a party that has been demanding a Uniform Civil Code for a long time. This demand has been of concern for those who follow differential systems of law, especially customary laws protected by the 6<sup>th</sup> Schedule and Section 371 A, in the case of Nagaland.<sup>28</sup> Will the BJP's emphasis on the Uniform Civil Code affect the protections that the Accord might grant Naga people, including those of the hill districts of Manipur who have no constitutional protection currently? Nehru's vision on providing autonomy to the tribal populations of India to function according to their own ways of life is important for maintaining the legitimacy of the Indian state in these regions. In the transition that diluting the NSCN's power in the region will bring about,

<sup>23</sup> Ibid, pp 53

<sup>24</sup> See Khelen Thokchom, "Church Hails Peace Accord", [http://www.telegraphindia.com/1150811/jsp/northeast/story\\_36540.jsp#.Vc2o-vmqqko](http://www.telegraphindia.com/1150811/jsp/northeast/story_36540.jsp#.Vc2o-vmqqko), August 11, 2015, Accessed on August 13, 2015

<sup>25</sup> See Nandita Haksar, "The Future of the Centre-Naga Accord".

<sup>26</sup> See <http://www.narendramodi.in/text-of-pm-s-remarks-after-witnessing-the-signing-of-the-historic-agreement-between-government-of-india-and-nscn->

<sup>27</sup> See Nandita Haksar, "The Future of the Centre-Naga Accord".

<sup>28</sup> See Thankgkhanlal Ngaihte, "How the Naga Accord Will Affect Politics in the Rest of the North-East".

guaranteeing the autonomy of the people of the region will have to be foundational if their own ways of life are to be protected.

- **Acquisition of resource rich land:** The autonomous modes of governance of the people of Nagaland, protected by Section 371 A, have successfully allotted the control of entry and exit of corporations into Nagaland in the hands of the people who have collective ownership over this land. A big concern with regard to the proposed accord is if it will imply largescale acquisition of this resource rich land by corporations and the disproportional displacement of tribal communities in the region, as has been taking place in other parts of the country like Jharkhand and Chhattisgarh. If it does so, what will happen to the current autonomy and ownership that people of Nagaland have over their land as tribal communities whose existence is deeply tied to the land they inhabit?

## **THE DEVIL IS IN THE DETAIL:**

- **Sending the wrong signals:** The details of the accord have not been made public. When the Prime Ministers' Office first announced the Accord on August 3<sup>rd</sup>, it was declared as an accord. But given the backlash from other voices in the North-East, the government has admitted that the 'accord' was not a final document but a "draft framework" on how to proceed on an accord. However, by making statements like an "end of a problem but the beginning of a new future",<sup>29</sup> the PM and the Central Government sent out signals that a deal with the NSCN has already been signed to the exclusion of the numerous other state and non-state actors in the region. With no details being revealed even after ten days of the announcement of an Accord, however, questions are being raised if there is any substance to the accord at all. If this is the case, why has the Centre made an announcement that has clearly unsettled the citizens of the region?
- **Creation of a cultural body?** Anonymous sources have mentioned that the boundaries of Nagaland and Manipur would not be redrawn. However, the framework involves the creation of a "larger cultural body of the Nagas" living in Nagaland and Manipur Hills to reflect a notion of greater Nagaland.<sup>30</sup> Will this larger cultural body be like an umbrella body over the Autonomous District Councils that some Naga inhabited districts have? And if so, given the territorial jurisdiction that Autonomous District councils have, will such a move not compromise the integrity of state boundaries? How will the state respond to the expected backlash from such an act? If the Government is planning to create a cultural body without any political jurisdiction, then why is it doing so with the NSCN (IM), an armed outfit that has been making strictly political and territorial claims, and which has given little priority to the customary norms and practices of the Naga people?
- **India as a strong state vis-à-vis Armed Outfits:** If the government has conceded major ground on the issue of sovereignty, it will impact peace talks with the numerous other armed insurgents in the North East as well. How much can the Government really afford to concede given the diverse interests and claims, supported by armed groups, vying for political space in the region?
- **Justifying Armed Struggle:** If the NSCN has given up its position on the creation of a greater Nagaland, how will they justify the struggle of the past decades that was largely funded through taxes both willingly and forcibly collected from Naga people?

<sup>29</sup> See <https://twitter.com/narendramodi?lang=en>, August 3, 2015

<sup>30</sup> See Nishit Dholabhai, "Centre, NSCN- IM sign draft truce: - Momentous, says Muivah"

## **DISREGARDING COOPERATIVE FEDERALISM**

In India, and especially in the North-East, there is a complex cartography of federal relations. The Tribal District Councils enjoy a high degree of power in administrative governance and according to section 371 A in Nagaland, no law of the Central Government can apply until approved and passed by the State Government. These institutions will all be affected by the accord. There are also various other state governments besides that of the Nagaland Government whose states will be affected by the accord. These parties have not been included in the negotiations.

The direct intervention of the Centre, without any consultations with states or district councils on a matter with which they stand to be seriously affected damages the way federal relations have flourished in India. Cooperative Federalism, signifying an interdependent relationship between the Centre and lower administrative units like the states or autonomous district councils allowed various regions to evolve a life of their own. However, the current Government, in the name of national unity and “Act-East” policies, is dismissing any assurance of organic interdependence that the States can have with the Centre. Will its attempt to undermine dissent and differences on the Naga accord lead to the assimilation of Naga communities into a nationalism very different from the kind that they have been fighting for over six decades?

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