



INDO-NAGA ACCORD OF SHARED SOVEREIGNTY- THE ONLY SOLUTION

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ABSTRACT

The Philosophy of the principle of sovereignty transformed over the period of time. The law of dependent origination has been proven to be true to the changing socio-political circumstances all over the world including India. Herculean efforts to establish peace in the land of the Nagas finally seems to have been reaching to the concluding phase. The proposal of ‘Shared Sovereignty’ which Government of India tabled before the Steering Committee Members of NSCN (IM) during negotiations under the able leadership of Mr R.N.Ravi; an official interlocutor of Government of India for Indo-Naga Peace Negotiations and chief of Joint Intelligence Committee has proved to be a game changing move. The Nagas have accepted the fact that their original demand for the ‘Sovereign Naga Nation’ is not in the best interest of the Nagas as well as Government of India. The concept of Shared Sovereignty which is based on the principle that “No Nation Is Sovereign In True Sense” may be interpreted in today’s context of globalization as the necessary presence of ‘Economic-Political’ interdependence in the interest of modern face of ‘Sovereignty’ characterized by the principle of ‘Mutual Dependency’ and ‘Strategic Respect’. This fact has been well received and acknowledged by all the stakeholders of Indo-Naga Conflict. Moreover, the model of shared sovereignty which has been successfully

implemented in other parts of the world would possibly mitigate the Indo-Naga conflict but cannot resolve it since complete resolution lies in the original demand of 'Separate Naga Nation' which is now next to impossible and consequently whatever political arrangement or settlement the warring parties arrive at will be 'Compromise' from both the sides. Therefore, the proposal of shared sovereignty shall require to be understood as a tool for Conflict Management, not for Conflict Resolution, in brief- Shared Sovereignty is a solution without resolution.

Key-Words: Nagaland, Indo-Naga Conflict, Peace Talks, Shared Sovereignty, Conflict Management

Introduction

The Naga struggle can be considered as the longest running struggle in the sub-continent. It took approximately six decades to bring peace to the Indo Naga conflict. In the year 1997 the conflict had come to ceasefire and the political negotiations were signed. However, nothing significant could happen until the year 2002, when the then Prime Minister of India Mr. Atal Bihari Vajpayee recognized the Naga people by stating about the “unique history and situation of the Nagas”. The ministers and the Prime Ministers of India considered it as a political matter and also considered that this matter can only be resolved by political negotiations. Several attempts were made to resolve this conflict, but none of the efforts could be successful. After the year 1997, about hundreds of rounds of the political negotiations were carried out until, the year 2015. In this year the historic ‘Framework Agreement’ was signed on 3rd August 2015. This agreement has shown that both the political entities have taken a significant step and had gone an extra mile to end the conflict for the mutual interest. This has displayed that political negotiations were made successful only through talking whereas the decades of the bloody armed confrontations and problems were not able to solve this problem. The current negotiations and agreement are based on shared sovereignty. Therefore, this paper will discuss two significant parts- firstly it will discuss that why previous efforts had failed and secondly that how the imitative of the shared sovereignty was the only solution.

Why the Previous Efforts Failed?

The Indo-Naga Conflict is considered as the longest conflict that remained unsolved for many decades. This conflict has also witnessed many initiatives and developments for negotiations in the last 60 years. Since, the inception of the Naga club in the year 1919 guided the Nagas towards nationalism and Nagas started to struggle to receive the recognition of getting an independent nationality (Phyobenthung, 2016). However, the Nagas missed some significant opportunities. Nagas were aware that the past government had failed to understand their problems or deliberately delayed the process. The British Ruler left the India without solving the issue of Nagas and as a result; the Nagas were left in the hands of newly independent, fragile India. Therefore, it can be said that this conflict was mainly developed during the British era and was also the legacy of the British Raj. However, the primary interest of the British Colonials was to firmly establish and maintain their rule and their empire and they were not significantly interested in resolving the colonial issue till the time they were not hindering the smooth functioning of their empire (Ngaihte, 2014). A very small portion of the Naga inhabited region (Naga Hills) was colonized by the British and the two third of the Naga territories were mainly uncolonized by the British. After the British left India they gave all the rights to India by virtue of 'Transfer of Power'. Therefore, the major problem for Naga people was that when the British did not own, how can they give Naga Hills to India (Welman & NISC, 2014).

British had divided the Naga Hills in different administrative areas, which was inherited by the newly independent India. The illogical and uninformed division of the Naga territory was mainly formed by the British for their administrative interests and this had resulted in complicating the problem. This problem was so significant that it led the problem of Naga's independence one step back in the post independent India. In the current time, Nagas are divided through the political boundaries and they are scattered in the states of Nagaland, Arunachal Pradesh, and Manipur, Assam and also in Myanmar on the international border (Phyobenthung, 2016). The Nagas had nothing in common to the Indians, nor there were any historical, religious or cultural connection between the two. This was the reason that Nagas required independent nationality for them (Welman, & NISC, 2014). Nagas had informed the British commission about this, but the British colonials handed the Naga Hills to newly independent India and did not consult the Nagas. The Naga never wanted to remain dominated by India and were firm to prove their point.

In the year 1954 Indian Forces invaded Naga Hills and this fueled the conflict (Welman & NISC, 2014).

Secondly it was also found that in the initial and important years of the post independent India, Nagas missed some of the significant opportunities due to the ignorance of the Indian political leaders. Even though, Nehru, the first Prime minister of India had done a great work for the rights of the indigenous people, failed to win the hearts of Nagas. Mr. Jawaharlal Nehru projected himself as the champion of the rights of indigenous people and also the advocate of the right of self-determination. The Gandhian image of Nehru was also shown to the world that of the crusader against racism and colonialism on the international platforms, however, left behind the Naga issue (Ngaihte, 2014). Nehru's policy of forceful appropriation displayed the wrong image of the Nagas and resulted in increasing the fear of Nagas. There is no clear evidence that why Nehru had taken such a contradictory approach towards the Naga issue. Nehru was not very interested in resolving this conflict, because he might be entrenched in the colonial mindset and might have believed the backward people of Naga can only be tamed by the new civilized and advanced society of India. Another significant aspect of the rigid policy of Nehru against Nagas was the "*the geo-military strategic importance of Nagalim (land of the Nagas), being located in the tri-junction of China, Myanmar and India*" (Phyobenthung, 2016, p. 43).

Before the present peace process, the attempts to resolve the conflict had been done on the two important occasions. The first attempt was done by the Naga People's Convention (NPC) that had lead to signing of the Sixteen Point Agreement that led to the formation of the State of Nagaland in the year 1963 (Burman, 2002). However, this initiative had failed and there were two major reasons behind the failure of this agreement. The first reason was that the over ground people could not convince the underground Naga people to join their Convention, thereby leaving the people to a very conflicted condition and the settlement could not be achieved. This situation had only resulted in increasing the struggle and conflict among the people from both sides and NNC was subsequently repressed by the Indian Military (Burman, 2002). The second reason behind the failure of the Sixteen Point Agreement was that point about the integration or assimilation of the Naga territories. For the Naga nationalists, the Sixteen Point Agreement was mainly believed to be the plan of the Indian intelligence to hijack the Naga conflict from the different perspective (Vashum, 2001). Therefore, they could not accept the agreement and the plan of resolving the issue had failed. Hence, as a result of 16 Point Agreement, Nagas got their

own state within the constitutional framework of India, which was something that never demanded by the Nagas.

To end the violence and the continuous struggle, the second attempt was made during the period of National Emergency that was declared by then Prime Minister of India, Mrs. Indira Gandhi in the year 1975. The national emergency in India had also led to the infamous Shillong Accord (Phyobenthung, 2016). However, this was immediately rejected by the Naga nationalists and agreement had failed to establish the settlement. However, the accord was not officially criticized by the Phizo, but the incidents that took place immediately after the accord increased the conflict and Naga people did not accepted it in a positive manner. The continuous failure in the efforts for the settlement has led to the formation of the stronger group of nationalists and the new group was called as National Socialist Council of Nagalim (NSCN). One of the significant problems of the failure of the agreement on these two important events was the absence of the main leaders of the nationalist groups. If the prominent leaders would have attended both the events then the Nagas would have achieved their much desired political sovereignty and independence and the long conflict had ended (Chasie & Hazarika, 2009). However, the sidelining of the nationalists had only increased the conflict, which was carrying forwarded to the armed struggle between India and the Nagas. One of the significant problem also took place from the end of India was that it nominated and selected some of the Naga elites that had divided the Naga society into two main groups. The one groups that was favored by India was called as the Naga Indian loyalists and the other group that was involved in the struggle was called as Naga nationalists (Das, 2007).

Shared Sovereignty- The Only Solution

After the repeated efforts of resolving the conflict (futile attempts from both sides to arrive at conflict resolution without vacating the original point of demands) and establishing peace, the current process of peace that was adopted by the Prime Minister Mr. Narendra Modi in 2015 had received much optimism. The peace initiative is considered to be very significant in comparison to the earlier initiative taken in the history. The peaceful engagement was required from the eminent political leaders, because the issue was considered to be a political issue and could only be resolved through political actions (Wouters & Heneise, 2017). One significant aspect of the Indian PM's policy was that he boldly took the political initiative, instead of handling the issue

and the nation's security in the hands of Ministry of Home Affairs (MHA). Another important aspect of this conflict resolution and peace reinstatement process was that nationalist leader from the Nagas took the effective role in conducting the negotiations. There were various other groups who were involved in the peace accord except the NSCN (K) faction that had withdrawn from the ceasefire agreement which was signed in the year 2015 (Phyobenthung, 2016).

To explore the solution to the Indo-Naga conflict the main idea that has been developed was the shared sovereignty, which has found to be an innovative concept for negotiations. The concept of shared sovereignty sounds significantly complex yet appropriate in this case and can be considered as the only option because under this agreement, as has been seen elsewhere in the world, the sovereign countries surrender some of their exclusive rights to form a mutually agreed common body. Some of the significant examples of shared sovereignty that have been successful are of the European Union (UK giving significance to the European Union law under the shared sovereignty agreement) and also World Trade Organization. However, the most apt example would be of USA that has recognized the unique socio-political-historical status of the Red Indian Tribes and accordingly granted special status to their region by adopting and implementing the model of shared sovereignty under which some of the sovereign powers concentrated in the hands of US Government has been shared with the Red Indian Tribes. In the case of India and Naga conflict the term sovereignty is used loosely to explain the sharing of the resources and competencies that can also be considered as power sharing between the two countries (as happened in the case of White Americans and the Red Indians in USA). However, the term shared sovereignty is mainly associated with the sharing of India's sovereignty, because the Nagas do not have sovereignty that they could share with India. This is because Nagas declared themselves to be independent on 14th of August 1947, however their independence was not recognized internationally at the global political platform, therefore, they lacked the true sovereign entity under the principles of International Law (Wouters & Heneise, 2017).

The shared sovereignty could not be achieved by the efforts of the single authority. The Naga leaders also displayed their unparalleled patience and commitment to end the conflict. The conflict had stretched to nearly six decades that had withered the Naga society (Phyobenthung, 2016). The Naga leaders and nationalists understood from the failure of the earlier efforts that nothing could be done to end the conflict without coming together and sharing powers. Therefore, they participated to resolve the conflict and to have the clear political settlement

through the establishment of the democratic norms. However, it has been found that nature and content of the ceasefire agreement has not been made public, but it can be presumed through the emotional statements of PM Modi when he discussed about the Indo Naga issue, displayed empathy and also assured the public to restore the pride and prestige of Naga people and Naga society. The Prime Minister has displayed the true and genuine gesture to restore the peace and defined the relationship as the shared sovereignty (Wouters & Heneise, 2017).

Sovereignty is the soul of the democracy and in the democratic countries it lies within its people. In the case of Nagas, since the very beginning of the political enlightenment of Naga society they had clear-cut understanding of their own sovereign status (initially as village republics, later as Naga Nation). Therefore, it was very pertinent for the Nagas to make attempts to ascertain their own independent political rights. They have also meant to achieve internal as well as external sovereignty (Phyobenthung, 2016). The external sovereignty laid in the fact that India or any other country does not dominate them or claim their lands and that they could have the power to make their own decisions regarding their currency, defense, foreign affairs etc. internal sovereignty was to have the unrestricted power and authority over own affairs in accordance to will of citizen and customary law of land. The shared sovereignty can provide all the rights to Naga people for which they have struggled for a long period. The political movement of the Nagas is specifically based on their vivid history and on unique feature of their foundation. According to their history and political structure, they required one country, one territory and one government. Such a belief required the absolute power (Phyobenthung, 2016). The present political accord of the shared sovereignty was based on the political and historical features of Naga society that has the ability to eliminate the political problems. If the concept of share sovereignty had not been based on the uniqueness of the political and social history of Naga then it would have been a grave mistake.

The concept of shared sovereignty is all about considering and recognizing the uniqueness of the Nagas. According to sovereignty, every state is unique and what make the Naga society to be unique is their political relations with India. This agreement has led to the possibility of power sharing and providing the assurance to Nagas that their uniqueness will be respected and through this process they will receive international recognition (Welman & NISC, 2014). The shared sovereignty provides the divided authority. It is believed that power of the Nagas is also recognized and exercised through the combination of the agreements. The political upheaval and

the armed struggle were not the ways to resolve the conflict. The continuation of such struggle would have resulted in more personal and financial loss to the Naga society as well as to India. Therefore the shared sovereignty could be the only solution for solving-if not resolving the Indo-Naga conflict that could have completely ended 60 years ago had India respected the Naga Plebiscite of 16th May 1951 that exhibited the desire of common Nagas to secede from India to form a sovereign, independent Naga Nation. However, lots of water has flowed under the bridge since the historical plebiscite. With the change of time and circumstances the original demand for 'secession' from Union of India was withdrawn and alternative was discovered in the form of Shared Sovereignty to establish peace in the burning Naga Hills.

Conclusion

This paper discussed the most significant political struggle of the history of Indian sub-continent. This struggle is the Indo-Naga conflict. The aim of the paper was to discuss the Indo-Naga accord, which is based on shared sovereignty and how the share sovereignty was the only solution to possibly end this sixty years long armed struggle. This conflict had started from the British Empire. When India was colonized by the British, some of the Naga inhabited regions were also colonized, however, the Nagas always rejected the fact that they are Indians or they are part of India. During the British rule, British people did not focused on resolving this conflict and after India's Independence, the conflict became the legacy of British Raj for India. This conflict had ended in the year 2015 with the Indo-Naga Accord and it has been found that this accord is based on the principle concept of shared sovereignty. According to the evidences, there have been many events, when conflict could be ended, but it lacked strong leadership and empathy towards uniqueness of Naga people. Shared sovereignty has to be the only solution-if not resolution to the Indo-Naga conflict because of the undeniable fact that the Nagas are Indians not by choice but by circumstances.

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