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M Amarjeet Singh

NIAS

THE NAGA CONFLICT



NATIONAL INSTITUTE OF ADVANCED STUDIES

Bangalore, India

BACKGROUNDERS ON CONFLICT RESOLUTION

Series editor: Narendar Pani

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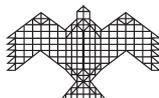
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Backgrounders on Conflict

THE NAGA CONFLICT

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NATIONAL INSTITUTE OF ADVANCED STUDIES
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CONTENTS

EXECUTIVE BRIEFING
01

FLASHPOINTS
06

TERRAIN
10

HISTORY
12

ISSUES AND CONTENDERS
17

INSTITUTIONS
31

OPTIONS
34

APPENDICES
37

BIBLIOGRAPHY
43

EXECUTIVE BRIEFING

The Naga movement for independence started around the time India won independence. The first-ever peacebuilding effort was also made as early as in June 1947 through an agreement between the then Governor of Assam and the Naga National Council. The effort however failed to have any meaningful impact. Thereafter, the Naga National Council declared independence and claimed to have conducted a plebiscite for independence. The Government of India rejected such claims on the ground that India is the legal heir of the British and hence has legitimate political authority over the Nagas. The government was willing to give limited autonomy under the constitution of the country. The Nagas rejected the offer and boycotted the first parliamentary elections held in 1951. When the situation deteriorated the government sent security forces to the Naga areas. In 1959, the Naga People's Convention adopted a resolution for the formation of a separate state. It

was communicated to the government and subsequently became the Sixteen-Point agreement to elevate Naga Hills-Tuensang Areas into a state known as Nagaland. The creation of Nagaland took place much against the wishes of the pro-independence groups. In 1974, the Nagaland Peace Council decided to carry forward the peacebuilding effort. Hence another agreement, popularly known as the Shillong accord, was signed in 1975 between the Government of India and the "Representative of the Underground Organisations" when A Z Phizo was the president of the Naga National Council. It created a major rift within the Naga National Council which ultimately led to its split in 1980 with the formation of the National Socialist Council of Nagaland. Less than a decade later, it also split. Since then the factional strife became intense. Meanwhile, a ceasefire came into being in 1997 between the Government of India and the I C Swu-Th Muivah-led faction, and separately with

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 - The paper has benefited from the comments by A C Sinha, Bhagat Oinam, T K Singh, and Loya Leima Oinam. None of them are, of course, responsible for the errors that remain.

the Khaplang-led faction since 2001. The talks have been going on separately without any major breakthrough. Underlying this upheaval has been a number of issues.

THE ISSUES

Claim for an independent homeland

The Nagas have been claiming that their ancestral homeland was an independent country in the pre-colonial period, and hence wanted it to remain so. They alleged that their country was coercively divided by the colonial rulers and later by India placing them in different states. The Naga Club took the first initiative to bring the Naga people together under a single political and administrative unit. The task was carried forward by the Naga National Council which ultimately led to the signing of the Nine-Point agreement. It did not improve the situation since the parties to the agreement failed to agree on the exact meaning of the agreement. Like other hill areas the limited autonomy under Sixth Schedule of the Constitution of India was suggested by the government. It did not satisfy the Nagas and hence commenced the first armed challenge to India. To the Government of India, this land is an integral part of the country and hence the

question of independence does not arise. This claim is based on the British Parliament's Indian Independence Act, 1947. Likewise, the pro-India leaders favoured a negotiated settlement. Through their efforts an administrative unit known as Naga Hills-Tuensang Area was constituted in 1957 which subsequently elevated into the state of Nagaland in 1963.

Integration of the Naga areas

Closely related to independence is the integration of 'Naga areas' into one political and administrative unit. It is the key demand of the National Socialist Council of Nagaland-Isak-Muivah group, which is considered as one of the most influential armed groups in the country. It proposes to call its self-proclaimed homeland as 'Nagalim'. According to it, Nagalim is a nation occupying an area of about 120,000 sq km which is currently divided between India and Myanmar. It maintains that the state of Nagaland is an 'Indian-imposed entity' which falls far short of their aspirations. The proposed homeland comprises Nagaland and other Naga-populated areas of Arunachal Pradesh, Assam and Manipur (also included Naga-populated areas of Myanmar) which it claims as their 'rightful homeland'. This demand is also as old as the independence movement itself but it has intensified in the last two decades.

The demand has the support of the Nagaland Legislative Assembly too. However, the neighbouring states, namely Manipur, Assam and Arunachal Pradesh are against the creation of Nagalim if any parts of their territory are to be taken away. These states have been apprehensive of the existing ceasefire as the National Socialist Council of Nagaland-Isak-Muivah wanted the extension of its jurisdiction to these states. These states felt that the extension of ceasefire amounts to undue interference in their internal affairs. Moreover, the effect of the ceasefire has been of great concern to Manipur because a large part of its territory is likely to be affected if Nagalim is created. The Nagas have also hardened their stand on integration by adopting several pressure tactics.

Factionalism

The Naga movement has also been marred by factionalism and violence. If there are the pro-independence groups, there are also the pro-India groups. The latter had succeeded the creation of Nagaland. Nonetheless, the pro-independence groups have not been a united front thus leading to the emergence of new groups and factional leaders. Following the Shillong accord, the pro-independence groups split in which one faction openly rejected the accord. This led to the forma-

tion of the National Socialist Council of Nagaland. It also split into Khaplang-led group and Isak-Muivah-led group due to the infighting between the top leaders. Soon, the two camps started using violence to liquidate the rival camp. They have also been engaged in a war of words, especially through the local media. Today the Isak-Muivah-led group has managed to establish itself as the more acceptable force, but others too have their share of influence. In short, too many factional leaders remain a problem.

Human rights

Since the government considered the Naga movement as a secessionist movement and a law and order problem the use of force under various special laws have also been considered necessary. Among them the Armed Forces (Special Powers) Act, 1958 is the most controversial due to the misuse of the 'special powers' by the members of the security forces. The citizen groups also want the repeal of this controversial law. The situation has been, however, changing as the conflict parties have chosen to temporarily halt combat operations against each other. As a result, human rights abuses by the security forces have considerably declined. A newer challenge of factional politics has remained a concern. The impact of this unending friction on the lives of the com-

mon people has been enormous. The common people have also started questioning the conduct of the insurgents, a scenario unknown in the past.

CONFLICT AND INSTITUTION

One of the effects of decades-old conflict has been the damage it inflicts on the social, economic, legal and political organisation of the society, i.e., its institutions. The present crisis can be seen as a result of the inability to enforce a set of abstract rules leading to the emergence of new institutional practices. These could include the government and its agencies, the armed groups and other citizen groups. All have come to be associated in different capacities in the course of the conflict. The initial reaction to the conflict has been to treat it as a case of non-implementation of rules, that is, as a law and order problem. This helped the rebels tap the discontent that emerged from the alleged human rights abuses by the security forces. The dissatisfaction on the ground was compounded by the inability of the successive governments to meet the growing aspirations of its people. In practice this widespread discontent and responses to it, have created non-state institutions of the armed and unarmed groups.

The armed groups have established para-statal organisations in many places

that lay down a set of rules and have the means and resources to enforce them. Thus, they not only monitor the state institutions but also administer their own social welfare services to gain public support. In this way, many of the functions which are normally within the domain of the state institutions have been performed by non-state institutions. The overall impact has been the dilution of the legitimacy of state institutions. Another aspect of the current conflict has been the proliferation of a large number of pressure groups including the human rights groups and the citizen groups. Some of them have also been at the forefront of promoting localised peacebuilding efforts and initiating reconciliation processes.

OPTIONS

The government policies and the counter-insurgency strategies consist of military, political and socio-economic measures. The tendency to see this movement as a secessionist and a law and order problem has also legitimized the use of force. When the use of force achieved a limited success the other measures were adopted including the negotiated settlement. In this process several peace accords have been signed in the past. Unfortunately, these accords have not only failed but have worsened the situation of conflict. Studies show the success of peace

accords would primarily depend on factors such as the context of the conflict and the role of the leaders. The accords should focus on practical issues. Their success will also depend on the availability of the able leaders. Rushing for accords without proper groundwork must be avoided, and the government should re-

frain from signing accords with the wrong parties. Lastly, one way to satisfy the aspirations of ethnic groups while preserving the territory of the existing states is to explore the option of non-territorial/cultural autonomy. This idea is not entirely a new, but has lost significance over the years.

THE NAGA CONFLICT

FLASHPOINTS

Nine-Point agreement

The first initiative towards finding a negotiated settlement was arrived at between the Naga National Council (NNC) and the Governor of Assam Akbar Hydari in June 1947. The agreement was related to the setting up of an interim politico-administrative arrangement. It did not materialise primarily because, on the one hand, the NNC interpreted it as their right to complete independence after the interim period of ten years, and on the other hand, the Government of India insisted that it only gives the right to suggest administrative changes within the country's constitution.

NNC declares independence

The NNC threw the first challenge against India with the declaration of independence on 14 August 1947, a day before India got independence, and reportedly informed the United Nations. The National Socialist Council of Nagaland-Isak-Muivah (NSCN-IM) maintained that 'the Naga people still

uphold the proclamation and will faithfully continue to uphold it'.

Sixteen-Point agreement

In 1957, the Naga People's Convention (NPC), an organisation of Naga leaders, floated a proposal for integrating Tuensang Division with Naga Hills district. It subsequently became Naga Hills-Tuensang Area (NHTA) in 1957. It later proposed the elevation of NHTA into a state. This proposal became the Sixteen-Point agreement of 1960 between the NPC and the Central Government. As a temporary arrangement an interim body (a de-facto legislature) constituting of 42 members was constituted in 1961.

Assassination of Imkongliba Ao

One of the main architects of the Sixteen-Point agreement and the Chairman of the interim body, Imkongliba Ao, was shot and wounded by unidentified assassins at Mokokchung in August 1961. He later succumbed to his injuries.

Formation of the state of Nagaland

The State of Nagaland Act, 1962, passed by the Parliament, provided for the formation of the state of Nagaland and hence NHTA became Nagaland in 1963. It enjoys special protection under Article 371A of the constitution wherein no Act of Parliament shall apply to the state unless the state legislative assembly by a resolution so decides, in respect of religious or social practices, customary law and procedure, and so on.

Assassination attempt on Hokishe Sema

The then Chief Minister Hokishe Sema escaped a bid on his life in an attack near Kohima by heavily-armed assassins on 8 August 1972. Following this incident, the Armed Forces (Special Powers) Act, 1958 was proclaimed in the state, and the affair of the state was transferred from the Ministry of External Affairs to the Ministry of Home Affairs. The NNC, Federal Government of Nagaland and Naga Army were also declared ‘unlawful organisations’.

Shillong accord

In 1975, the ‘representatives of underground organisations’ (armed groups) and L P Singh, the then Governor of Assam and Nagaland, signed an agreement popularly known as the Shillong accord, at Shillong. According to this agreement,

those representing the underground organisations (said to be close to the NNC) agreed to accept the constitution and surrender arms. It was also agreed that the representatives of the underground organisations should get reasonable time to formulate other issues for discussion for final settlement. It was rejected by another group [of NNC cadres] for what they called ‘selling the Naga nation’ by accepting the Constitution of India.

Formation of NSCN

The split of NNC was confirmed with the formation of National Socialist Council of Nagaland (NSCN) in 1980. The latter rejected the Shillong accord. It also split in 1988 due to infighting between the senior leaders into two groups—NSCN-K led by S S Khaplang and NSCN-IM led by I C Swu and Th Muivah. According to media reports, about 200 supporters of Swu and Muivah were reportedly killed in a surprise attack by the supporters of Khaplang. Since then, the two camps have become bitter rivals indulging in violence and war of words. Down the line, the NSCN-IM became one of the most influential armed groups in the country.

Firing at Mokokchung

Following the killing of two of their colleagues in an ambush by unidentified assassins at Mokokchung, on 27 Decem-

ber 1994, a team of heavily-armed security personnel resorted to indiscriminate firing in which at least 10 civilians were killed. The soldiers also set ablaze several houses located at the site of the incident.

Two parallel ceasefires

Two separate ceasefires, firstly between the Central Government and the NSCN-IM since 1997, and the second one between the Central Government and the NSCN-K since 2001, have been going on in Nagaland. The outcomes are not known. When the first ceasefire was modified in 2001 by inserting a clause, ‘without territorial limits’, there were spontaneous protests in neighbouring Manipur. As a result the controversial clause was dropped. The NSCN-IM has been insisting on the integration of all Naga-populated areas under one administrative unit.

Assembly seeks integration

Endorsing the demand for integration, the Nagaland Legislative Assembly has adopted resolutions (in 1964, 1970, 1994 and 2003 respectively) urging the Central Government to take actions to integrate all the ‘Naga areas’ adjoining the state of Nagaland.

Integration rally in Kohima

A public rally, popularly known as the integration rally, attended by several thou-

sand people was held in Kohima, on 31 August 2005, to reiterate the demand for integration. It was also attended by four legislators of the Manipur Legislative Assembly and a Member of Parliament of Lok Sabha (the lower house of the Indian Parliament) from neighbouring Manipur.

Bomb blast in Dimapur

26 people, including women and children, were killed and several others wounded in two powerful bomb blasts triggered by unidentified assassins inside a railway station and a nearby market at Dimapur, the main commercial centre of the state. Both the incidents occurred on 2 October 2004, the day India celebrates Mahatma Gandhi’s birthday.

Attack on S C Jamir

Unidentified gunmen ambushed the motorcade of the then Governor of Goa and the former Chief Minister of Nagaland S C Jamir near Mokokchung on 24 November 2007. Jamir escaped unhurt. This happened to be the fourth assassination attempt on his life.

Factional fighting claims 14

As many as 14 insurgents were killed in a clash between two NSCN factions near Dimapur on 4 June 2008. According to media reports, all the victims were NSCN-K cadres. The incident took place

despite repeated attempts at reconciliation between the warring groups.

Th Muivah cancels proposed visit to Manipur

In May 2010, Th Muivah, the general secretary of NSCN-IM, dropped the pro-

posed visit to his birth place in Manipur's Ukhrul district after the Manipur Government refused permission fearing disruption of law and order. His supporters hold protest rally at Mao, the Manipur's border town, in which two protesters were killed in police firing.

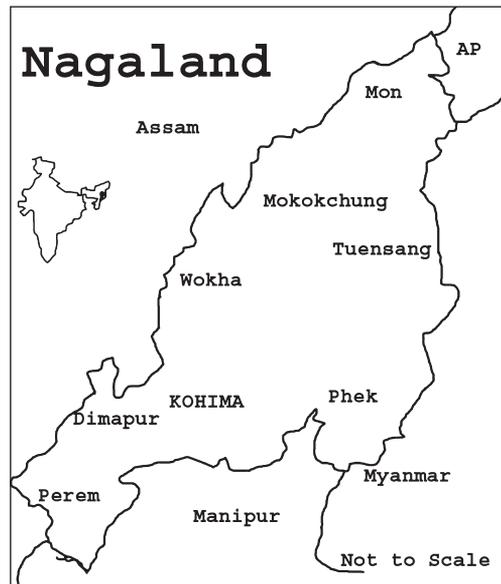
TERRAIN

Nagaland is bounded by Assam in the west, Myanmar in the east, Manipur in the south, and Arunachal Pradesh and Assam in the north. It has an area of 16,579 sq km which is about 0.5 per cent of the country's total geographical area. It is predominantly rural, in which about 80 per cent of the population live in villages, situated on hilltops and slopes. If all the Naga-inhabited areas of Northeast India are integrated under one administrative unit it will be much bigger than the current state of Nagaland.

Nagaland has a population of 1.98 million (2011), having a density of population of 119 persons per sq km. Nagaland alone is inhabited by a large number of tribes such as Ao, Angami, Chang, Konyak, Lotha, Sumi, Chakhesang, Khiamniungam, Kachari, Phom, Rengma, Sangtam, Yimchungrü, Kuki, Zeliang and Pochury. There are several other Naga tribes outside the state of Nagaland. Each tribe has different customs, language and

attire. Further Nagaland is also inhabited by a large number of non-tribal people.

The state has eleven districts.¹ Each district generally has predominant concentration of one of those tribes, making the districts distinct in their sociopolitical, traditional, cultural and linguistic characteristics (Government of Nagaland 2004: 14). English is the state language while Nagamese is the common lingua franca.



¹ Dimapur, Kohima, Phek, Mokokchung, Mon, Tuensang, Wokha, Zunheboto, Peren, Longleng and Kiphiri.

Nagaland (also other Naga-inhabited areas) is hilly and landlocked, characterized by low level of development. The western part of the state is comparatively developed than the eastern side. It has a wide variety of forest types, and has land elevation ranging from a few hundred metres up to about four thousand metres. The state consists of a narrow strip of hilly area running northeast to southwest which is located in the northern extension of the Arakan Yoma ranges of

Myanmar. The forest cover of the state in 2005 was about 13,719 sq km which was 82.75 per cent of its total geographical area. Surface transport is the main method of communication.

The key land use pattern continues to be shifting cultivation, also known as Jhum. It covers over 70 per cent of the total arable area of the state. The state's literacy rate has increased to 80.11 per cent (2011), from 66.59 per cent in 2001.

HISTORY

The British arrived in the hills of today's Nagaland around 1832, and gradually consolidated control over the areas. In 1866, they set up a district with Samaguting (today's Chümukedima) as the headquarters. In 1878, the headquarters was shifted to Kohima so as to effectively control the hills. Between 1880 and 1922, the British further consolidated their positions. The nearby hills which were untouched by them became 'unadministered areas' or today's Mon and Tuensang districts.

In 1918, the Naga Club was set up at Kohima by a group of individuals with the aim of bringing the Nagas together into a political platform. In fact, it was an organization of village chiefs, officials and Dobhasis (interpreters). It submitted a memorandum to the Simon Commission² in 1929 to exclude them from the scope of the any constitutional reform and keep them under direct administration of the British Government. The commission however recommended making Naga Hills into a district (it became a district in 1936).

In 1945, the Naga Hills District Tribal Council was set up as a common forum of the Nagas by the then Deputy Commissioner C R Pawsey, rechristened as Naga National Council in 1946. The stated objectives included (a) to stand for the solidarity of the Nagas including those living in 'unadministered areas'; (b) to stand for a complete political autonomy; (c) to stand for the unification of all Nagas living in free India as well as in Burma; and (d) to have a separate Naga judiciary system (Ao 2002: 43). According to Verrier Elwin (1961: 51) its original political objective was to achieve local autonomy for the hills within Assam and to train the people for self-government.

In June 1946, the NNC submitted a memorandum to a visiting British Cabinet Mission in Delhi who came to India to study the grounds for granting independence for India. The points were: (a) the NNC stands for solidarity of the Naga people (including those in the unadministered areas); (b) NNC strongly protests

² The British Government appointed a commission under Sir John Simon in 1927 to investigate India's constitutional problems and make recommendations to the government on the future constitution of India

against the grouping of Assam with Bengal; (c) the Naga Hills should be included in Assam, in a free India, with local autonomy and due safeguards for the interests of the Nagas, and (d) the Naga tribes should have a separate electorate (Vashum 2005: 68-69). Another memorandum submitted to Lord Louis Mountbatten, the last Viceroy of India, in February 1947 sought, among others, the setting up of an interim government having full power in respect of legislation, executive and judiciary. It also sought to set up a force for defence and for aiding civil power in case of emergency. It was however advised to raise the matter to a committee under the Constituent Assembly.³ Around this time, the Nine-Point agreement (also known as Hydari agreement) was signed in June 1947, recognizing the rights of the Nagas to develop themselves according to their freely expressed wishes. As the said agreement could not be implemented, the NNC went ahead to declare independence. Some observers claimed that the movement for independence had once enjoyed the support of the British and the American Baptist missionaries. They alleged that when the proposed

Coupland Plan for carving out a separate entity known as the Crown Colony consisting of the hills of Burma and India failed, the Naga Club was sponsored by the powerful British ICS functionaries.⁴

In 1951, the NNC claimed to have conducted a 'free and fair plebiscite' in which about 99.9 per cent Nagas reportedly voted for a 'Free Sovereign Naga Nation'. The result of the referendum was also reportedly communicated to the United Nations, the British Government and the Government of India. None of them recognised the validity of the said referendum, but most observers questioned the claim of 99.99 per cent voting in favour of independence because the people of Tuensang Division did not vote at that time. The government also categorically maintained that it being the legal heir of the British should have political authority over the Naga area too, and hence offered autonomy under the Sixth Schedule of the constitution.⁵ The Naga leaders rejected this offer outrightly. This was followed by the boycott of the first parliamentary elections of 1951.

When there was gradual deterioration of law and order situation in the district

³ The elected body that wrote the Constitution of India.

⁴ As told to this author by some observers who wish not to be identified.

⁵ The Sixth Schedule provides for autonomous district and autonomous regions within those districts with elected councils which enjoy powers to levy taxes, to constitute courts for the administration of justice involving tribals and law-making powers on subjects including land allotment, occupation or use of land, regulation of 'jhum' or other forms of shifting cultivation, establishment and administration of village and town committees, appointment or succession of chiefs, inheritance of property, marriage and social customs.

the government started deployment of armed forces, and the NNC was first banned in 1952. In 1954, the NNC reportedly set up a parallel government known as the Republican Government of Free Nagaland (it was substituted by Federal Government of Nagaland in 1956). In 1953, the Assam Maintenance of Public Order (Autonomous Districts) Act, 1953 was promulgated in the district followed by the declaration of the 'disturbed area' by promulgating the Assam Disturbed Areas Act, 1955 in 1956. This was followed by the promulgation of the Armed Forces (Special Powers) Regulation, 1958 (it was converted into an Act). The situation of the district was reported in the *Report of the States Reorganisation Commission* (1955: 193):

"The Naga Hills district presents another special problem. Owing to the activities of the extremist elements, the law and order situation in this area has been unstable in recent years. The Nagas boycotted the elections to the autonomous bodies, with the result that the area had to be administered directly by the Assam Government. It has been represented to us that the law and order problem in the Naga Hills district is the same as in the Tuensang area of the NEFA, and that unless the entire area is brought under the authority the situation cannot be effectively dealt with. However, it has been

stated on behalf of the Assam Government that the Naga Hills district has been relatively quiet during the last two or three years and that there are indications of the people of the area abjuring violence in favour of peaceful methods. After taking the relevant factors into account we have come to the conclusion that it would not be desirable to suggest any change in regard to the Naga Hills district at the present juncture."

On the other hand, the moderates, who favoured a negotiated settlement, set up the Naga People's Convention in 1957 and proposed the formation of an administrative unit by merging Tuensang Division with Naga Hills. Thus Naga Hills-Tuensang Area was created in December 1957. In 1959, the NPC adopted a proposal for the constitution of a separate state. The proposal was accepted by the government and hence became the Sixteen-Point agreement. It upheld that no Act or law passed by the Parliament relating to (a) religious and social practices of the Nagas; (b) Naga customary laws and procedures; (c) civil and criminal justice concerning decisions according to the Naga customary law; and (d) ownership and transfer of land and its resources shall have legal force in Nagaland unless specifically applied to it by a majority vote in the Nagaland legislative assembly. A de-facto legislature of 42 members was

constituted in 1961 as a transitional arrangement. In 1963, Naga Hills-Tuensang Area was elevated to a state known as Nagaland. It was opposed by NNC.

In 1964, supported by the religious leaders a committee, known as Peace Mission, comprising of Jayaprakash Narayan, B P Chaliha and Rev Michael Scott was constituted to facilitate direct contact between the government and the armed groups. It succeeded in brokering a ceasefire which was followed by several rounds of talks. Suddenly, both sides started blaming each other, leading to the resignation of Jayaprakash Narayan and B P Chaliha from the committee. Michael Scott was also subsequently expelled from the country as the government was doubtful of his real motives. Their effort, however, paved the way for a series of meetings between the Naga leaders and Indira Gandhi, the then Prime Minister. In August 1972, unidentified assassins carried out an unsuccessful assassination attempt on Chief Minister Hokishe Sema near Kohima. Following this incident the government did not renew the ceasefire, and declared the Federal Government of Nagaland and the Naga National Council as 'illegal organisations'. It also coincided with the promulgation of the Armed Forces (Special Powers) Act, 1958, including the transferring of the affair of Nagaland which was previously with the

Ministry of External Affairs to the Ministry of Home Affairs.

In 1974, the religious leaders set up Nagaland Peace Council to carry forward the peacebuilding effort. The timing of its establishment was coincided with the fall of two ministries in the state, first the United Democratic Front ministry, and second, the Naga Nationalist Organisation ministry leading to the imposition of the President's rule. It was soon followed by a highly unpopular agreement, popularly known as the Shillong accord, with 'expected confusion' (Chaube 1999: 252). Apart from creating confusion among the people, the accord created a rift between the NNC leaders. It finally split in 1980 leading to the formation of the NSCN. Less than a decade later, another split took place leading to the formation of the NSCN-K and the NSCN-IM. Since then the two became bitter rivals.

Many years later, another ceasefire between the Central Government and the NSCN-IM came into existence in 1997, and also separately with the NSCN-K since 2001. The talks have been going on separately without any apparent breakthrough. The NSCN-IM has been pushing for the integration of the Naga areas under one administrative unit and also wanted to extend the jurisdiction of the ceasefire beyond Nagaland. In 2003, the Nagaland Legislative Assembly endorsed

this demand by passing a resolution. However, the last decade (2000-2010) was marred by a series of factional clashes between the rival groups; in which 2004 alone saw at least 17 incidents, 14 in 2005 and about 90 in 2006.⁶

In an attempt to boost the morale of his followers, Th Muivah proposed to visit Manipur in 2010. However, the proposed visit had to be deferred after Manipur Government banned his entry into the state.

Lastly, at a time when several groups have been seeking the integration of Naga-populated areas, there is also a new demand for the division of Nagaland to facilitate the creation of another state. In January 2011, public rallies were held at various places of the state demanding the formation of a new state comprising the districts of Tuensang, Mon, Kiphire and Longleng.

⁶ The data have been calculated from the English language media sources.

ISSUES AND CONTENDERS

CLAIM FOR AN INDEPENDENT HOMELAND

Northeast India came into increasing contact with the pan-Indian imperial formation following the advent of the British in the early 19th century. This event brought immense transformation in the society, economy and polity of this region. Since then this area became a great destination of migration. In addition, the political boundary of the area had to be adjusted. From 1826 to 1873, the British ruled Assam, then constituted major part of today's North-east, as a part of Bengal. In 1874, Assam was made a province by incorporating the Bengali-populated areas of Cachar, Sylhet and Goalpara. In 1905 Bengal was reorganised to form, along with Assam, the provinces of (a) East Bengal and Assam, and (b) Bengal (it included the western part of Bengal, Bihar, Orissa and Chota Nagpur). In 1912, the partition of Bengal was annulled.

Along with the consolidation of the colonial rule in the plains, the surrounding hills too were also gradually incorporated. Then a number of colonial laws were introduced to govern the hills. For instance, the hill areas were declared 'back-

ward' areas under the Government of India Act, 1919, and then as 'excluded' and 'partially excluded' areas under the Government of India Act, 1935 placing them outside the purview of the provincial administration and bringing them directly under the Governor of Assam. The Naga Hills was also initially made a 'backward area', then an 'excluded area' and became a district. After independence, the Naga Hills along with Tuensang Division became, firstly as Naga Hills-Tuensang Area in 1957 and finally, the state of Nagaland in 1963.

The Nagas have been maintaining that they are a distinct population and constitute a separate and sovereign nation occupying about an area of 120,000 sq km. They also alleged that the land inhabited by them is now divided, without their consent, between India and Myanmar. One part, they claimed, has been brought under India (Assam, Arunachal Pradesh, Manipur and Nagaland), and the rest under Burma/Myanmar (Kachin state and Sagaing Division). It has been further claimed that the Naga people traditionally lived in village-states, independent and self-con-

tained, with a democratically constituted village council headed by the ‘Chief’. Further, it has been claimed that the ‘Naga nation’ had remained unconquered and unadministered by any alien power and hence existed independently since time immemorial. Only a small part in the southwest entered the recorded history of British imperialism in 1863 when some villages were invaded and occupied by the British forces.⁷ This country was said to have consisted of several regions with different languages which cannot be understood by each other. Until the British brought them together there was no unity among them.⁸ According to them, their territory is sandwiched between the Indo-Myanmar frontier and very little is known of them by the rest of the world, even to the majority of the Indian population (Shimray 2007: 1). As N Venuh, an advocate of independent Nagaland puts it, “We are not part of India, so we cannot be called secessionists. The government has to give us our rights. We can be friends with the Indian state, but cannot be part of the Indian Union ... We never wanted to be a part of India.”⁹ Further, a senior NSCN-IM leader Punthing Shimray re-

called “When I go to India, they tell me, you are a part of India, you should be happy that you have everything. But I want to be free; I want my right to choose. India’s claim to Nagaland is a legal one, because Nagaland was handed over to them by the British. But nations aren’t just born, they are created by people coming together. It is not about having a legal right, it is about the aspirations of the people and their right to choose. We never chose India ...”¹⁰ Whether or not all Nagas share this view of history and territoriality is a matter of investigation. Yet there is little doubt that they have developed a strong sense of themselves as a collectivity (Baruah 2003: 322).

The Naga Club took the first ever initiative to bring the Naga people together under one administration. For the first time it sought the attention of the Simon Commission to exclude them from the scope of any future constitutional reform and to be kept under direct administration of the British. The memorandum the Naga Club submitted to the Simon Commission in 1929 stated “...we beg to submit below our view with prayer that our hills may be withdrawn from the Re-

⁷ ‘The Great Naga Family’, available at <http://www.angelfire.com/nm/nagalim/people_origin.html> (accessed on 31 December 2011).

⁸ Some observers alleged that the demand for independence had a British and American Baptist Missionaries’ backing from the 1920’s.

⁹ Dutta, Suneha. 2010. “We are not part of India, so we can’t be called secessionists”, *Tehelka Magazine*, 7(44), 6 November.

¹⁰ “India listened to us only when we took up arms”, *Tehelka Magazine*, 7(44), 6 November 2010.

formed Scheme and placed outside the Reforms but directly under British Government. We never asked for any reforms and we do not wish for any reforms. Before the British Government conquered our country in 1879-80, we were living in a state of intermitted warfare with the Assamese of the Assam valley to the north and west of our country and Manipuris to the south. They never conquered us nor were we subjected to their rules. On the other hand, we were always a terror to these people. Our country within the administered area consists of more than eight regions quite different from one another, with quite different languages which cannot be understood by each other, and there are more regions outside the administered area which are not known at present. We have no unity among us and it is only the British Government that is holding us together now ... Our language is quite different from those of the plains and we have no social affinities with the Hindus or Mussalmans. We are look down upon by the one for beef and the other for our pork and by both for our want in education, is not due to any fault of ours. Our country is poor and it does not pay for any administration. Therefore if it is continued to be placed under Reformed Scheme, we are afraid new and heavy taxes will have to be imposed on us, and when we cannot

pay, then all lands have to be sold and in long run we shall have no share in the land of our birth and life will not be worth living then. Though our land at present is within the British territory, government have always recognized our private rights in it, but if we are forced to enter the council the majority of whose number is sure to belong to other districts, we also have much fear the introduction of foreign laws and customs to supersede our own customary laws which we now enjoy. For the above reasons, we pray that the British Government will continue to safeguard our rights against all encroachment from other people who are more advanced than us by withdrawing our country that we should not be thrust to the mercy of other people who could never be subjected; but to leave us alone to determine ourselves as in ancient times” (see Vashum 2005: 175-176).

The unfulfilled task was carried forward by NNC which ultimately led to the signing of the Nine-Point agreement in June 1947. The agreement recognised the right of the Nagas to develop themselves according to their freely expressed wishes on various subjects, including the issues relating to judiciary, executive and legislative powers. The ninth clause of the said agreement stated “the Governor of Assam as the agent of the Government of Indian Union will have a special responsibility

for a period of ten years to ensure that due observance of this agreement; at the end of this period the Naga National Council will be asked whether they require the above agreement to be extended for a further period, or a new agreement regarding the future of the Naga people arrived at.” Both sides however failed to reach an agreement on the exact meaning of the ninth clause. Thereafter, in 1949, the government revoked the agreement unilaterally, stating that it no longer considered the agreement valid.¹¹

As a result, like other hill areas the limited autonomy under the Sixth Schedule of the constitution was suggested. They were not impressed with the limited autonomy and rejected it outrightly. This marked the beginning of the first real armed challenge against the Indian state. However, through the effort of the moderate leaders who enjoyed the backing of the government, an administrative unit known as Naga Hills-Tuensang Area was constituted. It later became the state of Nagaland. Regarding the creation of Nagaland, sociologist Lanunungasang Ao (2002: 81) stated “In order to suppress the uprising Naga movement for freedom and to divide them, it was strategically planned to install an Indian state at all cost at least

in certain part of Naga territory. For this, it was necessary to use the people of Nagaland to be trapped themselves, making a political instrument.”

In 2000, the Nagaland Pradesh Congress Committee (I) published a booklet titled ‘*Bedrock of Naga Society*’ questioning the existence of a Naga nation. The controversial booklet stated: “The fundamental assumption underlying the notion that statehood compromised the sovereignty of Nagas, is that the Nagas were a separate independent entity from time immemorial till the British rulers conquered them. Therefore, when the British left India in 1947, the Nagas should have reverted to their independent status. Prima facie, this sounds an attractive proposition, but is it really true? Let us not be misled by words like ‘time immemorial’. Did we have an independent political existence at all immediately before the British rule or even during the British days? Were we really an independent nation? A political entity or a nation has to be based on historical facts ... Other areas in the Northeast like Assam, Manipur, Tripura and the Kacharis had their territories and their kingdoms. Did we? The stark and inescapable truth is that neither did we have a definite and unified political structure and nor did we

¹¹ Unrepresented Nations and Peoples Organisation (UNPO). 1996. *Yearbook 1995*. The Hague : Kluwer Law International, 110.

exist as a nation. We were actually a group of heterogeneous, primitive and diverse tribes living in far-flung villages that had very little in common and negligible contact with each other ... We continue to claim we were an independent nation till the British conquered us. Did we have a boundary for our nation? ... Did we have a ruler or a Government? The writ of a village chief did not extend beyond his village. Did we have a capital city where the Government sat? ... Did we have a currency or a coinage like other kingdoms or nations? We lived on barter till the British introduced the rupee. Did we have armed forces to defend our nation? Did we have common laws, rules and regulations for our nation as a whole? Did we have an administrative apparatus to look after the welfare of the people? Did we have roads that linked the nation? The answer to all these are obviously in the negative ...”¹² This booklet was condemned by a large number of people.

Further, the Government of India insisted that Naga territory is an integral part of the country, and hence the question of independence does not arise. This claim is based on the British Parliament’s Indian Independence Act, 1947 which stated “... subject to the provisions of subsections (3) and (4) of this section, the

territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.” Thus, on the basis of its right as ‘inheritor’ of British colonial power, the government refused to recognise the claim (Chasie and Hazarika 2009: 5). Therefore, anything outside the scope of the constitution is not possible to the government. The government is willing to grant limited autonomy within the Indian laws. This position has been indicated way back in July 1946, when Jawaharlal Nehru wrote to T Shakrie, the then secretary of the Naga National Council. The letter stated “it is obvious that the Naga territory in eastern Assam is much too small to stand by itself politically or economically. It lies between two huge countries, India and China, and part of it consists of rather backward people who require considerable help. When India is independent, as it is bound to be soon, it will not be possible for the British Government to hold on the Naga territory or any part of it. They would be isolated there between India and China. Inevitable, therefore, this Naga territory must form part of India and of Assam

¹² Nagaland Pradesh Congress Committee (I). 2002. *Bedrock of Naga Society*, Kohima: NPCC (I).

with which it has developed such close associations” (quoted in Vashum 2005: 69).

INTEGRATION OF NAGA AREAS

Closely linked to the claim of independence is the issue of integration of Naga areas of the Northeast region of the country under one administrative unit. Then, who are the Nagas? The Nagas are a group of heterogeneous tribes (Chasie and Hazarika 2009: 1) each having a distinct identity. Since their early history is sketchy and the origin of the word ‘Naga’ is also obscure (Vergheese 1996: 83). It is, however, believed to have originated from the Burmese word ‘Naka’, meaning people with earrings (Government of Nagaland 2004: 20). However, according to Verriën Elwin (1961: 4) “the name was not in general use among the Nagas until recently. It was given to them by the people of the plains and in the last century was used indiscriminately for the Abors and Dafflas as well as for the Nagas themselves. Even in late as 1954, I found the people of Tuensang rarely speaking of themselves as Nagas but as Konyaks, Changs, Phoms, and so on. Gradually, however, as the Nagas became more united, they began to use the name for themselves, until today it has become widely popular.” Thus there is no consensus on the precise number of Naga tribes.

The 2001 Census listed 17 tribes in Nagaland including a tribe name ‘Naga’. In addition, the census listed a category name ‘unclassified Naga’. The Naga Hoho and the Naga Peoples Movement for Human Rights (NPMHR) listed altogether 42 tribes in Nagaland and beyond (Kikon 2005: 2833), in which U A Shimray (2004: 4637-4643) listed 17 in Nagaland, 16 in Manipur, three in Arunachal Pradesh and some Zeliangrong Nagas in Assam. Shimray’s list included four others, namely Konyak, Somra-Tangkhul, Phom and Yimchunger in Myanmar. Nonetheless, the single most important development that made the imagining of the Nagas as a collectivity possible was their conversion to Christianity (Eaton 1997: 245). The missionaries printed the Bible in local dialects and in the process gave those dialects a written form using the Roman script. The Government of Nagaland (2004: 62) puts it, “The first significant exposure, and movement, of the Nagas to the outside world was during the First World War. About 5000 Nagas went to France to work as commissioned labour and returned with money, which they invested in housing, construction and infrastructure development. This marked the beginning of monetary circulation in the Naga society. World War II was the second major exposure to the outside world for the Nagas.

The end of the war marked the beginning of the participation of Naga people in different sectors, including trade and business. The postwar reconstruction work provided new avenues of employment to the people of Nagaland. Increasing mobility of outside people, mostly soldiers, in and out of Naga areas, increased their familiarity with Naga items. New opportunities for trade were available. Later, the creation of the Naga Hills-Tuensang Area as a separate unit in 1957, and statehood in 1963, further boosted opportunities for income and livelihood.” Nonetheless, according to sociologist A C Sinha (2011: 77-98) “Christianity provided a novel world view with its new pantheon, divinity, taboos, ideals, morals, sacred beings, scripture, and a modern/urban/western outlook to judge themselves and others. It as well provided the new converts with a confidence to deal with the world, neighbours, plains folk and outsiders with a sense of confidence, if not superiority, and equality.”

The integration of Naga areas under one administrative unit has been one of the key demands since the colonial period. The NSCN-IM proposes to call its self-proclaimed homeland as Nagalim, instead of Nagaland, as the latter implies the state of Nagaland alone. According to

it, Nagalim is a nation occupying an area of 120,000 sq km, currently divided between India and Myanmar. It maintains that the present-state of Nagaland is an ‘Indian-imposed entity’ which falls far short of their aspirations. Its creation opened a new political corridor for the absorption to the Indian constitution and the roadmap of accession (Shimray 2007: 95). The proposed Nagalim comprises the present state of Nagaland and other Naga-populated areas of Arunachal Pradesh, Assam and Manipur (also those of Myanmar) which it claims as their ‘rightful homeland’. Thus the proposed homeland will be about seven times bigger than today’s Nagaland. According to a commentator “There are Nagas in Manipur, Arunachal and Assam. We want to include them because the Nagas were artificially divided. We are not going to grab anyone’s land. We just want to bring the people under one administration. When India was under British rule, it was divided into different parts without the will of people. They didn’t like that. Similarly, we want to maintain good relations with our neighbors but also want to make sure the Nagas are brought together.”¹³

According to U A Shimray (2007: 16-17) “The Naga areas are mountainous in character ... during the colonial period

¹³ Dutta, Suneha. 2010. “We are not part of India, so we can’t be called secessionists”, *Tehelka Magazine*, 7(44), 6 November.

and in post-colonial India, the contiguous Naga areas were segmented into different political boundaries. Today, the Naga Hills fall into the administration of Nagaland, Manipur, Assam and Arunachal Pradesh. The Naga population is distributed in Tirap and Changlang districts of Arunachal Pradesh state, Nagaland state, hill districts of Manipur state constituting Tamenglong, Senapati, Chandel and Ukhrul and part of Karbi Anglong, Mikir hills, Lakhimpur, Sibsagar, Nowgong, and North Cachar Hills district of Assam.” Shimray further stated that territorial politics based on ethnic aspirations gained momentum following the ceasefire between the government and the NSCN-IM.

Endorsing this demand, the Nagaland Legislative Assembly adopted a resolution in 1964 urging the Central Government for the integration of Naga areas adjoining Nagaland. Reiterating the earlier resolution, it had adopted another resolution in 1970 which says “ ... whereas the demand for integration of contiguous areas inhabited by Nagas has not so far been met by the Government of India despite this assembly having passed resolution to that effect in December 1964, and despite the inclusion of this demand in 16-Point agreement signed by

the Naga People’s Convention and the Government of India in 1960; whereas this failure to fulfill integration demand has led to serious discontentment among the sections of the Nagas both inside and outside Nagaland. This assembly resolves that the Government of India be urged to integrate the contiguous areas inhabited by Nagas without further delay.”¹⁴

Three states, namely Manipur, Assam and Arunachal Pradesh, are against the creation of Nagalim if any parts of their territory are to be taken away. These states have shown due apprehension of the existing ceasefire as NSCN-IM wanted the extension of its jurisdiction to these states. These states felt that the extension of ceasefire to their respective states could facilitate the creation of Nagalim which means losing parts of their respective territories. The effect of the ceasefire, however, has been more threatening to Manipur because of two reasons. First, the Nagas wanted the inclusion of four hill districts of that state to the proposed homeland. If this happens Manipur’s total area will be drastically reduced. Secondly, a large number of NSCN-IM cadres, including its powerful general secretary Th Muivah, are the natives of that state. Thus the non-Nagas are worried that the extension of the ceasefire could

¹⁴ Excerpts from a memorandum the Naga Students’ Federation (NSF) submitted to Prime Minister of India in February 2012.

pave the way for the disintegration of the territorial boundary of the state. When the terms of the current ceasefire was amended to include ‘without territorial limits’ in June 2001 spontaneous agitation broke out in the streets of Manipur, especially in Imphal. The situation worsened on 18 June when thousands of people marched on the streets of Imphal and ransacked the residences of political leaders, offices of political parties and set ablaze the main building housing the Manipur Legislative Assembly. Several protestors were killed in Imphal when the security guards manning the official residence of the state’s chief minister opened fire to control the irate mob forcing the government to drop the controversial clause. But the ‘18 June 2001 Meitei uprising’ also left a deep scar in the ethnic relationship between the Nagas and the Meiteis (Shimray 2007: 15).

The United Committee Manipur, a pressure group active in the valley areas of Manipur, (2003: 9) which spearheaded the anti-ceasefire extension agitation stated “The Great June Uprising (agitation) was basically to counter the policy of Naga expansionism both in ideology and territory originally propagated by the protagonist of an independent Nagaland. In the process, the Naga underground had expanded their ideology from tribalism to nationalism. Likewise their territories

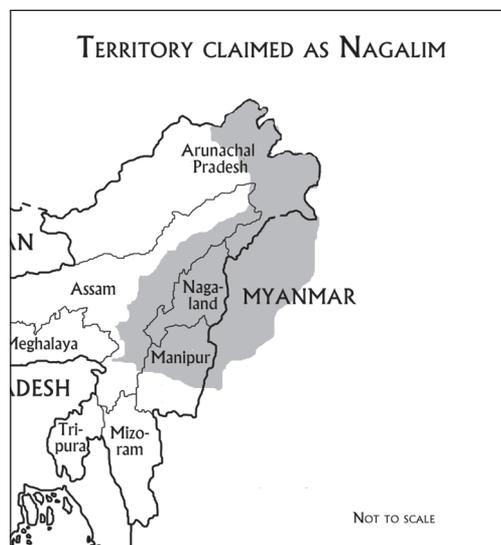
have expanded from village to statehood within India. The Naga underground is still pursuing to attain nationhood with an expanded independent sovereign territory. This Naga expansionism had hurt the feelings of Manipuris to the root because the policy of Naga territorial expansionism not only directly threatens the territorial integrity of Manipur state but also affects the age-old ethnic unity of Manipur.” In Assam too, the Asom Jatiyatabadi Yuva Chatra Parishad, an influential students’ group, issued a strongly-worded statement against giving an inch of their land to the proposed homeland, and if so, it claimed, ‘a thousand Muivahs will be born in Assam’.

The Manipur Legislative Assembly had also repeatedly resolved against any division of the state. Its resolution adopted in 1995 urged all the ethnic groups of the state to stop the demands of separate homeland. The house also resolved to face ‘all the activities which may endanger the territorial boundaries of the pre-independence days of Manipur’. Another resolution adopted in 2002 stated “Whereas, the present territorial boundaries of the erstwhile princely state of Manipur is continued to be maintained without being challenged from any authority even after the merger of the state of Manipur with the Union of India under the Merger Agreement dated 21st Sep-

tember 1949 and even after the state of Manipur became a Part C state under the Union of India with effect from 23rd January 1950. Such territorial boundaries of the state of Manipur are continued to be protected under the provisions of the Territorial Council Act, 1956, Union Territories Act 1963 and under the provisions of North Eastern Areas (Reorganisation) Act, 1971, under which Manipur attains statehood in 1972 ... This house in its sitting specially held on this twelfth day of June 2002 while unanimously reiterating the earlier resolutions to maintain the territorial integrity of the state of Manipur resolved to urge upon the Government of India to make suitable amendments of Article 3 of the Constitution of India or to insert appropriate provision in the Constitution of India for protecting the territorial integrity of Manipur and pending the aforesaid amendments and incorporation, the Government of India be urged upon to assure the people of Manipur on the floor of the Parliament that the territorial integrity of Manipur will not be disturbed at any cost” (quoted in United Committee Manipur 2003: 24-25).

Despite stiff opposition from other states, the Nagas are not willing to relent on the issue of integration, and hence adopt several pressure tactics. For instance, in 2006, a student group known

as All Naga Students’ Association Manipur (ANSAM) started a campaign for the affiliation of the private schools located in Naga-populated areas of Manipur to the Nagaland Board of Secondary Education (NBSE). The Nagaland Legislative Assembly also endorsed this stand in 2007 by passing a Bill allowing affiliation of non-Nagaland schools with the NBSE. On the other side of the divide, the Manipur Government passed an ordinance in which schools wishing to affiliate outside the state need to take its prior permission. Again, when Manipur Government declared June 18 as ‘State Integrity Day’ in honour of the 18 persons killed during the anti-ceasefire extension agitation, the ANSAM imposed a 52-day-long blockade of the Mao-Imphal section of the national highway no. 39,



the lifeline of Manipur, in 2005. To help relieve the hardships of the people of land-locked Manipur, the Indian Air Force was pressed into service to airlift medicines from Guwahati. In the 2012 legislative elections held in Manipur, the Naga People's Front (NPF), the ruling party in Nagaland, entered the electoral politics in Manipur by fielding 12 candidates in the Nagas-populated areas. The party managed to secure four seats.

Under such circumstances the NSCN-IM leadership seems to be worried over the inordinate delay in finding an acceptable settlement. However, in the words of its chairman I C Swu, "Political negotiation with the Government of India has been continuing for more than 13 years now, I thank the Naga people for the patience and valuable inputs from various individuals and organisations. I assure the Naga people once again that NSCN has not compromised and will not compromise on the issue that will endanger our future. We can only find a political settlement with India on the basis of the recognition of the unique history of the Nagas by the Government of India on July 11, 2001 in Amsterdam. Any Indo-Naga political solution will be on the basis of the uniqueness of the Naga history ... Our

history is very clear to us; our issue is very clear, and our right is also very clear to us. We are not confused, we know what is best for us and we will decide our own future. No other people can determine our future."¹⁵

FACTIONALISM

The Naga movement for independence and integration has also been affected by factional politics and violence. As someone rightly puts it, 'they have a long history of killing Nagas with dissenting voices'.¹⁶ If there were pro-independence groups who sought complete independence, there were also pro-India groups who have faith in the constitution of the country. For the latter the creation of the state of Nagaland was their ultimate goal. Nonetheless, the pro-independence groups could not project themselves as a united front thus leading to the emergence of new groups and factional leaders. It is thus appropriate to say that the movement has been dominated by inter-tribal rivalry and a struggle for hegemony (Horam 1990: 142-3). If the idea of Naga as a collectivity has developed, many Nagas still remain the individual tribe first. In this context, B G Verghese (2004: 96) rightly puts, "Localism (love for vil-

¹⁵ This is an excerpt from the speech of I C Swu, the Yaruwo (President) of the 'Republic of Nagalim' on the occasion of the 64th 'Naga Independence day', on 14 August 2010, at Oking. The statement was circulated by the NSCN-IM to this author.

¹⁶ This was told to this author.

lage) and tribalism (placing the tribe before the larger collectivity) are among the chief problems that have dogged Naga efforts at nation building or the concept of Naganess or Nagahood.”

In the aftermath of the Shillong accord, the pro-independence forces split in which one camp summarily rejected the said accord for what they called ‘selling the Naga nation’ by accepting the constitution, while the other camp neither welcomed nor denounced the said accord. This division led to the emergence of NSCN in 1980. It also split into NSCN-K and NSCN-IM in 1988 due to infighting between the top leaders. According to reliable sources, an important hideout, also known as NSCN Council Headquarters, located at a place known as Hangsen was attacked on 30 April 1988 by the supporters of Khaplang with the assistance of some Burmese soldiers killing about 200 people. It was ‘a great disaster for the Naga national movement’ (Vashum 2005: 96). As Arkotong Longkumer (2010: 144) puts it, “due to internal conflicts, and perhaps due to personality clashes, the northern Naga and Burmese Naga contingent split in 1988 to form the NSCN-K, under their leader S S Khaplang, who is from Burma. The remnant of the group came to be known as the NSCN-IM, after their leaders, Isak Swu and Th Muivah. The latter is the

most powerful group in the region.” Since then the two factions started violence to liquidate each other and the fighting intensified from the later part of the 1980s. They also engaged in war of words.

Meanwhile, the NSCN-IM has managed to establish itself as the more acceptable group among the people, but other groups have their share of influence. The NSCN-K has been trying to collaborate with other groups in the fight against its arch rival. With the aim of creating panic among the Tangkhuls living in Nagaland the NSCN-K had even warned them to leave the state alleging that the people of the state have bore the brunt of their cruelty. Its hostility towards Tangkhuls, one of the populous communities among the Naga group of tribe in Manipur, has been due to the fact that Th Muivah is a Tangkhul. Thus the Tangkhuls living in Nagaland became the natural target of anti-NSCN-IM forces.

Thus, the factional clashes appear to indicate that the current ceasefires are being violated at will. Worse, efforts to end the abiding and violent confrontation have had no visible impact on the warring camps. According to the ceasefire agreements, the cadres of each faction are to remain confined to their respective designated camps, but the rule is flouted more often than it is kept. Indeed, the ceasefire has been exploited by the armed

groups to consolidate and expand. The government also tends to surrender to their caprice. Since the 1990s, the Church and other citizen groups have been attempting to bring the warring groups together through a reconciliation process, but their efforts have proven futile.

HUMAN RIGHTS

Since the Naga movement has been largely seen as a secessionist and a law and order problem, and the insurgents as criminals and misguided youth, have legitimized the use of force under various special laws such as the Assam Maintenance of Public Order (Autonomous Districts) Act, 1953, the Assam Disturbed Areas Act, 1955 and the Armed Forces (Special Powers) Regulation, 1958 (it was converted into an Act). The most controversial one has been the Armed Forces (Special Powers) Act, 1958 which was promulgated in the state in 1972. There have been allegations of the special powers under the Act being misused by the members of the security forces. Citizen groups have been demanding its repeal. In the words of Chasie and Hazarika (2009: 60) "AFSPA was the barest, the most controversial, and also the most powerful of legislation drawn up by lawmakers in Delhi to crush the first armed and political challenge to independent India's territorial and political integrity.

It also authorized the first use of the army in India against a major political uprising." Under this Act "Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, (a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances." Giving an account of the human rights situation in the past Vashum (2005: 96) stated "In the past decades, especially, beginning from about the mid-1950s, India was charged for having committed many human rights violations on the Nagas. But all this happened without being known to the outside world, either because it was deliberate on the part of the Indian government or because of the inaccessibility of the region and backwardness in many respects, specifically, in the media world. Except for few cases of human rights violations being given some justice under the judicial system of India, many cases were

unattended to.” Organisations such as the Naga Peoples Movement for Human Rights (NPMHR) consistently highlighted and exposed the gross violation of rights perpetrated by the Indian state.

Meanwhile, largely on account of the current ceasefires the human rights abuses by the security forces have decisively declined, while the containing factional politics has remained a challenge to the human rights front. The impact of this unending friction on the lives of the common people has been enormous. The common people have also started ques-

tioning the conduct of the insurgents, a scenario unknown in the past. For instance, an organisation known as the Chakhesang Public Organisation, in March 2006, made a declaration prohibiting extortion, movement of insurgents in uniform and the setting up of designated camps close to their villages. Again, in April 2006, the Phek Area Public Organisation urged the state government to raise the issue of factional clashes with the respective groups and the Central Government, and to ensure that insurgents move out of the civilian areas.

INSTITUTIONS

One of the most destructive effects of prolonged conflict has been the damage it inflicts on the social, economic, legal and political organisation of the society, i.e., its institutions. Generally institution means different things to different people, and the academic literature is also not very clear on its definition (Acemoglu, Johnson and Robinson 2004). Institution, according to Jack Knight (1992), is a set of rules that structure social interaction in particular ways. And for a set of rules to be an institution, knowledge of these rules must be shared by the members of the relevant community or society. In this series of backgrounders, an institution is taken to be a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like. These rules specify certain forms of action as permissible, others as forbidden; and they provide for certain penalties and defenses, and so on, when violation occurs. Thus an institution may be thought of in two ways: first as an abstract object, that is, as a possible form of conduct expressed by a system of rules; and second, as the realisation in the thought and con-

duct of certain persons at a certain time and place of the actions specified by these rules (Rawls 1999).

The picture of this conflict has place for institutions in both the senses that John Rawls has suggested. The present crisis can be seen as a result of the inability to enforce a set of abstract rules leading to the emergence of new institutional practices. These could include the government and its agencies, armed groups and other pressure groups. All have come to be associated in different capacities in the course of the conflict. The initial reaction to this conflict has been to treat it as a case of non-implementation of rules, that is, as a law and order problem. This helped the rebels tap the discontent that emerged from the alleged human rights abuses by the government force. The dissatisfaction on the ground was compounded by the inability of the successive governments to meet the growing aspirations of its people. In practice this widespread discontent and responses to it, have created non-state institutions of the armed and unarmed groups.

Therefore an overview of the institutions that cause conflicts, ease conflicts,

and institutions that emerge from conflicts are important. Apart from NSCN-IM and NSCN-K, there are others like NSCN-U and NNC. These groups have the common goal of securing complete independence, although, the NSCN-IM has been concentrating more on integration.

These groups have established parastatal organisations in the areas they controlled in that they lay down a set of rules and have the means and resources to enforce them. Thus, they not only monitored the state institutions but also administered their own social welfare services to gain public support. In this way, many of the functions which are ordinarily within the domain of the state institutions have been encroached upon by the non-state institutions. The overall impact has been the dilution of the legitimacy of state institutions.

All of them claimed to have established their own government such as Federal Government of Nagaland and Government of the People's Republic of Nagaland. They also claimed to have constituted parliamentary institutions, such as Tatar Hoho, and standing armies such as Naga Home Guards and Naga Army. According to sociologist, Lanunungsang Ao (2002: 91), "Most surprisingly, one will notice the functioning of several distinct governments in this tiny backward state. They are the state government. There are

two parallel federal government of Nagaland under NNC and two socialist governments. These four parallel governments are known as the underground governments, outlaws, outfit, unlawful and unrecognized governments by the overground government." The Government of the People's Republic of Nagaland is the government-in-exile of the NSCN-IM and is headed by Muivah and Swu, and the Naga Army is its military wing. It virtually runs a parallel government in the areas they control. Important ministries are defence, home, finance and foreign affairs. There are also other ministries looking after education, information and publicity, forests and minerals, law and justice, religious affairs and so on. The Home Ministry is said to be very crucial one in which the heads of 'administrative regions' report to it. The administration reaches down to areas of their influence. They have also raised their grievances before various multinational organisations like United Nations Human Rights (UNHR), Unrepresented Nations and Peoples Organisation (UNPO), and UN Working Group on Indigenous Populations.

Further, these groups have adopted highly efficient mechanisms to raise funds locally to run their programmes. This has been legitimized on the ground that 'every nation collects revenues from its citizen;

hence Nagaland is no exception'. The taxes are collected from government officials, traders, contractors, politicians and common people. The collection of taxes along the national highways passing through the Naga-inhabited areas also yields a significant, if not preponderant, part of their revenues. For instance, the Dimapur-Mao-Imphal section of the national highway no. 39 is virtually under the control of NSCN-IM. With various armed groups asserting dominance over the extended segments of the highways, the people are perpetually at their mercy. Further, they have been playing an important role whenever local elections were conducted to ensure the victory of their loyalists.

Another aspect of the long-standing conflict has been the proliferation of a large number of pressure groups such as human rights groups and citizen groups. The former focus primarily on human rights issues and advocacy, and are increasingly becoming more vocal against the alleged human rights abuses. The other set of institutions focused primarily on preserving, protecting and upholding the overall interests of the people. Many of them are of recent origin, and the direct consequences of the long-standing conflict. Some of them have also been at the forefront of promoting localised peacebuilding efforts and initiating reconciliation processes.

OPTIONS

Professor Lanunungsang Ao of Nagaland University (2002 : 4-8) identified eightfold areas of conflict between the Nagas and the Indian state. First, the Naga political identity has reached the national level from village/tribal level. But, India does not accept this claim. Second, the Nagas are fighting for their collective rights and the movement is neither insurgency nor secessionist, but the government thinks otherwise. Third, the Nagas are not Indians. Indians and Nagas are from different sources of origin and racial stock. Fourth, the Nagas claim that they are independent people having lived independently in their own territory since time immemorial. But, the Indian state does not recognise this claim. Fifth, on one hand, India claims that Nagaland is an integral part of the country by virtue of successor to the British, and on the other hand, the Nagas maintain that since the British have left they should be set free. Sixth, India wants settlement within the scope of its constitution, but the Nagas do not accept this constitution. Seventh, the creation of Nagaland divided the Nagas. Finally, the Nagas reiterate that their sovereignty will not be surrendered to

any authority and is non-negotiable, but the government doesn't want to discuss on the issue at all.

The government policies and the counter-insurgency strategies towards the Nagas consist of military, political and socio-economic components. The tendency to see the armed conflict as a law and order problem and the insurgents as criminals or misguided youth has legitimized the use of force under various special laws. The counter-insurgency strategies also sometimes include the use of divisive tactics to split the armed groups and use one against the other. When the use of armed forces achieved a limited success the other components were used.

Years of conflict virtually compelled the conflict parties to recognise the importance for negotiated settlements. It has been widely felt that by agreeing to suspend their military actions the armed groups virtually expressed their willingness to seek resolution of their grievances within the scope of the Indian laws. In official peace processes, the government is engaged in negotiations with the armed groups (as well as with other groups) with the aim of bridging their differences. The

government and those groups are the parties, and peace is largely defined as some form of a balance of power between them.

In this process several peace accords have been signed in the past (listed above). Unfortunately, these accords have not only failed but worsened the situation of conflict. The success of accords would primarily depend on factors such as the context of the conflict and the role of the leaders. The accords should focus on practical issues, if so also their success will depend on the availability of the able leaders. Further rushing for accords without proper ground-work must be avoided, and the government should refrain from rushing for accords with wrong partners. Past experiences have shown that the government was eager to enter into signing accords with any group without assessing their relevance. This gave the impression that the government is interested only in signing peace accords, one after another, without assessing their long-term impact. Lastly, monitoring of the progress in the implementation of the provisions of the accords is another area which requires special attention. Efforts must also be made for the involvement of the citizen groups otherwise peace will always be seen as some form of a balance of power between them. Nagaland has a vocal citizen groups which work on the issue of human rights and cleansing of other so-

cial ills. Beyond that it could be time to nurture these groups in a way which will facilitate to fill the existing divide between the state and the society.

To conclude, one way to satisfy the aspirations of multiple ethnic groups of Northeast India while preserving the territory of the existing states is the option to grant non-territorial/cultural autonomy. Such autonomy would be best suited in ethnically diverse areas as it is detached from the geographical dimension. This type of autonomy could be granted to all members of an ethnic group, irrespective of their belonging to a certain administrative boundary. It might include a legislative body and an executive component. The scope of such autonomy might include religion, culture, language and other welfare matters. This is not entirely new, but has lost its significance over the years. A case in point is the Naga Hoho (Council of Tribal Elders), the highest traditional body of the Nagas. It is a federation of all Nagas which works towards better understanding amongst them and other communities. Its jurisdiction covered all areas where the Nagas live. This model could be used to ease the pressure for demands based on geographical territories. A formal recognition of these institutions as the final authority on at least some of these ethnic practices would address the desire of several ethnic groups

to demonstrate their independent identity. As this independent identity would be asserted in different parts of the country, and abroad, it could be argued that a

separate state would only limit the ethnic identity to a smaller territory (see Singh and Pani 2012: 121-140).

Nine-Point Agreement of 1947¹⁷

Preamble:

That the right of the Nagas to develop themselves according to their freely expressed wishes is recognized.

1. Judicial:

All cases whether civil or criminal arising between Nagas in the Naga Hills will be disposed of by duly constituted Naga Courts according to Naga customary law or such law as may be introduced with the consent of duly recognized Naga representative organizations: save that where a sentence of transportation or death has been passed there will be a right of appeal to the Governor.

In cases arising between Nagas and non-Nagas in (a) Kohima and Mokokchung town areas, and (b) in the neighbouring plains districts, the judge if not a Naga will be assisted by a Naga assessor.

2. Executive:

The general principle is accepted that what the Naga Council is prepared to pay for, the Naga Council should control. This principle will apply equally to the work done as well as the staff employed.

While the District Officer will be appointed at the discretion of the Governor, subdivisions of the Naga Hills should be administered by a Sub divisional Council with a full time executive President paid by Naga Council who would be responsible to the District Officer for all matters falling within the latter's responsibility, and to the Naga Council for all matters falling within their responsibility.

In regard to: (a) Agriculture - the Naga Council will exercise all the powers now vested in the District Officer. (b) C.W.D. - The Naga Council would take over full control. (c) Education and Forest Department - The Naga Council is prepared to pay for all the services and staff.

3. Legislative:

That no laws passed by the Provincial or Central Legislature which would materially affect the terms of this agreement or the religious practices of the Nagas shall have legal force in the Naga Hills without the consent of the Naga Council.

In cases of dispute as to whether any law did so affect this agreement the matter would be referred by the Naga Council to the Governor who would then direct that the law in question should not have legal force in the Naga Hills pending the decision of the Central Government.

4. Land:

That land with all its resources in the Naga Hills should not be alienated to a non-Naga without the consent of the Naga Council.

5. Taxation:

That the Naga Council will be responsible for the imposition, collection, and expenditure of land revenue and house tax and of such other taxes as may be imposed by the Naga Council.

6. Boundaries:

That present administrative divisions should be modified so as (1) to bring back into the Naga

¹⁷ Source: Bendangjungshi (2011: 272-274).

Hills District all the forests transferred to the Sibsagar and Nowgong Districts in the past, and (2) to bring under one unified administrative unit as far as possible all Nagas. All the areas so included would be within the scope of the present proposed agreement. No areas should be transferred out of the Naga Hills without the consent of the Naga Council.

7. Arms Act:

The Deputy Commissioner will act on the advice of the Naga Council in accordance with the provisions of the Arms Act.

8. Regulations:

The Chin Hills regulations and the Bengal Eastern Frontier Regulations will remain in force.

9. Period of Agreement:

The Governor of Assam as the Agent of the Government of the Indian Union will have a special responsibility for a period of 10 years to ensure the observance of the agreement, at the end of this period the Naga Council will be asked whether they require the above agreement to be extended for a further period or a new agreement regarding the future of Naga people arrived at.

Sixteen-Point Agreement of 1960¹⁸

1. The Name: The territories that were heretofore known as the Naga Hills-Tuensang Areas under the Naga Hills-Tuensang Area Act, 1957 shall form a state within the Indian Union and be here-after known as Nagaland.
2. The Ministry-in-charge: The Nagaland shall be under the Minister of External Affairs of the Government of India.
3. The Governor of Nagaland
 - 3.1 The President of India shall appoint a Governor for Nagaland and he will vest with the executive powers of the Government of Nagaland. He will have his headquarters in Nagaland.
 - 3.2 His administrative secretariat will be headed by a Chief Secretary stationed at the Headquarters with other secretariat staff as necessary.
 - 3.3 The Governor shall have special responsibility with regard to law and order during the transitional period and for so long as the law and order situation continues to remain disturbed on account of hostile activities. In exercising this special responsibility, the Governor shall, after consultation with the Ministry, act in his individual judgment. This special responsibility of the Governor will cease when normalcy returns.
4. Council of Ministers
 - 4.1 There shall be a council of Ministers with a chief minister at the head to assist and advice the Governor in the exercise of his functions.
 - 4.2 The council of Ministers shall be responsible to the Naga Legislative Assembly.
5. The Legislature

There shall be constituted a Legislative Assembly consisting of elected and nominated members as may be deemed necessary representing different tribes. (Further a duly constituted body of experts may be formed to examine and determine the principles of representation on democratic basis.)
6. Representation in Parliament

Two elected members shall represent Nagaland in the Union Parliament, that is to say one for the Lok Sabha and the other for the Rajya Sabha.
7. Acts of Parliament

No Act or Law passed by the Union Parliament affecting the following provisions shall have legal force in Nagaland unless specifically applied to it by a majority vote of the Naga Legislative Assembly:

 - 7.1 The religious or social practices of the Nagas.
 - 7.2 Naga customary laws and procedure.

¹⁸ Source: Naga Peoples Movement for Human Rights.

7.3 Civil and criminal justice so far as these concern decisions according to Naga customary law.

The existing laws relating to administration of civil and criminal justice as provided in the Rules for the Administration of Justice and Police in the Naga Hills district shall continue to be in force.

7.4 The ownership and transfer of land and its resources.

8. Local Self-Government

Each tribe shall have the following units of rule-making and administrative local bodies to deal with matters concerning the respective tribes' areas: the Village Council; the Range Council; and the Tribal Council,

These Councils will also deal with disputes and case involving breaches of customary laws and usages.

9. Administration of Justice

9.1 The existing system of administration of civil and criminal justice shall continue.

9.2 Appellate Courts;

(a) The District Court-cum-Sessions Court (for each district), High Court and Supreme Court of India.

(b) The Naga Tribunal (for the whole of the Nagaland) in respect of cases decided according to Customary Law.

10. Administration of Tuensang district

10.1 The Governor shall carry on the administration of the Tuensang districts for a period of 10 (ten) years until such time when the tribes in the Tuensang District are capable of shouldering more responsibility of the advanced system of administration. The commencement of the ten-year period of

administration will start simultaneously with the enforcement of detailed workings of the constitution in other parts of the Nagaland.

10.2 Provided further that a Regional Council shall be formed for Tuensang district by elected representatives from all the tribes in Tuensang district, and the Governor may nominate representatives to the Regional Council as well. The Deputy Commissioner will be the ex-Officio Chairman of the Council. The Regional Council will elect members to the Naga Legislative Assembly to represent Tuensang district.

10.3 Provided further that on the advice of the Regional Council, steps will be taken to start various Councils and Courts, in those areas where the people felt themselves capable of establishing such institutions.

10.4 Provided further no Act or Law passed by the Naga Legislative Assembly shall be applicable to Tuensang district unless specifically recommended by the Regional Council.

10.5 Provided further that the Regional Council shall supervise and guide the working of the various Councils and Tribal Courts within Tuensang district and wherever necessary depute the local officers to act as Chairman thereof.

10.6 Provided further those Councils of such areas inhabited by a mixed population or which have not as yet decided to which specified Tribal Council to be affiliated to shall be directly under the Regional Council for the time being. And at the end of ten years the situa-

tion will be reviewed and if the people so desire the period will be further extended.

11. Financial Assistance from the Government of India

To supplement the revenues of Nagaland, there will be need for the Government of India to pay out to the Consolidation Fund of India:

- 11.1 A lump sum each for the year development programme in the Nagaland; and
- 11.2 A grant-in-aid towards meeting the cost of administration.

Proposal for the above grants shall be prepared and submitted by the Government of Nagaland to the Government of India for their approval. The Governor will have general responsibility for ensuring that the funds made available by the Government of India are expended for purpose for which they have been approved.

12. Consolidations of Forest Areas

The delegation wished the following to be placed on record:

The Naga delegation discussed the question of the inclusion of the reserve forest and of contiguous areas inhabited by the Nagas. They were referred to the provisions in Articles 3 and 4 of the Constitution, prescribing the procedure for the transfer of area from one state to another.

13. Consolidation of contiguous Naga Areas

The delegation wished the following to be placed on record:

The Naga leaders expressed the wish for the contiguous areas to join the new state. It will pointed out to them on behalf of the Government of India that Articles 3 and 4 of the Constitution provided for increasing the area of any state, but that it was not possible for the Government of India to make any commitment in this regard at this stage.

14. Formation of separate Naga Regiment

In order that the Naga people can fulfill their desire of playing a full role in the defense forces of India the question of raising a separate Naga Regiment should be duly examined for action.

15. Transitional Period

15.1 On reaching the political settlement with the Government of India, the Government of India will prepare a Bill for such amendment to the Constitution, as may be necessary, in order to implement the decision. The Draft Bill, before presentation to Parliament, will be shown to the delegates of the NPC.

15.2 There shall be constituted an interim body with elected representatives from every tribe, to assist and advise the Governor in the administration of Nagaland during the transitional period. The tenure of office of the Interim Body will be 3 (three) years subject to re-election.

16. Inner Line Regulation

Rules embodied in the Bengal Eastern Frontier Regulation, 1873 shall remain in force in Nagaland.

Shillong Accord of 1975¹⁹

1. The following representatives of the underground organisations met the Governor of Nagaland, Shri L P Singh representing the Government of India, at Shillong on 10th and 11th November, 1975.

Shri I Temjenba
Shri Dahru
Shri Veenyiyl Rhakhu
Shri Z Ramyo
Shri M Assa
Shri Kevi Yalley

2. There was a series of four discussions. Some of the discussions were held with the Governor alone; at other, the Governor was assisted by the two Advisors for Nagaland, Shri M. Ramunny, and Shri H Zopianga, and Shri M L Kampani, Joint Secretary in the Ministry of Home Affairs. All the five members of the Liaison Committee, namely Rev. Longri Ao, Dr M Aram, Shri L Lungalang, Shri Kenneth Kerhuo, and Shri Lungshim Shaiza, participated in the discussions.
3. The following were the outcome of the discussions:
 - 3.1 The representatives of the underground organisations conveyed their decision, of their own volition, to accept, without condition, the Constitution of India.
 - 3.2 It was agreed that the arms, now underground, would be brought out and deposited at appointed places. Details for giving effect of this agreement will be worked out between them and representatives of the government, the security forces, and members of the Liaison Committee.
 - 3.3 It was agreed that the representatives of the underground organisations should have reasonable time to formulate other issues for discussion for final settlement.

Dated, Shillong
November 11, 1975

I Temjenba; S Dahru; Z Ramyo; M Assa; Kevi Yalley (On behalf of the representative of the underground organisations).

&

L P Singh, (On behalf of the Government of India)

¹⁹ Source: R Vashum (2005: 210).

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