**Rights or Ruse: Indian Experiences with Autonomies**

**and the Role of Civil Society Bodies**

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1. **Contextualising India’s Experience with Autonomies**

In India, the political struggles for self-determination of myriad ethnic communities, religious minorities and nations has led to a diverse range of experiments in asymmetric forms of federal arrangements and exceptional autonomies involving paths of constitutionalism, varieties of peace accords and innovative executive policies. Post-colonialism reinforced habits of centralized administration, while the rupture of the Great Partition of 1947 undermined the liberal impulse of the debates on democratic federalism in the constituent assembly and sowed an abiding anxiety about unity and integrity in a multi ethnic, multi religious and multi-lingual polity. The formation of the Indian state preceded the ‘nation’ and even six decades after independence, the ruling elites continue to confront and accommodate nations, communities and regions struggling over power, status and justice; they remain unyielding in the determination to keep the state nation intact but willing to experiment with flexible forms including self rule in ethnically determined autonomous territorial areas.

The constitutional edifice provides for a **quasi-federal structure with a unitary bias**. The States Re-organisation Commission enabled statehood for major linguistic groups, and that process is still ongoing. Reflecting the particular socio-historical circumstances of the incorporation of certain border regions into the Indian Union, special status is provided for: Jammu & Kashmir (J&K) (Article 370); and the Northeast states of Nagaland, Sikkim, Assam, Manipur, Arunachal Pradesh (Articles 371 A-H). Articles 370 & 371 are the flag bearers of India’s bold experiments with **asymmetric federalism and special autonomies**. Article 370 allowed Jammu & Kashmir to have its own constitution, restricted the national parliament’s legislative powers to three subjects; other constitutional provisions could be extended but only with the concurrence of J&K state government. Article 371 provides that no Act of Parliament in respect of “social practices, customary law and procedure, administration of civil and criminal justice and ownership and transfer of land and resources” shall apply to these “special category states” unless the state legislative assemblies so decide. The constitution also provides for the creation of autonomous district councils in “scheduled tribe” dominated districts under the Fifth and Sixth Schedules.

Particularly in the Northeast area,[[2]](#footnote-2) constituted by the British colonialists as a “frontier” region with its population of hill tribes kept physically separated and isolated, India’s constituent assembly created a buffer of special autonomies with the aim of paving the way for the gradual integration of these historically and socially distinct peoples. Since then, a range of peace accords and executive decrees have provided the major hill communities self-rule and control over land and resources. Currently there are **15 such autonomous district councils** (ADCs) in the Northeast. In the various cycles of internal reorganization of states, several ADCs were upgraded to union territory status (Mizoram) and statehood (Mizoram, Meghalaya). The Nagas rejected such autonomy, becoming the first ethnic community/nation to demand sovereignty. India turned its full military power to brutally suppress Naga nationalism, militarizing a struggle that has held out for six decades, despite several peace accords, including the 1960 agreement which gifted statehood to Nagaland, but did not end the conflict.

Globally, autonomy settlements or the devolution of power through the constitutional path of regional or territorial autonomy has been held up as the most effective way of accommodating complex post-colonial ethno-geographies and histories. However, the lived experience of this legal-political construct of combining nationhood with exceptional autonomies has been characterized by the **central authority of the state riding roughshod over the autonomy** conferred by the Constitution.[[3]](#footnote-3) Article 370 has not been abrogated but successive governments in Delhi have reduced J&K’s structure of autonomy to an empty husk.[[4]](#footnote-4) In the Northeast, scarred by multiple identity based mobilisations, India’s strategy of conflict resolution −military suppression followed by peace accords that co-opt ‘willing’ moderates in power-sharing arrangements and make outliers extremists− has resulted in endemic cycles of violence. Moreover, the creation of ethnic homelands in

what were once mono-ethnic spaces and have become over time multi-ethnic spaces (accelerated by re-settlement strategies) inevitably ignites prairie fires of competing homelands. According to the assessment of a recent human rights audit of peacemaking in the Northeast, India’s ruling elites “acquiesce to creating non-viable ethnic states and contested homelands, pumping in ‘wild money’ for greasing patronage networks.”[[5]](#footnote-5) Left intact in the midst of this violent ‘peace’ is entrenched militarization, including the Armed Forces Special Powers Act (AFSPA), the source of the abuse of power and the socio-legal culture of impunity.[[6]](#footnote-6) The imposition of emergency laws such as AFSPA first to tackle Naga insurgents and then applied throughout the Northeast (and in J &K) has turned the region into a ‘zone of exception’ in effect suspending the fundamental right to life.

This paper focuses particular attention on **Nagaland** in the Northeast. Peace studies scholars are drawn to the Naga national movement as it is the oldest self-determination struggle in independent India and paradigmatically represents the effective limits of both the Indian state’s militarist counter-insurgency strategy, and its peacemaking strategy.[[7]](#footnote-7) The 1960 Naga peace accord laid the template for the grand strategy of power sharing and devolution of power to territorially focused, ethnically or linguistically delimited autonomies. The Naga conflict and peace process has additional significance in that it is the hub of the regional conflict system of Northeast India with outreach across international borders to Burma, Bangladesh and China. The possibility of a ‘durable peace’ would have a major impact on insurgencies in the Northeast.[[8]](#footnote-8)

Most importantly for our analysis, the Northeast and in particular, the Naga conflict/peace process is striking for its rich culture of collective activism and the role of both traditionally rooted social organisations and modern human rights non-governmental organisations (NGOs) in peacebuilding processes. The paper explores the opportunities, tensions, contradictions and limitations in the role of civil society/NGO organisations in enabling democratization, expanding human freedoms, and delivering entitlements in the context of ‘special category state’ Nagaland, and the ongoing peace process. Have constitutional guarantees and institutions for protecting democratic rights in these special autonomous states/areas been able to withstand the assault of legislative and executive power? What are the structures for enabling or restricting the role of civil society/NGOs in promoting and protecting human rights – civil and political, social and economic? Are fundamental rights guaranteed and what restrictions are imposed by national security, anti- sedition and anti-secession laws? Are NGO/civil society groups enabled to participate in decision making structures for rebuilding society and polity? Are civil society organisations able to hold the state accountable on its commitments national and international? These questions have relevance for the Moroccan proposed negotiated status for autonomy of the Sahara Region.[[9]](#footnote-9) It is expected that the analysis will provide comparative insights as regards the Moroccan autonomy initiative.

1. **The Role of NGOs/Civil Society in Peacebuilding**

Civil society is a highly contentious concept with its intellectual antecedents ranging from the Marxist to liberal traditions. In the 1980s the concept saw a mercurial revival as the terrain of democratization of the totalitarian societies of Eastern Europe. In the global south, it was recast as the voluntary sector (NGOs), between state and market. Consequently, at one end the civil society sphere is a de-politicized, apolitical NGO sector taking over the state’s role in the delivery of welfare, at the other end civil society is configured as the arena of political[[10]](#footnote-10) and social interaction and as the sector of political and social actors. It is a ‘contested concept but a fugitive reality’.[[11]](#footnote-11) Societies emerging from conflict usually have strong civil societies, embedded in the political mobilization around the grievance discourse driving the conflict.[[12]](#footnote-12) Instances of civil society organizations (CSOs) morphing themselves into a political party or an armed political group (Naga Club – Naga National Council) have led many scholars and policy makers to perceive CSOs as *proxies,* especially during a militarized conflict where they run the risk of being appropriated by state- and non-state agents.

In a conflict polarized society, it is likely that civil society actors will be partisan. Nonetheless, it is these ethnic/religious bodies and especially the Mothers’ Fronts that form the front line of the human rights and justice discourse during the conflict.[[13]](#footnote-13) The function that some of these ‘appropriated’ ethnic groupings perform is that usually associated with civil society bodies. The Meira Paibis (Metei Mothers) stripped outside the Assam Rifles headquarters in Imphal in Manipur (2004), outraged at the custodial rape and murder of Manorma Devi, and demanded the removal of AFSPA which provides for a socio-legal culture of impunity.[[14]](#footnote-14) The Meira Paibis have often been labelled ‘proxies’ of the ethnic Meitei armed groups.

Thania Paffenholz, drawing upon the experiences of 13 conflict situations, in “Civil Society and Peacebuilding” lists seven major functions of civil society in the context of peacebuilding: protection; monitoring; advocacy; socialization; inter-group social cohesion; facilitation; and service delivery.[[15]](#footnote-15) However, there is a need to guard against an over-simplistic reading of civil society action as necessarily translating into peacebuilding. Moreover the civil society sphere is a crowded one with fundamentalist, xenophobic CSOs as well.

As the ceasefire-peace moment lengthens so does the middle space for non-partisan civil society activism as well as the competition to appropriate CSOs. For instance, in the case of the Sixteen-point Agreement (1960) concluded with Naga moderates, a key role was played by the civil society hosted mass Naga Peace Conventions (covertly backed by Indian intelligence agencies). Unable to pressure the Naga armed groups to come to the negotiating table, the 15-member liaison group of eminent civil society representatives themselves entered into an agreement with the Government of India (GOI). The current cycle of 18 years of protracted ceasefire-peace negotiations, flagged by the 1997 Indo-Naga Ceasefire Agreement,[[16]](#footnote-16) has created a context of expanding and intersecting circles of power (armed groups, Nagaland state government, GOI, etc.) and the conditions for the ‘taming’ of civil society as the terrain of resistance politics.

**Morocco – Enabling the Role of Civil Society in Peacebuilding in Sahara**

In its initiative to bring a definitive resolution to the protracted conflict over the Sahara region, Morocco is aware of the unique role that civil society organisations can play in all aspects of peacebuilding. The series of major reforms that Morocco has undergone, including the passage of substantial amendments to the Decree on the Right to Establish Associations in 2002 and the approval of the Constitution of 2011, have contributed to enlarge the legal space for civil society and expand its rights as well as its role in policymaking and the public sphere.

In its Article 3, the Initiative is presented as part of the endeavours made to build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development. It hopes to create the context “for a better future for the region’s populations, put an end to separation and exile, and promotes reconciliation.” Its Article 4 “guarantees to all Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion”. Moreover, according to its Article 32, “[o]nce the parties have agreed on the proposed autonomy, a Transitional Council composed of their representatives shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections.”

1. **Stakeholders in the Peace Process: Naga Civil Society/ NGOs**

In India, Naga tribal society’s basic social norms of collective activism are what provide the basis for the dynamism of Naga CSOs across a range of peacebuilding functions: protecting human rights; fostering a society-wide consensus in support of the National Socialist Council of [Nagaland](http://en.wikipedia.org/wiki/Nagaland)-Isak-Muivah (NSCN-IM)-led peace negotiation; fostering dialogue and building reconciliation and social cohesion. Naga ‘social organisations’ have served as a vital barometer of the public mood, providing NSCN leaders, isolated by long years in the jungle, an understanding of the direction and scope of what can be negotiated without being denounced as a sell-out. In addition, the Naga social organizations, representing as it were the Naga public, have in several (though ad hoc) consultative meetings with the NSCN leaders endorsed the NSCN’s mandate to speak for the Nagas in the peace negotiations. Eighteen years of a long cold peace has produced a diverse and dynamic ‘civil society’ ranging from the traditionally rooted tribal public organisations with their mass student and women’s fronts, church groups with trans-national connections, modern rights-based NGOs connected to national and international human rights networks and the media. Without getting lost in the debate on whether ethnically structured CSOs can jostle alongside voluntary professional NGOs in a modern civil society sphere –for the limited purposes of this paper– what matters is whether CSOs meet the functional or purposive criteria.

It is also important to remind that in the Naga context, the Naga apex organizations that have come to dominate the civil society space are of recent vintage −the Naga Ho Ho (1997), Naga Mothers Association (1994 took on peacebuilding role)− rest on the hoary shoulders of the traditional Naga tribal organizations, but in many respects, these are modernist projects and are led by members belonging to the ‘new middle class’. Manchanda and Bose’s study contends that this small but influential educated, professional social grouping which straddles both traditional tribal institutions and the modern socio-economic structures of Nagaland state is expanding the Naga public sphere and reshaping its politics.[[17]](#footnote-17) Many of the leading Naga civil society actors cut their activist teeth in the highly influential modern secular voluntary organization Naga Peoples Movement for Human Rights (NPMHR) which owes its origins in 1978 to the democratic ferment that followed India’s Emergency years (1975-1978).

1. **Internationalising the Naga Issue**

NagaPeoples Movement for Human Rights(NPMHR):

NPMHR’s Founder President, Lingum Liuthui, brought a rights-based radicalism and important democratic rights connections from his student days in Delhi’s Jawaharlal Nehru University. He challenged the Indian state on army abuses under AFSPA in the Supreme Court in 1987 and though the 1997 judgment upheld the validity of AFSPA, a code of conduct of ten ‘Do’s and Don’ts’ were made mandatory but have proved ineffective in stopping abuse. Liuthui’s critical contribution was the internationalization of the Naga issue. As President of the International Asian Indigenous Peoples Forum, he promoted Naga membership in the United Nations (UN) Working Group on Indigenous Populations and enabled the Naga Socialist Council of Nagalim (NSCN) to represent the Naga peoples in the Unrepresented Peoples Organisations (UNPO). In 1998 the UN Commission on Human Rights allowed NSCN Chairman to address the 54th session of its Assembly. NPMHR was central to the international mobilization for the release of NSCN leader Th Muivah arrested in Bangkok en-route for Indo-Naga talks because he was travelling on a false passport. An embarrassed Indian government eventually revoked Luithui’s passport forcing him into refugee exile in Canada. NPMHR remains a lead player in the Naga civil society sphere on promoting and protecting human rights and peacebuilding. Its current President is a woman, a sign of gender revolution taking place in a tribal society in which women have been debarred from public life.

The Churches

Hugely influential in the Naga civil society sphere are the churches. More than 95 percent of Nagas are Christians and the Naga national movement announces its religious-political orientation as ‘Nagaland for Christ’. The international Baptist Church, in particular, was active in internationally highlighting the brutal military repression unleashed against the Nagas and in promoting negotiations for a political settlement. The Baptist Peace Mission in the 1960s was kept aloft by the commitment of Rev. Michael Scott but proved abortive and he was prevented from returning to India. The churches have continued to advocate unity amongst the warring tribal factions and worked for reconciliation. In the 1990s as factional violence peaked, the Council of Naga Baptist Churches made several efforts at convening a high-level summit of rival factions. Just days prior to the conclusion of the Indo-Naga Ceasefire Agreement, the Baptist Peace Fellowship of North America convened a meeting in Atlanta of the Naga leaders to foster unity. The leaders of the dominant group, NSCN-IM), did not attend. (In the polarized space of the armed struggle ‘Unity’, advocates were looked upon with suspicion as aiding the rival NSCN Khaplang camp.) Post ceasefire, the Nagaland Baptist church has continued its efforts at forging unity in partnership with Naga social organizations, through the recent initiative of the ‘Forum for Naga Reconciliation’, which has the been endorsed by Baptist World Alliance (Bangkok 2011).

1. **Sustaining Ceasefires**

Monitoring Violations

“*Both sides can decide to break the ceasefire. But for whom are they talking? We’re all stakeholders in the process*” (Neidonuo Angami, President of Naga Mothers Association –NMA-)

Negotiating a ceasefire are armed parties working out rules of their disengagement and monitoring mechanisms as in the Indo-Naga Ceasefire Agreement. The Ground Rules did not address civilian security or consider that effective monitoring especially in an asymmetric accord required civil society representatives to be integrated in official monitoring mechanisms. Naga civil society organisations constituted a 22-member civil society Action Committee to independently monitor the ceasefire and lobbied for change in Ground Rules and the monitoring mechanism. Eventually the amended Ceasefire Ground Rules (2001) included sensitivity to civilian security concerns, i.e. guarding against injury to civilians and damage to civilian property. Both the GOI and the NSCN agreed to include civil society monitors but of their choice, and not that of autonomous civil society groups. It stymied the process.

Mothers’ Front - Keeping the Peace

“*Listen to your mother before you kill your brother*” (Neidonuo Angami, President NMA)

Narratives of history of the Naga conflict and peace process are strewn with incidents of the local women bodies stepping forward and defusing tension vis-à-vis the security forces and between rival armed factions.[[18]](#footnote-18) Naga women’s associations, especially apex bodies (Naga Mothers Association and Naga Women’s Union, Manipur) have kept open the channel of communication between warring groups. For instance:

* In 1994Naga Mothers Association (NMA) launched a “Stop All Bloodshed” campaign with non-partisan “Peace Teams” fanning out to the district headquarters to urge an end to the violence, reaching out to the tribal segregated factions. Spiralling fratricidal violence in the 1990s pushed the welfare-oriented Naga women’s organization into peace work. Post ceasefire NMA continues to be involved in defusing inter-factional tension and facilitating direct and indirect dialogues between the NSCN factions and top leaders. GOI had negotiated a Ceasefire Agreement with only the most dominant faction, the NSCN-IM; left out was the NSCN Khaplang.[[19]](#footnote-19) In 1999, four representatives of the women’s organisations trekked across Myanmar border and met S. S. Khaplang at his headquarters to advocate an intra-Naga ceasefire. On their return, the women briefed 16 top IM group leaders. Naga women who were traditionally not trusted to carry important messages became trusted interlocutors. The women work in alliance with other civil society associations –Naga Students Federation and Naga Ho Ho− to keep the channels of communication open.
* In 2009 in Shirui village, Manipur (technically the ceasefire does not extend outside Nagaland): as hundreds of Indian paramilitary troops laid siege to the camp of NSCN-IM armed cadres, trapping thousands of civilians in between, Naga women from adjoining villages staged a “sit-in” for 15 days and eventually averted the violence. “We’re just doing our job as peace keepers,” the women told the commanding officer.
* In 2015 in Dimapur, Nagaland: more than a hundred women from Beisupuikam village barricaded a road leading to Hebron the headquarters of the NSCN-IM to prevent the Assam Rifles (AR) from passing. The AR troops were planning to distribute solar lamps as part of their civic action in the area and the villagers feared that their presence within a near one-kilometre radius might lead to unnecessary clashes.

1. ***Fostering Inter-group Social Cohesion***

*“Reconciliation is not a precondition but we sincerely believe that if a settlement is brought about without it, things could go from bad to worse” (M. Vero, President Naga Ho Ho)*

Naga civil society organisations most crucial role in peacebuilding has been to promote unity and reconciliation between the armed factions and heal a divided Naga society. Early efforts by the Naga Ho Ho, Naga Students Federation (NSF), NPMHR, NMA, Naga Women's Union (NWU) and the churches to convene a high-level summit of the top leaders of the armed groups were repeatedly stymied by mutual suspicions and recrimination. Claims to adopt a non-partisan even-handed approach towards the armed factions were rejected and resisted as evident in the demise of the promising “Naga National Reconciliation” initiative (2001) The NSCN-IM collective leadership, despite misgivings about compromising the priority of the peace agenda, participated in the process. According to one of the prime movers of the initiative, Naga Ho Ho, President, M. Vero,[[20]](#footnote-20) the Kohima Declaration’s bold assertion of an independent people-driven process proved too threatening: the IM reasserted control and circumvented the programme by convening its own Consultations conclaves. In the still highly polarized space of Naga society, the emphasis on ‘unity’ was perceived as in competition and even in opposition to the political dialogue embraced by the IM group. Arguably, like many underground organizations, NSCN-IM was suspicious of over-ground civil society organizations and suspected them of being collaborators of the Indian government. The Vero episode highlighted the continuous struggle for expanding the middle space for non-partisan autonomy of action.

Seven years later, as factional violence again peaked, the reconciliation initiative was recast as the Forum for Naga Reconciliation (FNR) in 2008. Its survival and relative credibility, demonstrates the steady expansion of a middle non-partisan space in the post conflict Naga civil society sphere. The lack of space to be bi-partisan is what scuttled the “Naga National Reconciliation Programme in 2001. FNR functions in a broader non partisan middle space. Significantly, the convener of FNR is Rev. Wati Aier, who was part of the Steering Committee of the earlier reconciliation programme. It should be added that this expanding middle space −between the factions, between the GOI and the armed political groups, and between Naga society and the NSCN− is contingent on the ceasefire holding. As a perceptive observer of Naga affairs Bharat Bhushan cautioned, “the degree of freedom of those occupying the middle space is limited by the underground” (and the GOI). This was particularly evident during the recent FNR-facilitated Naga Peoples’ Convention in Dimapur on 29 February 2012.”[[21]](#footnote-21) The mass conclave was expected to be a turning point in achieving reconciliation and the opportunity for the NSCN collective leadership to take into confidence the Naga civil society representatives on the political deal being negotiated. But the trust vacuum remained too wide and egos came in the way of demonstrating statesmanship. In the end, the NPC demonstrated the limits of the Naga social solidarities to influence the armed groups. Analogously, it also showed that **the degree of freedom of the armed groups (and the GOI) is limited by the power of civil society to provide the legitimacy necessary in an asymmetric political process**.

1. **The ‘Taming’ of Civil Society**

Eighteen long ceasefire years has seen the sharp polarisation emanating from the violent conflict give way to an expanding non-partisan middle space, and its corollary − expanding and intersecting circles of power, traditional and modern. The peculiar characteristic of the Naga conflict and indeed several other armed struggles in the Northeast is that **the endemic cycles of war coexist with the parallel trajectory of Indian state’s peacemaking via the creation of self governing homelands and special federal arrangements**. In the Naga context five decades of state and market penetration have created a widening circle of stakeholders in the existing Indian state system – the salaried workers, contractors, lease holders of natural resources, educationists, etc. Moreover, the protracted hiatus of ceasefire *sans* political settlement has entrenched intersecting circles of power and parallel centres of authority – the armed groups, the traditional tribal structures of authority and modern and competing avatars (Naga Ho Ho), state government institutions, elected lawmakers, political parties, the security forces and intelligence agencies. Customary practices of communitarian ownership are increasingly giving way to privatization of land and property and in turn undermining the authority of tribal elders who have been the mainstay of the ‘national’ movement.

The Nagaland state, especially since the ‘pro-peace’ National Peoples’ Front took over state power (with the NSCN’s support), has reached out its patronage power to co-opt Naga civil society. Ironically, the displacement of the long rule of the Congress government has produced a ‘taming’ of civil society’s oppositional vigour in the last few years. **The state is no longer seen as the object of political contestation, but as the provider of social goods** and many leading Naga social activists and Naga groupings have got enmeshed in state patronage networks becoming social delivery vehicles or ‘contractors’ for the government. The steady increase in the power of the state government has produced a strengthening of the nexus between state-business and CSOs such as the Naga Ho Ho. More insidiously, from the perspective of democracy, there is the positioning of the Naga social organisations, especially the apex organisation (the Naga Ho Ho) and NMA as a substitute for the ‘people’. As a perceptive Naga scholar-journalist observed, it has become convenient for the government to position the Naga Ho Ho as speaking for the Naga people.

1. **Towards a Comparative Analysis of Autonomy Provisions**

The Founding fathers of the Indian Constitution perceived the political as the domain of ‘equal’ individual citizens where there was no room for communities and special rights.

1. **Special Autonomies: Provisions on Protecting Human Rights**

The Indian Constitution guarantees **‘Fundamental Rights’**: **Article 19** guarantees to all Indian citizens five fundamental freedoms: i) Freedom of Speech and Expression; ii) Freedom of Assembly; iii) Freedom to form Associations; iv) Freedom of Movement; v) Freedom of Residence and Settlement; vi) Freedom of Profession, Occupation, Trade and Business. Article 14 speaks of equality and Article 15 prohibits discrimination.

In addition Article 21 provides for Protection of life and personal liberty; Art. 22, Protection against arrest and detention in certain cases; Article 26, Freedom to manage religious affairs and Article 32, the right to move the Supreme Court in case of their violation. The judiciary has on occasion played a proactive role in upholding fundamental rights and expanding socio-economic rights listed in the directive principles. Article 51c enunciates the duty to foster respect for international humanitarian law and treaty obligations.

**Article 371A** specifies a special provision with respect to the State of Nagaland (1963) and derives from the 16-point Agreement between the GOI and the Naga People’s Convention, July 1960. Art 371A provides that: (1)[(a)](http://indiankanoon.org/doc/1260222/) no Act of Parliament in respect of [(i)](http://indiankanoon.org/doc/741304/) religious or social practices of the Nagas; [(ii)](http://indiankanoon.org/doc/1688301/) Naga customary law and procedure; [(iii)](http://indiankanoon.org/doc/1081424/) administration of civil and criminal justice involving decisions according to Naga customary law; [(iv)](http://indiankanoon.org/doc/488380/) ownership and transfer of land and its resources shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides. The colonial Inner Line regulation restricts access to Nagaland (Mizoram and Arunachal Pradesh). Central budgetary assistance to special category states of the Northeast (Article 371A-H) is over 80 percent in grants in comparison with 34 percent for other states

**Caveats & Ironies of Special Status: Enabling or Disabling Rights**

No provision exists for protection of the rights of ‘minorities’ in the statutory provisions of the ethnic Naga homeland under Article 371A. The presumption is that these states are mono-ethnic spaces, an assumption less problematic in the ethnically homogenous Nagaland and Mizoram, but hugely contentious for instance in the Bodo Autonomous Territorial Area (BATA) in which the ethnic Bodo plains tribes are no longer a majority. The Sahara region too could confront the challenge of changing demographics following the growing settlement of Moroccans amidst the Saharawi people.

In the current Moroccan Constitution,[[22]](#footnote-22) just like in the Indian one, all fundamental rights and liberties are guaranteed to all citizens of the Kingdom, which will include the populations of the autonomous Sahara Region. This is reinforced by Article 25 of the Initiative, which states, “[t]he Region’s populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized.” But the populations of the autonomous Sahara Region will enjoy additional privileges: according to Article 12 of the Initiative, they “shall exercise powers, within the Region’s territorial boundaries, mainly over the following: [the] Region’s local administration, local police force and jurisdictions; in the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture; [the] Region’s budget and taxation; infrastructure: water, hydraulic facilities, electricity, public works and transportation; in the social sector: housing, education, health, employment, sports, social welfare and social security; cultural affairs, including promotion of the Saharan Hassani cultural heritage; and environment.” Article 13 of the Initiative underlines that “[t]he Sahara autonomous Region will have the financial resources required for its development in all areas.”

1. **Social & Cultural Rights**

Invariably ethnic peace accords/autonomy settlementshave as their core the guaranteeing of the community’s customary laws and practices governing land and social relations as provided in Art 371. A caveat needs to be added about the complex relationship between gender ethnicity and the concern that in these ‘ethnic homelands’ women are pushed back from the public sphere into the private sphere governed by local customary practices and patriarchies.[[23]](#footnote-23) In Nagaland a joint front of Naga women’s associations is challenging women’s political exclusion on the basis of customary law including going to the Supreme Court to assert their right to constitutionally guaranteed women’s quota in town and municipal council elections.[[24]](#footnote-24) Significantly, the Naga Ho Ho and Eastern Naga People’s Organisation (ENPO) were specifically involved in the decision-making consultations that led to the Nagaland Legislative Assembly repealing the 2006 Act that had extended the national law for elections to Town and Municipal council. In 2012, the 60-member all male Legislative Assembly voted to withdraw the Act as it was in violation of Article 371A.

Also, women are calling into question the adequacy of the traditional tribal system of arbitration and reconciliation (all male) that trivializes crimes against women. And from the backdoor has come the contentious question of the denial of property rights for Naga women under customary law.[[25]](#footnote-25) In the male decision-making committees that at a particular moment in history determined the indiscriminate inclusion of ‘all’ customary laws, including those that perpetuated the suppression of women, women’s perspectives were excluded. Those perspectives, women groups insist need now to be brought back.

In the Moroccan Initiative, it is stipulated, in Article 19, that “[t]he Parliament of the Sahara autonomous Region shall be made up of members elected by the various Sahrawi tribes, and of members elected by direct universal suffrage, by the Region’s population. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region.” Thus women will be directly involved in the decision-making process in all areas where the autonomous Region will have jurisdiction.

1. **Economic Sovereignty**

Article 371A guarantees exceptional status to Nagaland with respect to control, ownership and transfer of land and its resources, with *de jure* authority resting with the Nagaland Legislative Assembly (NLA) to override any Act of the National Parliament. At issue are the mines and minerals under the ground, governed by the ‘Mines and Minerals (Regulation and Development) Act’, 1957 (MMRDA), which exclusively invests mines and minerals as the “occupied field” of the Union of India. Nagaland Legislative Assembly, drawing upon Art 371A, by-passed the national Mines and Minerals Act and promulgated the Nagaland Petroleum and Natural Gas Regulation, 2012 (NPNGR). Following which the Nagaland government suspended all oil operations in Nagaland and invited “Expressions of Interest” from companies to explore and exploit the 11 oil and gas fields identified across 11 districts of the state. The Union government has asked the Nagaland Legislative to withdraw the law, the enactment of which lies within the sole domain of Parliament.

Importantly, the Nagaland government before responding, held a civil society consultative meeting in July 2013 in which the Naga tribes public bodies resolved that no approval for oil and gas exploration without their approval. Taking note of this emerging decision making process, Northeast scholar H. K. K. Suan stated, “although the State wields *de jure* power to make law and regulate “ownership and transfer of land and its resources,” the emerging political process shows that *de facto* power is wielded by a melange of tribal bodies and Naga civil society. The inclusion of the presidents of Naga Ho Ho and ENPO (Eastern Naga People’s Organisation) as permanent invitees in the apex decision-making body clearly indicates this.”[[26]](#footnote-26)

In the future Sahara autonomous Region, based on Article 13 of the Initiative, “[the] Region will have the financial resources required for its development in all areas. Resources will come, in particular, from: taxes, duties and regional levies enacted by the Region’s competent authorities; proceeds from the exploitation of natural resources allocated to the Region; the share of proceeds collected by the State from the exploitation of natural resources located in the Region; the necessary funds allocated in keeping with the principle of national solidarity; proceeds from the Region’s assets.” As such, the Sahara populations “will have the financial resources needed for the region’s development in all fields, and will take an active part in the nation’s economic, social and cultural life” (Article 5 of the Initiative). Moreover, Article 26 of the Initiative underlines that “[a]n Economic and Social Council shall be set up in the Sahara autonomous Region. It shall comprise representatives from economic, social, professional and community groups, as well as highly qualified figures.”

1. **National Security Laws: Creating Zones of Exception**

India’s slew of National and State Public Security Acts and anti-terrorism laws overshadow its impressive architecture of fundamental rights and exceptional status rights (Art 370 & 371 A-H) and have produced the structure and pathology of a national security state. Habits of colonial laws and administration have shaped these anti-democratic laws which have compromised constitutional freedoms, undermined human rights and put at risk human rights defenders. Of particular relevance for our analysis are laws such as the Disturbed Areas Act (1952), AFSPA (1958), Nagaland Security Regulation (1962), National Security Act (1980), Unlawful Activities (Prevention) Amendment Act (2004) and Sedition Law (Indian Penal Code: Section 124), and anti Secession law (The Unlawful Activities (Prevention) Act, 1967). (India adheres to the position that a post-colonial state, by definition, has exhausted the right of self-determination.[[27]](#footnote-27)) The Constitution provides for declaration of the state of Emergency (Article 352,356) on grounds of external aggression and internal armed rebellion, national and state wide. **India’s lived experience of federal arrangements and special autonomies is compromised by the anxiety over the integrity and unity in a multi-ethnic, multi-religious and multi-lingual society.**

1. **Fundamental Freedoms in Special Status States /Areas – Compromised**

In the special status states of the Northeast and Jammu & Kashmir, the President’s representative, the Governor has special responsibility for law and order and the authority to determine a state ‘internally disturbed’. In what is deemed a ‘disturbed area’ the state can enact Armed Forces Special Powers Act (AFSPA) so as to confer special powers on the army for action in ‘disturbed areas’. AFSPA, a colonial law, was first enacted in 1958 to curb armed insurgency in Nagaland, and has been extended to cover much of the Northeast and Jammu and Kashmir. It has become the symbol of abuse of force without accountability and repeated demands from state governments as well as civil society groups for its removal have been resisted by the army. AFSPA has converted these ‘disturbed areas’ into zones of exception where fundamental rights do not apply.

Under AFSPA 'prior sanction’ is required from the executive authority for criminal prosecution. It has proved an insurmountable obstacle for families seeking redress for disappearances, extra-judicial killings and sexual assault: they are at high risk of reprisals if they complain about the conduct of the security forces. No request for grant of sanction for the prosecution of Indian Army personnel has been given,[[28]](#footnote-28) though in some cases the Army has opted for a court martial under the Army Act (1950). The Verma Committee (2014) had recommended waiving ‘prior sanction’ when a sexual offence is alleged. Northeast peace processes have ignored access to justice for sexual violence, disappearances and torture.

1. **Recognition of the Role of NGOs in Special Status States/ Autonomous Areas**

As elaborated above, societies emerging from conflict have strong civil societies bodies embedded in the socio-cultural mobilization around national/ sub-national movements. In particular, the context of militarized conflict sees the emergence of powerful human rights bodies – NPMHR, Manipur Human Rights Alert and a panoply of Mothers’ Fronts. Moreover, the asymmetry of power in these peace negotiations often propels the ‘rebel’ group to reach for the support and endorsement of civil society bodies to strategically balance state power. This is discernible in the Naga peace process in the significant role played by the Naga tribes apex bodies, Naga Ho Ho, ENPO, Naga Students Federation (NSF) and the women’s groups NMA and NWU, as detailed above. The limits in the scope of that role and trust especially in the ability to take civil society bodies into confidence has also been mentioned. However, **neither GOI nor the leaders of the Naga ‘national’ movement recognise the civil society bodies as legitimate stakeholders having a claim on drawing up a Peace Agreement**. Government agencies either seek to co-opt them, or dismiss them as irrelevant ‘proxies’.[[29]](#footnote-29)

In the political settlement of community-based political mobilisations, the centrality of protecting and promoting customary laws and practices requires the governing authority to ally with traditional tribal structures of power and knowledge and especially their civil society apex bodies. As elaborated above, the civil society bodies, especially the Naga apex organisations –Naga Ho Ho, ENPO–, have become ‘permanent’ participants in decision-making structures on issues that come within the ambit of Art 371A. On the two occasions when the Nagaland Legislative Assembly invoked Art 371 A to override the Union Government, that is over the control of oil and gas resources, and withdrawal of the enabling law on town and municipal council elections (and the women’s quota) the Naga tribes Ho Ho (bodies) played a determining role.

While, the long cold peace has blunted the oppositional edge of the civil society bodies, including the women’s associations, yet on occasion the Naga Mothers have shown their mettle demanding accountability for human rights abuses against women. In Kohima in 2012 when IM cadres barged into the house of the retired Registrar, an Ao tribal, and shot her, thousands of Naga women and men took out a public rally demanding that the police catch the accused. Exasperated at the wall of impunity, some 30 women went to Delhi to meet the top IM leader Th Muivah and demand justice, warning they would go public to Amnesty International unless action was taken within a month’s time. It also demonstrated the capacity and will of civil society bodies to leverage trans-national human rights networks and as seen below India’s obligations under international treaty bodies and mechanisms.

1. **NGOs Civil Society Bodies: Rights & Restrictions**

There are no specific provisions for the protection and promotion of rights-based civil society bodies/NGOs in special status states/autonomous areas beyond the Fundamental Rights chapter of the Constitution applicable all over the country. The Constitution recognizes the individual citizen as the bearer of rights, as well as the rights of religious associations to manage educational institutions. However, in many of these special status states and autonomous areas, **the persistence of national security laws in ‘post conflict ‘ situations, continues to undermine the democratic space for rights-based NGOs representing civil society**. This is particularly glaring in the special autonomous state of Jammu & Kashmir, Manipur and parts of Assam in the Northeast and the Naxal conflict zone in central India. NGO activists and thousands of human rights defenders have been abducted, charged under anti-sedition, public security and terrorism laws, incarcerated, tortured and murdered in the ‘zones of exception’ created by national security laws.

What is more alarming is that increasingly in recent years the national security state pathology has come to mediate the attitude of state governments and institutions in dealing with ‘inconvenient’ human rights defenders, NGO activists, media practitioners, political cartoonists and anyone who dares express dissent. In particular Sedition laws have been used widely to suppress fundamental freedoms. Well-known rights activists like Dr Binayak Sen have been put under trial under the charges of sedition, S.P. Udayakumar, convener of People’s Movement Against Nuclear Energy (PMANE) was prevented from travelling out of the country because of sedition cases filed against him for leading protests at the Kudankulam nuclear power plant in Tamil Nadu. According to Human Rights Watch, the Tamil Nadu authorities have accused over 50,000 people of “sedition, waging or abetting war against the state, disrupting harmony, insulting national honour, criminal trespass, and unlawful assembly.” [[30]](#footnote-30) Under the Narendra Modi-led government **the crackdown on rights-based and especially foreign-funded NGOs has intensified**, the tone being set by a leaked Intelligence Bureau Report (June 2014) which alleged that several foreign-funded NGOs were stalling India’s economic growth by their obstructionist activism. In particular Christian NGOs have been targeted for “endangering the geopolitical security of India and proselytizing under the guise of development.”TheMinistry of Home Affairs (MHA) has taken against 16 foreign donors [by putting them on the MHA pre-approval list] for funding campaigns prejudicial to national security.” The list includes Ford Foundation for reasons of "national interest and security". Rules and regulations under the Foreign Contribution Regulations Act (FCRA) have been tightened and foreign-funded NGOs are under a hostile scanner. FCRA registration of nearly 9,000 NGOs (including Greenpeace) has been cancelled. The majority were faulted for not submitting mandatory annual returns. [None of the NGOs in Assam, Manipur, Meghalaya, Nagaland and Tripura file returns][[31]](#footnote-31).

According to government records, there are about **three million NGOs registered across the country**, and a total of **45,000 organisations registered under the FCRA**. NGOs can be registered under Indian Societies Registration Act, 1860, Religious Endowments Act,1863, and Indian Trusts Act. **Non-profit organisations in India must not engage in political activities**. Under the Foreign Contributions Regulation Act, not-for-profit organizations involved in political activities cannot receive foreign contributions. In contention is what constitutes ‘political activity’. Welfare and service delivery NGOs are welcome, while a witchhunt has been unleashed against NGOs and human rights defenders who campaigned for justice in the communal carnage in Modi’s state of Gujarat.

In Morocco, the substantial reforms made in the last decade provide for enlarging the roles and rights of civil society. Article 12 of the Constitution of 2011 stipulates that “[t]he associations of civil society and the non-governmental organizations are constituted and exercise their activities in all freedom, within respect for the Constitution and for the law”. Article 29 underlines that “[t]he freedoms of reunion, of assembly, of peaceful demonstration, of association and of trade union and political membership, are guaranteed.” The Morocco’s autonomy proposal in its Article 25 indicates that: “[t]he Region’s populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized”. Recently, Morocco launched the “National Dialogue on Civil Society and the New Constitutional Prerogatives” with the objective of promoting the participation of the citizens and the associations in the enactment and the application of the programmes of development.

Under the Moroccan Initiative for Sahara, citizens and civil society organizations will also act within legislative and regulatory frameworks but with possible recourse to a regional court system that will complement the national one. According to its Article 22, “[c]ourts may be set up by the regional Parliament to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. These courts shall give their rulings with complete independence, in the name of the King.” In addition, Article 23 states that, “[a]s the highest jurisdiction of the Sahara autonomous Region, the High Regional Court shall give final decisions regarding the interpretation of the Region’s legislation, without prejudice to the powers of the Kingdom’s Supreme Court or Constitutional Council.” According to Article 24, “[l]aws, regulations and court rulings issued by the bodies of the Sahara autonomous Region shall be consistent with the Region’s autonomy Statute and with the Kingdom’s Constitution.”

1. **NGOs/Civil Society and International Instruments & Mechanisms of Human Rights**

India is signatory to multiple international human rights treaty bodies and declaratory frameworks and the country’s NGOs/civil society bodies have effectively used international conferences, ‘shadow reports’, trans-national networks and empirical documentation to pressure accountability for India’s obligations: the Convention on the Elimination of Discrimination against Women (CEDAW), UN Human Rights Council, Child Rights Conventions, UN Permanent Forum on Indigenous Issues, Beijing Platform for Action (PFA) review processes, etc. Indian diplomats have been hostile to human rights defenders who have sought to raise in New York and Geneva on the sidelines of the meeting of the UN Human Rights Council, Commission on the Status of Women (CSW) and CEDAW Committee and the issues of AFSPA, communal violence, forcible displacement and disappearances. The government is opposed to potentially intrusive human rights monitoring of its conflicts. At the national level, representatives of civil society bodies are included in the consultative mechanisms of the National Commission of Women, National Commission for Human Rights etc. NGOs patronized by government agencies are involved in high-level ‘independent’ panels on health, education, customary tribal rights, etc. Local NGOs and civil society groups connect with national networks to raise human rights issues as well as bring out fact-finding reports and analysis. In addition, the Northeast has a now a vibrant mass media and social media, but national security scanner acts as a huge constraint on both.

Since many NGOs are currently active in Morocco in the protection and promotion of human rights, including at the international level, one can assume that this will also be the case for the NGOs in the autonomous Sahara region in compliance with the above-mentioned Article 25 of the Initiative. Arguably, as evident from Indian experiences, national security considerations can significantly shrink the space for civil society’s activities.

1. **Concluding Comments**

In the last analysis the Indian experience has shown that **the statutory structure of guaranteeing rights in these special status states and autonomous areas has proved insufficient in withstanding the executive’s steady assault on the special autonomies and rights of the peoples**. The judiciary and other human rights institutions have failed to effectively safeguard these rights against the centralizing national security state.

A review of the Indian Supreme Court in defending fundamental rights and the constitutionality of security laws since 1980 asserted that “the Court failed to engage with constitutional standards when evaluating security laws. Thus, both the legislature and judiciary have endorsed the executive’s national security powers without fully engaging with the impact and import of these powers. Repeated endorsement has, in turn, eroded constitutional constraints – in particular, constitutional rights – in significant ways.”[[32]](#footnote-32) This is especially so where geopolitics meets ethno-politics in the border regions, the areas of special autonomies.

The Indian experience holds important lessons for the challenges Morocco confronts in ensuring the possibility of fundamental freedoms and democratic rights in an autonomous Sahara region.

1. The author is Research Director, South Asia Forum for Human Rights (SAFHR). [↑](#footnote-ref-1)
2. India’s Northeast (a cluster of seven states) is a region marked by separatist insurgencies that have spread like prairie fires from the Naga to Mizo hills, Manipur to Assam. Its remoteness is reinforced by its different ethnic-cultural and religious mosaic. Disaffection from the Indian state has given rise to popular ethno-nationalist mobilizations that challenge the state’s integrationist project. Alongside are fault lines of inter ethnic hill-valley conflicts, and competing bids for ethno-territorial homelands (Subir Bhaumik, *Troubled Periphery*). [↑](#footnote-ref-2)
3. Ranabir Samaddar (2005) ed. *The Politics of Autonomy: Indian Experiences*, New Delhi, Sage Publishers. [↑](#footnote-ref-3)
4. A G Noorani (2000), “Article 370 », *Frontline Magazine*, 16 September 2000. [↑](#footnote-ref-4)
5. Rita Manchanda, Tapan K Bose Sajal Nag (2015) *Bridging State and Nation: Peace Accords in India’s Northeast*, Sage Series in Human Rights Audits of Peace Processes, vol 2, New Delhi, Sage Publishers. [↑](#footnote-ref-5)
6. The Armed Forces (Special Powers) Act (AFSPA) (1958) grants special powers in what are termed "disturbed areas". It was introduced as a legally enabling framework for the army and para-military forces to combat insurgency in Nagaland and since has been extended to the Northeast and Jammu and Kashmir is at the root of the culture of impunity. The fourth and sixth sections of the Act enable security forces to “fire upon or otherwise use force, even to the causing of death” and ensures no criminal prosecution against any person who has taken action under this act without prior sanction. [↑](#footnote-ref-6)
7. See: Rita Manchanda & Tapan K Bose (2015) “Endgame in the Naga Peace Process” in Manchanda, Bose, Nag, *Bridging State and Nation: Peace Accords in India’s Northeast*, Sage Series in Human Rights Audits of Peace Processes, vol 2, New Delhi, Sage Publishers, pp 35-121; Sanjib Baruah (2010) “Confronting Constructionism: Ending the Naga War” in *Ethnonationalism in India*: *A Reader ,* edited by Baruah, New Delhi Oxford University Press, pp 239-262. [↑](#footnote-ref-7)
8. Sanjib Baruah (2005), *Durable Disorder: Understanding the Politics of Northeast India,* New Delhi, Oxford University Press. [↑](#footnote-ref-8)
9. United Nations Security Council Document 2007/206 of 13 April 2007. [↑](#footnote-ref-9)
10. Many governments prohibit NGOs especially those receiving foreign funds from engaging in ‘political activity’; but what does constitute legitimate political action by NGOs? Do advocacy campaigns for enactment of new laws come under “political activity”? Do campaigns against selected political parties in the name of “combating communalism” constitute political activity? [↑](#footnote-ref-10)
11. Crawford Young (1994) *The African Colonial State in Comparative Perspective*, New haven, Yale University Press, 48. [↑](#footnote-ref-11)
12. Catherine Barnes (2005 ), *Agents for Change: Civil Society Roles In Preventing War & Peacebuilding*, European Centre For Conflict Prevention, The Hague; Rita Manchanda & Tapan K Bose (2015), *Making War Making Peace: Conflict Resolution in South Asia*, Sage Series in Human Rights Audits of Peace Processes, vol 1, New Delhi, Sage, Publishers, pp 119-141. [↑](#footnote-ref-12)
13. Samir Das (2007), Conflict & Peace in India’s Northeast: The Role of Civil Society”, *Policy Studies* 42, East West Centre, Hawaii. [↑](#footnote-ref-13)
14. Priti Mehrotra (2009), *Burning Bright: Irom Sharmila*, New Delhi, Penguin. [↑](#footnote-ref-14)
15. Thania Paffenholz (2002), “Civil Society and Peacebuilding”, CCDP *Working Paper*, Graduate Institute of International Studies, Geneva, <http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-4-Civi-Society.pdf>. [↑](#footnote-ref-15)
16. The Indo-Naga Ceasefire Agreement between the GOI and the NSCN-IM was signed in July 1997 at the ‘highest level’ and in a third country – at insistence of the collective leadership, Isak and Th Muivah of the National Socialist Council of Nagalim (NSCN) as a recognition of claiming status as an ‘equal’ party representing a national movement and government in exile, though ‘sovereignty’ was not part of the negotiations to follow. Eighteen years since the peace talks are still ongoing, no political settlement has been reached and ceasefire has been normalized as peace. [↑](#footnote-ref-16)
17. See Rita Manchanda & Tapan K Bose (2015), *Endgame in the Naga Peace Process*, op. cit. [↑](#footnote-ref-17)
18. Rita Manchanda (2004), *We Do More Because We Can: Women in the Naga Peace Process* , Kathmandu, SAFHR [↑](#footnote-ref-18)
19. The history of the Naga national movement is scarred by bloody factional splits of the Naga National Council which launched the national movement and armed struggle. Scholars of the Naga movement have held the peace accords as responsible for dividing the Nagas. In 1980 NSCN emerged out of the ashes of the Shillong Accord (1975), and in 1988 split into the NSCN Isak-Muivah (IM) and NSCN Khaplang factions. The Indian government in 1997 chose to make peace with only one faction, NSCN-IM. Four years later in 2001, GOI signed a separate ceasefire with the Myanmar-based Khaplang group. [↑](#footnote-ref-19)
20. *Naga Chronicle*, compiled by Rev Nhu and Lasuh, p 633. [↑](#footnote-ref-20)
21. See Note 7. [↑](#footnote-ref-21)
22. Full text available at: <http://www.maroc.ma/en/content/constitution>. [↑](#footnote-ref-22)
23. See chapter “Gender and Ethno-nationalist struggles” in Manchanda & Bose (2015), *Making War Making Peace: Conflict Resolution in South Asia*”, pp 142-170, op. cit. (Note 11). [↑](#footnote-ref-23)
24. Rita Manchanda & Seema Kakran, “Gendered Power Transformations in India’s Northeast: Peace Politics in Nagaland” , in Ashild Kolas ed., *Making Women Count for Peace*, Orient Blackswan (forthcoming). [↑](#footnote-ref-24)
25. Ibid. [↑](#footnote-ref-25)
26. H. Kham Khan Suan, ‘Adding Fuel to the Fire’, *The Hindu*, 9 August 2013. <http://www.thehindu.com/opinion/lead/adding-fuel-to-the-fire/article5004098.ece>. [↑](#footnote-ref-26)
27. # India has entered a declaration with respect to Common Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), expressing the view that the right to self-determination applies “only to people under foreign domination” and not to “sovereign independent States or to a section of a people or nation – which is the essence of national integrity. See: [Patrick Hoenig](http://www.epw.in/authors/patrick-hoenig), “Totem and Taboo: The Case for a Secession Clause in the Indian Constitution?” *Economic & Political Weekly*, Vol XLV No. 39, 25 September 2010 (<http://www.epw.in/special-articles/totem-and-taboo-case-secession-clause-indian-constitution.html>).

    [↑](#footnote-ref-27)
28. Vrinda Grover’s Submission to the Verma Committee, 5 January 2013 (<http://feministsindia.com/women-and-law/justice-verma-submissions/vrinda-grover/> accessed 28 October 2014). [↑](#footnote-ref-28)
29. On the abortive efforts of Indira Goswami and the Peace Consultative Group to initiate a peace process in Assam in 2005, see Tillotama Misra, “Indira Goswami, Brave Gentle and Bold”, *Economic & Political Weekly*, Vol XLVI No. 53, 31 December 2011. [↑](#footnote-ref-29)
30. See: <http://www.counterview.net/2014/09/human-rights-watch-wants-indias.html>. [↑](#footnote-ref-30)
31. *The Hindu*, 6 January 2015. [↑](#footnote-ref-31)
32. Surabhi Chopra, “National Security Laws in India: The Unraveling of Constitutional Constraints,” *Oregon Review of International Law* 16(1), Forthcoming (<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441652>). [↑](#footnote-ref-32)