



Statement to the 14th Session/ Regional Meetings of the Expert Mechanism on the Rights of Indigenous Peoples, 13 July 2021 (Asia)

Item 8: Draft Report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: **Indigenous Peoples and the Right to Self- Determination**

The Naga Case -- Global Naga Forum (GNF)

Respected Chair,

The Naga people are transnational indigenous peoples with a population of over 4 million comprising about 60 tribes. Our land and territories are located in India (North-East) and North-West Myanmar. We were arbitrarily divided between India and Burma (now Myanmar) during the colonial transfer of power from Britain in the late 1940s. We were divided and placed under different administrative units as minorities in post-colonial India and Myanmar, and continue to be, except in India's imposed state of Nagaland where Nagas are the majority. The imposed separations have not only gravely affected our ties and ability to maintain relationship among ourselves as an indigenous nation, but they contravene Article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, which says: "Indigenous peoples, in particular those divided by international borders have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders".

The Naga Cause at India's Independence in 1947:

Naga peoples' struggle for self-determination has continued for more than seven decades, longer than India and Myanmar have been independent nation-states. The expressed will of the Nagas for freedom and self-rule goes back to 1929, when the Naga Club submitted a memorandum to the Simon Commission asking the colonial government "to leave us alone to determine for ourselves as in ancient times." Then, as the British were set to leave the Indian subcontinent, the Naga National Council (NNC, an offshoot of the Naga Club) sent a delegation to Delhi to meet with Mahatma Gandhi, the Father of the Indian nation. The delegation submitted a memorandum on July 19, 1947, which stated that "The Nagas shall declare their independence on the 14th August 1947." Mahatma Gandhi was quoted as having told the Naga delegation: "Personally, I believe you all belong to me, to India. But if you say you don't, no one can force you."



The Naga National Council declared Independence on 14th August 1947, a day before India did. On the same day, the NNC sent a telegram to the Secretary-General of the United Nations. The message read: “Kindly put on record that Nagas will be independent. Discussion with India is being carried on to that effect. Nagas do not accept Indian constitution. The right of the people must prevail regardless of size.”

These historic memoranda and communiques going back to the British Empire in 1929 testify to the validity of the Naga cause. They confirm the Naga conviction and will to be a free people and a nation, separate from India and Myanmar, when British rule would come to an end. Till today, three quarters of a century after the British left the subcontinent, Nagas have been consistently clear about our right to self-determination and self-rule.

Government of India’s Repression of the Naga Cause:

Since its inception, however, the Naga freedom movement has found itself at odds with the Government of India. Congruent with our goal of self-determination, the Nagas boycotted the first general elections held in Independent India. India responded by unilaterally imposing her will upon the Nagas with violence and military force. The Naga people were compelled to resort to armed resistance beginning in the early 1950s. The Indo-Naga conflict escalated into a war in the mid-1950s, with intermittent ceasefires. Under the pretext of waging war against Naga “rebel” groups, members of the Indian army committed many atrocities against Naga civilians. Thousands of Naga men were massacred or “disappeared” in extra-judicial killings, women raped and molested, and an undeclared war, largely unknown to the world, was waged upon a people fighting for the right to self-determination. The freedom struggle continued and India launched a series of suppressive tactics, including the draconian Disturbed Area Act and Armed Forces (Special) Powers Act (1958), both of which continue to this day. Under the Armed Forces Special Powers Act (AFSPA), Nagas have no legal recourse for human rights abuses and violations including torture and killings committed by the Indian army. AFSPA invests Indian military personnel and the state Governor with extra-judicial powers; they are above the laws of the land.

The Indian nation-state’s longstanding policy of keeping Naga areas under its political domain has meant that matters of Naga sovereignty vis-à-vis India have been, at best, unfairly and uncaringly addressed, and at worst, crushed by military force, as India’s widespread strategy of militarization of the region shows. Despite multiple agreements between the Government of India and the Nagas that promised seemingly greater freedoms for the latter -- such as the Akbar Hydari Accord of 1947, the 16 Point Agreement of 1960, or



the Shillong Accord of 1975 -- the fundamental right of the Naga people to self-determination remains unresolved. As a result, the Naga reality has been one of long-lasting conflict.

Despite these decades of oppression and violence on many fronts, indeed especially because the problems have dragged on for so long causing so many lives and so much suffering, the Naga people long for justice and lasting peace, with key stakeholders consistently advocating for a constructive approach towards India and Myanmar. Due in part to this hopeful spirit of the people, a ceasefire agreement was signed on the 1st of August 1997 between the Government of India and the Naga separatist group, the National Socialist Council of Nagaland (NSCN). These negotiations were based on the foundation that talks would proceed without conditions at the Indian Prime Minister's level, in a neutral third country. Over the years, several prime ministers of India, including Narashimha Rao, Deve Gowda, and IK Gujral, have engaged in peace talks with the NSCN leaders in a number of neutral nations: France, the United States, Thailand, Switzerland, Germany, and others. Since 2003, the Indian Prime Ministers AP Vajpayee, Manmohan Singh, and Narendra Modi have continued to engage in these top-level talks.

The State of the Naga People Today:

After more than 80 rounds of dialogue between India and the Nagas, both parties signed the seminal Framework Agreement on the 3rd of August 2015 that arranged to resolve longstanding issues of contention. Soon after signing the Framework Agreement, the Indian government stated that it "recognised the unique history, culture, and position of the Nagas and their sentiments and aspirations." Regardless, on 30th June 2021, the Government of India announced the extension of the Nagaland Disturbed Area Act, allowing the continuance of the Armed Forces (Special) Power Act and virtually giving unbridled and unchecked powers to the Indian military in Nagaland and its Governor. The same governor is also the Interlocutor of the on-going Indo-Naga negotiation, yet is operating outside of the Framework Agreement for the negotiation.

It is evident that the Naga people continue to be denied our collective rights to live as a free people. Due to the political realities at play with India and Myanmar -- which are further steeped in oppressive, neo-colonialist paradigms -- we continue to be deprived of our rights to liberty, as well as political, socio-economic, and cultural freedom. We are a people with a collective aspiration to live together as one nation in one geopolitical entity. It is for the fullest realization of our human dignity -- identity and rights -- that we desire the reunification of our ancestral contiguous land, which is at the heart of our existence.

Recommendations:



1. The Naga people's position is clear that peaceful resolution of the Indo-Naga political issue will usher in an era of "new relationship with enduring peace with India," as well as Myanmar. Therefore, we appeal the United Nations and the International community to respond to the call of Naga people for justice and peaceful co-existence.
2. We appeal the United Nations EMRIP mandate to call upon India and Myanmar to resolve the Nagas' case in the spirit of justice and lasting peace.
3. Naga people that are scattered in four Indian states and Myanmar be allowed to live together as one people with one destiny.
4. We appeal the United Nations EMRIP mandate in collaboration with UNHRC, UNSRIP and other mandate holders to put pressure on the Government of India by demanding the immediate repeal of the Armed Forces (Special) Powers Act of 1958 and Nagaland Disturbed Areas Act, a draconian anti-democratic legislation that violates all human decency and dignity.

Thank you, Chair.

(CHUBA OZUKUM)
Convenor
Global Naga Forum.

(Prof PAUL PIMOMO)
Secretary
Global Naga Forum.