

UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

EMRIP call for submissions on Self-Determination.

Joint Submission by:

1. Naga Peoples Movement for Human Rights (NPMHR), Northeast India
2. Karbi Human Rights Watch (KHRW), Northeast India
3. Borok Peoples' Human Rights Organization (BPHRO), Northeast India
4. Zo Indigenous Forum (ZIF), Northeast India
5. Boro Peoples Committee for Peace Initiatives (BPCPI), Northeast India

Introduction: The Indigenous Peoples all over the world practice right to self-determination in some form or the other. It is the oldest value passed down from one generation to the other. The denial, non-recognition and/or non-implementation of this fundamental right to self-determination has caused years of conflict.

The Northeast India; a region that comprises mostly of Indigenous communities spread across 8 states is a case in point. Some of them arbitrarily divided and scattered in different states and countries too. The Naga people for instance are divided across four contiguous states in India and many zones in Myanmar, while in the case of the Tripura the Indigenous Peoples (tribals) have been reduced to a minority in their own land from 95 percent to 30 percent population.

The region has a long history of being brutalized and militarized as the state view the assertion of different aspiration to right to self-determination as being anti-state and

responded to the earliest movements by promulgating what is called the Armed Forces (Special Powers) Act (AFSPA) 1958, an act that grants special powers to the Indian army including shoot at sight on mere suspicion with impunity that continues till this day and accounting for thousands of extra judicial killings, torture and different forms of human rights abuse.

The UNDRIP that seeks to address and advance the rights of the IPs across has made little impact on the Indigenous Peoples in India and more so for the IPs in the northeast region with specific reference to the right to self-determination. This is because, India, despite, voting in favour of UNDRIP, still refuse to legally recognise the Indigenous Peoples. Whereas the term Indigenous populations is synonymously used by the government of India in its notification while referring to the constitutional safeguard of the Indigenous/ tribal People of North Eastern states of India.

It is undeniable fact that self-determination is inextricably associated with customary governance system of Indigenous Peoples where tenets of basic democracy is practiced and propagated. Indigenous Peoples consider the right to Self-determination is an inherent right of IPs. By denying this the government of India is blatantly violating the rights of Indigenous Peoples and subjecting them to oppressive regime while demand is raised.

The region while struggling with appalling basic services continues to be impacted by protracted armed conflict around right to self-determination and the government has been adopting quick fix approaches to these struggles and aspirations and signed numerous peace accords with many armed groups. At the same time many of the leaders and workers are incarcerated in the jails as political prisoners. For instance, many Naga and Bodo political movement activists are languishing in jails.

Some are being tagged and hunted and their family members harassed demonstrating the flaw of peace accords that is not founded on genuine right to self-determination. So, instead of resolving the conflict, the endless accords have produced a more complex

social and political tension in the region and created factional conflict to stifle these movements. We produce some of them to highlight the failures of peace accords.

The Bodo Accords:

The Bodo people in the state of Assam have been politically, economically, and socially subjugated in their own land for decades. They were made minority in their areas with tacit population implantation agenda by advance communities in connivance with upper echelons of government officials which led to systematic deprivation of socio-political, economic, and cultural rights of Bodo people. The situation became so alarming for Bodo people that they had to devise a political movement for a separate state to live in their land with dignity and control their affairs for development and secured future of the community. The Bodo people demand for a separate state has seen three agreements. The first Bodo Accord was signed in 1993 with 'All Bodo Students Union' (ABSU) and the second in 2003 with 'Bodo Liberation Tiger Force' (BLTF). However, these two accords were ineffective, and a third accord was signed recently in January 2020 with five Bodo organizations, predominantly National Democratic Front of Boroland (NDFB) which is termed as comprehensive and final solution for the Bodo political movement. However, though it is called "Bodo Peace Accord", some of the signatories are still held as political prisoners and are languishing in the jail and the third accord may not guarantee a lasting peace as it does not genuinely recognise the right to self-determination which is central to the Bodo peoples' aspiration.

The Tripura Indigenous (tribal) People Accords: The story of the Indigenous Peoples is similar to the Bodos where they have been reduced to a minority in their own land with weak political power and authority to retain and manage their land and natural resources that led them to organize armed movement.

The Government of India and Tripura government has signed three agreements with the different armed groups in three decades. The first was signed with the All Tripura Tribal Force (ATTF) in 1993. The second was a Tripartite Accord between the Government of

India, State Government of Tripura and the Tribal National Volunteers (TNV) in 1998 and the third with the National Liberation Front of Tripura (NLFT) in 2019 but Tripura continue to be embroiled in deep political uncertainties with violent outbreaks of conflicts between different communities.

The Karbi Accords: What started as a demand for implementation of Article 244(A) of the Indian constitution that allows greater autonomy, the Karbis were pushed to a violent demand for statehood. A memorandum of understanding was signed with the Karbi organizations and the government in 1995 which was not fully implemented and following which a new accord was signed in 2011 with greater autonomy power. The new accord was supposed to be implemented before the council election of 2017 but it has not been done so.

The Mizo Accord: The Mizo people movement for right to self-determination took to arms in 1966 and after years of resistance signed the Mizo Peace Accord in 1986 and became the 23rd state of India from a Union Territory. Mizoram considerably is more peaceful, but issues of ‘immigration’ and border disputes suggest that the accord have not been able to cover nor resolve serious political problems.

The Naga Accords: The Government of India have signed the Nine-Point Agreement in 1947 (with British-India), the Sixteen Point Agreement in 1960, and the Shillong Accord in 1975. Currently, there are two ceasefire agreement and peace talks being held with two Naga groups; the National Socialist Council of Nagaland (NSCN-IM) since 1997 and the Naga National Political Groups (NNPGs) since 2017.

In 2015 a “Framework Agreement” was signed with the NSCN-IM and in 2017 an “Agreed Position” was signed with the NNPGs. The duplicity of the government holding parallel negotiation has created confusion and division among the Naga people and if this is not resolved it has the potential to unleash great scale violence.

These cases reflect the peculiarity, insincerity, and failure of peace accords in India.

It is unfortunate that these accords also do not recognize the impact of violence and conflict on IPs of the region particularly women and children which have nothing to address the devastating impact on them.

When right to self-determination is not recognized in its true sense, violence and oppression will continue and, in this light, we place the following recommendations.

1. The Expert Mechanism on the Rights of Indigenous Peoples and the Office of the High Commission on Human Rights undertake a study on the peace accords, including the peace negotiation between the Government of India and the Nagas in Northeast India to understand the situation and to promote dialogue at the local level and at the United Nations to advance the rights to self-determination and autonomy of Indigenous Peoples in the region.
2. The Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum and the Special Rapporteur Rights of Indigenous Peoples should facilitate an inclusive process aimed at the development of guiding principles for the realization and implementation of the right to self-determination and autonomy based on the Declaration on the Rights of Indigenous Peoples and universal human rights standards in Northeast India.
3. The Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum along with the Office of the High Commission on Human Rights and the UN Department of Political and Peacebuilding Affairs should facilitate regional and local level dialogues between Indigenous Peoples and Governments for the realization and implementation of the right to self-determination and autonomy.
4. States should establish ombudsman institutions to ensure that the rights of Indigenous Peoples are respected and protected and to facilitate the

establishment of similar institutions in the existing Indigenous autonomous areas in Northeast India.

5. The Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum along with the Office of the High Commission on Human Rights and the UN Department of Political and Peacebuilding Affairs should intervene with the government of India to respect the Peace Accord and appeal for the immediate release of all the leaders. Without this the peace process will be incomplete and inconclusive.

We urge that UNDRIP is not only recognized but implemented in letter and spirit by every nation including India so that indigenous population across can contribute in their full capacity towards the restoration and healing of this world.

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