

SOME OTHER MODELS OF CONFLICT TRANSFORMATION CONT'D

Many individual thinkers and scholars, administrators, politicians have also suggested different models for resolving the Indo-Naga conflict. T.H. Hutton, the then Deputy Commissioner of Kohima from 1917-1935, had in a note to the Simon Commission recommended the gradual creation of self-governing communities, semi-independent in nature. In the following years, Hutton developed the idea of a Northeastern Province “embracing all the Hill Fringes from Lushai land on the South right round to the Balipara Frontier Tract on the North, embracing on the way to Chittagong Hill tracts of Bengal and Chins of Burma and perhaps the Shans States too.”

In 1941, the idea was taken up once again by Robert Reid, the then Governor of Assam who was also responsible for the Naga Hills. Reid endorsed Hutton’s idea of a Northeastern Province with Chittagong serving as a “Crown Colony” under the Chief Commissioners independent of the Government of India and Burma and directly accountable to Whitehall. The proposal was placed before Reginald Coupland, a Constitutional Expert from Nuffield College at Oxford and Bief Professor of History of the British Empire. Coupland examined the Plan and suggested that it would require treaty arrangements with the Governments of India and Burma for an effective administration as a “Trust Territory” directly under Whitehall. When the Nagas knew such a British scheme, the Nagas opposed it vehemently because they had no affection for any kind of British imperialism and colonialism in their land.

On December 20, 1964, the Peace Mission issued proposals running into 17 Paras appealing to both the Government of India and the Federal Government of Nagaland. Para 13 proposed the Federal Government of Nagaland (FGN) on its own volition to be participant in the Union of India. But it was not acceptable to the Nagas. In 1964, at the peak of the Indo-Naga political negotiation, the proposal of a Naga leader, R. Suisa called ‘Uncle Suisa Proposal’, agreed in principle by both the GoI and the FGN to be the basis for settlement of the Indo-Naga politico-military conflict. But the FGN backed out of the deal even after sending feelers to its President, A.Z. Phizo in London, perhaps

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

due to the impression that the Proposal of Suisa was short of self-determination of the Nagas. Suisa's Proposal had the following main features:

- a) *Permanent link between India and Nagaland has to be there;*
- b) *Some subjects have to be selected to be subjects of common concern;*
- c) *India and Nagaland has to form a federation (or call it by any name);*
- d) *Defence, Foreign Affairs and Communication and so on to be subjects of common objects; and*
- e) *Delhi or anywhere in India according to convenience to be location of seat of federation.*

Suisa's thesis was based on the line of the Puerto Rico Model. The concept was based on Estado Libre Asociado- the Associated Free State. The Puerto Ricans demanded total independence in the 40s but by 50s a legislation to permit the creation of this State was moved through Congress and it became law in 1952. Puerto Rico then became a member of the "Union with the USA" and was linked by law. The associated States embodied four elements of relationship with the USA, which are advantageous to Puerto Rico. They are:

- a) *A substantial net inflow of Federal Funds,*
- b) *Freedom from the Federal taxes,*
- c) *Common market and common citizenship, and*
- d) *Special treatment under Federal Laws and Regulations.*

Incidentally, Noorani also gave suggestions for the possibility of solving the Indo-Naga problem based on the Puerto Rico Constitutional States. He wrote: "The constitutional status of Puerto Rico is a model which may have a lot to teach us. The Nagas are not averse to a treaty between India and Nagaland defining their relationship but as 'Neighbours'. India, on the other hand, would like the relationship to be based on Nagaland's participation as a constituent member of the Indian Union and Nagaland not

by treaty but a law binding all. In fact some Indian scholars have been suggesting a broadly similar approach of the 'Saami Council'. The Saami People are found in three Nordic Countries, namely, Norway, Sweden and Finland and also in a small number in the Kola Peninsula of Russia. Each of the three Nordic Countries has a Saami Parliament. Now these Parliaments coordinate their activities through a non-statutory Saami Council.

B.K. Roy Burman has also made his own Proposals. They are:

- a) *The Naga People undoubtedly constitutes a nation. Historically they are not Indians;*
- b) *The Nagas on volition became part of Indians;*
- c) *Short-range Perspective:*
 - i) *As a confidence-building measure (CBM), the GoI should take steps among others to repeal the draconian Armed Forces (Special Powers) Act and the Regulations that are being imposed in the Naga areas;*
 - ii) *The GoI must assure the Nagas on the continuation of the traditional rights of the Nagas in respect of land based resources;*
 - iii) *A non-territorial jurisdiction should be envisaged cutting across State boundaries within India with much more enhanced legislative, administrative, and judicial and development oriented powers to the existing Autonomous District Councils and Sixth Schedule by constituting coordinating bodies.*
 - iv) *The Nagas should be allowed to have non-statutory trans-border coordinating bodies or the like to enable them to mix freely without restrictions in the de facto border of India and Myanmar.*

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

d) Long-range Perspective:

- i) A non-territorial solution without ignoring the territorial nexus;*
- ii) A limitation of the role (authority and power) of the GoI (and Burma) for greater freedom of existence for the Nagas.*

His suggestion for resolution of the conflict are confined to the non-territorial solution for which his critics would say that it is extremely doubtful whether such suggestion would be workable in the short or long term perspectives. It is felt by critics that at the most such suggestion would be workable as an interim arrangement before a final solution of the Indo-Naga problem is effective. Peace Mission Committee already made the suggestion of B.K.Roy Burman for voluntary participation of the Nagas in the Union of India, which was not acceptable to the Nagas. However, Roy Burman seems to suggest that the issue is a settled one and it should not be reopened. This could be a dangerous perception for the acceptance of the Nagas being Indian is still a disputed issue.

R. Vashum, also suggested that in his case, the main basis of the Indo-Naga Peace Talks have to be the question of Sovereignty of the Nagas, be it limited or otherwise. However, it will be necessary that certain subjects like Foreign Affairs, Defence, and Communication be taken up for discussions for the mutual benefit and interest of India and Nagalim. For R. K. Satapathy, Mizoram has become a role model for conflict resolution not only for the other States in the Northeast, but for other parts of the world as well. The Mizo National Front (MNF), which was fighting for complete independence for greater Mizoram against the GoI, signed the Memorandum of Settlement or Mizo Peace Accord on June 30, 1986, through Insider- Partial Mediator. The Memorandum of Settlement incorporated some important issues in its provisions.

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

The MNF agreed to end underground activities, surrender all arms and weapons to the appropriate authority, come back to civil life and eschew violence within a stipulated time frame. It further agreed to delete its objective of “independence of Mizoram from the Union of India” from its constitution to confirm its faith in the Indian Constitution. The Government of India, on its part, agreed to rehabilitate underground MNF cadres with adequate compensation. It also agreed to upgrade the status of Mizoram from the existing Union Territory to a full-fledged State of the Indian Union. Further, the Government of India committed to establish a High Court and a University for the State. The Government of India duly recognized the socio-cultural autonomy of the Mizo people.

However, Mizo Peace Accord of 1986 could not be a role model for the Indo-Naga politico-military conflict. The reason will not be difficult to mention here. We will discuss in the following chapters that the Shillong Accord of November 11, 1975 between the GoI and the FGN was a failure because the acceptance of the Constitution of India and surrendering of arms were rejected by the Nagas led by Isak Chishi Swu, Chairman and Thuingaleng Muivah, General Secretary of the NSCN.

Speaking out for the first time since a dialogue on the Indo-Naga Political Issue between the Representatives of the Naga National Movement and New Delhi resumed last December (2004), Thuingaleng Muivah, General Secretary, NSCN, told BBC World: Hard Talk India that, “Nagaland was never a part of India either by conquest by India or by consent of the Nagas. This is very clear.” On Sovereignty, which, he said, belongs “to the Naga people and to the Naga people alone”, he spoke about “a special federal relationship” with India but not within India: “Sovereignty of the Naga people belongs to the Naga people and to the Naga people alone. There cannot be otherwise. Nagas have a right to decide their future, to determine their faith also. So long as that is

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

there adjustments can be made...So long as the national identity of the Nagas is recognized and honoured that (adjustment) is possible...When we say a special federal relationship it has to be on the terms of agreement that can be arrived at...It should be a federation of India and Nagalim. Within the Indian Union or within the framework of the Indian Constitution is not possible.” The “special federal relationship” as maintained by Th. Muivah is important in the sense that this proposal is one of the latest positions of the Nagas for a viable political solution.

Special Federal Relationship

Some of the main points the NSCN has put forwarded to the Government of India for a political solution within South and South East Asia includes Joint Defence, External Affairs, Communications, and Monetary Policies etc. In the external affairs the government of India should lead in handling the matters but in matters directly affecting the Nagas, the Naga people should represent themselves. Joint-defence would mean joint defence of Nagalim. With regards to matters such as, Communications and Monetary policies, both the entities will take policy decision bilaterally. In the course of the political talks it is learnt that the Nagas might have no problem of using Indian currency even though they are seeking for the right to self-determination. The “Special Federal Relationship” as proposed by the NSCN not only includes the above points but also for recognition of national identity of the Nagas, integration of all Naga areas, separate Naga Flag and a Naga Constitution.

With regards to the issue of a Naga Constitution, the world’s foremost constitutional lawyer, Yash Ghai who hold Sir Y.K. Pao Chair in Public Law in the University of Hong Kong, in his discussion with Union Minister of State, Oscar Fernandes in the Dutch capital after a similar meeting with Th. Muivah, General Secretary of the NSCN and his negotiating team on May 19, 2006, talked about the limits of flexibility of Indian constitution and suggested for a Naga Constitution. In the talk that was held in the Thai capital Bangkok, on July 29 to July 31, 2006, “Framework for Relationship” which was put forwarded by the Dutch NGO Kreddha, both the

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

Government of India and the NSCN has agreed to study each other's Constitution. Now both the parties are studying each other's Constitution by forming Committee consisting of Constitutional experts from various countries.

However, the GoI has not come out with a concrete proposal. Therefore, the above issues still need to be discussed and negotiated between the GoI and the Nagas for a political solution. The political negotiations are still continuing between the GoI and the NSCN. The nature of the conflict calls for serious political will and commitment on both the conflicting parties so as to avoid mistakes committed in the past. Adhoc and temporary remedial measures so far have not worked and they should be discarded. The settlement between the Nagas and India can only be forged on the basis of a deep and sincere respect for the cultural, historical, and political traditions of the other side.

It is clear from the above discussion that various strands of theories, definitions, and models of conflict management, conflict resolution or conflict transformation, have their areas of applicability at different contexts and situations. It is understood that most of the above mentioned theories have been formulated for the inter-states and internal conflicts except some few theories and models like "Crown Colony" or "Trust Territory" , Rothman, Azar, NSCN's Model, Herb Feith and Alan Smith, indigenous perspective, Suisa's Proposal etc. Even though the present chapter and the whole thesis will make use of the conflict transformation theory including social critical theorists as a model, it is observed that these theories mostly talks about structural change and other transformation within the paradigm of nation-states discourse. In short, what has observed from the above discussion is that most of the theories on conflict and their way out hardly match the kind of the people's struggle for the right to self-determination or independence or sovereignty. It is to be noted that deeper theorizing and suitable models for such conflicts needs to be done and worked out by academicians, scholars, practitioners, policy-makers etc.

Workable-transformative-roadmap

Nevertheless, the chapter intends to present a workable model by mixing or by combining of the above various strands of theories and models, which can be called as “**Workable-transformative-roadmap**” or **WTR** as a roadmap is a stepping stone for amicable conclusion of in the context of not only the ongoing Indo-Naga peace process which is a culmination of decades old conflict itself. Martin J. Dent’s model of “home rule” almost comes close to it. However, his model is lacking far behind in many areas and aspects from the WTR. Moreover, Dent’s model lacks political content and meaning which is contradictory to WTR. This “Workable-transformative-roadmap” is like a bridge connecting two mountain ranges or systems unlike adversarial severing of mutual relationship between two entities, in particular between the Nagas and the Government of India. The past and the present peace processes between the Indian Government and the Nagas are approaches towards establishing a mutual and friendly relationship unlike violent relationship. The Workable-transformative-roadmap or WTR envisioned a future relationship which is different from the present centre-state federal relations in India.

As the Second Indo-Naga Peace Process is based on the principle of unconditional dialogue, both the parties have been restrained from taking rigid positions i.e. the Indian Government will not insist on transforming the conflict within the framework of Indian Constitution while at the same time the Nagas will also not insist for a solution which is based on absolute Sovereignty. In this regard, the thesis has suggested a framework, i.e., Workable-transformative-roadmap or WTR which can be said as a meeting point between the two absolute or rigid positions between India and the Nagas. It needs to be pointed out that the past peace process of 1964 failed because there was no meeting point as the two entities could not come down from the rigid or absolute positions. The WTR in this sense is politically workable as a solution because it had not suggested for a rigid or absolutist formula. The WTR can not be worked out without inclusion of certain crucial elements of Sovereignty, national identity, various constitutional principles, territoriality, federalism, democracy, socialism, human rights, freedom, liberty, equality and psycho-politics and also psychocultural dynamics. The

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

roadmap is being suggested after taking into special consideration of the unconditional political dialogue which is underway between the Government of India and the NSCN.

The WTR has been formulated keeping in view the people's aspirations and desires of both parties. If the WTR could be implemented, both sides will have mutual gain and benefit, which means both the parties win. Therefore, the WTR is not a Zero-sum game (the gain of one party is a lose for the other party). It's a solution based on the principle of winning by both the parties. Neither of the party will be sacrificing anything. But, both parties meet their aspirations and desires through an integrative approach for an amicable peaceful political solution. Taking the present Indo-Naga political peace talks into consideration, the thesis has come out with this piece of framework so that the roadmap is relevant and indispensable.

It is to be noted that different kinds of conflicts should have different mechanisms to transform them. For example, economic problem should be dealt with such mechanism which will address the economic problem faced by the concerned people. Here, the point to be noted is that, proper and efficient diagnosis of various kinds of problems are required if researchers are truly searching for their remedial measures. This means an economic problem shall not be diagnosed as a cultural problem. If there is a wrong diagnosis of the problem, then, the mechanism applied to solve the problem will also go wastefully wrong and the result would be that there will be no redressal of the particular problem. And the problem will continue to persist.

In the same way, a political problem, in this case, the Indo-Naga issue should not be misinterpreted. The conflict between Indian Government and the Nagas has not been completely transformed due to the simple reason that the conflict has been wrongly defined and conceived. Different Governments of India since independence, academicians, policy-makers, military strategists and analysts, civil and military administrators, the media personalities, and other oppositional players for the past decades have defined and conceptualized the Indo-Naga political issue as an ethnic issue or law and order problem or insurgency movement or secessionist or separatist

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

movements. This misinterpretation, narrow perception and bias analysis of the issue have hardly transformed the conflict until today. This is one of the major shortcomings on the part of the Government of India and other actors while trying to solve one of the longest running conflicts in the world barring the one in Ireland.

The major mistake of the Government of India and the various so-called experts have committed is that the Indo-Naga issue which is political in nature and content has been consciously ignored and neglected. Such conscious policy has led the Government of India to approach the issue with measures such as constitutional formula, counter-insurgency and developmental packages. In the final reading, as the measures undertaken in the past hardly match the conflicting political point, the issue still remains untransformed and persisting. It means that correct mechanism and approach needs to be applied in such a conflict situation. Then, what would be the correct approach and mechanism to transform the political conflict? It is obvious that political mechanism and approach is the ultimate requirement if the parties are really willing to transform the conflict.

The WTR is a mechanism which could be applied to the Naga situation through mutual understanding and consent. This framework is a people-oriented design and democratic in content. This model is being devised for a long-term relationship between the parties. This means the parties should seek out for a politically transformative mechanism even today so that the conflict is substantially transformed and peaceful relationship take positive steps towards peace-building. The ongoing peace process can be said as one of the most opportune time for both the Government of India and the Nagas to find an amicable and mutually acceptable peaceful political solution. The hard-earned peace process should not only transform the Indo-Naga conflict but also a signal for a positive message of the authenticity of such peace process to various conflicts in the sub-continent in particular and the world in general. Once a political solution could be achieved through the peace process, the people will at last see the light of the day which will ultimately let the people think and realize that peace is achievable, transformable and practicable.

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

It is after due understanding of the political nature of the conflict that is being dealt herewith, and taking cues from the various models as discussed above, it can be rightly maintained that both sides need to think in terms of not only short-term solution but also in terms of long-term relationship. It is to be pointed out that the roadmap is suggested as a workable formula to transform the identity-based conflict or nationality-based conflict. As such the negotiating parties need to mutually recognise the fundamental needs of human being in its intrinsic values, such as identity, human rights, dignity, security, existential survival, Psychocultural dynamics, equality, positive peace as propounded by the thinkers like Rothman, Azar, Galtung, Elizabeth Crighton, Martha Abele Mac Iver, etc. For example, the recognition of the Nagas aspiration to preserve their “unique identity” is a sine qua non for the new relationship (NSCN’s Model of a “Special Federal Relationship” and Rothman’s Identity-based Conflict Transformation Model, Azar’s Protracted Social Conflict Transformation Model etc.).

More efforts should be made for the preservation of the Naga democratic ethos, culture, arts, customary laws and usages (Ref. to Article 371 A of the Indian Constitution). While giving this effort, both the parties should make all out effort to strengthen the Indian democracy and the rule of law as well. The genuine aspiration and interest of the Nagas to restore the contiguity of the Naga geographical location which is hitherto separated shall be worked out cooperatively by both the parties as a means in seeking the solution. (NSCN’s Model and Conflict Transformation Theorists for Structural Change Models and Critical Social Theorists).

Martin J. Dent’s ‘sovereign land’, and not necessarily his ‘Super-federalism’, can be modified and deepened to suit the proposed “Workable-transformative-roadmap”. His ‘sovereign land’ which is limited to Nagaland state can be modified in such a manner as

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

to include Naga areas of Arunachal Pradesh, Assam and Manipur. Importantly, there is an ardent need to transform the over all political, socio-cultural and economic structures, as Kevin Clements, Vayrynen, A. B. Fetherston, Vivienne Jabri, Elise and Kenneth Boulding, John Paul Lederach, Adam Curle, Kumar Rupesinghe, Hugh Miall etc., propounded, which has engendered the conflict.

In transforming the structures, the Nagas should enjoy the full sovereign right over their land, natural and mineral resources, forest, oil, water, air (Suisa's Proposal). Policing, judiciary, education, banking and financial institutions under the internal affairs of the Naga administrative set up are firmly to be incorporated in any future agreement (Suisa's Proposal). However, in the areas of External, Defence, Monetary Policy, Communications and Transportations, there will be a joint-management by both Government of India and the Nagas though the Government of India will have a primary role in these areas (NSCN's Model). It may be suggested that the Indian Currency could be a common currency for both parties. As far as Herb Feith's and Alan Smith's suggestions are concerned, the wisdom of the conflictants will decide.

A modernized infrastructure would be engineered to effectuate the opening and development of roads between neighbouring Naga territories as a part of the roadmap (included in Grace Collins's Goodwill Missions Team Report, Unofficial White Paper Report of the Fact Finding Mission to Naga Areas May 16-27, 2005). Joint Economic Development Council should be formed to promote trade and investment (Grace Collins). Besides, Line of Control may be created to safeguard each other's interest. A "No War" policy would be declared as part of peaceful relationship (Grace Collins). The continuation of the Armed Forces (Special Powers) Act, Restricted Area Permit, Disturbed Area Act, etc. in the Naga areas has always been hindering factors in the process of conflict transformation (B.K. Roy Burman's Proposal). To this we may recall what Kevin Clements had to say, conflict transformation occurs when violence ceases and/or is expressed in non-violent ways, and when the original structural sources of the

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

conflict (economic, social, political, military, and cultural) are changed in some ways. The propensity for violence is diminished by democratization, demilitarization, de-alignment, socio-economic development, and expansion of human rights, humanitarian law, and socio-cultural openness (Kelvin Clements). ”. Ross’s suggestion is relevant as far as the Nagas’ assertion for recognition of their national identity is concerned. Psychocultural dynamics are complex and have multidimensional aspects which are deeply rooted in the hearts and minds of the people and not in the material world.

It might be added here of what B.K. Roy Burman’s proposition had to say, as a confidence-building measure (CBM), the GoI should take steps among others to repeal the draconian Armed Forces (Special Powers) Act and the Regulations that are being imposed in the Naga areas, though his non-territorial solution and the rest of his formulation in line with the *Saami Council* could not be fitted into our formulation in this chapter. The idea behind repealing the Act and other provisions is in keeping with the spirit of peaceful environment so that the real sovereignty lies with the people, and that they experience the true meaning of democracy and the rule of law. Here the emphasis is on the importance of reclaiming the shrinking of democratic space in the society. The principles and values such as rights, justice, liberty, freedom of expression, human security and well-being are all for the common good of the people. The two parties should also address the ‘psychocultural dynamics’ as Ross suggests that intransigent conflict results from a complex interplay between psychocultural dynamics and interpretations and substantive “interest”. Ross’s suggestion is relevant as far as identity-based conflict is differentiated from resource-based or interest-based conflicts.

Many conflicts contain elements that are relatively obvious, observable, and tangible. A landlord and tenant struggle over value, that is, the tenant wants more

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

services, for which the landlord wants more rent. Several nations compete for a single economic market. Interest-based disputes are usually concrete and clearly defined, and the outcomes each side seeks are bounded by the resources at stake: more or less land, wages and benefits, or military and economic power. However, many other conflicts are relatively intangible and deeply rooted in the more abstract and interpretative dynamics of history, psychology, culture, values, and beliefs of identity groups. Israelis and Palestinians battle over issues of safety and control like the Government of India and the Nagas. Labour and management battle over issues of organisational survival and participation. Communities battle over issues of tradition and change. These are identity conflicts because they derive from existential and underlying psychological concerns that are perceived as threatened or frustrated as a result of, or resulting in, intransigent conflict. These disputes are usually, at their source, very complex, relatively intangible, and often hard to define clearly. Rooted as they are in complex and multidimensional psychological, historical, and cultural factors, identity conflicts are marked by a difficulty in clear determination of their parameters and boundaries. In fact such conflicts are so intangible and hard to define because they arise from the depths of the human heart rather than the material world.

It is important that democratisation of the peace process is crucial even at this juncture. Once an agreement is arrived at between the Nagas and the Government of India, peacebuilding at all levels from the grass-root to the highest is necessary in the course of conflict Transformation. The need of the hour is to take a concrete policy decision on the political issue. In this regard, former President of the U.S.A., Jimmy Carter's letter written to Manmohan Singh, Prime Minister of India and the NSCN leaders on June 18, 2005 is noteworthy, which says, *"I encourage you to move ahead with your conversations to present an acceptable solution that will assure the rights of the Naga people and the security of India."* There is a positive aspect of economic

BALM 306 - CONFLICT MANAGEMENT & TRANSFORMATION

development and growth, socio-cultural revitalization and progress once there is a concrete political solution to the six decades old imbroglio. To do this Herculean task, the two negotiating parties need political will with utmost sincerity and honesty.

The world would be a witness to the changed political scenario that has transformed from adversaries to friends. This changed political scenario is indicative of Follet's integrative approach, that is, when a solution has been found in which both desires (aspirations) have found a place, such that neither side has to sacrifice anything as Rothman would suggest. Such a political solution will be a harbinger for other conflicts in the region as well as in the international system. In the future peace-building process, the assistance and intervention of the international community on the humanitarian and development activities would be needed in the efforts to transform the conflict.