



# General Assembly

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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by International Committee for the Indigenous Peoples of the Americas, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## Nagas' Right to Self Determination

This statement is an appeal for the indigenous Naga people's right to self-determination, which they have struggled to achieve for over seven decades. As one of India's more than 705 indigenous peoples, the Nagas are 4 million in number, about three-fourths in India and the rest in Myanmar. The Naga homeland was arbitrarily divided between India and Myanmar during the colonial transfer of power from the United Kingdom of Great Britain and Northern Ireland in 1947. The Nagas in India have since been further gerrymandered into four states where they are minorities except in the state of Nagaland. Nagaland was demarcated from the much larger Naga homeland and made into a new state by the Government of India (GOI) in 1962-1963. Creating a Naga-majority state for a section of the Nagas within India, while leaving out the rest as minority groups in three other states, was the brainchild of the Indian Intelligence Bureau and policy makers in Delhi, who engineered the "16-Point Agreement" in 1962 with a small group of Nagas called "Naga People's Convention." That Agreement became the basis for the current state of Nagaland. Both the Agreement and the creation of Nagaland state were vehemently opposed by an overwhelming majority of the Naga people even within the 16,579 square kilometres region to become the state.

From the start, the Nagaland state in India was a source of divisions among the Nagas – it still is; while for GOI, it is the basis for claiming that the long-standing Indo-Naga conflict is a domestic law-and-order issue, not a human rights issue. The imposed state of Nagaland is now 58 years old and has deepened the division among the Nagas, as well as perpetuated violations of their rights. After over seven decades of painful struggle, Nagas want a political settlement for their homeland where they can live together as one people with a self-determined future, without manipulation and militarization of their lands by India and Myanmar. This is the crux of the reason the Indo-Naga situation requires the Council's urgent attention.

Violation of Article 36, UNDRIP: The separations of the Naga people in different states in two countries have gravely affected their ability to maintain relationship with one another as an indigenous nation. These divisions contravene Article 36 of the UN-Declaration on the Rights of Indigenous Peoples.

The words of UN-Secretary General Antonio Guterres on 2021 Indigenous Day reinforce UNDRIP in spirit and letter: "There is no excuse for denying the world's 476 million indigenous peoples self-determination and meaningful participation in all decision-making."

Indo-Naga conflict: The nodal moments of the 75 years of the Naga struggle for self-determination can be marked under three headings: a) Political and military oppression; human rights violations; b) Peace negotiations; c) Development and ecological problems.

Political and Military Oppression; Human Rights Violations: The Naga people's expressed will for freedom and self-determination started shortly after World War I. When the British left the subcontinent, the Naga declared Independence on 14th August 1947, one day before India. On the same day, the Naga National Council wired to the UN- Secretary General. 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."

Accordingly, the Nagas refused to join the Indian Union. They boycotted India's first general/national elections in 1951. Nagas were determined to be free of Indian control, and to do so peacefully. But by 1953 India met the non-violent movement with an all-out war. By 1956, 100,000 Indian soldiers arrived to suppress the Naga people. In 1958 the Indian Parliament enacted the Armed Forces (Special Powers) Act (AFSPA) granting the Armed Forces legal immunity, the power to arrest, search and seize without warrant, and 'shoot to kill' on mere suspicion of pro-Naga freedom activity.

Nagas raised a resistance force to defend their homeland. On the Indian side, under cover of AFSPA, the army tortured and murdered Nagas with complete impunity. Both The Naga Chronicle and IWGIA describe the ways the Indian army terrorized the people, including: "(i) execution in public; ii) mass raping; iii) deforming sex organs; iv) mutilating limbs; v)

electric shocks; vi) puncturing eyes; vii) hanging people upside down; viii) locking people in smoke-filled room; ix) burning villages and granaries; x) forced starvation and labour.” To this day, the draconian extra-judicial laws (Disturbed Areas Act and AFSPA) have not been repealed. AFSPA was extended in Nagaland, again, in December 2021 despite decades old demand for repeal of the Act. The Naga areas in India continue to be heavily militarized zones. There are currently 183 Indian Military Camps, 3 Army Divisions, 9 Brigades, 37 Battalions, 129 Outposts, 7 Transit Camps and 1 Corps. In the Naga areas of Manipur State, the Assam Rifles stands at about 65,000 Indian soldiers. The state of exception to the rule of law relating to military operations in the Naga areas continues. The most recent case is the Oting’s killing on 4th and 5th Dec 2021 in Nagaland, where 14 civilians were killed, and 32 were injured, by the Indian Security Forces. Hence, the Naga homeland has never been free of heavily armed Indian occupational forces since the mid-1950s.

**Peace Negotiations:** The Government of India (GOI) has kept the Indo-Naga political problem under wraps, shielding it from international gaze, while dealing with it by military might. In 1972, GOI moved its Naga Affairs portfolio from India’s External/Foreign Ministry to Union Home ministry. In contrast, at least four Indian Prime Ministers have acknowledged to the Naga political groups and the public that the Indo-Naga problem is a political issue and needs to be resolved as such. Under this latter approach, there have been ceasefires and peace talks, off and on, throughout the decades of conflict.

The latest instance of this approach was the Ceasefire Agreement signed between GOI and National Socialist Council of Nagaland (NSCN) on 1st August, 1997. The “two entities” agreed to negotiate for a resolution of the political issue based on three conditions: (i) Without any condition; (ii) At the Prime Minister’s level; and (iii) In a third country. After more than 80 rounds of dialogue between the parties, a Framework Agreement was signed in the presence of the Prime Minister Narendra Modi on 3rd August, 2015. An Agreed Position was signed as a separate Agreement with the other Naga National Political Groups on 17th November, 2017. The signatory on the Indian side, the Interlocutor of the negotiations, has since been appointed Governor of Nagaland, while also remaining Interlocutor for the negotiations. As governor, he now claims the Indo-Naga problem is a domestic law-and-order problem. In short, the latest peace negotiation is at an impasse.

**Development and Ecological Problems:** The seven decades long military campaign has devastated the biodiversity of the rich Naga homeland. It takes a toll on the natural resources and ecological systems to accommodate armies for decades. The effects of global warming are causing uncontrolled migration flows into the Naga homeland. And Nagaland state government, because of its total financial and political dependence on New Delhi, has no answer to the problems. There is no significant private sector, no investment opportunities, and no functioning political economy. Corruption is rampant, elections are mostly decided by money power. And as xenophobia, racism and religious intolerance are reaching high-pitched levels in Indian society, Nagas and other indigenous peoples are put in severe physical and cultural jeopardy.

Considering India’s dismal human rights record in the Naga homeland, we question how India can take active leadership in the UNHRC.

We recommend the HRC to:

1. use its good offices to support the Naga people attain their long-cherished goal of self-determination in one homeland, by urging GOI to negotiate for a peaceful solution to the Indo-Naga issue in good faith, starting with immediate repeal of AFSPA and ending the militarization of the region;
2. constitute a team of UN human rights experts to monitor, support and investigate the Indo-Naga peace negotiations, making recommendations to the parties engaged with the peace process;
3. appeal to all relevant international bodies and agencies, especially the nation-state parties and players, NGOs, human rights watch groups to support expeditious resolution of the Indo-Naga problem and assist in a just and amicable deal for all the stakeholders – India, Myanmar, Nagas.

Global Naga Forum (GNF), NGO(s) without consultative status, also share the views expressed in this statement.

Article 36 of the UN-Declaration on the Rights of Indigenous Peoples (UNDRIP):

1. 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.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

India voted in favour of UNDRIP in 2007.