NEGOTIATING PEACE IN DEEPLY DIVIDED SOCIETIES

A SET OF SIMULATIONS

Edited by Radha Kumar
Negotiating Peace in Deeply Divided Societies
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Edited by RADHA KUMAR
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Acknowledgements

Each of these simulations was tested and rewritten through trial runs in seven different Indian universities over a period of two years. There were 42 trial runs in all, conducted as part of a Delhi Policy Group project on ‘Developing Durable Peace Processes and Partners’, funded by the EU–India Economic Cross Cultural Programme (ECCP). Special thanks are owed to the University Coordinators who ran our simulations with their students, Professor Udayon Mishra and Rajib Handique of Dibrugarh University, Dr Tasneem Minai and Dr Kaushikee of Jamia Millia Islamia, Professor Siddiq Wahid and Professor Ranjit Kalra of Jammu University, Professor Sanjukta Bhattacharya and Professor Partha Prathim Basu of Jadavpur University, Professor Afzal Qadri of Kashmir University, Professor Parthasarathy of IIT Mumbai and Professor Shahjehan of the Tata Institute of Social Studies.

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Introduction

Radha Kumar

Up until the 19th century, simulation was generally seen as a deliberate or wicked act of deception in the Western Christian tradition, ‘as it is symylacion of holynes, be whiche is double wickidenes’ (Wyclif 1888: 302). It was distinguished from other forms of deception thus: ‘a Deceiving by Words is commonly called a Lye, and a Deceiving by Actions, Gestures, or Behaviour, is called Simulation’, said the theologian Robert South in 1688 (South 1697: 525), and in 1711, the satirical writer Richard Steele clarified that ‘Simulation is a Pretence of what is not, and Dissimulation a Concealment of what is’ (Steele 1953: 1).

Eastern traditions had a more ambiguous view. They distinguished between simulation as possession and simulation as deception. Possession by divine spirits was and continues to be treated as a sign of holiness rather than deception by most Hindus. At the secular level, simulation is also used as a means of sharing in an ordeal in some tribal regions of India, such as the Santhal Parganas, where men are encouraged to simulate childbirth as their wives undergo the actual process.

On simulation as deception, both the 4th century Hindu text, Kautilya’s Arthashastra (laws of political economy) and the 5th century Chinese martial handbook, Sun Tzu’s Art of War, expound on the manifold uses of simulation and dissimulation against the enemy. Moreover, ancient Hindu literature debated whether and when deception was morally permissible in war. In both the Mahabharata and the Bhagavad Gita, deception was allowed only in exceptional circumstances, such as response to treachery, even during war.
Of course, when it came to war, simulation and dissimulation were considered essential tools in the Western Christian tradition too, and not only for war. Lies, said Machiavelli in the 17th century, were essential to diplomacy; a hundred years later, Clausewitz described war as merely the extension of foreign policy. More often than not, states have gone to war because they misinterpreted simulation or dissimulation by another state, even though that state may have adopted tactics of pretence or concealment as a form of self-defence.

Analytically, simulation began to be dissociated from deception in the 19th century. According to the French philosopher Jean Baudrillard, simulation first began to be used as a tool for learning in the field of medicine—in particular, psycho-analysis—in the mid-19th century. Baudrillard is caustic in his criticism of alienation and regression as blurring the lines between reality and ‘irreality’. He similarly critiques military simulations as substituting virtual war for real war (Baudrillard 1988: 166–84).

Baudrillard’s criticism is pertinent at a time when the popularity of war games using computer-based simulation is multiplying by leaps and bounds across cultures and nations, especially amongst school children. But not all simulations make the same claims to reality.

In the social sciences, simulation crept in as a technique in the 1960s and it has generally been used to predict or frame the behaviour of groups and markets, though Axelrod and Riolo have both used computer-generated simulations to derive principles of cooperative behaviour (Axelrod 1997: 203–26; Riolo 1997). In the policy field, an increasing number of strategic and defence planners use computer-based simulation for prediction and discovery. Humanitarian agencies like the UNHCR use mapping techniques of refugee movement that draw on simulation to prepare for protection.

At the same time policy, diplomatic and humanitarian circles have also begun to explore the uses of simulation as training exercises. Simulations based on historic or current peace negotiations do not claim statistical accuracy or predictive capability, let alone virtual reality. If anything, they sharpen
awareness of human fallibility because they help analysts, policy-makers and activists put themselves in the shoes of key actors in order to gain a more effective understanding of the costs and opportunities of making war or peace.

The six simulation exercises published in this book are mostly based on actual or potential negotiations in ongoing peace processes, but they dispense with some of the rules of role-play. The overarching theme of the simulations is to learn from peace negotiations in societies that have been violently divided along ethnic or religious lines by competing claims to self-determination. However, only two of the simulations replicate actual negotiations as they took place (Northern Ireland and Jammu and Kashmir). Two others envisage an imaginary stage in ongoing negotiations (Bosnia–Herzegovina and Nagaland), and two are abstract simulations that address critical contemporary debates on ending violence and humanitarian intervention.

This combination permits participants to focus on the different stages of peace-making and peace-building in deeply divided societies, the make or break issues that are involved, and the changing roles that key actors play. Each simulation deals with a specific aspect of self-determination conflicts and their resolution. Taken together, the six cover the following: the early stage of ending the violence to pave the way for a political settlement, the middle stage of trust-building through addressing the root causes, the next to last stage of negotiation and compromise to reach a formal agreement, and the post-agreement stage of reconstruction and reconciliation.

The simulations do not, however, appear in that order in this book. Rather, they follow an order of cumulative learning, beginning with peace negotiations about which a great deal of reliable information is readily available, both in published form and electronically, so that participants can prepare their roles in detail. Then, going to negotiations about which information is less readily available but which the participant can research. Interspersed between these two are abstract negotiations that derive general principles from concrete cases on a key peace-making theme, such as how
to achieve a ceasefire or the role of third parties in brokering peace. In other words, by the time participants come to abstract exercises in which they have to exercise imagination, they will already be acquainted with the nature of conflict in deeply divided societies and the structural characteristics of important actors in the peace process.

The first of our simulations is based on an actual negotiation, the last round of talks to settle the 75-year long Northern Ireland conflict, which yielded the *Belfast (Good Friday) Agreement* of 1998. Under the *Belfast Agreement*, the British and Irish governments agreed to give up their competing territorial claims and established a joint body for bilateral cooperation. Northern Ireland’s Protestants and Catholics agreed to create a common assembly and executive, and set up a joint mechanism with the Irish government to oversee six cross-border cooperation programmes. The *Belfast Agreement* also set up Human Rights and Equality Commissions, and ensured the early release of Irish Republican Army (IRA) prisoners, the decommissioning of paramilitary weapons and wide-ranging reforms of justice and policing, including renaming and retraining the Royal Ulster Constabulary (RUC). It was separately agreed that the British army would withdraw in phases tied to the implementation of the agreement.

Much of the substance and detail of the *Belfast Agreement* built on the *The Framework Documents* released in February 1995 by the British and Irish governments, but it took the parties another three years to negotiate their proposals. The stage for *The Framework Documents* was set in 1994, when a ceasefire by the IRA opened the way for a peace process. It was generally expected that the ceasefire would be quickly followed by talks between influential political parties in Northern Ireland and the release of *The Framework Documents* was clearly intended to nudge talks along. However, the British government’s insistence that the IRA should begin to destroy its weapons before talks took place delayed them until September 1997, when negotiations towards a settlement began under the chairmanship of US Senator George Mitchell. In April 1998, Mitchell announced that the time was ripe for an agreement.
When the April talks began, most participants and observers were pessimistic. Some of the Protestant parties were still demanding that the IRA begin decommissioning as a token of good faith before an agreement could be concluded. The Sinn Fein held fast by its demand for reunification of Northern Ireland and the Republic. The chief actors seemed poles apart. And yet, within days, there was an agreement. What made it possible? How did the parties come to realize which issues were deal-breakers and which permitted an imaginative solution?

Part of the objective of this simulation is that participants should be able to understand the political dynamics that made the agreement possible among antagonists with diametrically opposed objectives. At the same time, participants will be aware (as the actual participants of the talks in 1998 were not) of the difficulties that were encountered in implementing the settlement and its political impact.

The second simulation is an imaginary negotiation involving Bosnia–Herzegovina, which takes place five years after the internationally brokered *Dayton Peace Agreement* of 1995.

The *Dayton Peace Agreement* put an end to the bloody ethnic war in Bosnia–Herzegovina but it also divided Bosnia–Herzegovina into two entities: a Muslim–Croatian Federation and a Bosnian Serb Republic, *Republika Srpska*. Each entity had its own president, government, parliament, police and other bodies. A weak central government and a three-member rotating presidency provided an overarching framework that was intended to bring the two entities together. At the same time, a transitional international authority, under joint UN–EU leadership, superseded the presidency and entity administrations. And an international North Atlantic Treaty Organization (NATO)-led force protected the country and the entities.

*Dayton* brought peace but it was, and remains, a controversial agreement, its critics arguing that it created a *de facto* partition along lines that reinforced separatism and nationalism at the expense of integration. Its defenders say that it was the best chance of ending ethnic war, that it needed to be
ambiguous about reintegration in order to bring the warring parties on board and that it did include significant provisions for reintegration. For instance, it enshrined the right of those displaced by the conflict to return home. And it created binding mechanisms for implementing the War Crimes Tribunal.

Unlike the *Belfast Agreement*, which comprised a package that could be reviewed ten years later, some provisions of the *Dayton Agreement* were clearly transitory, such as international administration and security, and others were more ambiguous when it came to review. For example, the Bosnian Constitution that was part of the *Dayton Agreement* included provisions for constitutional amendment but the Bosnian government needed international support for amendment. In this simulation, five years into the implementation of the *Dayton Agreement*, we ask whether the 1995 Constitution should be amended to bring the two entities into a closer federal relationship. While this is an imaginary scenario, it is based on a proposal that was in fact made five years after *Dayton*. The Social-Democratic government that came to power in the 2000 elections proposed that the Bosnian Constitution be amended by the legislative assembly; the international community, led by the US, turned down their proposal.

A number of issues were involved in amending the Constitution. Would provisions for a closer federal relationship sharpen or weaken existing divisions? What was the priority: to lessen the authority and responsibilities of the international administrator and increase the responsibilities of the federal government, or to use the present structure to get better, reintegrative mechanisms in place?

While the previous simulation was a peacemaking exercise in how to reach and structure a peace agreement, this simulation is a peace-building exercise. It aims to get participants to ask what are the best constitutional and administrative mechanisms to enable recovery once the war has ended, taking into account the different strengths and weaknesses, fears and required courage, of the key actors, including the US, the EU and the UN.
The third simulation in this book focuses on a major confidence-building and Stage One measure: winning a ceasefire as the first step towards political resolution of the root causes of conflict. Ceasefires were essential to the prospects for a political settlement in Northern Ireland because the chief parties involved had close links with illegal organizations engaged in political violence. Similarly, an indefinitely extended ceasefire made the Naga peace process possible and ceasefires would have had the same impact in Bosnia–Herzegovina and Jammu and Kashmir if they could have been achieved.

This simulation is set in an imaginary Asian region called Aboltabol, which is plunged in violent conflict for independence or secession from the federation of Omiya. The self-determination groups do not command enough public support across Aboltabol to be able to wrest independence by force, but they are strong enough to keep the region mired in political and/or ethnic violence until the federal government negotiates a settlement with them.

A new federal government has just come to power and its President/Prime Minister has appointed a negotiator to explore options for a settlement with political and armed Aboltabol groups that are demanding independence or secession. If the various parties embroiled in conflict can agree to cease fire, the chances are high that they can move towards a political settlement.

What is each group prepared to concede in order to achieve a ceasefire, keeping in mind the long-term goal of a political settlement? Do they need to discuss the framework of a settlement as the basis for ceasefire negotiations? Can they commit to maintaining a ceasefire even when negotiations for a full settlement get rocky?

The purpose of this abstract simulation is twofold — first, to enable participants to focus on the structural elements of a successful peace process, in particular, to distinguish which confidence-building measures (CBMs) play the make or break role. And second, to enable participants to explore the qualities—objective as well as subjective—that are vital in a good peace negotiator.
The fourth simulation is set in India and it deals with a particularly difficult self-determination conflict, that of the Naga tribes who are spread across four different states in Northeastern India. Though a homeland, Nagaland, was successfully negotiated in 1962, breakaway Naga leaders went into exile in protest at the exclusion of diaspora territories from the homeland and fought a decades-long civil war to incorporate Naga-inhabited areas of neighbouring states into the homeland.

In February 1997, the Government of India (GoI) and the chief breakaway group, the National Socialist Council of Nagaland NSCN (I-M), signed a ceasefire. Since then, there have been more than 50 rounds of talks between the NSCN (I-M) and the GoI, represented by former Minister K. Padmanabhaiah. Most of the talks were held in foreign locations and a few in New Delhi. In early 2007, the two sides held talks in Nagaland for the first time, during which they decided to extend the ceasefire indefinitely. While the talks were on, Naga civil society groups demonstrated in favour of a peaceful settlement and the participants decided that the next round of talks would take up the demand for a common Naga administration.

The decision to indefinitely extend the ceasefire showed determination on both sides to arrive at a negotiated settlement. By this point, NSCN (I-M) leaders had begun to hint that they were prepared to consider non-territorial forms of selfdetermination, paving the way for cross-border proposals that would not disturb the present boundaries of any other Northeastern state, which are in any case open.

While the chief onus for success in the talks was on the GoI and the NSCN (I-M), there were several other voices in the Naga movement that had been instrumental in bringing the talks to this stage. Naga civil society groups played an important role in pushing the NSCN (I-M) to take a flexible position. Their continuing influence could make all the difference while arriving at a comprehensive peace agreement.

The critical role that civil society actors generally play in a successful peace process has been relatively undervalued.
This simulation is built around a Naga civil society conference that aims to set the agenda for the next and purportedly comprehensive round of talks between the GoI and the NSCN (I-M). The simulation is a projection exercise insofar as it envisages a meeting that is yet to take place, and it encourages participants to conceptualize the role that civil society can have in setting the agenda for final negotiations.

The fifth simulation deals with a very current issue—the Jammu and Kashmir peace process between India and Pakistan. In May 2006, Indian Prime Minister Manmohan Singh set up five working groups to produce ideas on how to move the Kashmir peace process forward. The members of the working groups were drawn from Jammu and Kashmir's political parties, representatives of its different ethnic communities and civil society leaders. The self-determination or 'separatist' groups (as they are called in South Asia) refused to participate in the working groups until they included members from Pakistan-administered Kashmir.

The working groups were another step in the peace talks that India and Pakistan initiated in 1999, hoping to end the 60-year-old Kashmir conflict. The peace talks gathered momentum only in 2003, following a ceasefire between the two countries. Two India–Pakistan summits, in 1999 and 2000, respectively, broke down amid violence by armed groups. But since 2003, the Indian and Pakistani governments have refused to let terrorist acts derail talks.

As a result, the back channel discussions between Indian and Pakistani envoys advanced steadily. Though the Indian government’s efforts to open talks with the Hurriyat Conference, an umbrella organization of Kashmiri independence or separatist groups, were fitful and beleaguered, they did produce a rough set of ideas based on open borders, self-governance and demilitarization. Now, the working groups have an opportunity to combine all three baskets of issues in a comprehensive framework.

This simulation is based on the working group dealing with centre–state relations because it touches on the crux of the problem: Kashmir's political status. The working group on centre–state relations met much later than the other groups
did because it was plagued by indecision when it came to appointing a Chair. Its first meeting, in December 2006, was boycotted by the largest Kashmiri political party, the National Conference, to protest continuing human rights violations. In the second and third meetings in February and March 2007, respectively, the debate was so heated that they ended without any agreement even on issues for further discussion. There was a long hiatus after the third meeting, until the Chair called a fourth meeting for September 2007, to wrap up and produce a report.

It was, by now, widely rumoured that the back channel discussions were close to an agreement. Therefore, when the working group went into its fourth and supposedly final round of deliberations, one of the key issues before it was whether its proposals should be part of a wider settlement involving India, Pakistan and Kashmiris from both sides of the Line of Control (LoC), or whether they should be worked out only between New Delhi and Srinagar. Which was more likely to produce a lasting settlement? The other key issue before the working group was to frame recommendations that would be acceptable to the independence or separatist groups, or at least sufficiently attractive to draw them into the consensus-building process.

This simulation is what one might call a ‘pre-agreement’ exercise: recommendations produced by the working group could provide a draft for discussion with Kashmiri political and self-determination groups, which might then feed into a final peace agreement.

The sixth and final simulation in this book is again an abstract one. It is set in an imaginary country called Samia in Africa that has been plagued by famine and recurrent ethnic conflict, despite—or perhaps because of—being geo-strategically important and wealthy in minerals and energy. This country has recently been engulfed by a new wave of conflict in which tens of thousands have died and hundreds of thousands of people have fled their homes.

Humanitarian agencies, NGOs and the media are convinced that perhaps as many as two million people will die, if the international community does not intervene rapidly. Samia’s
government has absolutely refused to allow any humanitarian agencies to enter, though the numbers of internally displaced are rapidly rising. Diplomatic pressure has not worked so far because different members of the international community have different interests and ties with Samia and its neighbours. Remembering international failure in the case of Rwanda, the international media is baying for military intervention to prevent the catastrophe and public pressure is building in influential countries for the governments to act.

This simulation is an exercise in humanitarian intervention. It posits an emergency meeting at the US State Department called by the US administration to discuss whether diplomatic tools will succeed in getting humanitarian aid to the victims of the conflict, and if not, whether military action should be taken. The key questions before the participants are—can a humanitarian catastrophe be prevented by speedy deployment of international aid and protection? If military intervention is required, who will provide the troops? Will a sufficient number of countries support military intervention, so that it has international backing? Is there an exit strategy?

In contrast to the other simulations, this simulation can be called a conflict management exercise in which the goal is to prevent the conflict from escalating to crisis. It encourages participants to consider third party roles in mitigating or alleviating, and thereby possibly containing ethnic conflicts.

To sum up, the six simulation exercises in this book cover the following aspects of negotiating peace in deeply divided societies—one, preventing escalation of the conflict (also called conflict management); two, initiating CBMs that pave the way for political resolution; three, addressing the root causes of conflict; four, arriving at a comprehensive agreement to end the conflict; and five, post-conflict peace-building. Taken together, the simulations have been designed to be useful for administrators, negotiators and peacekeeping forces, as well as students. The roles and situations in which participants are placed cover a gamut of contemporary engagement in domestic as well as international relations, and will, I hope aid a better understanding of how government
and community actors can alter conflict behaviour in such a way as to make resolution of the conflict possible.

**REFERENCES**


Northern Ireland

*The Belfast (Good Friday) Agreement: Final Round*

John Doyle and Adrian Guelke

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**Simulation Focus**

The *Belfast (Good Friday) Agreement* signed on Friday, 10 April 1998, formally brought an end to the 700-year old Irish conflict. The British and Irish governments agreed to give up their competing claims to Northern Ireland, and the Protestants and the Catholics agreed to establish joint political and administrative institutions. The Agreement set up Human Rights and Equality Commissions, and ensured the early release of Irish Republican Army (IRA) prisoners, decommissioning of paramilitary weapons (that is, putting beyond use the arms of illegal militias) and reforms of criminal justice and policing.

The Agreement also created an interlocking set of relationships between Britain, Ireland and Northern Ireland in three ‘strands’:

1. *Strand One* dealt with relationships within Northern Ireland, the Assembly and the Executive.
2. *Strand Two* dealt with relationships between Northern Ireland and the Republic of Ireland, and created
a North–South Ministerial Conference (NSMC), in which members of the Northern Ireland Executive and the Irish government would oversee the work of six cross-border implementation bodies.

3. **Strand Three** dealt with relationships between the United Kingdom (UK) and Ireland, and established a British–Irish Inter-governmental Conference to promote bilateral cooperation between the UK and Ireland. It replaced the Anglo–Irish Inter-governmental Council and Conference set up by the Anglo–Irish Agreement in 1985.

This simulation is set in the week before the achievement of the **Belfast Agreement**. (also known as the **Good Friday Agreement**). The participants are representatives of the political parties in Northern Ireland, and the United States (US), British and the Irish governments.

### Materials for the Simulation

- Simulation Exercise
- Conflict Backgrounder
- Timeline
- Documents

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**Simulation Exercise**

You are a member of one of the negotiating teams in early April 1998. The US chairperson of the talks, Senator George Mitchell, has said that he wants a deal within one week, or he will leave and publicly blame those he believes to be responsible for the breakdown of the negotiations. He says that everyone has had long enough to consider the issues and now they must make choices.

It has been four years since the stage for negotiations was set. Moves towards a political settlement began in 1994, when ceasefires by the main organizations engaged in political violence in Northern Ireland opened the way for a peace process.
The ceasefires were essential to the prospects of a political settlement because one of the key political parties involved in the conflict had close links with an illegal organization which was engaged in political violence.

It was generally expected that the ceasefires would be quickly followed by talks among all the significant political parties in Northern Ireland, on a new political dispensation to replace the direct ruling of Northern Ireland from London. However, arguments over the terms of the ceasefires and a British government insistence that the IRA should begin to destroy its weapons, delayed talks till September 1997. In February 1996, the IRA abandoned its ceasefire in protest against the delay in talks. They reinstated the ceasefire in July 1997, after Sinn Féin (the party with which it is associated), received assurances from the newly elected British and Irish governments that multiparty talks on a political settlement would be held in 1997.

In September 1997, talks towards a settlement under the chairmanship of Senator Mitchell began; and now, six months and some headway later, Senator Mitchell has announced it is time for decisions.

A number of issues remain to be resolved.

The negotiations need to deal with various issues such as the form of government within Northern Ireland, relations between Northern Ireland and the Republic of Ireland (North–South), relations between the governments of the Republic of Ireland and of the UK, internal reforms on civil rights and economic equality, the question of IRA prisoners, police reform, and the constitutional status of Northern Ireland in both Irish and British law. While there were no threats of a return to an armed conflict, there was an assumption by most participants that failure of the negotiations would likely be followed by a resumption of conflict.

On some questions, there is a clear need for, at least, one actor to alter its view. The question is: which demands are negotiable and which are absolute deal breakers? On other issues, there may be room for an imaginative compromise which satisfies everyone (or most people). What might that be?

A part of the objective of the simulation is that participants should be able to understand the political dynamics
that made the agreement possible among antagonists who had diametrically opposed long-term objectives. At the same time, participants will be aware (as the actual participants of the talks in 1998 were not) of the difficulties that would be encountered in implementing the settlement and its political impact.

**Simulation Structure**

**Venue:** Belfast, Northern Ireland.

**Time:** Beginning of April 1998, just prior to the achievement of The Belfast Agreement. (also known as the Good Friday Agreement)

**Duration:** Though the actual last-round negotiations took longer, you can enact the simulation over one to two days.

**Format:** The negotiations comprise both plenary and working group sessions. The simulation opens with a plenary in which the chairperson (the US) sets out the issues for discussion and the draft papers to be discussed. Subsequently, the negotiations break into working group sessions to prepare agreements on the three strands as well as on security and justice issues. However, different negotiating teams can ask for timeout for consultations. Moreover, if a sufficient number of teams feel that they need to consult each other on an issue, the chair can take an on the spot decision to set aside a session for the teams to consult and decide their positions accordingly.

The chairperson will call a plenary whenever he thinks that the chances of a breakthrough are imminent, or to knock heads together.

You are especially conscious of the need for confidentiality, given that the negotiation is taking place in Belfast, where a leak of the discussions could wreck them, though not irrevocably.

**Seating:** The chairperson of the negotiations (the US) will be at the head of the table. Each of the larger parties is allowed three seats and each of the smaller parties has two seats. Parties are seated alphabetically. The British and Irish governments are allowed five support staff each, and the other
parties three each. (You may adjust these figures according to the size of the group doing the simulation.)

Roles

The negotiating teams at the table are:

1. The British government (Prime Minister)
2. The Irish government (Taoiseach)
3. Sinn Féin
4. Social Democratic and Labour Party (SDLP)
5. Ulster Unionist Party (UUP)
6. Alliance Party of Northern Ireland
7. Northern Ireland Women's Coalition (NIWC)
8. Ulster Democratic Party (UDP)
9. Progressive Unionist Party (PUP)
10. Labour Party

The parties outside the talks are:

1. Democratic Unionist Party
2. United Kingdom Unionist Party
3. US Government (Senator George Mitchell): chair, along with former Finland Prime Minister, Hari Holkeri
4. Canadian General (General John De Chastelain): chair of decommissioning talks (took place as parallel talks until this final round)

Please note that as this is the final round of negotiations, each team is led by the party head.

Positions of the Negotiating Teams

The British Government

This is a relatively coherent group, though security advisors within it may take a more negative view of the inclusion of Sinn Féin. While they opposed Sinn Féin's inclusion until last year, the new British Labour government is willing to live with this new reality. Their priority is an agreement, but they are more sceptical about the IRA's long-term intentions
than the Irish government. They want good relations with the Irish government, but are uncertain as to how much pressure they should put on the Ulster Unionists in order to meet Irish nationalists’ demands, which leads to some tensions with the Irish government. They try to pressurize the Irish government to persuade Sinn Féin to make further compromises, and they think that the Irish government expects too much. They want to confirm the ceasefire for their own security interests. So they are willing to offer some concessions to Sinn Féin, even in the face of Unionist opposition. As the sovereign government, they are also in a position to deliver legislation and implement it on the ground.

The Irish Government
Again a relatively coherent delegation, though there may be difference of opinion on what it is possible to sell to the Irish public in a referendum, which must be held to seek a public mandate for the outcome of the talks. They want considerable concessions from the British government in order to safeguard the ceasefires and because they believe that there are still issues of equality and civil rights to be addressed. They believe that no agreement will last, if the Nationalists and the Unionists—including most former militants—do not support it. Tactically, they know that they need to persuade the British government to change its position, and that, in the past, public disagreements with the British government have often had no positive result. They hope to persuade the British that their best interests, too, lie in a durable peace, even if they have to shift some longstanding positions to do it. They think that the Ulster Unionists will make compromises only if the British government is very insistent with them. At the same time, they also want to assure the Unionists of their own good faith. They are closer to the SDLP than Sinn Féin.

Sinn Féin
The negotiating team will most likely have internal divisions, with some very supportive of a deal and others fearful that it would mean abandoning their campaign for a united Ireland. As no one in Sinn Féin believes a united Ireland is
available in these talks, the issue for their team is to decide what are their short-term priorities; how do they maintain unity in their broader organization and prevent a split in the IRA; and how do they balance securing a short-term deal compared to their long-term goals. The delegation will include those who are very supportive of the peace process and those who are very sceptical.

**Social Democratic and Labour Party (SDLP)**
They are moderate Nationalists, who are internally relatively united. However, some in the delegation fear that including Sinn Féin in an agreement will make Sinn Féin more attractive as a party and see their party lose support to a new ‘post-ceasefire Sinn Féin’. Others fear that if they make too many concessions to the Unionists or are too hostile to Sinn Féin, the Nationalists voters will blame them, as they are aware that the mood in the nationalist community is very favourable to the inclusion of Sinn Féin. They also want to make the most of this opportunity for negotiations, given the failure of many previous talks in which they have participated. They will prioritize power sharing within Northern Ireland and North–South linkages.

**Ulster Unionist Party (UUP)**
The traditional, mainstream and, at this time, the biggest Unionist party. Internally, they are deeply divided. Some see the peace process as offering too many concessions to the Nationalists and, therefore, oppose a deal. Others, including the leadership, fear that if they walk away, they will be politically isolated by the British and Irish governments, and that the governments—to secure the IRA ceasefire—will make even more concessions to Sinn Féin. The delegation includes both factions of the party and the party leader is trying to hold them together.

**The Alliance Party of Northern Ireland**
Founded in April 1970, this is the province’s most successful non-sectarian political party. From the outset, it sought to transcend Northern Ireland’s religious divisions and made
much of its capacity to secure support from both the Protestants and the Catholics, and its mixed membership and leadership. It is in favour of Northern Ireland’s remaining in the UK, and is sometimes described as a small ‘u’ Unionist party. It remains internally divided between liberals, who view the radical parties and violence with horror, and bridge-builders who see the party’s mission as the promotion of political accommodation between the Unionists and the Nationalists.

**Northern Ireland’s Women’s Coalition (NIWC)**
The grouping was formed in 1996 to contest the elections to the Northern Ireland Forum for Political Dialogue, which had just been set up to conduct the negotiations that eventually led to the *Belfast (Good Friday Agreement)* in 1998. It is not a conventional political party, as it does not demand adherence to a fixed set of positions. So, it contains within its ranks both supporters of a united Ireland and of Northern Ireland’s remaining in the UK. It gets strong support from women involved in the voluntary sector on both sides of the sectarian divide. It is strongly committed to inclusive negotiations and is willing to negotiate with all the parties, including those excluded from the negotiating process at various junctures because of breaches of ceasefires by their military wings. Partly because of this, the NIWC has considerable influence on the process, arguably greater than that of the much larger Alliance Party of Northern Ireland.

**Ulster Democratic Party (UDP)**
This party is the political wing of the largest Loyalist paramilitary organization, the Ulster Defence Association (UDA). It represents the most politically sophisticated elements within the UDA. It is aware that many members of the UDA vote for the large Unionist parties and not the UDP. It strongly favours a deal, but recognizes that it cannot afford to be seen to be more accommodating to the nationalists than the UUP, except on the issue of prisoners, where it has a common interest with Sinn Féin that there should be an amnesty. Despite its stance on this issue, the party encountered some opposition from UDA prisoners to its involvement in the process.
It worked hard to persuade them to allow its continued participation. Consequently, it approaches the negotiations with caution.

**Progressive Unionist Party (PUP)**
This party is the political wing of the Loyalist paramilitary organization, the Ulster Volunteer Force (UVF). Its leadership comes from former UVF prisoners who had been politicized during their imprisonment. Its outlook is similar to that of the UDP, but the leadership enjoys greater freedom in advancing their arguments than their counterparts in the UDP, as there is less dissent within their ranks. The party strongly favours a political settlement and promotes the notion of the need for political accommodation. It argued that where the suffering from the troubles had been the greatest, there was the strongest support for an end to the hostilities and a peaceful future.

**Labour Party**
This tiny party based on trade union support and also support of a militant group of young socialists, asserted that the main divide in Northern Ireland was not religion but class. It argued that the working class had borne the brunt of the violence of the years of the troubles. The party's stance on constitutional questions is pragmatic. Its calculation is that a political settlement would create more fertile ground for class politics, and so it is ready to foster compromise to this end.

**Position of Parties Outside the Process**

*Democratic Unionist Party (DUP)*
In 1998, this was the second largest Unionist party. They have opposed the process from the beginning and, in 1997, they walked out of talks when Sinn Féin were allowed in. They see the process as inevitably strengthening nationalism and argue that the best position for the Unionists is to oppose it. They constantly attack the UUP leadership for compromising, while being careful not to alienate the potential supporters of the UUP, who may switch party allegiance—as long as
the DUP is not too extreme. They are hostile to the Irish government, but are also distrustful of the British government, whom they see as too willing to meet the Nationalists demands in order to secure the IRA ceasefire.

United Kingdom Unionist Party (UKUP)
Like the DUP, this party withdrew from the negotiations in 1997, when Sinn Féin was admitted into the process after the IRA reinstated its ceasefire. The UKUP favoured Northern Ireland’s full integration with the UK on the basis that it was Northern Ireland’s conditional status that had created uncertainty and, hence, conflict. Its view of the peace process was that it constituted nothing else than appeasement of terrorism.

The US Government
Traditionally, the US government was always supportive of the British position. However, the Clinton administration is more active on Northern Ireland. While publicly being very even handed, the impact of its involvement is often to add strength to the (normally weaker) Nationalists or Irish government position over the British government. The US delegation wants a deal, as it will reflect well on their involvement and on the US President’s record in office. While remaining even handed, they have different views as to who needs to move most to get a deal. As Chair, the Clinton administration’s nominee, Senator George Mitchell has, after innumerable rounds of talks, gained the affection and respect of all parties at the table.

Canadian Chair of Decommissioning Talks
The talks you presided over, starting with monitoring of the ceasefire and arms control agreements of the IRA and moving to more general issues of decommissioning and disarmament, have concluded for the time being. In this last round of the political talks, ideas and proposals on decommissioning and disarmament that came up in the talks that you chaired will be incorporated into the final agreement. You are present in case there is a hitch in the provisions for decommissioning
and disarmament, and the participants that had been in the decommissioning talks need to meet separately.

Issues Before the Negotiating Teams

Should there be a Local Power-sharing Government?
Sinn Féin would prefer no local parliament, as it sees it as inevitably dominated by the Unionists, who will be in a majority within it; but no one else supports this position. If there is a local government, Sinn Féin insists that it must be included, as it represents 17 per cent of the population. The Unionists do not want Sinn Féin in the government, as they see them as being directly linked to the IRA and believe that they should be excluded, no matter how many people vote for them. The Unionists will press for a model of power sharing—that gives maximum weightage to an elected majority—which will benefit them. The SDLP and the Irish government will push for a model where decisions must be made by consensus or at least by a sufficiently large majority, so that the Unionists, on their own, cannot vote a policy through without the support of the SDLP.

Should there be Cross-border Institutions?
Even moderate Nationalists insist that there must be an institutional link between the governments in Northern Ireland and the Republic of Ireland. They want a Joint Ministerial Council—like the European Union (EU) Council of Ministers, and also functional cross-border bodies to deal with issues of a cross-border nature, such as provision of public services, tourism, and so on. The Unionists are unhappy with such bodies, seeing them as leading the way to a more all-Ireland focus and reducing links with the UK. Nationalists see cross-border bodies as a trade-off for their acceptance of continuing British sovereignty.

Constitutional Issues
The Unionists and the British government insist on an explicit recognition of British sovereignty over Northern Ireland. In practical terms, the Unionists and the British government
want the Irish government to agree to hold a referendum to amend the Irish constitution, and to withdraw the Republic's territorial claim to Northern Ireland. It also wants an explicit commitment that constitutional change will require a majority within Northern Ireland. Sinn Féin opposes the principle of a majority within Northern Ireland having a veto on change, but is isolated on this. Nationalists, in general, want some open-ended process that could lead to a united Ireland. The Irish government argues that unless the Irish citizenship and nationality of people in Northern Ireland is constitutionally guaranteed, and unless there is widespread nationalist support for a wider agreement, it cannot hope to pass a referendum in the Republic.

Prisoners
Sinn Féin and the loyalists want prisoners to be released. They argue that they need a confidence building measure of this kind to persuade their sceptical members that a deal is worth supporting. Compromising on major political issues while the IRA prisoners remain in jail is something Sinn Féin could not sell to its support base. It would be a very emotional issue that could be used by those seeking to split the IRA. The Unionists and the British government are worried that this effectively means that they recognize such prisoners as 'political prisoners', which is something that they otherwise reject.

Security Issues
Nationalists see the British army and the local police force, the Royal Ulster Constabulary (RUC), as part of the reasons for conflict, and are critical of their attitude to the nationalist community and their behaviour. Sinn Féin accuses them of cooperating with Loyalist paramilitaries in the killing of Nationalists. Nationalists want a new police force and maximum withdrawal of British troops, back to their bases in the UK, with closure of their bases in Northern Ireland. The Unionists see such forces as 'their' defenders against the IRA and are opposed to any major reform, as they perceive that it will weaken the police role as defenders of the state. In particular,
Unionists are opposed to any quota for Nationalists in the police, as their loyalty to a ‘British’ state in a time of crisis would not be as secure as an overwhelmingly Unionist force. Unionists and the British government are concerned that the withdrawal of British troops would be seen as a symbolic dilution of British sovereignty, in addition to any security concerns.

Decommissioning of Weapons
The British government and Unionists insist that the IRA should hand over all its weapons to the security forces, or at the very least, destroy them under supervision. The IRA refuses, saying that such a move would be a symbolic surrender, an admission of defeat and should not be requested, as they support the peace process. The Irish government is fearful that the British position will collapse the talks and it thinks that they should be more pragmatic on this. On the other hand, they cannot publicly justify the IRA holding on to weapons, as it is an illegal organization in the Republic as well as in the UK. Sinn Fein is, therefore, quite isolated on this issue.

Equality
Despite years of ‘equality’ legislation, Nationalists remain underrepresented in employment, and at higher and better paid levels within the workforce in both the public and private sector. Nationalists want guarantees of stronger reform on issues such as employment, equality policy, recognition of the Irish language and Irish national symbols. They see such reforms as positive gains in the short term. The Republicans also see a stronger equality agenda as weakening the ties between Britain and Unionists, as the latter have benefited from discriminatory practices in the past. Unionists fear that equality reforms may undermine the ‘British’ nature of Northern Ireland. They see cultural ‘equality’ as promoting a bi-national state, and economic reforms as strengthening the power and confidence of the Nationalist community. Neither Nationalists nor the Unionists see equality issues as a lower order concession to be given to Nationalists in return for abandoning the demand for Irish
unity. Both communities see the equality agenda and the constitutional agenda as linked.

The key question before you is:

What would you do, and expect others to do, to arrive at a solution that is based on the draft negotiating papers, and make it acceptable to all, keeping in mind the needs of implementation?

You will have about 10 minutes to make your presentation; so prepare accordingly.

Participants should consult the chronology provided as well as the information on the outcome of the elections before and just after the settlement, to get a sense of the period in which the settlement occurred and its place in the longer history of the problem. Also provided for the participants are statistics on fatalities during Northern Ireland’s violent conflict. They will help participants in the simulation to get a sense of what was at stake for the parties involved in the talks that led to the settlement, since it was a common assumption that if the negotiations failed, there would be a general return to political violence by the main paramilitary organizations. The level of violence needs to be seen in the context of a small society, numbering only slightly more than one-and-a-half million people.
CONFLICT BACKGROUNDER

The roots of the conflict in Northern Ireland lie in competing aspirations for self-determination under British rule, beginning with a series of English invasions of Ireland from the 12th century.

By the 19th century, Irish nationalism had gathered momentum, as had many other European and anti-colonial nationalisms, and had begun posing a challenge to British rule. Following a series of alternating political mobilizations and failed rebellions, the British government ultimately proposed ‘home rule’ for Ireland within the UK, but the reaction to this policy within Ireland led to polarization. The majority pursued the goal of complete independence, while a minority, particularly that proportion of the Protestant population concentrated in the northeast of the island where they constituted a local majority, retained a sense of British identity, wished to maintain the union with Britain and strongly opposed home rule.

Following an armed rebellion at Easter 1916, which was crushed by military force and saw the execution, by the British, of the leaders of the uprising, militant Irish nationalism grew enormously in political strength and the political party that emerged—Sinn Féin—swept the 1918 Irish elections, formed an Irish Assembly and declared independence. Almost immediately, the reorganized Irish Republican Army (IRA) started the ‘War of Independence’.

Ireland finally gained a measure of independence at the beginning of 1922, following an agreement with the British in December 1921, but at the price of partition. Southern Ireland became the Irish Free State, with 26 counties, and the six counties of Ulster that comprised Northern Ireland remained with Britain. A civil war followed in the south over the terms of the treaty under which the Irish Free State had been established, with Nationalists divided over the treaty. The pro-treaty forces eventually won it.

Although Unionists had opposed ‘home rule’, they accepted a local parliament in Belfast, as a means of securing
local control. The Ulster Unionist Party (UUP) dominated the parliament easily, winning every election until the parliament was ultimately dissolved by the British in 1972.

The partition of Ireland created a predominantly Catholic state in the south and a Northern Ireland in which the Protestant–Catholic ratio was almost 2:1, at that time. Today, the Republic of Ireland, comprising some 4.2 million people (according to the 2006 census), is more than 90 per cent Catholic; though it is becoming increasingly secular. The population of Northern Ireland, on the other hand, comprising around 1.7 million people, was divided according to the census of 2001 between Protestants at 53 per cent and Catholics at 44 per cent.

While considerable violence accompanied the partition in 1921–22, and there were further minor outbreaks over the years, the modern phase of conflict is generally dated from the late 1960s. Drawing inspiration from international events such as the US civil rights movement and student protests, the Northern Ireland Civil Rights Association was formed in 1967. While Unionists point out that the present Sinn Féin leader Gerry Adams was (as a young and unknown political figure) among its founding members, it was, in reality, a broad movement, focused on the issues of discrimination and not partition. Its demands included: an end to the provision restricting voting rights in local elections to property owners; an end to the manipulation of electoral district boundaries; an end to discrimination in the provision of public housing and jobs; the repeal of emergency laws; and the disbandment of the B Specials (a particularly ill-disciplined element of the security forces).

The utter failure of a minor IRA armed campaign in 1956–62, the weakness of traditional nationalism, British unwillingness to disturb the status quo and the absence of any significant international support for Irish unity, meant that by the late 1960s a traditional Nationalist campaign was an unlikely vehicle for the mounting frustration of Nationalists and others concerned with the nature of Unionist rule. In this context, the ‘civil rights’ movement quickly developed momentum.
New Phase of Violence

The relationship between the civil rights protests and the subsequent armed conflict remains contested. Unionists predominantly see the civil rights protests as a deliberate effort by the republicans to begin civil strife. Nationalists overwhelmingly blame the British government for its failure to respond adequately—or in time—to what they regarded as reasonable and moderate demands for reform.

Political tensions rose in Northern Ireland and there was increasing disorder on the streets. Rising levels of street violence led some within the Nationalist communities to look to their traditional defenders—the IRA. However, the IRA leadership was opposed to an armed campaign at that time, leading to graffiti appearing in Belfast, saying, ‘IRA—I Ran Away’. Almost inevitably, the IRA split and it was the new ‘Provisional’ leadership—the ‘Provos’ in journalistic shorthand—which was to emerge as the only effective successor to the IRA.

It is from this split that the modern Sinn Féin party and the IRA emerged. The Unionist government sought both to prevent the civil rights protests and to defeat the emerging IRA. However, the scale of public disorder overwhelmed them and ultimately the Unionist government was forced to accept assistance from the government in London. In August 1969, the British government sent troops into Northern Ireland.

Simultaneously in the Unionist community, there was strong political mobilization against the civil rights protests that were widely portrayed by the major Unionist parties as a Nationalist rebellion. It was in this context that the Reverend Ian Paisley came to public prominence as an opponent of internal reform, and illegal Loyalist paramilitaries began organizing.1

The deployment of the British army brought an initial period of calm, as Nationalists saw them as a better alternative to the locally recruited security forces. However, this period ended quickly, as the British army was deployed to quell Nationalist protests and defeat the emerging IRA. As civil rights protests continued, and there were signs that the IRA was reorganizing, the Unionist government in Belfast responded in August 1971 by introducing internment, that is, detention
without trial. The response was a huge escalation of the IRA campaign: more people were killed from August to December 1971 than had been killed between 1967 and July 1971 collectively. \(^2\) By the time of the 1994 ceasefire, over 3,000 people had died in the conflict.

While there were many negotiations over the following years, none delivered a lasting agreement or peace. The only formal agreement between the local parties was the Sunningdale Agreement of 1973, which collapsed within six months. While no local agreement was possible, relations between the Irish and British governments greatly improved over the period of the conflict.

In the late 1960s, there was little formal communication and the British government took the view that Northern Ireland was its sovereign territory, which was no business of the Irish government. By 1985, the two governments had signed the Anglo–Irish Agreement, which gave the Irish government a formal consultative role in Northern Ireland. Relations remained difficult at times, however, and it was the 1990s before people began to speak of ‘the two governments’ acting with a large degree of common purpose, while retaining their differences on many issues, including the ultimate constitutional question.

**Secret Talks**

The rapprochement between Britain and Ireland set the stage for behind-the-scenes involvement of the Irish government in talks with Sinn Féin during the period 1987–94. The talks marked a significant change of policy in the Republic of Ireland. Since 1973, successive Irish governments had sought to build a solution around getting the moderate Nationalist SDLP, and the biggest Unionist party, the Ulster Unionist Party (UUP), into a power-sharing government, isolating the radicals on both sides—the Loyalist paramilitaries as well as Sinn Fein and the IRA.

It was presumed that popular support for such an initiative would allow the British and Irish governments to isolate and
defeat the IRA. The lack of success with this strategy led the Irish government in the late 1980s to look at the possibilities for an inclusive peace process, involving Sinn Féin and the Loyalist paramilitaries, which sought to achieve ceasefires in advance of all party negotiations.

These initial talks collapsed as the IRA did not see the need for a ceasefire at that time (which was a precondition for the moderate Nationalists to cooperate with Sinn Féin), and the collapse pushed the SDLP towards a new round of talks with the Unionist parties, and a period of bitter attacks on Sinn Féin and the IRA. But the SDLP–Unionist talks did not progress either, and the SDLP leader, John Hume, turned again to talks with Sinn Féin. In 1992, Sinn Fein published the landmark, *Towards a Lasting Peace in Ireland*, and in 1993, John Hume and Gerry Adams, President of Sinn Fein, issued their first joint statement calling for an inclusive resolution to the conflict.

The British government, then led by the Conservative Party, remained concerned that its policy on Northern Ireland should not alienate the mainstream Unionists, particularly as there was considerable sympathy for their position within the Conservative Party itself. It was insistent not merely that there should be a ceasefire before there could be any question of Sinn Féin’s involvement in any formal negotiations on Northern Ireland’s future, but that the IRA should commit itself to a permanent ceasefire before such talks could begin.

The end of the Cold War also created some pressure for change. Other conflicts with which the IRA had identified—in South Africa, Palestine and Central America—were coming to conclusion or developing peace settlements. The IRA campaign was clearly in a position of stalemate: it could not be militarily defeated, neither could it militarily succeed.

**The US Role**

The election of Bill Clinton in November 1992, with the overwhelming support of Irish Americans, saw the emergence of the first US administration with an interventionist policy on
Northern Ireland, which put equal pressure on the British government, Irish Nationalists and the Irish American diaspora, to support a peaceful, negotiated settlement. This new international context created its own dynamic for change and helped persuade the IRA leadership that more progress could be made if they called a ceasefire, and in August 1994, the IRA proclaimed it would call ceasefire. In October, the Combined Loyalist Military Command, an umbrella group of the Loyalist paramilitaries, proclaimed it would call a ceasefire too.

Even after the IRA ceasefire, the Conservative Party government was concerned that the failure of the IRA to make an unambiguous commitment to the permanence of the ceasefire would provide Unionists with the excuse to refuse to participate in negotiations on Northern Ireland’s future. The Irish government took a more positive view of the IRA’s announcement of the ceasefire and argued that the open-ended nature of the ceasefire should satisfy Unionists that they could enter talks without the threat of an immediate resumption of violence, should an agreement not be reached.

The British government set stringent conditions for Sinn Fein’s entry into the all party talks, in particular that the IRA would have to first decommission some of its weapons and their decommissioning would have to be certified by an international commission. These conditions led to the IRA ending its ceasefire by bombing London’s Canary Wharf in February 1996. It was only after a Labour government was elected in May 1997 that a comprehensive settlement could be agreed to. The Labour government, while retaining some worries about the Irish government’s approach, sought to actively engage with the talks process. In July 1997, the IRA resumed its ceasefire, paving the way for serious negotiations.

**Building on Sunningdale**

Though the negotiations for the *Belfast (Good Friday) Agreement* incorporated many of the provisions of the 1973
Sunningdale Agreement, they went much further. The Sunningdale Agreement did not envisage the participation of Sinn Féin in a power-sharing government. The negotiations for the Belfast Agreement put that controversial proposition firmly on the agenda. Nor did the Sunningdale Agreement commit Britain and Ireland to renounce their claims to Northern Ireland in favour of a decision by the majority within Northern Ireland; issues that were central to the negotiations. Similarly, the negotiations brought up issues such as provision for prisoners release, commitment to an equality agenda, and decommissioning and reintegration programmes for the paramilitaries, as well as police reform, all of which were lacking in the Sunningdale Agreement.

These provisions required major policy shifts on the part of the British and Irish governments, but they posed even greater dilemmas for the contesting parties on the ground, the Ulster Unionist Party (UUP) and Sinn Féin.

Most of the UUP leadership, including David Trimble, had been active in Unionist opposition to the more modest Sunningdale Agreement of 1973–74. Unionist opposition to Sunningdale had centred on the UUP’s traditional opposition to power-sharing even with the SDLP and the creation of a consultative Council of Ireland. Yet, they would have to go much further in agreeing to the Belfast Agreement.

The draft papers for the negotiations committed the two governments to maintaining the union with Britain only for as long as that was the wish of a majority—a formal statement of what had been the position of the two governments and the SDLP for many years. This would mean the return of a government and parliament to Northern Ireland, with UUP leader David Trimble as its most likely First Minister. The drafts also contained two possible paper victories for Unionism. The Anglo–Irish Agreement of 1985, which Unionists had resolutely opposed, was due to be repealed (though it would be largely repeated in any new agreement), and the Irish government agreed to call a referendum seeking to amend Articles 2 and 3 of the Irish Constitution, which laid claim to the territory of Northern Ireland.
Shifting the Unionist Goalposts

Unionism, however, also had to face a number of previously unthinkable propositions, which led the Democratic Unionist Party (DUP), led by Ian Paisley, to oppose any deal. Unionists would be forced to share power not only with the SDLP, but also with Sinn Féin, facing even the possibility of Sinn Féin in office as members of the Executive. They were also being asked to agree to a cross-border body with a much stronger structural position and powers than under ‘Sunningdale’; the possibility of police reform and equality measures, that they had previously opposed.

Given the unpalatable nature of the package on offer from the perspective of many Unionists, an understanding of some Unionists’ willingness to support this agreement has to look beyond the actual content of the deal and examine the strategic choices available to mainstream Unionism. Unionism was faced with an Irish Nationalist consensus that was growing and becoming increasingly politically united, that is, the gap between the Nationalist moderates and radicals was narrowing.

In addition, the leaders of Irish nationalism, including the Northern Nationalists, had formed an effective alliance with the US administration and a reasonable working relationship with the British Labour government, which was likely to be in power for another eight or nine years. The Northern Nationalists now made up over 40 per cent of the voting population, the cross-community Alliance Party, which supported the peace process, could mobilize perhaps as much as five per cent; the centrist Northern Ireland Womens’ Coalition (NIWC), one per cent; and the Loyalist paramilitaries (who had the motivation of having their prisoners released), three per cent. Mainstream Unionism, for the first time since partition, was faced with the possibility that it could become a minority within Northern Ireland. Nationalists were still a long way from securing a majority for a united Ireland, but if Nationalists were united, they could secure majority support in Northern Ireland in a referendum for far-reaching political change.
The UUP leadership was quite explicit about this threat during the negotiations. One of them, Anthony Alcock, argued that if the UUP walked out, it was likely that a section of the mainstream Unionists would vote in a referendum to accept a peace deal that had been negotiated in their absence.

For Sinn Féin, the draft papers also fell short of what had been, in the past, their key demands. They clearly did not offer a united Ireland; reaffirmed what the Republicans call the ‘Unionist veto’ (that is, the requirement that a majority within Northern Ireland must vote for constitutional change and not Ireland as a whole); and contained no firm commitment to either disband or reform the police. They also restored a local parliament that was, for many Sinn Féin supporters, the symbol of previous discriminatory Unionist rule. Thus, some Sinn Féin members were very sceptical.

**Sinn Féin’s Change of Tactics**

On the other hand, there were reasons for Sinn Féin to support a deal. Part of the explanation is to be found in the roots of Sinn Féin’s engagement with this peace process. As late as May 1987, Sinn Féin produced a policy document, *Scenario for Peace*, in which, in line with the traditional Republican position, the Irish government is seen to play no role of any significance in either bringing about a united Ireland or building its new government. The Irish government was treated as a ‘Vichy’ like regime—effectively seeking to frustrate the Republican movement’s attempts to secure Irish unity, and as irrelevant after the event, as the Vichy regime was to building the new government in post-war France.

In the following years, Sinn Féin acknowledged publicly that the Republican movement was not strong enough, on its own, to achieve a united Ireland and that, therefore, a ‘broad front’ of the nationalist parties and organizations or a ‘nationalist consensus’ was required to achieve that goal. *An Phoblacht* (the Republican weekly newspaper) changed its editorial style. The pejorative term ‘Free State’ was no longer used to describe the Republic and its government but more neutral terms like ‘the South’ or the ‘26 Counties’ and the ‘Dublin administration’.
There followed a shift in attitudes to constitutional nationalism. The SDLP and the Irish government (especially Fianna Fáil and to a lesser extent Labour) were now seen as potential political allies rather than as simple collaborators with British rule. In a new policy document, *Towards a Lasting Peace* (1992), Sinn Féin placed the Irish government and the need for a nationalist consensus at the heart of its political strategy, thus marking a reversal of previous perspectives.

Sinn Féin could also see this as an agreement in transition; part of the peace process and not its end point. While there were specific possible gains in the deal such as a ministerial North–South Council, bringing together the Irish government and the Northern Ireland executive, the strengthening of equality legislation, support for Irish language schools, withdrawal of some British troops and closure of British army bases, and a debate on the future of policing; the detail was to some extent less important than a clear commitment by the two governments to move away from the political and constitutional *status quo*.

Sinn Féin’s strategy was also influenced by the demographic situation, the rising nationalist vote—buoyed by the expectations of change, by a rise in cultural nationalism and a sense of growing confidence in the nationalist community. Nationalist voters appeared to be increasing in militancy as Sinn Féin had significantly reduced the gap between them and the SDLP.

The Sinn Féin leadership could sell the deal to their support base in the following manner: they did not have the political support to achieve Irish unity; but they could achieve, in alliance with other Nationalists, the Irish government and the US, a much strengthened equality agenda and institutional links between North and South, and could create a dynamic for further progressive change. The Sinn Féin leadership recognized the potential internal difficulties that this relatively limited agenda might have caused, but they, like the UUP, were aware of the consequences of walking away, especially as their ‘peace strategy’ had seen their vote increase significantly.

There was also a churning within loyalist parties: the Progressive Unionist Party (PUP) aligned with the paramilitary
Northern Ireland

Ulster Volunteer Force (UVF), and the Ulster Democratic Party (UDP) aligned with the Ulster Defence Association (UDA). Initially, the decision to call a Loyalist ceasefire in October 1994 was, at least partly, a pragmatic response to the IRA ceasefire. Their self-image was one of counter-terrorism and an extended IRA cessation removed this crucial definitional prop.

However, the circumstances of the post-ceasefire period altered the political experience of the loyalist political parties. Since the mid-1980s, both major Loyalist paramilitaries had been trying, without success, to follow Sinn Féin in building a strong political base in the context of an ongoing paramilitary campaign. Post-ceasefire, the profile of the PUP and UDP increased, as they acted as conduits to the paramilitaries.

**New Opportunities**

The conservative British government also had a tactical need for the parties, as contacts with and concessions to Sinn Féin were easier to justify if they were seen as being mirrored by contacts with the PUP and the UDP. Thus, a meeting with the UDP preceded the first public contact by officials with Sinn Féin and the PUP, and the first ministerial meeting followed a similar pattern.

This new profile and the conditions created by the ceasefires seemed to offer to the parties an opportunity to do what they had failed to do in the past, that is, build political bases independent of mainstream (and middle class) Unionism. As the peace process and ceasefire provided the opportunity for growth, seeking to attract support by adopting a harder line, anti-compromise rhetoric was unlikely to succeed, and therefore, a shift to more moderate and reformist policies offered a line of development.

The Loyalist parties, in spite of their attempts to create an independent base for themselves, remained ideologically linked to mainstream Unionism. Right through the negotiations, the PUP and the UDP stuck firmly to the negotiation tactics adopted by the UUP. For example, neither the PUP nor the UDP ever publicly met Sinn Féin, or broke with any of the policy positions adopted by the UUP, other than on issues
such as decommissioning and prisoners’ release, where they clearly had a strong agenda of their own.

While tactically astute, their strategy placed strains on organizations with so little experience of open political activity. In supporting the peace process, the UVF might lose some of its members to the breakaway Loyalist Volunteer Force (LVF), which opposed the peace process.

Opposition to a potential deal by Ian Paisley’s Democratic Unionist Party (DUP), the smaller UK Unionist Party (UKUP) and the UUP dissidents, was not surprising as they had been on the record over many years as opposing compromises and reform, well short of what was in the Belfast Agreement. All the mainstream Unionist elites have traditionally insisted that there is little point having a veto on the ‘final handover’ of sovereignty, if they cannot prevent political decisions which change the character of the state and/or which move them towards a united Ireland.

It is this strong linkage of equality issues and constitutional issues that made it impossible for the Unionist naysayers to see commitments on the question of sovereignty as being sufficient to persuade them to support internal reform. In their view, reform is seen as undermining the state and paving the way for further change. All the major Unionist parties, including those who ultimately supported the agreement as recently as 1997, articulated this position. It was the adherence of Unionists who opposed the agreement to traditional Unionist positions that presented difficulties for David Trimble. He needed to convince Unionists that either the commitments on sovereignty were more absolute now than they had been previously, a difficult task; or persuade Unionists that they had little choice but to go down this route, a more accurate but politically difficult message to sell.
### TABLES: BACKGROUND INFORMATION ON VIOLENCE IN NORTHERN IRELAND

Table 1.1  
**Deaths Due to the Northern Ireland Security Situation**

<table>
<thead>
<tr>
<th>Year</th>
<th>Police</th>
<th>Reserve</th>
<th>Army</th>
<th>UDR/RIR</th>
<th>Civilians</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>14</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>23</td>
<td>25</td>
</tr>
<tr>
<td>1971</td>
<td>11</td>
<td>0</td>
<td>43</td>
<td>5</td>
<td>115</td>
<td>174</td>
</tr>
<tr>
<td>1972</td>
<td>14</td>
<td>3</td>
<td>105</td>
<td>26</td>
<td>322</td>
<td>470</td>
</tr>
<tr>
<td>1973</td>
<td>10</td>
<td>3</td>
<td>58</td>
<td>8</td>
<td>173</td>
<td>252</td>
</tr>
<tr>
<td>1974</td>
<td>12</td>
<td>3</td>
<td>30</td>
<td>7</td>
<td>168</td>
<td>220</td>
</tr>
<tr>
<td>1975</td>
<td>7</td>
<td>4</td>
<td>14</td>
<td>6</td>
<td>216</td>
<td>247</td>
</tr>
<tr>
<td>1976</td>
<td>13</td>
<td>10</td>
<td>14</td>
<td>15</td>
<td>245</td>
<td>297</td>
</tr>
<tr>
<td>1977</td>
<td>8</td>
<td>6</td>
<td>15</td>
<td>14</td>
<td>69</td>
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<td>1981</td>
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<td>8</td>
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<td>13</td>
<td>57</td>
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<td>1982</td>
<td>8</td>
<td>4</td>
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<td>57</td>
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<td>1983</td>
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<td>7</td>
<td>2</td>
<td>9</td>
<td>10</td>
<td>36</td>
<td>64</td>
</tr>
<tr>
<td>1985</td>
<td>14</td>
<td>9</td>
<td>2</td>
<td>4</td>
<td>26</td>
<td>55</td>
</tr>
<tr>
<td>1986</td>
<td>10</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>37</td>
<td>61</td>
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<td>1987</td>
<td>9</td>
<td>7</td>
<td>3</td>
<td>8</td>
<td>68</td>
<td>95</td>
</tr>
<tr>
<td>1988</td>
<td>4</td>
<td>2</td>
<td>21</td>
<td>12</td>
<td>55</td>
<td>94</td>
</tr>
<tr>
<td>1989</td>
<td>7</td>
<td>2</td>
<td>12</td>
<td>2</td>
<td>39</td>
<td>62</td>
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<td>5</td>
<td>1</td>
<td>5</td>
<td>8</td>
<td>75</td>
<td>94</td>
</tr>
<tr>
<td>1992</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>76</td>
<td>85</td>
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<td>1993</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>2</td>
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<td>84</td>
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<tr>
<td>1994</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>56</td>
<td>62</td>
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</tr>
<tr>
<td>1996</td>
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<td>0</td>
<td>1</td>
<td>0</td>
<td>14</td>
<td>15</td>
</tr>
</tbody>
</table>

(Table 1.1 Contd.)
Table 1.2

Assembly Elections of 1998—Results for the Five Main Parties in Terms of Percentage of First Preference Votes and Seats

<table>
<thead>
<tr>
<th>Party</th>
<th>% vote in 1998</th>
<th>Seats in 1998</th>
</tr>
</thead>
<tbody>
<tr>
<td>DUP</td>
<td>18.01</td>
<td>20</td>
</tr>
<tr>
<td>Sinn Féin</td>
<td>17.63</td>
<td>18</td>
</tr>
<tr>
<td>UUP</td>
<td>21.25</td>
<td>28</td>
</tr>
<tr>
<td>SDLP</td>
<td>21.96</td>
<td>24</td>
</tr>
<tr>
<td>APNI</td>
<td>6.50</td>
<td>6</td>
</tr>
</tbody>
</table>

Source: Compiled by Adrian Guelke from data obtained from CAIN website—http://cain.ulst.ac.uk

Notes: Elections to the Northern Ireland Assembly took place in 18 six-member constituencies, with MLAs elected on the basis of the single transferable vote system of proportional representation.

Table 1.3


<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>DUP</td>
<td>33.7%</td>
<td>9</td>
<td>22.5%</td>
<td>5</td>
</tr>
<tr>
<td>Sinn Féin</td>
<td>24.3%</td>
<td>5</td>
<td>21.7%</td>
<td>4</td>
</tr>
<tr>
<td>UUP</td>
<td>17.7%</td>
<td>1</td>
<td>26.8%</td>
<td>6</td>
</tr>
<tr>
<td>SDLP</td>
<td>17.5%</td>
<td>3</td>
<td>21.0%</td>
<td>3</td>
</tr>
<tr>
<td>APNI</td>
<td>3.9%</td>
<td>0</td>
<td>3.6%</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Compiled by Adrian Guelke from data obtained from CAIN website—http://cain.ulst.ac.uk

Notes: The electoral system in Westminster elections in Northern Ireland is the first past the post or plurality system. Throughout the
period, 1997 to 2005 Northern Ireland has had 18 constituencies. In 1992, there were 17 constituencies. In both 1992 and 1997, the constituency of North Down elected a Unionist candidate who did not belong to either of the two main Unionist parties.

Table 1.4
Forum Election of 30 May 1996

<table>
<thead>
<tr>
<th>Party</th>
<th>% Vote</th>
<th>Constitutional Seats</th>
<th>Extra Seats</th>
<th>Total Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>UUP</td>
<td>24.2</td>
<td>28</td>
<td>2</td>
<td>30</td>
</tr>
<tr>
<td>SDLP</td>
<td>21.4</td>
<td>19</td>
<td>2</td>
<td>21</td>
</tr>
<tr>
<td>DUP</td>
<td>18.8</td>
<td>22</td>
<td>2</td>
<td>24</td>
</tr>
<tr>
<td>Sinn Féin</td>
<td>15.5</td>
<td>15</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>APNI</td>
<td>6.5</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>UKUP</td>
<td>3.7</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>PUP</td>
<td>3.5</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>UDP</td>
<td>2.2</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>NIWC</td>
<td>1.0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Labour</td>
<td>0.9</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Compiled by Adrian Guelke from data obtained from CAIN website—http://cain.ulst.ac.uk

Notes: For the forum elections each of Northern Ireland's 18 parliamentary constituencies elected five representatives from closed party lists using the d'Hondt formula. In addition, each of the 10 parties with the most votes across Northern Ireland as a whole was allocated a further two seats. For four of the parties, these ‘extra’ seats were the only seats they won. The forum as a whole had 110 seats.
CONFLICT TIMELINE, 1968–98

1968
5 October: Clashes between civil rights demonstrators and the police in Londonderry/Derry, after protest march is banned by the Minister of Home Affairs, William Craig. This event is often taken to mark the start of Northern Ireland’s troubles.

1969
14 August: British troops deployed in Northern Ireland in the aid of the civil power.
28 December: Announcement of the formation of the Provisional Irish Republican Army (IRA).

1971
9 August: Introduction of internment (detention without trial).

1972
30 January: 13 civil rights demonstrators killed by the Parachute Regiment in Londonderry/Derry. Another person subsequently dies of injuries.
24 March: Direct rule from Westminster imposed on Northern Ireland.

1973
9 December: Sunningdale Agreement—under which parties to share power in a new devolved government in Northern Ireland agree to establish a Council of Ireland to provide Irish dimension to the political settlement.

1974
28 May: Collapse of power-sharing Executive following general strike organized by the Ulster Workers Council.
1985

15 November: Signature of the Anglo–Irish Agreement under which the British government undertook to consult the government of the Republic of Ireland on its policies in Northern Ireland.

1988

14 October: Talks in Duisburg, West Germany among representatives of the UUP, DUP, SDLP and the Alliance Party of Northern Ireland.

1990

9 November: The Secretary of State for Northern Ireland, Peter Brooke, declares that Britain has no selfish strategic or economic interest in Northern Ireland.

1991

26 March: The terms of agreement among the province's constitutional parties to enter into talks on the future of Northern Ireland announced by Peter Brooke.

1992

17 February: Launch of Sinn Féin publication, *Towards a Lasting Peace in Ireland*.

10 April: Provisional IRA bombs in the City of London, the day after the British general election cause massive damage.

10 November: Brooke–Mayhew talks among the constitutional parties end in deadlock.

1993

24 April: John Hume, leader of the SDLP, and Gerry Adams, President of Sinn Féin, issue first joint statement.

15 December: British and Irish governments issue *Joint Declaration*. 
1994

31 August: Provisional IRA proclaims ceasefire.
13 October: Combined Loyalist Military Command proclaims ceasefire.

1995

22 February: Launch of Framework Documents by British and Irish governments.
7 March: Decommissioning of some weapons set as condition for Sinn Féin’s entry into all party talks by the Secretary of State for Northern Ireland, Sir Patrick Mayhew.
30 November: Bill Clinton visits Northern Ireland.

1996

24 January: Publication of the Report of the International Body on Decommissioning, suggesting six principles for parties to enter into negotiations for a political settlement.

The principles were adopted by all the parties as a test for entry into the talks. The relevant passage of the International Body’s Report reads:

Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

1. To democratic and exclusively peaceful means of resolving political issues;
2. To the total disarmament of all paramilitary organizations;
3. To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
4. To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all party negotiations;
5. To agree to abide by the terms of any agreement reached in all party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any
aspect of that outcome with which they may disagree; and,

6. To urge that ‘punishment’ killings and beatings stop and to take effective steps to prevent such actions.


9 February: Provisional IRA ends ceasefire with the bombing of Canary Wharf in London.
30 May: Elections for Northern Ireland Forum.
10 June: Start of multiparty negotiations.

1997

20 July: Resumption of Provisional IRA ceasefire.

1998

12 January: British and Irish governments issue the document, Propositions of Heads of Agreement.
10 April: Belfast (Good Friday) Agreement announced at the conclusion of talks among the eight parties participating in the multiparty negotiations.
The Joint Declaration of 15 December 1993 (Downing St. Declaration), Extracts

Message from the Government

This Joint Declaration is a charter for peace and reconciliation in Ireland. Peace is a very simple, but also a very powerful idea, whose time has come. The Joint Declaration provides from everyone's point of view a noble means of establishing the first step towards lasting peace with justice in Ireland. The central idea behind the Peace Declaration is that the problems of Northern Ireland, however deep and intractable, however difficult to reconcile, have to be resolved exclusively by political and democratic means. Its objective is to heal the divisions among the people of Ireland. The Declaration makes it clear that it is for the people of Ireland, North and South, to achieve agreement without outside impediment. The British Government have also declared that they will encourage, enable and facilitate such agreement, and that they will endorse whatever agreement emerges and take the necessary steps to implement it. The language of the Declaration quite clearly makes both Governments persuaders for agreement between the people of Ireland. The dynamic for future progress must reside in the full use of the democratic political process, in the underlying changes in Irish society, North and South, and in our external environment. Peace is the first essential for better relationships on this island. The Joint Declaration is only the first stage in the Peace Process. There will never be a better opportunity. Peace will allow us to develop a new atmosphere of trust and cooperation and to establish a new era of detente, which is the only way forward.

Joint Declaration

1. The Taoiseach, Mr. Albert Reynolds, TD, and the Prime Minister, the Rt. Hon. John Major, MP, acknowledge that the most urgent and important issue facing the people of Ireland, North and South, and the British and
Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted, recognising that the absence of a lasting and satisfactory settlement of relationships between the peoples of both islands has contributed to continuing tragedy and suffering. They believe that the development of an agreed framework for peace, which has been discussed between them since early last year, and which is based on a number of key principles articulated by the two Governments over the past 20 years, together with the adaptation of other widely accepted principles, provides the starting point of a peace process designed to culminate in a political settlement.

2. The Taoiseach and the Prime Minister … recognise that the ending of divisions can come about only through the agreement and cooperation of the people, North and South, representing both traditions in Ireland. They, therefore, make a solemn commitment to promote cooperation at all levels on the basis of the fundamental principles, undertakings, obligations under international agreements, to which they have jointly committed themselves, and the guarantees which each Government has given and now reaffirms, including Northern Ireland’s statutory constitutional guarantee.

3. They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island of Ireland, and to Ireland and the United Kingdom as partners in the European Union.

4. The Prime Minister, on behalf of the British Government, reaffirms that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, he reiterates, on behalf of the British Government, that they have no selfish strategic or economic interest in Northern Ireland. Their primary interest is
to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such an agreement, which will embrace the totality of relationships...

5. The Taoiseach, on behalf of the Irish Government, considers that ... it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland. He accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities...

These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement.

6. The Taoiseach however recognises the genuine difficulties and barriers to building relationships of trust either within or beyond Northern Ireland, from which both traditions suffer. He will work to create a new era of trust, in which suspicion of the motives or actions of others is removed on the part of either community...

In recognition of the fears of the Unionist community and as a token of his willingness to make a personal contribution to the building up of that necessary trust, the Taoiseach will examine with his colleagues any elements in the democratic life and organisation of the Irish State that can be represented to the Irish Government in the course of political dialogue as a real and substantial threat to their way of life and ethos, or that can be represented as not being fully consistent with a modern democratic and pluralist society, and undertakes to examine any possible ways of removing such obstacles.
7. Both Governments accept that Irish unity would be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion or violence, and that, if in the future a majority of the people of Northern Ireland are so persuaded, both Governments will support and give legislative effect to their wish. The Taoiseach ... confirms that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

9. The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest. This will help over a period to build the trust necessary to end past divisions, leading to an agreed and peaceful future. Such structures would, of course, include institutional recognition of the special links that exist between the peoples of Britain and Ireland as part of the totality of relationships, while taking account of newly forged links with the rest of Europe.

10. The British and Irish Governments reiterate that the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

11. The Irish Government would make their own arrangements within their jurisdiction to enable democratic parties to consult together and share in dialogue
about the political future. The Taoiseach’s intention is that these arrangements could include the establishment, in consultation with other parties, of a Forum for Peace and Reconciliation to make recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established.


The Framework Documents, Extracts

A New Framework for Agreement

A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties, 22 February 1995:

1. The Joint Declaration acknowledges that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted.

2. Both Governments recognise that there is much for deep regret on all sides in the long and often tragic history of Anglo–Irish relations, and of relations in Ireland. They believe it is now time to lay aside, with dignity and forbearance, the mistakes of the past. A collective effort is needed to create, through agreement and reconciliation, a new beginning founded on consent, for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.

3. The announcements made by the Irish Republican Army on 31 August 1994 and the Combined Loyalist Military Command on 13 October 1994 are a welcome response to the profound desire of people throughout these islands for a permanent end to the violence
which caused such immense suffering and waste, and served only to reinforce the barriers of fear and hatred, impeding the search for agreement.

4. A climate of peace enables the process of healing to begin. It transforms the prospects for political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the failures of the past and creating new relationships capable of perpetuating peace with freedom and justice.

5. In the Joint Declaration, both Governments set themselves the aim of fostering agreement and reconciliation, leading to a new political framework founded on consent. A vital dimension of this three-stranded process is the search, through dialogue with the relevant Northern Ireland parties, for new institutions and structures to take account of the totality of relationships and to enable the people of Ireland to work together in all areas of common interest while fully respecting their diversity.

7. In this Framework Document, both Governments therefore describe a shared understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991. Through this, they hope to give impetus and direction to the process and to show that a fair and honourable accommodation can be envisaged across all the relationships, which would enable people to work constructively for their mutual benefit, without compromising the essential principles or the long-term aspirations or interests of either tradition or of either community.

8. Both Governments are aware that the approach in this document presents challenges to strongly held positions on all sides. However, a new beginning in relationships means addressing fundamental issues in a new way and inevitably requires significant movement
from all sides. This document is not a rigid blueprint to be imposed.

10. They take as guiding principles for their cooperation in search of this agreement:

i. the principle of self-determination, as set out in the Joint Declaration;

ii. that the consent of the governed is an essential ingredient for stability in any political arrangement;

iii. that agreement must be pursued and established by exclusively democratic peaceful means, without resort to violence or coercion;

iv. that any new political arrangements must be based on full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and even-handedly afford both communities in Northern Ireland parity of esteem and treatment, including equality of opportunity and advantage.

13. The two Governments will work together with the parties to achieve a comprehensive accommodation, the implementation of which would include interlocking and mutually supportive institutions across the three strands, including:

a. Structures within Northern Ireland (paragraphs 22 and 23): to enable elected representatives in Northern Ireland to exercise shared administrative and legislative control over all those matters that can be agreed across both communities and which can most effectively and appropriately be dealt with at that level;

b. North/South institutions (paragraphs 2438) with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into new, cooperative and constructive relationships; to promote agreement among the
people of the island of Ireland; to carry out on a democratically accountable basis delegated executive, harmonising and consultative functions over a range of designated matters to be agreed; and to serve to acknowledge and reconcile the rights, identities and aspirations of the two major traditions;
c. East-West structures (paragraphs 39–49) to enhance the existing basis for cooperation between the two Governments, and to promote, support and underwrite the fair and effective operation of the new arrangements.

**Constitutional Issues**

14. Both Governments accept that agreement on an overall settlement requires, *inter alia*, a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.

18. Both Governments recognise that Northern Ireland’s current constitutional status reflects and relies upon the present wish of a majority of its people. They also acknowledge that at present a substantial minority of its people wish for a united Ireland. Reaffirming the commitment to encourage, facilitate and enable the achievement of agreement over a period among all the people who inhabit the island, they acknowledge that the option of a sovereign united Ireland does not command the consent of the unionist tradition, nor does the existing status of Northern Ireland command the consent of the nationalist tradition. Against this background, they acknowledge the need for new arrangements and structures—to reflect the reality of diverse aspirations, to reconcile as fully as possible the rights of both traditions, and to promote co-operation between them, so as to foster the process of developing agreement and consensus between all the people of Ireland.
Structures in Northern Ireland

22. Both Governments recognise that new political structures within Northern Ireland must depend on the cooperation of elected representatives there. They confirm that cross-community agreement is an essential requirement for the establishment and operation of such structures. They strongly favour and will support provision for cross-community consensus in relation to decisions affecting the basic rights, concerns and fundamental interests of both communities, for example, on the lines adumbrated in Strand 1 discussions in the 1992 round-table talks.

23. While the principles and overall context for such new structures are a recognised concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves would be most effectively negotiated, as part of a comprehensive three-stranded process, in direct dialogue involving the relevant political parties in Northern Ireland who would be called upon to operate them.

North/South Institutions

24. Both Governments agree that these institutions should include a North/South body involving Heads of Department on both sides and duly established and maintained by legislation in both sovereign Parliaments. This body would bring together these Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland, to discharge or oversee delegated executive, harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designate in the first instance in agreement with the parties or which the two administrations, North and South, subsequently agree to designate.

25. Specific arrangements would need to be developed to apply to EU matters. Any EU matter relevant to the
competence of either administration could be raised for consideration in the North/South body. Across all designated matters and in accordance with the delegated functions, both Governments agree that the body will have an important role, with their support and co-operation and in consultation with them, in developing on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union.

26. Both Governments envisage regular and frequent meetings of the North/South body:

a. to discharge the functions agreed for it in relation to a range of matters designated for treatment on an all-Ireland or cross-border basis;
b. to oversee the work of subsidiary bodies.

27. The two Governments envisage that legislation in the sovereign Parliaments should designate those functions which should, from the outset, be discharged or overseen by the North/South body; and they will seek agreement on these, as on other features of North/South arrangements, in discussion with the relevant political parties in Northern Ireland.

34. The operation of the North/South body’s functions would be subject to regular scrutiny in agreed political institutions in Northern Ireland and the Oireachtas, respectively.

35. Both Governments expect that there would be a Parliamentary Forum, with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of matters of mutual interest.

36. Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern Ireland Civil Service and the Irish Civil Service. They also envisage that both administrations will need to arrange finance for the North/South body and its agencies on the basis that these constitute a necessary public function.
38. Both Governments envisage a new and more broadly based Agreement, developing and extending their cooperation, reflecting the totality of relationships between the two islands, and dedicated to fostering cooperation, reconciliation and agreement in Ireland at all levels.

39. They intend that under such a new Agreement, a standing Intergovernmental Conference will be maintained, chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland. It would be supported by a Permanent Secretariat of civil servants from both Governments.

43. Both Governments accept that issues of law and order in Northern Ireland are closely intertwined with the issues of political consensus. For so long as these matters are not devolved, it will be for the Governments to consider ways in which a climate of peace, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing community identification with policing in Northern Ireland, while maintaining the most effective possible deployment of the resources of each Government in their common determination to combat crime and prevent any possible recourse to the use or threat of violence for political ends, from any source whatsoever.

44. The Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, except to the extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant, or that cross-border aspects of transferred issues are not otherwise provided for, or in the circumstances described in the following paragraph.

46. In the event that devolved institutions in Northern Ireland ceased to operate, and direct rule from Westminster was reintroduced, the British Government agree that other arrangements would be made to
implement the commitment to promote cooperation at all levels between the people, North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint Declaration, and to ensure that the co-operation that had been developed through the North/South body be maintained.

Protection of Rights

49. There is a large body of support, transcending the political divide, for the comprehensive protection and guarantee of fundamental human rights. Acknowledging this, both Governments envisage that the arrangements set out in this Framework Document will be complemented and underpinned by an explicit undertaking in the Agreement on the part of each Government, equally, to ensure in its jurisdiction in the island of Ireland, in accordance with its constitutional arrangements, the systematic and effective protection of common specified civil, political, social and cultural rights. They will discuss and seek agreement with the relevant political parties in Northern Ireland as to what rights should be so specified and how they might best be further protected, having regard to each Government’s overall responsibilities including its international obligations. Each Government will introduce appropriate legislation in its jurisdiction to give effect to any such measure of agreement.

50. In addition, both Governments would encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant, which might reflect and endorse agreed measures for the protection of the fundamental rights of everyone living in Ireland. It could also pledge a commitment to mutual respect and to the civil rights and religious liberties of both communities, including:

a. the right of free political thought,
b. the right to freedom and expression of religion,
c. the right to pursue democratically national and political aspirations,
d. the right to seek constitutional change by peaceful and legitimate means,
e. the right to live wherever one chooses without hindrance, and
f. the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour.

51. This Charter or Covenant might also contain a commitment to the principle of consent in the relationships between the two traditions in Ireland. It could incorporate also an enduring commitment on behalf of all the people of the island to guarantee and protect the rights, interests, ethos and dignity of the unionist community in any all-Ireland framework that might be developed with consent in the future, to at least the same extent as provided for the nationalist community in the context of Northern Ireland under the structures and provisions of the new Agreement.

52. The Covenant might also affirm on behalf of all traditions in Ireland a solemn commitment to the exclusively peaceful resolution of all differences between them, including in relation to all issues of self-determination, and a solemn repudiation of all recourse to violence between them for any political end or purpose.


The Framework Documents

A Framework for Accountable Government in Northern Ireland
22 February 1995

1. This part sets out the Government’s understanding of potentially acceptable elements for improving local
accountability in Northern Ireland, as part of a comprehensive political settlement embracing relationships within Northern Ireland, between Northern Ireland and the Republic of Ireland, and between the two Governments.

3. It is the Government’s aim to see the creation in Northern Ireland of local institutions of the government that are directly accountable to the people—all the people—and to which they can give their wholehearted commitment and support. With this in mind, and taking account of Northern Ireland’s position as part of the United Kingdom, and its relationship with the Republic of Ireland, it is possible to identify certain characteristics which should underlie any new political institutions in Northern Ireland. Such institutions should be:

a. based on democratic principles and reflecting the wishes of the electorate;

b. widely acceptable, in particular in the sense of providing an appropriate and equitable role for both sides of the community, such that both the main parts of the Northern Ireland community should be able to identify with them and feel that their representatives had a meaningful function to perform;

c. stable and durable in the sense of not being dependent on a particular election result or political deal. The system should, so far as possible, be self-sustaining;

d. capable of development, in response to changing political realities, with the agreement of all concerned;

e. workable, in the sense of being as straightforward to operate as possible;

f. such as to avoid any entrenchment of the main community division and to encourage the development of a society in which both the main traditions would be respected;
g. such as to provide all the constitutional political parties with the opportunity to achieve a role at each level of responsibility, and to have a position proportional to their electoral strength in broad terms;

h. able to function effectively, efficiently and decisively within clearly defined areas of responsibility;

i. innovative, in the sense of learning from and not merely modelled on any previous arrangements;

j. established within a defined relationship with UK institutions;

k. competent to manage any relationship between Northern Ireland and the Republic of Ireland developed in political talks;

l. capable of securing public endorsement;

m. consistent with the maximum possible delegation of authority;

n. such as to ensure the greatest possible degree of Parliamentary scrutiny of, and public accountability for, the exercise of powers of government within Northern Ireland.

4. The Government believes that there would also be strong support for the propositions that each individual and community in Northern Ireland has the right to define their own identity; that right and identity should be respected; and that any new political institutions should be such as to give expression to the identity and validity of each main tradition.

**Possible Arrangements: Outline**

5. Based on its discussions with the Northern Ireland parties and bearing in mind the preferred characteristics mentioned above, the Government believes that there would be a broad measure of agreement for an outline framework for new political institutions in Northern Ireland to include:
Northern Ireland

a. Province-wide executive responsibilities;
b. a single unicameral Assembly of about 90 members elected for a fixed 4 or 5 year term;
c. elections to the Assembly by a form of proportional representation;
d. a separate Panel, probably of three people elected within Northern Ireland, to complement the working of the Assembly. The Panel could be elected from a single Northern Ireland constituency by a system of proportional representation;
e. a system of Assembly committees, constituted broadly in proportion to party strengths in the Assembly, to oversee the work of the Northern Ireland Departments and other functions;
f. legislative and executive responsibility over as wide a range of subjects as in 1973. If there were an agreement, it would be open to the Government to consider with the new institutions the scope for further transfers. Certain functions, including matters relating to the Crown, foreign affairs and defence, would remain at Westminster. It would be for consideration whether new institutions were given full legislative responsibility from day one or whether such responsibility would be assumed progressively;
g. a system of detailed checks and balances intended to sustain confidence in the institutions. These might include powers for the Panel to nominate Assembly committee chairmen and deputy chairmen, to scrutinise, and if necessary, block legislation, and to arbitrate on public expenditure disputes; and a Code of Practice to specify the relationships between the Assembly, its committees, committee chairmen and departments;
h. mechanisms to ensure adequate compliance with the UK’s EU and other international obligations.


Assembly Committees: Appointment

7. The chairmanships and deputy chairmanships of Assembly committees would be allocated from among the members of the Assembly by the Assembly, acting by weighted majority, on the nomination of the Panel, acting by consensus. This procedure might operate as follows:

a. the Panel, acting unanimously and after consultation with the Assembly party leaders, would draw up a list of nominations broadly reflecting proportional party strengths in the Assembly, and having regard to the likely ability of nominees to command the confidence of the Assembly;

b. the Assembly would vote on the list of nominations as a whole, approval requiring a weighted majority of Assembly members;

c. if the nominations were not approved, the Panel would draw up a revised list of nominations. The fact that a particular nomination had been rejected as part of a list would not prevent it being proposed again on a revised list;

d. if a vacancy occurred during the life of the Assembly, this procedure would be repeated, with the Panel (after consultation with the Assembly party leaders) making a nomination for Assembly approval, by weighted majority, for each such vacancy;

e. appointments would be held for the whole term of the Assembly, subject only to dismissal on the proposal of the Panel, acting unanimously, and with the approval, by weighted majority, of both the relevant committee and the Assembly as a whole.

Transferred Matters: Legislation

8. The Northern Ireland Assembly would be the legislature in respect of transferred matters in Northern Ireland, subject to the powers and role of the Panel. All legislation would require the support of at least a
majority of both the relevant committee and the full Assembly. Legislation would be dealt with by majority decision unless a business committee decided that the proposal was contentious, thus requiring weighted majority approval (at a level to be determined), or unless a petition to that effect secured a certain threshold support (at a level to be determined). Examples of measures which might be deemed contentious might include some financial measures or those with constitutional implications or significant implications for community relations.

**Financial Arrangements**

9. During future talks, the participants would need to consider how the quantum of public expenditure would continue to be determined in the event of devolution, sources of funding, the role of the Secretary of State in any new arrangements, and the degree of discretion available to a local administration to allocate resources according to its own priorities. The Government would be ready to table ideas for consideration.

**Non-transferred Matters**

10. The Secretary of State would remain accountable to the Westminster Parliament for matters not transferred. These might include matters relating to law and order, including firearms and explosives (but see paragraphs 13 and 14), as well as the criminal law. The Secretary of State would also have a continuing responsibility for securing public expenditure for Northern Ireland and would be co-chairman of the Inter-governmental Conference established under a new Agreement. The Talks participants would need to give further consideration to the relationship in the longer term between new political institutions and the Westminster Parliament, and the role of the Secretary of State. The Government would be prepared to table ideas to assist discussions.
11. Under its terms of reference the Northern Ireland Affairs Select Committee at Westminster would no longer be entitled to scrutinise any matters for which new political institutions became accountable.

Law and Order

13. The Government wishes to see the maintenance and development of a police service in Northern Ireland that is effective, operationally independent and accountable to the community which it serves. It must be capable of maintaining law and order, and of responding to any renewed terrorist threat should that prove necessary. Subject to these requirements, the Government is open to the consideration of proposals designed to enhance the extent to which the community at large in Northern Ireland can identify with, and give full support to, the police service.

14. The role of the new local institutions in policing and security matters will depend, to a large extent, on the level of the terrorist threat. So long as the threat is such that the active support of the armed services is necessary and emergency legislation is required, the Government’s direct responsibility for these matters will continue, although there could be a consultative role for the local institutions. As that threat diminishes, so the likelihood increases that responsibility for policing matters, principally funding and the setting and monitoring of police objectives, could be transferred to the appropriate Assembly Committee.

Checks and Balances

23. The preceding paragraphs contain a number of checks and balances intended to give reassurance that new institutions would command the confidence of both main sections of the Northern Ireland community without prejudicing workability. In summary they are:
a. elections to an Assembly by a system of proportional representation;
b. separate elections to a Panel, also by a system of proportional representation;
c. a balance of responsibility between the Assembly, Assembly committees and the Panel (which could intervene on legislation or executive actions);
d. Panel decisions to be unanimous;
e. Assembly Committees established to give an appropriate, fair and significant role for all main traditions in Northern Ireland;
f. Heads of Departments/chairmen of committees (and deputy chairmen) to be approved by joint action involving the Assembly and Panel and to require weighted majority approval in the Assembly;
g. legislation to require majority support both in the relevant committee and the Assembly, with provision for contentious legislation to require weighted majority approval.

24. The preceding paragraphs also contain ideas on the use of weighted majority voting in the Assembly as a means of ensuring cross party support for:

a. the appointment (or dismissal) of the chairmen or deputy chairmen of Assembly committees (paragraph 7);
b. contentious legislation (paragraph 8);
c. the election of the Assembly Speaker (paragraph 15);
d. Assembly Standing Orders on the roles, responsibilities and decision taking powers of Departments, committee chairmen, Assembly committees and the Assembly at large (paragraph 17).

25. Weighted majority voting might also be used in the Assembly committees to ensure that minorities are not
continually outvoted. The weighted majority required in these different circumstances would ultimately be for agreement by the parties in the Assembly but could be in the order of 65% to 75%.

Annex B: An Outline of a Comprehensive Settlement

1. Drawing on the ideas on local accountability in Part I and on the New Framework for Agreement, it is possible to identify the main elements of where a possible settlement might be found. There might be public support for the following:

a. new political institutions in Northern Ireland with a wide range of executive and legislative responsibilities. Such institutions would disperse executive responsibilities broadly in proportion to party strengths. There would be two main institutions, an elected Assembly and a separate, complementary body perhaps comprising 3 people—a Panel. There would be checks and balances within and between the Assembly and Panel, and a division of functions between them. There would be greater formal protection for civil rights;

b. to cater for the North/South relationship there would be a new North/South body or bodies, an interparliamentary forum, an administrative support unit to service the body (or bodies) and the forum, and day to day North/South co-operation and communication between Departments, and between counterparts with relevant executive authority at the political level. The source of their authority would stem from the administrations in Belfast and Dublin. All decisions of the North/South body or bodies would be by agreement between the two sides. There would be appropriate political and financial accountability. The new North/South arrangements would be of sufficient strength and quality to further co-operation,
mutual understanding and working together in the interests of both parts of the island;
c. the Anglo-Irish Agreement would be replaced by a new and more broadly-based agreement between the two Governments reflecting the totality of relationships, and with provision for bilateral liaison, through an Intergovernmental Council. There would be a formal Intergovernmental Conference, with suitable rights of attendance and consultation for appropriate representatives of the new Northern Ireland political institutions. There would be a Secretariat to support the conference and provide a channel of communication. The new agreement would be arrived at through direct discussion between the two Governments and the other Talks participants, and Northern Ireland political representatives would play a greater part in it than at present;
d. there would be a shared understanding of the constitutional issues, which achieved a balanced accommodation of the differing positions of the two main traditions;
e. the overall outcome would be subject to popular endorsement in the form of a referendum in Northern Ireland and an appropriate test of opinion in the Republic.

**Relationship Between the Different Elements of an Overall Accommodation**

2. If a settlement is achieved which addresses all the relevant relationships, there would need to be coordination between the various structures. The Government envisages that any acceptable overall accommodation could include linkages of the following kinds:

a. liaison between representatives of new Northern Ireland institutions such as the Assembly and the Panel, and the British government over transferred
matters with implications for non-transferred responsibilities, and vice versa;
b. liaison between new North/South institutions and the British Government over transferred matters with implications for the British Government’s remaining responsibilities;
c. *ad hoc* attendance by representatives of the British Government at new North/South institutions at their request (e.g., where the Northern Ireland side have raised matters of concern about non-transferred matters with their Republic of Ireland counterparts, which in turn have implications for the British Government);
d. attendance by relevant Northern Ireland Heads of Department, and by Panel members, by invitation, at relevant parts of meetings of the successor to the Intergovernmental Conference;
e. liaison outside the successor to the Inter-governmental Conference on non-transferred Northern Ireland matters between representatives of the new Northern Ireland institutions and members of the British and Irish Governments; and
f. attendance by representatives of the new Northern Ireland political institutions at meetings held under the Anglo–Irish Inter-governmental Council framework, where matters relevant to the new Northern Ireland institutions might arise.

*Source:* http://193.61.128.15/events/peace/docs/fd22295b.htm

**Sinn Féin**

*Towards a Lasting Peace in Ireland, Extracts*

*Towards a Lasting Peace in Ireland* was presented to the 1992 Sinn Féin Ard Fheis as a discussion document. Its main purpose was to develop the debate on how best to develop a strategy for peace in Ireland both within the party and externally.
Section One: Introduction

- An end to conflict does not necessarily lead to lasting peace, and in the context of Ireland, has led only to new outbreaks of hostilities after a number of years. A peace process, leading to a lasting peace, must address the root causes of the conflict.
- A genuine and sustainable peace process must be grounded on democracy and self-determination.

Section Two: National Democracy and Peace

- The Irish people have a right to peace: A right to the political structures which are capable of making peace permanent; a right to decide for themselves what these structures might be; and an obligation to ensure that they serve the best interests of all the Irish people.
- Peace is not just the absence of war but is also establishing conditions which will ensure a lasting peace. This means eradicating the root cause of the conflict by gaining national self-determination, which in turn lays the foundation for justice, democracy and equality—the safeguards of lasting peace.
- Britain claims that the main reason for staying in Ireland is not to maintain its own interests but primarily to safeguard democracy; however, to protect its own interests in Ireland, Britain has given power of veto over national independence to a pro-British unionist minority which is in direct contravention of the principle of national self-determination and is, therefore, a denial of democracy itself.

Section Three: Irish Sovereignty: International Law and Irish Democratic Rights

In Ireland, on many occasions, the national independence, that is, a unitary state governed by one government has been declared. Some of those occasions are as follows:

- The Proclamation of Easter of 1916;
Section Five: Conditions for Democracy and Peace

- The search for peace is everyone’s responsibility but particularly those organisations which represent the people and specifically the London and Dublin governments. It is also an international responsibility. The criteria by which any peace initiative is judged is the degree to which it promotes national self-determination.
- The elements needed to bring about the conditions for peace are: a British government that makes the ending of partition its policy in Ireland; a Dublin government that has the same policy; cooperation between the London and Dublin governments to bring this about in the shortest possible time with the greatest possible consent and minimizing costs of every kind; that this be done in cooperation with unionists and northern nationalists, i.e., to begin the process of national reconciliation.

Section Eight: Dublin Government

- The Dublin government has a clear responsibility in establishing national democracy. It possesses the resources and access to the world centres of power. Since the founding of the 26-County state, it has adopted a negative role towards national democracy, taking up the issue only for electoral gain.
• Since the Hillsborough Accord, it has been actively involved in supporting partition. A Dublin strategy for peace must involve persuading: the British that partition is a failure; the unionists that reunification would benefit them; the international community to support Irish national rights.

Section Nine: A Strategy for Change

• Britain has a responsibility to: recognize the right of the Irish people to self-determination; change its current policy to one of ending partition and giving sovereignty to an all-Ireland government; influence unionist attitudes to this end; consult with Dublin to agree on ending partition.

Section Eleven: The Unionists

• Unionists are 20% of the Irish people and have a considerable impact on the peace process. Peace requires a settlement between Irish nationalists and Irish unionists.
• This debate cannot begin as long as Britain guarantees the continuation of the Unionist artificial majority in the six counties. The ‘Unionist veto’ must be ended. To achieve national reconciliation, the deep rooted fears of people must be addressed. All gain from a democratic settlement.

Section Fourteen: Summary

1. Peace requires the conditions of democracy, freedom and justice to eradicate the causes of war.
2. The Irish people have the same historical right to sovereignty and nationhood which is recognized by international law. Partition contravenes these laws and frustrates national democracy and national reconciliation.
3. British rule in Ireland has no democratic legitimacy and has rested on division and coercion. They should recognize the failure of partition.
4. The Dublin government should assume its responsibility in relation to reunification either in cooperation with Britain or if necessary, independently.

5. The unionist minority have nothing to fear from a united Ireland. Removing the veto will open up the possibility for constructive dialogue.

6. Irish republicans are committed to playing a constructive role in building national democracy when the British government finally adopts a policy of withdrawal from Ireland.

7. The partition of Ireland and the British claim to jurisdiction over the Six Counties is a European issue.

8. The United Nations has the authority and mandate to monitor a decolonisation process in Ireland. As an interim measure, Sinn Féin would propose that the United Nations monitors partition and Britain’s role within it.

**Sinn Féin: A Bridge to the Future, Extracts**

8 March 1998

This talks process will be judged on whether it effectively tackles and removes the causes of conflict, and whether it moves us all, as part of a rolling process, or on a transitional basis, towards Irish unity and independence.

All experience to date shows that a shared understanding and common positions between nationalists on the most advanced positions possible, is needed to further the democratic demand.

The aim should be to get the British government to change its policy towards Ireland from one of upholding the union to one of ending the union. Nationalist popular opinion knows the limits to the talks process but expects change in a whole range of areas and sees this as a rolling process.

Nationalist popular opinion is in favour of a united Ireland and has set its own markers, by which it will judge the strategies of its political parties. It wants to see its representatives
doing their best to advance the best possible agreement and it wants equality now.

The Sinn Féin view of all of this, as I make clear above and as our strategy clearly shows, is that common positions are essential. All experience to date also shows that the absence of such common positions is detrimental to the democratic demand. It undermines the peace process. Experience also shows that any alliance between sections of Irish nationalism and the British government in the governance of Ireland, can only culminate in an unequal partnership which serves the broad British government interest.

So what needs to be done? Even within the current flawed process of talks, it is essential that the British government faces up to its historical and contemporary responsibilities... Mr. Blair's government is, of course, especially well placed to bring about fundamental change, if he has the will and the mind to do so. The new government has brought a new approach in style, though so far, the substance of its position in relation to an agreement remains the same as the last government.

Of course, it has done positive things and I have publicly commended Mr. Blair's decision on Bloody Sunday and other progressive developments. Mr. Blair has said that the status quo has to be changed. The question he says is how much change? Even before dealing with this question, it is fundamental to any talks process that all the parties should talk to each other on their own terms. How much longer, therefore, will the British Prime Minister allow the situation to continue that the UUP will not talk to Sinn Féin?

How much longer can it be said that there cannot be a United Ireland but that there must be a united British Kingdom? Is consent to be forever interpreted as unionist consent, that is as a veto?

What of nationalist consent?

Nationalists and republicans have to take into account the position of Unionists, but it is for Unionist leaders to put these forward. This is not to underestimate or to downgrade their importance. I do intend to return to this.
At this point, I am trying to give a nationalist perspective on an agreement, within the present restrictions outlined by the two governments. This is without prejudice to Sinn Féin’s position, because even the full implementation of the Framework Documents would present a huge challenge for us since we accept it only as a basis for discussion. Our party wants much greater change. We remain totally committed to our republican objectives and we will view any agreement in this phase as being part of a transitional process to Irish unity and independence.

However, in trying to establish the wider nationalist view, it seems to me that the first test of any position to grow,

**b. Constitutional**
The least nationalists want to see is fundamental constitutional and political change in British jurisdiction, while in any Irish constitutional change:

- the definition of the Irish national territory should not be diluted;
- the constitutional imperative should remain; and
- there must be no diminution of the rights of Irish citizens.

On the contrary, citizens rights should be strengthened. Irish citizens in the north should—if they wish—have the right to elect their representatives to the Irish Parliament and should have voting rights in Irish Presidential elections and referendums.

**c. Equality**

- The securing of equality, rights and justice needs to be visible and immediately tangible;
- ‘equity’ of treatment must be replaced by ‘equality’ of treatment;
- this should not even be a matter of negotiation and all provid zone. A complete demilitarisation of the situation is required. Immediate transitional steps should include:
• The Emergency Provisions Act (EPA) and Prevention of Terrorism Act (PTA) and all other repressive legislation must be repealed.

• A proper policing service must be created to replace the Royal Ulster Constabulary (RUC) which must be disbanded. It must have a minimum of 40 per cent nationalists in its ranks.

• This should be achieved in an agreed timetable in the context of specific affirmative action measures.

• Pending the disbandment of the RUC, British political and cultural symbols, and the paramilitary trappings of this force must be removed. Interrogation centres must be closed.

• A screening process must be initiated to remove officers with a record of human rights abuse.

• The British Army must be withdrawn to barracks as a first step in overall demilitarisation.

• The RIR must be removed permanently from contact with the civilian population pending the early disbandment of its locally deployed units.

• All political prisoners must be released.

Conclusion
Opponents of the peace process or those who are intent on minimising change will baulk at such measures. Yet, they are some of the minimal requirements, if a level playing pitch is to be established. Sinn Féin is intent on bringing about more fundamental changes.

Source: http://www.sinnfein.ie/peace/keydocs

NOTES
1 ‘Paramilitaries’ is the term widely used to describe illegal armed groups in Northern Ireland and not ‘paramilitary police’ as is common elsewhere. ‘Loyalist’ is usually used to describe a militant Unionist; for clarity, in this article it is only used to describe those with links to illegal paramilitaries.

2 See website with statistical analysis (http://cain.ulst.ac.uk/issues/violence/stats.htm).
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<tr>
<th>Acronym</th>
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<td>APNI</td>
<td>Alliance Party of Northern Ireland</td>
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<td>NIWC</td>
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<td>Progressive Unionist Party</td>
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The de facto partition created by the power-sharing arrangements under the internationally brokered Dayton Peace Agreement of 1995.

The Dayton Peace Agreement put an end to the bloody ethnic war in Bosnia–Herzegovina that killed about 250,000 people, but it also divided Bosnia–Herzegovina into two entities: a Muslim/Croat Federation of Bosnia and Herzegovina, and the Bosnian Serb Republic, Republika Srpska, each with its own president, government, parliament, police and other bodies. A weak central government and a three-member rotating presidency provided an overarching framework which was intended to bring the two entities together.

Dayton brought peace but it was, and remains, a controversial agreement, with its critics arguing that it created de facto states along lines that reinforced separatism and nationalism at the expense of integration. Its defenders say it was the best chance of ending ethnic war; that it needed to be ambiguous about reintegration in order
to bring parties diametrically opposed to each other on board, and that it did include significant provisions for reintegration. For instance, it enshrined the right of those displaced by the conflict to return home. Equally important, it provided punishment for war crimes.

This simulation is set five years into the implementation of the *Dayton Agreement*, and it asks whether—in order to strengthen peace-building in Bosnia–Herzegovina—the Constitution agreed in 1995 should now be amended, so as to bring the two entities into a closer federal relationship.

The participants are representatives of the Bosnian federal and local governments, the Serbian entity government, the Croatian Cantonal government and the international community. The questions before you are:

*Will amending the Bosnian Constitution improve the reintegration process or will it reopen old wounds and risk lapsing back into conflict? Are the three ethnic parties prepared to compromise on stated positions, and what would be their incentives?*

**Materials for the Simulation**

- Simulation Exercise
- Conflict Backgrounder
- Timeline
- Documents
- Maps

**Simulation Exercise**

You are a member of one of the negotiating teams in November 2000. The Bosnian government has been the main initiator of talks. Among the international community, the US administration has been the most reluctant to agree to talks, fearing a lapse back into conflict. You know that if these talks do not succeed, the chances of getting another shot at amending the Bosnian Constitution in the near future are dim.
The war ended five years ago, but real peace is yet to take hold. Different factions continue to retain arms, and armed factions of the Serbian and Croatian minorities are reluctant to cede control to the federal security force that is a creation of the *Dayton Agreement*. Though international troops are much reduced in number, their presence is still required.

Constitutional arrangements for power-sharing have not worked at all. Though there have been several elections, the federal government has met only once or twice. These problems are compounded by the fact that there is also an international administrator, jointly appointed by the United Nations (UN) and the European Union (EU), who has authority over all the three governments—the federal authority (Bosnia–Herzegovina), the Federation of Bosnia and Herzegovina (a Muslim–Croat entity) and the Serbian entity (Republika Srpska).

The black economy is still in the process of transforming into white. There has been tangible economic improvement, but more so in the Federation of Bosnia–Herzegovina than in Republika Srpska, and there are considerable disparities between urban and rural post-conflict recovery. Corruption is rife.

A number of issues are, therefore, involved in the negotiations. Will constitutional amendment for a closer federal relationship sharpen or weaken the divisions? What is the priority: to lessen the authority and responsibilities of the international administrator and increase the responsibilities of the federal government, or use the present structure to get better reintegrative mechanisms?

This simulation is a peace-building exercise aimed at getting participants to consider what are the best constitutional and administrative mechanisms to enable war-torn societies to recover once war has ended, taking into account the different strengths and weaknesses, and fears and the required courage of the key actors, including the international community.

**Simulation Structure**

**Venue:** Dayton, Ohio  
**Time:** November 2000, five years after signing of *The Dayton Peace Agreement* in 1995.
**Duration:** Though the actual negotiations would take longer, you can enact the simulation over one to two days.

**Format:** The negotiation begins with a session around the table, in which the Chair briefs the negotiating teams on the issues before them. Following this briefing the Bosnian, Serbian and Croatian teams go into separate rooms to have proximity talks. Members of the international team shuttle between the three rooms, relaying proposals and arguing for their acceptance.

The Bosnian, Serbian and Croatian teams can also ask the international team to facilitate their sending an emissary to one of the other teams with proposal that could make a breakthrough; and they can call in members of the international team to help them think through their positions. For example, the Serbian team would be prone to frequent consultations with the Russian representative.

If the international team finds that the three teams are close to being able to agree, then they will reconvene around the table to hammer out an agreement. If they see no prospects of a breakthrough, then the three teams will be sent straight home.

**Roles**

The negotiating teams at the table are:

1. Bosnian presidency and federal government negotiating team;
2. Serbian entity negotiating team;
3. Croatian Cantonal negotiating team;
4. International Community team.

**Control Group:** At least four people, one to guide each team.

**Composition of the Negotiating Teams and Positions of the Negotiators**

**Bosnian Negotiating Team**

The first problem for this team is to arrive at a unified position, as the presidency and federal government bring together
formerly warring and still hostile parties, who remain deeply suspicious of each other. The team comprises:

**The President of Bosnia–Herzegovina (Muslim)**
A Social–Democrat, you are committed to integrating Bosnia–Herzegovina on principles of pluralism and human rights, but you know that the majority of Bosnian Muslims feel that they are denied their political rights as a majority because of an international compromise with the nationalist Serbian and Croatian minorities. What level of concession can you sell to your public?

**The Vice President of the Federation (Croatian)**
You are a tightrope walker, balancing your knowledge that Bosnia’s Croatian nationalists will look for any opportunity for secession, with your role as a responsible official in the Bosniac–Croatian entity, which must be kept together to prevent war between Muslims and Croatians. Can you be a bridge-builder or will you end up ‘appeasing’ all factions?

**The Federal Security Forces Chief**
You play a cautionary role, ensuring that the Bosnian government does not give up too much control to local security forces, and push for the disbanding of Croatian and Serbian paramilitaries.

**Legal/Constitutional Expert**
You are required to give legal judgement on what changes are possible to the Constitution, as well as to the structure of the constitutional and other courts, keeping in mind the goals of your team. You will draft the constitutional amendments in the consolidated position paper; and will seek to provide a way out of the stalemates that the Serbian and Croatian teams come up with.

**Serbian Negotiating Team**
This is an ethnically cohesive team, unlike the previous one. However, it is not ideologically cohesive. All its members are Serbian, but a moderate nationalist government won the
2000 entity elections. The new government is inclined to cooperate with the Bosnian presidency, unlike the previous hardline nationalists, but is very weak and under pressure from the hardliners. The composition of the team reflects these pulls and pushes.

*The President of Republika Srpska*
You have just come into power as a moderate nationalist, leading a weak coalition; basically propped up by the EU–UN High Representative. You want to cooperate with the federal presidency, but if you do, you come under very real threat, both politically and even to your life from the hardliners. How do you balance these compulsions—or don’t you?

*Security Chief of Republika Srpska*
You are determined to resist any pressure for reintegration of the Serbian troops into a unified federal security force.

*Government Representative from Serbia*
Unlike at *Dayton* 1995, Bosnian Serbs are negotiating for themselves, but only just. The Serbian government representative, a radical nationalist, will have a veto power over anything they come up with.

*Representative from the Serbian Majority Areas in Croatia*
You are a spokesman for the huge refugee population living in Republika Srpska, who cannot return to their ancestral homes because the Croatian government will not take them back.

*Legal/Constitutional Expert*
You are a nominee of the hardliners and are required to come up with inventive counters to the Bosnian government team’s proposed amendments to the Constitution; and to suggest several new amendments that will permit the Serbian entity to strengthen integrative moves with Serbia.

*Croatian Negotiating Team*
This is an ethnically and ideologically cohesive team. All its members are Croatian. They want integration with Croatia, or failing that, a similar status to the Serbian entity; but were
coerced into the Federation. While there is not much difference in what the members of the team want, each will suggest different strategies for getting it. Team members are now hoping that the Serbian positions will provide cover for them to consolidate power through constitutional amendments for further devolution.

**Cantonal Government Representative from the Muslim–Croatian Entity**
You are a lower (Cantonal) level official who has come to speak solely for the Croatian areas of the Muslim–Croatian entity. An ardent nationalist, who is, however, willing to accept formal power-sharing with Bosnian Muslims at the federal, but not the Cantonal level.

**Cantonal Government Representative with Close Links to the Croatian Paramilitaries**
You are even more radical than your colleague, and do not want to enter into any federal relations that would require ceding Croatian paramilitary control over Croatian majority areas.

**Government Representative from Neighbouring Croatia**
You will play a softer role than your counterpart on the Serbian team. Croatia is under considerable US pressure to get Bosnian Croats to compromise and accept greater reintegration. Your advice will reflect that pressure, but you are, at heart, a Croatian nationalist.

**Legal/Constitutional Expert**
You are required to come up with inventive counters to the Bosnian government’s proposed amendments to the Constitution, without giving the impression that your team is being obstructive; and to suggest seemingly innocuous amendments that will permit greater integration with Croatia.

**International Community**
**US Representative**
You see the *Dayton Agreement* as a final agreement and are reluctant to permit changes to the Bosnian Constitution, but you also see that reintegration is going far too slowly, and
so have reluctantly agreed to talks. You will also explore whether the talks can be used to get an agreement on the speedy implementation of the power-sharing and reintegrative arrangements that already exist under Dayton.

**The UN–EU High Representative for Bosnia–Herzegovina**
As someone who is a *de facto* Viceroy of Bosnia–Herzegovina, you are ardently in favour of any change that will speed reintegration and permit you to go home. At the same time, you know the ground realities, and doubt that any agreement on constitutional change can be made to hold. Like the US representative, you hope that the talks can be used to get agreement on speedy implementation of the power-sharing and reintegrative arrangements that already exist under Dayton.

**EU Legal/Constitutional Expert**
You are required to give legal judgement on what changes are possible to the Constitution, especially the constitutional court and other courts, keeping in mind that the goal is Bosnia–Herzegovina’s eventual integration into Europe. You will be the crucial voice on whether any constitutional changes are workable from a legal perspective and on how they are worded.

**Head of the NATO-led Stabilization Force**
You have seen the conflict from the ground, and are a pragmatist, above all. You are reluctant to pursue war criminals like Karadzic and Mladic, which has soured your relationship with the federal security forces, and made the job of the US general overseeing the integration of the federal security forces even more difficult.

**The US General**
You are here to wrest any agreements you can on paramilitary disbanding, and integration of the federal security forces.

**Russian Representative**
You are only here at the insistence of the Serbians, rather against the will of the other international representatives.
Now that you are here, however, they urge you to influence the Serbians to implement the existing power-sharing agreements. You want to be a responsible player, but the Russian public supports the Serbians. How do you respond?

**Member Peace Implementation Council**

As a major donor to reconstruction and recovery programmes in Bosnia–Herzegovina, you are here primarily to ensure that the programmes are not jeopardized by any constitutional amendments. You are broadly supportive of the efforts of your team members.
For Yugoslavia, the transition from communism to democracy, in the 1980s and the 1990s, was particularly difficult. This Federation of six republics (Serbia, Croatia, Montenegro, Bosnia–Herzegovina and Macedonia), created in 1945, fragmented violently along religious faultlines in 1990–91, between Catholic and Orthodox Christians, and between Christians and Muslims.

A large part of the population was South Slav. But this is an umbrella category that contains groups separated by religious practice and language, in a region which had been associated for centuries with ethnic diversity, migration, and the building and dismantling of empires. The main competing nationalisms at the end of the Cold War were:

1. Serbian: Predominantly Eastern Orthodox, they spoke a dialect of Serbo–Croatian. In 1991 Serbians constituted 65.8 per cent of the population of Serbia, 12.2 per cent of Croatia’s population, 9.3 per cent of Montenegro’s and 31.4 per cent of Bosnia.

2. Croatian: Predominantly Roman Catholic, they spoke a dialect of Serbo–Croatian. Croatians constituted 78.1 per cent of the population of Croatia and 17.3 per cent of the population of Bosnia–Herzegovina.

3. Bosnian Muslim: These were mostly South Slavs who converted to Islam under Ottoman rule; 43.7 per cent of the population of Bosnia–Herzegovina was Muslim.

4. Slovene: Predominantly Roman Catholic, they had a distinct Slav language, quite different from the Serbo–Croat dialect spoken by many of the other Slav groups. They constituted nearly 90 per cent of the population in Slovenia, the most ethnically homogeneous of the republics.

5. Albanians: Mostly Muslim, with a Roman Catholic minority, they spoke Albanian. They were 17.2 per cent of the population in Serbia, 6.6 per cent in Montenegro and 21 per cent in Macedonia.
Showcase of Multiculturalism Crumbles

Post-World War II Yugoslavia was an attempt to create a multicultural space in which all these groups could live as one nation. The federal structure was designed to prevent Serbian dominance, which had been a source of resentment in the first, short-lived Yugoslav state formed after World War I, fuelling Croatian extremism and separatism. In the new structure, there were Serbian minorities in every constituent republic of the Federation. This showcase of multiculturalism began to crumble as Yugoslavia slipped into a five-year power vacuum following the death of communist strongman, Marshal Tito. Policies of decentralization increasingly led republics to pursue their separate national goals, and a rapidly worsening economy accelerated the drive towards fragmentation. There is a popular view that the conflict was the inevitable outcome of suppressed ‘ancient hatreds’. However, it has been persuasively argued that it was not inevitable, but the outcome of specific political circumstances, and nationalist narratives drew on selective stories from the past to make political points.

First Stirrings of Trouble

The first stirrings of trouble came in the 1980s with the demand for a republican status for Kosovo, which was declared an autonomous province in the country’s 1974 constitution, by its majority Albanian population. The demand set off alarm bells in Serbia as well as in Macedonia, which had a large Albanian minority in its districts bordering Albania and Kosovo.

Second, economic nationalism laced with racism came to dominate the political agenda in the relatively rich republics of Slovenia and Croatia, who felt that they were subsidizing the poorer republics. They campaigned to decentralize executive authority, including control over the economy. In ethnically homogenous Slovenia, the targets were relatively small numbers of guest workers, but in Croatia’s case they were Serbian, and later, the Muslims of Bosnia–Herzegovina.
Serbia reacted to Albanian minority nationalism, and Slovene and Croatian economic nationalism, with suspicion and mounting aggression. Serbia’s communist party president, Slobodan Milosevic, played the nationalist card, merging his party with powerful Serbian trade unions to form the Serbian Democratic Party in the mid-1980s. By 1989, he had acquired enough authority to get the Serbian assembly to revoke the autonomy of Kosovo and Vojvodina, another autonomous province, and declare a state of emergency in the former.

These steps gave Milosevic effective control over four of the eight federal presidency votes, and heightened a rising sense of threat in Slovenia and Croatia, accelerating secessionist movements in the two republics.

Road to Secession

Slovenia’s secession was a relatively uncomplicated issue. Not so the separation of Croatia, which threatened to create conflict for the large Serbian minority there, a conflict likely to spillover into Bosnia–Herzegovina, with its three large communities of Muslims, Serbians and Croatians (43.7 per cent, 31.4 per cent and 17.3 per cent respectively).

These fears sharpened chauvinism among the majorities as well as minorities in the two republics, but especially in Croatia, where Milosevic began to covertly arm irredentist paramilitary groups in Croatia’s Serbian enclaves bordering Bosnia. In the 1990 elections, ethnic nationalists won across the Yugoslav Federation, with the exception of Macedonia. Serbia elected Milosevic’s Serbian Democratic Party, and Croatia elected the ultra-nationalist Croatian Democratic Union, led by Franjo Tudjman.

In Bosnia, Serbians and Croatians voted for the regional branches of the Serbian Democratic Party and the Croatian Democratic Union, while most Muslims voted for the Muslim Party for Democratic Rights, led by Alija Izetbegovic. The three parties formed a coalition government under the presidency of Izetbegovic.

Though there were intensive negotiations to decentralize the Yugoslav Federation, they were now led by the poorer
multiethnic republics of Bosnia–Herzegovina and Macedonia, and received little more than lip support from Slovenia and Croatia. Relations within the Federation deteriorated, and in early 1991, the Slovene and Croatian assemblies called for secession from Yugoslavia. There were increasingly frequent clashes between the Croatian armed police and the Serbian police reservists, and the paramilitary.

In May 1991, Croatia held a referendum that resulted in an overwhelming vote for secession. Croatia's Serbs boycotted the referendum, and voted in a separate referendum to join the Yugoslav Federation as an autonomous region. Alarmed by the threat of war in Croatia and what such a war might spell for Bosnia–Herzegovina, Bosnian President Izetbegovic asked for the preventive deployment of UN peacekeepers, but was turned down. Bosnia was still a member of the Yugoslav Federation and Yugoslavia would have to request peacekeeping troops.

Tensions began to mount in Bosnia. In a trigger reaction to the Croatian referendum, Bosnia's Serbian nationalists declared 'Serbian autonomous regions' in their majority areas of northwestern and southeastern Bosnia. Weeks later, Croatian nationalists declared a 'Croatian Community of Herceg–Bosna' in the Croatian majority areas of western Herzegovina and central Bosnia, and a 'Croatian Community of the Bosnian Sava Valley' in the Croatian enclave in northern Bosnia.

**Yugoslavia at War**

In June 1991, Slovenia and Croatia announced their independence, and Yugoslavia went to war. Both these republics had small land forces and armed police, but little else. The problem was less acute for Slovenia—neither Milosevic nor the Yugoslav national army wished to carry out a Slovene war—and it ended 10 days after it began, having gone no further than border skirmishes. But it was a very different picture in Croatia, where the Serbian rejection of Croatia's independence led to war. The Yugoslav army used bases inside Bosnia to bomb Croatian cities such as Dubrovnik, and
the conflict spread rapidly south and east along Croatia’s border with Bosnia–Herzegovina, populated by Serbians on both sides. At the same time, conflict erupted on Croatia’s eastern border with Serbia in the mixed Slavonian, Croatian and Serbian districts. Refugees began to flood Croatia’s western neighbours, Austria and Germany, and its eastern neighbours, Bosnia–Herzegovina, Serbia and Hungary.

**Peace Conference for Yugoslavia**

In September 1991, the European Community (EC) set up a rolling peace conference for Yugoslavia. It asked a five member judicial commission to draw up the conditions that each republic would have to satisfy for recognition as an independent state, chiefly on the basis of human rights and minority protection. Partly because the war was just beginning, and partly because Milosevic’s eyes were firmly fixed on Bosnia, the peace conference was able, at a meeting in The Hague in November, to wrest a ceasefire in Croatia.

Under pressure to act, both domestically and from its allies, the US appointed Cyrus Vance as an envoy to the peace conference under the aegis of the UN. A veteran diplomat, Vance expanded the ceasefire agreement into a wider peace agreement. The Agreement was to be implemented by the UN and it had three major elements:

1. The separation of forces and deployment of UN peacekeeping troops;
2. A time bound demilitarization of the warring region (now divided into four sectors and termed UN Protected Areas); and
3. Phased normalization pending negotiations over the area’s political status.

The first UN peacekeeping troops arrived in Krajina, the Serbian majority border area of Croatia, in January 1992. But Croatia’s nationalist government saw the peace agreement as pandering to the Serbian minority, breaching Croatia’s sovereignty and potentially weakening its territorial integrity. Thousands had died during the war; some 700,000 people
had become refugees; and Croatia had suffered enormous physical damage. Nationalist resentment led to an unspoken refusal to cooperate with the UN and an unofficial blockade of the UN Protected Areas for the next few years.

**Controversial Recognition**

After the Croatian ceasefire of September 1991, Austria and Germany stepped up pressure on the European Community (EC) to recognize Slovenia and Croatia, a step not favoured by the US, Britain, France and the bulk of Western as well as Central European countries. But the EC, wanting to avoid showing a split in its ranks, recognized Slovenia and Croatia as sovereign states after the January 1992 peace agreement.

In Bosnia–Herzegovina, Germany’s push for recognition of Slovenia and Croatia was seen as a clear sign that the two republics would soon achieve independence. With the threat of a spillover of the Croatian conflict hanging over them, and in the hope that the secession of Bosnia might lead to the preventive deployment of peacekeepers, Bosnia’s leaders, in December 1991, applied to the EC for recognition. In January 1992, they were told that Bosnia would first have to hold a referendum under international supervision.

**The Carrington–Cutileiro Plan**

Just before the referendum took place, the European Community (EC) sponsored peace conference meet in Lisbon. The meeting was a last ditch attempt to cobble together an agreement that would—through a power-sharing formula—prevent the results of the referendum from sparking conflict.

Led by Lord Carrington of Britain and Ambassador Cutileiro of Portugal, the talks focused on the decentralization of power to clusters of Muslim, Serbian and Croatian cantons in Bosnia-Herzegovina. The plan proposed a weak central government with most administrative powers devolved to the district level. Bosnia–Herzegovina’s districts would be classified in ethno-religious categories, even where no ethnic group was in the majority. Though the proposal included various
provisions for the protection of minority rights within the districts, it was unpopular all around. Secular and human rights’ groups saw the Carrington–Cutileiro plan as increasing ethnic polarization in Bosnia’s already fragile environment; it would, moreover, leave stranded minorities in dispersed ethnic enclaves.

As far as the nationalist groups were concerned, the plan did not go far enough in ethnic polarization: neither the Muslims nor the Serbians nor the Croatians would control contiguous districts, so all three were denied the option of partition.

Bosnia’s Muslim-led government was unhappy with the Carrington–Cutileiro plan’s focus on decentralization of powers, which would further weaken the already weak central government of Bosnia. Eventually, both the government and the Serbian nationalists rejected the plan.

Civil War and Ethnic Cleansing in Bosnia

The referendum was held in Bosnia in February 1992, and it resulted in an overwhelming vote in favour of independence, but Bosnia’s Serbians boycotted it. Within days of the referendum, war broke out. Serbian paramilitaries laid siege to the capital, Sarajevo, and, helped by the Yugoslav army, started to take control over more territory. Serbian strategy, which remained constant through the four years of war that followed, was to create contiguous Serbian territories in a spreading arc from the northwest to the southeast of Bosnia by driving out Muslims and Croatians, and widening the corridor linking northwestern and southeastern Serbian held territories.

By the end of spring 1992, Serbian forces had widened the east–west corridor and set up ‘Bureaus for Population Exchange’ all over northern Bosnia. Earlier, Muslims and Croatians had been forced to flee at the barrel of the gun. Now they were forced to pay for their own ethnic cleansing. Refugees were packed into sealed trains and sent to Croatia’s capital, Zagreb.

In the summer of 1992, Croatian paramilitary groups moved to create their own ethnic territories in the mixed Muslim–Croatian regions of Bosnia and Herzegovina. With the aid of
Croatian troops that had originally entered Bosnia in pursuit of the war in Croatia, they took control of Mostar city, and surrounding areas in western Herzegovina.

The Croatian nationalists dismissed Muslims from public office in areas under their control, and mounted roadblocks around Mostar to curtail Muslim movement both into and out of the city.

By autumn 1992, the war in Bosnia was being fought on two fronts: in the west between Croatians and Muslims, and in the north and east between Serbians and Muslims. Facing superior weaponry on both sides, Bosnia's ragtag army could do little but hold small enclaves of territory.

A notable feature of the four-year war was its almost total absence of combat. In the rural areas, Serbian and Croatian forces simply swept through Muslim villages, killing or driving out their inhabitants and destroying their houses. They put the cities under siege and let their artillery do the work. Mostar was partitioned into a Croatian west and a Muslim east, while Serbian forces controlled a small chunk of Sarajevo. There were over a million refugees in Croatia, Serbia, Austria, Germany and further afield. By early 1993, the figure had crossed two million.

The Vance–Owen Peace Plan

As Europe faced its biggest flow of refugees since World War II, the European Community (EC) sponsored peace conference made another attempt to find a formula to end the war. The ‘Vance–Owen Peace Plan’, presented in January 1993 by international mediators Cyrus Vance and David Owen, reworked the Carrington–Cutileiro plan, moving from decentralization at the level of districts to larger provincial units. It was, like its predecessor, intended to avoid partition by scattering control over provinces, so that Bosnia–Herzegovina could not be divided into three ethnic territories.

But the military arrangements that the Vance–Owen plan envisaged reinforced the de facto partition by leaving paramilitary groups in territorial control. Serbian paramilitary groups would continue to control Serbian held territories;
and Croatian paramilitary groups would continue to control Croatian held territories.

The plan proposed a loose federation of 10 Serbian, Croatian and Muslim provinces. It offered Serbians less territory than they controlled, severely reduced the territories under Muslim control, and gave Croatians more territory than they had dreamed of. But it did not allow contiguous Serbian territories, and it did provide for a central government, however weak, and in March the Bosnian government reluctantly accepted it.

However, as far as the Serbian leaders were concerned, the Vance–Owen Peace Plan demanded large territorial concessions at a time when the only remaining obstacles to their ambition to form a Greater Serbia were the eastern Muslim enclaves of Srebrenica, Zepa and Gorazde. If Serbians agreed to the plan, they would have to give up Greater Serbia. So instead of agreeing to the plan, Serbian forces moved to conquer the eastern enclaves, starting with Srebrenica. In March 1993, they surrounded and blockaded Srebrenica, which slowly began to starve.

‘Safe’ Areas

By early 1993, the humanitarian crisis in Bosnia–Herzegovina was terrifying. Over half the population was refugee, either inside or outside the country. The territory under Bosnian control was a smattering of isolated enclaves, none viable without the life-support of international aid, which Serbian and Croatian forces refused to let through.

The UN Protection Forces (UNPROFOR), tasked with protecting aid delivery since 1992, were increasingly blocked. The victims of the international arms embargo on Yugoslavia were the very people the embargo had been designed to protect. Landlocked Bosnia could not acquire weapons, while its belligerent neighbours did so with impunity.

In April 1993, the UN Security Council adapted the ‘Safe Area’ formula (earlier used in the Gulf War for Iraq’s Kurd areas), and declared Srebrenica a safe area. In May, the number of safe areas was expanded to include the other two eastern
Muslim enclaves, Zepa and Gorazde, and the besieged cities of Sarajevo, Tuzla and Bihac.

The safe areas were intended to ensure the uninterrupted flow of aid through the withdrawal of Serbian forces and heavy weapons to a safe distance, and an expanded role for the UNPROFOR. But in most instances Serbian paramilitary leaders used these conditions to maximize their own positions and the humanitarian crisis continued. In May 1993, international outrage over human rights abuses led the UN to establish a war crimes tribunal for the former Yugoslavia.

Another Stab at Peace

In the face of a brutal partition war, the European Union (EU) negotiators, with American and Russian assistance, tried a third reworking of the ethnic power-sharing formula.

In May 1993, the US, Russia, Britain, France and Spain put forward a Joint Action Plan for a union of three republics, sealing off Bosnian borders, and extending UNPROFOR’s mandate to include the protection of Bosnia’s three eastern enclaves and the towns of Sarajevo, Bihac and Tuzla.

The Joint Action Plan was widely seen as the harbinger of the next stage of talks, towards a three-way partition. Assuming tacit acceptance of their war aims, Serbian nationalists responded immediately with a map for the Serbian republic, which would comprise over 60 per cent of Bosnia.

While Serbian and Croatian paramilitaries continued their offensives on Muslim held territory, the EU negotiators were bargaining over the territory to be allocated to the three proposed republics. By late September, they reached an agreement on the boundaries of the three republics, and that Sarajevo and Mostar would be placed under UN and EU administrations respectively.

The Serbian republic would comprise 53 per cent of Bosnia–Herzegovina, the Croatian republic 17 per cent and the Muslim republic 30 per cent. The allocation was not demographically proportionate, but was supposed to conform to pre-war landholdings (the mostly peasant Serbians farmed some 51 per cent of Bosnia).
As with the previous peace plans, Bosnia’s Muslims were the chief sufferers. The Muslim republic would be fragmented, with Bihac isolated in the northwest and the eastern enclaves connected only by a road. It would also be landlocked and dependent on the Serbian and Croatian republics for access to the sea, as well as access to its erstwhile neighbours, Serbia and Croatia.

The Muslim republic’s viability was questionable. More important still, so was its identity. Unlike the leading Serbian and Croatian political parties, the leading Muslim political party that led the Bosnian government had striven for secularism, especially the separation of religion from state. It was not clear whether this secularism would hold after partition. The Bosnian parliament turned down the proposal and the war dragged on.

Two-track US Policy

The year 1994 proved to be a turning point for Bosnia–Herzegovina, when the war between Croatian paramilitary groups and the Bosnian government was ended at US initiative.

While publicly supporting European efforts for a settlement that seemed to be moving towards a three-way division of Bosnia, the US had pursued a two-track policy from autumn 1993 by seeking to broker a separate Muslim–Croatian peace, an effort to limit or control the partition process bilaterally. The US also put pressure on Croatia to stop supporting the Croatian offensive in Bosnia and threatened sanctions against it. But Croatia continued to defy UN and US demands for withdrawing troops from Bosnia, and Croatian paramilitary groups were intent on seizing territory by force. It was only when pressure was combined with incentives—US support for Croatia’s applications to join European institutions, among other things—that Croatia acquiesced.

At the end of February 1994, four days of proximity talks in Washington yielded a ‘Framework Agreement for the Bosniac–Croat Federation’ (The Washington Agreement).
The *Washington Agreement*, as it was called, created a federation of two constituent nations: Croatians and Muslims (now named ‘Bosniacs’). In return Croatian paramilitary groups would cede control of the area they called ‘Herceg–Bosna’ (Herzegovina), and the federation would have the right to confederate with Croatia.

Under the agreement, Croatian paramilitary groups would merge with Bosnian army units, and UNPROFOR, which had already undertaken humanitarian aid delivery in Bosnia, would help implement the creation of a unified territory and security force across the federation. Mostar would be placed under an EU administration for a two-year interim period. Refugees and displaced people would return to the areas they had been driven from. The federation would have a weak central government, with most administrative powers—including policing—devolved to the cantons (clusters of municipalities, with borders based on the previous administrative units, or communes, in Bosnia).

All the executive and judicial posts would be shared between Muslims and Croatians: if the president were Muslim, the vice-president would have to be Croatian, and *vice versa*. The federation’s House of Peoples (upper house) would have equal numbers of Muslims and Croatians, while the House of Representatives (lower house) would be in proportion to the ethnic composition of the population. So would be the cantonal legislatures, courts and police. Finally, Muslim or Croatian majority cantons would be allowed to band into ‘Councils of Cantons’. Even the three Ombudsmen tasked with monitoring human rights across the federation had to comprise a Bosniac, a Croatian, and an ‘Other’ (double speak for Serbian, as Serbian nationalists were yet to come to the negotiating table).

The agreement yielded mixed results. A ceasefire took hold across central Bosnia and UNPROFOR troops began to be moved to the Croatian–Muslim frontlines. But Croatian paramilitary groups did not cede control to UNPROFOR—or to the EU administration in Mostar—and Croatian irregulars did not merge with Bosnian government forces.
There was little return of refugees to areas under Croatian nationalist control. And the ethnic provisions of the federal constitution had a severely negative impact on the Bosnian government. The moderates lost out in most of the governing bodies, while the nationalists gained in power.

The main, and by no means insignificant, achievements of the Washington Agreement were to end the Croatian–Bosnian war, and lift the siege of Sarajevo. At the same time, the Serbian–Bosnian war continued to escalate. Though Serbian nationalists were offered inducements to enter the federation on the same terms as Croatian nationalists had, they held out for a two-way partition of Bosnia. With Russian and Yugoslav backing (Milosevic had begun to withdraw support for Croatia’s Serbs), former US president Jimmy Carter persuaded Serbian forces to agree to a four-month ceasefire; but early in 1995, they renewed their offensive to establish a Serbian republic by force. By the end of June 1995, it was clear that any hopes that Serbians would enter the federation on the same terms as Croats were dead. Instead, the Washington Agreement began to be viewed as primarily an interim wartime arrangement to form a joint front against the Serbian forces until territorial divisions were agreed.

**From Ceasefire to War**

In July 1995, Serbian forces launched a final onslaught on the eastern enclaves, beginning with Srebrenica. They encountered little resistance. Though NATO was committed to defend the Safe Areas, only the UN Special Envoy could order airstrikes. While NATO and the UN debated whether or not to order airstrikes, Srebrenica fell, and in late July Serbian forces took the next ‘safe area’, Zepa. While Dutch peacekeepers stood by helplessly, Serbian forces separated Srebrenica’s men from its women and led the former away to be massacred. It is estimated that 6,000 Muslims died in the massacre. Soon after, the International War Crimes Tribunal for the Former Yugoslavia, established in 1994, indicted Bosnia’s Serbian leaders Radovan Karadzic and Ratko Mladic for the crimes committed in Srebrenica.
The terrible massacre that followed Srebrenica’s fall underlined the UN’s culpability and cast doubt on NATO’s will to act. In late August, NATO launched sweeping airstrikes that only briefly targeted Serbian forces in the eastern enclaves. Instead, they destroyed the Serbian forces’ defence and communications systems, and provided air support to the joint Bosnian–Croatian offensive that began in mid-September.

Within a few days, Bosnian and Croatian troops captured hundreds of square miles between Bihac (in the north) and the rest of the Bosniac–Croat Federation, and by the end of October the ratio of the federation-controlled territories to Serbian-controlled territories tallied pretty well with the 51:49 division proposed under the Union of Three Republics plan.

The Dayton Agreement

Under concerted international pressure, Bosnian and Croatian forces agreed to halt their offensive, and the US and UN pushed the three sides into a peace agreement at Dayton, Ohio, in November 1995, that finally brought Bosnia’s war to an end. After spending the bulk of November at Dayton, the Bosnian, Croatian and Serbian leaders agreed to a federal arrangement along the lines of the Washington Agreement, with an even weaker central government, and devolution at both national and local levels.

The agreement was signed in Paris on 14 December 1995. But, unlike the Washington Agreement, which devolved powers to cantons and municipalities, the Dayton Peace Agreement devolved powers to two territorial units—the federation and the Serbian entity—and thus tacitly accepted a two-way partition of Bosnia and Herzegovina.

Main Actors at Dayton

Serbian President Slobodan Milosevic

The man who, in the opinion of many, bore the heaviest responsibility for the war. He wanted an end to the UN economic sanctions against his country and that was a major bargaining chip in the negotiations. As head of the Serbian
delegation, he accepted the plan on behalf of Bosnia’s Serbian population.

Bosnian President Alija Izetbegovic
‘This may not be a just peace, but it is more just than a continuation of war,’ Alija Izetbegovic said after the end of the negotiations.

Croatian President Franjo Tudjman
He found himself in a powerful position, since he had the ability to prevent a Bosnian agreement and to threaten another war, which was his primary leverage over Milosevic. His leverage over Izetbegovic was that he could break up the Bosnian–Croatian federation, the continued survival of which was essential for the Dayton Peace Agreement to work.

Richard Holbrooke, the Principal US Negotiator
Through bluff and false deadlines, Holbrooke and the other US negotiators virtually bullied the three Balkan Presidents into an agreement to end the war in Bosnia–Herzegovina.

Main Features of the Agreement
Bosnia–Herzegovina would be one country, but the Serbians would have a separate republic comprising 49 per cent of the territory of Bosnia-Herzegovina. The country would consist of two ‘entities’, the Bosniac–Croatian Federation and the Republika Srpska (the Serb entity). Inter-entity borders would be open.

Instead of a single president or prime minister, there would be a three-member presidency of a Bosniac, a Croatian and a Serbian, and a centre with limited responsibilities, mostly over foreign or inter-entity affairs.

Each entity would have its own parliament, army, police and law courts. It would also have the right to enter into parallel relationships with the neighbouring states of Croatia and Yugoslavia, and to make agreements with them and with international organizations.

Bosnia–Herzegovina would have a central parliamentary assembly made up of the House of Peoples and House of
Representatives. The former would comprise equal numbers of Muslims, Croats and Serbs, and the latter would have two-thirds of its members elected by the Bosniac-Croatian federation and one-third by the Serbian entity.

Sarajevo would be reunited under Bosnian administration and Mostar would continue under EU administration. Brcko, a link town between the western and eastern Bosnian Serbia territories, would be placed under international arbitration.

Armed groups would be disarmed, peacetime transition would be overseen by a UN-EU High Representative for Bosnia and Herzegovina, and elections would be overseen by the Organization for Security and Cooperation in Europe (OSCE).

The United Nations High Commissioner for Refugees (UNHCR) would supervise the return of the refugees and war crimes would be prosecuted. NATO would keep the peace, and work with the International Tribunal on war crimes to arrest the men it indicted. The European Court for Human Rights (ECHR) would supervise the creation of a Constitutional Court, comprising two Muslims, two Croats, two Serbs and three foreigners. The International Monetary Fund (IMF) would appoint the governor of the central bank, and the IMF, World Bank and European Bank for Reconstruction and Development (EBRD) would supervise reconstruction work. The UN would supervise policing, including the creation of a multiethnic police force.

The two entities would enter into cooperative economic projects and shared energy use.

The OSCE would oversee arrangements for arms control and military balance, between the entities and at the regional level.

**Post-Dayton 1996–2001**

*IFOR to SFOR: A Fragile Peace*

Two days after the *Dayton Peace Agreement* was signed in Paris on 14 December 1995, NATO launched the largest military operation ever undertaken by the alliance, Operation Joint Endeavor.
A 60,000 strong NATO-led multinational Implementation Force (IFOR), started its mission on 20 December 1995, with a one-year mandate to end hostilities, separate the Federation and Serbian forces, transfer control over remaining pockets of the Federation or Serbian held territory to their respective entities, and secure heavy weapons.

IFOR accomplished these tasks by the end of June 1996, and also opened roads, repaired bridges, freed up the Sarajevo airport and key railway lines, and provided security for the September 1996 and subsequent elections.

However, IFOR was less successful at the other security tasks under the Dayton Agreement, such as arresting the indicted war criminals, establishing conditions for refugee return, and implementing arrangements for arms control and demilitarization.

One year into IFOR’s takeover, Bosnia was still an extremely insecure country to live in. Though the numbers of irregular Bosnian, Croatian and Serbian forces had halved by late 1996, there were still approximately 150,000 active soldiers, many of them in irregular Serbian and Croatian paramilitaries.

These conditions led to an extension of NATO’s mandate in Bosnia, this time with a 32,000 strong Stabilization Force (SFOR). SFOR’s mandate was wider than that of IFOR, and included preventing new threats to peace as well as promoting conditions under which the peace process could move forward.

Dayton led to the creation by the UN of an International Police Task Force (IPTF) to ensure that the civilian law
enforcement agencies operated in accordance with the internationally recognized standards. Hampered by limited resources, the IPTF was able to place monitors at only 60 locations to supervise the transformation of local wartime police to regular civilian police—and even here they were blocked by local authorities in the Republika Srpska (RS) and in the Croatian paramilitary held region of Mostar.

The task of creating a multiethnic federal police remained a distant goal, resisted by Serbian and Croatian paramilitaries and government officials, and also by the Bosnian government. By end 1997, the IPTF had less than 500 policemen. The UN had to negotiate additional powers through the Bonn–Petersburg Agreement on Federation Police Restructuring, and in 1998 it had to negotiate a similar agreement separately with the Serbian Republic.

Hardening Lines
Initially, therefore, the lines of partition hardened rather than softened. Though the United Nations High Commissioner for Refugees (UNHCR) succeeded in arranging the returns of some 100,000 refugees to Bosnia–Herzegovina in 2001 (a 14 per cent increase over the previous year), it reported at the end of 2001 that around 450,000 internally displaced people and about 24,000 Croatian Serbian refugees in the country were still awaiting ‘durable solutions’ (UNHCR Global Report 2001 [Geneva, June 2002]).\(^1\) Hundreds of thousands of Bosnians remained abroad. Instead of tracing missing persons, municipalities engaged in ‘body for body exchanges’. Refugee returns continued to be hotly opposed, with UNHCR reporting murders of returnees.

Cantons, entities and federations refused to adopt uniform laws or uniform law enforcement. Mostar was and remained one of the worst offenders. The EU administrator for Mostar and the UN–EU High Representative for Bosnia periodically dismissed the Croatian municipal, cantonal and federation representatives, but the rule of law was elusive.

Though there were no less than 55 official implementing agencies and countries involved in post-conflict reconstruction and stabilization, an ambiguous mandate and lack of
clearly defined mechanisms for inter-agency or government cooperation meant that progress was snail-like.

**Slow Pace of Reform**
The slow pace of reform was partly because of the dual system of governance set up by the *Dayton Agreement* and partly because of pressures from across Bosnia’s borders. The UN–EU High Representative’s mandate was largely to monitor and guide *Dayton’s* implementation, while the Federation and Serbian entity governments would actually run the country.

This division of responsibilities did not work in a country in which most institutions had been destroyed by war and politicians represented a highly polarized society. Nepotism was already entrenched well before the war began and was strengthened rather than weakened in the aftermath of war.

The black economy that had established a stranglehold over Bosnia during the war continued into the peace. As late as 2002, the World Bank estimated that 20 per cent of the Bosnian population was below the poverty line, and another 30 per cent close to it.

**Elections Held**
In its first five years, the Office of the High Representative set up by Dayton concentrated on organizing elections. The election in September 1996 that chose the three-person presidency and the national assembly established by the *Dayton Agreement* was relatively trouble-free, but none of the winners was in favour of a truly multiethnic government. ‘The election strengthened the very separatists who had started the war’, Holbrooke wrote later in his book, *To End a War*. The election in 1998 also saw nationalist parties keep power. The third general election in 2000 saw moderate parties do well in the elections in the Bosniac–Croatian federation, but nationalists gained the upper hand in the Serbian entity. They were, however, unable to form a government on their own, and the main Serbian nationalist party formed a coalition government headed by the moderate Prime Minister Mladen Ivanic. While the elections reflected greater support than before for moderates, they also
showed that ethnic nationalists still drew significant support from their respective ethnic groups.

The War Crimes Tribunal
Though the International Criminal Tribunal for the Former Yugoslavia that had been set up in May 1993 had the mandate to investigate, indict and prosecute war criminals, it had to rely on national governments for arrests. Of the 78 people indicted for war crimes by late 1997, only 10 were in the custody of the tribunal. The figure inched upwards very slowly; by the end of 2001 most of those indicted were still at large.

Bosnian Serb authorities and officials in Croatia and the rump Yugoslavia generally refused to comply with the tribunal’s requests for arrests. So did the NATO-led Stabilization Force in Bosnia (SFOR), arguing that they lacked both the mandate and the capabilities to do so.

After sustained US pressure, Croatia finally persuaded former army General Tihomir Blaskic, indicted for crimes against Croatia’s Serbs as well as in Bosnia, to surrender to the tribunal in April 1996. But the two most prominent indictees for war crimes in Bosnia, Radovan Karadzic and Ratko Mladic, continued to move freely in Bosnia’s Serbian territory. Both men exercised power through monopolies on tobacco and fuel, and in early 1997 it was reported that Karadzic himself paid the salaries of most of Bosnia’s Serbian police officers.

Public outrage at these violations of the tribunal’s writ led to a gradual shift in SFOR’s approach. In July 1997, British troops moved to arrest two men who had been secretly indicted by the tribunal, capturing one and killing the other in a shootout.

NATO’s entry into Kosovo in 1999 and the fall of the Milosevic regime in October 2000, altered the situation. Soon after, Biljana Plavsic, the former president of the Bosnian Serb entity and the only woman among the tribunal indictees, surrendered to the tribunal.

There is more information on the website www.partition-conflicts.com, including detailed colour-coded maps and
demographic maps of the region, which are essential for understanding the contours of the conflict. You may also consult other websites such as those of the UNHCHR, the Office of the High Representative for Bosnia–Herzegovina, Institute of War and Peace Reporting, Central Europe Online, International Crisis Group, United States Institute of Peace, the US State Department, and so on. There are links to all these and more on the partition conflicts website.
1991
Following the collapse of Communism, nationalists win first multiparty elections and form coalition government despite having conflicting goals: Muslim nationalists want centralized independent Bosnia; Serbian nationalists want to stay in Belgrade-dominated rump Yugoslavia; and Croatians want to join independent Croatian state.

1992
Croatian and Muslim nationalists form tactical alliance and outvote Serbians in independence referendum. Serbian nationalists are incensed, as constitution stipulates that all major decisions must be reached through consensus.

War breaks out and Serbians quickly assume control of over half the republic. Ethnic cleansing is rampant in the newly proclaimed Serbian Republic, but also widespread in Muslim and Croatian-controlled areas.

Bosnia’s Serbians, under Radovan Karadzic, lay siege to Sarajevo. The city is controlled by Muslims, but they are unable to break out through lines set up to defend surrounding Serbian villages. There is bitter fighting as well as many atrocities.

1993
As tensions rise, conflict breaks out between Muslims and Croatians, culminating in the destruction of much of Mostar, including its Old Bridge. The bridge had graced the city since it was built by the Ottomans in the 16th century and was a symbol of Bosnia’s cultural diversity.

The conflict is extremely complex. Muslims and Serbians form alliance against Croatians in Herzegovina; rival Muslim forces fight each other in northwestern Bosnia; and Croatians and Serbians fight against Muslims in central Bosnia.

UN safe havens for Bosnian Muslim civilians created; to include Sarajevo, Gorazde and Srebrenica.
1995
The safe haven of Srebrenica is overrun by Bosnian Serbian forces under General Ratko Mladic. Thousands of Bosnian Muslim men and boys are separated from their families and massacred, despite the presence of Dutch UN troops. NATO airstrikes against Serbian positions help Muslim and Croatian forces make big territorial gains, expelling thousands of Serbian civilians on the way.

The *Dayton Peace Agreement* is signed in Paris. It creates two entities of roughly equal size, one for Bosnian Muslims and Croatians, the other for Serbs. An international peacekeeping force is deployed.

**After Dayton**

*1996*
The International Criminal Tribunal for the former Yugoslavia begins work in the Hague. Drazen Erdemovic, a Croatian who fought for the Serbs and took part in the Srebrenica massacres, is the first person to be convicted. He is sentenced to five years in prison.

*1998*
Elections see nationalist politicians do well. The first Bosnian Muslims and Croatians are convicted of war crimes in the Hague.

*2000*
Moderate parties do well in elections in Muslim–Croatian entity but nationalists gain upper hand in the Serb entity. Results force main Serb nationalist party to form coalition government headed by moderate Prime Minister Mladen Ivanic.

*2001*
March: The Croatian representative in the collective presidency, Ante Jelavic, is dismissed as his party threatens to declare independent Croatian republic.
May: Bosnian Serbs in Banja Luka and Trebinje use force to break up ceremonies marking the reconstruction of mosques that were destroyed during the Bosnian war. Several Muslim refugees are injured, cars set on fire, and delegates from the international community are forced to shelter in local buildings.

August: Hague war crimes tribunal finds Bosnian Serbian General Radislav Krstic guilty of genocide for his role in the massacre of thousands of men and boys in Srebrenica. Krstic sentenced to 46 years.

Three senior Muslim generals indicted to face war crimes charges.

December: Amid growing international pressure, the main Bosnian Serbian nationalist party, the SDS, votes to expel all war crimes suspects, including wartime leader Radovan Karadzic.
Dayton Peace Accords

The General Framework Agreement for Peace in Bosnia and Herzegovina, Extracts

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the 'Parties');

Recognizing the need for a comprehensive settlement to bring an end to the tragic conflict in the region;

Desiring to contribute toward that end and to promote an enduring peace and stability;

Affirming their commitment to the Agreed Basic Principles issued on September 8, 1995, the Further Agreed Basic Principles issued on September 26, 1995, and the ceasefire agreements of September 14 and October 5, 1995;

Noting the agreement of August 29, 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign, on behalf of the Republika Srpska, the parts of the peace plan concerning it, with the obligation to implement the agreement that is reached strictly and consequently.

Have agreed as follows:

Article I

The Parties shall conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

Article II

The Parties welcome and endorse the arrangements that have been made concerning the military aspects of the peace settlement and aspects of regional stabilization, as set forth in the Agreements at Annex 1-A and Annex 1-B.
Article III
The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina, and Republika Srpska, as set forth in the Agreement at Annex 2.

Article V
The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in Annex 4.

Article VI
The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at Annexes 5–9.

Article VII
Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.

Article VIII
The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the civilian (non-military) implementation, as set forth in the Agreement at Annex 10, and the international police task force, as set forth in the Agreement at Annex 11. The Parties shall fully respect and promote fulfillment of the commitments made therein.
Article IX
The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.

Article X
The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders. Further aspects of their mutual recognition will be subject to subsequent discussions.

DONE at Paris, this 21 day of November, 1995, in the Bosnian, Croatian, English and Serbian languages, each text being equally authentic.

For the Republic of Bosnia and Herzegovina
For the Republic of Croatia
For the Federal Republic of Yugoslavia

Witnessed by:

European Union Special Negotiator
For the French Republic
For the Federal Republic of Germany
For the Russian Federation
For the United Kingdom of Great Britain and Northern Ireland
For the United States of America

Annexes and Appendices

Annex 1-A: Agreement on Military Aspects of the Peace Settlement and Appendices
Annex 1-B: Agreement on Regional Stabilization
Annex 2: Agreement on Inter-Entity Boundary Line and Related Issues
Annex 3: Agreement on Elections
Annex 4: Constitution
Annex 5: Agreement on Arbitration
Annex 6: Agreement on Human Rights
Annex 7: Agreement on Refugees and Displaced Persons
Annex 8: Agreement on the Commission to Preserve National Monuments
Annex 9: Agreement on Bosnia and Herzegovina Public Corporations
Annex 10: Agreement on Civilian Implementation
Annex 11: Agreement on International Police Task Force

Source: http://www.yale.edu/lawweb/avalon/intdip/bosnia/day01.htm

Dayton Peace Accords Annex 4 Constitution of Bosnia and Herzegovina, Extracts

Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows:

Article I: Bosnia and Herzegovina

1. Continuation

The Republic of Bosnia and Herzegovina, the official name of which shall henceforth be ‘Bosnia and Herzegovina’, shall continue its legal existence under international law as a state, with its internal structure modified as provided herein and with its present internationally recognized borders. It shall remain a Member State of the United Nations, and may as Bosnia and Herzegovina, maintain or apply for membership in organizations within the United Nations system and other international organizations.
2. Democratic Principles
Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law, and with free and democratic elections.

3. Composition
Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter ‘the Entities’).

4. Movement of Goods Services, Capital and Persons
There shall be freedom of movement throughout Bosnia and Herzegovina. Bosnia and Herzegovina and the Entities shall not impede full freedom of movement of persons, goods, services and capital throughout Bosnia and Herzegovina. Neither Entity shall establish controls at the boundary between the Entities.

7. Citizenship
There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:

   a. All citizens of either Entity are thereby citizens of Bosnia and Herzegovina.
   b. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
   c. All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized after April 6, 1992 and
before the entry into force of this Constitution will be regulated by the Parliamentary Assembly.

d. Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities, only if Bosnia and Herzegovina is their country of residence.

e. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall be a central register of all passports issued by the Entities and by Bosnia and Herzegovina.

Article II: Human Rights and Fundamental Freedoms

1. Human Rights

Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. To that end, there shall be a Human Rights Commission for Bosnia and Herzegovina as provided for in Annex 6 to the General Framework Agreement.

2. International Standards

The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms, and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.

4. Non-Discrimination

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political
or other opinion, national or social origin, association with a national minority, property, birth or other status.

5. Refugees and Displaced Persons
All refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with Annex 7 to the General Framework Agreement, to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void.

6. Implementation
Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities operated by or within the Entities, shall apply and conform to the human rights and fundamental freedoms referred to in paragraph 2 above.

8. Cooperation
All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to: any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in Annex I to this Constitution; the International Tribunal for the Former Yugoslavia (and in particular shall comply with orders issued pursuant to Article 29 of the Statute of the Tribunal); and any other organization authorized by the United Nations Security Council with a mandate concerning human rights or humanitarian law.

Article III: Responsibilities of and Relations between the Entities

1. Responsibilities of the Institutions of Bosnia and Herzegovina
The following matters are the responsibility of the institutions of Bosnia and Herzegovina:
a. Foreign policy
b. Foreign trade policy
c. Customs policy
d. Monetary policy as provided in Article VII
e. Finances of the institutions and for the international obligations of Bosnia and Herzegovina
f. Immigration, refugee, and asylum policy and regulation
g. International and inter-Entity criminal law enforcement, including relations with Interpol
h. Establishment and operation of common and international communications facilities
i. Regulation of inter-Entity transportation
j. Air traffic control.

2. Responsibilities of the Entities

a. The Entities shall have the right to establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

b. Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honor the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.

c. The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental
freedoms referred to in Article II above, and by taking such other measures as appropriate.

d. Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

3. Law and Responsibilities of the Entities and the Institutions

a. All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.

b. The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities.

4. Coordination

The Presidency may decide to facilitate inter-Entity coordination on matters not within the responsibilities of Bosnia and Herzegovina as provided in this Constitution, unless an Entity objects in any particular case.

5. Additional Responsibilities

a. Bosnia and Herzegovina shall assume responsibility for such other matters as are agreed by the Entities; are provided for in Annexes 5 through 8 to the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence and international personality of Bosnia and Herzegovina, in accordance with the
division of responsibilities between the institutions of Bosnia and Herzegovina. Additional institutions may be established as necessary to carry out such responsibilities.

b. Within six months of the entry into force of this Constitution, the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and cooperative economic projects.

Article IV: Parliamentary Assembly
The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.

1. House of Peoples
The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniacs) and one-third from the Republika Srpska (five Serbs).

a. The designated Croat and Bosniac Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.

b. Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present.

2. House of Representatives
The House of Representatives shall comprise 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

a. Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place
in accordance with Annex 3 to the General Framework Agreement.

b. A majority of all members elected to the House of Representatives shall comprise a quorum.

3. Procedures

b. Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniac and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.

d. All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.

e. A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniac, Croat or Serb people by a majority of, as appropriate, the Bosniac, Croat or Serb Delegates selected in accordance with paragraph 1(a) above (see v-1 (a), p. 104). Such a proposed decision shall require for approval in the House of Peoples a majority of the Bosniac, of the Croat, and of the Serb Delegates present and voting.

f. When a majority of the Bosniac, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall
immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniac, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.

g. The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House’s decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.

4. **Powers**

The Parliamentary Assembly shall have responsibility for:

a. Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.

b. Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina, and international obligations of Bosnia and Herzegovina.

c. Approving a budget for the institutions of Bosnia and Herzegovina.

d. Deciding whether to consent to the ratification of treaties.

e. Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

*Article V: Presidency*

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.
1. Election and Term

a. Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

b. The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

2. Procedures

d. A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

4. Council of Ministers

The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the
House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

b. No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.

5. Standing Committee

a. Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.

b. The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

Article VI: Constitutional Court

1. Composition

The Constitutional Court of Bosnia and Herzegovina shall have nine members.

a. Four members shall be selected by the House of Representatives of the Federation, and two members by
the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.

b. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.

3. Jurisdiction
The Constitutional Court shall uphold this Constitution.

a. The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:

- Whether an Entity’s decision to establish a special parallel relationship with a neighboring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.
- Whether any provision of an Entity’s constitution or law is consistent with this Constitution.

Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

b. The Constitutional Court shall also have appellate jurisdiction over issues under this Constitution arising out of a judgment of any other court in Bosnia and Herzegovina.

c. The Constitutional Court shall have jurisdiction over issues referred by any court in Bosnia and Herzegovina
concerning whether a law, on whose validity its decision depends, is compatible with this Constitution, with the European Convention for Human Rights and Fundamental Freedoms and its Protocols, or with the laws of Bosnia and Herzegovina; or concerning the existence of or the scope of a general rule of public international law pertinent to the court’s decision.

4. Decisions
Decisions of the Constitutional Court shall be final and binding.

Article VII: Central Bank
There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.

Article VIII: Finances

3. The Federation shall provide two-thirds, and the Republika Srpska one-third, of the revenues required by the budget, except insofar as revenues are raised as specified by the Parliamentary Assembly.

Article IX: General Provisions

1. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and
no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

Source: http://www.yale.edu/lawweb/avalon/itdip/bosnia/day14.htm

Annex I: Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
3. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto;
4. 1957 Convention on the Nationality of Married Women;
5. 1961 Convention on the Reduction of Statelessness;
6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
8. 1966 Covenant on Economic, Social and Cultural Rights;
9. 1979 Convention on the Elimination of All Forms of Discrimination against Women;
10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
11. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
12. 1989 Convention on the Rights of the Child;
13. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
14. 1992 European Charter for Regional or Minority Languages;

Source: http://www.yale.edu/lawweb/avalon/intdip/bosnia/day14.htm#annex1

Annex II: Transitional Arrangements

1. Joint Interim Commission

a. The Parties hereby establish a Joint Interim Commission with a mandate to discuss practical questions related to the implementation of the Constitution of Bosnia and Herzegovina, and of the General Framework Agreement and its Annexes, and to make recommendations and proposals.

b. The Joint Interim Commission shall be composed of four persons from the Federation, three persons from the Republika Srpska and one representative of Bosnia and Herzegovina.

c. Meetings of the Commission shall be chaired by the High Representative or his or designee.

5. Treaties

Any treaty ratified by the Republic of Bosnia and Herzegovina between January 1, 1992 and the entry into force of this Constitution shall be disclosed to Members of the Presidency within 15 days of their assuming office; any such treaty not disclosed shall be denounced. Within six months after the Parliamentary Assembly is first convened, at the request of any member of the Presidency, the Parliamentary Assembly shall consider whether to denounce any other such treaty.

Source: http://www.yale.edu/lawweb/avalon/intdip/bosnia/day14.htm#annex2
Dayton Peace Accords Annex 1A: Agreement on the Military Aspects of the Peace Settlement

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (hereinafter the ‘Parties’) have agreed as follows:

Article I: General Obligations

1. The Parties undertake to recreate as quickly as possible normal conditions of life in Bosnia and Herzegovina. They understand that this requires a major contribution on their part in which they will make strenuous efforts to cooperate with each other and with the international organizations and agencies which are assisting them on the ground. They welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other militarily related provisions of the agreement as described herein.

   a. The United Nations Security Council is invited to adopt a resolution by which it will authorize Member States or regional organizations and arrangements to establish a multinational military Implementation Force (hereinafter ‘IFOR’).

   b. It is understood and agreed that NATO may establish such a force, which will operate under the authority and subject to the direction and political control of the North Atlantic Council (‘NAC’) through the NATO chain of command.

   c. It is understood and agreed that other States may assist in implementing the military aspects of this Annex. The Parties understand and agree that the modalities of those States’ participation will be the subject of agreement between such participating States and NATO.
2. The purposes of these obligations are as follows:
   
   a. to establish a durable cessation of hostilities. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina;
   
   b. to provide for the support and authorization of the IFOR and in particular to authorize the IFOR to take such actions as required, including the use of necessary force, to ensure compliance with this Annex, and to ensure its own protection; and

3. The Parties understand and agree that within Bosnia and Herzegovina, the obligations undertaken in this Annex shall be applied equally within both Entities. Both Entities shall be held equally responsible for compliance herewith, and both shall be equally subject to such enforcement action by the IFOR as may be necessary to ensure implementation of this Annex and the protection of the IFOR.

Article II: Cessation of Hostilities

1. The Parties shall comply with the cessation of hostilities begun with the agreement of October 5, 1995 and shall continue to refrain from all offensive operations of any type against each other. An offensive operation in this case is an action that includes projecting forces or fire forward of a Party’s own lines. Each Party shall ensure that all personnel and organizations with military capability under its control or within territory under its control, including armed civilian groups, national guards, army reserves, military police, and
the Ministry of Internal Affairs Special Police (MUP) (hereinafter ‘Forces’) comply with this Annex. The term ‘Forces’ does not include UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1(c).

2. In carrying out the obligations set forth in paragraph 1, the Parties undertake, in particular, to cease the firing of all weapons and explosive devices except as authorized by this Annex. The Parties shall not place any additional minefields, barriers, or protective obstacles. They shall not engage in patrolling, ground or air reconnaissance forward of their own force positions, or into the Zones of Separation as provided for in Article IV below, without IFOR approval.

3. The Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate. The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority.

4. The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement, and by providing such status as is necessary for the effective conduct of their tasks.

5. The Parties shall strictly avoid committing any reprisals, counter-attacks or any unilateral actions in response to violations of this Annex by another Party. The Parties shall respond to alleged violations of the provisions of this Annex through the procedures provided in Article VIII.
Article III: Withdrawal of Foreign Forces

1. All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days. Furthermore, all Forces that remain on the territory of Bosnia and Herzegovina must act consistently with the territorial integrity, sovereignty and political independence of Bosnia and Herzegovina. In accordance with Article II, paragraph 1, this paragraph does not apply to UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1(c).

2. In particular, all foreign Forces, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from the territory of Bosnia and Herzegovina in accordance with Article III, paragraph 1.

Article IV: Redeployment of Forces

1. The Republic of Bosnia and Herzegovina and the Entities shall redeploy their Forces in three phases:

2. Phase I
   a. The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to withdraw all Forces behind a Zone of Separation which shall be established on either side of the Agreed CeaseFire Line that represents a clear and distinct demarcation between any and all opposing Forces. This withdrawal shall be completed within thirty (30) days after the Transfer of Authority. The precise
Agreed CeaseFire Line and Agreed CeaseFire Zone of Separation are indicated on the maps at Appendix A of this Annex.

b. The Agreed CeaseFire Zone of Separation shall extend for a distance of approximately two (2) kilometers on either side of the Agreed CeaseFire Line. No weapons other than those of the IFOR are permitted in this Agreed CeaseFire Zone of Separation except as provided herein. No individual may retain or possess any military weapons or explosives within this four kilometer Zone without specific approval of the IFOR. Violators of this provision shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

c. In addition to the other provisions of this Annex, the following specific provisions shall also apply to Sarajevo and Gorazde:

**Sarajevo**

1. Within seven (7) days after the Transfer of Authority, the Parties shall transfer and vacate selected positions along the Agreed CeaseFire Line according to instructions to be issued by the IFOR Commander.

2. The Parties shall complete withdrawal from the Agreed CeaseFire Zone of Separation in Sarajevo within thirty (30) days after the Transfer of Authority, in accordance with Article IV, paragraph 2. The width of this Zone of Separation will be approximately one (1) kilometer on either side of the Agreed CeaseFire Line. However, this Zone of Separation may be adjusted by the IFOR Commander either to narrow the Zone of Separation to take account of the urban area of Sarajevo or to widen the Zone of Separation up to two (2) kilometers on either side of the Agreed CeaseFire Line to take account of more open terrain.

3. Within the Agreed CeaseFire Zone of Separation, no individual may retain or possess any weapons or explosives, other than a member of the IFOR or the local
police exercising official duties as authorized by the IFOR in accordance with Article IV, paragraph 2(b).

4. The Parties understand and agree that violators of subparagraphs (1), (2) and (3) above shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

Gorazde

1. The Parties understand and agree that a two lane all-weather road will be constructed in the Gorazde Corridor. Until such road construction is complete, the two interim routes will be used by both Entities.

   There shall be complete freedom of movement along these routes for civilian traffic. The Parties shall only utilize these interim routes for military forces and equipment as authorized by and under the control and direction of the IFOR. In this regard, and in order to reduce the risk to civilian traffic, the IFOR shall have the right to manage movement of military and civilian traffic from both Entities along these routes.

3. The Parties pledge as a confidence building measure that they shall not locate any Forces or heavy weapons as defined in paragraph 5 of this Article within two (2) kilometers of the designated interim routes. Where those routes run in or through the designated Zones of Separation, the provisions relating to Zones of Separation in this Annex shall also apply.

d. The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to complete the following activities within thirty (30) days after the Transfer of Authority or as determined by the IFOR Commander: (1) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices, demolitions, and barbed or razor wire from the Agreed CeaseFire Zone of Separation or other areas from which their Forces are withdrawn; (2) mark all known mine emplacements, unexploded ordnance,
explosive devices and demolitions within Bosnia and Herzegovina; and (3) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices and demolitions as required by the IFOR Commander.

3. Phase II (as Required in Specific Locations)
This phase applies to those locations where the Inter-Entity Boundary Line does not follow the Agreed CeaseFire Line.

a. In those locations in which, pursuant to the General Framework Agreement, areas occupied by one Entity are to be transferred to another Entity, all Forces of the withdrawing Entity shall have forty-five (45) days after the Transfer of Authority to completely vacate and clear this area. This shall include the removal of all Forces as well as the removal, dismantling or destruction of equipment, mines, obstacles, unexploded ordnance, explosive devices, demolitions, and weapons. In those areas being transferred to a different Entity, in order to provide an orderly period of transition, the Entity to which an area is transferred shall not put Forces in this area for ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander. The Parties understand and agree that the IFOR shall have the right to provide the military security for these transferred areas from thirty (30) days after the Transfer of Authority until ninety-one (91) days after the Transfer of Authority, or as soon as possible as determined by the IFOR Commander, when these areas may be occupied by the Forces of the Entity to which they are transferred. Upon occupation by the Entity to which the area is transferred, a new Zone of Separation along the Inter-Entity Boundary Line as indicated on the map at Appendix A shall be established by the IFOR, and the Parties shall observe the same limitations on the presence of Forces and weapons in this Zone as apply to the Agreed CeaseFire Zone of Separation.
b. The IFOR is authorized to direct any military personnel, active or reserve, who reside within the Inter-Entity Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

4. General
The following provisions apply to Phases I and II:

a. In order to provide visible indication, the IFOR shall supervise the selective marking of the Agreed CeaseFire Line and its Zone of Separation, and the Inter-Entity Boundary Line and its Zone of Separation. Final authority for placement of such markers shall rest with the IFOR.

b. All Parties understand and agree that they shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, for:

1. failure to remove all their Forces and unauthorized weapons from the four (4) kilometer Agreed Cease-Fire Zone of Separation within thirty (30) days after the Transfer of Authority, as provided in Article IV, paragraph 2(a) and (b) above;

2. failure to vacate and clear areas being transferred to another Entity within forty-five (45) days after the Transfer of Authority, as provided in Article IV, paragraph 3(a) above;

3. deploying Forces within areas transferred from another Entity earlier than ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander, as provided in Article IV, paragraph 3(a) above;

4. failure to keep all Forces and unauthorized weapons outside the Inter-Entity Zone of Separation after this Zone is declared in effect by the IFOR, as provided in Article IV, paragraph 3(a) above; or

5. violation of the cessation of hostilities as agreed to by the Parties in Article II.
5. Phase III
The Parties pledge as confidence building measures that they shall:

a. within 120 days after the Transfer of Authority, withdraw all heavy weapons and Forces to cantonment/barracks areas or other locations as designated by the IFOR Commander. ‘Heavy weapons’ refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. This movement of these Forces to cantonment/barracks areas is intended to enhance mutual confidence by the Parties in the success of this Annex and help the overall cause of peace in Bosnia and Herzegovina.

b. within 120 days after the Transfer of Authority demobilize Forces which cannot be accommodated in cantonment/barracks areas as provided in subparagraph (a) above. Demobilization shall consist of removing from the possession of these personnel all weapons, including individual weapons, explosive devices, communications equipment, vehicles and all other military equipment. All personnel belonging to these Forces shall be released from service and shall not engage in any further training or other military activities.

Article V: Notifications

1. Immediately upon establishment of the Joint Military Commission provided for in Article VIII, each Party shall furnish to the Joint Military Commission information regarding the positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire entanglements and all other physical or military hazards to the safe movement of any personnel within Bosnia and Herzegovina, as well as the location of lanes through the Agreed CeaseFire Zone of Separation which are free of all such hazards.
The Parties shall keep the Joint Military Commission updated on changes in this information.

2. Within thirty (30) days after the Transfer of Authority, each Party shall furnish to the Joint Military Commission the following specific information regarding the status of its Forces within Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information:

   a. location, type, strengths of personnel and weaponry of all Forces within ten (10) kilometers of the Agreed CeaseFire Line and Inter-Entity Boundary Line;
   b. maps depicting the forward line of troops and front-lines;
   c. positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers and other man-made obstacles, ammunition dumps, command headquarters and communications networks within ten (10) kilometers of the Agreed CeaseFire Line or Inter-Entity Boundary Line;
   d. positions and descriptions of all surface to air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars and associated command and control systems;
   e. positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, weapons systems, vehicles, or any other military equipment which cannot be removed, dismantled or destroyed under the provisions of Article IV, paragraphs 2(d) and 3(a); and
   f. any further information of a military nature as requested by the IFOR.

3. Within 120 days after the Transfer of Authority, the Parties shall furnish to the Joint Military Commission the following specific information regarding the status of their Forces in Bosnia and Herzegovina and shall keep
the Joint Military Commission updated on changes in this information:

a. location, type, strengths of personnel and weaponry of all Forces;

b. maps depicting the information in sub-paragraph (a) above;

c. positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers and other manmade obstacles, ammunition dumps, command headquarters and communications networks; and

d. any further information of a military nature as requested by the IFOR.

Article VI: Deployment of the Implementation Force

2. The Parties understand and agree that the IFOR shall have the right:

a. to monitor and help ensure compliance by all Parties with this Annex (including, in particular, withdrawal and redeployment of Forces within agreed periods and the establishment of Zones of Separation);

b. to authorize and supervise the selective marking of the Agreed CeaseFire Line and its Zone of Separation, and the Inter-Entity Boundary Line and its Zone of Separation as established by the General Framework Agreement;

c. to establish liaison arrangements with local civilian and military authorities and other international organizations as necessary for the accomplishment of its mission; and

d. to assist in the withdrawal of UN Peace Forces not transferred to the IFOR, including, if necessary, the emergency withdrawal of UNCRO Forces.

3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the
limits of its assigned principal tasks and available resources, and on request, which include the following:

a. to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;
b. to assist the movement of organizations in the accomplishment of humanitarian missions;
c. to assist the UNHCR and other international organizations in their humanitarian missions;
d. to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person; and
e. to monitor the clearing of minefields and obstacles.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the IFOR in implementing this Annex.

7. The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces and the Army of Republika Srpska shall establish Command Posts at IFOR brigade, battalion, or other levels which shall be co-located with specific IFOR command Vocations, as determined by the IFOR Commander. These Command Posts shall exercise command and control over all Forces of their respective sides which are located within ten (10) kilometers of the Agreed CeaseFire Line or Inter-Entity Boundary Line, as specified by the IFOR. The Command Posts shall provide, at the request of the IFOR, timely status reports on organizations and troop levels in their areas.

8. In addition to co-located Command Posts, the Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces and the Army of Republika Srpska shall maintain liaison teams to be co-located with the IFOR Command, as determined by the IFOR Commander, for the purpose of fostering communication, and preserving the overall cessation of hostilities.
9. Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions:

a. The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

b. The IFOR Commander shall have sole authority to establish rules and procedures governing command and control of airspace over Bosnia and Herzegovina to enable civilian air traffic and non-combat air activities by the military or civilian authorities in Bosnia and Herzegovina or if necessary to terminate civilian air traffic and non-combat air activities.

10. The Parties understand and agree there shall be no military air traffic, or non-military aircraft performing military missions, including reconnaissance or logistics, without the express permission of the IFOR Commander.

1. All air early warning, air defense, or fire control radars shall be shut down within 72 hours after this Annex enters into force, and shall remain inactive unless authorized by the IFOR Commander.

2. The Parties understand and agree that the IFOR Commander will implement the transfer to civilian control of air space over Bosnia and Herzegovina to the appropriate institutions of
Bosnia and Herzegovina in a gradual fashion consistent with the objective of the IFOR to ensure smooth and safe operation of an air traffic system upon IFOR departure.

Article VIII: Establishment of a Joint Military Commission

1. A Joint Military Commission (the ‘Commission’) shall be established with the deployment of the IFOR to Bosnia and Herzegovina.
2. The Commission shall:
   a. Serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander, such as allegations of ceasefire violations or other noncompliance with this Annex.
   b. Receive reports and agree on specific actions to ensure compliance with the provisions of this Annex by the Parties.
   c. Assist the IFOR Commander in determining and implementing a series of local transparency measures between the Parties.
3. The Commission shall be chaired by the IFOR Commander or his or her representative and consist of the following members:
   a. the senior military commander of the forces of each Party within Bosnia and Herzegovina;
   b. other persons as the Chairman may determine;
   c. each Party to this Annex may also select two civilians who shall advise the Commission in carrying out its duties;
   d. the High Representative referred to in the General Framework Agreement or his or her nominated representative shall attend Commission meetings, and offer advice particularly on matters of a political–military nature.
4. The Commission shall not include any persons who are now or who come under indictment by the International Tribunal for the Former Yugoslavia.

6. The Commission shall meet at the call of the IFOR Commander. The High Representative may when necessary request a meeting of the Commission. The Parties may also request a meeting of the Commission.

7. The IFOR Commander shall have the right to decide on military matters, in a timely fashion, when there are overriding considerations relating to the safety of the IFOR or the Parties’ compliance with the provisions of this Annex.

8. The Commission shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at the brigade and battalion level or at other echelons as the local IFOR Commander shall direct and be composed of commanders from each of the Parties and the IFOR. The representative of the High Representative shall attend and offer advice particularly on matters of a political–military nature. The local IFOR Commander shall invite local civilian authorities when appropriate.

9. Appropriate liaison arrangements will be established between the IFOR Commander and the High Representative to facilitate the discharge of their respective responsibilities.

Article IX: Prisoner Exchanges

1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter ‘prisoners’), in conformity with international humanitarian law and the provisions of this Article.

   a. The Parties shall be bound by and implement such plan for release and transfer of all prisoners as may be developed by the ICRC, after consultation with the Parties.
b. The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.

c. No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.

d. In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.

e. The Parties shall ensure that the ICRC enjoys full and unimpeded access to all places where prisoners are kept and to all prisoners. The Parties shall permit the ICRC to privately interview each prisoner at least forty-eight (48) hours prior to his or her release for the purpose of implementing and monitoring the plan, including determination of the onward destination of each prisoner.

f. The Parties shall take no reprisals against any prisoner or his/her family in the event that a prisoner refuses to be transferred.

g. Notwithstanding the above provisions, each Party shall comply with any order or request of the International Tribunal for the Former Yugoslavia for the arrest, detention, surrender of or access to persons who would otherwise be released and transferred under this Article, but who are accused of violations within the jurisdiction of the Tribunal. Each Party must detain persons reasonably suspected of such violations for a period of time sufficient to permit appropriate consultation with Tribunal authorities.

2. In those cases where places of burial, whether individual or mass, are known as a matter of record, and
graves are actually found to exist, each Party shall permit graves registration personnel of the other Parties to enter, within a mutually agreed period of time, for the limited purpose of proceeding to such graves, to recover and evacuate the bodies of deceased military and civilian personnel of that side, including deceased prisoners.

**Article X: Cooperation**

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the *General Framework Agreement*, or which are otherwise authorized by the United Nations Security Council, including the International Tribunal for the Former Yugoslavia.

**Article XI: Notification to Military Commands**

Each Party shall ensure that the terms of this Annex and written orders requiring compliance, are immediately communicated to all of its Forces.

**Article XII: Final Authority to Interpret**

In accordance with Article I, the IFOR Commander is the final authority in theatre regarding interpretation of this agreement on the military aspects of the peace settlement, of which the Appendices constitute an integral part.

**Article XIII: Entry into Force**

This Annex shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina  
For the Federation of Bosnia and Herzegovina  
For the Republika Srpska.

**Endorsed:**  
For the Republic of Croatia.

**Endorsed:**  
For the Federal Republic of Yugoslavia.
NOTES


MAPS

Map 2.1

Ethnic Distribution in Yugoslavia Pre-1991

Source: www.partitionconflicts.com
Map 2.2: Ethnic Distribution in Bosnia and Herzegovina Post-war, 1996

Source: www.partitionconflicts.com
Map 2.3
Bosnia and Herzegovina under the Dayton Peace Agreement and the Frontlines at the End of 1995

Note: You can choose to locate this simulation in any place of your choice that fits the description that follows.

**SIMULATION FOCUS**

Winning a ceasefire as the first step towards political resolution of the issues of conflict.

This simulation is set in an imaginary Asian country called Aboltabol, where a violent conflict for independence or secession from the federation of Omiya broke out 10 years ago. Aboltabol is a demographically mixed region which is internally polarized between three communities. The separatists do not command enough public support to be able to wrest independence but they are strong enough to keep the region mired in political violence until the federal government negotiates a settlement with them.

A new federal government has just come to power and its President/Prime Minister has appointed a negotiator to explore options for a settlement with political and armed Aboltabol groups that are demanding independence or secession. If the various parties embroiled in conflict can agree to a ceasefire as a Confidence-Building Measure
(CBM), then chances are high that they can move towards a political settlement.

What is each group prepared to concede in order to achieve a ceasefire, keeping in mind the long-term goal of a political settlement? Do they need to agree to the framework of a full settlement as the basis of a ceasefire?

The purpose of this abstract simulation is twofold—first, to enable participants to focus on the structural elements of a successful peace process, in particular the critical role that CBMs play. And second, to enable participants to explore what qualities are vital in a good negotiator, both objective and subjective.

The participants are the Omiya federal government and security forces representatives, the Aboltabol government and other mainstream political parties, the Aboltabol independence or secessionist political and armed groups, minority representatives and a government-appointed negotiator.

**Materials for the Simulation:**

- Simulation Exercise

**Simulation Exercise**

You are a member of one of the negotiating teams in secret back channel negotiations. The back channel has been opened by the new federal government of Omiya, from which the Aboltabol independence groups want to secede.

Aboltabol was annexed to (or reluctantly joined) the larger federation of Omiya for geopolitical reasons more than 50 years ago. Situated at a strategic and civilizational crossroads, that is, between three or more countries, and three or more ancient religious and cultural communities, Aboltabol could be a gateway for Omiya. The people of Aboltabol believe that it was for this reason that the federation authorities negotiated an arrangement that granted a large degree of autonomy to
Aboltabol and promised to recognize Aboltabol’s sovereignty in imaginative ways, but the agreement was rarely observed and was marred by persistent distrust between the Aboltabol leadership and the federal authorities.

Aboltabol’s people are divided over whether and what kind of sovereignty they want. They are no more than five million in total, demographically mixed (one majority and two large minority religious, ethnic and/or linguistic communities) and territorially dispersed. While the bulk of the majority community (49 per cent) want independence, the bulk of the two minorities (25 per cent and 16 per cent) are afraid that they will be dominated by the majority and will lose whatever little protection they have from the federation.

Up until 10 years ago, the vulnerability of the minorities kept the majority in the federation, despite unhappiness at federal domination and perceived discrimination. But worsening centre–region relations, economic stagnation, a narrow elite-controlled polity, and a growing body of educated and unemployed youth with aspirations for a better life, triggered an armed uprising 10 years ago, to which the federal authorities responded by sending in their troops.

The civil conflict has dragged on and has polarized the three communities. One minority was driven out of the majority localities in Aboltabol, and the armed groups have massacred other minorities at key political moments. Though popular support for the insurgency has faded, armed groups have proliferated and have been joined by foreign fighters. The years of conflict have destroyed administration and the rule of law, and there is now an unholy nexus of criminality and corruption between politicians, administrators, armed groups and security forces (especially the local police).

Though there have been prior efforts to end the conflict, they have been hesitant and cautious and have quickly fizzled out.

Now, however, the federal and regional authorities are showing signs of greater commitment to finding a lasting settlement—they seek a ceasefire with the armed groups while showing readiness to open talks with their political representatives. These efforts are still cautious and depend on what the responses are from different actors who can make or break peace negotiations.
Levels of mistrust and even more importantly, of misperception, are still very high.

This simulation is an exercise in developing CBMs. It is not a negotiation around a table but a set of back channel negotiations, in which one negotiator shuttles between various parties to the conflict.

**Simulation Structure**

**Venue:** Aboltabol  
**Time:** Ten years into the conflict  
**Duration:** one to two days  
**Mechanics:** The chief actors will all sit in separate spaces that represent theoretically far away places. The Head of the Federal/Central government and the Federal Security Chief will be in the federal capital (Place A). The Aboltabol regional government head and the Federal/Central Security Forces Area Chief will be in the regional capital (Place B). The Aboltabol National Liberation Organization will be on the outskirts of Aboltabol’s capital (Place C), along with the Aboltabol National Liberation Army and Diaspora Representative (the latter two will, however, be concealed from the government negotiator). The Aboltabol National Party will be in their party office in the capital (Place D), and the minority representatives will be in the antechamber of the Head of the Aboltabol government (Place E). The government-appointed negotiator will shuttle between Places A–D. Though he will occasionally meet the minority representatives (Place E), their chief contact will be with Place B.

**Table 3.1**  
**Diagram of Mechanics**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>B. Head of Aboltabol Govt. Federal Security Forces Area Chief</td>
<td>E. Minority Representatives</td>
<td>D. Aboltabol National Party</td>
</tr>
</tbody>
</table>
Roles

The chief negotiating teams are:

1. Aboltabol National Party
2. New Aboltabol National Party
3. Aboltabol National Liberation Organization
4. Aboltabol Government
5. Federal Government
6. Federal Security Chief
7. Federal Security Forces Area Chief
8. Aboltabol National Liberation Army
9. Minority representatives A and B
10. Diaspora representative
11. Government-appointed Negotiator

Control Group: Five (one in each room with teams)

Positions of the Negotiating Teams

*Aboltabol National Party*

The oldest political party in the area, it once had a following amongst all three communities in the region but now has to fight with its main constitutional rival party and the separatists for support within the majority community (which is itself only a relative majority, around 49 per cent). As its leader, you have been in power on and off, both independently and in coalition. Your party had negotiated a semi-autonomous position for your region within the federation 50 years ago but the agreement was observed more in the breach, and over the past 10 years you allowed yourself to be pushed into unfair compromises with the federal authorities. Your party has lost a great deal of its credibility. But there has been a ten-year long civil conflict and the people want peace. The federal authorities, too, are ready to reconsider their counter-insurgency policies, control human rights violations and renegotiate autonomy, but only if the armed self-determination groups agree to a ceasefire.

You are now in the opposition and so you have a chance to regain the political space that you lost through compromise
with the federal authorities by being more radical than your rival party which is presently in power. At the same time, there is a new chance to establish a durable peace process on the ground and seek a ceasefire, which you need more than anyone else because it is your cadre that are continuing to be targeted by the armed groups (your party is still the most secular and inclusive one). However, despite your sacrifices, if there is a durable peace process, it is your rivals that will collect the credit. How do you respond?

*New Aboltabol National Party*

You split from the Aboltabol National Party because they compromised with the federal authorities but you are in power through a coalition with the new federal government, whose Aboltabol party branch has a large constituency amongst the minorities. Now the federal government wants you to help deliver peace and you are in a position to do so, if the paramilitary groups, with whom you have developed your own contacts through the two years you have been in power, agree to a ceasefire. You are reluctant, however, because you have a comfortable protection–extortion system going with some of the paramilitaries and with some of the federal and local security forces.

You are also under pressure from the minority leaders to maintain the *status quo*. Their communities have been frequent targets of attack by the Aboltabol armed groups and they fear that negotiations with the paramilitaries will increase the threat to minorities.

At the same time, the Aboltabol National Party is making the most of your quandary and the longer you procrastinate, the higher they raise the bar. Your *status quo* is already fraying. How do you respond?

*Aboltabol National Liberation Organization*

This is the main separatist or independence group, which is a coalition of about a dozen similar groups. You, as its leader, were originally in an armed organization, but left when you decided that armed resistance was not going to win your cause. Nevertheless, you remain close to the militant groups
and have been approached by an emissary of the federal authorities to ask if you will use your contacts to probe the possibility for a ceasefire. You do not trust the federal authorities, having been previously approached by them and cooperated, only to be left high and dry at the last moment. But if you help get a ceasefire and are seen as having a leading role in getting it, you will regain a great deal of the popular support that you lost during the civil conflict. And you will earn a seat at the table when a lasting settlement is negotiated.

However, these gains depend on whether you support a peace process and how actively you are willing to engage in one. You have little reason to trust the federal or regional authorities, who still believe you are marginal to the political process, whether it is for war or for peace. In the past, their attitude has led you to play the spoiler—breaking off a ceasefire or boycotting local elections. But now you have a new opportunity to regain some initiative. The authorities have offered you talks for a lasting settlement, provided you help negotiate a ceasefire. How do you respond?

Aboltabol Government: The Aboltabol government is presently led by a coalition between the New Aboltabol National Party and the national political party ruling at the Centre. Your team, therefore, is made up of representatives both from the national political party who push the federal government position described below, and from the New Aboltabol National Party (position described above). On some issues you will present a united front—such as placing conditions on a ceasefire — and on others there will be visible tension between representatives of the two parties (for example, the New Aboltabol National Party will stress the importance of political negotiations as a quid pro quo for ceasefire negotiations, while the national party representatives will seek to separate the two, and see ceasefire negotiations as part of overall security. However, both of you see the federal/central representatives as the key actors and jockey to prove that you are indispensable to a settlement. Both of you also have an interest in limiting the influence of the self-determination/separatist groups, but the New Aboltabol National Party, being a local political party, is able to talk self-determination
itself, which the national party branch cannot, because it is
per se loyal to the federation.

**Federal/Central Government**

You are the recently elected head of the federal government. You know you have a historic opportunity to find a lasting settlement—the people want peace, the militants lack support and are divided and many of them want an honorable surrender, the international community will push the Diaspora to back you in a peace process—but you have inherited a legacy of mistrust and counter-insurgency has been the dominant federal policy for the past decade and more. If you can achieve a settlement that will keep the seceding area within the federation while giving them autonomy, you will be backed by your party as well as the opposition. But in order to achieve such a settlement, you have to draw the separatists and armed groups into negotiations and you have to talk a language of self-determination, both of which will subject you to criticism from the opposition as well as many within your own party. Your security and intelligence forces also tell you that they are well on the way to containing the armed groups, while the local ruling political party assures you that they have begun to marginalize the separatists.

Recently, however, you have received signals that the separatist independence groups might be prepared to negotiate a ceasefire on behalf of the paramilitaries as a CBM towards a political settlement. How do you respond?

**Federal Security Chief**

Your troops were sent in 10 years ago to quell an uprising and still have not been able to leave. You want to be able to withdraw your troops because you are worried about the effects on morale but you do not believe that it is possible to do so unless there is a ceasefire in place. You are also anxious to ensure that any ceasefire is tied to a long-term demobilization and decommissioning plan, because in the past short-term ceasefires have allowed the armed groups to re-arm and recruit.

The federal authorities are pushing you to rollback your counter-insurgency policy to pave the way for a ceasefire but
they do not yet have an overarching political policy in place, nor have they opened talks with the separatist independence groups. How do you respond?

*Federal Security Forces Area Chief*

You are the head of the federal security forces in the area. The uprising has been decimated but it has been replaced with a dozen or more armed groups prepared to fight to the finish, with a hardline ideology. No matter how often you break them up, they re-form, largely because, as you have said over and over, there is no political policy for a lasting settlement. In the meantime, partly because they have been there for so long and partly because they regard the local residents as hostile, your troops have been grossly violating human rights and have become trigger happy.

Your own policy in countering the armed groups, too, has become permissive of torture and custodial death. Now you have the added problem of covering up culpability and have to consider ways in which troops could phase out while retaining morale. What do you recommend?

*Aboltabol National Liberation Army*

You are the leader of the biggest and oldest armed group fighting for an independent state and originally had a large support base in the majority community (but not amongst either of the two large minorities). You have come close to a political settlement with the federal authorities, based on autonomy, and have at various points negotiated a ceasefire but at each point the deal has fallen through due to mistrust. In the 10 years of civil conflict, a number of more radical, religious-minded armed groups have emerged who have massacred minorities and have been far less protective of civilian life than you were. Because of their religious affiliations, these groups have mobilized more support—especially arms and money—than you have and their methods of attack, bombs, grenades and suicide missions, have forced you into more radical postures. You are not happy with them but you are dependent on them, and you do not dare enter ceasefire negotiations without their support.
In the meantime, your cadres are pushing you to find an honourable exit through a ceasefire. The dwindling support for insurgency in the area means that your cadres lack the food and shelter that they could earlier call on. As a result, many of them have taken to forcibly seeking food and shelter (coercing reluctant villagers at gunpoint), as well as cash for security, and so a large number of your cadres have been criminalized.

Now, the federal authorities have approached you once again to discuss a ceasefire, and they are willing to involve the separatist leadership in the negotiating process. But you are not on good terms with the political leadership of the separatists. In the past, they have forced you to call off a ceasefire because it had not been negotiated by them. How do you respond?

*Minority Leader A*

You are a leader of the largest minority community. Your elite were expelled from the political heart of the area, where most of the majority community lives, when the insurgency began 10 years ago, and many of your community have migrated to enclaves. Despite your tireless efforts, neither the federal nor the regional authorities have done much to create conditions for return or even protect the people and property left behind. In the past, you have protested peace initiatives between the federal authorities and the separatist independence groups because they have not included measures for your community’s safety or right of return, and the idea of federal troops’ withdrawal is anathema to you because you fear that whatever little remains of your community in the area will also be driven out. You would like a ceasefire but not if it entails troops’ withdrawal, as it inevitably will.

The federal authorities are now telling you that any troops’ withdrawal will be phased and tied to the end of violence, and that your community will be consulted. The regional authorities now say that they want members of your community to return, but they have created an enclave for returns (a ‘safe haven’) that will leave your community vulnerable to future attacks, should the situation again worsen, as it is likely to,
given the overall destruction of administration and rule of law in the area.

The separatists have not taken any meaningful steps to reach out to—or reassure—your community.

You have established a strong voice with the federal authorities but only as a naysayer. You can break a deal but you still do not have the voice to help make one. The general will for peace has created a new opportunity for you to develop a positive voice in the region and the best way to do so is to support the rollback of counter-insurgency methods (which have mostly hit the majority community). But can you muster the support for this?

Minority Leader B
A small and widely dispersed minority, your members managed to keep their heads down and avoid targeting for much of the early years of conflict, but as it grew more entrenched, they too are being asked to pay for protection and isolated attacks have taken place. You now seek some reassurance under minority group A’s umbrella, but at the same time some of your colleagues argue that joining them could make you more of a target and your group’s interests would be better served by putting out feelers to the separatist/independence groups. Can you play a balancing act?

Diaspora Representative
You are a leader of the Diaspora that has supported the insurgency with money and arms, and occasionally training and recruits. Though you have received disquieting reports that the armed groups have become criminal and sectarian, killing their own people, you have remained a loyal supporter because of the federal obduracy to what you see as legitimate claims to self-determination. Now, though, you are beginning to believe that the federal government might indeed be committed to finding a peaceful resolution to the conflict.

Because of the support you have given them, you have some influence with the separatist/independence and armed groups, as well as a powerful influence over other members of the diaspora. The federal and local authorities have asked
you to use your influence to persuade the separatist or independence and armed groups to a ceasefire but they are not willing to commit themselves to your proposals for a settlement, which include formal tokens of sovereignty. They have, however, indicated that they would be prepared to negotiate de facto self-rule. Are you prepared to trust them and use your influence?

*Government-appointed Negotiator:* You are a trusted member of the ruling national party at the Centre in Omiya. You have been involved in previous peace negotiations in Aboltabol, and know key actors in all the major Aboltabol parties, including the armed groups. The fact that you are accepted, and trusted to a large extent, by the Aboltabol parties should be an asset to you as a negotiator, but there are many in Omiya who covet your position and accuse you of being too close to Aboltabol parties and therefore disloyal to the federation. The accusation has weakened your credibility with the federal security forces, and you have, therefore, to tread carefully in your talks with them, which are crucial for achieving a ceasefire. Can the federal government representatives or the Aboltabol security representatives help improve your credibility with the federal security forces? What kind of offer from the Aboltabol armed groups will elicit a positive response from the federal forces? Can the Aboltabol political parties act as go-betweens with the armed groups, as a parallel track to your own talks?
The Naga Conflict
Towards Resolution

Udayon Mishra

**Simulation Focus**

This simulation is a projection exercise, that is, it envisages a meeting that is yet to take place; a civil society negotiation to set the agenda for final settlement of Naga claims.

In February 1997, the Government of India (GoI) and the National Socialist Council of Nagaland Issac-Muivah (NSCN I-M) signed a ceasefire. Since then, there have been more than 50 rounds of talks between the NSCN (I-M), led by Isaak Chisi Swu and Thuingaleng Muivah, and the GoI, represented by the Centre's emissary, K. Padmanabhaiah. Most of the talks were held in foreign locations and a few in New Delhi.

Then in early 2007, 10 years after the first ceasefire agreement, the two sides decided to hold the next round of talks in Dimapur, Nagaland. *This was the first time that peace talks were held within Nagaland.*

The Dimapur meet, which was just for a day, decided to extend the ceasefire indefinitely. The GoI was represented in the talks by central minister Oscar Fernandes and the Centre's emissary, K. Padmanabhaiah, while the 22 member NSCN (I-M) delegation was led by its Chairman, Chisi Swu.
and General Secretary, Th. Muivah. While the Dimapur talks were on, Naga civil society groups held demonstrations for a peaceful settlement outside the building. Inside, the participants decided that the next round of talks would take up the Naga demand for self-determination and the desire of the Nagas to live under a common administration.

The decision to extend the ceasefire indefinitely showed the determination of both sides to arrive at a negotiated settlement of the Naga issue. While it is imperative that the GoI–NSCN (I-M) talks succeed—for without it, a tangible peace cannot take hold in Nagaland—there are several other voices in the Naga movement which have to be heard if peace is to be a permanent reality in the region.

Keeping this necessity in mind, this simulation exercise is a roundtable meeting, in which all the players in the field would have a chance to express their views on the Naga issue, thereby paving the way for a settlement that would be acceptable to all sections of the Naga people. The simulation is set in December 2007, when the spirit of Christmas—peace, brotherhood, love and forgiveness—sweeps over all of Nagaland.

The participants in this simulation are representatives of the GoI, the NSCN (I-M) and Naga civil society.

**Materials for the Simulation**

- Simulation Exercise
- Conflict Backgrounder
- Timeline
- Documents

**SIMULATION EXERCISE**

You are a participant in the meeting called by Naga civil society groups to push for a final resolution to the Naga conflict. Six months earlier, representatives of the GoI and the NSCN (I-M) leadership met in Dimapur. At that meeting, they decided that the next round of talks would work out a
solution to the Naga issue. Your meeting has been called to try and set the agenda for that meeting, in order to ensure that all concerns are met.

It has been 10 years since a ceasefire was put into effect, and there have been 50 rounds of talks between the representatives of the GoI and the NSCN (I-M) led by its chairman, Isaak Chisi Swu and its General Secretary, Th. Muivah. In the first eight years, all negotiations were held outside India, but in 2006 the NSCN (I-M) leaders came to India twice for discussions with government officials and leading political parties.

At the same time, the NSCN (I-M) leadership also visited Nagaland to ascertain the views of the Naga people regarding a sovereign Nagalim, the question of territorial integrity of the Naga tribes and the increasing factional fights that have claimed scores of lives. Recent developments in Nagaland, leading to the issue of ‘quit notices’ to the Tangkhul Naga tribe by the Khaplang faction of the NSCN and the mass upsurge in Manipur against the extension of the ceasefire to all Naga inhabited areas of the Northeast, seem to have driven home the point that the idea of a united Naga nation could come under serious strain if inter-tribe rivalries and factional clashes between the underground are not controlled.

In the swiftly changing scenario in Nagaland, where the struggle for power between two factions of the NSCN has assumed alarming proportions, the NSCN (I-M) hegemony over Naga affairs is being questioned seriously for the first time. It looks as if any major agreement with the NSCN (I-M) would have to be followed by taking into confidence the other players in the field.

Nevertheless, the GoI seems to be guided by the belief that an agreement with the NSCN (I-M) would make it easier to deal with other insurgent groups operating in Nagaland and Manipur. Hence, the determination of the government to keep the peace process going and to look into all possible aspects of redrawning and restructuring the federal structure.

For its part, the NSCN (I-M) is committed to keeping the peace process alive because it seems to have realized that changing power equations among the different Naga tribes may make it difficult to push for an independent Nagalim.
Moreover, the success of the electoral process in Nagaland has made it clear that despite the parallel government run by the NSCN (I-M), representative democracy has come to stay. It is against such a background that the NSCN (I-M) demand for maximum possible autonomy for the Nagas as well as the question of bringing all the Naga tribes under a common administrative unit under a Greater Nagalim must be viewed.

This simulation encourages participants to conceptualize the role that civil society can have in setting the agenda for final negotiations.

**Simulation Structure**

**Venue:** Kohima, Nagaland  
**Time:** December 2007, six months after the Dimapur talks between the GoI and the NSCN (I-M).  
**Duration:** Two to three days.  
**Format:** This meeting has been called by an ad hoc alliance of Naga civil society groups, specifically to push for a lasting resolution to the conflict. It is a sign of the importance of civil society groups that all the key actors attend the meeting for a resolution. The overall chair of the meeting is the seniormost civil society representative, but he/she invites representatives of other Naga civil society organizations to preside over different sessions. On Day One, the overall chair will explain the purpose of the meeting and outline the issues for consideration. Each team will then present its views. On Day Two, the groups will meet separately to discuss issues that appear to defy resolution. On Day Three, the teams come back to the plenary and make their final presentations. The chair summarizes proposals from their presentations; the proposals are decided on.

**Roles**

The Parties at the meeting are:

1. Naga National Council (NNC)/Federal Government of Nagaland (FGN)  
2. National Socialist Council of Nagaland (NSCN I-M)
3. National Socialist Council of Nagaland (NSCN K)
4. The Naga Hoho
5. Council of Naga Baptist Churches
6. Naga Peoples Movement for Human Rights (NPHMR)
7. Naga Mothers’ Association
8. Representative of the Government of India (GoI)
9. Representative of the State Government of Nagaland

**Control Group:** Six to seven people who can move between teams helping them formulate their positions.

**Position of Each Group at the Negotiating Table**

*Naga National Council (NNC)/Federal Government of Nagaland (FGN)*

This is the oldest political organization of the Naga Hills and has been fighting for a sovereign Nagaland since the early 1950s. It was the NNC leader Angami Zapo Phizo who imbued the Naga tribes with a sense of Naga identity and laid the basis of Naga nationalism. Through his ‘plebiscite’ and the boycott of the 1952 polls, Phizo developed a mechanism to test the people’s will and win their support for Naga independence. During his long years in exile in London, Phizo tried his best to guide the Naga movement from abroad and also to win international sympathy for the Naga cause. He was convinced that the solution to the Naga issue could not be a military one and hence never gave up on negotiations. He was initially very unhappy over the GoI’s move to bypass the NNC and create a Nagaland state and install a government of its choice. However, the NNC believes that his faith in a negotiated settlement of the Naga issue forced him to adopt a neutral stand regarding the *Shillong Accord* of 1975, a move which was read by his detractors as capitulation to the GoI.

The NNC considers it unfortunate that the NSCN (I-M) should accuse Phizo of encouraging tribal divisions by favouring the Angamis over other tribes. The Angamis were always at the forefront of the Naga struggle and it would be wrong to deny them their place in the Naga history. The NNC and the FGN desire that all the parties to the conflict be involved in peace negotiations to ensure maximum
possible autonomy and pave the way for integration of all the Naga-inhabited areas. It has expressed its disapproval of the factional clashes which have deeply hurt the cause of Naga unity and has called upon all organizations to show restraint and good sense. The NNC has stressed that no single organization, on the strength of its military prowess, should dictate terms to the Naga people as a whole.

National Socialist Council of Nagaland (NSCN [I-M])
This is the strongest underground force in Nagaland. It was founded in 1980 after breaking away from the Naga National Council under a Tangkhul Naga dominated leadership. Despite having suffered a military setback in the late 1980s, when the combined forces of the NSCN (K) and the Myanmar Army decimated its forces, the NSCN (I-M) succeeded in regrouping. The GoI signed a ceasefire with the NSCN (I-M) in 1997, and since then, this ceasefire is periodically renewed. The NSCN (I-M) has been insistent in talks with the GoI that the latter agree to a separate constitution for the Nagas and a federal relationship with the latter which would ensure their status as a separate nation. Although the NSCN (I-M) has repeatedly asserted that it is not in favour of a solution within the Indian Constitution, recent trends in the peace negotiations suggest that it might finally settle for a Kashmir-like status for Nagaland.

The NSCN (I-M) has also been insistent that the Naga inhabited areas of the Northeast be brought under a common administrative unit, a demand that would entail territorial reorganization of several neighbouring states. In some cases, it would lead to the reduction of an existing state to a rump state. This has been interpreted by the neighbouring states as an attempt to further the agenda of a Greater Nagalim and has led to violent mass protests in Manipur. In the tenth year of the ceasefire, the NSCN (I-M) is facing opposition from organizations like the NSCN (K) and the supporters of the NNC. There has been wide criticism of its strong-arm tactics and Naga civil society is insisting that fratricidal clashes be finally put to an end. All these developments have led to a credibility crisis for the NSCN (I-M), whose hegemonic role
in Naga affairs has come to be seriously questioned. In its turn, the NSCN (I-M), which has condemned the NSCN (K) in no uncertain terms, now calls for unity of all underground factions and has received a response from the Khaplang faction. The NSCN (I-M) seems convinced that a settlement of the Naga issue can occur despite the slow and frustrating pace of the peace talks. It is important for the NSCN (I-M) for the peace negotiations to continue, irrespective of the seemingly intractable nature of the issues involved.

National Socialist Council of Nagaland Khaplang (NSCN (K))
The NSCN split in 1988 and the NSCN (K) was formed. Its chairman is S. S. Khaplang. The NSCN (K) has become a leading player in Nagaland politics. It is opposed to the idea of Greater Nagalim as put forward by the NSCN (I-M) and is of the view that the peace talks would not achieve much if other insurgent groups are not involved in negotiations. Recently, the NSCN (K) issued ‘quit notices’ on the Tangkhul Nagas and even asked the NSCN (I-M) leaders Isaak Swu and Th. Muivah to keep out of Nagaland. It has consistently opposed the Tangkhul leadership of the NSCN (I-M) and has engaged in armed clashes with its rival in several parts of Nagaland. It accuses the Swu-Muivah leadership of bartering the demand for Naga sovereignty. Though its cadre strength cannot compare with that of the NSCN (I-M), its influence among some Naga tribes seems to be on the rise. The GoI concluded a ceasefire agreement with the NSCN (K) in 2001, which is renewed at regular intervals. Though the NSCN (I-M) accuses the Khaplang group of acting as agents of the GoI to create a divide amongst the Nagas, the fact is that the NSCN (K) challenged the hegemonic role of the NSCN (I-M). In this, it has received support from the Phizo groups as well as from certain underground groups in Manipur. Recently, however, the NSCN (K) chairman, S. S. Khaplang, responded positively to the offer of reconciliation and unity made by Muivah and Swu.

The Naga Hoho
The Naga Hoho is an apex body representing the Naga tribes and has played an active role in mobilizing public opinion in
favour of the peace process. It is one of the most powerful civil society voices in Nagaland and no underground organization can afford to ignore or bypass its views. Considered to be close to the NSCN (I-M), the Naga Hoho has time and again adopted an independent position regarding the peace process. It has successfully mounted pressure on the NSCN (I-M) to continue with peace talks, irrespective of hurdles. Today, the Naga Hoho is easily the most influential civil society group in Nagaland. Though the Naga Hoho’s position on the issue of Naga self-determination is ambivalent, it is deeply committed to the unification of all Naga-inhabited territory under a common administration. It has, over the years, emerged as a major source in favour of a peaceful, negotiated settlement of the Naga issue.

Council of Naga Baptist Churches
This is an apex body of Baptist churches in Nagaland and has a membership of 42 church associations in a state where almost 80 per cent of the population is Baptist. The Nagaland Baptist Church has been involved in the peace process since the 1960s. It was instrumental in setting up the Peace Mission which included Jayaprakash Narayan, B. P. Chaliha and the Reverend Michael Scott. It also had a role in bringing about the Shillong Accord of 1975. From the 1990s, the Council of Baptist Churches has played an even more proactive role in the peace process. It is convinced that there cannot be a military solution to the Naga issue. Similarly, the struggle for an independent Nagalim outside the Indian Union has entailed a massive human tragedy and taken the Nagas nowhere. The Council has been in constant touch with underground factions to persuade them to negotiate a settlement of the Naga issue. Under its initiative, the Baptist Peace Fellowship of North America extended an invitation to representatives of Naga civil society and the four underground organizations for peace talks at Atlanta, USA, in July–August 1977. The Atlanta meet was attended by representatives of the NSCN (K), the NNC/FGN, Church leaders, members of the Naga Hoho and leading politicians like former Chief Minister S. C. Jamir.
The NSCN (I-M), however, did not send any representatives to the Atlanta meet. Right from the beginning, the NSCN (I-M) did not view the Council of Naga Baptist Churches in a favourable light because it thought that the organization was close to the Indian state and critical of the NSCN (I-M)’s agenda. The Church in Nagaland opposed the NSCN (I-M)’s China connection and has, time and again, expressed its desire, albeit indirectly, for a solution within the Indian Union. The NSCN (I-M)’s disapproval of its role has not, however, deterred the Council from engaging itself actively in the peace process and it continues to be an important voice in Naga society. Its position on the ongoing peace process is quite clear: the people of Nagaland want a peaceful and negotiated settlement of the Naga issue and the NSCN (I-M) should respect this; the dialogue must continue and no step should be taken by either party to disrupt the process.

The Naga People’s Movement for Human Rights (NPMHR)
This is the most organized human rights group in Nagaland and has consistently fought to defend the rights of Naga citizens. The NPMHR has, since the 1970s, exposed excesses committed by the Indian security forces and has drawn international attention to the violation of human rights in Nagaland. Though viewed by many as being close to the NSCN (I-M), the NPMHR has succeeded in spreading awareness on the issue of human rights. It has demanded the withdrawal of repressive laws like the Armed Forces Special Powers Act and the Disturbed Areas Act from Nagaland. The NPMHR insists that peace will be possible in Nagaland only if draconian laws are scrapped and the rights of people are restored.

The Naga Mothers’ Association
The Naga Mothers’ Association is an important civil society voice in Nagaland. It has played a very positive role in maintaining peace in Naga society and has insisted on the continuance of dialogue between the NSCN (I-M) and the GoI. It has highlighted the fact that women are the worst sufferers in any violent conflict and is deeply committed to a negotiated settlement of the Naga issue. During moments of crisis in Naga society, the Naga Mothers’ Association has
always advocated reason and restraint. In 2001, their role in defusing tensions in Nagaland during the anti-ceasefire disturbances in Manipur was especially notable. Today, the Naga Mothers’ Association is a major civil society group in Nagaland and no organization can afford to bypass its views. It is deeply committed to the peace process and has acted as a positive pressure group in pushing it forward.

**Government of India (GoI)**
The GoI, having accepted the ‘unique history of the Naga people’, is committed to working out a negotiated settlement of the Naga issue. It has held as many as 50 rounds of talks with the NSCN (I-M), where the question of working out the relationship of the Nagas with the Union of India has been discussed in detail. The GoI holds that it is possible to find a solution of the Naga issue without compromising the sovereignty and unity of the nation. The GoI draws on its earlier experience of peace negotiations with the Naga underground where the Centre had agreed to wide-ranging proposals of autonomy for the Nagas. The GoI is aware of the fact that the introduction of representative democracy in Nagaland has brought about far-reaching changes and that under the provisions of the Constitution [Art 371(a)], a large measure of autonomy has been ensured for the Naga people. However, the GoI seems prepared to further extend these provisions, provided the unity and integrity of the nation is not jeopardized. Regarding the NSCN (I-M)’s demand for a separate constitution for the Naga people and a radical restructuring of the federation, the GoI is of the view that these need further detailed discussion. In the interest of peace talks, the GoI desires that the ground rules of the ceasefire are strictly adhered to by both sides, and the NSCN (I-M) stop extortion and end its parallel government in Nagaland. On the sensitive question of territorial integration, the GoI says that this involves taking into consideration the views of neighbouring states, as redrawing state boundaries cannot be done without their consent.

**State Government of Nagaland**
Ever since Nagaland has had an elected government, especially after representative government was introduced after
the successful elections in 1964, the state government has been pressurized at different levels and in different forms by underground groups. During the initial years of rule by an elected government, the Naga underground (then led by the Naga National Council) refused to accept the state government’s legitimacy. Yet, over the years and through successive elections, the credibility of the state government has significantly increased. In today’s situation, it would not do to bypass the state government of Nagaland in working out an effective peace agreement for the Naga people. The state government’s present position is that it welcomes the dialogue with the NSCN (I-M), while at the same time subtly insisting that the Centre should also talk with other rebel groups.

Regarding the territorial limits of the ceasefire, the state government is of the view that if the ceasefire is confined only to the boundaries of Nagaland, then rebel groups would continue to operate successfully from neighbouring states where there are sizable Naga populations. The state government is particularly worried about violations of the ceasefire by the NSCN (I-M) and the spate of killings, kidnappings and extortions that are being carried out by them. It has drawn the attention of the GoI to the serious situation evolving from factional clashes between the two sections of the NSCN, and the use of the current ceasefire by all the insurgent groups to regroup and strengthen themselves. In its memorandum submitted to the Prime Minister of India in August 1997, the state government made it clear that it is committed to a negotiated settlement of the Naga issue and has been working towards that end. In an interesting observation, the state government said that the cessation of army operations against the underground has created a vacuum of sorts in the law-enforcement process and that it desires that the state police and the CRPF units be strengthened.

Issues Before the Participants in the Meeting

Constitutional Issues
The central issue during the talks between the GoI and the NSCN (I-M) was that of the ‘sovereignty’ of the Naga people.
Although the GoI maintains that there is enough scope to ensure a completely autonomous existence for the Naga people within the ambit of the Constitution, indications are that it might be prepared to consider a further form of asymmetric federalism. The NSCN (I-M), while expressing its reservations about this approach, has agreed to go into the Constitution and suggest changes that would ensure full autonomy—short of independence—for the Nagas. Officially, however, the NSCN (I-M) continues to stand for a sovereign independent Nagalim. Other insurgent groups like the NSCN (K) and the NNC factions are not clear on this aspect. Civil society groups, too, are divided on the issue of Naga sovereignty. Thus, the major question is: Is there a scope for the Constitution to be amended to accommodate the Naga desire for autonomy/freedom? Would the question of a separate constitution for the Naga people, as demanded by the NSCN (I-M) and its supporters, be acceptable to the GoI? If a solution within the Constitution is finally accepted, what would be the structure for the sharing of powers between the two parties and how would this be incorporated in the different Articles of the Constitution?

Integration of Naga Inhabited Areas
The issue of the integration of Naga inhabited areas within the common territory of Nagalim is a highly contentious one because the Naga population is spread over the states of Nagaland, Assam, Manipur and Arunachal Pradesh. Any change in the territorial composition of the latter three states would require constitutional sanction. There is bound to be fierce resistance from the states themselves.
The Naga conflict for a homeland began in the 1940s. Though the Indian government created the state of Nagaland in 1963, many Naga inhabited areas remained outside of it as territories of other border states. One of the long-standing grievances of the Nagas stems from this territorial dispersion; they live under different political units. The proponents of ‘Greater Nagalim’ maintain that the Nagas living across the international boundary in Myanmar as well as those living in the other northeastern states of India should all be brought under a common administrative unit. But there is another opinion voiced by Naga leaders like S. C. Jamir that the Nagas never had a unified history and that the question of territoriality and the idea of a common Naga homeland for all the tribes is a newly constructed idea.

It was only with British intervention in the Nagas Hills in the second half of the 19th century that a dozen or so of the 16 major Naga tribes were brought under a common administrative unit. Prior to this different Naga tribes lived in relative isolation and often fought one another. The Ahom rulers of Assam (1228–1826) had followed a policy of force cum-accommodation with Naga tribes living on the borders of the Ahom state. While Naga raids into the plains of Assam were met with severe reprisals, arrangements were worked out to allow the hill men to come down to the plains for trade. On the whole, the Ahom rulers followed a policy of non-interference in the affairs of Naga tribes.

During the initial period of colonial rule in Assam, the British, too, followed a policy of non-interference in the affairs of the Nagas. However, as the oil and tea industries started developing in the Brahmaputra Valley, the British felt that some degree of control over the Nagas would be necessary, so as to prevent Naga raids into the commercially rich plains of Assam. Thus began the Forward Policy which ultimately ended in the occupation of Kohima in 1978 and the setting up of the Naga Hills district. The last major battle which the British fought with the Nagas, primarily the Angami Nagas, was the battle of Khonoma (1878–79) which
lasted for several months and in which the British lost several officers and scores of soldiers.

However, even after gaining control of the region, the British continued with their policy of non-intervention in Naga customary laws and traditional structures of power. Moreover, British control of the Naga Hills did not extend over the entire region and there were areas which were effectively out of British control. The introduction of the *Frontier Tracts Regulation II* of 1880 provided the basis by which the Nagas would be able to govern themselves according to their tribal laws and customs. Regulations like the *Excluded Areas Act* and the *Partially Excluded Areas Act* put an end to whatever little interaction there was between the Nagas and the Assamese of the plains.

Therefore, it may be said that during the course of British occupation a rather loose political administration was introduced in those areas which came under their sway. But otherwise, British administrators were content to leave the tribes to their primitive isolation. It was the coming of Christianity along with British rule that wrought major changes in the life-pattern of the Naga people. Modern ideas and Western education helped create an incipient Naga middle class, which soon started articulating the demands of Naga tribes, while at the same time initiating the process which welded the different tribes together on the common platform of Naga nationalism.

Restrictive laws regarding the Naga Hills, introduced by the British, resulted in the isolation of the region from the rest of the country; and during the entire course of the national struggle against British rule, the Naga Hills district remained totally unaffected. (The only major contact of the Nagas with the outside world occurred during the final years of the World War II, when Japanese forces moved up to Kohima and a fierce battle was fought there. The Nagas extended all help to the British. But for their support, the Japanese might have succeeded in further penetrating into India. This was the time when the Nagas came to hear of Netaji Subhas Chandra Bose and his INA.)

British officials took advantage of this isolation to add to Naga apprehensions about their future status in the new
dispensation by emphasizing the divide between ‘Indians’ and ‘Nagas’. There was also talk of carving out a separate territory which would be under the direct rule of the British Crown. However, proposals like the Coupland Plan did not receive the approval of the Naga leadership.

The Nagas first expressed their reservations about being clubbed with the rest of the country on the matter of reforms, when they submitted their memorandum to the Simon Commission in 1929. In this memorandum, the Naga Club, an organization of newly educated Nagas working under the direct patronage of the British deputy commissioner of the Naga Hills, submitted that ‘when you (the British) go, we should be as we were’. The Memorandum also stated: ‘Our country within the administered area consists of eight tribes, quite different from one another, with quite different languages which cannot be understood by each other and there are more tribes outside the administered area which are not known to us. We have no unity among us and it is only the British government that is holding us together.’

The Naga Club also bemoaned the fact that at that juncture, the Nagas did not have any particular individual or group of leaders who could represent the different tribes. However, within another two decades, the situation was to change radically with Angami Zapo. When the Cabinet Mission Plan (1946) was announced and the fear loomed large that undivided Assam could eventually become a part of Pakistan, the Nagas made it clear that they were against the Grouping Scheme and expressed their desire to be an autonomous part of Assam. In their memorandum, the Naga Club insisted that there should be a separate electorate for Nagas with proper safeguards for their local autonomy within Assam. It also referred to the solidarity of all Naga tribes, including those living in the unadministered areas.

Even as the Cabinet Mission proposals were dropped and the country moved towards vivisection and independence, Naga apprehensions strengthened primarily because they were not psychologically prepared to become a part of independent India and they thought that the new leadership of the country would not be able to understand the Naga psyche
and their adherence to the Naga way of life. Their fears and doubts were added to by the Indian leadership, which either patronized the Nagas or viewed them with suspicion because they were predominantly Christian or simply did not try to understand them. It was because of this that the Nagas now demanded an Interim Government under a ‘guardian power’ which would ensure their autonomy and which would review the relationship with the guardian power after a period of 10 years. Thus, it is clear that autonomy and not secession was the initial demand of the NNC, the only representative body of the major Naga tribes at that time.

Accordingly, the *Nine Point Hydari Agreement* of 1946 was worked out between the GoI and the NNC, for a large measure of autonomy for the Nagas within a loose federal relationship with the Indian Union. The agreement provided for extensive judicial, executive and legislative powers for the NNC, which was also given the right over land and resources in the Naga Hills as well as the power of taxation. In short, it granted a very large degree of self-rule to the NNC although the Council had not established its credentials through democratic elections.

However, there was a certain clause in the agreement which stated that:

> the Governor of Assam as the Agent of the Government of the Indian Union will have a special responsibility for a period of 10 years to ensure the due observation of this agreement, and at the end of this period, the Naga Council will be asked whether they require the above agreement to be extended for a further period or whether a new agreement regarding the future of the Naga people should be arrived at.

The Constituent Assembly refused to endorse the agreement as the NNC had expected, and instead accepted the report of the Bardoloi Committee on Assam’s Tribal and Excluded Areas which was to form the basis of the Sixth Schedule of the Indian Constitution, as defined under Articles 244(2) and 275(1). Although the Sixth Schedule provisions provided for some measure of autonomy for tribals, the NNC rejected them outrightly and the hardliners within the organization insisted
that the clause relating to the 10 year period in the agreement was tantamount to recognizing independence for Nagas.

While the moderates within the NNC led by the Aos under Iliba Imti Ao's leadership supported being a part of India, the hardliners led by the Angami leader Zapo Phizo opted for full sovereignty. Initially, the NNC leadership did not go with Phizo when he declared Naga independence on 14 August 1947. But the failure of the Constituent Assembly to give serious consideration to the Nine Point Hydari Agreement helped the hardliners within the NNC to reject the idea of an autonomous status within India for the Naga Hills. And when Phizo was elected the President of the NNC the moderates were finally marginalized and the agenda of Naga independence was taken up with full vigour.

**The First Stirrings of Trouble**

The first stirrings of trouble in the Naga Hills began when Angami Zapo Phizo persuaded the NNC to hold a ‘plebiscite’ on the issue of Naga independence in May 1951. Thousands of Nagas supported the move and the NNC claimed that over 90 per cent of the population was for independence. But it is uncertain as to how many of the signatories were actually aware of the difference between autonomy for Nagas within the Indian Union and complete separation as an independent sovereign state. Moreover, the ‘plebiscite’ was restricted to the Naga Hills district alone and Tuensang was not covered.

Nevertheless, by holding the ‘plebiscite’, the NNC under Phizo was developing a mechanism to test the people's will; something which most insurgent outfits of the northeastern region sadly lack. Phizo's success stemmed from the fact that he got the NNC to reject the Sixth Schedule of the Indian Constitution and supported the continuance of the traditional structures of power among the Naga tribes. This gained him the support of the village chiefs and the gaonburas (village headmen) and the NNC's mobilization proved a success. All through, the NNC maintained that since the Nagas were never a part of India, the question of seceding from the Indian Union did not arise.
The Naga ‘plebiscite’ or referendum was followed by a successful boycott of the first general elections in the Naga Hills district. No nomination papers were filed and no votes were cast. The successful boycott of the polls was quickly followed by a programme of non-cooperation with the administration. All this mobilized a substantial section of the Naga population to support the agenda of independence, while those who wished to follow a moderate line were effectively sidelined. Both through the ‘plebiscite’ and the subsequent boycott of the 1952 general elections, Phizo secured a mandate from the overwhelming majority of the Naga people, for the first time cutting across divisions of tribe and clan. This move also equipped the NNC to launch a non-cooperation movement wherein the gaonbura or traditional village headmen symbolically returned their red blankets (given to them since the British days as a symbol of authority and governmental recognition) to the administration. The stage was finally set for a confrontation between Nagas and the GoI.

**State Manoeuvres**

Unable to check the trend of events in the Naga Hills through a political dialogue, the GoI decided to tackle the situation primarily as a law and order problem, and cracked down on the NNC towards the middle of the 1950s. Although India’s then Prime Minister Jawaharlal Nehru himself was quite unsure of the wisdom of using strong-arm tactics and stressed the need to arrive at a political solution of the Naga issue, events in the Naga Hills moved too fast for New Delhi to try to work out a settlement through dialogue.

Nehru, in his official communications to the Assam government, stressed the fact that ‘we (Indians) must not judge them (Nagas) as we would others who are undoubtedly a part of India.’ However, once the NNC declared Naga independence and embarked on a policy of confrontation, the GoI responded by moving security forces into the Naga Hills. The tribal councils were dissolved and draconian laws were imposed, severely restricting the rights of the people and human rights were violated on a wide scale.
Instead of checking the insurgency, these measures only helped to widen the gap between the average Naga and the administration. Indian army soldiers, generally drawn from remote regions of the Hindi heartland and trained to use maximum force against the enemy, had little understanding of a people who not only looked different but who had very little to share with Indian culture. The NNC, despite the split in its leadership along tribal lines—especially after the former General Secretary of the NNC, T. Sakhrie, was murdered by Phizo supporters—reaped the full benefit of the negative fall-out of government repression, by saying that this showed that the Indian forces were an occupation force. Thus, even as the divide between the Naga people and the Indian government continued to grow, the NNC declared the formation of the FGN in 1956. The following year Angami Zapo Phizo left for self-exile in London. He continues to direct NNC affairs from the UK, though he is increasingly cut-off from the ground realities at home.

**Search for a Way Out**

Realizing that military intervention was not the way out of the growing Naga crisis, the GoI started encouraging moderates in the Naga leadership to work out a political arrangement which would guarantee the autonomous existence of the Naga people. These efforts bore fruit in July 1960, in the shape of the *Sixteen Point Agreement* which was signed between the Naga People’s Convention (NPC), which represented a large segment of Naga opinion, and the GoI. Under this agreement, Nagas were to gain a large degree of political autonomy within the Indian Union and would be in a position to manage their own affairs. (See Documents)

The *Sixteen Point Agreement* paved the way for the formation of the Nagaland state, incorporating the Naga Hills district of undivided Assam and the Tuensang Frontier Division. Nagaland became the 16th state of the Indian Union in December 1963 through the 13th amendment of the Indian Constitution, which made provision for a large number of protective safeguards for the Naga people. Phizo and the
NNC rejected the creation of Nagaland as a state of the Indian Union, and continued to push for independence through armed struggle.

However, the creation of Nagaland had a long-term effect on the Naga movement, something which neither Phizo nor his followers could envisage. Despite initial resistance and indifference, representative democracy started growing roots and a large section of the Naga people participated in the 1964 elections, despite boycott calls and threats from the underground. As the elected leaders gradually took charge and started managing the affairs of the state, traditional structures of power began to be marginalized. It is significant that despite the parallel structure of power exercised by the underground, representative democracy has struck roots in Nagaland, as is evident from the high polling figures in successive general elections.

**Civil Society Initiative for Peace**

Soon after the formation of the state of Nagaland, efforts to bring about a ceasefire between the NNC and the GoI gained momentum and, at the initiative of the Council of Naga Baptist Churches, a Peace Mission was formed in 1964. The Nagaland state assembly supported the move through a unanimous resolution. The Peace Mission was made up of Jayaprakash Narayan, the Reverend Michael Scott and Assam Chief Minister Bimala Prasad Chaliha. The Peace Mission acknowledged that the Naga struggle was a ‘national’ one and declared that ‘while it fully agrees with and endorses the principle that all subject peoples have the right of self-determination and that no groups of people is competent to rule over another, it also has to invite the attention of the Nagaland Federal Government (NFG) to certain historical processes that had taken place to give birth to the Union of India and to the emergence of the great concepts and ideals underlying the Union Constitution.’

However, neither the central government nor the Naga underground accepted the proposals submitted by the Peace Mission. While New Delhi insisted that any solution of the
Naga issue must be within the scope of the Indian Constitution, the NNC rejected it because it considered the proposals to have favoured a union with India.

Nevertheless, the efforts of the Peace Mission led to the first ceasefire between the underground forces and the GoI, which became effective in September 1964, four months after Prime Minister, Jawaharlal Nehru died. The ceasefire was followed by a series of talks with New Delhi and attempts were made by the GoI to get Phizo involved in the negotiations. At one point, Prime Minister Indira Gandhi is said to have agreed to hand over all powers except defence, communications and foreign affairs to the state of Nagaland. But the NNC continued to insist on Naga sovereignty and the talks finally broke down. By the end of 1966, Jayaprakash Narayan and Chaliha had resigned from the Peace Mission and Reverend Scott was extradited from India. Although attempts to hammer out a solution continued even after the winding up of the Peace Mission, by the late 1960s it had become clear that a peace settlement was elusive.

New Dimensions to the Conflict

When the FGN, which continued, opted to open a China connection, matters became even more complicated, and in 1972 the ceasefire was formally withdrawn by the Centre and the NNC and the FGN were declared illegal. Meanwhile, the fall of Dhaka to Indian security forces in 1972, and the capture of General Thinoselie, along with major divisions between the Sema and the Angami leadership within the NNC, weakened the underground in large measure. A large section of the Sema leadership broke away from the NNC and set up the Revolutionary Government of Nagaland (RGN) which came to a speedy understanding with New Delhi and expressed support for the constitutional process.

The 1974 elections brought NNC sympathizers to power in the state and attempts were renewed to begin afresh the peace process. But in June 1975, Mrs Gandhi declared a state of emergency across India, during which military action against Naga rebels was also stepped up. In November 1975, the
The Naga Conflict

The controversial accord was signed. The controversial accord between the GoI and a section of the Naga underground said to have been close to Phizo (among the signatories was Keviallay, Phizo's brother), unconditionally accepted the Constitution of India. Phizo's silence regarding this agreement resulted in a growing rift between those who were working for a solution within the Indian Union, and those led by Th. Muivah and Isaak Chisi Swu who were bent on continuing the fight for a free and independent Nagalim.

In order to achieve their goal, the latter did not hesitate to seek the support of countries like the People's Republic of China (PRC). They also geared up their attempts to internationalize the Naga issue.

As differences within the Naga underground increased, Muivah and Swu broke away from the NNC and set up the National Socialist Council of Nagaland (NSCN) in 1980. S. S. Khaplang joined the organization as its Vice-President. Soon after its formation, the NSCN issued a statement condemning the Shillong Accord and declared Phizo a traitor to the Naga cause. It also accused Phizo of furthering divisions along tribal lines within the Naga movement and pledged to continue with the armed struggle for an independent and united Nagalim.

Mrs Gandhi returned to power in January 1980 and attempts were revived to work out a solution with the active support of Phizo, but not much progress was made. Differences within the NSCN reached a point of no return in 1988 after a major clash between the supporters of Khaplang and Muivah which left scores dead. The NSCN split into two: NSCN (I-M) and NSCN (K). Phizo died in London in 1990 and soon after the NNC split into two, with one faction being led by Phizo's daughter, Adino Phizo. The early 1990s saw the intensification of the Naga conflict on two planes. While on one hand, the NSCN (I-M) mounted attacks on the Indian security forces, on the other hand, factional fights between the underground claimed hundreds of Naga lives. Scores of civilian casualties were reported.

The 1990s were also marked by serious clashes between Naga groups and the region witnessed unprecedented violence, which claimed hundreds of lives. An important aspect
of the Naga–Kuki clashes was that the Naga movement had now spilled over into the hills of Manipur, which had a substantial Naga population. This would soon emerge as a sensitive point in the matter of Naga unification.

**Peace Process Renewed**

In 1995, the Narasimha Rao government sent feelers to the NSCN (I-M), which had emerged as the most powerful underground faction not only in Nagaland, but also in the entire Northeast. The road to negotiation was finally charted when the Indian Prime Minister met the NSCN (I-M) leaders in Paris in June 1995.

More contacts followed in the subsequent year and in July 1997 a ceasefire was announced between the NSCN (I-M) and the GoI. The ceasefire became effective from September 1997. Although the ceasefire was initially only for three months, it has been regularly extended in the past 10 years so that negotiations between the two sides could continue. By the time the peace process entered its tenth year, there had been over 50 rounds of discussion between representatives of the GoI and the NSCN (I-M) leadership led by Th. Muivah and Isaak Swu.

The central issues in these negotiations, which were mostly held abroad, related to the unification of the Naga tribes living in other northeastern states under a common administrative unit and the autonomy of Naga people. Although the NSCN (I-M) leadership had time and again asserted that nothing short of sovereignty would be acceptable to Nagas and no solution could be worked out within the Indian Constitution; yet, over the years, it had become quite clear that the NSCN (I-M) had moved substantially from its demand for a sovereign Nagalim to one which would have the maximum possible autonomy within a redefined federal structure in India. The most important aspect of the current peace process is that despite apparently insurmountable hurdles, and allegations and counter-allegations about ceasefire violations by both sides, peace negotiations have continued. The visit of the NSCN (I-M) leaders to India and their discussions with the top leadership of the country cutting across
party lines, immensely helped the peace process. There was a growing realization among the NSCN (I-M) leadership that the GoI was sincere in its efforts to work out a negotiated settlement of the Naga problem and that the latter also has its own compulsions.

One of the most significant achievements of the peace process has been a major change in perception on both sides and the acceptance of the fact that there could never be a military solution to the Indo–Naga conflict; and so the only possible way lay in accommodating Naga aspirations within a restructured federal structure. Hence, questions relating to asymmetric federalism and collateral constitutions assumed increasing importance in the discussions, while the contentious issue of territorial unification of the Naga tribes seemed to have been placed on the backburner.

**New Equations and Compulsions**

When the ceasefire came into effect in September 1997, there was an escalation of inter-tribe and inter-factional fighting in Nagaland. In the struggle to establish its hegemony, the NSCN (I-M) tried to marginalize other insurgent groups, and in the process scores of people lost their lives. A significant aspect of the new developments was the growing divide between different tribes, as was evident from the ‘Quit’ notice served on the Tangkhuls by the NSCN (K) in 2006.

But the ceasefire also paved the way for Naga civil society groups to come out and influence the peace process. The creation of Nagaland had led to the emergence of a strong Naga middle class and the consolidation of a market economy. The middle class was not willing to shed these gains for a notional homeland that might plunge them back into violent conflict. While Nagaland was recovering some measure of stability through the ceasefire, its impact on neighbouring states had the opposite effect. The GoI–NSCN (I-M) talks had been secret, and in Manipur and Arunachal, fears multiplied that the GoI was about to give away large swathes of their territory for Nagalim. By the turn of the 20th century, conflict broke out between Naga and Manipuri groups, including
between the Naga and the Kuki tribes, which turned into a mass upsurge in Manipur over the extension of the ceasefire to cover all Naga-inhabited areas of the northeastern region in 2001. Manipuris saw the extension as the first step towards ceding their territory.

The upsurge in Manipur showed that the Naga integration issue would need to be handled with care and sensitivity. Naga civil society organizations like the Naga Mothers’ Association and the Naga Hoho responded to the violence in Manipur with great maturity, urging the armed Naga groups to cease hostilities and help defuse the tension. Their action also sent a message to the NSCN (I-M) that the Naga public did not desire to be drawn into a conflict with neighbouring states. Recognizing these changes, the NSCN (I-M) realized that the struggle for an independent Nagalim would have to be redrawn on different lines.

By 2006–07, therefore, armed factions, political groups and civil society organizations had all, directly or inadvertently, questioned the appropriation of the Naga voice by the NSCN (I-M). Many of them insisted that any viable peace would depend on involving all the partners in the conflict in peace negotiations. This was obviously resisted by the NSCN (I-M) leadership, which blamed the Centre for fomenting divisions in Naga society. All such allegations notwithstanding, it had become evident that apart from the NSCN (I-M), certain other players like the NSCN (K) and the NNC had come to play a significant role in Naga politics.

In the last 60 years or so, there has undoubtedly emerged a common and united Naga consciousness, which is behind the struggle for the preservation of the ‘Naga way of life’. One needs to remember that here is a nationality made up of several tribes knit together by an imagined history and a common tradition, and a deep attachment to their land and particular way of life. To deny this national sensibility would be to deny a process of history, where a group of tribes/communities sharing a common descent, and a broad tradition and culture emerge as a nation through acquiring political consciousness. It needs also to be kept in mind that a common Naga consciousness is shared by all the tribes, irrespective of
the differences among them on the issue of Naga independence or the role of particular organizations claiming to fight for the Naga cause.

What is important is that there seems to be a coordinated effort to put an end to the ongoing factional violence. For this to succeed, the NSCN (I-M), which is easily the most influential player in Naga politics, must realize that for the peace process to succeed, it must try to relate meaningfully to all the other organizations and civil society bodies.

For the GoI, it is imperative that the peace process succeeds because the Naga struggle is not only the longest surviving armed struggle in the sub-continent, but also because it has raised certain pertinent issues about the working of the federal process in India. All the limitations in India's democratic polity notwithstanding, the Indian Constitution has, over the years, proved its resilience and accommodative power whenever the question of providing space to small nationalities has arisen. The provisions of the Sixth Schedule, and the safeguards for small tribal nationalities and ethnic groups incorporated in certain articles (for example, Art 371[A] of the Constitution of India) show that unlike many of its neighbours who attained freedom from foreign rule around the same time as India, the latter's experiment in providing space to small nationalities has been a unique one. It was perhaps this inherent strength of the Indian Constitution and the democratic process that Jayaprakash Narayan referred to, when he requested the NNC leadership to take into consideration the 'great concepts and ideas underlying the Union Constitution' and seek a solution within the Indian Union.
CONFLICT TIMELINE (1946–2007)

1946

Naga National Council (NNC) formed. Presents a memorandum to the Cabinet Mission opposing the Grouping Scheme, and declaring itself in favour of local autonomy within Assam, provided the solidarity of all the Naga tribes is ensured and due safeguards are provided for. It also stresses a separate electorate for the Nagas.

1947

May: NNC submits memorandum to the sub-committee on the ‘North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas’ asking for an ‘Interim Government’ for a period of 10 years with full legislative, executive and judicial powers. At the end of the 10-year period, Nagas are to decide their future relationship with the guardian power through a referendum.
June: NNC signs the Hydari Nine Point Agreement with the GoI. The agreement states that after a period of 10 years ‘the Nagas would be free to decide their future’.
July: Committee submits its report to the Chairman of the Advisory Committee on Fundamental Rights, Minorities and Tribal Areas. Although the report incorporates many of the provisions of the Hydari agreement, it rejects the idea of interim government and suggests the setting up of district councils with wide-ranging legislative and executive powers. These suggestions were incorporated later in the Sixth Schedule of the Constitution (Articles 244[2] and 275[1]).
July: NNC delegation meets Mahatma Gandhi who is said to have told them that he would not allow any coercive action on the part of the GoI.
14 August: NNC declares independence for the Naga Hills

1948

June: Government of Assam assures NNC that the Hydari Agreement still holds.
July: Angami Zapo Phizo arrested. Released the same year on compassionate grounds after his child died in a car accident and his wife was injured.

1949

November: Constituent Assembly adopts draft Constitution. NNC feels it has been betrayed as far as the Hydari Agreement is concerned.

1950

Angami Zapo Phizo becomes President of the Naga National Council. Moderate faction within the NNC marginalized. May: GoI offers ‘district autonomy’ in line with the Sixth Schedule of the Indian Constitution. NNC rejects the offer.

1951

May: NNC holds ‘plebiscite’ in the Naga Hills and declares that 99 per cent of the Nagas support independence. Several thousand Nagas come to Kohima to put their signatures. However, the ‘plebiscite’ covered only the Naga Hills district and Tuensang was not covered.

1952

First general elections of independent India, boycotted by the Nagas.

1952–53

The Assam government cracks down on NNC leadership. Several Naga leaders go underground. Indian security forces start operations.

1952

NNC starts civil disobedience movement and boycotts the Assam government.
March: Nehru and the then Burmese (Myanmar) Prime Minister Thakin Nu (U Nu) visit Naga Hills, but Naga leaders walk out of the meeting after being disallowed to present a memorandum to the Indian Prime Minister.


First major clashes between the Indian Army and the Naga Federal forces. Indian army called out in Tuensang under the Assam Disturbed Areas Act.

January: T. Sakhrie, former General Secretary of NNC, murdered by pro-Phizo militants. Beginning of the rift within the NNC along tribal lines.

Unofficial Federal Government of Nagaland (FGN) formed by NNC. Constitution (Yehzbao) of the Naga Federal Government (FGN) adopted. Naga parliament called the Tatar Hoho formed. FGN opts for armed struggle against GoI for Naga independence.

Tensions escalate. GoI deploys more armed forces in the Naga Hills–Tuensang Area and enforce the Assam Maintenance of Public Order (Autonomous Districts) Act of 1953, and the Assam Disturbed Areas Act of 1955, that give draconian powers to the security forces and the police.

June: Phizo’s Naga army mounts attack on Kohima which is repulsed. Kaito Sema’s decision to withdraw forces after differences with Phizo makes things easier for Indian security forces.

Wide repression begins in the Naga Hills and village regroupings are carried out. The regrouping of villages has a telling effect on the socio-cultural life of the Naga people.
1957

Phizo leaves for self-exile in London.

Naga People's Convention (NPC) formed with Dr Imkongliba Ao as President. NPC opens negotiations with the GoI and in September Nehru receives an NPC delegation. The Naga Hills and Tuensang Division (of the North East Frontier Agency) brought under one administration and direct central rule; seen by moderates as a major step towards the establishment of a full-fledged state for the Naga people.

1958–59

NPC continues negotiations with the GoI and draws up the outlines of the Sixteen Point Agreement which leads to the formation of the state of Nagaland.

1960

GoI accepts the Sixteen Point Agreement and the Indian Prime Minister announces in Parliament that a new state of Nagaland will be established within the Indian Union.

1961

February: Assam’s Governor inaugurates an interim body under the chairmanship of Imkongliba Ao.

August: Imkongliba Ao assassinated.

1962

The Constitution (Thirteenth Amendment) Act of 1962 passed; Article 371 (A) incorporated into the Constitution, providing special protections for the state of Nagaland.

1963

December: The state of Nagaland is inaugurated by President Radhakrishnan with Shilu Ao as the Chief Minister. Phizo condemns the move as a ‘sell out’ and demands a plebiscite.
GoI send feelers to Phizo and offers safe-passage if he agrees to a solution of the Naga issue within the constitutional framework. Feelers opposed by sections within Nagaland led by S. C. Jamir, Deputy Minister in the Nehru Cabinet, and Chief Minister Shilu Ao. Phizo does not respond.

1964
First successful assembly elections held in Nagaland and the process of representative democracy introduced. May: At the initiative of the Council of Naga Baptist Churches, a Peace Mission is established with Jayaprakash Narayan, Bimala Prasada Chaliha and the Reverend Michael Scott as members. Negotiations for a ceasefire initiated with both sides. September 5: Ceasefire agreement between GoI and FGN comes into force. December: Peace Mission submits its proposals. The mission acknowledges the right of self-determination but suggests that the Nagas voluntarily opt to be a part of the Indian Union.

1965
Peace Mission proposals rejected by the NFG. GoI sidelines the proposals by insisting that any solution of the Naga issue must accept the fact that Nagaland is part of the Indian Union. GoI tries to involve Phizo directly in the peace negotiations; meets Phizo in London. December: Th. Muivah takes over as the General Secretary of NNC.

1966
January: Indian High Commissioner in London P. N. Haksar meets Phizo in London. February: Prime Minister Indira Gandhi receives a Naga delegation led by the leaders of the FGN, Kughato Sema and Isaak Swu (present President of the NSCN I-M).
Jayaprakash Narayan resigns from the Peace Mission after Naga underground leaders express lack of confidence in him. Differences crop up between the Sema leadership and the Phizo loyalists in the Naga underground.

May: GoI expels Michael Scott.

Assam Chief Minister B. P. Chaliha resigns from the Peace Mission in protest against a series of explosions in trains running through Assam carried out by the Naga underground.

1966–67

Naga delegations have several rounds of talks with Mrs Gandhi who promises maximum possible autonomy for Nagas within the Indian Constitution. Mrs Gandhi is said to have proposed that all subjects other than defence, external affairs, currency and communications be left to the state.

FGN insists on full sovereignty. Tatar Hoho insists that there can be no understanding without Phizo's approval. The Sema faction in the underground led by Kaito Sema, Kughato Sukhai and Scato Swu try to reach a separate agreement with the GoI.

Muivah proceeds to China and reaches Yunan in January 1967. He and his guerilla group receive training there.

Kaito Sema, the Defence Minister of the Naga underground mounts pressure on the Phizo loyalist Mowu Angami to quit as chief of the Naga army. The rift between the Sema and the Angami leadership of the Naga underground widens.

1968

April: B. K. Nehru, new Governor of Nagaland, adopts stiff anti-negotiation stand.

August: Kaito Sema gunned down in Kohima. Rift within the underground widens. The Sema leadership in NNC alienated.

October: Kaitos's supporters form Revolutionary Government of Nagaland.

1969

March: Gen. Mowu Angami captured by the Indian security forces on his way back from China along with a large group
of guerilla fighters. Some 300 armed Naga cadres surrender in the Tuensang area.

Muivah returns from China and establishes links with the Kachin Independent Army on his way back.

Indian government reacts sharply to the China connection of the Naga underground and peace negotiations are pushed to the backburner.

1971

Bangladesh Liberation War: General Thinoselie, who was supervising training of Naga guerillas in East Pakistan, surrenders to the Indian army after Dhaka falls to Indian forces. Thinoselie sent to Delhi.

1972

June: Nagaland transferred from the Ministry of External Affairs to that of Home Affairs.
August: Naga underground makes an unsuccessful attempt on the life of Nagaland Chief Minister, Hohise Sema.

GoI formally withdraws the ceasefire which had been regularly extended since September 1964.

NNC and FGN declared illegal under the Unlawful Activities (Prevention) Act of 1967.

1973

August: Scatu Swu of the Revolutionary Government of Nagaland meets Prime Minister Indira Gandhi and agrees to surrender. Swu is made a Rajya Sabha (Upper House) member while the majority of the Naga soldiers belonging to the organization are absorbed in the Border Security Force.

Security forces mount offensive against the underground and try to flush out those who have returned from China.

1974

February: Vizol and his groups of moderates known for their close association with the underground, win the
assembly elections. Vizol takes over as the Chief Minister of Nagaland. This has a positive long-term effect on the peace process.

June: Renewed peace initiative by the Nagaland Baptist Church.

August: ‘Naga Goodwill Mission’ led by Muivah leaves for China. Indian security forces try to seal-off route and succeed in capturing several of the group. But Muivah sneaks out with his band of fighters.

December: Indian security forces foil the attempt of another Naga underground group to sneak into China. Merephu Kent, Vice-President of the FGN, is among those captured.

1975

January: FGN sends feelers to Vizol government to restart peace negotiations.

June: Emergency declared in India, offensive against Naga underground gains further momentum.

Liaison Committee of Peace Council led by the Reverend Longri Ao tries to restart peace negotiations.

November: Delegation of underground leaders close to Phizo meets the Governor, and after talks signs the Shillong Accord unconditionally accepting the Constitution of India. Among the signatories is Phizo's brother, Keviyalley.

1977

March: Emergency ends. New Indian government headed by Morarji Desai formed following general elections.

June: Phizo meets Desai in London. Meeting proves fruitless.

November: The United Democratic Party comes to power in Nagaland assembly polls. Vizol takes over as Chief Minister, with S. C. Jamir as Deputy Chief Minister. Phizo's niece Rano Shaiza is President of the UDF. Peace efforts renewed with vigour and attempts made to initiate talks between the GoI and Phizo. But with Phizo's position on a constitutional settlement remaining ambiguous, not much progress made.

Attempts made by NNC to bring back Muivah to the fold.
1980

Indira Gandhi voted back to power.

National Socialist Council of Nagaland (NSCN) formed. Isaak Chisi Swu is Chairman, while S. S. Khaplang is the Vice-Chairman and Th. Muivah is the General Secretary.

NSCN issues Manifesto, declares Phizo to be a spent force which has turned ‘treacherous and reactionary’, affirms commitment to a sovereign, independent Nagaland which will be ‘socialist’ and Christian.

1984

NSCN issues a statement condemning Phizo for promoting tribalism within the Naga underground movement and exclusively espousing the cause of the Angamis.

1988

Serious differences crop up within NSCN, with Khaplang accusing Muivah of collaborating with GoI. NSCN splits, with Muivah and Swu leading one faction NSCN (I-M) and Khaplang leading the other NSCN(K).

April: Khaplang’s forces aided by the Myanmar army mount offensive on NSCN (I-M) headquarters. Several hundred cadres are killed but Muivah and Swu manage to escape.

NSCN (I-M) announces the formation of the ‘Government of the People’s Republic of Nagaland’ (GRPN). NSCN (K) does likewise.

1990

Angami Zapo Phizo dies in London. His body is brought back to Nagaland where he is given a hero’s funeral in Kohima.

NNC splits into two, with Mrs Adino Phizo leading one faction and Mr Khodo the other.

1992

NSCN (I-M) mounts attacks on the security forces.
There is at least one major attack on NNC cadres by NSCN (I-M), which may be said to be the beginning of serious factional clashes to follow.

**1993**

NSCN (I-M)/GPRN admitted to the UNPO. NSCN (I-M) attempts to internationalize the Naga issue receive boost.

**1993–95**

This period was marked by an increase in attacks by Naga militants on Indian security forces as well as by renewed efforts to negotiate a ceasefire between NSCN (I-M) and GoI. This was also the period of serious clashes between Nagas and Kukis in which NSCN (I-M) is said to have played a major role. The clashes left hundreds dead and a score or so villages were torched. Kukis were initially at the receiving end but soon organized themselves to offer armed resistance. An important aspect of the Naga–Kuki clashes was that the area of confrontation spread to Manipur.

**1995**

June: Indian Prime Minister Narasimha Rao along with Rajesh Pilot, former Minister of State for Home, meets NSCN (I-M) leaders in Paris.

**1996**

Narasimha Rao sends his Principal Secretary A. N. Verma to meet Muivah and Swu in New York.

November: Rajesh Pilot meets NSCN (I-M) leaders in Bangkok.

**1997**

February: Indian Prime Minister Deve Gowda meets Isaak Swu and Muivah in Zurich.

May: NSCN (I-M) talks with Gujral’s Principal Secretary in Geneva.
July: NSCN (I-M) talks with Director of Intelligence Bureau Arun Bhagat in Bangkok. Prime Minister I. K. Gujral announces ceasefire with NSCN (I-M), declares talks will be unconditional, held at Prime Ministerial level and at a venue outside India. Regarding the application of the ceasefire to all Naga-inhabited areas of the Northeast, NSCN insists GoI commits itself to a ceasefire without territorial limits. But this remained unclear.
September: GoI offers unilateral ceasefire to all Naga underground groups.

1998
January: Swaraj Kaushal appointed Centre's chief negotiator in the talks.
May–July: Kaushal meets NSCN (I-M) leaders in Bangkok.
August: Indian Prime Minister Atal Behari Vajpayee meets NSCN (I-M) leaders in Paris.

1999
July: Kaushal replaced by Padmanabhaiah as Centre's chief interlocutor in the Naga peace talks. Padmanabhaiah meets NSCN (I-M) leaders in Amsterdam and Bangkok.
November: Third and most daring attempt made on the life of the Nagaland Chief Minister S. C. Jamir. He escapes although his driver and bodyguards are killed in the ambush. NSCN (I-M) denies involvement in the attack.

2000
January: Muivah arrested by Thai police on charges of violating Thai passport laws. Talks stalled.

2001
Ceasefire with NSCN (K); only in Nagaland. Significant in light of government statements that efforts were being made to involve smaller groups in the Naga peace process.
June: Ceasefire with NSCN (I-M) extended to all Naga-inhabited areas of Manipur, Assam and Arunachal Pradesh; violent demonstrations in Manipur and strong protests in Assam and Arunachal Pradesh.

August: Huge rally in Imphal against ‘Greater Nagaland’ and for the territorial integrity of Manipur.

Ceasefire without territorial limits withdrawn by GoI. NSCN (I-M) and other groups protest against withdrawal. Peace talks not affected.

2002

Consultations between GoI and NSCN (I-M) continue in different European cities and in Bangkok.

Joint communiqué issued by GoI–NSCN (I-M) acknowledging the ‘unique history’ of the Nagas and emphasizing the need to continue peace process.

2003

Isaak Swu and Th. Muivah visit India and hold talks with central officials.

Prime Minister Vajpayee visits Nagaland and acknowledges the unique history of the Nagas.

2004

NSCN (I-M) leaders Muivah and Swu visit India and are treated as state guests and political representatives of the Naga nation by the Manmohan Singh Government.

Several rounds of talks held.

NSCN (I-M) leaders visit Nagaland, have discussions with Naga civil society groups.

Tensions develop between NSCN (I-M) and NSCN (K).

2005

Talks continue at the highest level. Discussions centre around a separate constitution for the Nagas and a loose
federal relationship with the Indian Union. The issue of self-determination still insisted upon by the NSCN (I-M).


Hong Kong based international expert on constitutional law, Kenyan Indian Yash Ghai’s help sought by Dutch NGO leader, Mr Van Walt, who has been advising the NSCN (I-M) for several years.

NSCN (I-M) sends emissary to China and one of its members addresses the London-based ‘Parliamentarians for National Self-Determination’. Refuting GoI’s objections, Muivah states that it is well within NSCN’s rights to send representatives to ‘any part of the world’.

2006

Prime Minister Manmohan Singh tells delegation of the Nagaland government that conflict between Naga militant factions is a law and order situation, which has to be met by the state government instead of New Delhi.

August: NSCN (K) issues ‘Quit Notices’ to Tangkhul Nagas; accuses them of harming the Naga cause.

Serious clashes between NSCN (I-M) and NSCN (K) in different parts of Nagaland.

NSCN (K) receives support from Adino faction of NNC and FGN.

October: Three-day battle in the town of Zunheboto between NSCN (I-M) and NSCN-K. As fighting intensifies and both sides lose cadres, NSCN (I-M) Chairman Isaak Chishi Swu extends olive branch to the Khaplang group. At the same time, he accuses the Khaplang group of being a tool in the hands of anti-Naga forces.

November: Talks held at Bangkok between NSCN (I-M) and GoI representative Padmanabhaiah. Not much progress reported.

December: Another round of talks at Amsterdam fails to make significant progress. NSCN (I-M) accuses GoI of doublespeak.
December: Tangkhul apex body appeals to the NSCN (K) to rescind its quit notice on the Tangkhuls. Naga Baptist Church terms quit notices un-Christian, and urges Khaplang groups to revoke them. NSCN (K) refuses.
December: NSCN (K) warns Muivah not to enter Nagaland and threatens to kill him if he does.
December: Muivah arrives in Delhi after his Thailand visa expires. Expresses desire to meet Prime Minister Singh.
   Prime Minister Singh rejects demand for Greater Nagalim by stating that the territorial integrity of Manipur would not be touched. Muivah reacts sharply to this.

2007

January: Turf war in the Tuensang district of Nagaland. Factional fights between the two NSCN groups increase.
   Muivah meets United Progressive Alliance (UPA) Chairperson Mrs Sonia Gandhi and discuss the need for a long-term solution to the Naga issue. He expresses disappointment at not being able to meet Prime Minister Singh; says that Mr Singh made a ‘blunder’ in missing the opportunity for talks.
   Muivah arrives in Dimapur amidst tight security. Expresses concern at mounting attacks on NSCN (I-M) cadres; is given Z-plus security by the Nagaland government.
   Isaak Swu arrives in Nagaland through land route from Bangladesh.
   NSCN (K) along with the Manipur Peoples Army (MPA) attacks NSCN (I-M) camp near Dimapur, near the latter’s headquarters at Camp Hebron. NSCN (K) expresses its opposition to ‘Greater Nagalim’ and declares that it will continue to oppose peace process between GoI and NSCN (I-M).
   NNC leader shot dead by suspected NSCN (I-M) militants; NNC blames NSCN (I-M) for factional violence.
   Union Home Ministry sends team to Nagaland to look into the escalating violence between the two factions of NSCN and hold discussions with the Ceasefire Monitoring Committee.
April: NSCN (I-M) militants attack NSCN (K) General Secretary’s residence at Zunheboto town and kill six NSCN (K) cadres.
Defence Minister A. K. Anthony visits Nagaland, and declares the ceasefire with 'prominent separatist groups' in Nagaland has been successful for the past 10 years. Statement assumes significance in the light of GoI's efforts to go beyond the NSCN (I-M) and extend the peace process to include other insurgent groups of Nagaland. Both NSCN (K) and NNC oppose an exclusive deal between NSCN (I-M) and New Delhi.

May: NSCN (K) chairman S. S. Khaplang expresses desire for unification with NSCN (I-M) but only after it withdraws its demand for a federal relationship with India. Senior NSCN-K leaders say they favour unification only after the Tangkhuls are removed from leadership. Church leaders and Naga civil society groups welcome Khaplang's move for reconciliation.

July 31: Ceasefire between GoI and NSCN (I-M) extended indefinitely after talks in Dimapur. This is the first time that talks have been held in Nagaland. While the talks were in progress, Naga civil society organizations demonstrated peacefully outside the venue of the talks, calling for a peaceful resolution of the Naga conflict. NSCN (I-M) is represented by Charles Chisi Swu and General Secretary Th. Muivah. Meanwhile, NSCN (K) ridicules the indefinite extension of the ceasefire and says that NSCN (I-M) does not have the 'verdict of the Naga people' to talk on their behalf. However, GoI and NSCN (I-M) express satisfaction over the extension; say this will give time to concentrate on the basic issues.
The Nine-Point Agreement of 1947, Extracts

The Nine Point Agreement (The Hydari Agreement) arrived at between the Naga National Council and the Governor of Assam in June 1947

The right of Nagas to develop themselves according to their freely expressed wishes is recognized.

Judicial

All cases whether civil or criminal arising between the Nagas in the Naga Hills will be disposed of by duly constituted Naga courts according to Naga customary law, or such law as may be introduced with the consent of duly recognized Naga representative organizations.

In cases arising between Nagas and non-Nagas in (a) Kohima and Mokakchung areas, and (b) in the neighbouring plain districts, the judge if not a Naga, will be assisted by the Naga assessor.

Executive

The general principle is accepted that what the Naga National Council is prepared to pay for, the Naga National Council should control. This principle will be applied to the work done as well as the staff employed.

While the district officer will be appointed at the discretion of the Governor, subdivision of the Naga Hills should be administered by a subdivisional council with a full time executive president, paid by the Naga Council, who would be responsible to the district officer for all matters falling within the latter's responsibility, and the Naga National Council for all matters falling within their responsibility.

Agriculture

The Naga National Council will exercise all the powers now vested in the District Officer.

Public Works Department (PWD)

The Naga National Council will take over full control.
Education and Forest Department
The Naga National Council is prepared to pay for all the services and staff.

Legislative
That no laws by the Provincial or Central Legislature which would affect the terms of this agreement or the religious practices of the Nagas shall have legal force in the Naga Hills without the consent of the Naga National Council.

Land
That land with all its resources in the Naga Hills should not be alienated to a non-Naga without the consent of the Naga National Council.

Taxation
That the Naga National Council will be responsible for the imposition, collection and expenditure or land revenue and house tax, and such other taxes as may be imposed by the Naga National Council.

Boundaries
The present administrative divisions should be modified so as to (i) bring back into the Naga Hills District all the forest transferred to the Sibsagar and Nowgong Districts in the past, and (ii) bring under one unified administrative unit, so far as possible, all the Nagas. All the areas so included would be within the scope of the present proposed agreement.

No areas should be transferred out of the Naga Hills without the consent of the Naga National Council.

Regulations
The Chin Hills Regulation and the Bengal Eastern Frontier will remain in force.

Period of Agreement
The Governor of Assam as the agent of the Government of India will have a special responsibility for a period of 10 years to
ensure that due observance of this agreement; at the end of this period the Naga National Council will be asked whether they require the above agreement to be extended for a further period, or a new agreement regarding the future of the Naga people arrived at.

The Armed Forces (Assam and Manipur) Special Powers Act 1958, EXTRACTS

Be it enacted by Parliament in the Ninth year of the Republic of India as follows:

1. This Act may be called the Armed Forces (Special Powers) Act, 1958.

2. It extends to the whole of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.

   a. “Armed Forces” means the military and the Air Force of the Union so operating.

3. If in relation any to State or Union Territory to which this Act extends, the Governor of the State, or the Administrator of the Union Territory, or the Central Government in either case: is of the opinion that the whole or any is in such a disturbed or dangerous condition that the used of Armed Forces in aid of civil power is necessary, the Governor of that State or the Administrator of that Union Territory or the Central Government as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union Territory to be a disturbed area.

4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area:

   a. if he is of opinion that it is necessary to do so for maintenance of public order, after giving such due
warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or fire-arms, ammunition or explosive substances;

b. if he is of opinion that it is necessary to do so, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made, or any structure used as a training camp for armed volunteers or utilized as a hide-out by armed gangs or absconders wanted for any offense;

c. arrest, without warrant, any person who has committed a cognizable offense or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offense and may use such force as may be necessary to effect the arrest;

d. enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises: any may for that purpose use such force as may be necessary.

5. Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.

6. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of powers conferred by this Act.
The Sixteen Point Agreement Arrived at between the Naga People's Convention and the Government of India in July 1960, Extracts

The points placed by the delegates of the Naga People's Convention before the Prime Minister on 26 July 1960, as finally recast by the Delegation in the light of discussions on 27 and 28 July 1960 with the Foreign Secretary.

1. The Name
The territories that were heretofore known as the Naga Hills-Tuensang Area under the Naga Hills—Tuensang Area Act 1957, shall form a State within the Indian Union and hereafter known as the Nagaland.

2. The Ministry in charge
The Nagaland shall be under the Ministry of External Affairs of the Government of India.

3. The Governor of Nagaland

1. The President of India shall appoint a Governor for Nagaland and he will be vested with the executive powers of the government of Nagaland. He will have his headquarters in Nagaland.

2. The Governor shall have special responsibility with regard to law and order during the transitional period and for so long as the law and order situation continues to remain disturbed on account of hostile activities... This special responsibility of the Governor will cease when normalcy returns.

4. Council of Ministers

1. There shall be a Council of Ministers with a Chief Minister at the head to assist and advise the Governor in the exercise of his functions.

2. The Council of Ministers shall be responsible to the Naga Legislative Assembly.
5. The Legislature
There shall be constituted a Legislative Assembly consisting of elected and nominated members as may be deemed necessary, representing different tribes. (Further, a duly constituted body of experts may be formed to examine and determine the principles of representation on democratic basis).

6. Representation in Parliament
Two elected members shall represent Nagaland in the Union, that is to say one for the Lok Sabha and the other for the Rajya Sabha.

No Act or Law passed by the Union Parliament affecting the following provisions shall have legal force in the Nagaland unless specifically applied by a majority vote of the Nagaland Legislative Assembly:

1. The Religious or Social Practices of the Nagas.
3. Civil and criminal justice so far as these concern decisions according to Naga Customary Law.
4. The ownership and transfer of land and its resources.

8. Local Self-Government
Each tribe shall have the following units of rule-making and administrative local bodies to deal with matters concerning the respective tribes and area:

1. The Village Council;
2. The Range Council; and
3. The Tribal Council.

9. Administration of Justice
   a. The existing system of administration of civil and criminal justice shall continue.
   b. Appellate Courts:
1. The District Court-Cum-Sessions Court (for each district), High Court and Supreme Court of India.
2. The Naga Tribunal (for the whole of the Nagaland) in respect of cases decided according to customary Law.

10. Administration of Tuensang District

1. The Governor shall carry on the administration of the Tuensang District for a period of 10 (ten) years until such time when the tribes in the Tuensang District are capable of shouldering more responsibility of the advanced system of administration. The commencement of the ten-year period of administration will start simultaneously with the enforcement of detailed workings of the constitution in other parts of the Nagaland.

2. Provided further that a Regional Council shall be formed for Tuensang District by elected representatives from all the tribes in Tuensang District, and the Governor may nominate representatives to the Regional Council as well. The Deputy Commissioner will be the Ex-officio Chairman of the Council. The Regional Council will elect members to the Naga Legislative to represent Tuensang District.

3. Provided further that no Act or Law passed by the Naga Legislative Assembly shall be applicable to Tuensang District unless specifically recommended by the Regional Council.

4. Provided further that the Regional Council shall supervise and guide the working of the various Councils and Tribal Courts within Tuensang District and wherever necessary depute the local officers to act as Chairman thereof.

5. Provided further the Councils of such areas inhabited by a mixed population or which have not as yet decided to which specific tribal council to be affiliated to, shall be directly under the Regional Council for the time being. And at the end of ten years the situation
will be reviewed and if the people so desire, the period will be further extended.

11. Financial Assistance from the Government of India
To supplement the revenues of the Nagaland, there will be need for the Government of India to pay out of the Consolidated Fund of India:

1. A lump sum each year for the development programme in the Nagaland, and
2. A grant-in-aid towards meeting the cost of administration.

12. Consolidation of Contiguous Naga Areas
The delegation wished the following to be placed on record:

The Naga leaders expressed the wish for the contiguous areas to join the new State. It was pointed out to them on behalf of the Government of India that Articles 3 and 4 of the Constitution provided for increasing the area of any State, but that it was not possible for the Government of India to make any commitment in this regard at this stage.

13. Formation of Separate Naga Regiment
In order that the Naga people can fulfill their desire of playing a full role in the defence forces of India, the question of raising a separate Naga Regiment should be duly examined for action.

14. Transitional Period

a. There shall be constituted an Interim Body with elected representatives from every tribe, to assist and advise the Governor in the administration of the Nagaland during the transitional period. The tenure of office of the Interim Body will be 3 (three) years subject to re-election.

15. Inner Line Regulation
Rules embodied in the Bengal Eastern Frontier Regulation, 1873 shall remain in force in the Nagaland.
Article 371a - Special Provision with Respect to the State of Nagaland, 1962, Extracts

1. Notwithstanding anything in this Constitution:
   
a. no Act of Parliament in respect of:
      
i. religious or social practices of the Nagas,
      
      ii. Naga customary law and procedure,
      
      iii. Administration of civil and criminal justice involving decisions according to Naga customary law,
      
      iv. 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;

   b. the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills—Tuensang Area immediately before the formation of that State continue therein or in any part thereof...

   c. in making his recommendation with respect to any demand for a grant, the Governor of Nagaland shall ensure that any money provided by the Government of India out of the Consolidated Fund of India for any specific service or purpose is included in the demand for grant relating to that service or purpose and not in any other demand;

   d. as from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall be established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for-

      i. the composition of the regional council and the manner in which the members of the regional
council shall be chosen, provided that the Deputy Commissioner of the Tuensang district shall be Chairman ex-officio of the regional council and the Vice-Chairman of the regional council shall be elected by the members thereof from amongst themselves;

2. Notwithstanding anything in this Constitution, for a period of 10 years from the date of the formation of the State of Nagaland or for such further period as the Governor may, on the recommendation of the regional council, by public notification specify in this behalf-

a. the administration of the Tuensang district shall be carried on by the Governor;

b. where any money is provided by the Government of India to the Government of Nagaland to meet the requirements of the State of Nagaland as a whole, the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;

c. no Act of the Legislature of Nagaland shall apply to Tuensang district, unless the Governor, on the recommendation of the regional council, by public notification so directs...

Provided that any direction given under this sub-clause may be given so as to have retrospective effect;

d. the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made, may repeal or amend with retrospective effect, if necessary, an Act or Parliament or any other law which is for the time being applicable to that district;

e. i. one of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief
Minister and the Chief Minister in tendering his advice shall act on the recommendation of the majority of the members as aforesaid;

ii. the Minister for Tuensang affairs shall deal with, and have direct access to the Governor on all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same;

f. notwithstanding anything in the foregoing provisions of this clause, the final decision on all matters relating to the Tuensang district shall be made by the Governor in his discretion;

Included in the Constitution of India by the Constitution (Thirteenth Amendment) Act, 1962 Section 2 (w.e.f. 1-12-1963).

Sixth Schedule of the Constitution of India, Articles 244(2) and 275(1): Provisions as to the Administration of Tribal Areas in the States of Assam and Meghalaya and in the Union Territory of Mizoram, Extracts

1. **Autonomous Districts and Autonomous Regions**
   (1) Subject to the provisions of this paragraph, the tribal areas in each item of [Parts I and II and in Part III] of the table appended to Paragraph 20 of this schedule shall be an autonomous district.

2. If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.

3. The Governor may, by public notification:

   a. include any area in [any of the Parts] of the said table,
   b. exclude any area from [any of the Parts] of the said table,
   c. create a new autonomous district,
d. increase the area of any autonomous district,
e. diminish the area of any autonomous district,
f. unite two or more autonomous districts or parts thereof so as to form one autonomous district, [(ff) alter the name of any autonomous district],
g. define the boundaries of any autonomous district.

2. Constitution of District Councils and Regional Councils [(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage].

(2). There shall be a separate Regional Council for each area constituted as an autonomous region under sub-paragraph (2) of Paragraph 1 of this Schedule.

3. Powers of the District Councils and Regional Councils to make Laws [(1) The Regional Councils for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to:

a. the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town.

4. Administration of Justice in Autonomous Districts and Autonomous Regions [(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the district may
constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas.

7. **District and Regional Funds** (1) There shall be constituted for each autonomous district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the District Council for that district and the Regional Council for that region in the course of the administration of such district or region, as the case may be, in accordance with the provisions of this Constitution.

8. **Powers to Assess and Collect Land Revenue and to Impose Taxes** (1) The Regional Council for an autonomous region in respect of all lands within such region and the District Council for an autonomous district in respect of all lands within the district except those which are in the areas under the authority of Regional Councils, if any, within the district, shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed...

9. **Licences or Leases for the Purpose of Prospecting for, or Extraction of, Minerals** (1) Such share of the royalties accruing each year from licences of leases for the purpose of prospecting for, or the extraction of, minerals granted by [the Government of the State] in respect of any area within an autonomous district as may be agreed upon between [the Government of the State] and the District Council of such district shall be made over to that District Council.

10. **Power of District Council to Make Regulations for the Control of Money-Lending and Trading by Non-Tribals** (1) The District Council of autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than Scheduled Tribes resident in the district.

Notwithstanding anything in this Constitution:

a. no Act of the [Legislature of the State of Assam] in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the [Legislature of the State of Assam] prohibiting or restricting the consumptions of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region [in that State] unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;


a. if any provision of a law made by a District or Regional Council in the State of Meghalaya with respect to any matter specified in sub-paragraph 1 of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Meghalaya with respect to that matter, then, the law of regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by
the Legislature of the State of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Meghalaya shall prevail;

[12-B. Application of Acts of Parliament and of the Legislature of the Union Territory of Mizoram to Autonomous Districts and Autonomous Regions in the Union Territory of Mizoram. Notwithstanding anything in this Constitution:

if any provision of a law made by a District Council or Regional Council in the Union territory of Mizoram with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that Union territory under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the Union territory of Mizoram with respect to that matter, then, the law of regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the Union territory of Mizoram, shall, to the extent of repugnancy, be void and the law made by the Legislature of the Union territory of Mizoram shall prevail;

13. Estimated Receipts and Expenditure Pertaining to Autonomous Districts to be Shown Separately in the Annual Financial Statement. The estimated receipt and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the Consolidated Fund of the State shall be first placed before the District Council for discussion and then after such discussion be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under Article 202.

And Autonomous Regions (1) The Governor may at any time appoint a Commission to examine and report on any matter specified by him relating to the administration of the autonomous districts and autonomous regions in the State, including matters specified in clauses (c), (d), (e) and (f) of sub-paragraph 3 of paragraph 1 of this Schedule, or may appoint a Commission to inquire into and report from time to time on the administration of autonomous districts and autonomous regions in the State generally and in particular on:

a. the provision of educational and medical facilities and communications in such districts and regions;
b. the need for any new or special legislation in respect of such districts and regions; and
c. the administration of the laws, rules and regulations made by the District and Regional Councils;

and define the procedure to be followed by such Commission.

15. Annulment or Suspension of Acts and Resolutions of District and Regional Councils (1) If at any time the Governor is satisfied that an act of resolution of a District or a Regional Council is likely to endanger the safety of India [or is likely to be prejudicial to public order], he may annul or suspend such act or resolution and take such steps as he may consider necessary (including the suspension of the Council and the assumption to himself of all or any of the powers vested in or exercisable by the Council) to prevent the commission or continuance of such act, or the giving of effect to such resolution.

16. Dissolution of a District or a Regional Council (1) The Governor may on the recommendation of a Commission appointed under paragraph 14 of this Schedule by public notification order the dissolution of a District or a Regional Council, and:
a. direct that a fresh general election shall be held immediately for the reconstitution of the Council, or
b. subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself or place the administration of such area under the Commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding twelve months.

19. **Transitional Provisions** (1) As soon as possible after the commencement of this Constitution the Governor shall take steps for the constitution of a District Council for each autonomous district in the State under this Schedule and, until a District Council is so constituted for an autonomous district, the administration of such district shall be vested in the Governor and the following provisions shall apply to the administration of the areas within such district instead of the foregoing provisions of this Schedule, namely:

a. no Act of Parliament or of the Legislature of the State shall apply to any such area unless the Governor by public notification so direct; and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit;

20. **Tribal Areas** (1) The areas specified in Parts I, II and III of the table below shall respectively be the tribal areas within the State of Assam, the State of Meghalaya and the Union territory of Mizoram.

Table

**PART I**

1. The North Cachar Hills District.
2. The Mikir Hills District.
Part II
1. The Khasi Hills District.
2. Jaintia Hills District.
3. The Garo Hills District.
Part III
1. The Chakma District.
2. The Lakher District.
3. The Pawi District.

20-B. Autonomous Regions in the Union Territory of Mizoram to be Autonomous Districts and Transitory Provisions Consequent Thereunto (1) Notwithstanding anything in this Schedule:

a. every autonomous region existing immediately before the prescribed date in the Union territory of Mizoram shall, on and from that date, be an autonomous district in that Union territory (hereafter referred to as the corresponding new district) and the Administrator thereof may, by one or more orders, direct that such consequential amendments as are necessary to give effect to the provisions of this clause shall be made in paragraph 20 of this Schedule (including Part III of the table appended to that paragraph) and thereupon the said paragraph and the said Part III shall be deemed to have been amended accordingly…


Ceasefire Agreement, 6 September 1964

Extract from the Letter to the Peace Mission from the Governor Shri Vishu Sahay

1. The Government of India welcomes the steps intended to bring about peace in Nagaland and with this object in view, as already stated, they will depute representatives, with whom will be associated the representatives of the Government of Nagaland, to take part in talks
with leaders of the underground. The facilitate these talks and taking note of the letter of August 10 1964, referred to above, it has been ordered that with effect from September 6 1964, and for a period thereafter of one month at present, the security forces will not undertake:

a. Jungle operations;
b. raiding of camps of the underground;
c. patrolling beyond one thousand yards of security posts;
d. searching of villages;
e. aerial action;
f. arrests; and
g. imposition of labour by way of punishment.

During this period, fines connected with allegations of complicity with underground activities will be imposed.

2. a. Operations will be suspended as above on the understanding that the underground have accepted that during this period they will refrain from:

i. sniping and ambushing;
ii. imposition of fines;
iii. kidnapping and recruiting;
iv. sabotage activities;
v. raiding and firing on security posts, towns and administrative centres; and
vi. moving with arms or in uniform in towns, villages and administrative centres, wherever there are security posts and approaching within one thousand yards of security posts.

b. the assurance, contained in para 5 of the letter of August 10 1964 is noted that during this period, the Underground will refrain from moving with arms or in uniform in towns and villages and within a radius of one thousand yards of security posts. The understanding is confirmed that special arrangements
may be made in cases where movement with arms or in uniform becomes necessary in any area where there may be risk of encounter with security forces, e.g., along or across or bridges.

3. The arrangements specified above are calculated to preclude any unexpected encounter, but in the event of encounter coming about, both sides will during the period of stoppage of operations observe the rule ‘no firing unless first fired upon’.

4. The assurance is noted that, during the period of stoppage of operations, in order to promote an atmosphere conducive to peaceful occupations and free discussion, there will be no parading with arms in inhabited areas where security forces will not be present under this agreement.

5. It has been agreed that on the international border, security forces will maintain patrolling to a depth of three miles as the crow flies from the frontier and that arrangements will be made for modification of the zone, when the stoppage of operations is effected. For practical considerations, as suggested in your letter of August 12, arrangements may be made for reconsideration of the depth of this zone at a very early date.

6. The assurance is noted that no arms will be imported from abroad by the underground during the period of stoppage of operations.

7. During the period of stoppage of operations, the Government of India will continue the protection of Army Convoys on maintenance service and the usual road patrolling on either side of the road will continue. The road patrols will withdraw when the last convoy of the day has passed. The Underground may move about freely on the roads when the convoy has passed the locality and also on non-convoy days. The days of the week and the particular routes used by the convoys will be practicable. It may be necessary to have emergency convoys for such purposes as evacuation of sick and wounded personnel. It may not be possible to give
prior information of these convoys. For such convoys however there will be no road protection parties. They will move self-contained for protection. It is noted that the depth of patrolling on either side of the road will be one hundred yards. This is accepted for the present but 100 yards is for practical reasons inadequate and therefore, this matter also should be kept open for reconsideration at an early date.


**The Peace Mission’s Proposals, 20 December 1964, Extracts**

1. It has been a matter of considerable satisfaction to the Peace Mission, as to all others in Nagaland and in the rest of India, that since firing ceased on 6th September 1964, for the first time in ten years people in Nagaland are experiencing what normalcy is.

2. But first it should be placed on record to the honour of both parties that have been in conflict that the attempt to find peace and agreement to a ceasefire was an adventurous step which issued from their deep desire to find an honourable way to terminate such a bitter, wasteful and protracted conflict.

4. The Nagaland Peace Talks, which started on 23rd September 1964, have now come to a stage where the NFG delegation have placed their demands for consideration by the Government of India.

5. The Nagaland Federal delegation have claimed that the Nagas had never been conquered by the Indian Army or ruled by an Indian Government, although their territory had been forcibly annexed by the British Army and the British Government about a century ago. Nevertheless, their right of self determination, they claim, belongs to them separately as a people
from the Sovereign Independent State of India, and they are now demanding recognition of this independence, which as they say, India herself demanded and heroically struggled for under the historic slogan of Swaraj.

6. The Government of India’s position, on the other hand, is that Nagaland formed an integral part of India before 1947 and that with the transfer of power to India by the British Parliament, Nagaland became part of India in the same way as all other States in India. At the same time the Government of India claim that they have already accepted the need for granting the fullest autonomy to Nagaland by constituting the State of Nagaland so as to ensure the fullest development of the Nagas and to guarantee their separate ethnic and cultural entity, and to ensure their traditional right and their resources. Accordingly, the Nagas are not ruled by an alien power but are ruling themselves.

7. The Peace Mission notes that a section of the Naga people accepted the status of state-hood thus conferred upon Nagaland as being in their best interest. Another section did not consider that it satisfied the aims and objectives they had been fighting for. Thus, there are these two divergent positions of the Government of India and the NFG confronting each other.

8. Though the two positions appear to be far apart, the Peace Mission believes that, with goodwill and understanding on both sides, a solution acceptable to both can be found.

10. While the Peace Mission fully agrees and endorses the principle that all subject peoples have the right of self-determination and that no group of people is competent to rule over another, it also has to invite the attention of the Nagaland Federal Government to certain historical processes that had taken place to give birth to the Union of India and to the emergence of the great concepts and ideals underlying the Union Constitution.
11. The British had conquered at several stages and in diverse manner, various parts of the Indian sub-continent, comprising different ethnic groups, political system and religions. However, under the aegis of the Indian National Congress and since 1920, under the leadership of Mahatma Gandhi, these various different people, representing diverse linguistic, cultural, ethnic and religious elements, came together against foreign colonial rule and developed a consciousness of nationhood. Unfortunately, this common struggle against foreign imperialism that had welded these diverse peoples in the Indian sub-continent into one nation, did not somehow have an appreciable impact on the Nagas. This was, no doubt, due to the policy of isolation and exclusion, so deftly practiced by British rulers, who believed in creating pockets contrary to each other and hoping to rule in perpetuity by dividing the peoples... Thus, in 1947, when all the diverse people of India, who had been brought under British rule, voluntarily agreed to form the Union of India and to share in the common endeavour to ensure that in this great Union the ideals of Fraternity, Liberty, Justice and Equality, as enshrined in the Constitution, are fully achieved for the common benefit of all, the same response and sense of participation was not noticeable in the Naga areas.

12. The Peace Mission, in the circumstances, appreciates and understands the desire of the Nagas for self-determination and their urge to preserve their integrity. The Peace Mission also appreciates the courage and tenacity, displayed by the Naga people in their endeavour to achieve this goal. The objectives which they have placed before themselves in their memorandum “Naga Peace Declaration” dated 11th December, 1964, and addressed to the Peace Mission, namely, their desire to find peace, their resolve to maintain their integrity and to resist entanglement in war, are all extremely laudable and should command themselves to all peace loving people. It is, however, to be noted that
this declaration, in itself, does not resolve the political issue. Therefore, some appropriate meeting point has to be found, where the aims and ideals of the NFG can be achieved, at the same time, making it possible for the Government of India to accept these within the framework of the political settlement to be mutually agreed upon.

13. The Peace Mission in the pursuit of a settlement through peaceful means, to which the Government of India as well as the NFG equally subscribe, would like both the Government of India and the NGC to consider seriously whether such a meeting point could be reached. On the one hand, the NFG could, on their own volition, decide to be a participant in the Union of India and mutually settle the terms and conditions for that purpose. On the other hand, the Government of India could consider to what extent the pattern and structure of the relationship between Nagaland and the Government of India should be adapted and recast, so as to satisfy the political aspirations of all sections of Naga opinion and to make it possible for the ideals of peace as expressed in the Naga Peace Declaration to the substantially realized.

15. The Peace Mission reiterates that the peace now obtaining in Nagaland should be made everlasting. With the object in view, the Peace Mission offered certain suggestions, whereupon both the parties had unequivocally affirmed and declared that they would renounce war and violence as a means for political settlement. This declaration of renunciation of war and use of armed force, it is earnestly emphasized, must not be deviated from by any means. The Peace Mission's proposal, following this bilateral declaration of renunciation of war, to deposit all underground arms in safe custody and to withdraw all Indian security force from law and order duties could not unfortunately be implemented.

16. Nevertheless, the Peace Mission would earnestly desire that, in faithful pursuance of the declaration of
renunciation of use of armed forces, both parties take concrete steps to remove all frictions. There have been numerous complaints and counter-complaints from both. The Peace Mission would suggest that the NGF require all arms issued to its forces to be concentrated at one or several place, in their armouries and under their custody, so that there can be no basis for any future complaint of their forces parading with arms or extorting money or supplies under threat. They should also seriously ask themselves whether further recruiting and movement out of Nagaland towards Pakistan does not create an impression that these are only acts preparatory to resumption of hostilities and, if so, they should take remedial measures by putting a stop to such recruitment and movement. The Government of India should ensure that its security forces and the civil administration continue to abide strictly with the terms of the agreement, both in spirit and letter.

17. The Peace Mission makes a fervent appeal for consideration of the suggestions contained in this paper and for all action that is possible for the maintenance of peace.

20.12.1964

Bimalaprasad Chaliha
Jayaprakash Narayan
Michael Scott


**The Yehzabo of Nagaland (Constitution of the Federal Government), 1971, Extracts**

_Preamble_

We, the people of Nagaland, solemnly acknowledging that the sovereignty over this earth and the entire universe belongs to Almighty God alone, and the authority of the people to be exercised on the territory is a sacred trust from God,
who sustained our forefathers, the National workers and our people through the years of trial, and
Having our attachment to the truth of popular sovereignty as declared on 22 March 1956, and in the articles in the provis-103ional Yehzabo of 1962, and following the amended Yehzabo of 1968, to establish national institutions based on the com-
mon ideals of democracy, justice, liberty, equality and fraternity among the people composing it,
Do hereby adopt in our National Assembly the (Amended) Yehzabo of Nagaland this 6 March in the year of our Lord Nin-
eteen Hundred and Seventy One.

Part I

1. The territory of Nagaland shall comprise all the territo-
ries inhabited by the indigenous Naga tribes and such other territories as Tatar Hoho may, by law, admit on such terms and conditions as it deems fit.
2. This Yehzabo shall apply to the territories as defined in Article I.
3. a. Nothing in the Yehzabo or by any law shall allow any tribe to secede from the nation.
b. The Tatar Hoho shall, from time to time, make laws for ensuring and preserving the unity and integrity of the nation.
4. Each village is a republic having its territory, full au-
thority over its own affairs including land, community organization, social and religion, customs and prac-
tices.
5. Each area or territory inhabited by the communities of a tribe shall be constituted into a federated unit to be called a Region and each of the Regions shall be given autonomy to the extent of management of local affairs and administration.
6. Some persons or group of persons belonging to other communities living in such area or territory which is inhabited predominantly by a larger tribe or com-
munity, shall be duly associated along with the latter for the purpose of the administration of the areas.
7. The demarcated boundary between regions or sub-regions from the day of the British shall continue to have legal recognition of this Yehzabo.

8. The Name of the National Government shall continue to be called THE FEDERAL GOVERNMENT OF NAGALAND.

Part II. Citizenship and Rights of Citizens

9. There shall be but one citizenship throughout Nagaland, that is to say, there shall be no citizenship of the Unit as distinct from that of the Nation.

10. At the commencement of this Yehzabo, any person who was a citizen of Nagaland immediately before the commencement of the amended Yehzabo shall become and be a citizen of Nagaland.

11. Notwithstanding the provision contained in Article 10, nothing in the Yehzabo shall derogate the power of the Tatar Hoho to make such laws for admission of new classes of citizens or for the termination of the citizenship of any existing classes.

12. All citizens irrespective of birth, religion, sex or race shall be equal before the eyes of the law.

13. There shall be no discrimination against any citizen in political, economic and social relations because of social status or family origin.

14. There shall be equality of opportunity for all citizens in matters of public employment, appointment, promotion and recruitment, irrespective of clan, tribe and family origin.

15. Free profession and practice of religion shall be guaranteed to any citizen.

16. Subject to the security of Nagaland, public order, morality, contempt of court and defamation, all citizens shall have the right to enjoy freedom of speech and expression, to form assembly and association to move freely throughout Nagaland, to carry on any procession and to use, enjoy and dispose of any property in accordance with local usage and practice.
Part III. Executive

17. There shall be a President of Nagaland.
18. The Executive power of the Federal Government of Nagaland shall be vested in the President and shall be exercised by him with the Council of Kilonsers in accordance with the provisions of this Yehzabo and laws.
19. The President shall be elected by an electoral college consisting of the elected members of the Tatar Ho ho.
20. Any citizen of Nagaland who is born of Naga blood and has completed 40 (forty) years of age, and is qualified for election as a member of Tatar Ho ho, shall be eligible for election to the Office of the President.
21. (a) The President shall be the Supreme Commander of Armed Forces of Nagaland, and
(b) In exercise of his powers as Supreme Commander, the President shall have power to issue directives for disposition of Armed Forces, for planning and execution of military campaigns, to deal with emergencies like foreign invasion and any matter appertaining to the conduct of war.

Part IV. Council of Kilonsers

22. There shall be a Council of Kilonsers, with equal status, to aid and advise the President in exercise of his powers and functions.
23. (a) The Council of Kilonsers shall consist of such numbers as may be determined by Tatar Ho ho from time to time from amongst its members and shall hold office for a term of 3 (three) years.

Tatar Ho ho (Parliament)

24. There shall be a Federal Parliament consisting of one House known as Tatar Ho ho (National Parliament).
25. All the legislative powers of Nagaland shall be vested in the Tatar Ho ho.
26. The Tatar Hoho shall be composed of:
   a. Representatives of the Regions elected by the people thereof, on proportionate population, on the basis of one representative per 15,000 population. Notwithstanding clause (a), any region or regions whose population is less than 15,000, shall send one representative to the Tatar Hoho.
   b. Two members to be nominated by the President.

27. (a) The Tatar Hoho shall be summoned to meet at least twice in every year.
   b. Nothing in the Yehzabo shall preclude the President to call an Emergency session of Tatar Hoho.

28. 2/3 (two-thirds) in case of general session and ¼ (one-fourth) in case of Emergency of the total number of members in the Tatar Hoho shall constitute a quorum to transact the business of the House.

29. All matters in the Tatar Hoho shall be decided by a majority of the members present, the Speaker or any person presiding in the House shall have a casting vote in case of a tie.

30. The Regional Legacy shall have the power to withdraw any of its representatives from the Tatar Hoho for want of confidence and shall have power to send a new member in place of the member so withdrawn.

**Legislative Procedure**

31. The Tatar Hoho shall have powers to raise and support armies, to provide and maintain service, to lay down rules covering the organization and maintenance of the Military Forces.

32. The Tatar Hoho shall have the powers to make Laws on the following subjects: Foreign Affairs including entering into treaties, agreement and contracts with other countries, war and peace, communications, census, all federal services, audit of accounts of Federal Government, Supreme Court, elections, preventive detention, amnesty etc.
Federal Judiciary

33. There shall be a Federal Supreme Court of Nagaland consisting of a Chief Justice and four other Judges.

Part VI. Regional Leacy

34. There shall be a Regional Leacy for each Region consisting of members elected by Sub-Regional Committee.
35. Each Regional Leacy shall have the right to determine the number of its members.

Regional Executive

36. There shall be an Executive Head in a Region called Midan Peyu.
37. The Executive power and function of the Region shall be vested in the Midan Peyu and shall be exercised by him through the Regional Executive.

Sub-Regional Committee

38. There shall be more than one Sub-Regional Units in a Region and a Sub-Regional Committee shall be composed of the representatives of village Councils.

Regional Court

39. There shall be a Regional Court for each Region.

Sub-Regional Court

40. There shall be a Sub-Regional Court for each Sub-Region and the number of Judges shall be determined by the Regional Leacy.

Part VII. Official Language

41. The Official Language throughout Nagaland shall be English and all Official business of the Government
shall be transacted in English. (Other languages shall be used as medium of common understanding).

42. Regional language shall be used as Official Language in the Region for Official transaction of business of Local Government.

Part VIII. Defence

43. The Federal Government of Nagaland shall maintain a standing National Army.
44. The Organisation for Defence shall be regulated by the Tatar Hoho in consideration of the situation prevalent in the country.
45. Subject to the provision of Article 54(b), the Speaker of Tatar Hoho is empowered to allow two Naga Army representatives to participate in the deliberations of the House, particularly on matters of defence.

Part IX. International Relations

46. The Federal Government of Nagaland shall maintain Diplomatic Relations with all Nations.
47. The Relationship of the Federal Government of Nagaland towards all Nations shall be one of peaceful co-existence with military neutrality.

Part X. Religion

48. Christianity and Naga Religion are recognized Religions in Nagaland.

Part XI. Political Organization

49. The Naga National Council shall be the only recognized political institution in Nagaland.

Seal
Dated Oking: (G. Mhaiasiu)
7 August 1968. (G. Mhaiasiu)
President of Nagaland
1. This National Assembly of Nagaland having assembled at the federal Headquarters by a special Degree from the President of Nagaland and whereas the plenary session of the National Assembly having gone through the readings and unanimously accepted the amended Articles of the Yehzabo, it is hereby resolved that the amended Articles of the Yehzabo, shall now go to the President of Nagaland from appending signatures and the Federal Seal.

2. The National Assembly further resolved that the President of Nagaland be moved to notify the formation of Regional Council within (30) thirty days from today.

   Sd/-
   Z. Ramyo
   Chairman
   25.7.1968


The Shillong Accord of 1975

The Shillong Accord of 11 November 1975 between the Government of India and the Underground Nagas:

1. The following representatives of the underground organizations met the Governor of Nagaland, Shri L. P. Singh representing the Government of India, at Shillong on 10 and 11 November 1975:

   i. Shri I. Temjenba
   ii. Shri Veeniyi Rhakhu
   iii. Shri Z. Ramyo
   iv. Shri M. Assa
   v. Shri Kevi Valley

2. There was a series of four discussions. Some of the discussions were held with the Governor alone; at others, the Governor was assisted by the two advisors
for Nagaland, Shri Ramunny and Shri Zopainga and Shri M. L. Kampani, Joint Secretary in the Ministry of Home Affairs. All the five members of the Liaison Committee namely Rev. Longri Ao, Dr M. Aram, Shri L. Lungalang, Shri Kenneth Kerhuo and Shri Lungshim Shaiza participated in the discussions.

3. The following were the outcomes of the discussions:

   i.  The representative of the underground organizations conveyed their decision of their own volition, to accept without condition, the Constitution of India;

   ii. It was agreed that the arms, now underground, would be brought out and deposited at appointed places. Details for giving effect to this agreement will be worked out between them and the representatives of the government, the security forces and the members of the Liaison Committee;

   iii. It was agreed that the representatives of the underground organizations should have reasonable time to formulate other issues for discussion for final settlement.

Dated Shillong: 11 November 1975
Sd./-

1. I. Temjenba
2. S. Dehru
3. Z. Ramyo
4. M. Assa
5. Kevi Yalley

On behalf of the
the underground organizations

L. P. Singh

On behalf of the
Government of India

Supplement agreement to the Shillong Accord on January 5 1976
Implementation of Clause II of the Shillong Accord of 11 November 1975:

4. It was decided that the collection of arms, initially at collection centers, would commence as early as possible and will be completed by 25 January 1976. Initially, places of collection to be decided through discussion between the Commissioner, representatives of underground organizations and the members of the Liaison Committee.

5. Once all the arms are collected, these will be handed over to the Peace Council Team at the respective places of collection.

6. The Peace Council Team will arrange to transport the arms from collection centers of Chedema Peace Camp and to arrange guards etc. for safe custody of arms.

7. Similar arrangement at agreed place(s) would be made in Manipur with the concurrence of the Manipur Government.

8. The underground may stay at Peace Camps to be established at suitable places and only the Peace Council will arrange their maintenance. Any voluntary contribution from any source will be made to the Peace Council, which will utilize the fund according to necessity.

L. P. Singh 1. Beseto Medom Keyho
Governor 2. Pukrove Nakru
Dated: Shillong, 5 January 1976 3. Z. Ramyo
4. I. Temjenba


Manifesto of the National Socialist Council of Nagaland, 1980, Extracts

Nothing is more inalienable for a nation, big or small, than her sovereignty. No moment, either, is more challenging for a
people than the time when their free existence is challenged. The Naga National Council has failed. The sovereign existence of Nagaland is more at peril than ever before. It is high time for the revolutionary patriots of declare their national principles, their views and their aims.

I. Nagaland and the Naga National Council

To us, the forces that defend the righteous cause of sovereign national existence and further the just cause of the people along the inevitable course are alone patriots and revolutionaries. All forces standing in opposition to this are traitors and reactionaries, in that they try to pull the wheels of history back.

The Naga National Council was the only authentic political organization of the people of Nagaland. It was this council that boldly took up the historic national trust, that is, the safeguarding of the right of the sovereign existence of Nagaland. With all its resoluteness, the Council faced ups and downs and it was never deterred by setbacks here and setbacks there... Our country could exist and we owe it to the National Council and the thousands of patriots who have unsparingly laid down their lives and to the unprecedented endurance of the people, thanks to the leadership Naga National Council had given to the people in their past national trials and tribulations till the time of its failure to condemn the treacherous Ministry and the Accord of treason of 1975.

The sober reality, however, is that our country is still under heavy occupation of the enemy troops. What are we to do with this? The enemy will never withdraw of its own accord. In no circumstances should we allow ourselves either to count on the sensibleness of the enemy. Because it is always suicidal. History has sufficiently warned us against the possible repetition of such error. Politics is successful but only when backed by arms. We are safe so long as we fight to save ourselves. Therefore, we have to fight back the enemy out at all hazards. If negotiations, however, would be indispensable, they should be done only from a position of strength. Any attempt, therefore, at negotiated settlement at the moment
would undoubtedly mean doing away with oneself, if not, it is traitorous in motive.

True, facts must be admitted and it is a fact that the most ignominious sell-out in the history of Naga people ever since the time the first bullet of freedom was fired, is beyond dispute the notorious ‘Shillong Accord’. That Accord deserved an outright official and open condemnation by the Ministry that surrendered arms and consented to such sell-out.

Of course, being resolute in purpose, we were able to make shift for ourselves. Any bold and genuine act of competent people in the forefront, in the name of the National Council, to save the country from the tragedy of the Shillong Accord by condemning it and the Ministry concerned was adversely reacted to. Any correct and required stride given in the matter of policy to salvage the country from the deal-end of the leadership was often brushed aside. The aloofness of the leadership from the people all through the difficult years, despite the earnest appeal of the people to come back and lead them was justified on selfish considerations. Dissensions, misunderstandings and failures naturally arising there from were often imputed to the people. Essential men were often toppled by intrigues and their lives were treated as mere stuff. Only relatives were confided to and the hard-won glory and honour of the nation, and the sacrifices and untold sufferings of thousands of patriots and the people, were appropriated and the highest office of national trust was used for the glory and gains of a family or two and their relatives. Any criticism to that effect was dealt with at gun-point, family and relatives were placed above the nation. Who can deny all this? Indeed, the truth is suppressed; that is the problem.

What is more, the delegation of downright traitors was warmly welcomed and met time and again before the eyes of the whole world. The use of the exalted name of the only national institution by the traitors was deliberately consented to and resolutions of anti-national aspiration were countenanced. Apparently, modalities and terms for another fresh capitulation are being worked out in close collaboration with the rank traitors.
II. On Policy

In the words of Chairman Mao, ‘Policy is the life-line.’ Therefore, any problem that is not handled precisely in the way the objective conditions warrant, is bound to meet with failure. It is policy that decides the outcome of any contest apart from strength. Thus the question of making the right approach is, above all others, to be pondered over in the light of practical investigations.

(a) Policy and the Leadership

The defeat of a people is not always brought about by the superiority of the adversary in strength but through incorrect leadership and the pursuit of unfounded policy. We should take this fact into serious consideration in order to avert the danger of self-defeat. A people that fails to admit the maxim that national victory is impossible without correct policy and correct leadership, is doomed to ultimate ruin.

It is deplored that the leadership acted, in the past long period of nation-saving, completely independently of the actual conditions and in total isolation from the people. No amount of attempts to explain away the aloofness of the leadership on the ground that he was sent out by the people could hold water any longer. Obsolete views should be shaken off. We should be realistic because it is the politics of saving the nation and not that of justifying one’s position.

The contention that a particular leadership staying in a foreign land has sustained the existence of Nagaland thus far and that he alone will bring the final victory too, needs immediate correction. It explicitly means that a policy, though it has no bearing on the objective conditions, could be correct and a nation could be saved without the support and sacrifices of the people. This is the basic erroneous conception that has bred internal strifes which have brought the Nagas down to this ebb. Such a view categorically rules out the support of the people and ignores their untold sacrifices.

In addition, the conduct of national affairs through the intermediary of the family and relatives through the past years has naturally alienated the people and the Government. The
refusal of the leadership to keep correspondence with the Home Government on official terms and his meager and perfunctory pieces of advice, the correspondence between him and his family and near relatives, who are mostly traitors, often despising the home authority, the subjection of Government communications to the virtual censorship of the family, who maintain an air of hauteur, the practice of viewing the home situation in the light of self-motivated information from the family and his ultra vires utterances on some national issues—have made a mess of everything in us. Such arrogation to themselves of the authority to conduct affairs exclusively and the shameless, self-made notion of being above others in respect of nationality and ownership of Nagaland, has deliberately relegated altogether the people and the nation far to the background.

(b) Rectification of Basic Erroneous Views
Since the inception, there has been a persistent view that is too much for the Nagas to resist the colossal invading might of India and Burma, and that some sort of settlement by peaceful means should be arrived at. Unfortunately, the failure to grasp the reality of the problem has made many a well-intentioned national worker turn opportunist.

Men of sense look at problems from the viewpoint of right and that decides more approvingly the outcome of conflicting issues. The strong make might their resort. They are more easily prone to the use of force in settling problems. They are able to do much harm and can even annihilate many of the weak and win battles; but it is perseverance and the act of undaunted confrontation with the eventuality of death for the truth one knows that win the war in the long run.

Victory is, thus, not in the power to kill but in the fearlessness to face death for a just cause. The logic that the strong win over the weak is foul, if it is taken at its face value without taking into consideration the other side of the experience of history. The strong are often defeated by the weak if they persevere for their just cause to the end. The outcome of the US—Vietnamese war may serve as a clear example.
The rulers of India and their strong men could not understand Nagaland and her people. They only knew that the Nagas were ‘naked’ and on this account, despised them and disregarded all their historical rights. However, ‘Naked Nagas’ also have their homeland and it has never been conquered by the Indians nor by the Burmese. Neither have the Nagas ever joined the Indian Union nor that of Burma by consent.

As the Indians and the Burmese took recourse to force, Naga people knew for certain that the problem had involved the challenge on our stand on the basic issue of principle, to face which, we have come into being. Indians demanded ‘total surrender’. They also boasted stating that to finish the Nagas was a matter of a day and took pride in it. The generals and the strong men who were the hope of India were sent one after another into Nagaland to conduct the unprecedented theatre of cruel war. Hundreds and thousands of troops operated and ravaged the land, indiscriminately putting out thousands of lives. They resorted to endless devices of torture and killing.

They did their worst. But are the Nagas finished and are they no more now? Have the Indians won the war? By no means. They had to change their stand from ‘total surrender’ to negotiations; the ‘one day’ has turned out to be a quarter of a century. The Shillong Accord, by virtue of which India claimed victory, is a dead letter. From the relentless resistance of the people, totally condemning the Shillong Accord and its predecessors, it is proved that any agreement that may be entered into on Indian terms can never be the solution to the problem.

As regards the possible settlement of the problem it is an ill time by all considerations, because our adversaries—relying on their might—are intransigent and are not prepared to recognize the fact of our distinct existence. Whatever solutions they might talk about are nothing but terms of surrender. Secondly, though we have been able to establish ourselves on more solid ideological grounds, at present, we are not yet able to present ourselves formidably to make the adversaries admit that we can fight a long war to their detriment.
And so to seek a solution in a time like this would evidently be suicidal. An honourable solution is only in our preparedness to fight a protracted war to the victorious end. Our righteous cause would unfailingly back us up; it cannot be otherwise. Although might, in its own way can be formidable, it is the truth and our resoluteness for it that would inevitably triumph in the long run.

(c) Principles and Expediency
It is principle on which the meaning of life takes root. When it is shaken, everything is forced afloat on the evil side of the world; the purpose of life is discarded and society is set out of scruples. The conduct of such a permissive society is governed by the philosophy of the Fallen Angel. It is beyond forbearance to see the fate of any people being wafted on towards that end.

III. Nagaland and the Influx of Indian Capital and Indian Nationals
The pouring in of Indian capital in our country for political reasons has shattered the Naga people into a society of wild money. Its accumulation in the hands of the reactionary traitors and the rich has accelerated the process of exploitation and suppression of the people. The appropriation of the vast means of production, distribution and exchange, and other means of profit-making by this exploiting class and by the Indian parasites has drawn a distinct line between them and the people. The struggle between the two classes would ever assume greater magnitude with the exploiting class and the Indians defending all the time the untenable *status quo* and the people directly opposing it. This antagonism is not a small problem and no Naga would be free from it.

In addition, the involuntary influx of Indian nationals from overpopulated India into our country has set all Nagaland under constant threat of eventual submersion. In this connection, it may be recalled that before the year 1947, there was not a single Indian in Nagaland. It has now more than two hundred thousand Indians. If, with a greater ratio of influx, another twenty years would go, what would be the state of affairs? The expropriation of vast tracts of public land and other
means of capital making everywhere by the exploiting class by using the Indian nationals as labourers and their votes in the election contest have given a clear aspect of certainty to the constant and rapid exploitation of the Naga people at large by the reactionary traitors and the Indians.

The massive exploitation of mineral resources by the Central Government of India with the bureaucrats and the exploiting reactionary traitors in the puppet state power and the constant flow of swarms of Indians into the small area of Nagaland, will in a short period of time completely overwhelm and uproot Nagaland, depriving thereby the Naga people of all jobs and their just due and of their means of life.

IV. Nagaland and the Effete Indian and Burmese Culture and Their Faiths

The spread of Hinduism and the queer noises have reached our homeland. Although, as a doctrine Hinduism is not a recruiting force, it is not to be easily dismissed, since it is backed by a Hindu Government. The forces of Hinduism, viz., the numberless Indian troops, the retail and wholesale dealers, the teachers and the instructors, the intelligentsia, the prophets of non-violence, the gamblers and the snake-charmers, Hindi songs and Hindi films, the rasogula makers and the Gita are all arrayed for the mission of supplanting the Christian God, the eternal God of the Universe. The challenge is serious, there is no hiding; no pretension.

The preachers of the Gospel, the holy men of God and the demagogues, are you prepared to resist these surging waves of the Hindu world upon our country? This danger flows from India and the vulnerability of the Church leaders and the pliable demagogues has added to the problem. To join the Indian Union as they insisted, is to allow ourselves to be drowned and perish in these waves of dead doctrine. Whereas to defend Nagaland's Independent Existence as we have been doing with our lives and our all, is to assure ourselves safety from the doom of Hinduism.

This is simple logic. The failure of the Christian leaders to grasp the way the evil forces work and their failure to face them in the way they should has, indeed, placed Nagaland
on a most serious trial. We are not only confronted with a war of physical force but also with the more dangerous insidious war of assimilation. A war of such nature does not admit of a shallow approach; it demands of us thorough combat.

Yet, the Church leaders would persist in joining the Indian Union of their own volition. You, good fellows, want us to resign ourselves to the wrong world which, to us, is the hardest of all. This is very wrong and you have done it. Harmful brains work harmful things. Preachers of all ranks have gone after the blessing and the ‘awards’ of Indian bosses. Spiritual uprightness is pushed into the background, pliable demagogues are out, dressed in ‘dhoti’ with that queer red mark of foreign goddess on their broad foreheads, preaching reverence for cows—half absorbed, full devil! O Nagaland, whither goeth thou!

V. Nagaland and the Party System
A country is always to be saved by its population but population as such is not a force until it is organized and brought into solidarity... a nation is most secure when its citizens are kept instituted against any possible influence of the anti-national elements. Party politics proceeds in the main, from party interests, and as such permitting party politics in any form in times of national emergency, is in many ways obviously affording opportunities to the opponents to have a hold on some of the antagonistic parties. Any force that may have the tendency to disintegrate the solidarity of the people must be removed at the first opportunity.

In a country like Nagaland, particularly at the present time, party system could never accomplish anything except leading to ruination. It would mean only the game of the traitors and the exploiting class... The dictatorship of the people through an organization is, therefore, indispensable.

VI. The Indo-Burma Issue with Nagaland and the Means
The fate of a nation is never decided by spinning a coin. Neither our means is determined by the influence of any divine principles nor by our wishes. To us, there is no violence or non-violence as such in respect of policy, but it is the nature of the objective conditions that has to do with the means.
To break a stone we use a hammer, to reap a field we use a sickle and to deliver Nagaland from the preposterous occupation of Indian and Burmese military might, we need arms. When Gandhiji was there, the Nagas were happiest to talk of the Indo–Naga issue and even came to initial agreement. But the authorities post-Gandhiji tore up the agreement and the worst was forced upon the Nagas thereafter. Shooting down the Nagas at will started despite peaceful approaches. In the circumstances, the Nagas could not be expected to face Indian bullets with Gandhiji’s Ahimsa. Nagas had to fire back in self-defence.

A political issue needs a political solution. The issue between India and Burma on the one side and Nagaland on the other is a political one. Therefore, it requires a political solution. But India and Burma seek military solution and this is the crux of the problem. Our freedom is forced into the battlefield; we have to pick it up with the gun. How long India and Burma continue their occupation of our homeland, that long we are bound to fight. We permit no power on earth to disturb our home and dictate terms to us.

VII. Nagaland and the Policy of Self-Reliance
No country is prepared for the worst until its people are settled down to the practice of self-reliance. In other words, the people that have no determination to struggle by themselves have practically no motive force to sustain the meaning of life they have to life; they are left adrift only waiting for the unknown destiny to be driven to. It is the practice of relying on oneself that gives reality to one’s existence.

The most dangerous harm affecting our politics today is that ab initio the people were made to believe in foreign help for their survival... Without putting into practice the principle of self-dependency, the essence of being revolutionary vanishes. The revolutionaries being mindful of the truth that their efforts alone are decisive, have to struggle to stand on their own feet. They should be well established with the people as one and teach them to realize that their future is assured only in their preparedness to save by their own efforts and abandon the idea of making external aid decide their course.
They should also cultivate themselves to make the best of the conditions they are in and struggle against the inconducive tendencies such as indulging in tastes, acting at the dictate of whims or being dissipated, which the revolutionary state or condition can never approve.

VIII. Nagaland and the Policy of United Front
The problem before us is how to confront an enemy of superior force and defeat them. The practical wisdom of the leadership lies in solving this problem. In order that the adversary may be defeated, he needs to be confronted on all fronts, which is pretty well impossible for a much weaker opponent. We should, however, know that we are not alone because it is the world of conflicting historical forces.

Therefore, the question of the strategy of United Front with all the forces that could be united with it in some way or other cannot be dispensed with. In other words, we should by no means ignore or underestimate the necessity of a united front so long as there is the danger of isolated forces being defeated one after another. We should learn to help one another so that we are able to stand against the common enemy. Two men are always stronger than one and fighting on several fronts is more effective than fighting on a single front. We should be so united that there is coordination in our action.

There should be firm coordination with the forces that are within the enemy line too, and struggle to wreck the enemy from within. Enemy forces are most effectively disintegrated only when they are confronted from within and without. The old style of fighting single-handed like a bull should be avoided. We are to see the conditions around are jointly exploited against the enemy. Until that is done, we cannot claim that we are confronting him precisely in the way by which he could be defeated. It amounts to leaving the field to the opponent alone with all the initiative in his hands to defeat us.

IX. Nagaland and the System of Socialism
Nagas are living in a society of free enterprise and it is this system that amply affords the reactionary traitors and the rich a
free hand to exploit the poor and the masses in general. The naked armed invasion on us by India and Burma marked the beginning of enormous influx of Indian capital and its prominent role and activities in our society have created wild conditions. The concentration of capital in a few hands and its constant investment for acquiring more capital has set the whole society into a tremendous swing of exploitation of the Nagas by all Nagas and by the Indian parasites.

We declare we are revolutionary patriots...

(a) National Existence
We stand for the unquestionable sovereign right of the Naga people over every inch of Nagaland whatever it may be and admit of no other existence whatever.

(b) Political Institution
We stand for the principle of People's supremacy, that is, the dictatorship of the people through the National Socialist Council and the practice of Democracy within the organization.

(c) Economic System
We stand for Socialism.

(d) Religion
We stand for the faith in God and the salvation of mankind in Jesus, the Christ, alone, that is 'Nagaland for Christ'. However, the individual freedom of religion shall be safeguarded and the imposition of this faith on others is strictly forbidden.

(e) Means
We rule out the illusion of saving Nagaland through peaceful means. It is arms and arms alone that will save our nation and ensure freedom to the people.

(f) Self-Reliance and the Policy of United Front
We stand for the practice of the principle of self-reliance and for the policy of united front with all the forces that can be united with.
Sons and Daughters of Nagaland

Ask not what the Maker has in store for us. In his righteousness, he has given us all that is ours. Let us understand our country and our freedom and hold them fast, for what have the people that doubt their freedom and that of their country? They are only fit to be ruled, nay, they are already ruled. They are the people to be pried most. Without her freedom, Nagaland too has nothing. Truly, when freedom falls, everything falls. Your country is challenged; your freedom is in peril. Arise and look! It is time; it is our today; we should never fail her, for no amount of sermons and lamentations can save her tomorrow. We have chosen Nagaland and her freedom forever; we will never part with them. Indeed, it is the war we have to fight; it is the war we have to win. We shall accept no summons to bow down; our Nagaland shall never put her hands up. We shall live only in freedom. This alone is the way to our salvation. Praise the Lord! We hold the promises of history.

Long Live Nagaland

Long Live the National Socialist Council of Nagaland


Statement of the National Socialist Council of Nagaland (3 January 1984), Extracts

In view of the widespread unfounded ‘Unity Moves’ through the Angami local and Indian papers in the stolen name of Chairman Isak Chishi Swu, we are making ourselves definitely clear of our position to the people of Nagaland, through this written statement, so that our people may know the evil wiles of the traitors... The adversary newsmen, at the same time, could be purchased with a bottle of XXX rum and also to make capital for themselves out of the publication, readily accepted the job. They are collaborated between themselves to deceive the masses against the patriots.

It is simply a pity for one to talk of unity between the totally perishing Phizo's clique and vigorously risen forces of
the NSCN. This is practically the impossibility of the present day Nagaland politics. We will never perish together with the sold-out NNC and Federal government headed by Phizo, for ours is to save our country, however small it may be.

A. Z. Phizo still wants to claim the championship on the ground that he did not sign on the capitulation paper and his henchmen supported it. Has he forgotten that he refused to condemn the Shillong Accord, the architect of which was his younger brother Kevi Yalley and warmly welcomed the traitors at his London mansion? Has he forgotten that Th. Muivah and Mr Isak Swu together with other delegation members, while they were abroad, insisted to condemn outright the capitulation agreement of 1975 which he refused on purpose? ...Again, the widely published news in Angami local papers that Povizo Sohe and Angami Dupu Kevichusa had reached China is altogether false news to hoodwink the people. It is an insult to the people. As a matter of fact, Povizo Sohe was driven back by the Kachins in the early part of 1983 and he is now stealthily hiding in the eastern part of Khyamungan area. Angami Dupu Kevichusa, who was left there to meet the Kachin authority, is now completely frustrated as they refused to have any relations with Phizo and his men. He is on his way back to Khyamngan. It is a fool’s dream that Povizo and Dupu are in China.

Things are not stopped here. A.Z. Phizo always harps particularly on family and tribe which has been actively in-seminated by his younger brother, who wrote to his tribesmen ‘Tenemies’ (meaning Angamis) are the only trustworthy people and that political powers should be in their hand? Other tribes are destructive and unreliable’. Unfortunately Messrs. Muivah, Isak and others, then in authority, were not Angami ant that they had to be sacked by show of arms. He also circulated, ‘The Tangkhuls, the Semas, the Aos, the Konyaks and others are emotional and have not concern for the future of the country, it is the Tenemies alone.’ Truly, malice, jealousy, hatred and pride have over-taken Phizo and his men and they have completely failed to appreciate the reality that is with the Naga people. It is known to all that they called us ‘criminals’ and branded us ‘communists’ and
organized ‘Christ Soldiers’ to eliminate the patriots who are indeed for Christ. The Tenemias with two or three Ao reverends in active collaboration with the chief traitors shouted far and wide, ‘Away with the communists, Muivah, Isak, Khaplang and their supporters.’ But heaven knows, for ourselves, we are here standing for our Saviour Christ, however humble we might be. Where are the Angami Christ soldiers now? Again recently, they formed ‘Naga Elders’ collecting some hypocrites from here and there to reinforce Phizo’s worn out politics and to curse the National Socialist Council as Balaam did. Can a few treasonous hypocrites represent a nation? No, never: yet, we know, they will struggle with Phizo until their own destruction would overhaul them. What is more, in his revised standard version of the term ‘Tenemias’, Kavi Yaslley has enlarged the areas adjoining Angami inhabited so as to include the people around them to support and realize Phizo’s aims. In the circumstances, the National Socialist Council compelled by the necessity of the integrity and salvation of the Naga people from malignant harm of treacherous Phizo’s objectives:

1. Political power to be in the hand of the Tenemia,
2. State Language to be Angami,
3. The State Capital to be at Kohima,
4. To be within the Indian Union to seek the blessing of the Indian rulers to realize this aim.

It is certainly Angami Zapu Phizo who has despised the Naga people choosing the traitors of his brother’s brand. Where is he now? Where will he conceal his inclination, tilted politics? Has he forgotten that after returning from meeting with him, the traitors sent their agents and plotted the paranoid coup d’etat and killing started, proclaiming ‘All powers of both NNC and Federal are in our hand?’ Did they not declare that ‘Martial Law’ was on the ground that Mr. Isaak Swu, the then Vice Chairman and Th. Muivah, General Secretary, NNC, with the people, has condemned the Shillong Accord which Phizo did not? Where is A. Z. Phizo’s NNC now? Has he forgotten that all the traitors gathered together at his village Khunoma
in 1978 and held meeting in the name of NNC and passed resolutions of anti-national aspirations to which he warmly countenanced? It is not a council now used by the traitors alone. It has, per adventure, become an organization for the congregation of the traitors headed by A. Z. Phizo himself. Has he forgotten that his agents came in the month of August, 1979, and put forward to us a proposal that Phizo should be the lifetime Chief Minister of the so-called Nagaland State, the miniature type of Sheikh Abdullah of Kashmir, with the Indian constitutional authority to nominate 20 M.K.A.s? Has he forgotten that to that proposal he reacted positively saying. ‘It is no problem for me, the problem is with our men in the east, talk to them?’ Has he forgotten that on total refusal of that policy of treason, the lives of Messrs. Isaak Swu, S. S. Kaplang, T. H. Muivah and their closed associated were attempted and undoubtedly they could have been finished if it were not by Providential protection? Has he forgotten that his men dig three times, at different places, the graves of Messrs. Isaak Swu, Th. Muivah and their supporters? Has he also forgotten that his men openly challenge uttering ‘Whoever would oppose A. Z. Phizo and the Shillong Accord shall be totally crushed?’ Probably Phizo wants to pretend to be above all these felonious acts. Now, they cry for unity: Can they fool the people to accept their capitulation in the name of unity? We Naga people are prepared to see how far A. Z. Phizo, his brother Kevi Yalley, Z. Ramyo and their protégés could manage to save themselves by their attempts to dupe the people on the pretext of unity now they cry for.

Again, everyone in the east knows that Povizo Sohe and Angami Dupu Kevichusa, taking the cue from Yalley and Zashei Haire, established underhand relations with the Burmese troops on conditions that they would fight against the NSCN forces… This is paradoxically the beautiful politics of A. Z. Phizo, his relatives and his tribe. But, here, we make you categorically clear that the people of Nagaland should not be counted in any sense, for we will not be a party whatsoever to whatever Phizo and his men would commit.

The inculcation of the shameless notion among the Angami masses that without the Angamis there would be no stable
leadership among the Nagas, would be only an addition to your own vanity. You should rather know that the most ignominious sellout, the Shillong Accord, is but almost entirely the work of the Tenemi leadership. How long Phizo and his men would wallow in the tribal pool of stupid arrogance. They should struggle before it is too late from being traitorous to be on the straight. They should not be conceited. They should try to comprehend the fact that Nagaland is larger than Kohima district and Naga people above the Tenemias. Get also yourselves corrected from the misled conception that Phizo would bring the sovereignty of the people, for sovereignty as such is not a thing to be fetched. It is in the people and we are the people. Where are those domineering bosses who shouted ‘nothing short of Independence’ against their contemporaries? Where is A. Z. Phizo’s ‘Urra Uve’? Where is that Z. Ramyo, the political prostitute, the giant money-eater of Nagaland? Are not all the traitors heaped up there the sanctuary, the home of the traitors? If by chance Phizo's men were able to annihilate the stalwart national defenders in 1978-79, when they made their all-out attempts, where Phizo and his men would have gone to according to their utterances? What will have been the political state of affairs? The people can very well imagine. Will the government of India talk to A. Z. Phizo, the fugitive traitor, knowing that he is supported only by the traitors, unless it is on humiliating surrendered terms of refined Shillong Accord? The people of Nagaland know where your politics is enroute to. Do not think you can bluff the people. It will be to your own folly.

Countrymen, your sovereignty is no more in the danger of the Shillong Accord, nor in the folly of Phizoism. It is at stake on account of the pressure of the adversaries. But, by the unfailing God’s power, it is securely in the hand of the National Socialist Council. We praise Him for having brought us safe thus far. Our future too is in him alone. How great is his faithfulness: We assure you once again that we will never relinquish anything of Nagaland’s Sovereignty to the invaders nor to Phizo and his men, but to the sovereign Naga people alone.
Kuknalim
Dated Oking:
3 January 1984

3. Isak Chishi Swu
   Chairman
   National Socialist Council of Nagaland

4. S. S. Khaplang
   Vice Chairman
   National Socialist Council of Nagaland

5. Th. Muivah
   General Secretary
   National Socialist Council of Nagaland


Ceasefire Between NSCN (I-M) and G.O.I, 1997

SECRET/CRASH
FAX MESSAGE

FROM: G. K. PILLAI,
JOINT SECRETARY (NE),
MINISTRY OF HOME AFFAIRS,
NEW DELHI

TO: CHIEF SECRETARY,
NAGALAND

REPEAT: DGP, NAGALAND, KOHIMA
   SECRETARY TO GOVERNOR, NAGALAND, KOHIMA
   SECRETARY TO CHIEF MINISTER, NAGALAND

No. ............................................................................................................................................................................

SUBJECT: NAGALAND PEACE TALKS—CEASEFIRE WITH EFFECT FROM 1 AUGUST 1997.

KINDLY RECALL DISCUSSIONS THAT UNION HOME SECRETARY AND OTHER SENIOR OFFICERS HAD WITH CHIEF MINISTER, NAGALAND, YOURSELF AND OTHER SENIOR OFFICERS OF THE STATE GOVERNMENT ON [8] JULY 1997. IT WAS MADE CLEAR BY THE UNION HOME SECRETARY THAT THERE WAS A CLEAR UNDERSTANDING WITH
Udayon Mishra

THE NSCN (I/M) FOR A CEASEFIRE WITH EFFECT FROM 1 AUGUST 1997 FOR A PERIOD OF THREE MONTHS. A UNILATERAL CEASEFIRE WOULD ALSO BE OBSERVED WITH ALL OTHER MILITANT GROUPS BY SECURITY FORCES/STATE POLICE WITH EFFECT FROM 1.8.97.

IT WAS ALSO MADE CLEAR DURING THE DISCUSSIONS THAT WHILE ACTIVE OPERATIONS BY ALL FORCES OF THE CENTRAL GOVERNMENT/STATE GOVERNMENT WOULD CEASE YET THE FOLLOWING GUIDELINES COULD BE OPERATED UPON. THESE ARE:

i. THERE WOULD BE NO WITHDRAWAL OF THE ARMY OF REVOCATION OF ‘DISTURBED AREAS DECLARATION’ IN THE STATE OF NAGALAND.

ii. PATROLLING OF INTERNATIONAL AND STATE BORDERS WOULD CONTINUE TO PREVENT INFILTRATION OF MILITANTS AND ARMS INTO THE STATE.

iii. THE CEASEFIRE IS LIMITED, FOR THE PRESENT, TO THE STATE OF NAGALAND.

iv. PROTECTION OF CONVOYS AND PATROLLING OF ROADS WOULD CONTINUE TO BE UNDERTAKEN BY THE SECURITY FORCES.

v. THE NAGALAND POLICE WOULD HAVE FULL FREEDOM TO TAKE ACTION AGAINST ANY CITIZEN AS PER LAW.

vi. MILITANT GROUPS WOULD NOT BE ALLOWED TO UNDERTAKE ACTIVITIES LIKE:

a. SNIPING AND AMBUSHING;

b. IMPOSITION OF FINE ON PEOPLE OF NAGALAND;

c. KIDNAPPING AND RECRUITING;

d. SABOTAGE ACTIVITIES;

e. RAIDING AND FIRING AT SECURITY POSTS, TOWNS AND ADMINISTRATIVE CENTRES;

f. MOVEMENT WITH ARMS AND/OR IN UNIFORMS WITHIN THE STATE OF NAGALAND;

gh. IMPORT OF ARMS/AMMUNITION FROM ABROAD/OUTSIDE THE STATE;

h. NO COLLECTION OF MONEY OR RATIONS FROM THE PEOPLE OF NAGALAND IMPORT OF ARMS/AMMUNITION FROM ABROAD/OUTSIDE THE STATE;

i. NO PARADING IN THE VILLAGES OR TOWN/OR INTIMIDATION OF THE VILLAGERS IMPORT OF ARMS/AMMUNITION FROM ABROAD/OUTSIDE THE STATE;

j. NO THREATS OR COERCION TO ANY GOVERNMENT OFFICIAL IMPORT OF ARMS/AMMUNITION FROM ABROAD/OUTSIDE THE STATE; AND
k. NO DISRUPTION OF NORMAL DEVELOPMENT ACTIVITIES OF THE STATE.

AND IN THE EVENT OF THEIR TAKING ANY SUCH ACTION, THE STATE POLICE/SECURITY FORCES WOULD TAKE ACTION AS PER LAW.

THE ABOVE ARE ILLUSTRATIVE GUIDELINES AND STATE GOVERNMENT WOULD BE DUTY BOUND TO ENSURE THAT CITIZENS OF NAGALAND ARE NOT SUBJECT TO ANY VIOLATIONS OF LAW BY MILITANT GROUPS.

IT IS ALSO AGREED THAT VISIBLE PRESENCE OF THE ARMY IN THE TOWNS OF KOHIMA AND DIMAPUR WOULD BE REDUCED IN CONSULTATION WITH THE STATE GOVERNMENT AND THAT ADEQUATE FORCES OF CPO/NAGALAND ARMED POLICE WOULD BE INDUCTED INTO THESE TOWNS SO THAT THE PEOPLE ARE REASSURED.

I SHOULD BE GRATEFUL IF THE ABOVE GROUND RULES ARE COMMUNICATED TO ALL YOUR OFFICERS FOR INFORMATION AND GUIDANCE.


Memorandum Submitted to the Prime Minister of India by the Council of Ministers, Nagaland (16 August 1997), Extracts

Most respected Prime Minister,

While registering our profound appreciation to you and your Government for the sincere and fruitful peace initiatives taken by you for Nagaland, leading to an announcement of ‘Ceasefire’ by you on 25th July 1997 in both Houses of Parliament, we regret to say that we have since had a series of serious deliberations amongst ourselves, with our legislators and with various law-enforcement agencies in the State, and as resolved unanimously by the State Council of Ministers on 16th August 1997, we submit this memorandum to you, praying that you would give immediate appropriate directives as per the submissions that follow.
A. Issues Requiring Clarification

We are of the firm view that the present Ceasefire arrangement has profound implications for the people of Nagaland, since the life of every common citizen in the State has been deeply affected by the spate of violence that has been going on for years and everyone earnestly yearns for peace in the State. Unfortunately, the present ‘Ceasefire’ arrangement appears to have vital areas of confusion and ambiguity which need to be pointedly clarified if the arrangement is to be effective and meaningful:

1. The Prime Minister had announced in Parliament that the Ceasefire would be for three months, which was endorsed and affirmed by the State Government. The Army in Nagaland announced their own Ceasefire for one month, effective from 1.8.97. This confusion needs to be removed so that the positive peace process initiated by you does not receive a setback.

2. The Government of India has stated that the Ceasefire is confined to Nagaland, whereas the NSCN (I-M) has given a declaration that it covers all contiguous Naga-inhabited areas... This needs to be clarified.

   We hold the view that if the present arrangement only covers Nagaland, the Undergrounds may operate in the neighbouring States and use Nagaland as a safe sanctuary.

3. Initial declaration of Ceasefire by Government of India as well as NSCN (I-M) contained no specific conditions, leaving, as it seems to us, a lot of important elements in the Ceasefire arrangement uncovered. The Home Ministry, Government of India has faxed to us a 17-Point guideline in connection with observance of the Ceasefire, concluding with the words.

   ‘The above are illustrative guidelines and State Government would be duty-bound to ensure that citizens of Nagaland are not subject to any violations of law by militant groups.’

   It this guideline part of the Ceasefire agreement arrived at between the Government of India and
The Naga Conflict

NSCN (I-M) or is this being imposed by the Union Home Ministry?

When the Ceasefire was agreed upon between the Government of India and the NSCN (I-M), it may be considered whether the State Government would be in a position to enforce extra conditions on the militants as spelt out in the Union Home Ministry’s guideline over and above the Ceasefire agreement already made between the Government of India and NSCN (I-M). Our perception, and in fact our stand, is that such details pertaining to the Ceasefire arrangement should be clearly spelt out between the Government of India and the Undergrounds, and agreed upon by both. Our view is that it is rather a tall order to ask the State Government to enforce the Ceasefire in a manner that was not spelt out specifically by the existing Ceasefire arrangement announced by the Government of India and the NSCN(I-M).

B. Issues Requiring to be Addressed Immediately

1. The protracted Naga political issue, largely responsible for the state of violence and human suffering prevailing in Nagaland, is nearly five decades old. History and experience during those years have shown again and again that any understanding or accord signed by the Government of India with one single group did not last long.

   We do fully support the peace and dialogue initiatives taken by you with the NSCN (I-M). At the same time, we hold the firm view that all other Underground groups, the NSCN (K) and the NNC/Federal should be included in the process for any subsequent political settlement to be lasting and permanent.

2. In order to hammer out a settlement between the Government of India and the Naga Undergrounds that will have the mandate of the Naga people, and thus ensure its permanence, it will be necessary to mobilize and consolidate Naga public opinion through various fora
which will facilitate arriving at a consensus for negotiation with the Government of India.

C. The Ceasefire Agreement

We have tried to point out certain issues relating to the present Ceasefire agreement which need to be clarified and have also referred to the 17-Point guideline. The Council of Ministers have noted with particular concern the concluding words of the guideline which could be interpreted to mean a veiled threat to the elected Government of Nagaland without explaining the details of the contents of the agreement between the Government of India and the NSCN (I-M):

1. To make the Ceasefire arrangement with all its details binding on all concerned parties, the instrument of Ceasefire with its detailed conditions should be signed by all.

2. (a) It is further suggested that a Peace Commission or Peace Observers Team be constituted immediately to facilitate strengthening the peace process in the State. This may include one nominated Member each from the Government of India, Government of Nagaland, NNC/Federal, NSCN (I-M), NSCN (K), Army, Naga Hoho and the Church. Its functions may be mutually specified.
   (b) Peace camps be established to house members of the Underground.

D. Commitment of the State Government

1. It was noted that during the last 12 days of Ceasefire, the Security Forces had withdrawn from active operations and have generally refrained from taking any action that may provoke the various factions of the Underground. Simultaneously the State Police forces have also watched the situation carefully and refrained from any provocative actions.

   It was also brought to the notice of the Government that there were 17 killings and half a dozen abductions mainly for extorting money. In the border villages of
Nagaland and Manipur, NSCN (I-M) group have kidnapped 7 people in Phek district and demanded heavy ransom from the villagers. It appears that in retaliation the Federal group also kidnapped two persons from villages of Manipur State. This is a dangerous signal of inter-state situation that may lead to further clashes between the factions. Both NSCN (K) and NSCN (I-M) are moving freely in full uniform and with arms in the towns of Tuensang, Mokokchung including Dimapur, Zunheboto and Wokha.

The ceasefire has been taken as a license by the underground factions to collect and extort money from businessmen and other citizens, particularly in the towns. It has become obvious that all the factions are making use of the Ceasefire to re-group, re-strengthen and recruit more in their cadres. A more alarming trend is the transportation of their arms from various places of storage, including outside of Nagaland, as Ceasefire is operative only in Nagaland.

It was noted that NSCN (K), NNC/Federal group have been particularly making vocal rejection of the ceasefire arrangement with the NSCN (I-M) and they have made their displeasure known to the public and the Government of India for their exclusion by the Government of India.

In the meantime, cessation of operations by the Security Forces has created a vacuum in the law-enforcement process in the State. It is, therefore, absolutely necessary that the existing State Police and CRPF elements available in the State be most expeditiously strengthened.

2. Peace and reconciliation among the Naga Undergrounds and a final, negotiated settlement with the Government of India has been the chief cornerstone of this State Government’s policy towards the Naga political problem. During the last more than four years we have taken all possible initiatives for realization of our policy and we are happy to say that through our encouragement the Naga Tribal Hohos, the Church, and various NGOs in the State have become much more
vocal and active in trying to bring peace to the State. A keen awareness for peace in the public minds has been created. We assure you, Sir, of our continued, unflinching support to you as you take further initiatives for securing permanent peace in the State, and a lasting political settlement with the Naga Undergrounds.

Sir, with this, we conclude by reiterating our submission that you kindly look into the various issues raised here by us as matters of utmost urgency.

Yours faithfully,

Kohima
Dated 16 August 1997

Shri S. C. Jamir
Chief Minister
and 26 other Nagaland Ministers

In May 2006, the Indian Prime Minister held a round table conference in Srinagar, the capital of Jammu and Kashmir (J&K), at which five working groups were set up to produce ideas on how to move the Kashmir peace process forward. The working groups are on:

1. Strengthening relations across the line of control (LoC),
2. Centre–state relations,
3. Good governance,
4. Infrastructure and economic development, and
5. Confidence building measures (CBMs) within J&K, including for widows and orphans of violence, return of displaced persons, and return of people who crossed over during the insurgency.

This simulation is based on the working group dealing with Centre–state relations because it touches on the crux of the problem: Kashmir’s political status.
The working group on Centre–state relations met several months later than the other groups did, because it was plagued by indecision when it came to appointing a chair. It finally met in December 2006 and had two subsequent meetings in early 2007. There was then a hiatus of several months before it met in September 2007. This simulation posits the fourth meeting of the working group.

Participants are members of J&K’s political parties, representatives of its different ethnic communities and leaders of civil society. The independence (azaadi) or separatist groups are absent as they have refused to join the working groups.

This simulation is, therefore, what one might call a ‘pre-agreement’ exercise—recommendations produced by the working group could provide the draft for a discussion with azaadi groups on which a future agreement could be built. The question before you is:

What recommendations can you frame that would serve your party/group/community's interests and also be acceptable to the people of Jammu and Kashmir, including the azaadi groups, or at least sufficiently attractive to draw them into the consensus-building process?

Materials for the Simulation:

- Simulation Exercise
- Conflict Back grounder
- Timeline
- Documents

**Simulation Exercise**

**Note:** this is a simulation for Indian Jammu and Kashmir and not Pakistani Jammu and Kashmir.

You are a member of the Prime Minister's working group on Centre–state relations and are at its fourth meeting. The group
comprises about 30–35 people: members of Jammu and Kashmir’s political parties, representatives of its different ethnic communities and civil society leaders. The azaadi (independence/separatist) groups are absent as they have refused to join the working groups.

The working groups are another step in the peace talks that India and Pakistan initiated in 1999, hoping to end the Kashmir conflict that began 50 years earlier and has claimed over 100,000 Indian, Kashmiri and Pakistani lives through war and insurgency. The peace talks gathered momentum only in 2003, following a ceasefire between the two countries. Two India–Pakistan summits, in 1999 and 2000, broke down amidst violence by the armed separatist groups and they remain opposed to the talks; but since 2003, the Indian and Pakistani governments have refused to let terrorist acts derail their talks.

As a result, the back channel discussions between Indian and Pakistani envoys have advanced steadily, and the Indian government’s efforts to open talks with the Hurriyat Conference, an umbrella group for independence/separatist sentiment, though fitful and beleaguered, did at least produce a rough set of ideas for a Kashmir settlement based on erasing the lines of division, providing self-governance and demilitarizing the region.

In essence and structure, these ideas are similar to those advanced by Jammu and Kashmir’s first leader, Sheikh Abdullah, in the years 1950–53. He was, however, able to achieve an agreement on only one of them—internal autonomy within India—and that was observed mostly in the breach. Now you have an opportunity to combine all three baskets of issues in a comprehensive framework but you know that several key participants for framing a solution are absent. The first meeting of your working group was boycotted by the National Conference to protest continuing human rights violations. Though the National Conference is now active in the group, the azaadi groups are absent. Should you push ahead keeping their views in mind, or should you restrict the parameters of your work and leave certain baskets of issues to be discussed in other fora?
Simulation Structure

**Venue:** New Delhi  
**Time:** September 2007  
**Duration:** One-and-a-half to two days  
**Format:** This simulation will take place around the table throughout. In the opening session, the Chair will introduce the subject of the working group, describe its parameters and if members have changes or amendments to make to the parameters set in the previous meetings, they are discussed. Given the different positions of the members of the group, the debate on parameters is likely to be brisk, often vituperative, and will require the intervention of the Chair, who will decide whether, in the interests of progress, it would be better to keep the parameters restricted, or whether, in the interests of the wider peace process, it would be preferable to broaden them.

Once parameters are set, the session will go straight into presentations by working group members, who go around the table with each one putting forward his recommendations on what should be done. Many would have come with written documents, some concrete and some poetic or rhetorical, and most with a mixture of the two. The presentations will be in the nature of formal speeches and on Day 2, the Chair will begin by listing the recommendations that could be culled from the presentations. He will then seek to discuss them one by one.

The Chair’s goal would be to have a draft document of proposals on Centre–state relations that can be the working draft for the next meeting of the group. His aim is to wrap up the list of recommendations in three meetings or so. This working group met six months later than the others and the latter’s reports are ready.

**Seating:** The chairman of the working group (retired Supreme Court judge, an Indian Muslim) will be at the head of the table. Each of the larger parties is allowed three seats, some of the smaller parties have two seats, some one. The regional/community representatives are single, though in many cases party representatives double as regional/community
representatives. The chairman, Prime Minister’s office and the Jammu and Kashmir government have support staff. (You may adjust figures according to the size of the group doing the simulation).

**Roles**

The members of the working group are:

1. National Conference
2. People's Democratic Party (PDP)
3. Indian National Congress (INC)—Union (Federal) Minister
4. Bharatiya Janata Party (BJP)
5. Jammu State Morcha (JSM) (a former Congressman)
6. Communist Party of India—Marxist (CPI-M)
7. Communist Party of India (CPI)
8. Panther’s Party
9. Bahujan Samaj Party (BSP)
10. Samajwadi Party (SP)
11. Union Territory Front (UTF)
12. Kargil Hill Council (also Sports Minister in J&K government)
13. Panun Kashmir (Pandit organization)
14. People's Democratic Front (PDF)
15. Pahari Welfare Society (PWS)
16. Scheduled tribe Representative (Gujjar)
17. Scheduled caste (SC) representative (Congress, former state legislative assembly Speaker)
18. Sikh representative (from Udhampur)
19. Chair (retired Supreme Court judge, an Indian Muslim)

**Control Group:** Four to five people who can move around to advise participants if they feel they are stepping out of role.

**Positions of the Parties and Other Representatives**

*National Conference*

One of the oldest political parties in Jammu and Kashmir, the National Conference ruled the state for most of its existence
within the Indian federation, but has been in opposition since 2002, though it still has the largest number of seats of any one party in the legislature. Your traditional stronghold is the Kashmir valley, but you also have seats in Jammu. Yours is the only party with cross-provincial electoral support. Your founder-leader, Sheikh Abdullah, negotiated Article 370 with the Indian National Congress, and former Chief Minister Farooq Abdullah appointed committees that produced the State and Regional Autonomy Reports in the 1990s. In 2000, when the Atal Bihari Vajpayee government was negotiating with the Hurriyat and through a back channel with the armed groups, your party passed an ‘autonomy resolution’ in the Jammu and Kashmir assembly. You are the party spokesman on autonomy, a senior leader, and you are here to put forward your party’s proposals on Centre–state autonomy but not combatively; rather you are receptive to the new ideas on cross-LoC relations or ‘greater autonomy’.

**People’s Democratic Party (PDP)**

As a young party (founded in 2002), you want to establish your difference from the National Conference, which is your rival in the only region that matters to you, that is, the valley. You say you want ‘self-rule’ rather than autonomy, and define self-rule as something more than autonomy and something less than independence. Concretely, you suggest that Jammu and Kashmir have a governor elected alternately from the Kashmir and Jammu regions, and its own civil services; and the state become a regional federation with a consultative mechanism between the three units, Kashmir, Ladakh and Jammu. You have also put forward a set of proposals for fiscal devolution. You are interested in expanding the parameters of the working group and suggest that similar constitutional mechanisms apply between Pakistan ‘Azad’ Jammu and Kashmir and the Northern Areas to ensure peace and stability in the region. In fact, your claim to fame is that you were the first to reach out to AJK. You also campaign strongly for demilitarization (troops’ reduction) in Jammu and Kashmir.
Indian National Congress (INC)

Your party agreed autonomy for Jammu and Kashmir within the Indian federation and supported a Kashmiri identity based on language and pluralist values, but then fell back on the mantra of the state as an ‘integral’ part of India, and violated almost every provision of the autonomy agreement. It was also your party that was at the centre when the conflict erupted and bears the most responsibility for its continuation. Now, however, your party is committed to the peace process and for the first time, there is a Congress Chief Minister in Kashmir, a man from Jammu region which is where you have a base. You are tempted to opt for Panchayati Raj (municipal or local self-governance) as the best means of devolution but you are under orders from your leadership to support discussion of autonomy and cross-LoC relations. As there are several of you, you will divide your emphases: the Union Minister will support discussion of all issues and forms of self-governance, including across the LoC; the scheduled caste (SC) representative, who was also the Speaker of the assembly formerly, will stress the state Constitution and rights for SCs; and your third member, an MLA from Surankote in Poonch representing scheduled tribes (STs), will focus on regional devolution and trade across the LoC.

Bharatiya Janata Party (BJP)

Your party has support only in the Jammu province. It has traditionally opposed Article 370 and argued for full integration of Jammu and Kashmir into India but following Mr Vajpayee’s peace initiatives of 2000, you dropped your opposition to the idea of special status for Kashmir. You stayed out of the Srinagar Round Table and walked out of the working group on CBMs for Jammu and Kashmir, but agreed to come to this working group meeting. For its first meeting, you sent a central executive committee member, widely regarded as a brilliant lawyer, who pointed out all the problems in changing the constitutional status quo. From the second meeting onwards, the party has a state BJP leader. You will make a lot
of noise on the issue of Jammu’s and Ladakh’s regional rights to devolution but you also argue that Article 370 should be abolished in favour of direct integration. Your senior leaders are divided: some support a settlement based on autonomy within the Indian Union; others are vehemently opposed.

**Jammu State Morcha (JSM)**

An offshoot of the BJP–RSS, your party was founded in May 2002 to form a common electoral plank around statehood for the Jammu province. You, too, are in favour of abolishing Article 370 in favour of direct integration. Your slogan for Jammu and Kashmir was ‘Ek Vidhan, Ek Nishan’ (one state, one sign). Your argument for statehood for Jammu is that Jammu will be able to free itself of terrorism only when the reins of power are in the hands of the people of Jammu, rather than the state government which you accuse of being Srinagar-driven. In recent years, however, you have had trouble with the BJP and several of your leaders are former Congressmen who are beginning to wonder if the Congress grass might be greener after all. You will, therefore, make more noise about regional devolution rather than direct integration.

**Communist Party of India—Marxist (CPI-M)**

Your party is very small (you have two seats in the assembly from South Kashmir) but plays a larger role in the peace process. Your state branch head has been an active participant in India–Pakistan civil society and Track II meetings as well as in intra-Kashmiri dialogues. You support autonomy within the Indian Union as well as regional and local devolution at the state level, want institutional relationships between Jammu and Kashmir and ‘Azad’ Jammu and Kashmir and the Northern Areas, believe that it is essential for the armed groups to ceasefire and commit to decommissioning, and consider that the situation permits the Indian government to selectively withdraw troops from certain areas. In fact, you have submitted a proposal to the Prime Minister on that subject. You argue that the azaadi groups need to be ‘persuaded, involved and engaged in resolution of the problem’.
Communist Party of India (CPI)
You are the only CPI member of the legislative council (MLC) in Jammu and Kashmir; you stress Panchayati Raj (village and municipal devolution).

Panther’s Party
Your party has four seats in the assembly, all from Jammu. You want more powers for Jammu and are against the idea of state autonomy, but you have also been very active in the intra-Kashmiri dialogue with AJK and have organized several Heart to Heart meetings through which the veteran AJK leader, Sardar Abdul Qayyum, who at one time coordinated the armed groups fighting in Kashmir, visited Delhi in 2005. You suggest constitution of an all-party government, demand that the children of the refugees of West Pakistan—who were born in Jammu and Kashmir—should be granted civil and political rights in the state, and suggest that the state Constitution be amended to provide political reservation for STs, including Gujjars, Bakerwals and Gaddies, in the legislative assembly.

Bahujan Samaj Party (BSP)
Your party is also relatively small in Jammu and Kashmir but your central party leader, Mayawati, has had a major electoral success in the most populous state of India, Uttar Pradesh (UP), and this has revitalized your local party branch. In prior meetings, you have ruled out debate on the accession of Jammu and Kashmir with India and have pointed out that Article 370 has been misused by the ruling elites’ of the state who have not provided the same rights to scheduled caste, scheduled tribes and other backward castes that are provided in the rest of India. You argue that if the scheduled caste, scheduled tribes and other backward castes of Jammu and Kashmir band together, you can provide the swing factor in state elections.

Samajwadi Party (SP)
You are one of the smallest parties and your main plank is anti-Congress and anti-BJP. Your major campaign is against corruption but you will oppose rather than support the
state government in their efforts to curb corruption. Your politics are all-India. You have little to offer to Jammu and Kashmir other than that one of your union parliament MPs is co-chair of the India–Pakistan Parliamentarians’ Forum. Though this could lead you to support the widening of the parameters of the working group to include relations with AJK and the Northern Areas, all you are looking for is an opportunity to criticize the ruling party.

Union Territory Front (UTF)
Your party was originally founded in early 2002 to separate Ladakh from Jammu and Kashmir and asked for union territory status within the Indian federation. You are aware that most of the Muslim population of Kargil will not wish to separate from the state and were willing to contemplate the separation of Leh district. But Chief Minister Mufti Mohammed Sayeed devolved considerable administrative and some fiscal powers to a newly created Leh Hill Council and you have damped down—though not dropped—the claim for union territory status. Your primary focus now is on regional devolution and economic development, and you want the Indian government to pursue a trade route with China through Ladakh. You believe China will be receptive to the idea as they have been on India’s North Eastern borders. Nevertheless, you will push union territory status as your claim to regional devolution.

Kargil Hill Council (KHC)
Though you had made a live and let live arrangement with the Union Territory Front, there are simmering communal tensions within Kargil. You have stated that you oppose union territory status and you do not support regional devolution within Jammu and Kashmir, if it means making Ladakh a province. Rather, you would prefer district level devolution. You also feel strongly that there should be devolution for the Northern Areas. In fact you suggest that regular exchange of parliamentarians and district representatives on both sides of the LoC should be included in proposals for Centre–state relations. So you argue in favour
of expanding the parameters to include recommendations for cultural cooperation on both sides of the LoC. As far as Centre–state relations are concerned, you do not have strong opinions on autonomy but you do have strong opinions on how internal or state devolution should work.

Panun Kashmir
You left the Kashmir valley in 1990 and live in government provided housing called a ‘migrants’ camp’ in Jammu. You claim that Article 370 creates two separate states on the territories of India: the Indian Union and the Muslim state of Jammu and Kashmir. You want Article 370 scrapped and oppose greater autonomy and self rule proposals. Instead, you ask that a homeland for displaced Kashmiri Pandits be created in the valley, as Kashmiri Pandits have been excluded from the political process. On the issue of internal devolution, you want protection—especially through reserved jobs—for the Pandit minority to be written into devolution mechanisms. You oppose talks with armed groups, calling for them to be brought to justice for their attacks on your community. You accuse political parties of treating you as a pawn.

People’s Democratic Front (PDF)
Your party is a coalition that was put together to fight the 2002 elections and became a member of the coalition government that took power under Chief Minister Mufti Mohammad Sayeed. You are a ‘surrendered militant’ who made a deal with the Indian government to give up arms, form a political party (the Awami League) and contest elections. Now you are an MLA from Bandipora and Minister of State for Planning and Development in the state government. In 2005, you survived a grenade attack in which your bulletproof car was destroyed. You support dialogue with the azaadi groups, and between India and Pakistan, to restore normalcy and end militancy. You recently created an uproar in the state legislative assembly over the rise in assassinations of former militants turned government informers, dubbed Ikhwanis, alleging a conspiracy, and were backed by the Panthers Party and the Jammu State Morcha.
Pahari Welfare Society (PWS)
Paharis are a cultural and linguistic community that lives along the LoC in Poonch–Rajouri, Uri and Kupwara, who seek ST status on the grounds of economic backwardness and government neglect. In 2006, Chief Minister Ghulam Nabi Azad espoused their cause but their demand is opposed by the Gujjar community, which also comprises a large part of the Poonch–Rajouri population, and who fear that if the Paharis acquire the same ST status that they have, then it will cut into the aid—and especially government jobs—that they get. The Paharis have been traditionally pro-integration with India and you are here to discuss district level devolution, which could bring economic benefits to your community.

Scheduled Tribe Representative (Gujjar)
You are from Poonch and you argue that before any decision is made on the inclusion of new categories in the Scheduled Tribe status, recommendations for more powers to the state should be accompanied with political, social and economic safeguards for the Gujjar–Bakerwal community. You want political and social reservations for the Gujjars like STs elsewhere. Like the Paharis, you have also been traditionally pro-integration with India and you have been especially targeted by militant groups because of this. (Also see Congress Party above.)

Scheduled Caste Representative
(See Congress Party above)

Sikh Representative
You are from Udhampur in Jammu province. The district was at one time a seat of insurgency, then calm, but now it is once again suffering scattered terrorist attacks. You seek separate representation of Sikhs in Jammu and Kashmir's political and administrative bodies.

Chair: All the chairs of the working groups have been chosen on two criteria: (a) they are technically competent negotiators; (b) they are not involved in the Jammu and Kashmir peace process and have only general knowledge of the conflict. (The second criterion was used because the various
mediators in the Jammu and Kashmir peace process are identified with one or another group of actors). In your case there is a third criterion—because the subject of your working group is the sensitive issue of Centre–state relations, the Jammu and Kashmir government preferred that a Muslim be appointed. As a member of the Muslim minority, you are nervous about dealing with the aspirations of the only Muslim majority state in the Indian federation. At the same time, you know that the recommendations of this group could pave the way for a lasting settlement. Can you pull off a consensus?

**Issues before the Working Group**

**Parameters**
The two chief aspects of Centre–state relations that your working group has been asked to look at are:

1. What should be the relationship between Jammu and Kashmir and the rest of the Indian federation? and
2. Is there a case for internal devolution, and in this context, what should be the relations between Jammu, the Kashmir valley and Ladakh?

You have had three meetings within these parameters, partly because you started so late with so many hiccups and partly because your Chair was not willing to consider any expansion of parameters. However, he has recently been told that you can consider adding to these parameters because much wider issues are being discussed in the back channel. So your Chair is now willing to consider the following—first, there is the issue of relations between Pakistan and Pakistan-administered Kashmir, which covers three sets of relations: Pakistan's relations with AJK and the Northern Areas; relations between AJK, Gilgit and Baltistan; and between the provinces within AJK.

Second, there is the connected issue of relations between Jammu and Kashmir and Pakistan-administered Kashmir. Though this has been considered by the working group on cross-border CBMs, if any of your members hold strong views on this issue in the context of Centre–state relations (for example, joint institutions between Jammu and Kashmir, AJK,
Gilgit and Baltistan), you can discuss them with the intention of passing on ideas to the concerned working group.

The questions before you are: Is there a solution based on devolution (interpreted in its widest sense)\(^1\) that can be found directly between New Delhi, and the people and leadership of Jammu & Kashmir? If so, what is it?

Can an agreement between New Delhi and Srinagar, or New Delhi, Islamabad and Srinagar, bring about a lasting peace or do discussions on devolution have to include Jammu and Ladakh? What about AJK, Gilgit and Baltistan?

Do the *azaadi* groups have to be a part of this process for a solution to be arrived at, and if so, in which ways? Should/can they be drafted into the working group? If not, should there be a parallel track of discussion on this issue with them?

Should the same options apply to the armed groups? If so, should it be on condition that they renounce violence/declare a ceasefire?

*Centre–State Relations: Jammu and Kashmir*

Jammu and Kashmir’s relationship to the Indian federation was originally defined by Article 370 of the Indian Constitution, which granted substantial autonomy to the state (see Documents). It was, however, amended several times subsequently and many of its provisions were vitiated, including provisions that guaranteed autonomy, such as having a prime minister instead of a chief minister, a state-appointed governor and civil service. Should Article 370 be restored in its entirety? Or is it no longer valid? If it is restored, what are the guarantees that it will be respected?

Second, though Article 370 is the only constitutional provision determining Jammu and Kashmir’s relationship to the Indian federation, there are several other proposals that have been made on this issue over the years (extracts in Documents).

Are any of the recommendations in these documents useful additions/replacements for Article 370? What combination will provide the most potentially durable basis for peace?

Third, while some of these proposals concern Centre–state relations between Jammu and Kashmir and the Indian federation alone, others go further and look at relations between
AJK, the Northern Areas and Pakistan, as well as potential relations between India, Pakistan and the different parts of divided Kashmir. Should Centre–state relations between India and Jammu and Kashmir, and Pakistan and Pakistani administered Kashmir, be uniform/harmonized? What should be the relationship between AJK and the Northern Areas? Will cross-LoC relations between the different parts of Kashmir strengthen/weaken Centre–state relations?

Internal Devolution
After 17 years of conflict, many Indians, Kashmiris and Pakistanis are convinced that overall devolution (Centre–state relations) will lead to a stable peace only if it is accompanied by internal devolution on both sides of the LoC. Proposals on internal devolution have been on the Kashmir agenda pretty much since India and Pakistan gained independence, but were never implemented by the governments of Jammu and Kashmir, while in Pakistani administered Kashmir, the problem was buried for 50 years by ceding the Northern Areas to direct Pakistani rule. Recently, however, the Northern Areas have been granted a small degree of self rule through the establishment of a legislative council, some of whose members are elected.

In 2003, the Jammu and Kashmir government took a first step towards internal devolution by creating Hill Councils for the Leh and Kargil districts of Ladakh, which led to similar demands by groups in Doda district of Jammu. Most political leaders feel that it would be wiser to have an overall plan for regional—and possibly local—devolution, rather than *ad hoc* creation of new political–administrative units.

Will internal devolution contribute towards peace-building in Kashmir? How will it square with the Jammu and Kashmir Constitution? Can regional/district level councils solve the governance deficit or is Panchayati Raj also required?

Last, most proposals for devolution are based on territorial administrative units. Yet, communal—especially minority—polarization has become an important element of continuing conflict in the state(s). Clearly, some form of minorities’ protection has to go into any devolution package, whether it is through provision of elected representatives or special administrative forums such as a Minorities Commission.
What are the best provisions for minorities’ protection and rights? How can they be enshrined in the constitution of Jammu and Kashmir? Will you make special provision for the return of displaced minorities, such as the Pandits, or will you leave that to the working group on CBMs in Jammu and Kashmir?

**Consensus Building**

Even if you do reach agreement on any proposals, which is moot given the wide-ranging composition of your working group, you will have to consider how you will ‘sell’ these proposals to the people of Jammu and Kashmir. As the azaadi groups have a strong position on Centre–state relations, do you need to take their views into account when making proposals, especially in the context of consensus building? How will the armed groups react to the proposals you make? Will you also choose your proposals keeping their reaction in mind?

**Pakistan Administered Kashmir**

First, there is the issue of whether you want to make recommendations on centre–state relations for Pakistan-administered AJK and the Northern Areas. Given that the working group is supposed to provide ideas that could make up the framework for a lasting solution, some of the ideas that you generate will feed into the India–Pakistan peace process. It might, therefore, make sense for you to also consider the situation in Pakistan administered Kashmir.

Should the same provisions for autonomy/devolution apply to Pakistan administered Kashmir as to Jammu and Kashmir? If so, what changes would be required at the constitutional as well as the administrative level?

Second, you may feel that the representatives from Pakistan administered Kashmir should address these issues, just as your working group is addressing them. Should you suggest that similar working groups be set up in AJK, Gilgit and Baltistan? Or should you consider inviting expert testimony from representatives in AJK, Gilgit and Baltistan for a future meeting?
The Kashmir conflict stems from three distinct and separate—though interrelated—roots. First, the partition of British India into the independent countries of India and Pakistan, and soon after, the partition of Jammu and Kashmir. Second, the denial of democracy in all parts of the divided region; and third, competing and thwarted aspirations for self-determination.

As a princely state, Jammu and Kashmir was not under the direct rule of the British empire. Rather, it was under the protection of the empire as a self-governing monarchy. When the Indian subcontinent became independent in August 1947, the British encouraged the Maharaja of Kashmir to accede to either India or Pakistan, taking into account factors such as geographical contiguity and the wishes of their people.

Kashmir's case was complicated by its demography. The state had a Muslim majority in the valley, South Kashmir and the tribal lands of Gilgit, Hunza and Baltistan, which are today called the Northern Areas of Pakistan. The vast mountainous tract of Ladakh that borders Tibet was predominantly Buddhist (but its Kargil district was predominantly Muslim), and the Jammu region, most heavily populated, was mixed Hindu, Muslim and Sikh. There was a small but powerful Hindu community of the Pandits in the valley (10 per cent before the 1989 conflict began, today less than a half per cent). There were different regional and linguistic identities: Pahari-speaking Muslims and Kashmiri-speaking Muslims, for example, had often separate, sometimes overlapping, aspirations.

War and Partition

While Maharaja Hari Singh of Kashmir dithered over accession, his choice was preempted. Barely three months after the declaration of India's partition, a peasant rebellion in the Poonch district of Jammu province that began in the spring of 1947, accelerated into war when Pakistani tribesmen invaded in October 1947. Hari Singh turned to India and India made military support conditional on accession. At the same time,
Nehru promised to hold a plebiscite on the accession once the state was at peace again. Before that happened, Pakistani troops came to the support of the tribesmen. To Pakistan’s surprise, Kashmiris, whose anti-monarchist leader Sheikh Abdullah was supported by the Congress, aided the Indian troops and Nehru took the dispute to the United Nations (UN).

The UN established a ceasefire line in 1949 that divided the princely state, leaving Pakistan in control of a strip they named _Azad Kashmir_ (‘Free Kashmir’) and the Northern Areas of Gilgit, Hunza and Baltistan. In 1962, the Chinese occupied the Aksai Chin region of Ladakh during war with India and still continue to hold it. Pakistan subsequently ceded the Shaksgam valley of the Northern Areas to China. The rest of the princely state, now called Jammu and Kashmir, remained under India’s control.

Monitored by the UN, the ceasefire line grew into a _de facto_ partition of the state and a new boundary between India and Pakistan. The ceasefire line was intended to be temporary. But neither country could agree to the UN’s proposals for a settlement. The UN asked Pakistan to withdraw troops from _Azad Kashmir_ and India to keep only as many troops as were necessary to Kashmir’s security. To Nehru’s chagrin, it also expanded his promise of a plebiscite on accession to India, to include the choice of Pakistan. Before that thorny issue was resolved, talks foundered on interim arrangements. Pakistan did not withdraw its troops and the plebiscite was never held.

In the years to follow, the two countries dealt differently with the parts of the state that each held. Pakistan treated _‘Azad Kashmir_ as formally separate and temporarily under its protection, though over time its population integrated with Pakistan through the labour market and its politicians ran shop from Islamabad, while a Pakistani governor, generally a retired colonel, managed the state. Elections and government jobs were restricted to those who swore an oath of allegiance to Pakistan, separatist politicians were regularly jailed, there was little freedom of speech and no civil society to speak of.
Pakistan treated the Northern Areas more openly as protectorates. They were ceded to direct Pakistani rule by the Karachi agreement of 1949 and were run by the centre via a governor with no elected government or administration. Large numbers of Punjabis and Pathans were encouraged to settle there, altering its demography significantly and giving rise to sectarian Shia–Sunni conflict. Here, too, democracy leaders were regularly jailed. At one time, all 250 leaders of opposition movements were in prison.

**Autonomy and More War**

On the Indian side of the ceasefire line, Jammu and Kashmir’s fortunes underwent a series of twists and turns. Abdullah’s National Conference swept the board in Kashmir’s first elections. For the first time, power moved into the hands of Muslims and the seat of authority moved from Jammu to the valley.

In 1952, the state was granted special status under Article 370 of the Indian constitution, which made defence, foreign affairs and communications the only portfolios under federal control but the agreement was observed in the breach and Sheikh Abdullah was alternately wooed and imprisoned.

The hostility between India and Pakistan left little respite to put Kashmir’s house in order. The 1960s and 1970s were decades of war. In 1965, after Abdullah had been arrested for the third time, Pakistan invaded in the belief that Kashmiris were ripe for revolt. Kashmiris did not revolt and India attacked Lahore, but under Soviet intercession, both countries agreed to return to the status quo. India and Pakistan fought a third war over Kashmir in 1971, when India invaded East Pakistan in support of its popular independence movement and Pakistan opened a second front in Kashmir. India won this war, taking a large chunk of Pakistani territory and 90,000 Pakistani soldiers prisoners of war.

The 1971 war was followed by an India–Pakistan summit in Simla in June 1972, which was notable for two agreements. First, that from now on the two countries would settle their disputes through bilateral negotiations; in other words, the
UN would no longer mediate. And second, that the ceasefire line would be converted into a line of control (LoC).

The early 1980s seemed like a time of promise in Jammu and Kashmir. Pakistan's attention, under President Zia ul Haq, was focused on mobilizing a pan-Islamic jihad against the Soviet invasion of Afghanistan and Kashmir was quiet. In 1982, Sheikh Abdullah died and his son Farooq was appointed chief minister. Unlike Kashmir's previous leaders, who had kept the fiction of Jammu and Kashmir's special status alive by staying away from Indian politics, Farooq Abdullah made common cause with chief ministers from the west and south of India who were pressing for federal devolution. The campaign offered a significant opportunity for India to integrate Kashmir by devolving power across the country (as Tony Blair was to do thirteen years later), but Prime Minister Indira Gandhi saw it as a threat to her authority and treated Farooq's part in it as a personal betrayal. In mid-1984, the governor of Kashmir dismissed Farooq.

Kashmiri anger, slow to mount over decades of misrule, began to smoulder. The patently rigged elections of 1987 proved a turning point. Opposition coalitions, such as the Jamaat-i-Islami affiliated Muslim United Front, were pushed out of the race by a ban on religious parties. A new Kashmiri movement began. There were mass demonstrations protesting the rigged elections and affirming Kashmiriyat, a syncretic combination of elements of Sufi, Buddhist and Hindu traditions with Sunni Islam, as the cohesive force of a multiethnic Kashmiri nation that aspired to self-determination.

The Rise of Internal Conflict

The withdrawal of the Soviet Union from Afghanistan in 1988 helped bring the brewing crisis in Jammu and Kashmir to a head. The success of the Afghan jihad, which was actually due to its unique great power backing by the US, was seen by many Kashmiris as ushering in a new era of Muslim self-determination in which armed struggle would be victorious. Pakistan's Inter-Services Intelligence (ISI) hastened to make hay. The end of US support for the Afghan jihad after the
Soviet withdrawal meant the ISI no longer had to account for what it did with the arms that had been provided for the Afghan resistance. Beginning in late 1989, thousands of young men, many no more than boys, crossed over the LoC to train in hastily set up camps in ‘Azad’ Kashmir and the North West Frontier Province. Some were to make it as far as the Bin Laden complex at Khost.

The mujahideen burnt buses and destroyed bridges. In Srinagar, they bombed the headquarters of the National Conference and shot a National Conference leader and the vice president of the state unit of the Hindu nationalist BJP. Hindus began to be and feel threatened, and what started as a trickle of Hindus out of the Kashmir valley soon became an exodus.

In turn, the Indian government flooded the valley with troops. There were arbitrary arrests and detentions, and civil and human rights were subordinated in a way that Kashmiris had not seen since the days of Maharaja Hari Singh. By the mid-1990s, Muslim militias and the Indian army dominated life in the valley, with an estimated 10 to 15 thousand mujahideen and upwards of 350,000 troops. Kashmir’s capital, Srinagar, was under a double curfew, one imposed by the army and the other by the militias. Pakistani aid to the latter was increasingly evident. Estimated at over US$3 million per month in 1993, it was briefly suspended under US pressure but resumed on a smaller scale in 1994, when it was also diverted from the more secular militias to militant protégés of the Pakistani religious party, Jamaat-i-Islami.

The new Kashmir mujahideen were bred in Pakistan’s radical Islamic schools and trained in guerilla warfare in both Pakistan and Afghanistan. They had their own hagiography of liberation, an Islamic and militarist rather than political history, which went against Kashmiri norms of co-existence and fractured Kashmiri aspirations. Kashmiri opposition groups, even in their armed incarnation, traced their roots to a failed political process culminating in the rigged 1987 elections. But Islamic militias like the Lashkar traced their origins to the 1990 assassination of four Indian Air Force men while they were waiting for a bus in Srinagar, and their goal was to fight until Allah’s Deen or writ was established in the land.
By the end of the 1990s, there were more Pakistanis than Kashmiris amongst the mujahideen. The Lashkar’s list of ‘martyred commanders’, for example, named men from all over Pakistan. The mujahideen had more sophisticated arms, communications and planning, and they inflicted much greater damage in raids on army and police posts, convoys and barracks, government buildings and civilians. Within Kashmir, conflict spread from the Kashmir valley to the Muslim majority districts of Jammu, where Hindus and nomads began to be targeted in the border villages. Outside Kashmir, the mujahideen targeted India’s capital and financial centres—Delhi, Mumbai and Bangalore—and linked into the mafia-type network developed by the criminal Bombay financier Dawood Ibrahim, who fled India for Pakistan in the mid-1990s.

The Indian government adopted increasingly draconian measures in response, and civilians were frequently trapped in the battle between Indian troops and the Islamic militias. The counter-insurgency policy of using erstwhile mujahideen to fight present ones worsened an already fragile law and order infrastructure, letting in revenge killings. By the end of the decade, more than 35,000 people had been killed, the vast majority Muslim, and families who had lost one member at the hands of Islamic militias and another at the hands of the security forces were more a norm than exceptions in the Kashmir valley.

The Reluctant Search for Peace

International concern fixed on Kashmir after the Indian and Pakistani nuclear tests of summer 1998. Castigated across the world, with the US leading the chorus, Indian and Pakistani politicians began a slow and largely ritual dance around CBMs to contain the conflict and talks to find a long-term solution to it. The result was a highly publicized meeting in Lahore between the two countries’ prime ministers in early 1999, which was accompanied by easing visa restrictions and an agreement to resume negotiations under working groups that had been set up by earlier talks in 1996–97.
The Lahore meeting was trumpeted as the start of a new peace process and in some ways it was. But the hopes it raised proved illusory. Two months after it took place, a napping India was stunned to discover that while it was celebrating new warmth with its neighbour, Pakistani troops and guerillas had occupied chunks of the mountainous Kargil region in Kashmir.

The Kargil offensive caused international outcry and India responded by carpet bombing (the Kosovo air war was in its third month), but ensured that the attacks were on Pakistani positions on the Indian side of the border. While India bombed, reports that Pakistan was much further down the road than India in operationalizing its nuclear weapons, with help from China and North Korea, hit the US headlines. It looked as if the unthinkable—nuclear war—might actually be used as a threat.

A stunned Nawaz Sharif flew to the US in July to announce his withdrawal of Pakistani troops and guerillas. Derisively dubbed the ‘Washington declaration’ in Pakistan, his announcement was sullenly received as an act of national humiliation and, fearing a military coup, he tried to scapegoat the army chief, General Pervez Musharraf. After two weeks of wild brinkmanship, culminating in an attempt to oust Musharraf, the army took over in a bloodless and popular coup in October 1999. There was a sharp escalation of conflict in Kashmir.

A rough survey of newspaper accounts shows that between fall 1999 and summer 2000, an average of seven people died each day in army–militia conflict.

With an economy that had plunged from crisis to crisis since the 1998 nuclear tests and in hock to international lending agencies that made deescalation with India a priority, Musharraf began to look for ways to rollback the Kashmir conflict. The years 2000–01 were marked by a series of Pakistani initiatives, both domestic and with India, but most of them ended in failure. A ‘de-weaponization scheme’, announced with some fanfare, was abandoned after religious and militia leaders made a show of resistance. So too were attempts to curtail the arms bazaars in the tribal agencies of the North West Frontier Province and tax the smugglers' bazaars around
Peshawar. A decision to close down fund collection for jihad ended when the government agreed to leave Islamic parties and militias alone if they refrained from sectarian conflict within the country.

The year 2000 was similarly marked by failed back channel efforts between India and Pakistan to secure a ceasefire in Kashmir; each one ended with violence. A July 2000 ceasefire between the Indian army and one of the larger militias, the Hizbul Mujahedeen, could have been expanded into an overall ceasefire with all the militias under a ‘United Jihad Council’. Instead, it was tattered by the Lashkar-e-Taiba (LeT) and Jaish-e-Mohammad, who killed over 100 Hindu pilgrims and labourers in two days of carnage in Kashmir. The Indian government tried again, in October 2000, with a unilateral ceasefire. Though this eased the Indian army’s human rights abuses record in Kashmir, violence actually increased while it lasted, and it was called off after three months.

**Renewed Crisis**

Relations between the two countries plummeted still further in July 2001, when a summit in Agra between General Pervez Musharraf and Indian Prime Minister Atal Bihari Vajpayee ended in disarray. The summit was intended to find a *via media* towards a Kashmir settlement and it showed how far Vajpayee had moved the Indian position. At Lahore, Kashmir was put on a backburner. In Agra, it was up front—only for the two countries to discover once again that they could not agree, or agree to disagree.

Pakistan wanted a declaration in which Kashmir was recognized as the central issue of conflict between the two countries, which India had long refused. India was finally ready to grant that recognition but in return, the Indian government wanted Pakistan to eschew violence or support for violence in Kashmir. For Pakistan, this was too high a price to pay. A tightlipped Musharraf departed for Islamabad. Once again there were massacres in Kashmir, this time in Jammu, and the Indian government declared both Jammu
and the Kashmir valley ‘disturbed areas’, in which the security forces could make preventive arrests, shoot at sight, or cordon and search entire villages.

It looked as if the two countries were locked in implacable hostility and Kashmir was locked in an endless cycle of violence and siege. Then the September 11, 2001, attacks in New York and Washington occurred, and they altered the dynamics sharply. Pakistan became a key US ally in the war against terrorism and broke its links to the Taliban. A decline in the Kashmir conflict might have ensued but India was worried that Pakistan would adopt a revolving door policy.

When India’s parliament was attacked on 13 December, 2001, the Indian government cancelled air, rail and road links with Pakistan, recalled its ambassador to Islamabad and sent half-a-million troops to the border. With troops in Afghanistan and Pakistan, and the renewed threat of a war that was scary even in more distant times, the US pushed Pakistan to break off from Kashmir armed groups. On 11 January, 2002, Musharraf delivered a path-breaking address to the Pakistani nation, in which he said Pakistan would no longer allow its soil to be used for terrorism, and soon after he arrested close to 2,000 Islamic militants and closed over 300 of their offices.

Tensions remained high between the two countries throughout 2002 and 2003, but were contained by active international diplomacy, led by the US and the UK. Their pressure on Pakistan to close down the Islamic militias did not garner effective Pakistani action or even a ceasefire in Kashmir. But it gave the Indian government and the Kashmiri azaadi/separatist groups an opportunity to seek peace.

**New Opportunities**

When largely free and fair elections were held in Jammu and Kashmir in October 2002, they put in place a coalition led by a relatively new political party (the People’s Democratic Party or PDP). The PDP announced a ‘healing touch policy’ which combined human rights, such as the release of political prisoners, with efforts to jumpstart the economy through
reviving tourism. And the Indian government appointed a re-
spected former cabinet secretary, N.N. Vohra, as special en-
voy for talks with Kashmiri leaders. The stage appeared to be
set for a new peace process to begin within the troubled state
but Pakistan remained sceptical and it took close to another
year to achieve a breakthrough.

In April 2003 Vajpayee called again for peace with Pakistan
(his third and last try, he said), from Kashmir’s capital Srinagar.
This time his offer was followed by intensive bilateral as well
as international diplomacy, which was unusually quiet. In
September, Pakistan announced a ceasefire on the LoC,
following which there was a decline in cross-border movement
of militants.

The ceasefire held and paved the way for dramatic break-
throughs that were announced at the South Asian Association
for Regional Cooperation (SAARC) summit at Islamabad in
2004. These included a pledge by the seven member states to
implement a South Asian Free Trade Area between 2008-10,
alongside a social charter to share expertise on development
goals, and a pledge to work together to end support for terror-
ist groups and/or activities.

Meeting at the same time, the Indian and Pakistani leaders,
Vajpayee and Musharraf issued a joint statement in Islamabad
that the two countries would revive a composite dialogue on all
their contentious issues, including Kashmir, and would begin
on an ambitious series of CBMs. The statement included a
personal pledge by Musharraf to prevent the ‘use of Pakistani
(and Pakistan held) soil’ for terrorist acts against India.

These achievements would not have been possible without
a dawning India–Pakistan peace process. There were powerful
backers in the public constituency for peace. The enormous
Jung group of publications in Pakistan started an India–
Pakistan parliamentary dialogue and helped found the South
Asian Free Media Association (SAFMA). Business groups
in both countries pointed out that while the official trade
between the two countries was worth around US$200 million,
unofficial trade was over US$1 billion. If trade relations were
normalized between the two countries, Indian industrial and
commercial associations estimated that it could rise to US$5 billion a year relatively quickly.

This new constituency allowed Vajpayee to stare down opponents in his own party and its affiliates, and gave India the confidence to pursue a risky peace process even in the face of rising violence.

Most important of all, influential members of the Kashmiri diaspora in Europe and the US, whose energies had been revived by the abortive Lahore peace process, reconsidered the unconditional support they had offered to armed struggle; many now swung into the fray for a peace process.

**Phase II: Confidence-building**

In summer 2004, the Vajpayee government fell and the Congress-led United Progressive Alliance (UPA) came to power. In September, the new Indian Prime Minister Manmohan Singh and President Musharraf issued a joint statement reiterating their commitment to a peace process and the two countries increased institutional contacts between their border security forces, coast guards and foreign offices. The new government held its first round of talks with the Hurriyat and other azaadi/separatist leaders, and later that year, Prime Minister Singh announced that 40,000 troops would be redeployed out of civilian areas.

In February 2005, the Indian and Pakistani Foreign Ministers announced in Islamabad that the two countries would start a Srinagar–Muzaffarabad bus service. The launch of the bus on 7 April flagged off by the Indian Prime Minister, the Congress President and the Jammu and Kashmir Chief Minister, Mufti Mohammad Sayeed, reopened a road that had been closed since the war in 1948. Following a devastating earthquake that ravaged ‘Azad’ Kashmir in November 2005, Pakistan allowed another route to be opened, this time in the Jammu sector of the LoC. In June 2006, the Poonch–Rawalakot bus was launched. This time it was Ghulam Nabi Azad, who took over as Chief Minister of Jammu and Kashmir in November 2005, who flagged it off.
In both symbolic and actual terms, the reopening of these roads was a landmark achievement of the nascent peace process and it happened because there was a rare confluence of political and civil society inputs on the Indian side, and a rare confluence of military, political and Kashmiri inputs on the Pakistani side.

The years 2004–06 saw a flurry of Track II meetings and conferences that brought together Kashmiri leaders from the two sides of the LoC. To have Farooq Abdullah, Abdul Ghani Bhat and Sajjad Lone at the same table with ‘Azad’ Kashmir leaders like Sardar Qayyum Khan, discussing a peace process proactively instead of combatively, was in itself a huge confidence booster and it freed the Hurriyat leaders to speak openly and in their own right about the next steps they would like to see.

**Kashmiri Involvement**

It is a direct impact of these meetings that Mirwaiz Umar Farooq, the Hurriyat Chairman, was able to say in early 2006 that elected political leaders and civil society must be involved, as well as the Hurriyat, in talks for a Kashmir settlement. In many ways this statement represented another big breakthrough in the peace process: that the azaadi/separatist groups accepted that they were one (very significant) voice amongst many when it came to a settlement, and it showed how far the Hurriyat had moved from their earlier position that they were the sole representatives of the people of Jammu and Kashmir as far as talks for a settlement were concerned, because they were the voice of the alienated.

The Mirwaiz’s statement was made in the context of the Indian government’s next step to strengthen the peace process, after reviving talks with Pakistan and initiating Kashmir-centered CBMs. In August 2005, S. K. Lambah, a former High Commissioner to Pakistan, was appointed special envoy in the Prime Minister’s Office, with the brief of conducting back channel talks with Tariq Aziz, President Musharraf’s trusted aide who had been in a back channel with the Vajpayee government’s National Security Advisor, Brajesh Mishra. The back channel was not a decision-making forum. It was a means
by which all possible solutions to the disputes between India and Pakistan could be explored and differences narrowed, in which confidentiality could be maintained, thus permitting frank discussion.

The back channel was, perhaps, the most successful of all confidence-building exercises between the two governments. Towards the close of 2005, President Musharraf began to say that elected political representatives would also need to be involved in talks, reversing a Pakistani position that had held since the 1960s, that elections in Jammu and Kashmir were illegal (though elections in ‘Azad’ Kashmir were not held to be so). His statements eased the way for the Indian government to devise a mechanism that would involve a comprehensive range of Kashmiri representatives in planning for peace. In February 2006, Prime Minister Manmohan Singh set up a round table conference with Kashmiri political, regional and civil society leaders, to discuss ideas for a settlement and how to build peace on the ground.

The Hurriyat and other azaadi/separatist groups did not attend the round table but it was far too early for them to do so. Most of them had had two or three rounds of discussion with the Prime Minister and though they had had far more frequent back channel contacts with a number of government or semi-government interlocutors, the sheer number of separate interlocutors, each with his different style, cast some doubt on the extent to which any one of them would influence—let alone make—policy. Hence, the Hurriyat’s actual dialogue with New Delhi was measured by meetings with the Prime Minister, which in itself made the New Delhi–Hurriyat track logistically impossible, given the demands on his time as the Prime Minister of over a billion people.

Read in this context, the Mirwaiz’s statement that elected political leaders and civil society must be involved in talks suggested that the Hurriyat would very probably join the round table conferences once there had been new movement on the New Delhi–Hurriyat track. In fact, there were hectic back channel efforts to bring the Hurriyat and other azaadi/separatist groups to the second round table conference in Srinagar in May 2006, and the Hurriyat had more or
less committed that they would do so, but as some analysts had anticipated, there was an escalation of terrorist attacks in the run-up to the round table conference, which were clearly a message to the Hurriyat to stay away.

**Round Table Conferences**

The round table took place in an atmosphere of violence but it did set up five working groups that were asked to come up with ideas on how to further a peace process in and for Kashmir. The five working groups were on:

1. Strengthening relations across the LoC
2. Centre–state relations
3. Good governance
4. Infrastructure and economic development, and
5. CBMs within Jammu and Kashmir, especially for widows and orphans of violence, return of displaced persons and return of people who crossed over during the insurgency.

The composition of the working groups was to be: representatives of Kashmiri political parties, regional and civil society leaders, and azaadi or independence/separatist groups. As the latter continued to stay away, the round tables that eventually met from October 2006 were composed of the former three.

Meantime, by the summer of 2006, progress in the Aziz–Lambah back channel had been so rapid that India sent a set of ideas on devolution/self-governance for Kashmir to Pakistan through it. There were by elections held in the Doda district of Jammu and Kashmir in which huge numbers came out to vote, and the state government announced the formation of eight new districts which was welcomed across the state. And by late 2006, President Musharraf had begun to lay increasing stress on his two-point formula for self-governance and demilitarization as a solution.

On the security side, too, there was some hope in the air. The Indian government had begun gradual security reforms
from 2003, when the practice of using surrendered militants for counter-insurgency was put on a tight leash by chief minister Mufti Mohammed Sayeed; and from 2005, the security duties that the army had conducted in urban areas, such as manning check points, were transferred to the Jammu and Kashmir police and the Central Reserve Police Forces (CRPF). By 2006, the Indian government was pressing the army to take stringent steps to curb human rights violations. The pressure was resisted by troops on the ground and took over a year to show effects.

Continuing Violence

All these promising developments were marred by continuing violence. The transfer of security duties to the Jammu and Kashmir police and the CRPF did not bring any great relief because these forces were equally on alert and so did not behave in a way significantly different from the army.

The bus service was smothered by restrictions (it was open only to members of divided families), and cumbersome procedures in which permits to use the bus had to be cleared by a host of security agencies, including intelligence, given that the armed groups were no nearer to offering a ceasefire than they had been three years ago.

Pakistan began to reduce support for armed groups fighting in Jammu and Kashmir and by 2006, all discernible Pakistani government support for them had ended. There was a gradual decline in incidences of violence in Jammu and Kashmir, from a high of 4,507 fatalities in 2001 to 1,116 in 2006. In 2007, there was a hope that the figure might fall below 1,000, but this was still a very high number, still more than three people killed a day.

The years 2004–07 were also marked by terrorist attacks in Delhi, Mumbai, Bangalore and Coimbatore, and finally on the Samjhauta (Friendship) Express, the train that ran between India and Pakistan. In July 2006, just as the back channel appeared to be getting concrete and the Prime Minister’s working groups were being formed, blasts in Mumbai killed close to 200 people on commuter trains. India demanded
that Pakistan fulfill its 2004 pledge to act against militant groups and in September 2006 the two countries agreed to set up a joint counter-terrorism mechanism.

Though three meetings took place under the mechanism, they yielded no visible progress. Then came the blasts on the Samjhauta Express in February 2007 and they underlined once again how significant and yet how frail the nascent peace process was.

Prime Minister Singh and President Musharraf spoke in the same voice, condemning the blasts as an attack on the peace process and hopes rose once again for more rapid progress on containing violence and establishing a roadmap for its end. But it may have been too late. In early March 2007, President Musharraf suspended the Chief Justice of Pakistan and a series of protests ensued within Pakistan, giving rise to fears that the peace process would be put on the backburner.

The Working Group on Centre–state Relations

It was against this backdrop that the working group on Centre–state relations met first in December 2006 and then twice in early 2007. The other four working groups had already met several times, but this one had been plagued by difficulties in finding a chairperson. The first two people who were approached had refused, until finally Justice Saghir Ahmed, who retired from the Supreme Court in 2002 and had spent a brief stint in the Jammu and Kashmir High Court in 1994, agreed to head it.

This was not the end of the working group's troubles. Its first meeting, in December 2006, was boycotted by the National Conference to protest continuing human rights violations despite the Prime Minister's promise, in May, of 'zero tolerance'. In the second and third meetings in February and March 2007, debate was so heated that they ended without any agreement even on issues for further discussion. There was a long hiatus after the third meeting, until the Chair called a fourth meeting for September 2007, partly under pressure from the Centre to wrap up and produce a report.
By the time the group met for its fourth time, the other four working groups had presented their recommendations to the Prime Minister’s third round table, held in Delhi in April 2007. So the members of the group on Centre–state relations were aware that the working group on strengthening relations across the LoC would recommend:

2. Restrictions on who could travel be relaxed to include pilgrims, patients and tourists, if necessary, unilaterally by India; and

And that the working group on CBMs within Jammu and Kashmir would recommend:

1. Reviewing the Armed Forces Special Powers Act (AFSPA) and the Disturbed Areas Act (DAA) and, if it was possible in the light of the improved situation, revoke them;
2. Starting an unconditional dialogue process with militant groups to find a sustainable solution to the problem of militancy in the state;
3. Making the return of Kashmiri Pandits a part of state policy;
4. Providing better relief and rehabilitation for widows and orphans of violence in the state, including widows and orphans of militants; and
5. Facilitating the return of Kashmiris stranded across the LoC, many of whom had crossed over for arms training but now wished to return peacefully.

Several of the recommendations of the group on CBMs aroused ire at the discussion stage (in particular, on AFSPA, DAA, dialogue with militants and return of former militants), and the BJP and Panun Kashmir (Pandit) leaders walked out of the group while the recommendations were being discussed.
Members of the Centre–state Relations working group were aware of the tensions and rifts that the working group on CBMs within Jammu and Kashmir faced, and that these rifts could lead many of the recommendations to languish on the shelf. Several of the issues before them were similarly fraught; in particular:

1. Should Article 370 be restored or should some new formula be found?
2. Would internal devolution contribute towards peace-building in Kashmir? How would it square with the Jammu and Kashmir Constitution?
3. Was it necessary to take the azaadi groups’ views into account when making proposals, as they had a strong position on Centre–state relations, especially in the context of consensus building? Did the same principle apply to the armed groups?

These were issues that had polarized political parties and groups in Jammu and Kashmir for decades. The BJP and Panun Kashmir were both vehemently in favour of integration with India, and vehemently opposed to talks with azaadi and armed groups, but the former had a limited base in Jammu and the latter was the voice of some Kashmiri Pandits, again mainly in Jammu and Delhi. The Union Territory Front of Ladakh was, as its name stated, in favour of integration with India and there were simmering tensions between them and the KHC, which was in favour of the Jammu and Kashmir union but both were in favour of regional and district level devolution, and neither was opposed to talks with azaadi and armed groups.

The Panthers Party, which had four seats in the legislature, and the CPI (M) with two, were both in favour of federation with India, the latter supporting autonomy within the federation, and both supported talks with azaadi and armed groups, as did the National Conference, which was in favour of autonomy, and the PDP, who called it ‘self-rule’. The Congress Chief Minister was tightlipped about waiting for the recommendations of the working group but individual
Congress members had begun to speak of devolution and Article 370.

While this inter-Jammu and Kashmir debate was beginning, there was also an intra-Kashmiri dialogue going on whether self-governance and demilitarization could be a solution, and would the same apply on both sides of the LoC. It was by now widely rumoured that the Aziz–Lambah back channel was discussing whether self-governance should be offered by India and Pakistan simultaneously, and whether it should be ‘harmonized’, that is, should the same structure of constitutional relations be applied on both sides of the LoC, albeit with different parties. It was also rumoured that the Pakistani government continued to be reluctant to include the Northern Areas in any settlement.

When the working group went into its fourth and supposedly final round of deliberations, one of the key issues before it was not only to formulate proposals for the relationship between Jammu and Kashmir and the Indian Union, it also had to consider whether these proposals should be part of a wider settlement involving India, Pakistan and Kashmiris from both sides of the LoC, or whether they should be worked out only this side of the LoC. Which was more likely to produce a lasting settlement?

### TABLES AND FIGURE

**BACKGROUND: VIOLENCE IN JAMMU AND KASHMIR, 2000–06**

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidents</th>
<th>Civilians Killed</th>
<th>Security Force Personnel Killed</th>
<th>Terrorist Killed</th>
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<tr>
<td>2001</td>
<td>4522</td>
<td>919</td>
<td>536</td>
<td>2020</td>
</tr>
<tr>
<td>2002</td>
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<td>557</td>
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<td>917</td>
</tr>
<tr>
<td>2006</td>
<td>1667</td>
<td>389</td>
<td>151</td>
<td>593</td>
</tr>
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</table>

Table 5.2
Religious Identity of Civilians Killed in Various Violent Incidents, 2000

<table>
<thead>
<tr>
<th></th>
<th>Hindu</th>
<th>Muslim</th>
<th>Sikh</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>5</td>
<td>59</td>
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<tr>
<td>February</td>
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<td>March</td>
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<td>36</td>
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<td>77</td>
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<td>April</td>
<td>0</td>
<td>53</td>
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<td>2</td>
<td>55</td>
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<td>May</td>
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<td>0</td>
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<td>June</td>
<td>1</td>
<td>57</td>
<td>0</td>
<td>0</td>
<td>58</td>
</tr>
<tr>
<td>July</td>
<td>3</td>
<td>33</td>
<td>0</td>
<td>5</td>
<td>41</td>
</tr>
<tr>
<td>August</td>
<td>90</td>
<td>59</td>
<td>0</td>
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<td>150</td>
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<td>2</td>
<td>59</td>
<td>0</td>
<td>0</td>
<td>61</td>
</tr>
<tr>
<td>October</td>
<td>0</td>
<td>43</td>
<td>0</td>
<td>0</td>
<td>43</td>
</tr>
<tr>
<td>November</td>
<td>6</td>
<td>72</td>
<td>4</td>
<td>0</td>
<td>82</td>
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<tr>
<td>December</td>
<td>4</td>
<td>76</td>
<td>0</td>
<td>0</td>
<td>80</td>
</tr>
<tr>
<td>Total</td>
<td>132</td>
<td>661</td>
<td>40</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

1947

Spring–Summer: An internal revolt begins in the Poonch region, a predominantly Muslim area. The Maharaja suppresses it. A number of men from Poonch crossover to Pakistan and return with arms. In the last week of August, a condition of unrest and spasmodic violence turns into an organized rebellion resulting in killings of Hindus and Sikhs, and a number of refugees fleeing to Jammu by 13 September. The rebellion spreads to adjacent Mirpur and Muzaffarabad.

August: India and Pakistan emerge as independent states. The Maharaja of Jammu and Kashmir signs a standstill agreement with Pakistan but delays his decision on accession, because the rulers of princely states are encouraged to accede to either India or Pakistan—and he wants independence from both.

September: Reprisal attacks on Muslims in Jammu by armed bands of Hindus and Sikhs with active support from the state forces. Thousands of Muslims flee Jammu. There is no communal violence in the Kashmir valley.

While in prison, Sheikh Abdullah writes a letter to a friend in Jammu in favour of accession of Kashmir to India. Abdullah is released from prison on 29 September under pressure from India. After his release, he speaks in favour of Kashmir’s freedom before accession.

22 October: Pathan tribesmen from Pakistan invade Kashmir along with the Poonch rebels, allegedly incensed by the atrocities against fellow Muslims in Poonch and Jammu. They plunder and kill a large number of people; over 10,000 residents of Poonch and adjoining border areas flee. Pakistani troops support the tribesmen and the Poonch rebels, who declare an independent government of ‘Azad’ Kashmir on 24 October.

26 October: Maharaja signs the Instrument of Accession to the Indian Union, following invasion by the tribesmen from Pakistan.

27 October: Indian army enters the state to repel the invaders. Sheikh Abdullah is appointed head of the emergency
administration. Pakistan calls the accession illegal saying the Maharaja had no right to sign an agreement with India when the standstill agreement with Pakistan is still in force.

January 1948

India and Pakistan go to war over Kashmir. India takes the Kashmir problem to the United Nations Security Council (UNSC).


1949

1 January: a ceasefire is brokered by the UN. India and Pakistan agree to withdraw all troops behind a mutually agreed ceasefire line. The ceasefire leaves India in control of most of the valley as well as Jammu and Ladakh, while Pakistan gains control of what Pakistan calls ‘Azad’ Kashmir and the Northern territories Areas.

5 January: United Nations Commission for India and Pakistan (UNCIP) resolution states that the question of the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through a free and impartial plebiscite. Pakistan is to secure the withdrawal of Pakistani intruders followed by withdrawal of Pakistani forces from the state. India is to keep only as many troops in Jammu and Kashmir as are required for security of a plebiscite. Talks flounder and Pakistan does not withdraw.

April: Pakistan signs the Karachi Agreement with the Pakistani-appointed ‘Government of Azad Kashmir’, which cedes the Northern Areas to direct rule by Pakistan and severely restricts the powers of the ‘Government of Azad Kashmir’.

17 October: the Indian constituent assembly adopts Article 370 of the Constitution, ensuring a special status and internal autonomy for Jammu and Kashmir with Indian jurisdiction in
Kashmir limited to the three areas agreed in the Instrument of Accession (IoA), namely, defence, foreign affairs and communications.

1951
First post-independence elections. Abdullah wins mostly unopposed.

1952
In July, Sheikh Abdullah signs the Delhi Agreement with the Indian government on Centre–state relationships, providing for autonomy of the state within India and of regions within the state. Article 370 is confirmed and the state is allowed to have its own flag. Agreement also touched on issues of citizenship (Kashmiris are citizens of India) and some special issues (the governor was to be called the Sadr-i-Riyasat and was to be elected by the state legislature and not nominated by New Delhi as in other states).

The domination of Kashmir valley and Abdullah’s land reforms create discontent in Jammu and Ladakh. The Praja Parishad demonstrates in Jammu for union with India and the result is street violence.

1953
Abdullah procrastinates in confirming the accession of Kashmir to India. He is dismissed as prime minister and arrested. India claims he is collaborating with the US and planning independence; that he is corrupt and nepotistic and is running a one-party state.

1953–54
Abdullah is replaced by Bakshi Ghulam Mohammed, who gets the accession formally ratified by the legislative assembly in 1954. Bakshi is repressive and widely seen as running a corrupt administration.

The customs barrier between Kashmir and India is lifted.
1956
Jammu & Kashmir approves its constitution.

1958
Abdullah is released from prison. He gives speeches favouring independence. Four months later, he is jailed again for six years.

1959
Permit system for entry to the state is abolished. State Constitution is amended to extend jurisdiction of the Union Election Commission to the state and bring its High Court at par with those in the rest of India.

1962
Elections, which are allegedly rigged, put Bakshi back in power. China attacks India in a border dispute in the Northeast Frontier and Ladakh; conquers and occupies the vast Aksai Chin glacial region of Ladakh.

1962–63
Talks between India and Pakistan over Kashmir. Proposals include internationalization of the valley and partition of the state. No agreement is reached.

1964
Abdullah released. The ailing Prime Minister Nehru sends Abdullah to Pakistan on 25 May, in an effort to resolve the Kashmir problem, taking into account the wishes of Kashmiris. Nehru passes away on 27 May and the talks get stranded.

Protest demonstrations occur in Kashmir valley in December against Articles 356 and 357 of the Indian Constitution being extended to the state, by virtue of which the Centre can assume the government of the state and exercise its
legislative powers. The special status accorded to the state under Article 370 is diluted.

1965

A branch of the Congress Party is established in Kashmir and the National Conference is dissolved. Abdullah is arrested upon his return from Haj. Protests ensue.

Concluding that Kashmiris are ripe for revolt, Pakistan mounts ‘Operation Gibraltar’, sending armed infiltrators across the ceasefire line. Indo-Pakistan war breaks out which ends in a ceasefire on 23 September. In January 1966, Tashkent Declaration is signed by both countries agreeing to revert to pre-war position under Russian mediation.

Kashmiri nationalists Amanullah Khan and Maqbool Butt form another Plebiscite Front with an armed wing called the Jammu and Kashmir National Liberation Front (JKNLF) in ‘Azad’ Kashmir, with the objective of freeing Kashmir from Indian occupation. Butt crosses into the valley in June 1966 and engages in clashes with the Indian army. He is arrested and sentenced to death in 1968 but escapes to ‘Azad’ Kashmir.

1967

Jammu Autonomy Forum (JAF) is formed to campaign for regional autonomy for Jammu. In November 1968, the Indian government’s Gajendragadkar Commission recommends statutory regional development boards.

1971

Conflict breaks out between East and West Pakistan over the latter’s refusal to honour election results and with Indian support, East Pakistan becomes independent Bangladesh. Pakistan opens a second front on the LoC and the war ends with India in occupation of a large chunk of West Pakistan.

In Jammu and Kashmir, the Plebiscite Front is banned. Abdullah is externed from the state. Elections are held and the Congress party wins.
1972

Abdullah is allowed to return.

July: Indian Prime Minister Indira Gandhi and Pakistani Prime Minister Zulfikar Ali Bhutto sign the *Simla Agreement*, which includes:

1. (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance of encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

   (iii) That the prerequisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other’s territorial integrity and sovereignty and non-interference in each other’s internal affairs, on the basis of equality and mutual benefit;

2. Both governments will take steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order to progressively restore and normalize relations between the two countries step by step, it was agreed that:

   (i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights.

   (ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

   (iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.
(iv) Exchange in the fields of science and culture will be promoted.

4. In order to initiate the process of establishment of durable peace, both the governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of 17 December 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

1974

‘Azad’ Kashmir passes its own constitution, in which it is mandatory for anyone standing for elections or employed by the government to take an oath of allegiance to Pakistan.

1975

Accord between Abdullah and Prime Minister Indira Gandhi. India sees it as firming the union. Abdullah sees it as protecting Kashmir’s special status. He returns to power. Indira Gandhi rules under Emergency powers at the national level.

1976

Maqbool Butt is arrested on his return to the valley. Amanullah Khan moves to England and the JKNLF becomes Jammu and
Kashmir Liberation Front (JKLF), which continues to be based in ‘Azad’ Kashmir.

1977
Indira Gandhi loses to a coalition in Indian elections. Abdullah wins in Kashmir. He is accused of favouring the valley over Jammu and Ladakh.

1979
The USSR invades Afghanistan. The US, Saudi Arabia and Pakistan, with some other states, start to train and equip mujahedeen to fight the USSR in Afghanistan. The mujahedeen set their own agenda, one goal of which is establishing Islamic rule in Kashmir. The Indian government appoints the Sikri Commission to inquire into regional grievances in Jammu and Kashmir.

1980
Indira Gandhi comes back to power at the Centre.

1982

1983
Farooq schedules elections. Indira Gandhi seeks a deal where he allies with her party. Farooq refuses. Gandhi is upset. The ensuing campaign is dirty and personal. Farooq wins.

1984
Farooq's government is dismissed by the Governor under pressure from the Centre. Protest ensues. G. M. Shah replaces Farooq.
Indian and Pakistani armies engage in clashes in Siachen Glacier, a no-man’s land at an altitude of 20,000 feet with extreme weather conditions, where the ceasefire line had been left undefined by 1972 Simla Agreement.

1986

Communal riots occur. G. M. Shah is dismissed. Farooq is reinstalled as Chief Minister by Rajiv Gandhi’s government (Indira is assassinated by Punjabi militants) pending elections in 1987. Farooq loses his popularity in Kashmir because of his collaboration with the central government.

1987

Elections held. National Conference fights the election in alliance with the Congress, and wins. The Muslim United Front (MUF) alleges rigging. The MUF candidate Mohammad Yousuf Shah is imprisoned and he would later become Syed Salahuddin, chief of the militant group Hizb-ul-Mujahedeen. His election aides (known as the HAJY group)—Abdul Hamid Shaikh, Ashfaq Majid Wani, Javed Ahmed Mir and Mohammed Yasin Malik—would join the JKLF.

1988

Protests begin in the valley along with anti-India demonstrations, followed by police firing and curfew. Militancy begins. MUF volunteers crossover to Pakistan for training and arms. National Conference and BJP leaders are attacked.

1989

Militancy increases with bomb blasts. On 8 December, Rubaiya Sayeed, daughter of the Home Minister Mufti Mohammed Sayeed, is kidnapped by the JKLF. She is released safely on 13 December in exchange for the release of five JKLF leaders.

Soviet occupation of Afghanistan comes to an end. A large number of militant and weapons enter Kashmir through Pakistan, further fueling discontent.
1990

In January BJP strongman Jagmohan is reappointed Governor. Farooq Abdullah resigns. A large number of unarmed protesters are killed in firing by the Indian troops in separate incidents.

400,000 Kashmiris march to the UN Military Observers Group to demand implementation of the plebiscite resolution. A number of protestors are killed after the police fires at them.

A number of prominent Kashmiris are killed by militants, among whom Pandits form a substantial number.

Pandits begin to be forced out of the Kashmir valley. The rise of new militant groups, some warnings in anonymous posters and some unexplained killings of innocent members of the community, contribute to an atmosphere of insecurity for the Kashmiri Pandits. Estimated 140,000 Hindus, including the entire Kashmiri Pandit community, flee the valley in March.

1989–Present

Security forces become a fixture in Jammu and Kashmir. The numbers vary according to the level of violence but rarely dip below 350,000.

1990–2001

An officially estimated 10,000 Kashmiri youth crossover to Pakistan for training and procurement of arms. The Hizb-ul Mujahideen (Hizb), which is backed by Pakistan, increases its strength dramatically. ISI favours the Hizb over the secular JKLF and cuts off financing to the JKLF and in some instances, provides intelligence to India against the JKLF. In April 1991, Kashmiris hold anti-Pakistan demonstrations in Srinagar following killing of a JKLF area commander by the Hizb. In 1992, Pakistani forces arrest 500 JKLF marchers led by Amanullah Khan in Pakistan held Kashmir (PoK) to prevent a bid to cross the border. India also uses intelligence from captured militants. JKLF militancy declines. The JKLF
faction led by Yasin Malik announces a unilateral ceasefire in 1994 and pursues a political agenda under the All Parties Hurriyat (Freedom) Conference (APHC) umbrella, followed by Amanullah Khan’s JKLF faction’s ceasefire in 1997. Since 1995, foreign militant outfits with an Islamic agenda such as LeT and Harkat-ul-Mujahedeen grow to dominate the militancy in Kashmir, besides the indigenous Hizb, all of them under the umbrella of the United Jehad Council (UJC). Other indigenous and foreign militant organizations proliferate.

Surrendered militants begin to be used in Indian counter-insurgency operations.

Slowly militant action moves to other regions of the state like Doda and Poonch.

1996

Assembly elections held after a gap of nine years. There is a very low turnout in the Kashmir valley, higher turnout in Jammu and Ladakh.

1998

India and Pakistan conduct nuclear tests.

1999

While the Pakistani Prime Minister Nawaz Sharif discusses peace with the Indian Prime Minister Atal Bihari Vajpayee, the Pakistani army sends several thousands of militants, accompanied by Pakistani army regulars and officers across the Kargil ridges in Kashmir. India carpet bombs, and the US and other nations pressurize Pakistan to retreat. An estimated 3,000 soldiers die.

India and Pakistan sign *Lahore Declaration*, agreeing to ‘intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir’.

October: General Musharraf overthrows the democratically elected government of Nawaz Sharif. By 2001, he had declared himself the new Pakistani president and given himself
boundless powers through a newly devised National Security Council (NSC).

Back channel talks begin between India and the new Pakistani leadership.

2000

April: Sikhs are massacred in Chhitisinghpura village of North Kashmir, as US President Bill Clinton begins his visit to India. The US puts several Kashmir-centered armed groups on its terrorism watch list.

August: India begins ceasefire talks with Hizb-ul Mujahedeen in Srinagar but the talks fail within a couple of weeks, as the Hizb chief in Pakistan, Salahuddin, wrests leadership from the local Hizb commander, Majid Dar, who had begun the talks. Salahuddin keeps upping the ante and the talks fade away when militants kill over 100 Hindu pilgrims and labourers in three days.

November: Indian Prime Minister Atal Bihari Vajpayee attempts a unilateral ceasefire and announces that security forces will suspend combat operations against militants in Jammu and Kashmir during the Islamic holy month of Ramadan. India puts a ceasefire into effect in Kashmir.

December: Pakistan-based guerrilla group, Lashkar-e-Taiba (LeT), claims responsibility for an attack on New Delhi’s historic Red Fort which leaves four dead.

2001

February: Prime Minister Vajpayee extends the unilateral ceasefire by three months.

May: India ends a six-month military ceasefire against Islamic guerrillas in Kashmir while also inviting Pakistani military ruler General Pervez Musharraf to peace talks aimed at ending five decades of hostilities between the two countries.

Pakistan’s military ruler General Pervez Musharraf formally accepts an Indian invitation for summit talks in Agra.

July: India says it is releasing more than 400 Pakistani prisoners from its jails as a goodwill gesture 10 days ahead of the India–Pakistan summit meeting in New Delhi.
Musharraf and Vajpayee meet in Agra for a summit. The talks fail to produce a joint statement on Kashmir because Musharraf is not ready to announce that Pakistan will not permit its soil to be used for terrorist attacks against India.

11 September (9/11): Al Qa’eda attacks the World Trade Center (WTC) in New York and the Pentagon in Washington, flying planes into the buildings and causing the death of over 3,000 people.

After being given an ultimatum by the US government, President Musharraf declares that Pakistan will be a US ally in ‘the war on terrorism’.

October: The US attacks Afghanistan, ousting the Taliban government and Al Qa’eda within three weeks.


The Prevention of Terrorism Bill is passed in the Indian parliament as the Prevention of Terrorism Act (POTA), that gives armed forces powers to undertake action against suspected terrorists without following the usual legal–judicial process.

2002

January: President Musharraf announces Pakistani soil will not be used for terrorism against India, closes down mujahdeen offices and arrests 2,000 militants and their leaders.

Tensions ebb but within a few months, Pakistan releases most of the militants and they soon reopen their offices.

Spring: India and the Hurriyat reach an agreement that India will encourage free and fair elections in Kashmir, and the Hurriyat will not oppose them.

Summer–Fall: Elections, which are held by international observers to be fair, are held in Jammu and Kashmir. A new coalition of PDP and Congress come to power. Chief Minister Mufti Mohammed Sayeed announces a ‘healing touch’ policy.

2002–03

Levels of violence diminish and there is hope in Kashmir, but India–Pakistan standoff remains.
November 2003: India and Pakistan declare a ceasefire along the LoC. Violence declines further but is still over 2,000 fatalities per year.

2004

Congress-led and coalition takes over at the Centre after the general elections.
New peace process begins between India and Pakistan, with a joint pledge by Indian Prime Minister Manmohan Singh and Pakistani President Pervez Musharraf to revive the composite dialogue and discuss Kashmir. Musharraf reaffirms pledge to stop support to terrorists from across the LoC.
Indian government–Hurriyat talks restart.

2005

April: Srinagar–Muzaffarabad bus launched.
India offers aid to Pakistan but is refused.
Nevertheless, under international, especially humanitarian NGO pressure, Pakistan finally allows some crossing points to be opened for earthquake affected families to meet. On the first day of crossing point opening, Pakistani officials fire tear gas at ‘Azad’ Kashmir families surging across.
Pakistan based militant groups get new lease of life as they are the first to provide relief in ‘Azad’ Kashmir.
November: Infiltration, which had come down substantially in 2003–05, begins to rise.

2006

February: Prime Minister Manmohan Singh expands New Delhi–Kashmir dialogue, holds a round table conference with Kashmiri political and community leaders. The Hurriyat and other separatists do not attend.
May: Second round table conference in Srinagar. Hectic efforts are made to bring the Hurriyat and other separatist groups on board. The Hurriyat demands that the meeting be restricted to political parties and separatist groups. The government of India (GoI) agrees and the stage seems to be set for the Hurriyat to join the round table conference but there is an escalation of terrorist attacks in the run up to the roundtable conference and the Hurriyat stays away.

Round table conference takes place in an atmosphere of violence. It sets up five working groups that are asked to come up with ideas on how to further a peace process in and for Kashmir.

June: Poonch–Rawalakot bus starts.

May–July: Terrorist attacks escalate sharply, especially against tourists in Srinagar.

India sends a set of ideas on devolution/self-governance for Kashmir to Pakistan through its back channel.

By-elections are held in Jammu and Kashmir in which huge numbers come out to vote.

The state government announces the formation of eight new districts which is welcomed across the state.

The working groups set up at the roundtable conference are formally constituted.

July: Bombay blasts kill close to 200 people on commuter trains. India demands Pakistan fulfill its 2004 pledge to act against militant groups.

First round table conference working groups meet: only the ones on widows and orphans, and on CBMs with Pakistan.

September: India and Pakistan announce a joint counter-terrorism mechanism.

October: Next two working groups, on governance and economic reconstruction meet.

December: Working group on Centre–state relations finally meets. The National Conference boycotts it in protest against continuing human rights violations.

2007

February: Second meeting of working group on Centre–state relations.
In Pakistan, President Musharraf attempts to sack Chief Justice of Supreme Court. Lawyers movement begins, snow-balls into massive protests demanding his reinstatement, and free and fair elections.

Radical clerics of Lal Masjid and Jamia Hafsa in Rawalpindi take direct action to enforce Sharia in the city. Pakistani government’s attention now focussed on internal matters. Kashmir begins to slip to backburner.

Nevertheless, persistent rumours indicate that the back channel is very close to agreeing a framework to settle the Kashmir conflict.

March: Centre–state relations working group has third meeting but still no consensus on issues for discussion.
April: Third round table conference takes place in Delhi. Four working groups’ reports presented.
Summer: Pakistan fires upon Lal Masjid; over 100, mostly young students, are killed. Reprisal attacks begin. They are concentrated in the North West Frontier Province, Waziristan and Balochistan. Under US and NATO pressure, Pakistan launches military attacks on Waziristan, which has become a Taliban and Al Qa’eda stronghold.

Kashmir now firmly on backburner as far as India–Pakistan talks are concerned; the back channel is quiet. Former Pakistani Prime Ministers Nawaz Sharif and Benazir Bhutto (assassinated in December 2007) announce they will not support any agreement on Kashmir reached with President Musharraf.

In Jammu and Kashmir, the PDP demands troops reduction. The Indian Prime Minister sets up a panel to look into the issue. The panel recommends a reduction of 20,000 troops.

September: Fourth and supposedly final meeting of the Centre–state relations working group.
DOCUMENTS

INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such emissions, additions, adaptations and modalitention as the Governor-General may by order specify be applicable to the Dominion of India:

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

Now THEREFORE

I Shriman Inder Hari Singh ...............Ruler of JAMMU AND KASHMIR STATE in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms hereof, and for the purposes only of the Dominion, exercise in relation to the State of JAMMU AND KASHMIR (hereinafter referred to the as “this State”) such functions as may be rested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as “the Act”).

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this
State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if the agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration of this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way in acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any
powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of OCTOBER Nineteen hundred and forty seven.

____________________

I do hereby accept this Instrument of Accession.
Dated this ...........day of October Nineteen hundred and forty seven.

(Governor-General of India)

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. Defence

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion: any armed forces, including forces raised or maintained by an Acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.
3. Arms; fire-arms; ammunition.
4. Explosives.

B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty’s dominions outside India.
2. Admission into, and emigration and expulsion from, India, including in relations thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.
3. Naturalization.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.
3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
4. Port quarantine.
5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.
2. Offences against laws with respect to any of the aforesaid matters.
3. Inquiries and statistics for the purpose of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

Article 370 of the Indian Constitution (Extracts)

Temporary Provisions with Respect to the State of Jammu and Kashmir

1. Notwithstanding anything in this Constitution:

   (a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

   (b) the power of Parliament to make laws for the said State shall be limited to:

      i. those matters in the Union List and the Concurrent List which, in consultation with the government of the state are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the
State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

ii. Such other matters in the said Lists as, with the concurrence of the Government of the state, the President may by order specify.

(Ministry of Law Order No. C. O. dated 15 November 1952)
Source: www.jammu-kashmir.com/documents/jk_art370.html

The Delhi Agreement 1952, Summary Extracts

After the constituent assembly of the state had taken important decisions, it was deemed necessary to receive the concurrence of the Indian government. Accordingly, the representatives of the Kashmir government conferred with the representatives of Indian government and arrived at an agreement. The main features of the Delhi Agreement, 1952 were:

i. In view of the uniform and consistent stand taken up by the Jammu and Kashmir Constituent Assembly that sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the State, the Government of India agreed that, while the residuary powers of legislature vested in the Centre in respect of all states other than Jammu and Kashmir, in the case of the latter they vested in the State itself;

ii. It was agreed between the two Governments that in accordance with Article 5 of the Indian Constitution, persons who have their domicile in Jammu and Kashmir shall be regarded as citizens of India, but the State legislature was given power to make laws for conferring special rights and privileges on the ‘state subjects’ in view of the ‘State Subject’ Notifications of 1927 and 1932: the State legislature was also empowered to make laws for the ‘State Subjects’ who had gone to Pakistan on account of
the communal disturbances of 1947, in the event of their return to Kashmir;

iv. The Union Government agreed that the State should have its own flag in addition to the Union flag, but it was agreed by the State Government that the State flag would not be a rival of the Union flag;

v. There was complete agreement with regard to the position of the Sadar-i-Riyasat; though the Sadar-i-Riyasat was to be elected by the State Legislature, he had to be recognised by the President of India before his installation as such... the Sadar-i-Riyasat will in the first place be elected by the State legislature itself instead of being a nominee of the Government and the President of India.

vi. With regard to fundamental rights, some basic principles agreed between the parties were enunciated; it was accepted that the people of the State were to have fundamental rights. But in the view of the peculiar position in which the State was placed, the whole chapter relating to ‘Fundamental Rights’ of the Indian Constitution could not be made applicable to the State, the question which remained to be determined was whether the chapter on fundamental rights should form a part of the State Constitution of the Constitution of India as applicable to the State;

vii. With regard to the jurisdiction of the Supreme Court of India, it was accepted that for the time being, owing to the existence of the Board of Judicial Advisers in the State, which was the highest judicial authority in the State, the Supreme Court should have only appellate jurisdiction;

viii. There was a great deal of discussion with regard to the “Emergency Powers”; the Government of India insisted on the application of Article 352, empowering the President to proclaim a general emergency in the State; the State Government argued that in the exercise of its powers over defence (Item 1 on the Union List), in the event of war or external aggression,
the Government of India would have full authority to take steps and proclaim emergency but the State delegation was, however, averse to the President exercising the power to proclaim a general emergency on account of internal disturbance.

In order to meet the viewpoint of the state’s delegation, the GoI agreed to the modification of Article 352 in its application to Kashmir by the addition of the following words: ‘but in regard to internal disturbance at the request or with the concurrence of the Government of the state.’

Source: http://jammukashmir.nic.in/profile/cntit5.htm

Pakistan-administered Kashmir
The Karachi Agreement 1949 (Extracts)
Text of the agreement signed between Pakistan and the Azad Kashmir government in April 1949. The Agreement was signed by the following:

2. Sardar Mohammed Ibrahim Khan, the president of ‘Azad’ Kashmir.

(At that time, the Muslim Conference was the only Kashmiri political party on the Pakistan side of the ceasefire line.)

A. Matters within the purview of the government of Pakistan.

i. Defence.
ii. Foreign policy of Azad Kashmir.
iv. Publicity in foreign countries and in Pakistan.
v. Coordination and arrangement of relief and rehabilitation of refugees.
vi. Coordination of publicity in connection with plebiscite.

vii. All activities within Pakistan regarding Kashmir such as procurement of food, civil supplies running of refugee camps and medical aid.

viii. All affairs of Gilgit–Ladakh under the control of Political Agent.

B. Matters within the purview of Azad Kashmir government.

i. Policy with regard to administration of AK territory.

ii. General supervision of administration in AK territory.

iii. Publicity with regard to the activities of the ‘Azad’ Kashmir government and administration.

iv. Advice to the honourable Minister without Portfolio with regard to negotiations with United Nations Commission for India and Pakistan.

v. Development of economic resources of AK territory.

C. Matters within the purview of the Muslim Conference:

1. Publicity with regard to plebiscite in the AK territory.
2. Field work and publicity in the Indian occupied area of the State.
3. Organisation of political activities in the AK territory and the Indian occupied area of the State.
4. Preliminary arrangements in connection with the plebiscite.
5. Organisation for contesting the plebiscite.
6. Political work and publicity among the Kashmiri refugees in Pakistan.
7. Advise the honourable minister without Portfolio with regard to the negotiations with the United Nations Commission for India and Pakistan.

Source: http://www.google.co.in/search?q=Karachi+Agreement+1949&ie=UTF-8&hl=en&btnG=Google+Search&meta=

We, the people of the State of Jammu and Kashmir, having solemnly resolved, in pursuance of accession of this State to India which took place on the twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof, and to secure to ourselves:

JUSTICE social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity; and to promote among us all;
FRATERNITY, assuring the dignity of the individual and the unity of the Nation;
IN OUR CONSTITUENT ASSEMBLY This seventeenth day of November, 1956 do Hereby Adopt Enact and Give to ourselves this constitution.

Part I, Preliminary

2. (I) In this Constitution, unless the context otherwise requires,

a. ‘Constitution of India’ means the Constitution of India as applicable in relation to this state.
b. ‘existing law’ means any law, ordinance, order by-law, rule notification; or regulation based, made or issued before the commencement of this Constitution by the legislature or other competent authority or person having power to pass, make or issue such law, ordinance, order bye-law rule, notification or regulation;

2. Any reference in this Constitution to Acts or laws of the state legislature shall be construed as including a reference to an Ordinance made by the Sadar-i-Riyasat.
Part II, The State

3. The State of Jammu and Kashmir is and shall be an integral part of the Union of India.
4. The territory of the State shall comprise all the territories which on the fifteenth day of August, 1947, were under the sovereignty or suzerainty of the Ruler of the State.
5. The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India.

Part III
Permanent Residents

6. (1) Every person who is, or is deemed to be, a citizen of India under the provisions of the Constitution of India shall be a permanent resident of the State, if on the fourteenth day of May 1954:

a. he was a State subject of class I or of class II, or
b. having lawfully acquired immovable property in the State, he has been ordinarily resident in the State for not less than ten years prior to that date.

(2) Any person who, before the fourteenth day of May 1954 was a State subject of Class I or of Class II and who, having migrated after the first day of March, 1947, to the territory now included in Pakistan, returns to the State under a permit for resettlement in the State or for permanent return issued by or under the authority of any law made by the State Legislature shall on such return be a permanent resident of the State.

7. Unless the context otherwise requires, all references in any existing law to hereditary State subject or to State subject of class I or of Class II or of class III shall
be construed as references to permanent residents of the State.

9. A Bill marking provision for any of the following matters, namely.

a. defining or altering the definition of, the classes of persons who are, or shall be, permanent residents of the State;
b. conferring on permanent residents any special rights or privileges;
c. regulating or modifying any special rights or privileges enjoyed by permanent residents;

shall be deemed to be passed by either House of the Legislature only if it is passed by a majority of not less than two-thirds of the total membership of that House.

**Part IV, Directive Principles of State Policy**

16. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

25. The State shall combat ignorance, superstition, fanaticism, communalism, racialism, cultural backwardness and shall seek to foster brotherhood and equality among all communities under the aegis of a secular State.

**Part V, The Executive: The Sadar-i-Riyasat**

26. (1) The Head of the State shall be designated as the Sadar-i-Riyasat.
(2) The executive power of the State shall be vested in the Sadar-i-Riyasat and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.
Provided that no person shall be so recognised unless he:

a. is a permanent resident of the state;
b. is not less than twenty-five years of age; and
c. has been elected as Sadar-i-Riyasat by a majority of the total membership of the Legislative Assembly in the manner set out in the First Schedule.

28. (3) Subject to the foregoing provision of this section, the Sadar-i-Riyasat shall hold office for a term of five years from the date on which he enters upon his office.

29. A person who holds or has held office as Sadar-i-Riyasat shall, subject to the other provisions of this Constitution, be eligible for reselection to that office.

34. The Sadar-i-Riyasat shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense against any law relating to a matter to which the executive power of the State extends.

The Council of Ministers

35. (1) There shall be a council of Ministers with the Prime Minister at the head to aid and advise the Sadar-i-Riyasat in the exercise of his functions. All functions of the Sadar-i-Riyasat except those under sections 36, 38 and 92 shall be exercised by him only on the advice of the Council of Ministers.

(3) The question whether any, and if so what, advice was tendered by Ministers to the Sadar-i-Riyasat shall not be inquired into in any court.

36. The Prime Minister shall be appointed by the Sadar-i-Riyasat and the other Ministers shall be appointed by the Sadar-i-Riyasat on the advice of The Prime Minister.

37. (1) The Council of Ministers shall be collectively responsible to the Legislative Assembly.
Conduct of Government Business

44. It shall be the duty of the Prime Minister:

a. to communicate to the Sadar-i-Riyasat all decisions of the council of Ministers relating to the administration of the affairs of the State and proposals for legislation;

b. to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Sadar-i-Riyasat may call for, and

c. if the Sadar-i-Riyasat so requires to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

45. (1) All executive action of the Government shall be expressed to be taken in the name of the Sadar-i-Riyasat of the Jammu and Kashmir.

Part VI, The State Legislative

Composition of the State Legislature

46. There shall be Legislature for the State which shall consist of the Sadar-i-Riyasat and two Houses known respectively as the Legislative Assembly and the Legislative Council.

47. (1) The Legislative Assembly shall consist of one hundred members chosen by direct election from territorial constituencies in the State;

Provided that the Sadar-i-Riyasat may, if he is of opinion that women are not adequately represented in the Assembly, nominate not more than two women to be members thereof.

(2) For the purposes of sub-section (I), the State shall be divided into territorial constituencies in such a manner
that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

48. Notwithstanding anything contained in section 47, until the area of the State under the occupations of Pakistan ceases to so occupied and the people residing in that area elect their representatives.

(a) twenty-five seats in the Legislative Assembly shall remain vacant and shall not be taken into account for reckoning the total membership of the Assembly; and the said area shall be excluded in delimiting the territorial Constituencies Under Section 47.

49. (I) There shall be reserved in the Legislative Assembly for the Scheduled Castes in the State a number of seats which shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes bears to the population of the State.

50. (1) The Legislative Council shall consist of thirty-six members, chosen in the manner provided in this section.

(2) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the Province of Kashmir and are not members of the Legislative Assembly.

(3) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the Province of Jammu and are not members of the Legislative Assembly. Provided that of the members so elected, at least one shall be a resident of Doda District and at least one shall be a resident of Poonch District.

(4) One member shall be elected by each of the following electorates, namely,

a. the members of municipal council, town area committees and notified area committees in the Province of Kashmir;
b. the members of municipal council, town area committees, and notified area committees in the Province of Jammu;

c. permanent residents who have been for at least three years engaged in teaching in educational institutions recognised by the Government in the Province of Kashmir; and

d. permanent residents who have been for at least three years engaged in teaching in educational institutions recognised by the Government in the Province of Jammu.

(5) Two members shall be elected by each of the following electorates, namely,

a. the members of the Panchayats and such other local bodies in the Province of Kashmir as the Sadar-i-Riyasat may by order specify; and

b. the members of the Panchayats and such other local bodies in the Province of Jammu as the Sadar-i-Riyasat may by order specify.

(6) Six members shall be nominated by the Sadar-i-Riyasat, not more than three of whom shall be person belonging to any of the socially or economically backward classes in the State, and the others shall be persons having special knowledge or practical experience in respect of matters such as literature, science, art, cooperative movement and social service.

(7) Elections under sub-section (2) and (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

General Provisions

51. A person shall not be qualified to be chosen to fill a seat in the Legislature unless he:
(a) is a permanent resident of the State;
(b) is in the case of a seat in the Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in the Legislative Council, not less than thirty years of age;
(2) The Legislative Council shall not be subject to dissolution but as nearly as possible one-third of the members thereof shall retire, as soon as may be, on the expiration of every second year in accordance with the provisions made in that behalf by Legislature by law.

53. (2) The Sadar-i-Riyasat may from time to time.
(a) prorogue the House or either house (b) dissolve the Legislative Assembly.
54. (1) The Sadar-i-Riyasat may address either House of Legislature, or both Houses assembled together, and may for that purpose require the attendance of members.

Conduct of Business

87. Business in the Legislature shall be transacted in Urdu or in English.

1. Provided that the Speaker of the Legislative Assembly or the Chairman of the Legislative Council or person acting as such, as the case may be, may permit any member to address the House in Hindi, or if he cannot adequately express himself in any of the aforesaid languages, to address the House in his mother-tongue.
2. The official records of the proceedings in the Legislature shall be kept in Urdu as well as in English.
3. The text of all Bills and amendments thereof moved in and of all Acts passed by the Legislature which shall be treated as authoritative, shall be in English.
Breakdown of Constitutional Machinery

92. (1) If at any time the Sadar-i-Riyasat is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the Sadar-i-Riyasat may by Proclamation:

   a. assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by anybody or authority in the State;
   b. make such incidental and consequential provisions as appear to the Sadar-i-Riyasat to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution relating to anybody or authority in the State.

Provided that nothing in this section shall authorize the Sadar-i-Riyasat to assume to himself any of the powers vested in or exercisable by the High Court or to suspend in whole or in part the operation of any provision of this Constitution relating to the High Court.

(2) Any such Proclamation may be revoked or carried by a subsequent Proclamation.

(3) Any such Proclamation whether varied under sub-section (2) or not, shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate on the expiration of six months from the date on which it was first Issued.

Part VII

The High Court

93. (1) There shall be a High Court for the State, consisting of a Chief Justice and two or more other judges.

96. A person shall not be qualified for appointment as a Judge of the High Court unless he is a citizen of India, and
a. has for at least ten years held a judicial office in the State or in any other part of India; or
b. has for at least ten years been an advocate of the State High Court or of any other High Court in India or of two or more such courts in succession.

(2) A Judge of the High Court shall not be removed from his office except by an order of the President passed after an address by each House of the Legislature supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present.

104. (1) The High Court shall have superintendence and control over all courts for the time being subject to its appellate or revisional jurisdiction and all such courts shall be subordinate to the High Court.

Part X

Elections

138. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, the elections held under Part VI shall, be vested in an Election Commissioner to be appointed by the Sadar-i-Riyasat.

144. The flag of the State shall be rectangular in shape and red in colour with three equidistant white vertical stripes of equal width next to the staff and a white plough in the middle with the handle facing the stripes.

145. The official language of the State shall be Urdu, but the English language shall, unless the Legislature by law otherwise provides continue to be used for all the official purpose of the State for which it was being used immediately before the commencement of this Constitution.

The Sadar-i-Riyasat shall, as soon as may be, after the commencement of the Constitution establish an Academy of
Arts, Culture and Language, where opportunities will be afforded for the development of Art and Culture of the State and for the development of Hindi, Urdu and other regional languages of the State specified in the Sixth Schedule.

Part XII, Amendments of the Constitution

147. An amendment of this constitution may be initiated only by the introduction of a Bill for the purpose in the Legislative Assembly and when the Bill is passed in each House by a majority of not less than two-thirds of the total membership of at the House, it shall be presented to the Sadar-i-Riyasat for his assent and, upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill. Provided that a Bill providing for the abolition of the Legislative Council may be introduced in the Legislative Assembly and passed by it majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.

Source: http://www.kashmir-information.com/Legal-Docs/140.html

National Conference State Autonomy Proposals 1999, Excerpts

The State Autonomy Committee: Recommendations

Chapter XIV: Summary of Recommendations
Jammu, April
Temporary, Transitional and Special Provisions (Part X)

1. Legislative Relations (Part XI)

a. Matters in the Union List not connected with the three subjects of Defence, External Affairs and Communica-
tions and/or Ancillary thereto, but made applicable should be excluded from their application to the State.

b. All modifications made in Article 246 in its application of the State subsequent to the 1950 order should be rescinded.

c. Articles 248, 249, 250 and 251, whether applied in original or substituted/modified form should be omitted from their application to the State.

d. As in 1950 and 1954, List II (State) and List III (Concurrent) of the Seventh Schedule should not be applicable to the State.

e. Article 254 should be restored to the position it had in its application to the State in 1954.

f. Articles 262 and 263 which were not applicable under 1950 Order but were subsequently extended to the State should cease to apply.

1. Elections (Part XV)
Changes brought about in this Part be reversed and consequential changes in other Articles in this Part be effected.

2. Emergency Provisions (Part XVIII)

a. The following should be added to C1.6 of Article 352 in its application to the State:

Provided that this request for concurrence of the Government of the State shall be subject to whatever decision the State Assembly may take within two months of declaration of emergency and failing any such decision, the proclamation of emergency shall be deemed to have been revoked.

b. Sub-clause (9b) of C1.6 of this Article should be deleted.

c. Article 355, 356, 357, 358, 359 and 360 should be made non-applicable to the State as was the position in 1954.

1. Fundamental Rights (Part III)
This part should be deleted. A separate chapter on Fundamental Rights be included in the State Constitution.
2. The Union (Part V)

a. Article 72 (1) (c), 72 (3), 133, 134, 135, 136, 138, 145 (1) (c) and 151 (2) should be made non-applicable to the State as was the position in 1950 Order.

b. Articles 149, 150 and 151 should apply to the State in the form in which they were in 1954.

1. The State (Part VI)

i. Article 218 be omitted in its application to the State and the position as it existed before the Jammu and Kashmir Constitution (First Amendment Act) of 1959 restored.

ii. Article 220, 222 and 226 should also be omitted in its application to Jammu and Kashmir State.

1. Finance, Property, Contracts and Suits (Part XII)

The matter may be discussed between the state representatives and the Union Government as agreed to during the talks in 1952 (Delhi Agreement).

2. Services Under the Union and the States (Part XIV)

In Article 312, the brackets and words “including the State of Jammu & Kashmir” inserted by the Constitution (Application to Jammu and Kashmir) Order 1958 be omitted.


Application of Articles 338, 339, 340, 341 and 342 to the State should be omitted and corresponding provisions made in the State Constitution.

4. Amendment of the Constitution of India (Part XX)

i. Clause (4) of Article 368 added vide C.O. 101 be deleted.

ii. Clause (2) of the Article should apply with the proviso already introduced by 1954 order and clause (1) thereof which was not in existence in 1954 and was introduced in 1971 should remain omitted in its application to the State.
1. Schedules
   In the Seventh Schedule, entries in the Union List not applied to the State by the Constitution (Application to Jammu and Kashmir) Order, 1950 should be omitted. Concurrent List which was not applicable to the State in 1950 but was applied by subsequent orders should cease to apply to the State.

2. Changes in the State Constitution
   All amendments in the Constitution of Jammu and Kashmir made vide:
   
   i. Constitution of Jammu and Kashmir (First Amendment) Act, 1959 in so far as they related to superintendence, direction and control of elections to the State Legislature and to the State High Court; and
   
   ii. Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 relating to the change of nomenclature of the Head of the State and State Executive, mode of appointment of the Head of the State and other consequential amendments should be repealed and the original provisions of the constitution of Jammu and Kashmir restored.

To sum up, the provisions of the Constitution of India specified in the Second Schedule and the matters specified in the First Schedule to the Constitution (Application to Jammu and Kashmir) Order, 1950 and the matters agreed to by the representatives of the State and the Union vide Delhi Agreement of 1952 should continue to apply to the State subject to the same exceptions and modifications as are specified in the said Order and the Delhi Agreement. All orders issued thereafter under clause (1) of Article 370 of the Constitution of India by the President, applying various provisions and matters of the Constitution of India to the State whether in full or in modified form or making any change in the provisions or matters already applied by 1950 Order or agreed to under Delhi Agreement should be rescinded and the provisions or matters so applied to the State cease to apply.

Chapter XV: Safeguards for Future
In the preceding chapters, we have discussed in detail the extent to which erosion was caused to the State autonomy from time and also suggested remedial measures. That completes the job assigned to us by first item of the terms of reference. There are, however, two other items which require our consideration. The first is to ensure the “inviolability” of the final settlement, and the other is to keep in mind the need to maintain “harmonious” relations with the Centre.

A suggestion has been made that Article 258 should be invoked for entrusting to the State “functions in relation to any matter to which the executive power of the Union extends”. This would put a seal on the record of the past. “Functions” so “entrusted” can always be called back. The issue is not one of executive “functions” but legislative “powers” apportioned the Instrument of Accession in 1947 and the Delhi Agreement of 1952 to which the President’s Order of May 14, 1954 gave constitutional sanction besides, of course, Article 370 itself. To them must we return if popular sentiment is to be respected and resentments assuaged. It is first and foremost a moral issue. It also has important constitutional and political aspects. In the nature of things, redress can only be through another compact between the Union and the State. Once the basic principles are agreed, there will be discussion on procedure. Forty year of unconstitutional practice has created a mess. The best course is for the President to repeal all orders which are not in conformity with Constitution (Application to Jammu and Kashmir) Order, 1950 and the terms of the Delhi Agreement of 1952.

Ever since, Article 370 has acquired a dangerously ambiguous aspect. Designed to protect the State’s autonomy, it has been used systematically to destroy it. A compact is necessary between the Union and the State which makes ample redress
and finalizes their relationship by declaring a “Constitutional Understanding” that Article 370 of the Constitution of India beyond the ones extended under the new 1950 Order and the Delhi Agreement, 1952. This could be embodied in new Article that specifies the Agreement as part of the unamendable basis structure of the Indian Constitution.

Such constitutional understandings have been formulated in other democracies. The complexities of the situation render it the best, perhaps the only, course for removing the debris of an unhappy past and building in its place, a relationship between the State of Jammu and Kashmir and the Union of India which reflect the most vital aspect of federalism—mutual trust and respect.

Shri Mohi-ud-Din Shah, Chairman
Shri Abdul Rahim Rather, Member
Shri Piyaray Lal Handoo, Member
Shri Abdul Ahad Vakil, Member
Shri Bodh Raj Bali, Member
Moulvi Iftikhar Hussain Ansari, Member
Kushok Thiksey, Member
Shri Teja Singh, Member-Convenor


Jandayal Plan
http://www.stimson.org/southasia/?SN=SA20050318801

Kashmir Study Group Proposals, Extracts

We recommend that portions of the former princely State of Jammu and Kashmir be reconstituted into self-governing entities enjoying free access to one another and to and from both India and Pakistan.

1. Three entities—Kashmir, Jammu and Ladakh—would be established in the portion of the pre-1947 state now administered by India. These three self-governing entities would each take part in a body that would coordinate issues of interest to all of them, such as internal trade and transportation.
2. Two entities—Azad Kashmir and the Northern Areas—would be established on the side now administered by Pakistan. Like the entities on the Indian side, they would each be represented in a coordinating body that would consider issues in which they both had an interest.

3. An All-Kashmir body would be set up to coordinate areas of broader interest, such as regional trade, tourism, environment and water resources. This body would include representatives from each of the five entities as well as from India and Pakistan.

Each of the new entities would have its own democratic constitution, as well as its own citizenship, flag and legislature which would legislate on all matters other than defense and foreign affairs. India and Pakistan would be responsible for the defense of the entities, and the entities would maintain police forces to maintain internal law and order. India and Pakistan would be expected to work out financial arrangements for the entities.

Citizenship of the entities would also entitle individuals to acquire Indian or Pakistani passports (depending on which side of the Line of Control they live on). Alternatively, they could use entity passports subject to endorsements by India or Pakistan as appropriate.

The borders of the entities with India and Pakistan would remain open for the free transit of people, goods and services in accordance with arrangements to be worked out between India, Pakistan and the entities.

While the present Line of Control would remain in place until such time as both India and Pakistan decided to alter it in their mutual interest, both India and Pakistan would demilitarize the area included in the entities. Neither India nor Pakistan could place troops on the other side of the Line of Control without the permission of the other state.

All displaced persons who left any portion of the entities would have the right to return to their home localities.

Larchmont, New York, 1 February 2005

Source: http://www.kashmirstudygroup.net
Jammu and Kashmir

Delhi Policy Group Proposals, July 2006, Extracts

A. Mechanisms and Modalities for Promoting Cooperation and Making Boundaries ‘Irrelevant’ in Jammu and Kashmir

G. Parthasarathy

For several years, progress in moving towards a resolution of the issue of Jammu and Kashmir was frozen, as there was no meeting ground between Pakistan's insistence on a ‘plebiscite’ in the State, and India's assertion that the entire State was an integral part of India and that the only issue to be discussed the withdrawal of Pakistan force from areas of Jammu and Kashmir occupied by it. But, in the recent past, the two countries have trying to find common ground, by exploring suggestions that both find acceptable. President Musharraf has urged that there should be four elements in any solution to the Kashmir issue. He has proposed that:

1. Jammu and Kashmir should be divided into seven distinct regions.
2. There should be a process of ‘demilitarization’ in identified regions. He has specifically demanded withdrawal of Indian forces in Kupwara, Baramulla and Srinagar.
3. There should be ‘self-governance’ in Jammu and Kashmir. He has not indicated whether this will be equally applicable to Pakistan Occupied Kashmir (POK) and the Northern Areas.
4. India and Pakistan should agree to ‘Joint Management’ of the State. He has not indicated whether ‘Joint Management’ will apply equally to POK and the Northern Areas.

Prime Minister Manmohan Singh, in turn, has outlined his vision of how to move forward in resolving the issue of Jammu and Kashmir. Speaking at the inauguration of the Amritsar-Nankana Sahib bus service on March 24, 206 Dr Singh made the following points:
1. Borders cannot be redrawn, but we can work towards making them irrelevant—towards making them ‘just lines on a map’.
2. People on both sides of the Line of Control (LoC) should be able to move more freely and trade with one another.
3. A situation can be envisaged where the two parts of Jammu and Kashmir can, with the active encouragement of the Governments of India and Pakistan, work out cooperative and consultative mechanisms, so as to maximize the gains of cooperation in solving problems of social and economic development of the region.

Pakistan’s suggestion of ‘demilitarization’ of Kupwara, Baramulla and Srinagar has been rejected by India. These have traditionally been centres that have been the objective of takeover by armed groups, operating with support from the Government of Pakistan. There has also been an aversion to accepting any proposal for ‘demilitarization’ because this would amount to relinquishment of the sovereign right to deploy armed forces in any part of India’s territory. Further Jammu and Kashmir is the lifeline for deployment of India’s forces on its western borders with China.

President Musharraf’s proposal for dividing the State into seven regions, which is a variant of a similar proposal by the New York based Kashmir Study Group, has been rejected by India on the grounds that any further division of Jammu and Kashmir on communal or sectarian lines is unacceptable. This view is largely endorsed by people in Jammu and Kashmir. But there are grievances about regional disparities in economic development and allocation of funds that need to be addressed. In Jammu and Kashmir just 1569 of the State’s 2700 Panchayats (village councils) exist even on paper, and fewer still provide anything resembling grassroots democracy. Across the LoC, there is no system of grassroots democracy in place.

While both President Musharraf and Dr Manmohan Singh have agreed that while boundaries cannot be changed they
will have to be made ‘irrelevant’, considerable thought needs to be given to precisely how this can be achieved. Within Jammu and Kashmir, a novel system of travel documents has been devised that obviates the need for International Passports for travel across the LoC. This system works for residents of Jammu and Kashmir traveling by the Srinagar–Muzaffarabad and Poonch to Rawlakot bus services. New bus routes are being explored for travel across the LoC between Jammu and from Kargil to Skardu. India has identified five meeting places along the LoC where divided families can meet. These are at Mendhar, Poonch, Suchetgarh, Uri and Tangdhar.

There has been considerable and legitimate criticism of the cumbersome procedures devised for traveling across the LoC. Simplifying these procedures, eliminating arbitrary denial of permission and opening more avenues for cross-LoC travel will be a first step towards ‘softening’ of boundaries. This has necessarily to be followed by extending facilities for travel across the LoC by people from all parts of India and Pakistan, and for foreign tourists.

Opening the Srinagar–Muzaffarabad road for trade is now under consideration. But, in practice, India adopts highly restrictive regimes and adopts impractical payments systems for what is described as ‘border trade’ with its neighbours like Myanmar, China and Bangladesh. China, on the other hand, treats the Myanmar market as an extension of its Yunan Province market. It deals similarly with issues of border trade with other neighbours like Kazakhstan and Russia. There has to be a paradigm shift on how officials of Economic Ministries in New Delhi, who have no understanding of the ground situation in border areas, deal with issues of border trade. As a first step, we need to study how border trade is conducted between Yunan and Myanmar.

While such an approach will enable us to look at issues of border trade more realistically, it is unlikely that at the outset, Pakistan will accept liberal trade and payment norms for exchanges of goods across the LoC. We need to put in place procedures wherein agricultural and industrial products produced in Jammu and Kashmir can be easily traded across the LoC. This process can be liberalized and the borders
made irrelevant for the free movement of goods, services and investment between India and Pakistan only when India and Pakistan decide to usher in a new era of economic operation and economic integration.

In June 1998, a ‘Group of Eminent Persons’ constituted at the Ninth SAARC Summit in Male submitted a detailed report to the Heads of State and Government of SAARC member States. The Report was entitled ‘SAARC Vision Beyond the Year 2020’. The Report defined a long range vision for SAARC and identified the elements a perspective plan of action for promoting regional economic, social, cultural and even political cooperation within South Asia. The Report noted that ‘mega-groupings’ had emerged in Europe, the Americas and the Asia-Pacific. Those outside these groupings including in South Asia were being progressively marginalized in the world economy, especially in the absence of cooperation in ‘core economic areas’. Given this reality, the report concludes that SAARC member States should establish a South Asian Economic Union by 2020. India and Pakistan expressed their commitment to implement the recommendations of the Report during the Lahore Summit of 1999.

The SAARC Vision 2020 document envisaged that at the first stage, SAARC Member States should work towards establishing a South Asian Free Trade Area by 2010 so far as the least developed members are concerned and by 2008 as far as other members are concerned... There has already been a slippage of almost 8 years on the establishment of SAFTA from the time frame envisaged in the Vision 2020 report. It would, therefore, be prudent to assume that the establishment of a South Asian Economic Union can now come about only by 2025.

**Mechanisms for Cooperation Across the LoC**

Governance in Jammu and Kashmir on the Indian side of the LoC is conducted in accordance with the provisions of Article 370 and other related articles of the Indian Constitution and the provisions of the Jammu and Kashmir Constitution. Across the LoC in Pakistan Occupied Kashmir (POK), powers are effectively wielded by the ‘Azad Jammu
and Kashmir Council’ and in the Northern Areas by the Northern Areas Council. These ‘Councils’ are presided over by the President/Prime Minister of Pakistan in the former case, and a Pakistani minister in the latter case. Power in administrative, financial and political terms is wielded by the Ministry of Kashmir Affairs in Islamabad. Though President Musharraf spoke of ‘devolution’ being an aspect of ‘self-governance’ there is really no system of grassroots devolution of powers to village and township level in POK and the Northern Areas.

...there has been a significant influx of settlers from outside Jammu and Kashmir that has affected the ethnic/demo-graphic composition of the Northern Areas.

This issue, along with the issue of the travails of internally displaced Kashmiri Pandits and those who crossed into POK in the wake of the commencement of militancy in 1990, needs to be frankly and transparently addressed.

A large number of institutions and mechanisms to address issues of common concern can be put in place, once agreement is reached on precisely what the extent of self-governance within Jammu and Kashmir is to be. These could include consultative bodies made up of Parliamentarians from India and Pakistan and legislators from both sides of the LoC. But in the meantime, borders and boundaries could be ‘softened’ by extensive cooperation in areas like health, education and environment.

Tourism, agriculture and horticulture will remain major sources of employment and revenue in Jammu and Kashmir. Economic cooperation across the LoC can be fostered by setting up Joint Committees of experts on how Srinagar can be made an international hub for trade in the entire State, by projects in areas like horticulture exports, on both sides of the LoC.

As cooperation grows, Srinagar can also become a port of landing for people of the State who have taken up residence abroad and wish to visit centres like Muzaffarabad or Gilgit through Srinagar. This will necessarily involve the establishment of institutions that can devise methods for immigration and transit that are free from cumbersome bureaucratic
hurdles that one now experiences in travel across the International Border or the LoC. The practices adopted in the European Union can serve as a useful model to examine on such issues. A Joint Jammu and Kashmir Tourism Development Board needs to be constituted for promoting the entire State as a hub for domestic and international tourism.

Despite its vast hydroelectric potential, hydroelectric projects in Jammu and Kashmir face huge hurdles before they can come on stream. While the provisions of the Indus Waters Treaty have sought to provide for equitable sharing of river water resources between India and Pakistan, getting mutual consent for hydro-electric projects has been a major hurdle. Where agreement was reached bilaterally, as in the case of the Salal Hydroelectric Project, there have been complaints that India was compelled to reduce the height of the dam so much to secure Pakistani concurrence that excessive silting has substantially reduced the benefits flowing from the project for the people of Jammu and Kashmir.

In other cases, like the Baglihar Project, there have been delays because in the absence of bilateral agreement the issue has been referred to a neutral expert. Mutual agreement has yet to be reached on construction of a relatively innocuous project like the Wullar Barrage/Tulbul Navigation Project. The worst sufferers of such delays have been the people of Jammu and Kashmir. The establishment of joint mechanisms to obviate such delays has to be accorded high priority. Further, as integration of energy grids will be an important facet of moves towards establishing a South Asian Economic Union, linking of energy grids on both sides of the LoC should be a high priority in moves towards making boundaries ‘irrelevant’.

Environmental protection is yet another area where Joint Mechanisms will be useful in addressing issues of common concern. There has been a proposal for a science park jointly managed by India and Pakistan near the Siachen and Saltoro Glaciers. This proposal could be pursued once India and Pakistan reach a mutually agreeable settlement on the Siachen issue.
All these mechanisms for making the LoC ‘irrelevant’ could be reinforced by the establishment of a high powered ‘Council for Jammu and Kashmir’. This Council could be jointly chaired by the Heads of Government of India and Pakistan and include high functionaries from the Governments of India and Pakistan and high level representatives from both sides of the Line of Control in Jammu and Kashmir. This Council can have subsidiary bodies to oversee implementation of decisions taken by it.

**Conclusion**

The Dialogue Process to resolve the issue of Jammu and Kashmir would thus have several facets. There would firstly have to be groups that will work separately and jointly to arrive at a common and mutually acceptable framework for self-governance in Jammu and Kashmir. There would also be moves within Jammu and Kashmir to promote travel, tourism, trade and economic cooperation across the LoC. These processes will have to move in tandem with measures to establish a South Asian Economic Community.

A note of caution has, however, to be introduced while considering all these moves. This pertains primarily to the role of militant Islamic groups within Pakistan and Pakistan Occupied Kashmir and their links with influential sections of the military establishment in Pakistan. It is essential that the present levels of suspicion and mistrust between India and Pakistan are replaced progressively by enhanced cooperation and mutual trust.

Much will depend on whether and how President Musharraf fulfills his assurance of January 6, 2004 in which he pledged that he would not allow any territory under Pakistan’s control to be used for terrorism against India. With Afghanistan having been admitted to SAARC, Kabul will be an integral part of any South Asian Economic Community. It is important that Kabul’s concerns about Pakistani soil being similarly used for support to the Taliban should also be satisfactorily addressed for the entire region to be able to attain its full potential for amity and mutually beneficial cooperation.
B. Set of Ideas for a Draft Framework on Self-Governance in Jammu & Kashmir (Extracts)

Radha Kumar

Note: This is a set of ideas based on summaries of existing political and administrative arrangements that will have to be changed and harmonized for a mutually implemented self-governance agreement.

Guiding Principles of Self-Governance


b. The norms and institutions of self-governance will be democratic and pluralist, and will reflect the aspiration of Kashmiriyat in its widest and most inclusive sense.

c. There will be a three-tier structure of self-governance: centre-state, state-region, region-district-panchayat/local unit.

d. Self-governance will include intra-Kashmiri and India–Pakistan-Kashmiri mechanisms for cooperation.

Extent and Limits of Self-Governance

The chief agreements laying down the relations between Jammu and Kashmir and India, and Pakistan-administered ‘Azad Kashmir’ and the Northern Areas and Pakistan, are the Delhi Agreement of 1952 and Article 370 of the Indian Constitution for Jammu and Kashmir, the Karachi Agreement of 1949 for the Northern Areas, and the Interim Constitution of 1974 for Pakistan-administered ‘Azad Kashmir’. Of these, the Delhi Agreement, which has been modified by subsequent amendments, offers the greatest measure of self-governance.

Under the Delhi Agreement of 1952 and Article 370 of the Indian constitution, the people of Jammu and Kashmir were entitled to a special federal relationship with India in which
the ministries under central control would be defense, foreign affairs and communications. Subsequent amendments have resulted in a number of changes/modifications to the Delhi Agreement and several Union laws are now applicable to Jammu and Kashmir.

By contrast, the Karachi Agreement of 1949 ceded the Northern Areas to direct rule by Pakistan (since when it has occupied a grey area as neither part of Pakistan nor part of Pakistan-administered Kashmir, which is considered by most Pakistanis to comprise ‘Azad Kashmir’ or AJK only. In this paper, however, ‘Pakistan-administered Kashmir’ refers to AJK and the Northern Areas together).

The Karachi Agreement also severely restricted the powers of the AJK administration. Pakistan would conduct defense, foreign affairs, refugee affairs, ‘publicity’ and negotiations with the UN.

These powers were further restricted under the Interim Constitution of 1974, which laid down that:

a. All election candidates have to take an oath of allegiance to Kashmir's accession to Pakistan.

b. All Pakistan-administered ‘Azad Kashmir’ government employees have to take a similar oath.

c. No person or political party in ‘Azad Kashmir’ is permitted to propagate against, or take part in activities prejudicial to, the ideology of the state's accession to Pakistan.

The 1974 Interim Constitution also created an AJK Council, to be chaired by the Prime Minister of Pakistan (it is currently chaired by the President of Pakistan). The Council comprises 5 members from amongst Pakistani Ministers and/or MPs; and 6 members from Pakistan-administered ‘Azad Kashmir’, who are elected by the Legislative Assembly. The Council supersedes the Legislative Assembly; and bills/acts passed by it do not require ratification by the Legislative Assembly, or the assent of the AJK President.

Furthermore, Pakistan would not only control defense, foreign affairs and communications; it would also control
trade, investment, taxes, education, and the civil and judicial systems.

**Self-Governance Tier One: Centre–State**

In the light of the foregoing, the Delhi Agreement (despite subsequent alterations), is a better foundation for a framework on self-governance than the Karachi Agreement or the Interim Constitution; indeed both of the latter would have to be replaced if there is a mutually agreed framework which will apply across the former princely state, but this should not be difficult since both the Karachi Agreement and the Constitution are interim.

It is, however, also true that over fifty years down the road, many features of the Delhi Agreement no longer apply. Even so, it provides a basis for discussion of the extent and limits of self-governance. If some of its provisions were incorporated, *Tier One of Self-Governance* would comprise a federal relationship between Jammu and Kashmir and the Indian Union on one side, and between Pakistan-administered ‘Azad Kashmir’, the Northern Areas and Pakistan on the other side, based on a broad consensus on how the Delhi Agreement can be modified/restructured to include measures for internal regional and/or local devolution to meet the aspirations and needs of people inhabiting different regions of Jammu and Kashmir.

There has, for example, to be a consensus on whether the authority of Constitutional Bodies like the Election Commission of India and the Supreme Court add or subtract from the freedoms that an individual living in Jammu and Kashmir enjoys. These organizations play a key role in conduct of free and fair elections and in guaranteeing the fundamental rights of citizens. A similar consensus has to be obtained in Pakistan-administered Kashmir, to ensure that there is harmonization of self-governance throughout the former princely state, on both sides of the LoC, though in this case organizations like Pakistan’s Election Commission and Supreme Court might have to be restructured.

After agreement is reached that Pakistan-administered ‘Azad Kashmir’ and the Northern Areas would enjoy self-governance, discussions could be held to seek a consensus
on how the amendments that have been effected to the Delhi Agreement need to be applied in future. Any consensus would necessarily involve acceptance by people in the valley, Jammu, Kargil and Ladakh Regions of Jammu and Kashmir, and Mirpur, Muzaffarabad, Gilgit and Baltistan in Pakistan-administered Kashmir, so that there is no residual feeling in any region of being discriminated against. The issues that could figure in such discussions are:

a. What are to be the powers of the Legislative Assemblies for Jammu and Kashmir, Pakistan-administered ‘Azad Kashmir’ and the Northern Areas?

b. While the Executive Heads of Government in Jammu and Kashmir, Pakistan-administered ‘Azad Kashmir’ and the Northern Areas will be chosen by members of the elected Legislative Assemblies, how are the Governors/Presidents to be appointed? As the Constitutions of India and Pakistan and issues of national security of both countries are involved, what is the mechanism that could be used for appointing persons whose responsibility will primarily be to see that the Constitutions of India and Pakistan are respected, along with the devolved federal relationships?

c. The Assemblies could confer special rights and privileges on ‘state subjects’ in view of the State Subject Notifications of 1927 and 1932, but in coordination with each other and the governments of India and Pakistan.

d. The state governments of Jammu and Kashmir, Pakistan-administered ‘Azad Kashmir’ and the Northern Areas would have at least the same measure of fiscal autonomy as other Indian states. (We take this yardstick because Pakistani states have less fiscal autonomy than Indian states).

e. The Delhi Agreement took the view that the Supreme Court of India and Pakistan would have only appellate jurisdiction in Jammu and Kashmir, and by extension the Supreme Court of Pakistan would have only appellate jurisdiction in Pakistan-administered ‘Azad Kashmir’ and the Northern Areas. Would such a provision be
acceptable in Jammu and Ladakh, where there are fears of valley domination, or in the Northern Areas, where there is fear of AK domination?

Additional

India, Pakistan and Kashmiri representatives will also need to discuss whether a Refugee/Displaced Persons Commission should be also part of any settlement, given the numbers involved (from the 1947-48 war on) and their uncertain status regarding rights of return/compensation, etc.

Further, from 1980 on, many outsiders, especially from Pakistan’s North West Frontier Province and Panjab, have been encouraged to settle in the Northern Areas. This has resulted in a change in the demographic/sectarian balance in the Northern Areas, leading to sectarian conflict between armed militias, especially in Gilgit. The issue of the future of these settlers and their rights within the Northern Areas needs to be discussed as persons form outside Jammu and Kashmir are not regarded as State citizens.

Tier Two: Internal Devolution

Internal differences in Jammu and Kashmir and Pakistan-administered Kashmir, and between Pakistan-administered ‘Azad Kashmir’ and the Northern Areas, make clear that self-governance will need to apply both at the federal level and within and between the regions and districts. Today the majority in Ladakh, and probably in Jammu, desire closer relations to India than either the Delhi Agreement or Article 370 provide, while many in the Kashmir valley want additional provisions guaranteeing self-governance and interconnectivity across the former princely state.

Similarly, in Pakistan-administered ‘Azad Kashmir’ Muzafarabad is closely integrated to Pakistan, while Mirpur is anxious to have ties to Jammu; and the majority in the Northern Areas want autonomy both in Pakistan and from Pakistan-administered ‘Azad Kashmir’.

To arrive at a mutually acceptable framework for self-governance that will satisfy all aspirations to the largest possible extent, internal self-governance could comprise a
devolved relationship between Jammu, the valley and Ladakh on one side, and the districts of Pakistan-administered ‘Azad Kashmir’ and the Northern Areas on the other side, comprising greater powers, especially fiscal, administrative and developmental, to the regions. The devolved relationship will offer the same degree of self-governance as is offered by Tier One, without vitiating regional rights.

This will mean altering the status of Ladakh. Though the Hill Councils have gone a long way towards improving Ladakh's position, it is absurd that it should remain a district of the valley. Given Ladakh's size, geography and cultural distinction, the region needs a separate status within Jammu and Kashmir.

**Opt Out Clause**

One of the questions which need to be debated is whether the regions should be permitted to opt out of the federal relationships of Tier One, and the devolved relationships of Tier Two, to form their own separate relationships with India or Pakistan respectively. This note is clearly against such a clause, but we can anticipate that the issue will arise if self-governance is agreed and implemented.

The issue is of especial concern to Gilgit, whose people feel they were ‘included’ in the territories of the former princely state a short while before the British withdrew from India only to keep them hostage to the Kashmir dispute.

**Legislature: A. Legislative Assemblies**

Under the Jammu and Kashmir Constitution, the Jammu and Kashmir legislature consists of two houses, the Assembly and the Council. The Jammu and Kashmir Legislative Assembly was to comprise 100 seats, 25 of which were kept vacant as a considerable part of the state was held by Pakistan. As a result the proportion of members from Jammu was lower than it should have been (because ‘Azad Kashmir’ was partitioned from Jammu, most of the vacant seats were from Jammu’s quota).

Today the Legislative Assembly comprises 88 members (i.e., 12 new constituencies), of which 47 are from the valley, 37 from Jammu, and 4 from Ladakh).
Assuming that there will no longer be a need to keep seats vacant for Pakistan-administered Kashmir, in the event of a mutually agreed settlement between India, Pakistan and the various peoples of the former princely state, the actual strength of the Jammu and Kashmir Assembly could grow to 100, with five more seats for Ladakh and six more for Jammu. It is proposed that one seat be kept for the internal refugees of the 1947 war, who are currently settled in Jammu.

Similarly, the ‘Azad Kashmir’ Assembly has 12 seats reserved for Jammu and Kashmir, which could be used to ensure better district representation within Pakistan-administered Kashmir.

The Northern Areas would have to be allowed to elect an Assembly. At present they only have a Legislative Council, with primarily advisory powers, which was headed by a civil servant from Pakistan and is currently headed by a ruling party minister. The Northern Areas Legislative Assembly would have the same powers and status as the AJK Legislative Assembly, and would be made up of elected legislators from the devolved regions of Gilgit and Baltistan (unless the former chooses a different relationship). It could link to the Pakistan-administered AJK Assembly, with loose ties between Baltistan and Kargil in Ladakh.

**Legislature: B. Legislative Councils**

The Pakistan-administered ‘Azad Kashmir’ and Northern Areas Legislative Councils would need to conform more closely to the Jammu and Kashmir Legislative Council model, which comprises 36 seats, 1/3rd each for Jammu and the valley, with reserved seats for scheduled castes, teachers, etc. The Jammu and Kashmir Legislative Council too needs reforms—for example Ladakh should have weighted representation that takes its size and strategic importance into account.

At a broader level, as the Legislative Councils are a form of upper house, they could be constituted quite differently, as non-political bodies that would guarantee Kashmir’s pluralism and democracy—with minority weightage and emphasis on preserving cultural diversity, local administration, constitutional and judicial experts, etc.
Tier Three: Devolution to District & Municipality/Panchayat

The general structure of internal devolution should be transfer of economic powers—development planning proposals, implementation—and devolution of administrative powers to regions, districts and municipal councils/panchayats.

Instead of a top down approach of devolution from region to district to local unit, there could be an additional structure for planning and administration in which the local unit—panchayat or municipality—could be the primary centre. The Jammu and Kashmir Constitution, in fact, suggests that the panchayat will be the core unit, though this has not been fully implemented on the ground or in the legislation.

Pakistan, too, has a similar system of self-governance. Under the 2000 devolution package in Pakistan, tehsils and local councils headed by nazims have similar autonomy from the federal unit as under the panchayats, but elections are conducted by army appointed commissions, which has led to accusations of manipulation. An independent election commission might therefore be required to harmonize with devolution under the Jammu and Kashmir Constitution.

Pakistan’s local self-governance system has not yet been applied in Pakistan-administered ‘Azad Kashmir’ and the Northern Areas, so no constitutional changes would be required to introduce a system for local self-governance that would be harmonized with the system for Jammu and Kashmir.

At the same time, cross-regional minority and cultural rights need to be a part of the devolution package. Minority representation in the legislature, judiciary, police and administration should be mandatory (it is missing from all the Constitutions of Kashmir). Minorities should nominate representatives to the States’ Human Rights Commissions. The separate State Minorities’ Commissions should be autonomous bodies not dependencies of the State government.

District and local relations between Jammu and Kashmir, Pakistan-administered ‘Azad Kashmir’ and the Northern Areas could also be considered as part of devolution, for example, panchayat to nazim twinning. Panchayat–nazim
twinning could comprise cultural and people to people relations, as well as local developmental programmes.

*Fiscal Devolution*

This is a point that is being stressed by the People’s Democratic Party, and it has different dimensions. Overall, fiscal devolution would also be three-tiered: from centre to state, state to region, and region to district to municipality/panchayat, and it would comprise proportional allocations within the budget to regions, districts and local councils.

If the local council is taken as the primary unit, as it is under the Jammu and Kashmir Constitution, a separate provision could also be made for direct allocation of (a part of the required) fiscal resources from the state to the local councils (with the other part covered by allocations to the regions and/or districts). Such a system would allow for cross-cutting measures of accountability rather than a single line of allocation.

*Military Arrangements*

Before any framework agreement can come into force, the armed groups will need to cease fire and commit themselves to a ‘Disarmament, Demobilization and Reintegration Plan’, with a firm timetable of DDR actions. In order to be effective, and pave the way for self-governance, the DDR plan would have to apply to Jammu and Kashmir, ‘Azad Kashmir’ and the Northern Areas.

Ideally, there should be a ceasefire right now, so that the other elements of a DDR plan can be discussed and negotiated at the same time as the plan for self-governance. This would not only allow the different Kashmiri groups to form their positions free of pressure, it would allow armed groups to come on board the peace process and put forward their own plans for self-governance.

The ceasefire would have to be by Pakistani as well as Kashmiri armed groups, and there would be three separate but parallel DDR processes: Kashmiri armed groups would be
in a DDR process with the Jammu and Kashmir and Indian governments, Pakistani armed groups would withdraw from all parts of Kashmir (including the Northern Areas) and be in a DDR process with the Pakistani government.

In actual fact, Pakistan might need to have two separate DDR processes, once for armed groups operating out of ‘Azad Kashmir’, and one for armed groups operating in the Northern Areas, especially Gilgit, as the former groups are specifically concentrated on waging war in Jammu and Kashmir, and the latter groups are engaged in sectarian warfare within the Northern Areas.

India and Pakistan could form a joint DDR monitoring group in order to satisfy themselves that the parallel DDR processes are being properly implemented.

Following DDR commitments, India and Pakistan could progressively reduce forces in Jammu and Kashmir on both sides of the LoC as well as in the Northern Areas. The aim of the two countries will be to eventually deploy forces only on the borders, with the usual provision of making forces available to aid civil power, though a limited number of forces will be stationed in cantonments in Jammu and Kashmir, Pakistan-administered ‘Azad Kashmir’ and the Northern Areas, as in other parts of India and Pakistan. But such a situation is only likely to occur when the armed groups have disarmed and disbanded.

The phases of cessation of violence and troops’ reduction generally occur in the following succession/timetable, which would apply to Jammu and Kashmir, ‘Azad Kashmir’ and the Northern Areas:

1. Ceasefire by armed groups, reciprocated by security forces;
2. Training of local police and security forces;
3. Placing of arms beyond use by armed groups; return of administration to affected areas and first phase of troops’ reductions;
4. Reform/retraining of rule of law institutions—judiciary, prisons;
5. First phase of demobilization by armed groups and reintegration of demobilized; this process to be continuous;
6. Gradual restoration of security on the ground, as measured by the absence of fear of violence;
7. Second phase of troops' reductions;
8. Final demobilization of armed groups;
9. Functioning local administration, legislature, judiciary, local security;
10. Redeployment of troops to borders.

**Building Consensus on a Solution**

Finally, while the Prime Minister of India has begun a dialogue with Kashmiri separatist groups, elected legislators and civil society representatives, and President Musharraf has had his first encounter with elected legislators from Jammu and Kashmir, a few additional steps could help. The most important step is to institutionalize the dialogue, including at the intra-Kashmiri level, and draw up a road map whereby any agreed solution will have across the board public support. The Indian government’s decision to set up working groups in Jammu and Kashmir to examine all aspects of a settlement is a step in that direction; similar working groups on the other side of the LoC, in Pakistan-administered ‘Azad Kashmir’ and the Northern Areas, would help in the harmonization exercise, and towards evolving a consensus.

*Source:* [http://www.partitionconflicts.com/partitions/PeaceProcesses/StudentWorkshops/StudentWorkshops4/Backgrounder.pdf](http://www.partitionconflicts.com/partitions/PeaceProcesses/StudentWorkshops/StudentWorkshops4/Backgrounder.pdf)

**National Conference Regional Autonomy Proposals, Extracts**

*Appendix XIII*
Regional Autonomy Committee Report
Jammu, 13 April 1999
29. The foregoing discussion leads this Committee to conclude that there is a strong case for the decentralisation of political and economic power which can be achieved through autonomy of the regions in the State. In this regard two objectives of ensuring the self-governance and rapid human development are central to the concept of autonomy.

> **Mapping the Regions**

30. The mapping of regions in Jammu & Kashmir is a complex task. The tribal attack from Pakistan which resulted in a part of the State going into the occupation of that country has further added to the complexities.

31. This Committee, through its interactions and memorandums submitted to it, has reached the conclusion that administrative division of the State have given erroneous impression that these constituted the actual regions of the State. It was pointed out that Ladakh has been declared administratively a part of Kashmir province. However, from any standard it cannot be considered as Kashmir region. It was equally argued that Jammu province comprised 22 former principalities, each having distinct historical background cannot be declared as a single homogeneous region. It was also represented that latest SRO-126 dated 28-06-1994 issued by the Jammu & Kashmir Government as a sequel to Justice A.S. Anand Committee Report, which was constituted to look into the social and educational backwardness of Doda district, declared 562 villages out of 655 villages as backward. It was validly argued that hilly regions of the Jammu province, which were ethnically and even agro-climatically different from each other, faced different problems due to the specific regions could not be uniformly applied at the provincial level. The Committee feels that his logic applies to Kashmir province including Ladakh also.
32. Thus, in view of historical, social, ethnic and development factors, this Committee recommends that the existing two Provinces/Divisions of Jammu & Kashmir should be classified into eight new regions/provinces. The Committee, therefore, recommends reconstituting Regions/Provinces as follows:

1. Kamraz (Baramulla and Kupwara Districts)
2. Nundabad (Budgam and Srinagar Districts)
3. Maraz (Anantnag and Pulwama Districts)
4. Chenab Valley (Doda District and Tehsil Mahore)
5. Jammu (Jammu, Kathua & Udhampur excluding Tehsil Mahore and Rajouri Districts)
6. Pir Panchal (Poonch and Rajouri Districts)
7. Ladakh (Leh District)
8. Kargil (Kargil District)

This classification has been documented in detail in the Annexure ‘A’ to this report.

Regional/Provincial Councils (Model–1)

34. This Committee recommends the establishment of Regional/Provincial Councils in the State to meet the requirement of devolution of power to different Regions/Provinces in the State. This Regional/Provinces Council may be set up according to the classification of Regions/Provinces as provided in the Annexure ‘A’ to this report:

1. The Regional/Provincial Councils should be elected in the same manner in which the state legislature is elected. The number of constituencies should be determined in a manner that at least two members from each Block are elected to the Council according to the constituencies delimited for this purpose. There should be a reservation of 25% seats for women in the Council.
2. The establishment of Regional/Provincial Councils shall, in no way, affect the institutions of the State, viz.; Governor, Chief Minister and his Cabinet, Legislative Assembly, Judiciary and State cadre of services. These institutions shall continue as they are.

3. The Regional/Provincial Councils shall enjoy the executive and taxation powers which should be limited to the subjects allocated to the Council. These subjects should be allocated keeping in view the specificities of Jammu & Kashmir State. There is equally a need to amend the State Constitution which would define the powers of the Councils as well as provide the mechanism for transferring of items from one list to another, i.e. from the State to Regional/Provincial list or vice versa. There is also need to evolve a mechanism to deal with the situation where the Regional/Provincial Council has lost the majority, or has failed to carry on its functions within the provisions of the State Constitution, or is working against the interests of the State or the Country.

4. It is well recognized that political autonomy is tethered to financial autonomy… It is equally a fact that different Regional/Provincial bodies of the State do not face uniform problems. For instance, the development problems of Nundabad Region and the problems of Maraz are not the same. In the same vein, the development problems which these Regions/Provinces face are not similar to the problems in Chenab Valley Region. This Committee is of the view that the basic objective of regional autonomy is to replace the mechanisms and processes of centralized decision making in governance and development by decentralized institutions which would hamper social development in the Regions/Provinces. This Committee is of the view that patterns of financial autonomy
of Panchayati Raj institutions as prevailing in Karnataka, West Bengal and Kerala be further studied and a model for the financial autonomy of the Regional/Provincial Councils be evolved.

**District Councils (Model-II)**

35. This Committee is aware of the commitment of the Government in the State towards promoting better involvement and participation of people in different regions for a balanced political, economic, social, cultural and educational development. In this behalf, as discussed and proposed in foregoing paras of this report, the Regional/Provincial Councils would be the ideal institutions to achieve these objectives.

5. The Committee, therefore, recommends that the Government may consider setting up District Councils as an alternative to the Regional/Provincial Councils. In view of the experience of District Councils elsewhere in the country, the Committee feels that these Councils in coordination with Panchayati Raj institutions can be effective agents in augmenting the processes leading to faster pace of human development, besides providing effective organs of local self government. The State has been a forerunner in introducing the concept of ‘District Planning’ by initiating ‘Single Line Administration’ in the year 1976. The system was introduced to meet the aspirations of common man by making the planning more effective and ensuring speedy implementation of development programmes. In order to further democratise the system, the District Development Commissioners were replaced by Ministers of the Cabinet as chairpersons of District Development Boards. The Committee is of the view that this experiment has been quite fruitful. The establishment of District Councils shall, drawing
upon this experience, completely democratise the processes of planning and development at the District level.

37. The District Councils may be established in the existing districts of the entire Jammu & Kashmir State.
38. The District Councils should be elected in the same manner in which the State Legislature is elected. The delimitation of the constituencies should be carried out by the State Election Commission constituted for this purpose. The number of constituencies should be determined in a manner that at least two members from each Block are elected from the constituencies delimited for this purpose. There should be a reservation of 25% seats for women in the Council. The leader of the majority party in the Council shall be designated as Chief Councillor and shall have the status of Minister of the State. He/She shall have not more than four Executive Councillors to aid and assist him/her.

Conclusions

7. The Committee also recommends the early setting up of Municipal Corporations in the capital cities of Srinagar and Jammu in view of the changing face of these two completely urbanised cities of the State.

7. The Committee recommends that in any set-up adopted by the Government, a special consideration may be shown for the development of the comparatively most backward and hilly areas of the State, viz., Lohai Malhar, Bani, Dudu Basantgarh, Panchari, Paddar, Marwah, Tangdar, Gurais and Uri.
8. The Committee expresses its gratitude to the people, political leaders, activists, writers, teachers, doctors from different regions of the State for extending their co-operation by interacting with the Committee.
Balraj Puri’s Regional Autonomy Report, Extracts

Chapter III

Political Autonomy

The basic feature of regional autonomy or a federal set-up is sharing of power and functions between the Central Authority and its constituent parts.

In J&K State, the RAC envisages a federal structure not only for the State but also for the regions i.e. further devolution of power.

State

- The State level institutions, viz. Governor, Chief Minister and his cabinet, Legislative Assembly, Judiciary and State cadre of services, shall continue as they are. They shall continue to deal with all subjects except those delegated to the regions.
- The basic criteria for division of subjects is that all subjects that need a uniform policy for the whole state; that can be handled more efficiently at the state level; which involve expenditure beyond the financial capacity of the regions; whose benefits transcend regional boundaries and which deal with inter-regional problems, shall be allocated to the state.
- Likewise, in preparing the list of regional subjects, the subjects allocated to districts under the 73rd
amendment of the Indian constitution elsewhere in the country, subjects of inter-district importance and within the financial reach of the regions should be included. A better judgement can be made after further examining the actual working of each department, range and degree of its impact on various regions. To provide for some flexibility and experimentation, a provision analogous to Article 249 of the Indian Constitution may be added in the constitution of the state that may permit, with the consent of regional legislatures, transfer of subjects from one list to another. We propose that at this stage, only a regional list of subjects be drawn and the residuary powers should remain with the state.

- The Governor should also be empowered to adjudicate on difference of opinion regarding jurisdiction between the state and regional governments.
- A change is suggested in the constitution of the legislative council. In most federations of the world, the provinces or states have equal representation in the upper house irrespective of their size and population. It is suggested that regional legislatures of Jammu and Kashmir elect equal number of members namely eleven each to the state legislative council. The internal distribution of Jammu region should remain as it is. There should be separate number of seats for Ladakh that give fair representation to its geographical and communal diversity.
- Ladakh’s divisional status needs to be conceded. There should be a separate Divisional Commissioner and IGP to administer the region. If the work of these divisional heads is considered to be too inadequate, any senior Deputy Commissioner and DIG may be appointed on these posts in their own pay and grade with powers of divisional heads. The Government may also consider accepting the recommendation of the Gajendragadkar Commission to change the full name of the state as Jammu, Kashmir and Ladakh state.
Regions

- Regional government should be elected in the same manner as the state or national government.
- A regional legislature which may be called Regional Council should be elected from twice the number of constituencies as the state assembly; delimited by the same election commission, which does it for the state.
- The leader of the majority party shall be called by the Governor to form his/her cabinet. To differentiate the state and regional set up, the members of the regional cabinet may be called Executive Council and their head be named Chief Executive Councillor.
- The head of the Regional Council should have a status of a cabinet Minister of the state.
- The legislative, executive and taxation powers of the Regional Councils shall be limited to the subjects allocated to the regions.
- Legislative, executive and taxation powers should be included in the power of the regions.

Panchayati Raj Institutions

Just as regional autonomy is essential to strengthen unity of the state, some degree of autonomy to the districts is also necessary to maintain unity and harmony of the regions. It is for this reason that the entire debate of regional autonomy in the state has been linked with a five-tier system and includes devolution of power from region to district, block and panchayats.

*J&K Panchayati Raj Act* of 1989 defines the powers and functions of the three-tier institutions of the Panchayati Raj. The amendments to it suggested below are the minimum to meet the elementary requirements of democracy and those of multiethnic and multireligious character of Jammu and Kashmir state, as also to make it an organic part of the system of regional autonomy.
The J&K constitution needs to be amended to provide for direct elections of most of Panchayati Raj institutions, like elsewhere in the country.

It is worth considering extending Leh pattern of district autonomy to all the districts of the state. First, in the interest of uniformity. Second, Leh pattern has aroused similar urges and expectations in other districts.

The District Councils should have the same supervisory and coordinating power over block committees and panchayats as Regional Council have over District Councils or the state government has over Regional Councils.

Each District Council should have a right to send one representative to the Regional Council.

Block committees & Halqa Panchayats:

- In the present Act, not a single member is directly elected to the block committee. It is proposed that at least 1/3rd of its members including the president should be directly elected. The rest should comprise of representatives of the sarpanches of halqa panchayats.

- At the level of Halqa Panchayat, the present Act rightly provides for direct elections of all its members. Provision for a Gram Sabha should be made so that it acts as a legislature of which Panchayat is an executive body. The Panchayat should be accountable to the Gram Sabha that should meet at least twice in a year to pass the budget and to exercise some control over the working of the panchayats. It should also have a right to pass a no confidence motion and elect new members in its place. In some cases, where area of a Halqa Panchayat is too scattered, there could be more than one Gram Sabha. The present Act empowers the government to supersede panchayats for incompetence or default. This power should rest with the Gram Sabha. Under some abnormal circumstances where panchayats are found guilty of gross incompetence or embezzlement, the Regional Council should...
have this power with the proviso that the fresh elections of the panchayats shall be held within six months.

- MLAs, MLCs and Members of the Regional Council should be ex-officio members of the Panchayat Raj institutions at district, block and panchayat levels. But they should not have a right to vote.
- There should be absolutely no scope for nomination by the government at any level. Instead, there should be reservations for the categories of Scheduled Castes, Scheduled Tribes, Women and other classes. The seats for Scheduled Castes and Scheduled Tribes should be in proportion to their population in an area. Moreover 'other classes' is a vague term. It should be specified and include only OBC.
- The provision for restricting the representation of women in Panchayati Raj institutions, through nomination and otherwise, introduced in the Act by the J&K Panchayati Raj (Amendment) Act, 1997, to 33% not only reflects an utterly illogical anti-women bias but is also unconstitutional. For women cannot be discriminated against by limiting their maximum representation in any institution as there is no such limit for men or any other category of persons. In fact, there is certainly a need for fixing a minimum representation for women at 33 per cent. A minimum limit should be provided for all categories of reservations, say, SC, ST, and OBC.
- The present law deprives the displaced persons who migrated from Pakistan in 1947 to Jammu. They were so far entitled to vote for elections to panchayats under the Act of 1958. While at Assembly level or even Regional level some objection could be raised for denying them the voting rights but a limited participation in self government at village level in some blocks would not in any way effect the politics of the state as their number is too small. The state could afford to take a more humanitarian view of the matter and restore the elementary right of these unfortunate persons that was
granted by the state government and to which they were used so far.

Safeguards for Dissent

In the previous chapter, we had warned against two possible dangers: one of elite domination and the other of majoritarianism.

The institution of *Panchayati Adalats* provided in the Act is one way to reduce these dangers but this provision is flawed because the state government is empowered to nominate members of the *Panchayati Adalat* and to remove its Chairman or any member. Thus, a judicial institution at the grass-root level is deprived of its autonomy. It amounts to supplementing the judicial system and the traditional system of justice, both supposed to be independent of the executive, by a third sector of justice controlled by the government. There may certainly be cases of misconduct by Chairman or members of a *Panchayati Adalat* which may require their removal but the power to take action against them and appeals against their decisions as also to appointment them should rest with an appropriate judicial authority, so that *Panchayati Adalat* becomes an informal extension of the judicial system and remains immune from the bureaucratic influence, which is often closely linked with the local elite. The provision of vigilance committees can be another check against undue influence on the Panchayats.

The threat by majoritarianism should be averted by, apart from these institutions, providing further safeguards to minorities—ethnic and religious—and dissent. Any violation of fundamental rights of an individual by the majority in any Panchayat Raj institution should be strictly prevented. Apart from judicial remedies any authority at any tier of the decentralized system should be empowered to help the aggrieved person in getting justice.

Urban Areas

- As far as an urban area is concerned, the Municipalities and Corporations should also be brought within
the framework of the proposed decentralized set up. The municipalities should function under the supervision and control of Regional Councils. They may include MLAs, MLCs representing the constituencies that comprise wholly or partly Municipal or Corporation areas and members of the Regional Council but without a right to vote.

- The Corporations or Municipalities should be divided into Wards. A member of the Municipality or Corporation representing a ward within a territorial area of the Ward Committee shall be its member.

- There should be reservation and not nomination for the SC, ST and OBC in proportion to their population in the area and minimum and not maximum reservation of 33% for women as recommended above in case of other Panchayati Raj institutions. The reserved seats may be allocated by rotation to different constituencies in Municipalities or Corporations.

- The power to suspend or dissolve Municipalities or Corporations shall lie with the Regional Council provided reasonable opportunity of being heard is given before that. Fresh elections should be mandatory before the expiry of six months after the date of dissolution.

- As far as the functions and powers of the Municipalities and the proposed new corporations are concerned, we find no justification in not incorporating the provisions of the 74th amendments to the Indian Constitution on the subject in the constitution of the state.

- Even when respective jurisdictions are well defined, there should always be scope for sharing of functions and powers between various tiers of government. Thus, any local body can be called upon to take up functions on behalf of the regional, state or even the central government. Similarly, there are exceptions to the rule of subsidiarity (placing responsibility where it can be handled efficiently) where because of externalities or economics of scale, higher level of government may assume responsibilities in areas, which prime facie
are local in character. Also, there are instances where services may be provided under conditions of joint responsibilities.


**Note**

1. ‘Devolution’ can range from autonomy to Panchayati Raj to (con) federal ties to special status of various other kinds. A guide to the many existing proposals for a political solution along these lines is attached.
Abstract Simulation

*Humanitarian Intervention: The Role of the International Community*

Radha Kumar

**Simulation Focus**

This simulation is an exercise on humanitarian intervention. It is set in an imaginary country called Samia in Africa that has been plagued by famine and recurrent ethnic conflict, despite—or perhaps because of—being geo-strategically important and wealthy in minerals and energy. This country has recently been engulfed by a new wave of conflict in which tens of thousands have died and hundreds of thousands of people have fled.

The simulation posits an emergency meeting at the United States (US) State Department called by the US government to decide whether diplomatic tools will succeed in getting humanitarian aid to the victims of the conflict, and if not, whether military action should be taken.

Humanitarian agencies warn of an impending catastrophe in which millions might become refugee. Remembering international failure in the case of Rwanda, the international media is baying for military intervention to prevent the catastrophe and public pressure is building in influential countries for the governments to act.
Participants at the meeting are representatives of the US, the United Kingdom (UK), France, Italy, Japan, China, Russia, India, Norway, the United Nations (UN), the African Union (AU), the European Union (EU), World Bank, the United Nations High Commissioner for Refugees (UNHCR) and a number of security, humanitarian and donor agencies.

The key questions before them are:

Can the humanitarian catastrophe be prevented by speedy deployment of international aid and protection?

If military intervention is required, who will provide the troops? Will a sufficient number of countries support military intervention, so that it has international backing? Is there an exit strategy?

**SIMULATION EXERCISE**

You are representing your country/organization at an emergency meeting called by the US administration to discuss humanitarian intervention in Samia, a geo-strategically important African country, where a long-standing conflict between ethnic and/or religious communities has spiraled into outright war. Tens of thousands have died and hundreds of thousands of people have fled. Humanitarian agencies warn of an impending catastrophe in which millions might become refugee. The international media is baying for military intervention to prevent the catastrophe and public pressure is building in influential countries for governments to act.

The conflict began 25 years ago, following the death of Samia’s third president, a military ruler who died mysteriously in 1981. Since then, there has been a struggle for power between the country’s two major political parties, the Muslim Movement backed by Sunni Muslims, and the Sufi and Zema tribal minorities, and the National Union Party, backed by Christians, the Nima tribe and nomadic minorities.

The US and the EU countries brokered a weak power-sharing agreement between the two major political parties about five years ago, but the coalition government did not last long
and the parties’ armed militias violated the truce. Armed militias multiplied in the years to follow.

About nine months prior to this meeting, Muslim Movement militias and their Zema allies suddenly targeted villages allied to the National Union Party, whose militias—composed of Christians, Nima and nomads—retaliated by targeting Sunni, Shia and Zema villages. Conflict spread from the villages to the towns and the country’s capital is currently in the control of five separate militias, who have plundered and vandalized the city, including government buildings such as the armoury, and murdered men who refused to work for them and raped women.

Humanitarian agencies, NGOs and the media are convinced that perhaps as many as two million will die, if the international community does not intervene rapidly. Samia’s government has absolutely refused to allow any humanitarian agencies to enter, though the numbers of internally displaced are rapidly rising (see Map 6.3). Diplomatic pressure has not worked thus far because different members of the international community have different interests and ties with Samia and its neighbours.

The US administration has called this emergency meeting in Washington to discuss whether and in which way the international community can have a coordinated reaction. The countries that have been invited are (apart from the US): the UK, Japan, China, Russia, France, Italy, India, Norway and neighbours of Samia. The international institutions that are invited are the UN, the EU, World Bank, the International Monetary Fund (IMF) and the UNHCR, and a number of other security, humanitarian and donor agencies.

You have one day to decide your course of action.

**Simulation Structure**

**Venue:** State Department, Washington  
**Time:** June 2006  
**Duration:** One day  
**Format:** This simulation will be round the table, chaired throughout by the US Undersecretary of State, who opens by
describing the problem, the reasons for the meeting and the possible courses of action that the international community can take. However, participants use the lunch and tea breaks (which are fairly liberal, 30 minutes for two tea breaks and 90 minutes for lunch) to lobby or hold side meetings. While the professional groups—humanitarian, the UN, military/security and diplomats—tend to gravitate towards each other at some times, regional groups—Europeans and Americans, Asians, Africans—tend to gravitate towards each other at other times. When issues for action are debated around the table, participants will use the breaks to lobby in professional groups; when who will take action is discussed around the table, participants will form into regional groups during the breaks.

Some participants—especially humanitarian, military, peacekeeping and security groups—will come prepared with a ‘roadmap’ for international action to deal with the conflict and/or its impact, taking into account local conditions within the conflict area, own resources, logistical issues, possible threats and risks.

**Roles**

You are a member of the ‘international community’, comprising the following members:

1. US Undersecretary of State
2. French Deputy Foreign Minister
3. UK Foreign Secretary
4. Chinese Ambassador to the UN
5. Russian Ambassador to the US
6. Japanese Ambassador to the US
7. Indian Ambassador to the US
8. Italian Ambassador to the US
9. Norwegian peacemaker
10. EU representative (Solana’s cabinet)
11. UN Department of Political Affairs representative
12. Under Secretary-General UNDPKO
13. NATO representative (American)
14. AU representative
15. Meli’s Ambassador to the US (Samia’s neighbour country)
16. Dinja’s Ambassador to the US (Samia’s neighbour country)
17. World Bank representative (African)
18. UNHCR
19. UNOCHA
20. US Aid
21. ICRC

Control Group: Four to five people who can move around the table helping participants decide their positions.

Position of Each Participant

US Undersecretary of State
The previous US administration was accused of averting its gaze from the genocide in Rwanda. You want to show that your administration is more responsive to African crises and you have Cold War ties to the greater Samia region as well as a military airbase in Rizo and an oil installation in Aniya. Your army is overstretched in Iraq and Afghanistan. If there is to be military intervention, you are anxious that it be chiefly by AU forces, with perhaps some quiet logistical support from the North Atlantic Treaty Organization (NATO), but you are keen to get some diplomatic credit for spearheading the humanitarian response.

French Deputy Foreign Minister
France has been the former colonial power in Samia with ties with the Christians. You are anxious to help end the conflict but are suspicious of the UK’s close ties to the US and fear that the UK and US will join hands to push France out of the region in order to establish predominance in exploiting its rich natural and strategic assets. France used to have military ties with Samia before the conflict began. These progressively waned over the 25 years of conflict. You are also offended that the UK has taken a lead in diplomatic exploration of avenues to end the conflict. Muslim Movement and
National Union Party leaders are playing upon your reactions in the hope of getting French backing for control over the country.

**UK Foreign Secretary**

For the past few months your embassies in Pelah and Meli, where your country has been a colonial power, have quietly explored the present situation in Samia, its crisis and spillover potential, and whether any international involvement will result in a quagmire or will it be helpful. You, too, are anxious to help end the conflict. The British army, in particular, envisages taking a major peacekeeping/peacebuilding role in the post-conflict phase and considers that perhaps the EU can play a supporting role in peace-building activities, especially on the civilian side. This could also bring the UK and France together. You will be invited by the Chair to give the first assessment of the possible courses that are open to the international community based upon your assessment of the present stage of conflict and diplomatic efforts to date.

**Chinese Ambassador to the UN**

In pursuit of energy, China has engaged in massive investment in Africa during the 1990s. The Samian government is wooing you with offers of concessional and expansive energy exploitation rights, if China uses its veto in the United Nations Security Council (UNSC) to prevent a UNSC resolution demanding access for humanitarian aid and threatening action. China has already got teams surveying the energy assets in Samia. In the recent intensification of conflict, a couple of Chinese surveyors have been taken hostage by the militias and your government has conveyed a strong demand for their immediate release to the Samian government. You are under strong pressure from the US and European countries not to veto a UN resolution against Samia. Is there a middle way you can find, that will allow you to exploit Samia's energy resources and provide some support for the Samian government, while at the same time being seen as cooperative by the international community?
**Russian Ambassador to the UN**

During the Cold War, Russia dabbled in the wider Samian region through the Warsaw Pact countries. Though the Warsaw Pact dissolved years ago and the militias no longer get arms through a Russia-backed route, Russia still has some mining interests in Samia. Russia has not decided its position regarding the conflict. In the past, Russia had had ties to the Muslim Movement and the National Union Party, and you could use your somewhat limited influence with them to show you are still a global player. On the other hand, your country’s worsening relations with the US administration over its military relations with former Warsaw Pact countries, and with the EU over its growing ties with countries that were formerly states of the USSR, inclines you to join with China in opposing intervention. Which course do you decide; or is there a third way?

**Japanese Ambassador to the US**

In furtherance of Japan’s bid for a seat in the UN Security Council and to strengthen its international role, the Japanese government has been a major funder of humanitarian and peacekeeping operations in the former Yugoslavia, Sri Lanka and the Palestinian territories, to mention but a few, and is keen to play an active role in resolving the Samia crisis. You are here both as a diplomat and as one representing a donor country. You seek to coordinate with donor agencies and perhaps to lead the donor mission, if any agreement on delivering humanitarian aid is reached. But you are aware that China, with whom relations had deteriorated during the 1990s, may block a leading role for Japan. How do you plan to deal with the problem—will you give way or push, and what is your fallback position?

**Indian Ambassador to the US**

The Indian government does not wish to play an active role in consultations or negotiations. It would be agreeable to an Indian being appointed as the UN envoy, and is willing to offer peacekeeping troops but only if an agreement is reached, and the Samian government invites UN peacekeepers. However, India is under pressure from the US and European countries,
with all of which it has warm relations (in the case of the US, newly warm) to play an active diplomatic role, even if a quiet one, in pushing for the Samian government to agree to let international humanitarian aid in. India has the best chance of being an honest broker, as the country is regarded as having a relatively pro-African policy in the region. On the other hand, India has joined up with China in pursuing energy interests in some African countries, such as Sudan, and the Samian government has offered similar concessions to India as to China. What do you do?

*Italian Ambassador to the US*

Italy was a colonial power in Dinja and though your country has few strategic ties left with the country, the Catholic church has strong ties to the Christians of Dinja and Samia, from amongst whom it has traditionally recruited nuns for missionary activity in Africa. Catholic church charities are working in the refugee camps in Dinja and they are pressing you to lobby for support for a UN resolution demanding immediate access for humanitarian aid. The more right wing media are asking whether Italy should send in troops to protect Catholics.

*Norwegian Peacemaker*

You were briefly involved in back channel negotiations that brought the armed militias to agree to a truce, which was followed by a weak power-sharing agreement brokered by the US and the EU, but the agreement did not include the ceasefire monitoring and decommissioning benchmarks that you had suggested. At the request of the US and the EU, you have tried to revive the channels you had to the armed groups to see whether they would agree to provide a safe corridor for aid. You are here primarily to report on your efforts with the armed groups but you also believe that a wider engagement towards a comprehensive peace is necessary.

*The European Union (EU) Representative*

The EU has been sluggish in its response to Samia’s conflict, partly due to the rivalry between the UK and France in the region. Other European countries with a colonial past, such
as Italy, also have ties in the region, including with some of the minorities in the country and fear for their safety. Another question of concern is how the EU’s response will affect ties with Russia, which have frayed over the past year. The question of how the EU should respond is, therefore, being hotly debated at various levels, in the cabinet and secretariat, in the Council of Ministers, and in the European Parliament.

**UN Department of Political Affairs (UNDPA) Representative**

Though the Secretary-General has repeatedly called for concerted humanitarian action, and has offered his good offices for negotiations, the US and UK have been lukewarm. You are here to push the Secretary-General’s new offer, to appoint a Special Envoy to Samia, and have come armed with a choice of five of the UN’s most seasoned negotiators, an Indian, an Arab, an Irishman, an African and an Englishman. Knowing that the Norwegians are also prepared to mediate, and the US is considering appointing its own Envoy, you will have to lobby hard for a UN Envoy. Who are the best candidates to lobby at the meeting—China, Russia, France, and India, or the international organizations and NGOs? Keep in mind that you also want to avoid a situation in which the UN is in charge but no funding pledges have been made by the concerned countries. UNDPKO and United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) have expressly warned against such an eventuality (see below).

**Under Secretary-General UNDPKO**

You are here to discuss security for humanitarian aid delivery and perhaps even protection of refugees. Your preference is for the AU to lead the mission, with, if necessary, small UN contingents in specific areas, but you are aware that the AU is reluctant, and also that AU troops will need equipment, supplies and funding. If the AU refuses to lead and the mission is under UN auspices, you will be responsible for fund-raising for the troops as well as for humanitarian assistance. At the same time, with NATO beginning to take on humanitarian and peacekeeping responsibilities in Africa, you are anxious
to protect your traditional turf. The only way to resolve this dilemma is for you to seek pledges of financial support for a UN led mission. Who are your allies in the mission? The US and UK might favour NATO—will France, Japan and China be willing to step up?

**NATO Representative**

You have come to argue against military intervention. Your position is, if there has to be a military intervention, then there has also got to be an exit plan for when the military operations will be considered to have ended. You are, however, very interested in joint humanitarian and peacekeeping/peace enforcement operations with the AU, in which they will provide the ground troops and you will provide the logistical and, if necessary, air support. NATO’s future, you believe, lies in the extent to which it can become a global peacekeeping force that works with regional security organizations as well as the global peacemaking body, the UN.

**AU Representative**

You are against any military intervention, by the AU or internationals, and argue that military action will destabilize the entire greater Samia region. Under the threat of force against Samia, you reluctantly embarked on the AU shuttle diplomacy six months ago to try to get the Samian government to allow aid delivery and refugee/displaced protection. You have not been successful in your efforts but you have persuaded Dinja, Meli and Pelah to allow the UNHCR to work in their refugee camps.

**Meli’s Ambassador to the US (Samia’s neighbour country)**

Meli and Dinja resent both the AU and international meddling in Samia affairs because it will undercut their influence in the country. Publicly, they say that they would like some ‘Third World’ or ‘Non-Aligned’ involvement because they fear that the US and the Europeans will undermine their roles. They are, at the same time, working hard on their European connections to ensure that this does not happen. Under British pressure, Meli’s leaders have begun to talk to the Samian government
about creating a humanitarian aid corridor. They warn that such a corridor will only work if Dinja talks to the National Union Party.

Dinja’s Ambassador to the US (Samia’s neighbour country)
Under pressure from the Catholic church charities and the Italian government, Dinja’s leaders are beginning to concede, reluctantly, that peacekeeping troops might be required for humanitarian aid. They are undecided on whether these should be regional or international peacekeepers. If the latter, they are unanimous in asking for a UN rather than US led force.

World Bank Representative (African)
You have been asked to come to this meeting by both the US and allied governments, and by the humanitarian organizations. As you see it, your job is to assess the real potential for humanitarian aid delivery or reconstruction programmes, the capacity of the aid agencies, governments and institutions present to implement any programme of action, and what their levels of accountability will be. You expect Japan to head any donors group, with which you are very comfortable, but you also know that China will oppose Japanese leadership, and might suggest a consortium with you taking a leading role, which you are loath to do.

UNHCR
You have come to the meeting to push for more international humanitarian aid, both for refugees in neighbouring countries, with whom you are working, and for the internally displaced in Samia, to whom you have no access. You would prefer to gain access through agreement with Samia’s government and you believe that if the regional and international actors make a coordinated diplomatic push, the Samian government will agree. Additionally, you have been asked to substantiate your case by presenting concrete plans for how humanitarian aid can be delivered to the affected people. You need to formulate these plans with reference to the attached maps, especially Map 6.3, which shows refugees and displaced people.
UNOCHA
You will have to coordinate aid delivery, if it is agreed that the UN should be the leading agency. You are here primarily as an observer but you interject, advise and question on issues of mandate, donors and coordination in the general discussion, and consult with your UN colleagues.

US Aid
You know that you will be under pressure for donations from both sides and have already discussed your response to these dual requests with your staff and seniors. You plan to bargain for making donations conditional on Samia's cooperation with aid agencies, but you have not yet decided whether your engagement will be limited to short-term activities or will also take on long-term programmes for reconstruction. For the moment, you offer to help with health sector aid, such as water purification plants, tents and blankets for refugees/displaced, and education and running schools in refugee centres. But you also hint that you are open to taking on more long-term reconstruction programmes.

ICRC
The Samian militias have allowed you some access to the ad hoc prisons that they run and you have been able to facilitate some civilian prisoner exchanges. You are here to advise on whether or not the militias can be persuaded to a ceasefire and what they require in return. You may, additionally, point out the perils of financial incentives to the militias—though the US might be tempted to buy them off in return for an aid corridor—that the money could help them further arm and train.

Issues before the Participants
What is the End Goal of this Meeting?
Are you here to decide how to get humanitarian aid to Samia or to seek a comprehensive peace settlement? You may be able to get a limited agreement for the delivery of humanitarian aid as a stand-alone measure but you might lose the limited agreement, if you seek to tie it to refugee/displaced
protection or a comprehensive settlement. Most country representatives will back the choice of a limited agreement, though some will concede that the situation might permit wider agreements. Most humanitarian agencies will argue that aid delivery is not enough and refugee/displaced protection is essential. Donor agencies will ask that in the case of a limited aid delivery agreement, where are the guarantees that aid will not disappear into militias and, thus, prolong the conflict.

What are the Humanitarian Requirements? What would a Successful Humanitarian Mission Entail?
The humanitarian groups have arrived with assessments of the nature and potential extent of the humanitarian crisis in terms of food, sanitation, medical, shelter and protection requirements; how these could be fulfilled and what resources it would take; what kinds of logistical arrangements would be necessary and through which entry points; what kinds of agreements would be required and who would have to make them; and what kinds of guarantees would need to be given.

Some humanitarian agencies are also concerned to ensure that international laws on prisoners and hostages, prevention and punishment of genocide, rape as a war crime, and so on, are included, even if it is a limited aid delivery agreement.

The questions before the humanitarian agencies are:

1. Which countries, institutions and agencies are most likely to be amenable to humanitarian concerns? Who should you be lobbying with in the tea and lunch breaks?
2. Can the humanitarian groups form a coordination network for aid and protection activities?
3. If it comes to military intervention, can you work with the troops?

Can Diplomacy Work to Prevent a Humanitarian Catastrophe?
By and large, all countries agree that the best way forward would be if the negotiations could bring about an agreement
between the different warring parties. But the humanitarian crisis is escalating rapidly, and there are as yet no indications that the country’s government would agree to allow peacekeeping troops into its territory to protect, feed and shelter the internally displaced. Nor is there any indication that the warring parties will agree to a truce and allow peacekeeping troops to police the country until negotiations yield a settlement.

If you are a US or European diplomat, you will be aware of powerful domestic pressure to intervene and your concern will be to palliate or divert this pressure. Your priority, therefore, is to be seen acting. If this can be achieved through coordinated diplomacy, you will be happy. If not, you are reluctantly prepared to consider military intervention. If you are Russian or Chinese, you are opposed to military intervention, stridently in the case of China. If you are Japanese, you are anxious to offer aid. If you are Norwegian, you offer good offices to bring armed militias on board. If you are an AU representative, you are divided between pleasing your great power allies and fear of regional reactions.

The questions for you are:

1. Can this crisis be resolved by diplomacy and, if so, by whom? Will a coordinated diplomatic response help or hinder?
2. Can the crisis be contained for the short to middle-term or will a long-term solution have to be worked towards in order to contain the crisis?
3. Is it possible to get away with threatening military force? Will that bring the parties to the negotiating table?

Will the threat of force suffice to coerce the warring parties to agree to an aid corridor and further negotiations towards a settlement? What if the threat fails? Will force, then, be inevitable?

*If Military Intervention is Required, Who will Provide the Troops?*

The concern for the military group is that even if military force is desirable, from where will the troops come? Conversely, if
a peacekeeping agreement can be secured, who will provide the peacekeeping troops? What will be the logistics required and how would the neighbouring countries behave? Will they be helpful to peacekeeping troops or not? Should a trial peacekeeping mission be tried first, for example, to protect refugees in a neighbouring country?

Your position is, if there has to be a military intervention then it should be led by the AU (US, Europeans) or the UN (India, Russia); and if the latter, there has also got to be an exit plan for when the military operations will be considered to have ended. You are also, reluctantly, prepared to concede that you will have to provide security for humanitarian aid delivery and, perhaps, even protection to the refugees, which might be followed by peacekeeping.

Your concern, therefore, is to draw up contingency plans for how many troops will be needed in any of the eventualities, where they should be stationed, under whose command they will operate—taking into account both logistical requirements such as the best and the shortest routes for aid, and risks, such as which would be safer or less safe areas of troops deployment—and what kind of mandate they will have.

Additional questions that you will ask are:

1. Is the AU prepared to take the lead in any peacekeeping operation? Can NATO provide logistical support?
2. If not, can other troops’ contributing countries be asked to aid a UN peacekeeping effort?
3. Who will support or carry out military intervention if force is required?
4. What are the risks of military intervention backfiring, with repercussions across the region?

This issue is tied to the question about end goals. The troops’ contributing countries will feel that if force is to be used, then it should be for a comprehensive settlement, with an exit strategy. The AU and the UN will both argue that if the end goal is aid delivery, then a classic peacekeeping mandate of protecting aid corridors (as UNPROFOR did in Bosnia–Herzegovina) rather than a peace enforcement mandate is preferable.
Donor Agencies
You have been asked to come to this meeting by both the US and allied governments, and by the humanitarian organizations. You know you will be under pressure for donations from both sides and have already discussed your response to these dual requests with your staff and seniors.

As you see it, your job is to assess the real potential for humanitarian aid delivery or reconstruction programmes, the capacity of the aid agencies, governments and institutions present to implement any programme of action, what their levels of accountability will be, how to bargain for making donations proportionate to the area of operation of each agency and its resources, and how to ensure that your groups/companies of choice get the aid and reconstruction contracts.

The questions for you are:

1. What is the level of commitment of the countries, institutions and agencies that will be involved in an international response and what are their relations to the conflict-country’s government and its neighbours?
2. Who will the donations be channeled through and what will be the accountability procedure at all levels from the ground up or top down?
3. How can the donor agencies ensure that own-country nationals get the bulk—or at least their fair share—of the aid and reconstruction contracts? Or should the donor agencies be more amenable to civil society pressure against this form of ‘aid nationalism’?

Note for students: These organizations and countries all have websites that can be easily accessed through a web search.
**Conflict Backgrounder**

*Physical:* Samia is a middle-size country, landlocked, with densely populated urban areas interspersed by very thinly populated rural ones; rich in mineral resources and with some oil too; with mountains on its northern border and desert in its southeast (see Map 6.1).

*Demographic:* The country has a population of around 20 million, comprising two large ethnic/religious groups (Sunni Muslim and Christian, see Map 6.1), one slightly larger than the other (40: 30), and four minority groups (Sufi 10: Zema 8: Nima 7: Nomad 5). Though the ethnic groups are dispersed, each can form a province-wise majority to create separate statelets and/or enclaves. Additionally, both the large ethnic groups have contiguous diasporas in neighbouring countries.

*Administrative:* There is a weak and only partially legitimate central government and the provinces were thinly administered, at best, even before the conflict broke out. The police and military forces were traditionally feared. Today, they are fragmented into even more fearful militias and the politicians are corrupt, communal and nepotistic.

**Roots of the Conflict**

From 1925 to 1955, Samia was a French colony. When the French withdrew, following an independence war led by the United Samian Liberation Organization (USLO), they agreed with the USLO that the country would create a power-sharing government of Muslims and Christians, with representation for the four minorities. In 1956, the USLO held elections for a constituent assembly with the help of the UN. The results yielded a hung assembly and while power-sharing talks were on, the armed wing of the USLO seized power in a bloodless coup. The USLO army chief, General Ido, was declared independent Samia’s first President. While Samia remained poor and socially fissured during his rule, it was otherwise uneventful.
Samia’s second military ruler, General Imane, who took over in 1962 following the death of the first president by natural causes, was a strongman from a family of Muslim ulema (clergy). The Muslim Movement, backed by the Samian army and Sunni Muslims, formed during his tenure. The Muslim Movement was partly inspired by the Muslim Brotherhood in Egypt. At first, it was an initiative to make Sharia the law of Samia and spread madrasa education, but in 1968 it formally constituted itself as a political party with General Imane as its head. By 1974, the Samian army was almost exclusively Muslim. Its officers were all Sunni and the soldiers were 80 per cent Sunni, 10 per cent Zema, five per cent Christian, 3 per cent nomad and 2 per cent Nima. In the civilian administration too, including police and justice, Muslims grew to dominate all the higher positions, including in local administration of Christian majority areas.

In 1976, in response to this trend, Samian Christian groups founded the National Union Party (NUP) in a meeting in Dinja. While the NUP claims to be a secular party for national reconciliation, its membership is 70 per cent Christian (majority Catholic but also evangelical and Protestant missionary converts), 18 per cent Nima and 12 per cent nomad.

Though many of the Samian army leadership demanded that General Imane ban the NUP straightaway, he permitted the party to open small offices in Samia but refused to let the NUP receive funds from abroad. This strategy triggered another bloodless military coup and General Sadi became Samia’s third military president in late 1976.

General Sadi’s first act was to ban the NUP. But the party’s reach had already spread like wildfire across Christian and Nima majority towns and villages. Following the ban, the NUP went underground. As a result, it built up a large and disciplined cadre on the ground, who began to call for the creation of NUP militias for an armed struggle against military rule. Unofficially, many NUP cadres, especially in the areas bordering Dinja, began to cache arms and undergo guerilla training.

The conflict began in 1981, following the mysterious death of General Sadi in a helicopter crash. After his death, a struggle for power began between the Muslim Movement and the
NUP, which gained strength due to the tussle for leadership between the three generals heading the Samian army. This leadership vacuum also stimulated the international community to demand, for the first time, that Samia move from military rule to democracy.

During the Cold War, Samia’s military rulers used the USSR and Warsaw Pact countries to purchase arms, while keeping international attention averted from Samia’s human rights violations. The US and NATO countries, with colonial and post-colonial links to the greater Samia region, countered Soviet influence in Samia through its neighbours, in particular, Rizo, Meli and Pelah; and through the NUP. As Rizo and Pelah had military rulers too, it did not serve anyone’s interest to call for democracy.

Times were changing though. The Cold War theatre of conflict had shifted to Afghanistan and the USSR agreed to allow the UN to see if they could broker a deal between the Muslim Movement and the NUP. The UN organized elections in 1982, which many thought the Muslim Movement would win. The Sufi and Zema tribe minorities supported the Muslim Movement. Though the Nima tribe and nomadic minorities supported the NUP, they were the smallest minorities. These demographics ought to have ensured electoral victory for the Muslim Movement. However Sunni and Shia electoral turnout was lower than Christian and Nima turnout and, so, the election yielded a hung assembly.

The Muslim Movement seized power with the help of the mostly Muslim Samian army. Conflict broke out but attracted little international attention since it was mostly low level and though Christians were made to feel vulnerable in insidious ways, the Muslim Movement government did not encourage expulsions or ethnic cleansing.

In the years to follow, however, the NUP built up its own militia, with support from radical Catholic groups in the US and European countries, as well as more general aid from Christian and evangelical groups. Largely Catholic Dinja, which had been an Italian colony, allowed the NUP militias to arm and train in Dinja. In the next wave of conflict that broke out in the early 1990s, Dinja allowed the NUP militias
to launch attacks on the Samian army and Muslim Movement militias from the Dinjan territory.

The 1990s conflict was far more violent, as both parties had armed wings now and in the summer of 2001, the US and the EU countries brokered a weak power-sharing agreement between the two major political parties. But the coalition government did not last beyond six months and the NUP walked out of the coalition. What remains of government is the Muslim Movement President of Samia and those ministers who are from his party and personally loyal to him. Just days after the coalition government broke down, the two political parties’ armed militias—which had agreed to a ceasefire with a vague promise to discuss disbanding and reforming as a united Samian army in the future—violated the truce.

Armed militias multiplied in the years to follow, with the minority groups also acquiring their own militias and the conflict became fully internecine, including selective assassination and inter-militia killings.

Samia’s neighbours used their Diasporas to interfere in the conflict. The NUP ran a government-in-exile out of Dinja, following the breakdown of the coalition government in Samia and once again, Dinja allowed the NUP militias to launch attacks on the Samian army and Muslim Movement militias from Dinjan territory. Meli and Pelah, both Sunni Muslim majority countries that were former British colonies, provided safe passage for arms smuggled from other Sunni Muslim majority countries to the Muslim Movement. Thus, with the neighbours’ help, the conflict escalated.

**New Crisis**

In January 2006, about six months before this simulation is set, Muslim Movement militias and their Zema allies suddenly targeted villages allied to the NUP, whose militias—composed of Christians, Nima and nomads—retaliated swiftly by targeting Sunni, Sufi and Zema villages. Conflict rapidly spread to the towns and the country’s capital fell under the control of five separate militias, who plundered and
vandalized government buildings, including the armoury and shops, and murdered men who refused to work for them and raped women.

There was a large exodus of panicked towns people and villagers to the neighbouring countries, many of which now sheltered large numbers of refugees—70,000 in Dinja, 50,000 in Meli, 30,000 in Pelah and about 10,000 in Zeto—but kept them in dire conditions. In the meantime, the conflict had brought the few remaining government services to a halt, trade and unofficial distribution systems had stopped, and a drought had brought most of the population close to starvation.

Humanitarian agencies, NGOs and the media were convinced that hundreds of thousands will die—perhaps as many as two million—if the international community did not intervene rapidly. Though some of the neighbouring countries had allowed the UNHCR to work with refugees after persistent diplomatic pressure, other neighbours were stone-walling, especially countries with diasporas that were directly involved in the conflict. The country’s government had absolutely refused to allow any humanitarian agencies to enter, though the numbers of internally displaced were rapidly rising (see Map 6.3). Humanitarian agencies estimated that there could be a million potential refugees at Samia’s borders, whom its neighbours were not allowing in.

The US and European countries have been trying to use diplomatic pressure on both the country’s government and regional powers to begin negotiations with warring parties to end the conflict, but the results thus far have been patchy. Neighbour Rizo is willing to push for negotiations and put the issue on the agenda of the regional organization which the country is a member of, but the country’s government has frantically lobbied against such a move, with the support of neighbours such as Aniya, Dinja, Meli, Pelah and Zeto, all of which are directly or indirectly involved in the conflict. The two regional powers, who border Dinja and Meli on the other side, have also tried to put pressure on them to cut their ties to the warring parties, but are reluctant to use too much pressure for fear of pushing Dinja and Meli over the edge into an open involvement in the conflict.
Renewed Diplomatic Effort

The effort now is to get the international community to adopt a coordinated response to the conflict. This, too, is not easy. France has been the former colonial power in Samia with ties to the Christians of Samia, while Italy, with similar ties specifically to Catholics, has been the colonial power in Dinja. The UK has been a colonial power in Pelah and Meli with ties to the Sunni Muslims of Samia. Both France and the UK had considerable trading interests in the region, though these have recently declined as European companies shifted focus to the newly independent countries of Eastern Europe that have joined the EU and provide different energy and mineral routes. Additionally, France had military ties to Samia which similarly declined, while the UK had military ties to Pelah and Meli. The US and Russia also dabbled in the region, the US through Rizo, where it has a military base, and Aniya, where it has oil interests; and Russia through the Warsaw Pact countries that supplied arms to the warring militias in return for mineral rights.

The UK and France are each anxious to help end the conflict. The British army, in particular, envisages taking a major peacekeeping role in the post-conflict phase, but are not convinced that they can work together, especially as France is suspicious of the UK’s close ties to the US and fears that the UK and the US will join hands to push it out of the region in order to establish predominance in exploiting the region’s rich natural and strategic assets. Muslim Movement and NUP leaders are playing up these fears in the hope of getting British and French backing, respectively, for their control over the country. Russia has not decided its position regarding the conflict. Both, the Muslim Movement and the NUP have had ties with Russia and the latter has mining interests in the country, but has stated that it will be part of any and all international consultations.

The EU has been sluggish in its response, partly due to the rivalry between the UK and France in the region. Other European countries with a colonial past, such as Italy, also have ties in the region, including with some of the minorities in the country and fear for their safety. Another question of
concern is how the EU’s response will affect ties with Russia, which have frayed over the past year. The question of how the EU should respond is, therefore, being hotly debated at various levels, in the cabinet and the secretariat, in the Council of Ministers, and in the European Parliament.

The UN has largely been a bystander in these regional and global rivalries, though the Secretary-General has repeatedly called for concerted humanitarian action and has offered his good offices in mediating negotiations. He has now offered to appoint a special envoy to the country and has provided a choice of five of his most seasoned negotiators, an Indian, an Arab, an Irishman, an African and an Englishman. The Norwegians have also offered a facilitator, who has worked with some of the diaspora armed militias in the past. For example, to get them to underwrite the weak power-sharing agreement of five years ago. And the US is considering sending one of its own envoys, who had negotiated in Africa, West Asia and the Balkans, to set up the negotiations.

The Japanese government is keen to play an active role in both the humanitarian and peacekeeping operations, largely to strengthen their international role and secure a seat in the UNSC. China, eyeing the region’s natural assets for its own needs, has for the first time stated its desire to be part of the international consultations, with the promise of playing a role in the post-conflict recovery phase. India is still straddling the fence. The Indian government’s preferred option would be to have an Indian as the UN envoy and to offer peacekeeping troops if an agreement is reached, but not play an active role in consultations or negotiations.

On the whole, the African Union countries support the Meli ambassador’s view that some ‘Third World’ or ‘Non-Aligned’ involvement might offset the US and the European engagement in Samia, but for them the key question is whether Africans should deal with African conflicts, or whether international organizations like the UN should be invited to take the lead. While the AU are beginning to concede, reluctantly, that peacekeeping troops might be required, they are clear that
the AU will only be able to provide troops if substantial funds and materials are provided; and they are divided on whether logistical and other support should be provided by NATO or the UN or both.

**Negotiations vs Force**

Though all participants agree that the best way forward would be through negotiations, opinions are divided on whether negotiations will work, especially as time is so short. The humanitarian crisis is escalating rapidly, and talks have not thus far persuaded Samia’s government to allow humanitarian aid or international protection for refugees and internally displaced on its territory. Nor is there any indication that the warring parties will agree to a truce and allow peacekeeping troops to police the country until negotiations yield a settlement.

From 1 June 2006, diplomats from the US, the UK, France, Norway, the UN and the EU have engaged in shuttle diplomacy to see whether the country’s government and the warring parties might agree to either:

1. Allow peacekeepers in to protect refugees and the internally displaced, or
2. Agree to a ceasefire and allow peacekeepers in to restore order and demilitarize the country.

In return, the country’s government and the warring parties have been offered aid during negotiations and for post-conflict reconstruction, fully representative negotiations in which all parties’ views and needs will be considered and future security through a range of possible institutions, from rebuilding their army to regional security forums and even, perhaps, a new NATO Partnership for Peace type programme.

The US, the UK and some of the smaller EU countries are willing to consider using force if diplomacy fails. France, Russia, China, India, the AU and Samia’s neighbours are opposed to it and most others are undecided.
Humanitarian Response

Most of the major humanitarian agencies agree that immediate international humanitarian aid is required to prevent a humanitarian catastrophe, but are divided on whether force should be used, if necessary, to achieve this goal. Many of the big humanitarian groups believe that recommendations on use of force are outside their mandate and rightly so. Though each has staff which believes that the mandate should change, so that force can be recommended when necessary. Many of the smaller humanitarian groups, especially the NGOs, believe that force should be recommended when necessary and that this conflict is rapidly becoming such a case.

Irrespective of this debate, all humanitarian agencies are gearing up to provide aid, medicine, food and shelter, when it becomes possible to do so. Thus far, most countries have been sluggish in their donations and/or pledges. So, humanitarian groups have come to the Washington meeting to campaign for larger pledges of aid and a timetable for when the donations will actually be paid.

The UNHCR is the only humanitarian agency to be allowed to set up offices in the region but not in Samia. UNHCR offices are close to the refugee camps across the country’s borders and at a considerable distance from the country’s border and zones of conflict. Nevertheless, the UNHCR also fears that the conflict zones will soon widen to include the refugee camps, in which case their offices could become warring party targets. The UNHCR, therefore, also wants the neighbouring countries to allow peacekeepers in to shelter the refugee camps as well as UNHCR offices and staff.

Military Response

The majority of the peacekeeping countries and institutions are opposed to the use of force, with the exception of the US, whose Defence Department and Pentagon heads say that they will consider the use of force if vital US interests in the region are threatened (the US has an airbase in Rizo and oil
interests in Anija; see Map 6.3). The British army chiefs say publicly that they are willing to support whichever course of action their government decides, including acting under a US led command, but privately, they counsel the government against a decision that might land their troops in an Iraq type situation.

Thus far, none of the countries of the region have threatened US interests but Samia’s warring parties have talked to their respective Diasporas about targeting US installations if the US takes sides against them. The Muslim Movement has flirted with Al Qa’eda, and radical Islamic groups fighting in Iraq have acquired a small presence in the conflict, adding further to international fears that force might be required.

NATO has said that they will not participate in military action unless one of their member states is attacked, but will contribute towards a peacekeeping operation, if the country’s government agrees. The UN Department for Peacekeeping Operations (UNDPKO) has warned that it is not in a position to provide peacekeepers unless member states step up troops’ contributions. The regional security organization has not engaged in regional peacekeeping and has no military wing.

**Washington Initiative**

It is against this backdrop that the US administration has called a one day meeting at the State Department to decide how to handle the humanitarian crisis. Can the key international and regional actors find a coordinated response? Can the crisis be contained or is a final resolution required?
MAPS

Map 6.1
Samia’s Ethnic Distribution
Map 6.2
Outbreak of Conflict
Map 6.3
Refugee Flows and Camps
NOTE FOR SIMULATION SETTERS

For those who might use our simulations as part of their course-work or training, as we hope will happen, the following lessons that we learned might be of use.

First of all, it is very important to brief participants thoroughly and give them adequate time to prepare their roles (for university students a week to two weeks, for practitioners four to five days).

Second, it is essential to have a sufficiently large control group who are also well-briefed, so that each negotiating group in the simulation has at least one outside advisor who can ensure that participants do a regular reality check and who is with participants throughout the simulation.

Third, doing one or two simulations is not enough for lessons to be firmly learned; a minimum of four exercises is required.

Last, do not hesitate to adapt the simulations to fit your training exercise: you can, for example, cut some of the ancillary roles if you want the focus to be on key players; but in this case, it is important for the participants to be given the full simulation text, so that they are also aware of the smaller roles that were played in reaching or failing to reach an agreement.
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