Ethno-national Challenges to the Nation State: A Case Study of the Sami and the Nagas

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DECLARATION

I declare that the thesis entitled **"Ethno-national challenges to the Nation State: A Case Study of the Sami and the Nagas"**, submitted by me for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

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ABBREVIATIONS

ADC	Autonomous District Council
AFSPA	Armed Forces (Special Powers) Act
CBMs	Confidence Building Measures
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
EEC	European Economic Community
ENPO	Eastern Naga Peoples' Organization
FGN	Federal Government of Nagaland
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
INC	Indian National Congress
LSS	Landsforbundet Svenska Samer
NBCC	Nagaland Baptist Church Council
NBC	Nagaland Baptist Convention
NEFA	North East Frontier Agency
NHDTC	Naga Hills District Tribal Council
NHTA	Naga Hills Tuensang Area
NMA	Naga Mothers' Association
NNC	Naga National Council
NPC	The Naga People's Convention
NPMHR	Naga Peoples Movement for Human Right
NRL	Norske Reindriftsamers Landsforbund
NSCN	National Socialist Council of Nagaland
NSCN(IM)	National Socialist Council of Nagaland(Isac Swu and T.Muivah)
NSCN (K)	National Socialist Council of Nagaland (Khaplang)
NSF	Naga Student Federation
NSR	Norgga Samiid Riikkasaervi
SLF	Sameness Landsforbund
SSR	Svenska Samernas Riksforbund

UDHR	Universal Declaration of Human Rights
UNDRIPS	United Nations Declaration on the Rights of Indigenous Peoples
UNPFIP	United Nations Permanent Forum on Indigenous Peoples
UNPO	Unrepresented Nations and Peoples Organizations
WGIP	Working Group on Indigenous Populations

CHAPTER ONE

INTRODUCTION

I

Ethno-nationalism is the sense of loyalty that unites and binds people together for a common cause, largely political in nature in which people subscribe to the belief in common origin, common ethnicity, shared values, a distinct culture and identity. Since ethnic based nationalism is considered backward and irrational, it was believed that the clamour for ethno- national identities would recede and disappear as the state advances to modernity. Max Weber (1980), a leading social theorist arguing in this line, rejected "ethnic community action as an analytical concept, since it referred to a variety of very different kind of phenomena". He argues the primordial phenomenon of ethnicity and nationalism would wane away as the state and society advances to modernity, industrialization and individualism. It would remove all the cultural differences between groups because people would find it obsolete to pay allegiance to ethnic groups (Eriksen 2002:33). However, these assumptions stand questioned with groups continuing to sustain their ethno-national projections within modern nation-states, at times even challenging the nation-state. Instead of receding away, one can see the growing prominence of ethnic based identity politics at the national and international platform, particularly in the Post Second World War. The relevance of primordial ethnic attributes can be seen from the writings of Anthony Smith (1999) who argues that the "sense of collective belonging to a named community of common myths or origin and shared memories, associated with an historic homeland" which he refers to as "ethnohistorical resources". In addition, the importance of primordial aspects can to be seen through Walker Connor's understanding of nation as a "self-differentiated ethnic group wherein the self-view of one's group, rather than tangible characteristics is of essence in determining the existence of the nation". Thus, it is important to see how the sense of ethno-nationalism emerges, and the manner in which such movements successfully garner the support of the people and in the extreme case, even challenging the very legitimacy of the state.

It is in the backdrop of this that a case study of the Sami[1] and the Naga Movement is to be undertaken. This introductory chapter is divided into two sections. The first

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[1]For the sake of consistency, the term Sami will be used in the study. Terms such as Saami, Laap, Samis and Samek have also been used to refer to them. Sami has been chosen in the study because it is the most widely used term in English literature. However, exceptions to the spelling will be made in case of quotations from a particular source.

section outlines the broad theme of the study and the second section discusses on the concepts, theories and literatures that hold various perspective on how liberal democratic states' grapple with challenges that ethno-national groups who are spread across different administrative boundaries pose.

Coming to the two groups under study, the Sami are the indigenous people of Scandinavian countries who inhabit a territory called the Sapmi[2] which spread across the northern part of Norway, Sweden, Finland and the Kola Peninsula region of Russia. They are a heterogeneous group of people who came to be divided across the boundaries of four independent countries yet who maintains that they are "one people united by a distinct identity, language, history, culture, social structure, unique tradition, livelihood and a shared aspiration" (Henriksen 2008). The word Naga is a generic term to identify a conglomeration of over thirty tribes, sub tribes and clans who inhabit the region of what came to be known as the present state of Nagaland and parts of the adjoining hill regions of Manipur, Assam and Arunachal Pradesh in North-East India and the Sagaing division and Kachin state in North-Western region of Myanmar. Both the position of the Sami and Nagas is that they, as a people like all other peoples have the right to self-determination. By virtue of that right they argue that they are "free to determine their own political status, freely pursue their own economic, social and cultural development" as guaranteed specifically in Article 3 of the United Nations General Assembly Resolution (UNDRIPS).

The basic foundation of Sami and Naga demands and aspirations revolve around the idea of an ethnic group equipped with what Anthony Smith calls a distinct 'primordial elements of ethnicity' which constitutes an important cultural marker and which according to the Sami and the Nagas distinguish them from other groups. It has been however, argued by scholars such as Robert Ted Gurr (1993) that the mere possession of certain elements of ethnicity although a determinant factor, do not in itself constitute a sufficient condition for the motivation of ethno-nationalism. According to Gurr, externally induced or exogenous factors which can be in the form of colonialism, the spread of education and the state's aggressive assimilationist policies in the case of Sami and militarization in the case of Nagas may have also contributed to their ethno-national identity.

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[2] Sapmi is the name attached to the geographical area the Sami people subscribed to as their homeland.

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The ultimate aim of ethno-national movements often revolves around a demand for greater political power for self-determination ranging from a demand for greater autonomy within the existing state structure or sovereignty or a demand for a full-fledged independent statehood. In taking up the two case studies, it is important to contextualise them. As we can see, the cases of Sami and the Nagas are so different not only in terms of the size and nature of state but also in terms of the homogeneity of the Scandinavian states compared to the highly heterogenous nature of the Indian state. Also, in term of the size of the population, the Sami are a much smaller minority than the Nagas. The Sami are greatly dispersed not only in four different countries but also across vast tract of land while the Nagas are dispersed in and around the present state of Nagaland with overlapping territories and ethnicity in the region. Despite the differences there are inherent features the two group possess which makes it interesting to study the two cases. Both the Sami and Nagas are ethno-national minorities in their respective countries and the circumstances of state formation and nation building process left them divided across different state boundaries. Their homeland has been split into different segments yet they have a strong desire for unity as one people. Both the Sami and Nagas are heterogenous community who do not possess a common language however, this has not been an insurmountable factor in their identity formation because they subscribed to a "common descent, a distinct territory, a common political and economic pattern of life, customs and traditions, they have learnt to add a 'corporate will' essential to the growth of nationalism" (Misra 2014:105). Both the Sami and the Nagas simultaneously work towards reinventing themselves and their movement in order to stay relevant and to justify their claims

It is from such a premise that the study delves into the challenges confronted both by the states as well as partitioned people, in this case, the Sami and the Nagas. Taking into account the above factors, the subsequent chapters trace the case of Sami and Naga movements in Scandinavian countries and in India respectively[3]. It should be, however noted that their demands and aspiration is not a desire to preserve their culture in its pristine and static form, rather it is a desire to establish the necessary

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[3] The present study is confined to the Sami of the three Scandinavian Countries to the exclusion of the Sami in Russia and the Nagas of Indian States to the exclusion of the Nagas in Myanmar, although both the groups will be mentioned from time to time as and when the need arise.

social, economic and political conditions which would enable them to pursue their own social development as much as possible.

The study is interested in examining the manner in which democratic states respond to ethno-national challenges that come from minorities who are spread across different administrative boundaries. The study looks into the role of the states in tackling as well as to a large extent in determining the course of these movements. In considering this aspect, the study also explores if the ambition of these movements have anything to do with the states' responses or vice versa. The study inquires upon how a movement with a modest goal by a small minority who are greatly dispersed and divided by international boundaries and who do not question the territorial integrity of the states involved, came out to be resilient and their accommodation peaceful within and across international boundaries if the territorial boundaries of states are not questioned upon. Considering the fact that Sami live across four different countries while the Nagas, leaving aside those in Myanmar, live in the same country across different states, the intractable nature of the Naga movement despite being within the same country has been an issue that needs discussion. The study analyses why the Sami movement remained relatively peaceful and non-violent while the Nagas tread the path of violence and eventually resulted into one of the longest armed struggle in the world. The study explores the role of Scandinavian states in addressing the demands of the Sami people in a peaceful atmosphere, while the Indian state's policy towards the Naga issue failed to check violent escalation. In looking at the cases of both the Sami and Nagas, the study examines the kind of institutional arrangements that have been employed for their accommodation. In doing this, it discusses prospects of both territorial and a non-territorial autonomy arrangements in the case of such ethno-national groups spread across different administrative boundaries.

The study consists of the following research questions. why do ethno-national demands emerge; what is the nature of such identity demands and what sustains it; what characterises the Sami and the Naga movement; what sustains their movements; how have states responses been so far; what constitutional and political changes are the respective states prepared to make to give expression to the goal of Sami and Naga self-government; what are territorial and non-territorial autonomy arrangements for minorities; what are the options available for overlapping ethnic minorities such as

the Sami and the Nagas who are spread across different administrative boundaries; how have the Sami and Naga question been addressed. The study is interested in exploring the viable institutional arrangements for groups who either seeks autonomy but cannot realise it on territorial basis due to intermixing and overlapping ethnicities in the region or who possess some form of territorial autonomy but require supplementary arrangements to cater for members falling outside the given territorial unit. This is a situation facing both the Sami and Nagas today whose ethnic imagination transcends beyond different administrative units. In answering the above set of research questions, the study develops two hypotheses; one, the largely non-territorial thrust of state policy vis-à-vis Sami has accommodated their demands and aspirations; two, territorial autonomy model alone fails to address the aspirations of the Nagas spread across different state boundaries.

The study is not a comparative study, it employs case study method focusing on the Sami and Naga identity consciousness to understand how identity claims persist in modern states and the manner in which democratic states responded to such ethno-national minority claims. By looking at these two cases, the study brings out different ways of tackling the challenges and the arrangements put in place for minorities spread across different administrative boundaries. The study uses inductive approach and multiple data sources which mainly comprises of both primary and secondary sources. Primary sources includes legal documents, Constitutions of all the respective state, accords and agreements signed, official reports on studies conducted on the people concerned, UN documents, European Union reports, Reports on the Sami and the Nagas. Secondary sources mainly comprises of articles from journals, monographs and books.

With an aim to address the research objective and questions, a qualitative approach has been undertaken to analyse states' policies, statements, laws and actions taken chronologically throughout these movements. A qualitative approach has been adopted to deal upon a set of complex questions, the opinions and viewpoints of people regarding these movements and accommodation. Also, since it is impossible to compress all elements of relevance in one thesis, a selection has been made, limiting the areas to be covered. The study is thus confined to the Sami people in the three Scandinavian Countries of Norway, Sweden and Finland. In the case of the Naga, the

study is limited to the Nagas within India. Furthermore, in exploring the territorial and non-territorial mode of arrangements, the study specifically looks into India and Norway since Norway is the country with the highest concentration of Sami population, having the most comprehensive policies for Sami and also being the country that takes the lead role in all the policies aimed at pan Sami cross-border rights negotiations and implementation.

In the course of the study, a field trip to Karasjok and Tromso in Norway and to Dimapur, Medziphema, Zubza and Kohima in Nagaland in India had been undertaken. As part of the field work, a semi-structured interviews were conducted. The target group includes civil society leaders, policy makers, experts on the subject and general people belonging to the communities. The responses obtained from the interviews have been incorporated in the relevant chapters.

The study has five core chapters. The first chapter, the present one is divided into two sections. The first one introduces the theme of the study as has been done in the preceding pages by elaborating on the objective, rationale, scope of the study, the research questions and hypotheses. The second section of this introductory chapter deals with concepts and theories explaining ethno-national identities, their challenge and accommodation possibilities. The second chapter deals specifically with the evolution of the Sami identity consciousness and the movement. The third chapter analyses the response of the Scandinavian States' to rising Sami demands and aspirations. The fourth chapter four focuses on the second case, the Naga and traces the evolution of the Naga ethnic consciousness. The fifth chapter five studies the Naga movement and the corresponding state response. The final chapter is the conclusion which summarises the findings of the study.

II

ETHNO-NATIONALISM: A CONCEPTUAL AND THEORETICAL FRAMEWORK

Before venturing to study the two cases it is important to look at how ethno-nationalism has been conceptualised and theorised. There is an enormous amount of literature to explain what ethno-nationalism is, its resilience and complexity. The section gives an overview of how ethnicity, ethnic groups, ethnic identity and nation vis-à-vis the state have been conceptualised. It discusses the literature on ethnicity and nationalism, its classification and approaches by different scholars and the perspectives they argue from. Broadly the modernist and primordialist perspectives to ethnic identity have been discussed. Taking into account the difficulties with which most states are confronted by ethnic based identity assertion, the study looks at how liberal democratic states grapple with these challenges and explores autonomy arrangements in both the territorial and non-territorial forms. This section reviews the existing literature to better comprehend the Sami and the Naga case.

1.1 APPROACHES TO THE STUDY OF ETHNICITY, ETHNIC GROUPS, NATIONS AND NATIONALISM

These concepts have as many definitions as scholars who address them. However, broadly as stated above they fall into two broad paradigms of primordialism and modernism. The primordialist argue that ethnicity is given at birth, it is unchanging and there is a continuity between ethnicity and nation. According to this strand of understanding, ethnic groups are natural and not a product of historical process. They subscribe to kinship and shared ancestry. On the other hand, the Modernist understanding of ethnicity argue that it is changing and that ethnic identities are the product of modern phenomenon and state socialization.

1.2 CONCEPTUALISING ETHNICTY AND ETHNIC GROUPS

The term 'ethnic' is said to have been derived from the Greek word 'ethno' meaning a 'company, people, or nation', which subscribes to primary bonds and kinship (Louis L.Synder 1990:95). For the first time, the term 'ethnicity' was used by sociologist David Reisman in 1953 and later in 1972, it appeared in the Oxford English

Dictionary (Glazer and Moynihan 1975:1, Sengupta 2014:23). David E.K. Hunter and Philip Whitten in Encyclopaedia of Anthropology (1976) describe ethnic group as "…Any group of people within a larger cultural unit who identify themselves as a distinct unity, separate from the rest of that culture. Along with this element of self-identification, this group usually has a number of characteristics that shows its distinctiveness and puts social distance between itself and others. These characteristics may include a separate dialect and social customs, distinctive dress, foods and mode of life and a circumscribed land base". It will be interesting to see if the Sami and Nagas, each in their respective way shares the above characteristics and attributes when it comes to their relationship with the others in the society and if they do, how and in what manner they display their distinctiveness within their groups as well as among others.

Nathan Glazer and Daniel Patrick Moynihan (1963) observes that the concept of ethnic group previously used to "denote minority and marginal group who are situated at the edges of a society, groups who are expected to assimilate, to disappear, to continue as survivals, exotic and troublesome to major elements of a society." However, while studying ethnic identity in the context of the United States, they conclude that the so called 'American melting-pot' never occurred. They argued that instead of doing away with ethnic differences as the state progresses, modern American society have reinforced it by recreating a "new form of self-awareness in people through their roots and origins". Therefore, it is very common practice among the Americans to make use of their networks in finding jobs, spouse or settlement and even when referring to themselves, they continue to put the name of their country of origin followed by American. Finally, they argue that ethnic groups also constitute interest groups who are in competition with each other for welfare state benefits. When it comes to ethnic identity, Montserrat Guibernau (1996) argues that it explains one's position in both psychological and sociological setting. Psychologically, ethnicity is a concept used to describe the individual's senses of who he or she is and sociologically, his place within a group or the manner in which he identifies with a collectivity. Ethnicity is a 'sense of ethnic identity', which has been defined by De George A. Vos (2006) as consisting of the "subjective, symbolic or emblematic use by a group of people… of any aspect of culture, in order to differentiate themselves from other groups." De Vos and Ross (2006) conceptualized ethnicity as a "means

through which people seek psychological unity which are often based on common origin i.e., the sharing of common blood, actual or fictitious". Thus, ethnicity gets translated in highlighting the various differentiating characteristics of groups most often the primordial attributes to create a sense of shared ethnic affinity, a distinct identity and the uniqueness of one's ethnic group among the same people while at the same time to identify the attributes that differentiates them from others around them.

Ethnic group uses cultural symbols to identify each other on one hand and on the other, to differentiate themselves from others around them. They carry this out as a subjectively self-conscious community by establishing a set of criteria for inclusion into and exclusion from the group. Paul Brass (1991) pointed out that this is where "attributes such as descent, birth and a sense of kinship becomes important to ethnic group members for the way of inclusion and exclusion into the group often involve adopting the rules of endogamy and exogamy." Ethnicity or ethnic identity also involves, "in addition to subjective self-consciousness, a claim to status and recognition, either as a superior group or as a group at least equal to other groups" (Brass 1991:19). Anthony Cohen argues "ethnicity has come to be regarded as a mode of action and of representation: it refers to a decision people make to depict themselves or others symbolically as the bearers of a certain cultural identity" (Cohen 1994:119); but Cohen goes on to say that "the apparently monolithic or generalised character of ethnicity at the collective level […] does not pre-empt the continual reconstruction of ethnicity at a personal level" (Cohen 1994:120).

According to Anthony Smith (1999:262), ethnicity is defined as "the sense of collective belonging to a named community of common myths or origin and shared memories, associated with an historic homeland." These, Smith argues are 'ethnohistorical resources' which are inherent marker of an ethnic identity which distinguishes them from others around them. In the context of the present study it would be interesting to see how the Sami and Nagas conceptualised their identity to justify their uniqueness from others around them and also see if they possess 'ethnohistorical resources' to give legitimacy to their ethno-national claims.

Frederick Barth (1981), argues the term ethnic group is understood to designate a population which:

(i)   is largely biologically self-perpetuating;

(ii)   shares fundamental cultural values, realized in overt unity in cultural forms;

(iii)   makes up a field of communication and interaction;

(iv)   has a membership which identifies itself, and is identified by others as constituting a category distinguishable from other categories of the same order (Barth 1981:200).

Furthermore, Barth does not confine the term ethnic groups to mean a culturally homogenous group inhabiting a specific territory. He expanded the scope of ethnic group to mean those groups that can be socially constructed across time and space, not necessarily a culturally compact entity yet who still inhibits certain similar cultural traits and characteristics and most importantly, the consciousness of self-identification and ascription by others is an important component of ethnic groups. He goes on to argue that ethnic groups continue to maintain boundaries and practice cultural differences with others despite the flow of personnel across them and inter-ethnic contact and inter dependence with people around them. In other words, Barth argues that "ethnic boundaries are not necessarily territorial boundaries, but social ones. They do not isolate groups entirely from each other; rather, there is a continuous flow of information, interaction, exchange and sometimes even people across them". Barth sees ethnicity as "primarily a matter of attitudes that ethnic groups have towards each other". Thus, notions of shared history of origin and the marking of social boundaries through symbolic differences, not necessarily demographic and cultural content in a great way reinforces the sense of ethnicity and group identity. Thus, cultural attributes chosen by ethnic groups facilitate the "creation and maintenance of a socio-cultural boundary vis-à-vis other ethnic groups with whom they interact". For Barth (1969) ethnicity is 'mutable' which is a result borne out of social ascriptions and labelling process practiced by oneself and others. It can alter spontaneously depending upon the situations and audiences encountered in the day to day lives of individual and groups. Similarly, Joane Nagel (1998) highlighted the importance of ethnic boundary because it is these boundaries that decide who should be and should not be a member of the community. So ethnicity which comprises of identity and culture is thus the result of a "dialectical process involving both internal i.e., individual's self-identification of what one thinks 'my' ethnicity is and external opinions and processes i.e., outsiders' ethnic designations of what they think 'your'

ethnicity is". Nagel sums up that "ethnic boundaries and identities are constructed by both the individual and group on one hand as well as on the other, by outside agents and organizations" (Nagel 1998:239-240).

Many scholars of ethnicity draw attention to the subjective element of belonging as characterizing ethnicity. Weber, for instance conceptualises ethnic groups as "those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or of both, or because of memories of colonisation or migration" (Weber1968:389). Weber argues that both "biological descent and common customs" together formed ethnic group. He added the significance of possessing different physical or cultural characteristics as an important marker and, these attributes are reinforced by "subjective perception of these characteristics, both by those who share them and by those who react to them". However, Weber points out that shared ethnicity alone does not lead to group formation, such action is facilitated only by a united political action. He identifies the role of history such as "memories of common past, attachment to a clearly demarcated territory and certain traditions or ways of life" as important markers in shaping the perceptions of ethnic groups. Ethnicity, Weber pointed out has the power to delimit 'social circles' which are identified as falling outside the 'endogenous connubial groups'. Thus, it is important to see the factors that shape the identity formation of the Sami and the Nagas and the arguments put forth by them as an ethnic group situated in a non-dominant position in their respective countries which qualify them to secure a distinct place in the society.

Culture and descent are common to scholars explaining ethnic group affiliation and behaviour. T.K.Oommen (1997:36), for instance conceptualised an ethnic group as a relatively small group of people who share a common culture and common descent. It is a "self-defined group derived from subjective factors" chosen by the members either from their past history or present existing conditions. Oommen (2004) argues that the "quest for identity in itself is not the final political aspiration of any ethnic based movement, it is an instrument on which they relied to achieve their political ends which is equal participation in order to promote their economic and cultural interests". In this manner, they constitutes interest groups who are in competition with

each other for welfare state benefits. So, ethnicity for him is not an 'end' in itself but a 'means' to achieve a certain desired end.

In studying the emergence of the Sami and the Naga movement, Oommen's framework may be useful in explaining their ethnification process. Oommen (1997:13-15) argues that ethnification is a process that arises when the link between territory and culture is weakened and when the possibility of a nation sustaining its integrity is put into jeopardy. He identified six processes on how ethnification of groups take place. Firstly, ethnification of groups can happen within the ancestral homeland or adopted homeland as a result of colonization by native dominant groups. This can happen in multiple ways such as "transforming the original inhabitants of a territory into a minoritized and marginalized collectivity, labelling a collectivity as to deny their claim over its ancestral or adopted homeland and the forcible division of a collectivities ancestral homeland into two or more state territories, thereby jeopardizing their integrity as nations". Secondly, ethnification happens when immigrant groups are denied full participation in the economic and political affairs of their adopted states. Thirdly, ethnification occurs when immigrant groups continue to have a strong attachment to the collective memories they have of their ancestral homeland. Fourthly, ethnification take place when state tries to 'homogenize and integrate' different nationalities and people within a given territory as one common people. The most common form of policies under this scheme include 'physical uprooting, creation of artificial politico-administrative units, state sponsored colonization of the territory of the weaker and smaller nations, prevention of the use of mother tongue and the distortion of a people's national history'. Fifthly, ethnification happens among migrants when certain 'basic human and citizenship rights' are denied to them in spite of having attained the eligible condition for enjoying such rights. Lastly, ethnification occurs when immigrants still long to return back to their homeland in spite of being accepted as co-nationals by their adopted countries.

Oommen(1997) argues that a combination of instrumental ethnicity as a result of material deprivation and symbolic ethnicity as a result of the anxiety to preserve one's cultural identity motivates the formation of state. Deprivation due to inequality or denial of identity in isolation will not lead to crystallization of the demand for

separate state. However, such a demand is attainable only if the ethnic group can constitute itself into a nation, the prerequisites of which are common territory and language. For Oommen, a nation is a territorial based cultural community in its ancestral or adopted homeland, *ethnie* is a nation or part of the nation dissociated from or marginalised in its homeland (1997:39, 65).

Anthony Smith, another eminent scholar on the subject lists six characteristics of an *ethnie* which comprises of a "collective name, a common myth of descent, a shared history, a distinctive shared culture, an association with a specific territory and a sense of solidarity" (1986:24). According to this understanding, an *ethnie* gets transformed into a nation or may assert its identity as a nation if it acquires sufficient economic and political resources.

With the persistence of ethnic based affinities and its manifestations debunking the modernist version of accounts, it is important to see how primordial attributes continued to make its presence felt. It was widely assumed that ethnic identity will give way to "common identity by uniting all inhabitants of the state, regardless of ethnic heritage, as modern communication and transportation networks link the state's various parts more closely" (Connor 1972:319). Since contemporary states are mostly multi-ethnic in character and are often characterised by incongruent ethnicity and political boundaries. Thus, the question of ethnic diversity can no longer be ignored. It was believed that the onset of modernization would remove all kinds of loyalties related to identity and ethnic consciousness in favour of increasing identification with the state. On the contrary, ethnic consciousness continues and in many cases, it has often been employed as effective political tools. This has often been accompanied by the growing challenges on state borders. Even the technologically and economically advanced, multi-ethnic modern states are not immune to ethnic related tension. A test case is the United States which successively maintains its 'ethnic particularism' despite of possessing a lengthy history as a state and a high degree of technological and economic integration (Connor 1972:327). The colonial overseers also sustained the relevance of ethnicity and modernization by deliberately sowing the seeds of ethnic consciousness as an element of 'divide and rule policy'. As a result, ethnic consciousness and unrest in these colonial territories are an outcome of the 'artificial

stimuli of colonial policy'. If not, ethnicity, it is argued, would not have had a determining place in the new states (Connor 1972:328).

The writings of the scholars discussed indicate possible connections that ethnicity share with nation. These connections for them would mean a continuity between ethnic groups and nations. Yet others opine that these connections notwithstanding nation and nationalism are new and unique to modernity. An overview of how nation and nationalism have been conceptualised and theorised is presented in the following section. This would set the stage for us to analyse the two cases of the study- the Sami and the Naga.

1.3 CONCEPTUALISING NATION AND NATIONALISM

The term nation originated from the classical latin word '*nasci*' which means "a tribal-ethnic group, a people born in the same place and territory in which the political dimension was not a necessary element then" (Petersen 1975:181). The term nation and nationalism has been variously defined depending on the perspective they are defined from. Ernest Renan in his 1882 essay defines nation as 'a combination of social solidarity built out of historical contingencies, with a voluntary collective will in the present to continue to build on that solidarity: A nation is a soul, a spiritual principle consisting of two things. One is in the past and the other in the present. One is the possession of a rich legacy of memories and the other is the actual consent, the desire to live together, the will to continue to value the heritage that has been received in common' (Renan 1996:57-58).

In the 1950s, Karl Deutsch in defining the nation highlighted the role of social communication. Deutsch argues the role played by 'complementarity of social communication which consists in the ability to communicate more effectively over a wider range of subjects, with members of one large group, than with outsiders. This can be achieved by variety of functionally equivalent arrangements' (Deutsch 1953:97). Josep Llobera argues that the nation, "as a culturally defined community is the highest symbolic value of modernity, endowed with a quasi-sacred character which is derived from religion". For him, the communal sentiments of the nation becomes a basis for group loyalty (Llobera 1994:ix-x).

The primordialist perspective on nation and nationalism highlights the importance of "ancestry, kinship and descent accordingly the nation is result of an imagined extension of bonds of blood relationship" in defining them. Smith identifies seven characteristics of a nation. These are "size, economic integration, territorial mobility, a distinctive culture, external relationships, equal membership rights and group loyalty" (1971:318). A nation, Smith describes is "a large vertically integrated and territorially mobile group enjoying common citizenship rights and collective sentiments together with one (or more) common characteristics, which differentiate its members from those of similar groups with whom they stand in relations of alliance or conflict" (Smith 1971:175). The nation is a territorial unit to which people put moral meaning and shares an emotional attachment to it; it is a homeland which can be either ancestral or adopted by them. Not all who speak the same language constitute a nation. For Oommen, it is both "territory and language that together makes the nation; it is a community in communication in its homeland"(1997:19).

According to Walker Connor, the nation is "a group of people who believe that they are ancestrally related. It is the largest group that can command a person's loyalty because of felt kinship ties….The sense of unique descent, of course, need not, and in nearly all cases will not accord with factual history" (Connor 1994:202).The "essence of a nation is intangible. It is a psychological bond that joins a people and differentiates it, in the subconscious conviction of its members, from all other people in a most vital way" (Connor 1994:92). It is, from this perspective, 'the fully extended family' (Connor 1994:202). Connor holds that there is a difference between the myth of descent and the real biological descent. Most nations he further adds are the result of many ethnic strains.

It is not chronological or factual history that is the key to the nation, but sentient or felt history. All that is irreducibly required for the existence of a nation is that the members share an intuitive conviction of the group's separate origin and evolution. To aver that one is a member of the Japanese, German or Thai nations is not merely to identify oneself with the Japanese, German or Thai people of today, but with that people throughout time. Or rather-given the intuitive conviction that one's nation is unique in its origin-perhaps we should not say *throughout time* but *beyond time* (Connor 1994:202).

The variegated understanding of nation and nationalism is reflected in the definition by Louis L. Snyder's Encyclopaedia of Nationalism:

Nationalism is a condition of mind, feeling or sentiment of a group of people living in a well-defined geographical area, speaking a common language, possessing a literature in which aspirations of the nation have been expressed and in some cases, having a common religion. There are, of course, exceptions to every part of this definition (Louis L. Snyder 1990:213).

James G Kellas (1998) contends that a nation is a "group of people who feel themselves to be a community bound together by ties of history, culture and common ancestry". It has certain objective characteristics which may comprise of a "territory, a language, a religion or common descent and subjective characteristics, essentially peoples' awareness of its nationality and affection for it". In the last resort, it is the "supreme loyalty for the people who are prepared to die for their nation" (1998:1). In a situation when religious belief came to be questioned upon, nationalism has a special emotional appeal as a "secular transformation of fatality into continuity, contingency into meaning" (Kellas 1998).

William Petersen (1975) argues that it was after the French Revolution in 1789 that the nation came to be understood as comprising of a 'community of citizens' which forms a 'political entity'. Subsequently, the concept of 'one nation, one state' came into being thus, nation in Europe came to be conceptualised as constituting both 'a cultural entity as well as a political entity'. Similarly, a nation and sub nation is defined as 'a people, a folk, held together by some or all of such more or less immutable characteristics as common descent, territory, history, language, religion, way of life, or other attributes that members of a group have from birth' (Petersen 1975:181).

Looking back at the history of the western world and its chequered journey comprising of the 'advocacy of intense loyalty to one's nation-state, the maxim one nation, one state, the Crusades, the World Wars, Nazi horrors and colonialism', it can be said that nationalism is perceived both as a positive and a negative force. With nations and nationalism increasingly being seen as "malign forces leading to chauvinism, social conflict and violence", there are some who attempted to give a

philosophical understanding and thus justifications for why nations may be necessary. According to Miller (1995), 'Nations are like a team who work or play in close proximity to one another, co-operating to achieve an end, regarding one another as having obligations to the team'. It is subjective depending on how one sees the team. One can derive individualism whereas the other sees co-operation of the bunch of individuals forming a team.

Hearn sees in nationalism the demands for combined claims made on behalf of a population to attain three inter-related attributes, i.e., identity, jurisdiction and territory. Firstly, the claim to identity consists in not only having 'a common name or label shared but by substantive cultural factors, religious beliefs, language, notions of shared biological factors or of inherited historical experiences or sharing core values such as egalitarianism, liberty or democracy'. Secondly, the claim to jurisdiction promote the 'entitlement to power and the authority to make and enforce laws, which may be sought to be promoted in a limited manner within a larger political context'. Thirdly, the claim to territory which has been occupied by the national group wholly or partly or from which they had been displaced (Hearn 2006:11).

Paul Brass(1991) defines nationalism as a 'political movement which requires political organization, skilled political leadership and resources to harness support if demands are to be successful in the political system'. Brass's work on political movement is useful to study the trajectory of Sami and Naga movement. Focussing on political movement, Brass points out that the movement must be in a position to compete effectively with other contemporary political groups. At the same time, it must equip itself in order to withstand government efforts to crack down or to stop the political support it had garnered. He adds that 'an effective political organization, efficient political leadership and the resource base to maintain themselves' are determining factors for a successful movement. A political organization that identifies itself with the masses rather than portraying itself to be the representative of them is more likely to receive popularity and wide acceptance among the people compared to other external or internal competitors. Also, equally important is the ability to enjoy command over economic resources. Thus, an important goal for nationalist movements is to maintain its relevance and exclusivity in order to enjoy the 'sole political representative acceptable to the community'. Another important

feature of an effective nationalist movements is 'the ability to shape the identity of the groups they lead'. Also, the change in leadership should have nothing to do with the course of the movement if it wishes to stay effective in the pursuit of its nationalist goals. It is an undeniable truth that most successful nationalist movements are led by strong, dynamic and charismatic leaders but this may not be sufficient to sustain a movement to the end. Leaders may die or get killed or may abandon the movement before the group's goals are achieved. Thus, a competent successor who can take over the helm of leadership without dividing the movement is equally important. Finally, a crucial factor for the success of nationalist movements is "the existence of a single dominant political organization in representing the demands of the ethnic group against its rivals" (Brass 1991:48-49). In the subsequent chapters, we will see how a sense of nationalism have developed among the Sami and the Nagas; the type of political leadership and organization they conceived; their ability to sustain their respective movements and garner support of the masses and how far have they come; attempts will be made to explore these aspects of the Sami and Naga movement.

1.4 APPROACHES TO THE STUDY OF ETHNICITY AND NATIONALISM

Despite the prevalence of a wide array of perspectives from which ethnicity and nationalism can be looked at, the study intends to limit it to two broad perspective. It is between those who regard national cultures as essentially modern constructs known as the modernists and those who rest on an older ethnic substratum known as the primordialists (ethnosymbolists). The modernist argue that ethnic communities are prepolitical cultural units, while nations are novel political units based on the concept of citizenship. Secondly, whereas earlier communities were culturally heterogeneous, modern nations have a standardised and homogeneous high culture that provides the cement for a society marked by complex division of labour. Thirdly, whereas ethnic groups occupied certain niche, nation seek to be total societies, in which a hegemonic state penetrates all sectors. In making these claims, modernists tend to focus on the territorial state rather than the cultural nation (Hutchinson 2005:74). A primary feature which distinguishes the modernists from the primordialists (ethno-symbolists) results from the question of the 'invention of the nation, the centrality of modern political elites and state institutions in its formation' (Hutchinson 2005:77). A detailed analysis of the two approaches follow:

1.4.1 MODERNISTS

Modernists tend to see nations as contributing of the formation of modern nations states and economies often emphasising their ideological dimension and seeing them as evidence of the socially constructed nature of ethnicity (Hearn 2006:7). According to this understanding, nations are recent political formations which represent a break with earlier ethnic communities. Modernists differ on the causal factor that led to nationalism, it can be a result of ideational, economic or political. To modernist, the continuing relevance of ethnic groups is redundant. They argue that these attributes are small scale and essentially pre-political, at best providing raw materials from which nation builders can draw. Nations are products of the transition from agrarian to industrial bureaucratic societies, they are quite novel in their "territorial consolidation, cultural homogeneity and political integration through legal citizenship rights"(Guibernau and Hutchinson 2005:2).

Modernists look at nations as a result of the formation of modern states and economies which began predominantly in Europe with the onset of industrialization. Benedict Anderson (1997), an important proponent of this strand of thought argues that the sole principal factor which gave rise to nationalism was the modern phenomena as a result of 'print capitalism' i.e. commercial printing on a widespread scale. Print-capitalism he says 'facilitated the spread of common vernacular language and literature, so that the modern nation could develop as a new imagined community' (Anderson1997). Nation, Anderson argues, is an "imagined political community which is limited and sovereign". Imagined because its members, even belonging to the smallest nation can never meet all their fellow beings and hear of them at all and despite this, they remained mentally united. It is imagined as limited because 'no nation imagines itself coterminous with mankind'. As a result of enlightenment and revolution in which divine legitimacy of political power began to be questioned and where the prevailing inequality and exploitation in each nation is marked by 'fraternity and comradeship', the nation is considered sovereign. Their national imagination was strengthened by the introduction of print capitalism, large scale printing in vernaculars. Anderson contends how print languages created national consciousness in three ways. First, print languages created 'unified field of exchange and communication' that formed among the fellow readers, "the embryo of the

nationally imagined community". Secondly, by giving fixity to a language, print-capitalism 'helped to build that image of antiquity', and thirdly, print capitalism created 'languages-of-power' (Anderson1997:49-50). To sum up Anderson, he explains 'imagined communities' as sense of kinship shared by people who will never meet and further puts 'print capitalism' as a determining factor for the rise in national comradeship.

Another modernist, Ernest Gellner (1983) develops a theory which stresses the primacy of material conditions in shaping political thought and ushering social change. He argues that nations do not have navels and even if they do it is not necessary. According to this understanding, whatever modern nations have connection with its past, this are inconsequential for understanding them. He argues that it is the distinctive structural requirements of evolving industrial society that motivates nationalism. Nationalism, Gellner argues 'invent nations'. Nations came into being to cater the need of a standardised and homogeneous 'high culture' created by industrialization. By high culture, Gellner does not mean that nationalism bestowed culture on those who did not possess, it is the culture of the elite, their language and literacy which spreads and replaces, or at least supplements other 'folk' cultures sufficiently to create a certain ideology unity around the idea of a nation (1983). The task of maintaining this high culture is handed over to 'the state as a protector and usually the financier or at the very least the quality controller of the educational process which readily make people members of this kind of culture'. Once this has been achieved, the state or administrative apparatus promotes unity among different groups of people by establishing a common language, transferring people around, introducing a common law which was not known to them before. For Gellner, the arrival of modern nation states in Europe around the late eighteenth century opened up a conducive platform for the growth and development of industrial capitalism. This is because, capitalism bourgeoisies sought to retain political and legal power to keep the economies running. Secondly, industrialization led to the formation of distinct networks of economic and social interaction generating perceptions of common identity amongst the population at large. Thus Gellner argues that the 'uneven industrialization process' impacted a few particular centres which further required new autonomous political units in its realm. The task of the new state is to enhance social mobility between groups of differing dialects and cultures by training

workers and managers into a common culture and common language. So, industrialization enhances social mobility on one hand while on the other, these societies need to be culturally homogeneous to bolster economic success. The manner in which such modern industrialised society advances with its distinctive structural requirement resulted in the sustenance and growth of nationalism. Nationalism, for Gellner is not an 'old, latent, dormant force' as it presented itself, it is 'the consequence of a new form of social organization, based on deeply internalised, education-dependent high cultures, all these as a result of being awakened by the process of industrialization' (Gellner 1983:48). As Gellner puts it, 'the time has come for a society dependent on high technologies and high expectancy which requires both a mobile division of labour and sustained, frequent and precise communication between strangers involving a sharing of explicit meaning, transmitted in a shared idiom and in writing when required' (Gellner 1983:34).

Eric Hobsbawm in a similar note argues that capitalism required "new political units" which could facilitate the full-fledged development of the market, run the political system and legal frameworks (Hobsbawm 1990). Hobsbawm sees in the rise of nationalism an identity that is an ideological illusion, generated by the interest of those benefitting from the capitalist state and the fears and uncertainities of those confronting the dissolution of more traditional ways of life in the face of capitalist progress. Thus, the spread of new nationalist culture was deemed to flourish through the support of the dominant bourgeoisie. Karl Deutsch (1966) also observes that the growth of industry and commerce generated new networks of social communication which proved to be a fertile breeding ground for mobilizing new feelings of nationalism. Deutsch, in his famous work, *Nationalism and Social Communication* argues that modernization characterised by 'increases in urbanization, industrialization, schooling, communication and transportation facilitate assimilation of the socially mobilised segment of the population'. Overall, modernists contend that industrial society opened up knowledge based opportunities in science and technology thereby doing away with the primitive attributes of ancestry, wealth or connection. Since the literacy and technical proficiency in demand can no longer be provided by the immediate kinsmen or local units but by a 'national education system' thus, arises the importance of 'exo-socialization', i.e., the production and reproduction of men outside the local unit. 'Exo-socialization' has become the norm in industrial society

and will continue to be so. In the past, 'the connection between the state and culture was thin, fortuitous, varied, loose and often minimal but in the industrial society it is unavoidable and that is what nationalism is about' (Guibernau and Rex 1997:57-58).

The situationalist approach to nationalism interprets it as a manifestation of rational interests. David Brown argues it is the belief that 'ethnic and national identities are not a product of natural instinctual ties of communities, it is a means employed by groups of individuals for the pursuit of their common interests'. Thus, the sense of ethnic belonging and national identity changes overtime depending on the changing perception of threats and opportunities available to people (Brown 2000:13). This approach saw in the rise of modern states and nationalist movements are a result of "interest-driven responses to changes in the structure of the global economy" (Brown 2000:17). For instance, Keyes et al. (1981) argues that radical changes witnessed in the political-economic context as a result of migration etc resulted in the emergence of nationalism. Robert Ted Gurr (1993), puts that peoples' experience of oppression and deep seated grievances about their collective disadvantage on one hand and repressive control by dominant groups on the other are motivating force that activates ethno-political mobilization.

Overall, modernization works in two way. While inducing communications and transportation, it also reinforces the cultural consciousness of minorities at the same time. It indirectly makes people aware of their distinctions with others. Since differentiating oneself from other ethnic groups, one feels the need to identify which identity he/she shares with whom. Thus, 'intraethnic as well as interethnic communications' arouse ethnic consciousness (Connor 1972:329). The essence of a nation is determined by one's self-view, rather than the tangible factors. However, groups in their attempt to assert their uniqueness often inclined towards rallying on the more tangible and distinguishing institutions (Connor 1972:337-338).

1.4.2 PRIMORDIALIST

Nations are constituted by usually pre-modern ethnic myths, memories, symbols, and cultures and national formation must be understood in this background. Smith distinguished between *ethnie*, defined as primarily cultural community, which existed in pre-modern periods and nations which have become the political norm since the

eighteenth century (Guibernau and Hutchinson 2005:2). John Hutchinson(2005) rejects the modernists claims that national cultures are recent inventions. He emphasises on the vitality of pre-modern ethnic traditions by arguing that ethno-national cultures convey continuities while legitimizing innovation and the process of nation-formation produces tensions not easily resolvable. Primordialists tend to view nationalism as a variant of ethnicity, often emphasising its emotional dimension and arguing that many modern nations have evolved continuously out of pre-modern ethnic formations (Hearn 2006:7). By primordial understanding of nationalism, the dominant themes include attributes like common descent, territorial belonging and shared language in discourses of national identity. It consisted of an element of historical depth which hold that nations generally evolved rather than organically out a pre-existing substrate of ethnicity, possessing emotional bonds and feelings of attachment, nationalist language and symbols and ethnic attributes (Hearn 2006:20). Bhaswati Sarkar (2004) argues that primordialism is an understanding that individuals cultural inclinations and moorings are a result of one's upbringing. Individuals are born and brought up into an ethnic community which framed their unique identity such as their name, language, narratives of shared ancestry, collective memories, common symbols and custom of their people (2004:19).

In the primordialist understanding of nations and nationalism, nations are naturally endowed to mankind from time immemorial. They believed in the naturalness of ethnicity or nation. Anthony D Smith, an important proponent of the Primordialist strand argues that 'ethnic core' is the basic motivating factor that generates a sense of nationalism to people. In other word, the foundation of nationalism lay in ethnicity itself. Smith sees the "relationship between early ethnicism and later nationalism as one of continuity but not of identity" (Smith 1986: 216). He argues that nations usually developed out of pre-existing ethnic formations and can best be understood as being linked to an ethnic past (1986). For Smith (1999:262), ethnicity is "the sense of collective belonging to a named community of common myths or origin and shared memories, associated with an historic homeland." Smith refers to these as 'ethnohistorical resources' which are an important marker of an ethnic identity, differentiating them from others around them. Thus, it is interesting to see if the Sami and the Nagas possess these 'ethnohistorical resources' around which they base their movements.

David Brown (2000) argues that primordialism is based on instinct in which groups perceived the 'preferential loyalty' they have towards their community comes naturally. According to this understanding, there is an innate and emotionally powerful attachment that develops out of the community born into a particular linguistic, racial or homeland community they referred to as the 'primordial bond'. Since the primordialist argue that 'natural nations have natural rights to self-determination', so for them ethnic nationalism is the only authentic nationalism of all.

Primordialism holds the view that the sense of nationalism is derived from 'certain early, primordial or fundamental roots and sentiments of being born in a particular religious community, speaking a certain language or having or taking part in a certain traditions or rituals'. It emphasizes on the emotional aspect of attachments and considers this attachments to be an inherent feature of 'human existence and provide a foundation for an early affinity with others of same or similar backgrounds'. This strand of thought argues that many modern nations are the evolved form of 'premodern ethnic formations' [Paul R. Brass in Hutchinson and Smith (eds.) 1994:83]. Pierre van den Berghe (1994), arguing from a socio-biological perspective looks at racism, ethnicity and nationalism. This perspective looks at genetic cause to social behaviour and argues that a genetically determined preference for the needs and wellbeing of one's own kin, which Van den Berghe calls 'nepotism in preference to altruism' is the basis of racial, ethnic and national ties. He claims that as social organisms we are "biologically programmed to behave favourably to others in proportion to their real or perceived notions of common ancestry" (1995:360). Van den Berghe sees the need to trace the link between actual biological processes and nationalist beliefs and behaviours. As a result, he holds that nationalism is a product of "ethnic and racial ties seen as an extended and attenuated form of kin selection" [Van den Berghe in Hutchinson and Smith (eds.)1994:97].

There are also other primordialists who are content with the presence of consanguinity and ancestry in their nationalists discourse. Donald L. Horowitz places particular emphasis on the notion of kinship while Connor places on psychological bond, deep in the sub conscious, both kinship and territory. He emphasises on the importance of analysing the psychological attitudes that underpin or undermine allegiances to states and state policies (Guibernau and Hutchinson 2005:6-7) while Steven Grosby placed

emphasis on territorial kinship. He also emphasises on the role of religion towards the formation of nation and vice versa. He argues for the existence of primordial human dispositions by examining the separate bases and referents of religion and nationality, and presents a comparative framework that accounts for point of convergence and tension between pre-axial and world religions and the principle of nationality (Guibernau and Hutchinson 2005:3). Guibernau highlights the power of national identity in maintaining social cohesion and refers to the global-local tensions generated by globalization (Guibernau and Hutchinson 2005:7). Socio-linguist Joshua Fishman (1972) placed importance to the power of linguistic authenticity in nationalism. Fishman argues that the power of language lies in the way it implies for many nationalists an almost mystical link with the past and stands as a testament to the nation's authenticity. He further goes on to say that even if the nation lacks strong tradition of written history and political autonomy, the language itself conveys a kind of cultural history, passed down over generations, metaphorically, they have a life of their own which speakers partake of that life communally. People's linguistic heritage will also include written and/or oral products of verbal versatility (Fishman 1972:50). In this manner, Fishman emphasises language as an object of affect and sign of social identity and authenticity.

Ethnosymbolists, an important strand of primordialism see in nationalism the importance one subscribe to "symbols, traditions, values and myths in the creation and continuation of modern nations". This approach has often been presented as the middle ground or a compromise between the two opposing strands of primordialism and modernism because proponents of this strand of thoughts argue that "the pre-modern roots espoused by primordialism are also equally important to understanding people's relationship to nation". Aspiring nations subscribed to both ethnic as well as territorial and civic models in their journey to attain 'nationhood'. Nations have thus been referred to as "quasi-kinship group, regulated by myths of common descent, a sense of shared history and a distinctive culture" [Hutchinson in Hutchinson and Guibernau (eds.) 2005:75]. Hutchinson argues that state modernization is an important factor in the formation of national cultures, because it ignites competing ethnic traditions with their different visions of community, and recurring conflicts that generate an exploration of different strategies by which nations can negotiate contingencies. This once again reinforces the dynamic aspect of ethno-national

cultures and the pluralities within nations that gives them resources through which to overcome crises (2005:93-94).

1.5 TYPES OF NATIONALISM

Most scholars use two broad approaches in understanding nationalism. Hans Kohn was one of the first to develop a distinction between two types of nationalisms. One found in western which he refers to as civic and non-western countries he refers to as ethnic. By civic western nationalism, he refers to the 'politically oriented nationalism' which comprises of policy making and government, where the idea of a nation is based on social contract, membership and civic rights opened to all and sovereignty lies with individuals. This type of the western nationalism is considered to be rational, universalistic and striving towards political and economic advancement. It functions in the principles of democracy, liberalism and civil society. This has been contrasted with the non-western ethnic nationalism characterised by 'culturally oriented nationalism which give primacy to education, propaganda and the cultivation of native values, it is an organic community determined by objective and ascribed factors particularly by birth'. Here, sovereignty is understood in 'collectivistic terms as *sui generis*, a social entity that has been apart from and above individuals'. It is considered 'irrational' because of its rootedness in the distant past, 'idealistic and utopian' because of the interplay of emotions, 'particularistic' because of promoting national egoism and imposing its values upon other societies. It is a nationalism which is characterised by authoritarianism, exclusionary and *Machtpolitik* (Kohn 1944:325, 329-334, 350-351, Kohn 1929, 1940, 1957, 1960 cited from Hearn 2006).

James G. Kellas classified three types of nationalism, namely ethnic, social and official nationalism. By ethnic nationalism, he refers to nationalism of the ethnic groups who defined their nation in exclusive terms mainly on the basis of their common descent. Social nationalism is derived from social ties and culture rather than common descent. It is a form of nationalism which stressed shared sense of national identity, community and culture and is open to all. Lastly, official nationalism is the nationalism of the state encompassing all those legally entitled to be citizens irrespective of their ethnicity, national identity and culture (Kellas 1998:51-52). Kellas also followed Kohn's differentiation in distinguishing between a western form of nationalism and eastern nationalism. He argues that western nationalism is "social

and inclusive in character, leaning towards more liberal democracy and does not engage in genocide or transfer of population… " while the eastern European nationalism is "ethnically exclusive, intolerant and often led to authoritarianism" (Kellas 1998:73-74). Similarly, Michael Keating differentiates between ethnic and civic nationalisms; by the former, "membership of the national community is given or ascriptive" and by the latter, individuals are seen as "involuntarily constituting a collectivity'. However, he warns that "civic nationalism can be violent and … civic values may be narrow and intolerantly applied" (Keating 1996:3-7). Meanwhile, Monserrat Guibernau describes civic nationalism as embodying a more "popular consent, accompanied by the rise of the bourgeosie, spread of enlightenment ideas, treading a liberal direction", while the ethnocultural nationalism which give primacy to the theory of "common language, blood and soil, reacting against the enlightenment, has manifested itself to an exclusive, xenophobic, expansionist and oppressive character" (Guibernau 1996:51-57). Tom Nairn describes civic nationalism as originating out of the "institutions of an inherently liberal civil society", whereas ethnic nationalism is "perceived as inherently…divisive, inward and backward looking, atavistic, aggressive and probably not too good for business either" (Nairn 1997:86). According to Brown, Civic nationalism is often referred to as "forward-looking because of its vision for a community which is in the process of formation, while ethnocultural nationalism is seen as backward-looking phenomenon because of its vision for the community is located in the myths of the past". But he, at the same time, cautioned that these attributes should not make us believe that the 'former is in some moral sense progressive and the latter regressive, since morality does not depend on chronology' (Brown 2000:52).

For Anthony D Smith, Nationalism is conceptualised as a "single category containing sub varieties, genus and species, a diversity within unity". At one end he puts 'ethnic nationalism based on cultural group while on the other end, territorial nationalism founded on the territorial state'. Between these two categories he places 'mixed' nationalism, one which contains elements of both (Smith 1971:19).

1.6 STATES AND ETHNIC IDENTITY ASSERTION

The study revolves around the question of ethno-national movements which continue to grow defying the predictions of modernists scholars. Having outlined the concept

of ethnicity, ethnic groups, nation and nationalism it is important to see how ethno-national feelings develop among the people in the first place and manifest as strong challenging movements. Since the late eighteenth and early nineteenth century, when the loyalties shown to the lord were replaced by the loyalty to the nation, it resulted in the understanding of the 'nation and nationalism as an emotionally charged concept centred upon the sentiment of belonging to a particular community'. The concept of nation state also came to be increasingly associated with a 'territorial base and political institution for creating a common culture and a sense of belonging among its members'. However, once these nation states are established whether out of one nation or as a multinational or imperial entity, they have the tendency to promote the cultural homogenisation of its members and even construct new common ethnicity and symbols for everyone to subscribe to. The concept of ethnicity and nationalism depicts the sharing of 'a certain commonality among members of a group and their subscription to the same nation'. Although these conceptions are symbolical constructions, they have the potential to separate one group from another. It is when the nation derives its legitimacy from the past and common descent, ethnicity is brought into nationalism (Guibernau and Rex 1997:2-5).

Walker Connor (1994) argues that ethno-nationalism consists of "both the loyalty to a nation deprived of its own state and the loyalty to an ethnic group embodied in a specific state particularly where the latter is conceived as a nation state". He argues that "identity does not draw its sustenance from facts alone but more importantly from perceptions when it comes to ethnic issues". Ethnic based identity for Connor is thus, a product of both reality and perceptions which in the modernists version is 'constructed'. It is therefore according to Connor, real as well as constructed. For Dawa Norbu (1992), ethnic-nationalism is a "politicised social consciousness centred upon an ethnicity identity born out of shared commonalities, seeking to achieve unity, autonomy and group interest by mobilising ethnic based constituencies". Norbu (1992:182) argues that of all the other factors, it is ethnicity that provides the potent raw material for nationalism to emerge among members of the same ethnic groups.

In the course of discussion, it will be interesting to examine the policies of the government in determining 'a group's capacity or desire to survive as a separate entity, its self-definition and its ultimate goals'. Paul Brass (1991) evaluates the

policies and mechanisms employed by governments to prevent the demands for separate ethnic identities or to limit the influence of ethnic groups which range from the 'most extreme forms of repression, including genocide and deportation to those designed to stop potential bases for ethnic group mobilization through assimilation in the schools or through the integration or incorporation of ethnic group leaders into the structures of power and wealth in the society' (Brass 1991:50). Ramon Maiz (2003:196-197) in identifying the pre-requisites for the formation of ethnic-nationalism argues that the presence of certain distinguishing ethnic preconditions, such as language, religion, myths, symbols, kinship etc even though these might be the product of a historical process of 'selection, filtering and invention' conceptualised and mobilised by political elites and intellectuals, an appropriate political climate which can be motivated by events such as the outcome of political decentralization or government ethnic policies thus facilitating the rise of ethnic-nationalism and finally, an efficient political mobilization through organizational efforts and appropriate discursive strategies. Robert Ted Gurr (1993) added that it was when such ethnic preconditions are allowed to be combined with exogenous factors such as colonialism or other historical contingencies and shared experience of oppression, inequality or exploitation, it provides a fertile platform for political mobilization and ethno-nationalism. Likewise, Chong-do Hah and Jeffrey Martin argues that the main grievances of ethnic groups and its eventual politicization have been traced from the "objective inequality in the distribution of resources, social benefits, and opportunities" between them. Simply put, Hah and Martin specifically argues that ethnic consciousness and nationalism arises in response to the "exploitation of an indigenous group by an alien group, or of one social class by another" (Hah and Martin 1975:372-374). Nevertheless, it has been found that the mere existence of inequality is not a sufficient condition to provoke the emergence of a nationalist movement and that there are also instances in which nationalist movements arise among dominant groups. One explanation is the relative deprivation theory, which argues that it is not objective inequality that generates nationalism but 'a feeling of frustration or relative deprivation defined as the balance between the goods and conditions of life to which people believe they are rightfully entitled and the good and conditions they think they are capable of attaining or maintaining, given the social means available to them' (Hah and Martin 1975:380). Anthony H. Richmond (1984) similarly defines ethno-nationalism as the 'struggle for recognition

of higher economic and social status and political power by minorities who are exposed to assimilatory pressures of industrialization'. Richmond goes on to say that the success or failure of ethnic movements in maintaining their separate identities, institution and organization depends upon the outcome of their power struggle (1984:4-18).

Michael Banton (1983) observes that 'ethnic groups and boundaries are prone to change, shift and reshape depending on the strategic calculations of interest, and that ethnicity and ethnic conflict are an outcome of resource competition'. According to Barth (1969), "ethnic boundaries are characterised by resource niches in which separate niches are exploited by separate ethnic groups (e.g., herders versus horticulturalists), niche competition (e.g., land and water)" led to conflict and displacement of ethnic groups leading to instability in ethnic boundary. As Brass notes, "the state…is not simply an arena or an instrument of a particular class or ethnic group… the state is itself the greatest prize and resource, over which groups engage in a continuing struggle" (1985:29). It is when the access to resources and their distribution are carried out on the basis of ethnic lines, question arises as to who all constitute the legitimate ethnic groups entitled for various benefits. Such questions on individual and groups eligibility often translate into controversies around the genuineness of individual need, individual ethnicity and ethnic proof. Thus, Nagel argues that choosing a particular ethnicity over the other can be an economic decision in a multi-ethnic state which distributes resources on ethnic lines. There are also cases where individuals would shift their ethnic affiliations when there is a change in "ethnic incentive structures" (Friedman and McAdam 1987, 1992 cited in Nagel 1998). This can result in embracing of minority status or switching of ethnicity. Nagel also pointed out that the 'designation of a resource-endowed ethnicity for public or official purposes can lead to suspicion and invite challenge in cases that involves people of mixed origin' (Nagel 1998:249). Since 'culture and history forms an important toolkit of habits, skills and styles from which people construct strategies of action' (Swindler 1986), Nagel argues it is natural for groups to embark on both the path of reconstructing their historical culture and forming a new one in ethnic based identity movement. Strategies of cultural reconstruction involving the restorations of past cultural practices and institutions, and cultural constructions including the renovation of present cultural forms are being carried to revive and restore cultural

forms or practices that are either lost or forgotten. For instance, the efforts by the Sami people to popularise their traditional dress, symbols, yoik music, celebration of Sami national day and to revitalize their language and its usage and the efforts by the Nagas to work towards popularising their festivals, dresses and the like altogether comes under cultural reconstruction projects. Therefore, providing a platform to study the cultural history is an inherent part of cultural reconstruction programme (Nagel 1998:253). Furthermore, Eric Hobsbawm (1983) referred to such process of reconstruction and restoration as the "invention of tradition" wherein the construction or reconstruction of rituals, practices, beliefs, customs and other cultural apparatus take place. According to Hobsbawm, invented traditions work towards: (a) establishing or symbolizing social cohesion or group membership (b) establishes or legitimizes institutions, status, and authority relations and (c) socializes or inculcates beliefs, values, or behaviours (Hobsbawm 1983:9). This is closely associated with what Anthony P. Cohen (1985) calls "the symbolic construction of community." Cohen argues that this is an important aspect, more so to the newly developing or resurging ethnic groups. Here, the use of the "past as a resource by groups in the collective quest for meaning and community" is an important characteristic (Cohen 1985:99). As a result, the attainment of community solidarity derived from real or putative common history and ancestry involves both cultural constructions and reconstructions. Smith also argues that, "ethnic and national groups deep nostalgia for the past, results in efforts to uncover or, if necessary, invent an earlier, ethnic golden age" (Smith 1986:174). Thus, the invention of traditions, construction of culture, its renewal and transformation have been an important aspect in ethnic mobilization and movements. We will see in the subsequent chapters on how the Sami and Nagas have undertaken various cultural reconstruction projects in the course of their respective movements.

1.7 ACCOMMODATING DIVERSITY - A CASE FOR AUTONOMY ARRANGEMENTS

After the Westphalian system, modern state with its political and legal notion of sovereignty gradually developed. Yash Ghai (2013) argues that this was a time when the 'concept of universal citizenship based on the rights and duties of the individual became central to membership in the political community'. However, it did not

readily translate in the political inclusion of the hitherto excluded communities and rather became 'an effective means towards their assimilation into the wider political community'. The prevailing system was justified for the preservation of the state's cultural and democratic fervour on the one hand and on the other, an effective welfare programme and redistribution of resources would be possible only if there is social solidarity which is believed to be dependent on common history and culture. Ghai argues that this very 'unifying tendencies of state sovereignty in terms of values, policies, laws and institutions combined with the aspirations for development and modernisation became a norm under which the smaller communities suffered considerable discrimination and some form of exclusion'. As a result, states in Europe and other parts of the world, in their attempt to inculcate nationalism systematically assimilate minorities within the fold of the dominant religious belief, linguistic orientation and cultural mores of the majority (Ghai 2013:3-4).

Ephraim Nimni (2015) similarly argues that, "the national state claim to treat all citizens as equal members of the nation only serve to disguise the tyranny of one group over another". Liberal democratic nations characterised by multi-ethnic groups, minorities found it difficult to be collectively represented in the 'monist nationalism' because such a move systematically end up sacrificing them at the altar of nation-building (Nimni 2015:63). Nimni, in quoting Otto Bauer and Karl Renner argues that liberal democracies recognized only two units. They are the 'sovereignty of the state' and that of the 'individual citizen' (Nimni 2015:67). To prevent injustices caused by the monopolization of powers which leaves cultural minority community at the receiving end, Nimni argues that 'traditional human rights principles have to be supplemented by a certain form of community minority rights which in most cases require exploring forms of non-territorial autonomous representation for indigenous and other dispersed minority communities' (Nimni 2015:69-70).

Will Kymlicka (2007), arguing in the context of the western countries contends that most of these countries have a single dominant ethnonational group which constitutes a clear majority of the population. Here, nation-building policies mostly take place by imposing this dominant group's language and culture on the rest of the population. States adopted policies aimed at centralising 'all political and legal power in forums dominated by the majority group, privileging that group's language and culture in all

public institutions which are then diffused throughout the territory of the state thereby making minority languages and cultures invisible in public space' (Kymlicka 2007:63). Such policies for national and cultural homogenization have often been justified on the ground that not only a unified state will be able to effectively defend itself against external or internal enemies but it is also necessary to build the solidarity required to administer the welfare state and an efficient labour market. Kymlicka argues that these states portrays the 'typical racialist and ethnocentric ideology of the dominant cultures which considers the language and culture of the minority community and the indigenous people as inferior, backward and unworthy of the respect or protection' (Kymlicka 2007:64). Such is the premise from which identity movements arose questioning the very basic structure of the liberal democratic state and its components. However, not only are there variations on how minority groups wished to be known and be accommodated, even states' response to the challenges that comes from minorities have taken several forms ranging from 'confrontation, violence drawing world attention to the discontent of minority groups, empowerment and participation of smaller ethnic groups, special types of representation in the legislature, executive and other public agencies, affirmative action to the promotion of minority cultures' (Kymlicka 2007:66; Ghai 2013:4).

Similarly, on the question of accommodating groups rights, there are divergent views among scholars on the kind of special rights to be accorded to a particular group. As for instance, Iris Marion Young advocated special rights for all the oppressed and subordinated minorities while Joseph Carens (2000) argues for the protection of culturally distinct minorities and their identity in a 'context-specific approach'. He argues for taking into considering the history of the group asserting the claim, the precise nature of their demands and the character of the state while, at the same time, placing certain moral limits that minorities can claim. Meanwhile, Kymlicka differentiates between national minorities and ethnic minorities and the different set of rights they are entitled to. By the former, he refers to the national minorities such as indigenous people who are an "historical community, more or less institutionally complete, occupying a given territory or homeland they had occupied for many centuries, sharing a distinct language and culture" (Walzer in Kymlicka 2000:6-11, 20) and by the latter, ethnic minorities such as immigrants who retained their ethnic particularity but do not constitute a nation with their own distinct homeland. As such,

they do not seek to maintain themselves as a separate societies but "wish to integrate into the larger society, and to be accepted as full members of it" (Walzer in Kymlicka, 2000:11). Kymlicka argues for self-government rights to the former to enable them to maintain their distinct societal culture to enable them to govern themselves in conformity with their own cherished social, political and economic institutions (1995:14). He advocated limiting special rights only for such groups possessing distinct societal culture by which, he denotes "a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language" (Kymlicka 1995:76).

Kymlicka (2007) further explains why the emphasis on sacred traditions and glorious histories is important for minorities. This is emphasised in the background of states typical tendency to deprive minorities of their "traditional self-government rights citing that they were backward and that their traditions of government and law were 'uncivilised''. Therefore, the first task of any nationalist movement has been to challenge these stereotypes and to persuade others and themselves that they are capable of self-government. So when nationalist leaders argue that their traditions of law and self-government should be respected, they meant that their nation is capable of exercising and deciding for themselves these rights and it is not a move to exercise them in an 'authentically traditional' way (Kymlicka 2007:145).

Kymlicka argues that the gradual shifting of state's attitude towards indigenous people marks the advent of a multicultural approach although indigenous people would prefer term such as "self-determination, treaty rights, aboriginality or indigeneity" (2007:67). He observes an increasing assertiveness of minorities on one hand and on the other, the states' inclination to accommodate ethnocultural diversity. Such a development is attributed to the rise of human rights culture and the de-legitimation of traditional ethnic and racial hierarchies. This resulted in the introduction of multicultural policies of both sub-state national groups and indigenous peoples in the form of public recognition and accommodation of ethnocultural diversity not only rooted in domestic accommodations and negotiations, but also ratified and protected by international norms (Kymlicka 2007:87-88, 123).

Since multiculturalism attempts to accord special set of rights for groups in a multi-ethnic country, it is important to examine the policy in the context of the present study. According to Gurpreet Mahajan (2002:17), "multiculturalism is a coherent political theory which challenged the cherished norms of liberal democracy by arguing that people must be incorporated not merely as citizens but also as members of discrete communities possessing multiple loyalties". Mahajan argues that the concept of 'differentiated citizenship' postulates that people can, at the same time belong to "a particular cultural community or political community or the nation-state" (2002:109). She justifies how multiple identities and loyalties within a state could co-exist together without necessarily causing a threat to each other that people or region could be incorporated into the polity with different sets of rights. She draws an example on how Indian constitution had utilised the idea of differentiated citizenship although conceptualised in different form. Both the states of Jammu and Kashmir and Nagaland have been bestowed with special status by the Indian constitution under Article 370 and 371A respectively. Nagaland under Article 371A enjoys special provisions to control immigration, recognition of their customary laws and their state legislature is accorded supreme power over ownership and transfer of land. All these provisions for special treatment, Mahajan argues, represents "a system of differentiated citizenship wherein individuals were seen not merely as citizens but also as members of specific cultural communities" (Mahajan 2002:109). In this way, the granting of self-government rights is a form of dispensing differentiated citizenship right to minorities in India. Mahajan (2002), arguing from a multiculturalist standpoint justified such self-government rights as measures necessary to protect a culturally distinct way of life while simultaneously affirming the territorial integrity of the polity (2002:107).

Mahajan argues that contemporary multiculturalism in the west has been theorised by locating cultural discrimination within the context of the nation-state. Most of these theories argue that western nation states gave a singular emphasis on majoritarian cultural orientation, its accompanying biases and its homogenising policies by endorsing "a particular ethnic majority's language, in education policy, public holidays, religious and cultural festivals to the exclusion of others and systematically assimilating and marginalizing those that failed to confirm to the cultural identity of the nation-state" (Mahajan 2002:199). In Indian, in order to dispel the fears of the

minorities for the imposition of religious and cultural homogenization of the majority community, the constitution guaranteed "special rights for minorities to protect their distinctive cultural and linguistic identity". Minorities communities have received some public recognition and entitlements when it comes to the establishment of their own educational institutions, eligibility for state funding, right to religious practices and enjoying personal codes on family matters (Mahajan 1998a:97-101). The policies for accommodating minority communities have been a positive trend at least, in principle, due to their acknowledgement in the public domain but it has a long way to go in fulfilling its responsibilities (Mahajan 2002:201). Moreover, this is in tandem with the democratic ideals of non-discrimination that no one should be excluded from the political domain on account of his or her social or ascribed identity (Mahajan 2002:214).

Since modern nation-states has been confronted by issues of diversity which is here to stay, autonomy is increasingly seen as an alternative to independence. Walzer argues that autonomy schemes such as 'decentralization, devolution and federalism are not incompatible with self-determination'. They may be most appropriate for groups with strong territorial base and who share some, but not all of the characteristics of a distinct historical community" (Walzer in Kymlicka 2000:141). Autonomy arrangements have been one of the most far reaching response as states are increasingly confronted by the challenges that comes from groups. Such arrangements have "significantly re-configured the state apparatus, redistributed state power and resources, changed the basis of relations between communities, modified the concept and form of citizenship and the bearing of rights and obligations and introduced new dynamics in state politics" (Ghai 2013:4-5). When one talks about autonomy, it is usually understood in a territorial sense. In a situation where the community in question is dispersed over a wide area and in some cases, beyond their traditional homeland or even if concentrated in these region, they no longer form the majority, such circumstances necessitate exploring other forms of autonomy arrangement. Arrangements such as "special systems of representation, affirmative action, recognition of culture, languages, proportionality principle, freedom of religion, cultural councils and personal laws" are schemes employed in order to overcome the limits of territory arrangements when ethnicity and territory overlaps (Ghai 2013:6).

John McGarry and Margaret Moore (2012) defines autonomy as "a form of self-rule that gives ethnic and national minorities substantial powers to govern their own affairs but falls short of independence". Ghai (2000) defines autonomy as 'a device to allow minorities claiming a distinct identity to exercise control over affairs of special concern to them while allowing the larger entity to exercise those power which cover common interests'. Ruth Lapidoth (1996) argues that it is "a means for diffusion of powers in order to preserve the unity of the state while at the same time respecting the diversity of its population". Stefan Wolff and Marc Weller (2005) suggest seeing autonomy as "an element of state construction addressing the needs of diverse communities". They further argue that the various definition of autonomy consists of the "notion of transfer, rather than delegation of some powers from a central government to the autonomous entity".

Yash Ghai (2000), in his edited book, '*Autonomy and Ethnicity, Negotiating Claims in Multi-ethnic States*' compiles overall findings of autonomy experiences across different parts of the world including India, Canada, Spain, Yugoslavia, Cyprus and Sri Lanka. Ghai observes: Firstly, the case for autonomy is the strongest in a situation where the state undergoes regime change because those who are in position of power do not easily want to let go of it. Thus, regime change are conducive platform to bring autonomy. Secondly, autonomy arrangements also depends on the nature of the dispute and domestic dynamics. It tends to be more successful when there is an involvement of international community towards conflict resolution. However, autonomy once granted, the international community choose to stay away from the internal affairs of the state. Thirdly, experiences of different countries show that autonomy solutions turns out to be more successful in countries that are liberal and stable democracies where the rule of law is enforced. Thus, the legal and political aspect of the state is a big factor in influencing the negotiation and outcome of the autonomy arrangement. Fourthly, autonomy is less problematic and likely to succeed in the absence of dispute on sovereignty. Fifthly, autonomy is more likely to be negotiated and successful when there are several ethnic groups rather than two clearly defined opposing side. Sixthly, autonomy arrangements negotiated in a democratic and participatory manner enjoys higher chance to succeed than those that are being forced upon. Seventhly, an independent dispute mechanism which draws balance between political and judicial processes and institutional structures to address the core

aspects of ethno-political conflicts are needed to achieve a successful autonomy arrangement. This include 'power sharing through autonomy arrangements, cultural and language rights, security concerns through demilitarization and neutralization arrangements and economic viability and control over land'. Eighthly, the role of external actors especially the kin state, if it is there, is very crucial in aggravating ethno-political conflict because their act of lending support or exaggerating the case of minorities can potentially turn into inter-state disputes. While international engagement is important in highlighting the cases it does not guarantee its later implementation and upholding of agreements. Lastly, Ghai (2000) also argues that autonomy does not promote secession, instead true autonomy prevents secession. However, the paradox is that in several cases, the refusal to grant autonomy is due to the fear of secession. There are opposing views in regard to autonomy, supporters claim that it increases the resources and strengthened the identities of groups which could subsequently lead to secession and eventually justify self-determination while opposers claims that the dispensing of autonomy strengthened the role of the moderates of all parties which prevents the further escalation of identity issues (Ghai 2000:14-23).

Genevieve Nootens (2015) in highlighting the challenges related to diversity and the demands for recognition or self-determination in a multinational context discusses both the aspect of territorial and non-territorial autonomy arrangement. These are the devices of self-governance intended to allow some groups who differ from the majority population in a state to enjoy partial independence in decision-making in the fields relevant to them. The difference between these two type of autonomy arrangements can be traced from Karl Renner who conceptualised the mechanism for a non-territorial autonomy for the distinct linguistic groups in the Austro-Hungarian Empire (Renner 1918; Coakley 1994). While territorial autonomy is considered an appropriate mechanism to accommodate the demands of geographically concentrated national minorities, there has been a renewed interest in non-territorial autonomy arrangement as an alternative mechanism to accommodate cultural or linguistic groups in a deeply divided society where inter-ethnic relations are fragile. It is seen as an appropriate mechanism for dispersed minorities, aboriginal peoples or as supplement to territorial autonomy (Kymlicka 2005; Nimni 2007; Bauböck 2004). It will be interesting to look at the two mechanism in the context of the present study.

1.8 EXPLORING TERRITORIAL AND NON-TERRITORIAL AUTONOMY ARRANGEMENTS

In the territorial form of power-sharing, a sub-government is formed comprising of separate institutions and autonomous legislative power backed by the constitution. Federal systems are the most common form of territorial autonomy. In this systems, "sovereignty is shared and powers are divided between two or more levels of government each of which enjoys a direct relationship with the people" (Hueglin and Fenna 2006: 32-33). It has the component of both 'self-rule and shared rule.' It consist of autonomous fields of jurisdiction for the sub-states as well as their representation in institutions and participation in decision-making processes at the center (Elazar 1987:12). In multinational state, territorial autonomy open up scope for the redrawing of boundaries where the concentration of a national community is the highest and wherein the enforcement of such a policy would result in the community becoming "a majority within the new territorial unit". In territorial autonomy, sovereignty is shared between the center and autonomous region. National minorities who are concentrated within a particular geographical region prefer territorial autonomy because it emphasizes on the aspect of self-determination instead of merely integration and participation in existing institutions. Also, in recognizing their distinctiveness, it allows them to define their own policies and jurisdictions in areas that are of importance to them and their respective needs. Such an arrangement is closest to achieving self-determination or being a sovereign nation within a state that several national minorities share in common (Pettersohn 2013:3-4).In considering territorial autonomy, John Coakley (2016) maintains that three criteria have to be fulfilled from the territory to which the ethnic group claims:

(i)   its inclusiveness, in incorporating as many members of the group as possible;
(ii)   its homogeneity, in excluding as many non-members of the group as possible; and
(iii)   its compactness, in being delineated by efficient boundary lines that define the most coherent possible territory (Coakley 2016:6)

The preference for territorial autonomy is by far, the only acceptable and realistic option for large and territorially concentrated groups within a specific geographical area because their right claims mostly involve territory related powers which cannot

be exercised by a non-territorial autonomy institutions (Kossler 2015:265). It is for this reason territorial autonomy is justified in terms of "dispensing internal self-determination, often of ethnic, linguistic or cultural minorities and within a democratic participatory framework" (Âkermark 2013:24).

Territorial autonomy is however accompanied by several problems and apprehensions. Pettersohn (2013), argues that the creation of sub-state entities under the scheme will give rise to "new minorities who will demand the same protection from majority rule and assimilation within the smaller territory". Since the task of defining the geographical concentration of minorities is a never ending process, no matter how many new internal boundaries are formed, it may fail to coincide with the people's wish in its entirety. Karl Klosser (2015) further explains this argument by expressing that territorial autonomy in empowering one culturally distinct groups could entail that the existing relations between dominant and dominated groups are not done away with, but are merely re-established at a different level. In such a situation, the target group of minority transformed into a regional majority in that autonomous region on numerical terms and hence reinforced majoritarian democracy and power at a different level. Such type of arrangement of self-government may lead to what he refers to as "majoritarian ethnic territorial autonomy" which reproduces the majoritarian nation state model but on a smaller scale. Kossler argues that the "zero sum game of reversing majority-minority relation within the limits of an autonomous territory to the benefit of one group and to the detriment of others" has prevented territorial autonomy from living up to its self-proclaimed rationale, that is, "the self-government of all people within the boundaries of the autonomous entity" (Klosser 2015:250-252). Also, the scheme of 'ethno-federalism' caters to the need of only those residing within the defined territorial units while those living outside will not benefit from the administrative and legislative mechanisms established for the communities in the regions (Bauböck 2004; McGarry and O'Leary 1993). There is a fear that policies of federalism may encourage secessionist aspirations. While on one hand, inadequate financial resources, limited authority of federated entities, insufficient allocation of power, on the other hand, positive experiences on policy initiatives and public spending may lead to positive evaluations and assessment towards the demand of a complete independence (McGarry and O'Leary 2009). In the backdrop of states increasingly perceiving the demands for territorial solutions with

utmost suspicion, and minorities being perceived as disloyal who are obstacle to the formation of a strong state and a threat to national security (Kymlicka 2001:67) while the demand for territorial autonomy is going to remain the most sought after solution for minorities, a major challenge, according to Kossler, is to design arrangement which has both the components of facilitating the most comprehensive self-government while at the same time avoiding the pitfalls of a majoritarian ethnic dominated territorial autonomy (Kossler 2015:269). The challenge would consist of balancing the two extremes of 'balkanization and banalization of diversity'(Roshwald 2007: 365-378).

Coming to non-territorial autonomy, it implies the organization of minority groups that are not geographically concentrated in specific regions of a state and the granting of some rights to its members wherever they live on the territory of the state. In other words, in this scheme of autonomy, 'competences are transferred not in relation to a certain specific territory but in relation to a certain community, irrespective of size and place of residence in the state' (Henrard 2005:141). Pettersohn argues that in the manner in which 'territorial autonomy is related to federalism, non-territorial autonomy relates to consociationalism, without the element of elite consensus but which focuses on the authority of the communities in the transferred fields of jurisdiction' (Pettersohn 2013:4). Kossler, in identifying the advantages of the personality principle over the territoriality principle argues that in the former, subjects of autonomy are self-identified individuals who came on voluntary basis so self-government is granted for those who seek for it. In the latter, the subjects of territorial autonomy are defined through the boundaries of the autonomous territory, in which consent has no place. In territorial autonomy, territory solely determines the subjects of self-governance (Klosser 2015:249).

When it comes to non-territorial arrangement, the most widely cited work has been Renner and Bauer's national cultural autonomy model which embodies 'the personality principle in which autonomous communities are organized as sovereign collectives from wherever they choose to reside in a multinational state' (Renner 1899 quoted from Nimni 2004:10). Renner argues that territorial principle seems to suggest "if you live in my territory you are subjected to my domination, my law and my language". To him it , 'suggests domination and not equality of rights corresponding

to the dominance of ethnic majority over the ethnic minority, of settled populations over immigrants and of settlers over indigenous peoples'. Renner and Bauer's model is thus suitable for minorities demanding some form of autonomy but cannot have separate states on account of various factors (Nimni 2004:11).

As Renner mentioned in *State and Nation*, the model he proposed would "require all citizens to declare their nationality when they reach a certain voting age". According to this scheme, 'members of each national community from wherever they may reside would form a single public body or association endowed with a legal personality, collective rights, segmental sovereignty and the capacity to deal with all national cultural affairs in the context of a single multinational state'. It has been argued that the non-territorial cultural autonomy model addresses the weaknesses of territorial autonomy models in a situation when the national community is divided across different territory and where neat geographical solution seems inconceivable. For instance, territorial boundaries end up creating minorities which has a tendency to discriminate on ethnic basis. The idea is that in the non-territorial cultural autonomy set up 'even if the citizen resides in a territory dominated by different national group, they would not be subjected to the cultural practices and mores of the majority, but can rely on their own trans-territorial national organization, which has the status of a public corporation with sovereign areas of competence' (Kann 1970: 244; Nimni 2004:12). Non territorial autonomy is thus "a generic form of collective rights and collective representation which aims to expand democracy by sharing sovereignty between different communities" (Nimni 2015:81).

Kymlicka (2008) argues that in a situation where there is geo-political insecurities and incomplete democratic process, negotiating or adopting territorial autonomy can be challenging. This is where non-territorial autonomy becomes significant since it 'deterritorialises' security concerns. Another point of justification for such an arrangement is the applicability of the rule to those who accepted membership of the group in question (McGarry and Moore 2005:81). Therefore, national cultural autonomy has been presented as a way of lowering the stakes related to territory as a zero-sum game (Nootens 2015:48). However, most developed nationalist who are territorially based do not demand non-territorial autonomy. As John McGarry and Moore argue,

The types of power that such [significant and territorially concentrated] minorities seek, including power over the economy, policing, control over population influxes, which language is dominant, require control over territory. This is connected with the territorial nature of the modern state, and the fact that the exercise of its most important functions tends to be on a territorial basis (McGarry and Moore 2005:82-83).

Over the years, there has been a renewed interest for non-territorial autonomy in international documents as can be seen from the emphasis given in Copenhagen Document of 1990 to the Lund Recommendations of 1999 (Kossler 2015). It has also been found that international organizations are more keen on supporting less threatening forms of non-territorial autonomy rather than territorial autonomy (McGarry, Keating and Moore 2006:17). Kymlicka arguing on the same line emphasised on the need to explore the schemes of non-territorial autonomy since it offers scope to avoid the highly charged issues of territorial autonomy. International organizations are also more likely to consider the case of national cultural autonomy to accommodate ethnocultural diversity rather than that of 'territorialised nationalist claims' (Kymlicka 2007:388). Nevertheless, 'sub-state national groups' are deeply attached to what they consider to be their 'homeland' or 'historic territory' which keeps their aspirations for territorial autonomy alive (Nootens 2015:49). In a context where minority issues and their relationships with states are highly sensitive and securitised, non-territorial autonomy arrangement still features high on the agenda of most states.

Looking closely, Nootens pointed out that a non-territorial autonomy arrangements actually have a territorial component at least in the European models since they are targeted to dealing with ethnocultural diversity, of minorities that can claim a 'historic' relationship with a given territory but are included in a 'host' state. Moreover, since the territorial unit in which the personality principle will apply must be defined, the principle can operate only within a particular set of territorial boundaries. Hence, non-territorial arrangements are always supplementary to territorial autonomy (Nootens 2015:50). Kymlicka considers various possibilities for the implementation of non-territorial cultural autonomy and finally concluded that territorial autonomy is preferable on normative and practical grounds. Geoffrey

Brahm Levey(2005) argues that non-territorial cultural autonomy is unlikely to satisfy national claims where identification with land, language preservation and symbolic recognition are concerned. John McGarry and Margaret Moore (2005) argue that non-territorial cultural autonomy might be useful for dispersed or intermixed populations but it will not suffice for nationally mobilized groups. Paul Patton looks at the non-territorial cultural autonomy in connection with indigenous sovereignty and finds that non-territorial cultural autonomy does not address the complexities of indigenous sovereignty (Nimni 2005:12).

Pettersohn (2013:15) pointed out some inherent difficulties the non-territorial forms of power-sharing encounters when it comes to actual political practice. While the criteria of voluntary individual based membership goes hand in hand with individual liberal rights which guarantee the members to stay connected even when they move into a different region, availing the scheme under non-territorial form of power sharing requires a decision from each individual. The problem arises when individuals draw their attachments from multiple sources which may be a result of 'intercultural marriages or change over time'. This in turn, gives rise to the question on how membership registration should open scope for 'flexibility or changes in affiliation'. There is an inherent fear that provisions of special cultural rights may encourage the "elites and members of the communities to emphasize on the differences between them while downplaying similarities or shared positions" (Bellamy 2000). Therefore, there are uneasiness associated with how such arrangements can potentially fan ethnic conflict between distinct communities whom it was conceived to protect.

Likewise, Rainer Bauböck (2001) argues that the scheme for non-territorial cultural autonomy must be regarded as a supplement and not as an alternative to territorial government rights for ethnic minorities. Bauböck compares the schemes of territorial and non-territorial arrangement and concludes that a non-territorial cultural autonomy is likely to reproduce inequality of resources by keeping minorities exposed to cultural assimilation as a result of territorial mobility and allowing the majority community to retain their control over territorial political power. Bauböck further argues that minorities are likely to receive a better treatment under territorial autonomy arrangements since the latter compels 'the majority to consider members of the minority as equal citizens of the autonomous polity whereas in cultural autonomy,

the national majority has its own separate cultural institutions and need not accommodate the minority'. Another concern for Bauböck is the likelihood of cultural autonomy to segregate civil society into different national compartments, whereas territorial autonomy would more likely encourage pluralism in civil society will be in turn, reflected in the established national cultures, at least in the form of territorial stability (Bauböck 2001:14-19). Also, since a non-territorial arrangement accords merely cultural and linguistic rights, it deprives minorities of large scope social powers. This is an important reason why several minorities especially those that are large and territorially concentrated prefer territorial autonomy over non-territorial arrangement (Nootens 2015:52). Having said this, various considerations such as the specific situation of minorities, the level of trust and mistrust in adopting measures of autonomy on the treatment of minorities by the majority, possible manipulations of the arrangements by group elites should be altogether assessed. Nootens sums up by arguing that "not a personalization of the right to self-determination but the arrangement of autonomy which has both the elements of shared rule and self-rule expressed in federation" would be the best practicable solution (Nootens 2015:55).

CHAPTER TWO

THE SAMI MOVEMENT

The chapter will begin by tracing the historical background of the relationship between the Sami people and the Scandinavian countries. It will look into how this relationship took various forms at different point in time ranging from a very minimal level of association limited to trade and taxing in the eighteenth century to a more pronounced one in the following decades to the subsequent fragmentation of the Sami territories across four different countries. This development was followed by a concerted effort by each state to control, subsume and assimilate the Sami since the mid nineteenth century which continued till up to the second half of the twentieth century while at the same time, the borders became stricter culminating into real barriers for the Sami. It is in the back drop of these developments that the chapter will discuss the evolution of the Sami movement in the Scandinavian countries of Norway, Sweden and Finland. The chapter seeks to highlight the challenges the Sami people face across the three countries on one hand and on the other, their shared aspiration as a distinct people whose ethnic imagination, livelihood and survival transcends beyond the territorial boundaries of these states. It also seeks to explore the initiatives taken up by the Sami within their respective countries as well as across the Scandinavian countries towards the fulfilment of their political aspiration as a transnational people partitioned across different countries.

2.1 THE SAMI – AN INTRODUCTION

The Sami[4] are the indigenous people of Norway, Sweden, Finland and the Kola Peninsula in the North Western Region of Russia. They inhabit a territory called the Sapmi which spread across vast area of land in Fennoscandia comprising of Northern Norway, Sweden, Finland and the Kola peninsula region of Russia (See Fig.1). Despite their geographical division, Sami ethnicity has been distinguished by a number of common attachments. They continue to exist as one people with a distinct language, identity, a common historical memory

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[4] For consistency, the term Sami has been used throughout the study whereas the documents referred to and cited may have different spellings ranging from Samis, Sámi, Samek, Saami to Lapp. However, Sami has been the term most widely used across english literature on the subject.

Fig. 1 Sapmi, the traditional homeland of the Sami people

which incorporates the notion of an ancestral homeland they referred to as the 'Sapmi', as well as the notion of once vital social structure and institution called the '*Siida*' which is a traditional form of communal organization, and the traditional Sami religion and to the recognition of the importance of reindeer herding to the integrity of the Sami culture (Nordic Sami Institute 1990). The traditional Sami homeland covers an extensive stretch of land compared to their present area of their settlement. In Sweden, the Sami settlement (also known as Lappland) comes down to the northwards from Dalarna in central Sweden to the borders of Finland and Norway. In Norway, Sami settlement area (also known as Finnmark) stretches from Finnmark County in the North to Hedmark County in the South. In Finland, the Sami homeland (also known as Lapland) presently comprises of the three northernmost municipalities, Enontekio, Inari and Utsjoki, and the Sami reindeer herding district Lapin Paliskunda in the municipality of Sodankyla. In Russia, the Sami settlement area is limited to the Kola Peninsula (Lewis 1998; Henriksen 2008:27). In addition to this, several Sami live in major towns in the North or in large cities or towns in the South and are employed in the mainstream modern labour market (Josefsen 2007:5).

Traditionally, Sami led a semi nomadic lifestyle, herding reindeer between the mountains and coasts depending on the ecological factor and the seasonal cycle (Anaya 2011:4). Sami traditional livelihood consists of activities such as hunting, fishing, gathering and trapping. Over the years, most Sami have increasingly taken up farming, crafts, inshore or lake fishing, and have joined other aspects of modern trades, reindeer herding has been identified as Sami enterprise. Reindeer herding has come to occupy an important place in the Sami way of life because it is through the herding related issues that states have historically sought to recognise the distinctiveness of the Sami identity and it is through these herding laws that states managed to exercise control over the Sami (Forrest 2002:252). While the numbers of Sami who are actively engaged in Reindeer husbandry has come down to less than 10 per cent of the Sami across the three states which constitutes a very small minority within the Sami community, the practical importance of reindeer herding to the Sami has been sought to be kept intact over the years.

To the Sami, the unhindered enjoyment of their land and its resources, individually or collectively, along with the right to practice their livelihood and the maintenance of their language and culture forms the basic material foundation of their culture (Henriksen 2008:27). They would divide different seasons of the year into different migratory pattern in order to make optimal utilisation of the available resources as well as to prevent the overexploitation of resources. These tasks are managed by the *Siida* the 'traditional social structure which determines a particular hunting and pastoral area and their share of land and livelihood' (Salvesen 1995:109). The *Siida* comprises of a small group of families sharing a relatively large, naturally delimited area, often on one side of a watershed. The families were not necessarily related to one another by kinship ties, and the affairs of the *Siida* were run by a local council on which each family would be represented. This council would distribute land, fishing rights and also exercise certain judicial functions (Hannum 1996:248).

The number of Sami population is hard to determine owing to the difficulty in identification as a result of migration and assimilation which lasted for over a century. Factors such as their 'first language, the language spoken in the home today, social class, genetic origin, personal preference' are inadequate to determine who considers himself or herself a Sami. Apart from the above factors, a 'sense of belonging to a

district, to a way of life, a group, a family and the like, individual cultural characteristics and way of articulating one's personality such as the use of language, traditional dress, music i.e., the joik (the traditional musical form of the Sami) and religious expression i.e., Laestadianism (a Lutheran revivalist movement)' are some characteristics features associated with the essence of being a Sami (Salvesen 1995:115). An important factor for the difficulty in determining the exact number of Sami population is attributed to the states' former policy of assimilation and oppression vis-à-vis the Sami population which was aggressively carried out across the Scandinavian countries resulting in the massive decline of the number of people who identify themselves as Sami.

Determining the number of Sami population is also challenging because these states do not take ethnicity based census. In all the three countries, the last "survey on Sami ethnic affiliation was conducted during the 1960s and early 1970s". Pettersen and Berg-Nordlie estimated the Sami population across the four countries to be in between 50,000 and 100,000 with more than half of them living in Norway. Aubert in 1970 arrived at about 40,000 to identify who "in one way or another were affected by their Lappish ancestry". Baer concluded with a figure at 100,000, Myntti came up with 65,000 (40,000 of which reside in Norway), while Hætta suggested the figure to be somewhere in between 40,000 and 60,000. Another estimate comes to somewhere between 80000-95000 of which approximately 8000 Sami are in Finland, 20000 in Sweden, 2000 in Russia and 50000-65000 in Norway (Henriksen 2008:27; Nordic Sami Convention 2005).

Today, the Sami are spread across four different independent countries. Despite this division, they continue to see themselves as one people and called their historical settlement area 'Sapmi'. Sapmi lacks a clearly defined boundary, here one sees 'a mutual relationship between land and people, the former providing the latter their livelihood activities and ways of living, a unique relationship which still feature prominently in the ongoing process of Sami nation-building' (Selle et al., 2013:718). Sami constitute a majority of the overall population in the inner areas of Finnmark in Norway and certain coastal areas in the northernmost parts of Sweden and Finland but most Sami actually live elsewhere. In Norway, the Sami are believed to constitute a majority of the population or a very large minority in the five municipalities of

Kautokeino, Karasjok, Tana, Nesseby and Porsanger in Finnmark County although many of them have moved to other parts of the country. There has been a large-scale emigration from the Sami homeland to the cities in the central areas of the North and Southern Norway (Gaski 2008:220; Selle et al., 2015).

Although the Sami identify themselves as 'one people', they are a highly heterogeneous community with several subethnic groups from within the population. There is great internal diversity among the Sami in terms of language, religion and livelihoods. Despite the fact that the Sami languages are "linguistically related and that several words are used in all languages they are often mutually unintelligible" (Forrest 2002:241-242). The Sami language is a branch of the Finno-Ugric Uralic family of languages which can be sub divided into ten distinct groups, interchangeably described as languages and dialects (See Fig.2): South Sami, Ume Sami, Pite Sami, Lule Sami, North Sami, Inari(also Aanaar Sami), Skolte(also Skolt Sami), Akkala Sami, Kildin Sami and Ter Sami (Henriksen 2008:27; Karl Nickul 1977:11). Of these, North Sami, which is used by some three quarters is by far, the most widely spoken dialect and also used by the press, radio and television (Salvesen 1995:116). An important 'marker of a Sami identity is related to active language used by oneself or one's parents' (Helander 1999). However, the 'outcome of a century long policy of cultural assimilation, poverty, political powerlessness, lack of knowledge about their own history, many Sami experience the feeling of inferiority'. Being a Sami was regarded as a hindrance and many Sami did not teach their children the Sami language (Gaski 2008:220). This left an irreparable scar on the Sami culture. It resulted in a dramatic decline of people who could speak Sami language but also people who considered themselves to be Sami. There are several individuals who identify themselves as Sami but could not speak the language. This was reaffirmed in an interview conducted with Rakel Nuttyvuopio[5] in Tromso who said that she could understand but could not speak

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[5] Personal Interview, Tromso 15 April 2018
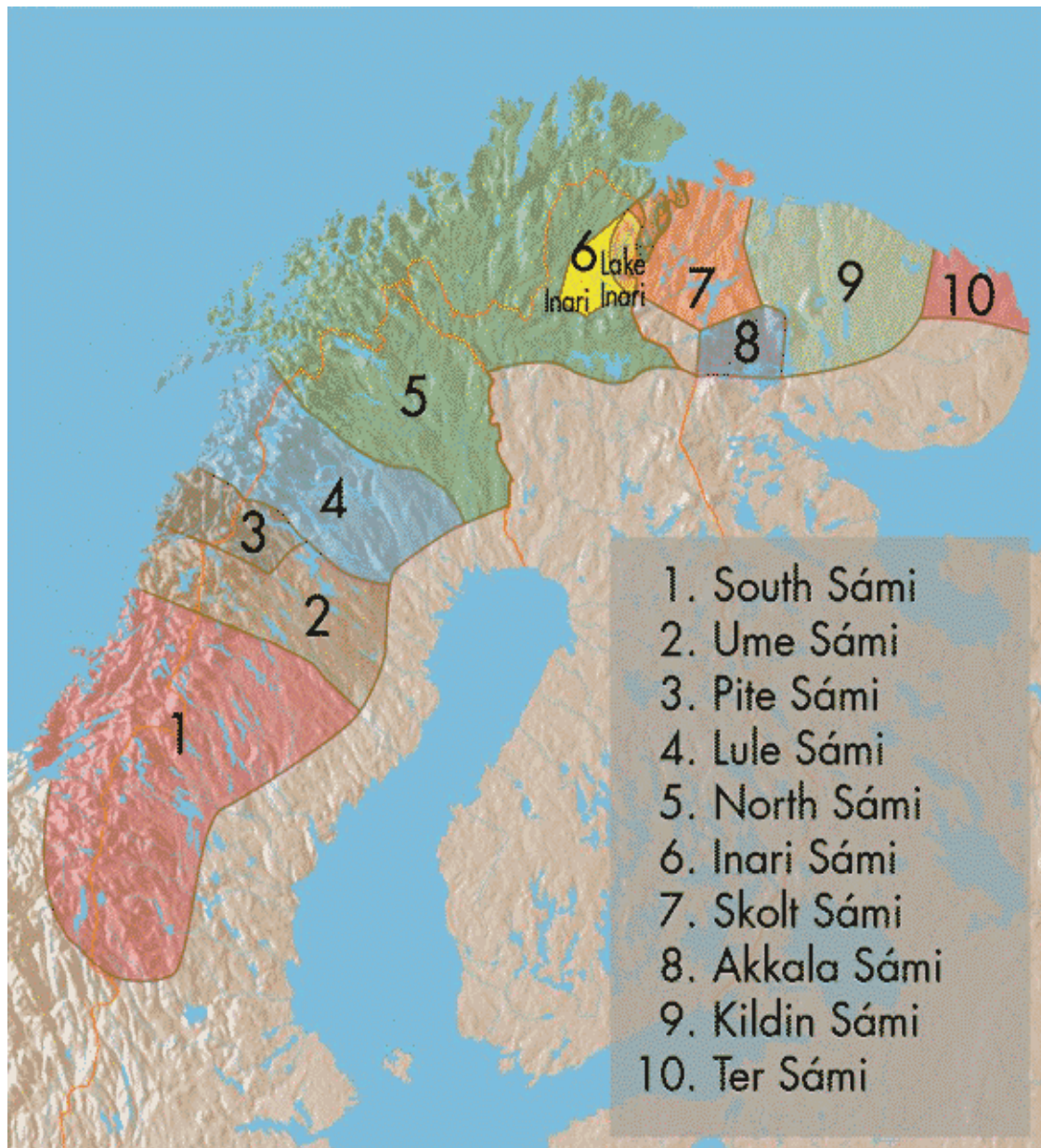
Fig. 2 The Language distribution in Sapmi region

Source: http://www.samimuseum.fi/anaras/english/kieli/images/kartta_iso.gif

the Sami language although her father and brother speak. Marti[6], another respondent considers herself a 'city Sami'. She originally belong to Kautokeino but was living in Tromso at the time for the interview. She argued that her children faced identity crisis because whenever they visited their village, their friends would say they are no longer Sami enough as their language is crooked. Marti also added that lately, a lot of people have come to learn that they have Sami heritage of one or the other kind but they have

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[6] Personal Interview, Tromso 18 April 2018

become too Norwegian to be Sami, they do not speak Sami anymore. Michelle[7], a respondent living in Kristiansand also mentioned that she has a Sami heritage but does not give much importance to researching on her heritage. Having shared a common destiny, scholars like Henriette Sinding Aasen (2004) argues the need to broaden the cultural markers of Sami by including other aspects which are inherent to them. This include their ways of life such as reindeer herding, social organization, religious beliefs, dress, handicrafts, music, art and awareness of a common history and having a shared destiny. Over the years, one can see the growing acceptance of Sami in positive image which has been reconfirmed by the new expressions of Sami identity in various public spheres. Thus, the Sami nation is increasingly seen to be in the "process of re-discovering and re-defining its cultural identity, future direction and social and political institutions" (Aasen 2004:465).

2.2 SCANDINAVIAN COUNTRIES AND SAMI IN THE PAST

Sami ethnic consciousness came into being in a vast stretch of land in what came to be known as 'Fennoscandia comprising of the Scandinavian Peninsula, Finland and Russia'. Historically, the Sami had inhabited this land through successive generations. The traditional nomadic Sami livelihood of reindeer herding requires large tract of land from which they develop a strong affinity with the territory. The Sami inhabited this area making optimal use of the land and its resources long before the concept of modern state came into being. Through the years, there have been an increasing movement of other ethnic groups into the Sami territory which soon resulted in the interaction and intertwining with others around them (Falch et al., 2015:2).

The Scandinavian states policy towards the Sami people have been characterised by different attitudes at different point in time, depending largely on the national interest of the state. The agreement between Sweden-Finland and Denmark-Norway in 1751 facilitated a special arrangement for the Sami people, it came in the form of an addendum known as the Lapp Codicil (Lappecodicillen). However, this was soon followed by the period of aggressive assimilation roughly from the mid nineteenth century onwards till up to the second half of the twentieth century. It was only from the late 1970s, as a result of the demonstration in Alta, Norway and the effects of the European Union membership of Sweden and Finland since the mid-1990s that have,

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[7] Personal Interview, Kristiansand, 5 March 2018

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to a large extent, altered and shaped the State-Sami relation. Another remarkable development in the twentieth century is the international upheaval in and recognition of minority rights that gives legitimacy to the Sami rights question the states could no longer afford to ignore (Karppi 2001:395).

As mentioned earlier, the movement of people towards the North happened in an unprecedented scale in the course of time. However, it was in the ninth century that the first encounter between "Ottar of the Norwegian Vikings and the Sami happened when the former travelled far to the north and east i.e., the Kola Peninsula" (Hicks 2000:1). In the middle ages, Denmark-Norway, Russia and Sweden-Finland developed interest over the Sami area. The three states maintained their hold over the Sami territory through policies on 'trade, taxation, military expedition and state sponsored missionary and colonization'. Meanwhile, trading and taxation rights with the Sami was retained by the royal authority via the king's personal representatives. Trading rights was of particular importance as a basis of asserting sovereignty over the Sami territory. As a result, the Sami living in the area around 'Inari were taxed simultaneously by three powers which remained in practice until the eighteenth century' (Sillanpaa 1994:38). Salvesen argues that the Sami settlement area was sparsely populated by a few thousand people of hunter gatherers spreading across an area twice the size of Norway today (323,878 sq.km). Thus, the only sanction the state could impose on the Sami was to comply them to pay taxes, the failure of which deny them trading rights and admittance to various markets (Salvesen 1995:110). Simultaneously, the Danish-Norwegian kingdom conferred business privileges, increasing pay and bonuses and also sent Danish prisoners to the northern region to serve out their terms of hard labour. Such policies were adopted to promote colonization on one hand and on the other, to encourage permanent settlements by non-Sami on the northern region (Roland 1993:76). These two policies remained a priority for both the Swedish and Danish-Norwegian governments. This is because the prevailing attitude of the various political establishment was that the Sami had no right of ownership to their land. These lands were seen as 'ownerless and thus free to be claimed which in the language of international law is known as *terra nullius* or no-mans-land' (Forrest 2002:255). The argument made was that 'nomads could not have the same right to land as settlers' (Lewis 1998:28). The Samis' right to territoriality was denied in three ways. Firstly, the division and incorporation of the Sami and their

land into the kingdoms of Northern Europe was justified on the perception that the Sami has no conception of ownership and thus the territory was free for the taking. Secondly, Sami economic activities, primarily reindeer herding, were generally viewed as illegitimate or backward. The states promoted the interests of so-called modern or developed forms of land use, such as agriculture, at the expense of traditional Sami activities. Thirdly, having eroded the territorial system within which Sami reindeer management operated, the states used the theory of 'the tragedy of the commons' to justify greater state control over herding. This theory promoted the idea that non-exclusive land use was inherently flawed, and ignored the Sami's own resource management systems (Forrest 2002:252).

The nineteenth century brought about several unfavourable developments for the Sami people. Firstly, the border treaty between Russia and Norway in 1826 gave very limited considerations to the Sami. It divided the traditional lands of two local Sami communities and within three years, they would have to decide on their citizenship and in six years, their cross border activities would be evaluated. Subsequently, in 1834 the two states abolished Sami rights to exploit resources across the border. However, amidst these developments, the Sami continued their traditional semi-nomadic life, herding reindeer and utilizing resources on both sides of the border but found it increasingly difficult to do so during the second half of the nineteenth century due to competition from a steadily growing non-Sami population who are given various incentives to live and settle in these places (Andresen 1989; Niemi 2005:390-397). The special considerations granted to the Sami people under the Lapp Codicil of 1751 had been taken over by political ambitions and national considerations in the treaty of 1826. The Sami areas became an integral parts of the nation states and the impact the decision would have on the Sami were effectively ignored. With the closure of the Norwegian-Finnish border in 1852 they were no longer regarded as 'a nation within the nation but rather seen as a liability' whose sphere of activity was limited within the national borders (Lantto 2010:546-549). In the nineteenth century, the Sami area also came under the administration of Danish-Norwegian and Swedish state churches. The churches and schools were effective instruments of cultural assimilation of the Sami by means of imparting education, having catechism and parts of the bible translated into Sami and recruiting Sami to serve in the church. In

Finland, the state Lutheran church was more lenient in the use of both Finnish and Sami languages (Sillanpaa 1994:40).

Since the mid nineteenth century till up to around the Second World War, the Scandinavian countries engaged in building and strengthening the national consciousness and there was a nationwide attempt to unite all the people in each country into a single homogeneous entity. The motivation can be attributed from the geopolitical tensions the Scandinavian Countries have inherited and the fear of foreign expansion which, in turn have affected the Sami in several ways. This was also a period marked by the influence of Social Darwinism which penetrated into the sphere of 'legislation, education, scientific research and in even politics'. In such a situation, cultural hierarchies began to manifest itself in the imagination of the Scandinavian states which placed Sami at a lower social evolutionary level than other people, of belonging to an inferior race, a lower order and of lesser intelligence. Salvesen argues, "the ideology of the day gave the privilege to the so called, higher civilization, i.e. the majority culture, a moral right and indeed a duty to raise the lower orders", in this context, the Sami people. The situation was such that Sami were considered "an inferior race with an inferior culture who, by the law of the survival of the fittest, were doomed to disappear" (Salvesen 1995:107). Therefore, the only way to deliver the Sami from extinction is to integrate them into the majority culture and to help them to embrace modernity. At the same time, it was felt that the distinct cultural and linguistic attributes of the Sami would be detrimental to the consolidation of the nation states and their livelihood of reindeer herding considered unsustainable which need to be replaced by agriculture (Josefsen 2007:6).

By the nineteenth century, Scandinavian states have consolidated, strengthened and expanded their rule and control over Sami territory. This period also saw continued political upheaval, as the borders that had been established were moved and redrawn, while wars and nationalism created completely new political units in the region. Forrest (2002) sums up three dominant forces that shaped the Sami and states relationship. Firstly, nationalism was vehemently promoted across these countries at the expense of other minority communities and their cultures. Since the Sami are the largest minority in these region so they suffered the most. Secondly, the prevalence of Social Darwinism justified states policies of imposing the dominant culture interest at

the expense of the Sami. Thirdly, the goals of industrialization required natural resources of the Sami traditional area. These resources can only be amassed if the North is developed with productive societies, thus states began to dismantle the '*Siida* system', the traditional social structure of the Sami and replacing it with modern state system (Forrest 2002:258).

Denmark, Finland, Norway, Russia and Sweden have all occupied or colonised the Sami territory either independently or as part of various nation state configurations (Sillanpaa 1994:39). Overall, this transformation of the geopolitical setting, the legal and political systems have affected the Sami in a big way. The outcome of such history of conquest is the eventual partition of the Sami territory across Norway, Sweden, Finland and Russia. With this partition, the Sami people and their territory came to be divided among the four states. After partitioning the Sami territory and dividing amongst themselves, the states did not introduce any measures to enable the Sami to practice their traditional culture and livelihood. Instead, the Sami were left to conform to the different social and political system of each country they happened to be part of. In the course of time, Patrick Lantto (2010) argues that border rules became rigid and the "enforced citizenship" in the state affected the Sami in a big way. The imposition of border meant the restriction of their movement across the states and the enforced citizenship meant they got divided in their allegiance to the states causing division within the Sami themselves.

Not only did Scandinavian states' introduce any measures for Sami to practice their traditional culture and livelihood, they openly engaged in assimilation policy to a varying degree. In Norway, the main aims were twofold: first, to assimilate the Sami into Norwegian culture and to force them to change their language i.e., a policy where the goal was one of cultural and linguistic destruction. The second aim, at least, until 1933, was to end Sami reindeer herding in areas where it competed with other businesses (Jernsletten 2002:147). Norway officially adopted a policy directed towards assimilating various ethnic groups which came in the form of 'Norwegianization'[8] with an aim to regulate policies regarding 'settlement, livelihood,

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[8]Norwegianization is the term given to the Norway's policy of controlling the cultural stimuli of the entire country. All children irrespective of their background were supposed to conform to the state policy on education. The Norwegian school system removed all aspects of other culture and language from the children's lives. Sami, being the largest minority became the major victim. The result was the total immersion into the majority Norwegian society. The policy was however, justified as the best way

language and education'. The policy of Norwegianization manifested in an open crusade to eliminate any other form of cultural and linguistic orientation which became much more pronounced particularly after she regained full independence in 1905. Since the Sami were the largest minority in Norway, they suffered the most. This was a time when the state attempted to become a "unified nation in terms of culture and organization". Thus, the use of Sami language was officially forbidden at schools from 1898 to 1959. Moreover, the reluctance to embrace ethnic Norwegian lifestyle was meted with economic sanctions, reindeer herding was discouraged while sedentary farming and agriculture were encouraged as a more progressive and sustainable mode of livelihood (Magga 1994:44; Thuen 1995:29). This period is marked by open oppression for the Sami because it was perceived that the only salvation for the Sami was to embrace the mainstream identity. This took a toll on the Sami language, livelihoods, and their relationship to the land. Sami were considered to be inferior, their self-respect was shattered and they did their best to hide the stigma attached to their identity (Magga 1994:45). Thus, in 1930, 61 per cent of the population in Kvænangen municipality defined themselves as "not Norwegian", i.e. Sami. By 1950, the percentage had dropped to 0.31. This is a clear testimony of the success achieved by Norway's aggressive assimilation policy (Aasen 2004: 465-466). The long term effects of assimilation policy has ingrained into the lives of the Sami people even today. Anne Nystad[9], a respondent from an interview conducted in the course of the study in Karasjok, Norway argued that her great grandparents had to change their Sami surname to a Norwegian Surname in order to buy land. In this manner, the family came to possess a Norwegian surname and they are in the process of establishing their real surname. Towards, this attempt, her sister's research suggested that their Sami surname could be 'Yakki' although they have not officially changed their name as yet. Another respondent, Rakel[10] from Tromso said that her grandfather and father decided to change their Norwegian surname 'Nilsen' on finding out their real Sami surname to be 'Nuttyvuopio' five years ago.

In Sweden, from around 1900, Social Darwinism led to paternalistic view of Sami culture. The state held the belief that Sami culture could only survive if protected

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to create an equal platform for all the people of Norway by making all the citizens of Norway Norwegian.

[9] Personal Interview, Karasjok 12 April 2018

[10] Personal Interview, Tromso 15 April 2018

artificially in the high mountain regions. Thus, a demarcation was drawn in the 1860s which separated the Sami area of Northern Sweden into two parts. This was carried out with the intention to strengthen the rights of the reindeer herders who lived above the demarcated line while keeping away the farmers in the lower parts. An educational reform in 1913 further strengthened the effects of this frontier. By this reform, an elementary school with much lower standard than those of the ordinary Swedish schools was introduced for the reindeer herding Sami. All the other Sami groups who were not involved in reindeer herding were to go to the ordinary school in order to be made more Swedish since their life as Sami was a sham which was doomed to disappear. This resulted in a 'repressive segregation' of the reindeer herding Sami together with a policy of assimilation for the rest (Jernsletten 2002:147-148).

Finland, was part of the kingdom of Sweden until 1809, when it had to be given up to Russia from which she gained independence in 1917. Finland's break with Sweden led to the erosion of the Sami rights that had been established under Swedish rule. Soon enough, "the assimilationist policy and enculturation" of the Sami in Finland was carried out in school education. The 'use of Sami language by the Sami children was forbidden and the Sami teachers who objected to this rule were often replaced by non-Sami' (Herb and Kaplan 2008:1613).

The manner in which assimilation policies were carried out across the Scandinavian countries differed from country to country but the essential understanding of Sami as inferior was identical. Lars-Anders Baer (2005b:62), an active member of the Sami Parliament in Sweden analysed Swedish and Norwegian policy vis-à-vis the Sami people as thus: "Perhaps Sweden has never come to terms with its colonial past because the Swedish brand of colonialism was never as brutal as that in Norway." He sums up the Swedish policy in the past and at present as paternalistic whereas Norwegian policy has been aggressive Norwegianization of the Sami (Baer 2005b). He further goes on to say that Sweden's Sami paternalistic policy continues in that structures that were created in the past are still in place today (Baer 2005b:62). Von Brömssen and Rodell Olgaç (2010:131) puts the Swedish nation state has historically enforced monocultural and monolingual policies." The Swedish state has been accused of going to the extent of "even crushing local and ethnic opposition in order

to build a centralized system with a strong commitment to assimilating ethnic and social minorities (Schierup et al., 2006:198).

Overall, such policies of assimilation and enculturation by the Scandinavian states towards its Sami population placed them as an inferior group who need to be uplifted to come at par with the national self-image. It was only in the beginning of the twentieth century that saw the formation of Sami organisations across the Scandinavian countries and the establishment of the first Pan-Sami organization which brought together Sami from different countries and the need to find a common Sami platform to promote their interests on shared goals (Karppi 2001:399-400).

2.3 EVOLUTION OF THE SAMI MOVEMENT

The Sami took a long period of time to conceive a unified national identity for collective political and social action (Nickul 1977:69). Being a very small population scattered over a vast tract of land, having a wide variety of dialects which makes communication with each other difficult and the partition across four different countries resulted into divided national allegiance. These factors contributed in the slow development of Sami national sentiment (Nickul 1977:69). Besides, the Sami ethnic group in each country as a collective identity is divided into various factions. Many of these divisions are the result of administrative practices implemented by the authorities and have taken place over many generations. Thus, the practice of different livelihood resulted in different aspiration which hindered efforts at politically mobilizing the Sami for a unified collective action (Sillanpaa 1994:53).The Sami also faced a huge challenge both in terms of geography and demography in an effort to build unity around their common identity.

Scandinavian states are unitary in character with a goal to centralised power structure having the ideological proposition that state and people are one homogenous entity. Therefore, the Sami had been for a long time perceived as a culturally isolated and primitive people who need to be assimilated into the majority culture. They were rarely seen as a distinct people with a political right. According to Harald Eidhiem (1992), Sami identity formation at the organizational level evolved in four manners. Firstly, an extended period of awakening from the turn of the twentieth century until the start of the Second World War. Secondly, the formation of a number of Sami

national organization across the three Scandinavian countries during the early Post War period. Thirdly, the formation of the Nordic Sami Council in 1956 as an umbrella organization of various Sami national organization and fourthly, the era of internationalism which began in the early 1970s with the advocacy of Sami rights at the United Nations, soon followed by the establishment of the World Council of Indigenous Peoples in 1975 in which the Nordic Sami Council played an active role as one of the founding member of the organization (Eidhiem 1992a:10).

From a Sami point of view, the sharpening of conflicting interests between the larger society and the Sami is a decisive factor in triggering a unification process on several different levels. The uncontrolled pressure on Sami traditional land caused changes requiring a joint Sami reaction. Tom G. Svensson (1999) argues that the Sami ethnicity was intensified and grew in importance when the interethnic relationships between the minority Sami and the majority society were formalised. In Norway, the Sami in the fjord areas of Finnmark came together to oppose the policy of linguistic assimilation. There was no formal organization, but a grouping around Sagai Muittalaegje, a northern Sami language newspaper that came out in the year from 1904 to1911. Throughout 1919 to 1921, the Sami in Norway made several attempts to organise politically through meetings and other organizational activities. According to Jernsletten, the collapse of the Sami movement in Finnmark can be ascribed to two factors. First, it had been directed against the Norwegian State's linguistic assimilation policy which had been hardened rather than eased in the years between 1900-1930. Secondly, economic depression led to many of the Sami activities finding it more worthwhile to join the mainstream labour party (Jernsletten 2002:148-149).

The Sami movement toward unification began with the formation of local associations, at most involving a few local communities within a limited region. Lacking adequate fora for organized gathering, the Sami were relatively isolated at this time both vis-à-vis the outside world and internally. Contacts between Sami belonging to different local communities and associations were infrequent and incidental and therefore did not constitute much of a foundation on which to build Sami ethnicity. Initial attempts by the Sami to form nation-wide associations were systematically curtailed and opposed by the authorities. Apart from very few occasional meetings held to take a stand or to express an opinion on a significant

single issue, the Sami did not succeed in forming their own organization on a national level until 1950. This occurred close to 50 years after the first Sami association was founded. With certain variations, this process of change took place after the Second World War era simultaneously in all the three Scandinavian countries of Norway, Sweden and Finland. Parallel to this movement, a pan Sami movement emerged, the aim of which was to outline an inter-Nordic Sami organization (Jernsletten 2002:151).

Initially, Sami activists confined their activities and organizations at the national level by making repeated statements that 'they as well as their movements were loyal subjects of their respective state'. It was in the Post Second World War, the Sami started working at the pan Sami level. An initiative for co-operation amongst the Sami at a pan-Sami scale came in the form of a proposal to organise the first Sami Conference which was raised at a seminar in Stockholm in January 1952. The delegates were experts in Sami culture and the theme was domestic handicrafts. The Conference must be seen in connection with a series of domestic handicraft exhibitions and seminars held over the years from 1950-1952 in Lillehammer, Jokkmokk, Karasjok and Stockholm. Cross border contacts were also organised through Sami youth and cultural colleges which were set up during the 1940s and 1950s. At the Sami Conference in 1953, it was also stressed that the schools should provide their pupils with practical skills, social skills and a more positive self-image (Jernsletten 2002:150). The Sami Conference soon began to be seen as a platform of meeting place for all the different groups that had an interest in Sami questions ranging from researchers, administrators, politicians and pedagogues. The Conferences were characterised by social and cultural events, with a strong dose of popular, research-based education, formal academic type lectures with little political activity. History, ethnography, educational and reindeer herding questions received much attention in the formal lectures. The political discussions were focussed on the possibility of setting aside an area of land that could be defined as 'Saami', and to agree on a common definition that would apply across the Scandinavian countries. These questions were closely tied to the commitment to obtain a uniform legal framework covering all the Sami across boundary. The argument was that if specific rights were associated with membership of a national minority then it should be possible to determine who should benefit from them and possibly in which geographical areas they should apply (Goran von Bonsdorff 1969).

Initially, the activities of Sami organizations were confined around various cultural and linguistic activities attached culturally specific livelihood like reindeer husbandry. Such activities gradually extended into "a wider perspective on Sami culture within the Nordic countries and began to assert their rights to exercise certain forms of self-determination" (Sillanpää 1994:37). Gradually, the Sami movement developed into a 'political mobilization yet the Sami have skilfully developed the process of ethnic revitalization by expressing their identity through music, art, education, research and popular culture'. Initial attempts by the Sami to form interest groups in the lines of other groups in the society in the beginning of the twentieth century was meted with resistance from the authorities for a period of time. However, the state began to realise the importance of Sami issues and the challenges it would be confronted with if not taken care of. By the second half of the twentieth century, the Sami movement began to take on the characteristics of nation building and the movement created different symbols that represented a nation - a Sapmi map and flag, and the transformation of the negative stigma attached to Saminess to a more positive marker of Sami identity (Gaski 2008:220).

The 1960s and 1970s also saw a wave of international awakening and discussion of minority rights and by the 1980s, over 1,000 international indigenous organisations were established. It was only after the Sami themselves got in touch with other mainstream indigenous movement worldwide that the states could no longer ignore the Sami claims (M O'Dowd 2015:202). This was also a period that saw the development of a research-based understanding of ethnicity in which the "role of mobility, contact and interaction in maintaining ethnic group identity with cultural functions played a determining role". The understanding resulted from Fedrick Barth's argument that there can be continuity in ethnic boundaries even when these cultural factors and other markers that signal such boundaries change. It is not confined to social boundaries but also applies to its territorial counterpart. Such an analytical understanding of ethnicity resulted in a broader political understanding of the Sami as a separate ethnic group with its own deep historical roots (Falch et al. 2015:5). Subsequently, Sami ethnicity has been successively reinforced by the emerging political structure and the growth in cultural awareness reaffirmed by continuous political activities including meetings, assemblies, conferences, delegations approaching the authorities etc,. Thus, Sami ethnicity is reconfirmed and

strengthened and the political structures became more ethnic, as a consequence far better adapted to function adequately in a majority-minority context (Eidheim 1971).

According to Sillanpää (1994), another aspect of ethnic revival throughout Western Europe in the early 1960s came in the form of minority groups asserting itself on how it wished to be viewed by outsiders. The Sami have within one generation, emerged from a disparate collection of widely scattered and isolated communities into a collective political entity with an extensive range of contacts throughout the world. The small Sami minority have developed a sophisticated network of organizations at both the national and pan Sami scale. The Sami ethnic revival has also been characterised by a professionalization of the leadership as a result, in many cases, of a new university educated leadership with a verbal competence able to work with the general public and the media (Sillanpaa 1994:62-63). A key development for Sami organizations in all the three countries, as well as at the pan-Sami level, has been the development of a Sami ideology or value system, that is, "a personal pride in being a Sami and having society appreciate the worth of Sami culture" (Allardt 1979:67). Henriksen[11], a respondent from Karasjok during the interview argues in the same line. He said that there used to be a time when the Sami language was not to be spoken in public because it was considered something to be ashamed of, so Sami hid their identity since they are mocked upon, but that phase has passed as far as Karasjok is concerned. Yanne[12], another respondent from the same region agrees to the new kind of acceptance the Sami gained over the years. However, she narrated an incident in Trondheim when she faced racial discrimination and mocking from a group of Norwegian boys at her college due to her accent. She reported the matter to the college administration to which the boys were made to apologise. She added that although the acceptance of Sami is gradually developing, the Sami still face discrimination and prejudice in a subtle way. It was the Norwegian government's decision to build the Alta Kautokeino dam in the late 1970s which eventually resulted in the rise of an organised pan Sami movement in the long run. The Alta-Kautokeino affair happened not long after the referendum on Norwegian membership to the European Economic Community (EEC) in 1972. This is a period when nature conservancy movements and popular opposition to Norwegian regional policy form

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[11] Personal Interview, Karasjok 13 April 2018
[12] Personal Interview, Karasjok 12 April 2018

the context for what happened around 1980. The proposed dam meted with strong opposition from the Sami who feared negative consequences on their settlements, fishing and herding activities (Jernsletten 2002:161). The Sami resorted to demonstrations, hunger strikes, negotiations and marches as well as roadblocks and human walls to prevent machinery from entering the river area. The Alta-Kautokeino affair which started as a movement against a hydroelectric scheme ended up as an alliance between Sami activists, conservationists and political forces on the left of Norwegian politics. The affair received much attention both in Norway and internationally and directed an embarrassing spotlight on the authorities' Sami policy. Although the dam was ultimately constructed, on a revised plan, the Norwegian State strongly felt the need to tackle the emerging Sami movement. The movement had positive consequences for it build a bridge between the Sami and Norwegian government for future course of action. Overall, the movement was seen as not just a conflict of interest between the government and the Sami people of the area but an issue affecting the common interests of the Sami people at large which subsequently resulted in a wider pan Sami solidarity with each other (Karppi 2001:400). The enormous attention paid to the Alta-Kautokeino affair led many Sami who previously had been indifferent or hostile to their Sami roots to re-appraise their position. A Sami respondent who worked in the Sami Parliament at the time of the interview narrated how his elder sister actively took part in the protest movement against the construction of the dam much to the fear and opposition from their father who was worried for the consequences her participation in the protest would befall on her. It was from this controversy that the problems of legitimacy arose which led to the government setting up two Committees in 1980 which will be discussed in the subsequent chapter. Neither in Finland or Sweden has there been a comparable popular debate on the Sami issue. In Sweden especially, there seems to be a strong element of continuity from earlier times with the Sami being associated exclusively with reindeer herding (Jernsletten 2002:161-162).

Salvesen (1995) identified six characteristics of the Sami people. They are:

(i)   Historically, the Sami belong to an unique linguistic, cultural and ethnic people who are considered to be one of the earliest inhabitants of the 'Nordkalotten'.

(ii)   Since the middle ages, Sami have always enjoyed a minority status in one form or the other in the various states that arise from the 'Nordkalotten' region;

(iii)   The Sami never identified themselves with the majority population in the states they have lived in.

(iv)   The Sami feel that in their relationship with the majority culture, they have always been on the receiving end, as the losing party, territorially, economically, demographically as well as in matters of cultural identity.

(v)   The areas inhabited by the Sami attracted the interest of their powerful neighbours who gradually share these areas amongst themselves.

(vi)   The Sami way of life has evolved in different ways across the four states of Norway, Sweden, Finland and Russia which, in drawing up their borders, divided the Sami area amongst themselves (Salvesen 1995:106-107).

2.3.1 NORWAY

In Norway, the first General Congress of the Sami was held in February 1917 at Trondheim. The state provided travel subsidy to discuss issues around reindeer herding and education. It resulted in the formulation of a collective statement on reindeer pasturage. This was followed by a Second General Congress held in 1921 at Trondheim with lesser number of participants than the previous Congress (Sillanpää 1994:54). Sillanpää further argues that the attendance of Norwegian officials may have had dampened the spirit for discussions. Also, such was a time when authorities looked at Sami activities in a bad light. Subsequently, Sami collective activity soon died down in the mid1920s without achieving any remarkable success only to resume in the post Second World War. In 1948, the first Sami national organization known as Norske Reindriftsamers Landsforbund (NRL or The Sami Reindeer Herders Association of Norway) was formed which concerns itself solely on activities related to reindeer herding. Since the organizational structure of the NRL caters the sole interest of reindeer herding Sami, it end up creating a division between those who keep reindeers and those who do not (Sillanpää 1994:57). In 1968, a second Sami national association known as Norgga Samiid Riikkasaervi (NSR or The National

Association of Norwegian Sami) was founded by merging together four local Sami associations in Finnmark and Sami Saervi (Sillanpää 1994:57). The NSR came at a time when the state began to abandon its assimilation policy coupled by the adoption of welfare state for all and the emergence of the educated Sami youths who started to question the status quo policies of the states. Such a condition gave a favourable ground for the Sami to mobilize for cultural recognition and equality in the society. The NSR worked towards the recognition of Sami traditional land and resources. In 1979, a third Sami national organization known as Sameness Landsforbund (SLF or The Norwegian Sami Union) was established to promote the general interests of the Sami in matters related to linguistic and cultural rights (Sillanpää 1994:57).

2.3.2 SWEDEN

In Sweden, Sami politicians applied for state subsidy to conduct a general meeting at Ostersund in 1918 in order to discuss on a proposed legislation vis-à-vis the Swedish Sami. Swedish Sami managed to establish Lapparnas Centralforbund (Central Lappish Union) as a national Sami representative body with local branches but it soon met a similar fate from the Swedish government who refused to recognise its existence nor extend any kind of assistance and the initiative collapsed by 1923 (Sillanpää 1994:54). Swedish authorities gradually realised the need of a Sami national organization for collective action so it sponsored general meetings in 1937 and in 1948 to obtain their opinion on legislation before the Swedish parliament (Sillanpää 1994:54). The post second world war Sweden saw the establishment of the Same Atnam (National Association of Samiland) in 1945. The Same Atnam works towards promoting the interests of reindeer herding Sami and in promoting Sami craftsmanship simultaneously. In 1950, the second Sami national organization known as the Svenska Samernas Riksforbund (SSR or the National Union of Swedish Sami) was formed to look after the economic, social, political and cultural interests of the Sami in Sweden (Sillanpää 1994:55). Both these organizations have been represented in most of the government committees and agencies on Sami issues (Sillanpää 1994:56). In 1963, Saminuorra (The Swedish Sami Youth Association) works towards promoting the interest of Sami youth in Sweden. The Landsforbundet Svenska Samer (LSS or the Swedish Sami Union), established in 1980, together with

Saminuorra both works to promote unity among the Swedish Sami (Sillanpää 1994:57).

2.3.3 FINLAND

Finland after gaining its independence from Russia in 1917 had for a long period of time ignored the cultural and linguistic concerns of its small Sami population of the far north. It was in the year 1932 when several Sami, non-Sami individuals and researchers working on Sami language and culture formed the Lapin Sivistysseura (Society for Promotion of Lapp Culture) in Helsinki (Sillanpää 1994:54-55). The initiatives led by the non-Sami engaged in the field of academia, linguistics and clergy towards the creation of various national and pan Sami organizations has been noteworthy and this also marks the organizational setting for the Sami in Finland quite different from the other two Scandinavian countries (Sillanpää 1994:58). The final stages of the Second world war resulted in the evacuation of Lapland where Sami population were temporarily sheltered in the Kalajoki Valley. In 1945, the Sami began to be organised under the banner of Samii Litto (Sami Union) in Alavieska (Sillanpää 1994:58). In May 1947, Lapin Sivistysseura and Samii Litto jointly submitted a memorandum to the Finnish Government which led to the appointment of the Commission on Sami Affairs in 1949. In Finland, the state played an instrumental role in conceiving a platform for the Sami to maintain their collective political identity through the establishment of the Sami delegation or the Sami parliament as early as in 1973. Since the Sami in Finland are much smaller in terms of population as compared to Sweden and Norway, they have neither been able to form any strong interest groups like their counterparts in Norway and Sweden nor were they able to form a nationwide organization by themselves (Sillanpää 1994:58-59).

Coming to the Sami political position, Sillanpää (1994) highlights this position on three inter-related issues vis-à-vis their aboriginal land title:

(i)   The Sami are demanding a legal recognition of their traditional livelihood particularly hunting and fishing that was practised by them even before reindeer husbandry became fully developed. They argue that these practices taken together, equally constitute their aboriginal rights and they demand that

their aboriginal right should not be tied exclusively to the administration of reindeer husbandry as has been the case in Sweden.

(ii)   There has never been a case of any group of Sami people ever having conceded their land ownership to the state as the case of Indian treaties in Canada. To the Sami, therefore, the very question of the ownership of the land remains an open one and they have repeatedly challenged the state in Norway, Sweden and Finland on the acquisition and administration of ownerless land.

(iii)   The Sami have also demanded that they should have a right to share in revenues collected from the exploitation of resources within their homeland region (Sillanpää 1994:82-83).

The first concrete political Pan Sami initiative was established in 1956 with the formation of the Nordic Sami Council. It was undeniably the oldest international aboriginal rights organization in the Arctic region (Sillanpää 1994:59). With its formation, the political Sami movements across the three Scandinavian countries became better organized (Lantto 2000, 2003). It aimed towards formulating a common political platform and to carry out Sami political actions reflecting common goals among the majority of Sami. It changed its name to Sami Council with the inclusion of the Russian Sami in 1992. Gustav Park, an important Sami activist in Sweden described the development of organised Pan-Sami Movement as one Sami people unconstrained by dividing state borders is on the verge of being welded together into a true national community (Lantto 2010:550-551). In this manner, the Nordic Sami Council has acted as the highest representative institution for the Sami people living across the Scandinavian countries. Sami argues that "as a people, like all other peoples they have the right to freely determine their own political status, freely pursue their own economic, social and cultural development and freely dispose of their natural wealth and resources for their own ends." This position has been maintained in various official resolutions and declarations adopted over the years. An important milestone towards achieving this goal has been the formation of Sami Delegation in Finland in 1973 which was upgraded to a publicly elected Sami parliament in 1996 , Sami parliaments in Norway and Sweden in 1989 and 1993 respectively (Sami parliament in the three states will be discussed in detailed in the next chapter). Apart from this, the Sami Parliamentary Council was formed in 2000

which comprises of the three Sami parliaments of Norway, Sweden and Finland along with the permanent participation of Sami from Russia (Henriksen 2008:29). Over the years, the Sami Parliaments, the Sami Parliamentary Council, the Sami Council and the Sami Conference have collaborated towards achieving Sami self-determination.

In 2004, the Sami Conference, the parent body of the Sami Council stated:

the Sami are one people and that national borders shall not infringed on our community and that the nation states Finland, Norway, Russia and Sweden partly have been established on land and sea territories belonging to the Sami people; areas that the Sami possessed and managed from time immemorial before the formation of the states (Honningsvag Declaration 2004).

The Sami Conference further reiterated that the Sami people themselves, in accordance to the right of self-determination, have both the right and the responsibility to administer the development of the Sami society (Honningsvag Declaration 2004).

In order to further enhance Sami cross-border cooperation, a proposal for drafting Sami Convention was initiated since 1986 and in 2005, the draft Nordic Sami Convention was presented. This was also the year when the first Joint Conference of Sami Parliamentarians was organised in which members of the three Sami parliaments of Norway, Sweden and Finland who came together reminded the "states to comply with their demands for the implementation of the Sami people's right to self-determination in accordance with international law, particularly joint Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR)" (Declaration of Sami Parliamentarians 2005). The Sami leaders have described the draft proposal, if adopted, can be seen as a renewal of the addendum to the Lapp Codicil of 1751 signed between Norway and Sweden which in the past, had guaranteed certain cross border rights and privileges to the Sami.

2.4 SAMI DEMANDS AND ASPIRATIONS

A primary objective of Sami politics is to maintain cultural viability under varying circumstances. According to Tom G. Svensson (1999) this involves three inter related

issues. First, to counteract assimilation with greatest possible force despite intensified cultural contact. Second, to assure continuity in traditional resource utilization and development. Third, to restrict socio-cultural implications of industrial developments (Svensson 1999:129). Svensson further argues that the realisation of cultural viability may be conceived of as a primary objective of ethnopolitics. However, cultural viability is not a kind of property which can be acquired on a permanent basis and retain with no further effort. It has to be reconfirmed continuously and the ongoing process of reconfirming cultural viability requires a political structure to which a certain amount of power is attached. It is important to carry out ethnopolitics vis-à-vis the outside world and internally, it reinforces and affirms cultural vitality and uniqueness (Svensson 1999:133).

The interpretation of territory both by the international law and indigenous people differs to a great extent. The former regarded territory as an essential component of state sovereignty while the latter challenged this notion of territory. The conception of territory for the Sami people does not involve a demand for a sovereign existence. All they asked for is "a clear title to land, veto power over state sponsored resource extractions and a more input into policy decisions that affect the Sami inhabited areas" (Korsmo 1988:509). Furthermore, the state's conception of territory is "bound, static and a physical component of sovereignty" while the underlying feature of the Sami's conception of territory is its "dynamic relationship with cultural identity, for survival and generational continuity, source of livelihood, set of passageways, means of organizing an existence based on mobility and seasonal change." The Sami argues their territorial rights from an indigenous people standpoint. It is in this language that "the Sami Council and its affiliated organizations at the national level presented Sami identity as a coherent whole arguing for Sami territorial rights based on features of Sami culture such as their unique livelihoods based on reindeer breeding; their separate identity as an indigenous people; their needs as nomads and their ecologically sound practices suitable for the Arctic. Since for the Sami, territory plays an integral role in the continuation of their culture, the connection with the past generations and the dynamics of social change" (Korsmo 1988:514-515). As a result, a basic demand of the Nordic Sami Council to the respective national governments is "to protect the status of the Sami as an indigenous people granting them the unqualified rights over not only the land and water but also to establish laws that

enable the Sami to practice their traditional livelihoods." Despite a competing conception of territory by both the state and the indigenous people, the former view has a longer tradition while the latter view is emerging to be accepted (Korsmo 1988:510). In looking at the relationship between the Scandinavian Countries and the Sami people, it is also important to contextualise their relationship. Historically, "state security and national sovereignty" always topped any other considerations in the Scandinavian Countries. This has been a result of the "history of conquest by each other on one hand and on the other, by Russia" which are still very fresh in the minds of these states (Korsmo 1988:510). This could be an important determinant on why these states refused to entertain Sami issues for a long time and have thus associated nationalism with a strong sense of territory and self-determination.

Sami leaders always maintained that their sense of nationhood is not a demand for the establishment of their own Sami state, i.e., a politically and territorially circumscribed entity, it is, rather a demand for being a nation with an aspirational level and a common desire to create a society whose members are united one with another by their shared cultural bonds despite of the countries in which they live in (Salvesen 1995:119). It is interesting to see how and why the Sami came to have an exclusive sense of ethnic identity which is different from the nation state. As Salvesen (1995) argues that the "formation of ethnicity like nationalism is a result of an historical process asserted on the basis of how one defines oneself with his or her relationships to others they do not identify with". This equally applies to the Sami who are always in contact with a majority community they do not identify themselves with. Salvesen argues that this contact resulted in 'ethnic anaemia in the Sami culture'. Salvesen further argues that unlike other national movement, Sami identity is there without the need to invent one yet 'divided national allegiances, different languages and dialects, a very small population base scattered over a wide area and living in four different countries acted as major impediments towards Sami national sentiment' (Salvesen 1995). The impediments to Sami national sentiment manifested into different set of problems and demands for Sami living in different region. The demands of the Sami living in the southern region are broadly economic in nature with reindeer herding constituting an important right whereas the demands of those living in the North revolves around cultural issues. The explanation for this according to Salvesen is that the Northern Sami still had a living language, a traditional life style and they did not

feel that their reindeer herding was under any direct threat, so the fight was mainly against assimilation. This is not the case when it comes to the Southern Sami. Here, the demands were mainly confined to economic issues because assimilation, both in Southern Sweden and Norway had gone too far for successful mobilization against it, so all that is left to them as an ethnic identity was tied around the issue of reindeer herding itself, which had also come under threat. As a result, the demands of the southern Sami are directed against an ever expanding agricultural society that has the backing of the authorities (Salvesen 1995:131-32).

The non-conformity of interest among the Sami communities have been an impediment but not impossible to conceive common aims that has both economic and cultural component. In Norway, an important demand made is that both the 'Norwegians and the Sami should receive the same treatment'. By this argument, the Sami argues that they should enjoy the "same civil rights as Norwegians and that it should not be necessary for them to master another culture before they could get their share of the society's benefits" (Salvesen 1995:132). Another equally important demand has been for Sami autonomy. By this, the Sami should be provided with the necessary incentive to "promote and develop their language and culture in their own terms". The Sami leaders believed in the power of education to protect their interest and culture and in propagating positive information about the Sami among the majority community as a measure to undo the ignorance, discrimination and apathetic treatment meted out to the Sami by the majority society at large. This is another area that the Sami leaders sought to address.

The issue of land right is of vital importance to the Sami people. As a semi-nomadic people the exploitation of the land they have occupied and used for over many centuries is all the more important for the 'access and denial of it determines the survival or destruction of their mobile lifestyle'. However, Jeremie Gilbert argues that throughout history, 'nomadic people have been deprived of any rights to land because their nomadic lifestyle was considered to fall short of the criterion for effective occupation of the land' (2007:681). This is because, nomadic mode of land use which covers vast stretch of land, its dependence on the ecological factor differing on a yearly basis are considered by the state, to fall short for claiming legal entitlement to land. However, a positive development in this aspect is the arrival of various

international human rights law which sought to protect nomadic peoples' right to live on their land in their traditional ways through the gradual establishment of law dedicated for them (Gilbert 2007:681). Attempts will be made in the next chapter to see how far and in what areas are the Sami people able to make progress in these sphere.

The demands put forth by Sami for "collective rights has its roots in the maintenance of cultural affinity among the Sami people across state boundary and the result of the circumstances under which their historical settlement areas have more or less forcefully been incorporated into the nation state" (Oskal 1998:149). The Sami questioned the manner in which they have been incorporated into the state without their own consent and the resultant division across four different states. Since they are in a non-dominant position in the respective state they happened to fall in to, it was extremely difficult for the Sami to raise their voice towards political action. This was followed up various states' policies that works against the Sami in the form of the "influx of state induced settlement programmes, land encroachments, discrimination, political and cultural oppression and varying degrees of assimilation policy." These have put so much pressure on the Sami with their traditional societal culture, to use Will Kymlicka's term and they were not being able to tackle these new challenges. This circumstances forced Sami leaders to mobilise for protecting and promoting their "language, culture and their rights" (Henriksen 2008:28-29). Thus, the need was felt to engage more actively in the level of local, regional and national politics, in establishing contacts and networks with one another within as well as across state borders. Henriksen maintains that while the Sami leaders are, in principle seeking recognition to the rights of Sami self-determination, they are practically demanding a certain level of autonomy and self-government in matters relating to their internal affairs, which signifies, among others, the right to have their own economic, social and cultural development. In other word, 'they are seeking for the right to exercise control over their traditional lands and natural resources which is seen as an integral part in the fulfilment of their self-determination' (Henriksen 2008:30).

An important political goal of the Sami people is to ensure the unity and bonding of the Sami people across the state boundaries. In maintaining this goal, they do not wish to form an independent state or the alter the boundaries of these states (Declaration of

Sami Parliamentarians 2005). Henriksen calls it an aspirational level of self-determination to be established across the state boundaries (Henriksen 2008:34). Thus, mutual trust and common understanding between the Sami leaders and the states are essential for anything substantial to happen.

2.5 CHALLENGES FOR A PEOPLE DIVIDED BY DIFFERENT NATIONAL BOUNDARIES

The formalization of border and corresponding citizenship give rise to the politics of inclusion and exclusion, a categorization which determines 'us' and 'them', the former those who belong together inside the state and the latter, who fall outside the category (Rose 1995:99, Paasi 2001:25). The Sami were "neither fully included nor excluded in the newly formed national contexts but rather secluded, cut off from traditionally used lands and separated from other parts of the group by national borders and enforced citizenship, creating boundaries from each other". They were collectively incorporated as a citizen but their collective rights and interests as a people remained ignored (Broderstad 2008:116). The 'enforced citizenship' within a single state confined them into a structure, which simultaneously work towards dividing them further and further with the passage of time. The Sami traditional areas which had previously been an open stretch of land got fragmented into different state structures separating and damaging their cultural communities. The Sami found themselves in a new social structure in which they have to cooperate with communities they never met before. Thus, the imposed state borders not only divided the Sami traditional areas and shattered their traditional way of life, it was also being followed up by enforced citizenship in each of the states which eventually caused division to the internal cohesion of the already heterogenous Sami society (Lantto 2010:544). In an interview conducted in Karasjok, Norway Nystad[13] mentioned that her mother is a Sami belonging to the Finnish side so their cabin is located on the Finnish side of the border. In the same manner, another responded Anders Henriksen[14] who worked at the Sami Parliament at the time of the interview argued that the political border has not really affected them as far as their kinship is concern. He contended that he has relatives on the Finnish part of Sapmi and his cabin is also located there as well. He mentioned that many of them in Karasjok have their

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[13] Personal Interview, Karasjok 12 April 2018
[14] Personal Interview, Karasjok 13 April 2018

families and cabins on the Finnish side. He, however added that the government's move to fence the border which it is considering and in some places the process of fencing have also started at certain place is beginning to show a negative impact on the cross-border rights of the Sami. Partition, however contested it may be, it subsequently changed the social and economic reality of the Sami as well as how they came to perceive themselves 'from simply being Sami to being Norwegian, Swedish, Finnish or Russian Sami' (Lantto 2010:553). In addition, the "spread of Orthodox Christianity in Russia while Protestant in the Scandinavian countries cause certain difference but most importantly, the Iron Curtain effectively isolated the Russian Sami" in many ways for a long period. Russia being a very huge country with so many ethnic minorities and Sami being one very small group among them further limited the position of the Russian Sami to those in the Scandinavian countries.

As a group who are divided across different state boundaries, it is important to see the challenges the Sami had to face in their political aspirations towards transnational polity building. Eriksson argues that transnational polity building is assumed to be more difficult than domestic polity-building. This is because polity building across borders involves the interplay of international law and differences between the adjoining political systems. Eriksson (2002) contends that 'Sapmi', the geographical name attributed to the Sami homeland, is a social and political construction of the twentieth century which is still in progress. He, however argues that this is not to deny that the Sami cultures, languages and communities have existed for many hundred years. In a historical perspective, the efforts to institutionalise and unify the Sami on a transnational level clearly break with the Sami tradition of small, dispersed and decentralised communities. Hence, he argues that the Sami cannot draw on previous experiences but have to make a political innovation. While the establishment of a sovereign Sami state has never been in Sami political agenda, the goal of pan Sami movement is to conceive ways to unite across borders while the partitioning borders remain intact (Eriksson 2002:239-240). According to Eriksson, the transnational aspect of Sami movement is that 'Sapmi' is conceived of as a homeland that is divided across Norway, Sweden, Finland and Russia while the institutional aspect embodies efforts to build political bodies which represents the Sami people in the form of the three Sami parliaments and attempts to put together Sami political institutions on the transnational, pan Sami level. It is by setting up common Sami

political bodies that the Sami activists sought to maintain and defend their imagined homeland (Eriksson 2002:243).

According to Eriksson (2002), the division of Sami across four different states imply a great deal of obstacles and barriers in terms of political, legal, cultural, interests, infrastructural and geographical. For transnational polity-building to succeed, the separation and variation between the political and legal systems of the partitioning states are the most serious obstacles which equally applies to the Scandinavian countries. This difficulty also translated in such a way that the Sami would make distinction between 'domestic and international issues'. Platforms such as the European Union, the Barents region, Nordic co-operation and the United Nations are considered to be international while almost all the other platforms are considered domestic. Despite their common identity, the Sami have the tendency to distinguish between what happens within each separate state and what goes beyond. The issues that occurs within each state is usually considered a matter only for those Sami who live in that particular state. As a result, domestic issue began to take precedence over those of international ones. Eriksson, thus argues that the partition and transnational polity-building are issues confronting both the Sami and the states on a daily basis which resulted in a surrender to state-centric thinking (Eriksson 2002:244). This view point was also made by experts in the interviews conducted in University of Tromso during the field study. in an interview with Hans-Kristian Hernes[15], he argued that Sami issue is more of a national agenda so are the working of the Sami parliaments. Since each state achieve things on a day to day policy basis so the Sami have to be in constant touch with the state. He further pointed out that the Sami are locked in their respective State's defined structure which has different national structure, and their demands are set on the national context in which they live in, this facilitated different arrangements for them. As a result, the pan Sami movement is not so important in the day to day matter of the Sami people. Being divided across different countries, Sami activists argue that this division has fragmented them culturally because each country have a separate set of legal, political and economic structures which to a great extent becomes an obstacle to the development of an unified Sami rights and opportunities across these states (Eriksson 2002:245). The difficulty was expressed way back in 1959, when the Sami in their meeting with the Nordic Council parliamentarians

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[15] Personal Interview, Tromso University 16 April 2018

conveyed their fragile social and economic position within their homeland and their intention to redefining their position as a people within the 'Nordic setting'. The ideal case would have been to achieve the same rights within each country rather than the situation in the present context where each country provides a different set of national criteria as to who are Sami and what kinds of special rights this entails, if any. The Sami have emphasised on the need to have one common definition and set of rights and have called for some kind of 'Nordic resolution' to this matter (Helander 1991).

As mentioned earlier, the end of Second World War saw the Sami people from across the borders coming together to form the first Pan Sami organization known as the Nordic Sami Council in 1956 with an objective to the promotion of their common interests and their rights as one people. In 1992, it was renamed the Sami Council to reflect the inclusion of Russian Sami as a permanent member. It consists today of 15 representatives of which five comes from Norway, four each from Finland and Sweden and two from Russia. These representatives are elected at the Sami Conference normally held after a gap of every four years. Since its inception, the Sami Council pledge to work towards ensuring that the Sami people are acknowledged and treated as one people. in addition to this, the Council pledge itself to work towards protecting and promoting the Sami people's economic, cultural, linguistic and social rights. This come along with the right over their land, water and its resources and the right to practice their livelihood (Sara 2002:17). Despite the formation of the Council, the challenges they face as a people divided across different boundaries continues. Thus, the Sami Council, in its capacity, work towards reaffirming and strengthening the identity of the Sami people by keeping the pan-Sami movement alive. The statement made by the Nordic Sami Council at the Seventh Sami Conference in 1971 illustrates this spirit:

We are Sami and want to be Sami, without therefore being any more or less than other peoples in the world. We are one people, with a territory, a language and a cultural and societal structure of our own. Through history we have found our subsistence and lived in Sapmi and we own a culture that should be developed and continue existing (Ruong 1982:257-258).

A joint meeting of the Sami Parliaments in 1993 reiterated that the Sami political principle is based on the understanding that the 'Sami are one people and that state

borders must not divide their community' (Sara 2002:24). For this reason, the Sami expressed their desire to continue their interactions and contacts across the state borders. For them, state borders are modern constructions. However, the borders once pronounced officially created insurmountable hardships to the continuance of their traditional way of life and it has also acted as a threat to the Samis' very own existence as a single people. Therefore, the Sami have been working ceaselessly toward maintaining unity between Sami across the borders as well as collaboration between the states. This is being sought to be carried out by working towards formalising cooperation between institutions, organizations and even the elected bodies of Sami parliament across state borders. Such collaboration is considered not only natural for the Sami but it is essential to co-ordinate on issues and problems they commonly face as one people partitioned across different countries and to formulate joint political actions. Sara maintains that the Scandinavian states have all acknowledged the importance of giving Sami Parliaments an active role in this collaboration and acted as the 'central actor in future development of Sami society across the Nordic borders' (Sara 2002:24-25). It is towards achieving this aspect of cross border cooperation that the Sami emphasised upon. The respondents of the interviews carried out among the Sami in Karasjok reveals that they see each other as one people despite being situated in different countries. Nystad[16], argued that the partition has no real influence on how she thinks about the Sami living in other countries. At the same time, she also feels very lucky to be on the Norwegian side because the situations of Norwegian Sami are far better than those in Sweden and Finland. She further pointed out the existence of joint forums for language class across the border which she herself had benefitted since her mother is a Finnish Sami and a Finnish citizen. There have been regular cross-border cultural and educational exchange programmes targeted especially for Sami youths in which she had been actively involved in. In 2017, she participated in the celebration of the hundred years of Sami National Day held in Sweden.

As mentioned earlier, the Sami have succeeded in putting the draft Nordic Sami Convention on the agendas of the Scandinavian governments. Constituted in 1986, the Nordic Working group on the Convention with representatives from the three governments as well as the three Sami parliaments presented a report in 1998 which

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[16] Personal Interview, Karasjok 12 April 2018

concluded that the Sami can and should be signing parties to the Convention alongside with the state governments. If this is the case, it would represent a radical shift in the role and position of the Sami because states have been traditionally the primary subjects in international law. Another major goal of transnational Sami politics is the establishment of the Sami Parliamentary Council or perhaps even a common Sami Parliament. The Sami Parliamentary Council is so far an informal co-operation between the leaders of the Sami parliaments in Norway, Sweden and Finland. It comprises of 21 members appointed from among the representatives elected by all the three Sami parliaments (Henriksen 2008:29). It works towards the promotion and maintenance of Sami language, education, research and economic development and in bridging the cross border gaps that may have existed between the Sami people and to help them in providing a platform for coordinated voice at the international level such as the United Nations. In all, the task of the Council is to co-ordinate policy on issues of common interest in order to take a common action on behalf of the Sami as a single people. Since the Russian Sami do not have a parliament of their own, they could not participate on an equal term. Eriksson(2002) argues that this indicates the importance of building blocks on each side of the partitioning borders because the kind of opportunity enjoys by the Sami depends on the state they happened to belong in to. This is an important reason on why the Sami activists pressed so hard to get a Nordic Sami Convention implemented. The rationale behind this convention is to establish a common legal protection of Sami rights in all three Scandinavian countries based on international law. This would to some extent counteract the existing difference between the opportunity structures across the Scandinavian states, if not Russia. Eriksson argues that the exclusion of Russia from the Convention shows that a base requirement is compatibility between national political systems as well as national support for transnational co-operation which is the case among the three Scandinavian Countries (Eriksson 2002:245).

Eriksson made the following observations as far as the challenges associated with Sami people are concerned. Firstly, the construction of the Sami as a 'single people' is a long way from completion. If it had been a widespread popular identification, there would hardly be any strong political opposition against it. Secondly, for transnational co-operation to gain legitimacy and support, a broadening of participants is necessary. Limiting the co-operation only to the three Sami parliaments and on most occasions

only the three Sami presidents, the political opposition might feel excluded and neglected. Political efficiency might be gained initially but it is political legitimacy which will sustain. Thirdly, the initial opposition in the Swedish Sami parliament to the treaty on Sami Parliamentary Council which was subsequently ratified later on demonstrates the vulnerability of transnational politics despite enjoying the support by all other parties and the Scandinavian state governments (Eriksson 2002:246-247).

Overall, the Sami movement pursued a dual strategy in its effort to stake claim of their rights. On the one hand, through dialogue and on the other, through agitation or resistance (Lewis 1998). By the former strategy, the Sami leaders and organizations work tirelessly to maintain an open dialogue with the government officials and parliamentarians through the pan-Sami political action programme first instituted by the Nordic Sami Conference in 1971, revised in 1980 and again in 1986 (Nordic Sami Council 1986a). Lewis(1998) asserted that the Sami political programme calls for the recognition by the respective Scandinavian states of the Sami's distinct status and highlights their claim to positive action, land title and self-government. By the latter strategy of agitation and resistance, the Sami leaders and organizations approached the courts or pursued the act of civil disobedience when the preferred primary strategy fails. There are numerous litigation filed by Sami organization in the Norwegian and Swedish courts, UN Human Rights Committee based in Geneva and the European Commission of Human Rights in Strasbourg.

CHAPTER THREE

THE RESPONSE OF SCANDINAVIAN COUNTRIES TO THE SAMI MOVEMENT

The chapter discusses the outcome of the Scandinavian states' response to the Sami movement. It seeks to highlight the range of policies and institutional arrangements adopted for their rights accommodation within each states as well as across the Scandinavian countries. In doing so, it analyses the overall state's response in addressing their demands and aspirations. Taking the experience of Norway as a test case, the study also examines both the schemes of territorial and non-territorial autonomy arrangement for accommodating homeland minority who have become so dispersed that they no longer form a majority in the their homeland region but have a strong desire for integration with their members who are scattered across different administrative areas of the country.

3.1 DIVIDED SAMI WITHIN AND ACROSS THE STATES LED TO DIFFERENT RESPONSES

Not only is the pan Sami population small and widely dispersed across a vast tract of land, they are further segmented into still smaller units across four countries with each state developing its own criteria for defining the Sami status with its own legal-administrative framework for managing Sami affairs, all these factors contributed in adding a constraint on the overall Sami movement (Lewis 1998:8). Even at the national level, the circumstances across each state is such that it has not been easy for them to mobilize within their respective countries, not to mention the difficulties they faced at Pan-Sami scale. Being divided across four different states not only divided their national allegiance, it contributed in the slow development of a pan Sami sentiment (Nickul 1977:69). The prioritization given to Sami issues in each of the Scandinavian states differ, so is the apparatus for their accommodation. It led to different set of demands by Sami in different states and very often even between the Sami within one state (Roland 1993:80). The three Scandinavian countries of Norway, Sweden and Finland look relatively homogenous when seen from outside but there are 'national variations in regard to how far each of nation state is willing to accommodate Sami demands and to recognise them as an indigenous people who are entitled to collective rights beyond ordinary civil rights' (Josefsen 2007:7). The Scandinavian Countries have their own set of 'legislative and administrative practices resulting in different responses of the Sami in matters of granting land and resources rights, cultural rights, self-government rights, the establishment of Sami parliament

and the delegation of functions to these parliaments to the recognition of the Sami as its indigenous population' (Alfredsson 1999:529). In addition to this, there are also 'internal variations among the Sami within the same country and across the three countries which led to different degrees of protection depending on place of residence, way of life, occupation or employment and language groups' to which a particular Sami belongs (Alfredsson 1999:529).

The main aim of Sami political organization and institutions across all the Scandinavian countries is to transform the relationship between the Sami people and the government from one based on "dependency, paternalism and control to one grounded on the principles of development, partnership and self-determination" (Lewis 1998). Dave Lewis (1998) argues that if the existing relationship of "dependency and paternalistic policy is to be transformed to one that is based on equality and partnership" then, new and culturally appropriate policy has to be considered in the following spheres. Firstly, the preservation and promotion of the cultural and linguistic identity of the Sami people. Secondly, the granting of land rights and other resources within the ancestral territory based on immemorial usage and prescription. Thirdly, the need for some form of limited autonomy and self-government which covers the first two spheres. It should be however noted that these claims are not a call for Sami independence as the former chairman of the Norwegian Sami parliament, Ole Henrik Magga reaffirmed

There are two aspect of the existing political situation that are important. On one hand, the right to land and its resources and right to utilize those resources in the Sami way. On the other hand, there is the question of how to utilise this rights. An assembly is needed which will be chosen on the basis of direct elections… and on the basis of that it can negotiate, make decisions and generally act on our behalf (Magga 1985:19)

3.2 INITIAL RESPONSES ACROSS THE SCANDINAVIAN COUNTRIES

In the past, when the border between Sweden and Norway was fixed, both the agreeing parties accorded certain cross border "rights and privileges" to the Sami people under the arrangement made in an addendum to the Lapp Codicil of 1751. Under this agreement, the Sami were granted the exceptional right of passage and economic exploitation in their traditional areas without regard for the newly agreed

borders irrespective of the frontiers or citizenship they happened to fall in to. The Sami were to be taxed in only one country, but they were to retain their rights and privileges in both the countries (Salvesen 1995:110). This is because, both the new states acknowledged the importance of Sami traditional rights to use lands on both sides of the border which is an important step to preserve the "Lappish nation" (Pedersen 2006:90). The Codicil also assured neutrality to the Sami if disagreement arises between the two states and guaranteed the unhindered enjoyment of trans-border activities in any untoward eventualities (Lantto 2010:545). Overall, the Lapp Codicil provides scope for "neutrality in the case of war, internal Sami administration, including a limited administration of justice, together with the legal confirmation of ancient Sami customs". The Codicil, thus embodies a set of "constitutional and economic rights" to the partitioned Sami people. The terms of the Codicil was formulated to ensure that the nomadic Sami must be given a single citizenship in one of the countries, a move which will prevent them from either becoming stateless or possess dual nationality. Salvesen also argues that the states felt the need to regulate the future herding rights across the frontier because the newly drawn national borders ran right across some areas that were of vital importance for the Sami to practice their day to day livelihood (Salvesen 1995:122).

Until nineteenth century, state authorities showed greater respect to Sami boundaries. As discussed in chapter two, in Sweden, the Sami were given a practical legal function by prohibiting non Sami to settle above the 'Lapp border' (Forrest 2002:255). The Lapp Codicil of 1751 also acknowledged that the new border between Sweden and Norway cuts across Sami territories. However, the Sami notions of territoriality were soon replaced by state conception of ownership based on agriculture and sovereignty. The process of this takeover was facilitated by the understanding of Northernmost Europe as *Terra Nullius* or no-mans-land combined with the ideology of nationalism, Social Darwinism, industrialization and security concerns (Sami Statistic speak 2018: 217; Forrest 2002; Jensen 2005). However, the developments were somewhat different in each state. In Finland and particularly in Norway, nationalism and assimilationist forces were very strong as aspiring new states struggled to free themselves from Russia and Swedish authority respectively. In Sweden, Social Darwinism and industrialism were stronger forces but this had equally devastating effect on the Sami. In Finland, the industrialization of forestry caused

hardships for the upkeep of the Sami culture (Forrest 2002:255-259). Forrest argues that the problem lies not only in the incompatibility of Sami and state notion of territory but the tendency of state to see their version of territoriality as universal (2002:265).

As discussed in chapter two, the post Second World War period saw a comprehensive turnaround in attitudes towards minorities and a renewed interest in minority rights issues around the world to which Scandinavian countries were also not immune to. The Sami utilised this opportunity to express their grievances against the states (Salvesen 1995:137). Salvesen in tracing the social background of State-Sami relation to the reorientation of State's policy vis-à-vis the Sami after the Second World War argues that the development is partly a result of the 1948 Declaration of Human Rights and partly the international reaction against racist ideologies of the 1930s and 1940s and to their subsequent results. All such factors taken together shaped the Scandinavian states attitude in realising the need to tackle Sami grievances. (Salvesen 1995:139). The next section will look into the aspect of this response vis-à-vis the formation of advisory bodies and Commissions of Inquiry.

3.3 THE FORMATION OF ADVISORY BODIES AND COMMISSIONS OF INQUIRY

Across the Scandinavian countries, Sami activists started to deliberate on Sami right claims more openly after the Second World War. These period saw the formation of various advisory bodies and Commissions of Inquiry vis-à-vis Sami people. While the Governments took some time to fully accept the claims made by the Sami community, they have acknowledged that certain grievances do prevail and thus the need to form advisory bodies and Commissions of Inquiry to investigate upon and redress their grievances. This acknowledgement on the part of the Scandinavian states resulted in the constitution of such bodies in the 1970s and 1980s. These bodies are intended to investigate the legal position of the Sami people, their language and culture and to co-ordinate the work of ministries and local government on Sami related issues. Several of these Commissions have also examined the issue of indigenous land ownership and use as well. Sillanpää (2002) observes that Scandinavian countries have started to recognise the need to co-ordinate on a wider range of state programs and services for its Sami minorities which in the past revolved only around the issue of reindeer

husbandry. The countries began to have a more permanent structure for co-ordinating at the national level (Sillanpää 2002:92-93). A closer study of each Scandinavian states' policies vis-à-vis its Sami population will be discussed to analyse their accommodation.

3.3.1 NORWAY

In Norway, assimilation policies have done much damage to the language and identity of the Sami so much so that "questions pertaining to Sami-ness are still difficult topics for many people, especially among the elderly" (Josefsen 2011:33). One respondent,Nystad [17] had corroborated this view point by saying that the shame associated on being a Sami is a factor why some people disassociated from registering in the electoral roll of the Sami parliament in Norway. The gradual abandonment of assimilation policy in Norway can be seen from the acceptance of Sami as the first language of the Sami people in 1947. In the 1950s a cultural movement began to develop that challenged the manner in which Sami were integrated into the mainstream society (Solbakk 2006:172). The 1959 Report of a Royal Commission on Sami question which stated that "all children had a right to be educated in their mother tongue" marked the formal end of assimilation policy in Norway (Hannum 1996:251). This was followed by numerous advisory bodies vis-à-vis the Sami. The Norwegian Sami Council was established in 1964 which advises the national, county and communal authorities on Sami issues and policy. Its members are appointed by the king upon nomination by Sami and other organizations as well as by the six counties and nine communes with the largest Sami populations. A Sami Educational Council was established in 1975 as an advisory organ of the Department of Ecclesiastical and Educational Affairs and, in 1984, a Sami Cultural Committee was created under the Norwegian Cultural Council. The late 1970s and 1980s saw a turning point in terms of Sami political rights. The Norwegian government's decision to dam the river Alta for the construction of a hydroelectric power station with a proposed loss of Sami reindeer pasture and a village meted with a huge protest (Robbins 2011:62). The high profile political protest in Alta saw Sami activists confronting the police and making a case for recognition of their rights in terms that had never been heard before in Norway. Although the dam went ahead on a revised

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[17] Personal Interview, Karasjok 12 April 2018

plan that saved the village, the protest plunged into a lasting legacy which resulted in the mobilization of Sami leaders and the evolution of a new sense of political identity on the one hand, and a growing government awareness of the entitlements of an indigenous minority on the other (Josefsen 2011:33). The Alta dam protest coincided with a time when the public debate on indigenous rights under international law was on the rise in Norway. The authorities came to realise the need to adopt policies that accept the integrity of Sami culture within the state. Odd Mathis Hætta (1992), argues that the Alta Affair resulted into important developments. This has been corroborated by all the experts and the people interviewed during the course of the field work who cited the Alta event as the main catalyst towards Sami rights question in Norway and beyond. For the first time, the Norwegian parliament had been forced to appoint various Committees with a mandate to evaluate the "judicial rights and status" of the Sami people. Subsequently, it was the conflict surrounding the construction of this hydropower plant that has eventually resulted in the revision of the ILO Convention on Indigenous people in 1989 (Hætta 1992:70). The Committees constituted were to assess issues ranging from the "cultural and other legal aspects of Sami rights to the recognition of their status as an indigenous people in Norway, the establishment of a Sami parliament and clarification of the land rights of the Sami people". The Government set up Sami Rights Commission in 1980 to investigate the situation of its indigenous minority in the light of its international treaty obligations. It is the largest Commission of Inquiry ever constituted in Norway with 18 voting members and its terms of reference are the most extensive and wide-ranging in the history of Norway. The First report by the Sami Rights Committee, on "the legal status of the Sami population," was delivered in June 1984 and is considered one of the most significant political-legal development related to the Sami in Norway. The report addresses a wide range of issues and includes discussions of "Norway's obligations to the Sami people under international law" (Hannum 1996:253). The Sami Rights Committee recommendation resulted in the enactment of the Sami Act in 1987 which subsequently established the Sami parliament as a representative body of all the Sami people in Norway. The Act provides that the Sami parliament will take over the "advisory authority which was previously held by the Sami Council and may have such additional authority as is provided by law" (Hannum 1996:254).

According to Minde (2003:89) the public report asserting that Sami are an indigenous people helped to change public perceptions. Following the recommendation of a majority of the Sami Rights Committee, a constitutional amendment was adopted in April 1987 to give specific recognition to the Sami people and the government's obligations in their regard. In 1988, the Norwegian constitution was amended in order to include a clause on the right of Sami people. Article 110a reads, "it is the responsibility of the state authorities to create the conditions necessary for the Sami to protect and develop their language, their culture and their way of life" (Robbins 2015: 72-73; de Costa 2015: 41; Magga 1994:47; Solbakk 1990:187).

In 1996, the Sami Rights Commission published its second report analysing the issue of Sami land title in Finnmark (Sillanpää 2002:94). The Sami Affairs Division of the Ministry of Local government was established in the 1980 with the main task of co-ordinating the government policies on Sami related issues. In 1990, further progress is made through the ratification of ILO No. 169[18]. This was further taken forward by his Majesty King Herald V in his speech on formally inaugurating the new Sami Parliament in 1997 when he said, "the Norwegian State is founded on the territories of two people- the Norwegians and the Sami" (Haetta 1998).

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[18] http://www.reisenett.no/norway/facts/culture_science/sami.html accessed on 18.02.2019

Fig. 3 The Sami Parliament in Karasjok, Norway.

Source: Taken by the researcher during her field trip to Karasjok on 12 April 2018

3.3.2 SWEDEN

In Sweden, the Swedish state policy from the nineteenth century which continued through the 1970s was captured in the phrase "Lapp skall vala Lapp or a Lapp shall be a Lapp" which meant that only reindeer herders, those who lived genuinely in the Sami culture were considered to be Sami and were isolated as group of their own.

This view created a dual Swedish Sami policy. According to the Swedish state official policy, the reindeer herding Sami were considered to be 'genuine Sami'. In a move aimed to protect them from the so called modern society and the more developed Swedish culture, they were segregated from the rest of the people in the high north. Simultaneously, Sami who do not practice reindeer herding were also excluded from the Sami context since it was believed that they would gradually be assimilated into the mainstream Swedish population (Morkenstam 1999:232-43). This resulted in not only causing internal division within the Sami group but also increased ethnic stereotyping of the Sami by others and the Samihood is reduced to merely reindeer herding which is only one, albeit important, part of Samihood (Valkonen 1996:99). The Swedish authorities' policy of segregating reindeer herding Sami resulted in their children being taught in Sami through elementary school until the 1950s. over the years, higher education has been made available to the Sami on the basis of equality, but as in all the Scandinavian countries there remains a shortage of Sami materials and qualified teachers (Hannum 1996:254). In Sweden, the earlier Commissions formed vis-à-vis the Sami has been composed almost wholly of officials but with no Sami representatives. It was from the 1970s onwards, the Commissions of Inquiry dealing with Sami issues have started including a significant number of Sami representatives. From the 1970s, the Swedish government has made annual grants to a Sami Fund managed by Sami which promotes cultural and other activities (Hannum 1996:255). Perhaps, the most important result of the Sami movement was the appointment of Sami Rights Commission in 1982 shortly after the Supreme Court verdict of Skattefjällsmålet or the Taxed Mountain case.[19] The Commission was given the task to investigate on strengthening the legal position of the Sami in respect to reindeer husbandry, to consider the need for a Sami representative body and to propose measures to preserve and promote the Sami language (Sillanpää 2002:94, Lantto and Mörkenstam 2015:147). In Sweden, along with the Swedish parliament, the Ministry of Agriculture has a special office that is responsible for giving comprehensive policy to the government on Sami related issues (Sillanpää 2002:93). Much of the Sami movement's activities during the 1980s were focused on

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[19] It is a case initiated by SSR in 1966 involving the claim for ownership right to land in Skattefjällen in Northern Sweden. After a lengthy trial, the supreme court handed down its verdict in 1981 which denied ownership right to Sami but granted them the right to usufructuary right. Although the verdict was not in favour of the Sami interest, the case not only enriched the Sami people on matters of their land rights, it also became a precedent for all the future rights related to the Sami people in Sweden and beyond.

influencing the work of the Sami Rights' Commission. The most tangible outcome of the work of the Commission was the proposal to establish the Sami parliament in Sweden. Another most important effect of the collective action of the Sami movement is the constitutional change in Sweden in January 2011 which acknowledges the Sami as a distinct 'people of Sweden' (Lantto and Mörkenstam 2015:155; de Costa 2015: 41).

3.3.3 FINLAND

In Finland, the Sami are categorised as those who not only speak the Sami language but also as persons one of whose parents or grand-parents spoke Sami at the time of a 1962 census. As a result, Sami has been used in schools only since the 1970s although a 1985 law expanded the previous statutes and provided that "Sami can be the language of instruction in the Sami home region". However, the curricula are prepared by local municipalities in which the Sami have some influence but do not have control over them. In the case of Finland too, there are difficulties in finding qualified Sami instructors (Hannum 1996:255). Across the Scandinavian Countries, Finland is the first country to establish a state appointed Committee to protect the cultural traditions and livelihood, especially concerning the need of the reindeer herders (Beach 1994: 194). It undertook a comprehensive examination of the Sami situation in the Committee on Lapp Affairs which was established in 1949 (Sillanpää 2002:92). The oldest such co-ordinating body is the Finland's Advisory Council on Sami Affairs, first established by a Cabinet Decree in 1960. It acted as an advisory body within the office of the Prime Minister and comprises of government appointed Nominees from five ministries namely interior, education, land and forestry, labour and environment. Along with them, five Sami parliament representatives are nominated since its inception in 1973. It began to increase its significance since the mid-1980s when it started taking up legislation on Sami land titles (Hannum 1996:255; Sillanpää 2002:92-93). In 1973, Finland became the first Scandinavian country to have an elected political body for the Sami known as the 'Sami Delegation'. It was a 20 member body indirectly elected by Sami living in the Sami home region (Sillanpää 2002:92). Essentially an advisory body, it can propose actions to the government on issues affecting Sami economic, social and cultural affairs and it has become an effective spokesperson for the Sami people. A special Committee on

Sami land and water rights was established in 1978 and this was followed up by the Finnish government's initiative to include a working group to study the problems related to providing social welfare services in minority languages, including Sami; expanding the availability of state housing and other subsidies to Sami reindeer herders; and creating an independent Sami radio organization unconnected to the state owned radio (Hannum 1996:256).

In 1990, the Advisory Council on Sami Affairs presented a proposal to the Finnish government for the establishment of a Sami Act that would work towards restoring the rights of the Sami population to land, water and means of livelihood and to create necessary conditions for the development of their culture, language and social conditions. This is an attempt towards strengthening the power and role of the Sami parliament. In 1995, the Finnish government under Section 17 of the Finnish Constitution recognised the Sami as an indigenous people, guaranteeing cultural and linguistic protection as well as the right to cultural autonomy within the Sami homeland[20] which includes the communes of Enontekio, Inari, Utsjoki and northern part of Sodanklya (Vars 2008:69; Sillanpää 2002:93-94).

The next section will look into the Scandinavian States' policies on reindeer herding right since it is considered to constitute an important aspect of Sami culture.

3.4 POLICIES ON REINDEER HERDING ACROSS THE SCANDINAVIAN COUNTRIES

Both in Norway and Sweden, reindeer husbandry has long been recognised as exclusive and aboriginal Sami identity by the national governments. However, the problem arises when reindeer husbandry is associated with the Sami in a way that all the states' policies for Sami are being directed to accommodating the sole interest of the reindeer herding Sami, often at the expense of those Sami who do not practice reindeer husbandry as a livelihood (Henriksen 2008, Anaya 2011). In Norway, reindeer herding was by legislation limited only to the Sami people. However, reindeer herding came to be administered in such a way that this traditional livelihood of the Sami came to be subordinated to the needs of other interest such as farming,

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[20] IWGIA: 34; UN Sami Report: 7. In Finland, the Sami homeland is narrowly defined and only includes the northern part of Lapland province.

forestry and more recently hydro-electric projects. It was in 1993, the Norwegian state assumed an ever greater control over reindeer husbandry and it observed that 'reindeer pastoralism would be tolerated only so long as it does not clash with the development of agriculture' (Sillanpää 2002:91). In an interview with Marti[21] who called herself a city Sami since she has been living in Tromso for the last ten years. She however travels back to her original place in Kautekeino during herding and earmarking season. Coming from a reindeer herding family, she found the Norwegian government's policy towards reindeer herding as insufficient. She gave an instance to when in 2009, hundreds of reindeers died as their grazing area became smaller and smaller each year due to the incursion of big companies into the herding areas of the Samiland. She added, the government, instead of addressing the real issue of fodder shortage had passed it off by arguing that the number of reindeers had become unsustainable and they have to be slaughtered. Marti asked, "how long will it take for the government to consider the needs of the reindeer herders?". while she agrees that the introduction of modern techniques like snow mobiles made herding much easier today but she argues that the manner in which the reindeer herding areas have been successively reduced from year to year is disturbing and a major cause of concern in Norway. In Sweden, through a series of measures originating with the Reindeer Grazing Act of 1886, reindeer herding Sami were required to live a traditional nomadic life or lose their Sami status (Mörkenstam 2005:438-9). Importantly, this legislation also effectively converted any individual land ownership into collective grazing rights (Lantto and Mörkenstam 2008:30). The Swedish government policy which emphasised segregation for reindeer herding Sami but assimilation for other Sami created a rift within the Sami community (Josefsen 2001:82, 181). The overall effect of such a policy in Sweden was that the historic rights of the Sami to "natural resources of the Sami territory" were encompassed in legislation that only regulated reindeer herding. Any other rights the Sami may have as aboriginal residents of the Northern Sweden were ignored which resulted in non-herding Sami losing all recognition of their legal rights as aboriginal people in Sweden (Sillanpää 2002:91).

The legislation both in Sweden and Norway in 1928 and 1933 restricted the entitlement to herding rights, be making it dependent upon identity and familial ties to herding. Also, both the legislation were made in a way that Government officials in

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[21] Personal Interview, Tromso 18 April 2018

both the countries have discretionary powers to manage the day to day affairs of the herding rights. In Sweden, the herding legislation of 1971 formalised territorial divisions for administering reindeer-husbandry, now known as *Samebys*[22], each unit having an allotted reindeer quota to be distributed amongst *Sameby* members. The Act was revised in 1993 which make anyone who has Sami ancestry eligible for membership in a *Sameby*. However, this revision does not guarantee membership. In practice, the membership is restricted as the addition of new members reduces the value of the reindeer quota. The legislation also resulted in making the non-reindeer herding activities on *Sameby* lands more difficult (de Costa 2015:41). In Norway, the Reindeer Herding Act of 1978 revised in 2007 determines that only those "who have the right to earmark can practice reindeer husbandry in the Sami reindeer herding area. The right to a reindeer earmark requires that the person is a Sami and themselve, their parents or their grandparents have or had reindeer herding as their primary occupation" (de Costa 2015:42). Both in Sweden and in Norway, these differentiation cause internal division within the Sami communities between those who are entitled to herd and enjoy certain privileges that comes along with herding and those Sami who are deprived of all the herding rights related benefits. The former consists of less than 10 per cent of the entire Sami population which has been a cause of grievances among many in the Sami communities (Anaya 2011). This resulted in sharp rivalries both in Norway and Sweden between those who are reindeer pastoralist and those who are engaged in other mode of occupation (Sillanpää 2002:92). In an interview with Nystad and Maria who do not come from a reindeer herding family both expressed their deep concerns over the concentration of most of the special rights for the Sami people are limited to the reindeer herding families at the expense of the rest. They expressed their desire that the Sami parliament could do more towards enhancing the rights of the Sami in general and not just the reindeer owners who constitutes a very small percentage of population and enjoying several benefits other Sami do not have. This is one basic grievance and a cause of contention among the Sami population which is not confined to Norway.

Unlike the Sami in Norway and Sweden, Sami in Finland do not enjoy a 'legal monopoly over their traditional livelihood of reindeer husbandry but it is an

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[22] Samby is an area designated exclusively for the Sami who practice reindeer herding as a livelihood in Sweden.

occupation opened to any citizen of the European Union'. Finnish legislation has established the reindeer district as a legal corporate entity of which the reindeer owners are shareholders leaving a very little room for the division or clash between Sami and non-Sami reindeer herders since each reindeer herder has his own designated common ground for herding as prescribed by regulation (Sillanpää 2002:91). In Finland, all people living in reindeer herding areas may not only own reindeer but enjoy grazing rights irrespective of the group they belong to. The same rule applies to all the other modes of occupation (Henriksen 2008, Anaya 2011). In Finland, Reindeer Husbandry Act No 848/1990 regulated all the reindeer herding rights. The Act does not differentiate between Finnish reindeer herding practices and the traditional Sami reindeer husbandry which is a main cause of grievance among the reindeer herding Sami who 'perceived the Act as eroding their opportunities to pursue reindeer husbandry in a manner that is culturally appropriate for the Sami and they have been requesting the revision of the Act for many years' (Corpuz 2015 para 60).

3.5 EVALUATING THE ADVISORY BODIES AND COMMISSIONS OF INQUIRY

A distinctive feature of Scandinavian states' Sami policy is the extensive use of Commissions of Inquiry designed to effect a systematic investigation and deliberation of issues before the preparation of draft proposals by civil servants in the government ministries (Arter 1984:54). David Arter(1984), argues that the Scandinavian countries differ from each other in utilising the Commission procedure on Sami affairs. Both in Norway and Finland, the level of involvement of elected politicians on Sami Affairs Commissions has been negligible. The tradition in both these states have been to nominate the process of deliberation no matter how sensitive it may be, to someone outside the parliamentary circles. In Sweden, the tradition has been to appoint members of parliaments to deliberate on difficult and controversial political issues. Each of the Scandinavian countries also differ in the degree to which the conflict resolution function of the Commission procedure has to be institutionalised (Arter 1984:54-75). Arter (1984) observed that the Finnish Commissions of Inquiry into the Sami Affairs have been nowhere near as open and consultative as their Swedish and Norwegian counterparts. Another difference is the tendency in Norway for government to accept recommendations in total and for parliament to adopt the

ensuing legislative proposals with little apprehension. In Sweden and Finland, on the other hand, Commission recommendations are not always accepted in total and thus are not always incorporated in the ensuing legislative proposals without first undergoing substantial modifications (1984:57-58). Lewis (1998) however, pointed out that the reforms vis-à-vis the Sami policy in Norway has been facilitated not so much by the "work of various Commissions of Inquiry as by the events connected to the Alta conflict". Similarly, in the case of Sweden, it could be argued that the Skattefjällsmålet or Taxed Mountains court cases and the threat of more litigation motivated Swedish government to turn to the Commissions procedure and to make some concessions. While in Finland, given the apparent lack of political consensus as to what legal rights the Sami possess in Finland, one might claim that in all likelihood, it will be the pronouncement by the Constitutional Committee that ultimately provide the catalyst for reform in Finnish Sami policy and not the Commissions procedure *per se*. Some of the institutional channels namely the Swedish Governmental Inter-Departmental Working Group on Sami Affairs and the Norwegian Government Co-ordinating Committee on Sami Affairs lack legitimacy because they have no formal legal or political status. Those institutional channels which have been sanctioned by law such as the Ombudsmen against ethnic discrimination in Sweden or Cabinet order as with the former Norwegian Sami Council and Finland's Advisory Council on Sami Affairs too lack legitimacy because they have no decision making authority, as a result, they can be simply ignored by the Government (Josefsen 2007).

The formation of Commissions of Inquiry for deliberating/investigating Sami demands vis-à-vis the formulation of Sami policy shows that it is more of a question of "resolving regional conflicting interest in the exploitation of land and resources which has not really translated into a strengthening of the legal position of the Sami people" (Lewis 1998). While Commissions of Inquiry in both Norway and Finland have, in many respects, proven decisive in developing the concept of aboriginal land rights and legitimising it as an important issue that requires public debate and discussion, this has not been the case in Sweden. It has also been found that undue emphasis on Reindeer husbandry, at the expense of other occupation by the state has divided the Sami community in both Sweden and Norway and hindered political mobilization among the Sami. The Sami have demanded that new legislation be

enacted in all the three countries that includes the traditional Sami livelihood of hunting and fishing as an aboriginal right and that this right could apply to all the Sami within their traditional territories. The administrative structures created by governments in Norway, Sweden and Finland to co-ordinate on a range of programmes and services have had limited success and as presently constituted are of status quo in nature. To enable them to deal effectively with Sami representative bodies, it is essential that such administrative structures are acceptable to the Sami leadership. The appointment of Commissions of Inquiry indicate an ad hoc approach for addressing Sami rights concerns, which can lead to the development of structures that will implement new ways of dealing with these issues. Overall, the Government appointed Commissions of Inquiry in each country have acknowledged the fact that cultural differences are an inherent feature of pluralist society. The Commissions of Inquiry have also recognised that the Sami of Norway, Sweden and Finland represent a unique culture within the 'Nordic setting' and they are the indigenous people entitled to special rights based on this historic fact (Sillanpää 1994:228). Sillanpää (2002) argues that the effectiveness of the Commissions of Inquiry depends on two things. Firstly, the terms of reference defined by government as to the subject and scope of inquiry and secondly, how government and parliament ultimately decide to deal with the recommendations being proposed. Sillanpää while acknowledging the viability of such Commissions of Inquiry as a measure towards facilitating 'new channels of dialogue between a minority and the institutions of a state, at the same time, he cautioned that such Commissions could be used by the state to secure its control over a periphery'(Sillanpää 2002:95). One of the most innovative step taken by Scandinavian countries towards implementing Sami self-determination is the establishment of the Sami parliament in all the three countries. The next section looks at the formation and working of these parliaments.

3.6 FORMATION OF THE THREE SAMI PARLIAMENTS

Aboriginal populations throughout the world, as part of their political mobilization have sought representative institutions that would enable them to deal effectively with the state in which they find themselves. A remarkable development in the Scandinavian countries was the creation of Sami parliament in Finland, Norway and Sweden in 1973, 1989 and 1993 respectively. The Sami parliaments are special

assemblies established through each state's legislation and elected by the Sami within their respective state. The objective in the creations of these parliaments is to enable the Sami to present an official collective view to the public authorities on issues that directly concerns them (Sillanpää 2002:98). Since these parliaments have been created through state legislation to work towards achieving Sami self-determination, it is their task to ensure the Sami of greater input into decision making within their respective homeland regions. All the three Sami parliaments depend entirely on state funding for the maintenance and promotion of Sami language, education and culture. There are national variations across the three states when it comes to determining the eligibility to register and vote in Sami parliamentary elections under the broad criteria of self-identification, language and/or descent. Sillanpää (2002) argues that the effectiveness of these parliaments as representative bodies catering the collective wishes of the Sami people will depend on the 'agenda that they are able to assert and the willingness of the authorities in each state to engage in a constructive dialogue'. A closer study of the establishment of Sami parliament in each state follows.

Finland was the first among the Scandinavian Countries to establish a Sami parliament. It emerged from two Sami organization's attempts in the 1940s to protect their culture, traditions and livelihoods and especially the needs of the reindeer-herders (Beach 1994:194). A Commission set up to investigate the question and its recommendations eventually led to the establishment, by presidential decree of what was originally called the Sami Delegation of 1973 (Solbakk 2006:210). A new legislation was enacted to provide a statutory basis for the Sami parliament and extend its jurisdiction (Solbakk 2006:216). The Finnish constitution recognises the Sami as an indigenous people. In Finland, the Sami Parliament Act establishes an independent and autonomous Sami parliament with the mandate to protect the Sami language and culture and in matters of importance to the Sami. The Act reiterates that "state authorities should negotiate with the Sami parliament on all far-reaching and important measures that may directly or indirectly affect the Sami's status as an indigenous people including matters relating to the management, use, leasing and assignment of state lands, conservation areas and wilderness areas" (Sami Parliament Act No. 974/1995).[23] The Sami refers to "a person who considers himself a Sami provided that he himself or at least one of his parents or grandparents has learnt Sami

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[23] Sami Parliament Act (No. 974/1995)

as his first language; or that he is a descendant of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp; or that at least one of his parents has or could have been registered as a voter for an election to the Sami Delegation or the Sami Parliament" (de Costa 2015:40). Voting takes place by direct elections for nominated candidates, without any party affiliations (Solbakk 2006:218).

In Norway, the Sami parliament was created on a statutory basis in 1987 and was inaugurated by the king in 1989. It consists of 39 representatives elected by Sami voters in seven electorates, using a proportional representation system and with elections held concurrently with the general Norwegian parliamentary elections. Voting is optional but voters must qualify as Sami who meets both the subjective and objective criteria (Josefsen 2011: 33-34). Eligibility for registering in the Sami electoral roll have to fulfil two criteria, i.e., the person's self-identification as a Sami and that the person in question or at least one of that person's parents, grandparents or great-grandparents has or had previously had Sami as mother tongue. After 1997, it has also been extended for children of persons who spoke Sami or a parent registered on the Sami roll. This electoral roll is not territorially delimited. In other words, all persons who fulfil the subjective criteria and choose to register are eligible to vote in elections to the Sami parliament irrespective of where they reside in Norway. At the same time, they do not forfeit their right to vote in elections at the municipal, county or national level (Semb 2005: 534). The registration is strictly followed and is not extended to Norwegians married to the Sami as well. During the course of the field work, one responded argued that his Norwegian wife is not registered in the electoral roll of the Sami parliament. However, she has mastered the Sami language and has been actively involved in teaching the language and helping out towards promoting Sami culture in her fullest capacity. Over the years, there have been significant enhancement in terms of the role of the Sami parliament, which have, arguably, transformed its role from one of advisory to an expanded functions of decision making. Josefsen argues that this has taken place in the backdrop of the transfer of responsibility by the Norwegian government resulting in "the Sami parliament becoming a vehicle for producing new perspectives on Sami rights and transforming these into political demands" (Josefsen 2011:36). An important example being the setting up of the Finnmark Estate Board which is an authority that manages the land

comprising of the Finnmark Region in Northern Norway. This is an area with strong Sami tradition although the Sami have become a demographic minority (Josefsen 2011:37), at least in terms of self-identification, although not necessarily by descent. The Sami parliament played a crucial role in the process that eventually led to the legislation resulting in the Sami parliament to control half of the seats on the management board of the Finnmark Estate (Josefsen 2011:38).

In Sweden, the verdict of the Supreme court in Skattefjällsmålet or the Taxed Mountains Case initiated by the SSR in 1966 was a test case of Swedish Sami land rights. The Swedish Supreme Court dismissed the case but it was further taken up again. The investigation of the case in the 1980s eventually led to the Sami Rights Report (Robbins 2015:75). The Sami Parliament in Sweden was established in 1993 through the Sami Parliament Act of 1992. The Act reiterates that the Sami Parliament's primary purpose is "to monitor issues that relate to Sami culture in Sweden" [24] Under the Swedish law, the Sami parliament acted as a government agency whose main task is "to carry out the policies and decisions made by the Swedish Parliament". The Swedish government also "reserves the right to give directives for the operations of Sami governance". The Sami parliament in Sweden has a single electoral district in the entire country of Sweden and voting is open to Sami who identify themselves as Sami and meets the eligibility criteria (Solbakk 2006:195). According to the Swedish Sami Parliament Act 1992(2006), a Sami is a person "who considers him/herself to be a Sami and who meets one of the following criteria: he/she can demonstrate a probability that he/she has or had Sami as the language in the home, or… can demonstrate that one of his/her parents or grandparents has or has had Sami as the language in the home, or… has a parent who is or has been included on the electoral register for the Sami parliament, without this subsequently being decided otherwise by the county administrative board".[25] (de Costa 2015:39-40).

The Swedish government has decided that it is up to each individual to decide what constitute the use of the Sami language 'in the home'. The role of the Sami parliament as an advisory body to government is demonstrated by the fact that the government appoints its chair (the only full time member of the Sami parliament), although on the

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[24] https://www.sametinget.se/9865 accessed on 20.02.2019

[25] This is an English translation of the Act, available at http://www.sametinget.se/9865 (assessed 16 December 2017)

recommendation of the Sami parliament. There are 31 elected members that meets three times a year in plenary sessions while the normal daily business of the Sami parliament is carried out by an elected board or executive (Josefsen 2001:197). The Swedish government has laid down the responsibilities of the Sami parliament, which essentially revolves around the support of Sami language and culture. Its autonomy is, however, strictly limited because the government prohibits it from acting as 'an organ of self-rule' (Josefsen 2001:174; Valkonen 1996:101). As a result, the Sami parliament is widely regarded as a governmental agency rather than representing a political voice of the Sami people (Vars 2008:70). In Sweden, since the authority of the Sami parliament is relatively weak, many Sami choose to express their views through other means such as Sami civil society organizations (Josefsen 2001). Since 2007, the Swedish government has assigned the responsibilities related to reindeer herding industry to the Sami Parliament.

3.7 EVALUATION OF THE THREE SAMI PARLIAMENTS

From an international perspective, these popularly elected Sami Parliaments represent unique institutional arrangements to enhance and safeguard Sami peoples' right to self-determination. On looking closer and comparing the legal basis, status, authority and mandate as well as the actual influence and autonomy of these parliaments in relation to the national political institutions in the respective countries, the study conducted by Josefsen et al (2016) reveals that the Sami people are faced with three inherent difficulties towards achieving the right to self-determination. Firstly, in Norway, they found that the Sami parliament, although popularly elected, gaining political autonomy and influence through its participation in national politics and institutions remains vulnerable as their positions are set aside by the State whenever there is conflict of interest; secondly, in Sweden, throughout history the government policy of divide and rule continued to be manifested in the attitude of paternalistic state politics which still perpetuates and defines the power relations even within the Sami community and thirdly, in Finland, the conflict between the State and the Sami people on the right to define 'the people' further accentuates conflicts amongst the Sami people in their claims to indigenous status. While emphasising on the need to enhance indigenous institution, Josefsen et al pointed out several obstacles the Sami parliaments had to overcome to achieve Sami self-determination. This include the

colonial past, the formal status granted to the parliament and the national policy and implementation of international law (Josefsen et al. 2016). The Sami parliaments also differ from each other quite significantly in spite of the seemingly similar institutional structure the Scandinavian countries have and also owing to the fact that they are established within nation-states that resemble each other politically in several ways (Josefsen 2007). At best, Josefsen et al. concluded that the different ways in which these states have handled the Sami issue symbolises three distinct ways of institutionalising non-territorial indigenous self-determination, rather than a 'unified Nordic model' (Josefsen et al. 2016). They also caution that considering the fact that several factors interplay with each other in the actual working of these parliaments, the state policies both historical and contemporary are too divergent to analyse the Sami parliament as part of a single model. The experience of the Norwegian case shows the importance of the strategy chosen by the Sami leaders and their parliament in steering the movement within the accepted legal parameters, thereby challenging state policy on one hand while on the other, working towards enhancing its influence and autonomy, i.e. to advance a relational form of self-determination. This has been emphasised by Broderstad in an interview during the field work of the study in which she argues that the manner in which Sami leaders and Sami parliament gains legitimacy in steering the movement through dialogue and diplomacy has been noteworthy. One common feature encountered by the Sami parliaments across the three states is the resistance although of different degree they encountered from their respective states and the majority society (Josefsen et al. 2016:39).

In Sweden, the Sami parliament's subordination to the national government was built on its creation as a government agency with no decision-making power even on the most salient issues on Sami. The dual role of the Sami parliament as an administrative agency as well as an elected body often clashed because its role in the capacity of an administrative agency expects the Sami parliament to 'implement policies and decisions made by the Swedish parliament and other governmental institutions which sometimes runs contrary to the preferences of the Sami people' (Corpuz 2015 para 37). The over hundred years of 'divide and rule policy' employed by the Swedish State has positioned the Sami voters as well as the political parties within the Sami parliament around the conflict of 'who has the right to use traditional Sami lands and resources'. Such a positioning is being reflected in voting behaviour, party structure

as well as in policy dimensions within the Sami parliament in Sweden. This division within the Sami community has been effectively used by the Swedish State as a justification for not increasing Sami self-determination causing frustration and very low levels of trust among the voters for their own elected representative body. Such nature of state policy expressed in Sweden within the Sami parliament is in Finland expressed outside the Sami parliament in the conflict regarding who can register on the electoral roll (Josefsen et al. 2016:39-40).

The Finnish Sami parliament has been assigned the task 'to look after the Sami language and culture, as well as to take care of matters relating to their status as an indigenous people.' Section 6 of the Sami Parliament Act of Finland (1973), states that 'the Sami Parliament shall represent the Sami in national and international connections in matters pertaining to its tasks'. However, quite contrary to this objective, the Finnish State decides upon one of the most important issues on the right to define the Sami people and it set the criteria for defining its membership. This has, in a big way, limited the Sami right to self-determination in Finland. In such circumstances, the role of the Sami Parliament translated into more of an advisory body to the Finnish government than a body for the administration of Sami affairs because of its inadequate authority for executive governance. The Sami parliament which has been intended to work with the government on economic, cultural and social issues that affects the Sami (Robbins 2011:60). In reality, it has been deprived of issuing recommendations to the Finnish government, unlike the previous Sami Delegation (Nyyssonen 2011:87). As Nyyssonen pointed out, "the Sami in Finland, enveloped by institutionalized political structures, found themselves entrapped in bureaucratic dysfunctions and official Finnish ambivalence" (Nyyssonen 2011:87). As a result, the Finnish Sami parliament has limited independence and, in practice, acts more in the role of a broker or negotiator between the Finnish parliament and the Sami people, rather than exercising self-determination in its own right as a partner with the government (Robbins 2015:72). The UN Special Rapporteur, Corpuz highlighted the need for the Finnish Government to reopen negotiations with the Sami parliament on amendments to the Sami parliament Act and to jointly develop a final and mutually acceptable proposal in order to address the "full range of issues, including those relating to identification of a person as Sami for the purpose of registering on the electoral roll" (Corpuz 2015 para 85) .

Similarly, in Norway, since the overall responsibility for Sami policy has been undertaken by the government at the centre, the role of the Sami Parliament ultimately get translated into merely an advisory body to the Norwegian legislature because it "does not constitute an order of government with jurisdiction over Sami traditional territories" (UN 2004, para. 468). In 2005, the Norwegian government and the Sami parliament signed an "agreement concerning consultation procedures in matters that might affect the Sami interests directly"[26]. The Sami parliament representatives are of the opinion that while the agreement has indeed strengthened co-operation but they raised their concerns regarding the challenges this agreement faced when it reached the stage of implementation. The UN Special Rapporteur, Corpuz also found it unfortunate that "the agreement does not cover financial initiatives or budgetary measures" (Corpuz 2015 para 20).

Across the Scandinavian Countries, it is the national parliaments that decide how much power the Sami parliaments are vested with and in what areas. The national parliaments also decide the budget for Sami parliament. The characteristics of such relationship between national governments and Sami parliaments indicate that the latter have been deprived of real autonomy. Sami parliaments neither have a monopoly of force in the form of military or a police nor the power to levy taxes on its electorates. An institution cannot be seen as autonomous if each action and project requires the national governments financial approval. For instance, in the Norwegian Sami parliament, of all the expenditure on Sami specific policies in Norway, less than half is carried out through the Sami parliament (Sametinget 2015). Therefore, the lack of real autonomy in decision making as well as the dependency in budget greatly undermine the legitimacy of the Sami parliaments (Drageset 2016:8). The UN Special Rapporteur, Corpuz highlighted the need for reforms to 'ensure that the Sami parliaments have greater independence from state institutions and authorities'. She recommended Norway to work towards implementing the right to Sami self-determination and to have a genuine influence in decision-making and budgetary decisions in areas that affect them (Corpuz 2015 para 76). She also urged upon Sweden to review the Sami parliament's statutory status and functions of government authority structures to ensure its independence in decision-making powers and to

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[26] Procedures for consultation between state authority and Sami parliament signed on 11 May 2005 Section 2

ensure adequate funds for the Sami parliament to carry out its duty as a popularly elected body (Corpuz 2015 para 81).

Overall, the establishment of Sami parliament is an important milestone of the Sami movement across the Scandinavian Countries. These are established to be the highest representative body of the Sami people with their mandate and responsibilities derived from the respective Sami Acts adopted by each Scandinavian Countries. The Scandinavian countries in establishing these parliaments give collective rights to its Sami population. In fact, the interviews conducted both at Karasjok and Tromso in Norway show the importance people give towards registering in the electoral roll of the Sami parliament. Most interviewed Samis' feel grateful to have a representative body in the form of Sami parliament to take care of their needs and grievances. At the same time, most of them found it unfortunate that the parliament's role is limited to merely an advisory body with no real decision making power. Marti[27], who is originally from Kautokeino reindeer herding family argues that she, along with both her children have registered in the electoral roll of the Sami parliament and voted in the last election held in 2017 but nonetheless expressed her low level of trust in the parliament due to its advisory role with no real power for decision making. She called it a powerless body to appease the Sami people. She further retorted that this is one reason why many Sami don't believe in the parliament and abstained from it. Bjornback[28], although a registered Sami voter in Karasjok who regularly voted for the elections also argued on the same line. She said several Sami are sceptical on the role and power conferred on the Sami parliament as a truly representative body with self-government rights. As a result, she said many Sami activist, for instance, she cited Somby, have refrained from it. She also questioned the role of the Sami parliamentary politicians towards genuinely protecting Sami rights or whether they are merely an extension of the Norwegian parliamentary politicians. This is because Sami parliament do not have the authority to prepare its own budget and have to totally depend on the Norwegian parliament, Storting for its financial needs. Lil Tove[29], while appreciating the novel way in which the Sami parliament came about she also questioned the promptness of the Sami parliament in dealing with the issues faced the Sami in general. She argued, "the fastest way to be heard and voice our concerns and

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[27] Personal Interview, Tromso 18 April 2018
[28] Personal Interview, Karasjok 12 April 2018
[29] Personal Interview, Karasjok, 12 April 2018

problems is through other channels, such as the media". On the other hand, respondents such Maria[30] have a very positive opinion and high regards on the Sami parliament. She said, "the very fact of having a parliament to represent our voice is a lot better than having nothing at all". Nystad[31] added that, "we have all these rights because of the parliament, without it, we can't imagine having acquired all these rights". However, Nystad and Maria expressed that the Sami parliament could do more towards enhancing the rights of all the Sami, irrespective of reindeer owners and others.

According to Josefsen, the intention behind the establishment of the Sami parliaments is the realization by the concerned states that the "Sami will always constitute a small minority in the national political systems, who, by the rules of the ordinary direct electoral channel would never be in a position to make their voices heard" (2007:15). However, far from the standpoint of the Sami leaders, as mechanism to self-government, the existing Sami model leaves much to be desired (Åhren 2014). Far from constituting autonomous status, each of the Sami Parliament act in the capacity of merely a state administrative organ. All of them are bound by the government directive and cannot be a party to any legal proceedings against the state in any domestic and international courts. This is the model that has been imposed on the Sami and in fact the model that they have accepted with either the explicit or implicit understanding that it will serve merely as a preliminary step in the transition toward meaningful self-government (Lewis 1998:106). At best, the Sami parliaments can negotiate and be consulted on issues concerning them and their livelihoods but they are deprived of the power to make decisions and act on behalf of the Sami people. Across the three Scandinavian countries, the mandate of the Sami parliaments slightly differ from each other, yet the overall official status conferred upon them is that of the 'role of mere administrative agency' (Lantto 2010:554). Most of the policies in place are ad hoc measures with consultation rights which mostly ended up in states having the final say.

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[30] Personal Interview, Karasjok 14 April 2018
[31] Personal Interview, Karasjok 12 April 2018

3.8 SCANDINAVIAN COUNTRIES' RESPONSE TO THE SAMI DEMANDS AND ASPIRATIONS: AN EVALUATION

Kristiina Karppi (2001:395) observes that the Scandinavian countries may appear to have "a close politico-historical ties yet there are differences in national administrative practices and jurisdictions" thus this necessitates the need to locate the Sami case in each states' own context. Scandinavian States' response to Sami right claims differ considerably ranging from legal-administrative practices concerning reindeer herding (a Sami monopoly in Norway and Sweden, but not in Finland), the constitution of advisory bodies for co-ordinating Sami related issue to the forming of Commissions of Inquiry with Sami representative. As mentioned earlier, the single most important political innovation in Scandinavian countries vis-à-vis the Sami affairs is the setting up of the Sami parliaments in the three countries. Karppi and Eriksson(2002) argues that the formation of Advisory bodies, Commissions of Inquiry and the Sami parliaments are expressions of a 'traditional Nordic corporatist culture'. Instead of openly rejecting their demands, Sami representatives are invited to the Advisory bodies and Commissions of Inquiry in the purpose of finding acceptable solutions for both sides. This procedure makes it possible for the Sami to become a part of the legislation and practices implemented by the state (2002:366).

On cross border polity building across the Scandinavian countries, there have been a continued and expanded co-operation where the starting point is a collective Sami identity as, for instance, expressed at the Nineteenth Sami Conference in Rovaniemi in 2008 which states that, "the Sami constitute one people, the national borders shall not infringe on our national unity, and as a people the Sami have the right to self-determination" (Sami Conference 2008). This transnational political network has also been strengthened with the establishment of the Sami Parliamentary Council in 2000 comprising of the representatives elected by all the three Sami parliaments of Norway, Sweden and Finland and Russian. Since the Russian Sami do not have an elected body of their own, the Russian Sami have two permanent members appointed by the Sami Council for a four year term[32] (Henriksen 2008:29). The Council works towards the "promotion and maintenance of Sami language, education, research and economic development" on one hand and towards bridging the cross border gaps that

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[32] https://www.samediggi.fi/sami-parliamentary-council/?lang=en accessed on 26 June 2019

may have existed between the Sami people on the other. The Council also provides them a platform for coordinated voice at the international level such as the United Nations. The three Sami parliaments and their efforts towards a common Sami Parliamentary Council constitutes a remarkable political innovation which Eriksson argues, the Sami polity across the border which they aspire for is emerging at both 'ethnic' and 'transnational' level (Eriksson 2002:243).

A study conducted by Lennard Sillanpää(1994) demonstrates that the issue of land title remains fundamental for Sami right activists and it represents the penultimate step in their political mobilization as an aboriginal people within the 'northern region of Fennoscandia'. The Sami leadership challenged the official version of history which holds that 'when Samiland was divided and annexed by the neighbouring states within their national boundaries, these states simply acquired ownerless lands' (Sillanpää 2002:105). In addition to this, on the issue of legal entitlement to land rights, the study conducted by Will Kymlicka and Keith Banting on Multiculturalism Policy Index shows that the Scandinavian states found it difficult to concede on Sami land rights. The late nineteenth century saw the formation of 'Taxed Lapp Land system' by which the Sami territory were confiscated. The move resulted in the Sami people losing the legal right to their traditional lands. Århen argues that the Scandinavian countries until today failed to acknowledge that the Sami people had "ownership rights to their traditional territories" (2004:78). The Scandinavian states maintained that the 'Sami people's nomadic use of land do not qualify them to claim legal rights over it and that the Sami traditional lands, water, and natural resources belong to the state' (Århen 2004:93).

Since the concept of territory to the Sami involves deriving a traditional form of livelihood over lands and water they have occupied and utilised since time immemorial, so the fundamental issue for the Sami is to obtain the unqualified rights over their land and natural resources as prerequisites to be able to exist as a distinct people (Sillanpää 2002:105). So, when the enjoyment of these rights are not 'sufficiently established, implemented or judicially protected, it resulted in insecurity and instability to the Sami people' (Corpuz 2015).

Despite the adoption of different degrees of legal rights for Sami in their respective countries, none of the Scandinavian countries are yet to recognise the Sami right to

land and resources. Undoubtedly, land right remains a hotly debated question in these countries with several measures being adopted to ensure that land continue to belong to the state. An important instance can be drawn from the manner in which the Norwegian authorities in the late nineteenth century linked the knowledge and proficiency of Norwegian as the criteria for land ownership. In 1902, this was further enhanced by making Norwegian name a mandatory criteria for land ownership (Magga 1994:45; Stordahl 1993:58). Considering the inconsistency of political and administrative responses to the Sami land title across the three Scandinavian countries, Sillanpää observes that "the possibility of a common Nordic solution on this issue will be more difficult to achieve than on other issue such as in social welfare, labour, pension and health" (2002:107). However, given the importance of land right to the Sami people, the claim to land titles represent one of the major national priorities for the Scandinavian governments. As a result, Scandinavian governments response to the Sami's claim for land title within the Sami region will represent a major test of human justice in resolving an issue which lies at the very core of how these three states came to exist within their present national boundaries (Sillanpää 2002:107).

Of the three Scandinavian Countries, the Norwegian state has been the most accommodative vis-à-vis Sami rights question. Apart from having to largest number of Sami population, Norway has the most comprehensive policy and legislation for Sami rights. Norway has amended its constitution to recognise the Sami as a distinct cultural community in the country acknowledging the state's obligations to "create conditions sufficient to enable the Sami population to preserve and promote its social and cultural distinctiveness" (Article 110a). However, it lacks enforcement mechanisms. While official Commissions of Inquiry in both Sweden and Finland have recommended similar amendments to their respective national constitution, both of them are yet to follow Norway's lead. Despite land being intrinsically linked to the maintenance and survival of the Sami identity and culture, none of the Scandinavian countries have formulated any comprehensive policy for Sami land and resources rights. As is the case with other indigenous peoples, "rights to land and natural resources and the control over development and the exploitation of natural resources" is among the Samis' fundamental demands and concerns, however none of the three state governments have indicated a willingness to allow control over land to pass from

central government authority (Hannum 1996:259). The distinction between Sami rights to use the land and water versus state ownership has been crucial in several court cases in Norway and Sweden (Jebens 1986). In Sweden, the Swedish Sami's fight for their traditional territory in the Skattefjällsmålet or the Taxed Mountains case, resulted in the 1981 Supreme Court judgement of Sami losing the right to ownership of the land but the verdict granted them 'an usufructuary rights to land for reindeer husbandry'. Despite this verdict, no 'substantive or formal rights to land' had been accorded to the Sami people. This has been confirmed by the United Nations Association of Sweden in its reports highlighting that the Sami right to land is ignored and systematically violated in Sweden (UNA Sweden 2010:6). In 2002, the Swedish Government appointed a Boundary Delimitation Commission to identify the lands traditionally used by the Sami people which delivered its report in 2006. However, the Swedish state is yet to take any concrete steps towards increasing the demarcation of the traditional Sami territory. Corpuz expressed deep concern towards the limited protection the Sami gets when it comes to land and resources rights without being accompanied by any real action for the adoption of the specific legislation. In fact, this is an area open to criticism by the United Nations human rights treaty bodies (Corpuz 2015 para 38). In Finland, Section 4 of the Finnish Constitution maintains that "the territory of Finland is indivisible, the national borders cannot be altered without the consent of the Parliament." The Finnish government in its report to the United Nations stated that: "Finland has, for a long time, tried to settle the rights of the Sami people to the lands traditionally used by them in a manner acceptable to all parties, but without success" (UN 2009:3). Veli-Pekka Lehtola (2010) observes that by giving only secondary or minor concessions to the Sami people, the state managed to bypass important reforms with respect to land and water rights. This is a situation akin to all Sami across the three countries. The issue is complex because the legal struggle over land rights is also influenced by the emergence of 'contested histories' presented by different groups. In this 'contest' the interpretation of the ruling power, i.e. the central state has always proved to be stronger and more decisive and not the interpretation based on internal views of Sami rights and 'one's own history' (2010: 173-174).

Norway saw a partial recognition of Sami land rights with the adoption of the Finnmark Act of 2005[33]. The Act provides that the "Sami people, through prolonged use of land and water, have acquired rights to land in Finnmark" (Sec. 5). The Act transferred approximately 95 percent of the land in Finnmark county previously under state ownership to the Finnmark Estate which serves multiple functions as a resource management agency, caretaker of the interest of local inhabitants and as commercial entity (Corpuz 2015 para 21). The Finnmark Estate adopted to be an independent legal entity to administer land and resources rights in the Finnmark county cannot, however, alter these rights (Henriksen 2008a:32-33). The Act is ethnically neutral as it applies to all persons living in the Finnmark county. In other words, individual legal status is not dependent on whether one is a Sami, Norwegian or Kven or belongs to another population group (Norway n.d., 3 quoted from Corpuz 2015). An interview with Lil Tove[34] and Nystad[35] pointed out that they are ambivalent on the role of the Finnmark Estate Board as an impartial body established to protect the interest of the inhabitants of the Finnmark county. This is in regard to their grievances towards the Board in allowing certain rich people from the South part of Norway and other countries to fish and hunt on the payment of a certain amount. Nystad also pointed out that there are people who failed to situate what the Sami had to undergo in the past, and they think that the Sami get too much.

For a 'homelands' people like the Sami, the territorial question of land rights is a part and parcel of their cultural identification which is expressed in the notion of Sapmi which they subscribed to as their homeland (Karppi and Eriksson 2002:372). Since the Sami homeland is rich in natural resources which attracted state's as well various natural resources extraction companies, Corpuz, the incumbent UN Special Rapporteur, calls upon the Scandinavian state governments to work towards adopting legislation on Sami rights that would reflect and safeguard their interest in the area of natural resource extraction (Corpuz 2015 para 73). The Special Rapporteur particularly calls upon both Norway and Sweden to revise the 'Minerals Act to ensure that it is in compliance with relevant international human rights standards, including those requiring adequate consultations with the affected indigenous communities and

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[33]The Finnmark Act and the Finnmark Estate [Online: web] Accessed 20 June 2016
URL: http://www.galdu.org/govat/doc/eng_finnmark_act.pdf
[34] Personal Interview, Karasjok 12 April 2018
[35] Personal Interview, Karasjok 12 April 2018

their free, prior and informed consent, mitigation measures, compensation and fair and equitable benefit-sharing' (Corpuz 2015 para 79, 83). Hannum also fears the negative impacts the various developmental projects in Sami areas, particularly, the impact promotion of tourism can have on the Sami traditional life and their efforts towards cultural protection (Jones 1982:9-10, 14).

As far as the areas of language and culture is concerned, the three Scandinavian countries have been fairly responsive over the years and sincere efforts have been made to promote Sami culture. Several initiatives have been taken up by the Scandinavian states towards promoting and maintaining the linguistic and cultural rights of their respective Sami communities, although at different levels. In Norway, the Sami have been recognised by the constitution as a distinct cultural community with state obligated to take care of their cultural and linguistic requirements. Likewise, the Finnish constitution also recognised the Sami as indigenous people and they have a constitutionally protected right to promote and maintain their cultural and linguistic right[36]. and the Swedish government had recognised the Sami people as a "full-fledged people, and not a minority" in 2010 (Varsi 2010[37]). All the three countries have, in their respective capacities instituted important measures aimed at strengthening the position of the Sami society and their language in particular. They all have enacted legislation which confers a 'semi-official status on the use of Sami language in official transaction with all public authorities within a certain designated area of Sami core settlement' (Lewis 1998:157). This enactment of Sami-language legislation has facilitated the ratification by the states of European Charter for Regional and Minority Languages (1991). However, these 'legal guarantees remain only partially implemented often as a result of a lack of staff with Sami language skills' (Corpuz 2015 para 49). In Finland, "education in the Sami languages is guaranteed by law within the Sami homeland region where municipalities are entitled to receive increased subsidies for teaching in the Sami language".[38] However, unlike the case in Norway and Sweden, there is "no legislation or policy that guarantees education in the Sami language outside the core Sami area where majority of the Sami

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[36] https://www.queensu.ca/mcp/indigenous-peoples/evidence/finland accessed on 5th March 2019
[37] Multicultural policy index in https://www.queensu.ca/mcp/indigenous-peoples/evidence/sweden accessed on 5th March 2019

[38] Financing of Education and Culture Act (No. 1705/2009)

student reside." This was further complicated by the shortage of Sami teachers and educational materials (Corpuz 2015 para 71).

In an interview with Anita Bjornback in the course of the field work, she highlighted the demographic decline in Sami core areas with more and more number of youths moving outside on one hand and on the other, opportunities are being created to study in Sami in certain designated areas across Norway. She argues that apart from the shortage in Sami curricula and Sami teachers, the Sami pupils have to put into extra time and effort to learn Sami in addition to their normal courses. As a result, majority of Sami pupils who live outside the homeland region think it is an added burden to learn Sami so many of them do not opt for Sami education. Bjornback further added that there are also some Sami parents who do not want their children to undergo what they had gone through so they either hid or relegate their Sami identity in favour of Norwegian because they do not want their children to miss out the opportunity of what the state has to offer.

In looking at the budgetary allocation for Sami affairs across the three Scandinavian Countries, states commitments can be assessed on two aspects. Firstly, the coverage of such measures and the amount of sum involved. Secondly, the adequacy of the sum towards fulfilling the international obligations the states have towards the Sami people's rights. It has been found that the budgetary allocation towards this goals and commitment for achieving the obligations set are the highest in Norway and least in Finland and Sweden (Lewis 1998:157). This has been reaffirmed in the interview conducted with Elisabeth Erke[39], the plenary leader of the Sami parliament in Norway. She contends that Sami parliament in Norway receives the highest budgetary allocation compared to its counterparts in Sweden and Finland which itself is a big motivation for Sweden and Finland. She further asserted that the Norwegian Sami parliament enjoys the privilege of taking a lead role for the other two parliaments to follow. At the same time, she highlighted the importance of promoting what she calls 'soft diplomacy' in terms of organising cultural festivals, through the medium of arts and music.

On the ratification of international instruments on indigenous people's right, all the three countries under study voted in favour of adopting the United Nations

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[39] Personal Interview, Karasjok 13 April 2018

Declaration on the Rights of Indigenous Peoples (UNDRIPS). However, this declaration is non-binding so it does not impose duties or obligations to the signatory states (Corpuz 2015). On 19 June 1990, Norway became the first country to ratify the binding ILO Convention 169 Indigenous and Tribal Peoples Convention, 1989. Both Sweden and Finland are yet to follow suit. In 2000, the Finnish Ministry of Justice set up a Committee to evaluate the obstacles of meeting the minimum criteria required for the ratification of ILO Convention 169 without making any headway towards its ratification (UN 2006b, para. 63). Norway has incorporated the three United Nations Covenants namely the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) into its domestic law (Anti-Discrimination Act 2005 Sec 2)[40] (Corpuz 2015 para18).

Sweden maintains that international treaties do not automatically become part of Swedish law. In Sweden, international treaties are applicable only under two grounds. The treaty has to be either converted into Swedish legislation or it has to be incorporated through a special act. Swedish Government, in recognizing the right to Sami self-determination as a people under common Article 1 of the 1966 ICCPR and 1966 ICESCR clarified that "it shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of Sweden". Sweden voted in favour of the UNDRIPS in 2007 but has not ratified the binding ILO Convention 169 despite receiving recommendations from international human rights mechanisms to do so.[41]

Overall, with the revival of Sami movements over the years and their struggle for self-determination on issues concerning them, the Scandinavian countries sit uneasily with these challenges. The Sami leaders, on their part had to struggle with the fear of being perceived that their goal of self-determination could potentially undermine the integrity of the nation-state and they had to keep emphasising that their aspirations are not antithetical to the national sovereignty (Semb 2005:537). Magga (2002) observes that a careful reading of self-determination in various international documents of the

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[40] Anti-Discrimination Act 2005 Sec 2
[41] See https://www.sametinget.se/61538 ; https://www.ohchr.org/Documents/Issues/IPeoples/SR/A-HRC-18-35-Add2_en.pdf ; https://undocs.org/en/CCPR/C/SWE/CO/7

UN and the ILO shows that the concept has changed from its traditional meaning of state sovereignty to a broader notion applicable to the indigenous peoples. This is possible because Sami do not seek full-fledged sovereignty. There is no call for Sami separatism so far (Karppi and Eriksson 2002:370-371). Timo Koivurova (2013), on evaluating how Sami self-determination is sought to be achieved in a world of sovereign independent states traces the development of the concept of the right to self-determination in international law from the period of decolonization in the Post Second World War and the adoption of common Article 1 of the two International Human Rights Covenants in 1966 to the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. Koivurova argues that since these declarations have been approved by the Human Rights Council and adopted by the United Nations General Assembly, the compromises made along the way explains that "self-determination for indigenous people must be achieved internally rather than externally" (Koivurova 2013:118). Such an approach can be obtained from the UNDRIPS provision on territorial integrity in Article 46 which states

Nothing in this Declaration may be interpreted as implying for any state, people, group, or persons any right to engage in any activity or to perform any act contrary to the Charter of the UN or construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states

Furthermore, the only provision of the Draft which seek to address the situation of the transnational Indigenous peoples such as the Sami has been further reiterated in Article 36 thus

Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this rights

According to this line of argument, the UNDRIPS support for transnational people is limited to "facilitating their contacts rather than encouraging them to unite". Seen in

this context, the Draft Nordic Sami Convention is a considerable achievement for it celebrates the Sami as a transnational people and develops a vision for co-existence within the physical space and territories of three independent countries. In 2001, the Governments of Norway, Finland and Sweden and the Sami Parliament in the three countries appointed an Expert Group to draft a Nordic Sami Convention. In November 2005, the Expert Group unanimously agreed upon a draft which was presented to the three governments and the three Sami parliaments for negotiations (Åhren 2004:75; Åhren 2007:12). The main goal of the Nordic Sami Convention is to work towards safeguarding and developing the Sami people's cross border right in order to maintain and promote their languages, culture, livelihoods and way of life with minimum interference from the imposition of borders by national authorities. The Draft provisions embody a wide range of subject covering 'self-determination, non-discrimination, Sami governance including the Sami parliaments and their relationship to the state, languages and culture, education, rights to land, water and livelihoods across the Sapmi region' (Corpuz 2015 para11). The inspiration for the Sami Convention is the addendum to the Lapp Codicil of 1751 which recognised the existence of the transnational 'Lappish Nation'. In terms of political substance, the Sami Convention is mainly based on the ILO 169 Convention on the rights of indigenous peoples. The draft convention represents an important recognition of Sapmi as a transnational entity so its implementation is a major goal of transnational Sami politics (Eriksson 2002:245). When signed, it will be a legally binding treaty between Norway, Sweden and Finland on the rights of the Sami people and can thus be viewed as a renewal of the Lapp Codicill" (Åhren 2004:75; Åhren 2007:12). However, negotiation has stalled the process of its implementation. The right to self-determination interpreted in Article 3 of the Draft Nordic Sami Convention in its present form has been regarded by Finland in particular and Sweden as too ambitious that goes beyond what is required by the international law (Koivurova 2013:122). If successfully implemented, it would constitute an important milestone not only for the Sami people in the Scandinavian countries but it will also serve to be an achievement and morale booster for all the transnational people around the world. Since the formation of state borders partitioning the Sami areas have greatly shattered their traditional way of life to such an extent that their very own existence as one people has been effectively threatened. Therefore, the need for strengthening collaboration

between Sami people as well as between the states is all the more felt (Sara 2002:24-25).

A remarkable feature of the overall Sami movement and their accommodation is the absence of violence although there have been instances of civil disobedience. This seem to suggest that all the parties share a sincere commitment for peaceful resolution of the conflicting demands and aspirations. An important attribute to this is the democratic nature of the states involved, their pacifist tradition and their relatively sympathetic responses to Sami even if perceived insufficient by many Sami. The joint commitment of the three Scandinavian countries to respond to Sami demands rather than repressing them has been particularly noteworthy (Hannum 1996:258). Analysing the outcome of the institutional arrangements adopted by the Scandinavian countries from the Sami perspective however, reveals that they lack legitimacy since, it is not the Sami but the government that decides the order of priorities for deliberation. These priorities are in turn dependent upon which issue the government thinks are genuinely Sami needs that should be taken up. The Commissions have also deliberated on regional conflicting interest on land and resource utilization. However, on evaluating the work of these Commissions reveal that, at the end of the day, Sami interest had to make way for the general interest of the larger community when it involves activities such as maintaining economic growth and local forestry sector jobs (Lewis 1998:61). Nonetheless, the Commission of Inquiries are an important proceeding which deliberates upon Sami issues and their rights questions. It is through this consultation and deliberation that certain pre legislative proposals are obtained not only within each state but also across the Scandinavian states at large towards formulating a more or less common Sami policy (Lewis 1998:82).

Today, those who consider themselves Sami constitute a minority even in the 'Sapmi' region. This has partly been a result of the state's sponsored immigration policy of people from other parts of the countries into the Sami homeland in the past, partly an outcome of the states' assimilation policy that was in place for over a century and also a result of the Sami themselves in moving outside their homeland areas for better opportunities and avenues in life. Hannum (1996) argues that any genuine solution for the Sami people should start with the understanding of 'Sapmi' as one nation which is indivisible, stretching across different territories of independent states, and that

'Sapmi' shall not be reduced from 'one nation to three national minorities or ethnic groups'. Therefore, Hannum argues the need to conceive a solution towards a joint 'Nordic' effort rather than individual Finnish, Norwegian or Swedish. Hannum further argues that any solution either in the form of a transnational Sami territory, divided into state demarcated areas or 'internationalized' more directly through arrangements for some form of joint authority over a unified Sami homeland, it has been and will remain closely tied to the Scandinavian countries by geography, economy, and inter-cultural tradition. He observes that if boundary, within or international frontiers within the Sami region be redrawn to accommodate the Sami people, it would be a 'soft' border, except perhaps for residence and peculiarly territorial matters such as land use and resource exploitation (Hannum 1996:261). Mervyn Jones argues the relevance of the common ground reached in 1982:

The Sami are among the world's least numerically strong minorities. They are also, thanks to their pacific traditions, one of the most defenceless by the accepted standards of an age given over to violence. They have been subjected to centuries of pressure, to cultural repression, and to the temptations of assimilation. Their physical environment, which is vital to them, is still assaulted and imperilled. Yet they have succeeded in maintaining their social integrity and their self-confidence; they have made significant gains in their relationship with well-organized nation-states, and can be counted upon to make more in the future; and, as a community, they are in the midst of a period of revival and renewal in which they can take justified pride. If there are lessons here, the lessons must be heartening (Jones 1982:14)

An important feature that needs highlighting is the kind of internal variations the Sami have amongst themselves. Despite this heterogeneity, the Sami people give emphasis on the attributes they have in common such as their shared ethnic and cultural characteristics. They have increasingly expressed their desire to be seen as constituting a nation spread across four countries. The word 'Sapmi' obtained from all the Sami dialects has been actively promoted to refer to the traditional geographical area of the Sami settlement which today covers four different countries. The Sami have succeeded in putting in place the term for which they wish to be recognised. The term 'Sami' has been chosen by them to replace the previously used and often felt derogatory terms such as "Finn or Lapp". In the present context, the term 'Sami' has

been popularly adopted and used by the international community especially in academic circles (Salvesen 1994:117-118). Overall, the Sami people have transformed from a marginal minority community who have been exposed to a century long aggressive assimilation to a resurgent outspoken minority who have achieved for themselves remarkable attributes and the creation of Sami national symbols such as national anthem, national day, official recognition of Sami languages, as well as the use of the term Sapmi to describe their homeland across border. The most remarkable achievement towards their changing status has been the establishment of Sami parliaments in Finland, Norway and Sweden in 1973, 1989 and 1993 respectively. Apart from the pan Sami milestones they have achieved over the years, Broderstad,however argues that the "development on the state level is relatively slow and very uneven where every step forward meets resistance" (Broderstad 2008, 24–26, 81–105). In an interview with Broderstad[42] at the University of Tromso, in the course of the study, she re-emphasised this argument by saying that politics is an ongoing process which need a lot of patience and optimism. She added that one need to look beyond the short term measures and wait for long term goals, Sami politics have been one. She further pointed out, "the Sami have come a long way from where they had started, and if we look back, we have achieved a lot".

Patrick Lantto (2010) argues that the only way in which the negative effects of imposed state borders and enforced citizenship will be reversed only when the vital demands and aspirations of the Sami are fulfilled which includes devolution of a genuine sense of autonomy to the Sami parliaments, harmonization of legislations and rights across the Scandinavian countries, constitutional protection, control/ownership of land and towards establishing a joint Sami parliament for all Sami across the three states (2010:554). In a situation where groups are divided across different state boundaries, transborder polity building is all the more challenging. Eriksson (1997) argues that one needs 'compatible building blocks' between the states for transborder polity to succeed. This can be obtained from the manner in which all the three Scandinavian countries worked together to facilitate Sami cross border rights which has not been quite possible when it comes to the case with the Russian Sami.

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[42] Personal Interview, Tromso University 16 April 2018

On assessing the cross border Sami movement, although transborder cooperation is not easy since the people involved are locked in their own states and their priorities and concerns have been largely limited to their own states, Eriksson argues that it is nonetheless not impossible to stay resilient if the "goal of statehood is abandoned in favour of a less ambitious transborder home rule which does not question the territorial integrity of the states". This is true in the case of the Sami people. The Sami have also employed the success achieved in one state as a model for the other states to follow (Eriksson 1997:251). Eriksson observes that almost every initiative that has been taken in transnational Sami politics has originated on the Norwegian side. All the major reports and documents on the Sami Convention, on Sami Parliamentary co-operation and the idea of a transnational Sami region have been drafted in Norway. This has been the tendency since the end of the 1979-1981 Alta protest in Norway. The comparatively stronger position and activism of Norwegian Sami have had an impact in Sweden, Finland and even in Russia. Without the establishment of the Norwegian Sami parliament in 1989, the Swedish Sami parliament would not have come into being. Eriksson called this phenomenon the "blueprint strategy, that is the co-optation of the positive Norwegian example by Finnish, Swedish and even Russian Sami seeking to influence their respective states" (Eriksson 2002:247).

3.9 EXPLORING TERRITORIAL AND NON-TERRITORIAL AUTONOMY ARRANGEMENTS: NORWAY AS A TEST CASE

Looking at the State-Sami relation in Norway, Hannum(1996) argues that state responses to social and cultural issues have not been followed up by either symbolic recognition of the unique position of the Sami within 'Nordic' culture or significant political initiatives. The Norwegian Sami Rights Committee's refusal to provide any significant legal obligations to the Sami as "an indigenous people or a people with a right to political self-determination or autonomy despite acknowledging Norway's positive obligations towards them may have been a result of two divisions, 'one within the Nordic population and one among the Sami themselves' (Hannum 1996:258). The division in the former case can be attributed to the disagreement within the Norwegian Sami Rights Committee on constitutional amendment regarding state's obligations towards the Sami people. The primary concerns relate to the fear of

accentuating differences in an intermixed society where the Sami have, in most cases, turned into a tiny minority. It was feared that schemes for the Sami would discriminate against the economic and other interests of the Norwegian majority in the region.[43] Again, the divisions in the latter case could be an outcome of disagreements over policies resulting from any widely scattered and heterogenous community such as the Sami whose major portion of the population lives outside their homeland region. In Norway, opinions differ even among the Sami on their designation as an identifiable group and the requirement of registration for elections to a representative Sami parliament. Sceptics among the Sami argue whether these steps would act as an integrative or divisive force for the Sami as a whole.[44] There was also an inherent fear that the development of three separate state based Sami parliament could inhibit the transborder 'Nordic character of Sami culture' because it would seem to detract from the transnational aspects of Sami life that have been recognized by all the states involved for centuries (Hannum 1996:260).

Per Selle (2011) on evaluating the evolution of Sami politics and the corresponding policies that are in place in Norway argues that there must have been a very little discussion and deliberations on how territoriality and ethnicity are to be managed and balanced. This is because solutions and schemes for Sami accommodation are largely ad hoc in nature. As far as the schemes for Sami accommodation in Norway is concerned, Per Selle identifies five different territorial areas of operation. The largest territorial area covers approximately 40 per cent of Norway's land area in which subjects ranging from the management of reindeer husbandry and consultations on material cultural foundations, heritage sites and authority in land-use planning are sought to be dealt upon. The second territorial area is related to business subsidy schemes which covers 30 municipalities. The third relates to decisions under fisheries legislation about the right to fish in respect of the smallest vessels. This includes the area of Finnmark and the Sami parliament's area for business subsidies outside Finnmark. The fourth area relates to land and resource rights and decisions relating to considerations in minerals legislation which covers 96% of the land area in Finnmark. The fifth and smallest area relates to language, kindergarten, educational and training rights and schemes covering 10 municipalities. Such is the layered territorial approach

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[43] Sami Rights Committee summary pp. 45-46 quoted from Hurst Hannum (1996:260).
[44] Sami Rights Committee summary pp. 48-53 , ibid.

being followed for Sami rights accommodation in Norway. At some levels, there is an individual-based ethnic approach on areas such as the right to own reindeer and the right to use the Sami language in kindergarten and so on (Falch et al. 2015:18-19).

In February 2003, the Sami parliament and the County Council of Troms adopted an agreement for cooperation with the goal to "facilitate permanent co-operation between the parties in questions that concern the Sami and Sami areas in Troms County"(Article 1 in the agreement on cooperation translated by Anne Julie Semb 2005:541). The agreement covers issues ranging from "Sami language, education, cultural affairs, museums, libraries to Sami organizations". An agreement between the Sami parliament and the County Council of Finnmark was signed in May 2003 to "formalise the existing co-operation between the two towards establishing a joint project for an indigenous people's zone in Finnmark" (Semb 2005:542). The state is obligated to consult the Sami parliament in matters of Sami interests, in this capacity the Sami parliament participates in a form of multi-level governance with the state. However, this consultation right do not necessarily translate into exercising an authority over the matter. In addition to this, the consultation rights are of territorial in nature because it is limited to geographically-oriented measures. The weakness of consultation procedures is attributed from the fact that it is not enshrined in law and a proposal to do so from the Committee on Sami Rights in 2007 has not yet been implemented (Falch et al 2015:19).

Anne Julie Semb (2005) examines both the principles of territorial and non-territorial jurisdiction in determining the future distribution of decision-making power between the Norwegian Parliament and the Sami parliament in Norway. Semb puts that "an agreeable distribution of decision making powers must fulfil two normative criteria: Firstly, decision making power should be distributed on the basis of individuals' desire to be politically associated with some people rather than with others. Secondly, those who are subject to the jurisdiction of a particular body have the right to vote in elections for and thus have the possibility to affect the composition of that particular body" (Semb 2005:531). Brian Barry (1991), speaking in the context of sovereign states argues that when the territorial boundaries corresponds with the national settlement pattern, it indicates compatibility with the "individualists principle i.e., the principle that the only way of justifying any social practice is by reference to the

interests of those people who are affected by it" (1991: 158-159). However, when the "territorial boundaries failed to coincide with national settlement patterns, the desire of individuals to be politically associated with some people rather than others may then provide guidelines for how decision-making power ought to be dispersed". This is the situation facing the Sami people in Norway (Semb 2005: 533). Since the area which has been described as the traditional homelands of the Sami are also inhabited by people belonging to the majority population who have, over the years, become the majority in these areas. It is in such a situation that the challenges of implementing Sami self-determination is sought to be conceived (Broderstad 2011:899).

In Norway, Sami self-determination is sought to be achieved through Sami parliament. However, there is a gap between the historical claim of the Sami settlement and the demographic situation today. For instance, in the historically identified Sami homeland 'only about 11 per cent of the population in Finnmark is registered in the Sami Electoral Roll, 1.6 per cent in Troms and 0.3 per cent in Nordland' (Semb 2005:539). The figures indicates that the historical homeland region of the Sami as conceived by them is either largely inhabited by non-Sami or people who failed to identify themselves as Sami. If the Sami parliament would be granted territorial jurisdiction over the Sami historical homeland, then majority of its inhabitant could not only register in the Sami parliament which is strictly based on Sami descent and thus, they will be ineligible to vote. At the same time, number of Sami people registered in the electoral roll who enjoys voting right in the Sami parliament would not be subjected to the jurisdiction of the parliament because they reside outside the territorial jurisdiction (Semb 2005:539). Semb therefore argues that according territorial rights to the Sami through Sami parliament would not solve the difficulties facing both the unregistered non-Sami inhabitants in the Sami homeland as well as the registered Sami living outside their homeland. Also, even among those who fulfil the linguistic criteria of Norway Sami Act and who are registered in the Sami parliament electoral roll, several of them have mixed lineage which may fail to "translate in an automatic link between a person's descent, his or her self-identification, political loyalties and his or her desire to be a subject to the jurisdiction of the Sami parliament" (Kramvig 1999; Hovland 1999 quoted in Semb 2005:540). For many of them, self-identification as "finnmarking" which is derived from the word Finnmark or "Nordlending" from the word Northern Norway means belonging

to a "mixed cultural background", shaped by what has been termed "the meeting of the three tribes namely Norwegian, Sami and Kvenish culture" (Bjorkund 1978 quoted from Semb 2005:540). Therefore, the question of "how many and who feel that they are Sami" is not constant and it changes over a period of time.

When ethnicity and territory overlaps, territorially defined autonomy arrangements becomes a complicated affair. Territorial solutions could not be conceived without affecting the interests of non-members who fall within the ambit of the territorial unit and at the same time it equally deprives those members who happen to fall outside the given unit. In a situation where the population in a given territory is intermixed, any form of arrangements favouring a particular group would be negatively perceived by others as disadvantaging them thereby jeopardising the relationship between communities. Such a situation has been witnessed in the Sami homeland. Since the Sami leadership has claimed the centrality of land ownership as the only means through which justice and the human dignity of the Sami could be restored, the problems, however, lies in the fact that the areas inhabited by Sami have become too intermixed that the Sami themselves have become a minority even in the areas they claimed to be their historical homeland. Valkonen (2004) cautioned the danger inherent in a multi ethnic society in which the needs and rights of people, regardless of ethnicity or race should not be denied in an attempt to accommodate a particular group, in this case, the Sami. In other words, a positive discrimination in favour of some should not lead to real discrimination against others (Valkonen 2004:111). A study conducted by Vollan (2010) indicates that the introduction of groups rights to accommodate the Sami peoples' aspirations has indirectly led to the unintended consequences of increased ethnic tensions in the Finnmark County in Norway. There are also cases of opposition in regard to the establishment of the Sami parliament that comes from other communities as well as within the Sami although, for different reasons. Semb cautioned that if territorially designated authority has been introduced for the Sami people, it would violate the "individual principle" which emphasises individuals' subjective interests of the given geographical area (Semb 2005:541).Thus, when the relevant groups are not geographically clustered but rather live intermingled with each other, Semb argues for the need to conceive "alternative institutional mechanisms for dispersing decision-making power" between the relevant groups without disadvantaging the others (Semb 2005:543).

Again, considering the case of a non-territorial jurisdiction model proposed by Renner and Bauer argue that national rights should be accorded to individuals without any territorial base. Since the process of registration to the Sami parliament is open to all the Sami throughout Norway which is carried out on the basis of "an objective and a subjective criterion", it works on the principles that somehow resemble those proposed by Renner and Bauer. Falch et al (2015) argues that "whereas national membership was a matter of personal declaration for Renner and Bauer, Sami descent is a necessary, though not a sufficient, condition for registering in the Sami electoral roll" (Falch et al 2015:18). However, Semb argues that introducing a non-territorial cultural jurisdiction of decision making over territorial jurisdiction in the Sami context is problematic because the Sami Rights Commission embodies an "expansive interpretation of the term culture that includes the material preconditions, i.e. the resource base of the Sami culture and their claims for land and water rights" (Semb 2005:545). The problem lies in the vagueness of how culture is being interpreted by different groups inhabiting the same territory. While Sami would consider the management of land and its resources to be a cultural affair which justifies their claims to cultural jurisdiction whereas for others, such management of land and its resources may be a non-cultural affair which calls for territorial jurisdiction (Semb 2005:545).

The Sami Rights Commission's definition of 'culture' is inherently linked to territorial claims while Renner and Bauer model aims to delink culture and territorial claims. So, Semb argues that if a non-territorial cultural autonomy model as proposed by Renner and Bauer has to be established, then the Sami Rights Commission has to redefine their concept of 'culture' in a narrower sense to exclude the resource dimension. Semb argues that if such an interpretation of culture can be conceived, then Renner and Bauer model of distributing decision making power in a non-territorial cultural jurisdiction would be an effective 'point of departure for discussion of the future status of Sami Parliament than the notions of territorial jurisdiction in Norway' (Semb 2005:547). Broderstad also argues the difficulty associated with implementing resource governance because unlike the political, cultural and linguistic matters, resource governance will have a direct impact on the other people who reside in the same geographical space (2011:899). Broderstad, therefore suggests the need to consider the schemes for co-determination, joint consultation and exploring of various

models on how people's self-determination should be organised and institutionalised (2011:902).

Meanwhile, Falch et al (2015) pointed out that both the schemes of non-territorial autonomy and territorial autonomy for minorities are equally problematic and challenging. By the former, an ethnic identification on individual basis is required and by the latter, a geographical area where the targeted groups constitute the majority is needed which is not to be found in Norway. From the Norwegian experience, Falch et al (2015) argues for "a self-determination scheme which is neither territorial nor non-territorial but which rest on a distinctive combination of autonomy and political integration, which need not be individual based and ethnic oriented, but which may have varying territorial ambit" (Falch et al 2015:21). Falch et al (2015) pointed out the undesirability of adopting an individual based rights for the Sami due to the following reasons. Firstly, according individual rights to Sami will eventually detach them from their traditional land and resource areas which have always been a defining cultural characteristic of Sami ethnicity, their language and culture. Secondly, demographic changes and urbanization are likely to weaken the sense of community of the Sami thereby broadening the gap between culture and industry and reinforcing a trend in which the Sami may move from the category of being understood as a 'people' to becoming a 'minority' implying a very different role and influence to the society. Thirdly, Sami autonomy and authority is dependent on an active and vigilant Sami civil society which is increasingly concentrated in and around the Sami parliament itself (Selle and Stromness, 2015 quoted in Falch et al 2015:21-22). Falch et al (2015) argues the need to achieve a clear territorial dimension which will provide a platform for the germination of an active Sami civil society, the failure of which will weaken the legitimacy and standing of the Sami parliament in the Norwegian political system. Once this legitimacy is lost, the chance of incorporation and co-optation of the Sami by the state will be significantly higher (Falch et al 2015:22). Semb, in resolving conflicts over distribution of decision-making argues for the need to examine the demographic conditions of the area and the rule specifying who is eligible to vote in elections to different bodies. Semb also argues for the need to take up issue on a case by case basis because the institutional measures that work for some indigenous people in one part of the world may be unacceptable somewhere else (Semb 2005:546)

CHAPTER FOUR

NAGA IDENTITY: ISSUES AND DEMANDS

This chapter traces the emergence of the Naga movement. It discusses how the British colonial administrative policies by demarcating the Naga territories without the latter's consent created grounds for the emergence of ethnic consciousness among the Nagas. It also studies what motivates and shapes their oneness despite being warring tribes in the past. Further, the chapter looks at the Nagas' stand on being situated in a unique history and the arguments they put forward in their aspiration as a distinct people. The chapter delves into the trajectories of the Naga ethnic-based identity assertion as it unfolded over the years and the demands and aspirations they put forth as a people spread across different administrative boundaries. In looking at the way they came to challenge this imposed division, it analyses the evolving nature of the Naga movement from a demand for autonomous status in the prelude to Indian independence to the demand for a full-fledged sovereign status to that of integration and some form of an alternative arrangements to cater for the needs of the Nagas divided across different states boundaries.

4.1 THE NAGA - AN INTRODUCTION

The word 'Naga' is a generic term supposed to have been coined by the British to identify a conglomeration of over thirty tribes who speak varied strands of the Tibeto-Burman group of languages and are geographically distributed across contiguous region starting from the "Brahmaputra valley in Assam in the west, to the Chinwind river of Myanmar in the East, large tract of Manipur in the South and Tirap and Changlang district in Arunachal Pradesh to the North" (Aosenba 2001:1). In India, the Nagas are concentrated in the state of Nagaland and some of the adjoining hill districts of Manipur, Assam and Arunachal Pradesh (See Fig. 3). In Myanmar, they are concentrated in the 'Somrah Tract bordering India which comes under two administrative units namely the Kachin state and Sagaing Sub-Division' (Vashum 2000:10).

Fig.3 The Political map of Nagaland and the North-East India

Source: http://cdpsindia.org/images/map/ne_map.jpg

There are multiple theories on the origin of the term 'Naga' and no conclusive theory has not been established so far. Before the advent of the British rule, the people referred to each other by their respective tribe's name and it was the British who began to popularise the term 'Naga' to describe all the tribes inhabiting the Naga Hills (Aosenba 2001:2). British administrators such as Johnstone (1896), Grierson (1903) and J.H. Hutton (1926) suggested the word 'Naga' may have been derived from the Assamese word 'Noga meaning naked and mountaineer' to describe the hill people of

Lakhimpur and Sibsagar district of Assam (Aosenba 2001:2). Captain John Butler, the former Deputy Commissioner in the Naga Hills believes that the term Naga is derived from the Bengali word 'Nangla' or the Hindustani word 'Naga meaning naked, crude and barbarous', while another theory suggests that it derives from the Kachari word 'Naga' 'a youngman' and hence a 'warrior' (Aosenba 2001:2-3). Verrier Elwin (1951) suggests that the term "Naga may have been derived from the word Nok or people" used in certain Tibeto-Burman languages such as Garo, Nocte and Ao (Alemchiba 1970:23). Horam (1975) argues that the term Naga derives from the Tangkhul Naga word "Naokhoka, which means a very brave child". According to his version, "Naokhoka became Naokha in due course of time and when these Naoka came in contact with the Ahoms of Assam, the Ahoms called them Noga in their own peculiar way" (Shimray 2007:24). There is no conclusive theory on the origin of the word Naga which may have been derived from Assamese, Bengali or Burmese. Thus, the derivation of the term are all assumptions which are not free from inconsistencies. Added to these inconsistency is that they constitute one among the multitudes of hill people in the North-East so the theory of the origin of the term Naga remains inconclusive. In such a background, Aosenba argues that the term Naga is generally assumed to be 'a political construct and a cultural abstraction' (2001:3)

Coming to the historical origin of the Nagas, historians like S.K. Chatterjee, as quoted in Sanajaoba Naorem (1988) traced the origin of Nagas to the South East Asian Countries. According to this theory, it was from 2000 B.C. onwards, Sino-Tibetan speakers from China pushed South and West and entered India and the Naga people settled in Samjok area in Myanmar. Many Naga groups subscribed to Makhel area in Senapati district of Manipur as their place of origin and dispersion to various other directions. As a result, megaliths have been erected in this village in order to mark their dispersal (Shimray 2007:24).

4.2 THE NAGA SOCIETY

The Nagas are a highly heterogeneous group of people who, despite sharing common racial and cultural attributes, each tribe and each village speak their own distinct dialects which are often incomprehensible to one another. The linguistic diversity of the Nagas is an outcome of the composition of different stocks, languages and stages of migration from various routes and directions (Aosenba 2001:5). As a result,

Nagamese, a creole of Assamese language and English came to be the medium of communication between the Nagas with one another. W.C. Smith (1925) has listed 13 outstanding characteristics which are common to the Nagas even though they speak different languages, which he attaches racially to the Indonesians, that is the people of Malaya and the islands of Indonesia. These are:

(i)   head-hunting,

(ii)   common sleeping houses for the unmarried men, which are taboo to women,

(iii)   dwelling house built on post and piles,

(iv)   disposal of the dead on raised platform,

(v)   a sort of trial marriage or great freedom of intercourse between the sexes before marriage,

(vi)   betel-chewing,

(vii)   aversion to milk as an article of diet,

(viii) tattooing by pricking,

(ix)   absence of any powerful political organization,

(x)   the double cylinder vertical forge,

(xi)   the simple loom for weaving clothes,

(xii)   a large quadrangular or hexagonal shield, and

(xiii) residence in hilly regions with a crude form of agriculture.

Every Naga tribe has a chief who is the head of the village, either elected or hereditary depending on the tribe. Nagas are patrilineal and patriarchal society in which traditional laws form the yardstick of any code of conduct. Every village was self-sufficient unit and trade existed in the form of barter system (Vashum 2000:17). The Nagas have a 'communal provision' or 'paddy store house/room' called 'maazum' in the Tangkhul Naga dialect which is a storage meant for the poor, needy and the village guests. The practice has been sustained through an annual ritual in which individual families would voluntarily bring their produce depending on their respective capacities. Families who harvests more paddy contribute more for the communal 'maazum' (Vashum 2000:18).

On historical settlement, J.P. Mills (1922) made the observation that the Naga inhabited area is "bounded by the Hukawng valley in the North-East, the plains of Brahmaputra valley to the North-West, of Cachar to the South-West and of the

Chindwin to the East. In the South, the Manipur valley roughly marked the point of contact between the Naga tribes and the very much more closely interrelated group of Kuki tribes Thadou, Lushei, Chin etc" (Mills1922:xvi). The Naga villages are mostly located on "hill-tops which probably helped them to have a commanding view over the surrounding areas for strategic and scenic purposes and to avoid wild animals and mosquitoes" (Vashum 2000:58). The villages resemble a republic of villages that are independent of each other. The administrative system of the Naga villages differed widely, as Verrier Elwin (1961) had summed thus: "Naga society presents a varied pattern of near-dictatorship and extreme democracy. There is a system of hereditary chieftainship among the Semas and Changs. The Konyaks have very powerful chiefs or Ang who are regarded as sacred and whose word is law. The Aos, however, have a kind of republican system with councils or bodies of elders who represent the main family groups in the village and the Angamis, Lothas, Rengmas and others are so democratic that Hutton remarks that in the case of Angamis it is difficult to comprehend how, in view of their peculiar independence of character, their villages held together at all before the coming of the British Government" (Elwin 1961:6-7). Since each Naga village was said to be "self-sufficient that any interference, trespassing or encroachment by members of other villages in its territorial jurisdiction may provoke inter village war and head hunting". Vashum further argues that this kind of "inter village geo-political relation made their freedom and isolation possible and the importance given to independence and sovereignty over their respective homelands could be a determining factor on why the Nagas are so much averse to any outside interference or encroachment in their territories" (2000:60).

An eminent Naga historian, Gangmumei Kabui (1993) argues that, "all types of political systems are found among the Nagas, ranging from the pure democracy of the Angami to, the autocratic rule of the Angs of the Konyaks, from the gerontocracy(Tatar) rule of the Aos to the semi republic of the Zeliangrongs". There are also variations in their customs. While the Tangkhuls, Zeliangrongs, Angamis, Chakhesangs and others bury their dead, the Konyaks and the Aos expose their dead. It is interesting how Nagas came to develop a feeling of oneness and constituting a homogeneous group of the mongoloid race despite the inherent diversities they have from within. Each Naga tribes have their own set of "unique political organization, diversified linguistic, socio-cultural and political milieu". Historically, the Nagas

never had a single unified system of administration. Every Naga village was a republic with its own popular village government. Each village has a clan based council which is the parliament of that particular village (Alemchiba 1970:162). Independence was given such a prime importance that there was a time when the Nagas could not cross each other's villages. Such social and geographical barriers of isolation were gradually broken down with the coming of the British. In fact, it was the British who imposed common identity and the name Naga itself, instilling in them the sense of unity and a feeling of ethnic and emotional solidarity (Vashum 2000:22-23). Vishier Sanyu[45], a respondent from Medziphema in Nagaland in the interview conducted during the course of the study said that his parents never knew they were Nagas. They only recognised themselves as Angamis from Khonoma village. He argued that it was others who called them Naga. For instance, he said the Assamese called them Noka, Noga etc. He added that some tribes like Monsang etc became Nagas much later. According to Vishier, there are several tribes between Kachin and Naga. So many do not know where they exactly stand. Those tribes who fell within the boundary of Kachin state then shed their identity and identified themselves as Kachin. He argues that there are atleast 25 Naga tribes in Burma.

Against this backdrop, it is our intention to see how the Naga ethnic consciousness emerged and what sustains it. The total population of Naga is estimated to be around 3.5 to 4 million. There is however, no official record on the exact number of Nagas due to the lack of a reliable census on Naga population both in Burma and India. In India, census is collected in the name of each particular tribe and not the category Naga *per se*, an amalgamation of various tribes taken together. In addition, the 'Naga' is not a linguistic category as there are around 30 different Naga languages which linguists classify as falling into "at least two, and possibly several, completely distinct branches of Tibeto-Burman", thus census on language are of no much help when it comes to identifying the Nagas (Burling 2003:172).

In an attempt to trace the Nagas' claim for unique history and situation, it is important to look at the Nagas' relationship with their neighbours in the past.

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[45] Personal Interview, Medziphema, 29 November 2018

4.3 NAGAS AND THEIR NEIGHBOURS IN THE PAST

4.3.1 AHOM

The Ahoms are considered to be one of the first people who come into contact with the Nagas. Their encounter took place sometime in 1228 when the Ahom who came from Burma entered Assam through the Naga Hills in the Patkai Range. The Ahoms are Siamese-Chinese speaking Mongoloid stock of people who established the Ahom kingdom in Assam under its first Prince Sukapha (Gait 1967). Initial encounters between the Ahom and Nagas was violent. The Nagas resisted the Ahoms advancement towards Assam through their land and there was fierce fighting in many places (Ramunny 1993:5). Sukapha treated the Nagas with, to borrow the words of Gait, "ghastly barbarity" causing "many of them to be killed and roasted, and compelled their relatives to eat their flesh" (Gait 1967:78-79). It was after settling down in Assam, the Ahoms and the Nagas developed a new attitude towards each other (NSF 1995:3).

To the Ahoms, the Naga Hills is strategically very significant, for "it was through the land of the Nagas of Patkoi and the Tirap Division of North-East Frontier Agency (NEFA) that the Ahoms came to Assam over the Patkoi mountain and it was this route that they had use in maintaining their relations with their kith and kin in Burma" (Devi 1968:21). The Ahom policy towards the Nagas was marked by conciliation backed by force and numerous punitive expedition; but the Ahom rulers never had any plans for the conquest and annexation of the Naga territories. "The Ahom rulers considered it enough to receive the submission of the Nagas and to allow them to enjoy their tribal autonomy so long as the Nagas living near the plains who were granted revenue-free lands and fishing-waters along with retainers in the plains, did not raid Ahom territories and the Nagas on the India-Burma frontier did not ally themselves with the enemies of the Ahoms beyond the Patkoi range to jeopardise the Ahom kingdom" (Devi 1968:47).

In the early seventeenth century, the relationship between Ahom-Nagas improved during the reign of Sachimpha (1644-48) and Jayadraj Sinha (1648-1663) (Aosenba 2001:7). The relationship also touched upon some aspect of economy and the Ahom's policy towards the Nagas was based on a desire to control the 'brine springs' in

eastern Naga territory which produced salt. Another policy of the Ahom was to stop the Nagas from carrying out any raids in future. The relationship evolved into Ahom granting free revenue of lands and fishing water to the Nagas called 'Naga khats' in Assamese which subsequently became trading centres (Aosenba 2001:7).

In the long run, the Ahom kings never made an attempt to conquer the Naga hills nor the people as their subjects. Their relationship was only through a confederation and there was never any treaty or agreement signed between the two parties. The acknowledgment of "non-interference in Naga affairs resulted in the cordiality and understanding between the Nagas and the Assamese living on the borders of the Naga hills and it result in a flourishing barter trade" (Yonuo 1974:62). The Nagas paid nominal tributes to Ahoms in the form of 'mithuns and other commodities' but did not allow to extend their jurisdiction over any Naga hills. The Ahom kings made no war with the Nagas to protect their frontier from the Burmese invasions and when the Ahom kingdom was threatened from the Burmese military expansion, some of the Nagas were recruited by the Ahoms. The Ahom-Naga relationship lasted till the British conquered Assam in the early part of the nineteenth century. The nearly 600 years of Ahom-Naga relationship from 1228 to 1819 A.D. was marked by a period of both enmity as well as friendship but the Ahoms never considered the Nagas as conquered subjects (Horam 1975:6; Alemchiba 1970:29). According to John Butler, "the Naga territory was never considered an integral part of sovereignty of Assam." Another British writer Sir Edward Gait, who wrote the history of Assam argues that "the hilly tract inhabited by the various tribes known to us collectively as Nagas has never been subjugated by the Ahoms, and it was no part of the British policy to absorb it" (Aosenba 2001:6-8). Verrier Elwin (1961) however argues that the "Ahom king regarded the Nagas as their subjects and took taxes from them in the form of slaves, elephant tusks, spears, hand-woven cloth and cotton" (1961:18). Even if such is the case, the Vashum argues that the encounter with Ahoms affected a small section of the Naga tribe and villages while the rest were left untouched and were administered in their own respective age-old village set up (2000:60).

By the end of eighteenth century and early nineteenth century, Ahom rule declined resulting in the assertion of complete independence by the Naga tribes once again and those Nagas who paid tributes to the Ahom kings stopped the practice. Thus, in

summing up the Ahom-Naga relationship, one may conclude that while the "Nagas submitted to the strength of the Ahom rulers, the latter respected the Nagas' love for independence and desisted from interfering in their internal affairs" (Misra 1978:618).

4.3.2 MANIPURIS

In the beginning, the Naga relations with the Manipuris were of friendship, mutual and cordial treatment of each other, inter-marriages, mutual exchange of visits and gifts, which had been from time to time interrupted by occasional wars between them. The Naga-Manipuri relations was for some period of time marked by the collection of tributes from the Naga villages. During the head hunting period when there was war among the Nagas, the kings of Manipur assisted the friendly Naga villages with arms against the others. At times, there were also occasional raids by the Angamis and Mao Nagas, whenever the kings of Manipur tried to extend and impose duties against them. The subsequent invasions by the Nagas also caused a fear psychosis to the Manipuri kings. From the 1750s onwards, when Manipur began to face multiple invasions from the Burmese kings, the kings of Manipur, in order to secure protection from these invasions, sought help from Nagas, Kukis and Assamese for alliances to challenge the Burmese. Overall, the Naga-Manipuri relation was marked by "intermittent war and peace but the Nagas were not the subjects of the kings of Manipur" (Aosenba 2001:9).

4.4 THE ARRIVAL OF THE BRITISH IN THE NAGA HILLS

The beginning of the nineteenth century saw the British and Burmese struggling for dominance of Assam and North-East Frontier which culminated into the First Anglo-Burmese War on 24 February 1824. The Treaty of Yandaboo was signed between the two parties in 1826 bringing Assam under British control. The British became the *de facto* guardian of the region (Sema 1992:1). By this treaty, "the king of Burma renounced all claims upon and agreed to abstain from all the future interferences with, the principality of Assam and its dependencies, and also with the contiguous petty states of Cachar and Jaintia and to recognise British-supported Gambhir Singh as the king of Manipur" (Bose 1979:61-62).

In determining the Anglo-Naga relationship, Vashum (2000:61) divided it up into four broad periods: period of exploration, period of expeditions, period of non-interference

and period of control. A closer look at each period would be helpful in understanding the intricacies of this relationship.

4.4.1 PERIOD OF EXPLORATION

The period of exploration covers between 1832 to 1838. It was in the early 1830s, the British and Manipuri maharaja decided to open a direct link from Assam to Manipur which had to pass through the Naga Hills. Accordingly, Mackenzie wrote, "in January 1832, Captain Jenkins and Pemberton led 700 Manipuri troops with 800 coolies from the Manipur valley, via Popoolongmai, Samoogooting and the Dhunsiri to Mohung Dijooan the Jumoona. They had literally to fight their way through the whole Kutcha and Angami Naga country. So irritated were the hillmen by this invasion that British troops were sent to Mohung Dijooa to protect Assam from a threatened inroad of the united clans" (Mackenzie 1979:101). Mackenzie further recorded that in "the cold season following (1832-33) Raja Gumbheer Singh of Manipur, accompanied by the Manipur Levy under Lieutenant Gordon, again marched through to Assam by a route a few miles of the road" (1979:101). In an attempt to establish communication, the British suffered losses from continued raids of the Nagas so they took steps to curb the activities of the Nagas. In the year 1838, the "Court of Directors decided that the Naga affairs would come directly under the purview of the British Government" (Horam 1975:9). This was followed by the period of expedition (1839-1850). The first British expedition was led by Grange, the Sub-Assistant at Nowgong in the Angami country which failed to achieve much, partly because of mismanagement and partly owing to the unflinching resistance of the Nagas. However, Grange was said to have achieved in fixing "the position of the villages that had raided on Cachar, and found a way out of the hills to Assam via Samoogoodting, at which he advocated the establishment of a permanent military post" (Mackenzie 1979:105).

4.4.2 PERIOD OF EXPEDITION

The British occupation of Assam marked the beginning of the period of punitive expedition against the Naga Hills from 1839 onwards to safeguard the plain areas of Assam from the Warlike Nagas. Mr. Grange, Sub Assistant at Nowgong conducted the first expedition to investigate on the Naga raids, and "endeavour to punish the chiefs of the large villages of Khonoma and Mezoma", but the expedition returned

without achieving much success due to the "unflinching Naga resistance and partly because of mismanagement by the British authorities" (Aosenba 2001:12-13). The British conducted at least ten military expeditions to the Naga Hills from 1839 to 1850. The main objective of these raids are "to subdue all the Angamis north of the Water-Pent, especially the villages of Mozemah and Konemah, whose chiefs were the principal leaders of raids on the British subjects". The raids were intended to subdue the Angamis and if successful, they will be made to pay some tribute to the British as an acknowledgement of their supremacy" (Mackenzie 1979: 106). However, despite this aim, there was no such "tangible result than the burning of many villages, destruction of much grain, the loss of many lives and the confirmed hostility of the whole Angami Nagas" (Ao 1993:12).

According to Ashikho Daili Mao (1992), the British government was prompted by five major factors to extent their authority over the Nagas. Firstly, the concern about the safety and security of the Indian borders. A secure frontier on India's North-Eastern border would provide the extension of their influence and control over the Himalayan territories from Tibet to Burma. Secondly, the frequent Naga raids on the adjoining plains of Assam is another factor for the British to extend their control over the Naga Hills. Initially, the British tried to befriend the Nagas following the footsteps of the Ahom kings. However when this policy failed to subdue the Nagas, they resorted to sending military expeditions. At least, ten military expeditions were sent between 1839 and 1850. Thirdly, the British came to India to establish a flourishing trade which ultimately ended in them becoming the political master of the country. So, it was an obvious decision to explore their trading interest in the Naga hills which saw the setting up of salt depots in the British occupied territories of the Naga Hills. Fourthly, as mentioned earlier, the British wanted to establish a direct trade route between Assam and Manipur and to maintain their commercial interests in Upper Cachar, North Assam and Burma. Since a passage to Manipur was possible only through the Naga Hills, the Nagas had to be subdued first. So, Captain Jetkin and Pemberton with 700 Manipuri soldiers and 800 coolies marched from Manipur to Assam in January 1832, with an intention to open direct communication between Assam and Manipur. Fifthly, it appears that the British authorities at Calcutta were reluctant to penetrate into the Naga hills in the beginning because of its dense forests and non-availability of proper communications. When the British came to learn about

the king of Manipur's interest in permanently extending his rule in the Naga Hills, they became cautious and were compelled to adopt a new policy which eventually marked the arrival of the British expeditionary forces into the Naga hills (Mao 1992:16-18).

The establishment of British authority became more visible when Captain John Butler, the Principal Assistant of Nowgong visited the Naga areas and succeeded in concluding a Non-Aggression Pact with the Naga Chiefs on 11 December 1845. By this, the Chiefs promised not to "attack their neighbours in future, to abstain from plundering, excursions and cutting of heads of Nagas or other clans, to refer all disputes to the British authorities and to pay annual tributes to the British government as a token of allegiance". This agreement made the British the virtual master of the Nagas. Mao further argues that the opening of the trade market and a police post had two purposes. Firstly, the British wanted to impress upon the Nagas that they were genuinely interested in establishing trade relations with them. Secondly, the British intended to let the Nagas know their business and that no violation of agreement would be tolerated. However, such moves had no effect on the Nagas who not only continued to raid the British subjects but also paid least interest to trading activities (Mao 1992:20-21).

4.4.3 PERIOD OF NON-INTERVENTION

The period of military expeditions and interference in the Naga matter which the British had adopted from 1835 to 1851 was, however, given up after the bloody Battle of Kikerima (also known as Kirima). It has been said that the British realised the futility of engaging with the Nagas and gave up the policy of military expedition. The British interest in the region was initially dictated by a need to use it as a buffer between Assam tea plantation and the plains. However, being faced with an "excessive cost of administration, lack of local economic resources and continuous Naga recalcitrance", the British decided to retreat from the Hills in 1850 (Das 2003:682). The British decided to follow a policy of non-interference towards the hill tribes. As we will see in the subsequent chapter, "this was not, as the British later conveniently claimed, to protect the hill people from being exploited by the unscrupulous plainsmen, but because the annexation of the hill areas was not

considered profitable" (Misra 1978:618). Thus, political and economic expediency of the British necessitate the policy of non-interference in Naga matters.

As a result, the period from 1851 to mid-1860s was marked by a policy of non-intervention in the Naga areas and the British confined their governance to protecting the frontier borders. The government refrained from intervening in tribal feuds and instead encouraged trade with them (Lotha 2007:17-19). However, the British policy of non-interference in the Naga matters resulted in a "series of raids on the British territory. From 1854 to 1865 there have been 19 Angami raids in which 232 British subjects were killed, wounded or carried off" (Mackenzie 1979:118). In 1861, a new Lt. Governor, Sir Cecil Beadon observed the serious implication of withdrawal put pressure on the British Government of India to adopt collective measures to assert the British authority over the Nagas. He suggested that the only way to protect the British officers and subjects in Assam was to "reassert our authority over them and bring them under a system of administration suited to their circumstances and gradually to reclaim them from the habit of lawlessness to those of order and civilization". In such a situation, the British felt it expedient to extend their control over the Naga Hills from 1867 in order to keep a check on the Naga raids (Mao 1992:22-24; Vashum 2000:62-63; Das 2003:682).

Tanjenyuba Ao (1993) writes "the intention of the British government was not to conquer and to rule over the Nagas but with the necessity of protecting their subjects on the borders of Nowgong and Sibsagar districts against Naga raids". With this necessity, "the British were compelled to enter the hills and control the Nagas from within. Indeed without any ambition for material gain the British were reluctantly compelled to occupy the Naga territories in order to protect peace loving people on the British borders, but later it became obligatory for them to intervene in the age old custom of headhunting warfare and massacres between the rival communities and to control them to live in peace and civilised ways" (1993:ii).

4.4.4 PERIOD OF CONTROL

In order to check the Nagas from further outrages, the British adopted a period of control from 1866 (Lotha 2007:21). This phase is marked by the creation of the Nagas Hills District in 1866 with its headquarters at Samoogoodting (also known as

Chumukedima) as the Deputy Commissioner's headquarters (Vashum 2000:63). The creation of the District is solely done for the purpose of "conciliatory relationship, for administrative and political convenience of the British government and also to check and protect the plain people from Naga's raids" (Lotha 2016:57).

In course of time, the unrestricted contacts between the British subjects in Assam and the frontier tribes resulted into frequent conflicts and disturbances, in order to prevent the recurrence of these difficulties and to safeguard British subjects from raids by the 'tribals', an Inner Line system was introduced under the Bengal Eastern Frontier Regulation of 1873. It demarcated areas beyond which no British subjects could move into 'tribal' regions, including the Naga Hills, without first obtaining an official pass from the Deputy Commissioner (Lotha 2016:57). It has been said that such a step is being taken for the British own administrative convenience since administration comes with the task of fulfilling the economic and financial needs of the area.

After a long period of non-interference, on 14 November 1878, the British occupy Kohima and soon extended their rule into the Naga hills. The Angami Nagas put up their last resistance to the British in 1879-80 war when they laid seize to Kohima for 11 days. Lotha (2016) argues that the war of 1879-1880, however ill organised it may be, is important in the history of Naga nationalism as the event marked a transition from fighting on behalf of individual independent village-states to an alliance of a number of villages. At this stage, though, Naga nationalism was confined to the solidarity of a few villages that united against the British, and did not include the Nagas as a collective group; the concept of a pan-Naga identity and a unified Naga nation was yet to be developed, although Nagas began to recognise a kinship among one another (Lotha 2016:46-47). The war resulted in the "occupation of the Naga Hills and the Nagas, for the first time had to accept the rule of an alien power in the midst of their territory" (Misra 1978:619). The British adopted the Frontier Tract Regulation Act of 1880 which 'permitted the exclusion of the territories under their purview from the codes of civil and criminal procedures, rules on property legislation and transfer and any other law considered unsuitable to them' (Haokip 2006). It was argued that the Nagas had traditional institutions and customary laws to look after their conduct and judiciary system for both civil and criminal in nature, so the British government did not seek for any changes. While acknowledging the special

requirements of the Naga areas and recognising the need of protecting the people of such areas from possible economic exploitation, they were excluded from general constitutional arrangement (Horam 1975:15). Later on, this 'unadministered areas of the Naga hills was designated as an excluded area' by the Government of India Act 1935 where the law applicable in the rest of the British governed territory were not applicable in these areas. However, the British made sure to protect the tribal pattern of village democracy prevalent in the Naga hills by acknowledging the "right of the tribal councils as the sole authority to deal with Naga affairs, provided with interference for exceptional cases, and by isolating the hills from the plains through regulations". Subsequently, the British succeeded in systematically isolating the Nagas from the rest of the sub-continent (Misra 1978:619). Having long been isolated from the rest of the British occupied territory, the Naga found it difficult to imagine themselves to be part of Indian territory after British withdrawal (Srikanth and Thomas 2005:59-61). Thus, a fear psychosis was looming large among the Nagas in the years leading to independence which came in the form of an appeal made to both the Britishers and the Indian leaders to leave them as they are. Overall, the British conquest resulted into far reaching changes in the socio-political landscape of the Naga people.

4.5 BRITISH POLICIES AND ITS IMPACT ON THE NAGAS

The British adopted protectionist policies by which normal laws should not apply to the 'tribals'. Vishier[46], although maintained that tribal is a term imposed and coined by British with a European superiority concept. He added that they gave anybody they think backward and uncivilised as 'tribals' so he preferred the Nagas to be called 'nations' instead. Under the Scheduled Districts Act in 1874, tribal areas were to have a separate administration. In 1875, the British established headquarters at Wokha which was soon shifted to Kohima in 1878. When Kohima and Mokokchung became administrative centers in 1881 and 1889 respectively, the British formulated a revised administrative policy of indirect rule in dealing with the Nagas as tribals under the Crown. Nagas in the Hills District were now subjects of the Queen who need to be not only 'protected' but also 'civilised'. Ramachandra Guha (2007) argues that the

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[46] Personal Interview, Medziphema, 29 November 2018

"British affected certain paternalism, wishing to protect their wards from the corrosive corruptions of the modern world" (2007:268).

The Government Act of 1919 declared the Naga Hills District a 'Backward Tract.' Subsequently, following the Nagas' memorandum to the Simon Commission in 1929 (which will be discussed later), the Naga Hills were officially designated as 'Excluded Areas' by the Government of India Act, 1935 (Lotha 2016:59). Certain attributes differentiated the Naga areas from other Excluded Areas in India. The Excluded areas of Assam, as the Naga Hills District had been called, "… form[ed]… a continuous block, on the borders of and within Assam itself" (Reid 1944:18). These areas "differ markedly among themselves, but they have …one characteristics in common, that neither racially, historically, culturally, nor linguistically have they any affinity with the people of the plains, or with the peoples of India proper. It is only by an historical accident and as a natural administrative convenience that they have been tacked on to an Indian province" (Reid 1944:19). Thus, the rise and growth of Naga nationalism was, to some extent, an unintended consequence of colonialism, British attitude towards the tribals and administrative policies which altogether provided the necessary stimulus for its expansion and growth (Lotha 2016:60).

The British administrators-anthropologists who worked in the Naga Hills, influenced by prevailing theories in anthropology took "a placid, even a synchronic view of the tribal society" (Singh 1985:104). This had an impact on the government's protectionist policy towards the tribals. According to K.S. Singh (1985), the British treated the 'tribals as noble savages', primitive, and vulnerable and believed that the deterioration of tribal communities was a result of Sanskritization or assimilation into the Hindu society. As a result, colonial tribal policies were protectionist in nature. Singh describes the main features of protectionism in relation to these Indian tribals. First, the paternalistic rule of the district officers which argues that the tribes needed a government by men and not by a system; Second, keeping tribal areas out of the operation and of the regulations, laws, etc., which were alien to tribal ethos and undermined it; Third, laying down a set of rules to settle disputes, restriction of the jurisdiction of the courts which enforced normal laws and exclusion of the lawyers from courts; Fourth, special agrarian laws; Fifth, regulation of the entry of aliens into tribal areas and six, strengthening tribal institutions and traditional leadership

(1985:9). As a result, in areas where there are concentration of tribal population, the British government adopted protectionist measures intended to protect from others and to 'reclaim them to civilization'. They were categorised as different people who required protection from assimilation and exploitation. Indirectly, this attitude reinforced the tribals' perception of themselves as a different community of people which was further justified by the Government's protectionist policy acknowledging their difference (Lotha 2016:62). Akum Longchari (2016) arguing in the same line stated that in conformity with the colonial projection of Indigenous people as 'tribes' and 'savages', the British characterization of Nagas as 'savages who were head hunters' was another justification of ignoring the rise of Naga collective consciousness for self-determination. The British kept the Nagas 'isolated and underdeveloped' which effectively set them "apart from the political movements taking place in British India through a set of regulation which were meant to protect them" (2016:209).

The British colonialism in the Naga Hills also saw the rise of Naga intellectual. Yonuo (1974) argues that Naga nationalism "was born under the impact of the British administration and thereafter nourished by the educated Nagas in the early 1940s down till the present day" (1974:154). Yonuo argues that with the introduction of English language as a medium of communication, the Naga began to embrace the "theories of the democratic principles and institutions and self-determination introduced by the British"(1974:154). This was not only confined to the academic degree holders and others such a dobashis (interpreters) who may not have earned a formal degree but due to their prolonged contact with the Britishers, they also emerged as articulative intellectuals. Moreover, the introduction of Nagamese, a creole form of Assamese for communication itself had a wide ranging effect (Lotha 2016:68). Marcus Franke argues that "while colonial administration and Christianity delivered a small elite, it was the Second World War that widened political consciousness among the population" (2009:65).

4.6 ARTICULATION OF NAGA IDENTITY AND ETHNIC CONSCIOUSNESS

British colonialism constructed a Naga ethnic identity based on a dichotomy between 'the Mongoloid Hill tribes and Aryan Indians of the plains'. The beginning of this

assertion is traced to the period following the return of the approximately 2000 Nagas recruited as Labour Corps during the First World War (Das 2003:691). Yonuo articulated thus, "the journey across seas and countries awakened the spunk of the Naga nationalism like other parts of India and they began to develop the concept of a Naga nation which had not dreamt of before" (1974:xii-xiii). It was from the experience they gained in the war and their contact with the outside world that they came to realise their own ethnic, linguistic, social and cultural uniqueness which motivated them to develop a strong sense of their ethnic identity. As a consequence, the Naga Club was formed in Kohima in the year 1918. It was formed on the advice and initiative of the British with an aim to unite all the Naga tribes and to bring them under one platform. An important task of the club is to discourage the Nagas from their inner tribal feuds and to foster a feeling of solidarity amongst them (Aosenba 2001:22; Vashum 2000:65). The formation of the Naga Club was a "watershed" in the history of the Nagas in not only being the first organization to have representatives of most of the Naga tribes, government servants, leading headmen of villages including those Nagas who returned from France labour Corps but also in bringing together various Naga tribes under a single platform. Altogether, the experiences gained from the First World War had enlightened the spirit of the Nagas which spearheaded an upsurge leading to the Naga ethnonational movement.

Another contributing factor for the development of a separate identity consciousness among the Nagas was the arrival of Christian missionaries who devoted themselves to humanising what they called the 'savage tribes'. David Scott, the first Commissioner of Assam, arranged to bring a number of English Missionaries to work amongst the Garos. He opined that, "rude tribes were more likely to profit by the teachings of the Gospels". The primary objective of the missionaries was to preach Christianity among the Nagas, but along with it they felt a strong desire to impart education to the same people. As the missionaries carried out their responsibilities in imparting education, the government began to find it necessary to start their own schools, partly for the purpose of offering secular education to the children, and mainly for drawing men from them for employment in their various departments (Alemchiba 1970:153-157). The advent of Christianity had a deep impact on how the Nagas began to perceive themselves as different from the rest of India.

As Furer Haimendorf (1939) wrote, "for thousands of years, the Naga tribes remained untouched by higher civilizations. Neither Hindu culture nor the Buddhism of Burma ever spread into these hills, where primitive races persisted in ancient types of culture" (Haimendorf 1939 cited in Mao 1992:3). Mao summed up the reasons why the Nagas eventually demanded a separate state of their own. Firstly, the prolonged isolation and separation from the people of the plains had developed a separatist tendency among the Naga people. Mao argues that the British policy had aimed at keeping the hill people far from the freedom movement of India which was in full swing in the early twentieth century. In other words, a deliberate attempt was made by the British to prevent the spread of Indian nationalism to the Naga hills district. Hence, the Nagas failed to identify themselves with the hopes and aspirations of the people of Nation nor could they develop a common national outlook. This factor, Mao contends, contributed to the growth of a separatist tendency among the Nagas. Secondly, false propaganda and rumours about Hinduism, Buddhism and Islam had created a misunderstanding among the Nagas against the plainsmen. So the Nagas gradually came to believe that they would not be well received in independent India. There was a propaganda that the Assamese and other plain people would occupy all the key posts in the administration of the Naga Hills district and since majority of the Nagas being illiterate would not be able to compete with the plainsmen. Hence they felt that dissociating themselves from independent India would prevent them from such a fate. Thirdly, the British and American Christian missionaries had a big role in influencing the perception of Nagas against the other people of India. The missionaries circulated wild accounts on the rigidity of the orthodox caste Hindus. This developed a sense of insecurity among the Nagas. Lastly, the separatist tendency among the Nagas also grew because they had little contact with the plains. When the British administration came to the Naga Hills, the only Indian accompanying the British officers were Sepoys in uniform or the camp follower of the British ruler. Both of them were looked upon by the Nagas as the legitimate target of attack (Mao 1992:35-37). As a result, the prelude to Indian independence was marked by a demand for the recognition of the Nagas unique history and political situation.

Several Naga scholars and separatist leaders have often maintained the "cultural and ethnic uniqueness of the Nagas, their pre-colonial independent tribal status and political practices in advancing their idea of a Naga nation" (Shimray 2005:60-61).

The Naga Club's stance of being different from the mainstream nationalism was apparent when the Simon Commission came to India. On 10 January 1929, the Naga Club submitted a memorandum to the Simon Commission, stating, "we should not be thrust to the mercy of the people who could never subjugate us, but leave us alone to determine ourselves as in ancient times" (Nuh and Lasuh 2002:111-112). They requested the British government to exclude them from the political processes taking shape in the Indian sub-continent and to leave them as they are (Vashum 2000:65; Baruah 2003:328). In other words, it proposed, "when or if the British actually left (India), the Nagas should revert to the independence they enjoyed before the British came" (Maxwell 1973). The memorandum asserted, furthermore;

Our language are quite different from those of the Indians and we have no social affinities with either the Hindus or Muslims, we are looked down upon by one for our beef and by the other for our pork and by other for our education that is not due to any faults of ours (Das 2003:691).

The text of the memorandum is an expression that a certain form of group consciousness for Naga solidarity and a common Naga identity had already set in (Singh 1994: 36). It indicates that a politically inclined Naga movement was already in the making (Yonuo 1974: xiii). Suranjan Das (2003) also asserts that the internalisation of a 'constructed separatist Naga identity' by the Naga leadership translated in to the demand for the exclusion of the Hills from the scope of the Government of India Act of 1935 (2003:692). Subsequently, "the Government of India Act 1935 designated Naga Hills district as an excluded area where laws applicable to the rest of British controlled India would not operate and the Nagas could continue with their own traditional ways of life with little interference from the federal or the provincial government" (Srikanth and Thomas 2005:60). Such a policy of non-interference by British was used by the Naga leaders to justify their difference in terms of being situated in a unique history, race and culture from the rest of India, that they were never occupied by the Indian rulers before the advent of the Britishers, thus, they should be granted freedom when the British leave India (Nuh 2002: 30,51,65-66). The Nagas' point of argument enjoyed the support of Dr J.H. Hutton, the Deputy Commissioner of Naga Hills in 1928 and N.C. Parry, Superintendent of Lushai Hills in 1930. Dr Hutton, arguing for the case of Nagas to the Simon

Commission presented that "the tribals of Northeast India was racially, linguistically, culturally, politically and economically distinct from the Indians". He asserted that "they would suffer by joining a people of irreconcilable culture in an unnatural union that would harm them and the people of the plains too". Both Dr Hutton and Parry contemplated "a separate Crown Colony or a North East Frontier for the Naga territories by integrating the contiguous hill areas of the North East India and the North West Burma". The scheme if put in place would require the hill people to be administered under some appropriate department in the Whitehall (Yonuo 1974:139-141). Such developments by the late 1930s and early 1940s to a large extent, shaped and articulated the Naga identity furthermore. Thus in 1941, Sir Robert Reid, the former Deputy Commissioner of the Naga Hills and Governor of Assam citing the "cultural and ethnic differences of the Naga tribes and the rest of British India and Burma recommended a scheme to carve out a trust territory called Crown Colony comprising of the Naga Hills, North East Frontier areas in upper Assam and the hill areas in Upper Burma" (Ao 1993:276). Sir Reid submitted a report stating,

we have no right to allow this great body of non-Indian animists and Christians to be drawn into the struggle between Hindus and Muslim, which is now and will be in the future, with ever increasing intensity, the dominating feature of politics in India proper… They cannot be left to Indian political leaders with neither knowledge, interest nor feeling for the areas. In any case, if my main premise of separation from India is accepted, their intervention could scarcely arise… Personally, I am in favour of Dr. Hutton's idea of a North East province vaguely embracing all the Hill fringes from Lushai (or Lakher) land on the South right round to the Balipara Frontier tract on the north, embracing on the way the Chittagong Hill Tracts of Bengal and the Nagas and Chins of Burma and perhaps the Shan states too. I could put this under a Chief Commissioner and he, in turn, could, I imagine, have to be divorced (as in Burma) from the control of the government of India (presumably a federal body of them) and put perhaps under some appropriate department at Whitehall (excerpt by NSF 1995b:5-6 cited from Vashum 2000:67).

Reid's proposal was reviewed by Sir Reginald Coupland, a constitutional expert which came to be known as the 'Coupland Plan'. Under this proposal, "the Government of India and Burma might have a treaty with the British and should take

a share of responsibility for the areas as Trust Territory" (Elwin 1961:52). The proposal was not only criticised by Sir Andrew Clow, the Governor of Assam in 1945 and it was equally opposed by the Nagas who claimed to have no affection of any kind of colonialism and argued that the 'British must go' (Elwin 1961:51-52). The Naga National Congress also rejected the Crown Proposal in a resolution passed in June 1946. Verrier Elwin opined that "the Crown Colony might have been a reality with the Nagas' support". He was of the opinion that if the Nagas had shown their slightest support to the scheme, the 'Trust Territory' could have become a reality (Alemchiba 1970:166; Vashum 2000:67). Namrata Goswami (2007), however, argues that the Britishers' "vision was perhaps motivated by other intentions rather than their so-called desire to guard the Naga heritage". The Crown Colony was conceived keeping in mind the geo-strategic location of the Naga hills as a link between the oil and tea rich regions of the North East India to the vibrant economies of the South East Asia (Chaube 1973:69; Gundeiva 1975:67).

Historically, the Naga society was characterised by the practice of head-hunting between and within the tribes. They were neither in a position to be united nor did they reach any such understanding or felt the need to organise themselves under one banner. They remained untouched and cut off from the higher civilization. It was the advent of the British and their administrative system that sowed the seeds of ethnic consciousness among the Nagas. However, the British hardly attempted to conquer and control the Naga Hills. They occupied only some parts of Naga Hills for their administrative convenience, loosely administered them and treated the Nagas as of a separate and different 'ethnic stock' from the plain people. this approach of the British resulted in strengthening the feeling of Naga ethnic identity or consciousness as being different from others which in turn became a motivating factor for the Naga National Movement (Aosenba 2001:104).

The Second World War popularly known to the Nagas as 'the Japanese war' turned out to be another factor that generated the articulation of Naga ethnic identity. The Naga's assistance was crucial for the British to ward off the Japanese advance upon Kohima in 1944. Field Marshall Sir William Slim, sharing his first-hand experience on the battlefield acknowledged:

The Nagas whose loyalty, even in the most depressing times of the invasion, had never faltered. Despite floggings, torture, execution, and the burning of their villages, they refused to aid the Japanese in any way or to betray our troops. … Many a British and Indian soldiers owes his life to the naked, head-hunting Nagas and no soldier of the fourteenth Army … will ever think of them but with admiration and affection (Yonuo 1974:149).

Eventually, the Japanese evacuated from the Naga Hills due to their failure to muster the support of the Naga people. Vashum (2000) argues that the Japanese defeat is to be attributed to the following reason. Firstly, they were late comers not only new to the place but had also no knowledge about the rugged terrain of the hilly place. Secondly, their rival, the Britishers had already established themselves in the Naga hills and had already influenced them in many ways. Thirdly, the language barrier and communication failure often led to cut in their ration supply, logistics and other paraphernalia from Burma (2000:68).

As discussed earlier, the British colonial policy of constructing imaginary boundaries to delimit and demarcate administrative boundaries in the North-East particularly the Naga Hills failed to integrate them into the mainstream in the long run. In other words, the British policy vis-à-vis the Nagas was characterised by "isolation and exclusion and creating pockets contrary to each other in the hope of ruling in perpetuity by dividing the people" (Alemchiba 1970:210). An important consequence of giving a separate politico-administrative treatment to a group of people inhabiting a territorial area thereby designating that area as 'Excluded Area' is that the said people in due course of time became domesticated in what Hausing (2009) calls an 'ethnic enclave', unaffected and untouched by the law of the outside world. Such a situation greatly shaped the kind of imagination they came to develop for themselves over a period of time and also their outlook towards others. Being located in a different politico-administrative set up and the resultant interactions with each other, led the Nagas to be able to imagine themselves as how Anderson argues, "constituting a separate community who indeed are distinguishable from others but who within themselves form a common political community even with those they never meet, or even hear of, yet in their minds each lives an image of their communities" (Anderson

1991). Thus, when British left India, the sense of common endeavour and nationalism which Indians at large share, was absent among the Nagas.

The fact that the Naga people are indeed endowed with a distinct cultural trait, speaking different languages and practicing a custom different from the rest of the India has been reaffirmed in the second decade of the twentieth century from the ethnographic studies conducted by various British District Administrators. K.S. Singh (1994) highlighted the similarities of the Naga people in being so "ethno-culturally identical, particularly in terms of their socio-political systems, uni-ethnic settlement pattern, common house and dormitory types, their identical dress and ornaments, food habits, kinship institutions, means of livelihood, customs and laws". It is generally believed that ethno-linguistically and culturally, the Naga tribes are somewhat homogenous. The history, traditions and customs of the Nagas show that all Nagas are of mixed origin marked by commonness in their institution, social structures, polity, descent systems and oral traditions (Singh 1994:45-47).

Prior to the advent of the British, the Nagas lived on contiguous region without any national or international demarcation and the various Naga tribes were never under one administrative unit. After the British conquest of Assam, by the Treaty of Yandaboo in 1826 the demarcation of the Indo-Burmese boundary was finalised. The unilateral boundary drawn on the British administrative convenience passed through the present states of Nagaland, Manipur and Mizo Hills in Indian side, and the Kachin states, Naga hills and Chin hills on the Burmese sides thereby fragmenting the Nagas not only across India but also across the international boundary (Aosenba 2001:86-88). Andrew Gray (1986) argues that the British colonial policy, by dividing the Nagas across different administrative areas, arbitrarily placed them under two sovereign states, India and Burma with the international boundary running through even people's homes. For instance, in the Naga village of Longwa, the Indo-Burma border divides the village Angh's (Chief) home into two parts. The portion of the Angh's house facing the Chindwin river falls under Burma, while the portion facing the Brahmaputra river is in India (Longchari 2016:211-212).

Abraham Lotha (2016:53), argues that the British colonial policies towards the Nagas aroused nationalist sentiments through the creation of the Inner Line Permit in 1873. As mentioned earlier, the Inner Line regulation was envisioned to safeguard the

British subjects in preventing the recurrence of Naga raids. This line was to prohibit British subjects generally or those of specified classes from going beyond a certain line, laid down for the purpose, without a pass or license, issued by the Deputy Commissioner and containing such conditions as might be necessary. The Regulation of 1880, later made into law by the Government of India Act 1935, also excluded the Naga tribes from coming under any British laws, which was seen unsuitable for them. The construction of the British posts in the Naga Hills District in the latter part of the nineteenth century, the inauguration of the British India Act of 1935 following the Simon Commission that officially designated the regions occupied by Nagas as Excluded Area, the colonial education policies which resulted in fostering the emergence of a more informed class of Naga intellectuals who were influenced by Western ideas and global political events of decolonization movements around the world have all contributed to Naga consciousness (Lotha 2016:53-54). An objective assessment of the British motivation reveals that rulings like the 1873 Inner Line were indeed geared towards stopping Naga raids on the lucrative British tea gardens in the plains (Elwin 1969:163). Suranjan Das (2003), aptly summed up the British legacy on the Naga Hills into two fold. Firstly, the disruption of the traditional tribal moral economy and insulation of the Nagas from the Indian mainstream and secondly, the introduction of the modern political institution and western ideas (2003:693-694).

Another single most important factor to have influenced the imagination of Nagas as a separate people was their conversion to Christianity. According to historian Richard Eaton (1997), the manner in which the Nagas embraced Christianity has been described as 'the most massive movement to Christianity in all of Asia, next only to the Philippines' (1997:245). Christianity has been an essential feature of the Naga identity. Except for the Zeliangrong Nagas, most Nagas are Christians (Baruah 2003:328). Missionaries printed the Bible in selected Naga dialects such as Ao, Angami, and Sema and in the process gave those dialects a written form by using the Roman script. As literacy and education became a key to social mobility, Nagas realized the advantage of learning those standard dialects (Eaton 1997:252). The advent of Christianity reinforced the feeling of otherness among the Nagas. The exclusion of the Nagas from the contact and affairs of the other parts of India under the British Governor's control and the Christian missionaries strengthened the prejudices against the Hindus, describing them as inimical to animisim and

Christianity, since many Nagas has lately embraced Christianity as a superior and civilised religion than Buddhism, Hinduism and Islam (Yonuo 1974:168).

The efforts of British administrators like Sir Charles R Pawsey, the British Deputy Commissioner of Naga Hills in setting up the Naga Hills District Tribal Council (NHDTC) in the year 1945 also sowed the seeds of ethnic consciousness among the Nagas (Ao 1972). The establishment of the Council laid the foundations for future political organizations in the Naga Hills and gradually resulted in facilitating a consciousness of composite Naga ethnic identity and solidarity amongst the different Naga tribes (Singh 1994:35). The Council was established with the following objectives:

(i)   to unite the Nagas; to repair the damage done during the Second World War;
(ii)   to achieve local autonomy for the Hills;
(iii)   to train people for self-government;
(iv)   to encourage the existing tribal councils of the Naga tribes;
(v)   to administer their own local affairs and
(vi)   to consider possible reforms (Naga Hoho 2002:26).

Influenced by the political tide of decolonization and Indian nationalism, the Council got transformed into the Naga National Council (NNC) at the Wokha Conference on 2 February 1946. The British acknowledged the right of the tribal councils as the sole authority to deal with Naga affairs, provided with interference for exceptional cases, and by isolating the hills from the plains and by introducing regulations succeeded in keeping the Nagas cut off from the rest of the sub-continent (Misra 1978:619).

By this time, the Nagas had started reaping the benefits of modern education introduced by various Christian missionaries. The educated Naga youths were to play important roles in the NNC, though in 1947 when India inherited responsibility for Naga territory, there were still less than a dozen of Naga graduates (Gundevia 1975:93). At the same time, the systematic spread of Christianity among the Naga tribes filled up the intellectual and spiritual vacuum caused by the growing scepticism, among the tribal population, about their traditional faith and world view (Roy Burman 1972). Such a conducive background saw the germination of Christian literati and educated middle class leaders who became instrumental in the formation

of Naga National Council (NNC) on 2 February 1946. Initially, the NNC did not demand separation from British India. The role of NNC was formerly confined to catering to the welfare and social aspirations of the Nagas. Its objectives were soon revised "to achieve the unification and solidarity of all Nagas under one government as their legitimate national aspiration and interests" (Yonuo 1974:161).

When India's independence became imminent, the NNC after a series of discussions for Nagas future resolved to request for an interim government to look after the Naga Hills for a specific period of time. On 9 April 1946, the NNC submitted a memorandum to Lord Louis Mountbatten, the last Viceroy of India. The terms of the memorandum are as follow:

(i) the interim Government of the Naga people will rule over all the people of Nagaland, having full powers in respect of Legislation, Executive and Judiciary.

(ii) Nagaland belongs to the Naga people and will be inalienable.

(iii) the interim Government of the Naga people will have full powers in the matter of raising revenue and expenditure, an annual subvention to cover the deficit being given by the guardian power.

(iv) for defence and aiding civil power in case of emergency, a forum considered necessary by the Naga National Council will be maintained in Nagaland by the guardian power (Ao 1993:278).

However, the Advisory Committee constituted by the British to look into the demands of the Nagas wanted the Naga hills to be included within the Indian Union. This led to stalemate of uncertainty. Again, on 19 June 1946, the NNC submitted a Four Point Memorandum to the visiting British Cabinet Mission who came to prepare the ground for granting independence to India. The four points are as under:

(i) the Naga National Council stands for solidarity of Naga tribes including those in the unadministered areas;

(ii) the Council strongly protests against the grouping of Assam with Bengal;

(iii) the Naga Hills should be constitutionally included in autonomous Assam, in a free India, with local autonomy and due safeguard for the interest of the Nagas;

(iv)   The Naga tribes should have a separate electorate (Vashum 2000:68-69).

The demand at this stage was for an autonomous Naga Hills District within Assam in India. On 20 February 1947, T. Sakhrie, the NNC General Secretary, in a memorandum to His Majesty's Government and the GoI presented the case of the Naga people for self-determination with an appeal for establishing an interim Government. The memorandum reads:

(i)   ethnically the Nagas are from a different stock;

(ii)   the Nagas have distinct social life, manner of living, laws and customs; and even the method of governance is quite different;

(iii)   in religion, the majority of the Nagas are Animists; but Christianity which was introduced by the American Baptists long before the event of the British is now speedily spreading.

Ahu Sakhrie argues that such underlying factors became important grounds for the Nagas to have a separate form of government (2006:24). This was a time when Naga nationalism was being conceived in relation to ethnic and religious differences. Abraham Lotha (2016) argues that T. Sakhrie, the NNC leader supported the proposal for a Crown Colony but when the plan did not work out, he supported the idea of Nagas remaining under the guardianship of a developed nation, be it British or Indian, within a particular time frame. With this regard, he wrote in 1946 issue of the Naga Nation:

Our country is connected with India in many ways. We should continue that connection. I do not mind whether the future India is a Congress government or a league government. But as a distinct community as I started before, we must also develop according to our genius and taste. We shall enjoy home rule in country, but on broader issues be connected with India (Sakhrie 2006:10).

The memoranda submitted by the NNC "to appoint India as the guardian of Naga areas for a period of 10 years, by the end of which the future of these areas would be for the Naga people to decide" was rejected by the British government (Singh 1992:44). Lord Pethick-Lawrence, Secretary of State for India questioned the legitimacy of the NNC's claim of being a representative body of the Naga people (Shimray 2005:62). Subsequently, in an effort to break the impasse and to dispel the apprehensions of the Naga club and the NNC on being dominated, the Indian interim

government decided to engaged the NNC (Goswami 2007:290). Sir Akbar Hydari, the then Governor of Assam and the NNC met for three days from 27 to 29 June 1947 in the presence of Sir Charles Pawsey. After much deliberation and persuasion, a moderate section of the NNC under the leadership of Aliba Imti and T. Sakhrie signed the Nine-Point Agreement with Akbar Hydari, the Governor of Assam in June 1947 (Nuh and Lasuh 2002:68). The preamble of the agreement reads thus, "The right of the Nagas to develop themselves according to their freely expressed wishes is recognised." The agreement provides the Nagas with the "right to land, forest and judicial independence". The NNC was also given "legislative and executive powers to decide on laws for Naga areas, including land ownership issues and taxation". However, the point nine of the agreement bearing the sub-title 'period of agreement' became a bone of contention (Vashum 2000:72). It reads:

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 observance of the 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 Naga people arrived at[47].

The ninth point was interpreted differently by the GoI and the NNC. While the Government of Assam, on behalf of the GoI understood the ninth point as "being clearly understood that such arrangement would not contemplate union with Pakistan or Burma but would maintain union with India" (Ramunny 1993:26). The GoI interpreted the ninth point as the right to renew and further extend the agreement at the expiry of ten years whereas the NNC understood that the "Governor of Assam as the agent of the GoI will have a special responsibility for a period of ten years to ensure the due observance of this agreement, at the end of this period the Nagas will be free to decide their own future" (Ramunny 1993:26). All was well until the Constituent Assembly refused to ratify the ninth point thereby reducing the Agreement to nothing but a piece of paper (Das 2003:697).

The breakdown of the Hydari Agreement directly contributed to the rise of an extremist section within the NNC which was led by Angami Zaphu Phizo who interpreted the expiry of ten years to mean the Nagas' right to become politically

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[47] The Nine point Hydari Agreement, 1947, The Naga Chronicle, no. 1, pp. 67-68.

independent if they so desire. It also implanted a seed of discord within the NNC resulting in their division into two groups which can be broadly categorised as the so called 'moderates' consisting the majority and the 'radicals/extremists' led by Phizo who considered the ninth point of the Hydari agreement as a 'sell out' by the established leadership of the NNC (Vashum 2000:72; Das 2003:697).

The extremist group within the NNC interpreted the ninth point as agreeing to their right to self-determination. In fact, "they related this clause to Jawaharlal Nehru's reflections from Ahmednagar prison in 1944 when he stated that once India was duly constituted as a fully functioning country, the right to secede could be considered after a period of 10 years within proper constitutional processes and after taking into account the duly expressed will of the local inhabitants" (Mullick 1972:298). In 1946, Nehru, however retracted from this standpoint and wrote to T. Sakhrie that "Naga territory in eastern Assam is much too small to stand by itself, politically or economically. It lies between two huge countries, India and China, and part of it consists of rather backward people who require considerable help…. Inevitably, therefore, this Naga territory must form part of India and of Assam with which it has developed such close association".[48] He further wrote that "considerable constitutional protection would be guaranteed to protect tribal customs and ways of life"[49]. The impasse over the agreement resulted into a fissure within the NNC between the extremist groups led by Phizo and moderates such as T. Sakhrie and Aliba Imti with regard to the Nagas' political standing vis-à-vis India. Thus it became a matter between two positions, one the demand for "sovereign independence" led by the extremist section, the other "political status within the Union of India" propagated by the moderates section within the NNC. Consequently, with the growing popularity of Phizo within the NNC, the relations with the Indian state took a militant turn (Goswami 2007:291). The NNC under the leadership of Phizo pressed for their right to freedom and for unity and solidarity across the tribes living in contiguous territories. The NNC led by Phizo insisted that the British administration understood the uniqueness of the Naga tribes and therefore, drew the Inner line between the Naga hills and the plains in 1873 (Horam 1975:15). Under Phizo's leadership, the NNC worked towards winning over the tribal councils and chiefs which it also succeeded in

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[48] Selected Works of Jawaharlal Nehru Second Series, Vol. 1, The Jawaharlal Nehru Memorial Fund, New Delhi, 1984, pp. 604-605.
[49] ibid

projecting the movement as a struggle to defend their way of life being challenged by the Indian ruling classes (Misra 1978:621). Vishier, in an interview conducted in the course of the study gave all credit to Phizo whom he said was well ahead of his time. Vishier argued that Phizo knew how to make nations. He said all nation formation are carried out in the same manner. Germany, for instance comprises of so many tribes who decided to be all Germanic, and the credit for this goes to Bismarck. The process is the same in the case of Mazzini's Italy. Likewise, it is still the same for the Nagas.

Thus, when Clement Atlee, the British Prime Minister announced his government's decision to leave India by June 1947, the Naga already began their ethno-national projections, which ran parallel to and counterpoised against the Pan Indian nationalist discourse.

At a time when the Naga leadership was envisaging a range of political options from outright independence to autonomy, both the Indian National Congress (INC) and the Muslim League preferred to keep themselves aloof from the issue (Das 2003:697). The extremist Naga delegation consisting of Nine members led by Phizo and Khugato Sukhai went to Delhi and met Mahatma Gandhi at Bhangi Colony on 19 July 1947 to plead for the Nagas. The delegation told Gandhi that "Nagas are not Indians; from time immemorial Nagaland was a free nation and not an Indian territory, the Nagas are resolved to declare their independence a day before India would do so on 14 August 1947". The Naga delegates asked for his help to save the Naga hills from Indian occupation. Mahatma Gandhi told the delegates, "Nagas have every right to be independent. We did not want to live under the domination of the British and they are now leaving us. I want you to feel that India is yours. I feel that Naga hills are mine, the matter must be stopped there. I believe in the brotherhood of man, but I don't believe in forced union. If you do not wish to join the union of India, nobody forces you to do that." (Shimray 2005:64; Nuh and Lasuh 2002:5). The Naga delegates expressed their concern over Sir Akbar Hydari's statement to use force in the event of their refusal to join the Indian Union to which Gandhi exclaimed "Sir Akbar is wrong: He cannot do that… I will come to the Naga Hills, I will ask them to shoot me first before one Naga is shot."[50] (Nibedon 1988:33).

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[50] A.Z.Phizo, "The Fate of the Naga people: An Appeal to the World", NNC, 1960 (Unpublished), P.3

Considering the role of Gandhi during India's struggle for independence and in the political scene in the years towards independence, it is interesting to see why Gandhi's understanding of the North-East could not leave its imprint on the Congress leaders who took over the helm of power. Das (2003) argues that the answer lies in the increasing marginalization of Gandhi in a period dominated by the "real politic of the transfer of power". Gandhi was the conscience none, not even his close followers, would pay heed to (2003:698).

This period was also marked by a deep state of confusion among the NNC members. There was no consensus within the NNC on the issue of declaration of Naga independence. The situation then was, as Elwin (1961:51) quoted a Naga leader as saying, "while one group of Nagas favoured immediate independence, some moderates favoured the continuance of governmental relations with India in some modified form until they were sufficiently schooled in the art of running a modern state. There was a third minority which wanted to bring Nagaland into the position of mandatory state under the British Government for a specified period of time." However, by this time, Phizo had already dominated the NNC with his extreme line of action, and the NNC declared Naga National Independence on August 14 1947, a day before India's declaration of Independence. The Declaration was signed by nine members of NNC[51]. The NNC had taken upon itself to declare the Naga nation as independent based on non-Indian ethnicity and the ideology of being "colonial free," i.e., free from British and Indian history (Lotha 2016:47). According to Mildred Archer, on 14 August, 1947, the NNC had "drafted telegram to the press declaring the independence of the Naga Hills. Twelve copies were made and addressed to the leading newspapers. But before they were dispatched the postmaster referred them to Pawsey (then Deputy Commissioner of the Naga Hills). He decided that they would only make trouble; so he ordered them to be withheld. Nothing therefore reached, the press- not a word appeared announcing their tremendous step" (Ao 1993:281). Vishier[52], a respondent in the course of an interview on the study argued that the declaration of Naga independence a day before India declared its independence was a very smart move. He said, "if they had declared on the same day or after the day, it will become like any other movement in the North-East such as the Khasi, Assamese

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[51] The Naga Chronicle, no.1 p.115
[52] Personal Interview, Medziphema, 29 November 2018

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or the Meitei movement who joined India and started fighting for independence. They were branded a secessionist tag. In the case of the Nagas, Phizo maintained that they never joined India, they declared independence in something like fourteen hours before India declared independence. That was a very clever political manoeuvre and very symbolic".

Niketu Iralu[53], a respondent from Zubza who is an eminent peace activist and a respected church leader, who has been involved in many reconciliation efforts and consultations on the Naga peace process in an interview on the study argued that Naga's struggle for independence started as a very natural thing. He argued that it has been the story of response of the people who challenged the changes that has been brought upon them. According to him "all of history can be written in two small words, 'challenges and response', each society progresses only to the extent where it meets its challenges. The experiences of the struggle of people for their aspirations, all nations are response of people and the challenges change brought to them. He argues, all nations such as Japan, India, Italy, Germany had a very long story in their response to changes. The Nagas are located in a place accessible only through land routes and for centuries, they lived in a corner which was not an interest for anybody. As a result, the Nagas worked out a very evolved way of responding to changes. The British arrived in the nineteenth century and consolidated their rule in Assam after finding it to be very richly endowed. Then, Manipur Maharaja came, this was also a period when the Naga villages were considered to be what is known in Australia as *terra nullius* or no-mans-land. He argued that the Naga villages responded and fought for 60 years to which the last stand was his village, Khonoma. When the British and American missionaries came into the Naga hills, a certain sense of security and trust was established. Little education was started. The memorandum submitted to the Simon Commission in 1929 became the first document in writing on the Naga's position on the desire to be left alone. There was an acute awareness to respond correctly. Iralu, in summing up the standpoint of the Nagas aptly puts that, "the Nagas maintained we are not you and you are not us. Not that we are against you or anti India. We are what we are according to us and that became the theme of the Naga struggle". A respondent[54] from Kohima who was a human right activists, in an

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[53] Personal Interview, Zubza, 1 December 2018
[54] NPMHR leader (2018), Personal Interview, Kohima 4 December 2018

interview during the course of the study argued that the very fact that the Naga people are endowed with a distinct identity has been undoubtedly recognised even before the British rule. Another respondent[55] who, at the time of interview held an important position in the pan-Naga apex body, the Naga Hoho also argued that the Naga national workers' position in the prelude to independence was to be free people, as has been inherited from their forefathers. In other words, it is to be sovereign and free from any other occupational forces.

Such is the background with which the emergence of the Naga movement and Indian State's response is sought to be looked at in the next chapter.

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[55] Naga Hoho leader (2018), Personal Interview, Kohima 2 December 2018

CHAPTER FIVE

THE RESPONSE OF INDIAN STATE TO THE NAGA MOVEMENT

This chapter looks at the response of the Indian state in shaping and to a great extent in determining the trajectories of the Naga movement. While doing this, it attempts to see how post-colonial Indian state continued the legacy of what the Britishers had left behind, with regard to adopting the administrative policies and boundaries set earlier. The Naga issue was essentially looked at as security challenge. The response was therefore the use of military might/power in what is supposed to be a political issue resulting in one of the world's longest armed insurgency movement of indigenous people. The chapter also analyses the steps taken and the accords signed from Hydari Agreement in the 1940s, the Sixteenth Point Agreement in the 1960s to the Shillong Accord in the 1970s. Each agreement gave birth to the formation of an extremist group opposing the accords rather than end violence and conflict. The chapter focuses on how and why the Naga movement continues even after the birth of the state of Nagaland and the peace process that was initiated to deal with the movement. post the creation of Nagaland, Nagas continued to be partitioned people divided by different administrative boundaries and their strife continued. Considering the difficulties of competing demands in the backdrop of an overlapping territorial and ethnic boundary, the fragility of ethnic relations in the North-East, the problems of breaking and making of states and opposition from other groups and states deemed to be affected by the Naga integration project, the chapter seeks to explore the possibility of a non-territorial form of arrangement as a supplement to the existing territorial mode of autonomy that the nagas have come to enjoy with the formation of their state, Nagaland.

5.1 NAGA MOVEMENT IN THE POST - INDEPENDENT INDIA

The previous chapter showed how two broad distinctive strands developed within the Naga movement with the extremist strand increasingly dominating the agenda. In 1950, the extremist group within the NNC under Phizo organised a 'Naga Conference to hold consultations to decide upon the future of Naga areas' (Mullick 1972:302). It was decided in the Conference that a Plebiscite would be held (Ramunny 1993:57). On 16 May 1951, the NNC conducted a plebiscite in the Naga Hills District which lasted for about two months. It is reported that 99.9 per cent of the people voted for Naga independence (Srikanth and Thomas 2005:62; Vashum 2000:80; Shimray 2005:66). All the villages in the entire Naga Hills were visited, signatures and

thumbprints were taken and oath were administrated in the Naga traditional manner to fight for Naga independence (Alemchiba 1970:175). The Eastern Nagas could not, however, be brought into the plebiscite owing to the opposition of the Rangoon Government but it is said that they supported the NNC stand morally. Tanjenyuba Ao (1993) argues that the result of the Naga plebiscite having "thumb impressions were dispatched to the President of India, the President of All India Congress party and the General Secretary of the United Nations". He further argues that the solidarity of Naga people which was an impossible task due to "traditional feelings of enmity, language difficulty and different tribal social set up was achieved through the spirit of plebiscite for which Phizo deserved due credit" (Ao 1993:285). Meanwhile, the plebiscite was not free from contestations in terms of legitimacy and its representative character. It was questioned upon not only by the Indian authorities but also among the Naga tribes themselves. An anonymous respondent[56] also questioned upon the impracticability of a plebiscite with 99.9 per cent result which he argued is humanely not possible. Any referendum with the highest approval would be somewhere around 60-70. People who queue up were very curious and Phizo asked them to vote for it or else they would be ruled by the Hindus and Muslims. It was a very psychological call mixed with a bit of a fear, bit of a pride so they voted. However, he argued that the referendum became very important whether it was 99.9 or not. The event was remarkable as it resulted in the rise of the complete dominance of NNC by Phizo. Subsequently, moderates like T.Sakhrie and Aliba Imti who were instrumental in signing the Nine Point Agreement were side lined within the NNC and Phizo as president dominated the day to day functioning of the NNC (Shimray 2005:20).

In December 1951, during Nehru's visit to Assam an NNC delegation led by Phizo presented the Plebiscite result to Nehru. Nehru replied, "I consider freedom very precious. I am sure that the Nagas are as free as I am, in fact more free in a number of ways. For, while I am bound down by all sort of laws, the Nagas are not to some extend bound by such laws and they are governed by their customary laws and usages. In the present context of affairs both in India and in the world it is impossible to consider for a moment, such an absurd demand for independence of the Nagas. It is doubtful whether the Nagas realise the consequences of what they are asking for. For their present demand would lead them to ruin" (Shimray 2005:20). Hence the Nagas

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[56] Personal Interview, Dimapur, 26 November 2018

demand for independence was projected by Nehru as distant rather than in the near future. Nehru insisted on tackling the issue within the purview of the Indian Constitution but; the Nagas were not willing for any alteration short of independence. Thereafter the GoI, without consulting the Nagas, formulated a policy, "affecting the transfer of power (of the excluded areas under the 1935 Government of India Act), to the Government of Assam". As a demonstration of dissatisfaction for not taking into account the sentiments of the Nagas, the NNC led by Phizo "boycotted the first Indian General elections of 1952" (Shimray 2005:20). As a result, the first Indian General election had no Naga seeking election to the Parliament or the Legislative Assembly in Assam, no District Council was established in the Naga Hills and nobody voted.

From 1952 onward, the relationship between the Nagas and the GoI gradually deteriorated. On 30 March 1953, when Jawaharlal Nehru and U Nu, the Prime Minister of Burma visited Kohima, the Capital of Nagaland, the NNC wanted to submit a memorandum and requested to speak to Nehru on the issue of Naga independence in front of the Naga public. However, Barkokati, the Deputy Commissioner of Naga Hills, turned down the NNC's request to either allow them to submit any memorandum or to talk with Nehru at the meeting. The Naga leaders protested against the Deputy Commissioner and said "if the Prime Minister would not hear us, then we would not hear him either." There, thousands of Nagas who attended the event staged a walkout from the public meeting when Nehru was about to make his address, except for a few Government servants mostly non-Nagas (Mullick 1972:305). There was no turning back from both the parties since then and this incident turned out to be the last straw on their confrontationist policy towards each other.

With an increase in the sporadic acts of violence by the Naga extremist sections against the more moderate sections of the NNC and the Naga civil society, the Assam Rifles was given the task of bringing back the Naga areas to normalcy (Goswami 2007:292). The GoI accused the British administrators and the American Baptist Missionaries of instigating the Nagas. Eventually, the GoI ordered the foreign missionaries to leave the Naga hills. In the same year, the monthly newspaper of the NNC, 'Naga Nation' was also banned on the accusation of spreading anti-India propaganda (Yonuo 1974:205). The situation was a charged one. There were rumours

of increasing militant activity and NNC propaganda against India which led to police searches and arrests for suspected NNC leaders on the pretext of maintenance of law and order across the hills. In spite of the visit by dignitaries and exchange of visits of Good-will Missions the tensed situation continued. The NNC remained firm in its stand that, "Nagas are not Indians and do not want to become Indians. Nagaland was never conquered by India. The British conquered a part of the Naga Hills and once the British left India it should revert to its original free status." On the other hand, the GoI was equally firm on reiterating that while it was prepared to allow the Nagas to enjoy the maximum autonomy within Indian Union, the matter of complete independence was not up for discussion. The political situation in Nagaland deteriorated day by day and eventually led to open conflict (Alemchiba 1970:179; Goswami 2007:292).

By the 1950s, a number of security measures had been established in order to curb the Naga Movement. Between 1953 and 1955, the state of Assam had introduced two special Acts, namely, the Assam Maintenance of Public Order (Autonomous Districts) Act 1953 and the Assam Disturbed Areas Act 1955. This was followed by the promulgation of (a) The Armed Forces (Special Powers) Regulations 1958, in April 1958; (b) The Armed Forces (Assam and Manipur) Special Powers Ordinance 1958; and (c) Regulation 5 of 1962 (The Nagaland Security Regulation 1962). The Special Powers Ordinance of 1958 was converted into an Act in September, as the Armed Forces (Assam and Manipur) Special Powers Act 1958, later amended as the Armed Forces Special Powers Act 1972 to make it applicable to all states and Union territories in the North-East" (Haksar et al 1984:30).

The NNC never officially endorsed a policy of violence, but frustrated by the failure of its complete boycott, the extremists within the NNC became more active and took up arms. By 1954, there was widespread "armed violence, murder, arson, looting, and kidnapping across the Naga hills" (Sema 1986:92). Mullick noted, "the Indian troops moved into Tuensang by October 1955, and the war with Nagas started then" (1972:308) . This was followed by the declaration of "Naga Hills as Disturbed Area on 29 January, 1956 and the moving in of the army two days later" (Anand 1980:121). On 27 March 1956 Section 144 of the Indian Criminal Procedure Code was imposed which clamped down almost the whole of Naga Hills by forbidding the tribesmen to assemble in strength larger than four. The same month in 1956, the extremists led by

Phizo founded the Federal Government of Nagaland (FGN) (Misra 2014:101). Since 1956, a state of emergency existed in the district and the whole of Naga Hills was declared 'disturbed area'.

The imposition of Ordinances and Acts gave tremendous amount of powers to the Armed Forces. For instances, Section 4(a) of The Armed Forces (Assam and Manipur) Special Powers Act, 1958 gives powers as follows:

Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area, if he is of opinion that it is necessary so to do for the 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 force in the disturbed area…

Section 6 of the same Act states that

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.

Section 7 says

No law against any officer of the armed forces in respect of anything done in any part of the Kohima or Mokokchung districts of the Naga Hills-Tuensang area on or after the 23rd December, 1957 and before the commencement of this Regulation which might lawfully have been done during the said period including the arrest of any person or recovery of any person or property shall be as valid as if they had been done at a time when this regulation was in force.

This section "provides the Armed Forces officers and those under their command legal immunity to commit any crime against the Nagas because there is no provision for testing whether a particular act is lawful under the disturbed area situation." (Haksar et al 1984:31).

In 1955, according to the official instructions issued by the Chief of Army Staff, military operations were not to be conducted on war basis. The statement reads:

You must remember that all the people of the area in which you are operating are fellow-Indians. They may have a different religion, they may pursue a different way of life, but they are Indians and the very fact that they are different and yet part of India is a reflection of India's greatness. Some of these people are misguided and have taken to arms against their own people and are disrupting the peace of this area. you are to protect the mass of the people from the disruptive elements. You are not there to fight the people in the area, but to protect them. You are fighting only those who threaten the people and who are a danger to the lives and properties of the people. You must therefore, do everything possible to win their confidence and respect and to help them feel that they belong to India.

The undeclared war between the Indian Army and the underground outfits continued in which the villagers were stuck between the two and were made the victims of the conflict. There was gross violation of human rights. As hostilities intensified during 1950s while the sufferings of the people grew, some Naga leaders began to seriously deliberate on bringing an end to the impasse. On 18 January 1956, T. Sakhrie, the former General Secretary of the NNC who had resigned from the NNC in opposition to its extreme and violent tactics was assassinated on the accusation of cooperating with the Indian government and indulging in anti-NNC activities. Several others who openly raised their voice against extremism were also meted with the same fate (Alemchiba 1970:185). By this time, Phizo managed to "cross over to the then East Pakistan and on 6 December 1956, he made a sudden appearance in Dacca" (Anand 1980:191). In June 1960, Phizo reached London from where he worked towards internationalizing the Naga issue, lobbying the Naga cause to the attention of various international platform including the United Nations, seeking help from other countries to put pressure on India (Lotha 2016:193).

In the course of the study, an interview conducted with various civil society leaders on the question of the division between the so called 'moderates' and 'extremists' in the Naga movement are noted down as follow. Vishier[57], maintained that by 1950s, the Naga movement soon split and was divided into two sections, those that can be called the moderates whose basic goal is nonetheless, independence but they believed in non-violent movement to achieve the goals step by step. For this, they believed in

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[57] Personal Interview, Medziphema, 29 November 2018

autonomy within India as the first step. According to him, they contended that the Nagas are very small and cannot defeat India so they have to work it out with India. Meanwhile, on the other hand, Phizo pressed for total sovereignty, by blood or any means. Iralu[58], another respondent maintained that T. Sakhrie, the General Secretary of the NNC and its President Phizo, Iralu's maternal uncle had a contradictory opinion regarding the means to Naga movement. Sakhrie argued that they were in a changing reality with the Indian army coming in. Their position was right, but they could not defeat the Indian army. So, Sakhrie maintained the need to find out how they respond and his idea was to go to Indian people, not the Government of India. This standpoint, to Iralu was a very brilliant idea. Sakhrie visited all the villages but found himself to be defending a very difficult position. Phizo condemned him as a traitor and he was killed before the state of Nagaland was formed. Sakhrie's group and others went on to accept the state from Delhi. So they came to be called the moderates. Iralu argued that the moderates realised that they cannot defeat the Indian army and there is realism in it as one see now. At the same time, Iralu argued that the position of Phizo and his associates was understandable because they see the history according to that time. All Nagas agreed to that position at that time because the pressure was so great. Iralu went on to say that, "all villagers have given up. Nagas were in the jungle and the army was out to finish everything… a bit like that of the Mizo concentration camps and all that so to say that they consider something other than independence was too much, so I can understand Phizo's position. I can also understand the other position like Sakhrie's. Whether it is called moderates or extremist I do not think it sounds convenient for me, if understood in the context of the crisis to my mind". Another respondent from Kohima argued that the extremist believed in fighting back, they encouraged people to take up arms and started armed struggle while the moderates, believed that the struggle should be based on non-violence and peaceful act of compromise. He further argued that the division became so strong while the GoI patronised the moderates whereas the armed groups were never recognised. A respondent from Dimapur argued that division was a part of every movement, Indian national movement was also divided. A young NSF leader based in Kohima argued, "the division between the moderates and extremists is not confined to the Nagas alone. No society in the world is ever 100 per cent united. Even

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[58] Personal Interview, Zubza, 1 December 2018

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when the Americans fought for independence, some wanted to be with the British government while others wanted to be with the prince, but the aspiration is still there. I think divide and rule policy of the government translated in the creation of more factions. We may have some ideological and personal differences but our common goal and common ground is Naga unity and sovereignty and our goal is one". He added, the same was with India when they fought for independence, the Indian National Congress was in different line, Indian National Army was different so were the RSS too. while the means employed may be different, they all shared the same goal.

In September and October 1956, Jawaharlal Nehru, the then Prime Minister met Naga delegations in Delhi and Shillong and assured them as before, the Government's intention to grant the Nagas maximum autonomy within Indian Union. By this time, more moderate leaders began to come out openly in not only condemning the underground activities but also in trying to take concrete steps towards bringing a realistic political solution. A major part was taken by the churches in condemning violence and appealing the Nagas to work for the restoration of peace (Alemchiba 1970:186).

5.2 THE NAGA PEOPLES' CONVENTION (NPC)

With peace in mind, there were Naga moderates who played the middle role between the two conflicting parties, i.e., the underground NNC and the GoI. These moderate Naga leaders convened the First Naga Peoples' Convention (NPC) in August 1957 in Kohima comprising of 1750 delegates under the leadership of Dr. Imkongliba Ao as its president. For the first time after the commencement of the open conflict, the event expressed its opposition to violence. The main resolution of the Convention advocated peaceful settlement of the Naga issue through peaceful negotiation, and "pending a final political solution, the then Naga Hills District of Assam and Tuensang Division of North East Frontier Agency (NEFA) be constituted into a single administrative unit under the External Affairs Ministry" (Elwin 1961:65). The GoI responded to the idea of a Naga district as suggested by the NPC and established the Naga Hills Tuensang Area on 1 December 1957, as an autonomous district under the Governor of Assam and the jurisdiction of the Ministry of External Affairs (Misra 2014:101). To the moderate Nagas, this was an important step forward towards resolution of the

problem. However, the underground FGN, led by Phizo accused the NPC leaders as being puppet of the GoI. Aosenba argues that they "chose to continue to fight, adopted a guerrilla war tactic 'hit and run' prowling in small groups" (Aosenba 2001:63).

Despite the threat and protest from the underground FGN, the Second Naga Peace Convention was held from 21 to 23 May 1958 in Ungma Village in which 2705 delegates from various Naga tribes attended. The Convention endorsed the First NPC resolution and appointed a Liaison Committee consisting of eight members to contact the Naga underground leaders to explore possibilities for an agreed and peaceful solution to the Naga political problem (Vashum 2000:83). Attempts to establish communication with the FGN failed as the latter under Phizo rejected the NPC and its moderate leadership.

The Third Naga Peace Convention with 3000 delegates was held in Mokokchung from 22 to 26 October 1959. After much deliberation, the Draft 16 point demand was formally approved under which "the idea of a Nagaland state within the Indian Union" was conceived. The FGN led by Phizo opposed the NPC resolution terming it as a compromise and the NPC leaders were accused of taking up the negotiating position of the Indo-Naga to themselves against its earlier aim of playing the role of a mediator (Horam 1988:21; Nuh and Lasuh 2002:191-194; Goswami 2007:293; Vashum 2000:83). An NPC delegation of 15 Naga leaders headed by the president, Dr. Imkongliba Ao went to New Delhi on 26 July 1960. Except a few modification, the 16 point demand were accepted by the GoI. In the light of the discussion with the Prime Minister Nehru, the NPC president Dr. Imkongliba Ao pointed out that "the mass of the Nagas favoured complete separation from India, but in view of the practicalities of the solution they were prepared to accept less". On 1 August 1960, Nehru announced in the Lok Sabha that "a new state to be called Nagaland comprising the territory of the existing Naga Hills and the Tuensang Area" would be formed and the Governor of Assam was to be the Governor of Nagaland. Then a transitional period was arranged during which an 'Interim body' for these years was to be constituted consisted of 45 elected members with representative from various tribes in Nagaland (Aosenba 2001:64). On 26 August 1961, the main architect of the NPC, Dr Imkongliba Ao was assassinated by the Underground Nagas who rejected

the New Delhi-NPC agreement and termed the NPC members involving in the said agreement as a traitor of Naga Nation (Aosenba 2001:66).

5.3 BIRTH OF THE STATE OF NAGALAND

In the background of this division within the Naga movement, the Indian parliament passed the state of Nagaland Act in September 1962. On 1 December 1963, Dr. Radhakrishnan, the President of India officially inaugurated the state of Nagaland as the Sixteenth state of the Union. The new state of Nagaland functioned under the Ministry of External Affairs (Vashum 2000:83). Since the state of Nagaland comprises of only the Naga Hills District and Tuensang Area, a major portion of the Naga population and the Naga inhabited areas end up falling outside the new state. Subsequently, with the creation of other states in the North-East, the Nagas came to be divided across five administrative units. This created a situation in which Nagas live in three different states in India apart from Nagaland- Manipur, Arunachal Pradesh and Assam while one unit continues to be in Burma. Of the 36 Naga tribes in India, 14 tribes are in Nagaland, 17 tribes in Manipur, 3 tribes in Arunachal Pradesh and 2 tribes in Assam (Aosenba 2001:66-67). Thus, the birth of Nagaland, far from ending the Naga movement has seen its continuation and the Naga question far from settled.

To cater to the Naga identity aspirations the new state of Nagaland was granted special provisions under Article 371A of the Indian constitution. The special provisions include

(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.

A respondent[59] in an interview during the course of the field work maintained that the Naga movement ran into what has not been anticipated. The state was forced on the Nagas. Naga freedom fighters rejected it. Nehru and intelligence advisers proposed that the best way to undo Naga struggle is to grant state so that the educated will be drawn to it. By that time, Phizo had gone to London. So, in great haste Nagas responded and were condemned as traitors. Those who responded saw India cannot be defeated and state is the only way out. They were all state officials and they genuinely thought that it was the best thing. He argued that this was how the state was created. However, he maintained that "today, it is possible to see that the creation of the state is, to my mind, God's way of saying to the Nagas this is your state, run and develop it to solve your problems. But I think God is for all aspirations, as aspirations come from human soul and as a Christian, I believe all aspirations are sacred, in God's mind Nagas are not overground or underground but having a common aspirations." He added, they got a state and if those who accepted the state use its resources to develop all the Nagas properly, I think they will win over the Naga people.

A respondent[60] based Dimapur argued that state machinery has not wheeled at all, it is basically existential. There is intellectual bankruptcy which is not only confined to Nagaland and the North-East but also in the context of India. The same applies to politician too, except for few who are really educated and intellectual. He further argued that many people have taken advantage under statehood in the state bureaucracy and state machinery. It is quite justifiable to say that there is no political will and the State has been used for political advantage of a particular section, opted out of necessity as a matter of survival under the guise of political solution, he added.

An interview with a Naga Hoho leader[61] based in Kohima, he argued that the state of Nagaland was the first state in India created solely under political compulsion because of its inherent rights, not because of its geographical greatness or population. When the sixteenth point agreement for the creation of Nagaland was signed under the banner of NNC, NNC leadership and its entire functionary objected to it. An NSF leader from Kohima, in an interview argued thus, "when the state was formed, the

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[59] Personal Interview, Kohima 2 December 2018

[60] Personal Interview, Dimapur, 26 November 2018

[61] Personal Interview, Kohima 2 December 2018

Naga movement was at its peak. India made a blunder by forming Naga state. We have more Nagas outside the State. There are only 16 tribes in Nagaland of which Kuki and Kachari are non-Naga tribe. So we have only 14 Naga tribes in Nagaland while the remaining Nagas outside the state. We should rather call it artificial boundary, prepared by the government of India". He further said, "how can we accept even the boundary division between India and Burma which partitioned the ang/chief of Konyak's house solely for the British's own administrative convenience?."

5.4 THE CONTINUING MOVEMENT AND THE FORMATION OF PEACE MISSION

The Naga movement was carried forward by the underground Nagas who were opposed to the creation of the new state of Nagaland under the union of India. In the post creation of the state, the FGN simultaneously ran a parallel government through "exacting money and rations from the people, by imposing fines against those who disobeyed their authority, by forceful recruitment of young abled-bodied, by kidnapping, sabotaging, raiding and firing on security posts, administrative centres, and by going to East Pakistan for arms and training at regular intervals" (Yonuo 1974:254). In such a situation, it was the Naga common people who suffered a considerable extent in an environment marked by deadly hostilities and violence where normal life was not known for over a decade and curfews imposed from dusk to dawn. Violence continued unabated and people in general yearned for peace and order (Yonuo 1974:254). In such circumstances, the need of the hour was to restore peace in Nagaland. The Naga religious leaders in the form of churches played a very crucial role in Naga politics since the 1960s. Deeply concerned with the prevailing situation, the Nagaland Baptist Church Council (NBCC) held a Convention at Wokha from 31 January to 2 February 1964. It was attended by more than 5000 people. The Convention collectively decided to request the GoI and the FGN to initiate a Peace Mission. Ultimately, the Convention nominated Shri Bimala Prasad Chaliha, Jaya Prakash Narayan, Shankarrao Deo and the Reverend Michael Scott. Shankarrao Deo could not join the mission on health ground. Consequently, a three member peace mission acceptable to all the sections was launched under the aegis of Naga Baptist Churches on 24 February 1964 at Wokha. They constituted a peace centre at Chedema near Kohima. The first and foremost task of the Peace Mission was to bring

an end to hostilities and then carry it forward to the negotiation for political settlement. After negotiating for over two months , a 'cease fire' agreement was signed on 24 May 1964 at Sakrabama village by the three members of the Peace Mission and six members on behalf of the FGN. The Peace Mission also succeeded in overseeing a ceasefire with effect from 6 September 1964 (IWGIA 1986:31; Vashum 2000:86; Aosenba 2001:68-69).

The 1964 ceasefire between the GoI and the NNC-FGN was by and large, as mentioned a result of the efforts put into by the Naga church leaders. The institution of church which "enjoys the allegiance of more than 90 per cent of the Naga Christian population refused to be drawn into the extremist NNC group's violent movement for independence" (Goswami 2007:296).They emphasised that the Naga movement for sovereignty should be carried out on the principles of the teachings of Jesus Christ through non-violent means. They called for an end to fratricidal killings of different Naga groups and also expressed condemnation on the human rights violations committed by the Armed Forces in the exercise of their duties (Vashum 2000:131-132). The active role assumed by Naga churches in the peace process has been noteworthy.

The first ever Indo-Naga peace talks was initiated on 23 September 1964 at Chedema Peace Camp near Kohima. The talks were held in two phases. At the Governmental level, Y. Gundevia the Foreign Secretary led the official delegation and Zashi Huire, the underground leader led the FGN. The talks failed at the onset itself since the government representative Gundevia insisted that "any political settlement should take place within the ambit of the Indian constitution" while the representative of the FGN, Zashi Huire refused to accept "Nagaland constitution status within the Indian Union and asserted for the rights to self-determination and sovereign Nagaland state". To overcome the obstacle of the peace talks, the Peace mission proposed that the "FGN 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 while the GoI could consider to what extent the pattern and structure of the relationship between Nagaland and the GoI should be adopted and recast so as to satisfy the political aspirations of all sections of Naga opinion."[62] The new proposal once again ended in a dilemma

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[62] Peace Mission Proposal, para 13

(Aosenba 2001:70). Thus, the four years of negotiation between the GoI and the Naga leaders for a peaceful and compromise settlement ended yet again in the failure to reach a meeting point (Yonuo 1974:293). By the year 1966, the three members of the Peace Mission exited one after another (Vashum 2000:90). As a result of the failure of Peace Mission and the surge in the instances of ceasefire rule violations, military operations introduced in the Naga areas in 1956 were again resumed in 1968 (Goswami 2007).

The 1970s again saw a growing desire for "peace and development across various civil society groups and the churches in the background of a deeply divided Naga society". Across the border, the independence of Bangladesh in 1971 resulted in the loss of safe haven for training and procurement of arms by the underground NNC in the former East Pakistan. In 1972, Nagaland came under the "jurisdiction of the Ministry of Home Affairs from the Ministry of External Affairs" (Chasie 2005:55). The NNC was banned under the Unlawful Activities (Prevention) Act and the ceasefire was revoked (Shimray 2003:93). In 1975, President's rule was imposed in Nagaland along with full scale counter insurgency policy by the military forces. Under extreme duress, a section of the NNC leaders signed the Shillong Accord on 11 November 1975 by which the underground militants agreed to, "on their volition, accept, without condition, the constitution of India and that they even agreed to surrender arms in order to prepare the ground for future talks with the Indian government" (Chasie 2005:56; Shimray 2005: 96-97; Srikanth and Thomas 2006: 64).

Since the signatories of the Shillong Accord are said to be close to Phizo who, in exile lived in London, and who neither openly condemned nor fully seem to have endorsed the agreement, it resulted in the rise of the anti-accord group comprising of the extremist sections within the NNC. On 31 January1980, the National Socialist Council of Nagaland (NSCN) was formed by the anti-accord extremist section of the NNC under the leadership of Thuingaleng Muivah, Isak Chishi Swu and S.S. Khaplang. The Shillong Accord was denounced as an act of "total submission by the NNC leadership under Phizo to the Indian government". Goswami argues that in the same manner in which Phizo rose due to his disagreement with the moderate NNC leaders who signed the Nine Point Agreement, the Shillong Accord created deep misunderstanding within the rank and files of the NNC and the extremist called upon

Nagas to renew their fight against India (Goswami 2007:297). In 1988, the NSCN split into two factions, namely the NSCN(IM) led by Isac Swu and T.Muivah and NSCN(K) led by Khaplang. Goswami(2007) further observed that the Shillong Accord repeated the tragic story of the Nine Point Agreement in that it led to the emergence of a sub-set of extremist actors amongst the surrendered parent extremist NNC (Goswami 2007:288-289).

5.5 PERSPECTIVES ON THE NAGA MOVEMENT

In the course of the study, the researcher conducted an interview on the perspectives people in general held on the trajectory of the Naga movement. In one of such interviews, Vishier[63] from Medziphema argued that the emergence of the Naga national movement is very similar to many other tribal and ethnic movements all over the world. It is not an unique one. However it became unique because of the leadership. Nagas are so fortunate in having Phizo as their leader who was well ahead of his time and ahead of others especially in the region. In Vishier's own theory, he argued, "Nagas started their national movement to preserve their identity, because they are worried about their identity, independence, village republic and they wanted to preserve that, so the NNC was formed. In the end, the movement gave them their identity. When India knows about the Nagas it was because of their movement. The movement which was started to preserve their identity, that very movement gave them their identity which makes it very interesting". In an interview with a young NSF leader in Kohima, he argued that initial feeling of 'Naganess' came after British invasion of the Naga hills and this feeling got reinvigorated with the formation of the Naga Club in 1917.

Vashum (2000) points out that the aspiration of the Naga self-determination is spontaneous, especially during the formative period from 1918 to 1946. In 1929, when the Naga club submitted a memorandum to the Simon Commission, they expressed their desire to determine their own way of life themselves, or with minimum interference and/or protection from the British Government. The Nagas expressed their unwillingness to be included in the 'Reformed Scheme' and requested for some sort of 'external self-determination'. Again, considering the four point memorandum of the NNC to the Cabinet Mission on 19 June 1946, the NNC

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[63] Personal Interview, Medziphema, 29 November 2018

indicated their willingness to participate in free India with certain conditions that the "Nagas of the administered and unadministered areas should be under one administrative unit with separate electorate, enough autonomy and safeguard". Such a position of the Nagas, Vashum argues is a demand for some sort of 'internal self-determination' within free India (2000:116).

In the same line, Hausing (2009) argues that the British departure from India was marked by large scale mobilization of ethno-nationalism in the North-East particularly the Nagas. Such a sense of ethno-nationalism, Hausing contends was nothing but the expression of the desire to "unite, integrate and solidify the Naga into a single self-government system which would help them overcome the imaginary politico-administrative spatial break introduced by the Britishers". The situation worsened, Sanjib Baruah (2003:915-939) argues, because of the state's reliance on the 'logic of security and the development point of view' whereby the sole responsibility of law and order maintenance in the North-East was handed over to the military establishment which gradually normalised the undemocratic ways of managing what are otherwise 'political' problems. He argues that problems in the North-East are political in nature which need a sustained political solution. Baruah (2003) further pointed out the Indian officials attitude vis-à-vis the Naga issue which may have prevented reconciliation as follow. Firstly, looking at the Naga issue only through the prism of security. Secondly, the mindset that the Nagas have to be ruthlessly crushed by using the military establishment, waiting for their ageing leadership to go while the growing pressure from the common people would push the rebels to the negotiating table. Thirdly, there have been a very negligible effort on the part of the Indian state to look at the issue despite their history of confrontation with the Indian state, from the Naga's way of seeing their distinctiveness apart from acknowledging Nagas as forming a 'collectivity'. Fourthly, maintaining the "hindu nationalist myths" and blaming the Christian missionaries in sowing the seeds for the Naga conflict (Baruah 2003:335). Maya Chadda, in explaining why India has to confront ethnic conflicts despite having a constitution and a set of laws for empowering and protecting its minorities blames the centralization of power on one hand and on the other, the failure to resolve conflicts within the framework of its democracy (Chadda 2006:5).

Ahu Sakhrie (2006), a Naga scholar argues that the rise of militancy in the NNC was directly or indirectly a result of the attitude and the manner in which the Indian government handled the issue from the beginning. Sakhrie identified four factors that aggravated the already tensed situation. First, the inability of the government to foresee the intensity of the NNC movement at its initial stage. He further argues that the government failed to read the minds of the people for whom the 'concept of belongingness to a separate nationality' superseded all the other forms of their identity. Second, not paying sufficient attention to the views of the pragmatic leaders of the NNC when they had full command and control of the organization. Third, creating frustration in the minds of the people since they started to feel that they were not being heard and that they had lost honour, dignity and respect they deserve as a people. Fourth, the casual manner in which the movement was treated as yet another law and order problem which need to be quelled aggravated the divide (Sakhrie 2006:12-13). Chadda sums up the factors that prolonged the Naga conflict as "denial of democratic rights and autonomy, treatment of the Naga protests as a 'law and order' problem, interpreting all their grievances only through security perspective, lack of implementation of Article 371A and the failure to create good governance" (Chadda 2006:13). The dominant narrative of Naga nationalism in fact considered not just the Shillong Agreement but also the creation of the state of Nagaland as the biggest impediment to Naga aspirations and a final solution (Lotha 2009:188).

Notwithstanding the lack of a 'common language or shared values and poor education, poor economic conditions, or the containment and control policies of the government in order to manage the Naga rebellion, these conditions have proved futile in tearing the Nagas apart' (Chasie 1999:2). The political expression of Naga ethnic consciousness can be traced from as recent as the year between the two World Wars which got solidified and took a violent path in the post independent India. Therefore, the primordial claim of the many disparate tribes forming a Naga nation since time immemorial can be understood through Walker Connor's understanding of the "nation as a self-differentiated ethnic group (1972), wherein the self-view of one's group, rather than tangible characteristics is of essence in determining the existence of the nation" (Connor 1972:337). A respondent based in Dimapur who is a member of the Naga Forum for Reconciliation in an interview with the researcher argued that the Naga demands have not come down. It is an issue of conceding for idealistic

nationalism. He argued, "the Naga sovereignty movement has nothing to do with the Westphalian concept of modern nation-state. In fact, the whole concept of sovereignty, independence and language itself had been reinterpreted in the post-modern world. Naga national construction, whatever you have from below, Naga sovereignty, Naga independence, all has to be defined in the way we perceive them in the past".

5.6 INDIA'S OBLIGATION TO NAGAS AS INDIGENOUS PEOPLE

The global indigenous rights movement have had a significant impact on how the Nagas came to perceive themselves. Naga civil society organizations particularly the Naga Hoho, Naga Peoples Movement for Human Right (NPMHR) and Naga Student Federation (NSF) have used the Indigenous peoples platform to express their aspirations within the framework of universal human rights and self-determination. Platform such as the United Nations Universal Declaration of Human Rights, Working Group on Indigenous Populations (WGIP) and the United Nations Permanent Forum on Indigenous Peoples (UNPFII) have encouraged the worldwide solidarity of Indigenous people to define and articulate their aspirations and lobby their cases which Nagas have also taken refuge in. Abraham Lotha (2016:189) argues that "Naga indigenism is not so much about globalising an essential indigenous culture but rather about calling upon the United Nations principles of human rights in defense of self-determination". Therefore, the main aim of Nagas' participation in global indigenous activism is to internationalize the Naga cause at international platforms to garner support and solidarity from other indigenous groups that face similar challenges and problems and to seek legitimization of their aspirations through international declarations and laws regarding human rights (Lotha 2016:190).

On 13 September 2007, the Declaration on the Rights of Indigenous Peoples (UNDRIPS) was adopted by the United Nations General Assembly. Indigenous peoples subscribed to Article 3 of the UNDRIPS which says:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (UNDRIPS).

Chadda argues that India is obligated by the Universal Declaration of Human Rights (UDHR) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) . She contends the relevance of these two Declaration on India's relation vis-à-vis the Nagas as a full-fledged member state to the United Nations. Of particular importance is the Article 3 of the UNDM which states:

Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation(UNDM)

India as a democratic country with a constitution espousing secularism and federalism as its basic tenet, it is obligated to prevent discrimination against its minorities and extend equal protection to all. In fulfilling these obligations, India has to comply to several human rights standards. In the context of the practice of "social hierarchy and ethno-demography" in India, state protection of group rights necessitate their adoption in legislation and policies and the designation of minorities. As such, India recognizes three types of minorities on the basis of religious, caste and linguistic category. Under this scheme of thing, the Nagas are designated as 'religious minorities who are entitled to cultural autonomy, control over their religious and community affairs, and to propagate their language and religion'. Chadda argues that the "Nagas are a minority first as Nagas but they are also indigenous people in a designated special category state". In this manner, the Nagas have been able to conceive a single Naga identity for themselves by bringing together disparate Naga tribal groups speaking distinct languages into its fold (Chadda 2006:4).

Notably, India is a signatory to an important convention and other two Covenants on minorities namely the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICERD specified that caste does not come under its mandate but Nagas are a distinct racial category. In addition, India has made "declarations that it has not ratified the optional protocols of the ICCPR and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which

provides for individual complaints" (Chadda 2006:2). India as a signatory to International Conventions protecting the rights of Indigenous Peoples and in accordance with the provisions of Article 371A and the Sixth Schedule of the Indian Constitution, the GoI is obliged to protect the tribal rights and land rights of the Nagas within the state of Nagaland and outside. India has also ratified the ILO Convention no. 107 of 1957 concerning the "protection and integration of Indigenous and other tribal and Semi-tribal populations in Independent Countries". However, India refused to sign the revised ILO Convention No. 169 of 1989 owing to the use of the word 'self-determination which is sometimes interpreted as the right to secede' (Bhengra and Bijoy 1999).

The state of Nagaland, under Article 371A has special provisions to "protect religious or social practices, customary law and procedure and ownership and transfer of land and its resources". Since the Special provision is applicable only for the state of Nagaland and to the people living within the state, it has been perceived by the Nagas as a tool to further divide the Nagas in the same way in which the state was created comprising only the part of the former Naga Hills District and the Tuensang area. Also, with the absence of a proper mechanisms to implement these rights, they remained far from reality for the common people (Chadda 2006:12). In addition, the imposition of Armed Forces (Special Powers) Act, 1958 where basic civil and political rights are curtailed, special rights although granted, cannot be enjoyed in a conflict situation. Hence, the federal arrangement guaranteed by the Indian constitution failed to quell the Nagas' aspiration for independence (Chadda 2006:13).

While the Indian Constitution provisions entitle certain rights and privileges to the Scheduled Castes and Scheduled Tribes across the country, securing a recognised indigenous slot at the United Nations is an added advantage because such platform provides the opportunity to utilize internationally approved rights to lobby specific cases. There has been contestation on indigeneity since India maintained in the UN Working Group on Indigenous Peoples Forum that the Scheduled Tribes are not indigenous peoples and, in fact, "the entire population of India… [is] indigenous to the country" (Chadda 2006:12). Despite India's stand, the indigenous delegates from India have asserted the importance of obtaining a "collective right of self-determination" and thus restore "land and forest rights to their people" (Karlsson

2003:407). In this capacity, the Nagas attendance at the functions of the UN Indigenous Peoples' Forum continues to be prominent (Lotha 2016:196).

Naga nationalists joined the Unrepresented Nations and Peoples Organizations (UNPO) in 1993 to lobby their case. Since then, their representatives have been travelling the world, attending conferences and seminars, participating at the UNPO meetings and other UN forums, advocating and lobbying to seek interventions and support of their case for self-determination at the highest level. When the UN declared 1993 as International Year for indigenous people, the Nagas seized the opportunity and joined a "new partnership" with UN indigenous organizations and indigenous people worldwide. To mark the occasion, the Naga Student Federation (NSF) and Naga Peoples Movement for Human Rights (NPMHR) organised a week of festivities called Naga week at Kohima, in December 1993 to celebrate the international event (Lotha 2016:197-198).

5.7 EVALUATING ACCORDS AND AGREEMENTS SIGNED

Post-independence, over the years a number of Committees have been constituted and various agreements signed starting from the Bordoloi Committee Report (1947), Hydari Agreement (1947), the Sixteenth Points Agreement (1959) and the Shillong Accord (1975). These indicate that the discourse on Naga movement has seen the emergence of two broad strands of thought over the years. First, the moderates section who believe in the need to project their self-determination right, cultural and political rights within the ambit of the state through non-violent methods such as bargaining and persuasion and second, the extremist section who are instilled by the ideas of self-determination and freedom for an honourable solution with nothing less than independence and the employment of force if need be.

Historian Sanjay Singh (2013) surveying the various accords and agreements signed has found that they reflect instances of "domination through negotiation". The accords divided the Naga polity by rewarding amicable politicians while ruthlessly suppressing opponents and fragmenting the Naga inhabited areas across four state territories. The accord at the same time, succeeded in empowering a group in an autonomous arrangement within the Indian union on one hand and on the other, legitimised the state's claim that the persisting Naga movement is a law and order

problem (Manchanda and Bose 2011:53). A respondent from Dimapur in an interview stated, "the role of the Indian state which is supposed to be a secret is not a secret anymore. It has been openly written by B.N. Mullick, Nehru's Secretary, in *my years with Nehru* on how they manipulated the Naga movement and created the state of Nagaland to divide the Nagas and in fact, the Indian intelligence drafted the Sixteenth point agreement which resulted in the creation of Nagaland. The good hearted people under the banner of NPC were used by the Indian state. Right from Nehru's time till today, they are doing the same thing of manipulating which is an open secret known to all."

Akum Longchari(2016) argues that given the asymmetrical balance of power and the absence of a third party mediators, the Indian state has used the language of peace agreements to strengthened its grip over the Nagas. In the midst of a brutal military campaign against the Nagas from 1954 to 1964, the Sixteenth Point Agreement was signed which had the most far reaching impact on the Nagas. The signing of the Sixteenth Point Agreement led to the formal fragmentation of Naga territory on the Indian side by carving out the present Nagaland state (2016:232). Dolly Kikon (2005) observes the state of Nagaland was created solely on political ground without considering its financial viability. She further argues that it was aimed at appeasing certain moderate sections of the NNC which only served to intensify the armed struggle of the extremists. The formation of Nagaland state on 1 December 1963 failed 'to bring any solution to the Naga political problem. Instead, Nagas end up scattered across different states in India and in Myanmar' (2005:2836). As a result, Kikon argues that the state of Nagaland has been created by some few educated Naga elites for their political gain.

Goswami (2007) argues that the "Naga narrative is a complex story of deep tribal divisions and contradictory postures, the extremist-moderate divide, the government's efforts for peaceful resolution of the issue, the Indian military's effort to quell extremist violence and the tragic situation of detractors to peace agreements" (2007:289). Goswami asserts that the methods employed by the extremist sections opposing each agreements is what Stephen Stedman calls "spoilers". In the words of Stedman, "violence increases after a peace agreement is signed between two parties to a conflict as there are actors who are unhappy with the agreement". This can be seen

from the manner in which the militancy within NNC developed out of the disagreement from the Nine Point Agreement and the rise of the NSCN is attributed to the grievances over the Shillong Accord. Therefore, Goswami maintains that for peace agreements to be successful and deter the emergence of spoilers, the signatories have to make sure even minor disagreements are resolved to stay resilient and are committed towards implementing the agreement signed (Peter Wallensteen 2002:49).

An overall evaluation of Article 371A which provides Special Provisions with respect to the state of Nagaland, however, reveals that it confers no real power required to translate the Naga peoples' aspirations into lived reality. It only grants what may be considered a form of "autonomy that is essentially a gift" by the Indian state and not the result of a negotiation to redefine the relationship between India and the Nagas. Rather it was imposed to "politically trap the Naga national movement" (Longchari 2016:234-235). Maya Chadda, in the same line argues that the Nagas see the "special provisions as a tool to further divide them, since the article is limited to the Nagas living in the state of Nagaland" (2006:12). In forming the state of Nagaland, the Sixteenth Point Agreement arbitrarily decided who is in and who is out from this special provisions on the basis of territorial boundaries. It has been argued that through this Agreement, the Government of India sought to "break the collective Naga identity by creating new territorial based identities and to demoralise the Naga spirit by allowing a limited Naga population to enjoy these special provisions" (Longchari 2016:235).

Kaka D Iralu (2009), on assessing the effectiveness of Article 371A argues that it failed to deliver its intended responsibility due to the promulgation of various Acts and Regulations in the name of counter insurgency. Thus, the right to move freely, reside and settle in any part of India and the right to freedom of speech and associations stands nullified by the Assam Maintenance of Public Order Act, 1953 and the Unlawful Activities Prevention Act, 1967. The right to equality before law and the right to protection against arrest and detention and the right to protection of life and personal liberty stands nullified by the Armed Forces (Special Powers) Regulation, 1958, the Nagaland Security Regulation (Act), 1962 and the Assam Disturbed Area Act, 1955 (2009:352). Iralu contends as long as these regulations are in place, the special provisions under article 371A will be a hard reality to realise.

In an interview on the effectiveness of Article 371A, a respondent[64] who argued in the context of the state of Nagaland said that the article is an outcome of what the Britishers did for the Nagas as a responsible nation. Even though they are worn out from the Second World War, the special provision is something they left behind, in response to what Nagas said in 1929 and 1947 that "we are not Indians nor we hate Indians, we are left in that position". However, the politicians are too busy for elections and all so provisions of Article 371A need a set of leaders who are very careful. Member of Legislative Assemblies (MLAs) came but they tried to get as much money for the next elections, not thinking of developing and implementing the said article. To my mind, he added, "Article 371 could have solved some problems but we have, I believe, not thought enough or shout our slogans without thinking what it takes, and created a dissatisfied society not able to make use of the resource that we have and came into being, it makes us selfish. We have not developed the kind of thinking in our people on what is realistic for our struggle and maximize it instead of Delhi sending more and more money. Human element is the real problem, the villagers are demanding more and more for satisfaction, people are in a state of crisis. What we need is to develop and create a wider common stability among neighbours, for our region in the North-East is very important for our common challenges". An NSF leader[65] based in Kohima argued, "Article 371A covers the state of Nagaland only. Of course, we are given certain special rights but mostly in the paper. Land is very difficult to control and manipulate in the villages but the GoI has brought up policies one after another in an attempt to control everything. The introduction of Aadhar system is one such attempt. The existence of Article 371A has protect our rights to an extent compared to the experiences of our Naga brothers in neighbouring state like Assam in which land belonging to Nagas have been taken over by the Government. This has not been the case in the state of Nagaland, an indication that the presence of the article could somehow protect the land rights which is also a proof that we are different. However, another respondent[66] from Dimapur told a different story. She argued that Art 371A is supposed to protect the land rights of the Nagas but especially in Dimapur which is the commercial town of Nagaland, several areas of the town is already owned by outsiders. She argued, "corrupted people sells land in their

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[64] Personal Interview, Zubza, 1 December 2018
[65] Personal Interview, Kohima, 1 December 2018
[66] Personal Interview, Dimapur, 26 November 2018

name. Also the special provision is not taught in school so nobody is aware of it". Another respondent, Wati Aier[67] from Dimapur argues that Article 371A is only in paper. If it has been implemented in its full capacity, the Nagas would have been the most fortunate people. at the same time, he added that although the motive behind Indira Gandhi's transfer of the state of Nagaland from Ministry of External affairs to Ministry of Home affairs is still not known.

5.8 RESUMPTION OF PEACE PROCESS AND CEASEFIRE

With the underground movement continuing for over six decades showing no signs of abating and the success of NSCN(IM) in internationalizing the Naga issues through international forums of the indigenous peoples such as the Unrepresented Nations and People's Organization (UNPO) and the UN platforms, the growing public pressure for peace and the structural changes in regional and international scenarios, all these developments have necessitated both the Indian government and the NSCN(IM) to re-examine their hard stance positions and come forward to the negotiating table. Srikanth and Thomas (2006) saw on the GoI's engagement with the NSCN(IM) as a realization by the former that the Naga problem will persist until a negotiation process is initiated with the NSCN(IM), the outfit which claimed to enjoy the highest appeal and support base of the Naga people as a whole. Overtime, Srikanth and Thomas (2006) contends that such a perception by the Indian government coupled with the structural changes in regional and international scenarios necessitate the process of negotiation.

In 1997, the Indo-Naga peace process was initiated between the GoI and the NSCN(IM) and ceasefire signed. It has been followed by several round of talks. The talks were based on three procedural principles:
(i)   they should be conducted without any pre-conditions;
(ii)   they should be conducted at the highest, prime ministerial level and
(iii)   they should be held outside India (Ngaihte 2014:25).

Such conditions, Samir Kumar Das observed "is perhaps the first time in history when the constitution as an original document was no longer considered the beginning with

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[67] Personal Interview, Dimapur, 27 November 2018

a view to make a new beginning" (Das in Baruah 2011:250). In 2001, the NSCN (K) Khaplang also entered into a ceasefire agreement with the GoI (Goswami 2007:300).

Over the years, there has been a 'paradigmatic changes of perception and priorities' on both sides. It emerged that the Naga movement's past insistence on the demand for absolute sovereignty has made its way towards an aspiration for the integration of the Naga inhabited areas in the North-East which they claimed, is based on the recognition of the "unique history and situation of Nagas" (Das 2013:23). It seem to suggest that the Naga leaders are open to the idea of a 'loose arrangement that recognizes their right to self-determination and co-sovereignty short of absolute independence' (Chadda 2006:13).

In the course of the peace process negotiation since its commencement in 1997, the negotiation has run up to several obstacles. While the NSCN(IM) insisted for "a unified Naga homeland" comprising of all Naga-inhabited areas in Manipur, Assam and Arunachal Pradesh based on the "recognition of Naga unique history and situation", the GoI insisted on maintaining the territorial integrity and sovereignty of India by making it clear that it cannot allow the unification of Naga claimed areas and undo the territorial state boundaries without offending the states of Manipur, Assam and Arunachal Pradesh vis-à-vis territories claimed by the Nagas (Goswami 2007:299-301). Dolly Kikon (2005), a Naga scholar argues that the acceptance of NSCN(IM)'s legitimacy by the Naga public on the issue of compromising Naga independence will depend largely on its ability to convince the GoI for integration of all Naga inhabited areas under one administrative unit. This is because, the demand for a sovereign Naga nation 'seems' to have waned away for a 'more practicable idea of an autonomous, unified homeland within the republic of India' (Kikon 2005:2833). In the Naga political talks, the issue of sovereignty and self-determination remains politically contentious dividing the Naga society as a whole but when it comes to the issue of Naga integration, all these differing opinions converge together. As one Naga scholar remarks,

For whatever reasons, the majority of the Nagas have given up their demand for sovereignty and independence but they insist, and rightly so, on a negotiation and honourable settlement of the issue keeping in view the uniqueness of Naga history and culture. In concrete terms, it means to return of the original Naga homeland. That

is to say, the demand is that the Naga areas of the adjoining states of Nagaland must be integrated with Nagaland forthwith (Xavier 2005 quoted from Shimray 2007:102).

5.9 POLITICS OF NAGA INTEGRATION, COMPETING CLAIMS, COUNTER CLAIMS AND CHALLENGES AHEAD

As Naga nationalist history laments, the Nagas have been partitioned, not once but twice. The first partition of the Nagas took place in 1826 by the Treaty of Yandaboo in which the British divided the Naga territories between British India and Burma. The second partition happened in 1963 when the state of Nagaland was created dividing the Naga dominated hill districts into what eventually became Nagaland, Assam, Manipur and Arunachal Pradesh. Charles Chasie, an important Naga intellectual regretted the haste with which the NPC negotiators lost an opportunity in concluding the 1960 Agreement. The negotiators failed to insist on the integration of all Naga inhabited areas into one administrative unit. He added, 'at the time, it would not have been difficult to integrate the Naga areas falling within the boundaries of the Indian Union, even if those on the Burmese side could not be included immediately' (Chasie 1999:150-151). He added, integration has proved most difficult with the passage of time and that the 1960 agreement which delivered the territorially bounded state of Nagaland left the Nagas of Manipur, Assam and Arunachal Pradesh more vulnerable. In the same line of argument, a respondent from an interview conducted in the course of the study maintained, "integration of the Naga homeland at least within India could have happened because Nehru was very powerful that time. Assam was ruled by all Congress, Manipur and Arunachal Pradesh were Union Territory. If Nehru willed it, it would have been done within a year. Integration issue was one of the points of the sixteenth point agreement. But the leaders were so keen on coming back to fight for the chairs and seats in the cabinet. Now integration becomes virtually impossible".

As W. Van Schendel (2005) argues how international boundaries carry colonial legacy which are often drawn unilaterally with least considerations on the 'social practices, ethnic affinities and historical continuities'. The same rule applies to the construction of internal boundaries especially in the case of the North-East with several 'autonomous ethnic homelands with its internal borders constituting prime sites of contestations, conflicts, cartographic anxiety and apprehensive territoriality'

(Schendel 2013:268). The issue of integration of all Naga inhabited areas is very contentious because if successful, it would result in redrawing the territorial map of the North-East to which Manipur, Assam and Arunachal Pradesh had expressed stern rejection (Chadda 2006:13). Bibhu Prasad Routray (2003) highlighted the difficulties involved in the politics of overlapping tribes, where their ethnic aspirations do not conform to the territorial demarcation. This is a very sensitive issue in India and more so in the case of Nagas' aspiration for the integration of the Naga inhabited territories. This is because the area which Nagas claimed to be their historic homeland is today, not only spread across four different states who contested the Naga's claim and more importantly, these regions are inhabited by other ethnic groups who failed to identify themselves as Nagas and also claims to be the original inhabitants of the region as much as the Nagas are. Thus, the Naga territorial integration project has been perceived by the other states as a threat to their territorial integrity and it has produced "a sense of intransigence, suspicion, anxiety and heightened communal tension between the Nagas and their adjoining communities" (Das 2013:23).

Das (2013) argues that the composite Naga territorial identity runs on a collision course with the historical territorial identities of the Meitei and Ahom kingdoms and contributes to what Krishna (1994:508) termed as 'cartographic anxieties' in the states of Manipur, Assam and Arunachal Pradesh. The Naga cause derived its legitimacy from the "logic of ethno-territoriality" by which a cultural group stake claim over patrimonial rights to a territory separate from other groups (Zariski 1989). The evolution of the Naga national movement depicts that such an understanding of "ethno-territoriality does not merely rest on a prior claim but is sustained through the active process of strategizing to affect, influence or control resources or people by controlling area" (Sacks 1986:1). Through the employment of both "coercive and socialising mechanisms" (Vollaard 2009:261), Naga ethno-territoriality comprises of both "boundary-making exercises aimed at all non Naga constituencies as well as movements of territorial bonding directed towards the Nagas themselves" (Herb 2004:144). Hence, Das (2013:24) argues that it is important to look at the Naga integration project within the context of such practice of Naga ethno-territoriality.

Srikanth and Thomas(2005:74) argue that the demand for integration of the Naga inhabited areas in Myanmar has not been a priority but as far as the Naga inhabited

areas within India is concerned, it has been high on the Naga political agenda uniting most Nagas. The Sixteenth point Agreement consists of a clause which articulates the desire for consolidation of the contiguous Naga areas. Arguing on this clause, the Nagaland Assembly has passed multiple resolutions for the same (Baruah 2003:331). Simultaneously, the apprehensions and anxieties of the neighbouring states have grown considerably. The call for unification in Nagaland Assembly in 1994 was followed up by the adoption of a resolution in Manipur Assembly for upholding the territorial integrity of Manipur. As a result, the Naga project of integration to achieve a single political unit run in collision course with the Manipuri project (Baruah 2003:323).

At the same time, Marcus Franke argues that since the commencement of Naga armed resistance in 1956, large parts of the Manipur Hills were immediately under the effective control of FGN (2009:71). It was through the Mao Naga territory in Manipur that access into the Burmese Naga territory was rendered possible. Recognizing this imperative, the ceasefire of 1964 extended to four sub-divisions in Manipur alongside the Naga Hill District and the North Cachar District of Assam (Nibedon 1988:116). It was from the 1990s Manipur began to openly voice its concern towards the Naga integration project as a direct threat to the territorial integrity of the state and accordingly adopted several resolutions upholding the territorial boundary of the state. When the ceasefire between the GoI and the NSCN(IM) took effect on 4 August 1997, Manipur adopted the same day as the "State Integrity Day" in Manipur (Das 2013:28). Again, when on 14 June 2001, the ceasefire agreement between the GoI and the NSCN(IM) was announced to be extended 'without territorial limits', it met with a massive violent protest by the Meiteis in Manipur forcing the GoI to exclude the hills of Manipur by removing the word 'without territorial limits'. The Meiteis interpreted the extension of the ceasefire to the Naga dominated hill districts of Senapati, Ukhrul, Chandel and Tamenglong as a legitimisation of the NSCN(IM) demands on the hill districts, which constitute 70 per cent of the Manipur's territory (Baruah 2005:106). In this manner, the "territoriality of the ceasefire has been perceived as coterminous with the project of Naga integration" (Das 2013:28). Several Meitei organizations reiterated thus:

Historically, successive legal and administrative decisions taken between 1826 and 1972 affirmed and reaffirmed the distinct territory and identity of Manipur. Manipur has since been maintaining its distinct territory as sanctified, administratively and legally by the Manipur Merger agreement of 1949 and the North-Eastern Areas (Reorganization) Act 1971 read with Article 1 of the Constitution of India (Jusho 2004:29).

The 'Meitei civil society and underground' had expressed that any form of alteration of the territorial borders of Manipur may compel a review and revoking of the 1949 Merger Agreement (Das 2013:29). In fact, the 1949 Manipur merger agreement has remained an issue of contention and main grievances among the Meitei underground. Also, Manipur's anxiety can be traced from its existence as an independent kingdom for over 2000 years and that the Naga integration project, if successful, would have the greatest impact on its territory (Das 2013:30).

The main thrust of the Naga integration project is an 'attempted solidarity of all Naga tribes and the desire to live together under one administrative entity'. However, given the circumstances, it encounters serious challenges in terms of "legal, constitutional, economic, political, demography as well as the contending nationalisms in both Manipur and Assam" (Das 2013:37). Goswami in highlighting the challenges facing the issue of territorial demarcation identifies that the area which comes under the Nagalim project has been historically inhabited by a sizeable Naga population along with non Naga population who also have ethnically aligned militant groups with their own version for homeland movement running parallel to the Naga movement with overlapping claims over the territories in question (Goswami 2007). There has been a movement of Dima Halam Daogah (DHD) led by Dilip Nunisa for a separate Dimasa homeland Dimaraji Kingdom comprising of the Dimasa inhabited areas of North Cachar Hills, Karbi Anglong, parts of Nowgaon district in Assam and parts of Dimapur district of Nagaland. There is also a homeland movement by the Kukis under the banner of Kuki National Front (KNF) later joined by the Kuki National Organization (KNO) demanding a Kukiland to be carved out of the five hill districts of Manipur, namely Churachandpur, Chandel, Senapati, Tamenglong and Ukhrul which overlaps large swathes of territory included in the greater or Southern Nagalim project the NSCN(IM) who have been demanding the merger of Chandel, Senapati,

Tamenglong and Ukhrul with the state of Nagaland (Kipgen 2013). Kipgen contends, "it was the intention to drive out Kukis from these four hill districts of Manipur which led to ethnic cleansing by the NSCN(IM) in the early 1990s". These overlapping claims to land resulted into a resort to power in order to assimilate, suppress or eradicate contradictory claims and positions which manifested in ethnic cleansing between the Nagas and the Kukis, heightened anxiety and communal sentiments with the Meiteis, naked use of force in Assam and Arunachal Pradesh and civil war-like conditions among the Nagas themselves (Das 2013:37). Das argues that such is the background from which the position of Naga integration project by NSCN(IM) and the GoI's insistence on maintaining the territorial integrity of the states is to be looked at.

Sanjib Baruah (2003) argues that North-East India has a peculiar case of historical relationship between hill people and the lowland states which had been characterised by "complex spatial, cultural, and political dynamic". Overtime, this relationship translated into the assertion of identities that collides and competes with one another (Baruah 2003:324). As a result, Baruah stressed on the need to develop a constructivist understanding of identities in the North-East so that the promoters and supporters of these projects could be aware of the inherent dangers whenever they collide. He further cautions even when such "identity projects are civic and pluralistic in nature, they can lead to ethnic violence and ethnic cleansing if they fail to confront their constructedness" (Baruah 2003:324). Such a situation can be obtained from the impasse surrounding the Naga peace process with neighbouring states opposing any move that will affect their territorial integrity. Baruah explains this opposition from the "region's history of strange multiplicity and the tensions between the spatial discourse that had historically enabled the hill peoples and lowland states of the region to coexist and spatial discourse of exclusive territoriality rooted collectivities that frame today's politics of recognition among Nagas, Meiteis, and other communities" (Baruah 2003:334). Baruah argues the need to confront constructionism. In doing so, he is not arguing to "de-emphasize the significance and power of these identities". As Walzer argues that "communities are social constructions: imagined, invented, put together", but this does not make them "less real or less authentic than some other" (Walzer 1992:324). Baruah argues all those involved namely the Nagas, Manipuris and also the GoI have to confront

constructionism to overcome the impasse. This is because, the Naga integration project can be achieved only at the expense of Manipur, Assam and Arunachal Pradesh, so Baruah argues that a pre requisite to political settlement should be the recognition of the inherent crisis in territoriality in North-East India by all parties involved. However, this recognition will have to be accepted by the Nagas as reconciliation, among themselves, with their neighbours and with the Indian government (Baruah 2003:324).

Looking at how the Naga integration project has been challenged by various quarters even within the state of Nagaland itself, Stanley Tambiah's (1989) argument can be useful to analyse the Naga demand for self-determination. Tambiah see in movements uniting "the semantics of primordial and historical claims with the pragmatics of calculated choice and opportunism in dynamic contexts of political and economic competition between interest groups" (Tambiah 1989). The argument explains the challenges facing the Naga integration project from "underground demands, neighbours' anxiety to inter-tribal divisions which are institutionalised in state structures so much so that all government prescriptions and policy decisions are implemented by paying due consideration to tribal interests becoming formal political units" (Dev 2003:1639). Such inter-tribal division within the Nagas themselves manifested in the formation of Eastern Naga Peoples' Organization's (ENPO) demand for Frontier/Eastern Nagaland comprising of the districts of Mon, Tuensang, Longleng and Kiphire in Nagaland and the Tirap and Changlang in Arunachal Pradesh (Das 2013:35). The demand for Frontier/Eastern Nagaland suggests that the state and boundaries are no longer just sites of resentment among the Naga but it has manifested into calculations for obtaining state resources, development and opportunities (Wouters 2016:115).

On the larger Indo-Naga peace process, Abraham Lotha, a Naga scholar who closely follows the negotiation of the peace process emphasised on the need for both side to introspect their long-held perceptions about their roles and demands. According to him:

Both parties are locked in the mindset and structure of governance derived from a fundamentalist interpretation of the Nation-state, thereby reducing their relationship to one of inevitable antagonism between winner/loser and ruler/ruled reminiscent of

colonialism, instead of making the relationship into one of mutually beneficial post-colonial co-existence (Lotha 2012b).

Srikanth and Thomas (2005) assert that the Naga representatives have to formulate "demands and goals that are achievable in the given regional and international scenarios". Naga self-determination does not necessarily have to entail political independence, it can be interpreted differently depending on the needs of the Naga people (2005:82). At the same time, Kipgen (2013) cautioned that the GoI on its part, cannot enter into agreement with Naga representative vis-à-vis the integration project, ignoring the "opinions and sentiments of other communities, states and stakeholders who are deemed to be affected". He further pointed out that in a situation where there are competing claims and demands on the same geographical space, negotiating with one group and side lining the others could invite more problems. Kipgen (2013), arguing in the same line with Das (2013) and Goswami (2007) argues that any attempt to achieve amicable political solution should be inclusive of all the concerned parties with the central and state governments (Kipgen 2013). A Gaonbura in an interview in the course of the study argued, "the Gaonburas appealed that all the stakeholder groups should be included and the terms should be acceptable to all, and not just confined to the NSCN(IM). The NSCN(IM) thinks that they are the biggest group with the highest number of army, weapon and they are better at advocacy in international arenas. As a result, they expected that all should come and join them. On the other hand, all the other stakeholders feel that they should sit together and be a part of the negotiation after all, it is their destiny altogether". A Naga Hoho leader argued that the need of the hour is to bring about one solution for all and political settlement at the earliest. He was hopeful for a peace accord to be signed and something feasible would be achieved for all the Nagas within India, if not for those in Myanmar. A respondent who is with the NPMHR argued that in any political conflict, the question of territory has to be addressed whether immediately or later. He also argued that a different idea and perception on how new Naga identity and aspirations have to be conceived which is not at the expense of others. On Article 371A, he said the customs and traditional life of the Nagas are still vibrant because of it.

A Naga Hoho leader, a respondent in the interview argued that the Naga Hoho is an apex body for the Nagas across Nagaland, Assam, Arunachal Pradesh, Manipur and Burma. It also worked towards bringing about a political settlement based on Naga customs and traditions. A respondent in the interview argued that the Naga Hoho was created stage by stage, trusted and responded upon by all Nagas for a platform for all to come together, if done without violence. The respondent acted in the capacity of adviser to the Naga Hoho presidents for many years. He had held the position of the chairman of NBCC and the first chairman of Naga reconciliation process in 2000. He argued that they proposed way back in 1997 when the peace process commenced, that a search for settlement must simultaneously go hand in hand with reconciliation so that when settlement comes there will be mutual trust and goodwill among the tribes, and so settlement will be workable without violence. However, he argued, "the NSCN(IM) only wanted to come out for settlement with Delhi, we insisted that unless settlement is accompanied by reconciliation, it will run into trouble. There is lack of mutual trust but this was rejected by the NSCN(IM)". He further argued the need for the NSCN(IM) to sit down with different factions and work out a common position for political negotiation. The respondent went to Bangkok four times, for consultations, but found it unfortunate that the Naga public do not have the mandate, while the factions do. The NSCN(IM) argued that they alone signed the ceasefire so they alone have the mandate. The respondent representing the Naga public insisted again and again that if sovereignty is out of question then all the other factions need to be invited to sort out the differences. He argued, "we say you bring a settlement, 21 years later they do the same. The GoI especially civil servants, bureaucrats who come to Nagaland have come to the conclusion that the issues facing Nagas has to have a political solution, the politician come and go for 5 years have too many things to cater. N. Ravi, for instance really wanted to solve the Naga issue, that all factions should be taken on board. But since NSCN(IM) wanted it all alone, it takes such a long time. There is political bankrupt because of the absence of mutual trust while we asked to ourselves everyday what is coming.

Manchanda and Bose (2011) argue that an important outcome of the ceasefire is the growth of a 'non-partisan middle space of Naga social organizations' which played an important role in bringing together different political groups to appeal for

'reconciliation and even accountability' (2011:59). A respondent[68] who has been actively involved with the NPMHR argued, "before the commencement of the ceasefire in 1997, it was impossible to speak out on human rights violations in the platform of international forums. The state government used to be unfriendly with the movement and there was victimization. Things have changed. Today, civil society have become the back bone of identity, both the state and civil society worked towards bringing peace together. The state have been supportive of the peace talks. Civil society played an important role towards bringing about a solution". Iralu, who has been actively involved with the Forum for Naga Reconciliation said that he liked it very much because it is a platform to keep the society together. He added, " it is a platform to heal relationships that may have been damaged, healing the pains inflicted on each other and if hearts are not touched, massacre take place". The respondent said that he is very much involved in the search for reconciliation and found that the most important thing is healing the relationship which is very difficult.

The trajectory of the Naga movement has been characterised by "tribal differences and internecine conflicts" which often outweighed a larger Naga identity cause. It is for this reason, the role of civil society groups as well as groups from other affected North-Eastern states and the need to involve them at some stage of negotiation in the peace process is all the more felt (Goswami 2007:308). Manchanda and Bose (2011) also argue that the emergence of the Forum for Naga Reconciliation[69], its survival, credibility and acceptance by the Naga society across the board is an indication of the steady expansion of a middle space in the post-conflict Naga civil society sphere (2011:54). In the background of fratricidal killing, only student bodies such as the NSF talked about the atrocities of army, killings etc which was too big for a student body to talk about these problems. There was a need for a common platform which was felt by all. This is where the significance of middle space lie.

The success of the peace process will ultimately depend on the acceptance of an alternative arrangement by all stake holders ranging from the civil societies involved

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[68] Personal Interview, Kohima 4 December 2018
[69] The FNR consists of apex organizations including Naga Hoho, eastern Naga Peoples Organization (ENPO), Eastern Naga Students Federation (ENSF), Eastern Naga Students Association (ENSA), GBs and DBs Federation Nagaland, Naga Women Union, Manipur (NWUM), United Naga Council, Manipur (UNC), All Naga Students Association Manipur(ANSAM), naga Mothers' Association (NMA), Naga Student Federation (NSF), Naga Peoples' Movement for Human Rights (NPMHR), Shisha Hoho office bearers and Naga Peace Convention speakers.

with the Naga movement as a whole, other Naga militant factions across board to the states and the communities that are deemed to be affected by such a move.

5.10 LIMITS OF TERRITORIAL ARRANGEMENT AND EXPLORING NON-TERRITORIAL ARRANGEMENT

For large minority groups who are geographically based, the schemes of territorial autonomy arrangement are mostly conceived for equitable power-sharing. However, these schemes has to be accompanied by 'human and minority rights protection and promotion for all communities, including the smallest and most marginalised'. The failure of these schemes to ensure the participation of all, economically as well as politically with regard to access of power and self-government can motivate conflict (Chadda 2006:2). Since ethno-national movement suffers from the possibility of "mimicking the same power structures that they seek to escape" (Appadurai 1996:166; Nag 2001:4754), as a result, the aspirations of the Naga movement has to be seen vis-à-vis the anxiety of its neighbours. Pradip Phanjoubam argues thus "… an innate understanding among the different ethnic communities that regardless of politics and polemics, they are the ones who would, by the compulsions of geography and economy, continue to be neighbours" (Phanjoubam 2012:16). The circumstances demonstrated that territorial integration and its accompanying problems should open up scope for the considerations of other schemes that are non-territorial in nature.

The task ahead is to look for an alternative solution to accommodate Naga aspirations without disturbing, as far as practicable, the other communities living in the same given territorial space, which they too claimed to be their homeland nor compromising upon the territorial integrity of other states. Scholars like Sanjib Baruah (2005) conceived an alternative arrangement towards the resolution of the problem facing the Naga integration. This can be in the form of 'granting autonomous state status to the Naga inhabited regions within the respective states of Manipur, Assam and Arunachal Pradesh and the cultural integration of Nagaland with these autonomous states could be one possible option for the Nagas' (Baruah 2005:113-119). Das (2013), in describing the challenges facing the Naga integration project argues that since, 'Naga territoriality is not a non-negotiable given but an active construction of the changing dynamics of politics of the movement so any proposed solution should consider the aspects of the Nagas ethno-territorial urges, keeping in

mind their historical peculiarities, the redefinition of Naga ethno-national aspirations and the post-colonial Indian state's insecurities which are all equally important (2013:22).

Considering the enormous opposition to Naga integration project by neighbouring states who are potentially affected by the redrawing of their boundaries, and whose governments have successively insisted on protecting their territorial integrity, the developments indicated that "boundaries, even if historically contentious have also solidified overtime, producing new entitlements and territorial alignments". As a result, keeping the challenges of both the "territorial imperative and the accompanying territorial belonging, experts have suggested various alternative possibilities of de-territorialized integration through cultural and emotional means, or supra-tribal institutions" (Wouters 2016: 111-112). On the issue of Naga integration, two young respondents[70] from Dimapur argue that the support for integration among the Nagaland Nagas had waned away as they fear that it would translate into a competition for jobs and resources which are already limited. They are in support of some form of cultural and emotional integration instead of geographical integration.

Over the years, the main agenda of the peace process have spontaneously reinvented itself from a demand for full-fledged sovereign status to integration of Naga-dominated areas in India and a further indication that some form of a non-territorial integration model is under consideration. Such an approach has been reflected by the contemporary realities of the momentum for peace and the development of a 'broad consensus in India in favour of a politically negotiated solution to the Naga issue' (Ngaihte 2014:25). A remarkable development in the course of the peace process is the acknowledgment by the GoI in 2002 and again in 2015 that the 'Naga history and situation is unique' which requires political dialogue. Proposals like "supra state body conceived from the unique history argument envisaging a structure that governs Nagas across states but whose remit will be more in the cultural and social spheres, rather than political" (Hazarika 2012, Bose 2013, Das) has been under consideration.

Baruah argues the need to be aware of the limits of territorial discourse and their colliding projects with each other in the North-East and emphasised on the need to conceive some kind of alternative institutional arrangement which has to be

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[70] Personal Interview, Dimapur, 26 November 2018

deliberated in an entirely different political discourse than that of making and breaking states (Baruah 2003). While the GoI denies applying the international discourse on the rights of indigenous peoples in the Indian context as the former has been conceived in settler societies, Baruah However, argues that debates within the global discourse can be an useful point of departure for addressing the Naga conflict. He draws the case of the right to self-determination of indigenous peoples under international law which resulted to schemes like "separate polities within shared territories, tried in societies where relations between settlers and indigenous peoples are based on treaties between a government and a particular indigenous population" (Baruah 2003:335-336). These treaties have not only challenged the foundational myths of national communities created by settler communities but in a slow but significant way, they are influencing the architecture of federalism in countries such as Canada, United States, Australia.

The discourse on Naga peace process and its settlement needs an exploration of various alternative institutional arrangement. An innovative arrangement for addressing the issue of minorities who are spread across intrastate and interstate boundaries is the kind of non-territorial federal accommodation accorded to the Sami people in the Scandinavian Countries. An underlying feature to this arrangement is the innovative idea of shared sovereignty and compromises between the three willing Scandinavian states of Norway, Sweden and Finland and the Sami people (Hannum 1996). The Sami experiments in the Scandinavian Countries can be one case that needs further exploration for the Nagas as well.

B.G. Verghese, an Indian journalist and policy thinker also argues on the need for a non-territorial approach that would protect the Naga way of life and would not disturb the territorial integrity of other states. He is arguing for the formation of a Naga Regional Council, an Apex Council which is largely non-territorial in nature that would give Nagas outside Nagaland a say in Naga cultural matters (Hazarika 2002; Verghese 1996:476). Verghese envisages on exploring the different uses of Article 258 of the Indian constitution which deals with power of the union to confer powers etc on states in certain cases.

Professor B.K. Roy Burman (2000), an eminent anthropologist characterised the Nagas as constituting a nation. Historically, he says, they are not Indian and they

become part of it on their own volition. He suggested both short range and long range solution to address the Naga issue. The former include the need for Confidence Building Measures (CBMs) which should come in the form of repealing AFSPA in the Naga areas. There should be an assurance on the part of the GoI to the Nagas regarding the continuation of their traditional rights over their land and its resources. He also suggested a non-territorial jurisdiction which cuts across state boundaries within India and an enhanced legislative, administrative, judicial and development oriented powers to the existing Autonomous District Council (ADC) and Sixth Schedule by constituting coordinating bodies. The Nagas should be allowed to have "non-statutory transborder coordinating bodies" or the like which will facilitate their need and aspirations as a transborder community. At the same time, he suggested a list of long range perspectives consisting of a non-territorial solution keeping in mind the territorial complexities, and limiting the role, authority and power of the GoI and Myanmar for greater freedom of existence for the Nagas. Professor Roy Burman has proposed a scheme for internal self-determination in the form of a representative institution similar to the Sami parliament which consists of "legislative, judicial, administrative and development-oriented powers vested in coordinating bodies". While remaining the citizens of their respective countries, the common Sami interests are sought to be taken care of, as discussed in the previous chapter by the Sami Council, a cross border institution to cater the needs of the Sami people across the Scandinavian countries. Likewise, he argues for an arrangement in which the best elements of the Sami Council and other institutions of indigenous people in Canada and around the world should be put in together in order to solve the long standing Naga issue.

Meanwhile, there are also proposals for a "second legislative chamber for the Nagas of all states" (Baruah 2005). Exploring these proposals require a great deal of political will on the part of the GoI so that the Constitution is either "reinterpreted to accommodate minority nationalism and exploring different modes of sovereignty by amending the constitution" (Das 2013:38). Indian asymmetric federal arrangement vis-à-vis Nagaland is "more de jure than de facto" (Baruah 2005). Therefore, Miaz proposes, Indian federalism should keep definitions open-ended, it should be kept as a process, and should be based on both "shared rule and self-rule" (Miaz 1999:51-58). Das argues that for a sustainable outcome to the peace process, the GoI must

demilitarise the North-East region and share the burden of its security concerns with the region, not against the region. Das (2013) saw in the Indo-Naga negotiation an opportunity for both sides to redefine and reinterpret their priorities and aspirations and their relationship altogether.

Baruah, at the same time cautions that both Verghese's and Burman's proposals are preliminary at this stage and they seem to address only the cultural issues. Given the trajectory of the Naga movement, he argues that it would be too much to expect the conflict to suddenly end on some vague promises of cultural autonomy. He further argues the need for bringing the Burmese government as well as the Nagas of Burma into confidence. This can be an important step towards a "comprehensive dialogue that includes Nagas as well as the other stakeholders, to consider an arrangement that crosses both transnational and interstate borders and recognizes Naga identity, alongside both the sovereignty of India and Burma and the territorial integrity of its neighbouring states". The model, Baruah(2003:336) argues can combine the Sami Council with the indigenous people's institutions of Canada. He argues that without such a significant shifting of apparatus and institutional imagination, it is unlikely that the peace process can overcome the obstacles it faces to end one of world's most protracted and tragic armed conflicts.

CONCLUSION

Identity based claims/counter claims, tensions, conflicts continue to confront various states across the world today, irrespective of the level of development they are in. In recent years, for instance in Europe itself, Scotland and Catalonia have held independence referendums. This study looked at the challenges ethno-national movements pose to nation-states. It focused on two cases that of the Sami people in Scandinavian Countries and the Nagas in India. The main objective of the study was to look at how democratic states at different levels of development deal with ethnic identity movements and challenges emanating from minority communities; analyse state responses and mechanisms adopted to accommodate such identity assertions. The study extensively explored the viability of both territorial and non-territorial autonomy arrangements in dealing with the complexities of ethnic challenges which are as much about identity assertion as about territorial claims.

The findings of the study are summarized in the following pages.

The first chapter outlined the focus of the study in detail laying out the research questions, hypotheses and methodology. In the second section of this chapter, the literature on ethnicity and nationalism was extensively discussed. This discussion shows that ethnicity and nationalism have been conceptualised and theorised from two broad perspectives, that of modernists and primordialists. The primordialists account of ethnicity and nationalism debunks the widely held notion of modernists that modernization would result in the waning away of loyalties related to ethnic identity and ethnic consciousness eventually making way for the emergence of a common identity revolving around the state. Examining also the emergence and continuation of ethno-national demands and the factors that sustained these demands, the study found that modern nation-states' redefinition of political and legal notions of sovereignty and universal citizenship tends to subsume minority communities, who however, challenge this imagination of the larger nation-state. This results in the emergence of ethno-national movements which question the very basic structure of the liberal democratic state and its components. Thus as the study shows Scandinavian countries despite being highly successful democracies, defenders of human rights around the world and highly technologically advanced states encounter the question of Sami rights as does India in a relatively lower level of development. These cases exemplify the importance individual and groups attach to their ethnic

identities and hence their persistence. This study found that the sense of ethno-nationalism developed when certain historical ethnic preconditions were mobilized by political elites and intellectuals and they combine with certain exogenous factors. The study found that both the Sami and Naga movement derived their sense of shared affinity based on a common culture, tradition and descent. They chose these subjective factors by themselves either from their past history or recent existing conditions to achieve the larger political goal of being an equal participant in the political, economic and cultural affairs of the state.

The study finds that the increasing assertiveness on the part of minorities and a corresponding inclination of the states to accommodate them can partly be attributed to the formulation of various international norms on human rights and minority rights accompanied by the wave of delegitimizing racial and ethnic hierarchies at the conclusion of the Second World War. The study finds that not only are there variations in how minority groups wished to be known, the manner in which they raised their demands and aspirations as well as on how they should be accommodated differed. Similarly, the study also found that there are variations in how scholars attempted to prescribe different modes of accommodation for different groups as well as on how states' respond to these challenges. For instance, as discussed in the first chapter, the study found that Will Kymlicka limited the granting of self-government rights only to those groups who possess a 'distinct societal culture' such as the indigenous people whose demands have to be seen in their capability to exercise self-governance according to the needs of the time, and not a desire to preserve their culture in its pristine and static form. It is a desire to establish the necessary social, economic and political conditions which would enable them to pursue their own social development as much as possible.

The study finds that, States' employ both a territorial and non-territorial autonomy arrangements. In case of territorial autonomy, a federal sub-government having separate institutions and autonomous legislative power sanctioned by the constitution are created. In case of non-territorial autonomy, personality based rights are dispensed through voluntary membership in the autonomous cultural community from wherever people reside. The study found that developed nationalist and geographically

concentrated national minorities sought territorial autonomy over non-territorial autonomy to ensure power over its resident territory.

The study shows that both the Sami and Nagas are ethno-national minorities in their respective countries who were fragmented into different administrative units as a result of the process of state formation and nation-building. In the course of the study, it has been observed that both these people under study have questioned the manner in which they have been involuntarily incorporated into the state without their own consent and their resultant division across different administrative boundaries. Despite being highly heterogenous communities themselves and speaking diverse languages, the study found that this has not been an insurmountable factor in their identity formation as one people. It corroborates what Connor argued "identity does not draw its sustenance from facts alone but more importantly from perceptions when it comes to ethnic issues".

The second and third chapters focus on the first case of the study i.e. the Sami. The second chapter studied the emergence of Sami movement across the three Scandinavian countries-Norway, Sweden and Finland. It shows that the Sami movement developed in the background of the Scandinavian countries' historical legacy of hostility and conquest of each other as well as with Russia. Given this background, the study observed that Scandinavian states had a very strong sense of national sovereignty and state security as their basic premise. In the formative years of these states the fervour of nationalism and the influence of Social Darwinism were so high that any other form of ethnic and cultural attributes were systematically crushed and discouraged. This went on until the end of the Second World War. The study shows that this basic understanding reflected in other policies like that of industrialization; increasing implementation of state induced settlement programmes and land encroachments, political and cultural oppression, assimilation policy and increasing interaction with other ethnic groups with which the Sami were at odds led to the emergence of the Sami movement. The study found that these factors, taken together, put tremendous pressure on the collective Sami identity and the Sami were not equipped to tackle these new challenges. These circumstances forced the Sami leaders to mobilize around their ethnic distinctiveness in order to protect and promote the maintenance of their language, culture and livelihood which they felt was under

threat. The study found that Sami self-determination is sought to be achieved through autonomy and self-government rights over their traditional land and natural resources perceived by them as an integral part of their cultural survival and maintenance as a people.

The third chapter focused on the Scandinavian countries' response to the Sami movement. The study observes that one of the most far reaching mechanisms put in place by the states was the creation of Sami parliaments in Finland, Norway and Sweden in 1973, 1989 and 1993 respectively. The study observed that the real test of the effectiveness of these parliaments as truly representative bodies which cater to the collective aspirations of the Sami people depended to a large extent, on the agenda they were able to set and pursue and their ability to engage with the state authorities in their respective states. The study made an overall assessment of these parliaments and found that the parliaments' effectiveness and legitimacy have been greatly undermined by the lack of devolution of genuine autonomy in so far as they are deprived of real decision making authority and their financial dependence on their respective national parliaments for their budget. The chapter also assessed the overall response of the three Scandinavian countries under study and found that the three states have been quite accommodative when it comes to granting of cultural and linguistic rights to the Sami people. However, all the Scandinavian countries are reluctant to concede territorial rights to Sami though, to a varying degree some some headway has been made. In this respect, the study found that Norway has undertaken some initiatives to grant territorial rights to its Sami population as reflected in the adoption of Finnmark Act in 2005. By this Act, approximately 95 per cent of land in the Finnmark county, an approximate 40 per cent of the total land area in Norway has been handed over to the Finnmark Estate board, a legal entity entrusted to be the custodian of land rights in the Finnmark county. The study found that the Finnmark act is an important step towards the fulfilment of Norway's obligation under the binding ILO Convention no.169 on Indigenous People. No similar initiatives have not been initiated by Sweden and Finland. These two countries as seen in the chapter have not signed the ILO Convention no. 169 citing it to be too ambitious and they have a problem with the usage of the word 'self-determination' in the Convention. The study also finds that the Finnmark Act of Norway followed an ethnic blind

approach which means it is applicable to all the inhabitants of the Finnmark county irrespective of their ethnic belonging.

The study found that for the movement as the Sami cross border cooperation is not impossible if the goal of statehood is abandoned for a project of integration which does not question or imping on the territorial boundaries of the states involved. As a result, the study found that Sami movement has been quite successful in adopting various cross border institutional platforms particularly the Sami Council and the Sami Parliamentary Council. However, the chapter also showed that though initiatives have been taken for Sami cross-border cooperation, this has been not easy since the Sami are locked in their respective states and, the respective state issues ultimately overrides all such cross border priorities.

In the third chapter, one section had been specifically dedicated to examining the case of Sami accommodation in Norway. Norway had been taken since it is the country with the largest concentration of Sami population and the country having the most comprehensive policies for Sami accommodation. The study found that policies for Sami accommodation in Norway consisted of a largely non-territorial process of identification followed by the designation of a territorially defined geographical area to dispense and exercise certain rights. The study found that such a scheme suffered from deep complexities as far as the issue of ethnicity and territory are concerned. This is because, while the rights to registration in Sami parliaments, language usage in kindergarten and the practice of reindeer herding are being carried out on a non-territorial individual based ethnic approach, these rights are practiced in a layered territorial mode of working. In other words, registration in the electoral roll to the Sami parliament has been carried out on an individual based ethnic criteria which is non-territorial in nature and at the same time, it comes with a territorial dimension in the designation of certain administrative areas to promote and protect the various cultural and linguistic rights of the Sami people. The study observed that the rationale behind such a complex mixture of accommodation process may have been an outcome of the Sami being an indigenous people derived a historic right over the land they had inhabited for many generations. Since personality principle of identification can only be exercised within a particular set of territorial ambit so, non-territorial elements of identification has been employed as a supplement to territorial scheme in

the Sami case. However, the study found this scheme to be largely inadequate since it does not involve the enjoyment of a true sense of territorial devolution of power. It only means a certain designated administrative area has been identified for the Sami people to exercise their cultural and linguistic rights. The study found that such a scheme has proven to be highly complicated as well as inadequate for achieving a genuine sense of Sami self-determination. This is because the Sami Rights Commission interpreted the concept of culture as covering the unqualified right over the land and its resources while culture, in a general sense do not cover land and resources right. The study finds that the ethnic blind approach of Finnmark Act of 2005 is applicable to all the inhabitants of the Finnmark county irrespective of their ethnic origins and is therefore insufficient towards Sami rights' accommodation based on Sami distinctiveness. The study argues that Sami people, as a homeland people inhabiting their historic territory since time immemorial and developing a strong sense of identification with the land, language preservation and symbolic recognition, found them to be eligible to enjoy self-government rights achievable only through territorial devolution of power. Hence, the first hypothesis of the study that the largely non-territorial thrust of state policy vis-à-vis Sami has accommodated their demands and aspirations has been falsified. The study found that such mode of accommodation which is largely based on a modest form of non-territorial cultural autonomy is insufficient for the Sami because the survival and maintenance of their identity, culture and tradition are deeply tied to the optimal enjoyment of the land and resources. As a result, the study found that Sami accommodation falls short of facilitating a genuine sense of self-determination as it failed to cover the basic demands and aspirations of their culture expressed

in the Sami Rights Commission.

The fourth and the fifth chapters focused on the second case study that of the Nagas. The fourth chapter studied the emergence of the Naga identity consciousness. The study shows that the rise and growth of Naga ethnic consciousness is an unintended outcome of the British colonial policy of placing the Nagas in a "separate politico-administrative set up combined with the impact of Christianity and the experiences the Nagas gained from both the World Wars". The study found that these factors, together shaped the kind of imagination they came to develop for themselves as well

as their perception towards others. As a result, it was observed that when the British left India, the sense of common endeavour and nationalism Indians at large shared, absent among the Nagas and they found it difficult to imagine themselves to be a part of the Indian union.

The fifth chapter dealt with the response of the Indian State to Naga movement. The chapter showed that the Naga movement evolved from a demand for some form of internal self-determination and adequate safeguards in the prelude to independence in the late 1940s to a radical one that demanded full-fledged independent status in the 1950s. The territorial solution in the form of carving out the state of Nagaland within India's federal state structure proved to be inadequate as large number of Nagas became part of other adjoining states. This meant that the movement continued and violence escalated. The peace process resumed since the late 1990s and lately in the 2000s indicating some form of an alternative arrangement for the Nagas living outside the state of Nagaland has been under consideration. The study shows that the Indian state essentially viewed the Naga demands and aspirations through the "security lens thereby responding the challenges through military means". This not only aggravated the already tense situation but also proved detrimental for both the parties. The study found that apart from the establishment of the state of Nagaland, the Indian state grants special powers to Nagaland under the provisions of Article 371A. These special provisions accorded certain social, religious, customary and land rights to the Nagas in Nagaland. However, the study found that the birth of the state of Nagaland led to the fragmentation of the Nagas across different administrative units and it was this imposed division that the Naga movement not only challenged but also sought to undo. As a result, the study observed that the federal territorial autonomy arrangement has been found to be insufficient to meet the Nagas' aspiration since the imposed boundaries determines which Nagas are entitled to special provisions and which Nagas are not. Hence, the second hypothesis of the study which reads territorial autonomy model alone fails to address the aspirations of the Nagas spread across different state boundaries has been proven to be true. The study argued on the viability of exploring a non-territorial form of autonomy arrangement as a supplement to the existing territorial arrangement to cater the needs and aspirations of the Nagas spread across different administrative units in India. The study observed that the exploration of a non-territorial form of autonomy arrangement is all the more

needed in the North-East where there are competing claims and counter-claims of colliding territorial discourses and where interethnic relations are fragile and the population in the geographical region have become so intermixed that the likelihood of drawing a neat geographical boundary is next to impossible. Such is the issue facing the Naga integration project. The study finds that international organizations and their recommendations are "more keen on considering a case for non-territorial approach in dealing with diversity because of its less threatening nature compared to the highly charged issue of territorial autonomy". The study also found that, over the years, different options for an alternative arrangements for the Nagas living outside the state of Nagaland have been under consideration.

Although this is not a comparative study, having discussed the two cases of Sami and Naga movement, the study can draw certain parallels on how the two people conceptualised their right to self-determination, on how the introduction of Christianity left an imprint on their identification and on how the states' response in the establishment of Commissions of Inquiry and advisory bodies in the case of Scandinavian Countries vis-à-vis the Sami and the signing of agreements and accords in the case of India have translated in defining their status as a people. The study made a few observations in these aspects.

Firstly, the study observed that the concept of self-determination has changed from its traditional meaning of state sovereignty to a broader notion applicable to the indigenous peoples. This is obtained from the UNDRIPS Article 36 and 46 which emphasise that the support for transnational peoples' self-determination is limited to facilitating their contacts rather than encouraging them to unite. The study found that it is this very aspect of self-determination that the Sami sought to realise through the drafting of the Nordic Sami Convention which celebrates them as a transnational people and develops a vision for their co-existence within the physical space and territories of three independent Scandinavian countries. However, negotiations have stalled its implementation. The study found that it is this ability of the Sami to frame their demands and aspirations within the framework of self-determination defined by international organizations which worked to their advantage. The study observed that the Sami conceived a way to unite themselves across borders through the establishment of a common Sami political bodies which sought to maintain and

defend their imagined homeland, Sapmi at an aspirational level while the partitioning borders remain intact. The study found that Sami political leaders and the agenda they set maintained that their sense of nationhood is not a demand for the establishment of an independent Sami state but it is a demand for being a nation with an aspirational level and a common desire to create a society whose members are united with one another by their shared cultural bonds despite the countries they live in.

The study finds that self-determination of the Nagas on the contrary has been from the very beginning articulated in territorial terms. The demand was focused on territorial sovereignty, which later involve the demand for redrawing of the territorial boundary for the integration of all the Naga inhabited areas. The study found that this involvement of the question of sovereignty, redrawing of territorial boundaries etc makes the Naga movement extremely sensitive. The study finds that this question of territorial boundary is an extremely sensitive issue especially in the context of the North-East which has been witnessing other parallel projects of territorial claims and homeland movements overlapping against one another. The study observed that in the federal set up of the Indian state there has been a considerable opposition to the Naga integration project from the neighbouring states as well as other non-Naga inhabitants who would be affected by the redrawing of current territorial boundaries indicating that no matter how contentious the drawing of boundaries may have initially been, over a period of time, boundaries have solidified creating new entitlements and alignments. Considering the sensitivity of the issues involved when territory is involved, the study found the need to explore various alternative institutional arrangements for pan Naga unification on a non-territorial basis for a de-territorialized integration through cultural and aspirational means. In this respect the study finds the Sami model of cross border cooperation and integration at an aspirational level while the territorial boundaries remain intact worth exploring. Secondly, the study found the impact Christianity had on the Sami and Nagas translated quite differently for both the people. While the primary objective of Christianising the Nagas was to humanise the so called 'savage tribes', in carrying out their responsibilities towards this end, the missionaries found it necessary to start their own schools, partly for the purpose of offering secular education and for drawing men for employment in their administration. In the Sami case, missionaries from the southern parts of the country went to Sami territory to Christianise them and provide them with education in order

to uplift them from their so called 'primitive stage'. The study observed that in the case of the Nagas, their adoption of Christianity distinguished them from the mainstream religion around them whereas for the Sami, the embracing of Christianity integrated and assimilated them further into the dominant Scandinavian culture. The study found that the Nagas' embracing of Christianity turned out to be an important basis for their separate identity formation which is different from mainstream India.

Thirdly, the study found that the role of advisory bodies, Commissions of Inquiry, agreements and accords signed in the course of the Sami and Naga movement demonstrated what is called "domination through negotiation". The study observed that the various advisory bodies and Commissions of inquiries instituted by the Scandinavian states vis-a-vis the Sami people show that the initiatives reflected the 'traditional Nordic corporatist culture' by which the demands made by the Sami are not summarily rejected. Instead, the state made the Sami representatives become a part of the legislation thereby making them accountable to it. The study found that such measures are a two way process. While they open up scope for dialogue between a minority and the state institutions, they are also often accompanied by schemes to control the people on the periphery. The study drew a similar pattern vis-à-vis the Naga experience. In the case of the Nagas, the study found that the accords and agreements signed by the Indian state with the Nagas translated into securing greater control of the central government. These accords and agreements can be seen as a means of rewarding a section of moderates while side-lining those who are opposed to negotiations. This often led to the rise of what is referred to as 'spoilers' who came into being as a result of their opposition to the talks and who have the capacity to disrupt the process. The study finds that for any negotiation to achieve a strong support base and legitimacy, the pre-requisite condition is to involve as many participants as possible. The study found this to be imperative for both the cases involving the Sami and the Nagas. Such broad participation would ensure that no stakeholders is left out by the outcome of the negotiations and co-operation. In Sami case, thus any effort for cooperation and negotiation should not only be confined to the three Sami parliaments and their presidents to the exclusion of those on the opposition and other stakeholders. Likewise, in the Naga case, negotiation on the peace process should not be confined to a particular party or organization but it should take on board, other stake holders. For a widely acceptable and sustained political

solution, all the concerned stakeholders and all those who are deemed to be affected by the negotiation should be taken into confidence.

This study of ethno-national challenges to states clearly shows that the nation-state building project itself given its homogenising logic gives rise to such claims. Claims of territorial rights and autonomy are treated by states with suspicion as they question established state borders. At the same time both neglect of such demands overtime or heavy handed approach can be counter-productive and strengthen such movements. Ethno-national challenges by their very nature and multiple players and stakeholders involve complex painstaking negotiations where a one size fits all or one model fits all solution cannot be prescribed rather it requires a flexible approach on case by case basis.

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