

Governing through Peace Accords

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ABSTRACT: A study of peace accords is a study of state-formation, of patterns of power, of the desire of democracy to run away from that regime of domination from which it eternally tries to free itself only to find itself never free. It is crucial to an understanding of the modern state that relies on the instrumentality of contract to survive and strengthen itself. Accords are contracts within and between states, specifically with the deviants who want to opt out of a given political setting. The paper reviews and analyzes the history of peace accords in the Indian subcontinents containing the texts of treaties, accords, memoranda of understanding, resolutions, and also the enabling acts for their implementation. These are the texts of resolution of conflicts, and are protocols of power, scripts of status, arrangements of prestige, and the invitational metaphors for further conflicts and peace. Some have failed and some have succeeded. Some have passed the verdict of history, while others remain as papers in dusty archives. But they belong to a genre, a specific group, with their own rules of formation, their procedural laws. The agencies contracting them impose a practicality on them, then these treaties as events find their own principle of practicality and regularity. But beyond the practicalities, the history of accords in the subcontinent reveals the embedded and unresolved vagueness of right and might, power and justice, violence and peace.

Locus of accord as an event

Today's process of peace is inhabited by ghosts of yesterday. These ghosts are frightening. They discourage. But, nonetheless, we are also moved by our pasts, the ghosts that haunt us. Some are so familiar they reassure us that we can proceed on our chosen road. It frequently happens that we change our minds about the past in order to get rid of those ghosts. When speaking of peace it is necessary, therefore, to think a bit longer about the matter, about problems forgotten, and about old dilemmas that today's process of peace may also confront. In this essay I review the problem of peace accords in the region of South Asia to show that a peace settlement, howsoever a product of a moment of today's desire for settlement, is haunted by ghosts of yesteryear. The history of peace accords is worth visiting not because these accords brought peace, nor because some of these accords died in the course of the pursuit of peace, nor even because they try to make a decisive break from a past marked by conflicts. They are worth visiting because they show how today's peace is linked with various ghosts hovering round us. These are the ghosts of past patterns of power present in today's patterns of democracy; they are the ghosts of the states

formed through the attrition of yesterday that have now come back to haunt the states of today trying to reach a plateau of stability through accords with adversaries outside and inside. These are the ghosts hovering around the adversaries also desperate in their desire for a settlement, but acutely aware of how peace could come only with dishonor. A study of accords is thus a study of state-formation, of patterns of power, of the desire of democracy to run away from that regime of domination from which it eternally tries to free itself only to find it is never free.

Understanding accords is thus an important part of understanding a peace process. It is crucial in understanding the modern state that relies on the instrumentality of contract to survive and strengthen itself. These are contracts within the state, specifically with the deviants who want to opt out of the given political society. They are also between the states, in other words, between different political societies. The history of accords is like a group of documents that lies before us. It contains the texts of treaties, accords, memoranda of understanding, resolutions, and also the enabling acts for their implementation. These are the texts of resolution of conflicts, plus these are protocols of power, scripts of status, arrangements of prestige, and the invitational metaphors for further conflicts and peace. Some have failed as tools of peacemaking. Some have succeeded. Some have passed the verdict of history. Some remain as papers in dusty archives. But they belong to a genre, a specific group, with their own rules of formation, their procedural laws. They come as contrived, deliberate efforts of agencies, and then they dispose things their own way. They are the result of practical efforts. The agencies contracting them impose a practicality on them, then these treaties as events find their own principle of practicality and regularity.

Treaties and accords are not only understandings of a particular discursive shape. They may be interpretative documents of the current reality of conflicts. But, if you watch them closely, you will find their rules of operation make them *acts* on the succeeding pattern of conflicts. They sometimes reverse the order of power, they discontinue certain practices; they are specific as events of conflicts. By invoking a particular genre to identify themselves, they take recourse to a generality that hides their specificity as external events (for example, they are not treaties, but accords take the form of treaties giving rise to illusions). Thus, they are not internal to the organism of the conflicts. They appear as the *outsider*. There is no inherent guarantee of their “success”; also it is not clear what we mean by *success* in this case, no internal logic, no nucleus towards which the treaty will move to fulfill avowed aims. The actual occurrence of a treaty/accord is compromised by the external conditions of possibility, by its locus as an *event of consent and compromise*. They are driven by a *desire*, a desire for peace. Yet, its location as an event of conflict (where compromise is being sought) makes that desire competitive inside and outside. The serpent in the garden is always there. To this morphology of desire, then, we move in an effort to understand accords as an *institution*, an institution

perched on a conflict between desire for peace and desire for power. The rules of formation of this body of documents are the key to comprehending the troubled soul of peacemaking in the region.¹

The Politics of Two Desires

Accords are documents containing the secret politics of the two desires I have just referred to - the innocent desire for peace and the culpable desire for power that masquerades as the desire for peace. Together, they make accords the perennial, but impossible, invitation to peace. Hostage to the vagaries of statecraft, and therefore hospitable to the idea of the impossibility of a “peace with justice”, the accord remains the “other” to both war parties and peace parties. The war party thinks the accord is surrender, the peace party thinks it is a tool for the renewal of hostilities. Ridiculed, maligned and reviled, the institution of accord in the politics of the region is never fully legitimate, ironically, not even to the contracting parties. It remains the eternal outsider to the politics that projected the institution of accord on the grounds of the swelling desire for peace.

Yet, the nation can not do away with them. As the supreme community claiming allegiance of the highest level from its members, it can not delegitimize other communities or at the least it can not banish the idea of a collectivity. So, the idea of a nation entering into a compact with solidarities is not surprising. In some cases, the nation is born out of such a compact. In some cases, the founding constitution of a nation is in the nature of an accord, full or in part. Thus the Indian constitution may be seen as an accord, or an *ensemble of accords*. A close reading of the debates in the constituent assembly shows how even seemingly very fundamental parts of the Indian constitution were compromises between communities, opinions, and regions. Article 370 was one such accord. There were crucial amendments to the Indian constitution such as, by the State Reorganization Act of 1956, to the Fourth Schedule, that reinforced the contractual nature of the constitution. In these cases, however, there was very little formal arrangement by way of accords. The Indian Independence Act of 18 July 1947, was also, in a way, an accord between India and the erstwhile colonial power, Great Britain. The Cabinet Mission, the subsequent decision to partition the country, the boundary commission, the Radcliffe Award, the agreements with the native states, and prior to that, the round-table conferences, the Ramsay MacDonald Award and the Gandhi-Ambedkar agreement, were compacts that laid the contractual basis of the post-colonial polity. The accords signed by the imperial power as the ruler of India with other countries on

¹ Clearly my point of departure from the established literature on peace accords is where I look at the peace accords as a narrative of contests, more specifically of struggles of democracy to come to terms with itself. For an instrumentalist view, see the writings in *Accord – An International Review of Peace Initiatives*; particularly Christine Bell, (1999) A Comparative Perspective on Peace Initiatives, *Accord* 7: 6-9.

subjects such as borders, and with frontier communities on issues such as partial exclusion, inner line regulation and partial autonomy remained valid for the successor state. Furthermore, paramountcy may have remained vague and undefined, but the paramount power had become so through treaties, accords and understandings. The politics of accord was thus embedded in the process of de-colonization itself. Moreover, in this region the newly independent nations were obliged to enter into mutual accords soon, as problems of a common past appeared intractable without compacts.

The Institutional History of Peace – The Hegemonic and the Modular

Before dealing with the various types of accords that emerged over time, we must briefly look into the institutional history of peace in the sub-continent that subsumed within it is the phenomenon of *desire* for peace with which we began this essay. Antonio Gramsci had written that for its existence the modern regime of power depended on a strategy of hegemony that implied a mechanism of securing consent of the ruled.² In the political history of post-independent India we must look for the evolution of the appropriate hegemonic forms – forms that enabled the desire for peace and desire for power to overlap. For that, allow us, for once, to rush through a story – more because it is familiar to the readers of the political history of South Asia.

Fear

When the Naga Club of Kohima presented a “memorandum of the Naga Hills” to the Simon Commission on 10 January 1929, all they had wanted was to be excluded from the Reformed Scheme, because the Nagas were living “in a state of intermittent warfare with the Assamese of the Assam valley to the *North* and *West* of our country and Manipuris in the *South*” (italics mine). They said there was “no unity among us” (meaning among the Nagas) and it was really the British Government “holding us together”. Perhaps they could boast of two or three university graduates, but they had no common language, no way to “represent us (them) in any council or province”. The prayer was, therefore, to the Government to continue to safeguard their rights by excluding the Naga Hills in order to free them from “new and heavy taxes”. They did not know how

² The views of Gramsci on hegemony are to be found throughout his prison notebooks. It is difficult to summarize them in one single formulation. However, one of his most insightful comments occurs in his discussion on “hegemony of Western culture over the whole world culture”, where he writes, “Even if we admit that other cultures have had an importance and a significance in the process of ‘hierarchichal’ unification of world civilization (and this should certainly be admitted without question), they have had a universal value only in so far as they have become constituent elements of European culture, which is the only historically and concretely universal culture – in so far, that is, as they have contributed to the process of European thought and been assimilated by it.” - Quintin Hoare and Geoffrey Nowell Smith (eds.), *Selections from the Prison Notebooks of Antonio Gramsci*, Indian edition (Madras: Orient Longman, 1996), p 416.

they could be represented in a council, or saved from new policies and systems. Here were the promises of an accord with paramount power to the effect that their inability and difficulties had to be understood and alternative arrangements had to be made.

Hope

By the time the British India Act of 1935 had placed the Naga Hills outside of the Reformed Scheme, making it an “excluded area”, war was at the doorstep. Therefore, this exclusion only led to further exposure. Exposure to the forces of war and nationalism represented by the British forces, as well as the Indian National Army. The Naga Hills District Tribal Council graduated into Naga National Council (NNC) whose aim, as the NNC constitution was to declare, was “to provide a way of working for developing what is good of their own culture and customs, and to promote the growth of democratic self-government and the material welfare of the Naga people”. Sir Reginald Coupland suggested a British crown colony comprised of the areas on the eastern frontier of Assam and the northwestern frontier of Burma whose inhabitants were of “Mongol stock”. Colonial officials of that area such as Hutton, Parrey and Mills, supported the proposal. Hope was placed in the guardian power, in the successor-state of India and an interim arrangement of ten years. Therefore, on 20 February 1947, and again, on 19 May 1947, the NNC sent memoranda hoping that the gray area of “shared sovereignty” would find appropriate institutional forms. In June, the Akbar Hydari agreement materialized. Meanwhile, not to be left behind in this voyage of hope, the Prime Minister of the Indian Interim Government, Pandit Nehru, also joined with these words, “I see no reason whatever why an extraneous judicial system should be enforced upon the Naga Hills”. And in not much clearer terms, he wrote to the NNC secretary, T. Sakhrie,

As for separate electorates for the Nagas, I am not clear in my mind as to how this will work. Generally speaking, we are against separate electorates as these limit and injure the small group by keeping it separated from the rest of the nation. But, if the Naga territory is given a measure of autonomy, some arrangement will have to be made for their proper representation.

The NNC said, “our country is connected with India...in many ways... We shall enjoy home-rule in our country, but on broader issues be connected with India”. Thus, when on 26 June 1947, barely two months before the denouement, the then Governor of Assam, Sir Akbar Hydari, was sent to Kohima to impress upon the Nagas the reality of the political situation, it was difficult to vouch who was to impress upon whom. Hope overwhelmed the reality of a successor sovereign state, the brutal fact of the unwillingness of the retreating colonial power to do anything substantive for the Nagas, the total lack of political

preparation in finding out appropriate forms of settlement. By the 9-point agreement with Sir Hydari the Nagas were to have judicial powers, executive powers and legislative powers. They were to enjoy autonomy in land related matters and capacity to tax; they were given promises of unification of the Naga territories, and of continuity of regulation and exclusion arrangements. Finally, there was a ten-year guarantee of these provisions at the end of which “the Naga National Council will be asked whether they require the above agreement to be extended for a further period or a new agreement regarding the future of the Naga people (to) be arrived at.” And welcoming the governor, Sakherie’s anguish was also clear - the territories inhabited by the Nagas were to be united at once, “old boundary be restored”, “part of Sibsagar or Nowgong district” was to be returned. The Naga leader added, “the Naga people have the assurance that Your Excellency is anxious to meet their desires, and that their case will receive Your Excellency’s most sympathetic consideration”.

Hope had succeeded fear, never mind that it was too short-lived.

Disillusion, despair

The Nagas had only wanted a guardian power. But nothing concrete seemed to have emerged. The impasse continued. The Constituent Assembly refused to ratify the Hydari accord. Governor Hydari himself revealed bad faith and threatened the use of force if after ten years the Nagas suntil showed intransigence. The premier of Assam, Gopinath Bardoloi, declared it “unimplementable”. And the overall stand of the government was that the Government of India had never agreed to talk of Naga independence or grant it after the ten-year interregnum. On 19 July the same year, just a month before India’s independence and the “independence” that the Nagas declared, an eleven-member Naga delegation met Gandhi. The NNC secretary, Sakhrrie, had expressed his fears in a letter to Gandhi that the Indian government might send troops. Gandhi had assured the Naga delegation led by Phizo, Viselie, Khrehie and Seto, that he would go to Kohima and “be the first to be shot before any Naga is killed”. Gandhi died before he was able to keep his promise, the Constituent Assembly refused to consider anything, the Nagas declared independence, and then went ahead with plebiscite on 16 May 1952. Meanwhile, the government had offered them only district autonomy, and the NNC was banned in 1952. Nehru and U Nu’s joint visit to Kohima on 30 March 1953 was fruitless, Nehru was not prepared to listen to the Nagas, and the Nagas said, in that case, they had no reason to listen to his and his guest’s speeches. Phizo reorganized the set up. The “Sovereign Republic of Nagaland” was replaced by “Naga Central Government”, which, in 1957, was replaced by the “Federal Republic of Nagaland”. State violence had put an end to whatever chance there was for a peaceful settlement, perhaps along the lines of the Hydari accord. Disillusion and despair had given birth to anger. The new Naga leadership summarily served notice to the previous generation of leaders to withdraw. The grand man of the Naga awakening, T. Sakhrrie, was killed.

Jasokie Silie had to request refuge from the Government of India. Thus, the “over-ground politics” was born. From then on, the Naga political society went on producing a middle ground whose *middleness* was composed of the ambiguous space between the two combatants – the space that was affected by a conflict of loyalties and existences, but remained sympathetic to the underground. The political forms also showed the marks of despair, and its origins – fear and hope. The Naga People’s Convention entered into a sixteen-point agreement that centered on a statehood within the union.

We have, of course, an easy way of explaining all this. We can say that the Naga society threw up a middle class, that the middle stratum occupied the *middle* ground, that these developments led a section of the political society in Nagaland astray from its declared path. All this may be true in terms of a long history of the Naga society, but here we are cutting short the long trails that each history invariably has, and entering into the specifics of the dynamics that establish accord as an institution.

On 1 December 1963, Nagaland was declared the sixteenth state within the Indian union on the lines of the 16-point agreement. In 1964, with the initiative of the Baptist Church that had set up a Nagaland Peace Council, a cease-fire agreement was reached. In 1972, the last trace of the promise of the Hydari agreement was removed with the quiet transfer of Nagaland’s affairs from the Ministry of External Affairs to that of Home. The Peace Mission had an unceremonious end. Reverend Scott had been deported a few years earlier. The cease-fire was over and there was massive military suppression. The middle ground had caved in completely. The denouement was in the form of the Shillong Accord of 1975, in the words of an observer, “the accord that never was”.³

Yet, the point is why did the peace process not end with the Shillong accord?⁴ Indeed, why do peace processes never end with one accord, particularly an accord that ostensibly puts the seal of finality on a modality to end discord, an accord that finalizes a compromise, or an uneasy postponement, or say a defeat? “On the ashes of the Shillong accord”, in the words of an insurgent leader, grew the National Socialist Council of Nagaland. But one can

³ Subir Bhaumik, “The Accord That Never Was: A Critique of the 1975 Shillong Accord”, in the published proceedings of the First South Asian Peace Audit Exercise, Dhulikhel, 8-11 September 1999, Jehan Perera (ed.), *Peace Process in Nagaland and Chittagong Hill Tracts – An Audit Report*, SAFHR Paper Series 5, Kathamndu, 1999. The facts cited in this section are well-known to researchers of Naga political history. I have taken help from Asoso Yonou, *The Rising Nagas* (Delhi: Vikas, 1974); Udayon Misra, *North East India – Quest for Identity* (Guwahati: Omsons, 1988); M. Horam, *Naga Insurgency: The Last Thirty Years* (New Delhi: Cosmo, 1988), Subir Bhaumik, *Insurgent Crossfire: North East India* (Delhi: Lancers, 1996) and Charles Chasie, *The Naga Imbroglia* (Kohima: Standard Publishers, 1999). All citations are taken from *The Naga Imbroglia*.

⁴ As one participant in the peace audit exercise at Dhulikhel remarked, “We Nagas do not want to speak of Shillong accord. It needs an unceremonious burial”, *Peace Process in Nagaland and Chittagong Hill Tracts*, SAFHR Paper Series 5.

justifiably say from that “ruin”, again emerges the hope for a *peace with justice* – peace that is not dishonorable, peace that is brought with dignity. Why again the echoes of peace-parleys, the bells of the prayers in Nagaland for peace? Why again the talks, the strains of dialogue? We have again the different agencies active in the peace process, the same quarrel *around* the middle ground, the same dialectic, the same search *for* the middle ground, and the same overlapping of the innocent desire for peace and the culpable desire for power. The story of desire is thus at once compiled of many stories – of power, of forms, of regularity and of breaks. We shall point out just three principles of the dynamics. One, the middle ground of the conflict situation reproduces itself with increasing eloquence. At one point, the middle ground no longer remains just the middle space to be squeezed out from the two sides. By virtue of its middle-ness, the middle becomes the center around which the contest revolves. The terms of the contest thus undergo change – for example, the contest ensues as to who will occupy the central space. Second, social institutions place an influence on the peace process, and reactions in civil society constitute an important element of a political society engaged in the process of peace. People are not just receivers of peace. An inquiry into the specificity of the peace process is thus an inquiry into several “autonomous” domains, into the subalternity of the desire for peace. Third, the form of a settlement, earlier arrived, exercises tremendous influence on later forms. Thus, the question of agenda-setting capacity of one or both combatants is important. Evidently what is called the “modular form” can not accommodate rival claims, viewpoints, or interests. And its being modular does not allow other form/s to emerge. The present history of peace is perched on that conundrum.

But at least awareness is necessary – how does the *modular* form arise? When and how does a form become a *model*? The linguistic reorganization of states in India, carried out through the seventh amendment, established the model of autonomy and federalism. Grant statehood if the disgruntled persevere, was the refrain. It also standardized the manifold form of political entities – princely states, excluded areas, partially excluded areas, and directly ruled states. Gaining statehood in the union was the agenda that captured political imagination. It symbolized federalism and access to resources and power. It made compromise between the nation-state and ethnicity possible. It extended the manageable limit of democracy. In short, it became a perfect instance of governmentality. But, more important to note is, unless the form was repeated, it could not become a model. Therefore, the interest of the state was in making the form viable, acceptable to parties, populations, and combatants. Of course the form itself had to be made more flexible. Therefore, Article 371A (or Article 370) had to be added, though with that came the Armed Forces Special Powers Act in 1958, and in amended form, in 1972, the Assam Maintenance of Public Order (Autonomous Districts) Act, in 1953, or the Assam Disturbed Areas Act in 1955, that made a mockery of the grant of this very statehood. In addition, the old colonial practice of inner line regulations became a model to be

repeated. The accords were thus founded on a combination of two principles: statehood, and a measure of extra autonomy on the basis of some regulation. Once the original form was arrived at through the long constitutional practice of Reforms Acts, the Act of 1935, and then the constitution of independent India, accords gained a modular form. Thus, behind the accords stands the institutional history of governing the country, the received mode of accord, and beyond this, against this, the desire for justice and peace which is reflected, no doubt, in a grotesque way in the accord. That is why the accord is never free from the supplement, which is often dangerous.

Nation-Making and the Politics of Accords

Yet, the institution of accord remains the *outsider* to mainstream politics. Partly because since the early accords were not formalized, they were *natural*, no one viewed them as contrived or deliberate. With the naturalization of accords, sovereignty as the spirit of the nation became the core of the nation-form. But this begs a question. Was it because the earlier understandings were not brought to bear by pressure of arms that they did not seem to have impinged on the sovereignty of the nation-form? Or, was it because these were the building pieces of the “sovereign” nation-form, that they had to be naturalized, so the nation did not remember them as accords? In any case, the post-1975 accords in India, and the accords in the pre-independence era and the early years of the republic are two different groups. One set relates to the time of transition, it was part of the particular technique of de-colonization, and considered as the natural building bloc of the new nation-state. The second relates to the time of consolidation of the state, it is part of the encounter between the nation, insurgents and rebels, and is considered the disrupting element of the post-colonial nation. The nature of this *difference* is crucial to our understanding, first, because as we can see, with the former group of accords *naturally* melting into the second, people are persuaded to think that accords start only with the appearance of insurgency in the post-colonial history of the nation. Second, the latter group is seen as the marker of the surrender of the Indian State and its principles of territorial integrity and national integration to the militants and secessionist communities. Third, such a fragile difference makes the genealogical task of critiquing the politics of accords difficult. Fourth, the accords belonging to the latter group are formal documents, and therefore subject to certain rules of application, examination, acceptance/rejection by sections of population, the political classes, and the state. In short, the first group produces a *consensus*, the second discord. And now we can see why accord, as a politics and as an institution, remains outside the mainstream politics of the nation.

Related to this is the even more relevant inquiry - does accord, as a particular institutional politics, create its own public? Again, in reply to this we may look back to the way the first set of accords was backed up by, or created, its own public. The States Reorganization Commission and the seventh

amendment to the Indian constitution were preceded by huge political mobilizations, a consensus was established, and the seal was put on in the form of the Seventh Amendment Act of 1956. Ironically the Act itself in the course of time has produced a public in defense of regional autonomy. Today, you can have more states in India, but not less. Even in the matter of center-state relations there is a certain public consensus that states are not the subsidiary creations of the center, rather states add up and make the latter. Accord, consensus, public - the trio seems to have led a charmed life so far. This has, in fact, also solved some of the tension implicit in the preamble and the closely running first three articles of the constitution: (a) the principle of popular sovereignty, as the phrase runs in the preamble, "We the people of India having solemnly resolved to constitute India into a sovereign ...republic"; (b) "India is a union of states" (Art. 1); (c) The parliament is empowered to admit into the union, or establish, new states on terms and conditions it thinks fit (Art. 2); and (d) the parliament can increase or decrease the area of any state, or alter the boundaries, or change the name of any state (Art. 3). In achieving a liberal solution to the nationality problem we can say that the unspoken accords, the consensus, and the re-organization of the polity were desirable to the Indian rulers, and played a critical role.

But why does this consensus elude the accords in the second group? Long after 1956, when the re-organization of the framework of relations between the state and the communities (having territorial implications) in India seemed to have been achieved, the desire for identity/autonomy/independence resurfaced. In Punjab, Jammu and Kashmir, in the Northeast, sub-Himalayan West Bengal, Sikkim, and in the south Bihar, demands persisted for a re-negotiation of the relationship. These demands, as we all know, did not win the sympathy of the nation. In the absence of a national consensus, no significant re-negotiation took place. What makes this consensus elusive, and, therefore, in spite of the accords, makes peace difficult? If the earlier phase is viewed as the vindication of *democracy*, the latter is viewed as a vindication of the phenomenon of *ethnicity*. Conceding *regional* aspirations was democratic, and by that judgement, negotiating sub-regionalism was a political-administrative task. There was no panic. But ethnicity, ethnocentrism, ethno-nationalism - these are different. Ethnicity vandalizes the nation, whereas democracy makes it sacred. Ethnic aspiration is not democratic aspiration. Therefore, not only do the accords of the second group *not* lead to consensus, they bring more fragmentation in their wake. Clearly, in the cosmology of the nation, these are two different orders.

The question is, why are desires for democracy seen today as "ethnic aspirations"? Self-perception in the nationalist mirror is critical in this case. In the time of nations and globalization, the milieu causes categories to appear as opposite them. Thus, nation for me, ethnicity for you; likewise we are going global, you are getting fragmented; ours is democracy, yours is violence; we are sovereign and, therefore, we can contract treaties, your locus is subordinate, so

you can have accords. In this unending series of transgression we also find regression when we look at this series of inversion from the point of democracy. The politics of the nation-state makes the desire for similar national aspirations appear as contending. But more important, the nation whose secret origin lay among others in the desire for democracy is consumed by the “spirit of the state” to an extent where the nation almost kills the very spring well from which it emerged. It is this transmutation that creates “ethnicity” - appearing as a dark primeval force and a terrifying phenomenon to every outsider, including the state, the nation and the global players. The state is terrified because it finds its profile in it, the nation is terrified because it appears as contending for loyalty, and the global players are scared because globalization is spawning fragmentation. Yet, a nation-state can not do without it. For, having legitimized the community, creating a certain institutional framework for accommodating various aspirations, and accepting democracy as the standard of the political nation, the nation has to dialogue with the “ethnic groups”. In today's world, nation and ethnicity live off each other. They are the quarrelsome duo, eternally fighting, eternally making up. The politics of accord is marked by this fluidity and if anything stamps it with its presence it is the uncertainty, the absolutely contemporaneous nature of the agreement. What marks the accord with its absence is an *understanding* - understanding different positions, differences.

The Acrimonious Language of Peace

We can pursue the point further. For having written so far, I find certain gullibility in the argument that is, of course, implicit in the line just above, that accords, once marked by understanding, are going to be workable. For the problem is, understanding in politics indicates consensus and we have opened our discussion by observing that consensus eludes the actors of accords and, therefore, accords are not marks of consensus, but of discord. It is significant to note, that V.P. Menon, Secretary of the Ministry of States of the Government of India in 1947-51, in writing of the integration of the Indian states commented that behind the agreements with the princely states lay the vision of Sardar Vallabhbhai Patel who conceived them as “co-architects” and “partners in the work of national consolidation and reconstruction”.⁵ These co-architects and partners, Menon assures us, were not mobilized under duress, so much so that he declared elsewhere in the same chronicle that India had no territorial ambition in Kashmir. And, therefore, “I can say in the face of any contradiction that the Government of India would have left Kashmir alone”.⁶ Though, he prefaced this line with these words,

⁵ V.P. Menon, (1956) *The Story of the Integration of the Indian States* Orient Longmans: Bombay, p. 467.

⁶ Ibid, p. 395.

Personally, when I recommended to the Government of India the acceptance of the accession of the Maharajah of Kashmir, I had in mind one consideration and one consideration alone, viz., that the invasion of Kashmir by the raiders was a grave threat to the integrity of India. Ever since the time of Mahmud Gazni, that is to say for nearly eight centuries, with but a brief interval during the Moghul epoch, India had been subjected to periodical invasions from the north-west. Mahmud Gazni had led no less than seventeen of these incursions in person. And within less than ten weeks of the establishment of the new state of Pakistan, its very first act was to let loose a tribal invasion through the north-west. Srinagar today, Delhi tomorrow. A nation that forgets its history or its geography does so at its peril.⁷

For the time being we can leave aside the historical vision of a bureaucrat and note that consensus is said to be built on “partnership”. Partnership, in other words, is securing of “consent” within the basic minimum for beyond that, if the nation is going to accommodate others, it would signal “peril”. In consensus, therefore, we have the question of power. Accords with those who are not partners, whose consent can not be ensured, who symbolize future peril, are thus not documents of understanding, but papers that keep in abeyance immediate hostilities as a strategic part of continuing discord. They are holding off operations.⁸

If accords by nature then do not sit happily with consensus, why does the nation enter into such agreements, whose mark is *fragile durability*? One answer, as I have just forwarded, is that these are in the nature of holding operations. The second answer is also suggested previously, though only in part. All nations have a fictive ethnic core. If biological determinants marked that core earlier (there we have the origin of racism), today cultural determinants constitute it. Thus, we have a perennial figuring of the *outsider* to the nation, without whom the nation can not constitute its ethnic core, and therefore whom the nation always needs as the *outside* to authenticate the *inside*. But this

⁷ Ibid, p. 394.

⁸ The example of the Sikkim accords is significant. The first Sikkim accord of May, 1973 between the Indian government, the Chogyal, i.e. the ruler of Sikkim, and the political parties of Sikkim, spoke of democracy and establishment of rule of law (para 1). The Government of Sikkim Act, 1974, elaborated the rules of a constitutional monarchy on the basis of strengthening the “close relationship with India”. The thirty-fifth Amendment Act of 1974 inserted a new provision in the Indian constitution, Art. 2 (A), to sanctify the association of Sikkim with India, and a new schedule, the Tenth Schedule, was added. Finally, peace process was brought to consummation by the Sikkim Assembly Resolution of 1974 that abolished the institution of Chogyal. This illustrates the growth of a civil society and the transition from feudalism to lumpen capitalism via the path of democracy and accord.

constitution is never complete. If some want to opt out, others join or rejoin. Thus, there is a need for negotiation, the eternal politics of contract. In the dynamics of the political community whose durability keeps aloft the nation-form, we have the third answer. In the political community, what is required is a specific language of civil intercourse that helps politics go on. Given the configuration of the modern nation, we do not have as the basis of that language of civil/civic intercourse contrary to the commonly held idea of "a substantive idea of common good", but a *public concern*. In this case, the concern is about the breakdown of consensus, order, lack of peace, and the concern regarding the absence of common security. If we take up the example of the Indian constitution, we do not have too much of an idea of a common good there, though it is somewhat defined in Parts III and IV of the constitution. In the constitution we have rather a common concern regarding the forces capable of tearing apart a polity and a concern as to how that can be prevented. It is a concern about the rules of the game. Therefore, the polity invents a language of contract, of accord - contract between the center and the periphery, between the three organs, between the parties, between ideology and pragmatism, between business and democracy, between state and the citizen, and, finally, between the nation and the alien.

However, this means that such a language expressing power relations can never be harmonious. To a great extent, accords are about the rules of discord, asymmetry, tokens of domination and counter-challenges. They show what antagonisms are and how the political community is fractured/constructed. Since antagonistic forces will never disappear, at least in the foreseeable future, and conflicts and divisions will characterize politics, the forms of agreement reached will be partial and provisional. We should not be surprised, therefore, that this partiality and provisionality produce discord even within the parties entering into accords. Thus, within the opposition in the northeast, the Shillong Agreement produced discord. Similarly, within the union government and the ruling party, the Punjab accord or the idea of accord with the opposition in the Punjab, produced discord. These discords, in turn, produce circumstances that make accords difficult to consummate. The "language of civility" a cherished dream in the world of liberal-constitutional politics is so distant from this world of conflict, discord, and temporary contracts.⁹ Thus, accords are the rulebook of political association. They show rulers are to be managers, and can be rulers only when they are managers. They manage obligations, associations, entrances and exits. The implication is, accords upheld as the "new deals" are more or less a permanent feature of the modern state. They are a technique of governing. By

⁹ On the idea of a civil language and its critique, see two essays -- Michael Oakshott, "On Civil Association" and Chantal Mouffe, "The Political Community: Universitas or Societas?" reprinted in Gurpreet Mahajan (ed.), (1998) *Democracy, Difference and Social Justice* Oxford University Press: Delhi, pp. 138-158.

managing a set of norms the rulers rule. The accords are therefore a part of what Michael Foucault calls *governmentality*.

Governmentality

Governmentality is a complex concept, but we need not stop at that. To put it simply, it is a way of governance, a relation of the governors and governed, it is a field that makes society governable. Therefore the question is, how exactly do accords contribute to governability, the politics of the governors, and important in this context, the politics of the governed?

Accords belong to the domain of power, they show the process of power. By analyzing the actors of an accord, we get an idea of the agencies. But this is only a primary statement. We need to look into the fact of who sets the agenda of an accord. Thus, in an important accord, the most important subject may be left out. The brevity of the text of the Shillong Accord of 1975 is killing. There were references to modalities of arms surrender, in fact, they needed a supplementary agreement for that, but there was nothing on devolution of power, on democracy, on ensuring human rights. Accords thus tell the asymmetries of power. But even these may not be enough. An accord may be between two roughly equal parties. But the accord may leave the society out. The point is who gains from this lack of transparency? What is the inexorable mode through which the accord becomes not a democratic act or a popular contract, but just an act of governance? In such a multilevel analysis we find issues of genealogy, politics, legality and accountability present in an overlapping manner. In fact, this is why accords are mostly provisional, they are seldom given the seal of permanence, they are rarely incorporated in the basic law of the land and, they are often what one observer of the Chittagong Hill Tracts accord in Bangladesh said, “too little, too late, too loud”.¹⁰

The reason, of course, is not far to seek. The hidden process of reaching an accord excludes a consensus - ironically, the same consensual feeling for the need to have peace that had led to the process of initiating an accord. In regulating and managing a conflict, the interaction may be low or high, but the level of interaction does not always determine whether the issue is solved. The Shimla agreement, between India and Pakistan (1972), is one such example. Pakistan decided to have a maximalist objective, namely, recognizing of the issues of dispute, and ensuring the return of the soldiers in captivity. India pursued a minimalist agenda, namely, a stress on the bilateral mode of resolution and recognition of the cease-fire line as the line of control in Kashmir. The consequent interaction was sometimes high and sometimes low, but the agreement was ineffective in settling the dispute. If preventing war is held to have been the principal aim of the Shimla agreement, it was partially

¹⁰ Dr. Imtiaz Ahmed of the University of Dhaka commented on the CHT accord in an unpublished speech in 1998.

successful. But, when the aim was defined in terms of having a “relational control” over the adversary, it could not have been anything else. “Terminating conflict” was out of question. On the other hand, we have the example of the peace accord in South Africa. There, in varying degree, the principle of popular accountability, transparency was followed, so that the accord could lead to a process of “peace with justice” and “peace with democracy”, a likely guarantee that the accord would not become a process of “governing by new way”.¹¹ But, almost everywhere, the accord seems to be a theological tool of states negotiating identities sometimes perceived as such by its adversaries as well, thus turning an accord into a step not towards achieving a democratic peace, but simply a step in conflict-politics. Through its success of achieving governability, the politics of accord redefines the discursive space of peace. Peace is not then a space to enjoy *rights*, it is a space to *monitor* quarrels, to limit, to *manage* conflict, to integrate conflicts with the nationalized society. In being a tool of governance, the politics of peace accords is stripped of any radical normative agenda. And remember, this recoils on the adversary of the state as well.

But there is more to the issue of governing through accords. The technology of rule demands that the three elements of a coherent governing strategy be satisfactorily combined in it. These three elements are - the legitimacy given by relevant social solidarities to the “politics of peace”, the communicability of the rationale, and targeted mobilization for the ends of the peace process. The state certainly sees to it that the three elements are present in a strategy of pushing for and ensuring an accord with an “internal” or “external” adversary. In some cases the elements may be only symbolically present, in others geo-politically. But the basic imperative to achieve a strategy of rule through accords remains. Ironically, the state alone can not achieve such a technology. The media, for example, is a great helper. There are civil advisers of all sorts who turn from being counter-insurgency consultants to peace consultants. The help rendered by the civil society to the state in this job is immeasurable. It shows that an accord is basically a *civil society operation* by the state. By accord the state manages to bring under control the civil society that through the institution of accord is subsumed under a hegemonic political regime.

¹¹ It is significant that in the well-known report on the state of non-official dialogues in South Asia, the presence of the people is in the sense of only being represented in some of the non-official platforms for dialogues. We find references in the report to the various public associations, but the role of popular accountability in the dialogue process lies under the heavy weight of the “non-official” actors. The issue of democratizing dialogue does not occur. See Navnita Chadha Behera, Paul M. Evans and Gowher Rizvi, (1997) *Beyond Boundaries: A Report on the State of Non-official Dialogues on Peace, Security and Cooperation in South Asia* University of Toronto - York University Joint Centre for Asia Pacific Studies: Ontario.

Of course this opens the gate to civic participation in peacemaking. But with that begins another round of contest. The classic example of such a contested process is the Anandpur Sahib resolution of 1 August 1977. The resolution was discussed and endorsed by the main organ of the community/solidarity. Subsequently it spread across layers of the society, followed by wholesale repression of the solidarity by the state, and the total negation of any consensus with the adversaries of the state. This phase ended with the memorandum of settlement known as the Rajiv-Longowal Accord of 24 July 1985. But, predictably, the accord had been labored to death, even before it began through a policy of high selection of issues. Thus, the Rajiv-Longowal accord spoke of compensation of innocent persons killed, disposal of pending cases, the territorial claims, the All India Gurudwara Act, and similar issues. But on the crucial issue of center-state relations, the text allowed a mere restatement of the Anandpur Sahib resolution and the assertion that it was within the framework of the constitution of the country. The problem of sharing of river water remained. Above all, the accord continued to be impervious to the most important issues in the Anandpur Sahib resolution on economic, cultural and social matters. We can, in fact, deduce a rule from this example. An accord is rarely reached over the main policy demands of some solidarity; it is frequently over the dreadful consequences of the bitter and often bloody contest that follows. In this way the process of peace is subsumed in the process of power. Thus, to go back to the instance of the Rajiv-Longowal accord, the peace process did not end there. Sant Longowal was killed, so were other civic participants, also some state functionaries. The reality of discord overwhelmed the politics of accord, until the state had succeeded in completing the *civil society operation*.

Here we see the political rules of accord. In the incongruent relations among the state, leaders/experts, and the civil society, we find that perceptions become important. There is no way to synchronize the aims of these three, except through a mutuality of perceptions. But what happens when perceptions face the reality of fundamentally divergent paths and values? In the famous Lucknow pact of 1916, a milestone in Indian nationalism, the perceptions colluded. But soon the policies of the colonial state, the communities and the leaders of the parties collided with each other. Therefore, from the beginning accords are endowed with certain brittleness. The fragility is frustrating, sometimes to the state, sometimes to the adversary, sometimes to the peace constituencies in the society. Each of these occasionally tries to map out the perceptions ruling the universe of an accord. But it remains futile. Built on the inaccessibility of the accord to the people, the falsity strikes back. While we may argue that by constantly democratizing the process of peace and by reconfiguring the role of the people, the cosmology of accord can be enriched and its inherent brittleness minimized, we have to note the implication, that an accord is never a one-time affair of concluding peace. Peace is a process. Conditions of peace are historically irreducible. With the same actors a country

can have peace, can have war. Peace-war is thus a continuum. Structurally, peace conditions and war conditions are not essentially different. The same conditions not producing a war can elide into war. It is no use saying that such a condition is a war-peace condition. It is the factor of historical contingency that brings peace or war and enhances it. Therefore, the question is of re-democratizing peace, of arguing for peace as a process that is marked by both power and popular intervention. Accord is an event in this process that remains characterized by procedural wrangles.

In short, since an accord, by itself, symbolizes neither war nor peace, the best way is to look at it as an event in the continuum of war-peace. Parties enter into a compact to engage the other. Rules of accords are then rules of *strategic* engagement to reduce the *tactical* space of the adversary. The desire for peace is thus punctuated by the realities of such an engagement. This produces varieties of peace. In as much as the hierarchy of causation produces varieties of conflicts, varieties of accords generate a new hierarchy of causality. Varieties of conflict and peace mark the politics of accords. There is, thus, at the bottom of the particularity of each accord, the technique adopted to achieve it, the historical specificity of peace.

The theory of governmentality thus shows how various elements constitute the process of power/the process of peace. Fluidity of issues and perceptions, the entry of solidarities and the civil society in the reconfiguration of the political society that was, until recently, the monopoly of the nationalized state, the hierarchy of solidarities, communicability and the limits to the communicability of the conflicts and the solutions thereof – these are the elements of the process of power. They ordain the technology of governance.¹² This should not, of course, cause surprise because the modern state, since the Treaty of Westphalia (1648), has made the right to wage war a crucial attribute of itself. The theory of sovereignty legitimates the right to wage war, and, consequentially, the right and the obligation to conclude treaties. All subsequent accords and conventions that define the rules of conduct of war, such as the Geneva Convention (1948), are built upon that right which today has come into contradiction with the desire for peace, more fundamentally, with the alternative notion of right to peace. In the emerging politics of accord, therefore, we have a contest. It is between the right to war and the right to peace, between a governmentalist perspective and a democratic perspective, between the politics of nationalization and the politics of plurality, between a strategy that confines

¹² I am indebted to Dr. Sanjay Chaturvedi of the Punjab University, Chandigarh, who has pointed out to me that as against such a governmentalist theory of accords we have a peace perspective also. Such a perspective builds on the desire for peace and human rights, and turns the "geopolitics of conflicts" to a "geopolitical imagination for peace". From imperial legacies the perspective turns to an approach that may be termed as "peace from below". The approach of "peace from below" interrogates accords with a normative criterion of popular rights and contests the pursuit of primacies marking the accords.

accord to a procedural level and a strategy that attempts to redefine accord as a moment in democratization, and, finally, accord as a monologue that passes as dialogue and accord as a part of a multilogue, that is to say, a federal dialogue. An audit of peace accords in this region will show how a peace exercise is embedded in contest, the desire for peace entangled in the dark process of power. It will show why peace as a process grows out of the process of power. Finally, it will show in what way the process of peace reflects on the state of the dialogue process in this region.¹³

Protocols of the Politics of Peace

Yet, there is more to the politics of accord perched precariously on the process of power and process of peace. If an accord is a document that lends form to a contest, what lends form to an accord? What are the rules that shape this form?

Rulebook means order of things, a protocol. How are we to go about in finding the order, the protocol by which accords are guided? Protocol, as the World Book Dictionary tells us, means “rules of etiquette, of procedure, a first draft or record from which a document, especially a treaty is prepared, a formal or official statement of a proceeding or transaction, and also a set of procedures that permit communication between two or more (computer) systems”. Protocol is thus about the rules of enactment, performance, meeting, and of engagement between systems.

The question is, since there is no single pattern of accords in the country and the region, can we find an order, a protocol? It may be convenient, therefore, to begin with a typology. As hinted earlier, *first* we have the notion of contract underlying the basic law itself. Accords are, in this case, subterranean, and therefore the idea of consensus subsumes within it the reality of an accord. As the strategy proved successful and the post-colonial state, at least in India and partly in Pakistan, was formed on that basis, the state would like to see this form repeated everywhere. *Second*, accords with peoples and regions that have to be made to accede to the union of India form a distinct category. Its feature is that of a treaty with the formalities and trappings of sovereign negotiations. This includes the Naga-Hyderi accord (1947), the sixteen-point agreement between the Nagas and the Government of India (1960), the Beg-Parthasarathy agreement (1975), and the Mizo accord (1986). Here the accord is loud and establishes a pronounced form which subsequent accords follow. The features of such a form are the attesting presence of the top bosses and the signatures of top bureaucrats, the detailed format, the subsequent legislative enactment at the

¹³ Some argue that with modern wars causing more civilian casualty than military casualty, the civil society is becoming more interested in peace accords -- "the politics of accords is not just theirs, the princes, the states, the leaders, etc., but our concern too". See for example Kumar Rupesinghe (with Sanam Anderlini), (1998) *Civil Wars, Civil Peace* Pluto Press: London.

union and state level, sometimes including constitutional amendments, and subsuming the substantive part with the operative part. In short, the strategy is one of bureaucratization of relations between the state and the adversaries. *Third*, we have accords with “ethnic groups” that result in their “empowerment” in the form of the creation of new states, autonomous councils, etc. The form of these accords, such as the Mizo accord (which “conferred statehood on the Union Territory of Mizoram with a view to satisfying the desires and aspirations of all sections of the people of Mizoram” and undid the Twenty-seventh Amendment Act of 1971 that had made the Lushai Hills a union territory), the Darjeeling Accord and the Bodo Accord, derives from the master form mentioned earlier. In this case, we observe a certain trajectory. From “nothing”, to union territory/autonomous councils, and then possibly to statehood. Clearly, the federal form, the sixth schedule, and the 73rd Amendment provide the flexibility to silence the discordant voices to death through the invocation of the compliant forms. *Fourth*, there are accords that question the given federality of the Indian polity - precisely the federality to whose charm others are just acceding. We can cite the Assam accord or the Rajiv-Longowal accord. The net result here seems a zero from the point of the adversary of the state. Apart from homilies, they get nothing, precisely because the forms of settlement have not been imagined yet. Thus, in these cases, you have references to details of “post-trauma care”, such as how prisoners will be released, the mode of amnesty, or some restorative grants. One example is, “Oil refinery will be established in Assam”, “Central Government will render full assistance to the State Government in their efforts to reopen Ashok Paper Mills and jute mills”, and “IIT will be set up in Assam” (Assam accord, 15 August 1985). Another may be, “The Central Government may take some steps for the promotion of the Punjabi language” (Rajiv-Longowal Memorandum of Understanding, para 11.1). With no increase in executive and financial power, the (non-state) contracting party becomes almost the glorified panchayat. Almost sardonically, the memorandum of settlement of 1988 between the government of India, the government of Tripura and the Tripura National Volunteer (TNV) adds,

Maximum emphasis will be placed on extensive and intensive skill-formation of the tribal youths of Tripura so as to improve their prospects of employment including self employment in various trades such as motor workshops, pharmacies, electronic goods, carpentry, tailoring, stationery weaving, rice and oil mills, general stores, fishery, poultry, piggery, horticulture, handloom and handicrafts. (para 3.8)

Fifth, and finally, we have the international accords in this region where the state is a party. This also follows a pattern in the region. Trapped in the metaphors of nationalism, these accords, and particularly the negotiations that precede, show the failure of diplomacy in this region. To put it briefly, there is, as yet, very little non-official input into the accord-making process. There is too

much of history in the conflicts in this region. There is a predictable closed circle of arguments. Thus is the attitude - *I give in and do not demand much, I do not want you also to go the whole way, so that I retain certain control over relations* - an attitude termed by one observer as the strategy of "relational control".¹⁴ Finally, and as a consequence of all these, there is a fixed bilateralism in the approach to accords as a solution to problems, with the result that we have little plurality in the making of a consensus in this region.

Indeed, if we can construct a rough typology of various accords that the Indian state has until this date entered into, we shall see that in the formation of the post-colonial state, peace accords have been as vital as war. Peace has been as critical as war, or more appropriately speaking, peace politics has been as significant as war politics in the formation of the state. (For such a typology see Table 1)

This, however, is a feature present in the accords concluded within the country as well.¹⁵ But with greater negotiating capacity, the state "manages accords" within its territorial boundaries. Outside, its capacity to create consensus is shown to be what it is.¹⁶ From a civil society point of view, the growth of public forums generates a constant critique of the accords, and thus forces a democratic viewpoint into the politics of accords. In the regional milieu, one may argue that such a growth is discernible on the horizon. In any case, the typology is not meant to convey a hard classification. Indeed, these types overlap. But they do show a trend. In one type, the accord belonging to another category may find its future.

The protocol of accords leads us to one more important aspect of the politics of democracy. In the preceding paragraph I indicated that the failure of the fourth type of accords is in the irony of not finding a form of settlement. Possibly, therefore, the accord in such cases is elaborated in rituals. But this shows that an accord, instead of being the mark of the agenda-setting capacity of the contracting sides, particularly the state, reveals the absence or the loss of such capacity. Johan Galtung in a fascinating essay on the geopolitics after the

¹⁴ Maya Chaddha, *Ethnicity, Security and Separatism in India* (New York: Columbia University Press, 1997).

¹⁵ Disputes over water resulting in intrastate conflicts are really not much different from interstate conflicts in terms of their dynamics. We see the same ineffectiveness of institutions, the same hold of rigid language, the presence of the same constituencies, the same failure in apprehending early warning signals, finally the same event of process of desire caught in the process of power. The histories of inter-state (within India) disputes, negotiations, and accords over waters of the Yamuna, the Cauvery, the Narmada, and the latest, over the Krishna rivers are worth perusing. See Gargi Parsi, "The Politics of Water", *The Hindu*, 18 August 1996; M. Madan Mohan, "Another Water Row", *The Hindu*, 19 August 1996.

¹⁶ I have written on it in an essay, "Flowing Waters and the Nationalist Metaphors", *Studies in Conflict and Terrorism*, 20 (2), April-June, 1999, pp. 195-206; also by Deepak Gyawali and Ajaya Dixit, "Mahakali Impasse and Indo-Nepal Water Conflict", *Economic and Political Weekly*, 27 February, 1999, pp. 553-564.

cold war, speaks of the agenda-setting capacity of the various estates in the world today.¹⁷ He refers to the agenda life cycles and the entry and exit points. He reminds us that a hidden agenda may not always serve the aim that an agenda holds. And also, there may be an agenda vacuum at times. In our context, the point is - why is there this inability to find a form of settlement that an accord is supposed to encode? Is some kind of agenda vacuum or a weak agenda-setting capacity responsible for this? Do accords fail because of the domination of the given forms of settlement, and the loss of agenda setting capacity of the adversaries?

Table 1: Internal Structures of the Various Accords -- A Classificatory Scheme

<i>Paradigm</i>	<i>State</i>	<i>Adversary</i>	<i>Society</i>	<i>Institutional process of accord</i>
Foundational module for state-formation	Colonized state undergoing the process of de-colonization	Pre-state and beyond-state Solidarities such as caste, religion, princely states	Plural	Constitutional bargaining
Natural	Hegemonic new state	Frontier region/ frontier community	Political-moral	Persuasive
Consolidation	Legal-bureaucratic	Excluded groups	Object of development and nationalization	New legal-territorial forms of accommodation
Integrated polity, Plebiscitary-Populist politics	Strong state	Constituent states of the union	Source of demands to renegotiate the union	Division among ranks of adversaries, memorandum of agreement without constitutional validity, violent attrition without any accretion of strength of the adversary, accord based on fatigue
Low politics-high functions, unilateralism, Cultural-Nationalism as the strategy	State aimed at retaining relational control, but locked in self-created positions	Other states and other solidarities having linkages that seem to threaten the relational control of the state	Marked by the growth of regional civil society institutions	Bilateralism, and a regulated regionalism-multilateralism

(Note: I have left the inter-state accords in India out of this classification purely out of expediency, though in a larger discussion they ought to come into scrutiny.)

¹⁷ Johan Galtung, (1995) Geopolitics after the Cold War -- An Essay in Agenda Theory *In* Vivian De Lima and Carmencita Karagoag (eds.), *Peace, Disarmament and Symbiosis in the Asia-Pacific*, proceedings of the Conference on Peace, Disarmament and Symbiosis in the Asia-Pacific, Solidaridad Foundation: Quezon City, Philippines, pp. 41-57.

After all, in India, the years running through the fifties were ones of finding the appropriate nation-form. The country went through the reorganization of states and the early accords that could pass off as natural, not contrived. Then the state form becomes invariable. Those who had not graduated to statehood were allowed to graduate, those who had no territorial identity as a mark of democratic claim were allowed union territory or an autonomous status. Those who had wanted an exit were presented with different versions of the inner line option, the *cordon sanitaire*. Thus, more than a century after the colonial rulers had found this form,¹⁸ the 1993 Agartala memorandum of settlement between the Tripura government and the ATTF spoke in Art. 2 (e) that “the case for introduction of an inner-line permit system would be taken up with the Government of India (and) the State Government will insist upon the Government of India to approve this demand”. But beyond these inflexible forms, the leaders of the state, and unfortunately often these antagonists, could not think. The result was, while accords and the consequential grant of territorial identity were characteristic of a democracy at work, they showed the limits of a liberal democracy, of constitutional federalism in negotiating the nationality problematic in India. The nation now finds itself in an enigmatic closed circle - *from ethnicity to accord, from accord to further ethnicity*. The Bodo Accord signed in Guwahati on February 20, 1993, said in Art. 3 (a) that the Bodoland Autonomous Council will exercise power over “villages having 50 percent or more of tribal population” on the basis of scrutiny of a list supplied by the All Bodo Students Union and the Bodo People's Action Committee. Villages having less than 50 percent tribal population will also be brought under the Council's exercise for the purpose of providing contiguous areas. There was no provision for the protection of minorities in the Bodo areas, and no provision for harmonizing a plural “ethnoscape” in that region within the overall framework of the accord. This was an invitation to partition a land on ethnic lines as the talisman of solving a minority problem. The Tripura accord of 1988, referred to earlier, similarly said,

Tribal-majority villages which now fall outside the Autonomous District Council area and are contiguous to such area will be included in the Autonomous District Council and similarly placed non-tribal majority villages presently in the autonomous District and on the periphery may be excluded. (Art. 3.7)

¹⁸ It is important to remember that even some of the tenancy acts in the colonial times such as the Chotanagpur Tenancy Act, and regulation arrangements like the CHT Regulation Act were also a type of cordon system.

In fact, the peace process in Tripura is significant in terms of the successive phases it went through along with continuing violence. The 49th Amendment Act of 1984 conferred statehood on Tripura, and also strengthened the Tripura Tribal Areas Autonomous District Council Act of 1979. Then came the accord of 1988 to settle relations with the Tripura National Volunteer to be followed by yet another accord in 1993, this time with the All Tripura Tribal Force. It was as if a master logic of nationalized ethnicity was reproducing itself remorselessly. It exemplifies the limits to the nationalist imagination as well as to the agenda-setting capacity of the elite of this country.

A new agenda can not be forged. Old ones can not be sustained. In this situation of agenda-vacuum, accords become routine, their lifecycle predictable. Hence, accords fail to arouse popular enthusiasm, or evoke respect in their being as a political form. This is the road to further ethnicity. The convergence of several moments defines this road - the moment of agenda loss of the state leaders, of despair of the rebels, of hopes of the power-seekers, of the further growth of *parliamentocracy* and finally, the civil victory of an uncivil path marked in overwhelming manner by armed force and violence. Protocol is by nature routine. Therefore, a banal form, an absence of imagination, characterizes accords. Accords embody a rational mode of governance. They are singularly incapable of placing on the agenda the issue of democratic restructuring of the polity and its basic law that should have been natural, given the fact that so many accords have been contracted in this country and the region. This is also true of the agreements that the Indian State has entered into with other states in this region. In their implications they remain confined to the specific issues of agreements only. Accords are thus *episodic*. They remain only as a moment of contest - a moment of consent, often yielding nothing, barren.¹⁹

In short, my submission is that accords are a paradox, and protocols of accords reveal this. They exemplify bureaucratic rationality at its best and worst. Legislative approvals of the texts, constitutional amendments, new elections to legitimize the result of the agreements, clemency - to begin with; and then, rank, prestige, secrecy, routine parleys going by the name *diplomacy*, and (dis)information rule this rational world. There is the testimony of Mr. B.K. Nehru, the Governor of Assam and the rest of the North-east for five years (1968-1973), and later on Kashmir (1981-1984). In his memoirs he describes the importance of the question of protocol in gubernatorial functioning in the region, his emphasis is on making the rebels, servants and officials understand the high rank of regency. He unhesitatingly depicts the contempt in which he, as

¹⁹ Gyawali and Dixit in the essay on "Mahakali Impasse and Indo-Nepal Water Conflict", show the agenda-vacuum of the rulers of Nepal with regards to water resources and describe in details how such a vacuum led Nepal into accepting an unequal treaty with India. This essay is revealing in terms of the nationalist dynamics of treaty making in the region, and is a must for every student of diplomacy in South Asia. See particularly, pp. 561-563.

the representative of the Indian State held the “peace-makers” of the Northeast, such as B.P. Chaliha, Jai Prakash Narain, Rev. Michael Scott and Dr. Aram.²⁰ He also expresses the intense “humiliation” that he, as the representative of the high powers of Delhi, would have felt in having to deal with “Federal Government of Nagaland”, the “Prime Minister” of that government, and the “commander-in-chief”. And why not? In order to make peace with the Nagas, the state of India could think of sending as its representative someone with no idea of the entire region. This was typical colonial governance. It was a rerun of the farce enacted twenty years ago when a man by the name of Cyril Radcliffe, who on his admission earlier had never been east of Suez, was sent to the subcontinent to partition it within three months. In the Governor B.K. Nehru’s words,

As I have related earlier, I was sent to my gubernatorial post without receiving any briefing even on this most important subject of Nagaland. Having no background of Naga affairs I was completely mystified by reference to Aos and Angamis and Semas and Chakasangs and Tangkuls and the other tribes - sixteen in number - who form the Naga community. It took me for a long time to acquaint myself with the history of the Naga people, their internecine differences, their discontents with “India” and the post-independence history of Nagaland and its insurgency which had resulted in this tiny group of people being given the rank and status of a full state of the Union without, however, ending the insurgency.²¹

By his own admission the government humiliated the Nagas, demoted them or snatched away their ranks in the midst of the period of cease fire and negotiation and all this was done to show the Nagas their place. Not surprisingly, both the Indian State and the Naga rebels considered the Shillong accord of 1975 a surrender. The protocols reveal the popular impulses that ultimately impel bureaucratic solutions. They show the rules of neglect of early warnings. They indicate that a peace accord is often achieved as a “managing exercise” by the state after the conflict has already passed through the stage of denial, the stage of ignoring the early warning signals, the stage of surprise, and “stage of brisk activities”. The democratic political element is always there, *out there*, as the constant, as the pursuing shadow. Attempts are then made to pull the accords out of the stagnant pool. The papers from Dayton or Shillong are to be saved. Through the neglect of the political, a crisis becomes “humanitarian”. Then you need an accord. An accord thus while being statist, always has in it a *supplement*, a *dangerous supplement*. Out there, but inside - the paradox.

²⁰ B.K. Nehru, (1997) *Nice Guys Finish Second* Viking: New Delhi, pp. 473-540.

²¹ Ibid, p. 501.

Protocol thus leads us to a strategic point of analysis. It shows the institutional mode of post-colonial governance, participation, partnership and state building. Rights, entitlements, rule of law and security combine with each other in the historical evolution of the institutions of governance of the post-colonial nation. This is, of course, as Charles Tilly calls a *contentious* history, but also a colluding one. When the received mode of inclusion in the nation (or the region) through the institutions of rights, entitlements, law and security was sent out for wider legitimacy in Europe, many did not take it lying down. In that continent with a more illustrious history of accords, and contracts, the gypsy, the Catholic, peasant, immigrant, the Jew, and the communist rebelled, and had to be pushed around, coerced, tortured, dispersed, hanged, shot, and in the early days of nation-making broken on wheels. Similarly, in this subcontinent, the “far frontier” communities, nationalities, “ethnic groups” and other popular solidarities have been subjected to police, law, army, and to the only available political discourse - that of inclusion or co-option in the given polity and grant of certain rights. Thus, accords arrive against a certain background. And like all other historically available, that is to say regularized forms, this too, becomes the site of renewed contest. With accords now routine at least in India, as their texts show, they have come to belong to the domain of public policy.²² The “implementation of such a policy becomes the site of exchange between state and the society”²³ that now constitutes itself into a public realm. In the format of provisions, therefore, we witness the struggle within the adversarial group over the material and symbolic resources of power. Thus, we see the rules of inclusion and exclusion. Remember that the Naga signatories to the Shillong accord had no specific affiliation, they claimed they represented all (“on behalf of the representatives of underground organizations”). We also witness the tussle between the state and the contesting populations over exclusive rights over territory, an incremental contest no doubt, but a contest. The public policy process of accords that signifies distribution of resources among those whose consent has been secured becomes an issue of confrontation. Notwithstanding the bureaucratization, the policy is then the occasion for countering the predatory power of the state. Sometimes a rational mode of creating new clients, the policy of accord always encounters democracy - that *supplement* which the accord was to still and kill. How else do we look at the whole history of the peace process in the subcontinent - the prehistory of Shimla, Shillong, Colombo, Thimpu, the lake of Zurich, and the history that these created?

²² All references to the examples of accords cited here are from the useful compendium prepared by P.S. Datta, (1995) *Ethnic Peace Accords in India* Vikas Pub.: Delhi.

²³ J. Echevarri-Gent, (1993) *The State and the Poor -- Public Policy and Political Development in India and the United States*, University of California Press: Berkeley, p. 4.

Recasting the Problematic of Peace

Yet that is not all. If we allow ourselves to go just a little beyond what we have discussed until now, into the theme of the modular form of settlement that marks the contentious history of the peace process, we shall find the problematic of the peace question facing up to the dialectic of rights and justice. Through the peace accords, the state invites the recalcitrant groups to be citizens, as citizens to *equally* enjoy the rights of citizenship. The relevance of this invitation is in form of a paradox.

In order to enjoy the rights of a citizen, they must accept statehood within the union. But while they are invited to claim such rights, they are issued summons of law in form of the special powers of the state. An avowal and a disavowal therefore mark the core of the texts of the accords. An avowal that “they” will be treated *equally*, and a statement to the contrary that beyond statehood (within the union) there is no other form of enjoying the rights of a citizen, no other form of claiming *justice*. The modular form of settlement is *modular*, because it has an aspect of denial, of punishment, of demonstrating that beyond the model there can be nothing, you can expect nothing. To the slogan of the “*right of a nation*” (indigenous peoples are nations, we are told) to self-determine, we are presented with the invitation to claim the *right of a citizen* – a right that we can attain only through statehood within the union, a right if we do not claim invites compulsion. What is striking here is that neither the right of the nation nor the right of the citizen, even when strategically deployed, is adequate to address the issue of peace, for at the core of the issue of peace lies not *right*, but *justice*.

Privileging peace with right closes the journey of peace for two reasons. First, rights do not provide us today with an overarching politics of peace. Second, the discourse of rights itself is haunted by the supplement, *is it just?* Right of course implies both – an authentication (R1) and claim (R2). Perhaps an authentication that the claim is just. But the dual meaning shows that there is always *excess* in what is conveyed by right. In order to prove that the claim, that is to say, the right (R2) is just, which means that this is right (R1), we have to say it is natural, like *what is just is natural*. It means acknowledging the limits to the juridical or legal forms of politics. The ghost of Locke must be laughing at us.

In situating this paradox in the present history of peace, I have not intended to deny the existence of the modular form of peace settlement. On the other hand, my intention has been to point out the need to break out of the modular form and the mines in that road. In the current moment when we are simultaneously dealing with state, nation, classes, ethnicity, and globalization, the politics of peace waits to be recast. This is a turning point. All the more, hence, we must understand the *problematic* of recasting – how do we move from the modular form of peace-settlement marked by the discourse of rights and citizenship to more variegated singular forms? There is no easy answer. But

without the investigation into the received history of peace, the problem could not even be posed.

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