The other Burma?
Conflict, counter-insurgency and human rights in Northeast India
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Northeast India (NEI) is a triangle-shaped territory sandwiched between Nepal, Bhutan, China, Myanmar/Burma (hereafter: Burma) and Bangladesh and connected to the rest of the country via a thin strip of land known as the ‘Chicken’s Neck’. It comprises the State of Sikkim and parts of West Bengal (the neck) plus the seven ‘sister states’ of Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland and Tripura.

Today the people of NEI face many challenges. Fifty years of conflict has led to a strong military presence and engendered a culture of violence. Prolonged underdevelopment and the forces of modernisation and globalisation have opened the region to resource extraction, multinational corporations and the channels of international trade. The international community regularly lauds India as the ‘world’s largest democracy’ but remains largely silent about human rights abuses within India’s borders. The situation in Jammu and Kashmir is on the radar, if not the agenda, of India’s major trading and security partners, but comparatively little is known about the Northeast. This report introduces some of the key human rights issues in the region.

1. Introduction: where east meets west

The region is also crucial in environmental terms. Two of the world’s 34 official ‘biodiversity hotspots’ traverse parts of NEI, fed by the rivers of the mighty Brahmaputra which flows down from the Tibetan plateau through the fertile plains of Northeast India en route to the Bay of Bengal via Bangladesh, accounting for more than one third of India’s total water resources. A massive hydro-electric power programme is underway and growing exploration of NEI’s generous reserves of oil, gas and minerals are adding a new dimension to the struggles for autonomy and self-determination that have dominated the post-independence history of the region.

The Indian government sought first to defeat and then to contain movements for self-determination in NEI with military force. Like Jammu and Kashmir, NEI is both highly militarised and under-developed because of this strategy. The presence of armed groups and the ongoing counter-insurgency operations has a tremendous impact on every-day life and the multi-ethnic dimension to the conflict in NEI often spills over into community relations. In designated ‘disturbed areas’ the armed forces enjoy exceptional powers such as shoot-to-kill, warrantless search, seizure and arrest, and immunity from prosecution for their actions. This has caused deep resentment among the region’s populations.
A brief history

The Northeast is the most ethnically diverse region in India. It is home to around 40 million people including 213 of the 635 tribal groups listed by the Anthropological Survey of India. The population is predominantly rural, with only twelve per cent living in urban areas, and the region is extremely diverse in political and socio-economic terms. The indigenous population has much in common with the culture and traditions of their neighbours in Tibet, Burma and the countries of Southeast Asia beyond. All the major religions are present: Hinduism and Buddhism from India and Tibet, Islam from a sizeable Bengali population, and Christianity, brought by Missionaries.

India under British colonial rule

India after partition

The political geography of NEI would be radically redrawn in the 1940s. With the creation of India and Pakistan as independent states in 1947, the princely states were given the option of joining either country, or staying independent. The British pressed meekly for the establishment of an independent 'Princestan' in NEI that would remain loyal to the crown, but this was unacceptable to both the Congress Party and the Muslim League.

Self-determination, counter-insurgency and armed movements

Prior to the formation of India, NEI was a collection of dozens of princely states on the periphery of the British Empire, some little more than large estates, others the size of small countries. In the early 19th century, following advances into Assam by the neighbouring Burmese Kingdom, most of NEI's current territory was taken by the British East India Company, cutting the region off from its traditional trading partners in Tibet, Burma and the countries of Southeast Asia beyond. All the major religions are present: Hinduism and Buddhism from India and Tibet, Islam from a sizeable Bengali population, and Christianity, brought by Missionaries.

Self-determination, counter-insurgency and armed movements

2. Conflict and insecurity in Northeast India

The Nagas were one of many self-determination movements - violent and non-violent - to emerge in NEI. Manipur, Tripura and Meghalaya became Indian States in 1972, with Mizoram and Arunachal Pradesh following in 1987. Sikkim became a part of India in 1975. Indian statehood failed, however, to satisfy demands for autonomy and independence among the nationalist movements and the armed groups of NEI, some of which split into smaller factions. Ethnic/tribal groups within north eastern states were granted local autonomy in accordance with the 'sixth schedule' of the Constitution and today there are nine such self-governing areas (in the hills of Assam, Tripura, Meghalaya and Mizoram), with yet more autonomous districts demanded. Each designated 'sixth schedule' area is effectively a smaller state within a state of NEI, each with some executive and legislative powers and a degree of developmental autonomy.

In August 2011, the Indian central government identified 79 armed insurgent groups active in the seven 'Sister States' of NEI. Around half are tiny splinter groups; the others range from small ethnic militias to well-equipped rebel armies holding large swathes of territory. Many are involved in formal and informal negotiations with the government. The groups' aspirations, demands and activities vary widely. More than half are active in the State of Manipur. Nagaland, Assam and Tripura also have long-established armed groups, and more are forming in the States of Arunachal Pradesh and Mizoram, which has witnessed a rekindling of insurgency not seen since the Mizo peace accords of 1987. It is important to point out, however, that only a handful of the 79 armed groups are formally proscribed as 'terrorist' organisations - typically those with a political programme of greater autonomy or independence. Many of the smaller outfits have effectively been drafted into the Government of India's counter-insurgency strategy and are tolerated precisely because of their opposition to those proscribed groups seeking self-determination.

While some ethnic groups and sections of society maintain their faith in the revolutionary politics and independent home lands promised by militant groups, for many they have become objects of fear and hatred. Decades of internecine warfare, bombings, assassinations, kidnapping, mafia-style extortion and horrific acts of racial and xenophobic violence has - with notable exceptions - seen their support dwindle. Dozens of groups and thousands of fighters have sought refuge from the Indian army's counter-insurgency policies in Bangladesh, Bhutan and...
Burma. In turn, the government of India has solicited the cooperation of these governments in ‘counter-terrorism’ with varying degrees of success. Burma is now the main focus of its attention in this regard.

**Militarisation and repression**

The multiple insurgencies tell only one side of the story. People want and need the state to provide security but in NEI it has instead allowed armed groups to operate and flourish while the police and army have meted out human rights abuses upon the civilian population. The drivers of the conflicts in Northeast India – at least over the past two decades – also include a growing sense of alienation and resentment towards the policies of the Indian government. People are frustrated at the government’s handling of the insurgency. Ethnic minorities feel they are subject to institutional discrimination, and many believe that the government has failed to share the benefits of India’s economic growth and development with the people of the Northeast.

Counter-insurgency operations in NEI, including the long and brutal repression of uprisings in Nagaland, Manipur, Mizoram, Tripura and Assam by the Indian army, have left an indelible scar on the indigenous populations that bore the brunt of the brutality of the insurgencies and remained there permanently. Large battalions have also been established to police the borders with China, Burma and Bangladesh.

Allegations that Islamist groups like Lashkar-e-Taiba are trying to establish a base in the Northeast, coupled with deep-seated fears about Maoist insurrection taking hold across NEI add to public perceptions in the rest of India that NEI is a hotbed of ‘terrorism’. The government of India presents its activities in the region as attempts to protect warring tribes from one another, and a steady stream of bombings and assassinations by proscribed groups has fuelled the resolve of an Indian nationalist movement increasingly obsessed with national security. In 2009, India spent some 36 billion US dollars on national defense, putting it in the world top ten, with a further 4.5 billion spent on policing and paramilitaries. In 2010 military spending was up to 41 billion dollars (2.7% of GDP), making India the biggest buyer of conventional arms in the developing world by some margin. Much of the recent expenditure has gone on new resources for the air force, including 126 Rafale fighter jets (a deal which pitted Europe’s major producers against one another) and helicopter gunships, some of which are destined for NEI’s newly created mountain divisions.

As the military presence has expanded, army elites have steadily increased their grip on economic and political life in NEI. The military has growing power over development policy and former military personnel are well represented in the institutions of regional governance. The military has growing power over development policy and former military personnel are well represented in the institutions of regional governance (State governors almost always have a police, military or intelligence background) and the business world, not least the media and construction sectors. While the original plan was for the army to leave NEI when the unrest had been dealt with, the Ministry of Defence is now requesting ownership of the large tracts of land on which its forces are stationed. Protracted government negotiations and temporary ceasefires with one armed group after another have allowed for some semblance of peace and development. Former insurgents from across NEI have also entered into political life, often to much the same advantage as their military counterparts.

**Politics of exclusion**

Whereas much local decision-making has genuinely been devolved to local institutions of governance, the initial promise of a quasi-federal system has steadily been replaced by a stronger and stronger centre and largely compliant state and regional legislatures. While many people in NEI support self-determination for indigenous groups, devolution along ethnic lines has also fostered a politics of exclusion, with minority communities in newly devolved areas often wholly disenfranchised. All of this has given self-determination a bad name, contributing to widespread cynicism within NEI about the government’s handling of the conflict and the vested interests in maintaining the status quo. Civil society is responding to this challenge by trying to re-frame debates about self-determination in terms of justice and equality instead of ethnically-based separatism.

The Indian government’s economic policies have also fuelled resentment and insecurity. When India gained its independence, the Northeast’s GDP per capita was slightly higher than the national average, today the region lacks the infrastructure and opportunity of other parts of India – despite making a substantial contribution to the nation’s natural resources. Wages are around 40% less than the national average. NEI supplies oil to other states yet petrol prices are among the highest in the country. Staples like rice and milk that could easily be produced in the region are imported from other parts of India. The shared sense of deprivation and exploitation that has stoked anti-national sentiment and militancy in NEI is summed-up by the oft-heard assertion that ‘the people aren’t Indian (i.e. ethnically) but the resources are’. India’s ‘Look East’ policy, focused on forging closer economic and political ties with its neighbours, and China’s relentless expansion across the border has reaffirmed both the geostrategic importance of the region and the feeling that key policy decisions have been taken out of local people’s hands. Highly controversial plans to increase resource extraction and construct a new generation of hydro-electric power-producing ‘megadams’ have added to the sense of alienation from central government.

Long-term inward migration from other parts of India coupled with the displacement of indigenous populations and the emergence of a rapacious middle class has also exacerbated NEI’s internal tensions and age-old tribal disputes. The rapid accumulation of land and wealth by privileged individuals (a ‘kleptomaniac elite’ is how many describe them) is contrasted – as in much of India – by rural areas where the majority of the population survives on less than one dollar a day through subsistence agriculture and minimal state assistance.

Internal displacement is also an ongoing problem. From the 1990s to the start of 2011, over 800,000 people were forced to flee their homes in episodes of inter-ethnic violence in western Assam, along the border between Assam and Meghalaya, and in Tripura. According to conservative estimates, some 76,000 people remain in internal displacement in NEI due to the prolonged armed violence.
India has one of the world’s largest standing armies. It is not known exactly how many of its 13 million active soldiers and 13 million para-militaries are stationed in Northeast India, but some put the total including border guards and police commandos as high as 450,000. To put this figure into context, the number of US and allied troops in post-invasion Iraq (whose population is 20% larger than that of NEI) peaked at around 165,000.

In Manipur, the smallest and most militarised state in NEI, the security situation is comparable to parts of Palestine, Iraq and Afghanistan. More than 60,000 military and security personnel and more than 300 security checkpoints span the state. Dozens of rebel groups control small swathes of territory. State-sponsored Village Defence Forces (VDFs) are being established and more and more households own a weapon.

### Life under AFSPA

AFSPA is at the heart of a feared security apparatus that underpins de facto military rule in much of NEI. The Act provides a veil of immunity for the violent repression of insurgent groups and the communities that supported them. Countless thousands of extra-judicial killings and disappearances have occurred in Nagaland, Manipur and Assam, not just of militants but political leaders, activists and civilians. These practices continue to the present day. In 2009 media and human rights organisations in Manipur reported more than 300 extrajudicial killings. Though numbers are said to have declined in the past two years.

Few die in open combat with armed groups. Instead many are killed in what are known as ‘fake encounters’ in which an individual is picked-up by police or military forces and is later found dead in a secluded location, their body squeezed into a rebel uniform and planted with a 9mm pistol or a Chinese grenade and some unregistered (illegal) SIM cards. The press are invited to report on another successful security operation and the ‘evidence’ is spirited away before any kind of independent investigation can take place.

While AFSPA has become synonymous with Manipur, where the act has been in force since 1947, the entire States of Assam and Nagaland have also long been declared ‘disturbed areas’. Widespread belief that the killing of three Assamese youths by the army in December 2011 was a ‘fake encounter’ led to blockades of two national highways in protest at the shootings. A 20 km zone along Assam’s borders with Arunachal Pradesh and Meghalaya are also subject to AFSPA, as are 38 police districts in Tripura and two districts of Arunachal Pradesh (Tirap and Changlang). Decisions to designate an area as ‘disturbed’ are taken by the central government, often with disregard for the wishes of State legislatures. The Nagaland State assembly, for example, has passed four Resolutions against the extension of AFSPA. A growing number of international human rights organisations, including the United Nations, have called repeatedly upon the government of India to repeal the Act.

AFSPA provides cover for continuous ‘combating operations’ designed to flush out insurgents and militants in ‘disturbed areas’. Military and police commandos sweep through villages searching homes, interrogating locals and arresting alleged sympathisers. These operations are regularly followed by credible allegations of fake encounters, disappearances, torture and rape. In the tiny fraction of cases where criminal complaints against the army are initiated, the central government must give permission for the prosecution to go ahead. In February 2012, two Supreme Court judges said AFSPA’s immunity ought not to cover cases in which crimes such as murder or rape were committed. ‘You go to a place in exercise of AFSPA, you commit rape, you commit murder, then where is the question of sanction?’ asked the Judges.

AFSPA has been used in conjunction with a host of other national security and counter-terrorism laws, including the Unlawful Activities (Prevention) Act (UAPA, 2004), National Security Act (NSA, 1980), Terrorist and Disruptive Activities (Prevention) Act (TADA, 1985) and the Prevention of Terrorism Act (POTA, 2002). Between 1985 and 1994 some 76,000 people were detained under TADA. The vast majority were released without charge or subsequently acquitted at trial. TADA was widely criticised and allowed to lapse in 1995. Following the events of 9/11, POTA allowed any person who ‘threatens the unity, integrity, security or sovereignty of India’ to be labelled and criminalised as ‘terrorist’. Following strong public criticism, this act was repealed in 2004 only for its key provisions to be incorporated into the UAPA. The Indian statute book also includes several restrictive laws that have been in force since British rule, including the Prevention of Sedition Meetings Act (1911) and the Official Secrets Act (1923). Taken together, these Acts amount to what most democratic coun-
tries would recognise as draconian security powers and impose a permanent state of emergency. The various statutes allow for arrest and extended detention on the basis of ‘reasonable suspicion’ without evidence, charge or trial.
A culture of impunity

In Assam, at the height of the United Liberation Front of Asom (ULFA) uprising between 1990 and 1993, some 10,000 people were arrested and detained under the Terrorist and Disruptive Activities Act. Only a tiny fraction of these people had any connection to ULFA. Most were released without charge after several months, many alleging mistreatment by the authorities. Scarcely one hundred of those detained were ever prosecuted. As the government crackdown on ULFA escalated, many of the group’s members surrendered. Instead of disarming them, the government allowed ex-ULFA members to keep their weapons to defend themselves from possible reprisals. They formed their own group, SULFA (Surrendered members of ULFA), and in the late 1990s became a covert weapon in the government’s war against ULFA. In collusion with the Indian security apparatus, SULFA carried out hundreds of ‘secret killings’ and disappearances of ULFA members, their families and associates.28

Human rights groups in NEI have systematically documented abuses but, despite a growing body of evidence of atrocities committed by the armed forces and collusion with supposed enemies of the state (much of it supported by international human rights groups), impunity and political intransigence prevail. It appeared that this might change following an Indian government committee review of AFSPA headed by a former Supreme Court judge. The review was a response to mass protests in Manipur in 2004 following the rape and execution of Thangjam Manamora Devi who was taken from her parents’ house by the army on suspicion of ties to a rebel group, raped, shot in the genitals and killed. Her bullet ridden body was found within hours of her arrest. In establishing the review panel, the Prime Minister promised to replace AFSPA with a ‘more humane act’. The AFSPA Review Commission, led by Justice Jeevan Reddy, concluded in 2005 that the Act should be repealed, though its report has never officially been published or laid before parliament.29 Reddy also went on record to state that ‘the Act for whatever reason has become a symbol of oppression, an object of hate, an instrument of discrimination and high-handedness’. India’s influential Administrative Reforms Commission and various UN human rights bodies have echoed these sentiments and endorsed calls for the Act’s repeal. The impact of other national security legislation on NEI was also scrutinised, but the Mumba terrorist attacks in 2008 halted the tide toward reform and put ‘emergency powers’ on a permanent footing. Nevertheless, AFSPA is still officially under government review and many seasoned observers remain hopeful for the imposition of some form of restriction on shoot-to-kill powers and immunity provisions.

Despite impressions in India that women in NEI inhabit a more liberal culture than their ‘mainland’ counterparts, the reality is that women and children are in a particularly vulnerable situation because of the conflict in the region, especially those in indigenous, minority and low-income communities.9 Patriarchy in India is compounded in NEI by various traditional practices and customary laws such as denying women property and inheritance rights. Discrimination against women is widespread and incidents of physical and sexual violence are frequent.10

In spite of this situation, women’s groups in NEI have won respect for taking peace initiatives, bridging ethnic divides and protesting against human rights abuses. But while women participate considerably in informal political activities, they are largely excluded from formal political processes and institutions of governance. As one activist put it, ‘whenever there’s a protest or Bandh [economic blockade], the women are the first to be sent into harm’s way, but when it comes to discussing solutions they are excluded’.11

Women and children also suffer the brunt of the conflict. Not only do they lose partners and fathers, they bear responsibility for the day-to-day subsistence activities made more dangerous by the violence. So many Manipuri men have been killed by the army and insurgent groups that the term ‘Gun Widows’ has entered the everyday lexicon.12 Women joke that every house in Manipur needs at least one brick room to protect the inhabitants from stray bullets. The plethora of army and rebel-held security checkpoints have turned traditional jungle subsistence and the collection of food, water and fuel into a day-to-day ordeal. The Indian army is the single biggest buyer of land mines in the world and the country is home to an estimated 4-5 million of the devices. The border between Southern Manipur and Burma is now heavily mined with both army ordinance and rebel-produced improvised explosive devices. Landmine clearance operations have failed to result in internally displaced persons returning to their land, leaving families in vulnerable situations.

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Poverty and dispossession has been exploited by traffickers of women and children, primarily for domestic labour but also the sex industry. Anti-trafficking organisations reported instances of women and children from NEI being trafficked to Singapore, Thailand, Malaysia and Dubai, and internally to places like Mumbai and Goa. The families of trafficked children are duped by bogus assurances about education or training when domestic servicing or begging is what really awaits. The presence of a few genuinely matrilineal societies in the region gives the impression of gender equality but violence against women is widespread and customary law often enshrines discrimination. After Uttar Pradesh, Manipur is said to have the worst rate of domestic violence in India, with other states in NEI not far behind. Regardless of background, status or education, it is still ‘normal’ for many men to beat their wives and children.

NEI’s Tribal Councils routinely exclude women and customary law discriminates against them by denying them the right to own or inherit property. Women cannot legally inherit property under customary law and even in NEI’s matrilineal societies, where property is inherited by the youngest daughter, the maternal uncle almost always assumes de facto ownership irrespective of deed or title.

‘Witch-hunting’, which inevitably discriminates against women, is also prominent in remote areas of NEI. In one region of Assam alone, 27 ‘witches’ were killed in the first six months of 2011. More have been expelled from their villages with control over land often said to be the real motive behind allegations of witchcraft. Despite widespread condemnation of the practice, there is no State policy or law on witch-hunting. These murders should of course be covered by the normal criminal law but due to a lack of evidence and witnesses to what often are crimes in which entire communities are complicit, there is usually little prospect of prosecution.

Failure to implement pro-women reforms

The Indian government has enacted some ground-breaking legislation to enhance women’s rights. The Indian Constitution was amended in 1993 to stipulate that 33 percent of elected seats in local, state and national elections must be reserved for women, but the actual representation of women remains low at just 10 percent across India. In the autonomous ‘Sixth Schedule’ areas in NEI, representation is much lower or non-existent because the governing councils have not implemented reforms.34

The Domestic Violence Act of 2005 is supposed to provide free legal advice and shelter for victims, but it has not been adequately funded or implemented in NEI. The same is true of the National Commission for Women Act of 1990, which mandates the establishment of State Women’s Commissions (SWCs) under the auspices of a national body. While SWCs
5. The rule of law

Despite the military presence – and in many cases because of it – the rule of law in NEI is a long way from fulfilling ‘the world’s largest democracy’. Continued insecurity in NEI has prolonged the conflict and given rise to organised crime and corruption undermining security and regional development initiatives. Access to justice in NEI is restricted by poverty, log-jammed courts and the impunity granted to the armed forces under AFSPA.

In 2001 the Indian government established the Ministry of Development of the North Eastern Region (DONER) to accelerate development through ambitious infrastructure projects. Today NEI receives around ten per cent of the federal budget despite having only four per cent of the population. So why has so little been achieved? In addition to the insurgency, two problems in particular are said to have hampered development. First, the army has been given increasing power over development as part of an underlying policy to win over local ‘hearts and minds’. Second, so much of NEI's development budget is being siphoned-off by a vast, unresponsive bureaucracy and corrupt political class that govern food, education, health, housing and livelihood programmes are being undermined in many of the places they are needed most.

Armed groups threaten public officials and extort money from local businesses. ‘Taxes’ are collected at security checkpoints. A parallel economy fuelled by drugs and guns flourishes with both the army and rebel groups said to be involved. From over the border in Burma the ‘Golden Triangle’ now reaches the jungles of Nagaland and Manipur and National Highway 39 (now Asian Highway No. 2), a road that runs from Imphal to Guwahati via Dimapur, has become an important trafficking route.

Intravenous drug use has left Manipur with one of the highest HIV rates in India and food insecurity is compounded by farm-rains. NEI is awash with natural resources. Its abundant fresh water supply and sub-tropical climate are ideal for agriculture and its incredible biodiversity includes India’s last remaining rainforests, though centuries of clearance and rampant logging mean large tracts of jungle have long since disappeared. Bamboo is widely grown and exported. There are large reserves of crude oil, the majority of which has so far been found in Assam, and exploration is taking place across the region.

Endemic corruption

NEI is one of the most corrupt parts of India. Corruption is all-pervasive in economic and political life. Huge payments for counter-insurgency and development are made directly to the army yet the expenditure is not properly budgeted or accounted. Records are falsified and staples like rice, sugar and kerosene destined for the rural poor are plundered by corrupt officials and sold to black market wholesalers.

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Corruption and the threat of armed violence routinely influence decisions about infrastructure, construction, land acquisition and environmental protection, causing growing resentment of the government in resource rich areas.

6. Resource extraction, hydro-electric power and land acquisition

The Indian government’s development plan for Northeast India is logically focused on using the region’s abundant natural resources to create jobs and wealth. According to a ‘Vision 2020’ document produced by DONER in 2008, the goal is ‘progress and prosperity’ through the harnessing of resources such as the vast hydro-electric potential, land, mineral wealth and forests. Presented as an articulation of the peoples’ wishes, the vision built on a World Bank report of 2007 which called for a resource-led strategy for regional development, with hydro-electric power (HEP) projects alone said to have the potential to ‘double the region’s state domestic product’. Major upgrades to the region’s primitive road network also feature in the plans, but the long promised ‘Accelerated Road Development Program for the North East Region’, supported by the World and Asian Development Banks, has yet to be implemented in most of NEI. The ‘Asian Highway’ project, which envisages an uninterrupted motorway network connecting 32 countries across Asia with Europe, is also supposed to pass through the region. This appears a remote prospect at present, even more so since Bangladesh quit the project.

While there is widespread public support for development and job creation in the region, and an understanding that properly managed natural resources are a logical vehicle for development, the political situation in NEI has fostered unease and distrust about ‘resource-led’ strategies. Activists decry ‘sham consultations’, ‘corrupt’ planning decisions, the displacement of local communities and a lack of concern for detrimental environmental impacts. India’s policy of using its natural resources for the ‘greater good’ of the nation has also resulted in skepticism that the profits will genuinely be shared with the people.

There is concern that this money will instead disappear into the coffers of corporations, the federal government and corrupt local officials. Minority indigenous communities also widely believe that jobs go to ‘migrants’ from other parts of India.

Perhaps the greatest concern about the future of NEI’s natural resources is the alleged link between the military-security apparatus and new extractive and HEP projects. Without exception, the many activists and journalists interviewed for this paper spoke of increased militarisation in areas where new industrial projects are planned. They reported routine human rights abuses and the use of counter-insurgency and national security laws against local activists and communities. It was also suggested that ‘combining operations’ by paramilitary forces (ostensibly to flush out militants and insurgents) are being used to ‘prepare’ areas for mining projects and land acquisitions.

Assam accounts for one sixth of India’s total oil production. Oil India Ltd. started producing crude oil at Daisan in Assam in the late 19th century. The Digboi refinery in Upper Assam is the world’s oldest. The state-owned Oil and Natural Gas Corporation (ONGC) is investing hundreds of millions of dollars in the region with the aim of doubling current [2011] production levels. The riverbeds of the Brahmaputra are also being surveyed. Foreign companies like Halliburton have been brought in to advise ONGC, increase production and find new reserves.[56] Canara Resources Limited, a Canadian company, and Geopetrol International, a subsidiary of the giant French Geofinance Group, recently announced the discovery of substantial new deposits in Assam. They have also been granted exploration rights in the border areas of Arunachal Pradesh. The rights are set out in Memoranda of Understanding (MoUs) between companies and State governments. Permission from the central Indian Ministry for Petroleum and Gas, which has overall control of the sector, is required before extraction can commence. In the autonomous ‘Sixth Schedule’ areas, where rights over natural resources are granted to indigenous communities, autonomous district councils must also approve extractive activities.
Oil exploration in Manipur includes sites around the Loktak Lake, a national park and recognised wetland of international importance. Almost 4,000 km² – one sixth of Manipuri territory – has been earmarked for exploration. Local activists accuse the Indian government of putting out a global tender for exploration contracts without informing the local community. Activists have also accused the army of intimidating and evicting local residents and using National Security provisions against their ranks. Some companies are reportedly exploring the potential for hydraulic fracturing (or ‘fracking’) by injecting water, chemicals and sand into rock formations to break them open and gain access to previously unobtainable fossil fuels. France and several American States have banned the technique on environmental grounds.

Lafarge in the dock over land acquisitions and mining licences

Among the most controversial mining projects in NEI is the extraction of limestone from Meghalaya by the French company Lafarge for its cement factory in Bangladesh. With $150 million in backing from a consortium including the Asian Development Bank, International Finance Corporation (a World Bank subsidiary) and European Investment Bank, Lafarge constructed the $235 million plant in Chhatak, Bangladesh, aiming to produce 1.2 million tonnes of cement annually and create 280 jobs. The plant is entirely dependent on limestone extracted 17 kilometres away across the Indian border, in the East Khasi Hills of Meghalaya. A conveyor belt that can carry up to 6,000 tonnes of limestone per day connects the quarries in India with the factory in Bangladesh. It is the only joint industrial project between the two countries and the Indian government cited the plant as the first successful example of its ‘Look East’ policy. Lafarge’s international backers heaped praise on the company for managing to establish the facility across such a difficult border, while the company boasted of its technical and diplomatic prowess.

Lafarge commenced its limestone mining project in the East Khasi Hills in 2001. Permission was granted by the Indian Ministry of Environment and Forests (MoEF) following an application by Lafarge’s Indian subsidiary and an environmental impact assessment (EIA). It had commissioned from a Delhi-based consultancy. Production in Chhatak began in 2006 but Lafarge resumed limestone mining in the East Khasi Hills in November 2007 following fresh clearance from the Ministry of Environment and Forests (MoEF) following an application by Lafarge’s Indian subsidiary and an environmental impact assessment (EIA). It had commissioned from a Delhi-based consultancy.

This was only the beginning of the controversy. One month later, local residents went to court to challenge the legality of the land acquisitions for the quarry and conveyor belt sites made by Lafarge’s Meghalaya-based subsidiaries. In a complex set of deals, a subsidiary owned jointly by Lafarge and two Khasi tribesmen acquired two sites and leased another, a second subsidiary held the mining rights, and a foreign-based banking consortium provided the finance. Lafarge was accused of illegally mortgaging tribal lands to foreign banks. In addition to Lafarge, the plaintiffs named 14 other respondents in the case, including the Ministry of Environment and Forests, the National Commission for Scheduled Tribes, the Reserve Bank of India and the State government, which had relaxed the provisions of the Meghalaya Land Transfer Act to allow the acquisition to go ahead in the first place. All were accused of dereliction of their constitutional duty to protect tribal lands in accordance with the ‘Sixth Schedule’ provisions.

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Coal is mined in Assam, Meghalaya, Nagaland and Arunachal Pradesh by North Eastern Coalfields, a subsidy of the state-owned Coal India Limited. The largest coalfield is in the Tinsukia district in upper Assam, where mining dates back to the 1880s. Mining also takes places in tribal land stretching across the States of Meghalaya, Nagaland and Arunachal Pradesh, where limestone, iron ore, granite and chromium are extracted. Some believe that the hills of Arunachal Pradesh and Meghalaya hold large deposits of uranium and Delhi had hoped that these could meet the needs of India’s nuclear programme. Planned uranium mining projects by the Uranium Corporation of India have, however, failed to win the support of local communities and there have been widespread protests, road blockades and violent clashes with paramilitaries.

The Northeast also holds some of India’s largest natural gas reserves. India’s Oil and Natural Gas Corporation has already drilled more than 150 wells in the State of Tripura alone, more than half of which have yielded gas. A sizeable new gas power electricity plant is being built in Palatana. Indigenous communities in Tripura claim to have been forcibly evicted or ‘tricked’ from their land, which is often ‘leased’ for exploration but not returned. They report serious pollution in rivers upon which people depend and sickness caused by the release of toxins and noxious gases.
Hydroelectric power generation in NEI

The Brahmaputra is one of the highest rivers in the world, flowing at an average height of 4,000 km above sea level through Tibet before falling steeply through Northeast India. This makes the area very attractive in terms of hydroelectric power (HEP) generation. There are already more than 900 small HEP schemes and 62 large schemes operating in the region, with an installed capacity of around 32,000 megawatts.

Central and regional governments plan to turn NEI into India’s ‘engine room’ by building new ‘megadams’ and exporting electricity to the rest of India and neighbouring countries yet still lack a credible plan to increase access to electricity among their own rural populations. Only a quarter of households in Assam currently have electricity, in stark contrast to the national average of 55 per cent.12

A plethora of Memoranda of Understanding (MoUs) between State government departments and developers, granting outline planning for new HEP projects in NEI, have already been signed: seven in Assam, one in Manipur, two in Sikkim, 35 in Meghalaya and as many as 147 in Arunachal Pradesh. The vast majority, including 138 in Arunachal Pradesh, involve ‘megadams’. The biggest project involves several dams across the Upper Siang basin.13 India is no exception to the tendency, along the rivers of the Brahmaputra, whose identity and livelihood are inseparable from the land they inhabit, to be similarly threatened by HEP projects. Those resisting the programme are quick to point out that they are not opposed to HEP in principle, only to the ‘megadams’ which they say will cause permanent displacement of indigenous communities, loss of fisheries and agricultural land, and irreversible damage to NEI’s fragile wetland ecologies. Jaypee’s planned 2,700 MW site on the Lower Siang River, for example, requires the construction of a 75-kilometre-long reservoir that will cause the displacement of 8,000 people. Scores of NEI’s indigenous communities settled along the rivers of the Brahmaputra, whose identity and livelihood are inseparable from the land they inhabit, are similarly threatened by HEP projects. Those opposing the resettlement process for its flagship Upper Siang ‘megadam’.56

Fueling insecurity and conflict

Minister of Assam recently warned that attempts to divert the waters of the Brahmaputra would result in environmental disaster and a negative impact on the local economy of the state.57 This is precisely how local dam actions across NEI feel about India’s own HEP ambitions.

India’s HEP programme has also reignited disputes over water with Bangladesh which date back to its construction of the 1975 Farakka Barrage across the Ganges in West Bengal, causing serious disruption to Bangladesh supply. The Bangladeshi government is uneasy about the scale of NEI’s HEP programme and has raised specific concerns about several proposed sites, including the World Bank-backed 1,500 MW Tipu Sultan megadam on Manipur’s borders with Assam and Mizoram, which Bangladesh fears will dry up rivers and farmland in its own Northeast, threatening food security.58 Amid growing concern about future conflicts being caused by disputes over access to the world’s major waterways, ‘water security’ is becoming a pressing issue for the wider region.58

It is difficult to obtain comprehensive data, but information in the public domain suggests that construction is already underway at 11 of the new NEI dam sites,61 another 13 have received central government approval and a further 50 have been granted ‘scoping’ (or ‘pre-construction’) clearance.62 Most advanced is the lower Subansiri site on the Assam-Arunachal Pradesh border, which is nearing completion. The Subansiri and HEP plant are being constructed by the state-owned National Hydro-Power Corporation (NHPC) at a cost of approximately $2 billion. Sub-contractors in the Subansiri consortium include Lafarge and Alstom, a giant French energy and transport multinational which is supplying the turbines for the dam.

The 116 meter-high Subansiri dam will submerge a 47 kilometre stretch of the river, taking swathes of tenured agricultural land with it. The development has met with fierce local resistance and the site is now a sprawling high-security complex in which many workers reside. It has its own shops and services, armed guards and militarised perimeters. NHPC has been trying to transport the giant turbines to Subansiri for more than a year, but have so far been thwarted by organised resistance from activist groups such as the All Assam Students’ Union (AASU) and farmers’ movement Krishnak Moni Sangram Samiti (KMS). Activists reported that former SULFA members have been hired by NHPC to ensure safe passage of the turbines. This is unlikely to reassure French taxpayers who have provided $100 million in guarantees for the turbine contract through France’s export credit agency Cofance.

People in NEI are wary of the link between new HEP projects and new deployments of Indian paramilitaries to the region. The build-up of Indian troops in Arunachal Pradesh will give the sparsely populated state a higher per capita ratio of troops than even Manipur. These deployments are ostensibly a response to the build-up of Chinese forces and bases on the other side of the border, but activists fear that they will ultimately be used to ‘prepare’ areas for new dam sites. Local protests have grown into state-wide and now regional anti-dam campaigns. Protestors argue that their concerns are being ignored. They accuse the State government of failing to obtain the prior informed consent of local villages before entering into MoUs and failing to conduct local hearings in accordance with the Environmental Protection Act. The government argues that protestors make these procedures impossible and is employing the full force of the state and paramilitaries against them. The rising tension is palpable. As one activist put it: ‘They are Naxalising us. The next time you come I will either be with a gun or dead.’

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Environmental concerns

The Brahmaputra river basin is home to some of the planet’s last remaining pristine waterways, sustaining several national parks recognised as world heritage sites. Environmental scientists in NEI have called for the entire basin to be given world heritage status. They also harbor reservations about rapid HEP expansion because they believe the local and regional environmental impacts of constructing huge reservoirs and dams have not been properly thought through.

A fault line runs through NEI and the region experiences dozens of earthquakes every year. This has prompted concerns over the extensive and ambitious nature of the construction projects. The 1950 Medog earthquake, which killed thousands in Assam and Tibet, measured 8.7 on the Richter scale and was the sixth most powerful earthquake of the 20th century. In such a seismically active area, people lack confidence that proper planning has been done to ensure that the dams can withstand powerful shocks. Experts have called for the height of the Subansiri dam, for example, to be significantly reduced to lower the potential risks to human life.43 A quake measuring 6.8 on the Richter scale hit the Sikkim-Nepal border in September 2011, killing some 60 people in Sikkim.44 Ten of the dead were workers at an unplanned HEP project on the heavily dammed Teesta River that many Sikkimese believe was the cause of the earthquake. The Sikkim government recently announced that it is scraping this and another HEP projects in the area.45

Floods already affect between 3 and 5 million people annually in NEI. Each year huge rises in water levels generated by the heavy monsoon causes the Brahmaputra’s fast falling rivers to weave new paths through the plains of Assam, taking human lives and destroying roads, railways, buildings and farmland. Proponents of HEP argue that the dams will help prevent the flooding, opponents suggest they will exacerbate the risks to human safety. Since the cumulative impacts of dams along the Brahmaputra have never been assessed, no one can say with any real certainty.

According to one independent evaluation, the Subansari dam will cause the river level to fluctuate 400-fold every day. In winter, the dam will release a trickle of only 6 cubic meters per second for most of the day, but will peak at 2,560 cubic meters per second when electricity demand is highest during the even- ing hours. ‘The project will starve and flood the dam on a daily basis’, suggests the report, adversely affecting agriculture and wildlife in the floodplains and wetlands of Assam, including the Kaziranga National Park (a World Heritage Site).46

Experts also warn that upstream extraction and construction projects can exacerbate flood risks because the extraction of large quantities of materials causes considerable amounts of sediment to be released into local waterways, blocking small streams. When the water eventually breaks the sediment dam, the slurry of pebbles and sand causes further erosion of river banks which can result in powerful mudslides further downstream.47

The ‘MoU virus’

State officials and companies involved in HEP projects have been accused of surreptitiously and cynically undermining the democratic institutions responsible for safeguarding local communities from projects with unacceptable environmental and social impacts. Upfront payments to State governments are made by developers upon signature of a Memorandum of Understanding. This undermines the entire planning process, building expectations in the minds of state-holders that the planned project is a fait accompli and preventing dialogue between them. A central government minister has described this problem as the ‘MoU virus’. The distrust of local communities for a HEP project is almost guaranteed once money has changed hands. Further, those people most affected by the planned developments are not properly informed about the proposals or consulted on their design. This lack of openness and transparency continues throughout the planning and environmental clearance process.48 The use of private consultants on the payroll of the developers to produce the requisite social and environmental impact assessments is also widely criticised for substituting objective scientific evaluation with selective and biased appraisals.49

India’s unpopular Land Acquisitions Act empowers the state to issue compulsory purchase orders. This law dates back to 1894, though new legislation is currently being drafted. Lawyers cannot challenge acquisitions made under the Act, only the level of compensation paid to affected parties (which lawyers say is frequently too little to allow people to rebuild their lives). People who refuse compensation are threatened with losing their land anyway under compulsory acquisition. This lack of openness and transparency continues throughout the planning and environmental clearance process. The use of private consultants on the payroll of the developers to produce the requisite social and environmental impact assessments is also widely criticised for substituting objective scientific evaluation with selective and biased appraisals. The lack of openness and transparency continues throughout the planning and environmental clearance process. The use of private consultants on the payroll of the developers to produce the requisite social and environmental impact assessments is also widely criticised for substituting objective scientific evaluation with selective and biased appraisals.

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Arrest of ‘Maoist’ anti-dam activists

Akhil Gogoi is a leader of Krishnak Mukti Sangram Samiti (KMSS), a movement of farmers and tribes people that together with the All Assam Students Union (AASU) has been leading protests in Assam and Arunachal Pradesh against the construction of megadams. Akhil Gogoi has won several national awards exposing and challenging corruption in Assam. In 2010, a leaked government report alleged that Gogoi had close links with outlawed Maoist groups in Northeast India. In June 2011, Gogoi led a protest against a government eviction drive in Guwahati. Three people including a nine-year-old were killed when Assam police opened fire on protesters. Police arrested Akhil Gogoi two days later at Guwahati press club during a press conference and charged him with ten counts of instigating violence. The Chief Minister of Assam publicly accused Gogoi of having links with both Maoists and the armed separatist movement ULFA. A former Chief Minister called the arrest barbaric and politically motivated. The State Ministry of Home Affairs conceded that there was no actual evidence of links between Maoists and anti-dam protests but maintained the latter ‘could be exposed to Maoist penetration if they are allowed to continue.’

Akhil Gogoi was released on bail two days after his arrest. There has been no action against the police accused of shooting the unarmed protestors. Gogoi is not the first Subansiri activist to be arrested or accused of links with illegal groups and the pattern appears to reflect a concerted effort on the part of the government to put an ‘extremist’ stamp on protestors to disrupt and discredit their movement.

As a NEI ‘security source’ told the Times of India in January 2012: ‘The Maoists have already set up a network in Arunachal Pradesh, mainly in Dibang valley district that borders China. Their focus as of now is to build an anti-dam opinion in the district and they are working as anti-dam activists… These elements in Arunachal Pradesh enjoy a good rapport with the NSCN(IM) [an armed Naga movement] in Tirap district of Arunachal Pradesh that borders northern Nagaland and also with the Paresh Baruah faction of Ulfa’.

India is justifiably proud of its free press and pluralistic media. As in much of the world, reporters lament the commercial pressures that have besieged their industry since the internet became the dominant media, but investigative journalism continues to play a crucial role in exposing corruption and holding public officials to account. In Northeast India, however, multiple conflicts have greatly undermined press freedom. Reporting on unlawful activities involving the police, the army, state officials or local mafia exposes journalists in NEI to a raft of dangers, particularly those working for local and state media. Dozens of journalists have been killed by underground groups and editors are regularly threatened with violence for portraying insurgents in an unfavourable light, or refusing to portray them in a favourable one. Journalists’ unions have tried to extend freedom of the press by negotiating with underground groups, only to be arrested for their alleged links to banned organisations.

The Indian government deliberately disqualifies its activities in NEI as a formal armed conflict to avoid its obligations under international humanitarian law. At the same time, it maintains that multiple insurgencies and counter-insurgency operations make the region too dangerous for foreign journalists or international observers to be admitted. Wide-ranging exemptions to India’s freedom of information law for both military and national security matters significantly hamper the ability of local journalists to gather information. Military forces involved in human rights abuses go to great lengths to shield their misdeeds from public scrutiny.

Foreigners require special permits to enter several states in NEI. While businessmen and missionaries seem to have little difficulty gaining access, anyone who appears to be even vaguely interested in reporting on the security or human rights situation of the region is denied permission. Even Indian citizens require special permission to enter the States of Arunachal Pradesh, Mizoram and Nagaland. Foreign visitors admitted to States such as Nagaland and Manipur can expect the close attention of the local Intelligence Bureau.
8. Conclusions

Life and livelihoods in Northeast India are hampered by under-development, multiple insurrections, paralysed in efforts to resolve these conflicts, widespread human rights abuses, the marginalisation of minority ethnic communities, the repression of civil society, corruption and a lack of access to justice. These problems are compounded by massive privatisation, the accumulation of land by local elites and the crude exploitation of water, minerals and other resources, all of which causes increasing environmental degradation.

India has fallen far short of its obligations under international law with regard to its treatment of people in the Northeast, failing to uphold the letter and spirit of the Universal Declaration on Human Rights and other key treaties. It has also signed but failed to ratify important international human rights treaties such as the Conventions against torture and enforced disappearances. This is surely unacceptable in the world’s largest democracy.

There is a disturbing lack of international awareness of the conflict in NEI and its consequences. This is particularly puzzling given India’s growing economic and political stature, although the Indian government has gone to great lengths to shield the region from external scrutiny, denying access to intergovernmental organisations, foreign journalists and human rights organisations, and all the while presiding over a “climate of fear” in which local civil society organisations face sanction for trying to counter or draw attention to the issues described in this report.

Whereas sustained diplomacy has led neighbouring Burma to engage in peace talks with opposition groups in a genuine attempt to resolve the country’s fifty-year-old civil war, the government of India refuses to adopt a similar approach in its handling of the Northeast’s protracted insurrections and ethnic divisions. Historical parallels with the British Empire’s handling of unrest at India’s periphery are not unbecoming the emerging superpower’s treatment of its borderlands.

Pressure is needed to force the Indian government to acknowledge that the problems in NEI are far more complex than “separatism” or “terrorism”, and that these problems cannot be solved through counter-insurgency alone. The EU and USA must bear some responsibility for failing to address human rights and development issues in their new economic and security partnerships. It is striking that the EU in particular, which is on the verge of signing a Free Trade Agreement with India, has barely raised a murmur about human rights in the context of that treaty.

9. Recommendations

The following Recommendations are aimed at foreign policy-makers and international human rights organisations:

- Urge the government of India (GoI) to repeal the Armed Forces Special Powers Act and implement the reforms proposed by the Justice Reddy Committee in 2005.
- Urge the GoI to implement the 2012 recommendations of the Special Rapporteur on extrajudicial killings and specifically the establishment of a Commission of Inquiry, consisting of respected lawyers and other community leaders, to further investigate all aspects of extrajudicial executions. This process should entail a form of transitional justice.
- Support the implementation of United Nations Security Council Resolution 1325 on women and peace and security and the development of a National Action Plan that pays due regard to the situation in NEI;
- Institute or expand human rights dialogue in the framework of bilateral and multilateral treaties and agreements on economic and security cooperation;
- Urge the GoI to implement domestic reforms demanded by the Universal Periodic Review, the Committee for the Elimination of Violence Against Women, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on the Protection of Human Rights Defenders and other United Nations bodies;
- Support the monitoring of human rights violations and develop programmes for the protection of human rights defenders in NEI;
- Encourage civil society engagement in development planning, peace talks and preventing violent extremism;
- Facilitate fact-finding missions by the UN Special Rapporteurs on torture and violence against women and other human rights bodies;
- Support measures to combat corruption, strengthen the rule of law, implement international human rights conventions and enhance access to justice in NEI;
- Assist the GoI in Security Sector Reform with a specific focus on democratic control of the security services;
- Support environmental monitoring, protection and research in NEI;
- Urge the GoI to sign-up to the international Extractive Industries Transparency Initiative;
- Review policies of the World Bank and other multilateral investment partnerships in Northeast India in the context of concerns about hydro-electric power developments;
- Support scientific research into the cumulative impacts of existing and planned HEP projects in NEI and international water diplomacy in the wider region.
Further reading

Damming North East India - Juggernaut of hydropower projects threatens social and environmental security of region

Friend not Foe: Opening Spaces for Civil Society Engagement to Prevent Violent Extremism

On the Frontline of Northeast India: Evaluating a Decade of Harm Reduction in Manipur and Nagaland

The Armed Forces (Special Powers) Act, 1958 in Manipur and other States of the Northeast of India: Sanctioning repression in violation of India's human rights obligations

'This is our land': Ethnic violence and internal displacement in north-east India

Trigger Happy': Excessive Use of Force by Indian Troops at the Bangladesh Border
Human Rights Watch 2010
http://www.hrw.org/node/94641

Unruly Hills: A Political Ecology of India’s Northeast
Bengt G. Karlsson (Berghahn Books, 2011)

We, Widows of the gun
Women in Governance, the Gun Victims Survivors Association, Human Rights Alert, the Extrajudicial Execution Victims Families Manipur and Cordaid (2011)
http://www.pizavastenaktie.nl/nl/We-widows.pdf

Notes

3 See further the historical account of NEI in Myint-U, T. (2011: 225-247), op. cit note 1, above.
4 In Manipur, for example, the ‘Sadar Hills District Demand Committee’ (GHDDC) is demanding the creation of a new Sixth Schedule district on behalf of the Kuki ethnic group. In 2011, GHDDC activists blocked Manipur’s two major highways for 100 days, resulting in mile-long queues in Imphal for things like ATM machines and petrol, which increased in price to 140 rupees per litre (approximately 2 Euros).
7 Because the Government funds things like army pensions and benefits from non-military budgets, experts argue that the true figure is much larger.
13 Source: http://www.thehindu.com/news/national/article2866609.ece?
16 Report of UN Special Rapporteur on Extrajudicial Execution to the UN Human Rights Council (A/HRC/12/30/Add.1) (para. 18).
20 Centre concerned over youths’ killing, Assam Tribune, 29 December 2011.
21 This includes Amnesty International, Human Rights Watch, the United Nations’ Human Rights Council and various United Nations Special Rapporteurs.
31 The UN Committee on the Elimination of Discrimination Against Women, the UN Committee on the Rights of the Child and the UN Committee on the Elimination of All Forms of Racial Discrimination have all expressed serious concerns about human rights violations and their impact on women in NEI.


34 At state legislative assembly level women have 16 seats (out of 165) in Assam, one in Manipur and none in Mizoram. At local village (Panchayat) level, representation is negligible, for example women in 303 seats in Mizoram at the last elections.


53 The Clean Development Mechanism (CDM), defined in Article 12 of the Kyoto Protocol, allows a country with an emission reduction or emission limitation commitment under the Protocol (Annex B Party) to implement an emission reduction project in developing countries. Such projects can earn saleable certified emission reduction (CER) credits, each equivalent to one tonne of CO2, which can be counted towards meeting Kyoto targets. See Clean Development Mechanism (CDM), United Nations Framework Convention on Climate Change website, available at: http://unfccc.int/kyoto_protocol/mechanism/clean_development_mechanism/1203.nsf/0/544D733B9F184578C125747F0055E0E7.


61 Vagholikar, N. & Das, P. J. (2010), op cit note 55, above.


71 See for example the case of Binayak Sen, Vice President of the People’s Union for Civil Liberties, charged with sedition and sentenced to life imprisonment for allegedly helping the outlawed Naxals. He was eventually released by the Supreme Court, which found no evidence against him.


78 Under international humanitarian law, armed conflicts that are recognised as such are subject to rules that state and non-state actors alike should abide by. Many of these rules are subject to oversight by international bodies.


