

Parallel Governance and Political Order in Contested Territory: Evidence from the Indo-Naga Ceasefire

Shalaka Thakur
London School of Economics

Rajesh Venugopal
London School of Economics

September 2017

Abstract

The reconstruction of stable political order after violent conflict is a central concern of peacebuilding theory and practice. While much of the literature on this subject is based on cases where there has been state collapse or international intervention, this paper draws on a case study from India's north-east, where a long-standing separatist insurgency has given way to a stable and protracted ceasefire. It examines how political order is constructed under circumstances where there is a fluid co-existence and shared de facto sovereignty between the Indian state and a non-state armed group. Drawing on fieldwork from Ukhrul district, the paper studies the parallel military structures and civilian governance institutions and the nature of their interaction. In doing so, it evaluates the consequences of the ceasefire in terms of the larger project of conflict resolution and a permanent political resolution.

1. Introduction

At first glance, Ukhrul appears as just another one of the 707 administrative districts in India. With a population of 184,000 (2011 census) and territory of 8,200 sq km¹, it is governed under the modular structure of India's district level administration. But when talking of the government in Ukhrul, there is some confusion about who is being referred to. Alongside the formal institutions of the Indian government, is the 'people's government', who, in the words on one respondent 'run everything here'. In the heart of Ukhrul town, just a few kilometres from the administrative offices of the Indian central government and the state government of Manipur is the regional office of the Government of the People's Republic of Nagaland/Nagalim (GPRN), which also contains a prison cell where offenders are held. As one of the organisation's Kiloners (ministers) described it, 'We collect the taxes to feed armed cadres and run the administration. We run the people's government'.²

The reconstruction of stable political order in divided societies in the aftermath of violent conflict is a central concern for peacebuilding theory and practice. It is a particularly challenging problem in cases where there is no clear monopoly of violence, and where there are a multiplicity of contending, mutually incompatible sources of authority. Much of the relevant recent literature that addresses this issue is based on case studies where formal governance mechanisms collapsed, and where there was a heavy international presence. In contrast, the numerous conflicts that take place outside this limelight, such as those in the north-east of India have much to contribute to the understanding of this topic, but remain under-studied. Although they bear a different set of axioms, policy parameters and historical baggage, there is much to be gained by engaging with this experience of a case where many of the same underlying problems and dynamics have a presence, but which have been described with a different terminological apparatus. It points on the one hand, to the chronic dysfunctions of the post-colonial state and the challenges in establishing stable, functional, accountable, and legitimate governance institutions. On the other hand, it points to the relationship between the formal and informal sources of authority: how formal state structures interact with the deeply grounded 'informal' institutions which often have greater symbolic resonance and functionality.

The 1997 ceasefire between the Indian security forces and Naga separatist insurgents of the National Socialist Council of Nagaland (Isak-Muivah) brought a prolonged pause to a four decade long violent conflict (Kolas 2011). Extended indefinitely in 2007, the Indo-Naga ceasefire, has despite difficulties, endured, and has proven to be robust and effective in bringing down levels of violence. It has significantly improved the situation for civilians, the majority of whom had earlier led their entire lives under conditions of emergency and deep insecurity. The Indian government and the NSCN(IM) have, under the ceasefire, sought to pursue their political goals through advancing and strengthening civilian governance mechanisms. A 'war-time' political order based heavily on military realities (Staniland 2012) has

¹ India had 707 administrative districts as of early 2016. Ukhrul district was sub-divided into Ukhrul and Kamjong in late 2016. In this paper we refer to Ukhrul prior to this latest demarcation.

² Interview, Kiloner V, 16-05-2016, Ukhrul

given way to what might be described as a 'hybrid' political order (Boege et al, 2009) based on a parallel set of civilian governance institutions with varying levels of interaction and overlap. On the ground, the NSCN(IM)/GPRN is clearly more influential, functional and legitimate than the Indian government institutions that it co-exists with.

Many elements of this situation of shared de-facto sovereignty and the prolonged co-existence of rival forms of authority are remarkable and unusual, particularly so in the Indian context. There is normally no flexibility for the recognition of antagonistic non-state armed groups, much less for tolerating explicitly fashioned militarised governance institutions that operate inside Indian territory, but explicitly outside its constitution. India's attitude towards ethnic separatist insurgencies, particularly in sensitive border areas, is normally uncompromising and formalistically Weberian in its ambition. That is, it is based on the overwhelming imperative of preserving territorial integrity and regaining the monopoly of violence.

The Indian government's approach to the Naga conflict also has to be situated within a larger, overlapping portfolio of separatist insurgencies and violent conflicts across the north-east (Misra 2014, Nag 2002, Verghese 1996, Baruah 2005, Hazarika 1994). Many of these conflicts are intensely complex because they are mutually interlocking, so that the substantial resolution of any one often has major repercussions for other nearby communities. This 'durable disorder' that Sanjib Baruah describes is characterised by the presence of 'ethnic militias, counter-insurgency operations, state-backed militias, developmentalist practices, and the deformed institutions of democratic governance' (Baruah 2005:13). Within just the state of Manipur, there were 25 armed groups as of 2015 under official 'Suspension of Operation' agreements with the government (Ministry of Home Affairs Annual Report 2015, p.17), and numerous others in various stages of hostilities. As Vanderkerckove (2011: 763) describes, the Indian government's Weberian ambition belies the fact that 'the state lacked *de facto* sovereign control in major parts of Northeast India'. Nevertheless, these complexities aside, the situation that prevails under the Indo-Naga ceasefire, and the possibilities that were hinted at under the hitherto secret August 2015 'framework' agreement can potentially challenge many of the certitudes that have prevailed (Baruah 2017). Given that the Naga conflict is viewed as an 'umbrella' movement for the numerous ethnic insurgencies in the north-east region, its evolution and the nature of its resolution sets a precedent that can have much broader influence.

This paper draws on fieldwork from Ukhrul in 2015-17 in the Indian state of Manipur to illustrate how political order is built and sustained under circumstances marked by parallel governance institutions established by rival claimants to authority. We draw on interviews, meetings, and interactions with a range of actors in the Indian administration and military, local police, senior ministers in the NSCN(IM), civil society activists, NGO workers, and other actors, together with supportive evidence from media and documentary sources. We use this evidence and draw on the conceptual/theoretical literature on plural political orders as a point of departure to explain the contours of this case, and to suggest whether a plural/hybrid co-existence can contribute to peacebuilding. Section 2 establishes the conceptual basis of the

paper in the contemporary literature on hybrid political orders. Section 3 is a brief historical and contextual account of the circumstances surrounding the ceasefire. Section 4 is an account of the parallel security situation in Ukhru under the ceasefire. Section 5 is on the civil administration. Section 6 concludes.

2. Political Order

How is political order constructed in a situation where there is a stable ceasefire, and control is shared between rival forces? Beyond the specificities of the case at hand, much of the vocabulary and frameworks of relevance to describe this scenario have been developed in response to the 'new wars' of the 1990s, and the breakdown of state authority in parts of the former Soviet Union, West Africa, horn of Africa, Middle East, and South-East Asia. The vast difficulties encountered in reconstructing state authority in those areas have posed fundamental challenges to the Weberian-Westphalian axioms of statehood and international society, based on the assumptions of individual, self-contained, sovereign states, with functional institutions, well demarcated borders, culturally homogenous populations, popular legitimacy, and monopolies of violence.

In many of the exemplary case studies that populate this literature - Iraq, Sierra Leone, Somalia, the D.R. Congo, and Afghanistan - there is a broad conclusion that the ambition of transforming deeply divided, war-torn societies into modern liberal market democracies failed. Despite the vast resources devoted to them, post-conflict states lacked the basic criteria for functional statehood with weak legitimacy, authority, financial autonomy, or territorial control. They depended on external recognition, funding and military support, a factor that reproduced the cycle of fragility and failure.

From this experience of disappointment, a new generation of practice and scholarship has emerged to provide a more organic understanding of how institutions actually work, and how political order is actually constructed. This has generated a new set of concepts on 'negotiated statehood' (Hagmann and Peclard 2009), 'shadow states' (Reno 1999), 'twilight institutions' (Lund 2006), 'political settlements' (Khan 2010), or 'hybrid political orders' (Boege et al, 2009). There is also much that connects this new literature with an earlier generation of similar work on legal pluralism (Griffiths 1986, von Benda-Beckman 1997, Merry 1988). Studies of 'strong men', clientelism, neo-patrimonialism, and the 'everyday state', (Erdmann and Engel 2007) have provided considerable insight into the ways in which formal rules-based governance systems are subverted by other sources of authority. As Hagmann and Peclard (2010:546) describe, they represent a 'more grounded approach to statehood whose starting point is empirical and not judicial'. This is also an approach that has emerged separately in the growing literature on the 'local state' in India, where the state's juridical sovereignty is constantly resisted, constrained and captured from within by what Thomas Blom Hansen (2005) describes as 'sovereigns beyond the state': the authority of caste, religion, patriarchy, customary law, corruption or criminal organisations. In this context, Paul Brass's classic study of a communal riot in Uttar Pradesh describes 'a set of formal rules and practices obeyed by a few, a set of

informal rules and practices followed by most' (Brass 1997: 279). Craig Jeffreys (2000) shows how a dominant land-holding caste community was able to use influence in the political hierarchy and local administration to consolidate their control. Barbara Harriss-White (2003) has described the way caste, gender, religion and other social structures regulate and govern large parts of the economy.

What these different clusters of theoretical and empirical literature share in common is a dissatisfaction with, and an agenda to transcend what is termed the 'iceberg' view of political order. In analytical terms, it has led to a greater awareness that political order is composed of many different sources of public authority beyond just the state. By limiting the analytical and empirical frame to what is superficially visible –the juridical formality of the state - is to ignore the more substantial, multiple realities. Indeed, the preferred concept is increasingly found to be this more inherently plural one of 'political order', rather than that the more monolithic idea of the 'state'.

We thus arrive at a definition of political order as the effect that is produced by the interaction of a plurality of authority structures, both public and private. It is constituted not just by formal state institutions, but also by a fluid and shifting composite of other authority structures, such as customary law, religion, and ethno-nationalist subjectivities. These structures of authority regulate social life through a variety of registers, from coercive violence and economic incentives from above and outside, to the regulation of the inner self from the inside. To that extent, it is redundant to use the word 'hybrid' to qualify a certain category of political orders. The existence of a plurality of sources of governing authority is not a pathology of the poorly governed, or a product of dysfunctional states, as the idea of 'hybrid' political orders and its deployment in troubled societies would suggest.

3. Context

INSERT IMAGE 1 (Map of Ukhrul)

The Indo-Naga conflict is the oldest running internal 'ethnic' secessionist movement in India, dating back to the time of decolonisation in 1947. Space constraints do not permit an adequate account of the evolution of Naga identity, the independence movement, and the political history, which is well documented, so the focus here is necessarily synoptic. The Nagas, who constitute a cluster of some 35³ distinct hill peoples straddling the Indo-Myanmar border in the Eastern Himalayas (Franke 2012, Shimray 2005, Lintner 2015), and numbering between two and three million, have historically resisted incorporation into independent India and have fought for self-determination and independence. In this and many other respects, there are important parallels to the nearby hill peoples across the Myanmar border, many of whom also fought

³ There are 35 recognised as Scheduled Tribes in India's 1991 census. There is, however, some ambiguity and fluidity in the definition of who constitutes a Naga.

separatist insurgencies against the post-colonial state from the time of independence, followed by a wave of ceasefires since the 1990s.

As James Scott (2009) describes at length of the 'Zomia' region that this terrain naturally falls within, the hill/valley divide has historically marked Nagas apart in political, economic, and cultural terms from their nearest neighbours in the valleys of Assam and Manipur (Phanjoubam 2010). The geographical impenetrability of the hills made them difficult to access and govern, rendering them, a historically 'non-state space'. In the colonial period, British administrators sought to preserve the structure of tribal hill societies and customary laws, ostensibly to limit the risk of economic exploitation and demographic influx from the valley and the rest of India. As a result, the administrative structure in the hills and the system of land ownership, remained distinct from that of the valleys. Beyond the nodal points of British control, society was constituted at the level of largely autonomous self-governing villages within larger tribal identities. The most significant socio-cultural transformation that took place in this period came through the religious conversion of most Nagas to Christianity during the 19th and 20th centuries (Thomas 2016), making the church - particularly the American Baptist church, an important source of authority.

From the mid-1940s, the Naga National Council (NNC) of A.Z. Phizo advocated self-determination for the Nagas, seeking to avoid an involuntary incorporation into independent India. After decolonisation, the NNC rejected the special status and a degree of autonomous self-government that the Nagas as 'scheduled tribes' were offered under the sixth schedule of India's 1950 constitution. During the 1950's, the NNC escalated the pace of their campaign for self-determination, by conducting a plebiscite, unilaterally declaring independence, launching a boycott campaign of Indian state institutions, and promoting a parallel system of administration based largely on existing structures of village and tribal self-governance. By the mid-1950s, this campaign had escalated into an increasingly militarised confrontation with Indian authorities, who inducted paramilitary forces, and later, the army (Panwar 2017, Means 1971, Hazarika 1994).

Political negotiations and a ceasefire in the next two decades amid ongoing levels of insurgency resulted in a series of compromise arrangements whereby the Indian government sought to address Naga aspirations within the Indian federal framework. Key among these were the formation of the state of Nagaland in 1962, and the Shillong Accord in 1975. However, dissatisfaction with the perceived inadequacies of these compromises led to a renewal of Naga separatist militancy under the National Socialist Council of Nagaland (NSCN). Formed in 1980 by Th. Muivah, Isak Swi Chu, and S.S. Khaplang, the NSCN subsequently split in 1988 into two rival factions, with the dominant Isak-Muivah group based largely on the Indian side, and the Khaplang group with a greater base among Nagas in Myanmar.

The ceasefire of 1997 between the Indian government and the NSCN(IM) was initially effectively only for a one year period, and was subsequently renewed annually until 2007, when it was extended indefinitely. In this time period, over one hundred rounds of negotiations were

held between the two sides. Nevertheless, and despite the announcement of a significant breakthrough in August 2015, a final institutional/political solution to the long standing separatist conflict has not, as of the time of writing, emerged. In large part, this is because of the complex ethno-geography of the region. The NSCN (IM) aims to create a state of 'Nagalim' or 'Greater Nagaland' that includes the territory of the present Indian state of Nagaland, along with the neighbouring, Naga populated areas in India and Myanmar. In India, alongside parts of the state of Assam and Arunachal Pradesh, the most controversial part of the irredentist geography of Nagalim relates to the adjoining Naga populated areas in the hills of Manipur. This is contested by the Meiteis people of the Manipur valley and also by non-Naga hill peoples such as the Kukis. Although the complex and fluid definition of Naga identity sometimes seeks to incorporate these hill peoples as Nagas (Ngaihte 2014, Kingpen 2013, Baruah 2003), there has also been strong opposition to it, and there were serious incidents of Naga-Kuki violence in the 1990s. The protracted political deadlock in arriving at a final political solution means the process of conflict resolution between the Indian government and the NSCN(IM) has been trapped in the ambiguities and uncertainties of the ceasefire phase for two decades. In the absence of such resolution, the temporary provisions put in place to bring about an end to the violence have become a longer term reality, and one that both parties have to some level adjusted themselves to.

There are three important sources of public authority in Ukhul to be considered: the Indian administration, the NSCN(IM), and the customary institutions of Tangkhul village and tribal society. While parallel structures of authority were present during the years of insurgency, the ceasefire has significantly changed the environment within which civilian governance actors and institutions on both sides operate, and it has made them far more important. There are two reasons for this: on the one hand, by containing and managing violence, the ceasefire has allowed normal government institutions to operate openly and safely, and to expand their reach in areas where functionaries would previously have been vulnerable to violent attack. On the other hand, the restricted mandate of the ceasefire is such that it regulates and suppresses only the explicitly military dimensions of the confrontation. That means that the underlying political conflict and contention for authority, which endured through the ceasefire, is channelled into performances of statehood and towards deepening and expanding the reach of their civilian administrative institutions.

Of the three Naga-dominated districts in Manipur, Ukhul has important specificities, and stands out for the extent of the NSCN(IM)'s dominance. This means that unlike other parts of the ceasefire terrain where control is more fragmented and tenuous due to the presence of smaller armed groups, both Naga and non-Naga, there is here a relatively straight-forward situation with just the state and one large non-state armed group to contend with. It is similarly different from the situation in the Manipur valley, where there are multiple 'UGs' (underground groups) in operation, creating a more fragmented and contested terrain - although levels of violence have gradually reduced in recent years (Karnad and Jajo 2016, Bhosle 2015).

Ukhrul's peculiarity in this regard is entirely because it is predominantly populated by a single Naga tribe, the Tangkhul Nagas. Tangkhuls comprise over 90 percent of the population, and are closely insinuated within the NSCN(IM)'s organisation and hierarchy. The NSCN(IM) leader, Th.Muivah is himself a Tangkhul from Ukhrul, as are a disproportionate share of the cadres. The districts of Senapati and Tamenglong also have significant but lesser NSCN(IM) influence on the ground, largely because of the greater presence of non-Tangkhul and non-Naga populations. In that sense, the focus of Ukhrul in this study is not intended to provide a representative case of the effects of the ceasefire across its terrain, but an illustrative example of the parallel governance system at its most acute. This generates a relatively more simple and stable dyad upon which political order is generated and can be decomposed for analytical purposes.

4. Security and the Military Equation

Carl Schmitt (2007: 52) characteristically notes that 'no form of order, no reasonable legitimacy or legality can exist without protection and obedience'. The regulation of the means of violent coercion is a foundational prerequisite for political order, and it assumes paramount importance at certain times, such as in the transition out of violent conflict. We thus begin the description of the parallel administration system in Ukhrul in terms of security and the military equation between the Indian security forces and the NSCN(IM). What is important to note firstly is that under the ceasefire, the two sides are not geographically separated. Apart from a small radius around designated military camps,⁴ there are no ceasefire lines, and no carved out areas of exclusive control to keep the combatants apart.

The Indian security forces and the NSCN(IM) that they once fought against, are physically present alongside one another, cohabiting and exerting their authority over the same heavily forested hilly territory and its relatively sparse population. In Staniland (2012)'s typology of 'wartime political orders', this constitutes a relationship of 'tacit coexistence' with 'managed expediency' due to the fragmented control of territory and passive nature of state-insurgent cooperation. There is an 'interweaving of state and non-state violent organizations in the context of fragmented, overlapping control'.⁵

The ceasefire has been successful insofar as it has brought a sustained pause to the violent conflict, although this is not immediately apparent, because the security situation on the ground is often tenuous and prone to crisis. There is a constant stream of shootings, abductions, assaults, mass actions and strikes in and around Ukhrul town. The District Commissioner of Ukhrul, the senior-most Indian government official has on more than one occasion, had his car set on fire, while the Chief Minister of Manipur's helicopter was fired upon during a visit to Ukhrul in October 2016. The main road arteries in the district, leading to Imphal or Dimapur are often blockaded and shut down by armed groups or demonstrations.

⁴ Because of the ambiguous and controversial applicability of the ceasefire outside Nagaland, designated NSCN(IM) camps in Manipur are properly referred to as 'taken note of' camps.

⁵ It should be noted that we differ in this regard from Staniland's own categorisation of the Indo-Naga case within his matrix, which he finds to be a case of 'spheres of influence' arising from segmented control.

Commercial enterprises and traffic are routinely subject to 'taxation', and punished if they fail to pay.

This reality notwithstanding, there has, since the high point of the mid-1990s, been a considerable reduction in the incidence of violence, and the restoration of normal everyday life. The ceasefire agreement provides a set of clear ground rules of conduct: both sides are committed to ending offensive operations against one another, and also to take measures to prevent accidental violations from escalating further. There is a ceasefire monitoring board composed of five representatives from either side, with its chairman appointed by the Indian government. Despite periodic crises, the ceasefire has been successful, in that it is observed by both sides, and has brought the open hostilities of insurgency and counter-insurgency to an end.

It is, however, important to note the conditions under which this co-existence occurs: the ceasefire agreement is not just a standstill between two equal sides, as the balance of restrictions in the rules are clearly in favour of the Indian side. While the Indian security forces are committed to 'not cause harassment/damage or loss of property or injury to the civilian population', the NSCN(IM)'s has more onerous conditions, and is confined to a series of designated camps between which movements are restricted and controlled. They are furthermore required by the ground rules to desist from aiding other insurgent organisations, to end extortion (taxation), forced recruitment, or disrupting transport routes or government development projects. In other words, the agreement aspires to establish a system whereby the Indian state is clearly the dominant authority, preserving *de jure* and *de facto* control of the territory at large, while permitting the NSCN(IM) a peaceful, but carefully controlled, limited existence.

In practice, though, the realities on the ground are more relaxed and flexible than those in print. Its provisions are routinely subverted, and the Indian security forces appear to tolerate this. The NSCN(IM) is able to fluidly project coercive authority well beyond the bounds of its camps, often very openly and without challenge - although it is careful to calibrate that within a set of invisible red lines. With an estimated 5,000 armed cadres, and as an organisation that remains primarily military in its outlook and organisation, the NSCN(IM) is very aware that the political space and authority that it enjoys under the ceasefire derives ultimately from military strength, and from projecting a credible latent capacity to return to war. Consequently, military preparedness and coercion continue to play an important part for the NSCN(IM) both internally and externally. Internally, it serves to reinforce the NSCN(IM)'s position within Naga society, giving it the ability to defend Nagas and negotiate a political settlement with India. It provides the NSCN(IM) with the basis to assert domination over Naga society, wield control of a wider set of Naga customary institutions and civil society organisations, and also to enforce revenue collection such as tolls and taxes.

Externally, coercive violence serves largely to confront and contain rival organisations such as the Khaplang group, to protect important sources of revenue, or to protect Naga villages

against non-Nagas. For example, despite the heavy presence of Indian security forces in the area, it is the NSCN(IM) that is widely expected to keep Ukhrul safe from attacks by valley-based groups, and this expectation was shared even by members of the Indian administration.⁶ Following a series of bomb blasts in civilian areas of Ukhrul in September and November 2014, it is the NSCN(IM) that is reputed to have tracked down and dispensed retribution to the perpetrators.

The Indian security forces seek to contain the NSCN(IM) to some extent, by maintaining a significant presence to monitor unauthorised movements, disrupt tax collection, and prevent the NSCN(IM) from establishing new camps. This task is primarily the responsibility of the army, and more often, the paramilitary Assam Rifles, rather than the state police force. However, the larger prerogative that both sides share of preserving the ceasefire means that there are limits even to covert and indirect forms of warfare, and a clear mutual sense of what constitutes permissible conduct. In practice, both sides observe a considerable degree of pragmatic tolerance and self-restraint, although these boundaries are constantly tested.

These unwritten rules are also more flexible, and can, within limits, change from one setting to another across the ceasefire terrain. For example, Indian security forces are more permissive of NSCN(IM) activity in Ukhrul, and less so elsewhere. An Indian military official described the calculation: 'It is totally different how we deal [with the NSCN(IM)] in Tamenglong and here. Here [Ukhrul] there is no other group. In Tamenglong, we see that they stay divided'.⁷ That is, whereas the rules dictate that NSCN(IM) cadres in uniform and bearing arms outside designated camps are to be arrested, this rarely happens, and NSCN(IM) patrols are often on patrol in the open.⁸

Rather than openly disregarding the ceasefire and risking an open military confrontation, there are also a number of mechanisms by which the contention between the two sides is pursued by other vicarious means. This happens for example through covert attacks and the promotion of proxies to conduct attacks against one another. The NSCN(IM) has historically provided support, including weapons, to other separatist groups in the northeast, while the Indian intelligence services have promoted rival militant organisations such as the Zeilangrong United Front (ZUF) who undermine and attack the NSCN(IM). But even more importantly, the deployment of coercive authority takes place not solely through military force, but through what can be described as civilian force multipliers. In Ukhrul, where civilian support for the NSCN(IM) is widespread and deep, considerable pressure can be exerted through organised mass action. That is, Naga civil society organisations such as the Naga Student Federation, Naga Mothers' Association, or the United Naga Council (UNC) - who support and are influenced by the NSCN(IM) are able to advance non-military coercive pressure, sometimes with devastating effectiveness through strikes, road blockades, and gheraoing. Between November 2016 - March

⁶ Interview, Government Official, 15-05-2016, Ukhrul

⁷ Interview, Indian military officer, 25-03-2017, Ukhrul

⁸ Emblematic of this is an Assam Rifles officer we interviewed who candidly described how he often crossed paths with NSCN(IM) while both sides were on patrol, and had developed a rapport with his opposite number.

2017 these groups brought the Manipur valley to a standstill with a four month blockade of the main road link that connects the valley to the rest of India, triggering widespread shortages of fuel and many essential commodities in the valley. While these actions are often evidently set in motion by the NSCN(IM) itself, the extent to which their coercive reach is conducted at arm's length, by other organisations is testament to the broader reach and control that the organisation is able to exert.

In sum, the military equation between the two sides is contained under the ceasefire, but it retains a certain element of fluidity even so. The formal military standstill is, within limits, undermined and subverted by the covert projection of military power, but also through the overt projection of non-military coercive power. For this reason, the political order that has emerged under the ceasefire is a function not just of the de jure military standstill that is delineated, but also of the more complex de facto realities of the way coercive authority has come to be deployed under it.

5. Civil Administration

After the 1997 ceasefire, we function openly. We have been running government in 26 regions. All cases were brought to the GPRN. All disputes: village, individuals, all courts are Naga. No one goes to India. We settle the disputes - Kilo Kilonser (Home Minister) NSCN-IM.⁹

The existence of separate, parallel sources of authority in the Naga hills has its provenance in the relationship of the colonial state to Naga society, and its largely autonomous, village and tribal-based institutions. In contrast to the valleys, the hills were governed by customary law, and retained communal forms of land ownership to preserve the identity of the hill peoples and protect them from economic exploitation. Since independence and the accession of the princely state of Manipur to the Indian union, there have been several attempts made by Indian authorities to bridge this gap and create devolved institutions of governance for the 'scheduled tribes' of the hills within an overarching Indian governance structure. This has for the most part failed because of resistance from the hill peoples (both Nagas and Kukis).

The Indian governance structure in Ukhrul follows the standardised template that is common to district level administration through the rest of the country. Headed by a career civil servant of the rank of District Commissioner, the administration is responsible for a range of functions, including law and order, development schemes, and revenue. Law and order is provisioned through five police stations in Ukhrul headed by a Superintendent of Police, and staffed with 200 police personnel (Statistical yearbook of Ukhrul 2014). The district administration coordinates with central and state level ministries and departments on a wide range of functions such as elections, public health, education, irrigation and rural development, through which welfare and development schemes are delivered. These include standard programmes that are unrolled across India such as the Integrated Child Development Scheme (ICDS), or the

⁹ Interview, Rh Raising, 21-06-2016, Dimapur, Nagaland

Sarva Shiksha Abhiyan (universal education). Beyond these functions, the Indian administration and the related public sector also serve another important function as the most important source of formal sector employment. In addition, the steady flow of government contracts are the most important source of private sector accumulation and employment. The Indian state as such, encompasses the lives of people in Ukhru in multiple dimensions through a well funded, staffed, and multi-faceted machinery of governance.

The NSCN(IM)'s administration at the district level is, just as with the Indian system, a component of a larger multi-level hierarchy of governance across the terrain of control claimed as the Naga homeland or Nagalim. At the apex of the structure is the executive, composed of the prime minister, who is the NSCN(IM)'s general secretary, Th. Muivah. The prime minister is in charge of four major ministries (Defence, Home, Finance and Foreign Affairs) that sits alongside a legislative body, the Tatar Hoho. Administration is devolved into 26 regions, each of which is headed by an executive Chief Administrative Officer (CAO) and a local legislature or *Leacy*. In functional terms, the CAO of Ukhru is the counterpart to the District Commissioner, and has responsibility for local policing and justice based on customary law. According to a budget plan presented for the entire organisation, The NSCN(IM)'s overall budget, including civilian and military operations is Rs 170 Cr for 2016-17, (approximately US\$25 million).¹⁰

While the present system of parallel governance in Ukhru has emerged under the protracted ceasefire, the origins and basis of the NSCN(IM)'s civilian administration lie in the longer history of the Naga movement for self-determination and independent statehood since 1947. The Naga National Council (NNC) that initially led the independence movement in the 1940s was composed as a federation of tribal councils, and was as such built on the existing structure of customary village governance at the time. The NNC leader A.Phizo went on to declare independent statehood in the Federal Government of Nagaland (FGN), boycotting Indian institutions, including the elections and launching an armed struggle. The subsequent generation of Naga activists from the 1960s moved beyond the customary framework to articulate a modern constitution with a pan-Naga governance structure, the *Yezhabo*, which continues to be the framework around which the present structure of the NSCN(IM)'s administration is based.

CHART 1

There remains widespread feeling among Nagas that their incorporation into India was involuntary, illegitimate, and very brutal, and that Indian institutions are an unwelcome alien imposition to be rejected, or at best, to be pragmatically endured. In contrast, the NSCN(IM)'s institutions inspire a patriotic reverence as the expression of a hard-fought struggle for independence that brought nationalist aspirations for self-rule to fruition. Moreover, NSCN(IM)

¹⁰ Sudeep Chakravarty (2016) A Rebel Needs a Cause and Budget. Livemint. 29 September 2016. Downloaded from: <http://www.livemint.com/Opinion/oEGSnUNKORezAQI8sDGrcI/A-rebel-needs-a-cause-and-budget.html#.WRMylskmS1Y.email> on 22 November 2016.

institutions are valued because they are local, accessible, staffed by Nagas, and organically connected to customary institutions. As an Indian government official in Ukhrul described very candidly, 'The IM recognizes the village level traditional structures and wholeheartedly supports them. They support it because it is theirs. We [the Indian administrative system] are the anomaly here.'¹¹

In other words, the assertion of statehood and governance institutions has for long been an important component of the contestation for power and predates the 1997 ceasefire. However, the ceasefire and the cessation of violence has generated the opportunity for these institutions to function, expand their reach, and to evolve with respect to Indian governance structures. As the NSCN(IM)'s Kilo Kilonser (Home Minister) explained, 'during the struggling period, we had a civil setup, but it did not openly function'.¹² In contrast to the more loosely strung structure of governance of the early NNC years based largely on the existing village units, the NSCN(IM) has advanced a set of modern, centralised, pan-Naga governing institutions staffed with functionaries, that draw in, but yet, supersede and transcend customary village and tribal-based institutions.

At the same time, the NSCN(IM)'s support and legitimacy are not absolute, but also have limits that are being tested as the ceasefire drags on. As the organisation has extended its spheres of control, it has also come under a growing tide of criticism from within Naga society. In our interviews, we were able to detect a level of resentment directed particularly at two elements: the widespread taxation system and the culture of military authoritarianism. While the NSCN(IM) views their de-facto government as having a legitimate right to levy tax', (and the Kilo Kilonser described how 'no one refuses to pay',¹³ our interviews in Ukhrul suggest that there are tensions where the NSCN(IM) asks for extra taxes, and these can involve force and violence. One interviewee in Ukhrul described, 'In the 1980s and early 1990s, the IM had absolute respect. After the ceasefire, when they entered the contract business, they have lost legitimacy. Now obedience comes because they have guns.'¹⁴ An NGO worker in Ukhrul described how 'people cannot voice their dissent because the IM are armed'.¹⁵ Under these circumstances, there are a range of alternative voices and organisations that have emerged from within Naga society, particularly in nearby Nagaland, that have openly challenged the NSCN(IM) over issues ranging from womens' representation and natural resource rights, to greater accountability.

In formal terms, the Indian government and NSCN(IM)'s civilian administration systems do not mutually recognise one another or have any nodes of connection. People in Ukhrul negotiate the existence of two different systems on a daily basis, and can in some cases opt for one over the other. The two sides have separate offices, albeit close to one another in Ukhrul town, but are derived from distinct histories, cultures, and rules of operation. There are in addition, large

¹¹ Interview, Government Official, 15-05-2016, Ukhrul

¹² Interview, Rh Raising, 21-06-2016, Dimapur, Nagaland

¹³ Ibid

¹⁴ Interview, student union member, 16-05-2016, Ukhrul

¹⁵ Interview, NGO worker, 24-03-2017, Ukhrul

differences in their capacities, funding, and functions, so that they craft the form and content of governance in distinct ways. Both systems provide security through their military and police services, as well as forms of representation and judicial institutions. But most public services beyond that, such as health, education, or social welfare, are provided only by the Indian institutions, who draw not on the negligible pool of local taxes that are raised, but on a sizeable volume of fiscal transfers from the central treasury in New Delhi.

This is to some extent a challenge to the broader idea of contractarian legitimacy contained for example in Mampilly's (2011) work, through which the authority to rule by non-state armed groups becomes legitimised and consensual through the provision of public services. Here instead, the model appears to be inverted because the NSCN(IM) clearly has deep public support and legitimacy without providing any services, while the Indian government, which does provide services, evidently lacks that legitimacy. This is not to suggest that service provision or legitimacy are irrelevant issues here, but the causal link between them is more complex and needs further investigation. In Nandini Sundar's work on the similar juncture between the Indian and the Maoist authorities in central India, she describes how 'Forced to choose, the poorer people across villages say they prefer the Maoist state but with a real sense of regret at the government funds they are forced to forgo' (Sundar 2014:477). There are some insights into this paradox provided in Suykens (2015) comparison of the governance forms of the NSCN(IM) to those of the Maoist insurgency in central India. He finds that Naga rebels, who base their authority on ethnicity, extended security only to co-ethnics, expected all Nagas to pay taxes, and to submit to them. In contrast, the Maoists in central India, who lacked the concreteness of an ethnic link, were far more cautious in their governance, provided social services, and had to 'earn' the support of the people.

The NSCN(IM)'s approach to establishing its authority through civilian governance lies not in mirroring and competing with the far better funded Indian system. Instead it has a three-fold strategy that is able to maximise its presence drawing on widespread public support, depth of penetration into society, and the ability to project considerable coercive pressure. Firstly, in some spheres, such as security, policing, or taxation, there is an entirely parallel structure that is staffed and operated directly by cadres of the NSCN(IM). In Ukhrul, the Indian (Manipur state) police force is mirrored by the NSCN(IM)'s 'Town Command', an alternative police force of 25 staff. Town Command is widely considered more effective and accessible than the Indian (Manipur) police force. As one informant described 'you just give them a call, no formal complaint required.'¹⁶ A senior Indian police official also confirmed that most people in Ukhrul would use Town Command over the police.¹⁷ At the same time, this reputation for efficiency can amount to more summary and brutal forms of punishment, and people weigh issue when making decisions on who to approach. A civil society activist in Ukhrul who would normally call the Town Command in most cases, explained how in one instance which involved minors

¹⁶ Interview, civil society member, 16-05-2016, Ukhrul

¹⁷ Interview, senior police officer, 17-05-2016, Ukhrul

stealing food from a canteen, he chose to call the police instead, because ‘the Town Command can be a bit rough’.¹⁸

The NSCN(IM) also has an extensive, and autonomous revenue collection system which sustains the organisation. In contrast to the Indian institutions, which depend largely on transfers, the revenue basis for the NSCN(IM) institutions is local, based on taxing revenue from households, commerce, employees, and government contracts. It is widely known that Naga salaried employees pay two percent of their salary (see image 2) and each village household pays a flat 250 rupees. Image 4 is an official receipt acknowledging that 5% of the value of a government infrastructure contract was paid as tax to the NSCN(IM).

Secondly, there are other areas of governance where the NSCN(IM) does not directly establish institutions, but draws on, co-opts, and dominates existing Naga customary institutions and civil society organisations. In terms of land transactions, justice, and dispute resolution, the NSCN(IM) governs by connecting its institutions of policing with existing customary institutions, and this is the process that most people in Ukhrul will opt for over the Indian court system. Village and tribal justice institutions are hierarchically organised into an overarching structure, (see chart 2) at the apex of which lies the NSCN(IM)’s own supreme oversight body, the National Judicial Body (NJB). An Indian official described:

*First they (the people of Ukhrul) would go to the village authorities as a first court. Then they would go to the TNL [Tangkhul Naga Long] or IM [NSCN(IM)], there is not much difference between them. If this doesn’t work, they come to us [the Indian institutions] as a last resort.*¹⁹

INSERT CHART 2

In addition to the judicial system, the NSCN(IM) also wields strong influence in a range of other civic and tribal organisations, such as the Naga Mother’s Front or the Tangkhul Naga Long. The NSCN(IM) greatly influences the decisions and functioning of most Naga customary and civil society organizations, to the extent that they serve to extend the organisation’s voice and reach deep within society. This influence is often voluntary, and many are openly sympathetic to the NSCN(IM). However, the mechanisms of cooption and control can often be very coercive. In one particularly shocking case in 2013, the NSCN(IM) killed Jonathan Kashung, the front-runner in the election to the presidency of an important tribal body, the Tangkhul Naga Long (TNL), allowing their preferred candidate, Artax Shimray to win.

Thirdly, in other areas, including public service provision and welfare, the NSCN(IM) extends its authority over civilian governance indirectly, by influencing or even gaining control over parts of the Indian political and governance structure. This occurs on the one hand through

¹⁸ Interview, student union member, 16-05-2016, Ukhrul

¹⁹ Interview, senior police officer, 17-05-2016, Ukhrul

influencing elections and exerting pressure, including death threats on Naga elected representatives to the state Legislative Assembly and Autonomous Development Council (ADC), so that they act in accordance with the organisation's directives. On the other hand, influence over governance is also exerted through pressure over the Indian government's administration officials, primarily to direct the flow of contracts and resources. In Ukhrul, more so than other areas, the NSCN(IM) is able to direct what government schemes are to be implemented, where, and most importantly, by which contractor. The *Kilo Kilonser* elaborated that 'state employees, MLA's and MP's need to be with us as we are the people's government. If they are not, we need to change it. They have to pay loyalty to the GPRN.'²⁰ While influence over the administration is most effective with lower level officials, who are mostly Tangkhuls from Ukhrul, the NSCN(IM) also exerts pressure on senior officials, who are mostly not Nagas. Indeed, Indian bureaucrats that are found to be uncooperative in this regard have been pressured to leave Ukhrul and seek a transfer, as happened with the then District Commissioner in September 2016.

Government schemes in Ukhrul require the explicit permission of the NSCN(IM), which takes the explicit form of a 'No-Objection Certificate' (NOCs), while their contracts are typically awarded to those decided by the organisation. Image 3 is a copy of one such letter of recommendation, directing the construction work on a cement footpath to be awarded to a particular contractor. The recommendation is worded as 'binding and final', and to be treated as 'top priority without any changes'. On most infrastructure projects like this, the tax is five percent, and is transparently accounted for, with official receipts provided as proof of payment. Image 4 shows a receipt issued by the NSCN(IM) from the contractor of a Border Area Development Programme (BADP) project. With flagship welfare schemes like the national rural employment guarantee scheme, the tax collected from the various parties can be as much as 20 percent of the total funds.

This form of 'taxation' is not restricted to Ukhrul or the NSCN(IM): government contracts routinely attract demands for 'tax' by armed groups in the rest of Manipur and the north-east. Outside Ukhrul, and in places where there are rival armed groups, competition over the control of this lucrative source of revenue is fierce, and leads to violent clashes. Paradoxically, this process of predatory rent extraction is fuelled by the high volume of fiscal transfers from New Delhi, the intended purpose of which is to use economic resources to diminish the underlying causes of conflict. By constructing infrastructure projects, implementing welfare schemes, and providing government employment, the underlying motive of the Indian government is to generate bonds of economic linkage and contractarian legitimacy to counteract the weak loyalty that many feel to India. However, this approach often does the reverse, and fuels violence, and in the case of Ukhrul, forms a substantial part of the revenue base that the NSCN(IM) uses to maintain a parallel governance structure. Despite the constant flow of funds, the Indian administration in Ukhrul is often viewed as a barely tolerated outsider. As one informant in the administration described: 'People do not view this as their government. They

²⁰ Interview, Rh Raising, 21-06-2016, Dimapur, Nagaland

look at the government just as a source of money. It comes along with no obedience, no loyalty. They pay no taxes and they do not consider us theirs.’²¹

6. Implications and Conclusions

This paper has drawn on evidence from Ukhrul in the Indian state of Manipur to explain how political order has taken form in the aftermath of a lengthy period of insurgent conflict. Under the Indo-Naga ceasefire, the two contending parties have, in addition to a regulated military co-existence, constructed a parallel system of institutions in Nagaland and parts of Manipur to govern the civilian population. The word ‘hybrid’ has some descriptive lustre in characterising this outcome at an aggregate level of abstraction, but upon closer inspection, it is composed of three distinct levels of interaction. Firstly, one category of structures (primarily security) is parallel and coordinated. There are matching pairs of institutions which are mutually recognised under the written agreement, with oversight, monitoring, and restraint to regulate and preserve that separateness. Secondly, there is a second set that are parallel but uncoordinated - such as taxation, judiciary, and police. That is, there are competing pairs of institutions, but there is no formal recognition, or much informal interaction between the two sides. People can to some extent choose between the two. Thirdly, there is a category of governance institutions and practices where the presence is one-sided, and where the other lacks a commensurate counterpart. Indian institutions provide a range of services that has no parallel equivalent, but they nevertheless come under the substantial influence of the NSCN(IM), which is able to direct and control many of their activities and spending.

There are two ways in which this situation can be understood and interpreted. Firstly, one can view it in terms of the dysfunctionality of the outcome. The fact that a *functioning* system has evolved into being under the ceasefire does not imply that it is *functional* from the point of view of any of the constituent participants, or its end-users. The perpetually irresolute nature of the conflict, and the shifting outlines of what a final political outcome might take keeps the area prone to instability and tension. Dysfunctionality persists because of the impossibility of resolving the multi-sided nature of the conflict and the zero-sum territorial equation between the Nagas and the Meiteis. As Sanjib Baruah (2009:3) describes: ‘While New Delhi expects the magic bullet of development to eventually come to its rescue, for the moment, in a region that is peripheral to the national imaginary, the costs of letting low-intensity conflicts proliferate and fester are seen as affordable’. As a result, a schizophrenic and incoherent system of administration persists that is frequently prone to breakdown. This may of course not be entirely dysfunctional to all the participants: it might plausibly be understood as a relatively successful outcome for the NSCN(IM) in asserting their authority and resisting domination by the Indian government against the odds. Indian military and civilian institutions maintain a full presence in terms of military manpower, government offices, elected officials, policing and judiciary. They conduct a range of well funded and staffed programmes that deliver public services including security, justice, and welfare – but they are often ignored. In contrast, the

²¹ Interview, government official, 15-05-2016, Ukhrul

NSCN(IM) has a smaller, but more effective presence in a more modest range of functions. This situation has led to an unusual and extraordinary departure from the familiar parameters of Indian federalism: the Indian state actively collaborates and shares power with a separatist military group that has organised a rival structure of civilian administration in a sizeable territory adjacent to an international border. In this situation, there is a paradox of legitimacy such that the Indian government's supply of funds and provision of services fails to buy legitimacy, but may actually serve to undermine Indian authority and sustain the parallel system.

Secondly, there is a different explanation that is available by viewing institutional co-existence in its totality, as an evolving, productive system of political order. Under this view, the ceasefire, and the NSCN(IM)'s participation in civilian governance have important parallels to the way that former separatist rebels and ethnic militia leaders in other parts of the north-east have over time become part of the structure of 'legal' electoral politics within the Indian federal system. As Bethany Lacina (2009) explains, substantial authority is ceded to localised autocrats as part of a bargain to limit anti-government violence and to preserve the larger structure of Indian rule. Using their ethnic credentials, organisational links, funding from the centre, and coercive power, guerrilla fighters from the north-east have over time transformed themselves into what Erdman and Engel (2007:105) describe of neo-patrimonial regimes:

two role systems or logics exist next to each other ... These spheres are not isolated from each other. Quite to the contrary, they permeate each other: the patrimonial penetrates the legal-rational system and twists its logic, functions, and output, but does not take exclusive control over the legal-rational logic.

Even beyond the north-east, many elements of Ukhrul's parallel governance have a family resemblance to the way that parochial sources of authority across India compete with the state from the outside, while simultaneously capturing and corrupting it from the inside. As Hansen (2005: 191) describes, *de facto* sovereignty in India is not a monopoly, but is more broadly shared: 'the right and the capacity to make decisions, to adjudicate, to govern, and even to kill and punish, historically has been distributed between a range of authorities and institutions in India'.

The answer to the apparent contradiction between the Indian government's provision of services and the NSCN(IM)'s enduring legitimacy may then be that they should be seen not as separate state entities, but as component parts of an improvised, interlocking framework of political order. In this more unified framework, the co-existence of nominally separate and rival forms of authority belies the fact that they do not just co-exist but actually cohere, albeit with many problems, to piece together a system of order in which capital, coercion, and charisma are imperfectly brought together. Under the ceasefire, and with the passive participation of the Indian authorities, the NSCN(IM) has occupied a space that leverages its military capacities and wide following in Naga society to fold in customary institutions and authority, and to channel and command the financial resources of the Indian state. In doing so, political order under the

ceasefire has been forged in terms of the way this wide historic gap between the Indian state and the Naga people has been bridged by the NSCN(IM) under conditions of a ceasefire. This is not to suggest that it is a satisfactory outcome for either side, but that the whole needs to be viewed differently from its constituent parts. The NSCN(IM)'s ability to tax and influence the spending and services funded by the Indian government means that it serves as the entity that can enable and activate public access to those services. The challenge of doing so successfully requires it to have the ability to sustain two distinct forms of legitimacy. The first is based on identity and military capacity: it is the legitimacy that derives from being an authentic representative and protagonist of Naga identity and aspirations, from being a vibrant force of resistance to the Indian state. The second is a more contractarian form of legitimacy that derives from the ability to act as the gatekeeper that enables people to access the services and material benefits of the same state: employment, infrastructure, poverty alleviation schemes. As Lund (2006:689) describes, their "public authority seems to manifest itself in an ambiguous process of being and opposing the state".

Which of these two interpretations is more accurate? In many ways, this the same question posed in evaluating other nascent plural political orders in post-conflict territories such as Afghanistan, Iraq, or the Democratic Republic of Congo. Are the unstable and neo-patrimonial political orders that emerge in these territories to be understood as having failed for producing dysfunctional and weak formal state institutions? Or are they 'work in progress' arrangements evolving into shape between plural sources of authority that are learning painfully how to live together? Is the instability, violence, and corruption that is manifest evidence of failure? Or is to be viewed as a workable alternative to war, and a necessary transitional step in the long path to stable political order? In the Indo-Naga ceasefire, as in the cases such as Afghanistan, the evidence available to judge between these two possible explanations is ambiguous and contradictory. Many of the very confident evaluations and categorical predictions of the one or the other are in reality speculative, and based on over-interpretation of inconclusive evidence. The area in question has historically been a 'non-state' space, and the time that has elapsed under the ceasefire is brief in comparison, so that as Zhou Enlai famously said of the French revolution, the only confident conclusion that can be made is perhaps that it is too early to tell.

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CHART 1

Functional Parallels: Ukhrul

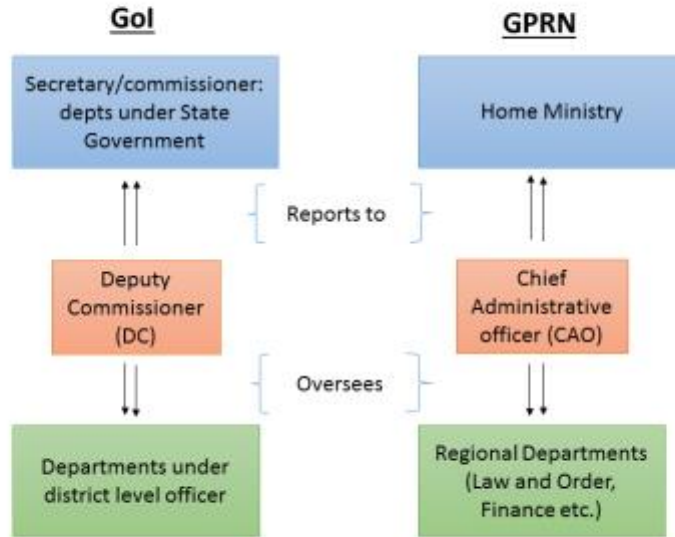


CHART 2

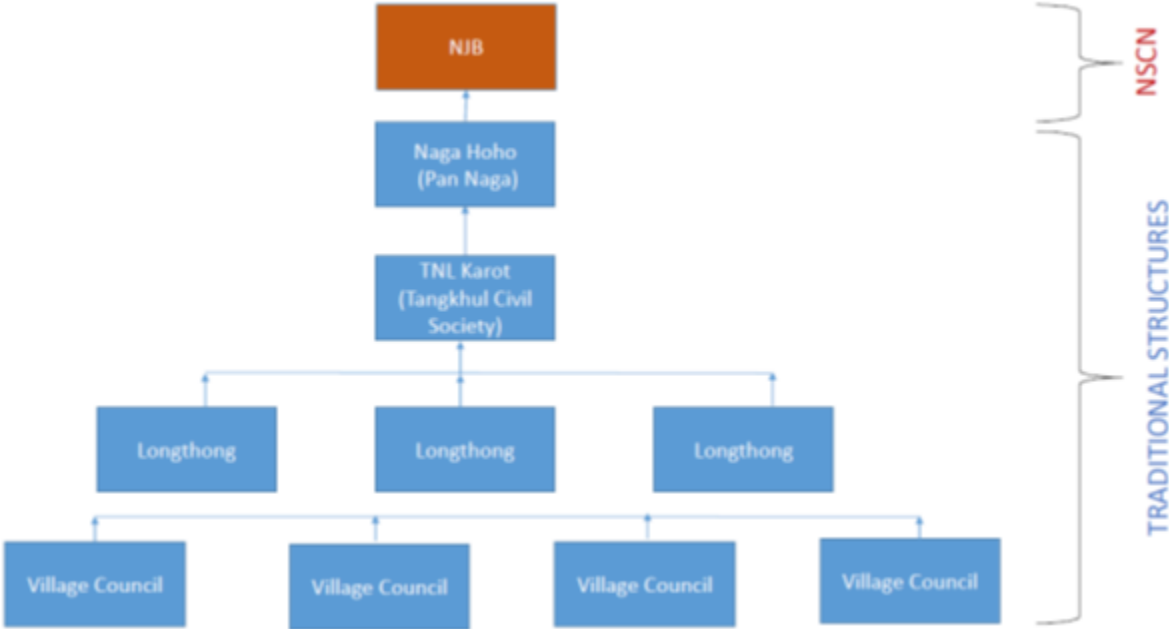


IMAGE 1



IMAGE 2:

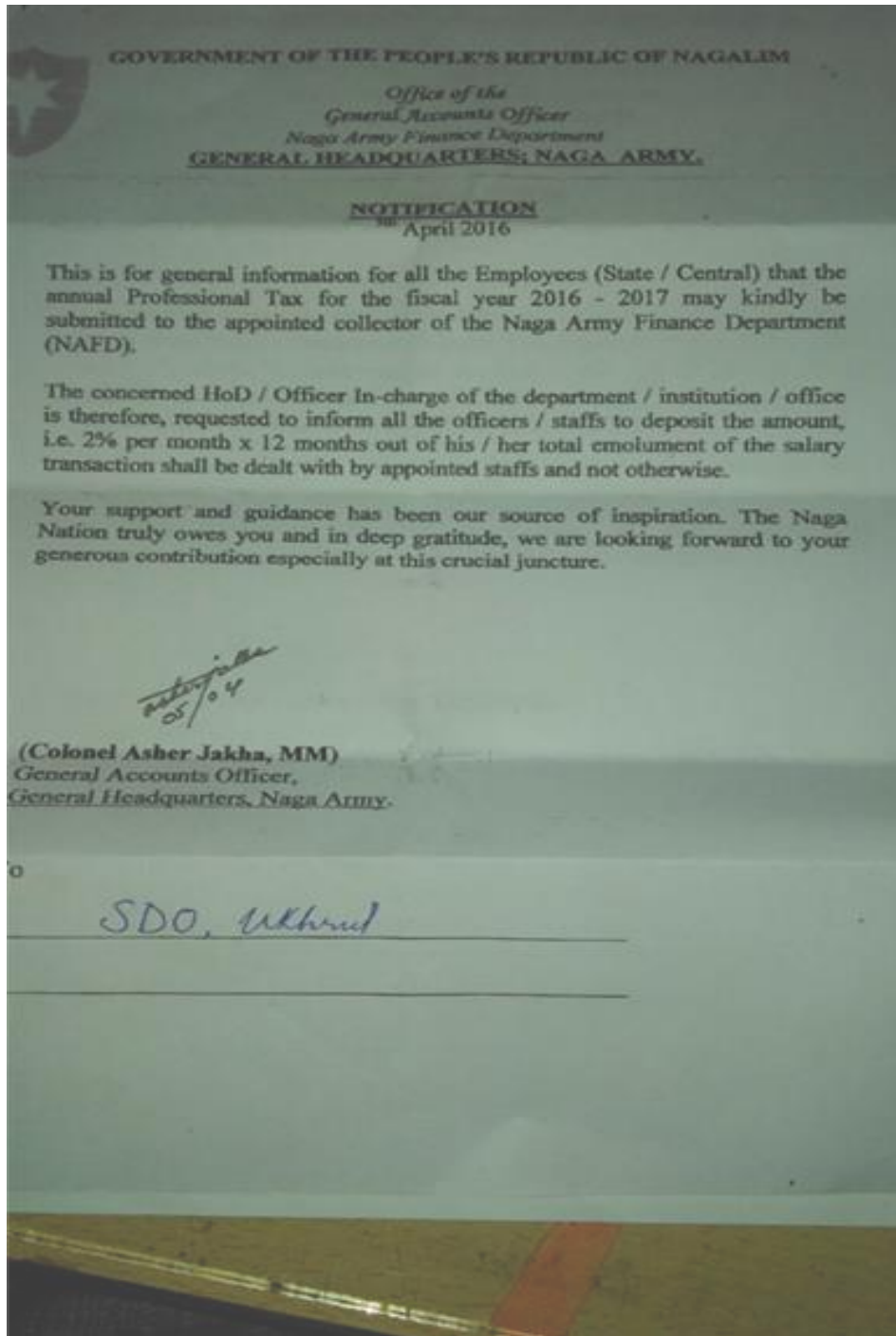


IMAGE 4

GOVERNMENT OF THE PEOPLES REPUBLIC OF NAGALIM
(CNS)
Sl. No. 86 31st March 2015 to 31st March 2016 Date: 17/7/15
Received a sum of rupees (Twenty five thousand only)
on account of 5% BADP - Land Reclamation
from Mr./Mrs. Nangbi Yaoringpau
Rs. 25,000/-
Issuing Authority