

I

We have a bunch of documents that lie before us. They contain the texts of treaties, accords, memoranda of understanding, resolutions, and also enabling acts for their implementation. They are the texts of resolution of conflicts, plus they are protocols of power, scripts of status, arrangements of prestige, and the invitational metaphors for further conflicts and peace. Some have failed as tools of peacemaking. Some have succeeded. Some have passed the verdict of history. Some remain as musty sheets in dingy archives. Can we treat them differently, case by case, separately? We shall have to do so certainly. But do they belong to a genre, a specific bunch, with their own rules of formation, their procedural laws? This is an inquiry, I propose to make here. I do not suggest that these accords can be dissolved into some preordained signification that we have to decipher only. By their implication of belonging to a set of rules, I am simply advancing the suggestion that these treaties and accords are an act of violence on a milieu, in as much as they intend to end violence. They come as contrived, deliberate efforts of agencies, and then they dispose things their own way. They are the result of practical efforts. The agencies contracting them impose a practicality on them, then these treaties as events find their own principle of practicality and regularity.

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

II

Accords are documents that contain the secret politics of the two desires 1-3d have just referred to - the innocent desire for peace, the culpable desire for power that masquerades as the desire for peace. Together, they make accords the perennial but impossible invitation to peace. Hostage to the vagaries of statecraft, and therefore hospitable to the idea of the impossibility of a "peace with justice", the accord remains the "other" to both war parties and peace parties. The war party thinks that accord is surrender, the peace party thinks that the accord is a *to6l* for the renewal of hostilities. Ridiculed, maligned and reviled, the institution of accord, in the politics of the region, is never fully legitimate, ironically not even to the contracting parties. It remains the eternal outsider to the politics that had projected the institution of accord on the ground of the swelling desire for peace.

Yet the nation can not do away with them. As the supreme community claiming allegiance of the highest level from its members, it can not de-legitimize other communities or at the least it can not banish the idea of a collectivity. So, the idea of a nation entering into a compact with solidarities is not surprising. In some cases, as in the case of German unification, the nation is born of such a compact. In some cases, the founding constitution of a nation is in the nature of an accord, full or in part. Thus the Indian constitution may be seen as an accord, or an *ensemble of accords*. A close reading of the debates in the constituent assembly shows how even seemingly very fundamental parts of the Indian constitution were compromises

between communities, opinions, and regions. Article 370 was one such accord. There were crucial amendments to the Indian constitution, such as by the State Reorganization Act of 1956 to the Fourth Schedule, that reinforced the contractual nature of the constitution. In these cases, however, there was very little formal arrangement by way of accords. The Indian Independence Act of 18 July 1947, also, in a way was an accord between India and the erstwhile colonial power, Great Britain. The Cabinet Mission, the subsequent decision to partition the country, the boundary commission, the Radcliffe Award, the agreements with the native states, but why hover around 1947, the roundtable conferences, the Ramsay McDonald Award, the Gandhi-Ambedkar agreement were compacts that laid the contractual basis of the post-colonial polity. The accords signed by the imperial power as the ruler of India with other countries on subjects like borders, and with frontier communities on issues like partial exclusion, inner line regulation and partial autonomy remained valid for the successor state. Also, paramountcy may have remained vague and undefined, but the paramount power had become so through treaties, accords, understandings. The politics of accord was thus embedded in the process of de-colonization itself. Moreover, in this region the newly independent nations were obliged to enter into mutual accords soon, as problems of a common past appeared intractable without compacts.

Yet the institution of accord remains the *outsider* to mainstream politics. Partly because the earlier accords were not formalized, they were *natural*, none looked at them as contrived or deliberate. With the naturalization of accords, sovereignty as the spirit of the nation became the core of the nation form. But this begs a question. Was it because the earlier understandings were not brought to bear by pressure of arms, that they do not seem to have impinged on the sovereignty of the nation-form Or, was it that because these were the building pieces of the "sovereign" nation-form, they had to be naturalized, so that the nation did not remember them as accords? In any case, the post-1975 accords in India, that I have in mind, which I did not deliberately specify at the outset, and the accords which I have just referred to, are two different bunches. One set related to the time of transition, was part of the particular technique of de-colonization and considered as the natural building bloc of the new nation-state. The second relates to the time of consolidation of the state, is part of the encounter between the nation, insurgents and rebels, and considered as the disrupting element of the postcolonial nation. The nature of this *difference* is crucial to understand, first, because as we can see, with the former bunch of accords *naturally* melting into the second, people are persuaded to think that accords start only with the appearance of insurgency in the post-colonial history of the nation. Second, the latter bunch is seen as the marker of the surrender of the Indian state and its principles of territorial integrity and national integration to the militants and secessionist communities. Third, such a fragile difference makes the genealogical task of critiquing the politics of accords, difficult. Fourth, the accords belonging to the latter bunch are formal documents, and therefore subject to certain rules of application, examination, acceptance rejection by sections of population, the political classes, and the state. In short, the first group produced *consensus*, the second produces discord. And, now, we can see, why accord as a politics and as an institution remains outside the mainstream politics of the nation.

Connected to this, is the even more relevant inquiry - does accord as a particular institutional politics create its own public? Again, as an answer to this we may look back to the way the first set of accords was backed up by or created its own public. The States Reorganization Commission and the seventh amendment to the Indian constitution were preceded by huge political mobilizations, a consensus was established, and the seal was put on it in form of the Seventh Amendment Act of 1956. Ironically, the Act itself has produced in course of time a public in defence of regional autonomy. Today, you can have more states in India, but not less. Even in the matter of centre-state relations there is a certain public consensus that states are not the subsidiary creations of the centre, rather states add up and make the latter. Accord, consensus, public - the trio seems to have led a charmed life so far. This has in fact solved also some of the tension implicit in the preamble and the closely running first three articles of the constitution: (a) the principle of popular sovereignty as the phrase runs in the preamble, "We the people of India having solemnly resolved to constitute India into a sovereign ... republic... "; (b) "India is a union of states" (Art. 1); (c) the parliament is empowered to admit into the union, or establish, new states on terms and conditions it thinks

fit (Art. 2); (d) and, the parliament can increase or decrease the area of any state, or alter the boundaries, or change the name of any state (Art. 3). In achieving a liberal solution to the nationality problem we can say that the unspoken accords, the consensus, and the re-organization of the polity were desirable to the Indian rulers, and they played a critical role.

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

The question is why are desires for democracy seen today as "ethnic aspirations"? Self-perception in the nationalist mirror is critical in this case. In the time of nations and globalization, the milieu makes categories opposite to them. Thus nation for me, ethnicity for you; likewise we are going global, you are getting fragmented; ours is democracy, yours is violence; we are sovereign and therefore we can contract treaties, your locus is subordinate, so you can have accords. It is an unending series of transgression, and also regression if you look at this series of inversion from the point of democracy. The politics of the nation-state makes the desire for similar national aspirations appear as contending. But more important, nation whose secret origin lay among others in the desire for democracy is consumed by the "spirit of the state" to an extent where nation almost kills the very spring well from which it had emerged. It is this transmutation that creates "ethnicity" - appearing as a dark primeval force and a terrifying phenomenon to every outsider, including the state, the nation and the global players. State is terrified because it finds its profile in it, the nation is terrified because it appears as contending for loyalty, and the global players are scared because globalization is spawning fragmentation. Yet, a nation-state can not do without it. For, having legitimized the community, creating a certain institutional framework for accommodating various aspirations, and accepting democracy as the standard of the political nation, the nation has to dialogue with the "ethnic groups". In today's world, nation and ethnicity live off each other. They are the quarrelsome duo, eternally fighting, eternally making up with each other. The politics of accord is marked by this fluidity and if anything stamps it with its presence it is the uncertainty, the absolutely contemporaneous nature of the agreement. What marks the accord by its absence is an *understanding* - understanding different positions, differences.

III

We can pursue the point further. For having written so far, I find a certain gullibility in the argument that accords once marked by understanding are going to be workable. For, the problem is that understanding in politics indicates consensus and we have opened our discussion by observing that consensus eludes the actors of accords and therefore accords are not marks of consensus but of discord. It is significant to note that VR Menon, secretary of the ministry of states of the Government of India in 1947-51, writing of the integration of the Indian states had commented that behind the agreements with the princely states lay the vision of Sardar Vallabhbhai Patel who conceived them as "co-architects" and "partners in the work of national consolidation and reconstruction". These co-architects and partners, Menon assures us, were not mobilized under duress, so much so that he declared elsewhere in the same chronicle that India had no

territorial ambition in Kashmir. And therefore "I can say in the face of any contradiction that the Government of India would have left Kashmir alone".¹ Though, he prefaced this line with these words,

Personally, when I recommended to the Government of India the acceptance of the accession of the Maharajah of Kashmir, I had in mind one consideration and one consideration alone, viz., that the invasion of Kashmir by the raiders was a grave threat to the integrity of India. Ever since the time of Mahmud Gazni, that is to say for nearly eight centuries, with but a brief interval during the Moghul epoch, India had been subjected to periodical invasions from the north-west. Mahmud Gazni had led no less than seventeen of these incursions in person. And within less than ten weeks of the establishment of the new state of Pakistan, its very first act was to let loose a tribal invasion through the north-west. Srinagar today, Delhi tomorrow. A nation that forgets its history or its geography does so at its peril.³

We can for the time being forget the historical vision of a bureaucrat. Consensus, then, is built on "partnership", a manufacture of "consent", and the basic minimum beyond which the nation is not going to accommodate others for that would mean "peril". In consensus therefore we have the question of power. Accords with those who are not partners, whose consent can not be ensured, who symbolize future peril are thus not documents of understanding, but papers that keep in abeyance immediate hostilities as a strategic part of continuing discord. They are holding off operations.⁴

If accords by nature then do not sit happily with consensus, why does the nation enter into such agreements, whose mark is a *fragile durability*? One answer, as I have just forwarded, is that these are in the nature of holding operations. The second answer is also suggested before, though partly. All nations have a fictive ethnic core. If biological determinants marked that core earlier (there we have the origin of racism), today cultural determinants constitute it. Thus we have a perennial figuring of the *outsider* to the nation, without whom the nation can not constitute its ethnic core, and therefore whom the nation always needs as the *outside* to authenticate the *inside*. And this constitution is never complete. If some want to opt out, others join or rejoin. Thus, the negotiation, the eternal politics of contract. In the dynamics of the political community whose durability keeps aloft the nation-form, we have the third answer. In the political community what is required is a specific language of civil intercourse. Given the configuration of the modern nation, we do not have as the basis of that language of civil intercourse "a substantive idea of common good", but a *public concern*. In this case the concern is about the breakdown of consensus, of order, of lack of peace, the concern regarding the absence of common security. If we take up the example of the Indian constitution, we do not have there so much an idea of a common good, though that common good is somewhat defined in Part III of the constitution. We have in the constitution rather a common concern about the forces capable of tearing apart a polity and a concern about how that can be prevented. It is a concern about the rules of the game. Therefore the polity invents a language of contract, of accord - contract between the centre and the periphery, between the three organs, between the parties, between ideology and pragmatism, between business and democracy, and finally between state and the citizen.

But this means, such a language is never harmonious. It is an expression of power relations. Accords are to a great extent things about the rules of discord, asymmetry, tokens of domination and counter-challenges. They show what antagonisms are, how political community is fractured/constructed. Since antagonistic forces will never disappear, at least in the foreseeable future, and conflicts and division will characterize politics, forms of agreement reached will be partial and provisional. Important to note here, that this partiality and provisional produces discord even within the parties entering into accords. Thus, within the opposition in the northeast, the Shillong Agreement produced discord. Similarly, within the union government and the ruling party the Punjab accord or the idea of accord with the opposition in the Punjab has produced discord. These discords in turn produce circumstances that make accords difficult to consummate. The language of civility dreamed by the peace builders is so distant from this world of conflict, discord, and temporary contracts.⁵ Accords are then the rulebook of political association. They

show rulers are to be managers. They manage obligations, associations, entrances and exits. The implication is that accords upheld as the "new deals" are more or less a permanent feature of the modern state. They are a technique of governing. By managing a set of norms the rulers rule. The accords are therefore a part of what Michael Foucault calls *governmentality*.

IV

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

Accords belong to the domain of power, they show the process of power. By analyzing the actors of an accord, we get an idea of the agencies. But this is only a primary statement. We need to look into the fact of who sets the agenda of an accord. Thus in an important accord, the most important subject may be left out. The brevity of the text of the Shillong Accord of 1975 is killing. There were references to modalities of arms surrender, in fact a supplementary agreement for that, but nothing on devolution of power, on democracy, on ensuring human rights. Accords thus tell the asymmetries of power. But even that may not be enough. An accord may be between roughly two equal parties. But the accord may leave the people out. The point is who gains by this lack of transparency? What is the inexorable mode by which the accord becomes not a democratic act or a popular contract, but just an act of governance? In such a three level analysis we find the issues of genealogy, politics, legality and accountability all present in an overlapping manner. In fact, this is why accords are mostly provisional, they are seldom given the seal of permanence, they are rarely incorporated in the basic law of the land, they are often what one observer of the Chittagong Hill Tract accord said, "too little, too late, too loud".⁶

The reason is not far to seek. The hidden process of reaching an accord excludes a consensus - ironically, the same consensual feeling for the need to have peace that had led to the process of initiating an accord. In regulating and managing a conflict, the interaction may be low or high, but level of interaction does not always determine whether the issue is solved. Shimla agreement is one such example. Pakistan decided to have a maximalist objective, namely recognition of the issues of dispute, and ensuring the return of the soldiers in captivity, India pursued a minimalist agenda, namely, a stress on the bilateral mode of resolution and recognition of the cease-fire line as the line of control in Kashmir. The consequent interaction was sometimes high and sometimes low, but the agreement was ineffective in settling the dispute. If preventing war is held to have been the principal aim of the Shimla agreement it was partially successful. But when the aim was defined in terms of having a "relational control" over the adversary, it could not have been anything else. "Terminating conflict" was out of question. On the other hand we have the example of the peace accords in South Africa and Palestine. In both, in varying degrees, the principle of popular accountability, transparency was followed. In South Africa, the accord thus leads to a process of "peace with justice" and "peace with democracy". In Palestine also, though to a lesser degree, people were present in the peace process, and that is a likely guarantee that the accord will not become a process of "governing by now way".⁷ But almost everywhere else, the accord seems to be a theological tool of minuscule identities perceived as such by the state and sometimes by its adversaries also, thus making an accord a step not in achieving a democratic peace, but simply a step in negotiation, accommodation and sometimes surrender. Through its success of achieving governability the politics of accord redefines the discursive space of peace. Peace is not then a space to enjoy *rights*, it is a space to *monitor* quarrels, to limit, to *manage* conflict, to integrate conflicts with the nationalized society. In being a tool of governance, the politics of peace accords is stripped of any radical normative agenda. And remember, this recoils on the adversary of the state also.

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

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

Here we see the political rules of accord. In the incongruent relations among the state, leaders/experts, and the civil society, we find that perceptions become important. There is no way to synchronize the aims of these three, except through a mutuality of perceptions. But what happens when perceptions face the reality of fundamentally divergent paths and values? In the famous Lucknow pact of 1916, a milestone in Indian nationalism, the perceptions colluded. But soon the policies of the colonial state, the communities and the leaders of the ' parties collided with each other. Therefore, accords are from the beginning endowed with certain brittleness. The fragility is frustrating to sometimes the state, sometimes the adversary, sometimes the peace constituencies in the society. Each of these occasionally tries to map out the perceptions ruling the universe of an accord. But that remains futile. Built on the inaccessibility of the accord to the people, the falsity strikes back. Only by constantly democratizing the process of peace, by reconfiguring the role of the people, the cosmology of accord can be enriched, the inherent brittleness minimized. This also implies that an accord is never a one-time affair of concluding peace. Peace is a process. Conditions of peace are historically irreducible. With the same actors a country can have peace, can have war. Peace-war is thus a continuum. Structurally peace conditions and war conditions are not essentially different. The same conditions not producing a war can elide into war. It is no use saying that such a condition is a war peace condition. It is the factor of historical contingency that brings peace or war and enhances it. Therefore, the question is of re-democratizing peace, of arguing for peace as a process that is marked by both power and popular intervention. Accord is an event in this process that remains characterized by procedural wrangles.

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

The theory of governmentality thus shows how various elements constitute the process of power/the process of peace. Fluidity of issues and perceptions, the entry of solidarities and the civil society in the reconfiguration of the political society that was till recently the monopoly of the nationalized state, the hierarchy of solidarities, communicability and the I to the communicability of the conflicts and the solutions thereof - these are the elements of the process of power. They ordain the technology of governance.⁸ This should not of course cause surprise because the modern state since the Treaty of Westphalia (1648) has made the right to wage war a crucial attribute of itself. The theory of sovereignty legitimates right to wage war, and consequentially the right and the obligation to conclude Treaties. All subsequent accords and conventions that define the rules of conduct of war like the Geneva Convention (1948) are built upon that right: which today has come into contradiction with the popular desire for peace, and with the alternative notion of right to peace. In the emerging politics, of accord, then, we have a contest -between the right to war and right to peace, between a governmentalist perspective and a democratic perspective between the politics of nationalization and the politics of plurality between a strategy that confines accord to a procedural level and a strategy that attempts to redefine accord as a moment democratization, and finally accord as a monologue that passes as dialogue and accord as a part of a multilogue, that is to say, a federal dialogue. As my friend, the environmentalist Deepak Gyawali is never tired of asking, what is the signature theme in a peace study, that focuses on the politics of accords? This is the crucial line. It is an audit of peace that shows how a peace exercise is embedded in contest, the desire for peace entangled in the dark process of power. It shows why *peace is a process* that grows out of the process of power. Finally it shows in what way the process of peace reflects on the state of the dialogue process in this region.⁹

V

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

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

The question is that since there is no single pattern of accords in the country and the region, can we find an order? A protocol? It is good, therefore, to begin with a typology. As hinted earlier, *first* we have the notion of contract underlying the basic law itself. Accords are in this case subterranean, and therefore the idea of consensus subsumes the reality of an accord. As the strategy proved successful and the post-colonial state was formed on that basis, the state would like to see this form repeated everywhere. *Second*, accords with peoples and regions that have to be made to accede to the union of India form a distinct category. Its feature is that of a treaty with the formalities and trappings of sovereign negotiations. This includes the NagaHyderi accord (1947), the sixteen-point agreement between the Nagas and the Government of India (1960), the Beg-Parthasarathy agreement (1975), and the Mizo accord (1986). Here the accord is loud and

establishes a pronounced form which subsequent accords follow. The features of such a form are the attesting presence of the top bosses and the signatures of top bureaucrats, the detailed format, the subsequent legislative enactment at the union and state level including sometimes constitutional amendments, and subsuming the substantive part with the operative part. In short, the strategy is one of bureaucratization of relations between the state and the adversaries. *Third*, we have accords with "ethnic groups" that result in their "empowerment" in the form of the creation of new states, autonomous councils, etc. The form of these accords such as the Mizo accord (which "conferred statehood on the Union Territory of Mizoram with a view to satisfying the desires and aspirations of all sections of the people of Mizoram" and undid the Twenty-seventh Amendment Act of 1971 that had made the Lushai Hills a union territory), the Dujeeing Accord and Bodo Accord, derives from the master form mentioned earlier. In this case we observe a certain trajectory. From "nothing" to union territory/autonomous councils, and then possibly to statehood. Clearly, the federal form, the sixth schedule, and the 73rd Amendment supply the flexibility to silence the discordant voices to death through the invocation of the compliant forms. *Fourth*, there are accords that question the given federality of the Indian polity - precisely the federality to whose charm others are just acceding. We can cite the Assam accord or the Rajiv-Longowal accord. The net result here seems a zero from the point of the adversary of the state. Apart from homilies, they get nothing, precisely because the forms of settlement have not been imagined yet. Thus in these cases you have references to details of "post-trauma care", like how prisoners will be released, the mode of amnesty, or some restorative grants.

One example is, "Oil refinery will be established in Assam", "Central Government will render full assistance to the State Government in their efforts to reopen Ashok Paper Mills and jute mills", and "IIT will be set up in Assam" (Assam accord, 15 August 1985). Another may be, "The Central Government may take some steps for the promotion of the Punjabi language" (Rajiv-Longowal Memorandum of Understanding, para 11. 1). With no increase in executive and financial power, the (non-state) contracting party becomes almost the glorified panchayat. Almost sardonically, the memorandum of settlement of 1988 between the government of India, government of Tripura and the Tripura National Volunteer (TNV) adds,

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

Fifth, and finally, we have the international accords in this region where the state is a party. That also follows a pattern in the region. Trapped in the metaphors of nationalism, these accords and particularly the negotiations that precede the accords, show the failure of diplomacy in this region. To put it briefly, there is as yet very little non-official input into the accord-making process. There is too much of history in the conflicts in this region. There is a predictable closed circle of arguments. Thus is the attitude, *I give in and do not demand much, I do not want you also to go the whole way, so that I retain certain control over relation* - an attitude termed by one observer as the strategy of "relational control".¹⁰ Finally, and as a consequence of all these, there is a fixed bilateralism in the approach to accords as a solution to problems, with the result that we have little plurality in the making of a consensus in this region. (See Table 1)

This however, is a feature present in the accords concluded within the country also.¹¹ But with greater negotiating capacity, the state "manages accords" within its territorial boundaries. Outside, its capacity to create consensus is shown to be what it is." From a civil society point of view, the growth of public forums generates a constant critique of the accords, and thus forces a democratic viewpoint into the politics of accords. In the regional milieu, such a growth is just discernible on the horizon. In any case, the typology is not meant to convey a hard classification. Indeed, these types overlap. But they do show a trend. In one type, the accord belonging to another category may find its future.

The protocol of accords leads us to one more important aspect of the politics of democracy. I have indicated in the preceding paragraph that the failure of the fourth type of accords is in the irony of not finding a form of settlement. Possibly, therefore, the accord in such cases is elaborated in rituals. But this shows that an accord instead of being the mark of the agenda-setting capacity of the contracting sides, particularly the state, reveals the absence or the loss of such capacity. Johan Galtung in a fascinating essay on the geopolitics after the cold war speaks of the agenda-setting capacity of the various estates in the world today.¹³ He refers to the agenda life cycles and the entry and exit points He reminds us that a hidden agenda may not always serve the aim that an agenda holds. And also, there may be an agenda vacuum at times. In our context the point is, why is there this inability to find a form of settlement that an accord is supposed to encode? Is some kind of agenda vacuum or a weak agenda-setting capacity responsible for this?

After all, the yews running through the fifties were one of finding the appropriate nation-form So, the country witnessed the states-reorganization and the early accords that could pass off as natural, not contrived. Then the state form becomes invariable. Those who had not graduated to statehood were allowed to graduate, those who had no territorial identity as a mark of democratic claim were allowed union territory or autonomous status. Those who had wanted an exit were presented with different versions of the inner line option, the *cordon sanitaire*. Thus, more than a century after the colonial rulers had found this form,¹⁴ the 1993 Agartala memorandum of settlement between the Tripura government and the ATTF spoke in Art. 2 (e) that "the case for introduction of an inner-line permit system would be taken up with the Government of India (and) the State Government will insist upon the Government of India to approve this demand". But beyond these inflexible forms, the leaders of the state, and unfortunately often these antagonists, could not think the result was that while accords and the consequential grant of territorial identity were characteristic of a democracy at work, they showed the limits of a liberal democracy, of constitutional federalism in negotiating the nationality problematic in India. The nation now finds itself in the enigmatic closed circle *-from ethnicity to accord, from accord to further ethnicity*. The Bodo Accord signed in Guwahati on February 20, 1993, said in Art 3 (a) that the Bodoland Autonomous Council will exercise power over "villages having 50 percent or more of tribal population" on the basis of scrutiny of a fig supplied by the All Bodo Students Union and the Bodo Peoples Action Committee. Villages having less than 50 percent tribal population will also be brought under the Council's exercise for the purpose

Table 1: Internal structures of the various accords - a classification scheme

<i>paradigm</i>	<i>State</i>	<i>adversary</i>	<i>Society</i>	<i>institutional process of accord</i>
foundational module for state-formation	Colonized state undergoing the process of decolonization	pre-state and beyond-state solidarities such as caste, religion, princely states	Plural	constitutional bargaining
natural	Hegemonic new state	frontier region/ frontier community	Political- moral	persuasive
consolidation	legal-bureaucratic	excluded groups	object of development and nationalization	new legal-territorial forms of accommodation
integrated polity plebiscitary-populist politics	strong state	constituent states of the union	source of demands to renegotiate the union	division among ranks of adversaries, memorandum of agreement without constitutional validity, violent attrition without any accretion

				of strength of the adversary, accord based on fatigue
low politics high functions, unilateralism, cultural-nationalism as the strategy	state aimed at retaining relational control, but locked in self-created positions	other states and other solidarities having linkages that seem to threaten the relational control of the state	marked by the growth of regional civil society institutions	bilateralism, and a regulated regionalism-multilateralism

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

of providing contiguous areas. There was no provision on protection of minorities in the Bodo areas, and no provision on harmonizing a plural "ethnoscape" in that region within the overall framework of the accord. This was an invitation to partition a land on ethnic lines as the talisman of solving a minority problem. The Tripura accord of 1988, referred earlier, similarly said that the

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

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

A new agenda can not be forged. Old ones can not be sustained. In this situation of agenda-vacuum, accords become routine, their lifecycle predictable. Hence accords fail to arouse popular enthusiasm, evoke respect in its being as a political form. This is the road to further ethnicity. The convergence of several moments defines this road - the moment of agenda loss of the state leaders, of despair of the rebels, of hopes of the power-seekers, of the further growth of *parliamentocracy* and finally, the civil victory of an uncivil path marked in overwhelming manner by armed force and violence. Protocol by nature is routine. Therefore a banal form, an absence of imagination, characterizes accords. Accords embody a rational mode of governance. They are singularly incapable of placing on the agenda the issue of democratic restructuring of the polity and its basic law that should have been natural, given the fact that so many accords have been contracted in this country and the region. This is also true of the agreements that the Indian state has entered into with other states in this region. They have not been able to set a pattern of relations. In their implications they remain confined to the specific issues of agreements only. Accords are thus *episodic*, They remain only as a moment of contest. A moment of consent, often yielding nothing, barren.¹⁵

In short my submission is that accords are a paradox. And protocols of accords reveal that. They exemplify bureaucratic rationality at its best and worst. Legislative approvals of the texts, constitutional amendments, new elections to legitimize the result of the agreements, clemency - to begin with; and then, rank, prestige, secrecy, routine parleys going by the name *diplomacy*, and (dis)information rule this rational world. There is the pompous testimony of Mr. B.K. Nehru, the Governor of Assam and the rest of the North-east for five years (1968-1973), and later on Kashmir (1981-1984). In his memoirs he describes the importance of the

question of protocol in gubernatorial functioning in the region, his emphasis is on making the rebels, servants and officials understand the high rank of regency. He unhesitatingly depicts the contempt in which, he as the representative of the Indian State, held the "peace-makers" of the North-east, such as B.P. Chaliha, Jai Prakash Narain, Rev. Michael Scott and Dr. Aram.¹⁶ He also expresses the intense "humiliation" that he as the representative of the high powers of Delhi would feel for having to deal with "Federal Government of Nagaland", the "Prime Minister" of that government, and the "commander-in-chief". And why not? In order to make peace with the Nagas, the state of India could think of sending as its representative someone with no idea of the entire region. This was typical colonial governance. It was a rerun of the farce enacted twenty years ago when a man by the name of Cyril Radcliffe, who on his admission earlier had never been east of Suez, was sent to the subcontinent to partition it within three months. In the Governor B.K. Nehru's words,

As I have related earlier, I was sent to my gubernatorial post without receiving any briefing even on this most important subject of Nagaland. Having no background of Naga affairs I was completely mystified by reference to Aos and Angamis and Semas and Chakasangs and Tangkuls and the other tribes - sixteen in number - who form the Naga community. It took me for a long time to acquaint myself with the history of the Naga people, their internecine differences, their discontents with "India" and the post-independence history of Nagaland and its insurgency which had resulted in this tiny group of people being given the rank and status of a full state of the Union without, however, ending the insurgency.¹⁷

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

Protocol thus leads us to a strategic point of analysis. It shows the institutional mode of post-colonial governance, participation, partnership and state building. Rights, entitlements, rule of law and security combine with each other in the historical evolution of the institutions of the post-colonial nation. This is of course as Charles Tilly calls a *contentious* history, but also a colluding one. When the received mode of inclusion in the nation (or the region) through the institutions of rights, entitlements, law and security was sent out for wider legitimacy in Europe, many did not take it lying down. In that continent with a more illustrious history of accords, and contracts, the gypsy, the Catholic, peasant, immigrant, the Jew, and the communist, rebelled, and had to be pushed around, coerced, tortured, dispersed, hanged, shot, and in the early days of nation-making broken on wheels.¹⁸ Similarly in this subcontinent the "far frontier" communities, nationalities, "ethnic groups" and other popular solidarities have been subjected to police, law, army, and to the only available political discourse - that of inclusion or cooption in the given polity and grant of certain rights. Accords thus arrive against a certain background. And like all other historically available, that is to say regularized forms, this too, becomes the site of renewed contest. With accords now routine in the country as their texts show, they have come to belong to the domain of public policy.¹⁹ The "implementation of such a policy becomes the site of exchange between state and the society"²⁰ now that constitutes itself into a public realm. In the format of provisions ns the therefore you witness the struggle within the adversarial group over the material and symbolic resources of power. Thus you see the rules of

inclusion exclusion. Remember that the Naga signatories to the Shillong accord had no specific affiliation, they claimed they represented all ("On behalf of the representatives of underground organizations"). You also witness the tussle between the state and the contesting populations over exclusive rights over territory, an incremental contest no doubt, but a contest. The public policy process of accords that signifies distribution of resources among those whose consent has been secured becomes an issue of confrontation. Notwithstanding the bureaucratization, the policy is then the occasion for countering the predatory power of the state. Sometimes a rational mode of creating new clients, the policy of accord always encounters democracy -that *supplement which* the accord was to still and kill.

How else do we look at the whole history of the peace process in the subcontinent - the prehistory of Shimla, Shillong, Colombo, Thimpu, the lake of Zurich, and the history that these created?

[I am grateful to the participants of the wonderful and thought provoking two-day deliberations on the notion of peace audit organized by the South Asia Forum for Human Rights in New Delhi, 10-11 June 1999. I have freely drawn on the views expressed there. My thanks go particularly to Kanti Bajpai, Tapan Bose, Sanjay Chaturvedi, Laxman Gunasekara, Deepak Gyawali, R.N. Pradhan, and Kumar Sanjay Singh.]

Notes and References

¹ V.P. Menon, *The Story of the Integration of the Indian States* (Bombay: Orient Longmans, 1956), p. 467.

² *Ibid*, p. 395.

³ *Ibid*, p. 394.

⁴ The example of the Sikkim accords are significant. The first Sikkim accord of May, 1973 between the Indian government, the Chogyal, i.e., the ruler of Sikkim, and the political parties of Sikkim, spoke of democracy and establishment of rule of law (para 1). The Government of Sikkim Act, 1974, elaborated the rules of a constitutional monarchy on the basis of strengthening the "close relationship with India". The thirty-fifth Amendment Act of 1974 inserted a new provision in the Indian constitution, Art. 2 (A), to sanctify the association of Sikkim with India, and a new schedule, the Tenth Schedule, was added. Finally, peace process was brought to consummation by the Sikkim Assembly Resolution of 1974 that abolished the institution of Chogyal. This illustrates the growth of a civil society and the transition from feudalism to lumpen capitalism via the path of democracy and accord.

⁵ On the idea of a civil language and its critique, see two essays - Michael Oakshott, "On Civil Association" and Chantal Mouffe, "The Political Community: Universitas or Societas?" in Gurpreet Mahajan (ed.), *Democracy, Difference and Social Justice* (Delhi: Oxford University Press, 1998), pp. 138-158.

⁶ Dr. Imtiaz Ahmed of the University of Dhaka commented on the CHT accord in an unpublished speech in 1998.

⁷ It is significant that in the well-known report on the state of non-official dialogues in South Asia, the presence of the people is only in the sense of being represented in some of the non-official platforms for dialogues. We find references in the report to the various public associations, but the role of popular accountability in the dialogue process lies under the heavy weight of the "non-official" actors. The issue of democratizing dialogue does not occur. See Navnita Chadha Behera, Paul M. Evans and Gowher Rizvi, *Beyond Boundaries.- A Report on the State of Non-official Dialogues on Peace, Security and Cooperation in South Asia* (Ontario: University of Toronto - York University Joint Centre for Asia Pacific Studies, 1997).

⁸ I am indebted to Dr. Sanjay Chaturvedi of the Punjab University, Chandigarh, who has pointed out to me that as against such a governmentalist theory of accords, we have a peace perspective also. Such a perspective builds on the desire for peace and human rights, and turns the "geopolitics of conflicts" to a "geopolitical imagination for peace". From imperial legacies the perspective turns to an approach that may be termed as "peace from below".

The approach of "peace from below" interrogates accords with a normative criterion of popular rights and contests the pursuit of primacies marking the accords.

⁹ Some argue that with modern wars causing more civilian casualty than military casualty, the civil society is becoming more interested in peace accords - "the politics of accords is not just theirs, the princes, the states, the leaders, etc., but our concern too". See for example Kumar Rupesinghe (with Sanam Anderlini), *Civil Wars, Civil Peace* (London: Pluto Press, 1998).

¹⁰ Maya Chaddha, *Ethnicity Security and Separatism in India* (New York: Columbia University Press, 1997); for an example of a border dispute, negotiations, and accord subsumed by a similar dynamics, see the essay by Paula Banerjee *International Studies*, 35 (2), 1998.

¹¹ Disputes over water resulting in intrastate conflicts are really not much different from interstate conflicts in terms of their dynamics. We see the same ineffectiveness of institutions the same hold of rigid language, the presence of same constituencies, the same failure in apprehending early warning signals, finally the same event of process of desire caught in the process of power. The histories of inter-state (within India disputes, negotiations, and accords over waters of the Yamuna, the Cauvery, the Narmada, and the latest, over the Krishna rivers are worth perusing. See Gorge Parsi, "The Politics of Water", *The Hindu*, 18 August 1996; M. Madan Mohan, "Another Water Row", *The Hindu*, 19 August 1996.

¹² I have written on it in an essay, "Flowing Waters and the Nationalist Metaphors", *Sadies in Conflict and Terrorism*, 20 (2), April-June, 1999, pp. 195-206; also by Deepak Gyawali and Ajaya Dixit, "Mahakali Impasse and Indo-Nepal Water ConGet", *Economic and Political Weekly*, 27 February, 1999, pp. 553-564.

¹³ Johan Galtung, "Geopolitics after the Cold War - An Essay in Agenda Theory" a Vivian De Lima and Carmencita Karagoag (eds.), *Peace, Disarmament and Symbioas in the Asia-Pacific*, proceedings of the Conference on Peace, Disarmament and Symbiosis in the Asia-Pacific (Quezon City, Philippines: Solidaridad Foundation, 1995), pp. 41-57.

¹⁴ It is important to remember that even some of the tenancy acts in the colonial times W the Chotanagpur Tenancy Act, and regulation arrangements like the CHT Regulation Act, or the one for the Srikakulam area in Andhra Pradesh were also a type of carbon system.

¹⁵ Gyawali and Dixit in that Essay on "Mahakali Impasse and Indo-Nepal Water Conflict", cited earlier, show the agenda-vacuum of the rulers of Nepal with regards to water resources and describe in details how such a vacuum led Nepal into accepting an unequal treaty with India. This essay is revealing in terms of the nationalist dynamics of treaty making in the region, and is a must for every student of diplomacy in South Asia See particularly, pp. 561-563.

¹⁶ B.K. Nehru, *Nice Guys Finish Second* (New Delhi: Viking, 1997), pp. 473-540.

¹⁷ *Ibid.* v P. 50 1.

¹⁸ Charles Tilly, *The Formation of Nation-States in Western Europe* (Princeton: Princeton University Press, 1975).

¹⁹ For the examples of accords cited here, all references are from the useful compendium prepared by P.S. Datta, *Ethnic Peace Accords in India* (Delhi: Vikas Pub., 1995).

²⁰ J. Echevarri-Gent, *The State and the Poor - Public Policy and Political Development in India and the United States* (Berkeley: University of California Press, 1993), p. 4.