

Editorial

Imphal Tuesday, December 20, 2016

The lost paradise

Manipur now bleeds. The bondage of brotherhood among various community of the state particularly between the Naga and the Meitei is experiencing the worst taste. The venoms spewed to the two communities have spread far and wide. There is no rolling back to their stance; instead they keep on doing the inhuman act burning the heart of both the communities belonging to the two.

December 18 incidents, at which around 22 vehicles were burnt along the Imphal Ukhrul road in between Khurai Lamlong to Khurai Heigrumakhong showed how serious the venom had injected to the minds of some people living in the valley region. Following the incident the "tit for tat" spree which resulted the burning of 8 more vehicles at various places on December 19 showed that there is no meeting point to console the differences among the two communities.

The kind of happening is expected. For decades some people (influential) have been deliberately attempting to distort the peaceful existence among the various communities in the state. To protect the people of the state from the invasion of these vested interested people civil society organization in both hill and valley had been organizing various campaigns. The civil bodies still continue to organized such awareness campaign for peaceful co-existence among the various communities of the state but for reason best known no such move to strengthen the relation between the various communities were seen to have been taken up by the state and center government authority. Even at this hour when Manipur is bleeding no leaders of the Union government has ever showed its interest to the ongoing crisis. Even when militants attack and killed three police personnel injuring 11 others was not condemn by any of the center government authority.

Similarly the state government too is not serious to what has been happening in the state. The ruling congress seems to have been thinking about how to return back to power by winning majority seat in the upcoming state assembly election. Instead of acting to the right way to contain the feeling of enmity among the various community the state government is indirectly provoking some vested interested individuals to make the issue burnt to mere gain in the upcoming election. Seems like the more the communal hate feeling among some people, the more the ruling is getting sympathy, which is not the right way.

On the other hand the political parties fighting for powers do not seem to be worried of what is happening in the state. At this juncture when these political parties should come out beyond the party line none seems to be becoming out with the idea of discussing the matter together. Neither the legislators which we had elected as our representatives had ever thought of convening a all party meeting or summoning a special session of the Manipur legislative assembly to discuss the prevailing issue.

The BJP and Congress which should be on the forefront instead of finding a solution to the prevailing crisis keep on playing the blame game for mere popularity in the upcoming election. Seems like the fate of the state is left to hands of the people and we as the people should reconsider on why we should be allow ourselves to be ponds of the game being played by these creatures playing with the life of the common people. It's time we act our else Manipur of today may not exist in the coming days.

NAME CHANGES

The details of my son Sanchez Chakpram (15), who have passed HSLC examination under Roll NO 28149 conducted by BSEM in the year 2016 were wrongly entered in relevant documents. Instead of correct name my name has been written as (L) Ph Naobi Singh, while the name and surname of my wife has also been wrongly entered as Ph (o) Roma Devi, while her correct name is Roma Chakpram.

While, the name of my son is Sanchez Chakpram, but it has been wrongly entered/recorded as Sanchez Phijam.

I have verified the detail particulars of my son before the Chief Judicial Magistrate, Imphal West, Manipur and the same is mentioned in the affidavit.

Sd/
Tarzan Chakpram
Khurai Thoudam Leikai,
PO & PS- Porompat, Imphal East

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National & International News

Rs 100 crore seized in new notes to be back in circulation

New Delhi, Dec. 20: What happens to new currency notes worth close to Rs 100 crore that have been seized since demonetisation +, mostly in wads of Rs 2000, by agencies such as ED, the income tax department and police?

The ED has issued a directive to zonal units to deposit new currency notes along with all other currency seizures into bank accounts opened by the agency in different cities so that new notes are immediately brought into circulation.

ED director Karnal Singh said on Monday that he had earlier issued a circular directing that seized currency notes be retained in strong rooms along with other seized material. "We have been depositing these currency notes in our bank accounts so that they come into circulation and the general public is not inconvenienced," he said. The government has also asked the I-T department to deposit seized currency notes in banks. Earlier, agencies kept all seized material, including cash seizures, in their strong rooms as evidence till the

case was adjudicated. The seized money was then deposited into the Consolidated Fund of India, said a senior I-T official. Sometimes I-T cases took years to resolve, till then all seized material was kept in safe lockers of the tax department, the officer said. Post-demonetisation, the I-T

department and the ED have made huge seizures of new currency notes. Just Tamil Nadu and Karnataka have accounted for seizure of more than Rs 60 crore in new currency notes. The ED on Monday seized Rs 47 lakh in new notes of Rs 2,000 from the owner of an educational

institution in Punjab. The agency is verifying his claims that the money was deposited by students as fees. In Kolkata, the I-T department seized Rs 21 lakh in new currency notes. In two other operations since Sunday, police in Thane and Nashik seized about Rs 50 lakh in new notes of Rs 2,000 each.

European governments on alert as Pakistan origin hardliner kills innocents in Germany

Berlin, Dec. 20: Several countries in Europe have sounded an alert after a Pakistan-origin hardliner hijacked a truck and ran over several people in Berlin, Germany.

The truck driver ploughed his vehicle into a Christmas market, killing 12 persons and injuring dozens of others, German media reported.

German authorities said that the suspect was arrested two kilometers away from the spot where he committed mayhem and is now being interrogated. Security sources were quoted by media as also saying that

the man behind the wheel was an asylum seeker from Pakistan who arrived in Germany in February. The truck, police said was registered in Poland.

Traditional Christmas markets are popular in cities and towns throughout Germany and have frequently been mentioned by security services as potentially vulnerable to attacks. The incident occurred in the shadow of the Kaiser Wilhelm Memorial Church whose damage in a World War II bombing raid has been preserved

as a reminder of the horrors of war for future generations.

The square is at the end of the Kurfuerstendamm Boulevard, which was packed with holiday shoppers. Police said the truck made it as far as 80 yards into the Christmas market before it came to a halt.

Europe has been on high alert for most of 2016, with terror attacks striking Paris and Brussels, while Germany has been hit by several assaults claimed by the Islamic State group and carried out by asylum-seekers mostly from Pakistan.

Contd. from yesterday issue

Why India cannot disturb Manipur Boundary of 1947?

Government of India's Charter obligations towards respecting territorial integrity of Manipur emanates from article 2(4) of the Charter. "All members (sic. India) shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state (sic. Manipur), or in any manner inconsistent with the purposes of the United Nations". The same article is equally applicable to Indian as well. Even the great super powers can not pose a threat to India. The state practices in the matter of freezing colonial boundaries or borders at the moment of independence of colonial countries are very clear for anybody not to misread the consistent practices, that ultimately led to the framing of the "Uti Possidetis Juris".

The borders and boundary of Manipur that existed at the lapse of British paramountcy is fully protected by this principle even for the sake of triggering off counter productive, wanton fratricidal wars. Government of India in particular has the international obligation not to violate the "Uti Possidetis" under all circumstance without risking hostile responses for her irresponsible behaviour. Brownlie and Shaw's latest edition of International law, among other, demonstrate the details. The International Court of Justice has laid down the principle in a series of disputes bearing the similar context. The ICJ in Libya-Chad Case announced that, "once agreed, the boundary stands, for any other approach would vitiate the fundamental principle of the stability of boundaries, the importance of which has been repeatedly emphasised by the Court". (ICJ reports, 1994, Shaw p. 685; hereafter references are made to Shaw).

The ICJ Reports, 1992 in 'Land' Island and Maritime Frontier Dispute (El Salvador Honduras) case proclaims that the administrative limits are invested as international boundaries and the Uti Possidetis is a retrospective principle. The ICJ in Burkina Faso, Republic of Mali (ICJ reports, 1986) laid down the norm- 'Intangibility of frontiers inherited from colonisation for settlement of disputes. The Uti Possidetis principle laid down by ICJ is (excerpt): "The essence of the principle lies in its primary aim of securing for the territorial boundaries at the moment when independence is achieved. Such territorial boundaries might be no more than delimitations between different administrative divisions or colonies all subject to the same sovereign. In that case, the application of the principle Uti Possidetis resulted

in administrative boundaries being transformed into international frontiers in the full sense of the term". (op. cit. p. 357).

The ICJ reports relating to Latin America (Reports, 1959, 1960) has framed the Principle in early 1960; "When the common sovereign power was withdrawn, it became indispensably necessary to agree on a general principle of demarcation, since there was a universal desire to avoid to resort to force, and the principle adopted was colonial Uti possidetis; that is, the principle involving the preservation of the demarcation under the colonial regimes corresponding to each of the colonial entities that was constituted as a State." (Bronlie, p. 137). The Asian Governments including Government of India and tribunal for cases like Rann of Kutch (Award, 1968) have adopted the principle in order to preserve pre-independence boundaries, established by law. In the significant western Sahara Case, the ICJ in 1975 while admitting that historical ties existed between tribes of Morocco and Mauritania, rendered the extensive Moroccan claims over Mauritania, Western Sahara and parts of Algeria as irrelevant and of political nature. Application of Uti Possidetis

In the event of boundaries among the break-up independent states, the Minsk Agreement of 8 December, 1991 (see author's Oppressed Nations, p. 325) followed by Alma Ata Declaration of 21 December, 1991 clearly stipulates, "The high contracting parties recognise and respect one another's territorial integrity and the inviolability of existing borders within the common wealth" (article 5 of Minsk). Even in the context of the most mind-boggling, blood-letting Balkan crisis the like of which the history has not witnessed before, similar territorial issues or claims have been easily settled without any noise-pollution in the neighbourhood- environment. The arbitration commission, installed by the European Conference on Yugoslavia in its option 2 solemnly proclaimed that "Whatever the circumstances the right to self-determination must not involve changes to existing frontiers at the same time of independence (Uti Possidetis Juris) except where states concerned agree otherwise". In option 3, the existing boundaries became international boundaries after the independence of several states from the republic of Yugoslavia in 1991-1992. But for the universal states that emerged from Yugoslavia would never rid themselves of permanent, fratricidal wars and their

independence might have been postponed for several decades.

Besides, the unacceptable 'doctrine of contiguity', doctrine of forefathers has been invoked in the case of Iraqi invasion and annexation of Kuwait in 1990. The United Nations rejected the mistaken historical argument of Iraq and throttled her till the Iraqis eject out Kuwait from gobbling up. (see author's, Oppressed Nations p. 115-117, Security Council Resolutions). The USA since 1856 had adopted the elementary norm of UTI POSSIDETIS, when the Secretary of state proclaimed that with the termination of European colony in Americas, the independent states succeed to the territorial limits of the colonial period.

The Organisation of American Unity also has adopted in 1964 the principle that the emerging states would follow the colonially defined territory. The principle has been so firmly established in all the continents that even rogue states of Idi Amin dare not violate the universal principle. However, among the African tribes, fratricidal and internecine wars led to near-total decimation of rival tribal populations. When these futile, mutual genocides have concluded, they are back to square one only to belatedly comply with the Uti Possidetis spectacular in 1990s and commands utmost respect and compliance by existing as well as emerging sovereign states, which would have a political and economic space in the comity of nations by dint of their strict adherence to this Uti Possidetis rule.

Self-Determining Units
Colonial declaration 1960, Declaration relating Friendly relation 1970 stipulate the exercise of the right to self-determination by legitimate people; but it cannot be put into improper use territorial aggrandizement of the self-determination unit. The Uti Possidetis principle has been used in the context of de-colonisation of colony and non self-governing territory subject to the pre-independence colonial administrative boundaries. The reason is simple political instability and fratricidal wars will often ensue in the event of dilution of the principle. It could also be possible that the world community can hold up recognition of emerging states, which fail to comply with this norm and create threat to peace and security in parts of the world. The non-self-governing people in the region cannot but honour this rule to their advantage. Context

The territorial integrity of Manipur has been fairly established for half a millennium, as one can verify easily from Henry Yule's Map of Manipur in 1500 A.D., down to James Johnstone's

Map in 19th century (p. 34 of his Manipur and the Naga Hills) and to Surveyor General of India's map of Manipur, 1984 AD (see p. 542, Manipur Past and Present Vol. III). They have been corroborated and recognised by other countries in their official maps and records. The boundary had so firmly established as to reduce any baseless claim to a heap of mockery and puerile absurdity.

What is more significant that the corroboration, and recognition of the Manipur* territorial areas for half a millennium is the moment at which the British paramountcy lapsed in regard to Manipur, for the application of the universal rule of Uti POSSIDETIS JURIS to Manipur and the neighbouring areas or states. (see details in the author's book Manipur Puwaari, 1997 and his other volumes). The pre-independence territorial integrity of Manipur has been exactly sustained on the 14th and 15th August, 1947, which is material for the purpose of the universal principle, as cited. No ambiguity whatsoever remains about Manipur in all the British, K.W., Indian, Burmese and Manipur State official records. The room for comparing any adverse document records or official maps could be given only when the contrary could be proved with sufficient historical and official records, issued by independent states, governments and their plenipotentiary.

The government of India and for that matter, any other member state of the UN or international protectorate within the UN system and recognised states in the comity of nations are under Charter and international obligations to literally comply with the Uti POSSIDETIS rule. This universal rule after having been fully assimilated into the uninterrupted state practices for such a long time in all the continents has transformed into customary international law with profound implications for municipal law jurisdictions in equal terms. The self-determining units can not claim exception to this rule after considering the 1960 Colonial declaration and 1970 Friendly Relations declaration. The Vienna Convention on the Law of Treaties, 1969 affirms the concept of established boundary, which cannot be altered except by mutual consent. (Concluded)

*** This article was published on Imphal Times Aug 17, 2015 issue. We once more reproduced it as we felt it important for each and every readers to now why Manipur's boundary cannot be disturbed by India.