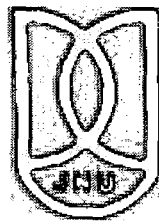


**THE CHITTAGONG HILL TRACTS (CHT) PEACE  
ACCORD OF 1997: AN ASSESSMENT OF ITS  
IMPLEMENTATION**

*Dissertation Submitted to Jawaharlal Nehru University in  
Partial fulfillment of the requirements for the  
award of the degree of*

**MASTER OF PHILOSOPHY**

**PAPRI CHAKRABORTY**



**CENTRE FOR SOUTH, CENTRAL, SOUTHEAST ASIAN  
AND SOUTH WEST PACIFIC STUDIES  
SCHOOL OF INTERNATIONAL STUDIES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI-110067  
INDIA  
2009**



CENTRE FOR SOUTH, CENTRAL, SOUTHEAST ASIAN & SOUTH WEST PACIFIC STUDIES  
SCHOOL OF INTERNATIONAL STUDIES  
**JAWAHARLAL NEHRU UNIVERSITY**  
NEW DELHI - 110 067

Phone : 2670 4350  
Fax : 91-11-2674 1586  
91-11-2674 2580

Date:

**DECLARATION**

I declare that the dissertation entitled “**The Chittagong Hill Tracts (CHT) Peace Accord of 1997: An Assessment of its Implementation**” submitted by me in partial fulfilment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The dissertation has not been previously submitted for any other degree of this University or any other university.

**Papri Chakraborty**  
*Papri Chakraborty*

**CERTIFICATE**

We recommend that the dissertation may be placed before the examiners for evaluation.

*P. S. Jha*  
f (Prof. Ganganath Jha )  
**Chairperson**  
**CHAIRPERSON**  
Centre for South Central South East  
Asian and South West Pacific Studies  
School of International Studies  
Jawaharlal Nehru University  
New Delhi - 110067



*Sahadevan*  
(Prof. P. Sahadevan)  
**Supervisor**  
**SUPERVISOR**  
Centre for South Central South East  
Asian and South West Pacific Studies  
School of International Studies  
Jawaharlal Nehru University  
New Delhi - 110067



## CONTENTS

	Page No.
ACKNOWLEDGEMENTS	i - ii
PREFACE	iii - v
CHAPTER 1 PEACE ACCORD: AN ANALYTICAL FRAMEWORK	1 - 21
CHAPTER 2 THE ETHNIC CONFLICT IN THE CHT: A HISTORICAL PERSPECTIVE	22 - 51
CHAPTER 3 THE PEACE ACCORD: STRUCTURE AND PROVISIONS	52 - 71
CHAPTER 4 THE PROCESS OF IMPLEMENTATION OF THE ACCORD	72 - 99
CHAPTER 5 THE POST ACCORD CONFLICT SITUATION	100 - 120
CHAPTER 6 CONCLUSION	121 - 128
REFERENCES	129 - 141

## ACKNOWLEDGEMENTS

My greatest debt is to my mentor and supervisor, Prof. P. Sahadevan, who kindly bestowed his scholarly supervision upon me. His scholarly work on ethnic conflicts, civil war, and conflict resolution generated my interest in peace and conflict studies, of which the present study is an offshoot. Despite his enormous involvement in academics both within the country and abroad, he spared his valuable time for correcting my entire draft thrice. Besides his constant guidance he also meticulously taught me the basics of social science research. He taught me to ask 'questions', which is most important training for a researcher. His constructive feed backs, thorough editing and careful formatting of the draft have immensely helped me to train myself as a researcher. Above all, his saintly dedication to academics is a constant source of inspiration for me. I humbly dedicate this work, a poor recompense, to my mentor Prof. P. Sahadevan.

I owe my sincere gratitude to the Chairperson Prof. Ganga Nath Jha and all the faculty members of our centre (CSCSEASWPS) for their support and guidance.

I take this opportunity to express my heartfelt gratitude to Prof. Partha Pratim Basu, Head of the Department of International Relations, Department of Jadavpur University, Kolkata, for encouraging me to undertake this task. Special thanks go to my beloved teachers, Prof. Shibashish Chatterjee and Prof. Anindya Jyoti Majumdar for lending their patient hearing to all my questions and encouraging me to complete this work. My debt of gratitude goes to Professor Meghna Guhathakurta, the Executive Director of Research Initiatives Bangladesh (RIB), who kindly provided me with various relevant materials through e-mail and for answering my questions relating to the study. My special thanks also go to Dr. Sreeradha Datta of IDSA, and Dr. Namrata Goswami of IDSA for giving me their valuable suggestions and observations regarding the CHT issue. I also thank Dr. Reshmi Kazi of IDSA in this connection.

Kapaeeng Watch Foundation, a Dhaka based organization has been mailing me all necessary updates regarding the CHT issue. My sincere thanks to librarians and staffs of the JNU library, Library of Department of International Relations, Jadavpur University, Tarak Nath Das Research Centre, Jadavpur University, National Library, Kolkata,

Library of South Asia Foundation Information and Documentation Centre (SAFDIC), and Library of Institute of Defence Studies and Analyses (IDSA).

I must thank Mr. Prasad of Sanjay Photostat for his cooperation to deliver me the copies of my dissertation in shortest possible time to meet the submission deadline. My thanks are also due to the administrative staffs of CSCSEASWP who helped me in submitting the dissertation.

I am indebted to many individuals for their support and help during the writing of my dissertation. My warmest thanks go to all my friends and colleagues, especially to Shirin, Somika, Disha, Suruchi and Anuj for their constant moral support. My particular thanks to my seniors, especially Ms. Angira Sen Sarma for her constructive advice.

Finally, I am grateful to my parents, Mrs. Sulata Chakrabarti and Mr. Bhaskar Chakrabarti, and my husband Mr. Subhamoy Goswami for their unflinching support and faith in me that encouraged me to pursue academics.

Lastly, I declare that responsibility for any error or shortcomings which remains is solely mine.

Papri Chakraborty



## Preface

Implementation of Peace Accords is a critical policy problem in ethnic strife-torn states. During the post-Cold War period many accords have been signed between states and various insurgent groups to end 'identity dispute'. But, in most of the cases, peace processes remain hibernated ever after the accord is signed. Sustainable peace remains "full of sound and fury, signifying nothing", as a result of the non-implementation, or delayed partial implementation of accords. This causes further relapse of conflict. Chittagong Hill Tracts (CHT) peace accord of 1997 is empirical evidence in hand. After a decade of signing of the peace accord, the conflict still continues in Bangladesh in a different form. This necessitates us to assess the implementation process of the accord, especially focusing on the post-accord negotiations within the newly emerged conflict configuration. A critical assessment of the implementation of the accord helps to reveal the factors which cause relapse of the conflict in the post-accord period. In order to unearth the causes behind the relapse of conflict, strategies and responses of political organizations and the Bangladeshi government are analysed.

The study tries to address the following questions: How far the accord has been implemented? Has the accord brought about peace in the CHT? Does the accord assure full protection without discrimination to all groups inhabited in the CHT? What is the role of the Awami League, the BNP, the PCJSS, the UPDF, the Parbattya Chattagram Sama Adhikar Andolan and also the Bangladeshi army in the CHT conflict after 1997? To answer these questions, the study will examine the ways in which the peace negotiation is conducted for the implementation of the accord, and identify the spoilers of the implementation process. The study seeks to test the three hypotheses:

- The Structural deficiency in the accord has made just peace in the CHT an unrealistic proposition.
- An inclusive peace process resulting in comprehensive peace accord ensures restoration of peace in ethnic conflict-torn regions like the CHT.

- Absence of an external mediator in the CHT conflict has helped the parties to violate the accord.

The historical perspective of the CHT conflict, the insurgency movement and government's responses and peace initiatives have been studied extensively in (Ahmed 1993; Nepram 2003; Samad 1997; Mohsin 2003; 2005; 2007; Phadnis 1989; Chaudhuri 2002; Jafa 1989; Hossain 2002; Nayak 2006; Karim 1998;). The structural deficiency in the accord are analysed by Nepram 2003; Mohsin 2003; Chakma 2008. The land issue is examined by Roy 2002; 2007. Other issues like militarization of the CHT is dealt with by Joshi 2003; Mohsin 2003; 2005; 2007; Arens 1997. Pre-accord peace initiatives are discussed by Samad 1997; Chakma 2008; Phadnis 1989; Arens 1997. However, only Mohsin 2003; and Chakma 2008 have dealt with the post-accord peace negotiations. However, there is no comprehensive study on the theme. The present study will fill the gap.

The study focuses on the post-1997 accord period, the present status of the implementation of the accord; the impact of the accord on the status of the PCJSS in the CHT as well as in Bangladesh politics, the initiatives of the Awami League and the BNP governments to restore peace. The demilitarization of the CHT and the issues of land rights and Bengali settlement will also be analysed.

The present study is divided into six chapters. The first chapter gives an analytical framework of peace accord in general. The chapter tries to focus on how peace accords are made and implemented and what are the causes of success and failure of a peace accord. Besides, it attempts to analyse ethnic conflict from the perspective of human needs theory. The second chapter attempts to examine the genesis of the CHT conflict by analyzing Bengali-tribal divide from a historical perspective. It discusses the goals and strategies of the Bangladeshi government and analyses various initiatives for peace in the pre-1997 period. The third chapter delineates the structure and provisions of the 1997 accord and highlights the gap between the demands of the PCJSS and the settlement offered in the accord. The fourth chapter examines the way in which the peace accord is implemented and also the role of donor agencies in exerting pressure on the government to implement the accord. The fifth chapter analyses the recent conflict situation prevailing in the CHT. It also attempts to examine the out break of violence, the inter-

ethnic tensions and response of the government to implement the accord. The sixth chapter sums up the previous chapters and critically tests the hypotheses.

The study adopts qualitative research method. A careful analysis of various secondary data has been made. Besides, official publications of the PCJSS and the UPDF have also been consulted. The PCJSS invented the term “Jumma”. This term is used interchangeably with “Indigenous hill people”, “hill tribes”, “CHT indigenous community”, albeit the Bangladeshi government is reluctant to use the term “indigenous” to refer to the Jumma community. Larma in his speeches used the spelling “Bengalee”. This spelling is retained within quotes. Otherwise, “Bengali” is used through out the study.



# Chapter 1

## Peace accord: An Analytical Framework

Ethnic conflict has proliferated since the end of the Cold War. Concomitantly, negotiations between government and ethnic insurgents are considered to be the best way of promoting interim and long-term settlements. A peace-settlement is a consummation of a successful negotiation process. However, mere signing of a peace accord does not ensure sustainable peace. It is the proper and timely implementation of the accord that prevents reoccurrence of conflict. The present chapter will focus on how peace accords are made and implemented. Besides focusing on peace process the chapter will also examine the causes of success and failure of a peace-accord.

Before delving into the accord making process it is rudimentary to analyse the causes of discord within the configuration of a state. The present chapter analyses ethnic conflict from the perspective of human needs theory. Deprivation of human needs through structural violence perpetrated by a state against its minority community is the cause which paves the way for ethnic conflict. While government is duty bound to respond to the grievances of the governed, the insurgents are concerned to articulate their grievances and get them redressed. Negotiation is situated at this crucial juncture of these needs (Zartman 1995:3). Rothman has termed such disputes as 'identity disputes' emerging from survival need, need for getting accessibility to resources, and influence in divided societies. Such conflicts based on identity sometimes have been among the most "persistent, intractable, and destabilizing" for the regions in which they occur. These conflicts incorporate ethnic, cultural, linguistic, and religious aspects (Rothman 1997 cited in Pearson 2001:282).

There have been more than 50 armed state formation conflicts during the post cold war period. These conflicts have pitted an incumbent government against a regionally based, armed opponent demanding special privilege in a particular territory. The demands are

related to autonomy, federalism, and independence or confederating with a neighbouring state (Wallensteen 2007:159). The genesis of these demands is deeply rooted in the need of self determination of minority community. In the post-colonial period confrontation between the majority and the unintegrated minority communities became a perennial problem. The constitutional recognition to a minority community encourages it to launch a movement of self-determination. The exclusionary nation-building process of the newly independent state may pose a challenge to the identity concern of the minority community within the state; the reason being “states require minority groups to give up all, or part, of their cultural distinctiveness if the nation-building process is to be successful” (Roe 1999:198). “While the survival of the state depends on the maintenance of its sovereignty, the survival of the society depends on the maintenance of its identity” (Roe 1999:193). “The notion of identity tends to intersect with interests, resource concerns, and representational needs in political disputes” (Pearson 2001:284). According to Azar deprivation of human needs is the source of conflict. It tends to sow the seeds of collective grievances. Failure to placate such collective grievances by the government gives birth to “protracted social conflict”. This can be an ethnic conflict if a particular ethnic community is discriminated against. Azar lays emphasis on four human needs: security needs, development needs, political access needs and identity needs (Azar 1990).

Reduction in levels of underdevelopment is a prerequisite to reduce explicit conflict. Groups which articulate their identity and security needs through conflict are basically craving for change in their societal framework. “Conflict resolution can truly occur and last if satisfactory amelioration of underdevelopment occurs as well” (Ramsbotham 2005: 86). A newly emerged nation in its bid to form an identity-based monolithic nation state starts homogenizing the nation which marginalizes the ethnic minority and fails to address the “human needs” of the minority ethnic groups. Consequently the minority community mobilizes itself to put forward their grievance against their “human need” deprivation through self-determination movement which causes “majority’s collective fear of losing its ethnic pride, power, and hegemonic status to eventually become a weak subordinate group” (Sahadevan 2006:240). The “human needs” articulation of the

minority ethnic community thus burgeons as a sub-national movement within the configuration of the majoritarian nation and poses sufficient threat to the nation building process of the majority community. The government tends to crackdown on the sub-national movement of ethnic minorities. “Hence, the politics of the nation-state makes the desire for similar national aspirations appear as contending. The nation’s 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 emerged and this transmutation creates ‘ethnicity’” (Samaddar 2004:176). The insecurity of the hegemonic state impels it to perpetrate structural violence against the minority community. The structural violence is an instrument to marginalize the minority community. In effect, people are denied important rights, such as economic well-being, social and political equality (Barash 2002:7).

Galtung’s (1969) description of conflict incorporates various following components: first, incompatibility of interests; second, negative attitudes in the form of perception; and third, behaviour of coercion and gestures of hostility and threat. Thus, other than physical violence the basic notion of conflict also incorporates structural and cultural violence as well. Galtung’s (1969) rudimental distinction between “negative and positive peace” spurs the very need to reduce and eliminate “structural violence” going beyond mere war termination i.e. visible physical violence.

Historically conflict-affected nations are based on the weaker social foundation, thanks to the colonial legacy. This colonial hangover institutionalizes “mechanisms favouring settlers over indigenous peoples; divide and rule favouring one ethnic group over another; market controls to create rents for settlers to the cost of locals and the expropriation of land and resource rents.” Thus grievances are accumulated (Murshed 2002:390). “This grievance-formation as a principal source of ethnic war is a dynamic process in which each ethnic group with seemingly different ethno-ideological and value structures, try to consolidate and promote its identity and material interests from a threat or invalidating behaviour of other groups” (Sahadevan 2006:241).

## **Conflict resolution:**

Conflict resolution is the means to root out the seeds of conflict by transforming the conflict situation. The transformation of conflict basically connotes the change in violent behaviour and hostile attitudes of the conflicting parties. Thus the basic structure of the conflict is transformed (Ramsbotham 2005:29). “A successful resolution demands a change in symptoms and underlying causes; in behaviour and perceptions. It demands abandoning power-oriented strategies which treat symptoms only, and embracing a participatory, analytical, and non-coercive approach which provides for the release of pent-up feelings and brings to the surface underlying values, motives, and perceptions” (Bercovitch 1984:22). The goal of conflict resolution is to initiate constructive change in social and political system through nonviolent means. By virtue of this peaceful process the “actually or potentially violent conflict” gets transformed (Ramsbotham 2005:30). Conflict transformation induces in-depth change in the institutions that gives way to the relapse of conflict. On the other hand, it also facilitates change in the nature and relationship of the conflicting parties. Thus conflict transformation becomes conducive to “structural and cultural peace building” (Ramsbotham 2005:30).

There are six different theories of ethnic conflict resolution, namely community relations, principled negotiations, intercultural miscommunication, human needs and conflict transformation and psycho-analytically informed identity theory. Each of these theories argues different assumptions regarding the causes of ethnic conflicts. While principled negotiations theory stresses on ways and means of articulating various interests of the stakeholders and reaching mutually beneficial arrangements, human needs approaches harps on the fact that conflict resolution is possible only after the satisfactory amelioration of the identity and security needs of the stakeholders and after the relationships among the parties get transformed constructively. The perception and the preconditions of success vary largely depending on the differences among various theoretical perspectives of conflict resolution. While principled negotiation theory perceives success in relation to the “parties’ ability to reach a formal agreement to end their conflict, human needs theory insists more on subjective measures to determine the

extent to which the parties' underlying needs have been met." The conflict transformation perspectives measure changes in the relationship of parties (Rothman 1999:6).

### **Peace accord:**

However, negotiation is basically a process which culminates into signing an accord between the two conflicting parties.

Peace accords are agreements "intended to end a violent conflict, or to significantly transform a conflict, so that it can be more constructively addressed. There are various types of agreements that can be reached during a peace process. Each type of agreement has a distinct purpose and serves a value in itself towards building positive momentum for a final settlement" (Yawanarajah: 2003)

According to Yawanarajah three basic components of peace accords are a) procedural components, b) substantive components and c) organizational or institutional components.

#### **Components of peace accords:**

- A) The procedural components indicate the processes that ensure and sustain peace. "They delineate the 'HOW' of a peace process by establishing the processes and measures that help build the peace. These include the establishment of schedules and institutions that facilitate the implementation of substantive issues such as elections, justice, human rights and disarmament.
- B) Substantive components are part of the agreement that define 'WHAT' is going to change after the peace agreement is signed. Substantive components include political, economic, and social structural changes that are needed to remedy past grievances and provide for a more just and equitable future. Substantive components, therefore, include the changes that are required in issues such as the distribution of power, the management of natural resources and the type of mechanisms to address past injustices.
- C) Organizational/institutional components are arrangements/mechanisms intended to promote peace consolidation efforts after the agreement. They address the 'WHO' element of the agreement. These mechanisms are either directly responsible or provide oversight and guidance to other actors to carry out the activities intended to consolidate the fragile peace and lay the foundation for sustainable peace and development. There are two types of organizational components. The first often referred to by the United Nations

as implementation mechanisms, immediately follow a peace agreement and are intended to promote agreement implementation”(Yawanarajah: 2003).

### **Basic features of peace accords:**

Accords have two basic features. 1) Mostly accords incorporate a clause protecting the exclusive culture of the minority community. The state takes the responsibility to protect the language and culture of some ethnic minorities living under its jurisdiction or a district council (Das 2001:244,245). 2) Accords are means to disarm ethnic communities, and isolate them from other armed organizations. They are means to reinstate the pre-accord status quo. Generally accords are package deals which offer rehabilitation of the insurgents in order to disarm them (Das 2001:246).

It can be ascertained from the above said features that some amount of asymmetry is inherent in any accord so far its parties are concerned. Accords are generally provisional and temporary in nature. They are seldom incorporated in the basic legal framework of a country. As a logical corollary, accords mostly become “too little, too late, too loud” (Samaddar 2004:179). Hence, in case of an ethnic conflict, the concerned ethnic community is situated at the periphery and at the mercy of the government for the implementation of the accord. Hence, there is a visible asymmetry between an ethnic minority community at the periphery and the state at the centre. In both pre-accord and post-accord set up, it is mainly the state which calls the shots. Right from setting the agenda of the accord to their implementation it is the government that set the stage in compliance with its own power equation. As Samaddar opined, accords are thus the “rulebook of political association.” They are the “technique of governing” and “Theological tool” of states in negotiating identities. “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” (Samaddar 2004:178,179). Thus peace accord “subsumes the process of peace in the process of power”.

## **Negotiations and accord making process:**

Accords are made through a long and tortuous process of dialogue and negotiations. Negotiations serve the purpose of communicative instruments. By virtue of negotiation parties understand each others stand, they can consider alternative options at their disposal and can discuss matters in order to reach a mutual settlement catering to their needs. Negotiation channels send messages through a constructive process. There are two basic objectives, namely economic and social-psychological. While the social-psychological dimension involves issues such as identity, interdependence, power, control, boundaries, and relationship, the economic dimension involves the substantive interests achieved, such as items of value, financial gain, or favourable courses of action (Spangle 2003:17). Thus negotiation harmonises conflicting positions through communication, through which a joint decision is reached in the form of an accord or agreement. Political negotiations concentrate on creating symmetric institutional structures by granting autonomy within a federal system thereby devising a power-sharing arrangement. Peace accords in ethnic wars are therefore about “power sharing and autonomy” (Sahadevan 2006:261).

There are seven theories on negotiations which provide seven different perspectives on why parties negotiate. These theories are: 1) Identity Theory, 2) Social Interaction theory, 3) Field Theory, 4) Human Needs theory, 5) Rational Choice theory, 6) Transformation Theory, and 7) Mutual Gains theory.

Perspectives of different theories: (Spangle 2003:40)

1. Identity Theory: Issues such as reputation, authority, dignity, and self-image play a significant role in negotiation.
2. Social Interaction Theory: The way people approach towards a problem influences their perceptions, attitudes, expectations, and relationships.
3. Field Theory: Individual behaviour and value structure are influenced by one’s social context i.e. groups to which one belongs or whose opinion one respects.

4. Human Needs Theory: Factors such as safety, harmony, security, power, social approval, control and status motivate the individual.
5. Rational Choice: Stakeholders engage in moves and counter moves based on their self-interest.
6. Transformation Theory: people attempt to change the way they relate to others, the way they approach a problem, or the way they determine the importance of certain things.
7. Mutual Gains: People engage in a problem-solving process with a goal of satisfying one another's interest in a way that is fair for both the parties.

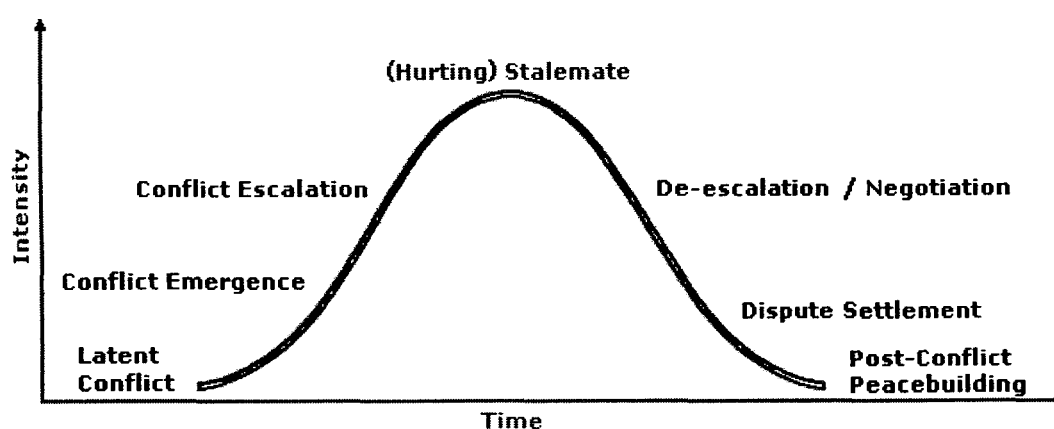
Negotiation is a process whereby the parties to a conflict seek to settle or resolve their conflicts (Ramsbotham 2005:29). It is the principal method of conflict resolution. Its role can be seen at three stages:(a) in the "prologue", when the conflict is merely an issue or a problem, to prevent it from getting worse; (b) during the conflict if the first has failed, to provide solutions and resolutions; and (c) in the crisis, if the first two have failed to bring the escalation and violence to an end (Zartman 2008:1). It is the dialogue aimed at resolving a conflict of interests (Pruitt 1987:62). The primordial function of the negotiator is to facilitate such an agreement which will not ensure "maximum possible benefit at the lowest possible cost, but maximum benefit consistent with an agreement that will endure over time" (McGaffey 1987:101). The agreement resulting from a negotiation process is enumerated as a joint decision in the form of a peace accord.

#### **Opening of negotiations and making of accord:**

Negotiations start at a given point of the conflict i.e. at the moment of ripeness. According to Zartman "parties resolve their conflict only when they are ready to do so - when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament"(Zartman 2003). According to him this is the very moment of "ripeness" when the stakeholders ardently seek a way out. Ripeness is the key to many successful cases of negotiation, opening the way for discussions that leads to an agreement. The notion of ripeness



revolves around the parties' perception of a Mutually Hurting Stalemate. The “balance of power” between the parties in a stalemate situation rules out the possibility of win or defeat for both the parties. Yet escalation of conflict will be destructive for both the parties. Thus stalemate encourages the parties to search an alternative or "way out," since the saturation point provides a “deadline or a lesson indicating that pain might be sharply increased if something is not done about it soon” (Zartman 2003).



(Brahm 2003)

According to Rubin, often the conflict is escalated to the stalemated rung. This is a saturated stage where none of the parties is in a winning position. Notwithstanding, neither do they step back nor do they accept defeat. Stalemates emerge for a number of reasons: “failed tactics, depletion of available resources to fuel the conflict, a reduction in support of the conflict by group members or allies, or costs becoming too high to continue” (Rubin 1994 cited in Brahm 2003).

According to Zartman since the beginning of a conflict government is at the vantage point having adequate leverage on the insurgents. Comparatively insurgents are weaker within the asymmetric power configuration of the state. Hence, governments downplay the need of long term cooperation with the insurgents. However, the insurgency movement survives and grows with the passage of time. Thus sufficient development of insurgency movement may alarm the state as being entangled in “a mutually hurting stalemate”. At this crucial juncture a conflict becomes “ripe” to be resolved (Zartman

1995 cited in Bapat 2005:701). “While a major escalation is needed to get out of the deadlock the warriors often opted for negotiations because it enables them to stay in control, whereas major escalation poses danger of a new leadership” (Zartman 2008:181). Thus, ripeness for negotiation is an offshoot of military stalemate. A military stalemate is a situation in which both the stakeholders are balancing against each other with their military might but none is assured of its own victory and thereby suffering stagnation.

“Longer the duration of the hurting stalemate, greater is the chances for negotiated peace. The government may feel more hurt from a prolonged stalemate than its opponent does when its international image is tarnished on account of bad human rights record, effect on its development programmes, its domestic disorder. These conditions do facilitate a negotiated outcome” (Sahadevan 2006:262,263).

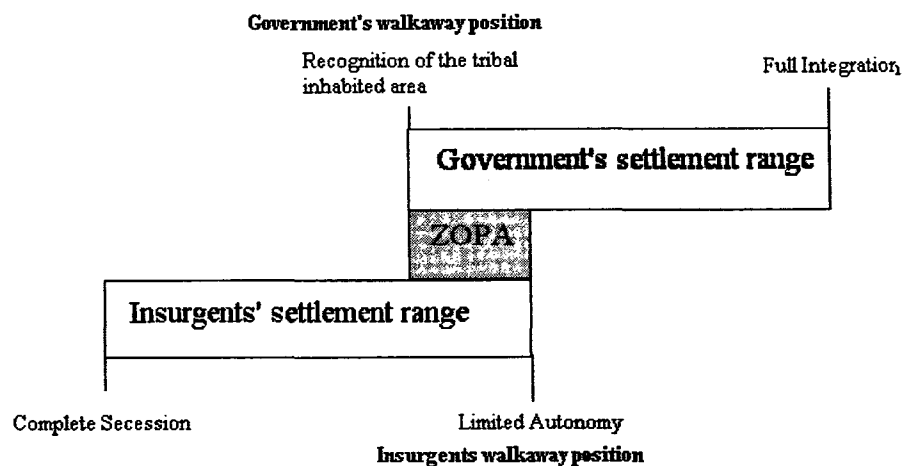
The possibility of the escalation of the military action against insurgents under authoritarian regime blocks the path to negotiate. If the government is democratic the possibility of the stalemate to open up negotiation is greater. Faced with a simple stalemate or “hurting stalemate” both the parties reduce the degree of their war objectives. Simple stalemate may open up ways for a peace process between the government and the moderate leaders whereas the “hurting stalemate” creates opportunities for direct negotiations between the combatants (Sahadevan 2006:251).

But it is a prerequisite for the parties to assess their “Best Alternative to a Negotiated Agreement” or BATNA to avoid a poor deal. BATNA is a term coined by Roger Fisher and William Ury in their book, *Getting to Yes: Negotiating without Giving In* (1981). BATNAs are critical to negotiations because the parties cannot make a wise decision about whether to accept a negotiated agreement unless they know what their alternatives are. BATNA “is the only standard which can protect you both from accepting terms that are too unfavorable and from rejecting terms it would be in your interest to accept” (Fisher 1981 cited in Spangler 2003). BATNA is the yardstick for the parties to accept or reject the terms of the agreement or the accord offered by the opponent.

According to Spangler once the parties know their BATNA and walk away positions, they will be in a stage to communicate and assess proposed agreements. This will help

them to figure out their “Zone Of Possible Agreement” or ZOPA. A ZOPA exists when a potential agreement promises benefit to both the parties. Especially, when the benefits are qualitatively better than the alternative options the existence of a ZOPA is reaffirmed. The ZOPA is a prerequisite to the successful outcome of negotiation, but it is time consuming to determine the very existence of ZOPA. When the parties explore their alternative options the existence of ZOPA becomes visible. Once the disputants are able to locate the ZOPA, there is a better prospect for reaching an agreement (Spangler 2003). “The nature of ZOPA is dependent upon the type of negotiation” (Watkins 2001). According to Spangler it is possible within the framework of an integrative negotiation to create “joint value”. In this framework when the parties have contiguous interests or if they deal with multiple issues at the same time and “make trades between them” then it is possible to “enlarge the pie”. Thus joint value may be created by the parties in an integrative negotiation. Hence there is ample scope for the ZOPA to be created.

On the other hand distributive negotiation tries to divide a “fixed pie”. The parties in a distributive negotiation are not interested to create a joint value. Rather they are concerned to acquire larger portion of the “pie” for themselves. Hence there is no scope for achieving a “mutually acceptable solution”. Distributive negotiations thus yield zero-sum result. There is no commonality of interest between the contenders. This non existence of common interest mars mutually beneficial settlement. There is no ZOPA in case of distributive negotiation (Spangler 2003).



(Derived from Spangler (2003) and developed)

However, in an ethnic conflict there is an inherent power asymmetry between incumbent government and the minority ethnic community. Hence the minority community lacks BATNA compared to the government. As a logical corollary, it also lacks the bargaining power while negotiating the terms of the peace accord. Therefore, the ZOPA, in an ethnic peace negotiation is created by the minority community out of compulsion where government is always at the vantage point in fixing the agenda for the accord. As Zartman says insurgents are visibly weaker than the government in terms of their military power and legitimacy and they have to fight for “legitimacy, sovereignty, allies, armies, and access to resources” with which governments are privileged. Hence it can be ascertained that the government determines the rules of the game being the “participant and umpire” of the game. The insurgents are only “petitioners and contesters”, two positions of inferiority. Both the parties alike “try to play on the element of cost to make the stalemate hurt and force the other side to change its policy”. The inequality between the government and the insurgents compels the insurgents to seek to make the government negotiate, whereas the government seeks to make the insurgents surrender. Thus the asymmetry in power may trap the insurgents to sign an unequal deal (Zartman 1995). The situation becomes more intense when factional feuds within the insurgent

group surface. Splits in an ethnic movement tempt the government to make a lesser deal with weaker parties (Zartman 2008:181).

Ripe moments are comprised of three basic elements. (a) a structural element, (b) a party element, and (c) a potential alternative outcome, that is, a mutually hurting stalemate, the presence of valid spokespersons, and a formula for a way out (Zartman 1985:134-69). The question of valid spokespersons can aggravate the problem in a pluralistic set up. The government can easily pit the moderate leaders of the insurgents against the most radical ones by alluring the moderates to give recognition as the sole mouthpiece of the minority community, thereby getting the best early deal from the moderates.

“Besides by engaging the moderate leaders in negotiations, the government aims at isolating the militants from their own society. As it is an externally induced division, the government offers some incentives and rewards. It may be in the form of an offer of general amnesty to the insurgents and a promise of their rehabilitation and reward of positions in governmental structure once they surrender arms and return to democratic life”(Sahadevan 2006:255).

The government adopts various political measures to win the insurgents’ constituency. Sahadevan (2006:254) mentions six such politico-economic measures:

- Announcement or undertaking of economic development works in areas afflicted by the war, or where militants’ support base is concentrated.
- Effective relief and rehabilitation measures for the people affected in the war, and reconstruction of the war-torn areas.
- Protection of the human rights of non-combatants by instructing the army to spare civilian targets;
- Conducts of good civil-military relations in the war zones by making the army undertake various civil duties along with its military functions.
- Unilateral announcement of peace package with sufficient guarantees to the dissident populace’s ethnic interests.
- Initiation of political process for holding elections in the war-torn areas and establishing civilian-controlled administration.

As an effect of this alluring peace package the accord may be signed, which leads to “a certain fragmentation of the pre-accord agenda of ethnic communities. The packages offered through the accords do not pertain to the communities. Thus the agenda of the community for its collective well-being always remains unaddressed” (Das 2001:248).

### **Success and failure of Peace accord:**

Post conflict situation refers to the conditions of peace and conflict after a peace settlement is reached. However, in the post-agreement years, peace is fragile and there is a general propensity towards relapse of conflict caused by various factors. They include non-implementation of the accord, non-inclusive and partial nature of the agreement, and reluctance and resentments on the part of the splinter groups to accept the accord. According to Collier (2008), “post conflict societies face two distinctive challenges: economic recovery and reduction of the risk of a recurring conflict. The post- conflict peace is typically fragile and many conflicts tend to reoccur.”

Peace accord which is the crux of peace process, “assumes a larger than life image, even if it has failed to evolve or decided not to evolve a workable system of state accountability, to take into account public opinion to counter the bid for immunity, to recognize the realities of torture, enforced disappearances, accountability, denial of justice including compensation to victims of abuse of power and other related matters” (Samaddar 2004:164). In spite of this larger than life image accords are mostly provisional. Besides they are fragile and vulnerable in nature. An accord is not the end in itself rather it is a means to conclude peace. Signing an accord does not imply end of war and beginning of peace, rather it is “an event in the continuum of war and peace” (Samaddar 2004:181). In short, accords have potential for both unleashing war and sustaining peace – “the innocent desire for peace and the culpable desire for power that masquerades as the desire for peace. Hence ‘peace with justice’ becomes impossible” (Samaddar 2004:169). Thus accord becomes simply a “technique of governing” in the hands of the incumbent state power.

In an important accord, the most important issue may be unaddressed. An accord is rarely reached over the primary concerns of some solidarity thus it may unleash fresh conflict with bloody consequences (Samaddar 2004:180). This makes an accord structurally deficient. Hence after signing the accord ethnic communities tend to complain against the “non-implementation or half-hearted or inadequate implementation of the accord.” The struggle for implementation may be as violent as that characterizing the pre-accord period (Das 2001:251). Failure in implementing the accord prepares the ground for further relapse of conflict.

Failure of an accord may be explained by the following propositions:

- 1) The structural deficiency in the accord makes just peace an unrealistic proposition.
- 2) Accords made in “top down” fashion i.e. by the “elite-based model” instead of “bottom up” mass-based model lack legitimacy
- 3) Exclusionary peace process though resulting in comprehensive peace accord does not ensure restoration of peace in ethnic conflict-torn regions.
- 4) Absence of an external third party mediator helps the parties to violate the accord.

#### **Structural deficiency and Peace accord:**

The problem of structural deficiency can be addressed by incorporating following elements in an accord: (Spangle2003:90)

- Expectations of each party (what and who)
- Implementation of agreement(how)
- Timing of implementation (when)
- Consequences for failing to abide by agreement
- Provisions for further discussions if agreement needs revision

The most crucial factor for the substantial implementation of an accord is a preplanned timeframe. Without a fixed timeframe enumerated in the accord the lineal progression of its implementation is uncertain. With the changing political milieu and with the change in government the value-construct of the parties to the agreement evolves for better or for worse. With the passage of time these value-constructs keeps on evolving. Without a specific timeframe the implementation of the accord gets protracted. Longer is the protraction greater is the evolution of the value-construct. With this evolution of value-construct priorities of the parties to the agreement may change with the changing political milieu. Hence the implementation of the accord may be derailed. On the other hand, during this protraction dissident anti-accord factions may strengthen their support base among the masses thereby generating resentments against the accord.

#### **Legitimacy of Elite-based accord:**

The success of an accord further depends on the structural design which was followed as a model in framing the accord. The accord may originate in a basically “top-down” or in a “bottom-up” fashion. The “top-down” refers to “elite based model” whereas “bottom up” stands for “mass based model”. In case of “top-down” model the peace accord is led by ruling elites from both the incumbent government and the minority ethnic community. The common mass is kept outside of this configuration. In a sense, in the “top down” accord the process of accord making is not participatory. All the decisions are made by the elites. Hence, there is lack of reflection or no reflection of the mass interest. Elite based accord defies the Wilsonian concept- “Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view” (Congressional Record cited in Hartman 1951:43). This concept is also relevant for ethnic peace accords signed between the state and the insurgent groups. The transparency and the openness in the accord-making process hold both the parties accountable which, in its turn, ensure the proper implementation and the sustainability of the peace accord. But this transparency is absent in the elite-based accord since it excludes the civil society from the process.



Anthony Wanis-st.John and Darren Kew (2008) have given four causes for this exclusion. According to them “civil society confronts its exclusion from elite-driven peacemaking.” The elite- based negotiation is based on various needs. These needs are: a) managing the hardliners within the group, b) reluctance to reveal to constituents that one is negotiating with the enemy, coupled with the corresponding need to talk to the enemy to seek out political accommodations and deescalate conflict, c) the need to build trust with opponents, d) and the need to avoid preconditions that conflicting parties often demand of their adversaries. Hence, when conflicting parties need to talk to the enemy even while there is ongoing confrontation or violence, they make the negotiation process exclusionary and engage in secret negotiation with the opponent (John 2008:13).

According to Pearson, negotiators claiming to be representatives of constituents may face opposition from the very constituents who turn down the result of negotiations as they were not “consulted, prepared, and reconciled to the situation”. The outcome of a peace process may suffer from lack of legitimacy if the grass root level is not involved in the process of negotiating peace. Leaders of splinter groups may sabotage peace accords. “Thus elite-based machination and back-stabbing often accompany peace talks, leading to repeated ceasefire failures and the violation of paper agreements” (Pearson 2001:279).

#### **Exclusionary method and failure of the accord:**

Accords are means to serve the interests of the stakeholders. In order to assess the success or failure of an accord one should first focus on the nature of the accord. The nature of an accord is determined by the nature of the parties that are involved in the process of accord-making and also the dissidents.

According to Hampson: “It is absolutely essential that all the warring parties have a seat at the negotiation table and are directly involved in discussions about the new constitutional and political order that will be created after the fighting stops. A ‘good’ agreement is one that has been crafted by all parties to the conflict. If parties are excluded from these negotiations, or if their interests are not represented at the bargaining table, they will have a much

stronger incentive to defect from the peace process and resort to violence to achieve their aims” (Hampson 1996:217 cited in Nilsson 2008:481).

Hence, inclusiveness of a peace agreement is a precondition for its success. Licklider also argues in favour of inclusive peace agreements and emphasizes that the duty of third parties is to engage all the important actors into the accord making process and not to strike a deal with moderates in a bid to make an easier settlement. According to him such an easy agreement may fail easily (Licklider 2001:701 cited in Nilsson 2008:481). The argument implies that the exclusionary method can take a toll on sustainable peace since certain factions of the community out of their grievance of being excluded may act as negative catalysts in the peace process.

#### **Absence of third party causes failure:**

Third party mediation or the presence of external observers to supervise the implementation process is also necessary precondition for the successful implementation of an accord. While, civil society monitors the process from within, third party mediators like international organizations, regional organizations, great powers, regional powers, donor agencies, donor countries can supervise the implementation process from outside. As Hampson (1996) observes third party mediators catalyze peace negotiation throughout the prenegotiation, negotiation, and implementation phases of the peace settlement process. The success of an accord is intrinsically linked with the mediator’s performance throughout the whole process of negotiations. When negotiations involve a government and a minority community, the presence of a third party mediator becomes essential for a peace accord to be just and also for the prevention of factional feud within that community. The absence of a mediator in an asymmetric configuration compels the moderate representatives of minority community to accept a weaker deal by compromising their main demands. This creates fissure between the moderates and radical factions. The radical faction emerges as potential spoiler of the accord. The power asymmetry between the government and the minority is balanced to a certain degree with the mediation of the third party, which provides certain amount of bargaining

power to the minority community if not equality with the government. This increases the opportunity for a better deal.

When the parties to a conflict reach the stage of “hurting stalemate” it is the mediator that acts as a positive catalyst to rescue the parties from facing an “entry problem” in negotiation. The “entry problem” causes an impasse; as a result the continuation of the conflict will exacerbate tensions. In this crucial juncture a credible mediator can facilitate an acceptable deal between the contending parties (Byrne 2009:10). However, the acceptability of the mediator is a crucial factor. Sometimes the mediator faces resistance from the conflicting parties due to three basic reasons. (a) existing legal barriers, (b) lack of external involvement, and (c) structural complexity of the parties and their conflicting objectives (Mitchell 1992:274-96 cited in Sahadevan 2006:258). However, the motives of the third parties to enter into a mediation can be, as Sahadevan (2006:95, 96) puts it humanitarian or moral, personal politicostrategic interests or combination of all. Based on these motives Sahadevan (2006:96) makes four categorization of mediation: 1) Humanitarian mediation, 2) Protective mediation, 3) Defensive mediation and 4) Proactive mediation.

Third parties can facilitate mediation by reformatting issues, locating best possible options, changing adversaries’ perspectives, prioritizing issues, building confidence and threatening sanctions. They can change adversaries’ perception of the cost-benefit assessment associated with an “agreement versus a no-agreement situation” (Hampson 1996:12).

Thus, by deescalating the stalemated situation a mediator can set the stage ready for negotiations. For the preparation of a successful negotiation the mediator focuses on issues such as meeting with “stakeholders to assess their interests, helping choose spokespeople or leaders, identifying missing groups or strategies for representing diffused interests, offering guarantees, drafting protocols and setting agendas, suggesting options, identifying and testing possible tradeoffs, writing and ratifying agreements,

serving as observers, and monitoring and facilitating implementation of agreements”(Hampson 1996:12).

In the post-accord scenario the status of the mediator becomes that of an observer. The initial post-accord years are vulnerable to the relapse of conflict. The non-implementation of the accord creates resentments among the insurgents provoking them to return to their bloody path. This can cause failure of ceasefire. In this situation the third parties can play a positive role in the accord implementation process. As Mohsin (2003:103-110) has pointed out, donor agencies can make their aid to the government conditional on full implementation of the accord within a set time limit. It can also exert tremendous political and moral pressure on states that violate or fail to implement the accord. In cases of extreme violations, economic sanctions can be imposed on the state. For the assessment and evaluation of the progress of implementation they can set up their own independent evaluation team. According to her they include prominent civil society members in their evaluation team. The civil society team backed by the third party can mobilize the masses and can generate some kind of mass support for the minority cause as well as about the proper implementation of the accord.

In case of elite –driven accord, because of the exclusion of the civil society from the negotiation process, masses remain utterly ignorant about the provisions of the accord as it happened in case of the CHT accord. In this situation third party’s presence and its alliance with the civil society makes the parties to the accord accountable. Hence, the absence of third party mediation is itself a spoiler to the successful implementation of an accord.

### **Conclusion:**

Durable peace is not automatically ensured with the end of war. Downs (2006) opined that the “distance between a peace agreement and anything that warrants the term *real peace* is as large as the distance between the ideals expressed in the most ambitious domestic programme and their concrete realization.” According to Downs (2006) there

are four criteria for successful implementation of accords. They include 1) the number of warring parties, 2) the likelihood of spoilers, 3) collapsed state, and 4) hostile neighbouring states or network. According to him, the larger the number of parties to the conflict the greater is the difficulty to implement the accord; as because the “strategies become less predictable, balances of power become more tenuous, and alliance become more fluid.” Proliferation of conflicting players implies diffusion of interests. It is difficult to address the largely diffused interests of all the actors at a given point of time. Again if any of the groups and their interests remain unaddressed they may feel excluded, thereby may sabotage peace. Spoilers pose challenge to the successful implementation of an accord. Potential spoilers are always present and whether they would spoil the peace process will depend on “the existence of a special opportunity structure” (Downs 2006). Signing of a peace agreement may pit the leaders against four different groups: (a) adversaries who may take advantage of a settlement, (b) disgruntled followers who see peace as a betrayal of key values, and (c) excluded parties who seek either to alter the process or to destroy it (Stedman 1997:5). The weaker the governance structure the greater is the obligation of the parties. Beside termination of war the parties have to set up a “modicum of state capacity” to make peace sustainable. Civil war is a common phenomenon in a volatile region which is always in a flux. Many civil wars juxtapose “regional conflicts and interstate competition”. So the success or failure of peace within a state is also dependent on the neighbouring states. Spoilers to a peace agreement can get strengthened by the neighbouring states by providing them with sanctuary, guns, fuel, and capital (Downs 2006). Hence, creates unavoidable compulsions for the nation-state to negotiate with the “ethnic group” in right earnest.

“Through the dialogue between the nation-state and ethnicity, they live off each other. They are the quarrelsome duo, eternally fighting, eternally making up. The politics of accord is marked by this fluidity and the consequent uncertainty” (Samaddar 2004:176).

TH-17622



## **Chapter 2**

### **The Ethnic Conflict in the CHT: A Historical Perspective**

The genesis of the conflict in Chittagong Hill Tracts (CHT) of Bangladesh can be traced to the response of the indigenous people against the deprivation of their identity need as an offshoot of the nation-building process by successive governments of Pakistan and the government of Bangladesh. It is the decolonization and subsequent partition of India that gave birth to the major problem confronting this region. This post-colonial problem was further aggravated and entangled in the post-cold war politics. During the post-cold war period the movement for self-determination of the indigenous minority communities across the world gathered momentum, of which the CHT was no exception. In this backdrop the chapter will discuss the genesis of the CHT conflict by analyzing the Bengali-Tribal divide. It will also discuss the goals and strategies of the Bangladeshi government and analyse the various initiatives for peace in the pre-1997 period.

The demand for self-determination of the indigenous CHT people had been rejected by the Bangladeshi government since 1971. In its bid to build a centrifugal monolithic state based on Bengali/Bangladeshi nationalism the government took the strategy to marginalize and homogenize the minority community of the CHT by various means. It pitted the minority indigenous jumma community against the hegemonic Bengali nation. Thus the conflict in the CHT is predominantly subsumed under the Bengali vs tribal conflict configuration. First, there was an enmity between the Bengali and the hill tribes. This enmity coupled with the hegemonic ambition of the Bengali nation impelled the Bangladeshi government to take different strategies to deprive the minority community of its “human needs” and perpetrating structural violence against the community. This human needs deprivation as well as creeping genocidal attempts generated grievances which found its outlet in insurgency. Hence, to analyze the genesis of the conflict it is important to trace out the causes of the Bengali-tribal enmity.

## **Genesis of the Conflict:**

### **The CHT Manual:**

Tellingly, the conflict between the Bengali and hill tribes was not spontaneous or inherent; rather it was attributed and nurtured. From 1860 to 1900, Bengalis had free access to the CHT which caused discomfort to the colonial government. As a part of “divide and rule” policy, the British soon decided that Bengali influence in the hill areas had to be curbed and a set of rules were passed in 1900, collectively known as the 1900 Regulations or the CHT Manual to administer the Hill tracts (Karim1998:305). Under section 18 of the Regulation, rules were framed to provide limited local self-government to the CHT region. Prohibition of migration to the CHT was a remarkable feature of the CHT Manual. The District Magistrate was British. Rest of the administrative staff was recruited from amongst the indigenous people. The three rajas (kings) namely, the Chakma Raja, the Bhomong Raja and the Mong Raja were given the authority on internal administration. They managed their respective “circles” through collecting taxes and dispensing traditional justice in the ethnic courts (Ahmed 1993:34). In 1920, a new administration was formed by amending the manual under the CHT (Amendment) Regulation 1920. Under this amendment the CHT was declared an “excluded area”, independent of general administration (Nayak 2006:60). With the passage of Government of India Act 1935 the CHT was declared a “totally excluded area” outside the province of Bangladesh and Assam. The key feature of this 1935 Government of India Act was that it prohibited Bengalis from settling in the CHT, thereby giving limited autonomy to the indigenous hill community (Karim 1998:306). Thus the CHT Manual isolated the hill tribes from the Bengali plain landers. For six decades the hill tribes enjoyed the special status. On the other hand, the cleavage between the Bengalis and the hill community became unfathomable during these six decades.

However, with the disbanding of the CHT Frontier Police, Bengali police personnel and civilians were brought into the region in large numbers by the Pakistan government (Ahmed 1993:38). This was basically the part of Pakistan government’s policy to co-opt the ethnic communities of the CHT in the broader “national” framework. This led to the

heavy influx of plain land Bengali businessmen and entrepreneurs from the plain lands of the then East Pakistan. In 1955, the East Pakistan provincial government tried to abolish the special status of the CHT. But this endeavour became futile because of local resistance (Chakma 2008:95). The initiatives were taken to marginalize the CHT tribes mainly because they were pro-India. In fact, the role played by Parbatya Chattagram Jana Samiti during the partition posed threat to the Pakistan government. Hence the government retaliated by initiating demographic change in the region.

Role of Parbatya Chattagram Janan Samiti during the partition:

Parbatya Chattagram Jana Samiti established in 1916 as the first political organization of the indigenous people of the CHT began to think seriously about the future of the indigenous people of the region and so did the three Rajas. They started discussing the future of CHT with Congress leaders like Achary J.B.Kripalni, Sardar Vallabhai Patel and Rajendra Prasad. The Rajas claimed the status of native states for their respective “circles”. As this proposal did not gain much currency, they proposed the formation of a confederation that would include the CHT region, the Tipperah Hill Tracts (Tripura), Coochbihar and the Khasia territory within the Indian dominion (Ahmed 1993:35).

Regarding the future of the CHT, the Jana Samiti was divided into the moderate and the extremist factions. The moderates led by Kamini Mohan Dewan (the president of the Jana Samiti) preferred a constitutional monarchy and the extremists led by Sneha Kumar Chakma (the secretary of the Jana Samiti) preferred a republican form of government and favoured the inclusion of the region in India (Ahmed 1993:35). In the original partition award the CHTs were to remain with India. This original partition award remained in force from June to August in 1947. But on August 13, 1947 the Viceroy, Lord Mountbatten, his Chief of Staff, Lord Ismay and the Boundary Commissioner Sir Cyril Radcliffe decided not to give Firozpur, a Muslim majority district, to Pakistan on the ground that it would give Pakistan direct ground strike capability against India's power-centre, Delhi. Moreover, it contained two Sikh pockets in Abohar and Fazlika. So the British decided to award Pakistan with something in the eastern wing (Jafa 1989:107).



The alternative was ready at their disposal as Muslim League had already demanded the CHT to be included in Pakistan. They claimed that although the CHT was depicted as a non-Muslim majority area in the map, it was merely one of the pockets in the Muslim contiguous majority areas having no contiguity to majority non-Muslim areas of Bengal and therefore should be included in East Bengal.

Finally the Radcliffe Award gave the CHT to Pakistan, against the promises made to the tribal leaders. This incorporation of the CHT in East Bengal was resented by the extremist faction of the Jana Samiti which soon came to be identified as the pro-Indian elements of the CHT. The pro-Indians led by Sneha Kumar Chakma hoisted Indian flag at the office of the Deputy Commissioner of the CHT at Rangamati. They also formed Protirodh Squads to resist the installation of Pakistani administration and called for an uprising and armed resistance against the Pakistani authorities. However, the futile resistance soon collapsed with the entry of the Baluch Regiment of the Pakistan Army (Ahmed 1993:37, 38).

Many other attempts were also made by the pro-Indian elements to articulate their adverse reaction against the CHT's incorporation in Pakistan, but these could not make much headway. But these pro-Indian elements were reasons for the government of Pakistan to disband the CHT Frontier Police in early 1948 because many of its members joined the Pratirodh Squads.

Finally in 1964 the CHT Manual was amended by the Pakistan Government as a part of its strategy to marginalize the non-Muslim and pro-Indian hill tribes. The amendment to the (second) constitution abolished the special status accorded to the CHT under the Regulation of 1900. Under a gazette notification issued on 10 January 1964 the then Pakistani President Ayub Khan abolished CHT's special status as an "excluded area" (Ahmed 1993:39). The indigenous people vehemently opposed the implementation of this amendment. The CHT Regulation of 1900 was amended without any prior consultation with them, to provide property rights in land to the settler population. This led to massive influx of *samatabashis* (plain-land people) who were predominantly

Bengalis. This aggravated the enmity between the two communities, the predominantly Muslim Bengali plainlanders vs the non-Muslim, non-Bengali hill tribes.

After the abolition of the special area status of the CHT all the branches of the district administration earlier managed by the indigenous people themselves were brought under the control of the central Pakistan administration. In this process, the indigenous officers were transferred to other districts and non-indigenous people increasingly assumed the district administration (Phadnis 1989:175). Furthermore, in the latter part of the 1960s, the influx of the Bengalis in the CHT increased as a result of setting up of some major industrial infrastructures such as the Karnafuli pulp and paper mill and administrative offices of various departments of the government (Parveen 2002:203).

#### **Kaptai Hydroelectric project and the Bengali-tribal divide:**

The Bengali-tribal rivalry became entrenched in the developmental projects which were initiated at the cost of the very tribal interests. One of the main reasons behind CHT's incorporation in the territorial framework of the Pakistan state was that East Bengal had no source of power except development of hydroelectricity, for which it had to depend on the Karnaphuli River in the CHT.

During construction, the dam flooded an area of some 655 square km. which included about 22 000 hectares of cultivable land - 40% of all such land in the CHT. The lake took away the homes of 18 000 families and displaced 100 000 indigenous people, of which 70% were Chakmas. This massive hydro-electric project caused the first Chakma migration. The dam also flooded the original Rangamati town and the palace of the Chakma Raja. In reality, the newly created 'environmental refugees' were resettled in the low-lying areas of Langdu, Barkal and Bhagiachari, but much of this resettlement area had gone under water by 1962 as the reservoir gradually filled up, and the government gave up all efforts to resettle these people again, thereby contributing to the *Bara Parang* (Great Exodus)(Parveen 2002:197-202).

Some estimates say that 40 000 of the indigenous people of the CHT went to the sparsely populated states of Mizoram, Tripura, Assam and Arunachal Pradesh of India. Another 20 000 may have gone to Myanmar (Parveen 2002:199). This had naturally aggrieved the indigenous people as they received few if any of the benefits of the dam. The displaced people received only Taka 500-700 per hectare as compensation, whereas they had to pay Taka 5000 per hectare to buy similar arable plain land in other areas (Parveen 2002:202).

As Parveen argues, the resettlement of these IDPs was handled poorly by the government of Pakistan due to their lack of understanding of the indigenous culture in the CHT. The Pakistan government identified the indigenous hill people as “nomadic” tribes practicing *Jhum* (slash and burn) cultivation. Hence, according to the government, it was not necessary to design a permanent resettlement programme for them. However, in reality, the indigenous people did move from hill to hill but they had a long cycle of jhum cultivation. Before the inundation of the Karnafuli valley, the average cycle of the jhum cultivation was 7-10 years, and in some cases 10-15 years. But this cycle was drastically reduced to only 3-5 years as the inundation of the valleys took away 40% of the arable land. Due to the reduction of fertile agricultural landmass, thousands of local people were forced back to jhum cultivation. This pressure on land was aggravated by the rapid population growth that took place during the 1960s and 1970s in the entire CHT. “The collective outcome of these developments was intensive agriculture both in the remaining plain lands and in the hills, leading to soil erosion, productivity loss and water pollution caused by increased use of fertilizer and pesticides”(Parveen 2002:202).

“This large-scale displacement of the indigenous people caused by the Kaptai dam is certainly one of the important factors that have contributed to the worsening of the relationship between the hill-people and the Bengali population in the CHT” (Parveen 2002:202). The indignation of the hill-people led to serious ethnic tension. Suspecting ill intentions of the government, the CHT people began to accuse the government of destroying their traditional structure of life. This political campaign was led by a group of young students who represented “a new wave of Chakma and Marma political identity and consciousness”.

## **Genesis of resistance in the CHT**

Thus the new economic policy as well as the settlement policy of the government of Pakistan tremendously disrupted the indigenous life of the CHT, thereby yielding qualms in their mind about the intentions of the government. Soon the law-enforcing agencies and administrative personnel in particular came to be identified as instruments of oppression and coercion. This has contributed considerably to the enhancement of *pahadi* solidarity (Ahmed 1993:40).

The protest against the 1963 amendment of Regulation 1900 came from the indigenous students who began to organize themselves under the aegis of the Hill Students' Association established in 1957. This association formed the organizational core of agitation against the Kaptai hydro-electric project. They protested against the Centre's policy of integrating the district of the CHT by abolishing its special status. The Hill Students' Association operated from Chittagong and later from Dhaka. During mid-sixties Rangamati College was established. After this Hill Students' Association was also shifted to Rangamati. Most of its front-ranking leaders went to the countryside and joined the teaching profession to gain support of people at the grass root level (Montu 1980:1512).

The Hill Students' Association, allied with the then East Pakistan Students' Union (pro-Chinese), first raised the demand of district autonomy. Confronted with a martial law administration, they opened schools, and developed tribal consciousness (Phadnis 1989:175,176). In 1966 this indigenous solidarity movement led to the formation of an underground political party called the CHT Welfare Association or Parbatya Chattagram Upajati Kalyan Parishad (UKP). It was formed with the aim of protecting the rights of the indigenous people. Later, it split into two groups, one supporting peaceful movement and the other devoted to the armed struggle. The supporters of peaceful movement gradually diminished. It was dissolved with the formation of a new political party in 1969 under a different name - Chittagong Hill Area Welfare Society (Parbatya Chattagram and Sanghati Samiti). The leadership of the group was provided by the Larma brothers who

belonged to the Chakma community. The radical faction of UKP led by Manabendra Larma founded the underground Rangamati Communist Party (RCP) on 16 May 1970. The RCP organized its armed cadres under the banner of Gana Mukti Fouz (people's Liberation Army) (Ahmed 1993:41).

### **Liberation war and the Bengali-tribal divide:**

Hence an indigenous people's movement passively gathered momentum simultaneously with the Bengali autonomist movement. However, the Hill people of the CHT could not identify with the Bengali movement because of two reasons: the resources of the CHT had been exploited for the development of East Pakistan, precisely for the majority Bengali Muslims of East Bengal which generated a sense of exploitation and deprivation among the hill people. Secondly, the demands and expectations of the non-Bengali Hill people were quite different from those of the Bengalis.

Further, as Mohsin argues, the Awami League did not have any representation from the CHT; nor did its leadership ever visit the CHT during its political campaigns (Mohsin 2003:22). The Awami League failed to convey the message of the movement to the Hill people of the CHT. Hence, the hill people in general and the Chakmas in particular remained indifferent to the sweltering events of 1971 war. To them the "events of 1971 appeared to be merely the rivalry of the contending elites of Dhaka and Rawalpindi which had nothing much to offer them. They hardly considered the liberation war to be of any use to their struggle for emancipation. The majority remained passive throughout the nine months of the liberation war" (Ahmed 1993:40).

The role-played by some leaders of the indigenous people of the CHT during the liberation war evoked scruples in the minds of some Bengalis about the Hill people's intension. This was chiefly because of the role played by Chakma King Tridib Roy and Chakma leader Aung Shu Pru Chowdhury, who acted in favour of the Pakistani authorities during the liberation war. The former acted as an international spokesman for the Pakistanis while the latter became a member of the Pakistani-installed government in

East Pakistan led by Dr. Abdul Malek (Hossain 2002:10). Besides 3,000 hill people especially the Chakmas were recruited by the Pakistani army in the paramilitary East Pakistan Civil Armed Force (EPCAF), the Razakaars and other militia forces towards the end of the liberation war (Ahmed 1993:40). These controversial roles of some of the indigenous people led to accusations among sections of the Bangladesh society that by and large the Chakmas had opposed the cause of independence of the Bengalis (Hossain 2002:10). On the other hand, since the Provisional Government of Bangladesh (PGB) at Mujibnagar was not well disposed towards the Hill people, their general impression was that the CHT was a hostile terrain for the Mukti Bahini and a safe haven for the enemies (Ahmed 1993:40).

While the majority of the Hill people remained passive and a substantial number of them allegedly “collaborated” with the Pakistan occupation army, a significant section of the Hill people, especially the newly enlightened and educated youth expressed solidarity with the liberation struggle. But due to the Awami League’s partisan approach and attempt to monopolise the liberation war, most of these young men were not allowed to join the Mukti Bahini. The few who joined the war were not honoured and given recognition for their service and contribution (Ahmed 1993:40). A number of Chakma leaders like K.K.Ray, Charu Bikas Chakma and Mong Pru Chai Chowdhury went over to India and joined the liberation forces. Manabendra Larma supported the forces of liberation in Bangladesh (Hossain 2002:10, 11). But this initiative of the indigenous leaders did not hold much water in correcting the misgivings in the minds of Bengalis regarding the indigenous Hill population.

### **Constitution of Bangladesh and the Bengali-tribal divide:**

The constitution of Bangladesh institutionalizes the Bengali hegemony over the minority community, thereby deepening the chasm between the Bengalis and the Tribals. The Constitution of Bangladesh adopted on 4 November 1972 entrenched the ideals of Bengali nationalism and gave no recognition to the non-Bengali population of the state. Article 9 defined the basis of state nationalism as Bengali nationalism. The Constitution declared Bangladesh to be a unitary state. This has been a crucial stumbling block to the

decentralization of power. Through Article 3, Part 1, Bengali was adopted as the state language, and Article 6, Part 1, declared that the citizens of Bangladesh were to be known as Bengalis. The unitary system ruled out any possibility of having a separate legislature or autonomy for the CHT as was demanded by the CHT delegation. The new state of Bangladesh has become a “hegemonic and majoritarian state” (Mohsin 2007:31, 32). The division created by the constitution was further aggravated by the government’s aggressive hegemonic approach. In February 1973, on the eve of the first parliamentary elections, Mujib visited Rangamati for the first time and declared that the hill people have been “promoted to [the ranks of the] Bengalis” and asked them to behave as good citizens (Ahmed 1993:43). This added salt to their injured pride thereby making them more obdurate against Bengali nationalism.

In 1972, while protesting against an amendment to article 6 of the draft constitution regarding the nomenclature of “Bangalee”, Larma protested by saying that the hill people were ‘Bangladeshis’ but not “Bangalees” (Khan 1997:82).

#### **Military crackdown:**

The general Bengali mass suspected the Hill people of the CHT as traitors. “To make the situation worse for the hill people, after the surrender of the Pakistan army on 16 December 1971, a number of Pakistani soldiers and members of the EPCAF and Razakaars took refuge in the CHT and began to harass the administration”. The Bangladeshi defense forces were mobilized to hunt down the anti-Bangladeshi elements hiding in the CHT. In these operations even the air force was used to carry out bombing raids, risking the safety and security of the innocent indigenous people of the CHT (Ahmed 1993:41). Thus, the Awami League led government got the opportunity to pay off old scores against the non-Bengali indigenous people. However, by the end of January 1972 the people of CHT was “pacified” and Bangladesh authorities appeared to have taken full control of the situation. Bangladeshi military crackdown on Hill people aggravated the insecurity among the hill people. They became more and more concerned

about the question of their self-determination and for that they started pursuing constitutional means.

### **Primary goals and objectives of the government:**

The primary goal of successive governments of Bangladesh since its independence has been the construction of a homogeneous national identity for which the self determination movement of the indigenous people of the CHT was an obstacle. On the other hand, as a post colonial state Bangladesh also strived hard to enter the global marketplace in the interests of state-building and development. For achieving this goal it has increasingly sought to promote itself to the international aid agencies for necessary aids and grants. However, to achieve credibility in the international arena as a democracy, stability in the country was a precondition. But stability was in question because of the insurgency movement in the CHT. Thus, homogeneous nation-building and developmental state-building process gave the Bangladeshi government sufficient opportunity and excuses to encroach into the life of indigenous people in the CHT in the name of counter-insurgency and to sow the seeds of marginalization and ethnocide of the hill community.

To homogenize the hill people the government took the strategy of changing the demographic structure of the region by settling Bengalis in the CHT from plain lands. This proves to be the primordial strategy of the Bangladeshi government in perpetuity, which was visible in its rejection of funding offer from the European Union for resettling the Bengalis in the plain lands (Chakma 2008:97).

To quell the insurgency movement large scale militarization of the CHT took place. However, this militarization also took a heavy toll on innocent lives in the CHT in the name of quelling insurgency and thereby perpetrating ethnocide. The developmental strategy of the government included “the termination of a sustainable, localized economy, based on a long-term human adoption to the forest environment, in favour of a fundamental switchover from both wet rice and shifting cultivation technology to a modern agro-industrial technology. In practice, this has meant not only the coercion of



the indigenous people in order to make them relinquish jhum cultivation but also the reconfiguration of the very lands they inhabit in favour of fruit gardens or rubber plantations owned or controlled by the state or its nominees. Thus, the CHT people were forced to be dependent on the market economy” (Levene 1999:351). Thus, masquerading under the developmental strategy the state perpetrated a “structural violence” in the CHT which is again conducive to the marginalization of the indigenous community of the resource-rich frontier of the country.

### **Strategies of the Government:**

#### **Rejection of the separate identity demand:**

The principle objective of the government was to establish Bengali nationalism. The fundamental strategy to achieve this goal was to homogenize the entire population and assimilate it within the Bengali nation, thereby establishing Bengali hegemony over the minority communities. For this purpose the government rejected their demand for constitutional recognition of separate identity.

As Bangladesh proceeded with the framing of its constitution a seven member delegation led by Charu Bikas Chakma, met the then Prime Minister Sheikh Mujibur Rahman, Minister of Law and Parliamentary Affairs and other senior Awami League leaders on 29 January 1972 to discuss the problem of the hill people. It highlighted their “uncertain existence, cultural threats and the lack of political autonomy” (Samad 1997:248) and appealed to the Prime Minister to guarantee the protection of their distinct identity.

Later, a hill people’s delegation, led by Manobendra Narayan Larma, called on Sheikh Mujibur Rahman, and made the following demands:

- 1) Autonomy for the CHT with its own legislature.
- 2) Retention of the 1900 CHT Manual.
- 3) Continuation of the offices of tribal chiefs.

- 4) Provisions restricting the amendment of the CHT Manual and imposing a ban on the influx of non-tribal people into the CHT (Mohsin 2003:22).

However, Prime Minister Mujibur Rahman rejected the demands and advised the Hill people to get assimilated with the Bengali nation.

In retaliation Manabendra Larma formed the first open political party, the Parbatya Chattagram Jana Sanghati Samiti (PCJSS) on 7 March, 1972. "With the birth of PCJSS, the regional platform gained moral support of the hill people for its nationalist character" (Samad 1997:248). "The formation of the PCJSS signaled the formal break of the CHT from the state-sponsored model of nationhood" (Mohsin 2005:226). According to the manifesto of the PCJSS the party was formed

"...in order to be free from Islamic fanaticism, expansionism, exploitation oppression, deprivation and perpetual rule of Bangladesh and to safeguard the national entity and homeland for various multilingual nationalities to ensure the separate entity status of CHT with a constitutional guarantee and to establish regional autonomy with a Legislative Assembly" (PCJSS Manifesto cited in Nepram 2003:158).

On 24 April 1972 the PCJSS submitted an 'Application Demanding the Constitutional Rights of the people of the CHT' to the constitution drafting committee based on earlier memorandum submitted on 15 February 1972. But this "political concession" was rejected by the drafting committee. Larma continued to debate the issue but all his efforts to raise the issue in Parliament went in vein. Only Jatiya Samajtantrik Dal (JSD) was the party in the opposition which joined Larma to support political autonomy for the hill people (Samad 1997:249).

Larma held several rounds of talks with Mujibur Rahman throughout 1972. In one of such discussions, Larma had an altercation with Mujib who threatened to swamp the CHT with the influx of one million Bengalis (Ahmed 1993:42). The situation became serious on 31 October 1972 when an amendment was moved to Article 6 of the draft constitution to the effect that a citizen of Bangladesh should be termed as a "Bangalee". Larma vehemently opposed this homogenous terminology and emphasized that

indigenous hill people were “Bangladeshis” but not “Bangalees”. The amendment was, however, adopted and in protest against this, Larma staged a single-person walkout. Larma made another effort to amend the draft constitution. He proposed the insertion of a new Article 47 to declare the CHT as an autonomous area to safeguard the political, economic, social and religious rights of the different ethnic people of the CHT. But this proposal was ruled out by the speaker as it was negating the basic principle of “Bangalee” nationalism (Khan 1997:83).

At this stage, PCJSS gradually deflected from its constitutional path and adopted non-constitutional means. Eventually, “Larma’s pursuit of the regional autonomy through constitutional means ended in 1975 when a military coup changed the political set up of the country and the military regime suspended the constitution. After the coup, Larma went underground and soon after a full-blown insurgency developed in the CHT led by the shanti Bahini” (Chakma 2008:96).

Against this backdrop, anticipating physical threat to the CHT people, PCJSS formed its armed wing, the Shanti Bahini (peace force) on 7 January 1973, from the vestiges of the Gana Mukti Fouz. This armed group was necessary for the PCJSS, given the gradual militarization of the CHT. According to the members of Shanti Bahini, the creation of Shanti Bahini was necessary because of two factors- the military activities of the Mukti Bahini in the CHT and the failure of the state to take any action against them. But Shanti Bahini started its full blown armed struggle not before 1976 (Nepram 2003:158).

To project Bangladesh as a monolithic Bengali nation to the international community Bangladesh government took the strategy to deny existence of indigenous community within the country. Hence, the first census under Mujib’s government in 1974 did not make a separate category for the indigenous community. This was a strategy of “willed ignorance” of the state (Karim 1998:310). One of the strategies of the Khaleda government was to deny officially the existence of the indigenous jumma people and to this end Bangladesh did not observe 1994 as the year of the Indigenous Peoples as was declared by the United Nations. “Granting the recognition would have implied that the

indigenous people get all the protections offered by the UN Declaration” (Mohsin 2005:229). Hasina led government was also very ambivalent on the issue of granting recognition to the indigenous people of the CHT. Sheikh Hasina did not recognize the existence of any indigenous people in Bangladesh. According to her, at best, there were some “*nritattik Jono goshti*” in Bangladesh. The term is opaque. Its nearest English equivalent is ethnographic people (Mohsin 2005:229).

### **The Bengali settlement:**

The separate identity demand of the indigenous hill people had a definite territorial dimension which is the fundamental basis of their autonomy demand as well. The hill community was enjoying a special area status, thanks to the CHT Manual, which isolated them from the Bengali nation. From 1900 to 1964, until the amendment of the Manual, they were the majority in the CHT which is one tenth of Bangladeshi territory. This posed a challenge to the homogenization scheme of the government. The government felt the need to marginalize the community by transforming it from majority to a minority. This could be done through change in demography. The demographic change was materialized by the state sponsored Bengalisation in the CHT.

The Mujib government adopted a policy (backed by a section of army) of massive settlement of plain-land Bengalis especially from the districts of Comilla, Noakhali, Barisal and Patuakhali. The large-scale planning of new re-settlement began from 1973. Free lands were distributed amongst the new settlers and they were provided with police protection. While in 1947 indigenous population consisted of more than 98%, in 1974 it had reduced to 81 % (Arens 1997:53). The official record reveals that the tribal- non-tribal ratio in the CHT was 88:12.6 in 1974 (Phadnis 1989:177). In 1979, the government amended rule 34(1) of the CHT Manual and removed the major restrictions against the ownership of land in the CHT by outsiders. The settlement of the plains people in the previously restricted areas of the CHT was done despite the inadequacy of the cultivable land available for the CHT residents themselves (Khan 1997:84, 85), which aggravated resentment among the hill people.

From 1976 to 1981, Zia government inducted 100,000 Bengalis from the plains into the CHT as one method of producing the homogeneous identity; which further escalated the unrest and struggle. The tribal-non-tribal ratio in the CHT was 67:33 (Phadnis 1989:177). The state gave each settler's family 5 acres of hilly land or 4 acres of rice cultivable land. These resettlement policies tilted the balance between Chakmas and Bengalis: in 1964, the Muslim population of the CHT was 12%; in 1991 it had increased to 44% (Karim 1998:307).

Although the government settlement programmes were officially stopped in 1985 Bengalis were still settled in the CHT even during Khaleda zia's rule. For instance in 1993 Bengalis who had been displaced by a government project in Comilla district were settled in the CHT. In 1993/1994 Bengalis were settled in Mogban mouza under Rangamati Thana on about 500 acres of land on which jumma people had been resettled in 1977/1978 for a collective farm project of the CHTDB (Arens 1997:53). In 1992 an estimated 300,000 jumma people had been forcefully shifted to cluster villages.

### **Strategy of Militarisation:**

Militarization is a part of counter-insurgency strategy of the Bangladeshi government. Ironically, it was the Awami League led democratic government that initiated the process of militarization of the CHT. Three new cantonments for the region at Dighinala, Ruma and Alikadam were established (Ahmed 1993:44). At the same time efforts were made to strengthen the law-enforcing agencies including the police. This increased the threat perception in the minds of the indigenous people of the CHT and thus spurred the process of conflict-escalation. The peaceful demonstrations took place in the CHT in favour of autonomy and constitutional safeguards, which were suppressed by the use of force (Chakma 2008:96). Massive military deployment took place in the CHT during 1970s since the demand for autonomy was interpreted as "secessionist" despite the fact that the tribal militants in the CHT had persistently sought "greater regional autonomy and not a separate state" (Phadnis 1989:177). The Special Power Act of 1973 provides for

preventive detention. By making use of this power government perpetrated massive human rights violation which took the form of countless illegal detentions in Khagrachari, Rangamati and Bandarban.

The Disturbed Areas Act authorized police sub-inspectors or non commissioned officer (NCO) to make arrest or open fire on any person suspected or engaging in unlawful activity. The Act also empowered the police to enter any premises and destroy any houses or to confiscate property. In other words, the civil rights of the people living in the CHT were at stake since 1980 (Karim 1998:311). In the wake of the 1981 Ershad led coup, around 17000 Jumma fled to Tripura, bringing the total number of refugees in the border states to 40 000. Hence, the Ershad regime was charged of perpetrating genocidal attempts. It was alleged that its military operations were of a counter-insurgency nature concentrating mainly on the northern, most heavily (Chakma) populated part of the CHT which was a Shanti Bahini stronghold. To refute this sort of allegation Ershad officially abandoned state sponsored settlement in 1983 and ruled that there would be no new land grants made to settlers (Levene 1999:359). In 1988 Ershad allowed the journalists to enter the CHT region and since 1988 visits and tours by professionals and people of various walks of life to the CHT increased (Hossain 2002:13). But the government of Bangladesh achieved its target of outnumbering the hill people in the CHT by the late 1980s and early 1990s (Chakma 2008:97). Hence opening up the region to the media was not a big deal for the military regime.

The government of Ershad pursued a “carrot and stick” policy. For example, just after the abandonment of the state-sponsored settlement policy in 1983, the army carried on with its scorched earth operation in 1984 which left hill people either dead or starving. Again in the next year the CHT was declared as a Special Economic Area which was meant to co-opt the indigenous people in the mainstream. The year after a mass exodus took place when the security forces let loose a reign of terror. Thus militarization of the region continued under the Ershad regime, violating human rights in the name of counter insurgency. Since 1981 full-time brigades have been stationed at Rangamati, Bandarban, Khagrachhari, Kaptai and Sabuatali. The number of police stations had been increased

and, in addition, a school of Jungle Warfare at Mahalchhari and a naval base at Dhalyachhari for the Kaptai lake area have also been established (Ahmed 1993:46).

The situation in the CHT remained unchanged even after the civilian government assumed office on 19 May 1991. Khaleda Zia officially endorsed the policies of Lt. Gen. Hussain Muhammed Ershad for the CHT. In April 1991, a meeting of the Council Committee on the CHT Affairs, the highest level policy making body of the government on the CHT, decided to continue the previous governments policies. In another Council Committee meeting on 9 June 1991, it was decided to continue Gen. Ershad's policy of "sham autonomy" for the CHT through the District Councils (Khan 1997:87). The entire area of the CHT was virtually run by the military. In fact the political and social agencies of the CHT were largely influenced by the military (Khan 1997: 87). Thus both authoritarian and democratic regimes opted for military solution to the CHT problem.

#### **CHTDB as an instrument for militarization:**

Ziaur Rahman in 1976 set up the Chittagong Hill Tracts Dvelopment Board (CHTDB) to carry out large scale development programmes in the CHT. However, this economic endeavour was meant to strengthen the militarization process of CHT. The counter-insurgency objective of the CHTDB became visible when the General Officer Commanding (GOC) of the Chittagong Division, who was in charge of the CHT, was made its ex-officio chairman after Martial Law was declared by General Ershad in 1982 (Arens 1997:57). The underlying motives of the CHTDB were both political and military as a government official told the CHT Commission:

"The CHTDB was established to fight the Shanti Bahini.... Loans are given for private purpose, to businessmen and tribal leaders... they are showpieces of the government....It is mostly a political bribe to tribal leaders to buy them off so that they would not help the Shanti Bahini" (Chittagong Hill Tracts Commission 1991 cited in Arens 1997:57).

The Presidential Order of 1977 subsumed the civil administration under military control by holding that civilian administration would work with the advice of the military. This empowered the military to institutionalize its vested interests in the CHT. Since then, the military has been at the helm of affairs in the CHT. Under their defacto authority and supervision all developmental projects in the CHT were implemented. They also controlled the fund that came from the international aid agencies and donor countries for the CHTDB developmental projects. However, a close examination of the CHTDB development projects reveals that more than 80 per cent of the CHTDB development budgets were spent on building a military infrastructure (Joshi 2003:115).

Some of the major programmes of the CHTDB that have been carried out are road construction, telecommunication, electrification and resettling jumma people in “model” villages or “cluster” villages. Despite the rhetoric that these programmes are meant for the development of the CHT people they serve military interests in the first place, in particular the counter-insurgency programme (Arens 1997:58). Ironically, most of the roads, such as those under multi-sectoral programme in Khagrachari district, were built in those areas where the Shanti Bahini was the most active. Roads increased the mobility of the army to combat the Shanti Bahini and in the second place served Bengali businessmen.

Ostensibly, other than the “political motives” behind the development programmes, the introduction of cash crop production, such as horticulture, forced the indigenous people of the CHT to be dependent on the market economy, thereby eroding their self-sufficient economy. Besides the model or cluster-village programmes served the counter-insurgency programme against the Shanti Bahini by cutting off the supply line; these cluster villages were also meant for mainstreaming the indigenous people (Arens 1997:59). Between 1976 and 1981 fifty five *joutha khamar* (co-operative farms) were set up, in which 3300 Jumma families were forcefully resettled. As early as 1979 some high ranking army officers had declared at a public meeting in the CHT: “We want the land and not the people”. In the cluster villages the people were dependent on food aid and they were made plantations labourers. Several people in the CHT suspected that the



people in the cluster villages actually served as a human shield to protect the army against Shanti Bahini attack (Arens 1997:63). However, the government of General H.M.Ershad continued with the previous government's policy of "economic development" of the CHT region by virtue of the CHTDB. By 1982, the *joutha khamar* had constituted the most important sector of the CHTDB's development programme involving 60 per cent of the total allocations over the period since its initiation. It has been alleged that the *joutha khamars* were organized as "Vietnam-type" anti-guerrilla "strategic hamlets" (Ahmed 1993:48). People were forcefully removed from their villages and ancestral lands by the army and resettled in cluster villages. In many cases the army came into their villages and burnt their houses, Bengali settlers took over the land. In 1985 new schemes for resettlement were chalked out and another cluster-village programme started in 1988 (Arens 1997:63). These cluster villages were meant to destroy the tribal life style thereby causing structural violence in the hills.

#### **Strategy of Marginalisation by environmental change:**

The government carried on the marginalization strategy of jumma people by creating Reserve Forests in the lands of jhum cultivation. In 1992, the government decided to declare 76,000 acres of land in Rangamati, 37,387.5 acres in Khagrachhari, and 7,389.2 acres in Banderban as Reserve Forest, which would displace about 50,000 local families and turn them into either Internally Displaced Persons (IDPs) or refugees (Mohsin 2005:235). In February 1994 a large-scale integrated development programme was launched including rubber and tea plantations in Rangamati. It was feared by the hill people that this project would raise the number of IDPs (Arens 1997:65).

#### **Islamization strategy:**

Beside the Bengalisation and the militarization strategies Islamization of the CHT was also used as a tool to marginalise the tribals in the hills. During the rule of Zia Ur Rahman hill people demanded that the national identity should be broadened to include non-Bengalis living in Bangladesh (Karim 1998:308). This coincided with Zia's effort to

define Bangladesh citizens in a communal way. Officially, the name of a citizen of Bangladesh was changed from Bengali to Bangladeshi in 1978. But while the connotation of the term Bengali was predominantly linguistic and secular, the term Bangladeshi was adopted on religio-linguistic basis; Muslim as opposed to Hindu and Bangladeshi as opposed Bengali(coded to mean hindu-Bengali) or non-Bengali(ethnic minorities, tribals ) (Karim 1998:308). Hence, the construction of nationalism had “equated being Bangladeshi not only with being Bengali, but also with being Islamic, neither of which included the cultural identity of the hill people” (Mohsin 2003:24) who were predominantly Bhuddhists, Hindus, animists and Christians by religion.

Thus the connotation of the nomenclature “Bangladeshi” is both inclusive and exclusive. It simultaneously includes and excludes the indigenous people in and from the state, which gives the state to be repressive on the hill people as its citizen when necessary and to be ignorant willfully when the question of their self determination comes. To the utter embarrassment of the religious minorities in the CHT President Zia amended the constitution so that all official proceedings began with the invocation “bismillah ir rahman ir rahim”.

As part of the Islamization process the Bangladesh government in October 1982 announced a new education policy, introducing Arabic in primary schools. In 1988, Ershad officially made Islam the state religion through the Eighth Amendment to the constitution. The Eighth amendment becomes antithetical to Article 28(1) of the constitution which states that “the state shall not discriminate against any citizen on grounds of only religion, race, caste, sex, or place of birth.” “Yet the High Court of Bangladesh refused to adjudicate any petition filed on religious discrimination grounds. By refusing to review cases of religious discrimination, the High Court effectively produces a mythology which says that there is no religious discrimination in Bangladesh. The legal system is complicit in the production of a homogenized national subject” (Karim 1998:310).

### **Divide and rule strategy:**

All the three above said marginalization strategies were basically meant to oppress the general CHT minority communities and to suppress their autonomy demand. Ershad took the strategy to divide the PCJSS leadership in order to weaken the insurgency movement. By 1980 factional feud within the PCJSS led to the formation of two groups. On October 24, 1982 the PCJSS split into two factions. One was led by Manabendra Larma who supported a protracted struggle to achieve autonomy and the other was led by Preeti Kumar Chakma who favoured secession (Ahmed 1993:51). The government struck the iron when it was hot by declaring general amnesty for the members of Shanti Bahini. . Factional feuds in the PCJSS and failure on the part of Preeti Kumar Cakma to exert influence on the group led him to respond to the amnesty offer of the government. Hundreds of insurgents led by Preeti Chakma surrendered to the Bangladesh Government in response to the amnesty offered by Ershad. After this the support for the PCJSS as well as Shanti Bahini began to decline (Ahmed 1993:52).

### **Revival of Tribal Convention:**

Besides the government also revived the Tribal Convention which was first set up by Ziaur Rahman in 1977. The Tribal Convention was revived in order to establish contact with the insurgents, especially the PCJSS as well as Shanti Bahini leadership in exile. The government pursued a 'two window' strategy. While Colonel Syed Md. Ibrahim kept the PCJSS debating over its five point demands, Air vice Marshal (retd) A.K. Khandaker led the National Committee for the CHT (NCCHT) to the discussions with the non-PCJSS civilian ethnic leaders (Samad 1997:252). Through a series of negotiations the government succeeded in creating a chasm in the broad unity of the PCJSS followers in particular and the indigenous Hill people in general. As a consequence of protracted negotiation between the government and the leaders of the PCJSS during Ershad's regime many veteran organisers of the PCJSS like Shantimoy Dewan, Cai Thowai Roaza, and Charu Bikash Chakma disassociated themselves from the Shanti Bahini. Thus government succeeded in further isolating the Shanti Bahini and weakening the PCJSS.

On 28 February 1989 the Jatiya Sangsad (national parliament) adopted three bills providing for the constitution of the Parbatya Zilla Sthaniya Sarkar Parishad-PZSSP (Hill district Local Government Council). This initiative of the government further created division between the Shanti Bahini who tried to resist the creation of the new PZSSPs and the moderates who mobilized the mass support in their favour. They formed the Nagorik Protirodh Committee-(Civic Resistance Committee) – to counter Shanti Bahini actions. Shanti Bahini carried on with its armed insurgency and killed number of prominent leaders including Shantimoy Dewan. This infuriated the hill people and the isolation of the PCJSS hardliners and Shanti Bahini was thus completed (Ahmed 1993:55). However, elections were held in Hill District Councils and an educated young leadership emerged from that election. Their political ambition was appeased with the “limited autonomy” provided by the District councils. While the PCJSS hardliners strongly opposed the Hill District Councils and demanded their annulment, the newly emerged leadership in the CHT mobilized the masses in favour of the Hill Districts. Thus cleavages within the hill community became visible.

At the end of Ershad’s rule in 1990, the Hill Students Council (PCP), the Hill People’s Council (PGP) and the Hill women’s Federation (HWF) were formed to contest the claim of the PCJSS to be the sole mouthpiece of the indigenous people of the CHT. Besides attempting to derail the self determination movement of the Jummas, Ershad annulled the 1900 Regulation which left the jumma with less protection as the real authority in the region remained with the military itself.

#### **Strategies of the resistance movement:**

“The resistance is a reaction to accumulated grievances and provocations, policies of discrimination, innumerable acts of oppression and atrocities committed on the indigenous people.” The PCJSS adopted three strategies of fight off pressure : first, discussion with the Bangladeshi government for a political solution; second, organizing

resistance through the shanti Bahini; and last appealing to the international community for intervention in the CHT (Chaudhuri 2002:19,20).

Since 1976 full fledged insurgency, led by Shanti Bahini, fermented the CHT. “Shanti Bahini’s strategy was to give the conflict a geopolitical dimension by creating sanctuary in either Myanmar or across the Feni river into the Indian state of Tripura” (Levene 1999:353). Apart from military activities, the PCJSS, by mid-1980s, attempted to integrate the different nationalities of the CHT under the newly contrived notion of “Jumma nationalism”. This newly proclaimed separate nationhood was meant to retaliate the state led homogenization process. This Jumma nationalism was derived from the Jhum mode of cultivation of the indigenous people of the CHT. Hence it emphasized the cultural, linguistic, religious, and historical exclusiveness of the hill people. “For the native people of the CHT this ‘imagined community’ represented not only a repudiation of the state’s equally ‘imagined’ notion of a homogenous Bengali or Bangladeshi people but offered an alternative unitary formula in stead”(Levene 1999:358).

In 1988, in negation with the then Ershad government, the PCJSS put forward minimum acceptable demands to the government. Here, along with the basic demands of autonomy and separate legislature, they also demanded the renaming of the CHT region as “Jumma land” (Mohsin 2003:40). They demanded the deployment of UN peacekeeping force in the region which implies that PCJSS was strategizing to internationalise the issue of their self determination.

Sneha Kumar Chakma formed an organization called the Buddhist Minority Protection Committee in the early 1980s to counter the Islamization process of the government of Bangladesh. Along with the PCJSS, BMPC began a “communal hate campaign” against Bangladesh authority. It emphasized Buddhist identity of the CHT people and accused the government of perpetrating atrocities on religious minorities in the CHT. However, this alliance between the PCJSS and the BMPC in turn strengthened Chakma dominance in the PCJSS which was resented by a section of the PCJSS dissidents of non-Buddhist origin (Ahmed 1993:53).

### **Peace initiatives as in the Pre-Accord phase:**

The introduction of Mujibur Rahman's one party rule in 1974 under the aegis of Bangladesh Krishak Sramik Awami League (BAKSAL) led to a significant shift in Mujib's policy towards the problem of the CHT. Manabendra Larma was granted the membership of newly found BAKSAL through a government notification. Following the clandestine meeting between Mujib and Manabendra Larma in March 1975 an agreement was framed.

The salient features of this agreement are: "(a) The insurgents would denounce the armed conflict, (b) Manabendra Larma would sign the Bangladesh Constitution and join the government as the minister of State in the Ministry of Finance,(c) the insurgents would give up the demand for the expulsion of the non-local people in exchange for (i) general clemency to the tribal people, (ii) return and rehabilitation of those who crossed over to India(iii) adequate compensation for the acquisition of hills land for the Kaptai dam project and other projects and (iv) significant development efforts in the CHT under a regional body" (Hossain 2002:12).

In April 1975 Mujib formed a Special Committee for the CHT (SCCHT). In July 1975 the two Rajas, namely Mong Shui Pru Chaudhury and Mong Pru Sein Chaudhury, were appointed governors of the newly created districts of Bandarban and Khagrachhari respectively. The secretaries of the three district committees of BAKSAL were also appointed from amongst the senior hill leaders. However, this peace initiative was essentially a strategy of compromise on the part of Mujibur Rahman for strengthening the support base of his one party rule and co-opting CHT leadership under the yoke of his BAKSAL. This is evident in the fact that Chai Thowai Roaza, an MP elected on the PCJSS ticket volunteered to join the BAKSAL around this time, and Larma also was offered a membership of the BAKSAL, Just after which the peace agreement of 1974 took place. This negotiation bypassed the core issue of self determination of the CHT people. However, this peace process got a sudden jolt with the assassination of Mujibur Rahman on 15 August 1975.

During Zia's regime it was the hill people, particularly the PCJSS leadership who pursued the government for a negotiated solution for the CHT problem. Leaflets were distributed during the late 1970s and early 1980s from the general headquarters of the Shanti Bahini signed by Manabendra Larma seeking an early solution to the problem. "The leaflets accused that despite congenial atmosphere created by 'certain authorities', bureaucrats had neglected the effort for a dialogue" (Samad 1997:249). Manabendra, through his personal emissary, also tried to contact General Ziaur Rahman. Later Zia constituted a forum called "Tribal convention" in 1977. This convention virtually opened up a channel of communication between the government of Bangladesh and the PCJSS. The tribal convention held four rounds of talks with the PCJSS during July 1977 and December 1978. But according to the PCJSS leadership this "Tribal Convention" leaders were "native traitors" backed by the military. Seemingly the convention was formed by the government to boost up a counter-force against the PCJSS (Chakma 2008:97).

The second initiative was taken on the part of the government to settle the "abnormal situation" of the CHT in 1979. So far the peace negotiation was concerned government's precondition was that "those who wished to talk to the government should have full control on the armed cadre and could speak both for the political leadership and the armed cadre" (Samad 1997:251). In its reply PCJSS expressed that they were ready to "go for dialogue only through political process" (Samad 1997:251). In order to improve the climate for negotiations, two tribal leaders-Shantu Larma and Chobri Marma-were released on 22 January 1980. But the PCJSS was suspicious about the dubious nature of the peace process since the entire negotiation during this time was supervised by military commander Major General Manzoor. In March 19, 1980 General Manzoor's role was clarified in a letter to the PCJSS by saying "initiative taken by the Area Commander to find a peaceful solution to the prevailing situation in Hill Tracts has been with the concurrence of the government." However, the PCJSS after a second thought refrained from maintaining further contact. The contract abruptly was stopped after President Zia told an agitated crowd at Khagrachhari that the military operation would continue unless

the “miscreants surrendered unconditionally” (Samad 1997:252). After this army started mopping-up operation in the CHT.

By early 1980s government of Bangladesh had come under pressure from donor countries and international human rights agencies to correct the situation in the CHT. Besides, Ershad had his own obligation to legitimize his rule and earn recognition from Bangladeshi people (Mohsin 2003:39). As a consequence Ershad government in 1982 offered general amnesty to the insurgents. However, under cover of a benevolent amnesty offer the government succeeded further in weakening the PCJSS leadership.

In September 1987, Ershad formed a National Committee for the CHT headed by Air Vice-Marshal A.R.Khandakar. The committee consisted of a number of senior civilian bureaucrats and one senior military official. The committee tried to make contact with insurgents, but at one stage Shanti Bahini refused to negotiate since the government would not accept two of its key demands: granting of full autonomy and the expulsion of all Bengali settlers from CHT who had settled there since 1947.

As Shanti Bahini stepped back from negotiation the government decided to by-pass Shanti Bahini and contacted with prominent non-PCJSS indigenous leaders of the CHT. After a few months of negotiation, three agreements were signed which resulted in the establishment of three Hill District Councils in Rangamati, khagrachhari, and Bandarban in 1989.

Khaleda Zia led Bangladesh Nationalist Party came out with flying colours in the 1991 election and formed the civilian democratic government after 15 years of autocratic rule by the military. It was in the political interest of the civilian regime to seek a solution of the CHT problem to firmly establish civilian control over military. Apart from this domestic political compulsion, the government had to achieve credibility as a stable democracy in the international arena to impress the donors. An end to the armed insurgency was therefore a precondition to ensure political and economic stability (Mohsin 2003:14). By this time the basic strategy of marginalizing the Jumma people



was almost successful. In this backdrop Khaleda government tried its best to create congenial atmosphere for peace negotiation. In May 1992, at the end of a visit to India the Khaleda government in a joint declaration with the Indian government stated their commitment to a speedy repatriation of jumma refugees to the CHT. In July 1992 a multi-party committee made up of all the mainstream political parties was established.

After 1990, a very critical situation prevailed among the insurgents. Discontentment grew among their ranks and files. Financial hardship had an adverse effect on them and shattered their morale (Rokonuddowla 2007:4). Besides the newly emerged organizations like, the Hill Students Council (PCP), the Hill People's Council (PGP) and the Hill women's Federation (HWF) began challenging the supremacy of shanti Bahini/PCJSS. The insurgents needed time to cope with these problems.

In the changing political climate Shanti bahini declared a unilateral ceasefire in August 1992 as a good gesture to the response of the government's initiatives. This was perhaps the timely and wise gesture on the part of the Shanti Bahini. The duration of the ceasefire was extended indefinitely until the signing of the CHT peace accord in 1997.

Negotiation between the government and the PCJSS started in November 1992. The main demands of the PCJSS were regional autonomy within the state of Bangladesh, retention of the 1900 Regulation, demilitarization of the CHT and removal of the settlers from the CHT. Although the demands were rejected by the government, yet negotiations continued and both side demonstrated considerable flexibility and compromising attitude (Chakma 2008:98). But before they could reach an agreement by the last quarter of 1995 the government was in trouble with a nationwide agitation against it.

Hasina assumed power in June 1996 and moved quickly to reach an agreement with the PCJSS. Meanwhile, on 30 June 1996, a gruesome massacre allegedly perpetrated by shanti Bahini was reported; although the PCJSS denied their involvement in the massacre later. Government immediately focused attention on the incident. But most of the reports of the investigation carried on by the government as well as opposition were not made available for the public. It was perhaps the strategy on the part of the government that it

did not want to “embarrass” the PCJSS by blaming the Shanti Bahini for the gruesome incident, (Samad 1997:258) thereby ironing out potential spoilers of the peace process. This reveals the urgency on the part of the government to strike a deal with the insurgents.

On 30 September 1996 an eleven-member National Committee on CHT (NCCHT) was set up. The NCCHT included members from BNP, Awami League, retired government officials and social workers. However, BNP parliamentary members did not participate in NCCHT discussions as they objected to the government’s decision to the appointment of the BNP leaders to the NCCHT without consulting the BNP leadership (Hossain 2002:16).

However, the PCJSS submitted a five-point demand on 1 August 1996. The negotiation between the government and the PCJSS started on 21 December 1996. Before these negotiations, Farakka Treaty was signed between India and Bangladesh on 12 December 1996. Because of this, the opposition alleged that “Awami League signed the Farakka Water Agreement with India in return for its cooperation in resolving the CHT issue.” The most important strategic achievement of Hasina government was its ability in reversing India’s attitude towards Bangladesh as well as towards the CHT issue (Mohsin 2003:14). Since 1975 the Indian government had been allegedly giving support to the PCJSS and allowed it to establish headquarters in the Indian state of Tripura (Mohsin 2003:13). But the situation changed during Hasina’s rule. In this context the opposition’s allegation against Awami League’s signing the Farakka Agreement with India in return for its cooperation in resolving the CHT issue seems to hold some relevance. “The water agreement, according to the opposition, has failed to safeguard Bangladesh’s interest.” However, the Indian government played “refugee card” thereby mounting pressure on the PCJSS. It stopped food supply to the refugees and did not allow the UN High Commissioner for Refugees (UNHCR) to visit the refugee camps. Finally, the Indian government asked the PCJSS and the refugees to leave (Mohsin 2003:42). Thus by playing the India-card to the PCJSS Hasina led government left no choice for the PCJSS but to sign the accord. However, six rounds of negotiations took place. The negotiations revolved around one basic issue: how to ensure the right of indigenous people, their

ethnic, religious, cultural, tradition and values, and ensure their life in a region where they are settled (Hossain 1997:17). After much protracted negotiations a peace accord was signed in Dhaka on 2 December 1997 between the Bangladesh government and the PCJSS.

### **Conclusion**

Although there were external pressure both on the Bangladesh government and the PCJSS still no third party was involved directly in this peace negotiation. Likewise the peace negotiation was bereft of any involvement from the civilian side. A government imposed news-blackout and localization of the conflict within the CHT kept the Bengali civil society largely ignorant of the issue (Mohsin 2003:15). On the other hand in its pursuit to monopolize the self determination movement of the Jumma people the PCJSS bred enmity with the Hill people's Council, the Hill students Forum and the Hill Women's Federation. Since the peace negotiation could not incorporate these groups it has largely remained a partial agreement adding a new dimension to the violence existed in the CHT.

## Chapter 3

### The Peace Accord: Structure and Provisions

This chapter analyses the structure and provisions of the 1997 accord and highlights the gap between the demands of the PCJSS and the settlement offered in the accord.

Demands of the PCJSS:

PCJSS's demands evolved for about twenty years. The demands sometimes created ambiguity regarding their intention. Its basic demand practically centered on the recognition of their distinct cultural identity and greater autonomy (Husain 1997:223). On 15 February 1972 a Hill people's delegation led by Manobendra Larma made the following demands before the then Prime Minister of Bangladesh Sheikh Mujibur Rahman : ( i) Autonomy for the CHT with its own legislature. (ii) Retention of the 1900 CHT Manual. (iii) Continuation of the offices of tribal chiefs. (iv) Provisions restricting the amendment of the CHT Manual and imposing a ban on the influx of non-tribal people into the CHT (Mohsin 2003:22). These demands became more radical and incisively unequivocal as the logical corollary to their rejection by the Mujib government. During Ershad's regime the PCJSS demanded (i) renaming of the region as Jummaland, and constitutional recognition of the Jumma nation's right to self-determination; (ii) Removal of Bengali settlers who had entered the CHT after August 1947, (iii) Withdrawal of Bangladeshi security forces from the CHT, (iv) Retention of the CHT Manual of 1900 and a constitutional provision restricting any amendment to it; and (v) Deployment of UN peace keeping force. The Ershad regime had turned down the demands of the PCJSS as they were antagonistic to the Bangladesh constitution. The PCJSS, in its turn, showed obduracy and stood their ground (Chakma 2008:98).

During the BNP led government PCJSS's demands were (i) Regional autonomy for the CHT with a regional council recognized by the constitution; (ii) Restoration of land rights of the tribal people with a ban on allocation of land to the Bengalis from the plains; (iii) Withdrawal of security forces from the CHT; (iv) Constitutional recognition of ethnic minorities and a guarantee that their rights would not be altered without their consent;

and (v) Withdrawal of Bengalis settled in the CHT after 17 August 1947. This time, although the government rejected the demands, negotiations continued and both sides demonstrated considerable flexible and compromising attitude (Chakma 2008:98). One of the obvious reasons for the flexibility on the part of the democratic government was the announcement of the unilateral cease-fire by Shanti Bahini from August 1, 1992. In case of PCJSS/Shanti Bahini, “conflict fatigue” and the erosion of external support (from India) due to the shifts and changes in foreign policy during post-cold war period were the main causes of the compromising attitude (Chakma 2008:98). The unilateral declaration of the cease-fire by Shanti Bahini placed the government at a vantage point. The impatient attitude of the rebels compelled them to compromise with their basic demands while signing the accord which caused structural deficiency in the accord.

Finally, during the Awami League led government, the PCJSS submitted a five-point demand on August 1, 1996: 1) the status of a separate administrative area for CHT, with Regional Council to be elected by the tribal people. The council is to be empowered to administer the 35 listed subjects concerning regional administration and development. The regional autonomy will be based on constitutional recognition of the hill people. 2) Integration of the three hill districts—Rangamati, Bandarban and Khagrachhari — into a single administrative and political unit while keeping the district status of these districts unchanged. The integrated area will be named Jummaland in line with the decision of the All Chakma Conference of North Eastern provinces of India and Bangladesh held in Arunachal in February 1996, 3) Expulsion of non-tribals from CHT who entered the area after 17 August 1947 and facilitation of the return of tribals who crossed the border in 1960. 4) Rehabilitation of all members of the PCJSS, 5) Withdrawal of armed forces from the area, except the Bangladesh Rifles (BDR) to facilitate a peaceful solution (Hossain 2002:16, 17).

These broad five-point demands incorporated as many as 49 detailed and specific demands. By 1997 Shanti Bahini decided to initiate peace negotiations. Furthermore, the booklet containing their demands clearly indicated that their principal demand was for regional autonomy within the framework of Bangladesh, under an amended constitution

(Husain 1997:224). With the advent of Awami League in power in June 1996, the PCJSS declared its willingness to come out with a political solution to the CHT problem. Their articulation of the demand for “regional autonomy” finally ironed out all the ambiguities and confusion regarding their previous demand for provincial autonomy made until the beginning of the 1990s. However, the demands of the PCJSS were never secessionist in character. Had it been so, there would not have been any demand for “constitutional amendment” made by the hill people (Husain 1997:224, 225). The 1997 CHT peace accord reflects government’s rejection of two key demands of the insurgents: (a) demand for setting up of a separate Jummaland for the region; the expulsion of Bengali settlers; and (b) the withdrawal of Bangladesh military from CHT region (Hossain 2002:17).

### **The Structure and provisions:**

The structure of peace accord of CHT is comprised of four parts—General; Hill District Local Government Council; the Chittagong Hill Tracts Regional Council; rehabilitation, general amnesty and other issues.

The accord has considered CHT as a tribal populated region, introducing special political arrangement for CHT with formation of CHT Regional Council (CHTRC), as an apex political body of the region and three Hill District Councils (HDCs), and termed the hill people as “*upajati*”. It has recognized the necessity for protection of the character of the region and for overall development of it. The Accord also provides establishment of Land Dispute Settlement Commission, demilitarization of the region, rehabilitation of the tribal refugees and IDPs. To monitor the implementation process the accord has a provision to form an accord Implementation Committee. The committee was first formed in 1998 which has been remaining inactive since its inception. A settlement was reached regarding changing, amending, incorporating and repealing the existing three ordinances for the three hill districts--the Rangamati/Bandarban/Khagrachari Hill District Local Government Council Act-1989.

The government agreed to set up a separate Ministry of CHT Affairs, to be headed by a person elected from the indigenous tribal community of the CHT. But this provision was systematically violated by the BNP led government when the ministry was retained by the then Prime Minister Khaleda Zia herself. The “Hill District Local Government Council” was renamed as “Hill District Council” in line with the provisions enumerated in the accord and have the functions and responsibilities of land and land administration, local police, tribal law and social justice, youth welfare, environment protection and development, local tourism, irrigation, and license for local trade and commerce, *jhum* cultivation and money lending business. The Hill District Councils have been formed under Article 59 of the constitution. It states that local government would be formed in every administrative unit of the country with elected members. Three seats are reserved for women in each district council and two-thirds of these seats will be for tribals. Whether a person is a non-tribal shall be determined, along with the identity of non-tribal to which he belongs and no person can be a candidate for the office of the non-tribal member without a certificate from the concerned Circle Chief.

The provision for the formation of a “Regional Council” to coordinate the development activities undertaken by the three hill district councils is enumerated in the accord. It will supervise general administration including law and order. There would be both tribal and non tribal representatives in the regional council. Numerically tribal representatives would be in majority. The Chairman of the Regional Council shall be elected indirectly by the elected members of Hill District Council from amongst the tribals. He will be given the status of a State Minister of the government. The Council shall be constituted of twenty-five members. There should be an elected chairman, twelve male tribal members, two female tribal members, six male non-tribal members, and one female nontribal member. The Chairmen of the three Hill District Councils would be ex-officio members with voting rights. The members of the Regional Council will be elected by the elected members of the three Hill District Councils and the term of the council will be five years. However, the election of the Hill District Council as well as the CHT Regional Council remains a chimera since there is an unflinching dispute regarding the voters’ list.

The accord also enumerates that there will be a Chief Executive Officer with the rank of a Joint Secretary to the government in the regional council and tribals will be preferred for appointment for this post. The *Shanti Bahini* rebels surrendered their arms under a general amnesty. The government was supposed to withdraw security outposts and paramilitary forces under the provisions of the accord. The tribal refugees would be rehabilitated with a sum of Taka 50 thousand per family at a time. The government had to provide two acres of land in the respective locality subject to availability of land of the landless tribals or the tribals having less than two acres of land per family. Groveland will be allocated in the case of nonavailability of necessary lands. A five-member Land Commission with a retired justice as its head has to be constituted to settle disputes regarding lands and premises. Priority has to be given to the tribal people in all kinds of appointment in all government, semi-government and autonomous organizations in the CHT (Rahman 2005:52).

### **Gap between the demands and the solution offered in the accord:**

The anti-accord faction in the CHT argues that the accord has failed to fulfill the main demands of the Jumma people. The main unaddressed demands are: “constitutional recognition to the ethnic minorities of the CHT with guarantees of full autonomy, restoration of traditional land rights, demilitarization of the area, and withdrawal and resettlement of the Bengali settlers in the plain land”(Joshi 2003:118). In fact, to reach the accord, the PCJSS ignored and bypassed its demand for full regional autonomy, complete withdrawal of the Army and Bengali Settlers (Roknuddowla 2007:5).

### **Demand of separate Identity:**

The PCJSS demanded that the constitution of Bangladesh has to give recognition to the hill people as a distinct nation. But the accord used the nomenclature “*upajati*” (sub nation) in order to term the indigenous hill people, which subsumed the indigenous nation of the CHT under the hegemonic yoke of Bengali nationhood. To strengthen the basis of their demand the PCJSS started referring the hill people as the “Jumma nation” since the



1980s. For them “nation” is a cultural category. PCJSS’s “nationalistic agenda” was explicitly articulated in its manifesto. It was declared that its main objective was to achieve the “right to self-determination of the various small nationalities in the CHT, with a separate entity status of the CHT, with a constitutional guarantee. It recognized the CHT as the homeland of various multi-lingual nationalities, who together had been referred to as the Jumma people” (Mohsin 2005:235).

The PCJSS asserted that it was viable to satisfy the “self-identity needs” and “autonomy need” of the Jumma nation within the configuration of state of Bangladesh. The idea of Jumma nationalism is based on three pillars: the traditional mode of cultivation of the hill people, i.e., Jhum; the special relationship of the hill people with their land, and the cultural and economic separateness of the hill people from the Bengalis (Mohsin 2005:235). This idea of Jumma nationhood was basically constructed and popularized by the PCJSS to counter the hegemony of Bengali nation (Mohsin 2005:236). The 1997 peace accord has recognized the CHT merely as a tribal inhabited region without recognizing the separate nationhood of the indigenous people of the CHT. To the utter frustration of the indigenous people the PCJSS was compelled to accept this settlement. The government denied them the equality that they had been fighting for. The state thereby has retained the hegemony of the Bengali nation (Mohsin 2005:237). Successive governments in Bangladesh remained uncompromising on the issue, maintaining that there could be only one nation within the state. The PCJSS acceded to government pressure for its obligation to strike an earlier deal as rival organizations were gaining ground to challenge the PCJSS as sole representative of the hill people (Mohsin 2003:45). Besides the government’s pressure, the inherent weakness of the Jumma identity compelled the PCJSS to keep aside the issue, since the PCJSS realized the non-durability and fragility of the Jumma nationalism.

“This identity is however a negative and problematic construction. The idea of nationalism itself is a hegemonic construction. Jumma nationalism also sought to impose an artificial homogeneity upon the hill people. The smaller communities saw it as hegemonism of the Chakmas-the dominant community in the CHT. Members of the smaller communities preferred to be identified in their own generic names” (Mohsin 2005:236).

During Ershad's regime the Marmas and Tripuras became very resentful of "Chakma dominance". To them "the jungle war was essentially a 'Chakma Show' to perpetuate their ethnic hegemony over other communities of the CHT" (Ahmed 1993:54). If we look back in history it will be clear that even M.N.Larma himself was not a believer in homogeneity of the hill people. During the debate on the draft Constitution in the Constituent Assembly M.N.Larma said "I am a Chakma. A Marma can never be a Chakma. I am not a Bengali. I am a citizen of Bangladesh –Bangladeshi. ....they [tribals] can never be Bengalis" (Husain 1997:223). Hence neither the tribals can be Bengalis nor can they be homogenized under any other single identity. Again if we look into the post accord situation in the CHT we will see that J.B Larma, who was a chief proponent of this Jumma identity, himself, is accused of practicing negative discrimination against the Marmas and Tripura community. The United Nations Development Programme (UNDP) announced the resumption of its development activities in the CHT from June 2003 after suspension of the programmes for two and half years due to the abduction of foreign engineers by the insurgents. And this time they decided to exclude Matiranga upzila in Khagrachhari hill district from their development programme. Reports reaching from Rangamati said that "conspiracy" was on to exclude areas inhabited by the Marma, Tripura and Bengalis at the pressure of J.B. Larma. Several Tribal leaders of Khagrachhari and Bandarban said PCJSS leader J.B.Larma was against any development work in areas inhabited by Marma and Tripura (POT 2003 e: 755).

Chakma hegemony is most evident in the composition of the regional council. Eleven communities inhabit the CHT, but only four are represented in this body: Chakma, Marma, Tripura, and Mrung/Tangchangya. The other smaller communities in the CHT point out that the regional council should be representative of all communities in the CHT, "not just the larger ones, and that the council is a selective body, not a directly elected one" (Mohsin 2003:52). Hence the Category of "Jumma nation" as used by the PCJSS lacked the "vision and spirit of creating a truly non-homogenous and non-hegemonic society" (Mohsin 2005: 236).

According to Husain the initial simplicity of the CHT issue gradually became skewed as the state carried on a “misperceived nation-building strategy”. This gave birth to the “issue of identity”. As the issue had been evolving, a “fusion of interests and identities” took place. Government partially addressed some of the interests, but dodged the core issue of identity. The reason behind the government’s negative attitude to the identity issue could be (a) the reactionary attitude of the government towards any change to the nineteenth-century idea of state sovereignty that engenders absolute majoritarian control of state machinery and resources. However, it has to be borne in mind that the very Westphalian concept of state certainly has been going through some transition in the post-cold war scenario. But Bangladeshi government, perhaps, has failed to recognize this reality (Husain 1997:231). The second reason could be the India factor. But again in the post-cold war period there have been ostensible changes in the position of India vis-à-vis the insurgents conducive to conflict management and even resolution (Husain 1997:231).

However, the accord acknowledged the CHT as a “Tribal Populated Region” (Section A, Clause1), but its specific implication for safeguarding and promoting the identity of the Hill people is under scrutiny. There are at least three reasons for this. According to Bhumitra Chakma the character of the CHT as a “Tribal Populated Region” will not hold water as the issue of Bengali settlement has not been addressed in right spirit. By the 1980s, Bengalis emerged as the largest ethnic group in the CHT constituting almost 50% of the CHT’s population from only 9% in 1951. It is noteworthy that it was a direct outcome of government of Bangladesh’s deliberate transmigration policy to change the demographic character of the region (Chakma 2008:100). Secondly, the accord is not seconded by constitutional protection.

“It remains potentially vulnerable to the whim of a future government in Dhaka. Since the legislations relating to the accord are only ordinary laws, they are liable to be amended by simple majority in parliament as well as anybody can challenge them in the court. The former BNP led government brought about changes in the operationalization of the accord. Many within the former BNP government were opposed to the accord for its alleged unconstitutionality” (Chakma 2008:100).

Thirdly, “the accord fundamentally contradicts the constitution of Bangladesh, as it is a mono-national, mono-cultural, and mono-linguistic document. Without accommodating the identity of minorities in the constitution of Bangladesh, it is doubtful whether the accord will ever safeguard and promote the identity of the Hill people” (Chakma 2008:101).

#### **Demand of Autonomy:**

The PCJSS articulated that the constitution should recognize the CHT as a special administrative unit with regional autonomy. Its specific demand was that the three hill districts of the CHT should be merged into one unit and that the region be called Jummaland. An autonomous regional council would administer Jummaland. This autonomous council will be elected directly by the people on the basis of adult franchise. The council was to be called the Jummaland Regional Council (JRC). There would be forty-eight members: thirty-five general seats for the Jumma people; seven seats for the Jumma minorities, and three seats for women, who would be elected by other members of the council. It would also have an executive council, whose membership would be decided by the JRC chair. The majority party would constitute the executive council. The council will be in office for five years. These arrangements were to be constitutionally guaranteed. Without holding a referendum no change could be brought about in the administrative structure of the CHT within the region itself (Mohsin 2003:43).

The PCJSS also demanded that three seats be reserved in the National Parliament for Hill people from the CHT constituency. This demand was made against the backdrop of the demographic change as result of the Bengali settlement programme (Mohsin 2003:44). However, the accord provides for the political autonomy of the Hill people through the creation of a three-tiered administrative system: Hill district councils, a regional council, and the Ministry of CHT Affairs (MOCHTA). The accord did not merge the three districts of the CHT into one administrative unit, nor did it rename the region Jummaland.

The PCJSS demand for three reserved seats in the National Parliament for Hill people of the CHT constituency was turned down on the ground that three seats were already reserved for the CHT region. However, these seats are reserved for the geographical constituency of the CHT and not for the Hill people alone. As a logical corollary, Bengalis can also be elected from the CHT constituencies endangering the Jumma representation. With the present demographic composition of the CHT, where Bengalis constitute 50% of the population they can easily overpower the indigenous people of the CHT so far as the political representation is concerned (Mohsin 2003:47, 48).

The CHT is geographically contiguous to both India and Myanmar. It has vast forest and potential petroleum resources. Hence, realistically speaking close central control over the CHT is a necessary precondition for preserving national security of Bangladesh. The burgeoning intra-state nexus among the insurgents make the area more vulnerable. Under these circumstances the demand for autonomy by the PCJSS literally falls on deaf ears (Husain 1997:229).

According to Husain, from the constitutional point of view, the non-responsive stance of the government of Bangladesh regarding the demand of the PCJSS for autonomy seems to be based on the fact that the Constitution provides for a unitary state. Specifically Article 65(1) provides for only one parliament of the country and stipulates that “there shall be a parliament for Bangladesh...in which shall... be vested the legislative powers of the Republic.” Article 65(4) is more explicit when it provides that “the seat of parliament shall be in the capital”. The socio-economic development programme in the area since the mid-1970s appears to have been implemented under the provision of Article 28(4), which says that “nothing in this article shall prevent the state from making special provisions in favour of women or children or for the advancement of any backward section of the Republic. The local government innovations effectuated under the three Acts of 1989 conform to what Article 9 stipulates: the state shall encourage local government institutions composed of representatives of the area concerned” (Husain 1997:230).

The CHT Peace Accord of 1997 introduces CHTRC as an apex body of CHT administration. According to the CHTRC Act of 1998, it was bestowed with the power of supervision and coordination of the general administration, law and order and developments of the three hill districts and issuing licenses for setting up heavy industries in this region. However, the CHTRC remains poorly implemented. For instance where the CHTRC had been given the mandate to manage NGO activity, disaster management, relief programmes, and matters of general administration, centrally-appointed Deputy Commissioners remain largely in charge of these programmes (UNPO 2008:2).

The CHTRC cannot perform its functions properly because of lack of proper support from the Ministry of CHT Affairs. On the other hand, the three HDCs and Chittagong Hill Tracts Development Board (CHTBD) which are directly under the Ministry of CHT Affairs are ignoring the supervisory and coordinating authority of CHTRC over them in violations of the CHT Accord (IRQ:2008).

#### **Demand for Land rights and rehabilitation of refugees and IDPs:**

According to Chakma Raja Devashis Roy, the critical land-related problems in the CHT include paucity of land caused by construction of the Kaptai Dam in 1960 and the displacement of some 100,000 inhabitants; land acquisition by the government-sponsored Bengali settlers; acquisition of land for new “reserved forests”; allotment of customarily-owned lands to non-resident entrepreneurs for rubber and other commercial plantations; and “privatization” of former commonly-held areas. In the post-Accord period this has been continuing through compulsory acquisition of lands (Roy 2007:10). In the CHT, the state also declared areas of swidden (Jhum cultivation) and other commons used by Adivasis as “protected forests” or “unclassed state forests” (in addition to reserved forests). This resulted in treating indigenous right as mere usufructs rather than as rights of ownership (Roy 2007:11). The 20-year Forestry Master Plan was adopted by the government just three years before the peace deal was struck. This plan sets out government policies and actions until 2013. Pursuing this Plan, the Forest Department has undertaken schemes to cover 20 percent of the

country's land surface with forests; this includes logging in the natural hill (reserved) forests in the northern and southern CHT.

As Roy has observed, the government-owned Forest Industries Development Corporation (FIDC) and private companies have engaged in logging projects in reserved forest areas in the CHT and have established eco-parks under the auspices of the Forest Department without any effective consultation with indigenous inhabitants. These programmes have been disruptive and initiated structural violence in the CHT (Roy 2007:11). Involuntary relocation and environmental degradation due to deforestation through "jungle-clearing" and mono-cultivation projects have already caused social disruption. These issues are not mentioned in the CHT Accord of 1997 (Roy 2002:5). The district councils have been given significant powers over land issue and the government can not acquire or transfer any lands, hills, or forests under the jurisdiction of the district councils. For that the government has to discuss the matter with the regional council and take its approval. The accord also provides for the formation of a land commission to settle disputes. The commission is to take its decisions and give judgments on the bases of ownership of deeds to lands, customary rights, and usages and practices of the Hill people. Its decisions can not be challenged in a court of law. The accord also stipulates in order to give ownership right a land survey should be undertaken (Mohsin 2003:48).

The question of land ownership beefs up further problem as the very concept of private property is virtually absent among the indigenous hill community. Land is communally owned by the tribal community of the CHT and individuals have rights to usufruct only. So the hill people can hardly produce documents of landownership when situation demands. To aggravate the crisis, the government has taken subversive attempts to provide documents of land ownership to the Bengali settlers. Many Bengalis have been settled in lands left behind by the hill people when they took refuge in India (Mohsin 2003:50).

"However, the accord also stipulates that in settling land disputes, the land commission will take into account the customary rights and usages of the

people. If that is the case, the land appropriated by the state as khas land is in fact the land that the hill people regard as their communal property based on customs and usages. But the accord does not specify that the usages and customary rights override the deeds provided to the settlers. Much of this land is in the possession of Bengali settlers. Although the return of this land to the hill people presupposes the removal of Bengalis from those lands, the accord makes no reference to the question of withdrawal of them” (Mohsin 2003:51).

The ownership of land rights is intrinsically linked with the issue of Bengali settlement in the CHT. The resolution of the land question, however, is inextricably linked to the issue of Bengali settlers (Mohsin 2003:48). The dispossession of the land through the population transfer programme has not been directly addressed in the accord (Nepram 2003:164). There is no provision in the accord either to stop Bengali infiltration into the hills or to oust Bengali settlers who are living in hill areas. But the PCJSS claimed that during negotiations, the government verbally committed that the Bengalis who have settled after late 1970s would be resettled outside the CHT (Rokonuddowla 2007:7). However, because of this gap in the provision of the accord the *Pahari* refugees and IDPs of the CHT who have been uprooted and forced to move from one place to another on both sides of the border have found their former lands occupied by others. They have not been able to restore their lands (Rokonuddowla 2007:8). Besides the IDPs are living in the remote interior of the CHT, largely in the Reserve Forest areas. Furthermore, they have had to survive without the benefit of food rations or other kinds of assistance even though the peace accord stipulates that the IDPs are to be rehabilitated (Rokonuddowla 2007:8).

The PCJSS has also demanded the natural resources of the Hills and their exploitation be placed under the jurisdiction of the regional council. This demand has not been met. The state has retained the control over the exploitation of natural resources and the district councils are to receive a percentage of derived income as royalty. However, the percentage of the royalty is not specified in the accord (Mohsin 2003:48).

Regarding IDPs the accord does not provide any clear definition which gave the government opportunity to refer both tribals and non tribal Bengali settlers of the CHT as



IDPs. During the fourth meeting of the Task force in 20th July 1998 a decision was taken to make a list of internally displaced persons. Besides the term of “Internal Refugee” and its definition, which had been accepted unanimously, an additional sentence was included without consultation with all members of the Task Force. In the minutes of the third meeting, the following sentence was added: “All non-tribal people would also be rehabilitated separately.” On 19 July 1998 an order was circulated by the Special Affairs Department stating that “internal refugees both tribal and non-tribal, the committee will take necessary action for their rehabilitation”; which includes the Bengali settlers in the CHT. Since there is no provision in the accord to stop Bengali infiltration and settlement in the CHT many other homeless people from the plain areas of different parts of Bangladesh has come in the hope of receiving benefits as internal refugees. Infiltration of Bengali people became higher as some organizations, including some fanatic groups, have now become very active in the Hill Tracts. They are flourishing with the silent support of the government. They are well organized and are carrying on their activities without any interference (Jumma Refugee Welfare Association: 2005).

#### **Demand for demilitarization:**

Militarization of the CHT had been the main counter-insurgency strategy of the government. The international human rights organizations documented a number of massacres and gross human rights violation in the CHT perpetrated by Bangladeshi army. Therefore, from the perspective of the hill people, demilitarization of the CHT is essential to ensure their security (Chakma 2008:103).

The PCJSS demanded an autonomous indigenous police force comprising solely the hill people. They also demanded reserved quotas in the defence services for the hill people and the demilitarization of the CHT. However, they accepted the presence of BDR along the international borders (Mohsin 2005:242). The 1997 accord failed to address the demilitarization issue. Although the government of Bangladesh agreed to dismantle non-permanent military camps, but demilitarization, as was assumed, has not taken place in the last ten years (Chakma 2008:104).

The authority to maintain law and order in the CHT has remained centralized since police department, the main law enforcing body in the CHT, is under the control of the Ministry of Home Affairs instead of Ministry of CHT Affairs. The hill tribes of the CHT are under-represented in Bangladesh police force despite the reserved quotas for indigenous people in public sectors and specific provisions in CHT-specific laws for recruiting police personnel below the rank of Sub-Inspector by the three HDCs. The only exception is the incorporation of the former *Shanti Bahini* cadres into the police force. They have been stationed in the plains districts. National security agencies such as the Police Special Branch, the National Security Intelligence and the Directorate General of Forces Intelligence (DGFI) are vigilant over the indigenous organizations and activists. In the CHT, in addition, the army retains a significant presence despite provisions in the Accord for demilitarization of the region including its local intelligence units known as the Field Intelligence Unit (FIU) and the Army Security Unit (ASU)(Roy 2007:17).

The position of the state is that Bangladesh is not a demilitarized state, and CHT constitutes an integral part of Bangladesh; more importantly, the region is economically and strategically important. The insurgency in India's northeast and in Myanmar, according to Bangladesh military planners, makes it imperative that a military presence remains visible in the region (Mohsin 2005:242).

The failure of the accord to address the demilitarization of the CHT is further aggravated by "Operation Uttoron". The Chittagong Hill Tracts International Commission is concerned about the scope and ambit of "Operation Uttoron", currently ongoing in the CHT, not being publicly available or known. The executive order authorizing this Operation reportedly confers on the military rights to intervene in civil matters beyond their proper jurisdiction (Lord Avebury: 2009).

### **Structural deficiency in the accord:**

#### **Elitist character of the accord questioned its legitimacy:**

The legitimacy of the accord is in question since the persons signed it did not have legal authority. The Chief whip of the parliament signed the treaty on behalf of the government

of Bangladesh and Shantu Larma on behalf of the inhabitants of the CHT. According to the provision 145 of Constitution of Bangladesh, the President does not authorize Chief Whip to sign any treaty. The Chief Whip is not a member of cabinet. Hence, he does not have people's mandate. The parliament and cabinet played a limited role in the formulation of the CHT accord. There was lack of transparency in formulating the policy. It has been alleged that "There was no transparency in the formulation of the accord. The accord was signed 20 days before it was approved in the cabinet. There was no discussion in the parliament not even in the cabinet meeting" (Chowdhury 2005: 63). On the other hand, the PCJSS took the "white man's burden" to represent the entire Jumma nation and signed the accord on their behalf without consulting other important stakeholders in the CHT who were also fighting for the Jumma cause. As a result, the excluded groups opposed the accord and resented that their preferences were not incorporated in the accord. Thus the accord became partial in nature. The UPDF threw a gauntlet by refusing to accept the deal and carrying on with its movement (Chowdhury 2005:63).

Table 1:

Reflection of the elite model in the making of the accord: (Chowdhury 2005: 66)

Aspects	Theory (Elite model)	Reality(Chittagong Hill Tracts Peace Accord)
Actors	Governing elites are main actors	The people who administered the accord were representatives from the party in power.
Decision making authority	Elites are responsible for all kinds of decision-making	Governing elites were responsible for making decisions (top-down)
Reflection of demands and interests	Public policy does not reflect the demands and interests of masses so much as it do the interests of elites	The policy was not deliberated in the parliament and even not referred to the masses for their endorsement. Therefore, it was adopted according to the elite's interests
Influence of masses	In this model elite influence masses more than masses influence elites	There was no scope to influence elites by the masses. Because the decision was taken in a closed door meeting

The government concluded the 1997 accord in a secret manner which is antithetical to the basic principles of democracy. On the other hand, the PCJSS, in its bid to entrench its supremacy in the hills, traded the same undemocratic path, thereby creating further resentment among the hill community (Chowdhury 2005:67).

According to Jamil, “since the accord is unique and without precedent, it needed a well organized and wider discourse, debate and deliberation in appropriate forums such as the parliament, in its committees or in diverse civil society forums that could foster nationwide support. Instead, the accord was shrouded in secrecy during year-long negotiations with the Shanti Bahini and thus devoid of public scrutiny. The process preceding the signing of the accord reflected more of an elite-oligarchic affair and no scope remained to judge different opinions and arguments surrounding the issues. As a result, the power and strength of appropriate and better arguments were not tested against one another. Hence the accord and its clauses were never tested against opposing claims and counterarguments; and the accord failed to build trust among political parties at the national level as well as among factional groups in the CHT region” (Jamil 2008:481,482).

Due to top-down elitist nature of the accord the provisions are not explicit and transparent. The accord is on the verge of jeopardy due to “ambiguities and omissions, such as the issue of the electoral roll for the CHT and Bengali settlers. The absence of clearly written provisions subjects the issues to various interpretations, which more often than not are bound to differ since it was the contentious nature of the issues that resulted in implicit rather than explicit provisions” (Mohsin 2003:117). “The Civil society’s involvement in the negotiations process perhaps could have addressed some of the important issues left out of the accord, like justice, reconciliation, and moral and social reconstruction. The accord emphasizes only physical reconstruction, whereas peace building is a protracted process that involves reconciliation, healing, and forgiving predicated on acknowledgement of the violations committed. These issues are absent from the CHT Peace accord” (Mohsin 2003:117).

#### **Absence of external monitor:**

Since 1983 Bangladesh government has been facing severe criticism from the International Labour Organization (ILO). ILO accused that there has been utter

inadequacy in the reports of Bangladesh with regard to ILO Convention 107 on Indigenous and Tribal Populations to which Bangladesh is a signatory. The CHT issue was also raised annually in the UN Working Group on Indigenous Populations. The Bangladesh government was questioned in the UN Human Rights Commission and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. In 1987, the PCJSS demanded the deployment of a UN Peace-Keeping Force and implementation of its demands for withdrawal of the security forces and the Bengali settlers under the auspices of the UN. Successive governments, however, ignored this demand. To dodge the international monitors the government created a news-blackout in the CHT (Arens 2005). Had the PCJSS pursued their demand for deployment of UN peacekeeping force the peace deal could have been more just. The absence of external supervisors like UN has made peace a far cry in the CHT. The major factor could be a passive deal between India and Bangladesh not to internationalize the issue (Mohsin 2003:90). Presumably the PCJSS could not circumspect that demise of the “cold war would bring the issues of minority rights and human security to the fore and that the UN would be emerging as a truly global forum” (Mohsin 2003:91). Had the PCJSS stood its ground regarding its demand for the deployment of UN Peace-Keeping Force and included it in the peace deal the UN could have played a constructive role in the post-agreement situation. “By voicing the concerns of marginalized people and intervening creatively toward conflict prevention and conflict management, it could contribute to the cause of peace” (Mohsin 2003:91).

#### **Absence of a timeframe:**

Only the two main provisions in the accord namely the surrender of arms by the Shanti Bahini and the return of refugees from India have a specific timeframe. Barring these, the accord virtually remains silent about a timeframe for the implementation of rest of the provisions. This is indicative of unequal position of the parties during negotiations, as these two provisions were important for the government of Bangladesh (Mohsin 2003:56). Refugee issue was of great importance to the government of Bangladesh. But it was not the case for the PCJSS. Infact, Shantu Larma insisted on dropping the issue of

repatriation of refugees from the agenda for discussion held before the accord. According to him the refugee issue was the concern of the governments of Bangladesh and India. The PCJSS had nothing to do with the repatriation of Jumma refugees. Furthermore, the PCJSS was blamed for disrupting the repatriation. In an interview on 4 June 1994, Shantu Larma said, "We have said before and we are saying it again, once a political solution is found the refugee problem will be automatically resolved." He said that although certain quarters inside and outside the government were raising the refugee issue in India, they were silent regarding the IDP problem arising out of communal tension and displacement from land forcibly taken away by the Bengali Settlers (Samad 1997:255).

#### **Absence of 'justice clause' in the accord:**

The CHT peace accord is totally silent on the questions of justice and rights of women in the CHT. It is therefore, not surprising that hill women continue to face difficulties and problems in the CHT (Mohsin 2007:55). During the period of insurgency military had divided the entire region of the CHT into three zones: (Mohsin 2005:245)

- 5) **White zone or neutral zone:** covered an area of two miles adjacent to the Army headquarters and were jointly populated by Bengali settlers and hill people.
- 6) **Green zone:** Bengali settlement areas were identified as green zones.
- 7) **Red zones:** areas in the interiors of forests, and those populated by the hill people alone constituted red zone, and there the military carried out its counterinsurgency operations.

Severe human rights violations were perpetrated against the hill community under the cover of counter-insurgency activities. These include cases of forced religious conversion and religious persecution, forced eviction, arrests, tortures, and kidnappings. There were also as many as 11 massacres of hill people. Women were the worst victims of military atrocities. As it was reported, between 1991 and 1993, over 94 percent of the rape cases of hill women were by the security personnel. Over 40 percent of the victims were women under 18 years of age (Mohsin 2005:246). The accord makes no reference at all

to the human rights violations committed in the hills. This is despite the fact that Bangladesh is a signatory to the International Criminal Court (ICC) Convention that declares rape as a crime against humanity there is no “justice clause” in the 1997 peace accord. Neither is there any provision for the compensation of the victims of violence, nor any mention of rehabilitation or counseling of the rape victims. “Ironically enough while Bangladesh itself has officially demanded apology from Pakistan for the human rights violation, specifically, for the rapes committed by the Pakistani army on the Bengali women during the liberation war of 1971, clauses ensuring just peace regarding the violation of human rights in the CHT are visibly absent in the 1997 CHT peace accord”(Mohsin 2005:246). This made the accord structurally deficient and incapable of realising just peace in the CHT.

### **Conclusion:**

The structure and provisions of the 1997 CHT peace accord and the gap between the provisions and the demands of the PCJSS reflects the leverage of the government over the PCJSS during negotiations. The most important issue of rehabilitating the Bengali settlers outside the CHT remains ambiguously unaddressed due to lack of bargaining power of the PCJSS to make the issue unequivocally enumerated in the accord rather than taking only verbal assurances from the government. This lack of circumspection on the part of the PCJSS led to further unfathomable fissures in the accord. As a logical corollary to this compromise the core issue regarding land remained unaddressed, leaving a large number of indigenous repatriated tribal refugees and IDPs in dire strait. Beside the land issue, the issue of electoral roll is also intrinsically linked with this Bengali resettlement issue. Since this issue remains unresolved the difference between the tribal and non-tribal non-permanent members of the hills is yet to be demarcated, which is the basis to preparing the electoral roll. Until and unless the electoral roll is formed the election in the HDCs and the CHTRC is a far cry. All these problems are standing in the way of effective and speedy implementation of the peace accord.

## **Chapter 4**

### **The Process of Implementation of the Accord**

The structural deficiency in the accord and the initial incongruous negotiating strategies of the PCJSS in the post-accord scenario entail the slow pace of the implementation of the accord. The present chapter will examine the ways in which the peace accord is implemented. The role of donor agencies in exerting pressure on the government to implement the accord will also be analysed in this chapter.

The accord was expected to empower the indigenous people in certain areas by devolution of power through the following measures: (Kharat 2003:13)

1. Establishment of a Ministry of CHT Affairs, which is to be headed by one indigenous person from CHT.
2. Creation of Regional Council for the entire CHT with a two-thirds majority of indigenous people in representation.
3. Widening the areas of functioning of already existing Hill District Councils by adding new subjects under its jurisdiction.
4. Creation of an independent Land Commission to resolve the dispute over land rights acting as tribunal for hearing the complaints and dispossession of lands.
5. Withdrawal of military camps from the CHT region except the cantonments (Kharat 2003:13)

J.B. Larma's relationship with the government on the issue of Regional Council's leadership and its composition was under pressure since the very beginning. Although the Regional Council is the pivotal body for the implementation of the peace accord, the PCJSS procrastinated for two long years in accepting the chairmanship of the Regional council, thereby delaying the implementation process (Kharat 2003:13, 14). The accord came into force almost after six months of its signing. After that more than three months



had passed without the primordial task of electing the Regional Council. Ironically, this task of electing the Regional Council members is yet to be done even after eleven years and six months have passed since the accord was signed. However, one interim Regional Council was set up almost three months after the accord came into force but that too remained defunct for another two years.

### **Reason for the delay of implementation**

On April 29, 1998, four months after the signing of the CHT accord the Special Committee formed with MPs of Awami League, BNP and Jatiya Party submitted the amended bills with their opinions to the parliament. The said amended bills also included some inconsistencies. The PCJSS sent one man delegation to Dhaka on May 03, 1998 which held meeting with Abu Hasanat Abdullah, Chief Whip and Convener of the CHT Accord Implementation Committee, Zillur Rahman, Deputy Leader and LGRD Minister, Suranjit Sengupta, Advisor on Law and Parliament Affairs and Dr. Mohiuddin Khan Alamgir. In May 1998 the parliament respectively passed the Rangamati HDLGC (amendment) Bill, 1998; Khagrachari HDLGC (amendment) Bill, 1998; Bandarban HDLGC (amendment) Bill, 1998 and CHT Regional Council Bill, 1998. The amended Rangamati HDLGC (amendment) Bill, 1998 was passed before the meeting between the PCJSS and the government leaders took place. The said amended bill that was passed on May 03, 1998 included a few inconsistencies with the peace accord.

Moreover, an amendment motion tabled by H. M. Ershad of Jatiya Party, which was giving support to the government, was passed in the parliament where the Awami League had simple majority. The said amendment motion was on the definition of “the non-tribal permanent resident” (Non-tribal permanent resident shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill district and who generally lives in the hill district at a particular address); the word “and” used in the words “lands of lawful entitlement in the hill district and who...” was replaced with the word “or”. This amendment affected the Accord and its aim and object as a whole. (Jumma Peoples Alliance: 1998). The Accord came into force on 24 May 1998 with the President giving

assent to the four bills in this connection. On May 16, 1998 meeting was held between a 3-member PCJSS delegation led by the PCJSS President and a 3-member Bangladesh delegation (Abul Hasanat Abdullah, Kalpa Ranjan Chakma and Dipankar Talukder) in Khagrachari about constitution of the interim CHT Regional Council. The PCJSS submitted a list of the 22-members (including the Chairman) to constitute the Council. Although there was an unwritten agreement between the two sides about selection of all Councilors by the PCJSS, the government was not willing to accept the said list. The government was trying to include its own persons in the Council according to their choice. On 6 September 1998 the CHT interim Regional Council was formed dropping three names proposed by the PCJSS. Shantu Larma reacted sharply rejecting the list of nominees in the newly formed interim Regional Council and said “The RC is not acceptable as the government has violated the understanding that was reached during the signing of the agreement” (POT 1998a: 860). In an interview with BBC he said: “The cold war between the government and the PCJSS will now come in the open” (POT 1998a:860). Hence Larma turned down the offer of the government to be chairman of the RC on the plea that the government had violated some unwritten commitments in forming the RC.

This delay in installing the interim RC caused hiccups in the peace process. At this juncture the PCJSS launched a mass contact programme to reorganize itself as a regional political party and exert pressure on the government to implement its so called “unwritten agenda” (POT 1998b: November). This reveals that within one year of the signing of the accord the bargaining capacity of the PCJSS regarding the implementation of the accord as a mere stakeholder to the accord was diminishing. The unwritten agenda had a negative impact on the regular implementation of the accord. Besides the PCJSS leaders were devoting more time to their organizational activities in the initial years after signing the accord than to address the problems in the implementation of the peace accord (POT 1999 a: 176).

On 29 January, 1999 Shantu Larma launched the PCJSS as a constitutional party and demanded preparation of the separate voters’ list in Chittagong Hill Tracts since the

existing list was found defective and manipulated (POT 1999 b: 220). Launch of the PCJSS as a political party had serious impact on the relationship between the Awami League and the PCJSS. Previously Awami League candidates won all three CHT seats to parliament during the elections of 1991 and 1996. This entails inevitable conflict between the Awami League and the PCJSS. Such a conflict among the pro-peace accord forces, particularly the local Awami League leaders and the PCJSS leaders, hindered the implementation process of the peace accord.

Four months after its emergence as a new political party, the PCJSS in a statement on May 10, 1999 announced that its Chairman J.B.Larma would take charge of the Interim Regional Council for the CHT. The PCJSS said that it took the decision in view of “assurance by the prime minister to speed up implementation of the CHT peace accord and amend the relevant clauses in the three hill district council acts and other clauses detrimental to the agreement”. The Prime Minister assured to amend relevant clauses in the three hill district council amendment acts on development planning at national level and other clauses which ran contrary to the CHT agreement. The government gave an assurance to amend the inconsistencies in the budget session of parliament in 1998 (POT 1999 c: 638).

However, earlier Larma refused to take the charge of the chairman of the interim RC in protest against government’s step towards dropping three PCJSS proposed names from the RC member list. But finally when Larma agreed to take on the charge the issue was totally bypassed and other issues came to the fore. This vacillation in priority building on the part of the PCJSS unnecessarily caused impasse and delayed the implementation process. “The delay in implementation of the peace accord caused by the government-PCJSS gridlock not only suspended a crucial Land Commission survey but also gave a group of tribesmen the leeway to engineer an awkward law and order situation which led to several deaths. Besides the promised European Union aid for infrastructural development was also held up. On the whole the scenario looked inauspicious for the accord” (POT 1999 d: 644).

## **The Post-accord demands of PCJSS:**

The demands of the PCJSS burgeoning in the post-accord scenario help to analyze and understand the progress of implementation and the stumbling blocks that the peace process has been facing since its initiation. But before discussing the post-accord demands of the PCJSS it is rudimentary to delineate which provisions of the accord have not been implemented yet. Whatever the disputes regarding the contents of the accord, one of its prime limitations was the lack of a time frame for its implementation. According to the PCJSS, which has been protesting against the non-implementation of the CHT Accord, the following major unimplemented provisions were considered to be crucial: (Guhathakurta 2004:7)

- the non-withdrawal of (all except a few) non-permanent military camps;
- the non-transfer of land and law and order matters to the District Councils;
- the passage of the CHT Land Commission Act of 2001, in violation of provisions of the Accord (reducing the geographical jurisdiction of the commission and providing too much power to its non-indigenous chairperson);
- the non-commencement of the work of the Land Commission;
- the appointment of non-indigenous persons to the post of (cabinet rank) Minister for Chittagong Hill Tracts Affairs and the Chairperson of the Chittagong Hill Tracts Development Board.

The PCJSS also criticized other aspects of the situation following the Accord, including: (Guhathakurta 2004:7)

- the inclusion of non-permanent residents of the region as voters in the 2001 parliamentary elections (which were participated in by the UPDF and boycotted by the JSS); and
- the inclusion of non-indigenous people within the list of the “internally displaced.”

Given these unimplemented provisions of the accord the main demands of the PCJSS in the post-accord scenario are as follows: (Rokonuddowla 2007:6).

1. Withdrawal of Bengali settlers and their rehabilitation outside the CHT.
2. Transfer of all the subjects to the HDC, prioritizing vital ones like land and land management, police(local), law and order, forestry and environment, primary and secondary education etc.
3. Proper rehabilitation of the India-returned refugees and the internally displaced Jumma people.
4. Shutting down the civil affairs office located at Chittagong cantonment and terminating 'Operation Uttoran'.
5. Land commission formed by the government should start working immediately with relevant amendment to the CHT Land Dispute Disposal Commission Act, 2001.
6. Holding of elections of the Regional Council and the Hill District Councils as per the relevant acts.
7. Withdrawal of all security forces camps except Bangladesh Rifles (BDR) and cease acquisition of lands for the Army in CHT (Rokonuddowla 2007:6).

After five years of signing of the accord Larma expressed his frustration in the following words:

[Though] more than five years have passed after the signing of the Accord, most of the provisions, especially the main issues of the Accord, such as, formation of Land Commission for settling the land disputes, rehabilitation of returnee Jumma refugees and internally displaced Jumma families, withdrawal of temporary camps of security forces and military administration, preparing voter list only with the permanent residents of CHT, effective enforcement of the three[hill district councils] and the CHT Regional Council Act, rehabilitation of the Bangalii settlers outside CHT and etc. have either [been] left unimplemented or partially implemented (Larma 2003 quoted in Jamil 2008:472).

During the pre-2001 general election Shantu Larma's stance on the accord and abstaining from meetings of the Task Force for refugees and accord implementation committee created a deadlock. But these were the outcome of his hard line stance that he had been forced to adopt in the face of his hard line opponents. In the pre election period he was preparing to lay his claims on the three parliamentary seats from the CHT. Attempts were made to placate Larma on the part of the then Prime Minister, Sheikh Hasina. She had

two meetings –one in 1999 and another in 2000-but there had been no tangible progress (POT 2001a:91). By the end of 2000, the government of Bangladesh and the PCJSS made statements in public rallies and newspapers. By the end of October 2000 Larma became vehemently vocal against acquiring land in the hill area violating the peace accord for the construction of a training centre for Bangladesh army; land acquisition programmes in Rangamati and Khagrachhari hill districts for afforestation and he went to the extent of threatening to revive the insurgency (POT 2000e:1507).

However, in January 2001, Larma changed his stand and joined an army programme at BMA with Prime Minister Sheikh Hasina, which signaled that both sides were equally eager to bridge the gap (POT 2001a:91). Larma met the Prime Minister again on February 11, 2001. A press release from the Prime Minister's office termed the meeting as "very cordial". The Prime Minister expressed her government's keenness to protect culture and heritage of the CHT alongside continuing development activities. In this meeting Larma drew attention of the Prime Minister to the following issues:

1. Setting up of English-medium high schools in Rangamati and Khagrachhari;
2. Establishment of a paramedical institute and hospital, construction of a *pucca* road from Alikadam to Naikkhangchhari in bandarban;
3. Saving Panchhari High School and the adjoining village from erosion by river Chengi;
4. Taking up river-training programme to protect government roads and an old Buddhist temple;
5. Construction of a bridge at Boroichhari-Chitmoron point, and some roads in Bandarban (POT 2001d: 476).

These issues cited by Larma shows that he was focusing on the developmental issues in the CHT. But just one month before this "cordial meeting" Larma made a courtesy call on Prime Minister on January 4, 2001 and during that discussion Larma appealed to the PM to take necessary action to resolve the problems relating to land in the region, and expedite the implementation of the CHT accord. He also talked for a separate voters' list for the hill people. He told the Prime Minister: "a sense of dissatisfaction was prevailing among most of the hill people due to non-implementation of the main provision of the accord" (POT 2001b:241).

The sudden shift in prioritizing issues regarding negotiations on the part of the PCJSS within the time span of just a single month perhaps exposed the lack of bargaining power of the PCJSS. Besides, it bears evidence of government's leverage on fixing the agenda for negotiations. Infact, during this time, the government tried its best to divert the focus of the peace process by harping on the developmental issues. It is evident in the fact that in January 2001 Prime Minister Hasina inaugurated a 3000 line Rangamati digital telephone exchange and said that this modern telecommunication facility in the remote area is an outcome of the CHT peace accord. While talking to Post and Telecommunications Minister Mohammed Nasim over telephone at Rangamati, she said: "It is unimaginable to undertake such a development project in the CHT when unrest prevailed there before the signing of the accord" (POT 2001c:260). In the pre-poll scenario it was a wise way of bypassing the controversial issues regarding the CHT accord.

### **Reasons for Non-implementation**

The accord made little difference in terms of toll collection, robbery and ransom-seeking by criminal gangs. In 1998 the US oil company UMC had to put off operations after one of its security staff was shot dead and its geo-physicist kidnapped and later released on ransom payment (POTf 2001:522). The peace process got a severe jolt due to the abduction of two Danish and one British engineer from Naniachar upzilla of Rangamati allegedly by anti-accord UPDF gunmen. This is the first incidence of kidnapping foreign nationals in the CHT after 1974 (POT 2001e:514). This act of anti-accord faction has different layers of implications which affected the peace process in different ways. As an immediate reaction to it the government launched an intensive operation through its security forces in different areas of CHT region to nab "identified extortionists and anti-social elements". In Rangamati hill district places like Luxmichhari, Barmachhari, Kaukhali, Ghagra, Manikchhari and parts of Naniachhar and Mohalchhari were earmarked as "disturbed areas". This initiative visibly aggravated the hardship of the innocent hill people in the above said areas. On the other hand, with the abduction of

three foreign nationals the issue of the CHT got currency in the international arena since the international donor agencies suspended their development assistance as a result of the abduction in February 2001. This suspension of aid, however, put the government under pressure to implement the peace accord as soon as possible. In July 2001, the government and the PCJSS agreed to jointly work for “quick implementation” of the accord.

However, a decisive step was taken by the PCJSS president to expand his sphere of bargaining power regarding the indigenous issue. In April 2001 Larma launched a brand new organization-Bangladesh Adivasi Forum, and this time not only to protect the Jumma people but to fight for the rights of the indigenous people of Bangladesh at large. With this step the peace process took a new turn with Larma being the CHTRC chairman, the PCJSS president as well as president of Bangladesh Adivasi Forum. In the pre-poll uncertainty this broadening of scope of the PCJSS’s activity beyond the territorial boundary of the CHT and merging its interest with other indigenous people was in fact a strategy towards ensuring future government’s due concern about the implementation of the accord.

Larma said: “it [the accord] has been signed by the government. The party in power has failed to fully implement it. It will have to bear the responsibility for the failure. Similarly if another party comes to power winning the next election, it will have to bear the same responsibility if it too failed to fully implement it” (POT 2001j:730).

In this backdrop the first-ever exclusive meeting between the BNP and Larma since the signing of the peace accord was held on August 8, 2001. In his meeting with BNP general secretary Abdul Mannan Bhuiyan, Larma discussed country’s political situation and the general election. Curiously enough, the election 2001 manifesto of the BNP was published on September 7, 2001, just after one month of this exclusive meeting and the manifesto indicated a major change in the party’s position on the CHT peace accord (Hossain 2002:22). The BNP shifted its earlier anti-accord stand and took a moderate position of ‘reviewing’ the accord. The BNP election manifesto 2001 stated that if elected, the party would remove the inconsistencies in the accord rather than annul it (Mohsin 2003:119). This reflects the late-achieved political wisdom of Larma in the pre-



poll uncertainty. Besides he was constantly urging postponement of the general election. When the election commission turned down Larma's appeal for postponement of the general election he started propagating boycott of the poll. On the other hand, the UPDF leader and candidate of Constituent Assembly Sanchay Chakma propagated that the boycott decision would be suicidal. On the day of 2001 general election the PCJSS enforced a *hartal* to realize certain demand. The demands include: a) rehabilitation of Jumma and repatriated people, b) withdrawal of all army camps, c) amendment to the Land Act 2001, and d) cancellation of illegal voter's list (POT 2001L:1259).

However, after the newly elected government came to power Larma met the Prime Minister. During his first meeting with the new Prime Minister Khaleda Zia in April 2002 he requested her to help to expedite the Asina Development Bank programmes in the CHT region and also make the Land Commission and Zila Parishads effective. Following this meeting and also in the wake of deteriorating law and order situation in the region a 13 member government-UNDP joint mission conducted a nine day survey on development needs and likely risk factors for the development workers stationed in the CHT. The mission included UNDP, ADB, Danish Embassy in Dhaka and senior officials of the government. However, the government took this joint venture mostly because it expected to receive \$200-300 million as grant from the different donor countries for the development project if the mission report would be found positive (POT 2002b:856), but the mission left CHT without any future commitment. However, the UNDP ultimately resumed its developmental activities in the CHT on 14<sup>th</sup> June 2003 after suspension of the programme for two and half years. It took up projects to develop sanitation, fisheries and agricultural sectors in the three hill districts. The UNDP supposed to provide fund to implement the project along with LGED, CHT district councils and NGO partner organizations. They started a new project named "Risk Management Unit" at the CHT for the first time (POT 2003b:708).

Shantu Larma inaugurated this UNDP programme in June 2003 and missed no opportunity to utilize this international forum in favour of the PCJSS. Larma categorically blamed UPDF for causing all the instability in the region and also blamed successive governments for conniving UPDF's action. He said: "The UPDF is fully responsible for all sorts of extortion and acts of terrorism in the peaceful areas of three

hill districts. But unfortunately successive governments including Awami League have patronized them” (POT 2003c:725).

This forum gave Larma ample scope to pressurize the government for implementing the peace deal. In this forum Larma indirectly criticized and accused the BNP led government for the underdevelopment and subsequent instability of the CHT region since, the government officials were a part of UNDP’s “Risk Assessment Mission” in 2002. According to Larma the report of the government-UNDP joint “Risk Assessment Mission” itself was a part of conspiracy to keep the region unstable and thus to hinder development programme (POT 2003c:725). Further Larma demanded the withdrawal of the risk management report of UNDP as it termed the PCJSS as a terrorist organization. Later, in mid 2003, while replying to a query of *Holiday* correspondent, Larma said that he requested Prime Minister Khaleda Zia to ban the “terrorist group” UPDF “but nothing has been done” (POT 2003f:782).

By the end of year 2002 Larma expressed his utter frustration regarding signing of the accord. He said their signing of the accord was a “great mistake”. The AL government had signed the accord without “good intention” and further said that the BNP led government was “politicizing” the zila parishads in the CHT, impeding the implementation of the accord (POT 2002d:1347). After the seventh PCJSS congress at Khagrachhari Larma announced 33-point demands including implementation of the CHT accord, steps for election to the CHT regional council and the three hill districts, ban on the army operation Uttoran (POT 2002e:1360). In this seventh congress of the PCJSS several top leaders resigned from their positions and went underground and allegedly started to reorganize the armed wing of the party. In the middle of the next year, while delivering speech at the inaugural ceremony of the 14<sup>th</sup> founding anniversary, and the 11th central council of the Pahari Chatra Parishad (Hill Student’s Association) at Dhaka university campus, Larma threatened that the real conditions obtaining in three hill districts, grouped under the CHT, demanded that armed struggle be launched once again to establish the rights of the hill people. Under such pressure, Law, Justice and Parliamentary Affairs minister of the BNP led government Moudud Ahmend was

compelled to rule out the possibility of scrapping the “Chittagong Hill Tracts Peace Accord”; which was sharply different to the BNP’s initial negative stand regarding the accord. While speaking as the chief guest at a seminar on “Present situation in CHT: What could we do”, Organized for strategies and Peace Studies Mr. Ahmed said, “We don’t want to speak any controversy over the treaty [the CHT accord] and hope that others will also refrain from doing so. No body should take it politically because it is a national problem” (POT 2003h: 1005).

Rather than scrapping the accord he expressed his government’s willingness to remove the inconsistencies in the CHT. He signaled new course of negotiation to be started by saying: “it [the accord] was approved by the then cabinet two days after it was signed, without holding any consultation with the opposition. [BNP was one of the opposition parties]. We want to discuss the matter with all and take necessary action.”

During the end of this month three tribal chiefs or Rajas assured the government of all cooperation for socio-economic development. They also expressed their gratitude to late president Ziaur Rahman for introducing the ideal of Bangladeshi nationalism. They thanked Prime Minister Khaleda Zia for pursuing the same ideology that helped identify all citizens of the country as Bangladeshi. This meeting was an important step in the midst of many uncertainties associated with development programmes initiated in the CHT by the UNDP. This exchange of views was a confidence building measure of its kind. In this context government’s decision to set up District Judge’s Courts in the three hill districts was also important (POT 2003s:1351).

### **Two pronged strategy:**

While there were negotiations going on between the three chiefs and the Prime Minister on the development of the CHT region, the Prime Minister’s Office (PMO) directed the CHT Affairs ministry to stop ration to the refugees. It however asked the ministry to keep the Bengalis on ration (POT 2003i:1073). This directive came in the backdrop of Mahaalchhari massacre perpetrated on august 26, 2003 by the Bengali settlers. Five tribal

villages under Mahalchhari upzila were torched by Bengalis. Further, the situation got more tensed when CHT Affairs secretary ruled out formation of a judicial inquiry committee, ignoring the demands of the political and social organizations. Besides, in September 2003, a circular was issued by the army in the CHT, restricting free movement of foreigners in the hills. This surprised Moni Swapan Dewan, Deputy Minister for CHT Affairs, who told the BBC in an interview: “I was not informed about the circular beforehand and I came to know about the matter through news papers... According to democratic norms, the home minister should have informed us earlier”.

Annoyed at the delay of implementation of the peace accord Moni Swapan Dewan threatened to resign. However this shows the hidden agenda of the government in strengthening the hand of army in the CHT bypassing the ministry of CHT Affairs. This circular created misunderstanding between the ministry of CHT Affairs and the army. The strengthening of army in the CHT prompts Shantu Larma to call upon both the settlers and indigenous people to wage a movement to restore peace in the region. While addressing a protest rally on 14 September he articulated the following demands: immediate implementation of the CHT accord, removal of makeshift army and ansar camps and withdrawal of “operation Uttoran” from the CHT, rehabilitation of Jhumia refugees and continuation of their ration and imposing a ban on the UPDF (POT 2003m: 1146). On the same day the parliamentary in charge of the Ministry of CHT Affairs, M.K.Anwar, said in the Jatiya Sangsad (National Parliament) that the government would amend the anti-constitutional provisions of the CHT peace accord. Here he categorically said that the eligibility criteria for voters in the CHT enumerated in the accord contradict the constitution of the country.

During this time the CHT became further tensed on the issue of appointment to the position of CHTRC chairman since Larma’s tenure expired on September 6, 2003. The PCJSS, the UPDF and also the settlers were flexing their muscles to exert pressure on the government. By the end of 2003 the PCJSS came out with its 17- point programme after its three day workers’ conference. The programme showed that for exerting political pressure on the government for the implementation of the accord, the PCJSS’s strategy was *Hartal and* road blockade. In fact the Jumma Refugee Welfare Society also took this

strategy of road blockade to exert pressure on the government regarding ration distribution which the government stopped following the Mahalchhari massacre of tribal villages. During the last few months of 2003 several road- blockade programmes were taken up intermittently by the tribals to articulate their grievances.

However, the 17-point of the PCJSS's programme declared in November 2003 include removal of Wadud Bhuiyan from the position of the chairman of the Chittagong Hill Tracts Development board in line with the CHT accord since Prime Minister Khaleda Zia appointed this BNP Member of Parliament from Khagrachari, an illegal settler, as the Chairman of the CHT Development Board on 11 February 2002. The programme also included withdrawal of the temporary army, Ansar, APB, VDP and appointment of a tribal political leader as minister of the CHT Affairs since the portfolio was possessed by the Prime Minister herself in violation of the peace accord. Further, Larma threatened time and again to cripple the CHT by intensifying movement. Tension mounted in the hill districts following this announcement of the agitation plan prompting the authorities to tighten security (POT 2003u:1487). He said: "The hill people are under military rule for 32 years now, while the army has created a suffocating situation in the CHT region... if the government fails to ensure peace by implementing the accord, the political situation will get turbulent. The region might witness more blood shedding. In case the present suffocating situation continues" (POT 2003v:1488).

Further, the intention of Larma to get into the mainstream national politics became visible earlier with his launching of the PCJSS as a constitutional party. Besides, in order to expand the mass base, he joined the forum of minority movement in other parts of Bangladesh, thereby consolidating the self determination movement. When the AL extended its support Larma immediately reciprocated. On 22 December 2003, while addressing a public rally at Laldighi maidan in the port city, he said that the nation could not fulfill the dreams of freedom fighters who sacrificed their lives in the Liberation War in 1971. Further he said: "At present the anti-liberation war forces are in power of the country. So the real freedom fighters are being neglected" (POT 2004d: 75). He further regretted that ultra nationalism and communalism are destroying the progressive forces in

the country. This perhaps reflects Larma's adherence to the pro-secular actor in the national political arena, namely the Awami League. He also said that rulers were occupying land and homestead of the minorities in Bangladesh not only in the Hill tracts but also in the plains. This meeting was attended by representatives of all the minority religious communities of Bangladesh, namely Shrimath banshri mohatehro, vice-president of Hindu, Buddha Christian Oikya Parishad, Christian leader Father Josef Jiban Gomez, vice-president of the Parishad, former high commissioner and Christian leader advocate Shill Sikder, prominent Buddha leader Vadanta bodhipal Mohathero etal.

With this development the self determination movement of the CHT indigenous people under the PCJSS leadership evidently acquired a religious dimension which was predominantly secular in the South Asian sense of the term. This solidarity was an existential response against the Islamisation agenda of the government. On 26 January 2004 the Sachetan Nagarik Samaj and Bangladesh Adivasi Forum jointly organized a programme to protest against the eco-park project in Madhupur in Mymensing district, Dhaka division. This was a mass gathering of political leaders, cultural activists, educationists and journalists who expressed their solidarity with the demands of Adivasi people. Addressing this forum Larma said: "We will continue the movement, and if necessary, it will be spread to the national level to protect the rights of the adivasi people" (POT 2004g: 268). It is to be noted that the venue of most of the meetings that Larma addressed was either Dhaka University campus or the Central Shaheed Minar; both are national pride of Bangladeshi nation.

The very next day Sheikh Hasina following the footsteps of Larma demanded land ownership right for indigenous people and threw her weight behind the Garos' demands for cancellation of the Madhupur eco-park. She said: "Indigenous people have been deprived for years, as they are left out of land ownership." She asked the BNP led government to discuss with indigenous local people before going ahead with the Madhupur eco-park project which was taken up by the forest department in 2000 (POT 2004g:268). In this backdrop of the PCJSS-Awami League affinity a tribal leader was appointed as chairman of the Task Force of the repatriated tribals and internal refugees'

rehabilitation affairs. This was complementary to the accord. However, this step made the PCJSS confident that the alliance government has accepted the CHT accord (POT 2004h: 371). Through this reciprocation the PCJSS entered into the broader spectrum of national politics, whereas the Awami League revived its stronghold in the regional politics of the CHT.

However, during this time the Khagrachhari-based Parbatya Chattagram Samoadhikar Andolon (PCSA) was directly associated with the prominent local non-tribal leaders of the ruling parties and they wanted the accord to be scrapped. On the other hand tribal leaders of the ruling party were in favour of implementation of the peace accord and encouraged the PCJSS to go ahead with the movement and put pressure on the government to realize their demands. Thus a split developed in the leadership of government (POT 2004h: 371). In this backdrop the government on April 17, 2004 decided to delegate the authority to supervise development in the CHT region to its regional council in line with the peace accord (POT 2004i:604). This reveals the insecurity that crept into the government's psyche since the AL was roping with the PCJSS. The cabinet committee also decided to arrange employment for the refugees repatriated from India. The deputy minister of CHT affairs Moni Swapan Dewan said that the regional council was supposed to oversee all developmental works in the CHT region. And he opined that the precondition of the solution of the problem of CHT essentially lies in the continuous informal discussion between the government and the PCJSS in a cordial atmosphere (POT 2004i:604). The committee decided to send proposal to the finance ministry seeking TK 15 crore funds to generate employment for the members of the PCJSS under a self-employment project. This meeting was chaired by Abdul Mannan Bhuyian and was attended by Law and Parliamentary Affairs Minister Moudud Ahmed, Land Minister M Shamsul Islam and PCJSS member Sudha sindhu Khisha. However, the land issue was entirely bypassed in this meeting. This was basically an attempt on the part of the government to appease the PCJSS by offering deals of secondary nature, thereby dodging the primary concerns. However, PCJSS president Shantu Larma was not present in this meeting and on 8 May 2004 the PCJSS enforced another dawn to dusk *hartal* in the three hill districts to press home the following four-point demand:

- Implementation of the CHT peace accord;
- Removal of Development Board chairman Wadud Bhuiyan;
- Withdrawal of army, Armed Police Battalion(APBN),ansar and VDP camps from the hill region,
- Inclusion of an indigenous person as CHT affairs minister in the cabinet.

Government retorted by barring Larma from joining the third session of United Nations Permanent Forum on Indigenous Issues (UNPFII) conference scheduled for May 11-12 ,2004 at the UN headquarter in New York. After this incident, the representatives of donor agencies at Bangladesh Development Forum's meeting asked for government's explanation (POT 2004j:679). Threatened by Larma's potential, lawmakers from the BNP-led ruling coalition, sought to bring a change in the leadership in the regional council. But holding direct election to the regional council would amount to violation of the peace accord since the accord provided that an electoral college comprised of the elected representatives of the three district councils would choose the leadership in the regional council (POT 2004k:710). On the other hand, the government seemed to be limiting power of the Deputy Minister of CHT Affairs by curtailing the amount of money allocation from TK 25 lakh to 1.5 lakh from his fund (POT 2004L:791).

While celebrating 21 st death anniversary of M.N. Larma on 11 November 2004 Shantu Larma accused the government of instigating the UPDF against the PCJSS for damaging the spirit of the accord. He used this occasion to build solidarity among the Left parties namely Jatiya Samajtantrik Dal(JSD), Workers Party and the communist Party of Bangladesh along with the PCJSS. The leaders of these parties also addressed the meeting. On September 9, 2005, while observing world Indigenous People's Day, Larma urged the indigenous community to join hands with the pro-liberation and progressive democratic forces to help establish a pro-people government in the country. Leaders of Awami League, communist party of Bangladesh, Jatiya Samaj- Tantrik Dal, Gono Forum, and Dhaka University Teachers' Association spoke at this programme. NGOs like Odhikar also joined hand. Thus a democratic, progressive and non-communal front was gradually emerging.



However, the BNP led government's tenure ended with two minor developments regarding the implementation of the peace accord. A) It constituted a 9-member CHT Accord Implementation committee headed by Abdul Mannan Bhuyian, BNP Secretary General and LGRD minister. B) The government merely filled the post of the Chairman of the Task Force for rehabilitation of Returnee and Internally Displaced People in the CHT, by appointing an indigenous person in 2005 but they made him inactive (POT 2006a:16). On the other hand, the government's most sinister contribution to the factional feud in the CHT was the launch of pro-settler organization, Samo Adhikar Andolon (SAA).

Justice issue:

“When the people of other parts of the country were free to seek justice in district courts of their own, people living in CHT had to trek all the way to Chittagong to file a lawsuit. This is a situation that is completely discriminatory in terms of constitutionally guaranteed equal rights of all citizens” (POT 2006c:13). The CHT Regulation 1900 Act was amended in 2003 to insert into it a provision making it mandatory to set up civil and criminal courts (district and session judge's court) in the three hill districts. This amendment was enacted on 21 September, 2003, making mandatory provisions for the establishment of civil and criminal courts. Later, during the tenure of the non-partisan caretaker government the people of the CHT got partial access to justice with judicial magistracy, which came into force on November 1, 2007.

During mid-2006 another major tension cropped up regarding the rights of the CHT hill people. The CHT Manual 1900 was challenged through a writ petition filed in the high court after 100 years of its enactment. This triggered severe anxiety among the hill people. The rights of hill people to land are protected by this act. It says that no one can buy or take a lease of CHT lands, except having permanent residence in hill areas. It was feared that if the verdict of the court goes in favour of the petition the

indigenous life and culture would come under threat. The intention behind this writ petition was perhaps to distort the history of the CHT (POT 2006d: 18).

When requested to implement the CHT peace accord the Law and Information Adviser, Mainul Hosein to the caretaker government of 2007, categorically said that no agreements are perfect without several reviews. He made this statement while participating in a discussion organized by Parbattya Chaattagram Samo Adhikar Andolan, a platform of the anti-peace accord Bengali settlers. This definitely questions the neutrality of the caretaker government since the adviser attended the “discussion on anti-peace agreement” as the chief guest on 2 December 2007.

By taking the advantage of the state of emergency, the military forces have increased anti-Accord activities, such as, forcible occupation of indigenous Jumma people's land, settlement of Bengali Muslim families to outnumber indigenous people and setting up new camps to support them, strengthening of extreme communal forces through the Sama Adhikar Andolan (CHT Equal Rights Movement) and nomination of them to HDCs, replacing Bengali members of the CHT Regional Council by extremist leaders of the Sama Adhikar Andolan etc (Kapaeeng watch 2008). The PCJSS's decision to take part in the 9<sup>th</sup> parliamentary election strained the strategic nerves of mainstream political parties, including the AL and the BNP.

### **The Post-accord negotiations**

The PCJSS has been claiming that, beyond the accord, there were some “unwritten issues” or “unofficial contracts” that the Awami League led government flatly denied (Rokonuddowla 2007:6). After the BNP led government came to power in 2001 all equations regarding this settler issue changed drastically. Since the “unwritten understanding” was with Awami League, the PCJSS had no valid point in negotiating that issue with the BNP so far as the implementation of the accord was concerned. However, since the signing of the accord this issue of withdrawal of settlers has become

part of one of the five-point demands of United People's Democratic Front (UPDF) which rejected the accord since its inception.

#### **Rehabilitation of the refugees and IDPs:**

A total of 9,780 families out of total 12,222 Jumma families who returned from India following the CHT peace accord have not got back their land or housing. In May 2000, the Task Force Committee identified 90,208 Jumma families and 38,156 non-tribal Bengali settler families as "internally displaced families" in CHTs. In addition, there were some 10,000 tribal IDP families who were left out by the Task Force. By including the non-tribal IDPs, the government sought to legitimize the settlement of the Muslims from the plains in the CHT (ACHR 2009). While the Jumma IDPs were not provided any rehabilitation or food aid, educational facilities, health care services, sanitation and safe drinking water etc, illegal settler families have been provided free rations and other facilities by the government since 1978 (ACHR 2009).

The BNP-Jamaat alliance led government stopped giving ration to the refugees in July 2003. In protest the Jumma Refugee Welfare Society announced 72-hour road blockade programme in September 2003. Since the government did not resume ration distribution, they further threatened to carry on with their blockade.

After lying vacant for two years, the post of Task force for CHT Refugee Rehabilitation affairs chairman was filled in 2003. But the task force was in limbo over the chairman's status. This was one of the many hurdles in the way of implementing the peace accord.

#### **Ineffective Land commission:**

The CHT Agreement provided for the setting up of a Land Commission to hear arguments on behalf of both the original owners and the new settlers, and decide on the rehabilitation of the Chakma returnees. The tenure of the Land Commission was to be of three years (EPW: 1999). Headed by retired Justice Anwarul Huq Chowdhury, the nine-member Land Commission was constituted in December 1998, to resolve land disputes, and cancel all types of acquisition of land and hills in the CHT region. But a legal

problem had been created over the provision that empowered the Land Commission to give decisions on land disputes against which there would be no appeal. Such power of the commission had not come through a law passed in parliament, but by an executive order. Since its inception the CHT Land Commission, established under section 4 of part D of the Peace Accord has not resolved any land dispute (ACHR 2009). The Act on the Land Disputes Settlement Commission (Act 53 of 2001) was passed in the National Assembly in July 2001. The PCJSS resented against government's lack of sincerity to implement the accord. This was also ostensible in the formation of the Land Commission. Rule 13 of the accord indicated that "any law regarding the CHT is to be subject to discussion with the Regional Council and that will be done as per the advice of the council." The most pertinent objections from the side of the Regional Council have been indicated as; a) the arbitrary powers of the Chairperson to provide final judgment without consensus among other members; b) the exclusion of Jumma refugees who returned to the CHTs under the 1992 repatriation agreement from the ambit of the Land Commission; and c) the exclusion of the internally displaced Jumma from the scope of the Act (Tripura2008:76, 77). Later, the Bangladesh Nationalist Party (BNP)-Jamaat coalition government virtually did nothing to reform the Land Commission. The caretaker government followed suit. Since the Land Commission has been remaining inactive, more than 90,000 Jhumia IDPs have not been rehabilitated after the peace accord was signed (Tripura 2008:78). Indigenous peoples and their lands continue to be targeted. In 2008, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people sent a joint communication calling the attention of the Government to the alleged illegal seizure of the traditional lands of indigenous communities in the CHT and systematic campaign to support the settlement of non-indigenous families in the CHT with the active support of the security forces, with the ultimate aim of displacing the indigenous community (ACHR 2009). Ushtan Talukdar, the Secretary for Political Affairs of PCJSS and the newly elected independent candidate from Rangamati hill district in the 2008 general election said:

"Our lands, forests and territories have been and are still being taken away without our free, prior and informed consent, to build so-called "Reserve Forests",

“Protected Areas”, “National Parks”, “Eco-parks”, Tourism, and even for establishing military bases and training centres” (Talukdar 2005).

**Table 2**  
**Large scale land occupation by the selected agencies (Tripura 2008:94)**

No.	Actors or activities	Amount of land(in acres)
1.	. Extension of reserve forest	217,790
2.	Social forestry programme	4,940
3.	Forestation programme	273,182
4.	. Military camp and training	156,522
5.	. Kaptai Damp	161,785 ( including 54,000 valley
6.	Bengali settlement	500,000
7.	Rubber plantation	15,325
<b>Total</b>		13,29,544 (acres)

**The issue of Voter list:**

Even after one decade of signing of the accord the participation of the indigenous hill people of the CHT in decision-making process remains negligible. No election has been held in the local bodies of the Chittagong Hill Tracts (CHTs). The CHT Regional Council, established in 1998, represents the people through unelected officials. The last elections in the Hill District Councils of Rangamati, Bandarban and Khagrachari were held in 1989 by then President General H M Ershad. The Hill District Councils and the Regional Council are being run by appointees of the authorities in Dhaka (ACHR 2009). To influence the outcome of the 2001 parliament elections an attempt was made to tamper with the voter list of the CHT area. The indigenous people of three Chittagong Hill Tracts (CHT) districts are alleging that thousands of 'outsiders' have been enrolled in the voter list while permanent residents of the area are being left out. Speaking to media at the National Press Club in Dhaka on August 7, 2001, ahead of the World Indigenous

Day, Chairman of the CHT Regional Council Jyotirindra Bodhipriya Larma (Santu Larma) said, "At least 30,000 Rohingya refugees have been enrolled in the voter list...even though the permanent residents are supposed to be enrolled in the voter list, the real CHT people are being left out in the list which is in violation of the peace treaty." He demanded the locals should prepare the voter list in the CHT. He further alleged that many army, Bangladesh Rifles (BDR) and police personnel posted in the region have become voters. He also feared that the indigenous people will not be allowed to cast their votes freely. He pointed out that by virtue of the CHT Accord indigenous people should have a separate voters list (Kumar: 2006). The definition of non-tribal permanent members of the CHT has been changed by the government to maintain the imbalance of power between the Bengalis and the hill people. Clause 3 of part B of the accord (Hill District Local Government Council/ Hill District Council) defines that "Non-Tribal Resident" shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address".

The definition of the "non-Tribal permanent resident" has been changed by the government unilaterally by replacing the above italicized "*and*" with an "*or*" in the Act No. 9, 10, and 11 of the Amended Rangamati Hill District Council Act 1998, without the knowledge of the Hill authority (Chowdhury 2006:78). This definition was enacted to include Bangali settlers in the process of administration and election of the district councils (Chowdhury 2006:78). Regarding the voters' list, Clause 9 provides, "A Person shall be entitled to be considered as legally eligible for establishment in the Voters' List if he is (1) a citizen of Bangladesh, (2) not below 18 years of age, (3) not declared by any competent court to be of unsound mind, (4) a permanent resident of the hill district". In violation of this law all non-permanent Bengali residents of not under 18 years of age and some cases below aged persons were fraudulently included in the voter lists made from 15 May to 24 June, 2000 and 300000 out of 400000 Bengali voters were non-permanent Bengali residents of the CHT (Chowdhury 2006:79).

Larma vehemently opposed the voters' list prepared inconsistent with provision of the peace accord. On July 29, 2001 he urged tribal people to boycott the 2001 general

election unless the Election Commission prepared a fresh voters list with only permanent residents of the CHT as voters. Addressing a rally in Khagrachhari he also demanded removal of two Awami League MPs namely Dipankar Talukdar and Bir Bahadur, from their respective posts and urged the caretaker government to appoint “appropriate and efficient tribal leaders” (POT 2001k: 1149).

During the first quarter of 2005 the difference between law ministry and the election commission surfaced afresh on the legality of the formulating a set of rules to prepare a separate voters’ list for the CHT. The law ministry, in a note to the CHT Affairs ministry, suggested carrying on with the task to prepare separate voters’ list for the hill district councils’ election; keeping in mind ‘special conditions’ for being voters and land disputes regarding permanent non-tribal residents. The draft rule prepared by the CHT Affairs ministry, and approved by the law ministry was in fact consistent with the provisions of the CHT accord (POT 2005a:1180). But given the politically sensitive nature of the issue the Election Commissioners turned down the draft. Election commissioner Mohammed Ali said “Nowhere in the Election Rolls Ordinances 1982, and the subsequent amendments made in May 1998, December 1998, and September 2000, is it mentioned that preparation of a separate voters’ list for the three hill districts is permissible”.

#### **Issue of demilitarization:**

The army camps have not been withdrawn as required under Section 17 (a) of Part D of the Peace Accord (ACHR 2009). Only 31 temporary military camps out of more than 500 have been withdrawn so far. The army still holds the supreme authority and control over the general administration entrusted through an administrative order “Operation Uttoron”. The military authority and the government have taken initiative to acquire 9,560 acres of land for the expansion of Ruma Cantonment, 183 acres of land for the expansion of Bandarban Brigade Headquarters, 56,000 acres of land to establish a new Artillery Training Center and a new Air Force Training Center and 50 acres of land for the expansion of Longadu Military Zone without any prior consent either from the Hill District Councils or from the CHT Regional Council (Talukdar 2005).

Throughout the year 2005 huge cache of weapons in the deep forest of Bandarban in the CHT were seized by the BDR. Various successful recoveries of weapons indicated the presence of a large number of militant elements which prompted the law enforcing agencies in the border areas to be more vigilant. In May 2005, army launched anti-crime operation in Bandarban. Bangladesh borders with Myanmar in Naikhyangchhari, Thanchi and Ruma upzilas of Bandarban hill district. According to Lieutenant colonel M A Awal, insurgents from Myanmar abandoned a large amount of ammunition as they were unable to stay inside Bangladesh amid the joint search launched few months back that intensified following the country wide bomb blasts of August 17, 2005 (POT 2005b:3180). The other threat comes from infiltration of alien militants, especially the activists of the Indian separatist group, the United Liberation Front of Assam (ULFA) following the Indian government's stern stance to check their activities in India's northeast. These developments, however, gave the army further opportunity to strengthen its bases in the CHT and issue of demilitarization of CHT was finally put on the back burner.

#### **Absence of external mediator:**

Absence of an external mediator in the CHT conflict has helped the parties to violate the accord. The relevant article in relation to the CHT Accord found in Article 30(1) of the UN Declaration of the Rights of indigenous Peoples adopted in 2007. On the issues of military deployment, the Declaration states in Article 30(1) that: "...military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned. In fact in the case of the land acquisition of land belonging to the indigenous peoples, the Article 30(2) maintains that states shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior using their lands or territories for military activities." Article 37 of the UN Declaration of the Rights of indigenous Peoples adopted in 2007 states: "Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements concluded with States or their successors and to have States honour respect such treaties, agreements



and other constructive arrangements.” However, during the adoption of the UN Declaration of the Rights of Indigenous Peoples, Bangladesh has abstained along with thirteen other respective countries (Tripura 2008:104).

Bangladesh principally denies the presence of indigenous people within its territory. All these basically reveal the structural deficiency in the accord. Had the accord addressed the identity demand of the PCJSS in earnest, it would have been easier for the international community to pressurize or at least criticize Bangladesh’s abstention from signing the UN Declaration of the Rights of Indigenous Peoples. Since the PCJSS compromised on identity issue the accord automatically failed to address the land right issue in true spirit.

Again, the above said provisions of international legal regime hold no water so far as the CHT accord is concerned , since it lacks provisions on an independent third party “overseer that can mediate or arbitrate disagreements or disputes during the process of implementation of the accord” (Chakma 2008:105). Still external pressure remains one of the crucial catalysts which facilitated the signing of the accord. Further, the PCJSS claimed that Larma took charge of the interim RC as its chairman on the basis of the “assurance” from the Prime Minister to implement the CHT peace agreement; but it was basically external pressure from the European Union which compelled both the government and the PCJSS to break the ice. The European Union, one of the main funding sources to help Bangladesh, decided not to fund development activities in the CHT as long as there is no substantive progress in the implementation of the peace accord, including a start to the work of the Land Commission.

This reveals the need for an external intermediary to monitor and mediate a peace process. Since, the CHT peace accord does not enumerate any provision for ensuring the external mediation the external powers have to remain outside the peace process configuration. In mid 2006 the European Commission showed its concern over slow pace of implementation of the CHT accord. In a letter to the foreign minister, M Morshed Khan, the commission emphasized upon the need for safeguarding human rights and

legitimate expectations of the indigenous people in the CHT. The key issues addressed in this letter included establishment of land rights through effective function of the Land Disputes Resolution Commission and the conduct of free and fare elections to the Hill District Councils. The EU also said that it was also imperative that citizens from the indigenous communities were registered as voters and their voices were heard in the ensuing parliamentary election (POT 2006:3, 4).

After the Mahalchhari incidence military exercise in the CHT gained momentum. Enraged by this development Larma threatened to unleash insurgency once more. In this situation the United States expressed the hope that the government of Bangladesh would take effective step to implement the 1997 accord to bring peace. The American Ambassador Harry K. Thomas Jr. evaded the question on the ongoing situation in the CHT region and focused on the donors' participation in the development works (POT 2003w:1493).

However, the international Chittagong Hill Tracts Commission (CHTC), formed in 1990, was instrumental in informing the world of the gross human rights violations taking place in the Chittagong Hill Tracts. It operated until 2001. Recently, the CHTC has reformed and has just undertaken a preliminary investigation in the Hill Tracts from 7-10 August 2008. The co-chairs include Vice Chair of the UK Parliamentary Human Rights Group, Lord Avebury, and the eminent Bangladeshi human rights activist, Ms. Sultana Kamal. The commission called on the government to speed up the implementation of the 1997 peace accord (UNPO: 2008).

### Conclusion:

All these concerns on the part of the international organizations regarding the meaningful implementation of the CHT peace accord had two dimensions. One is ideological and another is developmental. Given the post cold war dynamics the right to self determination and the promotion of it became the fascinating agenda of the international organizations. So far as the developmental aspects are concerned the CHT is a resourceful area both in terms of natural resources and in bio-diversity. The geologists

predict that there might be huge reserve of natural gas and hydro carbon in that area. But resources can not be harnessed unless and until political stability is assured. And for that the basic human rights of the hill people has to be ensured. International organizations are interested in the region for both ideological and material purposes. Unfortunately the indigenous elite perhaps failed to realize the intensity of this post-cold war equation. That is why they unwisely compromised their demand of deploying UN peace keeping force in the CHT while negotiating the peace deal. This subsequently limited the scope of the international community and thereby keeping them outside the configuration of the CHT politics. With the absence of the third party mediator the asymmetry between the two negotiating parties got aggravated. The government has overpowered the PCJSS during negotiations which compelled the PCJSS elite to compromise the basic issues concerning the hill people. Further the initial delay in implementation caused by Larma's failure in prioritizing the issues gave anti-accord faction ample scope to generate resentment against the accord among the common mass. Thus, relapse of the conflict becomes inevitable in the post-accord CHT.

## **Chapter 5**

### **The Post-Accord Conflict Situation**

The limitation of the international community to monitor the implementation process is one of the main causes of slow pace of implementation of the accord. On the other hand, the post-accord scenario became more critical with the emergence of new challenges in the form of anti-accord factions which fermented the region with fresh outbreak of violence. Before the 1997 peace accord the situation was more or less simple - the Shanti Bahini vs. the government. But it has become far more complicated in the post-accord situation. Among the tribals there are three antagonistic groups: those against and in favour of the accord, namely the United Peoples Democratic Front (UPDF) and the Parbatya Chattagram Jana Sanghati Samiti (PCJSS); and those who want peace, i.e. the general tribesmen. There is another group of settlers and locals who are often at loggerheads with the above groups and are sometimes victims of the internecine warfare. The chapter analyses the present conflict situation prevailing in post-accord CHT. It will examine the out break of violence, the inter-ethnic tensions and response of the government to the growing discontent of the Hill people.

#### **Rivalry between the PCJSS and the UPDF:**

The inter-ethnic tension revolving around the acceptance and rejection of the peace accord caused the relapse of conflict in the CHT in the post-accord years. The initial delay in the implementation process gave adequate time and chances to the anti-accord factions to strengthen their mass base among the hill people. Initially the discord was between the pro-accord and the anti-accord factions; hence the conflict dynamics was simple. While the pro-accord faction was comprised of the PCJSS and the Awami League, the anti-accord faction referred to the splinter group of PCJSS namely the UPDF and the then main opposition party namely the BNP. However, the conflict dynamics has become skewed when the PCJSS emerged as a political party. Consequently, the sole influence of the Awami League in the CHT was challenged. It resulted in conflict. Mani

Swapan Dewan, a former Chairman of the Rangamati Municipality commented that “the local Awami League leaders and the PCJSS leaders have now become each other’s political opponents, which is harmful for both sides” (POT 1999f:706). Although there was rivalry between the Awami League and the PCJSS, the successful implementation of the 1997 peace accord was the common concern of the two parties. Being the ruling party the Awami League had the obligation to supersede the main opposition party the BNP by popularizing this peace deal internationally to impress the donors. On the other hand, the PCJSS being the main signatory of the accord on behalf of the hill people has the obligation to retain its leverage as the sole mouth piece of the indigenous people in the CHT, defeating other contenders. As a logical corollary, in spite of their assumed rivalry the Awami League and the PCJSS cooperated with each other in the hills. This honeymoon between the ruling party and the PCJSS made the BNP to support the anti-accord faction, namely the UPDF.

During the initial post-accord years, mainly two developments fermented the anti-accord factions. Firstly, Sheikh Hasina was awarded UNESCO’s Houphuet-Boigny peace award in 1998 for her role in signing the 1997 CHT peace accord. Secondly, just one month after the declaration of this award the PCJSS’s leader Shantu Larma agreed to take over the charge of the chairmanship of the interim Regional Council after a prolonged deadlock. These two developments tended to entail positive developments regarding the successful implementation of the peace accord. Further, these developments also reflect the cooperation and reciprocation between Sheikh Hasina led government and Shantu Larma led PCJSS. This created pressure on the strategic nerves of the anti-accord factions in the CHT. Hence, they started violent activities in the hills to sabotage the peace deal. The growing Awami League-PCJSS alliance threatened the regional anti-accord political outfits and they wanted their presence to be felt in the hills. Their very existence was based on the failure of the peace accord. After his induction as Chairman of the CHT Regional Council in May 1999 Larma expressed concern over the activities of the anti-accord group. He said that they were out to destroy the leadership of the PCJSS and he blamed a section of the administration for conniving with the anti-accord factions. He said “A section of the government was patronising the opponents of the peace

accord...they held rallies in the port city of Chittagong under protection of the police” (POT 1999e:691). This misgiving is often concomitant of the anxiety about the government’s hidden agenda to sow the seeds of fratricidal violence in the hills.

Besides the government’s intention to pit the PCJSS against other hill people’s organizations, it was PCJSS’s stand that was militating hill people’s organization against one another. Asked whether there should be a united platform of the pro-peace forces for the total implementation of the peace accord, Shantu Larma said: “It is necessary that there should be unity among us for the proper implementation of the accord. But I don’t think that there should be a united platform to do so. There is no need for a united front for the release of our members who are still in jail” (POT 1999f:707). This statement clearly reveals Larma’s ambition to entrench hegemony of the PCJSS in regional politics of the CHT. He wanted to wipe out all the potential rivals from the political spectrum of the CHT. Hence, he termed the UPDF as a terrorist group and urged the government to take steps against it. Thus, the hegemonic ambition of the PCJSS aggravated the violence in the hills since the UPDF denied the PCJSS’s superiority. In June 1999, around 104 members of the Prashit-Sanchay faction renounced the anti-peace activity and pledged to work for the CHT peace accord. This provoked the anti-accord Prashit-Sanchay faction to retaliate with kidnapping members of pro-accord activists of PCJSS in the next month. Thus, the existential crisis on the part of the anti-accord faction keeps the violence spiraling in the hills. The hegemonic ambition of the PCJSS is reflected in its negative response to the UPDF’s proposal of a union with it. The PCJSS took hard line stand regarding any negotiation or reconciliation with their rival party. It tried to portray itself as the victim of UPDF’s atrocities. Larma said: “TheUPDF is not a political entity. Why should we go for a dialogue with a mere terrorist group? Besides, we are not in conflict with UPDF; rather we are victims of the group’s terrorist activities. The government, if committed to the peace agreement, should take care of the UPDF” (POT 2003f:783).

While the PCJSS was in no mood to negotiate with the UPDF, the later proposed for reconciliation in September 2000. In its appeal to PCJSS, UPDF’said:

“The formation of the United Peoples Democratic Front (UPDF) is a manifestation of the dissatisfaction of the Jummas with the Chittagong Hill Tracts Accord. The formation of a political party such as the UPDF is a natural outcome in a democratic political system where people can freely express their views. Since its inception, the UPDF has tried its best to avoid conflict with the JSS. UPDF does not believe that the future of the Jummas lies in the destruction of the JSS. Rather, the future of the Jummas lies in unity. Even the JSS stated that the CHTs Accord is not the end of the struggle. In order to impress this fact on the international community, however, there needs to be a concerted effort to spell out the Jummas' reservations with regard to the Accord. The UPDF sought to provide just such a platform to those Jummas who wish to express their reservations to the Accord and continue the struggle for the right of self-determination. Unfortunately, the JSS considered the UPDF a threat to its existence. Driven by its ambition to be the sole representative of the Jumma people, the JSS sought to "exterminate" the UPDF activists. The conflict between the UPDF and the JSS is a political reality in the Chittagong Hill Tracts. The UPDF wants to put an immediate end to it. In this regard, UPDF has been calling upon the JSS leadership to cease its attacks on UPDF members and come forward to forge a united front on the basis of a minimum program. In its discussions with the JSS leadership on 23 September 2000, the UPDF put forward a three-point proposal. These are as follows:

- 1) All attacks against the UPDF and the people should be immediately stopped.
- 2) A joint movement against the government on the basis of a minimum program should be launched.
- 3) In order to launch a joint movement a "Jumma National United Front" should be established comprising all the patriotic forces of the Jumma people including the UPDF and the JSS.

UPDF delegates also made it clear that the UPDF would support the JSS' endeavor to put pressure upon the government to implement the CHT Accord provided the JSS desisted from violence against the UPDF and its supporters. UPDF however is yet to receive a reply to these proposals. UPDF appeals to all the Jummas abroad, indigenous peoples and their organizations, and the international community to impress upon the JSS to heed the voice of reason and resolve the UPDF-JSS conflict through peaceful means” (UPDF 2000).

According to Meghna Guhathakurta, the Executive Director of Research Initiatives, Bangladesh (RIB) the reason behind this UPDF proposal for reconciliation was “that the UPDF at various times have been cornered as the "anti-peace group" or dissenters since

they were not signatories of the accord and criticized it. This antagonism was on the part of Government/military and PCJSS. I see this as a way on the part of UPDF as a way to clear their name from being listed as ‘terrorists’ and anti-peace” (Guhathakurta: 2009). According to her “Government or military policy against UPDF indirectly worked as pressure” under which the UPDF offered this union with the PCJSS. So far as refusal of PCJSS is concerned Professor Guhathakurta said

“Shantu Larma and some of his followers opposed. There were leaders within the PCJSS who agreed to have such reconciliation. The current breakaway section of Rupayan Dewan and Chadra Shekhar Chakma now openly supports the position of the UPDF against the PCJSS. Reconciliation with the UPDF would have meant sharing power with the UPDF since they control large parts of the CHT like the Sajek Valley. This PCJSS was not willing to do. And with internal dissension brewing within JSS against his leadership, the divide and rule policy helped him to stay in power or else he would have been challenged by a greater force”(Guhathakurta:2009).

The group led by Prashit Khisa and Sanchay Chakma revolted against the PCJSS for signing the agreement and formed its own platform, the United Peoples Democratic Front (UPDF) on 26 December 1998. The UPDF is a manifestation of the strong and serious reservations against the Chittagong Hill Tracts Accord. Over the years, the anti-peace deal outfit UPDF has found support among the ethnic communities amid a law and order slide. The group started its military activities against its opponents. On the other hand, the official PCJSS leadership also decided to revive its previous militant organization to face its opponents. Both the groups have started toll collections which have created a serious law and order situation in the entire hill region. Their soft targets are businessmen, fishermen, and woodcutters who have to pay tolls of different amounts. The UPDF, in its letter, had stated that the formation of the UPDF had become essential to ensure an exploitation-free democratic society in the hill region and asked the businessmen and other professionals to extend help in the form of tolls fixed by it. The Pahari Chhatra Parishad (PCP), loyal to Shantu Larma, in its letter, asked the businessmen, fishermen, and boatmen to pay Taka 5000, Taka 2,500, and Taka 100 each to obtain passes to run their professions. Several factors had influenced the PCJSS leadership’s decision to revive its militant organization. First, the PCJSS leadership has been frustrated with the outcome of the peace accord. The PCJSS leadership also felt that the moment it started its



independent political activities, the honeymooning with the ruling party would come to an end and without a backup support from the militant organization, it would be difficult to work independently. The emergence of the UPDF had also forced the PCJSS leaders to consider the revival of the old militant group (POT 2000a:207). Another dimension of the PCJSS and the UPDF rivalry has been centering on the student politics in the CHT. Both the parties have their student fronts which popularize their respective interests among the younger generation of the CHT, thereby entrenching the inter-ethnic feud in the hill community. Every year both the student factions celebrate the founding day of the Pahari Chatra Parishad. But the day virtually has become the day to revive the fratricidal fight between the two factions.

The conflict between the PCJSS and the UPDF escalated with the passage of time. UPDF's constant rejection of the accord and its demand for full autonomy is a perennial threat to the credibility of the PCJSS as the sole representative of the CHT people as well as Shantu Larma as their uncontested leader. This question of credibility impels Larma to adopt two concomitant policies. One is pitting the PCJSS against the UPDF to wipe it out by strength. Second is carrying on negotiation with the government or simply threatening the government on the issue of implementing the peace deal; to which the government hardly lent its ear. In 2004 the patience of Larma was hard pressed by government's inaction regarding the implementation of the accord and he threatened to revive bush war in the region. He said "If the government wants, it can fully implement the peace treaty in six month. But the government lacks political will. I met Prime Minister Khaleda Zia on April 20(2003) and handed her a 30-point memo. But till date there is no reply... Now I see no alternative to an agitation" (POT 2004f:263).

This gave the UPDF opportunity to propagate that the situation proves the peace pact failed and only autonomy for the three hill districts could ensure real peace. UPDF Chief Prashit Khisha lashed out at Larma and the peace accord by saying: "The treaty demeans the status of the hill people and threatens our culture. Without full autonomy, there will never be any development here in the region...Larma is a government collaborator who sacrificed the interests of hill people in the treaty and we oppose his stance" (POT 2004f:263).

The PCJSS has been suffering from yet another division within the group since mid 2005 which has become explicit in May, 2009 when leaders like Chandra Shekhar Chakma came out protesting against “the most feudalist’ nature of Shantu Larma towards his colleagues. According to Chandra Shekhar Chakma, even before signing the accord, Larma was well known for his “intolerance and authoritarianism” and his subtle strategy was to divide and rule the leaders of the PCJSS (Chakma: 2009). Larma is the unilateral decision maker in the PCJSS. Some of his steps are veritable proof of his unilateralism. A) Larma proposed the names of the members of the Regional Council to the then government without consulting his party. As a result, a non-resident of the CHT was included in the Council and this created unnecessary distance between the PCJSS and the Awami League led government. B) He also proposed the name of Mr. Kalpa Ranjan Chakma as the minister of the CHT Affairs without even consulting his party members. C) In 2000 again, with out consulting his party colleagues he opposed the voters’ list. D) It was his unilateral decision that the PCJSS would boycott 2001 national election. But at the last stage of the election he himself decided to support the BNP in Rangamati and Bandarban (Chakma: 2009).

#### **Army as a negative catalyst to the relapse of conflict:**

On the other hand the conflict between the tribal hill people and the Bengali settlers has been also aggravated due to the army assistance to the settlers. Oppressed by the Bangladeshi military (who are dominantly Bengali) the tribal hill people took revenge upon the innocent Bengali settlers. The Bengali population in Khagrachhari was under severe pressure from the tribals during October 1999. They had no other option but to seek refuge from the local army camp as incidents of looting of their cattle and movable properties became a daily affair (POT 1999g: 1269). This however legitimizes army’s presence in the hills; this consignment further strengthens the army as a machinery of oppression in the hills. The hill people and the Bengali settlers (with the support of the army) enter into a vicious cycle of conflict in the hills. On the other hand the land issue remains a perpetual bone of contention between the tribals and non-tribals which leads to further intermittent violence between the two communities. The government’s procrastination in activating the Land Commission is a veritable proof of its intention to

maintain the statuesque in the hills; thereby justifying military's presence in the hills based on mass demand of the Bengali settlers. The dispute regarding the land is an instrument in the hands of the government which helps it to exercise "divide and rule" between the Bengalis and non-Bengali hill tribes in the CHT. The more unfathomable is the gap between the two communities the stronger will be army's position. This is evident from the fact that while tribal people want demilitarization of the CHT complying with the peace accord, the Bengali settlers are against the withdrawal of military camps. Army is the saviour for the Bengali settlers. According to them "withdrawal of army camps will embolden the tribals into thinking and acting that they are the overlords of the CHT and Bengalis are but squatters to be driven out or killed" (POT 2000d: 1442).

Army's presence is further legitimized for the sake of national interest. Bangladesh Rifles (BDR) Director General Major General A.L.M.Fazlur Rahman has expressed concern over 559 km unprotected borders of the CHT. According to him it was imperative to set up BDR camps in an area of every 20 km of the unprotected CHT border and at least four helipads in the region. He expressed concern that armed rebels and international drug-traffickers might intrude into the deep jungles of the CHT through the unprotected borders and setup camps. And for this he felt urgency of raising the strength of BDR to at least 70,000 to man the borders (POT 2000c:916). It is to be noted here that under the Election Commission directive, the Bengali settlers as well as the members of the security forces, including the army, paramilitary BDR and other law-enforcing agencies are being listed as voters of the area (POT 2000b:749). This provoked the PCJSS to reject the voters' list as it feared that there would be no representation of the permanent residents of the three hill districts in the Jatiya Sangsad, district council, and other local bodies if any election was held in accordance with that voters' list. Hence raising the strength of BDR is itself a daunting challenge for the hill people's representation and participation in the decision making.

In October 2000 Shantu Larma lost his patience and protested against acquiring land in the hill area violating the peace accord for the construction of a training centre for the Bangladesh Army. He warned that the members of the PCJSS would take recourse to its previous move if necessary to establish the hill people's rights (POT 2000e:1507). Larma

also blamed the government for violating the clauses of the peace accord in trying to establish three full-fledged cantonments in the three hill districts.

The abduction of three foreign nationals from UPDF stronghold Rangamati area in February 2001 put the government under tremendous pressure from its foreign donors. This gave the army more leeway to flex its power in the hills. Tellingly, the authorities were able to identify those who held three European engineers but they were unwilling to disclose the identity of the abductors (POT 2001g: 565). In this connection Shantu Larma termed the hostage taking of foreigners a “drama staged by the government”. According to him “Our repeated appeals to the government for controlling the anti-agreement terrorists went unheeded because a vested quarter of the government is with them” (POT 2001h: 614).

However, it can be ascertained that if the government had disclosed the identity of the anti-accord abductor group(suspectedly the UPDF) the government had to declare it as a terrorist organization under international pressure and had to take due course of action against it; which the government was unwilling to do. To maintain the conflict situation in the hills it was rudimentary to protect the anti-accord faction. This will further justify army’s presence in the hills in perpetuity. It is evident in the statement of the government when it says that “withdrawal of the military completely is not feasible at the moment as tension still prevails in the region due to infighting of the PCJSS and the UPDF” (POT 2001a:90). The hostage taking crisis beefed up security drive of the army in the hills earmarking many places in Rangamati as “disturbed area” and innocent people of Rangamati were being harassed which caused further resentment in the minds of the tribals. Finally the army launched ‘operation Uttoran’ in 2001 which institutionalized military rule in the CHT. Army’s presence became highly consolidated in the hills during the BNP led government’s rule which created paranoia in the minds of the tribal people. This is evident from Larma’s statement given in an open discussion held in observance of the sixth anniversary of the signing of the peace accord.

“The hill people are under military rule for 32 years now, while the army has created a suffocating situation in the CHT region... If the government fails to ensure peace by

implementing the accord, the political situation will get turbulent. The region might witness more blood shedding, in case the present suffocating situation continues” (POT 2003v:1488).

#### **National election and preparation of voters’ list caused tension in the hills:**

Situation in the CHT became tense before the eighth national election held in October 2001. A five member delegation of the CHTRC met the election Commissioner M.A.Syed and put forward a three-point charter of demands: 1) cancellation of the CHT voter list prepared in May-June 2000, 2) Preparing a fresh voter list with only permanent CHT residents for all election (a) A voter list as per Hill District Council and (b) Using the voter list in national and local polls; and 3) Enactment of necessary laws for using the voter list comprising only permanent residents in all elections as soon as possible (POT 2001i:638). For this demands to be realized it is essential to identify permanent residents through land survey. But fearing that its Bengali vote bank will be reduced the government procrastinated in forming and activating the Land Commission. During this time Shantu Larma threatened to foil the poll in the CHT unless the new voter list was prepared. He urged tribal people to boycott the election. On the other hand the Parbatya Chattagram Bengali Krishak Sramik Kalyan Parishad protested against Larma’s call for boycotting the poll and demanded removal of Shantu Larma from his post of CHTRC chairmanship. This was followed by further abduction and killing of both Bengali and tribal people in the hills. The situation became more tensed as the UPDF was against boycotting the poll. Thus the feud between the UPDF and the PCJSS, the PCJSS and the Bengali settlers became more entrenched during the national election. In 2001, militant Settlers aggressively intimidated Pahari voters to stay away from polls resulting in victory of BNP’s Wadud Bhuyan, the patron of the Bengali settlers’ organisation namely Parbatya Chattagram Samo Adhikar Andolan (The Daily Star: 2008).

PCJSS’s move to take part in the ninth national election had been a source of worry for the mainstream political parties including the BNP and the Awami League. Larma’s strategy during the ninth election to consolidate the minority communities across the country was a new challenge posed towards the nationalist political parties. During the

election campaign Larma, the president of Bangladesh Indigenous Forum, urged the indigenous community to join hands with the pro-liberation and progressive democratic forces to help establish a pro-people government in the country. The slogan was “Indigenous peoples have right to self-determination”.

### **Conflict escalated under the BNP regime:**

The BNP-led four party alliances formed the new government after winning the election in 2001. This caused discomfort among the hill people since the BNP opposed the 1997 CHT peace accord while it was in opposition. Several factors in the initial years of the BNP rule caused resentment among the hill people. Firstly, development activities in the CHT region came to a grinding halt due to the delay on the part of the government in devising a sound policy in respect of the CHT. Second, the main factor leading to the tribal resentment was conflict between the Hill district Council and the Khagrachhari district authorities over the jurisdiction. The Hill District Council authorities in Khagrachhari felt aggrieved over certain administrative actions of the Deputy Commissioner, bypassing the Council and the District Council Act of 1989 that granted limited autonomy to the people of the hill districts. Allegedly the Deputy Commissioner touched a sensitive chord by ‘extending’ his executive authority over subjects that were perceived to fall within the jurisdiction of the Hill District Council under the Act of 1989 (POT 2002a:406). Such act of Deputy Commissioner was seen as going against the spirit of the 1997 CHT peace accord. This aroused discontent among the hill people. The chairman of the then Khagrachhari Hill District Council, Jatindra Lal Tripura ,alleged that the DC was obstructing the activities of the District Council Act and interfering in the activities of the District Council leading to deterioration of law and order (POT 2002a:407).

“The powers given to the deputy commissioner through the CHT Manual are absolute and sweeping. Although the local traditional leaders have some capacity in advisory roles, the deputy commissioner is not obliged to take their advice or heed their decisions. As a government employee, the deputy commissioner is bound to carry out decisions of the state. The hill people likely to perceive a conflict of interest in this situation and regard it as being

opposed to their interests and as catering to those of the Bengali community” (Mohsin 2003:63, 64).

Since the accord makes no reference to the powers and privileges of the deputy commissioner it was instrumentalised by the government for the ‘governmentalization’ of the hill administration instead of decentralization.

The third factor that fermented the hill was the retention of the Ministry of CHT Affairs by Prime Minister Khaleda Zia herself and the appointment of Wadud Bhuiya as the Chairman of the CHT Development Board. Both these are violation of the peace accord since both the posts are to be filled by persons from tribal community and not by Bengalis. These initial strategies of the BNP-led government reflect its propensity towards centralization of the entire CHT administration. This put the limited autonomy of the hill people into further crisis, thereby turning the conflict scenario more incisive.

On December 2, 2002 the cabinet committee resolved that there was no reason to stop development works in the three hill districts. Ironically, during this time the CHT was witnessing the worst fratricidal fight between the two tribal groups namely the PCJSS and the UPDF. The meeting reviewed the report of Combined Security Risk Survey Commission on Hill tracts which was coordinated by the United Nations Development Programme (UNDP). Finance and Planning Minister M Saifur Rahman told “There is no security risk for development works in three districts of Chittagong Hill tracts (CHT). The situation there is similar to those prevailing in other districts of the country” (POT 2003a:4). But this was not the reality as such. Just before one month top leaders of the PCJSS left the party in its seventh congress and went under ground. The CHT became volatile as main parties vie for supremacy. In fact, by initiating the UNDP project the government wanted to deflect the focus from the political problems of the CHT. But the UNDP proposal for allocating funds for the CHT has produced adverse reaction from stakeholders. Shantu Larma and Raja Debashish Roy criticized the proposition and demanded the implementation of the peace accord. The UNDP did not pay heed to the implementation of the peace accord and focused more on economic issues. But if there is no participation of the people there can be no development. In fact, it can be definitely

argued to the contrary that economic development without participation could be counter-productive much like the Kaptai Dam (POT 2003d:730).

However, there was a telling twist in the conflict scenario during this time as common tribals and non-tribal Bengalis united against the UPDF and the PCJSS. Extortion, toll collection, abduction for ransom and violence were the basic means of the PCJSS and the UPDF to proclaim their supremacy in the hills. Ironically, rampant extortion perpetrated by these group ultimately eroded their support base and united the common tribal and non-tribal mass against them. This is a new dimension of the conflict in the hills. Tribesmen and Bengalis in about 200 villages in Kawkhali and Naniachar upzilas finally decided to form toll resistance committees in each village, led by the “Karbari”(village leader), the “headman” (Mouza leader appointed by the Deputy Commissioner), teachers and Union Parishad members (POT 2003g: 884). This joint venture threatened the very existence of the PCJSS and the UPDF. This was followed by confinement of 50,000 people in a veritable hell in the hill district’s Naniachar upazila. The unity between the common tribal and non-tribal Bengali people was nipped in the bud with the Mohalchhari massacre perpetrated by the Bengali settlers upon the tribals. A new wave of hostilities gripped the CHT after the Mahalchhari massacre.

The Netherlands Human Rights Commission known as ‘CHT Commission’, in a report, said armed hostilities between the PCJSS and the UPDF have divided tribal communities. The armed skirmishes led to human rights violation in the CHT, blocking implementation of the peace accord (POT 2003j:1094). The state of affairs made the three Rajas of the three circles so worried that they took the almost unprecedented step of meeting the Prime Minister Khaleda Zia and voiced their concern before her. They suggested the formation of a police force composed of both tribesmen and Bengalis. Both the PCJSS and Rajas pointed out that the main bone of contention between the government and the tribesmen is the ownership of land. The Rajas proposed that the management of the land in dispute should be given to the Zila Parishad. But the PCJSS wanted the formation of a Land Commission and wanted the Regional Council to be given total power, as was agreed upon in the 1997 peace accord (POT 2003k: 1099, 1100).



Shantu Larma held a vested quarter of the four-party alliance government responsible for the Mahalchhari massacre. This was a strategic shift on his part, since earlier he kept on accusing the UPDF for all the atrocities perpetrated in the hills. While visiting the affected villages of Mahalchhari under Khagrachhari district, he said that for the implementation of the peace accord Bengalis and tribal people will have to work together (POT 2003L:1144). The Mahalchhari incident and the following protest rallies and the politics burgeoning around the situation once again pitted the minority against the majority community. The issue of Mahalchhari massacre came along with the Modhupur park project issue, another minority issue in Bangladesh. Both the issues were raised in the common forum called Bangladesh Indigenous People's Forum. The Eco-park project posed to evict the indigenous Khasi and Garo nations from Modhupur Forest. In September 2003 Bangladesh Indigenous People's Forum demanded to scrap the national park project; besides they also demanded exemplary punishment of those involved in the attack on indigenous people in Mahalchhari. Thus the minority communities across the country acquired a common forum.

As against this consolidation the majoritarian nationalists led by BNP-JAMAAT coalition held a condolence meeting immediately after the meeting of the Bangladesh Indigenous People's Forum. They demanded trial for mass murder of 1000 Murung at Alikadam in Bandarban, mass killing of 600 men, women and children in Bhushanchar, murder of 35 woodcutters in Pakuakhali, and trial of Shantu Larma for the Shanti Bahini sponsored murder of 30,000 Bengalis in the past. Beside Bengalis, Marma communities also took part in the meeting (POT 2003n:1153). They further accused Larma for the Mahalchhari incident. According to the leaders of the four party alliance, the PCJSS and the UPDF tried to mar the increased acceptance of the BNP led government among the hilly people and that is the reason why they were conspiring to foil communal harmony in the CHT (POT 2003o:1171).

Taking the opportunity of the Mahalchhari incident the government strengthened the hands of army in the hills by allocating fund directly to the local army, instead of the civil administration to cater to the rehabilitation need of the affected tribal people in the area. On the other hand, the government ruled out the need for the judicial probe for the

Mahalchari incident arguing that no government agencies were proved to have been involved in the massacre perpetrated by the Bengali settlers. This was the strategy to connive and condone the atrocities perpetrated by the Bengali settlers who are the major support base of the BNP led government in the CHT. The government took a further move to give permanent resident status to 26,000 families of Bengali settlers living in the CHT. As a consequence more than one lakh settlers were made permanent residents of the CHT (POT 2003p:1198). Immediately after the incident the Khaleda government stopped providing ration to the expatriated tribal refugees in the hills whereas the supply of ration to the Bengali settlers was uninterrupted. It also showed utter reluctance in setting up the Task Force on Welfare of Jumma Refugees (POT 2003q:1224). These series of anti-tribal strategies reflects unequivocally the motive of the government to perpetrate violence against the tribals in the CHT. This further widened the gap between the Tribals and Bengali settlers in the hills and gave sufficient excuse to the tribal groups to mobilize fresh guerilla activities in the region. As Tripura based Bengali daily in its issue of September 12, 2003 told that the disbanded Shanti Bahini began mobilizing hill youths afresh for training them in the deep forest of Agartala. Training was also given to the unemployed tribal youth by the foreign insurgents in lieu of shelter.

Besides, the paranoia of being dissipated in the minds of the hill people got aggravated with natural hazards like inundation of six Upzilas in Rangamati hill district following the excessive water in Kaptai Lake in 2003. Locals of these Upzilas became unemployed and a famine like situation persisted in the upzilas (POT 2003x: 1516).

The year 2003 witnessed politics of '*hartal*' gaining ground in the hills. During this time the BNP led government had a two pronged strategy to deal with the CHT situation. It passively boosted up the UPDF against the PCJSS, and gave explicit support to the Bengali communal groups like Parbatya Gano Parishad and Parbatya Chattagram Samo Adhikar Andolan. Although officially the Khaleda government shifted its stand from scraping the accord to reviewing the accord, its motive was to erode support base of the accord among the hill people. It was only the PCJSS among all the parties in the CHT which was pursuing the demand of proper implementation of the accord. So the government's focus was to weaken the organization by all means. Hence, it pitted the

UPDF as well as other Bengali organizations against the PCJSS. This strategy of the government bears fruit thanks to the hegemonic ambition of Shantu Larma.

On December 8, 2004 the PCJSS observed a dawn to dusk *hartal* and the UPDF vowed to disrupt the programme. This factional rivalry has been a postaccord phenomenon in the CHT. But this time it got a new dimension with explicit affiliation of the two main political parties in the country, namely the Awami League and the BNP. This was the time when the fratricidal rivalry between the PCJSS and the UPDF was yoked under the influence of the perennial political rivalry between the Awami League and the BNP. Jyotindra Lal Tripura, the convener of the district Awami League, issued a statement supporting the *hartal* demonstrated by PCJSS. He said: "The Awami League will support any democratic programme aimed to implement the peace accord" (POT 2004a:3). On the other hand, the UPDF opposed the *hartal* and the local chapter of the four-party alliance led by the BNP followed suit. While the PCJSS backed by the Awami League was demanding removal of BNP leader Wadud Bhuiyan from the chairmanship of the CHT Development Board, the UPDF was demanding resignation of Shantu Larma as chairman of the CHT (POT 2004b:3,4). By adopting this policy of providing patronage both the AL and the BNP ventured to strengthen their grasp on the regional politics of the country.

This stand of the Awami League, to some extent, is a consequence of its circumspection regarding the erosion of its support base among the Bengali settlers in the hills. Most of Bengali settlers, who constitute a sizable part of the voters in the three hill districts, have expressed their resentment against the Awami League government because of the peace deal with the PCJSS. They feel that the government, in the agreement, has failed to protect their interests and made them "second grade citizens" in this particular part of their own country. So, the Awami League may find it difficult to woo the Bengali voters in the CHT and the opposition BNP may turn out to be the main political rival of the PCJSS in the region (POT 1999h: 1324).

### **The CHT under emergency rule:**

The neutrality of the military backed caretaker government was questioned when Law and Information Adviser Mainul Hosein addressed a discussion forum on December 2, 2007, organized by the Parbatya Chattagram Samo Adhikar Andolan, a platform of the anti-peace accord Bengali settlers. He said “No agreements are perfect without several reviews. Time has come to review the CHT peace accord considering prevailing conflicts between the Bengalis and the hill people” (POT 2007:2). This caused serious misgivings among the hill people. This misgiving was justified because soon after resuming the state power, the Caretaker government curtailed at least one-third budget of the CHT Regional Council.

It is under the supervision of the caretaker government that the UPDF failed to file nomination for national election in Rangamati and Bandarban as the Returning Officer refused to accept the nominations. This was also the case with the PCJSS. As they could not file nomination they supported independent candidates from the three hill districts of the CHT. The names of the independent candidates supported by the UPDF from Khagrachhari and Bandarban are Uzzal Sriti Chakma and Choton Kanti Tonchongya respectively. On the other hand, the names of the independent candidates backed by the PCJSS from Rangamati and Bandarban are Ushatan Talukdar and K.S.Mong respectively.

Taking the advantage of state of emergency, the military forces increased anti-Accord activities, such as, forcible occupation of indigenous Jumma people's land, settlement of Bengali Muslim families to outnumber indigenous people and setting up new camps, and strengthening of extreme communal forces through Sama Adhikar Andolan (CHT Equal Rights Movement) and nomination of them to HDCs. As part of the strengthening of Sama Adhikar Andolan, military forces supported organization of district conference of the Sama Adhikar Andolan held on 20 July 2007 at office of the Khagrachari Contractors' Association.

Though state of Emergency does not permit to organise such conference, Sama Adhikar Andolan could easily do it. As per decision, holding of sub-district level conferences and reconstitution of sub-district committee of the Sama Adhikar Andolan are also going on uninterrupted (Kapaeeng Watch: 2008). The Bengali member of the newly constituted Khagrachhari Hill District Council, Md. Abu Bakar Siddique is a BNP leader and Sama Adhikar leader as well. In collaboration with Sama Adhikar Andolon, Advocate Md. Tajul Islam filed a writ petition (no. 6451/2007) against CHT Peace Accord in High Court on 22 August 2007. It is alleged that DGFI (military intelligence agency) was involved with this indirectly (Kapaeeng Watch: 2008). This however, reveals the nexus between the army and the communal Bengali organizations which is a daunting threat to the indigenous people.

#### **Organisations of the Bengali settlers:**

The conflict situation in the hills has become more complex with the emergence of various organizations which articulate Bengali settlers' grievance and fight for their cause. Some prominent organizations are Parbatya Bangali Chatra Parishad (PBCP), Parbatya Chattagram Bengali Krishak Sramik Kalyan Parishad, and Parbatya Chattagram Samo Adhikar Andolan etc. The main demand of Parbatya chattagram Bengali Krishak Sramik Kalyan Parishad is to rehabilitate Bengali settlers within the CHT which is contrary to the demand of both the PCJSS and the UPDF. The activism of the Bengalis against the peace accord was revived after the BNP came into power. The BNP led government gave explicit support to communal Bengali organisation like Parbatya Gano Parishad (PGP). The PGP proposed some recommendations to the government including cancellation of reserved chairman posts in district and local councils only for the tribals and formation of a national committee to re-examine the accord (POT 2002c:1181). It also threatened protest if the government fails to disarm activists of the UPDF and the PCJSS. PGP president Jalaluddin Ahmed Chowdhury said "We feel insecure. Both groups impose taxes on the people. If people refuse to pay, they are tortured" (POT 2004f:263).

Groups like the PGP, the Parbatya Chattagram Samo Adhikar Andolan had the explicit support from the then BNP led government. It is during four party alliance regimes that the above said Bengali communal groups were strengthened against the PCJSS, especially to implement the policies of Islamisation and Bengalisation of the CHT. While inaugurating the seventh PCJSS Congress in November 2002, Larma hinted at a long drawn conspiracy on the part of the government to “Islamize” the CHT. This misgiving had some veritable basis given the growing atrocities upon the Buddhist monks in the hills perpetrated by the communal miscreants under the BNP-Jamaat coalition government.

Bengalization of the CHT has become an explicit agenda of the BNP led government and for this purpose it patronized the launch of Parbatya Chattagram Samo Adhikar andolan on January 24, 2004, which not only articulated the Bengali interests in the CHT but also helped the settlers to occupy land in the CHT. According to the news published by United News of Bangladesh (UNB) Bengali settlers who were shifted to cluster villages during insurgency in 1988 got some of their land back in 2005 with the help of Samo Adhikar Andolan (POT 2006b:16).

#### **The CHT: the sanctuary of South Asian insurgency:**

The region remains volatile as the insurgents from Myanmar, India and Islamic fundamentalists live in close proximity taking cover in the deep forest of the CHT. Elements from Myanmarese rebels join hands with the local miscreants in Bandarban providing them guns in lieu of shelter. The leaders of the underground armed wings of various tribal groups in the CHT are also buying sophisticated firearms from smugglers. They procure money to purchase firearms through abduction of rich people or businessmen, looting and other criminal activities in the CHT. The border areas of the CHT and sea routes are mainly used for smuggling firearms (POT 2003r:1250). Huge arms and ammunitions have been recovered intermittently from the hill forests by the security forces. The ‘biggest ever success’ of the security forces was the recovery of the first ever-big cache of arms and ammunition from the deep forest of Baghaichhari upzila on November 24, 2003 (POT 2003t:1468). Ironically, in most of the cases, the army has

failed to capture the gunrunners. This has become a common phenomenon in the CHT. As a result, the police headquarters in a circular issued on December 3, 2003 asked all district officials to put their forces on maximum alert. The circular said: "It has been noticed in recent times that some unscrupulous people are smuggling arms through different routes in order to destabilize the social peace and order in the country." The circular ordered district police officials to keep close watch on persons under suspicion of arms smuggling.

The BNP led government, on its part, remained silent in pinpointing who were the kingpins behind the arms haul (POT 2004c:58). This reflects government's reluctance to root out the problem. The CID informed the government of the activities and movement of rebels, sources of arms and transit points of arms smuggling that was being carried out by at least seven Myanmar separatist groups through the No Man's Land and the vast tracts of the forest along the frontier. But the government did not pay due attention to the problem earlier (POT 2005c:3326). As a consequence this arm smuggling in its turn boosted criminal activities of the PCJSS, the UPDF and other tribal organizations. In the post 9/11 scenario when the western part of Indian subcontinent is covered by the 'war on terror', the CHT has become safest haven for the Islamic fundamentalists who perpetrate terrorist activities. On the other, hand following the December 2003 flush out operation carried on by the Royal Bhutan Army, the CHT has become the new destination of United Liberation Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), and Kamtapur Liberation Organization (KLO) to take refuge. Thus the CHT has become an insurgency "flashpoint" making the conflict dynamics of the CHT more complex. Besides, certain fringe groups also emerged taking the advantage of the volatile situation namely, Democratic People's of Arakan and the Bengal Tiger Force.

The serious dysfunction within the CHT ministry along with the government's evident lack of attention or 'willed ignorance' to the region serve to strengthen the hand of the more extreme groups in the CHT and contribute to the political tension and unrest (POT 2004e:79). While the army was busy with its "operation uttonan" to suppress the hill people religious extremist group like Jamaat ul Mujahideen Bangladesh (JMB) started to hole up in the remote border areas of Bandarban district of the CHT. Hiding in

inaccessible Naikkhongchhari and Alikadam upzila, they were organizing themselves in collusion with Myanmarese insurgents belonging to Rohingya solidarity Organisation (RSO) and Arakan Rohingya Nationalist Organisation (ARNO) (POT 2005d: 3703).

### **Conclusion**

The post-accord conflict situation is more complex than the pre-accord one. The procrastination on the part of the government to implement the accord left the major portion of the accord unimplemented even after one decade has passed. During this one decade the CHT has witnessed crucial shifts and changes in its conflict dynamics. New actors have emerged in the conflict configuration. The initial pro-accord vs anti-accord rivalry got a new dimension with the emergence of the BNP backed Parbatya Sama Adhikar Andolan. With the presence of such groups the communal element of the conflict got aggravated, thereby causing greater chasm between non-Muslim, non-Bengali tribals and Muslim Bengalis. Military's presence has become perpetual in the hills thanks to the post-9/11 influx of fundamentalist elements in the CHT and the increase in arms smuggling. In this backdrop the government fails to address the problem politically. The institutionalization of military rule in the CHT through 'operation Uttaran' unleashes massive human rights violation in the hills.



## **Chapter 6**

### **Conclusion**

The preceding chapters tried to address various questions like how far the accord has been implemented, whether the accord has brought about peace in the CHT and whether the accord assures full protection without discrimination to all the groups inhabited in the CHT. Besides, the study has also examined the role of the Awami League, the BNP and the PCJSS in the CHT conflict after 1997. These questions have helped to assess critically the implementation of the accord and analyse the factors responsible for relapse of the conflict in the post accord period. The chapters also examined the positions and strategies of the political organizations in the CHT and the government's political and military response to the problems in the post-accord period.

Peace accord is basically a means and not an end in itself. An accord is a means to establish durable peace in a conflict torn region. It is the successful and timely implementation of an accord that makes peace sustainable. There are three basic preconditions for the successful implementation of the accord: 1) Absence of structural deficiency, 2) inclusive peace process and 3) presence of a third party mediator. On the other hand, a structurally deficient accord makes just peace an unrealistic proposition. Exclusionary peace process resulting in partial peace accord ensures relapse of conflict and absence of an external mediator helps the parties to violate the accord. The implementation of the 1997 CHT peace accord has been marred by these three aspects.

Firstly, the accord is structurally deficient since it could not address the most important issues of the CHT people within its provisions. It also lacks a time-frame; as a consequence the process of implementation is unnecessarily being delayed by the government. The verbal assurance of the government regarding the most important issue of rehabilitating Bengali settlers outside the CHT created the crux of the problem. Had that verbal assurance been enumerated in the accord the PCJSS could have easily pressurize the government for the full implementation of the accord. It is because of this lack of circumspection on the part of the PCJSS leadership that three other issues, related

to the land, IDP and refugee rehabilitation, and the separate voters' list have contributed to the complex conflict dynamics. Thus, as a result of PCJSS's lack of bargaining power during negotiations and its lack of circumspection, a structural deficiency within the peace accord has been created which gave birth to anti-accord factions in the CHT thereby relapsing conflict in the region.

*Thus the first hypothesis i.e.- "The structural deficiency in the accord has made just peace in the CHT an unrealistic proposition"- has been proved to be a veritable proposition.*

Secondly, the peace accord is an exclusionary one since the negotiation process involved only the PCJSS and the Awami League government. The government formed a National Committee on CHT (NCCHT) which included the BNP parliamentary members. But they did not participate in the NCCHT discussions as they objected that the BNP members were appointed to the NCCHT without consulting the BNP leadership. On the other hand, the Parbatya Gana Parishad (PGP), the Parbatya Chaatra Parishad (PCP) and the Hill Women's Federation (HWF) were also not included by the PCJSS in the negotiation process. Besides the civil society both in the hills and in the plains were largely kept in dark about the provisions of the peace accord. The peace process was driven by the elite rung of the two communities, leaving the general mass outside the purview of the accord making process. Hence, the accord failed to touch the real concerns of the hill people. This gave ample scope to the anti-accord factions to generate resentment among the common people against the accord thereby polarizing the CHT between pro-accord and anti-accord factions.

*Thus, the second hypothesis i.e. "An inclusive peace process resulting in comprehensive peace accord ensures restoration of peace in ethnic conflict-torn regions like the CHT"- has been tested.*

Thirdly, absence of a third party mediator is the major lacuna in the accord. As there is no third party mediator in the peace accord the government of Bangladesh keeps on violating the provisions of the accord by entrenching military rule in the CHT in the name of security concerns. Besides, the Land Commission has been kept dormant. The

inactivity of the Land Commission virtually keeps the land dispute alive in the CHT thereby justifying the presence of military in the hills. Had there been a third party peace observer, the post-agreement CHT situation would have been better.

*This tests the third hypothesis- i.e. "Absence of an external mediator in the CHT conflict has helped the parties violate the agreement."*

In addition, there are three main short-comings in the agreement. The history of ethnic conflict in the CHT has its own contribution to the failure of the peace agreement. The historic CHT Manual of 1900 gave the tribals a special privilege to be the exclusive inhabitants of the CHT, barring the Bengalis to settle there for six decades. After six decades, with the amendment of the CHT Manual, this special status was curbed, giving the Bengalis opportunity to enter into the CHT. This caused initial rivalry between the Hill tribes and the Bengalis. The government's attempts to inflict structural violence in the form of Kaptai dam project which displaced a large number of people, its contribution to afforestation and introduction of mono culture in agriculture –all lead to erosion of social structure of Jummas.

The basic intention behind unleashing violence against the hill people was to marginalize the hill community. This was a precondition to establish the Bengali hegemony in the country. The hill people were a potential spoiler to the Bengali hegemony, given their controversial role during the liberation war of Bangladesh. Prominent leaders of hill tribes sided with Pakistan during the liberation war. Although a significant section of the hill people joined the cause of liberation still the collaboration of prominent tribal leaders with the Pakistan authority created misgivings in the minds of Bengalis.

The constitution of Bangladesh heralds the supremacy of Bengali language and Bengali nation, and does not give due recognition to the minority community. Thus, the constitution helps to materialize the governments homogenizing ambition. Various strategies adopted by the Bangladeshi government to homogenize the hill community are: a) demographic change by Bengali settlement, b) militarization of the CHT, c) marginalization by the environmental change, d) Islamisation, e) creating division

among the PCJSS leadership, thereby weakening PCJSS etc. The military as well as the democratic regime took up these strategies in spite of their ideological differences. The militarization and Bengalisation were the two visible strategies of both military and democratic regimes of Bangladesh to marginalize the hill community. Tellingly the CHT Development Board (CHTDB) under the cover of its developmental activities was basically an instrument in the hands of military to counter insurgency. Against these strategies of the government and the military, the PCJSS mainly adopted three pronged strategy: first, discussion with the Bangladeshi government for a political solution; second, organizing resistance through the Shanti Bahini; and lastly internationalizing the CHT issue.

The first ever communication channel between the government and the insurgents was opened up during Zia's regime in the form of 'Tribal Convention' in 1977. This military backed convention was basically formed to raise counter-force against the PCJSS. Initiatives of peace negotiations taken up by the Zia regime as well as the Ershad regime were basically part of their 'divide and rule' policy. Their main objective was to create divide among the PCJSS leadership and thereby weakening the self-determination movement of the CHT community. To weaken the movement the Ershad government offered amnesty to the insurgents. Due to the factional feud within the PCJSS the Preeti faction surrendered. This posed an unprecedented challenge to the insurgency movement. Further it was during the Ershad regime that the three Hill District Councils in Rangamati, Khagrachhari and Bandarban were established after a negotiation between the government and the non-PCJSS indigenous leadership of the CHT after bypassing the PCJSS leaders. This caused an inevitable rivalry between the PCJSS and non-PCJSS leadership in the CHT. It was under the democratic regime of Khaleda Zia, negotiations started between the government and the PCJSS in November 1992, after Shanti Bahini declared a unilateral ceasefire in August. But, before they could reach an agreement by the last quarter of 1995, the government faced a crisis due to a nation wide agitation. Finally, the Awami League led government called the shot by signing the accord with the PCJSS. However, it was under tremendous donor pressure since 1980s that the Bangladeshi government was compelled to take peace initiatives. On the other the

PCJSS/Shanti Bahini was emaciated by its factional feud. Especially, in the post-cold war era, the foreign policy shifts of the neighbouring countries eroded the support base of the insurgents which compelled it to take the path of compromise. Furthermore, by the end of 1980s, the Bangladesh government became successful in changing the demographic structure of the CHT. Hence, it was in a vantage point to initiate peace negotiations.

There lies a gap between the demands raised by the PCJSS and the settlement offered by the 1997 CHT peace accord. The demands included the establishment of a Regional council elected by tribal people. But even after eleven years of the signing of the accord the Regional Council remains a nominated body. According to the PCJSS's demand the regional autonomy in the CHT would be based on constitutional recognition of the hill people. But constitutional recognition of the minority community in Bangladesh remains a far cry. The government is not even ready to recognize the existence of any 'indigenous' community within its territory. The peace accord termed the CHT as a tribal inhabited region. The PCJSS also demanded to integrate the three hill district into a single administrative unit, keeping the district status of these districts unchanged and naming the integrated area as 'Jummland'. But this demand was rejected by the government. Rehabilitation of Bengali settlers who entered the CHT after 17 August 1947 has become a bone of contention since this is not addressed in the accord, though the PCJSS claimed that the government gave verbal commitment to that end. However, the accord has allegedly failed to fulfill main demands of the Jumma people namely, constitutional recognition to the national ethnic minorities of the CHT with guarantees of full autonomy, restoration of traditional land rights, demilitarization of the area, and the withdrawal and resettlement of the Bengali settlers.

In fact, in elite based exclusive negotiation framework the PCJSS kept aside the most critical time consuming issues in order to strike a deal with the government as early as possible. In the face of growing challenges from the rival organizations the PCJSS's status as the sole mouth piece of the indigenous hill community of the CHT was at stake. Hence to save its position and in its bid to gain highest currency among the hill community, the PCJSS signed the 1997 peace accord with the government in a hurried

manner without due speculation and circumspection. The land question is intrinsically linked with the Bengali settlement issue. However, there is no provision in the accord to stop Bengali infiltration into the hills. Regarding the IDPs the accord does not provide any clear definition which gave the government opportunity to carry on with its Bengalisation policy by referring both tribal and non-tribal Bengali settlers of the CHT as IDPs. The failure of the accord to address the demand of demilitarization is evident in the institutionalization of military rule by launching 'operation uttaran' in 2001. It is a serious violation of the peace accord. Absence of a particular time-frame and a justice clause has made the accord structurally deficient. These structural deficiencies caused resentments among the excluded groups like the UPDF which sowed the seeds of anti-accord sentiment in the CHT thereby relapsing conflict in the hills.

*The above argument again proves the first two hypotheses. 1) The structural deficiency in the accord has made just peace in the CHT an unrealistic proposition; and 2) An inclusive peace process resulting in comprehensive peace accord ensures restoration of peace in ethnic conflict-torn regions like the CHT.*

The structural deficiency caused unnecessary delay in the implementation process, which gave the anti-accord faction led by the UPDF enough chance to oppose the accord. Since the very beginning of the implementation process the government started violating the accord. The amended Rangamati HDLGC Bill 1998 was passed unilaterally before the meeting between the PCJSS and the government took place. Further, the government unilaterally changed the definition of 'non-tribal permanent resident' in the parliament where the Awami League had simple majority. These unilateral steps taken by the government during the implementation process reflects lack of bargaining power of the PCJSS within the asymmetric configuration of the state. In order to avoid external pressure the government turned down the PCJSS's demand of deploying UN peace keeping force in the region. Ostensibly, had there been an external mediator in the CHT conflict, the government would have acted more responsibly.

*Thus the third hypothesis i.e. "Absence of an external mediator in the CHT conflict has helped the parties to violate the accord" - has been tested.*

The lack of bargaining power on the part of the PCJSS prompted Larma to launch the PCJSS as a constitutional party in April 2001. In his bid to achieve greater bargaining power, Larma joined forum of minority movement in Bangladesh namely, Bangladesh Adibasi Forum. By virtue of this, Larma has nationalized the CHT issue along with other indigenous issues across the country. These steps taken by Larma in the 2001 pre-poll scenario gave the PCJSS a certain amount of bargaining capacity. As a result, the newly elected BNP government changed its earlier radical stance of scrapping the 1997 peace accord and instead, it decided to 'review' the accord. However, to counter the PCJSS, BNP patronized the Parbatya Chattagram Sama Adhikar Andolan, a communal organization to articulate Bengali settlers' cause. The launching of Parbatya Chattagram Sama Adhikar Andolan (PCSAA) by the BNP in 2004 reinitialized the Bengali settlement in the CHT. This is basically a part of Bangladeshi government's objective to establish Bengali hegemony in the country. With the help of PCSAA Bengali settlers began to acquire lands in the CHT, thereby aggravating the land dispute in the hills. While PCSAA was carrying on the Bengalisation agenda of the government, the BNP led government decided to stop ration to the refugees. The slow pace of rehabilitation of the India-returned refugees and the Jumma IDPs coupled with ineffective land commission marred the peace process. The separate voters' list issue further contributed to the failure of the accord.

The post-accord CHT situation became more volatile as the fratricidal fight between the PCJSS and the UPDF escalated. Both the parties wanted to be sole representative of the hill community. The UPDF had an existential crisis as the PCJSS pursued the incumbent government to declare the UPDF as a terrorist organization. The government however ignored this request of the PCJSS since its strategy has been to keep the fratricidal fight alive in the hills. During the BNP regime the PCJSS-UPDF rivalry became intensified. Awami League offered its explicit support to the PCJSS as its support base among the Bengalis in the hills was eroding. Most of Bengali settlers constituting a sizable section of the voters in the hills expressed their resentment against the Awami League since it signed the peace accord with the PCJSS. On the other hand the BNP-Jamaat led government in order to influence the Bengali settlers launched Parbatya Sama Adhikar Andolan in 2004 to strengthen its support base in the CHT. After 2004 the CHT conflict

has become more incisive among the three parties- PCJSS, UPDF, and Sama Adhikar Andolan. Besides the CHT has become the South Asian insurgency 'flashpoint' in the post 9/11 years. All these have legitimized the military control of the CHT. Thus, non-implementation of the 1997 peace accord is itself a strategy of the Bangladeshi government irrespective of party affiliation to marginalize the minority by all means. As observed by the civil society delegation to CHT in February, 2008 by taking the advantage of non-implementation of the Accord, the government agencies are aiding Bengali settlers to occupy land, identifying them as permanent resident and accordingly providing 'permanent resident certificate' to them.

The civil society is in favour of the implementation of the accord. As Awami League has come to power in 2009 the hope is further rejuvenated. However, the initial obligation of portraying Bangladesh as a Bengali nation remains the primary roadblock in the way of successful implementation of the 1997 CHT peace accord. In the Bangladesh Indigenous Forum, the CHT issue is gaining importance in the national politics of Bangladesh. But there is every possibility of these issues being bogged down in the perennial rivalry between the two political protagonists of the country, namely the Awami League and the BNP. Coupled with fundamentalist ambitions of Jamaat the vote bank politics of the BNP and the Awami League can put the minority issue on the back burner. Thus, peace in the hills may remain elusive for long.



## REFERENCES

(\*primary source)

\*ACHR (2009), *Asian Centre for Human Rights*, URL: <http://www.achrweb.org/Review/2009/224-09.html>

Ahmed, Aftab (1993), "Ethnicity and Insurgency in the Chittagong Hill Tracts Region: A Study of the Crisis of Political Integration in Bangladesh", *Journal of Commonwealth and Comparative Politics* 31 (3):34-48, 51-55

Arens, Jenneke (1997), "Foreign aid and Militarisation in the Chittagong Hill Tracts" in Subir Bhaumik, Meghna Guhathakurta, Sabyasachi Basu Ray Chaudhury (eds.) *Living On the Edge: Essays on the Chittagong Hill Tracts*, Kolkata: Calcutta Research Group: 53, 57-59, 63, 65, 66

Arens, Jenneke (2005), "Bangladesh: Indigenous Struggle in the Chittagong Hill Tracts", The European Centre for Conflict Prevention URL: <http://www.conflict-prevention.net/page.php?id=40&formid=73&action=show&surveyid=14>

Azar, Edward E. (1990), *The Management of Protracted Social Conflict: Theory and Cases*, Dartmouth: Aldershot Publisher

Bapat, Navin A (2005), "Insurgency and the Opening of Peace Processes", *Journal of Peace Research*, 42(6):701

Barash, David P and Charles P Webel (2002), *Peace and Conflict Studies*, New Delhi: Sage Publications: 7

Bercovitch, J (1984), *Social Conflicts and Third Parties*, Boulder: Westview Press, 22

Brahm, Eric (2003), "Hurting Stalemate Stage", URL: <http://www.beyondintractability.org/essay/stalemate/>

Byrne, Sean et al. (2009) *Handbook of Conflict Analysis and Resolution*, London: Routledge, 10

Chakma, Bhumitra (2008), "Assessing the 1997 Chittagong Hill Tracts Peace Accord", *Asian Profile*, 36(1):95-98, 101-105

\*Chakma, Chandra Shekhar (2009), "Declaration of Chandra Shekhar Chakma about the activities of Shantu Larma", e-mail to the author from Meghna Guhathakurta, Bangladesh, 31 May 2009.

Chaudhuri, Buddhadeb (2002), "Ethnic Minorities in Bangladesh: The Situation in Chittagong Hill Tracts", in Bonita Aleaz, Lipi Ghosh, Achintya Kumar Dutta (eds.)

*Ethnicity, Nation and Minorities: The South Asian Scenario*, New Delhi: Manak Publications Pvt Ltd.: 19,20

Chittagong Hill Tracts Commission (1991), *Life Is Not Ours Land and Human Rights in the Chittagong Hill Tracts, Bangladesh*, 1991

Chowdhury, Md Nazmul Hasan (2006), "Power, Law, and History: Episodes in Consciousness of Legality", *Asian Affairs*, 28(1):78, 79 URL: <http://www.cdrb.org/journal/2006/1/3.pdf>

Chowdhury, Nusrat Jahan (2005), "Elites and Policy-Making: A Case of Chittagong Hill Tracts Accord Making in Bangladesh", *Asian Affairs*, 27(3):63, 66, 67 URL: <http://www.cdrb.org/journal/2005/3/nusrat-4.pdf>

Collier, Paul et al. (2008), "Post Conflict Risk", *Journal of Peace Research* 45(4):461,462.

Das, Samir Kumar (2001), "Nobody's Communique: Ethnic Accords in North-Eastern India", in Ranabir Samaddar and Helmut Reifeld (eds.) *Peace as Process: Reconciliation and Conflict Resolution in South Asia*, Delhi: Manohar, 244-248,251

Downs, George and Stephen John Stedman (2006), "Evaluation Issues in Peace Implementation" in Daniel Druckman and Paul F. Diehl (eds.) *Conflict Resolution*, Vol. I, London, Thousand Oak, New Delhi: Sage Publication.

EPW (1999), "Agreement in Limbo", *Economic and Political Weekly*, 34(45):3153

Fisher, Roger and William Ury (1981), *Getting to Yes: Negotiating Agreement without Giving In*, New York: Penguin Books, 104

Galtung, Johan (1969), "Violence, Peace and Peace Research", *Journal of Peace Research*, 6(3):167-191.

Guhathakurta, Meghna (2004), "The Chittagong Hill Tracts (CHT) Accord and After: Gendered Dimensions of Peace", Prepared for the United Nations Research Institute For Social Development (UNRISD) report Gender Equality: Striving for Justice in an Unequal World,7 URL: [http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=8BC58FA4507EDAEDC1257234005802E5&parentdoctype=paper&netitpath=80256B3C005BCCF9/\(httpAuxPages\)/8BC58FA4507EDAEDC1257234005802E5/\\$file/Gakurta.pdf](http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=8BC58FA4507EDAEDC1257234005802E5&parentdoctype=paper&netitpath=80256B3C005BCCF9/(httpAuxPages)/8BC58FA4507EDAEDC1257234005802E5/$file/Gakurta.pdf)

\*Guhathakurta, Meghna, (2009), answer of questionnaire through e-mail to the author, 27 May 2009

Hampson, Fen Osler (1996), *Nurturing Peace: Why Peace Settlements Succeed or Fail*, Washington DC. US Institute of Peace Press, 12,217

Hartman, Frederic H. (1951), *Basic Documents of International Relations*, United States: McGraw-HillBook Company, Inc, 43

Hossain, Ishtiaq (2002), "Management of Sub-National Demands: The Chittagong Hill Tracts Peace Treaty of Bangladesh", *Journal of South Asia and Middle Eastern Studies* 25(3):10-13, 16, 17, 22

Husain, Syed Anwar (1997), "State and Ethnicity: The Case of Bangladesh", *South Asian Survey*, 4(2):223,224,225,229-231

IRQ (2008), "The Ministry of Chittagong Hill Tracts Affairs of Bangladesh: An Agency for Discrimination", *Indigenous Rights Quarterly*, 3(4), 10 February, URL: [http://www.aitpn.org/IRQ/Vol-III/issue\\_4/story07.html](http://www.aitpn.org/IRQ/Vol-III/issue_4/story07.html)

Jafa, Jyoti (1989), "Victims of Colonialism and Ethno-Centric Nationalism", *Mainstream* annual volume: 107

Jamil, Ishtiaq and Pranb Kumar Panday (2008), "The Elusive Peace Accord in the Chittagong Hill Tracts of Bangladesh and the Plight of the Indigenous People", *Commonwealth and Comparative Politics*, 46(4):472,481,482

John, Anthony Wanis- and Darren Kew (2008), "Civil Society and Peace Negotiations: Confronting Exclusion", *International Negotiation*, 13(2008):13

Joshi, Ruchira (2003), "Situation of Minorities in Bangladesh", *Himalayanand Central Asian Studies*, 7(3-4):115,118

\*Jumma Peoples Alliance (1998), "The update situation on Chittagong Hill Tracts", URL: <http://www.thirdculture.com/jpa/jpa98may4.htm>

\*Jumma Refugee Welfare Association (2005), "Jumma Refugees in The CHT and Internal Jumma Refugees Problems", 10 February, URL: [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/3DFC98E34A31E54AC125713B002DBEA1/\\$file/Translation+-+Jumma+IDPs+in+CHT+Problems.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/3DFC98E34A31E54AC125713B002DBEA1/$file/Translation+-+Jumma+IDPs+in+CHT+Problems.pdf).

\*Kapaeng Watch (2008), "Update of the CHT Situation during the last year of present Caretaker Government", forwarded e-mail to the author from .Meghna Guhathakurta, Bangladesh, 30 August 2008

Karim, Lamia (1998), "Pushed to the margins: Adivasi peoples in Bangladesh and the case of Kalpana Chakma ", *Contemporary South Asia*, 7(3):305-311

Khan, Adilur Rahman (1997), "Conflict in the Chittagong Hill Tracts-Bangladesh" in Subir Bhaumik, Meghna Guhathakurta, Sabyasachi Basu Ray Chaudhury (eds.) *Living On the Edge: Essays on the Chittagong Hill Tracts*, Kolkata: Calcutta Research Group: 82-87

Kharat, Rajesh S (2003), "From Internal Displacement To Refugees: The Trauma Of Chakmas In Bangladesh", Research Paper is being presented at Researching Internal Displacement: State of the Art International conference on IDPs On 7 – 8 February 2003, Trondheim, Norway, 13,14 URL: [http://www.idp.ntnu.no/Register/UpLoadFiles/Rajesh\\_Kharat\\_idp-ref.pdf](http://www.idp.ntnu.no/Register/UpLoadFiles/Rajesh_Kharat_idp-ref.pdf).

Kumar, Dr. Anand (2006), "Elections in Bangladesh: A Nightmare for its Minorities", South Asia Analysis Group, URL: <http://www.southasiaanalysis.org/%5Cpapers21%5Cpaper2069.html>

Larma, J.B. (2003), "The CHT and its Solution", Paper presented at the Regional Training Programme to Enhance the Conflict Prevention and Peace-building capacities of Indigenous Peoples, Representatives of the Asia-Pacific, organized by United Nations Institute for Training and Research (UNITAR) at Chiang Mai, Thailand on 7-12 April.

Levene, Mark (1999), "The Chittagong Hill Tracts: a case study in the political economy of 'creeping' genocide", *Third World Quarterly* 20(2): 351, 353, 358, 359

Licklider, Roy (2001), "Obstacles to Peace Settlements", in Chester A. Crocker et al (eds) *Turbulent Peace: The Challenges of Managing International Conflict*, Washington DC.: US Institute of Peace Press, 697-718

\*Lord Avebury, Eric (2009), "Bangladesh visit last week", 22 February URL: <http://ericavebury.blogspot.com/search?q=status+of+cht+accord+implementation>

McGaffey, David (1987), "Negotiation and mediation: a Diplomat's perspective", in Dennis J.D. Sandole and Ingrid Sandole-Staroste (eds.) *Conflict Management and Problem Solving: Interpersonal to International Applications*, London: Frances Pinter (Publishers), 101

Mitchell, C.R. (1992), "External Peace Making Initiatives and Intra-National Conflict", in Manus I. Midlarsky (eds), *The Internationalization of Communal Strife*, London: Routledge

Mohsin, Amena (2003), *The Chittagong Hill Tracts, Bangladesh: On the Difficult Road to Peace*, London: Lynne Rienner Publishers, -13-15, 22, 24, 39-48, 50-52, 56, 63, 64, 90, 91, 103-110, 117, 119

Mohsin, Amena (2005), "Gendered Nation, Gendered Peace: A Study of Bangladesh" in Samir Kumar Das (eds.) *South Asian Peace Studied Volume 2: Peace Processes and Peace Accords*, New Delhi, Thousand Oaks, London: Sage Publications: 226, 229, 235, 236, 237, 242, 245, 246

- Mohsin, amena(2007), "For Her the War Continues:Women, Insurgency and the Chittagong Hill Tracts, Bangladesh", in Ava Darshan Shrestha and Rita Thapa (eds.) *The Impact of Armed Conflicts On Women In South Asia*, New Delhi:Manohar:31,32,55
- Montu, Kazi (1980), "Tribal Insurgency in Chittagong Hill Tracts", *Economic and Political Weekly*, 15(36):1512
- Murshed, Mansoob (2002), "Conflict, Civil War and underdevelopment: An Introduction", *Journal of Peace Research*, 39(4):390
- Nayak, Arun Kumar (2006), "Chakmas: Living on the Edge in Bangladesh", *Journal of Peace Studies*, 13(3):60
- Nepram, Binalakshmi (2003), "Accord into Discord: Conflict and the 1997 Peace Accord Of Chittagong Hill Tracts", *Himalayan and Central Asian Studies*, 7(3-4):158,164
- Nilsson, Desiree (2008), "Partial Peace", *Journal of Peace Research*, 45(4):481
- Parveen, Saila and I.M.Faisal (2002), "People versus Power: The Geopolitics of Kaptai Dam in Bangladesh", *Water Resources Development*, 18(1):197-203
- Pearson, Frederic S (2001), "Dimensions of Conflict Resolution in Ethnopolitical Disputes", *Journal of Peace Research*, 38(3): 282,284, 279
- Phadnis, Urmila (1989) *Ethnicity and Nation-building in South Asia*, New Delhi: Sage Publication175-177
- POT (1998a), July, 860
- POT (1998b) November
- POT (1999a), "PCJSS for talks with PM to resolve CHT problem", *POT Bangladesh series*, 24(32):176
- POT (1999b), "PCJSS to takepart in all elections: Shantu Larma", *POT Bangladesh series*, 24(39):220
- POT (1999c), "Larma Agrees to take over as RC chief of CHT", *POT Bangladesh series*, 24(130):638
- POT (1999d), "End to CHTRC deadlock", *POT Bangladesh series*, 24(131):644
- POT (1999e), "Refugees must be rehabilitated properly: Larma", *POT Bangladesh series* 24(141):691

POT (1999f), "AL-PCJSS conflict considered harmful to CHT accord", *POT Bangladesh series*, 24(141):706,707

POT (1999g), "Comments: Peace not in sight in CHT", *POT Bangladesh Series* 24(276):1269

POT (1999h), "Comments: Insurgency to democracy in CHT", *POT Bangladesh Series*, 24(286):1324

POT (2000a), "Tribesmen's regrouping puts CHT Accord at risk", *POT Bangladesh Series* 25(42):207

POT (2000b), "PCJSS threatens to reject electoral roll", *POT Bangladesh Series*, 25(147):749

POT (2000c), "BDR Chief concerned about unprotected borders of CHT", *POT Bangladesh*, 25(176):916

POT (2000d), "Comments: Where is peace in CHT?" *POT Bangladesh Series*, 1442

POT (2000e), "Larma Warns against Land Acquisition in CHT", *POT Bangladesh series* 25(299):1507

POT (2001a), "Thorns remain in CHT Peace: News analysis", *POT Bangladesh series*, 26(18):90, 91

POT (2001b), "Phased implementation of CHT Accord: PM tells Larma", *POT Bangladesh series*, 26(47):241

POT (2001c), "PM opens Digital Phone exchange at Rangamati", *POT Bangladesh series*, 26(50):260

POT (2001d), "PM assures Shantu Larma: Govt to protect CHT Heritage", *POT Bangladesh series*, 26(93):476

POT (2001e), "Three foreign engineers abducted in CHT", *POT Bangladesh series*, 26(100):514

POT (2001f), "Kidnapping in CHT", *POT Bangladesh series*, 26(102):522

POT (2001g), "CHT kidnappers identified", *POT Bangladesh Series*, 26(110):565

POT (2001h), "Activists opposing CHT Accord kidnap three", *POT Bangladesh Series*, 26(120):614

- POT (2001i), “New CHT voters’ list: Constitutional change needed”, *POT Bangladesh Series*, 26(125):638
- POT, (2001j), “Government Change Doesn’t mean change in CHT accord: Larma”, *POT Bangladesh series*, 26(144):730
- POT (2001k), “Larma urges tribals to boycott poll”, *POT Bangladesh series*, 26(238):1149
- POT (2001L), “PCJSS calls hartal in CHT to resist poll”, *POT Bangladesh series*, 26(306):1259
- POT (2002a), “Conflict between CHT Hill Council and District administration”, *POT Bangladesh Series*, 27(85):406,407
- POT (2002b), “UNDP-Govt team talks to civil,army officials in CHT”, *POT Bangladesh series*, 27(174):856
- POT (2002c), “Cancellation of CHT Peace treaty demanded”,*POT Bangladesh Series*,27(234):1181
- POT (2002d), “Signing of CHT Accord was a big mistake: Shantu Larma”, *POT Bangladesh series*, 27(272):1347
- POT (2002e), “CHT Accord: Larma vows to continue agitation”, *POT Bangladesh series*, 27(275):1360
- POT (2003a), “No security risk in Hill Tracts: Saifur”, *POT Bangladesh Series*, 28(1):4
- POT (2003b), “UNDP resumes development activities in CHT from June 14” *POT Bangladesh series*, and 28(155):708
- POT (2003c), “Santu Larma blames UPDF for barring CHT uplift”, *POT Bangladesh series* 28(158):725
- POT (2003d), “Comments: The Hills rumble again”, *POT Bangladesh Series*, 28(159):730
- POT (2003e) Public Opinion Trends Analyses and News Service, 28(165):755
- POT (2003f), “Comments: Government indifferent to CHT treaty, alleges Larma”, *POT Bangladesh series* 28(171):782,783
- POT (2003g), “Tribesmen, Bangalees unite to resist toll collection in Rangamati”, *POT Bangladesh Series*, 28(190):884

POT (2003h), "Inconsistencies in CHT treaty to be removed, says minister", *POT Bangladesh series*, 28(214):1005

POT (2003i), "Ration stopped for indigenous CHT refugees", *POT Bangladesh series* 28(227):1073

POT (2003j), "Comments: The revival of unrest in CHT", *POT Bangladesh Series*, 28(231):1094

POT (2003k), "Comments: CHT time-bomb ticking away", *POT Bangladesh Series*, 28(232):1099, 1100

POT (2003L), "Santu Larma stresses Bengali-Tribes amity", *POT Bangladesh Series*, 28(241):1144

POT (2003m), "Remove army from CHT: Larma", *POT Bangladesh series* 28(242):1146

POT (2003n), "BNP, Jamaat leaders hold rally against Santu Larma", *POT Bangladesh Series*, 28(243):1153

POT (2003o), "Larma responsible for Mahalchhari incident", *POT Bangladesh Series* 28(246):1171

POT (2003p), "Move on to give resident status to 26,000 Bengalee families in CHT", *POT Bangladesh Series*, 28(251):1198

POT (2003q), "Refugees in their own homeland", *POT Bangladesh Series*, 28(256):1224

POT (2003r), "JSS-UPDF face-off sparks fresh unrest", *POT Bangladesh Series*, 28(261):1250

POT (2003s), "Comments: The simmering Chittagong Hill Tracts", *POT Bangladesh series* 28(277):1351

POT (2003t), "Arms cache found in Baghaichhari", *POT Bangladesh Series*, 28(299):1468

POT (2003u), "Comments: Back to the bad old days in the CHT", *POT Bangladesh series* 28(303):1487

POT (2003v), "Government must pay for CHT military rule: Shantu", *POT Bangladesh series*, 28(303) 1488

POT (2003w), "No clear cut government policy on CHT future yet", *POT Bangladesh series*, and 28(304):1493



- POT (2003x), "Kaptai lake water inundates Rangamati areas", *POT Bangladesh Series*, 28(308):1516
- POT (2004a), "CHT braces for hartal amidst resistance from ruling alliance", *POT Bangladesh Series*, 29(1):3
- POT (2004b), "Peaceful hartal in CHT despite opposing programmes", *POT Bangladesh Series*, 29(1):3, 4
- POT (2004c), "CHT, Cox's Bazar identified as gunrunning hotspots", *POT Bangladesh Series*, 29(11):58
- POT (2004d), "Larma alleges oppression of minorities", *POT Bangladesh series* 29(15):75
- POT (2004e), "Comments: Fresh violence in Khagrachhari", *POT Bangladesh Series* 29(16):79
- POT (2004f), "Comments: Tribal strife in Chittagong Hill Tracts", *POT Bangladesh Series* 29(51):263
- POT (2004g), "Larma slams Madhupur eco park project", *POT Bangladesh series* 29(52), 268
- POT (2004h), "Pro-and anti-accord forces draw battle line in CHT", *POT Bangladesh series*, 29(71), 371
- POT (2004i), "Regional Council to oversee CHT uplift efforts", *POT Bangladesh series* 29(115):604
- POT (2004j), "Government bars Larma from leaving for UN conference", *POT Bangladesh series* 29(129):679
- POT (2004k), "JS body for polls to replace nominated CHT Council", *POT Bangladesh Series*, 29(134):710
- POT (2004L), "Government stops grain ration to CHT hills people", *POT Bangladesh Series* 29(142):791
- POT (2005a), "EC-Ministry rift over CHT voter list resurfaces", *POT Bangladesh Series*, 30(74):1180
- POT (2005b), "Huge cache of arms, ammunition recovered in Bandarban", *POT Bangladesh Series*, 30(208):3180

POT (2005c), "Blind eye to intelligence turns CHT into arms haven", *POT Bangladesh Series*30 (217):3326

POT (2005d), "Militants hole up in CHT to evade arrest", *POT Bangladesh Series*30 (241):3703

POT (2006), "EU for full implementation of CHT accord", *POT Bangladesh Series* 31(137):3, 4

POT (2006a), "Conflicts over land rights in CHT haunt both settlers, tribals", *POT Bangladesh Series* 31(84):16

POT (2006b), "CHT land dispute may lead to clash between tribals and Bangalis", *POT Bangladesh Series*, 31(96):16

POT (2006c), "Comments: Stop discrimination against ethnic minorities", *POT Bangladesh Series*, 31(106):13

POT (2006d), "CHT Manual Act challenged at HC after 100 years", *POT Bangladesh Series*, 31(135):18

POT (2007), "CHT Peace Accord can be reviewed: Law Adviser Mainul", *POT Bangladesh Series*, 32(282):2

Pruitt,Dean G.(1987), "creative approaches to negotiation",in Dennis J.D.Sandole and Ingrid Sandole-Staroste(eds.) *Conflict Management and Problem Solving:Interpersonal to International Applications*, London:Frances Pinter(Publishetrs),62

Rahman, M Ashiqur (2005), "Chittagong Hill Tracts Peace Accord in Bangladesh: Reconciling the Issues of Human Rights, Indigenous Rights and Environmental Governance", *Journal of Bangladesh Studies*, 7(1):52, URL: <http://www.bdiusa.org/Publications/JBS/Volumes/Volume7/JBS7.1-4.pdf>.

Ramsbotham, Oliver et al. (2005), *Contemporary Conflict Resolution*, UK: Polity: 86, 29, 30

Roe, Paul (1999), "The Intrastate Security Dilemma: Ethnic Conflict as a 'Tragedy'?" *Journal of Peace Research*, 36(2):198,193

Rokonuddowla, Major General Abu Roshde,(2007) "Strategic Management of Post Insurgency Situation in the Chittagong Hill Tracts",*NDC Journal* 4,5,7,8 [Online: web] Accessed 5Sept.2008 URL: <http://www.ndc.gov.bd/admin/publication/1-20.pdf>

Rothman, Jay (1997), *Resolving Identity-Based Conflicts in Nations, Organisation and Communities*, San Francisco, CA: Jossey Bass

Rothman, Jay and Marc Howard Ross (1999), *Theory and Practice in Ethnic Conflict Management: Theorizing Success and Failure*, London: Macmillan Press, 6

Roy, Raja Devashish (2002), "Indigenous Rights in Bangladesh: Land Rights and Self-Government in the Chittagong Hill Tracts", paper presented at *Indigenous rights in the Commonwealth Project*, south and South East Asia regional expert meeting, Indian Confederation of Indigenous and Tribal People (ICITP), India International Centre, New Delhi, 5 [Online: web] Accessed 10 Sept. 2008, URL: [http://www.sdnpsbd.org/sdi/international\\_days/Indigenous-people/2004/indigenous\\_people\\_bd/document/Devasish.pdf](http://www.sdnpsbd.org/sdi/international_days/Indigenous-people/2004/indigenous_people_bd/document/Devasish.pdf)

Roy, Devashis et al. (2007), "Access to Justice for Indigenous Peoples in Bangladesh", UNDP Regional Indigenous Peoples' Programme (RIPP), 10, 11, 17 URL: <http://regionalcentrebangkok.undp.or.th/practices/governance/a2j/docs/CaseStudy-02-Bangladesh.pdf>

Rubin, Jeffrey et al. (1994), *Social Conflict: Escalation, Stalemate, and Settlement*, New York: McGraw-Hill

Sahadevan, P (2006), "Negotiating Peace in Ethnic Wars", *International Studies*, 43(4):95, 96, 240, 241, 251, 254, 255, 258, 261-263

Samad, Saleem (1997), "The Uncertain Course of Peace in the Chittagong Hill Tracts", in Subir Bhaumik, Meghna Guhathakurta, Sabyasachi Basu Ray Chaudhury (eds.) *Living On the Edge: Essays on the Chittagong Hill Tracts*, Kolkata: Calcutta Research Group: 248-252, 255, 258

Samaddar, Ranabir (2004), *The Politics of Dialogue: Living Under the Geopolitical Histories of War and Peace*, England and US: Ashgate, 164, 168, 169, 176-181

Spangle, Michael L. and Myra Warren Isenhardt (2003), *Negotiation: Communication for Diverse Setting*, London: Sage, 17, 40, 90

Spangler, Brad (2003), "Zone Of Possible Agreement (ZOPA)", URL: <http://www.beyondintractability.org/essay/zopa/>

Spangler, Brad (2003), "Best Alternative To a Negotiated Settlement (BATNA)", URL: <http://www.beyondintractability.org/essay/batna>

Stedman, Stephen John (1997), "Spoiler Problems in Peace Processes", *International Security*, 22(2):5

Talukdar, Ushatan (2005), "Chittagong Hill Tracts Issue and Post-Accord situation", International Conference on Civil Society, Human Rights and Minorities in Bangladesh Organised by Campaign Against Atrocities on Minorities in Bangladesh (CAAMB) In association with Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC),

International Chapters) 22 – 23 January 2005, Kolkata, URL:  
<http://www.unpo.org/content/view/1927/102/>

\*The Daily Star (2008), [24/12/2008] URL:<http://www.thedailystar.net/newDesign/news-details.php?nid=68402>

Tripura, Sontosh Bikash (2008), *Blaming Jhum, Denying Jhumiya: Challenges of Indigenous Peoples Land Rights in the Chittagong Hill Tracts (CHT) of Bangladesh; A case study on Chakma and Tripura*, Ph.D Thesis, Norway: University of Tromsø: 76, 77, 78, 94, 103, 104 email to the author by Professor Meghna Guhathakurta, Bangladesh 11 September 2008.

\*UNPO (2008) Unrepresented Nations and Peoples Organisation, “Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: Bangladesh”, 10 February, 2 URL: [http://www.upr-info.org/IMG/pdf/UNPO\\_BGD\\_UPR\\_S4\\_2009\\_UnrepresentedNationsandPeoplesOrganization\\_upr.pdf](http://www.upr-info.org/IMG/pdf/UNPO_BGD_UPR_S4_2009_UnrepresentedNationsandPeoplesOrganization_upr.pdf).

\*UPDF (2000), “UPDF’s appeal to JSS”, URL: <http://www.updfcht.org/appeal.html>

Wallensteen, Peter (2007), *Understanding conflict Resolution: War, Peace and the Global System*, London, Thousand Oak, Delhi: Sage Publication, 159

Watkins, Michael and Susan Rosegrant (2001), *Breakthrough International Negotiation: How Great Negotiators Transformed the World's Toughest Post-Cold War Conflicts*, San Francisco: Jossey Bass Publishers, 26-28

Yawanarajah, Nita and Julian Ouellet (2003), “Peace Agreement”, collaborative writing with the UN Peacemaker Databank, Policy Planning Unit, Department of Political affairs, United Nations, URL:  
[http://www.beyondintractability.org/essay/structuring\\_peace\\_agree/](http://www.beyondintractability.org/essay/structuring_peace_agree/)

Zartman, William (1985), *Ripe for Resolution*, New York: Oxford University Press, 134-69

Zartman, William (1995), “Dynamics and Constraints in Negotiations in Internal Conflicts” in William Zartman (eds.) *Elusive Peace: Negotiating an End to Civil Wars*, Washington D.C.: The Brookings Institution, 3

Zartman, William (2003), “Ripeness”, URL:  
<http://www.beyondintractability.org/essay/ripeness/>

Zartman, William (2008), *Negotiation and Conflict Management: Essays on Theory and Practice*, Routledge, 1,181

