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Author(s): Pranab Kumar Panday and Ishtiaq Jamil

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CONFLICT IN THE CHITTAGONG HILL TRACTS OF BANGLADESH

An Unimplemented Accord and Continued Violence

Pranab Kumar Panday and Ishtiaq Jamil

Abstract

This article analyzes the dynamics of the conflict in the Chittagong Hill Tracts region of Bangladesh. This study argues that violations of human rights by law enforcement agencies and Bangali settlers against indigenous people continue even after the signing of the 1997 peace accord. Furthermore, peace remains elusive because of the “top-down” nature of that accord.

Keywords: indigenous communities, settlers, CHT conflict, peace accord, Bangladesh

Introduction

Ethnic identity is one of the major drivers of continuing struggle in the Chittagong Hill Tracts (CHT)¹ of Bangladesh—a region

Pranab Kumar Panday is Associate Professor and Chairman, Department of Public Administration, University of Rajshahi, Rajshahi, Bangladesh. Ishtiaq Jamil is Associate Professor, Department of Administration and Organization Theory, University of Bergen, Bergen, Norway. The authors are grateful to *Asian Survey*'s reviewers for their extensive comments on earlier drafts. Email: <pranabpanday@yahoo.com>, <Ishtiaq.Jamil@aorg.uib.no>.

1. The CHT, the only extensive hills in Bangladesh's southeast, cover about 13,184 square kilometers, approximately one-tenth of the country's total area. According to the *Population Census of 2001*, the total population of the CHT is around 1.35 million. Of these, indigenous people comprise around 700,000 and Bangali settlers around 650,000 (see Ministry of Chittagong Hill Tracts, at <http://www.mochta.gov.bd/resources/Publication/2007-03-14_1173863834barshik_protibedon_2004-2005.pdf>national>, accessed on January 15, 2009.

Asian Survey, Vol. 49, Issue 6, pp. 1052–1070, ISSN 0004-4687, electronic ISSN 1533-838X. © 2009 by The Regents of the University of California. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website, at <http://www.ucpressjournals.com/reprintInfo.asp>. DOI: AS.2009.49.6.1052.

that is home to 13 different indigenous ethnic groups.² These groups have closer ethno-cultural affinities with other Sino-Tibetan people inhabiting Myanmar and the Indian states of Tripura and Mizoram than they do with Bangalis (Bengalis), the majority of Bangladesh's population.³ They also differ in religious beliefs.⁴

The intensification of the CHT problem is a consequence of the Bangladeshi state's attempt to impose a unitary and hegemonic conceptualization of national identity on its populace, which, in the case of the CHT, is quite diverse. From 1947 to 1971, Bangladesh was known as East Pakistan. Before independence, Bangladesh was a part of the colonial province of greater Bengal. Under a united Pakistan, the Bangalis felt deprived of cultural, economic, and political freedom by the central regime whose center lay in West Pakistan, nearly a thousand miles away. This distance contributed to the Bangladeshis' sense of distinct cultural and linguistic identity, which later developed into a struggle for independence (or separatism) from Pakistan. Achieving independence in 1971 consolidated Bangali and later Bangladeshi nationalism. However, in the subsequent process of state formation and nation building, the unique cultural identities of the minorities inhabiting the CHT region failed to draw due recognition by the Bangladeshi state.⁵

The central Bangladeshi state's unwillingness to allow a degree of political self-rule to the CHT or to promote the region's culture and languages, and the lack of economic development in the region have created a strong sense of grievance among the *adibasis* (original inhabitants) of the CHT.⁶

2. These 13 different indigenous communities include the Chakma, Marma, Pankho, Khumi, Lusai, Murong, Bonojog, Tanchanya, Khyang, Chak, Tripura, Mro, and Ryang. See Muhammad Kamal Uddin, "Rights of Indigenous People and Minority Issues in Bangladesh," <<http://ipra2006.com/papers/IPRC/RightsOfIndigenousPeopleandMinorityIssues-Bangladesh.doc>>, accessed July 5, 2008.

3. "Bangla"-speaking people are called "Bangalis." We have written the Bengali word "Bangla" in English form. By "Bangali" we refer to the people of Bangladesh who speak in the Bengali language. However, there are two streams of people who used to recognize themselves as either "Bangali" or "Bangladeshi." This is an issue that has a political contradiction also. The Awami League and its supporters recognize themselves as "Bangali," while the Bangladesh Nationalist Party and its supporters recognize themselves as "Bangladeshi." However, the meaning is the same.

4. More than 90% of the Bangladeshi population is Muslim, with about 9% Hindus. However, a majority of the ethnic minorities are Buddhist. Thus, they differ from Bangalis in terms of religious beliefs. Ethnic minorities also have their own languages. Mark Levene, "The Chittagong Hill Tracts: A Case Study in the Political Economy of 'Creeping' Genocide," *Third World Quarterly* 20:2 (April 1999), pp. 339–69.

5. For a discussion, see Amena Mohsin, *The Chittagong Hill Tracts, Bangladesh: On the Difficult Road to Peace* (London: Lynne Rienner, 2003).

6. C. D. Brauns and L. G. Loffer (eds.), *Mru: Hill People on the Border of Bangladesh* (Boston: Birkhauser, 1990), cited in Eshani Chakraborty, "Understanding Women's Mobilization in the

In addition, the Jumma—the collective term for the indigenous people of the CHT—have been, and still are, subjected to harassment by law enforcement agencies and government-sponsored armed groups of Bangali settlers, resulting in the systematic abuse of their human rights. The result has been a reactive consolidation of the Jumma's identity. This article describes the causes of strife in the CHT and highlights the current state of the conflict, as well as possible moves toward any form of resolution. It argues that the 1997 CHT peace accord has failed to alleviate the conflict in the region, largely because of its “top-down” nature and inadequate implementation by the central government. Without a comprehensive solution to the CHT problem, violence promises to continue largely unabated in the region.

Causes of Conflict in the CHT

The major goals of the armed conflict and incessant insurgency by the CHT's indigenous people against the Bangladeshi state and security forces have been an attempt to project their cultural and ethnic identities, and to protect themselves from the perceived exploitation and misery that they have been subjected to over the past decades.⁷ The Jumma leadership eventually came around to viewing armed rebellion as the only way to compel the central Bangladeshi state to give more regional autonomy to the CHT—a goal that the indigenous leaders considered necessary in order to protect their culture and well-being. Military intervention by the state, often with indiscriminate brute force, has added fuel to the fire of continuing struggle. As discussed below, five specific causes can be discerned for the continuing conflict in the CHT.

First, the CHT had the special status of an autonomously administered district during British colonial rule, safeguarded by the CHT Regulation of 1900.⁸ This regulation barred the sale and transfer of land to non-indigenous people and restricted their immigration into the CHT. The Government of India Act of 1935 declared the CHT a “Totally Excluded Area.” Under this arrangement, the people of the CHT enjoyed relative autonomy under

Chittagong Hill Tracts Struggle: The Case of Mahila Samiti,” paper presented to the 15th Biennial Conference of the Asian Studies Association of Australia, Canberra, June 29 to July 2, 2004.

7. Eleanor Dictaan-Bang-oa, *In Search for Peace in the Chittagong Hill Tracts of Bangladesh* (2004), <http://www.tebtebba.org/about_us/publications/special/beyond/BeyondText.pdf>, accessed July 10, 2008.

8. The CHT Regulation of 1900 divided the hill tracts into three “revenue circles,” which include the Chakma, Mong, and Bohmang. Headed by a *rajah* (king), each circle comprised representatives from all tribes. See Philip Gain, “Life and Nature at Risk,” in Raja Devashish Roy (ed.) et al., *The Chittagong Hill Tracts: Life and Nature at Risk* (Dhaka, Bangladesh: Society for Environment and Human Development, 2000), p. 17.

traditional tribal chiefs, administered by the central government.⁹ After the Partition of British India in 1947, the CHT were given to Pakistan, losing their special status and autonomy under an amendment to the Pakistani Constitution in 1963. This amendment eliminated immigration restrictions and allowed the large-scale migration of Bangali settlers into the CHT. The paucity of cultivable land and the pressure of increasing population in Bangladesh induced large numbers of non-tribal people to migrate to the CHT.¹⁰ These settlers abused and misappropriated the lands and resources of the Jumma people, largely crippling their livelihood. As a result, the Hill People legitimately perceived their identity, culture, religion, and economic well-being as being under threat.¹¹

Second, conflict over the CHT intensified greatly when the government of Pakistan built the Kaptai Hydro-Electric Dam in 1962.¹² The project inundated 218 square kilometers, nearly 40% of the CHT's arable land.¹³ This also forced the relocation of about 100,000 indigenous people, mostly among the Chakmas. In addition, about 90 miles of roads and 10 square miles of reserved forest were also inundated.¹⁴ The impact of this dam caused a whole generation of indigenous people, especially the Chakmas, to suffer. The *paharis* (hill inhabitants), in fact, referred to the dam as a "death trap."¹⁵ Chakraborty published her study of the dam in 2004 and concluded that those who lived through its construction, or grew up in its immediate aftermath, still feel its devastating impact and consider the event as a chronicle of losing their homes.¹⁶ That was a point of departure for thousands of CHT people whose lives were forever changed.

9. Dictaan-Bang-oa, *In Search for Peace*.

10. Before 1971, the Pakistan government permitted migration of non-tribals into the hill tracts and introduced the system of transfer of land ownership and other resources to non-tribal people through amendment to Regulation 1 of the CHT Regulation of 1900. See R. Ramasubramanian, "Elusive Peace in the Chittagong Hill Tracts: A Background," *South Asia Analysis Group*, no. 1540 (2005), at <<http://www.saag.org/papers16/paper1540.html>>, accessed July 8, 2008.

11. Raajen Singh, "The Chittagong Hill Tracts in Bangladesh," in C. Nicholas and R. Singh (eds.), *Indigenous Peoples of Asia: Many Peoples, One Struggle* (Bangkok: Asia Indigenous Peoples Pact, 1996), p. 129.

12. This disastrous project was funded by the United States, commissioned in 1961 to help industrialize and electrify the region.

13. Within the CHT territory, only 545 square kilometers is truly cultivable land, while the rest is hills.

14. Ramasubramanian, "Elusive Peace"; Syed Anwar Hussain, *War and Peace in the Chittagong Hill Tracts: Retrospect and Prospect* (Dhaka: Agamee Prakashani, 1999); and M. Mufazzalul Huq, *Government Institutions and Underdevelopment: A Study of the Tribal Peoples of Chittagong Hill Tracts* (Dhaka, Bangladesh: Center for Social Studies, 2000).

15. Chakraborty, "Understanding Women's Mobilization."

16. *Ibid.*

A third factor that contributed to the development of the CHT conflict was an identity crisis among the Hill People. The Hill People were alienated from mainstream society (i.e., Bangalis with a common Bangladeshi culture) through a series of socio-political manipulations that began with the British and continued after Bangladesh's independence, creating a sense of "otherness"—politically, culturally, and socially.¹⁷ This identity crisis started in 1947 when the Hill People were placed under Pakistan's control despite their strong desire to be merged with India because most were non-Muslims. Their demand to merge with India is often used against them in Bangladesh to brand them as being pro-India.¹⁸ Their demands, however, were not entertained by the post-independence rulers of Bangladesh, including then-Prime Minister Sheikh Mujibur Rahman. Instead, they were advised to assimilate within the new, nationalist Bangali identity of independent Bangladesh.¹⁹ In the Preamble (Article 8) of the new Constitution of Bangladesh (adopted November 4, 1972), nationalism, socialism, democracy, and secularism were incorporated as state principles. In Article 9, Bangali nationalism was stated as the basis of state nationalism: "The unity and solidarity of the Bangali nation, which deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangali nationalism."²⁰

This definition of nationalism was refused by the Hill People under the leadership of Manobendra Narayan Larma,²¹ who raised a voice of disagreement in the Parliament by saying, "You cannot impose your national identity on others. I am a Chakma not a Bangali. I am a citizen of Bangladesh, Bangladeshi. You are also a Bangladeshi but your national identity is Bangali. . . . They [Hill People] can never become Bangali."²² However, his disagreement did not make any distinct mark on the Bangali policy makers, who saw Bangali nationalism as all-encompassing. Nonetheless,

17. Ibid.

18. A. Mohsin, "State Hegemony," in P. Gain, ed., *The Chittagong Hill Tracts: Life and Nature at Risk* (Dhaka: Society for Environmental and Human Development [SEHD], 2000), p. 61.

19. See Salahuddin M. Aminuzzaman and A. H. Monjurul Kabir, *Role of Parliament in Conflict Resolution: A Critical Review of the Chittagong Hill Tract (CHT) Peace Accord in Bangladesh*, p. 8; Working Paper, no. 2, "The Role of Parliament in Conflict and Post Conflict Asia," United Nations Development Program (UNDP), Regional Center in Bangkok, Thailand, (2005).

20. Cited in *ibid.*

21. Manobendra Narayan Larma was the leader of the majority of the CHT people. He was assassinated in 1983 by a dissident faction.

22. Government of Bangladesh, Dhaka, *Parliamentary Debates*, October 31, 1972, p. 452, cited in Aminuzzaman and Kabir, *Role of Parliament*, p. 8.

TABLE 1 *Increasing Trend of Non-ethnic Jumma People in CHT*
(% distribution)

<i>Year</i>	<i>Ethnic Jumma People</i>	<i>Bangali Muslim/Hindu</i>
1941	98	2
1951	91	9
1961	88	12
1974	77	33
1981	59	41
1991	60	39
2003	51	49

SOURCE: Talukder, “Chittagong Hill Tracts Issue and Post-Accord Situation.”

the Hill People did not accept a nationalism that excluded their cultural identities: they demanded a constitutional guarantee that would safeguard their rights, privileges, and cultural uniqueness. Conversely, continuous refusal of the Bangladeshi government to recognize their cultural uniqueness gave birth to the discontent among the Hill People that contributed to the creation of the Parbatya Chhattagram Jana Samhati Samiti (PCJSS)²³ on March 7, 1972, under Larma’s leadership, through which their discontents could be raised.²⁴

Fourth, policies devised and implemented by the government of Bangladesh to establish a homogeneous Bangali Muslim society by eroding the ethnic identity of the indigenous Jumma people provide a continuing catalyst for the conflict in the CHT.²⁵ About 500,000 illegal plains settlers were implanted into the CHT during 1979–83 by providing inducements in the form of land ownership, rations, and other monetary benefits.²⁶ Of course one may wonder how implantation of the settlers was made possible even though it was barred through the Act of 1963. As a matter of fact, the decision was implemented intentionally by the then government violating the rules and regulation. Table 1 shows the increasing Bangali Muslim population in the CHT region, in contrast to a declining trend for the Jumma population. The Bangali Muslim population, which was around 2% of the total population of the CHT in 1947, rose to 49% in 2003. On the

23. The goal of PCJSS was to safeguard the rights of the Hill People and secure their right to autonomy.

24. Ibid.

25. Asian Center for Human Rights (ACHR), “The Ravaged Hills of Bangladesh,” *ACHR Review*, Index: Review/35/2004, at <<http://www.achrweb.org/Review/2004/35-04.html>>, accessed July 5, 2008.

26. Ibid.

other hand, the Jumma, who comprised 98% of the total population of the hill tracts in 1947, declined to 51% in 2003.²⁷ The Jumma people, in fact, seem destined to become a minority in their own homeland if the trend continues.

These official figures are widely seen in the CHT as being politically manipulated and motivated. Indigenous sources put the Bangali Muslim settler figure at more than 65%.²⁸ It is alleged that the Bangali settlers frequently grab land by force, sometimes with the tacit consent and connivance of the local administration and security personnel (mostly Bangalis with the Bangladesh army stationed in various locations in the CHT) and sometimes by luring illiterate indigenous people and forging documents. In December 2008, on the eve of the tenth anniversary of the 1997 Chittagong Hill Tracts Peace Accord signing, a press conference was organized by the leaders of the indigenous village of Mahalchari in Khagrachari District. The leaders complained about encroachment on their farmlands by ethnic Bangali settlers and alleged that over 366 village acres had been seized by Bangali settlers with the assistance of security forces in that year alone. The leaders also charged that a U.N. Development Program (UNDP)-funded project to create a nursery in the indigenous village of Maddya Lemuchari could not be implemented because Bangali settlers were building homes in the project area. Even though the land was titled to the indigenous villagers, duplicate land titles had been issued to the settlers by the local authorities, an obvious violation of the law and the 1997 peace accord.²⁹ Moreover, a study by the Bangladesh Society for the Enforcement of Human Rights (BSEHR) conducted in 2007–08 revealed that some 61% of indigenous people say they still face discrimination, 42% have been victims of corruption, and 19% have been evicted from their ancestors' land.³⁰

27. Ushatan Talukder, "Chittagong Hill Tracts Issue and Post-Accord Situation," paper presented at the International Conference on Civil Society, Human Rights, and Minorities in Bangladesh, organized by the Campaign Against Atrocities on Minorities in Bangladesh (CAAMB), in association with the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC, International Chapters), Kolkata, India, January 22–23, 2005.

28. Bangladesh Watchdog, "Fresh Violence in CHT: Indigenous Villages Attacked," April 25, 2008, <<http://bangladeshwatchdog.blogspot.com/2008/04/fresh-violence-in-cht-indigenous.html>>, accessed on January 17, 2009.

29. Unrepresented Nations and Peoples Organization (UNPO), "Chittagong Hill Tracts," submission to the U.N. Office of the High Commissioner for Human Rights, *Universal Periodic Review: Bangladesh*, April 2008, <http://www.upr-info.org/IMG/pdf/UNPO_BGD_UPR_S4_2009_UnrepresentedNationsandPeoplesOrganization_upr.pdf>, accessed January 17, 2009.

30. Cited in Galdu Resource Center for the Rights of Indigenous People, "Bangladesh: Indigenous People Still Face Discrimination and Eviction from Their Land," 2008, <<http://www.galdu.org/web/index.php?odas=2881&giella1=eng>>, accessed on January 17, 2009.

The eviction of Hill People and land grabbing by Bangali settlers, sometimes in collusion with government officials, are especially visible in Khagrachari District but have also been reported elsewhere in the hill tracts as well.³¹ There are many reports of dispossession, despite the government's setting up a land commission (per treaty) to settle outstanding land claims. As of 2008, not a single land dispute had been resolved by the commission.³² Moreover, the government's creation of eco (ecological) parks and social forestation³³ is also causing the eviction of indigenous people. As regional leader Jyotirindra Bodhiprio Larma, alias Shantu Larma, Manobendra Narayan Larma's brother, put it in 2008:

The indigenous people are increasingly falling victims of land grabbing. The rulers over the years remained indifferent to our demands for autonomy and constitutional recognition. They have never paid attention to the demands for enduring indigenous peoples' rights, implementing the CHT Treaty, and ending eviction of the indigenous people in the name of creating eco parks and social forestation.³⁴

Finally, a fifth important factor that has contributed to the outbreak of CHT conflict, and its sustenance, have been the initiatives of successive governments in Bangladesh to solve an inherently political and ethnic problem through military means. The problem was initially dealt with through economic development programs; for example, the government formed the CHT Development Board in 1976. Yet, these development programs were run by the military and geared toward reinforcing its power in the area. As a matter of fact, a large number of military forces have been deployed in the CHT region in order to restore peace there. Moreover, the government used military forces to carry out different development programs that were supposed to be carried out by the civil administration. The programs, in fact, amplified prejudice, annoyed the CHT people, and increased their penury.³⁵ It is claimed that Bangali settlers, with the help of the army, very often grabbed lands belonging to the Hill People. Those who protested became victims of different types of harassment, including torture. The ACHR in its report published in 2004 pointed out:

31. Sara Hossain and Dina M. Siddiqui, "Human Rights in Bangladesh, 2007," in Ain O Shalish Kendra (a local NGO [non-governmental organization] providing legal and judicial help), Dhaka, 2008.

32. UNPO, "Chittagong Hill Tracts."

33. Social forestation refers to planting trees in order to protect the environment from the negative impact of deforestation under government initiatives.

34. Comments by Shantu Larma (chief of the CHT Regional Council and countersignatory to the Accord), *Daily Star*, January, July 7, 2008.

35. R. C. K. Roy, *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts* (Copenhagen: International Work Group for Indigenous Affairs [IWGIA], 2000).

At around 11 p.m. on 3 August 2004, about 50 Bangali settlers from Kalabanya of Aimachara Union, led by Union Parishad (Council) member Tamir Ali, launched a brutal attack on Barun Kumar Chakma and his family members from Dhandachara village of Bhushanchara Union under Barkal Thana in Rangamati hill district. Barun Kumar Chakma was killed on the spot. [His] wife, Subarna Chakma, and son, Kampan Chakma, were brought to Rangamati hospital, about 50 miles away from the victims' village on 4 August 2004. Subarna Chakma succumbed to her injuries while Kampan Chakma was referred to the Chittagong Medical College Hospital.³⁶

In April 2008, seven Jumma communities were attacked by hundreds of Bangali settlers who set fire to over 500 houses, assaulted a number of Jumma, and looted their properties. The incident took place when the Jumma people were discussing how to protect themselves from a possible attack by the settlers. Despite the fact that the army had previously reassured them about their safety, the attack was carried out in the presence of army troops.³⁷

The army's ongoing presence has also resulted in serious human rights violations. A United People's Democratic Front (UPDF) supporter, Rinku Chakma, was killed in military custody in Matiranga, Khagrachari, on August 23, 2004. It was alleged that he was first brutally tortured by the armed forces in full public view and then taken into custody, where he later succumbed to his injuries.³⁸ The same month, security forces arrested five members of UPDF allegedly under false accusations at the Khagrachari police station.³⁹ The president and vice president of the Hill Students Council (Mithun Chakma and Rupan Chakma, respectively) and the president of the Hill Watch Human Rights Forum (Sonali Chakma) were brutally beaten with sticks. The ACHR has asserted that such cases of arbitrary arrest and physical abuse of ordinary Jummas are common incidents in the hill tracts.⁴⁰

Over the years, the Dhaka government's sponsorship and relocation of Bangali settlers have altered the demography of the CHT. As previously stated, the Jumma will soon become a minority in their own land if current trends continue. This is, of course, assuming that this has already not happened. The once isolated and protected CHT territory has now become susceptible to influence from mainstream Bangali culture, thereby

36. ACHR, "The Ravaged Hills of Bangladesh."

37. Retrieved from <<http://intercontinentalcry.org/settlers-attack-jumma-in-the-chittagong-hill-tracts/>>, April 16, 2008.

38. ACHR, "The Ravaged Hills of Bangladesh."

39. These five members were Jotish Chakma, Sadhan Moni Chakma, Rosomoy Chakma, Borkul Chakma, and Bhupon Moni Chakma.

40. ACHR, "The Ravaged Hills of Bangladesh."

threatening the indigenous people's culture and their ethnic identity. The Bangladeshi central state's strategy in relation to the Jumma in the CHT can be summarized in the following words:

These include militarization of the whole region, swamping it with Bengali immigrants, placing the Jummas in cluster villages under military surveillance and denying them access to the commons and forests to sustain their livelihood and life integrity, persistent human rights violations, including disappearances, repeated rape, vandalization and desecration of religious (especially Buddhist) sites and shrines, destruction of villages and property, physical and mental abuse of individuals, repeated killings, especially though not exclusively of known Jumma activists, leaders, professionals, and monks and nuns. These actions taken together would certainly constitute genocide within the meaning of the 1948 U.N. Convention on Genocide.⁴¹

The 1997 CHT Peace Accord and Its Aftermath

Political Changes Facilitating Signing of the 1997 Accord

Successive governments in Bangladesh had taken various initiatives to deal with the conflict in the CHT, but their intentions were generally unclear and lacked serious political commitment. Before 1997, no government had treated the CHT conflict as a national issue; rather, it was kept away from the national political agenda. Instead of proffering a political solution, most governments viewed the problem from a national security standpoint and tried to solve it through military intervention. This, in turn, sparked even more discontent among the indigenous people of the CHT. The excessive number of government security personnel deployed in the CHT made the military the most important governmental actor in the region, resulting in the government's policy toward the CHT being even more problematic. For example, government officials forbade the extension of mobile phone and Internet coverage to the three hill districts that comprise the CHT. The government highlighted security as the prime reason for this decision, but human rights groups and local officials countered by arguing that these restrictions actually slowed economic and human development in the region, thus instigating continuing insurgency.⁴²

There had been little coverage or debate on the CHT conflict in Bangladesh's print or news media until at least 1997 largely because the issue had been previously conceptualized by ruling elites as being a sensitive security matter. Mainstream Bangladeshi society was, in fact, largely unaware of

41. Mark Levene, "The Chittagong Hill Tracts."

42. UNPO, "Chittagong Hill Tracts: Spotlight on Human Rights," <<http://www.unpo.org/content/view/7731/236/>>, accessed February 22, 2008.

the brutalities and miseries suffered by the Jumma. As a result, Bangladesh's main political parties, the Awami League (AL) and Bangladesh Nationalist Party (BNP), had little incentive to try to solve the conflict through non-military means.

This began to change in the mid-1990s. First, a new AL government came into power in 1996 under the leadership of Sheikh Hasina, her first tenure as prime minister. She was generally considered to be more sincere about solving the CHT problem and sympathetic to the plight of the Jumma than the previous BNP government under Begum Khaleda Zia. Second, and perhaps more importantly, the CHT conflict also began attracting increased international attention in the mid-1990s. As a result, Sheikh Hasina's new government came under more intense pressure from various international organizations and donor agencies to reinvigorate the peace process in the CHT and resolve the conflict.⁴³

Sheikh Hasina's AL government set up a special National Committee on the CHT in October 1996 to help solve the long-lasting conflict. The first meeting between the 12-member committee and the PCJSS was held in December of that year, followed by subsequent meetings through 2007.⁴⁴ These talks eventually culminated in the signing of a peace accord on December 2, 1997, between the National Committee and the PCJSS in the presence of Prime Minister Hasina. This agreement was popularly known as the Chittagong Hills Tracts Peace Accord of 1997.

The major objectives of the 1997 peace accord included protection of the land rights of the indigenous people, revival of their cultural uniqueness, rehabilitation of internally displaced people and refugees who had left the country, withdrawal of the military from the CHT (with the exception of permanent military establishments), and self-government through regional and district councils.⁴⁵ The signing of this accord was an important achievement for both the AL government and tribal representatives of the PCJSS. The accord greatly enhanced Sheikh Hasina's image internationally, and she was awarded the United Nations Educational, Scientific, and Cultural Organization's (UNESCO) Peace Prize in 1999.⁴⁶

However, the accord was not supported by all sections of Jumma society. A strong voice of opposition against the accord was raised by groups

43. Talks to solve the CHT problem had actually started in the early 1980s, but none of these initiatives had brought any significant breakthroughs.

44. The 12-member National Committee on Chittagong Hill Tracts was headed by then Chief Whip of the Parliament Abul Hasnat Abdullah. The committee members were members of Parliament belonging to the AL (party in power), BNP and Jatio Party (parties in opposition), retired government officials, and renowned social workers.

45. Paul S. Chhakchhuak, *Chittagong Hill Tracts: Stating and Resolving the Issues within the Mountains* (Dhaka, Bangladesh: American International School/Dhaka, Senior Project, 2004).

46. Dictaan-Bang-oa, *In Search for Peace*, p. 8.

within the PCJSS, including its influential student wing, which subsequently helped form the UPDF on December 26, 1998. The groups who formed the UPDF committed themselves to the realization of complete self-determination for the indigenous people of the CHT, arguing that the 1997 accord failed to address the fundamental demands of the Jumma people.⁴⁷ The PCJSS and UPDF have opposed each other ever since, including fratricidal killings and human rights violations by both groups.

Non-implementation of the Accord

The initial euphoria around the accord aside, it has subsequently failed to be fully implemented over the past decade. According to the UNPO,⁴⁸ most provisions of the accord remain either unimplemented or partially implemented because of the lack of political commitment by the government. For example, out of 33 responsibilities devolved to the newly created Hill District Council (HDC), only 12 have been actually transferred. Important functions such as law and order, general administration, and land management have actually not yet been transferred. Other important competencies—such as the formation of a local police force and a CHT Regional Council (CHTRC) to manage NGO activity, disaster management, relief programs, and general administration—are still managed by centrally appointed deputy commissioners known as chief district executive officers.

The accord has, in fact, failed to ensure even minimum participation of indigenous people in the decision-making process of the local administration, even though it promised to give them that role and to end continuing war in the region. In addition, the continuing presence of the army in the CHT, even after the signing of the accord, has made the Hill People distrustful of the real intentions of the government. Despite the accord's provision agreeing to dismantle temporary military camps, only 152 out of 543 such camps have been withdrawn thus far.⁴⁹

The CHT accord had actually mandated the creation of a CHTRC and the Ministry of CHT Affairs but, in practice, it has failed to delegate

47. Information used in this section has been collected from the UPDF website at <<http://www.updfcht.org/about.html>>, accessed on July 11, 2008.

48. UNPO, "Chittagong Hill Tracts," accessed January 17, 2009. Initiated in 1990 in Tartu, Estonia, and formed in the Hague in February 11, 1991, UNPO has established itself as a democratic international organization whose main objectives are to educate groups in what channels to use to make their voices heard, and to help defuse tensions so that frustrated groups do not turn to violence to gain attention for their demands. Its members are indigenous peoples, occupied nations, minorities, and independent states or territories lacking representation internationally.

49. Ibid.

adequate power to these bodies to enforce the accord. The process got stuck when the BNP won the 2001 national elections and took over power in the center. Because of international pressure, the BNP government did not rescind the accord, but rather adopted a “go slow” strategy. It also tried to hoodwink the PCJSS by appointing a chairman for the Task Force for Rehabilitation of Returnee Refugees and extending the tenure of the land commission by three years from 2003. However, this trick was perceived by the Hill People who considered partial implementation of the accord to be useless. Instead, these moves have created a conflict environment where the PCJSS and UPDF consider each other enemies.⁵⁰

Even the PCJSS, which had originally signed the accord on behalf of the indigenous people, launched an agitation campaign demanding an end to the problem of new settlers, the withdrawal of the army from the region, and the implementation of the policy to use CHT mother tongues in primary education as guaranteed in the accord.⁵¹ The agitation especially started after 2001 when the BNP-led government took over the state power, remaining almost silent regarding implementation of the treaty. In most cases, agitation was peaceful; however, on many occasions the PCJSS came into confrontation with security forces. The process still continues. However, the intensity has diminished since the newly elected AL government has showed their commitment for full implementation of the accord. The PCJSS has also made several other demands: an indigenous person should be named full minister of the Ministry of CHT Affairs, the CHT land commission should be empowered, the Task Force for Rehabilitation of Returnee Refugees should be activated, a complete voter’s list should be prepared for the permanent residents of CHT, elections should be held to the Regional Council and HDC, and an indigenous person should be appointed as head of the CHT Development Board.

The CHT peace accord was actually very problematic from its inception because it resembled more of a “top-down” initiative rather than a “bottom-up” one. A “top-down” policy is considered to be more appropriate when policy objectives are clear, fewer changes are involved, and when policy makers largely agree as to the processes involved. The situation changes completely when policy objectives are ambiguous and likely to fail. This latter type of situation requires a more “bottom-up” approach. The CHT Accord, because of its unique and complex character, actually required such an approach.⁵²

50. *Daily Star* (a widely circulated English daily) (Dhaka) 5:186 (December 1, 2004), front page.

51. *Ibid.*

52. For a more detailed discussion, see Ishtiaq Jamil and Pranab Kumar Panday, “The Elusive Peace Accord in the Chittagong Hill Tracts of Bangladesh and the Plight of the Indigenous People,” *Commonwealth & Comparative Politics* 46:4 (November 2008), pp. 464–89.

To explain, the accord process was elitist and driven largely by the AL. First, the accord was a well-kept secret in the initial stage of negotiations with the Shanti Bahini (Peace Force) and was denied any form of public scrutiny.⁵³ Second, there was no room for judging arguments on various issues such as power sharing, division of responsibilities, and the roles of regional councils. As a result, the people of Bangladesh were without knowledge of such an important policy decision and indifferent when it was made public. Trust and legitimacy, which are vital for building support around such an accord, were missing. However, the main opposition came from the BNP and Bangali settlers in the CHT who tried to block implementation of the accord. Moreover, the local governmental administration in the CHT, which is manned by central bureaucrats, was also skeptical because the accord required power sharing with newly formed regional councils.

Given the prolonged conflict and armed insurgency in the region, the accord was a necessary and path-breaking initiative on the part of the AL, but its formulation and implementation were questionable. Sheikh Hasina was the driving force behind the accord and took personal interest in signing it with the Shanti Bahini. This gave her international recognition, but she was criticized by the opposition BNP at home for masterminding a “plot” in collusion with the Shanti Bahini. The BNP alleged that giving more autonomy to the CHT region was unconstitutional, calling the agreement a “black pact.” Because the accord failed to receive major support from opposition political parties, its continued implementation was doubtful when the government changed in 2001. Fissures within the Jumma community between those who support it and those who want even more autonomy, if not complete self-determination, have also made implementation of the accord even more problematic.

*New Emerging Dynamics of the CHT Conflict
after the Non-implemented Accord*

At present, two types of conflict are ongoing in the CHT. One is an intra-group conflict within the Jumma community between those who continue to support full implementation the 1997 accord and those opposed to it from the outset, arguing that it failed to fulfill their aspirations for full autonomy.⁵⁴

53. The Shanti Bahini, formed in 1972, was the name of the military wing of the PCJSS. Shanti Bahini whose main objective was to preserve the rights of the tribal people in southeastern Bangladesh fought for many years against the central government. It abandoned militancy following the peace treaty signed by the government and the PCJSS on December 2, 1997.

54. These groups include UPDF; Pahari Chattra Parishad (PCP, or Hill Students Council); Pahari Gano Parishad (PGP, or Hill Peoples Council); and Hill Women Federation (HWF).

A second type of armed insurgency is occurring between the militants in the indigenous community on the one hand, and security force personnel and Bangali settler groups, on the other.

Regarding the former, the PCJSS and UPDF remain mired in an intra-communal conflict that has killed more than 500 people and injured about 1,000 since December 1998. Kidnapping and extortion by local gangs are frequent: more than 1,000 people have been kidnapped in the past 11 years.⁵⁵ This intra-communal violence has occurred despite the fact that both UPDF activists and PCJSS cadres had been victims of atrocities by the Bangladeshi security forces. Several other smaller indigenous groups also feel unrepresented and resent the fact that Shanti Bahini is in charge of implementing the peace agreement. The UPDF and other smaller dissident groups claim that the police, with the support from the PCJSS, continue arbitrary arrests of their members. For its part, the PCJSS alleges that these dissident groups have targeted their members for kidnapping and killing.⁵⁶ The refusal of the PCJSS—which seeks to be the sole representative of the Jummas—to even talk with the UPDF has furthermore vitiated any possibility for intra-communal peace.

Nonetheless, most indigenous people blame the government for escalating the continuing intra-group conflict in the CHT region. They believe that conflict persists because of non-implementation of the 1997 treaty by the government. For example, the current chairperson of the CHTRC and President of PCJSS J. B. Larma has been critical about the government's policy, noting in 2003:

[Although] 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 a 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 [from among] the permanent residents of CHT, effective enforcement of the three [hill district councils] and the CHT Regional Council Act, rehabilitation of the Bangali settlers outside CHT etc. have either [been] left unimplemented or partially implemented.⁵⁷

55. *Daily Star* (Dhaka), December 1, 2004.

56. Amnesty International, "Bangladesh: Human Rights in the Chittagong Hill Tracts" (February 2000), at <<http://asiapacific.amnesty.org/library/Index/ENGASA130012000?open&of=ENG-BGD>>, accessed on May 12, 2009.

57. Jyotirindra Bodhipriyo Larma, "The CHT and Its Solution," paper presented at the Regional Training Program to Enhance the Conflict Prevention and Peace-Building Capacities of Indigenous Peoples, representatives of the Asia-Pacific, organized by the U.N. Institute for Training and Research (UNITAR) at Chiang Mai, Thailand, April 7–12, 2003.

Many others also criticize the process of implementation of the accord, and consider the agreement a disappointment because it failed to bring total peace to the region.⁵⁸ Many of these critics consider the agreement a disappointment because it failed to bring total peace. Another group of critics considers the accord an initiative that came too little and too late.⁵⁹ Even before a year had passed after the signing of the accord, an eminent CHT analyst, Amena Mohsin, viewed it to be inherently seeded with future insecurity, discontent, inequality, and polarization.⁶⁰

One effect of the current intra-indigenous violence has been that it draws attention away from the conflict between indigenous peoples and Bangali settlers in the CHT—a conflict over political rights and natural resources. It also weakens the indigenous people in a number of ways. For example, since the intra-indigenous conflict is largely concentrated in Chakma-inhabited areas, it is mostly ordinary Chakmas who are the direct victims of the intra-communal violence. Other ethnic groups are also affected because of the restrictions placed on movement, difficulties in operating trading and other businesses, and frequent extortion. Indigenous CHT society is therefore becoming increasingly divided, its economy is dwindling, and its social and human development (including health care and education) are stagnating partially as a result of this intra-communal violence.⁶¹

The second source of violence in the CHT is the conflict between indigenous insurgent groups (especially the UPDF) on one side, and government security forces and Bangali settlers, on the other. The militaristic mobilization of Bangali settlers has, in fact, added increased complexity to solving the CHT conflict. A movement called Somo Adikhar Andolon (SAA, Equal Rights Movement) organized by Bengali-speaking settlers after 2001 has created further discontent among the indigenous people in the region. These settlers believe the accord has made them second class citizens in the CHT region. The SSA movement has also opposed the PCJSS for signing the accord and has carried out several agitations demanding annulment of the 1997 accord.

Quite often, armed conflict erupts between Bangali settlers (in collaboration with segments of the civilian administration and armed forces who oppose the accord) and indigenous groups. It is suspected that such violence is

58. Victoria Tauli Corpuz et al. (eds.), *The Chittagong Hill Tracts: The Road to a Lasting Peace* (Baguio City, Philippines: Tebtebba Foundation, 2000).

59. Ranabir Samaddar, *Those Accords: A Bunch of Documents*, South Asia Forum for Human Rights (SAFHR) (Kathmandu), Paper Series, no. 4 (1999).

60. Amena Mohsin, "Chittagong Hill Tracts Peace Accord: Looking Ahead," *Journal of Social Studies*, University of Dhaka (August-October 1998), pp. 104–17.

61. Roy, p. 23.

deliberately instigated and sustained by these vested official interests in order to foil any reinvigorated peace initiative. Any lasting peace in the region is likely to put the settlers in a weaker position because full implementation of the accord—such as the establishment of a land commission—would ensure more rights and privileges for the indigenous people.

Violence also continues between Jumma insurgents and the government security forces. For example, a gunfight took place between UPDF activists and the army at Badalchhari at district headquarters in Rangamati District on May 11, 2009.⁶² Government soldiers apparently began a raid to arrest suspected insurgents, and UPDF members responded by opening fire on them. The army fired back, killing two activists. Soldiers also recovered a huge number of arms and ammunition.⁶³ Such confrontations continue in the countryside as well.

Conclusion: Toward the Future in the CHT

A political treaty can be considered a failure if its intended objectives are not achieved. In the CHT region, the 1997 accord has failed to ensure stability, establish peace, and protect the culture and identity of the indigenous communities. This is largely because of the “top-down” process by which the accord was formulated and its non-implementation due to the erosion of political will on the part of the central state. The AL’s own preferences reigned supreme over the arguments and concerns of other stakeholders, especially the BNP and the Bangali settlers in the CHT, when negotiating the accord. Nor did the accord witness direct participation of any international actors, even though international donors and human rights organizations were important advocates of it. As a consequence, the accord did not generate widespread acceptance and support, and ultimately lost its vigor. Yet, the accord was not only a positive attempt to establishing lasting peace in the region, but it could also have set an example for conflict resolution for South and Southeast Asia if it had succeeded in its objectives. The grievances of the indigenous people of the CHT continue to be manifold—political, economic, and cultural. Such a situation calls for adopting policies that are acceptable to all stakeholders.⁶⁴

The Norwegian model of Sametinget (Sámi Parliament) may provide a viable example of how to initiate a long-lasting peace process in a conflict

62. Sub-district situated at the district headquarters.

63. *Daily Star* (Dhaka), May 12, 2009.

64. S. Nagel, *Handbook of Public Policy Evaluation* (Thousand Oaks, Calif.: Sage Pub., 2002).

prone region.⁶⁵ The main function of the Sametinget is to uphold the rights and privileges of the Sámi minority in Norway. It is entrusted with the power to “adjudicate upon land use and investment in agricultural projects, the establishment of new businesses and industrial concerns, environment protection and development. It also enables the Sámi people to protect and develop their language, culture, heritage, and social life.”⁶⁶ As a result, the Sámi people have their own constitution and a flag. The autonomous Sametinget has enabled the indigenous Sámi people to live in peaceful coexistence with the rest of Norwegian society. This has been a win-win situation for both Norway and also for the Sámi people. Such a comprehensive and systemic approach to conflict amelioration may also be applicable to the CHT case in Bangladesh as well.

The CHT was in a situation of stalemate from 2001–06 under the BNP-led government, which opposed the accord from the outset. However, the political scenario changed in 2007 when an emergency caretaker government took power. A few positive trends were observed during the tenure of this caretaker government including the creation of three judges’ courts in the three districts comprising the CHT region and the decision to call a meeting of the CHT Affairs Ministry Advisory Committee—the first such meeting after five years of suspension under BNP rule.⁶⁷ However, implementation of the 1997 accord was not a top priority for the caretaker government, which insisted that its major task was to hold general elections at the end of 2008 and hand over power to a democratically elected government. The parliamentary election held in December 2008 completely reshuffled the political scenario and brought the AL and its allies back to power. As the champion of the accord, the AL government holds the key

65. The Sámi are indigenous people who inhabit mainly the northern region of Scandinavia. In Norway, their conflict with the mainstream Norwegian populace intensified when a dam was constructed on the Alta-Kautekeino River in the late 1970s, even though the decision to build the dam was made in the early 1960s. This situation resembles the building of the Kaptai Dam in the CHT region. Both these situations led to massive protests. However, the approach to solving these conflicts differed. In Norway, the Sámi people were given political autonomy through the establishment of Sametinget, which allows them direct election. The first such election took place in 1989. For details on the Sametinget, see <<http://www.samediggi.no/artikkel.aspx?AId=884&back=1&Mid1=270>>.

66. Jamil and Panday, “The Elusive Peace Accord,” p. 485.

67. Naeem Mohaiemen, “Chittagong Hill Tracts and the Missing Pahari Vote,” *Daily Star*, January 12, 2008. The government’s decision to set up the three judge court was a follow up activity of the High Court’s order (given on February 24, 2008) to set up civil and criminal courts in the three hill districts of Rangamati, Khagrachhari, and Bandarban. The importance of setting up these courts was immense because CHT residents had been deprived of their equal rights to law and justice in the absence of civil and criminal courts in the three districts. In the verdict, the court also mentioned such a realization.

to its implementation. In fact, it has formed an implementation committee under the chairmanship of the deputy leader of Parliament.

At the time the CHT peace accord was signed in 1997, almost one-third of Bangladesh's army (about 30,000 soldiers)⁶⁸ was deployed in the region to contain the armed struggle, resulting in a heavy burden on the national exchequer. A sizable number of these troops are still stationed there. Any escalation of the conflict may boost their numbers even further, putting an even heavier burden on the country's treasury. Armed conflict will also raise security concerns in India and Burma. For example, India has long had problems with secessionist movements in its eastern provinces, and Burma has numerous ethnic groups opposing the military regime. Both governments may feel uneasy with any escalation that might threaten peace and destabilize security in the CHT region of Bangladesh.

In order to create a win-win situation, the present AL government needs to build consensus for the accord, implement it fully, and ensure that the institutions created on behalf of the CHT region and the Jumma people function properly. As alluded to earlier, the Norwegian model of the Same-tinget provides one such model of a comprehensive settlement. At minimum, the state must abandon its repressive and discriminatory strategies, in favor of pursuing a political solution. Without these elements of a comprehensive solution, state legitimacy, regional security, and trust between settlers and indigenous people in the CHT will remain distant, and the violent conflict in the CHT is likely to endure well into the future.

68. See <<http://www.angelfire.com/ab/jumma/resist/military.html>>, accessed November 5, 2009.