

A Review of

# Chittagong Hill Tracts Peace Accord



Salahuddin M Aminuzzaman



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# Contents

Introduction .....	01
An Overview of the CHT Affairs .....	02
A Review of the Roles of Different Political Regimes (post 1975) ...	10
Zia Regime (1975-1981) .....	11
Ershad Regime (1981-1990) .....	12
Caretaker Government (December 1990-March 1991) .....	14
Democratic Regime .....	15
Bangladesh Nationalist Party (BNP) Government (1991-1996) ..	15
Bangladesh Awami League (AL) Government (1996-2001) .....	19
The BNP Government (2001-2006) .....	23
Bangladesh Awami League (AL) Government (2009-2022) .....	27
Formation of the CHT District Council .....	29
Observations .....	33
Role of Parliamentarians in the peace process .....	36
Concluding Note .....	38
Way forward for CHT .....	42

# **A Review of the Chittagong Hill Tracts (CHT) Peace Accord**

Salahuddin M Aminuzzaman\*

## **Introduction**

Bangladesh is an emerging democracy in South Asia having a population of about 160 million, characterized by her poverty and some of the critical features of a soft state. It is one of the most densely populated countries in the world having an area of 148,393 sq. km. Bangladesh is also largely a rural country with about 85% of its population living in the rural areas. Bangladesh is essentially a homogenous society with a little over 2 percent of its population belonging to different indigenous groups. Most of these indigenous peoples live in the Chittagong Hill Tracts area in the south-eastern part of Bangladesh.<sup>1</sup>

On December 2, 1997, a peace accord was signed between the Government of Bangladesh (GoB) and the Parbatya Chattagram Jana Samhati Samiti (PCJSS or United People's

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<sup>1</sup>The Chittagong hill tract (CHT) is a range of hills in South Eastern Bangladesh covering about 13184 square kilometer, about one-tenths of the land territory of Bangladesh. The CHT has as many as 13 different indigenous ethnic groups.

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Party of the Chittagong Hill Tracts - CHT), the political front that has waged an armed struggle for the autonomy of the CHT since the mid-1970s. The accord has been hailed internationally as a successful case of conflict resolution, it involved no third-party mediations or direct interventions by international actors, nor was civil society incorporated within the peace process. Though the Accord received acclamation from the world community, including the UN through the awarding of the UNESCO Houpet-Felix Boigny Peace Award in 1999, the CHT Jumma people still live under duress and hardly peacefully, with continuous pressure applied by the civil administration, staffed with non-indigenous and non-local officials and communal attacks by Bengali settlers. The latter received direct support from many camps of the Bangladesh security forces. However, this paper attempts to make an inquiry into the processes and politics of conflict and peace building in CHT Bangladesh with a primary emphasis to assess the role of the Parliament and the members of parliament (MPs).

Due to the lack of adequate relevant credible research materials on the CHT peace negotiation process, this research work has been primarily dependent upon interviews with selected government officials, military personnel and political leaders and MPs. However, in most cases government officials and military personnel were either unwilling to express their opinions or maintained conditions of anonymity. The researcher also heavily depended on the content analysis of coverage of the leading national dailies and other media reports on the peace process.

## **An Overview of the CHT Affairs**

Situated in south-eastern Bangladesh, the CHT occupies a physical area of 5,093 square miles, constituting 10 percent of

the total land area of Bangladesh. The region comprises three districts: Rangamati, Khagrachari, and Bandarban. The area is important to the policy planners of Bangladesh for strategic and economic reasons. It is surrounded by the Indian states of Tripura on the north and Mizoram on the east, by Myanmar (formerly Burma) on the south and east, and by Chittagong (now renamed as Chattogram) district on the west. The ongoing insurgency in the Indian northeast and Myanmar increases the CHT's importance for the military planners of Bangladesh. The region is also rich in natural resources. Gas, coal, and copper deposits have been found in the Miani Reserve Forest.

The three districts of the CHT region, namely; Rangamati, Khagrachari, and Bandarban encompass seven main valleys formed by the Feni, Karnufuli Chengi, Myani, Kassalong, Sangu and Matamuhuri rivers. Their tributaries and numerous hills, ravines and cliffs are covered with dense vegetation, which is in complete contrast to most other areas of Bangladesh, that consist mainly of alluvial lands. Geographically the CHT can be divided into two ecological zones: (a) hill valley and (b) agricultural plains.

According to the 2011 census, the population of CHT is 15,98,291. Of the total population in the CHT, 47% are Bengalis, 26% Chakma and 12% Marma, and 15% comprises the other tribes. Each of these tribes possess unique characteristics, history, evolutionary process and ancestral linkages.<sup>2</sup>

Brought under the direct administration of British colonial power in the nineteenth century, the CHT has a political history unique to Bengal. In 1860, by Act XXII of the Commonwealth, the hill and forest tracts to the east of Chittagong district were withdrawn

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<sup>2</sup>Md Sarwar Hossain, Chittagong Hill Tracts land issue, Daily Star, Wed Sep 25, 2013

from the jurisdiction of the civil, criminal, and revenue courts and offices of the Regulation district of Chittagong. It was made into a separate district, known as the Chittagong Hill Tracts (CHT), and placed under the administration of a superintendent. In 1881, the government of Bengal divided the CHT into three circles; Chakma, Bohmang, and Mong each of which was placed under the administration of a government-appointed chief<sup>3</sup>. In 1900, the government promulgated the CHT Manual, which detailed the rules and regulations for administering the CHT, and placed the region under the administration of a deputy commissioner, who presided over all civil, criminal, and jurisdictional matters. The circle chiefs retained power over customary matters but were formed into an advisory council primarily to assist the deputy commissioner. The Hill people remained largely unaffected by these developments, since their local structures were not altered.

During the partition of the then India and Pakistan, the circle chiefs of CHT demanded that the British, the Congress, and the Muslim League recognize their regions as native states. They later demanded a confederation with the Indian states of Tripura, Cooch Bihar, and Khasia. The Marma chief, by contrast, suggested a union with Burma. Ultimately, the Bengal Boundary Commission, headed by Cyril Radcliffe, awarded the CHT to Pakistan<sup>4</sup>. However, since the independence of Bangladesh from Pakistan, the relationship between the Government and tribal CHT people has been tainted with strain, mistrust and antagonism<sup>5</sup>. In fact, during the Liberation War

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<sup>3</sup>Siddharta Chakma, *Proshongo Parbattya Chattagram* [The context of CHT] (Calcutta: Nath, 1986), pp. 3-13

<sup>4</sup>Kamini Mohan Dewan, *Parbattya Chattagramer Eik Deen Shevoker Jiban Kahini* [The autobiography of a humble servant of CHT] (Rangamati: Dewan, 1970), pp. 146-148.

<sup>5</sup>For detail see Amina Mohsin, *The Politics of Nationalism – The Case of the Chittagong Hill Tracts Bangladesh*. Dhaka: UPL 2002



of Bangladesh in 1971, Chakma King Raja Tridib Roy took the side of Pakistan resulting in a wrath from the plain people toward the hill tracts people.<sup>6</sup>

The process of alienation and identity formation for the Hill people of Bangladesh is rooted in the political and economic policies adopted by the state. Especially the constitutional political measures taken in the name of Bengali/ Bangladeshi nationalism threatened their cultural and ethnic identity. Subsequently to counter such moves the Hill people formed the Parbattya Chattagram Jana Samhati Samiti (PCJSS), a political body, in March 7, 1972. In January 1973, they added the Shanti Bahini, (SB- literally meaning “peace force”), a military wing. By the mid-1980s the PCJSS began referring to the Hill people as Jumma, an identity they had formed to unite the different communities of the Hill to counter the dominance of Bengali/ Bangladeshi nationalism.

The Hill people sought constitutional safeguards for their protection and recognition as a separate community within the new state. As Bangladesh proceeded with the framing of its constitution, a Hill people’s delegation, led by Manobendra Narayan Larma, called on the father of the nation Bangabandhu Sheikh Mujibur Rahman, the then Prime Minister of Bangladesh, and made the following demands<sup>7</sup> : i. Autonomy for the CHT with its own legislature; ii. Retention of the 1900 CHT Manual, iii. Continuation of the offices of tribal chiefs, and iv. Provisions restricting the amendment of the CHT Manual and imposing a ban on the influx of non-tribal people into the CHT.

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<sup>6</sup>Rashed Khan Menon, Free the CHT of military intervention, Dhaka Courier, 5 June 1992

<sup>7</sup>Selina Haq and Ehsanul Haque, Disintegration Process in Action: The Case of South Asia, Dhaka: Bangladesh Institute of Law and International Affairs 1990), pp. 44-46

Prime Minister Bangabandhu Sheikh Mujibur Rahman did not accept the demands, advising the Hill people to assimilate the new, nationalist Bengali identity. Mujib underpinned his advice with a threat to effectively marginalise the Hill people by sending Bengalis into the region. The Constitution of Bangladesh, adopted on November 4, 1972, further incorporated the ideals of Bengali nationalism to the exclusion of the state's non-Bengali population. In its preamble, and reiterated in Article 8, the constitution accepted "nationalism", "socialism," "democracy," and "secularism" as state principles. Article 9 defined the basis of state nationalism as Bengali nationalism: "The unity and solidarity of the Bengali 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 Bengali nationalism".

Larma, however, refused to endorse the constitution and argued against it in Parliament. He noted that: "You cannot impose your national identity on others. I am a Chakma, not a Bengali. I am a citizen of Bangladesh, Bangladeshi. You are also Bangladeshi but your national identity is Bengali<sup>8</sup>.... They [Hill people] can never become Bengali." However, Larma's contentions failed to make any impact on the Bengali policymakers. As a state, Bangladesh was the outcome of an intensely nationalist movement, and Bengali nationalism was seen by policy-makers as all encompassing. Article 1 of the constitution declared Bangladesh to be a unitary state, ruling out any possibility of a separate legislature or autonomy for the CHT. Article 3 specified Bengali as the state language, and Article 6 declared that the citizens of Bangladesh were to be known as "Bengalis". And later not Article 6(2), amended in 1977, declared that "The people of Bangladesh shall be known

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<sup>8</sup>Parliamentary Debates, Government of Bangladesh, October 31, 1972, p.452

as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshis”. These provisions particularly aggrieved the minority communities and were seen as clear acts of the state’s identification and patronization of the dominant community at the cost of minorities.

On the refusal of Bangladesh to recognize the cultural distinctiveness of the Hill people and the subsequent political and economic policies it adopted gave rise to a sub nationalist movement in the CHT. The PCJSS, formed its armed wing Shanti Bahini (SB) in 1973. And they started their full blown activities after the assassination of Sheikh Mujib on August 15, 1975<sup>9</sup>.

Prior to 1975, Larma had sought Indian help, but owing to close relations between the Prime Minister Mujib regime and the Indian government his requests were denied. However, with Sheikh Mujib’s assassination the equation changed. Initially there had been within Bangladesh an element of gratitude towards India because of its supportive role for the Bangladesh liberation movement, but the economic crisis facing the country in the post-independence period was largely blamed on India. Prime Minister Mujib was accused of being too friendly toward India. Non-recognition of the cultural distinctiveness of the Hill people by the state of Bangladesh has been a major grievance of the Hill people. Manobendra Narayan Larma, the Hill people’s representative in the National Parliament, strongly protested the constitutional provision that imposed Bengali nationality on the entire population of Bangladesh and rejected the constitution itself when it was adopted in 1972. The adoption of Bangladeshi nationalism at the constitutional level also failed to redress

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<sup>9</sup>Pawan Mathur, *Analysis of Chittagong Hill Tracts Conflict in Bangladesh*. New Delhi: Society for Policy Studies (SPS). 2015 Dec.

the Hill people's concerns, since it was formulated around the cultural and religious identity of the majority community.

Against this backdrop, India decided to support the Hill people's movement. SB headquarters was established in Tripura, and SB personnel were trained and armed by the Indian military<sup>10</sup>. By the mid-1970s, the SB had started a full-scale insurgency in the Hills. From 1978 to 1989, the SB conducted major offensives within the CHT, targeting not only the Bangladeshi military but also the Bengali settlers' villages, which were repeatedly set on fire. According to government sources, between 1980 to 1991, 1,180 people were killed by the SB, including 182 Hill people; 582 were kidnapped, 181 of whom were Hill people. In total, about 4,000 persons residing in the CHT, which included the Bengali settlers as well as the Hill people, were injured by SB-initiated bomb blasts, gunfire, or arson<sup>11</sup>. The government responded by undertaking a full-scale militarization of the CHT. The general commanding officer of the Chittagong division was charged with administration of the CHT. During this period, the military controlled the political and economic lives of the Hill people, and massive violations of human rights took place. The Jumma people have become targets of victims of policies of population transfer, land eviction, cultural assimilation and ethnic discrimination by successive regimes of Pakistan and then Bangladesh. In their two decades old struggle for autonomy, they have been targets of extra judicial executions, rape, torture and forced relocation.

During the military regime of Ziaur Rahman around 400,000 Bengali settlers were encouraged to settle in the CHT region

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<sup>10</sup>Subir Bhaumik, *Insurgent Crossfire: North-East India* Delhi: Lancer Publishers, 1996

<sup>11</sup>S. M. Ibrahim, *Parbattya Chattagram Shanti Prokria 'o Poribesh Poristhitir Mullayan* [The peace process of CHT and an evaluation of its situation] (Dhaka: Mawla, 200 1), p. 118.

as he began the process of rehabilitating thousands of landless Bengalis there. He also allocated 60 million Takas to a scheme for the settling of 30,000 Bengali families in the CHT region in 1979. These settlers began to acquire the land forcefully from the Jumma people that led to massive displacement of the indigenous Jumma people.<sup>12</sup>

In the 1980s, the rehabilitation of landless Bengalis to CHT continued under the regime of President H.M. Ershad. There were allegations of gross human rights violation of the tribal people in this period like violence, rape, murder, forceful religious conversions, and displacement from land. Around 70,000 Jumma people took refuge in India, and another 100,000 were displaced. Moreover, these acts were committed by security personnel in the CHT with impunity and none of the major political parties condemned the atrocities committed by the military in the region. In the late 1980s, as military officials started to gain profits from the plantations and forest resources of the CHT area making it a fiefdom of the military.<sup>13</sup>

The CHT scenario dramatically changed after the independence of Bangladesh in 1971, due to different government strategies. The Bengali resettlement project was the most important factor in this demographic change causing the declining trend of the Jumma population. The percentage of Bengalis in the CHT rose from 9% in 1951 to 41% in 1981. In 1991, the total Jumma population of the CHT had increased in number, but had decreased as a percentage to 51.43% of the total population of

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<sup>12</sup>Pawan Mathur, *Analysis of Chittagong Hill Tracts Conflict in Bangladesh*. New Delhi: Society for Policy Studies (SPS). 2015 Dec.)

<sup>13</sup>Amena Mohsin (2001), "Bangladesh: An Uneasy Accommodation" in Mutiah Alagaappa (ed.) *Coercion and Governance: The Declining Political Role of the Military in Asia*, Stanford University Press: Stanford: Pg. 220.

the CHT area. The Jumma people realised that they would soon become a minority in their own region.<sup>14</sup>

The United Nations development program (UNDP) at this stage appeared to be a balancing catalyst. The UNDP launched the Chittagong Hill Tracts Development Facility (CHTDF) to support the Promotion of Development and Confidence Building in the CHT. The CHTDF also works to promote peace and social cohesion across the region by supporting the establishment of community policing, sensitization of youth and police in sports for peace camps.<sup>15</sup> Similarly the European Union (EU) contributed an amount of €23.5 million out of the total budget of €42 million of the UNDP Program for “Promotion of Development and Confidence Building in the CHT”. The EU has also funded Local Trust-Builders Network, in partnership with UNDP, Sweden, Denmark, Japan and the United States to promote peace-building in the region<sup>16</sup>.

## **A Review of the Roles of Different Political Regimes (post 1975)**

The Chittagong Hill Tracts (CHT) Peace Accord, like most peace accords, is the outcome of a protracted negotiation process.<sup>7</sup> The initiative for a negotiated settlement primarily

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<sup>14</sup>Ranjan Saha Partha, The consequences of Chittagong hill tracts (CHT) peace accord at the village level: Case study of Khagrachari hill district in Bangladesh. *Journal of International Development and Cooperation*, 2016, 22(1), 1-14)

<sup>15</sup>United Nations Development Program (2013), Chittagong Hill Tracts Development Facility: What Is the Project About? [http://www.bd.undp.org/content/bangladesh/en/home/operations/projects/crisis\\_prevention\\_and\\_recovery/chittagong-hill-tracts-development-facility.html](http://www.bd.undp.org/content/bangladesh/en/home/operations/projects/crisis_prevention_and_recovery/chittagong-hill-tracts-development-facility.html).)

<sup>16</sup>Kapaeng Foundation (2011), Chittagong Hill Tract: EU Restates Commitment to Indigenous Rights, September 6, Unrepresented Nation and Peoples Organisation. <http://www.unpo.org/article/13147>)

came from the government of Bangladesh. This section of the paper attempts to make an overview of the peace negotiation process over the last two decades and the degree of involvement of the members of the parliament and / or the parliament as an institution have been assessed during various political regimes.

### ***Zia Regime (1975-1981)***

General Zia came to power in 1975 after a series of coup and counter coups. The first attempt to bring the insurgents to the negotiating table was in 1977, during the regime of President Ziaur (Zia) Rahman through the creation of a tribal convention. The Hill people were represented by their local leaders, who attempted to bring the Shanti Bahini (SB) to the negotiation process. The tribal convention held four rounds of talks with the PCJSS during July 1977 and December 1978 with the objective of preparing a ground for political dialogue between the GoB and the PCJSS. The initiative failed, however, due to lack of trust between and within the parties. Zia identified the problem of the CHT as an economic one and established the Chittagong Hill Tracts Development Board (CHTDB) in 1976 for the economic development of the region. But for the Hill people, the question was their identity, not economic development alone, and hence they did not respond positively to the board. President Zia's attempts could be seen as more of a bureaucratic – military approach. There was hardly any role for the elected political leaders and for that matter, Members of Parliament. The whole initiative was centred around the President and his charisma and a few handpicked tribal leaders.

In 1979 the GoB undertook drastic programme to settle Bengali Muslim population from other plain districts of Bangladesh to CHT for outnumbering the Jummas and evicting them from their ancestral land. As a result, thousands of indigenous people were

displaced from their ancestral lands. The government-sponsored Bengali settlers have been committing series of ethnocides by occupying the lands of the Jummas and torturing them. This is one of the tactics adopted by successive Governments to evict the Jumma peoples from their ancestral land and Islamisation of CHT. Even after the signing of the Accord, land grabbing process is still continuing throughout the CHT. The CHT region which was once a pre-dominant non-Bengali Muslim area, has now become a Bengali Muslim area by Islamisation policies of the governments<sup>17</sup>.

### ***Ershad Regime (1981-1990)***

The process of peace-making was reopened during the regime of President General Hussain Muhammad Ershad in the early 1980s. By then the government had come under pressure from donor countries and international human rights agencies to correct the situation in the CHT. In fact, in 1985 a dissident faction of the SB, the *Priti* group, surrendered as a result of Ershad's initiatives<sup>18</sup>. There was, however, no agreement on substantive administrative changes in the CHT, though the government agreed to return the illegally dispossessed lands to the affected Hill people. It is also to be noted that the peace negotiation was not a formally announced process and the major actors acting on behalf of the government were senior military and intelligence officers.

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<sup>17</sup>Ushatan Talukder, Secretary for Political Affairs, Parbatya Chattagram Jana Samhati Samiti (PCJSS), Chittagong Hill Tracts Issue and Post-Accord Situation, International Conference on Civil Society, Human Rights and Minorities in Bangladesh, January 2005)

<sup>18</sup>Historical Chronology of Chittagong Hill Tracts (CHT), Earth Touch, March 1998.



Ershad created three district councils for the three Hill districts. During his regime, through the passage of a parliamentary act on February 18, 1989, established three local government councils for the districts of Rangamati, Khagrachari, and Bandarban. Each of these councils is headed by an indigenous chair and is composed of thirty members, of whom two thirds are indigenous and one-third Bengali. The indigenous seats are proportionately divided on the basis of population among the various groups of the districts. The district council is elected directly on the basis of adult franchise and is responsible for the following twenty-two areas: law and order; coordination of development works; primary and secondary education; health; public health (nutrition, sanitation, immunisation, etc.); fisheries; agriculture and forestry; livestock; cooperatives; small and cottage industries; social welfare; art and culture; non reserved roads and bridges; recreations, games, and parks; rest-houses; ferries; implementation of government sponsored development projects; communication facilities; water supply and sewerage; local multipurpose development; religious and moral affairs; and local control over sale, settlement, and leases of land. The district council is also responsible for formulating its own budget. The district councils were rejected by the PCJSS on the grounds that the parliamentary act that had created them had no constitutional basis.

The Ershad regime undertook another initiative in 1988. Observers noted<sup>19</sup> that there were compulsions both internal and external on Ershad for initiating the peace process. This time the negotiations were more formal and detailed, with the government recognizing and acknowledging that since the PCJSS was pursuing the movement on behalf of the Hill people, it would need to deal directly and primarily with the PCJSS.

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<sup>19</sup>Observed by a senior military officer in his interview with the researcher

The PCJSS, for the first time since the outbreak of the insurgency, put forward its minimum acceptable demands to the government: (1) autonomy for the CHT, including establishment of its own legislature, renaming of the region as Jummaland, and constitutional recognition of the Jumma nation's right to self-determination; (2) removal of Bengali settlers who had entered the CHT after August 1947 (i.e., after the independence of Pakistan); (3) withdrawal of Bangladeshi security forces from the CHT; (4) retention of the CHT Manual of 1900 and a constitutional provision restricting any amendments to it; and (5) deployment of a UN peacekeeping force. But the government rejected these demands on the grounds that they lay outside the framework of the Bangladeshi Constitution. The PCJSS refused to alter its position and withdrew from the talks. The government, however, carried on negotiations with a number of indigenous leaders from within the CHT, which resulted in the formation of district level councils following the pattern of autonomous district councils in north-eastern India. All negotiations during the Ershad era were exclusively undertaken by the senior military and para military officers with the assistance of the senior civil servants. There was hardly any role for or involvement of, the political leaders or MPs.

### ***Caretaker Government (December 1990-March 1991)***

After the fall of the Ershad government, tribal students formed the Pahari Chhatra Parishad (Hill Students' Association), and held press conferences and rallies in support of demands such as the dissolution of the three local government councils, modification of the voter-list of the three hill districts; and deferment of the proposed parliamentary election until the return of all refugees from India. But on 30 December 1990, while on a trip to Rangamati (one of the three hill districts), the then Acting (caretaker) President Justice Shahabuddin

Ahmed, categorically rejected the demand for the dissolution of local government councils. On the other hand, the move for finding a political solution was intensified. Entirely in keeping with the Pahari Chhatra Parishad's demands, the Government of Bangladesh made an overture to India for a district level bipartite meeting to facilitate the return of the refugees before the scheduled election.

Immediately before the election, a six-member liaison committee headed by Hongsodhaj Chakma, a Khagrachari based politician, was formed to act as a go-between in an effort to open a dialogue with PCJSS. It may be mentioned that in November 1990 the PCJSS set three preconditions for the dialogue: i. setting up of a parliamentary committee on CHT, ii. putting a minister at the head of the delegation and iii. announcement of the names of the members of the delegation beforehand. These conditions were rejected by the Government of Bangladesh. In January 1991, the PCJSS again reiterated the three-point demand.

## ***Democratic Regime***

### **Bangladesh Nationalist Party (BNP) Government (1991-1996)**

The narrow approach of the successive military regimes thus aggravated the problem of integration of the indigenous people. And even after a civilian government was formed in Bangladesh in 1991 under Khaleda Zia, this trend of settling landless Bengali settlers in the CHT region continued. Moreover, the growing militarization of the CHT region fuelled the armed conflict in the CHT region that continued till the mid-1990s<sup>20</sup>.

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<sup>20</sup>Pawan Mathur, *Analysis of Chittagong Hill Tracts Conflict in Bangladesh*. New Delhi: Society for Policy Studies (SPS). December, 2015

The Bangladesh Nationalist Party (BNP), under Prime Minister Begum Khaleda Zia, reopened the negotiations in the 1990s. By that time, it had become evident that the CHT issue would be settled politically. After the election and installation of a democratic government, the newly elected Prime Minister Begum Khaleda Zia reiterated that “Arms and terrorism cannot bring solution to any problem, we want a political solution to the problem. There is a democratic government now in the country which wishes to resolve all problems politically<sup>21</sup>. This opened a new gateway for political negotiation. A Committee was constituted by the Government on 9 July 1992 with the responsibility of recommending measures for the solution of the prevailing problems in the Chittagong Hill Tracts area<sup>22</sup>. The Committee was headed by the Communications Minister, Oli Ahmed, and consisted of eight other members of the Jatiyo Sangsad (Parliament) representing the ruling Bangladesh Nationalist Party (BNP) and major opposition parties - the Awami League, Workers’ Party and Jamaat E-Islami. The committee was directed to submit the recommendation within two months. The Committee, formed by the parliament members, was the first of its kind and aimed at finding solutions to the problems of the CHT through the democratic and peaceful processes of dialogue and participation of all concerned. It started work in earnest and had, by the middle of September 1992, held interviews and talks with more than 3000 inhabitants, representing various social segments and political and ethnic groups, of the Hill districts of Khagrachari, Rangamati and Bandarban. The positive response of the leaders and peoples of the CHT area manifested the use and effectiveness of the peaceful political initiatives.

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<sup>21</sup>Public lecture in the Chittagong Hill Tracts during her visit there on 25 August 1992, Daily Star 26<sup>th</sup> August, 1992

<sup>22</sup>The formation of the committee followed the first ever state visit to India by Prime Minister, Begum Khaleda Zia and her meeting with the Indian Prime Minister, Narasimha Rao during late 26-28 May 1992.

The Oli Ahmed committee met with the SB seven times. There was also a sub-committee led by Mr. Rashed Khan Menon. The committee met as many as 6 times<sup>23</sup>. All these meetings were held in camera. Governmental sources did not disclose the content of the dialogues. There was no feedback to the parliament. It is however reported in the media, that the Parliamentary Committee led by Oli Ahmed and the sub-committee led by Rashed Khan Menon prepared a draft accord but due to the boycott of the major opposition party, the Awami League, the accord could not be formally approved.<sup>24</sup>

The commendable work of the committee set the stage for talks with the Parbatya Chattagram Jana Samhati Samiti (PCJSS), the political front of the Shanti Bahini. Subsequently, the first-ever talks between the Committee composed of MPs and the PCJSS were held in Khagrachari on 5 November 1992. The Committee was led by Col (Retd.) Oli Ahmed, Communication Minister while the five-member PCJSS team was led by Mr. Shantu Larma. The meeting reached an agreement to extend the “ceasefire” by the Shanti Bahini in the Chittagong Hill Tracts until December 31 and to hold the next round of talks within one month to reach an acceptable political settlement of the problem in CHT.

The Committee made significant progress in political dialogue and confidence building, however, there were concerns and criticisms about its composition. Two Awami League Parliamentarians (the major opposition party at the time), who were members of the Committee, emphasized the need for inclusion of all three members of the Parliament representing the three hill districts. But the committee included only one such

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<sup>23</sup>Jana Kontha 10<sup>th</sup> Feb 1998 and Bhorer Kagoj 30 Dec 1997.

<sup>24</sup>New analysis published in Bhorer Kagoj, 30<sup>th</sup> December 1997

M.P. in the Committee, Mr. Kalpa Ranjan Chakma representing the Khagrachari district.

The SB responded to the peace offer by unilaterally declaring a ceasefire from August 1, 1992, which was extended routinely every three months (about thirty-five times) until December 1997. The regime also formed a parliamentary sub-committee led by Rashed Khan Menon, a left-wing MP to further negotiate the detailed aspects of rehabilitation and political accommodation. Significant breakthrough was made by the initiatives of the Parliamentary Committee on peace initiatives. For the first time, some kind of ‘mutual respect, understanding and confidence’ was seen to be developing from the process. Subsequent to the process, in December 1992, the PCJSS revised its charter and modified its demands: (1) regional autonomy for the CHT with a regional council recognized by the Constitution; (2) restoration of land rights to the tribal people with a ban on allocation of land to the Bengalis from the plains; (3) withdrawal of the military from the CHT; (4) constitutional recognition of ethnic minorities and a guarantee that their rights would not be altered without their consent; and (5) withdrawal of Bengalis settled in the Hills since August 17, 1947.

The PCJSS demanded that the Constitution recognize the CHT as a special administrative unit with regional autonomy. The PC team however did not accept some of the demands, but the negotiations continued in the spirit of compromise<sup>25</sup>.

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<sup>25</sup>P. Sahadevan, *Coping with Disorder: Strategies to End Internal Wars in South Asia*, Regional Center for Strategic Studies (RCSS) Policy Studies No. 17 (Colombo: RCSS 2000), pp. 165-168.

## **Bangladesh Awami League (AL) Government (1996-2001)**

The Awami League Party, which came to power in 1996, reopened the negotiations. Interestingly Awami League won all three parliamentary seats in the CHT and made election promises to initiate a political solution to bring peace in the CHT. A twelve-member national committee on CHT affairs was formed incorporating two MPs drawn from the major opposition BNP and the Jatiyo Party. The BNP MP however, never participated in the national committee. After seven rounds of negotiations, a peace accord was finally signed. While the 1997 accord had built and consolidated on the earlier attempts at peace-making in the CHT, it had failed to address the major demands and concerns of the Hill people. The form and extent of political autonomy, demilitarisation of the CHT, and withdrawal of Bengali settlers were the key demands of the PCJSS, and the negotiations during the previous regimes had come to a halt due to the divergent positions of the GoB and the PCJSS on these issues. Yet in 1997, the PCJSS acceded to the position of the GoB, though the latter also compromised on the question of autonomy and allowed the Hill people to establish an autonomous regional council.

The first meeting with the Chief Whip Hasnat Abdullah and the PCJSS was initiated at Khagrachari in November 1997. The PCJSS had a series of meetings with the Chief Whip and the co-negotiators between 11 to 14 May, 1997. The second phase of dialogues took place between 26 November to 2 December, 1997. Subsequently the historical Peace Accord was signed on 2 December, 1997<sup>26</sup>. Cabinet approved the peace accord in its meeting held on 22 December, 1997.

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<sup>26</sup>*Jana Kantha*, 10<sup>th</sup> Feb 1998

The peace accord recognized the Ministry of CHT Affairs (MoCHTA)<sup>27</sup>, which is to be headed by a tribal person and is to function as an apex body with supervisory and executive authority over the CHT's system of self-government. The PCJSS demand for three reserved seats in the National Parliament for Hill people of the CHT constituency was rejected on the grounds that three seats are already reserved for the CHT region. These seats, however, are reserved for the geographical constituency of the CHT and not for the Hill people alone. Any Bengali from the CHT may thus be elected. With the present demographic composition of the CHT, where Bengalis constitute 50 percent of the population, this is not an impossible scenario.

The accord does not provide for the creation of an independent/neutral monitoring team to assess the progress of implementation. There is, however, a provision for the creation of an implementation committee to review the progress of the peace process. This three-member committee is composed of: i. the Chief Whip to Parliament, who is a nominee of the prime minister and member of the ruling party; ii. an Awami League Member of Parliament from the CHT; and iii. Shantu Larma, the leader of the PCJSS. The partisan nature of the committee is evident, and it is not surprising that the government representatives and the PCJSS leader could never agree on the pace of implementation. In early 2001, the government

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<sup>27</sup>The ministry has its genesis in the government's special affairs division, which was formed during the military regime of H. M. Ershad continued through the civilian regimes of Khaleda Zia and Sheikh Hasina. The special affairs division was composed of the chiefs of the three services of the armed forces—the army, air force, and navy; the general commanding officer of the Chittagong division; the brigade commanders of the CHT, and representatives from the ministries of home, finance, and foreign affairs. It was directly under the control of the chief executive—that is, the president and later the prime minister (in 1991 Bangladesh shifted from a presidential to a parliamentary form of government). There was no transparency or accountability of the special affairs division to the National Parliament.



maintained that 95 percent of the accord had been implemented, while the PCJSS maintained just the reverse. Since the October 2001 elections, the committee has been inactive and no new committee has been formed.

The district councils were formed on January 25, 1998, although they have not yet been given full powers. Shantu Larma took over as chair of the regional council on May 13, 1999, and the council was formally installed in Rangamati on May 27, 1999. The three district councils are supposed to be elected bodies, which in turn are supposed to elect the regional council but elections to the district council have not been held to date; rather, the former Awami League appointed its own followers as chairs of the councils, despite protests by the PCJSS. These chairs are looked upon by the PCJSS, as well as the Hill people, as government agents promoting and furthering government interests in the region. Following the change of regime in October 2001, the BNP government appointed two of its men in Khagrachari and Bandarban, while a neutral person was appointed in Rangamati.

The accord provides for the establishment of a Ministry of CHT Affairs (MoCHTA)<sup>28</sup>, an important concession in that political and economic autonomy has always been the major demand of the Hill people. They had demanded a separate legislature of their own in 1972; the *Dabeenama* (Charter of Demands) put forward by the PCJSS in its negotiations with the GoB also had autonomy as its main agenda. The Hill people had further demanded their own regional council with legislative powers and full authority to administer the region. At no point,

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<sup>28</sup>To begin with Prime Minister Khaleda Zia was in charge of the Ministry of CHT Affairs and Moni Swapan Dewan of the BNP and Member of Parliament from Rangamati is deputy minister. This has further strengthened the government's engagement and oversight of over the region.

however, was there any demand for a separate ministry for the administration of the CHT. The Ministry of CHT Affairs is part of the government machinery. After the peace accord, Kalparanjan Chakma, the Awami League Member of Parliament from the CHT's Khagrachari district, was appointed as CHT affairs minister. The MoCHTA is to oversee and coordinate the work of the various government ministries regarding the CHT. Yet the government has not framed any rules or given the necessary directives to the ministries. The Government of Bangladesh also formed a Peace Accord Implementation Committee (PAIC). The committee members were: Abul Hasnat Abdullah, Chief Whip of the Parliament, Refugee Affairs Task Force Chairman Dipankar Talukdar MP and PCJSS leader Santu Larma<sup>29</sup>. However, later the PAIC was converted into the Cabinet Committee on Implementation of the Peace Accord.

In September 2000, the National Parliament, through the addition of Article 17, Clause 2 to the CHT District Council laws, empowered the election commission to formulate a voter list for local elections within the CHT. According to Article 17, an individual is entitled to vote during the council elections if he or she is a citizen of Bangladesh, is over eighteen years of age, has not been declared mentally ill by any competent court, and is a permanent resident of the CHT. The PCJSS had demanded that the national electoral roll for the CHT also be formulated according to this law and that only permanent residents of the CHT be registered as CHT voters for the October 1, 2001, national elections. The government, however, refused to entertain this demand. Consequently, the PCJSS called upon the Hill people to resist the national elections in the CHT. The PCJSS boycotted the elections and, out of the

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<sup>29</sup>*Ajker Kagoj* 13 Feb, 1998

three constituencies in the CHT, the BNP won two seats and the Awami League won one.

## **The BNP Government (2001-2006)**

From the very first day of the formation of the BNP government in 2001, the BNP and Jatiya Party (Manju) with two hard-core (Jamāt–E-Islam and Islamic Oikya Jote) Islamic fundamentalist parties, violated basic clauses of the Accord and thus making it difficult to implement it.

For instance, in August 2003, in Mahalchari more than 350 houses of indigenous Jummas of 14 villages were burnt, and two people, including one eight-month old child were killed and 10 Jumma women were raped. This happened by the Bengali settlers led by uniformed and armed soldiers of the military. This is very ironic, as Bangladesh is the biggest contributor to the international UN Peacekeeping force but the same army is destroying peace in their own country. On 1 January 2005 the Bengali Muslim settlers from Maischari cluster village in Khagrachari district, with the help of military, constructed houses on the lands of Jummas. Moreover, since the CHT Accord was signed, the Bengali Muslim settlers with the help of security forces committed many large-scale communal attacks on the Jumma peoples to occupy the land.<sup>30</sup>

During the insurgency period, the army used violence against women as a counter-insurgency measure. Due to such policies, there were many incidents of soldiers or settlers abducting or raping women and then marrying them by force. One Human

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<sup>30</sup>Ushatan Talukder, Secretary for Political Affairs, Parbatya Chattagram Jana Samhati Samiti (PCJSS), Chittagong Hill Tracts Issue and Post-Accord Situation, International Conference on Civil Society, Human Rights and Minorities in Bangladesh, January 2005

Rights organization noted that “Before the signing of the peace treaty between the government and the Parbatya Chattagram Jana Samhati Samiti in 1997, rape was used as a weapon to suppress the indigenous community’s movement for autonomy”<sup>31</sup>.

From the very beginning, the peace accord was severely criticised by the major opposition party BNP. BNP considered that the peace accord was a gross violation of the Constitution of the Republic. The leader of BNP, Khaleda Zia complained in a public meeting that the Awami League Government was conspiring to handover the CHT to India<sup>32</sup>. The Standing Committee of the BNP and its parliamentary body warned the government that they would abstain from the parliament unless the peace accord was discarded by the government<sup>33</sup>. Another major opposition party, the Jatiya Party (JP), demanded various amendments to the peace accord in its parliamentary committee meeting. JP noted that they would table necessary amendments to the accord if it were tabled as a bill in the house<sup>34</sup>. Jamaat E Islami (JI) also announced its strong position against the accord and declared that the party would boycott the parliament<sup>35</sup>.

There were newspaper reports that the then Home Minister of the Awami league started a camera discussion with the general secretary of the BNP, the major opposition at that time, in order to come to an agreement on the peace accord<sup>36</sup>. The leader of the opposition met with the President and asked for his intervention

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<sup>31</sup>Tamanna Khan, Rape used as weapon - Indigenous women in CHT increasingly becoming victims of violence designed to displace them, The Daily Star, Jul 28, 2014

<sup>32</sup>Earth Touch, March 1988

<sup>33</sup>Mukta Kantha, 6 Feb 1998

<sup>34</sup>Daily Star 14 Jan 1998

<sup>35</sup>Ajker Kagoj, 13 Jan 1998.

<sup>36</sup>Mukta Kantha, 6 Feb 1998

to arrange a national roundtable on the CHT accord. The then President Shahabuddin reiterated his view that the CHT peace accord, as a national issue of highest importance, should be discussed by the government and opposition in the parliament<sup>37</sup>. Similarly, Sheikh Hasina, the then Prime Minister repeatedly appealed to the major opposition to attend parliament to discuss the peace accord and to initiate basic discussion on the various aspects of the accord<sup>38</sup>. Ironically when the BNP came to power in 2001, the party changed its position and opted for a more politically accommodative and pragmatic line. Though the Minister in charge of CHT Affairs in parliament, told the house that some provisions of the CHT Peace Accord, that are inconsistent with the Constitution needed to be reviewed<sup>39</sup>, in principle BNP accepted the accord and reiterated the party commitment for peace and development in the CHT.

The CHT Development Board (CHTDB) Chairman and the local BNP MP Wadud Bhuiyan on the other hand, had been insisting for the scarping of the Peace Accord and demanded a declaration of the PCJSS and UPDF as ‘terrorist organizations’<sup>40</sup>. The local MP also started a new movement called the Somo Odhikar Andolon (Equal Rights movement). The movement members did not allow the State Minister of the CHT Moni Swapan Dewan, a tribal leader, to enter Khagrachari to attend official business.

The PCJSS chief has accused the ruling party MP and chairman of the CHTDB of destabilising and sabotaging the peace process and the CHT accord and demanded his removal from the post

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<sup>37</sup>Daily Star, 8 January 1998

<sup>38</sup>Jana Kontha, 15<sup>th</sup> Jan 1998

<sup>39</sup>Daily Star, 23<sup>rd</sup> March 2004

<sup>40</sup>Ajker Kagoj, March 2004

of Chairman of the CHTDB<sup>41</sup>. Findings of the parliamentary standing committee on the CHT, which appeared to become active in early 2003 appear to support this conclusion and several reviews depict that the accord is not being implemented. In its review meeting, the standing committee observed that two out of four committees provided by the peace accord on the CHT - the advisory committee and the agreement and development implementation committee were not functioning. The committee accordingly asked the CHT ministry to reconstitute the bodies to make them effective<sup>42</sup>. During its meeting, the committee on the CHT Ministry also blamed the Ministry of Land and Establishment for non-implementation of the accord<sup>43</sup>. It was tasked with initiating the CHT Land Commission, formed in 1999, to settle the land disputes in the CHT. The meeting, held in camera, observed that the Chairman of the commission should be removed or asked to resign for his lack of initiatives<sup>44</sup>.

Meanwhile, a treacherous incident took place at Mahalchari, where houses belonging to the tribal people were burnt down and mass atrocities were carried out by anti-peace accord militants and followers of the local ruling party MP. Soon after the occurrence, the Parliamentary Standing Committee on the CHT visited the site, assuring assistance to the victims. The Parliamentary Committee Chairman also stated that the committee would recommend to the Prime Minister that action be taken against the culprits. Similarly, an opposition led five member Parliamentary committee<sup>45</sup> visited CHT to investigate

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<sup>41</sup>Daily Star, 16<sup>th</sup> September 2003

<sup>42</sup>Daily Star, 23<sup>rd</sup> October 2003

<sup>43</sup>The Government of Bangladesh formed the commission in accordance with the CHT peace accord initially for three years but later extended its tenure twice. The tenure of the present term will expire in November 2007.

<sup>44</sup>Daily Star, 9 April 2005

<sup>45</sup>The members of the delegation included: Bir Bahadur MP, Shamsur Rahman MP, Col (Retd) Faruk Khan MP, ABM Fazlee Karim Chowdhury MP. All belong to Awami League

the Mahalchari incident<sup>46</sup>. Yet, the implementation of the accord improved little, with the Cabinet Committee on Implementation of the CHT peace accord<sup>47</sup> holding its review meeting on 17 April 2005 and noting that except for 3 to 4 issues, the rest of the CHT accord agreements had not been implemented.

The parliamentary committee on the CHT ministry occasionally visits the hill districts and undertakes consultative meetings with the people to try and resolve the unrest in the area. During these, the perception is that the Chairman of the Parliamentary Standing Committee is not seeking local solutions to the problem. It has never been declared that “the Prime Minister who is in charge of the CHT Ministry, had assigned members to listen to such needs and to make recommendations to her based on a bottom up approach<sup>48</sup>”. Moni Swapan Dewan, a tribal leader himself and member of the committee, noted that the mission of the committee is “to find out the causes behind the troubles in hill districts. We are also trying to know the impediments to development of the region<sup>49</sup>. Arguably, the true political process of resolving the conflict is not yet complete.

## **Bangladesh Awami League (AL) Government (2009-2022)**

A brief report on implementation of the CHT Accord, 1997 published by the Information and Publicity Department of PCJSS on 2 December 2021 stated that since 2009, though the

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<sup>46</sup>Daily Star, 16<sup>th</sup> September 2003

<sup>47</sup>The committee is composed of a number of ministers. The Committee is chaired by the Secretary General of the ruling party BNP and the Minister of Local Government and Rural Development, Foreign Minister, Law Minister, Land State Minister, CHT affairs State Minister.

<sup>48</sup>Daily Star 21 Dec 2004

<sup>49</sup>New Age 18<sup>th</sup> Jan 2005

Awami League government, which is a signatory of the CHT Accord, has been in state power, this government has lagged behind in implementing the core issues of the Accord and has never stepped up effective measures to implement it during such a long ruling period. Rather to conceal their failure to implement the Accord, they are propagating false and biased information that “meanwhile, 48 of the 72 sections of the Accord have been fully implemented while 15 more sections have been partially implemented and the remaining 9 sections are being processed in the pipeline.”

The report states that, “Whereas, it is a fact that only 25 sections out of 72 have been implemented while 18 sections have been partially implemented. The remaining 29 sections have been left fully unimplemented to this day and the government has been violating those sections of the Accord all the time unabatedly.”<sup>50</sup>

On June 30, 2011, the 15<sup>th</sup> amendment to the Constitution of Bangladesh passed by the Parliament. There the indigenous peoples are referred to as “tribes [*upajati*], small peoples/nations [*khudro jatishotta*], ethnic sects and communities [*nrigoshthi o shomprodai*]”, despite strong demands to be recognised as “indigenous peoples”<sup>51</sup>.

Prime Minister Sheikh Hasina said in February 2016, that most of the provisions had been implemented. “The inhabitants of the hill tracts are the citizens of our country, our companions in ups and downs. It is our duty to end their misery, if they have any.” However, Pranati Bikash Chakma, General Secretary of

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<sup>50</sup>A brief report on implementation of the CHT Accord, 1997, Information and Publicity Department of PCJSS, 2 December 2021

<sup>51</sup>Militarization in the Chittagong Hill Tracts, Bangladesh- The Slow Demise of the Region’s Indigenous Peoples, Report 14, IWGIA, Organising Committee CHT Campaign and Shimin Gaikou Centre, 2012



PCJSS, said that the Prime Minister had been an ‘abject failure’ on the issue.<sup>52</sup>

One of the biggest threats to the Jumma people in the CHT today are the attacks by settlers. These attacks happen for grabbing land and, in most cases, there is alleged military involvement, such as in the arson attacks of Baghaichari, Khagrachari in February 2010 and in Ramgarh in April 2011. It is alarming that the number of violent incidents and casualties increased under the present Awami League regime. For instance, from 2009-2011, 642 houses were burnt and many became homeless. Though such incidents are often reported as “attacks by Bengali settlers”, the interviews with the survivors reveal that, in most cases, the military personnel were involved in the attacks and aggravated the situation<sup>53</sup>.

Since 1997 there has been no insurgency rather than some violence between indigenous groups - primarily the PCJSS and the UPDF. Even after signing of the Accord, the government security forces have maintained the counter-insurgency structure, and that silent ethnic persecution continues. And the present regime is to be blamed too as it has allowed such a structure to continue in the CH that aggravates the systematic violence and human rights violations against indigenous peoples in the CHT region.

## **Formation of the CHT District Council**

After the signing of the peace accord, the Regional Council Acts were thoroughly discussed in the parliament between 29 April

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<sup>52</sup>G.M. Shoeb Ahmed, A burning issue in Bangladesh: how to bring peace to the Chittagong Hill Tracts? Peace Insight, 06 May 2016

<sup>53</sup>Militarization in the Chittagong Hill Tracts, Bangladesh- The Slow Demise of the Region’s Indigenous Peoples, Report 14, IWGIA, Organising Committee CHT Campaign and Shimin Gaikou Centre, 2012

to 5 May, 1998. The Parliament formed a special Committee to review three CHT regional council acts<sup>54</sup>. The Parliamentary committee suggested some modification to the Acts to make them operationally effective in light of the post CHT accord politico-administrative reality. However, the MPs belonging to the major opposition BNP did not agree with the rest of the members of the committee and recorded their note of dissent on the proposed changes. While the other members of the committee suggested a few more changes these were however turned down by the house.

Members of the opposition questioned the spirit of the peace accord and the content of the proposed amendment of the Acts. They observed that the proposed amendments: a. were against the constitutional characteristic of the unitary state; b. contradicted the constitutional provisions of Article 27, Article 28, Article 59 and Article 60, [it does fall with the constitutional provision of Article 27, Article 28, Article 59 and Article 60] c. violated the ‘fundamental rights of the citizens, and d. were against the interest of the people of the republic. The opposition MPs also demanded that the content of their note of dissent should be placed in the house. They argued that the proposed Act could “destroy the fabrics of the unitary Republic and sowing the seeds of regionalism, the next step can be dismantling the fabric of the republic.<sup>55</sup> The Law Minister however, defended the government position and noted that the “proposed changes are needed to further strengthen the constitutional provision of Art 25 (c) under which we are obliged to protect the rights of

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<sup>54</sup>The Acts include: Rangamati Hill District Act 1989, Bandarban Hill District Act 1989, Khagrachari Hill District Act 1989. These acts came into being during the Ershad era in 1989. Acts had been amended as many as four times during the previous regime of the BNP. However, the Acts needed to be updated and modified to cope with the changed reality after the peace accord.

<sup>55</sup>Barrister Rabiya Bhuyan, Debate of Bangladesh Parliament, 5<sup>th</sup> May 1998

the ethnic minority, nationally and internationally. This is the constitutional mandate<sup>56</sup>. The Law Minister further assured the house that “yes, if we are wrong, the door of the Supreme Court is open, the Supreme Court is the last interpreter of law. If the Supreme Court finds the law is inconsistent with this constitution that will be declared void. We have nothing to do’. The Law Minister further assured the house that “this is an ordinary law of the land. It can be changed any moment any time by this house or the Government or any other government which will come after ten or fifteen years<sup>57</sup>. The Law Minister however finally concluded that the amended Hill District Councils are ‘not local government, not local organisation. It is a statutory body only’<sup>58</sup>.

As per the Peace Accord, the Ministry of CHT Affairs (MoCHTA) with a full-pledged Minister from among the indigenous peoples have been appointed. In 1989, Three Hill District Local Government Councils namely, Bandarban Hill District Local Government Council, Rangamati Hill District Local Government Council, and Khagrachari Hill District Local Government Council were established in CHT<sup>59</sup>. Later on, these councils were re-organized and renamed as Bandarban Hill District Council, Rangamati Hill District Council and Khagrachari Hill District Council as per the Accord. Amendment was brought in the three Hill District Council Act(s) in 1998.

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<sup>56</sup>Advocate Matin Khasru, Law Minister, Debate of Bangladesh Parliament, 5<sup>th</sup> May, 1998

<sup>57</sup>Advocate Abdul Matin Khasru MP, Law Minister, Debate of Bangladesh Parliament, 5<sup>th</sup> May, 1998

<sup>58</sup>Advocate Matin Khasru, Law Minister, Debate of Bangladesh Parliament, 5<sup>th</sup> May, 1998

<sup>59</sup>The Hill District Council is an elected body and consisted of 34 members representing most of the ethnic communities including 10 from the non-indigenous origin and 3 seats for women with Chairman of the council mandatorily from the ethnic indigenous groups

The Hill District Council is an elected body and consisted of 34 members representing most of the ethnic communities including 10 from the non-indigenous origin and 3 seats for women with Chairman of the council mandatorily from the ethnic indigenous groups. In order to let the councils be started with, 5-member councils were formed as an Interim Council for all the three hill districts. As per the Accord and the Hill District Council Act, the HDCs are to be transferred with 33 subjects including overall co-ordination, maintenance, and improvement of the law and order of the district; control over the police administration of the district; land and land management, agriculture, primary and secondary education, youth welfare, justice related to the tribal affairs, according to the customs, culture of the tribal people; and co-ordination of the development activities of the local authorities, environmental protection and development, local tourism etc. of the district monitoring the implementation of its development projects and audit thereof, rendering assistance, cooperation and encouragement etc with several other subjects.

However, up till this day, no election for the Hill District Councils has held. In the meanwhile, the Hill Councils have got overloaded with burdens of work and suffered from human resources at all fronts. Now the government, instead of holding elections, has passed a bill to increase the number of members for the interim councils and issued an order to send in opinions of the Hill District Councils within prescribed limit regarding the increase of the members up to 15. This move on the part of government proves to be bankruptcy at the policy level.

As per the Accord, the Ministry of CHT Affairs (MoCHTA) with a full-pledged Minister from among the indigenous peoples constitutes a part of the Cabinet in the government. MoCHTA mainly deals with the issues relating to CHT, apart from its routine responsibilities as part of the government. The government machinery also includes Divisional Commissioner

at Division level and Deputy Commissioner and Superintendent of Police at the district level. Besides, there are also Executive Officers called Nirbahi Officers at Upazila (Sub-division) level. These administrative layers discharge their functions under the Ministry of Public Administration (MoPA) and other line ministries.

## **Observations**

The CHT peace negotiation process continued for a long time. Despite several rounds of negotiations, an agreement could not be reached, as differences existed between the GoB and the PCJSS on the questions of political autonomy for the CHT and issues related to Bengali settlers. The situation, however, changed in 1996 when the Awami League came to power in Bangladesh, reversing India's attitude toward Bangladesh as well as the CHT issue. The Indian Government withdrew its support from the PCJSS and also pressed their leadership to reach a political settlement.

PCJSS on the other hand, fatigued by two decades of armed insurgency and intra-group factionalism, signed the peace accord with the GoB at the cost of compromising many of their key demands. The CHT movement also suffered from ideological weaknesses. Apart from its military activities, the PCJSS, by the mid-1980s, attempted to unify the different nationalities of the CHT under the banner of Jumma nationalism. The PCJSS and SB were heavily dependent on India for their base of operation and political and material support. The PCJSS knew that India would not support an independent CHT state, given the separatist movements afoot in India's north-eastern states. PCJSS also realised that the objective of India was to keep pressure on Bangladesh to dissuade it from supporting India's north-eastern insurgents. Furthermore, ideologically,

Jumma nationalism remained a middle-class movement and mostly dominated by the Chakma tribe. The smaller groups, though supporting the PCJSS cause, preferred to be identified with their own generic names rather than with Jumma.

Several factors were responsible for the timing of the accord and the shift of position by the PCJSS. First, by the late 1980s war fatigue had set in among the rank and file of the SB, the people in the CHT had become weary of the conflict, and there was a genuine interest in peace. Second, through its negotiations with various regimes of Bangladesh, the PCJSS had come to realise the limit to which it could push the Bangladeshi government. Third, the PCJSS found it politically easier to have dialogue with Members of Parliament and political executives rather than with military and civil bureaucracy, to initiate a political settlement with honour and dignity.

The CHT peace negotiations were held in camera which did not allow any third party in the process. Even the leading members of the parliament from treasury and the opposition bench had hardly any clue about the negotiation process and content. It is alleged that a section of the armed forces officers provided the content and substance and back up support to the GoB political delegates and members of parliament during the negotiation process. In fact, the Armed Forces Division of the Ministry of Defence maintained all documents of the negotiation process.

Though the pressure of donors and international human rights organisations and the support or lack of support of India were critical external variables, at no stage during the negotiations of the CHT Peace Accord was there any direct involvement of a third party. At the national level as well, the process remained confined between the GoB and the PCJSS.

Lack of internal democracy within the political parties makes it almost impossible for the elected members of Parliament to

voice their dissent on substantial issues without the threat of losing party support and, consequently, their parliamentary seats. Not surprisingly, the members from the CHT, though being tribal, simply went along with the directives of the party during their term in power between June 1996 and June 2001. Once the Awami League was in power (June 1996-June 2001), and after the signing of the accord in December 1997, the three elected representatives, through their appointments to crucial positions in the CHT, were used by the regime to strengthen its hold in the CHT. Much of the discord in the CHT following the accord has occurred due to these appointments, because it has initiated a process of political patronage and ensured centralization instead of decentralisation.

Mathur<sup>60</sup> stated, there are instances of ongoing violence and human rights violations in the CHT region such as killing, kidnapping, arson, etc. Though there is a clause mentioning demilitarisation but still there are camps in the CHT region. He also highlighted three main reasons for the non-implementation of the clauses of the accord. These are: i. The divisive policies and rifts among the political parties, e.g. BNP opposed it firstly and later on used it for political gains; ii. The military also doesn't want to fully implement this accord. In the name of peace building there are claims of exacerbating the violence by targeting the tribal people. The PCJSS also complained that the non-removal of military camps and ineffectiveness of the land commission is a hurdle towards implementation of the accord; iii. The Bangladeshi settlers don't want to relocate from this region and they strongly oppose the internationalisation of this conflict. They also alleged that the indigenous people get international funds to destabilise the region and fight against the settlers.

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<sup>60</sup>Pawan Mathur, *Analysis of Chittagong Hill Tracts Conflict in Bangladesh*. New Delhi: Society for Policy Studies (SPS). December, 2015

Devasish Roy is a Raja of the Chakma Circle, the largest ethnic group in the area. He has been involved in the Chittagong Hill Tracts Agreement and was a member of the UN Permanent Forum on Indigenous Issues. He termed the document as ‘discordant accord’ as there is lack of implementation and there are different narratives by the GoB and the JSS about its implementation. The implementation committee also has less authority and legitimacy. There is also a lack of post-conflict humanitarian care as the refugees and internally displaced Indigenous peoples have less access to humanitarian assistance. Moreover, the cessation of armed conflicts has raised the intra-community rivalries which are backed by the government security forces<sup>61</sup>.

## **Role of Parliamentarians in the peace process**

It is difficult to attribute the full credit of successful negotiation and subsequent signature of the peace accord on the CHT crisis to the members of parliament or Parliament as an institution for successful negotiation and ultimate signing of a peace agreement. However, one is not entirely sure whether the first ever peace treaty was the resultant factor of the skillful negotiation of the MPs or the contemporary geo-political situation and the extent of political support received by the regime from their then Indian counterpart.

Nevertheless, it is true that the involvement of the MPs in the negotiation process has considerably changed the character

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<sup>61</sup>Devasish Roy, Lessons from the Implementation of the Chittagong Hill Tracts Accord, The International Work Group for Indigenous Affairs (IWGIA), 20 October 2021.

<https://www.iwgia.org/en/news/4541-lessons-from-the-implementation-of-the-chittagong-hill-tracts-accord.html>



and mode of the negotiation process<sup>62</sup>. The PCJSS, in fact, demanded the involvement of the MPs or political leaders in the peace negotiation – which indicates the broader social and political acceptability. It signifies the value of political settlement for a vexed political problem of constitutional significance. Involvement of the MPs in the negotiation process developed a condition of mutual trust and respect. It also sets a positive instance for MPs in understanding their critical role as legislators in the context of Bangladeshi society. Political regimes – both BNP and Awami League had to recognize the CHT issues as political and ones that could not be addressed by military means. The political regimes also acknowledged the importance of the role of the MPs in the peace negotiation process. The role of MPs can be articulated in the following ways:

- ***Creating political environment:*** MPs could convince the PCJSS and SB leadership that even within the constitutional framework, political settlement of the CHT crisis was possible and desirable. This led to a condition of constructive engagement, mutual trust and reciprocity.
- ***Trust building:*** As members of the Parliamentary Committees, MPs were prompt in taking some proactive decisions backed by concrete follow-up actions with regard to the peace accord. Popular participation: MPs have played an active role in drafting, reviewing the legislation on the CHT Local Council Act in a very short time and with a positive attitude.

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<sup>62</sup>There is hardly any political culture to involve MPs in crisis management in a South Asian context. In handling the negotiation process with major dissident and insurgent groups in Eastern India, the Government of India has barely used any sitting Members of Parliament. For detail see S.M. Chakma, Parbotto Chattagram Shanti Chukti: Ojoktik Birodhita, Bhorer Kagoj, 30<sup>th</sup> Dec 1997

- ***Political gain:*** Though the peace treaty was not thoroughly discussed in the parliament, the ruling party MPs were quick and keen to approve the accord. They also realised that it could be a potential source of political success in managing conflicts.
- ***Divisive politics:*** Because of strict party instructions, a majority of the MPs took a ‘strict partisan line’ and were found to be unaware of the critical issues and concerns of the peace treaty. Furthermore, MPs especially belonging to oppositions were ‘apathetic’ towards the peace treaty. However, some of the opposition lawmakers did ventilate their opinion in the media and social forums.

## Concluding Note

According to Devasish Roy, a Raja of the Chakma Circle, since the accord has been signed, the balance of power has shifted towards the settlers being backed by the military. He also noted that the JSS and United People’s Democratic Front (UPDF) are now an alliance fighting the other three opposition parties that are supported by the security forces. He observed that the lessons from this accord is that third party agencies with adequate authority need to oversee the negotiation and implementation simultaneously and the implementation mechanisms should be included in the inter-state treaties like this CHT accord.<sup>63</sup>

There are also allegations as regards the intension and the unimplemented issues of the CHT Accord. According to the PCJSS report (2021), the unimplemented issues of the CHT Accord, among others, are: -

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<sup>63</sup><https://hillvoice.net/devashish-roy-calls-for-role-of-police-and-security-forces-as-per-cht-accord/>

1. To take legal and administrative measures in preserving the tribal-inhabited feature of CHT;
2. To devolve political, administrative and economic powers & functions to the CHT Regional Council and the three Hill District Councils;
3. To hold elections in the CHT Regional Council and the three Hill District Councils with the permanent residents enumerated accordingly;
4. To withdraw all temporary camps including the military rule named ‘Operation Uttoron’;
5. To return the illegally occupied lands to the Jumma people by settling through the Land Dispute Resolution Commission;
6. To rehabilitate the India-returnee Jumma refugees and Internally Displaced Jumma families in their respective lands after having returned to the original owners;
7. To cancel the leases given to the non-resident individuals;
8. To appoint the permanent residents in all the jobs available in CHT with priority to the Jumma people;
9. In order to make consonance with the CHT Accord, to bring amendment to all the laws applicable to the CHT including the Police Act 1861, Police Regulation, Forest Act 1927 and CHT Regulation 1900;
10. To rehabilitate the Bengali settlers outside CHT with dignity and honour, etc.”

As written in the accord, the commitment of transferring the administrative power to a Regional Council has not been restored yet. There are instances of unsustainable ‘development’ and afforestation projects in the CHT. The ethnic people have been displaced many times from their ancestral lands without their consent. This has resulted due to the following development projects and policies by the Government, such as i. Afforestation

projects, ii. Land submersion due to the Kaptai Hydroelectric power plant construction, iii. Settlement by the outsiders in the lands of ethnic people, and iv. Counter-insurgency operations by the military.<sup>64</sup>

A general amnesty was offered to all insurgents including withdrawal of cases as per the peace accord. In 1989 surrendered Shanti Bahini members received cash incentives and another 705 members were absorbed in the Police.

In accordance to the Peace Accord, the Ministry of CHT Affairs (MoCHTA) with a full-pledged Minister from among the indigenous peoples have been appointed. And three Hill District Councils namely, Bandarban Hill District Council, Rangamati Hill District Council and Khagrachari Hill District Council as per the Accord was established too. A Regional Council (RC) has been formed since 1998 under Mr. Santu Larma. This couldn't function following a case filed in the High Court challenging the legality of the accord. The matter is under stay order of the Court. A Land Commission was formed in 1999 under a retired Justice of the Supreme Court and 'CHT Land Dispute Resolution Act 2001' was enacted to resolve the land disputes. The Land Commission have been formed and empowered to cancel the ownership of illegally occupied lands and hills. But unfortunately, the commission didn't get much support to be able to deliver desired service.

District Judge Courts have been established in 3 Hill Districts. 'CHT Peace Accord Implementation and Monitoring Committee' was formed. The Government recognized the

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<sup>64</sup>Khaled Misbahuzzaman, Socio-politico-economic problems in the hilly areas of Bangladesh: the case of the Chittagong Hill Tracts, Seeing the Woods, 15 July 2014 <https://seeingthewoods.org/2014/07/15/socio-politico-economic-problems-in-the-hilly-areas-of-bangladesh-the-case-of-the-chittagong-hill-tracts/>

tribal communities according them the status of “Tribal Ethnic Minority” through 15<sup>th</sup> Amendment of Constitution in 2011.

Strategies can succeed if the root causes are addressed first. The politico-military strategy made significant progress, but would not be successful without settling land issues. The Bengalis constitute nearly half of the total demographic makeup of CHT besides the tribal people. So, a solution which will fulfil the aspirations of both the tribal and the Bengalis can help overcome the current impasse and bring long lasting peace in the region.

The Peace Accord has reduced the extent of the armed conflict between the army and Shanti Bahini (“Peace Force”), but, on the other hand, many in-group feuds have been ignited through the issue of dissatisfaction between various Jumma political parties’ factions. Many other local political parties, such as the Hill People’s Federation, CHT Students’ Federation, and Hill Women’s Federation had refuted the treaty. They protested that the Accord failed to endorse many important demands including the self-recognition of the Jumma people as Adibashi (“indigenous people”), instead of being regarded as ‘tribal’. The cultural rights context of the resistance of the Jumma people created further conflict between security forces and the Jumma people. Since 1997, some groups of Bengali settlers have also opposed the peace process by arguing that the Peace Accord is too concerned with the Jumma people. So, to ensure the rights of Bengali settlers, Sama Adhikar Andolan (“Equal Rights Movement”) was established at a later stage. Though the Peace Accord recognized the land rights issue, it did not consider the Jumma people’s customary rights over their lands. So, conflict between settlers and Jumma people over land and other resources is still ongoing<sup>65</sup>.

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<sup>65</sup>Ranjan Saha Partha, The consequences of Chittagong hill tracts (CHT) peace accord at the village level: Case study of Khagrachari hill district in Bangladesh. *Journal of International Development and Cooperation*, 2016, 22(1), 1-14

## **Way forward for CHT**

In view of the above discussion, the Government of Bangladesh (GoB) may consider reviewing and analysis of the potential for further delegation of authority for CHT Local Governments. Taking the local context and geography into consideration, it may think of the following policy options:

- i. Enhance the managerial capacity of the leadership of the Local Government Bodies of the CHT districts.
- ii. Technical assistance be provided to create capacity to further explore the potential of local level resources through the Local Government Institutions (LGIs).
- iii. Further develop the connectivity network of CHT to accelerate the economic development of the region.





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