THE CHITTAGONG HILL TRACTS PEACE ACCORD: AN OVERVIEW

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Abstract
The Chittagong Hill Tracts Peace Accord, signed between the government of Bangladesh and the Parbattya Chattagram Jana Samhiti Samiti (PCJSS) on 2 December, 1997, promised to end a long-standing armed conflict and grant a host of benefit to the tribal people occupying the south-eastern region of Bangladesh. But 15 years into the signing of the Accord, it has yet to bear fruit. The region is still the most unstable region of the country and resentment among the tribal people is increasing day by day due to delays in the full implementation of the Accord. The Accord has also produced a new conflict: after its signing, a group emerged from within the PCJSS movement and formed the United People’s Democratic Front (UPDF) a political party aiming at “full autonomy” rather than implementation of the Accord. The internal strife between these two organizations of the tribal people and the frequent clashes between the tribals and the ‘Bengali Settlers’, pose serious threat to the security of the country. In this situation this paper argues that the government of Bangladesh should take immediate and meaningful steps toward full implementation for the Accord. The costs of failure are high: disrupting activities, armed warfare, violations of human rights, losses of lives and resources, exposing the border regions to external threats—all of these are costs that the nation can hardly bear if lasting peace is not achieved.

Introduction
At various historical moments, states have to face challenges posed by the divisive pulls of ethnicity, race, religion, and culture. One of the major contentious issues has been the sharing of state power by the dominant groups. In most of the cases, some kind of delegation of power and authority satisfies the group aspiring for power. On occasion, the demand for power sharing has led to a demand for autonomy, which when resisted transforms itself into demand for independent statehood (Chowdhury, 2002). The birth of Bangladesh is an example of the latter phenomena. Given the contemporary context of multinational states, Bangladesh enjoyed a unique advantage during its inception.

It started its journey as an independent nation with a homogeneous population. Less than 1 % of its population is ethnically different and about four-fifths are Muslims. Bangla is practically the only language. But Bangladesh was faced with one of the most prolonged struggles for devolution of authority and autonomy, leading to armed insurgency by the tribal people of the Chittagong Rill Tracts.

The tribal people started a low-intensity guerrilla war against the Government of Bangladesh in the early 1970s, but it intensified after 1975, when the founding leader of the country, Bangabandhu Sheikh Mujibur Rahman, was assassinated and a military regime took power in a coup d’etat. The armed conflict continued up to the 1990s and it was only in 1997 that it formally ended with the signing of the CRT Peace Accord. With the signing of the Accord, hope was renewed among the tribal people that they will eventually live in peace and dignity. But 15 years into the signing of the treaty, many provisions remain unimplemented or partially implemented. This is creating a feeling of mistrust, fear and insecurity among the tribal people and thereby increasing the prospect of renewed armed insurgency in the region.
The Chittagong Hill Tracts Regulation of 1900. This regulation laid down specific rules on rights of entry and residence in the CHT and made it difficult for people from outside to acquire rights to land in the region. Under the regulation, the hill tracts were divided into three revenue circles, each headed by a rajah. The three circles, known as the Chakma, the Mong, and the Bohmang, together were constituted with representatives from all tribes. The status of the CHT as a specially administered area was also recognized in the Government of India Acts of 1919 and 1935. The constitutions of Pakistan of 1956 and 1962 also retained the special status of the region. But, in 1963, a constitutional amendment eliminated the special status and immigration restrictions. By the mid-1960s the Government had transferred all local tribal employees in administration to other parts of East Pakistan (today's Bangladesh) and the local administration was now entirely staffed by Bengalis (Mohsin, 1997). This period also witnessed a most devastating impact of 'modernization' and 'development' on the people of CHT. The Kaptai Dam, a huge US-funded hydroelectric project, was constructed on the Karnafuli River in Rangamati, causing the displacement of over 100,000 tribal people and inundating about 40 per cent of the region's arable land. Compensation for lost land was inadequate and over 40,000 tribal people crossed the border and took permanent refuge in India (Amnesty International, 2000).

On 16 December, 1971, Bangladesh became independent through a nine-month long war of liberation against the Pakistan army. During the war, the Chakma Raja supported the Pakistan army while the Mong Raja joined the liberation force. The Bomang Raja remained non-committal. But due to the decision of the Chakma Raja the Jumma people were in general branded as collaborator of the Pakistan army. Consequently, the wrath of the Mukti Bahini (Liberation Force) of Bangladesh fell on the Jumma people (Ahsan & Chakma, 1989). On 5 December 1971 sixteen Jumma people were killed by the Mukti Bahini. More incidents followed in Dighinala and Barkal, in fact
violence continued in the CHT through the entire month of December (Ahsan & Chakma, 1989). On 29 January 1972 a delegation from the hill tracts met Sheikh Mujib and apprised him of the situation. Mujib, however, dismissed them with the plea that such incidents are natural after a war (Mohsin, 1997). The Jumma people could not accept this violence upon them as something natural and hence took the situation into their own hands. The local youths recovered the arms left behind by Pakistan forces in the jungles of the CHT and not only resisted the Bengalis but also set up an administrative system for the villages (Mohsin, 1997).

The new state of Bangladesh moved ahead with the formulation of its Constitution. In light of their past experiences of exploitation and deep mistrust for the Bengalis, the Jumma people felt it necessary to have constitutional safeguards for their protection as a separate community. On 15 February 1972, a Jumma people’s delegation led by Mailobendra Narayan Larma called on Sheikh Mujib-the founding leader of Bangladesh and placed the several demands including the demands of autonomy for the CHT with its own legislature and imposition of a ban on the influx of non-tribal people into CHT. As these demands were not accepted, Larma formed a regional political platform the Parbattya Chattagram Jana Samhiti Samiti (PCJSS-the Chittagong Hill Tracts People’s Solidarity Association). Subsequently an armed wing the Shanti Bahini was added to it which started a guerrilla war against the Government. As soon as armed clashes began, the Government militarized the region by deploying 115,000 military personnel (Levene, 1999) and in the 1980s the CHT was turned into a large military garrison. To counter the insurgency, the Government also carried out a transmigration program which brought about 400,000 poor Bengali settlers in the region between 1979 and 1984. The program significantly altered the demographic composition of the CHT as the percentage of Bengalis in the region rose from 26 per cent in 1974 to 41 per cent in 1981 (UNECOSOC, 2011).

The armed insurgency of the Jumma people continued up to the 1990s and during these years there were widespread and systematic violations of the human rights of the tribal people in the region. During the period of insurgency, about 70,000 tribal people fled to India and around 100,000 people became internally displaced. The violence also caused ecosystem destruction, loss of biodiversity and natural resources degradation. The conflict formally ended with the signing of the historic Chittagong Hill Tracts Peace Accord between the Government of Bangladesh and the PCJSS on 2 December 1997.

The CHT Peace Accord: Salient Features & Implementation Status

The Chittagong Hill Tracts Peace Accord is comprised of four parts-General, Hill District Local Government Council; the Chittagong Hill Tracts Regional Council; and Rehabilitation, General Amnesty and Other Issues. The Accord was implemented to some extent in the first couple of years, with the demobilization of PCJSS, repatriation of Jumma refugees, enactment of the three revised Hill District Council Acts and Regional Council Act, establishment of CHT Affairs Ministry and so on. But, the vast majority of the most important provisions of the Accord, such as withdrawal of temporary military camps, resolution of land conflicts and making functional the hill district councils and the regional council still remain unimplemented. In this part of the paper, we will examine the implementation status of the most important provisions of the peace Accord.

General Provisions:

Clause A.1 of the CHT Peace Accord recognizes the necessity of protecting the character of this region while making provisions for its overall development. Toward this end, some legislative measures-such as the Chittagong Hill Tracts Regional Council Act and the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001-have been taken. However, the continued influx of non-tribal people into the region, the issuance of permanent residence certificates to Bengali settlers,
the inclusion of Bengali settlers in the voter list and other developments prove that the government authorities in the CHT and at the national level are still reluctant to preserve the characteristics of this region as a tribe-inhabited region.

Clause A.3 of peace Accord states that an implementation committee should be formed to monitor the implementation process. In 1998 a Committee was formed, but it existence was not maintained during the Bangladesh Nationalist Party (BNP) rule that lasted from 2001 until 2006. In May 2009, the current Swami League Government reconstituted the Committee and since that time it has held only a few meetings.

**Chittagong Hill Tracts Local Government Council/ Hill District Councils:**

In part B of the peace Accord the both contracting parties agreed to change, amend, add, and repeal the Hill District Local Government Council Acts of 1989 (Acts XIX, XX, XXI of 1989). These three acts established autonomous bodies. known as Hill District Councils in the three districts of the CHT, reserving two-thirds of their seats and the office of the chairperson for tribals. In Accordance with the Accord, the Hill District Council Acts were amended in 1998 whereby the councils were provided more authority than before. The 1989 District Council. Acts provided delegation of 21 subjects to the hill district councils and Clause B.34 of the peace Accord added 12 subjects. But as of 2011, only 20 departments: in 13 subjects had been delegated to the Hill District Councils (UNECQSO, 2011). Clearly many crucial matters have yet to be delegated under the authority of the councils.

The peace Accord stipulates that The Hill District Councils will be formed with elected people. But, no election has been held since the signing of the Accord and the councils have been administered by Government appointees. One of the issues in relation to the Hill District Council elections is the voter list. The Accord stipulates that only the ‘permanent residents of the three hill districts will be eligible to be enlisted in the voter list. According to the Accord, permanent residents are those who have a specific address and legally valid ownership of land in the region. Prior to the 2001 parliamentary election, a voter list prepared. But it was rejected by the PCJSS as the list included non-permanent Bengali settlers. Another matter is the issue of ‘permanent residents’. Since a large percentage of the Bengali settlers have land-record documents, there are fears that many Bengali settlers will once again be included if a new voter list is prepared. Thus the issue of the voter list remains unresolved.

**Chittagong Hill Tracts Regional Council**

Part C of the Accord provides for the establishment of a Regional Council, comprises of 22 members, including its chairman. The office of the Chairperson and two thirds of its members are reserved for tribals. The members of the Council are to be indirectly elected by the members of the three Hill District Councils but since no elections for the District Councils have been held, the current members of the Regional Council are all Government appointees. The Accord provides the Regional Council with supervisory and coordinating authority over matters such as development activities, general administration, the Hill District Councils, local Government councils, the CHT Development Board and customary law and social justice. It also has the right to advise the Government on legislation concerning the region. But in practice the Regional Council has not been able to play its role effectively. Moreover, on 13 April 2010, the High Court declared the Chittagong Hill Tracts Regional Council Act of 1998 unconstitutional stating that violated the sanctity of a unitary state ("Decade-old hills", 2010). The Government appealed the decision and the judgment was stayed by the Appellate Division pending hearing of the appeal.

**Rehabilitation, General Amnesty and Other Issues:**

**Repatriation and Rehabilitation of Refugees:** Clause D.1 of the peace Accord provides that the approximately 70,000 Jumma
refugees who fled to the Indian state of Tripura are to be repatriated on the basis of an agreement signed between the Bangladesh Government and the Jumma refugee leaders on March 9, 1997. In February 1998, 64,609 Jumma refugees returned to their original homes and most of the facilities promised in the agreement were duly provided to them. However, there is allegation that about 9,700 families did not regain at least part of their original homes and lands since these had been occupied either by Bengali settlers or the military (ECOSOC, 2011).

**Rehabilitation of internal Displaced Persons:** Clause D.1 of the peace Accord states that the internal refugees of region will be rehabilitated through their proper identification by a task force. In line with the Accord, a task force was created but it became divided over the definition of internally displaced people. As a result, no rehabilitation measures could be undertaken. In 2000, the Task Force prepared a list which identified 90,208 tribal families and 38,156 Bengali families as internally displaced families and recommended a package program to resolve the problem. But, the list was rejected by the PCJSS and the Jumma Refugees Welfare Association because of the inclusion of Bengali settlers. The Task Force was reconstituted in 2009, but it still remains divided over the definition of internally displaced people. Thus, this clause of the Accord remains unimplemented to a large extent.

**Resolution of Land Issues:** Land dispute between the Jumma people and the Bengali settlers is the most crucial issue in the CRT. To resolve land related disputes, the Accord provides for the establishment of a Land Commission with the power to cancel leases of lands given to non-tribal and non-local people. In 1999, the first Chairperson of the Land Commission was appointed. But, it could not play its desired role during the years of BNP regime and the caretaker government of Pakruddin. After assuming power, the current government reactivated the commission, but still the is no substantial progress in the resolution of land disputes in CRT.

The work of the Commission is guided by the Accord and the Chittagong Hill Tracts Land Disputes Resolution Commission Act of 2001. There are several provisions in the Act that are inconsistent with the Accord. After the passing of the Act, the Regional Council submitted a list of proposed amendments to the Government (Roy, 2009). The issue of amendment of the Land Commission Act has been one of the factors hindering the proper functioning of the Commission as the tribal members have agreed not to start work until the inconsistencies between the Act and the provisions of the Accord have been removed.

Clause D.2 of the Accord provides that a land survey will be carried out in the CRT. After assuming power, the current Land Commission announced that a cadastral survey would be carried out in the region before the land disputes are settled. The announcement created apprehension that those currently occupying Jumma peoples’ lands illegally would be recorded as the possessors and eventually as titled owners, while the displaced individuals and communities would be excluded from the survey records (UNECOSOC, 2011). After months of protests against the decision, the Government called off the survey and announced that land ownership would be determined before any survey.

Clause D.3 states that the Government shall provide 2 acres of cultivable land or grove land to Jumma households that are landless or have less than 2 acres of land. The provision has not been implemented yet (Roy & Chakma, 2010).

Clause D.8 states that land leases allotted to non-tribal or non-local people that were not properly utilized in the last ten years would be cancelled. In July 2009 a parliamentary committee on affairs in the region recommended that the concerned leases be cancelled, including for over 45,000 acres of land in the three hill districts. By August 2009, leases of 8,175 acres of land had been cancelled while leases of another 15,000 acres awaiting cancellation. But, the Jumma peoples are claiming that only a very few leases have actually been cancelled.
**General Amnesty & Rehabilitation of PCJSS Members:**

Clauses D.13-16 of the accord are about general amnesty and rehabilitation of PCJSS members. These provisions of the peace Accord are in the state of full-implementation. As per the agreement, some 683 members of PCJSS got job in the police. The government is providing monthly ration to 1,966 families of PCJSS. They also got Tk 50,000 in cash for each member as grant ("A hill of let down," 2011).

**Demilitarization:** Clause D.17 of the peace Accord states that all temporary camps the Army, Ansar and Village Defense Party (VDP) excepting the BDR camps and the six permanent army establishments shall be withdrawn to permanent cantonments, and a timetable shall be set for this. According to the government, 235 camps have been withdrawn in phases since the Accord was signed ("Govt. to pull out army," 2011). However, the PCJSS estimates that only 74 out of more than 500 temporary military camps have been withdrawn to date. The government is yet to withdraw the de facto military rule 'Operation Uttaran' from the region by which military forces have been interfering upon the civil administration and conducting military operation throughout the CHT.

**Assessment of the Implementation Status of the Peace Accord and Current Situation of the Region:**

Fourteen years after the signing of the Accord it is clear that many crucial provisions such as the resolution of land disputes, withdrawal of temporary military camps and the devolution of authority to the local institutions are still ' remained unimplemented or only partially implemented. When the current, Awami League government came to power on 6 January 2006, renewed’ expectations for substantive progress in the implementation of the Accord were raised. But despite continued assurance of the fullest implementation of the Accord, most of the crucial provisions have still not been properly implemented.

One of the main reasons for non-implementation of the Accord is the highly polarized and divisive politics of the country. The Bangladesh Nationalist Party (BNP)-one of the two major political parties of Bangladesh-has been opposing the Accord since the very beginning and has been using the subject of the CHT to reap electoral benefits nationally. Given the potentially adverse electoral outcomes, and with little or no support from the main opposition party, the Awami League has little incentive to push for the Accord’s implementation (UNECOSOC, 2011). Another reason behind the non-implementation of the Accord is the pervasive power and influence of the army over the Bangladeshi society. The army is one of the most powerful institutions in the country, often beyond public criticism or scrutiny, including by the Supreme Court. The army continues to oppose any substantive progress in the implementation of the Accord as it still believes in the Clausewitzian concept of victory as being the ultimate end state of all kinds of conflict. Hence, it is difficult for the army to view peace as the end state of the conflict in the CHT (Ahmed, 2011).

The state’s failure to adequately implement all the provisions of the Accord is increasing the prospect of renewed political instability and ethnic conflict in the region. The likelihood of such outcomes is evident from the occurrence of violent clashes between the Jumma people and the Bengali settlers in the region in recent years. The most recent incident of violence that took place in February 2010 in Baghaihat and Khagrachari has resulted in the burning down of nearly 500 homesteads, most of which belonged to the Jumma peoples, and the killing of at least three individuals. There are allegations that members of the army were directly involved in the attacks on the Jumma peoples’ home.

Other types of human rights violation are also taking place at an alarming rate. Violations include arbitrary arrests, torture, extrajudicial killings, harassment of rights activists and sexual harassment of the Jumma women.
The delayed implementation of the Accord is also causing social instability in the region, as the PCJSS and the UPDF continue to fight among themselves over establishing supremacy. Since December 1997, about 50 leaders and activists of PCJSS and UPDF were killed in clashes and more than 100 were kidnapped.

Policy Recommendations
The present situation in the CHT proves that the peace Accord has failed in bringing peace in the region. The state's failure to implement all the provisions of the accord in a timely manner is leading to an increasing sense of frustration and disillusionment among the Jumma people which is enhancing the prospect of renewed armed insurgency in the region. And, if this frustrated people take up arms again, the effect will be devastating. Therefore, it is in the interest of the overall peace and security of the country that the present government should:

- Treat the issue as one of utmost national importance and try to create a national and broad-based consensus in favor of the treaty;
- Declare a timeline for implementation of all provisions of the Accord during the remaining period of its term which ends in 2013;
- Facilitate the settlement of land disputes by the Land Commission through the immediate amendment of the Land Dispute Settlement Commission Act of 2001, in accordance with of the Accord;
- Withdraw all temporary military camps in the region in accordance with the Accord in order to foster confidence building and trust within the Jumma population;
- Hand over all the agreed subjects and functions, as specified in the Accord, to the Hill District Councils, with immediate effect, and take all necessary steps to ensure the full functioning of the CHT Regional Council;
- Address the issue of impunity for human rights violations in the region by arranging for a high-level, independent and impartial commission of enquiry into acts of violence and bringing those responsible to trial and providing exemplary punishment to the perpetrators and reparations to the victims;
- Establish legal services in the region and develop an effective public information and education program so that victims and witnesses of human rights violations and crimes are able to access legal remedies;
- Include provisions in the Constitution of Bangladesh giving explicit recognition to the distinctive identity, culture and rights of the tribal peoples along with ancillary safeguard provisions.
- Encourage social interaction between the tribals and settlers, especially through sports and cultural activities; and
- Create opportunities for employment and income generation, so that the poverty level is reduced.

Conclusion
The signing of the peace accord enkindled a light of hope among the Jumma people that they will eventually live in peace and dignity. But, their hope has not been materialized in the last 14 years, as the state failed to adequately implement the most important provision of the accord. Violent clashes between Jumma and Bengali people centering land rights are still a daily affair in the region. The slow implementation of the Accord is also causing social instability in the region, as the PCJSS and the UPDF continue to fight among themselves over establishing supremacy. The Jumma people expected that the present government of Sheikh Hasina (whose first government signed the Accord) will take steps toward full implementation of the Accord. But three years of this government have passed with no
noteworthy measure. As a result, a feeling of mistrust, fear and insecurity among the Jumma people is growing day by day. Recently the PCJSS Chairman Jyotindra Bodhipriya has expressed his frustration over delayed implementation and has threatened to launch tougher movements to see the treaty implemented.

This news is not a good one for the overall peace and security of the country. It should be kept in mind that the tribal peoples who have once taken up arms are likely to do so again if the promises made in the accord are not kept. Therefore, the government must take immediate steps for the fullest implementation of the Accord. The costs of failure will be high: disrupting activities, armed warfare, violations of human rights, losses of lives and resources, exposing the border regions to external threats—all of these are costs that the nation can hardly bear if lasting peace is not achieved in the region.

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References


