



Continuing Conflict Critical Transition to Peace in the Post-Conflict Southeastern Bangladesh

Muhammad Ala Uddin

Abstract. – This article attempts an insight into the continuing conflict and critical transition to peace in the post-conflict Chittagong Hill Tracts (CHT), which is located in the southeastern part of Bangladesh. It has witnessed an ethnic conflict since the mid-1970s. The situation intensified in the wake of a state-sponsored transmigration program (1979 onward) into the CHT. However, to end the two-decade-long bloody conflict between the indigenous people and Bengali settlers a treaty was signed in 1997. Even though 20 years have passed since the treaty was signed, the CHT still remains neither peaceful nor secure for the indigenous people. Instead, it instigated conflicts that are even more frequent and more dreadful. Hence, peace remains elusive while conflicts continue in the hills. Given this situation, the article attempts to offer an insight into the rocky road to peace – reasons involved behind the continuation of conflict in the post-conflict CHT based on an anthropological investigation conducted between 2008 and 2014 in the CHT. Slow pace of implementation and non-implementation of various provisions of the treaty are presented as key factors for the absence of peace or ongoing conflict. The flaws of the treaty, non-acceptance by a section of the indigenous people and the Bengalis, identity politics, and local factions are also responsible for the current predicaments that eventually contributed to make the transition to peace difficult. The existing literature hardly addressed these factors. *[Bangladesh, Bengali, conflict, indigenous people, security force, Accord 1997, peace]*

Muhammad Ala Uddin, Prof. Dr., has been teaching Anthropology in the Department of Anthropology, University of Chittagong, Bangladesh, since 2003. – He has been conducting research on diverse issues of the indigenous people in the Chittagong Hill Tracts, Bangladesh. His major research dealt mainly with the survival strategies of the indigenous people – how they try to manage their survival affected by the outsiders (i.e., Bengali settlers). Among other issues, he worked on religious pluralism, street vending, health and diseases, refugees and diaspora, and forest management. Current research work is concerned with the plight of the Rohingya refugees in Bangladesh and the

lives of the indigenous migrants in the city. – He has written a book entitled “Theoretical Anthropology” (in Bengali), and published several articles in peer-reviewed national and international journals.

Introduction

This article is concerned with the indigenous people living in the Chittagong Hill Tracts (CHT). The CHT is an extensive hilly area located in the southeastern Bangladesh comprising 5,089 square miles.¹ This isolated region shares its border with the northeast Indian states of Tripura and Mizoram, and the eastern Myanmar (Burma) state of Rakhine. The mountainous belt, which is geographically distinct, contains very limited cultivable land (3.2 percent), most of which are of low quality, in contrast to the fertile multi-cropped alluvial plains of rest Bangladesh. In addition to the Bengali settlers 11 heterogeneous groups live in the hills.² Although internally

1 Ten percent of the total land area of Bangladesh, but the population is about one percent (1.6 million out of 160 million). The CHT comprises three administrative hill districts: Rangamati, Bandarban, and Khagrachhari.

2 Although 11 ethnic groups (Mongoloid) are recognized as ethnic groups or “tribe” in the hills (according to estimated size) as are Chakma, Marma, Tripura, Mro, Tanchangya, Bawm, Pangkhoa, Chak, Kheyang, Khumi, and Lushai, there are two unrecognized groups, Gurkha and Ahom, who have been living in the hills since the British colonial period. The mainstream Bengali population have joined by transmigrations largely arriving since the late 1970s. Together they now

diversified (through resources of culture, e.g., dress, language, religion, etc.), collectively they are seen as “indigenous people” (hill people). However, the indigenous people maintain a cultural separateness from the Bengali in terms of race, language, religion, economy, and other sociocultural organizations. The region has been the site of much contention between the hill tribes (indigenous people) and the state during the colonial period (1757–1947) that continued even after the creation of Pakistan (1947) and the independence of Bangladesh (1971).

The British conquered the entire region winning in the Battle of Plassey (*Palashir Juddha*) in 1757, albeit they did not begin to rule the hill region directly until 1857, which was known as “Kapas Mahal” (Cotton Territory, now CHT). Until then the hill tribes had managed to maintain traditional life-ways in the *terra incognita*. Following the *Sipahi Biplab* (Sepoy Mutiny) in 1857, the British took over the power from the East India Company in 1860 and began the direct rule by annexing it to the colonial empire.

Although in the very beginning the economy was not observed as primary concern, soon they paid attention in increasing revenues from the hills. In the beginning they used to collect tax in the form of cotton, but from 1789 they began collecting tax in cash (money) rather than kind (cotton). The British also evolved market economy and encouraged the people to give up *jum* (shifting cultivation) for plough cultivation. For obvious reasons, the monitorization went against the interest of the indigenous people who had no experience in dealing with money, bazaar, or market economy.³ Since the indigenous people had no experience of plough cultivation, the British ruler and the Chakma raja (circle chief) hired some nearby Bengali farmers to teach the ways of plough cultivation in scarce plain lands. Eventually some Bengalis settled in the river valleys who later engaged in plough cultivation, trade, and intermediaries of the colonial rulers. Like plough cultivation, bazaar has been a remarkable induction in the hills, that brought a significant transformation in the traditional social system. Reasonably, the bazaar exchange was totally unknown to the indigenous people and remains elusive and unmanageable to them. Thus, the British paved the path of migration of the Bengalis to begin formal trading in the hills.

Following the end of colonial rule (1947 onward), the postcolonial Pakistan Government

planned to harness the river and water resources of the hills to strengthen the industrialization of Pakistan, ironically in the name of “national development” and “national integration.”⁴ Accordingly, the Pakistan Government constructed a hydroelectric dam on the Karnaphuli River that occupied some 256 square miles in Rangamati District without a local consultation. Immediately, the dam not only submerged nearly 54,000 acres (84,375 square miles) of best cultivable land (40 percent), it also displaced almost 100,000 indigenous people (mostly Chakmas) from their lands.⁵ Since the displaced indigenous people had no formal land titles (i.e., formal documents of land registration), they were not well treated in the rehabilitation program staffed mainly by the Bengalis; as a result that most of them remained homeless and about 40,000 indigenous people had to drive out to India and another 20,000 to Burma (Sopher 1964).

Although by the early 1970s most of the land was under occupation (Mohsin 1997), at the end of the 1970s, the Bangladesh Government decided to send landless Bengalis into the hills as by then the plain districts became overpopulated while the CHT was “erroneously” supposed to be “empty.” The military government decided to solve the population problem of the plains by evicting the indigenous people from their lands. Accordingly, about 400,000 landless Bengalis were sent to the hills by 1984 thus immediately displacing about 100,000 indigenous people from their lands. Those displaced indigenous people who used to reside in the river valleys moved into the steep high hills to reside. Eventually the cultivable lands further decreased so as the fallow period for *jum* cultivation. In consequence of low fertility, now they do not get sufficient crops as before. Consequently, the indigenous people who find themselves in a precarious situation because of land scarcity caused by the dam (in the 1960s) faced further survival problems now caused by the transmigration program of the government (which began in 1979).

In this situation, the indigenous people began resisting the influx of Bengali settlers into the CHT. In response to this resistance, the government deployed a huge number of military and other armed forces to foil the “insurgency.” In consequence, many incidents of massacre, attack and reprisal attack, indiscriminate arrest and torture, killing, sexual violence, religious conversion, forced marriage,

form the largest ethnic group in the region (Mohsin 2003; R. C. Roy 2000; R. D. Roy 2003).

3 For details see: Mohsin 1997; Lewin 1869.

4 Dewan (1991); Van Schendel, Mey, and Kumar Dewan (2000); Mohsin (1997).

5 R. D. Roy (2003); Shelley (1993); Mohsin (1997); R. C. Roy (2000); Sopher (1963; 1964).

and abduction took place, often committed by the armed forces and settlers. However, a couple of initiatives led to a long-awaited accord in 1997 (widely known as “Peace Accord”) which formally ended the two and half-decade-long bloody conflict in the hills. Still the CHT is neither a peaceful nor a secured region to its people, though 20 years have passed since the Accord was signed. Until today local people bear fear in their mind, both at home and outside, both at day and at night. They spend time in fear of being evicted and tortured.

Although the “Peace Accord” opened a window of opportunity for peace, it failed to resolve conflict and violence between Bengali and indigenous people. Moreover, it pushed the indigenous people into an intra-indigenous (JSS-UPDF)⁶ violent conflict. Many vital clauses of the Accord are yet to be implemented. As a result, for the locals the post-Accord CHT is “neither secured nor peaceful” (Mohsin 2003). Apart from the employment of some indigenous people and some infrastructural development, the said “Peace Accord,” in fact, brings no significant impact toward ensuring peace and communal harmony. Although according to some commentators the post-Accord CHT is less fearful compared to indigenous and Bengali conflict, however, a new form of “fratricidal” violent conflict represents the region as a conflict zone. Under these circumstances, the present article attempts to offer an insight into the ongoing conflicting situation and critical transition toward peace in the CHT.

The article is based on the local perception comprehended through an anthropological investigation conducted in the Rangamati District of the CHT from 2008 to 2014 using a purposive sampling method. In line with the above-mentioned objectives, research tools such as life history, in-depth interview, case study, group discussion, key-informant interview, and observation were properly employed to grasp the native point of view. Secondary sources were also used to supplement the primary information. The data analysis by the author was supplemented also by interpretations of the locals. To comprehend the dynamics of the region – continuing conflict and critical transition toward peace –, this article has been organized as follows: Section one explores the root causes of conflict between indigenous people and Bengali and between the JSS and UPDF (discussed above); section two elucidates the routes to the Accord; section three presents the resultant situation of the Accord; sec-

tion four stresses the implementation and peace process; and finally, the conclusion condenses major points of this study.

Route to Peace and Its Pathways

Similar to conflict, peace does not occur automatically. The literature on peace studies suggests a number of conditions for effective peace processes. Political negotiations between a state and an insurgent group most often occur when interparty material and perceptual (military, political, social, economic, symbolic, legal, etc.) asymmetry shifts, so that both adversaries recognize the other’s ability to frustrate their chances of success (Dudouet 2011). Zartman (1996) calls this as a “mutually hurting stalemate,” allied to the concept of “ripe moment”: that brief moment when the playing field is acceptably the level for both sides and talks become possible (Miall, Ramsbotham, and Woodhouse 1999; Dudouet 2011). Therefore, armed group’s interest in negotiation tends to increase when power relations shift in their favor, as it opens the possibility for bargaining on a more favorable political solution. By contrast, persistent asymmetries in favor of the state tend to impede negotiated approaches, as bargaining outcomes will necessarily reflect the interests and concerns of the more powerful side (Hopmann 2001).

The CHT Accord 1997⁷ is the successful negotiation following many unsuccessful initiatives taken by the different regimes since the late 1970s. Since 1975 (following the killing of Sheikh Mujibur Rahman, first Prime Minister of Bangladesh), successive military governments ruled Bangladesh until 1990. Negotiations between the JSS and those military governments did not progress because of lack of mutual trust, goodwill, terms of reference, mandate, and scope. A negotiation becomes successful when both parties trust each other, which was materialized in 1997 between the JSS and BAL (Bangladesh Awami League), the then ruling party. Like them, Sheikh Mujibur Rahman (the then president of BAL; the BAL Government had come to power in 1996; after 21 years) recognized the CHT as a distinct region, which required special attention. Like Sheikh Mujib, Sheikh Hasina (daughter of Sheikh Mujib, and prime minister between 1996 and 2001) also did not recognize the indigenous people as “indigenous,” and did not recognize their rights in the

⁶ JSS = Jana Samhati Samiti (United People’s Party of the Chittagong Hill Tracts, 1973); UPDF = United People’s Democratic Front, 1998.

⁷ The CHT Accord 1997 was signed between the GoB (Government of Bangladesh, National Committee on CHT Affairs) and the JSS (on behalf of the inhabitants of CHT).

constitution for what they have been waged struggle since 1972.

Sheikh Mujib tried to persuade the indigenous people that they were no more “tribes” (others/non-Bengali), and, thereby, he called upon them to become Bengali and join the mainstream population and enjoy the citizen’s rights. The “father” of the Bengali nation perhaps could not perceive the spirit of the ethnic identity who devoted his entire life only to the cause of freedom of the Bengali. He had very little scope for thinking about identity of other’s within Bangladesh. Following the 23-year-long struggle against Pakistan and just within one year of independence of Bangladesh, it was difficult for him to pay attention to the non-Bengali while he was a nationalist leader who spent most of his time for the Bengali *jati* (nation) and Bengali *bhasha* (language). Scholars also opine that either indigenous demand for local autonomy was untimely (earlier), or Mujib was too nationalist to make room for the non-Bengali immediately.

However, following the assassination of Sheikh Mujib, engineered by a section of young military officers and a series of coups and counter coups, Major General Ziaur Rahman⁸ (as President of Bangladesh) attempted to constitute a forum named “Tribal Convention” in 1977 that continued till 1978 but failed because of lack of mutual trust. After the assassination of Ziaur Rahman, also by military officers, Lt. General H. M. Ershad (as President) took few steps toward negotiation until 1988. In the meantime, many people (indigenous people, Bengali, and security forces) were killed in the armed conflict between the Shanti Bahini (a military wing of JSS) and security forces during 1978 and 1988. Nevertheless, the JSS leaders, although hesitant, responded positively and put forward the following five-point-demands to Ershad:

1. autonomy for the CHT, including establishment of its own legislature, renaming the region as Jummaland, and the constitutional recognition of the Jumma nation’s right to self-determination;
2. removal of Bengali settlers who had entered the CHT after August 1947 (the year when the CHT was annexed to 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 the UN peacekeeping force.

⁸ Ziaur Rahman was founder of the Bangladesh Nationalist Party (BNP) founder of Bangladeshi nationalism in place of Bangali nationalism.

The JSS demands entirely have been rejected by Ershad arguing that the demands were beyond the framework of the Bangladesh Constitution. The JSS also refused to alter its position on the charter of demands. Consequently, the attempts failed even before substantive negotiations could begin. However, Ershad formed the three Hill District Councils (HDCs) in CHT for the overall socioeconomic development of the less developed people of this region. The HDCs are administered mainly by the indigenous people as chairmen and majority members (mainly by Chakmas, Marmas, and Tripuras).

Following the step-down of Ershad in the face of democratic movements, BNP was voted to power under the leadership of Khaleda Zia (widow of Ziaur Rahman) in 1991 and her government formed a nine-member multi-party Parliamentary Committee to conduct negotiations with the JSS. The JSS was very positive toward the initiative of the democratic government and announced unilateral ceasefire in August 01, 1992. Getting assurance from the Committee, JSS leaders submitted its revised five-point demands. The revised JSS demands were:

1. regional autonomy for the CHT with a regional council recognized by the Constitution;
2. restoration of land rights of the tribal people with a ban on allocation of land to the Bengalis from the plains;
3. withdrawal of security forces 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 Bengali settled in the CHT after August 17, 1947.

The BNP Government also rejected the demands. However, following its predecessor’s footsteps, the BAL that was voted to power in 1996 continued negotiations with the JSS for a settlement of the conflict and constituted a twelve-member national committee to that end. After seven rounds of grueling negotiations, an agreement was finally signed in 1997. The motivating factors and conditions that had contributed to the accord 1997 are as follows:

- both the GoB and JSS realized the futility of armed conflict;
- the end of Cold War in the late 1980s and geopolitical arrangements among the South Asian and East Asian countries;
- changed role of the international organizations;
- pressure from the donor organizations;
- revitalized relationship between two bordering countries (Bangladesh and India);

- relationship between the ruling Indian congress and BAL;
- withdrawal of support from India for JSS/Shanti Bahini;
- JSS trusted BAL Government as they used to believe in secularism.

The much talked about accord consists of major four sections:

1. Recognizing the CHT as a “tribal inhabited area,” the first section deals with commitments to pass legislation and sets out details of the composition of a committee to oversee the implementation of the Accord.
2. The second section, entitled “Hill District Local Government Councils/Hill Districts Councils,” details proposed legal amendments to strengthen the District Councils’ existing powers and to extend their jurisdiction to include new subjects.
3. The third section, entitled “Chittagong Hill Tracts Regional Council” lays down the composition of a new unit of regional authority to be constituted and styled as a Regional Council incorporating the three hill districts. In the case of both the Regional and the District councils, the chairpersonship and two-thirds of the seats are to be reserved for “tribal” people.
4. The fourth section, entitled “Rehabilitation, General Amnesty, and Other Matters” addresses a wide range of issues, including the rehabilitation of international refugees, internally displaced persons, and indigenous fighters, and the grant of amnesty to the guerillas and other people involved in the armed struggle (R. D. Roy 2003: 9).

The Accord 1997: A Window of Hapless Hope

In order to put an end to the two and a half decades old bloody conflict, the JSS and the GoB signed the Accord on December 02, 1997, which opened a new window of hope for peace, freedom, stability, and development. Unsatisfactorily, in the last 20 years that hope has not only remained unfulfilled, instead, it has backfired with the potential for a new era of instability and likelihood of a future conflagration that intensified ethnic tensions even within the indigenous people.

Twenty years already have passed and many questions and suspicions have arisen as to whether the accord is a failure. The conflict between the two main erstwhile protagonists, indigenous and Bengali, still continues. Although the Bengalis or security forces have not been attacked by the indigenous

people, the reverse is not true. Adversely, the post-Accord CHT witnesses the rise of a new form of violent conflict that threatens the spirit of the Accord between erstwhile allies from among the indigenous autonomist activists (JSS–UPDF). Consequently, over the years, many indigenous people met violent death in armed fights between these two opposing groups, known locally as the “Pro-Accordists” (JSS) and the “Anti-Accordists” (UPDF).

The commissions and omissions of the police and other government security forces regarding this conflict have led locals to believe that although these forces are ostensibly neutral, they are not interested in applying the law when the victims of the conflict are indigenous people, whoever the perpetrators of the conflict might be (R. D. Roy 2003). According to the locals, the reason of such a role might be the ethnic identity of the security personnel; hardly any of them belong to smaller local ethnic groups. In a recent case in Matiranga (August 03, 2013), spreading a rumor that the indigenous people kidnapped a Bengali, the Bengali settlers burnt to ashes more than 35 households of the indigenous people, and another 277 houses were looted and ransacked. As the tension spread among the villagers, more than 900 families from 13 villages left the villages to take shelter in the no-man’s-land in the Indian territory. A two-month-old Chakma girl died after the horrific attack. During the hideout in the jungle, she became ill after being exposed to the heavy rains. According to the indigenous people, it is a conspiracy to uproot the indigenous people from their land. “It is a part of the drama that was staged mainly to grab the cultivable and livable lands of the indigenous people. This rumor is nothing but a preplanned story to give birth to incidents like that.” Many indigenous people also believe that bias and discriminatory attitude on the part of the government help perpetuate this conflict (see R. D. Roy 2003: 6).

Complaints of non-implementation of the Accord are numerous. The Bangladesh Government claims that most part of the Accord has been implemented, while the JSS considers this not to be more than ten percent; however, according to the UPDF the Accord does not maintain the interests of the indigenous people. On the other hand, according to many Bengali settlers, the Accord is a political deal between the BAL and JSS, which does not uphold the interest of the Bengalis and the sovereignty of Bangladesh state. They also complain that the JSS and UPDF are responsible for creating conflict and killing of innocent people in the post-Accord hills. Interestingly, Jyotirindra Bodhipriya Larma, known as Santu Larma – the President of JSS and Chairman of RC –, who signed in the Accord on behalf

of the CHT people, has time and again been complained of non-implementation of the Accord in no unclear terms. He recently has warned the government, that if the government does not implement the Accord soon, they may take arms again to establish their right on their lands.

However, as stated by many locals, the Accord did not address the underlying causes of conflict. Amena Mohsin writes in this regard, “[w]hile the CHT accord was meant to resolve the armed conflict between the insurgents of the CHT and the government of Bangladesh, it did not address the underlying complaints of the hill people and is thus unlikely to establish peace until the government seriously addresses these grievances” (2003: 13). It is somewhat true that the Accord has ended frequent armed conflict and massive violence between the two antagonists, the indigenous people and the Bengali, but it satisfied none of the both. Furthermore, it instigated armed conflict within the indigenous people. Indifference to the implementation or even non-implementation of the Accord in the last 20 years dashed whatever hope the Accord generated among the people.

The flaws of the Accord in addressing the basic issues of conflict and the failure of the GoB to live up to its promise have led the peace process nowhere but to implant the seed of a more complex conflict in the future. Realizing the reality and consequences of the Accord, within one year of the Accord, Mohsin claimed that, “[the] seeds of insecurity, discontent, inequality and further polarization are inherent within the peace accord” (1998: 107). However, unlike other pessimistic scholars, Chakma raja (circle chief) Devasish R. Roy thinks:

Like many other accords, the CHT accord too has many shortcomings, but since political processes are always ongoing, one may hope that its shortcomings may be corrected in the future through visionary and dynamic politics. However, until such a conducive atmosphere presents itself, the most important priority for the CHT people is to have the accord implemented, especially its provisions on rehabilitations, self-government, land, demilitarization, development and law and order (2003: 7).

Despite some flaws of the Accord, still many indigenous people believed, once the Accord is fully implemented, peace is inevitable in the hills. However, they no more hope, because 20 years have already elapsed. Moreover, the BAL Government (1996–2001), which had signed the Accord and passed a second term (2009–2013) did not bring any significant development toward the implementation of the Accord. The most important issue of land disputes remained unsolved. Still the indige-

nous did not get their rights on their lands; rather they have been displaced from their lands without any protection from the government/security forces. As seen in the incident at Matiranga (August 2013), the government security forces were reluctant while the Bengalis were evicting the indigenous people from their lands and homes. In addition, although in the aftermath of the Accord, the conflict between the indigenous people and Bengali is occasional, the regular one is the violent conflict between the JSS and UPDF that killed at least 600 indigenous youths within 15 years. Therefore, one can say that, on the one hand, the Accord could not establish communal harmony between indigenous people and Bengali; on the other hand, it instigated a violent conflict within the indigenous people (JSS-UPDF).

The Accord 1997: State–JSS without the Locals

The “Peace Accord” 1997 was signed between the GoB and the JSS, i.e., on behalf of the government, the chief whip of the parliament, Abul Hasnat Abdullah (as the convener of the National Committee on CHT Affairs), and on behalf of the inhabitants of CHT, Jyotirindra Bodhipriya Larma (the president of JSS), signed in the Accord. The Accord has been portrayed as “Peace Accord” nationally and internationally despite the fact that there was no place for the word “peace” in the whole text. Although since the late 1970s different regimes took a number of initiatives for a negotiated settlement of the conflict, except few indigenous people the issue of negotiation was not consulted among the locals. The JSS is the sole organization that merely was informed about this. Local participation and opinion, thus, was not ensured. Therefore, according to many indigenous people, the Accord was not representative and did not reflect the opinion of the locals. Besides the UPDF who oppose the Accord, some other indigenous people also opine that the accord was signed between the BAL Government and JSS; both the BAL and the JSS are fundamentalists, and political interest and power politics are their main concern.

The JSS also agreed with the Accord where the indigenous people of the CHT were declared as “tribal” instead of “indigenous” or “adibashi”.⁹ One of the indigenous people says,

⁹ The natives/locals prefer to call themselves “indigenous people” (*adibashi*) while the State and Bengali disagree with calling them “Adibashi,” as they believe that indigenous people are not *adibashi*, they are rather immigrants. To the Bengali, the indigenous people are “tribe” (*upajati*).

[t]he JSS compromised our long-waged struggle with the Regional Council that has been seen as a power house for the JSS leaders.^[10] If they could convince the government to declare the indigenous people as “indigenous,” among others, the land disputes would have been resolved through customary laws within the 15 what is still almost unaddressed, while land is the crux of all conflicts.

The non-Chakma indigenous people feel more aggrieved, because from their point of view, “it does not ensure the interest of all indigenous people, the accord benefits only the JSS leaders, more particularly the Chakma.” They argue, since the Chairmen of the Regional Council (RC) and District Councils (DCs) are Chakmas, and the vast majority of the office staff are Chakmas; non-Chakma indigenous people have no capacity to avail themselves of these facilities. In most cases, JSS members are the only “eligible” to avail of all supports and facilities allotted for the indigenous people. A Tripura native says, “If we see the staffs of the Regional Council, it seems to be second JSS office as it is staffed mostly by the JSS people.” Thus, the non-Chakma, non-JSS indigenous people do not find this office as their own office for what they waged about twenty-five years disregarding their own lives.

The absence of a third party (a national or international organization), which could oversee and mediate or arbitrate disagreements or disputes during the process of implementation of the Accord, also is another limitation of this Accord. The relative success of certain peace and autonomy agreements that are strongly entrenched as, e.g., in Mizoram, India, Italy, or South Tyrol, suggest that the presence of the entrenchment clauses may provide sustainability to peace processes.^[11] Given the situation, now steps toward the implementation or non-implementation of the Accord are totally on the desire of the government. Presently, in fact, the JSS or indigenous people have no “real” space, for example, the Chairman of the RC is not informed about major decisions, such as army pullout and brigade withdrawal. He speaks out repeatedly, but the State does not heed

him. His men, the UPDF, also question his role and representation. Division and conflict within the indigenous people (JSS-UPDF) weaken the demand for implementation while the government uses this advantage.

Post-Agreement Dilemmas among the Indigenous People

Regarding the Accord one of the indigenous people says, “The accord has destroyed our mutual harmony and peace, it boosted competition and clash of interest.” He further explains that, “in pre-Bangladesh period the CHT never witnessed kidnapping, killing, rape, deception, and the like, and even amid these all odds, we had no internal competition for resources, or job and never got involved in armed conflict within us. In the aftermath of the Accord, the region has been witnessing armed conflict, killing, extortion, corruption, and public competition within the indigenous people. Clash and mistrust between Chakma, Marma, Tripura, and other groups are evident now. In the pre-Accord period, the indigenous people were worried about the attacks by the settlers or security forces, but now, one indigenous group are frightened by another group (e.g., JSS-UPDF tension).”

The conflict among the indigenous people first became known on February 10, 1998, when combatants of Shanti Bahini, led by the JSS President, surrendered to the then Prime Minister Sheikh Hasina in the Khagrachari Stadium. Immediately, a breakaway faction of indigenous students and youth groups hitherto allied to the JSS and unequivocally condemned the Accord as a “sell-out” to “reactionaries” (R. D. Roy 2003: 100). In their opinion, the Accord was “against the interest of the indigenous people, against the spirit of the Jumma nationalism, and it was a compromise between government and JSS” and they vowed to continue their struggle for “complete autonomy” that later formed the UPDF in 1998. They also criticized the Accord for not having provisions on constitutional safeguards, for being unclear on land rights, and for the absence of provisions on the withdrawal of the military personnel and the repatriation of transmigrated Bengali settlers outside the hills.^[12] Since then, the conflict between JSS and UPDF has been a common contesting issue in the hills. Many indigenous people have been killed by other indigenous people in “fratricidal” clashes. Attack, counter-attack, killing,

10 The JSS President J. B. Larma (popularly known as Santu Larma) has been Chairman of the Regional Council since 1998 with the status of State Minister. Among the four members of the council (three from JSS) there is one from Chakma, one from Marma, one from Tanchangya, and one from Bengali.

11 The Mizoram Accord (1986) is constitutionally protected by a “double entrenchment” clause which safeguards against changes other than through an amendment to the Indian Constitution (requiring a specific majority in parliament) and without the contest of the Mizoram State Assembly (see Nunthera 2002). In the case of the South Tyrolean autonomy, this is protected by a bilateral treaty between Italy and Austria (see Woelk 2003). See also R. D. Roy (2003: 22).

12 Proshit Bikash Khisha, UPDF leader, in an interview published in *Earth Touch* (4.1998: 10–11).

counter-killing have become common phenomena in the hills. As a result, indigenous people kill indigenous people in JSS-UPDF violence each month. During the first six months of 2013, at least twenty people (mostly Chakma) from both factions were killed, hundreds were kidnapped and hurt.

Thus, the reason behind the conflict between the JSS and UPDF has its roots in the Accord 1997. Many indigenous people even believe that the security forces assist the UPDF. They patronize the UPDF by giving arms and cover to demoralize and weaken the JSS, so that JSS lost its absolute power to press the government to implement the Accord. The reason behind peoples' perception is that the UPDF has been committing incidents against the JSS, staying at a close distance to the army camps. Some people also opine, that where the JSS is weaker than the UPDF, army assist the JSS against the UPDF, and where the UPDF is weaker, they get the army's support against the JSS. Locals believe that the security forces, especially the military forces, want the continuation of conflict and violence in the hills in order to justify their deployment and enjoy the absolute power and facilities.

Besides the JSS-UPDF conflict, the competition for job, business, and education is among the conflicting issues even among indigenous peoples. Non-Chakma tribe members complain that the Chakma occupy the maximum facilities in job and education sectors. There are some "tribal" quotas in government jobs and educational institutions (college, university), where almost all posts have been occupied by the Chakma. Since their literacy rate is higher than that of other indigenous groups, and since they have their own people in all sectors, they manage to avail all advantages of the quota system.

The indigenous people are not sure which era was/is good for them: pre- or post-Accord. They cannot differentiate qualitatively. They do not know the future of the Accord and their survival. They even do not know what the BAL has been doing with them. They are in dilemma whether they should lose hope or try again to gain indigenous rights. They are not sure whether they will be able to take arms against the state security forces; many think, it would be "difficult" indeed. Many leading indigenous people have been assuming power, money and politics that got positions in RC, HDC, CHT development board, parliament, and ministry. Therefore, it would be difficult to get back them from the mainstream power politics and involve in jungle war.

Bengali Perception about the 1997 Agreement

Like the indigenous people, the Bengali have also mixed reactions about the Accord, however, the substance of agreement and disagreement regarding the Accord is not necessarily the same. Like the indigenous people, old Bengali (also known as Adibashi Bengali) are happy with the Accord, hoping that it might resolve the existing crisis and establish harmony and peace, and there would be no intervention by army or Shanti Bahini. They both want peace, harmony, and an uninterrupted life. However, while some indigenous people opine that the Accord failed to ensure the representation of all indigenous groups, almost all Bengali settlers oppose the Accord. To them, the accord is "discriminatory" against Bengali interests. Moreover, in pre-Accord time, they had many means of livelihood like fishing or wood/bamboo collection. They used to maintain these by a give-and-take relationship (paying dues to) with Shanti Bahini. In the aftermath of the Accord, they are to maintain the relation (paying dues) with both JSS and UPDF, and sometimes even with some other armed "gangs."

Bengali settlers confirm that, "during the pre-Accord time the indigenous people used to maintain a relationship with us so that we do not harm or attack them, but, in the post-Accord time, we observe behavioral changes (anti-Bengali) among them; they possibly think that the CHT would be separated from Bangladesh, and settlers would be ousted from the hills." They also state that, "the indigenous people are enjoying almost all facilities; nobody oversees our situations. Since the Accord, many national, regional, and international NGOs have been functioning in the hills; almost all NGO staffs are from among the indigenous people, and their activities highlight only the welfare of the indigenous people. In international NGOs, like UNDP, WFP, DANIDA, salaries vary from Taka 40,000–100,000, whereas with very good academic records Bengali are doing jobs with salaries between Taka 5,000–20,000. Given the situation, most Bengalis do not support the Accord and protest against the NGO activities that give preference only to the indigenous people and not to the poor and vulnerable."

Although among the lowland Bengali some intellectuals, progressive persons, and progressive political parties are in favor of the Accord, national political parties such as BNP, Jamaat, Islamist parties, and even BAL maintain reservation about it. To many Bengali settlers, the Accord signed by the BAL Government was "too conciliatory" toward the indigenous people and "unnecessary and self-destroying" for the Bengalis who have been settled

there under a government-sponsored population transfer program. According to the Bengali settlers, their issues were not addressed in the Accord. When they heard that the government was serious about implementing the Accord, they feared being ousted from the hills; when they heard that military would be withdrawn, they feared that the indigenous people would kill them.

In protest against the Accord, the settlers also formed a few organizations to establish their “citizen rights.” “Samo Adhikar Andolon” (Equal Rights Movement) is one of them whose main patron is Abdul Wadud Bhuiyan, a Bangali leader who was also a Member of Parliament (MP) from Khagrachari constituency on BNP ticket and later he became the Chairman of Chittagong Hill Tracts Development Board (CHTDB) during the BNP rule (2001–2006). The Bengali settlers who are supporter or activists of BAL though do not support the Accord by heart, however, do not protest against it. Although the BAL Government signed the Accord, many believe that they have no intention / are not willing / are not consent to implement the Accord. They do not want to lose the electoral support of the Bengalis who now constitute 50 percent of the total population of CHT. The implementation process, speed, and other related activities and attitudes also maintain this view.

Politics of Peace and Pending Peace

The historic Accord was warmly welcomed throughout the world and the then Prime Minister of Bangladesh was awarded the UNESCO Peace Prize in 1998 for the “Peace Accord”; however, the fact is that the Accord itself has no significant impact on the lives of the indigenous people even after 20 years of its signing. Moreover, mere implementation of the Accord cannot bring about significant changes regarding the establishment of peace, especially given the polarization that has emerged within the indigenous people and where the mainstream political parties are markedly divided on the Accord.

In 1997, when the BAL Government and the JSS reached to the Accord, it was not accepted by the opposition parties such as the BNP, Jamaat, and others, though the BNP Government had many meetings with the JSS aiming to reach an agreement while they were in power (1991–1996). However, following the political culture of Bangladesh, like all other issues the Accord was rejected by the then opposition party BNP and some other Islamist parties. During the BAL regime, the BNP called a strike to cancel the Accord, but during their own

tenure (2001–2006) they did not cancel or withdraw it. Indeed, they implemented a few aspects of the Accord. This indicates that the BNP also want same kind of accommodation with the indigenous people.

However, following the imposition of the state of emergency (2007–2008), BAL again came to power in 2009. In its election manifesto they promised that if voted to power, they would implement the Accord fully.¹³ After coming to power, the BAL Government formed an “Agreement Implementation Committee.” This committee already has taken a few visual steps toward the implementation of the Accord. In July 2009, the committee declared the removal of a brigade and few temporary camps from the hills. BNP, Jamaat, and a few other parties as well as settler groups protested against the decision. A land commission was also formed to resolve the land disputes. The “Agreement Implementation Committee” also cancelled some illegal leases in accordance with the Accord. That’s all. And now they already have passed their tenure (2009–2013) and failed to show any effective measure aiming to implement the unimplemented clauses of the “Peace Accord.” They are rather embittering the indigenous people by refusing to recognize them as “indigenous people” in the constitution. Although in the manifesto they mentioned the indigenous people as indigenous people (Adibashi), however, the BAL Government officially proclaimed that there are no Adibashi in Bangladesh but some “small ethnic minorities (SEM).” Thus, the “Peace Accord” remained contested and peace remains pending in the hills – an ongoing issue for politicization.

Critical Transition to Peace

The problem in the hills is not new. It had old historical roots and new dimensions were added to them during the Pakistan and Bangladesh periods. The existing crisis has been nurtured by politics of *nationalism*, politics of *ethnicity*, and politics of *peace*. The discrimination of indigenous people has been created from the *above*. Hostile state policies, the attitude of the political parties, and the activities of the security forces, they all have been contributed to the continuation of the crisis.

Throughout the actions and reactions of different stakeholders we see a complex situation in the CHT. At least 50 percent of the inhabitants (most Bengalis and some indigenous people) of the CHT

13 The government led by the BAL (1996–2001) was quick to hail it as a “historic accord,” repeatedly invoking it as one of its major success stories (R. D. Roy 2003: 15 f.).

are discontented with the Accord and post-Accord development programs. Although it is true that the conflict between indigenous people and Bengali apparently has been reduced in the aftermath of the accord, peace still does not exist in the hills as “absence of violence is not peace.” The impression of different sections of people and stakeholders given below indicates the critical transition in the hills.

– Bangladesh Government: The Accord 1997 was signed between the JSS and the Bangladesh Government. At that time, BAL was in power and now they already passed 8 years in power after signing of the Accord (1996–2000; 2009–2013), however, they could not bring significant changes toward peace in the hills. Vital issues remain unimplemented, such as land issue, which has been considered as the crux of hill problems. According to many, the BAL Government signed the Accord only for political benefit and international recognition. They are not serious about the implementation of the Accord. They inspired much hopes, but people became hopeless at the end. On the other hand, the BNP and the Islamist parties had protested against the Accord, but did not cancel it when they were in power (2001–2006). When the BNP and the Islamist parties had come to power most indigenous people were dissatisfied since they (BNP and Islamist parties) protested against the Accord and did nothing for the betterment of the indigenous people in accordance with the Accord. However, the settlers, who were relocated to the hills in 1979, assisted by the military government at the time Ziaur Rahman (founder of BNP) was President of Bangladesh, feel happy. The indigenous people felt confident at the time the BAL assumed power in 2009, but later they were disappointed with the reluctance of the government.

– Indigenous People: The indigenous people were consolidated until 1980s; however, still until 1997 they hoped for a democratic and autonomous CHT but were disappointed soon. In the aftermath of the 1997 Accord, the minority groups consider themselves being deprived and discriminated by the dominant groups. There exist two violent factions even in the dominant group Chakma: JSS and UPDF. In effect, we observe mixed actions and reactions among the indigenous people. The JSS, who signed the 1997 Accord and supported it wholeheartedly, has threatened the government to implement the Accord to avoid further armed resistance in the hills. Although already 20 years have passed, according to the JSS not more than 10 percent of the Accord was implemented. On the other hand, the UPDF, which was born as a response to protest the Accord,

not only protest against the Accord, are involved in violent conflicts with the JSS. In effect, JSS–UPDF conflicts which had begun in 1998 have become an everyday matter and are still continuing in a growing and violent way. Those indigenous people who even do not support the UPDF are not dominant among indigenous people (e.g., Bawm, Mro, Pangkhoa) and consider themselves being ignored and deprived. They believe that in the name of interests of indigenous people the dominant groups (i.e., Chakma, Marma, and Tripura) avail all facilities. In consequence, besides the interethnic (indigenous people–Bengali) conflict, intraethnic (dominant vs. minority indigenous groups and JSS Chakma vs. UPDF Chakma), and other groups keep the region as a conflict zone.

– Bengali People: There are two sections among the Bengali in the CHT: Adibashi (indigenous/old) Bengali who settled before 1971, and settler Bengali who settled after 1971, largely through the population transfer program which began in 1979. The Adibashi Bengalis want a restoration of the peaceful coexistence in the hills while the majority of the settlers want power and supremacy over the indigenous people. They do not support the Accord because they believe that once the Accord is implemented, the indigenous people will be given back rights on their lands already occupied by the settlers. Some BAL supporters consider the Accord as a political weapon; however, the supporters of BNP and the Islamist parties do not agree, saying that the Accord was signed against the interest of the Bengalis and the sovereignty of the Bangladesh State.

– Civil Society: In fact, many people in the plains do not know much about what have been going on in the CHT. Most of the Bengali do not know more than three ethnic groups’ name (i.e., Chakma, Marma, and Tripura). Many know indigenous people as Chakma or Shanti Bahini who oftentimes used to “kill” the settlers. Many Bengalis believe that if the Accord was implemented fully, and if the military forces were withdrawn from the hills, they will be killed or ousted from the hills. The supporters of BNP and the Islamic parties do not support the demands of the indigenous people. The supporters of BAL promote the Accord politically, but do not facilitate other demands of the indigenous people. Both, BNP and BAL consider the impression of the 50 percent people of the CHT, the indigenous people. However, some civil society people, e.g., leftist politicians, journalist, intellectuals, and university teachers, support the indigenous people in their ef-

forts to safeguard their indigenous rights. They take part in various programs called by the indigenous people in the hills and plain districts (Dhaka/Chittagong).

– Armed Forces: One of the major factors in the CHT is the presence resp. withdrawal of the military and other security forces. Although there is a clause for gradual withdrawal of military forces from the hills, still the militaries are not only the main authority in the hills but also the military operation has been functioning in the hills. The military forces do not want to leave the hills in the name of security and peace. However, most indigenous people instead believe that the army do not want to go back to the barrack, because they can enjoy the absolute power in the hills. While almost all indigenous people want the withdrawal of the military forces from the hills, the Bengali do not support this, they want the army for their safety. The indigenous people believe, that their life would be fearful if the military forces were not withdrawn from the hills. Here it is noteworthy to mention that the military forces wish to work in two lucrative places: one is the UN peace mission and the other is the CHT. As stated by many indigenous people, the military forces are like the “kings of the jungle” in the hills. “They will not leave CHT. For their own interest (money and power), they want the conflict to be continued to justify their stay as ‘kings’.”

– Implementation of the Accord 1997: Considering the Accord, we see no significant progress toward peace. Land issues remain unsolved and the settler Bengali issue remains uncertain. In the last 20 years, the land commission did not succeed in giving back indigenous people’s rights on their ancestral lands. In fact, except some structural and visible changes the Accord has no significant achievement in the hills. Throughout the study it contents, transition to peace in the hills is not only critical but also very difficult. No sign has been seen for the recovery from the existing predicaments.

Concluding Remarks

Although the Accord already has passed 20 years since it was signed, many vital issues are yet to be addressed. And even though the armed conflict between the indigenous people and the security forces (including Bengalis) has ended, nevertheless, it cannot be said that peace exists in this region. Still, people are living there in fear, and fear had become “a part of their life”! In effect, the post-Accord CHT is

still not a peaceful region for its inhabitants. Some studies precisely show that fundamental causes were not addressed in the Accord (R. D. Roy 2003), while other studies add that the slow pace of implementation or even non-implementation has dashed whatever hope the agreement generated, however, the local dynamics remained unaddressed.

Based on the findings, this article indicates that the following issues are responsible for the continuing conflict in the hills and eventually make the transition critical: (a) flaws in the Accord; (b) nonacceptance of the Accord by a section of the indigenous people; (c) continuous displacement; (d) intra-indigenous people (JSS–UPDF) conflict over domination/supremacy; (e) military intervention; (f) lack of political will from the GoB; (g) non-implementation of vital clauses of the Accord; and (h) mistrust and hatred between the two antagonists (indigenous people and Bengali).

As mentioned before, the Accord was signed without the local. Both, the indigenous people and Bengali were uninformed about it. The underlying issues of the conflict were also not adequately addressed in the Accord, as, for example, land disputes, punishment of the people who violated the human rights, and the like. Most importantly, the Accord is ambiguous about the military and settler issues. Although today the Bengali represent about 50 percent of the hill population, their issues were not addressed in the Accord, as for instance, whether they would be repatriated to plain districts, and if not, how could they coexist with the indigenous people. The mutual distrust and hatred between the indigenous people and Bengali could not be removed without taking a comprehensive measure to resolve the crisis and to establish communal harmony. As a result, the roads to peace have become more difficult (Mohsin 2003).

Throughout the study it became apparent that the continuing conflict in the hills is evident and as peace stays far from the hills people still bear fear in their mind and, thus, fear has become part of their everyday life. Clearly, the Accord 1997 failed to bring significant changes toward peace and freedom. Therefore, there are two possibilities: 1) going back to ethnic conflict or continuation of the conflicting situation, and 2) aiming at a peaceful coexistence. The first possibility is inevitable if proper measures are not taken for the second one. The predicament will continue if necessary initiatives are not taken timely and properly, and the transition will remain critical or difficult. In order to go with peace, many appropriate measures are prerequisite to implement the involvement of people from all sectors: JSS, UPDF, ordinary indigenous people, security

forces, Adibashi Bengalis, and settler Bengalis. The peace treaty should be comprehensive and holistic, politico-economic as well as minority issues must be duly incorporated in the peace process.

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