

Peace Process in Chittagong Hill Tracts

Update on CHT Peace Accord

The 23 year old struggle for autonomy of the *jumma* peoples of the Chittagong Hill Tracts in Bangladesh came to a close with the signing of a peace accord on December 2, 1997 between the government of Bangladesh and the *Parbattya Jana Samhati Samiti*, political front of the armed group. Nearly two and a half years later, the armed members of the PCJSS have deposited their arms and returned to normal life. However, doubts are increasing about the government's implementation of the accord in view of the protracted delays and its diluted enactment, especially in the commitment to the transfer of administrative responsibility to a Regional Council and the functioning of the Land Commission which has been set up only in April 2000. Most of the army camps have yet to be dismantled and only 40% of the refugees have been resettled on their lands. Within the tribal peoples and their support groups, it has widened the split between the pro-accordist and anti accordists who have challenged the accord as not fulfilling the demand for full autonomy. Moreover, with the peace accord becoming a hostage to the polarized politics of Bangladesh, there is a question mark on the survival of the accord in the event of a change in government.

General Information:

Chittagong Hill Tracts, a 13,295 sq.km area, in the southeastern region of Bangladesh bordering India and Burma, is homeland to 14 tribes of Sino-Tibetan origin, collectively known as the Jumma peoples. The Jumma peoples are different from the majority of the Bengali population of Bangladesh with respect to language, Buddhist religion, ethnicity, social system and economic practices. In the census of 1951, Bengalis were only 9 percent of the population in the CHT, by the time of the 1991 census, they were 49 percent of the population. The Jumma peoples 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 decade old struggle for autonomy, the Jumma peoples have been targets of massacres, extra judicial executions, rape, torture and forced relocation.

Genesis of the problem:

The status of the CHT as an autonomously administered district, in British administered India was safeguarded by the Chittagong Hill Tracts Regulation, 1900 which prohibited sale and transfer of land to non-indigenous people. However after the partition of British India in 1947, when CHT despite having a 2 % Muslim population, was given to Pakistan, the new rulers decided to open up the hill tracts and tap its potential hydro-electric resources. The construction of the Kaptai Dam in 1962, submerged 54,000 acres, that is, nearly 40 percent of the best agricultural land, and displaced about 100,000 people, mostly Chakmas. Little effort was made to rehabilitate the displaced and some 64,000 people migrated across the border into Arunachal Pradesh (India)

Between 1964 and 1971, the Pakistan government amended Regulation 1 of the Act of 1900 to allow migration of non-tribals into the hill tracts and transfer ownership of land and other resources of CHT to non-tribal people from the plains. The emergence of Bangladesh in 1971 saw

the projection of a homogenous Bengali nationalism, with the citizen of Bangladesh defined as a *Bengali* in the Constitution. No separate status or identity was recognised. What was still a struggle within constitutional means, was spearheaded by Parbattya Jana Samhati Samiti (PCJSS) – the Chittagong Hill Tracts People's Solidarity Association. Its armed wing, Shanti Bahini (peace force) was also formed in 1972.

As the struggle gathered strength, the government began relocating Bengalis in the CHT. About 400,000 Bengalis were sent to the CHT, both to ease the pressure on the land in other parts of Bangladesh and to dilute the dominance of the hill people in CHT. In 1975, the struggle went underground. Nearly a third of the Bangladesh army was deployed in the CHT as the government looked for a military solution. As armed confrontation between the security forces and Shanti Bahini escalated, communal harmony between the tribals and 'new' Bengali settlers deteriorated further. Ten major massacres by Bengali settlers and the security forces since 1980, led to an exodus of the tribal population across the border to Tripura in India.

Efforts to settle the conflict

Successive governments in Bangladesh moved from a military solution to eventually calling for a political solution in 1987 when General Ershad initiated the first of six rounds of peace talks. But the agreement of 1989 only provided for 'limited autonomy'. It was largely rejected and armed insurgency continued. Under the BNP and the Awami League, talks were resumed between a Committee representing all major parties in Parliament and the PCJSS. Eventually, the talks (BNP deliberately stayed out) resulted in the signing of a peace treaty on December 2, 1997 between the National Committee and the PCJSS in the presence of Prime Minister Sheikh Hasina.

The Peace Accord

Although the Peace Accord is widely accepted Begum Khaleda Zia, the leader of the Opposition in Parliament and Chairperson of Bangladesh Nationalist Party (BNP), has opposed the accord. The BNP which had itself initiated 13 rounds of peace talks, called the accord a 'sell out'. The accord has been caught in a political crossfire with the ruling Awami League making partisan capital of it and the BNP denouncing it. The Daily Star, February 11, 1998 also reported that when the accord was being signed a "small but visible group of young boys and girls" waved posters saying that, 'we want full autonomy for CHT'. They chanted that "they did not accept the 'accord of compromise'. Misgivings about the virtual stagnation in the implementation of the accord has strengthened disaffected political groups in the Chittagong Hill Tracts who consider the accord to have failed in promising full autonomy. The accord has produced a split in the Phari Gano Parishad (PGP or Hill Peoples Council), Phari Chattra Parishad (PCP or Hill Students Council) and Hill Women Federation (HWF), between pro-accordists and anti accordists. They argue that the accord has failed to "reflect the genuine hopes and aspirations of the peoples of the Chittagong Hill Tracts and has failed to fulfill the main demands of the Jamma people namely, constitutional recognition to the national ethnic minorities of the CHT with guarantee for full autonomy (sic), restoration of traditional land rights, demilitarisation of the area, and withdrawal and resettlement of the Bengali settlers in the plain land." *A.I report 2000*.

The Peace Accord Implementation Process:

Four meetings of the accord implementation committee were held on March 21, May 17, August 7 and November 2, 1998, but the tribal authorities complain that steps have not been taken to implement the decisions taken in the meetings. Adding to the confusion, no minutes of the meetings were recorded.

Regional Council : The centerpiece of the accord is the establishment of the Chittagong Hill Tracts Regional Council comprising the Local Government Councils of the three Hill Districts. It has 22 elected members and its tenure is five years. The Chairman shall be a tribal with a status of a state minister. Fourteen other members will be tribal, including two women. The objective of having a Regional Council is to make the CHT a single political and administrative unit. It has powers of supervision and coordination on subjects such as law and order, general administration, development, traditional laws and social justice and the power of giving licenses for heavy industry.

Although the Regional Council Act has been enacted, there is delay in the formulation of its rules and regulations. Moreover 31 of the 36 subjects which come under its purview, have yet to be transferred to the HDC. For example, land development tax is still being collected by the Deputy Commissioners of the Hill Districts.

Land Commission:

Central to the accord, was the land issue. A Land Commission was to be set up for settlement of disputes. It was to dispose of land disputes of rehabilitated refugees and have full authority to annul the rights of ownership of those hills and lands illegally settled (and illegally disposed). No appeal shall be maintainable against the Judgement of the Commission. It has taken two and a half years to set up the Land Commission on April 6, 2000. Initially, there was a problem over the unilateral appointment of the Chairman of the Land Commission on December 1998, that is, without consulting the JSS. Eventually, the JSS accepted the appointment of a Chairman in May 1999. The death of the Commission's Chairman, Justice Anwarul Haq Chowdhury, further complicated matters. Finally a nine member Commission has been set up.

Amnesty & Rehabilitation

Under the terms of the accord, about 2000 members of *Shanti Bahini*, the armed wing of PCJSS, deposited their arms by March 1998 and returned to normal life. The government has declared a general amnesty and the JSS has submitted lists of cases lodged against its members. But the government has yet to withdraw all these cases.

So far 999 cases have been placed before the government for withdrawal or dismissal. Of these 461 cases have been withdrawn by the government. Cases before the military court have neither been withdrawn nor dismissed.

What adds to the concern is incidents like the recent arrest of the acting principle of Naniarchar College Santosh Bikash Khisa in connection with the 1993 Naniarchar massacre. According to PCJSS Information Secretary Mangal Chakma, the armed forces and the Bengali settlers were responsible but blamed the Jumma peoples and lodged a case against them in the police station. Under the terms of the accord this case should have been in the process of withdrawal. Apparently, because of tension over a local political incident, the police are harassing PCP and JSS workers and the case filed before the CHT accord has been dredged up. S. B. Khisa was picked up on February 29, 2000 and taken to Rangamati jail.

To assist the rehabilitation of the members of JSS, Taka 50,000 has been given to 1,947 returnees. 19 other JSS members who were in jail have been granted Taka 50,000 but 11 are yet to receive the money. Under the accord JSS members who had been in government service were to be reinstated and others were to be given employment according to their qualifications. In all 78 JSS returnee members submitted applications for reinstatement and 62 have been reinstated. But seniority and related allowances have yet to be granted. 677 JSS members have been appointed police constables and 10 traffic sergeants.

Refugee and IDP Rehabilitation

All the 12,222 CHT Jumma refugee families numbering 64,609 persons have returned to CHT from Tripura, India. The state of Bangladesh constitutionally guarantees the safety of life and property of all the returnees and their family members.

The following facilities are being given to the returnees:

1. *Every family will be paid a cash grant of Taka 15,000.00 (US \$ 335)*
2. *Every family will be provided free ration at the following rates of entitlement: Adult member/5 kilogram of soybean oil, 4 kg. of lentils, 2kg. of salt*
3. *Corrugated sheets worth 2 bundles/per family*
4. *Taka 8,000.00 per family of cash transfers for those families owning arable land and a pair of bullock for tilling the land*
5. *The landless will be provided with land grant and a cash transfer to Taka 3,000.00 per family*
6. *Debt. forgiveness of up to Taka 5,000.00 per family in respect of agricultural loans*
7. *Similar loan forgiveness would be considered, on a case by case basis, for non-agricultural loans*
8. *Loans taken in the past from the Chittagong Hill Tracts Development Board Would be written off*
9. *General Amnesty for the insurgents announced earlier shall remain in force. This amnesty shall be applicable in respect of cases registered during the state of emergency (when insurgency was on)*
10. *Land will be returned to their original owners and they will not be rehabilitated in the cluster villages*
11. *Reinstatement in government service for those who were employed there prior to becoming internal and external refugees would be considered most sympathetically*
12. *Arrangements would be made for holding special examinations for High School and College Diplomas for those who had studied in neighboring countries*
13. *Create opportunities for the returnee students in schools in order that they could complete their courses of studies*
14. *According priority to the tribal youth in recruitment's for vacant positions in different offices of the districts and elsewhere*
15. *A general amnesty for those convicted in different criminal cases during insurgency All returnee 'Headmen' (of village councils) to be reinstated in their previous positions*

Of the 64,609 refugees who returned, nearly 50% of them have been unable to return to their own homesteads and native villages because they are still "occupied" by Bengali settlers. Complicating the problem is the reality that the Bengali settlers have no where to go.

As regards the writing off of government loans taken by tribal refugees which could not be utilised because of the conflict situation, instructions have been given to the Deputy Commissioners and the process has yet to be completed.

Also, the government has not taken up the process of rehabilitation for Internally Displaced Jumma People. Around 60,000 tribal were internally displaced. A Committee has been formed to facilitate their rehabilitation but no measures have been taken in this regard. In violation of this provision the government is making attempt to rehabilitate the Bengali settlers in CHT.

Under the accord, the rehabilitation of the tribal and internally displaced was to commence, as soon as possible, in consultation with the Regional Council, the land survey of the CHT and

finally determine the land ownership of the tribal peoples and settle land disputes on proper verification. Land survey would record their land rights and thus ensure their rights. This programme has yet to be taken up for implementation.

Moreover, the government has yet to take up the programme for settling two acres of land per tribal family having no land or less than 2 acres. Where no land was available in the locality, government lands were to be tapped. No progress has been made on this front.

Withdrawal of Army Camps:

After the signing of the accord and the depositing of arms by the JSS, the temporary army camps and the Village Defence Camps were to be withdrawn by phases from the CHT. The provision for the withdrawal of the army from certain camps has only been partially implemented. No time limit has been determined for the withdrawal of the camps. So far only 32 temporary camps have been taken back to the permanent cantonments. The order for army's involvement in maintenance of law and order in the CHT has yet to be rescinded as a result the army's involvement in civil administration still exists. During the conflict, in the CHT there were 230 army camps, more than a 100 BDR (paramilitary) and 80 police camps. Army cantonments which were to have been removed after peace was restored are still largely there except for six main ones. (Fr R W Timm "The Human Rights of the Adivasi in Bangladesh")

Lands and premises abandoned by the cantonments, army and paramilitary camps were to be made over to their real owners by the Hill District Councils. There is no progress on this provision in the accord.

Withdrawal of Bengali settlers:

Before signing the accord the National Committee on behalf of the government of Bangladesh gave a commitment to JSS that Bengali settlers would be withdrawn from CHT to other plains districts. Prime Minister, Sheikh Hasina reaffirmed that commitment in a meeting with the JSS delegation on Dec 2, 1997 that Bengali settlers would be transferred to other districts. As part of that process, the government would stop providing rations to the Bengali settlers and dismantle their cluster villages. But till today the government has taken no such steps, on the contrary, the government authorities are formulating projects and providing more facilities for their rehabilitation in CHT.

The European Parliament, in a resolution, (9(d) B4-0962 and 0989/97) has urged the government of Bangladesh to review its demographic policy, to relocate the Bengali settlers from CHT and rehabilitate them in the plains, with full respect of their rights and with the full use of the financial assistance of the European Union.

Land Allocation :

On the issue of canceling the lease for lands allocated to non tribals and non local persons who have not utilised the lands for rubber and other plantations in the last 10 years, the government has made no move to implement this provision in the accord. On the contrary the Deputy Commissioners of the three Hill Districts have allocated more lands to non tribals and non local persons in the last two years.

Under the accord no land can be leased or sold out or transferred in any way without the permission of the Hill District Council concerned.

Tribal creed and culture: The accord recognises the Chittagong Hill Tracts as an area populated by the tribal people and also the need for preserving the particular characteristics of the region

and promoting the overall development of the tribal people and the permanent Bengali residents (as opposed to settlers). The government and the Elected Representatives were to promote the characteristics of the CHT's tribal creed and culture. Not only is there no progress on this commitment but the government has taken no step to patronise the cultural activities of the CHT tribal peoples.

Development: An amount of Tk 2200 crore was approved for the integrated development of the CHT. However serious doubts exist about who will benefit from the development programme. Nearly a fifth is allocated for afforestation programme which could end up harming the tribal peoples as it will deprive tribals of land owned and occupied in reserve forests. In addition, the money allocated for infrastructure development will disproportionately favour the Bengali community as they control the administrative positions and the business economy. The allocation for a digital telephone systems, will also disproportionately favour the Bengali settlers, who are in the large cities where the telephones are concentrated. These three headings account for 51.5% of the funds. (Father Timm 2000)

Conclusion:

The mere cessation of hostilities and a peace accord cannot be equated with the establishment of a sustainable peace. The benefits of peace promised in the accord have to be felt by the inhabitants of the CHT. Unfortunately, the stagnation in the implementation of the provisions of the peace accord creates serious doubts about a lasting peace. Rehabilitation of refugees remains incomplete, settlement of land confiscated from the tribal peoples has been complicated by the fact that the Bengali settlers have nowhere to go. Withdrawal of the army camps has moved at a snail's pace. The tribal people of CHT for over two decades have been the targets of gross human rights violations. They must now be assured that their fundamental rights, including their economic, social and cultural rights are respected. Moreover, absence of constitutional guarantee (needs a two-thirds majority) seriously weakens the peace accord. The main opposition party continues to encourage Bengali settlers from 'outside' to remain.

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