

SETTLEMENT OF LAND DISPUTE-THE PREREQUISITE FOR ENDURING PEACE IN THE CHITTAGONG HILL TRACTS

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Introduction

The Chittagong Hill Tracts (CHT) has a vast landmass with enormous potentials but Bangladesh is yet to utilize it. The CHT had been conflict torn with insurgency problem since 1970s. After fighting about two decades of effective counter insurgency operation followed by politico-military effort, the Government (Govt) of Bangladesh succeeded in signing an accord on 2 December 1997. Following the agreement, the overall environment of the CHT started changing positively. The development program of Government along with the other national and international NGOs brought a qualitative change in the lifestyle of people in the CHT. Despite progress in many areas, land issue seems to have slowed down the peace implementation process. The trend of power politics related to the land now has become a multidimensional problem where JSS, UPDF, Tribals, Bengalis and different other stakeholders got involved. It appears that most of the security issues are directly or indirectly related to the unsettled land dispute.

Over the years, the land issue of the CHT has become a complicated issue due to numerous issues. Due to the existence of different land management system like customary land management of Tribal Community based on Tribal customs/ practice and land ownership through lease from DC office has made the land ownership complicated in CHT. Besides due to the different other factors the land issue has turned into the land dispute. Some of those major factors are: Bringing land under state ownership, consequences of Kaptai project, introduction of private land right in the CHT, counter insurgency and use of land by military, settlement of Bengalis in the CHT, land acquisition by the state, land occupation by Bengali interested groups, land occupation by the Tribal elites, and grabbing of Bengali settlers' lands by Bengali elites.

The issue is likely to go beyond the manageable state if an immediate attention is not given. This will certainly have the security implications and likely to affect the security environment in the CHT. Thus, this is imperative to understand how the land dispute affects the security environment and the present challenges of

land dispute settlement for the enduring peace in the CHT. The paper initially analyzed the effect of land dispute on the overall security environment of CHT, then it identified the present challenges for the settlement of land dispute and finally suggested the measures for the settlement along with the policy option.

Effect of Land Dispute on Overall Security Environment of the CHT

Land Dispute and the Present Security Environment

Stakeholders Interest Leading to Security Situation. Almost all the stakeholder has interest on land. Beside the broad Tribal and Bengali based community, there are other stakeholders like business community, NGOs, civil administration, security forces etc who need land for their function. Beside the legal means, many stakeholders try to manage land by adopting unofficial means using personal liaison with local administration and Tribal leadership. They even provide money as toll for occupying the land. This often creates conflicting interest within the warring faction which even leads to abduction of businessmen as well as the Govt officials. For example, the incident of abducting 03 forest official of Rangamati during 2014 testify such trend. It may be pertinent to mention that during the field survey though most of the people opined that security environment is still stable but 35.8% has also expressed their anxieties that the toll collection has increased a lot. Toll collection is also considered as one of the major security concern by the security experts during the in-depth interview taken from the subject matter experts.

Communal Conflict Rooted Through Land Dispute. The root of most communal conflict is related to the land dispute. Due to the age old issues like sense of deprivation of Tribal community and the Bengali settlement issue, the whole CHT is divided in terms of Pahari vs Bengali sentiment. Still many of the Tribal leadership could not accept Bengalis as residents of the CHT. Many have claims on property of each other including the mistrust of getting ousted by opponents due to lack of appropriate and valid documents on property rights. This mistrust and age old rivalry often leads to the communal violence even with the very minor issues like mixing up of Tribal girls with Bengali boys, simple internal conflict between two families etc. The incident of communal violence at Rangamati in 2012, originated from simple incident between students of Rangamati College is the example of such trend. These are not merely the result of such minor incidents but also deeply rooted to the hatred and animosity grown

as an outcome of rivalry related to land issue.

Conflict of Regional Parties on Control of Land. The rivalry among regional parties like JSS, UPDF and JSS (Reformist) has become a great concern for the stability at present days. These regional parties control all the business and market places including the transport movement and collect toll. They also retain control on the land under their respective domination and collect toll for the use of those. After winning in last parliament election in Rangamati, JSS has taken an aggressive stand to eliminate UPDF from the entire Rangamati region which has led number of incidents related to exchange of fire in a regular interval within JSS and UPDF. From year 2014 - 2015, there were number of killings amongst both the parties which if continues in the similar trend, may become potentials for a major deterioration of the security situation in the CHT. A part of this power projection is also to gain control over land.

Conflict Based on Land Occupation Using Religious Sentiment. For last 2 to 3 years, there is a trend of land occupation by a segment of the Tribal community in the name of establishing Vanba Kendro (religious center). The trend is recently observed in all 03 hill districts. Specially the one of Gangarammukh of Baghaihat Zone, Khagrachari during July 2014 created lot of unrest which has drawn the attention at national level and some of the INGO's. The incident created the conflict between Pahari and Bengali, calling for strike and was tackled by declaration of Section 144 by the district administration. There were similar attempt at Manikchari of Rangamati Zone during August 2014 which was handled very tactfully by the direct involvement of local military authority in coordination with district administration. The incident of same nature is likely to repeat in future as it seems to be a recent strategy taken by some the Tribal leadership for the purpose of land occupation. This is another issue which is often portrayed using religious sentiment and a potential threat for communal violence having deep impact on security of the CHT.

Leadership's Perception on Use of Land and Security Impact. The present CHT leadership has a general tendency of taking the stance against Govt decision even if those are related to the development issues of the CHT. For example for twice Govt attempt of establishing Medical College, at Rangamati were opposed by the Tribal leadership. The attempt of 2014 succeeded due to the pursuance of the district administration and security forces but the JSS continued opposing this and created panic within the students who already got admitted in the Medical College. Though the class started in January 2015, but there were huge violence

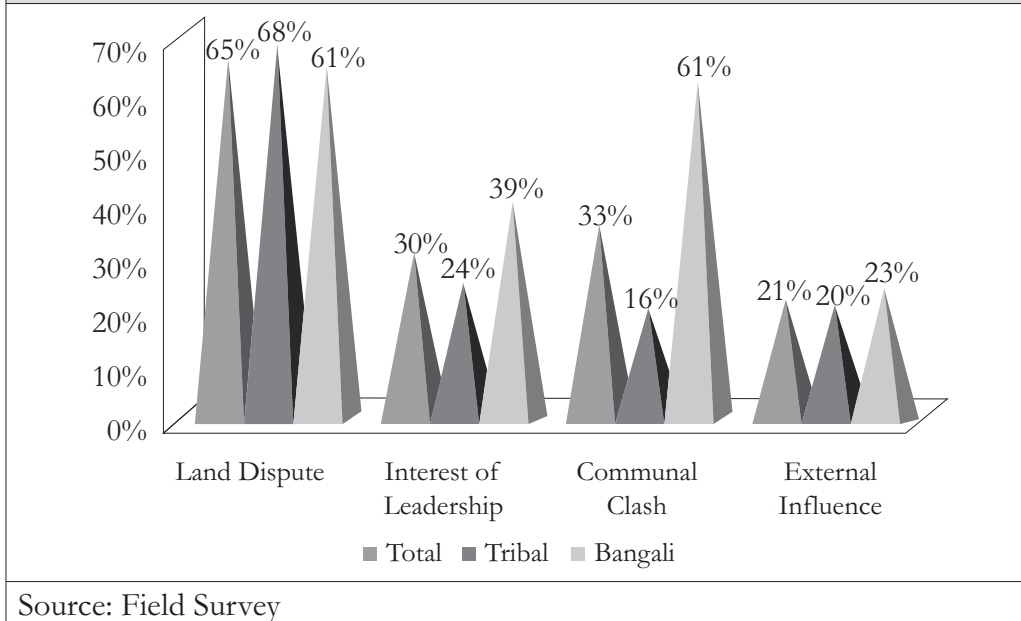
on the very first day as JSS tried to stop the activity. This ultimately resulted to the conflict with law enforcing agencies including Army causing a huge deterioration of the security environment at Rangamati.

Conflict over Use of Land by Security Forces. The conflict related to the use of land by security forces is another issue which is affecting the security environment of the CHT. Though total 238 camps were reduced, but there are reasons for which new land is necessary in the CHT specially for raising BGB units. New BGB units are necessary for guarding a part of the border in the CHT which is still unguarded due to the lack of manpower. Whenever there is any attempt of acquiring new land by security forces, it is protested by the locals and sometimes this turns into violence. The incident of June 2014, in Babuchara of Khagrachari district related to acquire of 29.8 acres land for 51 BGB Battalion and the associated conflict among the locals with the BGB and Police can be mentioned in this regard. There are similar incidents in some other part of the CHT as well. It may be pertinent to mention that the occupation of land by security forces in most cases is done following the legal procedure through the office of DC. But the problem is with the authority of land acquisition or allotment exercised by the DC, which is viewed differently by the HDC.

Effect of Land Dispute on Future Security Environment

Effect on Implementation of the CHT Accord. Over the years, land dispute has become the major impediment for the full implementation of the CHT Accord. This is also reflected in the opinion (65%) of the CHT people during the field survey (Figure-1).

Figure: 1 Survey Findings on Major Impediments for Implementation of CHT Accord



The early the land dispute is settled, the greater will be the chance for full implementation. The delay will complicate the issue and the Tribal community is likely to lose confidence on the Accord which may have an adverse impact on the overall security environment. So, this is necessary to settle the land dispute immediately to for the full implementation of CHT Accord.

Conflict of Regional Parties. The dispute settlement will also reduce the conflict over the control of land which is likely to reduce the rate of toll collection. The reduction in the toll collection will also reduce their capacity of procuring illegal arms and ammunition. This will certainly decrease the rate of armed conflict within JSS and UPDF and will ultimately improve the overall security situation in the CHT.

Effect on Pahari Vs Bengali Conflict Over Use of Land. Since most of the Pahari - Bengali conflict is the ultimate outcome of the land conflict, so settlement of land dispute will automatically reduce such conflict allowing more scope for building mutual trust and confidence. The general people of the CHT also view in the same way as found during the field survey (Figure-2). This view also corresponds with the view of the expert opinion from both the civil society and security forces.

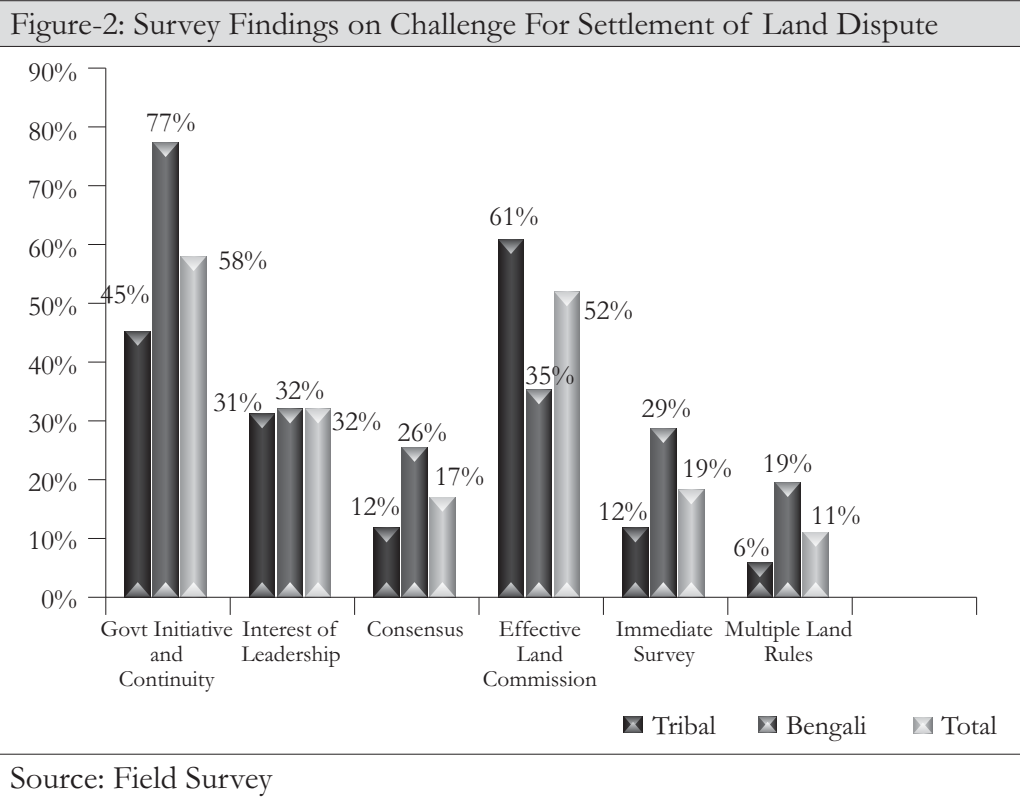
Communal Harmony. The dispute settlement will reduce the trend of occupying land using religious sentiment as in most cases property rights will be established. Besides, as the Bengali vs Parhari violence is reduced, the chances are more to have better communal harmony. About 64% of the Tribal community during field survey opined (Figure-3) in favour of this which is more than the Bengali and average total response. This can be considered as a positive trend of Tribal community.

Development Activity in the CHT. Land dispute settlement will improve the security environment in the CHT which will increase the development activities to a great extent. Apart from Govt and the NGOs, more number of Private entrepreneurs will be encouraged to invest in the CHT in different sector including the tourism sector which has a huge prospect.

Challenges for Settlement of Land Dispute

General Overview

The lack of timely measure and the associated security concern have made the land dispute settlement a real challenging one. Issues like mistrust among the major stakeholders, lack of interest in leadership and the absence of policy continuity has made the issue more complex making it difficult for the Govt to take appropriate and timely measures. The following figure (Figure-2) summarizes the response of the field survey regarding the challenges related to the settlement of land dispute.



Some of the major challenges are discussed in details in the succeeding paragraphs.

Lack of Unity and Continuity of Policy at National Level

There is a general trend of disagreement and blame game culture among the major political parties. The CHT peace Accord also got blocked in to the same trap. Due to the lack of policy continuation, the land commission though formed as per the CHT Accord, could not function to its desired purpose. The result of the field survey projected lack of Govt initiative and policy continuation as the most important challenge for the dispute settlement, specially the view of Bengali community distinctly support this (77% views in Figure-2). The division at national level has also divided the local leadership. Due the conflict of interests, the local leadership could not unite themselves even for the greater cause of their survival. The divisions are also prominent within the civil society and intellectual community. Some of the intellectuals at times express one sided views in the national and international forum with specific agenda without considering the issues of national interest and the ground reality. This division at different level is one of the major challenges to settle any problem including the age old land dispute.

Interest of the CHT Leadership

The leadership in the CHT is divided and many of them are focused on the self interest. This trend is common among both Tribal and Bengali leadership. For example there are differences in opinion within the Chairman, HDC and Chairman, RC on major issues of CHT. Similarly, priority of present MP of Rangamati Mr. Ushaton Talukder also seems to be different. Chakma Circle Chief Barrister Devashis Roy usually maintains cordial relation with both civil and military hierarchy but does not seem to be very active in raising strong voice for unity of Tribal leadership and settling the disputes. Besides, the increased tendency of private land ownership within the Tribal people has also raised a concern about the validity of their claim regarding the status of common land under social ownership. For example: near about 38 thousand outstanding applications for private land ownership by Tribal people pending with the office of DC, Rangamati (Hossain, 2014) bears the testimony of such trend. So, accommodating the personal interest of leadership and uniting them to bring in the same platform is another major challenge for the settlement of dispute related to land.

Consensus Among Major Stakeholders

Tribal and Bengali are two of the major stakeholders of the CHT in terms of use of land. Again JSS and UPDF being the main regional parties are also two important stakeholders. With the passage of time, another faction of JSS came up in the name of JSS (Reformist) as a result of leadership conflict within JSS. All three regional parties are involved in the power politics for increasing their domination. The general Tribal people became the victim of this power politics and got divided in different group. Bengalis are also divided as a result of the leadership conflict. Presently there are six different Bengali organizations and can hardly come in consensus on any issue. There are also issues like belongingness with the society of the CHT. Many of the Bengali businessmen despite having permanent land and homestead do not keep their family in the CHT. They have only economic interest and are not much concern about the wellbeing of society. With such division in interest within the major stakeholders, bringing them into a common consensus has become a challenging task.

Function of the CHT Land Commission

Starting from the first Land Commission in 1999, numbers of land commissions were formed headed by Retired Justice but it seems that the Land Commissions were ineffective since its inception. For example, until 2009, meetings of the Commission were not convened as per the provision of the Peace Accord. Two of the chairman died and one resigned on health ground. The 4th Chairman was little active but lacked acceptance due to the unilateral decision of land survey. This indicates that Chairman needs to be a physically fit person who will be able to take hardship of performing the duties in the CHT having tremendous work load. Perhaps this is seldom possible with a justice who retires at 67 year of age. It also needs acceptability of the Chairman within the opposing parties. Thus, though it is often blamed that the commission could not function due to ineffectiveness of Chairman, but the field survey shows that due to the lack of appointing an appropriate Chairman, absence of cooperation from Tribal leadership and political influence were the main impediments for which the commission could not perform.

Land Dispute Resolution Act and Contentious Issues

In July 2001, the CHT Land Dispute Resolution Commission Act – 2001 was circulated with absolute decision making power to the Chairman. This was opposed by the Tribal leadership and they demanded for the amendment of the act. Chairman RC initially proposed 23 amendments of the Act. On 20 June 2011, Ministry of CHT Affairs (MoCHTA), in consultation with the CHT Regional Council finalized 13-point amendment proposals and sent to Land Ministry. After taking opinion from concerned department it was approved in the Inter-ministerial meeting headed by Law Minister held on 30 July 2012, where representative of the CHTRC attended. On 03 June 2013, the cabinet under the Prime Minister approved the amendments where most of the issues were addressed. The Act is now due to be placed in the Parliament for necessary approval. The recent amendments are viewed positively by the Tribal community but made the Bengali community apprehensive about their rights.

The critical analysis of the land dispute resolution act indicates that in Section 6(1), the traditional ‘practice’ of CHT for dispute resolution was not considered due to very obvious reason because in the CHT, different tribes have different practices which widely varies and nothing is documented. Again the amendment related

to Section 6(1)(a) was accepted by the Govt which will give the land commission the jurisdiction to settle all illegally settled and occupied land related disputes. This is likely to create a conflicting situation. The reason is, the 'legal and illegal settlement' factor has different understanding to different stakeholders and all have their own logic which is difficult to negate. Besides, such jurisdiction without any time frame and without considering the purpose of that land presently being used may raise many other complications including legal action by the affected parties. Besides, the amendments of Section 6(1)(c) regarding omitting clause related to 'Land of Reserve forest, Kaptai Lake etc' was not accepted considering the security of the KPIs which seems to be logical.

In relation to the section related to quorum with chairman and 02 members, the decision seems to be logical considering at least 03 members out of 05 (Chairman RC, Chairman HDC and Circle Chief) represent the Tribal community, so there is almost no scope to fulfill the quorum without the presence of at least one Tribal member as there is no scope for any non Tribal for becoming Chairman, RC/HDC (As per RC/HDC Act, it has to be Tribal). Given this reality, the Bengali representation in the commission seems to be less if the other member i.e. Division Commissioner, Chittagong (apart from Chairman) is considered as part of the administration, who may not necessarily look after the Bengali interest all the time. Again there is no guarantee that the Division Commissioner in future will be always from Bengali Community (as it is for RC/HDC). Finally, as per the newly added sub section 13(3) if Secretary, officers and other staffs of the Commission is appointed from the Tribal community, it may provide scope to create pressure on the Commission and the Chairman by the Tribal majority officers and staff which may be a challenge for the effective functioning of the commission.

Conducting Land Survey

According to the provisions of the CHT Accord, the land survey needs to be held after the rehabilitation of the Tribal refugees and IDPs and in consultation with RC. Both the Bengali and Tribals have different stand point on this. Bengalis feel, if survey is held before, many Tribal people are likely to fail to produce any legal papers in support of their land, which will go in favour of Bengalis. On the other hand, the main apprehension raised by the Tribal leadership is that if the survey is held before the settlement of past dispute, then the outsiders currently occupying land illegally will record their land as the possessors, while the displaced Tribal communities would be excluded from the survey records.

The critical analysis on the issue indicates that a group of influential Tribals and Bengali leaders are particularly against land survey and like to delay the process. This is because they are holding a huge amount of land which may come under question during the survey and as such they are trying to instigate the general people of the hills against the immediate survey. The field survey on this issue indicates that despite the sense of fear regarding the land survey, majority of the CHT people including the Tribals are more or less in favour of survey but the Tribal leadership are against it which could be due to personal interest. On the other hand, most of the expert opinion from the Bengali community including military, district administration and other civil society opined that both the survey and the settlement of disputes may start together.

Legal Pluralism and Settlement of Land Allotted over Long Period

The multiple rules and regulations regarding land in the CHT can be considered as a classical example created through legal pluralism. Presently both the formal Govt Law like The CHT Regulation-1900, Forest Act-1927, Provision of the CHT Accord and the Tribal Customary law all are in vogue in the CHT.

As per the Land Ministry circular dated 19 July, 1989, all the general land lease and allotment authority is supposed to be handed over to the HDC. But the provision never materialized and still the issue is controlled by the DC's office. Besides, there are number of lease or allotment cases by DC's office before and after that circular basing on the CHT Land Accusation Act -1958.

The Tribal community considers the lands allotted by DC's office as illegal basing on the CHT Accord Provision Section-B Clause 26(b) which states "no lands, hills and forests within the boundaries of the Hill District shall be acquired and transferred by Govt without consultation and consent of the Hill District Council". On the other hand, land allotted by DC's office is considered legal by the Bengalis as those are allotted within the provision of the CHT Regulations with required legal papers (Kabuliatnama).

Prevalence of such multiple legal system and authority has complicated the land issue in the CHT. This also gives the scope of manipulation and widens the scope of corruption. This legal pluralism and settlement of numerous land allotment cases will be a great challenge for the land dispute settlement.

Use of Land by Military

Due to the deployment of a large number of forces, military had to use a good amount of land for maintaining the camps and support bases. There is a common belief that land used by the military is mostly taken by force from Tribal community. But the reality is quite different and most of the land used by military is either on rental basis or allotted to military from district administration following legal procedures.

As per the provision of the CHT Accord, total 238 security forces camps have been withdrawn from the CHT. Those lands were given back to BGB/Armed Police or to the local administration. This was not viewed positively by the Tribal leadership mentioning the clause of the CHT Accord that it should have been handed over to the HDC's control. There are also observations regarding the land used for Bandarban Military Training Area, expansion plan of Bandarban and Alikadam Brigade along with the land used for different military tourist facilities like Nilgiri, Sajek etc. This is criticized claiming that the land is taken without consultation and consent from HDC which is contrary to the CHT Accord. So, military requirement and use of land is also a challenge which needs to be addressed for the settlement of land dispute.

Suggested Measures for Settlement of Land Dispute

General Overview

From the discussion of the preceding chapter, it is evident that land is the most talked about and complex issue of the CHT having multifaceted challenges. As such the settlement of this age old dispute also demands a comprehensive approach involving wide range of measures. Before embarking on to the measures, it may be pertinent to have a SWOT Analysis on the major findings of this study.

SWOT Analysis on Major Findings

Table -1: SWOT Analysis on Major Issues on Land Dispute	
Strength	Weakness
<ul style="list-style-type: none"> • Presence of Pro Accord Govt. • Military familiarization on the CHT. • Agreement among Govt and Tribal leadership on amendment of Land Dispute Resolution Act -2001. • General acceptance of Bengali population of the CHT by Tribal community and desire for an amicable solution of land and other disputes. 	<ul style="list-style-type: none"> • Lack of capacity of civil administration and Police on control on Law and order situation. • Lack of control on illegal arms trafficking. • Lack of involvement and control of mainstream political parties. • Social imbalance due to abrupt rise of Tribal community in education and lifestyle. • Division among Bengali community and leadership. • Mistrust among Tribal and Bengali leadership. • Multiple land management system. • Non availability of updated statistics on land due to lack of land survey. • Lack of taking the media in favour of Govt.
Threat	Opportunity
<ul style="list-style-type: none"> • Expansion of Regional Political parties and toll collection. • International support for Tribal community. • Propaganda campaign by Tribal Diaspora at International level. • Biased Media and intelligentsia. 	<ul style="list-style-type: none"> • Huge business prospect in terms of tourism and natural resources. • Expansion of education facilities. • Prospect of External Investment. • Tribals' participation in mainstream politics.
Source: Prepared by Author	

Strategy on CHT Policy

Based on the findings of the research and the SWOT analysis, the broad strategy for CHT policy may be as under:

Table-2: Broad Strategy on CHT Policy
Broad Strategy: Confidence Building and Immediate Settlement Strategy
Broad Action Plan
Enhance activity of Security Forces to give a sense of security to the common people
Create awareness within common population about their rights and privileges
Immediate approval on amendment of Land Dispute Resolution Act – 2001 by Parliament by ensuring the interest of both Tribal and Bengali community
Form acceptable Land Commission in coordination with Tribal community
Reach to a common platform for immediate land survey
Confidence building by extensive engagement with Tribal leadership
Creating public demand for elected Chairman in the CHTRC and HDC for accountability
Undertaking more education and business expansion initiative to improve the life standard
An integrated approach using all elements of national power with special emphasis on use of media to settle the implementation of the pending issues of the CHT Accord.
Source: Prepared by Author

Basing on the broad strategy the details of the CHT strategy are discussed in details in succeeding paragraphs as suggested measures.

CHT Strategy: Suggested Measures

Establishing Political Consensus on Issues of National Interest. Despite the division among the major political parties, all need to agree on some of the issues of national interest. It must be remembered that the CHT problem is essentially a political problem which must be solved politically. Consensus is necessary to take robust political decision and to continue the same even if there is change of regime. In this regard, Govt may form a strategic forum taking

representative from major political parties, civil society and relevant members from administration. At the same time, the present National Parliamentary Committee for the CHT Affairs and other related bodies need to be more active and sit on regular basis to take quick decision on the pending issues.

Controlling Regional Political Parties. The regional parties like JSS and UPDF needs to be brought under legal framework through the registration like other political parties of the country which will impose some legal binding on them and likely to restrict them from wide spread toll collection and other crimes as observed at present days. At the same time, the mainstream political parties need to have more active role in the CHT so that locals do not remain handicap within regional political parties only.

Active Engagement by Local Leadership. The local leadership has a deep understanding about the ground reality and the basic requirement of their people. As such, Govt need to engage them more in handling the local issues. In doing so, local leadership have to put more priority towards the issues of common interest of the people than the personal or party interest. At the same time, they have a major responsibility in shaping the attitude of the local people so that they become more accommodative and grow sacrificing mentality for an amicable solution to the CHT issue. The long lasting peace is only possible when the CHT people will grow the mentality of peaceful coexistence without the consideration of Tribal, Bengali or any other caste or creed.

Settlement of Legal Pluralism. Govt need to settle the legal pluralism by necessary amendment/review of numerous rules/laws in relation to land administration. Besides, a clear demarcation of the role of District Administration, HDC, RC, CHTDB and Circle Chief needs to be done so that all have a clear understanding on their respective jurisdiction. In doing so, a balance need to be ensured so that none of the regulatory body has superiority complex over others, and can function side by side for the overall betterment of the CHT. This demands taking opinion from the legal and administrative experts along with the concerned parties.

Increasing the Authority of Hill District Council. The authority of the HDC needs to be increased as per the CHT Accord. Though it is claimed that out of 33 subjects, 30 are already handed over to the Local Govts (Interview with Secretary, MoCHTA), but JSS has different claims. In fact, most of the issues are handed over in pen and paper but the required resources were not allocated.

The provisions which have conflicting issues like Land and recruitment of Police should be settled through dialogue and if require the related provision of CHT Accord should be amended with mutual understanding. As a whole, Govt need to project a positive interest regarding this.

Review of Land Dispute Resolution Act. The amendment on Land Dispute Resolution Act-2001 needs some review. Like Section 6(1)(a) may need a review which gives the land commission the jurisdiction to settle illegally settled and occupied land related disputes without any time frame and without considering the purpose of that land presently being used. The land which is used absolutely for the homestead of needy people, have positive impact on the social and economic development of the CHT or associated with national interest should not be within this jurisdiction. So, this section may be reviewed by including a logical time frame and keeping consideration of land being used at present time. This will need inputs from concerned experts.

In Section 6(1)(a), since with the ‘existing laws, ‘customs’ is added, there may be another clause included that the ‘Customs and Practices’ must be properly documented, vetted and approved, and before such documentation the practices cannot be applied for taking decision by Land Commission. Meanwhile, necessary steps may be taken so that all the relevant customs are compiled, documented and vetted through an appropriate body.

In case, the amendment related to the quorum with Chairman and 03 other persons need to be amended, an additional Bengali member may be included to look after the interest of Bengalis. Besides, the amendment 13(3) in relation to the employment of commission secretary, officers and staffs also need a review. The priority for selecting commission secretary, officers and other staffs may be on a percentage basis from Tribals not on flat basis to keep the option open for employing non tribals.

Acceptable Commission with Required Support. For attaining the confidence of all the related parties, a well acceptable Chairman should be appointed as head of the commission. Considering the hard work and the prompt action needed, an energetic serving justice may be considered as chairman rather than a retired justice. Besides, all required support for the Commission to be provided immediately so that the Commission can start functioning without further delay. While disposing of the cases, commission need to find a common view point for agreement so that the basic needs of people are not violated and judicious

decision is taken in case of lands given on settlement by DC's office basing on the merits and present usage of the land.

Ensuring Equal Rights of Tribal and Bengali Community. The Tribal community has the traditional right on the land of the CHT. At the same time the Bengali community settled by the Govt have right on the land allotted to them since that was the outcome through the act of the state. There may be procedural error or question of legitimacy of such Govt Act, but the general Bengali people cannot be blamed and suffered for that. Besides, many of them are regularly paying tax for those lands for years together. So, this settlement needs careful considerations. The concept of equal rights does not necessarily mean a 50:50 basis, but on the basis of justified approach without becoming the party to any side.

Conducting Land Survey. Once the Land Commission starts functioning, a cadastral Land survey committee may be formed taking representatives from both Tribal and Bengali community. This will need consensus with the Tribal leadership through more frequent engagement. Once such platform is raised, effort may be taken to continue settlement and survey side by side. Survey may start with less complicated area like Bandarban. Beside, Govt need to immediately start the process of taking the stock and updating the statistics of the land owned by different Govt agencies like forest department which will ultimately expedite the survey process.

Creating Public Awareness. Govt needs to take adequate public awareness program to educate the Tribal people about their rights and privileges. Keeping them aware about their rights regarding better living, better healthcare and better education will help them to raise their voice and get out from the deep influence of the regional political parties and their sceptical leadership. Only then, they will understand why project like medical college and technological university is required for them and how the huge prospect of tourism can help in changing their lifestyle. Campaigns like Digital Bangladesh, Road Show, and Seminar/Symposium on prospect of tourism and hotel management etc may be organized by the Govt in regular interval along with private sponsors. This will not only improve the living standard but will also widen their mental horizon which will ultimately help in solving many problems like land dispute and security issues.

Special Development Package for the CHT. Special development package for the CHT may be taken through combined effort of Govt, Private Entrepreneurs

and Local Community in the field of Tourism, Education etc to uplift the economic condition of the CHT. The touch of development must be felt by the remote community of the CHT through proper Govt initiative. In this regard, effort may be also taken to integrate and coordinate the development activities of NGOs. The more development takes place, the more will be the change in life style which will ultimately reduce the so called tribal inflexibility and make them extrovert to share business and social affairs. This will be also complementary to settlement of all types of dispute and for stable security environment.

Taking the Media on Board. To implement the complex and mammoth task of land dispute settlement, Govt need to take the media along with it to create necessary awareness by positive campaign and to defend the unrealistic propaganda by the vested corner. Positive public awareness program through radio, television and using the field workers of Govt along with pro Govt NGOs can be launched in this regard to shape up the psychology of the people of the remote area. Besides, Govt must give adequate attention on internet based campaign through social networking website and on line news portal/blogs. This is also required to find out some mechanism to monitor such on line blog and portal through BTRC or other agencies to protect the image of the country.

Revising the Role and Function of the Military. Military should maintain the absolute neutral stand point to ensure the credibility in the CHT. It must clearly define the responsibility of the forces deployed in the CHT. Army needs to bring back the focus on the core security issue, rather than focusing on peripheral issues like over involvement in harmony and development activities, organizing visits and over emphasis on tourism activities. Besides, military deployment under the name: 'Operation Uttaran' may be reviewed. Adding a prefix 'Operation' is a psychological barrier and gives the impression that the CHT is still a sensitive operational area predominantly controlled by military which is a concern of Tribal community, as well as the human rights organization and few intellectuals of civil society. Mere changing the name from 'Operation' to some 'Programs' or of similar name may reduce such psychological barrier, the way Army was involved in 'Asrayan Project' and 'VGF Program'.

Gradual Exit Plan of Army from Temporary Camps. Despite the security concern, closing down the temporary camps are obligation for Army as per the CHT Accord. This needs to be done in phases and preparations need to be taken to fulfil the vacuum by other law enforcing agencies. However, closing down at least one or two camp in 3-6 months duration can be projected as positive

response towards such demand of Tribal leadership. The camps or locations which are important to retain, may be planned with BGB or Armed Police in future, the way already it is done for some cases. For this, necessary preparation, capacity building, and coordinated approach with district administration and other law enforcing agencies are necessary. It may be interesting to note that many of the peace loving Tribals are in favour of keeping a sizable force from Bangladesh Army in the CHT and perhaps that is still the reality of present time.

Recommendations

The long lasting peace in the CHT will depend on a wide range of issues. But settlement of land issue will remain as the most important prerequisite for the desired peace and stability. The measures mentioned in the preceding paragraph forms the basis of the recommendations. However, some of the specific recommendations are as under:

For streamlining the customary land management system, the Govt may consider forming a committee for compiling all the traditional customs of Tribal community to bring those as a written document for necessary vetting and validation. The committee may include appropriate representatives from major Tribal groups along with members from academicians and legal authority/judiciary giving a reasonable timeframe.

Govt may focus on strengthening the activities of mainstream political parties to reduce the influence of Regional political parties. Senior Political leadership of the ruling party may be tasked to enhance the activities in coordination with the local leaders for shaping up the public opinion in favour within a time frame of one year to conduct the election for the RC/HDC.

The Land Dispute Resolution Act may be amended specially the sections which are likely to create complicity for the commission like solving the land settlement and lease/allotment cases which are done through DC's office both before and after the CHT Accord.

Land Commission may be reconstituted by appointing a serving justice as Chairman. This may be done through a search committee taking views from the Tribal community as the main resistance is likely to be from them. Besides, the required officers and staff may be increased considering the likely work load of the Commission.

The land survey committee may be formed immediately after the Land Commission starts functioning with representatives from concerned parties. The survey committee may concurrently start land survey from less complicated areas of Bandarban along with other dispute settlement by the Land Commission.

The land dispute settlement issues which conflicts with the CHT Accord may be reviewed with an appropriate forum taking the representative from all stakeholders.

Conclusion

The CHT having the potentials for enormous development can no longer be kept in isolation specially at a time when Bangladesh has already marked its footstep into the group of the middle income country. This needs settlement of the contentious issues of the CHT in an immediate basis. Among the issues, the land dispute is the core issue which is generating most other security problems and the impasse for solving other problems.

Over the years, the land issue of the CHT has become complicated due to various reasons. The events like Kapatai hydro project, state acquisition, settlement of Bengalis, land acquisition for forest and other industrial requirement along with the private land ownership tendency within both the Tribal and Bengali community, the common land of the CHT has decreased gradually. This land scarcity has become a potential source of conflict. Besides, due to lack of valid documents and existence of more than one management system, the land issue has turned into the complex land dispute leading to many of the security concerns in the CHT.

Land dispute has a deep impact on the overall security environment of the CHT. Most of the security incidents are the outcome of land dispute in some form or other. Communal conflict, the conflict among regional parties, and the age old Pahari-Bengali crisis all has relation with land dispute and have impact on the overall security environment of the CHT. The conflict arising from the use of land by security forces also demand special attention. Security Forces are involved in maintaining the security environment. So, their involvement in land related conflict with locals is a barrier for installing confidence within the local community which will have impact on performance of the security forces.

Settlement of land dispute will have significant positive impact in the overall security environment of the CHT. Specially, this will reduce the long rivalry

between the Tribals and Bengalis and improve the communal harmony. This will also expedite the full implementation of the peace Accord which is an immediate requirement for the security and development in the CHT.

There are multifaceted challenges for the settlement of land dispute due to its complexity over time. The lack of unity at national level, the absence of policy continuation and lack of involvement of civil society have made it difficult to reach to a common consensus. Besides, the lack of interest of local leadership, power politics within the regional political parties, and Bengali settlement factors are some of the major challenges for an amicable settlement of the dispute.

Some of the major complicity emerged due to the involvement and lack of delicate handling by the state machinery. Frequent policy change and unwanted intervention has also delayed the process. This is also the reason, for which the land commission was ineffective and the land survey is yet to be started.

The age old complexity, the associated security issues and the present challenges indicates that settlement of land issue is likely to be a very delicate task which needs combined effort and positive attitude from all stakeholders with sacrificing mentality. Govt needs to take an immediate action plan by reducing the lengthy bureaucratic procedure and also by accommodating the views and interest from major parties involved. This will also need some review in Land Dispute Resolution Act and in some other legal aspect which needs to be done carefully so that none of the parties are abruptly affected by any settlement decision. The more delay in settling the dispute, the more complicated the problem is likely to be. This will certainly raise the security concern and likely to unstable the overall security environment in the CHT.

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