

# **FULL IMPLEMENTATION OF CHT PEACE ACCORD - CHALLENGES AND IMPEDIMENTS IN THE PROCESS**

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## **Introduction**

Chittagong Hill Tracts (CHT) constitutes nearly 10% of the total landmass of Bangladesh. The region is bounded by Lusai hills of Tripura (India) on the north, Arakan Hills (Myanmar) and State of Mizoram (India) on the east, Myanmar on the south and Chittagong and Cox's Bazar in the west. The topography of CHT is featured by hills; rivers and cliffs covered with thick forests, bush and creeper jungles. The main characteristic of vegetation is mostly rainforest and some primary jungles. The south-eastern part of Bangladesh nevertheless was so inhospitable that it remained barren uninhabited for long. The Kukis was the earliest moved into the area from regions now in present day Myanmar and the Tripura region in the 15th century (Shelly, 1992). According to the population census of 2011, the total population of the CHT region was numbered 15, 95,231 of which ethnic minority and nontribal distribution are 7,58,580 (50.5%) and 7,43,691 (49.5%) respectively. Abrupt demographic change occurred from 1947 onward, while the Bengali population rose from 2.5% to 10% in 1951 and 35% in 1981.

Extremely beautiful, yet this part of Bangladesh was ravaged by almost 27 years of insurgency. It indeed came to a formal ending with the signing of historic Peace Accord between the Government of Bangladesh and Parbattya Chattagram Jana Sanghati Samiti (PCJSS) on 02 December, 1997. The Accord formally ended the decade long insurgency and ushered a new era in the geopolitical history of Bangladesh. After the signing of the Accord a sense of relief was seen among the beleaguered people of the region although some were skeptical about the future of the Accord. However, with the initiative of both sides the implementation of the Peace Accord begun immediately although some of the clauses contravenes the Constitution of the country.

According to government and the Ministry of Chittagong Hill Tracts Affairs, so far 48 out of the 72 clauses have already been implemented and rests are in the process. However, on the contrary, PCJSS President and also the Regional Council Chairman Mr. Jyotirindra Bodhipriya Larma alias Santu Larma, who signed the deal with the government on 02 December, 1997, alleged that two-thirds of the features are yet to be implemented. As a result, there is a growing mistrust and discontentment between the government apertures and the PCJSS as the later thinks that the government is not sincere enough to implement the Peace Accord fully.

## **The Genesis of the CHT Crises**

### **Historical Perspective of the CHT Crisis**

CHT was an integral and undivided part of Chittagong since ancient times. Until CHT came under British colonial rule, the area was contested by Tripura dynasty, Kings of Arakan, Sultans and Nawabs of Mughal Empire (Shelly, 1992). As mentioned before, most of the ethnic minority people living in CHT now basically moved from either present-day Myanmar or Tripura and Mizoram State of India. The Bengali movement gathered momentum from the beginning of 19th century, but it was drastically restricted after 1860, specially by the enactment of the Indian Limitation Act of 1877 (Shelly 1992, p 74). To arrest the strenuous situation, the tracts were separated from Chittagong to form CHT District in 1860 nearly similar to the regular districts. To subdue the revolt and deal with the ethnic minority unrest the British promulgated a set of rules under CHT Regulations 1900.

The emergence of Pakistan and India in 1947 inspired some ethnic minority of the region to form into a separate political entity in the line of two-nation theory. The first constitution was adopted in 1956 and retained the Exclusive Area status of CHT so as the Regulation 1900. But the problem started again when the new constitution was promulgated by Ayub Khan in 1962 (Shelly 1992). In 1962, due to the construction of Kaptai Hydro-electric Project, a good number of ethnic minority people lost their cultivable lands and homesteads. The US-funded hydroelectric project was constructed on the Karnafuli River in Kaptai; causing displacement of about 100,000 people, consisting of 18,000 Chakma and 8,000 Bengali families stranded without shelter. Only 5,633 families were rehabilitated in Kassalong and the remaining displaced were not adequately compensated and rehabilitated while several took refuge in India. Such exacerbated development endeavour deeply antagonized the ethnic minority communities (Anwar, 1999)

Immediately after the independence of Bangladesh, a seven member ethnic minority delegation headed by the Mong king Mongm Pru Sine called upon the then Prime Minister Bangabandhu Sheikh Mujibur Rahman for greater right for the ethnic minority people in the constitution. Subsequently, several delegations met the Prime Minister in 1973 and 1974 but their demands were rejected as the then government saw those in contravene to the national interest. Continuous refusal to their demand prepared the ethnic minority leaders for staunch action against the government. From 1976 to 1980, the Government undertook the settlement of landless Bengali people from the plains to this region and provided them with 3 acres and 1.28 acres of lands for making their livelihood (Abedin, 2003) This is another major issue which had deep impact in the land dispute and became an age old bone of contention within the Ethnic minority and Bengali community.

### **Immurgence of Insurgency**

There had been distinct cultural and social differences between the ethnic minority communities living in CHT and the Bengali community. Throughout the history they remained rebellion towards the rulers from outside the hills. M.N. Larma after being resented and failed to achieve the constitutional right for a greater autonomy and recognition by the father of the nation came back to Rangamati with a heavy heart. He abolished his RCP and came up on the surface with slightly broader political organization named PCJSS. This organization got on well under the patronage of some traditional leaders as well as youth leadership who felt deprived after the War of Liberation. Ultimately the military wing of the PCJSS was floated within 08 years after the formation of PCJSS on 07 January, 1973 (Abedin 2003, p.82). The ethnic minority members of the Civil Armed Forces who fled deep in the forest in fear of reprisal gradually reappeared and regrouped to become the nucleus of the ethnic minority armed organization Santibahini (SB) ( Shelly 1992, p.33) The armed struggle continued for 22 years until the historic Peace Accord was signed on 02 December, 1997 between the Government and the PCJSS.

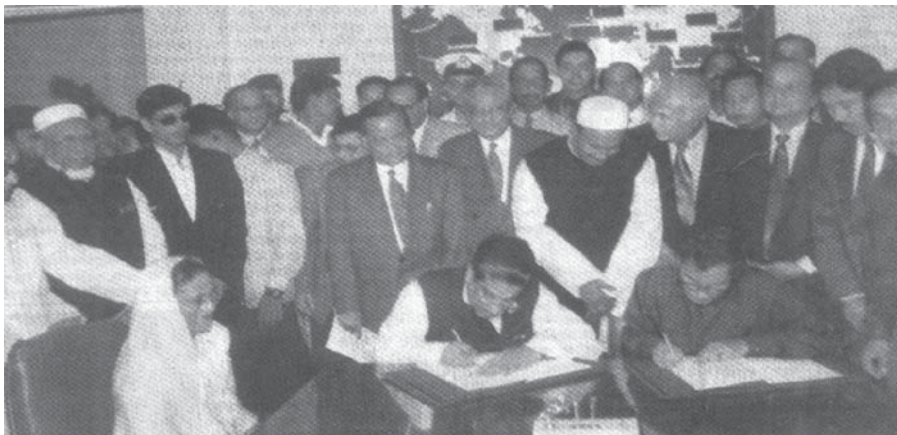
## **Review of the CHT Peace Accord and the Progress of Implementation**

### **CHT Peace Accord at a Glance**

The Landmark Peace Accord aimed at ending more than two decades old insurgency at CHT contains 68 points covered in four broad heads. It recognizes the ethnic minority inhabited region, identifies the requirements of change of existing rules, laws and bye-laws to implement the Accord and formation of an implementation committee. The salient points of Peace Accord signed on 02 December 1997 are:

- Formation of a separate ministry for CHT with ethnic minority minister.
- Setting up of 22 members Regional Council (RC) combining three hill district councils. RC will enjoy following special power:
  - It will be headed by an ethnic minority with their 2/3 representations.
  - A Chief Executive Officer (CEO), with the status of a Joint Secretary who should preferably be an ethnic minority.
  - Power to appoint and administer local police up to Sub Inspector level as well as third and fourth class employees.

**Picture 1:** Historic Moment of CHT Peace Accord Signing Ceremony



- Oversee and coordinate the administrative, law and order and development activities.
- Grant license for Non-Governmental Organizations (NGOs), their activities and setting up of heavy industries.
- Permission of the RC will be required for leasing, purchasing, selling and transfer of land.
- Collection of revenue through district councils.
- Seek changes in laws enacted by Jatiya Sangsad, if desired so.
- Local Government Council renamed as District Council, remaining in vogue with extended power and responsibility.
- Formation of a commission to settle disputed land.
- Gradual withdrawal of Army to six garrisons. The other elements of Security Forces will also withdraw simultaneously.
- General amnesty to insurgents once they surrender.

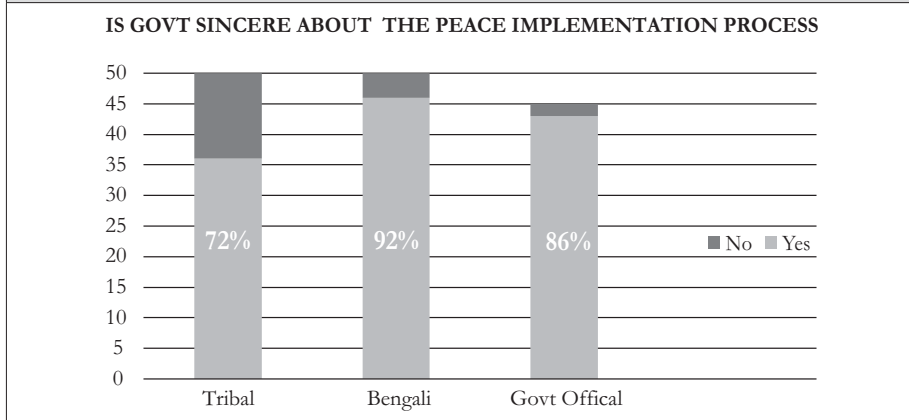
### **Contesting issues of the Peace Accord**

Although the Peace Accord has brought to an end to the long bloody armed struggle in the CHT region, but many of the clauses of the Accord are seriously contrary to the basic rights of all the people living in CHT and the constitution of Bangladesh in particular. It not only denies the unitary character and existence of Bangladesh but also grossly violate most of the articles of the constitution, particularly article 1,6-9, 11, 19, 26-29, 36, 55, 56, 59, 122 145 and many more (Abedin, 2003, p. 198). The Accord has given the Regional Council (RC) almost absolute power over all the government machineries defying the role and authority of the district administration unlike other parts of Bangladesh. The council will also issue for heavy industry and control NGOs instead of District Commissioner. Neither GOB can enforce nor can the parliament enact any law for CHT or declare emergency without the prior consent or approval of the RC. This means RC is more sovereign and powerful in CHT affairs than of the GOB and the Parliament.

## Progress of Implementation

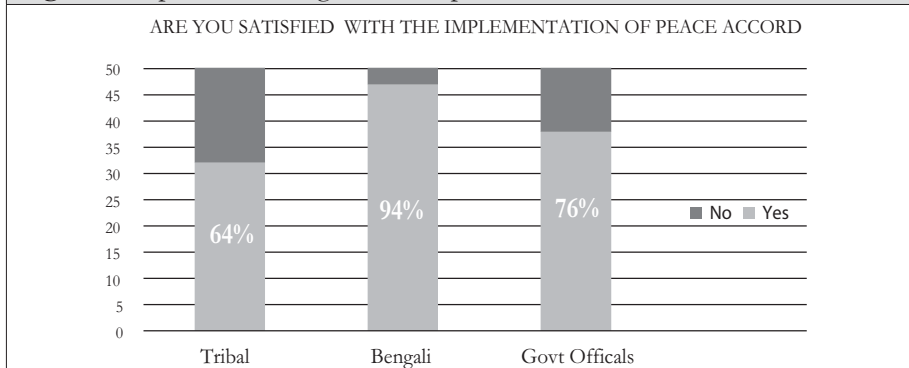
CHT Peace Accord has four parts consisting 72 sections. According to the statistics given by the Ministry of CHT affairs, 48 sections out of 72 are already implemented, 15 of them are partially implemented and rest 9 sections are in the processes of implementation. The sections of Peace Accord which are yet to be implemented mainly related to the land dispute. A survey result shows majority of the people irrespective of their ethnic identity viewed government's role as positive in implementing the Peace Accord.

**Figure 1: Opinion on Progress of Implementation-1.**



Source: Field Survey Conducted by the Author

**Figure 2: Opinion on Progress of Implementation-2.**



Source: Field Survey Conducted by the Author

## **Implementation form the PCJSS Point of View**

On the contrary, although the government says 48 of the 72 clauses in the Accord have already been implemented, Santu Larma claimed that only 26 clauses so far have been implemented (The Daily Star, 2016). In an interview with The Daily Star on the eve of 19 Anniversary of signing the Peace Accord, Mr. Santu Larma accused government for delaying the implementation intentionally with some evil desires. He further threatened government to take the responsibility for any “untoward situation” in the CHT region, if the government does not implement the Accord immediately. The same voice was echoed by the political figures of all the regional parties interviewed.

## **Analysing the Security Situation, Challenges and Impediments in the Implementation Process**

### **Analysing Security Situation in CHT**

#### **Activities of Regional Political Parties**

JSS M, JSS R and UPDF are the three leading ethnic minority political parties while Somo Adhikar Andolon (SAA) and Parbattya Bengali Chattra Parishad (PBCP) are the two leading Bengali political parties in CHT. All the ethnic minority parties have common stance on some core issues though having internal conflict on area domination. All the parties are contesting for as much area as they can control for extortion. This unholy contest is still continuing with consequent hike of gunrunning, killing, kidnapping, violation of human rights of all segments of population. All the regional parties of the CHT are maintaining illegal armed groups which are causing serious threat to the overall security situation of CHT. This military mindset and combat aspirations of ethnic minority parties may lead to a volatile situation in near future (HQ 24 Infantry Division, 2017).

## **Dreams for a Separate Jummoland**

Though the Peace Accord is in effect, some of the vested ethnic minority groups still possess the dream of establishing so called “Independent Jummoland”. During the partition of British India, the then ethnic minority leaderships led by Mr. Kamini Mohon Dewan and Sneha Kumar Chakma desperately tried to join Indian domain (Shelley 1992). Keeping the historical perspective at the forefront, the ethnic minority groups are propagating for an Independent Jummoland in CHT through various websites and social media.

## **‘Indigenous’ Issue**

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September, 2007, by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions (Wikipedia, 2017). Immediately after the resolution, the ethnic minority leaderships capitalized the issue and started identifying them as indigenous, although nowhere in the Peace Accord the community has been identified as indigenous. It can be perceived that such move by the ethnic minority intellectuals has been made to put the government under pressure from international community to materialize their hidden agenda of full autonomy in CHT.

## **Various Indigenous Caucuses**

The regional political parties have significant support base both within and outside the country for this long-cherished dream. A good number of forums are actively propagating the issue of Indigenous rights for the people of CHT. Such detrimental activities of these groups not only causing serious problem in the overall law and order situation in CHT but also hampering the implementation of Peace Accord to a great extent. All the three parties have fairly strong web warriors with a strong support base of ethnic minority Diaspora in many countries of the world. It is important to note that they still possess the dream of Independent Jummoland beyond their demand of complete implementation of the Peace Accord and even the demand for Autonomy ( 24 Infantry Division, 2016).

**Picture 2:** Glimpses on Propaganda Activities by Tribal Diaspora

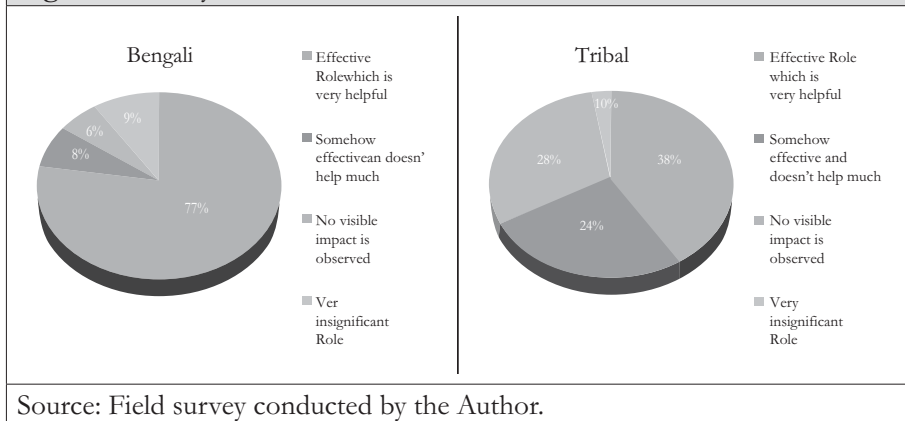


Source: Propaganda Website of the Tribal Diaspora in Japan

### Role of Security Forces

At present SF is deployed in CHT under a new operation named as “Operation Uttoron”, which was promulgated in 2001. Under the “Operation Uttoron”, the mission assigned to the security forces is to “Maintain stable security environment in the Hill District of Khagrachari, Rangamati and Bandarban with a view to assisting government and other agencies in implementing the Peace Accord (HQ 24 Infantry Division 2017). A survey was carried out on role of SF in CHT, shown in Figure 3 below:

**Figure 3: Survey on Role of SF in CHT**



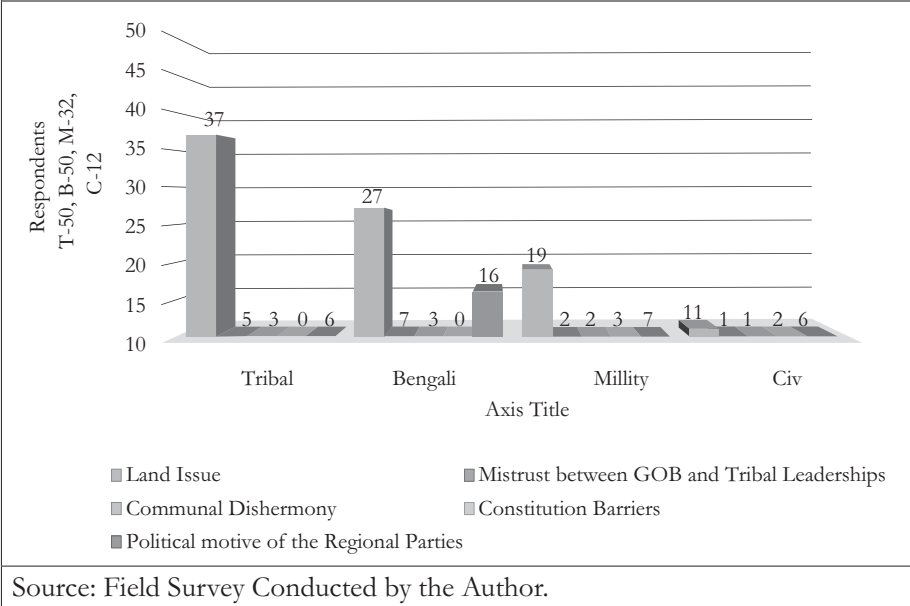
## Assessment on Overall Situation

Although the security situation in CHT looks very stable, but very unpredictable in nature. The tension between the Bengali community and the ethnic minority groups over trivial issues are often exploited by the regional political parties to destabilize the situation. The regional political parties are mostly busy over control of areas with a view to collect more tolls through extortion, which some time leads to gun battle among the contesting groups. All the regional political parties are maintaining armed cadres, defying the Peace Accord. In the recent period, the parties have intensified their arms activities by recruiting new cadres and collecting arms and ammunitions. This military mindset and combat aspirations of Ethnic minority parties may lead to a volatile situation in near future and hamper the implementation process seriously.

## Major Challenges

There are a good number of contentious issues which are creating hindrance in the way of full implementation of Peace Accord. On the question of major challenges and impediments in the implementation of Peace Accord, majority of the respondents identified following issues as the key factors which need to be addressed by the concerned authorities. Apart from that there are some peripheral issues which also need to be resolved for a happy ending of this historical debate for good.

**Figure 4: Survey on Major Challenges and Impediments to the Implementation of Peace Accord**

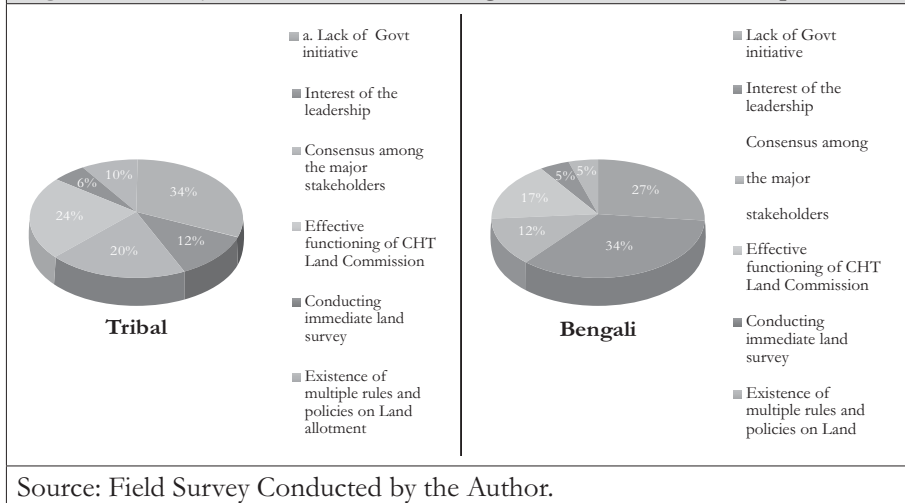


### Settlement of Land Dispute

Land is one of the core and sensitive issues in CHT. It is the most complex issue which is creating a bottle neck in the whole Peace implementation process, thus needs to be resolved first.

A survey result shows majority of the Bengali and ethnic minority respondents have identified three core issues namely lack of government imitative, interest of the ethnic minority leaderships and effectiveness of the land commission as the major causes of failure to resolve the issue. There is also a general perception about the capability of the land commission. Few clauses of the act may be reviewed to include representative form Bengali community which would provide a level playing field both for all the ethnic groups living in CHT (Musfiq, 2017).

**Figure 5: Survey on the Causes of Failing to Resolve the Land Dispute.**



## Establishing Equity: Ethnic Minority-Bengali

Although Bengali constitutes 48% of total CHT population, yet they are deprived in every spectrum of Government and NGO development program and subjected to intimidation and discrimination in every sphere (HQ 203 Infantry Brigade, 2016). They are devoid of most of the fundamental rights enshrined in the constitution. A person from Bengali community cannot avail the reserve quota and face difficulty in getting the permanent resident certificate in CHT. Contrary to the case of ethnic minority people they are not entitled to get bank loan in reduced interest rate. They are also deprived of the benefits of different projects undertaken by different IOs and NGOs specially UNDP. Such disparity and discrimination have direct impact on the overall security situation and implementation of Peace Accord. A survey result shows lasting Peace cannot be achieved in CHT keeping aside the Bengali Community.

## Impediments

### Constitutional Barriers

As discussed before, many of the clauses of the Accord are aggressive and contrary to the existence and long term interest of Bangladesh. It not only denies the unitary character and existence of Bangladesh, but also grossly violated most of the articles like 1, 6-9, 19, 26-29, 55, 56 and many more. On the contrary,

the Accord is also not protected by constitutional safeguards and is open to amendment or revocation at any time as a bill was passed in the parliament to this effect only (Feeny, 2001). Therefore, full implementation of the Peace Accord would require a constitutional amendment.

### **Presence of Armed Miscreants**

Reportedly, the armed wings of the regional political parties are continuing their arms haul from exotic groups like National Liberation Front of Tripura (NLFT), National Socialist Council of Nagaland (NCSC), National Democratic Front of Bodoland (NDFB) and few other insurgents groups from Myanmar and India (HQ 26 Infantry Division, 2017). These weapons and cadres although primarily used for area dominance and toll collection, but pose a serious threat to the overall law and order situation and stability in CHT. A survey result shows these armed groups can substantially jeopardize the Peace implementation process. Hence disarming the armed miscreants groups is a prerequisite before closing all the temporary Security Forces camps from CHT (Musfiq, 2017).

### **Frequent Communal Disharmony**

Due to the age old issues like sense of deprivation of ethnic minority community and the Bengali settlement issue, the whole CHT is divided in terms of Pahari vs Bengali sentiment. Still many of the ethnic minority leaders could not accept Bengalis as residents of the CHT. Many have claims on property of each other and fear of getting ousted due to lack of appropriate and valid documents on property rights. Such mistrust and age old rivalry often lead to the communal violence even with the very minor issues like mixing up of ethnic minority girls with Bengali boys, simple internal conflict between two families etc. This communal disharmony is occasionally fuel and instigated by the regional political parties and other vested corners for their hidden agenda. Incidents of such nature are threat to the peaceful coexistence of both the communities which has a direct bearing on the implementation process.

### **Miseries of the Bengali in CHT**

There is no denying fact that Bengalis are an important stakeholder of CHT. Though Bengalis constitute almost half (48%) of the population yet they are subjected to intimidation and discrimination in every sphere. They cannot own

land property, cannot avail the reserve quota and face difficulty in getting the permanent resident certificate in CHT. On the other hand, no such privileges are there for the Bengali students from CHT. Therefore, a sense of deprivation is prevailing among the Bengali community which need to be addressed by giving them some privileges and addressing their concerns particularly related to land. This will create a congenial atmosphere for implementing the Peace Accord (Hazary, 2017).

## **Formulation of Action Plan for Quick Implementation**

### **Effective Land Commission**

Following the signing of the CHT Peace Accord on December 2, 1997, the Land Commission was set up in 2001 and further revised in 2016. Unfortunately the Land Commission failed to achieve anything in terms of the settlement of actual land disputes in CHT. As such, government moved to amend the land commission in order to resolve the longstanding land disputes in the CHT. Therefore, to make the commission more effective, representation from all community is a must. Prior to kick off the hearing on disputed land, a land survey must be conducted to ascertain the type of lands. At the beginning, commission should focus on less disputed land as pilot scheme. The commission should have an alternative plan to rehabilitate a person at the government owned land should the verdict of the commission goes against the beleaguered person. Such efforts will definitely help in growing the confidence of the common people and resolve the issue amicably.

### **Revisit of Peace Accord in Light of Constitution**

Peace Accord was the necessity of time. With the passage of time, realities in the CHT have also changed. Besides, there are many contentious issues which are directly conflicting with the constitution of the country. As such, there is a need to review the Peace Accord basing on the requirements of people of CHT irrespective of ethnicities and religions (Musfiq, 2017). In order to strike out the contentious issues of the Peace Accord, a consensual approach of all the stakeholders is necessary. A post Peace Accord implementation environment should ensure the equal right of all the citizens of the country living in CHT. Therefore, a redefined strategy should provide more dividends. A survey conducted among the civil-military officials in Khagrachari area shows 93 percent of the respondents opined for reviewing the Peace Accord for better implementation.

## **Disarming of the Miscreant Groups**

In light of the section 12-16 of Article D of Peace Accord, PCJSS was supposed to give up all their arms and ammunitions and dismantle the armed wing. In exchange government declared general amnesty to all the armed cadres and under took various rehabilitation programs. Despite the fact, PCJSS along with two other regional parties are maintaining illegal armed cadres. Therefore, Government should initiate a fresh dialogue with the regional political parties on the issue of depositing all arms and dismantling the armed wings as the pre-condition to implement the Peace Accord. Apart from arranging dialogue, government may resort to a new operation in light of operation “DABANOL” for a given period to crackdown all illegal armed groups.

## **Ensuring Equity Irrespective of Ethnicity**

Trust building between the Bengali and ethnic minority as well as government and ethnic minority leadership is one of the prerequisites for a stable CHT which would lay the ground for implementation of Peace Accord (Nazim 2017). A sense of deprivation is prevailing among the Bengali community which needs to be addressed by giving them some privileges same as ethnic minority communities living in CHT. Bengali community living in CHT must be integrated in the development process in CHT to create a congenial atmosphere for implementing the Peace Accord.

## **Creating General Awareness**

Negative propaganda and hate campaign in the media need to be checked and stopped immediately. MoCHTA should take appropriate measures to propagate different development actions taken by the GOB and progress of Peace Accord implementation to counter propaganda activities by the vested corners. Ministry of Information may be directed by the government to take legal actions against the perpetrators of such propaganda. Dream of establishing “Independent Jummoland” and propagating the issue in the social media may be considered as an act of sedition instead of dealing with it under the ICT act. In the same way, administrators and associated persons of different controversial groups of regional political parties may be taken into task. Besides, the history of CHT may be incorporated in the national education curriculum to create general awareness among the students. Steps may be taken by the government to publish the appropriate history of CHT by famous historians and scholars.

## Conclusion

Chittagong Hill Tracts (CHT) is the most diversified region of Bangladesh in terms terrain configuration, people and their culture, ethnicity and the history. The area is inhabited by 12 ethnic groups including the mainstream Bengali living for hundreds of years. Being resented and failed to achieve the constitutional right, M. N. Larma organized an armed struggle against the GOB. The armed struggle of PCJSS continued for 21 years and came to an end through the signing of historical Peace Accord on 02 December, 1997.

The landmark Peace Accord was aimed to end the decade long insurgency in CHT. The Peace Accord has opened a new era of development and prosperity in the impoverished hilly region. However, many of the clauses of the Accord are seriously conflicting with the constitution of the country. Despite too many obstacles, government is sincere enough to implement most of the clauses of the Accord over the years. Although, PCJSS intermittently accuses government to delay the implementation process purposefully and threaten to go for tough stance if government fails to implement the Peace Accord at the earliest.

Although the security situation in CHT looks very stable, but very unpredictable in nature. The tension between the Bengali community and the ethnic minority groups are often exploited by the regional political parties to destabilize the situation. Apart from the security situation, there are many argumentative issues, which are creating hindrance in the way of implementing Peace Accord. Where land dispute is considered to be the main challenge in the process. Besides, presence of armed miscreants and frequent communal disharmony plotted and instigated by the vested corners are creating serious hindrance in the implementation of Peace Accord. All these issues may be considered as major impediments, hence need to be addressed first to create a conducive environment for implementing the Peace Accord fully.

## Recommendations

- Land Commission may be revamped to ensure representation from all communities. Government may conduct a survey of the land before commission start hearing on the disputed land.
- Both the parties (GOB and PCJSS) may take the initiative to review the Peace Accord in order strike out the contentious issues from the Accord and make it convenient to implement at the earliest.

- Government may create pressure on the regional political parties to dismantle their armed wing as a prerequisite to implement the Peace Accord.
- Government may review the quota system in order to ensure equity irrespective of ethnicity.
- Government may articulate an in-depth psychological operation to create general awareness among the mass people on the issue of CHT.

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## **Author**

Lieutenant Colonel Muhammad Ali Haider Siddiqui, SBP, psc was commissioned in the Corps of Infantry in Bangladesh Army on 12 June, 1997. He has attended number of courses both at home and abroad. He is a graduate of 'Defence Services Command and Staff College', Mirpur and has obtained his Master's Degree on Military Science from Bangladesh University of Professionals. He also obtained Masters of Business Administration degree from South East University, Dhaka. During his career, he has served in various Staff, and Command appointments in different capacities. As staff, in the rank of Captain, he served as ADC to the then DG, BDR and GOC, 66 Infantry Division. As Grade 2 Staff Officers, he has served at HQ ARTDOC and DSCSC. He has commanded 4 East Bengal Regiment and had been the Zone Commander at one of the most troublesome area of CHT, i.e. Bhaghaihat Zone under Khagrachari Region. For his outstanding performance in curbing terrorism in CHT, the officer was awarded with 'Sena Bahini Podok', the highest peacetime gallantry award of Bangladesh Army. He has also served in the United Nations Peacekeeping Mission in Liberia and Cote De Ivory as Contingent member and Senior Staff Officer-Operations at the Sector Headquarters respectively. He has visited number of countries, namely, USA, UK, Ivory Coast, UAE, Malaysia, Singapore, South Korea, Qatar, Liberia and India.