

The Chittagong Hill Tracts Peace Accord (CHTPA) in Bangladesh: Analysis in Light of Liberalism and Realism

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Abstract: The conflict between the tribal people and the settlers in the Chittagong Hill Tracts (CHT) area of Bangladesh has long been a cause of violation of human rights of the inhabitants and obstruction in the path of sustainable development. To end this long-run conflict and violation in the CHT, an agreement generally known as the 'peace accord' was signed in 1997. However, this study is based on the analysis of the Chittagong Hill Tracts Peace Accord (CHTPA) of Bangladesh in light of liberalism and realism. The liberalists have argued that the CHTPA has succeeded to regulate the long-run conflict in the CHT region. On the other hand the realists have argued that the CHTPA has failed to resolute the long-run conflict in the CHT region. This study tries to initiate a bridging between these two groups, the liberalists and the realists. This study has focused on that the Chittagong Hill Tracts Peace Accord (CHTPA) has succeeded to regulate the long-run conflict in the Chittagong Hill Tracts (CHT) area but has failed to resolute the long-run conflict in the Chittagong Hill Tracts (CHT) area in Bangladesh. There are different loopholes of the CHTPA. The different loopholes of the CHTPA, main impediments to solve the long run conflict in CHT area have impinged the CHTPA to be implemented. After signing the accord, neither conflict resolution nor sustainable development in CHT is yet to be attained. Failure of effective implementation of the peace accord has resulted in a very critical situation at present. This paper illustrates historical development of the peace accord. It scrutinizes different salient features and loopholes of the provisions of the CHTPA that enlightens the arguments of the liberalists and the realists and focuses on the status of its implementation. Finally, it provides some recommendations to overcome this kind of critical situation.

Key Words: Chittagong Hill Tracts Peace Accord (CHTPA), Liberalists, Realists, Conflict Regulation, Conflict Resolution, Bridging, Politics of Exclusion, Sense of Deprivation.

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I. INTRODUCTION

*Conflict is "a social satiation when minimum of two parties strive at the same moment in time acquire the same set of resources."*¹
Peter Wallenstein

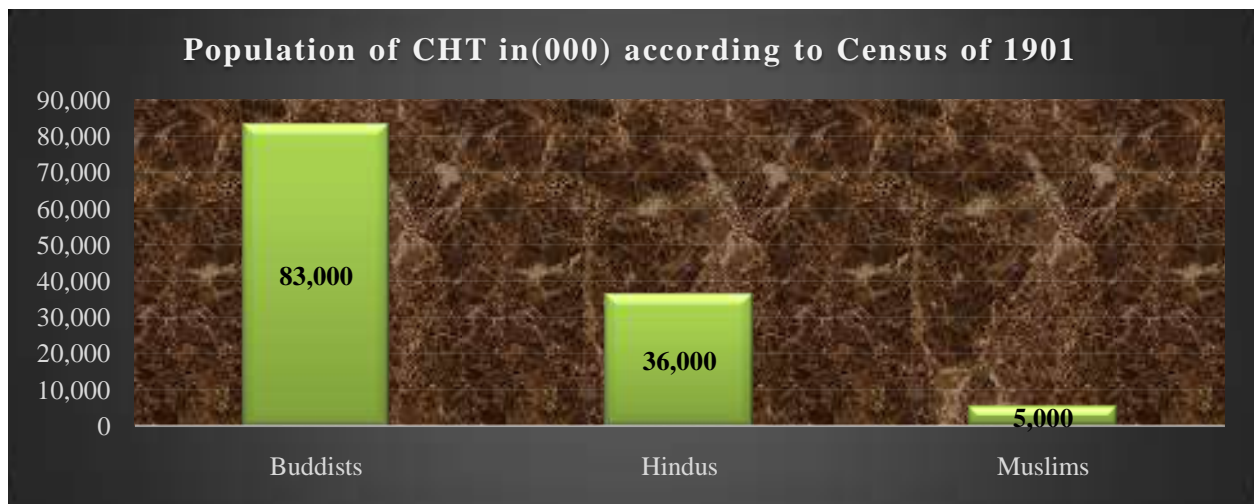
Conflict is an age-old phenomenon and so is the idea of resolving it. To have a way out any conflict we have to understand it in its sharpest sense which can lead us to understand the problem and find the solution. So, parties, issues and actions are part and parcel of a conflict. As an approach, conflict analysis is not a very old one. This approach has been used from mid-1960. During the 1970's the influence of Marxist ideology failed to bring conflict theory forward, but in the 1980's there were efforts to renew the approach. At present conflict theory is very important and potential element of peace research. The Chittagong Hill Tracts (CHT) conflict of Bangladesh is very sensitive one. Every government has tried to solve the CHT conflict in its own way. Finally, the Sheikh Hasina's government has reached a peace accord with the Parbattya Chattagram Jana Sanghati Samity (PCJSS) for state security named the Chittagong Hill Tracts Peace Accord (CHTPA). The CHTPA has succeeded to regulate conflict in the CHT area but has failed to resolute conflict in the CHT area in Bangladesh because of its different loopholes. The liberalists and the realists, the two great camps both have enough debate in terms of the Chittagong Hill Tracts Peace Accord (CHTPA). The first is the proponent of the CHTPA and the second is the critique of the CHTPA. Till present it remains an unsolved and debated issue because of the different loopholes of the CHTPA that has impinged the CHTPA to be implemented.

II. METHODOLOGY

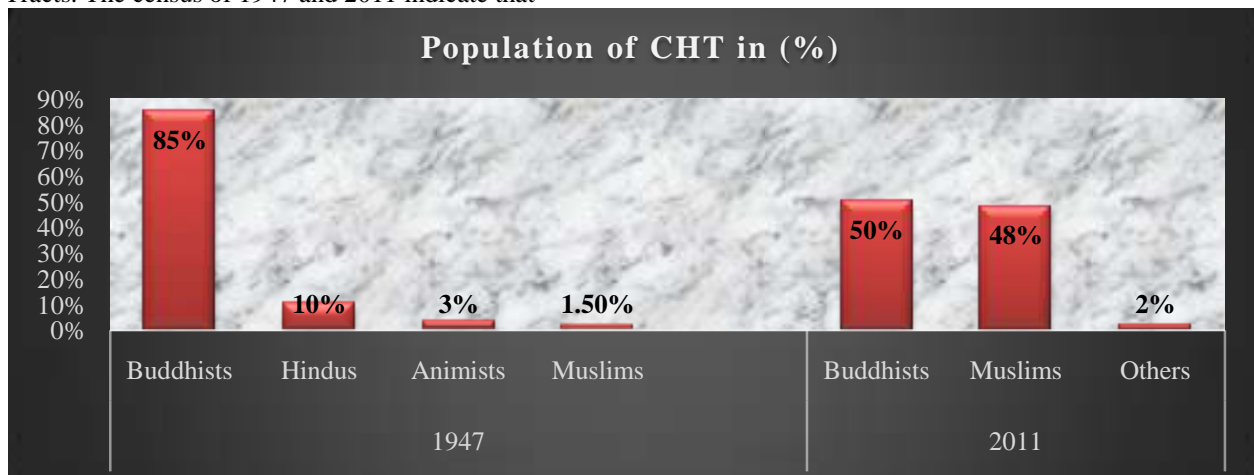
This research is based on secondary data. A number of books, journals, newspapers and articles have been used to carry out this research. Relevant literature has been collected through internet browsing and library working. This study is based on the analysis of the CHTPA in light of liberalism and realism. This study has focused on “the Chittagong Hill Tracts Peace Accord (CHTPA) has succeeded to regulate but has failed to resolute the long-run conflict in the Chittagong Hill Tracts (CHT) area in Bangladesh”. There are different loopholes of the CHTPA. The analysis of this study includes- general provisions, hill district council, regional council and rehabilitation, general amnesty and other matters, salient features and loopholes of the CHTPA and some recommendations.

Chittagong Hill Tracts: Background and Context

The region of the Chittagong Hill Tracts (CHT) is situated in the southeastern corner of Bangladesh. It shares a common international border with the States of Tripura and Mizoram of India to its north and northeast, and the Arakan Hills of Myanmar to the east. To its west, it is encircled by the district of Chittagong.² For the sake of convenience of general administration; the region has been partitioned in recent years into three separate administrative units namely Khagrachari Hill Tracts, Rangamati Hill Tracts and Bandarban Hill Tracts. The region is basically hilly and mountainous and its indigenous inhabitants belong to different groups who have distinct lifestyles different from the majority of the population.³ Chittagong Hill Tracts had a majority non-Muslim population 97% at the time of partition. The valleys are covered for the most part with dense virgin forest, interspersed with small waterways and swamps of all sizes and description.⁴ The Chittagong Hill Tracts, combining three hilly districts of Bangladesh, were once known as Korpos Mohol, name used until 1860. As of today, it is known as Hill District Council. Census of 1901 indicates that-



On 14 August, 1947 Pakistan was emerged. At that time, Chittagong Hill Tracts was under Pakistan. The partition of India in August, 1947 non-Muslims constituted 98.5% of the population of the Chittagong Hill Tracts. The census of 1947 and 2011 indicate that-



During the 1970s and 80s, there were attempts by the Government to resettle that area with Bengali people. These attempts were resisted by the tribal, who, with the latent support of neighboring India, formed a guerilla force called Shanti Bahini(SB).

Chittagong Hill Tracts Conflict: Background and Insurgency

The Chittagong Hill Tracts Conflict is a political and armed conflict between the Government of Bangladesh and the Parbatya Chattagram Jana Sanghati Samiti(PCJSS) and its armed wing, the Shanti Bahini over the issue of autonomy and the rights of the indigenous people and tribe.

Table:

Date	Events
1900	After the abolition of the “CHT Regulation 40,000 people fled to India and were finally settled in an area which now is a part of Arunachal Pradesh.
1962	A hydro-electric power plant project undertaken by the state permanently displaced 100,000 indigenous people without any compensation. Some of those people have moved to Myanmar and India. ⁵
1971	After the birth of Bangladesh, Manobendra Larma led a delegation of Hill people to the Bangladeshi leader, Sheikh Mujibur Rahman to protect the CHT Hill people against the influx of Bengali settlers and to demand the autonomy.
1972	Larma and other Hill Tracts representatives protested the draft of the Constitution of Bangladesh, which did not recognize the ethnic identity and culture of the non-Bengali peoples of Bangladesh.
1973	Larma and others founded the Parbattya Chattagram Jana Sanghati Samiti (PCJSS) as a united political organization of all native people and tribe.
1977	The Shanti Bahini launched an insurgency against government.
1997	The PCJSS signed the Chittagong Hill Tracts Peace Accord in 1997. ⁶
2010	The Bengali settlers torched about 360 houses of the local tribes and two indigenous people were killed in clashes with the security forces.
2011	8 persons were killed in inter-group violence.
2013	Riots broke out in July claiming at least eight lives.

The Bangladesh Constitution of 1972 has no provision for the CHT. The CHT leaders assumed that the new Government of Bangladesh has proposed to drive out the tribal people to make way for the Bengali Muslim settlers. Subsequently, a military wing called Shanti Bahini was added to it. Thus, the seeds of Jumma nationalism—an identity that the PCJSS now claims for the hill people were sown.⁷

Chittagong Hill Tracts: History of Peace Accord

In the British period, the people of the Chittagong Hill Tracts enjoyed autonomy. In 1860 it was annexed by the British and was made an administrative district of Bengal. As of today, it is known as Hill District Council. However, the CHT was under East Pakistan and later under independent Bangladesh.

Sheikh Mujibur Rahman Regime (1972-1975):

Bangladesh was liberated on December 16, 1971 through the surrender of the Pakistani army.⁸ The CHT people due to decision of the Chakma Raja were in general viewed as collaborators of the Pakistani army. The Bengali nationalist government not only failed to respond positively but also denied recognition to the contributions of those Hill men who had joined the war. Thus, Bono Bikram Tripura and Asok Mitra Karbari, two freedom fighters from the CHT were not regarded the national gallantry award, though their names were recommended by the Zonal Commander. On January 29, 1972, a delegation under the leadership of Charoo Bikas Chakma met Sheikh Mujib and apprised him of the situation. The Hill people however could not accept this violence upon them by the freedom fighters as something natural. On February 15, 1972, a Hill people’s delegation led by Manobendra Narayan Larma called on Sheikh Mujibur Rahman and placed the following demands⁹:

- a. Autonomy for the CHT with its own legislature;
- b. Retention of the 1900 CHT Manual in the Constitution of Bangladesh;
- c. Continuation of tribal chief’s officers;
- d. Constitutional provisions restricting the amendment of the Manual and imposition of a ban on the influx of non-tribal people into the CHT.

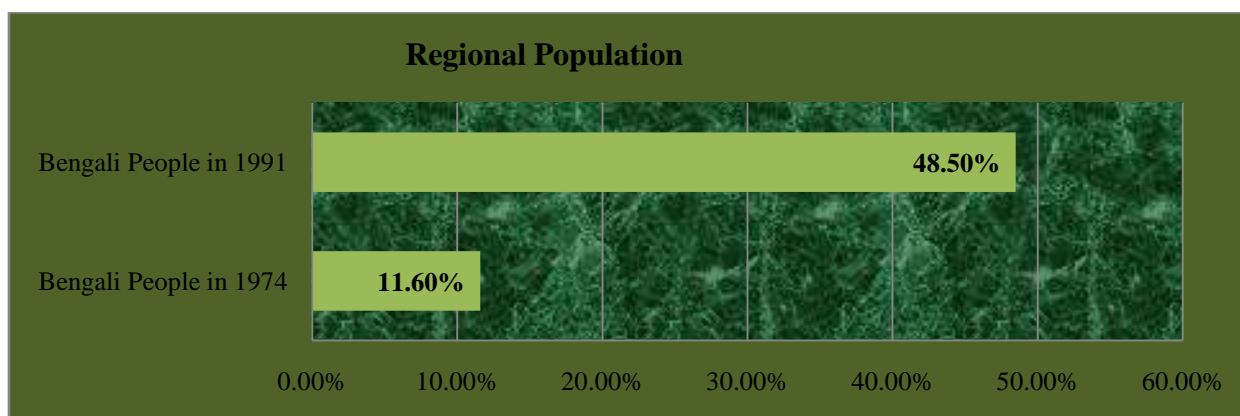
The above demands were unacceptable to Sheikh Mujib. He suggested the Hill people to forget about their separate identity and to become Bengalis. He further threatened to turn them into minorities by sending Bengalis into the CHT. M.N Larma out rightly rejected the imposition of Bengali nationality upon the Hill people. He fumed in the Parliament:

“You cannot impose your national identity on others. I am a Chakma not a Bengali. I am a citizen of Bangladesh, Bangladeshi. You are also Bangladeshi but your national identity is Bengali... they (Hill People) can never become Bengali.”

Sheikh Mujib and his family members were assassinated by a group of army officers on the night of August 15, 1975. The Bengali model of nationhood was a hegemonic one. The Hill people of CHT categorically rejected this model.

Ziaur Rahman Regime (1975-1981):

Following Mujib’s assassination, Larma crossed over to India. Henceforth the PCJSS operated from Tripura in India. India did not engage herself into a direct conflict behavior but was responsible for keeping the conflict alive overt and covert patronization of the Shanti Bahini. Major-General Ziaur Rahman emerged as the strong man in the then government. He was a strong nationalist and being a freedom fighter of Bangladesh. He quickly realized that the nationalism of Mujib in post-independent Bangladesh was guided by its perception of pre-independent Bangladesh. Zia therefore opted for a different model of nationhood for the Bengalis. In this new construction, he chose to emphasize that element of nationalism that would have appealed most to the majority community at that moment. This was religion and the new model of nationhood that named as Bangladeshi Nationalism.¹⁰ Ziaur Rahman created a Chittagong Hill Tracts Development Board under an army general in order to address the socio-economic needs of the region. The government failed to address the long-standing issue of the displaced people, numbering an estimated 100,000 caused by the construction of the Kaptai Dam in 1962. Displaced peoples did not receive compensation and more than 40,000 Chakma tribal had fled to India.¹¹ In the 1980’s the government began settling Bengalis in the region, causing the eviction of many natives and a significant alteration of demographics. Actually,



However, the tribal people of CHT did not accept the Bengali nationalism but adopted the Bangladeshi nationalism.

Hossain Mohammad Ershad Regime (1982-1990):

After the assassination of Ziaur Rahman, H.M. Ershad became the President of Bangladesh removing the elected President Justice Abdus Sattar. Ershad started his policy of islamization recognizing Islam as the state religion. In 1988, alone he visited the Atrosi Pir no less than six times. This policy was resented by the Hill people. They alleged that the number of mosques have increased in the CHT 200 in 1974 to 592 in 1981. The name of the Red Cross was changed to Red Crescent. Ershad had opened negotiations with the PCJSS in 1987. But the talked was failed due to wide gaps in perception of the problem between the two sides. In 1989, the government of then-president Hossain Mohammad Ershad passed the District Council Act that created three tiers of local government councils but the councils were rejected and opposed by the PCJSS. Local Government Council Act-1989 was promulgated in three hill districts to ensure the return of the rebels back to normal life and to establish a terror free CHT region. Extensive administrative power of the hill districts was handed-over to tribal in district level which is similar to limited autonomy.

Democratic Government Regime: Implementation of Peace Accord

After Ershad’s ouster the new BNP regime which came to power through the elections held in 1991 has kept the Local Councils of other districts formed during the Ershad regime all had been dissolved. This duality in policy

increases the alienation of the Hill people. But in later because of the restoration of democracy in Bangladesh in 1991, little progress was made with the government of prime minister Begum Khaleda Zia and her Bangladesh Nationalist Party.¹² In July 1992, the government constituted a nine-member 'Committee on Chittagong Hill Tracts' to recommend, to the government, a solution to the Chittagong Hill Tracts problem.

The committee members were members of parliament drawn from ruling BNP, Awami League and Jamat-i-Islami. In the back drop of the initiative of the new government, PCJSS unilaterally declared cease-fire for three months with effect from August 10, 1992. From November 1992 to May 1994, seven rounds of talk were held between this Committee and the leaders of the PCJSS. In the second meeting held between the National Committee on Chittagong Hill Tracts and PCJSS in December 1992, the latter submitted its revised five-point demand. However, fresh rounds of talks had been begun in 1996 with the newly-elected prime minister Sheikh Hasina Wajed, the daughter of Sheikh Mujib. The peace accord was finalized and formally signed on December 2, 1997. On December 2, 1997 the then Awami League government signed a treaty by passing the opinions of Parliament and the minority communities including the Bengalis.

Chittagong Hill Tracts Peace Accord: An Assessment of Implementation

The agreement comprises of four parts. The agreement was concluded within the framework of the constitution reposing full and firm allegiance in the sovereignty of the state and territorial integrity of the country.

A. General Provisions:

Article 1 of this accord has recognized the Chittagong Hill Tracts as a region populated by tribal people, the need for preserving the particular characteristics of the region and the need for its development. In order to monitor the process of implementation of the agreement, a three-member Committee with a convener, to be nominated by the Prime Minister, is to be formed. Article 2 of this accord has provided that the parties have decided to formulate, change, amend and incorporate concerned acts, regulations and practices as soon as possible in keeping with the consensus and responsibility expressed in different sections of the agreement. Article 3 of this accord has also provided that a committee will be formed to monitor the implementation process of the agreement with the following members:

a) A member nominated by the Prime Minister, Convener;
b) Chairman of the taskforce formed under purview of the agreement member;
c) President of Parbattya Chattagram Jana Sanghati Samity Member.

B. Hill District Local Government Council/ Hill District Council:

The "Hill District Local Government Council" shall be renamed as "Hill District Council (Parbattya Zilla Parishad)". The tenure of the Council shall be five years instead of land and land administration, local police, tribal law and social justice, youth welfare, environment protection and development, local tourism, improvement trust and others local administrative bodies, except municipalities and Union Parishads, license for local trade and commerce, irrigation from different rivers and canals, except Kaptai lake, jhum cultivation and money lending business, will be the responsibility of the hill district Parishad. Article 1 of this accord has provided that the word "tribal" used in different clauses of the Parishad Ain will stay. Article 2 of this accord has provided that the name 'Parbattya Zila Sthanio Sarkar Parishad' will be amended and the name of Parishad will be "Parbattya Zila Parishad". Article 3 has also provided that the "Non-tribal permanent residents" will mean those who are not a tribal but have legal lands and generally live in hill districts at specific addresses. The concerned circle of office will ascertain whether a person is non-tribal or not on the basis of submission of certificate given by concerned mouza headman/union Parishad chairman/ pourashabha chairman and no non-tribal person can become the non-tribal candidate without the certificate received from the circle officer regarding this.¹³

C. Hill Tracts Regional Council:

The agreement recognized the special status of the hill people. Under the Accord a Regional Council (RC) has been formed representing the three hill districts local government councils. The following is the composition of the RC¹⁴-



The Chairman of the Regional Council shall be elected indirectly by the elected members of Hill District Council having status of a State Minister of the government. The three Chairmen of the Hill District Councils shall be ex-officio members with voting rights.

D. Rehabilitation, General Amnesty and Other Matters:

The repatriation and rehabilitation of the tribal refugees shall continue in accordance with the agreement reached between the government and the tribal refugee leaders at Agartala of Tripura on 9 March, 1997. The internally displaced persons of the three hill districts shall be identified and rehabilitated through a Task Force. 3 of this accord has provided that the government will ensure leasing two acres of land in the respect of locality subject to availability of land of the landless tribals or the tribals having less than two acres of land per family. However, Groveland can be allotted in case of non-availability of necessary lands. Article 17 has provided that After the return of the members of Jana Sanghati Samity to normal life, all the temporary camps of the Army, the Ansars and the Village Defence Force, excepting the BDR at present BGB and permanent Army cantonments and establishments, will be withdrawn.

Salient Features of the Chittagong Hill Tracts Peace Accord:

The peace accord of CHT is comprised of four parts—General Provisions; Hill District Local Government Council; Hill Tracts Regional Council; Rehabilitation, General Amnesty and Other issues. The salient features of the accord, compiled from the original text of the CHT peace accord helped the CHT conflict to be regulated are as following:

1. Recognition of CHT as a Tribal Populated Region: The accord has recognized CHT as a region populated by tribal, the need for preserving the particular characteristics of the region, and the need for its development.

2. Three Ordinances for the Three Hill Districts: The two sides have reached agreement with regard to changing, amending, incorporating and writing off the existing three ordinances for the three hill districts—the Rangamati/ Bandarban/ Khagrachari Hill District Local Government Council Act-1989.¹⁵

3. Setting up a Separate Ministry of CHT Affairs: The government agreed to set up a separate Ministry of CHT Affairs, to be headed by a Minister from among the tribal people.

4. Formation of Hill District Council: The 'Hill District Local Government Council' shall be renamed as 'Hill District Council' and will have the functions and responsibilities of land and land administration, local police, tribal law and social justice, youth welfare, environment protection and development, local tourism, irrigation, and license for local trade and commerce, Jum cultivation and money lending business.

5. Formation of Local Government and Reservation of Seats: The Hill District Councils will be formed under Article 59 of the constitution which states that local government would be formed in every administrative unit of the country with people elected to such bodies. Three seats are reserved for women in each district council and two-thirds of these seats will be for tribal.

6. Legal Land and Specific Address of 'Non-tribal Permanent Resident: A 'non-tribal permanent resident' must have legal land in the hill district and should have a specific address. Moreover, whether a person is non-tribal shall be determined, along with the identity of non-tribal to which he belongs and no person can be a candidate for the office of the non-tribal member without a certificate from the concerned Circle Chief in this regard.

7. Formation of a Regional Council: The accord also provides for the formation of a 'Regional Council' to coordinate the development activities undertaken by the three district councils and for overseeing general administration including law and order. There would be both tribal and non-tribal representatives in the regional council and the tribal representatives would be the majority. The Council shall be constituted of twenty-five members.

8. Chief Executive Officer: There will be a Chief Executive Officer with the rank of a Joint Secretary to the government in the regional council and tribal will be preferred for appointment for this post.

9. Surrender of Shanti Bahini and Withdrawn of Army and Paramilitary: The Shanti Bahini will surrender their arms under a general amnesty and they will receive financial assistance to return to normal life. The government will withdraw security outposts manned by the army and paramilitary forces.¹⁶

10. Rehabilitation of Tribal Refugees: The tribal refugees will be rehabilitated with a sum of taka 50 thousand per family at a time. The government will also provide two acres of land in the respective locality subject to availability of land of the landless tribal or the tribal having less than two acres of land per family. Groveland will be allocated in the case of non-availability of necessary lands.

11. Settling Land and Premises Dispute: A five-member Land Commission with a retired justice as its head will be constituted to settle disputes regarding lands and premises. Priority will be given to the tribal people in all kinds of appointment in all government, semi government and autonomous organizations in CHT.

12. Security of the PCJSS and their Families: The government will ensure security of the PCJSS cadres and their families. Those surrendering their arms and ammunition will be entitled to amnesty, which will also cover the non-armed cadres and supporters of the PCJSS. Cases, warrants and convictions in absentia against them will be lifted.¹⁷

13. Land Record and Right to Possession: The land record and right to possession of the tribal people will be ascertained after finalization of the ownership of the tribal people. And to achieve this end, the government will start land survey in the Chittagong Hill Tracts and resolve all disputes relating to land through proper scrutiny and verification in consultation with the regional council formed under this agreement.

14. Lands Allotted for Rubber or other Plantations: Lands allotted to non-tribal and non-locals for rubber or other plantations but not utilized properly in the last ten years will be withdrawn from the allotted through cancellation of allotment.

15. An Advisory Committee of RC: The Regional Council will have an advisory committee drawn from representatives of the three hill district councils, MP's from the region, Chakma, Bomang and MOUNG RAJAS and non-tribal permanent residents.¹⁸

Loopholes of the Chittagong Hill Tracts Peace Accord:

The signing of the peace accord was a noble attempt by the government to seek a political solution to the problem rather than a forceful military solution and along with it to protect the tribal culture and to establish their rights in CHT. However, this attempt could not make everybody happy in CHT, not even all the tribes, because certain important matters seem to have been overlooked. Because of this it has been criticized. The different loopholes of the CHTPA have impinged the CHT conflict to be resolute. These are as follows:

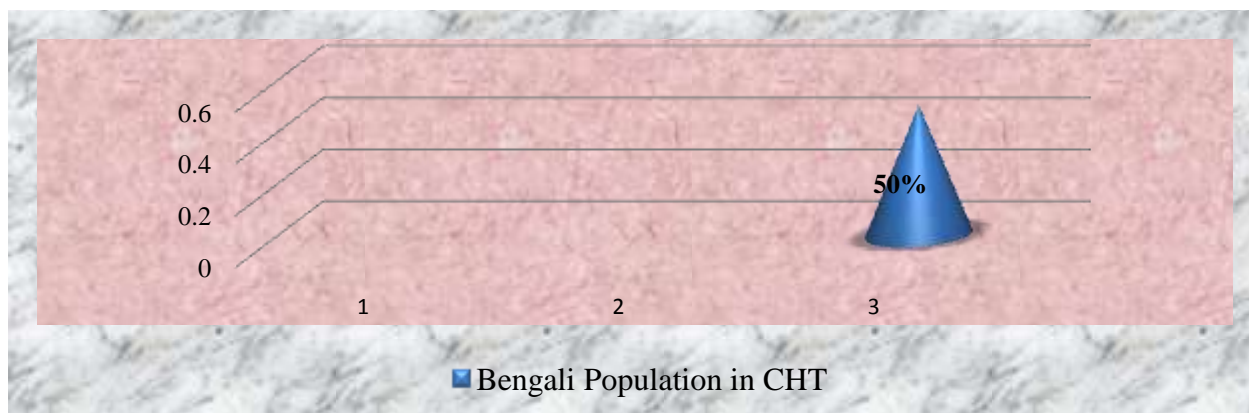
1. Absence of a Clear Determination of Bengali Settlers: One of the major deficiencies of the accord is the absence of a clear determination of the future the Bengali settlers in CHT. The Bengalis are largely settled due to the policies made by successive governments. The accord is specific about return of the land to the tribe's but doesn't clarify the land rights of the settlers.¹⁹

2. Unsatisfactory to Different Groups of People: The accord was signed without the consent of all the tribal people as well as the consent of the Bengali settlers in the CHT. The inadequate public participation has made the accord unsatisfactory to different groups of people living there. This is one of the reasons for the failure in the formation and implementation of allocating access rights to the natural resources for different groups of people of CHT.

3. Taking away Authority of the State: In Part-B of Article 26 (b), the accord provides that no land, hills or forests under the control of the Hill District Council can be acquired or transferred by the government without

the permission of the council. It is a good policy; however, it seems to be inconsistent with the national constitution (Article 143) and takes away authority of the state to regulate the settlement, transfer or otherwise dispose state property.

4. Absence of Clear Compensatory Measures: Moreover, the issue of dispossessing the settlers from their present land, especially without adequate compensatory measures is not clear. Currently the Bengali population is almost-



If the interests of this huge number of Bengalis are neglected, a possible violation of human rights may occur as the article 36 of the constitution gives every citizen.²⁰

5. Inconsideration of the Issues of Environmental Governance: The peace accord has also made provisions for the cancellation of user rights of lands to non-tribal for rubber cultivation and other purposes, which have not yet been utilized properly during the last ten years or more.

6. Restriction over Bengali People to One-Third Representation in Regional Council: Although the Bengali population is almost half of the total population, according to the accord they are restricted to one-third representation in the Regional Council. This stands out as one of the major problems in implementing the accord, as the Bengali settlers feel they have been discriminated against through this provision.

7. Quotas of Tribal People having Opposite Reaction: The provision of reserving quotas for the tribal people in all kinds of government, semi-government and autonomous organizations and allocation of scholarships in the peace accord may not be able to ensure the rights of tribes in CHT; rather, it may create an opposite reaction. They have commented that in some countries a policy of positive discrimination is adopted, reserving quotas in education and administration for indigenous people.

8. Reconciliation Activities are not Initiated: The peace accord did not focus on initiating reconciliation activities to remove previous communal mistrust/hatred and to ensure communal harmony among all CHT people including Bengalis and tribal.

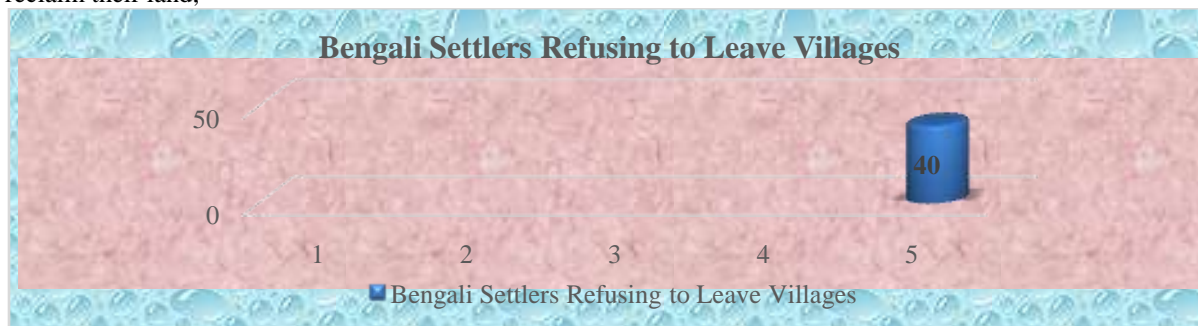
9. Failure to Initiate Measure: The peace accord has failed to initiate any measure to stop stealing and illegal trading of forest resources and killing of forest animals for preservation of nature and the environment in CHT.

10. Great Difficulty of Rehabilitated Refugees: The total funds allocated for rehabilitation of the repatriated Jumma refugees was Bangladeshi Taka 370 million (approx US\$6.5 million) comprising cash sums and minimal material assistance. Commitments for the creation of employment and provision of educational facilities were also set down in the Accord but there is very little information on their implementation or success so far. What is known is that many returnee families rehabilitated from India are having great difficulty in rebuilding their lives.

11. Lack of Skill and Knowledge: Tribal lack the skill and knowledge base to participate effectively within market economy, and have been marginalized to remote areas of the CHT where traditional Jum cultivation is still possible.

12. Land Disputes: Tribal communities owned land on a communal basis, and very little documentation was deemed necessary. The new Bengali settlers introduced a new framework of land demarcation whereby written

proof was required, which then led to widespread illegal land grabbing. Many settlers used the conflict to negotiate false contracts in the real owner's absence. Today, 3,055 repatriated families (25%) are still unable to reclaim their land, -



13. The Internally Displaced: According to the GOB Task Force on Refugees in the CHT, there are still 128,364 internally displaced families throughout the region, of which 90,208 are classified as tribal and 38,156 non-tribal.

14. Continued Militarization:

During the conflict, the CHT underwent unprecedented heavy militarization. The situation post-Accord has not changed very much, and military presence has become a normal phenomenon of life in the CHT. According to the CHT Commission, three years after the agreement only 32 military camps from over 500 have been dismantled.²¹

Chittagong Hill Tracts Conflict Regulation and Conflict Resolution-Implementation of Peace Accord: Some Recommendations

Conflict can be regulated in two ways. These are: -

- A. Conflict Termination;
- B. Conflict Management;

If a state is coercive, there is no level of interaction. In such state, conflict is terminated in the following ways:

1. Genocide;
2. Forced Mass Population;
3. Forced Assimilation;
4. Partition;

If a state is very strong but semi-coercive, there is found law level of interaction. In such state, conflict can be terminated by:

1. Subjection;
2. Avoidance;
3. Isolation;
4. Displacement;
5. Assimilation.

Another important way of conflict regulation is the conflict management. The ways of conflict management are:

1. Hegemonic Control;
2. Sharing;
3. Redistribution;
4. Arbitration;
5. Contonation
6. Protection;
7. Reconciliation.

Conflict can be regulated in perspective of 'Coercive State; Semi-coercive State and less friendly State. From the view of three perspectives, the Chittagong Hill Tracts conflict has been regulated but it has not been resolute. Some recommendations having CHTPA more effective to resolute the CHT Conflict are given below:

1. Starting of a Systematic Analysis of the Land: It is essential to start a systematic analysis of the land tenure system of the CHT by the Land Commission. In most cases, both the tribal and have the Bengali settlers have

no evidence of their land rights. The legal basis of the land tenure and system of both groups has to be clarified. If this is possible the Chittagong Hill Tracts Conflict may be regulated.

2. Proper Utilization of Huge Natural Resources: If the community could be involved directly in natural resource management, it will have the desired impact on proper utilization of huge natural resources in CHT. Community villages can be established both in the tribal and non-tribal communities by grouping a certain number of families.²²

3. Involvement of Non-Governmental Organizations: Involvement of non-governmental Organizations (NGOs) under direct supervision of the CHT any Regional Council can play an important role in establishing a strong linkage within and between communities, removing previous communal mistrust and ensuring communal harmony among all CHT people

4. Ensuring Participation of all Groups of People: The implementation of the peace accord to bring sustainable development in CHT depends upon the extent to which the tribal and non-tribal are involved in the formulation and the implementation of the policies. If the government ensures the effective participation of all groups of people during the implementation of the peace accord, the current oppressive measures by anti-accord activists might be overcome and the peace accord would appear in a more refined form. It is very important to establish trust and confidence among people.

5. Reconciliation: It is important to keep in mind that during the formulation of reconciliation activities, the traditional ecological knowledge and culture of the tribal people should be protected and used. Environmentalists have opined that indigenous systems of land management are often more sustainable than the alternative land use systems imposed on them.

6. Army Camps should be Withdrawn: The continued presence of army camps and other forms of armed personnel is affecting the peace accord. All non-permanent army camps should be immediately withdrawn from the CHT to foster confidence building and trust within the tribal population.

7. Promulgation of Laws: Necessary laws should be promulgated, consistent to the peace accord, to resolve the conflicts regarding indigenous land, knowledge and resource ownership, use, control, and management systems.

8. Rehabilitation: The peace accord recognizes the long-sufferings of the tribal refugees of the CHT who have been uprooted and forced to move from one place to another on both sides of the border. Provisions have been made in the peace accord to repatriate these refugees. But it should be implemented.

9. Providing of Special Ethnic Status: Article 1 of the accord clearly highlights the special ethnic status of the CHT region and commits the state to respect it. But in practice, there is a debate about their special status. Some says that they are indigenous people but some says that they are tribal people.

10. Establishing Business Situation: Establishing a situation where various groups such as tribal and non-tribal conduct their business within the bounds of agreed rules and practices and with respect and support of the authorities (like the Department of Forestry) responsible for natural resource management may bring peace and harmony to the CHT.

11. Allocation of Additional Finance: The government will allocate additional finance on priority basis for taking up maximum number of projects to develop Chittagong Hill Tracts. Projects will be implemented on priority basis for construction of infrastructure for the development of the region and the government will allocate necessary funds for this purpose. This should be performed properly.

12. Appointments to Hill District Administration: Little progress has been made so far in implementing Article 24 for developing a Mixed Police Structure and transferring the authority of their appointments to the Hill District Administration. If it implemented properly this problem may be regulated.

13. Help to Perform Activities: The Hill Regional Council leaders can't perform functions due to machination and non-cooperation by many of the District Council members. This problem should be solved to regulate the conflict.

14. Strengthen of Hill District Council: The peace accord has stated about the strength of the hill district council. If it is done in practice, the conflict may be regulated.

15. Others: Without these recommendations, there are other ways of conflict regulation in CHT such as-
 Subjection, Avoidance, Isolation,
 Displacement, Assimilation, Sharing,
 Redistribution, Arbitration and Protection

Evaluation:

There is no doubt that the problem of CHT is very complex. The initial threats to the ethnic and cultural identities of the tribal people have been gradually compounded by government initiated non-tribal settlements and demographic incursions from the lowlands. The liberalists have stated that the CHTPA has succeeded to regulate the long-run conflict in the CHT region. They have provided some arguments. The arguments are given below:

Recognition of CHT as a Tribal Populated Region	Surrender of Shanti Bahini and Withdrawn of Army and Paramilitary
Three Ordinances for the Three Hill Districts	Rehabilitation of Tribal Refugees
Setting up a Separate Ministry of CHT Affairs	Settling Land and Premises Dispute
Formation of Hill District Council	Security of the PCJSS and their Families
Formation of Local Government and Reservation of Seats	Land Record and Right to Possession
Legal Land and Specific Address of Non-Tribal Permanent Residence	Lands Allotted for Rubber or others
Formation of a Regional Council	An Advisory Committee of RC
Chief Executive Officer	

All of these arguments have proved that the CHTPA has succeeded to regulate the long-run conflict in the CHT region in Bangladesh.

On the other hand the realists have stated that the CHTPA has failed to resolute the long-run conflict in the CHT region. They have provided some arguments. The arguments are given below:

Absence of a Clear Determination of Bengali Settlers	Reconciliation Activities are not Initiated
Unsatisfactory to Different Groups of People	Failure to Initiate Measures
Taking away Authority of the State	Great Difficulty of Rehabilitated Refuge
Compensatory Measures Not Clear	Lack of Skill and Knowledge
Inconsideration of the Issues of Environmental Governance	Land Disputes
Restriction over Bengali People to One-Third Representation in Regional Council	The Internal Displacement Problem
Quotas of Tribal People having Opposite Reaction	Continued Militarization.

All of these arguments have proved that the CHTPA has failed to resolute the long-run conflict in the CHT region in Bangladesh. Some recent events in the CHT region are given below:

Name of District	Number of Killed People	Number of Wounded People	Number of People irregularly Detained
Year	2005	2005	2005
Khagrachari	14	32	175
Rangamati	08	40	140
Bandarban	07	09	223
Total	29	81	538

Table:

Date	Events
2009	5000 families of Myanmar's Rohingya Muslim refugees were settled in Nakhyangchari, Ruma, Lama, Alikadamand Sadar area of Bandarban district.
2010	The Bengali settlers torched about 360 houses of the local tribes.
2011	Eight persons were killed in inter-group violence.
2013	Riots broke out claiming at least eight lives.
2015	In Rangamati at least 30 people were injured in a rally of the Hill Students that was attacked by ruling party's Chattrra League and other organizations. ²³

There are different recommendations to solve the problem that includes—

Starting of a Systematic Analysis of the Land	Providing of Special Ethnic Status
Proper Utilization of Huge Natural Resources	Allocation of Additional Finance
Involvement of Non-Governmental Organizations	Establishing Business Situation
Ensuring Participation of all Groups of People	Appointment to Hill District Administration
Reconciliation	Help to Perform Activities
Army Camps should be Withdrawal	Strengthen of Hill District Council
Promulgation of Laws	Avoidance, Isolation, Displacement, Assimilation, Sharing, Redistribution, Arbitration and Protection.
Rehabilitation	

From the above discussion, scrutinizing the perception of the liberalists and the realists it is clearly understood that the CHTPA has succeeded to regulate the long-run conflict in the CHT region but has failed to resolute the long-run conflict in the CHT region in Bangladesh. If the above-mentioned initiatives are initiated, the long-run conflict in the CHT region has not only been regulated but also been resolute.

III. CONCLUSION

The peace accord has been signed with good intention but so far, the progress of implementation of the peace accord of CHT is yet very slow. To date, in-migration of Bengali settlers, forcible occupation of the lands of tribal people, and acts of violence against them are still taking place in the region. The accord has incorporated a number of agreements involving a certain redistribution of power between the national government and the regional council, as well as partial delegation of authority to the latter by the former in specific subject areas. The accord contained with good attempt for preservation and development of culture, religion and language of different tribal people living in the CHT area, as well as to protect the rights of poor and Bengali settlers with the available natural resources. Actually, this accord has tried to manage the both groups protecting its national interest. That means, the accord has primarily succeeded to regulate long-run conflict but has failed to resolute the long-run conflict in the CHT region in Bangladesh.

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