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Beyond Post-Accord Discord

From the *Alternatives* Desk

THE CHT Accord of 2 December 1997 has brought into sharp focus many of the contentious issues that so far had remained hidden or out of public scrutiny. This scrutiny indeed is required in the interest of transparency, accountability and also importantly enough for the harmonisation of relations between the Bengalis and the Hill people, including the different communities of the latter.

With the above objective in mind the Centre for Alternatives in association with the Daily Star and the Bangladesh Institute of International and Strategic Studies (BISS) organised a whole-day seminar in Dhaka on 10 July 2000. The deliberations as expected generated heated and intense debates as well as provided a vent to many emotions. Amidst all the discord one could however discern a clear accord on the need and imperative to move beyond the discord that has so much engulfed the Accord. Indeed, for the sustainability of peace in the CHT, post-Accord discourse must tackle and imaginatively overcome the state of discord, locally as well as nationally. The joint initiative is only the beginning of our endeavours towards sieving through the contentions. In the next phase, the CA along with the Daily Star and the BISS, will hold a daylong public seminar this time in Rangamati. Our hope is to transform the post-Accord discord into a sustainable accord.

Putting the Accord into Practice

More Pain than Pleasure?

by Imtiaz Ahmed

THE Accord between the government and the PCJSS is now 2 years 7 months old. This may not be a lot of time for realizing all the provisions of the Accord and that again in full, but it does provide a reasonable span of time for reflecting on the areas of success and failure of the Accord till date. Before taking those up in some length, let me take recourse to some generalities surrounding the Accord. I will limit myself to three.

Firstly, the changed circumstances. There has been a remarkable change in so far as the subject matter of CHT is concerned. While the topic of CHT at one point of time was a taboo and then for a brief period of time "closed door," it is now fully open for public discussion, debate and even consultancy! In fact, in September 1991 when I first wrote a piece in the *Ajker Kagoj* titled "Limitations of the Modern State: The Chitragona Question," the Editor of the newspaper waited one whole week before publishing my paper. The Editor later told me that he was worried as to how the military and the government would react to the views expressed in the said article since the subject matter was still a taboo. But that was 1991.

In December 1994, I was invited by the Military Staff College to present a keynote paper on a theme related to the issue of CHT. Since it was closed door, no journalists were allowed to attend or participate in the conference. Even as late as February 1997, only one Bangladeshi (and that again, for reasons of residency more than anything else) participated in the International Conference on CHT in Bangkok. The entire Bangladeshi delegation could not participate in the conference since they were refused visa by the Thai Embassy, incidentally for reasons of alleged pressure brought upon the latter by the government of Bangladesh. Since the signing of the Accord, however, things have changed for the better. People are now openly debating and seriously researching and writing on CHT. The changed circumstances must be appreciated and kept alive for all time, indeed, for other things as well.

Secondly, the issue of CHT is a civilizational one. Not in the manner Nirad C. Choudhury or Huntington have used the term but more in the sense of modern civilization being structurally limited in appreciating and accepting differences. This is clearly marked in the divisive nature of the modern national state, with people more often constructed and divided into majority and minority communities. An all-time resolution of the CHT issue will no doubt benefit Bangladesh but at the same time will also have implications beyond, particularly in modern post-colonial South Asia which is so much periled by the forces of majoritarianism and communalism.

Finally, implementing the Accord is no less difficult than the signing of the Accord. One is almost reminded here of T.S. Eliot: *Between the Idea / And the reality / Between the notion / And the act / Falls the shadow.* The longer and blacker is the "shadow" the longer will it take to implement the Accord. A sense of urgency is required to fulfil the provisions of the Accord lest the momentum is lost through inaction and deferring, both having remarkable qualities in extending the shadow and upsetting whatever limited success it has up until now.

It is against this background that the performance of the Accord or the lack of it will be judged, beginning with the areas of "success" and "relative success" to areas of "stalemate and contention."

A. Success Areas

1. Return of the Refugees: The conflict in the CHT produced several thousand refugees over time, all taking refuge in Tripura State of India. All of them - that is, some 70,000 of them - have now returned to the CHT. The return, however, began in 1994, resumed in

March 1997 and fully completed following the signing of the present Accord. Repatriation of the refugees could not have been completed so smoothly and peacefully, however, without the Accord. Refugees also were eager to return and there are good reasons for this.

The bulk of the refugees were living in miserable conditions in refugee camps in Tripura. In fact, they were given a daily ration of 400 grams rice, 15 grams of salt, and a dose of 20 paise per day. One Indian weekly, *Frontline*, once commented that "financially the refugees' presence on Indian soil has cost the government a relatively small amount - Rs. 45 crore in about eight years, that is, on the average yearly Rs 5.6 crore!" It is not very difficult to see now why India was able to sustain the cost of sheltering the Pahari refugees quite easily, indeed, without international, including UNHCR, support. Moreover, refugee children were not allowed to take Tripura's madhyamik examination, and this further eroded whatever soft feeling the refugees had for the host country. Put differently, the refugees returned en masse almost at the first instance of a political settlement and a promise of peace in the CHT.

2. Surrender of Arms: Some 2000 PCJSS armed guerrillas (also known as *Shanti Bahinis*) surrendered. They also formally deposited weapons of various kinds, including automatic rifles. Not all weapons had "governmental" stamp, whether of India or some other countries. Most of the weapons used by the Shanti Bahini were locally made or were purchased in the black market. Given the menace of small arms proliferation in the region this is no surprise. This also implies that the disaffected members and the wrongdoers will face little difficulty in equipping themselves with arms and ammunition should a need arise for violence and coercive interventions.

Reports already indicate that not all Pahari guerrillas have surrendered their weapons. There are also instances of the more sophisticated weapons going underground! This is not very difficult to verify, as some of the post-Accord conflicts, particularly those between the pro-Accord PCJSS and anti-Accord UPDF, had been armed and violent. The incident of 12 December 1999 where armed members of UPDF attacked and killed a PCJSS member and again, the incident of 8 March 2000 where armed members of PCJSS ambushed and killed a UPDF member amply demonstrate the ready and almost free use of weapons. But this in all fairness has more to do with small arms proliferation in the region than a deliberate sponsorship of (illegal) arms or, inversely, the lack of will to contain the use of (illegal) weapons on the part of the government.

Areas of Relative Success

1. Rehabilitation: This involves three groups of people: (i) The rehabilitation of the refugees; (ii) The rehabilitation of the PCJSS members; and (iii) The rehabilitation of IDPs (internally displaced persons). In so far as rehabilitation is concerned, the difference between the first two groups is very important. As per Section Gha, Article 16, para Ka of the Accord, only "repatriated members of PCJSS will be given Taka 50,000 in cash at a time" for their rehabilitation. No amount has been fixed for the refugees. Rather, they have been provided (i) with a rehabilitation package, which included some cash money and tin to build a house, a bullock and ration for a fixed period of time. The very fact that the Accord failed to mention the contents of the rehabilitation package, including the amount to be spent, created some misgivings amongst the refugees. The latter found themselves at a different plane from the returnee PCJSS

members. Some refugees also complained of not getting the rehabilitation package in full.

More problematic has been the issue of IDPs. Recently, some pro-Accord Hill members, including the Honorable Minister Mr. Kaplaranjan Chakma and the Chairman of the Task Force for Refugees Mr. Dipankar Talukdar, indicated that the IDPs in the CHT include both Hill (some 60,000 of them) and Bengali members. Opinion, however, is sharply divided on the inclusion of the latter in the ranks of IDPs. Those opposed to the Accord, including a section of the PCJSS, find the inclusion of the Bengalis unacceptable and think of it as something of a sell-out to hegemonic Bengali forces and the government.

2. Local governance or Regional Autonomy: Some progress has been made in this respect. Its implementation apparently includes the birth of two institutions. One, the Regional Council, and two, the Ministry of CHT Affairs. The Regional Council has been subject to some delays, formed only last year in May 1999, the Ministry is still without an Advisory Committee and a proper set of functions. More importantly, however, both the institutions till date remain highly governmentalized. The second one is understandable, whereas the first one remains "handicapped" more for the reason of governmental appointment (despite a free hand given to the PCJSS Chief, Shantu Larma, following his appointment in "selecting most of the members of the Council) and lack of democratic participation and elections. Put differently, the governmentalization of regional autonomy not only runs contrary to the notion of autonomy but also sets out to rob the region of autonomous development. But that is not all.

A noted retired member of the judiciary once told me that the problem lies with our inability to understand the very concept of autonomy! It is no wonder that some of us (in the case of CHT, the UPDF in particular) even go on to use the word "full autonomy" as if "autonomy" can be divided into halves or one-thirds! It may be noted that the word "autonomy" first came in vogue in 1623 - some 12 years after the word "independent" (1611) and some 17 years before the word "independence" (1640) came to be used in public. The overlapping in the meaning and content of the words, particularly in so far as "self-government" or "self-governing" is concerned, has continued since then. This has blurred both action and intent, not only of those demanding it but also of those from whom the demand is being filched out. For the sake of concretizing the intent and overcoming the divisiveness of modernity, it is imperative that we rethink and reinvent the concept of "autonomy." Indeed, if it is to have any meaning and practical application, the concept of autonomy has no option but to change and transform.

Areas of Stalemate and Contention

1. Demilitarization: A gradual phasing out of the temporary camps has been agreed, albeit with the condition that "moral law" must prevail in the CHT. Until now only 60 or so out of more than 500 temporary army camps have been withdrawn. Demilitarization, however, is beset with two problems. Firstly, there are some logistical problems in withdrawing the military, that is, where will they be housed? Moreover, the size of the six permanent camps in the CHT (as agreed by the two parties of the Accord) has not been clearly spelled out. Those opposed to the Accord, including some members of the PCJSS, believe that the government would simply fill the permanent camps with troops from the temporary camps. Put differently, as the critics contend, CHT will continue to have the same number of troops, far outnumbering the army-civil pop-

ulation ratio elsewhere in the country.

Secondly, and this is more of a recent development, some pro-Accord Hill members now voice in favour of keeping the army, albeit for their own protection from the armed disaffected. On this issue, the anti-Accord Hill members further point out that many of the PCJSS members now enjoy military protection and the said critics even cite the recent police escorting of some PCJSS members to a conference in Dhaka as evidence of PCJSS "hobnobbing with the government and the military."

2. The Issue of Land: A Land Commission, to be headed by a retired judge, has been constituted for the settlement (albeit only) of "disputed land." The work of the Commission has suffered setbacks, first by the death of the Commission's Chairman, Justice (Retd.) Anwarul Haq and second by the unresolved issue of the status of two circle chiefs. More importantly, however, the Commission, if it is to resolve all disputes relating to lands, would in all fairness require a magic wand in the wake of the following developments:

a. Lack of proper documentation in the hands of the displaced Hill members. This issue has been further complicated by the burning of the land records office in Khagrachari some year back.

b. Bengali settlers, including the recent ones with land documents. Not all of these documents were legally acquired and provided by the government at the time of their settlement; some in fact got the documents by bribing the officials. Corruption in land documentation is one of the least explored areas and on this the CHT is no exception.

c. The fate of the poor and landless Hill members has not been adequately addressed. In fact, there has been a pathetic absence of the class question, a point that was well raised by one Hill critic in the context of the rising gap between the educated urban Jumnas and the less fortunate and underprivileged jum-cultivators.

d. The recent expansion of reserved forests has created some misgivings amongst the Hill members. It may be mentioned that about one-fourth of the CHT are reserved forests and more areas are now being included in that category. In a memorandum submitted to the government by some Hill members on 10 September 1998 it was stated that 217,790.3 acres of land in the CHT have been primarily/provisionally notified as reserved forests between 1990 and 1998, of which 140,341.31 acres have been finally notified as reserved forests. The government, however, has disputed this figure, bringing down the primary/provisional notification to 208,148 acres and final notification to 116,863 acres. Whatever the actual figure, the new reservation, as Raja Devasish Roy noted, includes "private lands registered in the office of the deputy commissioner; private homesteads; forest commons and grazing lands over which the Hill people have traditional and legal rights." This of course goes beyond the parameters of the present conflict, symbolizing more dramatically the rising conflict between population pressure and the preservation of forestry in the region.

e. The overwhelming use of the Bengali language in legal disputes, particularly those relating to the land, poses serious problem to the (non-Bengali) Hill members. The use of the Bengali language has benefited the Bengalis more than the Hill members when legal interpretations are required for resolving land disputes. Since "land" and "language" are culturally intertwined, lack of understanding or misuse of the latter could have serious implications for the settlement of the former.

3. Development: This was bound to take place, and in some respect already has, following the Accord. In addition to the res-

Peace Building in the CHT: Vision for Sustainable Peace

by A. K. M. Abdus Sabur

While envisioning sustainable peace in the CHT, like that in case of any post-settlement process of peace building, what one encounters is innumerable highly difficult challenges. These challenges are of both intellectual and practical nature. This makes an analyst more vigilant than visionary while dealing with post-settlement process of peace building.

PEACE building in the CHT with its ultimate goal of ensuring sustainable peace is a highly complex, difficult as well as longstanding undertaking. It entails two sets of tasks: a. preventing a relapse into war; and b. ensuring sustainable peace.

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Preventing a Relapse into War

Preventing a relapse into war during post-settlement peace building is considered as encountering the challenge of "Clausewitz in reverse". While Clausewitz asserted that "war is simply a continuation of political intercourse with the addition of other means", post-settlement peace building is the continuation of conflict, albeit transmuted into non-military mode. Therefore, the danger that the non-military means of waging conflict might degenerate into military ones is inherent in the process.

A combination of factors like futility of the military means, increasing costs, wastage of development opportunities, coupled with the expectation that their conflicting interests could be accommodated by peaceful means, led the belligerent parties in the CHT conflict to reach the Peace Accord.

A cost-benefit analysis concerning these and related factors, would also determine their behaviour in the process of peace building.

In this regard, the perceptions of the parties to the conflict are of paramount importance. In order to prevent a relapse into war, it is an imperative that both the parties continue to perceive that their interests would be served better by peaceful means than military ones. So far, expression of dissatisfaction or grievances by both the parties, by the PCJSS leadership to a greater extent, has been systematic. A large number of grievances, particularly on the part of the PCJSS leadership, continue to prevail. However, at all stages these grievances remained far from posing a threat to the process of peace building.

Another important factor is the internal politics of the two parties. Mastering total elite cohesion by either of the parties with regard to peace deals to end conflicts like the one in the CHT is virtually impossible. Because such a deal could only be reached through accommodation of the interests of both the parties wherein both are to sacrifice some of their interests. Hence, opposition to the peace deal on the part of different segments of the elite on both sides of the dividing line is inevitable. However, a preponderance of the "peace constituency" over the "war constituency" is an essential prerequisite for peace building to progress and achieve its ultimate goal.

On the CHT issue, within both the parties, a preponderance of the "peace constituency" over the "war constituency" prevailed. While in case of the CHT people, the opposition to the Peace Accord came from a rather small group largely not involved in the armed insurgency, in case of the Bengalis, all the three major opposition parties vehemently opposed the Peace Accord. In both the cases, attempts were made to galvanise public opinion against the Accord. As evident, the "peace constituency" continues to enjoy considerable preponderance over the "war constituency" on both the sides along the dividing line in the conflict.

While there is no eminent danger of the relapse into war, uncertainties continue to prevail. Such uncertainties are indeed inherent in the process of peace building in the CHT (itself as elsewhere in the world). More importantly, the forces and the factors that sustain the process of peace building in the CHT are not irreversible. The task of the moment is, therefore, to concentrate efforts, with caution and foresightedness, on building the foundation for sustainable peace.

Ensuring Sustainable Peace

Ensuring sustainable peace between or among the feuding parties remains the ultimate goal of the process of peace building. In addition to the res-

olution of the conflict through the implementation of the Peace Accord, it encompasses a host of inter-related and inter-dependent measures of socio-economic as well as politico-cultural nature. The complexity of long-standing tasks and challenges facing the peace building efforts in the CHT is likely to generate multifarious conflicts within and between the parties along the dividing line.

The list of tasks facing the peace building efforts designed to ensure sustainable peace in the CHT is quite long. However, these could be encapsulated under three broad themes:

1. Reconstructing the Institutions and Processes;
2. Ensuring Harmonious Development; and
3. Healing the Scars of War.

Reconstructing the Institutions

Socio-economic and politico-cultural institutions and processes in the developing countries, including Bangladesh, lack built-in mechanism to adequately accommodate the aspirations of the weaker sections of the populace, especially the minorities. As a consequence, the grievances of the minorities often remain unattended unless these generate a severe conflict or even reach a crisis situation. In the circumstances, to ensure sustainable peace in the CHT, the reconstruction of institutions so as to prepare them to respond to the aspirations of the minorities timely, properly and adequately is a cardinal task.

In this regard, the first and foremost come the institutions which fall within the purview of the state. Because the state in the developing societies like Bangladesh is virtually omnipotent and highly interventionist both by nature and by compulsion. It also controls a significant part of the economic resources. Another important point, the state also significantly determines the nature and functions, and to a certain extent, controls the activities of NGOs and the civil society organisations.

In this regard, commitment was made in the Accord to create a Regional Council and three District Councils in the CHT with a preponderance of the hill people. Accordingly, these were created. However, such bodies were formed through an administrative order, as elections could not be held. It is necessary to hold elections to the Regional and District Councils in the CHT, with a view to boosting popular legitimacy and people's confidence in these bodies. Importantly, it would also create a sense of popular participation in the political process.

The Regional and District Councils in the CHT alone would not be able to correct the situation in the region, not to speak about the whole country. It is also necessary to reform the institutions at the national level. For instance, Ministries of Finance and Planning may be assigned to formulate development programmes and implement them in a way so as to redress the grievances of the ethnic minorities and bring them into the national mainstream. The same implies to other ministries and concerned government bodies. In this regard, the Ministry of CHT Affairs could be reconstituted as the Ministry of Ethnic Affairs and, thus, enable it to oversee the well-being of ethnic minorities all over the country. Finally, a constitutional guarantee of the socio-economic and politico-cultural rights of the ethnic minorities is likely to increase significantly their confidence in the process of peace building.

It is difficult to make any more concrete suggestions with regard to the ways and means of reconstruction and, more so, to envision the above mentioned institutions and processes as reconstructed. Because, the fate of such an initiative would be decided by the interplay of a host of diverse forces with conflicting interests wherein all of them would try to reconstruct the institutions according to their own design. However, a viable reconstruction of institutions could only take place in the broader context of democratisation of the polity and the ongoing process of institutionalisation of democracy.

While the issues of war and peace have traditionally been considered to be within the purview of state and its organs, the broadened security agenda recognise an expanded range of

non-state and informal actors. In this regard, the active engagement of civil society, NGOs and so on in the process of peace building is a necessary ingredient. While state continues to remain the dominant actor, the active participation by ordinary citizens in building formal and informal structures of governance is essential for attaining sustainable peace and development.

Ensuring Harmonious Development

The notion of development implies economic, social, political as well as cultural development in a balanced and integrated way, embracing the diversity of socio-ethnic and linguistic groups, religious communities, and geographical regions in harmony with prevailing values. The process of development is highly complex and contradictory. Social forces - classes, professional groups, ethnic and religious communities and others - who formulate and execute development strategies, act more in accordance with their group interests. As a consequence, developmental efforts generate numerous distortions and create imbalances along both horizontal and vertical lines within the polity. Therefore, danger prevails that the process of development, instead of contributing to the cause of peace building, may exacerbate social conflicts. On the other hand, it is the ongoing process of socio-economic and politico-cultural development that would have decisive impact on the process of peace building and ultimately determine its fate.

In the circumstances, while dealing with development in the context of peace building in the CHT, one needs to be highly cautious. A host of diverse forces with different or even conflicting interests is likely to take part in the process of development. While the government and the regional bodies are to be the two major counterparts, private entrepreneurs, including the foreign ones, are to play a crucial role in the process of development. Motivated by the goal of maximising profit, private business is unlikely to pursue harmonious development. This would necessitate considerable intervention on the part of the central government as well as the regional bodies. Therefore, the government bodies - central and regional - will have to devise through collaborative efforts a sustainable development strategy capable of dealing with the root causes of war and transforming the sites of conflict into those of co-operation.

The challenge is not only to ensure harmonious development in relation to the CHT and the rest of the country, the Bengalis and the hill people but also within the complex and diverse entity called the hill people. While the Bengal versus tribal divide is often magnified, the latter is as well sharply divided not only vertically but also horizontally. The hill people of CHT, divided into thirteen tribal and three religious groups, are not at the same level of development. While some of them surpass even the Bengalis in terms of literacy rate, some others are yet to be brought to the modern way of life and modern economic activities. Due to the central conflict of the region along the Bengali-Tribal dividing line, conflicts within or among the tribal groups remained suppressed. Once the central conflict is somehow contained or in the process of resolution, the tribal people will have to compete among themselves for the scarce resources and limited opportunities, the conflicts within or among the tribal groups could surface. The process of development will also have to deal with the issue that is quite a sensitive one.

Healing the Scars of War

Healing the scars of war is a long-standing task. The scars of war have a deeply ingrained social/psychological dimension. During war, the belligerents accumulate hurt and hatred, which persist for a long time and often survive generations.

Such memories continue to remain a potentially disruptive factor, as in time of difficulties in mutual relations these could be revived in politically relevant forms, strengthening intransigence on the part of either or both the sides.

With regard to healing the scars of war, the rehabilitation of the victims of war on both the sides of the dividing line is one of the most immediate tasks. The victims include civilians as well as war-torn soldiers and insurgents; people who suffered severe injury or became disabled, lost their livelihood, were displaced as well as women who were violated, lost their earning member of their family and those who suffered war related trauma. While a process of rehabilitation in the CHT is going on, it is still incomplete and did not address the problems of all the victims, particularly the women.

Before the ongoing process is complete, it is necessary to include all other victims in the rehabilitation programme, particularly those who lost their livelihood and suffered moral/psychological trauma. In this regard, special trauma centres can be established with a view to healing the scars through counselling and subsequent rehabilitation. Similarly, the livelihood of the people who lost it could also be restored through providing them with training and job or assistance to self-employment. While government initiative, in this regard, would be required, NGOs and civil society organisations also could be involved in the process.

Healing the social scars of war through reconciliation amongst the belligerents at the grass-root level is a more vital and long-standing task of the process of peace building in case of CHT, so far no attempts to this effect have been initiated. The whole venture was confined at the top level of the leadership on the part of both the sides. However, for establishing self-sustained peace, efforts at reconciliation amongst the belligerents at the grass-root level are an essential prerequisite. On the positive side, there is time for initiating such a venture. It can come either from the above or below or both.

Academic endeavours based on recent case studies already identified that the term "reconciliation" at the grass-root level must have at least three elements: the harmonising of stories, acquiescence in a given situation (perhaps reluctantly) and the restoration of friendly relations. This is a minimum. Both the parties, starting from the top level of the leadership to the grass-root level, may even go to the extent of offering apology to each other for wrongs done in the course of insurgency and counter-insurgency operations. This is not to suggest that any initiative in this regard concerning CHT is to follow a particular guideline. This could be developed through indigenous efforts while keeping in mind similar cases. However, an initiative is required, as changing mutually negative conflict attitude at the grass-root level is an essential prerequisite for sustainable peace.

While peace building is a highly difficult undertaking, there is also a positive side. The process of peace building, like that of conflict at a certain stage of its development, generates dynamism of its own, which becomes difficult to reverse. Both the processes in the way of their development create necessary material as well as emotional-psychological foundation for their sustenance. Viewed in this light, the ongoing process of peace building in the CHT is also an opportunity for the nation to create necessary material as well as emotional-psychological foundation for sustainable peace and development.

The author is a Senior Research Fellow, BISS. Views expressed in this write-up are those of the author and do not necessarily reflect those of the centre.

The topic of our next issue is: Women in Parliament. Creative suggestions are invited from our esteemed readers. Please send your materials to: Dr Imtiaz Ahmed, Executive Director, Centre for Alternatives, Room No 431, Lecture Theatre, Arts Building, Dhaka University, Dhaka-1000. Tel: 9661900-19, Ext 4550; Fax (8802) 8316769; E-mail: imtiaz@bangla.net.