

23 YEARS OF SIGNING CHT PEACE ACCORD

A Requiem for the Discordant Accord

Exhuming or reviving the Chittagong Hill Tracts agreement of 1997

I have written on the Chittagong Hill Tracts Peace Accord of 1997 numerous times, especially in the early 2000s,

right up to the 2010s, and have had articles published in Bangladesh and abroad, including through Cambridge University Press. Perhaps having a premonition of what was in the offing, I had dubbed the agreement "the discordant accord".

Now I am searching for adjectives to describe the failed accord. If it were a song, I could have called it a dirge or a requiem. It's not. It really doesn't matter what you call it though. The fact is, politically, at the current moment, it's an instrument that the government of Bangladesh, and particularly the government security forces, consider to be a major obstacle to achieving their goal of "development" of the hill region. Take the case of the Marriott-linked hotel and amusement park that is under construction on the Chimbuk-Thanchi highway in Bandarban district—a glaring example of the anti-CHT Accord "development" that the Mro people and other ecology and human rights supporters are being literally forced to swallow.

I have spoken and written many times about the "half-empty or half-full glass" rhetoric about the status of the implementation of the agreement. The government eulogises the *half-full* feature of the accord's implementation status, while the major regional political party harps on its *half-empty*

feature. I disagree with both. It's not a quantitative matter. You can't measure implementation or non-implementation by counting how many clauses were implemented or not, how many subjects were transferred or not (to the Hill District Councils). You have to ask, qualitatively, whether the agreement, in substance, has been implemented or not. You have to ask that to the ordinary people of the region. If they say "no", please accept the answer at face value.

But you might say, "Hold on, this is not so simple a matter." All right, let me then assess the implementation status substantively. If I equate the CHT Accord with a meal that the CHT people, especially its indigenous *Jumma* or *Pahari* peoples, wished to feast on, I would say that it is not the meal that they thought would be delivered. It doesn't matter, quantitatively, how much parboiled rice ("sheddo chaal") is offered—or for that matter, how much *Biriyani*, *Tehari*, *Machher Jhol*, etc. has been given—if the meal lacks *Ngappi* (shrimp paste: Belachchan), dried fish, upland rice, upland chilly peppers, etc. The hill people will not consider the CHT Accord to be a proper meal at all if certain ingredients are missing, as aforesaid.

And that is what the problem is with government-led "development" in the region. Take, for example, the roads (another name for natural resource plunder), buildings (architectural monstrosities that are aesthetically and health-wise unsuitable for the CHT), tourism spots (spot the garish, unnatural, coloured walls and roofs), etc. None of these personify the Hill Tracts' history, traditions, culture, and ecology. It's simply a kind of cultural

and ecological rape being perpetrated against a region and its peoples, whose ethos is to be visibly felt nowhere except in the remotest corners of the region where there are no roads, and hence no violent economic, social and cultural incursions, and no cultural and ecological rapes. But this will change, I fear, for "security" or "border trade", if not for anything else. I hope and pray that I don't live to see these places becoming un-peopled and un-ecologised in my lifetime. But perhaps I am living in a fool's paradise.

Twenty-three years ago, then Minister Mohiuddin Khan Alamgir invited me to a discussion over dinner at a leading hotel in Dhaka, asking me, on behalf of the government (also then led by Prime Minister

Sheikh Hasina)—with the consent of the Jyotirindra Bodhipriya Larma ("Shantu Larma")-led Jana Samhati Samiti—to help facilitate the last stages of negotiation which would ultimately lead to the signing of the CHT Accord. Upon laying down certain preconditions, which were accepted, I agreed to do what I could to help. Two or three days later, the agreement was signed. It was December 2, 1997.

Soon afterwards, Prime Minister Sheikh Hasina got UNESCO's Houphouet-Boigny Peace Prize for signing the CHT Accord. It was one of the highly visible successes of her government. But can we now try to find some similar prize to bestow on our Honourable Prime Minister, which would facilitate her effective role, this

time to implement the accord? I don't know.

In the longer run, the non-implementation of the CHT Accord will, I believe, not only bring doom for most of the indigenous peoples of the CHT, but also destroy or degrade the remaining hill forests of the region, including the major rivers and streams, and make our borders with our neighbouring countries unstable.

If the indigenous peoples of the CHT become further marginalised and otherwise marginalised, the CHT is likely to become a spawning ground for radical, right-wing elements, which will create numerous conflicts with communities across the border, from Tripura State, Mizoram, Chin State to Rakhine State.

And if anyone has ideas of a Bangladeshi *Bengali lebensraum* in Burma (Myanmar) or Northeast India, I would ask them, from a purely Bangladeshi perspective, to weigh the chances of success and failure. We ought to take lessons from Rakhine State, Tripura State and Mizoram, and take steps to keep our international boundaries secure, and hopefully with no tension with our international neighbours.

Stable borders will provide stable frontier regions. Stable frontier regions will provide economic and social stability and progress. Instead of pursuing hawkish policies with amateur "security specialists" running programmes that ought to be vetted by professional foreign policy, human rights and trade experts, we, as a nation, ought to practice what we preach.

In the long run, I believe that only if the indigenous peoples of the CHT can remain the dominant ethno-cultural group in the CHT can we protect the ecology of the region, as well as its stability and integrity. And if the so-called "security specialists" are allowed to rule the roost, the indigenous peoples will pay the price, as will the people of the rest of the country. That may cause irreparable damage to the Bangladeshi state, as well as to its citizenry and its ecology. I hope our government under Prime Minister Sheikh Hasina will be wise and prevent that from happening, for the wellbeing of all citizens and denizens of the Hill Tracts, and for the country as a whole.

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File photo of the signing of Chittagong Hill Tracts Peace Accord of 1997.

PHOTO: COLLECTED

CHT Accord: How much of it has been really implemented?

MANGAL KUMAR CHAKMA

It has been 23 years since the signing of the Chittagong Hill Tracts (CHT) Accord. On this day in December 1997, the government of Bangladesh and the Parbatya Chittagong Jana Samhati Samiti (PCJSS) signed the agreement to resolve the CHT problem through political and peaceful means. Although some clauses and sub-clauses of the Accord have been implemented in the last 23 years, two-thirds of the clauses still remain unimplemented. In particular, the core issues of the Accord remain either completely unrealised or partially and defectively implemented. And thus, the opportunity for a political and peaceful solution to the CHT problem has been squandered. At present, the process of implementing the Accord has been totally halted.

Although the Awami League government, which had signed the CHT Accord in 1997, has been in power for 12 consecutive years now, it has not taken any effective steps to implement some of the most fundamental clauses of the Accord. While two-thirds of the provisions of the Accord are still unimplemented, there has been misleading propaganda at home and abroad that 48 of the 72 clauses have been "fully implemented".

For example, Section 1 of Part A of the Accord provides for the preservation of the characteristics of Jumma (tribal) inhabited areas of the CHT region. The government claims that this provision has been fully implemented. It says the development and preservation of the language and culture of tribes, minor races, ethnic sects and communities have been ensured through the inclusion of Article 23A in the 15th amendment to the Constitution. This claim is not appropriate.

In fact, ensuring this provision depends on the resolution of land disputes, protection of land rights of hill people, introduction of a special governance structure in CHT, rehabilitation of returned Jumma refugees and internally displaced Jumma people, execution

of the definition of non-tribal (Bengali) permanent residents, preparation of a voter list with permanent residents, etc. Besides, during the formal dialogue, the government delegation repeatedly assured that the prime minister had promised to rehabilitate the settlers in the plains. But these issues have not been resolved yet.

In addition, in order to preserve the tribal pre-dominated characteristics of the region, it is important (1) to introduce a statutory measure to the Constitution stating that CHT is a region predominated by multi-lingual hill/tribal people; (2) to incorporate the words "or the hill people of CHT" immediately after the words "in favour of women or children or the backward sections of citizens" in Article

At present, instead of pursuing a political and peaceful solution, suppression has been chosen as the answer to the CHT problem.

28(4) of the Constitution; and (3) to adopt and implement a plan for rehabilitation of settlers in the plain districts. However, no measure has yet been undertaken to that affect.

As another example, let's take section 2 of Part A of the Accord which provides for amendments to the various laws, rules and regulations applicable in the CHT in accordance with the Accord. The government claims that this provision has been fully implemented. In fact, only the CHT Regional Council Act, three Hill District Council Acts and the CHT Land Dispute Resolution Commission Act have been enacted. In order to implement the said provision of the Accord, it is necessary to amend other laws

applicable in the CHT such as the Police Act 1861, Police Regulation and CHT Regulation 1900. Although recommendations have been made by the CHT Regional Council to amend a number of laws, rules and circulars, no action has been taken by the government in this regard till date.

Since the CHT Regulation of 1900 was not amended, various complications have been created in the governance system of the CHT region. The CHT Accord stipulates that supervision and coordination of all subjects have to be conducted by the CHT Regional Council including all development programmes of the Hill District Councils and CHT Development Board, general administration and law and order in the three hill districts, formulation of laws in consultation with and as per the advice of the CHT Regional Council, NGO activities and disaster and relief management, etc. But the Regional Council has yet to be entrusted with these powers, as a result of which supervision and coordination of all subjects by the Regional Council have been left halted.

On the other hand, the subjects of land and land management, supervision, preservation and improvement of law and order of the district, and police (local) are under the jurisdiction of the three Hill District Councils. But the Deputy Commissioners (DCs) of the three hill districts, on the one hand, have been exercising all powers related to general administration on plea of merit conferred in the CHT Regulation 1900, and on the other hand, have been running land and land management and law and order activities in the district under the auspices of the government. Therefore, the government's view that this provision has been "fully implemented" is not correct.

Of the 33 functions, only 17 functions have been transferred to the three Hill District Councils. Among them, 12 subjects/functions have been transferred in incomplete form, and with anomalies. But the official claim is that 28 subjects have been transferred to each of Rangamati and Khagrachari Hill

District Councils, while 26 subjects have been transferred to the Bandarban Hill District Council. Most importantly, the significant functions/subjects—such as supervision, preservation and development of law and order, land and land management, police (local), forest and environment, development of communication system, etc.—have not been transferred till today.

Following all the dillydallying for 15 years, in October 2016, the controversial provisions of the CHT Land Dispute Resolution Commission Act 2001 were finally amended. But since then, the government has been once again procrastinating in adoption of the Rules of the Land Commission over the last years. The Land Commission has not been able to start judicial works on disputes of lands for not having the Rules framed as of today. Consequently, due to non-settlement of disputes over lands, conflicts and clashes between the Jumma and Bengali people over land disputes have been taking place every now and then, which are intensifying day by day.

In the context of the implementation of the CHT Accord, the government frequently highlights the issue of development of the CHT. It cannot be said that progress in the areas of education, healthcare, drinking water and sanitation, roads, socio-economic development and so on has not been made to some extent. However, the CHT region is still far behind compared to the national level. It is also true that development programmes destructive to the national existence and the culture of the Jumma people are being implemented. The cases of one-sided declaration of more than two lakh acres of traditionally possessed lands and Mouza lands of the Jumma people as "reserve forest", thousand acres of lands given in lease to outsiders, thousand acres of lands taken in acquisition and occupation for military and tourism purposes, expansion of cluster villages of the settlers and continuous settlement of the outsiders, communal attacks upon the Jumma people and setting their villages on

fire, violence against women and children, etc.—are some examples that show how the Jumma people are being evicted.

Another such example is the plan to build a five-star hotel and amusement park in Chimbuk hills. In the meantime, hundreds of Jumma families including Mro villagers have already been evicted from their ancestral villages as a result of such development activities. The construction of the five-star hotel and amusement park is expected to wipe out many more villages of Mro people and to endanger the livelihoods of about 10,000 Jumma farmers.

At present, instead of pursuing a political and peaceful solution, suppression has been chosen as the answer to the CHT problem. Although a hundred temporary camps have been withdrawn in the past, more than 400 temporary camps are still in force in CHT. Moreover, in violation of the Accord, the government issued Operation Uttoron in the name of cooperation for the implementation of CHT Accord in 2001.

Propaganda and conspiracies have been heightened to identify individuals and organisations that are vocal in demanding the implementation of the CHT Accord as "terrorists", "extortionists" and "armed miscreants". Raids, house searches, arrests, extrajudicial killings in the name of crossfire, filing of fabricated cases, etc. have been intensified. While propaganda against Jumma people and CHT through hired journalists is being perpetuated, restrictions on freedom of expression, freedom of assembly and association, and on publishing news on human rights violations have escalated in recent times. As a result, the news of oppression and torture on the Jumma people is completely hidden from the media and the people of the country. Thus, the situation in the CHT today is becoming as unstable and tense as the pre-Accord times.

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QUOTABLE Quote

EDITH WHARTON
(1862-1937)
American author.

There are two ways of spreading light: to be the candle or the mirror that receives it.

CROSSWORD BY THOMAS JOSEPH

ACROSS	29	Fill completely	7	Worried
1	Counterfeit	31	Seriesending	8
5	Wild party	abbr.	Members of the	Graduating class
10	Fixed a chair	32	Bed item	9
seat	36	Exercise system	Quake	11
12	Edmonton player	39	Had a banquet	Relies
13	Trig topic	40	Kitchen come-on	17
14	Silly	41	Rich dessert	Tick off
15	'The Simpsons'	43	Stopwatch	Team supporter
bartender	button	44	Was frugal	Studio workers
16	Plymouth	45	Prom crowd	Watch recipient,
colonizer	44	46	Sea dogs	perhaps
18	Steal	25	Surround	27
20	Cow call	27	Twisty fish	Leave
21	"Lonely Boy"	30	Orangutan, e.g.	31
singer	1	33	Tadpole, e.g.	32
23	Mess up	34	Weasel's cousin	35
24	Tear	35	Brat's opposite	36
26	Some wines	36	Garden pests	37
5	5	37	Hymn closer	38
Seethe	5	38	Skin art, slangily	39
28	Comfy room	6	4 Cod kin	40
DOWN	29	Fill completely	41	42
1	Rascal	30	Orangutan, e.g.	43
2	Vietnam's capital	31	Tadpole, e.g.	44
3	Brat's opposite	32	Weasel's cousin	45
4	Singer Tills	33	Garden pests	46
5	5	34	Hymn closer	47
Seethe	5	35	Skin art, slangily	48
6	6	36	4 Cod kin	49

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YESTERDAY'S ANSWERS

T	A	R	T	A	N	O	G	R	E
E	M	E	R	E	P	R	O	S	
X	A	V	I	E	P	U	N	S	
A	R	C	S	O	D	J	O	B	
C	E	L	A	D	D	2	2	2	
C	P	U	L	I	Z	A	H	A	
R	O	B	B	R	Y	K	I	M	