



PROFILE OF INTERNAL DISPLACEMENT : BANGLADESH

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Norwegian Refugee Council/Global IDP Project
Chemin Moïse Duboule, 59
1209 Geneva - Switzerland
Tel: + 41 22 788 80 85
Fax: + 41 22 788 80 86
E-mail : idpsurvey@nrc.ch

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PROFILE SUMMARY

This profile focuses on the internal displacement that occurred in the aftermath of the armed conflict from the mid 1970s to 1997 in the Chittagong Hill Tracts (CHT) in the eastern part of Bangladesh. As of July 2000, a Government Task Force estimated that 128,000 persons were internally displaced in this region (IFRC July 2000).

Prior to the creation of Bangladesh as a state 30 years ago, the population in the CHT was mainly composed of 13 different indigenous tribes, commonly called the *Jumma* people (UNPO 1997). The indigenous population is predominantly Buddhist and their culture and social customs differ from the rest of the Bangladesh population. Until the 1960s, the CHT enjoyed a high degree of autonomy with little interference from the ruling governments (AI 2000, section 2).

Conflict over land together with the pressure for assimilation into the majority culture of Bangladesh constituted the background to the armed conflict (AI, 2000, section 2). Since the 1960's, and particularly after the creation of Bangladesh, the Government resettled landless and poor peasant Muslim Bengalis from the densely populated and land scarce delta region, in the CHT. Often, the local tribal population was evicted from their land. An armed indigenous group, *Shanti Bahini*, waged a low-level conflict in the CHT from the early 1970's. The government responded by forcefully imposing its strategy of "Bengalizing" the CHT until a peace agreement came into effect in December 1997 (AI February 2000). In addition to a fast growing military presence in the region, Bengali settlers were also mobilised against the indigenous population. During this period, the demography of the CHT changed drastically: from constituting only 9 percent of the population in the CHT in 1947, the non-tribal percentage increased to almost 50 percent in the last census of 1991 (UNPO 1997).

Information about uprooting of the indigenous population varies. Amnesty International states that more than 50 per cent of the indigenous population were forced to leave or fled massacres, arbitrary detention, torture and extrajudicial executions (AI, 2000, section 1), while USCR more carefully estimates that some 64,000 Jumma people sought refuge in India while more than 60,000 others became internally displaced (USCR 2000).

After more than two decades of armed conflict, a Peace Accord which granted the CHT a higher degree of self-governance, was signed in 1997 between the Government of Bangladesh and the main organization of the indigenous people, *PCJSS*. Since then, the Bangladesh Government maintains that virtually all problems in the CHT have been solved. (UNCERD 30 May 2000, UNHCHR 14 August 2000).

However, although the Accord paved the way for the return of Jummas who had sought refuge in India, it did not resolve the problem of internal displacement in the CHT. The land issue remains at the core of the current problems. While property rights of the tribal population have been regulated by local traditions and not registered in public records, the Bengali settlers obtained official documents certifying their ownership of the land. After the Peace Accord, the Bengali settlers were dispossessed of land previously belonging to returning Jumma refugees and their papers were considered invalid. Many Bengali settlers were therefore relocated several times upon return of the Jumma refugees, and in some cases made landless. According to figures from the Government CHT Task Force, some 38,000 Bengalis had become internally displaced in 2000 (IFRC, July 2000). However, PCJSS does not consider non-tribal people internally displaced and demands that they be relocated outside the CHT (RAWOO 2000).

Not surprisingly, many Bengali settlers, backed by the military and the main opposition party in Bangladesh, refused to give up the land to the returning Jumma refugees. Based on available figures, it may be suggested that about 30,000 persons have not been able to regain possession of their land - thus making them internally displaced upon return to the CHT (AI February 2000, section 5.2).

For the estimated 60,000 Jumma people who remained internally displaced within the CHT during the conflict, the situation is still unresolved. While at least half of the refugees got their land back upon return from India, the large majority of the internally displaced are awaiting their case to be solved by a land commission that was created as part of the Peace Accord. The work of the land commission has not yet started. The internally displaced are therefore left in the same situation as when the Accord was signed more than three years ago.

Apart from the land question, other parts of the Accord remain to be implemented, the most serious being that most of the non-permanent army camps have not been closed down. The tribal population is reportedly still victims of human rights abuses by Bangladesh security forces (UNCERD 22 March 2001). Furthermore, the Peace Accord is heavily criticized from different sides. Groups within the Jumma society say the agreement does not provide enough autonomy. The Bangladesh National Party, the winner of the national elections in October, says the Accord discriminates against the Bengali population in the CHT (AI February 2000, section 2).

Very limited information is available regarding the current situation of the internally displaced in the CHT. Although the conflict in the CHT caught the attention of the international community and the Peace Accord was generally well received, the presence of international actors on the ground is limited. While humanitarian access has improved and the Government launched a rehabilitation package for the internally displaced, no information has been found on assistance activities specifically targeting this group. A study from one area claimed that the internally displaced population suffered from starvation and diseases (Daily Star, 16 February 1999). Most of the internally displaced live scattered in the remote and inhospitable hill and forest areas with limited livelihood and with no access to health care facilities (USCR 2000).

Although not a topic in this profile, internal displacement in Bangladesh is most often associated with the devastating cyclones and floods that regularly occur in this country. In addition to such large-scale natural disasters, close to one million people are displaced annually by the inundation of flood plains, erosion and the shifting courses of the country's major river systems. During bad years this figure can sometimes increase to 5 million. Population displacement is further aggravated by the fact that some 50 per cent of the over 130 million population is landless and many are therefore forced to live on and cultivate flood-prone land (GECHS 1998, Appendix III, p.60, IFRC March 2001, OCHA October 2000).

*For further information about displacement due to **natural disasters**, consult Reliefweb at www.reliefweb.org*

*On **forced evictions**, see the web site of COHRE: www.cohre.org , or the Asian Coalition for Housing Rights (ACHR): www.achr.net .*

CAUSES AND BACKGROUND OF DISPLACEMENT

Main causes of displacement in the Chittagong Hill Tracts (CHT)

During the 1970s and 1980s a massive influx of non-indigenous settlers in the Chittagong Hill Tracts (CHT) ends in violent conflict

- The Bangladesh Government says there has been a growing dissent in case of ethnic minorities, especially the hill people of the CHT (2001)
- From the 1960s, the Pakistan and then the Bangladesh governments encourage and promotes migration of Bengali settlers into the CHT
- By 1985, the Bengali population amounts to almost 50% of the indigenous population
- Mounting tensions over land leads to militarization of the conflict and atrocities against the civil population

"The country's otherwise remarkable homogeneity in terms of language and culture notwithstanding, there has been a growing dissent in case of ethnic minorities, especially the hill people living in the Chittagong Hill Tracts (CHT). This was partly due to the failure of national integration, which did not allow much room for the non-Bengali people in the imagined community of the Bengali nation. But, the matter was made worse by the lack of socially sensitive and compensatory development policies during the most periods of post-Independence years. Attempts were made to deal with the issue of inter-ethnic conflict as a "law and order" problem leading to growing militarization of the conflict itself. The government had to spend a sizable share of the defence budget on peacekeeping operations in the CHT; the response of the *shantibahini* (the military wing of the dissenting ethnic groups and organizations) to counter these attempts only reinforced the overall tendency towards militarization. All these processes led to a large number of internally displaced persons and further widened the chasm between the Bengali and the hill people." (UN May 2001, Presentation by the Government of Bangladesh)

"Pressure for land to cultivate had in the past led to the migration of large numbers of non-tribal people from other parts of Bangladesh into the Chittagong Hill Tracts. This process was actively encouraged by governments since the 1960s." (AI February 2000, section 2)

"With the 1971 separation of Bangladesh from Pakistan, the Bengali government in Dhaka began a push to "Bengalize" the Chittagong Hill peoples. The Bengali invasion was stepped up in 1979 by Bangladesh's active encouragement of settlers to move into the area. By 1980, Dhaka had received enough international assistance (US AID, Sweden, World Health Organization, UNICEF) to provide the settlers with transportation, money, a six month food supply, and 2.5 to 5 acres of land for each family. In 1982, an additional 250,000 Bengalis were brought into the area. By 1985, the Bengali population amounted to 400,000 settlers and 40,000 army personnel, almost 75 percent of the original number of the area's inhabitants and owners." (Nietschmann 1986)

"... land related conflicts between the indigenous people and the newly arrived Bengalis (virtually all of whom were Muslim, unlike the indigenous population, which was largely non-Muslim) represented a source of conflict with the Government. The military solution chosen by the Government led to violence, especially after 1980, between the armed forces, associated with the new Bengali population, and the indigenous people, especially the organization Chattagram Jana Samhati Samiti (PCJSS) and its armed division, Shanti Bahini." (UN GA, August 2000, para. 69)

"Violent army operations in the Chittagong Hill Tracts began in March 1980 when it was reported that 22 soldiers were ambushed by the *Shanti Bahini* in the village of Kaukhali west of Rangamati where Bengali families were being resettled. The army retaliated by deliberately firing on two groups of unarmed tribal people killing a number of villagers after they were ordered to line up.(3) From then on, Bengali settlers began to attack the tribal people apparently at the instigation of the army or in conjunction with the operations of army personnel. The army reportedly recruited armed groups known as Village Defence Parties (VDP - also called village defence police) from the new settlers and provided them with firearms to resist the *Shanti Bahini*. Official figures indicate that more than 8,500 rebels, soldiers and civilians have been killed during two decades of insurgency. The number of civilians killed is estimated at 2,500." (AI February 2000, section 2)

Atrocities against the indigenous population leads to substantial displacement (1975-1992)

- Over 50% of the tribal population is displaced and become either refugees in India (some 64,000) or internally displaced (more than 60,000)
- The land of the displaced population is often confiscated

"... more than two decades of protected [*sic*] conflict in the form of insurgency and counter-insurgency operation in the Chittagong Hill Tracts, south-eastern part of Bangladesh displaced more than 50% of hill peoples' population. During the conflicting period at least twelve massacres upon the hill peoples were committed by Bangladesh armed forces⁷. As result of this conflict a kind of centrifugal and centripetal tendency of population displacement was observed. Just to avoid the conflict and atrocities of government military some groups of hill people silently moved toward the small towns and administrative centers while others moved toward the deep forest and compel to live a kind of nomadic existence. In 1986 at the height of the conflict 60,000 of them had become refugee in Tripura state of India." (Chakma February 2000)

"People displaced between August 1975 and August 1992 are considered IDPs. Some 60,000 tribal people were internally displaced during this period. They included people whose villages were attacked, whose neighbours were massacred and whose homes were burnt during army operations. They left everything behind for safer areas moving to neighbouring villages, to relatives or started anew in the forest interior. The settlers confiscated their land and in many instances obtained official certificates of ownership. Internally displaced tribals represent a significant portion of the tribal population and their rehabilitation will continue to be a major task."(AI February 2000, para. 5.3)

1997 Peace Accord paves the way for return of refugees in India, but many become internally displaced upon return to the CHT

- 1997: Peace Accord paves the way for return of CHT refugees in India
- Many returnees become internally displaced upon return
- Restitution of land from Bengali settlers to the displaced tribal population remains at the core of the conflict

"A peace accord was signed between the Jana Smahati Samiti (JSS), the political organization of the hill peoples and the government of Bangladesh on 2nd December 1997. The CHT refugees in Tripura, India

also returned to their homeland. But they became displaced for the second time in their life as after returning to their homeland they had found their lands and homesteads are occupied by the settlers." (Chakma, February 2000)

"A committee to facilitate their [*the internally displaced*] rehabilitation has been set up, but it is not known what measures have been taken in this regard. One major problem is to determine the ownership of tribal land. This ranges from privately registered land and lands under customary and prescriptive ownership neither of which is marked in public records. IDPs reportedly continue to have little access to farming lands, non-farm dwellings, safe drinking water and sanitation facilities, healthcare and education. The economic rehabilitation of the IDPs has not yet begun in earnest." (AI February 2000, para. 5.3)

Background of the conflict

Geographical overview of the CHT and ethnic composition of the population

- Most of the CHT was barely habited before the large scale in-migration in the 17th and 18th century.
- About 13 indigenous ethnic groups, collectively known as the Jumma people, live in the CHT area
- The indigenous people in the CHT differ ethnically, culturally and religiously from the rest of the population in Bangladesh
- In 1947, the share of indigenous population in the CHT exceeded 90 percent. The last census in 1991 concluded that the indigenous population amounted to 51% of the total population while 49% were non-indigenous Bengalis
- CHT enjoyed limited self-government during British rule, but the Pakistan withdraws this special status in 1963

"The Chittagong Hill Tracts (CHT) in southeastern Bangladesh covers an area of approximately 5,093 square miles, about 10 per cent of the total land area of Bangladesh. It borders India to the north and Myanmar (Burma) to the east. It consists of several valleys running in a northwest to south easterly direction, with ridges rising to 3,000 feet. This upland, forested area is in stark contrast to the landscape of other parts of Bangladesh, which is flat and subject to regular monsoon flooding. The area is relatively rich in natural resources, with fruit growing there in abundance. There is also timber, bamboo and gas, and possibilities for oil exploration have been actively pursued in recent years." (AI February 2000, section 2)

"However, the region is much poorer than the rest of the country. Per capita income is 40 percent lower than the national average. The literacy rate is also lower due to the limited income of parents, poor access to schools, a shortage of teachers and the fact that children are kept at home for household and income-generating activities." (ADB 26 October 2000)

"Prior to the creation of Bangladesh in 1971, the population of the area consisted almost entirely of people from 13 different indigenous tribes. The tribal people who differ significantly from the majority population of Bangladesh are of Sino-Tibetan descent, have a distinctive appearance with Mongoloid features and are predominantly Buddhists, with small numbers of Hindus. They differ linguistically and in their social organization, marriage customs, birth and death rites, food, agriculture techniques and other social and cultural customs from the people of the rest of the country." (AI February 2000, section 2)

"About 13 indigenous ethnic groups, collectively known as the Jumma people, live in the CHT area. The three largest groups are the Chakma, the Marma and the Tripura

The total population of the CHT, in 1991 census, was 974,445 of which 51,43% were indigenous Jumma people and 48,57% were non-indigenous Bengalis. At the time of the independence of India in 1947, only 9% of the population of the CHT was non- indigenous." (UNPO 1997, web page)

"The tribal people have been living in the CHT for a long time but they are not the original settlers in that area. Most of the CHT was not habited or barely habited by people till the large scale in-migration in the 17th and 18th century. The Chakmas moved into the CHT with their King when they were driven out by the Marma King of Arakan (most of which lies in Mianmar now). Later on, the Marma people were also driven out of Arakan by the Mughols in 1756 (Hutchinson, 1906). Other tribes of the CHT have similar history." (The Independent 30 April 2000 "People versus Power")

"... non-governmental sources (particularly ethnic communities) noted that under the British administration, the Chittagong Hill Tracts had enjoyed a special autonomous status under which the sale or transfer of land to non-indigenous populations was prohibited. After Pakistan gained independence in 1947, the region lost that special status, particularly as a result of a constitutional amendment introduced in 1963. The Government authorized and encouraged the settling of non-indigenous populations in the Chittagong Hill Tracts, as well as the transfer of land ownership and other resources to non-indigenous populations.

[...]

This policy was pursued after Bangladesh gained independence, despite the demands made in 1972 by indigenous people for the restoration of the Chittagong Hill Tracts' special status. From that point onward, land-related conflicts between the indigenous people and the newly arrived Bengalis (virtually all of whom were Muslim, unlike the indigenous population, which was largely non-Muslim) represented a source of conflict with the Government." (UN GA, 9 August 2000, para 69)

The construction of the Kaptai dam uproots the indigenous population (1957-1963)

- Some 100,000 Chakma tribals, 18,000 families, lose their homes and land during construction of the Kaptai dam
- adequate compensation for lost land
- The Kaptai dam flooded 40% of all arable land in the CHT
- Over 40,000 Chakma tribals cross the border into India

"The origin of the problems in the Chittagong Hill Tracts is believed to be the completion of a dam at Kaptai near Rangamati between 1957 and 1963 when the area was administered by Pakistan. At least 54,000 acres of settled cultivable land, mostly farmed by the Chakma tribe, were lost in 1957 when the government began the construction of the Karnaphuli hydroelectric project. Over 400 square miles of land were submerged with far-reaching effects on the economy and life-style of the tribal people there. Some 100,000 people lost their homes and prime agricultural lands. Compensation for lost land was inadequate and over 40,000 Chakma tribals crossed the border into India where the majority have sought Indian citizenship." (AI February 2000, section 2)

"During construction, the dam flooded some 655 km² area, which included about 22,000 ha of cultivable land – 40% of all such land in the CHT The lake took away homes of 18,000 families and displaced 100,000 tribal people, of which 70% were Chakma (GOB, 1975). The dam also flooded the original Rangamati town and the palace of the Chakma Raja (King). To make things worse, a rather casual attempt was made to rehabilitate this large group of people – nearly 25% of the local population. Officially, the majority of the displaced people were rehabilitated on the upper reaches of the rivers Kasalong and Chengi during the early phase of the project (construction of the dam began in 1957). In reality, the newly created "environmental refugees" were resettled in the low-lying areas of Langdu, Barkal and Bhaghaichari thanas (thana is an administrative unit under a district) as per the advice of the project officials. However, much of this land area went under water by 1962 when the construction was completed. As a result many were

displaced for the second time and this had naturally aggrieved the tribal population as they received little if any of the benefits of the dam. Many of the displaced people had left the country, some estimates say, 40,000 of them went to the sparsely populated states of Mizoram, Tripura, Assam and Arunachal of India. Another 20,000 might have gone to then Burma (Samad, 1994). The Chakma people call this event Bara Parang (the great exodus).

[...]

The issue of resettlement of the displaced people was handled poorly because of a number of reasons. First, there was a general lack of understanding of the tribal culture by the Government of Pakistan and the donor agencies (the Dam was funded by the USAID). They thought that these were "nomadic" people and it was unnecessary to design a permanent resettlement program for them. In reality, the tribal people did move from hill to hill but they had a long cycle of jhum cultivation. Before the inundation of the Karnafuli Valley, the average cycle of jhum cultivation was 7 to 10 years, and in some cases 15-20 years. After the flooding that took away 40% of the fertile agricultural land, this cycle became reduced to only 3-5 years due to loss soil fertility caused by intensive agriculture. This pressure was further increased by rapid population growth during the 1960s and 1970s in the entire CHT area. The other important reason for not having an adequate relocation scheme was simply the lack of adequate budgetary provision. Initially, some compensation was paid for the loss of land, trees and structures but there was little money available for rehabilitating 100,000 people. The majority of them were taken to the Kasalong Valley where a reserved forest was partly cleared to create land for these people. When the water level of the reservoir rose after completion of the dam in 1962, much of this land went under water and the government simply gave up all efforts to resettle these people again, thus contributing to the "Bara Parang." The large scale displacement of the tribal people caused by the Kaptai Dam is certainly one of the important factors that has contributed to the worsening of the relationship between the tribal and Bengali populations in the CHT. In the later part of the 1960s, the rate of influx of the Bengalis increased due to setting up of some major industrial infrastructures like the Karnafuli Pulp and Paper Mill and administrative offices of various departments of the government." (The Independent 30 April 2001, People versus Power...)

Armed confrontations between government forces and local insurgents start in the mid-1970s

- After the independence of Bangladesh, the government rejects tribal calls for autonomy of the CHT
- This leads to the creation of an insurgent group called the PCJSS - the Chittagong Hill Tracts People's Solidarity Association with an armed wing called Shanti Bahini
- The government began relocating Bengalis in the CHT about 400,000 Bengalis were sent to the CHT, among other to dilute the dominance of the hill people in CHT
- At the height of the conflict, almost one third of the Bangladesh army was deployed in the CHT
- After 1980, ten major massacres by Bengali settlers and the security forces led to an exodus of the tribal population

"This event [building of the Kaptai Dam] and a series of administrative and legislative actions taken since the birth of Pakistan had ultimately lead to the violent and armed confrontations between the Bangladesh Army and the Shanti Bahini that began in the mid-1970s and lasted for 22 years till the signing of the 1997 Peace Treaty." (The Independent, 30 April 2001, People versus Power)

"In December 1971, Bangladesh became independent after a nine-month civil war between the Pakistan army and the insurgency known as *Mukti Bahini* (liberation forces) led by Sheikh Mujibur Rahman. Some influential figures in the tribal population supported Pakistan while others complained of being excluded from participation in the war of independence. This nonetheless created the perception that the tribal people were against the independence of Bangladesh.

In February 1972, a tribal delegation called on Prime Minister Sheikh Mujibur Rahman to accept four basic demands: autonomy for the Chittagong Hill Tracts, together with provisions for a separate legislative body; retention of the provision of the 1900 Regulation in the Bangladesh Constitution which allowed a form of self government; the continuation of the offices of the traditional tribal chiefs; a constitutional provision restricting amendment of the 1900 Regulation; and the imposition of a ban on the influx of non-tribals into the area.

These demands were rejected, and the 1972 Constitution of Bangladesh made no provision for any special status for the Chittagong Hill Tracts. On 7 March 1972 Manobendra Narayan Larma, together with his brother Bodhi Priyo Larma, formed *Parbattya Chattagram Jana Samhati Samiti* (PCJSS - the Chittagong Hill Tracts People's Solidarity Association).

Its armed wing, *Shanti Bahini* (peace force) was also formed in 1972, although it did not become militarily active until mid-1970s when it began to attack military and paramilitary personnel and their bases in the Chittagong Hill Tracts, as well as non-tribal settlers, resulting in hundreds of deaths and the abduction of foreign nationals for ransom money." (AI February 2000, section 2)

"As the struggle gathered strength, the government began relocating Bengalis in the CHT. About 400,000 Bengalis were sent to the CHT, both to ease the pressure on the land in other parts of Bangladesh and to dilute the dominance of the hill people in CHT. In 1975, the struggle went underground. Nearly a third of the Bangladesh army was deployed in the CHT as the government looked for a military solution. As armed confrontation between the security forces and Shanti Bahini escalated, communal harmony between the tribals and 'new' Bengali settlers deteriorated further. Ten major massacres by Bengali settlers and the security forces since 1980, led to an exodus of the tribal population across the border to Tripura in India." (SAFHR, April 2000)

Several fruitless attempts at peace agreements during the 1980s and 1990s

- During the 1980s and 1990s: several fruitless attempts at peace agreements
- PCJSS declared a three month cease fire in 1992 which remained effective until the signing of the Peace Accord in 1997

"Successive governments in Bangladesh initiated dialogue with various groups representing the tribal people of the CHT to explore solutions to the conflict. These at times resulted in limited agreements between the two sides. One such agreement reached in 1985 between the Government of General Ershad and a breakaway faction of the PCJSS headed by Priti Kumar Chakma - known generally as the "Priti Faction" - resulted in the surrender of some 300 "Priti Faction" fighters who accepted a rehabilitation package offered by the government, but was rejected by the PCJSS headed by JB Larma.

Further meetings between General Ershad's Government and a committee representing elements from the Chittagong Hill Tracts, resulted in the establishment of three district elected councils in Rangamati, in Khagrachari and in Bandarban, each composed of a two-thirds tribal majority with a tribal chairperson. The councils, which continue to function, have limited administrative and supervisory authority over a number of government departments including Fisheries, Agriculture, Small and Cottage Industries, Public Health and Primary Education.

In May 1992, at the end of a visit to India by Prime Minister Begum Khaleda Zia, the two governments in a joint declaration stated their commitment to a speedy repatriation of tribal refugees to the Chittagong Hill Tracts. In July that year the Government of Begum Khaleda Zia constituted a nine-member committee headed by a cabinet minister to make recommendations to the government on how to resolve the conflict. The committee was active until early 1996. There has been no public information about any recommendations the committee may have made.

In August 1992, PCJSS declared a unilateral cease-fire for three months which remained in force indefinitely until the signing of the peace accord [in 1997]. (AI February 2000, section 3)

A Peace Accord which provides for the rehabilitation of the internally displaced is signed in 1997

- In 1996, Prime Minister Sheikh Hasina establishes the National Committee on Chittagong Hill Tracts to work out a solution to the conflict in Chittagong Hill Tracts
- On 2 December 1997, a "Peace Accord" was signed between the Committee and the PCJSS
- The Accord addresses the rehabilitation of tribal refugees and internally displaced
- A land commission to be established which will settle land disputes between returning tribal people and Bengali settlers
- The decisions of the land commission shall be deemed to be final

"The Government of Prime Minister Sheikh Hasina which assumed office in June 1996 following general elections, established a committee in October that year chaired by the Chief Whip of the Bangladesh National Assembly to work out a solution to the conflict in Chittagong Hill Tracts. The 12-member committee was made up of parliamentarians from the ruling Awami League, the opposition BNP and Jatiya Party, retired government officials and other professionals. The first meeting between the National Committee on Chittagong Hill Tracts and the leaders of the PCJSS was held in December 1996. Other meetings followed and on 2 December 1997, an agreement generally known as the "Peace Accord" was signed between the National Committee on Chittagong Hill Tracts and the *Parbhatia Chhagram Jana Sanghati Samiti* (PCJSS) in the presence of highest government authorities in Bangladesh." (AI February 2000, section 3)

Review of the Peace Accord by Amnesty International:

"4. The peace accord

The most salient feature of the Accord is the establishment of the Chittagong Hill Tracts Regional Council "comprising the Local Government Councils of the three Hill Districts". It has 22 members and its tenure is five years. The Regional Council Chairman, who shall be a tribal and who has the status of a state minister, as well as other members of the Regional Council are elected by the members of the three Hill District Councils. Pending the formation of an elected Regional Council, its responsibilities are discharged by an interim Regional Council appointed by the Government.

Two thirds of the Regional Council members (12 male, 2 female) will be elected from the amongst the tribal population with a special quota for each tribe. With regard to male members, there will be 5 from the Chakma tribe, 3 from the Marma tribe, 2 from the Tripura tribe, 1 from the Murong and Tanchowanga tribes, and 1 from the Lusai, Bwom, Pangkho, Hkumi, Chak and Kaiang tribes. One female member is elected from the Chakma and another from the rest of the tribes.

One third of Regional Council members (6 male, 1 female) will be elected from the non-tribal population of the Chittagong Hill Tracts with members of each of the three Hill District Councils electing two male members of the Regional Council. There are no geographical conditions attached to the election of the non-tribal female member.(5)

The Regional Council has a coordinating function with regard to the development activities in the three Hill Districts, general administration, law and order, NGO activities, disaster management, and relief programs; its decision "in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three District Councils" will be final.

4.1 Legal issues:

Article C.9.e of the accord states: "Tribal Law and Community adjudication shall be within the jurisdiction of the Regional Council." Under Articles C.11 & 13 any legislation inconsistent with the "Local Government Council Act of 1989" shall be removed by law on advice and recommendations from the Regional Council. Any new law in connection with the Chittagong Hill Tracts will be enacted in consultation and on advice of the Regional Council.

[...]

4.3 Rehabilitation:

The Accord provides for the rehabilitation of tribal refugees and internally displaced tribals, a land survey in consultation with the Regional Council to "finally determine land ownership of the tribal people through settling the land-disputes on proper verification and shall record their lands and ensure their rights thereto" (Article D.2). Disputes will be settled by a Land Commission with a minimum tenure of three years to "resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts".

Article D.4 states:

"A commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgement of this commission and the decision of this commission shall be deemed to be final."

The accord commits both sides to "uphold the characteristics of tribal creed and culture". It commits the government to take back in phases all temporary camps of the army and the Village Defence Force after the return of PCJSS members "to normal life". All job vacancies are to be filled by the permanent dwellers of the Chittagong Hill Tracts with priority given to the tribals.

Finally, under the accord a Ministry for the Chittagong Hill Tracts is established with a minister appointed from the tribal people. An Advisory Committee comprising the Minister for Chittagong Hill Tracts, Chairman/Representative of the Regional Council, Chairman/representative of each of the three Hill District Councils, the three members of parliament for the Chittagong Hill Tracts, the three tribal chiefs, and three non-tribal members from among the permanent residents in the Chittagong Hill Tracts will be established "to lend support to this Ministry." The Accord provides for the rehabilitation of tribal refugees and internally displaced tribals, a land survey in consultation with the Regional Council to "finally determine land ownership of the tribal people through settling the land-disputes on proper verification and shall record their lands and ensure their rights thereto" (Article D.2). Disputes will be settled by a Land Commission with a minimum tenure of three years to "resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts". " (AI February 2000, section 4)

"The commission will settle land disputes on the basis of the current laws, customs and traditional rights. Until the partition of British India in 1947, land rights were determined according to the CHT Regulation Act of 1900, which gave exclusive ownership to the indigenous people. The various ways the different groups dealt with land right issues were never documented, however." (Rawoo 2000, p.37)

For an overview of the Bangladesh Government's position and a full text of the peace agreement, visit the Bangladesh Government internet site on the peace agreement at http://www.bangladeshgov.org/pmo/agreement/agre_ind.htm

An assessment of the Peace Accord and its implementation (2000-2001)

- While the returning refugees in general were able to resume their lives, the situation is unresolved for internally displaced
- The tribal populations feels frustration over the slow implementation of the Peace Accord in many areas
- Key institutions like the CHT Regional Council only became operational in May 1999
- The Land Commission, essential for the economic rehabilitation of returning refugees and internally displaced, is still not operational
- Demilitarisation of the CHT has not taken place as foreseen in the Accord

On 4 August 2000, the Bangladesh Institute of International and Strategic Studies, Centre for Alternatives and the newspaper The Daily Star organised a conference on the Peace Building in the Chittagong Hill Tracts. The following was said about the implementation of the Peace Accord:

"A. Success Areas

1. Return of the Refugees: The conflict in the CHT produced several thousand refugees over time, all taking refuge in the 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 dole 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 ammunitions 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 (!) 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. If 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 "normal life" 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 population 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 dissenters. 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 (Rtd.) Anwarul Huq 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 Jummas 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 116,883 acres. Whatever may be 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 benefitted 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 signing of the Accord. Non-governmental organizations, both local and international, have become active following governmental withdrawal of restrictions. The euphoria, however, has mostly died down and the issue of development is already under pressure for two key reasons. Firstly, international donors are still waiting for full stability, including the fulfillment of the provisions of the Accord. But then, there is a Catch-22 in this, for stability and even fulfillment of some of the provisions of the Accord could come about only with the flow of donor money and not by way of its deferment.

Secondly, and this is more relevant in the context of the rationale for the Hill people's struggle, the region is now being flooded with NGO activities, all of them working with their own, albeit modernist, ideas of development. There has been a total lack of emphasis on sustainable development, the result of which is that the Hill people are now being submerged by a notion of development inimical to their life and living. If the state has been hostile to the autonomous development of the CHT, the post-Accord semblance of autonomy and the follow up developmental activities is now posing a threat to the traditional life and living of the Hill people.

4. Gender and Women's Security: Gender issues have not received serious attention, except for the inclusion of 2 tribal and 1 non-tribal female members in the Regional Council. Reports indicate that women Hill members continue to suffer from insecurity, including sexual harassment, unlawful punishment and even rape. Failure to publish the inquiry report on Kalpana Chakma has added to the Hill women's state of insecurity.

5. Identity and Culture: There has been a significant retreat in this field, particularly in the Accord's depiction of the Hill people as "tribal." Critics maintain that the use of "Jumma nation" would have gone a long way in diffusing the tension in the CHT since the change would have eroded the age-old sense of inferiority that is so much a part of the word "tribal." Moreover, the failure to give constitutional recognition to the cultural distinctiveness of the Hill people has kept alive the tension and the rationale for a continued struggle on this issue. Finally, "culture" being a mere construction there is also an absolute lack of imagination and innovative intervention in this area, reproducing further the tension between urban dwellers and cultivators, elite and underprivileged, modernists and traditionalists, relatively advanced and backward communities, and the like. " (Daily Stars Features, – "More pain than pleasure" 4 August 2000)

Amnesty International made the following observations in their February 2000 report:

"Although the government has amended existing laws to provide for the implementation of the peace accord, the accord is facing a number of difficulties which require urgent and continued attention. The first one is the slow pace of implementation by the government. Concern over this has been raised by the international community, by the human rights groups in and outside Bangladesh, and by the tribal people of the Chittagong Hill Tracts, at times threatening to derail the peace process altogether.

The second issue is that the accord is not recognized by the main opposition party, the BNP led by Begum Khaleda Zia. Although the process of achieving peace in the Chittagong Hill Tracts began at the time of the BNP government, the BNP has distanced itself from the accord which was finalized under the Awami League government, amid fears that should a future BNP government take office, it may seek to repeal the Awami League enacted legislation that uphold the accord.

Sadly, the peace accord has like many other important issues in the country been caught in the cross confrontation of Bangladesh party politics. The government has not missed the opportunity to utilize it as a mark of its own success; and the opposition has not missed the opportunity to decry the accord as a mark of the government's failure.

The BNP has on occasions staged street protests against the peace accord which it considers to be a loss of Bangladesh sovereignty. The BNP's boycott of the parliament meant that it did not take part in the debate or the vote on the accord related legislation. A move to guarantee the accord through constitutional provisions would have gone some way to allay fears of its arbitrary derailment in the future, but the government has not moved in that direction.

A third issue is the position of the disaffected political groups in the Chittagong Hill Tracts who consider the accord to have failed to respond to their aspiration of full autonomy. These include *Pahari Gano Parishad* (PGP or Hill Peoples Council), *Pahari Chattra Parishad* (PCP or Hill Students Council) and Hill Women Federation (HWF) who argue that the accord has failed to "reflect the genuine hopes and aspirations of the peoples of the Chittagong Hill Tracts and has failed to fulfill the main demands of the Jumma people namely, constitutional recognition to the national ethnic minorities of the CHT with guarantee for Full Autonomy [sic], restoration of traditional land rights, demilitarisation of the area, and withdrawal and resettlement of the Bengali settlers in the plain land." (AI February 2000, section 5)

The situation in the CHT remains tense and the Peace Accord is challenged by several groups (2000-2001)

- · The post-armed-conflict situation is characterized by many uncertainties, tensions and diverging interests
- · The tribal populations feels frustration over the slow implementation of the Peace Accord
- · The Peace Accord is opposed by the winner party of the recent elections: Bangladesh National Party, which says the accord represents a loss of Bangladesh sovereignty

- Several indigenous groups claim that the Peace Accord does not give a sufficient degree of autonomy to the region
- Chairman of the CHT Regional Council claims that the Government is failing to implement the Peace Accord and threatens to go back to bush war

"The post-armed-conflict situation is characterized by many uncertainties, tensions and diverging interests – between the national government and the regional council, between larger ethnic groups and smaller ethnic groups, between rival factions in the leadership, and between the indigenous groups and the Bengali settlers within local communities. In the Chittagong Hill Tracts there is general distrust—of the national government's strategies for developing the region, and of the continuing presence of the military. These parties are thought to be interested only in exploiting the rich resources of the region, which include timber, oil and tourism. There is a general feeling among the indigenous people that they should be consulted in the decision-making related to the peace process and to development policies." (Rawoo 2000, p.18)

"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 Bengali 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." (Daily Star Features, 4 August 2000 – "Peace Building in Chittagong Hill Tracts")

"In May [1999], tribal leader Shantu Larma finally took charge of the interim Chittagong Hill Tracts Regional Council, after delays caused by disagreement over three government-nominated members. AI delegates who visited the area in May found that almost two years after the signing of a peace accord, some of its main provisions had not been implemented. These included the rehabilitation of all returned refugees, settlement of land confiscated from the tribal people, and withdrawal of non-permanent army camps from the Chittagong Hill Tracts.

Tension between pro- and anti-peace accord tribal groups and between tribal inhabitants and Bengali settlers often erupted into violence. At least six people were killed and dozens injured as the different groups clashed with each other." (AI 2000, Bangladesh)

"Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord has been in effect for 2 years, and has ended 25 years of insurgency in the CHT. The situation in the CHT was peaceful at year's end. Former insurgent leader Shantu Larma accepted a position as Regional Council Chairman in May, allowing formation of the long-stalled body to go forward. However, there is still confusion regarding the overlapping responsibilities of government bodies with responsibilities in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers was established during the year, but had not begun operating. Tribal leaders also have expressed disappointment at the lack of progress in providing assistance to tribals that left the area during the insurgency." (U.S. DOS, February 2000, Bangladesh)

"Dissatisfaction with the government's failure to comply fully with the terms of the peace accord led to the formation of a new Chakma opposition group, the United People's Democratic Front (UPDF), and to dissent within the Chakma community, including attacks by some radicalized Chakma elements against former Shanti Bahini leaders." (USCR 2000)

The Peace Accord has been challenged by the Chairman of the CHT Regional Council:

"Disputes have arisen over proposed land settlement deals between the native Chakma tribes and the Bengali settlers in the region. The chairman of the CHT Regional Council, Shantu Larma accused "a section of the government " of obstructing the implementation of the Accord and complained that rehabilitation efforts for 50% of the tribal people who had returned from camps in India since the agreement, and for 80% of those who had been internally displaced, had stalled. There had also been complaints over the pace of withdrawal of the Bangladesh Army from the region.

Moreover, activists of the *Prashir Sanchay* – a tribal group which vows to liberate the CHT area and has condemned the *Parbattya Chhatagram Jana Sanghati Samiti* (PCJSS) for settling for less – continued to create law and order problems in the CHT. On November 17, they killed two PCJSS leaders in Khagrachari district. On September 7, Bengali settlers in the Rangamati district and some political leaders belonging to BNP and *Jamaat-i-Islami* demanded that the *Shanti Bahini* leaders, including Shantu Larma, be punished and the CHT Accord be scrapped. Long-term prospects for peace in the area, consequently, remain uncertain." (SATP, 2000)

"The Chairman of the CHT Regional Council (CHTRC), Mr. J. B. Larma alias Shanto Larma, who is also the chief of the Chittagong Hill Tracts Jana Sanghati Samity (PCJSS), recently threatened to go back to bush war owing to what he termed as the "failure of the Government" to implement the peace accord.

Mr. Larma, who enjoys the status of a State Minister, said that "despite our utmost sincerity" some sections of the Government did not want that the accord, which had ended the bush war, be implemented.

But the statement by Mr. Larma invited quick protest not only from the Minister for Chittagong Hill Tracts Affairs, Mr. Kalparanjan Chakma, but also other top tribal leaders, including Mr. Bir Bahadur, MP. They described Mr. Larma's comments as "irresponsible" and said the Government was sincere in implementing the remaining clauses of the accord which remained unimplemented." (The Hindu, 16 November 2000)

"On May 20, 2000, the Chairman of the CHT Regional Council (CHTRC) Jyotindra Larma, who is also the chief of the Parbattya Chhatagram Jana Sanghati Samiti (Chittagong Hill Tracts United People's Party), held a rally in Dhaka and threatened to launch a movement if the peace accord was not implemented in its entirety. Consequently, Prime Minister Hasina announced the first-ever review meeting of development activities in Chittagong. On the other hand, Bengali settlers, a majority of whom settled in the region at the behest of various military regimes in Bangladesh, are concerned about their rights to reside and earn a livelihood in the region. There also exists a strong constituency within Bangladesh that is opposed to the CHT Accord on the ground that it is inherently discriminatory in nature as it allows the tribals to possess exclusive rights to own property in the area and to contest in elections to the local government while denying the similar rights to the citizens from other parts of the country." (SATP 2001)

The frustration among the tribal population is clearly expressed in this report from meetings between the UN Special Rapporteur for Religious Freedom and indigenous community representatives in May 2000:

"With respect to implementation of the Accord, all indigenous community representatives consulted by the Special Rapporteur lamented the obstacle, and the delays that had been built up. Doubts had even been expressed as to whether the Government genuinely desired to make the Accord succeed. Of primary concern in this context was the fact that the government had not transferred to the Regional Council the majority of the powers provided for under the Accord, thus rendering the Council inoperative. As a result, the government continued to administer the Chittagong Hill Tracts directly (through its local representatives, the Deputy Commissioner and the army). Mention was also made of the delay in the setting up of the Land Commission (two and a half years) and in the return of land ; the fact that a large part of the military presence had been maintained ; and the fact that rehabilitation of displaced persons and refugees

was still incomplete. It was further noted that Bengalis continued to be settled in the Chittagong Hill Tracts. Although this process had not been planned by the Government, it did benefit from assistance provided by local authorities (distribution of food rations and allocation of housing) and Muslim extremists. Because of the lack of arable land in the Chittagong Hill Tracts, it was stated that apart from the Bengalis who were settled during the British period, and the few Bengalis who had settled legally, the rest of the Bengali population should return their land to the indigenous population and be resettled outside the region. It was explained that this was a precondition for any reconciliation between the authorities and the Bengalis, because the land was key to the survival and identity of the indigenous peoples in the region, and the essential and fundamental means for guaranteeing their survival and identity."(UN GA August 2000, para. 71)

POPULATION PROFILE AND FIGURES

Estimates of the internally displaced population in the CHT

The Government Task Force on CHT says 128,000 are internally displaced (2000)

- The government CHT Task Force finalized figures for internally displaced at the end of 1999 at 90,208 tribal and 38,156 non-tribal internally displaced persons
- The chairman of the Taskforce says IDPs are too scattered to be contacted easily and thus to be named in the list of the IDPs
- Unknown source estimates that 250,000 people were internally displaced at the peak of the conflict

"The government CHT Task Force has finalised the figures for tribal (90,208) and non-tribal (38,156) internally displaced persons in the region." (IFRC, 2000, p.3)

The government CHT Task Force includes Bengali settlers who had to leave the land upon return by the indigenous population:

"[...] Task Force chairman Dipankar Talukder, MP, told the newsmen that a list of 1,28,364 families of internal refugees was finalised for repatriation.

The list included 90,208 families of tribal and 38,156 families of non-tribals, Talukder said. The rehabilitation would start on receipt of order from the ministries concerned, he added. The non-tribal internal refugees were scrutinised from among those living in CHT between the period of 1975 to 1992, Talukder said." (Daily Star 16 May 2000)

"Dipankar Tulukder held that IDPs are too scattered to be contacted easily and thus to be named in the list of the IDPs. He said that both Bengali and hill people affected by the Kaptai dam have been resettled without any discrimination. Stating that IDPs include both tribal families and non-tribal families, he said that a list of 1,28,364 IDP families comprising 90,208 tribal families and 38,156 non-permanent non-tribal families has been sent to the ministry as per the Accord for their rehabilitation." (Daily Star 4 August 2000)

USCR and Amnesty International estimate more than 60,000 internally displaced, but these figures do not include the tribal population:

" [...] the situation of the more than 60,000 Chakma who had become internally displaced during the previous three decades remained unresolved at the end of 2000." (USCR 2001, p. 156)

"An estimated 80,000 Chakmas and other Jumma peoples were internally displaced in Bangladesh, including some 20,000 former refugees in India who had repatriated in recent years." (USCR 2000)

"People displaced between August 1975 and August 1992 are considered IDPs. Some 60,000 tribal people were internally displaced during this period. They included people whose villages were attacked, whose neighbours were massacred and whose homes were burnt during army operations. They left everything behind for safer areas moving to neighbouring villages, to relatives or started anew in the forest interior. The settlers confiscated their land and in many instances obtained official certificates of ownership.

Internally displaced tribals represent a significant portion of the tribal population and their rehabilitation will continue to be a major task." (AI February 2000, section 5.3)

The information below has been copied from a (unsourced) webpage which gives information about a range of issues related to the conflict in the CHT: <http://www.angelfire.com/ab/jumma/udwar.html>

"Since 1971 the Bangladesh military and the settlers perpetrated 13 major massacres in which 6,009 (10% of population) indigenous Jumma people were killed. From December 1971 to December 1997 about 10,000(12%) houses of the Jumma people were burnt down, 1,000 women were raped, 72,090 (12%) indigenous Jumma people had to seek assylum [*sic*] as refugees in India, 250,090 (42%) Jumma people were internlly displaced and approximately 24,000 (4%) Jumma people lost their lives due to extra judicial executions, massacres, tortures, illnesses, starvations etc." (unsourced webpage)

PATTERNS OF DISPLACEMENT

General

The indigenous population sought refuge in towns or hid in the forest (2000)

"... more than two decades of protected conflict in the form of insurgency and counter-insurgency operation in the Chittagong Hill Tracts, south-eastern part of Bangladesh displaced more than 50% of hill peoples' population. During the conflicting period at least twelve massacres upon the hill peoples were committed by Bangladesh armed forces. As result of this conflict a kind of centrifugal and centripetal tendency of population displacement was observed. Just to avoid the conflict and atrocities of government military some groups of hill people silently moved toward the small towns and administrative centers while others moved toward the deep forest and compel to live a kind of nomadic existence. In 1986 at the height of the conflict 60,000 of them had become refugee in Tripura state of India." (Chakma, February 2000)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Protection concerns during return

Forcible eviction of returnees from their temporary shelter (1999)

"On August 20, 1999 at about 4 P.M. the Khagra Chari district administration with the help of police personnel evicted 12 families of the repatriated Jumma refugees who took shelter at Dighinala Model government Primary School nearly two years back. A total of 41 families of the Jumma repatriated refugees were allowed to take temporary shelter at different primary schools to be used as the "Transit Camps" until rehabilitation to their respective villages." (Jumma Peoples Alliance 1999)

SUBSISTENCE NEEDS (HEALTH NUTRITION AND SHELTER)

General

The situation for internally displaced tribal population remained unresolved at the end of 1999 (2000)

"The situation of more than 60,000 Chakmas and other Jummas who became internally displaced during the last three decades also remained unresolved at year's end. Many still did not have access to land, education, and other social services. "Most of these displaced people are now living in remote and inhospitable hill and forest areas without a decent livelihood and with no access to health care facilities," said a report to the UN Working Group on Indigenous Populations." (USCR 2000)

"IDPs reportedly continue to have little access to farming lands, non-farm dwellings, safe drinking water and sanitation facilities, healthcare and education. The economic rehabilitation of the IDPs has not yet begun in earnest." (AI February 2000, section 5.3)

Health and Nutrition

Displaced people in Chittagong Hill Tracts in bad shape due to food and medicine shortage (1999)

- Serious food shortage for the internally displaced population in Sajek Valley, CHT
- Internally displaced population in Sajek Valley reported that they had to live off wild jungle potatoes due to lack of proper food

"At least 30 internally displaced persons (IDPs) died in the April-May period last year in Chittagong Hill Tracts due to food and medicine shortage, a conference in the city was told yesterday." (Daily Star, February 16, 1999)

"Officials in Bangladesh been discussing how to assist people who were internally displaced during the conflict in the Chittagong Hill Tracts region and may be dangerously short of food.

The authorities have flown in some food by helicopter, but it was insufficient and there are unconfirmed reports that several people have died of starvation.

It is estimated that 50,000-100,000 tribal people were displaced during the conflict, and another 75,000 fled to neighbouring India as refugees.

Reports from remote border areas of the hill tracts say up to 10,000 tribal people may be dangerously short of food.

These are mostly internally displaced people who say they were forced to move to inaccessible hill slopes after Bengali settlers took over their land at the height of the conflict. "The pressure of extra population has caused the fertility of the land to drop over the years and these people are now said to be surviving off wild potatoes alone.

[...]

Local leaders say several people have died as a result of starvation, though there's no official confirmation of this.

These are areas with no roads and poor communication, at least 12 hours walk to the nearest market. The authorities have distributed emergency food rations by helicopter in Thanchhi and Sajek, but it has not been enough." (BBC News, 27 June, 1998)

The first ever conference on internal displacement in Bangladesh was organized in Dhaka in 1999:

"Presenting a paper at the conference on IDPs, an expert called for immediate attention to internally displaced persons living in the hill districts, especially those in difficult terrain, as they are highly vulnerable to food shortage.

"The most immediate problem at present is making sure that the IDPs of Sajek do not suffer again from the food shortage in 1999, as they did in 1998. Priority needs to be given to the IDPs, as they are already the weakest and most vulnerable of all the hill communities", said Ina Hume, CHT Planning Advisor of CIDA. Sajek Valley in Baghaichhari thana of Rangamati district is home to 7,500 out of a total of 100,000 IDPs in CHT.

Presenting her case study on Sajek Valley, Ina Hume said, people in the locality had reported that they were having live off wild jungle potatoes due to lack of proper food or adequate. She added that the Baghaichhari thana health complex had been without a doctor for eight years." (Daily Star, 16 Feb 1999)

"A Doctors Without Borders exploratory mission last week visited the Chittagong Hill Tracts in Bangladesh, an area which until recently was closed to all aid organizations. As the result of a peace agreement, some 60,000 tribal people have returned there since last December after spending 30 years in exile in India. The displaced populations have yet to receive land allocations and monthly food rations promised in the peace accord. Doctors Without Borders has visited all the area healthcare institutions and evaluated current healthcare needs. The clinics appear to be suffering from a shortage of medical personnel and drugs. Malaria in its most serious form poses the greatest health risk to the tribal population. Doctors Without Borders is launching a program at a regional health clinic that is visited by both tribal and Bengali patients." (DWB 23 August 1998)

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Religion is seen as one reason for the delay of the implementation of the Peace Accord (2000-2001)

- Concern among the indigenous population that failure to implement the Peace Accord threatens the survival of the cultural and religious identity of indigenous populations
- A consequence of the emergence of extremist parties in Bangladesh politics is that the State appears more sensitive to the interests of the Muslim majority

"[...], it seems that the key common denominator with regard to the problems described is the exploitation of religion for political ends. The involvement of extremist religious parties in Bangladesh politics and the use of Islam as a stepping stone to power has led to the adoption of a similar strategy by other political parties. Another consequence is that the State appears more sensitive to the interests of the Muslim majority. For non-Muslim minorities and ethnic groups, this is reflected in a number of obstacles to access to public-sector jobs, especially positions of responsibility, and lukewarm financial support for their religious community institutions and the teaching of their religion in public schools. The same approach appears to be the reason for the delays in the full implementation of the Peace Accord in favour of the ethnic communities of the Chittagong Hill Tracts." (CHR 13 February 2001)

"Apart from the issue of the implementation of the Peace Accord, with respect to the situation of indigenous peoples in the field of freedom of religion, most of those consulted [*in the CHT*] said that they had been able to practise their religious activities freely since the end of the armed conflict. It was also mentioned that the army had stopped destroying indigenous places of worship.

[...]

Mr. Shantu Larma, one of the main spokespersons for the ethnic communities in the Chittagong Hill Tracts, and President of the Regional Council, said that the failure to implement the Peace Accord, as well as the incidents reported above, threatened the survival of the cultural and religious identity of indigenous populations. He noted that between 1947 and the present, the Bengali Muslim population in the Chittagong Hill Tracts had risen from 2.7 per cent to 50 per cent, and called upon the UN to persuade the Bangladeshi Government to grant the independence necessary for the preservation of indigenous populations, their culture, traditions, and religion, and thereby to ensure full implementation of the 1997 Accord." (UN GA August 2000, paras.72 and 73)

PROPERTY ISSUES

Restitution of land and other property

The ownership of tribal land remains at the core of the conflict (1999-2000)

- A major problem is to determine the ownership of tribal land
- Most tribals did not possess any documentation of land ownership, while Bengali settlers taking over their land obtained official certificates
- A substantial number of returning refugees have not regained possession of their land and are therefore internally displaced
- Despite the creation of a Land Commission, no significant progress has yet been achieved in the settlement of land disputes
- Several temples and tribal villages are occupied by non-tribal people

"Land is considered to be the most important problem in CHT. In fact, loss of lands due to state-sponsored development projects and the policy of Bengali settlement were important factors that fuelled the feeling of alienation among the hill people and ultimately shifted their loyalty from the central authority. The CHT accord provides that no land including leasable "khas" land in hill districts can be leased out, sold, purchased or transferred. The Accord also stipulates that a Land Commission headed by a retired Judge as the Chairman will be formed for the settlement of disputed land. But it is reported that no significant progress has yet been achieved in the settlement of land disputes. With the death of Justice Anwarul Haq, the Chairman of the Commission, it is not functioning. Hasanul Huq Inu suggested that the Land Commission should be reactivated. It was observed that hill people lack proper documentation which the Bengali settlers have. Regarding hill people's lack of proper documentation about land, Dr. Mizanur Rahman Khan gave a historical analysis of the problem. He said that the CHT Manual of 1900 and the State Acquisition and Tenancy Act of 1950 restricted private property rights of tribal people. A tribal was not able to sell his land to a non-tribal. So unlike the plain land's people, even private property rights were restricted within the tribal community. The main problem is that after independence, the state conception of property rights conflicted with the communal system of property rights. In fact, due to the communal system of property rights, the hill people did not have documentation for centuries. Prof Mesbah Kamal said that land is being leased in the CHT which is contrary to the CHT Accord. Although the district administrations of Rangamati and Khagrachari are not doing this, the district administration of Bandarban is particularly responsible for this. Even land that is being leased out is often not used for the given purposes. Mr. Fahim Munaim said that government has promised to provide at least 2 acres of land, upon availability, to each of the landless Pahari families and also to those having less than 2 acres. But progress is yet to be made. Deepankar Talukder said that three chiefs of three circles of the CHT are important members of the land commission. Except the chief of the Chakma circle, the rest two are still disputed. There are cases in the court against the appointments of Aungsha Puri as the Mong Chief in Bandarban and Prialapho Chowdhury as the Mong Chief in Manakchhari. So until the court gives the decision, the Land Commission cannot work. In addition, dismissing the allegation that afforestation program has been reducing the amount of cultivable land in the CHT, he said that participatory afforestation is being done in those lands which had been deforested earlier. Land is considered to be the most important problem in CHT. In fact, loss of lands due to state-sponsored development projects and the policy of Bengali settlement were important factors that fuelled the feeling of alienation among the hill people and ultimately shifted their loyalty from the central authority. The CHT accord provides that no land including leasable "khas" land in hill districts can be leased out, sold, purchased or transferred. The Accord also stipulates that a Land

Commission headed by a retired Judge as the Chairman will be formed for the settlement of disputed land. But it is reported that no significant progress has yet been achieved in the settlement of land disputes. With the death of Justice Anwarul Haq, the Chairman of the Commission, it is not functioning. Hasanul Huq Inu suggested that the Land Commission should be reactivated. It was observed that hill people lack proper documentation which the Bengali settlers have. Regarding hill people's lack of proper documentation about land, Dr. Mizanur Rahman Khan gave a historical analysis of the problem. He said that the CHT Manual of 1900 and the State Acquisition and Tenancy Act of 1950 restricted private property rights of tribal people. A tribal was not able to sell his land to a non-tribal. So unlike the plain land's people, even private property rights were restricted within the tribal community. The main problem is that after independence, the state conception of property rights conflicted with the communal system of property rights. In fact, due to the communal system of property rights, the hill people did not have documentation for centuries. Prof Mesbah Kamal said that land is being leased in the CHT which is contrary to the CHT Accord. Although the district administrations of Rangamati and Khagrachari are not doing this, the district administration of Bandarban is particularly responsible for this. Even land that is being leased out is often not used for the given purposes. Mr. Fahim Munaim said that government has promised to provide at least 2 acres of land, upon availability, to each of the landless Pahari families and also to those having less than 2 acres. But progress is yet to be made. Deepankar Talukder said that three chiefs of three circles of the CHT are important members of the land commission. Except the chief of the Chakma circle, the rest two are still disputed. There are cases in the court against the appointments of Aungsha Puri as the Mong Chief in Bandarban and Prialapho Chowdhury as the Mong Chief in Manakchhari. So until the court gives the decision, the Land Commission cannot work. In addition, dismissing the allegation that afforestation program has been reducing the amount of cultivable land in the CHT, he said that participatory afforestation is being done in those lands which had been deforested earlier" (Daily Star 4 August 2000)

"The Land Commission, which is authorised to settle the appropriation of tribal lands, is yet to start functioning. The returnee Jumma refugees are yet to get back their lands. Wherever, the Government has returned the lands to the tribals, Bengali settlers have refused to vacate them in connivance with the army. The Bangladesh Government has only withdrawn about 40 army camps out of approximately 500 camps. On the other hand, the Government of Bangladesh provides free rations to a large number of Bengali settlers in the Chittagong Hill Tracts while the internally displaced Jummas live in a state of near starvation." (SAHRDC 16 March 2000)

"The majority of the repatriated tribal refugees have been able to regain possession of their lands with assistance from the government and through peaceful personal efforts or legal means. However, a substantial number [figures not available] of Jumma refugees are still believed to be without land. Many have not received all the items in the repatriation package including several temples or tribal villages currently occupied by the non-tribal people." (AI February 2000, section)

"... Mr. Dipankar Talukder, M.P. Chairman of Task Force on Rehabilitation of the Repatriated Jumma Refugees claimed on November 07,1998 after a two-day visit in Dighinala and Manikchhari that over 90% of rehabilitation program has successfully been completed.

But on July 26, 1999, Mr. Upendra Lal Chakma, Chairman of the Tribal Refugees' Welfare Association and former M.P said that the tribal refugees were not properly rehabilitated even after one and half a year of their repatriation from India due to bureaucratic complexities.

Mr. Chakma said that despite a government decision to provide food to the returnee refugees for six more months, the local administration was not cooperating and as a result many peoples are starving now. Some 3,055 families have not yet got back their cultivable lands and also houses occupied illegally by the settlers, some 40 villages of the returnee refugees are still under the occupation of the Bangladesh Security Forces and Bengali settlers. Mr. Upendra Lal Chakma said "the Task force has utterly failed to do its task, and we have no confidence on the task force". " (Jumma Peoples Alliance September 1999)

On withdrawal of Bengali settlers:

"Before signing the accord the National Committee on behalf of the government of Bangladesh gave a commitment to JSS that Bengali settlers would be withdrawn from CHT to other plains districts. Prime Minister, Sheikh Hasina reaffirmed that commitment in a meeting with the JSS delegation on Dec 2, 1997 that Bengali settlers would be transferred to other districts. As part of that process, the government would stop providing rations to the Bengali settlers and dismantle their cluster villages. But till today the government has taken no such steps, on the contrary, the government authorities are formulating projects and providing more facilities for their rehabilitation in CHT.

The European Parliament, in a resolution, (9(d) B4-0962 and 0989/97) has urged the government of Bangladesh to review its demographic policy, to relocate the Bengali settlers from CHT and rehabilitate them in the plains, with full respect of their rights and with the full use of the financial assistance of the European Union."(SAFHR April 2000)

On Land Allocation :

"On the issue of canceling the lease for lands allocated to non tribals and non local persons who have not utilised the lands for rubber and other plantations in the last 10 years, the government has made no move to implement this provision in the accord. On the contrary the Deputy Commissioners of the three Hill Districts have allocated more lands to non tribals and non local persons in the last two years.

Under the accord no land can be leased or sold out or transferred in any way without the permission of the Hill District Council concerned. " (SAFHR April 2000)

PATTERNS OF RETURN AND RESETTLEMENT

Rehabilitation of the internally displaced

The announced rehabilitation package for refugees and internally displaced

"Refugee and IDP Rehabilitation

All the 12,222 CHT Jumma refugee families numbering 64,609 persons have returned to CHT from Tripura, India. The state of Bangladesh constitutionally guarantees the safety of life and property of all the returnees and their family members.

The following facilities are being given to the returnees:

1. Every family will be paid a cash grant of Taka 15,000.00 (US \$ 335)
2. Every family will be provided free ration at the following rates of entitlement: Adult member/5 kilogram of soybean oil, 4 kg. of lentils, 2kg. of salt
3. Corrugated sheets worth 2 bundles/per family
4. Taka 8,000.00 per family of cash transfers for those families owning arable land and a pair of bullock for tilling the land
5. The landless will be provided with land grant and a cash transfer to Taka 3,000.00 per family
6. Debt. forgiveness of up to Taka 5,000.00 per family in respect of agricultural loans
7. Similar loan forgiveness would be considered, on a case by case basis, for non-agricultural loans
8. Loans taken in the past from the Chittagong Hill Tracts Development Board Would be written off
9. General Amnesty for the insurgents announced earlier shall remain in force. This amnesty shall be applicable in respect of cases registered during the state of emergency (when insurgency was on)
10. Land will be returned to their original owners and they will not be rehabilitated in the cluster villages
11. Reinstatement in government service for those who were employed there prior to becoming internal and external refugees would be considered most sympathetically
12. Arrangements would be made for holding special examinations for High School and College Diplomas for those who had studied in neighboring countries
13. Create opportunities for the returnee students in schools in order that they could complete their courses of studies
14. According priority to the tribal youth in recruitment's for vacant positions in different offices of the districts and elsewhere
15. A general amnesty for those convicted in different criminal cases during insurgency All returnee 'Headmen' (of village councils) to be reinstated in their previous positions " (SAFHR April 2000)

The Government has yet to deliver the announced rehabilitation package for the internally displaced (2000)

- The government has not yet started process of rehabilitation of the internally displaced tribal population
- Nearly 50% of the returning refugees have been unable to return to their own homesteads and native villages
- The rehabilitation of internally displaced remains problematic – not least because it has not been decided whether Bengali settlers who lost land should be defined as internally displaced
- The authorities claim that it needs some time as a huge financial involvement is required for the rehabilitation of the internally displaced

Ahmed Imtiaz Professor of International Relations, University of Dhaka gives the following evaluation of the progress of the rehabilitation of internally displaced:

"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 (!) 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. (Daily Star 4 August 2000 – "More Pain than Pleasure?"

"Secretary of the Ministry of CHT Affairs informed the session that according to the Peace Accord, the Task Force has successfully identified members of 1,28,364 families as internally displaced persons (IDPs) and has sent the proposed plan of action for their rehabilitation to the concerned ministry. Some speakers expressed their dissatisfaction over the slow progress in this field, but according to the Secretary, it needs some time as a huge financial involvement is required for the rehabilitation of such a large number of IDPs. Similarly Maj. Gen. (retd.) Ibrahim thought it would be difficult to rehabilitate the IDPs from the CHT to other parts of Bangladesh as the IDPs are living there for about 20 years and already a second generation is there who were born and brought up there with a lot of emotional attachments. Rather, he suggested that all persons who had lived in the CHT prior to signing of the Peace Accord as the inhabitants of the CHT, and then freezing the number and conducting development initiatives for all of them. Prof. Imtiaz also found it very complex to identify the settlers or the original inhabitants from his appearance or dialect as there have been a lot of inter-marriages and then relatives migrating at later points. He suggested the need for extensive research in this complex area on part of the researchers." (Daily Star 4 August 2000)

"Of the 64,609 refugees who returned, nearly 50% of them have been unable to return to their own homesteads and native villages because they are still "occupied" by Bengali settlers. Complicating the problem is the reality that the Bengali settlers have no where to go.

As regards the writing off of government loans taken by tribal refugees which could not be utilised because of the conflict situation, instructions have been given to the Deputy Commissioners and the process has yet to be completed.

Also, the government has not taken up the process of rehabilitation for Internally Displaced Jumma People. Around 60,000 tribal were internally displaced. A Committee has been formed to facilitate their rehabilitation but no measures have been taken in this regard. In violation of this provision the government is making attempt to rehabilitate the Bengali settlers in CHT.

Under the accord, the rehabilitation of the tribal and internally displaced was to commence, as soon as possible, in consultation with the Regional Council, the land survey of the CHT and finally determine the land ownership of the tribal peoples and settle land disputes on proper verification. Land survey would record their land rights and thus ensure their rights. This programme has yet to be taken up for implementation.

Moreover, the government has yet to take up the programme for settling two acres of land per tribal family having no land or less than 2 acres. Where no land was available in the locality, government lands were to be tapped. No progress has been made on this front." (SAFHR, April 2000)

Parbattya Chattagram Jana Sanghati Samity (PCJSS) and Tribal Refugee Welfare Association (TRWA) for the third time boycotted the meeting of the Task Force on Refugees in CHT held here at Chittagong circuit house today.

Tribal groups protest against a repatriation of non-tribal people to the CHT (2000)

- Representatives of the tribal population boycott the Task Force on Internal Displacement in the CHT because of plans to repatriate non-tribal people to the CHT
- The chairman of the Government Task Force states that the peace accord provides for equal treatment of tribal and non-tribal refugees

"Parbattya Chattagram Jana Sanghati Samity (PCJSS) and Tribal Refugee Welfare Association (TRWA) for the third time boycotted the meeting of the Task Force on Refugees in CHT held here at Chittagong circuit house today.

The two representatives - Sudasindu Khisa of PCJSS and Bakul Chakma of TRWA - boycotted the meeting protesting the Task Force move to repatriate internal non-tribal refugees in CHT, sources said.

The meeting over today Task Force chairman Dipankar Talukder, MP, told the newsmen that a list of 1,28,364 families of internal refugees was finalised for repatriation.

The list included 90,208 families of tribal and 38,156 families of non-tribals, Talukder said. The rehabilitation would start on receipt of order from the ministries concerned, he added. The non-tribal internal refugees were scrutinised from among those living in CHT between the period of 1975 to 1992, Talukder said.

Replying to a question he said it was nowhere written in the peace accord that non-tribal refugees should not be rehabilitated in CHT.

Both tribal and non-tribal should get equal treatment in the CHT to establish peace, chairman of the Task Force said. The internal refugees would be provided with Tk 15,000 per family in cash in addition to other supports, he said. " (Daily Star 16 May 2000)

HUMANITARIAN ACCESS

General

The Peace Accord creates a more favourable environment for assistance activities in the CHT (1999-2000)

"The political turbulence which lasted for a little more than two decades (1974-1996) in CHT have barred development organizations from taking any significant initiative directed towards the poor in the region. The signing of the Peace Agreement in 1997 created an environment for such ventures in the region." (BRAC 1999)

"MSF is the first aid organization to have permission to work in the region, where unkept promises of autonomy for the tribal people have resulted in off-and-on low-level conflict. Access to health care, especially for the non-Bengali population, is limited." (MSF 2000)

NATIONAL AND INTERNATIONAL RESPONSES

National response

The Government has announced a rehabilitation programme for internally displaced and some local organizations have started development assistance activities in the CHT (2000)

- The Government has announced a four-point package programme for the internally displaced
- BRAC has initiated the Chittagong Hill Tracts Integrated Development Project to empower the poor of the region, both tribal and non-tribal
- DUS-Bangladesh has started development activities
- Several conferences have been organised addressing the peace process in the CHT (1999-2000)

"A four point package programme has been announced for the internally displaced persons: the return of their land, writing off loans, provision of long term loans for income generating activities and cash support of BDT 15,000 to each family." (IFRC, 2000, p.3)

The Global IDP Project has not found documentation on aid targeting internally displaced persons. However, the following assistance activities have been initiated in the CHT although it is unknown whether ongoing activities benefit the internally displaced:

"The political turbulence which lasted for a little more than two decades (1974-1996) in CHT have barred development organizations from taking any significant initiative directed towards the poor in the region. The signing of the Peace Agreement in 1997 created an environment for such ventures in the region. BRAC, in early 1998 initiated an integrated development program in CHT." (BRAC 1999)

"BRAC has initiated the Chittagong Hill Tracts Integrated Development project to empower the poor of the region, both tribal and non-tribal, through social development, savings and credit, income generation, health and education programmes. The project aims to cover around 1.5 million people in all the 25 thanas in the three districts." (BRAC 2000)

"During the last 26 years, there was limited scope to undertake development activities by any NGOs and government of Bangladesh in CHT. After signing a Peace Treaty by the government with the Tribal Ethnic Groups, NGOs, donors agencies and government have started socio-economic and infrastructure development activities in Chittagong Hill Tracts Region. There is urgent need to maintain food security for the ethnic minority tribal people conserve and preserve the bio-diversity of the region. Therefore, activities included are motivation, advocacy through meeting seminars and workshops, training and introducing permaculture and Eco-village concept in the region. (Web page of DUS Bangladesh, 2000)

There has also been several conferences on peace in the CHT:

"Bangladesh Institute of International and Strategic Studies (BIISS), Centre for Alternatives (CA) and The Daily Star [Bangladesh newspaper] jointly organised a **Daylong Dialogue on Peace Building in the Chittagong Hill Tracts** on 10 July 2000 at the BIISS auditorium, Dhaka. The dialogue was participated by a cross-section of people - a minister, political leaders, intellectuals, academia, retired civil and military officers and journalists." (Daily Stars Features, 4 August 2000)

In 1999:

"The two-day national conference called 'The Internally Displaced Persons in Bangladesh Towards Developing Research and Policy Agenda', was the first of its kind. The Refugee and Migratory Movements Research Unit (RMMRU), a Dhaka University based organization, arranged the meet.

Other panelists at the conference sought for special attention of policy planners on so far neglected issue of internally displaced persons (IDPs) and called for incorporating causes of IDPs into policy agenda.

Finding presence of good many IDPs in Bangladesh, discussants expressed the urgency for land reforms so that the incidents of internal displacements could be minimized." (Daily Star News, 16 February 1999)

Resolutions by international bodies

The UN Committee on the Elimination of Racial Discrimination is concerned about the human rights situation of the tribal population in Bangladesh (2001)

- Concerns about reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population
- Concerns about the slow progress in implementing the Chittagong Hill Tracts Peace Accord

"[...]

4. The Committee welcomes affirmative action programmes undertaken to ensure the enjoyment of the rights contained in article 5(e) of the Convention, by the socially and economically disadvantaged groups, in particular the tribal population of the Chittagong Hill Tracts.

5. The Committee appreciates the signing of the 1997 Chittagong Hill Tracts Peace Accord and the implementation of certain of its provisions, such as: i) the creation of the Chittagong Hill Tracts Ministry ii) the establishment of the Chittagong Hill Tracts Regional Council, and; iii) the establishment of a Land Commission for settlement of land issues.

[...]

C. Concerns and recommendations

[...]

9. The Committee is concerned about reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment. The Committee recommends the State party to implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

10. Notwithstanding certain positive developments, the Committee is concerned about the slow progress in implementing the Chittagong Hill Tracts Peace Accord. The Committee urges the State party to intensify its efforts in this regard and recommends the State party to provide in its next report details regarding, inter alia, the work of the Chittagong Hill Tracts Regional Council; the effective results of the work of the established Land Commission; the repatriation and rehabilitation of refugees and internally displaced persons in the Chittagong Hill Tracts; the work of the Special Task Force on Internally Displaced persons; the resettlement of Bengali settlers outside the Chittagong Hill Tracts pursuant to deliberations of the Land Commission, and the process of withdrawal of security forces from the Chittagong Hill Tracts." (UN CERD, 2001)

International Peace Conference on Chittagong Hill Tracts, 24-26 February 1997 Bangkok, Thailand

- Peace conference with participation from over 20 countries was organised in Bangkok in February 1997 to explore ways of assisting in the ongoing peace process between the indigenous people and the Government
- In the resolution, the fundamental causes of the conflict are among other cited to be the non-recognition of the distinct identities of the indigenous peoples of Bangladesh, in particular those of the CHT, and the presence of a large number of Bengali settlers in the CHT
- The conference call for an effective end to the movement of settlers into the CHT and agreement by the parties on a programme for their withdrawal

Excerpts of the text of the Bangkok Declaration on Peace in the Chittagong Hill Tracts:

"Ninety delegates, including observers from diplomatic missions, of some twenty countries and peoples of Asia, the Pacific, the Americas, Europe, Australia, and representing over 40 organisations met in Bangkok from 23 to 26 February 1997 to review the situation in the Chittagong Hill Tracts and to explore ways of assisting in the process of peace and reconciliation between the indigenous Jumma peoples of the Chittagong Hill Tracts and the government of Bangladesh.

[...]

The participants to the conference,

1. welcome the resumption by the government of Bangladesh and the JSS of peace talks and their declared intention to resolve the issue by peaceful means through negotiations;
2. concerned about the continuation of the conflict in the Chittagong Hill Tracts and the resulting suffering of the civilian population;
3. alarmed about persistent violations of human rights; including the high incidence of rape and other sexual violations;
4. concerned at reports that despite a decision by the government of Bangladesh to stop the transfer of new settlers to the Chittagong Hill Tracts, settlers continue to arrive because no measures have been taken to prevent this from occurring;
5. aware of the great cost to Bangladesh and all its peoples of this conflict;
6. convinced that the human rights violations which occur in the Chittagong Hill Tracts will not cease unless and until the fundamental causes of the conflict are removed;
7. note that the fundamental causes of the conflict are:
 - i. denial by the Bangladesh constitution of recognition of the distinct identities of the indigenous peoples of Bangladesh, in particular those of the Chittagong Hill Tracts;
 - ii. the presence of a large number of Bengali settlers in the Chittagong Hill Tracts as a result of the population transfer policy of the government of Bangladesh;
 - iii. the militarisation of the Chittagong Hill Tracts;
 - iv. the lack of recognition or implementation of meaningful autonomy for the Chittagong Hill Tracts;

CALL FOR

1. recognition of the distinct cultural and national identities of the indigenous Jumma peoples of the Chittagong Hill Tracts and the implementation of effective measures to protect and promote them through organs of regional autonomy with constitutional guarantee;
2. an effective end to the movement of settlers into the Chittagong Hill Tracts and agreement by the parties on a programme for the withdrawal of settlers from the Chittagong Hill Tracts. Such a programme should respect the human rights of all concerned, and could include financial incentives or compensation for the persons who are being relocated;

3. the development of a legally protected system of land titles consistent with their customary rights which ensures that land ownership reverts and, in the future, remains in the hands of the Jumma peoples;
4. recognition and the safeguarding of the customary rights of the Jumma peoples to use and control the land and the natural resources of the Chittagong Hill Tracts;
5. adoption of a time table for the de militarisation of the Chittagong Hill Tracts;
6. recognition of an administrative region with organs of self government, having powers that are constitutionally guaranteed so that no modification thereof is possible without a constitutional amendment and without informed agreement by the representative bodies of the indigenous Jumma peoples of the Chittagong Hill Tracts. The creation of a regional council, elected democratically by the indigenous Jumma peoples and containing safeguards for the representation of all the indigenous Jumma peoples of the Chittagong Hill Tracts, women, and minority residents of the Chittagong Hill Tracts. The council should have real political powers including budgetary powers to make and execute decisions;
7. respect for human rights including the rights of women as stipulated in the UN convention on all forms of discrimination against women.

RECOMMEND

[...]

to the government of Bangladesh

1. to act on its stated acceptance to resettle and rehabilitate the settlers outside the Chittagong Hill Tracts, making full use of the recommendation of the European Parliament to make European Commission funds available for this purpose;
2. to initiate an incremental demilitarisation of the Chittagong Hill Tracts as a confidencebuilding measure prior to the conclusion of on going peace negotiations;
3. to dismantle the cluster villages of the Jummas and to extend an invitation to the Representative of the United Nations Secretary General on Internally Displaced People to study the full problem of internal displacement of Jumma peoples within the Chittagong Hill Tracts.
4. to provide un restricted access to the Chittagong Hill Tracts for all national and international media and international human rights organisations and to invite the United Nations Thematic Rapporteurs and Working Groups;
5. to provide unrestricted access to humanitarian organisations, including the International Committee of the Red Cross to the Chittagong Hill Tracts to undertake its programme of work;..." (UNPO 1998)

International operational activities

Several agencies and governments have started development activities in the CHT after the signing of the Peace Accord (2000)

The Global IDP Project has not found documentation on aid targeting internally displaced persons. However, several assistance activities have been initiated in the CHT although it is unknown whether ongoing activities benefit the internally displaced.

"A comprehensive programme with credit facilities and logistic supports can sustain peace and accelerate development in the picturesque Chittagong Hill Tracts region,

[...]

with the peace accord, insurgent activities have stopped and restrictions on free movements have been withdrawn. Anyone can now come here for a visit.

As a result, donor countries and international development agencies like the World Bank, UNDP, Danida, UNICEF and UNESCO are evincing keen interests in the development of CHT with various schemes.

The Asian Development Bank (ADB) has already finalised a programme for rural and social development in the three hill districts [*says Chairman of Rangamati Hill District Development Council, Ching Kew Rouza to Daily Star*]." (Daily Star 31 January 2001)

Below are descriptions of the projects by MSF-Holland, the Asian Development Bank and Danida:

"Since September 1999 MSF-Holland has developed a Primary Health Care in Khagrachhari District. The program was based on several assessments to identify the health needs among the population of the CHT district. Major health problems seen in the CHT district are malaria, pregnancy related diseases, Upper / Lower Respiratory Infection (URI, LRI) and other communicable diseases. Therefore the programme has been developed with the following objectives:

- Primary health care are provided through two primary health care centres assist in controlling all prevalent diseases for the population residing in the three northern Unions of Panchari and Dighinala Upazila
- To improve awareness about causes and prevention of diseases in order to adapt a healthy life style, to take proper actions for treatment and to established a safe living environment.
- To improve water and sanitation, through activities to improve water supply facilities and their maintenance.
- Awareness of other Ingo's [international NGOs] and donors to become actively involved in the area.

[MSF has] established two Primary Health Care clinics, both in Dighinala and Panchari Thana. Since January 2000 [MSF has] selected and trained Community Health Workers [CHW] and Traditional Birth Attendants [TBA] in 26 villages in Dighinala Thana and 24 villages in Panchari Thana. The village's people were involved in these selections and have formed Village Health Committees.

Water and Sanitation

Since August 2000 [MSF is] complementing this program in the villages by small water and sanitation program. The Village Health Committees are again involved in this program. The main objectives are to create awareness on personal hygiene and hygiene practices and improve the water supply facilities, included maintenance. MSF provides basic resources and training through the outreach programme to ensure that the tube wells are utilised correctly. Training of households care takers and involvement is addressed in the process

Outreach programme

As mentioned above MSF-H trained CHW and TBA's in both Upizala. The criteria for selection were: remoteness, long walking distance from the main road, poor villages with little awareness about the health and the hygiene practices, inclusion of all cultural groups. Each village formed a Para Syasto Committee consisting of people who were showing concerns for health in the village. In total 50 CHW has been trained in the basic elements of good health, water use and sanitation. Training now has continued "on job" in the field and once a month in the classroom. Further 50 TBA's that have worked in the community for years- has received a 3 week "refresher" training which is continuing with regular follow-up sessions once a month. More support is given through regular field visits of Field Visitors, 2 per upazila.

The concept of the outreach programme is to strengthen the links between the community and the health facility. CHW and TBA's main activities in the villages are the promotion of prevention of diseases, improved health-seeking behaviour through early treatment, appropriate use of medication, and improve hygiene practises. Specific focused for the TBA's lies on raising awareness in maternal and child health care including immunisations and family planning apart from their task to provide safe deliveries." (MSF, 13 September 2001, E-mail)

"More than 300,000 poor people, many from tribal ethnic minorities in the Chittagong Hill Tracts of southeastern Bangladesh, are expected to have higher incomes as a result of a US\$30 million loan approved today by the Asian Development Bank (ADB).

The Chittagong Hill Tracts Rural Development Project is the first major effort to help the hill people since two decades of civil strife ended in 1997. People's livelihoods were severely disrupted and roads and trails deteriorated during the unrest.

[...]

The project will increase the accessibility of isolated people to employment generating opportunities and social services. It will upgrade existing rural communication infrastructure, primarily feeder roads, trails, bridges and culverts. Microfinance, training and other services will be provided to improve the poor's income generating capacity.

As well as attacking poverty in this manner, the project aims to underpin the 1997 peace accord by empowering local communities to decide what they want and to take part in projects. A community investment fund will be created to fund small-scale development activities.

In addition, the project will strengthen the capacity of local government institutions, nongovernment organizations (NGOs), and beneficiaries to plan and implement local activities. This will provide a sound institutional capacity for further initiatives. The project will encourage women to become more involved in decision-making and enterprise development.

"We'll be tackling the main problems of poor communication, overdependence on subsistence agriculture, underemployment due to the underdevelopment of the nonfarm sector, low savings, and poor access to credit and savings facilities," says ADB's Donneth Walton, who is working on the project.

The ADB loan will finance half the project cost of US\$60.3 million. The loan is from the ADB's Asian Development Fund and is repayable in 32 years with a grace period of 8 years. It carries an interest of 1 percent per annum during the grace period and 1.5 percent annum thereafter. Co-financing will come from the Danish International Development Agency, the Palli Karma-Sahayak Foundation, the Government and beneficiaries.

The Ministry of Chittagong Hill Tracts Affairs will be the executing agency for the project, which is due to be completed in 2008." (ADB, 26 October 2000)

"*{Future Danida activities:}* Planning sector programme support to the transport sector was one of the major highlights of 1999. Sector support is expected to embrace regional roads and secondary roads, as well as river transport. Efforts will concentrate on the five priority districts and the three new priority districts in Chittagong Hill Tracts. The proposed sector programme for the transport sector (2000-2005) is scheduled for adoption in the spring of 2000." (Danida 2000)

ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AI	Amnesty International
BRAC	Bangladesh Rural Advancement Committee
BDRCS	Bangladesh Red Crescent Society
CHT	Chittagong Hill Tracts
GoB	Government of Bangladesh
BDT	Bangladesh currency
IFRC	International Federation of Red Cross and Red Crescent Societies
MT	Metric Tons
PCJSS	Parbatya Chattaram Jana Sanghati Samiti (the organization of the tribal people of the Chittagong Hill Tracts)
RAWOO	Netherlands Development Assistance Research Council
SATP	South Asia Terrorism Portal
SAHRDC	South Asia Human Rights Documentation Centre
UN GA	United Nations General Assembly
UNPO	Unrepresented Nations and Peoples Organisation
USCR	US Committee for Refugees
U.S. DOS	U.S. Department of State

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