

'LIFE IS NOT OURS'

**LAND AND HUMAN RIGHTS
IN THE CHITTAGONG HILL TRACTS
BANGLADESH**

UPDATE 4

**THE CHITTAGONG HILL TRACTS COMMISSION
2000**

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The Chittagong Hill Tracts Commission

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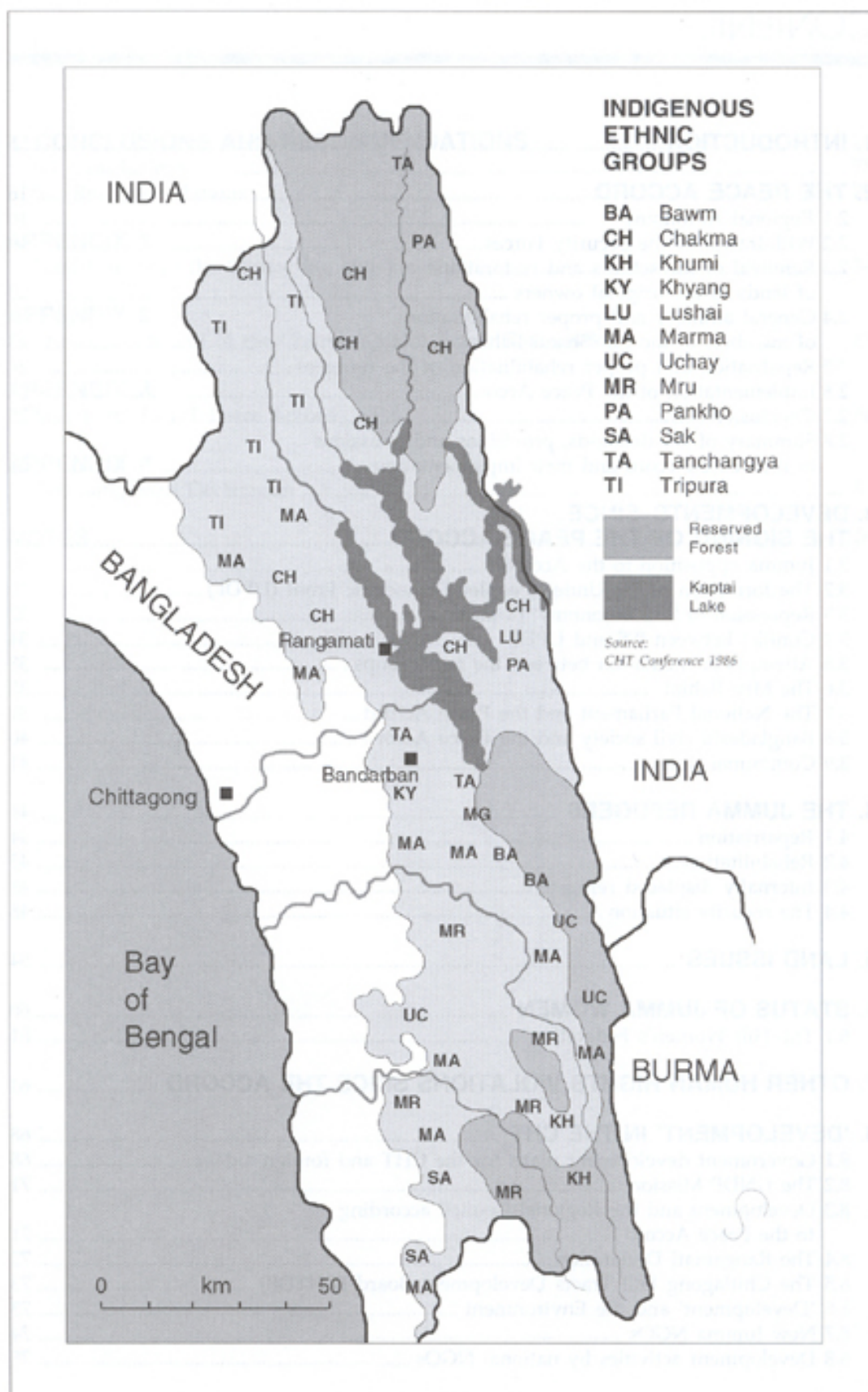
In Memoriam

This update is dedicated to all those who lost their lives in the struggle for Jumma self-determination.

To Andrew Gray, one of the initiators and resource persons of the CHT Commission who died in a plane crash off the coast of Vanuatu in the Pacific on 8 May 1999.

THE CHITTAGONG HILL TRACTS





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PREAMBLE

The Chittagong Hill Tracts (CHT) are located in the south-eastern corner of Bangladesh, bordering Burma and the north-eastern Indian states of Mizoram and Tripura. They are the homeland of 12 ethnic groups, numbering about 600,000 people. Covering 5,093 square miles (10 percent of the country) and rising as high as 3,000 feet in places, the hill ranges contain limited cultivable land, most of it of low quality, in contrast to the fertile multi-cropped alluvial plains of Bangladesh. The hill people differ markedly from the Muslim Bengali majority in Bangladesh in language, culture, religion and farming methods. They practise mixed farming: plough cultivation in the fertile valleys and swidden agriculture (known as *jhum*) on the hill slopes. From *jhum* cultivation they have derived their collective name 'Jumma'.

After the Bangladesh war of liberation, the Jumma people had hoped for political recognition and some form of autonomy within the state of Bangladesh. However, this was denied them. In 1972, the Parbattya Chattogram Jana Samhati Samiti (Chittagong Hill Tracts People's United Party - PCJSS, or JSS for short) was formed and in 1976 its armed wing, the Shanti Bahini, started guerrilla attacks against the Bangladesh army.

Between 1979 and 1984 a secret government transmigration policy brought more than 400,000 Bengali settlers into the Chittagong Hill Tracts, an area in which there was already a scarcity of land following the construction of the Kaptai dam. This was completed in 1963, inundating 40 percent of the arable land in the CHT and displacing more than 100,000 people. Together with the transmigration policy, a huge militarisation of the area took place. The military used counter-insurgency against the guerrillas as an excuse to oppress the Jumma people. Since the early 1980s, reports of near genocidal human rights violations by the Bangladesh security forces started seeping out of the area, despite a total black-out of information from the area and a ban on foreign visitors to the area by the government of Bangladesh. Slowly the severe repression of the Jumma people started to become an issue of international concern.

1. INTRODUCTION

Since the international Chittagong Hill Tracts Commission brought out its third Update to its original report "*Life Is Not Ours*": *Land and Human Rights in the Chittagong Hill Tracts, Bangladesh* in early 1997, a peace agreement has been signed between the JSS and the government of Bangladesh. After 25 years of struggle of the Jumma people for self-determination in the CHT under the leadership of the JSS, there was renewed hope that the Jumma people might live in dignity and peace.

In the past, the JSS had held negotiations with successive governments at different times: first with the Ershad government between 1985 and 1989 and then with the BNP government of Khaleda Zia between 1992 and 1994. All earlier negotiations broke down or ended inconclusively. In 1996 the Awami League came to power with a comfortable majority in Parliament. Its party leader, Sheikh Hasina Wazed, became Prime Minister. Negotiations with this government in 1996 and 1997 finally led to a peace accord. On 2 December 1997, the accord was signed by Jyotirindra Bodhipriya (alias Shantu) Larma, leader of the JSS, and Abul Hasnat Abdullah, Chief Whip and chairperson of the National Committee on Chittagong Hill Tracts (NCCHT, a committee formed by the Awami League government to carry out the negotiations) in the presence of Prime Minister Sheikh Hasina. With the signing of this peace accord, the Chittagong Hill Tracts and its people have entered a different stage in their history. The CHT has become a major issue in

national politics for the first time. The Chittagong Hill Tracts issue is now playing a role in party politics in Parliament, as opposed to the government's previous politics of violence.

Although the basic demands of the JSS were not met by a long way, circumstances more or less compelled the JSS to sign an agreement with the Awami League government. Most important were geopolitical changes (in particular the relation between India and Bangladesh¹), the political situation in Bangladesh itself, and the desire of the Jumma people to live in peace after more than 25 years of armed struggle, sacrifice and terrorisation by the security forces and settlers. With no other major political party in power, the JSS had succeeded in reaching an accord. It appeared that this was the last chance within the given political spectrum to come to an agreement with any government and the JSS saw no other way than to sign the accord and then continue to press for its demands from a new 'overground' position. The government skillfully used the fact that the JSS was under pressure to come to an agreement and ignored major and longstanding demands of the JSS and the Jumma people in the CHT.

A vocal section of the Jumma people, in particular the leaders of the Hill People's Council, Hill Students' Council and Hill Women's Federation, however, felt that the agreement was unacceptable given that the main demands of the JSS and the Jumma people had not been fulfilled and the accord could thus not be considered as a basis for further developments in their favour. They felt betrayed and decided to continue their struggle for 'full autonomy'. Whereas before the Jumma people had been more or less united in their struggle for their demands as formulated by the JSS and the main contradiction had been between them and the Bangladesh government and Bengali settlers, now the Jumma people stand divided among themselves.

At the other end of the scale, the Bengali settlers (who came to the CHT through secret government transmigration programmes) and the mainstream opposition parties have rejected the Peace Accord, arguing that the agreement is unconstitutional, endangers the sovereignty of the country and fails to safeguard the rights of the Bengali settlers. The main national opposition parties staged a number of protest marches and demonstrations against the accord during the first few months after it was signed.

Today, after almost three years, few of the decisions and measures agreed in the Peace Accord have been implemented, mostly due to delaying tactics by the government. Moreover, many refugees who returned from India have not received their old land back, nor received any compensation as promised. The international Chittagong Hill Tracts Commission is still receiving reports of human rights violations and communal riots. The CHT is still fully militarised and Bengali settlers have reportedly been instigated by the security forces to attack Jumma people several times. On top of this, divisions among the Jumma people themselves have also led to several killings and kidnappings. A reconciliation between the two rival groups is urgently needed. Although there is now an official peace accord, the situation in the CHT is still far from peaceful. The Chittagong Hill Tracts Commission is gravely concerned about the present situation and considers the peace process itself to be in serious danger. There are also doubts whether the Peace Accord will survive at all should there be a change in government following the national elections scheduled for 2001.

The main focus of this fourth Update to the original report of The Chittagong Hill Tracts Commission (*"Life Is Not Ours": Land and Human Rights in the Chittagong Hill Tracts*) is the Peace Accord, events following its signing, and the present situation in the Chittagong Hill Tracts. The Update is based on information from

various Jumma and Bengali organisations, the government of Bangladesh, reports in the Bangladesh press and personal communications. In July 1999, the government of Bangladesh opened up the Chittagong Hill Tracts to foreign visitors. Three resource persons from The Chittagong Hill Tracts Commission visited all 3 districts of the CHT in January 2000 and talked with a large number of representatives of Jumma and Bengali organisations and individuals as well as government officials.

2. THE PEACE ACCORD

The Chittagong Hill Tracts Commission considers the Peace Accord between the Government of Bangladesh and the PCJSS to be a step forward as it shows the willingness of both parties to resolve the issue. However, there are a number of questions and issues which the accord leaves unresolved and which, if not addressed, could lead to a breakdown of the peace. In the following paragraphs, The Chittagong Hill Tracts Commission will analyse how each of the JSS demands have been dealt with in the accord and how they have been implemented so far.²

The main demands of the JSS were:

1. Regional autonomy for the Chittagong Hill Tracts as one administrative and political unit named *Jummaland*, headed by an elected Regional Council with legislative powers and constitutional recognition of the identity of the Jumma peoples.
2. Withdrawal of all the security forces from the Chittagong Hill Tracts, with the exception of the BDR (Bangladesh Rifles = border security) camps.
3. Removal of the settlers from the Chittagong Hill Tracts and restoration of land to its original owners.
4. A general amnesty and proper rehabilitation of members of the JSS.
5. Repatriation and proper rehabilitation of the refugees from India under the supervision of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

2.1 Regional Autonomy

The JSS demanded regional autonomy through an elected Regional Council with legislative powers. According to the agreement, the three Hill District Local Government Council Acts 1989, enacted under former President of Bangladesh General Ershad, will be modified and amended and an indirectly elected Regional Council will co-ordinate and supervise these three Hill District Councils. A ministry on Chittagong Hill Tracts Affairs will be set up and a Jumma Minister appointed.

Comparing the demand of the JSS with the accord The Chittagong Hill Tracts Commission has the following concerns:

The Regional Council has the power only to *co-ordinate and supervise* the three elected Hill District Councils, in other words, it has no administrative and legislative power. Moreover, none of the CHT Council Acts are secured in the constitution, which means that any government can repeal these Acts at any time.

With the 3 elected Hill District Councils, the illegal settlement of more than 400,000 Bengali settlers since 1978 under a secret government transmigration programme has been legalised, as the settlers now have voting rights. On top of that, settlers will get 7 out of 22 seats in the Regional Council and 9 out of 31 seats in the three Hill District Councils. In other words, with the Accord the rights of the settlers have been

established, whereas the right to self-determination of the Jumma peoples has not even been acknowledged.

Another serious flaw in the Accord is that the Regional Council is clearly male dominated. Only 3 out of 22 seats have been reserved for women, while women are apparently not supposed to occupy through election any of the 19 remaining seats: in the Accord it is stated that 12 seats in the Regional Council will be for 'tribal' *men*. So whereas women constitute half of the population of the CHT they are entitled to less than 14 percent of the seats. This gender imbalance reflects male domination in the JSS and in Bangladesh in general. It may be argued that, formally, women are less qualified and less experienced in leadership positions. However, there are also no provisions in the Accord for making good this inequality e.g. by giving preference to women for training in order to develop the required skills.

Composition of the Regional Council

Chairman	1
Members Tribal (<i>men</i>)	12
of which:	
Chakma	5
Marma.....	3
Tripura.....	2
Mrung/Tangchongya	1
remaining 6 'tribes'	1
Members Tribal (<i>women</i>)	2
Members non-tribal (<i>men</i>)	6
Members non-tribal (<i>women</i>)	1
Total seats	22

A similar imbalance is seen with regard to the division of seats among the different ethnic groups. Of the 12 seats reserved for 'male tribals', Chakmas will get 5, Marma 3 and Tripura 2, while the remaining 8 ethnic groups mentioned in the Accord will together get only 2 seats. The distribution of seats is more or less proportional to the population figures of the different groups. The Chakma constitute almost 50 percent of the Jumma population in the CHT and they occupy almost 50 percent of the seats for 'tribals', whereas the 6 smallest ethnic groups have to be satisfied with being represented by only one person from one of these groups. It could however have been imaginable that the JSS pushed for a more equal representation of the different ethnic groups, regardless of their size, in order to recognise the particular interests of the smaller groups, some of which are even threatened with extinction. At the same time, this would have been a strong move by the JSS to give the smaller groups confidence in the peace process and to do away with the frequently heard complaint of many people, in particular of the smaller groups, that the Chakmas always dominate. Just like in the case of women, there are no provisions in the accord for the smaller ethnic groups to attain a more equal footing in terms of leadership, administration, etc..

With regard to implementation of the accord, the three Hill District Council Acts of 1989 have been amended and, after several delays due to the fact that some of the government proposals did not comply with the accord, the Rangamati Hill District Local Government Council (amendment) Act 1998, the Khagrachhari Hill District Local Government Council Act 1998, the Bandarban Hill District Local Government Council Act 1998 and the Chittagong Hill Tracts Regional Council Act 1998 were passed in

Parliament on 3, 4, 5 and 6 May 1998 respectively. The JSS has protested because some clauses in the Rangamati Hill District Local Government Council (amendment) Act 1998 are still in contradiction of the Accord. Clause 3 of the Peace Accord states that:

'a non-tribal permanent resident shall mean a person who is not a tribal and possesses land legally in the CHT **and** generally lives at a certain address in the Hill District'.

However, in the modified bill it is stated:

'A non tribal permanent resident means a person who is not tribal and possesses land legally in the CHT **or** who generally lives at a certain address in the Hill District'.

This subtle modification of *and* to *or* would allow non-resident Bengalis and settlers to be permanent residents of the CHT. There are some Bengalis from the plains who own large rubber plantations or other vast tracts of land in the CHT. This change in the bill would give these Bengalis voting and other rights which, as non-residents they do not have. The government promised the JSS repeatedly that this clause in the Rangamati bill would also be changed. Finally, on 22 May 2000, the Council of Ministers approved the remaining amendments to the Hill District Council Acts.

On 6 September 1998, the government announced the formation of an *interim Regional Council*. However, the JSS could not agree to the inclusion of three Bengali members nominated by the government. According to a verbal, unwritten clause in the Accord, the JSS was to nominate all 22 members of the Regional Council; accordingly, the JSS had submitted a list to the government with the names of members to be appointed to the interim Regional Council. However, the government replaced three Bengali members with their own candidates, all member of the ruling party. Shantu Larma refused to take charge as chairperson of the Regional Council until the government had withdrawn these candidates. The government persisted in its own nominations, thus creating a stalemate. Finally, the JSS capitulated for the sake of furthering the peace process and accepted the government candidates. On 27 May 1999, almost 18 months after the signing of the Accord, the Interim Regional Council, headed by Shantu Larma, was inaugurated. However, even though the Regional Council has been in place for over a year now, it is hardly able to function due to non-disbursement of funds by the government. Nor is the Regional Council involved or consulted in the planning and implementation of development and other programmes in the CHT.

Still no date has been set for elections to the Hill District Councils, even though the bills have been formally in function for more than two years. Voters lists have been prepared in May and June 2000, but settlers, businessmen and employees from the plains, working in the CHT, have been included. The JSS alleges that in all three districts for political reasons many persons from the plains have been hired and sheltered temporarily in hotels and houses and have been enrolled in these voter lists, increasing the number of non-Jumma voters considerably. Shantu Larma has demanded in a meeting with Sheikh Hasina on 13 August 2000 to prepare new voters lists which include only permanent residents, in compliance with the CHT Agreement.

It should be mentioned here that the functionaries of the present Hill District Councils have been in office ever since the first (and notably fraudulent) Hill District Council elections of 1989, when the Ershad regime was in power, or have been appointed by the government to replace a Council member who has resigned.

According to the Hill District Council Acts 1989, the maximum period in office was 5 years. Clearly, the present members of the Hill District Councils cannot be regarded as the elected representatives of the people of the CHT.

A *Ministry for CHT Affairs* has been established and Mr. Kalparanjan Chakma, Jumma MP for Khagrachhari District, has been appointed Minister. The Advisory Committee to the Minister has not yet been set up.

The demand for *constitutional recognition* of the identity of the Jumma peoples was rejected by the government, arguing that if the Jummas were given constitutional recognition, this would also have to be given to the other ethnic minorities in Bangladesh. The government also rejected the demand to *rename the CHT as "Jummaland"* on the grounds that there was no historical basis for this. The Chittagong Hill Tracts Commission wonders on what historical basis the government denies ethnic groups other than Bengalis, such as the Garos and the Santals in other parts of Bangladesh, the right to constitutional recognition, and points out that the name 'Chittagong Hill Tracts' was imposed on the area and its inhabitants by the British in 1860.³ The Jummas have been termed 'tribal' in the Accord. This terminology undermines the concept of the 'Jumma nation', which was constructed by the JSS with the aim of underlining their separate and equal identity. This differs from the Bengali identity imposed on the Jummas by the Bangladesh constitution of 1972, and which sparked off the armed resistance that was to last for over two decades. The term 'tribe' (in Bengali 'upojati' or 'subnation'), indicates a position unequal to that of the dominant nation - the Bengali nation - and as such is highly objectionable. It is a legacy of British colonial thought.⁴

In the Accord it is stated that the government will 'preserve the distinctiveness of the tribal culture and heritage' and provide necessary 'patronisation and assistance for expansion of tribal cultural activities'. This is absolutely no guarantee of the preservation of the Jumma identity and The Chittagong Hill Tracts Commission has legitimate fears that the culture of the various ethnic groups in the CHT may be reduced to mere folklore, to be exploited by the government and commercial tour operators for the purpose of tourism.

2.2 Withdrawal of the Security Forces

The CHT has been heavily militarised since the late 1970s and the majority of the Bangladesh army is stationed there. The area has provided the army with its best training ground for counter-insurgency methods and low intensity conflict for 25 years. It has also provided the military with a political argument for its role in Bangladesh and against budget cuts. Over the years, the security forces have been involved in countless human rights violations, including massacres, which have been well documented and internationally publicised. As documented in The Chittagong Hill Tracts Commission's original report *"Life Is Not Ours"* and its subsequent updates, the military occupation of the area has obstructed political and economic development and has resulted in gross human rights violations, at times almost genocidal in form. Since 1979, eleven major massacres have taken place in which several thousand Jumma people have been killed. The trauma that the victims of these and many other human rights violations (and their loved ones) have to cope with is hard to imagine. The social effects on a whole generation that has had to grow up under such tragic circumstances have yet to be assessed. On a few occasions the government has instigated official inquiries, mostly as a result of national and international outrage, but none of the reports of these inquiries have been published and no perpetrators have been tried in court and convicted for their deeds.

The JSS has demanded the withdrawal of all security forces from the CHT, except the Bangladesh Rifles (BDR - border guards) but this demand has not been met. Under the Accord, all temporary camps of the Bangladesh Army and the paramilitary forces (Ansar and Village Defence Parties) were to be withdrawn. Only the BDR and six permanent army cantonments would remain: one in each of the three district headquarters, and in Alikadam, Ruma and Dighinala. Army personnel would be withdrawn to the cantonments in phases. In other words, the Accord allows the military to remain in the CHT in full force, albeit concentrated in six cantonments, ready for active deployment at any time.

According to the JSS a government order was issued in 1973 to impose military administration in the CHT. Since then the hills have been under the administration of the army. This order has never been withdrawn and involvement of the army in the civil administration in the CHT is still continuing. For instance it is still the GOC of 24th Infantry Division of Chittagong, in charge of all army operations in the CHT, who selects Jumma students for admission in medical colleges, dental colleges and agricultural university. To ensure civil administration in the CHT the 1973 order should be withdrawn.

An important omission in the Accord is that no provisions have been made for a) proper *investigation of massacres and other human rights violations* of the past, b) the *trial and punishment* of perpetrators and c) *compensation* for those who have been affected by these human rights abuses. Nor are there provisions for making publicly available the reports of the official inquiries into some of the massacres, human rights violations, disappearances and tortures, such as the official report on the 1993 Naniarchar massacre, and the report concerning the disappearance in June 1996 of Kalpana Chakma, an activist of the Hill Women's Federation. There are also no provisions for monitoring any future incidents of human rights violations or for accountability regarding human rights abuses. In the absence of such attempts at justice, clarification and reconciliation, and as long as the CHT remains militarised, there is no guarantee of any real peace in the CHT. The threat of human rights violations remains and people will feel that their lives are not safe. The quotation we chose for the title of the original report will continue to reflect a daily reality for the Jumma people: "Life is not ours"

Implementation of the Accord has been very slow. According to the JSS, by January 2000, more than two years after the accord was signed, a mere 32 military camps out of a total of more than 500 had been dismantled. According to the Minister for CHT Affairs, 75 camps have been withdrawn.⁵ The strength of the armed forces in the CHT has not been reduced and the defence budget for the year 2000 has even increased by 7 percent in comparison with 1999. According to publicly available official figures, Tk 32 billion has been earmarked for defence as revenue expenditure and an additional allocation of Tk 720 million for other expenditure within the Ministry of Defence.⁶

No time limit has been specified for the withdrawal of the remaining military camps, despite a clause in the Accord stating that: 'Immediately on signing and executing the agreement between the government and the PCJSS and with the members of the PCJSS returning to normal life, all temporary camps of the army, Ansar and Village Defence Force in Chittagong Hill Tracts excepting Bangladesh Rifles (BDR) and permanent cantonments (three in three district headquarters and in Alikadam, Ruma and Dighinala) will be gradually brought back to the permanent places and a deadline for this will be fixed' (clause 17. Ka).

2.3 Removal of the settlers and restoration of lands to the original owners

The most contentious issue in the CHT is the covert government settlement programme, which has brought more than 400,000 Bengalis from the plains into the region since 1978. Many Bengalis have been formally settled or have encroached on Jumma (individually or communally) owned land. This settlement of Bengalis in the CHT has dramatically altered the demography of the area over a twenty-year period, and Bengalis now constitute almost 50 percent of the population in the CHT. In some areas they are even in the majority. The economic, social and cultural consequences of these transmigration programmes on the lives of the people are far-reaching.

According to the JSS, it was agreed verbally during the negotiations that *these settlers would be resettled* outside the CHT, while Bengalis who had been settled in the CHT in earlier times, the so-called 'permanent settlers', could stay. However, the government refused to put this in writing and openly denies any such verbal agreement, even though in personal communications with JSS leaders, Prime Minister Sheikh Hasina has repeated the verbal assurance on several occasions.

Since 1996, the European Union has repeatedly expressed its willingness to provide financial assistance for programmes to resettle Bengalis back in the plains. This was again confirmed in a resolution adopted in the European Parliament on 21 November 1997⁷, pressing the Bangladesh government to accept the EU's offer. Despite this offer, nothing has been mentioned in the agreement about the possibility of voluntary resettlement of Bengalis outside the CHT and so far the government of Bangladesh has refused to accept any offer from the European Union in this respect. In this regard, it is important to mention that when representatives of The Chittagong Hill Tracts Commission visited the CHT in January 2000, Bengali settlers invariably told them that, if they were given the opportunity for a proper livelihood outside the CHT, they would certainly accept the offer.

To resolve the problem of illegal occupation of Jumma land by settlers, it is stated in the Accord that the government will conduct a *land survey* in the Chittagong Hill Tracts and, after proper inquiries, ownership of land shall be recorded and ensured. A *Land Commission* would be set up to resolve all land disputes. Headed by a retired judge, it would check land titles (where they exist) and make legally binding decisions about the ownership of disputed land on the basis of existing laws, and the customs and systems of the Chittagong Hill Tracts. Where Bengali settlers were found to have settled on Jumma land these Bengalis would be resettled on *khas* land, i.e. fallow government land. No appeal could be made against the verdict of this commission and its decisions would be treated as final.

These measures, however, do not guarantee that the land will indeed be restored to the Jumma peoples. Many Jummas lost their land documents when they had to flee from attacks by the security forces and settlers. The Land Registration Office in Khagrachhari was burnt down by Bengali settlers in 1991. The larger part of the hilly land, used as *jhum* land for shifting cultivation, has traditionally been community property without individual land titles. The government prefers to call this land *khas* land. There are also many settlers who have illegally obtained land documents: Jumma village headmen have been put under great pressure by Bengalis and the military to give out land and residential certificates. Reportedly, Jummas have also been compelled by the security forces to sign false documents stating that they have sold their land.

What is extremely worrying about the Land Commission's brief is that it is not clear from the Peace Accord what legal ownership system will form the basis of the Land Commission's decisions. The traditional land rights in force before the British annexed the area? The modified rights recognised by the colonial state – which differ sharply from the system in the rest of Bangladesh? Or some new system of ownership based upon an extension of the land property system in the plains? The Accord is ominously silent about these absolutely crucial matters.⁸

It is also unclear from the agreement as to how the Land Commission will be advised to make decisions in cases where Jumma land owners have no papers proving their ownership, either because they never owned individual land papers or because such papers were destroyed or lost. Given the Jummas' traditional land use arrangements and the large-scale population dislocations during the creation of the Kaptai hydroelectric project in the 1960s and the fighting in the 1970s-1990s, such cases are likely to be the norm. Nor is it clear how the government is planning to ensure that the members of the Land Commission can do their work in a neutral and independent manner and what measures the government will take to ensure that the Land Commission is not open to bribery and corruption.

In other words, the Land Commission faces an impossibly difficult task and the ground seems to have been laid for many future conflicts and disagreements. The government delayed implementation of this part of the Accord for years. Initially it acted on its own and unilaterally appointed a chairman for the Commission in December 1998, although according to the Peace Accord it should have consulted the JSS. The JSS protested but finally accepted the chairman in May 1999. However, before any other commission members were appointed the chairman died and the process was again delayed. Even though the Land Commission has finally been established (on 6 April 2000), it has still not started its work. Government sources claim that this is because succession of two of the three traditional Chiefs is still disputed. The three Chiefs are members of the Land Commission. However, since the Chakma Chief is in office, it would seem that the Land Commission could start its work in a preliminary fashion in the area under his jurisdiction.

In one clause of the Accord it is stated that no lands under the jurisdiction of the Hill District Councils, including leasable *khas* land, can be leased out, purchased, sold or transferred, without prior permission of the Regional Council. However, only 10 percent of the arable land in the CHT falls under this rule whereas the land excluded from the Accord, such as the Kaptai Hydro-Electric project and the unclassified State and reserved forests comprise the other 90 percent. The JSS has calculated that in fact only 3.1 percent of the land in the CHT is cultivable, which means that there is only 0.03 acres of land available per head. This figure is much lower than in the plains where the average is 0.25 acres per head. These figures clearly undermine the attempts of successive Bangladesh governments to justify the settlement of Bengalis in the CHT with the argument that the population density in the CHT is much lower than in the plains. The population density in the CHT may be lower but the person-land ratio is much higher, a fact which has been well-known in government circles since the 1960s.⁹

There are strong indications that settlers will be resettled on *khas* land in the unclassified State forest and in the reserved forest. This would cause even more pressure on the very delicate ecological balance in the CHT. Moreover, the government has declared that large tracts of Jumma peoples' land will be added to the reserved forest, further alienating the Jumma population from their land. (More on this in chapter 5.)

With regard to the forestry and mineral resources in the CHT, the Regional Council will receive an unspecified share of the royalties from forest resources and from government licences for the exploration and extraction of mineral resources. The fact that the Accord does not specify what share of these royalties will go to the Regional Council is another potential source of conflict.

A final potential point of conflict and confusion is the statement in the Accord that the lands that fall free after dismantling military or para-military camps and cantonments will be returned either to the original owners or to the Hill District Councils. It is unclear how this will be done and what grounds will be added to allocate land to either owners or Councils.

For more details on the land issue, see Chapter 5.

2.4 General amnesty and proper rehabilitation of members of the JSS/Shanti Bahini

In compliance with the Peace Accord, more than 1,900 members of the JSS and Shanti Bahini surrendered and handed in their arms. On 10 February 1998, a highly publicised arms surrender ceremony was held in Khagrachhari Stadium in the presence of Prime Minister Sheikh Hasina and 25,000 others, including ministers, foreign diplomats and other dignitaries. In this ceremony, Shantu Larma and 738 others surrendered their arms. On 16 and 22 February and on 5 March another 543, 400 and 222 members of the JSS respectively surrendered. The Shanti Bahini had been demobilised.

All those who surrendered, with the exception of 11 of them, have received the promised Tk. 50,000. Sixty-two out of 78 who were eligible have been reinstated in their jobs, and 681 have been absorbed into the police. Some provisions of the Accord, e.g. exemption from previous loans, have not yet been implemented. And the promised quota system for Jummas in government employment and higher education is not yet in effect. The quota system should be imposed until Jummas reach a level of government employment/university seats on a par with people from other regions of the country.

Here it should be noted that all ex-members of the JSS/SB appointed to the police have been posted to other districts of Bangladesh. The Chittagong Hill Tracts Commission understands that the government's argument is that it is its policy not to post any police personnel to their home district in order to avoid corruption and nepotism. However, Jumma people have frequently reported the discriminatory attitude of Bengali police personnel towards them. It would therefore be highly advisable to have a police force in the CHT consisting not only of Bengali but also Jumma personnel (in all ranks). Since the CHT comprises three districts, the government policy would not be violated if Jumma police personnel were posted in either of the two hill districts not their home district.

Under the Accord, an amnesty has been declared for the surrendered members of the JSS and Shanti Bahini, and any pending court cases against them should be withdrawn. The JSS placed 999 cases before the government for withdrawal, but only 461 cases have actually been withdrawn. None of the cases with the military court have yet been withdrawn.

The Accord makes no mention of cases against Jumma activists who have been operating underground within the existing democratic space, e.g. in the Hill People's Council (HPC), Hill Students' Council (HSC) and Hill Women's Federation (HWF). Since the Accord, many activists of the HPC and HSC have been arrested on old charges and several of them are still being held in detention.

2.5 Repatriation and proper rehabilitation of the refugees

Before the government and the JSS came to an agreement, a separate agreement had already been reached in March 1997 between the government and the tens of thousands of Jumma refugees who had fled to the Indian state of Tripura in 1986 and subsequent years. In the Peace Accord, provisions have been made for the proper rehabilitation of these internally displaced refugees. See chapter 4 on the refugee issue.

2.6 Implementation of the Peace Accord

A serious weakness in the Accord is the *absence of a timetable* for the implementation of all the points agreed on. Nor are there provisions for *an independent monitoring committee* to facilitate the peace process. The only time limit that was specified in the Peace Accord was for the surrender of the JSS and Shanti Bahini. No time limit has been set for the armed forces to withdraw their temporary camps, for elections to the three Hill District Councils, for the Land Commissions to start its work, and so on.

The Accord did provide, however, for a three-member *Implementation Commission* to observe implementation of the agreement. It has been established and consists of Dipankar Talukdar, MP and chairman of the Task Force formed under the agreement to supervise the rehabilitation of the refugees, Shantu Larma, president of the JSS, and a convenor nominated by the Prime Minister. Obviously, this implementation commission can in no way be considered an independent monitoring body.

With regard to future elections for the Hill District Councils, their fairness and transparency is going to be vital to peace in the region. However, there are no provisions in the Accord for *monitoring of the elections*, nor is there any mention of free access for journalists and foreign observers to the whole region before, during, or after the elections.

One reason for the government's foot-dragging and delay in implementing its side of the Peace Accord may be that it has had to maintain a delicate balance between, on the one hand, the opposition parties and the Bengali settlers and, on the other, the Jummas. Immediately after the signing of the agreement opposition parties seized on it, fiercely denounced it and staged many demonstrations and other protests. However, this is no excuse for the government's attempts to deliberately twist and ignore parts of the Accord.

2.7 Conclusion

Now, almost three years after the Accord was signed, The Chittagong Hill Tracts Commission can come to no other conclusion than that the process of implementation has been a very slow one, not least because of delaying tactics on the part of the government, and that the situation in the CHT is far from peaceful. Many of the delays in implementation are due largely to the fact that the Bangladesh government did not abide by the letter of the Accord when implementing the various clauses. This provoked repeated protests by the JSS and did, in fact, force the government to change its proposals and act in compliance with the agreement. At other points (e.g. the government nominees for the Interim Regional Council, and the Chairperson of the Land Commission), the government got its way and the JSS had to capitulate. The very slowness of the peace process is in itself a threat to its success. Much precious time has been lost and, with it, much of the goodwill and confidence that initially existed.

2.8 Summary of the main demands of the JSS, the main provisions and omissions in the Peace Accord, and implementation of the Peace Accord

Main demands of the JSS

1. Regional autonomy for the CHT as one administrative and political unit, named Jummaland, headed by an elected Regional Council with legislative powers and constitutional recognition of the identity of the Jumma peoples.
2. Withdrawal of all the security forces from the CHT, except BDR camps.
3. Removal of the settlers from the CHT and restoration of lands to the original owners.
4. General amnesty and proper rehabilitation of members of the JSS and Shanti Bahini.
5. Repatriation and proper rehabilitation of the refugees from India under the supervision of the UNHCR and ICRC.

Main provisions and omissions of the Peace Accord

ad 1. (Regional autonomy)

Modification of the three existing Hill District Council Acts 1989 and an indirectly elected Regional Council with a two-thirds majority of Jumma members to co-ordinate and supervise the 3 District Councils.

A Ministry for Chittagong Hill Tracts Affairs to be set up with a Jumma as minister.

Omissions:

There is no constitutional recognition for the four CHT Council Acts, so they could be repealed at any time.

There are no administrative and legislative powers for the Regional Council.

There is no deadline for elections to the three Hill District Councils.

There are no provisions for monitoring the elections to the three Hill District Councils.

There is no constitutional recognition of the Jumma identity.

ad 2. (Withdrawal of Security Forces)

All temporary camps of the army, Ansar and Village Defence Party are to be withdrawn, except the Bangladesh Rifles (BDR) and six permanent cantonments (one in each of the

Implementation of the Peace Accord

ad 1.

The Rangamati Hill District Local Government Council (amendment) Act 1998, the Khagrachhari Hill District Local Government Council Act 1998, the Bandarban Hill District Local Government Council Act 1998 and the Chittagong Hill Tracts Regional Council Act 1998 were passed in the Parliament on 3, 4, 5 and 6 May 1998, respectively. On 27 May 1999 the Interim Regional Council was inaugurated. On 22 May 2000 the Council of Ministers approved the remaining amendments to the Hill District Council Acts.

A Ministry for CHT Affairs has been established and one of the Jumma MPs has been appointed as minister. No Advisory Committee has yet been set up.

No date has been set for the elections for the Hill District Councils.

ad 2.

According to the JSS, 32 military camps out of a total of over 500 had been dismantled by January 2000. According to the Minister for CHT Affairs, 75 camps have been withdrawn.

<p>three district headquarters, and in Alikadam, Ruma and Dighinala). All the personnel will be brought back to the cantonments in phases.</p> <p>Omissions:</p> <p>There is no deadline for the armed forces to withdraw their camps.</p> <p>There are no provisions for proper investigation of massacres and other past human rights violations, for the trial and punishment of perpetrators or compensation for those who have been affected by human rights abuses.</p> <p>There are no provisions for making public the reports of earlier official inquiries into massacres and other human rights violations.</p> <p>There are no provisions for monitoring future incidents of human rights violations or for accountability in terms of human rights abuses.</p> <p>ad 3. (Removal of settlers from CHT and restoration of lands to original owners)</p> <p>According to the JSS, it was agreed verbally during the negotiations that Bengalis settled since the late 70s would be resettled outside the CHT.</p> <p>Land falls under the jurisdiction of the three Hill District Councils, and no land can be leased out, purchased, sold or transferred without the prior permission of the Regional Council. (Only 10 percent of the arable land in the CHT falls under this rule.)</p> <p>The government will conduct a land survey in the CHT and ownership of land shall be recorded and ensured. A Land Commission will be set up, headed by a retired judge, to resolve all land disputes. The decisions of the Land Commission are legally binding.</p> <p>The Regional Council will share in the royalties from forest resources and from government licences for the exploration and extraction of mineral resources.</p> <p>The lands that fall free after dismantling military or para-military camps and cantonments will be returned either to the original owners or to the Hill District Councils.</p>	<p>No time limit has been specified for the withdrawal of the remaining military camps.</p> <p>ad 3.</p> <p>Denial by the government of the verbal agreement to resettle settlers outside the CHT. The Land Commission was established on 6 April 2000 but has not yet started functioning. The government has declared additional large tracts of Jumma peoples' land as Reserved Forest.</p> <p>The percentage of royalties from forest and mineral resources to the Regional Council has not been fixed.</p> <p>No lands falling free after the dismantling of military or para-military camps have been returned to the original owners or the Hill District Councils.</p>
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Omissions:

It is not clear from the Peace Accord what legal ownership system will form the basis of the Land Commission's decisions.

There are no instructions for the Land Commission as to how to deal with cases where Jumma land owners have no papers proving their ownership, either because they never owned individual land papers or because such papers were destroyed or lost.

There are no provisions to ensure that the members of the Land Commission can do their work in a neutral and independent manner.

There is no specification of the exact percentage of royalties from forest and mineral resources flowing to the Regional Council.

ad 4. (General amnesty and rehabilitation of all JSS members)

An amnesty has been declared for surrendered JSS and Shanti Bahini members and each member will get Tk. 50,000 for rehabilitation. Surrendered members will be reinstated in their earlier jobs.

Omissions:

No mention has been made of amnesty for activists who worked underground.

ad 5. (Repatriation and rehabilitation of Jumma refugees)

Proper rehabilitation of internally displaced refugees.

The demand to involve UNHCR and ICRC in the repatriation and rehabilitation was rejected by the government.

Omissions in the accord with regard to implementation:

There is no timetable for implementation of all the points of the Accord.

There is no provision for an independent monitoring committee to monitor the peace process.

ad 4.

More than 1,900 members of the JSS and Shanti Bahini have surrendered and handed in their arms.

Out of 999 cases against surrendered JSS and Shanti Bahini members, 461 cases have been withdrawn.

All except 11 members have received the promised Tk. 50,000.

Sixty two out of 78 who were eligible have been reinstated in their jobs, and 681 ex-members of the JSS/SB have been appointed to the police.

ad 5.

A total of 64,609 refugees (or 12,222 families) have been repatriated from camps in Tripura, India.

3,055 repatriated refugee families have not yet received possession of all their lands.

More than 80,000 internally displaced Jumma refugees have not yet been rehabilitated.

Refugee families have received Tk.15,000 and 2 bundles of corrugated iron (CI) sheets each, landless families have received Tk. 3,000 for a dairy cow, not all landed families have received Tk. 10,000 for a pair of bullocks.

3. DEVELOPMENTS SINCE THE SIGNING OF THE PEACE ACCORD

Even before the Peace Accord was signed, it was becoming clear that not all Jummas would accept an agreement that fell short of fulfilling the main demands of the Jumma peoples. In May 1997, after the fourth round of negotiations, Abul Hasnat Abdullah of the NCCHT announced at a press briefing that an agreement had been reached with the JSS on all issues and that a Peace Accord would soon be signed – once the JSS leadership had had an opportunity to consult with its members. The Hill Watch Human Rights Forum immediately issued a leaflet condemning the agreement. They concluded that whilst the key issues remained unresolved (regional autonomy, withdrawal of the military and the settlers, guaranteed land rights for the Jummas and constitutional recognition of the Jumma peoples), peace could not be restored in the CHT, and that as long as the main demands of the Jumma peoples were unfulfilled, no agreement would be acceptable to them.

3.1 Jumma opposition to the Accord

During the surrender ceremony on 10 February 1998, Jumma activists, mostly from the Hill Peoples' Council, Hill Students' Council and Hill Women's Federation, openly demonstrated their dissatisfaction with the Accord and declared that they would continue the struggle for 'full autonomy'.¹⁰ They waved black flags in the stadium where the ceremony was being held, chanted slogans and displayed banners denouncing the Peace Accord and the arms surrender. Outside the stadium, posters against the agreement were displayed and Shantu Larma's effigy was burned. Jumma people showed their anger at the surrender by showing sandals, shoes and *pinons* (a Chakma women's dress) to Shanti Bahini members. (The meaning of showing *pinons* hints at a supposed sign of weakness associated with women, betraying the activists' male chauvinism.) During the second surrender ceremony on 16 February 1998, Jumma activists also threw sandals, shoes and bricks at the surrendering Shanti Bahini members and the programme had to be cut short.

Not long after the signing of the Accord, first the Hill Peoples' Council (HPC), the Hill Students' Council (HSC) and later the Hill Women's Federation (HWF) split in two, one faction supporting the JSS and the Peace Accord, the other declaring that the Accord was inadequate and that they would continue the struggle for 'full autonomy'. The students' faction supporting the JSS now calls itself the Greater Chittagong Hill Tracts Students' Council (GCHTSC).

3.2 The formation of the United Peoples Democratic Front (UPDF)

On 26 December 1998, the Jumma activists who had declared they would continue the struggle for 'full autonomy' launched a new political party, the United Peoples' Democratic Front (UPDF). They did so during a two day conference organised jointly by the HPC, HSC and HWF, and attended by a few hundred Jummas. In its manifesto, the UPDF stated:

"....Speaking for the establishment of people's rights, the PCJSS led the resistance movement for around two decades through legal as well as illegal means, and initially it was able to muster overwhelming support from the peoples. But of late, the agreement with the ruling Awami League (2 December 1997) and the "surrender" (10 February 1998), have clearly demonstrated the political bankruptcy of the PCJSS.It would not have been necessary for us to launch a new party had there existed any other political party in the CHT truly representing the people in terms of giving leadership to the struggle for establishing the rights of the downtrodden masses. The democratic forces of the Hill

Peoples' Council, Hill Students' Council and Hill Women's Federation, which emerged through the students' upsurge in 1989, would have joined such a party and played their due role in the struggle. Unfortunately, no such party exists in the Chittagong Hill Tracts...."

The stated aims of the party are:

"to ensure the existence of all nationalities in the CHT through the establishment of full autonomy, and to establish a democratic society free from oppression and exploitation. Equality of nations, equality of both sexes and non-communal and democratic ideals shall constitute the basis of all activities of the party; it shall show respect for the freedom, sovereignty and integrity of the country."

It is also stated that:

"the party shall endeavour to ensure the rights, dignity and interests of all residents of the Chittagong Hill Tracts".

Prashit Khisa, ex-president of the HPC, was elected convenor and it was stated that the HPC, HSC and HWF would function as front organisations of the party.

3.3 Repression of 'full autonomy' Jummas

The government of Bangladesh brands the 'full autonomy' activists as 'terrorists' and uses their existence to justify the continuing presence of the military in the CHT. They are called 'terrorists' despite the fact that these activists have always operated underground by democratic means and the stated aims of the newly formed UPDF are all but separatist. The media in Bangladesh also give a very one-sided picture and project UPDF activists and their supporters as anti-peace, wanting independence from Bangladesh, thus adding to their criminalisation instead of giving a political analysis of what is actually going on and starting a national debate about what ethnic identity and autonomy for the indigenous peoples in Bangladesh mean. These 'full autonomy' activists are met with severe repressive measures.

Since the signing of the peace agreement, a total of more than 120 Jumma activists have been arrested, many on old (mostly fabricated) charges. Apparently, the provision in the Peace Accord for an amnesty for all JSS cadres does not apply to these activists. Immediately following the surrender of the JSS and Shanti Bahini, in the months of February and March 1998 alone, more than 30 leaders and activists of the HPC and HSC were arrested. On 17 February 1998, one week after the surrender ceremony, the police raided a hostel room at Dhaka University, which was also being used as an office for the HPC, HSC and HWF. The Police entered without a warrant, claiming they were looking for illegal arms although they found nothing incriminating. In fact, they came to arrest Sanchoy Chakma, former president of the HSC but did not find him there. He was subsequently arrested while holding a meeting in Khagrachhari on 18 March 1998, together with Dhrubo Jyoti Chakma, also an HSC activist, on fabricated charges, among other things concerning the massacre in Naniarchar on 17 November 1993.

The Hill Watch Human Rights Forum (HWHRF) alleges that the JSS is involved in repression of 'full autonomy' activists. The HPC, HSC, HWF and UPDF also allege that their people have been arrested with the help of JSS sympathisers who detain the people and then hand them over to the police. In the meantime, many of the charges against arrested persons have been dropped and some have been released on bail after having been kept in detention for several months. At the beginning of 2000, forty-three UPDF activists were still in detention.

There are also numerous reports of repressive incidents, such as kidnappings, killings and attacks on demonstrations and meetings of 'full autonomy' activists. On many occasions, a public meeting of the UPDF or their supporters has been prevented by the authorities, despite the fact that they had obtained prior permission for the meetings.

On 22 April 1999, the HPC and HWF had planned a joint meeting in Khagrachhari town. According to the activists' own report, they had obtained permission from the authorities well in advance but the permission was cancelled on 21 April and Section 144, prohibiting a gathering, imposed after a group of students backed by the JSS called a meeting at the same time and venue. The police put up barricades to prevent the people from reaching the location. The HPC and HWF shifted their venue to avoid a confrontation but when the people gathered and protested the banning of their meeting, the police charged with sticks and tear gas and opened fire on the gathered people. Subas (Pratul) Chakma and Suromoni Chakma were killed, more than 100 people were wounded and 32 Jummas were arrested. In the afternoon, three thousand people participated in a protest meeting organised by the HPC and HWF.

The JSS gave a somewhat different account of the incident. According to the JSS, both pro-JSS HSC members and 'anti-accord' activists had called a meeting on the same day and at the same venue (without specifying which group had called the meeting first). The authorities had banned the meetings in order to avoid a clash between the rival groups, but 'anti-accord' activists violated the prohibition. They pelted bricks and fired with locally-made guns at the police, which then compelled the police to shoot and two 'anti-accord' activists were killed.

On 26 December 1999, the UPDF had organised a meeting on the occasion of its first anniversary, to be held in Chittagong city. Three thousand people were expected, including Bengali political leaders, women's rights activists and university teachers. Reportedly, JSS-backed students tried to prevent participants from Khagrachhari attending the meeting by calling for a road blockade programme in Khagrachhari on 26 December. Consequently, the Deputy Commissioner imposed Section 144 in Khagrachhari, meaning that hired buses from Khagrachhari could not get to Chittagong. Several buses from Rangamati and Bandarban districts could not make it either, due to obstruction by police and JSS supporters, although some 2,000 people did arrive. The UPDF had obtained permission for the programme but the Police Commissioner refused to allow the use of loudspeakers at the venue. The organisers thus shifted the venue to Shahid Minar, a public monument where no permission is needed to hold public meetings. However, the police reacted to the arrival of participants with baton charges and 45 persons were arrested, including Anu Muhammad, associate professor of Jahangirnagar University and Maruf Hasan Rumi of the Bangladesh Students' Federation. The two Bengalis were released after the police discovered their identity. A number of participants were seriously injured. Following the police attack, the participants went to the auditorium of Waziullah Institute, which the organisers had also rented for that day and where lunch was prepared. The police arrived there too and summoned the people to leave the place immediately, not allowing them to eat their lunch. In the afternoon, the UPDF organised a procession in Chittagong in protest at the police attack. In collaboration with Bengali organisations protest rallies were also organised in Dhaka the same day and a press conference was held at Chittagong Press Club. The UPDF also held a road blockade programme in Khagrachhari the next day to protest the obstruction of their meeting. So even though no Section 144 had

been imposed in Chittagong, the meeting was prevented by the police and many people met with police violence and were arrested. Some of the activists were detained for several months.

Incidents like these, which The Chittagong Hill Tracts Commission regards as acts of repression and violations of human rights, are in sharp contrast to the spirit of reconciliation and the democratic space which has been created in the CHT by the signing of the Peace Accord and the amnesty rendered to the Shanti Bahini and JSS members. This repression seriously damages the democratisation process in the CHT and in Bangladesh as a whole and displays the government's lack of understanding of one of the main principles of democracy, a tolerance of dissenting opinions.

3.4 Conflict between JSS and UPDF

The situation in the CHT is far from peaceful, not only as a result of government repression of UPDF activists but also as a result of the conflict between the JSS and the UPDF and their allied organisations. This conflict has become highly polarised. There are reports of serious in-fights between the two Jumma groups. Ordinary Jumma villagers are often caught in the middle of these two groups. In one village, Jummas told representatives of The Chittagong Hill Tracts Commission that the situation had deteriorated for them because now they have to pay 'taxes' for taking bamboo and other products out of their area to three different groups - Government officials, the JSS and the UPDF.

The Chittagong Hill Tracts Commission has received reports from both the JSS and the UPDF, accusing each other of attacks, death threats, kidnappings, killings, harbouring unruly elements and drug addicts, and so on. A number of Jummas have been abducted and some 40 Jumma activists have been killed since December 1997. Both sides accuse each other of being the aggressors. Full autonomy activists alleged in 1998 that the JSS had a hit list of 21 named HSC, HPC and HWF members to be killed. The JSS denies having such a list. Reportedly in the past the Shanti Bahini did have a hit list: according to *The Daily Star* (Internet Edition, 18 January 1998), the Shanti Bahini, at a meeting marking the 26th founding anniversary of the JSS, had decided to drop its hit list of people to be killed because they had been active against the Jumma movement in the CHT. The Intelligence Branch of the Shanti Bahini had reportedly prepared this list over the last 24 years at the instruction of its high command.

It is difficult for The Chittagong Hill Tracts Commission to establish all the facts and who exactly has been responsible for which actions. A full list of all reported incidents, allegedly committed by one or the other group, could be presented here. However, we doubt whether this would add much to our understanding of the acrimonious conflict between the two groups. We present only a number of examples.

Some examples of incidents, allegedly by JSS sympathisers, reported by the UPDF¹¹

On 20 March 1998, Tapas Chakma and Pradip Tripura were abducted during a house raid by GCHTSC activists in Khagrachhari and handed over to the police. Reportedly, in several arrest cases weapons were produced; the UPDF alleges that these had been put in the possession of the persons handed over, so that they could be charged with illegal possession of arms.

On 4 April 1998 Kusum Priyo Chakma (Panchhari Union Council Chairman and former President of Panchhari Hill Students' Council (HSC) unit) and Pradip Lal Chakma (President of Hill People's Council (HPC) Panchhari unit, Khagrachhari District) were stabbed to death on their way home from a meeting of Union Council chairmen with Shantu Larma. Some of the attackers were wearing masks. Kusum Priyo Chakma had reportedly contested the Union Council elections against a JSS-backed

candidate and had refused to withdraw his candidacy as requested by Shantu Larma. Pradip Lal had also previously been at loggerheads with Shantu Larma. Both persons had hesitated visiting Shantu Larma as they had previously been a target of JSS supporters but other Union Council chairmen had persuaded them to go and assured them that they would make arrangements for their safety. Allegedly, these two people's names were on a JSS hit-list of 21 HSC and HPC members to be killed.

On 8 February 1999 Mrinal Chakma and Ananda Moy Chakma, HSC activists, were kidnapped from Dighinala area, Khagrachhari district, and found dead in a nearby jungle on 15 February. One Murati Mohan Chakma, the accused in this case, disclosed that a gang led by him and Binod Bihari Chakma had captured and killed the two after a failed attempt to get them arrested. The HSC suspects that the army was also involved in the murder, as they are giving protection to the killers, harassing and threatening witnesses and raiding their houses. According to a JSS report, these two persons were killed in an internal clash of anti-accord activists related to the distribution of illegally collected tolls and they had filed a case with the police against 6 innocent youths, including Binod Bihari Chakma and Murati Chakma.

On 20 May 1999, the houses of Dipon Chakma, Anil Chakma, Napoleon Chakma, Dhiman Khisa, Joice Chakma, Nipul Chakma and Bhoda Chakma in Khagrachhari town were raided and several people were injured. Villagers chased the attackers out, caught Prattoy Chakma (Joki) and handed him over to the police. Allegedly, the attacking group had been terrorising the area for quite some time, extorting money. The attackers were Arunangsu Khisha, Atinu Dewan, Alok Chakma (a leader of the now defunct Mukhosh Bahini backed by the military), Pulok Chakma, Prattoy Chakma, Sulov Mitra Chakma (former Mukhosh Bahini member), Granade Chakma, Kankon Chakma (former Mukhosh Bahini member). The attack was reportedly in retaliation for the arrest of Babu Chakma, who was caught by the public while extorting money and handed over to the police.

On 7 February 2000, UPDF member Debottom Chakma was shot dead in an attack by JSS members in Babuchara area, Khagrachhari District. Two others were injured but managed to escape. According to the UPDF, daily newspapers falsely reported that Debottom Chakma was killed in a gunfight between JSS and UPDF.

On 8 March 2000, UPDF activists Tara Kumar Chakma and Kalaya Chakma were ambushed and killed by JSS members while Alo Chakma and Bharat Muni Chakma were wounded in Panchhari, Khagrachhari district.

Some examples of incidents, allegedly by UPDF sympathisers, reported by the JSS¹²

On 5 April 1998 anti-accord activists attacked the houses of Khageshwar Tripura, Sadhan Chandra Chakma, Satish Chandra Chakma and Swe Hla Prue Chowdhury, three local Union chairmen and a headman. Valuables from their houses were destroyed. The four persons escaped and took shelter in a police station but they were arrested and put in jail. This incident is apparently in connection with the killing of Kusum Priyo Chakma and Pradip Lal Chakma the day before (see previous box). Hill Watch Human Rights Forum reported that these four local leaders had persuaded Kusum Priyo Chakma and Pradip Lal Chakma to go to the meeting with Shantu Larma and had returned along with them on 4 April 1998 when Kusum Priyo Chakma and Pradip Lal Chakma were killed.

On 6 April 1998 anti-accord activists attacked three JSS members - Shankarmoy Chakma, Smriti Chakma and Nayan Kanti Chakma - in Panchhari thana, Khagrachhari district, with homemade guns and long knives. The JSS members escaped and took shelter in an army camp.

On 13 June 1998 five JSS members - Satyabir Dewan, Ashapurna Chakma, Tarun Kanti Chakma, Sona Ranjan Chakma and Kishore Kumar Chakma - were kidnapped from Gilachhari, Naniarchar

thana, in Rangamati district. Under pressure from the local Jumma people, these five people were released the next day. According to a Newsletter of the Hill Watch Human Rights Forum, the kidnapping was stage-managed by the JSS to justify its demand to set up a police camp in the area to check the 'illegal activities of antiaccord activists'. On the day of the incident some JSS members reportedly came to Ghilachhari to hold a meeting. However the villagers asked them not to hold any meeting in support of the agreement. They questioned why the JSS had not consulted the people before signing the Accord. In the afternoon, the JSS members were to have a meeting with some Greater CHT Students' Council (GCHTSC) members but they went for lunch and did not turn up again. The next day it was reported in some newspapers that they were kidnapped by antiaccord activists. Following the incident, the Deputy Commissioner of Rangamati visited the area and declared that a police camp would be set up there.

Four GCHTSC members - Rupayan Chakma, Sudatta Chakma, Shanti Kusum Chakma and Paltu Minu Chakma - were detained by antiaccord activists in collaboration with the army at Balukhali village, Baghaichhari thana, Rangamati district, on 19 April 1999 and handed over to the police, falsely accusing them of keeping arms.

JSS member Kyaja Marma of Guimara area, Khagrachhari district, was shot dead in an attack by antiaccord activists on 12 May 1999.

On 16 November 1999 JSS member Arun Shanti Chakma was killed by a group of antiaccord activists led by Debattam Chakma in Panchhari thana, Khagrachhari district. The group surrounded his house, took him away and shot him dead.

On 30 August 2000 antiaccord activists led by Abhilash Chakma fired upon GCHTSC activist Mangal Kanta Chakma of Krishmachara, Naniarchhar thana, Rangamati district. He was seriously wounded and admitted in Chittagong Medical College hospital.

The UPDF accuses the government and the JSS of obstructing its democratic activities and those of the organisations associated with the UPDF. Similarly, the JSS leaders accuse HSC, HPC, HWF and UPDF activists of terrorist activities and collaboration with the government. According to the JSS leadership, they cannot consider the UPDF a political party since it has no political programme; it is a group of terrorists. In contradiction to this, however, the JSS also claims that the UPDF is fully supported by the Ganatantrik Biplobi Jote (Democratic Revolutionary Front), led by Badruddin Umar, which posits that the JSS has compromised with the bourgeois government and betrayed the people.

Both groups also allege that the other side collaborates with the security forces, criminals and drug addicts. HWF (UPDF) activists reported that there were hardly any drugs before the Accord, drug use was limited to the Mukosh Bahini (Mask Forces), created by the army. According to them, many of the Mukosh Bahini have joined JSS ranks. Now there is much more heroin around and more people are addicted. HWF alleges that the JSS gives away money in order to attract supporters, hence people have money to buy drugs. The split even runs through families, some of the HWF women's own relatives started working with the JSS because they were promised jobs and money. But when they did not get jobs, they became dissatisfied. They started to collect taxes and kidnap people themselves and sometimes they quarreled about the distribution of the money. Invariably the other faction is blamed for all this. A cousin of one of the women was given as an example; he used to hate the JSS because they had killed his father, but he needed money for his heroin addiction, so he started working with the JSS.¹³ The JSS has made similar allegations about the UPDF and their sympathisers; however, no specific allegations have reached The Chittagong Hill Tracts Commission.

Jumma insiders have expressed their suspicion that the military intelligence is taking advantage of the conflict by getting activists of both sides killed and accusing either the JSS or the UPDF for it, depending on which side the victim was involved with. Under the guise of the conflict between the Jummas themselves, the military take the opportunity to eliminate activists on both sides and so weaken both groups. In Update 3, mention was made of organisations set up with the help of the army, popularly known as Mukhosh Bahini because their members wear masks in an attack.¹⁴ The function of these organisations, in which both Bengalis and Jummas are involved, is principally to sabotage the Jumma activists' organisations. In several of the recent attacks reported by the UPDF, masked persons were involved.

The Chittagong Hill Tracts Commission understands this conflict between the two groups of Jummas as a consequence of the (geo)political circumstances. These compelled the leadership of the JSS, lacking the strength to continue the armed struggle after more than 25 years of fighting, to come to an agreement in which many of their demands were not fulfilled. On the other hand, there were other Jummas, mostly younger, who had supported the JSS and its armed struggle but who had also been active within the democratic space which opened up in Bangladesh in 1990 following the downfall of the military regimes (of Ziaur Rahman and Ershad). They may have overestimated the capacity and strength of the JSS and Shanti Bahini, and could not accept the decision to give up the struggle for a peace accord that did not meet the main Jumma demands. As a result, the Jummas became involved in a violent power struggle among themselves.

The conflict between the JSS and the UPDF has also had very serious effects on the social cohesion of the Jummas. When the conflict between the JSS and UPDF began in earnest, students gradually became involved in the conflict. Many Jumma activists who are now involved are teenagers, many are high school students or high school drop outs. They are involved in activities ranging from the collection of taxes to killings. Their political activity means that they have become less respectful of the authority of their elders, and that many give up their studies. In this way, the conflict between the JSS and the UPDF is creating a generation of Jummas who have sacrificed their education.

The violence between the JSS and UPDF has permeated the entire Jumma society. There are many villages that are too dangerous for JSS activists to visit, and the same applies to UPDF activists. If the conflict continues much longer, a generation of young Jummas will be lost to violence, a generation that has been schooled in violent politics rather than in proper education.

It is beyond doubt, and needs no further elaboration, that this power struggle is extremely detrimental to the cause of the Jummas. Not only does it weaken their internal cohesion and political weight but it also strengthens the hand of the Bangladesh government, the armed forces, and opposition parties and Bengalis who are against the Accord. Every day that this power struggle between the two factions continues, it further undermines the position of the Jummas as a whole.

3.5 Attempts at mediation between the two groups

Alarmed by the developments described above, some prominent elder Jumma leaders, such as Upendra Lal Chakma (chairman of the Jumma Refugee Welfare Association), Ananta Bihari Khisa and others formed a *Committee for Peace* on 10 April 1998. Upendra Lal Chakma acted as its convenor. However, their attempts failed because Shantu Larma reportedly refused to engage in any kind of dialogue with the

dissidents. The UPDF claims that they are willing to come to a compromise with the JSS and that many JSS members are also willing, but that the JSS leaders refuse to talk to them. The JSS claims similarly that they have been talking with the dissidents since 1995 but that, since the Peace Accord, the latter do not want to talk but only want to kill them.

Other attempts at mediation have also failed. At the local level however, according to the UPDF, an agreement was reached on 20 February 2000. A reconciliation meeting was held in Khagrachhari. Tatindra Lal Chakma represented the JSS and Dipti Shankar Chakma the UPDF; they came to an agreement that both parties would extend cooperation to each other to recover those who had been kidnapped; they would refrain from disrupting each other's movements and from detaining each other; they would not disrupt any meeting or demonstration by the other side; the date, time and place of any future meeting would be set through mediators. But, apparently, the agreement has not held for long. The UPDF alleges that the JSS has again killed several of their people in Khagrachhari, in violation of the agreement, among them Tara Kumar Chakma and Kalaya Chakma on 8 March 2000, and Sodoy Sindhu Chakma and Suimong Marma on 28 April 2000.

In July 2000, respected Jumma elders again requested that the JSS leadership enter into a dialogue with the UPDF. The outcome of this was not yet known at the time of publication of this update.

3.6 The Mru Bahini

During the armed conflict in the early 80s, the Mru - one of the ethnic groups living mainly in Bandarban District - had turned against the Shanti Bahini (SB) and JSS. According to Mru accounts, they initially supported the SB, gave them food and shelter and some Mru boys also joined the SB. But then the SB started demanding half of the products of their *jhum* and also other things such as cattle, and one day they raped one of their women whom they had called to husk paddy for them. Then the Mru got angry and attacked the nearby SB camp and killed some of the SB men. In turn, the SB retaliated and attacked the Mru village. That is how the conflict started and then escalated. After some time, the government was more than happy to help the Mru at their request and use them as a front against the Shanti Bahini. The Mru used their own home-made guns. They did not get arms from the government, but they did get military training - tactics and rifle weapon training - and salaries.

Previously, the Mru were against any peace agreement as they felt discriminated by the Chakmas and they thought that if the SB gained power they would be discriminated against even more. They felt equally discriminated by Bengalis and a lot of their land was taken away by settlers. Now, the Mru have accepted the Peace Accord, as the government has also accepted it, and the JSS and the Mru Bahini tolerate each other. Since the Peace Accord they have stopped fighting but the Mru Bahini still exists and to this day its members receive a salary from the government.

3.7 The National Parliament and the Peace Accord

The *parliamentary opposition parties* - Bangladesh Nationalist Party (BNP), Jatiyo Party (JP) and Jamaat Islam - rejected the Peace Accord. They claimed that the Accord was unconstitutional and a sell-out to India. Opposition to the Accord was raised in the parliament and parliamentarians protested against the fact that the agreement had not been discussed in parliament prior to its signing. They also objected to amending and modifying the CHT Council bills and thus helped to delay the implementation process. It should be recalled here that several Members of Parliament for the BNP and Jatiyo Party were members of

the NCCHT and took part in the negotiations with the JSS. However, they did not show up for many of the meetings and so failed to raise their objections to the agreement during the negotiation process itself. They apparently preferred to cause havoc after the agreement was signed. BNP leader, Begum Khaleda Zia, called for a 'mass uprising' against the Peace Accord. In the six months following the signing of the Accord, the opposition, led by the BNP and supported by organisations of 'new' Bengali settlers, staged demonstrations, strikes, and a long march to the CHT, at times turning violent. On 14 December 1997, two Bengalis, Zakir Hossain (15) and Abdur Rasul (49), were killed when border security personnel opened fire on supporters of the Parbatiya Sarbadalia Oikya Parishad (All-Party Hill Unity Council) at Matiranga in Khagrachhari, protesting at the arrest of two BNP activists the night before on charges of instigation against the Peace Accord. Over 100 people, including 45 police personnel, were injured.¹⁵ There are also reports of clashes among pro- and anti-accord Bengalis in the CHT e.g. a few days after the signing of the Peace Accord, people with iron rods, daggers and sticks attacked pro-accord villagers at Shalban cluster village in Khagrachhari district. They ransacked houses, looted belongings and nine people were seriously injured.¹⁶

To further complicate the matter, disagreement emerged between the three MPs elected from the three Hill districts and the JSS leadership. An important point of disagreement was the issue of internally displaced refugees. In particular Dipankar Talukdar, MP for Rangamati district, is pushing for the resettlement of internally displaced Bengalis within the CHT, whereas the JSS keeps reiterating that these settlers should be resettled *outside* the CHT, as has been verbally negotiated with the government. The fact is that the MPs, who all belong to the ruling Awami League, owe their election partly to the votes of Bengalis and need to keep this sector of the electorate happy in order to get re-elected; many Jumma people may opt to give their vote to other Jumma candidates following the Peace Accord. The insistence of the MPs that preference should be given to the resettlement of Bengali internally displaced persons also needs to be understood in this context.

3.8 The Bangladesh civil society and the Peace Accord

As a result of the Peace Accord, the CHT has become a national issue for the first time. Now, the CHT issue is discussed in the Bangladesh parliament, and seminars and conferences are regularly held on the situation in the CHT. Before, the Jummas got some support for their struggle from a section of progressive Bengalis, but generally people knew very little of what was going on in the CHT. This was mainly due to the government's repressive policy, its control of part of the media and (self) censorship among the independent press. Nowadays, people are better informed about the situation in the CHT and there is ongoing debate.

There are several Bengali organisations and individuals supporting the Jumma peoples' cause. The *National Committee for the Protection of Fundamental Rights in the CHT*, an organisation of Bangladeshi citizens, has for a long time supported the struggle of the Jumma peoples and continues to speak out for their rights. The organisation has condemned the arrests of Jummas since the peace agreement as violations of their human rights and has criticised other repressive measures taken by the Bangladesh government, such as the prevention of the UPDF meeting on 26 December 1999. Several members of the National Committee for the Protection of Fundamental Rights in the CHT had come to Chittagong to take part in that meeting and one of them was arrested.

Several student organisations, women's organisations, progressive political parties and institutions have demonstrated their concern for the Jumma peoples' cause and now work closely together with Jumma

organisations. The initiative of the Bangla Academy to publish three volumes about the role of the indigenous peoples in the CHT during the Bangladesh liberation war of 1971 deserves a mention. As a result of the Chakma Chief choosing the side of the Pakistani authorities during the liberation war, the general impression of Bengalis is that all Jummas were against the independence of Bangladesh. This is a demonstrably false notion because many Jummas joined the liberation forces. The forthcoming publications may be helpful in giving the Bengali public a proper understanding of the history of the liberation war in the CHT.¹⁷

Since 1993, ethnic groups in Bangladesh¹⁸ have observed the International Day of the World's Indigenous Peoples declared by the United Nations. The Bangladesh Adivasi National Co-ordinating Council, in which Jummas are also involved, co-ordinates the organisation of this event. On the celebration in Dhaka on 9 August 1999 about two thousand Adivasis (as indigenous people in Bangladesh call themselves) participated and they jointly brought out a declaration, the so-called Adivasi Declaration, which they submitted to the government. Demands included in the declaration are: constitutional amendments to provide formal recognition to the indigenous peoples of Bangladesh as indigenous peoples and for conservation and enrichment of their culture, traditions, laws, customs, knowledge systems and languages; ratification of ILO Convention 169; recognition of communal land rights and traditional rights over forest lands; self government and representation of indigenous peoples, including women, in local government councils and in the national parliament.

In the CHT itself the *Adivasi Bangali Kalyan Parishad* (Indigenous Bengalis' Welfare Council) was set up in 1986. The organisation, consisting of so-called 'permanent' or 'indigenous' Bengali settlers - those settlers who came to the CHT during the British period, was not active until after the Peace Accord due to the army presence in the CHT. They support the Peace Accord and work with the JSS. According to the *Adivasi Bangali Kalyan Parishad*, 18,000 Bengali families were affected by the Kaptai dam - they were all relocated, but received little compensation. One of the leaders of the organisation found documents of the original agreement between Chakma Raja Tridiv Roy and the government of (then) Pakistan in 1955 about the rehabilitation of the people that would be displaced by the Kaptai dam. Out of the \$60 million budgeted for rehabilitation, only \$2.6 million was actually spent. The *Adivasi Bangali Kalyan Parishad* demands rehabilitation of the families displaced by the Kaptai dam, as well as rehabilitation of internally displaced 'indigenous' Bengali families.

There is a threat to peace in the CHT from Islamic fundamentalists as well. Several alarming reports have appeared in the press of Islamic fundamentalists smuggling large amounts of weapons into the CHT. For example, on 24 January 1999, the police reportedly confiscated more than 100 weapons, including 82 swords, from some buses and other vehicles at Kaokhali area, Rangamati district, and arrested 26 Bengalis in connection with this.¹⁹

It seems that many poor settlers, who depend largely on the government for their survival, are hardly involved in Bengali organisations that support the opposition to the Peace Accord. When representatives of The Chittagong Hill Tracts Commission asked Bengali settlers in various locations in the CHT whether they were involved with any Bengali settlers' organisations, they at first reacted by saying that there were no such organisations. Then, when some names of organisations were given, they reacted: "Oh, *those!* They are just rich people's business".

3.9 Communal riots

The relation between Jummas and Bengali settlers does not seem to have improved since the Peace Accord. Communal tensions have not ceased. The settlers feel threatened by the Accord, fearing that they will be evicted from the land they have occupied. Communal incidents are reported regularly, and they sometimes turn into violent confrontations between large groups of Jummas and settlers. Relatively small occurrences or just rumours are enough to spark off big fights; in such confrontations it is mostly the Jummas who get injured or sometimes even killed.

Some examples of communal riots between settlers and Jummas

On 6 April 1998, two Bengali children drowned while taking a bath in the Mayani River in the CHT. The police and a medical officer investigated the cause of death and certified that the deaths had been natural. But settlers staged a protest demonstration the next day claiming that the children had been killed by Jummas. They attacked Jummas passing on the road and injured Pre Kumar Tripura (18), Samir Kanti Chakma (21), Natun Bikash Chakma (22) and Pintu Chakma (18) who had to be admitted to hospital. On 9 April, Jummas held a protest meeting in Dighinala town against the attack and while returning home some Jummas were again attacked by settlers, tacitly supported by an army patrol group. When a large group of Jummas rushed to the spot, the settlers fled with the help of the army. Following the incident, settlers set fire to two Jumma houses.

On 3 July 1998, a clash between Jummas and settlers started in Rangamati town after a Bengali, who was gambling with other shopkeepers, scolded a group of Jummas who then tried to prevent the shopkeepers from gambling. The rumour of the incident spread and Bengalis started attacking Jummas and tried to set some Jumma houses on fire. The police did not intervene. Bengalis also ransacked a Buddhist temple and injured a Jumma monk and another Jumma. The next day Bengalis again attacked Jummas with iron rods in another part of Rangamati town, injuring eleven Jummas. That same night, more Jummas were attacked and several injured.

On 18 February 1999, during a Hindu festival in Khagrachhari district, Jummas were attacked by settlers armed with knives and sticks. This happened after a taxi driver had demanded an abnormally high fare from some Jummas and started abusing them badly when they refused to pay the high charge. The settlers also ransacked the local Hindu temple. At one point, on-looking soldiers came to help the settlers and opened fire on the Jummas. Fifteen Jummas were arrested and several had to be treated in the hospital.

On 27 March 1999, Jummas and settlers got involved in a violent clash after a Bengali shopkeeper in Khagrachhari town reportedly pushed a few Jummas with his elbow, upon which the Jummas demanded an apology. After the clash, the shopkeeper went to inform the local Awami League leader, Mr. Zahedul Alom, who then went to the Jumma area of the town with a group of settlers, shouting racist slogans. In the confrontation that followed, the security forces came to the help of the settlers and fired rubber bullets and tear gas shells. Houses of several Jummas were ransacked.

On 4 April 1999 there was a violent confrontation between Jummas and settlers in Rangamati district after Lila Dewan, a Jumma woman of Bhaibonchhara village, was molested by the owner of a tailor shop. When her relatives and other Jummas came to the shop in response to her screams, they were attacked by settlers and security personnel. Many Jummas were wounded, several had to be treated in the hospital.

On 26 September 2000 a clash between activists of Bangladesh Chhatra (Student) League (BCL) and Jumma students took place when the BCL students tried to hold a meeting in a classroom of Rangamati Technical Training College, despite being denied permission by the college Principal. The

leaders of both groups could come to a compromise, but the next day the Jummas were suddenly attacked by the BCL cadres in collaboration with settlers and at least 10 Jummas were injured, among them Josef Chakma, Dhananjoy Chakma and Biplab Chakma.

4. THE JUMMA REFUGEES

On 9 March 1997, a delegation of the government of Bangladesh and the Jumma refugee leaders signed a repatriation agreement in Agartala (Tripura, India). The agreement included a 20-point rehabilitation package (see box). The government refused to agree to the demand of the refugees to involve the UNHCR and ICRC in their repatriation and rehabilitation.

4.1 Repatriation

There had been two earlier (experimental) phases of repatriation on February 15, 1994 and June 21, 1994 during which about 5,000 refugees were repatriated.²⁰ Following the agreement between the refugees and the government, repatriation again started on March 28, 1997, and on 27 February 1998 the last group of refugees returned to the CHT. Officially, a total of 64,609 refugees (or 12,222 families) were repatriated. To this should be added some 20,000 refugees who were not officially registered as refugees returned to the CHT from Tripura, as well as some 5,000 unregistered refugees who had fled to the Indian state of Mizoram. So far, the government has refused to provide these latter groups of refugees with any of the facilities granted to the officially registered refugees.

Main points of the agreement between the refugees and the government:

1. The Jumma Refugees will be provided a guarantee of safety over their lives and properties.
2. Each refugee family will be provided with a cash grant of Tk.15,000, two bundles of CI-sheets and a permit for necessary plywood for house building.
3. Each refugee family will be provided with food rations for nine months following repatriation.
4. Each landed family will be provided TK 10,000 for a pair of bullocks.
5. Each landless family will be provided TK 3,000 for a dairy cow and arrangements will be made for land distribution according to the existing policy of the government.
6. Lands under the ownership of repatriated refugees will be handed over to the respective owners.
7. Bank loans of all the repatriated Jumma refugee families will be exempted.
8. Refugees who had government jobs before fleeing to India will be reinstated in their jobs and priority will be given to the refugees with regard to employment.
9. A "special examination" will be conducted for students who obtained degrees from schools established in the refugee camps and facilities will be given to students for re-admission to schools and colleges.
10. Refugee youths will be given priority in being appointed to 3rd and 4th class positions (i.e. jobs in the State bureaucracy)

4.2 Rehabilitation

The government formed a *Task Force*, now chaired by Dipankar Talukdar, MP from Rangamati district, to supervise the rehabilitation process. The other members of the Task Force are: a representative of the Jumma refugees, a representative of the JSS, a representative of Khagrachhari Hill District Council, the Commissioner of Chittagong Division, the army commander of Khagrachhari Zone, the Deputy

Commissioner of Khagrachhari district and several Thana Nirbahi Officers (TNO - a local administrative officer).

According to government sources, the total allocation for rehabilitation of the repatriated Jumma refugees was Tk. 370 million. Of the repatriated families, 12,193 were given cash for building their houses, 10,970 families were provided with two bundles of CI (corrugated iron) sheets each and bullocks were given to 2,946 families, cows to 8,197 families and money was committed to 10,409 families. In total, 275 families lodged complaints with the district administration regarding their land. At least 70 repatriated refugees out of 170 eligible were reinstated in their jobs.²¹ No official figures are available for the number of repatriated families who regained their land.

One and a half years after the repatriation started, the CHT Returnee Jumma Refugee Welfare Association, headed by Upendra Lal Chakma, conducted a survey among all the repatriated refugees concerning their rehabilitation (see box for the main findings of the survey). Their findings, up to February 1999, provide a picture that differs from the one emerging from the official data above. According to the survey, 3,055 families (or 25 percent of all repatriated families) have not yet received their lands back as promised, while 40 entire villages have not been returned to the refugees at all because they are still completely occupied by settlers. Complaints have been lodged with the authorities concerning all these cases.

Findings of the survey on implementation of the agreement with the refugees:

- 1,339 repatriated families have not been returned their homesteads.
- 942 families have not been returned their paddy lands.
- 774 families have not been returned their horticultural gardens.
- 40 villages have not been returned to the refugees at all.
- All families have been provided with Tk.15,000 and two bundles of CI-sheets.
- All families have been provided with food rations for 9 months.
- 890 landed families have not been given a pair of bullocks or Tk.10,000.
- All landless families have received Tk.3,000 for a dairy cow.
- Seven Buddhist and Hindu temples are still occupied by settlers, two by security forces.
- One orphanage is still occupied by settlers, all 72 boys from this orphanage are in France where they have been adopted.
- 642 families had bank loans, but no one has been exempted.
- It is not specified as to whether and how many Jummas were reinstated in their jobs.

Under the agreement with the refugees, the government promised to provide them with free food rations for nine months, as they would not be able to get crops from their land or alternative income immediately upon return to the CHT. The refugees did receive the rations but since many of them have still not been properly rehabilitated, they now face great difficulties in surviving, especially those who are still staying in transit camps. After a visiting European Union delegation appealed for further support in a memorandum, the Bangladesh government gave food rations for nine more months. In the meantime, many of the refugees are again without any food supplies as they have still not been resettled properly. The internally displaced refugees have not received any rations at all. In contrast, many settler families have been getting free rations ever since they came to the CHT in the late 70s and early 80s. One Jumma leader has rightly

pointed out that the fact that rations have been given to the settlers since the 1970s is proof that the settlement of Bengalis in the CHT is not economically viable.

A case of racial discrimination?

The Jumma refugees repatriated from India have received food rations for less than one and a half years following their return from India, the internally displaced Jumma refugees have not received any rations at all. By contrast, Bengali settlers brought to the CHT in the late 1970s and living in cluster villages have been receiving food rations ever since they arrived in the CHT. In Khagrachhari district alone there are 80 Bengali cluster villages, inhabited by 26,262 families (or approximately 125,000 individuals).²² Settlers living in these cluster villages are still receiving free rations, consisting of food grains received through the World Food Programme, aided by the Australian and Canadian governments. Quite clearly, Bengali settlers and returned Jumma refugees are not treated on a equal footing.

During their visit to the CHT in January 2000, representatives of The Chittagong Hill Tracts Commission spoke to many Jumma refugees as well as to many Bengali settlers. Refugees showed official documents regarding their land cases. In a few cases, orders had already been issued to settlers to vacate the land but the settlers had ignored these orders and the authorities had taken no further steps (see boxes for examples). Settlers complained that they had never received any land for cultivation as they had been promised. They were dependent on food rations from the government, on work as day labourers or on cultivating some hillside lands. According to the settlers, only about half of them had ration cards. They also emphasised that they had nowhere else to go as they had left their native villages long ago in the 70s and 80s and had nothing there to go back to. It was striking that upon further questioning, *all* settlers invariably said that if they would be given an opportunity elsewhere in Bangladesh they would be happy to take that opportunity and leave the area. There was only one exception: a settler who said that he had bought land in the CHT and was not prepared to leave the area because his land was there.

Land case of Ms. Munika Chakma

Ms. Munika Chakma owned three acres of land before she fled to India after the massacres in 1986. Upon return from India, she found all her land occupied by 22 Bengali families. These settlers had been resettled there from another village in Dighinala area in 1994. She lodged a case against the occupation of her land (misc. case nr. 106/98). Ms. Munika Chakma showed a letter from Mr. Salauddin, the local TNO, dated 21/7/99, informing the Deputy Commissioner that her land should be vacated by the settlers and that the 22 settler families demanded rehabilitation and shifting charges. When the representatives of The Chittagong Hill Tracts Commission visited the settlers, who were still in occupation of Ms. Munika Chakma's land, they denied having received any orders to vacate the land. One of them, Md. Harej Mia, s/o Mohammed Ali, was one of the occupants. He said that he came to the CHT in 1984. At first he had been kept near the army cantonment in Dighinala and since 1993 he had been settled here. He never received any land for cultivation from the government but he was cultivating some hilly land. Other settlers also testified that they had never received any land for cultivation, despite promises from the government.

From talking to Jumma refugees and Bengali settlers, it was also confirmed once more that it had been a deliberate strategy by the Bangladesh army to drive out the Jumma population in order to settle Bengalis from the plains or establish army camps in places that had been deserted by the terrorised Jummas. In 1986, in particular, there were large-scale attacks by the military on Jumma villages in the Dighinala and Panchhari areas of Khagrachhari district. The whole area was set on fire and many Jummas were

massacred. Many of the Jumma refugees fled from their homes during that time, either to India or into the jungle.

Boalkhali

In Boalkhali near Dighinala town, there had been an orphanage run by Buddhist monks since 1961. The orphanage was set on fire by the military in 1986, and all survivors fled from the area. Since then the whole area has been occupied by Bengalis. These settlers told representatives of The Chittagong Hill Tracts Commission that they had all been brought there in 1986. They had come to the CHT in 1979 and had first been taken to Langadu. From there they had been transferred to Babuchhara in March 1983. In 1986 they were taken to Boalkhali where they had been living ever since. On the site of the destroyed orphanage the government had constructed a government high school for Bengalis. Before the settlers came to the CHT, they were promised five acres of land, two years' rations and Tk. 300 monthly for as long as they did not receive land. But they never got the land or the money – only food rations.

Chhoto Merung

In the Chhoto Merung area under Dighinala, a major massacre occurred on 19 December 1986. After that the Jummas fled to India and Bengalis were brought in; they occupied all the land. None of the Jumma refugees here got their land back after they returned from India. In contrast to the settlers in Boalkhali, several settlers in Chhoto Merung testified that they did receive five acres of land in this area.

4.3 Internally displaced refugees

Due to repression by the security forces over many years, large numbers of Jumma people have been uprooted from their houses and land and forced to flee into the jungle, or to relatives in safer places in the CHT. According to the Peace Accord, the internally displaced refugees will be rehabilitated by the Task Force. One of the most contentious issues in connection with the rehabilitation of these internally displaced refugees is over the role of the Task Force. Not only is their rehabilitation still pending, but a major conflict erupted between the government and the JSS leadership over *the mandate of the Task Force*, or more concretely: over the question whether Bengali settlers should also be considered internally displaced people. The Task Force has sent to the Ministry a list of 128,364 families (or approximately 500,000 individuals) of internally displaced persons to be rehabilitated, comprising 90,208 Jumma families and 38,156 non-permanent settler families. Task Force chairman Dipankar Talukdar (Jumma MP for Rangamati district) has given instruction to include Bengali settlers, but the JSS vehemently opposes this, fearing that this may lead to the legal recognition of settlers as residents of the CHT and thereby as legal owners of the land.

The number of internally displaced refugees identified by the Task Force is huge if one takes into consideration the total population of roughly 600,000 Jummas and 500,000 Bengalis in the CHT. This means that about half of the population of the CHT has been designated as displaced by the 25 year-long conflict.

Many of the internally displaced Jumma refugees are still living in starvation conditions. As already mentioned, they have never received any food rations from the government. In 1998, a Jumma NGO, Taungya, reported on malnutrition and starvation conditions in Langadu thana and Baghaichhari thana in Rangamati district. Workers from Taungya went to investigate reports on the deaths of five people in Langadu and 35 in Baghaichhari because of malnutrition and lack of medical facilities. In both areas,

people had been internally displaced in the late 70s and 80s and they had returned to their original areas after the signing of the Peace Accord. However, they had found their lands occupied by settlers and many had been living off wild potatoes and bananas for weeks, waiting for the harvest of some *jhum* cultivation which they had taken up, compelled by necessity. After Taungya brought out its shocking report, the returnees to this area received some food aid through the World Food Programme²³. Odhikar, a Bangladeshi human rights organisation, also reported the death of 23 internally displaced refugees in the CHT through lack of food and medicines in 1999.

4.4 The security situation

Under the agreement with the Jumma refugees, they have been guaranteed that their lives and properties would be safe following repatriation. But many refugees feel that their lives are far from secure. They have been threatened by the security forces and by settlers on several occasions. Some of the reported incidents illustrate this lack of security:

- On 25 February 1998, settlers murdered Shashi Mohan Chakma (48) of Bacha Maram village in Dighinala thana, Khagrachhari district. That evening, three settlers came to his house and took him away. His dead body was found three days later, on 28 February. Shashi Mohan Chakma had got into conflict with the settlers over his land, which he found occupied by them after his return from the Tripura refugee camp.
- In another incident on 20 September 1999, twelve refugee families from the transit camp at Dighinala model primary school were forcefully evicted by the police in order to move them to another transit camp. The police used a lot of violence as the refugees were reluctant to move to yet another camp. Eleven refugees, mostly women, were wounded, including a 6-month-old baby who received a blow to his head from a policeman's stick. These eleven people all had to be treated in hospital.
- On 16 October 1999, there was an incident in Babuchhara, Dighinala thana. It was market day and Durga Puja, a Hindu festival. Hundreds of people were in the market place when a Jumma woman was sexually harassed by an army man who touched her breasts. In reaction to this harassment, young Jummas manhandled the army man who then went to the nearby army camp only to come back with other soldiers and settlers. In the fight that ensued, one Jumma man died on the spot and two others were so severely injured that they later succumbed to their wounds in hospital. Settlers and army personnel also entered the Buddhist temple near the market and beat up monks. Hundreds of wounded Jumma people had to be treated in hospital for bone fractures and wounds. Several Jumma-owned shops were ransacked and damaged. Jummas protested against all this when Kalparanjan Chakma, Minister for CHT Affairs, and the Minister of Civil Aviation came to see the place after the incident. The Ministers assured that a judicial enquiry headed by a High Court judge would be carried out and that the guilty persons would be punished. They also promised compensation to the victims. A commission was to be appointed consisting of a Magistrate, a Police Officer and the Jumma chairman of Babuchara Union Council. Just before sending this update to the press, The Chittagong Hill Tracts Commission received information that Judge Siddiqur Rahman Miah had submitted his investigation report on the incident to the government. Surprisingly, the enquiry commission apparently consisted only of this one judge and, according to the information, 4 military personnel and the Babuchara Union Council chairman (who was originally appointed as a member of the enquiry committee) are held responsible for

the incident. Unfortunately, The Chittagong Hill Tracts Commission could not get more information, nor verify the received information before going to press.

5. LAND ISSUES

The land issue is undoubtedly the most fundamental problem in the Chittagong Hill Tracts. Finding a solution to the many problems related to land rights and to the indigenous peoples' rights to resources is vital not only for the well-being of these people but for establishing and maintaining a lasting peace. It may prove to be the litmus test of the government's sincerity in implementing the Peace Accord.

Land for permanent agriculture has always been a scarce resource in this hill area. Only about 3 percent of the land in the CHT is suitable for agriculture and about 19 percent for horticulture. The rest of the land is government-owned. With the inundation of 40 percent of the arable land after the construction of the Kaptai Dam and the transmigration of more than 400,000 Bengali settlers, which almost doubled the population within a single decade, land scarcity has reached crisis levels. Land scarcity in the CHT has a direct impact on the economic and health situation of the Jumma people, who find it increasingly difficult to make a living on ever smaller plots of land.

Questions of land and resource management rights have figured prominently in the Peace Accord. Some of its provisions constitute improvements compared with previously existing legislation and regulations. The most crucial aspects of the Accord with regard to land have already been mentioned in Chapter 2, section 2.3. The Peace Accord undoubtedly represents a step forward in the recognition of the rights of the Jumma peoples to their own land, but some issues remain unresolved. Moreover, the past two years have seen very little progress on the ground, which is mainly due to the lack of implementation of the Accord.

The main points of the Accord with regard to land:

1. The power and authority of the Hill District Councils with regard to land-related matters is strengthened. Land and land management is defined as one of the functions of the Hill District Councils. No land in the CHT, including *khas* land, shall be transferable by settlement, purchase, sale, or lease, except with the prior permission of the Councils. The reserved forests, Kaptai Hydroelectric Project, and other State-owned lands and properties are excluded from this (section Kha, clause 26 (1)). To some extent this clause restricts the freedom of the government to dispose of land in the CHT.
2. Establishment of a Land Commission with far-reaching power in settling land disputes. This Commission has the full authority to annul the rights of ownership of lands that have been illegally settled and no appeal can be made against the decisions of the Commission, which are final (section Gha, clause 4).
3. Land allocated to Bengalis for establishing rubber and other plantations, which has not been used for the past ten years or not been utilised properly, has to be returned (section Gha, clause 8).

Main weaknesses in the Accord and implementation with regard to land:

1. The Hill District Councils have not been given the authority to deal with the largest part of the CHT area, i.e. the reserved forests and unclassified State forests, nor with land already leased out by the government, including land leased to non-resident individuals and corporations for commercial plantations and industries.
2. The legislation empowering the Hill District Councils and the Regional Council to assume their role in land and resource management as well as in development projects has still not been adopted. This is

crucial not only with respect to maintaining equitable and sustainable use and management of agricultural and forest land, but also with respect to controlling and ensuring environmentally-sound exploitation of mineral resources.

Furthermore, the extent to which the local people will benefit from mining and oil extraction is still not clarified. The Accord does not specify how royalties for the exploitation of mineral resources shall be shared with the Hill District Councils.

3. In the previous chapter we discussed the large number of repatriated refugees who have still not been returned their land, as well as the problem of the internally displaced Jumma refugees whose rehabilitation is still pending. The question of how to deal with the problem of land belonging to Jumma people but occupied by settlers is very sensitive. No progress has been made in finding a just and viable solution.

4. The Land Commission has been established but has not yet started functioning. A weakness of the Accord in relation to the Land Commission is that it provides for an executive order and not for formal legislation. Several lawyers and Jumma leaders have pointed out that formal legislation in the constitution and details of the mandate of the Land Commission is needed in order to prevent opponents of the Accord from challenging its validity and legitimacy.

The provision in the Accord that the Land Commission 'will resolve disputes on the basis of existing laws, customs and systems of Chittagong Hill Tracts' is positive (section Gha, clause 6 Kha). However, *customary land laws may be found to be in conflict with national land laws and, moreover, the notions of land ownership held by the government and by the Jumma people are in contradiction with each other*. This may lead to serious differences of opinion within the Land Commission itself. The period of tenure of the commission will be three years but the tenure can be extended in consultation with the Regional Council. It seems an impossible task for the Land Commission to resolve the thousands of land disputes in three years.

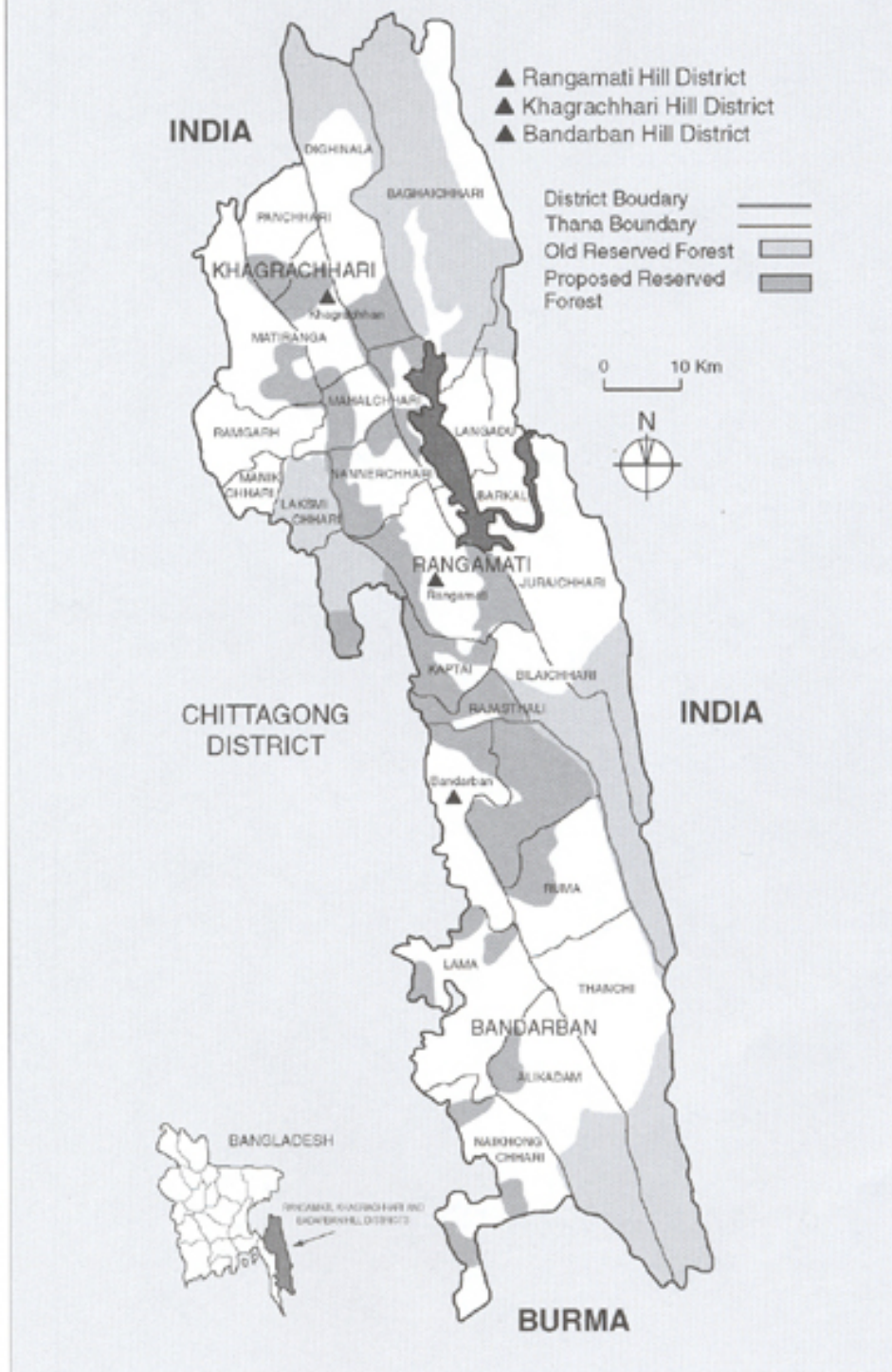
In spite of a provision regarding unused land, leased out for the establishment of plantations, these leases have not yet been cancelled and no such land has been returned to Jumma people. On the contrary, there are reports that the handing out of land to local and non-resident influentials by the Deputy Commissioner, avoiding the headmen and the Hill District Councils, is continuing.

Government projects, Reserved forests and Unclassified State Forests are excluded from the Hill District Councils' control over land. The Ministry of Environment and Forests plans to declare a total area of almost 220,000 acres in the three Hill Districts as additional reserved forests under different schemes. This means that the Ministry will have exclusive control over these lands, reducing even further the limited authority of the Hill District Councils. Half of this land has already been declared as reserved forest during the last three or four years and some 2,000 people, mostly from the Khyang community, have been evicted from their land without any compensation. It should be kept in mind that the major portion of the CHT already consists of reserved forests over which the Hill District Councils have no authority. With the declaration of additional reserved forests, the central government is seeking to establish control over an even larger part of the Chittagong Hill Tracts. This means above all that another 200,000 people will be affected and their rights over land and forest resources will be denied. Most of them will have to relocate if the plans are implemented. Jumma people suspect that the government is planning to resettle Bengalis in reserved forest and unclassified state forest areas.

There are grounded fears that these so-called *re-forestation programmes*, which are funded by the Asian Development Bank, costing about US\$ 100 million dollars, may be detrimental to the environment and the people because the programmes aim at establishing commercial tree plantations instead of diverse, multi-purpose natural forests which could benefit and be managed by the local people. The affected people, together with a number of Jumma leaders, have formed the *Committee for the Protection of Forest and Land Rights* to oppose these programmes and put pressure on the government to develop an alternative forest conservation approach. To that end, the Committee, with ex-Rangamati District Council chairman Gautam Dewan as its convenor, has organised rallies and sent memoranda to the government. The Committee has pointed out that the proposed programmes will destroy the biological and cultural diversity of the region and will not benefit the local people. They may lead to the extinction of the indigenous peoples and many forms of plant and animal life. The Committee also pointed out the illegality of the process that the government is following, violating its own laws, various agreements, including the Peace Accord, and international conventions.

On top of this the Bangladesh Army and Air Force have plans to acquire no less than 30,444 acres of land in Bandarban district (11,444 acres in North Hangar Mouza, Sualok Mouza, and Rengkhayang Mouza and 19,000 acres in Shout Hangar Mouza, Tnagaputi Mouza and Harin Jhiri Mouza) to be converted into artillery training grounds. If these plans materialize this again means that 25,000 people will be evicted from their land. Moreover, the army plans to acquire another 184 acres of land to expand its brigade headquarter in Bandarban Town. This will uproot another 4000 people. Protests by local people have so far not resulted in any concessions by the government. Clearly, despite the peace accord, the Bangladesh government continues to evict Jumma people from their own land to make way for Bengali settlers, entrepreneurs and army men. Bangladeshi public opinion and the international community remain largely unaware of this unabating forced eviction.

LOCATION OF PROPOSED & OLD RESERVED FOREST



Source: Committee for the Protection of Forest and Land Rights, Chittagong Hill Tracts, Bangladesh

6. STATUS OF JUMMA WOMEN

Women and girls are particularly vulnerable in violent conflicts and they are often subjected to rape and other sexual violence. The disruption of normal life weighs heavily on women and girls.²⁴ During the armed conflict, many Jumma women reported that they had stopped wearing their traditional dress in order to avoid being immediately recognised as Jumma and thus easy victims of sexual violence. During the conflict, many Jumma women were raped and killed by the security forces and Bengali settlers, many disappeared and were forcibly converted to Islam and married to Bengalis. In some cases, the Hill Women's Federation could take action successfully and the culprits were punished, but in other cases the perpetrators were never caught or tried in court. The most publicised case was the disappearance of *Kalpana Chakma*, Organising Secretary of the HWF. She was abducted from her home in Rangamati district on the night of 11-12 June 1996 by a group of plainclothes army personnel.²⁵ After repeated protest and national and international pressure, the government of Bangladesh set up a commission of enquiry, which presented its report to the government only in March 1997. The government has so far refused to make the report public. No culprits have been punished and during all these years there has been no trace of Kalpana Chakma. Naturally, most people fear that she has been murdered.

Since the signing of the Peace Accords, Jumma women are still not safe, judging from reports of incidents that continue to reach the Chittagong Hill Tracts Commission. Rape, in particular, by both armed forces personnel and settlers is reported with frightening regularity. Sometimes women are held in prison, in so-called 'safe custody', after they have been raped. For example, on 28 June 1998, 13-year-old Kucharung Tripura was raped by three settlers at Alikadam thana. The rapists were Abdul Khalek, Hamidulla and Salamat Ullah. The victim was subsequently held in jail for 7 months. The Bandarban branch of the HWF filed a case and finally got her out of jail. This practice of 'safe custody' is applied not only in the CHT and not only to Jumma women; this is also done in other parts of Bangladesh. Instead of detaining the rapists while investigations are going on, their innocent victims are kept in prison.

A few of the reported incidents of rape

On 28 April 1998, Konika Tripura and Resmaiti Tripura were both raped by two policemen, Baper Barua and Sadeq Ali, while they were collecting firewood in the jungle at Rowangchhari thana, Bandarban district. After the HWF Bandarban branch filed a case, the policemen were suspended from service but not tried in court. The girls were given compensation of Tk 10,000 each.

On 1 January 1999, a 12-year-old girl, Beshbala Tripura (alias Maya Rani), of Bailyachhara Joutha Khamar (collective farm) in Matiranga thana, Khagrachhari district, was raped by Banar Ali, a settler, when she was alone at home.

On March 4 1999, Lance Nayek Muzibar from the Engineering Corps (16 East Bengal), engaged in the construction of the Chimbuk-Thanchi road, attempted to rape Songtal Murang (13) near Empo Para, Bandarban district, when she went to a nearby spring to fetch water. The girl was able to run away. The Chimbuk -Thanchi road is being constructed by the army and Jummas living in that area, mainly Mru, have been harassed in many different ways by the military.

On March 18 2000, five Marma people were returning from Chitmoram Buddhist Temple at Kaptai. When they reached Tin Tehari, Manikchhari thana, Khagrachhari district, a cluster village of Bengali settlers, a group of settlers robbed them of their money and gold ornaments. The robbers also kidnapped Chunew Marma (13) and raped her. According to the victims, the following settlers were involved: 1. Md. Aziz, 2.

Jamal, 3. Md. Ershad, 4. Md. Sirajul, 5. Md. Mofazzal, 6. Md. Jahangir, 7. Md. Shamsul Islam (all from Tin Tehari cluster village), 8. Md. Khorshed from Debpoa 9. Mohammad Rafiq Mia, Jahangir's relative 10. Md. Mizan, and 11. a friend of Jahangir known as Lal Boarder Driver.

On 13 August 2000 at mid-night a group of Bengali youths led by Ali Ajar (18) s/o Hafej Mohammad Ullah of Hafchari mouza, Guimara thana, Khagrachari district tried to kidnap Mallika Tripura (13), d/o Upendra Lal Tripura of the same village. Mallika's brother, helped by a Bengali, could catch Ali Ajar and handed him over to local Bengali leaders. The latter then proposed to Mallika's guardians to marry her to Ali Ajar, which they refused. Mallika's sister filed a case against Ali Ajar (18) and 10 associates. When a local Awami League leader was killed by dacoits in the following days a false case was filed against Mallika's guardians and the Bengali who had helped them and they were arrested by the police. Mallika went in hiding.

6.1 The Hill Women's Federation

Although initially the Hill Women's Federation (HWF) remained united over the Peace Accord, after several months it also split into a pro-JSS and a pro-UPDF faction. The pro-JSS faction is mostly concentrated in Bandarban District whereas the pro-UPDF faction is active in Khagrachhari and Rangamati districts, as well as in Dhaka.

Like the UPDF factions of HPC and HSC, the HWF (UPDF faction) also maintains close contact with progressive Bengali organisations. The HWF addresses the oppression of their women in Jumma society and raises the issue of equality and respect for women within their counterpart organisations the HPC, HSC and UPDF. They also raise issues and problems specific to Jumma women in the general women's movement in Bangladesh and work closely with Bengali women's organisations.

The HWF (JSS faction), which is concentrated mainly in Bandarban district, is involved in awareness raising on women's rights among Jumma women, they organize training for women, and are taking up rape cases. They have already succeeded several times in bringing the culprits to court.

In 1999 HWF (UPDF faction) brought out a booklet (*Paharer Ruddhokontho* - Obstructed Voices from the Hills) with the support of some Bengali women. This booklet contains Jumma women's accounts of their life under repression, as well as songs, poems and photographs. The publication is dedicated to Kalpana Chakma and also contains parts of her diary and writings.

7. OTHER HUMAN RIGHTS VIOLATIONS SINCE THE ACCORD

Despite the fact that many Jumma villagers in the CHT told representatives of The Chittagong Hill Tracts Commission that they were less frequently harassed by the military since the Accord, reports of continued human rights violations by security forces personnel and settlers continue to reach The Chittagong Hill Tracts Commission from various sources. The army is still omnipresent in the CHT and army operations continue. Many of the human rights violations, such as unlawful detention, killings and rape, have already been mentioned in other sections of this update.

The Bangladesh government uses the internal conflict among the Jummas and the activities of the UPDF and its allied organisations as an excuse to maintain a huge military presence in the CHT. However, there

are reasons to believe that the presence of the army itself only adds to the conflict among the Jummas. It also needs to be emphasised once again that as long as the security forces remain present in large numbers in the CHT and there is no solution to the settler problem, tensions will remain and human rights violations and communal riots will continue to occur.

If the government is sincere about establishing peace in the CHT it is imperative that past human rights violations are investigated, investigation reports made public, and the perpetrators brought to court and duly punished. Moreover, the human rights situation in the area should be monitored continuously. This would give the people more confidence in the peace process.

Some of the reported human rights violations by security forces personnel

On 15 July 1998, Sagarmoy Chakma and Sashi Bushan Chakma, both JSS members, were kidnapped, allegedly by masked army men, from Perachhara, Khagrachhari district. Sagarmoy Chakma was killed, reportedly because he refused to give up his membership of the JSS, while Sashi Bushan Chakma was released on condition that he would not support the JSS any more. Sagarmoy Chakma's body was later recovered from the Chengi river.

On 16 February 1999, during a Hindu religious festival locally known as Shib Mela, soldiers from Kukichhara army camp in Khagrachhari district attacked some Jumma villages near where the festival was taking place. They lathi-charged (attacked with clubs) a crowd of people who had gathered after an auto-rickshaw ran over a Jumma woman. The enraged people refused to disperse and set a motor bicycle and a bus on fire. The army retreated, firing blank shots, but after some time when most people had left, the army came back with more men and launched a reprisal attack on the people in the adjacent villages. The army went on the rampage, beating up many villagers, misbehaving with the women and looting valuables. On the way back to their camp the soldiers picked up 13 innocent Jummas from the roadside, took them to the camp and beat them up. They were admitted to Khagrachhari hospital with serious injuries.

On 21 March 1999, a joint force of army and police personnel led by the commander of Panchhari Zone raided the offices of the HPC, HSC and HWF (UPDF) at Baro Kalak, Khagrachhari district. Two persons wearing masks led the operation. When they did not find any leaders or workers from these organisations, they gathered innocent villagers at an open area and beat up Kala Maratto Chakma (35) and Uddiman Chakma (12).

On 5 April 1999, a group of soldiers led by Major Sarwar (20 East Bengal, Artillery group) from Barmachhari camp in Lakshmichhari, Khagrachhari district, raided the house of HPC leader Anil Chakma in Bakchhari, who was not at home. The soldiers searched the house for weapons but when they did not find any they also searched the house of his neighbour and houses in Barmachhari market, took away valuables and took two shopkeepers - Dayal Dhan Chakma and Palash Barua - to the army camp. After protests from local elders the army released both of them.

16 October 1999 - Babuchhara incident - see chapter 4.

On 12 September 2000 army men from Bandukchhari camp under Jurachari thana of Rangamati district conducted an operation at Chegeiyachari village of Andar Manik mouza and beat up and arrested three Jummas, falsely alleging that they were in the possession of arms. The arrested persons are Sadhan Mani

Chakma alias Udayan (returnee PCJSS member), Natun Mani Chakma and Asha Chakma alias Thabak Kabya, all of village Chegeiyachari under Jurachari thana.

8. 'DEVELOPMENT' IN THE CHT

Before the Peace Accord, 'development programmes' had been instruments of the government and military with which to carry out counter-insurgency programmes in the CHT, control the population and prevent them from actively supporting the JSS and Shanti Bahini. Road construction, telecommunication, so-called population rehabilitation programmes and so on, principally served counter-insurgency purposes. The Chittagong Hill Tracts Development Board (CHTDB) was set up for this purpose during the regime of General Ziaur Rahman, and the GOC (General Officer Commanding) Chittagong, who is in charge of military operations in the CHT, was made ex-officio chairman of the CHTDB. Consequently, most donor governments and institutions wisely refrained from giving funds for the CHT.

8.1 Government development plans for the CHT and foreign aid

Following the signing of the Peace Accord, many donor governments expressed their willingness to fund development projects in the Chittagong Hill Tracts. On 22 February 1998, the government of Bangladesh submitted a US\$255 million development plan for the CHT to its donors, mainly covering infrastructure, such as roads and buildings. However, western donor governments jointly rejected this plan. Apart from the lack of an integrated approach and doubts about the urgency of the proposed plans as such, another reason for rejecting the plan was that it had not been formulated in co-operation with the JSS and other interested Jumma organisations and representatives.

As the implementation of the Peace Accord has been delayed, more and more donors have had further reservations about sanctioning development proposals from the Bangladesh government. Until now, most donors have remained reluctant to commit funds for the CHT and are awaiting further implementation of the Peace Accord. Some donors, e.g. the *European Union*, have explicitly stated that they will not sanction any funds for development programmes in the CHT until and unless the Peace Accord has been implemented and peace has returned to the CHT. EU representatives have further specified that EU member states would consider granting funds for the region only when critical issues have been resolved: operationalisation of the Regional Council, restructuring of the three district councils in the light of the Peace Accord, and the functioning of a Land Commission. Unless these fundamental problems are resolved, development can have little meaning. The EU has also made it clear that there should be a code of conduct for NGOs working in the region, and which should be made operational before the EU will sanction funds for development.²⁶

Yet, a number of individual donor countries and international development agencies such as the *Asian Development Bank*, *World Bank*, *UNDP*, *DANIDA*, *UNICEF* and *UNESCO*, have not had the same reservations. They have allotted funds for various development schemes in the CHT. In 1998 the *Danish government* sanctioned Tk.1,500 million (approximately US\$30 million) for a road construction programme connecting the three district headquarters. Reportedly, they were under pressure to spend their funds for development aid, which were piling up after they cut their aid budgets to India and Pakistan in the wake of the nuclear tests carried out by both governments. The Danish aid commitment for the CHT was frowned upon by many other western donors, who had rejected the Bangladesh government's development plan.

The Asian Development Bank (ADB), along with UNDP and UNICEF, are among the very few institutions that have been funding programmes in the CHT on a large scale for many years. The ADB has funded mainly road construction, afforestation and cluster village programmes, which were manifestly all part of the counter-insurgency programme of the Bangladesh army. The ADB continues to provide huge amounts of funding for the CHT and is mostly involved in large infrastructural projects, such as the controversial afforestation programmes that have been described in chapter 5. The ADB has approved Tk.10,000 million (US\$200 million) for the year 2000. An ADB team visited the CHT in February 2000 to assess the feasibility of the projects, which include development of rural roads and infrastructure, prevention of hill erosion and establishing women's rights. Some of these programmes are projected as benefiting the population, such as the so-called 'share-basis afforestation programmes' in which Jummas who work in the project will get 15% of the profit of the trees, while the Raja (Chief), the Hill District Council and the headman will receive 5% each and the forest department will get the remaining 70%. However, contrary to government and ADB propaganda, Jumma people have been deceived in the past. For example, those involved in rubber plantation programmes have not received ownership documents for the 2 acres of rubber plantation that was promised them, and quite a large number of Jummas have been robbed of their land and victimised by these projects. Previously initiated programmes of afforestation and so-called 'Jhumia rehabilitation schemes', in which Jummas were forcefully resettled into cluster villages, continue and are still funded by the ADB as already mentioned in Chapter 5.

UNICEF has been involved in community development programmes in cluster villages for many years, among others by funding the construction of community centres, and is continuing its support to these programmes.²⁷

Examples of government development projects

Apart from the adverse impact which development programmes in the CHT will have unless peace is first restored to the region, it is also very doubtful whether the government will prioritise development programmes that have a positive impact on the livelihoods of the inhabitants of the CHT.

For example, the government initiated an *Integrated Agricultural Development Project* (IADP) in the CHT with an involvement of Tk.300 million (US\$6 million) for the years 1996-2000 but by the end of 1999 only Tk.135 million had been sanctioned, of which Tk.120 million was spent on salaries and allowances for project officials and employees.²⁸ The project includes the construction of no less than 75 dams for agricultural development in three hill districts, one agro-services centre, one nursery and two seed-processing centres. Owing to a shortage of funds, construction work is taking place for only eight dams, the agro-services centre and one seed-processing centre. Work on the remaining projects stopped soon after it began. Even if the remaining amount of Tk.160 million is made available, it would most likely be spent again almost entirely on salaries and allowances. Thus what looked like a development project turned out to be little more than an employment generator for the project staff.

The Bangladesh government allocated Tk.100 million (US\$2 million) for another development project to increase facilities for officials and employees of the *Forest Department* in the three hill districts. The expectation was that the Forest Department staff would be better able to preserve and maintain the CHT forests and to protect the trees from illegal loggers and smugglers. Under the programme, an office building, a rest-house and residential accommodation are to be constructed and renovated, and officials will be provided with vehicles, arms, ammunition and wireless sets.²⁹

Jumma organisations and leaders in the CHT emphasise that these programmes are not at all beneficial to the people because they serve the interests of State officials, the military and entrepreneurs, who are all mainly outsiders and Bengalis. They also insist that *'development programmes' by government, foreign donors or NGOs are not welcome until the CHT Peace Accord has been fully implemented*, and then only if Jummas are involved from the planning stage onwards.

Moreover it is of crucial importance to avoid creating a situation in which 'development' efforts make it more difficult for Jummas to attain their long-standing aims and demands. Some donors and NGOs have been toying with the idea of supporting development programmes designed to resettle Bengali settlers *within* the CHT. These would create new obstacles to their being resettled outside the CHT. In this connection, the EU's offer to provide funding for the resettlement of Bengalis *outside* the CHT needs to be reiterated. So far the government of Bangladesh has refused to submit any such projects.

Donor governments and institutions have been stressing the importance of involving Jumma people in the planning and implementation of development programmes. The importance of this should be emphasised. However, as a result of the conflict among the Jumma people themselves, the question of who actually represents the Jumma people and consequently whom the donors should deal with, needs to be addressed. In fact there are now three major parties among the Jummas:

1. the three Members of Parliament (MPs) who belong to the ruling Awami League party and who were elected by the Jumma and Bengali people in the CHT before the Peace Accord was concluded. They represent the people of the three Hill Districts in the Bangladesh Parliament;
2. the JSS, which has had the general support of a large part of the Jumma people during its 25 years of armed struggle, and with whom the government has come to a peace agreement; its leaders now hold key positions in the Regional Council;
3. the Jumma people who have decided to continue the struggle for autonomy and constitutional recognition of the identity of the Jumma people, organised under the banner of the UPDF; they also appear to have considerable support among Jumma people.

8.2 The UNDP Mission

After the Bangladesh government had submitted its development plan for the CHT to its donors, these latter proposed sending a mission to the CHT in order to identify immediate and long-term requirements for development and peace. After several delays, this proposal was accepted by the government and the United Nations Development Programme (UNDP) was requested to facilitate co-ordination among the donors and to fund the mission. The mandate of this *'Needs Assessment Commission'* was to identify all the so-called 'stakeholders' (the future beneficiaries), to consult with their representatives on the immediate needs to be met and how this could best be done, and to set up methods for a decentralised and participatory planning process and for identifying medium- to longer-term development goals, which could range from providing support for basic necessities such as the supply of food and drinking water, health care, and education, to the building of confidence between the communities and peace-building. In April 1998, the mission visited the CHT and it presented its report to the Bangladesh government in mid-May 1998.

It should be mentioned that Mr. Ali Haider Khan, who the government appointed as head of this mission, had been Deputy Commissioner of the Chittagong Hill Tracts in 1980. In this capacity, he sent to his

colleagues in other districts of Bangladesh the infamous secret memorandum giving 'guidelines regarding the programme of settlement of landless non-'tribal' families from other districts in the CHT' which resulted in the settlement of more than 400,000 Bengalis in the CHT and a sea-change in the area's population balance.³⁰ Considering his past involvement in the oppressive administration of the CHT, Mr. Ali Haider Khan was hardly a wise choice to explore 'confidence-building' initiatives; he was anything but a neutral member of the UNDP-sponsored Needs Assessment Commission.

The JSS leadership criticise the report because it ignores their suggestions and does not mention their view that a *precondition* for implementing development programmes in the CHT is the establishment of proper administration in the area and full implementation of the Peace Accord. The UNDP organised a seminar with donor governments in Dhaka to discuss the findings of the report and future development plans for the CHT but without proper representation of the JSS and other Jumma organisations. Although Shantu Larma, leader of the JSS, was invited to the conference, he was not allowed to speak, and Chakma Chief Raja Devashish Roy was invited to speak only at the last moment. It is difficult to square this *faux pas* with a serious intention to involve 'stake-holders' in the development of the CHT.

8.3 Development and the Regional Council according to the Peace Accord

The Peace Accord states that the three Hill District Councils will "initiate or implement development projects in the transferred subjects and all national level development programmes will be implemented through the Hill District Council by the concerned ministries/divisions/organisations." The government will allocate funds for development programmes. All development activities will be co-ordinated by the Regional Council and its decision will be final in case of conflict. The Regional Council may also co-ordinate the activities of NGOs and provide direction in disaster management and relief programmes. So the Peace Accord highlights the CHT Districts Councils and the Regional Council as the main agents to implement development programmes in the CHT. In addition to these State institutions, NGOs will also play a role in development.

In this light, one of the recommendations made by the Needs Assessment Commission is of special importance: to conduct training programmes for members of the Regional Council and District Councils, and for local government staff in order to familiarise them with the content and requirements of the Peace Accord as well as with ways of handling post-conflict situations and with methodologies required for reconstruction and development.

8.4 The Rangamati Declaration

After years of armed struggle, the JSS had to transform itself into an overground political party after December 1997. It had to involve itself in civil administration and development programmes to improve the lives of the Jumma people. In order to discuss, among other matters, the direction that future development programmes should take, the JSS organised a conference in Rangamati on 18-19 December 1998. Members from various indigenous communities and organisations participated in the conference and unanimously adopted the '*Rangamati Declaration*' in which development priorities and desirabilities are laid down. (For the full text see Appendix 4.)

In its preamble, the declaration refers to the Rio Conference on Environment and Development and the aims and objectives of Agenda 21. It underlines its recognition of the right to development as one of the

fundamental human rights, and that human rights, peace, sustainable development and protection of the environment are inseparable from each other.

It urges the government of Bangladesh to:

- Formulate development programmes only on the basis of proposals by, or with the full, prior and informed consent of the people of the area and not without assessing the likely social, cultural and environmental impacts in the region. The programmes must also be open and transparent to public scrutiny.

Other important points of the Rangamati Declaration are that:

- Special measures should be undertaken to *enhance the administrative and technical capacities* of the local NGOs, traditional institutions, local government bodies and the CHT Regional Council and Hill District Councils, and *local NGOs should be given first preference* in the formulation and implementation of development programmes;
Forest protection, environmental protection and biodiversity should be safeguarded and indigenous and other herbal *medicinal systems* be recognised;
- Activities of *mining* exploration and extraction should be carried out only in consultation with the Councils concerned and should not be harmful to the natural environment or to the physical and material well-being of the residents of the CHT;
- All forms of social, cultural, economic and political *discrimination against women* should be prevented, inheritance or family laws discriminating against women should be amended with the consent of the people/community concerned and subjects regarding the rights of women should be included in the educational curriculum;
- Free education should be provided for children up to Class 10 and *in their own mother tongue* in the primary schools;
- Necessary steps should be taken so that the general public has free and easy *access to relevant information* about the programmes and activities of the government, semi-government institutions and non-governmental organisations in the CHT.

Priorities for development set by the JSS are integrated farming, small cottage industries, youth welfare, women's welfare, education, health and sanitation, taking the above into consideration. But the JSS is of the opinion that, before starting development programmes, the situation should first be brought to normalcy, the local administration should be functioning properly and the Peace Accord should have been implemented properly and timely. Until and unless this is done, development programmes cannot be implemented properly and the people cannot benefit from them.

So far the government has not yet disbursed funds to the Councils, so crippling their functioning.

8.5 The Chittagong Hill Tracts Development Board (CHTDB)

According to the Peace Accord, the *Chittagong Hill Tracts Development Board (CHTDB)* will discharge its given duties under the general and overall supervision of the Regional Council and will give preference to a 'tribal' candidate in appointing the chairman of the CHTDB. The government ended the direct control of the military over the CHTDB with the appointment of Bir Bahadur, Awami League MP from Bandarban District,

as chairman of the CHTDB. However, by appointing a party candidate, the government raised suspicion that it was trying to keep the CHTDB under its control. The JSS objected to the appointment of a party candidate.

Whereas the government is delaying disbursement of funds to the Regional Council, it sanctioned no less than Tk. 2,340 million for development programmes to be undertaken by the CHTDB in the three hill districts in 1998. The projects include rehabilitation of Jumma and Bengali families affected by insurgency, construction of roads and bridges, primary and secondary schools and horticulture.³¹

In the Rangamati Declaration, one of the clauses states that the 'Chittagong Hill Tracts Development Board Ordinance of 1976 be amended to make the structure and programmes/process of the CHT Development Board more democratic and transparent and to bring the Board under the direct control of the Chittagong Hill Tracts Regional Council'.

Worrying, however, is the fact that the government continues to give the military a substantial role in development programmes: Tk.140 million has been allocated for 'development expenditure' by the defence services in the fiscal year 2000-2001.³² Although the budget has been reduced in comparison with the previous year, the government obviously continues to cast the security forces in the role of agents of development, and entrusts them with lavish funds to carry out 'development' programmes.

8.6 'Development' and the Environment

So far, development programmes in the CHT have been largely detrimental to the environment in the CHT, the Kaptai Dam being the most glaring example of this. It destroyed forests and wildlife, and the ecosystems of many large valleys in the CHT. Today, the lake is silting up. Biodiversity has been further reduced - reportedly many species of plants, fish, reptiles, birds and mammals that were previously seen in the CHT have disappeared. The Chittagong Hill Tracts Commission fears that current and future development programmes, as well as commercial activities, will only intensify the environmental degradation in the CHT. The exploration of gas and oil, which is undertaken by a number of foreign-based multinationals, gives rise to further fears, given the disastrous effects of such activities by multinationals elsewhere in the world. Moreover, most of the profits made in this sector will flow to foreign companies and investors, a small part to the government of Bangladesh, and, according to the Peace Accord, an as yet unspecified fraction of that part to the administrative institutions of the CHT. There is no guarantee whatsoever that any of the wealth generated by the exploitation of the resources of the CHT will be used to protect and strengthen the ecosystem of the CHT.³³

The government has plans to develop *tourism* in the CHT, one of the most scenic areas of the country. The government thinks that this may become a valuable source of foreign exchange. Unless organised on a very small scale and in an eco- and culture-friendly way, tourism is bound to contribute to the environmental degradation of the area. Moreover, given the past attitude of the government towards the cultural heritage and traditions of the Jumma peoples, The Chittagong Hill Tracts Commission is concerned that tourism will also add to a degradation of the cultures of the Jumma peoples. These may well be reduced to folklore and commercialised as attractions for tourists. In the past, the occupying army has used Jumma people to perform dances and songs for foreign visitors and delegations, including the Chittagong Hill Tracts Commission.

8.7 New Jumma NGOs

Since the signing of the Peace Accord, some 50 Jumma non-governmental organisations (NGOs) have been set up, mostly for development purposes. In Khagrachhari and Rangamati districts bodies have also been set up by the Jummas to co-ordinate the activities of these NGOs. New NGOs have to be registered with the governmental NGO bureau and also get permission from the CHT Ministry. Moreover, before NGOs can get registration, they first need a fund commitment letter from a donor. Generally, registration is a long procedure and several people have complained about corruption by officials during the procedure. Many of the new NGOs have not yet started functioning properly, partly because the registration procedure is still ongoing and also due to lack of funds and capacity.

It needs to be realised that, owing to the militarisation and repression of the CHT during the 25 years prior to the Peace Accord, Jumma people have never before been able to organise themselves in NGOs, let alone take part in global, or even national, discussions on what kinds of development are desirable to whom. Because of this lack of experience, there is a great danger that national NGOs that have been working in the plains over the last few decades will start dominating development work in the CHT if given the chance. What is needed in the first place is the training of Jumma NGO workers in order to develop their efficacy to express the types of development that will be beneficial to the Jumma people, and to develop the skills needed to promote such development. It is of the essence that Jummas are given the chance to develop and express their own ideas about development, based on their own cultures, traditions, physical environment and hopes for the future.

The Rangamati Declaration formulated some of these concerns, notably the importance of linking health care to local *medical systems*. The Rangamati-based Jumma NGO *Taungya* has published a book describing all traditional medicinal plants and their uses. Such an initiative is extremely important and should be offered the chance to be developed further. Measures should be taken to protect these traditional plants and great care should be taken to prevent this knowledge from being stolen by pharmaceutical multinationals and patented in their own names for their own profits.

The Rangamati Declaration also underlined the need to teach young children in the CHT in *their own mother tongues*. This will require the training of school teachers who are fluent in Marma, Chakma, Kokborok, Mru, Bawm, etc., and the development of teaching aids in these languages. The study of these languages – long ignored in institutions of higher education in Bangladesh – needs to be taken seriously, not only because they are part of the cultural heritage of the country but also because some of these languages are spoken exclusively, or almost exclusively, in Bangladesh. As such, they represent a world linguistic heritage of which the state of Bangladesh is the guardian. An idea, launched at a conference on the peace process in the CHT, and which would add to preserving the languages of the different Jumma peoples and help Bengalis in understanding the culture of the Jumma peoples, is to publish thematic dictionaries on different languages of the Jumma peoples.³⁴

There is also a serious fear that the CHT will be flooded with funds from foreign donors, all eager to spend money on indigenous peoples in the CHT but who seriously lack a knowledge of the region's history, its ecological and cultural specificities, and its social and political fragility. It is felt that these donors need to educate themselves before they attempt to start social engineering in the CHT. Moreover, many people in the CHT have expressed the fear that these donors are in such a 'disbursement rush' that they could be

instrumental to the emergence of serious mismanagement and corruption. Some Jumma NGOs have already been receiving foreign funds and allegations of corruption and mismanagement have started.

8.8 Development activities by national NGOs

Already several national and international NGOs have jumped in and started development programmes in the CHT. Many of these NGOs are *simply replicating their national development programmes in the CHT*. Some of them have also organised so-called 'capacity-building' training for Jumma people, which conforms to their own development programmes and experiences in the plains. It needs to be emphasised that development programmes that have been carried out in the plains may do serious harm if replicated in the CHT. For example, *micro-credit* is currently one of the main activities of national NGOs in Bangladesh. In the CHT, however, this approach is highly controversial. Most Jumma people reject these programmes because the interest they are required to pay is too high; they argue that micro-credit programmes would foster indebtedness, dependency and possible bankruptcy. Reportedly, some Jummas have had to take loans against 120 percent annual interest from money lenders in order to pay back a loan they had taken from a national NGO. Jumma leaders have also pointed out that the micro-credit programmes introduce consumerism and an accelerated monetisation of the local economy. Crucially, many people complain that they have never been seriously consulted by these national NGOs, who move in as if it is their right. Some national NGOs have used the fact that people in the CHT must learn to use money as an argument in favour of credit programmes. Such an approach clearly indicates how little they bother to acquaint themselves with local conditions and opinions. Because of this tendency to ride roughshod over local sensibilities and experiences, the charge can sometimes be heard that national NGOs are developing into the new colonisers of the CHT.

Both national NGOs and foreign donor institutions must ask themselves what they actually have to offer the Jumma people, apart from their funds. If national NGOs are serious about their concern for the well-being of Jumma people, they could start from the main concerns expressed in the Peace Accord and the Rangamati Declaration and develop their programmes accordingly. For example, this could imply taking initiatives to develop programmes for the rehabilitation of settlers outside of the CHT. Several national NGOs are admirably suited to this task as they have much expertise in implementing programmes for landless people in the plains. Such programmes would contribute greatly to resolving a most serious and complicated problem in the CHT. It would also give confidence to the Jumma people.

9. CONCLUSIONS AND RECOMMENDATIONS

9.1 Conclusions

1. The Chittagong Hill Tracts Commission regrets that it has to come to the conclusion that the Peace Accord has turned out to be no guarantee of lasting peace in the CHT. On the contrary, it has become a new source of conflict and instability. The Chittagong Hill Tracts Commission is very concerned about developments following the signing of the Peace Accord, in particular its delayed implementation, the conflict between two factions of Jummas, and repression of Jumma activists who declared the Peace Accord unacceptable because it failed to meet the main Jumma demands.

2. Continual delays in the implementation of the Peace Accord throw into doubt the Bangladesh government's real commitment to its proclaimed wish to establish a lasting peace in the CHT. Opposition by

national political parties cannot be an excuse for a government to deliberately attempt to twist and ignore parts of an accord to which it is a signatory. Official attitudes reveal an apparent lack of concern about facilitating and speeding up the peace process in the CHT. They also reveal that many officials and politicians continue to harbour prejudices with regard to indigenous peoples and to the basic rights of Bangladeshi citizens inhabiting the CHT. By contrast, some sections of civil society in Bangladesh have clearly demonstrated a new and genuine concern to learn from the past and to respect the history, cultures and identities of the indigenous peoples.

3. The Chittagong Hill Tracts Commission is very disturbed by the reported feud between the JSS and the UPDF and their allied organisations. The Commission deeply regrets the polarisation between the two groups because it is so obviously detrimental to the cause of the Jumma people for which both groups claim to fight.

4. State repression of 'full autonomy' Jumma activists, operating within the democratic space and with democratic means, is a violation of the right to freedom of expression.

5. Human rights violations by security forces personnel and settlers continue, even though ordinary Jumma people have reported lower levels of harassment by the security forces in the CHT. The army is still in full strength in the CHT, only a small fraction of the 500-odd military camps in the CHT have been closed down. Contrary to expectations following the signing of the Peace Accord, the defence budget for the year 2000 has increased. The argument still holds that donor governments and agencies, by giving development aid to the Bangladesh government, directly or indirectly enable this government to free funds to spend on the security forces. Therefore, donors must take responsibility for their own role as facilitators of the human rights violations that continue to be reported in the CHT.

6. A positive development is that there is now much more room for open discussion about CHT issues in Bangladesh. As a result, citizens of Bangladesh are becoming better informed about the tragic events that have been occurring, and continue to occur, in that part of their country.

7. Another very hopeful development is that there is now much better co-operation and a growing awareness of joint goals between Jumma and Bengali organisations in Bangladesh.

9.2. Recommendations

Many of the recommendations made by The Chittagong Hill Tracts Commission in its earlier publications remain valid. The recommendations here include those made earlier.

A. To the international community

A.1 With regard to development

The Commission urges all aid-granting States and agencies to ensure that their programmes do not reinforce the status quo in the CHT and urges them to:

1. *Delay involvement in the CHT* or stop funding government programmes in the CHT until and unless:
 - a. The *Peace Accord* has been fully implemented and a lasting and stable peace has been guaranteed. Before any development activities can be effective, it is imperative that at least the three Hill

District Councils and the Regional Council have started functioning properly, that the Land Commission has started on its immense task, and that the demilitarisation of the CHT has taken place.

b. *Repression of dissident groups* who voice their dissatisfaction with the Peace Accord has ceased and all those arrested after December 1997 have been released.

2. Give aid only to *development programmes that have been planned and are implemented by, or in full co-operation with, Jumma people's organisations* (including organisations of those who are unhappy with the Peace Accord), and then only to organisations working in the general interest of the Jumma peoples and aiming to build on indigenous notions of development.

3. Assist Jummas and *bona fide* Jumma organisations in *developing skills* needed to develop their own vision of development and to formulate their own ideas, priorities and programmes in the interest of the Jumma peoples in general.

4. *Educate themselves about the CHT*, i.e. the donor and development community needs to acquire sufficient knowledge of local political, economic, social and cultural realities before engaging in the funding of development and other activities in the CHT. Successful long-term development depends on in-depth knowledge of these realities.

5. Put pressure on the Bangladesh government and the Asian Development Bank to withdraw their '*afforestation*' programmes.

6. Put pressure on the Bangladesh government to safeguard the fragile *ecological balance* in the CHT. The carrying capacity of the hill lands is clearly limited and decreasing. There are very serious ecological threats in the CHT, all the more so with the exploration and exploitation of gas and oil that is currently taking place. Exploratory activities and exploitation of gas and oil reserves must be done with the consent of the Jumma peoples in order to ensure environmentally feasible extraction and sustainable development. The sharing of benefits as laid down in the Peace Accord must be specified.

A.2 With regard to human rights violations

All donor governments and agencies, in particular those that profess to have a concern for human rights, must come forward and take concrete steps to contribute to the ending of human rights violations by the Bangladesh government and armed forces in the CHT. The Chittagong Hill Tracts Commission urges them to:

1. Put pressure on the Bangladesh government to *investigate* thoroughly and sincerely all pre-accord as well as post-accord human rights violations, to *publish* all enquiry reports that already exist as well as those of future investigations, and to *try violators* of human rights in a court of law. The Peace Accord does not include any clause on investigation and punishment of perpetrators of previous human rights violations. Since almost all donors have formulated *respect for human rights as an important precondition for giving aid to a country*, it is their responsibility to raise this with the government of Bangladesh.

2. Support the establishment of an *International Tribunal on the Chittagong Hill Tracts* to judge all perpetrators of human rights violations having taken place in the CHT since the 1970s.

3. Request the UN to appoint a *Special Rapporteur or Observer* on CHT issues, supplemented by continuing investigatory and advisory work by the *ILO, Amnesty International, IWGIA and other competent international NGOs*, for continuous monitoring of the political and human rights situation in the CHT through the widest possible variety of information sources.

4. Put pressure on the Bangladesh government to allow the *UNHCR, ICRC*, or any other international body to be involved in the rehabilitation of Jumma refugees, including the internally displaced refugees.

5. Put pressure on the Bangladesh government to create professional services for inhabitants of the CHT in order to *overcome past traumatic experiences*.

A.3 With regard to land issues and the presence of Bengali settlers

The settlement of Bengalis from other parts of Bangladesh has caused massive violations of property rights of the Jumma people. Civilian and military authorities have acknowledged to The Chittagong Hill Tracts Commission that the programme that brought settlers into the CHT was a mistake. There is a broad consensus among the Jumma people that the settlers should leave. The Commission agrees that the return of the settlers to the plains is the ideal solution and calls upon all donor governments and agencies to:

1. Put pressure on the Bangladesh government to accept funds with which to *start programmes to resettle Bengali settlers outside the CHT*. Many Bengalis settlers have become victims of the whole process, particularly settlers in the Bengali cluster villages. Many stated that they would happily return to the plains if there was a place for them to go. A process of resettling settlers in the plains should be commenced immediately. Several western donor governments have expressed their willingness to consider allocating foreign aid for rehabilitation and employment schemes to relocate settlers outside the CHT if the government of Bangladesh were to request them to do so.
2. Set up a *Resettlement Committee* (consisting of re-settlement experts, human rights experts, Members of Parliament, NGOs and representatives of the international donor community) to advise the government on the implementation and phasing of resettlement. The rehabilitation of Jumma refugees returned from India as well as internally displaced refugees should be co-ordinated with this process of resettlement of Bengali immigrants.
3. Propose to the Bangladesh government the creation of an *International Land Advisory Commission* (consisting of specialists in land law) to assist the Land Commission in its very complex assignment. It is imperative that Jumma lawyers are included in such a commission.
4. Initiate *studies of indigenous notions of land ownership, the carrying capacity of land in the CHT, biodiversity and indigenous notions of development, by the Jumma people themselves or at least in close cooperation with them*. Not only is there a great need for outsiders to learn about these but it is obvious that neither sustainable development nor lasting peace will come to the CHT unless indigenous notions are respected.

A.4 With regard to the political situation

The Chittagong Hill Tracts Commission urges the international community to:

1. Put pressure on the Bangladesh government to *implement fully the Peace Accord* within its term in office. In the long run, this non-implementation of the Peace Accord can only produce renewed resistance along ethnic lines and may serve to extend the conflict from the present generation to the next.
2. Put pressure on the Bangladesh government to implement fully the *agreement with the repatriated Jumma refugees* within its term in office.
3. Raise the issue of non-implementation of the Peace Accord, the refugees and repression of full autonomy Jummas in the *United Nations Human Rights Commission and United Nations Working Group on Indigenous Peoples*.
4. Put pressure on the Bangladesh government and the political elite in Bangladesh to *change the constitution in order to safeguard the democratic and cultural rights of the various ethnic groups* that make up the Jumma people and other minority ethnic groups in Bangladesh. The Peace Accord cannot be regarded as successful unless autonomy is anchored in the constitution. Constitutional guarantees are a precondition to future social stability in the CHT.

5. Insist that the government of Bangladesh allows the presence of *international election monitors and observers* during the Hill District Council elections that are to be held in the CHT and assists in organising a monitoring team. It is imperative that these elections are free, fair and peaceful.
6. Put pressure on the JSS and UPDF and their allied organisations *to refrain from any acts of violence* against each other.
7. Investigate possibilities of *mediating in the conflict between the JSS and the UPDF*.
8. Keep in regular contact with all the different factions of the Jumma people in order to exchange information, assess the political and human rights situation and the conflict between the Jummas.

B. To the Jumma people

The undemocratic developments in the CHT are destroying efforts both to build peace in the CHT and to create a new civil society - the goal for which so many people have laid down their lives. The Chittagong Hill Tracts Commission urges:

1. That *both the JSS and the UPDF and their allied organisations show restraint* in order to avoid any further confrontation and to respect human rights and principles of democracy, including the right to freedom of expression.
2. That *both factions come to a compromise* and allow a democratic process to take place in which both groups accept each other's existence, and from a position of respect towards each other either compete or co-operate with each other within a democratic framework.
3. That the *JSS uses its influence with the government to stop the repression and arrests* of UPDF members and their associates and to assure the release of all detainees, no matter what their opinions. The Chittagong Hill Tracts Commission believes that, as a signatory to the Peace Accord, the JSS has a responsibility in this regard. The Chittagong Hill Tracts Commission maintains that the peace process can only succeed if individual and collective rights, and freedom of speech and association for all, are guaranteed by both parties to the Peace Accord - the government and the JSS.

C. To national NGOs in Bangladesh:

There is a constant denigration of the economic, social and cultural characteristics of the Jumma people by the government, military and many Bengali commentators. *Prejudices against the Jumma peoples and indigenous peoples in general* are deeply rooted in Bangladesh. As a result of long years of repressive government policies and willful disinformation, ignorance and misconceptions about their history, culture and traditions are still widespread in the Bengali majority population. A great deal of deliberate and conscious effort is needed to eliminate past discriminatory attitudes and practices. The Jumma people must have a chance to develop and pursue their own indigenous notions of development. The Chittagong Hill Tracts Commission urges national NGOs in Bangladesh to take responsibility in this. Working in close co-operation with Jumma organisations and individuals, they may:

1. Promote *a national debate in Bangladesh on the CHT issue and on the rights of indigenous peoples in general*. Such a debate would cover issues such as the right to self-determination of the Jumma peoples and other indigenous peoples in Bangladesh, the issue of autonomy, and the non-implementation of the Peace Accord and the accord with the refugees, and the repression of 'full autonomy' Jummas.
2. Restrain from planning and implementing development programmes in the CHT unless Jumma people have been involved in all stages from planning to implementation and unless such programmes are based

on respect for the right of the Jumma people to develop their own ideas and plans and to take the lead in development programmes in the CHT.

3. Take initiatives to develop programmes for the rehabilitation of settlers outside of the CHT, using their expertise in implementing programmes for landless people in the plains and thus contribute to the solution of one of the most problematic issues in the CHT.

APPENDIX 1

Brief history of the Chittagong Hill Tracts

The Chittagong Hill Tracts in the south-eastern corner of Bangladesh is the homeland of 12 tribal hill peoples numbering about 600,000 people. Covering 5,093 square miles (10 percent of the country) and rising as high as 3,000 feet in places, the hill ranges contain limited cultivable land, most of it of low quality, in contrast to the very fertile multi-croppable alluvial plains of Bangladesh.

The hill people differ markedly from the Muslim Bengali majority. The largest groups, the Chakma and Marma, are Buddhist, the Tripura are Hindu, while the smaller hill peoples such as Bawm, Pankhua, Khyang and Mru are Christian or practice their traditional beliefs. They practice a mixed farming of plough cultivation in the fertile valleys and swidden agriculture on the hill slopes, known as *jhum* cultivation.

The British annexed the Chittagong Hill Tracts in 1860, and in 1900 passed a Regulation which kept the area apart from the plains by limiting migration and separating the administration. In 1947 the Chittagong Hill Tracts became part of East Pakistan.

Between 1957 and 1963, the government built a massive hydroelectric dam at Kaptai which flooded 54,000 acres of ploughable land, taking 40 percent of the terrain available for cultivation from the tribal farmers. 100,000 hill people were affected; few received any compensation and thousands fled to India. 40,000 were moved to Arunachal Pradesh by the Indian government; now there are 60,000 of them living there, still stateless, even though many of them have now been born in India.

After the Bangladesh war of liberation, the hill people had hoped for political recognition and some form of autonomy within the state of Bangladesh. However, this was denied them. In 1972, the PCJSS (Chittagong Hill Tracts People's United Party, or JSS for short) was formed and in 1976 its armed wing the Shanti Bahini started guerrilla attacks against the Bangladesh army and Bengali settlers who had inundated the hills by moving up from the plains.

Between 1979 and 1984 a government transmigration policy brought 400,000 settlers into the Hill Tracts, an area where there was already a scarcity of land following the construction of the Kaptai dam. Alongside the transmigration policy, a huge militarisation of the area took place. The military have used counter-insurgency against the guerrillas as an excuse to oppress the tribal people. For over 20 years, disturbing accounts of killing, torture, rape, arson, forced relocation, cultural and religious oppression of the hill people have been related.

In 1989, the Bangladesh government brought in a new District Council law. The claim was that it would bring autonomy to the Hill Tracts under Councils led by predominantly tribal people. However, the paltry powers of the District Councils with regard to important issues such as land rights and their establishment by force has greatly discredited their claim to be autonomous bodies.

After 5 years of negotiations with the various governments a Peace Accord was signed between the JSS and the Awami League government on 2 December 1997.

APPENDIX 2

The establishment of the Chittagong Hill Tracts Commission

Alarmed by reports of human rights violations that kept on pouring in from the Chittagong Hill Tracts since the seventies, human rights organisations and NGOs started taking up the issue and gave wide publicity to it. Questions were raised at the United Nations and the International Labour Organisation. However, the Bangladesh government continuously denied that there were any problems at all. The idea for an independent international commission of investigation arose during December 1985 when the then Bangladesh Minister of Finance announced to a meeting at the Danish Parliament in Copenhagen that the Bangladesh government would be delighted to welcome a mission to the CHT. In 1986, the first International Conference on the Chittagong Hill Tracts was held in Amsterdam and a resolution was passed to establish an independent commission to investigate allegations of human rights violations in the hill region.

At the end of 1989, The Chittagong Hill Tracts Commission was officially established at the initiative of the International Working Group on Indigenous Affairs (IWGIA) and the Organising Committee Chittagong Hill Tracts Campaign. The Commission is jointly chaired by Douglas Sanders (Professor of Law) from Canada and Wilfried Telkaemper (Vice President of the European Parliament) from Germany. Other Commissioners are Rose Murray (Aboriginal Community Worker) from Western Australia, Leif Dunfjeld (Sami Lawyer) from Norway and Hans Pavia Rosing (Representative in the Danish Parliament from Greenland).

The Commission was ready to travel in November 1990. Four resource persons were requested by the Commission to be present for the trip to India and Bangladesh: Teresa Aparicio (Denmark), Jenneke Arens (the Netherlands), Andrew Gray (Great Britain) and Wolfgang Mey (Germany). Unfortunately, at the last minute, Commissioners Leif Dunfjeld and Hans Pavia Rosing were unable to travel, the former due to ill health and the latter due to a general election in Denmark.

After obtaining permission from the Indian government, the Commission visited the refugee camps in Tripura from 21-26 November and after that proceeded to Bangladesh. The Bangladesh authorities reconfirmed their permission to travel to the Hill Tracts and the General Officer Commanding (GOC) Chittagong of the 24th Infantry Division of the Bangladesh Army gave the final approval. He gave an assurance that the Commission could travel freely and without restriction in the Chittagong Hill Tracts and would be allowed to talk to anyone in private. The army co-operated as much as possible with the Commission throughout its visit. In total, the Commission spent 23 days in the hills in December 1990.

Previously, several missions to the Chittagong Hill Tracts, among others by the ILO and Amnesty International, had been carried out, however, they had had very restricted access to the area and had been continuously accompanied by the military. Thanks to the generosity of the Bangladesh authorities, The Chittagong Hill Tracts Commission was the first fact-finding team ever to be given permission to carry out their investigation work freely in the Chittagong Hill Tracts.

APPENDIX 3

Full Text of CHT Peace Accord

English Translation as published by Daily Star Internet Edition

Volume 1 Number 113 December 03, 1997

Keeping full and unswerved allegiance in Bangladesh's state sovereignty and territorial integrity in Bangladesh's Chittagong Hill Tracts region under the jurisdiction of the Constitution of the People's Republic of Bangladesh, the National Committee on Chittagong Hill Tracts, on behalf of the government of the People's Republic of Bangladesh, and Parbatya Chattagram Jana Sanghati Samiti, on behalf of the inhabitants of Chittagong Hill Tracts, reached the following agreement in four parts (namely: Ka, Kha, Ga, Gha) to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region, to expedite socio-economic development process and to preserve respective the rights of all the citizens of Bangladesh and their development.

(Ka) General:

1. Both the sides recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.
2. Both the parties have decided to formulate, change, amend and incorporate concerned acts, regulations and practices as soon as possible in keeping with the consensus and responsibility expressed in different sections of the agreement.
3. An implementation committee will be formed to monitor the implementation process of the agreement with the following members:
 - Ka) A member nominated by the Prime Minister: Convenor
 - Kha) Chairman of the task force formed under the purview of the agreement: member
 - Ga) President of Parbatya Chattagram Jana Sanghati Samiti: member
4. The agreement will come into effect from the date of its signing and execution by both the sides. This agreement will be valid from the date of its effect until all the steps are executed as per the agreement.

(Kha) Chittagong Hill Tracts Local Government Council/Hill District Council:

Both the sides have reached agreement with regard to changing, amending, incorporating and writing off the existing Parbatya Zila Sthanio Sarkar Parishad Ain 1989 (Rangamati Parbatya Zila Sthanio Sarkar Parishad Ain 1989, Bandarban Parbatya Zila Sthanio Sarkar Parishad Ain 1989, Khagrachhari Parbatya Zila Sthanio Sarkar Parishad Ain 1989) and its different clauses before this agreement comes into force.

1. The word "tribal" used in different clauses of the Parishad Ain will stay.
2. The name "Parbatya Zila Sthanio Sarkar Parishad" will be amended and the name of parishad will be "Parbatya Zila Parishad."
3. "Non-tribal permanent residents" will mean those who are not a tribal but have legal lands and generally live in hill districts at specific addresses.
4. Ka) There will be 3 (three) seats for women in each of the Parbatya Zila Parishad. One third (1/3) of these seats will be for non-tribals.
 - Kha) 1, 2, 3 and 4 sub-clauses of clause 4 will remain in force as per the original act.
 - Ga) The words "deputy commissioner" and "deputy commissioner's" in the second line of sub-clause (5) of clause 4 will be replaced by "circle chief" and "circle chief's".

Gha) the following sub-clause will be incorporated in clause 4 "The concerned circle office will ascertain whether a person is non-tribal or not on the basis of submission of certificate given by concerned mouza headman/union parishad chairman/pourashabha chairman and no non-tribal person can become the non-tribal candidate without the certificate received from the circle officer regarding this."

5. In the clause 7 it has been stated that the chairman or any other elected member will have to take oath or give declaration before Chittagong Divisional Commissioner before taking over office. Amending this in place of "Chittagong Divisional Commissioner," the members will take oath or give declaration before "any High Court Division Judge."

6. The words "to Chittagong Divisional Commissioner" will be replaced by "as per election rules" in the fourth line of clause 8.

7. The words "three years" will be replace by "five years" in the second line of clause 10.

8. In clause number 14 there will be provision that a tribal member elected by other members of the Parishad will chair and discharge other responsibilities if the post of chairman falls vacant or in his absence.

9. The existing clause number 17 will be replaced by the following sentences: A person will be considered eligible to be enlisted in the voters list if he/she (1) is a Bangladeshi citizen (2) he/she is not below the 18 years (3) appropriate court has not declared him mentally sick (4) he/she is a permanent resident of hill district.

10. In sub-clause 2 of clause number 20 the words "delimitations of constituencies" will be incorporated independently.

11. In sub-clause 2 of clause 25 there will be a provision that the chairman of all the meetings of the Parishad or a tribal member elected by other members of the Parishad will chair meetings and discharge other responsibilities if the post of chairman falls vacant or in his absence.

12. As the entire region of Khagrachhari district is not included in the Mong circle, the words "Khagrachhari Mong Chief" in clause number 26 of Khagrachhari Parbatya Zila Sthanio Sarkar Parishad Ain will be replaced by the words "Mong circle chief and Chakma circle chief." Similarly, there will be scope for the presence of Bomang chief in the meetings of Rangamati Parbatya Zila Parishad. In the same way, there will be provision that the Bomang circle chief can attend the meetings of Bandarban Parbatya Zila Parishad meetings if he wishes or invited to join.

13. In sub-clause (1) and sub-clause (2) of clause 31 there will be a provision that a chief executive officer of the status of a deputy secretary will be there as secretary in a Parishad and the tribal officials will get priority in this post.

14. Ka) In sub clause (1) of clause 32 there will be a provision that the Parishad will be able to create new posts for different classes of officers and employees for properly conducting the activities of the Parishad.

Kha) The sub-clause 2 of clause 32 will be amended as follows: The Parishad can, according to rules, recruit class three and four employees and can transfer, suspend, terminate or given any other punishment. But condition would be that in case of such appointments the tribal residents of the district will be given priority.

Ga) As per sub-clause (3) of clause 32, the government, in consultation with the Parishad, may appoint officers for the other posts and there will be legal provision to removed, suspend or terminate or penalise officers as per the government rules.

15. 'As per rules' will be mentioned in Sub-clause (3) of Rule 33.

16. In the third line of Sub-clause (1) of Rule 36, the words "or in any way devised by the government" will be deleted.

17. Ka) The principal clause of the 'fourth' of Sub-clause (One) of Clause 37 will be valid.

Kha) "As per rules "will be included in Sub-clause (2), Gha, of Rule 37.

18. Sub-clause (3) of clause 38, will be cancelled and sub-clause (4) will be amended in conformity with the following text, "a new budget can be prepared and approved, if needed, at any time, before the completion of the previous financial year."

19. Rules 42 will incorporate the following sub-clause: "The parishad, with the allocated money from the government, will receive, initiate or implement any development project in the transferred subjects and all national level development programmes will be implemented through the parishad by the concerned ministries/divisions/ organisations."

20. The word "Parishad" will replace the word "government" in the second line of Sub-clause (2) of Rule 45.

21. Rules 50, 51, and 52 will be repealed and following clauses will be introduced:

"If needed, the government will give advice or regulatory directives for streamlining the Parishad activities with the objectives of the aforesaid rules."

"The government, if the government receives any hard evidence that any activity or proposed activity of the Parishad is violating the aforesaid rules or is inconsistent with it, will have the authority to ask for written information along with explanation. The government will also have the authority to give advice or directives in this regard."

22. "Within 90 days of abolition of the Parishad" shall be read in place of "after the expiry of defunct period" before the words "the act" under clause 53 sub-clause (3).

23. The word 'government' will be replaced by the word "ministry" in the third and fourth lines in clause 61.

24. (A) sub-clause (1) in clause 62 will be replaced by the following:

Whatever be the provisions in the currently prevailing laws, hill districts police sub-inspector and below shall be appointed by the Parishad as per the prescribed rules and the Parishad will transfer, and take action against them as per the prescribed rules.

However, the condition will be that tribals of the district will get preference in case of this appointment.

25. The words "supports will be provided" will remain in third line in clause 63.

26. Clause 64 will be amended as follows:

a) Whatever exists in the currently prevailing laws, without prior permission of the parishad, no lands, including leasable khas lands in the district, can be leased out, sold, purchased or transferred.

However, it will not be applicable in case of the reserved forest, Kaptai Hydroelectricity Project area, Betbungia Satellite Station area, state-owned industrial enterprises and lands recorded in the name of the government.

b) Whatever exists in the currently prevailing other laws, the government cannot acquire or transfer any lands, hills and forests under the jurisdictions of the Hill District Parishad without prior discussion and approval of the Parishad.

Ga) The Parishad may supervise or control the work of headmen, chairman, amin, surveyors, kanungo and assistant commissioners (land).

Gha) The fringe land of Kaptai lake will be leased out on priority basis to their original owners.

27. Clause 65 will be amended to formulate the following: For the time being, whatever law is in force, the land development tax of the district will be in the hand of the Parishad and the tax to be collected on that account will be in the fund of the Parishad.

28. Clause 67 will be amended to formulate the following: Parishad and the government will raise specific proposals if it is necessary for the co-ordination of the Parishad and the government, and co-ordination of work will be done through mutual consultations.

29. Sub-clause (1) of Clause 68 will be amended to formulate the following sub-clause:

With a view to fulfilling the objectives of this law, the government will be able to prepare rules after discussion with the Parishad through gazette notification. Even after the formulation of any rule, the Parishad will have the right to appeal to the government for re-consideration of such rules.

30. Ka) In the first and second paragraphs of sub-clause (1) of Clause 69, the words "prior approval of the government" will be dropped and following part will be added after the words "should be done" in the third para:

It is conditional that if the government disagrees with any part of the provision formulated then the government will be able to provide suggestions or directives regarding the provision.

Kha) In the (Ja) of sub-clause (2) of Clause 69 the words "the power of the chairman will be given to any officers of the parishad" will be dropped.

31. Clause 70 will be deleted.

32. Clause 79 will be amended to formulate the following section:

The Parishad will be able to make written appeal to the government in case it feels that a law passed by the Jatiya Sangsad or any other authority is difficult for the district or objectionable for the tribals after stating the reasons of the difficulty or objection and the government may take appropriate steps for redressal as per the appeal.

33. Ka) The word supervision will be added after "discipline" in the schedule number one on the activities of the Parishad.

Kha) The activities of the Parishad mentioned in number three will be added with the following:

(1) Vocational education, (2) Primary education in mother tongue (3) Secondary education.

Ga) The words 'reserved' or will be dropped from the first schedule of the activities of Parishad and sub-clause 6 (Kha).

34. The following subjects will be included in the functions and responsibilities of the hill district parishads:

(Ka) Land and land management, (Kha) Police (local), (Ga) Tribal law and social justice, (Gha) Youth welfare, (Uma) Environmental protection and development, (Cha) Local tourism, (Chha) improvement trust and other local government institutions, Barring paurashabha and union parishads, (Ja) Issue of licence to local industries and business, barring Kaptai water resources, proper use and irrigation of other rivers and canals and beels, (Jha) Preservation of statistics of birth and deaths, (Ta) Business transactions and (Tha) Jhum cultivation.

35. The following subjects and sources will be included for imposition of taxes, rate, toll and fees by the Parishad stated in the second schedule:

(Ka) Registration fee of manual vehicles, (Kha) Tax on buying and selling of commodities, (Ga) Holding tax on land and buildings, (Gha) Tax on domestic animals, (Uma) Fees of social judgement, (Cha) Holding tax on government and non-government industries, (Chha) A portion of royalty on forest resources, (Ja) Supplementary tax on cinema, jatra and circus, (Jha) Partial royalty of contracts by government for search and exploration of mineral resources, (Neo) Tax on business, (Ta) Tax on Lottery, (Tha) Tax on catching fish.

(Ga) Hill Tracts regional parishad

1). A regional council will be formed combining the three hill districts local government parishad through amending some clause of three hill districts Local Government Parishad Act 1989 with a view to strengthening and making them effective.

2). Chairman of the parishad will be indirectly elected by the elected members of the parishad. The chairman will enjoy the status of a state minister and he must be a tribal.

3). The parishad will consist of 22 members, including its chairman. Two-thirds of the members will be elected from the tribals. Following is the structure of the parishad:

- Chairman one, Member (tribal) male 12, Member (tribal) female 2, Member (non-tribal) 6, Member (non-tribal) female one.

- Among the total male tribal members, five will be elected from the Chakma tribe, three from Marma, two from Tripura and one from Morang and Tangchongya

- Two persons will be elected from every district from the non-tribal male members. In the case of tribal female members, one from the Chakma tribe and one from the other tribes will be elected.

4). Three seats will be reserved from women in the council of which one-third will be non-tribal.

5). The members of the council will be elected indirectly by the elected members of the three hill district councils. Chairman of the three hill districts will be the ex-officio members of the council and they will have the voting right. The eligibility and non-eligibility of the candidates for the membership of the council will be similar to that of the members of the Hill District Council.

6). The tenure of the council will be five years. Budget preparation and its approval, dissolution of council, formulation of council's regulation, appointment of and control over officers and employees and matters related to concerned subject and procedures will be similar to the subjects and procedures given in favour of and applicable for the Hill District Council.

7). A principal executive officer equivalent to the Joint Secretary of the government will be appointed in the council and the tribal candidates will be given preference in the appointment of the post.

8. a) If the chairman's post of the council remains vacant, a chairman will be elected indirectly from the other tribal members of the council by the members of the three hill district councils for an interim period.

b) If any post of the member of the council remains vacant for any reason, it will be filled by by-election.

9. a) All the development activities under the direction of three hill district councils will be coordinated by the council, including overall supervision and co-ordination of the matters under the jurisdiction of the three hill district council. The decision of the regional council will be considered final in case of any conflict or lack of co-ordination in discharging the duties vested upon the three hill district council.

b) The council will coordinate and supervise the local councils, including the municipalities.

c) The regional council may coordinate and supervise the general administration, law and order and matters related to the development of the three hill districts.

d) The council may provide direction in the disaster management and relief programme, including co-ordination of the NGOs' activities.

e) Tribal rules and social justice will be under the jurisdiction of the regional council.

f) The council may provide licence for heavy industries.

10) Chittagong Hill Tracts Development Board will discharge the given duties under the general and overall supervision of the council. The government will give preference to the eligible tribal candidates in appointing the chairman of the development board.

11) If any contradiction is observed between the Chittagong Hill Tracts Administrative Rules of 1900 and other related laws, acts and ordinances and the Local Government Council Law of 1989, it will be settled as per the advice and the proposals of the regional council.

12) The government may form an interim regional council and give it the responsibilities of the council until and unless the regional council is formed on the basis of direct and indirect election.

13) The government may formulate any law regarding Chittagong Hill Tracts subject to discussion with the regional council and that will be done as per the advice of the council.

14) Fund of the council will be formed from the following sources:

- a) Finance received from the district council fund.

- b) Finance and profits from all the property which have been provided and directed by the council.
- c) Loan and grants from the government and other authorities.
- d) Grants provided by any institution or person.
- e) Profit from the financial investment of the council.
- f) Any of the finance received by the council.
- g) Finance received from other sources of income provided to the council as per the direction of the government.

Gha) Rehabilitation, general amnesty and other issues:

Both sides have reached the following position and agreed to take programmes for restoring normal situation in Chittagong Hill Tracts area and to this end on the matters of rehabilitation, general amnesty and others related issues and activities.

1). An agreement was signed between the government and the tribal refugee leaders on March 9, 1997 at Agartala of Tripura state on bringing back the tribal refugees staying in the state of Tripura. Under this agreement, repatriation of tribal refugees began on March 28, 1997. This process will continue and the leaders of the PCJSS will extend all possible co-operation in this regard. The internal refugees of the three hill districts will be rehabilitated through their proper identification by a task force.

2). The land record and right of possession of the tribal people will be ascertained after finalisation of the ownership of land of the tribal people. And to achieve this end, the government will start land survey in Chittagong Hill Tracts and resolve all disputes relating to land through proper scrutiny and verification in consultation with the regional councils to be formed under this agreement. These steps will be taken soon after signing and implementation of this agreement between the government and the PCJSS and rehabilitation of the tribal refugees and internal tribal refugees.

3). The government will ensure leasing two acres of land in the respective locality subject to availability of land of the landless tribals or the tribals having less than two acres of land per family. However, groveland can be allotted in case of non-availability of necessary lands.

4). A commission (land commission) will be constituted under a retired judge for the disposal of all disputes relating to lands. Besides settlement of the land disputes of the rehabilitated tribal, this commission will have full power to annul all rights of ownership on land and hills which have so far been given illegal settlements or encroached illegally. No appeal can be made against the verdict of this commission and the decision of this commission will be treated as final. This will be implied in case of fringe land.

5). This commission will be constituted with the following members:

Ka) Retired judge:

Kha) Circle chief (concerned):

Ga) Chairman representative of the regional council

Gha) Divisional commissioner/additional commissioner

Uma) Chairman of the district council (concerned).

6. Ka) The tenure of the commission will be of three years. But the tenure can be extended in consultations with the regional council.

Kha) The commission will resolve disputes on the basis of existing laws, customs and systems of Chittagong Hill Tracts.

7). The loans, which were obtained by repatriated tribals from government agencies but could not properly utilised owing to conflicting situation, will be exempted with full interest.

8). Rubber plantation and allotment of other lands: The allotments of lands to non-tribals and non-residents for rubber cultivation and other purposes but not yet utilised the lands for the projects properly during the last ten years will be cancelled.

9). The government will allocate additional finance on priority basis for taking up maximum number of projects to develop Chittagong Hill Tracts. Projects will be implemented on priority basis for construction of infrastructure for the development of the region and the government will allocate necessary funds for this purpose. The government will encourage development of tourism for local and foreign tourists, taking into consideration the environmental aspect of the region.

10). Reservation of quota and allocation of scholarships: The government will continue the quota system for the tribals in case of government jobs and higher education till they reach at par with the people of other regions of the country. With this aim in view the government will provide more scholarships for tribal boys/girls in educational institutions. The government will provide necessary scholarships for taking education abroad and research pursuit.

11). The government and the elected representatives will be active to preserve the distinctiveness of the tribal culture and heritage. The government will provide due patronisation and assistance for expansion of tribal cultural activities at par with that of the mainstream of the national life.

12). The PCJSS will submit to the government within 45 days of signing of this agreement the full list of its armed members and description and accounts of all arms and weapons under its control and possession.

13). The government and the PCJSS will jointly decide the day, date and place for depositing arms by the PCJSS within 45 days of signing of this agreement. The government will ensure all kinds of security for the members of the listed members of the PCJSS and their families for coming back to normal life after declaring the day, date and place for depositing arms by the listed members of the PCJSS.

14). The government will declare amnesty for those members who will deposit arms and ammunition on the scheduled date. The government will withdraw cases lodged earlier against those persons.

15). The government will take legal action against those who will not deposit arms and ammunition within the stipulated time.

16). General amnesty will be given to all PCJSS members after they return to normal life and this amnesty will also be given to all the permanent residents who were connected with the PCJSS activities.

Ka) Each family of the repatriated members of the PCJSS will be given Taka 50,000 in cash at a time for their rehabilitation.

Kha) All cases, warrants of arrest, held against any armed member or general member of the PCJSS will be withdrawn and punishment given after trial in absentia will be exempted after surrender of arms and coming back to normal life as soon as possible. The members of the PCJSS, if they are in jail, will be released.

Ga) Similarly, no cases will be filed or no punishment be given to any person for mere being the members of the PCJSS after surrendering arms and coming back to normal life.

Gha) The loans obtained by the members of the PCJSS from any government banks or other agencies but could not be utilised owing to conflicting situation would be exempted with interest.

Uma) Those members of the PCJSS who were employed in various government jobs would be absorbed in their respective posts and the eligible members of their family will be given jobs as per their qualifications. In such cases, the government principles regarding relaxation of age will be followed.

Cha) Bank loans on soft term will be given to the members of the PCJSS for cottage industry and horticulture and other such self-employment generating activities.

Chha) Educational facilities will be provided for the children of the PCJSS and the certificates obtained from foreign board and educational institutions will be considered as valid.

17. Ka) Immediately with signing and executing the agreement between the government and the PCJSS and with the members of the PCJSS coming to normal life, all temporary camps of army, ansar and village defence force in Chittagong Hill Tracts excepting Bangladesh Rifles (BDR) and permanent cantonments (three in three district headquarters and in Alikadam, Ruma and Dighinala) will be gradually brought back to the permanent places and a deadline for this will be fixed. The members of the armed forces can be deployed under due rules and procedures in case of deterioration of law and order situation and in times of natural calamities or like other parts of the country under the control of the civil administration. The regional council may request the appropriate authorities for such help and assistance in case of such a necessity and in due time.

Kha) The lands to be abandoned by military or para-military camps and cantonments will be either returned to the original owners or to the hill district councils.

18). The permanent residents of Chittagong Hill Tracts with priority to the tribals will be given appointment to all categories of officers and employees of all government, semi-government, parishad and autonomous bodies of Chittagong Hill Tracts. In case of absence of eligible persons among the permanent residents of Chittagong Hill Tracts for particular posts, the government may give appointment on lien or for a definite period to such posts.

19). A ministry on Chittagong Hill Tracts Affairs will be set up appointing one minister from the tribals. The following advisory committee will be constituted to assist this ministry:

- 1) The Minister in charge of Chittagong Hill Tracts Affairs,
- 2) Chairman/representative, regional council,
- 3) Chairman/representative, Rangamati Hill District Council,
- 4) Chairman/representative, Khagrachhari Hill District Council,
- 5) Chairman/representative, Bandarban Hill District Council,
- 6) MP, Rangamati, 7) MP, Khagrachhari, 8) MP, Bandarban, 9) Chakma Raja (King), 10) Bomang Raja, 11) Mong Raja, and 12) Three non-tribal members to be nominated by the government taking one permanent non-tribal resident from each three hill districts.

This agreement is prepared in Bangla and completed and signed in Dhaka on Agrahayan 18, 1404, December 2, 1997.

On behalf of the Government of the People's Republic of Bangladesh

Sd/illegible

(Abul Hasanat Abdullah)

Convenor,

National Committee on Chittagong Hill Tracts, Government of Bangladesh.

On behalf of the residents of Chittagong Hill Tracts

Sd/illegible

(Jyotirindra Bodhipriya Larma)

President,

Parbatya Chattagram Jana Sanghati Samiti.

APPENDIX 4

The Rangamati Declaration

19 December, 1998

Participants from various indigenous community people and the representatives of their organisations participated in the Rangamati conference, organised by the JSS and held on 18-19 December, 1998, and unanimously proclaimed the Rangamati Declaration.

Before adopting the final declaration the participants

- * Welcomed the Bangladesh government and the Parbatya Chattagram Jana Samhati Samiti (PCJSS) for signing the CHT Peace Agreement.
- * Expressed concern about the slow pace in implementing the CHT Peace Accord.
- * Recalled the Rio Conference on environment and development.
- * Reiterated support for the aims and objectives of the Agenda 21.
- * Recognised the right to development as one of the fundamental human rights.
- * Also recognised that human rights, peace, sustainable development and protection of environment are inseparable from each other.
- * Recognised that sustainable development is related to the rights to protect the land and resources.
- * Also recognised that the forest resources of Chittagong Hill Tracts are the natural habitat of human beings as well as other animals and plants.
- * Feel encouraged that the rural community people continued to play a vital role in the field of development without governmental and external assistance.

The following recommendations were adopted unanimously in the Rangamati Declaration:

CHT Peace Agreement 1997

1. To take steps to properly and immediately implement the CHT Agreement , 1997.

Development Institutes, policies and Processes

2. To implement all development programmes in consultation with the CHT Regional Council.
3. To ascertain the development budget for Chittagong Hill Tracts in consultation with the CHT Regional Council.
4. No development programmes be undertaken in the region without assessing the likely social, cultural and environmental impacts in the region or if it is contrary to the provisions of the Chittagong Hill Tracts Accord of 1997;
5. No development programmes be undertaken in the region except on the basis of proposals by, or with the full, prior and informed consent of, the people of the area concerned;
6. All development programmes, projects and processes must be open and transparent to public scrutiny;
7. A Development Trust Fund be established and placed under the control of the Chittagong Hill Tracts Regional Council;
8. All the agreed subjects included in the CHT Agreement to be transferred to the Hill District Councils expeditiously;
9. The agreed transfer of authority to the Hill District Councils on the subjects already transferred, and to be transferred, to these councils, be effective expeditiously;

10. The Chittagong Hill Tracts Development Board Ordinance of 1976 be amended to make the structure and programmes/process of the CHT Development Board more democratic and transparent and to bring the Board under the direct control of the Chittagong Hill Tracts Regional Council;

Land

11. No development projects related to land-use on disputed lands be undertaken before the disputes are resolved by the commission on land to be formed in future;

12. The lease of land to those non-resident individuals of CHT or companies who have illegally left their lands unutilized for a long time be cancelled and vested to the concerned Hill District Council;

Rehabilitation

13. Those of the returned international refugees who have not yet been properly rehabilitated, and all the internally displaced indigenous people, be returned their lands and otherwise properly rehabilitated;

Water Bodies, Their Natural Resources and Bio-diversity

14. No water bodies, including the Karnaphuli reservoir (Kaptai Lake), be leased out to or allowed for settlement in the name of individuals and companies without the prior consent of, and consultations with, the concerned Hill District Councils and the people of the area concerned;

15. In the event that any part of water bodies, including the Karnaphuli reservoir (Kaptai Lake), is leased out, priority be given to the permanent residents of the area concerned;

16. The water level of the Karnaphuli reservoir (Kaptai Lake) be regulated in consultation with the Rangamati Hill District Council for the interest of the 'fringe-land' farmers. The periodical water level chart so agreed upon (the 'rule curve') be followed and the concerned farmers be provided due information about it;

17. The control and management of all water bodies and their natural resources, including the Karnaphuli reservoir (Kaptai Lake) and its resources, be vested to the concerned Hill District Council;

18. The introduction of non-local species of fish, plants and other marine life (Aquatic plants/animals) that is harmful to the local environment or bio diversity be prevented;

Forests, Forestry and bio diversity

19. The Forest Act of 1927, in its application to the CHT, be amended in consultation with the CHT Regional Council, Hill District Councils, the circle chiefs and the headmen as well;

20. Logging in the natural forests and their conversion into agricultural lands or plantations be totally prohibited. Similarly, the illegal trading in and killing of the endangered species of wildlife be totally prohibited;

21. The inhabitants of the areas living for a long time and permanently in the reserved forests be allowed a portion of their just share of the income from the utilisation of these forest resources;

22. The Hill District Councils be involved with the management and administration of the reserved forests;

23. The local residents be involved in the protection and management of the government-owned forests and plantations;

24. The extraction, transit and export of the products of privately-owned forests and plantations outside of the reserved forests be excluded from the permit process;

25. The village forests ('Mouza reserved' or Service forests) situated outside the reserved forests be recorded as the common and collective property of the village community concerned;

26. No parts of the reserved forests be de-categorised as reserved forests without the consent of the CHT Regional Council and the concerned Hill District Council;
27. The gazetted notifications of the 1980s and 1990s concerning the creation of new reserved forests be annulled and necessary measures for participatory/partnership social afforestation programmes be undertaken in consultation with the hill district councils;
28. The raising of industry-oriented plantations under the ownership and management of permanent residents of the region be assisted with soft-term credit on a long-term basis and no lands can be compulsorily acquired for the raising of industry-oriented plantations;
29. The introduction of species of non-local trees and plants that are harmful to the local environment and bio diversity be prevented;
30. The customary rights and privileges of indigenous peoples and their communities over lands and territories in all forest areas be recognised in accordance with the ILO Convention on Indigenous and Tribal Populations (Convention 107) of 1957 and the Convention on Biological Diversity;

Horticulture

31. A horticulture development project in the manner of horticulture projects previously undertaken by the Bangladesh Agriculture Development Corporation (BADC) be started and the local farmers be provided with land grants, soft-term credit and technical and other assistance;

Mineral Resources

32. Activities of mining explorations and extraction be carried out only in consultation with the concerned hill district council and the Chittagong Hill Tracts Regional Council and in such a manner that they are not harmful to the natural environment or otherwise detrimental to the physical and material well being of the residents of the areas concerned;
33. All CHT residents being adversely affected by the activities of mining exploration and extraction be adequately compensated with land grants and monetary compensation and otherwise rehabilitated properly in the event that they have to be relocated;
34. The terms and conditions of the compensation agreements between the concerned mining companies and the affected people be determined in consultation with the Chittagong Hill Tracts Regional Council;
35. Priority be given to local residents in employing people in connection with the survey and extraction work of mining companies;

Environment

36. Logging, farming, tourism and other activities that are likely to be harmful to the environment be stopped and prohibited;
37. Urgent measures be undertaken in the Chittagong Hill Tracts to prevent deforestation and soil erosion in the lands and forests of the region;
38. Urgent measures be taken to protect the environment of the rivers, lakes, streams and other water bodies of the Chittagong Hill Tracts;

Human Development & Capacity Building

39. Special programmes/measures be undertaken for human development in the Chittagong Hill Tracts;
40. Special measures be undertaken to enhance the administrative and technical capacities of the local voluntary organisations (NGOs), traditional institutions, local government bodies and the CHT Regional Council and Hill District Councils;

Disabled People and Destitute Women

- 41. Priority be given for the education and employment to disable people;
- 42. Special measures be taken for providing employment to and in rehabilitating destitute women;

Women

- 43. All forms of social, cultural, economic and political discrimination against women be prevented;
- 44. Inheritance or family laws discriminating against women be amended with the consent of the people/community concerned;
- 45. Subjects regarding the rights of women be included in the educational curriculums;

Health

- 46. Programmes for the eradication of malaria be re-introduced in the Chittagong Hill Tracts;
- 47. All hospitals and other medical centres in the Chittagong Hill Tracts be provided with the requisite personnel and equipment;
- 48. All physicians/medical practitioners who are permanent residents of the Chittagong Hill Tracts now serving outside the Chittagong Hill Tracts in government institutions be transferred to the Chittagong Hill Tracts;
- 49. Indigenous students who qualify for entry into the medical colleges in the general entrance examinations not be included within the 'tribal' quota system;
- 50. Medical colleges be established in the Chittagong Hill Tracts by determining quota for indigenous peoples and other permanent residents of the of the region;
- 51. At least one trained para-medic and at least one trained midwife be appointed in each mouza for the welfare of mothers and infant children;
- 52. Indigenous and other herbal medical systems be recognised;

Education

- 53. Education with their own mother tongue be imparted in the primary schools for the indigenous peoples of the Chittagong Hill Tracts;
- 54. Teachers of primary schools be employed from among the local people who speak the same language as the majority of the students of the area on a priority basis by relaxing the necessary qualifications and pre-requisites;
- 55. A Board of Secondary and Primary Education for the Chittagong Hill Tracts be established under the direct supervision of the Chittagong Hill Tracts Regional Council;
- 56. Free education be provided to all students up to class X;
- 57. Schools be established on a priority basis in areas inhabited by the more disadvantaged indigenous peoples;
- 58. Preference be given to the members of the more disadvantaged indigenous peoples for their admission into the institutions of higher education;
- 59. Adequate funds and other assistance be provided to non-formal schools run by village communities;
- 60. The chairpersons of registered non-government colleges and registered non-government secondary schools be nominated by the CHT Regional Council and Hill District Councils respectively;
- 61. Women be appointed as teachers on a priority basis;
- 62. Colleges offering Bachelor of Education (B.Ed.) courses be established in the Chittagong Hill Tracts;

63. Honours and Master's course be fully introduced in the Rangamati Government University College and full-fledged university colleges be established in the district headquarters of Bandarban and Khagrachhari;
64. The involvement of the armed forces/military, in connection with the admission of indigenous students in the quota (known as "Tribal Quota") reserved for them in the medical colleges, engineering University & engineering colleges and the Agricultural University, be stopped so that these institutions may carry out their admission procedures independently;
65. The existing quota of reserved seats for indigenous students in the institutions of higher education, including those for medical, engineering and agriculture, be increased and similarly, a special quota of reserved seats be maintained for the Bangali permanent residents of the Chittagong Hill Tracts;
66. The residential hostels for indigenous students that were previously running in the three district headquarters of the Chittagong Hill Tracts be revived and new hostels for indigenous students be established as required;
67. Training institutes for primary teachers which are known as Primary Teachers' Training Institute (P.T.I.) be established in the district headquarters of Bandarban and Khagrachhari;

Culture and Languages

68. The educational curriculum in the Chittagong Hill Tracts include courses on the languages and cultures of the indigenous peoples of the Chittagong Hill Tracts;
69. The languages of the indigenous peoples of the Chittagong Hill Tracts be included as subjects of study in the secondary schools of the region;
70. The existing inaccurate and disrespectful data/references to the languages and cultures of the indigenous peoples of the Chittagong Hill Tracts in the national educational curriculums be corrected in consultation with the leaders and representatives of the indigenous peoples concerned;

Data and Information

71. Necessary steps be taken so that the general public have free and easy access to relevant information about the programmes and activities of the government, semi-government institutions and non-governmental organisations in the Chittagong Hill Tracts. Similarly, measures be also undertaken to ensure that relevant information about the social, cultural, economic and environmental conditions of the less developed areas are available to the government, semi-government and non-governmental organisations and institutions operating in the Chittagong Hill Tracts;

Sports

72. The administration and management of the District Sports Associations in the Chittagong Hill Tracts be handed over to the concerned Hill District Councils;
73. A regional sports association be established to manage the district sports associations of the Chittagong Hill Tracts and it will be placed under the control and supervision of the Chittagong Hill Tracts Regional Council;

NGOs

74. All NGO activities in the Chittagong Hill Tracts be supervised and coordinated by the Chittagong Hill Tracts Regional Council;
75. Credit programmes by NGOs be conducted in the Chittagong Hill Tracts only in consultation with the Chittagong Hill Tracts Regional Council;

- 76. NGOs operating in the Chittagong Hill Tracts be prohibited from charging interest rate and service charges in excess of the rates allowed by the laws applicable in the region (CHT);
- 77. No programmes of NGOs that are contrary to the culture and traditions of the peoples of the Chittagong Hill Tracts be allowed;
- 78. Local NGOs be given first preference in the formulation and implementation of development programmes in the Chittagong Hill Tracts;
- 79. Permanent residents of the Chittagong Hill Tracts be given priority to the employment by NGOs operating in the Chittagong Hill Tracts

Footnotes

¹ Bangladesh had won its independence from Pakistan with the help of the Indian army, but relations between India and Bangladesh deteriorated abruptly after Sheikh Mujibur Rahman, Bangladesh's first Prime Minister and co-founder of the Awami League, was killed on 15 August 1975 by a section of the Bangladesh army. Both in India and in Bangladesh there were changes in government in the mid-90s and both governments were in the process of re-establishing their earlier good relations. Consequently, the JSS was under pressure from India, where it had its safe havens, to come to an agreement with the Awami League government in Bangladesh.

² For the full text of the agreement see Appendix 3 of this Update

³ See Willem van Schendel, Wolfgang Mey and Aditya Kumar Dewan, *The Chittagong Hill Tracts: Living in a Borderland* (Bangkok: White Lotus, 2000 / Dhaka: University Press Limited, forthcoming).

⁴ On the question of nationalism and the CHT see Amena Mohsin, *The Politics of Nationalism: The Case of the Chittagong Hill Tracts, Bangladesh*, (Dhaka: University Press Limited, 1997).

⁵ Personal communication.

⁶ *The Daily Star*, Internet Edition, Dhaka, 9 June, 2000.

⁷ European Parliament Resolution Number 9(d) B4-0962 and 0989/97.

⁸ It is positive that according to the Accord 'customary land laws' will be respected (section Gha, clause 6.Kha). What this means and how this will work out in practice remains to be seen, since the notions of land ownership held by the government and by the Jumma people are in contradiction with each other.

⁹ In 1966, the authoritative Forestal Report provided information to the government on the basis of the only survey on land resources ever carried out in the CHT. It stated that, after the Kaptai Lake had destroyed much of the valley lands, only 3.5 percent of the land in the CHT was 'level or gently undulating.' It added, however, that these lands 'are presently under fairly intensive use for agriculture and hence are not available for new agricultural settlement.' *Chittagong Hill Tracts Soil and Land Use Survey 1964-66* (Vancouver: Forestal Forestry and Engineering International Limited, 1966), IX, 4.

¹⁰ The CHT Commission uses the term 'full autonomy' throughout this report because this is the terminology that these Jummas themselves use. For what they mean 'full autonomy' see Chapter 3 section 3.2.

¹¹ See Newsletters of Hill Watch Human Rights Forum and various reports by UPDF in 1998, 1999 and 2000. Several incidents have also been reported in daily newspapers.

¹² *Activities of the Anti-Accord Group led by Prasit-Sanchoy* (JSS Report, c. 1998-99).

¹³ Name withheld for security reasons.

¹⁴ See Update 3, 1997 to "*Life Is Not Ours*": *Land and Human Rights in the Chittagong Hill Tracts, Bangladesh*, p.18.

¹⁵ *The Daily Star*, Internet Edition, Dhaka, December 15, 1997.

¹⁶ *The Daily Star*, Internet Edition, Dhaka, December 15, 1997.

¹⁷ Reported in *The Daily Star* (4 August 2000) in a report of a conference organised jointly by Bangladesh Institute of International and Strategic Studies (BISS), Centre for Alternatives (CA) and The Daily Star on Peace Building in the CHT on 10 July 2000.

¹⁸ In Bangladesh there are a total of 43 ethnic groups, comprising about 1.6 million people. The Garo and Santal are among the biggest ethnic groups, found in the plains of Bangladesh.

¹⁹ *The Daily Star*, Internet Edition, Dhaka, January 25, 1999.

²⁰ See Update 2, 1994 of "*Life Is Not Ours*": *Land and Human Rights in the Chittagong Hill Tracts, Bangladesh*, p.14 and Update 3, 1997, p.7.

²¹ According to *The Independent*, Internet Edition, Dhaka, 26 March 1998.

²² According to figures obtained by the Refugee Welfare Association from the DC office in Khagrachhari in 1999.

²³ Taungya Newsletter Issue 1, Year 1, January 1999

²⁴ See Dr. Meghna Guhathakurta: 'Women in Conflict Situations in South Asia: The Chittagong Hill Tracts in: *Women, War and Peace in South Asia: Beyond Victimhood to Agency*, Sage publication (forthcoming). Dr. Guhathakurta has interviewed a number of Jumma women about the status of women in the CHT before, during and after the armed conflict and how it affected their lives.

²⁵ For details see Update 3, 1997 of "*Life Is Not Ours*": *Land and Human Rights in the Chittagong Hill Tracts, Bangladesh*, p.8/9.

²⁶ Personal communications, representatives of EU member states, reported in *The Daily Star*, Internet edition, Dhaka, 12 September 1999.

²⁷ For details of these programmes see the Chittagong Hill Tracts Commission's report "*Life Is Not Ours*": *Land and Human Rights in the Chittagong Hill Tracts, Bangladesh* and its three Updates.

²⁸ *The Daily Star*, Internet Edition, Dhaka, 4 January 2000.

²⁹ *The Daily Star*, Dhaka, 3 January 2000

³⁰ See Anti-Slavery Society, *The Chittagong Hill Tracts: Militarization, Oppression and the Hill Tribes* (London, 1984), Appendix 1; also quoted in: Organising Committee Chittagong Hill Tracts Campaign, *The Charge of Genocide: Human Rights in the Chittagong Hill Tracts of Bangladesh*, 1986, p.91.

³¹ *The Daily Star*, Internet Edition, Dhaka, January 22, 1998.

³² *The Daily Star*, Internet Edition, Dhaka, 9 June, 2000

³³ See also '*The Chittagong Hill Tracts: Life and Nature at Risk*', with articles by Raja Devashish Roy, Meghna Guhathakurta, Amena Mohsin, Prashanta Tripura, Philip Gain, Published by SEHD, 2000.

³⁴ The idea was launched by Professor Imtiaz Ahmed of Dhaka University at a conference on Peace Building in the CHT, organised jointly by the Bangladesh Institute of International and Strategic Studies (BISS), the Centre for Alternatives (CA) and The Daily Star on 10 July 2000, reported in *The Daily Star* (4 August 2000).