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Ethnic Conflict, Identity Crisis and Nationalism: A Case Study on Indigenous Land Rights in Chittagong Hill Tracts of Bangladesh

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ABSTRACT

This dissertation concerns the topic of ethnic conflict, identity crisis, and nationalism since cold war period. The main argument of the paper is that ethnic conflicts have greatly threatened regional and international security.

The research will analyze the main theoretical approaches to understanding ethnic conflict from nationalism point of view. It will then investigate the interactions among nationalism, citizenship and indigenous rights. This paper will examine the different perspectives of ethnicity and consider how, why, and when it may drive conflict. Further, it will also closely consider several aspects of ethnic conflicts and their effect on the possibility of conflict. The paper focuses on the social and political construction of ethnic conflict and examines the special patterns of identity crisis in society and the influential factors. The paper is also emphasized on the significance of institutional approaches to improve political condition in ethnically conflicting areas.

Conflito étnico, crise de identidade e nacionalismo: o estudo de caso dos direitos à propriedade indígena em Chittagong Hill Tracts no Bangladesh

RESUMO

Esta dissertação refere-se ao tema do conflito étnico, crise de identidade, e nacionalismo desde o período da guerra fria. O principal argumento do artigo é que os conflitos étnicos têm ameaçado em larga escala a segurança regional e internacional.

A pesquisa irá analisar as principais abordagens teóricas para a compreensão do conflito étnico do ponto de vista nacionalista. Ela irá então investigar as interações entre o nacionalismo, cidadania e direitos indígenas. Este trabalho irá analisar as diferentes perspetivas de etnia e considerar como, porquê e quando se pode conduzir o conflito. Além disso, ele também irá considerar atentamente vários aspetos dos conflitos étnicos e seus efeitos sobre a possibilidade de conflito. Este artigo centra-se na construção social e política do conflito étnico e avalia os padrões especiais de crise de identidade na sociedade e os fatores que o influenciam. O documento coloca a ênfase na importância das abordagens institucionais para melhorar a condição política em áreas que sofrem conflitos étnicos.

KEY WORDS

CHT Land Conflict
Nationalism
Ethnic Identity
Land Dispute Resolution Commission
Indigenous Rights
Bengali Settlers
Peace Accord
Democracy
Nation and Identity Building
Indigenous Institution Building

PALAVRAS_CHAVE

CHT Conflitos de Terras
Nacionalismo
Identidade étnica,
Comissão de Resolução de Disputas de Terras
Direitos Indígenas
Bengalis colonos
Acordo de Paz
A Democracia
Construção da Identidade da Nação
Edifício da Instituição Indígena

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List of Abbreviations

CHT	Chittagong Hill Tracts
CHTDB	Chittagong Hill Tracts Development Board
DC	Deputy Commissioner
GOB	Government of Bangladesh
HDC	Hill District Council
ICCPR	International Covenant on Civil and Political Rights
ICER	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Persons
IWGIA	International Working Groups on Indigenous Affairs
ILO	International Labour Organization
MoCHAT	Ministry of Chittagong Hill Tracts Affairs
NHRC	National Human Rights Commission
PCJSS	Parbatya Chattagram Jana Samhati Samiti
PCP	Pahari Chatra Parishad (Hill Student's Forum)
PGP	Pahari Gono Parishad (Hill people's Council)
RC	Regional Council
RF	Reserved Forest
UCF	Unclassified State Forest
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Economic, Social and Cultural Organization
UNPFII	United Nations Permanent Forum on Indigenous Issues
USAID	United States Agency for International Development

Introduction

Ethnic conflict is considered as one of the major social security problems over the world. It is significant to understand the recent widespread phenomenon of ethnic conflicts. Both nationalistic and ethnic conflicts are the main reasons of tremendous sufferings; such as, straight, planned and organized attacks on civilian populations. The ethnic conflicts over the world had increased since World War II and reached a peak in 1993-1994 (Wimmer 1997, p. 1). Further, it is reported by the Uppsala Conflict Data Project (UCDP) that there were around fifty eight major armed conflicts in the world since 1990s and most of them are related to ethnicity (Eriksson 2003, p. 45-52). Now, ethnic conflicts are not only possible source of challenge to the cohesion of states but also threat to regional and international security.

The political science scholars have been studying on number of ethnic conflicts to unveil their causes. In recent years, these studies argue that the nationalism is an explanatory factor for the emergence of ethnic conflicts. It argues that the core reasons of violent conflicts are simple and straightforward because many ethnic and religious groups have ancient hatreds for each others' and it often begins conflicts between them (Connor 1993). However, there are some scholars who reject this easy explanation of violent conflict. The reason of rejection is that this view is failed to explain why some disputes are more violent and harder to resolution than others. Consequently, it argues that the violent conflict is mainly provoked by drastic change in land distribution and property rights among ethnic or national groups (Connor 1993). As a result, this significant proportion of the population is forced to seek access or re-access to land and land resources (Dekker et. al. 2003). Further, the most common scenario in the post-war phase is

affected people with insecure tenure, and they are often unfairly or forcibly removed from their land without reasonable compensation or due to the procedure (USAID 2005, p. 3). The scenario of claiming the same piece of land in most post war situations found in different historical periods; such as, colonial era titles and titles issued during illegal occupations as well as claims based on informal customary land use (USAID 2005, p. 3). Further, government are also responsible for resettlement schemes, which displace people from the homes and lands and most of the time this displacement is deliberate (USAID 2005, p. 3). For instance, the displacements have occurred in Tanzania, Nigeria, Mozambique, Indonesia, Kosovo, Angola and Bangladesh (USAID 2005, p. 3). After that, the forced settlement schemes in both Mozambique and Angola had led to the civil wars for independence (USAID 2005, p. 3). Another example of the resettlement process is in Indonesia. The Indonesian government's policy is to resettle Javanese population from the main island to other parts of the archipelago, and land seizures for the benefit of the settlers and it results violent conflict between indigenous groups and settlers that have driven several states (USAID 2005, p. 3).

Research Statement

The Chittagong Hill Tracts is a strategic region for the government of Bangladesh due to its border with Myanmar and India. According to Amena Mohsin, 'the region is a majority and minority conflict revolving around the politics of nation and state building, wherein hegemony and centralization inherently alienate the minority populations' (1999, p. 16). The government of Bangladesh does not accept and recognise its different ethnic communities as Indigenous people (Islam 1994). Thus, the overall social and political situation has become hazardous with lack of

human rights, imminent ethnic conflict and political unrest, legal and illegal exploitation of land and illegal influx of Bengal settlers in the region (Mohsin 1999, p. 16). It argues that the ethnic identity crisis has created controversial disagreement between indigenous peoples and Bangladesh government (Erni 2008, p. 333). There is still no doubt about controversy over the identity of the ethnic minorities. However, the Bengali hegemonic power over indigenous group has forced to create conflicts in the domain of politics, economics and administration through various state machineries including constitution, formal and informal laws (Mohsin 1999, p. 15-18).

The main reason behind ethnic conflict in CHT is the land rights as both indigenous people and Bengali settlers have been claiming ownership of the same piece of land. For that reason, the Bangladesh government has taken initiative to settle down land disputes by forming the CHT Land Dispute Resolution Commission in 1999 under the provisions of the Chittagong Hill Tracts Peace Accord (Gain 2000). The local ethnic minorities have full power of ownership over lands and hills. However, Land Dispute Resolution Commission has given full power through formal government notification to make a decision over disputed lands and hills, and there will be no appeal against its final decision (Gain 2000). It is significant to note that the accurate terms of references and the detailed function of the commission are still unidentified. Therefore, the outcome of the disputed lands and hills are still in the process although the commission has assured to resolve problems under customary law within given times. On the other hand, the Parbatya Chattagram Jana Samhati Samiti (PCJSS), the signing political group of the Peace Accord, has insisted on amending twenty one provisions of the CHT Land Dispute

Settlement Commission Act 2001 (Mohsin 1999, p. 17-19). Further, the Chairman of Commission has taken controversial decision to conduct a cadastral survey of CHT lands without the approval of other Commission members, and it has become a disruptive decision against the amendment of Peace Accord 2001. Therefore, one of the famous politicians of CHT Gautam Dewan has argued, 'land is the crux of the problem in CHT. Unless the Hill people get back their land rights, there cannot be a successful resolution to the problem' (Mohsin 1999, p. 111). It is crystal clear that the land issue is a big paradox on the road of ethnic conflict resolution in CHT.

Jon D. Unruh mentions that the ethnic conflict which had no land component can lead to tenure problems in the peace process, due to the spatial nature of both land tenure and armed combat (2002, p. 338). In terms of the land issue in CHT, the indigenous leadership has demanded the removal of all Bengali settlers who have been settled in the region since 1947. It becomes the key issue since the peace accord has signed between CHT indigenous leaders and Bangladesh government (Gain 2000). Although it is attempted to reconstitute institutions or building new institutions to implement the accord, it is become more complicated issue because of legitimacy. Jon D. Unruh argues that the when it comes to the land issue, 'the difficulty stems more from the issue of legitimacy (historic occupation and supported by oral histories) and from the institutional inability to effectively recognize and resolve important tenure issues' (2002, p. 337). The contentious and exceptional ethnic-national conflict of Bangladesh manifests in the form of numerous killings, suppression from the government and in mistrust among different groups in the region (Jamil & Panday 2008). This study intends to look closely at the

ethnic-nationalist conflicts in South Asian region and its consequences on land rights of Indigenous people in Bangladesh as well as into possible strategies of conflict management.

Aims and Research Question

The main goal of this dissertation is to study the ethnic conflicts rather than ideological conflict, so that only nationalist problems between the Bengali government, military and ethnic indigenous groups will discuss in this dissertation. So, the research is to investigate the role of institutions in establishing trust, peace, and ownership on land in the particular framework of post-conflict area and how the process could encourage building better policy between nationalist political movement and ethnic rights. The paper argues that the ethnic conflict in CHT directly results from the ineffective institutional approaches and unreliable policy framework concerning land alienation and Bangladeshi nationalist movement. To unfold this objective, the following research questions will be formulated:

How does the institution identify significant role for peace-building through establishing indigenous land rights in the post-conflict region of the Chittagong Hill Tracts Bangladesh?

The paper also argues whether the ethnic sentiment is the cause of violent conflict or the external security concerns lead national or local policy makers to inflame such sentiment. The specific objectives are (1) to study ethnic communities' perception on the effects of land conflict and the nationalist strategies to cope with these results in the study area and (2) to suggest

effective and sustainable institutional approaches for specific ethnic conflict zone after considering socio-political uncertainties.

The questions to be addressed are:

• What are the causes and consequence of ethnic conflict in Bangladesh?

• What are the possible resolutions and strategies to solve the ethnic conflict in Bangladesh?

• How is the peace process perceived by the local indigenous community in the Chittagong Hill Tracts?

• Will the international political community and national policy-making influence trust and ownership in the peace building process?

The Study will present a possible solution to the ethnic conflict based on the analysis of Chittagong Hill Tracts Land Dispute Resolution Commission.

Rationale of the Study

Land is the main fundamental element to form an identity of groups and individuals. In most post-conflict development, reconstruction of land tenure is a significant problem and Bangladesh is not an exceptional case. It is noteworthy that the land policy as an element of peace building has been unnoticed in the academic literature. Land has become a serious and critical issue for conflicting countries as there is no easy solution for this problem. Further, land issue cannot be easily solved and restored the trust among its inhabitants. It is significant to take account of local community acceptance and political supports for solving and establishing a practical land system in post conflict area. Consequently, the process to peace would have to

recognize the impact of land policy on local communities and the policy must work to create institutions and laws to meet claims for property compensation. There are several countries, who have recognized customary land tenure including Zimbabwe, Venezuela, South Africa, Bolivia and parts of the Philippines (Unrah 2002). The paper challenges to contribute to the existing empirical knowledge about ethnic conflict after reviewing the literature. Therefore, the study will focus on how identity construction, present political structure and deficiency of democratic values contribute towards the identification and establishment of the indigenous social and political rights. Further, it will create a significant contribution to the field of indigenous academic and policy discourses.

Research Hypothesis and Methodology of the Study

This study employs both qualitative and quantitative research methods. According to Robert Murray Thomas (2003), the combined process provides the best answer to research questions. Because each research design suits answering similar types of questions, but not appropriate answering other types. For instance, a quantitative method has some limitations on clarifying power and the qualitative method has limited generalization (Thomas 2003). While quantitative methods permit to compare results and outcomes, the qualitative method will explain behind the quantitative comparisons and results (Thomas 2003). The paper can answer research questions by applying both qualitative and quantitative methods, which are not answered by either method alone. Furthermore, according to Kidder and Fine (1987), by applying both methods also improve the strength and consistency of one's study (p.72). Therefore, a combination of the two research methods is employed to capture a more realistic

justification of ethnic conflict in Bangladesh. A range of methods applies in this research, such as the desk study, semi-structured interviews, participatory observation and focus group discussions describe in detail below, including the various challenges faced during the research. The analyses and conclusions of this thesis base on qualitative analysis and the triangulation of different methodologies, theories and data.

The quantitative research allows identifying social and economic level of ethnic community in the state, while the qualitative method is used to describe how those levels of ethnic identity would affect by the ethnic nationalist conflict and how the conflict could solve (Oka & Shaw 2000). In the qualitative method, the study uses archives, interviews, statements, and speeches for an in-depth analysis of ethnic conflict in Bangladesh. In the quantitative method, the study uses survey data collected among the ethnic minorities of Bangladesh. From those survey data, the level of ethnic identity of the ethnic people from different demographic backgrounds and geographic areas are examined.

Literature reviews conducted throughout the whole process of study. Data for this research collected from adjacent rural areas around the Chittagong Hill Tracts of Bangladesh. The studies involving field works has considered as a bridge between official records and present situation on the ground. In economic and social research, empirical data have been regarded as the main instrument, and the data collection process mainly depend on the using of methodology. According to Silverman, 'the choice of process should not be pre-determined; rather researcher should choose a design that is appropriate to what the researcher is trying to find out (Silverman

2005). Research questions should be addressed by the methodology as some topics are very sensitive which need extra care about choosing methodology. This dissertation topic is very sensitive as land is the main reason of ethnic conflict between the Bengali settlers and indigenous people of CHT (UNPO 2010). Traditionally indigenous people consider land with a spirituality and sacredness and it is not a productive resource for them but a habitat political boundary. According to Victoria Tauli-Corpuz (cited in Roy 2000) states, 'For Indigenous Peoples keeping our territorial or ancestral lands is the most important thing. This is what determines our identity. This is where our ancestors walked and where they learned everything they left us. Our land is where we forget our relations with Mother Earth and create social bonds with each other'.

Selection of Research Area

The Chittagong Hill Tracts (CHT) area comprise of three administrative Hill districts including Rangamati, Khagrachari and Bandarban and shares international boundaries with India and Burma (Rashiduzzaman 1998). The Chittagong Hill Tracts Jumma or indigenous people are distinct and different from the majority Bengali population of Bangladesh in term of race, language, culture, religion and ethnicity. There are thirteen indigenous ethnic groups in CHTs (Roy 2000). The traditional community based management of jum or swidden cultivation and common village forest can no longer be practiced by many Jumma (Hilly) communities because of the loss of their common land to Bengali settlers (Mohsin 1997). For this dissertation project, the field visit conducted in Baghaichori Upazilla of Rangamati District. A large number of Bengali settlers are living in this part, and they often engage in violence with local indigenous people. In addition, numbers of returnee indigenous refugees are also living.

Selection of Respondent

Collecting primary data is mainly depended on the sampling of respondents. The selection of sample must not pre-set, and it should base on the theoretical framework (Silverman 2005, p. 23). The researcher can choose different kinds of sampling; including, 'probability sampling' (such as random sampling), 'convenience sampling' or 'purposeful sampling'. Purposeful selection or the criterion-based selection does not always result in neither probability nor convenience way (Silverman 2005). For this dissertation, the data collected in the month of July, August and September of 2013 in Baghaichori Upazilla, Rangamati and the capital city Dhaka. The selected respondents are all from various societal backgrounds; including, farmer, teacher, politician, student and housewife. In this interview process, the insights of the conflict and the overall situation of the present crisis are discussed with civil society members from Rangamati, local indigenous politician and one Member of the Commission.

Semi-Structured Interviews

The researcher can choose any kinds of interview on the basis of the purpose of the research; including, structured, semi-structured, non-directive, focused and informal interviews (Silverman 2005). For this research, the semi structured interviews with openly ended questions chosen because the open-ended or un-coded questions do not constrain the respondent's beliefs or opinions to predetermined categories (Silverman 2005). Furthermore, semi-structured interviewing technique is quite helpful to enrich data and to prevent potential constraints during the interview (Silverman 2005). The main goal of the trip to the CHT Bangladesh is to collect data that would assist to analyze the ethnic-nationalist conflict in the indigenous land rights

process. Additionally, observatory visits and group discussions are made to several communities in Baghaichori and Rangamati.

Interview area is a significant issue regarding security for participants and researcher as it is very difficult to maintain security and trust in post war communities. In ethnic conflict region, the respondent might be alleged as a spy if the discussed topic circulated within social and political issues (Ger and Sandikci 2006, p. 511). Further, Researcher's presence in the community can create safety problems for the respondents, as well as a researcher (Ger and Sandikci 2006). According to Jo Boyden (cited in Silverman 2005), 'an area affected by conflicts is subject to complex governance arrangements in which military and security concerns are predominant'. The interview took place in a local hotel meeting room, in Rangamati district and another was held in local NGOs office, in Baghaichori.

Documentary Resources

The thesis is generally based on both primary and secondary sources. The earlier includes laws, jurisprudence, international conventions, and administrative decisions. Secondary sources include empirical works on the CHT in forms of books, journals, news paper articles, human rights reports and also theoretical writing on ethnic conflicts and nationalism.

Ethical Consideration: Interviewee Confidentiality

A consent form to include a brief explanation of the research work as well as an assurance of confidentiality and anonymity of the respondents prepared before performing field

work. Being member of 'Chakma' community it was easy to communicate with indigenous interviewees; however, the Bengali respondents were also cooperative. Further, the whole data collection process and writing period are strictly concerns to avoid all sorts of biases.

Thesis Outline

This thesis comprises of five chapters. The introductory part gives a brief insight into the situation in CHT and the research problem and significance of this study. Further, it depicted a brief prologue about the relationship of land and conflict and how indigenous land rights issues addresses in the post-accord situation. The Chapter one mainly highlights the historical and political context of Chittagong Hill Tracts Bangladesh to understand the suppression on indigenous people movement and demolish their traditional land rights. It also discusses including nation and identity building crisis, militarization, causes of land conflict in CHT and the development and signing of the 1997 Peace Accord. The second chapter is planned to discuss on methodological consideration, concerning the data collection and research on the selected case study area. Then third chapter presents the ethnic conflicts and its theoretical background focusing on indigenous land rights issues. It provides an overview on the debate on the topic of ethnic conflict and nationalism and the necessary theoretical background for framing the complexity of the issues. In order to understand the realities and the complexities of the ethnic conflict in CHT area, this theoretical chapter employs the theories of ethnicity and identity construction, nationalism and ethnic conflict theory. Then, the chapter four is designed to the empirical part of this thesis. The empirical data gathered during the field trip analysed on two levels. Firstly, the overall picture given is based on the data from internal reports from the

various institutions such as UNDP and UNICEF. Secondly, specific case of Rangamati one of the subdistrict of CHT, is zoomed. After that, the chapter five mainly focuses on theoretical and practical challenges for post-war indigenous institution building and political challenges in ethnic community. The final part presents the conclusions based on the theoretical framework in relation to establish indigenous rights and provides the recommendation on possible improvements in the peace building process in CHT as well as on further studies in the area of ethnic conflict and nationalist.

Chapter One

Theoretical Framework

This chapter mainly considers the theoretical backgrounds on the ethnic conflicts and nationalism through establishing indigenous land rights in a post conflict situation. Ethnic conflicts in Bangladesh are hypothesized and caused by three factors; such as, threat to national and ethnic identity nationalism (Mohsin 1997). The main aim is to focus on Jumma or indigenous nationalism and identity of Hill peoples of Chittagong Hill Tracts of Bangladesh. In this thesis, this research is expected to present methodological assessments to understand ethnic conflicts in Bangladesh and find potential solutions for long lasting peace for the ethnic people of Bangladesh.

Ethnic Conflict

The term ethnic conflict is used to describe a wide range of internal conflicts including the identity conflict. According to Brown (2001, p. 221) an ethnic conflict is mainly defined as a dispute about political, economic, social, cultural or territorial issues between two or more ethnic communities. The fundamental element of ethnic conflict is ethnic identity (Brown 2001, p. 221). Furthermore, it is argued that ethnic conflicts arise when the institutions fails to address individual ethnic groups essential needs, and the main reason for the occurrence of ethnic conflict is incompatible goals or values of ethnic groups (Centre for Peace and Conflict Studies 2010, p.23).

In fact, there are many alternative methods or theories for explaining ethnic conflicts around the world. Examples are modernization, ancient hatred, and colonialism (Horowitz 2000). However, each of these methods has its own shortcomings and does not well describe Bangladesh's ethnic conflict.

According to the modernization approach, the ethnic identity has disappeared in a modernized and developed country because the communication development has provided a greater political and economic connection among previously isolated ethnic groups (Harff and Gurr 2004, p.96). It shows that the ethnic identities replace with loyalty to the larger community (Harff and Gurr 2004, p.96). On the other hand, this modernization approach is empirically rejected in many developed countries; such as, ethnic conflicts have occurred in Canada, Scotland, Wales, Belgium, and Spain on 1970s and 1980s (Horowitz 2000). Then, the approach is modified as it is failed to explain ethnic conflicts in the developed world. It argues that the modernization makes different ethnic groups want the same things and causes competition for the same scarce resources and political status (Horowitz 2000). So, the ethnic identities become more significant for different ethnic communities as they are competing for same scarce resources and the group boundaries are more sharply defined (Horowitz 2000). According to Horowitz (2000, p.101), 'Modernization stresses that the benefits of modernity are not equally spread among ethnic groups'. Therefore, the ethnic conflicts between groups could be the result if there is any uneven distribution of resources. However, the modernization approach does not describe most ethnic conflicts that have occurred in least developed countries such as Burma, Sri Lanka, Chad, Ethiopia, Southern Sudan, and Papua New Guinea (Horowitz 2000, p.101).

On the other hand, the ancient hatred has differently explained the cause of ethnic conflict. It suggests that the main reason of occurrence of ethnic conflict is ancient hatred and historical memory of different ethnic groups. According to Horowitz (2000), 'memories of earlier, lapsed conflicts, centuries and sometimes millennia old, can be revived to fit modern conditions'. This approach believes that the threat of one group security based on the concerns about possible threats to theory security from out-groups. Then the behaviour of both groups mostly depends on their previous responses; such as, if the past behaviour was hostile, the current response might also be hostile (Posen 1993). Thus, the antecedent hostility is an explanatory variable to explain a current conflict. For example, the Singhalese and Tamil kingdoms have been regularly fighting in ancient Sir Lanka (Ceylon) and Acholi and Langi clashed intermittently in pre-colonial Uganda (Horowitz 2000). So the precedent hostilities or historical memory has significantly explained contemporary ethnic relations. However, Horowitz (2000) argued, 'a modern conflict cannot be explained by only calling it a revived form of an earlier conflict because many ethnic group antagonisms created under colonial rules'. However, it argues that one needs to be very careful on this point because the histories of some groups, such as the Sinhalese and Tamils in Sri Lanka, have been modified to emphasize the cruel enmity even in the face of considerable cooperation and assimilation (Horowitz 2000). Furthermore, it is argued that the approach may explain some conflicts, 'traditional antipathy is far from sufficient in explaining all modern conflicts' (Horowitz 2000). Although the 'ancient hatred' approach may explain some cases like Sinhalese and Tamils in Sri Lanka, it cannot be used to describe many other cases. Many conflicts are recent. Even in the case of Bangladesh's ethnic conflicts, some conflicts (such as Bengali and Jumma) have started in modern times.

Now, the final alternative approach is the colonialism. It argues that the colonial rule is used mostly to enlighten ethnic conflicts in Asia and Africa (Horowitz 2000). Under the colonial rule, different ethnic groups were put together under a central administration and ruled by a 'divide and rule' policy. This 'divide and rule' policy had created major ethnic conflicts in Asia and Africa because the rule had promoted differential actions of ethnic groups (Posen 1993). On the other hand, this rule had always given preference of one ethnic group over the others. For example, 'the colonial rule protected one group from others and employed certain groups in colonial administrative posts' (Horowitz 2000). It believes that the group comparison had caused ethnic hatred toward each other. Further, the backward groups have considered that they have gained less benefit compared to advanced groups. Therefore, it is argued that the backward groups often commence ethnic violence while the advanced groups are often victims (Horowitz 2000). For example, in the case of Bangladesh, some scholars, government officials, and politicians have been arguing that the conflict in Bangladesh is a result of the British and Pakistani divide and rule policy (Mohsin 1997). This approach may be appropriate to the ethnic conflicts in Bangladesh to a certain extent, e.g., the conflicts between the Bengali and indigenous people. However, colonialism is not relevant in the case of Bengali and indigenous because the ethnic conflict is still ongoing with Bengali after ending of colonial rule.

Therefore, this dissertation attempts to apply three other relevant theoretical frameworks, Ethnic Identity Theory, Social Identity Theory and Ethno-Nationalism theory, to explain the root of the ethnic conflicts in Burma. The Social identity theory provides us with a tool to understand how one ethnic group identifies with other ethnic groups, and how threatening the ethnic identity

could lead to ethnic conflicts. As an ethnic identity becomes threatened, nationalism arises, and ethnic violence occurs. Therefore, nationalism also becomes an important factor in understanding ethnic violence. A more detailed discussion on the application of each approach presents in the following.

1.1   Ethnic Identity Theory

The primordial argue that ethnic identities have deep historical roots that change a little over time; however, the instrumentalist have claimed that ethnic identity is a recent construct and constructs are subject to dramatic changes over time (Brown 1988). Castells identified ethnic identity as a process of construction on the basis of a social attribute or a related set of cultural attributes and it mainly uses materials from history, geography, biology, productive and reproductive institutions, collective memory, power apparatus and religious revelations (Brown 1988). In this thesis, ethnic identity is defined as a social construct and thus adheres to an instrumentalist view on the matter. According to Fearon and Laitin, 'Ethnic identity refers to a social category and those social categories are labels based on rules of membership and sets of characteristics. Social categories, their membership rules, content and valuation are the products of human action and speech, and, as a result, they can and do change over time' (cited in Mitra and Gupta 2009). For instance, Bangladeshi Muslim people like to represent themselves not only as a Muslim but also a Bengali. Therefore, Amartya Sen (2005, p.15) referred that the plurality of identity is based on the contextual concept; such as language, literature, music connected with class, gender, politics, etc. and disputes arose when identity builds along singular lines.

To define an ethnic community, Smith (1999) has mentioned, 'a named human population with shared myths and memories occupying a historical territory or homeland, and possessing a common public culture, a single unified economy and common legal rights and duties. Additionally, it is also necessary to define 'state' and 'nation' concept' and it would be facilitates to understand the political and geographical aspects of the conflict. According to Anderson (1999, p.15), 'a nation is an imagined political community which is socially and culturally constructed through complex political (and historical) processes'.

Then, the idea of a state is also defined by Seton-Watson (cited in Danforth 1995, p.14), and it constructs 'the state is a legal and political organization with the power to require obedience and loyalty from its citizens' (Seton-Watson 1977, p.1, cited in Danforth 1995, p.14). These concepts are significant to clarify interactions of different societal structures and the role of human agency.

Taking all this into account the thesis has identified the causes of ethnic conflict, and these are divided into four clusters, in other words four different structures. These four clusters are structural factors, economic and social factors, political factors and cultural/ perceptual factors. It is argued that these four clusters of underlying factors are generally found in a conflict region zone.

All of these underlying factors are indicated in Table 1.

Table 1: Fundamental causes of ethnic conflict

Structural Factors	Economic/Social Factors	Political Factors	Cultural/Perceptual Factors
Weak states	Economic problems	Discriminatory political institutions	Patterns of cultural discrimination
Interstate security concerns	Discriminatory economic systems	Exclusionary national ideologies	Problematic group histories
Ethnic geography	Economic development and modernization	Intergroup politics	
		Elite politics	

Source: Brown (2000)

The definition of ethnic conflict and the division into four clusters of underlying causes of ethnic conflict helps us to classify, which different layers of society are likely to be the cause of struggles and emphasizes that ethnicities construct. Constructing the identities for belonging to this or that ethnicity can be done twofold; on the one hand constructing an identity refers to either the content of social category, on the other hand, identity construction can be linked to boundary rules (Fearon & Laitin 2000, p.850).

According to Esman (1994, p.14), 'Ethnicity cannot be politicized unless an underlying core of memories, experience, or meaning moves people to collective action. This common foundation may include historical experiences, such as struggles against outsiders for possession of a homeland, or cultural markers, especially languages, religion, and legal institutions that set one community apart from others' (1994, p.14). Therefore, it can be said that ethnicity has very little meaning, and it creates within the factors.

It identifies that the illustrated factors in Table 1 are contributed to a violent ethnic conflict in CHT, and it notes that most of the factors are still present in CHT. There are twelve ethnic communities living in the Chittagong Hill Tracts, and Bengali people treat them as 'pahari' or hill people (Adnan 2004). In this discourse, it is a generalization of the identity issue as the two culturally distinct groups are defined themselves with their own singular identity; such as, Bengali and Pahari. It is significant to note that the native indigenous people are distinct themselves from Bengali people by implying their status as non-Bengali (Shelley 1992). The identity of the 'Pahari people' has become an instrument for the Bangladeshi government to use this identity in current resettlement programme against indigenous people (Adnan 2004). Therefore, the indigenous people are now driven away from their own land as land rights are given to Bengali people (Shelley 1992). This scenario creates a sense of humiliation and disadvantaged group for indigenous people as the government has been treating differently Bengali and non-Bengali inhabitants of CHT. As Amartya Sen points out, such a feeling of injustice shared by a group of people under the same identity label makes it easier to mobilize rebellion (2005, pp.142-148).

The ethnic balance in the CHT area has been changed since the Bangladeshi government has taken resettlement program and it is illustrated in Figure 1.

Figure 1: Changes of Ethnic Balance in the CHT
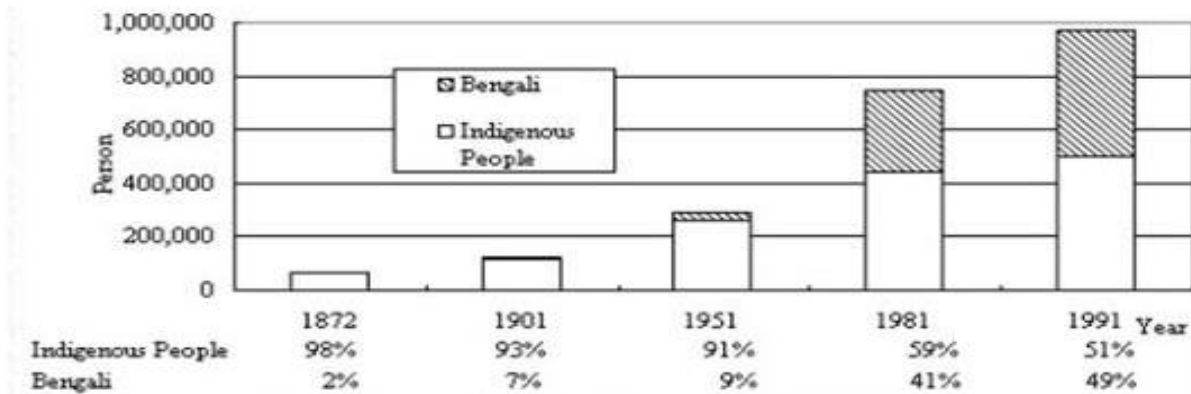
Source: Roy (1997)

According to Figure 1, the resettlement program was implemented in three phases between 1979 and 1985. It is seen that the number of Bengali population has increased from 9% in 1951 to 49% in 1991 around the period of the resettlement program.

According to the theory of horizontal inequalities, the severe inequalities are present in the case of the CHT between culturally defined groups (Stewart 2002). Furthermore, the horizontal inequalities present and made by the Bangladeshi government in the name of development program, this is an instrument to wipe out the cultural identity of indigenous

people. The clash for land is mainly presented in the disguise of an ethnic conflict and therefore, the main ideological aim of the state is to focus on controlling the land and resources of the CHT area. Although the Bangladeshi government has claimed to fight against terrorists and separatists in the name of state security, it clearly appears that the state has denied the indigenous land rights that are promised to them in the peace accord.

1.2   Social Identity Theory

The political scientists have applied the Social Identity Theory (SIT) to explain political behaviors; such as, ethnic conflicts, racism, and political fanaticism. This theory is originally used in social psychology and developed by Tajfel in 1970 in order to understand the psychological basis of intergroup discrimination. The author Tajfel (1970) had conducted a series of experiments, which based the minimum group model to study how the social identity practice would affect intergroup conflict. After that, the authors have found 'the distribution choices regarding both in-group and out-group members led the members of one group to discriminate in favor of the in-group to which they belonged and against the out-group even in this minimal group condition' (Tajfel 1970). All of these findings have led to Tajfel and Turner's Social Identity Theory (Tajfel 1970). According to Tajfel (1970), 'the social identity is part of an individual's self-concept that derives from his or her knowledge of his or her membership in a social group (or groups) together with the value and emotional significance attached to that membership'. According to Tajfel (1970), there are mainly three theoretical principles of the SIT; including social identity and self-concept, social comparison, and social identity and social structures.

1.2.1 Social identity and Self-Concept

According to the Social Identity Theory, in the society people or group members are strived to continue or achieve a positive social identity (Brown 2000). In other words, people always desire to have a positive self identity rather than a negative one, and they constantly maintain some positive uniqueness from each other because the self-identity identifies in terms of group association. People can attain a positive identity by associating with a favourably valued in-group. According to Brown (2000), this need directs to social comparisons that favour the in-group over the out-group and it has obvious consequences in the fostering of conflicting intergroup relations.

The Festinger's (1954) social comparison theory was extended by Tajfel in 1986. However, Tajfel and Turners' (1986) social comparison theory is to some extent different from Festinger's social comparison theory. The theory has suggested that people evaluate their own group's worth by comparing it to other groups. The individuals with different social identity are always interested to compare their in-groups with relevant out-groups. This comparison always allows individuals to gain self-esteem or positive self-concept. There will be a bias in comparing one group to another because each group is different from each other. It argues that people prefer a positive self-concept, and they consider their in-groups more positively than out-groups (Tajfel and Turners 1986). According to Brown (2000, p. 312), 'such view creates inter-group's bias comparisons'. Therefore, the comparison creates conflict 'over scarce social resources, economic resources, value's ideology, and unmet deeds regarding identity, security, status or power' (Cottam & Cottam 2001, p.89).

According to the Social Identity Theory, when the social identity of a group is threatened or unconstructive, individual group members follow three strategies: social mobility, social creativity, and social competition.

It shows that the individual member is always attempting to disassociate himself from the in-group when the social identity of his group is vulnerable or perceived as negative, and he always tries to join another group that is higher in status (Brown 2000). For example, Brown (2000) had conducted an experiment by creating high and low status teams of young children. The result of the experiment is that the children preferred to be in a higher status group. However, this option is not always possible because the subordinate group cannot join to the dominant group if the dominant group boundaries are impermeable (Brown 2000). For example, there are many people around the world who want to be Americans, but that is possible only for some of them. In the case of ethnic groups, it is more difficult to change their identity. For example, an African American cannot change his/her identity to be a white (Brown 2000).

When individuals do not change their groups or identity, they attempt to enhance their identity, and it is called the social creativity (Rosenberg and Simmons 1972). It includes three strategies. First of all, there is a comparison between the in-groups to the out-groups on a different dimension. For example, in Bangladesh, Bengali people compare themselves to ethnic Chakma in terms of their culture and literature because the Bengali culture and literature has a superior role in the history of Bangladesh. Secondly, when they re-evaluate the comparisons, the previous negative dimensions also perceive as positive (Rosenberg and Simmons 1972). Third of

all, there is a comparisons within their in-group instead of comparing themselves to members of the dominant group. For example, Rosenberg and Simmons (1972) found that the self-esteem among blacks who made comparisons with other blacks was higher than in those who compared themselves with whites.

When group members 'social identity is threatened in the group, they will directly compete with the out-group to achieve positive distinctiveness or positive identity (Brown 2000). However, it only occurs when the inferior groups believe that their group status was illegal and unfair. In other words, group competition only occurs under these circumstances: 1. the boundaries between the groups are relatively impermeable; 2. the status differences between them are somewhat unstable, and 3. those differences perceived to be unfair or illegitimate (Brown 2000, p.330).

1.2.2   Social Identity and Ethnic Conflicts

The social identity theory (SIT) is one of the most appropriate theories for intergroup studies. It is not only explaining how groups come into conflict, but also explains a wide range of political events such as racism, ethnic conflict, nationalism, and political extremism (Cottam & Cottam 2001). It argues that social groups become destructive when they compared their group, and social identity with other groups and they always prefer to do so in order to enhance their self-esteem (Cottam & Cottam 2001). However, it becomes negative, and the groups have motivated to change their status when the outcome of that comparison is discouraging (Cottam & Cottam 2001). On the other hand, changing the group is not possible for ethnic communities. In

order to change group status, ethnic groups must engage in social competition because they believe that the out-groups (dominant group) have an unfair advantage (Cottam & Cottam 2001).

However, when the dominant group feels that a subordinate group threatens their dominant position, the competition can lead to conflict (Cottam & Cottam 2001). For example, in the case of ethnic conflict in Nigeria, the Hausa have a better position in terms of political power. When other groups compared their groups' status to that of Hausa, they felt an unfair disadvantage. This negative feeling had led other groups to challenge the Hausa's superior position (Cottam & Cottam 2001). Thus, ethnic conflict had occurred. The result of the conflicts led to the Ibos ethnic group rebellion in the Southeast of the country and finally the Ibos declared independence in their region where they were the numerical majority, calling themselves the Republic of Biafra. A civil war broke out in 1967, when the government refused to let them secede (Cottam & Cottam 2001).

This theory also explains the political extremism. According to the SIT, such extreme political violence or conflict occurs as a result of scapegoating that result from the social causality assessments (Cottam & Cottam 2001). Conflict can be occurred among groups for various reasons in a normal condition; such as, resources, territory, security, and power. On the other hand, a group can be blamed for all of society's illness in conditions of severe socioeconomic and political despair and depression (Staub 1989). For example, some ethnic groups such as Jews, Armenians, and Tutsis were targeted as scapegoats in Germany, Turkey, and Rwanda respectively. Jews blamed for bad things that happened to Germans during German

economic hardships (Staub 1989). This led to the killing of millions of Jews. The poor treatment of Jews justified in the form of dehumanization of the scapegoat where Germans described Jews as less than human (Staub, 1989).

1.2.3   Social Identity and Conflict Resolution

Social identity theory provides the idea of resolving conflicts and the conflict resolution methods are Contact Hypothesis, Decategorization, and Recategorization or Superordinate (Brown 2000). These three methods have their own distinct ideas in the social identity theory. They have argued that group memberships become incorporated into person's self-concepts and that these social identifications have important consequences for person behaviour (Brown, 2000).

Gordon Allport presented the contact hypothesis to abolish discrimination among groups and the main goal of the hypothesis is that 'bringing members of different groups into contact with one another in various ways is the best way of reducing any tension or hostility that might exist between them' (Brown 2000, p.342). However, the hypothesis does not appropriate in certain conditions. First one of the conditions is that the contact groups must have equal status and it is not possible all the time. Therefore, the minority group should have equal status with the majority group in order for the contact hypothesis to be applicable (Brown 2000, p.243).

The ideology of categorization is introduced by Brewer and Miller (1984) to reduce the intergroup discrimination and stereotyping. According to the approach, 'the boundaries between

the two groups have dissolved during contacts' (Brown 2000). In order to diminish boundaries between groups, all kinds of interactions need to take place on an interpersonal level than on the group level. It argues that these people interest in an individual's information and they are less attentive to the group-based information (Brown 2000). The relations between groups will develop 'when contacts are people to people, not race to race' (Brown 2000, p.348). For instance, the former President Clinton's 'Come Together Fellowship' helped to develop American racial relations by supporting black and white individuals who belong to existing clubs and groups to get to know each other better. Moreover, the approach could also lead to integration. However, this method has a generalization problem. According to Brown (2000), 'it can prevent only individuals that have been in contact with individuals from other organizations from becoming prejudice. It cannot prevent discrimination against individuals who have not met or contacted individuals in other groups'.

Gaertner (1999) proposed a different method to reduce discrimination between groups. It is recategorization or superordinate identity. Recategorization mainly focuses on to redraw the boundaries of categories. In other words, it recategorizes the previous in-groups and out-groups into a new form of the superordinate category. Therefore, the former out-groupers can be perceived as fellow in-groupers. According to this approach, the identity of different groups is allowed to keep a minimum level rather than attempting to avoid group references altogether (Gaertner 1999). Gaertner (1999) demonstrated that through two experiments. The experimental results illustrate that recognizing subgroups within the super-ordinate identity is the best method of lessening the intergroup bias. According to the author, establishing 'a general super-ordinate

identity while simultaneously maintaining the salience of subgroup identities would be particularly effective because it permits the benefits of a general in-group identity with arousing countervailing motivations to achieve positive distinctiveness' (Gaertner 1999, p. 201).

1.3   Nationalism

The main ideology of nationalism is almost parallel to social identity because it also explains how people connect to their groups (Cottam and Cottam 2001). Individuals connect to their group when they have higher self-esteem. According to the Social Identity Theory, people prefer their in-groups over out-groups (Cottam and Cottam 2001). They are always motivated to feel superior about their group. Similarly, nationalists are group members who are motivated to have strong and positive attachment to their country, and they always recognize themselves with a particular group or country first and foremost (Cottam and Cottam 2001). Since nationalists are strongly related to their country, they are committed to unity, freedom, dignity, and the welfare of their national community and nation-state. Therefore, in a nationalistic country, even if people dislike their government, they still love their national community and nation-state (Cottam and Cottam, 2001, p.2).

According to Dusan Kecmanovic (1996), the fundamental characteristic of nationalism is loyalty to a national group and an individual who identifies with a particular group or country first and foremost is called a nationalist. Nationalists are primarily loyal to his/her perceived national community and nation-state (Cottam and Cottam 2001). For example, if a group of

people calls themselves Bengali, he or she also consider himself or herself as part of Bengali people.

Nationalism has been an important factor for explaining ethnic conflicts. Ethnic, nationalistic conflicts broke up Yugoslavia and collapsed the Soviet Union (Cottam and Cottam 2001). By understanding nationalism and nationalistic behaviours, this paper will explain and predict future conflicts and violence. Nationalism can explain by many factors. Some studies have used non-psychological factors like nationalistic symbols, nationalist discourse such as, literature, poems, collective memory, and songs to explain nationalism; while others have used psychological factors such as, social identity, stereotypes, and prejudices (Cottam and Cottam 2001).

It argues that nationalistic symbols can have the power to motivate people into becoming more nationalistic (Cottam and Cottam 2001). These symbols include; a flag, historical events like success in a great battle, and it gives an idea of motherland or fatherland. According to Cottam and Cottam (2001), 'since nationalists deeply value the freedom, unity, dignity, and welfare of their national community, they respond readily to the use of symbols to mobilize them to achieve national goals'. The leaders use these symbols to motivate their citizens to become more nationalistic during crisis.

Nationalism is also caused by a set of myths such as collective memory of victimization and heroism (Cottam and Cottam 2001). For example, indigenous people in Bangladesh have a

collective memory of their genocide by the Bengali. Similarly, Serbs have a collective memory of defeat in the battle in Kosovo and of victimization by Croats (Cottam and Cottam 2001).

'When there is a conflict between two groups, the nationalist discourse is transformed into a mass mobilising and an extreme nationalist ideology' (Abrams 2003). There are several discourses in world history. It shows that the nationalist elites use them during crises to motive people to become more nationalistic. For example, Serb leaders used the discourses during 1987 and 1991 to motivate Serbians to become more nationalistic and against other nationalities; such as, Croats, Muslim, and Albanians in former Yugoslavia (Abram 2003).

There are many psychological factors such as social identity, stereotypes, social categorization, and character that can use for explaining the causes of nationalism. However, according to Searle-White (2001), 'threatening the national identity plays a prominent role in explaining the causes of nationalism'. The author argues that 'without understanding the national identity, the understanding of nationalist conflicts is incomplete' (Searle-White 2001). Therefore, it is seen that the emotional aspects of conflicts are related to the national identity. He also demonstrated this point by studying the two nationalist conflict cases: Armenia and Azerbaijan, and Tamils and Sinhalese in Sri Lanka. It illustrates that the threatening identity is a major factor causing the rise of nationalism in those societies. In other words, conflicts between ethnic groups arise when one ethnic group sees other groups as a threat to their identity. According to Searle-White (2001, p. 4), 'when our identity is threatened by others, we feel our identity is fragile. It is what leads us into nationalist conflicts and violence'. For instance, the massacre of

50,000 Armenians in 1894 and 1896 by the Turks threatened not only physical survival of Armenians, but also their cultural survival as a distinct group (Searle-White 2001). Such threats could result in political conflict, including rebellion and secession movements. Turks threatened not only physical survival of Armenians, but also their cultural survival as a distinct group. Such threats could result in political conflict, including rebellion and secession movements.

1.4   Security Dilemma and Ethnic Conflict

A new trend of using the security dilemma to explain ethnic violence has appeared in the 1990s. John Herz first used the security dilemma concept in 1951. In the theory, security is mainly seen as a zero-sum game. Recent studies have proven that the conceptual frame of the security dilemma is useful when thinking about ethnic conflicts at the intrastate level. The application of the security dilemma was first popularized by Barry Posen. Posen (1993) has articulated between an international system and ethnic relations within the state from a realist's perspective. He argues that the collapse of imperial regimes produces the problem of emerging anarchy (1993). It further illustrates that the ethnic groups behaviour and says, 'the security dilemma affects the relations among these groups, just as it affects relations among states' (Posen 1993). Further, it is also argued that 'the in distinguish ability of offence and defence favours the worst-case analysis and pre-emptive action' (Posen, 1993). For example, the most popular examples of the security dilemma include the former Yugoslavia, Moldova's civil war, and Croatia.

This paradigm has later developed the concerns what forms the security of an ethnic group. According to Roe (1999), 'societal security, a dimension of state security that by itself can be a referent object, is viewed as critical for ethnic minorities'. Societal security has mainly captured different traits; such as, the preservation of group identity, including language, customs, and religious practices. Weaver (1993) has given a formal definition of societal security, and he says, 'the ability of a society to persist in its essential character under changing conditions and possible or actual threats. More specifically, it is about the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, and religious and national identity and custom'.

Further, the ethnic groups have considered their survival through sense group cohesion and a guarantee of continual practice or expression of its tradition. In international relations, the ethnic security dilemma is mainly considered as perceptual security dilemma rather than a structural security dilemma (Kaufman 1996, p.112). The security dilemma theory is mostly used to explain large-scale ethnic conflicts which finally result in civil wars or ethnic cleansings. There are many variations are developed from this strand of literature. The theory always uses in a much limited sense of explaining a single aspect of the case; for instance, demographic security dilemma (Kaufman 1996). It is further illustrated that how an economic project causes security dilemma between Hans and minorities in west borders (Clarke 2007).

Erik Melander (1999) has built a game theory model to capture the dynamics of the ethnic security dilemma. His first approach enables him to identify the dependent variable,

restraint breakdown, which is defined as the 'pre-emptive resort to large-scale ethnic warfare' (Melander 1999). He then develops three empirical indicators, such as, status quo utility, fear, and first strike benefits. Further, he has demonstrated them into measurable independent variables; such as separatist grievance, democracy, and ethnic territorial dominance respectively (Melander 1999). It argues that lower status quo utility, more fear, and high first strike advantage will lead to critical security dilemma and thus cause ethnic violence manifested in the form of warfare or mass guerrilla activity (Melander 1999).

This ideology seems coherent use of the security dilemma theory. However, there are many limitations. First of all, the scope of the study is limited as the ethnic security dilemma does not provide detail explanations to severe ethnic conflicts (Xu 2012). Melander loses the opportunity to investigate whether or not the theory can provide meaningful insight into ethnic violence in a full spectrum (Xu 2012). After that, Melander has admitted that the indicators are somewhat unsophisticated. Most of data are generally allowed accurate presentation of the concepts; however, Melander's variables are dummy variables (Xu 2012).

1.5. Theorizing Indigenous Rights

In international anthropological research arena, the concept of 'indigenous people' has become a significant problem over the last forty years. The term of indigenous has emerged internationally with the Berlin Africa Conference of 1884-1885 to recognize the great powers assertion and recognition of their territorial claims in Africa. The act 'protection of indigenous populations' comes out with the Article 6 of the Final Act of the Conference (Chritian 2009).

The Members of the League of Nation had accepted indigenous people as a 'sacred trust of civilization' and they had committed to promoting the well-being and development of the organizations in accordance with Article 22 of the Convent of the League of Nations (Chritian 2009). In Americas, the term indigenous was used to identify marginalized ethnic, cultural and linguistic groups within state borders rather than the geographically marginalized group within the colonial territories. The Eighth International Conference of the American States (Chritian 2008, p. 38), in its resolution XI of 21 December 1938 said: 'That the indigenous communities, as descendants of the first inhabitants of the lands which today form America, and in order to offset the deficiency in their physical and intellectual development, have a preferential right to the protection of the public authorities'.

It is significant to mention that the indigenous issue was formally addressed by the United Nations System in 1949 (UNPFII 2014). The reason was to study the condition of indigenous Americans in the hope that 'the material and social development of these populations would result in a more profitable utilization of the resources of America to the advantage of the world' (UNPFII 2014). After that, in 1957 ILO Convention No. 107, Indigenous and Tribal Populations, premises that the 'social, economic or cultural situation [of indigenous people] hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population' and from 'sharing fully in the progress of the national community of which they form part' and emphasized the 'protection and integration' (ILO 2014). The Convention obliges state parties to develop 'coordinated and systematic action for they are progressive integration' through 'collaboration' rather than 'force or coercion' (ILO 2014). After that, the 'Barbados

Declaration' has called for an engaged anthropology and it is mainly 'perceived the colonial situation of indigenous people and commits itself to the struggle for liberation… Providing colonized people the data and interpretations both about themselves and their colonizers useful for their own fight for freedom' (World Council of Churches 1971).

The International NGO conference on Discrimination against Indigenous Peoples of the Americas was held at Geneva in 1977, and it was emphasized 'the right of indigenous people and nations to have authority over their own affairs' (UNPFII 2014). Further, it set forth a draft declaration of principles calling for the recognition of indigenous people as subjects of international law. The World Conference to Combat Racism and Racial Discrimination was held at Geneva in 1978 and it 'endorsed the right of indigenous peoples to maintain their traditional structure of economy and culture, including their own language' (UNPFII 2014). Then, ILO has revised the Convention No. 107 after a strong criticism of the Convention as paternalistic and adopted the Convention No. 169 on Indigenous and Tribal Peoples in 1989 (UNPFII 2014).

The Declaration of Rio on Environment and Development in 1992 said 'indigenous people and their communities….have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development' (UN 2014). The United Nations then declared as International Year (1993) and two successive International Decades (1995-2004 and 2005-2015) for Indigenous People about the promotion and protection of indigenous people' right (UNPFII

2014). The establishment of UN Permanent Forum on Indigenous Issues in 2000 is a noteworthy progression on the establishment of indigenous rights, and it is finally supporting the Declaration on the Rights of Indigenous People by the General Assembly of the United Nations. The declaration said, 'indigenous people have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law' (UN 2014). Therefore, the international law have now accepted that indigenous people enjoy collective rights to the ownership, control and management of their lands and territories; to the exercise of their customary laws; to represent themselves through their own representative institutions. It is also recognised that laws, policies and development should not be imposed on them without their prior and informed consent.

1.6   Land Rights of Indigenous People

The European conquering powers had acquired land, and they ruled over the aboriginal inhabitants based on the concept of 'terra nullius' (Dodds 1998). The term terra nullius has identified the territory, which is not possessed by a community having a social and political organization. The Europeans views right over land grounded in productive use of land. Emeric de Vattel demonstrated his ideas about productive use of land in his The Law of Nations or the Principles of National Law of 1758. Vattel (cited in Dodds, 1998) stated, 'the cultivation of the soil…….is ….an obligation imposed upon man by nature. Every nation is therefore bound by the law of nature to cultivate that land which has fallen to its share. There are others who, in order to avoid labour; seek to live upon their flock sand the fruits of the chase. Now that the human race

has multiplied so greatly, it could not subsist if every people wished to live after that fashion. Those who still pursue this idle mode of life occupy more land than they would have need of under a system of honest labour, and they may not complain if other more industrious nations, too confined at home, should come and occupy part of their lands…. [w]hen the nations of Europe come upon lands which the savages have no special need of, they may lawfully take possessions of them and establish colonies in them'.

However, it is seen that the Roman emperors had also recognized self-governance and right to exercise customary laws of native people (Colchester 2002). Further, in colonial laws, the native people had right to apply and exercise their own customary laws through their own institutions. In the 18th and 19th Centuries, the colonial powers dealt with native people as 'nations' and signed treaties with them-often with the aim of cheating them out of their sovereignty and lands (Colchester 2002, p2).

ILO Convention No. 107 contains the only binding standards on indigenous land rights. It recognizes 'the right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy' same time their customary laws regarding land use and inheritance and their right to be compensated in money or in kind for lands appropriated by the national government for development purpose' (Barsh 1986, p. 370). Ambassador José R. Martinez Cobo, in his Sub-Commission study of 'discrimination against indigenous populations' in the year 1983, concludes 'indigenous people have a natural and inalienable right to keep the territories they possess and claim the lands that

have been taken from them, and it processes detailed standards for the reconciliation of land rights' (Barsh 1986, p. 371).

After that, in the working group's third session in 1984, on a governmental level Australia announced plans to give aboriginal communities 'inalienable freehold title' to traditional and sacred lands, with a veto over developments, and Canada described its ongoing land claim process, emphasizing its view that settlements must negotiate, 'not imposed unilaterally' (Barsh 1986, p.371). In that session, indigenous representatives jointly submitted a proposal. Then the working group occupied this text without comment to its report (UN, 1984), 'that the Working Group recongniz[e], as did the World Conference to Combat Racism and Racial Discrimination of 1978, 'the special relationship of indigenous peoples to their land and…..that their land, land rights and natural resources should not be taken away from them'. Discovery, Conquest, and unilateral legislation are not legitimate bases for states to claim or retain the territories or natural resources of indigenous peoples. In no circumstances should indigenous peoples or groups be subjected to adverse discrimination with respect to their rights or claims to land, property or natural resources'.

Then, in the fourth session, Argentina Government emphasized to recognize and restore the land rights through local organization and customs. Further, Mexico also emphasized on the need for land reform and they warned against development programs that result in policies actually recognizable as ethnocide.

1.7 Peace Agreement and Post-Accord Indigenous Land

The world is becoming more vulnerable due to rapid population growth, constantly changing climate conditions and absence of proper land policies. Thus, land conflict is a significant driver of social, political and environmental change throughout the 20th century (Simmons, 2004, p.183). According to USAID (2005, p.3), 'land conflict usually occurs when claims grounded in formal state law versus informal or customary claims or where overlapping rights were granted to parties under different legal regimes or where overlapping and competitive rights have been granted to different parties for the same land'. The struggle for land has also identified as a source of internal strife in countries; such as Bangladesh, the Philippines, South Africa and Israel and the precipitating factor of war between Senegal and Mauritania and El Salvador and Honduras (Simmons 2004, p.183). Furthermore, it played a significant role in many secondary conflicts, such as in Kosovo, Afghanistan, Somalia and Iraq (Molen and Lemmen 2004, p. 5). Land is considered a significant aspect in peace-building and economic reconstruction in post conflict areas as it plays a key role regarding return of refugees and IDPs (USAID, 2005, p.2).

According to Unruh (2002), 'peace accord or treaty resolves a spatial contest in a macro sense, but often implementation of accord constitutes the re-establishment of tenure security, land registration and its administration (what they [still] mean and what not and how to use them) are complicated and hard to resolve'. It is argued that land policy as an element of peace building mission. Conflict over land often relates to strong economic and emotional values (OECD 2004). Further, land conflict is also connected with economics and political influences;

such as, law, public administration, and culture (USAID 2000). ILO Convention No. 169 states that 'land rights' are the most important rights.

It argues that the land conflicts are related to the possession, control, exploitation and use of natural resources (Mitra and Gupta 2009). Then, states are interested to control over such resources and the multinational corporations are also emphasizing their own economic interests over them (Mitra and Gupta 2009). For instance, in Chile, there is a law to recognize the rights of indigenous communities to their lands; however, other laws allow any private party to claim possession of subsoil and water resources on them (Stavenhagen 2005, p. 2). Then, in Mexico, the Zapatista uprising in 1994 put the issue of indigenous rights squarely on the national agenda and a peace agreement signed in 1996 which still remain in paper (Stavenhagen 2005). Another example is from Guatemala, where Maya's identity and rights were recognized by the peace agreement of 1996; however, the indigenous communities do not have access to land and resources though they constitute more than half of the national population (Stavenhagen 2005, p. 2). In Afghanistan, establishment of a well functioning land administration and cadastre still a significant challenge for the central government and the international community (Stavenhagen, 2005). In the case of Bangladesh, Indonesia and Sri Lanka, the land appropriation and resettlement schemes are considered as notorious for causing conflict and tension related to competition for land uses and claims.

Chapter Two

History of Ethnic and Land Conflict in CHT

Although ethnic conflicts in other parts of the world have been broadly studied by social scientists, the ethnic conflict in Bangladesh has not been studied scientifically. In fact, Bangladesh's ethnic conflict is one of the longest conflicts in the world. There were conflicts between British and indigenous groups traced back 18th century (Roy 2000). The geography, cultural heritage, the region politics and legal developments of Chittagong Hill Tracts are totally different to the plain lands of Bangladesh. This chapter includes a brief discussion on different ethnic groups and conflicts over land in Chittagong Hill Tracts, Bangladesh. Although, the majority of the 144 million people of the country are Bengali, Bangladesh is also inhabited by approximately 2 million ethnic minorities (Erni 2008, p. 333). The different ethnic groups of Bangladesh reside mostly in remote and border areas. There are many indigenous groups which number fewer than ten households in Bangladesh, but some are more populous (Mitra & Gupta 2009). The minorities are thus not very significant in terms of the total population but are highly significant in the context of the CHT. Some indigenous also reside in urban areas; such as the capital city of Dhaka and the commercial city of Chittagong, but they are few in number com-pared to the large numbers of the Muslim Bengali majority (Mitra & Gupta 2009).

2.1   Historical Background and Demographic Contour

The accuracy of data about the total indigenous population and the number of indigenous groups in Bangladesh are subject to doubt, and little has been done to remedy the situation. The Census of 1991 reports that the CHT indigenous are consist of 501,144 persons and the

percentage is 51% of the people of this area, but only 0.5% of the total population of Bangladesh (Mohsin 2003). According to Shelley (1992), the 'tribal' people of Bangladesh are concentrated in the CHT and the Mymensingh, Sylhet and Rajshahi regions. The total indigenous population in Bangladesh was 897,828 in 1981 (CHTDF 2009). Adnan (2004) reports that during the time of the census, the total CHT indigenous or jumma in his terminology, population was 455,000, or 61.07 % of the total population of the CHT. This estimate indicates that the remaining 442,828 members of ethnic group live in the other districts of Bangladesh (Adnan 2004). In 1991, the total ethnic people of the CHT had increased in number but decreased as a percentage to 51.43% of the total population of the area (Adnan 2004). The reduction in proportion is due to the influx of Bengali settlers. According to Adnan, 'the present ethnic composition of the CHT is strikingly different from what it had been around a century earlier. In 1872, the CHT population was almost entirely Pahari (98 percent). In comparison, the non-Pahari (mostly Bengali) accounted for a minuscule minority (2 percent). Even up to 1951-56, the various Pahari groups together accounted for 90 percent of the CHT people, with Bengalis comprising most of the remainder. However, by 1991, the share of all the Hill peoples declined drastically to around half (51.4 percent) of the CHT people. Correlatively, the share of Bengalis rose dramatically from around 9 percent in 1951-56 to 48.5 percent in 1991' (2004, p. 11).

The CHT occupies a physical area of 13,181 square kilometres (5,089 square miles), constituting 10 percent of the total land area of Bangladesh (Mohsin 2002, p. 11). The region is comprised of seven main valleys, which are formed by the Feni, Karnafuli, Chengi, Mayni, Kassalong, Sangu and Matamuhuri rivers (Shelley 1992). The Chittagong Hills branch off from

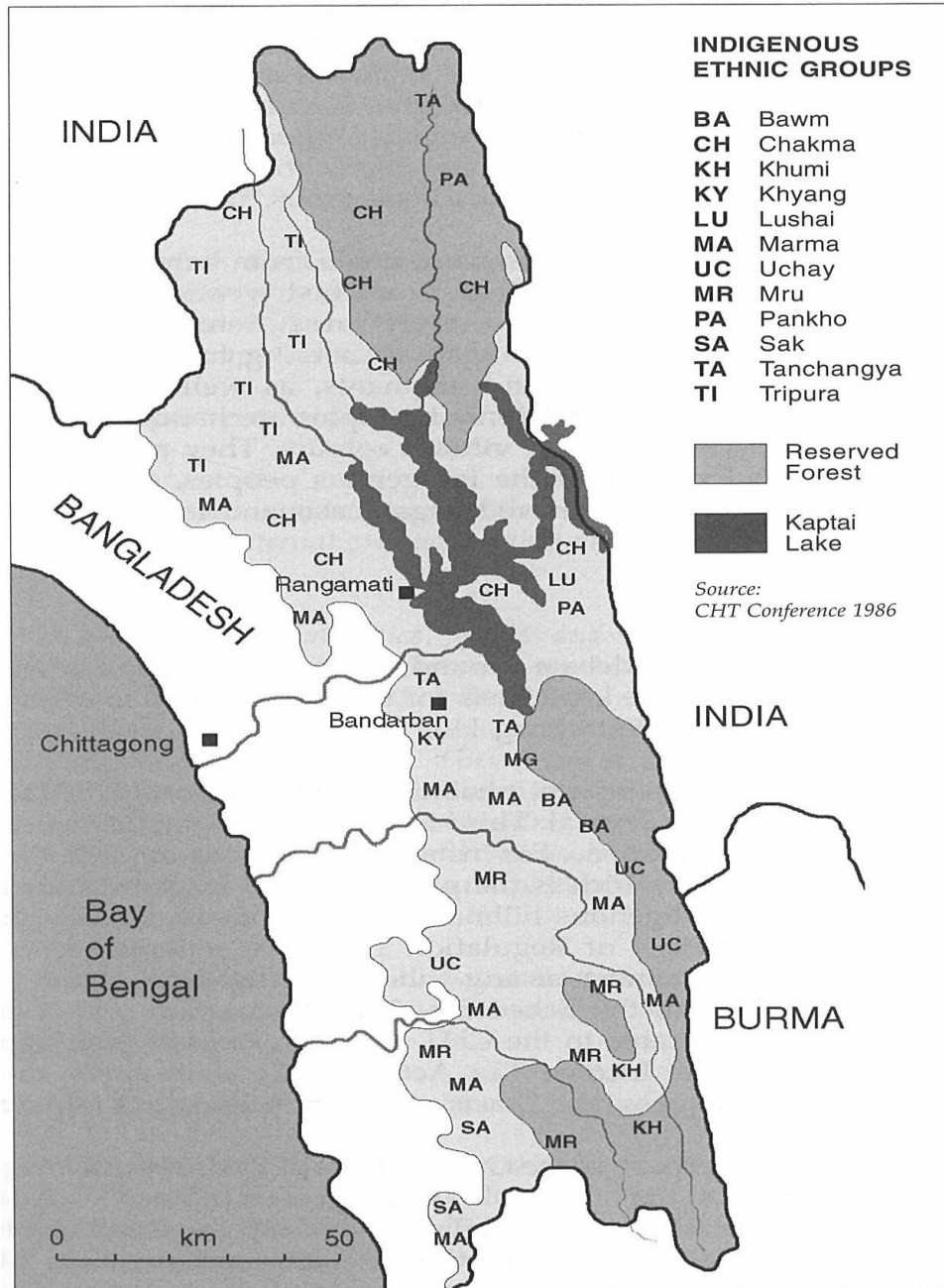the Himalayan ranges and continue south through Assam and Tripura in India to Arakan in Myanmar (Burma) (Shelley 1992, p. 35). The CHT was a single district until early 1980s. In 1983, it was divided into three districts, namely Bandarban, Khagracahari, and Rangamati (Mohsin 2002, p. 11).

Map 1: Chittagong Hill Tracts

Source: Roy (2000)

Map 2: Indigenous Ethnic Groups

Source: Roy (2000)

2.2   CHT and State Hegemony- British, Pakistan and Bangladesh Period

The ideology of 'hegemony' has a different meaning in a different context. It means a form of domination, and it serves to require the rules and enforcement that allows the inter-state system to function over time (Robinson 2005). According to Robinson, 'the idea of hegemony presupposes that the domination is built by giving concessions to the subordinated group. This accommodating approach enables the ruling class to transform the values and cognition of the subordinated group, split oppositional forces, and win a consent from at least some fractions of the dominated group' (2005, p. 560). This chapter will discuss the state's hegemonic approach to the peoples of CHT. The main purpose of this chapter is to recognize British, Pakistan and Bangladeshi Governments' rule over the traditional rights of CHT people. Nationalism has become an issue both in the Pakistan (1947-1971) and the Bangladesh period and it has changed and destroyed in several direct and indirect ways the institutions, living conditions and rights of the people of CHT (Shelley 1992). The role of this chapter is to address the ethnic nationalist conflict. It highlights the historical and political context which being used to suppress indigenous people movement and abolish their traditional land rights.

2.2.1   British Period (1760-1947)

The Chittagong Hill Tracts (CHT) was inaccurate with the absence of dependable relevant sources before the British colonial period. During the period from 15th to 19th centuries, the entire part of CHT was covered with dense forest, and the ethnic groups from Myanmar (Burma) were settled in CHT (Roy 2000). The ethnic communities were mainly depended on agriculture for household consumption; including cereals, oilseeds, vegetables, cotton, rice,

mustard and sesame (Roy 1997). In the history, Chakma kings used Muslim name due to Mughal's influence in CHT; such as, Rattan Khan (1673), Jalal Khan (1715-25), and Shermust Khan (1737-58) (Shelley 1992). However, there is no clear evidence whether they had been converted to Islam or only use Muslim name to keep the awesome Mughal power at the bay of Chakma. As Chakma king Jalal Khan requested Mughal administrator of Chittagong to permit Bengali merchants to trade with the tribal people, the Bengali muslim people entered into CHT, and they had started the business with ethnic communities (Roy 2000).

By 1760, The British East India Company controlled whole Indian continent as well as Bengali trading sector. The region called the Hill Tracts annexed after defeating the Chakma Raja Jan Box Khan and his general Ranu Khan Dewan in 1778 (Roy 2000). CHT was a significant place for British rule as it had boundaries with Indian states of Tripura to the north, Mizoram to the east, Chin and Rakhain states of Myanmar (Burma) to the south-east and south and to the west the Chittagong Districts of Bangladesh (Shelley 1992, p. 27). Later, the Chakma Raja signed a peace accord with the British Governor General Lord Cornwallis at Fort William, Calcutta (Shelley 1992 p. 27). The defeating party was forced to pay an annual tribute about 20 mounds of cotton to the British for the right to trade. In the year 1789, the tribute was changed from cotton to cash and each married man had to pay Rs. three or four annually (Roy 2000). This changing tribute was burden for the ethnic population as they economically depended on Bengali traders who established themselves as belonging to a superior status group (Shelley 1992, p. 27). The British Crown took control over the CHT from the British East India Company as the scale and brutality of the Rebellion became known to the native forces in 1857-1858 (Shelley 1992).

CHT had declared into a separate district after the Crown passed the Regulation Act no. XXII in 1860 (Roy 2000). The Crown rejected the claim of ownership of land by the native Chiefs. It said that 'the chiefs of the CHT have no title to the ownership of the land which is vested exclusively in the Crown: they exercise only the delegated right of collecting taxes and rents on behalf of Government' (Shelley 1992). In 1881, the British introduced territorial Chiefs/Rajas and divided the CHT into three so-called circles (Gain 2000). An administrative officer was assigned for each circle under the Deputy Commissioner. With the division, the Circle Chiefs lost their power over all civil, criminal and juridical matters, except their authority to make rulings on so-called customary matters (Gain 2000). The Government of British India declared 1356 square miles out of 5146 square miles as reserved forest and this area covered more than 25 percent of the total land of CHT (Shelley 1992). Further, there were restrictions to impose on the native populations' rights over their ancient region's vast forest resources, and this is done in the name of protection of forest (Shelley 1992). There was another reason behind the British rulers' impositions, and it was to bind the native people to start cultivation by plough instead of by fire and stick (Jum cultivation) (Gain 2000).

In British colonial time, the British rulers were always considered vast tracts of Indian forests as obstruction to the prosperity of the colonial exchequer (Mathur 2009). Further, they issued a memorandum titled 'Charter of Indian Forests and created Forest Department' in 1864 (Mathur 2009). They also introduced the Indian Forest Act of 1865, under which any land covered with trees or brushwood declared forest, and the government laid claim to it all (Mathur 2009). The first Deputy Commissioner in the CHT Captain Thomas Herbert Lewin said,

'introduction of the Reserve Forest Act for the prohibition of shifting cultivation (for) Hill people will influence plough cultivation' (Shelley 1992). After thirteen years, they commenced an amendment as the Forest Act of 1878. This version curtailed centuries-old, customary use right (Mathur 2009). The Forest Act of 1878 established that forest used by villagers was not a right, but a privilege of concession given by the state (Mathur 2009, p. 173).

By 1882-83, about one fourth (24 percent) of the total 1,244 sq. miles area of Hill Tracts became Reserved Forest (Roy 2000, p.69). However, the British did not totally abolish the traditional rights of the CHT indigenous people. They commenced the CHT Regulation 1 of 1900 (Bengal Act of 1900) (Roy 2000). This regulation was required identifying, defining and declaring various customary rights and privileges for the CHT indigenous people. It had given the right to occupy homestead land in rural areas and the right to use timber, bamboo, and other minor forest produces for bona fide domestic purposes (Roy 2000). Further, the British taxation system in the Chittagong Hill Tracts was based on a person and not on the land (Roy, 2000). Tax is a tribute payable to the State; it is no way partakes of the nature of rent, or bears any relation to the land cultivated (Roy 2000). Bangladesh authorities considered indigenous people as 'nomadic tribes people' who were constantly on move and question about the traditional land rights (Roy 2000). However, the myth is not correct.

Hutchinson had demonstrated a detail description about the relationship between 'juming' and 'nomadism' in the CHT. He states, 'now as regards the supposed tendency of juming to encourage the nomadic habits of the Hill tribes, this is quite a mistaken idea. The very

great majority of villages are permanent and have occupied their present site for a very large number of years. Take Bandarban for instance; this is the largest of the Hill villages and its population is entirely indigenous, but it has occupied its present site for more than 80 years and will continue to do so. The same may be said for all the principal villages' (cited in Roy 2000, p. 52).

The provision of Article 41 empowered the Deputy Commissioner to regulate and declare any area for jum cultivation and to restrict the expansion of jum cultivation to new territories (Gain 2000). This regulation also destroyed the region's ethnic and cultural diversity. The rule 34 had left scope open for acquisition of land for various commercial and residential purposes (Roy 2000). In early seventies, the region's farmers had owned about land than they could use for themselves (Roy 2000). Further, the high quality land was given to European entrepreneurs for tea, coffee, orange and tea plantations (Roy 2000). Therefore, the land rights had become critical and dramatic for the ethnic hill society, and undermined their egalitarian and redistributive norms and practices (Shelley 1992).

2.2.2   Pakistan Period (1947- 1971)

CHT had been a self-governed independent territory under British rule until 1860 and after 1860, the British rulers formally connected CHT to the province of Bengal (Shelley 1992). And, CHT was legally declared as an exclusive area for the indigenous population in the CHT Manuel Regulation 1 of 1900 (Adnan 2004). This regulation had given legitimacy to the indigenous inhabitants and their customs and restricted the non-indigenous population from settling in this area (Roy 2000). However, the current conflict began right when Chittagong Hill

Tracts nationalities demanded autonomy and cultural and political rights from the British government in 1947 (Shelley 1992, p. 31). As a result, the CHT leadership strongly opposed the annexation and hoisted Indian and Burmese flags in CHT, and the Pakistan Government controlled the CHT politics through sending Baluch Regiment to lower the Indian Flag in Rangamati and Burmese Flag in Bandarban (Roy 2000). Therefore, the Pakistani government had depicted the ethnic people as 'pro-Indians' (Shelly 1992). The Government of Pakistan started to administer CHT centrally from Lahore because of geographical distance (Gain 2000). Later, the Pakistani Constitution gave CHT a special administrative status as an 'Excluded Area' and in 1964; it changed 'Excluded Area' to a 'Tribal Area' (Mohsin 1997). The Rule 34 had established to allow and live in CHT for Bengali or non hill people (Mohsin 1997).

After decolonization process, CHT had become the target of destruction as the nationalist of CHT had demanded their homeland. Further, the native ethnic people had lost control over the lands and hills when the special status abolished on 1962 (Rashiduzzaman 1998). Under the government development policy, they created a reservoir for hydroelectricity and a paper mill for area development; as a result, more than 10,000 indigenous people were relocated   without fair compensation in 1960s (Shelley 1992, p. 31). About 40 percent of the total settled cultivable land of the District submerged by the dam (Roy 2000). The government did not find enough land for rehabilitation; as a result, the indigenous people were migrated to the Indian states of Tripura (Rashiduzzaman 1998). Further, the medium of language became Urdu and Bengali, although the each indigenous community has their own language (Roy 2002). As a result, the ethnic people had lost their rights to education in their own languages.

2.2.3 Bangladesh Period (1971- Present)

The Province of East Pakistan was declared its independence on 26 March 1971, which liberated on 16 December 1971.During the liberation war, some Indigenous leaders supported the Pakistani regime (Mohsin 1997). Therefore, all the indigenous people were considered as 'pro-Pakistani' by Bangladesh authorities, in spite of the fact that the Pakistani regime themselves considered the CHT population 'pro-Indians' (Mohsin 2003). Further, there were around 200,000 to 400,000 landless Bengali farmers from several districts settled in the CHT areas for continuation of the development process. The most important reason is to change the demographic model and balance of power and to weaken the supremacy of the Hill people in CHT (Roy 2002, p. 5). In 1972, a delegation of the CHT people had submitted a memorandum demanding constitutional recognition of the indigenous peoples' group living in CHT and regional autonomy for protection of their distinct ethnic and cultural identity (Islam 1984). However, the memorandum was rejected, and there were no special provision included into the Bangladesh constitution for the indigenous people (Islam 1984). As a result, a distinct recognition, identity of minority and the accompanying land rights in CHT area were under critical condition. The Bengali government was more reluctant to accept minority or indigenous culture. It is pointed out by Van Schendel, 'neither triumphant Bengali nationalism nor the more Islamic interpretation of the nation state that emerged from the late 1970s held many promise for those citizens of Bangladesh who did not identify as Bengali and Muslim' (1992). It is significant to recognize that the rise of ethnic conflict is created through the construction of Kaptai Dam and the forced migration as well as the resettlement program, which has created pressure on land and other natural resources. These intensifying factors are responsible for the

impoverishment and political deterioration in the CHT (Roy 2000). These incidents had set an alienation process in CHT through Bangladesh government, and the process is still going on.

Then, the first prime minister of Bangladesh Sheikh Mujib also rejected the four demanding points, which were raised by the Manobendra Narayan Larma, a Member of Parliament from CHT (PCJS 2014). These four demanding points are autonomy for the CHT with its own legislature, retention of the 1900 CHT Manual, continuation of the offices of tribal chiefs and provisions restricting the amendment of the CHT Manual and imposing a ban on the influx of non-tribal people into the CHT (Mohsin 1997). Furtehr, Sheikh Mujib, ordered the ethnic people to forget about their century-long legacy and he asked them to become Bengali instead of Jumma (Shelley 1992). Therefore, the massive influx of Bengali had started through this order in Bangladesh era. It became an issue of frustration for indigenous communities when the Constitution of Bangladesh (articles 3 and 6) declared that there is only one language, Bengali, and one Bengali nation enriched as the basis of the new nation (Mohsin 1997). The other ethnic nationalities of Bangladesh were not given any recognition in the constitution (Roy 2000). Finally, Bangladesh declared itself as a multicultural and unilingual nation state in a parliament session on the 23 of January 1974. Later, the Bangladeshi government amended Rule 34 of the CHT Manual in 1979 and opened CHT for unrestricted immigration and settlement for non-indigenous people from all over Bangladesh (Mohsin 1997). According to one estimate around 400,000 Bengalis were settled in the CHT between 1979 and 1984, displacing some 100,000 ethnic people who evicted from their ancestral lands (Roy 1997). After that, Islam was declared as the state religion of Bangladesh in 7th June 1988 through the eighth amendment of

the constitution although the ethnic minorities of Bangladesh who were practicing Shamanism, Buddhism, popular Hinduism and Christianity (Roy 2000).

2.2.4   The Critical Issue of Political Nationalism

Although the national identity of India and Pakistan base on religion, the indigenous communities from these two countries have been suffering for its nationalist movement since 1947 (Islam 1981). Even after the decolonisation from British rule, Pakistan brought the concept of 'nation' and 'nation-state' from the western political legacy (Islam 1981). For instance, it is demanded by Pakistani rulers that every people living in a contiguous territory should have to follow the same ethnic origins, similar culture and above all one language (Islam 1981). Therefore, Keith Callard has pointed out; 'it had hardly any history of national unity; people did not speak a common language; they did not have a homogenous culture; they did not even have a geographical or economic unit' (Adnan 2004). For instance, Israel is the only country where religion is the main significant instrument for its creation. However, Islam has failed to integrate with its multi ethnic communities in Pakistan (Mohsin 1997). Since decolonisation process, the Hindu nationalism is more advanced than Islamic (Bleie 2005).

Furthermore, the Pakistan leadership did not seriously taken into consideration the common British administrative strategy. The British had established diverse administrative forms and mechanisms, which were different from the governor and chief commissioner of provinces to tribal territories and princely states (Islam 1981). Then, they divided and ruled the potentially troublesome parts of their vast Empire relatively successfully for long periods. Although there

was some fear about Muslim revivalism in British period, the British rulers were always encouraged the growth of ethnic identities (Roy 2000). Therefore, there was much more cultural development in British rule than Pakistan era. It considers that the Pakistan era is full of inter-cultural alienation and inter-ethnic animosities (Mohsin 1997). As the Pakistani rulers had considered Islamic national identity for succession in all situations, they were proved wrong in the national election time in 1970 (Islam 1981). Further, the 'Islamic ideology' was performed miserably in election as the Bengali nationalism had developed over time (Islam 1981). The seeds of secular Bengali nationalism mainly started to grow in 1950s, when the Central Government dismissed the United Front Government (Islam 1981). Pakistani rulers believe that Bengalis was converted from the low-caste Hindus, and they were still under their cultural influence (Islam 1981). Further, Bangla language is written in Nagri script, which is similar to Sanskrit, as well as Hinduism. Finally, the Pakistani leadership decided to have a common language as one of the bases of its nationhood (Chowdhury 2008). The Pakistani leadership was not sure how to interpret Islamic ideology, what does it mean? Islamic ideology was a vague (Islam 1981). In 1948, Mohammad Ali Jinnah declared in Dhaka: 'Let me make it very clear to you that the state language of Pakistan is going to be Urdu and no other language….Without one state language no nation can remain tied up solidly together and function' (Islam 1981, p. 58).

After that, the Bengali nationalism had shaped into an ideology for Bengali people and the language movement had given them the opportunity to gain different nationalism aka Bengali nationalism (Islam 1981). Through the language movement, Bengali nationalism acquired a secular and cultural form as language and culture replaced religion as the basis of their identity.

However, the indigenous people of CHT had no space to join either Pakistan or Bengali nationalism through language movement as they do not speak Bangla and culturally different from the Bengalis (Roy 2000). Although the mainstream Bengali people do not believe the identity of indigenous people, the indigenous people of the Chittagong Hill tracts are variously known as the Jumma people, the Pahari or the hill people (Adnan 2004). This particular label of Jumma represents the construction of a general nationalist identity regarding the indigenous or ethnic background as the indigenous people from CHT shared in their exclusion from the official Bangladesh government approach to the region (Adnan 2004). In this context, the Indigenous Population have formed a political party the United People's Party (known as JSS) with an armed wing of the JSS, the Shanti Bahini (Van Schendel 2009). Jumma people considered this movement as a political struggle between the Bengalis and Pakistanis. Both Bengali and Pakistani leader had refused CHT people and their refusal to accept the Jumma people as a separate identity had built the notion of Jumma nationalism (Roy 2000). The Bengali leader Mujib had done same mistake as Jinnah had sown the seeds of Bengali Nationalism by imposing Urdu language upon the Bengalis (Islam 1981). Therefore, the Jumma leader who is considered father of Jumma nationalism, M. N. Larma refused to endorse the 1972 Bangladesh Constitution, [Article 9 defined the basis of state nationalism as Bengali nationalism] by arguing, 'you cannot impose your national identity on others. I am a Chakma not a Bengali. I am a citizen of Bangladesh, Bangladeshi. You are also a Bangladeshi but your national identity is Bengali……They [Hillpeople] can never become Bengali' (Roy 2000).

Later, Mujib declared that the tribals are being promoted into Bengalis; however, this notion was strongly rejected by the Indigenous people (Adnan 2004). On the other hand, the PCJSS declared to achieve 'Jumma' identity based on social-political rather than cultural characteristics (Roy 2000). It argues that Bangladesh suffered from an ideological differentiation as opposed to ethnic differentiation and the homogeneous Bengali identity did not prove potential tool for coping with post-independence problems. Rashiduzzaman has stated, 'Bengalis demonstrated a separatist nationalism fed by the economic grievances against Federal Government…..But Bengali leader failed to develop any sound political organization' (1998) There are few reasons behind this failure. First of all, the anti-Indian feelings had led to change in the emphasis on secularism during Mujib's regime (Mohsin 1997). After Mujib assassination, particularly under the General Zia regime, the Islamic ideology and identity have been reinstated. Moving towards Islamic nation obviously aims at appeasing the dominant majority community of the state and to secure the support from military (Mohsin 1997). General Zia defines Bangladeshi nationalism as: 'Religious belief and love for religion are a great and imperishable characteristic of the Bangladeshi nation…the vast majority of our people are followers of Islam. The fact is well reflected and manifest in our stable and liberal national life' (Islam 1984)

There is a territorial line in Bangladeshi nationalism; such as, Bengalis of Bangladeshi and Bengalis of West Bengal, India. It was developed in 1975 through the reassertion of the Muslim identity of the Bengalis in Bangladeshi constitution (Islam 1981). Islamic ideas incorporated into the Constitution. Bismillahir-Rahmanir-Rahim (In the name of Allah, the Beneficent, and the Merciful) inserted at the beginning of the constitution by the proclamation of

Order No. 1 of 1977 (Islam 1984). Further, the principle of secularism was dropped from the constitution and Ministry of Religion was established. It is significant to note that the religious studies made compulsory in all schools (Mohsin 1997). As a result, the new form of Bengali nationalism was introduced, which is more religious than nationalistic. There was no space for accommodating the hill people of CHT in this new construction. Islam declared as the state religion of Bangladesh. Religion, as well as culture, was being used as tools of domination in minority as well as for the CHT people (Adnan 2004).

It is argued that the development of Jumma identity is mainly built on unique historical experience, which is beleaguered by outsiders as they lost their land to the British and subsequently by the Bengalis (Mohsin 1997). PCJSS described the situation in 1987 and they said, 'the Chittagong Hill Tracts is the homeland of ten linguistically different jatis (nationalities or communities): the Chakma, Marma, Tripura, Bawn, Lushai, Mru, Pankho, Khumi, Khyang and the Chak (2014). For centuries, these ten linguistically different communities have inhabited CHT and maintain their own communities, culture and language' (Roy 2000). Every nation in the world, either big or small, tries its best to uphold its national identity and solidarity. The ten linguistically different jumma people of CHT are no exception to this (Mohsin 2003).

As the social identity of indigenous people is distinguished from Bengalis and other, the PCJSS had claimed certain political rights and resource rights. PCJSS always avoided accepting the indigenous identity (Adnan 2004). First of all, PCJSS had been attempting to create a

common identity of jumma for indigenous people, who differ in ethnicity, language and religion and ideology of indignity would undermine their efforts (Mohsin 2003). Second, the Jumma identity had been popularized and familiarized since 1970s (Mohsin 2003). Third, the Bengali acronym of the term indigenous is 'adivasi', which literally means 'first inhabitants' (Adnan 2004). It is generally used to refer to the plain land 'tribes' such as Santals, Mounda and so forth, who are said to have been the descendants of 'pure Dravidian' stocks but Jumma are not (Mohsin 2003). There are also various obstacles to the acceptance of Jumma nationalism. First, Jumma identity will have to compete with distinct local ethnic group identities, that are well established and do not have shown sign of fading (Mohsin 2003). Second of all, the word of Jumma identity is hegemony representation of 'Chakma' indigenous group, which is not belonging to other ethnic communities (Mohsin 2003). Therefore, the creation of Jumma nationalism is threatened by this misguided concept.

2.2.5 Militarization and Land Conflict in CHT

CHT considers as a threat for state security since British period. After the independence of Bangladesh, indigenous leaders had demanded regional autonomy of CHT within the state of Bangladesh. However, Bangladesh government had misinterpreted the demand of indigenous people as secessionist and identified the CHT as a 'national security' problem (Islam 1984). Later, CHT leader M. N. Larma established the political party PCJSS and its' military wing Santi Bahini (Peace Force) (Mohsin 2003). To control the insurgency, Bangladesh Government has sent the 24th Infantry Division, and consequently the CHT has undergone a full scale of militarization. Bangladesh military has been given total control of civil administration by the

government as the insurgency and counter-insurgency have increased in the CHT area (Adnan 2004).

According to Amnesty International, since 1980s, there were between 20,000 and 100,000 armed personnel active in the Hill tracts (Roy 2000). There are four Brigade Head Quarters in the CHT; such as, Rangamati, Khagrachari, Dighinala and Bandarban and two Garrison in Ramu and Alikadam. Besides there is army base camp in each Upazilla and road side and naval base in Kaptai and anti-guerrilla training centre at Mahalchari (Mohsin 2003). Further, the Chairmanship of the Chittagong Hill Tracts Development Board (CHTDB) was given to the General Officer Commanding (G.O.C) of Chittagong Cantonment, who holds all military commands and power in the CHT (Mohsin 1997). They have given power for all kinds of development, including controlling the international aid. However, it is found that about 80 percent of the CHTDB development budget spent on building military infrastructure through construction of military camps, roads and bridges, office building, mosques, cluster villages both for Bengali settlers (Mohsin 1997).

Then, the Bangladeshi government made a drastic change to the land law of the CHT in order to implement their development plan in CHT. As a result, the 400.000 landless families were migrated from different parts of Bangladesh to the CHT area (Adnan 2004). Those poor Bengali that were migrated to the CHT area under the resettlement program received from the government a piece of land, which originally belonged to the indigenous people (Adnan 2004). For the indigenous people, land is a property belonging to the community or group but not to an

individual. However, the legal framework acknowledged by the state favours the powerful group

dominating the scene, in this case the Bengali (Roy 2002). The large numbers of the indigenous

people excluded from their land and villages and it has created conflict over lands and hills. The

main objective behind this settlement process in CHT is to enhance loyalty of the indigenous

community to the state and Bangladesh government and spread of Bengali nationalism.

The issue of land has become the crucial issue for both Bengali government and CHT

indigenous people. JSS submitted five-points demand to the Bangladesh Government, including

the removal of all Bengali settlers who had been settled in the region since 1947 (Mohsin 2003).

Unruh mentioned that even conflict that had no land component can lead to tenure problems in

the peace process, due to the spatial nature of both land tenure and armed combat (2002, p. 338).

Nowadays, land is the main problem in the CHT. The land scarcity in CHT mainly started during

the British colonial period. According to Indian Forest Act of 1865, most of CHT was declared

as forest in 1872 (5670 square miles out of 6682 square miles) and was divided into 'Reserved

Forest' (RFs), under the Forest Department and 'Un-classed State Forest' (USFs) or District

Forest, under the Deputy Commissioner's management (Roy 2000). Though indigenous people

had the right to use USF or District Forest for swidden/Jum cultivation with the permission of

DC, they lost their rights to use RF resources (Roy 2000). During the Pakistan period, a third

category of forest called 'Protected Forest' was introduced and temporally forbidden for Jum

cultivation under development schemes (Mohsin 1997). However, there were major land crisis

occurred due to Kaptai Dam or Kaptai Hydro-Electric Project (1959-63), and it had been

constructed by the Government of Pakistan (Shelley 1992). This scheme flooded 54,000

acres-nearly forty percent of the most excellent agricultural land and relocated about 18,000 families (Shelley 1992). After Independence, the Government of Bangladesh has followed the same tradition in extending the forest department's control in CHT, as well as leasing and acquiring forest lands for Bengali settlement, commercial plantations, development (Mohsin 2000). In the year 1979, the Government of Bangladesh amended Rule 34 of the Regulation 1 of 1900/150 and stated 'land for residential purposes may be settled by the DC with deserving persons on a long term lease basis' {(Rule 34 (d) (1)} (Roy 2004). There are about 400,000 Bengalis sent to the CHT under the sponsorship of Governments' resettlements schemes. The exchange was land (each family: Paddy land 2.5 acres, Plain and Bumpy Mixed 4.0 acres and Hilly land 5.0 acres), cash and other incentives (Roy 2004).

Table 02: Estimates of Indigenous people and Non-Hill population in CHT

	Indigenous People		Bengali People	
Year	Number	Percentage	Number	Percentage
1872	61957	98.26	1097	1.74
1901	116063	92.98	8762	7.02
1951	261538	90.91	26150	9.09
1961	335069	87.01	50010	12.99
1974	409571	80.59	98628	19.41
1981	455000	61.07	290000	38.93
1991	501144	51.43	473301	48.57

Source: Adnan (2004, p. 57)

Table 03: Changing Size and Composition of CHT Population by Religious Groups

Religious Group	Year									
	1951		1961		1974		1981		1991	
	N	%	N	%	N	%	N	%	N	%
Buddhists	215000	74.84	275681	71.59	337586	66.47	394321	52.46	425311	43.65
Muslims	18070	6.29	45322	11.77	95633	18.83	259568	34.53	429954	44.12
Hindus	40984	14.27	47644	12.37	53373	10.51	70583	9.39	87806	9.01
Christians	3745	1.30	10160	2.64	13272	2.61	18973	2.52	22206	2.28
Others	9475	3.30	6272	1.63	8050	1.58	8247	1.10	9168	0.94

Source: Adnan (2004)

After analysing both figures of table 2 and 3, it is clearly seen that there are large scale of migration , which has changed total demographic situation of CHT and marginalizes the indigenous people in their own land both in number and religiously.

2.2.6 CHT Peace Accord of 1997

A peace accord signed between the Chittagong Hill Tracts (CHT) indigenous people and the government of Bangladesh on December 2nd in 1997 and the main purpose was to recognize the rights of indigenous people and their struggle for autonomy (Roy 2000). This Peace Accord is the result of long negotiation process, which is primarily started by the Government of Bangladesh. The process has been very challenging for both parties due to massive human rights violation, massacres of indigenous people, burning villages, disappearances, detention without

trial, rape, torture, forced relocation (Roy 2002). The conflict had got international attention when a large number of ethnic people fled into the state of Tripura, India in 1986 (Mohsin 1997). Then, the Tribal Convention was formed to negotiate between the Government and the PCJSS. Further, International donors including Amnesty International had pressured the Bangladesh Government to reach in a political negotiation (Roy 2002). In the meantime, Amnesty International has published regular news of human rights violation in CHT. The CHT Commission had published annual reports on the conflict, and they deliver information to the donors; including Japan, the United Kingdom, Denmark, Sweden, France, Germany, Switzerland, the European Commission (EC) and the United States of America (Roy 2000).

In 1996, Prime Minister Sheikh Hasina requested India to withdraw its support from the PCJSS (Mohsin 2003). After that, there was a set up for national Committee on CHT in October 1996 to reinitiate the peace process (Roy 2002). With the assistance of India, the National Committee of CHT negotiated with the PCJSS and concluded with the signing of the Peace Accord between the National Committee and the PCJSS (Mohsin 2003). An important but largely unexplored dimension of the negotiation process was the little known pre-formal exchange of messages between the parties that has led some to believe that 'agreed to agree, whatever the contents of the accord might be' (Mohsin 2003).

However, the full implementation of the peace accord is still in critical condition as the land rights of indigenous people are not acceptable to the mainstream Bengali people. It seen in Rwanda, Bangladesh and Burundi cases; the tensions and conflicts have risen due to government

supports for one side over another. Further, the accusation against the Bangladesh Army is that they are always supportive to Bengali settlers than indigenous people, and it always causes severe violent conflicts between these two groups.

2.3   Chapter Summary

The above discussions mainly emphasize the state hegemonic aspects and its impact on CHT people. The paper has depicted the full scenario of the British rule and how they have destroyed the traditional rights of the Indigenous people and alienated them from indigenous system. To introduce private land ownership and suppress the nationalism movement of the indigenous people, they had begun 'divide and rule' policy between indigenous and Bengali people. As a result, indigenous people gradually marginalised, alienated and exterminated in the 'nation-state' building process of Pakistan and Bangladesh. Though they geographically belong to East Bengal and later Bangladesh, they were not included either Bengali or Bangladeshi nationalism process. The state's administrative, developmental and military violations into the CHT result from the nation-state building strategies, which led the indigenous people towards marginalization in their own ancestral lands. Therefore, the 'jumma identity' has emerged to cope with the political and economic consequence of losing rights. However, it is an alarming issue whether this new identity will suppress all the ethnic identities or it will become successful to achieve power for its ethnic people.

Chapter Three

Case Study: Loss of Land Rights and Ethnic Conflicts in CHT

This chapter illustrates the present state of affairs in relation to land loss in CHT. The purpose of this chapter is to highlight the real facts in relation to social exclusion and deprivation. The background chapters of this book have illuminated the theoretical discussion over ethnic conflict, identity crisis and its impact on ethnic people. This chapter will present the features of exclusion in terms of land grabbing, lack of social policies and the current situation for human rights.

Social policy has emerged as an academic term from European social policy debate that first introduced in France in the 1970s. The discussion and debate rapidly expanded in the other parts of the world, especially in Latin America. The term has gradually taken shape in the academic arena 'as an extension of the study of 'marginalization' (Daly and Silver 2008). Social exclusion has referred to the condition or status of a group of people who do not belong to the mainstream society, but are marginalized and deprived in terms of economic benefits, social status, housing facilities, social power and access to social privileges (Daly and Silver 2008). Social exclusion defined as a 'condition of multi-dimensional cumulative disadvantage' (Daly and Silver 2008, p.549).

It mainly focuses on the citizen's participation in the distribution of resources rather than individual's lack of access to a resource. According to Silver and Miller, 'poverty is a distributional outcome, whereas exclusion is a relational process of declining support, solidarity

and access' (Silver and Miller 2003, p.3). It argues that the state should restore rights and benefits for its deprived and poor citizens to strengthen familial, group and social ties and obligations (Silver and Miller 2003). Thus, the underprivileged section of society may fulfil their basic needs to survive.

In this chapter, the paper analyses on the findings obtained from the study areas. Thus, in the context of the above noted conceptual and theoretical model, now we will look into the CHT as a test case. The purpose is to examine the model of ethnic conflict between Jumma and Bengali in the context of the current situation in the CHT. A major part of the analysis draws on field work, census and survey in Chittagong Hill Tracts. The qualitative and quantitative findings are used to show how Jumma has lost their land, arrival of settlers, army occupation, and government projects under different administrations. In addition, the paper also draws attention after effects of conflictual land use; such as, forced migration, displacement, refugee life, environmental degradation and so forth.

3.1 Loss of Land Rights in CHT

Without giving compensation, is a key to exclude ethnic people from their homeland. At the very beginning of the 1980s, the Bangladesh government had started to invite settlers to come into CHT; thus, the armed conflict for land rights has begun among Bengali settlers, military and the indigenous people (Roy 2003). Further, the Bengali settlers are instructed to capture state owned forest, as well as indigenous people's customary lands. The adibasi is deprived and excluded from their land not only for Bengali settlers, but also government's

schemes and projects. There are mainly two major events, which have resulted in widespread land losses for indigenous people. The first one was the construction of the Kaptai dam in 1963 when huge tracts of land were flooded, causing many Adibasi families to escape to Arunachal Pradesh, Tripura and Mizoram in India (Bleie 2005). Another one is that Jumma people became internally displaced and refugees due to unrest and oppression by the army and settlers (Mohsin 1997). Therefore, the indigenous communities have become a minority in their own CHT.

One interviewee said that he and his relatives had to leave their homes due to dam construction. The project caused enormous suffering as they lost their land and shelter. He relocated from the Kaptai area to Tintilapara in 1980 but fled his home between 1989 and 1991 out of fear of attacks by settlers and the army (Group Discussion 2013). Further, the establishment of army camps and training centers has forced the jumma people to leave their homeland. These land losses have severely disrupted the jumma's life and their economy. In a discussion, there was a 65 years old man who says, 'my family fled to India when the Kaptai dam constructed. We lost our land during this time. We were refugee in Tripura state of India. Later, we came back, and there were nothing, only water. They had taken our land, our house, our life. Still, we are having very tough time. We always have to ready to escape in India. The military and settlers can anytime attack us and take away whatever we have built in these years' (Group Discussion 2013).

The interviewee here expressed a large number of occurrences of land grabbing by the Bengali settlers in CHT. It revealed from survey data that almost 80% of the respondents have

faced incidents; such as, land loss, physical and mental torture by Bengali and Military. It noted that such incidents have increased during 1979-80 and 1989-90. These incidents are the critical moment for indigenous people as the massacre happened in CHT, and it remembered as 'Langudu Tragedy' (Mohsin 2003). In the study, there were about 70% of respondents have stated that Bengali settlers have grabbed their cultivable land. According to their responses, the paper has illustrated that the land grabbing has occurred around 53% during 1979 to 1990. There were 80% respondents have demanded that they have lost their cultivate land with original house plots.

In a debate, there were several arguments between Bengali and Jumma people. Both parties have claimed they are the preserver of Hilly areas. According to survey data, the hilly areas as well as reserved or restricted forests are already in critical condition. It reported that the Bengali settlers are the beneficiary of the timber trade (Chowdhury 2008). Further, the settlers, governmental officers and armed forces are motivated to destroy the CHT's natural setting including hilly trees, jungles and deep forests as they do not have a deep affection with nature. They rather prefer financial gain and benefits from cutting trees and doing timber trades (Chowdhury 2008). On the other hand, the Jumma people have claimed that they are the preserver of the hills and forest as they conceive those as very much part of their life. For instance, the Jumma interviewees have claimed in an interview, 'Bengali settlers are come from plain districts, and they do not have a real connection to hill life. They always prefer economic benefits through cutting down trees and destroying forest assets. However, we, Jumma people

think thousand times before cutting a tree from forest areas. The forests are destroying because of them' (Interview 2013).

Migration and internal displacement are extensive problems in the CHT area. It reported that about 95% of the households had migrated or internally displaced (Chowdhury 2008). Many of them fled to the deep forest. The following table shows findings on the causes of migration.

Table 4: Causes of Migration and Displacement

Reasons Behind Migration	Percent, Respondents(count in brackets)
For Jhum cultivation	4.4 (8)
Army intervention	39.0 (16)
Ethnic conflict	41.6 (24)
Settlers' intervention and land grabbing	14.8 (18)
Total	100 (66)

Source: Survey (2013)

The survey also revealed that almost 84% household members of the area were forced to leave from their permanent houses. This kind of incidents occurred repeatedly for some families. Some fled for long periods of time and others for short periods.

The following table shows the yearly incidents of forced evacuation of Adibasi houses.

Table 5: Experiences of Forced Leaving from Own House

Year	Percent, Respondents (count in brackets)
1979	36.4 (28)
1989	79.2 (54)
1990	22.6 (31)
1996	11.6 (14)
1997	1.5 (8)
1998	5.5 (9)

Source: Survey (2013)

It is difficult to estimate the exact number of displaced and migrant Jumma people and households. First of all, the local administration and the Upazila statistical bureau do not have up-to-date data, and they are not concerned to keep the data as it is a controversial ethnic conflict issue (Chowdhury 2008). Secondly, the number of internally displaced indigenous families is increasing day by day due to various reasons and they are not counted by the government agency as this issue is always undercover to the media (Mohsin 1997). In an interview time, most of the interviewees have claimed that the forced migration by Bengali settlers during 1980s. Therefore,

it is reported that many Jumma refugees are still in an extremely vulnerable position; such as, they are unable even to meet their daily food needs; they still do not have the shelter, security, home, or land (Roy 2000).

3.2   Nature of State and Ethnic Conflicts in CHT

According to the renowned constructivist Wendt (1992, 1994) is argued that ethnic identity socially constructed, and it interconnected with state. Further, Chatterjee pointed out, referring to Wendt's statements, 'States are unitary actors bearing anthropomorphic attributes such as identities, interests and internationality with a certain capacity for institutionalized collective action. States articulate and define their interests on the basis of identities that are endogenous and changeable' (Chatterjee 2005, p.81). Then, Zehfuss (2002, p. 40) has pointed that, 'When states define others in exclusion of themselves, the result is conflict based on the definition of that identity itself. When others are a part of an actor's definition of the self, cooperation and peace become possible, being predicated again in the qualities of the definition (of identity) itself' (Zehfuss 2002, p.40).

All of these above statements have pointed that the state plays a significant role in constructing the identity of its inhabitants whether they are indigenous, non-indigenous, ethnic, tribal, aboriginal, majority or minority (Chatterjee 2005). Further, institutions play a significant role to construct these phenomena. It shows that ethnic groups considered as a threat to the sovereignty of the state in most of the South Asian countries (Chatterjee 2005). Therefore, states are motivated to control their sovereignty by deploying huge military force in the name of peace

and border security. For instance, Bangladesh, Sri Lanka, India, Pakistan have followed this ideology to solve conflicts, which leads to widespread bloodshed and the deaths of civilians. Thus, Andrew Gray et al. (1995, p.46) states, 'militarization is a fundamental problem affecting indigenous peoples throughout Asia. Where the indigenous peoples hold large areas, the military occupation force organizes its attack in waves or 'operations' .... The effect frequently leads to a high civilian death-rate from the military counterinsurgency operations'.

In the case of Bangladesh, it is spending a large portion of their annual budget to prevent ethnic insurgency in CHT. On the other hand, ethnic or indigenous groups still feel insecure and separated from the majority group and the mainstream activities of the country (Roy 2000). As a result, these circumstances have created mistrust, deprivation against state in indigenous groups. Anthropologist Eder (1987, p.106) called this situation 'detribalization'. Dieu added, 'The indigenous peoples, because of their numerical weakness, their material poverty, and in some cases, their lack of political experience, cannot hope to preserve their identity, culture, and mode of subsistence' (1996, p.126). The state has the strength and power to solve the problems of ethnic minorities and also can assure their separate identity, distinctiveness and can uphold their dignity within the approaches of cohesion and multiculturalism instead of deploying the army to prevent insurgency (Dieu 1996).

Military interventions in politics of third World countries are seen as a regular pattern, where the political parties and institutions are feeble to rule over democracy and sovereignty (Mohsin 2003). Since beginning to the liberation war in Bangladesh, the military has been fully

controlled over the political parties and state affairs. Therefore, the military intervention in CHT is considered as normal procedure to control the insurgency of ethnic groups. It is seen that the 24 Infantry Division of Bangladesh Army was entrusted the responsibility to combat he armed struggle of the Santi Bahini in CHT during the period of the mid 70s (Roy 2000). The military has been controlling the whole administrative system in CHT through 'Operation Dabanol' (Operation Wild-fire) (Roy 2000). In 1982, GOC of 24 Infantry Division of Bangladesh Army was appointed as Chairman of Chittagong to manage the ethnic conflicts, as well as the development of CHT (Mohsin 2003). That Board was mainly established in 1976 with the aim for economic development of the CHT, based on counterterrorism concerns. However, one indigenous MP and one Bengali MP from CHT served as the Chairman of the CHTDB (UNDP 2014). The current Chairman is an indigenous MP.

During the field research, both my Bengali and indigenous respondents have shared similar views about the army influence on civil administration. Bengali respondents state that they tend to seek help from the army instead of civil administration in crisis. The Jumma interviewees, as well as participants in group discussions, have repeatedly mentioned the dominant role of army personnel in the CHT associations and their heavy handed occupation of the land, their swollen administration, inflated budget and discriminatory policies. Many of them have alleged that the army has instigated and managed the settlers' entry into the CHT to reinforce their own pressure over the Jumma people. The most recent incident happened on 20th February 2010, which was operated by armed forces in a village in Rangamati district. It has again spread tension and unrest in the whole area. The Bangladeshi newspaper 'the Daily Star'

(23rd February 2010) reports, 'Tension ran high in Rangamati and Khagracahari as indigenous people and Bengali settlers brought out procession and held rallies blaming each other for violence that claimed two lives at Rangamati village. Around 7,000 indigenous people, led by Parbatya Chattagram Jana Samhati Samiti (PCJSS) leaders, marched in procession to the Rangamati deputy commissioner's office. The PCJSS leaders at the rally in Rangamati blamed Bangalee setters for arson attacks and violence in nine Bagahichori villages and alleged that army abetted the settlers. They said the incident would have never happened if the army had played a neutral role. Army men shot the indigenous people and instigated settlers to set fire to the houses of indigenous people'.

This report has revealed the present condition in the CHT, which is still much critical. As the law enforcement agencies do not play a significant role to solve the problem, the Jumma people have forced to migrate to India by Bengali settlers. Although the Jumma people have protested against these military activities, the state never come forward to solve the situation. Further, ethnic organizations in the CHT demand a free and safe life within a democratic framework and seek to establish their full right to their own land. They want to preserve their heritage and sovereignty in the CHT.

Chapter Summary

This above discussion points and issues highlight the ethnic groups' struggle and demand for land rights in Bangladesh. It shows that CHT is mainly controlled and dominated by the security force. The military has taken advantage of the absence of strong democratic institutions

and influenced strongly politics and policy formulation process. The military intervention in CHT peace process has created critical issue for indigenous people, donors and even for Bangladesh government.

Chapter Four

Analytical Framework of Ethnic Conflict Management

In this chapter, the paper will discuss the challenges that Bangladesh, as a post-war state, face in creating indigenous institutions for justice and peace. It argues that indigenous people rights have been violated and neglected through state mechanisms and policies. The dissertation will analyze the Land Dispute Resolution Commission and its related activities and find out how this mandated institution responses to gain trust in both Indigenous people and Bengali settlers.

Ethnic conflict management is a complicated issue when there are many interest groups involved. According to Wolf (2006, p.135), 'other cases, like Northern Ireland, Bosnia and Herzegovina, or Bougainville in Papua New Guinea show, however, that resolving ethnic conflicts is not impossible either, but rather that not depends on the timing of initiatives and the skill and determination with which they are pursued'. He also points (2006, p.134), 'Conflict management is primarily a strategy that is chosen when the settlement of the conflict is impossible'. It is significant to mention that peace agreements seldom totally resolve conflicts.

The most significant part of the peace deals is to monitor the post-conflict reconstruction. Failure of the agreement may create vast new problems in the region. Therefore, it is necessary to have a skilful mediation and enlightened leadership for the peace deal (Adnan 2004). The signing of a peace accord reaching an agreement focusing on conflict management and post conflict reconstruction potentially improves the situation of ethnic conflict all over the world (Bigombe et. al. 2000). For instance, the agreement on Northern Ireland in 1998 and the Dayton

Accords for Bosnia in 1995 to some degree succeeded, and their implementation has helped those problems to be solved or at least diminished (Wolff 2006). On the other hand, the 1994 agreement between Hutu and Tutsi political parties in Burundi was never fully implemented and thus did not contribute to preventing inter-ethnic conflict (Wolff 2006).

Ethnic problems are not only regional issue but also international and global issue. There are several number of unresolved ethnic issues, which have already created tension in many parts of the world (Adnan 2004). Further, they have played central roles in wars, separatist movements, and fights for regional freedom and sovereignty (Adnan 2004). Although there are some regions, which have seen changes in their ethnic situations, many ethnic groups are still exposed to anxiety, pressure and vulnerability. It argues that language rights, regional autonomy, land claims and some other issues as basic apparatus for minority-majority clash all over the world (Kymlicka 1997). These issues need to settle down properly, which would help to minimize the forthcoming crisis between groups in the future.

After that, the minority movements have challenged the traditional, dominant understanding of liberty, party, democracy, impartiality and justice (Chandra 2006). Martinussen refers to two different terms 'state-nations' and 'state-nationalism' instead of 'nation-state and 'nationalism (2004). For instance, in many cases, the South Asian developing countries are establishing 'state-nation' policy, which inspire the ideology of 'state-nationalism' (Chandra 2006). These approaches create mistrust and discrimination among the groups. In terms of CHT

indigenous people, it is necessary to analyze the indigenous institution building to resolve their current ethnic-rooted dissatisfaction.

4.1   Establishment of Indigenous Institution

It argued that the lack of institutional capacity hinders a society's ability to restore and maintain peace (Hartzell 1999). It shows that the war breaks the social structure, extends ethnic divisions and conflict among communities, resulting deaths of people, displacing thousands and destroying the basis for the functioning of institutions (Hartzell, 1999). Further, the society's knowledge and maintain peace have depended on the institutional capacity. Therefore, an increasing emphasis placed on the crucial role of institutional development in preventing the renewal of conflict. Secretary-General underlines in his 2009 report that institution building should be starting immediate aftermath of conflict. On 21 January 2011, the Security Council convened an open debate considering the importance of institution-building as part of a comprehensive approach to peace building in countries recovering from conflict and on the road to sustainable peace (UN 2014). As the organizations play a significant role in settlements negotiated to end civil wars, there are many scholars suggest that the forming alternative political institutions to manage conflict within divided societies and these organizations could be divided into electoral, territorial and administrative categories (Hartzell, 1999). Although institutions have facilitated social interaction among groups, it is seen that the peace and development intervention in recent decades has been entirely antithetical to indigenous and traditional practices.

Although the Peace Accord has promised semi-autonomy for the CHT by creating institutions, CHT is still subordinated and under the centre administrative powers, which reduces 'self-government agencies' (Roy 2000). After that, it was signalled in the Accord that Hill District Councils (HDC) would strengthen with increasing the number of governance areas under its jurisdiction, adding law and order, secondary education, land administration and developmental matters within its authority (Bleie 2005). The government essential also promised that the HDCs legislative prerogatives would enhance. After that, Amendments Act of 1998 provided that no lands within the Hill Districts were to be settled, leased out, transferred or compulsorily acquired by the GOB without the consent of the HDC concerned (Clause 29 (1) Ka) (Mohsin 2003). Then, the HDCs were to be given land revenue incomes from their respective Districts, and to have transferred authority over lower level land administration officials (Clause 29 (2) (both indigenous institutions like the headmen and revenue officials of the GOB) (PCJSS 2014). Further, there is a related provision stated that the HDCs were to receive part of the royalty from the GOB's incomes from extraction of forest produce and the extraction of mineral resources (PCJSS 2014).

Theoretically, the HDCs have been authorized to regulate various decision-making processes, and to be consulted by the GOB before any rules are passed by the GOB under the HDC Acts of 1989 (and amendments made thereto in 1998) (PCJSS 2014). The HDC should have been capacitated formally to request the GOB to refrain from passing any laws that may be detrimental to the interest of the indigenous people of the Hills. Since the formation of HDC, CHT people have not given chance to choose the representatives of the HDC (Roy 2008). The

political parties, which form the state, appointed their party affiliated candidates as chairman of HDCs.

In the Peace Accord, the Parbattya Chattagram Jana Samhati Samiti (PCJSS) demanded a Regional Council (RC) with legislative and administrative power to fulfil the right to self determination (Mohsin 2003). The functioning of the Regional Council is one of the main pre-conditions in the implementation of the Accord (Mohsin 2003). Moreover, the GOB was obliged to consult the RC before passing any laws that were made applicable to the CHT. When the Regional Council established, there was an unwritten clause in the Accord saying the PCJSS should nominate all the 22 members of the RC (PCJSS 2014). Accordingly, the PCJSS had submitted a list to the state with the names of the members to be appointed. However, the government replaced the three Bengali members out of six with their own candidates (PCJSS 2014). Another threatening sign was the fact that the RC was hardly able to function due to non-disbursement of funds by the state (CHT Commission 2000). Further, RC is not any part of the local government system of Bangladesh or any bureaucratic network. Accusing the Chittagong Hill Tracts Regional Council Act 1998, as 'sanctity of unitary state' the High Court declared it unconstitutional on 13 April, 2010 (PCJSS 2014).

In a continuation, the Accord had stated that a ministry shall establish with appointing a tribal Minister without specifying the role, purpose and activities of the ministry (PCJSS 2014). Power and function of the Regional Council and CHT Ministry has not been yet clearly drawn. It creates a very conflicting relation between the two institutions. The failure to appoint a CHT

indigenous person as the cabinet level minister is a major disagreement among JSS members. Presently, the CHT Affairs Ministry is under the portfolio of the Prime Minister, and an indigenous person hold the post of State Minister (Roy 2008).

4.2   Challenges for the CHT Land Dispute Resolution Commission

An effectual Land Commission is one of the major demands of Jumma people (Adnan 2004). It stipulated in the Accord but has not yet materialized. The Governments have shown reluctance to implement this part of the Accord. It took around two and a half years until the Land Commission was set up in April 2000 (Adnan 2004). The Land Dispute Resolution Commission has found to resolve disputes over ownership and user rights over lands within the CHT. It is headed by a retired judge of the High Court. Its members include the three Circle Chiefs, the Chairpersons of the RC and the HDCs (or their nominees) and the Commissioner or Additional Commissioner of the Chittagong Division (a senior civil servant) (Roy 2008). Since the formation, disputes about the working methods and contradictory provisions of 2001 Act have disrupted its work. The function of this Commission is lessening ethnic violence, encourage economic development of the area and establish communal harmony in the CHT (Mohsin 2003). In the peace treaty, the general amnesty to refugees was granted, and a Task Force has been established to rehabilitate indigenous refugees. According to the Khagrachari DC Office (2010) 64,335 families have been rehabilitated until 2009 (PCJSS 2014). In 2004, Asian Indigenous and Tribal Peoples Network (AITPN) found that about 40 villages of returnee refugees are still under the occupation by the settlers and over 3,000 families did not get their land back (Roy 2008). Almost 50 percent of returnees could not return to their own homesteads and native villages

because they failed to get back their homesteads and lands (Chowdhury 2002). However, the government has failed to redefine the definition the IDPs and to try to fit Bengali settlers in the situation.

Indigenous people have considered hilly lands, in which titles had been issued to non-indigenous settlers, belong to them according to customary law and the law of prescription. Occupying and using these lands uninterruptedly for many generations, which may be regarded in the legal terms be said to be 'since time immemorial' (Chowdhury 2002).

Table 06: Customary Resource Rights of CHT Residents

Natural Resource	Right-Holder	Regulatory Law/Custom	Regulating Authority
Homestead Lands	Hillpeople	Rule 50, CHT Regulation	Headman
Swidden (Jum) Lands	Hillpeople	Rule 41, CHT Regulation	Headman, DC
Used Swidden Lands	Hillpeople	Traditional Customs	Headman

Forest Produce Mauza Residents/	Hillpeople	Rule 41 A, CHT Regulation/ CHT Forest Transit Rule	Headman & Karbari
Grazing Lands	Mauza Residents	Rule 45B, CHT Regulation	Headman, DC
Grasslands	Mauza Residents	Rule 45, CHT Regulation	Headman, DC
Wild Game	Hillpeople/ State	Traditional Customs/ Various Acts	Headman, Circle Chiefs/ Forest Department
Marine Resources	Mauza Residents	Undefined	Headman
Large Water Bodies	Mauza Residents/State	Undefined	DC
Smaller Aquifers	Mauza Residents	Undefined	Headman

Source: Roy (2002, p. 21)

The Accord has acknowledged the recurrence and administrative roles of the Chiefs and Headman, who are generally authorized to provide permanent resident certificates for both the Ethnic people and Bengali people (Roy 2004). CHT Regulation of 1900 also obliged the government to respect native customary ownership rights and to consult the chiefs and headman regarding their use and occupation (Roy 2004). However, the Bangladesh government do not follow this rule, and they have issued land titles to the Bengali settlers. CHT Regulation manipulated authority over lands and other natural resources to different traditional indigenous institutions (Karbari, Headmen and Circle Chiefs) (Roy 2004). In the above table, the number five has depicted different authoritative role of indigenous institutions, local government bureaucrat and central administration often with suggestions and cooperation. For instance, the authority to control, regulate or prohibit swidden or jum cultivation granted the Deputy Commissioner (CHT Regulation 1900). Therefore, in Bangladesh period, Karbari allocates land for jum cultivation and if he fails to decide then Headman shall give the decision (Roy 2000). As a result, CHT land ownership and management is competing with each other, resulting in high level of ethnic conflicts and tenure insecurity for many residents.

Next, the CHT Land Dispute Resolution Commission Act 2001 comes in with a mandate stating that the land disputes should be resolved, 'in accordance with the laws, usage and practices of the region.' It is questioned regarding Indigenous traditional laws and practices would judge and deal the land dispute cases and establish Bengali settler land ownership right (Adnan 2004). Further, the Land Dispute Resolution Commission has given certain authorities recognised the legislative competence of the District and Regional Councils over customary law

(Adnan 2004). According to the 2001 Act, the Commission shall settle disputes involving those who returned from the neighbouring state of Tripura, India, under the 20 point's Package agreement (PCJSS 2014). However, a large number of indigenous people have also returned on 16 Point's Package programme during the negotiation period of the previous Bangladesh government and the Jumma Refugees Welfare Association and they have not rehabilitated properly and many still living as Internally Displaced People (IDPs) (PCJSS 2014). The implication of this provision shall spell out a large number of indigenous people for seeking their land ownership right and get proper justice. It is reported in recent UNDP study (Baseline Survey 2009 of Chittagong Hill Tracts) that an indigenous household on average had to change their permanent address for almost two times and around one in five were displaced more than once. About 10 percent of the CHT current households have out-migrated members who returned after the signing of the CHT Accord. Amnesty International has also reported that there are about 60,000 Internally Displaced People (IDPs) living in CHT(Internal Displaced Monitoring Centre, 2009).The Land Dispute Resolution Commission Chairman has argued for a cadastral survey; however, Accord clearly stated that a cadastral survey is only possible after the finalization of the land ownership of tribal people by settlement of land disputes through proper verification, recording their title land and ensuring their land rights (UNDP 2014). If the cadastral survey commences before finalizing the ownership title, most of the indigenous people will fail to prove proper land documentation as they are using land for centuries with traditional rights. UNDP study found that only about one-third of the population of the CHT enjoy formal land ownership. In case of indigenous people, it is 30 percent and 42 percent for the Bengali (UNDP 2014).

The most difficult cases before the Commission is dispute involving Bengali settlers in possession of title deeds and indigenous people claiming their land rights, based upon customary ownership rather than backed by legal documents (Mohsin 2003). It is found during field visit, there are number of Bengali settlers, living in cluster villages (guchcha gram), who have titled deeds; however, they do not possess any land (Mohsin 2003). In the case of one respondent who came from such a community, he has filed a case against an indigenous person, whom he did not even know. Further, the huge tracts of lands also have been leased for rubber plantations, horticulture and other forestry purposes in violation of the above mentioned law (Adnan 2004). It will also be a major challenge for the Land Dispute Resolution Commission to cancel these leases and to redistribute the recovered land among the many landless people of the three Hill Districts (Adnan 2004).

The indigenous people are expecting that the Government would allocate the land properly for each Adibasi family as the CHT Peace Accord prescribed. Sanjib Drong, the General Secretary of Bangladesh Adibasi Forum (BAF) said at a discussion marking the 11th anniversary of the CHT Peace Accord, 'In the last 11 years the Land Commission has not started functioning to settle land dispute. The indigenous people are now subject to more persecution and the Peace Accord is violated frequently' (PCJSS 2014)). Although the national committee on behalf of the Government of Bangladesh promised the JSS leaders to withdraw from the CHT, this has not yet come to completion. However, the Government, local NGOs and some of international organizations are working in favour of the Bengali settlers, and seem to be encouraging the settlers to stay for longer periods (Roy 2008). There was an opportunity to

successfully rehabilitate the settlers in the plain districts with the assistance of the European Union. The European Parliament, in a resolution, (9(d) B4-0962 and 0989/97) urged the Government of Bangladesh to review its demographic policy, to relocate the Bengali settlers from the CHT and rehabilitate them in the plains, with full respect of their rights and with the full use of financial assistance of the European Union (Acharya 2000, p.6).

Chapter Summary

The above discussions highlight that Bangladesh still has to go a long way to strengthen democracy, ensure the rule of law to protect human rights. A democratic culture is absent both in government and political parties' level. Participation of Indigenous leadership in policy making process is essential for trust building from the indigenous community. The state has to amendment the 2001 Land Dispute Resolution Act to strengthen local government institutions in CHT. There were many promises in the Peace Accord based on the agreement of the National Committee on behalf of the GOB and JSS. It agreed that all aspects of the Peace Accord would implement from the date of the signing of the treaty. However, seventeen years after the signing, many critical parts of the Accord remain unimplemented. There are many reasons, which are hindering the implementation of the Peace Accord; such as, the disproportionate influence of the army in CHT politics, the extreme pressure from the Bengali settlers, the compound bureaucracy.

Discussion, Implication, Limitation and Conclusion

Discussion

Overall, the main objectives of this study are to identify the cause of ethnic conflict in Bangladesh and to propose possible solutions to the conflict based on the results of the analyses. The analyses were conducted by testing hypothesis. The survey data, as well as qualitative assessments in this study, supported that ethnic conflict in Bangladesh is caused by threatening ethnic identity. An in-depth case study conducted on the indigenous group, and the results show that losing land and political status, decreasing ethnic identity, forced internal and external migration are major factors explaining the threat to the Indigenous identity. The indigenous ethnic identity forms through distinct historic homeland, language, culture, historical memories, and custom. Therefore, the nationalistic values of the jumma are high, and they strongly identified their own ethnic group.

It shows that the image of the indigenous also plays a major role in explaining ethnic conflict between the two groups. Survey data show that the Jumma people are considered as inferior status and barbarian by Bengali people. Further, the Bengali people are always considered themselves as having superior capacity. Historically, the Bengali people have proven their strength and superiority than Jumma people. Due to the weakness in capacity, CHT was invaded by the outsiders; such as British, Pakistan. The 'inferior' image of Jumma people are threatened by the Bengali settlers who have been grabbing Jumma's land rights in CHT.

Therefore, as the results indicated, the security of ethnic identity and rights of land are important to resolve the ongoing ethnic conflict. The appropriate approach would be best to inspire both Bengali and indigenous groups. Moreover, the power sharing system is also important for the protection of individual ethnic identity. If ethnic groups consider that their ethnic identities are secure, they are more likely to be loyal to the national identity.

Implications

This study provides theoretically and policy implications. In terms of theoretical implications, the study has applied the Social Identity Theory (SIT) for explaining ethnic conflicts in the real world situation. Most frequently, the SIT has been used or tested in simulated studies. This study also found that if an ethnic identity becomes threatened, ethnic-nationalism is aroused; finally, the conflicts arise. When ethnic people feel threatened, they become more strongly attached to their groups and are ready to sacrifice for the groups. So their responses to the threats were violent. For instance, the Jumma used arms to fight for their ethnic rights. The results agree with the findings of Cottam and Cottam (2001) that when an ethnic identity threatened, 'the behavioral response can appear to be almost exclusively nationalism-associated, a response that reflects the exceptional intensity of affectivity when the fortunes of the terminal identity community are in question' (Cottam and Cottam 2010, p.130).

This study also provides policy implications for policy makers, politicians, peace makers, and constitution writers to better understand the cause of the conflict in Bangladesh. By analyzing the historical and current ethnic issues of the CHT, the study suggested that the power

sharing and the forming of a super-ordinate identity are the most logical approaches for solving ethnic conflict and achieving a lasting peace in Bangladesh. Further, the government needs to reduce the military presence in hilly areas and minimize the human rights violations committed by the Bangladesh army against all indigenous Jumma people. These actions would lead to a change in perception of the indigenous ethnic groups from the 'destructive intention and threat' to the 'gentle and trust'. In order to change the perception on the relative power, the political power and economic development opportunities should be equally shared among ethnic groups in Bangladesh. If Both Bengali and Jumma cultures and identity are protected and promoted by government, they will view each other as equals in social status. Then, the conflict between Bengali and ethnic communities will be solved if the national leaders would change their negative images and perception toward indigenous people. Therefore, the ethnic conflict would become more intense and dreadful in future unless there is a political solution.

Limitation of the Study and Future Research

This paper has analyzed only the images of the indigenous people over the Bengali. In order to better understand the views of the indigenous group, further research should be conducted to examine the image of Bengali. Although this study has conducted surveys to obtain the opinion of the Jumma ethnic group, there are few people responded to the survey. Further, the data collection from interview processing was not ideal as the questionnaire was unacceptable for some peoples. Further, the facts and statistics were not sufficient to understand the past and present condition of ethnic conflicts in Bangladesh. The reasons for the low response rate of the indigenous people could be that the current social and political security does

not give rights to express either good or bad conditions in CHT. Future research should analyze the image of Bengali image over Jumma ethnic communities in Bangladesh and their actions tendencies or policies toward those individual ethnic groups.

Conclusion

Ethnic conflict in Bangladesh is one of the longest conflicts in the world, and it has caused the loss of thousands of lives and thousands more refugees and internally displaced persons. Although various factors have contributed to the conflict, the threats of identity, nationalist sentiments, and images of one another are the major factors for explaining the Bangladesh's ethnic conflict. The study provides further understanding of decades-long ethnic conflict in Bangladesh and potential solutions for the ethnic conflict. In present CHT, Bengali settlers are now fifty percent or more in number. Government had brought these Bengali settlers more than forty years ago for their better future. If the commission declares Bengali settlers' title illegal then what will be the state policy to settle such a large number of people. Government has not yet taken any strategic plan to tackle this crisis. It is difficult to predict whether Bangladeshi democracy and politics would be able to overcome the influence of military in CHT or not. Further, the Bangladesh constitution does not guarantee any land or ethnic rights. This is a clear indication that the ethnic conflict could get worse if the Bangladesh government do not give land rights to indigenous people. To build a strong nation-state of Bangladesh all Bengali and ethnic groups should be treated equally, and the ethnic groups' identities should protect. Bangladesh's ethnic conflicts could be solved by giving land rights to indigenous people and the implementation of the peace accord.

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APPENDIX I ARTICLE FROM THE UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION (UNPO)

Chittagong Hill Tracts: Massive Communal Attack on Jumma Villages
(February 22. 2010) retrieved December, 2013 from the world wide web: http://www.unpo.org/article/10751

On 19-20 February 2010 massive communal attack on Jumma villages was made by military forces and Bengali settlers at Baghaihat area of Sajek union under Baghaichari upazila in Rangamati district. It is reported that at 8 Jumma villagers including a woman were killed and 25 Jumma villagers wounded in this attack. It is learnt that around 200 houses of Jumma villagers including Buddhist temple and church were completely burnt into ashes.

On 19 February 2010 afternoon a group Bengali settlers went to the Gangaran Duar area and put pillars on the land of indigenous Jumma villagers for construction of house there. At that time, the Jumma villagers protested and opposed the Bengali settlers.

Again at night around 8.30 pm hundreds of Bengali settlers led by leaders of so-called Sama Odhikar Andolon under full protection by a group of army from Baghaihat zone of 8 Bir Bengal gathered at Gangaram Duar area and started to set fire on the houses of Jumma villages. At that time, at least 35 houses including 7 shops, a church and a UNDP-run village centre, in three Jumma villages of Gangaram Duar, Chaminichara and Baluchara were burnt down. Jumma villagers alleged that Bengali settlers also looted the valuables while they were burning the houses. The villagers fled into the jungle when the attack took place.
After the first attack, the villagers returned to their villages the next morning and gathered in Gangaram to protest it. The Bengali settlers returned in the morning on 20 February 2010 equipped with sharp weapons, machetes and sticks.

Further, at around 10.00 am on 20 February 2010 tension mounted throughout the area while the army and Bengali settlers ordered the Jumma villagers to leave the area, but they refused to comply. At around 10.00 am the army started to beat the Jumma indiscriminately. One Jumma villager chopped an army named Sergeant Rezaul Karim while beating him brutally and then the army fired leaving him spot dead. Following this, the army opened fire into the Jumma villagers indiscriminately without any sort of provocation, leaving at least 6 dead and 25 wounded. They army also arrested three persons from there. Since the start of firing, Bengali settlers with the help of army set fire on Jumma houses at Hajachara, Guchchha Gram, Balughat, Simanachhara, Baipaichhara, Suranganala, Kerekkaba Retkaba, Jarulchhari, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara villages. It is reported that at least another 160 houses were torched at that time. Bengali settlers also burnt Banani Bana Vihar, a Buddhist temple. The monk of the vihara Ven. Purnabas Bhikkhu, fled the temple without taking meal. One statue of Buddha was looted and another one which was given by Thai government was looted. As they continued the arson attacks, the indigenous community began resisting them. During this resistance, six indigenous persons were injured.

It is still not clear how many Jumma villagers were killed in the attacks. However, five of the dead were identified. They are:
1) Ms. Buddhabati Chakma (34) w/o Uttam Chakma of Baghaihat Gucchagram;
2) Mr. Laxmi Bijoy Chakma (30) s/o unknown of Golakmachara;
3) Mr. Liton Chakma (35) s/o Karunamoy Chakma of Baibachara;
4) Mr. Bana Shanti Chakma (28) s/o unknown of Gangaram Duar and
5) Mr. Nutunjoy Chakma (28) s/o unknown of Golakmachara.

Some of the injured are:
1) Shanta Shil Chakma, s/o Dhanaram Chakma of Chaminichara;
2) Mrittunjoy Chakma, s/o unknown of Jarulchari;
3) Sushil Jibon Chakma (32), s/o Kinamani Chakma of Chaminichara;

4) Amar Jiban Chakma (30), s/o Majiban Chakma of B-Block of Bangaltali;

5) Mr. Nibesh Chakma (35), s/o unknown of Chaminichara;

6) Mr. Dari Chakma (40) s/o unknown of Nangalmara;

7) Jitendra Chakma (35), s/o unknown of Chaminichara

8) Mr. Prem Lal Chakma (26) s/o unknown of Chaminichara

It is learnt that the dead body of Buddhabati Chakma was brought at Baghaichari police station for postmortem. But dead bodies of other deceased are yet to be recovered, as the entire area is now under the control of the settlers and army vigilance. On 20 February 2010 afternoon the army imposed section in the area to prevent Jumma villagers from taking out protest demonstrations.

Bangladesh military forces undertook plan to settle down the infiltrated Bengali families along the roadsides of Sajek road from Baghaichari to Gangaram Mukh in 2005. It is also mentionable that thousands of indigenous Jumma families have been living in this area for decades long. Hence, Jumma villagers of these areas have been protesting against this illegal settlement programme. Despites the protesting, in 2008 Bengali settlers illegally constructed some houses at Gangaram area on the land owned by Jumma villagers. At a stage on 20 April 2008 the Bengali settlers with the direct support of army of Baghaihat zone attacked on the 7 villages of indigenous Jumma peoples and at least 76 houses of indigenous villagers were completely burnt to ashes.

Again, since starting of January 2010, Bengali settlers with the support of Baghaihat army zone resumed expansion of their settlement in Sajek area under Baghaichari upazila in Rangamati district. A number of houses have already been erected by the Bengali settlers occupying Jumma villagers' land.

The villagers, under the banner of Sajek Bhumi Rakkha Committee, submitted a memorandum to the Baghaichhari UNO on 10 January 2010 with an ultimatum of 16 January 2010 to return them their lands. As the deadline expired without any fruitful result on 16 January, Jumma villagers started their agitation and started to boycott Baghaihat market from 18 January 2010. On the other, on 25 January 2010 the PCJSS sent a letter to the Home Minister with copy to State Minister of CHT Affairs Ministry and other concerned government authorities demanding to stop settlement prgramme and to withdraw Bengali settlers from Baghaihat area. However, government did not take any measure in this regard.

It is learnt that Bengali settlers and army staged mocks to conceal real situation of the attack and to divert the incident to other direction. As part of this mock, Bengali settlers set fire on their few houses which were almost abandoned. Even, army also played a gunfight mock. At a press conference at Rangamati Reporters Unity, the Parbatya Bangalee Chatra Parishad also protested the incident and blamed indigenous people for it. They declared the Chittagong Hill Tracts Commission unwanted in CHT and blamed it for working in favour of the indigenous people.

It is reported that most of news media both electronic and press primarily reported fabricated news. They reported that tribal miscreants fired first, clash started since tribal ablaze settlers' houses, tribal villagers attached Bengali settlers etc. For example, the Daily Star in its internet edition on 20 February mentioned the headline of news as ―Criminal killed in gunfight with security forces in Rangamati‖. However, it replaced later with ―2 indigenous men killed as troops open fire in Rangamati‖. The Prothom Alo stated it as firing between Paharis and Bangalis. Most of the electronic media aired news in favour of Bengali settlers. Most of the media reflected statement of military authority as well as administration that went against the Jumma peoples.

Processions have been brought in Rangamati, Khagrachari and Dhaka protesting against the attack. At 11.00 am on 20 February 2010 PCJSS brought out procession in Rangamati. PCJSS claimed that Bengali settlers led by so-called Sama Odhikar Andolon (a fanatic organisation of Bengali settlers) and Parbatya Bangali Chhatra Parishad torched the houses of the tribal people in a pre-planned way. PCJSS demanded judicial investigation of the incident, immediate arrest of the people responsible for the incident and compensation for the victims and warned of tougher agitation programmes if their demand is not met.

On the other, Pahari Chatra Parishad (Hill Students Council) also brought out procession at Dhaka University campus in Dhaka. Today (on 21 February 2010) State Minister of Ministry of CHT Affairs Dipankar Talukdar visited the Baghaihat area where at least 10 Jumma villages were burnt to ashes. The Jumma villagers resisted the state minister at Bangaltali village putting barricade on the road around 10.00 am. The agitated Jumma villagers encircled the State Minister alleging that local administration did not take any action against Bengali settlers who burnt down the Jumma's houses. At a stage, the agitated Jumma villagers damaged the jeep of Upazila Executive Officer of Baghaichari upazila A H M Humayun Kabir in Ansar Camp area. However, the UNO was not inside the vehicle.

Dipankar Talukdar assured the indigenous people that action would be taken against those responsible for this incident within the next seven days. However, he, without indicating the persons responsible to this heinous attack, said that there are some criminals in both the indigenous and Bangali people, who practice ill politics involving people from the groups. He added that the criminals benefit from the practice but the general people suffer.

State Minister was accompanied by Chairman of Task Force on Rehabilitation of Returnee Refugee and IDPs Mr. Jotindra Lal Tripura and Police Super of Rangamati district Masud-ul-Hassan.
In Bangaltali village, Jumma villagers brought one dead body of indigenous people, who was killed in army firing on Saturday's attack, before the minister and placed their demands, including withdrawal of section 144 from the area. It is mentionable that section 144 is still going in Baghaihat area. Hence the Jumma villagers cannot move and cannot trace out dead body of the deceased. Jumma villagers claimed that they heard that army gathered 7 dead bodies of indigenous villagers. More dead bodies might also be concealed by the army.

So far no relief from government side or non-government has been provided. Most of the indigenous villagers took shelter into the deep forest fearing further attack. Victims of the indigenous families became totally ruined. Most of them were passing days without food. They were staying on open sky.

Urgent Action Needed:

Tension is going on at Baghaihat area of Sajek union and upazila headquarters under Baghaichari upazila. With this circumstance, please write letter to the government of Bangladesh demanding the following issues:

1. To conduct judicial investigation of the incident and to send a parliamentary team to enquiry the incident;
2. To immediate arrest the Bengali settlers and military personnel responsible for the incident and to provide compensation for the victims of Jumma peoples;
3. To stop expansion of Bengali settlement and to close Bengali settlers from Baghaihat areas and return back land and homesteads occupied by Bengali settlers to Jumma villagers;
4. To close Baghaihat zone soon and to withdraw all temporary camps including de facto military rule 'Operation Uttoran' as per CHT Accord;
5. To implement the CHT Accord and to declare roadmap with timeframe for speedy and proper implementation of CHT Accord.

APPENDIX II CHITTAGONG HILL TREATY 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 Subclause (2) of Rule

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 subinspector 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, Betbunia 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 nongovernment 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 controlover 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 coordination 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 ouncil 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 arch 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 tribal's 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 Dispute Resolution Commission) will be constituted under are tired 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 xtended 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 III

System of Land Grants in the CHT
(Rule 34, CHT Regulation, 1900)

1. No settlement of Government khas land shall be made in the District of Chittagong Hill Tracts except to extent and in the manner specified below:-

(a) (i) The quantity of cultivated flat land to be settled for plough cultivation with a single family of Hillmen or non-Hillmen resident shall be such as added to the quantity of such land already in its possession does not exceed 5 acres. In addition to the flat land for plough cultivation land for grove plantation not exceeding 5 acres may be settled with such family; but in a case where the performance of a lessee is found by the Deputy Commissioner to be highly satisfactory, a further quantity of land for grove plantation may be settled with such family so that the quantity of land for grove plantation already in his profession, does not exceed 10 acres. Settlement of land for plough cultivation or grove plantation under this sub-clause shall be free of salami.

(ii) A lease for plough cultivation and grove cultivation under sub-clause (I) shall be granted by the Deputy Commissioner; Provided that lease of land only for plough cultivation may be granted to a cultivating Hill man by the Sub-Divisional Officer. An application of a Hillman for lease of plough land may be made to the headman who will forward it to the Sub-Division Officer with his recommendation.

(iii) The rent for plough land leased out under sub-clause (I) shall be assessed at the usual rate of raiyati rent by the authority who grants the lease: Provided that when any land, which had not been cultivated before, is so leased out, no rent shall be payable for the first three years of the lease.

(iv) The grove land leased out under sub-clause (I) shall be rent-free for the first three years and shall be assessed to rent as third class land for the next three years followed by an assessment to be made by the Deputy Commissioner in accordance with the produce of the land.
Explanation- In this sub-rule, "grove land" means flat land and includes such foothill land as would not require terracing, full or modified, to be utilized solely for plantation of fruit trees and other trees.

(b) (i) land for rubber plantation and other plantation on commercial basis may be settled with a person on long term lease basis by the Deputy Commissioner upto 25 acres and by the Commissioner upto 100 acres. Settlement of land exceeding 100 acres shall not be made with the prior sanction of the Government. Salami for settlement of land under this clause shall be charged at 100 percent of market value, 10 percent of which shall be payable in the first year and the balance shall be payable at 5 percent in the 8th to the 17th year and 10 percent in the 18th to 21st year. Provided that in the case of Hillmen and non-Hillmen residents salami for lease upto 25 acres shall be charged at 50 percent of market value, 5 percent of which shall be payable in the first year and the balance shall be payable at 2 and half percent in the 8th to 17th year and 5 percent in the 18th to 21st year.

(ii) Usual raiyati rate of rent shall be payable for the land settled under this clause from the date of execution of the lease deed.

(c) (i) Land upto 10 acres outside urban areas may be settled by the Deputy Commissioner with a deserving industrialist on long term lease basis for establishment of industrial plants. Salami for such settlement shall be charged at 100 percent of market value and shall be payable at the time of settlement. In the case of lessees who are Hillmen or non-Hillmen residents the salami shall be charged at 50 percent of market value.

(ii) Rent per acre of land settled under this clause shall be assessed at half percent of market value.

(d) (i) Land for residential purposes may be settled by the Deputy Commissioner with deserving persons on long term lease basis. In urban areas, salami from Hillmen and non-Hillmen residents for such land shall be charged at 50 percent of market value and shall be payable at the time of settlement. In the case of a lease granted to any person other than Hillmen or non-Hillmen residents salami for such land shall be charged at 100 percent of market value. No salami shall, however, be charged from Hillmen and non-Hillmen residents for settlement under this clause of land outside urban areas.

(ii) Rent per acre of land settled under this clause shall be assessed at one fourth percent of market value.

(iii) Land exceeding 30 acres in an urban area for residential purpose shall not be settled with any person without prior approval of the Government.

(e) The Deputy Commissioner may, in accordance with such plan as may be approved by the Government, settle with a person land in an urban area for commercial purpose.
The salami for such land shall be changed-

(i) at 50 percent, of market value in the case of Hillmen and non-Hillmen residents; and (ii) at 100 percent, of market value in the case of others. Rent per acre of land settled under this clause shall be assessed at half percent, of market value.

(f) Market value for the purpose of the aforesaid clause shall be determined in such manner as may by specified by the Government from time to time.

(g) All settlements of khas lands shall be concluded in the form of a lease deed prescribed or to be prescribed by the Government and shall be registered under rule 12. The rights and liabilities of the lessees of the lessees shall be governed by such terms and conditions as may be set forth in the lessee deed.

(2) The Provincial Government may, by notification in the official Gazette, exempt any area from the operation of sub-rule (I) for the purpose of reclamation of culturable waste lands in such area with a view to bringing them under cultivation and when any area has been so exempted, lands in the area shall notwithstanding anything contained elsewhere in these rules, be dealt with in such manner as the provincial Govt. may by general or special orders, from time direct.

(3) (a) Sub-tenants of whatever grade in existence on 3rd December 1920 and recognized by the Deputy Commissioner shall not be evicted except in accordance with sub-rule (8) nor their rent be enhanced except with the permission of the Deputy Commissioner.
(b) Whenever any recognized sub-lessee terminate for any reason, the immediate landlord of the sub-lessee had a tenant under him, that tenant shall continue on the terms on which he holds.
(4) No lessee or sub-lessee shall be allowed to sub-let the whole or any part of his land.

(5) No lessee or sub-lessee shall be allowed to transfer by sale, gift or mortgage the whole or any part of his holding without the previous sanction of the Deputy Commissioner, who may no sanction any mortgage other than usufructuary mortgage to extend for a period not exceeding seven years and to

provide for the extinction of the whole debt including principle and interest within that period subject to the condition that the mortgage will not in any event, be extended beyond that period, provided that the Deputy Commissioner may sanction a simple mortgage in favor of Government, or the Agriculture Development Bank of Pakistan or the Industrial Development Bank of Pakistan or Co-operative Societies, registered under the Bengal Co-operative Societies Act, 1940 (Bengal Act XXI of 1940) or the east Pakistan Agriculture Development Co-operation or any other loan giving agency for such period and subject to such conditions as he may deem fit. The Deputy Commissioner may, however, sanction mortgage of any holding to the East Pakistan Agriculture Development corporation for loans in ready advanced prior to the date of publication of this notification. Unauthorized transfer, will, in no instance, be recognized.

(6) In all cases of unauthorized sub-lease or transfer, the Deputy Commissioner shall resume the land sublet or transferred and may either hold it khas or lease it out with the lessor or transferor, or with the lessee or transferee, or with any other person according to circumstance and the provision in the sub-rule (1).

(7) No permition of a holding shall be made without the consent of the Deputy Commissioner. As amended by Notification No. S.R.O.72-L/79,dated 31March, 1979, published at pages 1178, 1179, 1180 of the Bangladesh Gazette Extra, March 31, 1979. (8) A sub-tenant recognized by the Deputy Commissioner is not liable to ejectment except by his order. A sub-tenant will ordinarily be ejected-
 (a) If the sublets or transfers any part of his holding or fails to show diligence or keeping the holding under cultivation;
 (b) If he fails to pay an arrear or rent recorded or fixed by Deputy Commissioner;
 (c) If he uses the holding in any manner that renders it unfit for the purposed of the tenancy;
 (d) If he enhances the rent of a recognized sub-tenant under him without permission of the Deputy Commissioner.

 (9) The rent of a sub-tenant of any grade recognized by the Deputy Commissioner cannot be enhanced except the Deputy Commissioner. The rent of such a sub-tenant shall enhanced if the rent for the land held by him exceeds the rent paid by the landlord or, if the rent of the landlord is also under enhancement, the rent settled as payable by the landlord, by more than50 percent except for special reasons to be recorded by the Deputy Commissioner in writing. The rent of such a sub-tenant may, may subject to this condition be enhanced by Deputy Commissioner up to such limit as he consider fair and equitable, on the application of the landlord, if the rent of the sub-tenant has been enhanced during the ten years previous to the application.

 (10) Sub-tenants of whatever grade who have been recognized by the Deputy Commissioner shall have, subject to the provisions of the rules regarding ejectment and resumption, permanent and heritable rights in the land for which they pay rent.

 (11) A tenant directly under government shall have permanent and heritable rights in the land for which he pays rent unless there is a define contract that his right is not permanent or heritable, subject to the provision contained in these rules for his lease, if any, regarding resumption; Provided that he shall be liable to ejectment-
 (i) If he fails to pay an arrear of rent recorded or fixed by the Deputy Commissioner; or

(ii) If he uses the land in any manner which renders it unfit for the purpose of the tenancy, or

(iii) If in accordance with the terms of his lease, if any, he is liable to be ejected or the lease is cancelled any other reason; Provided also that is in accordance with the terms of the lease or license under which the tenant was allowed to hold the land, all lands not kept under cultivation were liable to resumption, such lands shall be still so liable even though the period of such lease has the tenant continues to hold the land.

(12) The power of ejectment of a tenant or resumption of any land under sub-rule (II) shall be exercised by the Deputy Commissioner.

(13) Nothing in these rules, or any grant, lease or contract under which land is held in the Hill Tracts shall operate to permit the inheritance of any Hill Tracts land by non-residents of the District except with the express consent of the Deputy Commissioner who in giving his consent shall have regards to the principal of equity and as far as may be to the rights of plainsmen which but for this rule would be operative. An appeal from such orders of the Deputy Commissioner shall lie to the Commissioner.

(14) The provisions of sub-rules (5), (6), (7), (11), and (13) will apply to existing tenancies only.

(15) The powers of the Deputy Commissioner under this rule may also be exercised by the Additional Deputy Commissioner.

(16) The powers of the Deputy Commissioner under this rule may also be exercised by the Sub-divisional Officers concerned in their respective jurisdiction if so expressly authorized by the Deputy Commissioner by order in writing to exercise such powers. EXPLANATION- For the purpose of this rule, family shall include the lessee, his wife, sons, daughters and any other relations dependent on the lessee and living in the same mess.

Source: Roy (2002, pp. 58-61)