

CHITTAGONG HILL TRACTS

**DISPLACEMENT
MIGRATION
and
ACCOMMODATION**

A Report by

**Devendra Raj Panday
Jeevan Thiagarajah**

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& ACCOMMODATION**

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Table of Contents

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I.	Introduction	1
	* The Initiative on South Asian Co-operation	
	* The Mission and its Objectives	
	* Programme	
II.	CHT: History and Current Status	6
	* Problems Pertaining to CHT People	
	* History of CHT and Current Status	
	* Status of Negotiations	
III.	Issues and Options	19
IV.	Concluding Remarks	22

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INTRODUCTION

People driven from homes by various types of pressures represent one of the painful human tragedies of our times. Innocent people are regularly displaced from their habitat by development programmes and projects which are supposed to benefit them, but end up disturbing their lives and depleting the environment which has sustained them since centuries. Violation of traditional rights and customs, ethnic strife often emanating from the insensitivities of majority populations and dominant power centres towards the interests and concerns of the minority populations, violent struggles for the fulfilment of political demand for autonomous regions or outright secession have also become common occurrences which adversely affect the stability, harmony and prospects for just and orderly development of many societies today. These conditions result in what has been called "breakdown of security" which produces the refugee population and related problems seen in many parts of the world today. Often enough a refugee situation grows into assuming a trans-national dimension, further complicating the prospect of resolving conflict in a manner that yields a secure environment for all parties concerned.

In 1994 alone, 4 million people are reported to have fled their homes bringing the total of world's official refugees to 23 million. This Report is about one such people, the Chakmas, from the Chittagong Hill Tracts (CHT) who fled their homes in Bangladesh, first, due to displacement brought by a development project and, later, as a result of acute insecurity that ethnic and civil strife and political insensitivity wrought.⁽¹⁾ These people have been residing across the border in India as refugees. What is unique about the CHT is the persistence of the problem and the length of time that has lapsed without a definite solution in sight on an issue that ostensibly appears minuscule compared to many other conflicts even within South Asia.

Apparently, the issue is about just over 50,000 people who got alienated from their own country of 110 million,⁽²⁾ and now

reside as refugees in a neighbouring country, where some sections of its population find their presence over-crowding the land which inhabits nearly one billion people. In reality, therefore, the problem is more complex than it appears, defying a lasting solution until now.

This Report which is the product of a Mission undertaken on behalf of the Initiative on South Asian Cooperation (ISAC) is an attempt to put the issues in perspective in as objective and dispassionate a manner as possible. Drawing inspiration solely from the urge to find a South Asian solution for the South Asian problem, the Report also tries to identify the factors impeding a resolution of the problem and suggest where possible options available to the parties concerned for consideration toward its amicable and speedy solution to that the concerned governments and peoples can leave this unhappy experience behind and get on with the more important task of development, severally and collectively.

As the draft of the report is being finalised, its authors are happy to witness the elections to a new Parliament in Bangladesh, the peaceful transfer of power through constitutional means and the restoration of general order and stability necessary for broadbased and all-round development of the country. This was made possible by the people of Bangladesh who exercised their democratic rights in a resounding manner. In this process, it is hoped that the long-standing problems of CHT can also be addressed resolutely with all the concerned parties exhibiting the necessary magnanimity and spirit of mutual accommodation as necessary.

The Initiative on South Asian Cooperation

The Initiative on South Asian Co-operation (ISAC) is the result of a meeting held in Lahore in October 1993. The meeting was convened at the end of a South Asian non-Governmental election observer mission to Pakistan for the Parliamentary elections held that year. Similar missions had been undertaken earlier in Bangladesh, Nepal and Sri Lanka. These missions had resulted in the assembling of distinguished individuals from Bangladesh, India, Nepal, Pakistan and Sri Lanka, leading to the

establishment of an extensive network of influential individuals with a potential to contribute to increasing the understanding and cooperation among the countries and peoples of the region. When the group met in Lahore, the small group of individuals from the observer group thus assembled decided in principle to explore avenues of possible contributions from the non-governmental level to the enhancement of co-operation amongst the five countries referred to above, specifically, in areas where unresolved bi-lateral issues were involved.

Following on this initiative the International Centre for Ethnic Studies (ICES), Colombo, called a meeting in January 1995, to which Professor Muchkund Dubey, former foreign secretary of India, Mr. Niaz Naik former foreign secretary of Pakistan, Mr. Abul Ahsan, former foreign secretary of Bangladesh subsequently succeeded by Mr. Fakhruddin Ahmed, also a former foreign secretary of Bangladesh, Dr. Devendra Raj Panday, former finance minister of Nepal, Mr. Bradman Weerakoon, former Presidential advisor on foreign affairs in Sri Lanka and Dr. Neelan Tiruchelvam, Dr. Ms. R. Coomaraswamy and Mr. Jeevan Thiagarajah who were from the ICES participated. The participants constituted the core group of the Initiative on South Asian Co-operation.

The underlying principle envisaged in the work of the group was the primacy of a South Asian approach to issues involving the people of the South Asian region for study and, wherever possible, contribution toward conflict resolution from within the region. Pursuant to this meeting, one of the issues identified for study was issues pertaining to the Chittagong Hill Tracts.

The Chittagong Hill Tracts is a very appropriate bi-lateral issue for study by the ISAC. If with the added impetus from a non-partisan South Asian group the states and the people concerned could be persuaded to act on the basis of the reality confronting them, they could be spared the possible extra-regional pressures that may be brought to bear on them in the name of some international standards or code of conduct on refugees, minorities, or human rights. As time passes and if the problem does not get addressed in the interest of its speedy solution, the question can get unnecessarily internationalised to the detriment of the image and the interests of the countries concerned — not to mention the

welfare of their people. Both Bangladesh and India are already being accused of not providing access to the International Committee of the Red Cross (ICRC) and the United Nation High Commissioner for Refugees (UNHCR) to visit refugee camps on both side of the border.

Resolutions have been passed in fora such as the European Parliament against the "military involvement" and violation of "the human rights of the Jummas" by the Bangladesh authorities. There are charges of violation of human rights, religious persecution and other injustices against the tribals and other minorities including their right to their way of life and to their lands. The all important donors of Bangladesh have been expressing concern individually and collectively at the annual Bangladesh Aid Consortium meetings in Paris. Reportedly, a bilateral donor recently went to the extent of refusing to fund the development programmes in CHT until a political agreement is reached with the JSS, the political organization of the Chakmas for whom the question of the repatriation of the refugees is linked with their political demand for autonomy of CHT. there are many other reports of similar concerns and interventions from extra regional centres of power.

Similarly, if India had to cope in the past with the allegation of harbouring the Shanti Bahini, the militant wing of the Chakmas, more recently, it has been accused of resorting to forcible repatriation of the refugees by human rights groups in India and abroad. India is also accused of maintaining the refugee camps in "abysmal condition" with no outsiders allowed to visit them, and even curtailing rations to the refugees as a means of forcing them to return to Bangladesh.⁽³⁾ Because of the allegedly inadequate means of sustenance provided by the Indian authorities, the refugees engage themselves outside the camp on wage labour adding to the tension with the local job-seekers. According to one report, "this year, for the first time since the Chakmas arrived in Tripura, refugee students were not allowed to sit for school-leaving examinations of the state education system."

ISAC as a South Asian non-governmental group derives its inspiration and, perhaps, legitimacy from shared values and principles in the interest of peace, cooperation, and prosperity in the region. It has embarked on a study of CHT with a view to

contributing to a peaceful and mutually satisfactory resolution of the conflict on the basis of an objective analysis of the problem and the realistic options available to the parties concerned. This report is presented in that spirit and will, hopefully, be read and made use of accordingly.

The Mission and its Objective

The mission undertook to study the history of the people in the Chittagong Hill Tracts, reasons for their displacement, resulting issues, measures taken to resolve these issues and matters impeding a possible resolution.

A full and firm set of recommendations for decision and action on specific aspects of the dispute is not intended at this stage. It is hoped that the findings of the mission will be an important input to the opinion-making and decision-making systems of the concerned countries and peoples as they peacefully pursue their tasks towards a just and workable solution of the conflict. ISAC and its mission members stand ready to make further contribution towards that process if and when required and asked to do so at an appropriate stage on the basis of the conclusions and suggestions made here.

Programme of the Mission

The two ISAC members arrived in New Delhi on 2nd January and after consulting with Professor Dubey, Dr. Roy Burman, Mr. Nikhil Chakravarty of Mainstream, Mr. Ravi Nair, South Asian Human Rights Documentation Centre, Mr. I.K. Gujral, former (and current) External Affairs Minister, India, and Maharani Bibhu Kumari Devi, Member of Parliament from Tripura, left for Dhaka on the 5th of January. In Bangladesh, the Mission met with Mr. Fakhruddin Ahmed, professor Rehman Sobhan, Centre for Policy Dialogue, Mr. Tariq Karim, Additional Foreign Secretary, Mr. Nasirul Islam, Director Special Affairs, Mr. Syed Anwarul Islam, Joint Secretary, Ministry of Home Affairs, Mr. Rashed Khan Menon M.P. and Leader of the parliamentary committee on Chittagong Hill Tracts and Raja Devasish Roy, Chief of Chakma and concluded its visit on the 12th of January.

CHT: HISTORY AND CURRENT STATUS OF THE PROBLEM

The Problem

The Chakma-CHT imbroglio is the product of a complex set of factors — social, political, economic, and transnational — that have got entangled over the years to bring the situation to its current state. It is now simultaneously a human problem, a political problem, and an inter-state problem.

Fundamentally it is a problem which is the result of an inadequate understanding amongst the rulers about what constitutes development for a people, a problem much observed and agitated against in many other parts of South Asia and the rest of the world today. It is a problem where the alienation of a people from their land grew to be an ethnic dispute and later assumed the proportion of an insurgency developing into a transnational conflict as well. Above all, therefore, it is a problem whose resolution calls for a clear definition and faithful practice of democracy, decentralization and participation of people in decisions that decide their destiny. It is also an issue that touches at the heart of the contemporary understanding of what constitutes a nation and what is involved in building it.

A constructive way of proceeding towards a resolution of the conflict, therefore, is to look at the reality facing the disputing parties today not necessarily as a result of their deliberately hostile acts and actions against one another but as the consequences of a problematic arising principally from cognitive failure of a generic nature. For example, the alienating effects of what some informed analysts of Bangladesh have called "pernicious influence of modernity" make most people in all parts of the country, regardless of their geography or ethnicity, a common victim though by virtue of their social and economic status some people may not be as vulnerable to them, or may even find something very positive and beneficial for them in this reality. Similarly, if insurgency by a

section of the population becomes a legitimate ground for counter-insurgency measures by the state, the resultant breakdown in law and order and the militarisation of the society and its economic and social costs affect the welfare of the people throughout the country.

The government from the Pakistan days, and even earlier, has adopted and encouraged policy measures in respect of CHT that have contributed to the conflict which has arisen basically "from the confluence of modernity and indigenous modes of living" in the region. It can be and has been argued that it was the introduction of the plough cultivation by the British that replaced the *jhum* cultivation which, even as it did little to improve the lot of the *jummas*, led to the opening of the Hill to the Bengali settlers. Similarly, the introduction of commercial forestry deprived the country of the cumulative benefits of social forestry, much in vogue today, which is what the local people were practising before they were barred from doing so by the colonial government of the time. And if it was the construction of the Kaptai dam which created additional problems for the hill people, the dam too was only a part of the effort considered necessary in the campaign for modernity⁽⁴⁾.

The problem got aggravated in the early years of the country's independence when the enthusiasm for rapidly building a modern Bengali or Bangladeshi nation led to further alienation of the tribal population in the area. When the demand for autonomy for CHT was not accepted even for discussion during the framing of the constitution of the new nation in 1972, and as these people feared forcible suppression of their identity, there was another exodus of the Hill people into India. Again, this may be understood not so much as the product of oppression by a dominant group, as the apparent insensitivity of a "modernist" about the fundamentals of a democratic state. When the political leadership is unable to see pluralism, not as a threat to the nation-state but as an insurance against the growth of monolithic state culture, the entire population is subjected to the associated risks of endangering democratic governance. There is no other way of explaining the reported stance of the founder of the nation in this respect.⁽⁵⁾ Sheikh Mujibur Rehman who led his people in their revolt against the Pakistani state on the issue of Bengali identity could not have been

personally insensitive to the similar demand made peacefully by a minority population within the nation-state he founded.

In summary and more specifically, therefore, the CHT problem has its genesis in:

- * the general tendency of "modernisers" in the third world to undermine local sensitivities and aspirations in their drive towards rapid national development in the aggregate;
- * a badly conceived and implemented project, the Kaptai dam, which led to the original displacement of people from CHT who lost their fertile lands to the reservoir;
- * the affinity which people, in particular those living as a composite tribal or ethnic group, have with their lands, and the traditions and social relations tied to them;
- * general tendency increasingly observed in the region and the rest of the world of minorities, with their legitimate aspirations unfulfilled, asserting their identity, and social cultural, and political rights, especially when a minority population is concentrated in a well delineated geographic region;
- * the general aspirations of people everywhere regardless of their ethnicity or geography for democratic or participatory governance;
- * the limitations of a poor country where its government has to manage the unmanageable dynamics of a large and growing population facing limited resources including land;
- * the universally recognized right of a refugee population to return to their land in security and dignity, and to be looked after by the host country until such possibility materialises;
- * the tendency of a basically human problem to get politicised to serve powerful vested interests;

- * the complications injected by periodic tensions in the bilateral relations between Bangladesh and India;
- * the paramount obligation of a government, in this case, Bangladesh, to preserve the sanctity and the territorial integrity of the state.

History of CHT and Current Status

Bangladesh is a nation with approximately 55,598 square mile of land mass with a population of more than 110 million of which according to the official census of 1991, 974,445 are located in the Chittagong Hill Tracts. The CHT includes the hill districts of Rangamati, Khagrachhari and Bandarban and covers a land area of approximately 5098 square miles. This socio-demographic condition of less than 1 per cent of the population of the country inhabiting a land area of nearly 10 per cent has become a principal source of misunderstanding in CHT as it affected the perception and the policy of the government trying to manage a growing population in the country under adverse resource condition.

Most of the country-side is hilly land rugged with land suitable for irrigation being very rare. The CHT has few large industries and the quantum of trade and commerce in the region is relatively small. The dependence of the people on the land for their livelihood is specially true in the CHT; however, encroachment in one form or another started from the British days itself, before which land was considered a communal property of the Hill people managed by the chiefs. The CHT traditionally has been the home to ten groups of indigenous people known as the 'hill people' who ethnically are similar to the people in the hilly areas across the border with Myanmar and India than to the Bengalis. They are generally divided into two major categories: those who live in the hilly areas of the valley (The Chakma, the Marma and the Tippers); and those who are in the hills (The Bawm, the Mru, The Khumi and other smaller tribes). The Chakma constitutes the largest among them numbering approximately 20.96% of the tribal population in Bangladesh as show in the following Table.

DISTRIBUTION OF ETHNIC COMMUNITIES IN BANGLADESH

(Census Report 1991)

<u>Community</u>	<u>Population</u>
Bawm	13471
Buna	7421
Chakma	252858
Garó (also known as mandi)	64280
Hajong	11540
Harizon	1132
Khami	1241
Khasi (known as khasia)	12280
Khyang	2343
Koch	16567
Lushai (also known as kuki,mizo)	662
Mahat (also known as Mahatu)	3534
Manipuri (also known as Meithei)	24882
Marma (also known as Mag, Mogh, Mug)	157301
Mro	126
Mrong	22178
Munda	2132
Oraon	8216
Paharia	1853
Pankha	3227
Rajbansi	7556
Rakhaine (branch of Marma)	16932
Sak	2127
Santal	202162
Tanchangya (branch of Chakma)	21639
Tipra (known as Tripuri, Tripura)	81014
Urua	5561
Others	261743
Total	1205978

Majority of the Hill people are Buddhists with a significant number following Hinduism followed by Christianity. A small number follow indigenous faiths, some in conjunction with Buddhism, Hinduism or Christianity.

Linguistically, the Chakma and Tanchangyu have links with Bengali and Assamese. The languages spoken by the majority of indigenous people belong to the Tibero-Burman family of languages. In addition to the indigenous people a large number of Bengali families also live in the CHT. Of the 974,445 population in CHT according to the 1991 Census, the Tribal population constitutes 51.4% or 501,144. This figure is contested by the Hill people — nor is it known whether the census took into account the refugees in Tripura state in India who numbered over 50,000. A substantial number of shop keepers and small traders in the CHT are Hindus; Hindus who live off the land in the CHTs are rare. The majority of Bengalis in the CHT follow Islam.

The region was taken over by the East India Company between 1770 and 1780. Prior to the take over the North was under the jurisdiction of the Chakma Raja (King) whilst the South was under the Bomang Raja. Due to the abundance of cotton it was known as the "Cotton Block" and the Rajas paid taxes with that commodity to the East India company. Upto the middle of the nineteenth Century, the company avoided any administrative role and the Rajas were left to run the regions under their control.

After the 1857 First Indian War of Independence, the British government took control from the company of the CHT region and the Rajas were placed under the CHT district administration. Upto 1860 the "Cotton Block" was a unit of the revenue department under the CHT collectorate and an administrative unit of the Chittagong District. In 1860 with the passing of Act No.22 the "Cotton Block" was granted status of a full administrative district and known as the Chittagong Hill tracts district. The Status of the area as a district was reverted to that of a subdivision after the British took control of Lusai Mountains (the present state of Mizoram in India). In 1892, rules regulating the administration of the region was passed.

Under the administrative control of an assistant commissioner in 1900, the 1860 Act was amended and named the Chittagong Hill Tracts Rule Act - 1900 (Act 1, 1900), coming into

force as law on the 1st of May 1900 and referred to as the Hill tracts Manual. It provided a legal framework for the administration of the region and autonomous governance by the Rajas. The Hill Tracts districts were divided into three circles and placed them under Chakma, Bomang, and Mong Raja chieftains entrusting them with the administration and collection of revenues in their respective circles. Each Circle was divided into Taluks and each Taluk into Moujas. The Rajas appointed Dewans and Headman to run the administration and collect revenue in consultation with the district administration. In addition to these functions the headmen exercised authority of Junior Magistrates in settling disputes, maintaining law, punishing offenders in the respective Moujas whilst being accountable to the Raja. Ironically much of the debate about CHT today is one whether the tribal people have a right to be governed by the provisions envisaged in this colonial Manual.

The Manual restricted leasing of any land in the area to outsiders and the Deputy Commissioner regulated all leases. The DC was empowered to hear and settle litigation. The Divisional Commissioner of Chittagong acted as the court of appeal for judgements made by the DC.

Even after the enactment of the India Act of 1935, the region enjoyed the status of an excluded area. After partition, the 1956 constitution of Pakistan maintained that the area would be administered under the provisions of the Manual. The Status was changed to that of a Tribal Area after the amendment of the Constitution of Pakistan in 1962 and the manual abrogated, though the clauses of the Constitution pertaining to the area was not applied but kept in abeyance following appeals made by the Tribal Chiefs. After Independence of Bangladesh in 1971 provisions of the manual were applied through executive orders.

The legal system practised in the CHT has differences with rest of the country. Laws pertaining to the rest of the country apply to the CHT only if they are in the manner laid down in the CHT manual. The criminal justice system is similar to that of the plains districts, in respect of penal provisions and to a lesser extent the mode of trial. The CHT courts are presided over by civil servants and not judicial officers. The civil courts are presided over by civil servants whilst matters of indigenous personal law are

administered by the courts of the headmen and the chiefs with the executive branch of government exercising revisional jurisdictions over indigenous courts.

Problems Pertaining to the CHT People

The basic problem facing the CHT people which has now taken a multi-dimensional character is what they see as the encroachment on their land and their lives by the "outsider". As already stated it appears that this encroachment has been taking place for a long time. First of all, nullifying the concept of community land and vesting the ownership with the state opened the door for all subsequent infringement on the rights of the hill people. Secondly "though the CHT Manual had imposed restrictions on the possession of land by outsiders. It did not put a total ban upon it. Land could be acquired for the following purposes: Rule 34 (b) for plantation on commercial basis; Rule 34 (c) industrial purpose; Rule 34 (d) residential purpose; Rule 34 (e) commercial purpose."

Furthermore, in 1913 the British annulled the 52nd clause of the manual which had given authority to the district administration to expel from the region any person from outside the region if they were a threat to the peace or to the administration. In 1937 the Rajas were shorn of their administrative, revenue collecting and judicial authority which was taken over by the district administration with the Rajas as advisors to it. In 1947 people of the region contrary to the Radcliffe Commission award wanted the CHT region to have the option of joining Mizoram or Tripura state in India. On the day of partition, the 14th of August 1947, the Indian flag was hoisted in Rangamati.

In 1956 the Dhaka high court nullified the 51st clause of the manual which provided for the expelling of non-locals from the region on the grounds of the right of the freedom of movement guaranteed to all citizens under the Pakistan Constitution. The hydroelectric dam at Kaptai village in the Rangamati district was completed in 1960 creating an artificial lake of 550 Square miles. The lake inundated most of the Karnaphuli valley and large parts of Chengi, Kassalong and Maini valleys containing paddy fields and vegetable gardens. The project displaced approximately 100,000 people from their ancestral lands of whom approximately 40,000 crossed over to India to live as refugees whilst the rest were

made to seek new lives in new pastures. It also submerged approximately 54,000 acres or 40% of the plough lands of the CHT.

When Bangladesh became independent in 1917 the new constitution did not recognize any special status for the people of the CHT. This was followed by the policy to resettle Bengali families in the CHT with dual objectives. The first objective was to promote the concept of Bengali and, later, Bangladeshi nation as one people. The second was to take advantage of the relatively sparsely populated area in CHT, a point which is contested by the hill people and a number of Bangladeshi analysts, for resettlement purposes.

In the tussle between the enthusiasm to implement the above policy and the resistance of the Hill people, violence ensued and there was another exodus of the Chakmas from CHT. After the assassination of Sheikh Mujibur Rahman, during whose times, the actual resettlement of the Bengalis in the CHT had not begun, and the usurpation of power by the army, the resettlement policy was followed in earnest.⁽⁶⁾ The policies of the military regime under Ziaur Rahman (1975-1981) and later under H.M. Ershad (1982-1990) led to the escalation of the conflict. The **Parbattya Chattogram Jano Shanghati Shamity (PCJSS)** had already appeared in the scene in 1972, and its military wing the **Shanthi Bahini** in 1973. With Sheikh Mujib's departure and the installation of military regimes, tension in the relations between Bangladesh and India also got escalated. The **Shanti Bahini** set up camps and started to operate from the Indian side of the border. President Zia and later President Ershad attempted to counter insurgent activities of the Shanthi Bahini with increased deployment of the military. The resettlement of poor Bengali Muslim peasants and landless labourers in CHT was thus gradually supplemented by a large presence of the military which too occupied valuable lands of the hill people.

Civilians who were caught up in the fighting created international Human Rights concerns. To bring down the level of fighting, the government under Ershad initiated negotiations with the Shanthi Bahini whilst elections for district councils were held with the JSS refusing to accept it. In the mean time, the policies designed to change the demographic composition of CHT continued.

In 1979 the government of the day amended the rule 34(1) of the CHT manual whilst retaining most provisions of the earlier legislations but omitting one in particular which restricted the settlement of persons from outside the region on CHT land. The amendment also did away with the definition of "non-hillman resident", a legal term identifying resident Bengalis of the CHT who are entitled to some of the privileges reserved for the indigenous hill people. The **adivashi** Bengalis, too, were thus treated at par with the new settlers.

In 1989 the Government of Bangladesh passed four laws for the CHT. The first repealed the CHT manual and the other three established three district councils in the CHT. With the transition towards democratization from 1990 the government agreed to form a national committee composed of members of parliament from different parties to resolve the issue politically. This development together with other avenues of negotiations and dialogues that have been resorted to has not however led to any significant result toward the resolution of the conflict.

Status of Negotiations

Negotiations have been going on between Bangladesh and India for the repatriation of refugees for almost a decade. As early as December 1986, the foreign ministers of India and Bangladesh "expressed satisfaction" about repatriation of refugees; 108 families or some 500 refugees were to cross the border in January 1987. This did not happen. Instead a fresh wave of Chakma or, more accurately, Jumma refugees crossed into Tripura that month.

Ten rounds of discussions have also been held between the JSS and Bangladesh government representatives with little result so far. Until 1992, there was not even a hope of any progress. In fact the discussions and dialogues were punctuated frequently by their interruptions, trading of charges (not only between JSS and the Bangladesh government, but also between the latter and the government of India), and acts of violence perpetrated by armed insurgencies into Bangladesh and the counter-insurgency measures adopted by the authorities there.

A breakthrough of sort was achieved in 1992 when the heads of the two governments agreed to take necessary steps from

both sides to facilitate the repatriation. The progress and the status since then are listed below:

1. Following the joint communique agreeing to speedy repatriation of all Chakma refugees to Bangladesh issued at the end of Prime Minister Khaleda Zia's visit to India in May 1992, the two countries signed a joint statement on 10th May 1993 providing for repatriation of all tribal refugees.
2. Subsequently, following the visit of the Bangladesh home secretary to Agartala from 26th to 28th May 1993, a time frame to commence repatriation of the refugees from 8th June 1993 was agreed. The process did not begin on that day.
3. During the visit of the communication Minister and convenor of CHT committee to Tripura in May 1993 Upendra Lal Chakma presented a 13 point charter on behalf of the Refugee Association. The 13 point Charter called upon the government of Bangladesh to withdraw the army and non-tribal settlers from the CHT as a precondition for repatriation of refugees.
4. A Parliamentary team from Bangladesh visited Tripura on 13th July 1993 and went to the refugee camps to hold discussions with the Tribal leaders.
5. In September 1993 a 24 member team consisting of the representatives of the refugees, officials of Tripura state government and the Central government visited Chittagong to assess arrangements made by the government of Bangladesh for reception and rehabilitation of refugees. Upon their return Upendra Lal Chakma felt the time was inappropriate for their return. From 16th -21st October 1993 a two member parliamentary team from Dhaka visited Tripura to persuade the refugees to return.
6. As a result of a meeting of the refugee leaders led by Upendra Lal Chakma with members of the CHT committee at Ramgarh on 16th January 1994, an agreement was reached that the refugees would commence the repatriation. The

convenor of the CHT committee and the governor of Tripura also met. Following this discussions the government of Bangladesh announced a 16 point rehabilitation package on Friday 12 1994 for Chakma Refugees in India. From 15th to 22nd February 1994, 379 families (1841) persons returned.

7. From 25th -29th April 1994, a delegation led by Upendra Lal Chakma visited the CHT to ascertain the manner the first batch of refugees had been rehabilitated. And subsequently in a report submitted to the Tripura government concerns were voiced about the rehabilitation programme. On 5th June 1994, a meeting was held in Ramgarh to look into the concerns expressed by Upendra Lal Chakma, but it ended inconclusively. On June 13th 1994, a five member delegation led by Mr. Rashid Khan Menon of the Joint Parliamentary Committee went to Ramgarh to discuss further the repatriation of remaining refugee. Following upon this a more comprehensive 19 point rehabilitation package was announced by the Government of Bangladesh on 7th August 1994. As a result of which, in the first week of August 1994, a total of 1027 families (6186 persons) came back.
8. The convenor of the CHT Committee from Dhaka paid an official visit to Tripura on 1st and 2nd February 1995 for consultation with the Governor of Tripura to resume the repatriation process.
9. Following upon his visit a 13 member delegation including the Relief Commissioner of India and District Magistrate, South Tripura, visited Khagrachhari on 14th and 15th March 1995 to see for themselves rehabilitation undertaken for Chakma refugees who have already returned.
10. The refugees submitted a memorandum to the leader of the delegation on 14th March 1995 at Panchari thana citing the suffering of those who had returned. Consequently the Refugee Welfare Association called for the fulfilment of the following before the third-phase repatriation could take place:

- a. Restoration of land and homestead, re-instatement in service with seniority, implementation of general amnesty as per international norms, cash grant of Tk 5000, age limit of upto 8 years in the ration scale, employment of the unemployed returning youth with relaxation of age etc... under the 16 point government plan to be implemented.
 - b. The villages of 1) Fulchan Karbari Para 2) Basanta Mohan Karban 3) Indrajoy Karbani Para 4) Sushil Jihan headman Para 4) Barpara 5) Bhuiya Chara under P.S.Dighinala be vacated from occupation by settlers and security camps for the rehabilitation of the returnees in their own villages.
 - c. In view of the fact that the first two batches of returnees had not become self-reliant it was suggested that they be given an extension of three months provision of free rations.
 - d. A demand for political dialogue for security and safety of the Jumma refugees was also made since the problem of Jumma refugees was considered an inter-related problem of the CHT's political crisis.
 - e. The assistance of UNHCR and ICRC to be considered for purposes of rehabilitating returness.
20. Amidst these negotiations, demands by the refugees, and offers of packages by the government, there stands the five-point Charter of Demands by the JSS, originally proposed in 1988 and somewhat modified since then, which has become a stumbling block not only for the settlement of political issues is concerned, but also for the repatriation of the refugees. Briefly, the five points are related to the demand for: (a) regional autonomy, (b) withdrawal of settlers, (c) withdrawal of military, (d) retention of traditional/customary laws, and (e) return of lands of the Jummas.

III

ISSUES AND OPTIONS

It is clear that CHT conflict is about two different, if inter-related, issues. One has to do with the repatriation and rehabilitation of the refugees. The other is about the political demand of the hill people represented by JSS. Though much of the discussion and debate centre around the refugees and the repatriation, the Chakma issue would probably have been resolved long ago if it was merely a refugee problem. Accommodating 50,000 refugees one way or another could not ever have been an issue that has cost numerous human lives and property, and contributed frequently to undermining relations between two neighbouring states with close cultural and historical affinity, Bangladesh and India.

On the political side, the main issues can be summarised as: (i) the constitutional position of minority groups; (ii) the politico-administrative structures for the CHT; and (iii) questions pertaining to the legal system in the CHT vis-a-vis the laws of the rest of the country including their implications for the right of the non-hill people to settle where they like within Bangladesh including the CHT.

To look at the political issues first, from the standpoint of the government of Bangladesh, the question of constitutional changes to accommodate the aspirations of the Chakmas for autonomy is not even negotiable. Among other things, all governments since 1971 have emphasized the unitary character of the Bangladeshi state which could not be diluted. This issue, if it is ever to get addressed, can therefore be only a part of the more general concern about governance, decentralization and participatory democracy befitting a modern state. This may be the right time to proceed in this direction. But this is a matter best left to the government and people of Bangladesh.

However, there may be a room for working towards a resolution of the conflict by considering higher degree of autonomy for the local bodies even within the framework of the existing three Hill District Councils. Because the apparent gap between the

JSS demand for a Regional Council to administer a territory with "excluded area" status and the status and power of the existing district councils is so wide that a serious discussion on possible mid-way solution acceptable to all parties has not even taken place. But the gap may not be as real as it is apparent. We will return to this point presently.

The other issues of political nature are more intimately linked to the question of repatriation of refugees and may need to be handled accordingly. For example:

- * that the refugees who have returned have not been treated according to the May 1993 agreement or the 19-point package offered by the Government of Bangladesh should be, not a matter of opinion but a concrete situation that can be verified on the ground and rectified as necessary;
- * there may be a case for the reconsideration and reversal, on the basis of an agreed cut-off point, of the alleged policy of "planned settlement" of non-hill population in CHT because of what is known now — that the CHT after all is not a land or resource surplus area as it might have been believed once; cultivable land holding is reported to be lowest in CHT; and not enough attention has been given to the fact that most of the land area of CHT has been a part of reserved forests, the depletion of which has led to serious consequences not only for the people but also the ecology including wildlife in the region.⁽⁷⁾
- * on the other hand, there is also a need for some sensitivity towards the settlers who, too, may feel that they are the innocent victims of a conflict in the creation and escalation of which they had no direct part; on human terms as well it may be difficult to ask a large number of households to leave the land they have occupied as their own for a long period; and the people of CHT, even as they wish to pursue their demographic concerns, protect their cultural identity, and fulfil their political aspirations, may wish to benefit from the more positive contribution that a diversified social milieu is also capable of making.

Specifically, and more importantly, since the principal impediment to further progress in repatriating and accommodating the refugees in Bangladesh appears to be the reluctance on the part of the Bangladesh authorities to discuss the political demand as a part of the agenda, there may be a case for allowing at least the points raised by the Refugee Welfare Association (mentioned above) as a basis for negotiation. Though this set of demand also includes some sensitive matters, there is no mention of autonomy in this list. In fact some of them, such as restoration of land and homestead, reinstatement in service, or even amnesty, are subjects already included in one form or another in the package offered by the government. As regards the request for the involvement of UNHCR and ICRC, a point that is not agreeable to both Bangladesh and India, an alternative arrangement possibly from within South Asia could be considered.

For the dialogue to succeed it needs to be resumed and pursued in a climate of trust and hope. For the hostility of all kinds has to cease in CHT. The first task may therefore be to seek a permanent ceasefire in CHT as a prerequisite for not only further dialogue but also repatriation. As a part of this effort the **Shanti Bahini** should be persuaded by leaders and political forces who may have some influence with them, both in Bangladesh and India, to forsake armed struggle as a means of achieving their political objective. Likewise, the government of Bangladesh may consider if corresponding steps can be taken toward delimitation of the area to bring it fully under civilian rule within a specified period of time.

Finally, it may be worthwhile for the government of Bangladesh (and India) to consider if the good offices of a third party can be useful in better informing the debate and resolving the conflict as expeditiously as possible. In order to avoid any impression of an extra-territorial jurisdiction or intervention of an outsider, the third party need not be "recruited" from within the government of a third country or countries. It can be a non-governmental group comprising individuals with credibility and competence from within South Asia whose dispassionate, yet firm, opinion and advice can carry the necessary weight without attracting perceptions and charges of interference by any of the parties in dispute including the leaders of the Hill people. Should

this suggestion be agreeable, the terms of reference for the group to be considered and agreed by the parties concerned can be prepared by ISAC.

IV

CONCLUDING REMARKS

In the course of the mission carried out in Bangladesh and India, one could not help getting the impression that at the state level both in Bangladesh and India, the authorities were somewhat relaxed about the Chakma issue. A probable reason is that this issue no longer puts a strain on the bilateral relations between these two countries.

To India, the question of Chakma refugees is only a minor irritant deserving attention only because of the local politics and political leaders especially in Tripura. The question of refugees is something of a national issue only for the Bharatiya Janata Party but here also this is so only because of this party's interest and concerns about immigrants in general. In Tripura and Arunachal Pradesh it is an issue that goes beyond the Chakmas in the context of state politics there.

On the other hand, India itself has been grappling with its own problems of tribal (and sometimes insurgent) populations in Tripura. Arunachal Pradesh and adjoining areas demanding autonomy and other privileges and benefits for some time. A peaceful and mutually acceptable resolution of the CHT conflict can provide a model that can be emulated by the authorities to meet the similar challenges and objectives in that country and elsewhere in South Asia.

To the authorities in Bangladesh, with the Rao-Khaleeda agreement of 1992, the repatriation, though currently stalled, is only a matter of time before it gets carried out in full. It seems to be the dominant perception there that the aspirations of the Chakmas, as that of all others, will be met through speedy implementation of development programmes. In this scheme of

things, the task is being accomplished through the Chittagong Hill Tracts Development Board, and the assistance of the Asian Development Bank and other development partners of Bangladesh. However, if a political solution can be reached which as stated proves to be a model for other countries, Bangladesh would stand a great deal to benefit not only nationally but also in terms of its position and image in South Asia and beyond.

If prolonging the conflict is not in the interest of any of the parties, the status quo is not an attractive proposition either, at least from the standpoint of the welfare of the people concerned. There is a danger that the interests of the people, whose lives and rights is what this conflict is all about, might be forgotten. More alarmingly, more lives may still be lost at the hands of the **Shanti Bahini** insurgents and the Bangladesh security forces or in skirmishes between the hill and the non-hill communities. The innocent tribal people may once again be drawn into the conflict as pawns in local political rivalries, ethnic warfare, or transnational disputes. This should not be allowed to happen.

Endnotes

1. As reported later, the chakmas are not the only tribal group affected. Besides chakmas, there are **tripura, marma, muran, khyang** and others who collectively constitute the indigenous or tribal people inhabiting the Chittagong Hill Tracts. In this report, the use of the word, **chakma**, is meant therefore to capture all such tribal people who are of concern from the standpoint of the "terms of reference" of this report.
2. Actually, there are several times more chakma population from Bangladesh currently residing in India on one form or another. A significant portion of the 80,000 chakmas in the southwest of Mizoram in India are also reported to be the displaced people from Bangladesh. This group occasionally faces the hostile attitude of the local Mizo population who resent their presence and the "special treatment" given to the Chakmas. But this group is not a part of the issue considered here since these people are getting assimilated into the local social and demographic milieu. A second group of Chakmas from Bangladesh consists of people displaced by the construction of the Kaptai dam in 1964. About 70,000 of them have been settled in Arunachal Pradesh. Though this group also suffers from the vicissitudes of local political conflict and competition, the central government supported by the judgment of the Supreme Court of India against the "anti-Chakma drive" has adopted a policy which should eventually lead to the granting of citizenship to them. The subject of this report is thus the 50,000 or so chakma people in Tripura who are the most recent arrivals, the additional impetus for fleeing Bangladesh coming from the ethno-political conflict and the Army operations in the CHT.
3. According to Sanjoy Hajarika, for example, "The Chakma encampments in Tripura are not 'refugee camps' as the United Nations High Commissioner for Refugees would define them. They have none of the facilities available to, say the Bhutanese refugees in the Jhapa camps of Nepal".
4. In this analysis, the authors of the report have benefitted from the excellent work of Amina Mohsin and Imtiaz Ahmed, "Modernity, Alienation and the Environment: The Experience of the Hill People", who argue that the present situation is the result of "both history and hegemonic practices". Mohsin and Ahmed discuss how the government policies on land, forestry, and water over the years have failed to take cognizance of the reality of the Hill people and alienated them from their land and the environment.

5. Sheikh Mujib is widely quoted to have told a delegation of the Hill people which met him when the Bangladesh constitution was being drafted that "we are all Bengalis, we cannot have two systems of government. Forget your ethnic identity, be Bengalis". See, Imtiaz Ahmed, "Refugee and Security: The Experience of Bangladesh", in S.D. Muni and Lok Raj Baral (eds), Refugee and Regional Security in South Asia. Imtiaz Ahmed also reports Kamal Hossain telling him that "Mujib never made such a statement. It is a cooked up thing".
6. Imtiaz Ahmed reports that "The rise in the Bengali population in the CHT from 11.6 per cent in 1974 to 48.5 per cent in 1991 is remarkable... Although in some of the drop in the Hill people's percentage is probably the result of the refugee-flows to Tripura (India), there is no doubt that the high increase in the Bengali population has come from the government-sponsored 'settlement' of the Bengalis in the CHT. This is further validated by the high percentage in the overall population growth in the CHT... which shows an annual growth rate of 5.5 per cent in 1974-1981 and 3.0 per cent in 1981-1991, much higher than the national annual growth rate of 2 per cent."
7. According to a widely-quoted survey report of 1964, "most of the CHT soil was very poor... only 3.2% of the CHT land graded as class 'A', was suitable for all purpose agriculture".

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