

Content of Accord and Durability of Peace: A Comparative Study of Nagaland and Chittagong Hill Tracts

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Abstract

Signing a peace agreement is a daunting job for the belligerents since they have to compromise many demands in a negotiated settlement; it is even more problematic to hold the rebel groups under the banner of a peace accord. Scholars have emphasized the importance of third party presence, peacekeeping of the United Nations, restructuring of security services, economic development, etc., in maintaining the stability of the settlement. However, we do not have a clear idea about how the content and quality of the peace treaty contribute to the durability of the peace. This article examines how the peace accord's content, provisions, and incentives hold the disputing parties within the agreed framework. This article uses the Nagaland and Chittagong Hill Tracts (CHT) agreement as cases to investigate the research aim through a structured-focused comparison with content analysis of official documents. The findings suggest that the Naga rebels returned to the battlefield within five years after signing the Nagaland accord because it did not provide any incentive to the insurgents and the Naga community. On the contrary, despite some tensions and controversy, the CHT agreement has survived because of its liberal content that incorporated power-sharing with rebel leaders.

Key Words: Civil war, insurgency, peace-pact, Nagaland, Chittagong Hill Tracts

Introduction

Three ways usually end armed conflicts and civil war: a decisive victory of one party, negotiated settlement, and international peacekeeping. The end of an intra-state war is more complicated than an inter-state war because, in the latter case, the states can bring a successful ending to the war through a peace treaty as they do not engage in daily interactions. The reality is different in the case of intra-state warfare. The parties to the conflict, who once killed each other, are engaged in a systematic competition for state power and resources. In most cases, it is not possible for rebels and state's military to separate themselves by setting up a borderline within the territory. As a result, the political battle between the two sides, the competition for the possession of resources, may turn into an armed conflict. For this reason, the end of the civil war is very uncertain and complex. Once violence begins, it usually follows a path-dependent process. As of 2021, almost seventy countries are involved in civil war; “half of the current wars have been under way for more than a decade, and one-quarter of them for more than two decades” (Lederach, 1998: 3). The risk of war recurrence in a post-war society is

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comparatively higher in countries with a pre-war history. Therefore, the failure of the peace agreement and the recurrence of the civil war is a typical discussion in the civil war literature. To prevent the relapse of violence in post-conflict countries, international actors (e.g., the UN, the World Bank), and scholars on peace research, emphasize strengthening the capacity of Governments, national/local institutions, economic reconstruction, institution building, democratization, transitional justice, and reconciliation and building a social relationship. Despite the increased attention on sustainable peacebuilding efforts, local and international politicians and policy-makers who have sought to 'engineer' lasting peace settlements have found that their goal has remained elusive (Langer et al., 2016: 2). Post-conflict governments generally maintain high levels of military spending to avoid the risk of a repeat of the war. However, this trend is reversed because it increases the risk of violence as rebel groups are at risk of attack. As a result, they may start fighting before the government to get some benefits. Many have spoken of the presence of a third party to increase the sustainability of the agreement. However, the nation-states and governments are always in doubt about the motives and neutrality of the third party (as they may have different agendas). Several researchers have commented that the best way to establish a peace treaty effectively is through a one-sided total win (e.g., the liberation war of Bangladesh in 1971), meaning a one-party's total defeat. However, in most cases, one side cannot win the civil war because it is not a conventional war; defeating the rebels in guerrilla warfare is difficult. In addition, it is related to the killing and oppression of a large number of people.

For this reason, the best way to end the civil war is to reach an agreement between the parties to the dispute, in which everything is written in the pact. We have little idea about why some agreements successfully establish peace in a conflict zone while others turn to war? What are the conditions that motivate the conflicting parties to hold the treaty, and what conditions of peace settlement provoke the rebels to start the war again? Why and how do the peace pact provisions play a vital role in establishing long-term peace?

This article has explored these questions by comparing two cases, a failed peace treaty and a successful peace treaty, in South Asia to show how the qualitative differences between the two treaties have produced the contradictory result. The article examines the content of the Chittagong Hill Tracts Peace Accord (CHTPA) and *Nagaland (Shillong) Peace Accord* and explains how a well-designed peace pact influences long-lasting peace. Here I argue that in the CHT, the peace pact offered many provisions for rebels and Indigenous Peoples (IPs) that brought peace despite some 'blame games' regarding the implementation of peace. On the contrary, Shillong Accord did not offer any incentives to the rebel community (e.g., power-sharing, cash); instead, it claimed total submission of the rebel groups that influenced the continuation of the Naga civil war.

In the remainder of this article, I will first discuss the research design, data sources, and the background and nature of the civil conflict in Nagaland and the CHT. Then I analyze the provisions of the CHT Peace Accord and explain how these provisions have affected the peace in the region. Later, I will elucidate how Nagaland Accord was very illiberal/

narrow and how the settlement tried to capture a total victory of the Indian government and military that induced Naga rebels to relapse into war.

2. Research Design: Structured-Focused Comparison

This article mainly investigates and compares Nagaland and CHT peace-pact to understand why they have produced a different outcome, e.g., Nagaland went back to war while CHT has sustained peace despite holding some tensions. To achieve research goals, this study has followed a qualitative empirical research approach by adopting '*Structured-Focused Comparison*', a methodology designed by George and Bennett (2005). The method is 'structured' since it emphasizes on similar questions that imitate some logical comparisons (George and Bennett, 2005: 67). The method is 'focused' as it deals only with certain aspects of the cases. I choose this method as it is systematic and analytic. This method allows researchers to avoid the drawback of intensive single case studies. For example, a single case study is not appropriate for addressing key features of a phenomenon (George and Bennett, 2005). The method ensures that the study will be 'focused', which should have a specific research objective, precise research and sub-research questions, and a theoretical focus. I have mainly investigated the following *focused* questions for comparison between the two cases.

Table-1: Structured-focused questions for comparison between Nagaland and CHT Accord

Has the accord clearly identified and addressed the root causes of conflict?
Is there any third party as a protector/observer of the peace pact's implementation?
Has the accord provided incentives for rebel leaders and the indigenous community?
Did all the major rebel groups sign the peace pact?
Has the agreement made specific promises about power-sharing to rebel leaders?
Did the rebel group's demands forcibly cancel the agreement?
Was the peace settlement a product of political compromise
Has the army black-mailed or compelled the rebels to sign the paper under pressure?
Whether and how does the Peace Accord recognize the cultural and political rights of the rebel community?
Has the agreement created a win-win situation for both the government and the rebels?

In this research, I collected data from primary and secondary sources. Understandably, this article's most important data sources are Nagaland and CHT peace pact, as the study investigates the role of peace content in sustaining peace. Besides, rebel group's websites, statements, publications of rebel leaders/indigenous people, leaflets, reports of Indian and Bangladesh's government and human rights organizations were used as primary sources. The government's development report, public documents, statements of high officials and policy-makers, and budgetary allocations were also considered primary sources. On the other hand, published articles and books on the CHT and the Nagaland insurgencies were explored and reviewed as secondary data. For data analysis, the study has used three-step coding: read and identify the theme of a document's paragraph, articulate and compare the themes of all paragraphs, and answer the raised questions with explanations

3. The Link between Peace and Peace-pact: A Conceptual Navigation

In general, it is said that peace depends on the substance and design quality of the peace agreement (Badran, 2014). However, Chen (2015: 12) argues that signing a negotiated settlement is only the first step toward peace. After complete implementation of the provisions, long-lasting peace can be brought. While a well-designed settlement produces sustainable peace, a badly designed accord may result in delays, setbacks, or even collapse of the peace process (Arnault, 2006). Well-designed peace pact can successfully resolve the ‘commitment problem’ in peace negotiation by adopting time frame and power-sharing provisions. According to Hartzell and Hoddie (2003), power-sharing provisions have a cumulative effect on peace. They argue that the more dimensions of power-sharing provisions in a peace settlement, the higher the likelihood that peace will sustain. A good quality peace agreement may break-down because of an unimplemented peace. Conversely, some flawed agreements can bring peace with successful implementation. Thus, both the design and implementation are essential for sustaining peace.

Table-2: Conflict recurrence according to different studies

Authors	Period	Number of cases	% recurrence
Binningsbo (2011)	1946–2006	254	46%
Mason et al. (2011)	1945–1999	98	49%
Walter (2010)	1945–2009	103	57%
Collier et al. (2008)	1960–2002	74	45%
Jarstad and Nilsson (2008)	1989–2004	83	35%
Hartzell and Hoddie (2007)	1945–1999	49	37%

Source: Adopted from Langer et al. (2016: 2).

The politico-economic landscapes of conflict zones are usually categorized by the legacies of disruption to production, lack of democracy and the rule of law, internal displacement of people, forced migration to neighboring countries, unemployment, poverty, and ‘criminality’. The spoiler of peace, the conflict–resources–political economy nexus, and past bitter experiences always hunt the belligerents and make them less confident about the true motive of government and state's military.

In post-conflict societies, peacemakers and international organizations generally emphasize three issues: high economic growth (e.g., Addison, 2003; Boyce and O'Donnell, 2007), an inclusive political system related to the rebel community (Langer and others), and transitional justice and reconciliation (see. Derby and MacGinty, 2003). The post-conflict society's peace research often paints a grim picture since these studies show that 40 to 60 percent of peace agreements have failed to sustain peace successfully (Table-2), which have relapsed into violent conflict within one decade (Walter, 2010;

Collier et al., 2008). Scholars point to several factors and conditions associated with the risk of recurrence of conflict, such as: stagnant economic growth, i.e., a weak economy directly linked to a high rate of recurrence of conflict (Hartzell and Hoddie, 2007); the lack of involvement of third parties or the international community/peacekeepers in the peace process (e.g., post-conflict countries where no UN peacekeepers have been deployed has tended to relapse of armed conflict (Collier et al., 2008; Kreutz, 2010); and where there is no adequate power-sharing (Licklider, 1995; Hartzell and Hoddie, 2003). The big problem is that both sides thought they could win the war, and several terms of the agreement have not protected their interest. Some studies have shown that conflicts that end in a compromise are far more likely to relapse into conflict than a one-sided victory (Luttwak, 1999; Toft, 2010; Walter, 2010). Interestingly, these studies did not examine whether the illiberal terms of the peace agreement played a role in the recurrence of the conflict. The content of the agreement and its implementation motivates the disputing parties to defend the agreement, and it can push the parties to a new conflict.

Table-3: Conditions for durable peace

Issue	Logic/risk factors	Proponents
Acceptable solutions to the root causes of conflict	The aggrieved community can start armed conflict if the two leading causes remain unresolved or the main demands are ignored.	Berdal, 2021; King, 1997.
Ensuring a win-win situation for both parties	If the rebel leaders were compelled to sign the deal, they might reorganize and cancel the deal in the future. Therefore, both sides must be satisfied with the agreement, especially with the rebel group.	Hartzell and Hoddie, 2007; Berdal, 2021.
Bringing all rebel groups under the peace agreement	If the treaty is signed by a fragment of the rebels and opposes other groups, the war will not end. For this, all the major groups have to be brought under the agreement.	Licklider, (2001); Hartzell and Hoddie, 2003.
Third-party's involvement	A third party plays an essential role as a mediator in the peace agreement in many cases. After the agreement, the third party can guide the implementation process of a peace agreement. Their presence may resolve any mistrust between the belligerents. Rebel group usually seeks the presence of a third party as a guarantor of the accord.	King, 1997; Walter, 2002.
Giving incentives to rebel leaders	If rebel leaders are given political and administrative responsibilities, they will be sincere in implementing the agreement, and the feeling of grievances of the community will go a long way.	Toft, 2009; Licklider, 1995.
Power-sharing between government and rebels	On the one hand, power-sharing keeps the rebel leaders within the framework of the agreement; on the other hand, it alleviates the frustration and grievances of the rebel population. The agreement may be	Toft, 2009; Licklider, 1995; Mukherjee,

	considered a 'document of dominance' by the rebel community if there are no power-sharing provisions. Power-sharing is one of the hallmarks of all successful peace efforts.	2006.
Reconciliation and compensation to the people affected by the conflict	Conflict is directly linked to poverty and unemployment. Therefore, the agreement must explicitly promise to improve the quality of life of the rebel community. Simultaneously, the settlement must ensure local elected representatives in political affairs.	Mason et al., 2011; Addison 2003; Quinn, et al., 2007; Boyce & O'Donnell, 2007.
Reconciliation and compensation to the people affected by the conflict	Many people became victims and refugees in armed conflict; hundreds of family heads (usually male) might be killed. Therefore, the state should bring these families under the social security schemes. On the other hand, reconciliation in the peace process is essential to establishing a culture of peace in divided societies. Reconciliation can be made through socio-political relationships, forgiveness, truth commission, and punishing the perpetrators of genocidal crimes. If there is no remorse for past bloody conflicts in the community or if the main perpetrators are not punished, at least symbolically, it can send a wrong message which can provoke others to commit bigger crimes in the future.	Lederach 1998; Adams, 2000.

Source: Compiled from the mentioned above studies.

A peace treaty aims to end the violent conflict formally; it is a political consensus where the warring parties abandon the path of conflict, focus different terms on the peace process, and redefine unequal power structure. Different researchers have emphasized different conditions for the success of the peace agreement. These conditions include: ensuring a win-win situation for both parties; ensuring the inclusion of all rebel groups within the framework; providing various incentives to rebel leaders, including political office, administrative position, resources, and power, and ensuring power-sharing with rebel communities; identifying the root causes of conflict and propose acceptable solutions to them; adding a roadmap to the socio-economic development of the conflict zone and providing compensation and relief to the people affected by the conflict. Table-3 analyzes the rationale for these conditions and how failure to meet them can disrupt a peace process.

A political consensus on resolving the conflict's root causes is considered the key predictor of a successful peace agreement. Suppose the state authorities/military make a deal by compelling the rebels without a political agreement. In that case, the rebel groups

may get out of the treaty and start armed struggle in the future after consolidating and strengthening their power and support. If the root causes of the conflict are not addressed, and the main demands of the rebel group are not met, the agreement on paper will not be able to assure peace.

According to scholars, the transition from conflict to peace is a long and troublesome affair where numerous vested interest groups want to maximize their own group interests by capitalizing conflict. As a result, poorly planned and inadequately backed peace agreements can reinstate the conflict, escalate elite division and inter-elite competition, and intensify socio-economic and political grievances in a war-torn society. In contrast, agreements acceptable and designed by different parties, factions, and political-military elites can guarantee long-term stability and sustainable peace. Some researchers have argued that if the peace agreement fails to meet the needs of the rebellious community, and if rebel leaders and the community are dissatisfied or skeptical of various provisions of the agreement, it will not bring the desired results. For this reason, on the one hand, a peace agreement must be clear, transparent, and enforceable. On the other, it will give rebel leaders ample opportunity for a position in the power structure. If the rebel leaders do not find themselves in the local power structure, there is a risk that they will return to the battlefield. In other words, the peace agreement must ensure power-sharing provisions; otherwise, it will not be able to maintain long-term peace.

4. Background of Nagaland and CHT Civil Conflict

Nagaland is an Indian province located in the northeastern part of India with an area of 16789 sq km. The troubled periphery has a population of about 2 million, and they are mostly Baptist Christians. The region has been embroiled in a secessionist war since the 1950s. As a result of British colonial policy, Nagaland was first divided between India and Myanmar. The Indian government later divided Nagaland into four provinces to thwart the pro-self-rule struggle (Swu and Muivah, 1989). The Nagas are now spread across the Indo-Myanmar border as residents of the two countries. The two main demands of the Naga separatists are: (1) the independence of Nagaland and (2) the establishment of an independent state by unifying the divided Nagaland. It is one of the oldest unresolved armed conflicts globally, where a peace treaty was signed between the Naga rebels and the Indian government in 1975 (Singh, 2013: 694).

The Nagas first demanded an independent state from the British in 1929, but the British refused. After World War II, on the eve of India's independence, in February 1947, Nagara submitted a petition to the last British-Indian viceroy demanding independence

(Lacina, 2007: 167). The British rulers opposed India's 'Balkanization' process and left it to the decision of the sovereign Constituent Assembly of India.

The Naga community is not a homogeneous ethnic group; around 40 different tribes live in the hill land of Nagaland and are commonly known as Naga Tribe (Lacina, 2009). Most Nagas, including rebel leaders, believe that their ancestors came from China. Based on race and ethnicity, they are Mongoloids, different from India's original indigenous Dravidians or Indo-European Aryans. In the past, Nagaland was part of Assam, which got the status of a separate province in 1963. Geographically, the history of Nagaland has not followed a straight line. Naga historians and rebel leaders (i.e., Swu and Muivah, 1989) claim that Nagaland was not part of India before the British colonization. Although occupied by the British colonial rulers, Nagaland enjoyed 'self-ruling' during British rule. In India, Nagas live in four different provinces: Nagaland, the hilly region of Manipur, the northern part of Assam, and the northeastern part of Arunachal Pradesh. In other words, the past lands of Nagaland are divided into these four regions.

The Naga leadership was reluctant to be part of the Federation of Independent India; they doubted that the political leadership of independent India would not continue the special status that Nagaland enjoyed during the British colonial rule (Sing, 2013: 797). The Naga people and the Naga National Council (NNC), led by Angami Zapu Phizo, declared the independence of Nagaland on 14 August 1947, rejecting the British and pledging not to join India. The new Indian government denied Nagaland's independence. At that time, a referendum was held in Nagaland in response to Fizo's demand, and it is claimed that 99% of the Nagas voted in favor of independence. The Indian government, in the face of a rebellion in Nagaland, launched a massive military operation in Nagaland. The NCC leadership abandoned the constitutional movement in the face of attack and went into hiding, and began an armed struggle for independence.

The rebels started a violent war but failed to achieve the desired goal. Although India is the leading regional power in South Asia, it has not been able to defeat/abolish the Naga rebels. There are allegations that China and Pakistan aided the Naga rebels with weapons, money, and training. A peace treaty was signed between the Indian government and the NCC on 11 November 1975, almost two decades after the outbreak of the secessionist war. This accord is the 'Shillong peace accord' signed in Shillong, Meghalaya. A significant portion of the rebels opposed the treaty and declared full independence. Opponents of the agreement called the various clauses of the agreement 'insulting' to the Naga people (Swu and Muivah, 1989). In 1980, they formed a new party (the National Socialist Council of Nagaland- NSCN) and started an armed struggle (Lacina, 2009: 1014)). Over time the old NCC and NSCN broke up, and a few more new fractions

emerged. In short, India has been dealing with the separatist movement in Nagaland since its independence. Although the peace treaty was signed in Nagaland in 1975, it failed to bring lasting peace as the Naga rebels resumed fighting within five years.

The Chittagong Hill Tracts is a remote mountainous region located in the southeast of Bangladesh, which is historically separate from the main parts of the country and covers about one-tenth of the total land area of the state (Panday and Jamil, 2009). It is home to 13 tribal/indigenous peoples who are ethnically Mongolian and religiously non-Muslim. On the contrary, the majority population of Bangladesh is ethnically Bengali and Muslim by religion. The CHT was under the Arakanese king before the 16th century. The Mughal rulers of India annexed the region to Bengal in 1666 AD (Banglapedia, 2021). It is believed that in the face of the Arakanese king's invasion, several hill tribes took shelter in the CHT, who are the ancestor of the current 'Jumma people.' Later the Mughal king allowed them to stay in the Chittagong Hill Tracts. After the occupation of Bengal by the British colonial power, it automatically became part of the British Empire. The British, however, kept the area administratively separate from Bengal for its distinctive features and introduced the Chittagong Hill Tracts Manual-1900, where they enjoyed considerable autonomy (Jamil and Panday, 2008). When Pakistan was formed in 1947 through the partition of India, the CHT was added to East Pakistan (East Bengal). However, tribal leaders opposed the annexation of the CHT with Pakistan; instead demanded to join the Indian state of Tripura. They also argued that since India was being divided on the basis of religion, the non-Muslim CHT should be united with India. The British, however, considered the historical context and integrated the region with East Bengal, as the region is inseparable from Chittagong in Bangladesh. For example, the area has long been known as the Chittagong Hill Tracts, an extension of Chittagong, Bangladesh's largest seaport. Like India, nationalist politicians of Pakistan abolished the autonomy of the various territories followed by the British and imposed a state nationalism for all inhabitants (Mohsin, 1997). In addition, the Pakistani government took over a large area of land in the region to build the Kaptai Hydropower Project, which made around 100,000 people homeless (Nasreen and Togawa, 2002).

The Chittagong Hill Tracts became part of independent Bangladesh in 1971. The hill leaders presented four demands to the government of Bangladesh: the autonomy of the CHT and the formation of its own legislature, recognition of the *CHT Regulation-1900 by the constitution*, the constitutional restrictions on imposing new laws for the CHT, and the recognition of separate ethnic identities and the prohibition of new settlements for Bengalis in the region (PCJS, 2017a). However, the new constitution referred to all people living in Bangladesh as Bengalis, which was contrary to the demand for separate ethnicity of the hill tribes. In fact, the government has not shown a flexible attitude

towards any of the four-point demands. This created dissatisfaction among the hill tribes. The Chittagong Hill Tracts Jana Sanghati Samiti (JSS) was formed on 15 February 1973 under the leadership of Manabendra Narayan Larma to protect their rights (PCJS, 2017a). The situation became more complicated when the military seized power in Bangladesh in 1975. The hill leaders started an armed struggle from the underground. Naturally, the Bangladesh Army launched a military operation to suppress the secessionists to protect the integrity of the state. The military government undertook a program in 1979 to establish Bengali settlements in the area, which continued for almost a decade. This transplantation program of the Bengali people was against the traditional land rights of the hill people. As a result of these activities, about 60,000 Jumma people migrated to India, and the number of Bengalis also increased rapidly. For example, in 1991, the number of Bengalis increased to 49 percent of the total population, which was only 9 percent in 1975 and 7 percent in 1901 (Table-4).

Manabendra Narayan Larma, the rebel leader, was killed by a new fraction in 1983 (PCJS, 2017a). His younger brother Jotirindra Bodhipriya Larma (Santu Larma), took the party's leadership position. Although a group of rebels surrendered to the government in April 1985, the Santu Larma group continued fighting. Undoubtedly, neither side won in this armed conflict till 1997. At that time, the Chittagong Hill Tracts were virtually isolated from the remaining part of Bangladesh due to the tight security of the army and the fear of clandestine attacks by tribal rebels. However, on 2 December 1997, a peace agreement was signed between the Government of Bangladesh and the PCJSS (PCJS, 2017b).

5. How Content of CHT Accord Prevents Armed Conflict

The Chittagong Hill Tracts Peace Agreement (CHTPA) ended two decades of bloody ethnic conflict, and the peace framework has survived in the hills for over 25 years. The agreement emphasized the identity crisis of ethnic minority groups, land rights, political participation, the exercise of administrative powers, indemnity to members of rebel groups, and the return to normal life and socio-economic development of hill communities. The agreement is mainly divided into four parts: General Section, 'CHT Local Government Council/Hill District Council', 'CHT Regional Council', and 'Rehabilitation, General amnesty, and other matters'. These four parts have separately offered various proposals and clauses to solve the ethnic problems. But the overall goal of all these is to perpetuate peace in the hills. On the one hand, the agreement has ensured power sharing between the Bangladesh government and the rebel leaders on various issues; on the other hand, it has pledged to advance the land management system and socio-economic conditions of hill people. In the following discussion, I will analyze the

main features/articles of the agreement and try to show how the agreement's content or provisions (e.g., offers for the rebel community) have influenced the peace in the Chittagong Hill Tracts and kept the rebels within the framework of the peace agreement despite some failures in the implementation process of the agreement.

5.1. Recognizing Tribal Areas and Stopping “Bengali replacement”

The agreement clearly declared that the “Chittagong Hill Tracts is a tribal-inhabited region” and non-tribal or Bengalis would have to seek permission from the local administration to settle in the area (*Article 1 in Part A*). It recognized that the pattern of life, traditions, and culture of indigenous people (IPs) in CHT is different from other regions of Bangladesh. Therefore, the Bangladesh government will strive to preserve the land and culture of the hilly regions. *Article 4 in Part B* imposes various restrictions on the settlement of Bengalis in the hills, e.g., permission must be obtained from the concerned Circle Chief (the traditional tribal leader of the area) for settlement. Furthermore, Bengali settlers without legal land ownership would not have the right to vote and would be considered illegal citizens here. It is a modified, and amended form of the British “CHT Regulations Act-1900”, which prohibits/discourages the migration of Bengali people to the hills. The IPs demanded the reintroduction of the “CHT Regulations Act-1900” to prevent Bengali immigration since 1947.

Table-4: Indigenous people and Bengalis in CHT

Year	Indigenous people	Percentage	Bengali	Percentage	Total
1872	61,957	98	1,097	2	63,054
1901	116,000	93	8,762	7	124,762
1951	261,538	91	26,150	9	287,688
1981	441,776	59	304,873	41	746,649
1991	501,144	51	473,301	49	974,445
2011	845,541	53	752,690	47	1,598,231

Source: Population Census of Bangladesh (BBS, 1974, 1981, 1991, 2011).

The migration of the Bengali population brought drastic changes in the population structure and land distribution in the hills. Table-4 shows how the number of IPs declined while the Bengali population in CHT escalated rapidly. As a result, IPs are becoming a minority. They have lost large tracts of land under their control

due to land grabs by Bengali settlers (Amnesty International, 2000). According to statistics, Bengalis constituted 9 percent of the total population of CHT in the early 1950s, which increased geometrically to 49 percent in the next four decades (Table-4). The treaty imposed strict conditions on Bengali migration and declared the Chittagong Hill Tracts a tribal area, two long-held demands of the IPs. Although the Bengali settlers raised objections to this agreement provision, the Bangladesh government did not change these provisions to promote peace, which encouraged the larger tribal community to uphold the peace agreement.

5.2. Resolving Land Issues and Rehabilitation

One of the causes of conflict in the Chittagong Hill Tracts is land grabbing and denial of traditional land rights. IPs have been in crisis over their land rights since the Pakistan era. The CHTPA incorporates three specific provisions to deal with land issues: First, the treaty established a Land Commission to resolve land disputes. Secondly, landless IPs or those who have lost their land during conflict are provided with 'two acres of land' (CHTPA, *Article 3 in Part D*). Thirdly, barriers were imposed on transferring and selling land in hilly areas. Even allotment of land for government activities or developmental projects requires the permission of the Circle Chief and Regional Council. In line with the agreement, the government constituted the Land Commission in 1998. The land commission can cancel the lease if someone occupies the land illegally. The Commission is vested with final authority in settling land disputes, and no aggrieved party can appeal against the Commission's decision to any court in Bangladesh (*Article 4 in Part D*). Although this special power of the Land Commission is incompatible with the common law and constitution of Bangladesh, it has built ethnic minorities' confidence in the agreement. Because two-thirds of the members of the Land Commission are IPs. For example, three circle chiefs, chairman/representatives of regional councils, and three chairmen of hill district councils are members of the land commission; all are IPs. The treaty recognized the land ownership rights and declared that disputed lands would be returned to the IPs when land disputes settle. A land survey system will be conducted to determine ownership of land in the Chittagong Hill Tracts.

Under the 20-point package, around 80,000 tribal refugees returned from India. They fled to the two Indian states of Tripura and Mizoram during two decades of conflict. They were forced to flee in the face of systematic ethnic cleansing including murder, arrest, torture, rape, and house burning. After the peace agreement, almost all the refugees returned to the hills from India with the cooperation of the Indian administration and tribal leaders (Mohsin, 2003). The

agreement provides several incentives to attract refugees. For example, the government provided the returnee families one month's food, cash assistance, livestock, house building materials, and two acres of land. The agreement also pledged that government would distribute land abandoned by the military and para-military forces to the refugees.

5.3. Power-Sharing: Rebel Leaders' Engagement with Administration and Politics

The CHTPA holds power-sharing provisions by transferring some crucial powers to rebel leaders, which is common in the civil war literature. The agreement rejected the IPs' demand for a separate parliament and regional autonomy, but it proposed the creation of four institutions to look after the affairs of the Chittagong Hill Tracts differently: the Ministry of Chittagong Hill Tracts Affairs with an indigenous minister as minister; Chittagong Hill Tracts Regional Council (RC) to manage hill administration and development activities; three Hill District Councils; and revival of traditional Circle Chiefs.

The chairman of these institutions is given virtually omnipotent powers, provided that IPs must fill these (chairpersons' posts), and the customs and traditions of ethnic minorities must be given importance in the management of these institutions. In addition, the agreement offered several important posts to rebel leaders, such as the chairmanship of the Task Force on Refugees and the Chairman of the Chittagong Hill Tracts Development Board (CHTDB). According to the agreement, the Hill District Councils are given significant powers for administration, land management, management of productive activities, taxation, and economic development. Several provisions are imposed to preserve hill lands, one of which is that the government or local administration cannot acquire land or forests in CHT without the consent of the hill district council [*Article 26 (b) in Part B*]. Even lease or private land purchase is impossible without the council's prior approval. As the hill district council chairman and two-thirds of its members are IPs, the council can play an important role in land conservation and ensuring land rights in the hills. The encroachment of hill land by Bengali traders and settlers was an open secret (Jamil and Panday, 2008). The demand for land conservation was one of the oldest and main demands of the rebel population, as the livelihood of tribes in the hills is threatened if the land encroaches. By fulfilling these demands, the peace agreement influenced the peace process in the mountains. This provision of land management conflicted with existing Bangladeshi law, but was approved by the CHTPA in response to

indigenous demands, which has played a role in ending armed conflict in the hills and keeping indigenous peoples within the treaty framework.

As per the accord, CHT Regional Council (CHTRC) has the most important powers in power-sharing settlement; it is the apex body of the administrative system of hill areas (Dhamai, 2012). Under the peace accord, the council has been formed comprising the local government councils of the three hill districts, and the chairman of the RC will enjoy the status and facilities of a state minister (Mohsin, 2003). It is reasonable to assume that since the prominent leader of the rebels, Santu Larma, held the chairmanship of this council, insurgents tried to consolidate a bunch of power in this council. In a practical sense, that happened indeed. According to the composition of the regional council, two-thirds of the members, including the chairman of the RC, will be indigenous people. The chairpersons of the three hill district councils, who are IPs, will be ex-officio members of the regional council and will have voting rights in the decision-making process of the RC. Structurally, the Regional Council is a superior organization responsible for coordinating and supervising the general administration, law and order, and development activities of the three hill districts.

Tribal laws and social justice will be under this council, and the Parliament will take the opinion of this council in formulating laws related to the Chittagong Hill Tracts. The council will manage and coordinate disaster management and relief activities with local and foreign NGOs. No heavy industries can be built in the hills and protected forest areas under the government without the approval of the RC. Councils got responsibility and power for land development, tax collection, and market leasing instead of bureaucracy [Article 27 in Part B]. Also, the peace treaty established the Ministry of Chittagong Hill Tracts Affairs to oversee administrative and developmental affairs, and the ministerial post is reserved for an indigenous leader.

The opposition parties (e.g., BNP) and some scholars criticized the Hill Peace Accord, alleging that it undermined the sovereignty of the Parliament in lawmaking (i.e., the Parliament would not attempt to enact or amend any law on the lives, livelihoods, and customs of indigenous peoples without the recommendation of the council - *Article 12 in Part C*). But rebels who signed the deal are happy to see their protection. The attachment of various conditions in introducing a new law, especially the obligation regarding the consent of indigenous leaders, increased the trust/confidence of the ethnic minority about the government's earnestness to promote peace. This protection undoubtedly affected the peace process in the Chittagong Hill Tracts.

5. 4. Demilitarization and Return to Everyday Life

The peace agreement announced the withdrawal of all temporary security camps except for six specified permanent military camps [*Article 17 (a) in Part D*]. In other words, temporary camps of military and para-military forces have been promised to be phased out. However, in case of deterioration of law and order situation and to deal with natural calamities, security forces can be deployed under civilian administration like in other parts of the country. The regional council (RC) can take the help of the army for various cooperation if necessary. During the conflict, more than 500 temporary military camps were set up in the hills (Jamil and Pandey, 2008). These camps have also been attacked by insurgents several times.

Due to the conflict experience and broken trust, the indigenous people perceived the presence of security forces as a serious security threat. After the agreement, 200 security camps were withdrawn (The Daily Star, 2009), and the military was replaced by regional councils managing administrative and local development activities. Around 800 Armed members of the JSS surrendered to the government along with arms and ammunition. The process of demilitarization of the hills has eased tensions between law enforcement, ethnic minorities, and Bengali settlers, and the hill population has returned to everyday life.

5.5. Welfare and Employment

The peace agreement includes several commitments to provide employment, land, and loans to the hill communities, especially members of rebel groups. Among them are:

1. Unused land in Kaptai lake will be distributed among the previous land owners or conflict victims on a priority basis.
2. Rebels or refugees unable to use the loaned money properly due to conflict situations will have their loan waived with interest.
3. If the land allocated for rubber plantation is unused, the hill council can cancel it or reclaim the land and distribute it among the tribes.
4. The government will introduce a quota system for jobs and higher education for IPs.
5. A one-time compensation of fifty thousand Taka per family was given to all the surrendering members for rehabilitation.
6. Bank loans will be given on easy terms to support the self-employment of surrendering rebels.
7. The members of the rebel groups who were previously employed in government institutions will be reinstated in their respective posts. Members of the Jana Sanghati Samiti (JSS) and their family members will be given jobs in the police,

semi-governmental organizations, or regional councils on a priority basis. In this case, the government policy regarding age will be relaxed.

Based on the above discussion, it is clear that the content of CHTPA, on the one hand, accepted numerous demands of hill communities (such as stopping Bengalis settlement in the hills, power-sharing, and constitutional recognition of ethnic minorities). On the other hand, it announced various incentives (jobs, loans, lands) to improve the rebel community's everyday life. These issues gave an institutional basis to the peace settlement that eventually built trust in favor of the agreement. In the next section, based on the Nagaland case study, this article will examine how an illiberal and wrongly-deigned agreement creates sharp divisions within rebels and undermines the prospects for peace.

6. The Naga Accord: Content and Its Implications

A peace settlement between the Naga rebels and the Government of India was signed in 1975, known as the Shillong/Naga Peace Accord. The peace accord was signed in Shillong by the representative of the Naga rebels and the Governor of Nagaland, LP Singh, appointed by the Government of India. The Naga rebel organization Naga National Council (NNC) and Federal Government of Nagaland (FGN) were absent from the agreement, nor did the Indian government name the NCC as a signatory to disavow them (Chaube, 1999: 75-76). According to the agreement, the insurgents were named 'underground organizations', who agreed to accept the Indian constitution while avoiding the armed struggle in Nagaland (Sing, 2012: 7). The main two terms of the treaty were (1) unconditional recognition of the Indian Constitution and (2) complete surrender of arms, without any demands or incentives.

The agreement did not provide any pledges, indemnities, or improved living conditions for the rebels or any time frame for further discussion. In addition, the so-called 'underground organization' is very derogatory. It did not specify what the Indian government would do next to bring peace to Nagaland or prioritize the issues for discussion (Srikanth and Thomas, 2005). How and when the rebels would surrender and what incentives they would receive were left to the discretion of the Indian government (Shimre, 2007: 16). The Shillong Pact was utterly different from the agreements made between governments and rebel groups in other parts of the world. This is because peace agreements usually accept numerous demands of the rebels and create a power-sharing situation, as we see in the Chittagong Hill Tracts. It is simply an unconditional surrender than an accord, which is usually imposed by the victorious side on the defeated side after the conquest in a war.

Most Naga insurgents rejected the accord and declared an armed struggle within weeks of the accord signing. They termed this treaty as "selling the Naga Nation" and addressed the signatories of the treaty as traitors (Sing, 2012: 7). Opponents of the accord identified the Shillong accord as a 'false statement' and claimed that the Naga rebels both Federal

and NNC representatives, would not accept the Constitution of India and lay down their arms without full independence/autonomy for Nagaland (Swu and Muivah, 1989).

The half-page agreement contained only three clauses, all of which favored the winning party, the Indian government. These were included in Article 3:

1. The rebel representatives agreed to obey the Constitution of India of their own volition without any pressure, condition, or inducement.
2. A negotiation talk will determine when and where underground members will surrender their weapons. Rebel leaders, government representatives, and Liaison Committee members will discuss the terms of the surrender of arms.
3. Underground representatives will be given reasonable time for the final settlement of other issues.

Analyzing the terms and context of the agreement, some scholars argue (e.g., Srikanth and Thomas, 2005) that the Naga Peace Pact was not negotiated; underground representatives were forced to accept the terms of the agreement. The underground leaders, who signed the deal, claimed that the legendary Naga leader Phizo (who declared the independence of Nagaland in 1957) supported the agreement. However, neither Phizo nor the NNC/FGN formally endorsed the settlement, e.g., the accord was not signed officially by rebel organizations such as the NNC or the FGN (Srikanth and Thomas, 2005: 68).

The peace agreement failed because the content of the accord did not offer anything to the Naga community; it was a 'total victory' for the Indian government. The accord did not address the core issues (e.g., unification of Nagaland, self-determination, etc.) behind the conflict. The agreement was simply a 'dictated peace'. Luithui and Haksar (1984: 37) assert that "the Accord was signed by those Naga leaders who were virtually prisoners of the Government of India". Sinha (2007) claims that after the independence of Bangladesh in 1971, Naga leaders were forced to leave the safe haven of East Pakistan (now Bangladesh).

On the other hand, China and Pakistan's patronization of the Nagas decreased. Furthermore, when Phizo left for England, Naga leaders quarreled over the control of the NCC. That is, the Shillong Accord was an outcome of the incapacitation of the rebels, internal strife, and the withdrawal of foreign support to the insurgents; it did not reflect any political discussion and negotiation.

The agreement was structurally very intolerant; the Indian government refused to recognize any rebel group (e.g., the NCC or FGN) as a signatory party out of the belief that such recognition might increase the rebels' power in Nagaland (Bhaumik, 2009). According to Sinha (2007), the Indian government has deliberately used the term "representatives of underground organizations" to prevent any rebel organization from negotiating the Naga issues in the future. By labeling all insurgents as underground groups, the Indian government blocked the passage of systematic politics of NNC, FGN,

or Naga Federal Army. In addition, the agreement did not declare amnesty for the rebels, which could be the primary way for the rebels to return to normal life.

It is undisputed in Civil War literature that a captured peace will not sustain; insurgents return to the battlefield when they reorganize themselves or receive a foreign state's support. As captured peace does not address insurgents' demands or the causes of the conflict, the aggrieved rebels may get an emotional incentive for restarting armed struggle, and the peace treaty may break down.

6.1. The Effects of the Naga Accord: Mistrust and Intra-Group Violence

The effects of the Naga Accord were counterproductive. The accord was designed for peace in the Naga Hills, but in reality, it provoked two types of violence: intra-group conflict among the Naga rebels and clashes between various Naga rebel groups with the Indian security forces in Nagaland. After the Shilling Accord, politics in Nagaland gradually turned bloodstained, and peace talks in the province became irrelevant. Various rebel groups became skeptical about the Indian government's willingness to resolve the Naga issue and avoided the negotiating table altogether (Luithui and Haksar, 1984). Bhaumik (2009: 201) points out that the NNC slid gradually into irrelevance after the Shilling accord and was completely sidelined by the NSCN. The accord drastically reduced the popularity and power of the Naga National Council (NNC) and Federal Government of Nagaland (FGN), which dominated Nagaland's insurgent politics for a long time. These two organizations virtually died, and a new organization emerged, the National Socialist Council of Nagaland (Chaube, 1999: 78). Thus, the accord resulted in fundamental changes in the Naga nationalist organization.

The agreement created a sharp political-military divide among the Naga rebels and intensified ideological and leadership conflicts (Srikant and Thomas, 2005: 78). After the accord, the rebel leaders in Nagaland split into two factions: (1) the 'Peace Doves' who were pro-compromise and followed the 1975 accord and (2) the 'Falcon' anti-Peace Pact faction, who rejected the Shillong Accord and favored prolong armed struggle in Nagaland. Several researchers (Ao, 2002; Shimray, 2007) claim that the leaders who signed the agreement were moderate and low-ranked leaders of the NCC; they did not seek the opinion or consent of party chief Phizo, general secretary Thuingaleng Muivah and NNC's popular communist leader Isak Chishi Su. Although the Indian government has disseminated that Phizo supported the deal, the veteran leader has not made any public statements in favor of the agreement.

Almost five years after the signing of the agreement, the NCC president (Phizo) refused to uphold the settlement, arguing that since the NCC was not named in the agreement, his party had no responsibility to sustain the deal. On the other hand, the young leaders of the NCC, especially the influential pro-Chinese communist Naga leaders Swu and Muivah and their followers, strongly opposed the accord from the beginning. Those who did not support the agreement left the NCC in 1980 to form a new rebel organization, the National Socialist Council of Nagaland (NSCN). Srikant and Thomas (2005: 68) rightly

point out that the agreement created such intense distrust and backlash among the Naga rebels that popular leaders of the NCC were forced to withdraw their support/silence. In reality, the Shillong Pact did not bring any success or peace to the Government of India. Instead, it boomeranged when the newly formed NSCN transformed into a mighty guerilla organization and challenged the Indian army in hills and forests.

Moreover, NSCN and NCC split in the following decades, and some other factions emerged. The fragmentation of rebel groups made peace talks complicated and the conflict intractable, as different groups added conflicting conditions to peace talks. The Indian government took nearly four decades to start a fresh peace settlement talk because the rebels, despite their fractions, rejected the offer of a new peace talk.

7. Discussion

The tremendous success of the CHT accord is that it has held more than 25 years of conflicting ethnic groups within the framework of the agreement, where both sides feel that there is no alternative to a peace agreement. As the civil war literature has clearly shown, the worst aspect of civil conflict is that once violence begins, it usually leads to a spiral of violence, and peacemaking becomes extremely difficult (Licklider, 1995, p. 681; King, 1997, p.13). Because of this, scholars found that about half of the peace accords collapsed within a decade, and rebels resumed armed struggles (Stedman, 1991: 9; Collier, 2008: 105). There are criticisms surrounding the implementation of the CHTPA, and it is undeniable that the peace agreement has not produced perpetual peace in the region. Scholars have explained various reasons for this. However, the aim of this article is not to explore those reasons. Instead, it argues that peace depends on the settlement's content; a well-designed liberal content that ensures a win-win situation and power sharing is necessary for the durability of peace. This article contends that the Nagaland accord has broken down because it only prioritized the Indian government's will and unwillingness and offered no remedy to the root causes of the conflict.

On the other hand, despite controversy and some opposition, the CHT Peace Accord has survived mainly because of its liberal content. It ensured power-sharing with rebel communities on the one hand; on the other hand, it succeeded in halting Bengali settlements in the Chittagong Hill Tracts and recognized the hills as tribal territory. Simultaneously, the government of Bangladesh recognized the existence of ethnic minority and their cultural distinction through this agreement, which was absent in the original constitution of Bangladesh. For example, the accord has pressured the Bengalis majority to amend the constitution to add the following provision: “The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities” [Article 23 (A), Constitution of Bangladesh, 2015, p. 19].

This provision is considered as a safeguard of indigenous culture *vis-à-vis* and an antidote to the hegemonic expansion of Bengalis in the CHT. Thus, by adopting many worthy features, the CHTPA had ended a 20-year-long armed conflict in the CHT. However, the

Shillong Accord was a forceful peace settlement that claimed ‘self-destruction’ of rebels without giving any vital promise. The content of this accord was not well designed since it did not ensure a 'win-win situation', and did not fulfill any demands of the Naga people/rebels. Therefore, within five years, the Naga rebels started fighting against the Indian army. More importantly, the insurgency continued with intra-group violence. For example, Khangchian's (2012) study found that 381 rebels were killed in factional clashes between 2003 and 2012.

Table-5: Structured-focused questions for comparison between Nagaland and CHT accord

Issue	CHT Peace accord's position	Nagaland Accord's position
Has the accord clearly identified and addressed the root causes of conflict?	Yes	No
Is there any third party as a protector/observer of the peace pact's implementation?	No	No
Has the accord provided incentives for rebel leaders and the indigenous community?	Yes, many post for rebel leaders	No, rebel leaders were considered criminal.
Did all the major rebel groups sign the peace pact?	Yes,	Yes, but soon a fraction created.
Has the agreement made specific promises about power-sharing to rebel leaders?	Yes	No, nothing was offered.
Did the rebel group's demands forcibly cancel the agreement?	No, many demands were secured.	Yes, no demand achieved.
Was the peace settlement a product of political compromise?	Yes	No , Indian military just captured the rebel and compelled them to sign.
Whether and how does the Peace Accord recognize the cultural and political rights of the rebel community?	Yes, ethnic minority were recognized by constitution.	No
Has the agreement created a win-win situation for both the government and the rebels?	Yes. Bangladesh government won since JSS gave up the demand for autonomy while rebels won as the government gave them ample power in local affairs.	No, it was a total surrender for rebel .

The CHTPA offers many provisions for rebels to give up the armed struggle (Table-5). It cuts rebel's recruiting channel by offering jobs, cash, and soft-loan. For example, the government has provided a quota for indigenous people to get jobs and university admission [*Article 10 in Part D*].

Currently, indigenous people have a *five percent quota in public service*, even though they are only one percent of the total population in Bangladesh. Many members of the Jana Sanghati Samity (former rebels) have been exempted from the interest of bank loans [*Article 16 (d) in Part D*], and their family members received public jobs and educational facilities [*Article 16 (g) in Part D*]. Moreover, to ensure normal life, the government declared amnesty for the rebels who dumped their arms and ammunition [*Article 14 in Part D*].

On the contrary, the content of the Shillong Accord was faulty designed as it denied a win-win situation and power-sharing with Naga rebels (Table-5). It did not bring any good results to the Indian government since it intensified mistrust between rebel leaders and the Indian government. Instead, the Indian security forces now face three rebel groups in Nagaland instead of one in the 1960s. The Naga people also face constant threats coming from different Naga rebel groups. Peace settlement carried out by pressure or 'sell-out' cannot ensure peace in a post-conflict society. Perhaps, post-conflict peace requires significant political-administrative participation of the rebel group(s). The content of the peace settlement has to ensure these principles. The Shillong Accord ruled out rebels' participation/ responsibility in Nagaland as if it was a military victory, not a negotiated settlement.

8. Conclusion

Civil war has swapped interstate war as the most recurrent and lethal form of armed conflict in the contemporary world system over the last half a century. Scholars (e.g., Doyle and Sambanis, 2000; Sarkees, 2000) document that once a nation experienced one civil war, it was highly likely to experience another. For example, Doyle and Sambanis (2000) list 124 civil wars in 69 nations, with only 36 nations being able to block the relapse of war. The Correlates of War's data also shows that 104 civil wars broke out between 1944 and 1997, among them 54 peace treaties were signed. Over 26 of those 54 peace-pact were relapsed into war within a decade (Sarkees, 2000). The simple reading of these data is that the peace agreement is itself not a guarantee of a successful end to the war. Peace can be terminated at any time because in post-conflict societies, on the one hand, extreme mistrust is alive among the conflicting groups; on the other hand, they are affected by the horrors of war (e.g., both sides lose their relatives in war). Moreover, a segment of rebels in power-sharing setting keep the capability to restoring armed conflict easily, while one part's "victory destroys losers' power and organization, making it very difficult to resume the war" (Licklider, 1995: 681). In these circumstances, the liberal and balanced content of the peace treaty holds both parties to the treaty framework. This article suggests that if a peace settlement fails to address the key issues of a conflict, and if the settlement does not offer incentives or power for rebel leaders, it is plausible to

think that peace will not be sustainable. The persistence of dispute or frustration regarding peace accords in the post-civil war settings makes a relapse into civil war possible.

Simply put, rebels would prefer to sustain peace only if they believe that they can eventually get many advantages or extract a more favorable environment to achieve their political goals than the armed conflict. However, rebels can recur fighting if they or a split of them re-evaluate that the settlement has deceived them or if the agreement completely ignores their demands. The comparison between Nagaland and CHT peace accord (Table-5) support our assumption as they produced opposite results.

Under the CHT agreement, a regional council consisting of local government councils of the three hill districts was formed; Tribal leaders have been integrated into the administrative power structure. Opposing the treaty, the JSS broke up, and a new split formed known as the United Peoples Democratic Front (*UPDF*), but they did not start an armed struggle; instead, they emphasized the agreement's implementation (*UPDF*, 2017). It is undeniable that the CHT peace settlement has not brought 'perpetual peace' to the hills; there have been many casualties due to intra-tribal/rebel conflict and Bengali vs. tribal. However, the novelty of this agreement is that the agreement has been able to stop large-scale violence in the mountain region for the last 25 years, i.e., no new armed struggle has started against the government of Bangladesh in the hills. Unlike the CHT accord, the Naga settlement captured the total victory of the government and the rebels' total submission. Under these circumstances, a section of the Naga rebels refused to abide by the agreement. They quickly gained the support of a large part of the party because the Naga Accords only called the rebels terrorists and did not provide any incentives (such as recognition of administrative positions, resources, or demands).

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