

## Preventing Violence and Sustaining Peace in Post-Conflict Society: A Study of Chittagong Hill Tracts Peace Accord

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**Abstract:** Peace settlement is a negotiated way-out from violent inter-state war. Although peace agreement is a key step in ending civil war, only a half of all negotiations to end civil wars produce a successful and durable peace. Civil wars return in those countries where the government can neither capture the total victory nor credibly pledge to a peace settlement. After two decades of armed conflict, the Bangladesh government and the rebel group in the Chittagong Hill Tracts (CHT) signed a Peace Accord in 1997. Some studies claim that the accord itself is a 'source of conflict' since it has never been fully implemented. However, the Bangladesh government opposes the claim. Considering this debate, this article investigates two interrelated questions about CHT conflict: has peace accord succeeded to stop violence and transmigration programme in the Chittagong Hill Tracts? If yes, how? Therefore, this article aims to explore the role of Chittagong Hill Tracts Peace Accord (CHTPA) in ending civil conflict. Following content analysis and coding, the article shows that the CHT Peace Accord has prevented large scale violence and relapse of armed conflict. The writers argue that the provisions of the CHTPA offer many incentives for the rebel communities, including power sharing that influences peace.

**Keywords:** Ethnic Conflict, Peace pact, Negative Peace, Violence, Chittagong Hill Tracts.

### 1. Introduction

After the cold-war, ethnic conflict has replaced interstate war as the most recurrent and bloody form of armed conflict in the global system.<sup>1</sup> Civil war has two notorious features: firstly, it is more destructive than inter-state war and secondly, the ending of the civil war is very uncertain. Between 1945 and 2009, only a half of all negotiations to end civil wars resulted in long-lasting peace. Among the 103 countries that experienced civil war, 57 countries fall into the subsequent return to civil war (Walter, 2010: 1-2). Another study, carried out by Collier (2008), shows that 40 percent 'peace agreement' turned into the war over the first decade. Once violence is started, it usually follows a path-dependent process that makes a "conflict trap". Collier and Sambanis (2002: 5) have shown by a quantitative study that the risk of war recurrence in post-conflict societies is higher than those of countries with no prior war history. Therefore, the failure of peace

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settlement/agreement and recurrence of civil conflict is very obvious. Agreement provisions such as power-sharing, inclusive/exclusive nature of the agreement, implementation guarantee of peace-pact and third party's mediation are prerequisites for success of the settlements. Like most of the developing states, Bangladesh has been facing ethnic conflict since its independence in 1971. The ethnic conflict in the Chittagong Hill Tracts (CHT) has long been a cause of violence, the serious barrier in the path of economic growth in Bangladesh. The conflict was formally ended by the Chittagong Hill Tracts Peace Accord in 1997. But there were so many risks that could instigate further onset of war e.g., a strong group of tribal students refused to obey peace pact. In this perspective, a research question can be asked: has peace accord succeeded to stop violence and transmigration programme in the Chittagong Hill Tracts? If yes, how?

This article deals with these research questions. The aim of this paper is to discuss whether the peace pact has reduced violence in CHT and how the post-conflict Bangladesh government's policy (if any) reduces Bengalis-Tribal conflict in the CHT. Structurally, the paper has seven sections. Section-1 discuss the research problem and questions while the methodology of the paper is discussed in Section-2. Section-3 explains the theoretical basis in which we follow Johan Galtung's (1964) idea of peace (e.g., positive and negative peace). The background and causes of the conflict are discussed in Section-4 while Section-5 describes the content of Chittagong Hill Tracts Peace Accord (CHTPA). Section-6 deals with the post-conflict situation and government's implementation policy that reduces civil conflict in CHT. With some policy recommendations, Section- 7 draws the conclusion.

## **2. Research Methodology and Data**

We use qualitative content analysis as a data analysis method. The method is used to identify the meaning of certain words, themes, phrases, or sentences within texts (Krippendorff, 2004: 415). A broad range of materials, such as historical documents, agreements, books, interviews, newspaper headlines and articles, speeches, etc. can be counted as text. Thus, we have collected data from primary and secondary sources (i.e. peace pact, journal, book, newspaper). These materials are available in the online archive, for example, the CHT Peace Accord-1997 (CHTPA 1997) might be found on the website of the Ministry of Chittagong Hill Tracts.<sup>2</sup>

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2 For the Chittagong Hill Tracts Peace Accord (CHTPA) (1997) see,

[http://mochta.portal.gov.bd/sites/default/files/files/mochta.portal.gov.bd/page/8a162c4c\\_1f3f\\_4c6e\\_b3c0\\_63ad2ef9d2b3/Peace%20Accord%20%28Englih%29.pdf](http://mochta.portal.gov.bd/sites/default/files/files/mochta.portal.gov.bd/page/8a162c4c_1f3f_4c6e_b3c0_63ad2ef9d2b3/Peace%20Accord%20%28Englih%29.pdf). (last consulted: 12 May 2017).

Content analysis is fitting for this research as it demonstrates complex and dialectical relationship between a particular event and the situation(s), institutions and social structure(s). Additionally, the content of the texts may help to determine the unequal power relations between (for instance) social classes, women and men, and ethnic/cultural majorities and minorities through the ways in which they represent things and position people. The primary data sources (and elements) consist of documents such as: the text/content of the peace settlement (Peace Accord 1997), official documents relevant to the peace accord, speeches regarding the success and failure of the peace agreement by the government officials (e.g., Ministers, MPs, head of state/government) and rebel leaders, the reports of human rights organization, and publications of government and rebel organization (e.g., the Parbatya Chattagram Jana Sanghati Samiti-PCJSS). On the other hand, published articles and books on the CHT and civil conflict/war will be explored and reviewed as secondary data. In order to ensure the information richness of our case study, we are opting for a theoretical sampling of the researched elements, i.e. we tried to cover as many documents as necessary until the point of saturation is reached and no other valuable piece of information can be added.

### **3. Literature Review and Theoretical Basis: Sustaining Peace in Post-Conflict Society**

The study follows Johan Vincent Galtung's (1964) idea of peace- a distinction between 'negative' and 'positive' peace. While the negative peace only suggests the absence of war and other forms of large-scale violence, a positive peace is an extended idea that involves socio-economic issues and legal injustices. Positive peace thus includes the absence of not only large-scale violence, but also structural injustice or violence that hamper the well-being of people. Therefore, positive peace is actually an eternal or 'perpetual peace'. This study embraces the narrow definition of peace, more specifically negative peace. Here, *peace is viewed as the absence of armed struggle or large-scale violence; the existence of the peace accord instead of combating between military and rebel groups*. Simply put, peace is defined as stability. Existing theoretical and empirical literature on peaceful resolution of civil wars claim that the following five factors either individually or collectively ensure peace in post-conflict societies: third-party's involvement/enforcement, content of peace (especially the power-sharing provisions), Welfare policies and incentives, the opportunity costs of recurrence of war, and decisive military victory by one side (e.g., rebel group or government).

**Table 1: Factors of peace and their proponents**

Broad Category	Included factors of peace	Proponents
Third-party's involvement	The role of international mediators, international willingness, the presence of rebel-friendly neighboring states etc.	Walter (2002); King (1997)
Well-designed content and implementation of peace agreement	Power sharing provisions, incentives for rebels, unimplemented peace accord, faulty peace agreement	Mutwol (2009); Hoddie and Hartzell (2003)
Opportunity costs	Poverty and discriminations, Key leaders' motive, the number of warring parties etc.	Mason and Fett (1996); Stedman (2001); Grossman (1991)
Welfare policies and incentives	Provisions of welfare (e.g., land, cash, food, job), incentives for rebels (e.g., formal post, opportunity of political participation)	Grossman (1991); Shapiro and Felter (2011); Taydas and Peksen (2012)
Military victory	One-sided military victory	Toft (2009); Licklider (1995)

Source: Made by the authors as the Table cited

Table-1 presents these main categories with aggregated factors. Walter's (2002) theory emphasis on the role of third-party enforcement on peace, while Mason and Fett's (1996) model shows how the incentives of insurgent leaders and opportunity costs of rebel recruitment influence a negotiated peace. Walter (1999: 151-152) shows that 75 percent (six of the eight cases) successful settlement which was signed between 1940 and 1990, were underwritten by outside security guarantees. Some experts (e.g., King, 1997; Walter, 2002) claim that third party intervention and ruling over the implementation of negotiated settlements is necessary for enduring of peace. However, Toft (2009) argues that a military victory by rebels offers a more sustainable peace. Charles King (1997: 29-53) identifies the different elements that pose serious obstacles to peace, among them, leader's personal interest, factions of the rebel group, number of rebel groups, the reasons for which civil wars are fought, the levels of organization among the various contesting parties, the degree of involvement by external powers are very important.

The well-designed content of peace agreements, according to Julius Mutwol (2009: 325–329), is a prominent determinant of the peace process. He asserted that a peace settlement is more likely to be implemented if it is well-designed, if it includes all warring parties and actors. On contrast, vague provisions for future political arrangements turn to war; successful peace accords require detailed political, military, and territorial guarantees as well as 'outside enforcement' or third party's involvement.



Based on literature review on peacemaking, one can identify the following variables which are important in sustaining peace: key leaders' motive, unimplemented peace accord, the content of the peace pact, faulty peace agreement, the number of warring parties, factions within rebel groups, forced peace agreement, international willingness, the presence of disposable natural resources, the presence of rebel-friendly neighboring states, provisions of welfare and incentives for rebel. Table-1 shows the broad and aggregated factors of the peace settlement and their proponents.

This paper basically investigates the role of Chittagong Hill Tracts Peace Accord (CHTPA) in sustaining peace. Well-designed content of peace accord contains clear structure and provisions. It offers many incentives for the rebel leaders, including power sharing. Opposite feature, that does not offer anything for rebel, indicates faulty designed peace pact. The article finds out how these factors reduce conflict in CHT and how these factors prevent hegemonic expansion of Bengali majority. There was no third party's intervention in the CHT peace pact. Therefore, the third party's role is not relevant in CHT case. Similarly, one-sided military victory is also irrelevant since both parties failed to capture victory during the conflict, between 1976 and 1997. Moreover, the CHT has not any significant primary commodity for export, e.g., diamonds or oil resource that may increase the risk of rebel recruitment (opportunity cost). In this perspective, governmental welfare policy and the content of the peace accord and their implementation status is vital for sustaining peace. Because these two factors have reduced the plight of indigenous people and have cut the rebel recruitment channels that influences peace in CHT.

#### **4. Background: The Causes of CHT Conflict**

The Chittagong Hill Tracts (CHT), the home of 13 indigenous communities and south-eastern part of Bangladesh, was autonomous under British colonial administration since 1947 but later it was annexed to Pakistan. These ethnic minority groups hold ethnocultural similarities with other Sino-Tibetan people inhabiting Myanmar and the Indian states of Tripura and Mizoram than they do with Bangalis (Bengalis), the 99 percent population of Bangladesh (Panday and Jamil, 2009: 1053). Historically the CHT is a land of indigenous people, occupied 1 percent of the total population and 10 percent of land of Bangladesh (Amnesty International, 2000: 2). The withdrawal of the special status of the CHT as an "excluded area" and construction of Kaptai hydro-electricity power plant, resulting in the displacement of above 100,000 indigenous peoples, led to the rise of the CHT conflict. Shortly after the independence of Bangladesh (then East-Pakistan) in 1971, the CHT conflict became intractable around non-negotiable issues like citizenship, identity, and autonomy, which finally culminated in an armed conflict; the Parbatya Chattagram Jana Sanghati Samiti- PCJSS (United People's Party of the Chittagong Hill Tracts), an armed wing of tribal people started a guerrilla war against the government from 1976 (Mohsin 1997). Without any international mediation, a peace agreement was signed between the GoB and PCJSS on 2 December 1997. The members of the rebel groups dumped their arms and returned to normal life. The CHT in Bangladesh has been maintaining peace for the last two decades in terms of 'absence of war and large-scale violence'. In general a 'rebel group' is a political or ethnic group that

uses armed struggle against government or other ethnic group(s) to gain their political goal, such as autonomy, independence, power-sharing, etc. In this article, the Parbatya Chattagram Jana Sanghati Samiti- PCJSS (United People's Party of the Chittagong Hill Tracts) is considered as a rebel group since its armed wing 'Santi Bahini' (peace force) started an armed conflict in 1976 against the Bangladeshi government. It also considers United People's Democratic Front (UPDF) and its front organizations as rebel groups since they are factions of the PCJSS and were involved in armed conflict.

Three specific causes can be identified for the continuing conflict in the CHT. Firstly, indigenous people of the CHT were worried about their cultural and ethnic identities as the Bangladeshi constitution ignored these issues. As the *Article 9* of the *Bangladesh Constitution* (2010) declared: "The unity and solidarity of Bengalee nation, which, deriving its identity from its language and culture, attained sovereign and independent Bangladesh, through a united and determined struggle in the war of independence, shall be the basis of Bengalee nationalism (*Constitution of Bangladesh*, 2011 [1972]: 4)."

Moreover, Bangabandhu Sheikh Mujibur Rahman, the founder president of the newly independent country, declared in a large electoral campaign in 1973 at Rangamati district of the CHT region that "from the day forward they would be considered as Bengalis" (Shelly, 1992: 129). This declaration shaped a common identity named "*Jumma people*" among the IPs. In reaction to this tyranny of the majority, Larma announced in the Bangladesh parliament, "You cannot impose your national identity on others. I am a Chakma, not a Bangalee. I am a citizen of Bangladesh – Bangladeshi. You are also Bangladeshi but your national identity is Bengali ... They (*Jumma*) can never be Bengali (GoB, 1972: 452)." However, his argument failed to win the heart and mind of the Bangali policy makers, who considered Bangali nationalism as all-inclusive. Larma formed a political party named the PCJSS to achieve the indigenous' demands. Later the PCJSS created an armed unit called Shanti Bahini (Peace Force) (Dowlah, 2013: 775).

Secondly, the CHT enjoyed a special status and administrative autonomy during British colonial rule. The CHT Regulation of 1900 and the British-Indian Constitutional Act of 1935 declared the CHT a "Totally Excluded Area." These regulations barred the sale and transfer of land to non-indigenous people and restricted their immigration into the CHT (Panday and Jamil, 2009: 1054). After the Partition of British India in 1947, the CHT was added to Pakistan and the state withdrew their special status and autonomy. After the independence of Bangladesh, the Bengali nationalist force also refused to revive the special status. Under the CHT Regulation of 1900, the indigenous people of the CHT were ruled by the traditional tribal chiefs. After the independence of Bangladesh, the hill leadership claimed the following demands (PCJSS website, 2017): Regional autonomy with its own legislature; continuation of the tribal chiefs' offices (a traditional leader); Retention of the 1900 manual in the Constitution of Bangladesh and; Imposing a ban on

the influx of the Bengalis to CHT. Bengali nationalist leaders considered these demands as a threat to the idea of unitary nation-state.

Thirdly, the withdraw of the CHT Regulation of 1900 had eliminated immigration restrictions and allowed the large-scale migration of Bengali settlers into the CHT. Between 1976 and 1981, more than 400,000 Bengali settlers were implanted into the CHT in order to outnumber the indigenous people. The Bengali settlers grabbed the lands and resources of the Jumma people. By this process, the Bengali Muslim population, which was around 2% of the total population of the CHT in 1941, rose to 49% in 1991 (Dhamai, 2014). Finally, the Kaptai Hydroelectric Dam in 1962 inundated nearly 40% of the CHT's arable land and forced 100,000 indigenous people to migrate elsewhere. Later, Bangladesh government also introduced some development programs that forced the relocation of thousand of indigenous people.

Facing identity crisis as well as dispossession from land, the Jumma leadership eventually thought armed struggle as the only way to compel the Bangladeshi government to give more regional autonomy to the CHT. Perhaps, the above mentioned conditions mutually pushed the indigenous people into an armed struggle.

## **5. The Key Issues of the Peace Pact: Content of CHTPA**

Resolving the identity crisis, land disputes and misery that they have been subjected to over the past decades and ensuring the socio-economic development with land rights of the indigenous people in the CHT were the main concerns of the accord. Within the framework of the constitution of Bangladesh and having the full loyalty to the integrity of Bangladesh, PCJSS and the Government of Bangladesh (GoB) signed the accord. The Accord has four Parts under the heading of 'General', 'CHT Local Government Council/Hill District Council', 'CHT Regional Council' and 'Rehabilitation, General amnesty, and other matters'. The following sub-sections (5.1 to 5.6) of this paper describe the provisions of the CHT Accord that offers many incentives for the rebel group/indigenous peoples (IPs) and meets many demands. It examines whether these provisions have an influence on the peace process in the region.

### **5.1. Rehabilitation of Indigenous Refugees**

During the period of the insurgency, almost 80,000 indigenous peoples fled to Tripura and Mizoram-two provinces of India (Panday and Jamil, 2009). Moreover, 100,000 indigenous people became internally displaced. They had to flee facing large-scale physical violence and systematic violations of the human rights, including killings, detention, torture, rape, house burnt and forcible occupation of their lands. *Article 17 (b)*

*in Part G* promises that the lands of (military) camps and cantonments to be abandoned by military or para-military forces shall be either returned to the original owners or to the Hill District Councils (CHTPA, 1997).

Following the signing of the peace agreement, all of the CHT Jumma refugee families (12,222 in number, with a total of 74,609 persons) returned to the CHT from the Tripura and Mizoram State of Indian (Panday and Jamil, 2009). This process was concluded by February 1998, within four months of the peace pact. Some of them failed to get back their homesteads and lands due to land grabbing and the house burnt. According to the terms of the settlement, all returning families received food, cash assistance, cattle, house building materials and land from the GoB.

## **5.2. Recognition of Tribal Inhabited Region**

The Chittagong Hill Tracts is recognized as a *tribal inhabited region* by the Accord. It says that the characteristics of the Chittagong Hill Tracts are different from the rest of Bangladesh; hence, it needs to be preserved. As *Article 1 in Part A* confirms: “Both the sides have recognized the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region” (Ibid). *Article 4 in Part B* says that Bengali settlers have to obtain permanent residency certificates from the relevant by the concerned Circle Chief (traditional indigenous leader in the region). Moreover, the section states that a non-indigenous person (actually Bengali) cannot take part in the vote in the Council elections without having ownership of legal land.

Like the British “CHT Regulations Act-1900”, these provisions prohibit/discourage the migration of Bengali peoples from the Plains into the region. During the Pakistan period (1947-1971) and after the independence of Bangladesh, the IPs claimed to restore the CHT Regulations Act-1900 in order to stop Bengali migration.

## **5.3 Settlement of Land Issue**

The land is considered as the fundamental issue of many of the civil-war across the world. History shows that it is too difficult to resolve such conflicts without ensuring confidence building measures and compromise between parties in conflict. Some scholars and report argue that the CHT conflict is mostly characterized with the issue of land. For Example, Asian Indigenous Peoples Pact (AIPP) (2007) describes that land dispossession is the main problem that the indigenous peoples in Bangladesh face.

Since the indigenous people of the CHT are facing threat regarding their land rights, there are so many provisions in CHTA that deal with the disputed-land issues. In this regard, the CHTPA offers two main provisions: forming a Land Commission and providing ‘two

acres' land to the indigenous people who are landless. *Article 3 in Part D* affirms that "the government, to ensure the land rights of the tribal families which are landless or possess less than 2 acres of land, shall provide two acres of land to each such family, provided that lands are available in the locality. If requisite lands are not available, then grove land shall be provided" (CHTPA, 1997). To create a sustainable resolution for managing land conflict, a Land Commission established in 1998. According to the rules of the Commission, it can cancel any ownership if the land is captured illegally; at the same time, the Commission's decision is final and no one can appeal against it [CHTPA, 1997, *Article 4 in Part D*].

### **5.3. Demilitarization in CHT**

The peace settlement asserts [*Article 17 (a) in Part D*] that all temporary military camps and the paramilitary forces, except the Border Guard of Bangladesh (BGB) and six specified permanent cantonments would be withdrawn in phase by phase from the region (CHTPA, 1997). It also confirms that in the case of deterioration of the law and order situation 'army can be deployed *under the civil administration* like all other parts of the country as per relevant laws and rules' (emphasis added) (Ibid).

The CHT leadership launched the insurgency in 1976 when the military government of Bangladesh ruled out their demands. Facing insurgency, the government took three deliberate policies to encounter insurgency: the militarization of the CHT, rehabilitation of Bengali settlers to outnumber the IPs and Islamization policy. Over 300 temporary military camps were established. These camps and the massive presence of security forces were the serious security threat for IPs. Eleven major massacres as part of 'counter-insurgency' were carried out in different places of the region by security forces and Bengali settlers during the insurgency (CHTC, 2000: 12).

### **5.4. Power Sharing: Incentives for Rebel Leaders**

The CHTA has included some basic power-sharing provisions. Though the Accord ruled out the demand for autonomy, it offers a permanent ministry regarding CHT Affairs and Regional Council (RC) for exercising power. Besides these two posts, the Accord established five important posts for the rebel group/community, i.e., Chairman of the Task force on Refugees, Chairman of Chittagong Hill Tracts Development Board (CHTDB) and Chairmen of the *three* Hill District Councils. Hill Districts Councils are liable for local affairs, i.e. general administration, ensuring social justice, maintains law and order, and tribal law. These are the very important post in the local government of CHT. Especially, CHTDB is crucial for economic development in the region. Lands, hills, and forests in the CHT shall not be acquired or transferred by the government without consultation and consent of the Hill District Council [*Article 26 (b) in Part B*]. Since the chairman and two-third of the members of the Hill District Council shall be indigenous persons, the Council will ensure land rights of IPs and will act against land grabbing. This provision fulfills a core demand of indigenous people that has the impact on the peace process.

*Article 18 in Part D* describes that a Ministry of Chittagong Hill Tracts Affairs shall be established by appointing a Minister from among the tribes in order to deal with all major administrative and developmental matters. An indigenous leader was appointed as a minister in 1998. All successive governments have maintained this provision by appointing an indigenous people as a minister. On the other hand, the CHT Regional Council (CHTRC) coordinates and supervises the activities of the three Hill Districts; it is an apex body of the administrative system in CHT (Dhamai, 2012). Santu Larma, the chief leader (chairman) of the rebel group (PCJSS), was appointed as the chairman of CHTRC. Larma has been exercising the power since 2001. By law, CHTRC will collect land development tax instead of state bureaucracy and the collected tax shall remain in the account of the Council [*Article 27 in Part B*]. Under the Accord, the chairman of the RC will enjoy the status of a state minister.

Some scholars (e.g., Adnan, 2004: 21) argue that the RC is a superior institution as the government is bound to consult with the RC if Bangladeshi government need to enact any law related to CHT. As *Article 12 in Part C ensures*: “If the government wants to formulate any law regarding CHT, *it shall do so* in consultation with and according to the recommendation of the Regional Council” (CHTPA, 1997) (emphasis added).<sup>3</sup> The main opposition party (Bangladesh Nationalist Party- BNP) and some Bangladeshi scholars claimed that this provision directly challenges the sovereignty of Parliament. However, the rebel group, as well as indigenous people is happy to see their protection. Now, by numerical superiority, Bengali majority won’t pass controversial CHT law/bill. This provision enhances the confidence/trust among the indigenous people that may influence the peace process in CHT.

### **5.5. Incentives for Rebels and Indigenous People**

The Accord leaves many provisions for the rebel to give up the war. It cuts the recruiting channel of the rebel by offering job, the cash and soft-loan. For example:

- a. Indigenous people will get *five percent quota in public service*, though they are only one percent of the total population in Bangladesh [*Article 10 in Part D*].
- b. All returnee JSS members will get cash assistance of almost \$1,200 (50000 BDT) for rehabilitation [*Article 16 (a) in Part D*].<sup>4</sup> After the deposit of arms, 1900 rebels were helped by said amount to come-back normal life (Faisal 2009: 15).
- c. The loans obtained by the members of the Jana Sanghati Samity would be exempted with interest [*Article 16 (d) in Part D*].
- d. The government will provide soft-term bank loans to the members of the PCJSS [*Article 16 (f) in Part D*].

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<sup>3</sup> Here, ‘shall’ should be considered as ‘obligation’.

<sup>4</sup> Taka 50,000, converted in US Dollar (\$ 1= 41 BDT, in 1998)

- e. The government shall declare amnesty for the members who shall deposit their arms and ammunition [*Article 14 in Part D*].

Though the peace pact offers many provisions for rebels, it did not say anything about monitoring the implementation of peace pact or it did not establish an oversight committee for supervision. It has a negative impact on the peace process. For example, the government claimed that most of the temporary military camps have been withdrawn. However, the PCJSS says only 73 military camps among 500 have been transferred (*TheDaily Star*, 2009). This ‘blame game’ is continued since there is no authority/third party to ensure it.

## 6. The Post-conflict Situation

Killings, land grabbing, rape, and burning of houses and villages are the main trends of violence in the CHT. It was two-sided violence in which the Bengalis (combination of the military and Muslim settlers) and the indigenous people both violated the human rights. It symbolizes the idea of ‘spiral of violence’. Facing continued and large scale violence, almost 80,000 indigenous people fled to neighboring India; thousands of people found themselves as homeless and landless (Table-2).

**Table 2: Violence before and after peace pact,1997**

<b>Event</b>	<b>Pre- Accord (1976-1997)</b>	<b>Post- Accord (2001-2011)</b>
<b>Death</b>	8,500	22
<b>Rape</b>	8,000	2
<b>Injured</b>	Over 5000	73
<b>House Burnt</b>	Over 3000	107
<b>Missing</b>	Over 4000	Not reported
<b>Eviction</b>	80,000	285
<b>Temples destroyed</b>	26	7
<b>Internal displaced</b>	90,000	20,000

Source: Modified from Amnesty International (2000) and IWGIA (2012: 15-16)

Bengali settlers were then settled on the land that the Jumma people left behind. This was a planned strategy of violence: to drive out the indigenous people from their land and settled Bengalis. The first column of the Table - 2 shows that more than 8,500 rebels/indigenous people, Bengali settlers, military personnel, and civilians have been killed during the conflict. International Human Rights Organization reported about 1200 rapes while the CHT Woman Federation claimed the number was 8000 (IWGIA, 2012).

At least 4000 women were subjected to trafficking as prostitutes in India or Myanmar (Schendel and Mey, 2001: 77). This conflict and gravity of violence reduced drastically after signing a ‘Peace Accord’ between Bangladesh government and the rebel group. The third column of the Table-2 indicates that during the last decade (2001-2011) only 22 people were killed by inter-ethnic conflict while the victim of rape was 12. More surprisingly, no woman or indigenous man was disappeared by the law enforce agency after the Peace Accord. Before peace settlement, at least 8,500 people were killed and the numbers of missing women were over 4000 (Table-2). The above mentioned data was not provided by the Bangladeshi government, rather it was published by the International Work Group for Indigenous Affairs (IWGIA), an independent international human rights organization, whose central charter is to promote recognition and implementation of the rights of indigenous peoples. So it is evident that large scale physical violence, such as killing, rape, torture has declined in post-conflict CHT. *Report on the Status of Implementation of the CHT Accord*, published by the PCJSS, supports this statement as the report shows that at least 15 massive communal attacks took place between 1999 and 2013, that caused to 10 murders. The report also claims that during the same period, the numbers of rapes were 16 (PCJSS, 2013: 20). However, it claims that almost 1000 houses were burnt down during the post-Accord period.<sup>5</sup>

**Table 3: Increasing Trend of Bengali People in CHT (%)**

Year	Indigenous People	Bengali Muslims
1941	97.06	2.94
1951	93.71	6.29
1961	88.23	11.77
1974	77	23
1981	58.51	41.49
1991	51.43	48.57
2011	53	47

Source: Adopted from Mohsin (1997), Dhamai (2014)

Table-3 presents the increasing trend of Bengali Muslim population in the CHT region, in contrast to a decreasing trend for the indigenous peoples (IPs). It shows, in 1947, the Bengali were only two percent of the total inhabitants of the CHT which rose to 49% in 1991. After signing the peace pact the GoB has given up the transmigration program. It has stopped the increasing trend of Bengali population; now Bengalis are 47 percent of the CHT population, which was 49 percent two decades ago (Table-3). If the governmental transmigration program could continued last 20 years, the Bengalis may

<sup>5</sup> For full version of this Report, see PCJSS (2013).



rise to 70/80 percent of the total inhabitants of the CHT. The provision of identifying the Bengali settlers as 'Non-Tribal Permanent Resident' may unhappily the Bengali settlers, it fulfilled a fundamental demand of IPs. Like the British "CHT Regulations Act-1900", the Peace Accord prohibits the migration of Bengali peoples into the region by imposing some conditions such as new Bengali settlers have to obtain residence certificates from the concerned Circle Chief (traditional indigenous leader in the region). Moreover, the government has given up the transmigration programme that has reduced the ratio of the Bengalis and cut down the increasing trend of Bengalization in the CHT. Needless to say that the GoB sponsored Bengali settlers during the conflict has changed the demographic composition and land distribution of the CHT (Adnan, 2004). But after peace pact, the demographic feature was not captured by the 'further worsen trend'.

Although successive governments in Bangladesh had taken various measures to implement the Accord, their intentions were unclear and lacked serious political commitment. Some scholars (e.g., Pandey and Jamil, 2009) and indigenous leaders claimed that most provisions of the accord remain either unimplemented or partially implemented because of the lack of political commitment by the government. For example, the accord pledged to dismantle all temporary military camps, only 200 out of 500 security camps have been withdrawn in phases, since the accord was signed (*Daily Star*, 2009). Though the government had set up a land commission in 1998 to resolve outstanding land claims not a single land dispute has been set out by the commission. Even after one decade of the peace pact, a study conducted by the Bangladesh Society for the Enforcement of Human Rights (BSEHR) shown that two-third of indigenous people say they still face discrimination and 19% have been evicted from their ancestors' land.

Jyotirindra Bodhiprio Larma, who signed the peace pact, claimed: "The indigenous people are increasingly falling victims of land grabbing. The rulers over the years remained indifferent to our demands for autonomy and constitutional recognition. They have never paid attention to the demands for enduring indigenous peoples' rights, implementing the CHT Treaty, and ending eviction of the indigenous people in the name of creating eco-parks and social forestation (*Daily Star*, July 7, 2008)."<sup>6</sup>

Despite of peace provisions, the authority over the land management has not been transferred to the Hill District Councils. The Peace Accord (*Part B, Article 26*) provides that no lands, hills and forests in the CHT shall be acquired or transferred without the consent of the Hill District Council. Except in a few cases, this provision is not implemented fully (National Human Rights Report, 2014). A study of the Asian Indigenous Peoples Pact (AIPP) confirms that the lands, forests and territories of the indigenous peoples in Bangladesh have been and are still being taken away from the IPs (AIPP, 2007: 14). In the name of development, industrialization, afforestation programs, setting up satellite villages, army camps, eco-parks, and training centers, government

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<sup>6</sup> Comments by Larma (chief of the CHT Regional Council and countersignatory to the Accord), *Daily Star*, July 7, 2008.

has acquired thousands of acres of lands without the consent of RC and IPs. A total of 40,071 acres of Jumma land in Bandarban district have been arbitrarily leased out to private individuals for rubber and tea plantations (Jumma Net, 2007). Over 200,000 acres of forest in the region have been expropriated in the name of ‘social forestry’ and shifting cultivation (Daily Star, 04 August, 2009). The people are facing a dire situation as they are unable to collect forest produced. Against this backdrop, Aminul Islam argues that the post-conflict CHT is a ‘hybrid land context’ apparently where “land tenure is insecure, the ownership is contested between tribal and settler households and where large-scale acquisition and incremental land grabbing is occurring in absence of effective tenure governance” (2013: 1).

The Bangladesh government claimed that among the 72 articles, 48 were fully and another 15 were partially implemented, and the remaining articles are in the pipeline (*Dhaka Tribune*, 5 December, 2017). However, the PCJSS claimed in a report that the government has implemented only four of the 37 most important provisions of the Chittagong Hill Tracts (CHT) Peace Accord.<sup>7</sup> Shaktipada Tripura, the organizing secretary of PCJSS, argued at a press conference in 2017 that even after two decades of the peace deal, no progress has been made under 24 of its “fundamental” provisions. She claimed that: “Land belonging to the indigenous people is being stolen, and the locals are still being harassed. We fought for the treaty, and peace can return to the hill tract districts only when it is fully implemented (*Dhaka Tribune*, 5 December, 2017).”

Threatening to return to armed conflict if the accord is not implemented ‘fully’, the President of PCJSS and the chairperson of the CHTRC Jyotirindra Bodhipriya Larma also argued that most of the important provisions of CHTPA not being implemented (bdnews24.com, 10 February, 2016). In his words:

Two decades have passed after the signing of the Accord, most of the provisions, especially the main issues of the Accord, such as settling the land disputes, stopping the land grabbing, rehabilitation of internally displaced Jumma families, withdrawal of temporary camps of military, preparing a true voter list for the permanent residents of CHT, rehabilitation of the Bangali settlers outside CHT etc. have either [been] left unimplemented or partially implemented (Larma, 2016).<sup>8</sup>

Violence also continues in the CHT. Two types of conflict can be identified in the post-conflict CHT. One is an intra-group conflict within the indigenous people between those who support peace agreement and those opposed to it claimed that peace pact did not address their aspirations for full autonomy. While the PCJSS falls in the first group, the second group includes UPDF, Pahari Chattra Parishad (PCP, or Hill Students Council), Pahari Gano Parishad (PGP, or Hill Peoples Council) and Hill Women Federation

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<sup>7</sup> PCJSS published its report to mark the 20-year anniversary of the signing of CHT peace treaty in Khagrachhari on December 2, 1997. For detail, see *the daily Dhaka Tribune*, 5 December, 2017.

<sup>8</sup> In 2014, Larma expressed the same opinion: “The government has cheated the indigenous people by not implementing the treaty in the last 17 years” (*Daily Star*, 2 December, 2014).

(HWF). A second type of conflict is occurring between the indigenous community on the one hand, and Bengali settlers and security forces on the other (Pandey and Jamil, 2009). For example, in February 2010 in Khagrachari, an incident of inter-communal violence resulted in the burning down of nearly 200 homesteads, most of which belonged to indigenous peoples (UN, 2011: 16). While the mass killing, forced migration, influx of indigenous refugees into India has decreased, kidnapping and extortion by local gangs are more frequent: more than 1,000 people have been kidnapped during the first decade of peace pact (Pandey and Jamil, 2009). An editorial of a Bangladeshi newspaper pointed:

“Although the insurgency ended formally, all the regional tribal parties have their armed wings whose prime aim now is illegal toll collections. This money extortion is always entangled by abductions, tortures, murders, robbery, and many illegal activities [...] In 2016, total 127 abductions took place where 52 Bengalis and 75 tribes were abducted. Bengalis are essentially abducted for ransom while tribes are mostly abducted for inter-party and internal party clashes (*Daily Independent*, 4 December, 2017).”

These crimes and violence has occurred because both of the UPDF and PCJSS, two main ethnic-political party, maintains an armed wing. The leaders of these parties openly blamed each other for the failure of peace-settlement, violence and kidnapping.<sup>9</sup> For instance, the leaders of the UPDF (e.g., Aongay Marma) claimed that it would be unfair to blame the government alone for the non-implementation of the accord.<sup>10</sup> For them, the JSS (now split into two factions, one of which is headed by Santu Larma and the other by Sudhasindhu Khisha), is equally liable since the JSS leaders, took political opportunism and did not try to put effective pressure on the government to get the accord implemented (Marma, 2014).

Similarly, military rule continues for improving law and order and they remain above the law and peace pact. The *de facto* martial law that was promulgated under ‘Operation Dabanal (Wildfire)’ during the armed conflict continues under a different name, ‘Operation Uttaran (Upliftment)’ after the peace accord with little difference. This is the factor contributing most to human rights violations in the region (*Jumma Net*, 2007). The internal conflict between the PCJSS and UPDF and increasing trend of extortions have given the military an excuse for holding on to power. The intra-ethnic conflict among the indigenous people and harassment, expulsion from the land and arbitrary arrest prevail the fear of indigenous people.

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<sup>9</sup> The UPDF and other smaller dissident groups claim that the PCJSS with the help of police, made continuous attacks against their members. In contrast, the PCJSS alleges that these dissident groups have targeted their members for kidnapping and killing. For detail, see Pandey and Jamil (2009).

<sup>10</sup> Aongay Marma is an influential leader of the UPDF. He is the general secretary of the Democratic Youth Forum and a former president of the Hill Students’ Council. Both organizations are the front organization of the UPDF. For comprehensive assessment of UPDF on this issue, see Marma (2014).

Though the peace settlement has reasonably stopped armed conflict between the Bengalis and indigenous people, violence in different forms (e.g., land grabbing, sexual harassment, imposed discrimination, etc.) still continues in the CHT. Numerous attacks upon houses and temples have been recorded in the last few years, as we have seen in Table-2. This situation provokes ‘ethnic tension’ with a typical pattern of continued aggravated retaliation (Siddiqui and Chakma, 2016). In this context, the peaceful coexistence of indigenous people and Bengalis is uncertain. Moreover, historically, the relationship between the Bengalis and the Paharis are ambiguous and distinct in character, which can be termed as ‘fractured relationship’ (Choudhury and Hussain, 2017: 127). Amena Mohsin also has pointed, “Bengali-Pahari relationship was historically marked by ambiguity and suspicion” (2002: 28). A research, based on primary data, shows that life in CHT is ethnically polarized and both groups consider other as a security threat. The Bengali settlers claimed that the Pahari political organizations are involved in extortion, abduction and ransom collection. In some cases, members of these organizations are also involved in the brutal killing of the Bengali businessmen (Haq, 2018). On the other hand, the indigenous people perceived that Bengalis are involved in land grabbing, house arsoning and incidents of rape of Pahari girls. However, the same research indicates that females from both the Bengalis and the Paharis have quality relationships and do exchange homemade food between each other.<sup>11</sup> It shows that, one indigenous respondent claims: “Before peace accord, we had problems but at present there is a warm relationship between the Bengalis and Paharis. In the last few years, we haven’t seen any fight between the Bengalis and Paharis in my locality” (Haq, 2018: 39). Similarly, another research based on focus group discussion (FGD), claims that the relationship between ethnic groups and the Bengali community is peaceful and cooperative since they received economic help and invitations for joining family feasts from each other. It concludes that peace pact has a positive effect on social relations at the community level as one indigenous woman noted: “If I need something, I borrow that from Zorna [a rich Bengali woman] and Zorna has never said no to me if she had what I needed. I return whatever I borrow when I can” (Siddiki et al, 2014: 36). However, Islam and Chakma (2013: 38) claim with survey data that 80 percent of the respondents argue that human rights are being violated whereas 86.67 % report the militarization of the CHT is still going on. They claim that these issues have aggravated inter-group trust and confidence in CHT. It is very simple, everywhere armed conflict negatively affects confidence, and destroys social networks, trust and social capital among civilians. Therefore, post-conflict Bengali-Pahari relationship is marked by ambiguity and tension instead of peaceful cohabitation.

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<sup>11</sup> One Bengali respondent claimed: “My neighbors are the Marmas and Tripuras and our relationship with them is so harmonious that we exchange foods regularly.

## 7. Conclusion

There is no consensus about what are the most appropriate policies to stabilize a peace agreement. A positive relationship is seen between well-designed peace accord and peace (in the sense of the absence of large-scale violence). The content of the CHT Accord was well designed in the sense that it has met many demands of rebel community. For example, the Accord recognized CHT as a tribal inhabited region and imposed some effective measures against land grabbing which are considered as livelihood threats of indigenous people. More than 1900 PCJSS members (rebels) got the job in the police department or community forest by relaxing the age-limit (Faisal, 2009: 15). All cases and warrants of arrest against PCJSS members have been withdrawn. The CHTPA ensured substantial formal and informal power for tribal leaders (e.g., Ministry of CHT, three Circle Chief, Chairman and members of the RC). All three parliamentary seats belong to tribal MPs and 75 UP chairmen out of 110 seats (68% of total seats) belong to tribes (*Daily Independent*, 4 December, 2017). Such strong practices of election and political participation in grassroots level is a provence of democratization in CHT. Though the dominance of the ethnic majority and the military has not been disappeared, no mass killing or forced migration/eviction programme took place after the peace pact in 1997. The conflict and gravity of violence reduced drastically after signing the Accord. The major objectives of the 1997 peace accord were to ensure long-lasting peace and security in the CHT, protection of the land rights of the indigenous people, rehabilitation of refugees who had left the country during the conflict, withdrawal of the temporary military camp from the CHT, and self-government through regional and district councils (Panday and Jamil, 2009: 1062). The accord has not obtained all of its goals, but it prevents further onset of civil war. While the peace agreement has failed to resolve the land disputes, it has effectively stopped the transmigration of Bengalis that was aimed to reduce the indigenous people into a numerical minority in the CHT (Roy, 2004). The CHT peace agreement shows that a well-designed peace settlement (which embraced many demands of rebel community and offers power for rebel leaders) and its implementation is very important for sustaining peace. As per provisions of CHT Accord, tribal leaders control all local governmental institutions and a super powerful regional council. Political elites of the indigenous community simply enjoy these powers. In turn, it influences peace; they are not intended to go war.

More than two decades have passed since the signing of the Accord, yet most of its important provisions, e.g., settlement of land disputes, demilitarization and the decentralization of authority to the Hill Districts Council remain unimplemented, or partially implemented. The settlement has two serious limitations: there is no time frame for the implementation of the agreement and absence of a third party who could provide guarantees to implement the peace. Government should be more responsive and cordial to resolve the root causes of conflict. The accord may have ended the war between the Bangladesh army and the indigenous rebels, but that does not necessarily mean that peace has established in CHT and there is no risk of further onset of civil war. Perhaps, settlement framework is only the first step towards peacebuilding. There are still some issues which the accord leaves unresolved and which, if not addressed, could lead to a

breakdown of the settlement. Among the unresolved issues, the land problem is the main problem. All indigenous leaders, by and large, including the Chakma Chief Raja Devasish Roy, believe that peace in the CHT is largely dependent upon the resolution of the land issue (Roy, 2004: 43).<sup>12</sup> Therefore, government has to emphasize on the effectiveness of the Land Commission. The government should be careful about the prophecy that unimplemented peace may turn into a new source of conflict and instability.

The CHT settlement has certainly created both opportunities and challenges in peace building. A peace process itself cannot produce long lasting peace until it creates a win-win situation. Full implementation of the accord is also needed for durable peace. Signing a peace pact is just a step towards sustainable peace. It creates opportunities for belligerents to transform their hostile relations to friendly and amicable relation. However, a negotiated peace has been a relatively rare outcome. Negotiations have historically produced more unstable settlements than those resulting from the outright victory of one side (King, 1997). Different threats may come from belligerent parties, ranging from personal interest of the community/ethnic leaders to military and political parties. Peace is eventually linked with the inclusive economic development of the CHT and how the issues that triggered the armed conflict being solved. Without the full implementation of the accord, proper social policy, the recognition of land rights of the indigenous people, and trust between settlers and indigenous people, peace in the CHT will remain elusive and to some extent violent.

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<sup>12</sup> Raja Devasish Roy is the Chief of the Chakma people and the Chakma (administrative) Circle in the Chittagong Hill Tracts. He involves in land management and revenue administration.

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