

3rd Draft

**Role of Parliament in Conflict Resolution:
A Critical Review of the Chittagong Hill Tract (CHT) Peace Accord in
Bangladesh**

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Executive Summary

The Chittagong Hill Tracts Accord 1997 signed between the Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti (PCJSS) recognises the reestablishment of the rights of the Jumma indigenous peoples over the CHT region, southeastern part of Bangladesh with the formation of four local councils as controlling and supervisory bodies over land & land management, law & order, civil administration, police (local), development, primary & secondary education, forest & environment, and many more. The accord has been hailed internationally as a successful case of conflict resolution; it involved no third-party mediations or direct interventions by international actors, nor was civil society incorporated within the peace process.

The process was benefited from the direct and indirect involvements of the parliamentarians and relevant special parliamentary committee. In fact, Bangladesh experiences revealed that the parliament played a very positive role in conflict resolution at CHT region. However, the role of the parliament was found to be short in terms of professional preparedness. The parliamentary members were directly and indirectly dependent upon the military and civil bureaucracy and armed force intelligence. Parliamentarians of the party in power as well as opposition were not adequately prepared of the art and science of 'tough negotiation' and thus could not place a 'win-win' approach in a professional capacity during the negotiation process. The role of donor agencies and development partners in harnessing this potential could be critical.

With all these limitations, involvement of the MPs in the negotiation process developed a condition of mutual trust and respect in the CHT region. It also sets a positive instance for MPs in understanding their critical role as legislators in the context of Bangladeshi society. Parliamentarians provide this extra impulse on conflict mediation/resolution by

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stimulating forums, agenda setting and constituency building on conflict resolution. Ensuring that bottom-up as well as top-down constructive ideas at all levels are heard and incorporated into conflict mediation/resolution initiatives becomes very fundamental to any peace making and peace building exercise.

Abbreviations & Glossary

AL	Bangladesh Awami League
BNP	Bangladesh Nationalist Party
CHT	Chittagong Hill Tracts
CHTDB	CHT Development Board
CHTDF	Chittagong Hill Tract Development Facility
CSOs	Civil Society Organisations
DANIDA	Danish Aid Agency
DFID	Department for International Development
GoB	Government of Bangladesh
Jumma	The Jumma people are composed of 13 main nationalities. According to the 1981 census, the total Jumma population was 590,000, the 350,000 Chakmas formed the largest of these and they occupy the central and northern parts of the district, Rangamati.
MoCHTA	Ministry of CHT Affairs
MP	Member of Parliament
Parbatya Chattagram	Chittagong Hill Tracts
PCP	Pahari Chatra Parishad (Hill Students Union)
PAIC	Peace Accord Implementation Committee
PCJSS	Parbattya Chattagram Janashonghoti Samity (United People's Party of the Chittagong Hill Tract)
SB	Shanti Bahini (Peace Force, the military wing of PCJSS)
SPD	Strengthening Parliamentary Democracy
UNDP	United Nations Development Programme

1. Introduction

Bangladesh is an emerging democracy in South Asia having a population of about 140 million, characterized by her extreme poverty and some of the critical features of a *soft state*. It is one of the most densely populated countries in the world having an area of 148,393 sq. km. Bangladesh is also largely a rural country with about 85% of her population living in the rural areas. Bangladesh is essentially a homogenous society with a little over 2 percent of her population belonging to different indigenous groups. Most of these indigenous peoples live in the Chittagong Hill Tract in the southeastern part of Bangladesh.

On December 2, 1997, a peace accord was signed between the Government of Bangladesh (GOB) and the *Parbattya Chattagram Janashonghoti Samity* (PCJSS or United People's Party of the Chittagong Hill Tracts - CHT), the political front that has waged an armed struggle for the autonomy of the CHT since the mid 1970s. The accord has been hailed internationally as a successful case of conflict resolution, it involved no third-party mediations or direct interventions by international actors, nor was civil society incorporated within the peace process. Though the Accord got acclamation from world community including the UN through awarding UNESCO Houpet-Felix Boigny Peace Award in 1999 the CHT Jumma people still live under duress because of continuous pressure from the civil administration manned by non-indigenous and non-local officials and communal attacks by the Bengali settlers with direct backing from many camps of the Bangladesh security forces. However, this paper attempts to make an inquiry into the processes and politics of conflict and peace building in the CHT Bangladesh with primary emphasis to assess the role of the Parliament and members of parliament.

Due to the lack of relevant secondary materials on the CHT peace negotiation process, this review research work has been primarily dependent upon interviews with selected government officials, military personnel and political leaders and MPs. However in most cases government officials and military personnel were either unwilling to express their opinions or maintained conditions of anonymity. The researcher also heavily depended

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on the content analysis of coverage of the leading national dailies and other media reports on the peace process.

2. An Overview of the CHT Affairs

Situated in southeastern Bangladesh, the CHT occupies a physical area of 5,093 square miles, constituting 10 percent of the total land area of Bangladesh. The region comprises three districts: Rangamati, Khagrachari, and Bandarban. The area is important to the policy planners of Bangladesh for strategic and economic reasons. It is surrounded by the Indian states of Tripura on the north and Mizoram on the east, by Myanmar (formerly Burma) on the south and east, and by Chittagong district on the west. The ongoing insurgency in the Indian northeast and Myanmar increases the CHT's importance for the military planners of Bangladesh. The region is also rich in natural resources. Gas, coal, and copper deposits have been found in the Miani Reserve Forest.

The region comprising three districts: Rangamati, Khagrachari, and Bandarban. districts comprise seven main valleys formed by the Feni, Karnufuli Chengi, Myani, Kassalong, Sangu and Matamuhuri rivers their tributaries and numerous hills, ravines and cliffs covered with dense vegetation, which are in complete contrast to most other of Bangladesh, which consist mainly of alluvial lands. Geographically the CHT can be divided into two ecological zones: (a) hill valley, (b) agricultural plains.

In 1991 its population was approximately .974 million². Out of this the Hill people constituted 0.5 million and the Bengalis .47 million. There are thirteen ethnic groups in the CHT. They are of Sino-Tibetan descent belonging to the Mongolian ups. They closely resemble the people of North-east India, Myanmar and Thailand rather than the Bengali population of Bangladesh who are a "mixed race comprising proto-Australoid, Mongoloid Caucasoid and Dravidian strains"³

Brought under the direct administration of British colonial power in the nineteenth century, the CHT has a political history unique to Bengal. In 1860, by Act XXII of the Commonwealth, the hill and forest tracts to the east of Chittagong district were

² Bureau of Statistics, *Population Census*, 1993.

³ Aftab Ahmed, *Ethnicity and Insurgency in Chittagong Hill Tracts Region: A Study of the Crisis of Political Integration in Bangladesh*, *Journal of Commonwealth and Comparative Politics*, Vol.XXXI, 1993, p.33.

withdrawn from the jurisdiction of the civil, criminal, and revenue courts and offices of the Regulation district of Chittagong and made into a separate district, known as the Chittagong Hill Tracts, and placed under the administration of a superintendent. In 1881, the government of Bengal divided the CHT into three circles-Chakma, Bohmang, and Mong--each of which was placed under the administration of a government-appointed chief⁴. In 1900, the government promulgated the CHT Manual, which detailed rules and regulations for administration of the CHT, and placed the region under the administration of a deputy commissioner, who presided over all civil, criminal, and jurisdictional matters. The circle chiefs retained power over customary matters but were formed into an advisory council primarily to assist the deputy commissioner. The Hill people remained largely unaffected by these developments, since their local structures were not altered.

The three circle chiefs demanded that the British, the Congress, and the Muslim League recognize their regions as native states. They later demanded a confederation with the Indian states of Tripura, Kuch Bihar, and Khasia. The Marma chief, by contrast, suggested a union with Burma. Ultimately, the Bengal Boundary Commission, headed by Cyril Radcliffe, awarded the CHT to Pakistan⁵. However since the independence of Bangladesh from Pakistan, relationship between the Government and tribal CHT people have been tinted with strain, mistrust and antagonism⁶.

The process of alienation and identity formation for the Hill people of Bangladesh is rooted in the political and economic policies adopted by the state. While constitutional and political measures taken in the name of Bengali/Bangladeshi nationalism eroded the civil rights of the Hill, economic and development policies violated their traditional rights and alienated them from the resources they considered to be their community property. To counter these moves, the Hill people formed the PCJSS, a political body, in March 1972. In January 1973, they added the SB, a military wing. By the mid-1980s the PCJSS began referring to the Hill people as Jumma, an identity they had formed to unite the

⁴ Siddharta Chakma, Proshongo Parbattya Chattagram [The context of CHT] (Calcutta: Nath, 1986), pp. 3-13.

⁵ Kamini Mohan Dewan, Parbattya Chattagramer Eik Deen Shevoker Jiban Kahini [The autobiography of a humble servant of CHT] (Rangamati: Dewan, 1970), pp. 146-148.

⁶ For detail see Amina Mohsin, *The Politics of Nationalism – The Case of the Chittagong Hill Tracts Bangladesh*. Dhaka : UPL 2002.

different communities of the Hill to counter the dominance of Bengali/Bangladeshi nationalism.

The Hill people sought constitutional safeguards for their protection and recognition as a separate community within the new state. As Bangladesh proceeded with the framing of its constitution, a Hill people's delegation, led by Manobendra. Narayan Larma, called on Sheikh Mujibur Rahman, the then Prime Minister of Bangladesh and father of the nation, and made the following demands⁷:

- Autonomy for the CHT with its own legislature.
- Retention of the 1900 CHT Manual.⁸
- Continuation of the offices of tribal chiefs.
- Provisions restricting the amendment of the CHT Manual and imposing a ban on the influx of non-tribal people into the CHT.

Prime Minister Mujib rejected the demands, advising the Hill people to assimilate the new, nationalist Bengali identity. Mujib backed his advice with a threat to effectively marginalize the Hill people by sending Bengalis into the region.

The Constitution of Bangladesh, adopted on November 4, 1972, incorporated the ideals of Bengali nationalism to the exclusion of the state's non-Bengali population. In its preamble, and reiterated in Article 8, the constitution accepted "nationalism socialism," "democracy," and "secularism" as state principles. Article 9 defined the basis of state nationalism as Bengali nationalism:

The unity and solidarity of the Bengali 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 Bengali nationalism.

Larma refused to endorse the constitution and argued against it in Parliament⁹:

You cannot impose your national identity on others. I am a Chakma not a Bengali. I am a citizen of Bangladesh, Bangladeshi. You are also Bangladeshi but your national identity is Bengali.... They [Hill people] can never become Bengali.

⁷ Selina Haq and Ehsanul Haque, *Disintegration Process in Action: The Case of South Asia*, Dhaka: Bangladesh Institute of Law and International Affairs 1990), pp. 44-46.

⁸ For details of the CHT Manual, see Amena Mohsin, *The Politics of Nationalism: The Case of the Chittagong Hill Tracts*, Dhaka: University Press, 1997.

⁹ *Parliamentary Debates*, Dacca, Government of Bangladesh, October 31, 1972, p.452.

Larma's contentions failed to make any impact on the Bengali policymakers. As a state, Bangladesh was the outcome of an intensely nationalist movement, and Bengali nationalism was seen by policy-makers as all encompassing.

Article 1 of the constitution declared Bangladesh to be a unitary state, ruling out any possibility of a separate legislature or autonomy for the CHT. Article 3 specified Bengali as the state language, and Article 6 declared that the citizens of Bangladesh were to be known as "Bengalis." These provisions aggrieved the minority communities and were seen as clear acts of the state's identification and patronization of the dominant community at the cost of minorities.

Original Article 9 of the Bangladesh constitution , which stressed the linguistic and cultural unity of "Bengali" nationalism, was reworded to stress "Bangladeshi" nationalism. Through changes to Article 6, the citizens of Bangladesh were to be known as "Bangladeshis" rather than "Bengalis."

The Hill people could not identify with this formulation. Larma had contended that being Bangladeshi meant being a citizen of a secular Bangladesh. But the new construction of nationalism had equated being Bangladeshi not only with being Bengali, but also with being Islamic, neither of which included the cultural identities of the Hill people.

A constitutional guarantee to recognize the cultural distinctiveness of the Hill people, and their rights and privileges, was a long-standing demand of the PCJSS. Before the constitution of Bangladesh had even been framed, a Hill people's delegation led by Manobendra Narayan Larma met in 1972 with Shaikh Mujibur Rahman, father of the nation, to demand a constitutional guarantee of the Hill people's special rights and status.

The refusal of the state of Bangladesh to recognize the cultural distinctiveness of the Hill people and the subsequent political and economic policies it adopted gave rise to a subnationalist movement in the CHT. On March 7, 1972, the PCJSS, a political body through which the Hill people could voice their grievances, was formed by Manobendra

Narayan Larma. On January 7, 1973, the SB was added. The PCJSS started its major activities only after the assassination of Sheikh Mujib on August 15, 1975. Prior to the killing of Mujib and the military takeover that followed, Larma had hoped for success in bargaining at the political level with Mujib.

Prior to 1975, Larma had sought Indian help, but owing to close relations between the Prime Minister Mujib regime and the Indian government his requests were denied. However, with Sheikh Mujib's assassination the equation changed. Initially there had been within Bangladesh an element of gratitude toward India because of its supportive role for the Bangladeshi liberation movement, but the economic crisis facing the country in the post independence period was largely blamed on India. Prime Minister Mujib was accused of being too friendly toward India.

Non-recognition of the cultural distinctiveness of the Hill people by the state of Bangladesh has been a major grievance of the Hill people. Manobendra Narayan Larma, the Hill people's representative in the National Parliament, strongly protested the constitutional provision that imposed Bengali nationality on the entire population of Bangladesh and rejected the constitution itself when it was adopted in 1972. The adoption of Bangladeshi nationalism at the constitutional level also failed to redress the Hill people's concerns, since it was formulated around the cultural and religious identity of the majority community.

Against this backdrop, India decided to support the Hill people's movement. SB headquarters was established in Tripura, and SB personnel were trained and armed by the Indian military¹⁰. By the mid-1970s, the SB had started a full-scale insurgency in the Hills. From 1978 to 1989, the SB conducted major offensives within the CHT, targeting not only the Bangladeshi military but also the Bengali settlers' villages, which were repeatedly set on fire. According to government sources, between 1980 to 1991, 1,180 people were killed by the SB, including 182 Hill people; 582 were kidnapped, 181 of whom were Hill people. In total, about 4,000 persons residing in the CHT, which

¹⁰ Subir Bhaumik, *Insurgent Crossfile*: North-East India Delhi: Lancer Publishers, 1996.

included the Bengali settlers as well as the Hill people, were injured by SB-initiated bomb blasts, gunfire, or arson¹¹.

The government responded by undertaking a full-scale militarization of the CHT. The general commanding officer of the Chittagong division was charged with administration of the CHT. During this period, the military controlled the political and economic lives of the Hill people, and massive violations of human rights took place.¹²

3. Peace Accord: Down the Memory Lane

The CHT Peace Accord is the outcome of a long political and negotiation process primarily initiated by the GOB in the 1980s. In 1975, following a military coup and political upset in Bangladesh, PCJSS leader Manobendra Narayan Larma fled to India¹³. The Shanti Bahini (SB, or Peace Force), the military wing of the PCJSS, was given training and assistance by the Indian military and was allowed to operate from bases within the country, giving India considerable leverage in its relations with Bangladesh. Further straining relations between the two countries and a source of international embarrassment for the GOB, about 54,000 Hill people were registered as refugees in Tripura, having fled the CHT to escape military atrocities committed during the counterinsurgency.

The GOB initially took a hard-line to address the issue as insurgency terming it as a secessionist movement. Authoritarian regimes tend to maintain a hard-line till early 1980s. However eventually the GOB itself realized after a decade of military operations that the CHT problem required a political solution. In 1991, the Bangladesh Nationalist Party (BNP), a civilian regime, had come to power after almost nine years of military and

¹¹ S. M. Ibrahim, *Parbattya Chattagram Shanti Prokria 'o PoribeshPoristhitir Mullayan* [The peace process of CHT and an evaluation of its situation] (Dhaka: Mawla, 200 1), p. 118.

¹² The Jumma peoples have become targets of victims of policies of population transfer, land eviction, cultural assimilation and ethnic discrimination by successive regimes of Pakistan and then Bangladesh. In their two decade old struggle for autonomy, the Jumma peoples have been targets of extra judicial executions, rape, torture and forced relocation.

¹³ Amina Mohsin, *opcit.*

quasi-military rule¹⁴ initiated a political process of to handle the 'insurgency' issues from a political front.

The BNP government established a parliamentary committee to conduct negotiations with the PCJSS. Because the political regime also realized that the Bangladeshi military had been given extensive powers to put down the CHT insurgency and control the region, it was in the political interest of the civilian regime to seek a political solution in order to firmly establish civilian control over the military. Apart from this domestic political compulsion, the government realized that its international credibility as a democracy, and therefore its external aid and assistance, were at stake. An end to the armed insurgency was imperative to ensure political and economic stability.

4.Parliament and Political Development in Bangladesh

Bangladesh is a parliamentary democracy. Democracy as an institution is new and still in 'process of making' in Bangladesh. Over the last three decades since her independence Bangladesh has witnessed several political hiccups including the assassination of two presidents, two army coups and two major political movements that caused the down fall of political regimes. As a matter of fact Bangladesh polity in the last thirty years oscillated between autocracy and democratic rule. Both 1996 and 2001 elections were preceded by a long Opposition boycott of Parliament. The Opposition was engaged in prolonged violent street agitation, causing considerable damage to the country's economy and its political system. Political culture in Bangladesh is characterized by confrontation and intolerance. Political parties are organisationally weak and poor agents of democratic transformation (Hasanuzzaman, 1998). Party programmes or ideologies seldom mobilise voters during elections. All major parties bank on populist approach of rhetoric, symbolism, and sentiments as the major instruments for mobilising voters. A favourite weapon to harass a sitting government is calling a *Hartal*¹⁵, a general strike which paralyses most economic activities, especially transport, sometimes for days.

¹⁴ In March 1982, military chief General H. M. Ershad usurped power from the BNP in a bloodless military coup.

¹⁵ Hartals can be described as temporary suspension of work in business premises, offices and educational institutions and movement of vehicular traffic nationally, regionally or locally as a mark of protest against actual or perceived grievances called by a political party or parties or other demand groups. The main opposition party with an aim to gear up antigovernment movement, enforced 41 hartals in 2004 alone. There were 827 days of Hartal during 1991 and 2002

The parliament is populated by MPs many of whom have allegedly made financial 'investment' in their nomination by their party, and in their subsequent election¹⁶. Indeed, it appears that the wealth of candidates is a more important factor determining electoral nomination and success than local credibility, and their ability and willingness to represent the interests of constituents. Parliamentary discussions have not only lost its contents and essence, filthy languages, unparliamentary appellation and intemperate exchanges dominate parliamentary deliberations. Prolonged and periodic walkouts by opposition even on unnecessary grounds characterize the very vulnerability and low level of credibility of transactions of parliamentary sessions. Bangladesh Awami League, the major opposition party refrained from joining the House¹⁷. Although the election manifestos of various parties made broad general statements concerning poor and poverty, ironically pro-poor issues did not receive due attention in the parliamentary discussions and debates. There were hardly any deliberations on making demand or suggesting changes in the policy or process or proposing new law/rules to address poor issues. A study further reveals that there is a conceptual confusion among MPs in understanding and or operationalizing pro-poor issues¹⁸.

A Transparency International Bangladesh report on Parliament Watch of the current 8th Parliament revealed the lack of seriousness among Members of the Parliament (MP) about attending the sessions to the extent of crisis of quorum, failure of members to observe the basic rules of procedure and parliamentary tradition, continued boycott of the sessions by the MPs of the main opposition party making the parliament in ineffective. During the 11th to 14th session of the present parliament, the main opposition boycotted 47 working days out of a total of 83 working days.¹⁹ However the parliamentary standing committees have been working to great extent upto satisfaction.

and 147 days during the period of 2002-2004. The estimated figure shows that the average costs of Hartals to the economy during 1990s is 3 to 4 percent of GDP.

¹⁶ A seat in parliament was reported to cost up to \$1.0 million' in Bangladesh (Daily *Inquilab*, 24th November 2001).

¹⁷ During the present parliament (8th Parliament) out of a total 226 workdays of the House, the major opposition party AL has so far participated only in 76 workdays, as it frequently boycotted the proceedings.

¹⁸ Salahuddin Aminuzzaman, *Promotion of Pro-Poor Issues : Role of the MPs in Bangladesh*, Dhaka: Action Aid Bangladesh, 2001

¹⁹ TI-Bangladesh, ParliamentWatch, Dhaka, 2005.

The electoral system is based on the one-person, one-vote principle. The principle of majority rule makes it almost impossible for effective representation of indigenous groups in the political process. Until the April 2001 expiration of its reservation clause, Parliament was a 330-member body, with 300 representatives directly elected and thirty seats reserved for women, who were nominated by the elected representatives. The provision however lapsed in 2001 and Parliament became a 300-member body. In the last Parliament (June 1996-June 2001) there were only three elected representatives from the indigenous people. They belonged to the Awami League and were elected from the three constituencies of the CHT. A Rakhaine woman was nominated by the Awami League to fill one of the seats reserved for women. The present parliament has only one.

5. Donors' role in strengthening parliamentary democracy

With a view to making Parliament a more effective legislative and oversight institution the UNDP together with Parliament of Bangladesh officially signed the project "Strengthening Parliamentary Democracy" (SPD) in 1997". The project aimed at strengthening the capacity and effectiveness of the parliamentary committees in order to achieve greater parliamentary oversight of government budgeting and the use of public funds and contribute towards reducing levels of corruption and thus making the public sector more accountable and responsive. Components of the projects are: revising and updating the Rules of Procedure of the Parliament and make it more proactive and responsive; Strengthening the Parliament Secretariat to create an efficient and effective institutional support for the parliament; strengthening the capacity of the Committee System; training and institutional support to MPs; creating more public Awareness on the role of the parliament. Till now, it is the only development intervention with parliament on major parliamentary reforms. Some other donors e.g., UNFPA is also working with Parliamentarians on specific themes (HIV/AIDS). DANIDA and the Netherlands Embassy channeled small funding to Parliament (1999-2000) through UNDP's SPD Project.

In 2001, DFID joined UNDP as a cost-sharing partner for the SPD Project. The DFID – funded component entitled “Sub- Component on Parliamentary Committees” was added to the project by way of Revision K with a view to: • enhancing capacity of Parliamentary Committees particularly four Finance Committees; • undertaking an organizational review of Parliament Secretariat; • promoting public awareness of Parliamentary activities and training of Parliamentary Journalists’ Association; • enhancing security of Parliament.

A recent DFID output to purpose review²⁰ of SPD project has revealed that the project has made noticeable and significant impact on the overall performance of the parliament. The study observed that there has been significant structural and procedural changes resulted in out of the project impact. The review also acknowledged more vibrant role of the parliamentary committees, qualitative changes in committee reports, a renewed orientation of the parliamentary support staff. However due to sudden change in DFID HQ policy and slow pace of the Government in the implementation of the committee component of the SPD Project, DFID decided to withdraw their funding from the SPD Project. Interestingly, the former cost-sharing partners of the SPD Project i.e., DANIDA and the Netherlands have expressed interest to fill-up the modest shortfall in project funding because of DFID’s sudden withdrawal.

It appears that except for UNDP, other donors, particularly the bilaterals are more interested in short-term achievements/outputs rather than investing for long-term, qualitative change or achievement of overall outcome. INGOs like NDI and IRI have also been working with parliamentarians targeting more at their political identity and party affiliations.

²⁰ DFID, *OPR Review Report*, 2004

A Review of the Roles of Different Political Regimes (post '75)

The Chittagong Hill Tracts Peace Accord, like most peace accords, is the outcome of a protracted negotiations process.' The initiative for a negotiated settlement primarily came from the government of Bangladesh. This section of the paper attempts to make an overview of the peace negotiation process over the last two decades and the degree of involvement of the members of the parliament and or the parliament as an institution have been assessed during various political regimes.

I. Zia Regime

General Zia came to power in 1975 after a series of coup and counter coups. The first attempt to bring the insurgents to the negotiating table was in 1977, during the regime of President Ziaur (Zia) Rahman through the creation of a tribal convention. The Hill people were represented by their local leaders, who attempted to bring the *Shanti Bahini* (SB) to the negotiations process. The tribal convention held four rounds of talks with the PCJSS during July 1977 and December 1978 with the objective of preparing a ground for political dialogue between the GOB and the PCJSS. The initiative failed, however, due to lack of trust between and within the parties. Zia identified the problem of the CHT as an economic one and established the Chittagong Hill Tracts Development Board (CHTDB) in 1976 for the economic development of the region. But for the Hill people, the question was their identity, not economic development alone, and hence they did not respond positively to the board. President Zia's attempts could be seen as more of a bureaucratic – military approach. There was hardly any role of the elected political leaders and for that matters Members of Parliament. The whole initiative was centred around the President and his charisma and few handpicked tribal leaders.

II. Ershad Regime

The process of peacemaking was reopened during the regime of President General Ershad in the early 1980s. By then the government had come under pressure from donor countries and international human rights agencies to correct the situation in the CHT. In fact, in 1985 a dissident faction of the SB, the Priti group, surrendered as a

result of Ershad's initiatives²¹. There was, however, no agreement on substantive administrative changes in the CHT²², although the government agreed to return the illegally dispossessed lands to the affected Hill people. It is also to be noted that the peace negotiation was not a formally announced process and the major actors of the process on behalf of the government were senior military and intelligent officers.

The Ershad regime undertook another initiative in 1988. Observers noted ²³that there were compulsions both internal and external on Ershad for initiating the peace process. This time the negotiations were more formal and detailed, with the government recognizing and acknowledging that since the PCJSS was pursuing the movement on behalf of the Hill people, it would need to deal directly and primarily with the PCJSS.

PCJSS for the first time since the outbreak of the insurgency put forward its minimum acceptable demands to the government: (1) autonomy for the CHT, including establishment of its own legislature, renaming of the region as Jummaland, and constitutional recognition of the Jumma nation's right to self-determination; (2) removal of Bengali settlers who had entered the CHT after August 1947 (i.e., after the independence of Pakistan); (3) withdrawal of Bangladeshi security forces from the CHT; (4) retention of the CHT Manual of 1900 and a constitutional provision restricting any amendments to it; and (5) deployment of a UN peacekeeping force. But the government rejected these demands on the grounds that they lay outside the framework of the Bangladeshi constitution. The PCJSS refused to alter its position and withdrew from the talks. The government, however, carried on negotiations with a number of indigenous

²¹ Historical Chronology of Chittagong Hill Tracts (CHT), *Earth Touch*, March 1998.

²² Ershad created three district councils for the three Hill districts. In this context, the regime of Khaleda Zia also pointed to the Ershad regime's creation of three district councils for the three Hill districts. The Ershad regime, through the passage of a parliamentary act on February 18, 1989, established three local government councils for the districts of Rangamati, Khagrachari, and Banderban. Each of these councils is headed by an indigenous chair and is composed of thirty members, of whom two-thirds are indigenous and one-third Bengali. The indigenous seats are proportionately divided on the basis of population among the various groups of the districts. The district council is elected directly on the basis of adult franchise and is responsible for the following twenty-two areas: law and order; coordination of development works; primary and secondary education; health; public health (nutrition, sanitation, immunization, etc.); fisheries; agriculture and forestry; livestock; cooperatives; small and cottage industries; social welfare; art and culture; nonreserved roads and bridges; recreations, games, and parks; rest-houses; ferries; implementation of government-sponsored development projects; communication facilities; water supply and sewerage; local multipurpose development; religious and moral affairs; and local control over sale, settlement, and leases of land. The district council is also responsible for formulating its own budget. The district councils were rejected by the PCJSS on the grounds that the parliamentary act that had created them had no constitutional basis. But the regime of Khaleda Zia maintained that the creation of the above institutions conferred autonomy as well as special administrative status to the region.

²³ Observed by a senior military officer in his interview with the researcher.

leaders from within the CHT, which resulted in the formation of district level councils following the pattern of autonomous district councils in northeastern India.

All negotiations during Ershad era was exclusively done by the senior military and para military officers with the assistance of the senior civil servants. There were hardly any role or involvement of the political leaders or MPs.

III. Caretaker Government (December 1990 - March 1991)

After the fall of the Ershad government, tribal students formed the Pahari Chatra Parishad, and held press conferences and rallies in support of their such demands as dissolution of the three local government councils, modification of the voter-list of the three hill districts; and deferring of the proposed parliamentary election until the return of all refugees from India. But on 30 December 1990, while on a trip to Rangamati (one of the three hill districts) the then Acting (caretaker) President Justice Shahabuddin Ahmed, categorically rejected the demand for the dissolution of local government councils. On the other hand, the move for finding a political solution was intensified. Entirely in keeping with Pahari Chatra Parishad's demand, the Government of Bangladesh made an overture to India for a district level bipartite meeting to facilitate the return of the refugees before the scheduled election.

Immediately before the election a six member liaison committee headed by Hongsodhaj Chakma, a Khagrachari based politician, was formed to act as a go-between in an effort to open a dialogue with PCJSS. It may be mentioned that in November 1990 PCJSS set three preconditions for the dialogue: i. setting up of a parliamentary committee on CHT, ii. putting a minister at the head of the delegation and iii. announcing of the names of the members of the delegation beforehand. These conditions were rejected by the Government of Bangladesh. In January 1991, PCJSS on the other hand again reiterated the three-point demands.

IV. Democratic Regime - Khaleda Zia (BNP)

The BNP, under Prime Minister Khaleda Zia, reopened the negotiations in the 1990s. By that time it had become evident that the CHT issue would be settled politically. After the election and installation of a democratic government, the newly elected Prime Minister

Begum Khaleda Zia reiterated that "Arms and terrorism cannot bring solution to any problem, we want a political solution to the problem. There is a democratic government now in the country which wishes to resolve all problems politically"²⁴. This opened a new gateway for political negotiation. A Committee was constituted by the Government on 9 July 1992 with the responsibility of recommending measures for solution of the prevailing problems in the Chittagong Hill Tracts area.²⁵ The Committee was headed by the Communications Minister, Oli Ahmed, consists of eight other members of the *Jatiyo Sangsad* (Parliament) representing the ruling Bangladesh Nationalist Party (BNP) and major opposition parties - the *Awami League*, *Workers' Party* and *Jamaate-Islami*. The committee was directed to submit the recommendation within two months. The Committee, formed by the parliament members, is the first of its kind and aimed at finding solutions to the problems of CHT through the democratic and peaceful processes of dialogue and participation of all concerned. It has started work in right earnest and has, by the middle of September 1992, held interviews and talks with more than 3000 inhabitants, representing various social segments and political and ethnic groups, of the Hill districts of Khagrachari, Rangamati and Bandarban. The positive response of the leaders and peoples of the CHT area manifested the use and effectiveness of the peaceful political initiatives.

Oli Ahmed committee met with the SB seven times. There was also a sub-committee led by Mr. Rashed Khan Menon. The committee met as many as 6 times²⁶. All these meeting were held in camera. Governmental sources did not disclose the content of the dialogues. There was no feed back to the parliament. It is however reported in the media that Parliamentary Committee led by Oli Ahmed and sub-committee led by Rashed Khan Memon prepared a draft accord but due to the boycott of the major opposition Awami League the accord could not be formally approved²⁷.

The commendable work of the committee set the stage for talks with the Parbatya Chattogram Jana Sanghati Samiti, the political front of the *Shanti Bahini*. Subsequently the first-ever talks between the Committee composed of the MPs and PCJSS were held

²⁴ Public lecture in the Chittagong Hill Tracts during her visit there on 25 August 1992, Daily Star 26th August, 1992

²⁵ The formation of the committee followed the first ever state visit to India by Prime Minister, Begum Khaleda Zia and her meeting with the Indian Prime Minister, Narasimha Rao during late 26-28 May 1992.

²⁶ *Jana Kontha* 10th Feb 1998 and *Bhorer Kagoj* 30 Dec 1997.

²⁷ New analysis published in *Bhorer Kagoj*, 30th December 1997.

in Khagrachari on 5 November 1992. The Committee was led by Col (Retd.) Oli Ahmed, Communication Minister while the five-member PCJSS team was led by Mr. Shantu Larma. The meeting reached an agreement to extend the "ceasefire" by the Shanti Bahini in the Chittagong Hill Tracts till December 31 and to hold the next round of talks within one month to reach an acceptable political settlement of the problem in CHT.

The Committee made significant progress in political dialogue and confidence building but , there were concerns and criticisms about its composition. Two Awami League - the major opposition party Parliamentarians who were members of the Committee emphasized the need for inclusion of all three members of the Parliament, representing the three hill districts to the Committee. The committee only included only one such M.P. in the Committee, Mr. Kalpa Ranjan Chakma representing the Khagrachari district.

The SB responded to the peace offer by unilaterally declaring a ceasefire from August 1, 1992, which was extended routinely every three months (about thirty-five times) until December 1997. The regime also formed a parliamentary sub-committee led by Rashed Khan Menon, a left wing MP to further negotiate the detail aspects of rehabilitation and political accommodation. Significant breakthrough was made by the initiatives of the Parliamentary Committee on peace initiatives. For the first time some kind of 'mutual respect, understanding and confidence' was seen to be building in the process. Subsequently in December 1992, the PCJSS revised its charter and modified its demands: (1) regional autonomy for the CHT with a regional council recognized by the constitution; (2) restoration of land rights to the tribal people with a ban on allocation of land to the Bengalis from the plains; (3) withdrawal of military from the CHT; (4) constitutional recognition of ethnic minorities and a guarantee that their rights would not be altered without their consent; and (5) withdrawal of Bengalis settled in the Hills since August 17, 1947.

The PCJSS demanded that the constitution recognize the CHT as a special administrative unit with regional autonomy. The PC team however did not accept some of the demands, but the negotiations continued in the spirit of compromise²⁸.

²⁸ P. Sahadevan, *Coping with Disorder: Strategies to End Internal Wars in South Asia*, Regional Center for Strategic Studies (RCSS) Policy Studies No. 17 (Colombo: RCSS 2000), pp. 165-168.

V. Democratic Regime – Sheikh Hasina (Awami League)

The Awami League, which came to power in 1996, reopened the negotiations. Interestingly Awami won all three parliamentary seats in CHT and made election promise to initiate political solution to bring peace in CHT. A twelve-member national committee on CHT affairs was formed incorporating two MPs drawn from the major opposition BNP and Jatiyo Party. The BNP MP did never take part in the national committee. After seven rounds of negotiations, a peace accord was finally signed. While the 1997 accord had built and consolidated on the earlier attempts at peacemaking in the CHT, it had failed to address the major demands and concerns of the Hill people. The form and extent of political autonomy, demilitarization of the CHT, and withdrawal of Bengali settlers were the key demands of the PCJSS, and the negotiations during the previous regimes had come to a halt due to the divergent positions of the GOB and the PCJSS on these issues. Yet in 1997, the PCJSS acceded to the position of the GOB, though the latter also compromised on the question of autonomy and allowed the Hill people to establish an autonomous regional council.

First meeting with Chief Whip Hasnat Abdullah and the PCJSS was initiated at Khagrachori in November 1997 and the PCJSS had series of meetings between the Chief Whip and the co-negotiators between 11 to 14th May 1997. The second phase of dialogues took place between 26th November to 2nd December 1997. Subsequently the historical Peace Accord was signed on 2nd December 1997²⁹. Cabinet in its meeting held on 22nd December 1997 approved the peace accord.

The peace accord recognized the Ministry of CHT Affairs³⁰, which is to be headed by a tribal person and is to function as an apex body with supervisory and executive authority over the CHT's system of self-government. The PCJSS demand for three reserved seats in the National Parliament for Hill people of the CHT constituency was rejected on the grounds that three seats are already reserved for the CHT region. These seats, however,

²⁹ *Jana Kantha*, 10th Feb 1998

³⁰ The ministry has its genesis in the government's special affairs division, which was formed during the military regime of H. M. Ershad and continued through the civilian regimes of Khaleda Zia and Sheikh Hasina. The special affairs division was composed of the chiefs of the three services of the armed forces-the army, air force, and navy; the general commanding officer of the Chittagong division; the brigade commanders of the CHT, and representatives from the ministries of home, finance, and foreign affairs. It was directly under the control of the chief executive-that is, the president and later the prime minister (in 1991 Bangladesh shifted from a presidential to a parliamentary form of government). There was no transparency or accountability of the special affairs division to the National Parliament.

are reserved for the geographical constituency of the CHT and not for the Hill people alone. Any Bengali from the CHT may thus be elected. With the present demographic composition of the CHT, where Bengalis constitute 50 percent of the population, this is not an impossible scenario.

The accord does not provide for the creation of an independent/neutral monitoring team to assess the progress of implementation. There is, however, a provision for the creation of an implementation committee to review the progress of the peace process. This three-member committee is composed of: i. the Chief Whip to Parliament, who is a nominee of the prime minister and member of the ruling party; ii. an Awami League Member of Parliament from the CHT; and iii. Shantu Larma, the leader of the PCJSS. The partisan nature of the committee is evident, and it is not surprising that the government representatives and the PCJSS leader could never agree on the pace of implementation. In early 2001, the government maintained that 95 percent of the accord had been implemented, while the PCJSS maintained just the reverse. Since the October 2001 elections, the committee has been inactive and no new committee has been formed.

The district councils were formed on January 25, 1998, they have not yet been given full powers. Shantu Larma took over as chair of the regional council on May 13, 1999, and the council was formally installed in Rangamati on May 27, 1999. As the three district councils are supposed to be elected bodies, which in turn are supposed to elect the regional council. But elections to the district council have not been held to date; rather, the former Awami League appointed its own followers as chairs of the councils, despite protests by the PCJSS. These chairs are looked upon by the PCJSS as well as the Hill people as government agents promoting and furthering government interests in the region. Following the change of regime in October 2001, the BNP government appointed two of its men in Khagrachari and Banderban, while a neutral person was appointed in Rangamati.

The accord provides for the establishment of a Ministry of CHT Affairs (MOCHTA)³¹, an important concession in that political and economic autonomy has always been the

major demand of the Hill people. They had demanded a separate legislature of their own in 1972; the Dabeenama (Charter of Demands) put forward by the PCJSS in its negotiations with the GOB also had autonomy as its main agenda. The Hill people had further demanded their own regional council with legislative powers and full authority to administer the region. At no point, however, was there any demand for a separate ministry for the administration of the CHT.

The Ministry of CHT Affairs is part of the government machinery. After the peace accord, Kalparanjan Chakma, the Awami League Member of Parliament from the CHT's Khagrachari district, was appointed as CHT affairs minister. The MOCHTA is to oversee and coordinate the work of the various government ministries regarding the CHT. Yet the government has not framed any rules or given the necessary directives to the ministries³². Government of Bangladesh also formed a Peace Accord Implementation Committee (PAIC). The committee members were: Abul Hasnat Abdullah, Chief Whip of the Parliament, Refugee Affairs Taskforce Chairmen Diponkar Talukdar MP, and PCJSS leader Santu Larma³³. However later the PAIM was converted into Cabinet Committee on Implementation of the Peace Accord.

In September 2000, the National Parliament, through the addition of Article 17, Clause 2 to the CHT district council laws, empowered the election commission to formulate a voter list for local elections within the CHT. According to Article 17, an individual is entitled to vote for the council elections if he or she is a citizen of Bangladesh, is over eighteen years of age, has not been declared mentally ill by any competent court, and is a permanent resident of the CHT. The PCJSS had demanded that the national electoral roll for the CHT also be formulated according to this law and that only permanent residents of the CHT be registered as CHT voters for the October 1, 2001, national elections. The government, however, refused to entertain this demand. Consequently, the PCJSS called upon the Hill people to resist the national elections in the CHT. The PCJSS boycotted the elections and, out of the three constituencies in the CHT, the BNP won two seats and the Awami League won one.

³² At present, Prime Minister Khaleda Zia is in charge of the Ministry of CHT Affairs and Moni Swapan Dewan of the BNP and Member of Parliament from Rangamati is deputy minister. This has further strengthened the government's control over the region.

³³ *Ajker Kagoj* 13 Feb 1998

From the very beginning the peace accord was severely criticized by the major opposition party BNP. BNP considered that the peace accord was a gross violation of the constitution of the republic. The leader of BNP Khaleda Zia in a public meeting complained that the Awami League Government was conspiring to handover CHT to India.³⁴

Standing Committee of BNP and its parliamentary body warned the government that they will abstain from the parliament unless the peace accord is discarded by the government³⁵. Another major opposition party Jatiya Party (JP) in its parliamentary committee meeting demanded various amendments of the peace accord. JP noted that they would table necessary amendments to the accord if it were tabled as a bill in the house³⁶. Jamatee Islami (JI) also announced its strong position against the accord and declared that the party will boycott the parliament³⁷.

There were newspaper report that the then Home Minister of Awami league started a camera discussion with the general secretary of BNP, the major opposition to come to an agreement on the peace accord³⁸.

Leader of the opposition met the president and asked for his intervention to arrange a national round table on the CHT accord. The then President Shahabuddin reiterated his view that CHT peace accord as a national issue of highest importance should be discussed by the government and opposition in the parliament³⁹. Sheikh Hasina, the then Prime Minister repeatedly appeal to the major opposition to come to the parliament to discuss the peace accord and make a thread bear discussion on the various aspects of the accord⁴⁰.

Ironically when BNP came to power in 2001, the party changed its position and opted for a more politically accommodative and pragmatic line. Though the Minister in charge

³⁴ Earth Touch, March 1988

³⁵ *Mukta Kantha*, 6 Feb 1998

³⁶ *Daily Star* 14 Jan 1998

³⁷ *Ajker Kagoj*, 13 Jan 1998.

³⁸ *Mukta Kantha*, 6 Feb 1998.

³⁹ *Daily Star*, 8 January 1998

⁴⁰ *Jana Kontha*, 15th Jan 1998

of CHT Affairs in parliament, told the house that some provisions of the CHT Peace Accord, that are inconsistent with the constitution needed to be reviewed⁴¹. But in principle BNP accepted the accord and reiterated the party commitment for peace and development in CHT.

The CHT Development Board (CHTDB) Chairman and the local BNP MP Wadud Bhuiyan on the other hand had been insisting for the scarping of the Peace Accord and demanded to declare the PCJSS and UPDF as 'terrorist organization'⁴². The local MP also started a new movement called Somoodhikar Andolon (Equal right movement). The movement members even did not allow the State Minister of CHT (Moni Shopon Dewan, a tribal leader) to enter Khagrachori to attend his officials business. PCJSS chief has blamed the ruling party MP and the chairman of CHTDB to destabilize and sabotage the peace process and the CHT accord and demanded his removal from the post of Chairman of CHTDB⁴³.

The parliamentary standing committee on CHT appeared to become active in early 2003. In its review meeting the committee observed that two out of four committees provided by the peace accord on the CHT - the advisory committee and the agreement and development implementation committee were not functioning. The committee accordingly asked the CHT ministry to reconstitute the bodies to make them effective⁴⁴.

Meanwhile a treacherous incidence took at Mahalchari, where the houses belong to the tribals were burnt down and mass atrocities were carried out by the anti peace accord militants and the followers of the ruling party MP. Soon after the occurrence the Parliamentary Standing Committee on CHT visited the place of occurrence and assured all kind of assistance to the victims. The Parliamentary Committee Chairman also informed that the committee would report to the Prime Minister to take actions against the culprits. Similarly an opposition led five member Parliamentary committee⁴⁵ visited CHT to investigate Mahalchari incidence⁴⁶.

⁴¹ Daily Star, 23rd March 2004

⁴² *Ajker Kagoj*, March 2004

⁴³ Daily Star, 16th September 2003.

⁴⁴ Daily Star, 23rd October 2003.

⁴⁵ The members of the delegation included: Birbahadur MP, Shamsur Rahman MP, Col(Retd) Faruk Khan MP, ABM Fazlee Karim Chowdhury MP. All belong to Awami Leagues.

⁴⁶ Daily Star, 16th September 2003

The parliamentary committee on the CHT ministry in its meeting blamed the Ministry of land and establishment to make the CHT Land Commission which was formed in 1999 to settle the land disputes in CHT⁴⁷. The meeting held in camera observed that the Chairman of the commission be sacked or asked to resign for lack of his initiatives⁴⁸. Cabinet Committee⁴⁹ on Implementation of CHT peace accord in its 9th held its review meeting 17th April 2005 and noted that except 3 to 4 issues, rest of the CHT accord agreements have not been implemented.

The parliamentary committee on the CHT ministry occasionally visits the hill districts and undertakes consultative meetings with the people. The Chairman of the Parliamentary Standing Committee in none of its visits of the committee declared that “the Prime Minister who is in charge of the CHT Ministry assigned us to listen to your needs to make a recommendations to her based on a bottom up approach⁵⁰. Moni Swapan Dewan, a tribal leader himself and member of the committee noted that the mission of the committee is “to find out the causes behind the troubles in hill districts. We are also trying to know the impediments to development of the region⁵¹.”

CHT District Council Bill and Parliamentary debate

After the signing of the peace accord, the Regional Council Acts have been thoroughly discussed in the parliament between 29th April to 5th May 1998. The Parliament formed a special Committee to review three CHT regional council acts⁵² and was given 7 days to report back. Later time was extended for one more week. The Parliamentary select committee suggested some modification of those Acts to make those operationally effective in the light of the post CHT accord changed politico-administrative reality. However the MPs belonging to the major opposition BNP did not agree with the rest of

⁴⁷ The Government of Bangladesh formed the commission in accordance to the CHT peace accord initially for three years but later extended its tenure twice. The tenure of the present term will expire in November 2007.

⁴⁸ Daily Star, 9 April 2005

⁴⁹ The committee is composed of a number of ministers. The Committee is chaired by the Secretary General of the ruling part BNP and the Minister of Local Government and Rural Development, Foreign Minister, Law Minister, Land State Minister, CHT affairs State Minister.

⁵⁰ Daily Star 21 Dec 2004

⁵¹ New Age 18th Jan 2005

⁵² The Acts include: Rangamati Hill District Act 1989, Bandarban Hill District Act 1989, Khagrachori Hill District Act 1989. These acts came into being during the Ershad era in 1989. Acts had been amended as many as four times during the previous regime of the BNP. However the Acts needed to be updated and modified to cope with the changes reality after the peace accord.

the members of the committee and recorded their note of dissent on the proposed changes. While the other members of the committee suggested few more changes – which were however turned down by the house. Members of the opposition questioned the spirit of the peace accord and the content of the proposed amendment of the Acts. They observed that the proposed amendments are: a. Against the constitutional characteristic of the unitary state; b. it does fall with the constitutional provision of Article 27, Article 28, Article 59 and Article 60, c. it has violated the ‘fundamental rights of the citizens, d. it is against the interest of the people of the republic. The opposition MPs also demanded that the content of their note of dissent should be placed in the house⁵³.

The opposition MPs strongly opposed the Peace Accord and argued that the proposed Act could “ destroy the fabrics of unitary Republic and.... sowing the seeds of regionalism the next step can be dismantling the fabric of the republic⁵⁴. The Law Minister however defended the government position and noted that the “proposed changes are needed to further strengthen the constitutional provision of Art 25 (c) under which we are obliged to protect the rights of the ethnic minority, nationally and internationally. This is the constitutional mandate⁵⁵. The Law Minister further assured the house that “ yes, if we are wrong, the door of the Supreme Court is open, the Supreme Court is the last interpreter of law. If the Supreme Court finds the law is inconsistent with this constitution that will be declared void. We have nothing to do’. The Law Minister further assured the house that “ this is an ordinary law of the land. It can be changed that any moment any time by this house or the Government or any other government which will come after ten or fifteen years⁵⁶. The Law Minister referred to a historical judgment (Kudrud Elahi case), of the Supreme Court and assured the house that sovereignty of the parliament in not disturbed by the amendment of the law.⁵⁷ The Law Minister however finally concluded that the amended Hill District Councils are ‘not local government, not local organization. It is a statutory body only.’⁵⁸

⁵³ Debate of Bangladesh Parliament, 29th April 1998, 4th May 1998.

⁵⁴ Barrister Rabiya Bhuyan, ⁵⁴ Debate of Bangladesh Parliament, 5th May 1998

⁵⁵ Advocate Matin Khasru, Law Minister, Debate of Bangladesh Parliament, 5th May, 1998

⁵⁶ Advocate Abdul Matin Khasru MP, Law Minister, Debate of Bangladesh Parliament, 5th May, 1998

⁵⁷ In his famous judgment Justice Mustafa Kamal noted, “ The structure of the Local Government was that fully and completely at the hands of the Parliament. No one controls the depth of the right in any point or any particular number of

Critical Observations

The CHT peace negotiation process continued for a long time. Despite several rounds of negotiations, an agreement could not be reached, as differences existed between the GOB and the PCJSS on the questions of political autonomy for the CHT and issues related to Bengali settlers. The situation, however, changed in 1996 when the Awami League came to power in Bangladesh, reversing India's attitude toward Bangladesh as well as the CHT issue. The Indian Government withdrew its support from the PCJSS and also pressed their leadership to reach a political settlement.

PCJSS on the other hand fatigued by two decades of armed insurgency and intra-group factionalism, signed the peace accord with the GOB at the cost of compromising many of their key demands. The CHT movement also suffered from ideological weaknesses. Apart from its military activities, the PCJSS, by the mid-1980s, attempted to unify the different nationalities of the CHT under the banner of *Jumma* nationalism. The PCJSS and SB were heavily dependent on India for their base of operation and political and material support. The PCJSS knew that India would not support an independent CHT state, given the separatist movements afoot in India's northeastern states. PCJSS also realized that the objective of India was to keep pressure on the Bangladesh to dissuade it from supporting India's northeastern insurgents. Furthermore, ideologically, *Jumma* nationalism remained a middle-class movement and mostly dominated by the Chakma tribe. The smaller groups, though supporting the PCJSS cause, preferred to be identified with their own generic names rather than with Jumma.

Several factors were responsible for the timing of the accord and the shift of position by the PCJSS. First, by the late 1980s war fatigue had set in among the rank and file of the SB, the people in the CHT had become weary of the conflict, and there was a genuine interest in peace. Second, through its negotiations with various regimes of Bangladesh, the PCJSS had come to realize the limit to which it could push the Bangladeshi government. Third, the PCJSS found it politically easy to have dialogue with Members of

local government within the framework of Article 57 and 60. Parliament retains power to continually organizing, restructuring and remodeling the local institutions in the light of the exercises gain to meet the changing needs of the changing time' (DLR (AD) p.343.

⁵⁸ Advocate Matin Khasru, Law Minister, Debate of Bangladesh Parliament, 5th May, 1998

Parliament and political executives than military and civil bureaucracy to initiate a political settlement with honour and dignity.

The CHT peace negotiations were held in camera which did not allow any third party in the process. Even the leading members of the parliament from treasury and opposition bench had hardly any clue about the negotiation process and content. It is alleged that a section of the armed force officers provided the content and substance and back up support to the GOB political delegates and members of parliament during the negotiation process. In fact, the Armed Forces Division of the Ministry of Defence maintained all dossiers of the negotiations process.

Though the pressure of donors and international human rights organizations and the support or lack of support of India were critical external variables, at no stage during negotiations of the CHT Peace Accord was there any direct involvement of a third party. At the national level as well, the process remained confined between the GOB and PCJSS. The PCJSS made no attempt to involve traditional leadership or incorporate civil society members from among the Hill people to take part in the negotiation process⁵⁹.

Lack of internal democracy within the political parties makes it almost impossible for the elected members of Parliament to voice their dissent on substantial issues without the threat of losing party support and, consequently, their parliamentary seats. Not surprisingly, the members from the CHT though being tribal simply went along with the directives of the party during their term in power between June 1996 and June 2001. Once the Awami League was in power (June 1996-June 2001), and after the signing of the accord in December 1997, the three elected representatives, through their appointments to crucial positions in the CHT, were used by the regime to strengthen its hold in the CHT. Much of the discord in the CHT following the accord has occurred due to these appointments, because it has initiated a process of political patronage and ensured centralization instead of decentralization.

⁵⁹ The Pahari Chatra Parishad (PCP, or Hill Student's Forum), the Pahari Gono Parishad (PGP, or Hill People's Council), and the Hill Women's Federation (HWF) had carried on the movement for the CHT issues in a democratic manner both within the CHT and in other parts of Bangladesh. By networking with Bengali women's organizations and student forums. Yet at no point during the peace negotiations were these forum involved, nor were women represented on either side.

Potential role of Parliamentarians in the peace process

It is difficult to attribute the full credit of successful negotiation and subsequent signature of the peace accord on CHT crisis to the members of parliament or Parliament as an institution for successful negotiation and ultimate signing of a peace agreement. However one is not entirely sure whether the first ever peace treaty was the resultant factor of the skilful negotiation of the MPs or the contemporary geo-political situation and the extent of political support received by the regime from their then Indian counter part.

Nevertheless, it is true that the involvement of the MPs in the negotiation process has considerably changed the character and mode of the negotiation process⁶⁰. The PCJSS, in fact, demanded the involvement of the MPs or political leaders in the peace negotiation – which indicates the broader social and political acceptability. It signifies the value of political settlement for a vexed political problem of constitutional significance. Involvement of the MPs in the negotiation process developed a condition of mutual trust and respect. It also sets a positive instance for MPs in understanding their critical role as legislators in the context of Bangladeshi society.

Political regimes – both BNP and Awami League had to recognize the CHT issues as political and that could not be addressed by military means. The political regimes also acknowledged the importance of the role of the MPs in the peace negotiation process. MPs role can be articulated in the following ways:

- **Creating political environment:** MPs could convince the PCJSS and SB leadership that even within the constitutional framework, political settlement of CHT crisis is possible and desirable. This led to a condition of constructive engagement, mutual trust and reciprocity.
- **Trust building:** As members of the Parliamentary Committees, MPs were prompt in taking some pro-active decisions backed by concrete follow-up actions with regard to peace accord.

⁶⁰ There is hardly any political culture to involve MPs in crisis management in South Asian context. In handling the negotiation process with major dissident and insurgent groups in Eastern India, Government of India has barely used any sitting Members of Parliament. For detail see S.M. Chakma, *Parbotochattogram Shanti Chukti: Ojotik Birodhita, Bhorer Kagoj*, 30th Dec 1997.

- **Popular participation:** MPs have played an active role in drafting, reviewing the legislation on the CHT local Council Act in a very short time and positive attitude.
- **Political gain:** Peace treaty was though not thoroughly discussed in the parliament but the ruling party MPs were quick and keen to approve the accord. They also realised that it could be potential source of political success in managing conflicts.⁶¹
- **Divisive politics:** Because of strict party instructions, a majority of the MPs took a 'strict partisan line' and found to be not aware of the critical issues and concerns of the peace treaty. Furthermore MPs especially belonging to oppositions were 'apathetic' towards the peace treaty. However, some the opposition lawmakers did ventilate their opinion in the media and social forums.

Political and military observers, however, noted that the prospects of lasting peace in the CHT are not so bright in the near future. Given the lack of trust between the two communities it is unlikely that any Bengali political regime would ever sincerely want to relinquish powers to the Hill people. Due to ambiguities inherent within the accord, the slow pace of implementation, and the state's attempt to keep the control of political, administrative, and development process, whatever trust and confidence being built by the Members of Parliament, peace accord might not for a longer period. Of course, MPs will have critical role to undo such potential miscarriage of peace.

Civil society in the peace process

In conditions of war and violence, people are usually victims and onlookers. People may occasionally get a direct role in the conflict when they are provoked into participate in that dreadful practice called ethnic riots, which have now become events meticulously organized by ethnic leaders-turned riot entrepreneurs. With the inauguration of a peace process, different, positive dynamics set in. People begin to entertain hopes and expectations about life and future. When killings stop, at least temporarily as it has in consequent to the present peace agreement between the government and the PCJSS, people also begin to be positive about life. How can such hopes, expectations and enthusiasm for peace and life among the people be channeled into a positive force for peace building? Bangladesh's civil society groups committed to the peace process need to grapple with this challenge.

⁶¹ Interestingly, during parliamentary vetting, the Peace Accord was treated as Money Bill so that – the major opposition could not challenge it in the court of law as per the the Constitution of Bnagladesh.

The role of civil society in conflict resolution is, indeed, minimal in Bangladesh. However, some of the research institutions, indigenous organisations and think-tanks are increasingly taking interest in the monitoring of the implementation of the Peace Accord. Civil society could play effective role in adding value to the deliberations and the decision making processes of people's elected representatives including MPs. Some of the NGOs and CSOs at CHT are involved in furthering of the development process. UNDP Bangladesh with its Chittagong Hill Tract Development Facility⁶² has been working to engage NGOs and CSOs in the development process of the CHT.

⁶² The objective of this UNDP project is to revitalize the Chittagong Hill Tracts by empowering government institutions and communities to pursue their own development goals and by creating an enabling environment with programmes that:

- Promote dynamic social and economic activity and reduce poverty;
- Facilitate harmonious and fruitful relationships among the various ethnic groups and build confidence among all stakeholders;
- Build capacity of CHT institutions; &
- Restore donor confidence and encourage funding.

Concluding Note

Parliaments are regarded as the cornerstone of a democracy. No area or institution of the government can be exempted from parliamentary oversight be it fiscal control to public accountability, crisis management to conflict resolution, social welfare to state security. Many parliaments, especially those in democracies in transition often face difficulties in understanding the vast and complex issues related to conflict resolution and negotiation process. Parliaments in emerging and even consolidated democracies also face new challenges, when it comes to parliamentary oversight the issues related to state security, conflict resolution and national integrity. The Parliament in such cases heavily depends upon the military and security forces.⁶³

Bangladesh experiences revealed that the parliament played a very positive role in conflict resolution at CHT region but the role of the parliament was found to be short in terms of professional preparedness. The parliamentary members were directly and indirectly dependent upon the military and civil bureaucracy and armed force intelligence. Parliamentarians of the party in power as well as opposition were not adequately prepared of the art and science of 'hard negotiation' and thus could not place a 'win-win' approach in a professional capacity during the negotiation process.

Efforts to resolve and transform violent conflict can only be effective in the long- term, when based on active participation of all segments of civil society and the major stakeholders. Catalytic processes on legislative-constituent interaction in order to stimulate national level awareness of co-existence, tolerance and reconciliation, have an extremely important spin-off effect for conflict mediation and resolution and peace building. Parliamentarians provide this extra impulse on conflict mediation/resolution by stimulating forums, agenda setting and constituency building on conflict resolution. Ensuring that bottom-up as well as top-down constructive ideas at all levels are heard

⁶³ *Hans Born, Learning from best practices of parliamentary oversight of the security sector*, Geneva: Centre for the Democratic Control of Armed Forces, Switzerland, April 2002

and incorporated into conflict mediation/ resolution initiatives becomes very fundamental.

Equally important is the horizontal transfer of knowledge and experience among Parliamentarians within the region on peace building. Those within the region who have developed broad consensus on strategies and related set of interventions to their conflicts should be tapped to assist other Parliamentarians. Learning from each other's experiences inspires innovative approaches and helps in breaking the logic of war. In order to maximise the benefits of common norms at national/ local level there is need for Parliaments to involve and engage as many people and sectors of society, along with long- term strategic partnering, reaching across the dividing lines of conflict in society. This is because conflict mediation/ resolution and peace building cannot be built just through exclusive conclaves of the leaders of the conflicting parties.

The mere cessation of hostilities and a peace accord cannot be equated with the establishment of a sustainable peace. The benefits of peace promised in the accord have to be felt by the inhabitants of the CHT. Unfortunately, the stagnation in the implementation of the provisions of the peace accord creates doubts about a lasting peace. Rehabilitation of refugees remains incomplete, settlement of land confiscated from the tribal peoples has been complicated by the fact that the Bengali settlers have nowhere to go. Withdrawal of the army camps has moved at a snail's pace.

The non-implementation and in some cases violation of vital clauses of the Accord by the government in one hand and help extreme Bengali fanatic fronts float against the Jumma people on the other has seriously deteriorated the CHT situation in recent months. Unfortunately, the government's initiative to help develop the situation is not encouraging.

The indigenous people of the CHT for over two decades have been the targets of gross human rights violations. They must now be assured that their fundamental rights, including their economic, social and cultural rights are respected. Moreover, absence of constitutional guarantee (needs a two-thirds majority) seriously weakens the peace

accord. The main opposition party continues to encourage Bengali settlers from 'outside' to remain. It clearly indicates potential roles of MPs in monitoring the implementation process of the Peace Accord. Further involvement of the elected representatives would, undoubtedly, give the peace process required impetus.