

## Transformation of Conflict after peace Agreements: The Post-Accord State of Peace and Stability in the Chittagong Hill Tracts, Bangladesh

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### Abstract

When a conflict ends by negotiation, it undoubtedly brings high hopes for peace and aspirations for transforming conflicting relationships between parties and communities. As an attempt to understand post-peace agreement issues of conflict transformation, this paper argues that transforming negative relationships between parties/communities into a positive one after signing an agreement is a complex politico-social process. In such a process, implementation of an agreement is as important as integrated peacebuilding activities. The study focused, in this case, is the Chittagong Hill Tracts accord, which stopped armed violence, and assisted a transition process towards peace in spite of associated complexities and caveats including politico-administrative and socio-economic that to a great extent determine post-accord peaceful co-existence of the parties, and communities living there.

**Keywords:** Peace Agreement, Conflict Transformation, Chittagong Hill Tracts, Peace.

### Introduction

In the changing post-Cold War political landscape, signing peace agreements, often negotiated by third parties, have become a non-coercive way of settling internal conflicts, both ethnic conflicts and civil wars. The majority of peace agreements signed between 1975 and 2011 have been in intra-state conflicts. Only 20 out of 216 were inter-state agreements, whereas most of the internal agreements were signed in the 1990s and 2000s (Hägbladh, 2011). Evidence, however, shows that nearly 40 percent of peace agreements failed within five years which mean the survival of agreements has increased than before, but potential for recurring violence exists too (Harbon *et al.*, 2006). In reality, not all peace agreements have produced expected peaceful transformation, instead, violence resumed in many countries, such as in Liberia, Angola, Cyprus, Sierra Leone, Rwanda and so on. Considering these facts, this paper aims to analyse post-accord state of peace and stability in the Chittagong Hill Tracts (CHT) where an accord was signed between the Government of Bangladesh (GoB) and the *Parbatya Chittogram Jana Samhati Samiti* (PCJSS), a political party of hill people, in 1997 that ended an ethnic insurgency, politically. In order to conduct this analysis, it also aims to develop an analytical framework to understand the key factors

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that are pertinent to pursue transformation of conflicting relationships in the post-agreement contexts.

This paper recognizes fragility and uncertainty of post-agreement situation, wherein chances of recurring violence exist due to mutual distrust. The paper then argues that post-conflict transformation is a highly complex politico-social process. Hence, implementation of agreement provisions is as crucial as comprehensive peacebuilding activities for keeping parties in a track of peace and stability. The implementation of accord basically empowers protagonists for access to power and resources and builds confidence between them, which is important for tackling violent challenges through joint decision-making processes, often outlined in an accord.

Additionally, peacebuilding activities empower parties and communities economically, socially and politically, which are key building blocks of establishing harmonious relationships between them after armed conflict. This not only pursues socio-economic development but also empowers people from each side in participatory decision-making process and reduces gaps between them, gradually. This brings some incentives for ex-combatants, which in many ways encourage them to be integrated into the society by abandoning their previous violent survival techniques. The empowerment of parties and communities—economically, socially and politically—is, therefore, vital to building peaceful relationships between/among former conflicting parties and communities. This paper has two main sections: developing a framework of conflict transformation relating with post-agreement context, and analysis of post-accord state of peace and stability in the CHT, Bangladesh.

### **Conflict transformation after peace agreements: An analytical framework**

A peace agreement, in general, is a compromised contract between/among conflicting parties that aims to address disputed incompatibility, either fully or partially (UCDP, 2014). In reality, an agreement is a well-bargained pact that indicates decisions of conflicting parties, which are agreed after facilitative mediation, often done by a third party. Parties mostly sign an agreement when they fail to reach a victory-defeat outcome, which is their primary aim. Nevertheless, when top leaders of conflicting parties sign a compromise agreement and shake hands, it indicates the beginning of a new relationship, a new social contract that comes out of conflict, which definitely is different from past conflicting relationships. This becomes a stepping stone, and a public commitment, for changing the status quo in a longer-term holistic process.

Once direct violence is stopped, then the issue of sustaining such a state of peace and stability arises. Conflict transformation hence refers to building harmonious relationships, by reducing existing gaps between conflicting parties and communities (Miall, 2004). The basic issue of studying conflict transformation is to engage with a conflict and to view conflict proactively as “a potential catalyst” for positive change, instead of seeing it as a larger problem (Leaderech, 2003:5). It aims to soften socio-psychological boundaries between conflicting parties and communities so that dialogue and relationship building can foster across ethnopolitical divides. Conflicting parties’ attitudes towards each other are normally shaped by their “previous relationship”, mostly by antagonistic experience and memories of the past; hence these are crucial to take into consideration for building healthy, harmonious

relationships between/among them (Miall, 2004:8). The reconciliation of the past, therefore, becomes indispensable for constructive transformation after conflict. Lederach in this regard states, "Reconciliation . . . orients its energy toward understanding the deeper psychological and subjective aspects of people's experiences, not just in connection to their recent past but often based on generations of pain, loss, and sufferings" (Lederach, 2001:842).

Conflict transformation thus is a strategy that aims to create new institutions and practices in a post-accord situation which could regulate diverse interests of the parties "constructively" and equitably, if not "equally" (EL-Bushra, 2006:235). It most importantly focuses to ensure that parties are less willing to return to the violent path in order to meet their demands and interests. Important to highlight that actions of each side following a peace agreement generally influence perception and choices of another side. Hence, one misguided action from one side, which undermines other sides' interests, demands, and identity, could derail the whole enterprise of peace process. However, the following issues, we can consider, play crucial roles to transform conflicting relationships, wherein parties no longer remain hostile to each other, instead jointly move forward for a workable future.

### ***The inclusivity of peace agreement***

An agreement that parties sign is important from two respects: its content and the inclusiveness of parties. The content gives a foundation for its successful implementation. Strong inter-state agreements are those which contain some provisions like withdrawal of forces, establishing demilitarized zones, formal ceasefire agreements, presence of peacekeepers, third party guarantee, and inclusive dispute resolution mechanisms, which seem helpful to leading more cooperation between enemies at the post-war phase, and thus sustain peace (Fortna, 2003). Agreement provisions like power-sharing, formal reconciliation and accommodative efforts etc., give greater insights for successful settlements in internal conflicts (Derouen *et al.*, 2010). In addition to that a well-negotiated, carefully designed internal agreement has more pacifying effects in post-agreement contexts. The inclusivity issue, on the contrary, concerns how many of the conflicting parties are signatories to an agreement. This simply indicates that if an agreement includes majority of conflicting parties, if not all, that could lead to lasting peace; otherwise, parties outside an agreement could try to disrupt its implementation (Licklider, 2001).

### ***The implementation of a signed agreement***

Implementation of agreement provisions is not only a key way of building confidence between the parties but also a beginning of lasting peace, though post-conflict environment is most 'volatile' and 'fragile' in nature. Failure to implement agreement provisions, intentionally by one party or due to lack of institutional capacities, undermines a process of transforming relationships. The success of carrying out peace agreements could be measured by certain issues, such as ending of violence, parties cooperating in decision-making process and their unwillingness to return to war. However, conflicting parties generally go for implementation when they find two key guarantees: a security guarantee for demobilization and a guarantee of power-sharing at the post-war first government (Walter, 2002). They

also examine “mutual vulnerability” of their political and military concessions to each other during the implementation stage (Bekoe, 2008). Therefore, parties do not go for accord implementation without considering their trade-offs between security and benefits.

### ***External support: Monitoring, peacekeeping, and peacebuilding***

For achieving success in the post-conflict phase, external support is fundamental not only for monitoring progress in implementation but also to keeping agreement parties on track of peace by offering peacekeeping service, when required, and providing assistance of different nature in peacebuilding activities and programmes. External authority can “proffer carrots or wield sticks” at the implementation stage, which sometimes help to restore confidence between conflicting parties and change their perceptions and behaviours to each other (Hampson, 1996:13). Organizations like the UN generally send peacekeepers to stabilize and maintain post-conflict transition; they also provide technical assistance to agreement implementation authorities. Besides maintaining ‘negative peace’, in the changing policy frameworks, multilateral peace operations with mandate have been contributed significantly in ending violence and strengthening democratization, socio-economic reconstruction, and institutional reforms, when necessitated in post-conflict situations (Fortna, 2004; Doyle and Sambanis, 2006). This is critical for both tackling violent challenges and to extend support in wider post-conflict peacebuilding.

No doubt, peacebuilding is a strategic process, and its canvas is large enough to address a wide range of issues in the post-agreement contexts—ranging from capacity building of state institutions to wider political participation to broader socio-economic development. Capacity building of legitimate institutions as well as creating new institutions, as per the accord provisions, which often place power-sharing mechanisms, is important not only for accord implement but also to establish inclusive governance system, at least through a democratic election. This can assist in both making transition from violence and paving, and strengthening, longer-term peace. On the other hand, preventing violence, often committed by the ‘spoilers’, the ‘outsiders’, the ‘terrorists’ or the ‘extremists’, is a prerequisite for stabilization process (Cochrane, 2008).

Moreover, disarming ex-combatants, which requires security guarantees from a credible authority, and demilitarization of politics, by integrating the former warring parties into non-violent political process, are crucial factors for moving beyond fragility and changing dynamics of conflict for longer-term transformation of relationships (Lyons, 2009). The legitimate income generating activities, which could employ both ex-combatants and create a scope of employment opportunities for unemployed youth, is a must in the post-conflict society so that these sections of citizens do not get trapped into further violent means. Although these tasks are part of overall governance system, but aim to ensure two key aspects of peacebuilding—effective transition from violence and consolidation of peace, so that probability of re-emergence of violence could be minimized. Peacebuilding activities and security measures, both for people and state, hence have to go together in order to overcome post-conflict critical challenges and consolidating peace. Nevertheless, peacebuilding has to be an integrated process that covers wider issues in order to establish liberal state-society relations (Feigenbaum *et al.*, 2013).

For creating a viable peaceful post-agreement situation, it requires a coherent involvement of all actors—civilian, political, military—and a transformative approach that can hybridize issues of governance with cosmopolitan values of human rights and cultural diversity so that sources of further conflict could be transcended. Nevertheless, the external authority, which plays a complementary role to domestic efforts in the critical post-conflict stage, has to think about sustainability of peace for longer-term wherein national authority and local community could own their co-existence, peacefully.

**Table 1: Continuum of power: Integrated peacebuilding and security approach**

Continuum of power: Integrated peacebuilding and security approach										
	Soft Power				Integrated		Hard power			
Scale	1	2	3	4	5	6	7	8	9	10
Actors	NGOs/local actors				Cooperation		Military			
Theories	Constructivism				Liberalism		Realism			
Approaches	Peacebuilding				Hybrid		Military Intervention			
Methods	Dialogue				Capacity-building		Force			
Examples	Education Programs				Security sector reform		Military attack			
Target	Deep-rooted causes				Hybrid		Surface-level threats			
Timeframe	Long term				Both		Short-term			

Source: Feigenbaum, *et al.*, 2013:204.

### ***Reconciliation of past relationships and building up inclusive peace infrastructure***

The conflicting past relationships between parties require a change preferably to restorative one if a society wishes to observe conflict transformation. Reconciliation undoubtedly is a very crucial, but most complex task. The past issues like injustices, human rights violations and traumas are not separate issues from conflicting efforts of the parties. Without addressing these, lasting peace in post-agreement period is hard to attain. Reconciliation is a “dynamic, adaptive process” wherein people interdependently build relationships for moving forward—a way of “reconstructing their identities” that in any case may not return to violence (Lederach, 2001:842). This is a multi-dimensional political process like the South African Truth and Reconciliation Commission, which determines the future of any post-conflict country. The inclusion of civil society and conflict-affected society itself is a must in order to reconcile the division that a conflict can cause and to transform conflicting attitudes, and behaviour, to each other.

In order to make peace sustainable in post-agreement context, there is a need to create permanent structures. This could connect top-level political decision-makers with bottom level grassroots masses in order to sustain peaceful relationships by integrating both levels in a longer-term process. Negotiated arrangements may not produce durable peace until people on the ground are well connected in an overall public peace process. The people from below, therefore, are pivotal for frameworks of peace. A peace structure refers “a network of interdependent systems”, wherein government and non-government institutions could work together with wider

community frameworks and practices aiming to bridge the gaps (UNDP, 2013). Such infrastructures empower both local and indigenous agencies for preventing violence, on the one side, and to sustain good relationships, on the other, through different community level engagements that work at very subaltern level (Richmond, 2013). Additionally, peace education as a part of soft intervention has significant contributing roles in promoting non-violence, mutual understanding, and respect as well as tolerance between/among parties and groups when cultural sensitivities of the communities are taken into account.

### **The CHT conflict, peace process, and postaccord peace**

The CHT<sup>1</sup> accord, signed in 1997 between the GoB and the PCJSS,<sup>2</sup> has not only facilitated a peaceful political conclusion of a two-decade ethnic conflict through a system of devolved governance at the regional level, but also brought high hopes for peace, development, and social harmony. Rooted in the colonial history of the Indian sub-continent, the CHT conflict evolved due to a development disaster happened in the early 1960s during the Pakistan period when the *Kaptai* hydroelectric project was constructed. It brought severe developmental tragedy for CHT hill people as 40 per cent of the main agricultural land was flooded, and 1,00,000 people became refugees, mostly the Chakma, the majority group amongst the hilly communities. There was not enough compensation for people who were impacted by an insensitive developmental project undertaken by the Pakistan government. As a result, a sense of agitation grew amongst the affected people. The conflict, however, surfaced after 1971 when Bangladesh as a new state in the post-independence era denied hill people's demands for recognition of their culture and distinct identity in the constitutional framework. The first constitution of Bangladesh, adopted on 4 November 1972, did not accept any of the demands of hill people, instead, pronounced an idea of Bengali nationalism, which literally excluded the non-Bengali population of the state (Mohsin, 2003).

Such an un-accommodative and mono-ethnic approach of the state created a political impasse over the CHT issue. Manobenra Narayan Larma, the upholder of the '*Jumma* Nationalism', repudiated to endorse the new constitution and argued against it by saying, "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" (Quoted in *ibid*:23). When they were rejected politically, the PCJSS formed an armed wing, the *Shanti Bahini* (Peace Force) (SB), in the following year, led by Jotindra Bodipriya Narayan Larma, younger brother of Manobendra Larma. The objective of the SB was to use extra-constitutional means for pursuing their *Jumma* nationhood. In a changing political context of Bangladesh, when authoritarian regimes came in power, the state stressed more on military aspect for addressing

1. The CHT area, which consists of 1/10 land of Bangladesh that is bordering with India and Myanmar, is home to 12 or 13 ethnic groups of varying sizes, collectively known as *Jummas*. A portion of the Bengali population including both *adi* (original) and settlers also live in three administrative districts of CHT, namely Khagrachari, Rangamati and Bandarban.
2. The Parbatya Chittogram Jana Samhati Samiti (Chittagong Hill Tracts People's Party), a regional political platform of CHT hilly people, was established in March 1972 to carry political demands including constitutional recognition of their distinct identity forward in Bangladesh.

this problem. Violent challenges to the integrity of the state and continuous attacks on security forces by the SB fighters provoked Bangladesh to respond as a “sovereign state: in legitimate self-defence of the body-politic” (Anti Savery Society, 1984:57).

Besides the counter-insurgency operation, the government initiated a Bengali settlement programme to the CHT since 1979 under close supervision of bureaucracy. The state sponsored official settlement programme brought 4,00,000 Bengali population with some promises of economic incentives including ration and land in the region between 1978/9-1983/4 (Arens, 1997; Mohsin and Hossain, 2015). The key argument of state-sponsored programme was that population density in the CHT is less comparing to plain land. The integration of hilly people into larger society and flourishing their identity within Bangladesh were also considered. Yet, the shift of demographic balance by outnumbering hilly people was viewed as a means to reduce fundamental strength of insurgents and undermine their autonomy movement (Ibrahim, 1990). This artificial change in the overall demography of the CHT aggravated conflicting scenario since the settlement issue was intricately related to land, a key resource of livelihood of hill people.

The settler Bengalis and hill people were involved in racial fighting mainly for ownership of land, which added a new dimension to the original conflict between the state and hill people. The policy of bringing Bengali settlers, mostly ultra-poor and vulnerable Bengalis from plains with incentives not only played a critical role in *Bengalization* of CHT, but also was used as a counter-insurgency instrument (Mohsin, 1997). Nevertheless, developmental approach that the authoritarian administration undertook to tackle CHT conflict was unable to address it, instead intensified the conflict since such programmes were seen as degrading to hill people’s livelihood and culture (Arens and Chakma, 2002). However, a peace process started evolving since 1988. The PCJSS placed their core five-point demands to the government<sup>3</sup> when negotiation process evolved during the autocratic regime. The demands of hill people were not accepted by the regime, nor did the PCJSS step down from their demand of full regional autonomy.

Once democracy returned in Bangladesh in 1991, it brought new hopes for all parties to solve the conflict in a political manner. The PCJSS responded very positively to the Bangladesh Nationalist Party (BNP)-led coalition government’s initiative in 1992 and declared a unilateral ceasefire on 10 August 1992. Both the BNP and PCJSS tried to use the momentum of democracy to find an accommodative solution of CHT problem. However, the key issue for the BNP-led government was to keep the unitary framework of the country intact, while the PCJSS demanded regional autonomy. The initiative stopped in mid-1994 without any conclusion due to a nationwide movement against the government.

The 1997 initiative under the *Awami* League (AL)-led government was operated by a 12-member national committee with an objective of finding a permanent political solution within the sovereign state framework. The confidential negotiation, which was believed to be a

3. The initial four-point demands of the PCJSS were (1) autonomy of the CHT with its own legislature (2) Retention of the 1900 CHT Regulation (3) Continuation of the offices of tribal chief, and (4) provisions restricting the amendment of the CHT manual and imposing a ban on the influx of non-tribal people into the CHT. The fifth point of their demand at this stage was transferring Bengali settlers from the CHT to other locations.

harsh process, was not facilitated by any third-party, nor did incorporate any civil society group in it (Rashiduzzaman, 1998). On 02 December 1997, the CHT peace accord was signed between the GoB and PCJSS, which ushered a new era of peace and stability. The accord, however, was termed contradictory to the unitary constitution of Bangladesh by the BNP, the then opposition party, and condemned it as a 'black pact'. The regional devolved governance that the accord placed is seen as an extended pattern of local government institutions that the AL government pursued in accordance with the Article 28(4) of the constitution.<sup>4</sup>

### *The CHT accord and its content*

The magnificence of the CHT accord is that it was mediated internally by conflicting parties themselves. There was no direct involvement of external third party in the negotiation process. The substance of the accord, therefore, was agreed by parties through an internal negotiation process in order to reach a political solution to the conflict. The key foundation of this accord is that it, on the one hand, has acknowledged the sovereignty, integrity, and unity of the country, and understood the significance of preserving tribal characteristics of the region, on the other. There are two other aspects that are connected to devolution of power: the creation of the CHT Regional Council (CHTRC) and empowerment of the three Hill District Councils (HDCs). Both the hill and Bengali people are expected to be represented, proportionally, by elected members for five-year terms in these decision-making bodies. The CHTRC is at the centre of regional devolved governance as the 1997 accord has stipulated:

*A Regional Council shall be formed in coordination with the 3 Hill District Local Government Councils provided . . . with an aim to make the three Hill District Local Government Councils more powerful and effective.*

This apex body of regional power devolution mechanism has been mandated to coordinate development activities undertaken by three HDCs and general administrative works including law and order issues. The accord, therefore, has asked for amendment of the three district councils Acts of 1989. The accord also stipulated to creation a Ministry of CHT Affairs (MoCHTA), which has to be headed by a hilly person, in order to oversee overall CHT issues. The accord, however, has failed to create a non-hegemonic society that is important for sustainable peace. Instead, it has institutionalized the *Chakma* hegemony, the dominant group among different ethnic groups, and reflected "male hegemonism", as only five CHT ethnic groups and three women in a body of 22 members including the Chairman are mandated to participate in decision-making process of the CHTRC (Mohsin, 2004). Such imbalances have made other excluded small groups to perceive that the accord has brought power and position for a few leaders of the Chakma, Marma and Tripura communities rather than true participation of all communities and people.

The other issues included in the accord are rehabilitation and general amnesty of ex-combatants, repatriation and integration of refugees and internally displaced persons (IDPs),

4. The Article 28(4) of the constitution states, "Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens". In this connection, Article 28(4) accord provisions have strengthened the laws and regulations for addressing the CHT crisis.



formation of an independent Land Commission in order to resolve land problems and withdrawal of temporary camps of security forces immediately after the return of PCJSS members to normal life. The accord has talked about wider socio-economic development of the region. However, it did not touch upon the settler issue. Thus, it failed to address one of the key demands of hill people. The “seeds of discontent, inequality, and polarization”, therefore, remain inherent in the accord (Mohsin, 2003:42). The accord has not touched on issues of past injustices, human rights violations, rehabilitation or counselling of victims of the conflict. General amnesty only for SB combatants was agreed in the accord as a short-term process, but failed to consider its longer-term consequences.

It is important to state that the CHT accord is one of the few examples of the world that indicate that an intra-state conflict can be resolved by internal negotiation process. The internal negotiation process brought the conflict to an amicable end and satisfied both parties. By acknowledging the sovereignty, integrity and unitary nature of the state, the accord has allowed establishing regional devolved governance system, wherein both the hilly and *adi* Bengali people have proportional representation. This is how needs and interests of both parties are met, and representation in decision-making bodies is secured, in a formal negotiation process, which ended in a compromised and win-win accord.

### ***Implementation of the accord and multi-dimensional complexities of post-accord peace and stability***

The promising aspect of post-accord peace in the CHT is that none of the signatories has returned to violent path since 1997 over implementation issue. This means, peace, at least ‘negative peace’, has prevailed as a result of signing a negotiated accord. Many issues and subjects have been transferred from the center to the HDCs, except some key issues like law and order issue, local policing, and land and land management etc. Although stability has existed without any large-scale violence, there have been many associated issues which have either slow down accord implementation process or made the whole process further complex that need adequate attention for sustaining a state of peaceful situation in the CHT.

### **Procedural implementation and political complexity**

The procedural implementation of the accord was initiated by the AL-led government immediately after signing the accord. A three-member implementation committee supervised the procedural implementation process since 1998 to 2001.<sup>5</sup> However, the issue of non- or partial implementation of the accord has been one of the key complexities to post-accord stability and peace. Although a CHT bill was passed in the parliament in 1998, there has been no process of recognition of the accord in the constitution. Therefore, a fear of disbanding the accord existed due to the fact that BNP opposed the accord since the

5. Major procedural implementation includes the formation of a three members implementation committee (including government appointed head of the Chittagong Hill Tracts Committee, head of the PCJSS and chairperson of the CHT Refugee Task Force), passing the CHTRC bill in the parliament on 7 May 1998 and starting its journey on 27 May 1999, establishing the MoCHTA on 15 July 1998, formation of the CHT Land Commission and passing of the CHT Land Commission Act in 2001, and formation of the Task Force on Rehabilitation of Refugees and IDPs.

beginning. The state of accord implementation did not progress much during the BNP-led coalition government period, between 2001 and 2006. Nor did they disband the accord through the parliamentary process, though they had claimed it as a 'black pact'.

The BNP-led government viewed the accord as a violation of the unitary constitution of the country. Therefore, they were not keen enough to implement it. As a consequence, a state of no progress continued during that whole period of BNP-led coalition regime. This is nothing surprising in Bangladeshi mainstream politics. In a binary fashion, it is not uncommon that if one party takes a political decision that will rarely be implemented. Nor will it receive substantive attention from the other party when it comes to power. Political power shift at national level thus significantly impacted accord implementation process. The implementation process, moreover, progressed slowly during the caretaker period. Nevertheless, it is thought that failure to recognize root causes of the conflict like land and settler issues has complicated accord implementation process. The illusive construction and inherent ambiguities of the accord thus are considered as key factors for inadequate implementation. These have undermined importance of implementation process, eventually.

### **Resolving land problem and associated complexities**

The possession of land has been one of the pivotal issues of CHT conflict. Therefore, the issue of resolving the land problem has been given high priority in the 1997 accord. However, a very little substantive progress has been made on resolving land problems and recovering illegally occupied lands of hilly people. The Land Commission Act (LCA) 2001 was enacted by the AL government. The claim is that the government enacted this act without appropriate consultation with the RC at the very last moment of its tenure. As a consequence, the LCA has contradicted with the spirit of the 1997 accord in many points. Following the act, a number of Land Commissions (LCs) was set up, consecutively, headed by retired judges. None of these LCs was effective enough to address land-related disputes adequately.

The main controversy has been over the functions of the LC. The authoritative power that the LC chairman has in terms of reaching a final decision-making on land related disputes has been a key concern for hilly leadership and people. There was no scope for appeal against the decision of the LC. Though refugees and IDPs have returned to their homes after the CHT accord, there are claims that their ancestral lands have not been handed over appropriately to them. However, an one-sided declaration made by the Chairman of the LC for a cadastral survey to resolve land dispute made this task more controversial (Adnan and Dastidar, 2011). Traditionally, the hilly people follow community-based land ownership, maintained by traditional leaders namely, Circle Chief, Headman, and *Karbari*. This is different from plain land's system of private ownership. Therefore, the fear of them is that they would lose their community-based land if there will be any land survey in the CHT.

The declaration hence raised further question whether a unilateral decision of conducting land survey would resolve the issue peacefully or bring some ramifications in accord implementation, and subsequent confidence-building processes. Nevertheless, the LC-related complexities have now been overcome. Eventually, the government in consultation

with the RC and PCJSS has amended the LCA in 2016, which is a positive development in relation to resolving land disputes in the CHT. The demonstration and procession against this decision have been continued from settler's side since the amendment bill was passed.

There are claims that a "complex trend" of land grabbing, pursued by different power-holders and commercial agencies, has been continued. This refers that presence of complex political economy, propelled by privatization and capitalism, has been another important factor related to the land issue in the CHT (Adnan, 2010). Besides overcoming such institutional discrepancies, recognition of customary and traditional land rights of ethnic people is crucial not only for settling land disputes related to "the illegally occupied 'fringe lands' of *Paharis*" (hill people) (CHTC, 2014; IWGIA, 2012). However, the complex land ownership system, wherein traditional customary system and private ownership coexist, has to be taken into serious consideration to resolve land-related issues. Given the complex reality of the CHT, bypassing one system of ownership, but emphasising on another may not bring a permanent solution to this complicated issue.

### **Temporary camps removal and complex security situation**

Temporary military and paramilitary camps from the CHT area are supposed to gradually be dismantled as per the accord when the SB fighters return to normal life following arms deposition. However, controversies over this have continued since the beginning. According to the government, 42 percent, 235 out of 556, of the camps had been moved by 2010, whereas only 7 percent, 35 out of 550, camps and a Brigade out of five had been dismantled by 2009 (ibid; ibid). Some have argued that presence of security institutions has some implications for human rights (Chakma, 2010; Panday and Jamil, 2009). However, the presence of security forces is not meant to control life and livelihood of the whole CHT. From state's point of view, it has some important purposes. One important reason is to ensure protection of open, porous hilly borders with India and Myanmar, which could otherwise be used by external criminal and terrorist groups. Another is to tackle and pacify intra-group fighting, which has continued since 1998 in the CHT.

There are claims that security forces control the CHT as the "de-facto ruler" (Arens, 2013). After the 15<sup>th</sup> amendment of Bangladesh constitution, passed in June 2011, the hilly people have been identified as "tribes" or "small ethnic communities", instead of "indigenous", which is seen as a violation of their rights (ibid). The hill people want to be recognized as "indigenous" people in line with the International Labour Organizations (ILO) definition, although the 1997 accord termed them as "tribal" people. Bangladesh neither signed and ratified ILO Convention 169 nor recognized the hill people as "indigenous" constitutionally. Such a move in the constitution is believed to be a response to Baer's recommendation of closely monitoring human rights record of Bangladeshi security personnel before recruiting for the UN peace missions (ibid:284-287). It can raise a plea for one to look into the extent to which it could happen in Bangladesh when a democratically elected government was in power—since the parliament, not the security institution, is responsible for bringing any change in the constitution. Nevertheless, the mixing up of two issues (i.e. accord

implementation process and “indigenous” recognition) has made both issues more complex for a state like Bangladesh.

There are claims that a recent initiative of setting up a new battalion of the Border Guard Bangladesh (BGB) has evicted hill people from their ancestral lands and sparked violence between them (The Daily Star, 14 July 2014). This is a major concern from ethnic peoples’ perspective that land which was acquired for BGB battalion is mostly cultivable land for them. As pointed out earlier, land is a scarce resource in many respects in the CHT and is one of the key issues of contention between the parties and communities. However, threats from Rohingya refugees (particularly unregistered refugees), who evicted from Myanmar due to Buddhist majoritarian and discriminatory policies, is another concern for Bangladesh. There are concerns raised by a quarter that many Rohingyas, if not all, have allegedly been involved with different unlawful activities, such as cross-border trafficking of drugs and arms, in greater CHT, Chittagong and Cox’s Bazar areas. They are also involved in local crimes, often exploited by local criminal gangs. These create security challenges for Bangladesh in many respects (Bangladesh Enterprise Institute *et al.*, 2013). Considering the geostrategic importance of the CHT, its border with India and Myanmar, and stability of the region, security experts argue for continuous presence of security forces including the BGB in bordering areas. In their absence, the area might experience more violent conflict and increased criminal activities of transnational terrorist groups (Bashar, 2011; Rashiduzzaman and Chowdhury, 2012). Under no circumstances, Bangladesh will pay less attention to security of the region that is a key focus all parties of the accord have to have a clear understanding of it. The other reason for legitimate presence of security providers in the CHT is to tackle and prevent constant fighting of different hilly groups.

### **Intra-group turf-war and inter-group sporadic violence**

A turf-war between the PCJSS and United People’s Democratic Front (UPDF)<sup>6</sup> has been continued since the signing of accord. The latter has opposed both the accord and its implementation but continued struggle for full autonomy. Though this turf-war is a phenomenon of top-level political infighting of ethnic group leaderships, the price of it has mostly been paid by ordinary citizens of the region. These groups are involved in collecting ransom from general people, on the one hand, and engaged in fighting to kill each other, on the other. There are claims that these groups are involved in extortion, which has become an acceptable part of life in the CHT. Haque once stated, “Both the JSS and UPDF are involved in a turf war and toll collection, and both the Bengalis and the indigenous people residing in remote areas have to pay. Even in Rangamati city, shopkeepers have to pay tolls to either of the groups” (Quoted in Arikuzzaman, 2011). The ransom helps parties to facilitate their regional politics and participation in elections, to buy arms and ammunition, and to support families of armed bands. These groups are caught up in a conflict for controlling areas and the associated benefits. He further stated that “the more land that

6. The United People’s Democratic Front (UPDF) was formed on 26 December 1998 as a regional political party. It is considered that divided members of the PCJSS, mostly young tribal students, formed the UPDF for officially opposing the peace accord—who accused PCJSS leaders for selling out of tribal people’s democratic movement.

comes under their influence, the more tolls they can collect. They collect different amounts from different people depending on their ability to pay” (ibid).

This is not the only postaccord conflict; other groups have also emerged in the course of time. The original conflict between the state and PCJSS has become multifaceted—tensions continued between the PCJSS and state, the Bengali settler and hill people, the PCJSS and UPDF, the UPDF and state. Some of these are latent, some are surfaced. Settlers of the CHT constitute a reality, which cannot be ignored in terms of ensuring peace and stability. A regional political organization called the *Somo Adhikar Andolon* (Equal Rights Movement) (SAA), was formed by the settler Bengalis living in the CHT, who believe that the 1997 accord has given undue advantages, power and authority to hill people by the state. Like hilly parties, this group has played a catalytic role in postaccord situation. There are at least six Bengali settler groups under the banner of SAA which continually have opposed accord implementation (The Daily Star, 05 July 2014). These groups occasionally arrange demonstrations and processions against the state decision in relation to CHT accord and its implementation process. For instance, when the LCA 2001 was amended in 2016, they expressed their resentment and brought out a procession against it. There are claims that such groups are patronized by some political parties and groups in order to undermine due implementation process. Given the complex reality of CHT associated to settler issue, without addressing this in due process it is imaginable that attaining sustainable peace is impossible.

### **Politicization, and bureaucratization, of the CHT institutions**

Politicization of key institutions of CHT, for example, the MoCHTA, the HDCs, the RC, local administration, by subsequent regimes, and influence of other institutions, have not only kept real power devolution deal aside, but indeed made holding election of the HDCs, and the RC, difficult. The only election of the CHT local government councils happened in 1989. There was no election in postaccord situation. As per the accord, election of the HDCs is supposed to hold with a separate voter list. A major challenge is to form a separate voter list, which includes only permanent residents of the region. The formation of a separate voter list has been a complex challenge encountered by all governments since 1997. The formation of a distinct voter list despite having an all-inclusive national voter list is contradictory to state structure. Given the reality of the hilly and settler population, the fear of former, is that holding an election without a separate voter list would bring unfavourable condition for them. As a consequence, there was no election in the HDCs, nor was in the RC. Therefore, all post-1997 governments preferred to trust general administration of the state and to continue interim RC and HDCs without elected representatives, which in many respects have undermined the spirit of multiparty democratic devolved governance in the CHT. Neither the RC nor the HDCs is answerable to ordinary citizen of the region, instead is accountable to the political regime which has been in power since the accord was signed.

What is more, an undefined role of the Deputy Commissioners (DCs) of three CHT districts in the accord have created confusion of a three-tier centrally controlled regional governance system and its operation. Because of such gray jurisdictions, DCs in many occasions execute

and exercise power in some areas that actually fall under the CHTRC (Rahman, 2012). According to Larma, the Chairman of the RC, “the CHTRC, throughout its journey for the last decade, has experienced the mental set up of our civic polity including that of the state machinery has not been compatible enough to match the democratic spirit heralded in through the signing of the CHT Accord” (Larma, 2010). The PCJSS in other way is a beneficiary of such an unelected system in the CHT, nevertheless. However, 28-30 subjects out of 33 have already been transferred to each HDC from the centre.

Political willingness of subsequent regimes, which were in state power since 1997, has been in question in terms of executing full devolution of power to the regional authority. Given the lack of trust between the Bengali and hilly communities living in CHT, and the security aspect of the state, it is unlikely for any Bengali majoritarian political regime to transfer full power to the CHTRC. Additionally, confidence building between the parties, which is essential for smooth implementation of the accord, has been lacking in this case that weakened process of devolution of power. The inherent ambiguities of the accord, previous conflicting relationships, slow pace of implementation and state control over political, developmental and administrative processes collectively have made it difficult to build such trust between accord signing parties. The majoritarian democracy in countries like Bangladesh is another contributing factor. There seems an undesirable unity among mainstream political parties for not to devolve full power to regional body, fearing secession or other extreme consequences. Though political regimes are mainly blamed for non-devolution of power to the CHTRC, the divided ethnic groups cannot be ruled out in this instance. However, neither the state nor major political parties in any circumstances could ignore accord implementation since the state through the accord committed to CHT people for peace.

A little substantive progress has seen in this regard other than a few implementation committee meetings since the pro-accord AL has come to power in 2008 with a mandate of CHT accord implementation. The amendment of the LCA 2001 is one of the key developments in the implementation process. However, slow implementation process has made political space for the PCJSS to claim for non- or partial implementation of the accord. They have repeatedly vowed for taking arms again, if promises of peace, made in the 1997 accord, are not kept, and if power-devolution does not truly happen. Important to note, that there will be no solution avoiding implementation, nor will anything substantive be achieved by arms or force. Appropriate implementation, which could be a longer process—perhaps need further discussions on some issues, would ensure durable peace in this region.

#### ***Post-accord development and peacebuilding: External assistance and government support***

There is no confusion that the 1997 accord created an atmosphere conducive for many actors to undertake development and peacebuilding activities in the CHT. The state along with its different institutions and mechanisms has invested huge amounts in terms of socio-economic development and building peace after the accord. Although there was no external third party involvement in mediation process, the international community welcomed the accord as a positive step towards peace in the CHT. The then Prime Minister of Bangladesh, Sheikh Hasina was awarded the UNESCO Houpet-Felix Boigny Peace Accord in 1999 because of

her role in the peace process and settling the conflict amicably. The international community kept close eyes on implementation progress. After a close assessment of postaccord CHT situation, the UNDP-led multi-donor CHT Development Facility (CHTDF) in partnership with the government started its activities for promoting development and building confidence among people since 2003. Donor agencies have preferred to engage in conflict sensitive manner in order to avoid skepticism, and most of their interventions have been in “non-controversial” sectors like in health, education and income-generating activities (Gerharz, 2012).

From 2003 to 2013, donors through the CHTDF contributed \$160.6 million in total—out of which EU provided 58%, UNDP donated 10%, UN-funded 9%, CIDA contributed 9%, DANIDA provided 8%, USAID gave 4%, and others shared 2% costs in order to build confidence among people and institutions of the region, aiming to contribute to durable peace process. Areas that the CHTDF activities have been covered are: community empowerment, institutional capacity building, innovative service delivery, community-based health services, farmer field schools and multi-linguistic education (CHTDF, 2014). With some viable attachments with peacebuilding programmes, such activities have been designed for building capacity of CHT institutions and uplifting grassroots people in general. Not only the CHTDF, other bilateral donors have also been involved with different socio-economic development, infrastructural development and peacebuilding activities through government operated programmes. They also support NGOs, working in the CHT—more than 140 NGOs have been worked on different socio-economic issues. Their activities have often been supported either by donor agencies, international NGOs or government agencies. Immense development activities including infrastructural developments, such as road communication, building schools, colleges etc. have been operated under the administrative supervision of the Chittagong Hill Tracts Development Board (CHTDB) and others.

There are claims that activities of local NGOs in the CHT are monitored. The local NGOs, for instance, need clearance from intelligence services both for registering with central NGO affairs bureau and operating in the CHT (Arens and Chakma, 2002). In 1998, hill people of the region formulated the ‘*Rangamati Declaration*’, adopted at a conference titled ‘Development in the Chittagong Hill Tracts’. The aim of it was to bring local needs and concerns to development actors, either the government or international community, which would be involved in development operations in the CHT (Roy, 2010). Moreover, any development activity is supposed to be undertaken in consultation with the CHTRC as per the 1997 accord. The reality, however, is that most of the development and peacebuilding activities, pursued by public funds, have been continued in old fashion. These have mostly been operated either through the CHTDB, directly or indirectly, or by the MoCHTA or other administrative institutions of the state, instead of involving the CHTRC. The CHTDB was created in 1976 through which development activities started in the CHT during the 1980s. It operated different developmental programs, such as ‘Food for Work’, supported by foreign aids, which introduced ‘jungle cleaning’, ‘logging’, rubber plantation, and tobacco and poppy cultivation etc (Nasreen and Togawa, 2010). Some of such plantation programmes like rubber plantation and tobacco cultivation have undermined general livelihood of CHT

people and increased health hazards of local inhabitants (Gain, 2013).

On the other hand, microcredit programmes of big organisations like the BRAC and *Grameen* Bank, which normally carry out programmes in plain areas, have been criticized by hill people because of context-insensitive application. The key concern is that they create dependency on monetary economy, and have negative effects on ethnic practice, culture, and society (Roy, 2010). Hence, any development programmes in the CHT area would require more consultation with people of the region. An optimistic side of the external approach of peacebuilding is that some educated local hilly people, have been recruited for development works, both at planning and implementation levels which have created employment opportunity for them and brought contextual knowledge into practice.

### ***Peace formation and education in the CHT***

There have been many organisations working in wider peacebuilding in CHT, yet none of them has focused on issues related to addressing the past. The past issue like many other post-conflict contexts is not a priority in the CHT. Since the accord has not touched on past issues, the wrongdoers from any side were neither brought to justice, nor were forced to make a public apology. This presumably has encouraged 'a culture of impunity' in the postaccord situation (Mohsin, 2004). Moreover, there has been no visible initiative for creating peace infrastructure, which can work on its own to sustain peace in the CHT. Nor were the regional and district level governance institutions made independent enough to work on their own towards that direction. Education in post-conflict situation is one of the key elements to make some progress in rebuilding harmonious society.

Many government institutions, donor agencies and local NGOs have paid maximum attention on education of children of CHT area. It is worthwhile to mention that compared to the period of high intensity of conflict during the 1980s, educational facilities have immensely improved in CHT. Evidence demonstrates that currently there are 279 secondary schools in the CHT, of which 18 are government run. Among these schools, 128 are located in Rangamati, 99 are based in Bandarban and 52 belong to Khagrachari district. Out of these secondary schools, 154 have enjoyed government's monthly payment order facilities—73 in Rangamati, 21 in Bandarban and 60 in Khagrachari.

Besides government initiatives, donors have poured in huge amounts for education of children. The UNESCO, for instance, has supported pre-primary education of children aiming to increase the number of students both in primary and secondary schools. Many private organizations and/or NGOs are also involved in educating disadvantaged children. One such initiative to provide education to remote students of the CHT, for example, is 'online schooling', jointly operated by a NGO called *Jago* Foundation and the *Grameen Phone*, a mobile phone operator of Bangladesh. This type of initiative needs to be promoted positively, which could be more useful in providing education to remotest areas and to bridge gaps between students of different communities, if possible to bring together. Moreover, mother language based education programmes have been implemented by different donors such as CHTDF, Save the Children and Manusher Jonno Foundation in order to improve state of education of ethnic students. This is a great opportunity to



encourage them to get involved in improving their socio-economic condition. However, mother language based education is still not supported in national curriculum.

Three HDCs have been empowered to manage education issue, while the Ministry of Education is mandated to continue providing financial and material supports for education of children. However, national education system barely supports local contexts. A key point of national curriculum is to offer education in Bangla, whereas most, if not all, of ethnic children, lack basic knowledge of using Bangla since it is not their main language. Ethnic children know their own languages better. But, when they are bound to study at an early stage in a language other than their mother tongue that creates an uncomfortable condition for them. As a result, many of them drop out from education. A “solemn mismatch” between local and national contexts contributes to it (Novakova, 2012). Additionally, the remoteness, hilly terrains and lack of access to educational institutions are a few practical challenges that deter CHT children to attend schools—therefore, educational service has been disproportionate, not only between the urban and remote areas, but also amongst/between the privileged and less privileged ethnic communities.

Another critical aspect of education in the CHT is that local inhabitants, particularly ethnic people are still not ready for opening the area for further higher education institutions like establishing universities there. There has been an opposing stance grown between the government and PCJSS. The recent opposing view of the PCJSS leader could be a sign of potential peril of the CHT peace process if careful attention is not given on this important issue by concerned authorities. Larma, the chairman of CHTRC, opposed Prime Minister’s February 2014 declaration of establishing a Science and Technology University and a Medical College in the CHT, on the ground that such institutions would encourage immigration. Such immigration will undermine their livelihood to a great extent. Though the government has established these institutions in spite of hill people’s opposition, their operations should be context sensitive so that they do not undermine peace and stability what the accord has achieved by now. Building sustainable peace through changing past conflicting relationships certainly requires cultivating a culture of peace between the communities living in the CHT wherein peace sensitive education could make a significant contribution. However, there is hardly any joint community level peacebuilding initiative, operated under either the social or religious umbrella, which could work to bridge gaps between the communities.

## **Conclusion**

Bringing a desired change in conflicting relationships after armed violence is a long, arduous journey. There is no quick way of recovering relationships between conflicting parties after signing an agreement at top political level. Building an interdependent, mutually respectful society after peace accord may take a generation, even when political process goes well and violence does not return. The implementation of a promised agreement, though often indicates a prolonged process, is indispensable for building trust and confidence between parties and communities. This helps in building capacities of governance institutions, too, so that people from all quarters have confidence to a mandated governance system. Unless

accord provisions are adequately implemented, it could lead to either partial or no peace situation due to accompanying other impediments. Political commitment of agreement parties, therefore, is as crucial a factor as wider socio-economic development and peacebuilding activities for making transition from violence to peace. However, enduring peace requires some kind of peace infrastructures, either formal or informal, in order to manage future tensions, which could emerge due to different reasons including dissatisfaction over implementation process.

Conflict transformation in practice is a complex process—as the postaccord state of peace of CHT portrays. Both parties have considered their political and military concessions and agreed to implement the accord, although regime change impacted implementation process. Direct violence stopped as a result of the accord, but peace there has been in transition. There are many issues including full implementation of the accord, resolving land problems and ensuring security of general people and the region that have to be taken into serious consideration for greater transformation of relationships between the state and hill people as well as between Bengali and ethnic communities. Bangladesh as a state can neither compromise its security of the CHT area, nor can it overlook peace and security of people and overall stability of the region. Moreover, it cannot avoid accord implementation process as long the state committed to its people for peace by the 1997 accord. This is a complex state of affair for Bangladesh, but not impossible to overcome. The crucial aspect is to build confidence and trust between parties and communities through different engagement programmes so that none of them feels that there is not enough attention from the state in relation to meeting their needs and demands. Enlightening children of the CHT through education could be a viable way of overcoming the state of backwardness of different kinds. Given the milieu, it requires a more inclusive, integrative and context sensitive approach for building pro-peace and anti-violence oriented future generations to ensure sustainable peace in longer-term.

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