Chapter V

Conflicts Management and Peaceful Solutions of Tibetans and Chakmas Problem

The South Asian countries have pursued various strategies and actions to deal with the refugee problems. The preferred solution for refugee movements has always been voluntary repatriation. There are many who calls for greater attention to solutions in place, that is, voluntary repatriation or integration in the countries of asylum, where circumstances are appropriate and there exists a willingness on the part of the host countries and the refugees. An attempts for possible solution to the problems of Tibetan and Chakma refugees and what steps has been taken so far by the concern authorities will be discussed below.

Strategy for Possible Solution to Tibet Problem

There had been a number of academic and legal discussions about the rights of the Tibetan people in the last four decades. There are also recommendations, resolutions and conclusion drawn for solving the Tibetan problems. It is therefore imperative that we should first look at the Tibetans rights under the following issues. They are: Tibetans Rights to self-determination and the question of colonialism, illegal occupation, the question of its status today as an independent state under illegal occupation and human rights violation, leading to self-determination.

First, in discussion on self-determination or in arguing of self-determination for Tibet, the UN General Assembly Resolution, 1723 (XVI), New York, 1961, inter alia, states as follows:

"The General Assembly..."
(2). Solemnly reviews its call for the cessation of practice which deprive the Tibetan people of their fundamental human rights and freedom, including their rights to self-determination"\(^1\).

As a matter of fact, the Universal Declaration of Human Rights, 1948, was proclaimed by the General Assembly as “a common standard of achievement for all peoples and all nations. Both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights commence with a common article as follows:

“All peoples have the right of self-determination by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

A description of the criteria to declare a group of individuals as “a people” for purposes of the UN Charter is contained in the document the conclusions of the UNESCO meting of Experts heed in Paris in February 1990. The Tibetan people meet all the yardsticks/characteristics for self-determination.\(^2\) The People’s Republic of China and its organs of the State power which exercise de facto control over the territory of Tibet deny the People of Tibet the exercise of their right to self-determination.

The Tibetan’s struggle' for sovereignty, statehood and self-determination still continues. It is important to noted that the Tibetan’s claim for self-determination is not “a case of secession, it is a case of liberation from the illegal occupying power. It is not a demand for the creation of a new state but for regaining the lost territory”\(^3\).

\(^1\) UN General Assembly Resolution 1723 (xvi), New York, 1961.
B.C. Nirmal paper, 1996 on “The Right of Self-Determination of the Tibetan People, Approaches and Modalities” discussed four possible approaches to deal with Tibetan’s right to self-determination. They are: i) Decolonisation approach, ii) Human Rights Approach; iii) International Peace and Security; and iv) Negotiations between China and His Holiness the Dalai Lama.

Decolonisation Approach

Nirmal argued that colonialism is a loaded term and moreover the colonial rule of a non-European power may be more oppressive and exploitative than the classic colonialism. Further, the right of self-determination has broader applicability and the United Nations has applied the principles of decolonization law in such non-colonial situations as Namibia, Palestine, South Africa, East Timor (under Indonesian illegal occupation) and Western Sahara (under Morocco’s forcible occupation).

There are certain criteria laid down by the UN General Assembly how a territory can be regarded as a non-self-governing. According to General Assembly Resolution 1541 (XV) a prime facie case for a non-self governing territory is one which is “geographically separate and is distinct ethnically and/or culturally from the country administering it”. Once such a prime facie case is established, other elements such as administrative, political, jurisdictional, economic, and historical factors can be considered. If the relationship between the metropolitan state and the territory concerned is of such a nature that the latter is placed ‘in a position of status of subordination’, the presumption, that such a territory is non-self-governing under Chapter XI of the Charter is confirmed.

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4 ibid., pp. 44-77.
If these criteria were to be applied to Tibet and violations of human rights on mass were taken not cognizance, Tibet could be deemed to be a non-self governing territory. Since the territory has all the features of traditional colonialism it comes very well within the purview of the 1960 Declonization Declaration. The oppressive and exploitative social-oriented colonial rule to which the Tibetans are subjected is not only constitutive of a denial of fundamental human rights but it is also in consistent with the Charter of the United Nations, the Universal Declaration of Human Rights 1948, and the 1960 Decolonization Declaration.

The fact that the General Assembly resolution on Self-Determination of Tibet had been adopted at a time when the exclusive forces of the United Nations in the filed of self-determination was on decolonization. And also once the non-self governing status of the territory is recognized it will no longer justified for China to evade its international obligations regarding decolonization of Tibet under the clock of the territory's constitutional status or by an appeal to its jurisdiction or to its territory integrity. Given the illegality of Chinese control over Tibet the territorial integrity argument has no relevance of all. In fact what is at stake in this case is the territorial integrity of Tibet which was an independent state prior to the Chinese aggression.

It is also suggested that the colonial right to self-determination be qualified by other principles of international law, viz. the principle of *uti posseditis*, historical ties and colonial enclaves in International Law. Regarding historical ties, the fact that Tibet was a state independent both in fact and law prior to its occupation by the People’s Republic of China further strengthens the legitimacy of the Tibetan claim to self-determination. Tibet’s long history of separate and independence existence, is unique historical status, and the peculiar common

206
characteristics of its peoples all go to support the right to self-determination of the Tibetan peoples. Similarly, to suggest that Tibet represent an enclave in international law is to engage in academic sophistry Tibet is not small and insignificant that it can justify its incorporation into a larger contiguous China. Tibet is larger and more economically viable than many existing states, e.g., Nauru, Micronesia and San Marino. Much the same can be said for the relevance of *uti posseditis*, in the case of Tibet. As articulated by the International Court of Justice in the Frontier Dispute Case, this principle requires that states should become independent within existing colonial boundaries and to pressure the integrity of the newly state from further acts of self-determination, e.g., Krajina from Croatia, Biafra from Nigeria. It does not entitle a powerful neighbour state to absorb a smaller and weak state.

**Human Rights Approach**

According to this approach, Nirmal suggested that Tibet’s right to self-determination deserves to be governed by the principles of decolonization but it can also profit from the broader implementation of self-determination outside the strict classical decolonization context.

In the non-colonial context right to self-determination, human right perspective is more relevant than anything else. As the right to self-determination is a collective human right by virtue of which all peoples are entitled to freely determine their political status and freely pursue their economic, social and cultural development. Accordingly, the realization of the right to self-determination is an essential condition for the effective guarantee and observance of individual and group human rights and vice versa. The international community has been resolute in its rejection of claim to secessionist-self-determination as it has
disastrous consequences for the territorial integrity of the existing states. But the Friendly Declaration, 1970 and the Vienna Declaration of Human Right, 1993 holds out the possibility of a remedial secession in extremely rare cases. Where deprivation of human right is rampant, secession appears to be the only remedy to save a people from genocide and other grave forms of violations of human rights. Where the sovereignty over the territory is in dispute, a claim to external self-determination or secession may be regarded as legitimate. In other situation the right to self-determination should be seen as a means to achieve a broader set of goals as respects for human right rule of law, democracy and autonomy the denial of which may eventually justify the assertion of self-determination as an end in itself. 5

Against this background we will examine whether human rights situation in Tibet provides any justification for the demand of the Tibetan people for the exercise of their right to self-determination. Tibetans have been subjected to a consistent pattern of serious violation of universally recognized human rights. Widespread and systematic abuses against individual Tibetans and the Tibetan people, their culture and religion have been disseminated as reported by various human rights organizations and a number of governmental delegations that visit Tibet. There is also cultural genocide, which have made the international community seriously concerned about the very survival of the Tibetans people and disappearance of their distinct religious, cultural and national identity. Three resolutions passed by the UN General Assembly, all expressed concerns at the continued violation of the fundamental human rights and freedoms of the people of Tibet and the continued suppression of their

5 The United Nations recognizes the separate and distinct character of non-Self-governing territories from that of their colonial rulers. Once a state is declared as NSGT by the United Nations, the fact that the territory in question is a Constitutionally overseas province of the Colonial Power, or is a self-governing territory under the Constitution of the administering authority, is immaterial and does not exonerate the state concerned from performing international obligations regarding declonisation of the territory.
distinctive cultural and religious life, and declared its conviction that such violations embitter relations between peoples. These resolutions also called for respect for the fundamental human rights of the Tibetan people and their distinct cultural and religious life and for the cessation of practices that deprive the Tibetan people of their fundamental human rights and freedom, including their right to self-determination. Moreover the General Assembly expressed the hope that the member-states will make all possible efforts, as appropriate, towards achieving the purpose of these resolutions.

A number of distinguished human rights organizations and reports and conclusion of various international bodies were confirmed the seriousness of these charges. Despite all these the Chinese government continues its policy of racial discrimination, religious intolerance, cultural genocide, oppression, terror and demographic aggression, overlooking the fact that the Tibet people, like all others are entitled to fundamental human right and freedom recognized in the Universal Declaration of Human Rights and other related covenants and declarations. It is contrary to assurances given by the PRC under the 17-point Agreement of 1951, viz., autonomy to Tibet and safeguarding of its culture and religious heritage and traditions. Instead the population transfer of Chinese into Tibet continues with alarming intensity, so that the whole country is being transformed into a Chinese area where Tibetans are becoming a powerless minority.

The plight of the Tibetan people and the denial of basic human rights to them have figured prominently at various human rights fora of the UN including the UNCHR and its sub-commissions. On 23 August 1991, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities passed the 'situation in Tibet resolution (1991/10), expressing concern at continuing reports of violations of
fundamental rights and freedoms which threatened and distinct cultural, religious and national identity of the Tibetan people. In 1992 the UN Secretary-General prepared a note for the UN Commission on Human Rights (E/CN4/1992/37) containing numerous detailed reports of human right violations in Tibet.

These human rights violations are contrary to international law and therefore make China the state responsible for them. These continued occurrence in contravention of China's international obligation to promote and respect the basic human rights and fundamental freedoms of the Tibetan people suggests the indispensability of the exercise of the right of self-determination by the Tibetan people, then only the fundamental causes of grave violations of human rights be renounced. What is therefore needed is immediate withdrawal of China's occupation from Tibet and return of a free Tibet to the Tibetan people.

International Peace and Security

Chinese authority violations of human rights, along with the denial of the exercise of the right to self-determination, constitute a threat to international peace, which in turn justifies the UN Security Council's intervention under Chapter VI of the UN Charter. But given the PRC's permanent membership of the Security Council, such intervention is not likely to be materialized. In the circumstances the General Assembly should be urged immediately to pass a resolution declaring that the situation in Tibet endangers international peace and security and recommending actions for the peaceful adjustment of the situation in Tibet.

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The growing militarization of Tibet and the installation of the Chinese nuclear arms in Tibet demands that the issue of the Tibetan's right to self-determination should be dealt with from the perspective of international peace and security. It must be recognized that militarization in Tibet not only poses an oppressive burden on Tibetans, but it also a source of instability and potential conflict in the region under these rights the Tibetans will not only enable them to pursue their political, social and economic development but it will also restore peace and security in the region.

Negotiations

China denies both the entitle to and claim for self-determination by the people of Tibet by asserting historical claims to the territory which is being vehemently opposed by the Tibetan people and the Tibetan Government (in exile). There is also a dispute about the sovereignty of China over Tibet for the settlement, which as a member of the United Nations China is under legal obligations to settle a dispute through peacefully means, including negotiations.

Michael Van Walt Praaq in his book, 1987, *The Status of Tibet*, suggested three possible solutions to the Tibet situation based upon the 1960, UN Resolution 1514, “Declaration on the Granting of Independence of colonial countries and peoples”, and the accompanying Resolution 1541, which set out the means by which a “Non-Self Governing Territory” could be said to have reached a full measure of self-government”. These were emergence as a sovereign state; tree

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7 ibib., p. 7.
association with an independent state; or integration with an independence.⁸

Van Walt suggested that independence would be the "most satisfactory resolution of the Sino-Tibetan question", but that the "free association" arrangement offered a solution for more satisfactory than full integration of Tibet with China. The status of "free association", proposed for Tibet in the Dalai Lama’s Strasbourg statement, was defined in Resolution 1514 as follows:

(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent state the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not prelude consultations as appropriate or

(c) necessary under the forms of the free association agreed upon.⁹

⁹ Michael Van Walt Praag, 1987, The Status of Tibet: History, Rights and Prospect in International Law, Boulder: Westview Press, p. 198. Van Walt proposed that these United Nations criteria were applicable to the 'Status and Right of the Tibetan People', despite the fact that Tibet had not been designated as a Non-self- governing Territory by UN or any of its member states, and would certainly not so recognized by the PRC. The lack of any such International recognition would very likely have impeded the ability of UN or its member states to support a settlement of the Tibetan issue based upon Resolutions 1514 and 1541.
The associative international legal status for Tibet would theoretically satisfy China's primary interests in the fields of defense and foreign relations while guaranteeing for Tibet an international political identity and internationally sanctioned cultural and political autonomy. Van Walt cited associated status as "a consensual one between two sovereign states" and claimed that "Tibet would thereby resumed the exercise of its sovereignty". The free association status was identified by Van Walt as similar to the protectorate relationship, but different in that the associated state would have the unilateral power to actor the association arrangement according to its own freely expressed democratic choice. Associative status was therefore claimed to offer a pattern for the future for the transition to self-government of formerly dependent or colonial states. Van Walt proposed that associative status was appropriate to Tibet's situation since it "bear significant similarities to the traditional Cho-yon relationship." The Chinese criticized the associative status proposal as an attempt by the Dalai Lama to turn the question of regional autonomy among China's national minorities into one of relations between a suzerain state and a dependency, a type of relationship "long cherished by imperialists", since it would "pose a direct challenge to Tibet's legal status as an inalienable part of China". The proposed associative arrangement was seen by the Chinese as essentially, a Tibetan attempt to undo the Chinese "liberation" of Tibet and the 17-points Agreement. The Chinese regarded the Tibetan proposals as an attempt to negate one of the great

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10 ibid., p.284. The examples offered of urgently successful associative relationship were, however few and subtailally irrelevant to Tibet situation. All were Islands of small significance, usually considerably distinct form the mainland protectorate or colonial state: Puerto Rico, Micronesia, Cook Island and Samoa, none of which are relevant to Tibet's situation or lend much credence to the contention that associative status offers of a solution for issues of self-government in the future.
achievements of the Chinese revolution the ‘reunion’ of the Tibet with China and the final establishment of centralized Chinese in Tibet.

**Sino-Tibetan Dialogue**

As mentioned early, peaceful means, including negotiation are important for the future of Tibet and the fate of the Tibetan people. We will highlight and comment on what has been and what should be the step for Sino-Tibetan dialogue, which may resulted in solving Tibet problem.

When power in Beijing changed after Mao’s death in September 1976, the new ruler seeks normalization towards Tibet. There was a conciliatory statement in April 1977, when Mr. Ngabo Ngawang Jigme (a member of high-ranking member of the Tibetan communist leader) publicly announced that China would welcome the return of the Dalai Lama, ‘and his followers who fled to India’. Since the 1960s, the Chinese had been calling for all who had left Tibet to return; saying that they would be welcomed with open arm.

There was a positive development and hopeful signs for solving Tibetan problem. Tibetans began to hear more about the ‘unprecedented happiness in Tibet. There was a call for the full restoration of Tibetan customs and, for the first time in twenty years, elderly people were permitted to circumambulance the Jokhang once more and national dress was allowed to wear.13

On 25 February 1978 the Panchen Lama, the second highest spiritual in Tibet was suddenly released after almost a decade in jail. And

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in another development the Dalai Lama suggestions of unrestricted foreign visitors were admitted to Tibet. And also, provision was made for Tibetan both inside and outside Tibet to be able to make visits, although in neither case were these new permissions unrestricted.

Towards the end of 1978, there was a further encouraging development, when China's supreme leader Mr. Deng Xiaoping initiated a dialogue. In 1979, Deng Xiaoping stated that China was prepared to discuss anything except total independence of Tibet and since then the Dalai Lama and his government-in-exile have repeatedly made efforts to find a negotiated solution to the grave situation in Tibet within the overall framework of China's stated policy. The primary Chinese motive was to persuade the 'self-exiled Tibetan leader to return to the motherland'. The Dalai Lama in exile was not only creates frequent embarrassment to the People's Republic of China (PRC) but what is more important, China fears that the Dalai Lama could be used for anti-Chinese purposes by hostile powers. If the Dalai Lama could be persuaded to end his exile, he would automatically cease to be a source of embarrassment and potential danger to China. In addition, China hoped that he could be used at home to legitimize Chinese rule in Tibet.¹⁵

There was a realization by the Dalai Lama, the need for negotiation for a greater degree of autonomy from China, with the United States abandonment of Tibet cause in early 1970s, began. It was 1 February 1979, the anniversary of Chinese Communist party established People’s Republic of China that the United States formally recognized the People Republic of China.

¹⁴ On 10 March 1978, speech, marking the 19th anniversary of the Tibetan People’s National Uprising, the Dalai Lama called on the Chinese authorities to allow unrestricted access to Tibet for the foreigners. And also he suggested that they should permit Tibetans in occupied Tibet to visit their families in exile, and vice versa.

The Panchen Lama, in his first public appearance for fourteen years, made calling for Dalai Lama and his fellow exiles to return. ‘If the Dalai Lama is genuinely interested in the happiness and welfare of the Tibetan masses, he need have no doubts about it’, he said, ‘I can guarantee that the present standard of living of the Tibetan people in Tibet is many times better than that of the “old society”’. A week later, this invitation was repeated by Radio Lhasa as it announced the formation of a special welcoming committee to receive Tibetan from abroad. There was a personal emissary of Deng Xiao-Ping, who explained that the Chinese leader wanted to open communications with the Dalai Lama. 16

Deng Xiao-ping introduced his reform since 1978, which included not only the four modernization- but also the bold initiatives to resolve some of the outstanding national problems such as Taiwan and Tibet. On the other hand the Dalai Lama too scaled down his demands on the Tibetan question by the late 1970s in shifting the essence of his struggle from claims for independence to concerns about economic welfare. On 10 March 1978 he declared, “If the six million Tibetan in Tibet are really happy and prosperous as never before there is no reason for us to agree otherwise”. A year alter he explained “the main reason why we are in exile is the welfare of the six million Tibetans. And in 1980 he was more explicit... The core of the Tibetan issue is the welfare and ultimate happiness of the six million Tibetans in Tibet”. 17

The Dalai Lama Send Delegation To Tibet

Mr. Deng Xiao-ping conveyed to Mr Gyalo Thondup on December 3, 1978, and stated that, ‘the basic question is whether Tibet is a part of

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China or not. This should be kept as the criteria for testing the truth, so long as it is not accepted that Tibet is an integral part of China, there is nothing else to talk about'. Second, Deng Xiao-ping allowed the Dalai Lama might send delegations to Tibet to investigate the actual conditions to Tibet to investigate the actual conditions there. Third, Deng Xiao-ping accepted the Tibetan suggestion that 50 Tibetan teachers from India be permitted to teach in various parts of Tibet.

On August 2, 1979, a fact-finding delegations comprised of five members of Tibetan Government-in-Exile left New Delhi en route to Tibet via Peking. 'I selected men who not only knew Tibet as it was before the Chinese invasion, but were familiar with the modern world as well. I also ensured that there was a representative of each of the three different provinces’, Dalai Lama wrote.18

The Chinese authority accepted the first delegation was followed by two more missions as proposed by the Dalai Lama. The first delegation returned in October 1979.

The Dalai Lama on the eve of 21st anniversary of the Tibetan uprising, March 1980, said that for the first time in nearly 21 years “we have established contact with the Chinese government as well as such beloved country men” .19

The second and third fact-finding missions both left India for Tibet during May 1980 and the second one, he wanted to included some overseas representatives of the Dalai Lama. To eliminate any possible criticism from the young people, the second delegation comprises of the president of the then Tibetan youth Congress, Mr. Desang Jinpo. The

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third one, comprises of six member team of educators, includes the 37 year old sister of the Dalai Lama Mrs. Pema Gyalop.20

The visits to Tibet were for on-the-spot study of the life and conditions of the Tibetan people. This move of Peking is a part of its new policy to induce the Dalai Lama and other 100,000 exiled, living in various parts of India, Nepal, Bhutan and many other western countries to return to Tibet for good. In his interviewed to the New York Times, that time, the exiled leader, the Dalai Lama said, “China’s attitude has become more moderate, more reasonable, more understanding and more realistic”. He further added “under the circumstances he could now envision going back to his homeland someday”. 21

The second delegation – young people’s mission – was unable to complete its investigations. As Tibetans began turning out in force to greet the exiles and denounce the Chinese presence, the authorities accused the delegates of inciting the masses to acts of defiance and expelled the delegation from Tibet, for endangering the ‘Unity of the Motherland’. The third delegation, which was led by Mrs. Pema Gyalop, the Dalai Lama sister, was permitted to stay. And the delegation returned to Dharamsala in October 1980.

The information gathered by the fact finding missions revealed, overall not only the full extent of China’s rape of Tibet, but also that living conditions for Tibetans continued to be wretched. And although, compared with the suffering of the previous twenty years the situation

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218
had undoubtedly improved, it was evident that the Chinese authorities still considered Tibetans to be "backward, ignorant, cruel and barbaric". 22

And also Mr. Hu Yaobang on 28 July 1981, conveyed to Mr. Gyalo Thondup China's 'Five Point proposal to the Dalai Lama.' 23

First, China now had entered a new era of political stability, economic prosperity and friendly relations among all the nationalities. These trends will not change for a long time to come. Since the Dalai Lama and his entourage 'are intelligent' they should believe in what the new era promises. If they do not, they can wait and see. Second, the Dalai Lama and those appointed by him to represent him at talks must be 'sincere'; they must not 'bargain like businessmen' on China's part there will be no punishment of those Tibetans who took part in the 1959 rebellion. Third... we sincerely welcome back the Dalai Lama and his entourage 'to permanently settle down in China' for once returned, the Dalai Lama can promote national unity, improve relations among nationalities and accelerate the progress of the four modernization.

Fourth point, if and when he return to China his political and economic privileges will be as those of pre-1959. He will be appointed as Vice-President of the National People's Congress as well as Vice-Chairman of the Chinese People's Political Consultative Committee. Fifth, the Dalai Lama could decide what he wanted to say. China would organize a grand reception and hold a press conference.

The Dalai Lama's reaction to the Chinese five-point proposal was brief: 'Instead of addressing the real issues facing six million Tibetan

23 Norbu, No. 15, pp.324-25.
people. China has attempted to reduce the question of Tibet to a discussion of my own personal status.\textsuperscript{24}

At the beginning of April 1982, a three-member team of negotiations from Dharmsala left to Peking for discussion on the future of Tibet. It was led by Juchen Thubten Namgyal, then Senior Member of Kashag with him Mr Phuntsog Tashai Takla, and Mr. Lodi Gyaltsen Gyori, Chairman of the Tibetan Peoples’ Assembly. They met Senior Members of the Chinese Government with a view to both sides clarifying their position.

Amongst other point, the three-member team put forwarded for discussion, first, the historical facts concerning Tibet (homeland). They reminded the Chinese that, historically speaking, Tibet has always been separate from China, ‘a fact that was implicitly recognized when Peking imposed the 17-point Agreement’. Secondly, the negotiators put it to the Chinese that, despite the ‘progress’ in Tibet, loudly publicized with outrageous exaggeration, in reality the Tibetan people were totally dissatisfied. On the basis of these facts, they suggested, it was up to China to find a new approach which acknowledged reality.\textsuperscript{25}

According to the Dalai Lama, “they lectured the delegates and accused us of using the evidence of the fact-finding missions to distort the truth. All they really wanted to discuss was the return of the Dalai Lama.”\textsuperscript{26} They produced the list of five points regarding the future of the Dalai Lama.\textsuperscript{27}

\textsuperscript{24} Ibib., p. 325.
\textsuperscript{25} The Dalai Lama, 1990,'Freedom in Exile: The Autobiography of His Holiness The Dalai Lama of Tibet.' No.13, p. 264.
\textsuperscript{26} Ibib., P. 266.
\textsuperscript{27} Ibib., pp. 266-67.
1. The Dalai Lama should be confident that China has entered a new stage of long-term political stability, steady economic growth and mutual help among, all nationalities.

2. The Dalai Lama and his representatives should be frank and sincere with the Central Government, not beat about the bush. There should be no more quibbling over the events of 1959.

3. The central authorities would sincerely welcome back the Dalai Lama and his followers. This is based on the hope that they will contribute to upholding China’s unity, to promoting solidarity between the Han and Tibetan nationalities and among all nationalities, and to promoting the modernization programme.

4. The Dalai Lama will enjoy the same political status and living conditions as he had before 1959. It is suggested that he need not go to live in Tibet or hold local posts there. Of course, he may go back to Tibet from time to time. His followers need not worry about their jobs and living conditions. These will only be better than before.

5. When the Dalai Lama wishes come back, he can issue a brief statement to the press. It is up to him to decide what he would like to say in the statement.

After the delegation had returned to Dharamsala, the Chinese Government published a heavily slanted version of the proceedings, which referred to Tibetan viewpoint as being ‘splittist’, ‘reactionary’ and opposed by the Chinese people and most strenuously by the Tibetans. 28

By 1984, it had become clear that China’s policy with regard to Tibet had indeed undergone a major shift. In direct contradiction to Mr. Hu Yaobang’s pledge to reduce by 85 percent the number of Chinese officials in Tibet, a massive effort to encourage immigration began. In the name of ‘development’, 60,000 skilled and unskilled workers were recruited to start the process and given financial guarantees, housing assistance and
the promise of home-leave entitlement. Simultaneously, due to the relaxation of travel restrictions within China itself, many others followed as private individuals, lured by the prospect of finding work.

In hoping to solve the Tibet problem the Dalai Lama put forward before the United States Congressional Human Rights Caucus, on 21 September 1987, his five-point peace proposal.29

1. The transformation of the whole of Tibet into a zone of peace.

2. Abandonment of China’s population transfer policy, which threaten the very existence of the Tibetans as a people.

3. Respect for the Tibetan people’s fundamental human rights and democratic freedoms.

4. Restoration and protection of Tibet’s natural environment and the abandonment of China’s use of Tibet for the production of nuclear weapons and dumping of nuclear waste.

5. Commencement of earnest negotiations on the future status of Tibet and of relations between Tibetan and Chinese peoples.

And again in 14 June 1988, the Dalai Lama outlined the framework for Sino-Tibet negotiations in his address to the European Parliament at Strasbourg, France. The Dalai Lama attempted to revive negotiations with People’s Republic of China by formally accepting Deng Xiao-ping’s precondition that he ‘give up the idea of Tibetan independence’. The Dalai Lama’s proposal was the first acknowledgment that he and the Tibetan government in Exile would accept the reality of Chinese sovereignty over Tibet in exchange for genuine and well-defined autonomous rights. To quoted the Dalai Lama. To quote,

28 Ibid., p.270.
29 Ibid., p.273
"... I have thought for a long time on how to achieve a realistic solution to my nation's plight. My Cabinet and I solicited the opinions of many friends and concerned persons. As a result on September 21, 1987, at the Congressional Human Rights Caucus in Washington, D.C. I announced a Five-Point peace Plan for Tibet. In it I called for the conversion of Tibet into a zone of peace, a sanctuary in which humanity and nature can will together in harmony. I also called for respect for human rights and demographic ideals, environmental protection and a halt to the Chinese population transfer into Tibet.

The fifth point of the peace plan called for earnest negotiations between the Tibetans and the Chinese. We have, therefore, taken the initiative to formulate some thoughts which, we hope, may serve as a basis for resolving the issue of Tibet...

The Whole of Tibet known as Cholka-Sum (U-Tsang, Kham and Amdo) should become self-governing democratic political entity founded on law by agreement of the people for the common good and the protection of themselves and their environment, in association with the People's Republic of China.

The Government of the People's Republic of China could remain responsible for Tibet's foreign policy. The Government of Tibet should, however, develop and maintain relations, through its own Foreign Affairs Bureau, in the fields of commerce, education, culture, religious tourism, science, sports and other non-political activities. Tibet should join international organization concerned with such activities.

The Government of Tibet should be founded a constitution on basic law. The basic law should provide for a democratic system of government entrusted with the task of ensuring economic equality, social justice and protection of the environment. This means that the Government of Tibet will have the right to decide on all affairs relating to Tibet and the Tibetans..." 30

The 'Strasbourg proposals' elaborated some of the conditions first proposed by Tibetan negotiating in 1982 and 1984 in regard to the Tibetan autonomous rights. The Tibetan proposals were again based upon the "one country two systems" formula the PRC had offered to Taiwan and Hong Kong. The Tibetans demanded more, not less, autonomy that

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Hong Kong or Taiwan based upon Tibet status in relation to China as one of political “association”.  

The Tibetan government in exile may have thought that the combination of international pressure, trouble within Tibet, and Tibetan acceptance of Mr. Deng Xiao-ping primary condition for negotiations — abandonment of the demand for independence — might move the Chinese to re-open negotiations. However, the China condemned the Dalai Lama’s proposal as an attempt to “tamper with history, distort reality, and deny Tibet’s status as an alienable part of China’s territory under Chinese sovereignty”. China expressed its intention to resist any attempts to internationalize the “so-called Tibet question”, and make no concession on the question of sovereignty. The Dalai Lama’s formula for a Tibetan “associative” status in relation to China was characterized as “semi-independence” or “disguised independence”.

The Chinese interpreted the Strasbourg statement not as a concession, but as perpetuating and elaborating the “idea of Tibetan independence”. Even the characterization of Tibet as a dependency of China in the past, under Chinese “suzerainty” as the Tibetans were willing to admits reviewed the issue of Tibet as a country separate from China and the legitimacy of China’s “liberation” of Tibet in 1950. And the Dalai Lama’s intention, the Chinese said, was “to transforms Chinese internal affairs into a question between two countries and thus lay the ground work for an attempt to separate Tibet the rest of China”, and “some international forces hostile forces have been using the “plan” as a weapon against China”.

34 Ibid.; China’s contention that Tibet had “always” been an “integral part of China”, required that Tibet not be defined as a “Country” at all,(even, presumably, before the 13th Century.

224
Many Tibetans, however, regarded the Dalai Lama’s compromise on the issue of independence as an abandonment of the essence of the Tibetan’s had fought, suffered and died. While popular opposition to an initiative of the Dalai Lama might be taken for a rather healthy sign of the growth of democracy in the previously autocratic Tibetan political system, the controversy over Strasbourg proposal created damaging division in Tibetan society and doubt over the goals of Tibetan struggle and willingness of Tibetan-exile leaders to preserve in that struggle.35

As far as the Dalai Lama as concerned, his Strasbourg Statement represents a compromise solution to the controversial Tibetan question while eschewing persistent Tibetan claims to independence, it calls for a greater degree of domestic autonomy, which does not conflict with Chinese sovereignty or security concerns.36

The Chinese response by imposing impossible conditions of dialogue. On 23 September 1988, the Chinese Embassy in New Delhi delivered and informed the Dalai Lama’s representative, Mr. Tashi Wangdi, that neither the Five-Point Peace Plan nor Strasbourg Statement could be the basis for negotiation. The man Chinese objections “because it has not at all relinquished the concept of the ‘independence of Tibet’”. 37

The Chinese insisted upon a return to the original conditions for dialogue set out by Mr. Deng Xiao-ping, with the addition that any actual talk moved would have to include a personal participation by the Dalai Lama. The Chinese refused to negotiate with of the Tibetan Government-in-Exile, a Tibetan polity they did not recognize, or a foreign legal advisor on the Tibetan negotiation teams, (Michael Van Walt Praag). The Chinese media stated in 1990. “Chinese Central Government has made it

36 Norbu. No. 15, p.326.  
37 Ibid.
clear that it cannot accept the so-called new proposal made by the Dalai Lama at Strasbourg, France, in June of 1988, let alone make them the basis of the dialogue, because the proposals were formed on the pretext that ‘Tibet used to be a country’.

China’s Solution to the Tibet Problem

China’s solution to the dispute with the Dalai Lama was for him to “renounce separation and return to the stance of patriotism and unity”. According to an article published in 1991, “the central government will make not the slightest concession on the fundamental issue of maintaining the motherland’s unification”. The Central government was willing to hold talks with the Dalai Lama at any time, “so long as the Dalai Lama can give up his divisive stand and admit that Tibet as an alienable part of China”.

The Chinese Communist Party’s position on negotiations remained that Tibet was an internal affairs of China and the issue of the Dalai Lama was on “between the Central Government and an exiled religious leader, the purpose of which is to solve the problem of his repatriation and that of the people of who follow him”.

The second Tibet work conference 1984 initiated the economic development programme, this had involved into a strategy that seemed to hold the potential for permanently resolving the Tibet issue. Since 1984 the Chinese Communist party had realized that the attempt to convince

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38 Smith. No. 35, p. 615.
39 "Dalai Lama and 17-Articles Agreement", Beijing Review, 13 May 1991, p. 22. The term “Central Government” to Emphasize Tibet was an internal issue.
the Dalai Lama to return had created more difficulties than his return had the potential to resolve; in addition, given the experience with the visits of his representatives, there was considerable uncertainty about the wisdom of allowing his return at all. The decision to abandon negotiations with the Dalai Lama made Chinese policy less dependent upon the approval of Tibetans in-exile or of those within Tibet and had allowed the CCP to pursue a policy of development combined with political repression and colonization without regard to Tibetan resistance.

The policy of economic development and colonization under the guise of development offered both the political and social solution to the Tibet problem, although this was perhaps not fully realized in 1984 when this policy was decided upon. Economic development would either integrate Tibetans economically or marginalize them if they refused to participate. In addition, the transfer of large numbers of Chinese to Tibet would demographically and politically marginalize them. Tibetan resistance would be controlled by strict limits on cultural and religious autonomy and by refined methods of identification and repression of Tibetan nationalists. The Chinese argued that they were practicing a policy of population transfer or colonization in Tibet because the Han were sent to Tibet for development projects or those there independently all retained resident permits in their home provinces and were thus not "residents" of Tibet even though they spent the majority of the time there. The economic development policy for Tibet was even sufficiently politically benign to be presented as deserving of international assistance.

The influx of Chinese after 1984 eventually contributed to Tibetan discontent and the demonstrations and riots of 1987-89. The collapse of the Soviet Union and fears of a similar phenomenon in the PRC determined Chinese hard-liners to firmly resist any moves made a rapid recovery after Tiananmen Square 1988, and entered a period of the most

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41 The First Tibet Work Conference was held in 1980.

227
rapid economic growth in modern Chinese history. China was therefore relatively immune from international sanctions and, in Tibet, able to continue its programme of expensive economic subsidies and developments. The Chinese post 1989 policy in Tibet was characterized by an emphasis upon “security and stability” manifested by an immense security force and immediate repression of any signs of “separatist” or “splittist” activities.

The CCP’s New Tibet policy of disguised colonization received its ideological imprimatur from Deng Xiao-ping in 1987 in an article entitled, “Speeding up Tibet’s Development on the Basis of Equality among various Nationalities”. The origin of this ‘article’ was actually a few remarks made by Deng in defense of China’s Tibet policy during his visit to the US in 1987. In his reply to a question in regard to China’s policy of population transfer to Tibetan. Deng said that it was “inappropriate to judge China’s nationalities polices and the Tibet issue against the number of Han people in Tibet... The key criteria should be what benefits will accrue to the people of Tibet and how Tibet should be made to develop rapidly and stand at the forefront of China’s four modernization”. Deng remarks were purported to constitute a “guiding document” on the issue and “an important part of socialism with Chinese characteristics... an historical document that directly address Tibet’s reality” and a “most potent ideological weapon”, which “articulated our party’s view on nationalities during the new historical period, and creatively improved up Marxism-Leninsim-Mao Tsedong thought”.42

The essence of Deng’s ‘guiding document” was that CCP would no longer restrict the number of Han in Tibet since they were necessary for Tibet to be developed. As the article elaborating Deng’s doctrine explained, despite “earth shaking-changes”, Tibet “remains in a state of
backwardness... The gap between Tibet and developed regions is growing by day. Other than the natural environment, this is largely the result of ideological and conceptual differences”.43

The solution to Tibetans problem was declared to be assistance in economic development by the central government and the importation of large number of “skilled personnel”.44

“Tibet cannot develop on its own, on the one had, with the central government’s kind attention and economic support, it should carry out some infrastructure projects to crate conditions for economic development. On the other hand, it should seek help from fraternal provinces and municipalities in terms of manpower and materials. In the area of man power, we need to get large number of Han comrades into Tibet so that they can impart scientific and technological know how, share their scientific management expertise, and help from scientific, technological, and managerial personnel to speed up its economic development. While Tibet is being helped with its development, no one should unilaterally stress the need to “judge China’s nationalities policies and the Tibet issue against the number of Han people in Tibet”.

Deng and the CCP in essence declared that the party would no longer adhere to its policy that Tibet was to be an area of exclusive Tibetan “autonomous” rights of any kind. Tibetans would be allowed some cultural autonomy as a minority culture within Tibet as within China as a whole, so long as political issues were not involved, but Tibetans would not have any rights to demographic or cultural homogeneity within their own ‘autonomous territories’. The CCP was no longer committed to the preservation of Tibet as an area of exclusive Tibetan habitation; instead, Chinese “skilled personnel”, not yet admittedly colonists, but colonists nonetheless, would share in the economic development of Tibet as in any other area of China.

43 Ibid., p.638.
44 Ibid., p.639.
In December 1992, Chen Kuiyuan, a hard-line leftist, was appointed CCP general secretary in TAR. Chen immediately affirmed the policy of reliance upon direct rule in Tibet by purging Tibetans from positions of authority and bringing in Han cadres to take their place. Chen echoed Mao’s 1956 dictum that minority nationalities should not be denied the benefits of socialist transformation based upon their presumed backwardness by indicating that Tibet’s “special characteristics” would not be allowed to stand in the way of economic development or the opening of Tibet to an influx of Chinese.45

In July 1994, the CCP summoned its “Third National Work Forum on Tibet”. Attending the conference were Chinese and Tibetan cadres and China’s top leaders, including Jiang Zemin and Li Peng. Forum themes were, “development and stability”, as was evident in the final document, “Decision to Accelerate Development and Maintain Stability in Tibet”.

The propaganda committee of the TAR communist party summarized the decisions of the Third Tibet Work Forum in a document for internal entitled A Golden Bridge leading into a New Era. This document revealed that the CCP was no longer seriously interested in dialogue with the Dalai Lama or in his return, having characterized the competition with the “Dalai Clique” as an “antagonistic contradiction with the enemy”.

The Third Work Forum also set out an uncompromising line on restriction of religion and political activities of monks and nuns.

“Though monasteries which take sides with the splittists and which are always causing trouble in order to stir up disturbance should be reorganized within a certain time, and if necessary their doors can

45 Cutting off Serpent’s Head: Tightening Control in Tibet, 1994-95. New York: Information Network, Human Rights Watch/Asia, 1996, p.20. In 1956, Minorities “special Characteristics” were regarded as backed; however Mao’s had condemned the policy of excluding Minorities from Socialist development as “rightist” Whereas Chen condemned the exclusion if Tibetans from Capitalists development as “leftist”
be closed in order to do so. Those monks and nuns who joined the splittists to cause disturbances and who could not be persuaded to change their attitudes should be punished severely according to the law...

We much teach and guide Tibetan Buddhism to reform itself. All those religious laws and ritual must be reformed in order to fit in with the needs of development and stability in Tibet, and they should be reformed so that they become appropriate to a society under socialism." 46

The Third Work Form Document admitted that many Tibetan Cadres “were hoodwinked by the propaganda of the Dalai Clique about nationalism, and they see people and events from the viewpoint of nationalism. Some cadres act as secret every agent and have joined counter revolutionary organizations. They collect confidential information for the Dalai Clique and participate in splittist activities”. 47

The recommend solution for these problems on the ideological front was, as usual, more propaganda “showing that Tibet is part of China”, revealing the “true colours of the Dalai Clique and the dark side of the serf system of old Tibet”, and emphasizing the “social developments and achievements” in Tibet under the Chinese rule. 48

The Third Tibet Forum reaffirmed the policy of relying upon economic development and the importation of large numbers of Han Chinese as the solution to the Tibet problem. Tibet’s “special characteristics”, the code words for Tibetan autonomy, would no longer be respected even in theory. Autonomy could not be allowed because cultural and religious freedom inevitably led to demands for political freedom; Tibetan cadres had succumbed to nationalist and splittist propaganda and could not be trusted. Han Chinese would not only be officially transferred to Tibet and given incentives to remain there, but Chinese civilians would be encouraged, even required, to colonize Tibet.

46 Ibid., pp. 158, 165.
47 Ibid., p. 158.
Although the CCP remained officially open to a return of the Dalai Lama “as long as he abandon the advocacy for Tibetan independence and ceases activities to split the motherland”. The language of the work forum documents, especially the characterization of the struggle with the “Dalai Clique” as an ‘antagonistic contradiction with the enemy’, made it obvious that the CCP was opposed to dialogue with the Dalai Lama or a role for the Dalai Lam in Tibet’s future.

The Dalai Lama has often reiterated that he stands by the 5-Points Peace Plan that does not demand independence, and that he would like to resume negotiations with Beijing. On their part, the Chinese have stated at the highest official levels that all matters can be discussed, short of independence. There would thus appear to be considerable meeting ground between the two sides. In the process Beijing has also hinted to all what at present obstruct the negotiation process from being resumed. If the obstacles perceived by both sides could be overcome, negotiations – which are a political not a legal approach – may once again get underway. China must be persuaded to seek a comprehensive solution to the question of Tibet by peaceful means, through negotiations with the legitimate representatives of the Tibetan people, chosen by the Tibetans themselves.

Chakma Refugees

The attempt to work out a solution to the problem of the Chakma refugees of South Tripura was made between the Bangladesh Government, the refugee leaders and Indian Government. Final repatriation all the refugees from Tripura was made on 28 February,

48 ibid., p.163.
1998, on the basis guaranties by the Bangladesh Government of internal security in Chittagong Hill Tracts for those returning to claim their tribal land. But the Chakmas problem in Arunachal Pradesh and Mizoram States of North-Eastern India are different from those repatriated refugees and their solution call for understanding the regional politics of North-East, which we will also discuss.

First, it is important to have a brief review of the political status of CHT, which is the root cause of all Chakma problem so that we can have the strategy and solution for Chakma problems in general and the return of refugees from India in particular.

It was not until the appointment of a superintendent of Hill Tribes in 1860 that the British colonial government began to interfere with the administration of the Hill Tracts. Before that the whole CHT was administered by two hill chiefs, Chakma and Bohmang, assisted by a number of subordinate village headman (Karbari).

As stated in the earlier chapter the British reorganized the CHT area at the end of the 19th century when British control in South Asia in general was extended and consolidated for reasons of frontier security. The British advanced in the Northern-West Frontier, in what is now Pakistan, taking over Pathan tribal areas and creating a situation strikingly parallel to that in the North East Frontier. The 1901 British regulations remain the basis for Pathan tribal autonomy in Pakistan in the

50. R.H. Sneyd Hutchinson, 1978 Chittagong Hill Tracts, Delhi: Vivek Publishing Company (Reprinted of 1909) pp. 8-9. The Commissioner in 1859, recommended the removal of the Hill Tracts from the Regulation District and the appointment of a Superintendent over the hill tribes. Both these recommendation were adopted and by Act of the 1st of August of that year, the Hill Tracts were separated from the Regulation District; and in July of the same year an Officer with the title of Superintendent of the Hill was appointed
Federally Administered Tribal Areas bordering on Afghanistan. The parallel arrangements for the CHT were; (a) the establishment of a superintendent and the recognition of these tribal chiefs (rajas) in 1860, (b) enactment of the Chittagong Hill Tract Frontier police Regulations in 1881, authorizing a police force from among the hill peoples, and (c) enactment of the Chittagong Hill Tracts Regulations in mid 1990.\(^{52}\)

**The CHT Regulation, 1900 and Its Impacts**

The 1900, CHT Regulation have played a crucial role in the contemporary debate over the Chittagong Hill Tracts today. The Hill peoples constantly invoke the Chittagong Hill Tracts regulations as a source of rights and as a challenge to the legality of the presence of the Bengali settlers who are now in the CHT.

The regulations of 1900, in the current debate represent both certain rights of the hill peoples and a particular historic compromise between the hill peoples rights and outside political control. The British established the posts of superintendent, now Deputy Commissioner, and recognized three tribal Chiefs for what were called the Mong, Chakma and Bohmang circles. The real significance of the 1900 regulations in the current debate is in relation to land. The issues are both local hill people’s control over land and the restrictions on non-hill peoples settling in CHT.

The CHT region has undergone a series of changes after 1947. The scale and intensity of the problems have been gradually increasing, especially after Bangladesh emerged as an independent nation in 1971. The crisis in CHT stemmed out from the socio-economic problem series


the commissioning of Kaptai dam in early 1960s. The society of this region has an alternative to traditional political structures, operative to traditional political structures, operating simultaneously with the modern one. The peripheral antagonism that developed subsequently has to be considered not only as a fallout of interest contradictions in the territorial endowments, economic problems, political compulsions and the resultant dilemmas, but also against the backdrop of geo-economic, geo-political and geo-ethnicity legacy of the region. The crisis in the Hill Tracts in aggravated further with the government’s policies started by Pakistan and further emphasis after the emergence of Bangladesh by linking the regional resources and the Hill People with the national market and the mainstream.

**The Center and the CHT**

After the withdrawal of the British in 1947, the people of Chittagong Hill district, due to their dominantly non-Muslim character, wished to opt for India. But the Rad Cliffe Award, (the boundary commission headed by Rad Cliffe, on the eve of the transfer of power) allotted the district to Pakistan because of its geographical inaccessibility from India.53

Right from the beginning here was a minuscule minority (less 1 percent of the population) which was perceived by the Pakistan elite’s as showing an intransigence toward the new state in religio-cultural terms. As for the tribal, whether in the field of government and semi-government jobs or trade and commerce, they remained a minority even in their own district, not to speak of their peripheral position in the

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provincial and central structures of power.\textsuperscript{54} Their overall condition determinate further in the 1960s due to constitutional and economic changes.

The construction of the Kaptai and the Karnafuli reservoir, a major portion of the habitat of the Chakmas, traditionally the most influential tribe, was submerged. The cash compensation and the rehabilitation schemes were not commensurate to the loss. The problem of resource allocation apart, the dam virtually disrupted the social organization and economic system of the tribe because a number of them were still engaged in slash and burn (Jhum) cultivation. Besides, in terms of the economic infrastructure and employment avenues, the beneficiaries of the Kaptai dam were in the main non-tribal. To quote the economic and political weekly:

"The industries and factories in Chittagong Hill Tracts do not benefit the tribal people as all employment goes to the Bengalis, and more hardship to the hilly people. In the existing industries in CHT, practically no tribal people have been employed".\textsuperscript{55}

Furthermore, in 1964, as a result of the constitutional amendment, the status of the CHT as an excluded area was abolished. Instead all branches of the district administration earlier managed by the tribals themselves were brought under the control of the Central Pakistan administration. In the process, the tribal officers were transferred to other districts, the tribal police was dismounted and non-tribal increasingly assumed the district administration.\textsuperscript{56}


The protest against the centre’s policy of integrating the district come from the tribal students who began to organize themselves in the form of the Hill Students’ Association. The student front was the first to raise the demand for district autonomy.

In 1966, the tribal solidarity movement led to the formation of the Chittagong Hill Tracts Welfare Association. In 1969, This organization was dissolved and new political party under a different name – Chattagong Hill Areas Welfare Society, (Parbatiya Chattagram and Sanghiti Samiti). The Larma brothers who belonged to the Chakma tribe provided the leadership of the group. In 1972 it was dissolved again with the formation of the Parbotiya Chattagram Jana Sanghati Samiti (PCJSS). The PCJSS was headed by Manobendra Mnarayan Larma and his brother Bodhi Priyo Larma the new party initiated its activities in concert with the student’s organization, Hill Student’s Association. Manobendra Narayan Larma was then a Member of Parliament and Bodhi Priya Larma, a school teacher.57

The above mentioned situation was inherited by Bangladesh at the time of her independence in 1971. M.Q. Zaman58 had commended, “Given the freshness and intensity of struggle of her own autonomy, right to self-rule, right to educate in her own language, and freedom from domination by outsiders, it is striking that successive political regimes in Bangladesh have proved to be less responsible in some of those area in cases of tribal ethnic minorities. For surely, even though Bangladesh did not initiate the oppressive policy in the CHT, the policies are still being continued by successive governments”.

58 Ibid., p. 1511.
Demands of Chittagong Hill People

It is important to highlight what are the demands of Chittagong Hill people for understanding what and how to resolve their problem.

In February 15, 1972 a delegation of hill peoples’ leader led by Manobendra Narayan Larma met with Sheik Mujibur Rehman, the first president and the father of the nation, Bangladesh and placed before him a four-point charter of demands. These were: 1) autonomy of CHT with its own legislature; 2) retention of the 1900 Regulation in the Bangladesh constitution; 3) continuation of tribal chiefs offices; and 4) constitutional provisions restricting the amendment of the regulation and opposition of a ban on the influx in fact of the non-tribal.59

During the debates in the constituent assembly, Larma had moved amendments for the preservation of the special rights of the minority and backward nationalities. He had also proposed that the CHT should be made an autonomous tribal region in order to protect the political economic and religious rights of the tribal people.60 In addition he found the term ‘Bangladesh’ a preferable nomenclature for citizens of Bangladesh than “Bengali”, so that the peripheral tribal communities could also be encompassed in the wider under territorial canvas of ‘Bangladesh – the land of people representing Bengali as well as non-Bengali languages, religious, and cultures.

The state elite interpreted Larma’s amendments as ‘challenging

59 Zaman, No. 58, pp. 61-2.

238
Bengali Nationalism and as a conspiracy against Bangladesh Sovereignty. Hence they were rejected, meanwhile, massive military deployment took place in CHT as the demand for regional autonomy was interpreted as secessionist.

In 1975, in the wake of political changes in Bangladesh coups and counter coups, a second delegation comprising 67 representatives of the CHT population met Justice A.S. Sayam, the then president, to renew the tribal demands but without any success. Again in 1976 similar proposals were presented to President Ziaur Rehman. Meanwhile, the insurgent activities of the various groups, particularly the Shanti Bahini, gained ground creating for a while two parallel administrations in the district – the civil military apparatus of the state and that of the Shanti Bahini.

Over the years the demand of the PCJSS have undergone dramatic modifications. Now the PCJSS demands: i) self-determination with a separate legislature; 2) restoration of the fundamental rights of the tribesmen; 3) constitutional arrangement ensuring the preservation of national identity of the tribal people; and 5) total ban on the influx of Bengali settlements and transfer, of land occupied by the plains men to the tribesmen. What is notable about the new demands is: 1) the call for self determination instead of regional autonomy; and 2) the absence of support for the maintenance of tribal chiefs offices.

In PCJSS launched its armed wing Gono Mukti Touj and Bodhi Priya Larma became its first Field Commander. The Gono Mukti Fouj stepped up its armed activities since late 1978. To break the influence of the PCJSS the government has deployed about 20,000 members of armed

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forces. A network of military camps and checkpost has been set up all over the district\textsuperscript{62}.

Bangladesh Government Approach to CHT Problem

A four-pronged approach-demographic, development, political and military have characterized the policy of the central leadership towards the tribal people’s protests and demands in the CHT.

Demographic Dimension

Due to the scarce population of the district, there have been concerted efforts to colonize the areas. These re-settlement schemes had already begun during the Pakistani era. President Zia Ur Rehman began sponsored migration of Bengali settlers into the CHT, providing land grants, cash and rations. In the mid-1980s, Bangladesh representatives in Geneva assured the U.N. Working Groups on Indigenous population that there has simply ‘normal’ inter-regional movement of peoples, no government programme. The commission in 1991 reported that the government now acknowledges that there was a programme of sponsored migration\textsuperscript{63}. These evoke the ire of the tribal people and their allegation that in its objective of assimilating the hill people the governments, through such settlements has as its objective, the conversion of the CHT into a Bengali-Muslim majority district area.

Development

In addition to the resettlement of Bengalis Muslim is the nature of development programme. The main features of the scheme have been:


\textsuperscript{63} Mantu, No.56, p. 1511.
permanent settlement of the people as opposed to a nomadic pattern of life; extension of basic facilities to the inaccessible parts of the area; development of forest communities through settled instead of Jhum cultivation etc.

The government of General Zia established the CHT Development Board in 1976, with the funding from the Asian Development Bank. This formalized a pattern of special development initiatives for the CHT, and also demonstrated the lead role of the military in those projects. The Chair of the CHT Development Board was the General Officer Commanding of the Chittagong Division. Military have increasing taken over civilian government roles in building roads, supplying electricity, constructing schools, funding students, building temples and promoting local college industries. However, the tribal leadership has resisted the changes on the plea that these policies have been assimilative. The processes of widening employment advantages have helped the non-tribals in enhancing their dominance in the district in socio-economic terms. And finally, the expansion of communicational networks has facilitated not the development of the tribal people but easy movement of the armed forces.

Military

Since the late 1970s, the activities of the military to curb insurgents have led to armed combat resulting at times in its brutal operations. The government attempts to solve the problem with the help of the armed forces has made a peaceful settlement of the issue difficult.

64 "'Life is Not Ours': Land and Human Rights in the CIIT, Bangladesh", No.52, p. 16
65 Ibid., p.17
Political

There was some political need to have some channels of communication with hill peoples. General Zia established a "Tribal Convention" in 1977. It was noteworthy that though the various political parties, particularly the left parties, have shunned the 'militaristic' approach and have insisted that the government should find a political settlement, till the late 1970s, they did not seem to have an effective base in the district. However, in the 1979 elections, the left-oriented Jatiyo Samajtantirik Dal, (National Democratic Party- JSD) could win one of the two seats in the district. The JSD along with a few other opposition parties have supported the demand of the CHT for regional autonomy and reiterated that a more congenial atmosphere for political dialogue between the centre and the tribal militants should be initiated.66

New Strategies

A government policy of creating of settled, concentrated villages of hill peoples, designed to end the scattered pattern of hill people's settlement began in 1979. There have been a number of names used to describe these new villages: Joutha Khamar (Cooperative Forms), model villages, cluster villages. The Home Minister of Bangladesh told the Far East Economic Review in 1980 that the government had stopped the sponsorship of Bengali settlement and was now concerned with the reorganization and development of the hill population. Military in the CHT told the Hill Tracts Commission 1991 that sponsored migration had in 1984 or 1985.67

67 Phadnis, No.55, p.111.
In May 1981, President Zi-ur-Rahman was assassinated. In June 1981 violence in Matiranga caused 25,000 hill people flee to India. India repatriated them to Bangladeshi. During the President of Zia Ur Rahman, the issue of regional autonomy was tackled in a backhanded manner through the institution of the Tribal Convention and the National Deconstruction Revolutionary Council with a view to securing greater cooperation of the people in development programmes. Besides, the Parliament a Committee on the CHT became more active in 1980 for monitoring the information on the developments in the strife-torn districts. Around this time, the government also released tribal prisoners, including some of the top leaders. Rebels were also asked to surrender on the assurance that they would be granted amnesty and would be helped in rehabilitating themselves.

In 1982 a bloody coup brought General Ershad to power. It appears that General Ershad took a fresh look at the problems.

On October 3, 1983 General Ershad made a set of policy announcements at rally in the Stadium at Rangamati. These became the basic government policies. A general Amnesty was declared, with promises of cash, rations and rehabilitation. The CHT was declared a special economic zone with special tax and interest rates. A special five-year plan was established for the CHT. He pledged a re-writing of the Hill Tracts Manual of 1900. Ershad emphasized that the government would preserve the country's independence and sovereignty.

In May and June 1984, a Shanti Bahini attack was followed by reprisal attacks on hill peoples at Barkal. Six or seven thousand refugees crossed the border into the Indian State of Mizoram. They were forcibly returned the following February.
Negotiation

In order to give a solution to CHT problem an attempt was made to negotiate with the tribal leaders. The government of Bangladesh recognized the problem of the CHT as political, and a five member, high power team was formed to recommend step towards a peaceful solution. A liaison committee was established, consisting of Upendra Lal Chakma, Nokul Chandra Trupira and K.S. Prue. A group of tribal leaders, referred to as the dialogue committee, responded by pointing to the JSS and SB as the legitimate representative of the hill peoples. In JSS/SB told the liaison committee that they wanted the government negotiations to formally accredited. An initial meeting took place on October 21, 1985, with the members of the liaison committee present. The government said it was seeking a political, not military solution. A second meeting was scheduled for December 1985, but never held.

The government formed National Committee on the Chittagong Hill Tracts was established in August 1987. Hill people’s leaders from the Dialogue Committee met with president Ershad, leading to a second Jana Samhati/Shanti Bahani-Government meeting in December 1987. The JSS/SB present a five points programme to the government. They were:

(i) Removal of all non-tribal settlers from Chittagong Hill Tracts;
(ii) Withdrawal of all Bangladesh armed forces from Chittagong Hill Tracts, including the non-tribal police force; (iii) Autonomy of Chittagong Hill Tracts with it over legislature and recognition of the Jumma Nations right to self-determination; (iv) Retention of CHT Regulation 1900 and a constitutional provision restricting the amendment of the regulations; and (v) Deployment of the UN Peace Keeping Force in
the CHT and implementation of these measures under the auspices of the United Nations Organizations.68

These five points have very strong support among the hill people s in the CHT, as they feel these programmes represent the ideal solution.

Six-dialogue meetings were held. There were meeting, but little in the way of negotiations. The government presented a nine points programme, involving new district councils. There was no agreement on both the documents. The government turn to the "dialogue Committee when the JSS/SB continued inflexible to their demands. In October and November 1988 the government held discussion with the Hill people’s leader over draft legislation in Khagrachari, Rangamati and Bandarban on 10 separate days. In November 8, 9, 10 President Ershad spoke to public meetings in Khagrachari, Rangamati and Bandarban, expressing confidence in the decisions taken by the government’s National Committee on the Chittagong Hill Tracts and the Committees of the Tribal leaders in three districts. The JSS in its statement on November 25, 1988, bitterly articulated attacked the leaders involved in the dialogue committee and the proposals on district councils.

Another meeting between the government and the JSS/SB occurred on December 12, 1986, at the Khagrachari Cantonment. But as before, the deadlock continued a seventh meeting was planned but never held. The government finalized an agreement with the dialogue committee and on 26 February 1989, introduced legislation to established there new district councils and repeal the 1900-CHT Regulations. The important provisions of the new district councils were it concerned to local administration, the chair must be a tribal person and fixed proportionally representative for

68 Phadnis, No.55, pp.111.
the tribal group and new settlers. But the issues over land and law have yet to be evolved upon the council.

The JSS/SB urged to boycott the proposed District Councils election stated for June 1989. On the other hand the Bangladesh government was bent on holding election. The government sent a high power official team (Commissioner, Chittagong Hill Tracts, a Deputy Commissioner and Several Tribal representatives) to the refugees camps in South Tripura persuade then to return to their villages before elections.

While the Bangladesh team was in Tripura state to visit the refugee camps at that time a fresh group of tribal refugee camps at that time a fresh group of tribal refugees around 15,000 refugees crossed into India.\(^69\) Another report gave, between 14 May and 31 May 1989. 5,800 tribal people are reported to have crossed into Tripura.\(^70\)

Shri Upendra Lal Chakma, a former Member of Parliament, and advisor to the Bangladesh Government on the Hill Tracts Affairs, who headed the Liaison Committee, formed by the Bangladesh Government had arrived Raisyabari, in South Tripura on 24 May 1989 after a few day arduous trek through hilly routes.\(^71\) This defection was a major blow to the government. Shri Upendra Lal Chakma had been the most prominent spokesman of the Hill People, the person with most credibility to be JSS/SB the government and the outside observers.

**Present Negotiation Framework**

In December 1990, military rule was removed and democracy had been restarted in Bangladesh through parliamentary election held on

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\(^69\) The Report of the Chittagong Hill Tracks, Bangladesh, No. 52. pp.35.  
\(^70\) Ibid., p. 26.  
\(^71\) Ibid., p.36.
February 27, 1991. The Bangladesh Prime Minister Begum Khalida Zia had official visit to India in May 26, 1992, initiates the problem of the return of tribal refugees in Tripura with the Indians Prime Minister, Shri P.V. Narasimha Rao. It was finally decided that a Joint Task Force headed by the two respective Home Secretaries would set up to table the inquiring problem of Chakma refugees in Tripura.

At home, Bangladesh, Begum Khaleda Zia's Government transformed the Special Affairs Ministry form by president Ershad to prepare and preserve the proceedings of parleys between the government appointed committee and the Samhati Samiti, into the Special Affairs Discussion.

Muslim settlers and military personnel killed several hundred tribals at Logang on 10 April 1992 refugee persons to Tripura. Apprehensive of a negative response from donor agencies, the Bangladesh ordered an inquiry into the incident by Justice Sultan Hosain Khan. His report admitted that Muslim settlers in collusion carried out arson and murder with military and para-military personnel. 72

Inspite of the Logang carnage, the Samhati Samiti was ready to continue negotiations. On 10 August 1992, the Shanti Bahini proclaimed a unilateral cease-fire. Although Justice Khan’s report on the Logang disturbances, reflecting the unrepentant and non cooperative mood of the government, came out in October 1992, the Samhati Samiti did not refrain from attending first dialogue with the Khaleda Zia Government on 5 November 1992. Five rounds of dialogue were held till 18 September 1993.

72 The Bengali Chairman of the Langadu Upazilla was killed on May4,1989. The government blamed the Shanti Bahini, and the Shanti Bahini blamed the Bangladesh Intelligence. This was followed by massive reprisal attacks against hill people's villages. An Amnesty International reported in 1990 that although the regular Security Forces are not alleged to participated, members of non-tribal settlers who attacked and killed tribal people. This was the reasons for crossing the border between 14 - 31 May, 1989 by the tribal people.
In another attack on tribals more than a hundred tribals were injured and about thirty killed on 17 November 1992 at Numiarchar. Initially, the security personnel could not, but did not prevent armed Muslim letters from assaulting the Jumma people brutally. Subsequently, soldiers themselves joined settlers in perpetrating the massacre. The April 1994 report of the Amsterdam-based Chittangong Hill Tracts Commission reported alarming facts. It reported for example, the soldiers not only refused to hand over the bodies of the deceased to relatives, but also burnt a number of dead bodies without even informing relatives. Despite such intolerable provocation, the Samhati Samiti did not fall into the trap of renouncing negotiations. It duly participated in the six round of talks on 24 November 1993.

It was reported in January 28, 1994, the refugees sheltered in six camps in south Tripura, have agreed to go back to their homes in CHT, Bangladesh. The repatriation of the refugees will be in batches. The first batch consisting of 400 families will leave on February 15 to march the beginning of an end of their life in exile. A delegation of the Saranath Kalyan Samiti, led by its president, Shri Upendra Lal Chakma, called on the governor of Tripura, Mr. Romesh Bhandari, to communicate to him the decision of the Samiti.73

In February first week, preparations for the repatriation are in the final stages. But a Tripura based organization, the Humanity Protection Forum, has demanded that the repatriation of Chakma refugees be postponed. The forum says the Bangladesh government must first agree to the 13 points Charter of demands raised by the refugees earlier. And the Forum Chairman Shri Bhagya Chandra Chakma, said that a delegation

73 Shekar Datta, 1989, “Refugee Camps Spilling Over as Chakmas Influx Continues”, The Telegraph, Calcutta, June 22,
of refugees leaders had toured the Chittagong Hill Tracts and reported that conditions were not yet congenial for the repatriation.\footnote{Jayanta Kumar Ray, 1999, "The Indigenous people of Bangladesh" in Nancy Jetley, ed., \textit{Regional Security in South Asia: The Ethno-Sectarian Dimensions}, N. Delhi: Lancer’s Books, p. 421.}

According to plan on February 15, 400 families from the Kathalcherri camp of Sabroom sub-division would be repatriated through the Sabroom-Ramgarh route and the Ilacherri-Tabacherri route. They will be received by the Bangladesh communication Minister, Col. (Retd.) Oli Ahmed, who heads a nine-member parliamentary team that is holding parleys with tribal leader to resolve the issue.

The first phase of repatriation of Chakma refugees was held on February as planned. Tripura Governor Shri Romesh Bhandari said that the 300 Chakma refugee families repatriated to the CHT, Bangladesh were being properly rehabilitated. Shri Romesh Bhandari had visited Dhaka on April 18, 1994 on an invitation of the Bangladesh Communication Minister Mr. Oli Ahmed, to discuss the Chakma refugee problem and finalize the repatriation of about 54,000 Chakma refugee still sheltered in six camps in South Tripura.\footnote{"Bangla Repatriation" \textit{The Times of India}, N. Delhi, 28 January 1994.}

The phased repatriation of the second batch of 54,000 Chakma tribal refugees sheltered in Tripura seems to have run into a rough weather. In an apparent reversal of stand, leaders of the Refugees Welfare Association have asserted that conditions in the CHT are not conductive for their return. Mr. Upendra Lal Chakma, President of the Tribal Refugee Welfare Association link repatriation of refugees with political settlement of the tribal problem saying that economic rehabilitation of Chakma returned alone would not solve the tribal problem. He accused the Bangladesh Government of a lack of political will to resolve it.\footnote{"Demand to Postpone Chakma Repatriation", \textit{The Telegraph}, Calcutta, 1 February 1994 p.6}
The Tribal Refugees Welfare Association President Mr. Upendra Chakma who, along with Indian government official, visited the CHT between April 25 and 29 to monitor the rehabilitation of the first batch, charged the Bangladesh government with going back on their commitment to implement 16-points package agreement on the first round of repatriation, Mr. Chakma said except the house-building grant of Rs. 10,000 per family, tin sheets and free ration, no other condition of the 16 points package had been implemented. He also said an organization comprising Bengali settlers, called Pahari Gana Bengali Parishad was resisting return of refugees. He said the organization enjoyed support from the Bangladesh Security Forces and was threatening the refugees with “dire consequences” if they returned home to reclaim land.77

Meanwhile, the Humanity Protection Forum and the Parbatya Chattagram Jana Samhati Samity which had been fighting for regional autonomy of the CHT tribals has reiterated in separate statements it demands that the United Nations High Commission for Refugees (UNHCR) and other International Human Rights Organizations be involved in the repatriation and rehabilitation process. 78

As part of the second phase of repatriation, another 546 tribal Chakma refugees of 96 families returned to CHT, Bangladesh on 2 July 28, in the presence of senior officials and hundreds of people from both the countries, reports UNI. According to officials sources, 320 refugees families comprising 1735 men, women and children had been sent back in the second phase which began on July 21. Senior Bangladeshi officials,

led by CHT’s Khagrachari district commissioner Shri. A.R.Mohammad Khan were present to receive the refugees at Tabalchari border.79

The India-based Humanity Protection Forum (HPF), President, Mr. Bhayya Chandra Chakma on July 24, alleged that the Bangladeshi tribal refugees, mostly Buddhist Chakams, were returning to their motherland at CHT, under heavy pressure. He told reports that the refugees had been forced to return. Criticizing the Indian Government’s role in repatriation, he said the center had changed its policy and forcibly pushing them back. He also alleged that thought withdrawals of the Bangladesh army and 400,000 Muslim resettlers from the region were the primary demands of the refugees, HPF and other human rights organizations, the Bangladesh government did not even recognize these demands.80

The third phase of repatriation of 50,000 Chakma refugees to their homes in the CHT of Bangladesh appears to have run into rough weather with the refugees staging demonstrations and refusing to be swayed by repeated appeals of the Bangladesh communication Minister and Chairman of the CHT problem committee, Mr. Oli Ahmed.

The uncertainty arose over the third phase of repatriation following the refugees’ unwillingness to return to their CHT, Bangladesh and their refusal to submit to the state government to list of those to be repatriated in the next phases. Refugees leader, led by Chittagong Tribal Refugees Welfare Association President Shri Upendra Lal Chakma met South Tripura district magistrate Shri Chandra Sekhar Chattopadhya and submitted a letter saying that the 50,000 tribal refugees, mostly Buddhist

Chakmas, were reluctant to return to their homeland as the Bangladesh Government had allegedly gone back on its assurances.\textsuperscript{81}

A five-member delegation led by Mr. Oli Ahmed, visited Takumbari, Pancharampara, Karbook, and Kathalcherri refugee camps in south Tripura, on February 2, 1995, and appealed to the refugees to return assuring them to implement their 16-points charter of demands. And Mr. Oli Ahmad impressed upon the refugees that they should return and the third phase of repatriation started immediately as the Bangladesh Government had assured to implement all the demands of the refugees.\textsuperscript{82}

Meanwhile, nothing concrete come for solution to CHT problem between PCJSS/SB and the government.

**Negotiation and Final Repatriation**

In June 1996 Parliamentary election (Jatiya Sangsad) of Bangladesh Sheikh Hasina party, Awami League came to power in Bangladesh. The Cabinet chaired by Sheikh Hasina has adopted some important decisions, including formation of 11 members National Committee on CHT with it Chairman Shri Abul Hasnat Abdullah, the Chief Whip of the government in Parliament to hammer out a political solution of the staggering CHT problem.\textsuperscript{83} And also the government recognized 5 members liaison Committee with Mr. Hang Sadhwaja Chakma as it convenor.

The government’s Special Affairs Department on October 26 sent a letter to PCJSS, the political wing of the insurgents, Shanti Bahini inviting it to a dialogue in quest of peace in the Hill Tracts.\textsuperscript{84}

\textsuperscript{81} "546 Chakmas Repatriated", *The Assam Tribune*, 29 July 1994.
\textsuperscript{83} "Meeting On Refugees Toda'", *The Times of India*, N. Delhi, 24 October 1994.
\textsuperscript{84} "3rd Phase of Chakma Repatriation", *The Assam Tribune*, Guwahati, 3 February 1995.
The PCJSS had given their demands. The major point of the five-point demand include; i) expulsion of non-tribal from the CHT who entered the area after the partition of 1947; ii) rehabilitation of all members of PCJSS; iii) withdrawal of armed forces from the Hill Tracts expecting Bangladesh Rifles. The broad five-points also include as many as 49 other demands.85

The first meeting between National Committee on CHT and PCJSS held on December 24, 1996. Seeking an end to the long-standing CHT problem.86 The second round of talk held on 25 January 1947 with both sides expressing satisfaction over the outcome of the dialogue. Commenting in its editorial welcoming the Dhaka talks between the government and the PCJSS, the Daily Star (26-1-97) says this “has been seen a major political break through” and “there is every reasons to be optimistic about a comprehensive solution to the CHT”.87 What is reassuring is the fact that both have indicated their readiness to carry forward the negotiations until a solution is found.

During the three-day talks, split into several sessions started on January 25, 1997, the PCJSS leader formally placed their five-points Charter, encompassing 49 demands to end insurgency by its armed using the Shanti Bahini. Accords had been reached on major issues like strengthening the local government councils and formation of a “Central Council” enjoying more autonomy than granted previously with majority of its elected members to be drawn from the tribes people. But the talks stalled when the PCJSS insisted on granting land rights to the tribal.

86 “Government to Hold Talks with Shanti Bahini in November”, POT, Bangladesh Series. Vol., XXL. No. 239, 8 November 1996.
While talk on political solution for CHT was still in progress, on March 9, 1997, a Joint Agreement signed between Mr. A.S. Mubaidul Islam, Director (Special Affairs), Bangladesh, Prime Minister Secretariat, and President CHT Refugees Welfare Association, Shri Upendra Lal Chakma.88

According to the 20-points accord signed a task force comprising representatives of Bangladesh and Chakmas was set up to monitor its implementation. The refugees from Tripura to leave for the CHT in a phased manner from 28 March. To reassure the Chakmas of the bonafides of its intention, the Bangladesh Government has offered to reorganize the existing district councils of Rangamati, Khagrachhari and Bandarban to give them more power.89

Every refugee family returning home will be provided building material and cash assistance of Rs. 10,000 for construction of houses and farming operations. Free rations for nine months and an additional Rs. 10,000 given for purchase of cattle. The refugee lands will be restored and the landless will be provided land as per rules of the government. Steps will also be taken to provide them Government jobs as per their qualifications.90

The first batch of 1183 Chakma refugees from Kathalcharri camps, from a total of 6646 refugees belonging to listed families would back for their homes in the CHT area, Bangladesh between March 25 to 30. The remaining 5463 refugees from five other camps of Amarpur Sub-Division would be repatriated between April 1 to 7, as per scheduled drawn by officials of the two countries.

After four days talk between the Government and PCJSS, they finalized, on September 18, 1997, the draft of the agreement to end the two-decade-old insurgency in the CHT, Bangladesh. Mr. Jyothishendra Bodhipriya Larma, Chief of the PCJSS has meanwhile reached Dadukchari, a frontier hamlet adjoining Tripura state along with his man. They addressed a tribal gathering in Dadukchari, telling his people that a peace deal was in the offering. Amid cheers by the crowd, Mr Larma said the proposed deal would protect the interests of the tribal people. The draft dwelt mainly on the thorny issues of land management, removal of the settlers from the Hills and withdrawal of the security forces from temporary camps scattered across the CHT. The two sides have also agreed on the authority of proposed Regional Council to oversee the administration, levy taxes and run the affairs of the hill region under a chairman, enjoying the status of a state minister. 91

Shantu Larma has managed to get the draft of the proposed agreement with the government approved at a special council of his organization paving the way for a peaceful solution a long-pending CHT tribal issues including the repartition of refugees sheltered in Tripura camps. 92 Prime Minister Sheikh Hasina, facing a strong anti-accord campaign launched by a number of opposition parties under the leadership of the former Prime Minister, Begum Khalida Zia. Sheik Hasina criticized the main opposition BNP and its leader, for spreading canards against the long-negotiated agreement for a peaceful settlement of the CHT. The BNP has made the accord a political issue stating that it is a “conspiracy” to hand over the CHT to India. 93

A major breakthrough of peace agreement was signed on December 2, 1997, between Mr. Jyotimdra Badhipriya Larma, leader of the PCJSS and the Chairman, National Committee CHT. Abdul Hasnat Abdullah to give regional autonomy of CHT to the three hill districts of Khagrachhari, Rangamati and Bandarban and to end the two decades of insurgency. The accord envisages the setting up of a 22-member regional council, Parbatya Chattagram Regional Council (PCRC) to supervise and coordinate public administration, law and order. Besides, dispensing social justice in the three districts of Bandarban, Khagrachhari and Rangamati. And also the NCCCHT and the PCJS decided that the guerrillas would surrender their arms and ammunition to the government on February 9, 16, 22 and 28, 1998.94

The Shanti Bahini formally lay down their weapons at the football stadium in Khagrachari on February 10, 1998 before Prime Minister Sheikh Hasina, who in turn presented the former fighter a bouquet of white roses. Mr. Larma said, “we have renewed hopes for the future” and added, “Now the hill people and the settlers will live as brothers instead of enemies”.95

The refugee crisis between Bangladesh and India came to an end on February 28, 1998, with the return of the last batch of refugees including the refugee leader, Mr. Upendra Lal Chakma, his family members and, leaders of Jhumma Refugee Welfare Association. The repatriation of over 64,000 refugees after a series of unsuccessful bids over several years has been seen or a major breakthrough on way to implementing the December 2, 1997 Peace Treaty signed between the Bangladesh Government and the Tribal leaders. The refugees crossed the international border at Tabalachari and walked across the make shift wooden bridge on the Feni


256
river, that separates the two countries. The repatriation completed the return of over 64,000 refugees in six phases. They vacated South Tripura’s Kathalchari, Shilachari, Karbook, Kathalchari and Pancharampara camps.  

We have mentioned and discussed the political problem, and tensions generated by Chakma refugees in Arunahal Pradesh and Mizoram States, in the previous chapter and are different from the refugees in the six camps of Tirpura State. These refugees are also included in any of the discussion between the India and Bangladesh government. These in short, did not generated bilateral problem.

Since our main objective studying refugees problem are the problem it generated between the host and the country it generated between the host and the country of origin, and their solution or management, we are not dealing much the local problem it generated in the host-country and not suggest a solution for it. It will be suffice to mentioned that the nature and gravity of the problem due to Chakma refugees differs from state to state, and there is a need to deal the problem statewise. And added, that the principles enshrined in the Indira-Mujib Accord of 1972 can be the basis of solving the Chakma refugees, in these states.

97 Rajya Sabha Committee on Petition, Hundred and Fifth Report, on the petition signed by Smt. Snehadeni Talukdar of Mizoram and Shri. Subimal Chakma of Delhi on the petition pertaining to problem being faced by the Chakma Tribal population in Mizoram and Arunachal Pradesh; present on 14 August 1997, Rajya Sabha Secretariat, New Delhi, published by: Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh, New Delhi, pp. 25-31.
Conclusion

Most of the these problems is South Asia are deep rooted in history and evoke much emotional response in the body politic, the government force pressures from several quarters in their domestic context for adopting a particular posture on their problems with the neighbouring states.

It will not be an easy job to settle most if not all, of these disputes, to begin with. It requires a strong determination on the part of the contending parties to resolve these problems through peaceful means. No matter what happens within the domestic or international context; were not to be viewed as an option for settling any of these issues. A negotiated settlement of these problems can be come about through persistent diplomacy. There can be temporary set back to the process for one reason or another but efforts should not be given up. What is required is patient and persistent diplomacy with the objective of settling the problem rather than outsmarting the adversary.