ISBN 978-0-692-88605-2

The Politics of Shaming and Sanctions: Rewriting the Anatomy of the Bangladeshi State

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Introduction

In social science debates over the nature of the Bangladeshi state and change of regime, as well as about the state of human rights, one tends to speak of distinct eras as if changes have been abrupt, albeit systemic in nature. One speaks of early democratic Bangladesh under its charismatic founding father, Sheik Mujib. One talks of a turn to authoritarian rule under mainly two generals (1975–1990) after the assassination of most of the Mujib family in their own home in the capital of Dhaka. Finally, one employs the expressions "a return to democracy" or "reinstatement of parliamentary democracy" after 1990.

Too extravagant use of such terms, whose popular and scientific connotations overlap superficially, coexists uneasily with sparsely researched evidence of deep-seated continuity. In a similar fashion, international debates about trends in recognition/non-recognition and fulfillment of Indigenous rights and minority rights in the Chittagong Hill Tracts (CHT) are unclear, or even contradictory. One speaks of "before" and "after" the 1997 Peace Accord as if it were a watershed with profound political implications, while simultaneously being concerned with the continued militarization of the hill region and the selective implementation of the 1997 Accord. International and national human rights practitioners alike find progress not only painfully slow, but see reality as retrogressive.[1] The leading human rights NGOs, national and international, turn every page to identify an approach that satisfies the most effective combination of measures and mechanisms that can facilitate, steer or exert pressure to achieve

1. Tone Bleie, "Bangladesh's challenges as elected member to the United Nations Human Rights Council," in *Solidarity 2006: Indigenous peoples have the right to territory: land and natural resources*, (Dhaka, Bangladesh: Indigenous Peoples Forum, 2006), 28–29; CHTC, *Press Release* (January 15, 2015), http://www.chtcommission.org/backend/product_picture/850doc.pdf

substantive change. The framework that informs such international policy and advocacy efforts tends to treat civil-military relations and patrimonial leadership notions underlying cultural nationalist ideologies and constitutional culture, as context.

In contrast, coexisting with this Indigenous and minority rights-based discourse of continued violations[2] and lack of commitment to implement the Peace Accord,[3] the "development camp" sees positive trends and narratives. They speak of Bangladesh's impressive achievement in meeting several of the Millennium Development Goals[4] in disaster management, social and economic development, economic growth and increasing international recognition for contributions to international peacekeeping.[5] Bangladesh's enhanced international standing due to improvements in socioeconomic international rankings has boosted the legitimacy of the current Bangladesh Awami League-led alliance government and its self-confidence. The government is getting tougher in setting its own terms, especially in the economic context of the past several years, with about 6% annual growth in GDP[6] providing stronger financial "muscle." For example, this trend is most notably demonstrated in the government's dealings with the World Bank as prospective lead funder of the Padma Bridge Project and the government's readiness to fund this mega project after the World Bank pulled out in mid-2012 over allegations of grand corruption.[7]

2. The Minority Group International, "Mapping Bangladesh's Political Crisis," *Asia Report* no. 264, (Brussels, Belgium: International Crisis Group, 2015).
3. See the International Chittagong Hill Tracts Commission's Press Statement of December 2014, calling for a roadmap with milestones for the Accord's full implementation: http://www.chtcommission.org/backend/product_picture/770doc.pdf
4. UNDP, "Millennium Development Goals: Bangladesh Progress Report 2015," http://www.bd.undp.org/content/bangladesh/en/home/library/mdg/mdg-progress-report-2015.html
5. Erik Jansen, "På stille vei ut av fattigdommen," *Aftenposten Innsikt* (2016): 54–55; Uz Rashed Zaman and Niloy Ranjan Biswas, "Bangladesh's Participation in UN Peacekeeping Missions and Challenges for Civil-Military Relations: A Case for Concordance Theory." *International Peacekeeping* 21, no. 3 (2014): 324–344.
6. See http://www.tradingeconomics.com/bangladesh/gdp-growth, assessed January 25, 2017.
7. A.K. Wheeler, R.J. Aves and C.J. Tolley, "Detailed design of the Padma Multipurpose Bridge, Bangladesh—An Overview," in *IABSE_JSE Joint Conference on Advances in Bridge Engneering-2*, Okui Amin and Bhuian eds. (Dkaha, Bangladesh: August 8–10, 2010), www.iabse-bd.org; "The World Bank Statement on Padma

This paper aims to stimulate a shift from an "issue" or "problem" approach in CHT-studies to a comprehensive interdisciplinary study of civil-military relations, characterized by power-sharing arrangements, a culture of patronage and factionalist behavior. CHT is commonly wedged between two dominant, rather incompatible narratives; one nationalist and security-oriented, the other normative—anchored in a liberal democracy model and human rights. The latter position has been articulated by, among others, the International Chittagong Hill Tracts Commission (CHTC), mostly informed by international law and political science, less so by political anthropology's descriptive emic (insiders' points of view) approaches of norms, institutions and practices.[8]

Drawing on all these disciplines, this paper seeks to fill this gap, and to substantiate the paper's main assumption: that alleged regime shifts should be substituted by an analytical emphasis of structural continuity, in order to better explain why the CHT Accord's principal provisions remain largely unimplemented 20 years after the deal was signed, regardless of parties in executive power. In order to test the validity of this assertion, five main arguments will be sought substantiated.

First, civil-military relations are intertwined—a conglomerate—and cemented by patrimonial vertical and horizontal bonds of patronage, non-transparent control over state resources and a power-sharing arrangement that makes the categories "civilian" and "military" fuzzy and overlapping. Second, this tacit power-sharing arrangement has three distinct phases: an early antagonistic one; a second experimental, increasingly institutionalized phase during military rule (with partly civilian elements) and reign; and third, the current phase of uneasy opportunistic co-existence, with (until recently) caretaker governments as a safety valve.[9] Fourth, during times of military rule, the armed conflict in CHT became integral to this tacit national power-sharing

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Bridge," The World Bank (June 29, 2012), http://www.worldbank.org/en/news/press-release/2012/06/29/world-bank-statement-padma-bridge

8. This author has been a member of the International CHT Commission since 2012.

9. Ahmed Fakhruddin, *The Caretakers: A First Hand Account of the Interim Government of Bangladesh (1990–1991)*, (Dhaka, Bangladesh: The University Press Limited, 1998); Nizam Ahmed, "Party Politics under a non-party caretaker government in Bangladesh: the Fakhruddin interregnum (2007–2009)," in *Commonwealth and Comparative Politics* 48, no. 1 (2010): 23–47.

structure, a civil-military complex not only in its own right, but one of the Bangladeshi state's bearing pillars.[10] A final argument is that the sources of reproduction of a political culture of oral rhetoric (agitational in nature), patronage and factionalism need to be fully appreciated in order to explain striking structural continuity across institutions (political parties, military and bureaucracy).

Furthermore, a deeper understanding of such societal and system-wide deeply culturally coded behavioral patterns renders it possible to predict and develop approaches that may engender structural change and a new scope for national and international actors to facilitate, steer or help augment positive societal change.

I. Independence, contending ethno-nationalisms and the civil-military complex

a) Bengali ethno-nationalism and statehood trauma

In the nine-month long West-Pakistan–East-Pakistan war that led to Bangladesh's Independence in late 1971, it was not only West Pakistanis that were fighting East Pakistanis. Bengalis fought each other as whole regiments defected from the Pakistani army to fight side by side with civilians as Mukti Bahini or freedom fighters. The Islamist party Jamaat-e-Islami and the Islamic fronts Al-Shams and Al-Badr (better known as the dreaded Razakars) actively supported the Pakistani military.[11] The excessive brutality of the West Pakistani-led military crackdown by a well-equipped military, with weapons partly acquired as US military aid, execution-style mass murders and rape as weapons of war, would

10. The term civil-military complex has certain similarities with the military-industrial complex, a term originally coined by President Dwight Eisenhower in 1961, a civilian elected president and former top military official. The constellation of forces in America that Eisenhower sought to define throughout his terms in office was the collusion between the arms industry, the military services and the political leadership. Since a domestic arms industry is not a main defining feature in this case, the term civil–military complex is applied instead. What the two constructs share is an analytical foci on the intricate and many-stranded connections between armed forces (engaged in commercial ventures) and the political leadership. In this case, a string of interconnected national and regional institutions (in CHT) and state-owned enterprises have commercial interests in the CHT.

11. Sirajul Islam, ed. *Banglapedia: National Encyclopedia of Bangladesh (Second Edition). 10 Vol.*, (Dhaka, Bangladesh: Asiatic Society of Bangladesh, 2003).

have quelled the East Pakistani uprising had not India intervened. During its final weeks, the war morphed into a regional conflict. Much of the country was a denuded low delta, and therefore ill-suited to Mao-style guerilla warfare across the country for a protracted period, except for the Chittagong Hill Tracts and the country's eastern and northern hill regions. The bloody, momentous war ended as well over 90,000 Pakistani troops surrendered to the Indian army in the capital Dhaka.

The responses of the several dozen Adivasi nationalities of the hills and plains and their actual involvement on either side of the conflict varied. Most notably, the 50th Chakma Raja Tridiv Roy (1933–2012), who had been elected from his constituency as an independent member of the provincial Parliament in 1970, sided with the West Pakistani forces. Following the surrender, he abdicated in favor of his son Devashish Roy (b.1959)[12] and chose to remain a Pakistani citizen, pursuing a distinguished diplomatic and political carrier. The first-generation Bangladeshi narratives of the Liberation War depicted the 50th Raja as a traitor and war criminal due to his political positions during and after the war. Raja Tridi's and some of his subjects' siding with Pakistan made it easy for Bengali nationalists to incriminate the demand that CHT should regain its status as a special administrative area (under the CHT 1900 Regulation) and to brand the budding Santi Bahini guerilla movement as a successor movement. After the war ended, the Mujib government used its new security force (see discussion below) to kill in discriminatively alleged Pakistani collaborators.[13] The brutality of the Bangladesh army and Indo-Tibetan Border Police Special Forces created resentment and a strong impetus for locals to arm themselves in self-defense. Less well known is the involvement of the Mizo (an ethnic group of CHT and Lusai Hills)[14] under the protection of the Pakistani

12. Devashish Roy, the current Raja of the Chakma Circle, is also a prominent lawyer. Roy is a political entrepreneur that mobilizes and mediates local, regional and international sources of legitimacy. His elected membership in the UN's Permanent Forum on Indigenous Issues and his appointment as Special Assistant with the rank of State Minister to the Caretaker Government (2007–2008) are manifestations of his successful career.

13. K. Montu, "Tribal Insurgency in Chittagong Hill Tracts," *Economic and Political Weekly* 15, no. 36 (September 6, 1981).

14. Willem Van Schendel, "A War Within a War: Mizo rebels and the Bangladesh liberation struggle," *Modern Asia Studies* 50 (2015): 1; "Genocide in the Chittagong

Army and Tripura National Volunteers in the war's latter phase and a special deal Dhaka and Delhi made in order to prevent Mizo militants from retaining a sanctuary in CHT.[15]. Other nationalities of the plains either actively supported the independence movement or fled for their lives across the border to safety in India, along with vast numbers of largely Hindu Bengalis. The Pakistani forces dealt with Hindus with even greater brutality than with their own brethren-in-faith.

The first Constitution promulgated in 1972 enshrined principles of nationalism, socialism, democracy, and secularism. The army was not systematically purged for pro-Pakistani and Islamist supporters. Some collaborators were tried, yet many alleged war criminals went into exile in Pakistan and the United Kingdom. Given the massive scale of the atrocities committed by the army and the sudden absence of an external enemy, the new Mujib-led government signed a 25-Year Treaty of Peace, Friendship and Cooperation with India. The new leadership thought it inconceivable to start courting and modernizing an army in tatters. Sheikh Mujib had himself endured more than a decade of imprisonment and mistreatment in Pakistani jails. Naturally, he came to hate the army. The new civilian government chose instead to create a domestic security force (Rakhi Bahini). The 25,000-strong modern-equipped force (a portion of them handpicked old Mukhti Bahini fighters), had to swear allegiance to Sheikh Mujib as incarnated supreme leader, rather than to the new motherland Bangladeshi in abstract. The paramilitary force was granted more or less free reign to harass and even murder troublesome members of the opposition. The new security policy and reform downsized the regular army but expanded the new and better-equipped high profile force. This alienated further sections of the army that became largely relegated to ceremonial and policing functions. This new Indo-Bangladeshi foreign policy, accompanied with this selective demilitarization and remilitarization (Rakhi Bahini

Hill tracts Bangladesh: IWGIA Document 51," Wolfgang Mey ed. (Copenhagen, Denmark: IWGIA, 1984).

15. The deal allowed India (after the 1971 war) to retain ground-forces, supported with Indian Air-Force (Mi-4) teams in Ruma, Thanchi, Mowdok and Bolipara (CHT) until a fatal chopper accident in Noakali on August 14, 1975. The fatal crash made deadlines only a day before the assassination of Sheikh Mujib. The coup makers quickly terminated this secret and overtly sensitive deal.

functioned in reality as stormtroopers), nurtured a dangerous sense of grievance among a neglected and humiliated military officer corps.

Sheikh Mujib Rahman's popularity started waning already in his second and third years in office. Elaborating in detail these reasons is beyond the scope of this chapter. To sum up shortly, however, a few notable reasons for the growing internal opposition to his civilian government[16] were his removal of democratic checks and balances and denial of a platform for the political opposition under lofty rhetoric of saving nationalism, democracy, secularism, and socialism—through a "Second Revolution."[17] Opposition from the discredited Muslim League and the outlawed Jamaat-e-Islami and its military wings was but one force Mujib obviously disdained. Pro-Maoist and pro-Soviet communist parties (Communist Party of Bangladesh and National Awami Party) that had sided with Awami League (AL) under the resistance movement, saw the AL as bourgeois. In fact, Maoist guerillas fought both the Pakistani Army and the Mukti Bahini from border posts. The guerillas did not surrender arms after the brutal war, and continued intermittently to assassinate AL party members whom they defined as bourgeois enemies. Another contending force was Pakistani fighters who, alongside Bengali and Bihari collaborators, hid in the Chittagong Hill Tracts and were suspected of collaborating with local militants from some of the Hill Tribes.

Several coups were contemplated and planned in this early transition phase within the neglected, fractional yet politically conscious and divided officer corps. Some were carefully masterminded. Sheikh Mujib contributed to the factionalist tendencies by arbitrary promotions and perks.[18] One "majors' coup" was finally carried out on August

16. As president, brilliant speaker, demagogue and patron of adoring party members and citizens, Sheikh Mujib amended the Constitution to permit the build-up of a one-party apparatus that merged political and administrative functions in a multi-tiered committee apparatus. Only the Kingpin/Chairman could nominate candidates for future elections. The so-called BKSAL-system came into force in 1975, shortly before Mujib and his family were murdered. An almost unified press uncritically endorsed the "Second Revolution" though it effectively meant the closure of the country's budding press freedom; see Anthony Mascarenhas, "Bangladesh: A Legacy of Blood," (London: Hodder and Stoughton, 1986), 59.

17. From the 01.02.1975 edition of *Bangladesh Today*.

18. Mascarenhas, *supra* note 16, at 34.

15, 1975. A group of junior officers managed to assassinate Sheikh Mujib, the nation's founding father (*Bangabhandu*), and 20 of his close and extended family. Some were murdered in order to prevent dynastic succession to both civilian and military top positions.[19] In the turbulent transition, the killers were pardoned, while sycophantic courtiers (earlier supporters of Mujib), including corrupt civil servants and executives, rallied behind the interim civil and military leadership in a cynical struggle for new positions, contracts, and favors.[20]

Following the short-lived interim civilian-military government, a proxy-like government emerged under Bangladesh's first military ruler, Major General Ziaur (Zia) Rahman (1976–81). Zia was a former Pakistani intelligence officer. A later noted and decorated freedom fighter, he as most freedom fighters advanced quickly to senior positions after the Independence War.[21] For cynical tactical reasons, Zia resigned briefly from his top post during the tumultuous counter-coup days in early November 1975. He subsequently regained power aided by an instigated mutiny among the rank and file *jawans* (soldiers). One of Zia's early achievements as first Deputy Chief Marital Law Administrator was to quell the mutiny. He used a mix of concessions, mass imprisonment, and courts-martial of the principal coup leaders. They were hanged or imprisoned after farcical judicial proceedings. The end of the mutiny did not bring an end to internal factionalism and attempted coups. A sizable number of soldiers reintegrated into the army had earlier defected and joined the freedom fighters. The soldiers' exposure to the warfare of operating in mobile small units, and predominantly young age, made it rather difficult for them to readjust within a conventional army structure. Their reputations and identities as freedom fighters and their disdain, or even hatred, for traitors who

19. Sheikh Mujib planned to groom his second son as new Chief of Staff and sent him for that purpose to the Yugoslav Military Academy and then to Britain's premier military academy Sandhurst; Mascarenhas, *supra* note 16, at 35.

20. Mascarenhas, *supra* note 16, at 79–92.

21. In October 1973, Sheikh Mujib's government granted two years of antedate seniority to all freedom fighters. This was not only done out of recognition of their service, but in order to stimulate mobility and recruitment as the army had many vacancies; the author would like to acknowledge this information from (Retired) Major General Syed Muhammed Ibrahim, himself a freedom fighter.

remained (some were returnees from West-Pakistan) within their ranks, bolstered a segmented army structure wherein mid-level officers with variable wartime records had their own dedicated followers.

Under Zia, the army's political control and more generous budgets increased recruitment and could have been used to introduce merit-based promotional systems. This did not happen because the political class shared the deep-seated culture of patronage across the civil-military divide. As noted, the first head of state Sheikh Mujib had himself resorted to similar divide-and-rule tactics. In technical terms, there was a merger into one army, but its reputation in the collective consciousness could not be restored in the short run. Still, Zia managed to survive until 1981, when he was eliminated by another group of younger officers.

b) Enemy projections, Muslim nationalism and army patronage

Zia clung to power with his combination of rule and reign by proclamation until the general elections of 1979 (presidential elections had been held a year earlier). Zia cleverly chose to retain the position Chief-of-Army, while a new party, Bangladesh National Party (BNP), galvanized support among a range of different constituencies (Jamaat-e-Islami was legalized) all of which shared a dislike of the AL's brand of Bengali nationalism. Otherwise, these right- and left-wing oppositional forces nurtured anything from absolutely conditional to wholesale support for an alternative nationalist narrative, crafted over ideas of religious belonging and territorial sovereignty. In a carefully formulated constitutional amendment that passed in 1977, the country was defined as a "Muslim" state and its citizens as "Bangladeshis" instead of "Bengalees." Whether the amendment should be considered a partial or fundamental breech of the former Constitution is a matter of debate. Certainly, secularism was removed in favor of a faith-based preamble: *Bismilla-ar-rahman-ar-rahim*—proclaiming "absolute trust and faith in the almighty Allah." Socialism, a left-wing term, was redefined as economic and social justice, a neo-liberal term of which the influential World Bank could approve. Most of the other paragraphs and clauses were left untouched.

The amendment hit a popular nerve among the numerical majority who were staunch nationalists and practicing Muslims. The term Bangladeshi rather than Bengali should theoretically weaken the conflation of the Bengali language with the country as a territorial realm and open for some level of recognition of "other" faiths, as the Koran recognizes Jews and Christians as "Peoples of the Book." Arguably, there are two crucial factors in assessing what at best were limited benefits to majority–minority relations and specifically to the Plain *Adibasis* and *Pahari* (Hill) Peoples (the latter rallying under the occupational umbrella term *Jumma*).[22] These two factors are BNP's brand of nationalism and Bangladeshis' shared civilizational outlook. First, by combining territory and religion, the BNP's political ideology effectively mobilized the notion of national borders. AL's competing ethno-nationalist position de-emphasized outer borders at the expense of a layered Bengali identity. The outer and relatively recent layer—the eastern lands of the vast Bengali-speaking nation—was rooted in the modern Bengali language movement. This movement transmuted in the 1960s into a popular struggle for greater federal autonomy within the geographically divided Pakistan. The more encompassing and historically rooted trans-border regional identity of a greater Bengal constituted a riparian, once jungle-covered ancient multi-racial eco-region.[23] This latter eco-regional construction was necessarily controversial in the ongoing political process of forging a definitional core as a new sovereign country whose external borders were the arbitrary result of a cynical colonial policy of divide-and-rule. AL's brand of ethno-nationalism was

22. For an informed account, see, for example, Willem van Schendel, "The invention of the "Jummas": State formation and ethnicity in Southeastern Bangladesh," in *Indigenous Peoples of Asia*, Benedict Kingsbury et al. eds. (Ann Arbor, Michigan: Association of Asian Studies, 1995): 121–144.

23. These modern nationalist narratives appropriated and conflated the nouns Bengali and Bengal, a latter territorial term of ancient origin (*Bangal* pronounced *bango-aal*) dating at least back to a pre-Aryan era of Dravidian and Kolerian peoples. In other words, the ancestors of contemporary "tribal" Dravidian, Munda and Tibeto-Burmese speaking peoples were the early dwellers and rulers of the ancient famed *Bangal* and should, based on archaeological and linguistic evidence, claim as much if not more ownership to its territorial referent than contemporary ethnic Bengalis. See Anwarul Karim, *Water and Culture in Bangladesh: Past and Present* (Dhaka, Bangladesh: Sanjoy Majumder, 2016), 35–50.

arguably somewhat more accommodative to other ancient formations of the new borderlands that had had their own distinct cross-border political legacies of clan formations, chiefdoms, kingdoms, and their own *diku* (anti-foreigner) and anti-colonialist mass movements.[24] Nevertheless, this partly imagined ethno-nationalist narrative conflated Bengal and Bengalis as its defining core. This constellation relegated the historical and pre-historical legacies and narratives of several other descendants of the civilizational patchwork of ancient Bengal as "other" peoples. At a narrative level and literally, the Chakma, Tripura, and several other Hill peoples, the Garo and Khasi, and the Munda and Dravidian-speaking Plain Adivasis became situated in geographical peripheries, considered vulnerable borderlands to the east, north, and west of the new nation's heartlands.[25] This Bengali-Bengal nexus, enshrined in the first Constitution, was unsuccessfully challenged by MP Manabendra Narayan Larma in his four-point demands.[26] The rejection led Parbatya Chattagrom Jana-Samhati Samiti (PCJSS) to resort to politics by extra-parliamentary and armed means.

A second reason why this wave of Bangladeshi nationalism from the late 1970s did little to further the recognition of minority faiths lies in the cultural undercurrent shared by all Bengalis regardless of nationalist outlook and party affiliation. The way the BNP, like AL supporters, view their civilizational history is from the point of view of the peasant. As rooted soil cultivators with a long legacy as private land proprietors, their ingrained view of peoples who mainly depend on forest resources, combined with shifting cultivation or permanent

24. Sontosh Bikash Tripura, *Blaming Jhum, Denying Jhumia: Challenges of Peoples Land Rights in the Chittagong Hill Tracts of Bangladesh: A case study of Chakma and Tripura*, Master's Thesis (Tromsø, Norway: University of Tromsø, 2008), http://munin.uit.no/handle/10037/1535; Tone Bleie, *Tribal peoples, nationalism, and the human rights challenge: the Adivasis of Bangladesh* (Dhaka, Bangladesh: University Press, 2005).

25. Bleie, *supra* note 24, at 147–168; Willem Van Schendel et al., *The Chittagong Hill Tracts: Living in a Borderland* (Dhaka, Bangladesh: University Press Limited, 2001).

26. The four-point demands were: CHT should be declared an autonomous zone with its own legislative assembly within a federal structure; inclusion in the constitution of a statute like the 1900-Regulation; preservation of the offices of tribal chiefs, customs and laws; and prohibition of amendments that could allow settlements of Bengalis in CHT.

agriculture, is generally derogatory.[27] Such hill and plain peoples, in spite of massive pressure, managed to some degree to maintain their own distinct collective legacies of management and land use. As "simple cultivators," they have been considered naïve and exploitable. From a Bengali vantage point, peoples of such dispositions and customary practices are primitive or tribal *lok* (people). The BNP alliance's inclusion of Islamist parties who throughout the 1980s had received a Wahhabi purist religious education in *madrassas* funded by Saudi-Arabian oil money simply served to entrench the hegemonic minority–majority construction even further. Both the Islamist parties and their well-endowed religious NGOs wanted to purge local Islam of its non-Islamic ancient syncretistic influences.[28]

c) War trauma, self-possession and closure of space for recognition

After Independence, a torturous path of state building and hegemonic majority-led and defined nation-building got underway. One has to appreciate the weight of the colonial experiences with the division of Greater Bengal, the Muslim League's lofty two-nation theory and an administrative setup that was a distinctly colonial legacy. The Hill peoples had their own bitter experience of British overlords and the division of the Chittagong Hills between India, Pakistan, and Burma in 1947. The portion of the Hills that came under the rule of the state of Pakistan received, during the 1950s, special administrative status as it came to local authority and political control by the state and taxation practice. The largely retained chiefly structures and the CHT 1900 Manual were concessions of sorts. Into this cauldron of bitter—or at least mixed—colonial exposure, came a fresh collective war trauma that naturally gave way to an emotional, polarized debate structured

27. Tone Bleie and Logen Kisku, *Silent Forests: Culture, Environmental Degradation and Poverty among Santals of Bangladesh*, Commissioned Report (Bergen, Norway: The Chr. Michelsen Institute, 1999); Bleie, *supra* 24, at 213–255.

28. Asim Roy, *The Islamic Syncretistic Tradition in Bengal* (Princeton, New Jersey: Princeton University Press, 1983); Ali Riaz, *Interaction of "transnational" and "local" Islam in Bangladesh,* NIBR Report (Seattle, Washington: The National Bureau of Asia Research, April 2009).

around heroes and traitors. In this agitated atmosphere, the CHT leaders' call for constitutional recognition was vehemently rejected. The parliamentary debate around the CHT demand mobilized not only the polarized liberation discourse of the war-affected Bengali political elite and common people, but also the extremely engaging historical narratives of British rule-and-divide policy.

Within this context of emotionally charged narratives, the variable support of the Hill Peoples for the liberation movement and the Chakma Raja's primary standpoint in 1947[29] played into this heated discourse organized around partly factual, partly un-nuanced, partly unsubstantiated claims. The support of the Hill leaders for arguments of administrative autonomy anchored in a "pacification-motivated" treaty and a compromise between the former colonial masters and the Chakma Raja was unhelpful. A highly politically conscious Bengali polity that was proud of its current and ancestral resistance to the Raj, could not be won over. That Santals, Oraons, Mundas, Chakmas, and several other hill peoples could rightfully claim their own early impressive legacies of mass resistance was a non-issue to the Bengali majority preoccupied with an exercise in exclusionist nation-building. That former army and intelligence personnel had established operations in a far-flung forested Hill region, apparently with some degree of local collaboration, reinforced an understanding of CHT as the country's vulnerable underbelly. AL's somewhat muted approach of non-prosecution of many war criminals did little to help mend society's wounds. A poisonous climate of muted grievances, unmediated suffering, and suspicion prevailed.

The refusal to grant Constitutional recognition, seen through the lens of rational political theory of accommodation, is difficult to comprehend. Indeed, the claims underlying the demands of Constitutional recognition, extensive regional autonomy,[30] and recognition of cultural rights, are similar to the political causes and

29. The Raja's principle stance was that the whole CHT region should remain within India instead of being divided between the two nations in-waiting and colonial Burma.

30. CHT's painful division in 1947 can be compared to that of Greater Bengal. Bengal was first divided in 1905, a decision the British first revoked. A second division took place at Independence in 1947.

grievances that underpinned the movement for recognition of the Bengali language and greater regional autonomy. Arguably, the second Bengali renaissance as a brand of cultural nationalism was largely exclusionary and hegemonic. In the agitated atmosphere right after the war, it was almost impossible to counter and rationally challenge these narratives with evidence-based facts about the Plain Adibasis and Hill peoples' colonial and wartime resistance.[31] Indeed, had their leaders attempted to publicly claim their rightful historical and pre-historical stakes in Bengal and the adjacent regions of Chota Nagpur, the Khasi and Garo Hills, and the Chittagong Hill Tracts, the public's reaction might have turned explosive. The propagated variant of Muslim nationalism produced, if anything, a more virulent hegemonic form of nationalism than that of the AL.

The emergence of new internal and external enemies was convenient for the army in legitimizing its dual role as national guardian and protector of state sovereignty by enforced border control. The militant revolutionary group led immediately after Independence by the legendary liberation hero Tiger Siddiqi (Abdul Kader Siddiqi) was protesting the killing of *Bangabandhu*. It was perhaps a minor security threat, but the outfit's importance (however short lived[32]) could conveniently be exaggerated. By early 1976, the early skirmishes in the forest-clad CHT between guerrilla fighters and soldiers slid into regular low-intensity warfare, cleverly used in propaganda to defend a rapid military and police build-up and presence. The armed conflict was also used to justify a more pronounced role of the military in administration of CHT. At the divisional level, a high-ranking army officer administered the insurgency prone districts. A

31. These early-polarized narratives were conventionalized in first generation narratives. Second generation narratives, more nuanced and critical, are to some degree genuinely debated, but are also attempted at being discredited and marginalized by authoritarian means; see for example David Ludden, "The Politics of Independence in Bangladesh," *Economic and Political Weekly* 46, no. 35 (2011): 79–85; Naeem Mohaiemen, "Flying blind: Waiting for a Real Reckoning in 1971," *Economic and Political Weekly* 46, no. 36 (2011): 40–52; Amrit Ranjan, "Bangladesh Liberation War of 1971: Narratives, Impacts and the Actors," *India Quarterly* 72, no. 2 (2016): 132–145.

32. Tiger Siddiqi's group disappeared after a major confrontation with the Bangladesh Army and withdrawal of Indian support.

counter-insurgency, state-sponsored settler program, modeled on the approach used by the US army in Vietnam, got underway in the late 1970s. The program was backed by brutal punitive expeditions, land occupations, and stepped-up border patrols, the latter aimed at containing the guerrilla's operations on Bangladeshi soil sometimes launched from safe bases on the Indian side.[33]

After one unsuccessful attempt to start dialogue with PCJSS, the Zia regime scaled-up its operations.[34] Quelling a "communist" rebellion could be counterproductive. Keeping the offensive running gave the army a solution to its search for an enemy it could conjure up as a threat to the motherland's sovereignty. Armed disobedience violated the state's monopoly of power. The demand for internal autonomy, based on the CHT 1900 Regulation, threatened the state authority's right to fully dispose of the vast hill region's valuable forests. The harnessing of inland water resources for development had been kick-started during the Pakistan period, and would continue. These perceived and deliberately magnified threats lent urgency to calls to strengthen the army, which grew from 17,000 in 1975 to 72,000 in 1981.[35] Apart from the army and the border police, a paramilitary security force (*Ansar*) was deployed, and Bengali settlers were trained as Village Defense Parties. The vast influx in 1978 of Burmese Muslim refugees (currently called *Rohingya*) provided another rationale for militarizing the Bangladeshi–Burma border.

33. Mey, *supra* note 14. Bangladesh had its own largely homegrown Disarmament, Demobilization and Reintegration (DDR) process. First, Zia offered amnesty to defecting fighters. A full-fledged DDR effort occurred only later as part of the 1997 Accord. For a general introduction to DDR, see: Tatjana Stankovic, Stina Torjesen and Tone Bleie, *Fresh Insights on Disarmament, Demobilization and Reintegration: A Survey for Practitioners*, (Kathmandu, Nepal: Success Foundation Pvbt. Ltd., 2010).

34. By chance, the guerrilla leader MN Larma's younger brother JB Larma was arrested in Khagrachari town in 1976. Larma was persuaded (as a precondition for his otherwise unconditional release) by the then-Brigade Commander in Rangamati to carry a message from President Zia, who at this stage thought the uprising could possibly be quelled by economic development. Zia hoped to convince PCJSS to withdraw its ban on Hill People contributing labor to projects under the newly formed CHT Development Board. PCJSS and SB's leaders came to dismiss the offer.

35. Choudhury M Shamim, "Civil-Military Relations and the Future of Democracy in Bangladesh," *Journal of Political and Military Sociology* 22, no. 2 (1994): 351–366.

d) Checkered "civilian" leanings of the military and indirect uses of aid

The Zia era (1975–1981) brought back the army as a core pillar of the fledging state. Army expansion and improved financial and social benefits (following the November 1975 Sepoy/Jawan uprising mentioned above) did little to stamp out internal factionalism, a persistent problem Zia sought to mitigate through a balancing power game and by purging the military of his opponents. In the end, Zia was assassinated in a coup in May 1981, just two years after his newly established Bangladesh Nationalist Party made a move toward electoral democracy in the 1979 parliamentary election. This step toward a multi-party system provoked a counter-move within the ranks of the army.

Lieutenant-General Hussain Muhammad Ershad's (1982–1990) coup did not simply eliminate Zia. Ershad disposed of the recently elected civilian president and stamped out a budding democratization. Bangladesh's two major parties, the newcomer BNP and the established AL, were now led by two dynastic heirs, President Zia's widow Begum Khaleda Zia and Sheikh Hasina, Mujib's surviving daughter. The former first lady's husband was at least indirectly complicit in the assassination of the Hasina family, including Sheikh Hasina's own and the country's elevated father figure. As leaders, they embodied literally and symbolically a legacy of bloodshed and alternative nationalist narratives in which the liberation struggle and ultimate sacrifices figured prominently. They were bitter personal enemies who were nevertheless united to some degree in their struggle to "restore" democracy. That would take another decade, as the new military and political strongman was a seasoned player.

Ershad founded the Jatio Party (JP). JP was a platform on which he managed to recruit rather liberally erstwhile AL and BNP members and so far unaffiliated army officers, civil servants, and business people. Under Ershad, an electoral local party organization was built. Muscle politics brutalized and militarized the country. Handguns were lavishly handed out to local party cadres from the 1986 elections onwards, a development this author observed at close hand in North-Western Bangladesh. The military's footprint in CHT remained

heavy, in spite of international condemnation of new atrocities, as the international community had earlier condemned the Kalampati massacre in 1981 (and even earlier massacres) under the late General Zia. In spite of the media's attention to the brutality of and violations by the army, Bangladesh retained its status as a high priority recipient of international aid. Donor pressure made the Ershad government make certain rather cosmetic concessions, including a sham election in 1986 in which the AL chose to participate, and an amnesty offer in 1983 to "misguided" Santi Bahini.[36] In late 1987 the government and PCJSS met officially in the jungle. The negotiations stranded mainly due to two demands in PCJSS's charter; extensive provincial self-rule (interpreted by GoB[37] as tantamount to sessionism) and removal of the by then sizable Bengali settler population.

Foreign aid was a honey pot for rent-seeking behavior under Ershad's military rule. This rule thrived on "swing door politics" not only between the parties, but between the military, the civilian bureaucracy, and a partly government-controlled economy dominated by large corporations. In the CHT, a considerable number of private leases of forestland (Unclassified State Forest) for commercial horticulture and rubber plantations were issued to civil and military officials, to politicians and their relatives, and to business partners.[38] During the counter-insurgency, a Special Settlement Zone was set up, based on confidential circulars and hurried land acquisition procedures that disregarded legal land rights and land settlement practices.[39] During Ershad's rule and reign, a massive influx of development assistance made rapid expansion of the military budget possible. From 1981/82 to 1989/90, the army grew from 77,000 to 103,000 and was modernized by aid from China (equipment) and US (training and education in military academies in the US). In the latter half of the 1980s, the mass-supported student wings of the opposition parties managed to unite sufficiently and long enough to force Ershad to

36. Mey, *supra* note 14, at 169.
37. The author would like to acknowledge (Retired) Major General Syed Muhammad Ibrahim for this information. Ibrahim was party to the GoB's negotiation team.
38. Shapnan Adnan and Ranajit Dastadiar, *Alienation of the Lands of Indigenous Peoples in CHTs of Bangladesh*, (Dhaka, Bangladesh: CHTC and IWGIA, 2011): *xxv*.
39. *Ibid.*, *xii*.

resign in favor of a transition/interregnum mechanism, the so-called "caretaker government."

e) Electoral democracy and power-sharing arrangements

The military-formed BNP, led by Begum Khaleda Zia, won the first free parliamentary election in February 1991.[40] The higher echelons of the army refrained from intervening this time. It was an early transition to an electoral democracy and a notable shift in civilian–military relations. Analysts have characterized it as a shift to an apolitical military willing to accept civilian rule. Nevertheless, it is essential to comprehend the nature of this uneasy power-sharing arrangement, in which caretaker governments were a key element, and why it has remained largely acceptable to both the major political parties and the military for the last twenty-five years or so.

This argument builds on several key factors. First, one needs to recognize that the timing of the transition to civilian rule coincided with the end of the Cold War. A number of dictatorships in Latin America, Africa, and Asia were either giving a greater role to genuine political parties and civil society actors in government, or democratic forces had replaced former autocratic regimes altogether. The higher tiers of the army and its close allies within the civil bureaucracy and business sector realized they needed to give way to the mounting demands for a democratic transition from the international aid community and its own vibrantly youth-dominated political population. The army and its close allies were seasoned players in supporting each other in establishing and running profitable business ventures that also benefited from the massive inflow of international assistance. Another boon for the army was the new BNP-led government's (1991–1996) lack of full commitment to ending the low-intensity war against the internal enemy PCJSS and its armed wing Santi Bahini in the Chittagong Hill Tracts. The army could retain and even expand its military and commercial interests in CHT. The clever dispensation arrangement with a CHT ministry directly under the prime minister's office was

40. Craig Baxter. "Bangladesh in 1991: A Parliamentary System," *Asian Survey* 31, no. 2 (1992), 164–65.

retained. Arguably, in this first transition to an elective democracy, the CHT civil-military complex, started during Zia's rule, was allowed to mature and institutionalize further during BNP's two periods in power.

As argued above, the Khaleda Zia and Sheikh Hasina-led parties joined forces to have civilian rule "restored." The victory of the democratic forces led to an intermediary period of "normal," somewhat functional, parliamentary democracy. However, this early process of genuine democratic consolidation was reversed when old bitter animosities and dynastic rivalries became all too evident, leading to AL's boycott of the 1996 election. Giving in to mounting pressure from street mass politics, the ruling party supported the 13th Constitutional Amendment, which allowed for another caretaker government to take over. Parliament was dissolved during the voting period. This move brought the AL back into executive power for the first time since 1975. The election manifesto contained a promise to end the military conflict in CHT through a negotiated truce. This electoral promise was fulfilled in December 1997, anchored in the signed CHT Accord with its provisions for surrender, disarmament, demobilization and reintegration of the Santi Bahini, repatriation of refugees from India and rehabilitation of internally-displaced persons (IDPs). In addition to these rather short-term, doable provisions, the Accord also contained important long-term provisions such as securing IPs' land rights, cancellation of illegal leases to non-residents, establishment of a Land Commission to resolve the latter disputes, and measures to install a civilian administration through Hill District Councils.[41] The AL-led government that had fronted the Accord from the government of Bangladesh put the most consequential provisions on the backburner while paying lip service to their election pledges. BNP (in opposition) reacted by mass agitation to the signed Accord.

41. "Chittagong Hill Tracts Treaty 1997," Government of Bangladesh and PCJSS, https://drive.google.com/file/d/0B8ka4FwgZxAManF6cjhWczgxZ1U/edit; Shapan Adnan, *Migration, Land Alienation and Ethnic Conflict: Causes of Poverty in the CHTs of Bangladesh* (Dhaka, Bangladesh: Research and Advisory Services, 2004); Md. Zahed Hassan, *Institutional Responsiveness to Indigenous Rights: The case of the Chittagong Hill Tracts Land Dispute Resolution Commission*, Master's Thesis (Tromsø, Norway: University of Tromsø, 2011).

A toxic mix of mutual distrust prevailed between the top dynastic leaders and a winner-takes-all mentality in terms of turfs, control of offices, institutions and territory. Dynastic wrangling, patronage, and factionalism made national politics excessively confrontational with mass-based street politics, both violent and non-violent. Another caretaker government was brought in to oversee the 2001 election, which brought the BNP back into power (2001–2006) in an alliance with the Jamaat-i-Islam and two other fringe parties. Their commitment to the implementation of the Peace Accord was at best lukewarm. Polarization and violent mass politics intensified prior to the 2006 election, leading to its postponement. The level and seriousness of political violence, nationwide strikes, the rise of Islamist militant groups, and massive economic losses, resulted in a military intervention on 11 January, 2007. A state of emergency was declared. A military-supported caretaker government ran the country until late 2008. The military's multiple roles as political intervener (rationalized as chief guardian of national security) and caretaker government installer rather than backstage facilitator, was in the beginning taken quite positively by sections of the electorate, civil society, and the international donor community. The government's honeymoon did not last long, due to mass arrests and prosecution of the two top female leaders. Among the most serious charges were grand corruption and conspiracy to murder opponents. Even initially popular measures to promote in-party democracy, the so-called "Two-Minus-Strategy," floundered. What was less noticed and opposed by the highly political polity was the military's expansion of its counter-insurgency operation in CHT.[42] Notably, this occurred while the Chakma Raja and Circle Chief was Special Assistant to the caretaker government and in charge of the CHT Ministry, which is a telling testimony to the limits of civilian control over the military. Most of the undoubtedly incriminated top political leadership returned to the national scene, resorting to their old, mutually devastating rhetoric. The government's differential treatment of Sheikh Hasina and Begum Khaleda and their closest relations, made it so the BNP claimed that the military favored an AL victory. Indeed, the AL-headed alliance won an overwhelming

42. Adnan, *supra* note 41.

two-thirds majority, a result BNP took as strong evidence of vote rigging. The party's response was to boycott the 2014 election.

The window of opportunity provided by two terms of AL rule to deepen and consolidate democracy was squandered for a number of reasons. The June 2011 abolition of the caretaker system by the Supreme Court sanctioned by the 15th Amendment to the Constitution and the failure to introduce electoral reform, constitute perhaps the most visible and nationally polarizing policies, indicating a stronger will to rule by a "winner-takes-all" strategy among the top AL leadership displaying a distinctly authoritarian leadership legacy, rather akin to BNP's top leadership. It is in this wider political context the controversial amendment of the clause on ethnic minorities should be analyzed. This context includes the frustratingly (from a government point of view) internationally well connected Indigenous rights NGOs and the civil-military nexus with its power-sharing compulsions. Attempts have been made to contain these civil society voices. Branded as foreign agents, they have been spied on, intimidated, assaulted physically and denied access to CHT for alleged security reasons. The power-sharing compulsions also necessitate non-implementation of several important provisions of the CHT Accord. Perhaps needless to note, this is contrary to the lofty rhetoric of the AL government. Indeed, the influx of new settlers and illegal occupation and sale of *Pahari* (Hill) lands continued unabated, while no credible effort was made to rehabilitate earlier illegal settlers outside CHT.[43] Clearly, there is a modus operandi where the civil-military complex, operating through a number of tacit power-sharing arrangements, has rendered redundant public accountability for electoral promises to implement the Accord. This Accord, if fully implemented, would probably have to some degree demilitarized the hill region.[44] The situation amounts

43. Rajkumari Chandra Kalindi Roy, *Land rights of the indigenous Peoples of the CHTs, Bangladesh*, (Copenhagen, Denmark: IWGIA Documents No. 99, 2000); Raja Devashish Roy, *Land and Forest Rights in the CHT, Bangladesh*, (Kathmandu, Nepal: ICIMOD, 2002); Shapan Adnan, *Situation of Minorities of the CHTs under the Caretaker Government and their Participation in the Upcoming Elections*, Written Testimony submitted to USCIRF, Capitol Hill, Washington, D.C. (2008).

44. Full takeover by the civilian administration and reduced army presence is of course no guarantee for any immediate dramatic drop in armed violence due to arms

to nothing less than the execution of a "shock doctrine" involving cuts in the number of army battalions and reduced paramilitary presence, immediate action such as the massive reshuffling of personnel to other cantonments throughout the country, and a likely downsizing of the army over the longer term. Army personnel posted in CHT would be deprived of several illegal lucrative rent-seeking incomes, not to speak of handsome direct income from commercial ventures based on illegally acquired land. Vast numbers of Bengali settlers would face a reduced security guarantee and real prospects of having to return land de-facto controlled through land occupation or based on forged documents. A broad conglomerate of politicians (including retired army and police officers), bureaucrats, business corporations (to some degree owned by military persons), corrupt local leaders, and, not to forget, current army and police personnel, would all see their vested commercial interests and important sources of livelihoods threatened, or even lost.

The AL-led alliance could afford to ignore its Accord pledges, but not its pledge to try war criminals from the time of the Independence war. The trials led to mass violence orchestrated mainly by Jamaat activists, including attacks on police and security personnel after the verdicts started being announced from early 2013. A new antagonistic front of confrontational street politics opened, with youths led by moderate and secular activists rallying under the banner of the Shahabag Movement. Targeted street killings of advocates for a secular stance and for rights for sexual minorities followed. The government and courts responded by a High Court Judgment cancelling Jamaat's registration with the Election Commission. BNP-led parties boycotted the last election of January 2014. It became the most violent in the country's 45-year election history. The evidence of vote rigging and party-led organized violence is considerable. The armed police and the paramilitary Rapid Action Battalion met this street violence with excessively brutal counter measures.

The above account unravels key underlying facets of nation- and state-building, organized around a timeline from the early period of AL rule (1972–1975), through two periods of military rule with

controlled by Bengali setters, CHT-based factions opposed to the Accord, and the presence of armed proxy actors.

certain civil leanings (1975–1990), ending with electoral democracy (1991–present). In this section, deep-seated continuities and changes in "the deep state" and in competing nationalist narratives have been identified which may help explain the status quo and also the space available to national and international NGOs and multilateral partners in negotiations with governing institutions embedded in a civil-military complex. Civil-military relations offer a neglected but valuable approach to tease out some important and inadequately understood culturally coded institutional behaviors and institutional dynamics, inexplicable by mainstream political theory of the pillars of the state, of civil-military relations, democratization, international law and good governance.

II. Civil-military relations—towards a grounded understanding

a) Limitations of classical civil-military theories

For more than a generation, theories of civil-military relations have been dominated by a normative theory of civil-military relations in "mature" democracies. Scholars have struggled to apply these theories to explain a variety of empirical cases for the global South and North demonstrating civil-military constellations characterized by blurred spheres. One has naturally struggled to think anew about how such enmeshments or conglomerates actually mold and stymie democracy, trample on peoples' sovereignty at the expense of state sovereignty, and undermine a state's human rights obligations.

The classical theories of respectively Samuel P. Huntington and Morris Janowitz address civilian objective political control over the military (in order to protect liberties and rights of individual citizens) and a civic republican theory.[45] Janowitz's theory downplays Huntington's liberal argument of the state as protector of individual rights. He instead emphasizes citizen participation in defending the

45. Samuel P. Huntington, Samuel, *The Soldier and the State. The Theory and Politics of Civil-Military Relations*, (Cambridge, United States of America: Belcap Press of Harvard University, 1957); Morris Janowitz, *The Professional Soldier: A Social and Political Portrait*, (New York: The Free Press, 1960).

state or the nation. Janowitz's republican theory renders the ideal of the citizen-soldier critical to foster civil participation. Without going into detail in this article, the posited distinction between political and military spheres is highly problematic, even in the US with its civil-military and civil-intelligence complexes. Huntington's theory does not explain how the citizen-soldier tradition can be sustained when there is no objective need for mass mobilization. Unlike Huntington, Janowitz at least acknowledges that the two spheres might be blurred, causing tensions. His insight largely remains at the empirical level. Another serious problem with relying on these classical theorists is that they, for rather obvious reasons, do not adequately address transnational civil-military relations as a result of regional defense organizations such as NATO ("out of area" operations), African Union forces ("in the area" operations), and intentional peace-keeping operations under the aegis of the UN or regional organizations.

This contextual remark about the legacy of this field of inquiry, and the (too) enduring influence of these theories, in spite of shortcomings, does not invalidate civil-military relations as a useful field for our purposes of understanding a largely homegrown civil-military nexus. In the following section, a number of synthesizing arguments based on the above inquiry of Bangladesh's Byzantine, conglomeratic civil-military complex will be outlined. Then the fraught constellation of transactional and national civil-military relations and democratic values, resulting from Bangladesh's peacekeeping role, will be analyzed. No scholarly agreement exists as to whether the peacekeeping engagement generally promotes democratization or rather subsidizes continued militarization of the CHT.[46] The two Bangladeshi international relations scholars Rashed U. Zaman and Niloy R. Biswas have argued that concordance theory which (building

46. "Militarization in the Chittagong Hill Tracts, Bangladesh: The slow demise of the region's indigenous peoples," IWGIA Report 14 (Copenhagen, Denmark: IWGIA, 2012); Rashed Uz Zaman and Niloy R. Biswas, "Bangladesh's Participation in UN Peacekeeping Missions and Challenges for Civil-Military Relations: A Case for Concordance Study," *International Peacekeeping* 21, no. 3 (2014): 324–344; Motiar Rahman, "Blue Berets in the UN Peacekeeping Process: The case of Bangladesh Police," *Indian Journal of Politics* 14, no. 1 (2009): 36; Kabilan Krishnasamy, "Bangladesh and UN Peacekeeping: Participation of a 'Small' State," *Commonwealth and Comparative Politics* 41, no. 1 (2003): 32–33.

on Janowitz's empirical insights) emphasizes that accommodation and shared values between the military, the political elites and polity is better suited to explain civil-military relations in Bangladesh. Not least, the peace operation's importance may be better explained by the conditions that decide domestic military intervention and agreement between the military, political elites and the polity.

b) The rise of a homegrown civil-military complex

Statehood in Bangladesh resulted from a ruthless military clampdown on a regional autonomy movement with ethno-nationalistic overtones.[47] This bloodstained and traumatic "birth" is in direct and indirect ways at the center of meta-narratives about the origin of the state and "the nation" as an imagined community of belonging. The sovereign post-*Raj* Pakistani state paradoxically acted as its colonial master, underestimating the long political legacies of mass action and agency of the peoples of East Pakistan as citizens. Pakistan's dictatorship set the terms for civil-military relations in East Pakistan and its policy shifts in CHT before and after the Kaptai Dam debacle.[48] The Pakistani army's eastern wing, built on the pioneering First and Second East Bengal Regiments, was staffed with Bengalis.[49] When the Pakistan Armed Forces, in March 1971, cracked down on the civilian movement and military personnel opposing mass executions, the East Bengal

47. Willem Van Schendel, *A History of Bangladesh* (Cambridge-New York: Cambridge University Press, 2009); Sarmilla Bose, *Dead Reckoning: Memories of the 1971 Bangladesh War* (Chichester, United Kingdom: Columbia University Press, 2011); "History, Culture and Politics," *The Bangladesh Reader*, Meghna Guhathakurta and Willem Van Schendel eds. (Durham, United States of America: Duke University Press, 2013).

48. The Government of Pakistan chose a softer approach to transition in the 1950s, retaining the hierarchy of semi-traditional office holders and accepting the CHT 1900 Regulation. This accommodation strategy, through a degree of indirect rule (controversial among the Chakma), was sacrificed for the Kaptai Dam Project. This was an interventionist prestige project that resulted in mass displacement of the Indigenous Peoples. Pakistan's powerful leader must have wanted to match the Indian government's socialist policy of mega-hydro projects. The CHT 1900 Regulation was also abolished.

49. Stephen Cohen, *The Pakistan Army* (Berkley, California: University of California Press, 1984).

Regiment had eight battalions. The revolt of the Bengali personnel prompted the decision of the exiled interim government in June 1971 to deploy forces in guerrilla warfare alongside civilians. Mukti Bahini mobilized a combination of citizen-soldier ideals in protection of the motherland and civilians' ideals of the necessity of disobedience. That included armed action for freedom through secessionism.

Framed within an exclusionist ethno-nationalist ideology, the first generation war narrative only glorified Bengali freedom fighters. This narrative rendered invisible fighters and civilians from other ethnic plains and hills groups who had valiantly resisted and saved lives.[50] The Chakma Raja's "unpatriotic" act, siding with Pakistan and paramilitary fighters' operations in CHT, fortified the official national understanding of freedom as exclusively fought and won by Bengalis. The war trauma magnified this sense of betrayal, closing off any negotiation space for MP Larma's four-point demands in 1972. Until his sudden violent death, Sheikh Mujib's attitude to the demands of the Hill leaders remained unbendable and dismissive.

Immediately after Liberation in 1971, civil-military relations were largely antagonistic. The AL regime's security reform deliberately wing-clipped the army and established Rakkhi Bahini as a parallel force, operating as the charismatic and patrimonial Sheikh Mujiib's stormtroopers. To the officers and the rank and file soldiers who remained inside the highly fractured politicized army, the reform was a major affront. A potent mix of grievances and patriotism, however misguided, motivated coup plans.

The liberation hero Zia Rahman, a career officer, joined coup makers and later abolished the Rakkhi Bahini. He chose patronage for the armed forces. The latter did not rise like a phoenix from the ashes of the war, but rather retained basic formal features modeled on the Pakistani/British military bureaucratic model. The forces' offensive three-brigade structure had already been altered in connection with Mujib's security reform. Zia wanted an army structure similar to that of other Commonwealth nations. As a military response to the early CHT

50. This exclusionist stance is officially carried forward to this day. Bangladesh Army's official list of freedom fighters contains only Bengalis. See the official website: https://www.army.mil.bd/List_Of_FreedomFighter

insurgency, Zia and his top ranking officers adopted the US Army's anti-communist counter insurgency doctrine, combat tactics, and training approach, largely overlooking the uprising's complex political, economic, social and cultural antecedents in Pakistani (1947–1971) and British (1860–1947) rule. The Counterinsurgency Doctrine's blatant failure in Vietnam did not hinder its use on a radicalized hill population with its own ancient martial traditions. As initially Chief of Army (CoA) and Dpt. Chief Marital Law Administrator (1975–1977), and later both President and CoA (1977–1982), Zia established the paramilitary force Bangladesh Ansars, the Village Defense Parties, a Settler Program, a supporting Special Settlement Zone Program, and the Chittagong Tracts Development Board. The army, police, and paramilitary operated under an executive mandate to conduct both rough military operations and civil-humanitarian operations. Later elected governments have never abolished this blurred civil-military dispensation, in spite of the CHT Accord's provisions to the contrary.

Arguably, the civil-military complex was institutionalized under General Zia. By playing the tainted internal and external enemy card,[51] the military regime succeeded in building political legitimacy. The rhetoric was perfectly suited to BNP's territorial Muslim-centered propaganda. The regime secured substantial finances for the complex's build-up. In spite of weak democratic credentials and few peace initiatives in CHT, the Zia regime attracted more foreign aid than any other since Independence. It disposed aid to indirectly subsidize increased annual defense budgets, sanctioned without prior transparent executive or legislative debates. The developmental CHT policy was a strategic ploy largely to secure foreign funding for diverse purposes. In reality, the new infrastructure greatly facilitated military and police operations in what used to be a rugged, road-less terrain. Patronage networks appropriated development funds through a range of inventive arrangements, providing generous kickbacks to national and regional civil-military personnel and government contractors.[52]

51. The CHT conflict has been creatively used as a "trump card." When played out, it would win the "game," removing any doubt about the existence of a threat of unruly hill subjects and foreign interference.

52. Mey, *supra* note 14, at 148.

In double executive positions as both President and Chief of Army, Zia provided the fractional army patronage, expanded it and modernized it. The authorities galvanized public fears and a sense of patriotism by claiming the CHT guerilla represented a genuine threat to state sovereignty. Still, it took more than the effective use of nationalist propaganda in the government-controlled media to fully restore the army's tarnished image. A new recruitment policy was actively used to strengthen the Armed Forces' appeal. During the Pakistani Independence struggle, the officer corps was mainly composed of recruits from the landed Bengali elite.[53] Zia and Ershad pushed for a more inclusive recruitment policy partly motivated by strategic state-building concerns, and partly as a response to the elite's declining interest in military careers. Improved access was notably confined to recruits of ethnic Bengali of urban and rural middle-class background.[54]

The military rulers combined dictatorship with party building. Zia and Ershad respectively built the BNP and the Jatiya Party through state patronage, exploiting factionalism within the already established parties.[55] Arguably, this was nothing new. The Awami League, under Sheikh Mujib's leadership, resorted to similar techniques of governance while his military successors prohibited other mass-based parties at times in order to expand their own membership bases and to some degree contain popular protests and demands for genuine electoral and parliamentary democracy. Instead, Zia and Ershad organized and controlled unfair elections in order to cling to power. Consolidating power through combined rule and reign, they learned the political and administrative craft of civilizing their largely authoritarian regimes, thereby consolidating popular support. They built *Sarkar* party apparatus that established crosscutting ties with civilian-military institutions, or operated within them, extracting vast public resources. The civilian and military apparatus ultimately failed

53. *Supra* note 50.

54. Zaman and Biswas, *supra* note 46, at 336. This author (Bleie, *supra* note 24) studied barriers to Adivasi youth employment opportunities in the years 1982–1998 and found that a military career was virtually closed off due to discrimination against the Adivasi.

55. Rounaq Jahan, *Political Parties in Bangladesh*, CPI-CMI Working Paper Series (Bergen, Norway: Center for Policy Dialogue and Chr. Michelsen Institute, 2014).

to contain the build-up of a student-led mass movement demanding full civil and political rights. The level and severity of police and army violence, mass arrests, torture, extra-judicial killings and massacres in CHT were raised repeatedly by Dhaka's numerous diplomatic corps and a range of international human rights and good governance constituencies. However, the international community mostly stopped short of a robust policy of sanctions underpinned by tangible "sticks and carrots." They chose to rely on shaming, pressuring for state accountability through the UN's human rights mechanisms and funding massive good-governance initiatives.

The BNP-led government had limited ideological, normative, or pecuniary interest in the early 1990s in ending the low-intensity war with PCJSS. Importantly, PCJJS decision to withdraw their long-time demand for extensive self-rule, paved the ground for new peace negotiations. BNP was built by a former military dictator and was firmly embedded within the civil-military complex. Awami League, the main opposition party, went to the polls with a peace accord pledge, but in government it was trapped in an entrenched patron-client network involving politicians, civilians, military bureaucrats, and business people. Three AL-led governments have dragged their feet in implementing the most consequential provisions of the Accord. The oft-repeated recourse to caretaker government represents, undoubtedly, an incremental change in civil-military relations after a fairly free electoral democracy was instituted in 1991. In the polarized political climate, the caretaker mechanism allowed for a number of largely free and fair elections. Several analysts have understood it as a mediating civil-military mechanism, which goes a long way in explaining why no full-fledged military coup has occurred since 1990.

This caretaker dispensation functioned as a mediatory power-sharing safety valve, but not simply by keeping the mighty army "in the barracks" and avoiding political intervention as coup makers. Intriguingly, quite a sizable proportion of the standing army has for decades *not* been in the barracks, but on operative duty abroad for the UN and in the "securitized" CHT. The army operates in CHT as administrator and as force from a large number of main and satellite cantonments and camps. It can be maintained that it is this axis of

both transnational deployment and internal occupation of CHT that defines the parameters for negotiated space between the main political parties with their patrimonial leaders (in position and opposition) and a range of militarily vested actors. The militarily vested actors are widely distributed across institutions having the formal trappings of civil or military institutions, and in mandated hybrid institutions. Such vested actors also operate in elusive crosscutting vertical and horizontal kinship and friendship networks. They tend to be mobilized for specific illegal, quasi-legal, or legal purposes.

In this chapter, the term *rule* refers to the conduct of successive elected governments and interim caretaker governments. The verb *reign* (as distinct from the noun) is retained for the deep state or state-affiliated actors who actually dominate and control from behind. For nearly two decades of Bangladesh's 55-year history, formal rulers became governments by military takeover. They actually combined their rule with reign. Given the country's highly political polity, they were compelled to experiment with rule through new *Sarkar* (government) parties. When these parties attained a certain level of support, they assumed the trappings of regular parties with a popular electoral basis. Both the BNP and Jatio had quite broad voter appeal, but voter loyalty fluctuated considerably. The parties were and are highly centralistic with weak permanent local party bases.[56] The AL-alliance-led decision under Sheikh Hasina to abolish the caretaker dispensation in the Constitution may be an ominous sign of a more permanent power-sharing arrangement with the military. Alternatively, it may be a barometer showing the rise of an overconfident authoritarian leadership, echoing the late Sheik Mujiib's turn to a one-party system. If so, have we come full circle? In other words, will the army again become openly interventionistic?

c) Peacekeeping as political asset and Achilles heel

This article will now return to Bangladesh's troop contributions to UN Peacekeeping, a key element in their current civil-military relations and the opaque power-sharing arrangements that was analyzed above.

56. Rounaq, *supra* note 55.

Firstly, the timing of the entry of Bangladesh into UN Peacekeeping operations was likely not accidental. In the late 1980s, General Ershad had prioritized public investment in army expansion. This was the decade when the most profiled national duty of the army, paramilitaries and police was to combat the insurgency in the CHT. Was the timing of the decision to start deploying troops to UN operations purely coincidental? While there is no hard evidence to prove this, it is nevertheless quite plausible that the aid-bloated military regime realized it needed to improve its own and the army's tarnished image, a result of breaches of international law in operations and treatment of civilian populations. The Ershad government first sent a group of military observers as part of the Iran-Iraq Military Observation Group. The subsequent civilian government (from 1991) expanded the number of peacekeepers. Over the last fifteen years, Bangladesh has become a main source of personnel to UN Peacekeeping missions. Between 2000 and 2013, Bangladesh provided nearly 120,000 personnel from the Armed Forces and the police.[57] This quite massive presence of Bangladeshi blue helmets has improved the country's reputation internationally, especially since there is hardly adequate coverage and international awareness of the military's atrocities and rampant impunity in the CHT.[58]

A recent case demonstrates interesting implications for domestic politics (including CHT) and civil-military relations. In 2006, the country prepared its ninth parliamentary elections in a tense political atmosphere marked by escalating violence and a partial paralysis of public and private sector functions. I commented above that when the caretaker government took over in early 2007, this was largely welcomed by citizens and the international community. This community had a sizable diplomatic multilateral and bilateral representation in Dhaka. Although all facets of the main actors' motives behind the military facilitated takeover are not fully known, there is sufficient information to undertake a useful analysis.

57. Zaman and Bishwas, *supra* note 46, at 327.

58. Muhammed A. Islam, "Peacekeeping Operations and its Legal Implications," *Bangladesh Army Journal* (January 2001): 50–58. See several Press Statements by the CHTC between 2011–2016 on matters of impunity by army and police: http://www.chtcommission.org/page.php?idn=19

It is known that the diverse donor community largely supported Renata Dassallien's stance. As UNDP's erstwhile Resident Coordinator, she played an influential backstage role in pressuring for a caretaker government. Dassallien made it completely clear that if the army "allowed" the contested election to take place (with prospects of endless street politics by the main opposition parties), Bangladesh would risk its highly valued access to the UN Peacekeeping forces. There is evidence that Dassallien's rather unveiled threat of diplomatic sanctions was one of the decisive factors motivating the key military and political actors of the agitating parties to enter into a compromise and opt for the "interim" solution.[59] This is an illustrative case of how multilateral actors, through a resident coordinator (and with overt or tacit nods from several other diplomatic missions) could effectively mobilize and exercise diplomatic pressure, in this case Bangladesh's incorporation into a norm-based international community, from which substantial financial benefits could also be reaped. These benefits flow not only to a large number of troops, but also to the government via the Ministry of Defense. These substantial annual incomes have made it possible to purchase new equipment and, to some degree, to subsidize the army.[60] Importantly, the scope of acceptable political alternatives did preclude a coup, which would have radically questioned the army's democratic credentials and standing as a peacekeeping operator. What was at stake were numerous social and financial assets, which Zaman and Biswas[61] quite aptly have termed prestige, economic assets, and political and institutional rationales. And what was at stake financially, one might add, was not only big money for the state coffers. Arguably, the hierarchical army and the civil bureaucracy are entrenched patronage systems, within which many benefit from corruption and rent seeking, starting from troop nominations/selections and ending when troops receive their final reimbursement having returned from these missions. The UN's Resident Coordinator in this case acted

59. There was a Press Statement of the UN Resident Coordinator (of 11/1/2007) that expressed this in fairly explicit language. See also "Restoring Democracy in Bangladesh: Asia Report No. 151," International Crisis Group (2008).
60. Islam, *supra* note 58; Zaman and Biswas, *supra* note 46.
61. Zaman and Biswas, *supra* note 46, at 330.

robustly (behind the scenes), bargaining with a precious political and financial asset for Bangladesh's civil-military elite. In terms of political outcome, this was (at that particular time) rather successful diplomacy. Dassallien, acting on behalf of the UN, nevertheless paid a price for these rather unusual realist politics. After this episode, both prominent members of the civil-military elite and several prominent Bengali and English daily newspapers called for Dassallien to be treated as *persona non grata for* the rest of her tenure in Bangladesh.[62]

III. Conclusion: From a normative straight jacket to descriptive models

Media and the development industry have in recent decades characterized Bangladesh as a conundrum or paradox. Arguably, when analysts apply the term "paradox," it is often a façade hiding a lack of understanding of underlying structural causes. Portrayals of Bangladesh as both an extraordinary success story and a pariah state in terms of "good governance" warrant better answers than analysts have offered so far. Explanatory efforts too often end up as muddled exercises that highlight impressive results and the thriving NGO sector as a prime enabler and deliverer of goods and services compensating for a "weak" state. Within these grander incoherent narratives, human rights violations and the stranded 1997 Peace Accord are relegated the status of lower order issues or problems. One reads maps of Bangladesh as bounded sovereign territory, interpreting CHT's post-independence geographical location as an outer-lying border region. What is the result if such map reading is combined with scant knowledge of CHT's past as a bridge between the hills, plains and coasts and two cultural regions, of its rich exploitable resources and toxic potency in nationalist discourses? The result is a gross underestimation of the importance of this particular conflict between state sovereignty

62. The author thanks a former Scandinavian diplomat to Bangladesh for valuable insights into diplomacy's front and backstage activities in Dhaka during this particular period. The author would like to acknowledge insightful and critical comments from Elsa Stamatopoulou, Desmond Molloy, Syed Muhammad Ibrahim, Syed Mahmud Ali, Dev Raj Dahal, Ann-Lisbet Arn, Sontosh Tripura, Selja Vassnes and two anonymous reviewers.

and peoples' sovereignty. The latter anchored in the 1900 Manual, a compromise of sorts between the British authorities and militant hill peoples defying an imposed status as colonial subjects.

This piece has called for a less restrictive and exclusively normative theory and analysis in favor of an interdisciplinary approach, which accords greater weight to descriptive models of constitutional cultures, the nature of patronage-based factionalist politics and a largely homegrown civil-military complex. To end, this paper will present a conclusive observation on the merits of descriptive analysis of evidence of individual and collective action; their moral, emotional, and socio-economic underpinnings; and the scope such insights may provide for effective diplomacy and advocacy. But first of all, some conclusive comments, framed by this argument.

As I sought to highlight in this chapter, CHT's post-Raj political history of shifting allegiances, resistance movements and negotiated compromises, not forgetting CHT as a hotspot for armed actors, has to be factored in when explaining CHT as a site of competing ethno-nationalistic ideologies, geopolitics and resource wars. These factors, together with the exclusionary traits of Bengali and Bangladeshi nationalist narratives, makes it easier to comprehend why the demands for constitutional recognition and a return to the 1900 Manual have been vehemently rejected. This constitutes part of quite a complex series of arguments about patrimonial politics in Bangladesh, which I sought to develop in this chapter. Arguably, Bengali pride and grievances were effectively mobilized to legitimize the army's buildup after *Bangabhandu's* assassination. Continuity rather than abrupt change characterizes Zia's and Ershad's authoritarian patrimonial reign and rule, following the late Mujib's rule of declared state of emergency and a one-party state. Arguably, a civil-military complex formed, indirectly co-financed by international development assistance, which "bought" successive military governments (1975–1990) and the so-called CHT Development Board Initiative. Influential donors either underestimated or chose to overlook how development in CHT enabled militarization and politically engineered in-migration, spurred internal strife, social differentiation and provided lucrative opportunities for rent-seeking, corruption and territorially-based land occupations.

The politics of military occupation and land grabbing were pursued and were countered by a range of inventive modes of armed and peaceful resistance nationally. The *Jumma* ethno-political project was also lifted into the international arena. A new generation of able *Jumma* leaders, including heirs to semi-traditional offices of the Chakma and Tripura, did more than appropriating an expanding human rights regime. They actively contributed to the codification of Indigenous rights and advocated for these rights globally and regionally. It is the conversion of this normative regime back into Bangladeshi national constitutional politics and laws which has proved difficult. The underlying complex reasons for the conversion barrier have been highlighted above. Since shaming and the regular human rights accountability mechanisms have so far proved relatively ineffective, leading human rights actors have in recent years recalibrated their multipronged approach. That includes, for example, measurable milestones for the Accord's incomplete or unimplemented clauses and advocating for routine screening of applicants from Bangladesh army and police to UN Peacekeeping operations.

Informed by more recent approaches to the study of civil-military relations, this chapter has examined why the CHT Accord is likely to remain largely "a dead letter." There is nothing sensational about this finding, and least so among Bangladeshi human rights defenders, national and local CHT politicians, bureaucrats and security personnel. The question is rather, who is gaining and who is losing as a result of the current politics of pretense? It would require another essay to address this tangled and highly sensitive question with the nuances and rigor it deserves. For international human rights bodies, like the Chittagong Hill Tracts Commission (CHTC), to officially announce the Accord-track a permanent failure, would not only remove the rationale for its current mandated existence. This could also be used by a range of state and non-state spoilers who would like to intensify the use of violent means in CHT. Foreign assistance currently constitutes considerably less of Bangladesh's GDP than it did two decades ago. Yet CHT-dedicated constituencies remain partly integrated into the development industry and may, for a range of strategic, tactical and pecuniary reasons, find it too risky to announce the Accord dead and call for its eventual renegotiation. This chapter has analyzed major

shifts (most notably Bangladesh as a major troop-contributing country to UN Peacekeeping operations) and the major political parties' noticeable accommodation within the civil-military nexus.

A relatively recent signal of this subtle process of accommodation is the military's apparent preference for the Bangladesh Awami League and Sheik Hasina-led coalition and the League's unilateral abolishment in 2011 of the caretaker government mechanism through a constitutional amendment. Such indications of consolidation of the deep state do not bode well for either consolidation of parliamentary democracy, reduction of political violence or genuine stakes in renegotiation of the CHT Accord on terms PCJSS may accept. Importantly, behind these two Accord signatories is a hazy landscape of potential "spoilers" including fractions within PCJSS, the anti-Accord umbrella organization UPDR and a range of other dissident hill groups and Bengali settler organizations. In this volatile and spoiler-rich national and regional context, the CHTC's expanded scope lies in more extensive and synergic uses of both its national and international legs.

The evocative title "*Whose Ideas, Whose Interests*" of an aid policy study on Bangladesh from the mid-1990s comes to mind. It is quite telling of the international community's optimism after the alleged restoration of democracy and trust in its scope of influencing party and state politics, discriminatory ideas and ill-functioning public and private institutions.[63] The title nevertheless also conveys a warning: if these are our ideas, they might serve certain interests at the expense of others. The whole policy of trying to impose good governance in order to transform patrimonial factionalist practices and institutional culture into neutral decision-making, servicing and financial institutions, was ill-conceived and unrealistic in the first place. Western norm-driven

63. Geoffrey D. Wood, *Whose ideas, Whose interests*? (London: Intermediate Technology Publication, 1984); Stanley A. Kochanek, "Patronage Politics, and Democratization Transition in Bangladesh," *Asian Survey* 40, no. 3 (2000): 530–550; David Lewis, *Bangladesh Politics, Economy and the Civil Society*, (Cambridge, United Kingdom: Cambridge University Press, 2011); Mohammad M. Islam, "The Toxic Politics of Bangladesh: A Bipolar Competitive Neopatrimonial State?" *Asian Journal of Political Science* 21, no. 2 (2013): 148–168; Bert Suykens, *Segmentary Opposition: Vertical Integration of the Structure of Political Relations in Bangladesh: A Descriptive Model*, (Ghent University, Belgium: Conflict Research Group, 2016).

theories and policies have only to a limited degree been confronted with, and combined with, descriptive models of dominating and emerging collective and individual interests and behaviors in Bangladesh. Strategic alliances and interests can be successfully pursued if the negotiation space for bargaining or pressure is used wisely. The peacekeeping case is illustrative of "stick and carrot" diplomacy around a critical asset to be used sparingly. The asset at stake was Bangladesh's incorporation in a norm-based international community, from which also substantial financial benefits could be reaped. Since this event in 2007, the relative importance of foreign assistance as a proportion of GDP has declined further. And notably, the Government of Bangladesh remains unwilling to be incorporated into the international norm-based community on Indigenous rights. This contrasts starkly with its continued commitment to UN Peacekeeping and sustaining the progress it has made in fulfilling social and economic rights. For CHT-focused human rights defenders, these current conversion barriers should not be seen as insurmountable.