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RESEARCH ARTICLE

LOCAL POLITICS AND PROPERTY DYNAMICS IN THE CHITTAGONG HILL TRACTS, BANGLADESH

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Abstract

Access to resources is vital to people's livelihoods in the rural and peri-urban areas in the Chittagong Hill Tracts (CHT) of Bangladesh. Through legal and institutional pluralism and various political practices, people put forth their resource claims recognized as rights. This writing analyzes how the public authority and the local State are formed through debates and struggles over the property in the Chittagong of Hill Tracts (CHT) of Bangladesh.

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Introduction:-

Access to resources is vital to people's livelihoods in the rural and peri-urban [the concept of peri-urban emerged due to limitations in the dichotomy between rural and urban. The dichotomous construct has outlived its usefulness not the underlying distinction between degrees of ruralness and urbane (Rambaud 1973) areas in the Chittagong Hill Tracts (CHT) of Bangladesh. Access retains an empirical ". . . focus on the issues of who does (and who does not) get to use what, in what ways, and when (that is, in what circumstances)" (Neale, 1998:48). People and institutions are positioned differently to resources at various historical moments and geographical scales (Ribot, 2003: 154). Over time, the nature of power and forms of access to resources in CHT are changing. Through legal and institutional pluralism and various political practices, people put forth their resource claims recognized as rights. Some people and institutions control resource access, while others must maintain their access through those who have control. Attention to this difference in relation to entry can be seen as a dynamic analytic. Access analysis helps us understand why some people or institutions benefit from resources, whether or not they have rights to them. It is concerned with understanding the diversity of ways people derive benefits from resources, including, but not limited to, property relations. The analysis begins with the term "access" which is frequently used by property and natural resource analysts without adequate definition. Jesse C. Ribot and Nancy Lee Peluso defined access as "the ability to derive benefits from things- including material objects, persons, institutions, and symbols. "Benefits are essential because people, institutions, and societies live on and for them and clash and cooperate over them. The openness and contingency of land and other property issues in CHT make central the questions of how and to whose benefit settlements are reached, who can endorse or enforce them, and how and by whom they are changed.

The Post-Conflict Context:

The Chittagong Hill Tracts, known as CHT, is a unique geographical and cultural landscape of Bangladesh and represents a region of ethnic diversity, conflict, and hill forest resources dynamics. Located in the south-eastern borders with Myanmar and the Northeast Indian states of Mizoram and Tripura (Wilkinson, 2015: 179) districts of Chittagong and Cox's Bazar in the west and south respectively, it is the largest and the only extensive hill area in

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Bangladesh where the largest concentration of the indigenous tribal communities (Islam, 2013:2) live thousands of years. This region differs from the rest of Bangladesh in terms of history, tradition, landscape, ethnic composition, social organization, political Practice, language, occupation, eating habits, the religious practice of life, alphabets, culture and civilization.

Geographically, CHT covers 10 percent of the land and more than 40 percent of the country's total forest. It is administrative divided into three districts: Bandarban in the South, Khagrachari in the North and Rangamati in the centre, and the entire area is approximately 13,189 sq. km. The total population of CHT is around 1.59 million (BBS 2015), of which 51 percent are tribal indigenous consisting of eleven ethnic groups, and 49 percent are settler migrants.

A Brief History of Conflict:

Historically, the conflict rooted in the British colonial era followed by political, social and economic alienation not only by the British and Pakistan regimes but also during different political rules in Bangladesh (Islam, 2013:2).

The history can be explained in three stages- British period, Pakistan period, and in independent Bangladesh. The following figure shows an overview of the history of conflict in CHT.

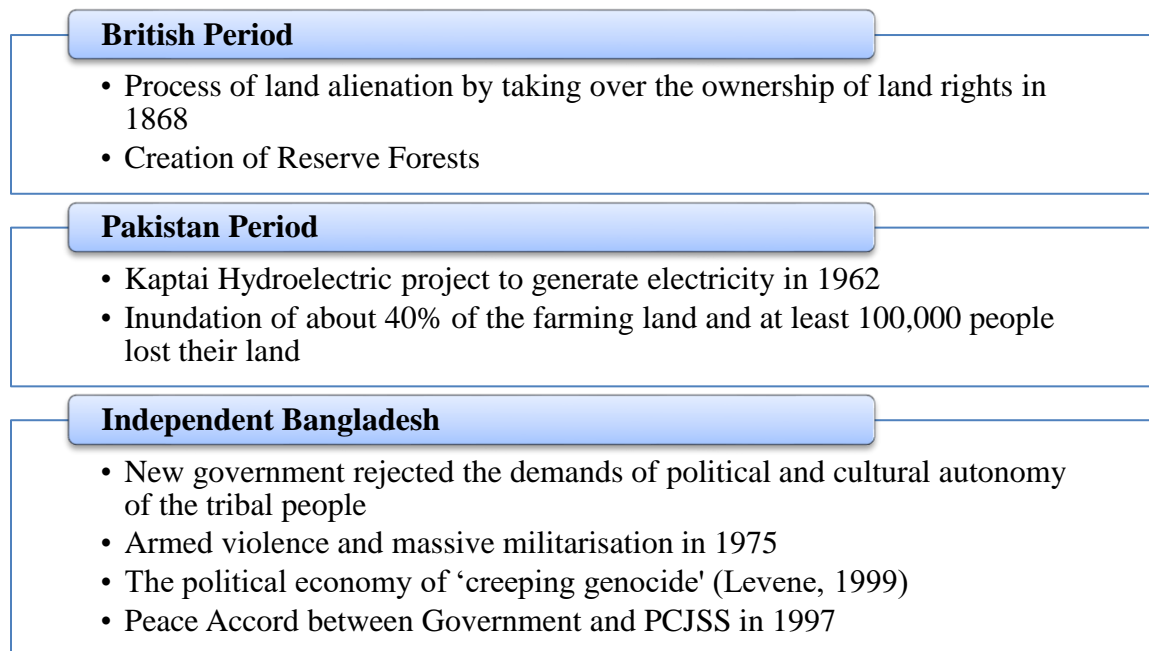


Figure 1:- History of Conflict in CHT.

But the consequent violence, even in post-conflict time, is not merely a result of conflict, rather an outcome of the process of conflict. From that perspective, there is a specific link between resource and conflict in CHT. As land issues are unsettled, it has remained a fundamental resource for conflict and violence. Challenges to access and control over land and resources are still rolling over the conflict process.

A Brief Description of Resources:

Resources are devices to reach a goal. Resources are generally factors of production that promote development or growth (Basedau et al. 2005). There are three types of resources, such as human resources, natural resources and capital. Materials that occur in nature are called natural resources, and CHT is full of many kinds of natural resources.

Natural resources associated with CHT are forest resources, biodiversity, minerals, and crops. Land ensures long-term productive potential of natural resources and the maintenance of the environment and cultural functions, which tend to back the sustainable use of land as a resource. (Barkat et al., 2009:36) The forests around there in the CHT areas are also vital resources in CHT. It has significant parts of their defending social bindings and economic

backbone on fighting against poverty (Brakat et al., 2009:37). With the special status abolished, the ethnic leadership lost control over land, among other things. The land rights situation in the CHT has deteriorated with large-scale Bengali settlement and the military's presence and increased power. The indigenous peoples had no right to these forests, and those became the sole property of the government. By initiating another concept of 'protected forest' in the 1960s, the CHT is divided into three particular forest categories per national legislation. They are – 'Reserve Forests' (24%), 'Protected Forests' (1%) and 'Unclassed State Forests' (75%) (Roy 2000). 'Unclassed state forests' are those forests which were the common lands of the indigenous peoples within the mauza areas (Barkat, et. Al.2009: 40).

A Short Description of Demography and Migration:

The nature of demographics and population dynamics in CHT is very troublesome. The current population density is 87–230 persons per km² in the region (BBS 2014). Most of the Bangalee population migrated into the region through different government settlement programs. After the Accord, the CHT has undergone significant socio-economic and demographic changes (see figure 2). Apart from in-migration to CHT, there was a migration of ethnic groups within and outside the region. Among the total 183,000 households in rural CHT, nearly 56,000 families have experienced at least one displacement since 1978 (UNDP 2009).

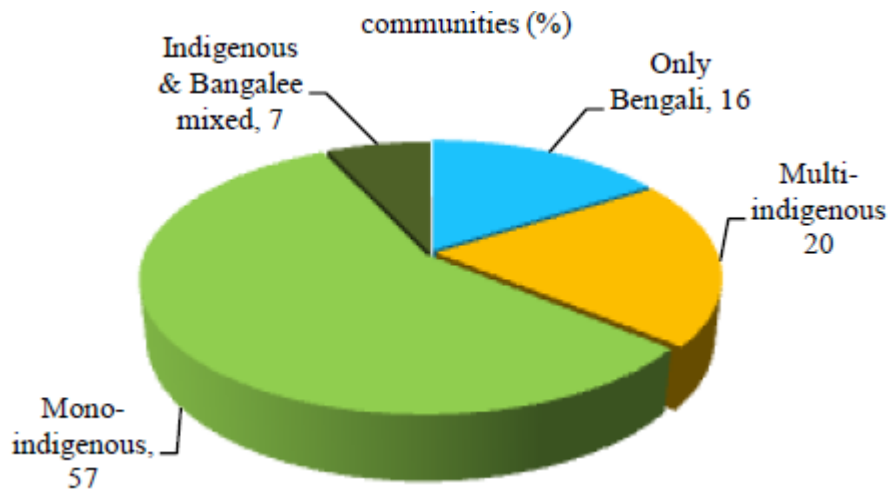


Figure 2:- Composition of para by communities (%).
(Source: UNDP, 2009)

The most critical roles in bringing about this socio-demographic transformation have been played by various migration and forced population movements. These include natural in-migration, state-sponsored transmigration, eviction and forced displacement, out-migration under duress, internal exile, and refugees' exodus across the international border. Furthermore, some of these movements were planned operations, constituting elements of the 'demographic engineering' undertaken by the State (Adnan, 2004).

A Growing Economy:

Surrounded by the Indian states of Tripura on the North and Mizoram on the East, by Myanmar on the South and East and the Chittagong district on the west, the CHT can be considered a confluence of two regions- South Asia and Southeast Asia. Access to the Bay of Bengal through the Chittagong port and proximity to the land-locked Indian states adds to its geo-economic significance. The CHT land turns into a valuable resource than before. Once the area was important for Jhum (shifting) farming, now people, both settlers and tribal, are more interested in tobacco cultivation. Every year the number of tobacco farmers and processing kilns are increasing. According to data from the Department of Agricultural Extension (DAE 2009), more than 7,000 farmers are involved in tobacco production in CHT. Remarkably, tobacco farming is increasing in post-conflict time due to several factors. People now have more access to financial resources and techniques than before. Hundreds of small-scale money providers, both individual and micro money-lending enterprises, operate in the farming areas. In recent years, tobacco expansion increased by 304% in the region (Akhter 2011). At present, approximately 28,050 ha of land are cultivated for tobacco in Bandarban and 21,000 ha in Khagrachari (GoB and FAO 2013). As the tobacco cultivation incurs more profit to the cultivator and, to some extent, multinational cigarette companies provide payment to the

cultivator in advance as an incentive, the importance of tobacco cultivation is becoming extensive in CHT (Barkat, et.al.2009: 75). The CHT region is one of the highest fruit production regions in Bangladesh (BBS, 2015).

Tourism, different NGOs development project and plan and new economic zone in CHT indicate the growing economy in CHT.

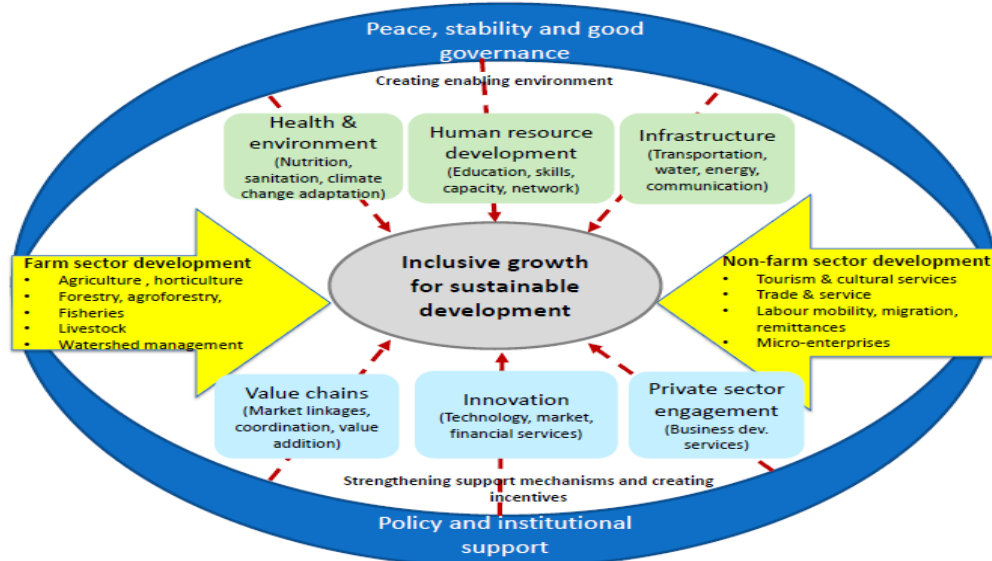


Figure 3:- Growing Economy and Development in CHT.
(Source: Rasul, 2015).

Local Politics in CHT: Legal and Institutional Pluralism:

Local resource politics displays many instances in which the meaning of key terms such as public, private, government, legitimacy, ownership, etc are effectively questioned. By legal pluralism, we mean the existence of more than one legal order in the same social field where the law applicable on the ground is decided through the conflict between different normative orders.

No Shortage of Institutions that Attempt to Exercise Public Authority:

The CHT is governed by multiple layers of administrative authorities and the multiplicity of laws originating from traditional and non-traditional sources. Therefore, for the "presence in a social field of more than one legal order" (Griffiths, 1986: 24) it can be said that the CHT represents a situation of "legal pluralism". Raja Devashish Roy also finds the administrative structure of the CHT to be pluralistic for combining "traditional, bureaucratic, and elective regional authorities" with "separated and sometimes concurrent responsibilities." (Roy, 2004:21) But the absence of clear division of power among the authorities and withholding devolution of power to the representative bodies as in the case of the CHT; this redundancy or plurality can only generate problems such as the authority of the traditional chiefs has been diminished by selective recognition of customary laws and offices and subordinating them in the state legal order. On the other hand, most of the Jummalaws are based on oral tradition and custom; the State either conflated or flouted them as their "validity and content" did not match the state legal system's operative rules.

Multiple Layers of Formal and Traditional Authorities:

Bangladesh follows formal administrative systems at national and local levels to plan, regulate and implement overall development work. Several government agencies regulate the local administration, infrastructure development, health, education, agriculture, forest, fisheries, livestock-related extension and management services. A traditional institutional structure headed by kings has perpetuated the region in parallel with the government administrative system. The Hill district council plays a vital role in planning, financing and implementing natural resource management activities. The mauza controls land distribution among the local ethnic people for yearly farming activities. A headman in each mauza contains several villages and collects revenue for the Chief and government and supports villager access to legal documents for permanent ownership. Common forestland is traditionally maintained in each mauza, depending on the availability of this resource. However, this is recognized as typical village forests and has received more significant environmental and economic potential in recent decades

for this region. Each household head of the community is traditionally a member of the forest commons. Local people follow a set of informal rules for annual harvesting, collection of timber and NTFPs, clearing and burning activities (Misbahuzzaman and Smith-Hall 2015).

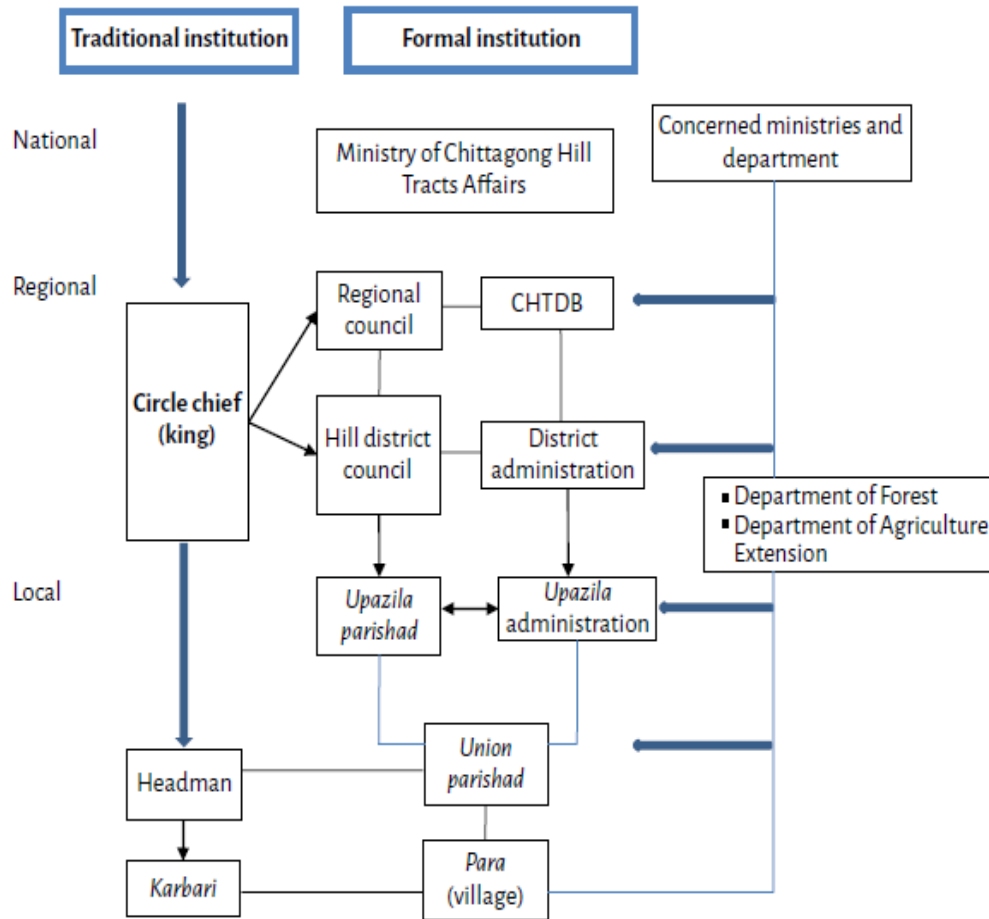


Figure 4:- Institutional framework related to Resource management in the Chittagong.
(Source: GoB and FAO, 2013)

To establish full control over local people, the British administration also took measures to reform the traditional institutions in 1892 and the legal village system was replaced by the Mouza system headed by a headman (Ascoli, 1918, CHT Regulation, 1900). Before the introduction of the Mouza system, two types of traditional institutions were functioning in the CHT. In Chakma circle, under Chief, there was dewanhead of a gozas or septs (clan) and under dewanthere were khijasin every village. In Bhomomng circle, under Chief, there was roajain every village. Villagers used to choose Roajain, and concerned tribe members used to determine dewan was selected. Both systems were based on the principle of selection of local leaders by local people (Ascoli, 1918: 92-93). Replacing the democratic system, the choice of mouza headmen (later it become hereditary, like Chief) was given to the hand of Chief and final appointment to the government, which eventually made the system weak and ineffective as headmen had no accountability to the people; instead, his loyalty was to the Chief and the government, which affect the management of forest resources.

Negotiation, Alliances and Political Control:

The Bangladeshi administration approached resolutions to the conflict in the CHT along two paths. The first was economic and development incentives, where conflict and insurgency in the CHT were viewed as a response to poor infrastructure, high unemployment and low development indicators in the CHT.

The second path involved direct negotiations with the Parbatya Chattagram Jana Samhati Samiti (PCJSS). The PCJSS was negotiating on behalf of all of the CHT communities was inconsistent with the preference of many Pahari groups to be self-representative and defend their interests. Other groups have emerged from the PCJSS itself that oppose the signatories to the Accord. Civil society groups such as the Hill Peoples Council, the Hill Students' Council, and Hill Women's Federations were also excluded from the negotiation process (Chowdhury 2002: 28). These organizations have been critical of the PCJSS as a Pahari representative group and of the Accord itself. The UPDF and JSS Reformist groups have also been active in bringing arms into the CHT from neighboring Mizoram (CHT News Service 2013). There has also been a proliferation of organized violent Bengali groups such as the SomoAdikharAndolon (Movement for Equal Rights), a group formed in 2001 representing Bengali interests, described as 'a conglomerate of extreme communal forces' (Chowdhury 2010: 68).

It can be observed that the problem of the CHT conflicts is woven deeply into the issues of illegal 'land occupancies' by any means. These land occupancies take place over there in the form of government occupancy, forceful land grabbing by the non-tribal outsiders and even the 'land leasing' by the external multibillionaires in the name of commercial development (Wilkinson, 2015).

Actors and Power Relations:

Property relations involve different kinds of social actors, including individuals and collectivities. The actors are linked to each other in social relationships, and property takes the form of 'enforceable claims to some use or benefit of something' (MacPherson, 1978: 3). Property relations exist at the level of laws and regulations, cultural norms and social values, actual social relationships, and property practices (Sikor and Lund, 2009:4). Therefore, it is crucial to 'understand why some people or institutions benefit from resources, whether or not they have institutionally recognized rights to them' (Ribot and Peluso, 2003: 154) in local dynamics associated with resources in CHT. Local institutions, political parties, regional political parties (PCJSS, UPDF), ethnic groups, and Bangalees are the actors. As various actors like Forest Department, Bangladesh Army, different Government institutions, Bangalee settlers, Rohingyas, and Shanti Bahini have a significant role in the dynamics of land right, land rights-related complexities in CHT are quite multidimensional. The primary source of the land-related complexities in CHT has emerged from the extensive dispossession of land under paras' control (Barkat et al. 2009: 78).

Property not only sets up an economic relationship, in the sense that property relations influence the shares of social actors in benefit streams originating from resources; property relations are also political (MacPherson, 1978).

Property Dynamics in CHT: Competition and Negotiation:

To investigate how competition for society's vital resources is organized and structured is to examine not only how wealth is distributed and how classes of 'haves' and 'have-nots' are made; it is equally to investigate how politics emerge, consolidate and recede through processes of legitimization, inclusion, exclusion and violence. However, the social, political and institutional landscape is amorphous at the close inspection (Cleaver, 2002; Douglas, 1986). Issues of access and property are joined to questions of power and authority. Following are some dynamics of property related to competition and negotiation:

A) Competition over Land Use and Ownership:

In CHT, the ownership and use pattern of land is different from that of Bangladesh's direct districts. Bangalee settlers and law enforcement agencies are accused numerous times of land dispossession of CHT's indigenous people. Besides ownership, the changing dynamics of land use have also been acting adversely on the livelihood of the CHT's indigenous communities. The traditional land grabbing by the State and private sectors for so-called development projects, in the forms of extractive industries, mono-crop agricultural plantations and money-making resorts, have highly affected the lives of the tribal peoples.

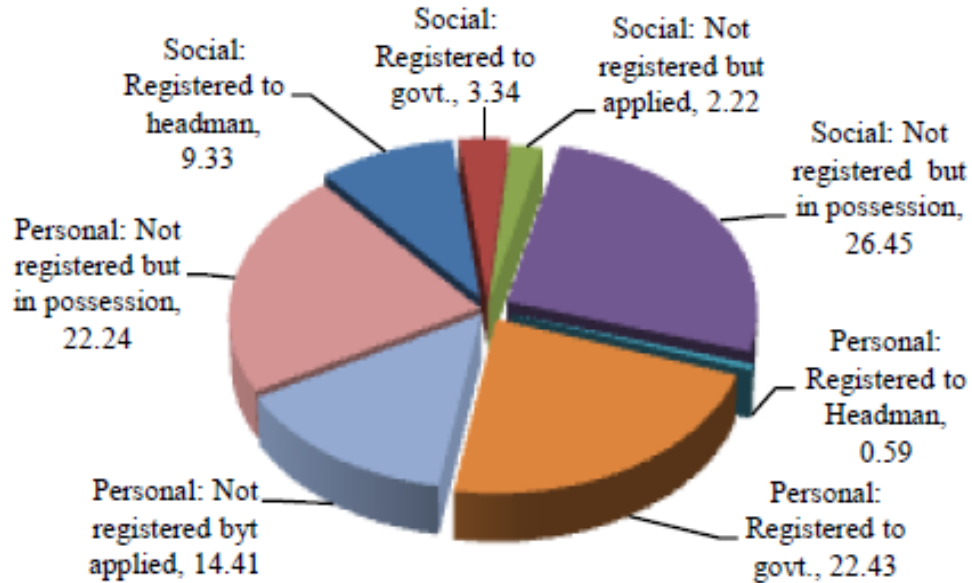


Figure 5:- Land ownership pattern in CHT in %.
(Source: Barkatet. Al.2009: 76).

Another important aspect of status and dynamics of land rights in CHT is the land leasing process. Because of this leasing practice under the direct patronization of the state, a significant portion of the indigenous population has been evicted from their land. A substantial amount of the leaseholders has allowed some Bangalees to live in those leased land as a caretaker. As a consequence of this process, severe conflicts between those Bangalee caretakers and indigenous people, who lost their accessibility to that leased land, have taken place in some part of the Bandarban district of CHT, which outweighs the benefits of the few influential people. Not only the indigenous peoples but also the adiBangalees of this mouza are also near to extinction by the persecution of settlers. Migrated settlers also grabbed the land of adiBangalees by force. Government land acquisition for the establishment of Power Station, Forest Office, UNO Office, school, BDR camp, Bazaar, and intense forced land grabbing of the indigenous people's land by the Bangalees are the main land-related problem in CHT.

Land grabbing by Bangalee individuals still has that momentum in recent years in various forms. Fear of losing land without having any payment, the indigenous (adibashis) peoples are compelled to sell their land at a nominal rate.

b) Competition over Forest:

Forests cover one-third of CHT's total land currently and are mostly government-owned (Islam et al. 2007). At present, a limited number of local people have accessed lands with a secure title for private forest and agricultural use.

According to the national 'Forest policy', the area of the 'reserved forests' in the CHT is slightly more than one-fourth of the total area of the whole CHT; that is being controlled by the 'Forest Department' under the 'Ministry of Forest and Environment' of the government (Pampu, 2009). Only and only the Forest Department has the sole right for the ownership and the management of those forests. Thus the 'Forest Department' in their 'National Forestry Policy' (1994) stated in various points that, 'since the ownership of land under their (the tribal peoples) disposal is not determined, they grab the forest land at will' and the remedy they (the Forest Department) have taken to combat this situation was to 'bring the rest of the forest land under permanent protection.' They further endorsed a 'massive afforestation programs' in the denuded hilly areas of the CHT's Unclassed State Forests, which were ultimately taken under the auspices of the 'Ministry of Land' in cooperation with the local government. This way, all the state-owned forests that were ancestrally owned by the tribal peoples; were used to produce forest resources. Thus, the forest lands were brought under a profit-oriented business.

c) Negotiating Ownership:

For the better resolution of land-related complications, no assistance was found from any Government institutions. Moreover, no NGOs have provided them with all significant aid to settle the land right related issues. In very few CHT areas, various government institutions and NGOs organized some negotiation to deal with land-related complexities. Outcomes of those meetings or negotiations were not fruitful in the long run. In most CHT parts, local indigenous people have reported that they are not aware of their land rights. They also do not have a significant idea about land-related rules and regulations. In some areas, local people attributed this minimum idea about land-related rules and regulations to their illiteracy.

Negotiating Ownership between Pahari-Bangalee:

There is absolute deference between adibangalees and Bangalees, who came within the last thirty years in this mouza. Adibashis do not have any problem with adibangalees cordial relationship between these two groups, while they have severe issues with the Bangalees within the last thirty years. Sometimes, it also has been happened that Bangalees threaten Pahari adibashis to sell their land. Being panic of dispossession of land, adibashis are forced to sell their land having negligible payment. In this land-related complexities, no individual, Government or Non-Government organization come up with assistance for them. At present many educated Pahari made conjugal relationships with Bangalee. Many Bangalee settlers also made such kind of relationship with Pahari to access of resources and power. As a result, the relationship between Pahari- Bangalee is changing, plays a vital role in negotiating over ownership.

Negotiating Ownership within Pahari:

Pahari people who are directly involved in politics are more powerful in CHT. So the Pahari, who are not directly involved in politics, try to maintain a good relationship with Pahari politicians. At present, many Pahari people are advanced in education, trying to develop their conditions. Paharies are also well united to each other, and thus they try to negotiate the ownership problem of land and property. PCJSS always demand administrative autonomy and try to control all resources in CHT. If the internal relations between the two major indigenous party PCJSS and UPDF minimize, the property's negotiation process within Pahari will be smoother and more effective. But these two groups and their subgroups, activist, followers always compete for political or party interests and self-interests, which create an anarchic situation in CHT. As a result, proper distribution of resources, negotiation over resource ownership (especially land ownership) becomes very difficult within Pahari people.

Negotiating Ownership within Bangalee:

The Bangalee population in CHT has increased about five times from 26,000 in 1961 to 119,000 in 1981 (Khan et al. 2007; UNDP 2009). Most of the Bangalee population migrated into the region through different government settlement programs. Approximately 350,000–450,000 people migrated between 1979 and 1981 (Khan et al. 2012). As such, the number of newly settled people comprises up to 60% of CHT's local population. Again maximum Government officers, Security forces and other institutional persons are Bangalee, and as a result, they favor Bangalee settlers. But massive illegal land occupation continues, and it is observed that sometimes settler Bangalees also grab the land of adibangalees. Policies and politics work through social relations and as the property are dynamic, composite and essentially contingent, entirely unintended outcomes result.

Concluding Remarks:

Property and public authority are mutually constitutive and contingent. Individuals, Pahari, Bangalee, indigenous political interest groups like PCJSS and UPDF, Institutions, NGOs, Government all struggle to gain access to land and natural resources, hold on to it, or reduce their loss. They maneuver to secure their right to and control over property and effect consolidation and exclusion processes with institutional consequences. The local politics in CHT thus displays many instances where the meaning of public, private, government, legitimacy, ownership, negotiation and similar concepts are effectively debated. And they appear stable. People struggle over these concepts, which are very integral parts of political struggle.

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