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Preface

This preface was written in 2004. What follows was written 13 years ago. I delivered it myself with the Foreign Office in Dhaka. But the one to whom I wanted to hand it over just had to quit his desk. The Government of Bangladesh had, in view of his outstanding services promoted him – by sending him into the desert (more precisely to Jeddah in Saudi-Arabia as the co-ordinator of the foreign policies of Muslim states). Before he held a similar position with regard to the ambassadors of Bangladesh in Europe. Thus, this promotion, I felt, indeed was a banishment. The man’s name: Muhammad Zamir, the author of the book: Human Rights Issues and International Law (University Press Limited, Dhaka 1990). Remarkably enough: Bangladesh is no topic in this book. He must have known why. But he was very much concerned about it. He had opened the way for the peace agreement in the Chittagong Hill Tracts, the more so as he actually also controlled the Ministry of Welfare (Special Affairs) as (also remarkably) the special Ministry for the Chittagong Hills was called at that time.

I came to know him a few years before 1990, when he, out of the blue, visited me in my office in the university of Zürich. Shortly before I had put up an exhibition in our museum on the human rights violations by the Government of Bangladesh in the Chittagong Hill Tracts. For this I had to use the materials which I had at my disposition: artefacts and pictures mostly from the Mru (collected by me 30 years ago) on the one hand in a green part, and on the other in a red part behind an artificial wall recent pictures distributed by the JSS and their supporters in Europe showing the sufferings of the Chakma people with thousands forced into emigration. When opening the exhibition I did not invite the Bangladeshi ambassador in Switzerland. But he must have come to know about it and subsequently informed his superior.

Muhammad Zamir opened our talk with the remark that he knew me as a friend of Bangladesh since long – and I thought: this man must know very well that this is not true. Was this a thread? Hence I immediately started to distrust him. He had seen the exhibition and at once detected what could be interpreted as a foul trick: the Mru of former times were not the Chakma of today. I answered that I knew this, but had to use the materials at my disposal, and since the CHT were closed to foreigners, what
else could I do? Would he be able to let me have a permit to come and see myself? Otherwise I would have no opportunity to revise my opinion in my publications. His answer: not now, but perhaps in two years when the peace will have returned. Government is responsible for preserving the integrity of visitors. And as to the reports about the last clash between indigenous people and the security forces, they were wrong, since ... – My answer: as long as there is no independent report on this and previous massacres, and no culprits on the Government side are punished, I am free to believe any version. But I know for sure that the refugees do exist and hence must assume that something in Government policies must be wrong. – His answer: Yes, Government has made mistakes in the past, amongst others had underrated the still existing influence of the Chiefs. They now had been co-opted again, new bodies had been created, and everything was developing fine. Once more: some two years and I would be welcome to see myself.

After two years the Copenhagen based International Work Group for Indigenous Affairs (IWGIA) planned to send a special Commission of experts to explore the situation behind the screen. I was to be a member. In the preparatory meetings in which I participated, it soon must have become obvious that I would not be welcome, since I did not believe every story spread by the JSS. In Sweden the Bangladesh ambassador even had quoted one of my publications to disprove them. I had no knowledge of all this. But shortly before applying for the necessary visas, the Commission told me that my critical publications were too well-known to the BD-Government so that they had to fear that their application would be rejected. Even if I preferred to run the risk, they would not include my name.

I knew very well that other members of that group, most of whom never had seen the Chittagong Hill Tracts, had published much more and had sharply criticised the BD Government. Thus, if their names would not endanger the undertaking, adding mine would not change anything. I hated hypocrisy, foresaw the outcome of this mission and decided to go on my own, made a stop-over in New Delhi to get my visa for Bangladesh (but to be sure no permit for the Hill Tracts), arrived in Dhaka, and – to my dismay – found out that the Commission members, dissimulating their identity by leaving nothing but false names in the guest list of the hotel, had already left for the CHT.

My problem was to get that permit. Thus, being a German, I went to the German embassy and asked the ambassador to do his best, even though I was told that I would have no chance. After some days he got an appointment for me with a high-ranking Government officer who perhaps might do something for me. At the appointed time I went to the foreign department as told, and there was asked to wait.
Then someone came – and I bleached. I remembered that man from Zürich. He remembered me as well and said: Hello professor, how do you do? You look stressed. Relax! That’s my office, regard it as your office. – Finally I made up my mind and said. The two years have passed and here I am. You got a new Government. [Ershad had been forced to leave, officially Bangladesh had become a democracy again.] What about your former word to let me have a permit to visit the Hill Tracts? – Answer: I cannot decide this on my own, else you could go tomorrow. But I’ll have to get the consent of the military commander in Chittagong. This may take some time. But I know you as a real friend of Bangladesh, and I’ll try my best. But we must know where you want to go and what for. If you want to go to the northern part it may be more difficult to get the permit. To the South? Much better. Could you come to see me once more? If you have to do some office work, you can do it here.

I went out relieved. My original shock was gone, and I told myself: perhaps really an honest man. You and your stupid prejudices built up all the years long! But when the days passed and nothing happened I called him again, and once more went to see him. He was even more cordial now, assumed that I had come to know the latest report about the situation in the CHT submitted by the Department of Human Rights to the US Congress (I had not the slightest knowledge, but rightly assumed that it could not be very favourable) and frankly asked me what I would do if asked to reply in the name of the BD Government. By now I was really puzzled: what did this man intend by confidentially telling me about the problems the new Government faced? Still, I had no problem in formulating an answer: Do not try to deny the facts as in the past, admit the atrocities and apologise. Tell them at the same time that Bangladesh by now fortunately has a new Government which will not repeat old faults but will try to mend the situation and to regain the reputation lost. He was pleased and told me that he would formulate the answer according to my proposition, but added: the human rights situation in Bangladesh cannot be changed so rapidly. Everyone is talking about the Chittagong Hill Tracts. But look around here, at all this poverty and illiteracy. I am ashamed of all this. The majority of our people is deprived of human rights. But nobody cares about their situation and the daily violence in the plains. What can the Government with its limited means do to improve this? Do you know? I admitted that I did not know, but would make some proposals regarding the Hill Tracts and hand them over to him.

After returning home, I sat down to bring them to paper. The result is to be read in part I. But before I could return to Bangladesh, the report of the Commission appeared, and it was even worse than I had expected. So I sat down once more and wrote my comments. They formed the second part of this contribution which I
wanted to hand over to Muhammad Zamir. It might have shown him that he better had informed me, instead of letting this commission into the Chittagong Hill Tracts. The internationally famous law professor responsible for this report I met once more in a later conference in Bangkok designed to promote peace in the Chittagong Hill Tracts, but in effect only promoting the ideas of the JSS. I once more expressed my dissent and therefore did not expect that the law professor would approve my criticism of his report. But he had accepted it and frankly admitted that he had not consulted the sources since he had been under pressure to complete the report. We should bury our dissent. Sorry I could not comply. I had written what I had written, with nobody to pay me for that. And since he told me that I was right I saw no reason to suppress the truth.

In the aftermath of the 1991 events I cared less for IWGIA, but preferred to participate in the meetings of the UN Working Group on Indigenous Populations in Geneva which had as its aim to set up a new convention on the rights of these populations which were given a full say in formulating it, though being informed in advance that the final say rested with the UN General Assembly. As a matter of fact, nothing came out of all these endeavours after years of much debate. The indigenous people just used this forum to vent their anger about their governments. In order to facilitate a mutual understanding, the representatives of these governments were invited as well. In the 1991 meeting one of the more important contributors was the Bangladeshi ambassador to the UN in Switzerland. Apparently nothing had changed since the beginning of this year, the JSS representative repeated his old only partially true accusations, and the ambassador repeated the old Government lies. I responded the very next day. Since I knew that I would not be allowed "to take the floor", i.e. to speak in front of the audience, I distributed a leaflet, referring to the handout distributed, full of contempt, by the ambassador.

This criticism now forms the last part of my contribution like it formed the last part of my report which I handed over in the Foreign Ministry. It should have shown Muhammad Zamir that still I has good reason to blame the representatives of his Government who unabatedly continued to spoil is reputation. – Thinking back, I have to admit: yes, Muhammad Zamir was right, I really was what he assumed me to be: a friend of Bangladesh, though I hated its government and the mentality of most of its inhabitants. While I wrongly had distrusted him, he, on the other hand, had trusted these hypocritical people of the so-called Human Rights Commission – and he had to pay for this fault by being sent into the desert. So let me dedicate this contribution to the memory of this honest man, well versed in diplomacy and mediation, but (as a real friend of human rights) apparently not ruthless enough to serve the profane purposes of the BD Government.
I don’t know what happened to him in the meantime. He once intended to write a second book, this time on the Chittagong Hill Tracts, with me as a co-author. Nothing like that happened. He may have continued to do his duty. I continued to write my own papers not sparing anybody, but lastly without any real effect. As a test, I had ended my first report with an invitation to the BD Government to ask me about my suggestions how to end the war in the CHT. These were no idle words. I really had some ideas of which I was convinced that they would work. But I got no reply at all. Nor was anything what I openly suggested ever implied. Rightly so, since I had not taken into consideration the real interests of those in power and their implied contempt of the people they rule. Real basic democracy for the peoples in the Chittagong Hill Tracts? And the government to be controlled by the ignorant peasants? – what a shrewd idea. To hell with it, this idea might prove successful and then infect the rest of Bangladesh, and we will have to fear for our survival. This is a complete madman still thinking in stone age categories, we are intelligent modernising people. But we cannot hinder the Swiss Government to employ such a fool as a professor for anthropology. By the way: what’s that? Digging up old bones, or teaching about the monkeys? But due to the benevolent teachings of our former British overlords we left the monkey forest, and we don’t like to be sent back there.

These last remarks may be taken to show that I am really full of fancies. Sorry, all I did was to quote some questions and answers put to me and given to me by honourable members of the then newly founded Bangladesh Academy of Sciences, to whom (on their invitation) I delivered a speech on "A new anthropology for Bangladesh". After my speech they at once grabbed the few pages on which I had scribbled my notes, telling me that they were going to publish them. I protested: these were nothing but notes, I had spoken free, not reading a paper to them as perhaps was expected here. But I could write it down for them, if they wanted to publish it. In vain: they just kept my notes – probably in order to throw them into the waste basket after I left the place. Rightly so. What else could they do with it?

Still, despite this lesson, I continued my foolish behaviour – but now took care to write the full text down. To be sure not for "my colleagues" of the Academy, but for the Government – though expecting that the result finally would be the same. This time at least I was right, despite the (in my view) laudable exception of Muhammad Zamir. By now there comes another man telling me that he would be interested in publishing this paper: I told him that it is of no practical value and old stuff anyhow. Thus, dear reader, throw it away as others have done before. This will not hurt me anymore. I am accustomed to my role as lonely voice in the bare hills so dire to the Bangladeshi security forces.
But in case you take the trouble to read it, I must beg your pardon for my "Nam-speak". You may have forgotten or never known what the word means: a special language invented at the time of the US engagement in Vietnam to veil the atrocities committed by the US forces trying to bomb the Vietnamese people back into the stone age (not my wording but that of the then US president) by using napalm bombs and the like, peaking in sentences like the one which I will cite below. The subsequent Bangladeshi governments learnt this lesson when they sent their military to the CHT.

In the meantime many government representatives all over the world have become accustomed a simplified version of Nam-speak. They say just the contrary of what they want to communicate in case they want to dissimulate the truth. In primitive "stone age" language the simple expression for this is: they lie. As we know today: already monkeys did invent this sly way of brazen-faced communication. So nobody needs to suspect me anymore to try to send them back on the trees. Against my hopes people under the benevolent guidance of the President of the US do it by themselves, whether in power or powerless. But let me add a last remark about myself: I don’t think that humans will be able to survive when finally nobody can trust anybody’s words any longer. In the long run always lying is a fatal error. Even monkeys do know this, and "primitive people" also know it, while modern Governments seem to prefer to lag behind. But, (as the English saying goes) remember the boy who cried “wolf”.

High time to distrust at least them. Even better: communally decide to take control. There is no other way out, difficult as it may be. You see: I still stick to my ideas, which I learned in Switzerland, though its people proud of their forefathers achievements in real democracy tend to forget how to retain them for themselves and thereby fall prey to anxieties of survival of their system, instead of trying to spread it all over the world. Thus, I cannot tell anyone to go to the Swiss embassy to ask for advice. The people there will not even have a leaflet to inform those seeking advice in this matter, since the Swiss people did not tell them to have one. Such freely spread information might lure too many foreigners to come to Switzerland and to try to settle here as illegal immigrants.

That’s more than enough as a preface. Please do not bother about the dry style at the beginning of this report. I am not going to change my old phrasing. When writing it thirteen years ago I had in mind to address some responsible people in the Government.
I.

Report on a short visit to Banderban and Rangamati
(Chittagong Hill Tracts, Bangladesh)

1. Coming to see

Having done anthropological field work in the southern Chittagong Hill Tracts (now Banderban District) in 1955 to 1957, and again in 1964, I developed a continuing interest in the culture of its people. Since the Hill Tracts became closed to foreigners by the end of 1964, I focused on having basic word-lists collected by informants for the future preparation of dictionaries of local minority languages like Bawm, Pangkhua, Mru and Khumi. Due to indirect contact, however, the data base collected so far remained unsatisfactory, and work had to be shelved. Information on all other aspects of interest was practically restricted to occasional press reports and statements by persons from outside of Bangladesh. The picture drawn by these sources was rather dim.

Under these circumstances the Bangladesh Government, here above all represented by the Ministry of Special Affairs, was so kind as to allow me a short visit to Banderban and Rangamati. I herewith express my gratitude to all who helped me to receive and make use of this permit. Signed on January 23, it reached me on the 24th and allowed me to visit Rangamati and Banderban Districts between January 22 and February 2, 1991. I used it to visit Banderban town between January 25 to 29 and Rangamati town from January 31 to February 2. I waved the idea of visiting the places of my former study in the hills after being informed that this would require my being accompanied by security forces. In Banderban I stayed for the first night in the hotel and then in the house of the son-in-law of S. L. Pardo, who since 1964 helped me in the compilation of the above mentioned dictionaries. (I have to apologise to my hosts for the inconveniences I unintentionally caused them by drawing the relentless attention of the DIB [District Intelligence Branch] on them.) In Rangamati I accepted the kind offer of the Vice-Chairman of the Chittagong Hill Tracts Development Board to stay in their resthouse. To avoid inconveniences for the people contacted by me, I restricted my contacts in the hills mainly to official persons, especially members of the local governments, tribal (Chakma, Marma, Tripura, Mru, Bawm, Pangkhua, Khumi) as well as non-tribal (Muslim, Hindu). I also visited the Tribal Cultural Institutes in Banderban and Rangamati. In my talks with the Mru, Khumi and Pangkhua members the dictionary work stood in the foreground. Since the results in this respect so far merely consisted of mutual commitments to work to be done in future, I shall not mention them any further. In
the other instances questions of more general interest were discussed, amongst others the information given by two newspaper reports (Bangladesh Times, 17 January 1991, and Bangladesh Observer, 23 January 1991) on the situation in the Banderban District, reports which however very soon proved to be but partly correct.

Much less debatable was what I have seen with my own eyes in travelling by bus to the two centres of the Hill Tracts. The sight actually shocked me most. Whenever asked to explain me the reasons for this sight, people gave me quite divergent answers, from nothing but a smiling reply "This is a good question," to the angry rebuff "Such a question is beyond what you are allowed by your permit." The following then is based on what I saw with my own eyes and diverse bits of information which cannot claim to represent a simple truth, as the facts to which this information refers are subject to interpretation. The interpretation given here is mine, and no informant should be held responsible for it. Hence, informants' names will not be cited.

The sight I referred to are bare hills devoid of any larger tree or any bamboo, so urgently needed in the local economy – quite a contrast to the luxuriant green cover I had seen thirty years ago. From places where the road crosses a hill, one can see that these bare hills stretch far into the interior. My first idea that this deplorable state might be the result of reckless jhuming was soon thrown into doubt when I saw hill people slashing the meagre remnants of vegetation and burning the hill sides (a jhum field would have to be burned by the beginning of April, but not by the end of January). In some cases at least this "jungle clearing," as it is called, may be covered by the Food for Work program, paid by USAID – imported food for work that has the inevitable effect of making barren and unsuitable for productive use the very hills on which, formerly, the hill farmers produced all what they needed for making a living: paddy, vegetables, fruits, cotton, bamboo, wood, etc. Only an insane mind could have put these hill people to work for the wilful destruction of this land, the very basis of their traditional life. And really nobody could be interested in this sterilisation, given the quest for fertile land all over Bangladesh.

A few banana trees sprouting in this barrenness indicated that there once had been gardens. Yes, I was told, a few years ago there was still a lot of horticulture around Rangamati. What happened to the proprietors of the gardens? What where they doing now? – Shrugging of shoulders. Perhaps USAID helps them to survive by "jungle clearing." I will return to the question of horticulture soon, together with the reasons proffered for its disappearance around Rangamati, except for the one reason really relevant here: "Security." "Security? Will the Shanti Bahini kill their own countrymen working in the gardens?" This question caused some uneasiness on the
side of my partners. "You see, they deviated from their own principles in the last years, they even killed hill people." Non-tribals were much more frank: "This had to be done to prevent the miscreants from ambushung on the road." No bus will pass the road in the hills to or from Rangamati before the military has checked right and left, normally not before 10 a.m. but sometimes even later, and after 4 p.m. the road will be closed again. Yes – but how to explain by the danger of ambushung the teak and rubber plantations on the road sides in the area north of Chandraghona while everything is bare around Rangamati where the largest concentration of "security" forces is to be found? I was told that the same situation obtains in Khagrachori. Moreover, "jungle clearing" is the normal duty of the people forcefully assembled around all the military camps distributed over the Chittagong Hill Tracts. Agriculture here has come to a standstill, as the "security" forces allowed the people just five hours of work outside the camps, one hour going, one hour returning, leaving them with three hours which is not sufficient to do the necessary work to keep up their fields or gardens. Needless to ask why they had to walk so far: the military prefers bare hills all around.

People regrouped around the camps "for their security" are not allowed to move away to another place with less "security" (but definitely more security for the women, for instance), except when they are fortunate enough to have the means to pay a high ransom fee. In Pakistan times some policemen eked out their meagre earnings by taking some innocent villagers of the interior on fake allegations "into custody" and released them "on bail" after the payment of a larger sum, be it on the spot (as I personally witnessed) or, by those unwilling or unable to pay at once, after they had been taken to jail in Banderban where they received their daily beating instead of food. These individual practices of extortion seem now to have been developed into large-scale kidnapping under the legal screen of "security."

As a matter of fact, the government by its "security" measures creates the very reactions it intends to combat with these measures. Tribals whom I knew to be supportive of the government have now changed their attitude after a military camp with all its consequences (including the destruction of their subsistence base) has been set up in the midst of their villages. You really cannot expect young men who have seen their family members harassed, exploited, raped or tortured to remain peaceful supporters of those who forcefully deprive them of their human rights.

Even though the DIB people did not hesitate to tell me that their "security" forces were liked by the villagers, their very behaviour in my presence – commented on by my tribal friends by "Please don't mind, they are uneducated people" – gave me an idea of their rudeness towards those who were defenceless. I refrain from giving
details of my own experience, just to cite one story I was told: One morning a DIB man comes to a wife to enquire about her husband who is out at the moment. The man waits until the husband comes back and in his presence hands 100 Taka to the wife who, however, sees no reason to accept the money. As the DIB man insists, the husband gets angry and beats him. In the afternoon some military men appear, take the husband along to their quarters and beat him dead. Whether this story is true or not is irrelevant here, what matters is that everyone takes it to be true without questioning. Another sign of the terror reigning in the Hill Tracts is the fact that young students always were afraid of any contact with me in the public, so that, even for asking nothing but the direction, I was referred to the police or military who, with a few exceptions, treated me very politely.

To be sure, some hill people profit by continuing to co-operate with the government. But those who are given privileges are distrusted by their own people. Caught in between two loyalties, they are suspected to be morally corrupt, and this suspicion exists not only on the side of their people but also on the side of the government administration. One high ranking government officer spoke of the members of the local government as "these Shanti Bahini members." The tribal people on the other hand are convinced that it is not their vote, but the preferences of the military controlling the polls, that decide who will be elected, and at the same time they are convinced that this military tutelage can be bought for a certain number of lakhs of Taka. When President Ershad had to resign, the new government dispensed also with the local councils in most of the districts; those of the Hill Tracts (despite tribal protests) were kept as "democratically elected." For the hill people, this phoney explanation was just another confirmation of the military hypocrisy.

For the practical administration of the hill districts the Local Government Councils "are of no relevance" (as one high ranking government officer told me). This may well be true, since the Local Government in Banderban for instance did not meet a single time during the last three months. The Chairman had had a car accident and was still in the hospital, doing the necessary office work by telephone. Quite a few of the members of his Council, however, had no telephone at all, not even in the office which they visited whenever they had some private business to do in Banderban. What did they do when they still met? "Evaluating development" I was told by two non-tribal members – "planning" or "implementing" were not mentioned. Their tasks did not conflict with those of the Chittagong Hill Tracts Development Board. According to a major Bangladeshi newspaper, two members (a Muslim and a Marma) of the Local Council had maintained that 50,000 people were jobless in the southern Banderban District (this would be nearly the whole labour force) and had blamed it on the newly imposed government restrictions on extraction of forest
produce. Still the two members interviewed by me in Banderban told me that they had no knowledge of the situation in this region, and it was left to a government officer to remark "You see, they even criticise our government." Even though I had no possibility to visit the southern Banderban District, I should have classified the contents of this news item as faulty and the criticism contained in it as irresponsible (it might have been the biased information given by some timber merchants), but nobody really cared.

In Rangamati at least, the Local Council had formulated a proposal for a new land settlement regulation – still, they had not received any answer on that from Dhaka. According to the law, the local government should be responsible for 21 subjects, so far only three of them (agriculture, health and family planning, and primary education) had been handed over to them. Nevertheless they had, amongst others, already formed a Trade and Commerce Commission, and this, like other Commissions, met twice a month, while all members of the Local Government Council met (as it had been the rule in Banderban too) once a month. In Rangamati all members had been given telephones – still, in the Chittagong Hill Tracts Development Board these telephone numbers were apparently not available, as I was told that so-and-so had no telephone. I mention this detail here as, until now, the Development Board is the only one really responsible for development in all fields. Its Chairman is the highest military commander, the GOC of Chittagong. Without his approval, no hill man will be admitted to higher studies – so much for the competence of the local government in respect to education. Still, tribal leaders who knew the GOC personally unanimously told me that he was a very able man of good reputation. Who then is responsible for the misguided development in the Chittagong Hill Tracts?

To give a telling example: While in the two northern districts jhuming has been outlawed since 1988 (I was told that violations were not prosecuted but that jhuming was "disencouraged" – whatever that means), it is still practised in the Sangu valley above Ruma. Last year's harvest was a complete failure, as rains set in too early (jhums did not burn) and lasted too long (spoiling the grain). This, in my view, should be the right moment to persuade people to take to horticulture instead. I was told, however, that the people could not live from that. Horticulture was profitable only for those living near Banderban; while above Ruma, they could not sell their produce with any reasonable profit. Whether they sold their produce on the spot to a trader or themselves brought it down to Banderban, they would receive only one tenth of the market value. Coming down by boat would take them one week and cost them 800 Taka or more; the alternative would be carrying their produce uphill to the road and hiring a jeep for more than 1,000 Taka. I objected that, according to my
own former experience, a boat would not be so expensive and could come down in one day. But nowadays, I learned, boats have to stop in several places and pay toll tax, and to avoid being forced to unload the whole boat they have to pay bribes too, and they have to wait in each place before they get their clearance. To be sure, this toll business was an old practice from colonial times, but I did not expect it to have been developed so copiously in modern times.

Some high ranking man from Ruma, who apparently profited from it, told me that these fees would lastly have to be paid by the consumer and therefore did not harm the producer; the DC (Deputy Commissioner) in Banderban, himself a newcomer to the region, on the other hand, told me at once he would bring these impediments to development up for discussion in the Development Board; it was left to the Chairman of the Local Council in Rangamati to inform me that these tolls on garden produce were illegal; the Vice-Chairman of the Development Board, finally, just got furious, I should not poke my nose into matters of "security." So I am left to surmise that the unloading has to be done in order to make sure that there are no arms hidden under the garden produce, but I also surmise that those who transport illegal arms also have the money to pay the illegal fee to avoid unloading. Thus, here again, "security" not only is crooked business, but also serves as a legal excuse for destruction instead of development. Now, as the people cannot live from jhuming anymore and are prevented from making a living by taking to horticulture, what are they to do? Food for Work – "We already applied for it, but so far we have only been promised some help, nothing has come forth." Food, yes, but what kind of work? "Some jungle clearing." I see. Or emigration – "Last month so and so many families went to Mizoram, so and so many went to Arakan," or they come to Banderban to look for "rehabilitation," i. e. they try to make a new start in horticulture in the hills south of Banderban which have not yet fallen victim to "security" measures or government sponsored plantations.

These hills south of Banderban until recently were occupied by Mru jhum cultivators, but these Mru have become so poor that for some money their headmen are willing to certify that the land you want to occupy is "khas" land, i. e. unclaimed government property. The DC (in theory the Local Council) has to confirm this, and against a fee of some thousand Taka per acre you get your settlement. The rehabilitation project is the work of a local (Christian Bawm) NGO, which pursues basically the same idea as the Development Board did in setting up its "Joutho Khamar" villages. But while the government projects, funded with millions of dollars from the Asian Development Bank, proved a complete failure (for allegedly "many reasons," one being "security"), the NGO's gardens flourish – the difference lies in a
single factor: the NGO does not force anybody to participate and to settle in common with people of different ethnic origin.

After the Kaptai lake had flooded the homesteads and farmlands and thereby caused the displacement of one fourth of the population of the Hill Tracts, the government of Pakistan, somewhat belatedly, invited a group of natural scientists to study the prospects of the Chittagong Hill Tracts. The findings did not fill the experts with enthusiasm. They (like me) saw that the population of the Chittagong Hill Tracts had passed the limit up to which jhum cultivation could be considered a well-adapted solution. They argued that new ways of earning one's livelihood had to be introduced if ecological balance was to be kept. Their recommendations centred on horticulture which they thought would bring hitherto unknown prosperity to the inhabitants in danger of pauperisation. What they proposed as a result of their research (Forestal Report 1966) has formed the basis of most of the government plans for development of the Chittagong Hill Tracts in the following years. But the government made some seemingly minor changes in this plan, and these changes (omissions and additions) proved fatal.

The Forestal people were natural scientists. They actually did not bother very much about social or cultural questions, they thought in terms of producers, not in categories of hill people and plains people. It was Mujib-ur Rahman and his administration who tried to turn this silently assumed producer identity into a forceful political program. The hill people experienced it as a threat to their cultural identities. It provoked the formation of a resistance movement which, as a result of further government actions in the following years, finally developed into the present-day Shanti Bahini.

Yet the very same horticultural program offered by an indigenous NGO with very limited financial means proved quite successful, at least within the limits of a tribe. Members of other tribes are free to join, but they rarely do. The reason may again be found in some implicit threat to tribal cultural identity: being financed by Christian churches, the organisers tend to combine their teachings in the field of horticulture with teachings in Christian religion – what would be needed to overcome the tribal barriers would be an organisation without any missionary bias. Still, if this organisation would be spreading more rapidly, the horticultural production might soon surpass the absorption capacity of the local markets and the producers would be confronted with marketing problems already envisaged in the Forestal report 25 years ago, but left unsolved since then. All trade between the hills and the plains is monopolised by Bengali middlemen in collusion with wholesale traders in Chittagong. Even though they know that they are exploited, tribal sellers have to
accept the terms of the middlemen, whose business is protected by the Development Board.

According to the Forestal report the Chittagong Hill Tracts should have become a major fruit growing area. In order to enable the market to absorb the seasonal production, fruit processing and canning plants would have been necessary. Years ago, government forced hill people to produce lots of pineapples. I saw piles of these fruits rotting in Chittagong, but I have not heard of any processing plant set up so far, I have only heard of a tribal entrepreneur who wanted to built one such plant but was actively discouraged by the Development Board. After fruit growing according to governmental orders has proved a flop, tribals who still try to make a living by horticulture run the risk to become the victims of "security" measures. By now the government favours rubber plantations, to be managed by the government directly or by Bengali middle class entrepreneurs who were given special conditions to acquire vast tracts of what formerly was tribal jhum land.

To be sure, it is quite legal to acquire such vast tracts. You only must know whom to approach in Dhaka. Normal hill men, however, do not know this, and they also do not have the necessary financial means. The District administration officers even do not allow them to copy for their own information the governmental laws and rules concerning the possibilities of land acquisition (I was asked by one learned tribal man whether I might help him to a copy of the laws). In fact, monopolising the relevant knowledge is quite profitable. Local headmen extort money from their own people by promising to provide them with settlements, they even "sell" the same plots several times to several people with nothing real coming forth; the Chiefs are "leasing" Son grass plots to people who have no chance to control who legally owns these plots which formerly were (and perhaps still are) nothing but "unclassified state forest," i.e. common village land.

After all, chances for economic advancement for the simple and honest village farmer cannot be said to have improved. On the contrary, with increasing scarcity of resources he has been subject to ever new forms of exploitation, contributing to his pauperisation. As a matter of fact, my decision not to visit the villages where I stayed during my studies in 1956-57 and 1964 may have spared me another shocking sight. I was told that their formerly magnificent houses had been replaced by small huts – no more trees, no more bamboo. I did not have to go to the villages to see this development: in Banderban the houses of the local Marma, formerly built on stilts, had come down to the ground and looked rather miserable, while at the same time the concrete structures of the administration and some members of the local elite were growing ever bigger, larger, and higher. Far outside Banderban, on one of these
bare hills, a real palace was being erected for the new Local Council. I forgot to ask whether it was the Development Board who spent such a lot of money on people whom they considered of no practical relevance.

Indeed, government is spending lavishly on tribal matters: there is a Tribal Cultural Institute in Banderban, to be found in a two-storied building of its own, with a personnel of seven people who after two years of activity have nothing to show but a thick package of photographs, mostly taken on the occasion of a "function," when tribal people danced in their "native" costume, newly fashioned for the more uncivilised among them, like Mru and Khumi whose womenfolk normally wear nothing but a short indigo coloured homespun but diligently embroidered kilt. Now the Khumi ladies were all clad in crimson, with a long gown down to the ground and a long-sleeved jacket decently buttoned up to the neck, latest Malaysian fashion. The Mru ladies appeared in floating blue, while their men draped all in white, Kung Fu style. Unfortunately, the institute was not yet in a position to sell copies of these photographic documents, so my identification of this newly developed "tribal culture" may be but partly correct.

On other forms of development government is spending a lot of money as well, but the results are less visible. Some hundred years ago, the Chittagong Hill Tracts were the "Kapasmahal," the area producing the cotton for the world-famous Dhaka muslin. The English colonial system became known for its destruction of the Indian cotton industry, but cotton was still grown in the Hill Tracts some thirty years ago and served as a major source of cash income, even though the quality of the fibre was poor according to modern standards. Now there is a Cotton Development Officer in every Subdistrict. In Banderban no one had heard of any promotion of new cotton seeds; in Rangamati I was told that cotton was not grown anymore. Local homespun is made from imported cotton. I asked what the Cotton Development Officers were doing. "Oh, very little." The same answer with regard to the activity of the Family Planning Officer (of male gender, to be sure, as anyone of his colleagues), or the Livestock Development Officer, or the poor man, whom the government expects to develop fisheries in an area of steep mountains where creeks are drying up due to "jungle clearing."

While these departments may be regarded as rather useless consumers of government money anyhow, some importance should no doubt be given to the development of forestry produce. But it has not been very successful either, and this not only in the area where the military insists on bare hills, but similarly in the areas where original village life is still going on. In view of the growing overall scarcity of trees and bamboo the villagers (you are told) were short-sighted enough to cut down
and sell all what still was common – or nobody's – property. By now, while the people have to grow something on which they can live in the following year, there is little use in telling them they should re-allocate land to growing trees from which they cannot derive any benefit in the immediate future, and they are definitely even less interested in losing their land to government controlled plantations of hard or pulp wood, from which they derive no benefit at all. Villagers have been forced to plant trees, but these "for many reasons" rarely lived long enough to see the next year.

As a matter of fact people who know their soil may be well advised to let these plantations die, as government officials have apparently learned nothing by previous failures: mono-cultivation of teak causes heavy erosion and exhausts the soil much more than traditional jhuming, and I doubt very much that the rubber plantations I have seen will fare much better – the soil in these plantations had been slightly terraced and was not covered by any protecting vegetation, while the trees had shed their leaves which they will regrow only after the rains have set in. Thus, the soil will be exposed to and leached by the initial heavy monsoon rains. As one could already see the roots lying open, I venture the guess that in a few years the soil will be gone (silting up the Kaptai Lake), the plantations will die and the barren hill sides will not even be useful anymore for growing Son grass. Members of the Local Council told me that they knew about the dangers, but the Development Board people were not interested in heeding their warnings. So what could they do to save the soil and the last potential of fertile hilly land? To interdict any cultivation on hill slopes with a gradient of more than 30 percent, as has been done recently, may be useful or just another useless bureaucratic act, but it is really no answer to the question.

With regard to the protection of the forest reserves in one fifth of the territory of the Hill Tracts, which more than one hundred years ago the British colonial administration declared off limits to jhum cultivators, the government policy was not crowned by success either, on the contrary. With two exceptions these forests have been largely destroyed during the last years. The two exceptions are the Sangu Reserve Forest on the one hand – it is still not reached by any road and hence rather inaccessible, and the Kasalong Reserve Forest on the other hand – there extraction is possible, but rather expensive. The contractors have to pay not only for the licence issued by the government, but also for their safety – this time to the Shanti Bahini, who here, as in many other instances, act as a mafia. It really amounts to irony that the government owes the largest forest reserves to the illegal act of a group of "miscreants," for the extinction of whom the government not only spends enormous financial means but at the same time also destroys the basis of the livelihood of a very large number of lawful indigenous people. It is but consequent that the largest
amount of development money is spent in the very area in which the resistance forces have been most active. Moreover, the forest reserves are excluded from the area in which the local governments are supposed to have some say. No wonder that some Chakma, even though they hated the Shanti Bahini, ended up in saying: "But there is no alternative."

I do not know whether the government still surmises that the Shanti Bahini command a lot of sympathy among the tribal people. Since I did not come across a single person favouring them, I would say they do not. But nor do the government forces. People suffer under the acts of both sides. The Shanti Bahini, once meant to defend the rights of the tribals, have (in their quest to raise money for their fight) taken to extorting money from everyone, not only from Bengali contractors or well-to-do tribal people in the Chittagong Hill Tracts (who in case of non-contribution both must fear for their lives), but also from the refugees in the camps in Tripura State by hiring them out for work, while at the same time (similar to the government forces in their camps in the Chittagong Hill Tracts) guarding them from breaking away and escaping. If you ask me why then the people prefer the camps in Tripura to those in their own country, my answer is that it still is more gratifying to do some productive work under the exploitation of your own people than to destroy your subsistence base under the order of an occupation force – sorry for that expression, but the "security" forces in the Chittagong Hill Tracts behave like that.

Neither Bawm nor Mru are fond of Shanti Bahini. The government even allowed the Mru, in recognition of their expelling these Bahini from their territory, a defence force of their own, partially armed with formerly "illegal" weapons of their own making. The poor pay of 200 Taka a month offered to these "soldiers" by the government is however rarely coming forth, and the government military apparently has not much confidence in them as I was not allowed to visit Mru villages without proper governmental "security." This may be understandable in so far as their loyalty did not save the Mru inhabitants of three mouzas bordering the plains district (and not far from my former place of stay) from being driven out without recompensation or rehabilitation when the military was looking for some artillery training area or whatever the reason may have been.

For years the Shanti Bahini have published lists of the victims of the "security" forces; of late the government of Bangladesh has retorted by doing the same with regard to the victims of the Shanti Bahini. There are, as a matter of fact, some cases of murder which the government blames on the Shanti Bahini, while the latter blame it on the former. We may believe the government side, but then we must also ask the government why their forces are unable to prosecute and punish the cases of rape,
theft, arson, and murder, which they apparently cannot blame on the Shanti Bahini. One might argue that there is really no "security" in the Chittagong Hill Tracts, only "forces" – and nobody (on whatever side) should be blamed if he trusts his own people more than those who are apparently bothering about nothing but their own security, whatever in fact someone of his own people might do. But this vice versa version distorts the picture – neither are the Shanti Bahini to be equated with the indigenous people nor are their means equal to those of the government. In the plains, at least one bus is looted and some people killed every week; but as those miscreants are not identifying themselves as Shanti Bahini, are nothing but Bengalis robbing and killing Bengalis, no military engagement seems necessary. Still, it is not the Shanti Bahini who are wilfully destroying the productivity of the Chittagong Hill Tracts, it is only the possibility of their presence which is construed to force the government to retaliate in the destructive way described above.

This destruction, there can be no doubt, is neither in the interest of the local people nor in that of the government It was therefore but reasonable that in 1987 the government sought a "political" solution – the institution of the Local Government Councils was the outcome – but this, after all, failed in all major points except for the fact that the Shanti Bahini had less human rights violations on the government side to report than in the years before. For 1990, however, the report of atrocities committed by the "security" forces reached new scores. Indeed the counter-insurgency measures (not invented by the government of Bangladesh, to be sure) are continuing unabatedly with all their counter-productivity leading to statements as the one cited above: there is no alternative. Even if in the form quoted it was a statement of an emigrant, it apparently could have been the sorry statement of a member of the "security" forces as well. Are we really bound to leave it at that? Is there really no way out? I was asking this question again and again; I got no answer which satisfied me.

2. Perceiving

The actual state of affairs has but one long term perspective: the destruction of the agricultural and forest production capacity of the Chittagong Hill Tracts. There are, to be sure, some (mostly illegal) profiteers of the present situation, but their interests are neither those of a responsible government who will have to care for the protection and preservation of the natural resources of the country, nor those of the indigenous hill people who, no doubt, have to fear for their cultural and physical survival. Until now, the government of Bangladesh in fact conceded the status of a guerrilla to the Shanti Bahini by uncritically copying counter-insurgency measures employed for instance by the Indian government in the hills of Assam, although
without the consequence of the last step taken by the Indian government in view of
the failure of its military measures, namely, the concession of an own state to the hill
people. Instead, the "political solution" offered by the government of Bangladesh so
far consisted in the creation of three Local Government Councils with a guaranteed
tribal majority – but no actual power transferred to them from any of the already
existing institutions.

The counter-insurgency program may have had the effect of transforming the
Shanti Bahini guerrilla into a mafia, but if the government's aim was to restore peace
and freedom in the Hill Tracts, it failed no less in achieving it than the "peace forces"
(Shanti Bahini) on the other side. On the contrary, by its apparently unavoidable
cruelties the government policy continues to drive people into exile and into the arms
of the guerrilla, i. e., it reproduces what it purports to extinguish. High as the
financial burden for this policy may be, it is above all counterproductive to the
development of the Hill Tracts or even to the sustenance of its development
potentials. The Food for Work financed "jungle clearing," for instance, by far
exceeds any destruction of soil fertility due to irresponsible over-jhuming by the
indigenous population.

Whatever is done for "development" of the Chittagong Hill Tracts is directly
under the control of, and thereby at least not against any interest of, the military – the
GOC Chittagong not only commands the military, he is also the Chairman of the
Chittagong Hill Tracts Development Board. No wonder then that most development
money is spent (and Local Governments seem to raise in importance) where the
Shanti Bahini are most active. Hence common people might be expected to perceive
even a certain advantage in having some Shanti Bahini around – but this is not the
case. For them "development" is most visible in ever bigger buildings in the
administrative centres while their houses become ever smaller due to the destruction
of the local natural resources, be it by "jungle clearing" or by teak and rubber
plantations where the resulting erosion is visible to at least any hill man even if in the
services of the Chittagong Hill Tracts Development Board. Plains people, on the
other hand, may really have no sense for preserving the fertility of hills; in West
Bengal I saw hills bare and barren like those now to be seen in the Chittagong Hill
Tracts, while there are miles and miles of monocultural tree plantations on flat lands
which could as well have been used for agriculture. This remark however should not
be construed to imply that management by hill people will guarantee the sustained
fertility of the hills – hill people, too, will individually sacrifice long term interests to
short term demands.
Since colonial times, the governmental wisdom against this danger has always been to impose prohibitions and restrictions and to prosecute those who failed to comply, while at the same time reducing the local people's means to enforce their traditional order. As a rule, people complied with the government regulations, but they rarely thought it their duty to co-operate. On the contrary, they did all just to keep government officers from interfering with their business. This passive compliance, however, should come to an end once the government's conception of what should be law and order are going to deprive the people of their means of subsistence and thereby threaten their very survival. It is here where people are driven to the conclusion that there is no alternative, and where governments likewise appear to think that there is no alternative but to eradicate those who see no alternative.

I venture to contradict both sides. I even venture to contradict those who still see a way out of the conflict by means of negotiations. There is damn little to negotiate in face of the fact that it is first of all the land which has to be saved. I venture the guess that the soil fertility in the Chittagong Hill Tracts has been brought down to half of what it still was thirty years ago, while no one will contradict me when I state the fact that the population has more than doubled since then. Add to all this that in many places jhum cultivation was already precarious at that time, and it will be clear that indigenous people cannot survive unless they change their life style – whatever the government has done or will do. Those fighting against the government may object that the government is not interested in the survival of the indigenous people, that it would in fact prefer to have the land without these people. Even then the government should be interested to have the earth kept on the hills and not washed down into the Kaptai lake which, if things remain as they are, will be silted up in a decade or so, while not only the Chandraghona Paper Mill will be ruined, but worse than that the badly needed hydro-electric power generation will come down to nil.

To construct a new dam in the Sangu valley instead will be no solution: not only are the Sangu water resources much more limited, but the fate of the Karnaphuli lake will also be that of the Sangu lake in case there is no protection of the soil in the hills surrounding it. And the government will be unable to protect it on its own, be it only for the reason that the military will insist on denuding these hills for "security" reasons. And the government will also have to discard the unrealistic dream that the Chittagong Hill Tracts could be transformed into a vast teak and rubber plantation. It cannot, as the plantations will be killed by the very erosion they produce, while in no way preventing the further siltation of the Kaptai lake, on the contrary. If the government wants to protect the soil of the hills, it has really no other option than to secure the collaboration of those people who definitely are interested in protecting it.
for the simple reason that it is their only means of survival (unless they prefer to become homeless vagabonds), i. e. the indigenous people.

If the government really accepts to collaborate with the indigenous people (as it proforma did in setting up the Local Councils) the Shanti Bahini will lose any legitimate reason for their existence as defenders of the interests of the hill people, since there will be an alternative. This, to be sure, will not mean that the hostility will cease, but if there is anyone who can really put an end to the guerrilla activities, it is – as has been proven by the examples on the Indian side – not the government forces but again the indigenous people themselves, provided they are really motivated to co-operate with the government in their own interest, not just because they are forced into, or paid for, compliance. As I see it, for both sides this co-operation is a must and not something to be negotiated. It cannot be started, however, as long as the government acts against its own long-term interests; but it will result more or less automatically once the government and the local people realise that their apparently divergent interests coincide, once the government decides to take measures to safeguard these interests in a program of self-sustaining development.

I do not doubt that clear-sighted people in the government of Bangladesh, i. e. those who are not bound to accept Nam-speak versions like "We had to destroy the villages in order to save them," will readily admit that the measures adopted during the last decennia where not very successful, if not clearly counter-productive. Once upon a time, the Chittagong Hill Tracts were not only rich in timber and bamboo, but they also produced a surplus of paddy and cotton. Hard-working farmers were (in the context of Bangladesh) comparatively well off, and really needy people were few in number. Nowadays after millions of dollars of development aid have been spent needy people abound, rice and cotton have to be imported, and timber and bamboo have become so scarce that the formerly magnificent houses of the indigenous people gave way to poor huts.

Those responsible for this monstrous mismanagement like to blame it all on the Shanti Bahini and the nasty Indian government who is supporting them. This excuse however will not do to answer the question why a similar development did not take place in any of all the other frontier areas with India. And it will not answer the question why India, in its turn, had to face an even more virulent indigenous opposition to its policy in what are now Nagaland, Mizoram, etc., while at the same time there was still peace in the Chittagong Hill Tracts even though the government of Pakistan by the construction of the Kaptai dam was responsible for the displacement of one quarter of the indigenous population. The trouble started at the time when Bangladesh with the active support of India became independent. The
resistance movement gained in momentum only after the government of Bangladesh decided to move lakhs of landless Bengalis into the hills thereby evicting the indigenous people from their homelands. It is not the Indian government who lured one fifth of the tribal population into the refugee camps in Tripura, while at the same time an unknown number of refugees moved out to Burma.

It would no doubt be equally unjust to blame all these emigrants on the government of Bangladesh. There are still now more indigenous people in the Hill Tracts than thirty years ago. Yet there can be no doubt too that the government has failed to gain their confidence. Members of the forces deployed by the government never ceased to treat any hill man with suspicion, apparently on the not so unjust assumption that their "development" policies and "security" measures could not but provoke blatant feelings of hostility.

3. Changing the perspective

In face of all this it may seem unrealistic to speak of co-operation. However, I make no plea for confidence. Government and local people may distrust each other, but provided they realise that they both have to try their utmost to protect and to preserve the productive capacity of the land in the Chittagong Hill Tracts and that they need each other in achieving this aim, this distrust should be no impediment to the implementation of measures which are in the common interest. The alternative, viz. not to co-operate, has been amply proven to be conducive to nothing but the waste and destruction of urgently needed resources.

Still it might be disputed whether the use to which local people and government would like to put these resources is the same. Maybe government would like to have a huge forest without tribals, but even in this case government will have to admit that is has been unable to protect the formerly existing forest reserves. The government of Bangladesh "owes" the largest part of the remaining wealth to the activities of the Shanti Bahini. The latter, however, might in their turn have converted it into money if this had been strategically feasible. The villagers have proven unable to protect their own resources of timber and bamboo even though this protection should have been in their common interest. Moreover villagers can be seen to oppose and if necessary to foil reforestation programs, since they experience these programs as encroaching upon on the territory they urgently need for their fields or gardens. And the military forces hate any vegetation anyhow as it interferes with their security. Still, everyone will agree to that the villagers can only survive and the land and the lake can only be saved if trees and bamboo grow abundantly all over the hills.
Who is to raise and to protect them? The Forest Department will ask for stern measures against contractors, villagers, and other potentially dangerous people except their own officers whose number will have to be substantially increased. But as long as these officers lend their hand to the destruction of the original forest while promoting the rubber and teak plantations of the sort I have seen, they too in my view constitute a major threat to the preservation of the fertility of the Hill Tracts. The only alternative available, viz. to make the villagers responsible for reforestation, may at first seem even more dangerous, as it is they who did not protect their own resources even though they needed them badly. Still, on closer examination there can be no doubt that they had really no possibility to protect them. It was not "the villagers" who ruined their resources, it was someone who was powerful and short-sighted enough to put his individual interests before any considerations of general welfare, knowing very well that he would have to accept the wrath of the villagers, but nothing else. There was, and is, no law preventing anybody from using the village resources for his own benefit, but there is a law against villagers taking harmful revenge on him. As a result, the irresponsible plundering of village resources is in fact protected by state law.

The legal situation would have been different if someone had made the village reserve his private property. But if you are to own just five acres of land and you try to live on nothing but the jungle trees and bamboo growing there, you soon will be starving. Therefore, private property as propagated by government will even more rapidly contribute to the disappearance of trees and bamboo. If the laws are against them, people cannot but fight a losing battle. Under these conditions it amounts to sheer cynicism to reproach them that they did not preserve their forests and to take this as a pretext to entrust the preservation to the Forest Department which will then deprive the villagers of what once was their communal land. No wonder then that this hypocritical provocation provokes resistance. In order to turn this government induced antagonism into co-operation, the following rules should obtain:

Any hill village (in the sense of a living unit, not in that of a mouza) has the right to own any amount of acreage, provided the villagers will keep it under forest. This forested land is a common property of all villagers and they communally are responsible for its protection. They are therefore entitled to impose (and legally enforce the recovery of) any fine they deem necessary to protect the forest. As a return for this privilege extended to them by the state as the supreme owner, the village community will have to pay a yearly tax in kind (not in cash), consisting of half the amount of the forest produce which can be extracted without endangering the natural replenishment of the forest.
There should be rules to delimit the permitted amount of extraction, but there should be no rules as to what kind of trees the villagers will grow on their land. As they are hill people, they will know what is suitable to the local soil and what is not. The Forest Department will have to do nothing but to assist the people with its advice, if they want it, and in the long run to ascertain that the area remains forested; in case of default, the Local Government might be entitled to reallocate the area to a neighbouring village.

As a consequence of levying the tax in the village, the whole outdated colonial business of toll tax (originally levied on any forest produce brought down the river to the plains) can be abolished, thereby laying dry another favourite source of extortion and corruption, which in the meantime has been illegally used to erect insurmountable barriers to up-river horticultural development. Until now up-river market production is self-defeating as people not only have to bear higher transportation costs but also the extra charge of toll tax. Illegal as this tax may be on garden produce, it is perfectly legal on forest produce, making a fool of any private person who spends his labour in planting a tree in the upper reaches of the rivers.

Hence, in case of village forestry, it should not be the duty of the villagers to bring their tax in kind down to the main town; it should be the duty of the government to collect the produce in the villages. If the transport costs prove too high, the government may prefer not to collect it or may sell the rights to contractors as is now the case in the Reserve Forests. Next, the government should be so honest as to formally abolish those Reserve Forests which in reality do not exist anymore and to hand the areas over to new villages of hill people who undertake to reforest them under the conditions set forth above. As a result of these new regulations there will be lots of reserved forests all over the Hill Tracts, the produce of which will benefit both the government and the villagers (free to sell their part or to use it for their own purposes). Unlike Forest Officers, the villagers will work free of cost and will derive no profit from illegally selling what is not theirs.

On closer examination, it will be found that quite a few questions are left open by the above formulated rules, for instance the question what percentage of the village land should "normally" be kept under forest. I doubt however that in this respect any hard and fast rule would be found suited for any place in the Hill Tracts. Villagers surrounded by many steep hills may have better reason to devote their lands to forestry than those surrounded by flat land suitable for wet-rice cultivation. But while in the latter case five acres of land may be sufficient to make a living for a family, this limited amount will never do in a hilly place; any cultivation similar to jhuming will require at least five acres per person or 25 acres per family, lest they will be
forced to ruin the soil. Under the present-day regulations, only rich people can afford to acquire legal rights to more than five acres, while poor people may have not even the chance to legally secure for themselves what by customary law has been theirs ever since they have been working.

Besides the mouza boundaries fixed since colonial times, there do exist village (hamlet, para) boundaries very well known to the local people though not officially sanctioned. To make individual families come in with the government for private ownership of a special plot of this land has really nothing to do with development, but only with creating new opportunities for extortion, reinforced by the threat that all those who are not willing or able to pay will see their land, including that of their homestead, "legally" acquired by someone else. The proposal made by the Local Government Council of Rangamati, stipulating that all those who already possess the land should in the future be entitled to get it registered at minimal cost may be a feasible compromise. Yet it would be much simpler if the government did nothing but just acknowledge the villagers' ownership of their village land, leaving it for them to decide whether and whom they will allow to acquire individual property rights in particular plots. In the same way it should be left to the villagers to determine the amount of land which can be privately owned. To be sure, as long as the villagers own their land in common they will have to pay their land tax in common as well. It can be left to the village community to collect their taxes on any individual property which they may decide to accept and guarantee in their own way. Thus, tax collection expenditures as well as possibilities of tax subversion will be greatly reduced at the same time. Moreover, this measure at once will dry up the source of all these illegal profiteers who nowadays make their money by attesting the existence of "khas" land: there will be no "khas" land anymore.

Since these profiteers are exploiting both the local people and the government, their lobby together with that of the two other types mentioned above will, no doubt, try to persuade the government that rules like those proposed here are mere nonsense. But the hill people with whom I discussed the matter had no objections. For the government these rules would not only help to save unnecessary expenditures, but also ensure a regular enduring supply of forest produce without endangering the productivity of the soil. On the contrary these rules would contribute to an overall reforestation without expropriating the local people from their original village lands. In the last instance, the government would thereby gain the villagers' confidence and support.

Still, in order to achieve this, even honest administrators will in some way have to redefine their role. Since colonial times ever new institutions have been piled upon
those already existing and found inadequate, with no other purpose than to enforce
and to control what the government, more or less paternalistically, had decided for
(or against) the people. At the same time the government, whether British or
national, knew very well that those persons, whether tribal or not, empowered by it to
administer its rules on the people, were always trying to feather their own nest. The
most recent example is the new Local Government Councils which apart from
serving for a political show are rather useless. In the meantime its members are
slowly learning to eke out their meagre earnings by putting to work the few chances
they got. Whether this statement is true in every case is rather irrelevant in the face of
the fact that people believe it to be true.

The common people have really no possibility to control anyone of those
empowered by the government to work for (and make their money by) their
"development." In their view, they just have to obey and pay – to the central
government, to the local government, to the tribal chiefs and their headmen, to the
military, and to the Shanti Bahini. They sometimes even have to cast their vote, but
this has no influence on who is elected. They have no say whatsoever. They are long-
suffering, but there is little left of their former dignity; if they will not die from
starvation, they will at least lose their identity. "All what we can do is cry."

As a matter of fact, USAID food for destructive work in a word of Nam-speak
security is a tragedy. Bangladesh government cannot but serve its own interest in
putting an end to it as soon as possible. The hill people will be grateful to anyone
who helps them to regain their dignity. Let them, after more than a century of ever
more oppressive foreign rule, have a say again in their own matter. Let them
participate in development. Remove all useless administrative and "law enforcing"
bodies which have been heaped upon them, paid by the government, feeding on the
people, and destroying the land. Enlist the support of the local people by returning
them their rights – the people are willing to pay high for that. I am not talking of
democracy, autonomy and all this, I am talking of the village community. By this I
mean people of a common culture, who as a rule have grown up together – forcefully
regrouped villages cannot function as that. So let those people live and work together
who freely chose to live and to work together and give them any freedom to organise
themselves. In order to achieve democracy, people must have had a chance to
develop a sense of responsibility. So let them accept responsibility in such a way that
their private interests at the same time serve the interests of the larger society, let
them support the Bangladesh economy instead of destroying irrecoverably their –
and the country's – resources.
This ends my report. It may be felt to be deficient in one point: My recommendations contain nothing relating directly to restoring peace and order in the Chittagong Hill Tracts. This is not because I have no idea about it. As a matter of fact, the restoration of peace and order will be much easier than the conservation of the productivity of the Hill Tracts. It could be achieved in less than a year. It would cost the government nothing, not even the acceptance of a single demand of the Shanti Bahini. I shall not, however, offer any advice in this matter unless asked by the government of Bangladesh to do so.

II


These remarks are not meant to invalidate any of the Commission's findings on the human rights violations. If indeed the Report had concentrated on these, it would have served the Commission's ends and, above all, the fate of the indigenous peoples of the Chittagong Hill Tracts much better than in the present form which coaches the findings in a framework of unqualified, sometimes flatly wrong statements.

1. The legal basis

To begin with, it is to be considered an outright shame that the Commission chaired by a professor of law did not bother to consult the very basis of the administration of the Chittagong Hill Tracts, valid up to the present, viz. the Chittagong Hill Tracts Regulation of 1900, to which the Commission nevertheless refers repeatedly. This negligence gave rise to the following nonsense statement, in which the law professor equates the Regulation of 1900 with the Canadian Royal Proclamation of 1763 [!]: "The 1900 regulations [sic!] came at a time of armed conflict with tribal peoples ... Governmental actions moved away from the rules in the documents. After some time there were serious doubts whether the parts of the documents dealing with the tribal rights had any continuing legal force or political relevance ... [Before 1989] Bangladesh government representatives had often suggested that the 1900 Regulations were no longer in force ... They moved from law to history. While they ceased to be operative in practice, they were typically never expressly repealed. This meant that their continuing legal status was unclear" (p. 10). In this way the professor acquits the governments of Pakistan and Bangladesh of all violations of the Regulation – a really unnecessary act of academic benevolence, since we have to deal here not with the Wild West but with the Civilised East. Neither the government of Pakistan nor
that of Bangladesh ever doubted the "legal status" of the Regulation, and they both took the trouble to amend it every time they thought it necessary to do so. They did it in the same way as it had been done by the British and as they, as the legal successors of the British, were entitled to do according to rules 4 and 18 of the said Regulation.

"The Commission has not traced the regulatory history" (p. 12), but it is bold enough to maintain that "under the 1900 Hill Tracts Regulation, the CHT were an excluded area. Schedule 35 states that those who do not belong to the Chittagong Hill Tracts will not be given permission to settle on hill people's lands." In reality, there is no "schedule 35," but rule 52 (not yet to be found in the original version of 1900) states: "Save as hereafter provided, no person other than ... a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lusai Hills, the Arakan Hill Tracts, or the State of Tripura shall enter or reside in the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion." In 1900, any gazetted officer of the government down to the headman could grant "to any suitable person wishing to open plough cultivation the requisite authority to do so" (§ 43). There where no restrictions against settlers from the plains in 1900, and those restrictions which were made to apply in later years became gradually abolished again after 1961, first (§ 34C) to accommodate the immigrants in consequence of the Kaptai Lake, later on (§ 34, as amended by the Pakistan government in 1971 and again by the government of Bangladesh in 1979) to legalise the settlement of more and more immigrants from the plains.

The facts notwithstanding, the Commission blindly follows the JSS version. It not only maintains (p. 62) that "the amount of land covered by the District Council Laws appears [sic!] to be only 10% of the area of the Hill Tracts" (a misinformation concocted by the JSS, the truth of which the Commission would have had ample opportunity to ascertain), but also that for "transferring land within the resident settler population or within the hill peoples there is no bar" so that "the District Council Law... undermines some of the powers of the Deputy Commissioner," as if § 64 of this law would in any way interfere with rule 34 of the Regulation. To be sure, the District Council Law restricts some of the former powers of the Deputy Commissioner (and the Central Board of Revenue at that) by partly subordinating him to the District Council, i. e., by conceding for the first time in the colonial history of the Hill Tracts some say to a gremium in which the representatives of the indigenous peoples are in the majority. But that is not what the Commission wanted to make clear.
Instead it maintains that the "District Council Laws ... legally legitimise the presence of the settlers in the CHT", since these are "designed to completely end the legal rule of the CHT Regulations [sic!] of 1900, which contained restrictions on the entry and settlement of non-hill people. The 1900 regulations [sic!] have been constantly referred to by the JSS/SB as proving the illegality of Bengali settlement in the hills. The JSS/SB positions have always called for the enforcement of the 1900 regulations [sic!] and their protection in the constitution" (p. 116-17). As the settlers have since long been legalised by the very Regulation, a similar step would (following § 34C) indeed have left the decision on the question of land use to the Board of Revenue in Dhaka. Actually the JSS must have realised this some years ago, since demand number 3 of the five point program as reprinted by the Commission on page 26 ("Retention of the Chittagong Hill Tracts Regulations [sic!] of 1900 and a constitutional provision restricting the amendment of the regulations") was subsequently dropped and replaced by "An adequate financial help for the rehabilitation of the Jumma refugees in their villages and the return of their ancestral property to them." (Actually both versions publicised in the West do not represent the so-called five point program submitted by the JSS/SB in their negotiations with the government. This program for instance also contains a demand that the government stop all prosecution of illegal acts committed by the JSS/SB – understandable, but sounding less pleasant to Western ears).

Having themselves dropped the demand for the retention of the Regulation, the SB should not mind when the Commission, somewhat unexpectedly, "does not see it as technically necessary to continue the 1900 Regulations [sic!] and, in fact, favours simply the recognition of jurisdiction over all land matters in an autonomous CHT government. But that recognition of jurisdiction should be done within a conceptual framework of continuing elements or themes of the 1900 regulations [sic!]") (p. 118). The Commission was told that at present it is still "technically necessary" to continue the Regulation (and that this is the reason why its abolition has not yet been gazetted). As regards the "continuing elements or themes" of this colonial document, there are indeed more than enough of them in the new Local Government Council Laws. They still continue the colonial spirit of the Regulation and thereby fit in perfectly with the Commissions recommendation: "It should not be done by a discontinuity which is unnecessary" (p. 118). Whether this is not "provocatively disrespectful of the views of the hill peoples" (ibid.) is a different question.

To be sure, in this very paragraph the Commission advocates that "Bangladesh law should recognise authority in an autonomous CHT government to implement and amend the provisions of the 1900 regulations [sic!] dealing with landrights and settlement," but at the same time it is of the opinion that committees at the district
and subdistrict levels dealing with disputed land titles (as proposed by the Chairman of the Rangamati District Council) "would be insufficiently neutral and insufficiently expert to handle such a task. They would be linked to the existing local government institutions, which have played administrative roles in relation to land records" (p. 117). As the Commission refrains from making a better proposal, its objection amounts to a flat denial of the very principles of continuity and autonomy it advocated: people of the Chittagong Hill Tracts are "insufficiently expert to handle such a task." Despite a reference to "the practices of Apartheid" (p. 116), the Commission misses to raise the question whether some of the rules presently contained in the Regulation may allow the government the "expropriation of landed property belonging to a racial group or groups or to members thereof" – declared to be a crime under article II d of the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973), also ratified by Bangladesh.

2. Indigenous peoples and land use

Flatly wrong are some statements concerning the characterisation of the hill tribes. The Sak are called "animists" (p. 123) – quite irrespective of the fact that the Sak themselves would maintain that they are Buddhist and that indeed there is a Buddhist temple in every Sak village. All peoples except the Tripura are assigned to the Tibeto-Burman language family (p. 123) – in fact, until now nobody had any doubt that the language of the Tripura, belonging to the Bodo group, is a member of the Tibeto-Burman family as well, while, on the contrary, the language of the majority people of the Chittagong Hill Tracts, the Chakma (as well as that of the Tongcengya), was characterised by several British scholars as "a corrupt form of Bengali." Today this derogatory characterisation has been replaced by the formulation that the Chakma language is a "dialect" of Bengali. From the linguist point of view this is quite correct and not "disparaging" (p. 114). The Mru are wrongly called a "Chin group" and are said to have left their settlements in northern Arakan as a result of the Chin expansion in the early 19th century – a rather arbitrary assertion in view of the fact that an English traveller learned of the Mru in the hills of the southern Chittagong Hill Tracts already in 1798, where indeed they may have been living since centuries.

There is really no valid historical reason to maintain that most of the Chittagong tribes are nothing but last century immigrants to the Hill Tracts; on the contrary, there is nothing to prove that most of them arrived rather lately. They are the original settlers, and the Commission rightly "considers that they are indigenous to the CHT" even though it "is aware of the position of the Bangladesh Government that the hill people are not technically 'indigenous' peoples" (p. 119). The Commission, however,
declares itself "not concerned with attempting to finally resolve this issue of terminology" (p. 119), otherwise it ought to have pointed out that its judgement is in complete agreement with the official version of the Government of Bangladesh as long as the Chittagong Hill Tracts Regulation is still in force. In fact the Regulation repeatedly (e. g. in rule 4) speaks of "a Chakma, Mogh or member of any tribe indigenous to the Hill Tracts." The next task should have been to clarify which rights accrue to the people of the Hill Tracts by the fact that they are by law defined as members of indigenous tribes and which of these rights have possibly been violated. But this too was a question the Commission was not concerned with.

I am not going to argue with the Commission on the figures of the hill people who left the Chittagong Hill Tracts in the aftermath of the construction of the Kaptai dam (p. 13). The Commission here relies on data supplied by the JSS which, to put it politely, are open to doubt I am also refraining from discussing a lot of other questionable statements, since they are, as a matter of fact, to be considered irrelevant for the purpose of the Commission's report. But I cannot refrain from mentioning another point where the Commission proves "insufficiently expert, viz. the question "of the carrying capacity of the land within the CHT" (p. 118).

The Commission flatly asserts that "extensive data is already available for such an assessment to be done quickly" and that "the only [sic!] intelligent way to plan for the future is to assess the carrying capacity of the land, in order to determine what extent of settlement is ecologically and economically feasible for the area. Once a determination is made, the autonomous government ... would be able to make decisions on land use and settlements" (p. 118). Hopefully the District Councils will be able to take decisions even before such an assessment has been made. The "extensive data" consist of some superficial evaluation of the land quality, dividing it into three types for the sake of taxation and sometimes (in case of relocation) compensation.

What the Commission extols as "the only intelligent way" has been paved by the Forestal report in 1966, prepared on the request of the then Government of Pakistan. One of its results is rule 34 of the Regulation which, following the minimum set by the Forestal report for horticulture, stipulates 5 acres to be sufficient for a family, although under special conditions more land may be granted. The Commission maintains that "the hill peoples are entitled to carry on their established patterns of land use, with ... jhum cultivation" (p. 118), but this is not true. Jhum cultivation is forbidden – even though violators are not (yet) prosecuted. On 5 acres nobody can live by slash-and-burn (jhum) cultivation, but anyone who is in business or employment or earns his living by some handicrafts can do with definitely less than 5...
acres. In urban areas you can have very high numbers of people on a square mile, but in rural areas much depends on the technology. If land is going to be used for horticulture, you will have a different carrying capacity (the maximum number of people on a certain area without resource degradation setting in) than on rubber plantations. It will be different again in case of slash-and-burn cultivation, and even then it will not be the same on any quality of soil. If the soil quality was known all over the district and if it would be known how much of what type of land a family would require to make a decent (whatever this shall mean) living, these data still would not answer the question whether one should maximise the population or (in view of some national interest) the production of some product or the average family income or (in view of the fate of the Kaptai Lake or in view of a more general interest) the upkeep (or change) of the environmental balance or the security of the region etc.

Assuming that the gremium can find a compromise between all these and some more aspects of preference and can finally re-adjust its plan to the financial means available for its execution (which might require a complete change of preferences), it still will have to face a question of the technical know-how and the voluntary mobility of the population in order to take to the jobs decided upon by the gremium. As a matter of fact, the Commission is advocating nothing but what (with all the "extensive data" available) is going on just now. The solution is not the calculation of some questionable carrying capacity nor the introduction of some new techniques which will push it upward (both may be useful though), but, as has been demonstrated all over the world during the last 30 years, to put the development to the common decision of well-informed villagers. Nobody but they really know their resources, their abilities and chances; and these may be enhanced by putting the best scientific advice available at their disposal – and to their discretion.

To be sure, the villagers' interest may not coincide with the national interest. Some guidelines will therefore be necessary, but these should be as unobtrusive as possible. Rural decision-making has to start at the bottom and not in some urban centred government, whether autonomous or not. Peasants are not so "insufficienly expert" as government experts and know-all commissions would have it. They know how to use their soils in a way which enables them to live sustainably on them. If forces beyond their control prompt them to ruin their resources they should as far as possible be given the knowledge and power to control these forces – that is what a good government is meant for.

As the Report of the Commission makes abundantly clear, the people of the Chittagong Hill Tracts are not of the opinion that the present government is a good
government. On the contrary, it is felt to be oppressive and to spread terror. There is, however, another group spreading terror, the Shanti Bahini (SB). The Commission's Report is clear on that, too.

3. The support of the insurgents

The political representative of the Shanti Bahini, the JSS, is outlawed in Bangladesh. The Commission, however, pleads for legalising the JSS again. Reviewing the past, the Commission is of the opinion that "apparently a group of tribal leaders, referred to as the dialogue committee, [in 1985] responded by pointing to the JSS and SB as the legitimate representative [sic!] of the hill peoples. Negotiations should be with them" (p.25). This, again apparently, cannot be true, since the JSS people never stood a democratic election and the SB leaders in 1985 had just tried and partly succeeded in killing each other. So how could they be called the "legitimate" representatives of the hill peoples?

However that may have been, "the Commission concluded from the many statements made to it by government representatives and hill people that the JSS retains extremely broad support among hill people presently living in the CHT" (p. 121). It is not so easy to understand why an organisation which extorts money from the people at gunpoint should command such a lot of sympathy. "They only [sic!] punish by kidnapping or death those people who give information to the government or who publicly condemn the SB" (p. 46). The military reacts by torturing those who give no information to the government. In the presence of government forces, the Commission tells us, hill people often resort to lying. The Commission does not tell us, but we may conclude from the above quoted summary of statements made in private, that people better resort to lying in the presence of some JSS/SB representatives as well. (This unfortunately also throws open to doubt the statements received in the refugee camps in Tripura.) In the Hill Tracts, the JSS had "urged the people to tell the truth to the Commission" (p. 5); nothing is known that the government did urge the people to the contrary, but it apparently suspected those who talked to the Commission members privately to sympathise with the JSS.

Quite irresponsibly, the Commission had not cared to ascertain with the government that their informants would not be harassed afterward. When I visited Bangladesh after the Commission had just left, I was told that several of the informants were now hiding in the jungle for fear of being questioned a second time. Since the Commission reinforces the suspicion of the government representatives that the JSS "retains extremely brought support" those people hiding in the jungle may indeed be seen to be sympathisers of the JSS, while those who were not, as a
rule did not dare to speak to the Commission members in private. Most remarkably, among all those hill people (including quite a few Chakma) I had some opportunity to speak to in private there was none who expressed his approval of the Shanti Bahini, some even blamed them as terrorists. Admittedly I did not ask directly, so that some people may have hidden their opinion from me. But why should they, since they were quite frank in venting their opinion on governmental policies. Is the Shanti Bahini terror more effective in shutting people's mouths?

I do not think so. Even though the number of informants interviewed by the Commission was much bigger than mine, I am quite sure that the vast majority of the indigenous people of the Chittagong Hill Tracts are not fond of extortions, kidnapping, house burning and killing, whether committed by government forces or by the Shanti Bahini. The Commission does not contradict me. While the Commission more than often writes "JSS/SB", indicating that the two designations nowadays refer more or less to the same people, in the statement about the support the JSS is mentioned only. If "JSS" here stands for its five point program as published in the West, I do not doubt that the Commission is correct. But if it stands for its policy, I should say the statement is not only untrue but, more than that, also unjust. It may be meant to give some weight to the Commission’s proposal to legalise the JSS, but as it stands, reinforced by the "many statements made by government representatives," it just serves to justify suspicion and fears and the corresponding behaviour of the government forces. If the JSS (and with it the SB) indeed retain such an "extremely broad support" as the Commission would have it, the Commission cannot honestly demand that "a process of demilitarisation of the Chittagong Hill Tracts must begin immediately" (p. 119). Does the Commission really advocate the withdrawal of the forces of the government just to give way to the forces of the Shanti Bahini? While the former at least can be openly criticised even by its officials, the latter are said to punish "by death those people who ... publicly condemn the SB" (p. 46).

Since the Commission pleads for demilitarisation, why does it refrain from making recommendations on how to check the terror of the Shanti Bahini, the extortions (the Commission prefers to call them in the JSS terminology "tax collection"), kidnapping, burning houses, exploding bombs, and murdering of settlers and hill people alike? After throwing the army, the police, the settlers and the insurgents into one pot, the only thing the Commission has to comment on these violations of human rights is: "Many international law scholars support the right of [minority populations] to forcibly protect their rights of self-determination. The United Nations has [sic!] formally recognised the legitimacy of particular liberation movements in states where rights of self-determination have been denied" (p. 116).
The law professor knows very well that these rights are recognised for colonialised nations. But the Commission does not maintain that the peoples of the Chittagong Hill Tracts are a colonialised nation with the right to a state of their own. The Commission does not even advocate special rights for the autonomous local government regarding the law enforcing agencies (p. 120). Hence the central government is and will continue to be responsible for the upkeep of law and order. And there is nothing in the international law which could be construed to imply that human rights violations are something else when committed by members of minorities fighting for self-determination. There is nothing in international law to excuse crimes (except perhaps those committed by states, as international law is based on a convention by states).

Actually the Commission exonerates the government of Bangladesh by maintaining that the JSS masters an extremely broad support in the tribal population. The JSS is outlawed in Bangladesh, since several of its members are regarded as criminals – not without reason as the Commission's Report makes clear. The more support the criminals can command with the hill tribes, the more the government is obliged to tighten its grip on these people. Living in a surrounding of constant suspicion and threat, taking it for sure (on the word of the Commission) that people whom they have to consider as their enemies master a vast support in the population (prone to lie when confronted with them), army and police will not always keep the necessary discipline. But the more quite innocent and law-abiding people are harassed, the more they will resent this kind of treatment, that means, the more government measures will lose their legitimisation, and the more rebellious people will become. That is just what the JSS hopes will happen and what, there can be no doubt, does happen from time to time, insuring the survival of the Shanti Bahini. Thus, the members of the Commission ought to have thought twice before they unnecessarily reinforced violence by irresponsibly supporting what I consider a myth kept up for the justification of the oppressive measures of the "security" forces.

The Commission spares no pain to justify these oppressive measures in its turn: it is "aware that some hill people express concern at being punished for not paying taxes to the SB." It has ascertained "that there is a fixed rate according to income," yet some people also "insisted that even if people don't pay, the SB does not harm them" (p. 46). Thus, there is really nothing wrong when government proceeds to prosecute and to punish them for supporting an illegal mafia. This is the real plight of the people of the Hill Tracts: if they don't pay they must fear for their lives ("if necessary the money is taken at gunpoint"), if they pay they must fear to be prosecuted by the government forces. This plight is glossed over by the Commission in a way which amounts to cynism: "... others were prepared to pay to keep the
peace" (p. 47). To be sure this abuse of "peace" is nothing abnormal in a country where government forcefully resettles people in "Shantigrams" (peace villages) to protect them against the "Shanti Bahini" (peace forces).

I remember a situation when a young Chakma whom I came to know when waiting for the bus in Chittagong and who was quite critical of both government and Shanti Bahini activities asked me to pardon him for that, once we entered the bus, he would not continue to talk to me though he had the seat beside me. The Commission met some people who (still) proved bolder than my informant and took the risk of talking to the Commission in private even within the Chittagong Hill Tracts. I should surmise that they too, like some members of the security forces quoted by the Commission, were critical of the government policy experienced by them so far. But to infer from these statements that the JSS – and hence the Shanti Bahini – still command a lot of support is nothing but irresponsible nonsense – whether this inference is made by the Commission or by the government officials.

If nevertheless the Commission still should adhere to its statement, I cannot but conclude that it actively looked for an unbalanced selection of informants. But even if it did, it did not find any "extremely broad support" of the Shanti Bahini – otherwise it would not have reduced its common writing of "JSS/SB" to "JSS" only, and it did not find it among what the Commission normally calls "the peoples of the Chittagong Hill Tracts", but only "among hill people presently living in the Chittagong Hill Tracts". Still this kind of phrasing remains deceptive. Against this irresponsible deception I can only repeat my conviction that the vast majority of the hill people do not by their free will support the Shanti Bahini, on the contrary, they would be happy if they could get rid of them, notwithstanding that they, at the same time, would welcome the implementation of at least some of the older JSS demands. Nobody, not even the government of Bangladesh, will mind that a colonialised, down-trodden, and finally terrorised people will hope for a little bit more of freedom and self-determination. The civilian indigenous people of the Chittagong Hill Tracts are no exception to that. They too would prefer peace instead of terror and oppression. Unfortunately they do not know how to get rid of their plights.

There is an undeniable tendency of Western intellectuals to take the side of insurgents. Whatever they do, they must be right. Whatever crimes they commit, they must be justified since the insurgents are the representatives of oppressed people. As they are fighting for a just cause, even if they violate their peoples' own moral values, it would amount to heresy to maintain that they are not representing their people and that they are even worse than the oppressive forces. The Commission's last word seems to make this quite clear: "... the decision to take up
arms was not reached because but in spite of being Buddhist. This indicates the extent of the uprooting of the previously balanced philosophies of life in the face of intense oppression and the subsequent painful decision to turn to armed resistance" (p. 125). It does not follow from that, however, that the whole population does betray its religion and approves of extortion, arson and murder. In face of all the atrocities the Buddhist wisdom is: "All we can do is cry." Christians and Muslims may not support this opinion, but to suppose that Buddhists must become uprooted by intense oppression is wishful thinking. If the Shanti Bahini have deviated from the principles of their religion, there is nothing to prove that the vast majority of Buddhists should have done so too. They may, being Buddhists, feel obliged to pity those violating their religious principles, but this is a far, far cry from supporting these forces.

I remember a Pathan hill man from the Afghan border who, in Pakistan times, for a short while held the office of the Deputy Commissioner of the Chittagong Hill Tracts. He was astonished at the long-suffering nature of these hill men. If his people at home had been made to undergo these violations of their rights, they would have taken up arms since long. He mused about issuing more gun licences to the men of the Chittagong Hill Tracts, so they might better defend themselves against the Bengali aggression. There is still a violent war in Afghanistan – there is less violence in the Chittagong Hill Tracts. Insurgency may be justified – but there is no way to justify human rights violations, whether committed by government "security" forces or by insurgents. If we are going to justify these violations, we have to plead guilty for also justifying the plights of people who for all of their gentle way abhor violence.

The Shanti Bahini did not take to arms despite being Buddhist, but because they ceased to be Buddhist, succumbed to the acculturative force of foreign powers. There is nothing to marvel (as the Commission does) that some militant Muslim Bengali still admire Hitler: Muslims suffer from Israeli aggression, while Hitler tried to annihilate the Jews and fought against the British, thereby lending support to the Bengali anticolonial liberation movement. If then (not mentioned by the Commission) a Shanti Bahini styles himself Colonel Hitler, this may be seen as nothing but another consequence of a historical constellation, but this is definitely not a consequence of Buddhism. The Shanti Bahini do not hesitate to slander Buddhist monks who ceased to support the JSS when its military wing took to terrorism. Killing their own people identified by them as "traitors" is practised by the Shanti Bahini as it is practised by the Palestinian Intifadah, and as has been practised by many totalitarian, communist or fascist, movements before. The leaders of the JSS/SB are drifting far ahead in the international mainstream, they are not representing the opinion of the majority of the hill people. They are not (and never
were) the legitimate representatives of the hill people. But they do represent the mainstream of antistate terrorism, and the government of Bangladesh may really not be well advised in its endeavours to forcefully streamline the indigenous hill tribes still more. What the governments of Pakistan and Bangladesh inherited from the British were gentle, peace-loving hill people who did not give any reason for trouble at all. The trouble of today is what these governments traded for their unenlightened, aggressive, racist contempt they showed to people of a different culture.

In government publications and statements the indigenous people of the Chittagong Hill Tracts are still characterised as nomads (they never were), primitive, and backward; newspaper headlines contrast "civilised and tribal people." I hope it may not come as a shock to these arrogant people to learn that even the most "primitive" people of the Hill Tracts regard at least some members of the superior Bengali race as brutes definitely less civilised than themselves, or that hill people will ask your indulgence for the impertinence of the Bengali security forces by telling you "don't mind, they are uneducated people." To be sure, uneducated hill people would not behave so impertinent. The contempt is mutual, so nobody may be to blame. But the plight to suffer under its expression is quite unequally divided. To regard a people's culture and identity as nothing of value, to be exchanged as soon as possible and if necessary by force against a civilised "mainstream" existence, is not only a violation of human rights, but silly at that. This policy does not rent as it creates troubles which cannot be contained except by changing policy.

4. Autonomy and democracy

Bangladesh, for a second time, has shaken off military dictatorship in order to embark on a democratic development. This means that the government will have to learn to serve the people according to their will, and not the other way round. This includes caring for the wishes of the minorities, caring that their wishes are not just voted down. And this, to be sure, can be safeguarded best by constitutionally guaranteeing the barriers against being "democratically" crashed by the majority.

Recommendations of a Commission are nothing which a government has to implement. It will definitely not implement them when they are felt to be against its interests. The Commission members apparently did not take the pain to bother whether their recommendations were in the interest of the government or not – at least they did not make any endeavours to explain their recommendations in this respect. The Commission therefore missed its chance to explain to the new government of Bangladesh that to safeguard the rights of minorities in the constitution is nothing disgraceful, but the wisest thing to do, not only in case the
new government wants to join the civilised international mainstream as well, but also in case it prefers to continue its colonialist policy in the Chittagong Hill Tracts. It actually was the colonial British administration who started doing it and was rewarded for it by the hill people feeling no need to change their original gentle ways. Still it might be advantageous to abandon colonialist paternalism and give a say to the people themselves, taking care that they are not silenced another time by members of their own elite who, without doubt, have had sufficient time during the past years to internalise the "civilised" way of asserting that their opinion represents the interests of their people. Allowing and encouraging the common people to take and bear responsibility is not an easy task, since it endangers the privileges of autocrats. But it is the only way to enduring democracy.

That autonomous governments have legislative power over land allocation, education and social services may be fine, but who is going to control their performances? The Commission is dead silent about this question. As long as the common people are not empowered to take and bear responsibility for their government, there is nothing left but the benevolence of the central government to make sure that the (by now just so-called) autonomous government does not misuse its power to make the people serve its ends instead of serving the people. I am telling no secret if I state that this is not a special problem of the Chittagong Hill Tracts but concerns all of Bangladesh. But as long as this problem is not clearly apprehended, all talking about "autonomy" is nothing but a deceptive eyewash, good to please the elite and to cheat the common people by preventing them from taking responsibility. In this case it would be better not to grant any rights than deceptively to grant them on pretence. One day some intelligent people will unavoidably come to know that they have been cheated and will demand, if necessary by force, the rights they have been told they were entitled to, but which have been withheld from them so far. So better grant them right away, the more so as this grant pays in political stability. Democratic development cannot be achieved from above, it can only be achieved from below.

To elect representatives into "autonomous" councils which, since the voters have no power to control them, in all their decisions are subject to the control of the central government, has nothing to do with developing democracy, especially when the government puts pressure on the people to vote while at the same time they are under the pressure of the insurgents to abstain from voting. The decision of the interim government not to dissolve these councils, who in the meantime had not been given any real responsibility anyhow, was a sound decision, since a new round of this type of election would in no way have improved the situation. But the argument that these Councils had been democratically elected was really not very wise. For the
hill people, it only reinforced the impression that the government was still trying to deceive the public. In the meantime the tribals have a better perception of what "democratically elected" should mean. But they may not yet be able to perceive that even democratic elections remain a fake, as long as the voters are not given the power to control those whom they elect, as long as they can elect nothing but some government office bearers who can barely be held responsible for what they have to do – provided they have, besides representation, to do anything of importance at all.

Even if the government of Bangladesh conceives of real democracy as a risky way, it cannot but gain by trying to achieve it in the most difficult part of its country, where until now all measures in the opposite direction have failed to improve the situation, i. e. in the Chittagong Hill Tracts. Hence my recommendation would have been: make the Chittagong Hill Tract a test case in achieving democracy by admitting honestly that all measures taken until now have failed; give the people of the Chittagong Hill Tracts a true chance to find a better solution by democratically developing their ideas about what should best be done. By this I definitely do not mean to just democratically elect another set of representatives who then go on to develop nothing but their own ideas. The outcome is worth nothing if it is not up to everyone to participate in this democratic development of ideas. Once ideas have been developed the government may criticise them and raise its objections, but in the end it should leave the responsibility for the decision again to the villagers since it is they, and not the government or some Commission, who in former time did know how to manage their affairs and who still know their fellow countrymen and their situation and who are those most heavily concerned with the result of any development. So do your best in helping them not only to formulate but also to implement their ideas. Do not worry if they sometimes commit some errors: governments commit errors too. This is not a tragedy as long as people are willing to and allowed to learn from their errors so that their problem-solving capacity will improve.

If you object that making the Chittagong Hill Tracts a test case in achieving democratic development may prove just another error, my answer is that this is an objection which can bear but one consequence: missing a chance. It is not that powerless simple people are not yet ripe for taking responsibility (primitive tribes already know how to democratically manage their affairs), it is that powerful shrewd people are not yet ripe for it. But today the message has spread world-wide, inducing even powerful shrewd people to rethink their chances. Relying on force, as has been done until now in many countries, is not only inhuman but expensive and wasteful at that. Relying on true democracy may at times have been difficult but until now at least has never been found to be offensive. And, in some places at least, it is even
said to have contributed to the wealth of the nation. So why not give it a chance in the Chittagong Hill Tracts too?

5. Postscript

After I had written these remarks, I came to read a first reaction on the Commission's Report by a representative of the Bangladesh Government. The statement was made by the ambassador of Bangladesh to the United Nations in Geneva on the occasion of the 1991 session of the UN Working Group on Indigenous Populations in Geneva. The ambassador concluded his presentation by saying that "sinister and ignorant efforts to mislead the Working Group cannot succeed", and I do hope he is right. The trouble, however, is that he attributes these sinister efforts to the Commission, while he himself repeats the old nonsense that "most of the tribal people of the Chittagong Hill Tracts live a type of nomadic life." These tribes are said to cut down a lot of virgin forest, and as their "primitive agricultural practice is highly destructive to the environment," the government settles these "nomads" in "cluster villages" (p. 8). Since the ambassador finds it remarkable that the Chittagong Hill Tracts, consisting of 10% of the land area of Bangladesh, are inhabited by only 0.5% of its population (p. 6), we may safely assume that he never visited that place and its so-called virgin forests, otherwise he would have seen miles and miles of bare hills testifying to the "land-erosion and degradation of environment" (p. 8) produced by the governmental security forces. Having no firsthand knowledge about the Chittagong Hill Tracts, the ambassador in preparing his statement had to rely on some misleading informations made available to him by other government institutions. Nevertheless: "It is an ancient saying in Bangladesh that ignorance scandalises" (p. 5). He should have taken this earnest.

The ambassador also may have had no time to acquaint himself with the type of law the Working Group is about to formulate. Otherwise he would have thought twice before stating that many of the tribals "never acquired property rights in the conventional sense of the term. Therefore, efforts are being made by our government to develop institutional basis for land-rights of individuals living in the Chittagong Hill Tracts areas" (p. 8). Taken together with the characterisation of the "nomadic" slash-and-burn agriculturalists, this qualification of traditional tribal land-rights betrays the preceding statement that "there is no cultural or social bias against any individual or group of people in Bangladesh" (p. 8). In another point I am not sure whether the ambassador himself ignores the documents or whether he expects his audience to be ignorant, otherwise he would not have stated that "the latest Bangladesh report of universally respected NGOs like Amnesty International, the 1991 report of the US State Department of Human Rights, the reports of responsible
church organisations and above all the Sub-Commission on Human Rights ... express satisfaction over the treatment of the people of Chittagong Hill Tracts by the Government of Bangladesh" (p. 5). Even though the reports of these NGOs are called "highly credible evidence," we nevertheless must conclude that their representatives are normally not regarded as "responsible persons." If they want to visit the Chittagong Hill Tracts they experience dire difficulties, while the ambassador states that "any responsible person is welcome to the CHT today." The former prime minister was even so nice as to tell the scholars of the South Asia Institute of Heidelberg University that they were welcome to do research work in the Chittagong Hills. Until now these scholars still wait for the permit they applied for. Thus we may conclude that they too do not belong to the very exclusive category of "responsible persons."

Like the Commission, also the ambassador did not take the trouble to inform himself about the Chittagong Hill Tracts Regulation of 1900, still valid law in Bangladesh, which defines the tribals as "indigenous." On the contrary, he maintains that from a historical perspective "there could be no question of any 'indigenous population' outside the concept of totally integrated [sic!] population of Bangladesh, undifferentiated ethnically, economically and politically" (p. 2). This statement amounts to a flat denial of any special ethnic identity of the tribal population of the Chittagong Hill Tracts. If it is nevertheless still acknowledged by law, it may be because "the colonial occupation of our country created all sorts of religious, ethnic and sub-cultural divisions among our people" (p. 2), even fragmenting the "linguistic homogeneity" (ibid.). Are we to conclude that it was the British colonial administration who created the tribal population of the Chittagong Hills by teaching them languages belonging to the Tibeto-Burman family? Is the ambassador really so ignorant of the history of the Chittagong Hill Tracts or are we to read this plea for an ethnically, linguistically and religiously homogenous Bangladesh as a program to annihilate all the differences allegedly created by the colonial powers?

The latter is what the indigenous tribals of the Chittagong Hill Tracts do fear, and it was this very policy of trying to force these people to "forget their ethnic identity" which led to the formation of the Shanti Bahini. It is high time that instead of concocting myths to legitimise ethnocide, the government of Bangladesh mend its way, acknowledge that it was not the "sinister plans" of some foreign powers, but those of their own forerunners which gave rise to the insurgency in the Chittagong Hill Tracts. It is high time to adapt a policy truly based on the principle that "there is no cultural or social bias against any ... group of people in Bangladesh", including the Chittagong Hill Tracts, so that it will really "be a travesty truth to say that there is any Human Rights violation in Bangladesh" (p. 8). Until now, unfortunately, it is a
travesty truth to say that there are none. "The criminal activities of these armed insurgents have been called violation[s of] Human Rights, by the report of IWGIA" (p. 7). Are we to follow the ambassador and infer that the Commission's judgement was wrong?

Not really. Otherwise the government of Bangladesh would not have bothered to furnish "details of these criminal activities by the armed insurgents, to the Human Rights Commission" (p. 7). But these "armed criminals do not have any bases in Bangladesh" (ibid.). They are "a small group of adventurers" who burn villages, kills [sic!] innocent peoples [sic!], rape women and leave behind a tragic trail of death and destruction" (p. 9). And since they "come at night, it is difficult for the innocent villagers to recognise their identity. Some of these insurgents are uniformed, hence the simple villagers might take them as members of Bangladesh law enforcing agencies" (p. 9). Are we to conclude then that it is quite common for the innocent villagers to experience the Bangladesh law enforcing agencies coming at night, burning, killing, raping and leaving behind a tragic trail of death and destruction? Otherwise also "simple villagers" should very well be able to distinguish between insurgents and government military, since they, other than the ambassador who imagines the people of the Chittagong Hill Tracts to be of the same ethnic origin and to speak the same language as himself, have no difficulties to tell a tribal from a Bengali, even at night.

But maybe they are too scared to tell the truth. Here the ambassador joins the opinion of the Commission, but he blames this fear on the insurgents. The Commission, however, is quite clear in its statements: The informants told different things when they had to make their statements in the presence of the "law enforcing agencies" and when they were interviewed in private. Maybe here again "the simple villagers" had difficulties to clearly identify the terrorists, and this time in plain daylight. Maybe one tenth of the indigenous population simply run away into the camps controlled by the Shanti Bahini because they were unable to see the truth. I do not know why the ambassador thinks that these "poor victims of terrorism and malicious propaganda cannot be called refugees by any standard" (p. 7), but I know that quite a few of these poor people returned to these horrible camps after they had believed the propaganda of the government of Bangladesh and returned to the Hill Tracts where they found their homes and lands taken by Bengali settlers. The "government of Bangladesh is providing 5 acres of land and cash assistance to resettle the returnees" (p.7) – no word about helping them to regain their property taken by Bengali settlers. It looks as if "the expropriation of landed property belonging to a racial group or groups or the members thereof is here committed "for the purpose of establishing and maintaining the domination by one racial group of
persons over any other racial group of persons" – and this is a crime according to the International Convention on the Suppression and Punishment of the Crime of Apartheid, signed by Bangladesh. Thus, the indigenous people of the Chittagong Hill Tracts will no doubt accept the ambassador's statement that "armed terrorists and criminals have unleashed a tragic reign of terrorism in the Chittagong Hill Tracts area" (p. 7), but they will have little reason not to identify these "armed terrorists and criminals" with those people who for the ambassador qualify as "law enforcing agencies."

In face of this evidence it is high time that the government of Bangladesh mend its ways. There is no use to tell the international community that there were and that there are no human rights violations in the Chittagong Hill Tracts – the evidence collected by the "universally respected" NGOs (in spite of all the efforts of the previous governments of Bangladesh to keep them out) is overwhelming. The people of Bangladesh valiantly stood up against and brought down the last dictatorial military government responsible for it. There is no need to repeat its lies before the UN Working Group. These lies were harmful for the international reputation of Bangladesh, and hence it is these lies offered by the previous governments of Bangladesh and not the truth which should qualify as "anti-Bangladesh political propaganda" (p. 5). A new government has been democratically elected. The people of the Chittagong Hill Tracts participated in this election. So let them have their part in the newly gained freedom, let justice return to the Chittagong Hill Tracts, so that the indigenous people can again easily distinguish between law enforcing agencies and terrorists.

Until now not a single case of well-attested atrocities like the mass killings of hill people by army and settlers, dating back many years, has been tried by an independent court in Bangladesh. So see to it that the culprits are tried and punished. Instead of continuing to deny the indigenous people of the Chittagong Hill Tracts their ethnic identity, live up to your promise that "everyone shall have the right to an effective remedy and protection against any discriminations he may suffer on the ground of race, colour or ethnic origin with the respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters" (Article 7.2 of the UN Declaration on the Elimination of All Forms of Racial Discrimination," signed by Bangladesh).