'LIFE IS NOT OURS'

LAND AND HUMAN RIGHTS IN THE CHITTAGONG HILL TRACTS BANGLADESH

THE REPORT OF THE CHITTAGONG HILL TRACTS COMMISSION

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Cover photo
The Chittagong Hill Tracts Commission

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Note

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PREFACE

The Chittagong Hill Tracts Commission is an independent body established to investigate allegations of human rights violations in the hill region of southeast Bangladesh. In November 1990, the Commission received permission from the governments of India and Bangladesh to visit the Chittagong Hill Tracts (CHT) and the camps in Tripura where people forced to flee their homes in the Hill Tracts now live as refugees.

For over 20 years non-governmental organisations have reported disturbing accounts of killing, torture, rape, arson, forced relocation and the cultural oppression of the hill peoples of the Chittagong Hill Tracts in Bangladesh. Since 1983, these accounts have increased considerably with reports published by Amnesty International, Anti-Slavery International, the Organising Committee Chittagong Hill Tracts Campaign (Netherlands), Gesellschaft fur Bedrohte Volker (Germany), International Work Group for Indigenous Affairs (Denmark), Parliamentary Human Rights Group and Survival International (UK), among others.

International fora such as the United Nations Working Group on Indigenous Populations and the International Labour Organisation (ILO) have regularly received statements on the human rights situation in the Chittagong Hill Tracts. Indeed, it was an unsatisfactory visit by the ILO in 1985 that marked the beginnings of access to the CHT by international missions. However, whereas the reports from the ILO are not publicly available, a 1988 mission of Amnesty International did publish its findings. The mandate of the mission was limited:

"to seek information from the authorities about measures taken to protect the fundamental rights to life and security of the person for the tribal people living in the Chittagong Hill Tracts... It was neither the intention nor possible for Amnesty International, during such a short visit (two days in the Hill Tracts) to conduct fact-finding on all aspects of the current situation of human rights observance in the Chittagong Hill Tracts".

There has therefore never before been such an open fact-finding mission to the CHT as the visit of the Commission in 1990-1. Data for the reports written on the Hill Tracts have been gathered either by the victims and smuggled out of the country or by journalists and enquiring missions who have had restricted access to the hill peoples. The CHT Commission was established to bridge the gap between these two sources of data by talking to the victims in relief camps in Tripura and conducting a fact-finding investigation in the Hill Tracts itself.

The idea for a Commission arose during December 1985 when the then Bangladesh Minister of Finance announced to a meeting at the Danish Parliament in Copenhagen that the Bangladesh government would be delighted to welcome a mission to the CHT. Ten months later, at an international conference on the CHT in Amsterdam, after suggestions from NGOs and indigenous peoples, the meeting passed a resolution to form an International Commission of investigation into the situation in the Hill Tracts.

Three years later the Commission members were ready, the itinerary planned and background information gathered. The International Commission on the Chittagong Hill Tracts was established at the end of 1989. Joint chairs of the Commission are Douglas Sanders (Professor of Law) from Canada and Wilfried Telkaemper (Vice President of the European Parliament) from Germany. The other Commissioners are

Rose Murray (Aboriginal Community Worker) from Western Australia, Leif Dunfjeld (Sami lawyer) from Norway and Hans Pavia Rosing (Representative in the Danish Parliament) from Greenland.

The Commission sought permission from the Indian and Bangladesh governments to enter Tripura and the Hill Tracts during 1990. Both governments accepted the idea in principle, but the final approval came from the then President Ershad of Bangladesh who personally invited Wilfried Telkaemper as Commission Joint Chairman to come to Bangladesh in October 1990. The Commission was ready to travel in November.

Four resource people were requested by the Commissioners to be present for the trip to India and Bangladesh: Teresa Aparicio (Denmark), Jenneke Arens (Netherlands), Andrew Gray (UK) and Wolfgang Mey (Germany). Unfortunately, at the last minute, two Commissioners, Leif Dunfjeld and Hans Pavia Rosing, were unable to accompany the Commission, the former because of ill-health and the latter because of a general election in Denmark.

The Commission decided to travel first to Tripura in India and interview refugees in the six camps there. This was to obtain first hand statements of the situation in the Hill Tracts. The group then planned to continue to Bangladesh, visit all three districts in the Chittagong Hill Tracts, gather additional information and review the statements in the light of conditions there. For their trip to India and Bangladesh the Commissioners and the resource people were all known as 'the Commission' or 'members of the Commission'.

The Commission met in Delhi on November 15th and arranged with the Indian Home Ministry for permission to visit the camps. This was given when the Indian government was satisfied that the Bangladesh government would allow the Commission into the Hill Tracts. The Commission indicated that it was not part of its mandate lo assess conditions in the relief camps.

The Commission travelled to Agartala on November 21st. The Tripura government welcomed the Commission and provided accommodation in government guesthouses. The Commission refused Tripura government offers of transportation and security protection. The Commission travelled in Tripura with public hired transport and local Chakma interpreters from Agartala. There were certain constraints. The Commission had originally applied for 10 days in Tripura, but was only permitted to be in the State for five days. The Commission was accompanied by two liaison officers from the State government. The liaison officers attended the welcoming ceremonies in the camps and remained in the camps during the time Commission members were working. They were not present during interviews. Commission members were not allowed to take tape-recorders into the camps and so all interviews were written out in longhand. Although increasing the Commission's labour, these restrictions had no effect on the quality of the interviews. The Commission worked very intensively and was able to talk to members of the State government, camp officials and local non-government organisations during its stay in Tripura.

The main work took place in five of the six refugee camps: Takumbari, Karbook, Pancharampara, Levachari and Kathalchari. The Commission interviewed 85 people who were selected by the refugees themselves. By comparing random samples of interviews carried out in the camps over the last year, the Commission is satisfied that the refugees spoken to provided a representative cross section of victims of human rights violations.

In the camps, the Commission spoke to farmers, women, monks, teachers, and former members of the authorities and local government in the Chittagong Hill Tracts. Of the 85 people interviewed, 52 were men and 33 women ranging from 17 to 75 years old. Most of those interviewed had crossed the border in 1986, 1989 and 1990. Several persons interviewed by the Commission were not registered as residents of the camp while others had been repatriated to Bangladesh and returned to India several times. While the Commission was visiting the camps, two refugees arrived, demonstrating that refugees are still fleeing to Tripura.

Of the 12 hill peoples in the Chittagong Hill Tracts, 60 of the refugees interviewed were Chakma, seven were Marma and 17 Tripura. The Commission also interviewed one Santal. Sixty-five refugees were Buddhist, 17 were Hindu and three Christian. These figures broadly reflect the proportion of the ethnic and religious distinctions within the camps.

The Jana Samhati Samiti (JSS) - the People's United Party - of the Chittagong Hill Tracts and its armed wing, the Shanti Bahini (Peace Forces) have been outlawed in both Bangladesh and India. Although the Commission would have liked to meet representatives of the resistance, at no time in its visit to India and Bangladesh did its members knowingly meet with either the JSS or the Shanti Bahini.

The Commission prepared the testimonies from the camps with a view to verifying the information as much as possible in the Chittagong Hill Tracts. The members continued to Bangladesh on November 29th and sought permission to enter the Hill Tracts from the Foreign Ministry and the Ministry of Special Affairs.

While the Commission was in Dhaka, President Ershad resigned. In spite of the uncertain situation, Ministers and authorities gave necessary approvals. The final approval for the Commission to enter the CHT came from the General Officer Commanding (GOC) Chittagong, the senior military official for the Chittagong Division of Bangladesh, in a meeting with the Commission at the Chittagong Cantonment on December 8th.

The Armed Forces of Bangladesh co-operated as much as possible with the Commission throughout its visit. In order to preserve its independence the Commission travelled with its own hired transport. On a few occasions, however, the Commission accepted the kind offer of transport (by helicopter, jeep and speed boat) from the army and from the Chittagong Hill Tracts Development Board.

The Commission was allowed access to any part of the Hill Tracts and given permission to talk to anyone. The Commission met a broad cross-section of CHT society. The Bengali population was widely represented: Bengali community representatives, settlers and officials posted to the Hill Tracts, both military and civilian, comprised about 50 per cent of those interviewed by the Commission in Bangladesh.

The Commission met many hill people including members of the Chakma, Marma, Tangchanya, Tripura, Pankhua and Bawm peoples. The members also met the Chairmen and members of two of the three District Councils, representatives of Upazilla and Union Councils, members of cultural and development bodies, Buddhists, Hindus and Christians, students and villagers.
The Commission heard testimonies from victims of Shanti Bahini actions and from surrendered guerrillas.

The Commission paid particular attention to the perspective of the military. The Commission carried out both formal and informal interviews with military personnel, amounting to well ever 60 hours of discussions. (This was apart from interviews with members of the Village Defence Party, Ansar and the Police.)

Prior to the Commission's entry into the Chittagong Hill Tracts, several hill people and officials expressed fears that the military would sanitise conditions in the area for the duration of the mission. There were rumours of bunkers being filled in, check posts taken down, restrictions on tribal peoples' movements being lifted, temples being repaired and prisoners released. However, during its visit, the Commission did not see any signs of temporary amelioration of the conditions facing the hill peoples of the Chittagong Hill Tracts.

The Commission found that certain government and military officials in the Hill Tracts were concerned with the impartiality of the Commission because of a document, which had been distributed in the Hill Tracts in the name of the JSS. It urged the people to tell the truth to the Commission. Certain officials concluded, on the basis of the document, that the Commission had not interest in meeting with representatives of the military or the District Councils. The document had been distributed without the knowledge or permission of the Commission. Commission members first saw the text when given a copy by a military official in the CHT. When it was clear that the Commission was eager to talk to the military and civilian authorities, one of the causes of official concern was allayed.

The Commission spent over three weeks travelling in the Hill Tracts. The first part of the visit (December 8th to 10th) was in Rangamati District where the Commission visited Rangamati town, Naniachar, Langadu, Basanta Pankhuapara, Juraichari, Kaptai and Chitmaran. The second, from December 11th to 17th, was to Khagrachari District where the Commission visited Manikchari, Guimara, Matiranga, Khagrachari, Dighinala, Baghaichara, Babuchara, Betchari, Panchari, Ramgarh and several cluster villages on the way. The third part was to the southern Bandarban District (December 20th to December 29th) where the Commission visited Bandarban, Ruma, Hlapaikhyong, Munnuam, Bartali, Lama, and Alikadam. The Commission returned to Rangamati at the end of its visit and stayed from December 29th to January 1st. (See Appendix 1 for the detailed itinerary.)

Consequently, from December 8th, 1990 to January 1st, 1991, the Commission travelled throughout the Hill Tracts (although not all members were able to stay for the full duration of the tour), talked to all sectors of Bangladesh society there and heard many different opinions about the situation. Furthermore, the Commission checked information from several interviews in Tripura. In each case it was possible to verify objectively the information provided in the camps with the situation in the Hill Tracts.

In Khagrachari District, the Commission was met repeatedly by “spontaneous” demonstrations of loyalty to the Bangladesh government, by both hill people and Bengali settlers. The members were able to talk to these demonstrators freely, as well as to military and police personnel accompanying them. The enthusiasm of the demonstrators had the effect of slowing down the progress of the Commission to such an extent that it was not possible to get to all the cultural and political events which had been arranged for the members by the authorities, nor was the Commission able to complete its itinerary. Some journalists subsequently expressed an opinion that they would have liked to have interviewed the Commission members. However no official press conferences were arranged for the Commission in the CHT.

The Commission was approached on several occasions by hill people from the Chittagong Hill Tracts outside of the immediate presence of the authorities. After these discussions there was great fear among

the informants that they would suffer reprisals for talking. Indeed two incidents which occurred in Khagrachari and Dighinala underlined the Commission's great concern that there might be harassment. The Chairmen of the Commission made this concern clear to civil and military officials during the visit, and on one occasion a military perpetrator was reportedly reprimanded for intimidating someone who had volunteered information to the Commission. At the end of the trip, the remaining Commission members had planned to return to Rangamati, and to Khagrachari at the invitation of the Kagrachari Brigadier, for additional meetings with local government officials, tribal authorities and the Chittagong Hill Tracts Development Board. However on December 31st, when the Commission set out for Khagrachari it was stopped at a check-post outside Rangamati and told to meet army officials at Rangamati Cantonment first. At that meeting the Brigade Major informed the Commission that a return to Khagrachari would warrant renewed permission from the Home Ministry and that the return to Rangamati was a mistake. On January 1st, the Commission was notified by a security officer that at the order of the army, it must leave the CHT as soon as possible.

When he returned to Germany, Wilfried Telkaemper received reliable information that some of the people who had spoken to the Commission were being detained and interrogated. He immediately wrote a letter to Begum Khaleda Zia informing her of the problem and seeking her help to ensure that no person in the Hill Tracts should suffer for having spoken to the Commission (see Appendix 2).

In both India and Bangladesh the Commission members were warned that to decline the offer of security guards meant taking a personal risk to their lives. However the Commission insisted there should be no officials of any kind present during its private interviews with hill people in order to ensure that they would feel free to talk.

The Commission collected oral statements from all sectors of society in the Chittagong Hill Tracts and observed direct evidence of human rights violations. This information was supplemented by a considerable quantity of documentation in India and Bangladesh presented at nearly all the places visited.

The Commission received information about events, which stretch from before independence in 1971 to the present. In its discussions with the different sectors of CHT society, several issues recurred frequently: human rights, militarization, social and cultural rights, land questions and development. This report is structured to reflect these subjects. As is apparent in this report, the Commission found that the situation in the Hill Tracts is as bad, if not worse, than previous reports have shown. Whereas it was intended that the question of human rights violations was to have been granted a chapter on its own, it soon became apparent that this was impossible because of their volume and severity.

Human rights violations constitute the fundamental factor of the structural violence, which is taking place in the Hill Tracts. Each chapter of this report deals with one aspect of this process of oppression, which weighs primarily on the hill peoples of the CHT but also on many of the Bengali settlers.

Acknowledgements
The Commission extends its sincere thanks to the Peoples Republic of Bangladesh and the Government of India, the District Councils of the Chittagong Hill Tracts and the State government of Tripura for allowing its members permission to enter the restricted areas of the Chittagong Hill Tracts and Tripura.

In Tripura, the Commission would like to thank the refugee camp officials, and the hill peoples' representatives for arranging and providing the facilities, which enabled a wide and varied cross-section of interviews. Our deepest thanks go to the refugees and to all the hill peoples of the CHT who, in spite of the problems they face, showed great dignity in their adversity. Their overwhelming welcome, kindness and generosity to the Commission will remain with its members forever.

It was thanks to the invitation and permission of the government of Bangladesh that the Commission was able to enter the CHT. In Bangladesh, the Commission would like to thank the authorities, specifically the military, for access to so many parts of the Hill Tracts. Thanks go to the GOC of Chittagong, Colonel Zahir, Major Hanan, Brigadiers Shasif Aziz, Salzer Rahman and Aural Azim Malik, Colonels Ahsan, Hanif Iqbal and Sakwat Hossain for their time and help. The Commission would also like to thank the Majors, Lieutenant Colonels, officers and men and also the soldiers and volunteers in the numerous army camps, road protection posts and check posts who gave their valuable time and effort at a tumultuous period in Bangladesh's history, to ensure that the visit of the Commission went smoothly.

The Commission would like to thank the civil authorities in Bangladesh, particularly the Foreign and Special Affairs Ministries, for their permission. The District Council Chairmen Gautam Dewan and Samiran Dewan provided invaluable information, advice and hospitality, as did the three Deputy Commissioners. Finally, thanks are given to the local government officials and to the village communities who so warmly welcomed the Commission and provided them with hospitality.

Human rights problems are the responsibility of a government and as such could be viewed as an internal problem. The Commission did not enter Bangladesh in order to criticise the people of that country, but to look dispassionately at the situation in the Hill Tracts. Since the Commission visited, parliamentary democracy has been restored in Bangladesh, there is a new government and times have changed. The Commission hopes that this report will be seen, not as a judgement on the current Bangladesh government, which is too new to be responsible for the situation in the Hill Tracts, but as a catalyst for discussion so that a genuine, long-lasting peaceful, political solution can be found.

The hearts of the Commission go out to the people of the Chittagong Hill Tracts who have not only suffered so much in the past but who continue to suffer.

THE POLITICAL AND LEGAL HISTORY

To outsiders the Chittagong Hill Tracts were a peripheral area, part of a frontier region. Over time, the CHT had some tributary relationship to the Mughal Empire and later to the British East India Company. Bangladesh government representatives told the Commission that the Chittagong Hill Tracts had come under Mughal control by conquest in 1666. This was told to affirm the legitimacy of Bangladesh's control of the area. Under the Mughals, Moslems had controlled the hill peoples. Britain had taken over the Mughal Empire, and Bangladesh was now the legitimate successor state in what had been East Bengal, and later East Pakistan. Leaders of the hill peoples also point to history, stressing that the CHT was a protected, isolated tribal area, not directly administered as a colony.

The Chittagong Hill Tracts Regulations of 1900

The CHT area was reorganized by the British at the end of the 19th century, when British control in South Asia in general was extended and consolidated for reasons of frontier security. The British advanced in the North West Frontier, in what is now Pakistan, taking over Pathan tribal areas and creating a situation strikingly parallel to that in the North East Frontier. In both cases British control was extended to peoples who had more in common with neighbouring states than with the peoples of British India. 1901 British regulations remain the basis for Pathan tribal autonomy in Pakistan in the Federally Administered Tribal Areas bordering on Afghanistan. The parallel arrangements for the CHT were (a) the establishment of a superintendent and the recognition of three tribal chiefs (rajas) in 1860, (b) enactment of the Chittagong Hill Tracts Frontier Police Regulations in 1881, authorizing a police force from among the hill peoples, and (c) enactment of the Chittagong Hill Tracts Regulations in 1900.

The 1900 CHT regulations have played a crucial role in the contemporary debate over the CHT. Hill people constantly invoke the CHT regulations as a source of rights and as a challenge to the legality of the presence of the Bengali settlers who are now in the CHT. At times Bangladesh officials express some frustration with this reliance on a "colonial" document and suggest, accurately, that British goals in protecting and isolating hill peoples were strategic, not benevolent. The regulations reflected classic colonial strategies of 'indirect rule' and 'divide and conquer'.

The CHT regulations of 1900 play a similar role to other historic documents on tribal peoples in other countries. The Royal Proclamation of 1763 plays a parallel role in Canada. The Proclamation, like the 1900 regulations, came at a time of armed conflict with tribal peoples. Both documents reorganized colonial administration. Both effectively recognized some autonomous rights on the part of tribal people. 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 tribal rights had any continuing legal force or political relevance. In both countries, it was tribal people who invoked the documents and struggled to get them recognized again in the legal and political systems in their states. It was a mark of the increased importance of tribal issues that the Canadian constitutional amendments of 1982 expressly recognized the Royal Proclamation. Bangladesh government representatives had often suggested that the 1900 Regulations were no longer in force. But in 1989, when the government enacted legislation to establish the new District Councils, there was also legislation to repeal the 1900 Regulations. In December, 1990, the Cornmission was told that this legislation had not yet come into force because the government now states that the 1900 Regulations remain the legal source of authority for the Deputy Commissioners and the present court system in the CHT.

There is a strong analogy between the 1900 Regulations and other historic documents dealing with tribal peoples, such as the Royal Proclamation of 1763, the treaties with tribes in North America, the 1840 Treaty of Waitangi in New Zealand, the Lapp Codicil of 1753 in Norway and Sweden, the writings of Las Casas in Latin America and the Marshall judgments in the United States. The reason for drawing the analogy is to make five descriptive points about the situation of indigenous and tribal peoples:

1. Indigenous and tribal peoples have a prior history in their areas to other peoples, whether the other peoples come from overseas (as in the Americas) or from a neighbouring area (as in Japan, China, South East Asia or South Asia).

2. That prior history was frequently acknowledged in some formal legal document, typically in response to immediate problems of colonial expansion or security.

3. Such documents both deny and recognize tribal rights. The documents confirm or expand the authority of the colonial or suzerain power. They also acknowledge and protect some extent of tribal rights.

4. The documents were initially respected in state practice, but gradually ceased to be seen as determining tribal rights and state obligations. 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.

5. In recent years, tribal issues have re-emerged nationally and internationally. Tribal leaders invoke the historic documents as part of their campaign to gain modern recognition of tribal rights.

The regulations of 1900, in the current debate, represent both certain rights of the hill peoples and a particular historic compromise between the hiIl peoples rights and outside political control.
The British established the posts of Superintendent, now Deputy Commissioner, and recognized three tribal chiefs for what were called the Mong, Chakma and Bohmong circles. There are now three Deputy Commissioners, for the C HT were divided into the three districts of Khagrachari, Rangamati and Bandarban in 1981 and 1983. The Deputy Commissioners are civil administrators, representing the central government. Bangladesh is a unitary state and government administration is quite centralized. In the CHT the Deputy Commissioners are still District Magistrates, with jurisdiction in civil and criminal matters. This administrative and judicial role is particularly inappropriate on land matters, for the Deputy Commissioner has a basic responsibility for land records as well as judicial authority over land disputes.

The three chiefs or rajas recognized by the British after 1860 had tax collecting responsibilities on behalf of the British colonial authorities. They developed some trappings of royalty. The District Councils legislation of 1989 recognizes the rajas as judges and advisors on customary matters.

The red significance of the 1900 regulations in the current debate is in relation to land. The issues are both local hill peoples' control over land and the restrictions on non-hill peoples settling in CHT.

The Commission was told by government officials in CHT that because of the 1900 regulations khas land, also described as government land, cannot be granted to anyone without a determination by the local headman that the land is unoccupied land. It becomes crucial in this discussion to know whether fallow

lands, periodically used for swidden (slash and burn) or jhum cultivation, are occupied or unoccupied land. Government representatives, at various times, have stated that shifting cultivators do not have any ownership for they do not have fixed lands. Hill peoples would assert that the rights are not in the individual cultivators but in the larger community which uses lands in a particular area on a shifting basis. The Commission is not aware of debate being joined on this issue in Bangladesh, for the positions taken by hill peoples challenge the legitimacy of non-tribal entry into the area, not whether jhum lands are available for grants when fallow. It seems clear that lands used for shifting cultivation are considered unoccupied government lands unless they are in use at the particular moment or unless a document of title has been issued for the land. This issue is tied into the government's claims to have proceeded legally in their grants to Bengali settlers in CHT. Government officials say that all grants to new settlers were of khas land. In other words, government representatives have asserted that Bengali settlement proceeded in conformity with the structure of local control over land that traces back to the 1900 Regulations.

The second aspect is the entry of non-hill peoples into CHT. That was strictly controlled under the 1900 regulations. The Commission has not traced the regulatory history and cannot describe whether that restriction was legally ended.

Partition and the Chittagong Hill Tracts

Pakistan was to be comprised of the Muslim majority areas of India. By this logic, the CHT with a 97% non-Muslim population would have been included in India. Delegations of hill people went to New Delhi from the CHT prior to independence and received assurances from Patel and Nehru that the CHT would be included in India. The Radcliffe boundary commission worked in secret and no reasons were given for its decisions. It reported after the independence celebrations in both Pakistan (August 14) and India (August 15). On August 15, 1947, the Indian flag was hoisted in Rangamati and the Burmese flag hoisted in Bandarban. On August 17 the Radcliffe awards were published. CHT had been included in Pakistan. On August 21 the Pakistan military took down the flags.

Why had the CHT been included in East Pakistan? There are two related reasons. One of the major issues in partition was Calcutta. Calcutta was a Hindu majority city and therefore should have gone with India. Yet it was the Bengali port city and vital to the economy of East Bengal. The alternative port for East Bengal was Chittagong. The CHT was treated as the hinterland of the port city of Chittagong.

A second major problem in partition was the Punjab in the west. Pakistan did poorly in the division of the Punjab and did not get Calcutta. In a compensatory way, Radcliffe was generous to Pakistan on Chittagong and the CHT. The end result for the CHT contradicted the logic of partition. Some statements from hill peoples' representatives have suggested it violated the British legislation on independence.

It seems that the raising of the Indian flag in Rangamati on August 15, 1947, will never be forgotten by Bengalis or hill peoples. It proves to Bengalis that the hill peoples were never loyal to Pakistan. Hill peoples attempted to protest the Radcliffe awards after August 17th, making it clear that the raising of the Indian flag had not simply been a mistake. Later the factional leader in the SB, Priti Kumar sought CHT integration into India as a tribal state.

The Years as East Pakistan, 1947 - 1971

Hill people believe that Pakistan had the goal of making the CHT a Muslim majority area. Pakistan had, after all, been created to protect Islam. But while Pakistan was a Muslim state, it was certainly not

homogeneous. It had tribal areas along the border with Afghanistan and in the northern mountains. The people were Muslims and their autonomy was formally recognized. The autonomy of the CHT was not formally recognized. The Chittagong Hill Tracts Frontier Police Regulations of 1881 were repealed and the hill peoples police force ended. The literature talks of an attempt to repeal the special status of the CHT in 1955 and the actual repeal in the constitution of 1964. An, amendment which came into force in 1964 dropped the previous designation of the CHT as a tribal area, but some special treatment of the CHT in fact continued.

It was in the Pakistan period that the hydro-electric project was built that created the huge Kaptai lake roughly in the centre of the CHT. 100,000 hill people lost their lands. 40% of the arable valley lands of CHT were inundated. 40,000 people left for India and today live in Arunachal Pradesh. They have never gained Indian citizenship for themselves or even for children born in India. Some 20,000 are said to have gone to Arakan in Burma. Others were dispersed within CHT. Government officials freely acknowledge today that there was little compensation or rehabilitation, though it had been promised. They also freely acknowledge that the project triggered the modern troubles in CHT. It left a deep legacy of bitterness and distrust.

Pakistan also showed disregard of hill peoples' rights in the CHT in its support for Mizo insurgents from India. Lands were taken over and hill peoples moved to provide base camps for the Mizo. The governments of Pakistan, India and Bangladesh have supported insurgents against their neighbours over and over again. Pakistan gave the Mizos bases and support in their fight with India. India gave bases and support to the Shanti Bahini. Bangladesh gave support to the TNV, a Tripura insurgent group.

The story of the Indian flag being raised in Rangamati on August 15, 1947, and later accounts of Indian support for the Shanti Bahini must be understood in the context of attitudes in Bangladesh which see India as a powerful, manipulative, conspiratorial neighbour. Bangladesh government statements are full of dark references to the "other side" and "a neighbouring country".

The Bangladesh War of Independence

Pakistan, at its creation, was a diverse country. In hindsight, at least, it is hard to see how it could have avoided a secessionist movement in East Pakistan. The Bengali population was linguistically and culturally more homogeneous than the diverse populations in the west. While political control lay in the west, the eastern section had a larger population and earned a larger share of foreign exchange. Urdu was designated the national language by the west, though it was hardly spoken in the east. The Awami League tried to negotiate autonomy for East Pakistan. The Awami League position in the
negotiations was remarkably like certain of the hill peoples demands in Bangladesh. The central government would retain defence, foreign affairs, the currency and major industries. Negotiations failed. A civil war broke out. India intervened to support the Insurgency. The war is now remembered as the war of liberation. There is great political prestige to having been a part of the Mukti Bahini or liberation forces.

It is often said by Bengalis that the hill peoples supported Pakistan in the war of liberation. Upendra Lal Chakma has argued that certain Awami League figures actively excluded hill peoples from participation. Two very visible figures, the Chakma Raja and the brother of the Bohmong Raja sided with Pakistan. The Chakma Raja was a member of the national parliament and opted for Pakistan. He is now the ambassador for Pakistan in Argentina.

The two central stories that establish hill people's disloyalty in the minds of Bengalis are the story of the Indian flag at Rangamati in August, 1947, and the belief that the hill peoples supported Pakistan in the war of independence.

After Liberation

Bangladesh was born out of a bitter and bloody civil war, the only major secession in recent history. During the struggle, there were serious accusations of genocide made against the army of Pakistan. India helped train the Mukti Bahini and direct Indian military intervention was a crucial factor in the achievement of independence. In the first years after 1971, relations with India were strong.

In 1972 a delegation of hill peoples' leaders met with Sheikh Mujibur Rahman, the first president and the father of the nation. The delegation was led by the Chakma Member of Parliament Manobendra Narayan Larma and included around 22 people from the CHT, including Upendra Lal Chakma. Manobendra Larma had a written memorandum for Sheikh Mujib, Sheikh Mujib asked what it contained. The memorandum sought autonomy for the CHT with its own legislature, retention of the 1900 regulations, continuation of the three chiefs' offices, constitutional provisions against amendment of the regulations, and a ban on the influx of non-hill peoples. Mujib rejected the demands out of hand. Upendra Lal Chakma recalled Sheikh Mujib saying '"no, we are all Bengalis, we cannot have two systems of government. Forget your ethnic identity, be Bengalis." He is said to have threatened that Bengali Muslims would flood into the CHT. The meeting, in Sheik Mujib's office, only lasted 3 or 4 minutes. The delegation was not invited to be seated. Sheikh Mujib did not accept the memorandum. According to Upendra Lal Chakma he threw it back at Manobendra larma.

The story of the meeting with Sheikh Mujib is widely known, and was retold to the Commission many times by both hill people and government representatives. Some government and army representatives made it clear that this brusque and disrespectful dismissal of the hill peoples' delegation had been a mistake.

One of the Amnesty International Reports describes the meeting, and adds:

"It is reported that after this meeting a massive military action was started including the army, police and Air Force attacking villages in the tribal areas; several thousands of men women and children were killed according to sources close to the tribespeople."

The 1972 Bangladesh constitution had no provision for the CHT. While this continued the constitutional status quo for CHT, it was a rejection of the models of tribal autonomy in the constitutions of Pakistan and India.

The parallel experience in India is important in understanding these events. Provisions for the protection or isolation of tribal areas had occurred in various parts of India under the British. The Government of India Act of 1935 consolidated these provisions and listed the CHT as a "totally excluded area", The Indian constitution continued these arrangements with provisions for scheduled tribes and scheduled tribal lands. It had special provisions for the North East Frontier region, bordering what is now Bangladesh. The CHT would not have been an anomaly in India. The Chakma are one of the scheduled tribes under the Constitution of India.

In 1952 an “Autonomous District Council" was established for the Mizo in the North East of India, renamed the Mizo Hill District in 1954. In 1953 a regional council was established in the southern part of the Mizo district for Pawi, Lakher and Chakma. In 1972 the Mizo Hill District became the Union Territory of Mizoram. The regional council was reorganized into three tribal district councils, one for each of the three named groups. Later Mizoram was upgraded to a state within the Union. The modern history of the North East in India involves the creation of small tribal states, like Mizoran and Nagaland, within the Indian union. Not all parts of the North East can be handled in this way. In the state of Tripura, where the Commission travelled to the CHT relief camps, tribal peoples have lost their majority. A tribal state is not possible, but specific arrangements have been made protecting tribal groups and tribal lands.

India has supplied the models in discussions of autonomy for the CHT in Bangladesh. In negotiations the JSS/SB cited the models of Mizoram Nagaland. The Government of Bangladesh invoked the models of the Chakma District Council in Mizoram and the more recent Gurkha District Council. The JSS/SB were familiar with the limited autonomy of Scotland in the United Kingdom. Other models of autonomy, notably the sweeping autonomy of the Pathan tribal areas in Pakistan, were not familiar to the parties and apparently did not feature in negotiations.

The Creation of The Jana Samhati Samiti (JSS) and the Shanti Bahini

It must be strongly emphasized that the creation of Bangladesh was a particularly traumatic experience for the hill peoples in the CHT. They were still reeling from the economic impact of the Kaptai flooding. In a period of strong Bangladeshi nationalism, they were said to have sided with the enemy, Pakistan. There were serious Bengali reprisals against hill peoples. Upendra Lal Chakma, while a member of the Bangladesh parliament, referred back to the events after liberation as "genocide", a "nightmare". The memorandum to Sheikh Mujib had been summarily rejected. No provisions on the CHT had been included in the new constitution. Increased numbers of Bengali settlers were coming into the Hill Tracts. It is in this context that the hill peoples’ political party, the JSS, was formed in 1972 under the leadership of Manobendra Narayan Larma. A military wing, the Shanti Bahini, was also formed under the leadership of Manobendra's brother, Shantu Larma. The SB started to be active in the mid-1970s.

Relations with India changed sharply after the assassination of Sheikh Mujib in August 1975. After 1975, it is widely known that the Indian government of Indira Gandhi gave active support to Shanti Bahini insurgents, allowing them to operate from bases in India.

Hill peoples continued to try to deal with the government of Bangladesh. A delegation of 67 hill peoples met with President Justice A.S. Sayem on 19, November 1975, renewing their demands for autonomy. Mr. Ashok Dewan presented similar proposals to President Ziaur Rahman in 1976.

More Settlers, More Military

President Zia responded to the Shanti Bahini insurgent activity with a sharply increased military presence in the CHT. He also began sponsored migration of Bengali settlers into the CHT, providing land grants, cash and rations. This programme was not made public at the time, and its existence was denied by representatives of the government into the mid-1980s, Bangladesh representatives in Geneva assured the U.N. Working Group on Indigenous Populations that there was simply “normal” inter-regional movement of peoples, no government programme. Now the government acknowledges that there was a programme of sponsored migration. Some government and army representatives stated to the Commission that it had been a mistake. Gautam Dewan, Chairman of the Rangamati District Council, referred to a "conspiracy” in

the Zia period to make the hill peoples a minority in the CHT. It is often suggested that Pakistan and later Bangladesh were uneasy about a majority of the hill peoples on the borders with India and Burma.

The government of General Zia established the Chittagong Hill Tracts Development Board in 1976, with funding from the Asian Development Bank. This formalized a pattern of special development initiatives for the CHT, and also demonstrated the lead role of the military in those projects. The chair of the CHT Development Board is the General Officer Commanding of the Chittagong Division. Military have increasingly taken over civilian government roles in building roads, supplying electricity, constructing schools, funding students, building temples, and promoting local cottage industries.

There was some political need to have some channels of communication with hill peoples. General Zia established a '"tribal Convention" in 1977 and Amnesty International quote the secretary general of the Tribal Convention in 1980 as condemning the Shanti Bahini.

Upendra Lal Chakma was elected to parliament in the general election of 1979 for the JSD, a small socialist party which has the creation of provinces in Bangladesh as part of its platform. He was elected with the support of the JSS, though he was not a member of the JSS. His election gave him a national role, which continued in a number of forms. He is the brother-in-law of the Larrna brothers, the heads of the JSS and SB. This kinship connection was significant, allowing Upendra Lal Chakma to be a broker between the JSS/SB and the government.

In 1980 President Zia released Shantu Larma from jail, as a good will gesture. He had been urged to do this by some hill leaders. Shantu larma was to promote a dialogue between the SB and the government. Shantu, apparently going back on his word, left for India and rejoined the SB. Zia reacted angrily to this betrayal. Gautam Dewan, reflecting back on the incident, called the actions of Shantu Larma and the reaction of President Zia "short-sighted". A potential opening for dialogue had been missed. Militarization and Bengali settlement continued.

Killings at Kaukhali

There have been numerous allegations of attacks on hill peoples and settlers, A major incident on March 25th, 1980, at Kaukhali Bazar in Kalampati stands out because it became well publicized. The incident is described in two reports by Amnesty International and a report by the Anti-Slavery Society. Upendra Lal Chakma and two other opposition members of parliament went to the area to do a personal investigation. They reported:

"After visiting the place of occurrence, we found the evidence of the killings and atrocities committed by one unit of the Army at Kaukhali Bazar of Kalampati Union under Betbunia Police Station of Chittagong Hill Tracts on 25th March, 1980. The newly arrived settlers also took part in the act of killing and looting the tribal people. Even after one month of the incident a reign of terror is prevailing in the entire area. En spite of all-out efforts by the local administration and tribal leaders, the evicted poor tribal people do not dare come back to their destroyed and demolished villages. Because arrest harassment, man-slaughtering, arson, looting and threats from the settlers continue."

Buddhist temples and religious images had been destroyed. A survivor showed them a mass grave, where fifty to sixty hill people had been buried. One estimate was that 300 people had been killed.

The Members of Parliament commented on the Bengali settlers:

"At the same time we have seen the dwelling places of the settlers in good condition. These were built on the lands of the tribals. The settlers were brought here from different districts with the promise of weekly ration and shelter. A local Magistrate told us that 2637 families were given the plots for housing and 300 families were given lands for cultivation. Each family is provided with 12 seers of wheat per week. But when asked on what decision of the Government these settlers had come, the district administration expressed total ignorance in this regard. They told us that the influx of the settlers has been stopped. But in the meantime, already 20,000 settlers have infiltrated in to the different areas of Chittagong Hill Tracts."

The report recounted local demands: - stop illegal infiltration – protect religious institutions - establish 'the right to self-determination for the tribals" - eviction of settlers from tribal lands. Hill people were demanding

"...the recognition of a national entity and the establishment of the right to self-determination ... within the Bangladeshi state frame-work keeping the basic character of the constitution unchanged ... To try to find separatism, demands for independence, interference of the external forces in these demands is either foolishness or political shrewdness."

The three M.P.s called upon the government to

"...recognize the nationalities of Chittagong Hill Tracts and grant them Regional Autonomy within the frame-work of the constitution for the political settlement of the existing crisis. To achieve these objectives, we suggest two measures: 1. Stoppage of military operation for the establishment of civil administration in the true sense, and 2. To start dialogue with the tribal leaders."

New Government Strategies

A major government policy was being implemented by this time, the creation of settled, concentrated villages of hill peoples, designed to end the scattered patterns of hill peoples' settlement. The policy began in 1979. There have been a number of names used to describe these new villages: Joutha Khamar (cooperative farms), model villages, cluster villages. The Home Minister told the Far Eastern Economic Review in 1980 that the government had stopped the sponsorship of Bengali settlement and was now concerned with the reorganization and development of the hill population. The government was

"..trying to resettle uprooted tribals in government-sponsored cooperative farming estates. The cooperative farming projects are assisted by the Asian Development Bank. According to the home minister, successful implementation would achieve two purposes: first, it would resettle thousands of tribals who are now living a nomadic life, and secondly it would help the government establish the rule of law in the hill tracts."

'The statement notes dual goals of development and security.

In May 1981, President Ziaur Rahman was assassinated. In June 1981, violence in Matiranga caused 25,000 hill people to flee to India. India forcibly repatriated them to Bangladesh. In 1982 a bloodless coup brought General Ershad to power.

It appears that General Ershad took a fresh look at the problems. He pledged that no more Bengalis would be settled in the CHT. In other words, the programme of sponsored settlement was ended. This had been said before. Amnesty International reported that

"..since the end of 1982 migration to the Chittagong Hill Tracts by non-tribal people had been prevented: no order prohibiting migration had been issued, but the authorities were said to have ceased allocating land to non-tribal people, thereby effectively removing the factor that had led people to move there."

Military sources in the CHT mentioned to the Commission that sponsored migration had ended in 1984 or 1985. Ending sponsored settlement was one step. Bengalis could still move to CHT and could still acquire land there. Two further steps were taken. Ershad ruled that no new land grants would be made to settlers. Bengali settlers had been prohibited from leaving CHT to return to the plains. Ershad ended that prohibition in 1989. What remained were (a) steps to give control over land transactions to a local authority controlled by hill peoples, (b) a process of assessing the legality of particular Bengali settlers claims to lands which had been used or occupied by hill people, and (c) creating conditions under which Bengali settlers could return to the plains.

The Split Within the Shanti Bahini

In 1983 conflict broke out within the Shanti Bahini. A 1987 Indian press report described the events in the following manner.

"Priti Kumar and his protagonists in the organisation called for a 'decisive war' to end in the secession of the CHT from Bangladesh and its subsequent merger with India ... Manobendra Larma, who viewed India as an 'expansionist bourgeois state' advocated 'long protracted form of armed struggle to achieve autonomy within Bangladesh, not secede from it.' Manobendra saw the Chakma struggle 'as part of the struggle of the toiling masses of Bangladesh.' In fact, the cause of immediate differences between the two groups was Manobendra's decision to stop the raids on the non-tribal settlements created by Bangladesh authorities to resettle large numbers of Muslim peasants and landless labourers in the hill tracts.
Priti Kumar felt that time was running out for the Chakmas. 'Now or never' was his call ...
On November 10, 1983 Priti Kumar's armed followers stormed Manobendra's headquarters in the Panchari area and gunned him down. Shantu Larrna, who escaped the mayhem, took control of the Larma group and fought a partly successful factional feud against the more colourful Priti Kumar."

Ershad's Policies in 1983

On October 3rd, 1983, General Ershad made a set of policy announcements at a rally in the stadium at Rangamati. These became the basic government policies, restated over and over again in response to outside criticism. A general amnesty was declared, with promises of cash, rations and rehabilitation. The CHT was declared a special economic zone with special tax and interest sates. A special five-year plan was established for the CHT. He pledged a re-writing of the HIll Tracts Manual of 1900. Ershad emphasized that the government would preserve the country's independence and sovereignty. This last remark would have been more an allegation of Indian involvement than any suggestion that the SB were secessionist.

On November 10th, 1983, the Larma faction kidnapped 5 employees of Shell Oil, who were prospecting in the CHT. Two were released to notify the company of the ransom demands. The ransom was paid and

Shell Oil pulled out of the CHT. It is stiII thought that the CHT is a favourable area for oil, but exploration has not resumed.

In May and June 1984, a Shanti Bahini attack was followed by reprisal attacks on hill peoples at Barkal. Six or seven thousand refugees crossed the border into the Indian state of Mizoram. They were forcibly returned the following February.
A truce was worked out between the Larma and Priti factions in the Shanti Bahini in April, 1985. Priti indicated that he would 'stay cool in the greater interest of my nation and my race.' But members of his faction were disillusioned. The bulk of the Priti group took up Ershad's extended amnesty before the end of April 1985. Chittapriya Roy and Bimal Prarnanik, speaking at a seminar in Calcutta in September, 1989, described the surrenders under the amnesties:

"Meanwhile declaration of two general amnesties by President Ershad in 1983 (following the death of M. N. Lama) and in 1985 along with a 5 year special Upazilla plan of Taka 263 crores resulted in mass surrender of over 5000 Shanti Bahini members which included a sizable number of non-Chakmas. This surrender drastically reduced the non-Chakma members of the Shanti Bahini, practically isolating the Shanti Bahini and the Chakmas from other tribal groups."

The information given to the Commission in the CHT suggests that the actual number of SB surrendering was considerably less than 5,000.

What had happened? The Commission spoke to men who bad taken the amnesty and surrendered. Some had been disillusioned by the factional split within the Shanti Bahini. For others the length of the struggle had been very hard on the men and their families. The Shanti Bahini had been fighting for around ten years, without apparent success. The government had stopped the programme of sponsored settlement. New Bengali settlement had at least been slowed. The government had increased developmental money. Support for the SB from India had been associated with Indira Gandhi's government, before her fall from power in 1977. She had been assassinated on October 31st, 1984, and the prospects for substantial Indian support now seemed remote. The government had let it be known that they were interested in negotiating with the JSS/SB. An initial session was held on October 21, 1985. The insurgency seemed seriously weakened. But events in 1986 transformed the situation.

1986, Reprisal Killings and Refugees
On April 29th, 1986, the Shanti Bahini attacked several army camps and Bengali settlements. The Far Eastern Economic Review reported in June 1986:

"..a reorganized Shanti Bahini force carried out its biggest coordinated attack on 29 April as it simultaneously raided several Bangladeshi army camps and the outposts of paramilitary Bangladesh Rifles and followed it up with swoops on new settlements of immigrant Bengali Muslims. In turn, the Muslim settlers and government forces carried out reprisals on tribal Villages forcing the tribes-people to flee to India on 30 April."

An exodus to India was not a new event. But for the first time, the refugees went in very large numbers and refused to be returned. The exodus in 1986 led to the establishment of the six relief camps which the Commission visited in the State of Tripura in December, 1990. The camps have a current refugee population of approximately 56,000.

Bangladesh realized that reprisal attacks on hill peoples created serious problems. The reprisals made victims of the hill people and triggered international criticism. An Amnesty International delegation spoke to government officials in Dhaka in January 1988. Amnesty International reported that year:

"In general terms, Amnesty International's delegation was informed that, following the killings of non-tribal people by the Shanti Bahini in April 1986, reprisals had taken place against the tribal people. The authorities reiterated that the security forces had been unprepared for the sudden escalation of violence that occurred, and were unable to contain the strong emotions aroused at the time. It was stated emphatically that it had not been deliberate government policy for such retaliation to take place, but it was acknowledged that elements of the security forces – for example junior personnel of the paramilitary or volunteer units – may have assisted in the reprisals in so far as they provided active support to the actions of the non-tribal people. It was stressed that the security forces are now under strict instructions to prevent any reprisals against tribal people."

Security forces were certainly involved. The Commission had many interviews with refugees in the camps in Tripura who talked about the attacks on their villages in 1986. Frequently they identified security forces involved in the attacks or in the background when attacks occurred. What government officials were conceding to Amnesty International representatives in 1988 was something that they could not credibly deny.

A twenty five year old refugee woman in Tripura recalled the military coming to her home at midnight, in mid-February, 1986, as part of a combing operation:

"...the Bangladesh army came to our house as part of a combing operation to find the Shanti Bahini. They came to the village and asked my husband to go with them to show the way around to find the Shanti Bahini fighters. Although my husband was very sick and unable to move, because he could not co-operate he was beaten mercilessly. My father-in-law begged mercy for his son not to be taken away. In this condition they took my husband for their purpose while they left behind my father-in-law in a corner of the house, beaten up and about to die. The next morning at around 9 o'clock my husband was brought to our house by some people in the village as they found him unable to move as he had been severely beaten by the soldiers all over his body. He also received a blow on his teeth and as a result more than two teeth were displaced."

She recounted that three days later, as the combing operation continued, three soldiers entered her home and raped her.

A thirty-year-old refugee woman in Tripura recalled another combing operation:

"About fifty army personnel came in the night and rounded up the whole village and gathered them in one place. In the morning all the men were arrested. I was tied up hands and legs naked. They raped me. There were three women there. They raped me in front of my father-in-law ... three other girls were raped in front of me."

The refugees were a major embarrassment for Bangladesh. Something was drastically wrong if 10% of the hill people were in refugee camps across the border. Bangladesh is extremely dependent upon foreign aid.

Aid giving countries and international organizations like the World Bank have increasingly paid attention to the human rights records of recipient countries. The problems in the CHT were, among other things, a foreign aid problem. The issues of the CHT began to be discussed by aid granting countries, both individually, and in the meetings of the committee of donors. The JSS and certain human rights groups were calling for conditional aid or a halt to aid, until the problems in the CHT were adequately resolved.

Bangladesh responded with policies designed to prevent reprisals and stop further refugee outflows. The military would prevent Bengali reprisals. If necessary the military would use force to restrain settlers. That policy was restated to the Commission a number of times by military officials in the CHT. Combing operations, where areas are cordoned off, villages searched and the local hill people interrogated, were now said to be forbidden. The Commission heard many accounts of beatings, destruction of houses and gang rapes in the context of combing operations.

Did the Shanti Bahini want to create the refugee population in Tripura? Government and army representatives over and over again accuse the Shanti Bahini or forcing hill people to go to India and actively preventing refugees from returning to the CHT. The relief camps are the civilian bases of the JSS, they say, and the other camps in Tripura and Mizoram are the military base of the SB.

No one could have predicted the scale of the reprisals and the refugee exodus that occurred in 1986. Past experience showed that refugees were stopped at the border or forcibly repatriated fairly quickly. The idea of a continuing civilian base for the JSS/SB in camps in India was highly unlikely. Government and army officials who believed that the SB currently manipulated the refugee situation, often conceded that the initial outpouring had not been engineered. The Shanti Bahini had simply been involved in their normal strategy of trying to drive out Bengali settlers.

In July 1988, Shanti Bahini attacks are said to have killed 233 Bengalis. President Ershad flew to Manikchari to visit one site. He announced an emergency scheme to create Bengali cluster villages, to protect the settlers from Shanti Bahini raids. This was expanded into a general and lasting program of Guchchagrams, or cluster villages for Bengali settlers, protected by adjacent army camps. The stated strategy is to protect the Bengalis and to prevent retaliatory actions. This policy was added to the policy of cluster villages for hill people, called in current usage Borograms or Shantigrams, a program dating back to the Joutha Khamar or cooperative farms program of 1979.

The Internationalization of the Issue

The refugee camps in India became a continuing reality. In early 1987 the refugees made it clear that they would resist forceful repatriation. International campaigns were mounted urging India to protect them. Numbers in the camps have fluctuated. Some people have gone back to the CHT and returned again to the camps. New refugees continue to arrive. The Commission concluded on the basis of figures given to us in the camps and by government officials in India that the refugee population was around 56,000, or some ten per cent of the population of hill people who had lived in the CHT.

In September 1986, Amnesty International issued their major report on the situation in the CHT, entitled "Unlawful Killings and Torture in the Chittagong Hill Tracts". The report stated that government forces had killed or tortured hundreds of unarmed villagers in the Chittagong Hill Tracts during the previous 10 years. There had been a marked increase in such acts between February and May 1986. Some were said to be reprisal actions, occurring after attacks by Shanti Bahini against military and settlers. Unarmed hill people

had also been killed during army counter-insurgency operations. Unarmed hill people had been tortured to compel them to move to '"protected villages."

The issue of the CHTs had now gained considerable international attention. Reports were published by Amnesty International, the Anti-Slavery Society, the International Work Group for Indigenous Affairs and the Organising Committee Chittagong Hill Tracts Campaign. The issue was annually raised in the United Nations Working Group on Indigenous Populations. Bangladesh government representatives made vacuous replies, denying any problems and even stating that Bangladesh had a homogeneous population. Allegations of gross and reliably attested patterns of violations of human rights went to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, and Bangladesh was questioned both at that level and at the level of the U.N. Human Rights Commission. This followed the procedures set out in Resolution 1503 of the United Nations Economic and Social Council. Bangladesh was a party to International Labour Organization Convention 107 on Indigenous and Tribal Populations. From 1983 the ILO had annually and publicly criticized Bangladesh for inadequate reporting on conditions in the CHT. Persistent annual questioning of Bangladesh government representatives led to the visit of an ILO official in 1985. The official was given totally inadequate access and filed a critical report.

The government began to realize that it had no credibility if it refused access to observers. Both Amnesty International and the ILO visited in 1988. Derek Davies of the Far Eastern Economic Review visited in 1989. A group of British Parliamentarians and the CHT Commission visited in 1990.

The Commission were the only observers to travel freely, without constant military security or the presence of government officials. The Commission heard both Bengalis and hill people change their stories when military or government officials were out of earshot. In contrast, and only as one example, Derek Davies acknowledged that during his visit "We were in the hands of the authorities." He travelled by army helicopters. He wrote in the Far Eastern Economic Review that “It was a little like covering the Vietnam war from a US army helicopter."

Bangladesh told the United Nations Human Rights Commission in 1987 that "total tranquillity and peace” were prevailing in the Chittagong Hill Tracts. Government representatives assured Amnesty International in January 1988, that there had been no reprisals against hill people since at least August 1987. But the government had come to see a negotiated settlement as necessary.

Attempts to Negotiate

By 1985 the government sought negotiations. Apparently a group of tribal leaders, referred to as the dialogue committee, responded by pointing to the JSS and SB as the legitimate representative of the hill peoples. Negotiations should be with them. A Liaison Committee was established, consisting of Upendra Lal Chakma, Nokul Chandra Tripura and K S. Prue, to establish a process of negotiations between the JSS/SB and the government. The JSS/SB told the liaison committee that they wanted the government negotiators to be formally accredited. The Home Minister accredited negotiators. An initial meeting took place on October 21st, 1985, with the members of the liaison committee present, as they were at the subsequent meetings. The government said it was seeking a political, not military solution. That statement was seen as positive by the JSS/SB. Specific demands or concerns were not discussed at the first meeting. A second meeting was scheduled for December 1985, but never held.

The government's National Committee on the Chittagong Hill Tracts was established in August 1987. Hill peoples' leaders from the Dialogue Committee met with Ershad, leading to a second JSS/SB-Government meeting in December 1987. The JSS/SB presented a 5 point program to the government.

1. Removal of all non-tribal settlers from the CHT.

2. Withdrawal of all Bangladesh armed forces from the CHT, including the non-tribal police force.

3. Retention of the Chittagong Hill Tracts Regulations of 1900 and a constitutional provision restricting the amendment of the regulations.

4. Autonomy for the CHT with its own legislature and recognition of the Jumma nation's right to self-determination.

5. Deployment of the UN Peace Keeping Force in the CHT and implementation of these measures under the auspices of the United Nations Organisation.

These five points have very strong support among the hill peoples in the CHT. Even leaders who support the District Councils and criticize the actions of the SB told us that the five-point programme represented the ideal solution. Some who supported the five-point programme felt it was unrealistic to expect that it could be achieved in full.

The Commission heard accounts of the six dialogue meetings from hill people, government and army sources. There were meetings, but little in the way of negotiations. The JSS/SB presented their 5-point programme; the government presented a 9 point programme, involving new district councils. There was no agreement to accept one or both of the documents for discussion. The government asked that the JSS/SB reformulate their position so that it would clearly be within the present structure of the Bangladesh constitution. There was some discussion or mention of examples of autonomy in India, specifically the tribal state of Mizoram, the Chakma District Council in Mizoram and the newer Gurkha District Council.

The government had been in contact with the dialogue committee, the larger group of hill peoples' leaders, who had deferred to the JSS/SB on negotiations and apparently were responsible for the establishment of the three person liaison committee. As the meetings with the JSS/SB proceeded without any softening of positions, the government again turned to the dialogue committee. Some leaders from the dialogue committee urged the JSS/SB to be more flexible on the demand for autonomy with a legislature. According to government, the JSS/SB continued to be inflexible. The government asked for negotiations with the dialogue committee. Prominent hill people from the three districts wrote a joint letter to JSS/SB. In the end, the dialogue committee itself began negotiations with the government. In October and November 1988, the government held discussions with hill peoples' leaders over draft legislation in Khagrachari, Rangamati and Bandarban on 10 separate days. On November 8, 9, and 10, President Ershad spoke to public meetings in Khagrachari, Rangamati and Bandarban, expressing confidence in the decisions taken by the governments National Committee on the Chittagong Hill Tracts and the committees of tribal leaders in the three districts. A.K. Khandakar, Minister of Planning and Chair of the National Committee also spoke at these meetings. At least in Khagrachari, Upendra Lal Chakma and Samiran Dewan (now Chair of the Khagrachari District Council) spoke.

In a November 25, 1988, statement the JSS bitterly attacked the leaders involved in the dialogue committee and the proposals on district councils. While a number of tribal leaders were named as traitors, such as Samiran Dewan and Gautam Dewan, Upendra Lal Chakma was not identified as a member of the dialogue committee. Upendra Lal Chakma publicly supported the new arrangements with government and signed a document along with other members of the dialogue committee. His support is now explained by JSS/SB sources as having been coerced.

Another meeting between the government and the JSS/SB occurred on December 12th, 1988, at the Khagrachari Cantonment (rather than the Pujgang community centre in Panchari, near the border with Tripura, where previous meetings had been held, a more neutral location). The JSS/SB, clearly realizing that their role had been pre-empted by the discussions between government and the dialogue committee, proposed "regional autonomy", rather than "provincial autonomy". To the JSS/SB, this meant autonomy without a separate legislature. This change in JSS/SB position, was explained to the Commission by JSS supporters as a test of the government's sincerity, not as a real change in position. The government suggested that the JSS/SB revised position and the propositions already agreed to in principle between the dialogue committee and the government be considered together. But as before, there was no agreement on using either or both documents as a basis of discussion. Deadlock continued. Government/army sources say that the government, in this meeting, indicated a willingness to establish one or three district councils. The JSS/SB have argued strongly for a single body. A seventh meeting was planned, but never held. The government made its moves before the projected date of the seventh meeting.

The government finalized an agreement with the dialogue committee and introduced legislation to establish three new district councils and repeal the 1900 CHT Regulations. The first annual report of the Khagrachari District Council has a full-page photograph of the members of the dialogue committee and the members of the governments National Committee on the CHT. They are the people who agreed to the present District Council system for the CHT.

Government Objections to the Five Point Program of the JSS/SB

The Commission heard descriptions of both the negotiations with the JSS/SB and the alternative negotiations with the dialogue committee. From these descriptions the Commission obtained a picture of the government's objections to the five-point programme of the JSS/SB.

Removal of the settlers.

The removal of the Bengali settlers was the first demand of the JSS/SB and of the dialogue committee. Therefore those who supported the District Councils, and went on to become chairmen and members, agreed with the basic JSS/SB demand for the removal of the settlers. They differed from the JSS/SB only in coming to believe that the goal could not be achieved.

The government argued that a programme to remove the settlers could trigger communal violence. Some of the hill peoples' leaders were acutely aware that they did not have support among the Bengalis on the plains. If ordinary Bengalis knew anything about the hill people, it would be the negative stories saying the tribals supported the British, then India, then Pakistan. There was no store of good will for the hill peoples which could make a programme of repatriation of the settlers politically palatable. Government statements and newspaper articles had always focused on Shanti Bahini atrocities or defections. Therefore, according to the accounts in the media in Bangladesh, any programme of removing the settlers would be a

capitulation to pro-communist or pro-Indian zealots, who had no red support among the hill peoples. No political grouping likely to form a government in Bangladesh would consider a wholesale eviction of settlers.

Gautam Dewan, a member of the dialogue committee and now Chair of the Rangamati District Council, came to believe that if there was no compromise and no settlement, the hill peoples would face the likelihood of actually losing their majority as more settlers entered the CHT. The hill peoples' majority had been lost in Tripura, next door. Eviction of settlers had been a major issue in Assam, but even with a special agreement with New Delhi and a tribally controlled government, there had been no eviction of settlers in Assam. He concluded that the ideal was not possible.

Withdrawal of Bangladesh security forces.

The CHT had become increasingly militarized from the time of General Zia. The Commission found an area under military occupation. This is a simple factual statement, not an accusation or the use of JSS/SB rhetoric. The CHT is under military occupation, though some roles are played by the District Commissioners and their civil administration and the new District Councils. The Commission was repeatedly told in the relief camps in India that there was no civilian authority in the CHT. There is some civil authority, but the military are the most obvious and pervasive authority in the whole area.

The government will not consider withdrawal of security forces because of the on-going activity of the Shanti Bahini. Government statements, over and over, stress the terrorist actions of the Shanti Bahini. The government has supplied lists of Shanti Bahini atrocities to the United Nations. The Commission was given lists, shown photographs, presented with victims. The JSS/SB also constantly provides lists, photographs and victims. Both sides typically give exclusive lists, as if all the victims are on one side of the dispute. The JSS/SB lists give greater detail on names and locations.

We assume that withdrawal of the military was not seriously discussed in either process of negotiations. Indeed the primary negotiators for government were the military. Critics would say that the District Councils were the military's idea, not their replacement.

Retention of the 1900 Regulations.

The point of retaining the 1900 regulations and protecting them from future change is to challenge the presence of the settlers and to secure the hill peoples' control over land. All parties knew that any arrangement had to have provisions on land.

A government argument, used for a number of years, stressed a constitutional right of citizens of Bangladesh to live anywhere in the country. Section 36 of the Constitution reads:

"Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh."

This, it was argued, made the restrictions on settlement in the CHT regulations of 1900 legally impossible.

But the government abandoned this rigid interpretation of section 36, and began controlling movement into the CHT by restricting land grants, an indirect way of limiting freedom of movement. This was taken a step further in the 1989 laws, which gave the new district councils a veto on transfers of land to new settlers. All sides agree on some extent of restrictions on land rights in the CHT. Restrictions could take the form of continuing the legal effect of parts of the 1900 regulations or could be accomplished in other ways. But it must not be forgotten that the 1900 regulations have assumed an important role in hill peoples' political statements. A blunt repeal of the 1900 Regulations is an unnecessary and provocative act.

Autonomy with a legislature.

The JSS/SB wanted "provincial autonomy", a phrase they interpreted as meaning autonomy with a legislature. The model was a tribal state like the states of Mizoram or Nagaland in India. It seems to be assumed by both sides that "provincial" status would require a change in the Bangladesh constitution, for Bangladesh is now described as a "unitary state". An alternative was "regional autonomy". That phrase was understood to mean arrangements like that for Scotland in the United Kingdom: that is, autonomy without a separate legislature. While regional autonomy was put forward by the JSS/SB in December 1988, to "test" the sincerity of government, it was not and is not their position. They seek "provincial" status. Another alternative would be "administrative autonomy'" where a local government body would control certain programs and certain funds, but not have legislative powers.

The terminology used was not always technically precise. The debate is perhaps best understood by seeing the contrast between two Indian models: on the one hand the tribal states of Mizoram and Nagaland, and on the other hand the lesser authority of the Chakma District Council in Mizoram and the Gurkha District Council.

The campaign for provincial status was seen by government as challenging the established structure of Bangladesh as a unitary state with a single legislature. The country has five administrative divisions, but the basic structures are highly uniform and centralized. While Bangladesh has around 120 million people, in comparison to India it is like a single province. The states or provinces in India and Pakistan axe formed, in general, on linguistic and cultural lines. The only region of Bangladesh which has a comparable degree of linguistic and cultural difference is the CHT. The CHT is unique in Bangladesh. One government representative said that if Bangladesh decided to establish provinces, the CHT would be the first. No doubt true, but nothing to bank on. The general sense of threat by India (seen as a large, manipulative power) would support centralization in Bangladesh. The belief that the hill people are not very loyal to the country would generate resistance to any scheme of autonomy.

The government either argued or suggested in the negotiations that there was insufficient support in the country as a whole for constitutional amendments establishing provincial autonomy in the CHT. Some of the hill peoples' leaders accepted this as a political reality.

Gautam Dewan noted the history in Mizorarn. The present state of Mizoram had developed from a district council into a union territory and into a state. The lesson, for him, was that limited autonomy could lead to legislative autonomy.

Implementation by the United Nations, using a U.N. peacekeeping force.

The JSS/SB have actively worked to gain international publicity and support for their cause. They regularly make appeals at the sessions of United Nations human rights bodies. This strategy seems to have become more important in the last few years, as military control of civilian populations in the CHT has increased, support from the Indian government has decreased, some members of Shanti Bahini have surrendered and many JSS supporters are in the relief camps in Tripura.

Some United Nations involvement in the implementation of new arrangements for the CHT is possible and, at this stage in the internationalization of the issue, even likely. The situation of the hill peoples in the CHT has already been discussed within the United Nations, the International Labour Organization, the committee of donor countries, the European Parliament, aid-granting agencies, aid-granting states and numerous international nongovernmental organizations While the involvement of a UN peace-keeping force would be an extreme step, lesser UN involvement, including a monitoring role by a special rapporteur, would be consistent with present international practices. International human rights law is developing slowly, in terms of the real needs of peoples, but rapidly in terms of the normal processes of international law and diplomacy. The situation in the CHT is already recognized as a test of the ability of international institutions to monitor and respond to human rights abuses.

It is striking that the United Nations High Commission far Refugees, one of the most highly respected international relief organizations, has not been involved with the refugees from the CHT. There are special regional reasons. Agreements between India and Pakistan and between India and Bangladesh provide that refugee movements within the sub-continent will be handled by the governments within the sub-continent. The Commission was repeatedly asked by hill people in the refugee camps to seek the involvement of the UN High Commission for Refugees.

The District Council

The legislation establishing the District Councils is routine local government legislation, concerned with elections, administration and process. The legislation states no goals, recognizes no rights and relies on regular Bangladesh government officials to supervise the processes of the District Councils. The link to regular government administration is particularly clear in the naming of the Deputy Commissioner of each district as the ex-officio secretary of the District Council, authorized to convene and conduct its meetings. The government has continuing supervision over the activities of the District
Councils and can cancel or suspend any decisions of the Councils (sections 50, 51,61,6&, 69, Rangarnati District Council Act).

The three District Councils for the CHT differ from District Councils in the rest of Bangladesh in certain ways. Their members are elected, not appointed. The chair must be a hill person. Members are elected to represent particular tribal groups or settlers, in fixed proportions. Each of the three District Councils have 30 members, plus the chair. Each council has a majority of hill people, though we were told that non-hill people were about equal in numbers to hill people in Bandarban. To illustrate the structure, Rangamati District Council has the following members:

Tribal Chairman
10 Chakma
4 Mama
2 Tonchoinga,
1 each of Tripura, Lushai, Pankhua and Khyang,

10 non-tribal.
The Chakma Chief (Raja) has a right to speak.

There are no separate voting rolls. This means that settlers vote for both settlers and hill people. As weII, hill people vote for both settlers and hill people. This foIlows the patterns for reserved seats in India. It is in contrast to the system of reserved seats in New Zealand, where only Maori vote for Maori seats. The logic of the CHT District Council system means that candidates will seek support among both hill people and settlers. To illustrate this point, a candidate who publicly advocated the expulsion of all settlers (a popular position with hill people) would seriously weaken his or her chances of being elected, for settlers would not give such a candidate their support. In contrast, in the New Zealand system, political positions that had the widest support among Maori would gain votes for candidates for the Maori seats, whether they were supported by non-Maori or not. The structure of the CHT District Council voting system can be described as favouring accommodation and CO-existence. It can also be described as accepting the Bengali settlers as a continuing or permanent part of the peoples of the CHT.

What are the powers or functions of the District Councils? They have some responsibility for basic services, such as primary education, health facilities, water supplies, social welfare and policing. They appoint police up to the rank of Assistant Sub-Inspector, a low rank. They have some responsibilities for highways and bridges. They have economic concerns in relation to agriculture, animal husbandry, fisheries, forests, development of cooperatives, cottage industries. They have responsibility for promotion of tribal culture, museums, community centres and sports. The Commission was frequently told that 22 subject matters could be transferred to the District Councils. Three had already been transferred by the legislation: primary schools, health and agriculture. The District Councils are to provide local government services, develop infrastructure and promote economic development. One Deputy Commissioner described the District Councils as primarily concerned with development.

What of the crucial issues of land? No land in any district can be transferred to a non-resident without the prior permission of the District Council (section 64, from the Rangamati Act). This provision does not apply to

"...protected and reserved forests, nationalised industries and mills areas, lands transferred or given in settlement of Government or public interests, and lands or forests which may be required by the Government in public interest."

A Bengali settler established in the CHT could acquire additional lands. Could Bengali settlers from the plains establish residency in the CHT, so that they would be eligible to purchase land without the requirement of District Council permission? Gautam Dewan in Rangamati thought that the District Council could establish residency requirements, and noted the requirements under the 1900 Regulations were 15 years residency and no ownership of lands on the plains. Samiran Dewan in Khagrachari anticipated less control by the District Councils. In December, 1990, when the Commission interviewed Samiran Dewan and Gautam Dewan no actual land transfer decisions had been made by the District Councils. In a basic sense, the District Council control is simply an addition to policies already said to be in place. Sponsored Bengali settlement is said to have been stopped. Grants of (government) lands to Bengali settlers is said to have been stopped. Now transfers to Bengali settlers are subject to District Council approval, unless the settlers were already residents. This is simply a further tightening of the rules designed to stop further Bengali settlement, while still avoiding a direct prohibition on Bengali movement into the hills.

A second vital issue is whether there can be a review of the legality of land acquisitions by settlers. Over and over the Commission was told first hand stories by refugees in Tripura of lands taken over by Bengalis settlers. The Commission was able to document one such case, gutting together a refugee story, Upazilla land records and a visit to the property. The Commission saw areas which it knew had been hill peoples' land and which were now farmed by Bengalis. Though the Commission was assured by many officials in the CHT that the lands of hill people had not been illegally taken, even if the hill people were refugees in India, that proposition was, frankly, incredible. The population movements which had occurred, the disruptions and violence, the shortage of land in the CHT were inconsistent with the orderly retention of property rights that was normally asserted by officials.

Can the District Councils address the legality of settler titles? The District Council legislation is silent. The power does not lie there. Gautam Dewan, chair of the Rangamati District Council, described the land problems as the "main problem" in the CHT. He made a request to the Minister of Special Affairs in November 1990, that "Land Reformation and Development Committees" be established at the District level and lower local government levels to examine the legality of settler's titles. He had convinced the Minister that such committees were essential to resolving land problems in the CHT. Discussions had begun with officials to work out the process. Since that agreement, President Ershad and his cabinet resigned, an interim government was formed and elections were held. The Commission has no information about the current status of this plan for special committees on issues of land titles.

Gautam Dewan had accepted that a wholesale eviction of the Bengali settlers was not politically possible. But he had recognized that no peace was going to come as long as hill people h e w or believed that their lands had been illegally taken over by Bengali settlers. How could the refugees be convinced to return from Tripura if nothing was in place to assure them that they could return to the lands that had been legally theirs?

At the moment there is no legal process in place to resolve these central issues of illegal land take-overs by Bengali settlers.

The District Council Elections

The District Council elections became politically crucial for both the government of Bangladesh and the JSS/SB. For the government it was necessary that the elections proceed peacefully and the District Councils be given a fair chance to establish credibility both within and outside the Hill Tracts. The government invited journalists and observers into the CHT for the elections, including Mark Tully from New Delhi for the B.B.C. and Barbara Grosette of the New York Times. Security was reinforced for the elections, with an extra battalion. The JSS/SB condemned the District Council laws and urged a boycott of the elections. The government and army say that the SB coerced tribals to flee to India in advance of the elections.

Refugees in Tripura gave the Commission detailed accounts of government and military attempts to coerce the "intellectuals" among the hill peoples (figures in local government bodies, school teachers, headmasters) to publicly support the District Councils and the elections. They gave detailed accounts of meetings, imprisonment and torture. One government official in the CHT, speaking privately to the Commission, said there had been arrests and torture to compel Chakma to support the process and to vote.

One refugee in Tripura, a former local government chairman, described government and army activity promoting the elections:

"The Government of Bangladesh held several public meetings in favour of the District Council elections forcibly. In these meetings villagers were compelled to attend by Bangladesh Army officials. They would go from door to door in the village to get them. There were several meetings with the Bangladesh authorities who spread propaganda to motivate people to take part in the election ... When the meeting takes place the army surrounds the participants. Only in Khagrachari did the army remain outside the room on open ground ... I was arrested by the Bangladesh government on February 5th, 1989, because I opposed the nine point plan laid down by the government for the District Council. In the hope that I would motivate people in favour of the election I was held ... I was kept in a large hole in the earth which had been dug by soldiers. While I was there I was tortured - my hands were tied behind my back to a chair and I was beaten up by the soldiers brutally who used lathi sticks and some army personnel held my leg tightly, others held my head tightly and poured water through my nostrils and mouth ... I was released on 25th February on the condition that I will support and abide by the District Council and will motivate the people of my village and the neighbouring villages in favour of the District Councils. If I failed to do so I would have been shot ... I did as I was asked, as I had been threatened. I participated at four meetings (locations given). Intellectuals like the Karbari or Chairman were moved to army camps from where they were taken to the meetings."

A fifty-seven year old male refugee recounted:

“The army used to call meetings regarding District Council elections. We refused to go. They used to come early morning and surround us, so that we couldn't go anywhere. Then they took us to meetings and told us we should have to obey whatever they say, that we will have to support the District Council elections. The army asked people who supported the District Council. Fearing being tortured, all of us raised our hands. They threatened 'If you don't support the elections, we'll kill you.'"

A male refugee who had been a local government official, recounted:

"Candidates for the election were all selected by the government. Out of these the Chairman was selected by the government. Except the government choice, no others were allowed to contest. On election day, I didn't go voting. I went hiding in the jungle. I heard about the voting day. The government was using the ballot papers the way they liked, also for the people that didn't show up."

Brigadier Salzar Rahman, Brigade Commander in Diginala, told the Commission that around 15,000 refugees crossed the border into India immediately before the elections.

There were major incidents before the elections. One of the hill people who had participated in the dialogue committee, Shantimoy Dewan, Chair of the Rangamati Upazilla, was killed in December 1988, in Rangamati, in broad daylight in the market. The government blamed the SB and the SB blamed Bangladesh intelligence. A major incident occurred in May 1989, in Langadu. The Bengali chairman of the Langadu Upazilla was killed on May 4th. This was followed by massive reprisal attacks against hill people's villages. Amnesty International reported in 1990:

"According to reports received by Amnesty International, reprisal attacks on tribal residents of the Langadu area started about two and a half hours after Abdur Rashid Sarkar was shot dead near his office on 4 May 1989, between 4 pm or 5 pm. Abdur Rashid Sarkar was a non-tribal resident of Langadu and Chairperson of the sub-district council. The Shanti Bahini was blamed for his death, but Amnesty International is not aware the means by which this was established. At least 36 tribal men, women and children - all of whom have been named - are reported to have been murdered in the reprisal attacks, although the figure could be higher. Members of the regular security forces are not alleged to have participated in these killings. However, members of the Village Defence Party (VDP) are said to have been among the non-tribal settlers who attacked and killed tribal people, using guns, spears and daggers. The VDP is a government sponsored civilian defence force, recruited from non-tribal settlers in the Hill Tracts and trained by the police ... At least six villages were attacked during the night of 4 May.,,hundreds of houses belonging to tribal people were burnt, as were several Buddhist temples and two Christian churches. The surviving tribal residents are said to have fled to the hills and forests for refuge, and a considerable number crossed the border into the Indian state of Tripura as refugees. Between 14 May and 31 May 5,800 tribal people are reported to have crossed into Tripura."

On May 6th Gautam Dewan visited Langadu with the General Officer Commanding, Chittagong Division and the Brigade Commander, Rangamati.

On May 9th twenty-two prominent hill leaders signed a written protest to government over the incidents at Langadu. The lead signature was Devashish Roy, the Chakma Raja, who had been involved with the dialogue committee and who had travelled to Tripura as part of a government delegation to urge the refugees to return to the CHT. Gautam Dewan, then Chairman of the Rangamati Municipality and now District Council Chairman was a signatory. He had also gone with a government delegation to Tripura. Other names were Subimal Dewan, former assistant adviser to the President of Bangladesh, Shri Chaithowai Roaza, former MP and Mrs. Sudipta Dewan, former MP Tribal students silently demonstrated in Dhaka on May 21st. Buddhist Monks silently demonstrated in Dhaka on May 30th.

On May 24th Upendra Lal Chakma joined the refugees in Tripura. This defection was a major blow to the government, for Upendra Lal Chakma had been the most prominent spokesman of the hill people, the person with the most credibility to the JSS/SB, the government and to outside observers. The army and government suggest that the SB forced him to go to Tripura for the following reasons. He had already given credibility to the District Councils by participating in the dialogue committee and publicly supporting the District Councils. He might become chair of the Khagrachari District Council. He could not be allowed to legitimate the District Councils in that way. Others said that Upendra Lal Chakma had lost support among the hill people in the CHT as part of a general disaffection for the violence of the SB. He would have wanted the chair of the Khagrachari District Council, but he could not get elected. He had played both sides of the street for a long time, but his only
base of support now lay with the JSS/SB. Upendra Lal Chakma himself told the Commission, as he has told others, that he had refused an army invitation to run for chair of the Khagrachari District Council, and had been threatened for refusing, He feared he would be killed by Bangladesh government intelligence, who, he believes, killed Shantimoy Dewan in Rangamati in December, 1988. He says his public support for the District Councils was coerced.

The figures for voting in the District Council elections vary greatly. One elected hill people member of a district council told the Commission that about 20% voted in the elections. Local people told the

Commission that people had been compelled to vote by the army. The army say they provided security for the voting process to prevent its disruption by the Shanti Bahini.
The government says that over 60% voted.

One journalist observer, Barbara Crosette wrote in the New York Times, June 26th, 1989:

"Some people who went to the polls today left behind villages set ablaze by guerrillas who have threatened to come looking for them after they cast their ballots. On Saturday night, a corner of the sky over Khagrachari glowed red as a nearby hamlet went up in flames in a pre-election warning. In rural areas, voting was light."

She reported hill people saying there was support for the JSS/SB.

Bertil Lintner wrote in the Far Eastern Economic Review on April 5th, 1990:

"The elections were finally held in all three districts and the government claimed a 60-65% voter turnout. But a young monk from Rangamati said many people voted only because they feared army reprisals if they stayed at home. "In some cases, the army even voted for people who didn't show up at the polling booths," the monk claimed."

After the Elections

Incidents continued after the elections. New lists of atrocities were published by both the government and the JSS/SB. A bomb exploded in the market at Naniachar on August 16, 1989. The Commission was told of a retaliatory attack in which 22 hill people were killed. More atrocities were reported in the Indian press in August 1990. The Commission received reports that fourteen young hill women were raped by army personnel in October 1990, when returning to their homes from a religious festival in Rangamati. The Commission, during its visit to the CHT in December 1990, saw homes and religious buildings that had been destroyed weeks earlier. Local hill people stated the military had attacked their homes in an attempt to force them to move to a cluster village. A JSS document dated February 19, 1991, lists 612 atrocities in 1990, with names, locations and other details, including incidents that occurred while the Commission was in Bangladesh. The Indian newspaper, the Telegraph, on February 23rd, 1991, ran a story stating that Bangladesh military had killed five hill people and injured an additional 13 “in combing operations against Shanti Bahini insurgents ever the past three weeks."

MILITARY PRESENCE IN THE CHITTAGONG HILL TRACTS: "THE TIME HAS COME FOR US NOT TO TELL ANY LIES"

One of the most salient features of the CHT is the all-pervading presence of military and paramilitary forces. The military is linked at the highest levels with the civil administration. The General Officer Commanding (Chittagong Cantonment) and the Chief of the Army are advisors to the highest policymaking body with regard to the CHT, the Council Committee for the CHT or, as it is also called, the Cabinet Committee for the CHT. The Minister of Foreign Affairs and the Minister of Special Affairs are members of this Committee, which is headed by the President. The justification for the massive military build-up in the CHT is that it is needed to counter and contain insurgency activities of the Shanti Bahini (SB). Counter-insurgency is their main task. This includes not onIy typical military operations, but also development programmes. Whereas development will be considered in a later chapter, this chapter will cover military organisation and strength of the Bangladesh armed forces and the Shanti Bahini as well as an account of counter-insurgency methods.

Military organisation in the CHT

The 24th Infantry Division of the Bangladesh Army is in charge of the Chittagong Hill Tracts. The overall command for the CHT is with the General Officer Commanding (GOC) in the Chittagong Cantonment in Chittagong town.

The army has four Brigade Headquarters in the CHT: Rangamati, Khagrachari and Dighinala in the north, and Bandarban in the south.

There are garrisons in Ruma and Alikadam in the south and there are army base camps in each Upazilla Headquarters in the CHT as weII as in various villages. "In some villages there are camps that are not called base camps but just 'camps'", a military officer told the Commission. There are also "road protection camps' to prevent Shanti Bahini attacks in the daytime. At night the soldiers withdraw to the base camps. The Commission saw road protection camps on almost every hilltop along the main roads in the northern CHT.

From 4 pm until about 9.30 am all main roads are closed. The army searches all roads for explosives before opening them in the morning. Military sources informed the Commission that there had been several bomb attacks at the time of the District Council elections but these have diminished in more recent times.

At Kaptai there is also a naval base. Helicopters are frequently used to transport people and goods, to patrol and to fight the Shanti Bahini.

The Bangladesh Rifles (BDR) is a paramilitary force whose task is to control the border and check illegal crossings. However BDR camps are found deep inside the CHT. The BDR are also involved in counter-insurgency under the command of the GOC.

The police in the CHT also have a counter-insurgency role under the command of the GOC. Police officers who are stationed in police camps are more heavily armed than those in police stations, who are involved primarily in criminal investigation.

Another paramilitary force is the Ansar which operates throughout Bangladesh. Although the Ansar have their own command structure, their counter-insurgency role in the CHT is monitored by the GOC. A military officer described them as follows:

"They are volunteers, a paramilitary defence guard. Their task is more social work, civil defence training. They give training in how to keep cattle, poultry and vegetable gardens as well as looking after the security in the area ... They carry weapons 24 hours a day."

Finally there are the Village Defence Parties (VDPs), a voluntary paramilitary civil defence force. The VDPs are selected from among Bengali villagers. The same military officer told the Commission:

“Their main role is to ensure protection and security in their villages. And also they undertake a lot of income generating projects. ... like hand looms and farming cooperatives ... During the day times they are not allowed any arms. Only after sunset when they go to duties to their respective forces."

The Ansar and the VDP carry out their counter-insurgency role under army control; their other activities come under the command of the police. All military, paramilitary and civil armed defence forces in the CHT are referred to here as the Security Forces (SF).

Military Strength

From military sources the Commission gathered that there are over 230 army camps, more than 100 BDR camps and over 80 police camps in the CHT. In the north there are over 200 army camps, more than 90 RDR camps and over 40 police camps; in the south (Bandarban District) there are more than 30 army camps, over 40 police camps and nine BDR camps. These figures do not include Ansar or the Village Defence Parties.

Military officers told the Commission that in Rangamati District the army has 60 to 70 base camps, one in each Upazilla Headquarters as well as in some other villages "where the insurgent activities are likely to occur." There are 10 to 12 road protection camps on the Chittagong - Rangamati road. The Commission also heard that there is one Brigade (1,000 soldiers) under the commander at Rangamati. However this figure seems rather small in the light of the large number of camps. It is difficult to estimate the total number of soldiers because the Commission was told:

"In places there are camps where we say there are only about 20 soldiers, depending on the insurgents that are there. It is entirely proportional to the security threat that a village in that area has."

Three battalions are said to be deployed in Manikchari.

In Bandarhan, a senior government official told the Commission that there are three army battalions in his district, and one military officer said:

'"There are about 27 army camps and nine BDR camps. Police camps with all the anti-dacoity (anti-robbery) camps etc. are about 14. In total there are a little over 4000 army, BDR and police personnel. It is a full brigade, but much smaller than the brigades that you already visited. There are no massive road protection camps here, but the road closing is maintained because of dacoities. There are two battalions of Ansars. VDP's we don't need much. We have also about 300 tribal and 300 Bengalis VDP members here.

The tribal VDPs are mostly Mru, about 50 to 60 are Marma. The Mru have volunteered because they had a fight with the SB."

It is the distinct impression of the Commission that the numbers of armed personnel provided by its military informants are very low, particularly in comparison with the estimates provided by informants from among the hill peoples. The estimates given to the Commission by sources from among the hill people, not taking into account VDPs and Police are:

Army	24th Infantry Division	80,000	personnel
BDR	6 Battalions	25,000	"
Ansars	4 Battalions	8,000	"
Navy	1 Battalion	1,500	"
Total		114,500	"

Earlier reports on the CHT have estimated the military strength from 30,000 in 1981 (one third of all the regular troops in Bangladesh) to 120,000 in 1984 (including paramilitary and police forces). Military handbooks such as Military Balance (1989/90), Military Technology (1989) and Military Powers (1990) estimate the number of army personnel in Bangladesh as varying between 80,000 and 90,000 (excluding navy and air force) plus 55,000 to 80,000 paramilitary forces (including armed police). If these figures are accurate, the sum of 80,000 army personnel in the 24th Division seems too high. However, as the CHT is the only area in Bangladesh where armed struggle is taking place, it is likely that a large proportion of the army is deployed there. Conservative estimates would therefore indicate that there is one member of the security forces for every ten hill people.

Training

The Commission spoke to many senior military officers who had received counter-insurgency training in Bangladesh and abroad. At the Defence Staff College in Dhaka, counter-insurgency (or low intensity conflict as it is also called) is included in a training course taught by seconded members of the British armed forces. Students come from as far afield as Indonesia to be trained.

Counter-insurgency training abroad included the United States (US Army Intelligence Centre in Arizona; Military Staff College Fort Lavenworth, Kansas), UK (Aldershot and Camberley), Pakistan (National Defence College) and Malaysia (Staff College, Kuala Lumpur).

Counter-insurgency techniques of Britain in Malaya and Northern Ireland and the United States in Southeast Asia and Central America have been studied by Bangladesh military officials. There were a number of references made to Robert Thompson's book on counter-insurgency in Malaya, regarded by the military as a classic text. Several senior officers expressed great admiration for Germany as a "martial nation" and one had Hitler" 'Mein Kampf' on his bookshelf.

The CHT itself provides a model of counter-insurgency for military officers from other countries. While the Commission was in the area, a group of overseas officers from the Middle East, the USA, Kenya, India, Pakistan and Sri Lanka visited military installations in the CHT.

Shanti Bahini Presence in CHT

The official justification for the extensive militarization of the CHT is the threat of the Shanti Bahini, the armed wing of the Jana Samhati Samiti, the underground political party of the CHT peoples. Although unable to talk directly to any of the Shanti Bahini leadership, it was possible for the Commission to assess the impact of guerrilla activities on the peoples of the CHT.

SB Armed Actions

Whereas in the past there have been reports of SB attacks on military and police camps causing casualties among the armed forces, the Commission heard of only one such attack over the previous year. This took place on January 13th, 1990, in Langadu where 12 BDR men were killed by the SB.
The present situation in the south was summed up by a military officer who said:

"They (the Shanti Bahini) collect doles from the people. There are no armed clashes because the people are non-cooperative here."

However, the military gave the Commission several examples of SB attacks on civilians including both settlers and hill people. At the Chittagong cantonment the Commission was provided with a list of "Recent Insurgent Activities Against CIV" (civilians) which enumerated incidents of killing, injuring and kidnapping from December 16th, 1979 until November 9th, 1990. The list specifies the dates, places, numbers of victims and perpetrators, but gives no particulars of the victims, not even their names. The data were consequently impossible to verify. Nevertheless, the Commission tried to correlate the numbers of incidents of Bengali and hill victims and of the perpetrators with figures found in a booklet called "Handout on CHT in a table entitled "Casualty - Civilian (Insurgent Atrocities)" which was also presented to the Commission in the Chittagong Cantonment. In that table annual figures are, provided of Bengalis and hill people killed, injured and kidnapped, However, the data say nothing about the kinds of incident, the places where these incidents occurred or the names of the victims.

The following table summarises the findings from these sources (Handout on CHT figures are in brackets.)

Period	**Number of Incidents**	**Bengalis Killed**	**Bengalis Injured**	**Tribals Killed**	**Tribals Injured**	**By**
16.12.79 – 29.12.85	52	183 (272)	221 (194)	44 (38)	8 (26)	Insurgents
1986	56	247 (248)	- (118)	20 (33)	- (16)	Insurgents
	2	1	-	16	-	Bengalis
	1	7	-	-	-	Tribal
	1	-	-	1	-	Crossfire
	1	1	-	-	-	Tree fall
1987	54	103 (117)	20 (67)	17 (19)	1 (9)	Insurgents
1988	85	113 (128)	49 (65)	14 (16)	9 (14)	SB
	3	-	-	3	9	Bengalis
	4	2	-	9	-	S.F.

	13	-	-	-	-	Missing
	1	-	-	1	-	Found Dead
1989	76	63 (72)	91 (138)	26 (47)	31 (57)	Insurgents
	4	-	-	36	-	Bengalis
	8	-	-	4	6	S.F. (incl.Ansar & VDP)
	1	1	-	-	-	Burmese SF
	1	-	-	1	-	Miscreant
	2	-	2	1	-	MT accident
	1	-	-	2	2	Crossfire
	12	11	51	12	33	Explosion
	1	7	-	-	-	Boat Capsized
1990 up to 9.9	28	53	18	11	2	Insurgents
Up to 22.9.		(47)	(138)	(16)	(38)	
	1	-	-	1	-	SF
	6	-	17	3	4	Explosion
	1	1	-	-	-	Accident
	1	2	-	-	-	Capsize
	3	-	-	4	1	Crossfire
	1	1	-	-	-	Malaria

Period	**Bengalis Kidnapped**	**Tribals Kidnapped**
16.12.79 - 29.12.85	(169)	(84)
1986	(33) Kidnapped/Missing	(4) Kidnapped/Missing
1987	4/1 (17)	- (8)
1988	42/ (131) /1 1/62	11 (27) 8
1989	11/3 (22) 1/	35 (28) -
1990 (UP TO 9.9)	13/1	3
UP TO 22.9.	(18)	(22)

NOTE: S.B. = SHANTI BAHINI S.F. = SECURITY FORCES MT = MILITARY.

The Commission noted discrepancies between the figures of victims in brackets and the others, particularly as they both came from the same source. Furthermore despite the fact that the list is of "recent insurgent activities", the Bengalis since 1986 and the Security Forces since 1988 are both mentioned as perpetrators

of acts of violence. This confusion is enhanced with the addition of the accidental capsizing of boats and death by malaria.

The Commission learnt of several attacks on Bengalis which resulted in wounding or death. Bengali settlers in Manikchari told the Commission how the SB had attacked them in 1988 and had killed their relatives. They showed their injuries and one woman said:

"I got seven bullet shots. My hand was broken because the bullet pierced the bone. My one and a half year old child was thrown in the fire and my husband was killed on the spot together with four other members of my family."

While some military officers said that the situation had improved since 1988, others showed the Commission extracts from a videotape of wounded Bengalis and burnt bodies following SB attacks during the District Council elections in 1989. According to the military the SB started to use bombs at that time. The Commission also heard that Bengalis had been kidnapped and killed by the SB which had also attacked hill peoples' villages to force the people to flee before the elections. The last cases were not confirmed by independent interviews between the Commission and the alleged victims in Tripura. There was no confirmation either of the frequently held military view that all incidents where Bengalis had attacked hill people were in retaliation for SB attacks.

Incidents in which hill people who were alleged to be collaborators with the army have been injured, kidnapped or killed by the Shanti Bahini were described to the Commission by the military, surrendered SB fighters and hill people. In contrast to the previous cases, corroborative evidence appeared to confirm these reports.

Tax Collection

Tax collection and kidnapping for ransom are two sources of income for the SB. The Commission heard that tax is collected from hill peoples as well as from Bengalis by force. Several people gave examples of kidnapping as a punishment for non-payment. One hill woman told the Commission:

"My husband has been killed by the Shanti Bahini in Baisak month (April / May), 4th day this year (1990). The Shanti Bahini demanded Taka from my husband but he couldn't pay and they killed him. Four members of the Shanti Bahini came to the house and entered the house. Then they kidnapped him. They were armed. They said: "We want a monthly pay and why didn't you pay." They came once before and we paid them Tk.30. Maybe 4 or 5 months before, in Baisak month (April/May) they came again. My husband said: "I'm a poor man, I cannot pay." Then they arrested him."

A woman who was introduced by the military told the Commission:

"My husband was also kidnapped, on March, 19th, 1990 he was abducted. He was Union Council chairman and a candidate for Upazilla chairman ... He was abducted from his house ... by the Shanti Bahini." When asked how she knew that it was the SB she said: "They had arms. They claimed half a million Taka. After that he was killed. I gave the 500.000 Taka ransom. The people in the village gave it to me. They worked on the land for it."

A military officer related another incident:

"There was a kidnapping recently in Debachari. In the last week of November these people came to collect some taxes, the illegal levies that the Shanti Bahini collect from the non-tribal and tribal people. There were three insurgents, the so-called Shanti Bahini, and the local people said that they were not going to pay them any more tax. This was a tribal village. They had a row with them and at one stage they had one sub-machine carbine there. One of the insurgents had a weapon. So there was a row over it and then two of them ran away from the insurgents. And then the third person was caught by these people and they brought him to the nearest army camp. In retaliation for that they actually took away two people, they kidnapped, one of them was the headman. Then they gave the information that unless the person apprehended by the villagers and held in the army camp, unless he is released they will not actually release the headman. So after some time they released one of them, just like that and they held the headman. When they found that there was no way to get that person released ... they actually left him (released the headman)."

The first two of these quotations came from hill people presented by the military. After close questioning the details of their stories, several elements appeared inconsistent. Nevertheless the Commission is aware that some hill people expressed concern at being punished for not paying taxes to the SB. For example, tax collection by the SB was a reason given by the military for civilians to ask the army for protection and resettlement in cluster villages.

In contrast, the Commission heard from several hill people away from military personnel that there is a fixed rate according to income. If necessary the money is taken at gunpoint. Yet they insisted that even if people don't pay, the SB do not harm them. They only punish by kidnapping or death those people who give information to the government or who publicly condemn the SB. One hill person told the Commission that forced labour for the army weighs much more heavily upon them than the taxes they have to pay to the SB. Another said:

“The Shanti Bahini they are out tribal people, when they come we have to feed them. They also want tribal people to be independent, no more exploitation by Bengalis, no more three districts, because it is only increasing the numbers of Bengalis. After emergence of the local government there is the legal rights for the Bengali people here, because they have the seats in the district councils. Earlier they did not have such rights.”

The Commission found a discrepancy in the opinions of hill people on tax collections by the Shanti Bahini. Whereas some considered it an extra burden, others were prepared to pay to keep the peace or because they supported the aims and objectives of the Shanti Bahini.

Strength of SB

The booklet "An insight of Chittagong Hill Tracts prepared for the Chittagong Hill Tracts Commission" says:

"The present strength of the insurgents is estimated to be around 7000. Out of these, approximately, 5000 belong to the armed cadre though all of them do not possess weapons.'" (p.14)

This figure broadly falls within the estimate of 2000 - 15,000 with 5,000 in arms, published in the early 1980s (Anti-Slavery Society 1984:47; IWGIA Document 1984:128). A British military officer whom the Commission met in Bangladesh estimated the numbers of SB to be around 3,000 members with 1,500

armed cadres. However the estimates given to the Commission by the military are considerably less, concentrating on the armed cadres rather than the political workers. One figure was as low as 500 armed fighters.

The Bangladesh military say that the SB have no permanent base inside the CHT, only hideouts or temporary camps. The SB camps on the map on the wall in the Chittagong Cantonment were all outside the CHT. There are more than 25 camps in Tripura, six to ten in Mizoram and three in Burma. One of the military commanders even included Indian BSF camps (Border Security Forces) in his tally of SB camps. He said:

"Their total number (of the Shanti Bahini) now is 700 to 1000 ... There are 28 insurgents camps across the border from my area (Tripura ed.) and 31 BSF camps ... Yes, we heard that they have a lot of cooperation with the SB. BSF supply the weapons, etc. The government of India has given them sanctuaries. The whole game is played from that land."

Several times the Bangladesh military indicated that the strength of the SB had decreased through lack of new recruits. They said that the cluster village programme has stopped the collection of money by controlling the movements of the SB and people are pleased with government development projects. The military also told the Commission that SB fighters were surrendering, some individually and some in small groups. However they are not surrendering in large numbers as in 1985 when 233 gave themselves up together. A government rehabilitation programme for surrendered SB fighters has been established by the government whereby each person is promised Tk.30.000 for a weapon, one year of food grains and five acres of land.

The Commission spoke several times to surrendered members of the Shanti Bahini. A few said that they had received their due, but others complained that the money and land had never materialised.

Counter-Insurgency

"Today, in 1990, I don't have to tell any lies. The time has come for us not to tell any lies".

A high-ranking military officer said these words in an interview with the Commission.

The main purpose of the military in the CHT is to control the people by counter-insurgency measures. They carry this out by military operations and pacification programmes to "win over the hearts and minds" of the people. One of the military officers said: “The main principle is to contain the secessionist movement and the rest should be done by other means."

Another high-ranking officer said:

"Our aim is to gradually finish the insurgence and then come out of the Hill Tracts as soon as the insurgency is finished. That is why the army is so much involved. "

Concerning the pacification programmes he added:

"We are trying to win them (the hill people) over, to give them the feeling that we are not different. We call pacification in our terms 'friendship programmes."

The two principal aspects of counter-insurgency in the CHT are terror and containment of the people.

Military Induced Terror

"My man knows how he has to behave with the prisoners. We have interrogation, but no manhandling or beating is used. I'd like to know if there is any excess. Everybody is kept in civil jail. There is no military jail here ... Cordon and search tactics have been banned here since 1984. This was one of the CIA tactics ... No one below the rank of officer can interrogate. Nobody can enter into anybody's house".

This statement by a high-ranking officer contrasts with the view of a refugee in Tripura:

"I was captured through an encirclement by the army. On December 10th, 1986 Captain Farouq with 31 soldiers encircled 71 families. It happened at night between about 2.00 and 3.00 in the morning. They said that I knew about the Shanti Bahini barracks and arrested me. I was beaten, then they threw water at me, covered my face with a piece of cloth and poured water over it. Actually I knew nothing about the Shanti Bahini. Then they took me and bound me with ropes and I was taken about two miles away. They shot at me with machine guns and I lost consciousness. I was alive. After three days I came to and was taken by the army to the cantonment at Chittagong where I was put in hospital ... I was in hospital for about one month in Chittagong ... I was transferred from hospital to Khagrachari sub-jail .... For seven months detention I was given only dried bread and dahl…I was charged under sections 121, 122, 123, the first of which is an offence against the state. Apparently I had contravened the Bangladesh state and supported the Shanti Bahini. Then I was transferred to Chittagong jail without trial. I was held there waiting for a trial for one year. My brother came to know about this and asked someone to be my lawyer and plead for me. After waiting for one year for a trial I was released by the court. The case was dismissed and a release order was sent to the police by the court."

The Commission received several other accounts of people who had been arrested and tortured after being accused of being a member of the SB.

"On February 25th, 1989 at about 3.00 o'clock at night some army people surrounded the village. They woke me up and searched the house to see whether or not Shanti Bahini was there. Then they said 'We heard some Shanti Bahini people are living here'. Then they charged me as a liar and beat me terribly. Then they broke my right hand with something like a rice pounder and tied me, waiting for the morning. In the morning they arrested so many people and some of them ran away. I myself and a cousin of mine were caught. They sent us to Sinala camp and from there over to Panchari camp. They tortured me like anything, with electric shocks, pushed needles inside my fingers and hit me with their boots. Then I was shifted over to Khagrachari camp. There I was detained for an indefinite time. Some of my relations came and released me."

The main operation methods used by the army are searches for Shanti Bahini fighters; attacks on villages to force the people to move; arrests and torture of people who are suspected of being members of the SB; threats; killings and creating a general atmosphere of terror and fear among the hill people. According to the military, army operations are done after they have received intelligence from an informant about suspected SB presence.

The military tries to force hill people to talk against the Shanti Bahini. An example from Tripura was given to the Commission by a refugee:

"On 12th February 1989 some army people of the 6th Bengal Regiment came to my house under the leadership of Lt. Jamal Hossain ... The commander told me: “a superior boss of the army is calling you. He is sitting over there.' When I started going from the back a lot of bullets came. I fell down senseless. When my senses came back I could find myself in a building. This was the health centre of Dighinala Upazilla. An army officer came to me... He told me: 'You were shot by the Shanti Bahini We found you lying on a field and brought you to the hospital.' Then I replied: 'It was not the Shanti Bahini, it was your army who shot me.' Then I was threatened by the Captain, he said: 'You say Shanti Bahini shot you. Otherwise you will be murdered.' When I did not agree to say so I was handed over to the police who took me to the Chittagong Medical College Hospital ... Then, in the hospital the army told me that I was not shot by the army. I was not even shot by the Shanti Bahini, but that I was just in the middle when there was an exchange of fire between the Shanti Bahini and the army. When they were releasing me on June 4th, 1989 they took a promise from me that I would not help the Shanti Bahini, but remain neutral."

The Commission saw evidence of the terror and destruction that had been perpetrated by the army. In several villages houses and places of worship had been burnt down or destroyed recently. In one place big logs of wood were lying around in a pile. These had been the fruit trees of villagers, which had been cut down by the army to take away and sell. In a number of these villages the Commission was told that the army had come and had ordered the people to move to a neighbouring cluster village and had then destroyed everything. Bengali settlers had also been present and destroyed houses.

Hill people have to report to the army every incident of the Shanti Bahini coming to their village, to collect taxes or for any other purpose. If the army suspects that the villagers have failed to report, they are punished.

"Last year there was an army camp near here. 30 army man came to our village and they searched for me. When they found me they said: 'You are an agent of the SB and you are working for them.' I said: 'No, I don’t have any connection'. They bound my hands and poured hot water over my hands. Five or six people were holding me. This happened in the village, all could see. Another man was treated the same. Then they asked me: 'Have you given tax to the SB?' ‘No’, I said. 'I have never given anything to the SB.’ 'Don't tell lies', they said. 'You tell lies', and again they started beating me up.”

Military officers assured the Commission several times that after 1987 there have been no more reprisal killings by the army. They insisted that the killings and violence in Langadu in May 1989 was a 'spontaneous' reaction of VDP personnel and Bengali settlers after the killing of a Bengali Upazilla chairman. An army officer explained this as follows:

"Immediately after hearing of his death the Bengalis got very agitated. Then on a spontaneous reaction, Bengalis went and rampaged the tribals which are living closer to the settlers ... By the time they (the army) could realise what had actually happened, the Bengalis maintained the rampage and later on the army came out and brought the situation under control. But meanwhile about 700 houses were burnt ... because we don't have actually that many forces to go around, because before you realise what is this, because there are also times when insurgents come and burn houses. So when the army has to go on the security work they have to be sure what is ... and it was in the month of Ramadan, when we have a lower activity."

Reports from other sources which the Commission received say that the attack took place two hours after the killing of the Upazilla chairman and had continued throughout the night.

The efforts of the investigation committee set up after the incident and headed by the Additional Deputy Commissioner of Rangamati District have not yet resulted in any convictions. The Commission was told that, 19 months after the incident, cases were still continuing. About 30 people have been taken into custody and again released on bail. They are still waiting to be summoned to Court.

Even though some incidents and massacres, like the one in Langadu, may not have taken place directly with the army in the forefront, it is clear from various eyewitness reports given to the Commission, that the army was present behind the settlers in their attacks. The Commission heard many accounts of killing, torture, rape and other violations of human rights which the army had committed since 1987. Apart from personal interviews, the Commission received a list of atrocities from January to October 1990. On this list 53 occasions were mentioned when a total of 173 hill people had been arrested, of whom four had been tortured to death and two shot dead in custody. On 23 occasions army operations had been carried out, which involved the burning and looting of houses, as well as beating and arresting people. Two of these army operations had been in Bandarban District. For each single incident the names of the villages, persons affected and the army officers responsible were given.

In 1991 the Commission received yet another detailed account of military intervention in the CHT reporting 612 incidents of' human rights violations covering the time between January and December 1990. The Commission, however, acknowledges that this list is far from being complete; the real number of cases of human rights violations seems to be much higher.

The Commission was assured by the military that combing operations have long been suspended. Evidence from the hill peoples, however, indicates that even throughout the whole year of 1990 this type of strategy had been implemented in the Hill Tracts. Moreover, the Commission has noted a change in eviction strategy: whereas previous eviction programmes had forced many hill people to flee across the border to Tripura, the current policy is forcibly to evict hill people from their homes and lands and shift them to cluster villages right away, so as to prevent them from causing international concern. The following incident stands as one example among many of this.

On October 22nd 1990 Major Haleem, 10 EBR, of Shaheed Atiyar Camp and soldiers from 35 EBR of Thangchi Camp shifted 22 hill peoples, after having resorted to looting and arson, to a cluster village. Fourteen houses were said to have been burnt.

Looting and arson, rape, gang-rape, torture to death (mostly backed up by charges of support for the Shanti Bahini) and murder have continued to be the ever recurrent characteristics of eviction and intimidation in 1990. Again, an incident of December 28th 1990 may stand for others. On that date three Chakma girls aged between 12 and 18 were gang-raped by eight VDP personnel posted at number 10 sentry post, Laxmichari, Laxmichari Upazilla, mutilated and killed, along with a 10 year old boy.

Press information and reports circulated by Amnesty International and Anti-Slavery International confirm that reprisal killings and forcible relocation are still a common pattern in the Hill Tracts. There is a general atmosphere of fear among the hill people in the CHT, especially in the north. Many people spoke to the

Commission while appearing very clearly distressed. Yet they were eager to tell of their experiences despite their fear of future repercussions from the army. Several of those who spoke to the Commission were threatened by the army and told: "After those foreigners have left we'll get you."

Military Control of the Hill People

The general pattern of military control of the hill peoples follows an interlinked strategy:

1. Physical control, consisting of
1.1. Grouping the population together in cluster villages,
1.2. Restricting movement in certain areas.

2. Political and socio-economic control by
2.1. Outplaying the insurgents by setting up civil authorities, the District Councils and by
2.2. what are called development programmes. These will be dealt with here under the aspect of pacification programmes designed to "win the hearts and the minds of the people".

The settlement of Bengalis is also an aspect of counter-insurgency through population control, as explained to the Commission by an army officer.

"In those days when this question of settlement came the government gave an offer to the insurgents that: come and talk with us" and we gave them three such offers, they just rejected the offer, then the government went on finding no other way they decided "OK, we settle people in that place".

However, the primary impact of settlement is on the land rights of the hill peoples. It will be looked at separately.

1.1. Cluster village program

In this chapter the cluster villages will be mainly dealt with from the point of view of counter-insurgency; the effect on the hill peoples' economy will be discussed later.

The counter-insurgency cluster village programme started in 1988. Civil and military authorities explain the establishment of villages as arising from the operations of the Shanti Bahini. The model is explicitly that used in Malaya by the British in the 1950s and 1960.

The majority of cluster villages have been set up in Khagrachari and Rangamati Districts, both for Bengalis and for hill people. In the south there are cluster villages as well, but only for hill people. There they are called 'grouping centres'. The Commission received figures from the military that indicate that in Khagrachari District alone there are 109 guchchagrams for Bengalis, 80 borogams for Tripura and Marma and 16 shantinrams for Chakma.

Interviews with relocated hill people in cluster villages at Jhuraichari, Dighinala and Khagrachari indicated that the people had been moved because of Shanti Bahini operations. They had been afraid of going to their fields to work in case they were attacked and they had also said that they no longer wanted to pay taxes to the Shanti Bahini. They had requested the army to resettle them.

The Commission heard on several occasions that before moving, the villagers had not been attacked by the Shanti Bahini. Rather they had been given an ultimatum to move into a cluster village. When they had refused, the army and settlers had attacked their villages and the Shanti Bahini were blamed.

Each cluster village is protected by Bengali armed personnel who control movements in and out of the settlement. In one cluster village the Commission was shown how the sentry posts face both in and out. People in the duster villages cannot travel without permission from the army. In some cluster villages the hill people have to hand in their knives and other implements at night. In the morning they collect them again with army permission.

Although several of the military officers said that the cluster villages had been established to protect the population from SB attacks, the Commission was told by one senior military officer that:

"the main aim (of the cluster villages) is to cut the line of supplies to the Shanti Bahini and to bring the tribals and Bengalis into the modern line."

In the south this is also apparent. There the cluster villages are only for hill people. They are located mainly on the border areas with Burma and Mizoram where there is some possibility of Shanti Bahini activities.

Cluster villages were regularly referred to as 'concentration camps' and one person summed up the feelings of many hill peoples as follows:

> “To live in a cluster village and to live in jail is the same story.”

2.1. Restrictions on movement, buying and selling

"I was in Kagrachari jail for 11 months. I went to the market and bought some clothes. All of a sudden a policeman came from behind and caught me. The police asked: 'Why did you buy the clothes?' I said: 'To wear.' Then he took me to jail and started beating me and giving me electric shocks. They kept me one and a half days, tying my hands. Then they transferred me to Khagrachari army camp. They tortured me at the army camp. The army soldiers assaulted me by touching my breasts etc. After five days I was released on the condition that I report there every month. The charge was that I bought clothes for the Shanti Bahini."

This happened in 1989 to a Chakma woman from Khagrachari District.
In certain areas there are restrictions on what hill people can buy.

The army divides the CHT into three different zones: red, yellow and white. The red zones are the interior hill peoples’ areas. The white zones are the areas within two miles of the regional military headquarters where the army is in full control, while the yellow zones are the Bengali settler areas.

The following restrictions broadly cover the different zones: In the red zones the most restrictions are imposed on the hill people but not on the Bengalis. All the hill people have to carry an identity card and if they go shopping they have to carry a market pass. The market pass (which is headed '"Bangladesh is in my heart") is a means of controlling the quantities of rice, kerosene, oil and other goods which they are allowed to buy. A family cannot buy more than four kilos of rice per person each week. This is checked at all the military posts along the road. People are asked where they come from, where they are going to and

their bags are searched. If hill people want to sell some of their produce, such as rice, they have first to seek written permission from the army.

One hill youth in Dighinala Upazilla told the Commission that his family wanted to sell rice so he could pay the fees for his studies. When the permission came they were allowed to sell only one maund of rice (about 40 kilos) which was not enough to pay for his studies.

There is also a restriction on the quantity of medicines that a person may buy and in some places people need permission from the army before buying any medicines. In the south, the Commission was also told that people need permission to take goods from there to Bandarban.

The reason behind these measures is the army's fear that people will give food and other necessities to the SB.
In the yellow zones the hill people have to carry identity cards, but no market passes are needed. There is however, in these zones too, a restriction on how much medicine they are allowed to buy.

In the white zones there are no specific restrictions, but only those which apply throughout the CHT as a whole. These include a prohibition on all movement outside of towns after the closing hours of the check posts and the need for written permission for long trips.

2.1. District Councils
The setting up of a civil administration in the CHT in 1989, i.e. the creation of the District Councils, has been called a major step along the way to a political solution to the problems in the hills. While the Commission agrees that the situation in the Hill Tracts can only be normalized by political means, it assesses the implementation of the District Councils (which are more thoroughly dealt with in another chapter of this report) also in terms of counter-insurgency strategy. The creation of the District Councils was the result of military planning. The District Council Bill was initially drafted by Brigadier Ibrahim, former Commander of Dighinala zone and General Abdus Salam, former GOC in Chittagong, while negotiations with the JSS were still in progress.

2.2. The 'Friendship' Programme
A military officer explained to the Commission:

"Pacification, that is an American term. What is in the book is military-civic action. We renamed this. We are trying to win them over, to give them the feeling that we are not different. We call pacification in our terms 'Friendship (Maitree) Programmes'. This is part of our strategy to give them more confidence in the military."

Another officer put it this way:

"With counter-insurgency you have to win the hearts of the people in an area of discontent and this needs the personal touch. It is not just barrels of guns."

The Commission heard about and also visited several of these 'friendship' programmes. They vary from small scale income generating projects, the construction of a community building in a village, the

construction of a temple or a church, schools, food distribution, buying goats for the people, among others. All this has been undertaken by the army on its own initiative
in the last two years. The money for it comes from the overall budget for counter-insurgency, or from the particular brigade budget.

Conclusions

In spite of the time, effort and money invested in counter-insurgency, the result is not a comprehensive success on army terms. Hill people are terrorised by the army and still they support the Shanti Bahini in large numbers. The cluster village programme may have succeeded in cutting off the SB from some of its supporters, but at the same time the programme has led to great dissatisfaction among the hill people who resent the military control over their lives.

Comparing the estimated strength of the Shanti Bahini with that of the military, the Commission considers that the militarization of the Hill Tracts is a clear case of overkill. More than 50,000 members of the Bangladesh security forces are fighting against between 500 and 1000 armed guerrillas (according to army estimates) who operate with limited resources from across the border.

The CHT is a military occupied area. The military dominates all spheres of life. Commanders told the Commission that military control of civil authorities was necessary for efficiency and security.
The number of large-scale massacres which occurred up to 1988 may have decreased, but many incidents are still taking place. Hill people are being killed, tortured, raped, injured and arrested. The influx of refugees to India is continuing because there is no security for them in the Hill Tracts.

The army operates to ensure a Bengali settler presence in the Hill Tracts. As the Bengalis in the CHT already outnumber the hill people in Bandarban District, and in Rangamati and Khagrachari Districts the ratio may be about equal; this means that the army is enforcing a system of Bengali culture and administration onto the hill people.

It has become extremely difficult for the hill people to retain their own specific identities and has even made the possibility of physical survival perilous. The conclusion of the Commission is that a genocidal process still threatens the hill people in the Chittagong Hill Tracts. The military is ultimately responsible for this. As an officer said to the Commission on its entry into the Hill Tracts for the first time:

"There is one boss in these three districts and that is the man in Chittagong - the General Officer Commanding."

LAND: DISPOSSESSION AND DEPENDENCY

"In the CHT the land problem is the main problem."
Gautam Dewan, Chairman, Rangamati District Council

"Religion is not the issue in the CHT but land. The Bengalis want land and so the result is a "class struggle" without the philosophy. Bengali Muslims want land and cheat the tribals."
Bengali political commentator

The hill peoples of the Chittagong Hill Tracts practice both plough cultivation and swidden agriculture (jhum). These two types of agriculture are adaptations to the varied ecological environments of the CHT. Where the hill slopes are gentle the landscape is favourable for swidden agriculture, while ploughed fields and paddy rice are found in the broader valleys.

The northern part of the Hill Tracts contains more broad valleys and so there is more ploughed land in that area. Frequently one family will have both ploughed fields in the valley and swidden plots higher up in the hills. Plough cultivation allows for two harvests of rice a year and supports a considerably larger population than purely swidden agriculture.

Different explanations of these systems relate clearly to perceptions and understanding of the hill people. Bengali representatives with whom the Commission spoke constantly referred to swidden agriculture as another aspect of the backwardness of hill people. Jhum agriculture is seen as encouraging a nomadic lifestyle because the location of fields changes every few years. Furthermore jhum agriculture is considered to be detrimental to the forest and to cause erosion. Two quotes illustrate this - both from high-ranking military officials in the Hill Tracts:

"One of the bad things, actually, is the jhum cultivation, which is one of the main reasons for the erosion of the forest,"

"Tribal people carry out jhum cultivation which ... involves migrating and is harmful for the soil,"

The Bengali version of the history of the Hill Tracts is that the Chakma, Marma and Tripura, who carry out plough cultivation, learned this technique from the more advanced Bengalis some time around the 1940s. In contrast, scholars have pointed out that the British introduced plough cultivation in the last century. The Marma, for example, knew about plough cultivation long before they practised it in the Hill Tracts. Far from being a progressive development, plough agriculture was an option chosen by the people to increase production in the face of a rising population at the end of the 19th century.

Jhum agriculture has for some time been leading to an increase in soil deterioration, but this is a response to the rising population of the Hill Tracts and the shortage of land, rather than a fault of jhum cultivation itself. Ecological experts are now convinced that if handled properly, jhum cultivation can be an excellent way of ensuring the sustainability of the forest given sufficient land.

The shortage of land in the Hill Tracts was apparent even before the Kaptai Dam was constructed. However the impression of many hill people is that land problems deteriorated after 1970. One hill representative explained it in his own way:
"Jhum cultivation is of our society ... Before 1960 our fathers and grandfathers cultivated and we keep up that jhum cultivation ... And it was that time when Bengali persons came after 1970 after our liberation freedom war and ... cut the jungle so that today jhum cultivation not available, no deep forest."

The role of jhum in the identity of the hill people of the CHT is crucial because it is one of the clearest factors which differentiates them from the Bengalis who have entered the area in recent years from the plains. Jumma is a term which has been used in the past for hill people and again more recently to refer to the ethnic nationalist aspiration of the JSS.

The discussion in favour of, or against, jhum agriculture is thus more than one of agricultural efficiency, it is about the identity of the hill people in the CHT. Jhum agriculture is officially regarded as undesirable and something that should be replaced by what are considered mote "civilised" forms of occupation. The hill people have taken no notice and have continued to practice agriculture. The government, however, is increasing its jhumma rehabilitation programme to discourage traditional patterns.

Land Rights and Documentation
Many Bengalis have the fallacious idea that the hill peoples have no rights to their lands. This is based on two axioms:

1. All land belongs to the government

2. There is freedom of movement and land can be bought and sold anywhere in Bangladesh.

In fact, since the British controlled the Chittagong Hill Tracts there has been a clearly defined system of land rights, basic elements of which government representatives assured the Commission are still in force. The system as it stands is based on three different principles:

1. Hill Peoples' Rights and Conceptions of Land Ownership
In the land system in the Chittagong Hill Tracts, hill people could only subsist from their fields as a part of a community, bound in ties of mutual reciprocity. For the shifting cultivators of the Hill Tracts, land is common property, belonging to the community, kinship groups and even members of the spirit world, with individual families exercising the right to use the land – in western terms, a usufruct.

Throughout the Hill Tracts there is a fundamental principle whereby the tribal peoples consider that the land belongs to them, even though the government may control aspects of its transfer. The reason is that the headman is the local arbitrator of all land decisions. Legally, no transfer of land can be made without the approval of the headman, who is a recognised representative of the government for a cluster of villages called mouza.

The headman does not own the land himself but acts in the interests of the communities he represents. He thus symbolises the communal aspect of land ownership in the Hill Tracts. Indeed when we look at the other two dimensions - land-holdings for plough and swidden agriculture, it is possible to see the pivotal role which the local headmen have to play if the system is to work.

1.1 Jhum land and jhum tax.

Between 1892 and 1900, when the CHT Regulation came into force, the British established the administrative organisation of the Chittagong Hill Tracts. The British administered a policy of indirect rule through three chiefs (one Chakma and two Marma) who collected taxes from three tax circles. They began to collect taxes from village headmen whose task it was to gather the revenue on the basis of jhum fields.

The chiefs (or Rajas as they call themselves) collected 6 Taka per jhum plot and for groves 1 Taka per acre. The tax would be collected by the headman and passed on to the Raja who would keep 50 per cent himself. The Raja gave the money to the Deputy Commissioner who received the tax in his capacity as Collector of Revenue.

Some of the jhum plots were registered in writing because they were used for a few years and then left in fallow as the hill family cleared another area for fields. The Raja's main income came from their percentage of the tax. Although the revenue was already decreasing in the 1960s, with the increase in Bengali settlers and the government's attempt to stop jhum cultivation, the revenue has now fallen considerably.

3. Land Documents for Plough Land

The British encouraged plough cultivation among the hill peoples and it led to more settled villages. With the introduction of more permanent fields in the valleys of the Hill Tracts, primarily among Chakma, Marma and Tripura, a detailed system of allocating rights to land was applied.

The documents for land in the Hill Tracts resemble those in other parts of Bangladesh in name, but fit into the system of civil administration involving the headman of the area. There are several different papers relating to the process of titling land. The most important are the khatiyan and kahuliat.

The khatiyan is a document which defines a particular plot of land. The area is numbered and described according to natural features marked on a makussa or rough sketch which is made in the field. The soils are classified and the rent noted. The owner has a copy of the khatiyan and a book inscribed with all the plots (the rent roll) is in the possession of the headman. A second copy of the books is deposited with the Upazila Land Records Office and a copy is given to the Deputy Commissioner of the district.

The kabuliat (sometimes known as a kowla), is a document of settlement for the land. It consists of a contract which recognises the holder as the subject of a piece of land for a renewable lease of 10 years which can only be transferred through the DC in consultation with the local headman. The kabuliat stipulates the conditions necessary for cultivating the land which have to be fulfilled (such as clearing). A copy of the kabuliat remains with the owner, the headman and the Deputy Commissioner (in the Upazila Land Records Office).

The amount of payment is organised periodically according to area and class of soil and is arranged in a jamabandi, an official registering of payments for the whole area. The dhakila is the receipt which each owner receives after payment of tax on the land.

This system of land registration has been so highly organised over the last 100 years that there is hardly an area of plough land in the CHT that has not been registered in the name of hill families.

The 1900 Regulation and the District Council Laws

Under the 1900 Hill Tracts Regulation, the CHT was an excluded area. Schedule 35 states that those who do not belong to the Chittagong Hill Tracts wiII not be given permission to settle on hill peoples' lands. All land transfers had to take place with the consent of the Deputy Commissioner after consulting with the local headman to ensure no one else was on the land. The legal protection against outsiders taking hill peoples' land appeared to be very strong.

The District Council Laws of 1989 have raised the prospect of handing some powers over land to the District Council. According to Section 64 no land can be transferred to a non-resident without prior consent of the Council. In the case of transferring land within the resident settler population or within the hill peoples there is no bar. However the amount of land covered by the District Council laws appears to be only 10 per cent of the area of the Hill Tracts.

Section 28 of the draft Rangamati Council law explains it as follows:

"Whatever are the contents of any of the present valid laws, no land in the Rangamati Hill District area can be given settlement without the prior approval of the Council and without similar approval, no land in the Rangamati Hill District can be transferred to any person who is not a resident of this District on condition that this rule will not be applicable in the case of protected and reserved forests, Kaptai Lake and the Hydro-electric Project Area, Bet Bunia Earth-Satellite Station area, State Industrial area, any land which has already been transferred or settled in the interest of the State or the people, and any land or forest which will be required in the interest of the State."

Even though the District Council law provides each Council wish only very limited control over land transfers, it undermines some of the power of the Deputy Commissioner under the 1900 Regulation, to provide consent to land changes. During the Commission's visit to the Hill Tracts, it was told several times that the fourth Bill establishing the District Councils and repealing the 1900 Regulation has not yet been gazetted.

Land Crisis

"We have a land crisis because of the dam and the settlers."
Gautam Dewan, Rangamati District Council Chairman

The Dam

Between 1957 and 1963 a dam and hydroelectric plant was built at Kaptai. The artificial lake flooded just under half of all the available cultivable land in the Hill Tracts. 100,000 hill people were displaced by the dam. Compensation for lost land was negligible and over 40,000 Chakma crossed the border into India. Many still live stateless in Arunachal Pradesh. A District Council member told the Commission:

"After the Kaptai flooding many tribal people lost land and went into service employment which meant that literacy is important. Many tribals went to Arunachal Pradesh. The compensation programme did not work well. Originally people were offered 600 Taka with different rates for 1st, 2nd and 3rd class land and fruit trees. The rates ceased and the tribals had no organisation to oppose the loss of money. The tribal chiefs accepted the arrangement. People see Kaptai as leading to much of the contemporary problems. 54,000 acres, 40 per cent of the ploughed land in the CHT was lost."

Those hill people who continued to live from the land were forced to move up to the shores of the lake. The government did nothing to ensure that they were compensated for their flooded lost land with more titled land. The effect was to disrupt hill peoples' life considerably and a further shortage of land.

2. The Influx of Settlers

At the same time as the dam was built, the then Pakistan government began to encourage poor Bengali families to enter the Hill Tracts. However the history of Bengali settlement in the Hill Tracts goes back considerably further. Under British colonial rule settlers from outside the Hill Tracts were not allowed the move into the area permanently and could not purchase land from the hill people. However plough land leases were granted to some Bengali settlers which ledto an increase of outsiders moving into the Hill Tracts prior to 1947.

At the time of partition less than three per cent of the population in the CHT were Bengali. However under the rule of Pakistan the 1900 Regulation was not respected and a steady stream of Bengali settlers moved into the CHT in the 1950s and early 1960s. These settlements of poor Bengalis into the CHT resulted in the eviction of thousands of hill families who were pushed into the bordering countries of India and Burma.

The effect of loss of land from the Kaptai dam increased pressure on resources. A year after the dam was completed (1964), the special status of the CHT as a hill peoples' and autonomous area ceased to have any constitutional recognition. There were increased settlers. By the time of Bangladesh’s liberation the proportion of Bengali settlers to hill peoples had risen to one in ten.

Throughout the 1970s the numbers of Bengali settlers increased gradually, particularly after the liberation war when 50,000 Bengalis entered the Ramgarh area. However it was between 1979 and 1983 that the stream became a torrent. President Ziaur Rahman, in 1979, presided over a secret meeting where a government policy for large-scale settlements of thousands of poor Bengalis was established.

Bengali settlers were transmigrated primarily from the plains regions of Chittagong and Noakhali in three waves. In 1979 and 1980, 100,000 settlers moved into the Hill Tracts. Another 100,000 entered in 1981 and 200,000 more between 1982 and 1983. There are currently over 400,000 Bengali settlers throughout the CHT and the Commission was told that mere people are entering the area.

This massive increase of Bengali settlers had a devastating effect on the hill people, who in a few years became almost a minority in their awn districts. The shortage of land which had become apparent over the time of the Kaptai dam, became even more acute as the Bengalis from the plains sought land on which to settle. The only available areas were forestland held by the state and the land which hill people held.

The Effect of Bengali Settlement on the Hill Peoples

The government resettlement programmes between 1979 and 1983 dispossessed thousands of hill peoples who fled from the country. The resettlement was opposed violently by the Shanti Bahini and could only continue along with a heavy militarisation of the CHT. The Bengalis could not have settled in the Hill Tracts without the active support of the armed forces.

The Commission received information covering the different contexts in which land was taken from the hill people after the Bengali settlement in the early 1980s. The government was meant to settle Bengalis on

khash land. Khash land is unused land suitable for government uses. However this term was misused, particularly around the shores of the Kaptai lake.

A military officer described the effect of Bengali settlement around the Kaptai lake as follows:

"When the water engulfed the surrounding area then the tribals who had their lands close to rivers, they automatically came to the shore of the lake. As for the government documentation these lands were supposed to be government owned lands. They are not individual properties. So when in 1979 and 1980 the first settlement started then the officials earmarked places for settlement which were not necessarily vacant. Many of them were occupied by the tribals because after their land had gone submerged under the water so they came close to the shore of the lake. So when this settlement took place the tribals, they vacated the area. They went to the interior and the Bengalis came and settled here. So from documentation on paper although the officials are right in saying that we have settled them on our government land, in fact they are not, because it is occupied by some other people. And I was saying that the settlement could have been organised in a much better way had there been an understanding with the local tribal headmen and karbaris."

The hill people from around the lake put the case even more bluntly:

"We want our rights to our land and to do free business. We have to take orders from the army. The Bengalis attacked us. After the killings our friends, brothers and sisters went to India and some to the jungle. The whole place was taken by force, by Bengalis."

"After the dam was built there was a survey of the land and the Chakmas were moved from the lands by the river which were divided up for industry and Bengalis. This was a dirty policy. We want the right of self-determination."

There were various ways in which hill people have been, and still are being dispossessed of their lands. In many cases, Bengali settlers move into an area and gradually encroach on the lands of their tribal neighbours. A Chakma refugee from Panchari describes the initial process as follows:

"About 1980-1981 Bengalis moved in. They did not get the khatiyan and kowla and the Hill lands were not used for them. So to get the land the government gave them rations of rice etc. and sponsored them. Settlers moved into the Hills where no one was, then they moved the tribals by force with the help of the army. The Deputy Commissioner would come over and say that this place was suitable for settlers so tribal people must move and would receive money in compensation, But in reality they did not get money or resettlement. In 1980 tribal people had to move by order of the government. We moved half a kilometre away and stayed until 1986 ... The new attack was in 1986".

Attacks on hill peoples' villages are the most common way to evict the inhabitants from their lands. A Tripura refugee in India from Bakmara Taindong Para near Matiranga described what happened to his village in 1981 when the settlers moved into his village:

"Muslims from different parts of Bangladesh were brought in by Bangladeshi authorities. Before that our village was populated only by Chakma, Tripura and Marma. With the assistance of the government these settlers were rehabilitated in our village and they continued to give us various troubles…they indicate

persons and the army beats them and robs. They took all the food grain. Whenever we seek any justice from the army we don't get it. All villagers lived under great tension due to various incidents all around. Three days after an incident when six persons had been killed, just before getting dark, many settlers came to our village, shouting 'Allahu Akbar" When they arrived we escaped so the settlers got the opportunity to set fire."

A Chakma refugee in Tripura told what happened to his village in 1986:

"I lost my land. Settlers came and captured by land. They burnt our houses first. They came with soldiers. This took place on 1st May 1986 at Kalanal, Panchari. My house was in a village with a temple. The whole village of 60 houses was burnt. After seeing this we ran through the jungles and eventually reached India, coming to Karbook camp."

The Commission received descriptions of similar events from those interviewed in Tripura and many people in the CHT. Furthermore it was presented with documentary evidence of over 300 cases of land-grabbing in Khagrachari, Dighinala and Panchari.

The military insisted that attacks on villages had stopped after 1989. However the evidence the Commission received does not support this view. The following interview refers to events which took place on November 21st, 1990:

"Muslim settlers wanted to take we villagers to a cluster village but we refused to go there. The villagers were beaten up by the Muslim settlers of which three families managed to escape one of which is mine. These three families came to Kheddarachara for jhum cultivation. We stayed there for one and a half years. The day before yesterday the Muslim settlers came to the same village and rounded up the households. The settlers were accompanied by Bangladeshi soldiers. I took shelter in a nearby latrine when the villagers were rounded up. Later I tried to leave the latrine to go somewhere else. The village had been surrounded. As I was trying to escape the Muslim settlers shot me. I saw one settles who had a gun and he shot me. It was a single barrelled shot-gun. The incident took place in the early morning around 6 o’clock. After getting the bullet injury I ran away into a safe place. I don't know what happened to the other villagers. I ran away from the place for about half a mile. Then I fell down and lost consciousness. Two refugees went there to collect indigenous vegetables and brought me to the camp about 10 o’clock. I have been twice attacked to be taken to a cluster village, the second time I was shot."

The Illegality of Grabbing Hill Peoples' Land - A Case Study

The Commission heard several cases of hill peoples' titled land grabbed by Bengali settlers. The Commission followed up information which was presented by a refugee in the camps.

Mr Ranjit Narayan Tripura, aged 58, from the village of Boalkhali Jamtala, Dighinala, was headmaster at the orphanage which was destroyed in 1986. He explained his case in an interview at Takumbari camp:

"I had agricultural land which was encoded in khatiyan numbers 490 and 402. These are the documents which relate to my land. I have a receipt of rent payment which we had to pay yearly for the land to the headman, Suresh Chandra. This is the dakhila - receipt far yearly rent. It was 20.25 Taka. My land was occupied by me and then taken over by Abdul Hoque and Balen Hossein. They occupied my plot number 490. The next document is a kabuliat which is a document of settlement. It includes the following points:

'"I Ranjit Narayan Tripura whose father is from Shaken, village Mouza No. 31 DS Dighinala. It is hereby stating the following: in the schedules of 5 acres of land with the conditions I accept this kabuliat on 30/7/82 which will remain effective until the next survey'. Usually these took place every 10 years in the Pakistan period but there were no surveys after Bangladesh came into being in 1971. The lands are used for payment of annual rent or annual tax which I should pay to the Mouza headman or any other government official before the 15th day of March. After that the tax will, be charged in arrears.'

"My land was forcibly taken over on 1st January 1985. At that time I was absent. I reached home on 6th January and found that these settlers had built a dwelling house on my land. My dwelling house was a little away from my orchard where I grew bananas, jackfruit, mango and such plants. Just attached to that place is Jamtala Ansar (paramilitary) Camp. When I went to talk with the authorities there, Ansars and army personnel prevented me from talking with them. Then on the 8th January 1985, I went to Dighinala Cantonment and produced a petition for the commanding officer Abdar Rab - 4th Bengal Regiment and also to the UNO (Upazila Nirbahi Offices - Upazila Administrative Officer) but he did not take any steps. Abdar Rab said that he would make a compromise between myself and the settlers. One day he called both myself, Abdul Hoque and Balen Hossein and told them to leave in my presence. But after leaving the cantonment they built new houses and made space to let rooms to two Ansars from the nearby camp. The UNO did nothing. I repeatedly complained and the Commanding Officer said that my petition had been lost so I introduced it three times to him. I had to produce a petition to the UNO twice. Then one and a half years later I had to flee from my house on the 14th of June 1986. The authorities made no attempt to deal with the problem. The houses of Hoque and Hossein were not burnt in 1986.

"My wife had problems with her land. She is Birabala Pomang. Hoque and Hossein took 10 acres of her farmland by digging a pond on khatiyans 109 and 355. My wife sent a petition to the Upazila magistrate which he did not accept. He is a judge but did not want to hear the case. He said nothing. Hoque and Hossein had forcibly acquired 1 acre and dug up a pond for his use. She wanted the case to restore the lands to her legally. Matur Rahman, the Magistrate did nothing so they then took up the other six acres."

The Commission received the kabuliat and a map from Mr. Tripura showing where his land was. The Commission decided to visit Jamtala and see what had happened to his and his wife's lands. The vehicles drove from Boalkhali to Dighinala and at the Jamtala turning there was a pond exactly as marked on the map, opposite the Ansar camp.

A group of Commission members then visited a house which was built in the middle of a banana field. According to the map, this was Mr. Tripura's land. A Bengali family lived there but were reluctant to say what their names were. Finally it leaked out that the family name was Hossein.

The following day several Commission members visited the Land Records Office at the Upazila HQ, Dighinala where the khatiyan of Mr. Tripura was registered. The Commission asked to see khatiyan 490 which belonged to Ranjit Narayan Tripura son of Upendra Lal Tripura. The first entry had the following information:

"Name: Ranjit Narayan Tripura, s/o Upendra Lal Tripura. Place: No. 31 Boalkhali Mouza. Total area: 4 acres.

1. Plot is 3rd Class Land, rent 1 Taka per acre. Demarcation: North side: Rajendra Karbari's lands; South side, Roda market and Rosi Kumar Hill School and Cora stream; East side: Biroabala Pornang's land; West side, 1st Class land and drain for 1st class land.

2. Plot is 2nd class land, total area 1 acre with rent 2 Taka per acre. Jodhi boundary. North side: HiII; South side: Mark and pond of Maroichola Pomang; East side: Mill; and West side field of Birabala Pomang. Reference: Settlement case 795/80-81. The case was last registered in 1981 and is still valid.

There is no claimant on this land and it is claimed as khash land Suresh Chandra Pomang, headman, 1980/81."

The officials in the office explained that Ranjit Tripura was not living there. They assumed that he was a refugee in India although they had no confirmation where he was. They said that the land was vacant, nobody was there.

The Commission mentioned that on the previous day it had visited the plot and seen a Bengali family. The officials said that the settlement of a Bengali family there was illegal and that they were not permitted to build a house. The Commission was then told by the officials that the family had come in 1984-5 and moved onto Ranjit Tripura's land. The Bengalis were Abdul Hoque, Balen Hossein and Sofi Ahmed. Ranjit Tripura filed a case against Abdul Hoque in 1984-5. Abdul Hoque eventually won the case but it was not judged properly because after Ranjit Tripura had left for India, the Deputy Commissioner in Khagrachari had unilaterally allowed the Bengalis to remain. When the current DC in Khagrachari was asked about this he said that no one was living on the Iand at the time.

The land belonging to Mr. Tripura was given to Adbul Hoque and the others without local consent. The Deputy Commissioner had not consulted the headman of the village or else it would be marked in the khatiyan records. The headman had not given his consent. The Deputy Commissioner was trying to resettle Bengalis in the area. But legally he could not do this and officially Ranjit Tripura still holds this land.

The Commission raised the case of illegaI encroachment of Hill peoples' lands by Bengalis several times during its visit in the Hill Tracts. The District Council in Rangamati had proposed a massive cadastral survey which would consult with local headmen to find out exactly where hill peoples' land was.

The Fate of Hill People Dispossessed of Their Lands

According to all the cases of land dispossession which the Commission heard both in Tripura and in the Chittagong Hill Tracts, violence, intimidation and arson are the main methods used by both the army and Bengali settlers to force hill people to leave their villages. Entire villages have been forced to flee from their lands. Three different fates await them.

1. Refuge in the jungles

Immediately after fleeing a village, the inhabitants run to the nearest forest and go into hiding. Sometimes this period lasts for a few days, sometimes it lasts for as long as it takes to escape to India. Sometimes however, families have stayed in the forests for periods of over a year, which has meant that whole groups of tribal people are in hiding from fear of the army and settlers in the Chittagong Hill Tracts.

One Chakma woman in Tripura from Khagrachari spent two years from 1985 until 1987 in the forest. Another woman from the same area said:

"After June 1986 all the houses were burnt. People were tortured like anything and some others were raped and beaten. I fled to the jungle and stayed there for one year eating jungle potatoes, bamboo shoots and jungle fruits. Sometimes we were without food, I was with 11 others from our village."

A Chakma from Mahalchasi, now in Tripura, reported:

"I was in the jungle for three months and would like to explain more about it. I took shelter in the jungle on 30th May along with my friend. We constructed a small hut in the jungle which is very close to our village. We used to collect food and materials from the villagers. Whenever we could not collect we had to starve and sometimes we took wild potatoes and ate wild fruits etc ... During that period Muslim settlers and the Bangladesh army were searching for us. We would move deep into the dense forest. We moved two or three times in a week. Although we did not meet other Chakma seeking refuge in the forest, I had heard of many who have done so."

2. Refuge in a "Neighbouring Country"

At the height of the influx of refugees from the Chittagong Hill Tracts there were 70,000 Hill people in camps in Tripura. Others had crossed to Mizoram and, from the southern Hill Tracts, across the border to Burma. Most of the refugees explain that they had difficulties crossing the border into India and were sometimes forced back before making their ways across the border by stealth.

The waves of refugees are directly related to the waves of violence against the tribal people in the Hill Tracts. However, the origins of the refugees depend on the accessibility of their villages to the borders. Most of the refugees in Tripura come from the Khagrachari and Dighinala areas. On the other hand, the majority of those fleeing from Langadu after the attacks on May 4th, 1989, were not allowed into Mizoram and so remained in the forest areas and did not attempt to make the dangerous trek across the Hill Tracts to Tripura.

Of those who reached Tripura there were several who took advantage of repatriation offers by the Bangladesh government. They returned to the Chittagong Hill Tracts, but found life very difficult:

“I came to Tripura in October 1981 for the first time after my mother and my father had been killed. In 1981 we took shelter in Tripura as refugees. Then after six months we went back on promise of food for six months. When we went back to the CHT again the Bangladesh government and army personnel tortured us and set on fire our villages ... They attacked my house all of a sudden from both sides ... I was also raped and left senseless. When I got back my senses I did not see anybody around me. I started walking ... and eventually reached Tripura."

While people are in India, their land is usually taken over by Bengali settlers who coveted it before the attack. Although the land is legally in the hands of the refugees, there are sometimes problems which exacerbate the difficulties of regaining land. The land documents are frequently destroyed when the houses are burnt which means that the only records of the deeds lie with the authorities. In some cases, the new Bengali settlers obtain false papers for the same land and it becomes difficult for the hill person to prove ownership.

An official system which has been started in Dighinala recently is a form of share-cropping. According to this scheme, settlers who use the land belonging to someone who has fled to Tripura have to pay 50 per cent of any benefits accruing from the plot to the government. The idea is to prevent refugees sub-leasing their lost lands or receiving rent from members of their families who have stayed in the CHT. It is difficult to envisage how this program, described by the authorities, could ever be realised.

The Bangladesh authorities claim that thousands of refugees are returning to the Chittagong Hill Tracts. There indeed appears to be a reduction in the number of refugees in the camps over the last year and a drop in figures from about 70,000 to 55,000. Not all of the 15,000 have returned to the Hill Tracts and there is a sizeable number of refugees who have moved into Tripura State. Similarly there are at least 500 refugees who are not registered even though they live in the camps. Furthermore new arrivals are constantly coming into the camps from the CHT as more villages are burnt and the oppression reaches other communities.

Those who have returned to Bangladesh have moved to rehabilitation schemes or are continuing with their education. The 700 rehabilitated refugees in Langadu appear to be hill people who fled to the forest and were prevented from entering Mizoram, rather than returnees from the Tripura camps. Similarly, the families in Juraichari rehabilitation scheme were not all from India but contained a substantial proportion of local people who had been resettled into cluster villages.

3. Cluster villages, rehabilitation and relocation

The third option for hill people who have been thrown out of their villages is to move into a cluster village or become part of a rehabilitation programme. These have been in evidence throughout the Hill Tracts since 1979 as a part of a counter-insurgency development scheme.

Traditionally, villages in the Chittagong Hill Tracts were dispersed. A village's land can cover an area of over five square miles or more. In this area there will usually be four or five hamlets separated by agricultural lands and situated either on hills or in valleys. The official policy within the Hill Tracts is to cluster people together in settlements.

An exiled monk explained the process to the Commission as follows:

"The resettlement of tribal people started in the 1980s. There have been different names such as jhouta khamar, model villages and, more recently, cluster villages. The JKs were justified as providing economic development for tribal people including education and social facilities. The model villages broadened the development model further, while the cluster village policy is more overtly designed to protect people from the Shanti Bahini. The cluster villages have a stronger army presence than the jhouta khamar. With relocation, village names are changed and the settlements increase in size. Traditional villages were organised in hamlets with gardens and trees. The cluster villages have houses closer to each other."

The cluster village programme is directly related to the presence of the Shanti Bahini in the CHT. This aspect of cluster village policy will be dealt with in the chapter on militarisation. Here we look at cluster villages from the economic point of view.

In Rangamati and Khagrachari Districts there are three types of cluster village. The shantigrams are for the Chakma, the borograms for the Marma and Tripura while the guchchagrams are for the Bengalis. The civil and military authorities explain the need for cluster villages as arising from the operations of the Shanti Bahini. In some cluster villages, interviews with some relocated hill people indicated that they had been moved because of Shanti Bahini operations. They were afraid of going to their fields to work in case they were attacked and they were also tired of having to pay taxes to the Shanti Bahini. They had requested the army to resettle them.

The Commission received these explanations in Juraichari and in some cluster villages situated in Khagrachari District. However in some other cluster villages in Khagrachari District the people indicated that they had not had any problems with the Shanti Bahini and were not happy with the military control over them. Furthermore, the Commission found similar responses when interviewing people from other villages in the same area. The Commission was informed that the villages had not been attacked by Shanti Bahini but had been given an ultimatum to move into the cluster villages. When they had refused, the army and settlers had attacked their villages and the Shanti Bahini were blamed.

In seven cluster villages which the Commission visited in Khagrachari District, the conditions varied considerably. The villagers all lived predominantly from government hand outs of food and provisions such as rice every few weeks. The Commission was told by military authorities that this was to last six months until the relocated villagers could grow their crops on their new lands. The last rations were distributed on September 27th 1990.

However, the Commission discovered that food allotments were not getting through to the cluster villages. People complained that they were not getting their rations. In several cases they said that they had received them only once in three to four months.

Land was not plentiful in the cluster villages. Several villagers complained that there was not enough land to live from, while in two villages the people, who looked absolutely emaciated, said that they had no land and were starving. The conditions in one cluster village on the road to Khagrachari were worse than in the relief camps in Tripura.

There is a crisis in the cluster village policy because the army cannot afford to provide for people who have lost their land. In addition Bengalis in the guchchagrams receive no land either. This was put clearly by an army official in Khagrachari:

"The grams (cluster villages) are based on security but they also develop the peasantry…In Khagrachari District there are 56 guchchagrams, 51 borograms and 10 shantigrams ... There were plans to stop the cluster village programme as resources are so high they could not give any more. The main aim is to cut the line of supplies to the Shanti Bahini and bring the tribals and Bengalis into the 'modern line' ... We are extremely worried about the grams as they should only have 6 months before they are self-sufficient. The first phase should only last five months and after that the grams are meant to be all right. But the government has sent people from all departments to make an action group to solve the problem as the military cannot handle it. Rapport with the District Councils is important and a sub-committee is needed to distribute the grains. We deserve a Nobel Prize for what we are doing."

The authorities now have a strategy to encouraging the hill people to work as day labourers in plantations. In the northern Hill Tracts these are rubber plantations established with loans from the Asian Development Bank, components of the "Upland Settlement" programme. 2,000 hill families are given 0.25 acres of land for a homestead, 2 acres for horticulture and 4 acres of land for rubber trees. At present they have not yet been given title and the rubber trees are not in commercial production. They are wage labourers in the rubber plantations and receive between 20 to 40 Taka daily for their work. Future production will be marketed by a governmental agency.

In the southern Hill Tracts a parallel development is taking place. There, instead of being called duster villages, grouping centres form part of a scheme to "resettle" hill people particularly on the border areas. Besides there are joutha kamar where, instead of working on rubber plantations, the hill people are encouraged to leave their lands and work as day labourers or share-croppers in the afforestation projects.

The cluster villages cannot support hill farmers in the same way as their dispersed hamlets did. In the past the lands were distributed between settlements. In the new villages, there is a shortage of land and the military prohibit people to go to their old fields further away. The limited supplies which the government can hand out to the hill people made landless through the relocation policy, are expensive and inefficient. The result is that relocated hill people are far worse off than they were before they were moved.

The solutions - day labouring and sharecropping - constitute a great change in the orientation of the hill peoples' economy. Previously we noted that each village owned land communally and every family had its fields. The produce was consumed and exchanged with the rest of the community according to established conventions. In contrast, day-labouring means that the workers produce crops for money, while share-cropping means that they are forced to sell their produce to the CHT Development Board or whoever runs the plantation at prices fixed by others.

Hill people are being drawn into a market economy over which they have no control. They rely on the returns from wage-labour or from selling crops for cash. The cash flow is determined by factors from the wider national economy and the availability of funds within the plantation management. Thus, instead of being independent farmers with rights to their land and a subsistence basis on which they can rely, the hill people of the Chittagong Hill Tracts are losing their lands and becoming dependent on plantation systems in which they become indebted wage-earners.

The Effects of Government Policy on the Bengalis

In Langadu, between 1979 and 1982, 11, 671 Bengali families were resettled. Today, the Commission was informed by the authorities at Langadu, that 4,553 Bengali families have left the area and of the remaining 7,118 settler families in Langadu, 1,159 have not been given land and are living on government relief. One official there said: "I think the Bengali resettlement could have been done better."

Relocation of the population into cluster villages is not confined to hill people. Bengali settlers in their guchchagrams also suffer greatly. They are provided with no land and have to rely exclusively on government handouts. The settlers were not allowed to travel freely within the Hill Tracts but some can move back to the plains if they can afford it. Until recently Bengali settlers were not allowed to return to the plains, but since the control on their staying in the Hill Tracts was lifted by ex-President Ershad in 1989, an increasing number are trying to take advantage of the opportunity.

The Commission visited a guchchagram in Manikchari situated next to the army camp and also spoke to members of another guchchagram near Dighinala. The Manikchari guchchagram was the first to be established in the CHT. It consists of 670 families. It has two schools, one is a religious Koranic school and the other is a primary school with five teachers and about 300 students. The village looked dean and organised but the people complained of food shortages.

The Commission interviewed a number of Bengali settlers in the Hill Tracts. Those in the guchchagrams found life extremely difficult. They said that if they had the facilities and the support they would move back to the plains. They were not hill people but had been encouraged to come to the CHT as a part of a government policy.

The Commission is very aware that most Bengali settlers in the Hill Tracts are themselves victims of circumstances beyond their control. The hill people want them to leave and many of them also want to leave. Support for a programme of resettlement of Bengali settlers to the plains who wish to move back to their homelands should be recognised at the earliest opportunity.

Conclusion

The Commission considers that the denial of hill peoples land rights is one of the most important causes of the problems in the Chittagong Hill Tracts. The hill people have clearly defined rights to their lands according to national and international law, to the principle of jhum and orchard tax and the documented titles provided mainly for plough land.

The exploitative nature of Kaptai Dam hydro-electric project and the transmigration of Bengali settlers has caused a massive shortage of land in the Hill Tracts which is attributable to government policies rather than to the failure of jhum cultivation as a method. The shortage of land has been met by the authorities and settlers with hundreds of attacks against villages, which are still being destroyed.

Hill people have fled to the forests and to India. However most of them, some willingly and others not so, are being herded into cluster villages or rehabilitation settlements. Their movement from the villages is severely restricted and they have insufficient lands and provisions. Some of the cluster villages are in a worse state than the relief camps in Tripura.

The hill people clustered in the new settlements all over the Hill Tracts are encouraged, if not forced, into carrying out day-labouring and share-cropping for plantation and afforestation programmes. They are forced to become dependent for their living on market exchanges over which they have no control at all. Thus they are brought into the economic mainstream, in the same way as they are being acculturated into the national society.

A solution must be found whereby the hill peoples can have their legal tights to their lands recognised. A cadastral survey, which merely recognises the presence of Bengali settlers and state-run plantations which have usurped the lands of tribal community, will achieve nothing. The structural violence in the Chittagong Hill Tracts persists because the tribal people are being dispossessed of their lands and forced into a dependency on the market economy. Until this stops and is reversed, there will be no relief for the structural violence which permeates the whole of the Chittagong Hill Tracts.

DEVELOPMENT, LAND AND ECOLOGY

Until the end of British rule (1947), the natural resources of the Hill Tracts remained unexploited with the exception of some logging by the forest department and shifting cultivators. However, the past 35 years have seen a structural change in the pattern of economic, social and cultural life in the CHT. In the early 1950s the then Pakistan government introduced a number of development programmes which were designed to bring the economy of the CHT into the 'national mainstream'. They intended in the long run to destroy the economy of the hill people and change the demographic balance in the Hill Tracts. The hydroelectric project at Kaptai, completed in the early 1960s, was one of the most important. Nowadays it is acknowledged in government and military circles in Bangladesh that the implementation of the Kaptai project was ill-conceived and wrong. A high military officer told the Commission:

"We have done wrong things through the Kaptai dam. Today we can say: on behalf of Bangladesh we apologise. From 1989 onwards it is a hundred times better".

The Pakistan government invited a Canadian consultancy company, FORESTAL, to do a two-year study on the best way to use land in the CHT. The team concluded:

"that the age-old practice of shifting cultivation, attuned as it may have been in the past to the environment, can no longer be tolerated. ... A change to a system of permanent intensive agriculture must be made wherever possible, and the fertility of the soil will have to he maintained through better farming methods and greater input of fertilizer ... the optimum land use on all but a small portion should be the production of fast growing tree species and bamboo ... More of the Hill Tribesmen will have to become wage earners in the forests or other developing industries, and purchase their food from farmers practicing permanent agriculture on an intensive basis on the limited better land classes" (Webb 1966:3232).

This attitude was to be fundamental in all subsequent government development policies.
In the development programmes that are implemented in the Hill Tracts presently the main elements are resettlement of jhum cultivators, afforestation, establishment of plantations, improvement of the necessary infrastructure and social programmes. The underlying motives that were brought forward several times by government and military officers, are restoration of the ecological balance and bringing the 'backward' tribal population into the national mainstream.

Most of the development programmes are carried out through the Chittagong Hill Tracts Development Board (CHTDB), but also respective ministries are involved in the implementation of development programmes. Besides a Special Five-Year Plan was set up for the Chittagong Hill Tracts with a budget of 2,630 million Taka for all three districts. Under this Special five-year plan programmes such as road construction, telecommunication, power development, agriculture and industrial development, health and education have been carried out.

The Chittagong Hill Tracts Development Board

The Chittagong Hill Tracts Development Board (CHTDB) is now the most prominent development institution in the Hill Tracts. Concerned ministries also carry out development programmes. The CHTDB was founded in 1976 under the then military ruler, Ziaur Rahman. It was established under ordinance and with financial support of the Asian Development Bank (ADB). The Board is now under the Ministry of

Special Affairs, and the General Officer Commanding (GOC), Chittagong Cantonment, is its ex-officio chairman. According to the constitution of the CHTDB one member of the Board has to be a "tribal" person. A Chakma member served for five years but after he was posted outside the CHT, this post was taken over by a Bengali.

Some high CHTDB officials explained to the Commission that the activities of the CHTDB consist of:

1. "Normal development programme without foreign assistance";
2. “the Multisectoral Programme which is foreign assisted";
3. "the UNICEF-assisted programme".

The Normal development programme consists mainly of infrastructural improvements, such as construction and maintenance of roads between villages and Upazilla headquarters, and the building of schools and hostels. Yearly about 20 million Taka is spent on the normal development programme. For 1990/91 22.75 million Taka have been allocated.

The Upland Settlement Scheme.

The Multi-sectoral Programme consists of 11 components, one of which, the Upland Settlement Scheme, is directly under the CHTDB. The other 10 components are under the respective ministries. This scheme started in 1979- 80 and is being implemented in Khagrachari District and the Baghaichari area of Rangamati District. Sixty-three per cent of its budget comes as a loan from the Asian Development Bank (ADB). The ADB insisted that “tribal" people would be employed under this scheme. According to an official document, the scheme’s objective is:

"to settle 2,000 families of shifting cultivators and marginal farmers on suitable Upland Settlement areas of CHT (1,000 families in Chengi Valley, 500 families in the Myani Valley and 500 families in the Kassalong Valley), where each family will be rehabilitated in suitably located 6.25 acres for horticultural crops, rubber development and house construction and given technical and other assistance. Provision of social and community infrastructure within the settlement villages, including village access roads, water supply, education, medical and health facilities and other necessary staff and support facilities have been made under the project."

Under the programme hill people are forcibly resettled in duster villages. Each relocated family is entitled to four acres to be planted with rubber trees, two acres for horticultural use, and 0.25 acres for their homestead. The families are promised land documents when the rubber trees start producing latex. For the planting of rubber trees and their maintenance they get a daily wage of 40 Taka at present. They are supposed to plant 200 trees per acre over a period of three years. In each garden at least 100 families are settled. The Commission was informed that 6,500 acres have been planted so far, and from 1991 extraction of latex is expected to begin. A CHTDB official explained:

"To sustain life they have the horticulture and this keeps them going so that they can work and tend the rubber gardens. Apart from horticulture they have daily labour and sometimes they get also seeds and we sometimes construct local roads, tube wells, ring wells, health facilities, we also train them in primary health service."

The CHTDB will have a monopoly in buying the latex from the growers, and a processing factory is going to be established in Khagrachari.

Part of the ADB's financial commitment in the Upland Settlement Scheme is the construction of roads. The Khagrachari-Panchari road, the Dighinala-Babuchara road and the Dighinala-Chota Merung road are constructed under this scheme.

Presently a proposal for extension of the Upland Settlement Scheme is pending. This proposal aims at planting 10,000 acres of hill land in both Rangamati and Bandarban Districts. Rubber plantations are, apart form those in the Khagrachari district, also located in the south, in Lama. There, however, rubber plantations are net part of government programmes, but they are privately owned. Leases of 25 acres with a validity for 50 years are given to private entrepreneurs. Hill people are not employed in these plantations.

"It's a very sensitive job, they are unskilled people. They bring Bengalis from other parts of the country to do the terracing".

The rubber industry is under the Bangladesh Forest Industrial Development Corporation (BFIDC) with headquarters in Dhaka and a branch in Chittagong.

The UNICEF-assisted integrated development programme

The Commission was told that this programme covers the development of education and the social sectors. For the years 1990/91 38.2 million Taka was allocated project and 50 mouza (group of villages) are included in the project. In the south 33 mouza are covered. Seventeen community centres are to be constructed, including an office, a godown and a training centre for skill development (carpentry, weaving, etc.) So far 11 centres have been completed. In Bandarban a residential school especially for the Mru has been opened, another one for the other peoples in Ruma and one in Alikadam, They are financed by UNICEF under CHTDB as well. A lot of importance was said to be given to community development. A military officer told the Commission:

"How can we provide development if families are living so scattered? ... If my officers teII them to come near the camp they won't come. TeII them: 'If you want facilities like schools, you come and we build a village', then they come. We have not forced anyone to come and settle near the camps. We don't force them. At least not as far as I am concerned."

The Forest Department

Some of the programmes of the Forest Department are relevant in terms of development. These are the Afforestation Scheme of Unclassed State Forest, the Integrated Afforestation and Jhumma Rehabilitation Scheme and the Pulpwood Division.

The Afforestation of Unclassed State Forest Scheme started in 1980/81. The target for the Bandarban Forest Division was the afforestation of 13,250 acres, of which 10,690 acres were finally planted. In the course of the implementation of this scheme 150 jhumma families have been rehabilitated. Each family was given 6000 Taka yearly for a three years period. This scheme was supposed to:

"open up employment for tribaI people because the plantations need a Iot of Iabour ... The employment is seasonal, three to four months a year. Ten to twenty percent Bengalis are employed in the plantations. The

major share of the labour is done by hill people, mostly by women. Ten to fifteen persons are employed per acre."

as a forest officer told the Commission. Another officer said:

"They get 30 to 40 Taka per day, sometimes 50 Taka ... Yes, sometimes plantations are made on land that was previously used for jhum cultivation."

The Pulpwood Division Programme covers the planting of 20 000 acres with wood of 10 - 15 years rotation. The return would also provide an additional source of raw material for industries.

The Integrated Afforestation and Jhumma Rehabilitation Scheme started in 1984185 and is partly financed by the Asian Development Bank. The objectives were said to be more or less the same for all the schemes. Under both schemes jhumma families have been given land “to settle nomadic jhummas" and improve the environment." A growing concern regarding the ecology of the Hill Tracts was said to have generated these programmes.

"Everywhere in the world nomadism is going. We want to give a permanent address and livelihood to the people ... They are clinging to certain things due to which they remain backward. You cannot preserve them in the stone age, you have to bring them out. It is also our job", commented a high military officer.

A government officer remarked:

"Jhum means destruction of the forest. So the idea is to concentrate them in one place and have some community life."

In Bandarban Forest Division in total 500 families have been resettled in seven mauzas under the two schemes. They got five acres of land for horticulture with land documents. In Khagrachari 300 families have been 'rehabilitated' under the second scheme.
Another aspect of the afforestation programmes is the planting of hard wood varieties like teak and mahogany. In these plantations the labourers obviously did not get land titles, as they are shifted to other places following the afforestation programme. They work as day labourers in the plantations and move to other villages in another area after completion of the planting.

Foreign involvement in the Hill Tracts
The involvement of the ADB and UNICEF in development programmes in the Hill Tracts have been mentioned before. Besides a few Christian Non Governmental Organisations like ICCO, CCDB (Christian Council for Development Bangladesh), Caritas Bangladesh and World Vision are providing funds for some small scale projects, such as hostels, schools and community centres.

"These funding agencies are helping these families, stabilising them, giving them food doles, technological know-how",

as a government official clarified.

In the past the Swedish and the Australian government have pulled out of respectively forest development and road construction programmes after receiving criticism that these programmes were mainly supporting the military and were harmful for the hill people. This has been documented earlier in publications by the Anti Slavery Society and by SIDA (Swedish International Development Agency).

The multinational oil company Shell, which searched for oil in the Hill Tracts for several years, pulled out a few years back after five employees had been kidnapped by the Shanti Bahini and had been released after a ransom was paid.

The Commission's assessment of the findings

The Commission received detailed information about the implementation and effect of the various development programmes from hill people and from government and military sources. A lot of the information could be verified by personal observation.

Time and again two underlying motives for the development programmes were emphasised: to stop cultivation in order to restore the ecological balance, and the aim to bring the 'backward' tribal population into the mainstream.

From its observations the Commission learnt that the socio-economic changes that are taking place in the Hill Tracts, rather than restoring the ecological balance and benefiting the hill people, have the opposite effect.

The jhumma rehabilitation and afforestation programmes.

A detailed description of the cluster villages and joutha kamar and its consequences for the hill people has been given in chapter 3 on land issues. Hill people are forcibly evicted from their ancestral jhum land and titled plough land by the army, often in collaboration with Bengali settlers, to be put up in new villages where they are forced to work in rubber plantations or afforestation programmes for daily wages. From interviews with hill people in various cluster villages it is clear that the economic condition of the hill people have deteriorated. Even though they have been given land for horticulture, meant for 'home consumption' in certain areas people complained that they were suffering from food scarcity. They have been cut off from their plough land and their jhum fields, their main means of existence. The produce they get from their two or five acres horticulture is not enough to maintain their families.

"..they cannot be successful. Five acres garden cannot support one family. They need 15 acres."

Besides they are dependent on marketing facilities in the towns to get a better price for their products. For the hill people who have been promised ownership of 4 acres of rubber garden the same counts and they are even more dependent on the government since the CHTDB will monopolie the purchase of latex. Thus the government will command a labour force that can work in the forest and rubber plantations that have been established. With the settlement programmes the hill people have been made dependent on wage labour and on a market economy.

With regard to the environmental improvement in the Hill Tracts a high government official stated that in spite of all these measures shifting cultivation is still increasing. The Commission received statements and evidence that the settlement policy in the Hill Tracts contributes to this increase in jhum cultivation and a further deterioration of the environment. A report of the CHT Soil and Land Use Survey of 1966 indicated

that after the construction of the Kaptai dam the jhumma families who did not receive any compensation after their land had been inundated and the displaced flat land cultivators moved higher up on the hill slopes and shifting cultivation consequently increased. This while one of the envisaged effects of the Kaptai dam had been that jhum cultivation would decrease because it would create more employment opportunities. Another conclusion of the same report was that shifting cultivation had become a problem only in places where the population growth had increased the competition for land and shortened the period of land rotation.
A similar development has been repeated in the late 1970's and the '80s with the policy of the government to settle thousands of Bengali landless peasants from the plains. This also envisaged an opening up of development opportunities in the hills. However, as the Commission was told by a military officer in Langadu, when the Bengali settlers came the hill people had to move further into the hills. Their plough land was taken over by the Bengalis and many of the hill people had no other means of living left than by jhum cultivation. The Commission was told by several hill people that now the rotation period was generally down to not more than three to four years, while previously it had been seven or eight years. Jhum land was already scarce in the sixties. The settlement of roughly half a million settlers from the plains aggravated the land problem with a hitherto unknown speed.

Another factor, linked to the opening up of the CHT, which has added largely to the deterioration of the environment over the last decade is the tremendous amount of forest that is being cut for timber purposes. On the one hand the government sets up afforestation programmes to plant new trees, but on the other hand timber merchants are granted permits to cut vast amounts of timber for commercial purposes. A hill man commented:

"Ecology is destroyed by the government itself. Thousands of permits are being issued for timber and bamboo in the Chittagong Hill Tracts."

The Commission received various statements that the army is also largely involved in timber business. A government official told the Commission: "The army is doing logging." And another officer told the Commission:

"Some plots are privately leased, from 5 up to 25 acres. An assessment is made of the plots as to how much timber, forest produce is there. Then the assessment is given to the army and the final check up is made by the army as to what produce is there. Then the army allows the Forest Department to issue the permit to cut and sell the produce. This programme is since 1980/81, but since two years the army is giving the clearance. The final permission is given by the Forest department ... The order is given by the District Commander to the District Forest Committee as the Chittagong Hill Tracts is under the control of the army."

In the camps in Tripura the Commission received a detailed account from a refugee about the extent of the involvement of the army:

"The Bangladesh army contracts wood felling in the hills. Captain Hussain of the 203 Brigade Khagrachari was one of the army contractors who was doing business. There are many such contractors who are connected to the army personnel. The name of the commander was Colonel Ibrahim. It is illegal to cut trees in the Hill Tracts and this was done without the knowledge of the government. But as the army is powerful in the CHT they get permission from the Forest Department to cut trees. They ask local villagers to cut down the trees from the Reserved Forest although the local people would not do this for themselves.

The army made also local people collect wood from jhumia private contractors against their will. Sometimes they paid less than the rate and sometimes nothing at all. From 1977 to 1989 there has been an increase in tree cutting."

Another person from the hills told the Commission:

'"Here in our area we have more trees. The felling is done by Bengali, trees and bamboo. The army and Bengali are felling together and together they are in business and transport."

In several places in the CHT the Commission came across large quantities of timber being traded or transported by Bengalis, Much of the timber came from private land of the hill people, the biggest share, however, from commercial logging. Hill people are involved in timber business, but they are few as it is very difficult for them to obtain a permit. According to some of them mostly Bengalis who are related to army personnel or who have other good connections with the army get the permits. They also said that even with a permit to cut wood the army did not give a permit to sell the wood as they would suspect that the money would go to the Shanti Bahini. From the information obtained the Commission concludes that the ecological balance in the CHT has deteriorated further as a result of development policies. The Commission also concludes that the eviction of hill people from their land, their concentration in cluster villages or grouping centres, the settlement of Bengalis and the establishment of plantations are interconnected and serve in the first place to get more control over the hill
people.

To bring the 'backward tribals' into the mainstream the "army moves in, they prepare the ground for the transformation of the local economy. Roads, telecommunication and electricity. The electricity is said to be for the local people, but they don't have the money for the connection line
"...Most money is spent on roads to improve our mobility. The road to ...(a place name is mentioned, ed.) costs about 60 crore (600 million) Taka, for only 4000 people. What the hell will those 4000 people contribute to our national economy? ... It is of no use in the concept of economic activities ... All this is in the interest of the Bengalis ... We are here to develop the livelihood of the tribals but we people are not doing it."

In this way a government official summarised in a nutshell how the hill people benefit from the development programmes.
It was confirmed by other sources that the infrastructural programmes such as road building, electricity and telecommunication mainly serve the military. Although some government officers pointed out that roads are constructed for the benefit of the hill people to market their products this was not always confirmed by the Commission's observations nor by statements from hill people. Besides many of them complained that there are few marketing facilities and that they are forced to sell their produce to Bengalis for a low price. The Bengalis then transport the product to the plains and get high prices. Some of the hill people have moved from their interior villages to towns or settled along the riverside because there are better transport and marketing facilities there.

Apart from the settlement programmes and the development of communication the hill people are not clearly benefited by the social programmes such as health and education either. Health centres are mainly set up in the town, which are dominated by Bengalis while education seems to serve first of all the purpose

of adjusting the hill people to Bengali culture and society. These aspects are further elaborated in chapter seven on social issues.

About the CHTDB the Commission was toId by a government official:

"The CHTDB was established in 1976 by late Ziaur Rahman to fight the Shanti Bahini. It is a purely political organisation to bribe the tribals. Loans are given for private purpose, to business men and tribal leaders ... They are showpieces of the government ... Yes, it is mostly a political bribe to tribal leaders to buy them off so that they would not help the Shanti Bahini.

The Commission learnt that bringing the hill people into the 'mainstream' through development programmes means that they have to adjust to a concept of development that is alien to and resisted by them. Development as it turns out in the Hill Tracts reveals its proper dimension when seen as structural aspect of counter insurgence. It cannot proceed without creating a dependent labour force available for government plantation programmes. Social scientists relating to the problem prevailing in the Hill Tracts were outspoken about the fact that
"low land Bangladeshis and tribal populations live in different social realities and that their social and economic needs are also different**
(Chowdhury/Rahman 1989:138)

The alleged inferiority and backwardness justifies the forcible integration in the name of development and modernisation. Military and civil representatives uniformly consented that an assessment of indigenous notions of land, economy, development and progress have never been made. They emphasized, however, that the

> "tribal concepts are very difficult to penetrate"

and maintain that

> "they are clinging to certain things due to which they remain backward."

Conclusions

From the enormous amount of data available about land and economy in the CHT the Commission acknowledges that a large scale change in the Hill Tracts' economy on human terms is a difficult undertaking. It has, however, become evident that the prevailing concepts in the hills are not suitable to improve the life of the hill peoples. Their implementation has generated the destruction of the hill peoples' cultures.

The Commission concludes that development in the Hill Tracts aims at linking regional resources and the hill peoples with the national market and mainstream. This implies the extension of the market system into the hills by
- settlement of "nomadic jhummas'"
- implementation of afforestation and plantation programmes and
- the creation of a moveable dependant labour force originating from the hill peoples.

This is accomplished by
- the transformation of a partially self-sufficient economy base of the hill peoples into a dependant economy,

- a fruit gardening section maintained by relocated and rehabilitated shifting cultivators and
- a plantation economy where wage labour is done by the hill peoples.

The notions of development of the government and of the hill people are, for the time being, incompatible and so far no attempts have been made to reconcile them.
Development projects and the emphasis on ecology serve the purpose of an overarching counter-insurgency strategy by the army to secure a smooth process of control over the resources in the Hill Tracts.

The army plays a crucial role in the development programmes and under its tight control the hill people have the choice to come either into the 'mainstream' or if they refuse to do so to face the consequences.

The innumerable accounts of human rights violations in the context of development implementation in the Hill Tracts by the army and the government are not accidental actions of soldiers with a low IQ, as some military officers suggested, but are part and parcel of the overall policy for the Hill Tracts.

CULTURE AND RELIGION IN THE CHITTAGONG HILL TRACTS

"Recently a Kathina Chibar Dana Festival was arranged near Rangamati. People in CHT feel that if they attend the festival it will be beneficial. The ceremony is called the "Difficult Cloth Present" when people will prepare cotton, spin, dye and give it to the temple. It is one of the most important festivals in the Buddhist calendar. People from Kaptai went to the ceremony. Twenty-six people met some soldiers. The 10 men were separated from 14 girls and two women. The men were beaten up and forced to dance naked around the Buddhist temple and the women were gang raped in the forest. This took place on October 19th, 1990."

An exiled Buddhist monk.

"And the other incident was in the Kaptai area. When the soldiers were on a patrol duty they maltreated a group of people which included some ladies also, some tribal persons, to the extent that they possibly manhandled them also. When this was reported to us ... within a couple of days ... two of them have lost their job and went to jail ... and the others got their punishment. That was, I think, last month."

A military officer in the Chittagong Hill Tracts.

These two statements were given the Commission referring to the same incident. Neither person witnessed the incident, but their versions, though from different perspectives, demonstrate that religious persecution still takes place in the Chittagong Hill Tracts. Two of the soldiers responsible were dismissed from the army while two await trial in Chittagong jail.

From the evidence which the Commission built up in both Tripura and the Chittagong Hill Tracts, these violations are not isolated incidents. This Chapter will look further at the destruction of hill peoples' religious and cultural life in the Chittagong Hill Tracts today.

The hill peoples of the Chittagong Hill Tracts are Buddhist, Hindu or Christian or practise local religions. These religious groupings reflect ethnic differences. The Chakma, Tangchaaya and Marma are mainly Buddhist, the Tripura Hindu and some of the smaller groups such as the Bawm and Pankhua are Christian. Mru and Khumi practise what has been called animism.

Religious tolerance is a marked feature among the hill people. For example, at the receptions for the Commission in the relief camps in Tripura, there was a statement, blessing and prayer from a representative of each religious group in the camp.

One way of understanding this co-operation is to see it in terms of an underlying element common throughout the Hill Tracts which consists of different manifestations of an underlying stratum of animistic traits which coexists with Buddhism, Hinduism and Christianity. From the perspective of a Buddhist monk, these relationships were explained to the Commission as
follows:

"In spite of religion, all the CHT people share the same tribal blood there is a harmony of culture which is derived from animism ... Anthropologically all the tribes are linked by animism which covers the main social festivals. Animism for us includes taboos, tribal Gods and Goddesses and these all exist side by side. Still

each tribe and sub-tribe have their own Gods and their own practices at marriage and death etc. The festivals are totally animistic ... Animism is about recycling and the principles of jhum (swidden agriculture). There is a link between jhuming and animism. When harvest or the ploughing season comes, every time you plant seeds a festival takes place. When you harvest there is another festival which is animistic."

Hill people consider themselves culturally very different from the Bengalis. In order to understand the religious and cultural persecution of the hill people it is necessary to look at a Bengali perspective of hill peoples' life.

Bengali people are not uniform culturally and do not all share the same view of hill people. First of all there are the Bengali Hindus (comprising 15 per cent of the population of Bangladesh) who have the same religion as the Tripura and have themselves been targets of religious violence. Some of these Hindus and also some Bengali Christians are supportive of hill people. Secondly there are Bengali Muslims (from various walks of life, including some in the armed forces) who are religiously and culturally tolerant, either because of their education or through working and associating with deprived sectors of the national society. Unfortunately most of the Bengalis whom the Commission met, particularly the high-ranking members of the armed forces, had a stereotypical ethnocentric perspective of the hill peoples and their cultures. This lumped together certain elements which created an image of tribal inferiority. However this is not an exclusively Bengali Muslim viewpoint, but dates back to British colonial times.
The aspects of hill peoples' life which are consistently devalued are language, lack of technological competence, nomadic land use patterns (slash and burn - jhum - agriculture) and, with some exceptions, a general lack of some work ethic. The following quotes illustrate these points. Two were made by high-ranking military officers, one by a high-ranking civil officer and one by a leading Bangladesh journalist.

"In Bangladesh there is a better civilisation on the Plains, and there is a less developed civilisation in the Hills. In the Hills there are some roads, electricity and telecommunications and they are linked to the notion of civilisation ... The civilisations are the contemporary civilisation of Bangladesh versus the tribal culture. They need schools, education, intermarriage - intercourse between cultures, civilisation. There are accusations saying that we are trying to spoil cultures but the government doesn't do that. It is natural for human beings to want to conform to civilisation".

“The point is that the tribal's language is a spoken language ... it is actually a dialect. They do not have a script as such ... Actually they do not have their own language, they have a spoken language ... they have a dialect ... there are no written words."

“Tribal lands have no boundaries and they do slash and burn. Compensation involves paper work and the ignorant and illiterate tribals could not handle the paper work ... So the tribals wandered off to the Hill to do slash and burn agriculture ... The Chakma language is a dialect of Bengali which is the mother language ... a dialect is not as advanced as a language ... Inter-marriages are a good way to get the populations to mix."

"The tribals are very shy, very lazy, peace-loving, easy going. The people are not coming to schools. So there are not so many educated tribals, so therefore they cannot be given government jobs."

These opinions are expressed predominantly, rather than exclusively, by the current decision-makers in the Hill Tracts. The hill people are consistently seen as backward in spite of a higher literacy rate than that of

the Plains people (60 per cent hill people to 10 per cent plains people) and the fact that there exists a Chakma script, Marma is written in Burmese script and Bawm is written in Roman script. Backwardness is a word used in the context of discussions about civilisation, economic development and intellectual capacity. The objective of cultural development for the authorities in the Hill Tracts is to bring the 'static' hill peoples "into the mainstream"'.

“Mainstream" is the term used to refer to the dominant socio-cultural formations of the Bangladesh nation state. The Commission was repeatedly told by officials that a movement towards the national mainstream was essential for the future well-being of the hill people. The assimilation of the hill people takes two forms: winning over the hill people towards 'mainstream' Bengali culture or else punishment for adhering to their own culture in toto the carrot and the stick.

Attraction towards mainstream religion and education

In 1990 8.3 million Taka (30 Taka = 1US$) went from central government into the Hill Tracts which represented a reduction of 11.7 million from 1989. This money passes through the Chittagong Hill Tracts Development Board which is chaired by the GOC of Chittagong. However, as a part of its "winning hearts and minds policy" the army also provides money and support for projects, some of them cultural.

For example, in Khagrachari District, temples have been built and reconstructed. Outside Pankhaiyapara there is a large modern Buddhist temple. Sixty three hill students are supported by government grants monthly and a $1000 gift has provided books for the public library in the town.

The authorities also allow a few religious NGOs to work in the Hill Tracts, such as the Christian Council for Development in Bangladesh. The Baptist Church supports the Christian hospital and leper colony at Chandraghona on the Kaptai - Chittagong road. In the south the CCDB and World Vision have financed schools, hostels and community projects. The authorities have sponsored three 'tribal residential schools' containing 200 students in each and support many primary and secondary schools.

Bangladesh has Islam as the state religion. The state education is oriented to 'mainstream' nationalism and in some cases, according to pupils and teachers, has a strong Islamic influence. Bengali predominates over other languages and, apart from the few cases where hill people have developed their own schools, the educational system in the Hill Tracts is designed to draw hill people into Bengali culture.

Conversion to Islam has several aspects in the Hill Tracts. The main Islamic missionary organisation is Al Rabita. Funded from Saudi Arabia and Kuwait, this non-governmenta1 organisation has been working since 1980 to convert the hill people. It has a main office in Dhaka and offices in Rangamati and Langadu where it also has a hospital. An office was recently opened in Barkal. In Alikadam, Al Rabita has an Islamic missionary centre where in 1990, the Commission was informed by the hill people, 17 Marma were converted to Islam.

Throughout the Hill Tracts mosque construction continues to take place. Loudly amplified calls to prayer frequently punctuated the work of the Commission in hill peoples' villages close to Bengali settlements.

The authorities argue that their religious tolerance can be seen in the Buddhist, Hindu and Christian Welfare Trust. However this Trust was established in 1986, before the constitutional change making Islam the state religion of Bangladesh. During that year the government gave 10 million Taka for a fund to

distribute 1.5 million Taka annually for religious projects. The Chair of the Trust is a Muslim and the other six members of the board are appointed by the government. Among other things, the Trust provides money to repair temples. One informant said that he went to the Central Audit Bureau to seek support from the Welfare Fund and was toId: "Why don't you become a Muslim and we'll all, be brothers".

From Living Culture to Folklore

"We the common peoples of the plains have very little knowledge of the colourful life of our hill tribes, which indeed is a separate world encapsulated from modern society. But by the inevitable process of gradual penetration of modern civilization into these areas on our border the isolation of their distinctive culture is fast disappearing. Before this irresistible cultural tragedy precipitates an attempt was made few years back by the Department of Archaeology to preserve as much of this fascinating culture as possible and display, in a specially erected museum, their life and social patterns - so little known to us."

Ethnographic Museum, Chittagong, Introductory Note.

Hill people traditionally view their world in a holistic way where all different aspects of life are interconnected. One of the major outside impositions onto the hill peoples' approach to culture is the context in which artefacts or social performances are produced.

Bangladesh national society regards hill peoples' cultural features such as weaving or dancing as objects which can be taken out of a social context and viewed aesthetically - this is the "folklorization" of culture. However, when we look tentatively at the culture of hill peoples from their perspective, we see that there is a deep ethical dimension as well as the desire to produce something aesthetically pleasing, so as to produce or maintain spiritual and social equilibrium. This ethical dimension arises from the balanced interconnections between cultural activities, aspects of which are weaving and dancing and other parts of socio-cultural life, particularly religion.

The military and civil authorities in the Hill Tracts frequently drew the Commission's attention to the cultural projects that they are organising in all three districts. The Commission visited the Tribal Cultural Institute in Rangamati where there is a pleasant museum of ethnographic artefacts from the Hill Tracts and photographs of traditional dress.

Two aspects of culture indigenous to the Hill Tracts were frequently presented to the Commission - weaving and dance. Weaving among the hill peoples is magnificent. Several weaving projects have been organised and funded by the military to try to provide an added income for the local people. The Commission visited projects in Chitmaran and Pankhuapara Basanta where with military backing local women are producing cloth. The weaving was supported by the authorities who work with the Bangladesh Cottage and Small Industries Corporation (BCSIC). BCSIC tries to deal with marketing difficulties, but the weavers still encounter enormous problems selling their goods. The weaving projects initiated by the authorities do not link production with other aspects of traditional culture.

A project which the Commission visited shows that traditional values can be brought into the work process. This project which the Commission visited is the Siuli Tribal Textile Weaving Project in Rangamati. This is a local initiative, backed strongly by the Buddhist monks of the area, to encourage local people to produce cloth, not only in accordance with traditional design, but, according to its statutes, following traditional principles. The idea is to create a "new generation of independent weavers, owning their tools themselves". The project is supported by both government and NGO agencies, and with diversified financial support, the

project members have some control over their work. The production of cloth is not just oriented to making a profit, but is tied into the religious calendar.

The Commission witnessed several performances of hill peoples dancing and singing. An interesting contrast emerged between the dances performed at the relief camps in Tripura and those in the Hill Tracts, particularly when military personnel were present. In Tripura the songs were about traditional activities such as jhum cultivation, marriage and also, in some of the new songs, about how they missed their land. On the official visits to the CHT hill peoples' villages the songs were frequently in Bengali and extolled the virtues of life in Bangladesh.

The one occasion when the Commission saw traditional songs and dance similar to those in Tripura was at an evening presentation at Khagrachari. The Commission could not but note the contrast between the traditional songs which were taken out of their village context and presented as folkloric entertainment such as those on official visits, whereas in the villages themselves, the people did not sing and dance in a traditional manner but were made to do so according to national mainstream tastes.

The conclusion which the Commission draws from these observations is that the value of traditional culture is being debased. Weaving, singing and dancing are removed from their traditional local context which is bound up in daily life and social and religious duties. These cultural features are then turned into objects of folklore, entertainment for visitors or economic commodities ready for making profit. Although tourism is currently not highly evident in the CHT, this process of creating a folklore from the culture of the hill peoples is putting into place a framework which could repeat the cultural exploitation of Indigenous cultures found throughout the world.

The climate of fear in the Hill Tracts means that hill people have the guidelines for their development set by the authorities. Weaving, singing and dancing are used by the authorities as means to draw people away from their holistic view of the world and attract them to the modernised national Bengali-based culture. At the same time they are also used to preserve them as static, separate and exotic, out of the context of their own cultural norms.

Religious Persecution in the Hill Tracts

The most disturbing reports of religious persecution coming from the Hill Tracts refer to the destruction of temples, prevention of worship and forced conversion. The Commission collected the data from eyewitness accounts, written documentation and personal observations. The case studies range from 1986 to 1990.

1. Destruction of Temples and Churches

The Commission heard of the destruction of Buddhist and Hindu temples as well as Christian Churches. It concentrated on six case studies of the destruction of places of worship, heard eyewitness accounts in Tripura and the CHT and directly observed the damage which had been done. The examples cover 1986, 1988, 1989 and 1990. These are only a few examples of many, but in each case the Commission found that the accounts given by refugees were accurate.

a) Boalkhali Temple and Orphanage, Dighinala

The destruction of the Boalkhali orphanage has been well documented and came to international prominence when 72 children who survived the attack were taken into temporary care in France during 1988. The account the Commission received came from a Chakma Buddhist monk in Tripura:

"I am a Chakma Buddhist monk. I was in the village of Boalkhali. At Boalkhali there was an orphanage, namely: Barabadtya Chadtal Bouddah Anath Ashram. This was an orphanage with a temple. There was a high school with the orphanage. We were 17 monks. On 13th June, 1986, Bengali Muslim infiltrators burnt the houses of many villagers in the Dighinala UpaziIla with the help of army personnel from the nearest cantonment in the area. On 13th and 14th of June these army people from Dighinala came and burnt the houses. In the morning of the 14th June, many infiltrators burnt houses nearest to the orphanage and burnt our granary of the orphanage into ashes. After some minutes army personnel came to us and told us that they had no duty to protect the orphanage. Adjacent villages were burnt to ashes and we were afraid because the army personnel told us that had no duty to protect the orphanage and so we had to leave the orphanage on that day. I had to leave with the orphans. We started to walk through jungles with the orphans, walked through jungles, at that time 80 orphans were present. I walked through the jungle with all of the monks. After seven days we reached the Karbook relief camp and were taken to shelter there."

On December 15th, the Commission visited the area of Boalkhali. People confirmed that the orphanage and temple had been destroyed by settlers and houses burnt in 1986. Between 70 and 80 families have left the area.

b. Dhalaima temple

The same monk who spoke about Boalkhali continued:

"This has not only happened to my village but to most of the villages. I hear the news that settlers come and burn the houses with the help of the army. Near my orphanage there are other Buddhist temples which were burnt. For example Dhalaima was burnt before my own eyes. It was done by settlers while the soldiers stand behind - I have seen them."

On December 15th, 1990 the Commission searched for the remains of DhaIaima Buddhist temple which was destroyed in 1986. The location had been described by eyewitnesses and put onto a map. The place was just beyond Dighinala bazaar where a military check post has been set up. The machine guns train on an open space where the temple once stood. Just beyond the check post the Commission found the remains of the temple exactly where it was described. The temple now consists of a few bricks and some smaII cemented foundations.

c. Bhagaichari Mukh Temple, Dighinala

The Commission visited Bhagaichari Mukh on December 15th after hearing of its destruction from a refugee in Tripura. The Commission was told how in both August 1988 and in 1989 the army had attacked the houses and temple. There were originally 175 families in the area and 135 fled to Tripura. Thirty families were put into a cluster village nearby. Trees from all around the area were cut down by the army and sold.

To reach the temple precinct the Commission had to walk up broken steps and under an arch. The temple itself has no walls or roof. A framework of poles remains enclosing the image of the Buddha. One ear of the Buddha has been destroyed, the paint has peeled and it is badly marked. A coconut and candle grease show that worship continues there. A broken steIe lies nearby.

The eyewitnesses all say that the temple was destroyed by the army. This was later confirmed by the Brigadier of Dighinala. However he said that the Shanti Bahini set explosives in the temple of Bhagaichara and a road patrol found them. "We could not disarm these explosives so we blew it up," he said. However none of the local eyewitnesses ever mentioned the planting of explosives by the Shanti Bahini. Considering that the Shanti Bahini are usually accused of killing Bengalis or hill people collaborating with the government, the destruction of a Buddhist temple appears inconsistent.

d. Pusgang Temple, Panchari

The Commission visited Pusgang on December 17th. The Milton Solti Buddha Bihar stands at the top of a steep hill. The front of the adobe temple has been completely destroyed and inside on an altar stand three headless Buddhas. The temple was attacked in 1986 and again on June 28th 1989. Eyewitness accounts left no doubt in the Commission's view that the army had perpetrated the deed.

e. Tintilla Temple, Langadu

The temple was burnt on May 4bh, 1989. A refugee in Tripura told the Commission:

"I am from Sonai in Langadu. Army men without uniform came to this village and burnt all the houses. Settlers, about 45, were also there. The killing was done by the settlers. Bono Bante had a temple there, in Tintilla. The image of the lord Buddha which was brought from Thailand was totally destroyed by the army on the same day. When I was running away I saw this, Sonai is three miles distance from Langadu. When all this happened, I ran away towards the jungles. Tintilla and Langadu were visible from my place and I saw houses burning there."

On December 9th, the Commission visited Langadu Tintilla and saw the temple. Although the concrete structure and tower remain standing the interior has been severely damaged by fire. None of the temple furniture remains and banister rails are charred. The image of the Buddha showed signs of being slashed with daos and one ear lobe had been cut off. Another smaller figurine of the Buddha was completely burnt.

The local army officer explained the incident as an example of communal rioting after a Bengali Upazilla Chairman, Abdur Rashid Sarkar, had been killed by the Shanti Bahini.

"Immediately after hearing of his death the Bengalis got very agitated because he was renowned among Bengali clans.... On a spontaneous reaction, Bengalis went and rampaged the tribals living closer to the settlers ... The Deputy who was here, Major Zakir, by the time he could realise what had actually happened, the Bengalis maintained the rampage, and later on the army came out and brought the situation under control. But meanwhile 700 houses were burnt."

The officer did not mention that the army was involved in the attacks, l although the refugees and local people insist that this was the case. Amnesty International's findings on the Langadu massacre note that armed Bengalis from the Village Defence Party (a civilian defence force with official status) were directly involved. Furthermore it is not at all clear exactly who killed Abdur Rashid.

f. Betchari Christian Para, near Khagrachari

The most recent case of the destruction of a religious building took place on October 31st, 1990 in Betchari Christian Para, Khagrachari, where there is a church, built with funds from Canadian Baptists. On that day several hamlets within Betchari village were destroyed, including the Christian church. Eyewitnesses said

that the destruction of Betchari was done by the army who came in uniform as well as Bengali settlers. They destroyed the houses with daos and by burning.

The Commission visited the church on December 16th. The walls had been completely pulled down and the interior had been ransacked. Bibles were taken and the Commission later found the ripped remains of a Bible at what had previously been an army camp just above the church.

There are two explanations of the event. The villagers said that they had been originally ordered to move to Kamalchari, a local 'cluster village'. When they refused they were accused of being in communication with the Shanti Bahini and were attacked by the army. However the Commission heard a completely opposite version from local military personnel stationed at Betchari Army Camp which is situated in the burnt out ruins of a hill peoples' hamlet. When they were asked what had happened the commanding officer answered that the Shanti Bahini had burnt the houses. However they subsequently said that the remains were a kitchen and the people had taken the houses apart when they moved to the cluster village.

2. Prevention of Worship

There are three ways in which worship was prevented in the Chittagong Hill Tracts. Desecration, the prohibition of certain ceremonies and controlling worshippers travelling to sacred shrines.

a) Desecration

Desecration is invariably accompanied by violent attacks against worshippers. The most recent case took place in Rangamati on October 19th, 1990. This was described at the beginning of the chapter. The Commission heard other examples in Tripura. The first case was told by a Marma monk describing an event in Pablakhali, Dighinala in 1985:

"On that day first the settlers and the army surrounded the temple. I was caught and my hands were tied with rope as were my legs. Water was poured through my nostrils. I was kicked with boots and my leg was cut. People came into the temple and caught all the girls. They took the girls a little way from the temple. I heard the cries of the girls – maybe they were raped but I did not see it with my own eyes. After a few days I met one of the girls but as a monk I have some restrictions and could not ask her what had happened.

"The army perform sacrilege in the temples. They go in with boots on and throw away food in the temple. Every day before 12 o'clock we offer food to the Lord Buddha. The Muslims say: 'then why does not stone eat it?'. The army uses guns to break plates. Once I was about to offer food to the Buddha and the Muslims entered and said 'let's see if stone can eat', then they said 'stone can't eat' and they took the plate from my hands and threw it on the floor. They bring animals into the temple and slaughter them: goats and cows. Buddhist people never kill animals so you cannot worship in the temple after that has happened. I have witnessed it. At Pablakhali in 1985, before the attack, about 35-50 army personnel entered the monastery with 100-150 settlers remaining outside. They cooked inside the temple and burnt wood on the dirt floor and brought wood in. They killed the animals outside the temple but within the boundary of the temple. They did this to crush Buddhism and establish Islam. There was no other reason for this."

The second incident took place in Mani Gram, Khagrachari in 1986 and was also described by a Marma monk:

"I was in Mani Gram Buddhist temple. On 12 June 1986 we tried to celebrate a function in the temple. All of a sudden some troops came and said: 'Hey, what are you doing?' We replied: 'We are going to wash our God'. The soldiers said: 'You cannot wash God because this is a Muslim state. You cannot worship the Lord Buddha, you have to abandon this religion and become Muslim.' We refused to do so. Then the soldiers caught us and tied our hands and started to pour water on our heads. I was the only monk there, the others were villagers numbering around 20. All of us were tied in pairs and the soldiers starting pouring water and when they were not satisfied by pouring water they started kicking us with their boots. The water was not just water but it was mixed with green chillies. When we were tied up they stood with bayonets over us so we would not struggle. My skin started burning and most of us were injured as I was. I had cuts and sores on my legs. We were tied up in the afternoon and they started to burn the houses of the village which we could see. We were tied up from eight in the morning to four in the afternoon, a total of eight hours. The soldiers untied us. At about 5 o'clock they set fire to the temple and we went into hiding in the jungles. The settlers were not with the soldiers when they tied us up, but were there when the village was burnt. There is a river called Chengi. After coming to the river we went hiding into the deep jungle. After four days trekking all through the jungle, I reached the border of Tripura and Karbook camp. In that lot we were around 450 people. Before 12th June there was no other incident. The only reason for the attack was religion. If we became Muslim we could stay safe. I know one Marma who was my friend called Uchmang. He was threatened that if he did not become a Muslim he would be harmed with his relatives. He was forcibly converted. He came from a different village, Mahalchari in Khagrachari District."

b. Control over Religious Functions

A Marma monk in Tripura explained how the military authorities control were in accordance with it:

"Religious functions need a permit from the authorities, for example, the punima fuII moon celebrations and several punima functions numbering about six in a year. We need permits for other functions too. Many people come to these functions. For a funeral ceremony no permit is necessary, but seven days later, the seventh day ritual after cremation needs permission from the authorities. When someone becomes a monk you need such a permit. To celebrate functions you have to collect money and so permission is needed. The permit is for both money collection and the ceremony. The army officers give the permit. It was always army officers who give it. There is no cost for the permit. I used to go for the permit and was never refused but it was a lot of trouble, waiting to meet the officer etc."

This was the situation in 1986, but since then the control over the punimas has increased and the army do not always allow them to take place. At a village in Khagrachari District, the Commission met villagers who explained that if they wish to perform a religious function they have to get official permission.

During 1990 the village wanted to perform four functions: Maghipurnima, Nobobotshor, Ashwinipurnima and Boishakhipurnima. When the monks went to the army in Khagrachari to seek permission for the religious function they were told that the village had links with the Shanti Bahini and that at big festivals people come and "create mischief'. They managed to gain permission for the first two of the four festivals by lobbying the District Councils.

c. Controlling Travel to Sacred Places

Chitmaram is the most sacred shrine of Buddhism in the Hill Tracts. Although it is in an area which is predominantly Marma, thousands of Chakma traditionally travelled there annually to pay their respects to the ancient image of the Buddha in the old temple.

For several years there have been reports that, because of constant checks by the military, it has been impossible for Buddhists to reach Chitmaram temple. The Commission visited Chitmaram on December 10th. The Bengali leadership of the community showed the Commission a weaving project and a shrine on a hill as well as the market. Eventually the Commission entered the old temple.

The Commission was told by local Bengalis that thousands of people come to visit the temple annually. A photo on the wall of the temple showed that there would normally have been over forty monks at this religious centre. Unfortunately, all but two were currently 'in Burma studying the scriptures.' The Commission asked to meet with some of the thousands of visitors who come annually, but none could be found. The Commission left the temple and passed a guesthouse constructed by the Shell Oil Company for visitors when the company was exploring for oil in the early 1980s. The guesthouse had its shutters closed and was locked up.

The Commission's view was locally confirmed that the shrine at Chitmaram no longer functions in this capacity. No one in Chitmaram would explain this phenomenon. However later during the visit to other parts of the Hill Tracts the Commission asked people whether they had recently made the pilgrimaged to Chitmaram and was told that the army have to give permission which is granted only to the lucky few or to those who can afford to bribe the army. However the main problem preventing travelling there was: "Checks, checks, checks" (check posts).

3. Forced Conversion

There have been several accounts of forced conversion in the Hill Tracts given to the Commission.
Chakma women who marry Bengalis whether by choice or abducted by force, have to convert to Islam. Accounts by former prisoners of Chittagong and Khagrachari jails given to the Commission in Tripura tell of being placed in cells with a majority of Muslims whose task it is to try and convert the hill person. In recent years the Jamat-i-Islami (fundamentalist Muslim political party) has been very active in the CHT. It builds mosques, actively promotes Islam and reports were made to the Commission that it was responsible for destroying temples.

An account by one of the monks now in Tripura described in detail an incident in 1986 which took place in Panchari where a group of hill people were attacked because they were not Muslims.

"Before this happened, one day 13 of us went to market. I was not a monk then. The Bangladesh Rifles and settlers caught us and out of 13, nine were killed and four of US escaped. The reason was that we were not Muslims; they wanted us to be Muslims to take Islam. It was in the market itself and some of the people were also caught up from around. Among the people whom they caught was my wife. They cut her with daos -some of the marks on her neck are still there. She is in Karbook (relief camp). This took place in the market itself on market day, Wednesday. The others ran away. They also tried to cut me with daos on the neck. Luckily my shirt collar was thick and I escaped from being killed. As they killed the others they shouted: 'Oh Chakmas, will you not become Muslim? If you refuse we will kill you now'."

The persecution of the culture of the hill peoples in the Hill Tracts is one of the forms of religious oppression directed against Hindus, Christians and particularly Buddhists who comprise the majority of the hill peoples population. Attacks resulting in torture and death, the destruction of temples and images, prevention of worship through control or desecration and forced conversion have taken place in the Hill

Tracts. The Commission heard of this in Tripura and saw evidence in the CHT. The persecution still continues.

The Commission spoke several times with witnesses and the authorities to ascertain who were perpetrating these atrocities. The consistent position of the hill people heard in Tripura and in the CHT is that Bengali settlers and the military were responsible. Sometimes both army and settlers were present, sometimes only one of these groups. The military have not denied this, although they account for the events in terms of:
1. Shanti Bahini attacks and Bengali reprisals;
2. The need to stop links between Shanti Bahini and Buddhists;
3. Unfortunate actions beyond the control of the military.
They also say that after 1987 there were no more reprisals by the army.

These are official explanations. In most cases they do not contradict the eyewitness accounts of the hill people that the army and Bengalis have been responsible. The Commission accepts that the accounts of the religious persecution in the Hill Tracts are accurate.

The Commission noted a few examples of building and repairing places of worship in the Hill Tracts by the army. However, the Commission has no doubt that military personnel and volunteers under the command of the armed forces, have directly and indirectly perpetrated or allowed violations of rights to the freedom of religion and expression of culture to take place in the Hill Tracts.

Conclusion
The authorities in the Hill Tracts are striving to bring the hill peoples into mainstream Bangladesh national society. This is done through exclusive development of specified and approved cultural projects. Simultaneously the authorities are utilising military control to perpetrate structural violence in the Hill Tracts to deter the people from practising their religion freely. This is still happening as the events of September 19th, 1990 near Kaptai demonstrate.

Traditional religion and culture are being taken out of their context as a ethical basis for the daily life of hill people and being transformed into an exotic folkloric show. Meanwhile those authorities condoning and encouraging this actually lament the "tragedy" of the lost cultural past of the hill people and, as noted in the Chittagong Ethnographic Museum, consider hill peoples" cultures as appropriate for archaeological study. The hill peoples of the CHT are indeed being subjected to ethnocide.

“LIFE IS NOT OURS”: SOCIAL ISSUES IN THE CHITTAGONG HILL TRACTS

This chapter deals with aspects of the social transformation of the Chittagong Hill Tracts. The first section looks at health, education and employment and the second is concerned with the ways in which women and children have been affected by the tremendous social upheavals of the last 20 years.

Health Facilities

In the CHT the Commission was told that most common diseases are malaria and diarrhoea. Malaria is one of the main causes of death; unlike other parts of Bangladesh the CHT is an area in which cerebral malaria is rife.

Health and family planning are among the three areas which have been delegated to the local District Councils in the CHT. Since 1983 medical facilities have increased from a 32-bed hospital in Rangamati serving the whole Hill Tracts to a 100-bed hospital in Rangamati, a 50-bed hospital in Khagrachari, a hospital in Bandarban, and a 31-bed hospital in six Upazilla headquarters, totalling 386 hospital beds. These statistics were provided to the Commission by the military in their "Handout on CHT”.

If we take an estimate of the CHT population of 900,000, this would mean that there is one hospital bed for every 2,331 people. The ratio for Bangladesh as a whole is one bed for 3234 persons. There are, in other words, more hospital facilities per capita in the CHT than in the rest of Bangladesh, but these facilities are located in the district and Upazilla headquarters, mainly populated by Bengalis.

A doctor in a health centre in Bandarban district told the Commission:

"Most patients are from the town. Eighty per cent of the patients are Bengalis. On Mondays, tribal people from remote areas come for treatment. On fixed days health workers go to the villages, for malaria and immunisation, only for prevention programmes. ... For a population of 4,000 there is one health worker and one family planning officer."

At the village level there are hardly any medical facilities and the people there depend mainly on traditional medicine. The Commission was told by the army that they also provide medical treatment to villages; this was confirmed by hill people. The Commission learnt that there is a restriction on the purchase of medicine in several areas of the CHT. In the words of one headman:

> "If you want to buy more than 10 pills you need permission to do so."

The reason for these restrictions is that the army wants to prevent medicine and food going to the Shanti Bahini.

The Commission found the health of inhabitants of cluster villages to be worse than that of people in other villages; obviously these people have little or no access to land for cultivation and therefore depend almost completely on food rations provided by the military. The Commission observed that many people in cluster villages looked undernourished and were clearly distressed; it also heard accounts of food rations not reaching these villages on a regular basis, sometimes not even for months.

Job Reservations

The military told the Commission that the Bangladesh government has reserved five per cent of all government posts for tribal peoples all over Bangladesh, about half of which live in the CHT. On top of this, another 1,877 posts, including class II posts, have been allotted. Furthermore, 450 to 500 hill people have been appointed to various departments between 1984 and 1986.

In a fact sheet entitled “Job Facilities given to the Tribal People", which the Commission received from the military at Chittagong, it is claimed:

"Govt. have relaxed the age limit for jobs involving hard labour by five years against normal age required for the particular post, In other cases, the upper age limit has been relaxed up to 10 years ... For all jobs, including class I and class III posts, in all fields of employment excepting teaching and technical professions and cadre posts, educational qualifications have been relaxed for tribal candidates to one educational standard down, that is in case of Master degree, a Bachelor's Degree will be eligible ... Two separate selection boards have also been made to select the candidates in respect of class I and class III posts in govt., semi-govt. and other offices in Hill Tracts region. This accelerates the tribals in getting jobs."

What do these reservations really mean for the CHT peoples? First, a five percent reservation in an area where the eligible population makes up more than 50 per cent of the total population is in fact a negative quota. Moreover the Commission discovered that only 152 class II jobs out of the total of 1,877 jobs mentioned above have in fact been given to hill people. The remainder are class Ill and class IV jobs. The Commission confirmed this information by direct observation in various government offices. The Deputy Commissioner of Rangamati, explaining that his staff consists of 60 "tribals" and 40 "non-tribals", elucidated this when he added:
"Indeed, the person who served you tea is a Marma".

With the exception of the District Council offices, almost all of the offices which the Commission visited were run by Bengalis who had the highest posts and did all the talking. Occasionally, when tribal employees were asked to say something, they would utter a few words. Some of them told us in private that hill people were only show pieces in these offices.

This pattern is also reflected in industrial employment. For example, in the paper mill at Chandraghona, there are only 40 tribal workers out of a total of 6,000.

In addition, there is a government policy to employ hill people outsicle the CHT. In a circular (No. 1003/CA/1 Rehab-2/90/438 of June 7th, 1990, issued by M. Ali Ahmed, Civil Affairs Officer on behalf of GOC, Chittagong Cantonment), government officials are urged to employ hill people outside the CHT, and preferably in districts not bordering the Hill Tracts.

Education

The CHT has a higher literacy rate than the rest of Bangladesh. This is mainly the result of the exceptionality high rate among Chakmas which is said to be between 40 and 60 per cent as against 12 to 28 per cent for the Bengalis in the CHT. The literacy percentage for Bangladesh as a whole is 23.8% (1981 census).

The high literacy rate among Chakmas and others has to do with the importance placed on scriptural knowledge in Buddhist cultures. Traditionally every village had its monastery based education and teachers were held in high regard. This background explains why hill peoples have shown an early interest in modern education. In addition to this, as Gautam Dewan, the Rangamati District Council Chairman, explained to the Commission, after the completion of the Kaptai dam the hill people realised that there was no other way for them to survive other than by education to make up for their loss of land.

The Christian groups, such as the Bawm and Pankhua in Bandarban District also place great importance on education. They have established schools and hostels with funds from Church organisations such as the CCDB (Christian Council for Development of Bangladesh) and World Vision. The students who get their education through these programmes are encouraged to preach the Gospel among their people and do community work.

The "Handout on CHT" compiled by the military, lists the educational institutions in the CHT:

	as in 1947	**1947 - 1982**	**1982 – 1989**
EDUCATION	College: nil	College: 5	College: 9 (3 govt)
	Sec. School: 1 (govt)	Sec. school: 40	Sec. School: 62
			Junior High school: 33
	Primary school: 20	Primary school: 500	Primary school: 938
	Student hostel: nil		Tribal student hostel: 9
			Residential school with hostel for hill students: 2
	Literacy: 2 -3%		Literacy: 20 % (Chakma: 50 %)
VOCATIONAL TRAINING	nil	Vocational Training Centre	Technical Training Centre
		Rangamati: 1 Kagrachari: 1	Rangamati: 1

Note: 'vocational training': "Imparts training on automobile, driving, carpentry, electrical fittings, weaving, etc. In addition basic trained 1376 tribal youths in weaving, carpentry and sewing. Total tribals trained so far in various trades are about 6000."

The above figures demonstrate that many educational facilities have been established in the CHT since 1983. One of the military commanders commented:

"Poor little Bangladesh ... In many ways the tribals here in the CHT are much better off than the people in the plains ... There are many more roads here than in the plains. Here in Khagrachari there is electricity in all places. This is not the case in 60 percent of Bangladesh. Even ships can come here. ... Why don't the Chakmas tell you of the improvements since 1988? ... Those students who have spoken to you, they are all speaking against us, but 50 percent of them take scholarships from us. They never tell us anything. We never hear a complaint from them."

Another high official at Bandarban remarked:

"Sometimes I myself would like to be a tribal. All expenses are paid by the Government. Food, clothes, pens, books, medicine, everything. They get it all through the schools."

Some schools have been established by the military themselves. One senior officer told the Commission:

"I have established a school here myself. There are 65 students, 20 to 25 of them are Bengalis, the rest tribals. I gave them uniforms, all out of our own camp's fund. There is also a hostel for Marmas and one for Tripuras."

The Commission does not know whether schools founded by the military from their own budget are included in the figures above. Since 1983 several tribal hostels have been built, mostly in Bandarban District; one for Mru students, one hostel each for tribal students at the primary and secondary levels. Nevertheless, a high government official from Bandarban remarked:

"In my district education is very low. The tribals are very shy, very lazy, peace loving, easy going. The people are not coming to schools. A lot of primary schools lie unattended. So there are not so many educated tribals."

Students told the Commission that the numbers of students in their schools and colleges were more or less proportional to the total tribal and Bengali populations. On the other hand, the teachers were mainly Bengalis, and in many schools there are no tribal teachers at all. The medium of education is Bengali which means that the tribal students are disadvantaged.

Many officials stressed the importance of hill peoples' culture and the need to preserve it. However, they have little conception of the educational implications of this on curriculum planning and relevance. A senior military officer demonstrated this as follows:

''The teachers are tribals, they only have to follow a particular syllabus, but about their own culture they are free to teach them. ... In fact we encourage, whenever we have an important visitor here, we actually ask them to put on a show. Any foreign visitor or any visitors from the top officials of the Bangladesh government."

Reserved Places in Schools

The government has a reservation policy for educational institutions for all tribal people in Bangladesh. In the handout entitled "Job Facilities given to the Tribal People", this is put in the following way:

"A total number of 80 seats have been kept reserved for tribal students in Medical Colleges, the Engineering University, the Agriculture University, Polytechnic Institutes and Cadet Colleges."

Students told the Commission that there is no tribal quota either in the University of Dhaka or in nearby Jahangirnagar University. However there is a quota of 22 seats in the University of Chittagong (one seat per department) and 10 in the University of Rajshahi. Several military commanders were of the opinion that the Chakmas dominate the other hill peoples:

"The Tripura asked us to bring them into borograms (cluster villages). They are backward. They were on the hilltops. They hate the Shanti Bahini and they hate the Chakmas. They had no quota for education. The quota has to be revised because the Chakmas get all the quotas. The Tripuras have no engineers like the Chakmas. They now want quotas per tribe, but the Chakmas will never allow this ... We should have proportional quotas for tribals. Today Bawm and Pankhua are suffering from the quota system because they cannot compete."

The Commission has not received any information on the way the reservation policy is implemented. The GOC is the ultimate arbitrator in the allocation of places. In this way the military controls who gets a reserved seat.

A youth in one of the camps in Tripura told the Commission:

”I came here first in 1986 and returned to Bangladesh in 1989 ... I went to inquire about education, because I wanted to study. But when I went to the market the Intelligence Branch came after me and they followed me up to the house. They did not give me any education facilities because my father was with the party (JSS)."

Although there are a number of educational facilities in the CHT, the education system serves first and foremost the purpose of acculturation of the hill people into Bengali culture and to bring them into the mainstream of Bangladesh society - both aspects of the counter-insurgency strategy. Far an elaboration of the cultural aspects see the chapter on culture and religion.

Women

"There are some pretty girls there."
"Those tribal women are very beautiful and they are freer."

These were remarks made by military officers. Tribal women are especially attractive and exotic to them. They move around more freely and are not bound by the same cultural and religious impositions that restrict the freedom of movement of Muslim women. These cultural differences combined with the military presence and the increasing domination of Bengali Muslim culture in the CHT have made the tribal women more exposed to sexual attacks.

Rape

A woman who is now in Tripura told the Commission:

"About 50 army personnel came in the night and rounded up the whole village and gathered us in one place. In the morning all the men were arrested. I was tied up hands and legs, naked. They raped me. There were three women there. They raped me in front of my father-in-law. After that we were tied up together, naked, facing each other. Then they left. Three other girls were raped in front of me. This happened in the month of Ashat (June/July) of 1985.”

Another woman from Dighinala upazilla, now in Tripura, told the Commission:

"In the early morning 5 to 6 groups of soldiers encircled the village and some entered the huts. They caught all men and brought them to the fields and tied them with rope. My husband had his teeth beaten out of him, all blood. My son ran to his father and he was thrown to one side. The army ordered me to go into my hut and pointed guns at me. One grabbed me by the neck. My husband was near. My husband was almost beaten to death. I was raped by three soldiers in the room. After this I didn't want to live anymore, but what am I to do? I am still suffering from it. My husband is still injured in the lungs and can't work. I want to go back if there is peace, otherwise not. I want medical treatment as I am still suffering from the rape. I am still afraid of Muslims. My ribs were broken and my skin burns there. This happened in June 1986. I am still like mad, disturbed."

A woman from Matiranga upazilla told the Commission what had happened to her in April 1986:

"They (the army) surrounded the village early in the morning, we had not yet got up. Then they shouted to come out of the houses and concentrated all the people in one place. Then they started asking whether we had helped the SB. All of us kept silent. ... Then they started beating the men and the women. One girl was taken by three soldiers. I don't know where she was taken. Then it was my turn. Two soldiers took me and subjected me to abuse. I was fully naked, they harassed me, they even poked me with a bayonet. I was left alone. I didn't know what to do. Somehow I managed to cover my body with some cloth and went to the jungle and kept walking till I reached India."

Both in Tripura and in the CHT itself the Commission heard many accounts of women who had been (gang) raped by soldiers of the Bangladesh army, often in front of their children. Rape is a recurring characteristic of attacks by the military and by Bengali settlers on tribal villages. Rape is used systematically as a weapon against women in the CHT. Women live in continuous fear of rape. Some young women told that the Commission that they are no longer able to wear their traditional dress. If they do, they run the risk of being raped. For their own safety they are forced to hide their tribal identity as much as possible. It is also too dangerous for them to leave their houses at night.

Women who have been raped may be rejected by their husbands or their families, or may not be able to get married. If they become pregnant they have to conceal this fact and must try to have an abortion. If a child is born, it is impossible for the woman to stay in her community as the situation is not accepted and she is ostracised. For these reasons women who have been raped hesitate to talk about it at all because they are scared or worried about the social stigma. This makes it difficult to collect information on such a sensitive issue. In the camps in Tripura the Commission was told that several women did not want to talk to us about it and that many women do not talk about it at all. Despite this, many women had the courage to tell the Commission about their experience because they felt that it was important to tell the outside world. Most women who did tell us found it very difficult, and it was clearly very emotional for them. Almost all of them were crying while they recounted their experiences.

The Commission was also informed about recent instances. An old woman in Rangamati District had been raped by the army just a week before our arrival. In October 1990, also in Rangamati District, 14 young girls were gang-raped by an army patrol as they were returning home from a Buddhist religious festival in the late afternoon; at this festival the GOC himself had been present.

Life in the cluster villages is not safe, especially for women. In Tripura several people who had fled to India recently told the Commission that the reason for their leaving Bangladesh was that the army wanted to

force them to live in a cluster village. Women in cluster villages are more vulnerable to rape by army personnel and are often forced to spend the night with their rapist. A man in one of the refugee camps explained:

“I was forced to live in a cluster village. We had to come here because we have a teenage daughter and we were afraid that she would be taped by the army. ... A woman neighbour was raped in 1989 after the cluster village was established. She then fled to India, together with 22 other families."

Sometimes educated women are specifically targeted by the military. Recounting an army attack on her village, one woman who worked in a rubber plantation told us:

"The army raped some of the women, especially college students and women working in offices. Many girls were taken to the army camp. After this incident (1989), intellectuals of the village were arrested by the army so as to prevent them from taking shelter in India. ... The girls who were taken away to the army camps were released after one week. In the camp the army men raped them repeatedly."

The trauma of rape remains with these women for years, and many of them are still suffering from its repercussions years later.

Forced marriage

Forced intermarriage is one way in which women are used as an instrument to integrate the hill peoples into Bengali society and to change the demographic balance in the area, In the Tripura camps the Commission was presented with a list of women, 14 Tripura, 14 Chakma and 1 Marma, who had been kidnapped, forcibly converted to Islam and married. Names and villages of the Muslim men were also given. We were told that one woman was murdered because she refused to be married. A woman who came to Tripura in July 1990 told the Commission:

"I was walking along the road to go to the fields with my six-year old niece to plant some seeds. A man appeared before us, bound my mouth with a piece of cloth and took me away on his scooter. ... I was kept for three months. I was forcibly converted to Islam and married."

Another woman told the Commission:

"I was kidnapped in 1986.... I had two children with this man. One day he sent me to his father's house and at a certain moment when I saw no one around I escaped. I went back to the jouta khamar (cluster village) where I had lived before, but when I arrived there, there were no tribals and it was occupied by Muslims. I arrived here in the camps in 1988.”

In the CHT the Commission was also given names of women who had been abducted by soldiers. According to previous documentation a secret memorandum (1983) had been circulated to all army officers in the CHT, encouraging them to marry tribal women.

Family life

Family life in the CHT is disrupted. Living conditions are far from normal. In many cases families have been separated because of arrest or threat of arrest, flight after mass atrocities, and involvement in organized resistance. Often people have lost contact with their close relatives. Some of them have spent years in

prison and find, after their release, that their whole village has disappeared, burnt down and everyone gone. There is increased psychological pressure on new heads of households who find themselves responsible for the care and protection of one or more vulnerable family members. In families where the husband has been killed or arrested, or has joined the SB, it is the woman alone who bears the pressure.

Children

Many children are severely traumatized by the atrocities that they have experienced and witnessed. Many parents expressed concern for the safety of their children, especially their daughters. A woman teacher who is now in Tripura told the Commission:

“In 1985 when 1 returned home from school I found that my servant had been raped by two soldiers, while one kept watch. The soldiers grabbed my three-year old son off the servant's lap and threw him on the floor. To this day the child is still afraid."

Another woman in Tripura told us:

"...When returning from a family visit in the evening we came across 12 army personnel. My son and sister-in-law, both children, were with me. I was dragged into the jungle and raped by two of them. The children were crying on the road."

This had happened in December 1985.

In Tripura the Commission was also told about an incident that happened in March-April 1989:

"Some soldiers came to our house and woke us up and poured cold water on our heads. I had two daughters. The soldiers tried to take my daughters, they were 9 and 11 years old. They hit me on the head with a lathi (bamboo stick). My head was bleeding. My daughters were crying. As my head was bleeding heavily, the soldiers gave me some medicine. Then they asked me whether I would become a Muslim. I said: 'No, I'd rather die.' Then they said: 'Will you be able to stand naked before us?' and also 'If you give us your daughters, we will release you.’ They beat me then and left."

In a village in Khagrachari District the Commission met a boy of about seven years old and his grandmother. The boy had a large scar on his shoulder from a cut with a long knife; the grandmother had two scars on her head. They said this had been done by the army a few years ago. They were the only survivors of their family.

The Commission was also told of three children, a brother and sister of 6 and 12, respectively, and a 14-yeas old boy, who were in jail. The local military commander said that he did not know anything about children under detention except "maybe some little babies who have to be breast fed by their mothers".

In another village in Khagrachari District an old man said:

"The army is following us everywhere. Life is not ours. They beat up children, the children don't go to school."

Many children have lost their parents. They are in orphanages or are being taken case of by members of their extended family. Life in an orphanage does not guarantee safety for children in the CHT. Even orphanages have been targets of attack by the army and settlers. A well-known example is the destruction of the BoaIkhali orphanage in Dighinala UpaziIla in June 1986. (See the chapter on culture and religion).

The Commission is concerned for the long-term effects on children growing up in such unsettled and traumatising conditions, as well as the implications for subsequent generations of hill people.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

1. The Chittagong Hill Tracts are under military control, The Commission was startled by the numbers of military, paramilitary, police and volunteer defence personnel in the CHT. Check posts, observation posts and military camps were constantly visible. The Commission was also startled by the range of functions which been assumed by the military. They are involved in the construction and repair of roads, schools, dormitories and temples. One Brigadier promised to build a library during a meeting with the Commission. He commented that many of the students who had been speaking to the Commission were paid allowances by the military to enable them to go to school. One Brigadier said that the army would investigate disputes over land ownership and resolve them, without the need for parties to go to court. The military are heavily invoked in the cluster village programs, both those for hill peoples and those for settlers. The GOC Chittagong is the Chairman of the CHT Development Board and the military play a pervasive role in economic development. They promote local cottage industries and are involved with activities related to the local markets. Often the military activity was described as being done on a voluntary basis, an indirect acknowledgement that the functions performed were not of a military or security character. One Brigadier commented that Local people found the military more efficient in dealing with problems than other local authorities. The military have assumed a pervasive role in civil administration. In comparison, the role of the Deputy Commissioner was quite limited. The District Councils were just beginning to function in December 1990, when the Commission visited the CHT. Any gain in real authority by the District Councils would have to be at the expense of the extensive civil rule played by the military and other security forces. Although a multi-party democracy has returned to Bangladesh, the military are still in control of the CHT.

The military perform the civil and military components of a counterinsurgency strategy consciously modelled on British experience in Malaya. Military personnel spoke of receiving training, both in Bangladesh and elsewhere, in which they studied experience in Malaya, Vietnam and Central America. Programmes designed to (i) alter the economic patterns of the hill peoples, (ii) promote more intensive land use, (iii) make more of the hill peoples lands available for other uses or users, and (iv) more fully integrate the hill people into the larger economy are now integrated into and justified by the whole military counter-insurgency project.

2. In spite of repeated military and governmental statements that incidents will be prevented, attacks by military and by Bengali settlers on hill peoples have continued. This is confirmed in communications received since the visit of the Commission in December 1990, and in reports in the Indian press in late February 1991. The Commission saw homes that had been destroyed by military a matter of weeks before it visited particular areas. Military officials conceded some incidents of human rights violations by military personnel, while suggesting that they were less serious than had been alleged by hill people. Some incidents involving settlers would have been "reprisals" that came after activity of the Shanti Bahini. Some of the military attacks on villages were not reprisals, but attempts to forcibly relocate hill people into cluster villages.

3. People lie in order to function in the oppressive situation in which they find themselves. Many times the Commission encountered situations in which a person would make particular statements (supportive of the military or the District Councils or opposed to the JSS/SB), only to express opposite views when talking privately to members of the Commission. One elected District Council member, in an unexpected and

private communication, expressed opposition to the District Councils and stated that there was overwhelming support among hill people in the CHT for the JSS and its five point program. The Commission cannot identify the individuals without putting them at risk, but it was not unusual to find a person supporting the government one minute and radically changing his or her statements as soon as officials were out of earshot. Investigators who travelled with military or government officials cannot regard the information they received from hill people, local government officials or settlers as reliable unless the interviews took place in private.

4. The settlement of Bengalis from other parts of Bangladesh has occurred with massive violations of the property rights of hill people. The Commission was repeatedly assured by most civil and military authorities that existing rights of hill people had been respected and that the lands of the refugees now in India remained available for them, if they would only return to Bangladesh. While the Commission was not able to do a systematic survey of land records and actual land use, it was able to document one incident of the illegal takeover of land by Bengali settlers from hill people, while the hill people were still living in the CHT (and the failure of the local civil administration and judicial system to provide any hearing or redress). More strikingly, the Commission saw areas that it knew had been areas where hill peoples had been an overwhelming majority. The lands were now used by Bengali settlers.

Army and government officials frequently explained cultivation to the Commission, as if to indicate that hill people were exclusively or overwhelmingly involved in shifting cultivation. This description of hill people as nomadic farmers denied the reality of the plough lands and orchards that are a well-established part of the economic activity of many of the hill people.
Because of the constant description of the hill people as shifting cultivators by government representatives, many members of the Commission were surprised to realize how extensive the land records were that confirmed ownership of specific lands by hill people.

5. There is a massive and largely involuntary reorganization of population occurring in the CHT. The creation of cluster villages for hill peoples and settlers has been rapidly expanding. The reorganization programs were explained to the Commission by military and government officials both in terms of security and in terms of development. It is clear that the programmes are forcibly and illegally separating hill peoples from their traditional lands. They also serve to alter the economic patterns of the hill peoples, in the hope of integrating them more fully into the larger economy of Bangladesh and the world. One example is the Upland Development Project, funded by the Asian Development Bank, which has resulted in the forcible relocation of hill people and their current employment as wage labourers in the development of rubber plantations.

6. There is a constant denigration of the economic, social and cultural characteristics of the hill peoples by government, military and settlers. Jhum cultivation patterns were constantly explained to the Commission in order to depict the hill peoples as primitive. Officials were describing the hill peoples' ways as static and fixed, when in fact the hill people had, themselves, adapted and modernized their economies and societies. One government official spoke of contact between a "higher" and a "lower" culture. Yet, paradoxically, the same officials would note that Chakma literacy rates were far higher than those of the Bengalis on the plains. The Chakma language was often referred to, in a disparaging manner, as a mere dialect, not a language. The Commission heard many accounts of attacks by military and settlers on Buddhist temples. Members of the Commission saw damaged temples, churches and religious images. The major Buddhist pilgrimage centre at Chitmaram had neither pilgrims and only two monks when the Commission visited. All

the other monks, it was told, were in Burma. Travel to the centre is not officially prohibited, but blocked in practice. Proselytizing by Islamic organizations in the CHT is permitted, though, in contrast, Islam forbids Muslims converting to any other religion. The Commission heard many stories of threats or inducements promoting conversion to Islam.

7. There are very serious ecological threats in the CHT. Military and civilian authorities made frequent negative references to the ecological consequences of jhum cultivation, as if jhum cultivation could never be a sustainable agricultural activity. The Commission was struck by other facts, particularly the clear evidence of extensive logging in the CHT. Much of the logging seemed to be illegal with military complicity or involvement. Deforestation has increased the silting in the Kaptai lake reservoir, sharply reducing the projected life of the hydroelectric project. The carrying capacity of the hill lands is clearly limited and decreasing. It was put under great strain by the displacement of 100,000 people by Kaptai lake, and subsequently by the doubling of the population of the CHT by the introduction of the settlers. The Commission was told by military officials that rainfall has decreased, with further serious consequences for both the hydroelectric project and existing patterns of agriculture.

8. There have been serious problems with the process of developing the new system of District Councils in the CHT.

As this report describes, two processes of negotiations took place, one with the JSS/SB and another with a "dialogue committee" of hill people. The first process failed to actually get to a point of negotiations, in spite of a major concession by the JSS/SB negotiators in December 1988. By that time, government and military representatives had chosen to deal with the dialogue committee. Members of the dialogue committee accepted parts of the government's proposals with extreme reluctance. They failed to obtain basic demands. Some sought an agreement in order to prevent the situation in the CHT from becoming even less favourable to the hill people. Some saw the establishment of new district councils as a beginning, a foot in the door, a very limited concession by government which had some potential to develop more effective bodies representing the interests of the hill people. Whatever the future potential of the District Councils, it is impossible to describe the negotiations with representatives of the hill peoples as having been part of a satisfactory process. Indeed, it hardly seems that there were "negotiations" at all with either JSS/SB or the dialogue committee. In the end, the members of the dialogue committee publicly supported the new District Council system, though one of the key figures over the years, Upendra Lal Chakma, now a refugee in India, describes his consent as coerced.

There are certain basic issues concerning the District Councils that have not been satisfactorily resolved. Should there have been a single governing body for the CHT, as proposed by the JSS/SB, or three as accepted by the dialogue committee? Are the powers involved adequate? Is this meaningful autonomy? Can it be called autonomy at all?

Another problem relates to the District Council elections in June 1989. The government and the military were committed to the elections being held and being seen as successful. The problems of conducting fair elections were enormous: the area was under military occupation, ten percent of the hill people were refugees in Tripura and the JSS/SB had called for a boycott. The Commission concludes that the military were massively involved in the selection of candidates, the organization of meetings to support the process, the campaigns of candidates, coercion of local leaders to support the process, coercion to ensure that people voted, and manipulation of the voting process itself.

9. There have been massive violations of the human rights of the hill people in the CHT. There is no dispute that there have been attacks on civilians by settlers, military, paramilitary and insurgents. Hill people have been killed. Villages have been destroyed. Women have been raped. Religious buildings and images have been damaged and desecrated. Lands have been stolen. People have been forcibly relocated. Many Bengali settlers have become victims in the whole process, with many killed and injured. They too are often now deprived of agricultural land by forcible relocation in cluster villages in the name of security, though the original reason for their settlement in the hills was the hope of agricultural land.
These actions are in clear violation of Bangladesh's obligations under International Labour Organization Convention 107 on Indigenous and Tribal Populations. The forcible relocation and reorganization of the hill peoples bear strong parallels to certain of the practices of Apartheid. Modern international law supports the collective rights of minority populations to physical, cultural and material survival. They have rights of self-determination as peoples within existing state structures. Many international law scholars support the right of such peoples to forcibly protect their rights of self-determination. The United Nations has formally recognized the legitimacy of particular liberation movements in states where rights of self-determination have been denied.

RECOMMENDATIONS

1. Land issues and the presence of the Bengali settlers,

While acknowledging the very real economic, social and political problems involved in the return of the Bengali settlers to the plains, the Commission concludes that such a programme would be the ideal solution to the problems in the CHT. Government and military representatives told the Commission that the program to bring settlers into the CHT had been a serious mistake. No one can dispute that assessment.

Hill people want the Bengali settlers to leave the CHT. Some hill people suggest that settlers who came before the sponsored settlement programme could stay, but all others must return to the plains. This is not simply the view of the JSS/SB. It was the first demand of the dialogue committee in their meetings with representatives of the government and military. The dialogue committee members have been described by various people in the government, military or JSS/SB as "moderates" or "realists" or "pragmatists" or "opportunists" or "stooges". The point is that all segments of hill people's opinion support the position that virtually all the Bengali settlers should leave.

But all parties are being faced with the reality that now almost half the population in the CHIT are new Bengali settlers. They have taken over lands of hill people. They could gain political control of the region. The most basic objection the JSS/SB have to the District Council laws is the fact that the new laws officially and legally legitimize the presence of the settlers in the CHT. The laws do this in two ways. Firstly, they give the settlers fixed representation on the District Councils. This fixed representation suggests that the settlers are regarded as a permanent component of the population of the CHT, as permanent as the hill people themselves. Secondly, the laws are designed to completely end the legal role of the CHT Regulations of 1900, which contained restrictions on the entry and settlement of non-hill people. The 1900 regulations 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 and their protection in the constitution.

Certain members of the dialogue committee described the goal of the return of the settlers to the plains as the "ideal" solution. But they had become convinced that the ideal could not be attained and that the demographic balance could shift further in favour of the settlers. The Commission agrees that the return of the settlers to the plains is the ideal solution, but it has chosen, as well, to make a set of more specific recommendations on the issues of land and settlers.

a) No further settlement in the CHT must be permitted. The government and military assured the Commission that new settlers could not obtain grants of land and that transfers of lands to new settlers could not occur without the approval of the District Councils, as provided in the laws establishing the District Councils. Some informants thought that new settlers were still entering the CHT. The Commission was not able to investigate those allegations.

b) There must be a neutral and expert body capable of examining the legality of titles to lands in the CHT. The Chairman of the Rangamati District Council has proposed committees at the District and sub-district levels to deal with disputed titles. The Commission concludes that such committees would be insufficiently neutral and insufficiently expert to handle such a task. They would be linked to existing local government institutions, which have played administrative roles in relation to land records. If land documents have been obtained by bribery in particular cases, something conceded as likely by certain governmental representatives in the CHT, the investigation of irregularities should be done by a body unconnected with local land administration. This means, as well, that the existing District Magistrates, as they were in place in December 1990, cannot carry out this function. At that time, the Deputy Commissioner was both responsible for land records and was the District Magistrate with judicial authority in land disputes.

This problem of land titles is absolutely central to the return of the refugees from India. The refugees are, at present, convinced that their lands have been taken over by settlers. The Commission concludes that much, perhaps most of their lands have indeed been taken ever by settlers. The Commission was not able to do a detailed assessment of the extent of loss of land rights to settlers, but testimony from refugees (including the statements of refugees who had temporarily returned to their home areas in the CHT), together with observations in the CHT, convinced the members of the Commission that the problem is massive. Unless it is resolved the refugees will not voluntarily return to their home areas.

c) Many of the Bengali settlers have become victims of the whole process and many stated that they would happily return to the plains if there was a place for them to go. They had been landless or had sold any holdings before moving to the CHT. They lack the resources to re-establish themselves on the plains. The present situation in the Bengali cluster villages in the CHT is terrible, a grim parallel to the conditions in the refugee camps in Tripura. If the Bangladesh government is prepared to address these problems the Commission expects that specific foreign aid would be available for the task of relocating some of the settlers. The plains are very densely populated, hut some resettlement program would be possible.

d) The cluster villages must be dismantled. Government and military representatives constantly assured the Commission that both settlers and hill people voluntarily chose to live in the cluster villages. The Commission, however, concludes that the whole program involves a forced reorganization of population. Military attacks on hill peoples villages have occurred to force hill people to move to particular cluster villages. One goal of the cluster villages is to end the land use patterns of the hill peoples and integrate them into a cash crop economy. One example, already noted, is the establishment of rubber plantations in three parts of the CHT.

e) A basic assessment should be done of the carrying capacity of the lands within the CHT. Extensive data is already available for such an assessment to be done quickly. The hill peoples are entitled to carry on their established patterns of land use, with paddy lands, gardens, orchards and cultivation. There is a myth of empty lands in the CHT, which lies behind the whole project of introducing settlers. But the myths should, by now, be over, and the harsh realities of a land and ecological crisis should be clear to everyone. The only 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 the Commission proposes for the CHT would be able to make decisions on land use and settlement.

f) The Chittagong Hill Tracts Regulations of 1900 should not be repealed in total. Because of the political and symbolic importance of the 1900 regulations, Bangladesh law should recognize authority in an autonomous CHT government to implement and amend the provisions of the 1900 regulations dealing with land rights and settlement. The Commission does not see it as technically necessary to continue the 1900 Regulations 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. It should not be done by a discontinuity which is unnecessary and provocatively disrespectful of the views of the hill peoples.

2. Autonomy

a) A process of demilitarization of the CHT must begin immediately. The present military occupation of the area and the military programmes the Commission has described involve massive violations of human rights and have not created the preconditions for peace and political and economic development. The issue of autonomy is closely linked with the issue of the demilitarization of the CHT. This is so for two reasons. The military are the main holders of both military and civil power in the CHT at the moment. The achievement of autonomy by the hill people can only occur if there is a corresponding reduction in the power and presence of the military. In contrast, the civil administration in the form of the Deputy Commissioners is much less important in the overall picture. The second reason why autonomy and demilitarization are linked is that peace and stability can only be established in the CHT if the hill people come to believe that they have real control over their future. Only a resolution of the issues of land rights and autonomy will persuade the refugees to return from Tripura and end the justification for the Shanti Bahini insurgency.

b) The discussion over the CHT is no longer whether there should be autonomy or not, but what should be the institutions exercising autonomous powers, what should be the extent of those powers, and what legal basis should exist for the system of autonomy.
Government representatives, in the past, opposed arguments for autonomy, stressing that Bangladesh was a unitary state. Many states which are legally "unitary" have autonomous areas or provinces. Perhaps, again, it was the model of India which affected the terms of this discussion, for the Indian example is one of autonomous arrangements fitting into specific constitutional provisions. The government of Bangladesh rejected that model, while JSS/SB representatives seemed to have believed that autonomy and legislative power would require constitutional provisions.
Bangladesh accepted that there should be special arrangements involving limited autonomy when it decided to establish the three new District Councils in the Hill Tracts, The District Councils were

established by legislation. They are not protected by the Constitution. Bangladesh remains, legally, a unitary state. It is not now, nor has it ever been, in reality or in law, a state with uniform structures of local government in all parts of the country.
"Autonomy" and "self-determination" have often been used in the political debate over the CHT as if they had well-understood and defined meanings. Autonomy is accepted in modern state practice and international law as the logical and proper response to territorial minorities, such as the hill people in the CHT. Both "autonomy" and "self-determination" are terms used by the International Labour Organization and the United Nations Working Group on Indigenous Populations. The commission is aware of the position of the Bangladesh government that the hill people are not technically "indigenous" peoples. The Commission considers that they are "indigenous" to the CHT, having been in settled occupation and control of the area prior to outside assertions of political authority over the CHT and prior to the relatively recent patterns of outside settlement in the area. But the Commission is not concerned with attempting to finally resolve this issue of terminology. Rather the Commission is concerned with an understanding of the appropriate extent of autonomy that should be exercised by hill people in the CHT.

c) The new District Councils are, in fact, governmental bodies with some administrative and legislative powers. They have a degree of autonomy. One chairman described the Councils as representing "limited autonomy".
Autonomy is established for various reasons. In the case of territorial cultural minorities or peoples, autonomy is used as a method of enabling the cultural minority (or in this case, a group of minorities) to ensure its survival and development. What powers, then, are appropriate for an autonomous government in the CHT in order to permit the survival and development of the hill peoples? The answer to this question must be responsive to the particular cultural characteristics of the peoples in question. It is clear, therefore, that control over land is vital. It follows logically that the autonomous government should have general legislative power over land law. At present the District Councils have only the very limited power of approval over transfer of lands to non-residents. That power is important, but falls far short of what would serve the goals of autonomy. General authority over land law would include authority in relation to agriculture, logging, jhum cultivation, conservation and ecological concerns. A second area for autonomy, with broad agreement in international practice, is education. The District Council laws recognize this, in part, by giving a role to the District Councils in relation to primary education. As with land, this is too little. General jurisdiction over education, including control over curricula and language of instruction, should lie with the autonomous government. It is widely recognised that social services programmes are not culturally neutral, Again the District Council laws recognize this in part, by giving some authority to the District Councils in relation to social services and health. The general principle is that culturally relevant matters should be in the hands of the autonomous government.

d) The JSS/SB insist on one autonomous governing body for the CHT. The dialogue committee and the government agreed on three bodies. The Commission, as outsiders, see very strong reasons for a single autonomous government for the CHT. Since the population of the CHT is small, a single autonomous government will have greater strength in its dealings with the national government in the years to come. It would also have greater resources for planning and development. But the Commission emphasizes that this is the view of outsiders. The hill people might prefer three bodies or six bodies. The political realities and identification of hill peoples, tribals, indigenous people are frequently very local. There may be a strong preference for three or more bodies.
The question of 'one or three' has become a major point of division in the political debate. The Commission concludes that there should be a referendum in the CHT on the question of the unit or units of autonomy

that should be established. Voting should be confined to hill people on this question, for it is their distinctiveness which is the reason for autonomy. Settlers would participate in other elections, but not in the determination of this issue.

e) The Commission concludes that the process of elections for the present District Councils was fundamentally unsatisfactory. Conditions were very difficult for free and fair elections, but the fact that basic issues of autonomy and land rights had not been resolved meant that favourable conditions could not exist. Until hill people can feel satisfied that processes are in place to achieve land rights and autonomy, no progress will be possible in ending insurgency, convincing refugees to return, or establishing real civil authority in the CHT. In the process of resolving the questions of autonomy and land rights, there must be a political normalization within the CHT. This means that the JSS and any other political parties or organizations representing hill peoples or settlers must be legalized and allowed to function. The Commission concluded from 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. Support is not confined to the relief camps in Tripura or even mainly based there.

d) The present District Council laws are normal statutes, enacted by the Parliament of Bangladesh. They can be repealed or amended at any time without the consent of the hill people or their representatives. Internationally, there are many examples of meaningful autonomy being based on ordinary legislation. Nevertheless, in this situation, because of the violent history and extent of distrust, the Commission concludes that these should be constitutional protection of the autonomous government.

3. Human Rights Violations

This report has clearly documented massive human rights violations in the CHT. Hill people have been murdered, crippled, raped, tortured, imprisoned and deprived of their homes and means of livelihood. They have been denied civil and political rights. They have been denied economic, social and cultural rights.

The problems in the CHT became a major test of the capacity of modern international law to monitor and respond to human rights abuses. The issues have been discussed in all the available processes and bodies of the United Nations, most obviously in the Working Group on Indigenous Populations. The International Labour Organization persisted in questioning representatives of the government of Bangladesh, making detailed suggestions including the suggestion of a technical or advisory visit to Bangladesh and the CHT. There has been active involvement of many Non-Governmental Organizations.

The problems in the CHT have been discussed in the committee of aid-granting countries, as well as within the governments and aid agencies of particular states, such as Denmark, Germany and Canada. The Commission calls upon all aid-granting states and agencies to ensure that their programmes do not reinforce the status quo in the CHT. The Commission encourages aid which will promote demilitarization, rehabilitation of settlers back to the plains, autonomy, the resolution of land issues and development initiatives of the hill peoples themselves.

A few years ago, the Government of Bangladesh decided to permit outside observers to enter the CHT. It may be that government officials in Dhaka did not fully appreciate the extent to which serious human rights abuses were continuing in the CHT. As the Commission earlier observed, many hill people will not be honest to local government and military authorities, in order to protect themselves in an oppressive

situation. Other factors which could affect central government understanding of the realities in the CHT are the history of political instability in Bangladesh and the terrible series of natural disasters. These factors may have meant that policy formation was often left in the hands of local military.

The Commission found extensive and continuing violations of human rights. It concludes that there has been massive illegality in land matters in the CHT, under Bangladesh law. The Commission concludes that the present system of District Councils is inadequate as a system of autonomy for a territorial cultural minority. Remedying these problems will not be easy and, necessarily, will take some time. In the meantime, and in order to facilitate progress, it is vital to have a continuing monitoring capacity in place. This is, of course, not at all unprecedented in modern international law. Special rapporteurs for particular countries have been named by the United Nations Commission on Human Rights, either on an ad hoc or on a continuing basis. The Commission recommends such a special rapporteur on the CHT issues, supplemented by continuing investigatory and advisory work by the International Labour Organization and by competent Non-Governmental Organizations.

THE CHITTAGONG HILL TRACTS

The Chittagong Hill Tracts (covering an area of 5,093 square miles which is 10% of the country's area) are situated in Bangladesh bordering on Assam and Upper Burma to the east, Arakan to the south, the Chittagong District to the west and the Indian state of Tripura to the north. Twelve different peoples live in this area. The two largest peoples are the Chakma and Marma. They are, like the Taungchangya, a sub-group of the Chakma, Buddhist. The Tripura, the third largest people, are Hindus. Bawm, Pankhua and Mizo, who belong to the smaller peoples, are Christians. Except the Brong who are a subgroup of the Tripura the other peoples, the Mru and Khumi, Sak and Khyang are what has been called “animists”. These peoples have mostly immigrated into the hills from Burma and all except the Tripura belong to the Tibeto-Burman language family .

The Chakma, who originally lived further south in the Matamuri area entered the Karnaphuli basin in the early 17th century. They became caught up in clashes with Bengali people expanding further east and had finally to retreat into the hills.

The Marma entered the area mainly after the Burmese occupation of Arakan at the end of the 18th century. They settled in the southern part of the hills while some groups migrated further north in the Hill Tracts, some of them pushed further as far as the Sundarbans and settled there. The Tripura entered the Hill Tracts from the north and settled in the alluvial river valleys of the northern tracts. The Bawm people, part of the large Chin people of northern Burma, left their homes in about 1800. They migrated south, became involved in fights with Mru, Khumi, and Marma and settled finally in the southern Hill Tracts during the first half of the 19th century. The Mru and Khumi, Chin groups too, had to leave their settlements in northern Arakan as a result of the Chin expansion in the early 19th century. Some of them settled in the CHT, the majority of them live still in northern Arakan.

The Khyang migrated from Upper Burma into the CHT. Little is known about the Sak. They came originally from Upper Burma, were settled by Arakanese kings and extended their influence into the southern Hill Tracts, influencing the ethnogenesis of the Chakma who began to form a coherent people from the time of the 16th century onwards.

Kinship organisations have been the structuring units of all peoples of the Hill Tracts. Chakma and Marma have kinship groups that used to be independent of each other. They were headed by political representatives who have since lost their influence due to political centralisation from within and outside of their cultures. Rigidly organised kinship groups were the most important levels of socio-political organisation among the Chin peoples in the Hill Tracts. They are divided into wife-giving and wife-taking clans, the former enjoying a higher status than the latter. This differentiation had no influence on the political aspect of the Chin peoples' social order as each clan gave and took wives to different clans at the same time. Accumulated agricultural wealth was distributed by high-ranking families in feasts of merit.

In the course of the 19th century the chief of the southern Marma, the Bohmong chief, the Chief of the northern Marma, the Mong Chief and a representative of the Chakma, the Chakma Chief, had achieved hegemony over all the smaller peoples in the hills. When the British annexed the area finally in 1860 they divided the Hill Tracts into three subdivisions, roughly corresponding with the area where the three Chiefs

were predominant. A Superintendent, later a Deputy Commissioner, was placed at the top of the administration, assisted by three sub-divisional officers in the respective subdivisions.

The three Chiefs were entrusted with the internal administration and management of their respective "circles". In the course of the territorialisation of the Hill Tracts the territorial units were subdivided into mouzas, the smallest administrative units in the hills. Traditionally villages were headed by one or more representatives; with the division of the hills into territorial units, the mouzas, they were made subordinate to a mouza headman who was directly in charge of the jurisdiction according to indigenous law of his area and the collection of the jhum tax.

The final administrative status was given to the Hill Tracts in 1900 with the implementation of the Regulation of 1900 which reconfirmed the separate administration of the hills. This Regulation prohibited the settlement of outsiders in the district and the transfer of land, thus alienation of land of the CHT peoples. The special status of the Hill Tracts was further underlined with the Government of India Act, 1935, in which this district was designated a "Totally Excluded Area". This meant the continuation of the formal severing of politico-administrative ties from the province of Bengal or East Bengal respectively.

Despite their geographical proximity, the plains and the hills have for a long time experienced different political and legal regimes. In the hills the different peoples were basically self-governing small entities without highly formalised political structures, whereas the people in the plains were always subject to highly centralised external powers. As time progressed, the centre of gravity of successive powers who dominated the plains came to be eves more distant. Political and economic relations between the plains and hills persisted to be strained to the extent that those who held sway over the plain tried to effect territorial claims along the extended boundary with the hills. Decolonialisation provided fixed territorial boundaries within which such claims were, in the long run, realised.

In 1947, 98% of the population of the Hill Tracts belonged to the CHT peoples, 2% belonged to the Bengali section. Precise census figures regarding the composition of the population distribution in the Hill Tracts are not available. Estimates given to the Commission in the Hill Tracts put the rate of Bengali settlers and CHT peoples at a 50:50 ratio, both accounting for approximately 450,000 persons.

The charge of genocide has been brought up by Human Rights Organisations with regard to what is happening in the Hill Tracts. The events reported to and those witnessed by the Commission make apparent that the charge of ethnocide has to be added. For more than 20 years the basically peaceful and non-aggressive notions of the CHT peoples' cultures, whatever denomination they belong to, are confronted with the aggressive and dominant notions of increased military rule in Bangladesh.

For outsiders it is, of course, very difficult to assess the thrust and effect of military and settler violence on the emotional life of the affected persons of the Hill Peoples. The Commission received only indications and assesses them tentatively and cautiously as follows:

The indigenous notions of the CHT peoples place, with varying degrees, but certainly most markedly in the Buddhist and Hindu cultures, high priority on living in a spiritual and physical balance and equilibrium. Wilful and planned structural violence is basically alien to their notions of how to live according to their respective religious norms and values. Rape, arson, murder, kidnapping and similar deeds are not part of their cultural notions (though, of course, violence does exist in their societies, too) and their cultures have,

accordingly, not developed strategies to cope with such incidents and disasters. They render them almost helpless. And it is exactly this inability to cope with the structural violence in a problem-solving way that reinforces their situation as victims. They are not only deprived of house, home and land but also of the rationale of their basic notions of life, of living in a spiritually appropriate way. Structural violence destroys their raison d'etre physically and spiritually.

The very fact that the Shanti Bahini, who are predominantly Buddhist, have taken to guerrilla warfare, is no contradiction. Apart from the fact that there exists a long tradition in the Hill Tracts of resistance against attempts at external domination, the decision to take up arms was not reached because but in spite of being Buddhist. This indicates the extent of the uprooting of previously balanced philosophies of life in the face of intense oppression and the subsequently painful decision to turn to armed resistance.

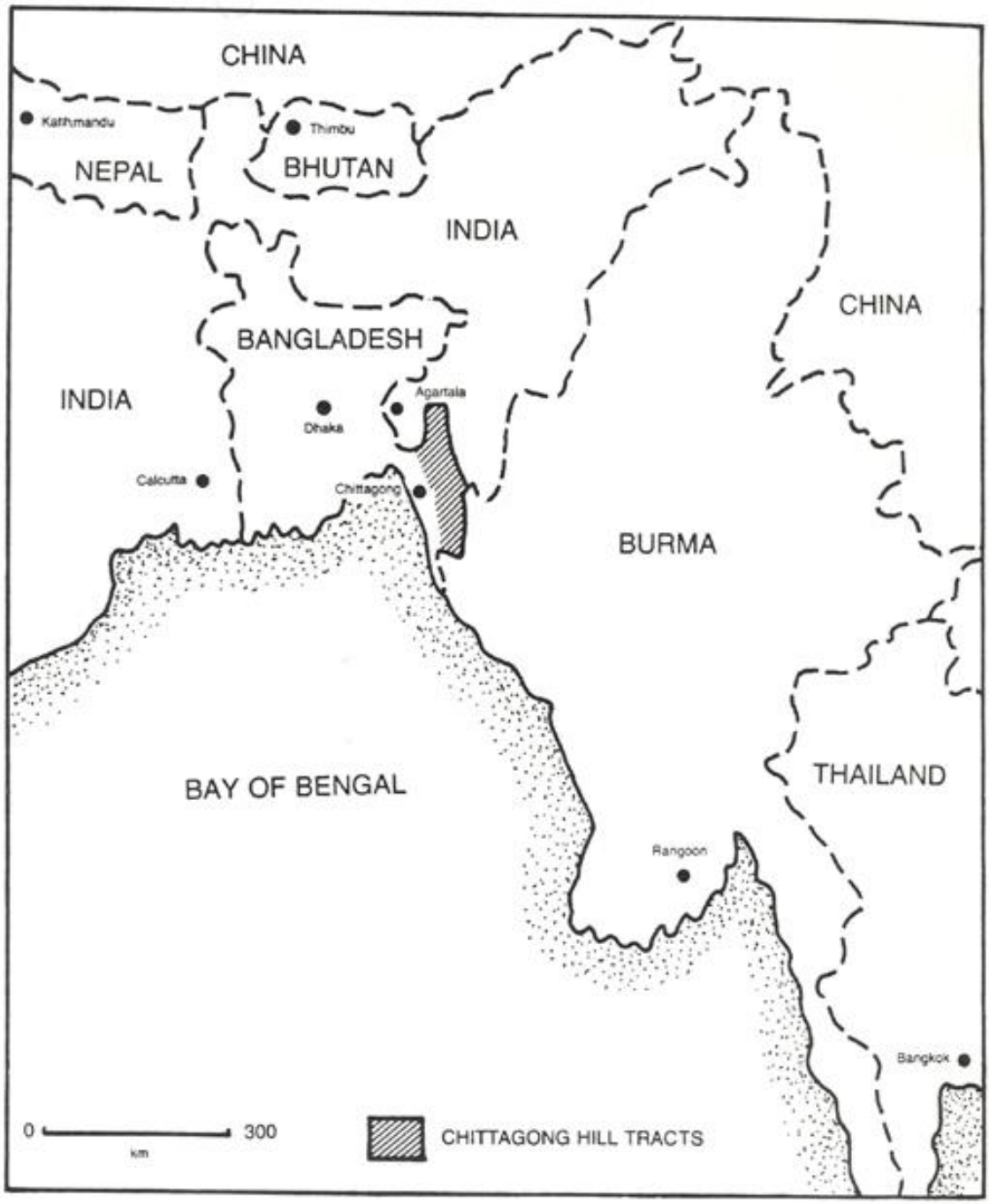
GLOSSARY

Ansar	- paramilitary force
Ashwini punima	- Buddhist religious celebration
Baishaki punima	- Buddhist religious celebration
Borogram	- Marma Tripura cluster village
Crore	- ten million
Dacoity	- robbery
Dahl	- lentils
Dao	- long knife
Dhakila	- receipt for rent
Guchchagram	- Bengali cluster village
Jhum	- shifting cultivation
Jhumia	- shifting cultivator
joutha kamar	- cooperative farm
kabuliat (kowla)	- document recording land lease
karbari	- village headman
khas land	- government-owned fallow land
khatian	- document recording land ownership
lakh	- 100.000
lathi	- bamboo stick
Mein Kampf	- my struggle
Maghi punima	- Buddhist religious celebration
Maund	- almost 40 kg.
Mauza	- group of villages
Nobotshor	- New Year
Punima	- Buddhist religious celebration
Shanti Bahini	- litt. Peace Forces
Shantigram	- Chakma cluster village
Taka	- local currency
Union Council	- administrative unit below sub-district
Upazilla	- sub-district

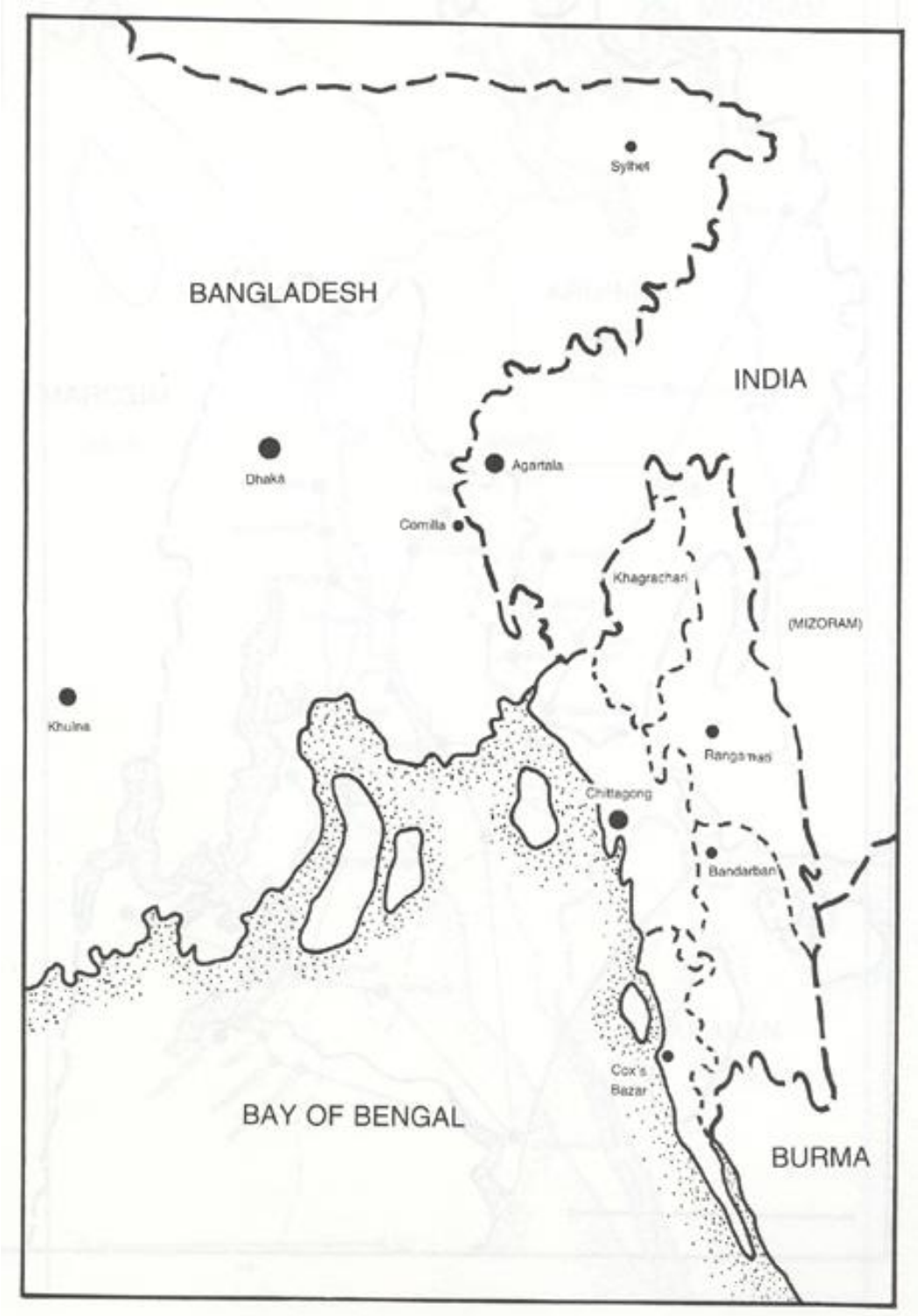
ABBREVIATIONS

ADB	Asian Development Bank
BDR	Bangladesh Rifles
BFIDC	Bangladesh Forest Industry Development Corporation
CCDB	Christian Council for Development in Bangladesh
CHT	Chittagong Hill Tracts
CHTDB	Chittagong Hill Tracts Development Board
GOC	General Officer Commanding
JSS	Jana Samhati Samiti, United People's Party
NGO	Non Governmental Organisation
SB	Shanti Bahini, armed wing of the JSS
VDP	Village Defence Parties

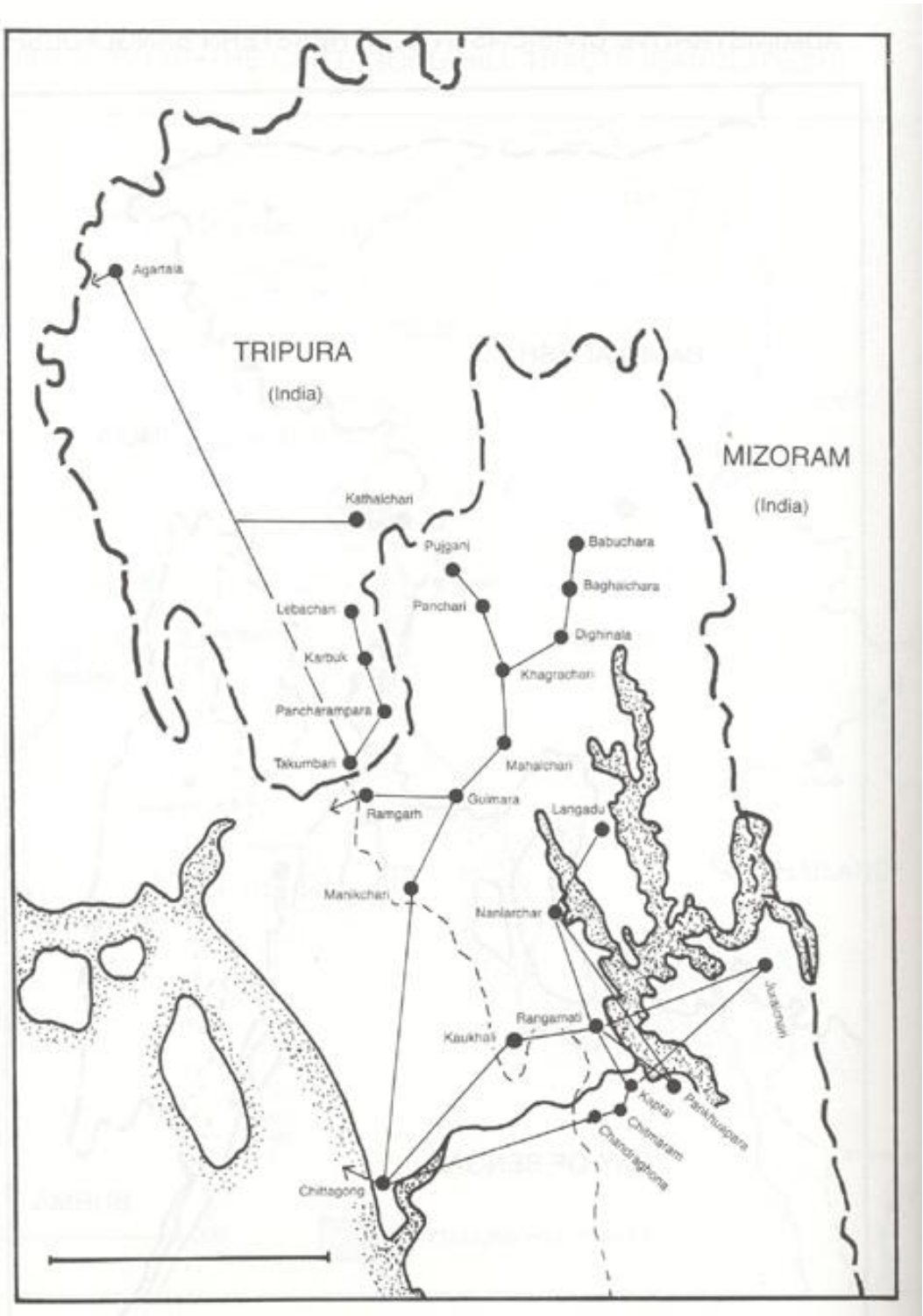
MAP 1: Location of the Chittagong Hill Tracts



MAP 2: Administrative Divisions in Southeastern Bangladesh



MAP 3: Itinerary of the CHT Commission (Northern Sector)



MAP 4: Itinerary of the CHT Commission (Southern Sector)