

'LIFE IS NOT OURS'

**LAND AND HUMAN RIGHTS
IN THE CHITTAGONG HILL TRACTS
BANGLADESH**

**AN UPDATE
OF THE MAY 1991 REPORT**

THE CHITTAGONG HILL TRACTS COMMISSION

MARCH 1992

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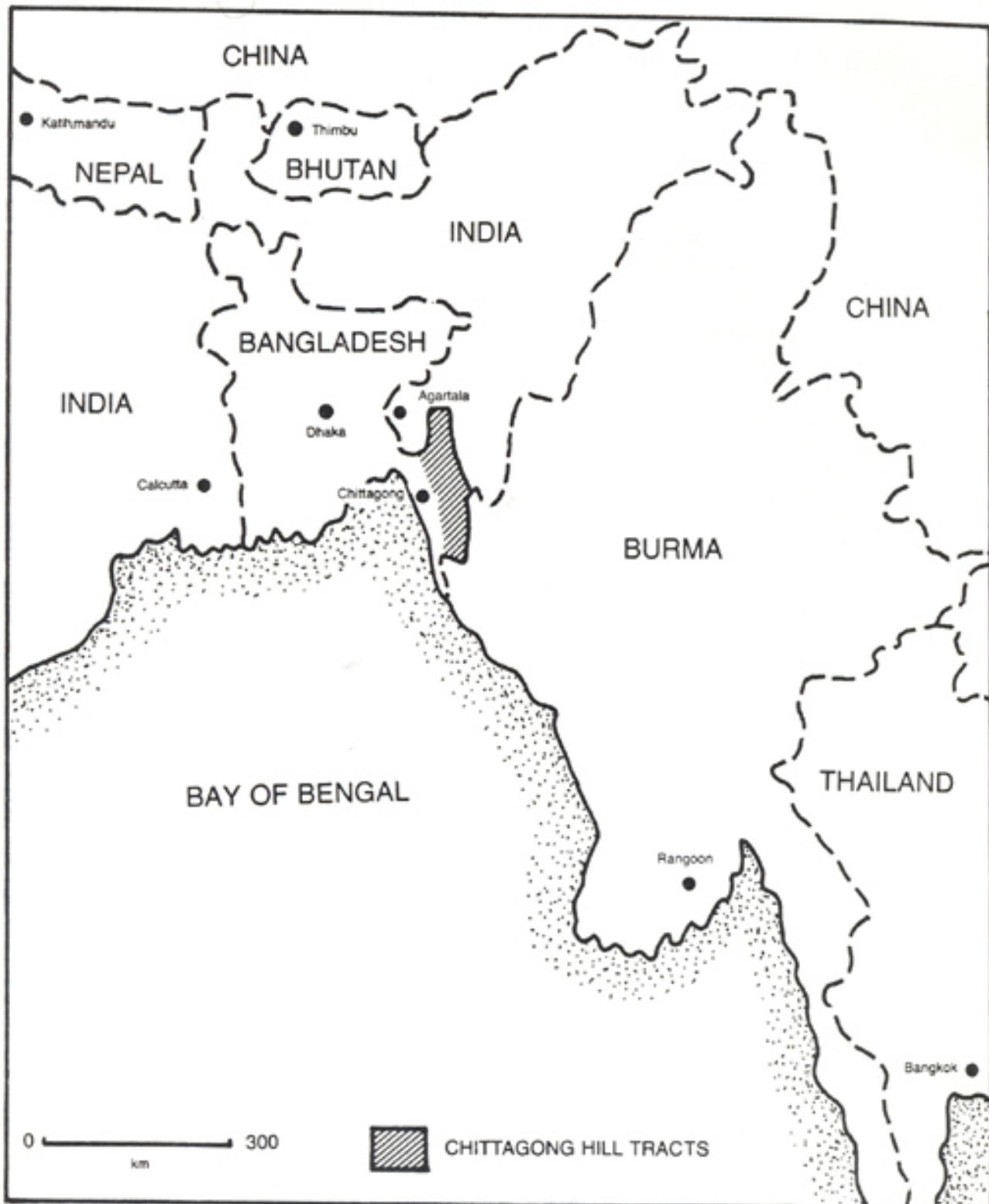
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Note

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Map: Location of the CHT (Bangladesh)



1. INTRODUCTION

Recent developments

When the Chittagong Hill Tracts Commission visited the Chittagong Hill Tracts (CHT) in December 1990¹ the autocratic regime of President Ershad had just been overthrown by a popular uprising. After a short transitional period, under acting President Justice Shahabuddin Ahmed, parliamentary elections were held on February 27 1991. The elections were won by the Bangladesh Nationalist Party (BNP) led by Begum Khaleda Zia. The BNP had to form a coalition with the Jamaat-i-Islami, a fundamentalist Islamic party, to obtain the required majority to form the government. On March 20 Begum Khaleda Zia was sworn in as Prime Minister.

On May 23 1991 the Commission launched its report "Life Is Not Ours, Land and Human Rights in the Chittagong Hill Tracts" in the House of Lords in London.² (For the main conclusions and recommendations made in the report see the box below). Immediately after publication the report was sent to Begum Khaleda Zia, the Prime Minister of Bangladesh, the General Officer Commanding (GOC) Chittagong Division, the opposition parties in Bangladesh, the government of India, organisations of hill peoples, including the European representative of the Jano Sanghati Samity (JSS or PCJSS, the hill people's political party), Bengali organisations, UN bodies, governments of aid-giving countries, NGOs and individuals, with an accompanying letter asking for their comments. The request for comments was repeated in November 1991 in a letter by Wilfried Telkamper, co-chair of the Commission and Vice President of the European Parliament. The Commission has received, so far unofficially, a 92 page document from the government of Bangladesh entitled "Comments on the report of the Chittagong Hill Tracts Commission May 1991".³ The Commission also received official and unofficial comments from opposition parties in Bangladesh, hill people, Bengalis, western governments, human rights organisations, NGOs and some individuals. Some of these comments will be touched on here. For a more detailed reaction to these and other comments see Appendix 3.

Conclusions of the Commission

On May 23, 1991 the Commission launched its report "Life Is Not Ours. Land and Human Rights in the Chittagong Hill Tracts, Bangladesh" in the House of Lords in London.

The report's (abridged) conclusions are as follows:

Conclusions

1. The Chittagong Hill Tracts are under military control...
2. In spite of repeated military and governmental statements that incidents will be prevented, attacks by the military and Bengali settlers on hill peoples have continued...
3. People lie in order to function in the oppressive situation in which they find themselves....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 property rights of hill people...

5. There is a massive and largely involuntary reorganisation of population occurring in the CHT. The creation of cluster villages for hill people and settlers has been rapidly expanding... It is clear that the programmes are forcibly and illegally separating hill peoples from their traditional lands...
6. There is a constant denigration of the economic, social and cultural characteristics of the hill people by government, military and settlers...
7. There are very serious ecological threats in the CHT... Much of the logging seemed to be illegal with military complicity or involvement... The carrying capacity of the hill lands is clearly limited and decreasing...
8. There have been serious problems with the process of developing the new system of District Councils.
9. There have been massive violations of the human rights of the hill people in the CHT.

The Commission hoped that its original 1991 report would 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."

Many people, both within and outside Bangladesh, expected the new government to introduce major changes in the Hill Tracts, and hoped that human rights violations would cease.

Need for an update

The course of events over the past year have necessitated the publication of an update for the following reasons

1. A fundamental change in the national political situation: parliamentary democracy has been restored; the democratically elected government headed by Begum Khaleda Zia has taken certain policy decisions regarding the Chittagong Hill Tracts; and the JSS has declared its willingness to re-open negotiations with the government of Bangladesh unconditionally.
2. Continued reports of human rights violations: despite the return to multi-party democracy in Bangladesh disturbing reports about human rights violations in the Chittagong Hill Tracts are still reaching the Commission.
3. Continued resistance by the JSS and Shanti Bahini, and increased open resistance to official government policy both by hill people's and Bengali organisations, and growing cooperation between hill people's and Bengali organisations.
4. International events with regard to the Hill Tracts: meetings between the representatives of donor countries and the government of Bangladesh in which human rights has been one of the main topics; the Chittagong Hill Tracts issue has also been raised in the UN Working Group on Indigenous Populations, the UN Commission on Human Rights in Geneva and in other international fora.

The main focus of this update is the policy of the present government on the CHT. It is based on information obtained from a wide variety of sources. The Commission received a lot of written material and personal communications during 1991 from hill people, Bengalis and others, as well as collecting information from the Bangladeshi, Indian and Western press. Information concerning human rights violations was cross-checked as far as possible. One of the resource persons visited Dhaka in December

'91/January '92 and met with local groups, individuals and representatives of western donor countries. The resource person also met senior Bangladesh government officials (at their invitation). The Commission is grateful for the time and effort these officials gave.

2. THE PRESENT POLITICAL SITUATION

One year of the Khaleda Zia government

One year has passed since the elected government headed by Prime Minister Begum Khaleda Zia was installed. Despite high hopes, especially among the hill people, for a political solution of the problems there has been no major change in the policy of the government concerning the Chittagong Hill Tracts. Of course the new government has been facing many constraints; just after its inauguration it had to direct all its attention to relief and rehabilitation work as a result of a devastating cyclone. (The cyclone also caused a lot of damage in the CHT, but this was not reported in the press). There were also serious hindrances to the proper functioning of government due to mismanagement by the previous regime, and many corruption cases had to be filed. The Commission is aware that it takes time for a democratic process to develop after so many years of military and autocratic rule. Things cannot be changed overnight. However, it is surprising and disappointing that Khaleda Zia's government officially declared that it would continue General Ershad's policy for the Chittagong Hill Tracts. General Ershad was ousted by a large-scale popular movement in which Begum Khaleda Zia herself was one of the main leaders.

After the downfall of General Ershad various groups of hill people made an appeal to the caretaker government of acting President Shahabuddin Ahmed. Among the groups were the Chittagong Hill Tracts Hill People's Council, the Greater Chittagong Hill Tracts Hill Students Council and 68 leading hill people including university teachers, engineers, physicians, bankers, businessmen and government officials. Demands were made for: the repeal of the Hill District Council Acts, the dissolution of the three undemocratically elected Hill District Councils, a political settlement to the CHT problem and the postponement of parliamentary elections (until the refugees could return from India, and impartial local elections could be held). Similar demands were made by the JSS and the CHT Jumma Refugees' Welfare Association in Tripura (headed by Upendra Lal Chakma). All these demands were ignored.

The government's position was made clear when all the District Councils in Bangladesh were dissolved 'because they were the product of an autocratic and undemocratically elected government' but on 30 December 1990, after a meeting with members of the three Hill District Councils acting President Shahabuddin Ahmed declared that the Hill Councils would continue to function. The argument for retaining the three District Councils was that they had been elected by the people (members of District Councils in other areas are appointed), and that the District Council members had expressed their wish to remain in office. The hill people were not otherwise consulted by the acting President.

Again on April 14, 1991, in a meeting of the Council Committee on the Chittagong Hill Tracts Affairs (a somewhat revised form of the Council Committee that was set up by General Ershad), the highest level government policy-making body on the CHT, the decision was taken to continue the previous government's policy on the CHT. In another Council Committee meeting on June 9 1991 it was decided to transfer all the remaining 19 (out of 22) subjects (administrative powers) to the CHT District Councils with immediate effect. Both meetings were presided over by acting President Shahabuddin Ahmed and attended by Prime Minister Khaleda Zia. The Council Committee is now chaired by the Prime Minister, and among its 18

members are the Chief of Army (Sena Bahini Prodhana), the secretaries of the Defence Ministry, Foreign Ministry and Home Ministry, and seven Ministers.

The Parliament

The Awami League's election manifesto declared that the party sought a political solution to the Hill Tracts' problem, and in the February 1991 elections three hill people from the Chittagong Hill Tracts, all belonging to the Awami League, were elected. Mr. Dipankar Talukdar, MP from Rangamati constituency, Mr. Kalparanjan Chakma, MP from the constituency of Khagrachari District and Mr. Bir Bahadur MP from Bandarban. In addition Ms. Mamaching MP of the BNP, obtained one of the thirty parliamentary seats reserved for women.

In September 1991, after a referendum, Bangladesh changed from a Presidential system to a Parliamentary system of government, thus establishing Parliament as the highest decision-making body.

However, the Parliament has been bypassed in all decisions regarding the Hill Tracts during the tenure of the present government. At the time of writing the Parliament is in its 4th session and has still not debated the issue of the CHT, despite the fact that several opposition MPs have requested a debate, and the Awami League even prepared a resolution. None of the decisions that have been taken regarding the CHT, such as the continuation of Ershad's policy, and a general amnesty to the guerillas (declared by the GOC from 22 October 1991), have been taken by the Parliament. Opposition MPs comment that some other "more acute issue" is always given priority. Some MPs say that the BNP is not interested in discussing the issue and tries to prevent it. At the same time the Parliament is not taking responsibility for the Hill Tracts into its own hands. So far no parliamentary commission has been set up and the army and the government are allowed to bypass the Parliament.

The Military

Despite repeated demands from hill people for demilitarisation of the Hill Tracts and the creation of a democratic atmosphere, the military presence in the CHT has not been decreased. The government in its "Comments to the Report of the Chittagong Hill Tracts Commission May 1991" states that the Commission exaggerated the number of Security Forces (SF) in the CHT. The Commission's estimate of 60,000 (military, para-military and police) in the Hill Tracts (one member of the SF for every 10 hill people) was based on earlier publications and on the number of army, BDR (Bangladesh Rifles) and police camps that members of the Commission had counted on classified maps shown to them during their visit to the Chittagong Cantonment (approximately 230 army camps, 100 BDR camps and 60 police camps). The estimate excluded Ansars and VDP (Village Defence Parties) - both civilian paramilitary forces. Recent information from various reliable sources indicates that 30-35,000 members of the SF might be a more accurate figure. Even that still means that there is one member of the SF to every 20 hill persons, or the equivalent of one SF member to approximately every 4 to 5 hill families. Not only are the military still present in large numbers, the Commission has learnt that the military is acquiring more land in all three hill districts to set up new army camps. For example, in Bandarban district approximately 7000 acres of land for target practice; in Rangamati district 400 acres; in Khagrachari district 550 acres. ⁴ There are also plans for further expansion of the naval base at Kaptai.

In other words the military presence has not diminished in the Hill Tracts and power still lies with the military. Government officials strongly deny that the CHT is under military control, yet these same officials voluntarily expressed the opinion that they (the elected government) are "not on the ground" in the CHT.

The Commission found no evidence that there is any fundamental change in the role played by the Security Forces in the Chittagong Hill Tracts. The counter-insurgency strategy as described in "Life Is Not Ours" is still in place, people are still forced by the army to resettle in cluster villages, and the army seems convinced that it's doing a good job. Although the army maintains that it is working in support of the civil administration it is clear that the District Councils operate under the control of the military. The military is still the actual ruler in the Hill Tracts; not only do local army commanders have seats on the CHT Coordination Committees at district and upazilla levels, the army also has a seat on the national Council Committee for the CHT.

Other information received by the Commission indicates that the military has embarked on a (dis)information campaign against the Shanti Bahini, and that it backs some new organisations. In November 1991 the bodies of six Bengalis who had allegedly been killed by the Shanti Bahini were brought to Dhaka by two such organisations - the Khagrachari Khrishok Shramik Kalyan Parishad (Peasant Workers Council) and the district unit of the Human Rights Commission - for public display. Demonstrations demanding human rights for Bengalis in the CHT followed (Daily Star 16.11.91). The dead bodies had been taken by military helicopter to Chittagong and from there by truck to Dhaka.

The Commission agrees that observation of human rights is an equally valid demand for Bengalis. However, the right to self-defense of the hill people should be acknowledged. What did not appear in any of the newspaper reports about the six dead, but which was reported to the Commission, was that the Bengalis had been harvesting paddy from hill people's land. So it was a violation of hill people's rights by Bengalis which sparked the incident. Besides, it should be remembered that the miserable and subhuman condition in which many Bengali settlers find themselves nowadays was created by the government settlement programmes which brought at least 400,000 landless Bengalis into the area in the early 1980s.

Another new feature which also seems to be part of a disinformation campaign by the military is that hill people are being forced to perform for video recordings by the military. According to several reports that have reached the Commission in recent months, the military has forced hill people to dress up as Shanti Bahini and to pose with (unloaded) weapons; to line up and carry banners condemning the SB and the Commission's report, and to say that the 14 girls who were raped in October 1990 by the military were paid to make the claim. In some cases people refused to do as they were told.

Not only have hill people in cluster villages become dependent upon military food rationing, but their lives have been made still harder by a military prohibition on fishing and on the collection of forest products (for both hill people and Bengalis). However, influential Bengali merchants are reported to be able to continue their logging businesses as usual. Furthermore, the water level of Kaptai lake has been raised so that fringe land cultivation is not possible anymore. Most of the fringe land was being cultivated by hill people.

There are perturbing reports about starvation in the CHT as a result of these restrictions. According to newspaper reports, nine hill people died of starvation in Rangamati in May 1991, after the cyclone. Hill people reported to the Commission that for the first time some of their people have had to resort to begging.

The rationale behind these restrictions and prohibitions can perhaps be learnt from an article in the Bangladesh Observer of 14 December 1991, "Shanti Bahini facing fund shortage". Forest resources and fisheries are mentioned among the main sources of funds for the SB. These restrictions are just another way of cutting the SB off from all possible lines of supply.

A general amnesty to the Shanti Bahini to be effective from 22 October was declared by the GOC Chittagong, General Mahmoudul Hossain. Shanti Bahini members who surrender are promised 30,000 Taka for a machine-gun, 5 acres of land and 21 kg. foodgrains per week for one year.

During the regime of General Ershad, amnesties for SB fighters were declared four times, with little result. The present amnesty does not seem to have had the desired result this time either, according to official sources. The declaration of an amnesty has been condemned by a large section of the hill people, including District Council chairmen and members. The main criticism is that without first creating an environment for a dialogue it will disturb the chances for reopening negotiations with the JSS.

Scope for renewed negotiations

Several initiatives have been taken to reopen negotiations between the government and the JSS. The JSS has declared its willingness to restart unconditional negotiations. Mr. Hangsho Dhazo Chakma, ex-member Khagrachari (Sadar) Union and member of an official Bangladeshi delegation which visited refugee camps in Tripura in February 1991, suggested that the JSS should form a committee to mediate between the government and the JSS. With the approval of both the JSS and the government a six-member liaison committee was set up at the end of October 1991.⁵

The committee members are Hangsho Dhazo Chakma, Convenor, Nakul Chandra Tripura, Mathura Lal Chakma, Ananta Behari Kisha, Md. Shafi and Kya Shue Prue.

In November the JSS proposed the formation of a high-powered parliamentary committee and that the committee should sit in the presence of a Minister.⁶

However, in December 1991, once again bypassing Parliament, the government appointed an 8-member committee, headed by Brigadier Sharif Aziz, military commander of Khagrachari District.⁷ Dipankar Talukdar MP has argued in the press that a committee headed by a Brigadier cannot solve the problem politically. Mr. Talukdar proposed the setting up of a parliamentary committee including a Minister, MPs and political leaders. Some senior government officials told the CHT Commission that the government would support the formation of such a parliamentary committee. However, so far no such committee has been set up and the ideas about reopening negotiations have not yet led to concrete results.⁸

The District Councils⁹

A large number of hill people do not accept the splitting up of the Chittagong Hill Tracts into three districts or the Hill District Council Acts. After the downfall of General Ershad demands to abolish the Hill District Councils were raised by various groups as described above. The implementation of handing over powers to the District Councils has also been very slow. During Ershad's rule only 3 of the 22 subjects were actually handed over to the District Councils, namely agriculture, health and family planning, and education. By December 1991 the government had handed over a total of only nine subjects, despite a June decision by the CHT Council Committee to hand over the remaining 19 subjects to the District Councils immediately,

and a meeting on 3 September 1991 in which all the relevant ministries were instructed to transfer all 21 administrative powers to the District Councils within 2 weeks.¹⁰

The failure to hand over the remaining subjects made even the District Council members protest. In a meeting on 5 and 6 November they demanded that the government hand over the 19 remaining subjects by 31 December 1991, and threatened joint action if this deadline wasn't met. Rangamati District Council chairman Gautam Dewan threatened to resign. In the same communiqué they made eleven other demands, including a constitutional guarantee to the Hill Districts Local Government Council Act (1989), and clarification of the laws regarding settlement, transfer and reoccupation of lands in the hill districts. In December 1991 another six subjects were handed over to the local government.¹¹ In a meeting the three Hill District Councils welcomed this, but demanded a speedy transfer of the 13 remaining subjects, apparently forgetting their earlier demands and their decision to start a joint action programme.

The explanation given by government officials for the slow transfer of powers is that it takes time to prepare the ground. When asked whether there was a schedule for handing over the remaining subjects the reply was that it is not possible to make a schedule, but that it will be done gradually. However, a likely explanation is that the slow transfer is due to rivalry between the District Councils and the previous administrative structure; the District Councils have been installed although the 1900 Regulation has still not been officially repealed (this was confirmed by a government notification of 29 October 1990). According to the District Council Act the District Commissioners, who were the chief administrators under the 1900 Regulation, lose their powers to the District Councils. But according to the District Council chairmen the Ministry of Special Affairs, responsible for CHT affairs, gives preference to the previous district administration. For instance even though primary education had been transferred to the District Councils, last year's allocation for it was sent to the Deputy Commissioners. Some administrative officers say that they have decided only to listen to instructions from the ministry because they are responsible to the ministry.¹² But even if all the administrative powers were handed over to the District Councils the military would still be in control of the CHT.

With regard to the involvement of the military the Commission wrote that the creation of the District Councils was the result of military planning and gave as illustration the fact that the District Council bills were drafted by some senior army officers. The government comments that, "the theme of the bills came from the Memorandum of Understanding signed between the national committee and the tribal leaders. The bills were drafted by the Ministry of Law, in time, before introducing in the parliament."¹³ But these military officials were members of the national committee, and the tribal leaders were coerced into signing an agreement to set up district councils. It would therefore have been better if the Commission had stated that these senior officers were involved in the process of drafting the District Council bills. But what needs to be stressed here is the fact that the District Councils resulted from military planning and coercion, and that they are still largely under the control of the military.

Objections to the District Councils

A large number of hill people continue to reject the District Councils (because there are serious flaws in the laws and they give no guarantee to the hill people that they will have effective control in the CHT). These objections have been dealt with extensively in the Commission's report "Life is not ours". To summarise:

- The District Council Act '89 has no constitutional basis and can be changed or repealed at any time

without the consent of the hill people or their representatives.

- The presence of Bengali settlers is formalized and legalised.
- Only minor powers are given to the Councils, mainly concerning development.
- Land rights of the hill people are not safeguarded and there are no provisions for the return of land illegally acquired from hill people by Bengalis. Moreover, only 10% of the total area of the Hill Tracts is under the jurisdiction of the District Councils.¹⁴
- De-facto control does not lie with the District Councils, but with the military.
- The District Council elections were not free and fair, and were characterised by coercion and intimidation.

The judicial system

On November 13, 1991 the High Court for the first time gave an order to release a hill person who had been held in detention. Bijoy Keton Chakma, founder convener of the CHT Hill People's Council had been arrested on 7 July 1991, accused of being a member of the Shanti Bahini. There had been protests and demonstration against his arrest and that of other hill people who had been arrested around the same time. A writ petition was filed with the High Court on 21 July and finally Bijoy Keton Chakma was released on 18 November on the order of the High Court. His release prompted a senior government official to remark that it proved the independence of the judicial system, and that all cases could be settled through legal procedures. Of course it is a good thing that Bijoy Keton Chakma has been rightfully released and that the judicial system is now operating independently, at least in this case. But he should not have been arrested in the first place. The order of the High Court proves that hill people have been detained illegally.

Since then more legal verdicts have been passed. Justice Fazle Hussain Md. Habibur Rahman and Justice K.M. Hasan of the High Court Division of the Supreme Court of Bangladesh declared on 16 February 1992 that the detention of Palash Chakma (aka Shupriya), Ranjit Tanchangya, Subodh Kumar Chakma (aka Tungya aka Riten), and Jama Amar Shindhu Chakma (aka Amar alias Rajan) in Rangamati jail under the Special Powers Act was without any lawful authority. They ordered the government to release these four people immediately as the grounds for their detention were vague, indefinite and without any legal basis, and because their cases had not been placed before the Advisory Board within the stipulated time. These four men were on a list of 121 people in jail sent to the Commission. According to the list the first three were arrested on 15/3/89, 6/9/90 and 14/1/91 respectively, and the fourth on 6/9/90. So they were in jail illegally for one to almost three years.

The order to release them is a step in the right direction. However, to say that the whole problem can now be resolved through the judicial system is a fallacy. Many people will still be reluctant to start legal procedures because they are intimidated and threatened by the military, and few will have the financial means to do so. But more importantly, this does not make an end to human rights violations.

It is a complicated problem and one which can only be solved through a political settlement, which requires the political will both of the government and of the JSS.

3. CONTINUING HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES

The Minister of Foreign Affairs of Bangladesh prepared a paper for a meeting with ambassadors of EC countries resident in Dhaka where he presented the "Comments on the report of the Chittagong Hill Tracts Commission". The Minister stated that;

"...while there are legitimate grievance and sufferings of the tribals there is also an armed insurgency by the Shanti Bahini. This has complicated matters for government of Bangladesh seriously limiting its policy options as a state of all-out armed hostility and armed confrontation prevails in CHT. The government of Bangladesh is at the same time involved in massive developmental efforts and in protection of its populace there - both tribals and non-tribals. In such complex circumstances cases of human rights violations are bound to arise." ¹⁵

In the light of the Minister's suggestion that human rights violations are inevitable, it is important to underline the wilful nature of many violations in 1991. Worrying reports kept reaching the Commission throughout the year. These reports contain long lists of beatings, of forcible relocation to cluster villages, of detention without trial, torture, rape and unlawful killings by the Bangladeshi security forces. They also contain information on arson, destruction of houses and villages, looting of property, curtailment of freedom of expression, reprisal attacks and combing operations by the security forces. One of the reports which the Commission received describes 88 incidents between March 20 and December 31, 1991, with a total of 680 victims. Of the 680 victims 5 were killed, 50 wounded, 193 arrested, 206 had their houses burnt down, and 233 were victimised in some other way. A JSS report on 25 incidents between January - June 1991 lists 241 victims. Continued human rights violations in the CHT have also been documented in recent publications by Amnesty International. ¹⁶

Despite widespread demands that perpetrators of human rights violations be punished the Commission has not received a single detailed report of any such punishments during the year 1991/92.

On the basis of all this information and after extensive cross-checking, the Commission cannot but conclude that the human rights situation in the CHT has not improved during the year 1991 despite a change of government. It is impossible to include all the violations of human rights that have been reported to the Commission in this update; we give only a few examples.

Unlawful killings

On the night of May 10 1991 army personnel of 5th East Bengal Regiment headed by Lt. Colonel Delowar Hossain and Lt. Anis raided Mitingachari village (98 Kachu Khali mauza, Ghagra union, Kaokhali upazilla in Rangamati district) in search of Shanti Bahini. The villagers were abused and beaten, and some houses were destroyed. Seventeen people were arrested and taken to Ghagra zonal headquarters where they were severely beaten. The next day 15 people were released. The two remaining people were Kashi Ram Chakma, (39, s/o Braja Mohan Chakma), and Padma Banshi Chakma (37, s/o Suratya Chakma). On 13 May the mutilated body of Kashi Ram Chakma was handed over to his family by the army. The family was given some money for the cremation by the army, and they were told to say that he had been killed by the Shanti Bahini. The whereabouts of Padma Banshi Chakma is not known.

On 22 June 1991 Tushar Kanti Chakma (30, s/o Boiragya Chakma), village Shikal Para, Naniachar, Rangamati District, was arrested from his house during an army operation led by Major Ahsan of Ghilachari army camp. He was tortured and both his thighs and one hand were broken. He died as a result of these injuries. His dead body was left on the Chowdhurychara-Shilachari road and six or seven rounds of bullets were fired into it. The next day the body was handed over to his relatives and the army explained his death as an attempt to escape.

Detention without trial

On 8 July 1991 Monotosh Dewan, Manager Accounting Department of Lever Brothers in Chittagong and Secretary (Finance) of the Chittagong Hill Tracts Hill People's Council (a body set up to encourage a political solution), was arrested from his house by army men in civilian clothes. He was accused of being a member of the Shanti Bahini and of being involved in the murder of Major Pure, a former member of the SB who had surrendered. Mr Dewan was reportedly kept in Chittagong Cantonment for eleven days and severely tortured by being hung from his waist by a rope for 3 days, by beatings to his sexual organs, by electric shocks to his mouth and by staples put through his fingers. He was repeatedly asked why he had been in touch with foreign journalists. The Commission was told that "foreign journalists" meant "members of the CHT Commission". However, none of the Commission members have ever been in contact with Mr. Monotosh Dewan. His wife was reportedly warned by the military not to say anything about his arrest or treatment. On 30 December 1991 the High Court sent a notice to the DC and the Home Ministry that his detention was illegal. At the time of writing this update the Commission had not yet heard whether the High Court had received a reply from the Home Ministry. As far as we know Monotosh Dewan is still under detention.

Reprisal attacks

The army has repeatedly claimed that they have not been involved in any reprisal attacks for SB raids since 1987. However, the Commission has received many reports which contradict this. Some examples from 1991 are given below.

On 7-8 April 1991 after an encounter with the Shanti Bahini in which five soldiers were killed and two wounded, army personnel from 8 Bengal Regiment (Betchari army camp, Naniachar, Rangamati district), headed by Major Altaf Hossain, undertook a reprisal action. They arrested 22 men and 2 women who were beaten and tortured, and the women were gang raped.

On 29 June 1991 in a Shanti Bahini attack on Burighat No.2 police camp (under Naniachar upazila, Rangamati District) 5 VDP and 9 Bengali settlers were killed and 10 wounded. In the following days hill people were beaten, indiscriminately shot at, arbitrarily arrested and killed by the army. Three Buddhist temples were desecrated and the monks intimidated by the army, in collaboration with Bengali settlers. Further details on some of these attacks follow: On June 30, 1991 army personnel from 8th East Bengal Regiment (Engineering) Burighat army camp fired indiscriminately at a group of hill people returning by boat from Kutukchari bazar. They escaped by jumping into the water. Bimaleshwar Chakma (aka Boiragya) (50, s/o late Bhandalya Chakma, village Garket, Burighat Union, Naniachar upazilla), who was also returning from Kutukchari Bazar, was shot dead. The same day two people were arrested while fishing by army personnel from a day sentry post of Burighat army camp and taken to the camp. They were beaten and burnt with cigarettes. On 1 July army personnel from 8 East Bengal Regiment from Burighat army camp raided the village Hatimara and shot indiscriminately. Bijoy Prasad Chakma (60) was seriously injured and later died in Chittagong Medical College Hospital. On 2 July four persons from Hatimara village and two

from Kurakuttya village were arrested and accused of involvement in a Shanti Bahini attack of 29 June. Four of them were released the same day. The whereabouts of the other two are not known.

From 24-31 October 1991 villagers in Mahalchari Upazilla were subjected to brutal attacks by Bangladesh military. In an earlier incident on 21 October 1991 a massive Bangladesh military offensive, involving more than 220 personnel, was implemented by Khagrachari Brigade region commander Brig. Sharif Aziz. A 2-day attack on Shanti Bahini forces took place from Khullya Para army camp. On their return to base, army personnel were ambushed by Shanti Bahini fighters. In retaliation for this, the Bangladesh military began a week of assaults on the non-combatant villagers of Mahalchari upazilla. As part of a continuing pattern of rape as a means of oppression in the Hill Tracts, one woman was raped by army personnel, another was subjected to attempted rape and two other women were severely beaten and humiliated. The Commission also has details of six houses set on fire by the military; numerous houses were looted and crops and livestock destroyed or stolen; damage to and looting of the Buddhist Temple at Ultachari; detention and torture of nine named individuals and beating or humiliation inflicted upon a further nine. In many cases Bengali settlers acted in conjunction with military personnel in the attack on hill people.

Curtailement of freedom of expression

The Commission has been particularly alarmed by reports of intimidation, by various intelligence agencies and the military, of people who had been, or were thought to have been, in contact the Commission. Others were harassed merely because they possessed copies of the Commission's report, although the military had repeatedly assured the Commission that no punitive measures would be taken against anyone it's members met, and at no time has the report been banned by the government of Bangladesh. The Commission has lodged protests with the authorities involved whenever cases of intimidation have come to its notice. Some examples:

On 10 January 1991, some days after the Commission left Bangladesh, officers of the National Security Intelligence (NSI) went to the residence of Sachin Chakma in Dhaka, apparently to arrest him on the charges of being a member of the JSS, collaboration with the CHT Commission and anti-state activities. They did not find him at home. Sachin Chakma and his family have been forced to go in hiding. In March, and again in May the Commission wrote to Prime Minister Khaleda Zia to protest about the intimidation and arrest of people Commission members had been in contact with, and to protest specifically against the intended arrest of Sachin Chakma. So far the Commission has not received any answer to these letters. Sachin Chakma and his family are still reported to be in hiding.

At the initiative of the Bangladesh Nagarik (Citizens) Committee the report of the CHT Commission "Life Is Not Ours" was reprinted. On 31 August the Special Branch of Police confiscated all 960 copies of the reprinted report, arrested Mr. Shaheedullah and Rashidur Rahman and only released them after many hours of interrogation. The CHT Commission sent a protest letter to Prime Minister Begum Khaleda Zia, but has received no reply.

On September 15 Mr. Sushil Pyakurel, coordinator of the Nepali organisation Informal Sector Service Centre (INSEC) was interrogated for one and a half hours at Dhaka airport for having a copy of "Life Is Not Ours". All his luggage was searched and all his documents were photocopied.

The daily paper New Nation of 14 October '91 reported that shortly after publishing an article about the CHT Commission's report the weekly Purbabash was contacted by the Home Ministry. "Because they had published articles which 'create tension in society' they were to cease publication until further notice." The newspaper commented: "The many articles in the newspapers about Bengali demands for 'equal rights' in the CHT, however, do not seem to be viewed as creating tension in society." ¹⁷

On 12 October three hill people were reportedly arrested and tortured in Khagrachari district because they were carrying a magazine 'RADAR', published by hill students, in which the recommendations of the report of the CHT Commission were translated into Bengali.

Illegal settlements

An argument frequently used against restrictions on the settlement of outsiders in the CHT is that it is unconstitutional. According to the constitution Bangladeshi citizens are free to settle anywhere in the country. But at present hill people are forced to live in cluster villages, and cannot move freely in their own land. Even though new settlement of Bengalis has been officially stopped since 1985 illegal settlers are still arriving in the Hill Tracts. Some aid donors suggested that cyclone victims should be shifted to safer, higher areas, and the CHT has even been suggested as an ideal place. ¹⁸ The Commission has also received recent reports that hill peoples' land has been allotted to Bengali settlers. Apparently the government does not think it unconstitutional to settle Bengalis on land that is legally owned by hill people. According to the Bangladesh Ministry of Foreign Affairs, "the government of Bangladesh is now taking steps to institutionalise the right to land and property and is undertaking a survey to determine the status of land rights and award it to the rightful claimant involving both tribals and non-tribals and the government officers." ¹⁹ However, such a survey does not give any guarantees unless it is done by an independent, neutral body. A lot of tribal land has been illegally occupied and many settlers have obtained falsified land records through government officials. A Western diplomat was told by one military officer that the army estimates that as much as 25 percent of the land in Khagrachari district alone has been illegally taken from the tribals. In 1991 it was reported to the Commission that land records in the Khagrachari district office had been destroyed by a fire. There was a strong suspicion that this fire had not been accidental. To guarantee the land rights of the hill people constitutional provisions are needed.

Concluding remarks

In early 1992 government officials in Dhaka assured the resource person that "We are on your side. We are not your enemies." They emphasised that the elected government gives importance to human rights. The Commission wonders whether government officials in Dhaka are aware of what is going on in CHT, as few of them have ever been there. The reports about continuing human rights violations since the change in government indicate that there is no fundamental change in the CHT. The numbers of hill people who have reportedly been killed this year may be lower than before, but human rights is not simply a question of numbers. Nor can human rights violations be made good by development programmes, however lavish. The problem is a political one, and it cannot be solved by development programmes which aim to bring the hill people "into the mainstream". The prevailing situation in the Chittagong Hill Tracts is still one of terror and intimidation, and the hill people face total extinction, or assimilation into the "mainstream", i.e. into Bengali culture and society, while the remains of their own culture is displayed as folklore in tribal cultural institutes. The situation will not change unless the area is demilitarised and a political solution which allows the hill people to determine their own future is sought.

4. CONTINUED RESISTANCE

The Shanti Bahini

In recent months, especially after the general amnesty was declared, there have been regular reports in the Bangladesh press about Shanti Bahini attacks on both Bengali settlers and some hill people.

Some examples:

- On 1 November 1991 it was reported that the SB attacked a BDR post in Bagabantila area of Panchari upazilla and killed a BDR man.
- On 14 November 1991 six Bengalis were reportedly killed by armed Shanti Bahini men when they were harvesting paddy in Damdambil village, Panchari upazilla. The dead bodies were brought to Dhaka and displayed in front of the National Press Club and there was a rally protesting against the killings.
- On 29 December 1991 seven Bengali fishermen were reportedly killed by the SB in Baghaichari upazila.
- On 2 January 1992 35 Karnaphuli papermill workers were taken captive at gunpoint by the SB (Bangladesh Observer 4.1.92). Their hands were bound and they were shot at. Nine workers were killed and the rest escaped. The dead bodies were brought to Chittagong for display by the Kaptai Nagarik Nirapatta (Citizen's Security) Committee.
- On 12 January 1992 it was reported that the SB raided a Forest Beat Office. The Beat Officer was kidnapped, six people were shot and two minor girls injured.

It is difficult to verify these reports or to know exactly what happened as the Shanti Bahini is an underground force. The Shanti Bahini do carry out armed actions against the Security Forces and Bengali settlers, but sometimes killings which have been done by the army are falsely attributed to the Shanti Bahini. At the same time killings or other atrocities committed by the Security Forces or Bengali settlers hardly ever get into the newspapers.

Sometimes crucial information is left out of newspaper reports on atrocities allegedly committed by the Shanti Bahini. For instance, with regard to the incident on 14 November in which six Bengalis were killed while harvesting paddy, the newspapers did not report that these Bengalis were illegally harvesting paddy from land belonging to hill people. This fact was omitted from Bangladesh newspaper reports, but throws a rather different light on the incident.

Other hill people's organizations

A remarkable change since the restoration of multi-party democracy in Bangladesh is that groups can organise themselves more freely and that public meetings and seminars on the CHT are possible, although not without danger for the organisers. On 9 July 1991 the Greater Chittagong Hill Tracts Hill Student's Council organised its first public conference at the university in Dhaka. The conference was attended by several hundred hill students and Bengali students. Leaders of Bengali student organisations spoke out in support of the hill students' demands. Some of the hill students had to go into hiding after the conference because the NSI was after them.

In December 1990 the Chittagong Hill Tracts Hill People's Council (CHTHPC) was set up to contribute to a political solution for the CHT problem. Days before the student's conference several office bearers of the CHTHPC were arrested and accused of being SB members (see Ch. 3 Continued human rights violations).

For certain groups it is still risky to organise any kind of event inside the CHT. For instance in Dighinala upazilla students obtained permission from the military to organise a picnic party on November 6 1991 after their examinations. But at the time of the picnic they were stopped by the military and accused of organising M.N. Larma's (late JSS leader) death anniversary. Most of the students were arrested for a few hours. The next day some were arrested again and several of them are still under detention.

In May 1991 the Jumma People's Network was set up by hill people outside Bangladesh to give information about and to contribute to the struggle for self-determination in the CHT.

From the camps in Tripura the Commission received a report that an Association of the Distressed Jumma Women Refugees has been set up for the more than 250 women refugees who are victims of rape by the Bangladesh army and Bengali settlers.

Bengali organizations

Another remarkable and positive change is that Bengali organisations such as the Bangladesh Human Rights Commission and some political parties (such as a new alliance of leftist parties) are now also protesting about human rights violations in the CHT and are cooperating with hill people's organisations. Some other new organisations of hill people and Bengalis demand equal rights for Bengalis and hill people and condemn human rights violations by the Shanti Bahini (for instance the CHT Bengali Students and People's Organisation and the Citizen's Rights Preservation Committee). According to several independent sources these latter organisations are backed by the military.

On 26 August 1991 the Bangladesh Human Rights Commission (BHRC) in collaboration with the International Centre for Law in Development (ICLD) New York, USA, organised a seminar in Dhaka on "Protection and Promotion of Human Rights in Exceptionally Difficult Circumstances; The Case of the Chittagong Hill Tracts". The seminar was presided over by Justice K.M. Subhan and addressed by Bengali and hill people's MPs and other eminent Bengalis and hill people.

All the speakers at the meeting: "...demonstrated their agony and anxiety over the prevailing dual administration in the CHT, being civilian on the one hand and military on the other, which have made the lives of the simple hill people miserable and unbearable. ...termed the recent decision of the government of Khaleda Zia to carry out the same policy of Gen. Ershad on the issue of the CHT as most unfortunate and against the will and aspirations of the hill people. ..The meeting suggested that there should be an independent and impartial body to examine the legality of land titles of the settlers ...emphasised that the issue of the CHT is not only a human rights issue but also a political as well as a constitutional one. ...The meeting demanded that a Parliamentary Committee as well as a National Citizen's Committee be formed immediately and fresh dialogue be opened with the concerned people of the CHT for the greater interest of the country. The meeting resolved to form a National Citizen's Committee ...to brief the government about the actual situation in the CHT. The problems there are national problems and need a political solution." ²⁰

5. INTERNATIONAL DEVELOPMENTS

United Nations

Much attention has been given to the CHT issue in meetings of the United Nations Working Group on Indigenous Populations in July 1991 and the UN Sub-Commission of Prevention of Discrimination and

Protection of Minorities in August 1991. Statements have been made by Jumma delegates and written statements have been submitted by Mr. Leif Dunfjeld, member of the Chittagong Hill Tracts Commission, by Anti-Slavery International and the International Work Group for Indigenous Affairs. In February 1992 a delegate from the Jumma People's Network in Europe made a statement at the UN Commission for Human Rights in Geneva. This was the first time the CHT issue was raised at the UN Commission.

International meetings

The 4th International Conference on the CHT was held in Hamburg in September 1991 and was attended by several people originating from the CHT, two Bangladesh MPs, representatives of human rights organisations and academics from Bangladesh, NGO's, human rights activists and academics. The Conference concluded that despite the re-establishment of parliamentary democracy in Bangladesh, the Chittagong Hill Tracts remains under military rule. Human rights violations continue and "the forcible relocation of hill peoples into cluster villages ... guarded by the army, is still one of the most salient features of the 'development policy' carried out by the army." The concluding statement of the Conference cites reports from refugees in Tripura and from within the CHT on recent atrocities perpetrated by the Bangladesh Army in the CHT. It also acknowledged the contribution of Western development aid, via the Bangladesh military budget, to human rights violations in the CHT. It supported the demands of the peoples of the CHT for constitutionally guaranteed autonomy; immediate demilitarisation; an end to Bengali settlement in the Hills, the return of stolen lands to their rightful owners; and continuous UN monitoring of human rights in the CHT. The Conference also strongly emphasised the need to take into consideration the notions of the hill people on development and socio-cultural survival in future development strategies, and recognised that up to now this has never happened. Important dialogue was initiated between hill people and Bengali participants at the conference. Both groups were of the opinion that "the struggle of the hill people is a struggle for human rights and democracy in the CHT as well as in the whole country."²¹

In London a public meeting, organised by the Chittagong Hill Tracts Campaign and Information Network, was held in a Bangladeshi community centre and was attended by a large group of British, Bengali and Hill Tracts people. The meeting was covered by local Bengali-language media and marked an important stage in growing Bengali recognition of the need for a political solution to the CHT crisis. Discussion of the issues, including autonomy and demilitarisation, was open and progressive.

International donor community

Western donor governments have expressed their concern about the human rights situation in the Hill Tracts and have raised the issue with the Bangladesh government. Questions have been raised about the CHT in the German Parliament as well as in the European Parliament. Several donor governments like Denmark and the Netherlands adhere to a policy of linking development aid to observation of human rights by the aid receiving country. However, the aid flow to Bangladesh has continued undiminished and unchanged. For 1991/92 Bangladesh received \$2.2 billion in foreign aid (although only 17 percent of the project aid was disbursed). The greater portion (65-85%) of fixed investment, of the development budget and of the current imports of the Bangladesh government is financed by foreign aid.²² This implies that the Bangladesh government will never be able to keep up its military expenses without foreign aid. Officially the defense budget is about 14 percent of the total budget. Unofficially it is more as a great portion of the military spending is budgeted under other expenses. For example food aid feeds the military. About 10 percent of the rice and 3 percent of the wheat under the Public Food Distribution System (all food aid) is

distributed under the category 'essential priorities', which is made up of the army, the police and hospital patients, but the amount the latter get is negligible. Donor governments in fact contribute directly or indirectly to the very human rights violations in the Hill Tracts that they say they are concerned about. Their expressions of concern have so far not led to any palpable results.

It is time that the donors, as well as multilateral funding agencies ensure that their economic interventions contribute to a solution to the problems. They could, for instance, make aid conditional on a political solution in the CHT and give aid to programmes which contribute to that process. Some concrete suggestions for this have been made by the CHT Commission.

Refugees

Renewed talks have been held between the governments of Bangladesh and India about repatriation of the refugees and on the CHT issue. On 18 February 1991 a Bangladesh delegation visited the refugee camps in Tripura to discuss repatriation. However this had no concrete outcome. According to the Bangladesh Observer of 22 October several thousand refugees have returned from the camps in Tripura. According to hill people's sources an estimated 4,000 hill people have returned over the past year. They have been forced to live in cluster villages, are not allowed to cultivate their land and get food rationing for six months only. A few hundred of them have again gone back to India. Several reports have appeared in the Bangladesh press about the unhygienic conditions and near starvation of refugees in the camps in Tripura.

Another refugee problem that has come up in recent months concerns the Rohingya refugees who have fled from Myanmar (Burma). Newspapers report that about 100,000 Rohingyas are now in Bangladesh, mainly in camps just south of the CHT. Unlike the problems in the CHT the Rohingya problem has received widespread international attention, and the Bangladesh government has called for international financial support for relief to the refugees.

CONCLUSIONS AND FURTHER RECOMMENDATIONS

Conclusions

The Commission has found no evidence that its conclusions from "Life Is Not Ours" (see page 2 of this document) should be revised. The situation in the Chittagong Hill Tracts is largely the same as it was before the overthrow of the Ershad government.

Although parliamentary democracy has been restored in Bangladesh there is still no democracy and no fundamental change in policy in the Chittagong Hill tracts. The new government headed by Begum Khaleda Zia decided to continue the CHT policy initiated by the autocratic government of General Ershad, which had been ousted by a popular mass movement led by Khaleda Zia herself. This decision was taken bypassing the Parliament.

The CHT is still under military occupation. The number of Security Forces in the CHT has not been reduced. Their counter-insurgency activities, including the forceful relocation of the population in cluster villages, and the army's involvement in civil affairs are still the same.

Reports of serious human rights violations such as unlawful killings, illegal detention, torture, rape and forcible relocation by the Security Forces in the CHT have continued to come out throughout 1991. The Commission has received fewer reports of unlawful killings than before, but on the whole the level of human rights violations in the CHT remains the same. The refugees from the CHT in camps in India have largely remained there as they felt security for their lives upon return is still not guaranteed. Illegal Bengali settlers are still flowing into the CHT, adding to the already existing (though largely denied) population pressure on the land.

Spending on development programmes in the CHT, no matter how big they are, will never bring an end to human rights violations. Neither will they bring a solution to the problem. Development aid by donor governments and by donor agencies maintains the military either directly or indirectly. The CHT issue is a political issue and can only be resolved through a political settlement which includes a demilitarisation of the area and a restoration of the land to its legal owners.

In the four sessions that the Bangladesh Parliament has held so far the CHT issue still has not been discussed, even though at least two of the opposition parties have given a notice to the Speaker that they want to raise the issue. All the decisions regarding the CHT have been taken either by the government or the military, bypassing the Parliament. At the same time parliamentary opposition parties have shown insufficient interest to really push the matter and they have not voiced a strong protest against the fact that the Parliament has been bypassed in decision-making.

The JSS, the outlawed CHT People's United Party, has communicated to the government its willingness to reopen negotiations unconditionally. However, the JSS proposal to set up a high-powered parliamentary committee to facilitate negotiations has been met by a move from the government to set up a national committee headed by one of the military Commanders in the CHT to prepare for negotiations.

Some positive developments are taking place. The High Court has passed orders to the government to release some illegally detained hill people. However, this does not change the undemocratic situation itself that is still prevailing in the CHT and in which till today many hill people are being arrested and remain in detention illegally.

Another positive development is that there is a growing awareness and interest among Bengalis about what is going on in the CHT and a growing cooperation between organisations of hill people and Bengali organisations on the issue, as they feel that the CHT issue and the rule of the army there jeopardises the restored democracy. However, it remains risky, both for hill people as well as for Bengalis, to openly speak out or campaign in favour of demands such as abolishment of the District Councils and self-determination for the hill people.

Further Recommendations

The Commission wants to draw the attention once again to the recommendations made in "Life Is Not Ours". They still remain valid. These recommendations are summarised below:

1. Land issues and the presence of Bengali settlers.

...Government and military representatives told the Commission that the programme to bring settlers into the CHT had been a serious mistake.....all segments of hill people's opinion support the position that virtually all the Bengali settlers should leave... 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...
- b. There must be a neutral and expert body capable of examining the legality of title to lands in the CHT...
- c. Many Bengalis 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... the Commission expects that specific foreign aid would be available for the task of relocating some of the settlers...
- d. The cluster villages should be dismantled.
- e. A basic assessment should be done of the carrying capacity of the land. in the CHT.
- f. The Chittagong Hill Tracts Regulations of 1900 should not be repealed in total...Bangladesh law should recognise authority in an autonomous CHT government to implement and amend the provisions of the 1900 regulations dealing with land rights and settlement.

2. Autonomy

- a. A process of demilitarisation of the CHT must begin immediately. The present military occupation of the area...have not created the preconditions for peace and political and economic development...
- 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.
- c. ...It follows logically that the autonomous Government should have general legislative power over land law...The general principle is that culturally relevant matters should be in the hands of the autonomous government.
- d. ...there should be a referendum in the CHT on the question of unit or units of autonomy ... Voting should be confined to hill people on this question...
- e. ... In the process of resolving the questions of autonomy and land rights, there must be a political normalization in the CHT. This means that the JSS and any other political parties or organisations representing hill peoples or settlers must be legalised..
- f. ...there should be constitutional protection of any future autonomous government.

3. Human Rights Violations

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 demilitarisation, rehabilitation of settlers back to the plains, autonomy, the resolution of land issues and development initiatives of the hill peoples themselves. ...it is vital to have a continuing (human rights) monitoring capacity in place (in the CHT). The Commission recommends such a Special Rapporteur (of the UN) on the CHT issues, supplemented by continuing investigatory and advisory work by the International Labour Organisation and competent Non-Governmental Organisations.

Apart from these the Commission wants to make a few further recommendations both to the government of Bangladesh and to the international donor community.

1. Political settlement

A Parliamentary Committee must be set up to investigate the problems in the CHT and to facilitate negotiations. Negotiations between the government and the JSS must be reopened and both parties must come to a political settlement. In the negotiations the government party must have parliamentary representation. The possibility of negotiating under international auspices, for instance of the United Nations, must be considered.

2. Development aid

Donor governments that profess concern with human rights violations must come forward to materialise their concern and take concrete steps to contribute to ending human rights violations by the government of Bangladesh. Donor governments and donor agencies must stop all aid that facilitates the military presence in the CHT either directly or indirectly. Any aid which does not contribute explicitly to a solution of the problems in the CHT does contribute directly or indirectly to human rights violations that take place there till date. As long as the present military control in the CHT continues no programmes in the CHT will be of benefit to the people and therefore must not be funded.

Donor governments must consider allocating funds for programmes that can contribute to a political settlement of the problem in the CHT as suggested in the recommendations in "Life Is Not Ours" (see above) and hill people must get a chance to develop and pursue their own indigenous notions of development.

APPENDIX 1

Brief history of the Chittagong Hill Tracts

The Chittagong Hill Tracts in the southeastern corner of Bangladesh is the homeland of 12 tribal hill peoples numbering about 600,000. Covering 5,093 square miles (10 percent of the country) and rising as high as 10,000 feet in places, the hill ranges contain limited cultivable land, most of it of low quality, in contrast to the very fertile multi-croppable alluvial plains of Bangladesh.

The hill people differ markedly from the Muslim Bengali majority. The largest groups, the Chakma and Marma, are Buddhist, the Tripura are Hindu, while the smaller hill peoples such as Bawm, Pankhua and Mru are Christian or practice their traditional beliefs. They practice a mixed farming of plough cultivation in the fertile valleys and swidden agriculture on the hill slopes, known as jhum cultivation.

The British annexed the Chittagong Hill Tracts in 1860 and in 1900 passed a regulation, which kept the area apart from the plains by limiting migration and separating the administration. In 1947 the Chittagong Hill Tracts became part of East Pakistan.

Between 1957 and 1963 the government built a massive hydroelectric dam at Kaptai which flooded 54,000 acres of plough land taking 40 percent of the terrain available for cultivation from the tribal farmers. 100,000 hill people were affected, few received any compensation and thousands fled to India. 40,000 were moved to Arunachal Pradesh by the Indian government. By now there are 60,000 of them living there, still stateless, even though many of them have been born in India since.

After the Bangladesh war of liberation the hill people had hoped for political recognition and some form of autonomy within the state of Bangladesh. However, this was denied to them. In 1972 the PCJSS (Chittagong Hill Tracts People's United Party, or JSS for short) was formed and in 1976 its armed wing the Shanti Bahini started guerilla attacks against the Bangladesh army and Bengali settlers who had inundated the hills by moving up from the plains.

Between 1979 and 1984 a government transmigration policy brought 400,000 settlers into the Hill Tracts, to an area where there was already a scarcity of land after the construction of the Kaptai dam. Together with the transmigration policy a huge militarisation of the area took place. The military have used counter-insurgency against the guerillas as an excuse to oppress the tribal people. For over 20 years disturbing accounts of killing, torture, rape, arson, forced relocation, cultural and religious oppression of the hill people have come to light.

In 1989 the Bangladesh government brought in a new District Council law. The claim was that it would bring autonomy to the Hill Tracts under Councils led by predominantly tribal people. However the paltry powers of the District Councils with regard to important issues such as land rights and their establishment by force has greatly discredited their claim to be autonomous bodies.

APPENDIX 2

The establishment of the Chittagong Hill Tracts Commission

Alarmed by reports about human rights violations that kept pouring in from the Hill Tracts since the seventies human rights organisations and NGO's started taking up the issue and gave wide publicity to it. Questions were raised at the United Nations and the International Labour Organisation. However, the Bangladesh government continuously denied that there were any problems at all. The idea for an independent international commission of investigation 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. In 1986 the first International Conference on the Chittagong Hill Tracts was held in Amsterdam and there a resolution was passed to establish an independent commission to investigate allegations of human rights violations in the hill region.

At the end of 1989 the Chittagong Hill Tracts Commission was officially established at the initiative of the International Working Group on Indigenous Affairs (IWGIA) and the Organising Committee Chittagong Hill Tracts Campaign. The Commission is jointly chaired by Douglas Sanders (Professor of Law) from Canada and Wilfried Telkämper (Vice President of the European Parliament) from Germany. 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 was ready to travel in November 1990. Four resource persons were requested by the Commission to be present for the trip to India and Bangladesh Teresa Aparicio (Denmark), Jenneke Arens (the Netherlands), Andrew Gray (Great Britain) and Wolfgang Mey (Germany). Unfortunately at the last minute the Commissioners Leif Dunfjeld and Hans Pavia Rosing were unable to travel due to ill health and the latter due to a general election in Denmark.

After obtaining permission from the Indian government the Commission visited the refugee camps in Tripura from 21-26 November and after that proceeded to Bangladesh. The Bangladesh authorities reconfirmed their permission to travel to the Hill Tracts and the General Officer Commanding (GOC) Chittagong of the 24th Infantry Division of the Bangladesh Army gave the final approval. He gave the assurance that the Commission could travel freely and unlimited in the Chittagong Hill Tracts and would be allowed to talk to anyone in private. The army co-operated as much as possible with the Commission throughout its visit. The Commission spent in total 23 days in the hills in December 1990.

Previously several missions to the Chittagong Hill Tracts, among others by the ILO and Amnesty International, had been carried out, however, they had very restricted access to the area and had been continuously accompanied by the military. Thanks to the generosity of the Bangladesh authorities the Chittagong Hill Tracts Commission was the first fact-finding team ever that was given permission to do their investigation work freely in the Chittagong Hill Tracts.

APPENDIX 3

Comments to 'Life is not ours'

The Commission has received official and unofficial comments to its report from the government of Bangladesh, opposition parties in Bangladesh, hill people's organisations and individuals, Bengali

organisations and individuals, various western government officials, human rights organisations, NGOs and individuals.

a. Comments by the government of Bangladesh.

The government of Bangladesh has to date made no official response to the Commission's request for comments. Through the mediation of the Dutch Ambassador a copy of the government's Comments on the Report of the Chittagong Hill Tracts Commission was handed to a resource member of the Commission on a visit to Dhaka. During a subsequent meeting at the invitation of the Ministry of Foreign Affairs, senior officials revealed that the Comments had been written by the military, since, in their own words, it is the army, and not the elected government, who are "on the ground" in the Chittagong Hill Tracts. Such an implicit admission of continuing military control of the CHT has sobering implications for the nature of renewed parliamentary democracy in the rest of the nation.

The first comment on the part of the Bangladesh government that came to the knowledge of the Commission was a statement made by Ambassador Mufleh R. Osmany of the Permanent Mission of Bangladesh in Geneva to the Working Group on Indigenous Populations of the United Nations on 31 July 1991. The general criticism to the report brought forward by Mr. Osmany was that the members of the Commission suffered from a "very limited background knowledge" and "lack of comprehensive understanding" of the history, culture, traditions, politics and economic circumstances of Bangladesh and "did not find it necessary to consult the government of Bangladesh before publishing their findings. Hence their verdict is patently biased and flawed". The Commission also "seemed to have been misinformed by anti-Bangladesh forces" and possibly "bogged down in the morass of anti-Bangladesh political propaganda". The people living in the Chittagong Hill Tracts are afraid of telling the truth because "armed terrorists and criminals have unleashed a tragic reign of terror in the Chittagong Hill Tracts area".²³

In pursuance of the report of the Commission, ambassadors of the European Community in Dhaka started a dialogue with the Minister of Foreign Affairs of Bangladesh in August 1991 to discuss human rights, especially in the CHT. This resulted in them being presented with a "Comments on the report of the Chittagong Hill Tracts Commission May 1991" (hereafter referred to as "Comments") on 31 December 1991. The significance of the admitted military authorship of the Comments is noted earlier.

The "Comments" is highly critical of the Commission's report throughout and rightly points out some factual errors. The Commission is extremely grateful for these corrections. Apart from some detailed comments which have been dealt with in the main part of this update, the general objections against the Commission's report expressed in the Comments are twofold:

1. The Commission's information is "based on hearsay" and "collected mostly from refugee camps in Tripura, India, motivated, coerced and guarded by the Shanti Bahini and the Indian Intelligence", without verifying it or collecting the version of the concerned agencies. The report is biased, if not motivated.²⁴
2. "The Commission came with preconceived and paranoid ideas about Security Forces and their modus-operandi" and appeared to have "taken it for granted that human beings in uniform are devoid of emotions, feelings, faith and human considerations or Bangladesh Forces are heartless robots."

The first point corresponds with the criticism of misinformation by anti-Bangladesh forces, brought forward by Mr. Osmany in the United Nations in Geneva. Similar criticisms were voiced by senior government officials in a personal communication as well. At one point these officials even went to the extent of accusing the Commission of wanting to destabilise the country. Their main argument was that the report was biased and they were particularly upset by the paragraph in the Commission's report (page 12) referring to the history of the Partition in 1947 and the Indian flag raising in Rangamati. This, they said, gave the report the wrong perspective. Surprisingly, this paragraph is nowhere mentioned in the written "Comments". The Commission understands that the alleged role played by India is a sensitive issue to the government of Bangladesh. However, it should be strongly emphasised here that it never has, nor will be the intention of the Commission to question or jeopardize the national integrity and stability of Bangladesh. In this context it should be recalled that the recommendations given by the Commission in its report clearly display the intention to contribute to a political settlement of the conflict within the territorial boundaries of the state of Bangladesh (see p. 119-121 of "Life Is Not Ours".)

In this context it should be repeated once more, as is stated in "Life Is Not Ours", that the JSS and the Shanti Bahini have been outlawed in Bangladesh and that, "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".²⁵

With regard to the allegation that the Commission did not verify the information it received from the indigenous people, especially those from the camps in Tripura, or collected the version of the concerned authorities it should be pointed out that the Commission has been meticulously fair and did verify the information obtained in the camps wherever possible while in the Hill Tracts itself. E.g. the Commission visited the sites of destroyed and damaged Buddhist temples, destroyed and completely vanished villages and of illegally occupied lands. These sites had been indicated on sketch maps drawn up by people interviewed in the camps. The Commission also visited several villages and verified information obtained from people who had fled from those villages to India. In fact the Commission was very impressed by the preciseness of the information. Besides the Commission met with many government and military officials to collect information and on several occasions confronted them with the information obtained from hill people. At the end of the visit to the Hill Tracts another visit was paid to the GOC in the Chittagong Cantonment and a lengthy discussion was held with one of the Colonels.

Therefore the grievance that the Commission did not consult the Bangladesh authorities upon completion of their visit does not hold with regard to the military authorities, but, due to a misunderstanding, the Commission failed to have a final meeting at the Ministry of Foreign Affairs who had initially given a No Objection Certificate concerning the intended visit of the Commission to the Hill Tracts. The Commission has subsequently apologised to the Ministry of Foreign Affairs.

With regard to the second criticism - that the Commission came with preconceived and paranoid ideas about the military - this is a rather strong and ridiculous accusation. If this was the case then would the Commission have bothered to talk to a broad cross-section of the CHT society and would it have spent so much time talking to the military and listening to them with an open mind? Rather, due to incidents in which hill people were intimidated because they had been in contact with the Commission and the general atmosphere of fear and agony of the hill people which could be clearly sensed, the Commission could not escape the inevitable conclusion that such intimidation is the order of the day. True, when the Commission

made their complaints the military commanders took appropriate measures immediately, but the very occurrence of these incidents and the failure of the military to prevent such events occurring even in the presence of the Commission, only highlights the ever-present oppression of hill peoples in CHT.

With regard to the government's comments concerning the previous negotiations with the JSS and the introduction of the District Council Act, the Commission agrees that the summing up of the JSS demands in the "Comments on the report of the Chittagong Hill Tracts Commission" (page 17,18) are correct (with a few omissions such as the demand to stop all sorts of torture and oppression of the people of the CHT). The demands described in "Life Is Not Ours" are general JSS demands and not the exact demands presented to the government in the second dialogue. The crux of the comment is that the government states that it started discussions with "overt tribal leaders" about setting up district councils, as was agreed with them in September 1987, only after the fifth dialogue of June 1988 which the Shanti Bahini had abandoned, writing "It is useless to talk to the government". The comments go on to deny that "the government made its move before the projected date of the seventh meeting" with the JSS, as the Commission had written. However, as is further written in the "Comments" the Shanti Bahini came back to the discussion table in December 1989 and would propose a date for the seventh dialogue "on the condition that the date would be within six weeks. This deadline was to have finished on 31 January 1989. ... Well after the deadline the Shanti Bahini proposed for the date of dialogue with certain conditions that were never applicable before. ... Meanwhile late January 1989 the government introduced the three district council bills in the parliament. (See "Comments to the report of the Chittagong Hill Tracts Commission May 1991 p. 19-22.) The fact that the district council bills were introduced in the parliament late January indicated that they must have been prepared well before that and that the government did not wait with it till the deadline had been passed. Besides, another source stated that the tribal leaders had signed an accord on the District Councils under coercion on 5 October 1988 and that in the sixth dialogue in December 1988 the JSS and the government both agreed to meet again on 22 February 1989.(See also Constitutional crises in the Chittagong Hill Tracts A Brief Review (1860-1989), January 1990 p. 14. An unpublished paper.)This supports the statement of the Commission that the government made its move before the projected date of the seventh meeting.

The Commission must also object to the section of the Comments which deals with the incidence of rape in the CHT. This section contradicts its own logic on several points, first of all implying that women who come forward as survivors of rape are liars and that in fact it is the accused rapist, particularly if he is in the military of a "poor Third World Country", who is more deserving of sympathy. It accuses the Commission of manipulation in presenting the testimonies of women who have been raped by the military. It attempts to deny the truth of such testimonies, but then goes on to admit openly "that whenever military is deployed anywhere a few cases of rape do occur. And that is what has happened in Chittagong Hill Tracts also."²⁶ It admits its guilt, but at the same time attempts to shrug off the huge significance of that guilt because the military always rapes women wherever it may be deployed. Yet earlier in the text it asks disingenuously where in the world rape is used as a military weapon. It claims that "The Commission cared little to find out what punishments had been meted out to the offenders of rape cases." Yet it offers no account of such punishments. There has never been any official publication of a military investigation or punishment of rape by military personnel in the CHT. It is reasonable to conclude that no such procedures have taken place. The Commission upholds its earlier findings on rape of hill women by the Bangladesh military, and believes that the only meaningful solution is demilitarization of the CHT.

The Commission concludes that its earlier conclusions are still valid.

b. Comments by the Parliamentary Opposition in Bangladesh

Several opposition parties have expressed their agreement to the report. Early January 1992 the Commission received a letter from Sheikh Hasina, Leader of the Opposition and President of the Awami League saying

"We greatly appreciate your most laudable efforts to address this vital issue concerning Chittagong Hill Tracts and our party will continue to extend cooperation to the work of your commission... To me the report appears more reasonable than the others which preceded it. The policy in regard to Chittagong remains unchanged and the present Government has surprisingly adopted the same policy of the past regime of General Ershad. It is a matter of continuing sadness that such a grave national issue has to date not been raised in the Parliament. The highest decision making forum is bypassed with impunity. Law and order problem is a matter of great concern and human rights violation call for a political solution. On our part let me assure you the opposition is conscious of the urgency of this situation and we shall persist in our efforts to find a just and equitable solution."

Party-leaders of the left 5-party alliance expressed their agreement with the report and their concern with a political solution for the Chittagong Hill Tracts issue. Besides they expressed their concern over the role of India in the conflict in a personal communiqué. The leader of one of the parties suggested that the Commission should also lobby the Indian government to come to a settlement of the conflict and to put pressure on the Shanti Bahini to observe the Geneva Convention.

c. Comments by hill people

With regard to the hill peoples of the Chittagong Hill Tracts, a wide range of groups and individuals have, without exception, expressed their congratulations and gratitude for the Commission's report either in letters or in personal communications. They include political leaders, groups of citizens, monks, academics, the JSS, and include some groups which are critical of the JSS and the Shanti Bahini. Many said that they greatly value its objectivity. The Commission regrets that for the safety of the people in these organizations their names cannot be mentioned. Still people are being intimidated and harassed by intelligence agencies and the military or held in detention because they have been or are thought to have been in contact with members of the Commission.

To quote a few letters:

"Sincerest thanks for the most laudable job the Commission under your Chairmanship has accomplished by publishing the report. The report has been highly acclaimed by us as the factual and objective document on the CHT situation."

And in another letter,

"It is a well balanced and investigative report and correctly projects the CHT issue. Really it is a quite admirable effort on your part to pinpoint the CHT crisis. People have accepted the report in great spirit." The JSS expressed in a written communication "its full support to the CHT Commission's report" and "its gratitude on behalf of the Jumma people".

d. Comments by Bengali groups and individuals

Various human rights organisations, NGO's and academics in Bangladesh have reacted very favourably to the Commission's report. As already mentioned, one organisation even reprinted the report on its own initiative. A general remark was that so far most Bengali people don't know anything about what is going on in the Hill Tracts and that it is essential to spread the information. Another common comment was that Bangladesh cannot be called a democratic country as long as there is no democracy in the CHT.

With regard to the recommendations made by the Commission, these were supported by many of the Bengalis who commented on the report. Some Bengalis agreed that the return of the settlers to the plains is the ideal solution, while others remarked that that was not realistic. There was a general agreement that all further settlement should be stopped and that it is a justified claim of the hill people that their land be restored to them.

e. Comments by governments of donor countries

The report of the Commission has received significant attention from the Western international donor community. The Minister of Foreign Affairs of the Netherlands wrote in reaction to the report that the human rights situation in the Chittagong Hill Tracts "seems more serious than assumed up to now" and "... I do hope too that the newly installed government led by Bcgum Khaleda Zia will be more receptive to signals from the international community with regard to the human rights situation in the Chittagong Hill Tracts".

The Dutch Minister of Development Cooperation wrote to the Commission that "On the basis of the findings and conclusions of the ambassadors representing the member countries of the European Community, my colleague, the Minister of Foreign Affairs and I will in dialogue with our colleagues of the other donor countries continue to discuss the matter of human rights with the Government of Bangladesh. I assure you of my continued attention for the issues of human rights in general and of the people in the Chittagong Hill Tracts in particular."

General comments of Western diplomats in Dhaka to the report of the Commission in personal communications reflected on the whole agreement with the conclusions but some diplomats commented that the recommendations were not all found realistic, especially those with regard to resettling Bengalis in the plains. Their argument was that Bangladesh is overpopulated, so where can these settlers go. But none of them had any other ideas about how the land could be restored to its rightful owners. However some expressed their willingness to consider funding resettlement programmes of Bengalis who volunteer to go back to the plains. Many Bengalis have expressed their desire to leave the CHT and a few hundred have reportedly left already. The overall response to the recommendation of the Commission for a study of the carrying capacity of the land in the CHT was very positive. Several representatives of donor governments expressed their willingness to consider contributing to such a study.

It was generally argued that the issue should be seen more in the context of the whole of Bangladesh and that many of the problems there, such as land problems and oppression of indigenous peoples occur all over Bangladesh. Some even argued that compared to all the problems that Bangladesh is facing, the CHT problem is only a minor one, considering that it involves only 500,000 hill people contrasted to 105 million people in the rest of Bangladesh. However, this is a very shortsighted view. The problems in the CHT do have a very large impact on Bangladesh as a whole, for instance the huge financial burden that it imposes on the national budget. Besides, if the CHT problem is only a minor problem, then why could the new government not yet solve it within the democratic system of Bangladesh? Talking about possible solutions to the problems one diplomat even went so far that he said that he was afraid that there was no other

solution than that the hill people would eventually become extinct. Not that that is good, he added hastily, but he couldn't see any other solution. It cannot be stressed enough, however, that unlike the problems in other parts of Bangladesh the problems in the CHT have not been created by successive Bangladesh governments which have denied the hill peoples their rights, systematically settled hundreds of thousands of Bengalis in the CHT and established a military occupation of the area for the last 15 years. Due to this specific situation in the CHT the hill people are on the verge of becoming extinct, if not physically than at least socially and culturally.

f. Other comments

From the Ministry of Foreign Affairs of Bangladesh it was learnt that they had received letters from many Western and Asian countries as a reaction to the report of the Commission.

The Commission also received comments on its report From Professor L. Löffler, an anthropologist from Switzerland with a long-standing interest in the CHT, who was allowed to visit two towns in the CHT in early 1991. His findings on human rights give strong support to those of the Commission. In one of many passages underlining this, he says:

"The government by its 'security' measures creates the very reactions it intends to combat with these measures. Tribals whom I knew to be supportive of the government have now changed their attitude after a military camp with all its consequences (including the destruction of their subsistence base) has been set up in the midst of their villages. You really cannot expect young men who have seen their family members harassed, exploited, raped or tortured to remain peaceful supporters of those who forcefully deprive them or their human rights." ²⁷

His report also contains some remarks concerning 'Life Is Not Ours' which are 'not meant to invalidate any or the Commission's findings on the human rights violations.' ²⁸ These remarks contain some valuable factual corrections and additions with regard to the serious ecological damage resulting from unrestricted deforestation which has shocked him most during his visit. He points out that deforestation is caused by commercial logging and indiscriminate cutting down of trees by the military for 'security reasons' (a Shanti Bahini fighter may hide behind every tree), rather than by jhum cultivation. The Commission is very grateful for these contributions and agrees that it should have touched more on the ecological aspect. Equally useful are his remarks concerning land use and a study on the carrying capacity of the land. He points out the complexities of arriving at a realistic understanding of the 'carrying capacity' of the land, as proposed by the Commission. He underlines the need for decision-making at the village level 'Nobody but they [well-informed villagers] really know their resources, their abilities and chances; and these may be enhanced by putting the best scientific advice available at their disposal - and to their discretion.' ²⁹ The Commission could not agree more.

The Commission has more difficulty in agreeing with his statement that it 'unnecessarily reinforced violence' in the CHT by its presentation of the JSS and Shanti Bahini, whom he describes as 'an illegal mafia' and 'the mainstream of anti-state terrorism.' ³⁰ During its extended visit to the CHT the Commission has been at great pains to learn about the attitudes of the hill peoples concerning the JSS/Shanti Bahini. Its considered impression is that there is broad support for organization; its legitimacy is based on this support. Professor Loeffler doubts this. Among the many communications from hill people and organizations -- several of them critical of the JSS/Shanti Bahini -- which the Commission received, none questioned its assessment of support for the JSS/Shanti Bahini. This strengthens the Commission in

maintaining that this support is widespread. This does not mean, of course, that support is universal among the hill people, nor that each of them agrees with all JSS/Shanti Bahini tactics. In its report the Commission discusses JSS/Shanti Bahini violence towards the military, Bengali settlers and hill people (e.g. pp. 42-47). The Commission's call for a political solution and demilitarisation to the CHT crisis implies a complete end to such violent acts. The charge that the Commission reinforced violence in the CHT is unacceptable.

Professor Löffler criticized parts of the report dealing with the 1900 Chittagong Hill Tracts Regulation. The report did not attempt a detailed legal and historical review of the Regulation. The commission did not have the time or expertise for such a study. Instead, the Report tried to assess how the regulation was seen by representatives of the hill people, by the Governments of Pakistan and Bangladesh and by the District Councils.

The Regulation fits into a British colonial pattern of protection or isolation of tribal peoples. For that reason analogies were drawn with the North-West Frontier Regulations in Pakistan and the Royal Proclamation of 1763, enacted by the British for North America. Each of those documents was colonial in nature. Each recognized some limited rights, autonomy of separateness or tribal areas. Each came to be invoked by tribal people in their struggle for the recognition of their rights.

On a number of occasions, the governments of Pakistan and Bangladesh denied to outside questioners that the CHT Regulation of 1900 was still in force. It was only when the Commission members were in the Hill Tracts that it became clear to them that a more local level assessment of the situation would have indicated that the Regulation had remained a basic part of the legal system for the CHT over the years, as Professor Löffler correctly states. The 1900 Regulation was never formally repealed with a notification in the Gazette and therefore remains in force.

The Commission recommended a system of autonomy for the CHT. The 1900 Regulation never gave autonomy to the tribal people. It did treat the CHT as a separate area and did, for a long period, place restrictions on outsiders settling on land in the hills. The Commission Report suggested that a system of autonomy for the CHT be framed in such a way as to expressly draw on those positive elements of the 1900 Regulation. The Commission recognized that the debates around the 1900 Regulation are usually more political and symbolic, than legal and historical.

Footnotes

¹ See Appendix 1 for a brief history of the Chittagong Hill Tracts and Appendix 2 for an introduction to the CHT Commission.

² The report "Life Is Not Ours" can be ordered from IWGIA, Classensgade 11E, 2100 Copenhagen Ø , Denmark or

from the Organising Committee CHT Campaign P.O.Box 11699, 1001 GR Amsterdam, the Netherlands. The price

is US\$5.00 excluding postage.

³ Along with the "Comments" two other sets of reports (partly overlapping), entitled "Atrocities carried out by the Shanti Bahini [insurgents] in Chittagong Hill Tracts" (169 pages) and "Details and analysis of incidents of Shanti Bahini violence in Chittagong Hill Tracts" (193 pages) were provided. The Bangladesh authorities had "felt compelled" to do so claiming that the Commission "had deliberately disregarded whatever points of view Government of Bangladesh have on CHT and our peoples' serious grievances about the other side of the issue - the armed insurgency of Shanti Bahini.", according to their own statement "Opening remarks of Hon'ble Foreign Minister in the meeting with Ambassadors of EEC countries resident in Dhaka on December 31, 1991". The government of Bangladesh is planning to print the "Comments to the report of the Chittagong Hill Tracts Commission" and distribute it widely.,

⁴ In Bandarban district in the mouzas Soalok, Uttor hangar and Dokhin Hangar; in Rangamati district in Ziptoli mouza; in Klhagrachari district in Khagrachari Sadar and in Mahalchari. Personal communications.

⁵ The committee members are Hangsho Dhazo, Convenor, Nakul Chandra Tripura, Mathura Lal Chakma, Ananta Behari Kisha, Md. Shafi and Kya Sue Prue.

⁶ Dhaka Sunday, a Sunday newspaper, December 22, 1991

⁷ Other members of this committee are Additional Divisional Commissioner (Member Secretary), a representative of the GOC Chittagong Division, Vice Chairman of the Chittagong Hill Tracts Development Board, former MP from Bandarban K.S.Prue, member of the Rangamati District Council Ganendu Bikash Chakma, and members of Khagrachari District Council Manindra Kishore Tripura and Abdul Wadud Bhuiyan.

⁸ See Appendix page 22 for further details about previous negotiations..

⁹ With regard to the composition of the Bandarban District Council the Commission was corrected rightly in the comments by the government. It has eleven non-tribal members and 19 tribal members and not an almost equal number as the Commission had written.

¹⁰ See Daily Star 5/9/91 and Hotline August/September 91. In some publications it is talked about 22 subjects, whereas others mention the number to be 21. The government itself is not very clear on it. According to the Ministry of Foreign Affairs it is only 21 subjects, while in the "Comments on the report of the CHT Commission" the number is systematically 22.

¹¹ Until the time of writing of this update the following subjects have been handed over Agriculture, Primary Education, Health and Family Planning, Forest and Environment, Small and Cottage Industries, Cooperatives, Livestock, Fisheries, Rural Development, Social Services and Public Health Engineering.

¹² "Dual administration multiplies problems in the CTG. hill tracts", in The Telegraph 19 Jan. 1992.

¹³ See "Comments on the report of the CHT Commission" (page.54/55)

¹⁴ In a paper "Opening remarks of Hon'ble Foreign Minister in the meeting with Ambassadors of EEC countries resident in Dhaka on December 31, 1991" it is stated "The CHT District Councils exercise full control over land in the entire CHT area of 5,093 sq. miles excluding reserve forest (1400 sq. miles) and lake area (350 sq. miles). "However, rule 28 of the District Council law says that the Council will have no control over protected and reserve forests, the Kaptai lake and the hydro-electric project area, the Betunia earth satellite station area, the state industrial area, any land which has 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. Calculating the excluded area on the basis of figures of only reserved and protected forest, given in "The Chittagong Hill Tracts. Militarisation, oppression and the hill tribes" by the Anti-Slavery Society, this comes to 4386.96 sq. miles.

Reserve forests, Northern part

617.00 sq. miles

Reserve forests, Southern part	315.00	„
Sangu Reserve forest	128.25	„
Matamahuri Reserve forest	160.71	„
Protected forest (Unclassified State Forest)	3166.00	„
sub-total	4386.96	„
Kaptai lake	350	„
total	4736.96	„

Not counting the other mentioned excluded areas, the land under the control of the District Councils is thus 5093 - 4736.96 = 356.04 sq. miles. This is even less than 10 percent of the total area of the CHT (5093 sq. miles).

¹⁵ Idem, page 2-3

¹⁶ See : "Bangladesh. Human rights violations in the Chittagong Hill Tracts, 1989- 1990", dated August 1991 and "Bangladesh. Human rights violations in the Chittagong Hill Tracts. An update. Dated December 1991, both published by Amnesty International.

¹⁷ Reported in Hotline. Justice and Peace Newsletter, Oct/Nov. 1991.

¹⁸ This was suggested by Mr. M. Osmany, permanent ambassador of Bangladesh to the UN in Geneva in his statement in July 1991. Also in a questionnaire sent by the GOC to the District Council chairmen they were asked to comment on this.

¹⁹ "Chittagong Hill Tracts and Human Rights", page 3, prepared by the Ministry of Foreign Affairs for a meeting with EC ambassadors in Dhaka in August 1991.

²⁰ See: "Report of the Meeting on Protection and Promotion of Human Rights in Exceptional Difficult Circumstances The Case of the Chittagong Hill Tracts, Bangladesh. Dhaka August 26, 1991.

²¹ Conclusions of the Third International Chittagong Hill Tracts Conference, Hamburg, September 13-16, 1991 "Development, Aid, and Human Rights Violations in the Chittagong Hill Tracts, Bangladesh.

²² See: Syed M.Hashemi, "The economics of Aid to Bangladesh." Paper presented at the Third International CHT Conference, 1991.

²³ See: "Statement by Ambassador Mufleh R. Osmany Permanent Representative of Bangladesh in Geneva of 31 July 1991" page 4-5.) Mr. Osmany in his statement also comments on the credibility of Mr. R.S. Dewan, JSS representative in Europe who was a member of the Jumma delegation to Geneva in 1991. As an example Mr. Osmany quotes an article by Derek Davies in the Far Eastern Economic Review of 23 March 1989. While according to Mr. Dewan one Ms. Sobha Chakma was severely wounded in an incident and had fled to Tripura, Derek Davies reported that he met her and she told him that she had not been injured and had never been in Tripura. Apparently Mr. Osmany did not know that Mr. Dewan has convincingly refuted Derek Davies allegations with photographs and an identity card of Ms. Sobha Chakma. The woman Derek Davies met was not Ms. Sobha Chakma at all. The Commission met Ms. Sobha Chakma in Tripura and she stated that she had been severely wounded in the incident and had never met Derek Davies. Whose credibility is at stake here?

²⁴ See: "Comments on the report of the Chittagong Hill Tracts Commission May 1991", Preface page I-II.

²⁵ See: "Life Is Not Ours", page 3.

²⁶ See: "Comments on the report of the CHT Commission May 1991", p 68.

²⁷ See: "Ecology and Human Rights. Two papers on the Chittagong Hill Tracts, Bangladesh, 1991 by L.G. Löffler, Zurich, page 3.

²⁸ Idem, page 21.

²⁹ Idem, page 26.

³⁰ Idem.