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In his article on the Conflict in the Chittagong Hill Tracts (CHT) in Bangladesh, Adilur Rahman Khan looks at the most turbulent area in Bangladesh and discusses the human rights violations that are taking place in this region. He makes several recommendations including self-rule for the CHT region; taking steps to free the region from military intervention; solving the land problem, particularly of cultivable land in the region; and solving the issue of Bengalee settlers in the CHT region.

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AND

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INDIGENOUS PEOPLE AND SELF-DETERMINATION:

A Case Study of the *Wanniyala-aetto* (Veddahs) of Sri Lanka*

Wiveca Stegeborn

Introduction

At the stroke of midnight on November 9, 1983 Sri Lanka set aside a new national park, thereby simultaneously transforming the only remaining group of hunters and gatherers into poachers. With their traditional forest set aside as a national park, the *Wanniyala-aetto* people lost all access to their traditional livelihood.

This paper will examine the 2500 year old subcontinental Indian colonial pattern of perpetual disregard of Sri Lanka's aboriginal people's right to self-determination. The study includes the history and life-ways of the *Wanniyala-aetto* (Veddah) people in the face of this cultural devaluation and an elaboration on the *Wanniyala-aetto's* right to land and ethnicity based both on the virtue of having occupied the island from "time immemorial," and on international and human rights covenants ratified by Sri Lanka.

Sri Lanka stands today at a pivotal moment in its constitutional history. At the time of writing this paper provisions for a new constitution are being drafted in Sri Lanka. It is pivotal because perhaps this time the indigenous people of that country may be recognised. This new standing in law would offer a unique opportunity to the First People of the nation which few native peoples have ever had, a dream held through many generations from the Americas in the West, to Australia and New Zealand in the East.

Facts and Figures

Sri Lanka is an island approximately seventeen miles south-east of India, between 5° and 10° north latitude.¹ It comprises about 25,332 square miles, the size of the state of West Virginia.² Its total population exceeds 18 million people. The two major cultural groups, the Sinhalese and the Tamils, both migrated there from India 2500 years ago. The Sinhalese constitute 74% of the total population and the Tamils, 18.2 percent. Seven percent are "Moors," descendants of

* Term Paper 1995, College of Law, Syracuse University, USA.

¹ Ross, Russel R, and Andrea Matlas Savada (eds.) *Sri Lanka, a Country Study*. Prepared by Federal Research Division, Library of Congress, for the U.S. Army (1988) (second ed.), Washington, D.C.: Government Printing Office (1990).

² Famighetti, Roberts (ed.) *World Almanac* New Jersey: Funk and Wagnells (1994).

Arabic traders. The remaining 0.7% are "others,"³ and include descendants of Malays, Europeans, and admixtures. Two thousand persons categorised as "others" are *Wanniyala-aetto*, who are the aboriginal inhabitants of the island.⁴

This now vanishing population of *Wanniyala-aetto* lives in Uva Province of Sri Lanka's Dry Zone, located east of the central mountain massif. Their land borders the Eastern Province, where the Sinhalese-Tamil civil war is raging. The towns closest to the *Wanniyala-aetto* hamlets are Maha Oya to the east and Mahiyangana to the west. Along the Maha Oya road, thirteen miles from Mahiyangana, is the village of Dambana. The landscape of the *Wanniyala-aetto* country is green, crossed by meandering rivers and streams and punctuated by lakes. Thick tropical forest covers the high mountains and lowlands, interspersed with rocky hills that thrust above the trees. Tall grasses predominate close to the east coast, where the land is drier, flatter, and more open.

Names and Families

The forest and the forest people are so interrelated that even their names are intertwined. "*Wanni*" means forest⁵ and the *Wanni-ya-la* (plural)-*aetto* are the ones who live in it, the "forest-dwellers." The *Wanniyala-aetto* regard themselves as creatures of the forest who share a complex moral universe of fellow visible and invisible beings in an environment where everything is alive. Neighbours include squirrels, scorpions, pangolins, bees and deer, along with the great hunting spirits and the deceased relatives of the *Wanniyala-aetto*. They believe that their dead live in another dimension, yet are always with them. For the *Wanniyala-aetto*, no one really dies until those who knew and loved him/her is also dead. On a mountain in the forest, the *Wanniyala-aetto* believe that their ancestor spirits continue to live as they did in real life. This accounts for the husks and debris seen dancing down the creeks from villages where no humans live.

Like many native people, the *Wanniyala-aetto* do not have a collective term for all the indigenous people of Sri Lanka. Rather, they take their names from the particular surroundings where they usually live, such as the *Wanniyala-aetto* who dwell in the tropical dry zone *Wanni*. Within this category, they identify themselves by specific family or place names. For example, the group that stays by the open grasslands or savannas are the Savanna people (Tale Warige) and those who live by the big nabudu, embille, and kiribo trees are naturally called the Nabudena, Embille and Kiribo people. The family or place name traditionally was transferred from mother to child but because of new government regulations regarding marriage, this practice changed in the late 1980s. In this paper the term "group" is used to indicate that a

³ Whitakeir's *Almanac* London, Great Britain: J. Whitakeir and Sons (1995).

⁴ Burger, Julian *The Gaia Atlas of First Peoples: A Future for the Indigenous World*. London: Gaia Books Ltd (1990).

⁵ Sugathapala de Silva, M.W *Vedda Language of Ceylon*. Munich, Germany: Munich studien zur Sprachwissenschaft (1972).

family or place name can identify not only one extended family that lived at or frequented particular place, but also any kin and friends who joined them. Family or place names are almost always terms of reference, used by others for individual *Wanniyala-aetto*. The *Wanniyala-aetto* themselves do not use their family or place names in everyday life. Sometimes they have to think through their genealogies to be able to tell to which group they belong.

Prehistory

Sri Lanka is sometimes referred to as "The Tear Drop of India." If that tear was shed by anyone, it was surely by the forest-dwelling Veddahs, or *Wanniyala-aetto* [*wanniyala-aetto*] as they call themselves. They have occupied the island for over 28,500 years,⁶ but are not formally recognised by the Sri Lankan government as a distinct, defined, indigenous minority. So deliberate is this omission that archaeological and palaeontological taxonomy sometimes were modified to suit the political history of Sri Lanka. There are older evidence of hominid occupation on the island, however, but those dates are not yet fully confirmed. In one instance, a supraorbital ridge from a human skull was found associated with hippopotamus fossils close to Ratnapura town in southwestern Sri Lanka. According to archaeologist Wickramapathirana,⁷ this bone dated back to the Middle Pleistocene.⁸ He⁹ believes that these ancient finds probably are ancestral to the modern *Wanniyala-aetto*, who have continuously occupied caves in this region ever since the Palaeolithic Period. The Palaeolithic archaeological material culture is similar to that of the historic *Wanniyala-aetto*.

The history of Sri Lanka bears many similarities to that of the Americas and Australia. The difference is in the nationality of the colonisers. The contrast between five hundred years of European presence in the New World with the conservative estimate of twelve thousand years of native occupation is not presented in a balanced picture of the past in that historic literature.¹⁰ The bulk of historic accounts overwhelmingly favours the ones who held the pen. This also holds true for Sri Lanka and especially so far a non-literate society such as the *Wanniyala-aetto*. As historian Hellmann-Rajanayagam observes in an article reflecting on the Tamil past:

*Whoever possesses history possesses the moral high ground, and possession of history means possession of power and political initiative.*¹¹

⁶ The Prehistory of Sri Lanka: An Ecological Perspective, Colombo, Sri Lanka: Department of Archaeological Survey, Government of Sri Lanka (1992).

⁷ The Stone Age of South India and Sri Lanka, A Critical Review. BAR International Series 228. Oxford, England (1984).

⁸ 125,000 - 750,000 Before Present [B.P.].

⁹ The Stone Age of South India and Sri Lanka, A Critical Review, supra n.7.

¹⁰ Lion, Oren R & John C. Mohawk (eds) Exiled in the Land of the Free: Democracy, Indian Nations, and the U.S. Constitution. Santa Fe, N.M.: Clear Lights Publisher (1992).

¹¹ "The Politics of the Tamil Past," in Sri Lanka: History and the Roots of Conflict, Spencer (ed.) N.Y.: Routledge. (1990).

The *Wanniyala-aetto* people do not record their history in writing. It is rather found in their oral traditions, their way of life and in their religion. Similar to the original population of North America and Australia, they left few tangible traces of their presence. They lived, as the North American Indians say, "softly on the earth."

Mytho-Legendary History

The written history of Sri Lanka is based on the Sinhalese Buddhist trilogy, *Dipavamsa*, *Mahavamsa* and *Culavamsa*. According to the outlanders, the first humans on the island were themselves. Not coincidentally, the *Mahavamsa* describes their arrival as taking place at the precise moment that the Buddha took his last breath on earth.¹² In *Nirvana* he asked the Hindu God Indra to protect the newcomers because the Buddha wished to establish his religion on the island.¹³ The Sinhalese colonisers needed protection because the island was possessed by "demons" and "evil spirits"¹⁴ which the conquerors fought fiercely. Having vanquished these "evil spirits," Vijaya, the leader of the group, took a "demon" princess as his wife. With her influence he was able to make himself master of the island. Then, the story goes, he set aside his wife and their two children for a princess from South India more suitable to his rank. The former queen and the two children returned to her "demon" people, but they accused her of treachery and killed her. The frightened children were advised by their uncle to flee into the forest. In the *Mahavamsa*, the legend continues that when the siblings became adults, they married one another and became the progenitors of the "Veddahs," the indigenous people of the country.¹⁵

Unfortunately for the island people, the land to which the North Indians came was Sri Lanka. The invasion was conducted by conquest and settlement. Retroactively the mytho-legendary historic scriptures rationalise this action by describing the island as vacant because its inhabitants did not meet their standards. Initially, the standard applied was ecclesiastical.¹⁶ They were "heathens". The indigenous population was not Buddhist; hence, they were relegated to a non-Buddhist sphere, to the realm of demons and evil spirits.¹⁷ Since they were not people, they need not be treated as such. Successively the standard shifted to a secular examination into the degree of "civilisation" possessed by the indigenous population. Obviously, the colonisers would not find that type of polity among the forest-dwelling island people. "Civilisation" is based on the concept of a city culture, a way of life not desired by the *Wanniyala-aetto*. Since

¹² Geiger, Wilhelm, (trans.) *The Mahavamsa, or The Great Chronicle of Ceylon*. Colombo: Ceylon Government Information Department. (1950)

¹³ Ibid at p 55.

¹⁴ Ibid at pp 53-61.

¹⁵ Ibid at pp x - xxv.

¹⁶ Ibid.

¹⁷ Ibid.

one hundred year old chieftain added: "And after we had complied, we returned home (to the forest) to live in peace and without impediments from the outside."²⁷ Use of the "silent trade" from nearly two thousand years ago to recent times demonstrates the *Wanniyala-aetto* wish to maintain their cultural integrity, and their explicit desire for non-interference as expressed by Fa Hian, Albertini, Knox and U.W. Tissahamy.

British Colonisation and Independence 1815-1948

After 1815, Great Britain claimed the island and Ceylon immediately was annexed under English Common Law. The concept of land ownership and property rights changed from the petty kingdoms of the Sinhalese and Tamils to the law of the English Crown which now was the "original owner" of all lands. A central concept in English property law is that of the right to exclude others from entering onto one's land²⁸, an incomprehensible thought for a hunting and gathering forest-dweller.

After achieving independence for Sri Lanka in 1948, the dominant Sinhalese population formed the new government and wrote its constitution. The country was divided into districts and representatives were elected based on the size, demography and district.²⁹ Buddhism became the official religion, Sinhalese, the official language, and Tamil was allowed in accordance with special provisions.³⁰ Nowhere was there a mention of the First People of the Nation. The concept did not exist. A fundamental assumption underpinning the new law that governed the hosts of the country (without their consent) is that the State is an uncontestable given. Earlier rule was justified by Indo-Aryan "supremacy" and the indigenous people's lack of "civilisation".

Parliament possesses the ultimate lawmaking authority over all citizens. The new constitution would carry over the powers, privileges, duties and obligation "exercised or exercisable" by:

*... Elizabeth the Second the Queen of Ceylon and of Her other Realms and Territories, Head of the Commonwealth as were in existence immediately prior to the Constitution coming into operation.*³¹

Thus, nothing much changed from the standpoint of the native people. The Crown was formerly the original possessor and therefore the owner of the *Wanniyala-aetto* land, over which the State now asserted territorial sovereignty. Land could be bartered, sold or given by the State to its

²⁷ Tissahamy, pers. com. 1978.

²⁸ Levin, Michael D. (ed.) *Ethnicity and Aboriginality: Case Studies in Ethnonationalism*. Toronto, Canada: University of Toronto Press. (1993)

²⁹ Article 78 of the 1972 Constitution of Sri Lanka.

³⁰ Ibid, Articles 6, 7 and 8(1).

³¹ Ibid, Article 13.

subjects. Since the original island people were not part of the market economy, they could not secure their land by purchase. The already extinguished ancestral land of the island people was given away without their consent or payment of compensation to them, and the State continues giving unsundered land to itself, i.e. The State Timber Cooperation, Ministry of Agriculture, Lands and Forests, Department of Wildlife Conservation or to private entrepreneurs.

Eventually, the Constitution of May 1972 was repealed, and a new Constitution 1978, came into effect in February that year. The name of the state was changed from the Republic of Sri Lanka (Ceylon) to the Democratic Socialist Republic of Sri Lanka. A strong proclivity for economic development emerged. To underline the importance of "bringing up" Sri Lanka to a competitive level with other industrialised nations, the 1978, Constitution emphasised its purposes under Chapter VI:

The Directive Principles of State Policy herein contained shall

- (1) *guide Parliament, the President and the Cabinet of Ministers in ...*
- (d) *the rapid development of the whole country by means of public and private economic activity and by laws prescribing such planning and controls as may be expedient for directing and coordinating such public and private economic activity towards social objectives and the public weal....*³²

Sri Lanka's Policy and the Wanniyala-aetto

Sri Lanka's first official development policy was that the traditional *Wanniyala-aetto* mode of life must go, and the government was ready to take all steps necessary to expedite the process.³³

This drastic measure was deemed necessary because there was a severe imbalance between the amount of land available for agriculture and the number of people it had to support. The staple food of both Sinhalese and Tamils is rice, a labour-intensive crop. As in most agricultural societies, the more children, the more free labourers. Thus the bigger the family, the larger the fields. As of 1994, 58.1% of the population is between the ages of fifteen to fifty-nine. A major portion of those are of reproductive age. 35.3% are fifteen years old and below. The population density in Sri Lanka is presently 695 persons per square mile.³⁴

To provide for the huge, young population, Sri Lanka after independence decided to develop its industry and commerce, hoping to rival Singapore as a world trading centre. There was simply

³² Cooray, Joseph A.L. (updated by Marianne Ferris) *Constitutions of the World*. Blaustein Albert, p. and Gisbert H. Flanz (eds.). New York: Dobbs Ferry. Oceana Publications Inc. (1989).

³³ Dharamadasa, K.N.O. "The Veddhas' Struggle for Survival: Problems, Policies and Responses," in *The Vanishing Aborigines*, K.N.O Dharamadasa and S.W.R de A. Samarsinghe (eds). International Centre for Ethnic Studies (ICES). Sri Lanka Studies Series: 2. New Delhi: ICES in association with NORAD and Vikas Publishing House Pvt Ltd. India: Vikas Publishing House Pvt Ltd. (1990) Pp 159.

³⁴ World Almanac Famighetti, Robert (ed.) New Jersey: Funk and Wagnells. (1994)

no interest in a hunting and gathering people.³⁵ Thus, despite hundreds of years of life under various colonising nations, it is particularly in the twentieth century that the *Wanniyala-aetto* have been displaced from their equatorial forest.

Between 1951 and 1955, Sri Lanka instituted the Gal Oya Scheme, which drastically affected the *Wanniyala-aetto* in the eastern part of the island.³⁶ The Gal Oya Scheme built the country's largest reservoir (at Inginiyagala) and inundated some of the *Wanniyala-aetto's* best hunting and food gathering areas along with several of their favourite cave dwelling.³⁷ The *Wanniyala-aetto*, primarily foragers who lived off the natural produce of their lowland monsoon forest supplemented by swidden and fallow-raised crops, were put under a government resettlement scheme to totally assimilate with agriculturalists.³⁸ The government evacuated several *Wanniyala-aetto* settlements, forcing them to yield to the socio-economic needs of the majority of the population.

One step taken by the Sri Lankan government to expedite the "development" process was to establish "The Backward Communities Welfare Board", which focused on the *Wanniyala-aetto* of the Eastern and Uva provinces.³⁹ This Board facilitated the government's plan to move the *Wanniyala-aetto* to make way for the Sinhalese and Tamil people, who needed more paddy land.

The government argued that the hunters and gatherers should change their ways, that the new life would be better. The *Wanniyala-aetto* would benefit from living in permanent settlements and becoming agriculturalists. Despite all the persuasive arguments, however, the *Wanniyala-aetto* hunters and gatherers followed their old strategy and retreated farther into the forest.

Even this strong approach did not satisfy some powerful politicians. As early as the 1950s, there were critics of the government's policies toward the *Wanniyala-aetto* who felt that assimilation did not go far enough. In 1951, an opposition member of parliament inquired whether the government was trying to keep the *Wanniyala-aetto* as "anthropological curiosities."⁴⁰ At that time, Minister of Finance displayed an extremely negative bias toward the *Wanniyala-aetto* when he replied that the aim of the government was to:

*lead them away from the hunter stage to the agricultural stage. We want to bring about a stage when the backwardness, the primitiveness of the Vedda ... will disappear ... and make them full citizens of Lanka.*⁴¹

³⁵ Keuneman, Herbert. *Insight Guides, Sri Lanka*. Anderson Gottberg (ed.). Hong Kong: Apa Productions Ltd. (1983) p 60.

³⁶ Dharmadasa, K.N.O., supra n 33 at pp 150 - 160.

³⁷ Ibid at pp 141-148.

³⁸ Ibid at p 159.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

Twenty-five years later, this same minister became the President of the country and the leader of the United National Party (UNP). He enjoyed unlimited executive power as the head of state, head of government and head of the armed forces.⁴² In the Social Democratic Socialist Republic of Sri Lanka, he could dissolve the Parliament at will.⁴³ His attitude toward the *Wanniyala-aetto* would continue to play a major role in Sri Lanka's desire for 'progress'.

The constitutional ideology then and now greatly devalues the suggestion of an aboriginal nationality. The government espouses a universalistic ideology which in fact masks the assumption about the moral legitimacy of his ethnic majority group's occupation of Sri Lanka. It may be called colonial and/or racist, but it does not allow consociate thinking. Consociate thinking originates from the concept of being equal but not the same. Socio-politically this idea refers to self-determination and sovereignty over one's own nation, meaning ethnic group, partaking with other ethnic nations on an equal footing within the State. Michael Levin's interpretations of "ethnicity" and "aboriginality" are useful here:

Ethnic identity is the most widely used basis for legitimacy not only for minorities, but also for majority groups sharing a common culture. An ethnic group that is a majority may attempt to imprint its culture on the state.

*Aboriginality is a more refined claim to distinctiveness based on historical experience. It emphasises status as the original occupants of a place, adding depth to the idea of cultural differences.*⁴⁴

Whereas previous government policies distanced Sri Lanka from economic aid provided by the West, when the UNP came into power in 1977, foreign investors were invited to participate in its push toward economic recovery. The government concentrated its efforts on turning Sri Lanka into an industrially developed country and, with Singapore as its model, South Asia's financial centre. To attract foreign investors, the government created a Free Trade Zone in the outskirts of the capital Colombo. Foreign companies were offered a monopoly on duty-free imports of raw materials, plus cheap labour and tax exemptions. Banks opened; hotels and shopping mall structures rose to the sky.

To help achieve the goal of independence from the importation of rice, Sri Lanka needed foreign currency. By 1982, about 74% of Sri Lanka's capital budget was financed with foreign assistance.⁴⁵ Sri Lanka received aid from almost every country in the West, and Japan. Great sums of the foreign currency were spent on developing hydroelectric schemes to provide power for industry and new lands for agriculture, among them the Mahaweli Project.

⁴² Economist Intelligence Unit (EIU) Country Profile Sri Lanka, No. 1. London, England: The Economist Publications, Ltd. (1993/94) p 8.

⁴³ Economist Intelligence Unit (EIU) (1994) at p 2.

⁴⁴ Levin Michael D (ed.), supra n 28 at p 4.

⁴⁵ Keuneman, Herbert, supra n 35.

The Mahaweli Project, initiated in 1977, was the most gigantic development programme ever in the history of the country. This plan provided that the greatest river system in the country, the 335km. long Mahaweli Ganga, would be developed, channelled, and diverted into tunnels to produce electricity, then guided to reservoirs and canals for artificial irrigation. About 640,000 acres of formerly "undeveloped" land would be opened for cultivation. The project would provide new agricultural lands and homesteads for 140,000 families.⁴⁶

Modern Sri Lankan Environment Policies and Politics

After attaining independence, on December 14, 1956 Sri Lanka joined the United Nations and its specialised agencies.⁴⁷ One very important issue advanced in 1982, by the United Nations Environmental Programme (UNEP) was the World Charter for Nature. The charter is especially relevant for the *Wanniyala-aetto* because its aim was to establish a worldwide network of protected ecosystems by setting aside national parks reserves for endangered species, and for wildlife and genetic resources.⁴⁸ It was hoped that each country in the world would adopt its own National Conservation Strategy (NCS) to include recognition of the rights of indigenous people to live on their ancestral lands. According to the principles of the World Charter, governments were to maintain and encourage traditional methods of living, and educational systems were to be oriented toward environmental and ecological principles based on indigenous peoples' knowledge. Some of the most critical points of the recommendations state:

- (1) That governments devise means by which indigenous people may bring their lands into conservation areas without relinquishing their ownership, use, or tenure rights;
- (2) That the governments of countries still inhabited by people belonging to separate indigenous cultures recognise the rights of these people to live on the lands they have traditionally occupied, and take account of their view points;
- (3) That in the creation of national parks or reserves indigenous peoples should not normally be displaced from their traditional lands, nor should such reserves anywhere be proclaimed without adequate consultation with the indigenous peoples most likely to be directly affected by such proclamation.⁴⁹

⁴⁶ Ibid at p 64.

⁴⁷ Osmanczyk, Edmund Jan The Encyclopedia of The United Nations and International Relations. New York: Taylor and Francis. (1990) p 870.

⁴⁸ "UNEP's Governing Council Meets, Boosts Conservation Programmes." In IUCN Bulletin, Vol. 6:6 Morges, Switzerland: International Union for Conservation of Nature and Natural Resources. (1975a) p 21.

⁴⁹ "Sustainable Development and Cultural Diversity - Two Sides of the Same Coin," ICUN Bulletin 6(4). Morges Switzerland: IUCN. (1975b) p 2.

In 1980, Sri Lanka's President requested assistance from UNEP in developing a plan to establish and maintain a system of national parks. By accepting financial and professional assistance from the UN's World Conservation Strategy, Sri Lanka agreed to the principles of the World Charter for Nature and founded its National Conservation Strategy (NCS).⁵⁰ The Maduru Oya National Park was set up as part of this conservation strategy, but as events subsequently demonstrated, the Charter's guidelines did not accord with the NCS of Sri Lanka. The Maduru Oya National Park is a case in point.

The Maduru Oya National Park

On the east side of the country, between the central mountain chain and the sea where none of the colonising powers had found it worth-while to exploit the land for coffee, tea or rubber, the last remnant of the *Wanniyala-aetto* lived in their traditional way as late as 1983. They sustained their basic needs by hunting and gathering supplemented by swidden and fallow cultivations. The northern part of their territory was drained by the Maduru Oya River and in the south by the Ulhitiya Oya River and the slowly flowing Mahaweli Ganga. With the establishment of the Accelerated Mahaweli Development Project, and the proposed Maduru Oya National Park, the foragers were threatened from two sides.

On 9 November 1983, the remaining homeland of the *Wanniyala-aetto*, comprising about 51468 ha., was designated a combined "catchment area" and a Forest and Wildlife Reserve. It is called the Maduru Oya National Park and is administered by the Mahaweli Environmental Project. The Department of Wildlife Conservation marked off the land. Barriers, guards and outposts were stationed along the borders. No one was allowed to enter the park without a written permit from the Wildlife Department in Colombo, on the other side of the country. Most *Wanniyala-aetto* cannot read and write and from one day to the next their ancient lifestyle became criminal in the eyes of the law. Yesterday's hunters and gatherers became today's poachers. As the Accelerated Mahaweli Development Programme proceeded, the old *Wanniyala-aetto* country was segmented into systems, using alphabetic designations. Half the forest belonged to System B (north of Maduru Oya) and the southwestern half to System C. The forests were logged and the last hunting grounds and traditional honey bee sites were levelled by bulldozers. The *Wanniyala-aetto* country underwent dramatic change into vast areas of rice-paddy cultivation, towns, villages, highways, and infrastructure. Thousands of settlers poured into the area. Eleven thousand hectares of hunting ground were inundated. Two small villages situated close to a dam (Kandeganville and Kaeragoda) were threatened with flooding during the monsoon rains.⁵¹

Unaware of the Master Plan, the *Wanniyala-aetto* tried to survive in the forest. The *Wanniyala-aetto* searched for food unsuccessfully because the animals fled from the construction turmoil.

⁵⁰ "IUCN Update." In *IUCN Bulletin*, Vol. 13:10/11/12. Morges, Switzerland: IUCN (1982) p 14.

⁵¹ Master Plan, Maduru Oya National Park. Department of Wildlife Conservation. Colombo, Sri Lanka. October 1985, rev. June 1987. Unpublished MS. (1985) pp 5-12.

There was famine. Finally they went to the developers for help, but were told that they could not collect food directly as before. The *Wanniyala-aetto* now must follow the government's instructions to cut trees, blast mountains and dig channels in their hunting grounds. They were told that never again could they return to their traditional life in the forest. Their hunting grounds would be reserved for the purpose of a combined catchment area between the two rivers and a national park.

According to the Constitution of Sri Lanka all citizens are equal before the law. Therefore, since the national park regulations proscribe that anyone hunt, pick flowers, collect honey, light a camp fire, or make a living in any park, the *Wanniyala-aetto* were hit hard. Instead, development programme villages awaited them, with schools, shops, health clinics, "proper" clothes, Buddhist temples and modern means of communication. Two and half acres of irrigable land were allotted to each family: two acres for cash crops and the remaining half acre for their own consumption. The *Wanniyala-aetto* would have to learn to become agriculturalists and live in a "civilised" way, with a "civilised" language and religion. To ease the change for the first two years, the *Wanniyala-aetto* would be given government assistance to free material to resettle. They were to receive artificial fertilisers, pesticides, hybrid seeds to cultivate, milk powder, Triposa (a nutritious mixture of three kinds of flour), and whitewash for their houses. They were expected to move voluntarily.

Four Presidents have governed since the last *Wanniyala-aetto* were resettled in the Rehabilitation Villages. For twelve years written and verbal promises have been made to the *Wanniyala-aetto* that they might return to their home. But, as the old *Wanniyala-aetto* spokesman, Uru Warige Tissahamy says: "Leaves is all I have," pointing to the pile of documents. A new Constitution is going to be presented to the parliament. International Human Rights Organisations such as the United Nations' Working Group on Indigenous Populations, the International Labour Office, the European Parliament and the Human Rights Committee of the American Anthropological Association have expressed their concern about the *Wanniyala-aetto* to the Sri Lankan government. International NGOs and local campaign groups have written and are writing hundreds of letters to the various Sri Lankan embassies and to the Sri Lankan government requesting the official acknowledgement of Sri Lanka's aboriginal people.

Conclusion

The United Nations Universal Declaration of Human Rights (1948) was written as a result of WWII. Never again would one people be regarded as of less worth than another. Hence, the first words in the preamble:

*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*⁵²

⁵² Hannum, Hurst (ed.) *Documents on Autonomy and Minority Rights*. Dordrecht, Netherlands: Martinus Nijhoff Publisher (1993).

The integrity and autonomy of peoples and states would there after always be respected. At the time, the issue was to safeguard one country from being invaded by another. The problem of one country invading itself was not yet an issue on the UN agenda. The Declaration was based on territory, not on ethnicity. Today international Human Rights law "provides that all peoples may freely utilise natural resources based upon the principle of mutual benefit,"⁵³ but as Paul William questions in an article about international law and environmental disputes; who defines "people"? In many former European colonies, sometimes centuries old, local, European educated aristocracy assumed the office of their forbearers after independence. In the case of Sri Lanka, they continued where they left off upon European colonisation. Since the State also determines the "best interest of the nation," expansion and/or extraction of natural resources to benefit the ethnic majority is the norm. The first article in the International Covenant on Civil and Political Rights states: "All people have the right of self-determination." Sri Lanka is a signatory of that document, interpreted to mean in that country the dominant group. This is one reason why the Tamils are rebelling in the northern and northeastern parts of the island. Since the *Wanniyala-aetto* are not recognised as a distinct people, the article which refers to minorities, Article 27, is not applicable to them.

In the post-colonial era, specifically after the fall of the Second World the issue of ethno-nationality and self-determination has become a major issue. Indigenous peoples are completing their own UN Declaration on the Rights of Indigenous Peoples⁵⁴ and an increasing number of International Human Rights instruments focus on indigenous, ethnic and minority rights^{55, 56, 57}. The micro cosmos is also reflected in the macro cosmos in defining "self-determination." There does not necessarily have to be a new independent state, borders, and total autonomy. That concept itself derives from non-native thinking. History presents quite heart warming accounts of the welcomes given, by the First Nations of the New World, Columbus, Cortez, and Lewis and Clark. These and other colonisers reported that they were treated, to put it modestly, with great respect, if not sometimes veneration. The indigenous nations believed the colonisers were trading partners on equal footing with themselves. Similar to the "silent trade" of the *Wanniyala-aetto*, there was no wish for domination, only a wish for exchange. At present, there seems to be a moderation in "self-determination" among indigenous people which is becoming equated not with independence, but with intradependence, including effective control over one's own community combined with effective interaction in the life of the largest state. There is a wish for devolution of power, similar in some respects to the European Community's principle

⁵³ William, Paul R. "The Failure of International Law: Can International Legal Principles Play a Positive Role in Resolving Central and East European Transboundary Environmental Disputes?" Unpublished MS (1994) p 17.

⁵⁴ Pers. com 20 June 1995.

⁵⁵ Hannum, Hurst (ed.), supra n 52.

⁵⁶ Levin Michael D (ed.), supra n 28.

⁵⁷ Burger Julian, supra n 4.

of "subsidiarity" seen as an appropriate response to demands for self-government and ethnic/linguistic preservation.⁵⁸

Instead of believing the State is weakened by equal footing among its ethnic nations, it may instead prove to be strengthened. Perhaps the little token expressed by dropping the word "economic" in the European Union is a sign of cooperation not merely based on markets and money. Sri Lanka could benefit from this attitude. Billions of dollars are spent on the ethnic war in Sri Lanka, resources which could be utilised for peaceful purposes.

In spite of the undeniable claim of *Wanniyala-aetto* aboriginality in Sri Lanka according to international customary law, and having an inherent and inalienable right to the land based on occupancy since time immemorial, the country's colonisers have pushed away and relegated them to an inferior, subhuman status. Still, at this date the indigenous island people are neither formally nor legally recognised by the Sri Lankan government.

Today, the argument may be that so few of them are left that they are not worth counting. This is alarming enough. What decimated them? As a matter of courtesy and respect for the *Wanniyala-aetto's* persistent survival in spite of invasions, their use of as cannon fodder, displacement by development projects and the latest, the taking of their last hunting ground for a national park, removing the forest people to make way for wildlife should call for emergency action to save what is left of Sri Lanka's indigenous population. Native difference and inferiority are no longer acceptable justifications for their continued patronisation by another ethnic nation.

Now would be an excellent opportunity to change the course of 2500 years and acknowledge the First People of Sri Lanka and their right to their own identity and their rights according to customary law as well as international conventions.

⁵⁸ Hannum, Hurst (ed.), supra n 52 p xvii.

CONFLICT IN CHITTAGONG HILL TRACTS - BANGLADESH

Genesis of a Crisis

*Adilur Rahman Khan**

The Chittagong Hill Tracts (CHT) is the most turbulent area in Bangladesh. A deep sense of resentment marks the hearts and minds of each of its inhabitants. The situation has been brought about over the past two decades by a sustained policy of discrimination, disparity and negligence, culminating ultimately in repression, or as it is officially known, a strategy of "counter insurgency".

In the sixties, the Kaptai Dam was built resulting in the destruction of the homes and livelihood of over 100,000 persons, all members of the Chakma community. Efforts to rehabilitate more than 18,000 affected hill families were not satisfactory because of fund shortage, inadequate planning and, in all probability, bureaucratic corruption and red-tapism. The cumulative effect of all these was increasing discontent and resentment amongst the tribals. In such a situation the educated young people from the hills turned to Marxist political philosophy, eventually forming the Rangamati Communist Party in 1970 as an underground organisation to preserve and protect the interests of the hill people.

During Bangladesh's War of Liberation in 1971, Chakma King Raja Tridib Roy took the side of Pakistan as a result of which, in the post liberation times, the Hill Tract people have been subjected to the wrath of the people of the plain land. Taking advantage of this situation, many opportunity-seeking people moved to the Hill Tracts to take over land and property.¹

Following independence in 1972, the separate ethnic identity of the Hill people was constitutionally subsumed within the concept of the "Bengali Nation" despite protests by those so marginalised, including the then Member of Parliament for the CHT, Manabendra Narayan Larma, founder of the Rangamati Communist Party; the first hill student to suffer imprisonment in 1969 for participating in the movement against Field Marshal Ayub Khan's (the then dictator and President of Pakistan) dictatorship, Larma tried to draw the attention of the Government of newly-independent Bangladesh to the CHT issue and the fears and concerns of the hill peoples through his speeches in the Constituent Assembly in 1972.²

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¹ Rashed Khan Menon, "Free the CHT of military intervention," (weekly) *Dhaka Courier*, 5 June 1992.

² Abdul Mueyed Chowdhury, "Insurgency in Chittagong Hill Tracts: Modalities for a Solution" (unpublished paper).

On 25.10.72 Larma appealed to his colleagues not to ignore the existence of various nationalities in Bangladesh. He particularly referred to the special status enjoyed by the people of CHT over the ages. He questioned the wisdom of the drafting committee of the constitution for forgetting this special status and omitting it from the draft constitution although the 1956 and 1962 constitutions had recognised it. He stated that the hill peoples of CHT were a backward people without sufficient political consciousness, as such, they were not in a position to raise their demands. He referred to the representations made to Prime Minister Sheikh Mujibur Rahman earlier by a delegation of hill people without any result. He emphatically stated that this category of deprived people would have difficulty in accepting a constitution which does not protect their rights and interests.³

The then Law Minister and convenor of the drafting committee, Dr. Kamal Hossain, in his reply rejected Larma's demands, giving many strong legal arguments which did not take into account the psychological elements in Larma's demands. The position became more serious (on 31.10.72) when (Mr. A. Razzak Bhuiyan (CA Member from NE115, Dhaka) moved an amendment to Article 6 of the draft constitution to the effect that a citizen of Bangladesh should be known as 'Bangalee'. Mr. Larma strongly protested by saying that the hill people were a part of Bangladesh, they were 'Bangladeshis' but never 'Banglees'. When the Speaker of the Assembly pointedly asked Larma if he did not want to be a 'Banglaee', the latter voiced his fears about losing his ethnic identity and again emphatically rejected the notion. When the amendment proposal was adopted on the same day, Larma protected this change of his ethnic identity and staged a one-man walk-out from the House.⁴

Mr. Larma moved another amendment to the draft constitution. He proposed the insertion of a new article after Article 47 declaring CHT as an autonomous area to safeguard the political, economic, social and religious rights of the 10 (ten) different ethnic peoples of the CHT and who call themselves the 'Jumma' nation. The Speaker ruled out the amendment proposal on the ground of its being contrary to the basic principle of 'Bengalee' nationalism as already adopted. Thus the final attempt of Larma for a constitutional guarantee for the hill peoples failed to create any impression on his colleagues from the plains.⁵

The armed struggle that inevitably followed the failure of constitutional attempts to obtain special status for the hill people gradually gave rise to stricter counter insurgency measures. A planned joint Indo-Bangladesh operation did not materialise on account of the political change which took place on 15 August 1975. In fact, after the change over, Larma and his followers crossed over to India, from where the armed struggle has been operating since then.⁶

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

Succeeding governments of Bangladesh have adopted a two-pronged policy to resolve the problem. On the one hand, counter-insurgency operations have been expanded and intensified; on the other hand, massive socio-economic development efforts have been undertaken under the supervision of the military. The governments have simultaneously declared the CHT as a Special Economic Area, declared repeated amnesties to facilitate the surrender of armed strugglers, offered cash awards for recovery or surrender of arms and ammunition, made special provisions for admission of 'tribal students' to institutions of higher education including medical and engineering, relaxed the qualification requirements for entry of 'tribals' to government jobs, set up special local governments in the three hill districts (Khagrachori, Rangamati and Bandarban) and put in a place a number of similar special arrangements for the CHT and its people.⁷

The military intervention escalated during the rule of President Lieutenant General Ziaur Rahman and reached large proportions. As part of military strategy, attempts were made to turn the hill people into a minority in their own land. The governments have also inducted a fairly large number of settlers from the plains into the CHT which has generated a new set of problems and added a new dimension to the previously existing unrest and struggle. People were brought in from all over the country to settle in CHT. These newcomers began forcefully grabbing land and villages from the tribal people. Since 1982 efforts have been made to find a negotiated solution to the problem. Several rounds of dialogues have taken place between the Governments of Bangladesh and Parbattya Chattagram Jana Sanghati Samity (PCJSS) which is the political front of the hill people of CHT.

LAND ISSUES

The population of the Hill tracts have been forcibly resettled. The Plainsman Settlement Programme of the Government of Bangladesh introduced changes in the land laws of the CHT which allowed for the settlement of the plains-people in the previously restricted areas of the CHT. This was done despite the fact that available cultivable land were insufficient and inadequate for the CHT residents themselves. Until 1979 almost all the migrants to the CHT were natural migrants. Between 1979 and 1983 or 1984 the Government of Bangladesh sponsored a settlement programme and brought over hundreds of thousands of landless Bengalis from various districts to the CHT, which was done actually to counter the 'insurgency' prevailing in the region since 1975. Of course there were many migrants who also came to the CHT on their own during the settlement period mentioned above and even after 1983, upto the present day. Hill people have been dispossessed of their own lands both by natural migrants and by the government-sponsored migrants mentioned above. The natural migration did not impact adversely the way of life of the hill people, but the political migration triggered inter-ethnic tension.

Upto 1930 no one other than an indigenous hill person of the CHT could reside in the region unless he or she was in possession of a permit issued by the deputy commissioner of the then undivided district. After 1930, non-hill persons could freely reside and trade in the CHT but

⁷ Ibid.

they were not allowed to own land. After the partition of the sub-continent in 1947 and the inclusion of the CHT within Pakistan, a small number of people were allowed to migrate to the CHT and own land, but the pace of migration upto 1964 was relatively slow and new migrants were not allowed to own land other than in the few urban and market areas scattered about in the CHT. In 1964 the special status of the CHT as a 'tribal area' in the Constitution of Pakistan was removed by an amendment. After that, the pace of migration of plains people, especially from the neighbouring districts accelerated and some of the migrants were allowed to own land. This process continued, with the rate of migration increasing quite visibly after the independence of Bangladesh in 1971.⁸

In 1979, the Government amended rule 34(1) of the CHT Regulations of 1900 which had till then been the main legal instrument for the administration of the CHT, and removed the major restrictions against ownership of land in the CHT by migrants. The Commissioner of the Chittagong Division and the Deputy Commissioner of the then undivided district sent a secret memorandum to deputy commissioners of several plains districts of the country to send landless people to be re-settled in the CHT area. According to the above letters, each family of settlers was to be allotted 5 acres of hilly land, 2.5 acres of paddy land and 4 acres of mixed land (a mixture of plain lands and 'bumpylands' or gently, sloping lands).⁹

According to various estimates between 200,000 and 400,000 landless Bengali people were re-settled in the CHT between 1979 and 1984. The migrants were mostly young people - as migrants the world over usually are - and therefore had small families. If we assume that the average family had 5 members, then the total number of the migrant families in the CHT would be between 40,000 to 80,000. The requirements for the various categories of land for the settlers would therefore stand thus:¹⁰

With a conservative estimate: for 40,000 families

Hilly Land - 5 acres x 40,000 = 200,000 acres

Mixed Land - 4 acres x 40,000 = 160,000 acres

Paddy Land - 2.5 acres x 40,000 = 100,000 acres

With a generous estimate: for 80,000 families

Hilly Land - 5 acres x 80,000 = 400,000 acres

Mixed Land - 4 acres x 80,000 = 320,000 acres

Paddy Land - 2.5 acres x 80,000 = 200,000 acres

Soon after the arrival of the new migrants in 1979 and onwards, survey officials which included 'amin', 'kanungo', 'chainman', etc. started measuring the lands that were cultivated by the hill people so that the same could be handed over to the settlers. Protests were made, orally and in

⁸ Raja Devasish Roy, "The Problem of Dispossession of land of Indigenous People in the Chittagong Hill Tracts by Government - sponsored Migrants: In search of a Solution," (unpublished paper).

⁹ Ibid.

¹⁰ Ibid.

writing, but to no effect. A large quantity of lands, especially paddy lands, was handed over officially to the new settlers whilst the original settlement or leases were still in force. If there was a dispute over the boundaries or if the hill farmer had a larger area of land in his possession than was recorded in his name, he deserved a hearing with adequate opportunities for him to defend his rights. Such opportunities were never granted to the dispossessed owners. In many areas such as in Kaokhali, Langadu and Barkal within Rangamati district and in Dighinala, Panchari and Matiranga within Khagrachori district, many hill people fled from their homes and crossed the border to become refugees after falling victim to attacks against them. Most of their agricultural lands were taken over not long after their departure.¹¹

If we look at the legal dimensions of the settlement programme, we find in the first instance, that they violated the private property rights of the hill people since they were dispossessed of lands held in private ownership by them, in many cases for generations. In addition, the settlement programme also violated the common rights of the hill people, such as the right to practice shifting cultivation and to use the commons, where common lands were given not for grazing or for other domestic uses. By amending rule 34(1) of the CHT Regulation, the government removed the major restrictions against settlement on the CHT land by outsiders, but the truth is that, the amendment merely provided a thin veil of legality over a substantively illegal programme that was violative of the hill people's rights under the CHT Manual of 1900, under the Constitution of Bangladesh and under international law obligations of the Government of Bangladesh.¹²

Under the provisions of the CHT Manual, it is the responsibility of the government to ensure that the number of plains people in the CHT did not increase drastically although due consideration was also to be given to the rights of the plains people. In other words, the government was obliged to protect the hill people from losing control over their lands to non-hill people and from becoming a minority in their home region. In fact, the government did just the opposite. Secondly, the deputy commissioner is not known to have consulted the local Chiefs regarding the settlement programme although according to Rule 39 of the CHT Regulations the deputy commissioner(s) is/are obliged to consult the Chiefs on "important matters affecting the administration of the CHT." The settlement of hundreds of thousands of new migrants in the CHT should most certainly have qualified as an "important matter affecting the administration of the CHT." Thirdly, the headmen of the mouzas, the smallest administrative and revenue unit in the CHT, who are the foremost survey and revenue officials at that level (there are no toshildars in the CHT unlike in the plains districts), were totally ignored during the re-settlement programme although there is a longstanding convention in the CHT, and written provisions in the Manual, according to which settlement of land in the mouzas is to be granted only after the same is processed by the headmen.¹³

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

Under Article 31 of the Constitution of Bangladesh, a citizen may not be deprived of his property other than in accordance with law, namely, the principle of natural justice - before a person is deprived of any right or privilege he must be given a fair and adequate hearing. The dispossessed landowners in the CHT were not in accordance with law. Under Article 28 of the Constitution, it is the responsibility of the state not to discriminate against any person on grounds of race, religion, caste, sex or place of birth, as was done against the hill people during the settlement programme.¹⁴

In addition to responsibility towards its hill people and other disadvantaged people according to the national constitution, the Government of Bangladesh has other responsibilities under international law towards its minority peoples as per the UN Declaration on Human Rights, the UN Convention on Social and Political Rights, the Convention for the Elimination of All Forms of Racial Discrimination and lastly, the International Labour Organisation's (ILO) convention on Indigenous and Tribal Population of 1957. According to Article 13(2) of ILO Convention 107, it is the responsibility of the state to see that, lands belonging to the indigenous and tribal communities are not taken over by others due to ignorance of the law or procedures on the part of the indigenous or tribal peoples.¹⁵

HUMAN RIGHTS SITUATION

The overall situation in the CHT remained unchanged under Prime Minister Khaleda Zia's government who assumed office on 19-03-91, and no significant improvement was seen in the military control. The entire administration of the area is virtually run by the military. In fact, the politics, social organisations, press and all other agencies of the CHT are mostly influenced by the military. Even the national newspapers are now and then fed by the press department of the armed forces. It is surprising and most disappointing that Khaleda Zia's government officially declared it would continue the policies initiated by former military dictator Lieutenant General Hussain Muhammad Ershad (1982-1990) for the CHT. In April 1991, a meeting of the Council Committee on the CHT Affairs, the highest level policy making body of the government on the CHT, decided to continue the previous government's policy on the CHT. In another Council Committee meeting on 9 June 1991, it was again decided to continue Gen Ershad's policy of sham autonomy for the CHT through the District Councils.

¹⁴ Ibid.

¹⁵ Ibid.

CASE STUDIES: HUMAN RIGHTS VIOLATIONS

Logang: On 11 April 1992, most national dailies carried a report to the effect that, the Shanti Bahini had attacked Logang village, Khagrachori, on 10 April 1992, killing a young Bengali cowboy and that ten hill people had died in the ensuing shoot-out between the Shanti Bahini and the Bangladesh Rifles (a paramilitary force). However, statements collected from survivors and eyewitnesses of the incident and discussions with local authorities - civilian and military - by a human rights group of 23 people including lawyers, journalists and social activists revealed that the reality was very different. On 10 April 1992, on the eve of the new year festival of the ethnic hill communities of the CHT, a massacre took place at Longang village of Khagrachori district when the death of a Bengali youth triggered a reprisal attack on hill people by settlers, aided by the Village Defence Party (A voluntary security force) and the Ansars (a para police force). The death toll stood somewhere between 150 to 200 persons.

After the massacre the entire CHT erupted in protest. All new year festivities were cancelled and a cloud of mourning descended on the CHT. On 12 April 1992 protests in the form of mourning processions and meetings were held in a number of places. On 13 April 1992, the day of the main celebration, thousands of hill people, men and women, expressed their condemnation of the massacre.¹⁶

After this incident, the government formed a one person 'Logang Disturbances Inquiry Commission', headed by Justice Sultan Hossain Khan, a former Judge of the High Court Division of the Supreme Court and the inquiry commission has presented its report to the government.

On 7 April 1993, the National Committee for the Protection of Fundamental Rights in the CHT from its meeting issued a statement and evaluated the Logang Inquiry Commissions Report.¹⁷ The Commission has stated in its findings that the law enforcing agencies were responsible for the killing at Logang on 10 April 1993. In considering the identity of those for setting alight the cluster villages of the hill people and for indiscriminate shooting in the area, the Commission commented:

.... a section of Bangalees of the locality along with members of the Ansars and the VDP were responsible for the incident of burning of huts of the Chakma villages and firing at them resulting in the death of the tribals.

¹⁶ Joint Statement on Logang Massacre by politicians, academics, writers, lawyers, journalists, student leaders and human rights activists following a visit to the Chittagong Hill Tracts on 11 to 15 April 1992.

¹⁷ National Committee for the Protection of Fundamental Rights in the CHT. Logang Inquiry Commission - An Evaluation, 7 April 1993 (unpublished statement).

This extraordinary action of the Ansars and VDP was justified by them as a response to Shanti Bahini presence in the villages. The Commission, however, found to the contrary, stating as follows:

... allegations of the Bengalees that later on (in the second phase) armed insurgents appeared behind the hillock on which [the] Chakma village was situated, as asserted by the Bengalees and VDP, Ansars and BDR personnel, does not appear to me to have any substance. It is apparent that out of tension and panic resulting from fear of attack from

Shanti Bahini, the Ansars and members of VDP fired at a Chakma village while the Bengalees had already set fire to the huts which were completely burnt...

It is clear from the above two examples that the news reports in the national dailies of the armed conflict and massacre in Logang were wholly inaccurate. Unfortunately, the system of reporting in the Hill Tracts is easily susceptible to disinformation. The law enforcing agencies and security forces brief local journalists, whose stories are generally the basis of reports which appear in the national press. This is a violation of the basic right to freedom of information.

In fact, the massacre and burning at Logang can only be explained and understood as part of a pattern of ethnic and racial discrimination and not as an isolated or an ordinary event. Incidents of murder and assault take place every day. But when a force, raised from the contributions of every citizen, is provoked by such an incident to take revenge against a particular community, that act manifests its racist attitudes. This particular attitude, held both by the ruling class and the security forces, is primarily responsible for the prevailing situation in the Chittagong Hill Tracts. Although the Commission's Report has identified the law enforcing agencies as perpetrators for the violence, it has avoided any reference to the racist nature of the attack.

This human rights group also mentioned that many hill people have been detained for extended periods under the terms of the Special Powers Act of 1974 and although the hill people have lived in the hill tracts for hundreds years, no hill person has ever been taken into the VDP. In fact, the VDP entirely comprises those who have been brought into the hill tracts as part of the security forces' agenda to suppress the hill people.

Finally this group stated that they failed to understand how it would be possible to re-establish national unity through such a national policy of discrimination. But if in future any hill people should be attacked by the VDP as in Logang, who will protect them? This question has not been answered by Justice Sultan Hossain Khan.

Naniarchar:¹⁸ Report of the Jatio Ainjibi Porishod: On 17 November, 1993 a massacre took place in Naniarchar bazar, in the hill district of Rangamati. News of the killing was widely publicised in the national dailies (and markedly absent from the electronic media). Initially reports trickled out of one or two deaths, but in the days following the massacre, as bodies were

¹⁸ Jatio Ainjibi Porishod, Report, *The Financial Express*, 7.1.1994.

found washed up on the banks of the Kaptai Lake, the death toll rose dramatically: by 20 November, the government acknowledged the killing of 19 hill people and one Bengali.

A number of political parties and human rights organisations denounced the massacre and called for an impartial and independent inquiry into the incident and reparations for those affected. The government on 19 November announced the establishment of a one person inquiry commission, constituted by Justice Habibur Rahman, former Judge of the High Court Division of the Supreme Court of Bangladesh.

The lawyers of Jatio Ainjibi Porishod (JAP) set up a fact finding committee to visit Naniarchar. In Rangamati the committee first met with Moni Swapan Dewan, Chairman, Rangamati Pourashava. A report of his account to the Committee is as follows:

On 17 November he had been informed of the incident at Naniarchar by the Deputy Commissioner (DC) and was requested to accompany the DC and the Superintendent of police (SP) to Naniarchar by speed boat. They had been informed that the law and order situation in Naniarchar had worsened following escalation of the protests over the army's use of a passenger shelter and the continued demands of the Pahari Chatro Porishod (organisation representing Hill students) for the withdrawal of the check post.

On landing at Naniarchar, they tried to calm the situation. The DC and others later came to know that the launch had, after a brief stop, again proceeded towards the Naniarchar bazar ghat; as it did so, the hill people on the launch dived into the lake in an attempt to save themselves from the Bengalees massed on the launch and in the bazar.

That evening there was a power failure in Rangamati, and electricity was only restored at midnight. No emergency treatment could be properly given at the hospital, thus increasing the death toll.

After dusk, as the situation became calmer, the DC, SP and the Chairman of Rangamati Pourasava appealed to the people to come out from their shelters. As they entered the Pahari village they saw a number of Bengalees running away armed with deadly weapons. At their call, about 50 people emerged from a two-storied mud house. They were visibly terrorised. On their information, two dead bodies were recovered from the house. The DC and others stayed in Naniarchar until long after midnight and then returned to Rangamati.

Following discussions with the abovementioned officials and others, the committee gathered that there was a long-standing local dispute regarding the existence of an army checkpost in a passenger shed. The PCP had been actively agitating to demand withdrawal of the checkpost. On 17 November the PCP took permission from the Naniarchar thana administration to hold a public rally. That day was the weekly haat (open market) day. The Parbotto Gono Porishod (PGP) an organisation which is alleged to have been set up with government backing to oppose the movement of the hill people, took up this issue and held an unscheduled procession near the haat without obtaining prior permission from the thana administration. They were armed with deadly weapons.

The thana police tried their best to restrain both the parties, but given that tension was very high and the PCP appeared bent on opposing any programme of the PGP, they were unable to control the situation and a clash occurred. The PGP burnt houses adjacent to the market belonging to the hill people and two houses belonging to Bengalees.

The death toll stands at around 30. All the dead, except one, have been identified as hill people, and the identification of the remaining one person is also under dispute.

Many people in the CHT alleged that the massacre was planned and organised by the Parbotto Gono Porishod (PGP) with the help of their powerful patrons.

Many alleged that the law enforcing agencies failed to fulfil their duties to save defenceless and unarmed people from the attack. There are reports that the law enforcing agencies stood passively by even when people received injuries. It has been alleged that live ammunition was fired. It is admitted that 17 rounds of blank fire were shot by two army personnel. It is not very clear whether any permission was taken from any authority for firing blank shots. The existence of bullet injuries has been denied by the army, the civil administration and the hospital authorities. The Committee has, however, been supplied with a photocopy of a medical report which shows that one of the victims suffered from bullet wounds. It remains unclear why the dead bodies were not returned to their relatives -- local residents allege that they were burnt in their absence and prior to their being informed of the deaths.

The electricity failure till midnight also raised a number of questions regarding the possible involvement of certain quarters in allowing the massacre to proceed. In JAP's view, the presence of all the doctors in the thana health complex on the day of the massacre was a very unusual occurrence if compared with other thanas of the country, where all the doctors are rarely present at any one time.

Banderban:¹⁹ Report of the Fact-Finding Mission: On 15 March, 1995 the Marma-dominated residential areas of the Madhyam Para and part of Ujani Para of Banderban town were set on fire by members of the Parbotto Gono Porishod (PGP). There have been conflicting press reports of the incident. Some newspapers laid the blame on the Pahari Chatro Porishod (representing the hill students of the CHT) and other press reports blamed the Parbotto Gono Porishod. The press reported that 200 to 300 houses were burned to the ground. Two people were reported killed and 50 to 100 people injured. An eleven member team including journalists, human rights activists and student leaders prepared the following report after visiting the area in Banderban and meeting with various officials and many local people.

The Fire of 15 March : The 15 March was the day of the Buddhist Full Moon Day (Purnima) festival in Banderban. It was also conference day of the Pahari Chatro Porishod (PCP) also

¹⁹ Kabita Chakma and Javed Hassan Mahmood, "Rude Awakening in the Hills of Peace," *The Financial Express*, 24.3.1995.

known as the hill students council. It was also the day when a hartal (general strike) was called by the PGP. It was the day for the periodic market in Banderban town. Abdul Haque, the Deputy Commissioner imposed rule 144 throughout Banderban town on 15 March.

Around 10 O'clock on the morning of the 15 members of the PGP met together in the bazar to start the picketing for their hartal. At about noon, the PCP gathered at their office at Madhyam Para and walked towards Rajbari Math (meeting field), the venue of their district conference. When leaving Madhyam Para the group was stopped by a police barricades.

The hill students proceeded by breaking through the barricade and taking a roundabout route towards the conference venue at the meeting field. Then the police charged them from behind. Some of the PCP group retaliated by throwing stones at the police.

The police threw tear shells and fired blanks, creating panic. When the PCP left, the police took up positions on the road in Madhyam Para. The police provided protection to the PGP, while the latter used sticks and cleavers to injure people and to first destroy and then set fire to the homes on both sides of the road. The PGP indiscriminately attacked the defenceless Marma and other indigenous people - men, women and children - and they handed the men over to the police. They also attempted to kidnap a Marma women. They are also reported to have destroyed and robbed the house of a businessman, stealing Taka 30,000 in cash and a cheque for Taka 10,000 from him.

When people tried to escape from the atrocities of the PGP by crossing the river Shankah, they were attacked by the PGP guarding the other side of the river. A Bengalee businessman said he saw about 20 PGP beating one tribal boy who then fell unconscious and was carried off in a boat to the police station ghat.

Two fire brigades engines from Banderban, called by the Venerable U Cha Hla arrived around 2 O'clock. Their fire fighting was interrupted by the PGP miscreants. The fire brigade attempted to vanquish the fire only from a distance. One of the fire brigade vehicles stood constantly in front of the house of the Member of the District Council, Mong Kya Ching Marma. The house of Ching and his father-in-law in the same compound was the only one still standing untouched in the middle of the burnt debris of Madhyam Para.

About 1,000 people were affected by the fire and 50 people wounded. The injuries were the result of the attack and from burns. Twenty-two men, all indigenous people, were arrested. They included service holders, teachers, students and leaders, members and supporters of the PCP.

Background to the Banderban Incident: The PCP had decided to have their conference on March 15th a month earlier. Immediately after the decision, they started collecting donations for the conference throughout the district. They had hung banners up announcing the conference venue a week earlier. On the evening of 13 March, the PGP held a meeting at the house of the Chairman of the District Council. The meeting included pro-establishment hill people, the

leaders of the Islmai Chatro Shibir (student wing of the fundamentalist Jamaat-i-Islami Party), Chatro Dol (student wing of the ruling Bangladesh Nationalist Party), and new settlers. They formed a committee under the name "Banderbaner Shantipriyo Janagan" ("peace-loving people of Banderban").

Throughout the day and night of the 14 March, this committee, using the name of "Parbotto Gono Porishod" (PGP) used a microphone to declare without prior notice their own meeting on the same time, date and venue as the conference of the PCP. They also hung a banner with the words "Pahari Chatro Porishodke kabor dewa hok" ("bury the Pahari Chatro Proishod").

At that stage KS Mong, President of the PCP, called the Deputy Commissioner (DC) Abdul Haque on the evening of 14 March to take measures to avoid a potential strife between the two groups. Mong even requested the DC to provide an alternative place for the PCP to have their own conference. The DC expressed his inability to do so and added that he would impose Section 144 of the Criminal Procedure Code, which prohibits gathering of more than four people in one place, Mong informed the DC that if Section 144 was imposed he would be forced to break it because there had been preparation for the conference for a month. Later, without further discussion the DC imposed Section 144 for the 15 March.

Injuries, Disappeared Persons and Arrests: In the chaos of the 15 March the exact number of men, women and children injured is unknown. But many eyewitnesses said more than 50 people were injured. There were also some seriously injured people in jail, including Rikton Chakma the leader of the PCP in khagrachori Hill District, who was reported to have been taken unconscious to the police station. U Cha Mong received head injuries from a rubber bullet. The inquiry team met one victim, a 15 year old girl who was badly brunt on her right knee. The team also met many injured people including the President of the Dhaka committee of the PCP.

Since the authorities had filed charges against most of the members of the PCP, they were unable to take the necessary legal measures through the proper channels at the police station. Many of them had to go into hiding. It was reported that Way Ching Prue, A G S of the Hill Women's Federation had to go into hiding with her whole family after she was threatened by PGP representatives.

Meeting with the DC (Banderban): The inquiry team met D C Abudl Haque who informed the team that when the two groups called a gathering on 15 March at the same place, in order to maintain peace and order, he was forced to declare Section 144 at 6 O'clock on the evening of the 14 March. Haque said the police used tear gas and lathi (baton) charge against the PCP on 15 March because they broke Section 144. It should be noted that the residents of Madhyam Para are mostly indigenous people and many PCP members reside in the area including K S Mong, the President of the PCP. Haque added that he called a "shanti shava" (peace meeting) on the 16, calling the distinguished people of the town in order to maintain peace and order in the area. But the PCP was not included in the meeting. He called another meeting (which was later cancelled) on the day the inquiry team was visiting. When the team asked Haque whether

the PCP was included, as peace cannot be achieved just by one side, he replied that since the PCP had started the fire, "why should they be invited"? The inquiry team requested his permission to see the arrested people. He denied this request but later asked the team to give a written application.

Visit to the Banderban Sub-Jail: Six members of the inquiry team visited the Banderban sub-jail that afternoon. The Sub-Jailor reported that the 22 arrested people were handed over to the jail on the evening of the 16 March. When he was asked about the injuries to the people arrested, he denied there were any. Following the request of the team to meet the arrested men, he made arrangements to meet two of them: Anil Tanchangya and Jhony Prakash Shew Cha Ching Marma who said that there were many wounded among the arrested. They reported that when Rikton Chakma was brought to the thana he was unconscious, and was still too ill to move by himself. Another had serious head injuries. The capacity of the Banderban Sub-Jail is 144, but there are 242 people in the jail at present.

OTHER INCIDENTS

The incidents at Logang, Naniarchar and Banderban are not the only cases of atrocities against the hill people. Information about many more human rights violations have been obtained from the law enforcing agencies. Some of these are:

On 2 February 1992 more than 30 hill people were killed by Bengalee settlers in Malya, Langadu thana, after bombs reportedly planted by the miscreants exploded on a launch. On 12 March 1992 Mr. Maung Thouai Ching Marma, son of Pahla Prue, disappeared from Rajastali P.S., Rangamati district. On 27 April 17 days after the Logang massacre, a 17 year old boy, Sadhu Lal Chakma from village Datkubya, Ultachari Mukh, Mahalchari thana in Khagrachori district was killed by a military patrol while he was herding cows. In addition, many other incidents of murder and arson have been committed against the hill communities.²⁰

DETENTIONS: LEGAL ACTIONS

An extraordinary situation prevails in the Chittagong Hill Tracts. In the name of security and counter-insurgency, systematic violations of human rights are being perpetrated on the people of the Chittagong Hill Tracts. Given the tight restrictions on all local media specially electronic media, information regarding such violations is rarely available to the rest of the nation.²¹

²⁰ National Committee for the Protection of Fundamental Rights in the CHT, Parbotto Chottogram (published leaflet).

²¹ Nizamul Huq Nasim and Adilur Rahman Khan, "Preventive Detentions in the CHT" (unpublished paper).

Such human rights violations frequently take the form of illegal detentions. As in the rest of Bangladesh, preventive detentions under the Special Powers Act, 1974 are all too often effected on the basis of vague and unsubstantiated grounds. Countless persons are imprisoned in Khagrachori, Rangamati, Bandarban and Chittagong jails purely on suspicion. Their orders of detention contain vague allegations to the effect that they are "dangerous persons" or "are engaged in anti-state activities" or "[are] assisting the Shanti Bahani". The authorities are unable to point out specifically *why* these persons are dangerous or *which* of their activities are dangerous or anti-state or *how or when* they assisted the Shanti Bahani. Consequently, when these orders have been challenged, the high court division has declared the orders of detention to be illegal and without lawful authority and has directed the immediate release of the detainees. The High Court Division has made such orders in at least 300 cases involving detentions in the CHT since January 1992.²²

It is disturbing to note that many detainees in the CHT have been denied their constitutional right to legal relief against illegal detentions. Firstly, it appears that in many cases, the authorities fail to observe their legal obligation to produce detainees before a court or magistrate within 24 hours. Secondly, it is alleged that such persons are denied access not only to their legal representatives but to their relatives and friends as well. The denial of access also means relatives etc., are unable to obtain copies of the original order of detention served upon the person concerned, a document essential for initiating legal proceedings or a writ petition. Reports also indicate that persons seeking legal relief have been threatened particularly following the recent spate of release orders granted by the High Court Division of the Supreme Court in writ petitions challenging such detentions as illegal.²³

Further peculiar characteristics distinguish illegal detentions in the CHT from those in the rest of the country. In most cases, even when a period of detention had extended over 6 months, it was found that the authorities did not place the matter before the Advisory Board for review as they are constitutionally bound to do. In some cases, the detainees have been in detention for about 3 years. For instance, Palash Chakma was detained on 2.6.1989. He was not produced before the Advisory Board, but ultimately his detention was declared to have been without any lawful authority vide judgement and order dated 16.2.1992 by the High Court Division.²⁴

Detention in the CHT displays another special feature. The military authorities effect detentions in the absence of orders issued by the District Magistrate or the government. Recently, following queries raised by lawyers and human rights activists, there appears to have been some improvement in this matter and military authorities have indicated that such detentions in the absence of prior orders are prohibited. This change in attitude is commendable.²⁵

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

It is important to note that many people are still in custody facing criminal charges such as waging war or attempting to wage war or abetting waging war against Bangladesh (section 121 of the penal code of Bangladesh), conspiracy to commit the above offences (section 121A Penal Code), collection of arms with the intention of waging war (section 122 Penal Code), sedition (section 124A Penal Code) and charges under the Arms Act etc., and also under section 54 of the Criminal Procedure Code. For example, one Chakkua Chakma was detained under Special Powers Act and also charged under section 121A and he has been convicted in the criminal case against which appeal is pending before the High Court Division.

Such illegal arrests and detentions against the people of the CHT have ceased, since the emergence of an alliance between hill organisations and democratic forces in Dhaka. Pahari Chatro Porishod (PCP or hill students council) formed a network during the anti-autocratic movement in late 1980's with radical human rights lawyers. These lawyers have so far succeeded in obtaining the release of around 300 hill detainees from different prisons. The legal actions have succeeded in instilling a sense of trust of the hill people on the supreme judicial system in Bangladesh.

POLITICAL DIALOGUE

Over the period of years many developments have taken place. Manabendra Narayan Larma has been assassinated as a result of factionalism in the PCJSS. Shanti Bahini has been divided and hill people of CHT have left their homes and crossed over to India or into the interior of the CHT. Some refugees have come back, changes of government have taken place in Bangladesh, more than 2,000 Shanti Bahini men have been killed or captured, another 3,000 have surrendered (the largest surrender took place on 29 April 1985 when several hundred Shanti Bahini men of the Priti group surrendered to the government), huge quantities of arms have been surrendered.²⁶

The government of Begum Khaleda Zia set up a nine member committee headed by a cabinet minister in July 1992 to find a political solution to this problem. This committee held several rounds of talks between government and PCJSS representatives which failed to bring a political solution upto now. A cease-fire has been periodically extended and sometimes broken. Following an agreement between India and Bangladesh, repatriation of some of the 56,000 CHT refugees from India began in February 1994 when over 1,800 people returned. Around 3,300 more refugees returned in July and August, even though land and homes had been restored to only a few of the returning refugees.²⁷ But this move of Khaleda's government rightly raises hopes for a solution to the problem. Discussions and debates at various levels including human rights groups will help the government in finding the right path for the possible solution for this on going conflict.

²⁶ Supra n 2.

²⁷ Amnesty International, 1995 Report, p 67.

NATIONAL AND INTERNATIONAL INITIATIVES

Just after the Logang incident in 1992 some human rights activists, journalist and lawyers met together and decided to form a campaign group to address the issues of CHT locally and internationally and the National Committee for the Protection of Fundamental Rights in the CHT was formed. On 2 June 1995 this committee organised a National Seminar at Dhaka which was titled as "Chittagong Hill Tracts: Problem and Solution" and which was attended by many concerned people for the first time in the heart of the Bangladesh capital. The speakers in this national seminar were members of parliament, politicians, cultural activists, lawyers, literateurs, NGO activists and representatives from CHT who called for dismantling of the 'cluster villages' and settling of the repatriated refugees on their own lands.²⁸

The speakers also stressed the need for continuing the cease-fire and peace talks for finding a solution to the problem. In this regard, they called for holding the talks in Dhaka with the participation of all political parties for a national consensus.

At the same time this committee in Bangladesh and other solidarity groups for CHT outside Bangladesh are planning to hold an international conference on CHT some time in 1996 to address the issues which are dominant in this part of world.

RECOMMENDATIONS

The armed struggle in CHT has been continuing for more than two decades. Thousands of people have crossed the border and sought shelter in India. The government in New Delhi has also helped and trained the Shanti Bahini, the military wing of the PCJSS, in order to gain leverage over Bangladesh. The Shanti Bahini is conducting an armed struggle against the repression in CHT. But since they are operating from India and are not very keen to have direct contact with the progressive democratic forces inside Bangladesh, India's ruling elites are taking advantage of this situation and are trying to prolong it for their benefit. The reality is that, since the ruling elites of India have failed to solve their problems in the North East, Punjab, Kashmir and many other places where the struggle for self-determination and against the caste system is dominant, they are unlikely to be of any help to the PCJSS in their struggle. Moreover, the Indian bureaucratic establishment is likely to work to create a gap between the PCJSS and the progressive democratic people in Bangladesh, and thus continue their hegemony.

On the other hand, the governments of Bangladesh have pursued discriminatory and oppressive policies towards the people of CHT. Now the time has come to say enough is enough, and to look for a political solution. If India stops giving shelter and support to the PCJSS and Shanti Bahini, the armed struggle may cease, but the real problem will still remain. So to have an overall solution to this issue we can recommend some points for consideration.

²⁸

In *The Daily Star*, 3 June 1995.

- (1) A consensus amongst all the political parties in Bangladesh is a must for a solution to the problem. Issues relating to the CHT issues need to be kept outside national political rivalries (which are very common in Bangladesh), through an honest agreement in the greater national interest. This would work as a necessary signal to those engaged in the armed struggle that the rest of the country is totally united on what concessions can be given to the people of CHT.²⁹
- (2) The hill people have been fighting for regional autonomy along with a constitutional guarantee. The unitary nature of Bangladesh precludes such regional autonomy which amounts to much more than even provincial autonomy. A half-way house solution may be found by detaching the three hill districts from the existing Chittagong division, and then grouping them in a separate administrative division with necessary powers. This will give the geographical area a totally separate identity.³⁰
- (3) Ever since the birth of Bangladesh the demand for constitutional guarantees has been a consistent one, first from Manabendra Narayan Larma and thereafter from the PCJSS. But this has not been accepted so far. Any serious attempt to bring peace to CHT will have to look at the issue as a psychological one. If Israel can move on the path of peace by making major concessions to PLO and vice-versa, then the majority population of Bangladesh would also be able to go for a compromise with the CHT people to provide appropriate constitutional guarantees. Such guarantees can be discussed and a reasonable accommodation found through a suitable amendment to the constitution. This guarantee may cover the special status of the CHT and its hill population. Membership of the parliament from CHT may also be reserved only for the hill people. The hill people would then feel that their exclusiveness and special needs have been recognised by the majority population. In all probability such a constitutional safeguard will change the existing picture in the CHT and act as a catalyst for bringing about the long-desired peace.³¹
- (4) The issue of Bengalee settlers in the CHT also needs attention. It is true that since 1984 settlement of the political settlers have been stopped but the PCJSS demands the removal of the earlier settlers also, who migrated there. Obviously this is a demand which would have very serious repercussions amongst those settlers who, over a long period of time have faced untold miseries and hardships including reprisal attacks by the Shanti Bahani. The majority population of the country probably would not be very happy with any move in this direction. However, all future permanent entry of non-hill people may be stopped by law. Along with the *voluntary* return of the settlers may be encouraged by granting them lease of lands in various districts outside CHT and international agencies may be approached for assistance to facilitate this. Such international agencies are likely

²⁹ Supra n 2.

³⁰ Ibid.

³¹ Ibid.

to be willing to help, as they have already expressed their views that the CHT situation is a violation of human rights and may serve as an obstruction to aid programmers.³²

- (5) Land problem is one of the most serious impediments for achieving peace in CHT. Resolution of this problem is one of the demands of the PCJSS which echoes the sentiments of a vast majority of the hill people. The individual and communal rights of the hill population in CHT are totally different from the land rights in the rest of the country. A mechanism will have to be found to recognise these rights of the hill population by identifying the hill people who are the owners and occupiers on the basis of hearsay evidence since documentary evidence either did not exist or have been lost when these people migrated to India or elsewhere in CHT as a result of the armed struggle. A special commission may be established headed by a retired judge of the Supreme Court with 'tribal chiefs' and experts. An assurance may be given that the recommendations of the Commission shall be implemented by the government to resolve land disputes. This should be done within a maximum period of one year from the date the Commission holds its first meeting. Scarcity of cultivable land in CHT is another problem. It will be necessary to make more land available for rehabilitation of the hill people affected by the Kaptai Project who were not covered by the earlier programmes. Handing over of land to the non-hill people in the CHT region must be prohibited and steps should be taken to return the lands already handed over.
- (6) Steps should be taken to ensure self-rule for the CHT region. This will not be the first of its kind, many such examples exist in the countries of the world, about which we mentioned earlier.³³
- (7) Steps should also be taken to free CHT region from military interventions. Military presence has failed to put an end to the activities of the Shanti Bahani. On the contrary, the presence of the armed forces have only served to antagonise the local people and drive them from their own homeland. So it is vital that the military presence should be gradually removed from CHT allowing civil administration to take over. This administration will follow the 1900 rules of CHT. The opinions of the hill people must also be taken into account.³⁴
- (8) All the measures outlined above can be considered by the political leadership for solving the present crisis in CHT. These are likely to motivate the hill people to accept peace with honour and not out of fear or in lieu of favours in cash and kind. Cluster villages should be abolished, restrictions on movements should be withdrawn, NGOs with satisfactory grassroots development experience and credentials should be encouraged to take up socio-economic development activities for the entire CHT population to take the

³² Ibid.

³³ Ibid.

³⁴ Supra n 1.

strife-torn region to a future where peace, friendliness and human dignity will prevail, and thus make Bangladesh an embodiment of ethnic reconciliation and understanding.

CONCLUSION

Finally we feel that the crisis in the CHT has not been born out of a conflict between ordinary Bengalee and hill people. Moreover, it is the problem created by the then Pakistani and the present Bangladeshi ruling class. Besides, the Benglaees who fought against colonial repression as a nation cannot impose the same form of colonialism on another nation. So by fostering unity between the Bengalees and hill people the whole scenario can be changed and the oppressors can be dealt with properly.

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- (7) Steps should also be taken to free CHT region from military interventions. Military presence has failed to put an end to the activities of the Shanti Bahin. On the contrary, the presence of the armed forces have only served to antagonise the local people and drive them from their own homeland. So it is vital that the military presence should be gradually removed from CHT allowing civil administration to take over. This administration will follow the 1900 rules of CHT. The opinions of the hill people must also be taken into account.³³
- (8) All the measures outlined above can be considered by the political leadership for solving the present crisis in CHT. These are likely to motivate the hill people to accept peace with honour and not out of fear or in lieu of favours in cash and kind. Coastal villages should be abolished, restrictions on movements should be withdrawn, NGOs with satisfactory grassroots development experience and credentials should be encouraged to take up socio-economic development activities for the entire CHT population to take the

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