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Who funds the acts of racism and racial discrimination in the Chittagong Hill Tracts?

Table of Contents

1. Introduction.....	2
2. Sponsored population transfer: Past and present	3
3. Recent state sponsored settlements and militarisation.....	4
4. An act of racial discrimination: Free rations only to the plain settlers	6
5. Who funds the conflict and the act of racial discrimination?	8
6. Conclusions and recommendations.....	9

1. Introduction

In the first week of June 2005, the government of Bangladesh decided to continue to provide “free food rations” to 28,000 Bengali Muslim plain settlers of the Chittagong Hill Tracts (CHTs) who were brought under the government sponsored transmigration programmes from 1978 to 1983.¹ Since 1978 Bangladesh government has been providing free food rations to these plain settlers to sustain the conflict, make indigenous Jumma² peoples a minority in the CHTs and eventually destroy their distinct identities.

Initially, the Parbattya Chattagram Jana Samhati Samiti (JSS), a political party of the indigenous peoples, demanded political autonomy. However, the demands of the JSS changed after the planned population transfers of the plain settlers altered the demographic composition of the region. The plain settlers and the security forces were responsible for carrying out over a dozen massacres beginning with the Kalampati massacre in 1980.

What is disconcerting is that according to Moni Swapan Dewan, Deputy Minister of CHT Affairs, the government has now placed a proposal to provide free rations to the “new settlers”.³ This is nothing but to provide free rations to 65,000 plain settlers’ families whom the government is reportedly planning to settle between Baghahat and Majolong in Sajek Union under Rangamati Hill district and to those thousands of plain settlers who have already trickled into the CHTs after the government stopped planned population transfer in 1983. After the election of Wadud Bhuyan as Member of Parliament from Khagrachari district in October 2001, the settlement of plain settlers has increased exponentially. Thousands have been settled and many villages have been christened as “Wadud Palli” – literally meaning “Wadud villages”.

The providing of free food rations only to the settlers who displace indigenous Jumma peoples from their lands but not to the indigenous Jumma peoples is an act of racial discrimination as defined under Article 28 of the Constitution of Bangladesh and International Convention on the Elimination of Racial Discrimination to which Bangladesh is a party.

It is reliably learnt that aid from the UN Specialised Agencies especially World Food Programme are being used to fund this act of racial discrimination. The funds allocated to the Chittagong Hill Tracts Development Board by the donors are also being mis-used to support programmes of providing free rations to the settlers.

¹ . Ration for 28,000 more Bengali speaking families in CHT on cards, The Daily Star, 4 June 2005

² . The indigenous communities such as Chakmas, Marmas, Tripuras, Khyangs, Lushais, Khumis, Chaks, Murungs, Bowms and Pankos of the Chittagong Hill Tractces are collectively known as *Jumma*, a pejorative term used by the Chittagonian Bangalees, for their shifting cultivation or *Jum* cultivation.

³ . Ration for 28,000 more Bengali speaking families in CHT on cards, The Daily Star, 4 June 2005

Unless the UN agencies, bilateral donors and international community examine as to whether their funds are being used to support the free rations to the settlers and intervene with the government of Bangladesh to bring an end to these acts of racial discrimination, they might as well be contributing to the intensifying the conflict that will eventually destroy the distinct identity of indigenous peoples.

2. Sponsored population transfer: Past and present

The plain settlers were brought into the Chittagong Hill Tracts for destruction of indigenous Jumma peoples in clear violation of the Article 52 of the Chittagong Hill Tracts 1900 Regulation⁴ and Article 49 of the Fourth Geneva Conventions which states that "The occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". While governments deny the "occupation of particular region" and the applicability of the Fourth Geneva Convention, the issues that prompted the Fourth Geneva Conventions transcend the issue of "occupation". The intention of the Fourth Geneva Convention is to prevent the abuse of human rights, and consequently the issue of historical sovereignty is irrelevant to the prohibition of the transfer of population. International Commission of Jurists in its report "Israeli Settlements in Occupied Territories", Review of the International Commission of Jurists, No 19, (35), December 1977 stated, "Much of the Convention, including Article 49, is declaratory of the pre-existing international law and such provisions in the Convention should be recognized as being of universal applicability and binding".

In mid 1979, President Ziaur Rahman in a secret meeting decided to settle 30,000 plain settler families in the following year.⁵ The government formed implementation committees headed by the district commissioner.⁶ The Committees appointed agents from among the plain settlers and assigned them to contact landless plainsmen willing to settle in the CHTs. They were not hard to find and from February 1980 truckloads of poor plain settler families poured into the CHTs attracted by the inducement of the Government to provide five acres of land, 3600 takas and provisions to each new settler family.

4 . "Article 52. Immigration into the Hill Tracts:

a) Save as hereinafter provided, no person other a Chakma, Mogh or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hill, the Arakan Hill Tracts, or the State of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion.

d) No permit shall be valid for more than twelve months from the date of its grant.

Every person required by this rule to be in possession of a permit shall be bound to produce it on the demand of any Government officer, headman, Karbari or Bazar Chaudhuri, and on his failure to produce such permit such government officer, headman, Karbari or Bazar Choudhuri shall arrest him and forward him without delay to the nearest police officer or Magistrate."

5. Anti-Slavery Society, The Chittagong Hill Tracts: Militarization, Oppression and the hill tribes, London, 1984.

6. *ibid.*

According to the United States Agency for International Development (USAID) in July 1980, the Bangladesh Government decided to resettle 100,000 plain settlers in the first phase of this scheme.⁷ After the assassination of President Ziaur Rahman, General H M Ershad assumed the power as the Chief Martial Law Administrator (CMLA) of Bangladesh. President Ershad continued the population transfer policy.⁸ The Ministry of Home Affairs and the Ministry of Finance and Planning in the action taken report for implementation of the programmes further stated that "The second phase programme was started in June 1981 with a target of settling 40,000 families (approximately 200,000 persons)."⁹ In July 1982, another 250,000 plain settlers were transferred into the CHTs.¹⁰

Indigenous Jumma peoples are non-Muslim by religion. The increasing trend in the Muslim populations in the CHTs after 1947 reveals consistent infringement of the CHTs 1900 Regulation. According to census figures, in 1941 the muslim population was 2.94 per cent of the total population of the CHTs and it has risen to 6.29% in 1951, 11.77% in 1961, 22.83% in 1974, 35.18% in 1981 and 49% in 1991.¹¹

3. Recent State Sponsored Settlements and militarisation

At the United Nations, Bangladesh consistently and rightly sponsored resolutions and voted against the settlement of the Israelis in the Palestinian territories. But, back home in the CHTs, the government practices similar population transfer policy.

The government of Bangladesh is reportedly planning to transfer another 65,000 plain settlers' families in a vast area between Baghaihat and Majolong in Sajek Union under Rangamati Hill district. Military officials have been regularly visiting the area for the last two months. The security forces have reportedly been clearing jungles for a temporary helipad to enable the visit of senior military officers. The military has been engaged in construction of a road from Baghaihat to Sajek to facilitate the transport of the plain settlers.

When asked, Member of Parliament, Wadud Bhuiyan admitted that some plain settlers families have started making houses beside the Sajek road, but the army did not allow them on safety ground.¹²

The army has already constructed Baghaihat-Sajek road in the dense Kassalong reserve forest in clear violation of the Forest Act of 1927 and Bangladesh Forest (Amendment) Act 2000. According to these forest laws, construction of any structures and human intervention creating threats to the natural forest is totally prohibited.

7. *ibid.*

8. Shree Uttaran, A genesis of the movement for self-determination of the Jumma people of Chittagong Hill Tracts and its future, in *Dashoi November 83 Saranee* of the Jana Samhati Samiti, November 1985.

9. *ibid.*

10. *ibid.*

11. Source; Government Census, 1991.

12. Ration for 28,000 more Bengali speaking families in CHT on cards, The Daily Star, 4 June 2005

Militarisation and land grabbing:

In fact, the government of Bangladesh has already started heavy militarisation of the Chittagong Hill Tracts with a view to facilitate its population transfer policy.

The government acquired 9,650 acres of land in Bandarban for the expansion of Ruma military cantonment. On 22 March 2005, the government officials surveyed the area and put up poles marking the acquired land. An estimated one thousand families belonging to ethnic people such as Murung, Tripura and Marma families will be affected.¹³

The government has also recently given notice to indigenous peoples to acquire about 183 acres of land in Balaghata in Bandarban district for the expansion of army brigade headquarter.¹⁴

The government has already acquired 11,446.24 acres of land in Sualok Union of Bandarban in the name of an Artillery Training Centre, uprooting 400 indigenous families. Each family was provided a paltry sum of Taka 3,000 to 8,000 as compensation. A plan to acquire 19,000 acres of land in Bandarban for the expansion of an Artillery Training centre is reportedly now under consideration.¹⁵

A process is now underway to acquire 26,000 acres of land in Bandarban for the construction of a training centre for the Bangladesh Air Force. The proposed site falls in Sualock Union and Lama Police Station of Bandarban.¹⁶

In May 2005, the government issued land acquisition notices for the purpose of construction of a battalion headquarters for the Bangladesh Rifles in Babuchara in Khagrachari district. It seeks to acquire 45 acres of land belonging to the Jumma people.¹⁷

Recently, the army personnels acquired 450 acres of land after destroying the villages of the indigenous Jumma people in Pujgang under Panchari Thana of Khagrachari district, along Indo-Bangladesh border. The army is now constructing a cantonment on the illegally occupied land.¹⁸

In Chimbuk of Bandarban district, a total of 5,600 acres of land have been acquired in the name of constructing an Eco Park.¹⁹

¹³ . Communication from Hill Watch Human Rights Forum, 5 June 2005.

¹⁴ . Ibid.

¹⁵ . Ibid.

¹⁶ . Ibid.

¹⁷ . Ibid.

¹⁸ . Ibid.

¹⁹ . Ibid.

The government has started a process to acquire 5,500 acres of land in Sangu Mouza of Bandarban district in the name of creating an “Abhoyarannyo” (animal sanctuary).²⁰

The government officials are also forcing people to lease away 40,071 acres of land in Lama, Nikkyong Cahri, Alikadam and Bandarban Sadar to private individuals for rubber and tea plantation.²¹

4. An Act of racial discrimination: Free rations only to the plain settlers

Wadud Bhuiyan, Member of Parliament from Khagrachhari and chairman of CHT Development Board, said the number of plain settlers in cluster villages has increased many folds over the years. Justifying the free rations programmes, he stated, "They are really in bad situation. But so far I know the government has not taken such decision yet. Some quarters of the government are thinking that to avoid any untoward situation in the hills."²²

Article 28 of the constitution of Bangladesh provides:

“28. Discrimination on grounds of religion, etc.

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and of public life.

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.”

If indeed government wanted to take any affirmative programme for “any backward section of citizens”, it should have been targeted towards the indigenous Jumma peoples who have been displaced from their homes. Instead, the government of Bangladesh provides free food rations only to the plain settlers – who in the first place displace the indigenous Jumma peoples, grabbing the lands and resort to serious human rights violations. This clearly violates Article 28 of the Constitution of Bangladesh.

²⁰ . Ibid.

²¹ . Ibid.

²² . Ration for 28,000 more Bengali speaking families in CHT on cards, The Daily Star, 4 June 2005

Bangladesh also ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Article 1 of the ICERD defines "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Certainly, the exclusion of indigenous Jumma peoples from any free food rations has "the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

The United Nations Committee on the Elimination of Racial Discrimination noted "the constitutional prohibition of racial discrimination" but expressed concerns "that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law".²³ The CERD Committee recommended that Bangladesh consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.

Instead, the government of Bangladesh has been committing an act of racial discrimination against indigenous Jumma peoples.

Among the indigenous peoples, only the indigenous Jumma refugees who returned from India are given free rations. However, the government of Bangladesh and the Jumma Refugees Welfare Association signed two agreements - the 16-points rehabilitation package of 1994 and 20-points package of 9 March 1997 to facilitate the return of the Jumma refugees and the government had agreed to provide free rations to the returnee Jumma refugees. Even the supply of rations to the Jumma refugees has been erratic and discriminatory. While the government of Bangladesh provides about 60 kg rice per hill refugee family each month, a plain settler's family is given 85 kg rice for the same period.²⁴ The government often threatens to cut the rations. In late July 2003, the Prime Minister's Office (PMO) of the government of Bangladesh directed the CHTs Affairs Ministry to suspend rice rations to returnee Jumma refugees but to provide free rations to 28,000 illegal²⁵ plain settlers' families in different cluster villages in the CHTs.²⁶ However, due to the protest from the PMO, the decision was revoked.

²³ . CERD/C/304/Add.118 of 27 April 2001

²⁴ . *Refugees in their own homeland*, The Independent, Dhaka, 26 September 2003.

²⁵ . The Bengali plain settlers who are transplanted into the CHTs are termed as "illegal" as they were brought in clear violation of the Chittagong Hill Tracts 1900 Regulation which restricts the entry of non-hill people into the CHTs. Moreover, article 49 of the Fourth Geneva Convention prohibits such population transfer.

²⁶ . The Daily Star, Dhaka, 3 August 2003, Ration stopped for indigenous CHT refugees

However, Prime Minister Khaleda Zia has consistently been threatening to cut off rations to the returnee Jumma refugees and members of the Jana Samhati Samiti to obtain leverage for providing facilities to the plain settlers.

Most of these returnee Jumma refugees could not get back their lands grabbed by the illegal plain settlers and the Bangladesh army. According to official statistics, 3,055 families out of the 12,222 Jumma refugee families have not been able to get back their dwelling houses, jum²⁷ lands, mouza lands, and crematorium. Approximately 40 indigenous Jumma villages, six Buddhist temples of Chakmas and two Hari temples of Tripuras and one Buddhist orphanage are still in the possession of illegal plain settlers and Army or Ansar forces in violation of the Article 17(b)²⁸ of the CHTs Accord of 1997.²⁹ The government is duty bound to restore their lands.

Yet, the efforts of the government to settle the land disputes have been deplorable. The CHTs Land Commission met for the first time on 8 June 2005 after it was constituted six years ago.³⁰

5. Who funds the conflict and the act of racial discrimination?

In August 2002, the Joint Risk Assessment Mission of the Government of Bangladesh, United Nations Development Programme (UNDP), Asian Development Bank (ADB) and other donor agencies studied the security situation in the Chittagong Hill Tracts for undertaking development activities.

The UNDP and Government of Bangladesh in their Joint Risk Assessment Report stated:

“The pervasiveness of poverty is also signified by the large number of Bengali families who have continued to receive rations since the 1980s. The number of households is currently 28,200, which at around 5.5 persons per family equals almost 140,000 persons or over 10% of the current population. On the spot checks reveal that many migrant villages in land constrained conditions, strive to receive rations, because no rice can be grown there. A question should be raised how long one can maintain some 10% of the population on rations. An inquiry should reveal whether local livelihoods are truly unsustainable and deserve long term food support and whether other solutions should be sought.” (Page 46)

Whether local livelihoods of the illegal settlers are truly sustainable or not, it is clear that the government of Bangladesh sustains the conflict in the CHTs by giving free rations to the illegal settlers.

²⁷ . Jum is shifting cultivation.

²⁸ . Article 17 (Kha) of the CHTs Accord provides that “The lands to be abandoned by military or para-military camps and cantonments will be either returned to the original owners or to the hill district councils.”

²⁹ . The Independent, Dhaka, 26 September 2003

³⁰ . Frame laws for CHT Land Commission, The Daily Star, 9 June 2005

The question remains as to how the government of Bangladesh funds the programme.

While there is no concrete information, it is possible that funds of the United Nations Specialised Agencies and many multi-lateral and bilateral donor agencies are being used to support the programmes which only favours the plain settlers.

The Chittagong Hill Tracts Development Board also funds some of the programmes.

There have been reports of presence of Islamic charities groups in these cluster villages.

6. Conclusions and recommendations:

The providing of free rations only to the plain settlers constitutes an act of racial discrimination both under the Constitution of Bangladesh and under international human rights law. This programme sustains the conflict and many UN agencies and bilateral donors are unknowingly supporting this act of racism and racial discrimination.

The government of Bangladesh must bring an end to such racist policies and practices and displacement of indigenous Jumma peoples.

International community must also intervene with the government of Bangladesh to ensure that their support programmes no way support the racist policies and programmes of the government of Bangladesh and urge the government of Bangladesh to bring an end to such racial practices.

Asian Centre for Human Rights makes the following recommendations.

The government of Bangladesh:

- Bring an end to the policies and practices of racism and racial discrimination by withdrawing free rations “only to the plain settlers”;
- Ensure implementation of CHTs 1900 Regulation prohibiting settlement of non-hill people;
- Take measures to implement the CHTs Accord and
- Bring an end to militarisation of the CHTs and restore the lands grabbed from indigenous Jumma peoples by the armed forces.

The civil society groups in Bangladesh:

The issue of providing free rations to only the plain settler has nothing to do with their status in the CHTs - legal or illegal. It is clear-cut discrimination based on religion and

race. Otherwise, poor indigenous Jumma peoples would also have been provided free rations. Asian Centre for Human Rights urges the civil society groups in Bangladesh to

- Urge the government of Bangladesh to bring an end to the policies and practices of racial discrimination and immediately stop free rations only to the plain settlers;
- Provide assistance to indigenous Jumma peoples to seek necessary legal intervention with the judiciary to bring an end to these acts of racial discrimination and to restore their land rights.

Donors and UN agencies

United Nations agencies and international community must uphold the principles and values of the United Nations and must not directly and indirectly support the racist policies and programmes of the government of Bangladesh. Providing of free rations is not about “affirmative actions” but sustaining the conflict to destroy the distinct identities of indigenous peoples of the CHTs.

Asian Centre for Human Rights urges the donors and UN agencies:

- All the UN Specialised Agencies such as World Food Programmes, UNICEF and UNDP, World Bank and bilateral donors which have programmes in the CHTs or support the Chittagong Hill Tracts Development Board must order investigation as to whether their grants/funds are being utilised to support act of racism and racial discrimination of providing only free rations to the settlers;
- Intervene with the government of Bangladesh to bring an end to these policies and practices which only sustain the conflict;
- Intervene with the government of Bangladesh to fully implement the CHTs Accord; and
- Intervene with the government of Bangladesh to stop militarisation and displacement of indigenous Jumma peoples.