

People's rights and rulers' power ^{1/}

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Unfortunately, we know very little about the political life in the villages (I'll use this term for the settlement units called „para“ in Bangla; not for those called „mouza“) of the Chittagong Hill Tracts in Bangladesh before and during the colonial area. One might expect colonial government reports on it, but apparently the British administrators felt it not necessary to learn more about it. The new rules they introduced were at times opposed by the Rajas, but there is no report of a violent resistance on the part of the village people. These had learned, already in precolonial times, to adjust in some way to the demands of a superior political power (the Mohammedan rulers and their quest for cotton). The old Mohammedan power indeed refrained from meddling directly in their everyday life. The British did interfere, but very gradually.

A major change was introduced by transforming the Rajas into Chiefs. Formerly these had been nothing but political leaders of a part of their tribe. A few of them had gained in importance and power after they managed to function as cotton tax collectors, first for the Nawabs and later for the British administrators of Chittagong. After the annexation of the newly formed „Chittagong Hill Tracts“ (I'll write CHT throughout) the cotton tax was replaced by a jhum tax, and the Rajas had to collect it from all taxable households in the area now put under their control, with no regard to the tribal affiliation. These new subdivisions in their turn were parcelled into mouzas (equally with no regard to ethnic groups) in which local headmen were appointed to act as subcollectors.

Chiefs and headmen were not only to collect taxes. It was also their duty to care for the maintenance of traditional law and order. The headmen proved to be especially useful when it came to settle quarrels between persons of different villages or to solve border disputes between villages. Since their power to take decisive measures was rather limited, their reputation and influence among the people depended largely on their ability to function as arbitrators. In general, people had no reason to fall out with their headman. As long as he gained his livelihood in the same way as they themselves, he was one of theirs, even though he might be a member of a different tribe. This changed, once social differentiation set in. In case the people were dissatisfied with his performances they might ask the Chief to dismiss him, and

^{1/} Quotation: Löffler, Lorenz G. 2002. In *Aussaaten, Ethnologische Schriften*, 447–61. Zürich, Switzerland: Argonaut-Verlag. Comment: See the list of publications for details. This paper and the list of publications are available as pdf files on this webpage: www.supras.biz/literature/loeffler.html.

propose another candidate. But they had no right to elect him, he had to be appointed by the Chief and to be confirmed by the British administrator. All power had to issue from the centre – a principle which survived all subsequent governments whatever differences they claimed.

While the headmen more or less worked to the benefit of the people, the same could not be said with regard to the Chiefs. While formerly the villagers had to settle their disputes amongst each other, now could try not to comply with the decisions of their fellow villagers or elders or even the headmen, but to resort to the Chief who, as a rule, did not know much of the customs of other tribes and passed his judgements in civil cases at his discretion. Bribes were welcome. To try criminal cases was the sole prerogative of the British administration helped by a newly created police force of hillmen.

The villagers themselves were not allowed to resort to violence any longer nor to impose severe punishment. They even had no right to fine. If they did, the person so punished could turn to a higher institution and ask for redress. Even though the villagers knew quite well what according to their rules was right and what was wrong, the Chief and the British could have different concepts, and the outcome of the proceedings became quite uncertain. Still, this did not mean a lot, since at least in civil cases the verdicts passed by these higher institutions proved to be rather useless when it came to claim their realisation once the villagers were back home amongst themselves. The power of the villagers had become shallow, but the new political superstructure was still far from being able to force them into allegiance. They learned to bow down without resistance when confronted with a representative of the new power, but they quickly got up again and stood on their own feet as soon as he disappeared.

The British administrators did not mind this as long as public law and order were not at stake. They found their new subjects (as testified by Captain Lewin, one of the first administrators) much more sympathetic than the plainsmen. They had come to know the crooked legal procedures in the plains, loathed them and tried to prevent their introduction in the hills by insisting on a special jurisdiction for the CHT. The hillpeople appeared to be kind and honest, the Bengali plainspeople on the hand, in British eyes, tended to cheat and betray you whenever they saw an opportunity to do so. The British did not consider (at least I found no frank statement in this direction in the literature) that this might be the outcome of their own policies to exploit „Golden Bengal“ – or at least what the plainspeople in their turn for hundreds of years had had to learn in order to survive in a ruthlessly stratified society geared to the sole purpose of pumping every possible means from the bottom up to the top for

the aggrandisement of those in power. In 1770 the British rulers of Bengal did nothing to prevent the death by starvation of one third of the population, but Lord Hastings gladly reported home that it had been possible to increase the tax income nevertheless. And the British were still keen to raise it in the years to come.

When the British annexed the CHT to their colonial empire, the tax they asked for must still have meant a considerable cut in the budgets of the hill farmers, but it was more lenient than in the plains. The administrators feared that otherwise the hillpeople would respond in a way not open to plains farmers. As the hill farmers were accustomed to change the sites of their fields and had no private property in the means of production, they might just migrate and leave the realm of British power. Thus, before the tax rates could be successfully and inescapably raised these „semi-nomads“ had to be induced to become sedentary peasants.

In reality the hill farmers already in the 19th century were anything but „semi-nomads“. They as a rule lived for generations in the same villages and cultivated the same territory. And all neighbouring villages knew exactly their territorial boundaries. As in any civilised society, in the course of years some people moved out of the community if they hoped to find better chances in other places, and others might move in – provided the community would accept them and allow them to settle. (The reason for this restriction will be explained below). As long as there was enough free territory, groups of settlers might also clear new spots and try to settle there, while old ones might be left because people found them too unhealthy, too risky in respect of water supply, or the soils too poor for long term cultivation. Nevertheless, after they left, others might move in and try to make a living there in their way of coping with nature.

To be sure, in a stratified society where most land has become private property, it is less easy to establish a new settlement, but even with private property in the midst of Europe, still villages where life has become too difficult and unrewarding might become deserted, houses (even though built from stone and not just from bamboo) might fall into ruin – until perhaps one day new people will move in with new ideas how to use the possibilities of the territory. Thus, the hill farmers were as much semi-nomadic or not as people in modern societies. And the latter have to pay their taxes as the hill farmers had.

Was there any reason to treat them differently? In the eyes of the British, there was. Though the concept of communal property was not unknown to them, they saw no reason to acknowledge it in the CHT. They declared the whole territory to be state property, thereby legitimating their claim to collect the jhum tax. It was the tax for

the permission to clear a cultivation within the state-owned territory and to harvest its products without acquiring property claims in the land.

For the villagers, on the other hand, their rights to cultivate had descended on them from their forefathers who had established the village and negotiated, whenever necessary, its boundaries with the neighbouring villages. In case they had moved in later, it was the right to cultivate and to participate in the use of the communal property granted to them by those who accepted them in their midst. This is the reason why one could not just settle down in anyone village. It was obvious that a hill farmer in order to survive needed to participate in the use of the communal resources. To accept him therefore meant to cede him a share and to accept him as a fellow owner with all rights and duties. This privilege, to be sure, could not be granted to everyone as otherwise there would have been no rights and duties at all and no ordered community life would have been possible.

Since this has been and in part still is the really in many countries all over the world, it in the meantime has gained acknowledgement and by that legal support in international conventions. Obvious as these facts were in the CHT already before the end of the 19th century, the colonial administrators overlooked them. They neither abrogated nor codified them. The land used by the villagers was not declared village land, but called „unclassified state forest“. Even in the ethnographic reports these land rights were not mentioned. It was left to the headmen to settle land disputes, and since the colonial administration found it wise not to interfere too much with the daily life and the norms of the tribals as long as they did not violate colonial law, the colonial and the indigenous conceptions could continue to coexist without conflict.

There was, however, one event which not only explains why even the Chiefs did nothing to have these rights codified, but also that the administrators were not completely uninformed about them. The Chakma at that time were ruled by a lady, and this Rani favoured the same policy which the Mohammedan and British rulers had used in the plains, viz. to rent out the land with the people as tax paying subjects to the highest bidder. But since the British would not cede her the necessary land rights, they thwarted her hopes, while in the meantime one section of the tribe, the Tongchengya, who always refused to accept the authority of the Rajas, had constantly and successfully tried to evade that miserable fate by moving out.

Thus, in this special case, the British conceptions of property rights in the hills helped the Chakma to preserve their old freedom. Nevertheless, they preferred not to codify these rights, an omission which should have far-reaching consequences in postcolonial times. Most probably the British wanted to keep their hands free in case they developed new ideas how to use this their territory. As a matter of fact they

deplored the misuse of all that valuable timber cut down by the tribals to make their fields. But they had already reserved one third of the territory and its forest for their own use. For the time being, however, they could not really exploit these natural resources, so that (as frankly stated by Colonel Hutchinson, responsible for the administration of the CHT at the beginning of the 20th century) it was more profitable to tax the tribals. Thus, there was no reason to expel them, and the less so as they might be made even more profitable once they were converted into permanent farmers.

With these considerations in mind, the British started their first „development project,“ granting the hillpeople special help and tax conditions in case they took to wet-rice farming and plow cultivation. In the end they would have to pay the bill by being taxed like any wet-rice cultivator, but this was not told to the people in advance. They knew about the situation in the plains, and they did not like to suffer the same fate. According to Colonel Hutchinson, these efforts met with little response. The people were not so silly as to trust the promises of the colonial government. In the long run, however, they were successful. Why? I think it was because land in this region started to become scarce, that is, the periods they had to allow their soils to regain their fertility after one year of cultivation had become too short and yields began to dwindle. To meet their needs people would have to cultivate ever larger tracts, thereby reducing the fallow periods even more. By that indeed it became more profitable to take to plow cultivation wherever this was possible – and whenever necessary even without government promotion.

Those who were experienced in the techniques of plow cultivation were the farmers in the plains. As they might function as instructors the government welcomed plainsmen who were willing to participate in this project. Not every hillman would be successful from the start. No wonder then that the favourable conditions provided by the government attracted quite a few plainsmen who might start as employees of the hillmen in order to end up soon as their masters. Once the British recognised this new problem which would thwart their intentions (since hillmen seeing the results would be ever more reluctant to change their traditional mode of gaining a livelihood), finally reacted in 1919 by amending the CHT regulation of 1900 so as to control and restrict the influx of Bengalis into the CHT. The official reason given was to protect the „simple-minded“ hillmen from „unscrupulous“ Bengalis who tended to cheat them and to enslave them as debtors. No doubt, situations like these did occur as hillmen were honest enough to pay for the consequences of their getting indebted, but they would always have been able to escape the miserable fate of being tied down by debt bondage as long as there were enough land resources to cultivate.

The official reason given for controlling the influx thus confirms the reason given by me for the tendency of some hillpeople to accept the offer to become „settled“ plow cultivators, the more so as they had not, at the same time, to give up the cultivation of swiddens, called „jhum“ in Bangla. In their mentality, they were still „jhumias“ – not given to „semi-nomadism“ as the British had assumed, but given to a settled life in their native community. They indeed were, for good reasons, too sedentary. Though they knew very well that their soils had a limited carrying capacity, they tended, with growing numbers of inhabitants, to overuse their land resources before they moved out to less densely inhabited or even uninhabited areas of the CHT which at that time, there can be no doubt, were still available. Moving out was always risky and invariably implied a lot of additional hardship. This was so before and remained so even after the establishment of the „Pax Britannica“.

After all, it seems as if the superimposed colonial structure did not prove nefarious to the tribals of the CHT in colonial times. Everyone had to keep peace, and hillpeople could move freely and settle wherever they were welcome. Looking back, people like to call this time „the golden days“, even though there was little development. Except in the administrative centres, there were no schools and no medical care, people continued to suffer from malaria and dysentery, epidemics of small-pox and cholera ravaged their villages, and lepers had to die in the wilderness. There were no roads to facilitate communications, and when the British made up their mind to build some, it was for strategic reasons during World War II when the Japanese conquered Burma. In the end it was even better to have had no roads. The hills proved insurmountable for a modern army.

During these days when the British feared the infiltration of spies, they amended their CHT regulation once more. No one was to move into a mouza without the approval of the headman who, moreover, had to report it. It would seem that by this new rule for the first time the old right of the villagers to deny foreigners the access to their villages got some legal recognition, though for quite different reasons. Its basic reason, communal ownership in the means of production, went unheeded as before. In fact this new rule was meant just the other way round: since the headman had to report the immigration, the right to allow access was in fact monopolised by the state.

I mention this amendment, which was of little importance in itself, only because it clearly shows the trickiness of these colonial laws: what to the local people might appear as a legal recognition of their old rights, in fact meant putting them under state control in such a way that government could change the rules whenever it

seemed useful or necessary to do so. If representatives of the JSS^{2/} now argue that the government sponsored immigration of plainspeople into the hills was illegal and in violation of the CHT regulation of 1900, they are quite wrong, as in fact this very regulation was the best instrument to completely legalise the immigration. This regulation was never meant to codify indigenous concepts of law and justice; on the contrary it was from the start meant to provide a legal basis for any action the government might decide to take. And the postcolonial governments who took over this useful heritage very well cared for preserving it – notwithstanding the fact that during the period of heavy immigration many things did happen in violation of the applicable laws, for example when even indigenous headman „sold“ the right to settlement in the same spot twice. (I'll cite one of the even more blatant examples below).

Colonial rule, though perhaps imposed by people who themselves lived in a democracy, was never meant to be democratic. Its aim was to gain control over everything which could be exploited for the benefit of the colonial power and also to gain control over everything which might hinder this exploitation. To realise all this by mere force and with total disregard of the interests of the colonial subjects would have been much too expensive. Local collaborators had to be found, taken into service and rewarded with a share in the spoils. New laws had to be made which did not look too offensive but which at the same time allowed to take full control.

However, no law could prevent that the new South Asian elite, educated to serve the interests of the colonial government, also came to know the principles guiding state performances in Great Britain. And when this new elite decidedly insisted on being allowed to have a democracy as well, this meant the end of the colonial area. And when the Pakistani government nevertheless tended to treat Bangladesh as a colony of its own, this meant the end of the two-winged Pakistan. But was it really democracy what the new elite were striving for? Wasn't it the colonial state which had told them the art of governing? Every institution had to be controlled. And who was to control them? To be sure the institution above them, and so on. All control had to issue from above, none from below.

But were not people in the now independent states allowed to vote and elect their „representatives“? Yes, but those with a chance to get elected were people superior in knowledge and power and therefore soon beyond the control of those who had elected them. And people continued to have no say in the appointment of the so-called civil servants whose first duty was to serve the state, not the civilians, and who

^{2/} The political party wing of the tribal (predominantly Chakma) resistance force "Shanti Bahini," literally the "peace force."

first of all wanted to serve themselves. As a civil servant could not be controlled by his clients or subordinates but only by his superior who by and large had similar intentions this inherited order assured a constant flow of means from the bottom to the top, means by which the control could be bought. Power was, as before, first of all good for making money, and no one in this whole structure could be really interested in abolishing so-called corruption. Anticorruption laws in the end served but one purpose: to raise the prices for the services which civil servants offered for payment.

Is it this what was meant by „democracy“? Definitely not. In a democratic society it is the „demos“, the (common) people who take control. Impossible? No, but difficult. Look at the villagers of former times in the CHT. They controlled their own affairs. Of course, these were tiny communities, unable to defend their autonomy against the overwhelming power of a state. But a more enlightened colonial power could have expressly acknowledged their old rights without having to fear any bad consequences, the more so as in fact the villagers were allowed to continue to exercise them to some extent.

However, the British provided for the legal basis of what was to happen after decolonisation. They did not foresee this, and the people were unable to foresee it, just because they were allowed to cultivate their fields as if nothing of real importance had happened. For the time being no one was going to drive them from the land they had inherited from their forefathers, to destroy their resources, to force them to take to new occupations and to change their cultural identity. If they thought it appropriate, they could take to plow cultivation or try in any other way to improve their situation. The state lent little support to these endeavours, but quite a few of them succeeded nevertheless. It was left to the governments of Pakistan and of Bangladesh to deploy their force in order to achieve what they called the modernisation of the CHT and the uplift of the backward people there.

I am not going to retell that sad story here at length. But let me recall some points which relate to my main argument, the rights of the people to decide about their own affairs. The colonial administration had abolished the right of the tribals to defend their communal property, but they also had provided for some protective measures in restricting and controlling the influx of plainsmen into the hills. But once these restrictions were lifted under the postcolonial regime, every plainsman was free to plunder the resources of the CHT, legally at least as long as he was honest enough to pay the taxes for exporting bamboo and trees from the CHT. It is mere hypocrisy to blame the villagers for the destruction of their natural resources. They had been deprived of any legal means of resistance and just had to tolerate it.

The situation became aggravated and fully apparent, when the government of Pakistan made up its mind and, "for the benefit of the nation", decided to build the Kaptai dam and to generate electric power most needed for the development of Chittagong harbour. As a consequence the area where one quarter of the population of the CHT had lived was flooded. For those who had become "settled" agriculturists the government promised some rehabilitation, but it gave a damn for those who had not acquired such rights and therefore could be treated as squatters in an area of "unclassified state forest". As people were unable to resist the flooding, they just had to move out in order to save their lives. (I presume that today's government of Bangladesh will not mind this pointed summary. To the detailed and impartial report by an American social anthropologist, David Sopher, the then Pakistani government reacted by forbidding him any further entry into Pakistan.)

The government also intended to do something for the "uplift" of the "backward" people in the CHT. To do so the new rulers thought it appropriate to pursue what, already 70 years ago, the British had envisaged. The basic ideology was the same: no development without privately owned means of production. But while the British administrators had no special idea how to convert all those „semi-nomadic“ swidden cultivators into private proprietors, in the aftermath of the flooding a Canadian team of experts (comprising no social anthropologist) told the then government of Pakistan how this in their view would be possible.

Useful as swidden cultivation might have been in the past, nowadays as a matter of fact this way of gaining a livelihood started to become precarious. There were (contrary to what government people, despite the report, continued to read into the statistics), too many people in relation to the available land resources. In order to survive people should start to grow fruits in plantations. Fallow periods would become unnecessary as the plantations would bear fruit every year. Thus, new land reserves could be gained in less fertile areas which could be planted with rubber, teak and other useful trees. Moreover, the hillmen would be incorporated in the national market as they would have to sell their fruits in exchange for rice, their staple, which henceforth could more economically be produced by improved techniques of wet-rice production in the plains. To be sure, this market integration would need some additional measures to be supported by the government. To sell their products, the plantation owners should be encouraged to form marketing societies, while on the other hand, to provide for private incentives, land should not be communally owned. It would be better to make the people private owners of the plots to be allocated to them.

The government people, however, thought it more clever to forget about these marketing societies and to leave the marketing to the plainsmen who were to become active in the hills as well, while national integration would at the same time be furthered by mixing hillmen and plainsmen as owners of the new plantation plots. This, to be sure, meant an increase of the population, and in order to accommodate all these people the national planners just halved the plot size recommended by the experts as guaranteeing survival.

Subsequently the government provided for the legal basis of this new program. In the meantime Bangladesh became independent, but this did not change the plans of the government with regard to the future of the CHT. Hillpeople were told to acquire private (or, if they preferred even communal) property in the lands they worked, that is, they were asked to pay for the registration of their claims to the land they had been accustomed to think of as their communal heritage. At the same time, well-to-do middle class men from the plains envisaged the possibility to become large plantation owners with the original inhabitants reduced to daily labourers. In case these moved out, the new proprietors still had the possibility to cut down all and everything and to sell it in the plains where materials which could be used as fuel had become very expensive. Clever businessmen were even successful in claiming government subsidies for their contribution to the ruin of the tribals by pretending that they were preparing the land for reforestation with rubber etc. This was big business and admittedly not quite according to the law. The people who had the necessary knowledge and means to run it could have been the government officers in the hills themselves, but it was more wise to have some relative do it for you.

Without marketing societies nor any canning facilities, the first experiments with the new fruit plantations proved to be a disaster. Henceforth government desisted from prescribing what the people had to grow in the forcefully regrouped villages, but induced a growing number of poor plainsmen to settle in the hills by offering them land grants and permanent settlement free of charge. Since, as a matter of fact, there was no free land available, the original owners had to be removed. It helped them little if they possessed the documents to prove that they were not just „squatters“ but that their property was registered, they might even get their right to have the new settlers evicted confirmed by a court. No government officer would take any action – and they personally had no right to resort to force. If they did so nevertheless, the new settlers would not hesitate to retaliate and to forcefully evict ever more indigenous people from their land. The immigrants now became illegal settlers indeed. The people most affected by these new policies were the Chakma who already had suffered the brunt of the displacement due to the construction of the dam.

But the Chakma not only had to suffer most and first of all, they also were the first to have experienced social differentiation and to develop a new modern elite, comprising not only high school students but also university graduates. Government was completely mistaken if it thought it necessary to make the Chakma join the national „mainstream“. They had joined it already. They, as a matter of fact which one might deplore, had to a large extent become „Bangladeshis“. They adopted, for instance, by their free will the slogan of the „uplift of backward folks, especially women“. They indeed had adjusted to and accepted the Bangladeshi civilian rights. Hence they also knew that these were now blatantly violated. Since the government did nothing to stop these encroachments but supported the settlers, armed resistance was called for.

Since the government knew very well that it was impossible to really alleviate the population pressure in the plains by resettling even a million of plainspeople in the CHT, we must ask: was there any other reason for the government to bear so much ill-will against the hillpeople? There was. Since the Pakistani rulers had gradually abrogated these special rights, there should have been good reason to restore them when Bangladesh had successfully fought for independence. But the „Father of the Nation“ preferred equal rights for everybody and no special rights for the people of the CHT. He knew that the majority of the hillpeople had not voted for him and had not supported the fight.

Why? Because the last Pakistani military dictator had, for the first time in their lives, given them some limited democratic rights by introducing what he called „basic democracy“. Moreover, things the tribals had forgotten to hope for did happen: Bengali usurers who tried legally to extort the last grain from their debtors were convicted to pay back to their debtors what they had illegally extorted from them before. Policemen were convicted for raping women. This was state administered justice which the tribals could welcome, no matter what „special rights“ had been abolished and what unfortunately had happened to many Chakma due to the dam. The Pakistani government was clever enough to put the blame for it on their Bengali civil servants. The government had provided for rehabilitation, but some crooked men had let it disappear in their own pockets. And the hillpeople, judging from their past experiences, had little reason to doubt this version. Hopefully the Pakistani military government would in the long run put all these Bengali culprits under their control, no matter how much they struggled for their „independence“.

I cannot blame the hillpeople for this attitude, but the new prime minister of independent Bangladesh did. As he was anything but democratically minded, he made a fundamental mistake. He could have strengthened his party members in the

CHT (mostly Chakma) by restoring the special rights and thus gaining more approval among the hillpeople, but preferred to thwart their hopes by even threatening them with a government-sponsored immigration of plainspeople. When he was murdered and Bangladesh was again governed by military dictators, these, faced with armed resistance of the Chakma against the growing encroachments of plainsmen on their resources, saw even less reason to reconsider the claims of the CHT people. They thought it their duty to deploy military force to subdue the rebellion. If some misled hillpeople did not want to obey their orders, they should move out and make room for the resettlement of even more Bengali settlers, who were, for their own sake, quite willing to obey. And in effect, what the resistance achieved was not the emigration of the settlers but of a quarter of their own people. Those who had lived in the North took refuge in India and were accepted in refugee camps, those who had lived in the South went to Burma and no report cared about their fate.

But as the new military rulers also thought it their duty to defend their countrymen against the influence of those who, in their own interest, once had helped Bangladesh to become independent, that is the government of India, the rebels soon found some support on the Indian side and thereby not only could tell the world about the miserable fate of the refugees, but at the same time could become irrepressible. Thus, the last military ruler of Bangladesh wisely decided to negotiate. But the rebels refused to collaborate. The compromise found with less rebellious „representatives“ of the hillpeople envisaged not the restoration of the old rights, but again a new kind of democracy in the CHT with definitely more representative rights for the hillpeople than they ever had been granted since colonial times. But this time the new „democracy“ proved a flop. The Bengali settlers resented it as their representatives in the new councils to be formed could easily be overruled by the hillmen, and the resistance force opposed it because it „legalised“ the presence of what they considered to be „illegal“ settlers. The wanted autonomy – and not to accept the settlers.

But what does autonomy mean in the context of a state where all power control is monopolised by the centre? Whatever the degree of autonomy of a governing body, it cannot do without control. And who is to control its expenditure and performances up to the extent to be able to dismiss all its members? The people who elected them? Definitely not. The privilege of control remains with superior institutions. Real autonomy would, as government representatives repeatedly pointed out in the course of the negotiations, violate the constitution of the state. Though this constitution had been amended repeatedly, they were right in a fundamental sense: it would violate the basic principles of this state which, irrespective of whether there existed a parliament or not, guaranteed the traditional power structure erected in precolonial

times and handed down by colonialism and more modern forms of administration. Nowadays common people can be „granted“ some rights, but these rights may again be revoked if the government decides so. Common people may even be asked to express their opinion, but they are never allowed to take control.

When I asked the members of the newly elected „local governments“ established by Ershad in the CHT what they were doing, they replied „evaluating development“. Evaluating! Not devising, deciding, implementing. And even if they had had these rights, would it have been the people affected by the measures to be taken who had the first and the last say in the matter? Definitely not. And sorry to say, in this latter respect nothing has been changed in the 1998 agreement between government and the leaders of the resistance force. Why? Because the central state government is so afraid to grant even the tiniest bit of democracy to the people? I don't think so. Ayub's example made it clear that the government in doing so might even gain the support of the people who had learned to distrust the state.

The main reason for the failure is that those who came to negotiate the rights of the CHT people have been imbued themselves with the concept of the state as practised in Bangladesh. They are highly educated people, and they visited the same high schools and universities as their negotiating partners from the government side. They are in fact members of the same „mainstream“ culture, not illiterate „jhumias“ (or jummas, as they style themselves). They would probably be very astonished if the real jhum cultivators, of whom presently only remnants are surviving rather miserably, would now come to them in order to tell them: You have to do this and that, and if you do not, we'll dismiss you on the spot and replace you by people who are our real representatives and therefore will do what we have decided amongst ourselves should be done.

Well, a sentence like „Nothing should be done without the informed consent of the people concerned“ makes nice reading, but that's all as long as the people are not allowed to take control. You may, for example, even give your informed consent to corruption as otherwise no „civil servant“ will take any action. It is therefore that the „people concerned“ will not come to their „representatives“ and tell them what to do. They will continue to accept that they are powerless, since they too have been imbued with the concept of the state as practised since generations. They do not know that real democracy is possible. They cannot imagine that a government should be as powerless as to be unable to pass any law or regulation or levy any taxes without the majority of the common people accepting this by vote, that is, that common people (and not their so-called or self-styled representatives) should have the inviolable right to tell the government what to do.

Is there any model for this to prove that this reversed order could possibly work? There is. In Switzerland, by now more than 700 years ago, the people started to expand their democratic principles beyond the village level. They had to fight for and to defend all over the centuries their independence, but as their mountainous country was very poor indeed with no major resources to attract the irresistible appetite of the surrounding autocratic states they managed to survive and, at present, even to become one of the richest nations in the world. In the course of their history some people of the surrounding countries decided to join the old confederation, even though they spoke different languages. This inevitably made it necessary to solve the question of minority rights and to develop tolerance against others cultures.

When Switzerland became rich, more and more foreigners immigrated, and their rate has now reached 20% of the population. No other nation would be able to tolerate that. But again no other nation would be asked and could say no when the government made up its mind to join the United Nations. Swiss people had to be asked, and the majority said „no“, fearing that the type of „democracy“ practised by the UN might override their old principles of real democracy where the people decide what the government has to do. To be sure, there are always problems to be solved. It is up to the government to make proposals – but common people have the right to make proposals as well and present them for consideration. It is the duty of the government to inform the people of the arguments for and against their own or any competing proposal submitted, so that the people can give or withhold their „informed consent“. At any rate it is the people who by their majority will decide which course should be taken, not the government, whether local, provincial, or state. To be sure, not every measure taken by democratic decision must necessarily provide good results. But then it is not the government which is to blame; the people themselves will have to reconsider their ideas.

The Swiss people who, 700 years ago, embarked on this experiment which in end proved viable were, to be sure, illiterate peasants. But they knew what they wanted, and they fortunately succeeded. I don't think that nowadays it might be the illiterate peasants of the CHT which should or could make up their mind and reinvent Swiss democracy. But I wonder whether it might not be possible for the new elite of the CHT to have a look at a model quite different from what they have come to regard as the natural state of affairs. All I know is that the representatives of Meghalaya, for whatever reason, did consider it. And I know that the government of Thailand even encouraged the tribal minorities to practice communal forestry. This, there can be no doubt, means that the government in its own interest acknowledged the rights of the villagers which the British failed to recognise

As has been pointed out, the Rajas when they were made Chiefs in their turn failed to demand the recognition of these rights, for the simple reason they had imbibed the mainstream ideology and thought it much more advantageous for their own ends that these rights were not given any formal acknowledgement. Indeed the British could have seen in advance that these Chiefs were hillpeople only by appearance while in mentality they were not different from any shrewd Bengali, as in fact they at the same time were zamindaris in the plains and reluctant to take residence in the hills. Somewhat belatedly the British administrators tried to curb the power of their Chiefs, but as they had failed to promote the rise of new spokesmen for the tribals, it was left to the Pakistani government to try again. And even though the Chakma at that time could be happy to have the best Chief they could hope for, their young elite who together with their Bangali class mates in the university favoured socialism started to demand the removal of these remnants of "feudalism."

They envisaged an exploitation-free society, but they failed to recognise that they might inform themselves about the preconditions just among those whom they considered the most backward tribes of the CHT. These in the past had succeeded to manage their affairs without any chief whatsoever, at the same time preventing by ingenious rules any possibility of long-term exploitation. I remember very well the occasion given to me in newly founded Bangladesh by the members of their academy, an assemblage of the most highly learned people of the society. When I pleaded for a decolonisation of concepts and asked them to study the remnants of the fundamentals of a really exploitation-free society within their national borders, I was heavily rebuked: What do you want? We are grateful to the English that they made us civilised people. You think you can now send us back on the trees to the monkeys? – Sorry for this misunderstanding. I was not delivering a political statement, but as an anthropologist I was just pleading for a new social anthropology to be established.

When the socialism as envisaged by the „father of the nation“ produced nothing but the rule of what he himself found reason to call a gang of robbers and thieves, he had no mind to redistribute any power to the people of his so-called people’s republic, but tried to allocate all to himself instead. The people on the other hand had no idea how to claim what they had been promised. The outcome could have been foreseen: instead of the promised „exploitation-free society“ the people were presented a new military dictatorship. It seems as if no one had an idea how democracy could work. If the political elite did know, they had no intention at all to tell the people how it would work, because for them this would have meant a loss of power.

So far the new elite of the CTH has done remarkably little to enlighten their people of how it would work. Again the policy was to struggle for power first. Some of those who fought for more autonomy are dissatisfied with what has been achieved. But ever more bloodshed will definitely not help to produce more autonomy, if this word is to mean something else than a share in the spoils. Soldiers cannot even afford personal autonomy, they have to obey orders as silly as these may be. Individual peasants may harbour autonomy in their mind, but on a larger social scale there can be no autonomy as long as it is not built up from below and democratically ensured from below. Even worse: regional autonomy will remain a fake as long as it is not built on real democracy – and once you achieve this democracy, autonomy is nothing of special importance anymore. I am not going to say that regional autonomy is a vain concept. On the contrary: it will facilitate the implementation of democratic structures in this region. But it will lose any meaning for the people concerned, if you start just to reproduce the old power system.

The fundamentals of real democracy are not negotiable. You can only accept them or refuse them. And you will have to accept that your fellow citizens, however disqualified you may judge them, are to be granted an equal right to form their own opinion and to devote themselves to its implementation. As modern history shows, in the long run no autocratic state has been able to survive, once its subjects, provided with the concepts of a better solution and disregarding their personal short-term advantages in the old system, decided to favour and as a consequence really to accept the principles of a democratic society for their common sustainable benefit. Even those running the government will benefit: they lose power, but they will be rewarded by that always a majority of the people will support them by their free will. And that's a lot more than just power.

Is there any promise that those who by now got their share in the power will start to redistribute it? Or at least start to ask the people what they should do with it in their favour? Or will they just, if necessary with the help of some experts, continue to pretend to know better, much the same way as any government so far has done when it came to solve the problems of the CHT? Has the new Raj of the CHT learned the lesson from the fate of the „father of the nation“, or will its members perhaps just follow the example of the old Rajas, hillmen in appearance only? If I did not hope that they might not, I would not have written this paper.^{3/}

^{3/} Original version "... that they will not". I expect that the members of new elite (even in case they were intending to improve the situation) will be unable to change the inherited order. Young men of the next generation will try to complete their higher education in the US. They will return with the model of a presidential order in their heads, modified by a little bit more power for "Mr. President," but not with more rights for the people. The Swiss model could contribute a lot to a decline of despotism, to less ethnic conflict, more democracy and more peace in the world. But the Swiss foreign office did and does nothing to effectively spread the knowledge of this model in other

countries. With extremely rare exceptions, the model remains unknown both to the "common man" and the university elite even in the neighbouring countries. Students who study constitutional law in the US never hear of it. Swiss people accept any opportunity to export their products to everybody in the world whoever this may be. By exporting their model of democracy they would incur the costs of promotion, but there would and could be no immediate gain. Swiss embassies are famous for not meddling into the political affairs of the host country, but only to serve the interests of Swiss firms. In the long run, however, things are different: either the Swiss system acquires a lot of foreign supporters or it will be voted down by "Mr. President" – in case he ever comes to hear of it. Future social anthropologists, when historically oriented, still may mention it as one of their curiosities: a political experiment ("which however never really functioned") of a former "hill tribe."