

# FOURTH WORLD

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## **GOVERNANCE AND THE NATURAL SOCIETY**

Wilson Manyfingers

## **SOVIET UNION OR SOVIET RUSSIA**

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## **RULES OF WAR AND FOURTH WORLD NATIONS**

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# Fourth World Journal

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**Center for World Indigenous Studies**

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The Center for World Indigenous Studies is a non-profit research and education organization dedicated to wider understanding and appreciation of ideas and knowledge originating from Indigenous peoples and from the reality of Indigenous Nations.

More than 3000 Indigenous Nations play a major role in the life of the natural world and in relations between more than 160 states. With rich cultures and a wealth of creativity, Indigenous nations have tenaciously held their ground despite centuries of colonization and repression.

Frequently misunderstood by the modern world, and often misrepresented by observers, the peoples of Indigenous Nations rarely have the opportunity to directly contribute to the world's better understanding of their spiritual, historical, political, economic, social and philosophical thinking. Fourth World Journal is one of several Center for World Indigenous Studies publications produced to elevate the visibility of Indigenous people's ideas and knowledge, and information about the circumstances of Indigenous Nations. \_\_\_\_\_

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## | UPDATE

### **9TH INTER-AMERICAN INDIAN INSTITUTE**

**CONGRESS:** The ninth meeting of western hemisphere states under the 1940 treaty on "Indian Life" will convene in Santa Fe, New Mexico (USA) on October 28 - November 1, 1985. This quadrennial congress has, in previous sessions, served as a low priority meeting of state governments to hear sociological and anthropological reports on the "Indian Problem" in the hemisphere - particularly in Mexico, Central America and South America. But, since this current session is the first time the United States has hosted the congress, and because of the more intense global focus on this region because of violent confrontations and serious economic instability of states, the 9th Inter-American Congress promises to assume a higher than usual profile.

Six hundred delegates are expected to attend the five-day session, representing eighteen states. Canada is expected to become a member of the congress in the current session.

While delegations include "selected" Indian participants, a large number of "uninvited" Indian delegations from throughout the hemisphere are expected to arrive in Santa Fe to "watch what is going on".

**UN Working Group on Indigenous Populations:** The Fourth Session of the UN Working Group (July 28 - August 8, 1985) saw the largest turnout of "State Observers" since the UN body was established in 1982. Indonesia, Nicaragua, United States, Canada, Australia, Sri Lanka, and Bangladesh were the most outspoken either in defense of their internal policies toward indigenous peoples or "self-congratulatory". A member of the Working Group, Ivan Tosevski from Yugoslavia and a prominent advocate of an International Convention on Minority Rights spoke near the end of the session observing that he "can't see why indigenous peoples require 'land' to survive as cultural units." He noted that he could not see why land was necessary, because many peoples throughout the world live quite adequately without "sovereign control over lands". The Cuban delegate to the Working Group, Alfonso Miquel Martinez, objected to Mr. Tosevski's reasoning by observing that sovereign rights to land are essential to the survival of any people. The Working Group's report is due to be distributed this winter.

# Governance and the Natural Society

Wilson Manyfingers

*This article is a condensation of Mr. Manyfingers' forth-coming book Fourth World Governance which will be published by the Center for World Indigenous Studies this Winter.*

Human beings, like their brothers among other animals, come into this world with a ravenous appetite, a boundless energy, and a glowing optimism. Ideas like freedom, liberty and the enjoyment of life are not questioned; they are not even matters for intense thought. They are taken for granted. A part of the natural birth-right of all living things.

Plenty of food, comfortable surroundings, friendly relations with other human beings and excitement for the mind are the basic elements for what make up what may be called a quality of life. These basic things are provided from the natural environment and by the family that surrounds a newborn child. When these basic elements are present, the human being is happy; and is satisfied. But, when any of these things is in short supply or absent, the human being like his brother animals expands the family, extends the family, to include more members. More land is needed to collect food and to provide for the comforts of the family. The extended human family seeks to establish a balance between its needs and the capacity of the surrounding

environment to provide for those needs. When plenty of food, comfortable surroundings, friendly relations with other human beings and excitement for the mind are once again provided to all members of the human community, a balance is achieved.

Time and change combine with growing needs to cause a tribal society to unfold – tribal life – a way of life enjoyed by millions of people in the world. Over time, the tribal society becomes so distinct in its culture that it becomes a people, different from all others except that they are human beings. All of the basic needs of the human being are finally provided in balance and a human society is formed with all of the social, economic and political qualities that make it unique.

But, like the changing weather, the changing tide and the changes in other animal life, the tribal society changes to match the new variety that surrounds it. And, so the patterns of tribal society, its traditions, customs and everyday practices alter to meet the needs of the people.

The single most successful form of human society is the tribal society; a nation of people large enough to satisfy the needs of its members, but small enough to remain flexible and adaptable to change. There are, of course, larger human societies in towns, cities, states and empires. Beyond the city, however, empires and states are relatively recent forms of human organization. The tribal society, the nation, has existed for tens of thousands of years, while modern states and empires have come into being and existed for only a few hundred years. When states and empires crumble, the tribal society is once again formed.

Tribal life is the primary form of human organization throughout the world. Though most tribal peoples are surrounded by states and empires created during recent

centuries, the vast majority of the earth's citizens continue tribal society. There are several reasons for this: Tribal society provides the individual human being with a clear identity. Tribal society contains enough variety that each person can reach his or her greatest creative potential as food gatherers, builders, community helpers, spiritual leaders, political leaders, artists, thinkers and countless other activities. Tribal society is manageable; it remains small enough to equal human sized successes and human sized problems. Tribal society is equal to the power of human beings and balanced with the natural world. Tribal society is intensely human, vigorous and it is the chosen way of life of the red peoples the world over.

#### **Original Power and the Foundations of Government**

A Tribal society is a nation of people joined together by common ancestry, origins, heritage, language, beliefs and commitment of mutual support – a common culture. Each society organizes according to its needs and wants, provides for its common desires, its defense and determines its own future. It is governed by its own traditions, customs and passions; and it establishes specific organizations or institutions made up of its members to perform special activities for the benefit of all or part of the society. Institutions are created to collect food, build homes, provide for spiritual well-being, encourage cooperation and mutual support, help the infirm, care for the sick, provide for the common defense and, among other things, make collective decisions. All of these institutions contribute to the governance of a tribal society. They perform activities within the society that cannot be performed by a single person, but contribute to the well-being of each individual. All together, they make up the

government of the society.

All tribal societies are governed by special organizations or institutions, though their character and form may vary from one nation to another. The form of governance reflects the special needs and wants of each tribal society. And it is due to the unique character of each tribal society, its geographical location in the world, the natural environment along with the distinct passions of the people that the various forms of government have developed throughout human history. Each form of government is suitable to the society that created it. So there are as many forms of governance — organization or institutions — as there are tribal societies. None can be said to be perfect or suitable for any other nation, but each can be said to reflect the the most desirable form of government suitable for the people who established it.

#### **Government and the People**

No nation exists without some form of government. Like the tribe itself, the government must reflect the needs and wants of the people who create it or it becomes a threat to the survival of the nation. When governments fail to meet the needs and wants of the nation — and many governments have and do fail — either the nation creates new organizations and institutions of governance or the nation dissolves — and many have. It is essential, therefore, for the governing institutions of a nation to change at a pace equal to or ahead of the people. It is through flexibility that the institutions of government continue to fulfill the needs and wants of the nation. Tribal institutions of governance must, as a result, maintain sensitivity to the changing needs and wants of the nation, and, they must be ever vigilant and active in their ability to adjust to

the changing natural environment. Governments function in two important broad capacities: As the instrument or instruments by which the internal needs of a nation are provided, and an instrument by which the external needs and interests of a nation are defended, protected or advocated. Though the broad functions of government are described as dealing with internal needs and external needs, such a description should not lead one to believe that a tribal society or any nation has divided needs and interests. Like a person, a tribal society or nation has an internal life and an external life — both of which must be balanced to ensure health. Tribal government must function to balance the internal and external life of a nation.

Traditional and modern governments in tribal societies function as the "glue" that holds the society together, and government is the organized instrument through which the society adjusts to the changing natural environment as well as the changing relations between nations. The continuous existence of a nation is dependent upon its government performing both internal and external roles. A successful and prosperous nation achieves a balance between its internal world and the external world. On the basis of this requirement, tribal societies and their governments have done very well. The people and their government must remain intimately connected, and tribal society proves this clearly.

#### **Question of Loyalty**

A people remain a distinct, identifiable nation as a result of individual loyalties between individual persons, and between individual persons and the nation. To close the circle, the nation is, out of necessity loyal and committed to the well-being of the individual. But, as

is only common sense, unless the individual sustains a commitment to the well-being of the nation, the nation cannot long endure. And, without the nation, the individual has nothing. The individual cannot survive without the nation. The individual has no identity, no support or meaning except as a part of the nation. It is, therefore, a necessary bond of commitment and loyalty that ensures the continuous existence of the nation. An *act of will* causes the nation to come into being, and the same act can destroy a nation.

The loyalty one feels toward the nation must also be expressed toward the institutions of governance, for it is equally true that government cannot exist without the loyalty of those who created it. In this respect, loyalty is like a *mandate* to the nation and its government. Without the mandate neither exists. With the mandate, the nation survives and the government performs its essential internal and external roles.

The tribal society grew out of the common and natural need among human beings for mutual support, common defense, and spiritual, physical and social comfort. Its success as a way of life is a tribute to the ability to satisfy these basic human needs and provide for an infinite variety of choices. But, despite the qualities of tribal life and its natural suitability to human beings, nations must struggle to secure and maintain this way of life. Natural environmental changes constantly challenge the tribal society. Neighboring nations compete for natural wealth, for land, and seek to impose their way of life on other nations. Each nation is truly on its own to make its own way.

The institutions of governance provide the internal glue to hold a nation together, but they must also promote the interests of a nation and defend those interests externally. Just as the people of a nation

constitute themselves as a nation through traditions and customs, it becomes necessary for a nation to establish friendly relations with other nations. Between the people of a nation, a sacred contract is made – a *constitution*. Between nations, sacred contracts are also made in the form of agreements or compacts – *treaties*. Just as natural law constituted the nation, natural law also determines the relations between nations. While individuals in a nation have a place and the support of other individuals in a nation, each tribal society – each nation – is on its own to determine how it will survive in the natural world and in relations with other nations. Among brother animals, their nations choose to coexist with their neighbors or they are natural enemies.

#### The Law of Nations and Tribal Societies

Just as natural law is basic to the formation of nations and the development of sacred contracts or constitutions between members of a society, it is also the foundation of contracts between nations, and between nations and states. As a result of contacts and continuing associations between peoples, a pattern of rules and conventions has developed to minimize violent conflict and to maximize international cooperation. Tribal societies are the original sources of these rules and conventions – rules of conduct that are basic to human behavior. They include: *All peoples have the right to determine their own political, economic, social and cultural future without external interference; all peoples always have the natural right to use and dispose of their natural wealth according to their needs and wants; all peoples have the inherent right to form and exercise self-government without external interference, and, all peoples may take the protection of another without diminishing their inherent powers of*



*self-government — and they may resume full, independent exercise of their powers whenever they choose. In addition, no peoples can be denied the right to exercise their inherent powers according to their needs and wants.*

As one can readily see, the rules of conduct between nations are not very different from the fundamental elements of a nation's constitution. Indeed, the instruments that record commitment between peoples (agreements, compacts, treaties, et cetera.) may take a variety of forms. Treaties may be oral agreements, beaded belts, monuments, or written documents.

Though the presumption between nations is that they are equal in their inherent powers, no matter what the relative population size, territorial size or other differences, relations between states and nations have not always reflected this natural law. Tribal societies, especially those that have been surrounded by a forming state, are often treated as less than equal, less than a nation with inherent powers. Agreements between tribal societies and states have, as a result, tended to reflect an unequal relationship rather than a growing relationship of equality between nations and states.

#### **Tribal External Relations: Struggle and Coexistence**

Surrounded by states, *enclave nations* face the modern necessity to engage in struggle to defend against outside pressures while seeking to persuade outside forces of the desirability of coexistence. The tribal government carries the principal duty to both defend the interests of the nation, and to advocate the nation's interests to improve relations with neighboring nations and the state. This is an important function of tribal government; for it is through the active external presence of the tribal society that it can ensure defense of the common welfare of its

members.

The pursuit of coexistence with neighboring nations and states requires a carefully developed knowledge about the interests of such neighbors. And, the effort places especially difficult demands on the tribal government. What are the interests of surrounding nations and states? What are their strengths and their weaknesses? To what extent does a tribal society share common aspirations and interests with surrounding nations and states; and to what extent do a tribal society's aspirations and interests diverge? Are differences reconcilable? Is there a basis for believing that mutual respect can serve as the foundation for arranging a workable relationship — a relationship based on trust and honor? Coexistence is an attractive goal for tribal society in relation to its neighbors. But, there are many obstacles which if ignored can result in a nation losing some of its freedom to choose its own political, economic and social future.

If a nation's constitutional foundations are strong among its members, its capacity to effectively deal with surrounding nations and states is greatly enhanced. If a nation is successful in its relations with surrounding nations and state, the social, economic and political stability of the nation are equally enhanced. A balance in relations becomes more likely, thus increasing the prospects for coexistence. The opposite is equally true, with the result that their is more struggle.

If they are to survive as a nation, they must first choose to make a nation from the individual needs and wants of each person. If they are to survive as a nation, they must maintain a loyalty to the nation and its governing institutions. If they are to survive, they must find ways to deal with the external world — the natural environment and neighboring nations — that preserve the nation and permit it to prosper.

Soviet Union or Soviet Russia  
Patterns of Russian Colonialism in the U.S.S.R.

Joseph E. Fallon

Inhabited by 122 national groups speaking 114 different languages, the Union of Soviet Socialist Republics (U.S.S.R.) is, according to the Soviet leadership, a voluntary federation of fraternal nations. It is further claimed that, as a result of the official *nationalities policy* pursued by the Communist Party of the Soviet Union (C.P.S.U.) – of promoting the cultural identities of ethnic minorities in accordance with the principle of "national in form, socialist in content" – all forms of national inequality have been eliminated. This, in turn, is officially declared to be but a transitional step toward the final goal of *slivanie* – the fusion of all ethnic groups into a single, new community, the Soviet people.

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But is the U.S.S.R. a federation of fraternal nations, or a highly centralized Russian state? Have the cultural identities of ethnic groups and Indigenous Nations been respected and permitted to flourish? And, is the effect of *slivanie* the creation of a Soviet people, or the *Russification* of non-Russians?

The desire of a dozen nations for political independence following the fall of the Czar threatened to leave the Bolshevik regime in Moscow with control of a shrunken state, militarily vulnerable and economically crippled, if not actually viable. To prevent such a possibility, Lenin was reluctantly forced, as a matter of political necessity, to advocate a system he had previously opposed — a federation based on *ethnic units*. By successfully combining appeals to *national self-determination* and working-class solidarity with superior military might, Lenin was able to establish such a federal union.

#### Soviet "federalism"

However, the U.S.S.R. which Lenin founded is a federation in name only. By definition, a federation is a coordinated division of political powers between the central government and the federated units, each sovereign in its own recognized sphere of jurisdiction. Such a system is the exact opposite of the workings of the U.S.S.R., where the central authorities dominate and the constituent republics act merely as administrative units transmitting and implementing policies decided by Moscow.

The *federal* system of the Soviet Union consists of 53 ethnic units arranged in a five tier hierarchy. At the pinnacle is the U.S.S.R. Next, and unique among the federated units in alone possessing the legal right of secession, are the 15 union republics — Armenia,

Azerbaijan, Byelorussia, Estonia, Georgia, Kazakhstan, Kirgizia, Latvia, Lithuania, Moldavia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and, the very core of the *federation*, the Russian Soviet Federated Socialist Republic (R.S.F.S.R.). These are followed by — in declining order of status — 20 autonomous soviet socialist republics, 8 autonomous regions, and 10 national regions. The pillars on which this complex and highly centralized edifice rests are: the state, the party, and the military. Of this triad, only the state apparatus offers the diverse national groups political structures which legally recognize their national identities and, theoretically, enables them to participate as equal partners with the Russians in the governing of the U.S.S.R., at both the republican and federal levels.

In accordance with the slogans of federalism and respect for national differences, posts in the governments of the federated and autonomous republics are held by representatives of the local national groups. But, only national groups which officially *exist* can *possess* such republics, and have members of their community fill such government positions. This recognition is conferred solely by Moscow, and is subject to adjustment and/or revocation. Furthermore, the powers which are exercised by the republics are severely restricted and subordinated to the central authorities. Within these bodies, the federal government exerts its control through the activities of the union-republic ministries and the local branch of the all-union state committees. Governmental responsibility for commerce, communications, culture, education, finance, health and justice, for instance, are the concerns of the centrally dominated union-republic ministries, while the republican governments have jurisdiction over such innocuous matters as social security and municipal services. Even these limited functions accorded the

local governments are carefully supervised by the federally controlled state committees, whose operations parallel those of the republican ministries.

The comparable situation prevails at the federal level. While smaller nations are given visibility, and even over-represented in the Supreme Soviet, theoretically the highest organ of state authority, this bi-cameral assembly does not exercise any real power. Since it convenes only a few days twice a year, the actual running of the day-to-day affairs of the U.S.S.R. is delegated to the Presidium of the Supreme Soviet, the Council of Ministers, and the All-Union state committees. The ethnic composition of these institutions diverges greatly from that of the Supreme Soviet. With one brief exception, the Presidium has always been chaired by Slavs, while approximately 90% of the posts in the Council of Ministers and the state committees are filled by Slavs, principally Russians.

Unlike the formal structure of the U.S.S.R., the Communist Party of the Soviet Union is officially constituted as a unitary entity representing the centralizing forces of integration, not ethnic diversity. Despite the demographic shifts in favor of the Soviet Muslims, which have occurred during the last decade, the organs of power within the C.P.S.U., which decide what constitutes integration and how it should be achieved (the Central Committee, the Politburo, and the Secretariat), remain in the control of the Slavic nations, principally the Russians. During the 1970s, Slavs constituted 73% of the total population, yet the formed 82% of the Central Committee. In the Politburo, only 2 of 16 members and 3 of 6 candidates were non-Slavic, while the Secretariat was exclusively Slavic in composition.

Also serving as a tool of political centralization, and as an engine of national integration, is the Soviet

military. But, are the indigenous nations, the non-Slavs, treated by this institution as trusted citizens of the U.S.S.R.? Judging by the composition of the senior military hierarchy, the answer is "no".

The leadership of armed forces of the Soviet Union — that body of individuals who exercise ultimate decision-making within the military and who also influence the decisions adopted by the party and the state — is virtually monopolized by the Slavic populations in general, and the Russians in particular.

Between 1940 — 1970, of all officers promoted to the rank of general, 91% were Slavs. Of the general officers, who are members of the Supreme Soviet — a government body which otherwise displays sensitivity for ethnic appearances, 95% are Slavs, the vast majority being Russians. Among the 101 general officers elected to the Central Committee of the C.P.S.U., between 1952 — 1976, 97 have been Slavs.

This lack of representation of the non-Slav nationalities in the upper echelons of the Soviet military command structure is even more striking in the case of the Muslim Nations. This community, the fastest growing in the Soviet Union, is not only virtually excluded from the senior military staff, but recruits, especially from the Central Asian republics, are generally relegated to construction battalions and rear support services.

The political reality, then, of the governmental structures of the U.S.S.R. is that of a highly centralized state where political power, including the power to decide which nations will be permitted to officially exist, and how, is in the hands of the Russian Slavs.

The non-Russian Slav components of this Slavic-dominated Soviet leadership — Ukrainians, Byelorussians, and Poles — however, are unrepresentative of their respective national communities

and of the place which their peoples occupy with the U.S.S.R. Such individuals are entrusted only with important posts in the ruling hierarchy because they have been effectively *de-nationalized*. They are politically reliable because their identities have been "Sovietized", or *Russified*.

As the constitutional reality of the U.S.S.R. does not reflect political reality, so the official *nationalities policy* of the Soviet Union does not reflect actual governmental practices toward indigenous nations embraced by the Soviet shroud.

#### Nationalities Policy – "sliyanie"

Officially, the U.S.S.R. promotes the cultural identities of *minorities*, but within the strict guidelines of *national in form, socialist in content*. This sponsorship is expressed by providing recognized *ethnic groups* with a territorial administrative unit, schools which teach subjects in the national language, the publication of books, journals and newspapers in national languages, and, in some cases, the establishment of a territorial research institute bearing the name of the particular national group.

This policy, however, is acknowledged to be a temporary measure defined by and subordinated to the overriding goals of the Soviet ideology, Marxism–Leninism, which views indigenous nations, and all expressions of national distinctiveness, with suspicion and hostility. In practice, the Soviet nationalities policy functions in accordance with the following premises: Ethnicity is transient and retrograde by nature; ethnic differences are historically destined to wither away as all nations will fuse, creating a new single community; large centralized states are more efficient engines for promoting economic and social change; Marx's view of a recognized inequality among ethnic populations, and

Lenin's assertion that the aim of socialism was not to make life happy and comfortable for ethnic communities.

To that end the general features of Soviet *ethnic affairs* take on the aspects of Russification, since the nationalities policy consists of actions taken, or inaction decided upon, by the central U.S.S.R. authorities (Russians and *Russified* ethnics), which have the specific short and long-range purpose of promoting "sliyanie", as the solution to the nationalities question. These features have a significant impact upon – if not all – at least a major category and number of national groups in certain ways, but not affecting the Russians in either the same manner or degree.

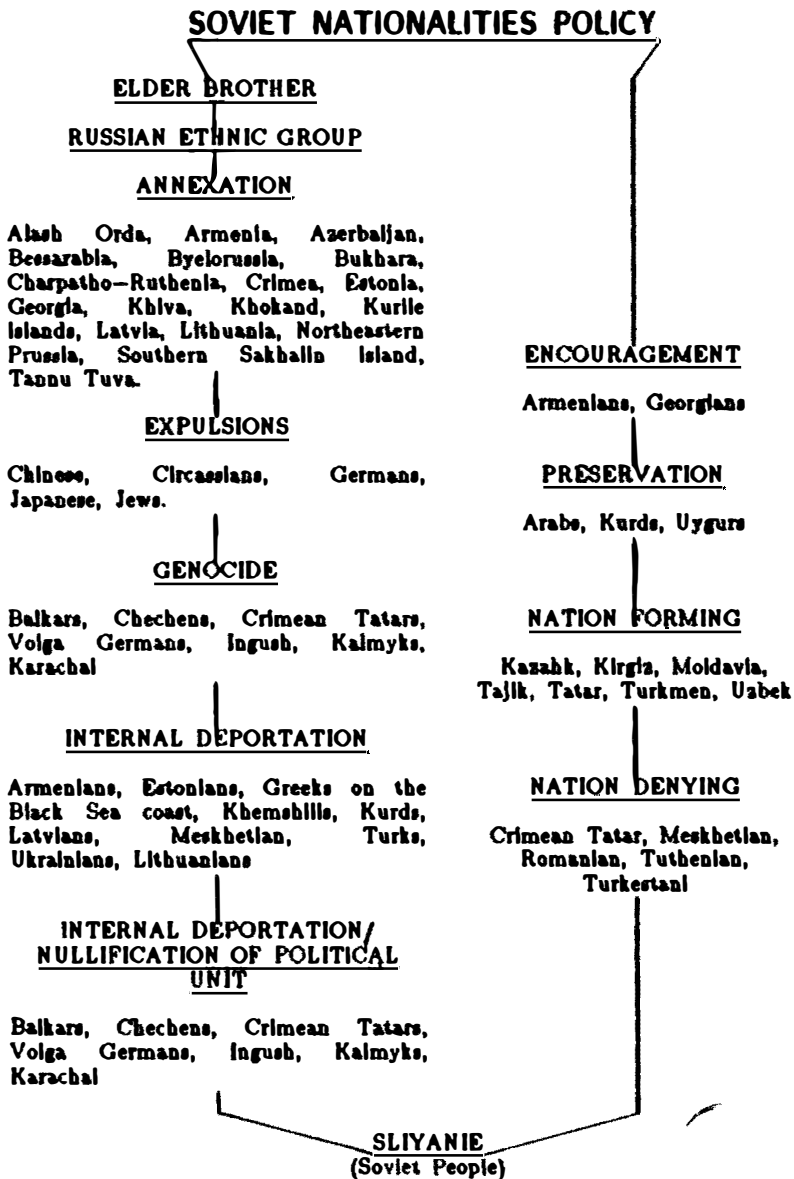
Important nuances exist with regard to the nationalities policy and how this policy is applied, as the diagram below illustrates.

After emerging victorious from the civil war which had been unleashed by the Russian Revolution, the Bolsheviks, under the banner of international working-class solidarity, successfully engaged in acts of military conquest.

#### Russian Colonial Conquest

Annexation to this new "Soviet" state, however, (which was essentially ethnic Russia) amounted to little more than the political Russification of the neighboring nations. Despite pronouncements in support of national self-determination for oppressed peoples, the Red Army was hurled against those independent states established by indigenous nations after the fall of the Czar. And, they smashed them. These included Armenia, Azerbaijan, Georgia, Bukhara, and Khiva – countries ruled by fraternal socialist governments with whom Moscow had earlier signed treaties recognizing their independence. For the next three decades the Soviet Union continued this policy of aggression against its

non-Russian neighbors.



Aside from rhetoric, Soviet policy differed little from that policy pursued by its imperial predecessor. Annexation violently denied one form of legitimacy to ethnic identities, and was a prelude to other more direct attacks on national distinctions.

For some ethnic communities, like the 500,000 Japanese on southern Sakhalin Island, annexation culminated in their physical expulsion from the land. For others, like the Ukrainians, forcible incorporation into the Soviet Union was eventually followed by genocide. During 1932 - 33, the government of the U.S.S.R., in an attempt to break Ukrainian nationalism, manufactured the first man-made famine in history. Approximately 10% of the entire Ukrainian Nation, 3 - 7 million people, were starved to death. All during this period, Moscow continued to export foodstuff to Western Europe.

When perceived by Soviet authorities as constituting effective public relations tools with which to advance foreign policy objectives, the cultural identities of specific indigenous nations (i.e. Arabs, Kurds, Uygurs) have been preserved. This is a safe policy. These are numerically small national communities, whose primary homelands (where the vast majority of their peoples reside) lay outside of the U.S.S.R. By preserving the identities of these populations, the Soviet Union improves its image and influence among Arab states, and the stateless peoples inhabiting strategic border areas of the Middle East (i.e., Kurds) and China (i.e. Uygurs).

Unlike other Russian controlled indigenous nations, the cultural identities of Armenians and Georgians have been encouraged by central government authorities. Such a unique situation stems from Soviet perceptions about its national interests. Soviet leaders hold a firm conviction that neither Armenia nor Georgia can exist

as viable entities outside of a Russian state, and that most members of these two communities realize this. Their reasoning is that, independent of Russia, these countries would be too small in territory and population to continue the level of economic development that they have enjoyed as a part of a larger economic unit: The U.S.S.R. More importantly, surrounded as they are by numerically larger Muslim Nations (nations with whom they hold historic animosities), an independent Armenia and Georgia would be most likely *gobbled-up* by Turkey or Iran, which would jeopardize the very existence of their cultural identities and threaten Russian state security. The Soviet leadership, therefore, believes that most Armenians and Georgians accept the fact that in today's world political union with Russia is a necessity. The Russian State, of course, regards such a union as essential.

By supporting the nations of Armenians and Georgians, the Soviet Union is encouraging their loyalty to the U.S.S.R., thus strengthening Moscow's position in the sensitive southern frontier of the Caucasus mountains. This is a strategic region, rich in petroleum, which borders a NATO member state — Muslim Turkey, and it is also inhabited by millions of Soviet Muslims, whose loyalty might be suspect.

The establishment of distinct Armenian and Georgian soviet socialist republics, in which national identities are encouraged, serves as a focus of interest, concern and sympathy for the dispersed community of these nations the world over. Thus, the Soviet leadership improves its image with the members of this diaspora, winning qualified support from some quarters, while *showcasing* both republics as examples of the success of the official nationalities policy.

However favorable the positions of Armenia and Georgia appear in relation to that of the other nations,

their national status, like all others, is determined by Moscow. Both communities are vulnerable, therefore, to fluctuations in Soviet foreign and domestic policies. As a result, they have been subjected to deportations and Russification. The attempt by the Russian leadership, during the 1970s to have both republics withdraw the constitutional recognition accorded their respective national languages highlighted, for many Armenians and Georgians, the threat of Russification to their national identities.

After World War Two, the government of the U.S.S.R. initiated a program of the most unabashed *Russian colonialism* as a means of securing its political and military control of those strategic areas inhabited by non-Russians. Specific indigenous nations were falsely accused by Soviet authorities of belonging to *fascist* organizations and/or having been Nazi collaborators. Using this as a pretext, the central government relocated many thousands from their homelands, while encouraging an influx of foreign settlers, principally ethnic Russians. Numbered among these victims were: More than 10,000 Armenians, 100,000 Estonians, 100,000 Latvians, 200,000 — 300,000 Lithuanians, and 500,000 Ukrainians.

In many respects, these communities were the *lucky* ones. Entire nations were deported. The territorial administrative units were permitted to remain intact, thereby, ensuring that these national enclaves continued to officially *exist*.

For the Volga Germans, Crimean Tatars, Meskhetans, Kalmyks, and peoples from the North Caucasus (Balkars, Chechens, Ingush, Karachai), deportation was a sentence to oblivion. They became (and some remain to this day) nonexistent nations, *unpeoples*.

Despite the findings of an official investigation, conducted by the Crimean regional committee of the

C.P.S.U. in 1942, which confirmed and documented their loyalty, Moscow nevertheless declared the entire Crimean Tatar nation (a Muslim Turkic people) guilty of collaboration with the Nazis. On May 18, 1944, a week after the last German troops had retreated from the peninsula, the government of the U.S.S.R. deported 200,000 – 250,000 men, women, and children, scattering them across Siberia, Kazakhstan, and Central Asia.

Their only *crime* was in being Crimean Tatars. Tens of thousands died either in transit or during their first year of exile. The exact number is in dispute. While the Crimean Tatar people claim that 46% of their entire nation died, the Soviet government insists it was a *mere 22 percent*.

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"While acknowledging a gross error in its nationalities policy, Soviet leaders refuse to take corrective action."

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The Crimean Tatars, liberated by the Western Allies in Central Europe (prisoners of war and civilians forcibly transferred there by the retreating German army), were repatriated to the U.S.S.R. at the insistence of Moscow. Upon their return, those not executed were sent to slave labor camps. They were never heard from again. Repeating the pattern established with the Soviet Germans, deportation was accompanied by attempts to deny the physical existence of the Crimean Tatars. The Crimean ASSR was abolished. Within the peninsula, Tatar place names, as well as those derived

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from German and Greek, were replaced by Russian ones. Historical monuments, even cemeteries, were destroyed. The literary works of Crimean Tatars were burnt. Their history was rewritten to depict them as bandits and aliens; their homeland described as *historically* a part of Russia. In Soviet publications dealing with ethnic affairs, the name of Crimean Tatars ceased to appear. At the same time, the Soviet government vigorously encouraged further Russian colonization of the Crimean peninsula.

After the death of Stalin, some improvement in the conditions of the exiled Crimean Tatars occurred. By 1950, restrictions to *special settlements* had been lifted. The following year official permission was granted for the publication of a newspaper and several books in Crimean Tatar language. Political rehabilitation occurred in 1967. In a decree, the Soviet government admitted that charges of treason against the entire Tatar nation, which formerly resided in the Crimea, were false. The wording of the decree, however was itself an attack on the national identity of Crimean Tatars. They were no longer officially Crimean Tatars, but "*Tatars formerly resident in the Crimea*", a people who had *taken root* in the Soviet Asia republic.

While acknowledging a gross error in its nationalities policy, Soviet leaders refuse to take corrective action. Despite the fact that five other relocated nations have had their republics re-established within the framework of the Soviet political system, the Crimean ASSR remains abolished. Crimean Tatars are effectively barred from returning to the Crimea – although as Soviet citizens they possess the legal right to reside anywhere within the U.S.S.R. Nor have the cultural rights of Crimean Tatars, including the use of their language, been fully restored to the pre-1944 status. Their *official* history is still falsified and vilified, while



the government continues the practice of not referring to them as Crimean Tatars.

Claiming that it was a temporary evacuation necessitated by the approaching German army (an army a hundred miles away and in retreat), on November 15, 1944, the Soviet government deported several Muslim communities who lived near the strategic border between the U.S.S.R. and Turkey. Two hundred thousand people whose loyalty Moscow doubted, principally Meskhetians — ethnic Georgians who profess Islam and speak Turkish, but also including local Turkmen, Turkic Karapapakh Azeris, *Turkified* Kurds, and Khemshilis — Turkish-speaking Armenian Muslims, were shipped in cattle cars to Kazakhstan and Central Asia. As a result of the harsh conditions to which they were subjected, between 30,000 and 50,000 died in Uzbekistan alone during the first months of internal exile. Sharing the same suffering, these different nations, who possessed a common religion and language, soon came to think of themselves as one people — Meskhetians.

Released from the restrictions of the *special settlements* in 1956, it was not until May 30, 1968 that the leadership of the Soviet Union published an official decree restoring the legal right of Meskhetians to reside anywhere in the U.S.S.R. This decree, however, was worded like earlier ones. The victims were *former residents* of their homelands who had *taken root* in the Soviet republics of Asia to which they had been relocated. Denied financial compensation for the property which had been confiscated from them in 1944, the Meskhetians were barred from returning either to Meskhetia or to any other part of the Georgian SSR. Remaining as a diaspora, the community was being forcibly assimilated into Russian society.

False accusations of collaboration with the Nazi

occupation were leveled against five other non-Russian nations. Using such lies as a pretext, the Soviet government also forcibly relocated these peoples to Siberia, Kazakhstan, and Central Asia, abolished their territorial administrative units, and expunged their names from official publications.

The deportation of the Kalmyks, a Buddhist-Mongol people living on the northwest shore of the Caspian Sea, occurred on December 27, 30, 1943. This action was not confined to the 107,000 Kalmyks of the Kalmyk ASSR, but to all 134,000 people residing in the European part of the U.S.S.R.

In the strategic Northern Caucasus, all 70,900 Karachai, a Muslim Turkic nation, were deported in November 1943. This was followed by the forced relocation of all 368,100 Chechens and 56,500 Ingush, and two non-Turkic Muslim peoples, on February 23, 1944. The policy ended on March 8, 1944, with the relocation of the entire Balkar nation, another Muslim Turkic people number 39,000.

Beginning in 1956 (with Krushchev's secret speech before the Twentieth Party Congress attacking Stalin and his policies), a process was set in motion by the Soviet government to rehabilitate these nations. Unlike that accorded Germans, the Crimean Tatars, and Meskhetians, however, the political rehabilitation of the Kalmyks, Karachai, Chechens, Ingush, and Balkar nations went beyond an official admission by the leadership of the U.S.S.R. that all charges of treason were false; they reinstated their respective homelands. By 1958, all the territorial administrative units of these five nations had been re-established to their pre-1943 status — a Kalmyk ASSR, a Karachai-Cherkess Autonomous Region, a Chechen-Ingush ASSR, and a Karbardino-Balkar ASSR.

As the table below illustrates (constructed by Dr.

Aleksandr M. Nekrich (Nekrich:1978:138), fifteen years of relocations and exile took a terrible toll on these nations.

**Net losses suffered by Deported Peoples  
between 1939 and 1959**  
(After Allowance for wartime losses [in thousands])  
1939 = 100%

	Population Growth normally expected as of 1959		Net Losses	
	Absolute	%	Absolute	%
CHECHENS	590	38	131	22
KALMYKS	142	7	22	14.8
INGUSH	128	38	12	9
KARACHAI	124	63	37	30
BALKARS	64	49	17	26.5

Professor Nekrich emphasizes that these figures are minimal, not maximal, estimates.

Although less draconian than that suffered by the Crimean Tatars, Soviet Germans, Meskhetians, Kalmyks, Karachai, Chechen, Ingush, and Balkars, the national identities of many other national group have also been, and continue to be, attacked by the Soviet government. One of the most important weapons at the Soviet leaders' disposal for pursuing such assaults is their power to decide which communities constitute nations and which do not.

The population of the Moldavian SSR is Romanian.

Leaders of the U.S.S.R., however, reject this reality and, instead, have proclaimed the existence of a distinct Moldavian "nation". History is rewritten to *prove* that Moldavians are not Romanians. In an attempt to permanently divide the people, regional differences, however slight, between the Romanians of Romania and those in Moldavia SSR, are reinforced and exaggerated, with new artificial ones also being created. To this end, Moscow has declared the Romanian dialect spoken in Moldavia to be a separate language — Moldavian, and has instituted policies, including replacing the Latin alphabet with Cyrillic, and introducing a Russification of the vocabulary, to insure that the *Moldavian* and Romanian languages become as mutually unintelligible as possible.

Meanwhile, in the north, the Carpatho-Ruthenia territory ceded to the U.S.S.R. by Czechoslovakia after World War II (a land whose distinct political and cultural identity Moscow originally pledged to respect), has been undifferentially incorporated into the Ukraine SSR.

Despite a shared sense of national identity, and possessing a common history (which included periods of political independence and later of local self-government), the U.S.S.R. refuses to establish a territorial administrative unit for the Cossacks, or officially recognize them as a separate community. Interestingly enough, between 1917 — 1920, Soviet Russia did establish Soviet Cossack republics as a political tactic in its war against Cossackia, an independent state created by Cossack nationalists following the overthrow of the Czar. Once the nationalists were defeated, however, all recognition was withdrawn. In addition to the liquidation of the state of Cossackia, Moscow abolished all of its own Soviet Cossack republics as well.

Then there is the case of "Russian" Turkestan. At the time of the Russian Revolution this immense territory, covering approximately four million square miles, consisted of land annexed directly to Russia by the Czars between 1715 and 1897, and two Russian protectorates — the emirates of Bukhara and Khiva. After coming to power, the Soviets waged a ten-year war against these indigenous people to retain physical control of Turkestan. This land is of vital importance to Moscow. It constitutes 19% of modern Russian territory, and possesses a strategic location from which Moscow seeks to extend its influence throughout the rest of Asia. The principle reason is the richness of its natural resources. The mineral wealth currently extracted from Turkestan is a major factor in the overall Soviet economy: coal — 45%, petroleum — 60%, natural gas — 50%, iron ore — 70%, copper — 76%, mercury — 90%, zinc — 86%, chrome — 80%, nickel — 80%, and phosphorus, sulfur, potassium, and antimony — 75% each. There are also extensive deposits of uranium, gold, silver, and platinum. Turkestan's agricultural output supplies further evidence of the economic and strategic importance of the region to the Soviet Union: cotton — 95%, raw silk — 75%, fruit — 60%, rice — 65%, jute — 100%, natural rubber — 100%, and Karakul furs — 100%.

#### State Domination and "nation killing"

To maintain effective domination, the Soviet leadership has had to attack and suppress the political and cultural identity of Turkestan. Attempts at national self-determination by the indigenous governments of Alash Orda (southern Kazakhstan) and Khokand (Ferghana Valley) were violently crushed by Soviet Russia in 1918. The lengths to which Moscow was prepared to go in order to defeat Turkestani

nationalism included the imposition of food blockades. Applied against Khokand, it resulted in the death of 900,000 people.

The ruthless attack on Turkestani identity extended to the two protectorates as well. Although treaties of friendship were signed by the Soviet leadership with emirates of Bukhara and Khiva, in which the political independence of both was recognized, each country was invaded by the Red Army in 1920. The monarchies were replaced by pro-Soviet *socialist* regimes. Four years later, both *progressive* and theoretically independent states were abolished by Moscow. These two countries, which had existed for centuries, were reorganized, along with the rest of "Russian" Turkestan, into five *nationally* delineated republics — Kazakh SSR, Kirgiz SSR, Tadjik SSR, Turkmen SSR, and Uzbek SSR.

Although repeatedly proclaimed a federation of fraternal nations, the official history of the U.S.S.R. centers on Russia emphasizing its achievements to the virtual exclusion of all others. When the histories of non-Russians are presented, they are distorted and demeaned. Even their annexations by the Czars are hailed as having been progressive acts. If not for the Czars, it is asserted, these nations would have fallen victim to the retrogressive imperialism of others — the British, the Chinese, the Ottomans, the Swedes, etc. By being annexed to Russia, on the other hand, they became part of a future revolutionary state which was to produce Lenin and the October Revolution. They were absorbed by an emerging Russian state which was neither progressive nor revolutionary in its dealings with neighboring indigenous nations. Soviet Russia proved to be as "imperialistic" as the empire it replaced.

The most effective Soviet instrument for Russification of neighboring indigenous nations remains the policy pursued for centuries by the Czars — internal Russian

migration. This *internal colonization* centers on the rich and strategic border lands in the west, and in *Kazakhstan and Central Asia*. Unless this massive attempt at demographical engineering is halted, the future outlook for the preservation of the cultural identities of the small nations, especially those in the western republics and in Siberia, is dismal indeed.

Of all the indigenous nations inside the Soviet Union, the Turkic Muslims have been one of the few to successfully resist this aspect of Russification. With a rapidly expanding population (a phenomenon project to continue for the foreseeable future), which is concentrated in their respective republics, the Muslims should be able to preserve their cultural identity. In Kazakh SSR and Kirgiz SSR they should be able to even reestablish themselves as the majority population. If present demographic trends among Muslims and Europeans continue, by the year 2000 Muslims could very well represent one-quarter of the entire Soviet population. But, can a Russian leadership of a U.S.S.R. in the process of being Russified tolerate such a threat? "No." Colonization by way of the Russian language and Russian migration is being intensified. To counteract the effects of Muslim population growth, Moscow has proposed certain policies (including longer-paid maternity leave, increased child support grants, preferential housing, and additional child care facilities) as incentives for the Europeans (Russians), specifically, to have large families.

Moscow is intent upon preventing non-Russians from evolving into a rival source of power to the Russian and Russified leadership of the Soviet Union. Official rhetoric of fraternal solidarity aside, the U.S.S.R. like its imperial predecessor, is a *prison of nations*. In its quest for *sliyanie*, the Soviet leadership is pursuing a policy of nation killing.

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# Bangladesh's Genocidal Crimes

An Appeal to Save the Chakma and other Tribe

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Spokesman

Jana Samhati Samiti

Central Committee

Chittagong Hill Tracts

May I present to you the following evidence regarding the genocidal policy of the Bangladesh Government against the indigenous nationalities of the Chittagong Hill Tracts.

A full scale invasion of tribal lands in the Chittagong Hill Tracts (CHT) by Bengali settlers has been actively promoted by successive regimes in Pakistan and Bangladesh since the late 1960s. Growing tribal resistance has been met with a hardening of official policy, the closure of the entire CHT beyond Rangamati to foreigners and journalists, and an increasing militarization of the Region.

The scale of the ensuing conflict, between the tribal peoples defending their territorial rights and the military backed invasion, can be measured in thousands of lives. Some estimates place the number of tribal deaths since the late 60s as high as 100,000. Yet the total tribal population of the CHT is only some 600,000. According to some reports, there may be as many as 85,000 military personnel currently in the CHT.

Faced with a continual and accelerating dispossession

of their lands and finding all their attempts to achieve a political resolution of their problems denounced as "secessionist", the tribals have had little alternative but to resort to violence. The *Shanti Bahini* (the "Peace Force"), formed in the early 1970s, has since waged a "secret war" against the Bangladeshi military. Indiscriminate and violent reprisals have been taken by the armed forces against the tribal villagers which have caused terrible loss of life and many tribals to seek refuge in the forested hills where they have suffered great privation.

Strict controls on tribal movements have been imposed by the military and many have been relocated into "strategic villages". Despite the closure of the area to visitors, frequent tales of bestial atrocities committed both by Bengali settlers and the military have filtered through to the outside world.

Since May 1984, the *Shanti Bahini* adopted the tactic of directly assaulting Bengali settlements established on tribal lands by the Bangladeshi government. Three separate attacks were made by the tribal forces on Bengali settlements, in late May and early June, resulting in some 200 deaths.

The attacks are the direct consequence of land conflict. Government programmes to settle some 170,000 Bengalis on tribal lands near Bhushanchara have been deeply resented by the Chakma, the most numerous tribal group in the area. After the raids, some 16,000 settler families allegedly fled their new lands, but were shortly reestablished by the military, which began fortifying the new settlements with hard defense lines. General Ershad, President of Bangladesh, visited the area a week after the first attacks and promised more aid to the settlers.

Less publicized in the Bangladeshi press have been the violent reprisals taken by the military against the

Chakma. Several hundred tribals have been killed in a number of separate attacks. On 30 June of 1984, Bengali settlers were prompted by the military to forcibly reap the Chakma's rice crops. When the tribals resisted, the Bangladeshi soldiers emerged from concealment and initiated an attack on several communities named Chota Harina, Bara Harina, Chedoa, Garjangtali, Soguri Para and Maudong. More than three hundred Chakma were murdered. Witnesses to the murder assert, "The captured tribals were divided into three groups — old and young men, elderly women, and young women. Men and old women were shot dead. The young women were raped freely, some of them were killed and some were converted to Islam."

On May 31, 1984, the 7th and 26th Bengal of 306 brigade of the Bangladesh Arm, members of the 17th Battalion of the Bangladesh Rifles, members of the Village Defence Party of the Barkal Rehabilitation Zone and Muslim Bengali settlers of the same zone initiated massacres in the villages of: Tarengya Ghat, Suguri Para, Bhushan Chara, Gorosthan, Banarupa, Bhushan Bak, Het Bharia, Goruri Para, Jarul Chari, Garjan Tali, Ludibash Chara, Ujyang Chari and Dhanu Bak. The attacks resulted in 63 deaths and one person wounded. Twenty-five of those killed were of thirteen years of age and younger, there were a number of babies among the victims. Five members of the population remain untraced, all young women of 15 to 26 years of age.

The Bangladesh Army also mounted a month-long "scorched earth" operation from 20 September to 19 October in the Gaba Chari area of the Subalong valley. Houses were burnt, crops were destroyed, harvests taken and people evicted. The following villages were razed to the ground: Bar Kalak, Hotyal Chara, Harin Hat Para, Mong Chari, Sivram Para and Bamer Subalong.

As a result of these attacks, some 18,000 tribal

refugees sought refuge in Mizoram, India. Thousands of indigenous inhabitants had been forced to take shelter in the nearby forests. Their farmlands and villages have already been expropriated by the outsider Bengali settlers.

Tens of thousands of tribal plough-land farmers have been herded into concentration camps and their farmlands have been seized for the outsider Muslim Bengali settlers. Torture, rape, starvation, lack of medical care, and even murder are commonplace in concentration camps. Life in the Joutha Khamar under the Bangladesh army is so horrible that when the Bangladesh Government proposed to set up another camp at Ghagra, near Tangamati, the local tribal people simply left their ancestral homes and fled to nearby areas. Now the Muslim Bengalis have occupied their villages and farmlands.

The Bangladesh Government is totally dependent on foreign aid. It receives huge financial help from *developed countries* and also from international organizations such as the World Bank, the Asian Development Bank, and the International Development Association. I believe that if the foreign aid is suspended then the repressive regime of Bangladesh will be compelled to reverse its anti-tribal policy and to restore the birth-right of the indigenous peoples of the Chittagong Hill Tracts.

The tribal people of the CHT are being persecuted by the fundamentally hostile Bangladeshi military junta because they are ethnically, religiously and culturally different from the Muslim Bengalis. They are as helpless as a child and they need all kinds of protection of the civilized world as a child needs care of parents. In 1980, Bengali Brigadier Hannan and Lt. Col. Salam declared at a public meeting at Panchari: "We want the soil, and not the people of the Chittagong Hill Tracts."

The actions of the Bangladeshi government are a vivid demonstration of this declaration.

The Bangladesh government has made a recent attempt to cover up the genocidal crimes committed by the Bangladeshi regime before the Fourth Session of the United Nations Working Group on Indigenous Populations (meeting in Geneva, Switzerland, 29 July - 2 August 1985). The official representative of Bangladesh, Agga Vansa Mahathera, stated in part before this body:

The Bangladesh delegation is dismayed and amazed to note that in the course of general debate in this working group efforts have been made by some to divert this body from its basic purpose and to convert it into a chamber of complaints or a tribunal in individual instances. Attempts have thus been made to present before the Working Group baseless allegations regarding the current situation in the Chittagong Hill Tracts in my country. These attempts to tarnish the image of my country through a deliberate misrepresentation of facts is unprecedented in its nature and hardly consistent with the professed sincere humanitarian vocations of those who have actually made them. The Bangladesh delegation has, therefore, no hesitation in rejecting them.

May I in this connection convey to you the position of my government on the whole gamut of issues relating to the situation in Chittagong Hill Tracts which, I hope, will help the Working Group to appreciate the existing situation in that area in its proper perspective. But, before doing that I would like to reiterate our well known stand that any attempt to define the people of the Chittagong Hill Tracts as indigenous populations is not only erroneous, but is also based on arguments having very scant respect for scientific reasoning. It is the considered view of my delegation that in defining the indigenous populations practical insight should be derived from the historical experience of those countries where racially distinct people coming from overseas established colonies and subjugated the indigenous populations. No such situation ever existed in Bangladesh where the people coexisted through recorded history with complete communal harmony. The factual situation is that the entire population of

Bangladesh falls under the category of autochthon and should be described as such in any objective analysis.

My delegation naturally fails to understand the allegations made by some in this august body regarding programmes and action (s) of my government in the area particularly the allegations implying that the policies and programmes of Bangladesh government have led to uprooting of the local people. These allegations are not corroborated by fact nor do they reflect the existing reality in the area. Infact, any movement of people to and from the Chittagong Hill Tracts is comparable to normal inter-regional migration in any other country and by no way assumed, at any point of time, and overwhelming proportion so as to cause perceptible and substantive harm to local people. The movement of people to and from this area into other areas in Bangladesh is also perfectly consistent with the basic human rights of all citizens of Bangladesh including the Tribal people who have unrestrained right to freedom of movement.

I may here also stress that contrary to what has been alleged by some in this Working Group the basic objective of the enlightened policy of the Government of Bangladesh has always been to improve the quality of life of the people of Chittagong Hill Tracts and to assist them in their endeavour to accelerate economic development. This is reflected in many initiatives undertaken by the Government of Bangladesh. In addition to the normal development activities within the framework of the Annual Development Plan, the Government of Bangladesh has thus formulated and is assiduously implementing a Special Five Year Development Plan for the Chittagong Hill Tracts area with a total outlay of Tk.2,030 million (about US\$100 million) for which special budgetary provision has been made outside the normal Annual Development Plan. The genuine desire to help the people of Chittagong Hill Tracts reflected in these special efforts have an added significance as these efforts are being made at a time when Bangladesh is faced with a very critical situation with respect to availability of resources to be employed in different priority areas.

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We were also surprised at the deliberate attempts made in some of the statements to represent in a distorted manner the law and order situation in the Chittagong Hill Tracts. Totally baseless and

preposterous allegations have thus been made about so-called atrocities perpetrated in the area. We cannot but reject these allegations categorically. Such insinuations lead us to believe that there is some basis in thinking that the tribal people are being fomented by certain foreign agencies. In this connection it was worth noting that in this august forum on Human Rights attempts were made to inject extraneous political elements amounting to interference in the internal affairs of a sovereign state which has nothing to do with humanitarian considerations relating to the people in the area.

At the risk of being repetitive, I may here underline the fact that the basic policy of the security forces in the Chittagong Hill Tracts has always been to ensure peace and security in the area and to ensure the rule of law for the benefit of the common people. There has been not attempt on the part of the government to coerce people in any way and the government has been trying relentlessly to improve conditions for all round social and economic development. Government has also announced a general amnesty for the misguided elements. These measures have been widely welcomed and even the most neutral of observers have recognised their positive impact. Following this amnesty more than 3000 misguided elements have returned to the fold of lawful activities and are pursuing peaceful professions as law abiding citizens. This development by itself speaks of the confidence now reigning in the area amidst local people about the government policies. Finally, peaceful elections in my country held barely two months ago to elect the heads of the local administration on the basis of universal adult franchise in which the people of the Chittagong Hill Tracts participated enthusiastically also convincingly exposes the real character of the allegations made before this august body about the situation in the Chittagong Hill tracts and their total irrelevance in the present day context.

The official representative of Bangladesh has made an unsuccessful attempt to cover up the genocidal crimes committed by the Bangladeshi regime against the defenceless indigenous nationals of the CHT. His statement is devoid of facts and figures and has not a leg to stand on. There is not doubt that it has



outraged not only the UN Working Group, but also the entire international community. I hope that the UNO, all human countries, and various human rights groups would take adequate measures against the Bangladesh Government for misleading the world.

## Pacific Island Independence Can Island Nations Avoid Dependence?

Sione Tupouniua

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Pacific Islanders are searching for a new way of life; a life in which we fully accept the responsibility for creating the social, political, economic and cultural institutions to suit our own particular needs. Such responsibility involves the acceptance of ourselves for what we are, and not imitating others, whether colonial rulers or neo-colonial masters. Our cultural heritage must be viewed as an asset for our development rather than a liability as commonly assumed. Not until we fully recognize ourselves for what we are can we effectively contribute to the development of ourselves as Pacific Islanders and of humanity as a whole.

But there is more to it than that. The new life demands being freed from disease, poverty and hunger; a life that does not tolerate injustice and corruption; a life in which the inborn talents of our people can develop and express themselves in ways adapted to our various cultures, past and future.

The first step in achieving these goals is political independence. This is very recent, but is now being achieved and should be complete for most of the Pacific

(with the possible exception of the French, American and Indonesian colonies) before 1980. But political independence is robbed of much of its true meaning if excessive dependence of other kinds still overwhelms the new nation: Economic dependence, military dependence, educational or intellectual dependence, or cultural dependence.

People often think of the achievement of political independence as the cutting of ties, or at least the end of subordination, from an industrial colonial power. It has that potential, but it is seldom if ever achieved in full. Sometimes it is scarcely achieved at all.

### **Military Dependence**

Military technology is now so vastly expensive and so enormous in scale that only the largest nations can be centres of major military power. In today's world nobody can be totally non-aligned, much as we may like to be. The Pacific countries and territories are very small and have no prospect of anything but associating as very small partners in military alliances. Our range of options is limited, and is mainly confined to the extent and type of association with larger powers.

The north Pacific – Guam, the U.S. Trust Territory of the Pacific Islands and Hawaii – is a direct and important part of the American military system; in fact it is dependent on military activity for most of its income and employment. American Samoa too is in that orbit. French Polynesia, New Caledonia, Wallis and Futuna are heavily involved with the French military system – which is part of the Western European military complex, which is tied indirectly to that of the United States. In French Polynesia, most of the income and most of the social and political problems are generated by the French military presence.

The rest of the Pacific Islands are seen in world

terms as the 'responsibility' of Australia and, to a lesser extent in the eastern Pacific, of New Zealand. The 'responsibility' of Australia and New Zealand is to ensure that the systems of government in the Islands are broadly compatible with the interests of the American-based military system, to see that Island air and sea bases and other facilities of potential military value are operating and usable by or for the metropolitan countries, and to ensure that public opinion and political authority are sympathetic to these countries or will at least accept their dominant role. This is achieved by supplying money, equipment, skilled staff and training – and also by orienting the thoughts, values and personal contacts of Island military leaders in the direction of Australia.

Can the Island nations of the Pacific avoid this dependence? In some form and to some extent we probably can't, but we must make every effort to keep our commitment to any outside country as small as possible, to keep our own options as open as possible and constantly to assess and use our bargaining power. Regional cooperation has both advantages and dangers in carrying this out.

### **Intellectual and Cultural Dependence**

Because English is our second language, we are linked to the English-speaking countries – and especially the U.S.A., Australia and New Zealand. This has many advantages – as our Island friends from the French territories often remind us, for they are in a tight closed relationship with one country, and have no choice. English language and culture gives us a much wider range of choice than that, and we should manipulate it to the full. But we should not be too exclusively tied to the English-speaking countries with European populations. We can lessen our dependence if we

increase our links with other Third World countries, as well as with Japan, China and other countries of Asia.

This is going to necessitate widening the range of languages taught to our highly educated young people (especially those in diplomacy, trade and higher education), sending students to a wider range of places of training, and broadening the teaching about other places and ideas in our present institutions. Our colleges and universities are far too dependent on Australia (in New Guinea especially), on America (in the north Pacific and Western and American Samoa) and on New Zealand (in all the rest of the English-speaking Islands). Their help is appreciated, but by leaning too heavily on too few ideas we are getting into a groove that vies us only one direction to go — that is, towards further subordination to and dependence on those countries.

The other main form of dependence in the islands is the foreign 'expert' — specialists in many fields from designers of hydro-electric stations to economic advisers. The last few years have seen an encouraging and widening range of persons brought in, and backgrounds they have come from. This is a hopeful sign. The Commonwealth Foundation and several other bodies are now emphasizing more contact between countries of the Third World. We must strengthen and broaden this trend.

#### **Pacific Island Economies**

The attainment of a new political and economic strategy for national control of the economy and its development must start from the existing structural and institutional situation not only within the Island states and the region, but also in the international context. More important is to understand the borders between existing national and international economies, and the

basic theoretical formulations on which they are based. These are critical to the task of creating a dynamic towards national control of the economy.

Pacific Island economies are dominated by four characteristics:

**First, the relationships between different sectors of the economy are few and limited. Most production is consumed by the grower or sold locally, and little except agricultural produce is exported. In other words, very little of the output serves as input into other sectors of the domestic economy. An input-output table shows many empty or nearly empty 'boxes'. There is very little inter-regional trade.**

**Second, there is little flexibility in resource use — especially of labour with particular agricultural or craft skills. Product mix cannot be rapidly adapted to changes in the price level so as to minimize the effects of fluctuations in real national income. As a result, variations in the price of a particular product can cause very significant losses of output and purchasing power — much more than in industrial economies.**

**Third, economic growth is primarily determined externally in the sense that foreign demand changes are central to making full use of productive capacity in the short run as well as financing large scale investments to expand capacity in the medium and the long run. High levels of investment are difficult to sustain domestically because of the absence of significant capital and of adequate technical and managerial personnel.**

**Perhaps the most important characteristic is the Fourth one. The economic and political institutions in which most economic transactions take place are in most countries of the Pacific foreign designed,**

directed, controlled and manned. Both the channels of decision-making and the advice influencing the decisions taken in the public as well as the private sector are heavily shaped by the heritage of colonialism and the present reality of economic, educational, technical and high level manpower dependence.

It is critical to realize that none of these characteristics holds true for the industrial economies, whether capitalist or socialist, which form the core of the international economic system with which our economies have to interact. Equally important is the obvious inadequacy of the main body of trade and development theory for the Pacific Island economies, as it is based on extrapolation of the 'special case' of industrial economies and its assumptions include the precise opposite of the four characteristics outlined. No analytical approach using built-in structural assumptions which seriously depart from reality can yield accurate answers to specific political, economic and cultural questions that face the development of the Pacific Islands today.

#### Strategies for Greater Economic Independence

If one accepts that the creation of independent political economies aimed at national development is a necessity for Pacific Island nations, then the freedom to achieve development depends on the clear understanding of the nature and imperative of that necessity. But, before examining the components of a strategy for development for the Pacific Islands, it is desirable to define economic independence. An economy which is said to be independent may be defined as one exhibiting the following characteristics:

1. a basic orientation of production towards meeting national demand,
2. a large capacity for the satisfaction of that demand quantitatively and qualitatively,
3. predominant staffing at all levels by national citizens,
4. the ability to engage in international economic relations on terms of relative equality.

I would, therefore, suggest eight major areas in which Pacific Island countries could aim to achieve economic independence. The first is almost of necessity national self-reliance. This basic trend must take an ideological framework in which self-reliance must be believed to be possible and desirable before real progress can be made towards its attainment. The selection of national economic strategies in the initial steps towards constructing a national, socio-political ideology and the awareness that only the citizens of Pacific Island countries are primarily concerned with their welfare and progress are the vital foundations for any coherent and sustained course of action. In the majority of cases the patterns of education and life-style of Pacific Island elites give rise to attempts to deal with Pacific Island realities in terms of the particular educational background. Partly for that reason they foster a series of illusions including that of our greater inability to take active steps towards decreasing present conditions of dependence than is actually the case.

Manpower development — the second area — is probably the most widely practiced. However, a planned strategy of localization related to reasonably careful protection of national needs and backed by an

adequate education development plain remains the exception rather than the rule. What is typical is rapid progress towards localization of administrative and secondary school teaching posts, but often in such a way as to create an elite with a literary-traditional western administrative background rather than one oriented to Pacific Island development requirements. Under such conditions, professionals, senior technicians and managers tend to be expatriates.

A third area is emphasis on rural development in a broader context than the selective encouragement of export crops only. Economic independence is not normally the primary aim of such policy; but Islanders can nonetheless significantly further such an aim if they grow more to replace food imports, and create the basic inputs for the growth of nationally-based industrialization to replace the import assembly of 'paying, polishing and packaging'.

The fourth area is closely linked to the third. It is the importance of altering the economic structure through a greater array of both home and foreign market-oriented lines of production and of emphasizing industrialization. The difficulty in evaluating our efforts so far towards a structural reformulation is the lack of reasonably well-designed strategies backed by political support. This difficulty is heightened by the fact that structural changes are, by definition, not attainable overnight, and that programmers may begin in a largely inarticulate and inconsistent form. They could of course develop into a much more coherent pattern although the reverse is not an impossibility.

Control over economic activity as a specific fifth area usually comes after experience in trying to implement political and economic policies has led to a realization of how hard it is to exert significant national leverage in the context of an open, free enterprise economy. The

aims of control are by no means solely related to economic independence. Among the commonest of such control measures are the creation of an independent central bank with leverage over other financial bodies, trade and industrial licensing, higher tariffs and control on exchange of imports.

The sixth theme is that of public sector involvement in productive activity. What we have seen in the Pacific development plans so far is that such involvement has been on an *ad hoc* basis with the overall strategy for the directly productive sectors remaining one of inducing and controlling private activity. The simple form of implementing government investment in production is by loan to indigenous private ventures.

The seventh and eight areas of national mobilization and attempts to alter income distribution patterns are closely linked. The price of a serious attempt to attain both economic independence and rapid economic development is almost certain to be austerity. The only exception, of course, would be cases in which the transformation took place under conditions of continuous primary export booms until a nationally integrated economy was firmly founded.

All indications so far suggest that it is very unlikely that any Pacific Island economies will achieve this. The acceptance of an open economy and of a political economic strategy based on encouraging broader foreign involvement in the economy might well afford at least a postponement of the date when austerity would be necessary. The need for direct resources to enhance the labour force efficiently and expand output by the small-scale former, and the need to maintain support for the government despite the absence of rapidly rising levels of material benefit distribution, require some form of national mobilization.

It seems to me that neither the *laissez-faire* nor *ad hoc* pragmatic in support of private enterprise will lead very far towards the attainment of economic independence in the Pacific Islands. Generally speaking, a shift from the first to the second might experience rapid economic growth, but has added heavy dependence on high levels of net private capital inflow to that of primary export expansion. It has notably failed to develop a significant independent domestic business or local managerial elite, and is likely to discover that both its critical net inflow of foreign investments and the continued expansion of its industrial sector are seriously prejudiced by a slow-down, let alone a toppage, in the rate of primary export growth. What is needed is a shift from a policy of *ad hoc* intervention to the more comprehensive and sophisticated form of inductive planning backed by substantial public investment in direct productive activity.

It must be asked, whether a mixed economy provides a viable institutional setting for such a strategy, or whether a transformation to a basically socialist mode of production is, under Pacific Island conditions, also essential. It is quite clear that economic development and economic independence within capitalist frameworks have been always and everywhere unattainable.

Equally, it is clear that the socialist, or a would-be socialist framework is not a sufficient condition for economic independence.

These are questions which are open to debate and ones which only Pacific Island leaders should try to answer.

The absence of an independent modern Pacific Island capitalist class appears likely to prove a fatal obstacle to any economic strategy based on capitalist leadership. Pacific Island private capitalism is increasingly becoming more dependent on foreign capitalism. Under these

circumstance, capitalism in the Pacific is most unlikely to prove to be the type of capitalism that Pacific Islanders would like. However, the case for a transition for socialism as part of the quest for national development and economic independence is indeed an important area for more creative thinking. It is along these lines that Pacific Islanders can assert that we are never too small to be free, and to share in more meaningful experience of being independent politically.

The  
Rules of War  
and  
Fourth World Nations

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During the fifteen year period between 1970 and 1985, international legislation has undergone major and significant changes recognizing the greater role being played by Indigenous Nations in international relations. These changes have also begun to be reflected in the organization and procedures of various international institutions.

In 1971, the rights of Indigenous Nations were sufficiently prominent as an issue that the Sub-Commission on the Prevention of Racism and Protection of Minorities under the United Nations Commission on Human Rights commissioned the **Study on the Situation of Indigenous Populations**. In 1975, the rights of Indigenous Nations within the territory of the United States of America were admitted to be of sufficient importance to become an issue of compliance under Principles VII and VIII of the Helsinki Final Act. The United States Government supplemented those commitments in 1979 by reporting extensively on its compliance to the Commission on Security and Cooperation in Europe. In 1977, the United Nations concluded its conference on Protocols I and II which

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have been the topic of this paper. In 1980, the United Nations Economic and Social Council authorized the establishment of a United Nations Working Group on Indigenous Populations to conduct a ten-year inquiry into international standards concerning the rights of Indigenous Nations.

The World Bank in 1982 issued a policy under the title of **Tribal Peoples and Economic Development** which has become the basis for new standards for loans to states — requiring that they provide for mitigation of World Bank project impacts on Indigenous Nations. And, in 1984, the International Labor Organization announced its intention to consider new revisions to **ILO Convention 107 — Convention on the Protection of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (1957)**. All of these reflect changes in the approach state governments have taken toward Indigenous Nations, and while not substantially altering existing international law these moves have set in motion what appears to be a growing trend toward new political openings.

Of these changes, only the changes and additions to the 1949 Geneva Conventions and the World Bank's new Indigenous Nation's policy may be said to have significance in terms of actually elevating the political status and strategic importance of Indigenous Nations. For it is in the strategic and economic arenas that Indigenous Nations have shown a presence that actually makes a difference to states and their interests. The economic and strategic security of states has become increasingly unstable, and so, when any nation takes independent initiatives which further add to the unstable climate they become a political factor with which states must deal.

Indigenous Nations have increasingly taken independent political, economic and strategic initiatives

that have had a profound effect on internal state stability, regional state relations and, indeed global state relations. Third World states, particularly, have experienced escalating confrontations with Fourth World Indigenous nations over the competing economic interests of the state versus the political and strategic interests of nations. These confrontations have been frequently escalated into full blown wars as a result of interventions (economic and military) by the Union of Soviet Socialist Republics and the United States of America, various European states like France, Britain and the states of China, Cuba, Israel and Brazil among others.

Of the two protocols adding to and revising the 1949 Geneva Conventions, Protocol I may likely have the most profound importance in the future relations between states and nations. Because of the role of international supervision and the exacting provisions concerning the methods and means by which parties to armed conflict may conduct warfare, the strategic significance of Indigenous Nations will become amplified and subsequently *regularized* within international and regional state forums.

#### \*Civilizing War

When states aggressively and violently attack one another, they are generally considered to be engaged in acts of warfare. The military leaders of these states guide and direct combat actions according to rules of war (in theory, at least) that have evolved over centuries. And, by virtue of these rules, the conduct of war is made more *civilized*.

Until the end of World War Two, these rules were thought to be adequate to ensure that warring parties would fight fairly. Changes in the technology of warfare, and the horrors and atrocities committed by



virtually all participants in World War Two – from the massacres of Jews, Gypsies and other nationalities by the Nazis to the death camps of Japan and the Soviet Union, and the atomic obliteration of civilians by the United States – combined to create widespread guilt and revulsion. The global response was to convene an international conference that subsequently produced the Geneva Conventions for the Protection of Victims of War (August 12, 1949).

The Conventions prescribe methods and means for warfare, rules for the treatment of wounded, sick and shipwrecked civilians, conditions for determining the status and treatment of combatants and prisoners-of-war, provisions for the protection of civilian populations against the effects of hostilities, and rules for the treatment of refugees and stateless persons. The International Red Cross and other international humanitarian organizations, and a third-party state are described as parties to oversee the implementation of the Conventions in theatres of warfare. States subscribing to the Geneva Conventions, and even those states that did not sign, are subject to the rules of war as spelled out in detail.

Independence movements launched by Indigenous Nations or disenchanting religious or political minorities were not covered by the Geneva Conventions. Only war between states could *qualify*.

Before and immediately after 1949, wars of liberation peppered the globe. Vietnam fought against the French as did the people of Algeria. England, Holland and Spain were also being challenged by independence movements. The Nation of Naga fought against the newly independent forces of India, while the Balukistan Nation fought the military forces of Pakistan. The Karen Nation engaged the state of Burma, Turks and Armenians battled the Soviet Union's military. China

was also engaged in conflict with the Nation of Tibet. Colonial powers which had been victorious after World War Two became embroiled in battles internally and externally with nations and groups eager to throw off the colonial bonds. Indeed, many of these armed conflicts continue to this day.

The superstructure of colonial empires had been cleaved and nations long confined saw their chance to be free. But, no sooner had the door to freedom been opened by the post-war preoccupations of the *great powers*, it swiftly shut. Indigenous Nations which had become surrounded by newly created states were denied the right to choose their own political future, and other political and religious minorities had become unwilling captives within new states. Nations and groups long encircled by states created during the 19th century and after the turn of the century also challenged the status quo.

Euphemisms were coined to describe the non-state combatants. *Insurgents, rebels, bandits, guerrillas, terrorists* and other such terms were invented as every-day terms to describe the forces fighting against the state. The use of these terms hide a cruel reality: Indigenous Nations or any other disenchanting group which attempts to defend itself against the violence of a state; or challenge the right of a state to exercise powers over it may have its combatant forces tortured and civilian populations massacred as a result of *police actions*. A state may commit genocide as long as it is battling *insurgents, or rebels*.

The modern rules of war fostered by the 1949 Geneva Conventions to safeguard the interests of victims (civilian and military) of warfare were beyond the reach of unwilling captives of a state. Whether located inside the boundaries of a state or inside a distant colony, police actions and civil conflicts were designated as an

*internal matter of the state.*

The term *warfare* was rarely used to describe the violence between Indigenous Nations and states, or between political or religious movements and states. Brutalities between warring elements had all of the characteristics of battles among states. Yet, a state encountering resistance to its animus would be accountable only to itself. Brutalities imposed on civilian populations or prisoners-of-war would be hidden behind the shroud of state sovereignty.

### REGIONAL AND LOCAL WARS ABOUND

States have been quite free to massacre civilian populations (Nigeria and the Ibo, Bangladesh and the Chakma and twelve other tribes, Indonesia and the Papuans, Timorese and Mollucans; Ethiopia and the peoples of Eritrea, Tigre and Wollo), torture captive combatants, and fear no world condemnation or even a whimper of concern. Indigenous Nations and their political organizations and the scars they bore from warfare with a state could be exhibited before the United Nation Human Rights Commission. But, no effort would be made to require state accountability; to act fairly and with some degree of civility in the treatment of prisoners of war and civilian populations. State terror against Indigenous Nations and other resistance groups has continued unabated to the present date.

By 1984, no fewer than 50 wars flared on every continent save Antarctica. (See: Occasional Paper #2 "Fourth World Wars": Ryser) The state of Indonesia alone is engaged in three wars involving West Papua, East Timor and Molluca. Nicaragua, Ethiopia, Burma, Morocco, Spain, France, Colombia, Peru, Soviet Union, Israel, Britain, South Africa, Zimbabwe, Lebanon, Kampuchea, Guatemala and Brazil are among the states

involved in armed conflicts: Wars of resistance and wars of independence. Liberation movements like the POLISARIO, Southwest African Peoples Organization (SWAPO), Palestinian Liberation Organization (PLO), Kanak Liberation Front, Asla, Eritrean People's Liberation Front and the Free Papua Movement (OPM) are among the non-state politico-military resistance groups challenging state authority.

Indigenous Nations like the Karen in Burma, Naga of India, Kalinga and Bontac of the Philippines, Chakma of Bangladesh, Pipil of El Salvador and Yanamomu of Brazil are engaged in defensive wars against states. Of the wars currently raging, some thirty-two involve Indigenous Nations as direct combatants.

None of these internal and external wars are being conducted in accord with the Geneva Conventions of 1949. Two new Protocol Agreements expanding the coverage of the Geneva Conventions to include international and internal armed conflicts, previously excluded, may change the political and military environment now hidden from world scrutiny. If invoked by non-state combatants, Protocol I and Protocol II of the 1949 Geneva Conventions may actually cause a new political dynamic to evolve between states and Indigenous Nations — one that can reduce the violence and increase the chance for peaceful settlements to evolve.

### WHAT DO THE NEW AGREEMENTS SAY?

With the encouragement of the Southwest African Peoples' Organization, and the Palestinian Liberation Front many non-aligned states took steps during the early 1970s to organize a United Nations Conference to consider improvements to the 1949 Geneva Conventions on the protection of victims of armed conflicts. On June 8, 1977 the Conference adopted Protocols I and II

and placed the documents open for signature by state governments in Berne, Switzerland on December 12, 1977.

Before the end of the twelve-month signing period, sixty-two states had signed Protocol I and fifty-nine states had signed Protocol II. In order for both Protocols to become accepted as binding international law, ratification or accession by two states was required. By December of 1978 El Salvador and Ghana had ratified both Protocols, and Libya had notified the Swiss Federal Council (the formal repository for the documents) that it had acceded to both Protocols on June 7, 1978. In accordance with the Protocol Agreements, they had become international law in 1979. As of June 1985, fifty-one countries had ratified or acceded to Protocol I and forty-four countries had ratified or acceded to Protocol II.

As the language of the Protocols indicate, both are concerned with the *protection of victims of armed conflict*. However, there is an important distinction between them: Protocol I applies to the *protection of victims of international armed conflicts*, while Protocol II applies to the *protection of victims of non-international armed conflicts*. While both Protocols are far reaching in their implications for the responsibility of belligerents in an armed conflict for the care and protection of civilian populations and prisoners-of-war, Protocol I is much more substantial. Protocol I requires international peace-keeping initiatives to become organized, and Protocol II simply imposes "rules of conduct" on the belligerent parties while leaving the responsibility for reestablishing "law and order" up to the state.

#### PROTOCOL FOR WARS OF LIBERATION

The fifty-one pages of Protocol I contains statements about definitions of parties, care and

treatment of the wounded, sick and shipwrecked; methods and means of warfare and combatant and prisoner-of-war status, protection and treatment of civilian populations, measures for executing the conventions and the Protocol, conditions under which breeches of the conventions and the Protocol are determined, regulations concerning identification: Of medical facilities, provision of emblems, use of light, radio and electronic signals, identity cards for civil defense; and identity cards for journalists on dangerous professional missions. The parties to a conflict are responsible for establishing mechanisms within their own organization to ensure compliance with all of the provisions.

#### Scope

Protocol I extends to a wide range of *international* conditions of armed conflict. As is indicated in the first part, the provisions of Protocol I apply to situations of armed conflict in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination. (Protocol I, Part I, Article 1, Paragraph 4) No fewer than fifty wars currently characterized as regional or sub-regional would fall within the scope of this Protocol. Consequently, Protocol I and the original conventions drawn up in 1949 would extend to conflicts as apparently unsimilar as the wars of Indonesia with West Papua, the Republic of Molluca and East Timor; and the Soviet Union's war against the Indigenous Nations of Afghanistan. This Protocol would apply to Nicaragua's war with the Miskito, Sumo and Rama Nations and France's war with the Kanak Nation in New Caledonia. Ethiopia's wars with Eritrea, Tigre and Wollo; Morocco's war with the Saharawi peoples (Polisario Front); the Philippine

wars against the Kalinga and Bontac peoples; Israel's war with the Palestinian peoples, and Bangladesh's war with the Indigenous Nations of the Chittagong Hill Tract Region would also be applicable under Protocol I.

Article 2 under General Provisions specifies that the Geneva Conventions and the Protocol apply from the beginning of a conflict to the *general close of military operations*. But, it notes that certain provisions remain in force until the release, and repatriation of prisoners and displaced persons, and reestablishment of normalcy. None of the parties to armed conflict may denounce or *deny applicability* of the Protocol and the Geneva Conventions *after* a conflict has begun. And, though only one of the parties may be bound by virtue of ratifying the Conventions and Protocol, and the other party is not, both are bound for the duration of the conflict. (Part VI, Articles 96,99)

#### Protecting Powers and other International Supervision

Significantly, Protocol I does not attempt to define the legal status of either the parties to an armed conflict or the status of the territory which may be the focus of the conflict. In this respect, the Protocol is neutral. But, it does allow for international measures which seek to ensure compliance by the belligerents with the provisions of the Protocol and the 1949 Conventions. One or more **Protecting Powers** may be secured through a process involving the International Committee of the Red Cross, or similar neutral party, to supervise the implementation of the Geneva Conventions and the Protocol. The Protecting Powers, once secured, have the responsibility for *safeguarding the interests of the Parties to the conflict*. (Part I, Article 5, Paragraph 1) Though this is a clearly rational approach to conflict resolution, this provision has not been invoked by any of the parties to conflicts presently raging in the world

despite the requirement that such steps must be initiated *from the beginning of any situation* of armed conflict as defined within the scope of the Protocol.

Acting as the depository for the Protocol, the Swiss Federal Council has the duty to convene a meeting (at intervals of five years) of representatives from those states which have ratified or acceded to the Protocol for the purpose of electing a fifteen member International Fact-Finding Commission. (Part V, Section II, Article 90) The Commission is established to inquire into *any facts alleged to be a grave breach* of the Protocol or the Geneva Conventions. It also has the obligation to *facilitate ... the restoration of an attitude of respect for the Conventions and this Protocol* by all parties to an armed conflict. The Commission's initiatives are to be carried out by a *Chamber consisting of seven members* including five individuals appointed from the Commission and two independent *ad hoc* members. And, any initiatives taken by the Chamber will be predicated on a request by one of the parties, and all parties to a conflict giving consent.

By virtue of this process, the International Fact-Finding Commission functions as a *quasi-judicial body*, which gathers evidence, discloses the evidence for review by all parties and permits each party the opportunity to challenge the evidence. After preparing a report on its findings, the Commission is then authorized to make recommendations to the conflicting parties for ensuring their compliance with the Geneva Conventions and the Protocol.

If a state or non-state party to armed conflict is found to have violated provisions of the Geneva Conventions or the Protocol, it is bound by the agreements to *pay compensation*, and retain responsibility for *all acts committed by persons forming part of its armed forces*.

By specifying a roll for international institutions and individual states in a supervisory capacity, Protocol I suggests that the international community is willing to accept a non-state combatant (i.e. Southwest African Peoples' Organization, the Nations of Miskito, Sumo and Rama; Free Papua Movement, the Nation of Chakma, or Kanak Liberation Front) as a legitimate sovereign to be treated with the same level of respect as a state. In no other, so-called, new international legislation has such an admission been made. In no other new international legislation is there a provision included which implicitly grants international recognition of sovereignty to an Indigenous Nation or other organized group resisting state power. This is a major change in international law which has long asserted the supremacy of state sovereignty and state power even at the expense of Indigenous Nations and other resistance groups.

#### Methods and Means of Warfare

Few individuals outside of diplomatic or military circles are aware that extensive and detailed rules have been specifically developed to guide the conduct of warfare. Despite the requirement contained in practically all pieces of international legislation that each state widely disseminate the actual documents of international agreement, few states actually do this. It should not be surprising, therefore, that little is generally known about the extent to which crimes are committed during acts of warfare.

Provisions expressly forbid attack or injury to a person or persons who have surrendered, taken prisoner or who have been rendered unconscious or incapacitated by wounds or sickness. (Part III, Section I, Article 41) Protocol I specifically addresses the status of combatants and prisoners-of-war.

Where a member of an armed force fails to abide by these rules and falls under the control of an adversary, the right to be classified as a prisoner-of-war is forfeited. The individual may then be treated as a civilian prisoner and may be tried and punished for any offenses committed.

Spies and other persons engaged in espionage are not considered to have the right to the status of prisoner-of-war. Provision is, however, made for individuals who *gather or attempt to gather information* inside the adversary's territory if they are wearing a uniform identified with his or her armed forces. In this situation, the person is considered a prisoner-of-war if captured. Individuals who participate in hostilities as mercenaries, do not have the right to prisoner-of-war status.

While engaged in actual combat, participants in armed conflict are regarded as being in compliance with the Geneva Conventions and Protocol I if they direct their military operations against military objectives and military personnel only. If, however, such military operations become directed at civilian populations or *civilian objects* the offending party is considered in violation of the agreements.

#### Protection of Civilian Populations

An often used tactic in warfare is the killing and destruction of civilian populations and their homes and property. In armed conflicts involving non-state and state combatants, civilian populations are frequently considered strategic targets because they represent material support to the armed forces. The Geneva Conventions and Protocol I pay significant attention to prohibitions in connection with civilian populations. The Rules of War expressly deny the legitimacy of attacks by armed forces on civilian populations either as

indiscriminate acts, overt acts or as acts of reprisal. Belligerents are also prohibited from moving civilian populations in such a way as to shield military objectives from attacks or to shield military operations.

Conflicting parties are required to avoid the destruction of *cultural objects* (historic monuments, works of art, places of worship), and they are enjoined from using these objects to support the military effort.

It is considered a violation of the Geneva Conventions and Protocol I for any party to an armed conflict to engage in practices aimed at the starvation of a civilian population or destruction of *objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works for the specific purpose of denying them for their sustenance value to the civilian populations or to the adverse Party.* (Part IV, Section I, Chapter III, Article 54)

Treatment of women and children is also specifically mentioned in Protocol I. Rape, forced prostitution and other forms of *indecent assault* are strictly forbidden, and if committed they are considered a violation of the Geneva Conventions and the Protocol. Assaults on children are also banned. Provision is made for the protection of journalists who are *accredited to the armed forces* or provided identification cards by the state, non-state organization or news organization.

State and non-state parties to armed conflict are obliged to grant safe passage to the International Committee of the Red Cross or other international humanitarian organizations to ensure their ability to assist civilian populations. Indeed, all parties to a conflict are required to furnish assistance to humanitarian organizations (i.e. Red Cross, Red Crescent, Red Lion and Sun among them) as they carry

out their efforts to aid civilian populations and refugees.

#### PROTOCOL II: "Internal Conflicts"

Many wars between states and non-state interests are being prosecuted solely within the boundaries of an established state. These wars are thought to involve *dissident armed forces* with whom, presumably it is thought that future reconciliation with the state is possible. Protocol II extends certain provisions of the 1949 Geneva Conventions to these situations. Emphasis is placed on *humanitarian principles* and *fundamental human rights protections*. Virtually all aspects of armed conflict within the framework of warfare are absent from Protocol II, as distinct from Protocol I. But, it is clear that many of the same obligations imposed on belligerent parties by the Geneva Conventions remain in tact as they relate to the treatment of prisoners, protection of the wounded, sick and shipwrecked, and the protection of civilian populations.

The circumscribed character of Protocol II does suggest a narrowing of applications, but, it does have the potential for modifying the political and military behavior of both state and non-state parties to armed conflict. But, because of its limited scope, it is unlikely that many contemporary or future conflicts will have this Protocol applied to them.

Furthermore, because of its narrow scope, few parties to whom the Protocol would apply would be able to invoke its provisions since their access to international institutions and the state are, by definition severely restricted. But, surprisingly, despite these limitations Protocol II is generally considered the most controversial of the two agreements. Signatory states, and states which have ratified or acceded to Protocol I have demonstrated greater reluctance and more reservations toward Protocol II. The Philippine government willingly

signed Protocol I, and with Vietnam, Greece and Cyprus failed to sign Protocol II. Vietnam and Cyprus ratified Protocol I with seventeen other states, but they were unwilling to ratify Protocol II. Similarly, thirty-two states acceded to Protocol I though only twenty-seven acceded to Protocol II. Included among the thirty-two states acceding to Protocol I are Mexico, Mozambique, Zaire, Syria, Cuba, Angola and Zaire. These states were unwilling to agree to Protocol II.

Signature, Ratification and Accession provisions for Protocol II are the same as for Protocol I. The Protocol is exactly the same as Protocol I where provisions for amendments, denunciations, modifications and entry into force are concerned.

#### Nations must Act

Before a change in relations between nations and states can become a reality, Indigenous Nations must initiate steps in accordance with the Geneva Conventions and their Protocols to invoke provisions of the agreements within the responsible forums. In addition, Indigenous Nations must take steps to formally review and ratify the accords, register their agreement with the Swiss National Council and notify the relevant international institutions. While this latter step is clearly not stipulated by the protocols specifically in terms of Indigenous Nations, there is no provision in either protocol limiting the definition of **High Contracting Party** to states. Indigenous Nations can become High Contracting Parties to the Geneva Conventions and the subsequent protocols on their own initiative.

By becoming a party to the Geneva Conventions and the Protocols, and by invoking the provisions of particularly Protocol I, Indigenous Nations can, perhaps

decidedly, cause a shift in the balance of power in their current conflicts with states. By causing such a political shift to occur, Indigenous Nations can, for the first time, introduce impartial international parties (i.e. International Red Cross and Protecting Powers) as legitimate supervisors of the conflict, and potential parties to facilitating a peaceful settlement of the conflict.

Without the invocation of impartial parties, and without the benefit of enforceable international rules of conduct, Indigenous Nations are left to the currently "protected" will of state powers. With the imposition of the Geneva Conventions in current armed conflicts, both states and Indigenous Nations will have a structure and a forum through which peaceful alternatives to the conflict can be formulated — in accordance with standards accepted by state and national peers.

Furthermore, new mechanisms can be evolved through internationally sanctioned institutions which can assist in the resolution of seemingly unending and growing conflicts between Indigenous Nations and States which currently have no such forums. Political alternatives to the intractable confrontations may be possible if—and-only—if the actual reasons for armed conflict can be aired.

These potential peace-making alternatives can be substantially enhanced by the prospects that civilian populations will become protectable in accordance with internationally accepted standards. Indigenous Nations have suffered extensive deprivations at the hands of state terrorism under the guise of *police actions* or civil actions to establish law and order. Were the thirteen Indigenous Nations of the Chittagong Hill Tracts Region of Bangladesh to invoke the Geneva Conventions and Protocol I, the State of Bangladesh may have second thoughts about its transmigration program and police



actions which have resulted in the destruction of hundreds of indigenous villages and the killing of in excess of 200,000 Indigenous Nationals since 1972. Similarly, Indonesia may reconsider its unfettered attacks on West Papua, the Republic Of Molluca and East Timor which have resulted in an estimated killing of 300,000 Indigenous Nationals since 1969. The State of Nicaragua may reconsider its persistent attacks on the Nations of Miskito, Sumo and Rama; and Ethiopia, Morocco and the Soviet Union may reconsider their attacks on Indigenous Nations.

So called regional wars, may become manageable according to accepted international law if Indigenous Nations took the initiative to invoke the Rules of War now ratified by many states. Super powers and secondary powers which choose to intervene in nation and state wars to protect what they consider to be their strategic interests may be restrained if they saw that an alternative to their intervention was possible.

As has always been the case, Indigenous National initiatives in the international arena are essential to the changing of violent conditions which surround them. Perhaps, if Indigenous Nations will take the initiative to embrace the Geneva Conventions and Protocols I and II, they can not only shift the balance of power in relations between nations and states, but they can significantly alter the anarchic climate created by self-interested super powers to establish important alternatives to the resolution of conflict within states and regions of the world. It is possible that the smallness of Indigenous Nations is not a disadvantage to affecting international change, but rather the most important advantage that large states do not enjoy. The political and strategic opening which is apparent by the existence of Protocols I and II may be the first real opportunity available to Indigenous Nations since the

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beginning of the colonial era to once again become full members of the family of nations – joining states on an equal plain.

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