25TH ANNIVERSARY OF THE CHT PEACE ACCORD

Implementing the CHT Accord for a non-communal Bangladesh

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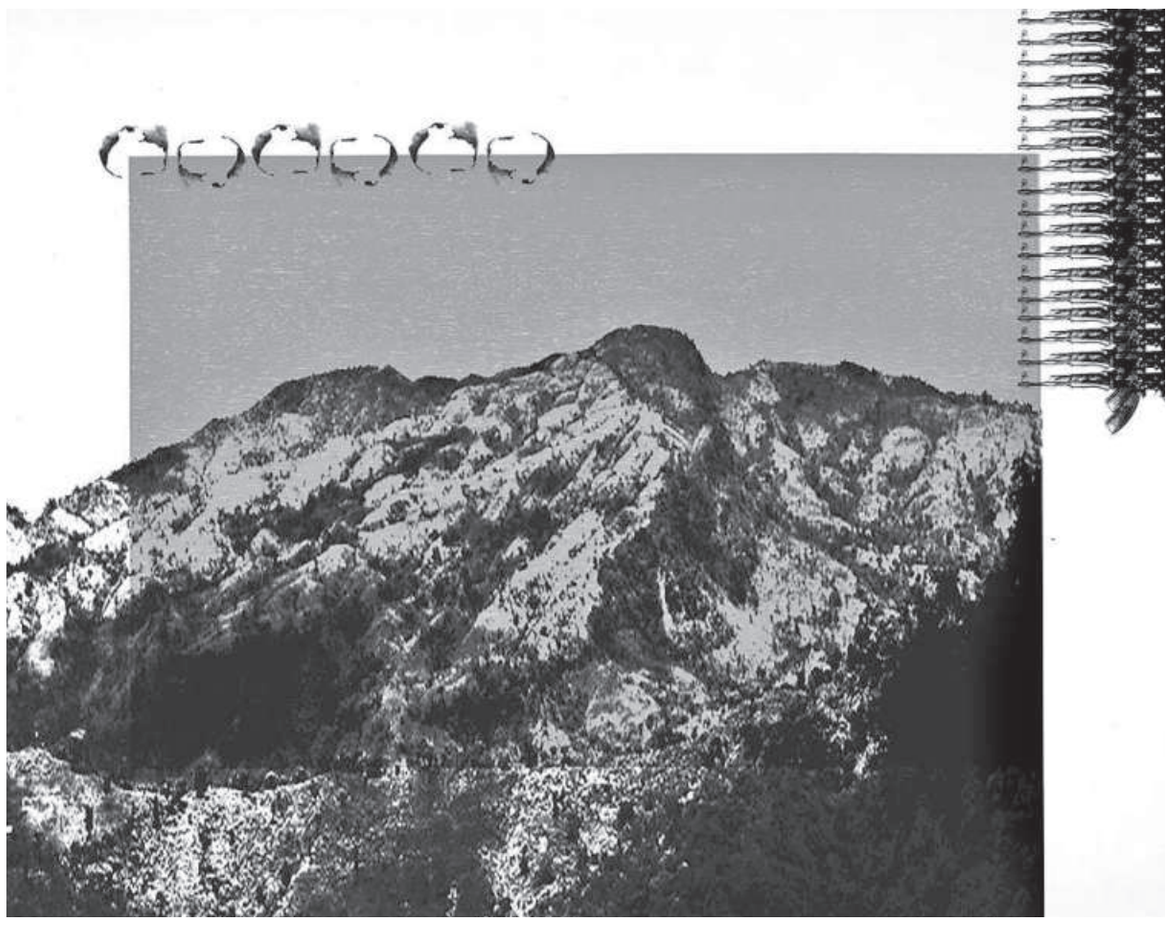

ILLUSTRATION: **KAZI TAHSIN AGAZ APURBO**

Government officials at the Chittagong Hill Tracts (CHT) are probably organising ostentatious public celebrations on the occasion of the 25th anniversary of the signing of the 1997 CHT Peace Accord. Local performers are likely participating in the fanfare with a heavy heart. My sympathies lie with the reluctant celebrators, civil and military functionaries, and others.

The 1972 Constitution of Bangladesh did not acknowledge the country's Indigenous peoples. The newly-inserted Article 23A – added in 2011 – refers to them as "tribes, minor races, ethnic sects and communities." The racist and discriminatory underpinnings of these terms continue to bewilder jurists, human rights practitioners, anthropologists and those so named.

The hill peoples of the CHT prefer to self-identify as Indigenous or *Adibashi* (*Adivasi*) and find these strange new terms, as a whole, to be pejorative. The *Adibashis* epitomise some of the clearest manifestations of the pluricultural and multilingual heritage of Bangladesh. Article 23A refers to their "unique local culture and tradition."

The orna and teep episodes

You may have heard of the teep incident of April 2, 2022. Dr Lata Samaddar of Tejgaon College in Dhaka, a Bangalee Hindu woman, was subjected to verbal abuse by a policeman. Her "fault"? She was wearing a teep. The policeman had apparently thought that he was dealing with a Muslim woman. But it was still not within his charter of duties to act so, irrespective of the religious affiliation of the teep-wearer.

Similarly, Pahari and Bangalee women have been harangued in the CHT region, at security check-posts, for not wearing a dupatta or orna. Many hillmen were similarly taken to task for going around in shorts. Why? Because it was "indecent" and against the "culture" and "society" of Bangladesh. One wonders, what if it were Bangalee or Pahari men wearing dhoti or *nengti* (loincloth)!

The volte-face through the 2011 constitutional amendments

The judgments of the Supreme Court in the Bangladesh Italian Marble Works Ltd (2010) and the Siddique Ahmed (2011) cases declared void, illegal, and unconstitutional the laws passed by the martial law regimes under Gen Ziaur Rahman and Gen HM Ershad. This paved the way for the re-secularisation of the Constitution towards its original moorings.

The *putsch* of August 1975 brought in fundamental reorientations in ideology, political economy, law, and administration. It led to the creation of both cordial and discordant relationships with nations, peoples, and communities – within and outside Bangladesh. We are still suffering from the hangovers of some of these flings and forays.

Although the provisions on socialism (Articles 8 and 10) were revived in 2011 – which was so in letter, and not in spirit – those on secularism, including anti-communalism, were brought back in a fragmented manner, denying or eschewing the spirit of 1971. The provisions on state religion (Article 2A), except for acknowledging the non-Islamic religions, is not harmonious with the spirit of Articles 8 and 12, particularly 12D, which commits Bangladesh to eliminate "any discrimination against, or persecution of, persons practising a particular religion."

In applying the aforesaid constitutional provisions into the context of the teep, orna/dupatta, and shorts incidents mentioned above, it will be unequivocally clear to any student of constitutional law and human rights that the acts of the concerned security personnel, in telling a non-Muslim Bangladeshi citizen that she cannot wear a teep or that she is obliged to wear a dupatta or orna, are violently contradictory to the secularism-related clauses of the Constitution.

Similarly, to tell a female Muslim Bangladeshi that she has to wear a dupatta or orna or that she cannot wear a teep, and to tell a male or female Muslim Bangladeshi that he or she cannot wear shorts, while his or her non-Muslim counterparts can, is equally contradictory to the letter and spirit of Articles 27 and 28(1) of the constitution, which say, "All citizens are equal before law and are entitled to equal protection of law" (Article 27); "The state shall not discriminate against any citizen on (the) grounds only of religion, race, caste, sex or place of birth [Article 28(1)]." Moreover, Article 2A provides, "The state religion of the republic is Islam, but the state shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions."

A pluralist Bangladesh and the implementation of the 1997 Accord

The CHT is one of the few places in Bangladesh where you can see secularism, multiculturalism, and anti-communalism in daily practice – at least where local institutions and citizens are concerned.

I have never heard of instances in the CHT where a woman was questioned on her choice of wearing a burqa or hijab or teep, irrespective of her ethnic or religious affiliations. The orna and shorts incidents were recent events, at the instance of security forces personnel, whether at the personal initiatives of the personnel concerned or under direct orders of their superiors. In both cases, the actions concerned are violations of constitutional provisions and are seriously problematic regarding religious freedom and communal harmony in the country and discipline and professionalism within a state security force.

If the CHT Accord of 1997 were implemented fully and faithfully, the security personnel would not be required to man so many check-posts on CHT roads, let alone deal with attire, make-up and the like, which, in any case, are not within their legal mandate nor within that of other law enforcement or security agencies of the government – neither in the CHT nor elsewhere in the country. If such blatantly discriminatory acts multiply, or at least continue in the CHT, they bode ill not only for the identity and integrity of the hill peoples of the CHT, but for the practice of secularism and non-communalism in the country as a whole.

The implementation of the 1997 Accord is not only about the revival of peace and self-governance, about culture and identity, and rehabilitation, among others. There are actually many other benefits that would accrue to Bangladesh as a whole through the implementation of the agreement.

Firstly, the Indigenous peoples' role in land and forest management would help ensure the protection of forests, headwaters of rivers and biodiversity (most of the CHT rivers originate within Bangladesh, unlike in the plains). Secondly, communal and anti-secular militant groups would be unable to use the CHT territory to challenge the sovereignty of Bangladesh (very recently, armed Islamist groups are believed to have killed military officials in Bandarban district). Thirdly, the international boundaries with India and Myanmar would be more stable and secure. That would also be in the long-term business and commercial interests of the country. The hill peoples of the CHT could act as ambassadors of goodwill for the country in improving commercial and social relations with their kith and kin, with whom they have been estranged by hard state-delineated boundaries that make no sense in today's world.

The irony of FIFA weaponising pro-migrant, anticolonial, leftist discourse

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To launch the World Cup in Qatar, FIFA president Gianni Infantino held a press conference where he freestyled a bizarre, 1.5-hour-long rant.

The opening salvo of the speech was headline-grabbing, wherein Infantino declared, "Today I feel Qatari. Today I feel Arab. Today I feel African. Today I feel gay. Today I feel disabled. Today I feel [like] a migrant worker." Upon being reminded of the existence of women, he said he felt like one, too. Gianni understands the discrimination these demographics face, apparently because he had been bullied as a child for having red hair. Luckily this is no longer a problem for him, but he also bears the scar of growing up a minority in Switzerland: "Plus, I was Italian, so imagine."

Imagine, indeed, the pain of being Italian and having to make do with Swiss cheese. It certainly qualifies Gianni to know what it's like to visit a country where a man can't book a hotel room with his husband. Though, perhaps to better get a sense of what it's like to be a migrant worker in Qatar, Gianni could try getting electrocuted, dehydrated, or falling from a great height. He needn't worry too much about that last one: some Bangladeshi workers who fell during the construction spree presaging the Qatar World Cup survived! Blinded for life, true, but you must look on the bright side of life. Which, I suppose, you can't if you've been blinded for life.

Behind the noise of Gianni's general incoherence, there are a few salient points that emerged from his address.

The first and most obvious point behind his discourse: please do not be mean to Qatar, which is represented here as a bullied child. The primary reason for Gianni to ask everyone to lay off Qatar is, unfortunately, not addressed (the reason is startlingly vast sums of money.) Instead, he attempts to dissemble by arguing that Qatar is a state with its own values which need to be respected, that Qatar is open to changing and doing better on LGBTQ rights and worker conditions, and Qatar is a state that faces tremendous international scrutiny because of its oil reserves. The West, Gianni argued, is hypocritical for wanting so much from Qatar while at the same time wagging its collective finger at an Arab, Muslim nation and demanding that it change its ways of life to suit Western values.

In Gianni's worldview, Qatar is not a naughty child, but rather a child that's trying to do his very best and needs to develop at his own pace. There is an irony to challenging Orientalist discourses of the Middle East by continuing to infantilise Qatar; but Gianni seems immune to irony.

Qatar has indeed made progress on workers' rights, in that they've curtailed some of the more sinister systems they had in place and have proudly announced that, unlike *The Guardian*'s exposé of 6,500 worker deaths in 2010-2020, only 300 people have actually died in World Cup-related construction. In our current post-irony world, 300 deaths are not just acceptable, but exemplary and definitely prove that not giving Qatar the hosting rights in 2010 would have been racist and that there was no massive amount of bribery involved. Please, stop bullying the child with these accusations.

One of Gianni's more stunning statements was, "I think for what we Europeans have been doing the last 3,000 years we should be apologising for the next 3,000 years before starting to give moral lessons to people." He argued that Western states were in no position to critique Qatar's record on migrant workers' rights, because at the very least Qatar was giving such workers space to participate legally in the economy instead of preventing migration.

Before anything else on this: as of 2021, Qatar hosted 197 refugees. In total. Its cup doth not runneth over with the milk of human kindness.

The weaponisation of pro-migrant, anticolonial, leftist discourse in support of Qatar's hosting of the FIFA World Cup, by the FIFA president himself, represents the apogee of ironic, self-deluded hogwash.

The West has a history of hypocritical, holier-than-thou moral intervention across a world that it has despoiled and debased through colonialism, and which it now continues to prey upon via corporations and international institutions such as FIFA – which partner with authoritarian regimes for mutual business interests that ultimately exploit, maim and kill brown and black workers. It is also at the same time true that the economies of the Gulf are victims of a Western discourse which Benjamin Smith called "Market Orientalism," wherein their every economic action is viewed as suspicious, incompetent, and self-aggrandising.

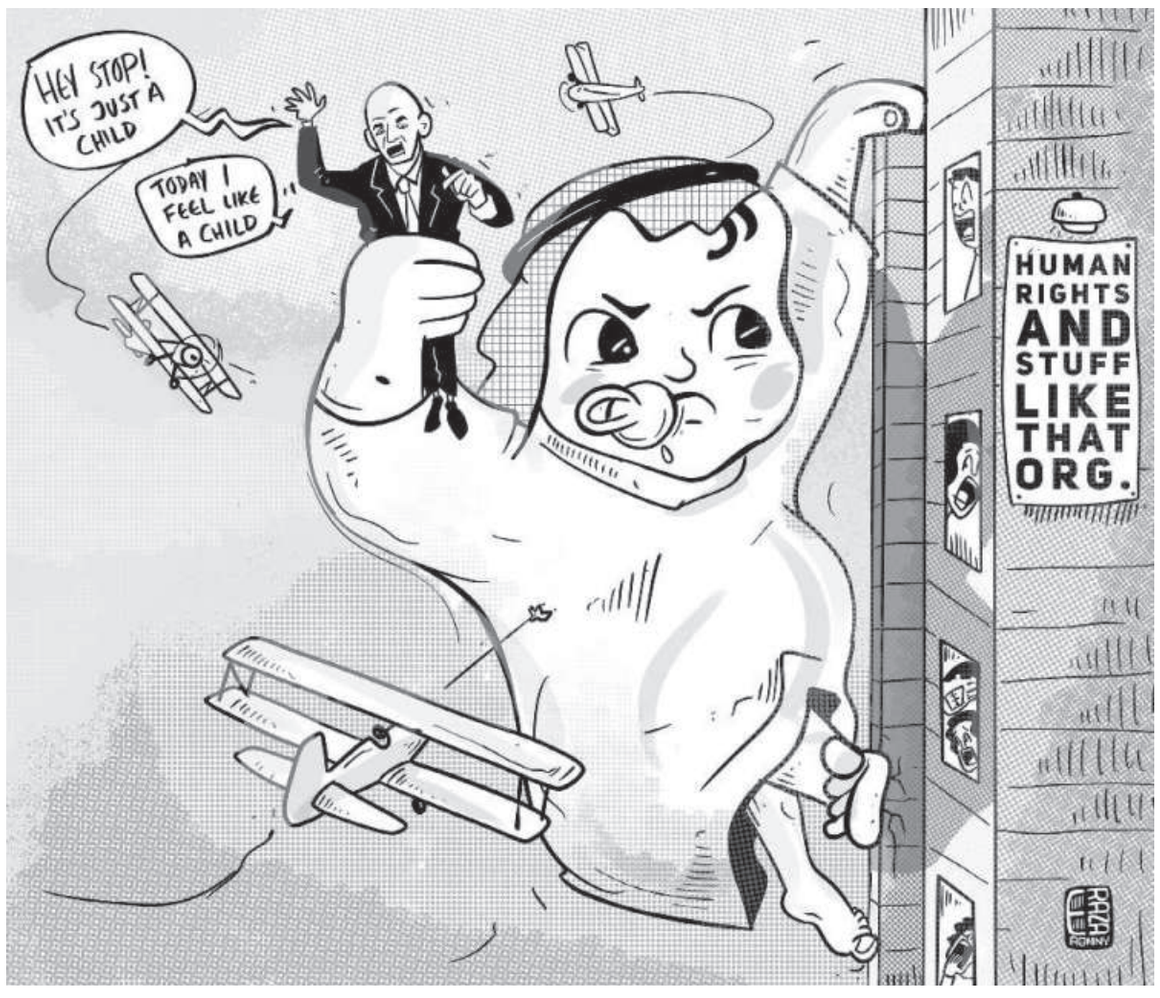

ILLUSTRATION: **EHSANUR RAZA RONNY**

There are cogent points to be made regarding whether or not Qatar's record of workers' rights really does stand up as uniquely terrible, and how much of the backlash against Qatar hosting the World Cup is rooted in Orientalist imaginations of despotism and cultural backwardness – points that must be made with the awareness that Qatar does deserve most of such criticism.

However, at the end of the day, we can never erase the deaths of 6,500 workers (it would be further violence to those dead to instead take seriously the number 300 which is being waved at us by Qatar.) The human cost should not prevent us from having nuanced conversations about Qatar, but we cannot arrive at a position where these deaths and maimings can be forgotten; they certainly cannot be presented as hypocritical Western pearl-clutching. Nuance cannot restore a man's sight.

More insidiously, in the same way in which Gianni presented the Qataris as children while defending them (by arguing that concern for migrant rights is Western hypocrisy), he engages in the silencing of the migrant workers themselves, who indeed have important things to say about their own exploitation. Many Western news outlets have reported the failures of Qatar and investigated the rotten house of cards called FIFA that has allowed this blood-stained football tournament to take place. And many of these Western news outlets are doubtlessly hypocritical. We have also spoken, here in Bangladesh and across the world, but Gianni does not address us, nor our grievances.

We cannot afford his speaker's fees.