



General Assembly

Distr.: General
28 August 2013

English only

Human Rights Council

Twenty-fourth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by France Libertes: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Current status of the CHT accord and human rights situation in the Chittagong Hill Tracts of Bangladesh*

This submission is all about on burning issues raging through the Chittagong Hill Tracts (CHT) where its indigenous inhabitants (collectively known as Jummas) of 11 different ethnic groups are battling hard to hold on to their identity. The submission mainly focuses on the unequal confrontation the indigenous peoples in the CHT are facing with in dealing with the ruling elite at the center in matters of their rights to their ancestral lands, self-governance, free, prior and informed consent, land-civil-political rights violations in the backdrop of extensive militarization.

Bangladesh ratified the ILO Convention No 107 on Indigenous and Tribal Population in 1972 but yet to ratify its updated version ILO Convention No 169. The Bangladesh Government does not consider the Jummas of the CHT and other ethnic, linguistic and cultural minorities to be indigenous as the 15th amendment to the constitution decreed all residents of Bangladesh as Bengalis refusing to recognize the ethnic and cultural identity of the indigenous peoples.

The Army maintains a heavy presence in the CHT (1 soldier per 40 civilians in the CHT as against 1 soldier per 1750 civilians in the plains of Bangladesh: Ref. IWGIA, 2012, Report No. 14, P.46) though there is no insurgency or state of emergency. Still there are around 400 security camps across the CHT in addition to 6 full-fledged military garrisons in a region (CHT) of only 5093 square miles. 'Operation Uttoron' was promulgated in 2001 authorizing army to interfere with the civil administration. The military personnel in the CHT are often accused of abetting illegal seizure of land by settlers with impunity and human rights violation by them is generally overlooked. Their continued presence in the CHT, thus, leads to further weakening of the civil administration as it results in undue securitization of functions that normally fall within a civil mandate.

For the last 16 years the government continues to show lack of political will to settle the CHT issue. There has not been any real progress in the implementation of the main provisions of the Accord especially such issues as the preservation of the tribal inhabited character of CHT region, effective enforcement of the three Hill District Councils (HDCs) and the CHT Regional Council (CHTRC) Act, resolution of land disputes through Land Commission, rehabilitation of (India) returnee Jumma refugees and internally displaced Jumma people (IDP), withdrawal of temporary army & security camps and 'Operation Uttoron'. Crucial subjects like land administration and management, supervision of law and order, local police, forest administration etc still await to be transferred to HDCs. The delay in doing so deprives HDCs from having a say in the governance and policy formulation of the region.

Article 23(A) of Bangladesh constitution (following the 15th amendment to the constitution in June 2011) provides for protecting the unique culture and tradition of the tribes, minor races, and ethnic sects. However, cultural rights alone cannot guarantee the survival as distinct people. The definition of nationalism from a 'mono ethno-cultural' perspective (Article 6(2) of the 15th amendment to the constitution declares all residents of Bangladesh as Bengalis denying recognition to ethnic and cultural identity of the indigenous peoples) thus further impairs the entity of the indigenous peoples. It is also a denial of basic values of pluralism and diversity that is observed in the Universal Declaration of Human Rights.

* The International Jumma Voice, Chittagong Hill Tracts Citizen Committee (CHT-CC), Bangladesh, International Council for the Indigenous Peoples of Chittagong Hill Tracts (ICIP-CHT), Canada NGOs without consultative status, also share the views expressed in this statement.

In 2012, 540 families in the CHT faced eviction threats from land grabbers. 13 Indigenous Mro families in Bandarban Hill District left their village as their lands were grabbed by outsiders. In June 2013, 22 Chak families were thrown out of their lands by a Bengali land grabber in the same district. More than 11 corporate bodies occupied thousands of acres of lands recorded and owned by indigenous Jumma and permanent Bengali residents in CHT with no action from the administration. 1871 plots with an area of 46,750 acres were leased out to non-resident people for plantation. In addition to 2,18,000 acres of land notified for acquisition by the government for afforestation in 1982, another 31,000 acres of land were earmarked for acquisition in Rangmati Hill District for creation of new reserve forest. Bengali settlers alongside continue grabbing indigenous lands. Relocation of population from the plains to the hills, building of military installations/facilities/tourism, promotion of commercial plantations, and various other measures and policies are put in place which dispossess indigenous peoples of their lands and resources narrowing their habitat and threatening their survival.

The government went back on its words as it fell short of pushing through 13 (out of 23 tabled by the CHT Regional Council) amendment proposals in the CHT Land Dispute Resolution Commission Act 2001 as was agreed in the Tripartite Meeting between the Land Ministry, CHT Ministry and the CHT Regional Council. These amendments were aimed at removing inconsistencies of the Land Commission Act 2001 with the provisions in the CHT Accord 1997. In the Central Cabinet Meeting held on 3 June with the Prime Minister in the chair, only 10 amendment proposals were placed by the Law Ministry for approval.

Continuing human rights violations, marginalization and abuse by state and non-state actors in the CHT and a climate of fear and insecurity still pervades the entire region. Violent crimes including rape, killings, grabbing of lands, arson have increased alarmingly in recent days and the perpetrators are rarely booked. Violence against indigenous women has become a matter of grave concern as its perpetrators enjoy absolute impunity due to lack of access to justice. 55 indigenous women and children in the CHT were subjected to violence in 2012. Of them, 14 indigenous women and children were raped. 4 indigenous women were killed. In addition, attempts to rape were made on 12 indigenous women while 2 women were abducted. Besides, 33 indigenous women were physically assaulted, harassed and molested. The perpetrators were Bengali settlers and members of security forces. The incidents of human rights abuse against indigenous peoples in the CHT shot up as well in 2012 compared to the previous year. 6 people were reported to have been killed and dozens were either arrested or detained throughout the year while scores were subjected to torture or intimidation and around 200 indigenous houses were demolished. A total of 4 communal attacks were carried out on indigenous communities in the CHT. It is reported that Bengali settlers committed most communal attacks in the CHT where security forces played a role either passively or collaboratively. No perpetrator of the said communal attacks was arrested by the administration. Moreover, 165 people fled and took shelter in the neighboring state of India during brutal communal attacks on indigenous villages in Matiranga upazila under Khagrachari district. On 3 August 2013, hundreds of settlers attacked 5 indigenous villages in the same sub-district. They torched 35 houses, vandalized and looted around 200 houses and about 2000 indigenous villagers crossed over to India for shelter despite the fact that there was security camp close by. This is the fifth such attack in the area since January 2013.

Recommendations:

- Declare a roadmap for the full implementation of the CHT Accord;
- Relocate the transmigrated non-indigenous settlers outside the CHT with secured livelihood opportunities;

- The government declares a definite time-frame for the withdrawal of temporary security camps as provided in the 1997 CHT Accord and operation “Uttoron”. Set up a local police force in the CHT and the authority over the police be transferred to the HDC.
- HDCs and CHTRC and the Traditional Institutions be able to function freely and effectively, in accordance with their statutory, conventional and customary laws on land management, administration and dispute resolution.
- Set up an independent and impartial commission of enquiry to investigate into allegations of gross human rights violations in the CHT and try the perpetrators to end the culture of impunity.
- The government should amend the Land Commission Act 2001 as agreed in the Tripartite Meeting in 2012.
- Intelligent services should stop considering the expression of legitimate concern at the CHT situation as a threat to national security.
- There is an urgent need for a constructive dialogue to start at the political level to put an end to CHT crisis.
- Confidence building measures among all Bengalis and indigenous peoples be initiated by the government and civil society actors.

Endorse the UN Declaration on the Rights of Indigenous Peoples and to ratify ILO Convention No. 169 on Indigenous and Tribal peoples.
