

Chittagong Hill Tracts Commission

Co-Chairpersons:

Sultana Kamal, Elsa Stamatopoulou
Myrna Cunningham Kain

Members:

Shapan Adnan, Lars-Anders Baer, Tone Bleie
Victoria Tauli-Corpuz, Bina D'Costa, Hurst Hannum
Yasmeen Haque, Sara Hossain,
Muhammad Zafar Iqbal, Khushi Kabir
Michael C. van Walt van Praag, Iftekharuzzaman

Press Statement

The International CHT Commission is concerned over the risk of indiscriminate displacement of Mro people from several villages by the reportedly upcoming new five-star hotel in Bandarban and calls for immediate cancellation of the project and selection of more community-secure sites based on Free Prior and Informed Consent for any tourism projects in the Chittagong Hill Tracts

November 2, 2020, Dhaka: The International Chittagong Hill Tracts Commission is very concerned by reports of the construction of a five-star hotel in the Chimbuk-Thanchi area of the Bandarban district of the Chittagong Hill Tracts (CHT) as it will directly displace poor Mro villagers from three villages around the project site and threaten to displace villagers from five other villages. The Dhaka Tribune newspaper report (dated September 12, 2020) cites a press release which states that the 24th Division and the 69th Brigade of Bangladesh Army, the Army Welfare Trust and R&R Holdings Limited, a concern of Sikder Group, are jointly implementing this project to construct the Marriott Hotel and Amusement Park in Nilgiri, or thereabouts, between “Nilgiri” and Chimbuk, in Bandarban. The hotel and amusement park would be on the Chimbuk-Thanchi route, 47 kilometres southeast of Bandarban district town, and the facility is being built under a 35-year lease and profit-sharing agreement between the Army Welfare Trust and R&R Holdings Limited.

The CHT Commission has also received a copy of a petition to Prime Minister Sheikh Hasina from Mro villagers residing in Kaprupara, Dolapara, Erapara and Chimbuk Pahar calling for a halt to this construction. The Mro people have pointed out that the proposed construction will directly displace poor Mro villagers from three villages and threaten to displace villagers from five other villages. They have outlined how Mros of Bandarban have already lost a lot of land in Bandarban and the construction of this hotel will further add to their woes.

The land in question is held under customary law, by the people of the mauza, for their own use. Transfer of such land to any individual or corporate entity can only take place in accordance with the CHT Regulation 1900, read with the Bandarban Hill District Council Act 1989 (as amended in 1998), which incorporates the customs, practices and usages of the peoples and communities of the areas concerned, which have been expressly recognised by post-CHT Accord laws, including the CHT Regulation (Amendment) Act 2003 and the CHT Land Commission Act 2001 (as amended in 2016).

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It is very concerning that such a massive corporate project is being undertaken in Bandarban when the CHT Land Commission is yet to begin functioning and resolve land disputes in the area. The most important priority for the government in the CHT in terms of the 1997 CHT Accord is to ensure that all land related disputes are resolved before leasing out any land, including for tourism-related and other externally conceived, owned and implemented projects.

Even after the resolution of land disputes, any further leasing of land for tourism purposes need to be channeled through the Hill District Council and CHT Regional Council as per the CHT Accord, in addition to the usual process of obtaining the Free, Prior and Informed Consent of the concerned community, through the medium of the concerned village karbaris and mauza headmen.

Land grabbing in Bandarban in the name of corporate tourism and other profit-making businesses has been going on for many years now. In addition to that, according to the 1997 CHT Accord, the military in the CHT should have removed all its temporary camps from the entire region apart from the six main garrisons. Instead of pulling away from the CHT the military seems to be expanding its presence through various interventions, including “security reasons” and tourist projects, and getting even more involved in civil administration matters than it is expected and mandated to be so doing, after the conclusion of the CHT Accord of 1997.

There have been several allegations against the military of occupying lands in Bandarban and elsewhere in the Chittagong Hill Tracts, without adhering to the terms of the 1997 CHT Accord and without showing concern for the consequences of their actions on the local Jumma villagers and their right to land and livelihood. Moreover, most, if not all of such actions are alleged to be in violation of the concerned laws, including the CHT Land Acquisition Regulation, 1958, the CHT Regulation, 1900 and the Hill Districts Councils Acts, 1989 (Acts 19, 20 and 21 of 1989), along with the customs, practices and usages as recognised under the aforesaid laws.

In this case, the army welfare trust is also collaborating with a controversial corporate company - R&R Holdings Limited (Sikder Group) - to construct a five-star hotel, which has harsh, long-term consequences for the lives and livelihoods of the indigenous people living in Bandarban, particularly the Mro. Press reports suggest that neither the military authorities nor the Sikder Group (including R&R Holdings) has the right, title, and interest in sufficient degree to enable it to engage in tourism activities of the nature as envisaged.

Reports of the Bandarban Hill District Council having transferred the necessary title and/or interest, in the form of consent, or otherwise, to the military and/or Sikder Group and its affiliates, have no legal basis because the Council does not have the legal title to the concerned land in the first case, and can provide consent only if there is a valid title in the first case.

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Informal reports from reliable sources suggest that as recently as of 29-30 October 2020, members of security forces have been threatening the mauza headmen and other traditional leaders of the area to provide their recommendations and other support, forthwith, in favour of the concerned project, or face dire consequences.

The security forces stationed in the CHT are mandated to maintain security in the region and to implement the provisions of the CHT Accord of 1997. They do not have the mandate to engage in commercial activities, including tourism, in alliance with private corporations, or otherwise. This is a conflict of interest, and contrary to the Constitution of Bangladesh, the laws of the CHT and international human rights norms.

The CHT Commission also points out that Bangladesh is bound to respect its International Law obligations, including ILO Convention 107 on Indigenous and Tribal Populations that Bangladesh has ratified as well as the UN Declaration on the Rights of Indigenous Peoples. These human rights instruments clearly provide that indigenous and tribal peoples must not be removed from their lands without their free, prior, and informed consent.

The CHT Commission is proposing the following recommendations:

- The proposed hotel project in the Chimbuk-Thanchi route should be immediately abandoned and a more appropriate location acceptable to the local community be identified for tourist project in consultation with local stakeholders as well as the CHT Regional Council and the Bandarban Hill District Council.
- The Land Commission must be made functional, provided with all necessary resources, so that it can begin the work of resolving all land disputes in the CHT, including through the passage of the CHT Land Commission Rules, as advised by the CHT Regional Commission.
- In the meantime, all land leases for commercial purposes should be put on hold until the Land Commission resolves all land related disputes in the CHT, including regarding the leases granted to non-resident individuals, organizations and other corporate bodies, for rubber plantations, horticulture and establishment of industries.
- Where land acquisition is essential for the interest of the public, no land should be taken in addition to the amount of land necessary for the purpose required, and for public purposes.
- The people whose land will be taken through acquisition should be provided with appropriate compensation, alternative land, and complete rehabilitation.

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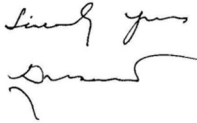
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- The compensation and rehabilitation of all evicted families should be taken into consideration during land acquisition, especially in case of the land of the hill people who do not have any government documents, though they have customary land rights.
- Tourism-related construction projects should not be undertaken without the consultation with, and the free, prior and informed consent of, the concerned communities, and of the CHT Region Council and the Hill District Councils.
- All the clauses to the 1997 CHT Accord should be implemented in full and without any further delay.

On behalf of the CHT Commission,



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