

5 October 2010

## Press Statement

The International CHT Commission (CHTC)<sup>1</sup> conducted a mission to Bangladesh from 4 to 10 September 2010, including a visit to the Chittagong Hill Tracts<sup>2</sup>. The purpose of the mission was to assess the overall political developments related to the CHT Accord and follow up on issues raised in the CHTC's memo to the Prime Minister following its visit to the CHT in June 2010 (June memo appended).

Although the CHTC has been heartened by the Prime Minister's repeated assurances that the full implementation of the Accord is a personal commitment on her side, there is concern from various groups about the slow progress of implementation in general and the controversial activities of the Land Commission in particular.

Before the visit to the CHT, some of the Mission members met with the Minister for CHT Affairs, the Minister for Land, the Minister for Law and the Minister for Foreign Affairs to discuss the current state of affairs. The Ministers acknowledged that the work of the Land Commission is at a standstill and CHTC members were informed that there would be an inter-ministerial meeting, and subsequently a series of meetings to bridge the misunderstandings amongst the different parties. There has been no headway in initiating an independent investigation into the February arson attacks in Baghaihat and Khagrachhari and CHTC members were not informed as to whether there was anything imminent. There still seems to be disagreement between the administration and the Pahari leaders about whether to first carry out a

---

<sup>1</sup> The CHTC has the following mandate: "To promote respect for human rights, democracy and restoration of civil and judicial rights in the CHT in Bangladesh, including examination of the implementation of the CHT Accord of 1997. The CHT Commission will build on the work by the first CHT Commission. (1990-2001)." The CHTC is composed of concerned experts from inside and outside Bangladesh. The members are (in alphabetical order): Dr. Shapan Adnan; Lord Eric Avebury (CHT Commission co-chair), Vice-Chair Parliamentary Human Rights Group, UK; Mr. Lars Anders Baer, Former President of The Sami Parliament, Sweden; Ms. Victoria Tauli Corpuz, former Chair, UN Permanent Forum on Indigenous Issues; Mr. Robert Evans, Member of the European Parliament; Ms. Sara Hossain, Advocate, Supreme Court of Bangladesh; Professor Muhammed Zafar Iqbal, Shahjalal University, Science and Technology, Sylhet, Bangladesh; Ms. Sultana Kamal (CHT Commission co-chair); Dr. Ida Nicolaisen (CHT Commission co-chair), Senior Researcher, Nordic Institute of Asian Studies, Denmark; Mr. Lee Swepton, former Senior Advisor on Human Rights of the International Labour Organisation (ILO); Mr. Hideaki Uemura, President, Shimin Gaikou Centre, Japan.

<sup>2</sup> Participants in this CHTC mission during 4-10 September 2010 included: Dr. Shapan Adnan, member of the CHT Commission; Mr. Lars-Anders Baer, member of CHT Commission; Ms. Christina Nilsson, coordinator of the international secretariat and Ms. Hana Shams Ahmed, coordinator of the local secretariat of the CHTC.

# Chittagong Hill Tracts Commission

land survey or settle the disputes pertaining to land. As a review of the Constitution is currently on-going, the Mission members raised the issue of constitutional recognition of the indigenous peoples. There seems to be divergent views on the acceptance of the term 'indigenous peoples' within the government. However, in this regard, the CHTC recalls that Bangladesh has ratified the ILO's Indigenous and Tribal Populations Convention, 1957 (No. 107) earlier, which implies that it has already accepted that the Convention applies to the indigenous peoples of the Chittagong Hill Tracts.

In view of the annulment of the fifth and seventh amendments to the Bangladesh Constitution, and the government's interest in reverting back to the secular spirit of the 1972 constitution, all Pahari political and citizen's groups of the CHT have renewed their demands for incorporating provisions on their distinctive identity and rights in the expected constitutional amendments.

The mission members visited Rangamati and Khagrachhari and spoke to various civil society and political groups and enquired about the current situation. A list of all the groups contacted is appended below.

All the civil society groups spoken to in the CHT and in Dhaka expressed high expectations from the present Awami League government but at the same time said that the non-implementation of many critical clauses of the Accord as yet has resulted in deep disappointment amongst them.

Lawyers from the three Hill districts informed the mission members that there has been a lot of irregularities, including use of fraudulent signatures of government officials on important issues. Giving examples of rubber plantation leases that have been approved or re-activated by the Hill District Administration, the lawyers explained how a lot of irregularities in the process of authorization have taken place. Leaders of the Movement for Forest and Land Rights in the CHT also brought up various incidents of land fraud by non-resident and non-local individuals and organizations. The Pahari groups stressed that land administration matters need to be immediately transferred from the Deputy Commissioner's office to the Hill Districts Council, as per the 1997 CHT Accord. The groups also argued that until the Hill Districts Council elections were held as per the Accord, many of the problems of land dispossession of the indigenous peoples would continue.

The most worrying concern on the indigenous peoples' minds has been the counterproductive outcomes of the functioning of the Land Commission under its present Chairman. There are still strong objections and misunderstandings among the indigenous groups regarding the way in which the Land Commission has been made to operate unilaterally by the Chairman, without the participation and consent of the Commission's Pahari members. The indigenous groups fear that if a survey is carried out before the settlement of disputes arising from illegal occupation of their

## Chittagong Hill Tracts Commission

lands, most of the indigenous people will become landless as many of them do not have formal documents pertaining to rights to the lands that they have been occupying under customary law. Leaders of the indigenous peoples of Bandarban told the Commission about their experience of being evicted from their lands as well as their apprehensions about potential evictions in the future. They reported hearing about plans by the armed forces to build tourist resorts on a large scale on lands over which the indigenous peoples have held customary rights for many generations.

Concerns were also raised about implementation of proposed action plans and recommendations for the CHT through the establishment of a 'Strategic Management Forum', as reported in the national press (5 July 2010) with reference to the Prime Minister's Office.

While the CHTC mission members were about to hold a discussion with Pahari groups on 9 September 2010 at the Upajati Thikadar Samity building in Khagrachhari, several police and military intelligence officials attempted to come inside the meeting room. The mission members objected to their presence since this would intimidate the Paharis and would also constrain them from speaking openly and frankly to the Commission. However, these agencies still insisted on keeping the door of the meeting room ajar and positioning one of their members just outside the door to observe the Commission's discussion with Pahari participants and take notes. They also wanted the Commission to give them the names and addresses of the Paharis attending these meetings, but this demand was firmly resisted.

The Pahari groups from the Baghaihat-Sajek area informed the mission members that there had been no further arson attacks and violence upon them after the incidents of February 2010. However, the army has been constantly keeping watch and harassing them since then. The indigenous people reported being intimidated by the continued surveillance of army patrols through all hours of the night. They are still not being allowed to take their produce directly by river to their preferred markets. Instead, they alleged that army personnel are forcing them to download their goods from their boats at Baghaihat bazaar and employ Bengali settlers to re-load their goods on surface transport for onward transshipment. All sections of the indigenous peoples of the CHT expressed their sense of increased insecurity arising from the decision to deploy the much-feared Rapid Action Battalion (RAB) to the region, over and above the continuing military surveillance and intimidation to which they are already subject.

# Chittagong Hill Tracts Commission

**Co-Chairpersons:**  
Sultana Kamal, Lord Eric Avebury, Ida Nicolaisen

**Members:**  
Shapan Adnan, Lars-Anders Baer  
Victoria Tauli Corpuz, Sara Hossain  
Muhammad Zafar Iqbal, Lee Swepton  
Robert Evans, Hideaki Uemura

## Recommendations

In view of the findings of the mission, the CHT Commission recommends that the following actions be taken immediately by the government and other concerned parties:

1. Include provisions in the Constitution of Bangladesh during its expected amendment which would give explicit recognition to the distinctive identity, culture and rights of the indigenous peoples.
2. Institute a high level independent enquiry to make a detailed and impartial investigation into the arson attacks and killings in Baghahat and Khagrachhari town in February 2010.
3. Amend the CHT Land Dispute Settlement Commission Act 2001 in accordance with the articles of the CHT Accord and the recommendations put forward by the Regional Council, and ensure that all future decisions of the Land Commission are made with the agreement of Pahari leaders who are members of the Commission.
4. Undertake a phased withdrawal of temporary military camps in the region in accordance with the CHT Accord, so as to restore normalcy and full civilian administration in the region, including the unfettered role of the CHT-specific institutions: the Regional Council, the Hill District Councils, and the traditional institutions of the Chiefs, Headmen and Karbaris.
5. Implement all clauses of the CHT Accord in full and declare a clear process and timeline for doing so, and establish the agencies and departments necessary for the effective implementation of the Accord.

On behalf of the CHT Commission

*Yours sincerely*  
*Eric Avebury*

Eric Avebury  
Co-chair of the  
CHT Commission

*Sincerely yours*  
*Sultana Kamal*

Sultana Kamal  
Co-chair of the  
CHT Commission

*Yours Sincerely*  
*Ida Nicolaisen*

Ida Nicolaisen  
Co-chair of the  
CHT Commission

# Chittagong Hill Tracts Commission

**Co-Chairpersons:**  
Sultana Kamal, Lord Eric Avebury, Ida Nicolaisen

**Members:**  
Shapan Adnan, Lars-Anders Baer  
Victoria Tauli Corpuz, Sara Hossain  
Muhammad Zafar Iqbal, Lee Swepton  
Robert Evans, Hideaki Uemura

## List of persons and agencies with whom meetings were held by CHTC members:

Minister for CHT Affairs, Mr. Dipankar Talukdar  
Minister for Land, Mr. Rezaul Karim Hira  
Minister for Law, Barrister Shafique Ahmed  
Minister for Foreign Affairs, Dr Dipu Moni  
German Deputy Head of Mission, Mr. Rolf Dieter Reinhard  
Dutch Deputy Head of Mission, Ms Doris Voorbraak, and the Political Secretary, Ms Anja Roelofs.  
Swedish Ambassador, Ms Anneli Lindahl Kenny  
Danish Ambassador, Mr. Svend Olling  
CHT Regional Council Chairman, Mr. Jyotirindro Bodhipriyo Larma  
Chakma Circle Chief, Raja Devasish Roy  
Jana Samhati Samity (JSS)  
Bangladesh Adibashi Forum General Secretary, Sanjeeb Drong  
Civil society of Khagrachhari  
CHT Citizen's Committee  
Movement for Forest and Land Rights in the CHT  
United Peoples Democratic Front (UPDF)  
Somo Odhikar Andolon, Rangamati  
Bhumi Rakkha Committee, Sajek  
Sajek Nari Samaj  
Adibashi Odhikar Shongrakkhon Committee  
Lawyers from Khagrachhari, Rangamati and Bandarban

**Bangladesh Secretariat:**  
10/11 Iqbal Road, Mohammadpur, Dhaka-1207  
Phone: +88-02-9146048, Fax: +88-02-8141810  
E-mail: chtcomm@gmail.com

**International Secretariat:**  
C/O IWGIA, Classensgade 11E, 2100 Copenhagen, Denmark  
Phone: +45 35 27 05 00, Fax: +45 35 27 05 06  
E-mail: cn@iwgia.org

**[www.chtcommission.org](http://www.chtcommission.org)**