

Permanent Forum on Indigenous Issues 10th session

May 16th to May 27th, 2011

UN Headquarters, New York, NY

Global Indigenous Peoples Caucus Statement

Agenda Item 8: Special Rapporteur's study on the status of implementation of the Chittagong Hill Tracts Accord of 1997

Presented by Andrea Carmen, International Indian Treaty Council

The Global Indigenous Peoples Caucus welcomes the report of the Special Rapporteur on the status of implementation of the Chittagong Hill Tracts Accord of 1997 and warmly thanks Mr. Lars Anders Baer for this important work.

We also express our solidarity with the Indigenous Peoples of the Chittagong Hill Tracts, thank the Permanent Forum for their attention to this critical situation, and recommend ongoing follow-up and oversight by the Permanent Forum regarding implementation.

One of the key provisions of the UN Declaration on the Rights of Indigenous Peoples, which all states including Bangladesh now support, is Article 37 affirming that "Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements."

Further, the preamble of the Declaration emphasizes "the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world"

We highlight these essential provisions as directly relevant to the continued failure of Bangladesh to fully implement of the Chittagong Hill Tracts Accord of 1997.

For example, according to the Chittagong Hill Tracts (CHT) Accord, all of the approximately 500 temporary military camps in the CHT, with the exception of border guard camps and 6 cantonments, were to be withdrawn in phases. We are very concerned to learn that only 71 camps have been withdrawn in the 14 years since the accord was concluded and that the military has expropriated 1000s of additional acres of land to expand or construct military camps and facilities throughout the CHTs.

In addition, on the basis of the 2001 executive order for "Operation Uttaran," the military has continued aggressive "anti-insurgency" operations and intervened in virtually all aspects of civil administration. Military operations in indigenous villages have led to violence against innocent villagers. In addition, rape, sexual violence, and other forms of assault continue against

Indigenous women in violation of a number of human rights instruments, including CEDAW, ICERD and article 22 of the UN Declaration. Indigenous Peoples have called attention to the oppressive culture of impunity throughout the CHTs.

The Global Indigenous Peoples' Caucus also expresses concern that although a special autonomous governance system was to be established on the basis of the CHT accord, to this day, none of the administrative powers, such as general administration, law and order, local police, and land administration, have been transferred to the hill district councils. Further, administrative measures required by the government of Bangladesh to enable the Indigenous Regional Council to perform the intended "supervising and coordinating" role over hill district councils and the local administration have not been implemented. As a result, the local administration continues to issue leases for vast amounts of land to influential outsiders without consulting the Indigenous headmen and circle chiefs as required.

In response to this ongoing critical situation, we make the following Recommendations:

1. That the UNPFII recommend to the government of Bangladesh to withdraw all temporary military camps, and end the de-facto military rule under "Operation Uttaran."
2. That the UNPFII urge the government of Bangladesh to end the culture of impunity and punish those responsible for arson attacks, torture, sexual assault and other human rights abuses in the CHTs, and also provide safeguards for the independence and functions of the judiciary in the CHTs.
3. That the UNPFII recommend to the Government of Bangladesh to transfer all stipulated authorities to the Hill District Councils and Regional Council and to pass an Act of Parliament to give legal force to the transfer of powers.
4. That the UNPFII recommend that the United Nations Department of Peace Keeping Operations establish a robust human rights screening mechanism to prevent military personnel guilty of human rights violations at home from participating in the UN peace-keeping operations in other countries.
5. Finally, to reiterate two previous proposals made at this session by Indigenous Peoples, that the UNPFII include in its future work a comprehensive discussion on Indigenous Peoples' understanding and interpretation of Treaties, Agreements and Other Constructive Arrangements, and that the UNPFII support work for 3rd UN Seminar on Treaties, Agreements and Other Constructive Arrangements which could invite the Indigenous Peoples of the Chittagong Hill Tracts and the government of Bangladesh to provide updates and progress on the full and effective implementation of the 1997 Accord.

Thank you.