

13th Session of the United Nations Permanent Forum on Indigenous Issues
UN Headquarters, New York, 12-23 May 2014

Joint statement by
Binota Moy Dhamai
on behalf of
Bangladesh Indigenous Peoples Forum
International Work Group for Indigenous Affairs (IWGIA)
Asia Indigenous Peoples' Pact (AIPP)

Agenda Item 3: Special theme: "Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46"

"Study on best practices and examples in respect of resolving land disputes and land claims"

First of all I congratulate you madam Chair for your election as the Chair of the Permanent Forum.

We thank you Permanent Forum and Member Raja Devasish Roy for the study on best practices and examples in respect of resolving land disputes and land claims, and the consideration of the CHT Land Dispute Resolution Commission (Bangladesh).

The land disputes in the Chittagong Hill Tracts (CHT) of Bangladesh are among the most contentious issues between the Government of Bangladesh and the indigenous peoples. Even after more than 16 years of signing of the 1997 CHT 'Peace' Accord indigenous people continue to lose their lands to settlers, the military and the private corporations.

Despite the CHT Accord, there have been a number of arson attacks on indigenous peoples' homes during the last 16 years. Many of these attacks have been attributed to land disputes. In many of these attacks there have been allegations that the law-enforcers failed to protect the indigenous people and may even have been complicit by playing a silent role during the attacks. This has forced many indigenous people to flee their ancestral homes and made the lives and livelihoods of those that stayed on deeply insecure.

The Land Dispute Resolution Commission Act 2001 which is a guide to settling these disputes has a number of clauses that contradict the CHT Accord. In 2013 the Government in an inter-ministerial meeting in principle agreed to the 13 amendments proposed by the Chittagong Hill Tracts Regional Council and the Ministry of Chittagong Hill Tracts Affairs and approved by the CHT Peace Accord Implementation Committee. Not all of these amendments were properly included in the version of the bill introduced to Parliament in June 2013. Among them are the exclusion of the word "practices" and "occupied land".

The word "practices" (usages) is the most important in terms of land management and administration in the CHT. Considering this importance, CHT Accord of 1997 stipulates to resolve land disputes by the Land Commission in accordance with the existing laws, customs and practices in the CHT. However, the government inserted only "existing laws and customs" excluding the word "practices."

In addition, the 13-point amendment proposals also recommend omission of the proviso of Sub-section 6 which says that this sub-section shall not be applicable in case of reserved forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the

government or local authorities. This proposal has not been incorporated in the amended Bill of 2013, which was adopted by the cabinet on June 3. If this proviso is retained in the Land Commission Act, then most of the land disputes will remain unresolved.

The CHT Accord also provides scope to cancel such lands, including fringe land given for settlement or occupied in violation of the existing laws, customs and practices in the CHT. However, the government excluded the words "or occupied" in the amended Bill of 2013. Despite land disputes of returnee refugees, there is a huge amount of forcibly occupied land in the CHT. So, if the words "or occupied" are not inserted in the Act, most of the land disputes will remain unresolved or out of jurisdiction of the Land Commission.

It is very important for the Government of Bangladesh to pass the Bill on the amendment of the CHT Land Dispute Resolution Commission Act 2001 ensuring that all thirteen points are endorsed by parliament.

It is important to have a credible, transparent and operational land dispute resolution process to end the conflict in the CHT and restore the land rights of the indigenous people there. It is the only way to end land grabbing and ethnic domination in the CHT.

By ensuring the full and appropriate functioning of the Land Commission the Government of Bangladesh will have the opportunity to garnish its international image and provide quick, inexpensive, fair and sustainable remedies for land disputes in the CHT and potentially providing a model for other countries to replicate. This will also provide the opportunity for the Government to ensure implementation of the 1997 CHT Accord, which has been in its 2009 as well as 2014 election manifesto.

I thank you for your kind attention!