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Indigenous Issues**

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

Joint statement by: Wasfia Nazreen (Ain o Shalish Kendro, ASK: Ecosoc-accredited national NGO), supported by International Environment Network (IEN)

Thank you, Madame Chairperson and warm and respectful greetings to all.

I feel privileged and honored that I, as a Bengali, can add voice to the plight of the indigenous peoples of my land. However, a part of me also feels ashamed that I come here, as a Bengali, whose fellow people have been, and continue to carry out ethnic displacement, land grabbing, human rights violations, rape and other forms of violence against the Indigenous People, or the Jummas, in Chittagong Hill Tracts for over four decades now.

Before going into further details on our position on the Indigenous People, I want to respond to a few points made by Honorable Iqbal Ahmed, First Secretary of Bangladesh Mission.

First, Mr. Ahmed starts by stating that Bangladesh has no "indigenous people", and instead he uses the phrases "ethnic minority" and "tribal people". This is the same position that has been taken by Bangladesh Government, both during the tenure of Bangladesh Nationalist Party (2001-2006) and during the current tenure of the Awami League (2009-present). In addition, the Ministry of CHT Affairs has also insisted on using phrases like "small ethnic groups", which brings into question the intention of the Ministry officials as well. Yet IP of Bangladesh have insisted for last decade that these terms are insulting, limiting and not acceptable to them, and continue to campaign to have themselves recognized as "Indigenous People" in the Bangladesh constitution. Therefore, we categorically reject Mr. Ahmed's position that CHT is not an issue for this UN Forum. We respectfully request Bangladesh government to recognize this as an issue of Indigenous People, above and beyond all other definitions.

Second, Mr. Ahmed lists the various steps taken towards implementation of CHT Accord, but puts the responsibility for non-implementation on "non cooperation by IP leaders". But, we would respectfully disagree with this interpretation and point out that Bangladesh Government has not taken these steps in a sincere fashion. For example the Land Commission is not accepted by the IP leaders because the current Commissioner has become very controversial due to his exhibited pro-Bengali bias, including his insistence of holding Land Survey, which would codify illegal holding of land by Bengali settlers.

Third, Mr. Ahmed, gives examples of some statistics of development, but neglects to mention that the primary beneficiary of these are the Bengali settlers, who were once

4% of the population of CHT, but through Settler program of last three decades have become more than 50% of the population, turning the indigenous people into a disappearing people in their own land.

We want to thank Mr. Lars Anders Baer, for his in-depth Study on the status of implementation of the Chittagong Hill Tracts Accord of 1997. We, both the indigenous and supportive non-governmental delegates from Bangladesh, completely agree with Mr. Baer that one of the main causes of conflicts affecting indigenous peoples is the lack of recognition of indigenous peoples' rights, include land and resource rights.

Violation of human rights of Indigenous Peoples is, unfortunately, a common occurrence in Bangladesh. In most cases, it is the military and security forces that perpetrate them, and in others, impoverished Bengali settlers brought over to "colonize" the CHT are used as "human shields".

ASK strongly holds that full implementation of the 1997 CHT Accord is mandatory. At the same time, ASK recognizes that fundamentally, it is NOT the ultimate measure. Its main aim is to restore a just peace, de-militarize the region, provide for rehabilitation, and set the stage for CHT-specific institutions to pursue their self-determined development. But such development efforts can hardly start unless the basic problems are addressed. ASK believes that affirmative actions and special measures are necessary (not special rights) to ensure that the rights of Adibashis are guaranteed. Special attention is also necessary to accumulate and bring together all the scattered clauses of existing treaties and declaration that may benefit them.

The 1997 Accord agrees to keep Six Cantonments (or Army Garrisons) in the CHT: Khagrachari, Rangamati, Bandarban; Ruma, Alikodom, Dighinala. The Accord requires that the Temporary Army Camps (almost 500 at height of conflict) are withdrawn. Yet the current situation is that most of the Temporary Army Camps are still deployed in the area. The Army officer outranks their civilian counterpart in each region of CHT. Therefore, in any government meeting in the area, the civilian officer at the meeting is outranked by his military counterpart. The region has, in effect, de facto military rule. There are no other regions that have so many garrisons. The only other Garrisons in Bangladesh are in Dhaka, Savar, Comilla, Bogra, Rangpur and Chittagong. There are many districts in Bangladesh that do not have a single cantonment, while each CHT district has two permanent cantonments and scores of temporary camps. In total, a quarter to a third of Bangladesh's total Army is said to be in CHT, which is only 10% of the country's landmass.

Also, it is not only about presence, but the role of the army that is the issue. The problem is that members of the Army often behave like an army of occupation, on perpetual war footing. ASK demands for participation rights and a democratic process where civilians have voices. As long as the military remains in CHT, Bangladesh cannot boast on being a democratic nation.

During the many arson attacks perpetrated against the indigenous peoples in the last few years, there have been incidents when Buddhist temples have been burnt down and Buddha statues smashed to the ground. Several studies show that construction of Buddhists Temples or meditation centers remain paused with intimidation from the State military. Even more to the arson attacks, during some of the most recent attacks including February 2011 in Longadu, February 2010 in Baghaihat and August 2008 in Sajek, Bengalis have reportedly brought out Buddha statues from burnt Temple compounds and beat the statues up, in an effort to permanently destroy the spirit of the hill people, majority of who's trust remains in Lord Buddha and in power of non-violence.

During one of the most recent attacks, Survival International reported on 21st April that, "The army and police allegedly refused to allow a relief team, carrying supplies for the Jummas, to visit the affected areas. Mr. Rabi Shankar Talukder who was leading the relief team, said, 'They want the victims to die without food and shelter'." This is clear violation of basic human rights and humanitarian norms. If this is not the perfect example of systematic racial cleansing, then what is?

We demand a thorough, independent and impartial investigation done on the recent carnages. As long as security forces are there in hundreds of temporary camps outside of the specified cantonments – they may continue to serve as nothing but direct ammunitions for intimidation and discrimination and a safe sense of home will elude the CHT. Therefore, the withdrawal of all army camps in the area, which has been allowing the advancement of Bengali settlers onto indigenous land, rather than preventing it, is mandatory.

We urge our Bangladesh government to speed up its efforts into implementing the CHT Accord that it had signed 14 years ago. The PM of Bangladesh, honorable Sheikh Hasina, had won UNESCO award for just 'signing' the Peace Accord. Perhaps the international community can discuss other prizes to be awarded to the government of Bangladesh for now 'implementing' the peace accord. The Awami League, had promised clearly in its 2008 20-point election manifesto: to fully implement the CHT Peace Accord and to safeguard the rights of IP.

Recommendations:

To the Government of Bangladesh:

- The Special Rap on Indigenous Peoples, the Special Rap on Violence against women, the Spec Rap on Religious Intolerance, in addition to other relevant Special Rapporteurs should be invited to visit Bangladesh, including the Chittagong Hill Tracts, to investigate alleged cases of violation of human rights under their respective mandates.
- ASK further recognizes that safeguarding guarantee of Peace accord is essential and the Accord needs to be endorsed. Building upon the safeguarding process, local governments can participate in peace building in order to eradicate the mistrust that has built over time.

- ASK recognizes that special emphasis on women, rights related identity crisis is essential, as women and children are the worst victims

To the UNPFII

In line with its previous recommendations on the matter, the UNPFII address the cases of impunity, should request the UN Department of Peacekeeping Operations (DPKO) to establish a screening mechanism to ensure that perpetrators of human rights from Bangladesh and else where, are not allowed to participate in UN peacekeeping operations.

To the National Human Rights Commission, Bangladeshi Human Rights Organizations and International Human Rights Organizations

To prosecute violators of human rights of indigenous peoples in the CHT and elsewhere in Bangladesh in the national courts of Bangladesh, in the International Criminal Court (Bangladesh is a party to the Rome Statute) and in other relevant forum.