

Intervention by

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On behalf of Kapaeeng Foundation and Bangladesh Indigenous Peoples Forum

Agenda Item 7

Special Rapporteur's study on the status of implementation of the Chittagong Hill Tracts
Accord of 1997

Thank you, Madame Chair, distinguished Government delegates, honorable indigenous sisters and brothers,

I, on behalf of Kapaeeng Foundation, a national human rights organisation of indigenous peoples and Bangladesh Indigenous Peoples Forum, national platform of indigenous peoples, congratulate Mr. Lars-Anders Baer, the Special Rapporteur, for his authentic and excellent report on the Study on the status of implementation of the CHT Accord of 1997.

Though the government of Bangladesh signed the CHT Accord with indigenous political party PCJSS in 1997 implemented few provisions of the Accord, but as Mr. Lars-Anders Baer says "thirteen years have passed since the signing of the CHT Accord, yet many of its provisions remain unimplemented".

Due to non-implementation of the CHT Accord, indigenous Jumma women are deprived of their basic rights including representation of indigenous Jumma women to three Hill District Councils.

The CHT Accord has provided for reserved seats for women and indigenous women in both the CHT Regional Council and Hill District Councils (HDCs), but the provisions still remain to be implemented due to non-holding of election to the HDCs in the post-Accord period. Consequently it has deprived indigenous Jumma women of their rightful participation in these councils. Interim HDCs continue to be formed by only nomination from the ruling party. As a result, HDCs function without any accountability to the people.

Due to non-resolution of land disputes, Bengali settlers enjoy the impunity to grab indigenous lands with support from a section of civil and military administration and indigenous women often fell victim to this land grabbing spree. Continuation of de facto military rule code named 'Operation Uttoron' in CHT contributes to committing gross human rights violation on indigenous peoples including sexual violence against Jumma women.

For the sake of security and safety of indigenous Jumma women, withdrawal of all temporary army camps as required by 1997 accord, immediate resolution of land disputes, rehabilitation of Bengali settlers outside CHT, effective functioning of special governance system are the call of the hour.

Another crucial issue is constitutional recognition of CHT laws enacted as per CHT Accord. For the sake of constitutional safeguard, CHT Regional Council Act and three Hill District Council Acts enacted as per CHT Accord should be included in the First Schedule to the constitution to ensure that they are protected laws notwithstanding other provisions of the constitution.

It is worth mentioning that Government of Bangladesh frequently says, Bangladesh does not have any "indigenous population". Co-chairman of Special Parliamentary Committee for Constitution Amendment Mr. Suranjit Sengupta also says, demand for constitutional recognition as indigenous peoples could not be applicable in the context of Bangladesh.

However, the legal situation is quite different. The CHT Regulation of 1900 uses both terms "indigenous tribe" and "indigenous hillmen" interchangeably. A 1995 law – primarily a finance law, but also containing specific references to the exemption of income tax payments by indigenous peoples in CHT – uses the term "indigenous hillmen".

Furthermore, in a recent case in the High Court Division of the Supreme Court of Bangladesh, the court took cognisance of the fact that the petitioner was an "indigenous hillman" of the CHT. The East Bengal State Acquisition & Tenancy Act of 1950 uses the phrase "aboriginal tribes" to refer to several groups living in the plains regions, who now identify themselves as indigenous peoples.

The honorable first secretary of BD mission Mr. Ahmed has repeatedly said that we are not "Indigenous peoples", He says we are "Tribals" and "Ethnic minority". As an indigenous person from CHT, representing indigenous people, we reject any imposed identity. We are indigenous people, and we must be recognized indigenous peoples by our government.

Therefore, I urge government of Bangladesh to recognize fundamental rights of the indigenous peoples and to incorporate CHT laws enacted as per CHT Accord in the Constitution. I also urge UN Permanent Forum on Indigenous Issues to endorse recommendations of study report of Mr. Lars-Anders Baer.

Thanks you Madam Chair.