

**Parbatya Chattagram Jana Samhati Samiti (PCJSS) Statement on
The United Nations Declaration on the Rights of Indigenous Peoples**

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Agenda Item 4: The United Nations Declaration on the Rights of Indigenous Peoples

Thank you Mr. Chairperson. Good morning everyone. My special thank to the UN Voluntary Funds for Indigenous Populations.

I am representing Parbatya Chattagram Jana Samhati Samiti (PCJSS), which is the political party of the indigenous Jumma people of the Chittagong Hill Tracts (CHT), in Bangladesh. It is pertinent to note that PCJSS signed the Chittagong Hill Tracts Accord (CHT Accord) in 1997 after being forced to wage a decades-long armed struggle for the rights of the indigenous people of the CHT.

Mr Chairperson,

1. It is encouraging to observe that the countries which did not vote in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), have either already endorsed, or promised to endorse the UNDRIP. I welcome those countries which have already endorsed the UNDRIP, reviewing their previous positions. Bangladesh has not endorsed the UNDRIP yet. But I am happy to recall that, the Prime Minister of Bangladesh in her message on the occasion of the World's Indigenous Peoples Day in 2009, promised her support on the implementation of the UNDRIP.
2. However, one very crucial issue has been already addressed by some experts, especially by current EMRIP committee member Mr J. B. Henriksen, that rights of the indigenous peoples of any country need to be guaranteed by the constitution of the state concerned. The Constitution of Bangladesh does not offer any provision recognizing the indigenous peoples of the country and guaranteeing their rights. Therefore, rights contained in general domestic laws of the country are not guaranteed constitutionally. For instance, recently the Chittagong Hill Tracts Regional Council Act of 1998 has been declared as unconstitutional and void by the High Court Division of Bangladesh Supreme Court. Pertinently, the UNDRIP required the State Parties to take appropriate measures to ensure the rights declared in the instrument.
3. Among ranges of the rights enshrined in the UNDRIP, land rights of the indigenous peoples is one of the core issues. Land rights issue has been the

central issue for the indigenous peoples of Bangladesh. Articles 10 and 26 of the UNDRIP guarantee the land rights of the indigenous people. But it is dismaying to observe that land rights of the indigenous peoples of Bangladesh have not been protected aptly; the indigenous peoples of the country have been still being subjected to land grabbing. However, it is a positive sign that the Chittagong Hill Tracts Land Dispute Settlement Commission has been set up under the Chittagong Hill Tracts Land Dispute Settlement Act of 2001 to restore land rights of the indigenous Jumma peoples of the CHT. However, the law has some important shortcomings that need to be corrected by legislation on urgent basis.

4. Article 30 of the UNDRIP guarantees that military activities cannot be conducted in the areas of the indigenous peoples, without free consent of the people concerned. Regarding this issue in the CHT, despite withdrawal of some temporary military camps from the CHT, the region remains one of the heavily militarised regions of the world. Of course, this issue relates to the issue of the implementation of the CHT Accord, which is virtually a subject of Article 37 of the UNDRIP.

Recommendations: In these given backdrop, I recommend the EMRIP to carry out a study on land dispute resolution in the indigenous populate regions. Study on the process and status of land dispute in the CHT can be taken as a role model. Alternatively, I recommend to the EMRIP to conduct a study on the situation of the indigenous peoples in militarized regions, including the CHT, of the world.

Thank you Mr Chairperson for giving me the floor and for your kind attention.

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