

NIKO VALKEAPÄÄ

**10th Session of the United Nations Permanent Forum on Indigenous
Issues
United Nations Headquarters, New York
May 16-27, 2011**

**Agenda Item: 7 – Future work of the Permanent Forum, including
issues of the Economic and Social Council and emerging issues:
Special Rapporteur's study on the status of implementation of the
Chittagong Hill Tracts Accord of 1997**

Statement by the Saami Council

I thank you Madam Chair for giving me the opportunity to address the Permanent Forum.

The Indigenous Saami Council congratulates the Special Rapporteur on giving an overview of the current state of the implementation of the 1997 Chittagong Hill Tracts Accord.

The Saami Council believes that the 1997 Chittagong Hill Tracts Accord is a foundation legal document that can restore the rights of the Indigenous People of the Chittagong Hill Tracts, and congratulates the Government of Bangladesh for having signed this Accord.

However, we are concerned that most of the important sections of the 1997 Accord remain unimplemented 14 years after the Accord was signed. It is clear that land disputes remains one of the biggest hindrance to peace in the area. The Sami Council would like to express deep disappointment with the fact that the Land Commission, which has the mandate to settle these disputes, has failed to take any positive steps since the appointment of the Chairman nearly two years ago. The Indigenous People have also expressed frustration with the actions of the Chairman of the Land Commission, who they believe are biased towards the Bangali settlers.

We are also worried about the recent spate of attacks that have been taking place in the CHT in last few years, where hundreds of houses of Indigenous People have been burnt down and allegations have been made of the State Security Forces (Army, Border Guard, Police, Village Defense Police) being complicit in these attacks. In an arson attack in February 2010, it was reported in the media and by several human rights organizations, that the Bangladesh Army and Bangladesh Police stood by as silent observers, while the Bangali settlers set fire to more than 500 homes of indigenous people in the Chittagong Hill Tracts. There have already been two arson attacks in 2011 where there have been loss of lives and destruction to property, and again there have been allegations of partial behavior by members of the security forces.

Since the security forces report to the Bangladesh government, we are concerned that the Bangladesh government is being biased toward only Bengali people in the Chittagong Hill Tracts of Bangladesh.

The Saami Council also notes with alarm that while the 1997 Accord calls for dismantling of all military camps in the Chittagong Hill Tracts, the army continues to remain in the area and there have been allegations that the Army has been acquiring even more land of the Indigenous People to increase the size of their garrisons, including Ruma Garrison.

The Saami Council also notes that the Government of Bangladesh is yet to officially recognize the existence of indigenous people, both in Chittagong Hill Tracts and in the plainlands, in the Constitution of the country. Bangladesh Government calls them "small ethnic groups" or "sub nations", even though Indigenous People of Bangladesh have clearly indicated these terms are not acceptable to them. One of the fallout from this is that the Indigenous People's languages are becoming extinct, losing a world cultural heritage. Article 13, 14 and 16 of the UN Declaration on the Rights of Indigenous People clearly spells out the need for Indigenous People to exercise the right to establish and control their educational systems and institutions, and provide education in their own languages. However the marginalization of Indigenous People from the Constitution of Bangladesh has led them to slowly lose their language.

The Saami Council supports the recommendations made by the Special Rapporteur in the study and proposes that the Permanent Forum should:

1. Urge the Government of Bangladesh to declare a timeline and modality to fully implement the 1997 Chittagong Hill Tracts Accord, which they have signed.
2. Urge the Government of Bangladesh to immediately take appropriate steps to make the necessary amendments to the Land Dispute Settlement Resolution Act 2001, in line with the 1997 CHT Accord, to solve the land related problems of the indigenous Peoples of the Chittagong Hill Tracts.
3. Urge the Government of Bangladesh to ensure that all institutions being set up under the 1997 CHT Accord, including Land Commission, have full representation of Indigenous People at the highest decision-making level. In addition, decision-making powers in these institutions should be in the hands of civilians at all times.
4. Urge the Special Parliamentary Committee for Constitutional Amendment to recommend that the indigenous people should be recognized in the Constitution as 'indigenous people' in line with the ILO 107 ratified by Bangladesh and ILO Convention 169.
5. Urge the Government of Bangladesh to allow teaching in the Indigenous People's mother tongue at primary level.

Thank you for your time Madam Chair.