

12<sup>th</sup> Session of United Nations Permanent Forum on Indigenous Issues  
UN Headquarters, New York, 20-31 May 2013

Joint Intervention by

Goutam Dewan

On behalf of

Chittang Hill Tracts Citizens Committee (CHT-CC), Bangladesh

International Council for the Indigenous Peoples of Chittagong Hill Tracts (ICIP-CHT);

Indigenous Peoples Development Facilitators Forum (IPDFF), Bangladesh;

Land is Life, USA;

CADPI, Nicaragua;

Foundation for Aboriginal and Islander Research Action (FAIRA), Australia;

Foundation for Research and Support of Indigenous Peoples of Crimea;

Dewan Adat Papua-West Papua.

Agenda Item 8

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

Mr Chairman, Permanent Forum Members and Distinguished delegates,

We wish to thank Raja Devasish Roy, member of this Forum for his intervention. We are looking forward to his study, along with Forum Member Mr Simon M'vidouboulou.

We are pleased to know that the Bangladesh Cabinet recently approved the draft of the CHT Land Dispute Resolution Commission (Amendment) Act, 2013 to bring in it conformity with provisions of the CHT Accord of 1997. It has taken twelve years for the draft amendment law to reach the cabinet, after repeated demands from the CHT Regional Council – the premier self-government body of the CHT – and demonstrations by indigenous activists and civil society organizations.

If the amendments reflect the recommendations of the CHT Regional Council, we can then hope that the Land Commission will be able to provide quick, fair and inexpensive justice to cases of land alienation

of indigenous peoples, including through restitution.

The recommendations of the CHT Regional Council were endorsed in writing by Begum Sajeda Chowdhury, Deputy Leader of the House in Parliament, and head of the 3-member CHT Accord Implementation Committee. Later, at a meeting chaired by the Law Minister on 22 January, 2012 – and in the presence of the Ministers of CHT Affairs and Land, the representative of the CHT Regional Council and the traditional Circle Chiefs (including Devasish Roy, Member, PFii) – the aforesaid recommendations of the CHT Regional Council were unanimously approved. However, until today, minutes of the meeting have not been made known.

We have reliably learnt that subsequent to the January, 2012 meeting, the ministries of Land and Law have suggested further changes to the draft. If these changes are part of the draft approved by cabinet, we fear that this will seriously violate the provisions of the Accord and the rights of the Jumma indigenous peoples of the CHT.

Reliable reports suggest, among others, that the following changes are likely to have been made:

(i) provisions to have the quorum of the commission as 4 people, instead of the current 3, have been excluded. This may mean that decisions will be taken against the wishes of the indigenous members in the event of their absence from the concerned meetings on account of illness or otherwise.

(ii) provides the chair with an additional vote, in addition to his regular vote as a member of the commission. This may mean that the views of the non-indigenous chair and members will prevail over that of the indigenous members.

(iii) restricts the jurisdiction of the commission to land disputes of Jumma refugees only, i.e., those 70,000 indigenous people who had earlier taken shelter in India and were repatriated under an agreement. However, the accord clearly sought all land disputes, including that of the refugees to be dealt with by the commission, as is categorically provided in Part D, clause 4 of the Accord

We are therefore, very concerned that the proposed tabling of the bill in the next session of parliament will be yet another step to violate the provisions of the 1997 Accord and keep the vital land issue of the CHT unaddressed, with internally displaced people – evicted by settlers and the state military in the 1970s to 90s – carrying on a less-than-human existence in remote hill and forest areas, without adequate food, shelter, healthcare and education

We recommend that the Forum reiterates its recommendations to the Government of Bangladesh made in the 10<sup>th</sup> session of the Forum on the implementation of the CHT Accord.

We urge the Government of Bangladesh to defer legislation until after consultations with the CHT Regional Council and to only amend the law with the free, prior and informed consent of the Regional Council.