

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

The 4<sup>th</sup> Session of the Expert Mechanism on the Rights of Indigenous Peoples  
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**Agenda Item 5: The United Nations Declaration on the Rights of Indigenous Peoples**

Mr. Chairman and distinguished delegates,

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 Chairman,

1. I welcome those countries which have reversed their position in relation to the UNDRIP. Bangladesh is one of the countries which abstained from voting during adoption of the UNDRIP. It is dismaying to observe that to the present, Bangladesh, one of the current members of the Human Rights Council, has failed to endorse the UNDRIP. As a consequence, no initiative has been taken by the government of Bangladesh to implement the UNDRIP at domestic level. The UNDRIP remains a matter of ignorance to the government of Bangladesh.
2. In fact, in Bangladesh most indigenous people are totally ignorant of the UNDRIP. In terms of awareness raising and implementation of the UNDRIP, the role of the local and national NGOs, as well as civil society is not encouraging. In reference to Articles 41 and 42 of the UNDRIP, albeit a number of the UN bodies are active in Bangladesh, except ILO, they have no initiative regarding the implementation of the UNDRIP. However, among a range of important rights enshrined in the UNDRIP, I would like to highlight the following concerns relating to the current situation of Bangladesh.
3. Article 33 of the UNDRIP guarantees indigenous peoples the right to determine their own identity or membership in accordance with their customs and traditions. Very recently, the 15<sup>th</sup> Constitutional Amendment Bill was passed on 30 June 2011 in the Parliament of Bangladesh, leaving indigenous peoples of the country unrecognised, despite of strong and popular demand of the constitutional recognition of the indigenous peoples of the country. The new amended constitution identifies everyone live in Bangladesh as Bengali, ignoring the separate identities of the indigenous peoples. It is pertinent to note that the UN Permanent Forum on Indigenous Issues (UNPFII) has carried out a study on the status of the implementation of the CHT Accord. The study report was discussed in the 10<sup>th</sup> Session of the Forum. In that meeting Bangladesh government overtly and strongly denied any existence of indigenous peoples in Bangladesh, albeit our honourable Chakma Circle Chief Raja Devasish Roy is one of the current <sup>indigenous</sup> expert members of the Forum. Moreover, based on the denial of existence of indigenous peoples in the country, the government of Bangladesh argued that the Forum had not any *locus standi* to discuss on the CHT Accord. Therefore, in one sense, the issue of recognition appears to be the key to enjoyment of the rights of indigenous peoples, especially in a modern nation-state like Bangladesh.

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.
5. Land is the central concern for the indigenous peoples of Bangladesh. Articles 10 and 26 of the UNDRIP guarantee the land rights of the indigenous people. The indigenous peoples of the country have been still being subjected to land grabbing, coupled with violent communal attacks. 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.
6. Of course, those issues of land and demilitarization are related to the issue of the implementation of the CHT Accord. Article 37 of the UNDRIP, guarantees that indigenous peoples have 'the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements'. The aforementioned study report of the UNPFII evidently shows that the CHT Accord has not been implemented yet at satisfactory stage and speed. Virtually, most rights enshrined in the UNDRIP can be realised for indigenous Jumma people of the CHT, with the implementation of the CHT Accord. Therefore, implementation of this Article is crucial for indigenous peoples of the CHT, like other many peoples of the globe. However, with this statement, I'm taking opportunity to add the appeal of PCJSS to international community in terms of the implementation of the CHT Accord.

**Recommendations:** I recommend to the EMRIP:

- To encourage the States, including Bangladesh, which have not endorse the UNDRIP yet, to endorse the Declaration;
- To encourage States concerned, including Bangladesh, to recognise indigenous peoples in their countries, taking consideration of the evolving global trend of self-identification of the indigenous peoples, especially addressed by the ILO Convention No 169;
- To set necessary guiding principles for States to ensure the implementation of the UNDRIP at domestic levels; and
- To establish an effective monitoring mechanism to ensure the implementation of the UNDRIP at ground levels.

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

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