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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by Asian Indigenous and Tribal Peoples Network (AITPN),
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2003]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Bangladesh: Squandering the Peace and Human Rights Dividend

On 16 January 2002, the European Commission approved an indicative sum of €411.5 million under the National Indicative Programme for Bangladesh for the period 2003-2005. This includes €7.5 million for financing a number of projects in areas such as peace building measures in the Chittagong Hill Tracts (CHTs). Earlier, the Asian Development Bank (ADB) signed an agreement with the government of Bangladesh to provide US\$61 million to carry out development activities in the CHTs for the next seven years.

As international donors resume major development activities in the CHTs, peace is on a razor's edge. The Joint Risk Assessment Mission of the Government of Bangladesh, the United Nations Development Programme, the Asian Development Bank and other donor agencies reported an improvement in the security situation in the region. The mission identified six priority areas for assistance: consolidation of peace initiatives, building of institutional capacity, focus on the poor, community participation and empowerment, small-scale projects, partnership and network. But, the failure to implement the CHTs Peace Accord of December 1997, the failure to rehabilitate the returnee Jumma refugees and internally displaced Jummas, the persistence of discriminatory policies such as provision of free rations only to the illegal Bengali settlers and the conflict between the Jana Samhati Samiti and United Peoples Democratic Front – all have served to keep peace at bay. Unless the donor community raises human rights issues and enforces rights-based approaches to development along with effective monitoring and evaluation mechanisms, development aid will fail to benefit the indigenous peoples.

The key obstruction to peace in the CHTs is the failure to implement the CHTs Peace Accord of 2 December 1997. The previous Awami League government did little to implement the Accord. The Bangladesh National Party (BNP), which initiated the talks in 1992 but vehemently opposed the peace accord signed in 1997, has taken further measures to undermine the peace accord.

Land Commission

The illegal government-sponsored population transfer of over half a million plain settlers in violation of the CHTs 1900 Regulation which prohibits settlement of outsiders. Land grabbing by these illegal settlers and military exacerbated the conflict. Between 1997 and 2001, the then Awami League government took no initiatives to set up a Land Commission as provided in the peace accord. One day before handing over power to the caretaker government in the CHTs, the Awami League government passed the CHT Land Dispute Settlement Commission Act, 2001. The government did not even consult the CHT Regional Council. Similarly, the current BNP government has shown little interest in setting up the Land Commission.

Indigenous Jumma peoples and the Regional Council have rejected the CHTs Land Dispute Settlement Commission Act, 2001 because of (i) the arbitrary powers of the Chairperson to provide final judgement in the event of lack of consensus among other members; (ii) the exclusion of Jumma refugees who returned to the CHTs under the 1992 repatriation agreement from the ambit of the Land Commission; and (iii) the exclusion of the internally displaced Jummas from the scope of the Act, among

others. These provisions undermine the CHTs Peace Accord.

Military presence

Article 17 (a) of the peace accord states: “Immediately with signing and executing the agreement between the government and the Parbattya Chattagram Jana Samhati Samiti (PCJSS) and with the members of the PCJSS coming to normal life, all temporary camps of army, ansar and village defence force in Chittagong Hill Tracts excepting Bangladesh Rifles (BDR) and permanent cantonments (three in three district headquarters and in Alikadam, Ruma and Dighinala) will be gradually brought back to the permanent places and a deadline for this will be fixed.” However, only 31 checkpoints of the 500 temporary camps have been withdrawn so far.

While the government can claim genuine security concerns on account of the law and order situation in the CHTs, the Bangladesh police would be adequate to tackle the state of affairs. More so, when the Article 17 also provides that “[t]he members of the armed forces can be deployed under due rules and procedures in case of deterioration of law and order situation and in times of natural calamities or like other parts of the country under the control of the civil administration.” Instead of withdrawing the military, the government has launched ‘Operation Uttaran’ and continues to conduct military operations throughout the CHTs.

The military is also involved in alleged development activities of the CHTs. After signing of the the CHTs Peace Accord, the Army Engineer Construction Battalion has constructed the road from Dighinala to Marishya (19.5 km) in November 1999 and has been constructing a road from Chimbuk to Thanchi (53.7 km). These road building activities have little economic value but are of immense military strategic value to Bangladesh army.

Rehabilitation of returnee Jumma refugees and internally displaced Jummas

About 43,000 Jumma refugees returned to CHTs from Tripura State of India after the peace accord was signed. In addition, about 60,000 indigenous people were internally displaced between 1992 and 1997. They include people whose neighbours were massacred and whose homes were burnt down during military operations. The settlers confiscated their land and in many instances obtained false official certificates of ownership. About 40 villages of returnee refugees are still under the occupation of the settlers and over 3,000 families did not get their land back.

In addition to returning the land, the government further agreed to “ensure leasing two acres of land in the respective locality subject to availability of land of the landless tribals or the tribals having less than two acres of land per family. However, groveland can be allotted in case of non-availability of necessary lands.”

Rather than rehabilitating the returnee Jumma refugees and Jumma IDPs, the Awami League government sought to identify the illegal settlers – who had displaced indigenous Jumma peoples from their homes in the first place – as “internally displaced persons”. As a result, the Government CHT Task Force estimated the number of IDPs as of July 2000 at 1,28,000. The present Bangladesh National Party (BNP) government has also failed to appoint a chairman of the Task Force. It

however provides free rations to the illegal settlers.

Free rations to plain settlers: An act of racism

The government of Bangladesh sustains the conflict in the CHTs by providing free rations only to the illegal settlers under various food security schemes supported by UN agencies and international donors. Many illegal settlers have been getting free rations for the last two decades. New settlers are also provided free rations whereas the indigenous Jummas are uprooted from their homes under various programmes. The denial of rations to the indigenous Jumma peoples on the basis of their ethnic origin must be considered a racist act on part of the Government of Bangladesh.

Guided illegal settler-oriented development

The CHTs Peace Accord urges the government to “give preference to the eligible tribal candidates” in appointing the Chairman of the CHT Development Board. The BNP government however appointed Abdul Wadud Bhuiyan, a Member of Parliament from Khagrachari, as chairman of the Board. Under Bhuiyan’s leadership, the CHTDB has been undertaking settler-oriented development programmes. In fact, Bhuiyan reportedly sought to issue orders to provide free rations only to the settlers. When the Deputy Minister for the CHTs Affairs, Mani Swapan Dewan refused to toe the line on the issue of providing rations, he was divested of his portfolio although he remained minister.

Undemocratic District Councils

Since their establishment in 1989, the only elections to the Hill District Councils were held in May 1989 under the regime of military dictator General H M Ershad. The democratic governments of the Awami League and the Bangladesh National Party on the other hand appointed their party members as chairpersons of the District Council, depriving the people of the CHTs of the opportunity to participate in governance. No elections have been held to the regional council either since its formation in 1998.

On 1 January 2003, the High Court of Bangladesh ordered elections to the three Hill District Councils by 13 March 2003, rejecting the government’s petition for extending the Councils’ terms by six months. While the decision of the High Court is a step in the right direction, the government must exclude the non-permanent residents of the CHTs from the electoral rolls.

As *The Independent* published from Dhaka of 24 January 2003 summed up: “As the peace agreement was not implemented, no massive development work could be undertaken in the area”. Unless, the donors take measures for consolidation of peace initiatives by ensuring full implementation of the CHTs Peace Accord, interventions in other areas identified by the Joint Risk Assessment Mission such as building of institutional capacity, focus on the poor, community participation and empowerment, small-scale projects, partnership and network will continue to elude peace in the CHTs.