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Agenda Item 7 on Special Rapporteur's Study on the Status of Implementation of the Chittagong Hill Tracts Accord of 1997

Joint statement by U Kyaw Zan, Chittagong Hill Tracts Citizen's Committee (CHT-CC), Indigenous Peoples Development Facilitators Forum (IPDFF), and Land is Life.

Thank you, Madame Chair, for giving me the floor. I would also like to take this opportunity to congratulate you on your election as the chairperson of the 10th session of UNPFII and to all other members for their nominations to the Forum.

Madame Chair,

We are growing increasingly skeptical of the government's sincerity to implement the CHT Accord. The government implemented only those provisions that met their integrationist goals.¹ The more substantive aspects of the Accord were left out, for example:

- i. There has not been any initiative by the government to strengthen the special governance system so as to preserve the characteristics of the CHT as "a *tribal inhabited region*". The incessant flow of non-IPs into the region makes it even more difficult to keep its tribal identity.
- ii. CHT Regional Council as a unit of regional authority has not been groomed to function effectively in accordance with the Accord.
- iii. *The most important administrative powers like land management, general administration and police considered vital for local limited self rule have not been transferred to the three Hill District Councils (HDCs) as of now. On the contrary, some of the sections of the HDC Acts are either misinterpreted or recommended for review apparently to reduce the authority of HDC.*
- iv. The Land Commission is galloping wayward defying the Accord and its 2001 Act with many discrepancies vis-à-vis the Accord is awaiting amendment for the last ten years.
- v. CHT is still reeling under militarization with more than 400 army camps scattered across the region even 13 years after signing the Accord, despite no signs of insurgency in the area.
 - a. The government administration is more interested in relocating the Bengali settlers to the CHT than in alleviating the miseries of three fourths (9,780 families) of the 12,222 *repatriated Jumma refugees* and 90,208 *internally displaced families* who are still waiting to return to their own lands for the last three decades.

¹ For example, the government had made it sure that the JSS fighters handed over their arms, provided the JSS members with cash grants and food grains, absorbed some seven hundred ex-JSS fighters into the Bangladesh Police Force, and rehabilitated barely one third of the international refugees.

- vi. The Government, in contravention of the Accord, is engaged in acquiring land without consulting the Hill District Councils.

Madame Chair,

It is more than a decade now since the Peace Accord was signed. The anomalous delay in the implementation of the Accord has created a situation of mistrust and conflict, and continuation of militarization of CHT to the detriment of much sought after peace in the CHT. Arbitrary arrest and detention, killing, rape, plunder, arson, land grabbing etc., continue unabated. For durable peace in the CHT, we consider focusing on the following measures, along with the implementation of the Accord, as crucial:

- The Hill District Councils and Regional Council should be made to function with full authority.
- CHT should be demilitarized. All temporary security camps should be dismantled and the military should be strictly prohibited from interfering with civil affairs including land problems.
- All repatriated and internally displaced families should be properly and immediately rehabilitated on their rightful lands.
- The CHT Accord should be protected by the constitution to ensure the inviolability of the indigenous/tribal character of the CHT.
- The special administrative status that CHT has been historically vested with should be upheld in the national constitution.
- All such executive orders issued by the CHT Ministry as are in contravention of the Accord should be retracted.
- In consultation with the Regional Council, the existing laws should be reviewed and revised to be consistent with both the Accord and the HDC Acts of 1989 (as amended up to 1998).
- The Government should endorse the UN Declaration on the Rights of the Indigenous Peoples and ratify the ILO Convention No. 169 without delay.
- The Government should enter into constructive engagement with the indigenous peoples.

Thank you Madame Chair for your kind attention