

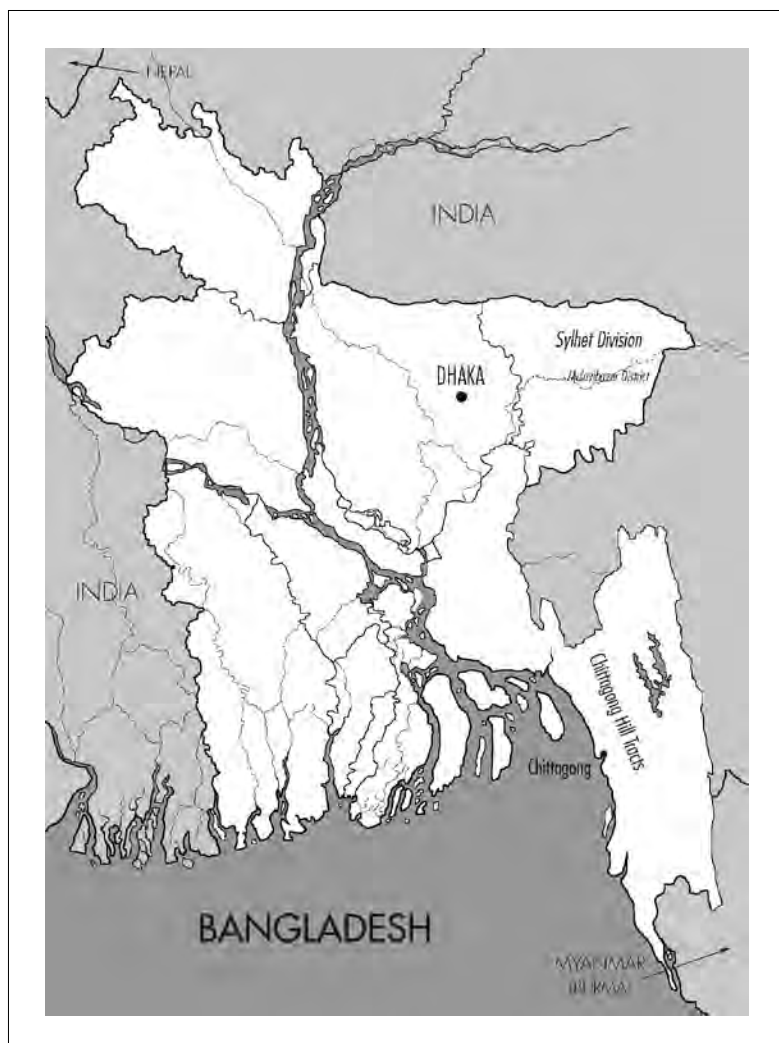
BANGLADESH

Bangladesh is a country of cultural and ethnic diversity, with over 54 indigenous peoples speaking at least 35 languages, along with the majority Bengali population. According to the 2011 Census, the country's indigenous population is approximately 1,586,141,¹ which represents 1.8% of the total population of the country. However, indigenous peoples in the country claim that their population stands at about 5 million.² Eighty per cent of the indigenous population lives in the plain land districts of the North and in the South-East of the country,³ and the rest in the Chittagong Hill Tracts (CHT). In the CHT, the indigenous peoples are commonly known as *Jummas* for their traditional practice of swidden cultivation (crop rotation agriculture), locally known as *jum*. The Government of Bangladesh does not recognise indigenous peoples as "indigenous". Nevertheless, since the 15th amendment of the constitution adopted in 2011, people with distinct ethnic identities other than the mainstream Bengali population are now mentioned.⁴ However, only cultural aspects are mentioned, whereas issues related to indigenous peoples' economic and political rights, not least their land rights, remain ignored.

The CHT Accord of 1997 was a constructive agreement between indigenous peoples and the Government of Bangladesh. However, even after 18 years, major issues of the Accord, such as the Land Commission, devolution of power and function to the local bodies, militarisation, rehabilitation of internally displaced people, etc., remain unaddressed.

The Parliamentary Caucus on Indigenous Peoples and the BIPRA

In 2010, some progressive-minded political leaders and members of the National Parliament took the initiative to establish a Parliamentary Caucus on Indigenous Peoples with a mandate of bringing the issues that affect the life and livelihoods of indigenous peoples up for consideration by the parliament.⁵ The



Caucus has initiated a number of activities to address the problems, and protect and promote the rights of indigenous peoples in the country. These initiatives include a draft proposal for constitutional recognition of indigenous peoples; policy dialogue for the implementation of the CHT Accord; emergency responses for the

communal violence in the CHT and the gross human rights violations against indigenous peoples in the plains; promotional work on ILO Convention No. 169; and, not least, drafting of the Bangladesh Indigenous Peoples Rights Act (BIPRA). After organising a series of stakeholder consultations in different regions, the Caucus submitted the BIPRA to the Honourable Speaker as a Private Bill on 22 November 2015, with the aim of placing it before the National Parliament.

Status of CHT Accord implementation

The Chittagong Hill Tracts Accord of 1997 (known as the CHT Accord, and signed between the Government of Bangladesh and the indigenous party, the PCJSS⁶) has entered its 18th year. The government claims that 48 of the 72 provisions of the CHT Accord have been implemented, while the PCJSS and several others claim that the figure stands at only 25 so far.⁷ While the matter of numbers can be debated, what is beyond doubt is the lack of implementation, or only very marginal implementation, of some of the most crucial and some would say “core” elements of the agreement, including with regard to: (a) de-militarisation (through the dismantling of all non-permanent army camps and the withdrawal of “Operation Upliftment” or “*Operation Uttoron*”);⁸ (b) devolution and self-government (primarily through the CHT Regional Council and the Hill District Councils); (c) rehabilitation (through the CHT Task Force on Refugees and Displaced People); and (d) the resolution of land disputes (by the CHT Land Disputes Resolution Commission, which has been inactive or dysfunctional since its inception). Despite the government’s express commitments, made nationally and at international forums, such as the Universal Periodic Review of the UN Human Rights Council, and the UN Permanent Forum on Indigenous Issues, the implementation of the aforesaid core provisions thus remains stalled, or “frozen”. Unless and until these matters are addressed, including through the agreed-upon amendments to the CHT Land Commission law, and by effective measures to preserve the “Special Tribal Area” status of the CHT as per the CHT Accord, true development acceptable to the people of the CHT will remain merely words.

Indigenous women and girls

Violations of the human rights of indigenous women and girls are increasing, and have never been adequately addressed in the justice system. During 2015, a total of 69 cases of sexual and physical violence against indigenous women and girls were reported, and 85 women and girls were the victims of multiple forms of violence.⁹ The most concerning issues are the incidents of rape, gang rape and attempted rape, exceeding all other forms of violence encountered by indigenous women in Bangladesh. A total of 45 such cases were reported in 2015.¹⁰ The majority of the perpetrators are from a non-indigenous background, and the victims' access to justice is curtailed by a strong culture of impunity.¹¹ Moreover, most of the cases of gender-based violence arise from the land issue, in the sense that indigenous women are often targeted as one of the key tools of oppression.¹² Subduing women and creating terror in indigenous communities is thus a key element in many processes of forced eviction by non-indigenous peoples.¹³ Masculine hegemony over indigenous women's and girls' voices,¹⁴ and control over their bodies, is another root cause of the widespread violence against indigenous women.

The government has endorsed a number of development commitments to address the human rights concerns in relation to women, security and empowerment. A *National Women's Development Policy* was adopted in 2011 with the aim of establishing women's human rights, although it includes little on indigenous women's concerns and needs. The allocation of gender responsive budgets in 40 ministries, and the 6th Five Year Plan 2011-2015 do not adequately address indigenous women's safety, empowerment, or access to and capacity building in information and communication technology, health and education. Furthermore, indigenous women have limited or no land rights, and government interventions in indigenous territories in the name of development only exacerbate the vulnerability of indigenous women, as they have a severe impact on their traditional economic practices such as vegetable plantations in *jums* and the maintenance of village common forests (VCFs).¹⁵

Right to land and natural resources

Alienation of the lands of the country's indigenous peoples, both in the CHT and in the plains, is alarming and the situation continues to deteriorate. Vast tracts of

land have been declared as reserved forests since the 1990s—to be unilaterally administered by the Bangladesh Forest Department (BFD). In the CHT, the military and private companies have established a number of tourism centres without the consent of the local communities or local administrative bodies, including the CHT Regional Council and three Hill District Councils.¹⁶ In the plains, influential Bengali tea estate holders and leaders of national political parties are responsible for evicting the indigenous peoples from their lands. They ignore the indigenous peoples' customary land management system, as well as national laws and policies that protect indigenous peoples' land rights.¹⁷ In most cases, local police and officials of land offices support the land grabbers in the plains, while military authorities protect the Bengali settlers and private companies in the CHT region. Restitution of alienated lands to the indigenous peoples is a longstanding demand of indigenous peoples and civic rights groups in the country. Despite the present government's assurance in its election manifesto,¹⁸ it has yet to take any such measures or form a Land Commission for the indigenous peoples of the plains.¹⁹ A number of events in 2015 underlined the seriousness of the issue:

In 2015, a total of 26 houses of indigenous families in the plains were burnt to ashes or set on fire, while 65 more were looted and ransacked by Bengali land grabbers. Further, a total of 44 indigenous people were physically assaulted and injured in land-related hostilities, and one indigenous boy was killed with a fire-arm.²⁰

On top of this, at least 45 indigenous families were evicted from their ancestral lands in 2015, while 1,400 more were threatened with eviction, 657 of them in the CHT.²¹ In another act of land-related hostility, at least one indigenous village was attacked by Bengali land grabbers in the plains, while a total 5,216 acres of land were grabbed by both state and non-state actors. In 2015, land grabbers filed false cases against at least 28 indigenous people, including 11 persons from the plains, in order to suppress and annul indigenous peoples' resistance.

A new dimension in the land-related problems of indigenous peoples in the plains emerged too: as a result of a land boundary agreement between Bangladesh and India, signed in 1974, it was agreed in 2015 that a total of 360 acres of land would be transferred to India, lands on which the livelihoods of around 350 indigenous Garo and Khasi people of Pallathol under Barlekha upazila (subdistrict) in Moulavibazar depend.

Sustainable Development Goals and indigenous peoples

The Sustainable Development Goals (SDGs), also known as the 2030 Agenda for Sustainable Development, were adopted on 25 September 2015 under the slogan of “Leave No-One Behind”. Bangladesh actively engaged in formulating the SDGs, and at the national level the new Government Plan—*Vision 2021* is aligned with the SDGs. Prime Minister Sheikh Hasina has said that Bangladesh is committed to leading by example in terms of implementing the SDGs, as it did in the case of the MDGs. Bangladesh is viewing Agenda 2030 with great interest, and wants to maintain the momentum of the MDGs, build on their successes and transform Bangladesh for the better.²² Indigenous peoples share this dream, and look forward to being a full part of the SDG journey of inclusive development - which was not the case in the implementation of the MDGs. The design of culturally-relevant indicators, preceded by the disaggregation of data by the Bangladesh Bureau of Statistics, is a vital precondition for monitoring the extent to which the implementation of the SDGs is inclusive, and achieving its goal of leaving no-one behind. Moreover, one major challenge persists, as indigenous peoples are not recognised legally, and non-governmental development agencies are unlikely to gain government approval for their projects and development initiatives if they use the term “indigenous” in their description of activities.²³ ○

Notes and references

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- 3 Halim, S., 2015, Land loss and implications on the plain land adivasis, in S Drong (ed.): *Songhati*, Bangladesh Indigenous Peoples Forum, pp. 72.
- 4 Article 23A stipulates that “*The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities*”.
- 5 Kamal, M. (ed.), 2014, *Parliamentary caucus on indigenous peoples: a genesis of parliamentary advocacy in Bangladesh*. Research and Development Collective, Dhaka.
- 6 *Parbatya Chattagram Jana Samhati Samiti*.
- 7 PCJSS Report, 2015, *CHT Accord Implementation Status 2015*, Rangamati, CHT, Bangladesh.
- 8 ‘Operation Uttoron’ (Operation Upliftment) is a kind of ‘de facto’ military rule that has been imposed in the CHT since 1 September 2001 in the post-Accord period.

- 9 Kapaeeng Foundation, 2015, "Human Rights Situation Report of Indigenous Peoples in Bangladesh" Dhaka, Bangladesh.
- 10 Ibid.
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- 12 Chakma and Hill, 2011: "Indigenous women and the culture in colonized Chittagong Hill Tracts of Bangladesh", in K Visweswaran (ed.): *Everyday Occupations: Experiencing Militarism in South Asia and the Middle East*, Penn Press, University of Pennsylvania.
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- 14 Haque, T., 2011, "Militarization and the fate of women's body: A case study of Chittagong Hill Tracts" in A. Mohsin (ed.): *Women and Militarization: South Asian Complexities*, The University Press Limited, Dhaka.
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- 16 In the CHT Regional Council and Hill District Council law, tourism is mandated to these special local governance structures, while Land Management and Administration is to be effected through the traditional institutions.
- 17 Including the CHT Accord in CHT Region, and the East Bengal State Acquisition and Tenancy Act 1950 in plain land areas.
- 18 Awami League Election Manifesto: "*special measures will be taken to secure their original ownership on land, water bodies, and their age-old rights on forest areas. In addition, a land commission will be formed*".
- 19 Joint Submission on the Human Rights Situation of Indigenous Peoples in Bangladesh to the UN Human Rights Council for the Universal Periodic Review on 22 April 2013 - 3 May 2013 by the Coalition of Indigenous Peoples' Organisations. Kapaeeng Foundation, Dhaka.
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- 21 Ibid.
- 22 "Bangladesh to lead by example in SDGs", *The Daily Star*, 1 October 2015.
- 23 Dhamai, B.M., 2015, "Sustainable Development and indigenous peoples (Adivasis) in Bangladesh", in S. Drong (ed.), *Songhati*, Bangladesh Indigenous Peoples Forum, Dhaka, Bangladesh.

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