



MEMBER PROFILE

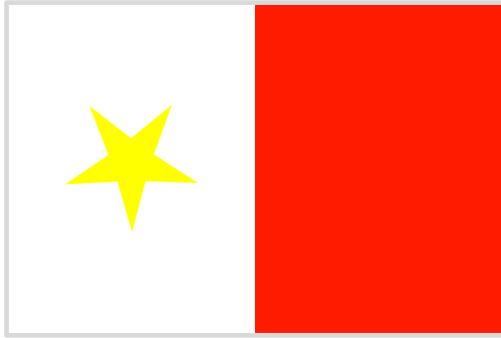
# CHITTAGONG HILLS TRACTS

Parbatya Chattagram Jana Samhati Samiti



UNREPRESENTED  
NATIONS & PEOPLES  
ORGANIZATION  
unpo.org

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**Status:** Indigenous Peoples

**Population:** Around 850,000

**Ethnic groups:** Chakma, Marma, Tripura, Tanchangya, Mro, Lushai, Khumi, Chak, Khyang, Bawm, Pangkhua. They collectively identify themselves as the Jumma people (High Landers), the first people of the CHT. Besides them, a very small number of descendents of Ahamiya, Gorkha and Santal also live there.

**Main cities:** Rangamati, Khagrachari and Bandarban.

**Area:** 5,093 sq. miles (13,189 sq. km.)

**Language:** Ten indigenous languages within the Jumma community.

**Religion:** Buddhist, Hindu and Christian.

## UNPO REPRESENTATION

*Parbatya Chattagram Jana Samhati Samiti* (PCJSS) is a political organization representing the indigenous Jumma people of the Chittagong Hill Tracts (CHT). It was established on 15 February 1972 with a humanitarian ideology based on the principles of Nationalism, Democracy, Secularism, Equality and Social Justice. The founder of the PCJSS was the forerunner of the renaissance of the Jumma people, member of the Gona Parishad (Constituent Assembly) and Parliament Mr Manabendra Narayan Larma.

## OVERVIEW

### Geography

The Chittagong Hill Tracts (CHT), south-eastern region of Bangladesh, comprises a total area of 5,093 sq. miles (13,189 sq. km.) encompassing three hill districts, namely, Rangamati, Khagrachari and Bandarban. It shares borders with Myanmar on the south and southeast, India on the north and northeast and the Chittagong district of Bangladesh on the west. It is completely different in physical features, agricultural practices and soil conditions from the rest of the country due to its mountainous landscape. CHT is located between 21°-40' degrees and 23°-47' degrees north latitude and 91°-40' degrees and 92°-42' degrees east longitude. It is a unique territory with mountains and beautiful landscapes and socio-economically and culturally distinct from the rest of Bangladesh. It runs from North to South for roughly 280 km.





## People

The Chittagong Hill Tracts is one of the most diverse regions in the country in terms of geography, ethnicity, culture and traditions of the people. From time immemorial the CHT has been the home to **eleven indigenous ethnic people**. There are also Bengali populations in CHT. The indigenous Jumma people are distinct and different from the majority Bengali people of Bangladesh in respect of race, language, culture, heritage, religion, political history and economy.

## Economy

The CHT area covers about one-tenth of the total land surface area of the country and the **density of population is the lowest in the country**. However, if one takes into account the relief of CHT and compare it with the flat land pattern of the rest of the country, then CHT comes out as the most populated area in Bangladesh.

The statistics indicate that the per capita income of the CHT is the lowest of Bangladesh. More specifically, census and economic statistics of 2001 stipulate that **per capita income of CHT residents is 40% lower than the national average**.

The amount of land for plough cultivation of this region is only 3.1% i.e. 76,466 acres. If the indigenous hill men and permanent Bengali residents are counted as 900 thousand, then per capita availability of land in CHT stands only at 0.08 acre against approximately 0.20 acre of land per capita at the national level.

One of the most common and suitable forms of cultivation in the CHT is Jum cultivation (shifting cultivation). Besides the Jums, plough cultivation is also practiced by the indigenous people in the plain lands available mostly in the river valleys. As a result, **the people of CHT used to be self-sufficient in food and other daily necessities**.

The **construction of Kaptai Dam** (for Karnafuli hydroelectric project) in the early sixties added to the already existing land crisis in the CHT. As a result of the Dam, an artificial reservoir (popularly known as Kaptai lake) was created which submerged 54,000 acres or 40 percent of the most fertile plough lands of the CHT. The net effect is further **contraction of per capita availability of agricultural land**.

In addition, **more than four hundred thousand Bengali Muslims were transferred into CHT from the plain land in the early eighties without the consent of the CHT people**. They were settled down on the land of Jumma people. Indeed, no cultivable land was vacant for settlement so **the settlers consequently started to forcibly occupy the land of Jumma people**. With the aim to uproot the Jumma people from their ancestral land, a long series







of massacres were perpetrated by the Bengali settlers with the direct help of military forces. Thousands of Jumma people were ousted from their own land and home.

## **HISTORICAL BACKGROUND**

Before the colonisation, the indigenous Jumma people of CHT were independent. There had been no external interference by any outside power in the affairs of the CHT until 1787, when an agreement was signed with the British.

From 1787 to 1860 the British government did not intervene in the internal administration of the CHT. Between 1860 and 1900 the British government administered CHT through a set of rules promulgated from time to time. For the maintenance of discipline among the police personnel in the CHT, Frontier Police Regulation III of 1881 was promulgated on 7 December 1881 and the CHT Police Force was raised with indigenous Jumma people. For the good government of the CHT, in 1900 the British government enacted the CHT Regulation 1 of 1900 and declared it as an 'Excluded Area', in order to protect the Jumma people from economic exploitation by non-indigenous Bengalis and to preserve their traditional socio-cultural and political institutions based on customary laws, community ownership of land, among others.

In August 1947, the British handed over the administration of the CHT to the government of Pakistan. The Pakistani government recognized CHT as an Excluded Area, decision which was confirmed in the first Constitution of Pakistan, in 1956. From the very outset, the Pakistani government looked upon the Jumma people with an eye of suspicion, considering them to be anti-Pakistani as well as anti-Islamic. There was discrimination against the Jumma people in employment, business and education. The government policy was clearly revealed by the repeal of the CHT Frontier Police Regulation of 1881, thus disbanding the Jumma police force in 1948.

In 1950, in implementing its brazen designs violating the principles and spirit of the CHT Regulation of 1900, the government of Pakistan started a Bengali Muslim settlement programme, which continued until 1966. The government had enacted the CHT (Land Acquisition) Regulation in 1958 in order to grab Jumma people's ancestral lands. Moreover,

the government snatched away the rights and privileges of the Jumma people by cancelling the Excluded Area status of the CHT in 1963. In 1960, in order to carry out its plan and break down the economic backbone of the Jumma people of the CHT in the name of so-called industrial development, the Pakistani government built the Kaptai hydro-electric dam on the Karnaphuli river, right in the heartland of the indigenous Jumma people.

After nine months of war of independence against Pakistan, Bangladesh emerged as an independent state on 16 December 1971. The Jumma people hoped that the new rulers of Bangladesh would realize their aspirations and demanded in a democratic way that the government grant them regional autonomy. Unfortunately, the government did not respect their fundamental rights and did not mention in the Constitution the entity and safeguard of the Jumma people. Rather, immediately following independence, in early 1972 the CHT underwent militarization.

When repressive measures were enacted through the civil and police administrations, including through militarisation, with the construction of three Army cantonments, this forced Manabendra Narayan Larma, Member of Parliament and hero of the CHT Jumma movement, to call for an armed struggle. An armed wing of PCJSS was formed under the name of Shanti Bahini (Peace Force). Since 1979, the Government of Bangladesh has undertaken a drastic programme to settle the Bengali population from other districts of Bangladesh to the CHT, so that they would progressively outnumber the Jumma people and use them as human shields for the protection of the army personnel. At least four hundred thousand Bengali Muslims were transferred into the CHT and settled on Jumma people's lands.

The PCJSS always kept the door open for dialogue to resolve the CHT problem through political and peaceful means. For this purpose, the PCJSS held formal dialogues with the governments of Ershad and Khaleda Zia respectively. After holding 7 round of dialogues with Sheikh Hasina government, the 'CHT Accord' was signed in Dhaka on 2 December 1997 between the National Committee on the CHT on behalf of the government of Bangladesh and the PCJSS on behalf of the permanent residents of the CHT.

It is necessary to mention the fact that, even though articles 27 and 28 of the Bangladeshi Constitution guarantee equality to all citizens and prohibit all kinds of discrimination -while recognising the need to implement affirmative action measures to ensure the effectiveness of this mandate-, it does not recognize the identity of the indigenous communities living in the country.

More recently, the 15th amendment of the Constitution (2011) ignored the demand of indigenous peoples for recognition of their identity and of the fundamental rights that derive from it. The amendment recognises the culture of indigenous peoples when stating 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", but ignores their right to land and self-determination, as well as the participation in political and decision-making processes.

### **CHT Accord**

The CHT Accord was signed with the aim to resolve the CHT problem through political and peaceful means. It paved the way for peace, development and opportunities for meaningful engagement of indigenous peoples in CHT.

Among other things, the CHT Accord:

- Provides recognition of the CHT region as a tribal-inhabited region
- Introduces a special governance system in CHT with the CHT Regional Council and three Hill District Councils (HDCs) and assigns them competences on a number of



subjects including general administration, law and order, police (local), land and land management, development, education, health, environment and forestry.

- Explicitly contemplates the demilitarisation of the region.
- Establishes a land dispute resolution mechanism.
- Recognises the need to rehabilitate returnee Jumma refugees and internally displaced persons.
- Sets up a CHT Affairs Ministry at national level.

Soon after signing of the Accord, the then Awami League government implemented a few provisions including the enactment of laws and it created a fundamental base for implementation of the Accord. Among these first provisions the passing of the CHT Regional Council Act and HDC Acts in Parliament, the establishment of CHT Affairs Ministry, the repatriation of Jumma refugees from the Indian State of Tripura etc. are the most remarkable. However, the main issues foreseen in the accord, such as the preservation of the status of tribal-inhabited region, the introduction of special governance system in CHT with CHTRC and HDCs, the resolution of land disputes, the demilitarisation of the region are yet to be implemented.

### **CURRENT ISSUES**

The current situation in the CHT region is highly conditioned by the lack of implementation of the main provisions envisaged in the 1997 Peace Accord, which has led to an increase in tensions between the central government and the indigenous communities. These tensions derive in particular from the presence of the military in the region, more than two decades



Abul Hasnat Abdullah, MP and Convener of National Committee, on behalf of the Government of Bangladesh and Jyotirindra Bodhipriya Larma, on behalf of the peoples of CHT are being seen signing the CHT Accord, 1997 on 2 December 1997. Extreme left seated Prime Minister Sheikh Hasina.

after the signing of the document, as well as from the worsening of the restriction of rights and level of human rights violations committed against the local population.

### **Implementation Status of the CHT Peace Accords**

Even though the Bangladeshi government claims that 48 clauses out of 72 of the CHT Accord have been fully implemented and 15 clauses have been partially fulfilled (while the remaining 9 clauses are in the process of being implemented), the PCJSS estimates that only 25 out of those 72 clauses have been completely enacted, while 34 remain totally unaddressed and 13 only partially implemented.

The problems derived from this partial implementation are particularly severe considering the fact that the most relevant issues that the Accord was meant to solve still remain to be addressed. Those issues are:

- The application of legal and administrative measures aiming to preserve the ‘tribal-inhabited’ characteristics of CHT.
- The transfer of powers and functions, including general administration, law & order, police (local), land & land management, forest and environment, communication systems and other, to the CHT Regional Council and Hill District Councils.
- Holding elections of these councils following the establishment of clear election rules. The return of dispossessed land to the indigenous owners by resolving disputes through the Land Commission.
- The rehabilitation of returnee refugees and internally displaced indigenous families.
- The withdrawal of all temporary military camps including “Operation Uttoron”.
- The cancellation of land leases given to non-residents.
- The appointment of permanent residents to all jobs in CHT, with priority given to indigenous peoples.
- The rehabilitation of Bengali settlers outside CHT with dignity.

Particularly relevant are the problematics related to the implementation of an effective land dispute-solving mechanism, as well as the problems linked to the deficient enactment of the institutional system regulated in the Accord:

#### **a) The CHT Land Dispute Resolution Commission**

One of the core issues contemplated in the 1997 CHT Peace Accord is the resolution of land disputes in accordance with the laws, customs and practices in force in the CHT through the creation of a Land Commission. However, this mechanism was unable to function until 2016 due to inclusion of contradictory provisions in the CHT Land Dispute Resolution Commission Act of 2001, despite the appointment of five consecutive chairmen of this Commission since 1999.

After 15 years of demanding for amendment of these contradictory provisions of the Act, the government amended contradictory provisions of the CHT Land Dispute Resolution Commission Act 2001 in the Parliament on 6 October 2016. The amendment of the CHT Land Dispute Resolution Commission Act was seen as a bold step on the part of the government in implementing the CHT Accord.

Since the amendment, the CHT Land Commission has been able to start functioning and four meetings of the Commission have been convened so far. During the 2<sup>nd</sup> meeting of the CHT Land Dispute Resolution Commission, held on 30 October 2016, it was decided that the date for submission of complaints would remain open for an indefinite time. This

decision greatly affected the capacity of the Commission to effectively operate, since as of the fourth meeting of the held on 12 February 2018 in Rangamati, at total of 22,866 applications on land disputes had been received by the Land Commission.

In any case, the activity of the Land Commission has remained confined to meetings, with no progress in settling land disputes. The office of the Commission is yet to be shaped up in accordance with its required strength, mainly due to lack of funding, human resources and logistics. Together with that, the government is yet to set up two sub-offices in the Rangamati and Bandarban districts and to finalise the Rules of Business of the Commission (the CHT Regional Council submitted a draft Rules of Business to the government on 1 January 2017, but no substantial progress has been made in finalizing and approving it).

It is also necessary to mention that in order to guarantee the sustainable resolution of the land disputes in CHT, the rehabilitation of Bengali settlers outside the CHT is a must. In this regards, a strategic plan to relocate the Bengali settlers who were settled down in CHT in 1979 and onwards by the then governments should be put in place.

### **b) CHT Institutional System**

The legal and administrative system of the Chittagong Hill Tracts (CHT) presents particular elements in comparison to the rest of Bangladesh. The region, which enjoyed a special status since the British period, was provided with an autonomous institutional structure by the CHT Accord, which recognised this special status of the region with the introduction of the CHT Regional Council as an apex body of this characteristic administrative system. The Accords recognize the Council as an institution with the powers of supervision and coordination of the three Hill District Councils, as well as competences in law and order, general administration, development programmes, the CHT Development Board, the coordination of NGO activities, disaster management and relief operations, traditional and social justice and the power of giving license for heavy industries.

However, since its establishment, the CHT Regional Council has hardly been allowed to function effectively. The successive government's mistrust, if not hostility, towards this institution have marred its proper functioning. It was seldom given the requisite financial and other technical resources and consequently, it can barely exercise the relevant roles and functions. The project titled "Construction of CHT Regional Council Head Office, Residence and Related Work Complex" has been left hanging for the last two decades on plea of 'grant and land acquisition process' is under process.

Though there is a legal provision in the CHT Accord by which the CHT Regional Council is to coordinate and supervise the general administration, law & order and development programmes, the Deputy Commissioners of the three hill districts, including the other officials at district and upazila (sub-district) level, and Superintendent of Police and Officials-In-Charge of the police administration are violating the given provision of the Accord. These officials have assumed those competences as theirs, thus by-passing the CHT Regional Council and the Hill District Councils. Together with that, the government has been implementing the development programmes by-passing the CHT Regional Council the act of which is a direct violation of the CHT Accord. The top-down development approach continues to exist till this day.

Out of 33 subjects/functions assigned to the Hill District Councils, only 17 subjects (including 10 subjects transferred before signing of the Accord) have been transferred so far and only partially. However, the most crucial subjects, among which law and order of the district, land and land management, police (local), forest and environment, are yet to be transferred to the Hill District Councils.

As per Section 34 of the Part B of the Accord, the 'Land & Land Management' falls under the jurisdiction of the Hill District Council. Section 26 under this part imposes prohibition over land settlements, selling and buying of lands, transfer of land ownership and acquisition



of lands without prior approval of the Hill District Councils. But the subject has not yet been transferred to the Hill District Councils. Despite these provisions, the Deputy Commissioners are responsible for illegal transfers of land ownership, acquisition of lands, as well as unauthorised settlements and leases. Alongside this, the illegal acquisition of thousands acres of lands in the name of establishment of reserved forest, expansion of cluster villages of settlers, establishing army camps and training centres and tourism development continue to exist, the process of which is a direct violation of the CHT Accord.

Even though the competence on 'Tourism (Local)' is one of the functions assigned to the three Hill District Councils, it was only given to these Councils in incomplete form on 28 August 2014. This has limited the jurisdiction of the Hill District Councils on Tourism to the minimum, leaving them with the only provision of having authority over self-supported tourism initiatives – not over other tourism programmes. On the other hand, Tourism Centres are now being established and managed by the army, various government agencies and business institutions, in direct violation of the terms of the CHT Accord. The Bangladesh Tourism Corporation has been entrusted with the main authority of Tourism in CHT, while a wide range of lands are being illegally and irrespectively occupied for the establishment of Tourism Centres in the CHT without consideration for traditions, lifestyle & livelihood, land right of the Jumma peoples, environment and biodiversity in the CHT. The lands that are being occupied are the Mouza lands and traditional Jum lands (lands for shifting cultivation) of the Jumma peoples. The right of the Jumma peoples to forest, lands and natural resources is being robbed and that they are being prevented from developing orchards, Jum cultivation and growing seasonal farms in those areas. Consequently, the life & livelihood of the Jumma peoples, their food security, environment and bio-diversity have been placed at risk.

Instead of effectively implementing the special administrative system of the CHT, the different councils have been deprived of their capacity to fulfil their assigned role. The three Hill District Councils have been virtually turned into district branch offices. Boundless irregularities and corruption have long before affected employment of third class and fourth class employees, including the primary school teachers. Despite being so, the government has not implemented effective measures against this malpractices and corruption, indulgence being the only answer.

Even though more than 20 years have passed since the signing of the Accord, no elections have been held in the three Hill District Councils and the Election Rules and Electoral Rolls Rules of three Hill District Councils remain to be formulated. Instead of forming a 34-member elected HDCs, the Councils are being operated undemocratically by interim Councils nominated by the ruling party. Ignoring the opinion of the CHT people, on 23 November 2014 the government amended three Hill District Council Acts by increasing the number of members of the three interim Hill District Councils from 5 to 15, including the chairman. The main objective of making amendments to the three Hill District Council Acts seems to be to bypass elections for the CHT institutions and deprive the CHT people from their political rights to franchise and access to representation. In fact, these interim Hill District Councils work without any obligation and accountability to the people.

### **Civil and Political Rights**

The frequency in the violation of civil and political rights of indigenous peoples in Bangladesh has intensified in the last years. This has been accompanied by an increase of physical assaults carried out by non-State actors with the support of public authorities and officials. This situation has motivated a rise in the number of families that have decided to migrate to Myanmar in the face of increasing insecurity.

In the field of religious rights, the indigenous communities in the CHT have been subject to intimidating practices by settlers and authorities. In this regard, the imposition of limitations

for the building of religious sites, as well as the burning and ransacking of religious places have become a common trend in the region.

During the last year [2017-2018], the increase in attacks against human rights activists has been notably higher. The abductions, enforced disappearances and extra-judicial killings committed by individuals identifying themselves as law enforcers, as well as the enforced disappearances of people belonging to various professions have permeated a sense of insecurity and fear among the people of the CHT. Though the indigenous human rights activists have not been a specific target of this kind of actions, their engagement in the general democratic movement places them at risk.

However, indigenous rights activists have been particularly subject to attacks through false accusations of extortion, arrests, incarceration, detention, and indiscriminate raids. Such repressive measures are complemented by the denial of the right to a fair trial, since most activists are arbitrarily held by the intelligence and security forces who do not allow them to attend their trials.

Thus, only in the last year [2017-2018], evidence shows that 10 people were killed, 141 indigenous activists were subject to arbitrary detention, and false cases were fabricated against 161 people.

### **Land rights and Natural Resources**

The denial of legitimate land rights to the inhabitants of the Chittagong Hills Tracts continues to be one of the main issues in the region, not only because of the Bangladeshi government's opposition to recognising the right of indigenous communities to their ancestral lands, but also because this has triggered the systematic and progressive forceful expropriation of lands to the members of those communities.

Thus, communal attacks perpetrated by land grabbers and settlers, and the acquisition by force of lands in possession of traditional inhabitants of the CHT by State and non-State actors, such as the Forest Department –with the consequence of mass eviction of families–, have become a trend in the CHT.

Among those events, the attack perpetrated on 2 June 2017 against the village of Longadu, in the Rangamati Hill District, represents an example of the brutality to which the population of the CHT is subject to. During this attack, about 250 houses and shops of indigenous villagers were vandalised and looted before they were set to fire. Thousands of indigenous





villagers, including women and children, were forced to flee, losing their livelihoods. All this happened with the connivance of the public authorities.

Furthermore, the actions against indigenous land owners have intensified in the last years. Judicial harassment as a way of putting pressure over families in the CHT has become a regular method through which land grabbers achieve their objectives.

This situation has worsened in the light of the lack of implementation of the 1997 Peace Accords, which (as explained above) foresee the creation of a land dispute resolution mechanism.

In 2017, around 20,000 acres of lands belonging to indigenous peoples were bought through forced acquisition, mostly for the establishment of special economic zones, tourism complexes, business establishments and for the creation of new reserve forests.

### **Situation of the Rights of Indigenous Women and Girls**

The increase in levels of violence exercised against women has become one of the most important problems in the CHT. Even though the Bangladeshi government promised in 2013 to follow a 'zero tolerance' policy regarding violence against women, the incapacity of the authorities to reduce the number of attacks and to ensure that perpetrators are judged has caused a steady growth of these type of incidents.

Thus, violence against women in Bangladesh comprises raping, attempts of rape, to killing after rape, physical and mental abuse, kidnapping and human trafficking. Rape has particularly become one of the key concerns of indigenous communities in the backdrop of repeated denial of justice to women and girls, and the continued prevalence of a culture of absolute impunity enjoyed by the perpetrators.

The majority of victims/survivors are children (60%) in the age of 4-18 years old. Strikingly, 4% of the members of the security forces are reported to have committed such offences.

Sexual and physical violence are proportionally more commonly directed to indigenous women and girls: 7.52% of the victims/survivors were from indigenous communities, who represent 1.8% of the total population of the country. The remaining 92.48% of victims were from the Bengali community, who accounts for 98.2% of the population. Such incidents occur massively due to ethnic and cultural differences. Violence against women and girls is a weapon used to evict ethnic, cultural and religion minorities from their ancestral lands.





Although a few perpetrators are put in jail, most of them are released soon after. Indigenous women have very limited or no access to justice, because of the widespread culture of impunity, patriarchy, hegemonic masculinities and gender disparities.

During 2017, a total of 48 cases of violence against indigenous women were reported. As of January 2018, 57 indigenous women were sexually or physically assaulted. At least 12 women were raped, 9 were killed and killed after rape while attempt to rape was made on 9 other women. The age of the victims ranges from 3 to 75 years.

### **Situation of the Rights of Youth, Child and Education**

The situation found in the Chittagong Hills Tracts region in terms of children and education has been relatively stable during the last few years, with some minor improvements taking place.

Even though the government has been able to put in place relevant measures in this field, the full realization of human rights of indigenous children and youth continues to be obstructed by different unyielding challenges, mainly related to avoidable deaths of children from preventable diseases.

Regarding education, the main problem is linked to the impossibility to study in the respective mother tongue of different ethnic communities. After repeated promises over past five years, the government managed to introduce mother-tongue based pre-primary education through the distribution of textbooks in five indigenous languages. However, it failed to undertake other measures considered essential to make the initiative work. Aside from this development, typical challenges such as remoteness and teacher shortage in indigenous communities continue to create barriers on the way to the enjoyment of the right to education by indigenous children and youth.

### **Freedom of Religion**

The Jumma community of the Chittagong Hills Tracts is considered not only an ethnic minority, but also a religious minority in the Muslim-majority country of Bangladesh. Mainly Buddhists (although there are Hindus and Christians among the Jumma), this indigenous





people have been traditionally subject to discrimination, violence and displacement from their ancestral lands on religious grounds.

Violence against the Jumma community exercised by the Bangladeshi military is frequent, mainly for land grabbing purposes. The tension created by state forces imposes serious difficulties for Buddhist communities to be able to continue practicing their religion, as attacks and looting of cremation grounds, sacred waterways and temples are a common practice in the Chittagong Hills Tracts.

Furthermore, the government-sponsored settlement programs, which covertly aim at making the Buddhist, Hindu and Christians Jumma communities a minority in their own territory, has also fomented tension between Muslim settlers and those communities. Attacks against villages and temples have become more and more frequent during the last few years, often with the connivance of a military that has established a culture of impunity in the region that adds to the inter-ethnic inter-religious conflict.



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