

Chittagong Hill Tracts Commission

Co-Chairpersons:

Sultana Kamal,
Lord Eric Avebury,
Elsa Stamatopoulou

29 July, 2011

To
His Excellency Lazarous Kapambwe
President of the Economic and Social Council
The United Nations

Greetings from the Chittagong Hill Tracts Commission.

While the Economic and Social Council's session is going on, the CHT Commission objects to statements made recently by Bangladesh's Foreign Minister, Dr. Dipu Moni, stating that it was a 'misperception' and 'misrepresentation' to refer to the ethnic groups in the Chittagong Hill Tracts (CHT) as 'indigenous' in reference to the report of the tenth session of the UN Permanent Forum on Indigenous Issues.¹ Her remarks on the CHT peoples is discriminatory and disrespectful towards them as full citizens of Bangladesh, and also reflects a substantive and discriminatory misinterpretation of Bangladeshi law and history and of international human rights law. The majoritarianism approach and claim of ethnic superiority reflected in the assertions made by the Foreign Minister denies the basic values of pluralism and diversity that is observed in the Universal Declaration of Human Rights.

The Honourable Foreign Minister refers to the Oxford Dictionary for a definition of who is 'indigenous' and says that indigenous peoples are those "belonging to a particular place rather than coming to it from somewhere else". However we know very well that the United Nations instead of defining 'indigenous peoples' understands them as those who fulfill certain criteria, which among others are, 'self-identification as indigenous peoples at the individual level and accepted by the community as their member', 'strong link to territories and surrounding natural resources', 'distinct social, economic or political systems', 'distinct language, culture and beliefs', 'form non-dominant groups of society', 'resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities'. All these criteria are clearly fulfilled by the indigenous peoples from the CHT as well as the rest of the country.² Moreover, these peoples also fulfill the criteria of indigenous populations as contained in the ILO Convention on Indigenous and Tribal Populations of 1957 (Convention No. 107), which Bangladesh ratified in June, 1972.

¹ 'Ethnic minority, not indigenous people – FM tells diplomats, editors', The Daily Star, 27 July 2011. [<http://www.thedailystar.net/newDesign/news-details.php?nid=195963>]

² 'Raja Devasish rejects FM's statement', The Daily Star, 28 July 2011.

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The report by then Permanent Forum member, Lars Anders Baer, on a 'Study on the status of the implementation of the Chittagong Hill Tracts Accord of 1997'³, which was presented at the 10th session of the Permanent Forum in May 2011, pointed out how several crucial clauses of the 1997 CHT Accord still remain unimplemented. Among these is the clause on the dismantling of all the temporary military camps from the CHT, except six specified garrisons. The report points out that there still remain more than 500 temporary military camps in the CHT, making it a militarized zone for no obvious security reasons.

The CHT Commission believes that the Foreign Minister's comments reflect a lack of commitment on the part of the Bangladesh Government towards its national and international obligations, including those contained in the 2008 Election Manifesto of the Bangladesh Awami League, the major component of the current *Grand Alliance* government, and the provisions of the ILO Convention 107 and other international human rights standards, among others. It also reflects the government's discomfort at the suggestion of human rights screening for the Bangladeshi components of the UN Department of Peacekeeping Operations⁴, many of whom are actively taking part in the Bangladesh military's de facto operation, Operation Uttoron, in the CHT, which purports to provide a legal cover to the Bangladesh Army's role in civilian affairs, which is in violation of the laws of Bangladesh and international human rights standards, norms and practices.

The ECOSOC is also aware that Chakma Raja Devasish Roy, a member of the Chakma people from the CHT and its traditional king or chief, is the respected Asia region member of the United Nations Permanent Forum on Indigenous Issues, whose nomination was widely endorsed by indigenous organizations from several countries in Asia. The protest of Raja Roy against the recent remarks of the Foreign Minister on the government's stand on the Permanent Forum's recent report and its rejection of the indigenous status of the peoples of the Chittagong Hill Tracts received nationwide support from Bangladesh's indigenous population, and from a wide section of mainstream Bangladeshi civil society groups.

By making such objectionable remarks about the Permanent Forum's report and about the indigenous peoples of the CHT, the Foreign Minister is also implicitly questioning the competence and expertise of the sixteen members of the Permanent Forum, which includes eight respected experts of indigenous origin and eight respected governmental experts elected by members of the ECOSOC.

³ The report can be found at the following website:

<http://www.scribd.com/doc/55601161/CHT-Accord-Study-Final>

⁴ Please see CHT Commission's press statement regarding this on 5 June 2011.

[<http://www.chtcommission.org/wp-content/uploads/2011/06/CHTC-Statement-UNPFII10.pdf>]

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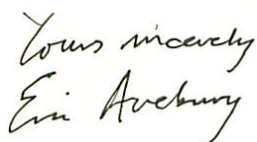
Newspaper reports have pointed out that the reason the Foreign Minister made these statements at this time targeting the newspaper journalists and the diplomatic community is in fact related to the ECOSOC's current session in Geneva, which is to discuss the Permanent Forum's report of its 10th session, on Friday 29 July, 2011. The Bangladesh Government especially wants the expunging of two of the paragraphs, which deal with the UN Peacekeeping Forces, from the Forum's recommendations, among others.

The CHT Commission would like to reiterate its agreement with the recommendations made by the Special Rapporteur, including on the implementation of the provisions of the CHT Accord, and those addressed to the UN's Department of Peace Keeping Operations that it should develop a mechanism to screen human rights violations committed by military personnel and that it should prevent human rights violators and alleged human rights violators within the security forces of Bangladesh from participating in international peacekeeping activities under the auspices of the United Nations.

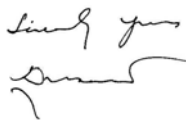
The CHT Commission hopes that the UN Economic and Social Council will adhere to its non-discriminatory approach and adopt the report of the 10th session of the Permanent Forum and all its recommendations, including those related to the Chittagong Hill Tracts Accord of 1997.

Sincerely,

On behalf of the CHT Commission



Eric Avebury
Co-chair of the
CHT Commission



Sultana Kamal
Co-chair of the
CHT Commission



Elsa Stamatopoulou
Co-chair of the
CHT Commission