

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

20 May 2014

AI Index: ASA 13/003/2014

Amnesty International statement to the United Nations Permanent Forum on Indigenous Issues

Thank you Madame Chair,

Amnesty International welcomes the report of the Permanent Forum, “Study on best practices and examples in respect of resolving land disputes and land claims”ⁱ, prepared by Raja Devasish Roy. In particular we welcome the conclusion drawn in the report: that statutory mechanisms set up to examine and resolve land claims of indigenous peoples, which involve the effective participation of representatives of Indigenous peoples concerned, can contribute to sustainable peace and improved relations between indigenous peoples and the State.

Amnesty International published a report in 2013, “Pushed to the Edge: Indigenous Rights Denied in Bangladesh’s Chittagong Hill Tracts”, which drew on three field research missions to the Chittagong Hill Tracts area.

Our report found that many elements of the 1997 Peace Agreement that brought an end to the internal armed conflict remain unimplemented. In particular the Chittagong Hill Tracts Land Disputes Resolution Commission (hereafter, “Land Commission”), set up to resolve land claims of the Pahari Indigenous people of the Chittagong Hill Tracts, is described in the Permanent Forum report as being “stagnant”.

Amnesty International’s recommendations from our 2013 report are still applicable. As such, we reiterate these recommendations here and urge the government of Bangladesh to:

- Fully recognize and protect the right of Pahari men and women to their traditional lands through an effective and culturally-appropriate mechanism that restores them to their traditional lands.
- Make the effective operation of the Land Commission a top priority
- Ensure that the Pahari people, including Pahari women, participate effectively and fully in the operations and processes of the Land Commission.
- Remove the Chair’s veto through an amendment to the Land Commission Act 2001, so that Land Commission decisions are reached by simple majority.
- Give due legal recognition to the collective rights of the Pahari to their traditional lands in order to accommodate the communal nature of Pahari traditional land tenure practices; our report also concluded that this was the best way of ensuring that both Pahari men and women are able to access their rights to traditional land on an equal basis.
- Organize a culturally-appropriate information campaign about the Land Commission which is aimed at the Pahari, developed with the participation of Pahari women and

men, and provide information on the human rights of the Pahari, including in particular their collective rights to traditional lands.

- Fully and effectively implement the 2007 UN Declaration on the Rights of Indigenous Peoples, and collaborate with the UN Special Rapporteur on the rights of indigenous peoples.

Thank you Madame Chair for your attention.

ⁱ Study on best practices and examples in respect of resolving land disputes and land claims, including consideration of the National Commission on Indigenous Peoples (Philippines) and the Chittagong Hill Tracts Land Dispute Resolution Commission (Bangladesh) and the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights, 27 February 2014 (E/C.19/2014/4)