

# The altered landscapes of the Chittagong Hill Tracts

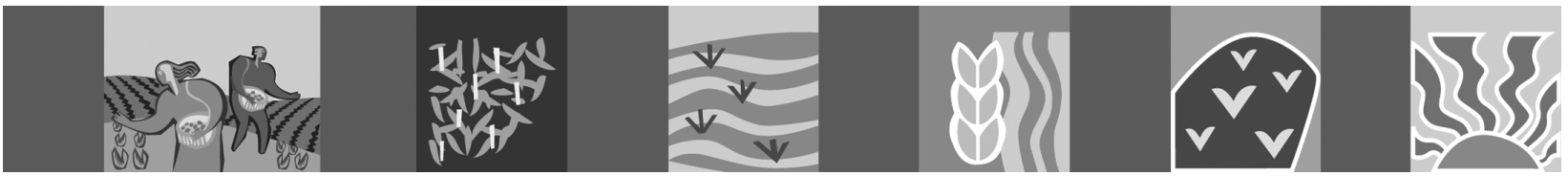


**Chittagong Hill Tracts of Bangladesh**  
Photo by Mita Nahar

**T**he Chittagong Hill Tracts (CHT) in Bangladesh is a melting pot of cultures, religions, and languages. About 11 indigenous groups live in the Hill Tracts. These are Chakma, the largest of them all, Marma, Tripura, Tanchangya, Chak (Sak), Pankho, Mru (Mro), Bawm, Lushai, Khyang, and Khumi. These communities are popularly known as “Pahari” (residents of the hills) or “Jumma” (people who do shifting agriculture). The CHT, with its rivers and reserve forest areas, occupies approximately one-tenth of the land area of Bangladesh. It is a source of biodiversity and a place of natural beauty. Prior to the threats of commercial plantations, the IP communities obtained their food for the whole year from the *jum* thanks to its abundant cultivable hills.

The mechanism for land grabbing in the CHT started in the 1960s through the establishment of the Kaptai dam in Rangamati for hydroelectricity generation. It inundated 54% of the arable lands and left more than 100,000 people homeless. The then parliamentarian Manobendra Larma founded a regional political party, the Parbatya Chattagram Jana Samhati Samity (PCJSS), in 1972 for the regional autonomy of the Adivasi hill people. The government retaliated by deploying a large army and bringing in thousands of Bengali families from the plains. The settler Bengalis forcibly and illegally occupied the land of the Adivasi hill people. From 1979 to 1984 the government brought in more than 600,000

Condensed from *Commercial Plantations heighten threats to Indigenous Communities: Land Grabbing in the Chittagong Hill Tracts of Bangladesh* by the Association for Land Reform and Development (ALRD). For more details of the case, contact: [alrd@agni.com](mailto:alrd@agni.com).



Bengalis from the districts of the plains to settle in the CHT.

The PCJSS insurgency continued for the next two decades. Throughout that time, there were repeated accusations against the government and the armed forces of human rights violations that included massacres, mass tortures, sexual abuse/violence, and religious intolerance. Internal displacement reached as high as 70% of the total indigenous population, and massive environmental destruction and refugee problems ensued, with 60,000 indigenous refugees taking shelter in the neighboring state of Tripura, India.

In 1997, the CHT Peace Accord was signed between accredited representatives of the Government of Bangladesh and the PCJSS to put an end to the insurgency. It specified procedures for the surrender of the members of the rebel IP organization, the PCJSS, and its armed wing, the Shanti Bahini (SB), along with the decommissioning of their arms. The agreement included provisions for repatriation of the IP refugees in India, as well as rehabilitation of the internally displaced Paharis (Adnan and Dastidar, 2011). However, the Peace Accord has not put an end to land grabbing in the CHT.

### **Land grabbing mechanism**

Over time, various State agencies have taken over lands in the CHT through formal acquisition procedures mediated by the offices of the Deputy Commissioners (DC). Among these agencies, the Forest Department is by far the largest land grabber, followed by the security forces. An eminent researcher Dr. Shapan Adnan, in his study, “The CHT (Land Acquisition) Regulation, 1958,” describes the acquisition process specific to the region as “a draconian law which empowers the DC to use force to acquire the designated lands,

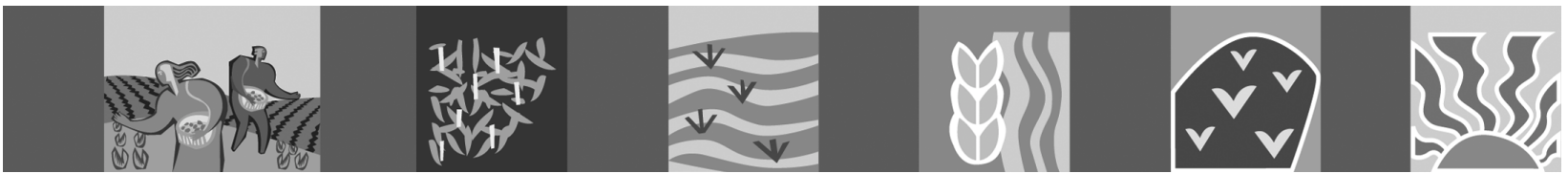
without even having to give any prior notice to the concerned landowner”. There is no provision for any appeal against land acquisition under this law. Since 1958, it has been used by the State to acquire Pahari lands for installation of security forces and government departments (Adnan & Dastidar, 2011).

Furthermore, afforestation projects funded by foreign donors or sponsored by international financial institutions and implemented by the Forest Department for monoculture plantations have had unfavorable impacts on the traditional land rights of the IPs. Existing policies, such as the National Forestry Policy of 1979 and the Forestry Master Plan of 1994, as well as donor-funded projects promoted industrial forestry by expanding rubber and timber plantations in the CHT. The research of Dr. Adnan revealed that, since 1989, land acquisition for commercial purposes (i.e., rubber plantation, tobacco plantation, timber plantation) by the Forest Department in the CHT has amounted to 218,000 acres, at the cost of evicting IPs from their land.

### **Land grabbing by commercial interest groups**

A major emerging trend in the CHT is land grabbing by commercial interest groups led by politically influential Bengalis. Some powerful commercial agencies have been seizing lands in order to resell these to private corporations, real estate dealers, etc. Significantly, these commercial grabbers not only seize the IPs’ lands but also take over those of the settler Bengalis by producing false documents of purchase.

These grabbers do not bother obtaining titles and lease documents, but use sheer force backed by their social and political connections, to prevent the police and administration from intervening.



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They hire armed gangs to provide cover to hundreds of workers who are deployed to clear the grabbed lands, cut down trees and vegetation, and start new plantations. They also use a variety of other mechanisms, such as bribery to co-opt officials and induce village headmen to sign the necessary papers. These mechanisms are often used in a definite sequence, as part of a multi-pronged and integrated strategy of land grabbing. In some cases, the affected Paharis have attempted to resist such forcible occupation of their lands. However, they have often been unable to hold out in the face of violence and intimidation by the land grabbers, given the lack of protection from the local administration, police, and political leadership (Adnan & Dastidar, 2011).

### **Rubber plantations**

The Association for Land Reform and Development’s (ALRD’s) partner human rights organization, Kapaeeng Foundation, in its report on Chak eviction in the Bandarban, identified various companies and outsider Bengali businessmen who are involved in rubber plantations on large tracts of land. The Foundation reported that more than 11 business companies have occupied thousands of acres of lands

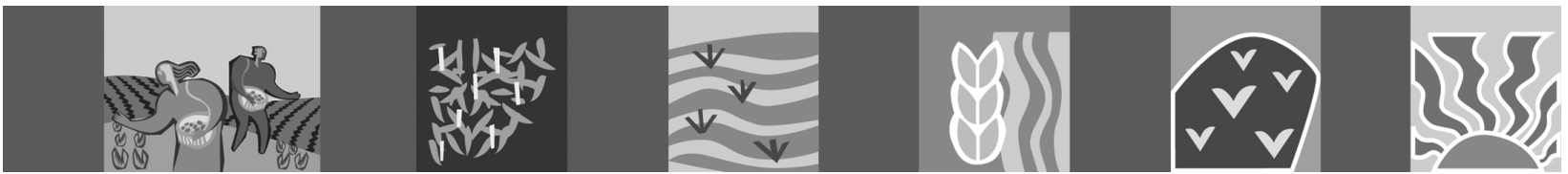
recorded and owned by permanent residents of CHT, including the indigenous Jumma people. These companies include Destiny Group, Mostafa Group, Laden Group, Shahamin Group, S Alam Group, PHP Group, Meridian Group, Exim Group, Babul Group and Agme Group. They claim lands simply by hanging a signboard and threatening the indigenous villagers and permanent Bengali residents to leave the area. In some cases, hired miscreants of land grabbers would attack the villagers. All these, while the local administration plays a passive role, encouraging the outsiders to occupy more land freely (Kapaeeng Foundation, nd).

Rubber plantations in the CHT pose a threat to the forest-dwelling indigenous communities. They have serious impacts on food security of the indigenous peoples and the environment. Cultivable land in the hills that was originally used for food production is now occupied by outsiders, in most cases, for production of cash crops and industrial products.

The Asian Development Bank (ADB) provided Tk 52.5 million in phases from 1979 to 1995 while the government allocated Tk 13.5 million after the signing of the CHT peace accord (The Daily Star, 2009) for the development of rubber plantations and horticulture.

The Khagrachhari rubber plantation, funded by the ADB under the Upland Settlement Project in 1980, involved 2,000 indigenous households during its first phase. Each household was given four acres of land for rubber, two acres for horticulture, and 0.25 acres for homestead. In the second phase starting in 1993, 4,000 acres of land were allocated to 1,000 families (four acres to each) for rubber cultivation. During this phase, each family received 1.25 acres for horticulture and homestead. So far, 500 families have received





settlement for horticulture and homesteads (2.25 acres each), but no household has yet received settlement for the rubber plots.

In the Bandarban district, 42,425 acres of land—much of which were previously communally shared by the indigenous communities and used for food production—have been allocated to 1,635 non-local individuals, proprietors, and companies for rubber and horticulture in Lama, Naikhongchhari, Bandarban Sadar, and Alikadam upazila. In Bandarban Hill District, a rubber plantation is still expanding on what used to be forest and land used by indigenous peoples (Gain, 2011).

### **Right to Information Act, 2009**

The Government of Bangladesh enacted the Right to Information Act of 2009 (RTI Act) to ensure government transparency and accountability. The RTI Act compels public, autonomous, and statutory organizations and other private organizations constituted or run by the government to disclose hitherto undisclosed information of public interest. The adoption of the RTI Act has been hailed as the most revolutionary law passed by the Bangladesh Parliament. The 2012 report of the Information Commission of Bangladesh stated that 135 disputes were settled through the intervention of the Information Commission from 2010 to 2012. The highest percentage (19%) of disputes were land related (Information Commission, 2013).

As a whole, however, there are still hindrances to the release of certain types of information not considered mandatory under the RTI Act. Clause 4 Section 7 describes one category of information in which the authority is not bound to provide information related to commercial or business confidence, copyright or intellectual property right, the disclosure of which would harm the

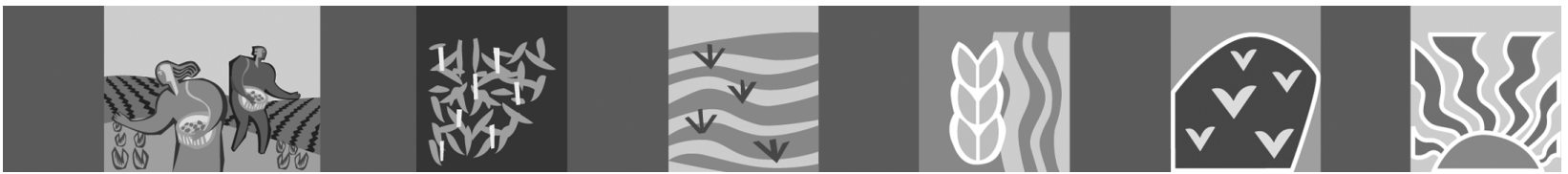
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intellectual property rights of any third party. Consequently the IPs and the activists are not able to access information about the accurate size of lands used for commercial plantations from private commercial agencies that are involved and/or have occupied lands unlawfully.

### **CHT Land Commission**

The establishment of an independent land commission to resolve conflicts over land and natural resources was one of the major components of the CHT peace accord. Hence, the then Awami League enacted the Land Commission Act of 2001. But this was done without consulting the Chittagong Hill Tracts Regional Council which critically differed from the relevant provisions specified in the CHT Accord. The IPs largely opposed the Chairman and the role of the Commission, thus no collaboration took place between the parties.

To address this, the Regional Council proposed a 13-point proposal to amend the CHT Land



Dispute Resolution Commission Act of 2001. They sought to ensure that the points approved by the CHT Peace Accord Implementation Committee and adopted by the inter-ministerial committee would be fully and accurately included in the bill. Simultaneously, the Chittagong Hill Tracts Commission (CHTC) sent a letter to Prime Minister Sheikh Hasina, proposing the amendment of the CHT Land Dispute Resolution Commission Act of 2001, which was intended to safeguard the CHT indigenous peoples' land, particularly in the smallest vulnerable communities like Chak in Bandarban.

### Case documentation: Eviction of Chak families in Naikhyongchari

On March 15, 2013, influential land grabbers, with the support of political figures, successfully evicted 21 families of the indigenous Chak community from their ancestral homes in Badurjhiri Chak Para of Alikhyong Mouza under the Baishari union of the Naikhyongchari Upazila in the Bandarban district. Around 100 individuals lost their homes, along with 582 acres of homestead and arable land. The evicted IPs were mostly *jum* cultivators (traditional shifting cultivators), who

were left with hardly any livelihood support. More than five villages are still under threat of eviction. Meanwhile, establishment of the rubber plantation on the 400 acres of Chak land has begun.

This type of land grabbing has been going on in the area in the last four years. The Chaks, also known as Sak or Thek, are facing severe threats from armed muggers who have been hired by land grabbers to raid the community's houses at night and steal their cattle. Many have fled their villages and become refugees, taking shelter at Baishari Upar Chak Para and Baishari Headman Para under the Baishari union.

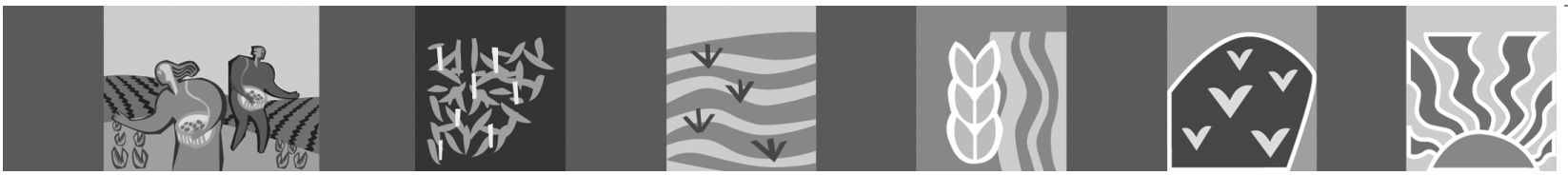
About five years ago, the indigenous villagers of Longadu Chak Para under Baishari union also fled their village following unbearable harassment from Bengali land grabbers. Another 13 poor indigenous Mro families from Amtali Para village of Fasiakhali union under Lama Upazila in Bandarban district were also forced to evacuate their village in 2012 for the same reason.

In this context, ALRD's network partner Kapaeeng Foundation conducted a fact-finding investigation in the two *upazilas*. The investigating team was composed of human rights defenders, indigenous rights activists, media activists, and development workers led by human rights defender Pankaj Bahttacharya. They visited and had discussions with the community, the local leaders, the accused land grabbers, and the police. Moreover, they met with the Chairman of the Hill District Council, the District Commissioner of Bandarban, the Bohmang circle chief, and the Chakma circle chief in Bandarban.

After their visits, the Kapaeeng Foundation with ALRD called for a press conference on 19 June 2013 to demand for the protection of the



Victims of eviction from the Chak community  
Photo by ALRD



**Kapaeeng Foundation's investigation team**  
Photo by Kapaeeng Foundation

indigenous Chak and Mro villagers, and the arrest of the accused land grabbers. The team recommended the following:

- ❑ Indigenous peoples have been facing forced evictions regularly in CHT, but the perpetrators are protected by local administrations. Indigenous peoples must be allowed to live in freedom. Their land rights must be protected by State laws and regulations.
- ❑ The accused land grabbers should be brought under jurisdiction process to give justice to the victims of the Chak community.
- ❑ Land must be returned to the indigenous peoples, and displaced families should be rehabilitated to their own place soon.
- ❑ Leasing to business companies without public consent is a non-democratic practice in a democratic country. Land leased out illegally should be cancelled.

- ❑ At least five acres of land should be allocated for each evicted family, which could be merely handed over internally.
- ❑ Contradictory provisions in the CHT Land Dispute Resolution Commission Act of 2001 should be amended as demanded by the CHT Accord Implementation Committee. ■

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***For the complete list of references, please contact the author of this case as indicated at the beginning of the article.***