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Bangladesh

Progress on internal displacement response needed

Twenty years of armed struggle in the Chittagong Hill Tracts (CHT), pitting the armed forces and Bengali settlers against indigenous groups seeking greater autonomy, formally ended in 1997 with the signing of the CHT Peace Accord. The accord granted cultural recognition and a degree of self-government to indigenous groups and foresaw the rehabilitation of internally displaced people (IDPs), but the situation of displaced indigenous people and Bengalis has not been resolved.

Insecurity continues to generate new displacements. These go largely undocumented because of restrictions on independent reporting, but some sources suggest that tens of thousands of people have been affected. Insecurity is also preventing IDPs from achieving a durable solution to their displacement. Most who are unable to return to their places of origin cite a combination of insecurity and a lack of guarantees for political activity as their main obstacles.

There is disagreement over who should be recognised as an IDP. Under the CHT Peace Accord, all parties recognise displaced indigenous people as IDPs, but the indigenous groups refuse to accept the Bengali settlers they have displaced from recently occupied land as such. Their position is not in line with the common definition of an IDP, which does not require a person to have lived in a place for a long period before they can be recognised as displaced from it. Given the background to the conflict, it may make sense to offer settlers compensation and safe alternatives to their discontinued occupation of the land in question, but any attempt to do so should be on the basis that they too should be recognized as IDPs and treated as such under the accord.

There is a also a general lack of up-to-date information and monitoring of internal displacement, some of whom were displaced as many as 35 years ago, so it is unclear what their settlement intentions might have been and whether they have achieved a durable solution.

Disputed land rights remain the most important issue. Given a context of continuing forced evictions and expropriation of ancestral lands, the commission set up to settle disputes needs to establish land ownership rights prior to undertaking a cadastral survey. By doing so, land would be registered to its original owners rather than the land grabbers.

Internal Displacement in Bangladesh



Source: IDMC **More maps are available on** http://www.internal-displacement.org

Background and causes

Internal displacement in Bangladesh is largely the result of two distinct phenomena: sporadic, massive displacements linked to natural hazards; and continuous but irregular displacement of minority groups marginalised by Bangladesh's nation-building project. This overview focuses on the second phenomenon.

Displacement and ethnic marginalisation
After the emergence of sovereign Bangladesh in
1971, the country's leaders promoted homogenous Bengali nationalism. Groups which challenged that vision were marginalised by legal, political and military means (CSS, December 2008).

Legal measures, notably the Vested Property Act, served to expel Hindi landowners from their land. The act was a continuation of a Pakistani law passed to take over land owned by Hindus after separation from India in 1947, and was broadly used after the Pakistan-India war in 1965. One study estimated that the government had appropriated the property of 10.5 million Hindu households by 1997; 5.3 million Hindu landowners fled, mainly to the Indian state of West Bengal between 1964 and 1991 (ISS, 22 July 2011).

Political and later military measures were used to assimilate indigenous groups in the Chittagong Hill Tracts (CHT). This hilly territory covered by dense forest lies along the south-eastern border with Myanmar and India, and accounts for one-tenth of the country's geographical area but only one per cent of its population.

In 1950, 98 per cent of CHT's population belonged to 13 ethnic groups distinct from Bengalis in terms of their language, culture and religion. Similar differences exist among the "hill people", but they are collectively known as Jumma as they practice the slash-and-burn cultivation of land or jhum (BDI, January 2009; AJSS, 36-2008).

The British restricted the colonisation of indigenous land by outsiders and helped preserve indigenous institutions based on chiefdoms, customary law and common ownership of land. Since 1950, however, CHT has been open to immigration and non-indigenous people have acquired land (CSS, December 2008).

The constitution drawn up in 1972 did not recognise the distinct Jumma identities. Instead, the government opened up CHT for economic development and offered poor Bengali families land to settle there. The construction of the Kaptai dam on the Karnaphuli river in the 1960s inundated from as much as 50 per cent of the region's arable land CHT and displaced more than 100,000 people from their ancestral holdings, both to other areas of CHT and into India. Bengalis from neighbouring districts also seized land which had been collectively used by indigenous population (Bushra Hasina, August 2002; BHDRC, April 2009:2).

The struggles over this land, together with the threat perceived by indigenous groups of their assimilation into the majority culture of Bangladesh, provided the background to the armed conflict which followed.

In 1976, indigenous groups organised under the United Peoples' Organisation of Chittagong Hill Tracts (Parbatya Chattagram Jana Samhati Samiti or PCJSS) formed an armed insurgency called Shanti Bahini. PCJSS called for constitutional recognition of indigenous rights, full regional autonomy and for all non-indigenous people to be relocated outside CHT (UN - ECOSOC, 18 February 2011).

Successive governments found these claims unacceptable, and they used force to displace the indigenous population from their land and villages and replace them with loyal Bengali households. Hundreds of thousands of poor Bengalis were moved into the area between 1979 and 1985,

causing a significant demographic shift. By 1991 the indigenous and Bengali populations were roughly equal in number and the Jumma were pitched against the settlers, the latter supported by the army (BHDRC, April 2009:5). The settlement policy violated international law as it "aimed at altering the ethnic composition of the affected population" (BI, 2008:20-22).

The Bangladeshi government understood that it was losing valuable resources in CHT as a result of the disturbances, and when democratic rule replaced 15 years of military rule in 1991, members of the two dominant parties - Awami League and the Bangladesh Nationalist Party, initiated dialogue with PCJSS. The government and PCJSS signed the CHT Peace Accord in 1997, granting cultural recognition and a degree of self-government to CHT indigenous groups and allowing them to form regional and district councils. It foresaw the withdrawal of military installations, the rehabilitation of internally displaced people (IDPs) and the repatriation of refugees (ISS, 22 July 2011; CHTC, August 10-18, 2009). The government established the Land Commission and the Task Force on Rehabilitation of Returnee Jumma Refugees and Internally Displaced Persons to implement the accord.

Many of the most contentious issues, however, such as the settlement of land disputes, the demilitarisation of CHT and the devolution of authority to local institutions have still not been implemented. Neither did the accord resolve the future of the Bengali settlers. It was specific about return of the land to the Jumma but did not clarify the land rights of the settlers (BDI, January 2009; UN - ECOSOC, 18 February 2011).

The Awami League election manifesto of 2008 stated that the accord would be fully implemented during its mandate, but new displacements have continued. According to some reports, tens of thousands of people have been affected (IRIN, 12 May 2011; CHTC, 28 June 2010;

Indigenousportal, 20 December 2009).

The government does not formally recognise the collective rights of the indigenous people to communal land and continues to regard it as state-owned, and as such to be given to settlers. That said, the seizure of Jumma land does not always result in displacement, at least not directly. Rather than being lived on, the land may be used exclusively for agriculture and its loss may rather affect the long-term sustainability of people's livelihoods (AIPP, August 2007:6).)

According to displaced Jumma, the militarisation of CHT and the activities of the army have also led to displacement. These have included clashes, killings and other human rights violations committed by the army and its collaborators, military orders obliging people to leave their homes, and joint settler-army attacks involving the burning of homes.

Figures and registration

Figures on displacement in CHT are incomplete due to identification problems, lack of updated information and independent reporting.

Identification

The main obstacle to resolving the situation of IDPs has been disagreement over who should be recognised as such. In 2000, the Task Force on Refugees and Internally Displaced Persons identified 667,000 IDPs. The total figure was made up of 90,000 indigenous families (or about 470,000 individuals based on an average of 5.2 people per household) and 38,000 Bengali families (198,000 people). As stipulated by the accord, all should benefit from a "rehabilitation package" including restitution of land (AIPP, August 2007:40-41).

PCJSS and other Jumma organisations, however, were opposed to the inclusion of Bengali settlers who moved into the region in the 1980s.

These organisations claimed that those who had

recently occupied land might not qualify as IDPs according to the Guiding Principles on Internal Displacement which hold that people are displaced away from their "homes or habitual place of residence". This position does not accord with a common understanding of the definition of "home", according to which a person with a family and house does not have to have resided in a place for a long period to be considered displaced from it. Bengali settlers should be considered IDPs and treated accordingly.

A further complicating factor lies in the fact that some of the refugees who returned from the Indian province of Tripura after the signing of the accord may have been forced into secondary displacement. According to indigenous rights groups, 79% did not return to their land because it was still being occupied by settlers (AIPP, August 2007:40-41). Some probably ended up in internal displacement, but those who were able to settle in other parts of the same territory because they were unable to return to collectively-owned land would not be counted as IDPs.

Information

In some cases as many as 35 years after the event, there is a lack of up-to-date information regarding the number of people who have achieved a durable solution and the number still displaced.

A survey by the Human Development Research Centre (BHDRC) published in 2009 went some way to shedding more light on demographic changes in CHT. It found that, as of 2007, 31 per cent of the households in rural CHT had been displaced since 1977. It also estimated that a total of 56,000 households (291,200 people) had been displaced within CHT and that as many as 67,500 people had left for other parts of the country "due to alien and inhospitable living conditions". It suggested that ten per cent of those displaced to other areas - up to a third from some indigenous groups - returned after 1997, mainly due to security improvements.

On the basis of the BHDRC's figures, as many as 323,000 people were internally displaced within or away from CHT between 1997 and 2007, but that as few as 5,000 of those who fled to other areas returned to CHT. Information on the number who might have achieved durable solutions, whether in their place of origin, the place they were displaced to or elsewhere was lacking (BHDRC, April 2009).

Reporting of recent displacement

More recent displacement has largely been undocumented due to the restrictions on independent reporting in the area, but tens of thousands of people have been affected, according to some reports (IRIN, 12 May 2011; CHTC, 28 June 2010; Indigenousportal, 20 December 2009). In February 2010, for example, an attack apparently launched by the army and labourers employed by the military displaced almost 2,700 people (16 per cent of them Bengalis and 84 per cent indigenous) Rangamati district (EU, 26 February 2010). In April 2011, the NGO Survival International reported that more than 500 people were displaced and six indigenous villages razed to the ground amid fighting between Jumma and settlers.

Patterns of displacement

Displacement has reportedly affected an equal number of men and women from CHT (CRG, 2006). Most ethnic groups in CHT have had members displaced, but political groups seen as linked to the insurgency were the most affected. According to BHDRC, 22% of the Bengali population, 37% of the indigenous population and up to 72% of the indigenous Chakmas were displaced between 1977 and 2007 ((BHDRC, April 2009:42-43).

Most but not all displacements took place during the 1970s and 1980s. Research from 2007 suggests that the majority of the households affected by dispossession were displaced a long time ago when their fathers owned the land; only 6% were

dispossessed when they were the owners (Ibid). Anecdotal evidence from the Calcutta Research Group suggests that indigenous people keep moving from one place to another due to insecurity. Forty percent of the displaced indigenous population living in settlements inside CHT interviewed in 2006 were displaced after the accord was signed (CRG, 2006; see also CHTC, 28 June 2010).

Most indigenous people, who often have important ties to their territory, sought protection in other areas of CHT rather than further afield. More than 80 per cent of all displacements took place within CHT, according to BHDRC's research. Census data from CHT in 1981 and 1991 supports this finding. The census indicates that the indigenous population in CHT grew from 455,000 in 1981 to 501,000 in 1991 (ten per cent over a decade, similar to the national growth rate). This would suggest that a large number of the IDPs remained within CHT (Adnan, 2004 quoted in chtarchive.com, accessed 20 December 2011).

While two-thirds of the current Bengali population in CHT have been living there for less than 30 years, the displaced Bengalis also chose to flee within CHT, often to areas near military installations where they could enjoy relative safety (BHDRC, April 2009: 42).

The households whose members fled CHT were often fragmented. On average, two members of these households left the territory while three remained. Separation also occurred in families which were forced to flee more than once, a characteristic of 80 per cent of the displaced households in CHT. Displaced indigenous households had to move on average 1.7 times, and Bengalis displaced between 1997 and 2007 on average 1.5 times (BHDRC, April 2009: 42).

Protection concerns

Violence and coercion

A recent study by the UN Special Rapporteur on Indigenous Issues found that human rights violations continue including "arbitrary arrests, torture, extra-judicial killings, harassment of rights activists and sexual harassment", most of them attributed to the security forces (IRIN, 28 April 2011; IRIN, 12 May 2011; Survival International, 17th of February 2011).

According to BHDRC, 25 per cent of indigenous households reported an experience of armed violence, compared to 11 per cent of the Bengalis. Seven per cent of indigenous households reported that a member of their family had been wounded or killed (BHDRC, April 2009). Given that IDPs generally chose to remain as close to their homes as possible, this would often mean that they remained in imminent danger of further violence (Xeenews.com, 24 February 2010; Reuters, 21 February 2010). Settlers reportedly killed one displaced man after he provided information about land grabbing to members of the Chittangong Hill Tracts Commission, a group which advocates for the implementation of CHT Peace Accord (Survival International, 22 August 2008).

Displaced settler households have preferred to move to locations close to military facilities over the past decade. In some cases, the security forces facilitated the creation of villages for the displaced settlers near the camps after attacks on them.

Women from displacement-affected communities continue to fear sexual violence. Indigenous rights groups reported in 2007 that members of the security forces and Bengali settlers had raped 36 women, molested 13, kidnapped nine and tortured more than 25 between 1998 and 2006. The situation reportedly worsened between 2006 and 2011 (BDNews24, 26 May 2011; AIPP, 2007: 22), but access to redress for victims and their families

was rare (CHTC, August 2009).

Insecurity is also an effective barrier to the freedom of movement of people within CHT. BHDRC found that in 2008, 46 per cent of indigenous people and 38 per cent of Bengalis did not feel safe moving anywhere outside their own community (BHDRC, April 2009: 165). In 2006, the Calcutta Research Group found that one in five displaced people had from restrictions on their freedom of movement (CRG, 2006:41).

Deprivation

Living conditions for most people have improved over the last few years in CHT. Research which compares access to basic services in CHT and the rest of the country find comparable figures in a number of aspects (UNICEF, 2006). But a number of IDPs and non-IDPs have not yet had their rights fulfilled.

Indigenous and dispossessed people are disproportionately represented among the poor, but the data sources do not differentiate between IDPs and non-IDPs. IDPs have reported that shelter is their primary concern, followed by difficulties in finding viable employment, educating their children and finding enough food (AIPP, August 2007:12-13; CRG, 2006: 9, 34; The Daily Star, 1 October 2009).

Malnutrition and difficulties in accessing health care services are grave concerns for the CHT population as a whole.

Half of the children in CHT are anaemic, a significantly higher figure than the national average. Bandarban, one of CHT's three districts, has one of the highest infant mortality rates in the country. According to the Bangladesh Bureau of Statistics and UNICEF, only one in fifteen women in CHT gives birth with the assistance of health care workers, compared to one in four women countrywide (BBS/UNICEF, 2009). Insecurity may explain the difference. Fifty per cent of positions

in government health care facilities within CHT are vacant, and unrest may be the main reason (IRIN, 14 July 2011).

The scarcity of land for agricultural production limits access to food, leaving people especially vulnerable to crises such as forced displacement. In the Sajek area of CHT, communal clashes during February 2010 led to the closure of Baghaihat, the main market. This and the displacement of households posed serious threats to livelihoods and food security for both tribal and Bengali communities there (WFP, May 2011). In April 2011, assets including seeds and rice were destroyed during clashes which led to nearly 100 Jumma houses being burned down, leaving people who had no savings to rent or buy new supplies and equipment without food (IRIN, 12 May 2011).

Anecdotal reports suggest that internally displaced women face more difficulties than internally displaced men. Among other reasons, this is because their education level is generally lower and they face unique health issues (AIPP, August 2007:22; CRG, 2006:34).

Durable solutions

IDMC lacks data which could suggest whether IDPs' have assistance or protection needs linked to their displacement or not, or whether their rights are met on par with other people in the area and without discrimination, criteria for a durable solution.

Sixteen per cent of all displaced indigenous households and three per cent of displaced Bengali households who left CHT returned after 1997. A third of displaced people of Chakma background who left CHT also returned to their home areas. Sixty-three per cent of returnees cited a favourable political environment and 25 per cent referred to security improvements in a 2008 survey (BHDRC, April 2009).

Insecurity, however, continues to be an important obstacle to durable solutions. Eighty-two per cent of displaced indigenous people in CHT interviewed by the Calcutta Research Group reported that they could not return, mainly due to insecurity and the lack of political guarantees (CRG, 2006:34). Insecurity has been driven by armed conflict and communal instability (including between Jumma groups), fear of eviction, extortion and abduction. According to some NGOs, the government has continued to support the settlement of Bengalis, increasing competition for scarce resources (BDI, January 2009; IRIN, 1 December 2010). The army has not withdrawn from CHT, and the military, settlers and other groups opposed to the CHT Peace Accord believe that such a measure would expose settlers to attacks by indigenous militias (The Daily Star, 17 August 2009).

Some assistance was given to returning refugees after the signing of the accord, but the availability of assistance was not the crucial factor behind most peoples' decision to return or not. Instead, the most important barrier to durable solutions for IDPs, both indigenous and Bengali, remains their lack of access to land. About 22 per cent of indigenous households lost their land as a result of communal and armed conflict (BHDRC, April 2009). This prevented some returning refugees from recovering their livelihoods, and so they were still reliant on food handouts and the durability of their return was in doubt as of 2007 (AIPP, August 2007; Hasina Chowdhury, August 2002).

To address land-related problems, the accord provides for the establishment of a land commission to settle disputes, including by the cancelling of leases held by non-tribal and non-local people. The Land Commission remained inactive until 2009, when it announced that a cadastral survey would be carried out before establishing land ownership rights, a call which generated widespread protest among indigenous groups and IDPs, who feared that the land would be registered in the name of the land grabber rather

than the original owner. As of 2011, disputed land rights remain the most important outstanding problem, according to a UN study (UN-ECOSOC, 18 February 2011).

National response

The government has not responded to the needs of internally displaced indigenous people in CHT, but, through the army it has provided security to internally displaced Bengalis.

While addressing internal displacement is the government's obligation, the issue has mostly been discussed in relation to the CHT Peace Accord. The Awami League government has not implemented the accord, partly because it has been unable to overcome the argument of the Bangladesh Nationalist Party, supported by the army, that any action which would benefit minorities is anti-nationalist. The Taskforce for Repatriation of Tribal Refugees and the Rehabilitation of Internally Displaced People has taken few steps to address the situation of IDPs. After being inactive for a decade it was reconstituted in 2009, but the UN Special Rapporteur on Indigenous Rights reiterated in 2011 that it had taken no practical steps to help IDPs (UN-ECOSOC, 18 February 2011).

The establishment of constitutional rights for indigenous people has also been blocked, and Foreign Minister stated in September 2011 that "the ethnic Bengali population ... is more indigenous to their land than the tribal peoples" (IRIN, 2 September 2011). In other words, indigenous rights are mere privileges in the eyes of the Bengali political elite.

Many indigenous IDPs have reported that the government has never helped them, though a number interviewed by the Calcutta Research Group said they had received food, shelter and economic support (CRG, 2006:33). Other indigenous people, whether displaced or not, have

received assistance from the Ministry of Health and Family Welfare (IRIN, 14 July 2011). The government has, meanwhile, given food rations to thousands of displaced Bengalis in semi-organised settlements for years, and private religious education has been offered to both indigenous and Bengali settlers by Islamic Charities (The Daily Star, 18 March 2010).

International response

The international community, particularly the European Union, has provided political support to the indigenous rights movement in CHT and has offered to fund part of the land swapping needed for displaced indigenous people to return to their home territory.

IDPs have received little direct assistance to help them access basic necessities or achieve durable solutions. Some interventions, the larger led by UN agencies in collaboration with national ministries, have supported the general population in displacement-affected areas. For example, the World Food Programme (WFP) provided food assistance and other programmes over three years to improve the livelihoods and nutritional needs of the most vulnerable groups of people and support the peace process. Both indigenous and Bengali settlers were included in the project.

WFP has also, in collaboration with the Ministry of Women and Children Affairs (MWCA), provided assistance to help extremely poor women in displacement affected areas overcome food insecurity and acquire skills that encourage financial independence (WFP, 2006, AIPP, August 2007).

Note: This is a summary of IDMC's internal displacement profile on Bangladesh. The full profile is available online <u>here</u>.

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- · Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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