

'Land issue is one of the crucial problems'

Raja Debashish Roy is the chief of the Chakma Circle. He is a practicing barrister and was bestowed the title of king after his father Raja Tridev Roy went into exile following the independence of Bangladesh from Pakistan in 1971. During the immediate past caretaker Government, he served as the Chief Adviser's Special Assistant for Forest and Environment. Raja Debashish Roy, who has long been an eloquent and impassioned advocate and spokesperson for the Chakma community, talks about the recent unrest in the CHT region with *The Daily Star's* Faruq Hasan.

The Daily Star: What is your take on the current unrest in the CHT region? Is it a one off incident or something that has been brewing a long time?

Raja Debashish Roy: I feel that it could have been prevented had the government -- particularly the security forces -- taken prompt and adequate measures. There is widespread belief among the hillpeople that when it comes to protecting their lives, livelihood and property, they are discriminated against. If this is true, steps should be taken to correct this.

Incidents of this nature may also happen in future unless the government takes adequate measures. The most important step is to resolve land disputes through the CHT Land Disputes Resolution Commission, which cannot be done in a fair manner unless the law is amended (I will discuss this in more detail later). This will be a part of the overall process of rehabilitation and justice.

However, until such time as this process really gets underway -- after the law is amended and the Commission has managed to address a significant number of land disputes (which may themselves be delayed on account of judicial review of the Commission's decisions by the Supreme Court) -- the government should take the following measures.

One, instruct government officials -- civil, military, BDR, police -- to refrain from involving themselves in land-related disputes between Paharis and Bangali government-sponsored migrants (but of course, access to civil courts cannot and should not be prevented).

Two, prevent the creation or expansion of settlements of Bangali migrants from the plains districts (whether government-sponsored or not). Unfortunately, such settlements have been created between 1997 to today

(the Baghaihat settlements of 2008-09 are a case in point, in addition to those in Mahalchari, Nanyachar and Barkal upazilas, among others). This should be a formal direction in writing and non-compliance should be punished. How much of the CHT Accord has been effectively implemented in the CHT? Why are there continual delays in effectively implementing the Accord?

Some parts have been implemented, including disarming the JSS fighters, establishment of the CHT Regional Council, and some rehabilitation, among others. Many other areas remain un-implemented or only partially implemented. These include (i) dismantling of temporary security forces camps excluding six specified cantonments; (ii) rehabilitation of some refugees and all internally displaced people; (iii) transfer of police (with mixed personnel, including those to be appointed by the Hill District Councils), and law and order and land administration to the Hill District Councils; (iv) transfer of adequate authority to the CHT Regional Council and the Hill District Councils; (v) resolution of land disputes by the CHT Land Disputes Resolution Commission.

There is (i) absence of focused attention and political will; (ii) insufficient cooperation, and sometimes resistance, by government officials (civil and military); (iii) anti-accord propaganda and demonification of the Accord by falsely interpreting its provisions as violation of the rights of Bangali people by political and communal groups; (iii) absence of independent monitoring mechanism of the Accord; (iv) intra-Pahari discord and conflicts.

Sheikh Hasina's government signed the CHT Accord 12 years ago, how much commitment has this govern-

ment shown to fulfill its side of the Accord?

Like any other law in Bangladesh, the Accord support has been shown in words. This has to be translated into action through a well-thought out and openly-declared program of action with specific timelines and identified anchor or focal agencies and/or individuals.

What is the validity of the CHT Regulation 1900? Can you give me examples of other countries where a separate regulation like this exists in an area that has special status? Is the case for Bangladesh any different?

Like any other law in Bangladesh, the CHT Regulation 1900 continues to be valid in Bangladesh until and unless it is declared to be unconstitutional by the Supreme Court of Bangladesh.

There are several examples of similar laws, including those with far stronger safeguards, in different parts of the world, including Asia. Examples include (i) Articles 371A and 371G, Constitution of India for Nagaland and Mizoram states (whereby no legislation on Naga and Mizo religious and social customs and on land may be passed without the prior consent of the concerned state legislative assembly); (ii) the Inner Line Regulation, 1873 (which forbids the entry of, and acquisition of property by, non-natives in certain areas in Northeast India); (iii) Articles 153, 161, Constitution of Malaysia (on the special status of the natives of Sabah and Sarawak states, which includes safeguards on land ownership and equal opportunity in employment); (iv) Native Courts laws in Sabah and Sarawak states of Malaysia (recognising courts of law of native chiefs and headmen); (v) the Indigenous Peoples Rights Act, 1997 in the Philippines, in addition to specific constitutional provisions on "indigenous cultural communities" (recognising the ances-

tral domains of indigenous peoples in Philippines based upon customary law, among others).

To a layperson like me, land issues seem to be the crux of the tensions between the indigenous community and the Bangali settlers. Would that be a fair assessment? How does the land problem in the hills differ from the land problem in the plain lands?

It is one of the crucial problems, but not the only crucial problem in the CHT. The recent incident of arson attacks and killings perpetrated against Pahari people near Baghaihat were caused by the recent arrival of Bangali migrants into the area (2007-2009), a decade after the signing of the 1997 Accord. It is not rooted in a lingering land problem. The recent arson and attacks on Pahari houses in Khagrachari was not connected, at least directly, to a land problem.

But of course land disputes need to be resolved, including by the CHT Land Disputes Resolution Commission. However, the concerned law -- the CHT Land Disputes Resolution Commission Act, 2001 -- needs to be amended, to remove some undemocratic provisions and inconsistencies with the CHT Accord, in accordance with advice already provided to the government by the CHT Regional Council.

Major differences between the land problems in the CHT and in the plains include: (i) the CHT received government-sponsored external ethnic Bangali migrants (similar, to an extent, with greater Mymensingh in the 1950s-60s) settled by the government, leading to dispossession of local Paharis and land disputes; (ii) plains lands were transferred from zamindars (feudal landowners) to the state (then government of East Bengal), including with khas lands; CHT lands are basically communally owned and used lands, forests, grasslands, grazing lands, jum lands and water bodies under customary law regimes. Thus there are no khas lands in the sense of the plain lands. However, there are some similarities, such as in the way indigenous people -- in both regions -- have been victimised by fraudulent and violent acts of land grabbing, acquisition and dislocation by forest laws and programs, among others.

The constitution uses the term "back-



Raja Debashish Roy sees the work of a devotee weaving cloth.

ward section of society" to describe all indigenous groups -- why is there so much debate over the words adibashi and upojati?

The term "backward section" was phrased in 1972, perhaps borrowing from the concept in the Constitution of India. Today, we should rather refer to "disadvantaged" rather than "backward" section of citizens. In Hindi and Nepalese, the vernacular equivalent of "indigenous" and "tribal" is often regarded as adivasi/adibashi, and the word upajati does not feature in either language. It is believed that the term upajati, in the sense of "sub-nation," entered the Bangali language in the 19th century, (but not Hindi, Nepalese or other South Asian languages), carrying with it pejorative connotations and disrespectful attitudes.

What role do you think the media can play in resolving the existing tensions in the area?

The media can provide reliable and unbiased information on the Baghaihat and Khagrachari incidents. It should also provide windows for the airing of views of the Pahari people, who are politically, socially and economically marginalised. There are encouraging developments in this regard, but there is certainly much room for improvement. The press and

media should consult indigenous peoples from all groups and sectors to advise in this process.

BNP and Jamaat has been accusing AL of letting CHT become an autonomous and Christian state, separating it from the rest of Bangladesh -- how do you respond to this?

Letting the CHT, or for that matter, any part of Bangladesh, or any autonomous statutory body in the CHT or elsewhere in the country, exercise autonomy would be good for the region or body concerned and for the country as a whole. There is nothing sinister about autonomy. Our constitution actually encourages devolution to local government institutions and even allows delegation of legislative authority. Christians are the fourth largest denominational group in the CHT. CHT people are generally secular-minded, so I do not fear domination by any group, including Christians, particularly from among the indigenous peoples.

I have not heard of anybody seriously suggesting that the CHT has any status other than as a part of Bangladesh. I, therefore, think that such fears are laughable and a result of concoctions from xenophobic and racist and communal perspectives.



Don't wait for disaster

The Chile and Haiti earthquakes showed us once again why action before disasters makes all the difference. To prevent natural hazards turning into disasters, we must all act sooner and act smarter.

BAN KI-MOON

NO country can afford to ignore the lessons of the earthquakes in Chile and Haiti. We cannot stop such disasters from happening. But we can dramatically reduce their impact, if the right disaster risk reduction measures are taken in advance.

A week ago, I visited Chile's earthquake zone and saw how countless lives were saved because Chile's leaders had learned the lessons of the past and heeded the warnings of crises to come.

Because stringent earthquake building codes were enforced, much

worse casualties were prevented. Training and equipping first responders ahead of time meant help was there within minutes of the tremor. Embracing the spirit that governments have a responsibility for future challenges as well as current ones did more to prevent human casualties than any relief effort could.

Deaths were in the hundreds in Chile, despite the magnitude of the earthquake, at 8.8 on the Richter Scale, the fifth largest since records began. In Haiti, a less intense earthquake caused hundreds of thousands of deaths. Haiti had non-existent or un-enforced building codes, and very poor pre-

paredness.

The lessons are universally applicable. No country is immune from disaster, be it earthquakes or floods, storms or heat-waves. More and more intense natural disasters are affecting all five continents, we believe as a result of climate change. Many of the world's poorest people live in high-risk densely populated cities in flood or earthquake zones, or both.

The culture of disaster risk reduction must spread. I am encouraged that we already have a head start in this regard.

The Hyogo Framework for Action, a 10-year plan to make the world safer from disasters triggered by natural hazards, was adopted by 168 governments in 2005.

Hyogo gives national authorities a blueprint to assess and reduce risks through planning, training, and better public education. For example, making sure that schools, hospitals, and

other key public infrastructure meet certain safety standards.

Based on the Hyogo Framework, the UN has made disaster risk reduction a priority. I have appointed a Special Representative for implementation of the Hyogo Framework of Action. Last year, I launched the first global assessment report on disaster risk reduction in Bahrain.

There has been progress. Bangladesh lost more than 500,000 people during Cyclone Bhola in 1970. It subsequently built 2,500 cyclone shelters on elevated concrete platforms and trained more than 32,000 volunteers to help in evacuations. When Cyclone Sidr struck in 2007 with an enormous sea surge, the death toll was less than 4,000. Cyclone Nargis, a similar event in unprepared Myanmar in May 2008, cost 140,000 lives. Cuba weathered four hurricanes in 2008. It sustained \$9 billion of physical damage but very few lives

were lost.

The evidence is overwhelming. Yet the lessons of these disasters are forgotten with depressing speed. Many governments have failed to follow through on the practical measures Hyogo proposes.

Some states argue that they cannot afford to embrace the prevention model. I say no country can afford to ignore it.

We know prevention actually saves governments money in the long run. When China spent \$3.15 billion on reducing the impact of floods between 1960 and 2000, it averted losses estimated at about \$12 billion. Similar savings have been recorded in Brazil, India, Vietnam and elsewhere.

Everyone has a role to play. Governments, central and local, have to do what it takes to make communities able to cope with both the continuing challenges and the sudden shocks.

In flood and earthquake-prone areas, the solution is to enact and enforce building regulations. For flood

prone areas, it's to move or improve squatter settlements, restore natural coastal barriers such as mangrove swamps, provide more suitable land and better infrastructure for the urban poor and install effective early warning systems.

These measures will keep many thousands of people alive who otherwise perish. The UN is ready to help governments build preparedness at the country and regional levels. Donor nations need to fund disaster risk reduction and preparedness measures. Adaptation to climate change in particular means investing in systems for disaster reduction, preparedness and management.

The Chile and Haiti earthquakes showed us once again why action before disasters makes all the difference. To prevent natural hazards turning into disasters, we must all act sooner and act smarter.

Ban Ki-moon is Secretary-General of the United Nations.