Global Campaign for Agrarian Reform

INTERNATIONAL FACT FINDING MISSION

ACCESS TO LAND IN BANGLADESH

29th of September – 4th of October 2003

FIAN: For the Human Right to Feed Oneself

La Via Campesina: for the right to produce and for food sovereignty
# Table of Contents

## Summary

4

1. **Introduction**
   1.1 International Fact Finding Mission: Nature and Objectives 7
   1.2 Issues of Land Rights and Agrarian Reform: The Bangladeshi Context 7

2. **Bangladesh’s Obligations under the Human Right to Food**
   2.1 International Law 9
   2.2 National Law 10

3. **Case Documentation**

   **Land Rights: Shrimp Farming and Khas Land**
   3.1 Satkhira 11
   3.2 Khulna 11
   3.3 Noakhali 12
   3.4 Potuakhali 14
   3.5 Pabna 15
   3.6 Rajbari 16
   3.7 Faridpur 16
   3.8 Tangail 17

   **Indigenous People and Forest Rights**
   3.9 Modhupur 17
   3.10 Moulvibazar 19

4. **Summary Conclusion on Violations and Threats** 21

5. **Recommendations** 22

6. **Annexes** 24
   6.1 Explanation of Terms Used 24
Summary

Access to Land in Bangladesh

Report of the International Fact Finding Mission to Bangladesh

FIAN and La Via Campesina, together carried out an International Fact Finding Mission in Bangladesh from the 29th of September to the 4th of October 2003. The Mission was carried out within the framework of the Global Campaign for Agrarian Reform, which was launched by FIAN International and La Via Campesina in 1999.

FIAN (FoodFirst Information and Action Network) is the international human rights organisation working for the right to feed oneself. It was founded in 1986, and has members in more than 60 countries. The aim of FIAN is to contribute the world over to the implementation of the International Bill of Human Rights. FIAN works in particular for the human right to feed oneself of persons and groups threatened by hunger and malnutrition.

La Via Campesina is an international movement co-ordinating organisations of small and middle peasants, agricultural workers, rural women and indigenous communities in Africa, the Americas, Asia and Europe. The main aim of La Via Campesina is to develop the solidarity and unity in diversity between rural organisations in order to promote economic relations based on equality and justice, the defence of their lands, food sovereignty, and a sustainable agriculture based on small and middle producers.

The International Fact Finding Mission investigated a number of cases. The cases included:
- Violations of laws related to entitlement of land
- Unlawful displacement and eviction of people
- Forceful destruction of livelihood
- Commercialisation of common property resources.

The mission aimed at a first-hand understanding of the depth and magnitude of the violation of rights in Bangladesh. The understanding would be instrumental in increasing local, national and international awareness and support for the people’s struggle in Bangladesh for the establishment and protection of their rights. From 27th of September to 5th of October 2003, several other activities like planning meetings, experience sharing and press conference, preceded and followed the field investigation of selected cases.

Bangladesh is a state party to the International Covenant on Economic, Social and Cultural Rights, in which the right to food is enshrined under Article 11. Bangladesh is thus duty-bound under International law to respect, protect and fulfil the right to food of its citizens. The International Fact Finding Mission identified the following violations of the human right to food in the cases visited, based on the three obligations undertaken by states parties:

Obligation to Respect
The obligation to respect existing access to adequate food requires States not to take any measures that result in preventing such access.

In Bangladesh the action of the administration and the police in the evictions of the landless is a clear violation of the obligation to respect the access of the landless to a livelihood (land). Administration and police have been a major part of the eviction process as the mission noted in Modhupur district, to obtain land for the National Park; and in Molvibazar district (Muroichora), to get land for the Eco-Park. The mission observed that evictions are not isolated events but they are affecting a number of landless and indigenous communities. Violence used in the process of eviction is also rampant. The landless have been either evicted or attacked and assaulted in almost all the cases the mission visited.

The Fact Finding Mission observed that the government has planned the Eco Park projects without correctly identifying the number of indigenous people projects would impact. The
indigenous people have traditional rights in the forest that they inhabit. Forest is their main and sometimes their only source of livelihood, which has been denied to them by the state. The state has failed to recognize and acknowledge the symbiotic relation that the indigenous people share with the forests. Building of the wall and fence in the parks would seriously hamper the mobility of the indigenous people and deny them access to the forest products they rely on for a living. Moreover the mission concluded that the Khasis’ and Garos’ and Koch’ way of life and security would be destroyed with the people from outside gaining easy entry to the forests. Women will be especially insecure. The mission feared that eventually the indigenous people will be evicted from the forests or as stated by the people they will be held in the forest like animals themselves.

It is important to note that the state of Bangladesh has so far not classified the Khasis, Koch and Garos as indigenous people but as tribals. According to ILO Convention 107, the Modhupur forest is indigenous land, and the indigenous people have to be consulted for projects located in indigenous land. The Khasis, Koch and Garos are the indigenous people of the forest but the state has denied them this status and thereby all the rights they might have to the forests. It seems that the department of forest has not properly taken the welfare of the indigenous people into consideration before launching the project. Instead, the Khasis’, Koch’ and Garos’ way of life and culture is used as a bait to advertise for the park and attract tourists. The building of the wall and the fence will impede the mobility of the indigenous people and hinder their right to feed themselves.

The state has also violated its obligation to respect the people’s right to feed themselves by giving permission and licenses for shrimp cultivation. The state of Bangladesh had violated the obligation to respect the rights of the people not only to food (land and water) by giving permission in some cases to shrimp cultivators to undertake shrimp cultivation and in other cases to allow illegal shrimp cultivation. Shrimp farming has an adverse effect on the soil and water. Salinity of water used in shrimp cultivation is harmful for the paddy cultivation done by the people and has thus a severe impact on peasants’ ability to sustain their livelihood by growing food and keeping livestock.

Obligation to Protect
The obligation to protect requires measures by the state to ensure that enterprises or individual do not deprive people of their access to adequate food. The Fact Finding Mission concluded that the administration has failed to protect the people from encroachments on their land by the shrimp cultivators. The mission also observed that mostly the administration added and abetted those who undertook shrimp cultivation. It is the state obligation to protect its people’s human rights. As observed by the mission the state has failed in protecting its citizens from shrimp cultivators, landlords, and elite with strong political footing who have tried to deprive the landless of their land through forcible evictions, assault and other crimes. Landlords and land grabbers act with impunity, due to collusion with the police and the administration. Moreover instead of bringing the criminals to court the administration has teamed up with the criminals and framed charges against the victims. The victims of evictions, assault, killings, rape and abuse are still waiting for justice while the perpetrators roam free. In the districts of Potuakhali, Satkhira, Khulna, where the landless want to keep the area a shrimp farming free zone, as well as in Noakhali, Pabna, Rajbari, Faridpur, and Tangail, the mission noted violations of the obligation to protect.

Obligation to Fulfill (Facilitate)
The obligation to fulfill (facilitate) means the state must proactively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. The Bangladeshi land policy states that khas land (government land often newly accreted land in or near rivers) is to be distributed among the landless population. The mission noted that violation of rights and use of violence are triggered by conflicting interests in khas land and water bodies. In the case of Satkhira, Potuakhali, Khulna, Noakhali, Pabna, Rajbari, Faridpur and Tangail districts the government has failed to fulfill the access of the landless to the land, which is rightly theirs. Khas land and water bodies are to be distributed to the
landless with their titles. The government has not given titles to the landless of the land where they have settled and cultivate.

Land titles have not been provided to the landless. Moreover the mission observed that constant change in the status of some resources like the change in category of land from khas land to water body for example in Satkhira district or the change in beels from open water body to closed water body as in Faridpur district make the situation more precarious for the landless.

Recommendations
In the light of the information aforementioned and in order to prevent further violations in similar contexts, the International Fact Finding Mission urges the government of Bangladesh to undertake the following measures:

- Put an end to forced evictions and attacks on the landless and the vulnerable communities like the indigenous people in Bangladesh.
- Take serious note of the apprehensions of the indigenous people related to Eco Parks and National Parks. These projects should be reconsidered as they threaten the indigenous people’s access to the forest products, which are their source of livelihood.
- Ensure effective participation of the people affected by projects and programs having impact on the right to food.
- Classify Khasis, Koch and Garos as indigenous people as Modhupur Forest and Moulvibazar are indigenous lands. By denying them this status all the rights they might have to the forest are denied. According to ILO Convention 107 indigenous people have to be consulted before a project is located in their land.
- Give priority to giving permanent land titles to the landless. This will put an end to the insecurity faced by the landless and deter the landlords and other strong from infringing the rights of the landless.
- Formulate a clear policy on the status of the khas land and water bodies in order to remove all ambiguities, which may lead to victimization of the landless.
- Regulate / stop shrimp cultivation as it has an adverse impact on the crops grown by the people and also irreversible impact on the soil and water.
- Protect citizens efficiently against violence and repression exercised by third parties.
- Investigate the criminal acts of the landlords and shrimp cultivators during encroachments, evictions, assault and attacks. The landless and the indigenous live in constant fear. The state should undertake measures to protect them and bring to books those officials who are colluding with the criminal forces.
1. Introduction

1.1 International Fact Finding Mission: Nature and Objectives

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The global Campaign for Agrarian Reform together with La Via Campesina, is based on three pillars: support to national movements for agrarian reform issues, including an emergency network, fact finding missions and media work; exchange of experiences and ideas in the struggle, including the organization of seminars, conferences, the issue of a campaign newsletter and a homepage; try to influence the international political debate.

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1.2 Issues of Land Rights and Agrarian Reform: The Bangladeshi Context

Bangladesh has a total area of 144,000 km², 63 percent is used for cultivation. The population is 132 million of which 84 per cent live in rural areas. 40 percent of the GDP comes from agriculture. Though a predominantly agrarian society, land ownership is highly skewed and process of dispossession and landlessness is rampant. 71% of cultivable land is owned by 22% of rich and absentee landowners compared to 5% land owned by 45% of small and marginal farmers. Smallholdings have productivity nearly 50% higher than the landholdings of absentee landlords. Proportion of landless people increased from 14% to 68% between 1947 and 2001. Roughly three fourth of all Bangladeshi farming households are unable to earn subsistence from their land holding.

Bangladesh is one of the poorest countries worldwide. Many of the country’s development problems stem from land-related issues. These problems are compounded by the changes
that the globalisation of economy and international market forces have effected on land use patterns and farming methods throughout the country. Agrarian reform is an imperative and has enormous potential for reducing poverty in Bangladesh. Agrarian reform proposes changes in the agrarian structure implying changes in the production system in agriculture and ownership of land. The structural changes necessitate changes in the social structure. Land reform is an integral part of agrarian reform. However, there is hardly any public debate in Bangladesh on the issues of agrarian and land reform. Some NGO’s began to look for ways to mobilise the landless people and address the land rights related to religious and ethnic minorities that have been ignored by government and public policy.¹

Most of the existing land laws in Bangladesh are based on the East Bengal State Acquisition and Tenancy Act (EBSAT) of 1950. Different governments during the past decades modified and enacted some laws related to land. After the establishment of the state of Bangladesh in 1971, the EBSAT act of 1950 was amended in 1972 and 1994. A Land Reform Ordinance was declared in 1984 and manuals for land administration and land management were formulated in the 1990s. However, there has been no comprehensive revision of land laws, administration or management to realise the optimum benefit for agriculture and distribution of the benefits. Policies for fixation of agricultural land ownership ceiling, purchase control, distribution of government owned agricultural land among the poor are few changes made so far which actually have benefited only a small group.

The Land Administration is the authority, which deals with land. It acts as the implementing authority of laws, rules and procedures regarding land. It oversees the implementation procedure and also acts as a major player in resolving disputes related to land. The broad areas of activities of the Land Administration are survey and record, registration and record keeping, land acquisition, management and distribution of khas, alluvion and diluviated land. It is necessary to note that khas land² is one of the central concerns of land issues in Bangladesh. All types of khas land represent an area equal to 37% of total cultivable land.

Forest land in Bangladesh is estimated to account for 18% of land. Forests are governed by forest laws. The Forest Act of 1927, based upon the earlier Forest Act of 1878, was formulated during the British colonial period. Subject to certain modifications, the 1927 Act still applies in Bangladesh. The main aim of this legislation was to regulate the administration of different types of forests. More efficient administration of these areas was necessary for two main purposes. One of these was to enhance the revenue earnings from this sector. The other main aim was to ensure the regular supply of raw materials for the military, railroads &. ¹ Land rights problems of the minority may be divided into two types: i) Ethnic minorities and ii) Religious minorities. Ethnic minorities suffer from land related problems mainly because disparity between civil law of the state and the traditional customary laws of the indigenous communities. In fact the core perceptions and practices of indigenous communities restrict their ability to satisfy procedures and requirements of civil laws of the country. The religious minorities, on the other hand suffer from legacy of specific law and its abuse such as the Enemy Property Act, a later version of which is the Vested Property Act. Legal system and social practice also accentuate problems related to land, especially for the women and minors. Laws related to inheritance are based on the religious code instead of unified civil principles. These laws are discriminatory towards women. ² All land that is accreted by sediments born by rivers, in the river itself or in coastal areas is declared as khas land. Khas land is owned by the government.
and other industries both within the then Indian colony and also for export into Great Britain. The Forest Acts of 1878 and 1927 were in turn influenced by policies of a Forest Committee constituted in 1806. This committee aimed to have the government acquire total control over forest resources through a new department to be known as the forest department. The indigenous communities inhabiting the forest lands were conceded rights to free collection of minor forest produce such as fuel, grass, bamboo, grazing rights and Jhum rights. This was allowed in protected forests and unclassified forests but not in reserved forests. After partition during Pakistan period the forest cover decreased and stress was laid on production of industrial timber and the harvesting of the plantations. This continued after the independence of Bangladesh in 1971 but with the additional exploitation of the hill forests of the Chittagong Hill Tracts. The need of protecting the rights of the indigenous people continued to be ignored. The Chittagong Hill Tracts (CHT) is the major hilly parts of Bangladesh covers one tenth of the country (5,093 sq. miles). The CHT, located in the southeast of Bangladesh, are mostly populated by indigenous communities. Land issues of the inhabitants of the CHT are of grave concern but due to security reasons the Fact Finding Mission could not visit the area during the mission.

2. Bangladesh’s Obligations under the Human Right to Food

2.1 International Law

The right to food is enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. In its General Comment No. 12 of 1999 on the right to adequate food the UN Committee on Economic, Social and Cultural Rights has presented a detailed and authoritative interpretation of the provisions of the Covenant. The Comment establishes in the normative content of paragraphs 1 and 2, Article 11 of the ICESCR that: “The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”. For the Committee, the core content of the right to adequate food includes the following: “The availability of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights” (General Comment 12, 8). General Comment No. 12 sums up in paragraphs 14-20 the obligations and violations concerning the human right to adequate food. In correspondence with the nature of the obligations, it states: “The nature of the legal obligations of States parties are set out in article 2 of the Covenant and have been dealt with in the Committee’s General Comment No. 3 (1990). The principal obligation is to take steps to achieve progressively the full realization of the right to adequate food. This imposes an obligation to move as expeditiously as possible towards that goal. Every State is obliged to ensure for

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3 The indigenous communities were excluded from forest administration.
4 Jhum is the shifting cultivation undertaken by indigenous communities.
5 Reserved forests (RF), were to be controlled by the Central government (in RF all type of land use was prohibited other than that specifically allowed by the forest department. Protected Forests (PF) were to be controlled by the district administration but the Forest Department was involved in protecting the forest resources (all types of land use was permitted unless they were specifically prohibited by regulation or otherwise. Unclassified forests meaning lands containing forest cover but not classified as RFs or PFs.
6 Article 25 of the Universal Declaration of Human Rights states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including adequate food, clothing, housing and medical (...).” This is further developed in article 11 of the ICESCR (International Covenant on Economic, Social and Cultural Rights: “1. The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: A) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.”
everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger” (GC 12, paragraph 14).

“The right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfill. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfill (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters” (GC 12, paragraph 15).

It is made clear that the obligation to respect the realisation of the right to food implies that the State parties to the ICESCR must identify and supply the vulnerable populations in their jurisdiction, using strategies that ensure at a short, medium and long term the ability of these people to realise and enjoy their rights by their own means. Even if States face severe resource constraints, caused by economic adjustment, economic crisis or other factors, the vulnerable population has the right to be protected through social programmes aimed to improve access to adequate food and satisfy nutritional needs. All States have the obligation to immediately enforce the core content of the right to food, which means, that every person must, at least, be free from hunger.

In this respect, paragraph 17 of the General Comment No. 12 states: “Violations of the Covenant occur when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. In determining which actions or omissions amount to a violation of the right to food, it is important to distinguish the inability from the unwillingness of a State party to comply. Should a State party argue that resource constraints make it impossible to provide access to food for those who are unable to secure such access by own means, the State must demonstrate that every effort has been made to utilise the resources at its disposal in an effort to meet, as a matter of priority, those minimum obligations. This follows from Article 2.1 of the Covenant, which obliges a State party to take the necessary steps to the maximum of its available resources, as previously pointed out by the Committee in its General comment No. 3, paragraph 10. A State claiming that it is unable to carry out its obligations for reasons beyond its control therefore has the burden of proving that this is the case and that it has unsuccessfully sought to obtain international support to ensure the availability of the necessary food” (GC 12, paragraph 17).

Bangladesh is a state party to the International Covenant on Economic Social and Cultural Rights, in which the right to food is enshrined under Article 11. Bangladesh is thus duty-bound under international law to respect, protect and fulfill the right to food of its citizens.

2.2 National Law

The Constitution of Bangladesh, in Article 15 states that, "It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement of the material and cultural standard of living of the people, with a view to securing to its citizens... the provision of the basic necessities of life, including food, clothing, shelter, education and medical care".
3. Case Documentation

Land Rights: Shrimp farming

3.1 Satkhira
In village Baburabad and other adjacent villages in Satkhira district, around 3200 acres of land came under government control as a result of the abolition of the Zamindary system in the 1950’s. In 1972 the government declared 3178 acres of this land as khas land and subsequently in 1982, the high court ordered the khas land to be distributed to the landless and land titles to be issued. This was however not entirely executed and in 1985 rural elite with strong political footing managed to shift the khas land into the category of water body. Water body unlike khas land can be leased out to people other than the landless. The following year the land was advertised and leased out for shrimp cultivation.

A 1993 court order suspended the change in the categorisation of the said land and re-categorised it as khas land. In the mean time more than 1000 landless families settled on the land and cultivated it. However, the court suspension order expired in 1997 and shrimp cultivators took lease of the land and tried to take possession of it. On May 10, 1998 they attacked the settlement of the landless and destroyed 265 houses. Again in July 1998 the landless were attacked to evict them. In the attack 229 people were injured and one woman was killed.

Following these attacks a strong protest movement emerged as a result of which, in August 1998 the Prime Minister made a declaration that land will be distributed among the landless in accordance with government rules and procedures. However the Fact Finding Mission learnt that this declaration was never implemented and so far the landless have not got land titles to the land.

Conclusions
The landless have been denied access to land. Though khas land is meant for distribution to the landless as per the government decision and court order there is complacency on the part of the government to give land titles to the landless. The frequent change in the categorization of the land has intensified the insecurity of the landless, especially in the absence of permanent land titles to the land and the encroachment of the land for shrimp cultivation. The shrimp farmers have used force and violence against the landless in order to intimidate them into leaving the land and making way for shrimp cultivation. The increased salinity of water required for shrimp cultivation is harmful for the crops grown by the landless and threatens the people’s right to feed themselves.

3.2 Khulna
Polder 22 of Khulna district is the only green belt amidst all the shrimp cultivation areas in Bangladesh. People testified during the Fact Finding Mission that they consider this area a “shrimp farming free zone” and they want it to remain that way. Since 1980 people have

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7 The Zamindari system was a way of collecting taxes from peasants, where the zamindar would collect all taxes on his lands and then hand over the collected taxes to the British authorities (leaving a porting to him).
been struggling against forcible encroachment of their lands for shrimp ponds. Though, in most cases government has not given licences to shrimp farmers, shrimp ponds have been built illegally. In the struggle against shrimp cultivators several people have been killed or injured.

Polder 22 covers an area of 250 acres of khas land. About 2500 landless families live there and are cultivating the khas land under annual lease title. The lease contract is automatically renewed every year. But in the absence of land titles there is a threat of loss of their land, due to non-granting of lease or by forceful eviction by powerful vested interests. As per the testimonies given to the mission even under the present system, the landless are harassed both during cultivation (in August / September) and during harvest time (in December / January). Sometimes the harvest is looted. Those who support the struggle of the landless are also harassed.

Conclusions

Shrimp cultivators have been encroaching on the settlements of the landless making it difficult for them to cultivate the land. Shrimp farming requires saltwater ponds. Increased salinity of water harms the paddy and other crops grown by the landless people. Some of the shrimp cultivation is done illegally without prior government licences. But these shrimp cultivators have the support of powerful rural elite with strong political footing. Local governmental administration and the police are hand in glove with the shrimp farmers. Attacks on the landless and their supporters have been on the increase to bring the last available shrimp free zone in this area under shrimp cultivation. Shrimp farming and farms are destroying the people’s traditional access to land and the impact of shrimp farming on the land and water is irreversible. The landless, the rightful recipients of the khas land, have not got the titles to the land.

3.3 Noakhali

a. Char Majid

Accretion of Char Majid in Noakhali district dates back some 15 years ago. Victims of river erosion from Hatia, Ramgoti and Shahbazpur settled here, some for the last 13 years. Now around 360 families are living in the area, which is approximately about 4 km² in size. The newly accreted land falls within the category of khas land and qualifies for distribution among the landless. These new settlers applied for lease of the land under provisions related to khas land.

The following incidences throw light on the situation in the area:

- On 5th of April 2002 shrimp cultivators installed pipes on the embankments to bring salt water inside the polder to build shrimp ponds. A clash with the musclemen of the shrimp farmers followed. Many people were injured. However, landless people managed to resist the effort.
- Hired men of the shrimp cultivators attacked a branch office (sub-centre) of a local NGO on 5th of October 2002. 4 staff and 12 landless group members were injured.
- On 20th of March 2003, the landless group leaders and the NGO supporting them were attacked. 4 people were injured and hospitalised in the attack.

The NGO members tried to lodge a complaint with the police, but police did not accept the case on the pretext that the officer in charge was not present. Several people report similar incidences. In contrast, at least 13 cases have been filed against the landless in Polder 22 and 29, police registered cases against 3 staff and 31 landless members of the supporting NGO.
People interviewed by the fact finding mission stated that the conflict started in 1998 when a landlord from Char Jubli Union, based on false papers claimed to have leased 100 acres of land for cattle rearing. In 1999, he filed cases against 40-50 people accusing them of terrorism, theft and illegal occupation. In November of the same year, just before harvest time based on false charges the police arrested 50 people including 8 women. All except the women were confined in jail for one month. The women were kept busy with legal matters in the court. In the meantime the landlord hired hundreds of goons and harvested the crop of about 30 acres land. He also looted about 100 houses, burnt three and stole seedlings. The landless people fled. 30-35 people were injured during the attacks, four of them (two men and two women) seriously and were admitted in hospital. After having taken control over land, Globe Fisheries Ltd. started shrimp cultivation in Char Majid. At one point it occupied between 1,200-1,300 acres of land. To maintain and expand its shrimp cultivation Globe continued to use violence, threat and harassment to evict the landless people settled on the char. On 1-19 June 2003 a series of attacks took place. Globe had hired a number of hooligans. 6 houses were destroyed including all plants. 100-150 people were attacked during daytime. Hooligans had already threatened the villagers the preceding night. In the incidence 20 people were beaten, some got injured. Some people tried to kill one woman. Another woman’s, hand was broken. Some people from Globe came to build an embankment and dig a pond for shrimp cultivation. Landless people filed a case with the police. A case on charges of destruction of property and beating women was filed. The police arrested two people from Globe. In the face of resistance by the people, Globe meanwhile withdrew from the area they formerly had occupied.

Nevertheless people feel insecure. They fear false cases, further threats and the loss of their land.

Conclusions
The landless people’s rightful claim on the khas land has been denied. They do not have land titles to the land they have settled. In the absence of titles they are being intimidated and threatened by local influential people. Shrimp cultivation undertaken on the char is a threat to the livelihood of the landless. Shrimp farms have been encroaching on the settlements of the landless making it difficult for them to cultivate the land. Shrimp farming requires saltwater ponds. Increased salinity of water harms the paddy cultivation of the landless people.

9 beat up the On 31 May 2003 several people from Globe Fisheries Ltd. went to one resident’s house and asked her to come to the market, where she was intimidated and asked to vacate her place. The next day people from Globe Fisheries came with hooligans and encircled the area. They verbally abused and resident they had threatened. They also destroyed two houses. The following day some more houses were destroyed and levelled. The same day 6 people were forced to sign on blank papers. These papers were made into documents stating that the undersigned has received BDT 25,000 per family from Globe to leave the place. Later the Officer in Charge of local police station arranged a meeting between Globe and the landless people. During the meeting landless people produced documents supporting their legal title over the land. Globe did not have any proof of ownership. The police officer then suggested the landless to file a case against Globe. Two criminal cases were filed against three persons including the owner of Globe. The accused were arrested but released on bail.
b. Dhanershish village

The village had a natural canal, which was used as common property. In 1997/98 a member of the then ruling party claimed to lease 200 acres of land in Dhanershish village. Using hooligans and assisted by police they terrorized the landless. They burned and destroyed several houses and occupied a big area. When a resident of the village started organizing the people, the land was illegally sold to another person (also a member of the then ruling party) in collaboration with the land department. The new “landowner” engaged hooligans and collaborated with the police to force people to work on that land. In 1999 a case was filed against five people suspected having organised the villagers. The accused were arrested and two of them had to stay in jail for 22 days.

In the general election of 2001 power changed hands and in 2002 the local MP of the present ruling party came to occupy rest of the land (150-160 acres) for shrimp cultivation. Part of the land along the canal is registered in the name of the landless people. Nevertheless, the MP occupied about 150 acres without any document. His party men severely beat three women, kept them tied to trees and threatened that they would be killed and fed to the fish. He closed the natural canal and dug another. The MP claimed the canal digging as part of a development program and threatened to punish those creating obstruction. Later people reorganized themselves and demonstrated. They also went to Noakhali, the district headquarter to submit a memorandum (5 March 2002) to the police, the district administrator, the press, etc. The landless people, however, did not get any help from the Deputy Commissioner. Because of their united movement people could save about 100 acres of land belonging to about 80 families. However, the shrimp project has restricted their mobility. Anyone passing through the shrimp farm at night might be accused of stealing shrimp. It is feared that the MP is now trying to fabricate false documents and will try a new move to grab the land of the landless people.

On a number of occasion people of the MP threatened the landless, resorting to violence. In the process of digging the new canal the MP’s people destroyed houses on the banks and diverted the canal.

Conclusions

As the canal served for irrigation and especially for drainage with its closure thousands of acres of upstream land are now water logged, the new canal is too small for the catchment area. There is now more social unrest and more outsiders are coming into the area due to which women feel threatened. Both the new canal and shrimp cultivation will have adverse impact on the landless’ livelihood as the saline water used for shrimp cultivation will harm the crop grown by the landless. The local administration was in connivance with the powerful rural elite, which had strong political backing. Violence against the landless and intimidation went unpunished.

3.4 Potuakhali

Char Lata is a relatively new accreted land under Galachipa Thana of Potuakhali district. The total land area is about 2250 acres and the cultivable land area is about 1800 acres. 500 landless people own 600 acres of this land. Some have land titles issued to them. Local elite and others allegedly occupy other 1200 acres through land deeds and lease agreements.

On 12 and 27 of December 1996, the settlement of the landless people in Char Lata was attacked. The attack left more than 500 houses burnt, a number of people killed and several hundred people evicted from homestead. After their eviction, false cases were filed against the landless people.

The December carnage was aimed at dismantling the settlement of landless people established in Char Lata since middle of 1996. As per the statements of the people interviewed the attack was allegedly mobilised by a local key politician and other land-

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10 One person interviewed, a widow with one son and one daughter, reported that her house was thrown into the canal 8 times, she was put in jail 4 times and beaten so often that she cannot recall the number anymore.
grabbers. Hundreds of people on trawlers, armed with bamboo sticks and wooden spears, moved into Char Lata. And they methodically carried out the violence burning houses, killing and beating people. The court submission mentions that as many as 300 persons were treated for injuries inflicted on them. The case-file contains names of 343 persons as accused of murder, terror, possession of illegal weapons, women's oppression and other crimes, that occurred on December 12. Thirteen persons have been detained in jail but other accused are roaming around freely and despite the existence of a police camp right in Char Lata, the accused are not arrested. The Fact Finding Mission found that even after years virtually nothing has happened to change the situation of the landless for the better. Moreover, people trying to institute a case on behalf of the victims, reportedly have been threatened with dire consequences, while political parties shield the criminals.

Conclusions
For the landless, land is the only source of livelihood. The landless face regular violence and intimidation from the strong local elite who want to evict the landless from the land where they have settled. It was pointed out that they are in connivance with the local authorities and police. Char land is khas land meant for distribution among the landless. Yet the landless have no land titles to the land they cultivate and face continued threats, while the elite control 1200 acres of land and want to evict those who have settled on the 600 acres, even by undermining the titles issued to some. Police and the administration seem to collude with the landlords.

3.6 Pabna
a. Borobeelia
Borobeelia in Pabna district is a water system composed of 33 beels\(^{11}\), representing 1000 acres of land. 720 acres have been so far recognized as khas land, out of which 281 acres have been distributed to the people during the last 5 years. Land grabbers occupy around 200 acres. The leader of the landless informed that only four landlords occupied the beel. Presently some land has been recovered and distributed to 123 families. But threats and harassment of the rural people continues. 36 false cases have been filed against the local fishermen (19 civil, 17 criminal). The fishermen demand a permanent lease and the dropping of the false cases.

Conclusions
The khas land is to be distributed amongst the landless but has not been distributed. In the absence of permanent land titles the landless live in a state of uncertainty and vulnerability. The rural people regularly face threat and harassment.

\(^{11}\) Beels are water-bodies. They are crucial to the livelihood of the rural people. Their water is used for drinking, washing, raising cattle and ducks, planting jute and paddy, and fishing, fish is the major, sometimes the only source of protein for the people. The beels can be temporary, and are then assimilated to agricultural land, or permanent, full with water throughout the year. They can be open or closed. If they are open, 1995 legislation foresees that traditional fishermen can use it freely. If they are closed, they can be leased out for one year or for 99 years (“permanent lease”), the latter being rather rare.

It should be noted that the classification of the land is difficult, because of the natural elements that are not necessarily stable, but also because of man, as for instance roads can make open beels closed and sluice gates can empty them.
3.7 Rajbari

Beel Pakuria

Beel Pakuria in district Rajbari is a seasonal water body of about 114 acres. In dry season it turns into agricultural land. After 1972 the land came under government control. However, local power-elite continued controlling and using the land. 94 acres of the land has been declared as khas and distributed among the landless under annual lease title. Legal proceeding to declare the remaining 20 acres as khas land is pending decision in the court. The process is very slow and often involves cases filed with counter claims to the land. Presently 17 cases against 725 landless people are pending with courts. Out of them, 253 persons have already been in jail for some time.

Conclusions

In absence of permanent titles of the land and in the face of constant threats from powerful quarters the landless people are living in a state of uncertainty and vulnerability. People are waiting for their land deeds. The landless demand the just and quick distribution of the khas land and settlement of the cases filed to harass them.

3.8 Faridpur

Beel Chapadaha

Beel Chapadaha in Faridpur district is a water body spreading over 400 acres of land. It used to be an open water body (i.e. a common resource, anyone can fish there) providing the local fishing community their living. In 1996, a road was built around it and it became a closed water-body (i.e. can be leased out with exclusive right). The government awarded a three-year lease to an outsider. Fishermen protested against the lease and court ruled in their favour. The fishermen of the villages around the beel organised themselves under a co-operative and took annual lease of the beel from the administration.

Meanwhile a local leader with strong political footing took possession of the beel and succeeded in preventing the fishermen from fishing in the beel. He formed a fake ‘fishermen co-operative’ and is forcing the fishermen to share half their fish with him. He is using the beel for fish culture. He is farming an imported species called Grass Carps. When the paddy fields are flooded with water the fish enters the field and causes harm to crops, as it feeds on paddy plants.  

People in the area are continuously threatened and attacked by his men. They are afraid to speak openly about their situation.

Conclusions

The official status of the water body is not clear. After the road built in 1996, it was transferred from ‘open’ to ‘closed’ category of water body. Some time later, the Deputy Commissioner again declared the beel as ‘open’. Further later, another road was built and the process of declaring it ‘close’ is on. An objection has been filed against the process and court’s decision is pending. Due to ambiguity in the status of the beel the people’s access to the beel is threatened.

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12 As per the people’s testimony because of this leader, a donorfunded government of Bangladesh project with World Fish Centre aimed at “community based fisheries management” could not be implemented in Chapadaha Beel. The fishermen of the area were in favour of the project.
3.9 Tangail District

**Alla Beel**

The Alla Beel is in the Madhupur area of Tangail district. It is an open khas water body. In 1996, the district administrator declared the beel as khas water body. Thus the water body became common resource available for the masses. However, rural elite with the help of the district administration managed to get control of some parts of the beel and using the beel illegally. Due to conflicting claims on the beel, by the landless and others (rural elite, local powerful with political footing) there is regular intimidation and violence against the landless. The landless people are being threatened, harassed, and assaulted. The landless testified that in addition to physical harassment they are being implicated under false charges and have number of cases against them.

**Conclusions**

The landless people’s claim on khas land and water body and counter claim of others on the same led to a series of violence in the Alla Beel area. There is no clarity on whether the beel is open or closed. The water bodies, if classified as ‘open’ are according to law common resources open for all. The closed water bodies can be leased out to individuals or groups with exclusive right. Ambiguity in the status of the beel makes the position of the landless more vulnerable to persecution. The fact finding team observed that the violence against the landless took place in connivance with the local administration. In the absence of safe and guaranteed access to the beel the landless are threatened and are unable to feed themselves.

**Indigenous People and Forest Rights**

3.10 Modhupur

Spread over some 42,000 acres, historically Modhupur forest has been the habitat of the Garo and Koch, two indigenous communities. The forest used to be part of the Zamindari estate under British rule. The rights of the Garos and Koch to live in the forest was acknowledged by the Zamindar in exchange of payment of taxes. They have land titles dating back to a survey conducted in the 1920’s during the British rule. In addition, many posses land documents dating back to 1885, proving that they were living in the area before the Forest Act was promulgated in 1927. In the 1950s the Zamindari system was abolished and the forest become state property and came under government control.

The Modhupur Forest is a reserved forest. In 1962, the then government declared nearly 21,000 acres as National Park. At different times since the creation of the National Park the government has taken legal measures that severely curtail the rights of the Garos and the Koch to the land and the forest produces. The so-called development and plantation projects that the government of Bangladesh has implemented since independence have caused ecological havoc and posed serious social, political, and economic threats. Legal measures and development activities have complicated the land tenure situation and have provided

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13 In the worst atrocity a 4-year old child was raped in April 2003. Besides, two people were beaten up, in 2002, out of whom, one woman died from her injuries. A peasant leader became crippled for life.
outsiders ample grounds to grab the traditional domains of the indigenous communities of the Modhupur forest.

The development and plantation schemes that have heavily curtailed the land rights of the Garos and Koch are: (i) rubber plantation on 7,800 acres, (ii) shooting range of the Bangladesh Air Force on 1000 acres, and (iii) commercial plantation funded by the Asian Development Bank (ADB). Of these what has complicated the land rights situation of the indigenous peoples most is ADB-funded commercial plantation. Due to commercial plantation there has been drastic loss of the remaining natural vegetation. This has provided incentive for rapid expansion of banana plantation controlled by outsiders. According to officially disclosed figures in the Tangail part of 45,000 acres of the Modhupur forest (the rest is in Mymensingh part), 25,000 acres have been encroached. As the Forest Department is supposed to control only 9,000 acres this is a clear indication that the land that once was open to the indigenous people is out of their reach nowadays.

With most of the Modhupur forest despoiled the government is presently implementing the ‘Modhupur National Park Development Project’ on 3,000 acres within the National Park. The project would encircle the area with 61,000 feet long brick wall (8,000 feet constructed) with eight gates. It will have 10 picnic spots (there are already three) 13 rest houses, 2 ponds for drinking water, 2 watchtowers. Re-excavation of 2 water tanks and the repair of the approach road to encourage tourism is also being undertaken.

For the Garos and the Koch the forest represents the base of their way of living and is their source of livelihood, food and medicine. But they have to frequently interact with the external system (offices, market, school, hospital etc.). Every time they pass the park’s boundaries, they have to pay an entrance fee. For now there is just one entry gate where people pay entrance fee; one can enter the park area from other sides without paying a fee. The new enclosure will possibly have more entry and exit points, will hinder the mobility and disturb the lives of the indigenous people. The Garos are a matrilineal society and women collect the necessary items for the household from the forest. But now they feel threatened and insecure to go to the forest.

The government claims that the eco-park project aims to protect the forest and the welfare of the Garo and Koch people. The indigenous people believe that the forest is self-regenerating and needs no intervention. They testified that since the establishment of the national park, trees and animals are disappearing rapidly.

Many business operations in connivance with the forest officials are going on in the forest but it is mainly the Garos and Koch who are frequently subject to false allegations (stealing state property – forest trees) and face cases filed mainly by the Forest Department. Encroachment of government land and illegal logging are other common allegations levelled against them. Since the initiation of the project several eviction notices (in 1962, 68/9, 78 and 03) have been served on the Garos and Koch to clear land for these projects. Some have also received summons to produce titles to prove ownership of the land but there has been no settlement on the matter.
Conclusions

Rubber plantation, commercial monoculture plantation of exotics in particular, rapid expansion of banana, pineapple and papaya plantation have already had adverse effects on the Garos and the Koch. The Modhupur National Park Development Project is the latest blow on the Garos and the Koch in the Modhupur forest. The Garos and Koch depend on the forest to produce and collect food and medicines. They also sell some of the produces. The underlying causes for the destruction of the forest need to be recognized. The government needs to have free and frank dialogue over the underlying causes and the “eco-park”/ “wall” issue with the indigenous communities. The Garos and the Koch have historically settled on the land and yet they have no titles to most of the same. For the Garos and the Koch, it is very important that the government of Bangladesh recognizes their traditional land rights and their rights to forests produces.

3.11 Moulvibazar

a) Muroichora

The Eco-park project spans over 830 acres of land and encompasses 4 villages. The government of Bangladesh took up the project in the year 2000. Some of the people interviewed argued that the Department of Forest (DoF) could use government-owned land for the eco-park without encroaching the land of indigenous people. They claimed that about 1,500 Khasi and Garo people live in the area, while a DoF official mentioned that a total of 40 families live in 4 villages, which are supposed to be part of the eco-park project.

The DoF officials claim that the project was only going to provide housing facilities and offices in the eco-park. People will not be evicted and growing of betel leaves; the basic livelihood of the Khasi and Garo people will remain unaffected. DoF would ensure the security of the Khasi and Garo people and the government will help to improve betel leaf growing by providing improved inputs. However, the trees would belong to the DoF and would be under its control. The park will also have wild animals not native to the area to make the eco-park more attractive. A fence will be built around the park, claimed to prevent the Khasis and Garos from stealing of trees. The official believed that the Khasis and Garos are uneducated people who cut trees and destroy the forest. The project was meant for their benefit as the project will promote tourism highlighting the betel leaf cultivation and Khasi and Garo culture. But the fact finding mission failed to see how the project was beneficial to the Khasis and Garos.

The Khasi and Garo people have strong apprehensions regarding the project. They fear that once the eco-park is implemented the Khasis and Garos will be eventually evicted and they will lose their livelihood. The trees and natural vegetation will be destroyed. The Khasis’ and Garos’ way of life and culture will be disrupted for tourism and outside influences. The fence will restrict their mobility and the Khasi and Garo people will be held like animals and reduced to aliens on their own land. The 14 decimal land for each family as proposed by the Forest and Environment Minister is not sufficient.

14 It is significant that one official mentioned that ‘fencing will be done so that the Khasis and Garos can no longer steal the trees’.
A 1962 survey by the DoF does not show any Khasis and Garos in the area. People testified that no survey conductors visited the villages. A baseline survey for the eco-park area (how many people affected etc.) was conducted in 2001 and it lacks credibility as it does not clearly identify their existence. Presently the project work remains 'suspended' though not cancelled. This has particularly worried the indigenous community about their security. The apprehension is that there will be false cases against the Khasis and Garos, harassment will continue and thus in the long run Khasis and Garos will not be able to stay at their place.15

Conclusions
If the project is executed the Khasis and Garos will lose access to land and their livelihood. The Khasis and Garos have a close link with the forest that they inhabit. They depend on the betel leaves to earn a living. Moreover, with the Eco-Park being operationalized, the Khasis and Garos would be more and more insecure as strangers would frequent the forest. If the government took control of the betel leaf plants the Khasis and Garos would suffer. The fence would also restrict their mobility and increase their insecurity. One man observed “they want to keep us here like caged animals”. The Khasi and Garo people and the DoF staff maintain contradictory views about the people and the project. The Khasis and Garos are treated as illegal occupants of the land, which needs to be recovered for the Eco-Park project. Their existence is not even acknowledged.

b) Fultola
On 15 May 2001, DoF staff with the help of some other people attacked Fultola. They allegedly were interested in getting hold of 45 acres of land, which had been bought by a villager. Again on 24 July 2002, the village was looted. Goods were stolen, betel plants were destroyed, houses were burnt and levelled and trees were planted in its place. The villagers meanwhile fled to the forest in the protection of a DoF staff impersonating as “a magistrate”. The police arrested two villagers on the charge of destruction of the forest. Cases of attempted murder were also filed by the DoF. On 25 July 2002 the villagers returned, to build new houses and to stake control to the land. They uprooted the trees planted by DoF people and built one house.

On 26 July 2002 about 50 hired people and DoF staff in uniform, armed with 10-12 guns attacked the village on the instigation of the administrators. A tea laborer, employed by the villagers as guard, was killed while he was at the gate of the village. Another person was wounded by a bullet and lost one eye. Many were wounded. Both DoF and Khasis filed cases against one another:

Conclusions
People are insecure even if they own land. Land grabbers use violence and threats in order to grab land. The local administration has failed to provide protection and security to the villagers in Fultola. The people fear not only the land grabbers but also the government officials. The villagers have tried to get proof of the attack but have been unsuccessful. Meanwhile the Superintendent of Police informed the court on 31 July 2003 that he could not get any report and witnesses for the case. He proposes to close both cases suggesting that investigation can be revived if enough evidence becomes available in future.

15 One person interviewed by the Fact Finding team reported that he had been subject to physical violence several times. On 28 February 2002 he was beaten and his mobile telephone was stolen. He registered complaint with the police but was too afraid to mention the names of the assailants. He was attacked again in September 2003, while the Fact Finding Mission team was visiting, in the local market when a crowd surrounded him and assaulted him. His mobile phone and glasses were taken away. He was rescued by friends. About the same time three other Khasis were assaulted. Similar incidences occurred in a nearby village.
4. Summary Conclusions on Violations and Threats

In light of the obligations assumed by Bangladesh as a state party to the International Covenant on Economic Social and Cultural Rights, the Fact Finding Mission identified several violations of the human right to adequate food in the cases visited. In the following lines, and based on the three types of obligations undertaken by state parties, the violations observed in relation to the right to adequate food are explained in detail.

Obligation to Respect
The obligation to respect existing access to adequate food requires States not to take any measures that result in preventing such access.

In Bangladesh the action of the administration and the police in the evictions of the landless is a clear violation of the obligation to respect the access of the landless to a livelihood (land). Administration and police have been a major part of the eviction process as the mission noted in Modhupur district, to obtain land for the National Park; and in Molvibazar district (Muroichora), to get land for the Eco-Park. The mission observed that evictions are not isolated events but they are affecting a number of landless and indigenous communities. Violence used in the process of eviction is also rampant. The landless have been either evicted or attacked and assaulted in almost all the cases the mission visited.

The Fact Finding Mission observed that the government has planned the Eco Park projects without correctly identifying the number of indigenous people projects would impact. The indigenous people have traditional rights in the forest that they inhabit. Forest is their main and sometimes their only source of livelihood, which has been denied to them by the state. The state has failed to recognize and acknowledge the symbiotic relation that the indigenous people share with the forests. Building of the wall and fence in the parks would seriously hamper the mobility of the indigenous people and deny them access to the forest products they rely on for a living. Moreover the mission concluded that the Khasis’ and Garos’ and Koch’ way of life and security would be destroyed with the people from outside gaining easy entry to the forests. Women will be especially insecure. The mission feared that eventually the indigenous people will be evicted from the forests or as stated by the people they will be held in the forest like animals themselves.

It is important to note that the state of Bangladesh has so far not classified the Khasis, Koch and Garos as indigenous people but as tribals. According to ILO Convention 107, the Modhupur forest is indigenous land, and the indigenous people have to be consulted for projects located in indigenous land. The Khasis, Koch and Garos are the indigenous people of the forest but the state has denied them this status and thereby all the rights they might have to the forests. It seems that the department of forest has not properly taken the welfare of the indigenous people into consideration before launching the project. Instead, the Khasis', Koch’ and Garos’ way of life and culture is used as a bait to advertise for the park and attract tourists. The building of the wall and the fence will impede the mobility of the indigenous people and hinder their right to feed themselves.
The state has also violated its obligation to respect the people’s right to feed themselves by giving permission and licenses for shrimp cultivation. The state of Bangladesh had violated the obligation to respect the rights of the people not only to food (land and water) by giving permission in some cases to shrimp cultivators to undertake shrimp cultivation and in other cases to allow illegal shrimp cultivation. Shrimp farming has an adverse effect on the soil and water. Salinity of water used in shrimp cultivation is harmful for the paddy cultivation done by the people and has thus a severe impact on peasants’ ability to sustain their livelihood by growing food and keeping livestock.

**Obligation to Protect**

The obligation to protect requires measures by the state to ensure that enterprises or individual do not deprive people of their access to adequate food. The Fact Finding Mission concluded that the administration has failed to protect the people from encroachments on their land by the shrimp cultivators. The mission also observed that mostly the administration added and abetted those who undertook shrimp cultivation.

It is the state obligation to protect its people’s human rights. As observed by the mission the state has failed in protecting its citizens from shrimp cultivators, landlords, and elite with strong political footing who have tried to deprive the landless of their land through forcible evictions, assault and other crimes. Landlords and land grabbers act with impunity, due to collusion with the police and the administration. Moreover instead of bringing the criminals to court the administration has teamed up with the criminals and framed charges against the victims. The victims of evictions, assault, killings, rape and abuse are still waiting for justice while the perpetrators roam free.

In the districts of Potuakhali, Sathkhira, Khulna, where the landless want to keep the area a shrimp farming free zone, as well as in Noakhali, Pabna, Rajbari, Faridpur, and Tangail, the mission noted violations of the obligation to protect.

**Obligation to Fulfill (Facilitate)**

The obligation to fulfill (facilitate) means the state must proactively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. The Bangladeshi land policy states that khas land (government land often newly accreted land in or near rivers) is to be distributed among the landless population. The mission noted that violation of rights and use of violence are triggered by conflicting interests in khas land and water bodies. In the case of Satkhira, Potuakhali, Khulna, Noakhali, Pabna, Rajbari, Faridpur and Tangail districts the government has failed to fulfill the access of the landless to the land, which is rightly theirs. Khas land and water bodies are to be distributed to the landless with their titles. The government has not given titles to the landless of the land where they have settled and cultivate.

Land titles have not been provided to the landless. Moreover the mission observed that constant change in the status of some resources like the change in category of land from khas land to water body for example in Satkhira district or the change in beels from open water body to closed water body as in Faridpur district make the situation more precarious for the landless.
5. Recommendations

In the light of the information aforementioned and in order to prevent further violations in similar contexts, the International Fact Finding Mission urges the government of Bangladesh to undertake the following measures:

- Put an end to forced evictions and attacks on the landless and the vulnerable communities like the indigenous people in Bangladesh.

- Take serious note of the apprehensions of the indigenous people related to Eco Parks and National Parks. These projects should be reconsidered as they threaten the indigenous people’s access to the forest products, which are their source of livelihood.

- Ensure effective participation of the people affected by projects and programs having impact on the right to food.

- Classify Khasis, Koch and Garos as indigenous people as Modhupur Forest and Moulvibazar are indigenous lands. By denying them this status all the rights they might have to the forest are denied. According to ILO Convention 107 indigenous people have to be consulted before a project is located in their land.

- Give priority to giving permanent land titles to the landless. This will put an end to the insecurity faced by the landless and deter the landlords and other strong from infringing the rights of the landless.

- Formulate a clear policy on the status of the khas land and water bodies in order to remove all ambiguities, which may lead to victimization of the landless.

- Regulate / stop shrimp cultivation as it has an adverse impact on the crops grown by the people and also irreversible impact on the soil and water.

- Protect citizens efficiently against violence and repression exercised by third parties.

- Investigate the criminal acts of the landlords and shrimp cultivators during encroachments, evictions, assault and attacks. The landless and the indigenous live in constant fear. The state should undertake measures to protect them and bring to books those officials who are colluding with the criminal forces.
6. Annexes

6.1 Explanation of Terms Used

**Beels**: Beels are water-bodies. They are crucial to the livelihood of the rural people. Their water is used for drinking, washing, raising cattle and ducks, planting jute and paddy, and fishing. Fish is the major, sometimes the only source of protein for the people. The beels can be temporary, and are then assimilated to agricultural land, or permanent, full with water throughout the year. They can be open or closed. If they are open, 1995 legislation foresees that traditional fishermen can use it freely. If they are closed, they can be leased out for one year or for 99 years ("permanent lease"), the latter being rather rare.

It should be noted that the classification of the land is difficult, because of the natural elements that are not necessarily stable, but also because of man, as for instance roads can make open beels closed and sluice gates can empty them.

**Khas Land**: It is land owned by the government. All accretions of land due to sediments born by rivers, in the river itself or in coastal areas are declared as khas land. According to the constitution the right to cultivate khas land belongs to the landless people, but is often taken over by feudal elites who occupy agricultural land (e.g. for shrimp cultivation).

**Char**: Alluvial land or land thrown up from the river. Land silt on the riverbed created by flood or sedimentation.