

# Corporate and franchisors' responsibility in relation to indigenous rights: Chittagong Hill Tracts in context

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## Research Overview

- Research concerns the responsibility of corporations in relation to indigenous rights with a specific focus on the human rights implications of the franchise relationship and the related responsibilities of the multinational companies operating as a franchise giver
- the doctoral research addresses these issues by contextualising the practices of a company in relation to the indigenous land of Chittagong Hill Tracts (CHT) in Bangladesh, a region where indigenous communities live.

## Factual Background: Construction of Hotels in CHT

### Chittagong Hill Tracts (CHT)

- Home of around thirteen different indigenous communities
- located in south-eastern part of Bangladesh
- comprising three districts, namely, Rangamati, Bandarban, and Khagrachari



### Marriott Hotels and Resorts

- the Army Welfare Trust and R&R Holdings Limited (a subsidiary of Sikder Group) started constructing a tourism complex in the Chimbuk region of CHT
- mega project will reportedly consist of a Marriott hotel, an amusement park, an artificial lake and other infrastructures
- project would require extensive construction in areas otherwise used by indigenous peoples, having adverse impact on 800-1000 acre of land; around 155 families belonging to Mro community will face imminent threats of forced eviction.



### Legal Issues

- Breach of indigenous rights: Right to consultation and free, prior, and informed consent; Collective land rights; Right to self-determination
- Leasing practices and the involvement of state authorities and local councils
- Human rights impacts linked to franchise relationships.

## Researcher Bio

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## Significance of this Research

- Study analyses the systematic capture of indigenous land by companies and seeks to conceptualise their responsibilities in relation to indigenous rights
- analyses the underlying interconnectedness between the state and corporations and their relationship to the expropriation of indigenous land
- addresses the host state's perspective in business and human rights and highlights the importance of regulatory development in host countries like Bangladesh
- analyses the human rights implications of franchise relationships and the related responsibilities of the companies acting as franchise givers
- analyses the companies' policy commitments and shows their level of commitments to address human rights impacts linked to their franchise relationships and how that is different from their commitment to ensure respect for human rights/indigenous rights within the operations of their subsidiaries.

## Theoretical and Legal Basis

- State duty to protect and business responsibility to respect indigenous rights (UN Guiding Principles on Business and Human Rights, 2011; OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, 2023)
- Downstream value chain due diligence and the responsibility of the companies operating as franchise givers (OECD Due Diligence Guidance for Responsible Business Conduct, 2018)

## Methodology

- The study involves doctrinal research as it analyses, interprets, and synthesises the legal sources to conceptualise the responsibilities of corporations in relation to indigenous rights
- study analyses and interprets the policy commitments of the multinational companies operating as franchise givers
- as the research is embedded on a case study, certain methods used in non-doctrinal legal research are also employed for a better understanding of the context, e.g., site visits and (semi-structured) interviews with key stakeholders.

## Contribution to BHR Field

The responsibilities of franchise givers have not yet been studied in the Business and Human Rights discourse. Also, there is a lack of understanding of the responsibilities of corporations in relation to the rights of indigenous peoples. The host states' perspective in BHR is also less focused and discussed. The PhD research addresses these gaps.