

Do Indigenous People live in Bangladesh? Arguments For and Against

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On 9th August, the International Day of the Indigenous People was observed by the tribal people of the CHT region and around the world at a time when a heated controversy has been raging in the country on the identity of indigenous people in Bangladesh.

The debate relates to whether any indigenous people live in the country. There are two views on the issue supported by documents.

The government view is that people in the CHT region constitute “ethnic minorities” and not “indigenous” people because they are not pre-settlers on the land territory of Bangladesh as has been the case of the Aborigines in Australia or Maoris in New Zealand or Red Indians in North America.

On the other hand, the tribal people in Bangladesh consider themselves as “indigenous” or “adivasi” because the ILO Conventions and the UN organ, Economic and Social Council (ECOSOC) recognise them as such. Furthermore they refer to the AL Election Manifesto in which certain actions would be taken with regard to “indigenous peoples”.

On July 26, the Foreign Minister, briefing diplomats and UN agencies, reportedly stated that Bangladesh was concerned over attempts by some quarters at home and abroad to identify the ethnic minority groups as indigenous people in the CHT region.

Quoting the Oxford dictionary, the Foreign Minister has said indigenous people are those who “belong to a particular place rather than coming to it from somewhere else”.

Rather, the CHT people were the late settlers on the Bengal soil and the CHT region compared to the Bangalee native ethnic vast majority residing here for more than 4,000 years, she pointed out.

The Minister told the diplomats that the tribal people most certainly did not reside or exist in the CHT before the 16th century and were not considered “indigenous people” in any historical reference books, memoirs or legal documents.

The Foreign Minister also explained the issue to the editors and senior journalists from print and electronic media in a separate briefing on the same day.

To put simply the government’s view is from historical point of view, no ethnic group can claim to be “indigenous” in Bangladesh in the sense it has been employed to the Aborigines in Australia or pre-settlers before the invaders in Latin, Central and North America.

The Chittagong Hill Tracts Commission, a non-government international organization, (its website: www.chtcommission.org) has objected to statement made by the Foreign Minister.

The Commission believes that the Foreign Minister's comments reflect a lack of commitment on the part of the Bangladesh Government towards its national and international obligations, including those contained in the 2008 Election Manifesto of the Bangladesh Awami League, the major component of the current Grand Alliance government, and the provisions of the ILO Convention 107 and other international human rights standards, among others.

It is noted that the paragraph 18 of the Election Manifesto of AL of 2008 states as follows:

” All laws and other arrangements discriminatory to minorities, indigenous people and ethnic groups will be repealed. Special privileges will be made available in educational institutions for religious minorities and indigenous peoples.” (DS/ Election Special: December 16 2008).

Therefore it has been argued that the AL has acknowledged in the Election Manifesto 2008 that some segment of people in Bangladesh as “indigenous” and let the AL-led coalition government make it clear to which ethnic community they meant as “indigenous people”.

Chief of Chakma circle, Barrister Raja Debashish Roy said to a leading English daily that : “ The government probably is under the impression that recognizing indigenous people might mean extra responsibility to bear. The constitution does not say that there are no indigenous people in the country. It has not used the word indigenous but it has not used the minority either to identify anybody” (DS/27th July,2011)

Mr. Roy further referred to the Small Ethnic Group Cultural Institutions Act, 2010, enacted by the present government where the law itself stated in its definition- part that small ethnic group would mean indigenous people.

At a rally, Rashed Khan Menon MP, chairman of the parliamentary caucus on indigenous affairs, reportedly said "We had a chance to give them (indigenous people) constitutional recognition after 40 years. But I think it would not be done".

After the adoption of the 15th amendment of the Constitution, Parbatya Chattagram Jana Sanghati Samity (PCJSS) has said that through the passage of the amendment of the Constitution, different indigenous groups are identified as Bangalee in the Constitution and their ethnic identities and basic rights have been denied.

Let us look at a few international instruments as how they interpret the term “indigenous”.

The Indigenous and Tribal Peoples Convention, 1989 acknowledges that although there are tribal peoples who are not “indigenous” in the literal sense in the countries in which they live, yet tribal people live in a similar situation as those of indigenous people. And on that basis the ILO does not differentiate between tribal and indigenous people

Furthermore, the United Nations Declaration on the Rights of Indigenous Peoples 2007 does not also define indigenous people but only has a broad understanding of the term which includes tribal people as well and the UN main organ ECOSOC does not make a distinction between tribal and indigenous people.

Although the 2007 UN Declaration is not a legally binding instrument under international law, according to the UN, it does "represent the dynamic development of international legal norms and it reflects the commitment of the UN's member states to move in certain directions".

The manner in which a sovereign state categorises its citizens remains within the domain of its constitution and national laws but if it is at variance with that of the international instruments, majority members of civil society hold the view that Bangladesh, as a responsible member of the UN, may go along with the broad understanding of the term of indigenous people as contemplated by the ILO Conventions and ECOSOC of the UN.

Many would query that neither side has made it clear to public at large what would be the implications-social, economic and legal- if Bangladesh government does or does not recognise “tribal” people as “indigenous”. That seems to be the essence of the matter.