

# Chittagong Hill Tracts Commission

**Co-Chairpersons:**  
Sultana Kamal, Lord Eric Avebury, Ida Nicolaisen

**Members:**  
Shapan Adnan, Lars-Anders Baer  
Victoria Tauli Corpuz, Sara Hossain  
Muhammad Zafar Iqbal, Lee Sweptson  
Robert Evans, Hideaki Uemura

23 March, 2011

To  
Syeda Sajeda Chowdhury  
Honorable Deputy Leader of the House & Chairperson  
The National Committee for Implementation of the CHT Peace Accord  
Deputy Leader Office  
Level-3, North-West Block  
Bangladesh National Parliament

**Subject: Using the correct term to recognize indigenous people in the Bangladesh constitution.**

Dear Madam,

We were very heartened to know that at the meeting of the parliamentary special committee on constitutional amendment on March 14, it was decided that the committee would recommend constitutional recognition to the indigenous communities of Bangladesh. It will indeed be a historic moment for the Government of Bangladesh for the first time to recognize in the Constitution of the country the contribution of the various ethnic communities. A number of Asian countries, including Malaysia, Indonesia, Nepal, and Philippines, have already proved their progressive outlook by incorporating recognition of indigenous communities into their constitutions. For instance, Bangladesh's neighboring states, Nepal and India have recognized indigenous peoples in their constitutions as '*Adivasi Janajati*' in Nepalese and '*Janajatiya*' in Hindi respectively which are synonyms to the term '*Adivasi*' in Bangla.

We appreciate that the parliamentary special committee on constitutional amendment has given opportunity to the indigenous peoples of the country to present their aspirations through the five indigenous parliamentarians. However, we are very concerned that Suranjit Sengupta MP, the co-chair of the committee informed the media that the term 'indigenous peoples' would be replaced by the term 'small ethnic groups' ('*khudra nrigoshti*' in Bangla). He also mentioned to the press that 'the definition of indigenous people given by the United Nations has no consistency with the situation in Bangladesh'<sup>1</sup>. He added that the term was applicable to countries like Australia where 'indigenous people were ousted from state power by others'.

<sup>1</sup> 'Committee on constitutional amendment meets', New Age, 16 March 2011.

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An official definition in fact has not been adopted by any UN-system body, considering the diversity of indigenous peoples' situations in different parts of the world. Instead the system has developed a modern understanding of this term based on self identification as indigenous peoples, historic continuity with pre-colonial and/or pre-settler societies, strong link to territories and surrounding natural resources, distinct social, economic or political systems, distinct language, culture and beliefs, the fact that they form non-dominant groups of society, and that they resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities<sup>2</sup>. UN member states in the world, including Asian states, are starting to recognize indigenous peoples in their constitutions, laws, policies and programmes based on these criteria. These criteria are all applicable to all the indigenous groups that have been identified by the parliamentary caucus on indigenous affairs. The indigenous peoples of Bangladesh have retained their distinct characteristics which are different from the mainstream national populations.

We would like to note that Honorable Prime Minister Sheikh Hasina herself has referred to the indigenous communities as 'Adibashi' on many occasions, including public messages on the occasion of the International Indigenous Day from 2000 to 2009, both as Prime Minister and as leader of the Opposition. Also, in section 18 of the Awami League's Election Manifesto, the term 'indigenous' ('adibashi') is mentioned several times in relation to human rights discrimination, equal opportunities, ending discriminatory treatment towards and securing rights to preserve their language, literature, culture, and unique lifestyles.

As a commitment to the protection of the human rights of its citizens including indigenous peoples, the Bangladesh government has also ratified international instruments such as the International Labor Organization's (ILO) Indigenous and Tribal Populations Convention (No. 107) of 1957, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The citizens of the country as well as the international community expect that Bangladesh will fulfill these legally binding obligations by implementing them properly. Constitutional recognition of the indigenous peoples as 'Adibashi' will therefore send a clear message to the national and international community that the Government of Bangladesh, as a democratic state, is aligning itself with the progressive nature of international human rights laws.

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<sup>2</sup> UN Permanent Forum on Indigenous Issues factsheet.

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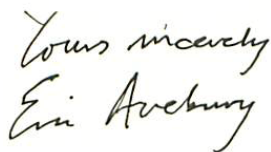
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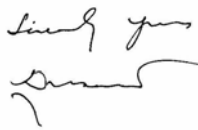
The term 'indigenous', 'adibashi' or a similar word has been widely used in the past in laws, government documents and court verdicts in Bangladesh. For example, the East Bengal State Acquisition and Tenancy Act, 1950 used the word 'aboriginal castes and tribes'. The Finance Act, 1995 (Act XII of 1995), paragraph 27, in reference to the exemption of income tax payments by the CHT Hill People used the term 'indigenous hillmen'. The CHT Regulation of 1900 (Regulation I of 1900) used the terms 'indigenous tribe' and 'indigenous hillmen' interchangeably. The High Court Division of the Supreme Court of Bangladesh in 2000 used the word 'indigenous hillmen' of the CHT in relation to a petition. In the National Poverty Reduction Strategy Paper adopted by the current Government of Bangladesh (the revised PRSP-II), adopted in 2009, the terms 'indigenous communities' and 'indigenous people' are used in the document.

We would like to point out that the co-chair of the constitutional amendment committee has wrongfully interpreted the term 'indigenous' or 'adibashi' as indicating those who are original settlers of the land. Constitutional recognition of ethnic minorities as 'indigenous' or 'adibashi' in the UN context would in no way compromise national unity, rather it will strengthen democracy of the country. On the other hand, we believe that the Prime Minister and the Government of Bangladesh can demonstrate their election pledge to work for the rights of the ethnic and religious minorities and the commitment to its international obligations by incorporating the term 'indigenous' or 'adibashi' in the constitution. We remain very hopeful that by recognizing the adibashis, the government will reaffirm its position as progressive and secular and ensure the diversity and inclusiveness of democratic Bangladesh.

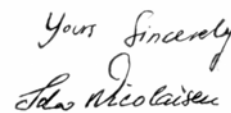
On behalf of the CHT Commission



Eric Avebury  
Co-chair of the  
CHT Commission



Sultana Kamal  
Co-chair of the  
CHT Commission



Ida Nicolaisen  
Co-chair of the  
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Copy to:

1. Suranjit Sengupta MP, co-chair, the parliamentary special committee on constitution amendment
2. Dipankar Talukder MP, Honorable State Minister, the Ministry for Chittagong Hill Tracts Affairs
3. Promode Mankin MP, Honorable State Minister for Cultural Affairs
4. Jyotiridra Bodhipriya Larma, Honorable Chairman, Chittagong Hill Tracts Regional Council
5. Jatindra Lal Tripura MP, Honorable Chairman, Task Force on Rehabilitation of Returnee Refugees and IDPs
6. Bir Bahadur Ushaishing MP, Honorable Chairman, CHT Development Board
7. Ethin Rakhaine MP
8. The Parliamentary Caucus on Indigenous Affairs

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