



International Council for the Indigenous Peoples of CHT (ICIP-CHT)

12 Marcil, St. Constant,
Quebec J5A 1R9, CANADA.
Phone: 001-450-632-4657 and Email: icip-cht@gmail.com

23 March 2011

To
Sheikh Hasina Wazed
The Honourable Prime Minister
The Government of the People's Republic of Bangladesh
Office of the Prime Minister
Tejgaon, Dhaka, BANGLADESH

Subject: Recognition as Indigenous Peoples, not as "Khudra Nrigoshti" in the Constitution of Bangladesh

Dear Honourable Prime Minister,

On behalf of the International Indigenous communities of Bangladesh, we would like to extend our deepest appreciation for your initiatives and bold leadership on many important but unresolved national issues. One of these is the issue of constitutional amendment. When your government took the initiative and formed a special parliamentary committee to amend the constitution, we were delighted with the prospect that we would finally get constitutional recognition as Indigenous Peoples. In the past years, the will of the indigenous peoples, as you have observed, have been expressed in numerous ways and through various outlets. Even the five-member indigenous parliamentarians of your own party and 17 parliamentarians from the Parliamentary Caucus on the Indigenous Peoples' Affairs have submitted memorandums to you and the special committee expressing the strong desire to get constitutional recognition as 'Indigenous Peoples'.

However, we are now very concerned that such a recognition may not be forthcoming. On 15 March 2011, co-chairperson of the special committee Mr. Suranjit Sengupta at a media briefing has stated that the committee has decided to accord recognition to the indigenous peoples as 'khudra nrigosti'. He said: 'the demand for recognising them as indigenous people could not be applicable in the context of Bangladesh ... The definition of indigenous people given by the United Nations has no consistency with the situation of Bangladesh'.

We beg to differ. We hold the view that Mr. Sengupta has taken a wrong view about the UN definition of an indigenous people. The ILO convention 107, to which Bangladesh is a signatory and the United Nations, adopted a criteria of indigenous people along the following line: 'Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.' Further, ILO convention 169 emphasizes

that self identification is a fundamental criteria of indigenous peoples which states shall respect. Many countries in Asia, such as Malaysia, the Philippines, Japan etc. have fulfilled their obligations and commitment to the international human rights instruments by according recognition to their indigenous population as 'Indigenous Peoples'. Similarly, our neighbouring states, Nepal and India have recognized indigenous peoples in their constitutions as '**Adivasi Janajati**' in Nepalese and '**Janajtiya**' in Hindi respectively which are synonyms to the term 'Indigenous Peoples'. In fact, the term "Indigenous" is being used today by many governments, universities, researchers, World bank, various foreign aid agencies and UN bodies including UNDP.

Indeed, the term 'indigenous' or a similar word has widely been used in the past in laws, government documents and verdicts of courts 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 (Rule 4, 6, 34, 45, and 50 of 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 hillman" of the CHT in relation to a petition (*Sampriti Chakma vs. Commissioners of taxes, 5 BLD, AD, 2000, 29*). A letter issued by the Special Affairs Division on an order from the Establishment Ministry in 1991 also carried a reference to the word "indigenous". The word "indigenous" is again found in the "Small Ethnic Community Cultural Institute Act, 2010. The National Poverty Reduction Strategy Paper II adopted by the current Government of Bangladesh in 2009 explicitly used the terms "**indigenous communities**" and "**indigenous people**" in the document.

The hill men indigenous to the CHT have been identified and referred to as "indigenous" in the legal and official documents for more than a century and there has not been any objection to its (indigenous) use and application until recently. We apprehend something has gone wrong somewhere. It is, therefore, hard and painful to us to believe that a democratic and liberal government under your prudent leadership will or can deny us of an identity which we have been invested with and recognized historically and legally for more than hundred years.

We would also like to note that you referred to those communities as '**Indigenous Peoples**' in your messages on the occasion of International Indigenous Day from 2000 to 2009, as a Prime Minister and as an Opposition Leader. Also, your own party have used the term 'indigenous' in various documents, including in the **2008 election manifesto** (article 18.1 and 18.2) and the communiqué following the 2009 National Council. The term is also figured in your party's constitution (article 19).

We find the term 'Khudra Nrihosti' is very offensive, racist, ethnocentric, uncomplimentary, disgraceful and prejudicial. This term implies that there are small human groups (Khudra Nrihosti) in contrast to the large human groups in Bangladesh. We strongly believe your government which has done so much for the Indigenous communities of Bangladesh will never refer them "Khudra Nrihosti" meaning they are 'inferior', 'uncivilized', 'primitive' and 'backward'.

We hope the mistake of not recognizing the Indigenous Peoples of Bangladesh in 1972 would not be repeated again.

You took the boldest initiatives yet to rectify the historical injustices that were meted out to the indigenous peoples of Bangladesh, particularly by signing the 1997 CHT Peace Accord. We hope that you will demonstrate similar boldness as the amendment of the constitution reaches its climax and accord us constitutional recognition as 'Indigenous Peoples'.

Sincerely,

On behalf of International Council for the Indigenous Peoples of CHT:



Dr Aditya Dewan
President, ICIP-CHT



Rana Chakma,
General Secretary, ICIP-CHT