

7th Session of the UN Expert Mechanism on Rights of Indigenous Peoples

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Agenda item 7: UN Declaration on the Rights of Indigenous Peoples

Thank you Mr. Chair for giving me the floor

I would like to draw the attention of this forum to the fact that the government of Bangladesh pre-empted an attempt to initiate a legislative proposal of a Parliamentary Caucus, through a private member's bill styled Adivasi Rights Bill or the Indigenous Rights Bill 2013 in the 9th Parliament. The government reportedly requested the speaker not to allow any such legal proposal.

One of the sitting MPs, who heads the Parliamentary Caucus on the Indigenous Peoples in Bangladesh (PCIPB), was likely to place the bill in parliament for recognition of the country's ethnic minorities as "adivasi" or "indigenous peoples" and protection of their rights. The PCIPB is a platform of 24 sitting MPs who work for the promotion and protection of Indigenous rights.

The National Coalition for Indigenous Peoples had been providing secretarial support for the Parliamentary Caucus on Adivasi. The Caucus had 10 meetings with different stakeholders to get "adivasi" recognition to the ethnic minorities living the Chittagong Hill Tracts and other parts of the country.

The Foreign Ministry, which has been dealing with the issue of ethnic minorities at the UN and other forums fears, the initiation of the bill will strengthen the demand of the "tribal people for their state recognition as sdivasis.

It further argued, the recognition in line with the ILO Convention on indigenous people's rights would encourage the ethnic minorities to claim rights on the resources on some specific territories.

The ministry warned that such demands may put Bangladesh's sovereignty to question.

On 28 July 2013, the Foreign Secretary chaired an inter-ministry meeting that decided to "guarantee" that such bill was not tabled in parliament and to communicate the matter to the speaker who was authorized to decide tabling of any bill in the House.

“The movers will make it [the recognition of the ethnic minorities as adivasis] a political issue if the bill is tabled as a private member’s bill,” said a foreign ministry working paper.

On 18 September of the same year, the foreign ministry requested the members of the parliamentary standing committee on the ministry to request the speaker to block the Bill, saying it was “not consistent” with the country’s constitution. It should be mentioned here that Article 23 (a) of the constitution recognizes tribal people as “small ethnic Groups,” not as adivasis.

The Law Minister said, “I do not see any justification of forming the Caucus on this issue as there is no adivasi in Bangladesh according to the definition of the ILO convention”.

On 30 April 2014 in another incident, the sub-district administration imposed section 144 in that area for an uncertain period of time. Local security and civil administration of Baghaichari sub district obstructed the local people from building a statue of Lord Buddha in Ajaichug Temple area in Baghaichari sub-district under Rangamati district. It is learnt that local indigenous people of Bongaltali union under Baghaichari sub-district started to build a 10 feet high Lord Buddha statue in Todekmara kijing temple area. On 28 April, soon after the building of the statue began, warrant officer of local Dui Tila army camp obstructed the locals from building the statue and the forest department filed a criminal case against an unknown 400 to 500 indigenous villagers.

Under the circumstances, we have the following recommendations to make:

1. Bangladesh government to ratify the UN Declaration on the Rights of Indigenous Peoples without further delay;
2. To ensure that the government of Bangladesh brings about necessary changes in its laws to accommodate the relevant provisions of the ILO Convention NO. 107 which it ratified in 1972;
3. To ratify the ILO Convention No. 169 immediately;
4. To recognize the ethnic minorities in Bangladesh as indigenous peoples in its constitution;
5. To implement the CHT Accord to pave the way for peace in the region.