Indigenous Rights Discourse in Bangladesh

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Abstract

Socio-economic and political struggles of the ethnic minority people in Bangladesh resulted from the cumulative injustice and exploitation throughout the history – hence, both the retrospective and prospective analysis were essentials for understanding today’s indigenous rights discourse in Bangladesh. The aim of this study was to generate a discourse over indigenous people’s rights with specific case of Chittagong Hill Tracts (CHTs) in Bangladesh to be revisited by the intellectual communities, policy and law makers and human rights activists to uphold the social justice. It was a qualitative study used exhaustive literature reviews along with four key Informant Interviews to recontextualize the findings. A discourse analysis revealed that the existing human rights violations against the ethnic minorities in (CHT) was deeply rooted in the habitus of the society with strong influences by the political cultures, which had naturalized the oppression against them through language (expressed/ unexpressed) under the mantle of nationalism. However, “Diversity” could be an alternative language to slowly diffuse the dominant discriminatory political culture and to promote the rights of all ethnic minorities in Bangladesh.

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1. Introduction
Chittagong Hill Tracts (CHT) is the largest extended hills of Bangladesh where population composition of Bengali settlers\(^5\) to Tribal is 51: 49 (as cited in Pact, 2007, p. 4; as cited in Chakma, 2010, p.20; Roy, 2000, pp. 111-112; Mathur, 2015, p. 2). According to government’s official report, the number of small and ethnic communities are enlisted under the Small Ethnic Group Cultural Institutes Act 2010 of Bangladesh is twenty-seven (Chowdhury & Chakma, 2016; Halim, 2015; Pact, 2007), eleven of which live in CHTs (Halim, 2015; Chowdhury & Chakma, 2016; Cultural Survival and American Indian Law Clinic [CS & AILC], 2017). In CHTs, these small ethnic minority communities proclaim themselves as indigenous people; however, the Constitution does not recognize them as indigenous\(^6\). This issue of constitutional denial, in fact, is similar across various countries in Asia, which has been well documented by the Special Rapporteur on the Rights of Indigenous Peoples of the United Nations. The quote made by the Special Rapporteur will give an understanding of indigenous lives in South Asia “the steady loss of indigenous lands, territories and natural resources; situations of internal conflict, violence and repression faced by these peoples, the implementation gap of peace accords and autonomy regimes, and the special abuses faced by indigenous women” (Stavenhagen, 2013a, p. 95); as well as their systematic exploitation and exclusion (Stavenhagen, 2013b). Nonetheless, Bangladesh made a historical landmark with a positive political step on 2\(^{nd}\) December in 1997 with PCJSS\(^7\) by signing the CHT Peace Accord to improve the conditions of tribal people in CHT, though the state did not ratify the ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous People (UNDRIP) (Pact, 2007; Panday & Jamil, 2009; Chakma, 2010; Mathur; 2015; Roy and Chakma, 2015; Chowdhury &

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\(^5\) People who have migrated to and settled in CHTs from the plain land, are called as Bengali/Bangalee settlers (Roy, 2000; Pact, 2007; ACHR, 2010; Chowdhury & Chakma, 2016).

\(^6\) Article 6(2) defines that the people of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshis; article 9 defines the unity and solidarity of the Bangalee nation….shall be the basis of Bangalee nationalism; and article 23A defines that the State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities.

\(^7\) PCJSS elaborates as Parbatya Chattagram Jana Sanghati Samiti, which is an organization of the tribal people in CHT.
Chakma, 2016; CS and AILC, 2017). Eighteen years have passed after the Peace Accord but the implementation have been lagging behind (Roy, 2000; Pact, 2007; Panday, & Jamil, 2009; Barman & Chakma, 2010; Chakma, 2010; Mohaiemen, 2010; Roy, 2012; Mathur, 2015; Roy and Chakma, 2015; The Daily Star, 2015; Chowdhury and Chakma, 2016; CS and AILC, 2017). In addition to that, human rights violations against the tribal people in CHT has been continuous since the birth of Bangladesh in 1971 (Roy, 2000; Pact, 2007; ACHR, 2010; Chakma, 2010; Mathur, 2015; Chowdhury & Chakma, 2016; CS and AILC, 2017), where the causes of violence were structural (Chakma, 2010). The common factors aggravating indigenous rights in Bangladesh were identity politics such as constitutional non-recognition as ‘indigenous people’, slow implementation of Peace Accord, militarization, communal violence, non-ratification of ILO C.169 as well as UNDRIP. Nonetheless, this paper aims to provide another way of analyzing this context by applying the post-structural lens to generate a new discourse over the rights of indigenous people to draw the attention of the intellectual communities, policy makers and human rights activists. This paper also provides a combination of retrospective and prospective analysis that address historical perspectives as well as the present. Based on the complex nature of the structural problems, this paper recommends for a new narrative with cultural “diversity” to reconstruct the dignity and to redress the historically occurred systematic discrimination to attain the goal of the sustainable development goals (SDGs) and the proclamations of the universal declaration of human rights (UDHR) in Bangladesh.

2. Why Post-Structural Theoretical Framework?

Post-structuralism, as a theory as well as a method of analysis, deeply looks into the social construction of any observed reality going beyond the time and space. Hence, it allows to reopen the discourse in line with the universality of human rights for all, including indigenous people. The post-structural lens will allow to explore various competing structures that influences and influenced the discourse over indigeneity or non-indigeneity in Bangladesh with specific reference to the tribal community of CHT. This theory will
also show us the signifier\textsuperscript{8} and signified\textsuperscript{9} and the role of texts in the normalization of structural injustice and inequality throughout the history. In addition to that this will also show the binary construction of social categories and it’s intrinsic role in the durability of the systematic oppression against the ethnic minorities; though seem to have same laws and policies for all Bangladeshi (Young, 2008; O’Byrane, 2013; Ritzer, 2017).

3. Methodology

This was a qualitative study based on the intensive literature reviews, which had been re-contextualized with the information given by four Key Informants Interview (KII s). Among the four KII s, two were selected from the ethnic minorities of CHT, of which one was an important leader of the community and the other was a common tribal person. The rest of the two KII s were from the majority Bangladeshi community, one was the Government High Official and common person. This study used discourse analysis under the theoretical framework of post-structuralism. As the objective of the KII was to re-contextualize the analysis, the verbal consent was taken from the KII s with the promise of keeping them anonymous as ‘indigenous’ topic in Bangladesh is highly political and sensitive to safeguard them. For both the purpose of data protection and protection of the KII s, the audio recording had been destroyed too once they were transcribed and translated.

4. Literature Review: Prognostic and Diagnostic Approach

4.1 Situation Analysis within Bangladesh Government (1972 to date)

All people in Bangladesh are identified as Banglee\textsuperscript{10} nation by the Constitution. Although all citizens are equal before the law as Bangladeshi citizen, however, article 23A of the Constitution of Bangladesh provides special provision to develop the language and culture of the tribal or ethnic people. However, these tribal or small ethnic minor communities of CHT identify themselves as indigenous people of Bangladesh, which is legally and politically incorrect by the Constitution. Therefore, the self-identified indigenous people

\textsuperscript{8} Signifier, is the abstract meaning of a concept as they should ideally be; see, O’Byrne (2013)
\textsuperscript{9} Signified, is the actual meaning which exist in the real social world, not necessarily the meaning as it ideally should be; see O’Byrne 2013.
\textsuperscript{10} See the constitution of Bangladesh, article 6 (2) and 9.
of Bangladesh have continuously urged the government to get constitutional recognition as ‘indigenous people’. As the government denied their distinct indigenous identity, CHT tribal people formed PCJSS in the early 1973 to represent their collective voice (Mathur, 2015, p. 2; Chakma, 2010, p. 20). Due to the persistent denials of the rights as ‘indigenous people’ by the state, an armed gerila wing derived from the PCJSS, named ‘Shanti Bahini’ who had a bloody conflict with the government’s military force (Mathur, 2015, p. 2; Chakma, 2010, p. 20). Since 1979 to 1993, according to Amnesty International (1986) and the CHT Commission (1997, 2000), the frequency of communal attacks was eleven times on the tribal villages, which jointly held by military, para-military and Bangalee settlers; and each episode of attacks accrued the death toll of 30 to 300 tribal people (as cited in Chakma, 2010, p.19). To end this violence, a positive political response was initiated by the Government in 1997 which was called the famous “CHT Peace Accord”. Even after the Peace Accord, human rights violations are ongoing; which includes killing, tortures, eviction from land, rape, forceful religious conversions, false police case, enforced disappearance, arrest, detention, kidnapping, inhibiting peaceful protest (Barman & Chakma, 2010; Chakma, 2010; Mathur, 2015; Roy and Chakma, 2015; Chowdhury & Chakma, 2016; CS and AILC, 2017). Twenty-four provisions have been implemented from the seventy-two in the CHT Peace Accord, which especially have very less impact to protect the rights concerning to indigenenity (Roy and Chakma, 2015). The core issues, for example, de-militarization of all non-permanent army camps, evacuation of the army project “Operation Uttoron”\(^{11}\); self-government through the CHT Regional Council and the Hill District Councils; rehabilitation of the refugees under the CHT Task Force for Refugees and Displaced People; the resolution of land disputes through the CHT Land Disputes Resolution Commission have yet to be implemented (CS and AILC, 2017; Chowdhury and Chakma, 2016; Mathur, 2015; Roy and Chakma, 2015; Roy, 2012; Panday, & Jamil, 2009). To improve the lives of CHT tribal people, several studies recommended the implementation of CHT Peace Accord, protection of their ancestral land, dislocation of Bangalee settlers from CHT, ratification of ILO convention 169, constitutional identity as *Indigenous* or *Adibashi*\(^{12}\), implementation of the outcome

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\(^{11}\) Operation Uttoron means in English as Operation Upliftment of Army in the CHT.

\(^{12}\) Adivasi is Bengali word meaning Indigenous.
document of World Conference on Indigenous People, development of the National Action Plans as per UNDRIP and ensuring participation of and inclusion of agenda of indigenous people in the government’s five year budget and development plan (CS and AILC, 2017; Chowdhury and Chakma, 2016; Mathur, 2015; Roy and Chakma, 2015; Roy, 2012). However, saying and doing are two different concepts. Why these recommendations are not implemented, is the main concern for this paper, will be discussed later.

4.2 Situation Analysis within Pakistan Government (1947 to 1971)
Bangladesh was part of Pakistan before 16 December, 1971 (Bates, 2011; Roy, 2000, pp. 45-47). These same tribal communities had two level of experiences during Pakistan political regime. In the beginning, “Chittagong Hill Tracts as an Excluded Area, i.e. an exclusive homeland for indigenous peoples with restrictions on settlement to non-indigenous people” by the Constitution of Pakistan until 1963 (Roy, 2000, p. 46). After the constitutional amendment, their identity was rendered into ‘non-indigenous’ and became Pakistani citizen under modern political democracy. Therefore, it allowed both the government and the plain land’s citizen (Bangalee) to enter into the hill (Roy, 2000, pp. 44-47). Although Pakistan ratified ILO Convention 107, but violated the rights of indigenous people according to article eleven to thirteen related to lands. One of the prominent examples is the ‘Kaptai Dam Project’ by the government which submerged 54000 acres of cultivable land and displaced 100,000 Chakma people from CHT (Stavenhagen, 2013c; Roy, 2000, p.95) and approximately 40,000 Chakma people took refuge in India (Roy, 2000, pp. 96-100). Out of that damages, less than 50 percent land was compensated in exchange with the poor quality agricultural lands and with the lesser (5 percent) financial compensations of total losses (Ibid, 2000, pp. 99-101). The ultimate consequences were statelessness, lack of shelter, lack of livelihoods, survival crisis and loss of political identity.

4.3 Under British Colonial Period (1787 to 1947)
During this regime, both Pakistan and Bangladesh were part of the greater India (Bates, 2011; Roy, 2000, pp. 45-47). British administration, for the first time, made rules and regulations in the indigenous people’s land, which was economically exploitative for the
indigenous people in CHT. The practice of land seizing started by British administration as ‘reserve forest’\(^\text{13}\) in the indigenous collective land. However, British administration provided them distinct ‘indigenous’ identity as well as the internal autonomy in their region under the Government of India Act’ 1935, as stated by CHT Gazetteer 1971 (as cited in Roy, 2000, p.38; Pact, 2007, p.10). To protect indigenous distinct language, cultures and lands from the majority population of plain land, British administration also made the ‘Regulation 1900’ for CHT (Roy, 2000, pp. 38-44; Pact, 2007, p.10). During the division of India, indigenous people of CHT were given under Pakistan without considering of what they want (Roy, 2000). The loss of voice and choice initiated with the colonialization. These same tribal communities of current CHT used to live independently within their free territory before the colonization (Roy, 2000, pp. 37-44).

5. Critical Reflection

5.1 Equal Rights and Dignity Dogma

It is clearly palpable that the identity of the tribal people in CHT is not natural; but socio-political constructions by the dominant cultures. The dominant discourse in Bangladesh is that either they are tribes or ethnic minorities or small sects, though they identify themselves as indigenous people. Apparently, it seems non-discrimination due to the presence of formal constitutional language on equal rights for everyone who are the citizen of Bangladesh; however, in reality the critical question is to understand how the equal rights are availed by each individual, especially by the tribe? The first explanation can be what looks natural or normal or good norms may not the case as it looks (Bauman, 1989). Second explanation in the words of Young (2008, p.364), “even in the absence of formally discriminatory laws and rules, adherence to normal rules and practices of occupational assignment, body esthetic, struggle over power, and the like, will tend to reproduce given categorical inequalities unless institutions take explicit action to counteract such tendencies”.

One of the KII of CHT expressed “\textit{In reality, we never feel that we have equal rights as the majority; we can feel visibly or invisibly when we approach for any purpose in}

\(^{13}\) Reserve Forest means the government declared forest where no indigenous are allowed to enter, which would be used solely by government.
government institute. The way they look at us and the way they talk to us do not make us one of them. If we go for any complaints against any Bangalee settler to the police stations, the officer does not account seriously. We know police will not support us as the perpetrator is from their community.”

Therefore, the one ‘Bangalee’ nationalism and all are ‘Bangladeshi’ citizen might not be translated into the equal status and rights for the tribal people of CHT who have already been positioned as the ethnic minority in the eyes of the majority community. The already constructed dichotomy also reflect the power differentials because the enforcement of the term ethnic minority occurred as there was a non-ethnic majority population. It is not written anywhere; but the existence of ethnic minority implies the different standard setting for them as two different social groups. According to Foucault (2012), the concept ‘normal’ exists if there is existence of norms, by default that implies the existence of the deviance who are not normal, thus setting standard.

Another KII of CHT said “Look at the Parliament of Bangladesh, where 99% are from the Banglee, then how we tribal people will establish our demand as indigenous?”

However, in this regard, both KIIIs from Government said “They are few in number. It is normal to have more people in the Parliament. Government has all laws and polices equal for its every citizen. Government, even has set special laws and policies to advance them. Just think, if someone is already passed 12th grade you can advance them more. If you see someone comes with zero capacity, then their target would be first to reach 12th grade. This is the reason, they are behind. This is not the fault of the government.”

The above quote clearly says that the backlash has linkage with the past socio-economic back ground. The second issue is if the government makes provisions as the way these minority community wants! Therefore, the same laws and policies may not be dignified for different groups within the same country. This ‘otherness’, on the contrary, has been reinforced due to the same policy and norms for all as if they have to be socialized as the way of normal Bangladeshi in the name of integration or assimilation. To embody this, the
modern bureaucracy or *discipline*, has been used as the machinery to sustain this *discourse* of the dominant culture (Foucault, 2012) with the power of politics.

### 5.2 Production and Reproduction of the “Other”

If ‘indigenous’ is considered as the signifier, then signified would be ‘tribes’, ‘minor races’, ‘ethnic sects’, “aboriginal”, “adivasi”, “ethnic minority”, “hillmen/hillpeople” and/or “upajati (subnation/tribe/tribal)” (Roy, 2012, p.1; Roy, 2000), which were very free floating in different times and in different context. Since the British administrative period to until 1963 of Pakistan period, they were indigenous people without any signified, which started to create different new names after 1963 to date. They were neither indigenous nor ethnic minority/tribes since 1963 to 1971 (Paksitan government) and since 1972 to 2010 (Bangladesh Government) chronologically. This clearly presents a constructed identity which was not chosen, but imposed. Any language, text or word, which denotes ‘indigenous people’, simply are not allowed to talk or to write in the public space, or in the formal system, or into the routine activities. The evidence can be witnessed in the directive issued on the last 16 August 2015 by the Housing & Public Works Ministry with a subject-title for CHT tribal community as quoted “On choosing Constitutionally Recognized Words and Selection of Site for Observation of so called Indigenous Peoples’ Demand” (Chowdhury & Chakma, 2016, p.29). This *discourse* has been maintained by the exercise of the militarization in the name of security, or by assimilation policy such as population transfer programme, or by the development project such Kaptai Dam project. These were accomplished by *disciplines* where both language and power interplayed to reinforce each other. Although Foucault’s *prison* was for the close supervision of the *delinquent* or *deviant*; but in this context, the whole CHT seemed to be the modern prison under the open sky surrounded by hills and forest, a ‘bio-tech prison’ as modern surveillance strategy. CHT still remains Bangladesh’s most militarized region, which the hill people perceive as to support extension and strengthening of occupation of hills by the Banglaee Settlers (Amnesty International, 12 June 2013).

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14 The idea of ‘Bio-tech’ prison is used by the author of this paper as it is most resembled to the context though borrowed the ground concept from Foucault’s Discipline and Punish: The Birth Of Prison (2012)
5.3 Consequences of the “Otherness”

The critical question to understand why the British administration, who used indigenous land for cotton farming by replacing their cultural practice of ‘Jum Cultivation’\(^{15}\), had no problem to identify them as ‘indigenous’ which was reversed for Pakistan and Bangladesh? Interesting, this is same for other Asian countries since the de-colonization (Stavenhagen (2013a). Addressing them as tribal people instead of indigenous people is not merely naming, coining from Bauman (1989, p.6), who benefits from this “big lie”? During the British colonial period there was no human rights regime and the indigenous people’s rights such as UNDRIP/ ILO C. 107/ ILO C. 169 came even after establishment of human rights regime since 1948. If the CHT tribes get legal recognition as ‘indigenous people’ will make two immediate impacts: (i) the first is economic as the state and elite corporates (the majority Bangalee settlers, Corporates who have resort, big business by grabbing indigenous Jumma lands) will have to return the Khas Land\(^{16}\) as indigenous collective Jumma land (Pact, 2007; Panday & Jamil, 2009; Chakma, 2010; Mathur; 2015; Roy and Chakma, 2015; Chowdhury & Chakma, 2016; CS and AILC, 2017); and (ii) The second impact is psychological, which was deeply motivated by the cultural ideology because due to the first impact, the position of tribal people will reach into relatively an empowered position from the long-standing weak/backward section/disadvantaged position. This can be echoed with Foucault, “their existence within the eyesight is just as dirt, that needs to be removed from the clean sights of our society as they upset the ‘clean’ and ‘ordered’ world of our society” (as cited in O’Byrne, 2013, p. 196). To this end, it is very hard to compare between the colonial and the bourgeois ideology; but it is very clear they reinforced each other to sustain the inferior position of tribal people from economic, social, cultural, political and as civilians.

5.4 Peach Accord Illusion

In Bangladesh, CHT peace accord (theoretically) provides them collective land rights, internal autonomy to manage CHT regions along with the management of Department of CHT Affairs. This analysis will provide an understanding why the Peace Accord seems

\(^{15}\) Indigenous way of farming is called Jum Cultivation, very traditional and collective farming pattern.

\(^{16}\) Government property
more theory than the reality even 18 years have passed after the agreement. Since 1871 to 1931, CHT was the exclusive indigenous home (as cited in Pact, 2007, p.9, Chakma, 2010, p.20). In 1941, the population ratio of indigenous to non-indigenous was 97:3, followed by 88: 12 in 1961 and 52: 48 as per the last updated census of 2001 (Ibid). This indicates a big geo-political and demographic transition in the CHT regions. Since 1979 to 1993, the number of deaths occurred to CHT tribal villages due to the communal violence, which Levene (1999, p. 359) analyzed as ‘a "genocidal process" to "active genocide"’ (as cited in Chakma, 2010, p.20). The recent study in CHT explored various forms of human rights violations such as CCPR\textsuperscript{17}, CESCR\textsuperscript{18}, ICERD\textsuperscript{19}, ILO C. 107 & 169 conducted against the indigenous people including violations of women (CEDAW\textsuperscript{20}) and child’s rights (CRC\textsuperscript{21}) (Chowdhury & Chakma, 2016). Now the dilemma, who will rule over who in CHT when political demography shows equal and co-existence of ethnic and normal Bangalee.

5.5 Oppressive Habitus of Bangladeshi Society

‘The Nazi mass murder of the European Jewry was not only the technological achievement of an industrial society, but also the organizational achievement of a bureaucratic society!’ – said by Zygmunt Bauman (1989, p.13). He (1989, p. 16) further stated “the rest was the concerns about of co-operation among different departments of state bureaucracy; of careful planning, designing proper technology and technical equipment”.

The existing condition of tribal people also became possible due to the feasibility, the way the Holocaust was, “The machinery of destruction, was structurally no different from organized German society as a whole. The machinery of destruction was the organized community in one of its special roles” (Bauman, 1989, p.9) because the most of the perpetrators were those normal people who coordinated their actions into the ‘enterprise of genocide’ (Ibid, p. 19). The military personnel, Bangalee settlers were also part of the normal Bangladeshi population; and the pathology of exploitation and violence were authorized, actions were routinized and the victims of the violence were dehumanized (Bauman, 1989, p.25). This dehumanization was possible because of the informal

\textsuperscript{17} CCPR means the covenant of the Civil and Political Rights

\textsuperscript{18} CESCR means the covenant of the economic, social and cultural rights.

\textsuperscript{19} ICERD means the International convention on the elimination of racial discrimination.

\textsuperscript{20} Convention on the Elimination of all forms of Discrimination against Women

\textsuperscript{21} Convention of the rights of the child.
institutions (O’Byrne, 2012, p. 840) due to the ‘otherness’ of the tribal/ethnic minority population. Still the slow dehumanization process ongoing as the cognitive structure of the Normal Bangalee has been condition to normally accept this reality.

One Bangalee KII told, “we are highly dense population. Why those few (tribal) people need that huge amount of land to live. There are forests, which belongs to the government. Government will decide who will live in its land. We face struggles to get good position in government jib, but tribal people has quota. They are still not happy. If they live in Bangladesh, they have to abide by the law. Besides, the way they live is not decent. With assimilation and integration, they can become like us. What is the problem for them to get standard way of living?”

Government Official told, “listen, human rights things are Western concept. They do not know our situation. We are poor country. If the tribal people in the name of indigenous people’s rights wants to do whatever they want, then where is the power of the Government. It seems they want to deny the rules of the government.”

Bangalee KII Told, “If they are given land rights and autonomy to rule CHT, then one day they will declare separate country like Sikim. We cannot let that happen.”

Knowledge is produced by the power through language or text historically in a manner that colonize the mind of the people of a society (Smith, 2013). Pierre Bourdieu, one of the prominent post-structuralists, invented the term Habitus which means cognitive structure is shaped by the field (or cultural structure) in way that not only produces power differences but also reproduces that (as cited in Ritzer, 2017, pp. 532-533). The habitus of the Bangalee community has been constructed so deeply with the cultures of the dominant groups who were also colonized and oppressed for long time. However, they forgot their own experience of exploitation and oppression but learnt what others did to them. In 1952, When Bangladesh was part of Pakistan, Government of Pakistan said to forget Bengali as the mother tongue; which was protested and finally Bengali language got legal recognition as mother tongue with mass loss of Bangalee people on 21st February (Ahmed, 2017). However, the most interesting climax can be seen when the Bangalee Nation became the
ruler of today’s Republic of Bangladesh, as stated by Al-Ahsan and Chakma (1989, p. 967), the CHT people were told "to forget their ethnic identities" and to be merged with the "Bengali nationalism" by the Honorable Prime Minister in 1972 (as cited in Chakma, 2010, p.19).

In this case, the colonial field shaped the habitus of Bangalee society which has been strengthened by the power of the state ruling group, once it was Pakistan and the British respectively. In this context, colonial ideology surpassed all structures and now together with capitalist ideology has been reinforcing each other. Finally, that resulted indigenous lives into the colony of rulers over the history.

6. Discussion and Conclusion

In this section, it is important to understand whether the self-identification is enough to provide them legal recognition as ‘indigenous people’? Based on the ‘working definition’ given by Martinez Cobo, Special Rapporteur of the Working Group on Indigenous Populations and the provisions of Convention No. 169 (ILO) and the definition offered in 1977 by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities – the hill people of CHT shows a complex combination of characteristics because both definitions have similar criteria such as national, ethnic, linguistic and religious minorities.

Nonetheless, the distinct reasons which can justify the indigeneity of CHT tribal people legally: (1) ancestral traditional collective land ‘Jumma’ Culture which is central to collective land rights (Roy, 2000); and (2) Self-identification of CHT people as Indigenous People (Roy, 2000; Chowdhury and Chakma, 2016) as per the definition given by the Special Rapporteur. As the situation in Bangladesh is very complex, the stand alone legal implication might not be the effective, as it needs a high moral and political leadership by the government to uphold the rights and social justice for these tribes in CHT. That is the reason the Peace Accord lags behind even though it is a legal agreement.

Moreover, Indigenous people’s rights of United Nations is a recent development and a new structure of human rights language, though it has the ability to challenge the state even going beyond the borders in the domestic policy changes (Risse & Sikkink, 1999). The campaign for indigenous people’s rights can even be framed under the language on CCPR, ESCR, ICERD, ILO 107, CEDAW and CRC, not only in formal institutes but also in the informal community even Government of Bangladesh did not ratify ILO169. To make any social movement, there is a need for structural change. As said by Schwartz, “since a structure cannot function without the routinized exercise of structural power, any threat to structural power becomes a threat to that system itself and the possibility of altering the structure is lied within the system” (as cited in McAdam, 2010, p. 37). At this present complex moment, “diversity” can play a vital role to diffuse the identity politics. Diversity will allow to develop policies the way ethnic minority communities want around their economic, social and cultural life.

In addition to the diversity, there is also a need to redress the injustice occurred against their ancestor across the history. As human rights is universal, therefore allows for the justice both from retrospective and prospective way because the injustice occurred in past, has the consequences on present (Isa, 2011). As per this new paradigm, although justice would be difficult to make for people who died in the past, but material value might be handed over to the descendants of the victims. However, the psychological abomination, construction of their inferior status as ‘other’ for more than a century which damaged self-esteem, spiritual goodness and confidence, are intergenerational – difficult to rectify (Ibid). In this context, confession and apology could be a form of reparation by the state who mistreated indigenous people (Ibid). Prime Minister of Australia, for example, who begged pardon in the Parliament to indigenous people for the injustice done to indigenous people by their Predecessor (Mohaiemen, 2010, p. 224). With the policy and law of ‘diversity’, citizens of Bangladesh can be considered as diversified Bangladeshi nationalism over only Banglee nation to diffuse the skewed emphasis on Banglee who fall in majority group.

**Conclusion**
UN Sustainable Development Goals (SDGs) promises that no one would be left behind, as a great movement after the universal declaration of human rights for all as proclaimed in the UDHR and in the Vienna Declaration and Programme of Action. The way exploitation sediments over the time, the counter actions needed to deconstruct the exploitative cultural practice. Before 1997, there was no Peace Accord, which recognizes some rights, already some positive progress and Also before 2011, tribal people of CHT did not have the rights of cultural development by constitution, which is also another positive step. Also recently, there has been education texts at the elementary level on indigenous language very recently. To improve the rights status by the tribal people, the human rights language structure can play a vital role to revert the exploitation wheel, where ‘diversity’ could be an alternative option for meaningful participation.

Bibliography


