

# BANGLADESH

## Draft intervention on the report of the Special Rapporteur on the Indigenous Issue

My delegation would like to thank the Special Rapporteur Rodolfo Stavenhagen for his presentation of report. In this regard, I would like to associate myself with the statement made by China on behalf of the Asian Group.

We support all efforts for the promotion and protection of human rights of the indigenous people. And as such support the works of Special Rapporteur that aim at improving their situation. We are, however, disappointed that he has devoted so much effort to produce a report on the situation of indigenous people in Asia where the issue may have marginal relevance. At least I can speak about my country, Bangladesh. The indigenous-non-indigenous dichotomy does not apply at all in characterizing our population. The vast majority of the people of Bangladesh trace their ancestry back to thousands of years. There are though some ethnic groups of tribal origin who are distinct from the mainstream population. The Special Rapporteur has referred to some of them in the report. We wonder, whether designating these sub-groups as indigenous would not divert the discussion and thereby dilute the focus on the plight of the true indigenous people living elsewhere. This may also entrench the development agenda of the tribal ethnic minorities in different countries in an unwarranted discourse.

Despite our strong reservation on the relevance here, we do share that the legitimate concerns of the tribal people should get due attention of the government as much as <sup>concerns of</sup> others. And we are addressing this intent with action. The Constitution of Bangladesh guarantees equal right of its citizens irrespective of race, colour, religion, gender or ethnic origin. Moreover, there are statutory affirmative actions, such as special quota for ethnic minorities in the educational institutions, in service etc. to facilitate their participation in the national mainstream. This is not to say the situation is ideal. Bangladesh is after all a low-income country with 40% of people living below the poverty line. Unemployment and deprivation affects both tribal- non-tribal alike. If one accounts for these disadvantages of the country, we are not faring badly. Thus, when we read the report and references involving tribal community, we find the comments over generalized, <sup>and</sup> ~~Facts are~~ exaggerated ~~devoid of context~~. ~~Information provided are~~

Unfortunately,  
not properly referenced. ~~Furthermore~~, we were not approached for our views or for authentication of the allegations. ~~that are reflected in the report.~~

I The Special Rapporteur has referred to a peace accord signed in 1997 between the Government and the representative of the tribal people living in southeastern part. The land mark accord ended a long festered insurgency problem in the area. Considerable progress has been made in implementation of the peace accord. Some significant achievements are, the creation of a separate Ministry to look into the tribal issue, establishment of 3 district councils, and regional council with representative from the tribal community, constitution of the land reform commission to resolve land disputes. The rehabilitation of the returnees was a sensitive issue but the Government has handled it with utmost care and in accordance with the peace accord. I can go on listing all positive actions undertaken so far but for the sake of saving time I would not do that. What is important is that peace has been fully restored in the area.

We reject the allegation that the government is sponsoring settlement of non-tribals in the tribal area. In fact the Government is being blamed for resisting new settlement since the accord was signed. The presence of military has been scaled down as per the agreement and their role has been limited only to maintenance of security.

Certainly, there remains a lot to be done. It is not a task that can be done overnight. Implementation of some provisions requires massive capital investment where we have major constraints. We had hoped that the international community who are sympathetic to the cause of the ethnic minorities would come forward with necessary resources for quick rebuilding and rehabilitation works. It did not happen. ]

The Special Rapproteur has mentioned about some law and order issues involving tribal communities. ~~We are not sure if the information source is credible.~~ <sup>We refrain from answering ~~the~~ allegations due to time constraints.</sup>  
What we recognize is that incidents of similar nature may occur ~~in any part of the~~ <sup>isolated</sup> ~~country~~ <sup>reading</sup> to any communities. These are ~~sporadic~~ incidents and do not reflect a trend as may appear from ~~the~~ report. There are domestic laws in force to take care of any such unlawful activities committed against individuals of any community. ~~Our law does not permit discriminatory treatment. The present~~ <sup>Where</sup>

[ Government has undertaken a massive anti-corruption drive which has been appreciated at home and in abroad. Like the mainstream population, some tribal individuals have also been implicated. It is not unlikely that some of them are abusing their minority, tribal or other identity to earn sympathy. We remain vigilant against exploitation of one's identity to escape due justice. ]

~~Admittedly~~, No country can claim perfection in the area of human rights and Bangladesh is no exception. The Government of Bangladesh, thus, recognizes that there might be scope for improvement in the area of human rights enforcement. It has undertaken significant institutional initiatives, particularly in the changed national context, to plug in <sup>possible</sup> ~~the~~ lacunas. The <sup>separate</sup> ~~separation~~ of judiciary from the executive, strengthening of the institutions <sup>such as election commission, PSC, Anti-Corruption Commission</sup> ~~of good governance~~, formation of the National Human Rights Commission, and possible enactment of <sup>the</sup> right to information act ~~soon~~ will have a far reaching implication in <sup>further strengthening of</sup> ~~ensuring~~ rule of law and thereby enjoyment of <sup>by all communities</sup> ~~the~~ human rights. Furthermore, we are proud to have a vibrant civil society and free media, which keep a <sup>watch</sup> ~~careful~~ eye on the activities of the government. In this connection, Bangladesh appreciates the support and encouragement it receives ~~from~~ from the international community.

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I also thank Mr. Martínez Scheinin for his report on human rights and counter-terrorism measures.

We support the ongoing <sup>global</sup> fight against terrorism in all its forms and manifestations.

We are satisfied that the issue continues to draw priority attention of the international community. A range of counter-terrorism measures have been adopted at the national and international levels, including within the framework of the United Nations -

The report <sup>shows</sup> ~~stressed~~ how counter-terrorism measures affect enjoyment of human rights, particularly on the economic social and cultural rights.

The Special Rapporteur has ~~also~~ <sup>not</sup> ~~bring~~ <sup>yet</sup> ~~forward~~ <sup>forth</sup> an issue which ~~deserved~~ <sup>still date did not</sup> receive due attention of the international community that is to address the <sup>drawing our attention to this issue</sup> root causes of terrorism. <sup>We applaud Prof. Scheinin for</sup> ~~his~~ <sup>thought-provoking</sup> ~~remarks.~~ <sup>for</sup> achieving a long term benefit from the fight against terrorism. We also share that it is essential that we look into the root causes of terrorism and address these causes. We are glad that

Mr. Shereen captured this issue in his current report. The Special Rapporteur has rightly said that prolonged unresolved conflicts, ethnic ~~and~~ and other acts of discrimination, political exclusion, socio-economic marginalization are conditions, among others, that foment terrorism. Individuals suffering from poverty, injustice, exploitation and frustration are easy prey of terrorist recruits. Unless we make efforts to improve the situation, address these causal factors, we are afraid, counter-terrorism measures may not yield ~~enduring~~ <sup>enduring</sup> ~~lasting~~ result.

The Special Rapporteur touched upon another issue that is misuse of counter-terrorism measures for furthering political ends, and suppress a community. The situation in the Middle East, as the Special Rapporteur has noted, is a glaring

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good governance. The law and order is now being dealt with more seriously and impartially. The Government has undertaken a massive anti-corruption drive. Like the mainstream population, some tribal individual have also been implicated. There are information that some of them are abusing their minority, tribal or other identity to earn sympathy. We should remain vigilant against exploitation of one's identity to escape due justice.

example where so called counter-terrorism measures have systematically deprived a large number of the Palestinian people their fundamental human rights.

We must look into these issues very carefully of ~~the~~ ~~national~~ ~~as well as~~ ~~global~~ impact and revise ~~the~~ strategies for a long-term <sup>sustained</sup> benefit of ~~our~~ fight against terrorism.

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