

# Defining and analysing 'indigenous governance'

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INDIGENOUS people constitute at least 5,000 distinct peoples with a population of more than 370 million, living in 70 different countries. Article 1(1) of ILO Convention No. 169 indicates that three elements are pre-requisite for defining any people or group of people as indigenous. Those three elements include, historical continuity (that they are pre-conquest/colonization societies), territorial connection (their ancestors inhabited the country or region) and distinct social, economic, cultural and political institutions (they retain some or all of their own institutions).

The World Bank uses the term "indigenous peoples" in a generic sense to refer to distinct groups with the following characteristics in varying degrees: (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in those habitats and territories; customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and (d) an indigenous language, often different from the official language of the country or region (Operation Policy on Indigenous Peoples, World

Bank 2005).

While pondering over the probability to define, outline and analyze the spectrum of the term "indigenous governance," one is supposed to face the lack of disaggregated data or accurate statistics on the situation of indigenous peoples. Controversy over definitions or terminology, fluidity of ethnic identity, migration, conflict and wars, lack of legal provisions/political acceptance, lack of understanding of the importance of disaggregated data, weak national capacity for data collection, analysis and dissemination, resistance from indigenous peoples if they are not themselves in control of data collection are some of the main difficulties with regards to the collection of disaggregated data on indigenous people (Including Indigenous Peoples in Poverty Reduction Strategies, ILO 2007).

## Indigenous Governance in Bangladesh

With a population of 140 million, Bangladesh is the eighth most populous country in the world. The indigenous population accounts for 1.08% of the national population. The indigenous peoples in Bangladesh are identified by different names such as pahari (hill people), jumma (from the tradition of jhum/jum or shifting cultivation), adivasi (original inhabitant) upajati or tribal.

There are also certain laws which use indigenous hill men or indigenous tribes interchangeably. Previously, the government of Bangladesh preferred to use the term "tribe" or "tribal." However, in the Poverty Reduction Strategy Paper (PRSP)-II, the terms "indigenous people" and "indigenous communities" were both used, reflecting the wider currency of the latter terms in the media and as generally used by Bangladesh civil society. In Bangladesh, there is no constitutional recognition of the indigenous peoples except under the blanket category of "Backward Sections of Citizens."

Now what is the condition of the so-called "backward sections of citizens"? Abuses of the criminal justice proceedings regarding indigenous peoples, limited citizens' action and media attention on specific violations, incessant land grabbing both in the plain land and the CHT region, continuing impunity for human rights violations are the major impediments in ensuring "indigenous governance" for the "indigenous people." The successive atrocities in Sajek Union of Rangamati (2008 & 2010), extra-judicial killings of human rights defenders engaged in protests in the plains against displacement due to eco-parks (Choles Richil, Piren Sna), or action to provide release or redress to others (Rang Lai Mro) in recent years, non-implementation of the CHT Accord and silence of key political actors on the prevailing situation are mostly frustrating.

Non-implementation of the CHT Accord in particular with regard to failure to fully activate the civil administration or withdraw army camps from the region, or activate mechanisms and processes man-

dated by the Accord for resolution of land disputes and rehabilitation of repatriated refugees as well as concerns regarding the voter registration process (Rights of Indigenous Peoples, Chapter 16, Human Rights in Bangladesh 2008, published in 2009 by Ain o Salish Kendro) question our collective conscience.

Again the condition of the indigenous people in the plain land region is even worse. According to renowned economist Professor Dr. Abul Barakat, 'Around 202,164 acres of land has so far been dispossessed among ten plain land indigenous groups of Bangladesh. These groups are Dalu, Garo, Hajong, Khasi, Mahato, Oraon, Patro, Pahan, Rakhain and Santal people. The current market price of the total dispossessed land from these 10 indigenous groups would be Tk. 62.7 billion. This amount is around two percent of the GDP of Bangladesh. The GDP of Bangladesh at constant price for 2007-08 (provisional) is Tk. 3,217.555 billion. It should be noted that the monetary value of the sufferings due to dispossession and alienation have not been considered which would increase the loss from land dispossession many a time (Life and Land of Adibashis: Land Dispossession and Alienation of Adibashis in the Plain Districts of Bangladesh, published in 2009).

If our government is really meant to be the "government of the people, for the people and by the people," as we are supposed to follow the immortal citation by Abraham Lincoln, it should be ensured that the term "people" represents all sorts of religious-linguistic-ethnic-sexually diversified groups. Even democracy is often dictated by the 3 M (majority-male-



An indigenous people's abode in CHT.

middle class) hegemony in each and every modern nation state who reigns over the entire state mechanisms and functionaries. How can then we find the voices of the 'other' or the 'marginalized' groups including of women and third gender population, religious and linguistic minorities and above all the indigenous people? Basically, attainment of fundamental rights for the indigenous people is pivotal to 'indigenous governance.' But, quite unfortunately, their histories are often marked by genocide, ethnocide, discrimination and forced labour.

Today the key elements for ensuring 'indigenous governance' should include development of special measures to safe-

guard the persons, institutions, property, labour, cultures and environment of indigenous peoples, establishment of institutionalised mechanisms that ensure adequate consultation and participation of indigenous peoples in all stages of implementation, ensuring coherence among the various government institutions that hold responsibilities vis-a-vis indigenous peoples and establishment of adequate institutions and mechanisms with the necessary resources that enable the indigenous people to fulfil their function (Indigenous and Tribal Peoples' Rights in Practice, A Guide to ILO Convention No. 169).

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# Democracy negates laissez-faire

LGRD Minister and AL General Secretary Syed Ashrafur Islam expressed concern that good work done by this government so far might be set at naught because of the dastardly activities of some over-zealous and unscrupulous party activists. The people cannot wait any longer, and are looking to this government for strength and decisiveness.

MD. ASADULLAH KHAN

CONSIDERED on a global scale we see that the world has gone on an exultant binge of democracy in recent years. Repressive governments have fallen. Authoritarian regimes have opened up to political opposition. After enforced silence people feel free to speak their minds.

But now, after all the amply justified celebration, has come the moment for sober stock-taking and searching questions about the so-called triumph of democracy. We have to remember that even when totalitarian regimes or authoritarian systems crumble down, democratic ones do not automatically rise up in their place. Only free and fair elections, as we have witnessed in recent time in our country, do not necessarily produce open governments, human rights and economic prosperity.

Democracy has proved its worth in reflecting the dignity and equality of all human beings, in obliging governments to act on behalf of all citizens in establishing a peaceful method of removing bad rulers and bad systems. One of the pleasing things about the way the world has changed in recent years is that the time for cheerleaders in democracy is gone. What is needed after all the euphoria is clear-

headed sense of democracy's fragility and its limitations.

The collapse of autocratic rule after nine years followed by the fall of BNP-Jamaat alliance rule brought about much enthusiasm and expectation in all segments of the society.

But reality has betrayed expectations, and there have been intra-party conflicts, political class cum administration stand-off, and bureaucratic delays in implementing development projects.

The promise of good days for all classes of people, which seemed so near, has, in the past few years, been tempered by steep economic decline, social polarisation and political bickering.

The ruling party has so far not been able to run the country with good governance or restore the economy to order. The recent vandalising of government property and assault on officials of the Pabna district administration by the student wing of the ruling party and a section of Juba League activists, for having failed to get their claims in the recruitment process, is not the only such incident during the one and a half year tenure of the present government, and must be viewed with concern.

If matters go on like this and if the government fails to address it properly, it will invite disaster for the country. If the stand-off between the party activists and the



The seat of democracy.

administration is allowed to go unchecked, the development goals of the government will not be achieved.

Party leaders dictate policy guidelines but the structural reforms and development activities have to be carried by the officials at the field level, who must be independent but remain accountable to the authorities assigning the work.

As it appears, the expectation of a society free from the shackles of poverty and exploitation seems to be a far cry. The country is experiencing a breakdown of law and order. The failing economy and growing poverty are pushing marginal citizens into crime. While the fight in the political arena goes on unabated, a sizeable portion of the population is undergoing the most severe economic hardship resulting from homelessness and lack of job opportunities.

During the six months ending in June, occurrence of crime, as revealed by the home minister in the current session of the

Parliament, has risen to about 17,577 cases -- with torture on women topping the list. Most worryingly, as the home ministry figures suggest, the incidents of torture on women rose to 7,258 and there were 1,951 murders.

The government's efforts to curb crime are inadequate, but it is reluctant to admit the deterioration in the law and order situation. It is ironic that our fledgling democracy has released creativity of all kinds -- even in criminality -- and added new desires and also frustrations. People now have more ambitions and bigger dreams, which sometimes lead to bigger acts of criminality.

While speaking at a discussion meeting marking Sheikh Hasina's 64th birthday, LGRD Minister and AL General Secretary Syed Ashrafur Islam expressed concern that good work done by this government so far might be set at naught because of the dastardly activities of some over-zealous and unscrupulous party activists. The

people cannot wait any longer, and are looking to this government for strength and decisiveness.

On the other hand, even as hard times sweep the country, the advent of capital market has created a new moneyed class. In the absence of laws governing the emerging system, "business" in Bangladesh has become a free-for-all pursuit. By taking advantage of a not so transparent system, savvy entrepreneurs, mafia style business people and some corrupt government officials have profited handsomely. This laissez-faire attitude has led to a situation that is totally cataclysmic, and the gap between the rich and the poor is widening rapidly.

There is no dearth of money in the country. But it is not in the proper hands. It is at once noticeable that money is mostly made by middlemen who are not involved in actual production. All told, hardship experienced by the consumers is all too pervasive. New adventurism has eroded the old values of morality and respect for law and order.

A report published in a Bangla daily on September 26 last suggested that over-zealous AL workers in Gazipur assaulted the headmaster of Kaliganj Moslin Cotton Mill School for his delay in opening a room of the school where they were to hold a party meeting. The headmaster rushed to his house to bring the key, which took about 5-6 minutes, but the leader could not bear this delay.

How shocking it is that a teacher these days has to undergo so much ordeal instead of commanding respect. The headmaster has been admitted to Kaliganj upazila hospital with head injury.

With democratic norms and spirit gradually taking roots, people had pinned great hopes on the present leadership. The government has taken great strides towards transforming the country into a

free and open society by ensuring right to information and other measures. But the disastrous state of the economy and bleak power generation scenario the country inherited has made that exceptionally difficult.

It should also be admitted that the task reform team in the government, comprising the district administration and people's representatives, is falling far short of the expectation. However, if the government falters for the wrongdoings of unscrupulous and self-seeking officials and leaders, the consequences will reverberate throughout the length and breadth of the country.

The country has seen experimentation in running of statecraft by the leaders with prudence and pragmatism. The time for experimentation is over, the prime minister warned the officials assigned with development activities, as the one year tenure of this government rolled by.

Attempts to establish a system of checks and balances are not faring well. The legislature is paralysed by unending battles with the executive branch. Now the government has to listen to a deafening chorus of calls for its resignation by the BNP and its coalition partners for its alleged failure to implement the structural reforms, failure to run the government democratically and rejuvenate the economy by increasing production in fields and factories, and failure in bringing down the prices of food items.

People are asking why, instead of attending the Parliament and raising grievances on the floor of the House, BNP wants to mount street agitation that would mean destruction of property and loss of human lives.

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# Indiscriminate dumping of waste vitiates Turag river

It is alarming that the pollution concentration is rapidly increasing day by day as different types of land uses are developing along the banks of the Turag river which lead to more pollution generation and more encroachment on riverbanks.

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DUE to rapid and unplanned urbanization and industrialization the Dhaka city's surrounding rivers, including the Turag have gradually experienced undue and unbearable pressure to their very existence. Precisely speaking, a handful of complicated problems have almost suffocated these lifelines the city. Of all the problems taking on the rivers, pollution is one that predominates. However, the pollution level and pattern of all the rivers of the city are not the same. The writer has roughly investigated the spatial and temporal pattern along with the extreme pollution points of the Turag River especially from the Buriganga Third Bridge to Tongi Bridge. This write-up intends to elucidate these issues in brief.

## Spatial pollution

From the Buriganga Third Bridge to upper stream and from Tongi Bridge to down-

stream, pollution concentration appears to gradually decrease. The water colour, odour and the DoE provided data prove this unique spatial pollution. The water colour becomes pitch-black to almost normal both from the Buriganga Third Bridge and the Tongi Bridge to Goran Chatbari, near Mirpur Botanical Garden.

The main reason behind this spatial pollution pattern in the Turag within above mentioned area is that huge load of untreated toxic liquid chemical waste is directly dumped into the river from Hazaribagh tanneries through the Bashila Khal at the downstream and from the Tongi Industrial Area at Tongi Bridge and Iztema Field area. This very high pollution concentration literally diffuses to other parts of the river through upstream flow during the rainy season and some tidal activity during the dry season. Through lateral diffusion process, the pollution concentration decreases with increase in distance from the pollution source.

Pollution concentration comparatively increases in the dry season when water level of the river recedes a lot.

There have been found, according to the field survey, about 28 minor waste disposal outlets to the Turag River. Of them, about 20 are solid (household, commercial, and industrial) waste dumping sites along the embankment which emit huge amount of waste (both biodegradable and non-bio-degradable) into the river. Along the south-eastern bank of the river, there have been found four sluice gates which dispose huge load of sewerage waste of the DCC area into the river.

The river has also a vast non-point source of pollution. Along its north-western bank, there is a vast agricultural land particularly paddy field from Bagchotra, Savar to Tongi Pourousava area. The residue of the chemical fertilizers used in the cultivable land is also added to the pollution of the river through overland flow resulting from heavy downpour during the rainy season.

## Temporal pollution

Department of Environment (DoE) every year collects water sample from the selected points of the Turag River and analyzes the quality of different parameters of water in the departmental laboratory. The selected sample drawing points of the Turag River includes the points near Iztema Field, Tongi Bridge, Gabtali Bridge, and Sinnir Tek BIWTA Landing Station.

Analyzing the DoE provided water quality data of 5 years (2006-2010), the following temporal pattern of the Turag River Pollution has been found.

The pH value was 7.1 mg/l in 2006. But at present the pH value of the river water is 7.5 and the related data of the last five years show that the pH has gradually increased over the time. The value of Electric Conductivity (EC) was 98 mg/l in 2006 but in 2010 the value has increased a lot to 1800. The level of chloride was only 2 mg/l but in 2010 it has increased to 34. The level of Turbidity was only 6.5 mg/l in 2006 but in 2010 it has become 12.5. The level of Total Solids (TS) was 380 mg/l in 2007 but has increased to 896 in 2010. Total Dissolved Solids (TDS), was 342 mg/l in 2007 but has become 812 in 2010. But in case of Suspended Solid (SS), the value fluctuated a number of times over the last four years and has increased eventually.

Dissolved Oxygen (DO) level has experienced a little bit fluctuation and has decreased much over the last five years. Most alarming is that the DO level was 6 mg/l in 2006 but now it is 0 mg/l which supports no life in water. It is one of the most important parameter of water quality determination as it is essential for all forms of aquatic life. Biological Oxygen Demand (BOD) level has also increased from 2.8 mg/l to 22 over the last five years. Chemical



Huge waste is released into the Turag from a disposal outlet at Noaberbag, Mirpur-1.

Oxygen Demand (COD) has also increased considerably from 58 mg/l in 1998 to 102 mg/l in 2010. If we consider the changes that have been brought about to the values of all the parameters of water of the Turag over the last five years, it needs no telling that its quality has been deteriorating day by day alarmingly.

## Concluding remarks

It is alarming that the pollution concentration is rapidly increasing day by day as different types of land uses are developing along the banks of the Turag river which

lead to more pollution generation and more encroachment on riverbanks. At the same time, it is a matter of fortune that the pollution level of the Turag has not yet gone beyond treatability and the river has not experienced the massive grasp of encroachment like the Buriganga and the Shitalakhya. And now is the great opportunity for launching resuscitation process of the river. So, the government and other stakeholders should seriously consider the resuscitation of the Turag River and take effective actions before it is too late.

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