

## RESPECT, THE RIGHT TO SELF-IDENTIFICATION, AND THE SURVIVAL OF CULTURE

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*"I call them Adibasi because they love to be called Adibasi and I respect their self-recognition and identification."*<sup>1</sup>

In or around 2002, I was in an art gallery. I don't remember where. But it was the first time the country of Bangladesh came into full focus. I was viewing Edward Burtynsky's photograph series, *Shipbreaking*.<sup>2</sup> The photographs, taken in a shipbreaking yard in Chittagong, Bangladesh, were post-apocalyptic. Shallow waters. Gigantic ships moored in the sand. Oil slicks. Workers with no shoes, let alone protective gear, feet deep in oil. Young workers' eyes upon me.

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<sup>1</sup> Mohammad Hasan, *Politics of Recognition and Indigenous Peoples in Bangladesh*, 30 SW. J. INT'L L. 126, 151 (2024).

<sup>2</sup> Edward Burtynsky, *Shipbreaking*, EDWARD BURTYNSKY, <https://www.edwardburtynsky.com/projects/photographs/shipbreaking> (last visited Nov. 21, 2023).

Edward Burtynsky, *Shipbreaking #13*, Chittagong, Bangladesh, 2000<sup>3</sup>



Edward Burtynsky, *Shipbreaking #10*, Chittagong, Bangladesh, 2000<sup>4</sup>



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<sup>3</sup> Edward Burtynsky, *Shipbreaking #13*, EDWARD BURTYNSKY, <https://www.edwardburtynsky.com/projects/photographs/shipbreaking> (last visited Nov. 21, 2023).

<sup>4</sup> Edward Burtynsky, *Shipbreaking #10*, EDWARD BURTYNSKY, <https://www.edwardburtynsky.com/projects/photographs/shipbreaking> (last visited Nov. 21, 2023).

The Chittagong shipbreaking yards, despite court cases and public outcry, are still one of the most dangerous workplaces in the world.<sup>5</sup> According to Human Rights Watch, an “entire industry exists to enable shipowners to circumvent international regulations so that shipping companies can continue to cheaply discard ships in Bangladesh’s dangerous yards.”<sup>6</sup> That same report noted that Bangladeshi shipbreaking yards often take shortcuts on safety measures, dump toxic waste into the surrounding environment, and deny workers living wages. Bangladesh’s labor laws go unenforced. In fact, a 2019 survey of shipbreaking workers estimated that thirteen percent of the workforce are children.<sup>7</sup>

These workers often come from the Northwest area of Bangladesh,<sup>8</sup> an area where Adibasi peoples live.<sup>9</sup> And yet, as Bangladesh’s shipbreaking industry depends on marginalized communities for its workforce, the country does not respect how those communities want to be recognized.

When reading Dr. Mohammad Hasan’s call to action for Bangladesh to recognize Adibasi<sup>10</sup> as Indigenous Peoples, these were my first thoughts. The art had burrowed into my soul, dormant until Dr. Hasan’s article summoned it up to add color and texture to his argument. His article is timely and only underscores the importance of self-identification to not just the individual but a culture. The world is just beginning to appreciate the individual’s lived experiences and how systems created by others fail those lived experiences. And consequently, fail an entire people. Dr. Hasan’s argument for Bangladesh to recognize the Adibasis as Indigenous Peoples is not just

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<sup>5</sup> See Human Rights Watch, *Trading Lives for Profit: How the Shipping Industry Circumvents Regulations to Scrap Toxic Ships on Bangladesh’s Beaches*, HUMAN RIGHTS WATCH (Sept. 28, 2023), <https://www.hrw.org/report/2023/09/28/trading-lives-profit/how-shipping-industry-circumvents-regulations-scrap-toxic>; see also John Vidal, ‘Mollah’s life was typical’: the deadly ship graveyards of Bangladesh, THE GUARDIAN (Jan. 31, 2020), <https://www.theguardian.com/global-development/2020/jan/31/khalid-mollah-life-was-typical-the-deadly-ship-graveyards-of-bangladesh>.

<sup>6</sup> Human Rights Watch, *supra* note 5, at 11.

<sup>7</sup> Human Rights Watch, *Bangladesh: Shipping Firms Profit from Labor Abuse, EU Should Revise Law to Promote Safe, Sustainable Ship Recycling*, HUMAN RIGHTS WATCH (Sept. 23, 2023), <https://www.hrw.org/news/2023/09/27/bangladesh-shipping-firms-profit-labor-abuse> (citing Dr. Muhammod Shaheen Chowdhury, *Study Report on Child Labour in the Shipbreaking Sector in Bangladesh*, NGO SHIPBREAKING PLATFORM (June 19, 2019), [https://shipbreakingplatform.org/wp-content/uploads/2022/01/Child20Labor20Final\\_compressed.pdf](https://shipbreakingplatform.org/wp-content/uploads/2022/01/Child20Labor20Final_compressed.pdf)).

<sup>8</sup> NGO Shipbreaking Platform, *Bangladesh*, NGO SHIPBREAKING PLATFORM, <https://shipbreakingplatform.org/our-work/the-problem/bangladesh/> (last visited Nov. 21, 2023).

<sup>9</sup> Father R.W. Timm, *The Adivasis of Bangladesh*, MINORITY RIGHTS GROUP INT’L 15 (Dec. 1991), <https://minorityrights.org/wp-content/uploads/2022/09/The-Adivasis-of-Bangladesh.pdf>. See also Hasan, *supra* note 1, at 150.

<sup>10</sup> Note the spelling difference between the Adibasi Peoples in Bangladesh and the Adivasi Peoples in India. See Hasan, *supra* note 1, at 130.

poignant and compelling, it's urgent: Adibasi culture itself depends on Bangladesh's and the world's recognition of the peoples as Indigenous.

Honoring how a person, community, or people want to be recognized is currently part of our public discourse. Recently, I spoke at a conference about the changing nature of language.<sup>11</sup> There, I advocated for more than person-first language;<sup>12</sup> I argued that we do not define people by their disability, ethnicity, or race—unless, of course, they *want* to be identified as such.<sup>13</sup> For instance, many people in the Deaf community choose to be identified as Deaf and not as a person with hearing loss. The key point was to respect self-identification.

For many of us, that means we need to de-automate our processes and ask each individual about any descriptor or label we might use.<sup>14</sup> This paradigm shift is already in the rearview mirror for some of us and might now seem obvious: *Of course, of course, I should ask before I stick a label on another person.* And yet problems abound. Even well-meaning descriptors are given to groups who they themselves do not identify in that particular way. Consider, for example, the controversies surrounding the terms BIPOC and Latinx. These were labels created by a dominant culture to avoid othering, bias, and outright pejorative language. Yet these terms were not created by the groups themselves, did not take into account the groups' cultures, or even consider the diversity within the particular groups being labeled.

So too argues Dr. Hasan—and on a much larger scale. Dr. Hasan's work analyzes the term “indigenous peoples,” but also discusses who even has the right to identify and define people as such. As he noted, scholars, policymakers, and legal instruments draw these distinctions, which necessarily include certain people and exclude others. While Dr. Hasan argues that other terminology has pushed large swaths of peoples to assimilate toward the descriptors or culture of the term, so too would the term indigenous peoples unless the people being discussed have a say in their own self-determination.<sup>15</sup>

Under-inclusion runs the risk of incentivizing people to move away from their own unique culture and move toward assimilating into the dominant culture to gain governmental protections. In essence, an entire people will shift away from their own unique culture merely to be seen. How very parallel to our own multicultural struggle in the United States. The only

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<sup>11</sup> Alexandra D'Italia, *Storytelling in the Fast-Changing Landscape of Inclusive Language*, Ninth Applied Legal Storytelling Conf. (July 28, 2023).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Hasan, *supra* note 1, at 149.

hope to prevent the eradication of non-dominant cultures is to embrace self-identification—a necessary precursor to self-determination.

“[A] Santal woman from an Adibasi hamlet of the mining area, claimed that the government is trying to disregard the existence of Adibasi in Bangladesh. . . . [T]he government is assimilating Adibasi communities into Bangalee cultures so that Adibasis forget their traditional practices.”<sup>16</sup>

In looking for Adibasi literature and poetry—for me, a window into culture, I found that the Adibasis have oral traditions that rely on the power of variability of collective memory.<sup>17</sup> And so interestingly, the written form is both a step onto the global stage and a step towards assimilation.<sup>18</sup> In her 2022 article, Ms. Ruby Hembrom, the founder and director of an archiving and publishing outfit of and by Adivasi noted, “When one questions why we write or claim that we reject writing, it is a perverse, subtle way of denying us agency—refusing us elbow room in creative and literary fields and space as cultural peoples.”<sup>19</sup> If there is any quotation in Ms. Hembrom’s article that furthers the thesis of Dr. Hasan’s argument, it is this: “If there’s room for Adivasis, there’s room for their writing, their thinking, their expressions, and their deviance from expected norms and standards of being.”<sup>20</sup>

To protect the Adibasi culture while it emerges onto the world stage, I can only hope Dr. Hasan’s argument bends Bangladesh and International Law toward justice. Because as Percy Bysshe Shelley wrote in his essay *A Defence of Poetry*, “Poets are the unacknowledged legislators of the world.”<sup>21</sup> Poetry, that form of art stemming from oral tradition, can capture the rhythm and essence of a culture; it can hold a mirror up to a world; it can be revolutionary; and it can, very much indeed, echo a professor’s call to action.

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<sup>16</sup> Hasan, *supra* note 1, at 165.

<sup>17</sup> See Ruby Hembrom, *Cohabiting a Textualized World: Elbow room and Adivasi Resurgence*, 56 MODERN ASIAN STUD. (SPECIAL ISSUE 5: MULTIPLE WORLDS OF THE ADIVASI) 1464-88 (Sept. 2022), [https://eprints.lse.ac.uk/117294/1/Cohabiting\\_a\\_textualized\\_world.pdf](https://eprints.lse.ac.uk/117294/1/Cohabiting_a_textualized_world.pdf). Note that Ms. Hembrom’s description of the Adivasi culture in India is similar to the oral traditions Dr. Hasan discusses in his work.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> PERCY BYSSHE SHELLEY, *A Defence of Poetry* (1821), reprinted in *A DEFENCE OF POETRY AND OTHER ESSAYS* (2004) (The Project Gutenberg ebook), [https://www.gutenberg.org/files/5428/5428-h/5428-h.htm#link2H\\_4\\_0010](https://www.gutenberg.org/files/5428/5428-h/5428-h.htm#link2H_4_0010).

**Whose name is this?**<sup>22</sup>

I was born on Somwar, Monday,  
so, I was called Somra.  
I was born on Mangalwar, Tuesday,  
so, I am Mangal, Mangar, or Mangara.  
I was born on Bruhaspatiwar, Thursday,  
that is why I was called Birsa.  
I stood on the chest of time  
like the days of the week,  
but they came and they changed my name.  
They destroyed those days and dates  
that marked my being.  
Now I am either Ramesh, Naresh, or Mahesh  
or Albert, Gilbert, Alfred.  
I have names from every one of those lands  
whose soil hasn't made me,  
whose history is not my history.  
I keep searching for my history  
inside theirs and I realise  
that each corner of this world,  
in each place, I am the one being slaughtered  
and each killing has a beautiful name.

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<sup>22</sup> JACINTA KERKETTA, *Whose Name is This?*, in *ANGOR* (2016), reprinted in Jacinta Kerketta, *A Name and the Conspiracy of Naming*, JANATA WKLY. (Pratishtha Pandya, trans., Nov. 27, 2022), <https://janataweekly.org/a-name-and-the-conspiracy-of-naming/>.