

COMMENT 273 – Constitutional Recognition of Indigenous Peoples is Essential for Fostering Pluralism

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Indigenous peoples are one of the ongoing topics of debate in Bangladesh. Since independence, the Chittagong Hill Tracts have been in turmoil due to the failure to include the ethnicity of indigenous peoples in the constitution formed in 1972. Although an agreement was signed in 1997, the main problems remain unresolved. In addition to the Chittagong Hill Tracts, indigenous peoples living in the plains have also continued to struggle for the recognition of their ethnicity—as Adibashi (indigenous). This article examines the historical aspects and reasoning behind the constitutional recognition of indigenous peoples.

As defined in various UN forums, indigenous and tribal peoples are referred to in national contexts by terms such as local peoples, indigenous peoples, first nations, tribes, hunter-gatherers, and hill tribes (United Nations, n.d.). These communities often reside in remote or isolated regions, such as hill tracts or areas distant from a country's mainland, reflecting their unique social, cultural, and economic characteristics. While their distinct lifestyles and traditions set them apart from the mainstream majority population, they continue to uphold their way of life while complying with the laws and regulations of the respective state.

The International Labour Organization (ILO) defines indigenous peoples as those who have strong historical connections and a deep bond with their ancestral lands. Their way of life reflects pre-colonial and pre-settlement characteristics (ILO

Convention 169, ILO, 2016). Traditionally, they have maintained separate social, economic, and political systems while developing their own languages, cultures, beliefs, and knowledge systems. They are committed to preserving their unique identities and institutions, and their social customs often differ from mainstream legal systems. To honour and preserve this unique diversity within the context of global human heritage, the United Nations initiated the International Day of the World's Indigenous Peoples, celebrated annually on August 9 since 1994. Although the term "indigenous" has not been officially adopted in Bangladesh, Indigenous Peoples' Day is also celebrated informally within the country.

In simple terms, indigenous peoples are defined as those born, raised, and living in a particular land with distinctive cultural, historical, and livelihood patterns, which enable them to maintain their unique identity and traditions (Hunter and Whitten, 1976). There is notable diversity in the definition and recognition of indigenous peoples across different countries. For example, in Australia, the United States, and India, the history, recognition, and definitions of indigenous peoples vary. In some nations, individuals recognized as indigenous are defined based on their cultural and historical identities, while in others, the term is applied more broadly.

Although Bangladesh lacks an official definition or recognition of indigenous peoples, there have been extensive discussions and policies regarding their rights and recognition in international forums in which Bangladesh participates either directly or indirectly. Interestingly, nearly a century ago, the term indigenous (Adibashi) appeared in the names and descriptions of various institutions, such as schools established in 1944, including 'Paharpur Adibashi High School,' 'Moheshpur Adibashi High School,' and 'Kshirtala Adibashi Government Primary School.' However, during that time, the use of the term Adibashi had not yet emerged in international organizations.

Although the term "indigenous" has been featured in the names of various writings and institutions since the establishment of the United Nations and even prior to Bangladesh's independence, the broader issue of indigenous peoples remained largely unfamiliar to the majority of the Bengali population in the country. For instance, when people refer to the indigenous or hill people of the Chittagong Hill Tracts, many primarily think of the Chakmas, despite the fact that several other ethnic groups, in addition to the Chakmas, inhabit the region. According to the 2019

gazette, there are approximately 50 such ethnic groups, both in the hills and the plainlands, other than the Bengalis. One key reason for this lack of awareness is that these indigenous peoples, especially from the hill region, had minimal interaction with Bengali society. Before the partition of 1947, this region was not part of Pakistan or what is now Bangladesh. Following the departure of the British, the Chittagong Hill Tracts were annexed to Pakistan, forming part of the division of British India. Prior to this, the hill region had enjoyed a special status within the British Empire (Mohsin, 2002).

The situation began to change after the negative impact of the Kaptai Dam, constructed during the Pakistani era in the 1960s. In response, MN Larma, a member of parliament from the Chittagong Hill Tracts, called for the inclusion of ethnic identity issues in the first Constitution of Bangladesh after the war of independence. However, the absence of such provisions led to unrest in the region. In 1997, a significant step toward resolution was taken with an agreement recognizing the region as a special area (tribal area; Mohsin, 2002). Prior to this, in 1989, three hill district councils had been established, with a provision that all chairpersons be elected or nominated from tribal communities, a provision unique to the hill region. After the agreement, a regional council was created, with an indigenous individual as its chairman. Since 1998, Santu Larma, who holds the rank of State Minister, has served as the chairman of this commission. Additionally, the Chittagong Hill Tracts has a dedicated Development Board. These institutions were formed due to the region's special status. It is worth noting that the British Empire's manual of 1900 referred to the region as an "Excluded Area" in recognition of its distinct status (Hutchinson, 1906), and the Pakistani government maintained this status in 1956 (Mohsin, 2002). However, this did not lead to the Chittagong Hill Tracts becoming a separate or independent region. Special recognition does not equate to independence or autonomy. Applying such logic could result in an untenable situation where the number of countries worldwide could exceed thousands.

The debate over the use of the term "indigenous peoples" often arises from misunderstandings. For example, Bengalis living in the Chittagong Hill Tracts before 1971 are often referred to as indigenous Bengalis (Adibashi Bangali). However, the concept of "indigenous" does not apply to Bengalis, who are not considered indigenous to the region. Though they are not indigenous, they form

part of the Bengali nation, and there is no need to label them "indigenous" to claim their rights. There is also confusion surrounding the term "indigenous," with some people associating it with having more rights or being the original owners of a region. In reality, the identity of indigenous peoples is not tied to being the earliest settlers, but rather to their ability to protect their traditions, lifestyle, culture, and deep connection to the land and its natural resources.

If the term "indigenous" were to be based solely on the earliest settlement of a particular area, then the aboriginal groups of the plains (such as the Santals or Mundas) or the hill people of the Chittagong Hill Tracts (such as the Chakmas, Marmas, or Mros) should also be recognized as indigenous. Historically, the first census of the Chittagong Hill Tracts, conducted during the colonial period in 1872, showed that indigenous hill people constituted over 98% of the population (Hunter, 1867). By 1951, this figure had decreased to 90.92%, and by 1991, it was reduced to approximately 51.42%.

The issue of indigenous identity and rights in Bangladesh has been politically charged since 2011. While in opposition, political parties expressed support for the rights of indigenous peoples, but their stance changed once they came into power. In 2011, the government officially declared that there were no indigenous peoples in Bangladesh (BBC News, 2025), causing confusion and controversy across the nation. Journalists, NGO officials, and researchers were even banned from using the term "indigenous," although there were those who objected to this stance.

The identity of indigenous peoples must be considered from multiple perspectives. Their lifestyles, socio-economic structures, and customary rules differ from the mainstream legal and regulatory systems of the state. These differences are best understood from within their own communities. For instance, the Chakma people of the Chittagong Hill Tracts, who are Buddhists, observe religious practices that may appear similar to Hinduism to outsiders, but these are rooted in their ancient customs. Similarly, although the Pangkhua, Bawm, and Lusai ethnic groups have embraced Christianity, they continue to practice ancient cultural traits, largely centered around nature worship (Uddin, 2021). Therefore, while these groups are Christians by religion, they maintain their ancestral customs in terms of socio-economic and cultural aspects. However, at the national level, they adhere to all laws and regulations of Bangladesh.

Indigenous peoples seek to define themselves based on their right to self-

determination and their historical and cultural reality. This is not a demand for additional rights but a call for constitutional recognition. As such, the use of the term "indigenous" and the recognition of their identity should be evaluated within the social and cultural context of the nation. Terms like "tribes," "small ethnic groups," or "minorities" are derogatory and inappropriate for describing these communities.

The recognition of indigenous peoples' identity and rights should focus on cultural diversity and justice. Acknowledging their identity and rights in Bangladesh would contribute to the country's development and social cohesion. Indigenous peoples' demands are rooted in their traditions and history, and their right to self-determination must be respected. Recognizing their identity as indigenous will not diminish their rights but will help preserve their social status and cultural distinctiveness.

Constitutional recognition of indigenous peoples does not grant them additional rights nor undermine the rights of the majority population. According to the Constitution, all citizens, regardless of their ethnicity, have equal rights. A pluralistic, inclusive state can only be built when the identities of all citizens are recognized, and their right to self-determination is upheld. This recognition does not diminish the rights of others. For example, granting recognition to indigenous peoples does not mean that the rights of Bengalis living in the hill regions will be diminished. Everyone is a citizen of this country with equal rights. However, given the historical context, as in other countries, the government should adopt policies to protect the Chittagong Hill Tracts as a special region, as outlined in the 1997 Agreement and the Regional and Hill District Council policies. If a region is recognized as special, why not recognize the rights of its indigenous inhabitants?

The failure to recognize indigenous peoples in the 1972 constitution of Bangladesh and the subsequent struggles for their rights led to violence in the Chittagong Hill Tracts. However, the formation of an interim government has provided an opportunity to resolve this issue. Unexpected events such as graffiti featuring the word "Adibashi" and protests have further highlighted the need for resolution. The time has come for urgent action.

To truly reflect the cultural diversity and pluralism of Bangladesh, indigenous peoples must be fully accepted as equals in all social, cultural, and civic spheres. A commission of experts should be formed to make decisions grounded in history,

tradition, and the principles of international organizations. Derogatory terms like "tribes" and "small ethnic groups" should be discarded, as they are disrespectful and inappropriate.

The formation of the interim government on August 8, 2024, provides a new opportunity to rectify historical neglect and resolve the issue. The proposal to amend the constitution to incorporate a pluralistic society gives hope that the issue of indigenous peoples will finally be addressed. Unlike previous administrations, the current government has used the term "Adibashi" since its formation, signalling a commitment to addressing the issue. Now is the time to fulfil this promise through constitutional recognition, creating a society free from discrimination and built on equality. The commitment to building such a society, as articulated during the July Movement and reflected in the August 2024 movement, demands a constitutional solution.

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