

EQUITY AND INCLUSION: MAINSTREAMING SMALL ETHNIC COMMUNITIES IN THE CHITTAGONG HILL TRACTS, BANGLADESH

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Abstract

This paper examines equity and inclusion in development initiatives affecting Small Ethnic Communities (SECs)¹ in Chittagong Hill Tracts (CHTs), Bangladesh, through a rural development project supported by Asian Development Bank (ADB) as a case study. Using a multi-method approach, the study analyzed relevant policies and legal instruments, geopolitical conditions, project records and primary data were collected through field observations and key informant interviews. Results show that sustained engagement with SECs through participatory consultations, village mapping, and context-specific interventions were essential to achieve development goals with customary practices within a dual legal system. This was accomplished by following the national legal frameworks in Bangladesh, in collaboration with the safeguard policies of development partner. Interventions, such as improvement of road network, market sheds, gravity flow distribution of water, promotion of local medicinal plant cultivation along with drawing on indigenous knowledge in creating alternative income opportunities enhanced the income and quality of life as well as facilitated in sustaining their cultural practices. These experiences demonstrate how alignment of safeguard principles, local practices, and participatory approaches can foster more inclusive outcomes, contributing to global development agendas in Bangladesh such as SDG 10 on reducing inequalities and SDG 17 on partnerships for the goals.

Key words: CHTs, Participatory planning, Livelihood, Community consultations, Land Tenure, SDG.

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1 In Fifteenth Amendment to the Constitution of Bangladesh Act, 2011 (Act XIV of 2011), section 14, Article 23A refer to tribes, minor races, ethnic sects and communities. This paper will refer to the small ethnic communities in CHTs as SECs and IP as international context.

Introduction

Bangladesh is a country in the north-eastern part of South Asia bounded by the Himalayas to the north and the Bay of Bengal to its south. Majority of the land area is delta plain, with only hilly ranges are to the south-east in the Chittagong Hill Tracts (CHTs). Three districts Khagrachari, Rangamati and Bandarban of the south-eastern part of Bangladesh with extensive hilly landscape covering 13,184 sq.km. area, nearly one tenth of the total area of Bangladesh (UNPO, 2018) (Fig. 1). The area accommodates nearly 1,842,815 population of which half of the population, 920, 217 people are from SECs representing nearly 56% of the total ethnic population of Bangladesh (BBS, 2022). The terrain condition of this region is less favorable for high density human population and therefore, despite being a densely populated country, the number of populations is the minimum in this region (Khan *et al.*, 2007). In contrast with the plain land area in Bangladesh, the population density is only 136 persons per sq km for CHTs, whereas average density for the rest of the country is 1,179 persons per sq km (BBS, 2022). The recent census showed these three districts have the least density of population with 260 (Khagrachari), 107 (Bandarban) and 106 (Rangamati) people per sq km compared to the national average (BBS, 2022). Historically, this region accommodates eleven ethnic communities according to the government documentation (Khatun and Aggarwal, 2019; UNPO, 2018). Chakma, Marma and Tripura comprise the largest proportion at 46%, 29% and 13% of the local ethnic population (UNDP, 2009).

For a significant period, the CHTs was seen as an isolated region to remain in solitude. The people living in these hill districts are spread out in remote "*Para's*" within the hilly terrain. The complex geopolitical history of CHTs dates back to the British colonial period; as prior to British rule, the administration and resources in this area were entirely managed according to the customary rules of the ethnic communities. In 1860, the CHTs was designated as a separate subdivision under Chittagong. Later, the pivotal Chittagong Hill Tracts Regulation Act of 1900 marked the regional boundary and maintained a system of governance that combined traditional and national administrative structures (Ahammad and Stacey, 2016). Since then, the region has grappled with the challenges posed by this dual administrative system and its associated complexities. The construction of the Kaptai Dam forcibly displaced SEC inhabitants, triggering a prolonged and violent armed conflict that concluded with the signing of the 1997 Peace Accord. (Khatun and Aggarwal, 2019; Rasul and Thapa, 2006; Ahammad and Stacey, 2016).

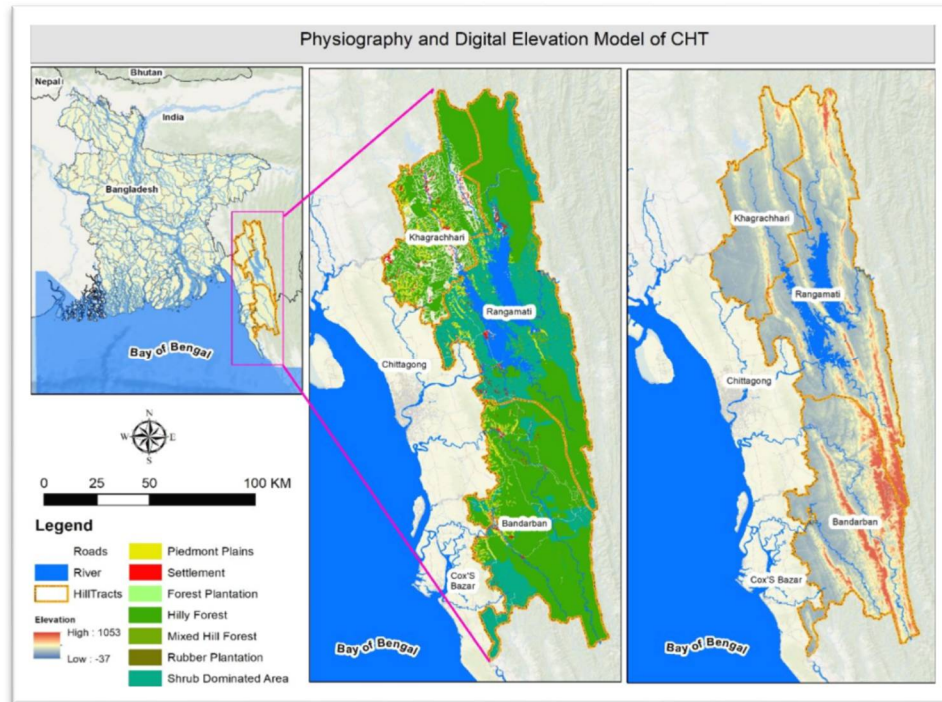


Fig. 1. Physiographic Characteristics of the CHTs
(Source: Landcover data used from Ahmed and Rubel, 2013)

In this context, the first phase of Chittagong Hill Tracts Rural Development Project (CHTRDPI) was initiated in 2001 by the Government of Bangladesh (GoB) in partnership with the Asian Development Bank (ADB). This project was a major step by the government to build trust and implement the commitments made through the peace accord. However, the development needs and demands in the region were too significant to be addressed with a single project intervention. Therefore, a second phase of the project (CHTRDPII), from 2011 to 2022 was implemented by integrating with ADB Safeguards Policy Statement (SPS) 2009 (ADB, 2009) with the objective of development of infrastructures pertinent to improve rural livelihood with special attention to the ethnic communities and reducing poverty and vulnerability among the people of the CHTs.

Based on propositions from communities and assessments, the project aimed to intervene in five specific areas that include (i) institutional development and capacity building; (ii) upgraded rural roads, (iii) development of community infrastructure, (iv) micro agribusiness development, and (v) project management. In this context the project faced

challenges in compensating the affected persons led by acquisition of land for infrastructure development. This article reviews the project initiatives and experiences as a case and exhibit the findings to identify implications and challenges of implementing a development project with development partner safeguards policy in a community with diverse ethnicity, complex geo-political demography, inequalities and dual legal system in terms of land ownership rights. It will also shed light on how development partner's safeguard policy and facilitation acted as catalyst in mainstreaming and reducing inequalities to SECs in CHTs through a development project.

Literature Review

The governance of land acquisition and customary rights in Bangladesh has undergone significant legal transformations over the decades. The Acquisition and Requisition of Immovable Property Ordinance (ARIPO) 1982 (MoL, 1982) initially provided the legal framework for land acquisition, later replaced by the Acquisition and Requisition of Immovable Property Act (ARIPA) 2017 (MoL, 2017). While ARIPA 2017 introduced more structured compensation mechanisms and expedited processes, it remains insufficient when evaluated against international standards on social safeguards issues. ARIPA focuses predominantly on monetary compensation based on land records, often neglecting the socio-cultural and livelihood impacts of displacement on affected communities including SECs and other vulnerable groups. Moreover, key principles like participatory decision-making, recognition of customary land tenure, and inclusive grievance mechanisms are absent in the Act and its amendments.

In contrast, the United Nations Declaration on the Rights of Indigenous Peoples asserts indigenous land rights (Article 26), cultural heritage (Article 11), and free, prior, and informed consent (FPIC) (Article 32), reinforcing the need for inclusive land governance (United Nation (UN), 2007). International development partner policy principles, such as the ADB's Safeguard Policy Statement (SPS), emphasize consultation, livelihood restoration, and cultural heritage preservation in land acquisition and resettlement. However, gaps between national laws and international standards hinder equitable development. A draft National Policy on Involuntary Resettlement and Rehabilitation (NPIRR) developed in 2009 with support from ADB, aimed to align national practices with global safeguards by promoting fair compensation, livelihood restoration, and stakeholder engagement (Zaman and Khatun, 2019; Zaman *et al.*, 2022), which was not legalized due to non-alignment with the national policy.

An in-depth description of the historical, legal, and social dimensions of land rights in the CHTs was provided by Ray (2000) in her book. Ray highlights the marginalization of SECs through the erosion of their traditional rights, particularly due to colonial-era regulations such as the Chittagong Hill Tracts Regulation Act of 1900 and subsequent development initiatives like the Kaptai Dam construction. She also underscored the ongoing challenges posed by dual land tenure systems, including disputes over governance and resource allocation and emphasized the need for participatory approaches to policymaking, advocating for equitable recognition of customary practices and meaningful inclusion of ethnic communities in decision-making processes. Building on these discussions, Feiring, (2013) in *Indigenous People's Rights to Lands, Territories, and Resources* examines the broader international legal frameworks governing indigenous land rights. Feiring (2013) further broadens this perspective by examining international legal frameworks on indigenous land rights, emphasizing the collective nature of indigenous tenure systems and the frequent failure of mainstream legal systems to accommodate them.

Globally, similar challenges and best practices have emerged concerning the recognition of Indigenous People's (IP) land rights within development interventions. Gilbert (2006) documented how large-scale land investments in Tanzania and Kenya devoid of adequate recognition of customary tenure, resulted in widespread dispossession and marginalization of indigenous communities. Likewise, Larson et al. (2013) identified that in the context of REDD+ programs, insecure land tenure systems often excluded indigenous communities from equitable benefit-sharing. These international experiences reflect parallel patterns of exclusion observed in the CHTs of Bangladesh.

In the CHTs, historically unique governance systems, including self-rule under ethnic community chiefs, were undermined during colonial rule and further disrupted in post-1947, during Pakistan's regime (Rasul, 2007). The conflicts escalated significantly with construction of the Kaptai Dam in early 60s and displaced nearly 100,000 inhabitants, stripping them of their ancestral lands and livelihoods (Zaman, 1982; Adnan, 2008; Rasul and Thapa, 2006). The bitterness resulting from this event persisted until the birth of Bangladesh (1971) and continued until it to an end with the signing of a peace accord in 1997 (Khatun and Aggarwal, 2019; Rasul and Thapa, 2006; Ahammad and Stacey, 2016). Despite the signing of the peace accord, socio-political unrest, economic marginalization, natural resource conflicts and lack of recognition of customary rights persist (Adnan, 2007; Ahammad and Stacey, 2016; Khatun and Kabir, 2019).

Scholars have argued that genuine recognition of indigenous rights requires integrating indigenous knowledge systems, governance structures, and socio-cultural identities into development frameworks (Ulfstein, 2004). Hill *et al.* (2020) advocate for inclusive assessments that incorporate indigenous, local, and scientific knowledge, while Hill *et al.* (2012) emphasize that the superficial participation without giving the indigenous people the decision-making power perpetuates systemic exclusion. Schlosberg and Carruthers (2010) similarly argue that environmental justice for indigenous communities requires addressing their historical marginalization and enhancing their decision-making capabilities.

Evidence from Latin America further affirms that securing indigenous land tenure has positive socio-economic and environmental outcomes. Blackman *et al.* (2017) demonstrated that land titling of indigenous communities in the Peruvian Amazon significantly reduced deforestation and strengthened community governance. Reyes-García *et al.* (2022) also emphasized that recognition of indigenous peoples' rights is essential in achieving the post-2020 Biodiversity Agenda, linking tenure security with sustainable resource management and cultural preservation.

These international perspectives reinforce the specific context of the CHTs, where socio-economic indicators illustrate systemic marginalization. Rasul and Tripura (2016) revealed significant disparities in poverty rates, access to basic services, and health indicators between the CHTs and national averages (Table 1). For instance, in 2009, the poverty rate in the CHTs stood at 62% compared to the national average of 32% (Rasul and Tripura, 2016). Barakat *et al.* (2009) further reported that the average annual household income in the CHTs was only 72% of the national average, with significant livelihood challenges rooted in limited access to services, political instability, and customary land tenure disputes.

The geographical and socio-cultural uniqueness of CHTs, characterized by hills, valleys, lakes, and diverse ethnicities (Rashid, 2019; UNPO, 2018), compounds these development challenges. Remoteness, low population density, and historical conflict have constrained educational and economic development. Subsistence farming (Shelly, 2000), particularly shifting cultivation (*jhum*), remains the dominant livelihood for many SECs inhabitants (Khan *et al.*, 2007).

From global to local context, it is evident that without recognizing customary land rights, ensuring meaningful community participation, and establishing equitable benefit-sharing mechanisms, development interventions can reinforce structural inequalities. The experiences of other indigenous communities across continents highlight the need for a

rights-based, culturally sensitive, and inclusive approach for development in the CHTs and beyond.

Table 1. Social Wellbeing Indicators in the CHTs Compared to National Average.

Social Indicators	Average for three hilly districts	National average
Poverty rate	62 (2009)	32 (2010)
Population in extreme poverty 2010	26.2	17.6
Access to suitable source of drinking water	65	75
Prevalence of Anaemia (till 05 years)	62	49
Use of improved drinking water sources	59	98
Use of household based sanitation facilities	35	56

Source: Rasul and Tripura, (2016)

Methodology

This study adopted a multi-method approach to assess the issues of equity and inclusion in development initiatives affecting SECs in the CHTs of Bangladesh. The study involved a comprehensive analysis of policy and legal frameworks, a review of the geopolitical context of the CHTs, and an examination of relevant project documents alongside the requirements of the Asian Development Bank's (ADB) Safeguard Policy Statement (SPS) (ADB 2009).

Primary data were collected through field observations of the researchers and key informant interviews (KIIs). In addition, records of focus group discussions (FGDs), and community consultations were assessed from project documentations. A total of 13 KIIs were conducted with project beneficiaries, local stakeholders, and community leaders. These endeavors focused on evaluating the level of community engagement, grievance redress mechanisms, and the extent to which ethnic perspectives were incorporated into project planning. The KIIs were conducted across eight locations representing all three hill districts of the CHTs; Rangamati, Khagrachari, and Bandarban. The selected sites ensured spatial representation of both upland and valley communities, capturing variations in livelihood practices, governance structures, and social inclusion dynamics. All KIIs were conducted with the prior informed consent of participants, ensuring voluntary and ethical participation.

In addition to the KIIs, records from community consultations and FGDs conducted during project implementation were reviewed. Although the social structure in the CHTs

remains largely patriarchal, women play a central role in household management and economic activities (Khatun and Kabir 2018). Accordingly, the project placed particular emphasis on women's participation across age groups and social settings. Insights from these engagements were integrated into project design, site selection, and implementation planning.

This integrated methodological approach ensured a comprehensive understanding of SECs development needs and facilitated the incorporation of community-driven priorities into both project execution and academic analysis.

Results and Discussion

The findings of this paper illustrate that direct engagement with ethnic communities during the implementation of the rural development project in CHTs was instrumental in promoting equity and inclusion. This engagement was made possible through the national legal frameworks in Bangladesh, in collaboration with safeguard policies of development partner.

Although the NPIRR was prepared in 2009 with ADB support, it was not formally adopted by the GoB. Nevertheless, this collaborative effort resulted in significant positive changes to national land acquisition laws, specifically enhancing the recognition of customary rights. This progress was reflected in the enactment of the Chittagong Hill Tracts (Land Acquisition) Regulation (Amendment) Act, 2019 (MoL, 2019), which introduced compensation parity between customary land and registered land ownership.

Community consultations and FGDs provided insights into socio-cultural challenges in the CHTs, including access to drinking water, mobility during rainy seasons, and agricultural transport in dry seasons (ADB, 2022). Key concerns included customary land rights, and administrative complexities, reflecting aspirations to balance cultural heritage with technological progress. Participatory Village Mapping (PVM) was a critical tool fostering community engagement (ADB, 2022) and sustainable development through Para Development Committees (PDCs) (United Nations Development Programme (UNDP), 2019). Remoteness exacerbated economic challenges, with reliance on shifting cultivation (*Jhum*) with limited irrigation and market access. Successful initiatives aligned with SECs practices and regional characteristics. Female FGD participants in Ruma, Raicha-Goalikhola, and Marishya Bazar emphasized the impact of localized interventions like the gravity-flow water system in addressing water scarcity, reducing seasonal migration, and enhancing agricultural productivity, ultimately improving long-

term economic sustainability for SECs communities (ADB, 2022), which has been also confirmed by the KII participants.

Cognizance of Local Practices and Inclusion

In the domain of community engagement within development projects, the UNDP has played a pioneer role in CHTs area through formation of PDCs. Since 2003, UNDP has been at the forefront of development initiatives in the region. Their collaboration with local NGOs has been crucial in facilitating the delivery of services and shaping community-level administrative systems to align with regional development goals. By 2019, over 3,500 PDCs had been established across the CHTs. This formed a wide-ranging community network and the collaboration of ADB and PDCs extensively supported governance at grassroot level and ensured development in line with community empowerment (UNDP, 2019).

During preparatory assessments for CHTRDP-II between 2006 and 2010, remoteness had been identified as a major factor contributing to the economic vulnerability of SECs. Livelihood practices were found to differ based on topographical conditions. Households residing in higher hill areas primarily depended on shifting cultivation (*'jhum'*), while valley dwellers engaged in plough-based agriculture such as rice farming. Access to markets, transportation of agricultural produce, and water scarcity were recognized as significant challenges in the CHTs. In particular, the difficulty in using tube-well technology due to terrain and groundwater limitations posed serious constraints on access to drinking water and irrigation in the hilly areas. KIIs highlighted that interventions, such as introduction of *Bashok* plant and other local medicinal plant cultivation, drawing on indigenous knowledge created alternative income opportunities while sustaining cultural practices. Beneficiaries also noted that improved market sheds and transportation support reduced barriers to selling their produce. Visual evidences collected during project implementation illustrates these challenges and KII results provide a similar finding. During the field visits by the researchers, it was observed in remote areas of CHTs that farmers transporting harvested produce over slippery, rugged roads during the rainy season and manually cleaning turmeric after harvest, reflecting the physical hardships faced by ethnic communities in the CHTs.

Institutions involved in various consultation meetings at multiple phases of the project expressed that ethnic communities are aware of their evolving needs to sustain their presence while navigating cultural differences, migration, and generational shifts. These initiatives have fostered opportunities but also raised concerns about cultural dilution and

the transmission of SECs knowledge. KIIs confirmed that, for the first time, communities felt their customary land rights were acknowledged and that they could directly shape development priorities. Respondents emphasized that inclusive participation improved their ability to balance livelihood improvements with cultural preservation, thereby reinforcing both economic security and social identity. The community's aspirations reflect a dual goal: equipping the younger generation with economic opportunities while preserving cultural heritage and identity.

Community consultations also revealed the significant socio-cultural role of women. Although the social structure largely follows a patriarchal system, women were identified as central actors in household management, water collection for household activities and drinking in addition to other economic activities. During preparatory consultations, efforts were made to structure the project in alignment with traditional values. Multi-level stakeholder engagement led to the establishment of institutional arrangements, marking the first instance in Bangladesh where the Project Management Unit (PMU) was based in the CHTs under the Regional Council, ensuring SECs' representation in decision-making (ADB 2022, United Nation (UN) (2007). In line with Feiring's (2013) recommendations for participatory governance, the selection of project schemes followed the Participatory Village Mapping (PVM) method. Through this approach, communities actively identified resource distribution, settlement patterns, and priority intervention areas. Work packages remained small-scale, allowing local bidders to manage implementation effectively and to ensure economic participation for the local vendors.

Changing Socio-economic Context

Project interventions in the CHTs achieved varying success in promoting sustainable socio-economic development, with initiatives aligned to ethnic practices and local ecological conditions proving more effective. A key example was the promotion of Malabar nut plantations as a viable agribusiness, which secured a supply agreement with a national pharmaceutical company, ensuring market access for local producers. The project also enhanced diversified marketed crops from two to ten including mango, litchi, Indian gooseberry, brinjal, cucurbits, Malabar nut, Aswagandha, and Kalomegh enhancing food security and income opportunities. Additionally, access to water, a major challenge especially for women, was improved through a gravity-flow distribution system, reducing water collection time from 1.5 hours to 30 minutes. This intervention eased women's workload and helped to mitigate seasonal migration among SECs, often driven by water scarcity during dry periods. The key informants also highly appreciated

the gravity flow distribution of water. They added a new dimension of this act, it facilitated more girls to attend the school regularly, while many of them had to give more time in collecting water for the family, mainly in dry season by compromising school hour.

The project's economic impact analysis (ADB, 2022) showed substantial livelihood improvements, with commercial agricultural production increasing by 239% from baseline figures. Beneficiary households observed annual agricultural incomes rising from BDT 20,000 to 67,885, while 29,378 households benefited from infrastructure interventions. Watershed management and irrigation schemes improved agricultural productivity for 37,526 households, facilitating a shift from single to double cropping across 11,568 hectares. The KII interviews affirmed this positive trend in the locality very distinctly. These outcomes highlight the project's role in fostering economic growth, improving livelihoods, and promoting sustainable agriculture while remaining sensitive to SECs socio-cultural contexts.

Navigating Challenges in Dual Legal Systems

Despite the project's positive outcomes, a major challenge was navigating customary rights and land acquisition within a dual legal system. This was further complicated by the absence of a precedence for systematically applying land acquisition policies in this framework. Understanding the administrative structure of the CHTs is crucial. The CHTs' governance structure is characterized by overlapping authorities. Historically, the Deputy Commissioner (DC) serve as the chief executive under the Chittagong Hill Tracts Regulation of 1900. The establishment of three Hill District Councils (HDCs) in 1989 introduced a parallel governance system composed of locally elected representatives, including reserved seats for ethnic groups (Ray, 2000). While HDCs oversee local development, the DC retains authority over revenue and land matters. This creates a complex legal-administrative landscape with overlapping responsibilities. In addition, the role of village headmen narrowed down to largely address internal disputes for managing customary land at community level.

During project preparation, the Acquisition and Requisition of Immovable Property Ordinance, 1982 (MoL, 1982) lacked provisions for compensating the customary land. The only legal mention was in the 1900 Regulation, which vested tenure management in tribal leaders without recognizing individual ownership. Acknowledging this gap, the project allocated funds from ADB for compensating both registered and customary landowners, a pioneering step in Bangladesh's development history (ADB, 2022).

However, administrative delays arose due to the absence of precedent cases. Payments to registered landowners proceeded smoothly, but customary landowners faced delays. Eventually, coordination with the Ministry of CHTs Affairs (MoCHTA) facilitated compensation disbursement, reflecting a significant step towards recognizing customary land rights within formal land acquisition processes.

Strategic Approaches in Strengthening Collaboration

The case of the CHTRDP II project portrays measures that go beyond national land acquisition policies, including livelihood restoration, community consultations, grievance redress mechanisms and formation of an alternate dispute resolution forum to mitigate land related disputes. Participatory approaches implemented through ethnic-led Community-Based Organizations (CBOs) and local NGOs ensured that resettlement and capacity-building initiatives were responsive to community needs and aligned with international good practice. KII respondents in different levels acknowledged the continuous consultations, approvals from local governance bodies, and consent from tribal leaders facilitated the project in addressing challenges related to coordination, language, and administrative complexities in compensating both registered and customary land.

Livelihood restoration prioritized agricultural capacity development, enhancing skills and equitable access to benefits, thereby advancing SDG 10 (reduced inequalities). Strengthened collaboration with local organizations and inclusive decision-making processes fostered knowledge sharing and collective action, supporting SDG 17 (partnerships for the goals). National reforms, such as ARIPA 2017, Chittagong Hill Tracts (Land Acquisition) Regulation (Amendment) Act, 2019, and subsequent local regulatory updates, provided a legal framework reinforcing participatory and equitable implementation of resettlement processes.

Conclusion

This paper highlights the importance of inclusive, community-driven approaches for implementing rural development project in the complex socio-political and legal landscape of the CHTs. Structural barriers like undulating landscapes, limited access to resources and markets, remoteness, and the historical marginalization of small ethnic communities (SECs) have long constrained sustainable development. Evidence from the project as well as responses of the KIIs shows that participatory planning, sustained

community consultations, and recognition of customary land rights can directly address these constraints when embedded in project rules and decision-making (Ahammad and Stacey, 2016).

A key achievement was to institutionalize the formal acknowledgment of customary land tenure, by establishing compensation parity between customary and registered landholders, in CHTs. This step advances SDG 10 on reducing inequalities and protecting customary rights, while the project's collaboration among government institutions, financing partners, and SEC institutions embodies SDG 17 on partnerships (United Nations, 2015a; United Nations, 2015b). The initiative also contributed to incremental legal reforms, including application of the Acquisition and Requisition of Immovable Property Act (ARIPA) 2017 and amendments to the CHTs Land Acquisition Regulation, setting a precedent for integrating customary rights into formal acquisition procedures (MoL, 2017; MoL, 2019). These advances are consistent with international standards, notably the United Nations Declaration on the Rights of Indigenous Peoples and scholarly work underscoring the centrality of secure customary tenure for equity and cultural continuity (United Nations, 2007; Gilbert, 2006; Feiring, 2013; Ulfstein, 2004).

Overall, the CHTs experience demonstrates the transformative potential of sustained policy advocacy, inclusive governance, and culturally sensitive design to mainstream SEC rights within national development. Continued attention to co-created grievance redress, transparent monitoring, and capacity support will be essential to consolidate these gains and extend equitable development in similarly marginalized regions.

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(Revised copy received on 11/11/2025)