

Chapter 5

Forest Policy

5.1 Early History of Policy-making

In the period prior to 1865, the forests of what is now Bangladesh were variously protected by the rulers of the day as hunting reserves and used as a source of revenue through the sale of timber and other products. During the Mughal period (1526-1700), forest land was cleared for agriculture. From then until the middle of the nineteenth century, forests were subject to exploitation on a gigantic scale for ship-building and railway sleeper production without any effort at forest preservation and development.

In 1865, the first Indian Forest Act was passed by the British rulers. In 1875, the Conservator of Forests visited CHTs. This visit was important since it gave a clear picture of the exploitation of forests, *jhumming* practices, and the administrative set-up. Policy proposals for a change in management had important impacts on land use and land management of CHTs. The Conservator offered the following main suggestions which were approved by the government.

- Two classes of forests were to be formed: 'reserves' and 'district' forests. The reserves would be under the management of the Forest Department and the district forests under that of the Deputy Commissioner.
- No *jhumming* or cultivation of any kind would be allowed in the reserves; and no forest produce would be cut or removed from the reserves without permission of the Forest Department. The area would be managed for forest purposes only.
- The people of the district could supply themselves with forest material for their domestic requirements from district forests, with such restrictions as the Deputy Commissioner may impose from time to time.
- With a view to discouraging preparation of dug-outs and excessive consumption of *jarul*³, the rates for dug-outs and from *jarul* timber now levied would be enhanced 50 per cent and export of dug-outs and *jarul* prohibited altogether.

Consequently, forest land was divided into reserved forests, entirely under the control

³ *Jarul* is a sub-species of *Albizzia*

of the Forest Department, and district forests, where tribal people were allowed to practice shifting cultivation and to cut wood and bamboo for domestic use, under the control of the Deputy Commissioner (Choudhury 1972). The first Forest Reserve was created in 1875. At the same time, it was decided to close the reserves for timber extraction as supplies were sufficiently plentiful in areas outside. Later, between 1880 and 1883, forest reserves were extended (Choudhury 1972). The Indian Forest Act 1878 succeeded the Forest Act of 1865.

5.1.1 Evolution of Forest Policy

In British India, after many primary steps, a policy statement was issued in 1894 and modified in 1904. After partition of British India in 1947, the Government of Pakistan (including Bangladesh, which was East Pakistan until 1971) declared its forest policy in 1955 and 1962. The Government of Bangladesh declared its first forest policy in 1979 and the second and current forest policy in 1994.

British India's first forest policy was enunciated in 1894 and laid down public benefit as the sole objective of management of public forests. The important policy directives were as follow.

- State forests to be administered for public benefit.
- Forests on hill slopes may be protected.
- From second-class state forests, people may be allowed to satisfy their requirements.
- Wherever an effective demand for cultivable land exists and can only be supplied from the forest area, the land should be relinquished without hesitation.
- Royalty for the government must be collected for various facilities enjoyed by the people.

The main aim was to collect revenue from forests and to satisfy local people by grant-

ing them rights and concessions. There was no intention to improve forest management in general.

Forest policy framed for nineteenth-century British India was felt inappropriate for the needs of Pakistan. So, in 1955, a new forest policy was declared. Its salient features were as follow.

- Forestry should be given a high priority in the national development plan.
- Sound management should be extended to private forests.
- Necessary powers should be obtained to control land use under a co-ordinated programme of soil conservation and land utilisation in areas subject to or threatened with soil erosion.
- Public support should be enlisted for the execution of forest policy.
- Forests should be classified on the basis of their utility and objectives.
- The beneficial aspects of forestry should be given precedence over the commercial.
- Forest areas should be increased by such measures as reserving 10 per cent of canal irrigated land and 10 per cent of water for raising irrigated plantations; growing of trees along canal banks, roadsides, railway tracks, wastelands, etc.; and encouraging farm forestry on a cooperative basis by village communities.
- Timber-harvesting techniques should be improved.
- All forests should be managed under working plans.
- A properly constituted forest service of fully trained staff should be made responsible for the implementation of forest policy.
- Forest research and education should be organized.
- Wildlife should be protected and conserved, and their habitats protected and improved.

5.1.2 Forest Policy 1962

In 1962, Pakistan enunciated a new policy to deal with five aspects: forestry, watershed management, farm forestry, range management, and soil conservation. The following are the features salient to Bangladesh.

- Management of forests should be intensified to make it a commercial concern.
- Utilisation of forest products should be improved to reduce rotations and regeneration should be accelerated to keep pace with increased harvesting.
- Government-owned wastelands should be transferred to the Forest Department for raising plantations.
- Timber harvesting in CHTs and the Sundarbans should be further accelerated.
- Rights in forests should be progressively acquired.
- Soil conservation should be given priority in forests and on private lands.
- Farm forestry should be the concern of the Department of Agriculture in non-project areas and of the Agricultural Development Corporation in project areas.
- Research should be directed to form shelter belts and wind-breaks and to select fast-growing commercial species for each ecological zone.
- Forests shall be carefully preserved and scientifically managed.
- Government forests shall not be used for non-forestry purposes.
- Large-scale plantations shall increase tree wealth.
- Use of modern technology will effect optimum extraction and utilisation of forest produce.
- Measures to set up new forest-based industries and to meet raw material requirements shall be adopted.
- Forestry research, education, and training shall be organized to meet scientific, technological, and administrative needs.
- Members of properly constituted cadre services shall staff the forestry sector.
- Forest laws shall be kept updated to make them effective tools.
- The forestry sector shall be organized to constitute a separate administrative unit of the government and relevant laws updated for implementing forest policy.
- Effective measures shall be taken for conservation of the natural environment and wildlife, and for utilising the recreational potential of forests.
- Mass-motivation programmes shall be initiated and technical assistance extended to those interested in forestry.

The Forest Policy of 1979 was the first after the independence of Bangladesh in 1971. It received inputs from discussions at the first Bangladesh National Forestry Conference held in Dhaka in 1977. The conference stressed that all government forests should be designated and managed by a well-designed forest policy, and that the forests should be managed in perpetuity with the objective of producing goods and services for the benefit of the people. Its salient features are as follows.

This policy viewed forestry economically as a government department, despite the fact that some 70 per cent of all forest products originated from land outside the control of the Forest Department. Several crucial aspects received little or inadequate attention. Such aspects include the functional classification and use of forest land, role of forests as the biological foundation of sustained natural productivity, community participation, role of the private sector, processing and utilisation of forest products, organization of forest-based growth centres, enterprise development, rural energy needs, involvement of voluntary organizations, importance of

non-wood forest products, and forestry extension. A critical study indicates that hopes for expansion and qualitative improvements were not realised because of a failure in implementation. The vast unclassified state forest (USF) areas, which had become almost barren and degraded, were not utilised effectively for raising plantations. Implementation of policy in CHTs was hindered due to political unrest.

5.2 Current Forest Policy

The current National Forestry Policy 1994 was officially announced in 1995. The policy was an amendment of the Forest Policy 1979. It was formulated to implement a 20-year forestry master plan. The Government of Bangladesh, assisted by the Asian Development Bank and UNDP, prepared the plan to preserve and develop the nation's forest resources. The plan provides a framework to optimise the forestry sector's contribution to stabilising environmental conditions and to assist economic and social development.

The National Forestry Policy is a policy of economic growth and is consistent with the objectives of the National Environmental Policy. It covers acceleration of economic growth, alleviation of poverty, generation of employment opportunities, and increased self-reliance. As such, three imperatives have been identified: sustainability, efficiency, and people's participation (FMP 1993). These imperatives are in tune with the Agenda 21 forest principles adopted at the 1992 UN Conference on Environment and Development held in Brazil.

Sustainability

Sustainable development aims at achieving and perpetuating a reasonable and equitably distributed level of economic well-being for the people. It depends on economic efficiency, equitable distribution of development benefits and sharing of

scarce resources, non-economic social values, and an appropriate balance among them. Sustainability ensures inter-generational equity. Ecologically, sustainability has two attributes in addition to equal harvests and regeneration: continued adaptability and capacity for renewal of plants, animals, soils and water, and maintenance of biological diversity. It also recognises the importance of irreplaceable and unknown values of wild plants and animals and of the utility of watershed forests and wetlands. Sustained yield forest management aims at approximating a balance between net growth and harvest, and considers sustained yield of goods and services.

Efficiency

An important function of forests is the renewable production of goods and services to meet human needs. Efficiency implies improving production of goods and services by increasing output per unit input and reducing waste, indirect costs, and negative side effects. This results in a higher economic rate of return in comparison to other alternatives. Areas set apart for production of timber and other products must be able to compete with other potential land uses—in economic, if not financial, terms. This criterion is equally applicable to investments in other commercial forestry activities, as well as in processing of forest products.

People's Participation

People's participation is both an objective and a means of development. It is crucial for present-day forest resource development activities. If it is directed correctly, it can ensure sustained development of resources. It is assumed that participation is not only a precondition for, and a tool of, a successful development strategy, but is also an end in itself. This unity of participation is implicit in sustainable develop-

ment policies. Forestry can facilitate, and benefit from, people's participation in all facets and aspects.

The Forestry Policy 1994 embodies preconditions for the development of the forestry sector, objectives of the National Forestry Policy, and statements of the National Forestry Policy.

5.2.1 Preconditions for the Development of the Forestry Sector

- The forestry sector provides several commodities and services that are essential for the fulfillment of the basic needs of the people.
- The benefits of forestry sector development will be equitably distributed among the people, especially to those whose livelihoods depend on trees and forests.
- Scope for people's participation in afforestation programmes required for development of the forestry sector will be created; and, in the planning and decision-making process, the opinions and suggestions of planters, users, and those whose livelihoods depend on forestry resources and forest lands will be incorporated.
- Long-term political commitment will be continued.
- Attempts will be made to ensure the effective use and conservation of biology and biodiversity by installing sound management of forest resources and conserving the production capacity of these resources so as to ensure their contribution in rural and national development.

5.2.2 Objectives of the National Forestry Policy

- To meet the basic needs of present and future generations and also to ensure the greater contribution of the forestry sector to economic development,

about 20 per cent of the total area of the country will be afforested.

- By creating employment opportunities to strengthen the rural and national economy and broaden the scope for poverty alleviation, forest-based rural development sectors will be extended and consolidated.
- Conservation of the remaining natural habitat of birds and animals will enrich the biodiversity of existing forests.
- Extending assistance to sectors related to forest development, especially by conserving land and water resources, will strengthen the agricultural sector.
- Implementation of various efforts will fulfill national responsibilities and commitments and government-ratified agreements related to global warming, desertification, and control of trade and commerce in wild birds and animals.
- Through the participation of local people, illegal occupation of forest land and illegal tree-felling and hunting of wild animals will be prevented.
- Effective use of forest goods at various stages of processing will be encouraged.
- Implementation of afforestation programmes on both public and private lands will be provided with encouragement and assistance.

5.2.3 Statements of the National Forestry Policy 1994

The policy statements that are most relevant to land use in CHT are as follow.

- Afforestation programmes in the denuded hilly areas of the USF of the CHTs will be undertaken under the auspices of government and private initiatives. Participation and rehabilitation of *jhum* cultivators will be ensured.
- Private initiatives to implement tree plantation programmes on private land will be encouraged.
- Afforestation programmes through participatory arrangements between

local people and NGOs will be encouraged. Also rubber plantation programmes will be encouraged.

- All state-owned forests of natural origin and planted forests in the hills will be used for producing forest resources, keeping aside areas earmarked for conserving soil and water resources and maintaining biodiversity. Keeping in mind the ecology, management of forest land will be used for profit-oriented business.
- Priority protection areas are habitats that encompass representative samples of flora and fauna in core areas of national parks, wildlife sanctuaries, and game reserves. Attempts will be made to increase this protected area by 10 per cent by 2015.
- Forest resource-based, labour-intensive, small- and cottage-scale industries will be encouraged in rural areas.
- Rules and procedures regarding transportation of forest produce will be simplified and updated.
- Export of logs remains banned given the scarcity of wood in the country. However, processed forest products can be exported. The import policy for wood and wood-based products will be liberalised, but import tariffs, for wood products that are abundant in the country, will be levied appropriately.
- State-owned reserved forests will not be used for non-forest purposes without the permission of the Head of Government.
- Large numbers of tribal people live around a few forest zones. Since the ownership of land at their disposal is not determined, they take forest land at will. They will be given ownership of certain amounts of land through the forest settlement process. The rest of the forest land will be brought under permanent protection.
- Women will be encouraged to participate in homestead and farm forestry

and participatory afforestation programmes.

- Eco-tourism, related to forests and wildlife, is recognised as a forestry-related activity and will be promoted, taking into consideration the carrying capacity of nature.

5.3 Implementation of the Current National Forestry Policy

Reforestation CHTs is fundamental to expanding forest areas, providing soil and watershed protection, and increasing forest resource productivity in Bangladesh. Lands located in USF represent the largest, most concentrated block of unproductive land in the nation—over 700,000 ha—and have remained undeveloped for decades. Presently they support extensive grazing and shifting cultivation. Much of this land is only suited to forest species. Although horticultural potential is great, poor marketing is a serious hurdle to successful development.

Many instances exist to show that social benefits from the developmental activities of the government never reach target groups unless the target group is involved and effective mechanisms exist to distribute the benefits. This is especially true with forestry activities in CHTs where there is a high level of dependency on forests by tribal people. Many poor and landless people live inside the forest and on its fringes; for them, forest resources are their means of livelihood. Without their meaningful participation, and lacking a reasonable solution to their problems, forestry development becomes impractical to implement successfully. Participatory forestry is assumed to be the most appropriate approach in CHTs.

An early attempt to incorporate people's participation resettled *jhumias* and landless farmers. The project developed horticultural crops and rubber plantations and pro-

vided social and community infrastructure within the local government framework. One component was an afforestation scheme that also encouraged bamboo plantation and agroforestry practices. The project arranged equitable distribution of income from harvesting timber from afforested areas between the government and the settlers, as well as supporting cottage and rural industries. Results were not encouraging because of problems related to law and order and marketing of products.

The first rehabilitation scheme in CHTs started in 1957 in anticipation of the flooding of the Kaptai reservoir. Since then, four rehabilitation/resettlement schemes have been undertaken. While the earlier schemes focussed on agriculture, the later ones emphasised horticulture and afforestation. Now, with the stability of the political situation, it is hoped that application of major policy directives will be easier than in the past.

5.3.1 Impact

Most programmes have not achieved the desired level of success and have suffered from inadequate participation of the target group, mainly because of political unrest and failure in the marketing of products. Lack of motivation, education, extension of infrastructure, marketing facilities, and, above all, the lack of material/financial incentives were also constraints (FMP 1993). Impacts of the new projects are yet to be observed. However, several policy and institutional issues arise based on past experience in Bangladesh's participatory forestry programmes. These include land tenure, benefit-sharing, and technical management.

Land Tenure

At present, agreements on encroached forest land are renewable annually and subject to cancellation with three months' notice by the Forest Department. In NGO pro-

grammes on other government land, the lease period can run to five years and, in some cases, longer. Secure tenure can guarantee active involvement and is the single-most contentious issue faced in participatory programmes. A practical solution is yet to be found. It is not necessary to grant full rights to land use, only surface rights to grow trees and enjoy full crop benefits are needed. Tree-growing leases and renewable terms on forest land should be equal to a minimum of one rotation for the dominant product. This could be 20 years for medium rotational timber tree species. A perpetual, inheritable lease (subject to reasonable performance) would stimulate highest productivity and greatest investment by the lessee.

Benefit-sharing

Presently, benefit-sharing formulae exist for the Forest Department's agroforestry and woodlot schemes. In some cases, confusion exists; benefits are poorly defined or not at all. As a result, participation levels remain limited. Benefit-sharing formulae should be well-defined and agreement deeds properly signed.

Technical Management

This issue is mainly applied to the Forest Department's schemes (FMP 1993) that stipulate certain technical forest management prescriptions for tending and felling. These prescriptions are not always defined, followed, or even prepared. As a result, tending or felling approval is deferred, and promised benefits are not available to participants in time. Participants' trust in the programme deteriorates.

5.4 Forest Management in the Chittagong Hill Tracts

Forest management in Bangladesh has over a century of history. Initially, management concentrated mainly on natural forests. In the reserved forests of the CHTs, growing stock

decreased from 23.8 million cubic metres in 1964 to below 19.8 million cubic metres in 1985. About half the land controlled by the Forest Department lacks tree cover; hill forests, including USF, account for 54 per cent (FMP 1993). The estimated total area of forest plantations in Bangladesh is about 332,000 ha, which represents 17 per cent of the total forest area. Hill forests amount to 197,700 ha. Annual planting rates increased from less than 100 ha in 1947 to about 17,500 ha in 1990.

In the hill forests, clear felling followed by artificial regeneration has been the main system of management. Initial attempts at raising forest plantation started in 1871 with teak. Other species were introduced later. Since then plantation forestry has become a part of the overall clear-felling silvicultural system. These early plantations were mostly raised by shifting cultivators. However, with the development of mechanised logging, shifting cultivators could not cope with the extensive areas cleared. As a result, a system combining artificial and natural regeneration became common. In 1974 the Forest Department began establishing plantations of fast-growing species. Presently, industrial and fuelwood plantation modules comprise a mixture of species and growing periods.

The forests of CHTs are rich in bamboo. Commercial bamboo disposition is by auctioning bamboo-cutting areas, while a permit system exists to meet local people's needs. This system does not encourage investment in infrastructure such as roads and cableways. As a result, part of the bamboo area remains inaccessible and prescribed cutting rules are not consistently followed, resulting in high wastage and unnecessary damage.

5.4.1 Recent Policy Decisions

Two other recent developments in the forestry sector are perceived to be extremely harmful to the interest of the people of

CHTs. One is the government's policy on the management of remaining natural forests; and the other concerns a plan to enhance the area of reserved forests to facilitate the raising of new plantations. Recent expansion of the road network into hitherto inaccessible parts of CHTs has accelerated the rate of government-sponsored logging in natural forests. Given the exceedingly high rate of deforestation in the country, estimated at around 3.3 per cent between 1981 to 1990, it is alarming that the government allows any logging at all in these forests (Roy 1998).

The other recent development concerns a government process that seeks to increase the area of reserved forests in CHT by including lands outside the reserved and protected forests. This process was initiated in 1992. The area covers about 218,000 acres (88,300 ha) and includes private homesteads and orchards, common *jhum* lands and forests, and even lands where the present residents were rehabilitated under government projects. This process, although it is for a seemingly laudable aim, namely to enhance the forest cover of the region, has severe implications with regard to the basic rights and freedoms of the people of these areas. A delegation of leaders from Rangamati and Bandarban districts met the MOEF Minister and Secretary in August 1998 and called for revocation of the order. Since then, a committee has been formed to resist the reservation process peacefully. So far the government has not given any official response to the demands (Roy 1998).

5.5 Socio-Environmental Impacts of Policy

Considering existing socioeconomic problems, current National Forestry Policy emphasises rehabilitation of *jhumias* and participatory afforestation. The main objective of the programme has been to improve socioeconomic conditions and the bio-

physical environment. Under the Forestry Master Plan, the Forest Department has intensified its activities. With few exceptions, rehabilitation or settlement programmes initiated earlier are successful. The programmes have created a basis for improving the livelihood of tribal people by providing them with financial and technical facilities. Specifically, direct impacts of forestry policy are evident from the issues discussed in the following passages.

5.5.1 Shift from Taungya to Participatory Forestry

Involvement of local residents in forest plantation activity in CHTs is an old system in which residents work as plantation labourers and receive wages from the Forest Department. Workers are allowed to grow subsistence crops in the space between planted tree seedlings until the trees shade this space. They enjoy the entire returns from the subsistence crops but do not have any share of the tree crops.

This *taungya* system of involvement of local residents is different from the participatory afforestation programme. In the *taungya* system, choice of tree species is entirely with the Forest Department. In participatory afforestation programmes, farmers' preferences are given priority. The participatory afforestation programme is a benefit-sharing arrangement. According to the agreement, income from the final harvest of tree crops will be distributed among the Forest Department, participants, tribal king, headman, and local government. The programme is still young. However, it is expected that the economic status of participants will improve, and the productive and protective role of planted forests will be enhanced.

5.5.2 Shift from Jhumming to Intensive Cultivation

The *Jhumia* Rehabilitation Programme rehabilitates *jhumia* in USF and aims at reha-

bilitating tribal families. Under the programme, each household is given the title of five acres of land for building a house and raising plantations of fruit and timber-yielding trees. Title to land is conducive to economic independence. It gives people freedom in decision-making, and this is lacking from traditional tribal society. Secure tenure ensures intensive land use and management.

The programme of rehabilitation provides a more productive land-use system in place of the traditional low-productivity *jhumming* that causes irreversible damage to the upland ecosystem and biodiversity. There has been a significant shift in species' composition on the titled-land farms from the non-titled *jhum* land. Settled farmers have planted more trees on their farms than annuals. Growing annuals on hill slopes exposes soil to erosion and leads to degradation. Growing trees, in contrast, does not necessitate frequent earth-work on hill slopes and thus protects soil against erosion. The agroforestry and plantation practices on titled farms have enabled farmers to produce more diversified products from fruit and other tree crops as well as to generate more income than with *jhumming*.

5.6 Impacts of Policy on Women's Work and Income

The current National Forestry Policy statements recognise the importance of women's participation in land-based production systems, particularly in homestead and farm forestry and participatory afforestation programmes. Agriculture in Bangladesh is traditionally family-based and a broad division of labour exists among men and women. While men specialise in field-based agriculture, women centre their activities around homesteads. In CHTs, both men and women are directly involved in agriculture.

It is increasingly realised that gender-differentiated rights to land are the single-most

important factor affecting gender equality in Bangladesh, since in most cases the wealth base is composed of land only. Therefore, a gender fair land policy could be one of the most important instruments in overcoming the gender differential. Equal rights to land for both men and women should have a strong positive impact on the socioeconomic status of women. This is conducive to raising the productivity of women since most production is based on land, and land is the most important collateral for obtaining the majority of input materials. Considering the above facts, the Report of the Task Forces on Bangladesh Development Strategies for the 1990s (RTF 1991) suggests that land policy should be formulated along the following lines.

- There should be redistribution of rights to land for the benefit of small and landless farmers – including female farmers and female agricultural labourers who, as either paid, unpaid, or disguised labour, comprise about half of agricultural labourers.
- *Khas* land should be distributed among female farmers who are largely engaged in vegetable growing.
- The afforestation programme of the government should aim at including more women than men, since women are more efficient in plantation and nursing young plants.
- The definition of the household head should be changed so that these poli-

cies can be implemented effectively. Traditionally, the most elderly male member of the household, whether an income-earner or not, whether earning less or more than a female member, has been defined as the household head. Therefore, only the male members of the household benefitted from land policies. Definition of the head of the household should be based on labour hours supplied by members of the household.

The current rehabilitation or settlement and afforestation and reforestation programmes involve women as participants. However, land rights are normally given to male rather than female members of a household. The current National Forestry Policy, although it recognises the importance of participation of women in forestry and agroforestry programmes, does not specify land rights for women. Institutional support for women's effective participation in settlement or forestation programmes in the form of group organization or cooperatives and credit and extension services is extremely inadequate at present and significant efforts are needed in this direction. It is, however, increasingly realised that male-oriented input provisions and management training are not enough to make a breakthrough in the land-based production system in Bangladesh, in general, and in CHTs, in particular, unless women-specific needs are addressed adequately.