

Blaming the Victim? The State of Forest Governance in the Chittagong Hill Tracts

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With 13,274 square kilometers of surface area, the Chittagong Hill Tracts (CHT) comprises three hill districts of Rangamati, Khagrachari and Bandarban and is geographically an isolated region of Bangladesh. It shares international borders with India in the north-east and Myanmar in the south. The area of CHT constitutes 10 percent of the total area of Bangladesh. There are at present 13 indigenous communities with distinct socio-cultural identities and people from Bengali ethnicity who are mostly government sponsored settlers living in CHT. During the end of British colonial rule in the Indian sub-continent, 98 percent of her inhabitants were indigenous communities. During the Pakistan period (1947-1971), there were migrations of Bengali traders and government employees into the region. However, after the independence of Bangladesh, there was a sudden flow of Bengali migrants under government patronage. Around 400,000 people from other parts of Bangladesh were given settlement in the CHT under a strategic population transfer plan during the period 1978-1984. As a result this planned population migration has resulted in land alienation, communal conflict and underlying causes of poverty in the region (Adnan: 2004).

Roughly 90 percent of the indigenous people living in CHT depend on non-timber forest products, such as fuel woods, bamboos, seasonal leafy vegetables, wild tubers, bamboo shoots and wild mushrooms. The main economic activities in the remote areas are based on a traditional subsistence agriculture system, known as shifting cultivation. It is locally termed as *Jhumming* and it has been practiced from the time immemorial. *Jhumming* includes clearing and burning of surface vegetation before harvesting mixed crops of rice, millet, sesame, maize, vegetables and some cash crops like cotton. This mixed nature of cropping ensures a steady supply of food throughout the year. For centuries, this system has worked effectively and there has been no serious deterioration of soil quality as the exhausted *Jhum* plots lay fallow for at least 7-10 years (Rasul and Karki: ICIMOD, Nepal.)

According to the customs of the people of CHT communities, forest and lands were the common property of a specific clan or village community. The individual rights included the right to a particular *Jhum* (a forest area), the right to sufficient land for a homestead, the right to extract forest produce as well as hunting and the right to access to common grazing lands. These were all unwritten rules institutionalised in the form of social codes, norms mutually upheld by the community.

Soon after the annexation of CHT by the British administration in 1860, the concept of forest governance was introduced and four fifths of the CHT area were regarded as 'Government Forests' through section 2 of Act VII of 1865 (Ishaq, 1975:107). They regulated the use of these newly created 'forests', but their direct administration was vested to the Chiefs or Rajas and their subordinate indigenous officials endorsing the age-old customary rules (Roy and Halim, 2001, p.15). In the 1870's, one forth of the total land of CHT was categorised as "Reserve Forests" under direct administration of the Forest Department, outlawing all previous rights of access to and use of forest resources in these areas (Roy, 2004, p. 151). Colonial forest laws were formulated and imposed on the communities in order to realise the sole purpose of increasing revenue through maximum commercial exploitation of forest resources.

This process of converting the “customarily held lands” into reserve forests was continued by the Pakistani government (1947-71) and by the government of Bangladesh since its independence in 1971. Subsequently, the forest laws turned out to be a powerful political tool to further marginalise the indigenous communities and it also provided a basis for corruption in the forest governance. The present forest governance of Bangladesh is a direct inheritance of colonial forest law and governance. Using special powers under forest laws, government notifications purporting to increase other areas of forest or reserve forests were used and are still valid today. Whenever such ‘reserve forests’ are declared, the government denies all claims based upon customary law.

A major blow to the people–forest relationship balance was due to the creation of the Kaptai Reservoir in the 1960s, inundating two fifths of total plough lands of the region and a large part of adjacent forests, displacing an estimated 100,000 indigenous people. The majority of these displaced people were forced to seek refuge (without rehabilitation from the government) in the forest areas in the region. Of the total displaced, 52 percent stayed in the vicinity of the reservoir, 29 percent moved to Kassalong reserve forest, 14 percent moved to the Chengyi-Myani valley and five percent moved elsewhere in the hills (ALARD: 1995, p 91). This has resulted in cleaning up (for agricultural purposes) and deforestation of huge forestlands, posing long-lasting environmental damage. Following the Kaptai hydroelectric project, the CHT was already facing a severe crisis of cultivable lands and pressure on forests. The population transfer programme started in 1978 further exacerbated the existing problem. According to recent reports, the government has again initiated settlement of hundreds of Bengali migrant families in the Kassalong reserve forest amidst protest from the people of CHT.



Kaptai Reservoir. Photo: Collection

Conventionally, indigenous peoples are blamed for degrading forest resources with their traditional *Jhum* cultivation, in spite of evidence of sustainability in the practice of *Jhum*

cultivation in the CHT since time immemorial. There is a general attitude among policy makers, forest department officials and the general administration to deny the real causes of forest degradation, so they adopt a strategy of 'blaming the victim'. But the process of the degradation of forest commons started during the British colonial period: with the nationalisation of forests; establishment of reserved forests by denying the customary rights of indigenous people; entrusting management of forests to bureaucratic departments and; weakening the traditional institutions (Rasul and Karki: ICIMOD, Nepal). During the Pakistan era (1947-71), the construction of Kaptai Dam that submerged vast areas of forest and the commercial leasing of forestlands for plantation for supplying industrial raw materials, created enormous pressure on forest resources. During the Bangladesh period, forest degradation was further accentuated by the infamous population transfer project (1978 onwards).

Forest administration in the CHT carries the colonial legacy of British promulgated forest laws which were contradictory to the customary laws and forest tenure systems of the CHT. The forest governance in CHT therefore should be redesigned according to customary laws, usage and prevailing procedures in the region as well as in agreement to the CHT accord 1997 and Hill District Council Acts 1998. Some of the reform agenda for making the forest governance all inclusive and equitable are given below:

- Reform of the forest department: The forest department in the CHT should undergo political reform (devolution of power to DC's /traditional institutions), administrative reform (community involvement in forest management / jobs for the local people in the forest department) and financial reforms (fair access to forest revenue for the local people).
- Reduce population induced forest destruction: The ongoing process and recent initiative of new settlements in the reserve forest areas (Kassalong), illegal felling of trees and trafficking of timber should be stopped immediately.
- Livelihood promotion: Promotion of agro-forest based livelihoods opportunities for *Jhumia* and forest dwellers with backward and forward market linkages in order to reduce burden on forest and *Jhum* cultivation.
- Fair market access: Remedial steps should be undertaken with local communities for access to fair prices and markets as well as elimination of exploitation by middlemen in forestry related businesses. There should be provision of skills training on market value addition of forest produce for the people dependent on forest resources.
- Interventionist role of Government: Support from the government and NGOs should be provided to involve or build the capacity of local indigenous people in such economic activities like building up storage, processing and marketing facilities for non-timber forest goods.

The erosion of forest resources vis-à-vis environmental degradation has triggered long term ecosystem damage in the CHT. Many springs and aquifers that were traditionally used as sources of drinking water have begun to dry up during the dry seasons. The decline of animal and plant life, and wild fruits, which once formed an important nutritional supplement for the indigenous

communities, is resulting in nutritional deficiencies. Due to decline of natural herbaria, the traditional know-how of disease prevention and cure is now on the verge of extinction. Deforestation has also resulted in loss of many traditional occupations. For example: the Vadyas who use natural herbs, local artisans who use canes and bamboos etc. There is also a cultural impact of deforestation. For forest-based communities, their relationship with the forest is not only functional, but also symbolic, which is embedded in cultural manifestations. Against this backdrop, forest governance in the CHT must accommodate the functional and symbolic meanings of forests as well as the customary laws related to forest tenure and it should be different from rest of the country.

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