

# CONSERVATION AND ITS IMPACT ON THE RIGHTS OF INDIGENOUS PEOPLES

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## **Background of Conservation in Bangladesh:**

The history of the Government reserved forests in Bangladesh can be traced back to 1870s when the British Government created a number of reserved forest which are located in the Chittagong Hill Tracts (CHT), greater Chittagong, greater Khulna district, greater Sylhet district, Dhaka, Mymensing, and Tangail districts with the following *objectives* to achieve:

- To conserve the environment by increasing the forest coverage and to protect natural biodiversity.
- To reap economic benefits from the forests for both state and indigenous peoples.
- To increase local peoples' employment opportunities.
- To have a sustained supply of timber, fuel, other forest produce and industrial raw materials.
- To gradually improve the condition of forests with sustainability, environmental concern and economic benefits.

Accordingly three types of Government reserved forests were created: (i) Tropical evergreen or semi-evergreen forest (640,000 hectares) in the eastern districts of Chittagong, Cox's Bazaar, Sylhet, and the CHT region (hill forest); (ii) Moist or dry deciduous forest also known as *Sal* Forest (122,000 hectares), located mainly in the central plains and the freshwater areas in the northeast region; and (iii) Tidal mangrove

forests along the coast (530,000 hectares)- the Sundarbans in the southwest of Khulna and other mangrove patches in Chittagong, Cox's Bazaar and Noakhali coastal belt.

The CHT Hill Forests are divided into three categories: Reserved forests (RFs), protected forests (PFs), and Unclassed State Forests (USF). The CHT covers an area of 5,093 square miles (about 10% of Bangladesh) of which the RFs cover 796,160 acres (322194.52 hectares) or 1,244 square miles (24% of the CHT). The PFs cover 34,688 acres (14037.73 hectares) or 54.20 square miles (about 1.00% of the CHT) and the USFs cover 2,463,000 acres (996740.73 hectares) or 3,848 square miles (about 75% of the CHT).

The total area of the Hill forests in Chittagong, Cox's bazaar, Sylhet and Habiganj and Moulavi Bazaar consists of 321,113.4 hectares.

The Sundarbans forest, the largest mangrove in the world with an area of 601,700 hectares, was declared as reserved forest in 1879. Of this 139,700 hectares have been declared as the world heritage site.

The traditional *Sal* forests with an area of 122,000 hectares are used to extend over Madhupur Tract as well as over the districts of Dhaka, Rangpur, Dinajpur and Rajshahi. But the *Sal* forests now exist mainly in the districts of Tangail and Mymensingh with an area of 10,5000 hectares; another 14000 hectares are found in Burind Tract in the north of the country.

### **Importance of Indigenous Knowledge in Conserving Nature:**

Indigenous and local knowledge and traditional practices are known to have contributed greatly to biodiversity conservation and sustainable use of ecosystem since time immemorial. In all regions of the world, indigenous peoples and local communities developed sophisticated knowledge systems regarding conservation and sustainable use of ecosystem. As direct users of biodiversity, natural resource dependent rural communities have long been aware of unsettling changes taking place in flora and fauna which they rely on for their livelihoods and have consequently developed adaptive management responses.

Indigenous peoples and local communities' in-depth ecological memory and detailed time tested knowledge and information base needed for conservation measures. Indigenous knowledge proved effective in monitoring and management of protected areas, and building synergies among diverse knowledge systems.

At the international level, the importance of indigenous and local knowledge for biodiversity conservation has been recognized by the Convention on Biological diversity (1992) which requires Parties to CBD to “respect, preserve, and maintain the knowledge, innovations and practices of indigenous and local communities”.

In fact, indigenous and local knowledge is embedded in the values and social conventions, ethical principles, religious rites, rituals, customs, innovations, and other cultural practices of indigenous peoples. It is part and parcel of a community's identity and forms the foundation of community livelihoods, connecting people to their land and its natural resources. Indigenous life is, in fact, collective rather than individual.

### **Conservation Strategies adopted in Bangladesh:**

Protected Areas (PAs) of Bangladesh:

Declaring protected areas has long been the most effective and widespread measure for conserving nature and natural resources around the world; however, the declaration of PAs for biodiversity conservation is rather a new concept in Bangladesh. Protected areas include as per Wildlife (conservation & security) Act 2012, “all sanctuaries, national parks, community conserved areas, safari parks, eco-parks, botanical gardens, national heritage and *kunjaban*.”

Presently, there are 18 notified protected areas (i.e., ten national parks, seven wildlife sanctuaries and one game reserve) in Bangladesh (NSP, 2006). Compared to other regions of the world, this figure is still very poor. The PAs of Bangladesh cover nearly 1.7% of the total landmass of the country, which is the second lowest per capita area under PAs in any country. Also, the PAs of Bangladesh do not effectively represent all the ecosystems, habitats and species important for conservation. At

present, the PAs of the country cover 11.08% of the total forest area of the country and represent hill forests, *Sal* forests and mangrove forest in percentages of 5.22%, 11.24% and 23.3% respectively.

### **Challenges:**

However, PAs in Bangladesh after severe ecological degradation and destruction over the years are facing some major challenges arising out of impractical PA management in the country:

- While the state seeks to keep PA management under its direct control with restriction on human habitation, the indigenous people, on the other hand, want PAs to remain under their management with community people living inside.
- Presence of rural poverty and high unemployment rate in the surrounding of protected areas;
- Conflicts between the Forest Department and local forest-dependent people due to ignoring local people's customary resource use practices;
- Persistent felling of trees with timber value, illegal poaching and overexploitation of other non-timber forest resources;
- Poor and inefficient management facilities due to a shortage of trained personnel, modern equipment, budget deficiencies and corruption;
- The absence of a proper monitoring body and non-implementation or flouting of laws;
- Lack of people's awareness about the importance of biodiversity and ecosystem.
- Approach of the state and the indigenous peoples to conserving biodiversity and ecosystem clashes as the definition of "forest" is not the same to them. While raising plantations is a forest to the state, a large area covered chiefly with natural growth of various

species of trees and undergrowth means forest to the indigenous people.

### **Conservation Practices by Indigenous Peoples:**

Indigenous people traditionally live in 'oneness' with their environment. To that end indigenous people nurture ethics of love and respect for the earth in people's lives, which the traditional people have retained as central to their value system.

Indigenous peoples follow some practices to conserve the soil, water, animals, medicinal and fruit plants, forest and rangeland. They take recourse to selective harvesting<sup>1</sup>, organic farming<sup>2</sup>, crop rotation and intercropping<sup>3</sup>, sacredness of sites<sup>4</sup>, sources and traditional authority<sup>5</sup> (headman's authority) are the main instruments of environmental conservation. Association of some animals and plants with spirits<sup>6</sup> has enabled environmental sustainability. There are taboos associated with some rivers and forests to safeguard them from pollution, abuse and exploitation.

There is also strict observation of moral order amongst traditional societies whereby people observe some ecological ethics such as not to defecate near streams where drinking water is collected from. It is believed that contempt to this prohibition attracts severe sanctions from the deity who owns the stream.

### **Impact of Conservation:**

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<sup>1</sup> For example, indigenous peoples, while harvesting forest resources, never cut down immature or young bamboos/trees etc. to allow forest to grow. So is the case with aqua lives; they never trap them during breeding time/season. They also never collect edible forest products more than they need for their consumption.

<sup>2</sup> Indigenous people always use natural manure e.g. cow dung, green manure for growing vegetables; they also resort to mulching while growing turmeric, ginger etc. to cover & protect the crops.

<sup>3</sup> Shifting cultivation is the best example where seeds of various crops are put together while sowing. As a result, plants of different crops will come out one after another following their respective flowering season.

<sup>4</sup> Indigenous peoples are found to respect specific water bodies where they never catch fish; also they revere rocks which their ancestors respected.

<sup>5</sup> Headman, the customary head of a Mouza (the smallest revenue administrative unit), regulates the management of forest land in his Mouza.

<sup>6</sup> There are some trees which are believed to be associated with some spirits and therefore are respected and protected. For example, banyan tree.

Indigenous peoples all over the world are found to live in forests which were regarded as their commons. They make a living out of them resorting to shifting cultivation, hunting and gathering in the forests and fringes. But today the state has taken control of what used to be their commons. The state laws, rules and institutions no more recognize their customary laws and collective ownership. For example, Bangladesh does not recognize the customary practices of its ethnic minorities living in the hills and the plains relating to the use of their lands. Overall, the conservation practices over the years in Bangladesh have resulted in the following:

- Reservation of forests, since the British colonial rule, has greatly negated the customary rights of different indigenous groups living in forests and the plains.
- Creation of new reserve forest, as part of a plan to extend them, has not only resulted in the eviction of forest dwellers, but also has severely limited the access of forest dependent people, both in the CHT and *Sal* forest zone in other parts of Bangladesh, to their source of foods and livelihoods. Expansion of existing reserve forest on 218000 acres (88221.47 hectares) more lands in the CHT, if implemented, will evict around 200,000 people from their lands. In the meantime, 60/70% of the proposed area has been notified as reserve forest without following the due process of acquisition making the inhabitants of these areas illegal.
- The politically motivated state sponsored settlement of Bengalis on the forestland of the Chittagong Hill Tracts resulted in the alienation of big chunk of their ancestral lands. It also exacerbated the communal conflicts between indigenous peoples and settlers resulting in the marginalization of the former.
- The indigenous communities in the Chittagong Hill tracts have been through massive human rights abuses including large scale massacres, violence against indigenous women for decades primarily for land and forest resources that they had once in their possession.

- Declaration of protected areas which include eco-park, national park and game sanctuaries led to the eviction of scores of indigenous peoples from their lands.
- The forest dependent communities in the plains have to give up shifting cultivation, the mainstay of their livelihood, long time ago under pressure from the state.
- 70,729 acres (28,623 hectares) of forestland in the CHT following a full scale commercial exploitation during Pakistan and Bangladesh period has been handed over to Forest Department for raising monoculture plantation (teak, pulpwood etc.) resulted in severe ecological disaster. Areas under mono-plantation do not attract wildlife as diverse plant species that support such wildlife do not grow there.
- The top soil in the areas under mono-plantation (e.g. teak) is exposed to rains and erodes quickly. This causes landslides. In Kaptai reservoir area the loose soil thus washed down into the reservoir is causing silting of its bed which threatens electricity production and navigation.
- Existing conservation practices e.g. village common forests (VCF) by indigenous peoples in the CHT, instead of being recognized by the state, face acquisition by it jeopardizing the age old indigenous culture, knowledge and practices.
- Caused increased environmental risk due to top down development initiatives as well as illegal settlement of outsiders in the commons of indigenous peoples.
- Economic benefits of forest department or political leaders by commercial plantations.
- Corruption over extraction of forest resources and loss of resources due to theft by forest thugs. But the forest dwellers and forest dependent people are held responsible for this and are sued against in the courts of law by the forest officials.<sup>7</sup>

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<sup>7</sup> Dozens of fake criminal cases are filed against one man who failing to attend court hearings in so many cases in one go had to flee from his village leaving his homesteads and farm land behind.

- Indigenous women are severely affected as their access to forests for collection of food and fuel wood has been greatly reduced.

### **Recommendations:**

During the last few decades a noteworthy area of Bangladesh forests has been converted to other land use practices (e.g., agricultural crop fields, shrimp cultivation etc.) due to country's enormous population pressure. It is now essential to conserve the country's remaining natural forest patches by bringing them under a well-defined management system, ensuring a fair representation of all types of vegetation. However, simply going for conservation, but excluding the needs of the indigenous peoples, cannot stop the rapid loss of biodiversity and destruction of ecosystem, since the indigenous peoples will consider it as ignoring their traditional rights to forests, which they have enjoyed for generations. The Government should immediately consider the following in order to achieve a long-term and effective conservation practices:

- The state should honor and respect indigenous peoples' customary laws and collective ownership rights to land which forms the basic foundation of indigenous culture.
- Implementing poverty reduction strategies around the conservation areas by developing alternative income generating (AIG) activities and providing micro-credit facilities to the forest dwellers and forest dependent people.
- Adopting a participatory conservation management regime which ensures participation of the local people in decision making and benefit sharing.
- Ensure full and effective participation of indigenous peoples while framing policies relating to conserving biodiversity and ecosystem.
- Restore and manage buffer zones as an alternative resource exploitation zone, as well as fixing an allowable resource exploitation limit from the conservation areas; this offers both



ecological and economical sustainability in the local environment and livelihoods.

- Formulate a separate institutional body comprising of relevant stakeholders for the management and monitoring of conservation areas.
- Promote capacity building of conservation managerial staffs by designing specialized courses in the conservation and management of ecosystem.
- Generate and create internal income sources (e.g., selling entry tickets, permissions for photographs, souvenir, etc.) for the sustainable financing of conservation areas.
- Any development activity in and around conservation areas should be bottom up in approach.
- The International Financial Institutions, such as WB, ADB etc. and other donor agencies that have funded forestry projects and provided technical assistance grants need to recognize the underlying factors for ruin of the forest, especially the plantation economy and development actions on the forestlands. They need to consult the indigenous opinion before taking up any development projects (FPIC).