

Natural Resource Management Country Studies

Bangladesh



Photo Devasish Roy

UNDP- RIPP

Natural Resource Management Country Studies

Bangladesh Report

Prepared by:

Sadeka Halim (Ph.D) (Team Leader)
Barrister Raja Devasish Roy (Adviser)
Advocate Susmita Chakma (Junior Consultant)
Sudatta Bikash Tanchangya (Research Associate)

Table of Contents

Glossary	2
1. Introduction	3
1.1. Context	3
1.2 Process Documentation	4
2. Major Natural Resources in the CHT	5
2.1 Government Managed Forests	6
2.2 Community Managed Forests	6
2.3 Swidden Grazing & Other Commons	7
2.4 Water Bodies	7
2.5 Privately Owned Tree Plantations	8
2.6 Other Privately Owned Lands	8
2.7 Mineral & Other Resources	9
3. Law and Policy	10
3.1 National Forest Policy	10
3.1.1 Management of Forestry	12
3.2 National Land Policy	12
3.3 Forestry in CHT	13
3.4 Land Laws of CHT	15
3.5 Customary Land and Forest Laws	16
3.6 The CHT Accord of 1997	17
4. Institutional Framework: Land & Forest Management in the CHT	18
4.1 Land Administration Systems in CHT	18
4.2 Categories of Land Grants in CHT	18
4.3 Department of Forest in the CHT	18
4.4 The Hill District Councils	19
4.5 The District & Sub-District Administrations	19
4.6 The Traditional Administration	19
5. Indigenous peoples and Natural Resource Management	19
5.1 Indigenous Communities & the State Reserved Forests	19
5.2 Resource Management by the Chakma	21
5.3 Resource Management by the Bawm	21
5.4 Resource Management by the Tripura	22
6. Ethnicity, gender, class and natural resource management	22
6.1 Ethnicity & Indigenous Resource Management	23
6.2 Indigenous Resource Management & Class Dimensions	23
6.3 Gender & Indigenous Resource Management	23
6.3.1 Customary Land Rights: Gender Based Discrimination	24
6.3.2 Indigenous Women and Development	26
6.3.3 Denial of Political voice	27
7. The interface between indigenous and state processes of NRM	28
7.1 Indigenous People and Policy-Making	28
7.2 Ownership versus User Regimes	30
7.3 The Legal Status of Customary Resource Rights	31
7.4 Re-Settlement Policy of Landless Bengalis in CHT	34
7.5 Re-Empowering Customary Management Systems	35
8. Conclusions and Recommendations	36
8.1 Acknowledgement of Customary Resource Rights	36
8.2 Advocacy	37
8.3 Policy Reform & Implementation of Policies	37
8.4 Removing Discriminatory Attitudes	38
8.5 Enhancing the Role of Indigenous Peoples	39
8.5.1 Role of Traditional Leaders	39
8.5.2 Role of Local NGOs	39
8.5.3 Role of National NGOs	39
8.6 Promoting Gender and Class Equity in NRM	40

Glossary

ADB	Asian Development Bank
AC (Land)	Represents the DC's land and revenue administration at the upazilla level and is subordinate to the UNO. Where AC (Land) posts are vacant (such as in most upazillas of the CHT), the UNO carries out the functions of the AC (Land).
ADC (Revenue)	Assists the DC in his land and revenue administration duties.
BFD	Bangladesh Forest Department
CEDAW	Convention on the all forms of Discrimination Against Women
CHT	Chittagong Hill Tracts
FD	Forest Department
FGD	Focus Group Discussion
Headman	Head of a mauza and charged with revenue, land and "tribal" justice administration at the mauza level. The Headman supervises the work of the <i>karbari</i> & is responsible to the circle chief and the District Commissioner. HDC
	Hill District Councils
JFM	Joint Forest Management
<i>Karbari</i>	Village chief or elder, an office that is largely hereditary.
ICC	International Criminal Court
NRM	Natural Resource Management
PRSP	Poverty Reduction Strategy Paper
PCJSS	Parbotto Chattagram Jana Samati Samity
RDC	Revenue Deputy Collector. Assists the DC and ADC (Revenue) in the latter's land and revenue administration duties.
RC	Regional Council
RF	Reserve Forest
UNO	Upazila Nirbahi Officer.
UNDP	United Nations Development Programme
Upazilla	A local government unit below the district.
USF	Unclassed State Forest
UP	Union Parishad
VCF	Village Common Forest

1. Introduction

1.1. Context

Since the 1860s, when the Chittagong Hill Tracts (CHT) region was annexed to the British province of Bengal, policy makers approaches to the region have been marked by a desire to make the natural resources of the region profitable to successive administrations. Bangladesh, with an area of a little more than 130,000 square kilometers, is a small country roughly the size of England, but with a staggering population of 130 million. The southeastern Chittagong Hill Tracts region covers about a tenth of the country but the region's population accounts for barely 1% of the national population. There are significant natural resources in CHT including land, forest, fisheries, and water bodies. The major policy imperatives of the British when they administered the region were twofold: (i) to increase revenue earnings; and (ii) to bring forth a stable administrative system. The first was achieved by the Imperial Forest Department appropriating the forest commons of the hill peoples and encouraging plough cultivation, which gave higher yields and consequently higher revenue than *jum* cultivation. The second objective was achieved partly by formalizing the rule of the most influential rajas or chiefs through a uniform system of local administration.

After the birth of Pakistan (1947), the policies of the past were largely followed, but forest conservation proved to be even more difficult. Natural resource constraints and falling harvests from swidden (*jum*) land led to imaginative innovations in horticulture in the 1950s, led by the Bawm and Pangkhua and followed by the Chakma. The construction of the Kaptai Dam in 1960 affected both plough farmers and *jum* cultivators. The Jumias remains uncompensated. In response to the significant loss of farming land many farmers migrated to India or took up *jum* cultivation, an occupation that had been forsaken by their ancestors some generations before. The negative impacts of the Dam encompassing social, political, economic cultural and environmental dimensions were so deep that discontent with its effects fuelled antigovernment feelings and eventually led to the autonomy movement that began in early 1970s. (Roy, 2002b:1) Further, the government's policy to bring thousands of Bengali settlers in to the region, with the help of military and other security forces, created (and continues to create) more pressure on the use of natural resources. In 1979, as part of the anti-insurgency measures, the Government of Bangladesh (1979-1985) re-settled between 200,000 and 450,000 Bengali-speaking migrants from various parts of Bangladesh into all three hill districts of the CHT¹. Reportedly there are still instances of further resettlement through covert government encouragement; however this phenomena requires further investigation. This is reflected in the issuing of commercial leases over CHT lands to outsiders in the 1980s and 90s. One of the effects of these policies was to heighten the political unrest that had started in the early 1970s.

The CHT Accord of 1997 which brought to an end in insurgency has attempted to address many of the vital issues of the region including the issues of land dispute, devolution of land administration authority to the hill district councils, land grants to landless hill people and cancellation of non-resident leases'. However there has been little or no implementation of the terms of the CHT Accord in the ten years since it

¹ For explanation of the differing estimates see Adnan (2004:49).

was signed. Communications infrastructure in the CHT is rudimentary, and it does not have any industries that can have provided alternative employment to agriculture. Therefore, a very large part of the population of the region is dependent upon its natural resources for their sustenance or secondary and tertiary sources of livelihood.

Despite the significant negative impacts of past and present policy approaches and decisions, there are positive developments also. Civil society, including local NGO leaders in the CHT, has become increasingly conscious about land rights, resource conflict, and existing standards for the protection of basic human rights and fundamental freedoms. Vocal representatives of civil society and development practitioners have, in various local, national and international fora, demanded larger roles in the development process for indigenous and rural communities and further democratization of the CHT polity to allow more equitable representation for the less numerous indigenous peoples and for women.

It is against this context that the researchers aim to examine the interface between indigenous systems of natural resource management and the formal government laws and policies applicable in the CHT.

1.2 Process Documentation

The research location is the Chittagong Hill Tracts region in southeastern Bangladesh, encompassing the three hill districts of Rangamati, Bandarban and Khagrachari. The case study attempts to understand existing patterns of natural resource management (NRM). The researchers observe that, in the case of NRM, the major causes of natural resource depletion are policy decisions historically originated from outside the Hill Tracts. Among these are the British colonial policies in the 19th century, and the forest and land policies of the post-colonial nation states of Pakistan and subsequently Bangladesh.

The term ‘natural resources’, according to the indigenous respondents of this research, refers to all types of resources that originate in nature, including soils, hills, forests, rivers and other water bodies - both discovered and latent. Shrubs, herbs and trees grown on lowlands or in the hills, and cattle, animals, insects, reptiles, fish and minerals are all included in the term natural resources. In order to secure a livelihood, the indigenous peoples of the Chittagong Hill Tracts have been using and preserving many of these natural resources for hundreds of years.

The limited nature of available natural resources was already approaching crisis proportions by the 1950s, prior to the construction of the Kaptai Dam in 1960. (Sopher, 1963) A direct consequence of the construction of the Kaptai Dam and the Karnaphuli reservoir it created was the (so far) permanent inundation of two-fifths of the entire plough lands of the Hill Tracts and a large part of the Rangamati Reserve and other small reserved forests, further limiting the available resources in the Hill Tracts.

The majority of indigenous peoples in Bangladesh reside in the frontier regions in the northwest, north, northeast, south and southeast of the country. The hilly portion of southeastern Bangladesh, known as the Chittagong Hill Tracts region, has the largest concentration of indigenous peoples in the country. The largest indigenous groups in the CHT are the *Chakma*, *Marma*, *Tripura*, *Mru* and *Tanchangya*, and together they

make up about 90% of the indigenous population of the region. The other indigenous peoples of the CHT are the *Bawm*, *Chak*, *Khumi*, *Khyang*, *Lushai* and *Pankhua*. The total indigenous population of the CHT, according to the 1991 Census, was 501,144. The Census done in 2001 is not ethnically disaggregated thus fails to project the total number of indigenous population in CHT.

This study acknowledges that both internal socio-economic changes within the CHT and a variety of government-sponsored programmes have led to the erosion of customary resource rights. These include growing number of application for, and issue of, private titles among indigenous people; land occupation by Bengali settlers with the complicity of the security forces, and the subsequent conversion of common forest, swidden and grazing lands into private landholdings.

The Bangladesh state has instituted a variety of policies to address the situation of the CHT, including deployment of the military, population transfer from lowland areas, development policies (forestry development in particular), on-going political negotiations, and limited devolution of authority to semi-autonomous units. These are briefly analyzed in the context of NRM. Further, the social and political dynamics of the different indigenous and settler groups on the basis of ethnicity, class and gender have been analyzed. Finally the study identifies the major gaps and challenges in protecting natural resources and in incorporating indigenous knowledge and systems in state recognized NRM practices to avoid further depletion of natural resources.

This research is based on both primary and secondary data (published books, journals, reports, etc). Primary sources of data collection are based on field visits in three hill districts, observation, interaction through Focus Group Discussions (FGDs) and informal interviews with local leaders, Headman, *karbari*, development workers, and women participants. Unstructured discussions were held in many places, such as in bazaars or market centers, and within reserve forest areas to discuss how previously natural resources were protected in different parts of Rangamati, Bandarban and Khagrachari districts. Personal observation and the research experience of the core researcher and the advisor is also another important tool of data analysis to fulfill the objectives of the research. A local consultation meeting was held in 19 February in one hill district where 60 indigenous participants came from three hill districts, including indigenous participants from Monipuri and Khasi community located in greater Sylhet.

Specific Objectives of the Research

- To review and analyze current laws & policies regarding NRM, land tenure and resource access
- To assess the current situation of access & control over natural resources
- To identify operational guidelines regarding indigenous people's access to NR (Forest, Land, etc).
- To explore the roles of Local and National Institutions
- To identify the gaps and challenges

2. Major Natural Resources in the CHT

The most important categories of lands in the CHT include government managed forests, community managed forests, swidden (*jum*), grazing and grassland commons,

water bodies and privately owned lands. Apart from forest produce and these land types, important natural resources include minerals and gas.

2.1 Government Managed Forests

The reserved forests (“RFs”) constitute the most important category of government-owned forests areas in the CHT, covering about a quarter of the region. In the CHT, they are also the only category of lands directly administered by the Forest Department. Another category of government-managed forests in Bangladesh is protected forests. However, the area of protected forests – whose resource is protected through specific restrictions – is quite negligible in the CHT. Reserve forest areas are divided into a few large areas, and several smaller ones. The smaller RFs together cover only 15,018 acres (24 square miles), while the four largest ones – namely Reingkyong RF, Kassalong RF, Sangu RF and Matamuhri RFs.(Webb & Roberts, 1976: 2).

Remaining stands of natural forest in the CHT are confined to the northern Kassalong RF and the Sangu RF. Large sections of the middle and southern Kassalong RF and the other RFs – apart from the Sangu RF - were converted into planted woodlands, particularly for teak, beginning in the British period, and followed in the Pakistani (1947-1971) period and after the independence of Bangladesh in 1971, up to the present day. Due to the high price of teak, the teak plantations have been badly affected by theft, including through the connivance of corrupt government officials. In some parts, the Department of Forest (DOF) has planted pulpwood and other “softwood” species to provide raw material for paper and pulp industries, particularly around the industrial centres of Kaptai and Chandraghona within Rangamati district. In the creation of both of the above types of plantations, there has been a net loss of biological diversity, and denial of access of indigenous communities.

From a regional CHT perspective, one can see differing situations in different parts of the forest areas. Very large parts of the RFs – particularly the central Reingkyong RF – have been denuded of large tree cover, most significantly since the 1970s (Webb & Roberts). The situation in the northern Kassalong RF and Sangu RF has worsened too, both on account of logging of the remaining natural forests by the BFIDC, accelerated by connecting the road depot at Baghaihat Bazar in Kassalong RF and Alikwadang (“Alikadam”), near Sangu RF, to the national highway network, and the increase of settlements of conflict-affected internally displaced people (Roy & Gain, 1999:22, Roy, 2002: 27). The DOF manages these forests, although the DOF does not appear to have any direct control over the more remote areas. Regional institutions and district and sub-district administrations have little or no role in the affairs of these areas. By default the communities residing in the remoter parts of these areas left to manage their own affairs. Most depend upon swidden or jum cultivation for their major source of livelihood, supplemented with limited cash income from the sale of spices, dried chilly peppers, and cattle (including the semi-wild bison or *Bos Frontalis*).

2.2 Community Managed Forests

The most important category of community-managed forests is the *mauza* forest commons or village common forests (“VCFs”). These are mostly small (average: 50-300 acres), consisting of naturally grown or regenerated vegetation, and are

traditionally managed, protected and utilized by village communities under the leadership of the *mauza* Headmen and village *karbaries* (traditional elders).

The existence of these forests is acknowledged in the CHT Regulation of 1900 (at Rule 41A), the main legal instrument for the administration of the region. A number of ancillary executive orders of the district administrations were passed during the British period (circa 1930s) and in the Pakistan period (circa 1960s), but have otherwise suffered from policy neglect since then (Roy & Halim, 2001b; Roy, 2004 b). Although the law does recognize the existence of VCFs, it does not recognize the full ownership rights of the community concerned or provide express safeguards against alienation and privatization. This responsibility would appear to rest upon the *mauza* headman without whose advise land grants are generally not made in the CHT, although some notable exceptions exist.²

2.3 Swidden Grazing & Other Commons

Apart from the DOF-administered RFs, traditional commons used for swidden cultivation, grazing, gathering of thatch and other grasses, as cremation grounds and graveyards are situated within the *mauza* boundaries, and most are not registered as a separate category of lands in the land registers. The indigenous communities and their headmen and *karbaries*, possess knowledge about them as handed down through the generations. Communities regard these commons as their “property” to manage or use as the community collectively decides, or in some cases, as the influential headmen and *karbaries* suggest. In the eyes of most plains officials of the district and sub-district administrations, these are “*khas*” lands belonging to the state. The same lands are regarded by DOF officials as “unclassed state forests” as they are concerned with “forests”, and all lands in the CHT belong to one or other category of “forest” (Halim & Roy, 2004). From the perspective of indigenous peoples’ resource rights, which are also closely related to conservation and sustainability concerns, the traditional system has both advantages and disadvantages. The major advantage is that the communities may adapt and amend their resource utilization and management patterns at will as long as the community’s consent is there. No legal or documentary formalities are involved. However, the biggest disadvantage is that, as in the case of the *mauza* forests mentioned above, there are no formal written records that recognize these lands as a separate category of forest, utilized community forests for swidden, or grazing or other activities. Therefore, the risk of these lands being taken, especially where the *mauza* headmen are bypassed, or if the headman himself is party to such land transfer. Therefore legal and administrative reforms are required to both maintain such flexibility, and yet bring about entrenched safeguards, including through the vesting of major resource management responsibilities upon an elected local body. In other words, the land management responsibilities of the headmen need to be strengthened while at the same time providing checks and balances upon the headmen’s authority by subjecting it to the scrutiny and consultative prerogatives of the general public of the *mauzas*.

2.4 Water Bodies

² The most well known exceptions were the land grants to Bengali settlers during the population transfer programme of the 1980s, and commercial land leases to non-resident entrepreneurs and industrialists in the 1980s and 90s.

As in the case of forest and other commons mentioned in sections 2.2. and 2.3 above, customary law treats all water bodies as common property, although this is not reflected in the land registry documents, as government officials prefer to regard such resources state property. Some parts of the Karnafuli reservoir have been leased out for fisheries, but so far, privatization of water bodies is not a major issue of contention in the CHT, while this can of course change. Due to massive deforestation of the government-managed reserved forests – including several headwater reserves (isuch as the Maini, Thega, Subalong and others), - river-bank erosion and siltation of the river and reservoir beds is a major problem in the CHT. Ultimately, one cannot but hold the *colonialist* pattern of RF management responsible for this. The stark contrast in the case of the *mauza* reserves illustrates the point; streams and other aquifers situated within the community-managed *mauza* reserve forests are generally well protected from bank erosion and siltation. Had indigenous communities been involved in RF management and ownership, the overall situation of the RFs in the CHT today might have been quite different. Thus, the examples of the RFs suggest that the right of the indigenous communities over these water bodies – as owners and managers – needs to be recognized.

2.5 Privately Owned Tree Plantations

There are two major categories of privately owned tree plantations in the CHT. There are those that belong to non-resident lessees based in major cities outside the CHT, and there are the smaller tree plantations of indigenous farmers and town-dwellers. Although the exact area of these lands is not known, the extent of indigenous people's plantations is much larger than that of the absentee lessees. Teak and gmelina – a valuable timber species – are the favourite species for plantations, with kori and other local species predominating. The system of plantation generally involves the *taungya* method, an innovated form of agro-forestry based upon the swidden or *jum* method whereby a swidden farm includes tree planting along with the usual crops. Thus, after the first, or subsequent harvest of upland rice and other crops, the canopy of the planted teak and other trees – along with that of the naturally regenerated Kori and other trees – spreads and converts the land into a plantation in a few years. This technology has also been used for the government reserves, but official sources seldom acknowledge the indigenous roots of this innovated technology in contravention of the Convention on Biological Diversity (Roy, 2004).

The biggest problem surrounding privately owned tree plantations is the cumbersome and corrupt permit process. According to one estimate, about 50% of the harvest sales value is spent in obtaining permission to bring this same harvest to market (ADB: 38), as a timber extraction and export permit is mandatory. Despite this problem, tree plantations are on the rise, since the timber is a good source of wealth for otherwise impoverished farmers. Simplification of the permit process and government assistance through land grants and credit facilities would greatly enhance tree and bamboo production. Indigenous farmers' plantations are generally far better maintained and protected than the government-owned ones, and this is again another area where the indigenous communities have demonstrated their superior knowledge and management skills, largely unnoticed by policymakers in Dhaka and elsewhere.

2.6 Other Privately Owned Lands

Other relevant types of privately owned lands, excluding market and urban centres, are the orchards and fruit gardens. The most favoured species in the CHT is pineapple, but due to the fickle price and the perishability of the commodity, and the short harvest season, expanded production is not possible. Soil erosion is a serious problem facing orchard farmers. According to soil scientists the soils of the CHT are suitable mainly for forestry and fruit gardens. The sloping lands do not permit irrigation-oriented plough or hoe agriculture. Here too local innovation has produced some positive results, such as in the case of developing banana plantations through an innovated swidden.

2.7 Mineral & Other Resources

In partnership with foreign companies, the government has been exploring the potential for exploiting the gas resources of the Sylhet region. In recent years the Government of Bangladesh has conducted seismic surveys in the CHT in partnership with international gas and oil companies. This has been cause of concern to some people in the CHT because mining may pose a threat to the local environment, and threaten the rights of the *jum* cultivators. The demand of the indigenous leaders is that is that if mining is to be conducted in the CHT, it should only be done with the prior and informed consent of the peoples of the region. Further, if such consent is provided, mining should be done in such a way so as to avoid any dislocation, and to ensure that the hill district council get their share of royalties, as provided for in the CHT Accord of 1997 and the Hill District Council Acts of 1989 (Roy, 2004:2).

Examples of mineral extraction in other parts of Bangladesh do no bode well for further development of this industry in the CHT. In greater Dinajpur in four *upazilla* where approximately 50,000 thousand indigenous people are living (in nine unions and sixty-seven villages) the Asia Energy Corporation (Bangladesh) Pvt Ltd under a Production Sharing Contract (PSC) was planning to establish Phulbari coalmine project. To stop the proposed open-pit extraction of coal, civil society, the National Adivasi Parishad (greater North Bengal), the National Committee for the Protection of Oil, Gas, Mineral Resources, Energy and Port, Citizens Committee for the Protection of Gas, Oil and Coal, under the auspicious of the Economic Association had organized several protest meetings, rallies and seminars. Indigenous activists are arguing that the proposed coal mine is violation of ILO 107. On 26 August 2006 at least seven people were killed and 300 injured as BDR (Bangladesh Rifles) opened fire on a demonstration while it was advancing towards the office of Asia Energy in Dinajpur. Thousands of demonstrators, mainly farmers and indigenous people including women armed with bows and arrows and sticks, joined the protest against the massive eviction and loss of farmland that was expected as a result of the Phulbari coalmine project (Star, August 27, 2006).

This has become the serious concern of indigenous peoples because coal extraction is going to displace them from the ancestral land like their fellow indigenous peoples in CHT when Kaptai dam was built in 1960. Most of the indigenous people living in the flood zone of the Kaptai dam had recorded documents for the land; however the government is disregarding it and has now offered compensation. The government, after negotiating with the protesters, announced that it had agreed to say “no” to Asia Energy and instructed them to wrap up from Bangladesh and no open-pit mineral will be allowed in the country (Star, August 31, 2006). However, Asia Energy in a statement said it has not received any communication from the government that it is

canceling agreements with the company (Star, September 1, 2006). The agreement to withdraw is yet to be implemented by the government. The people from Phulbari are saying that government has betrayed them. The risk of permanent eviction from drilling sites cannot be ruled out. If these matters are not negotiated in an equitable manner it will adversely affect the indigenous people and other Bangladeshi people living within the project area potentially leading to dislocation and further unrest.³

3. Law and Policy

3.1 National Forest Policy

The Government of Bangladesh has several policy documents on forestry. These include the National Forestry Policy (1979 amended in 1994) and the Forestry Master Plan (1994-2013). In addition, the government's policy can also be observed from its various programmes and projects. The First National Forest Policy for Bangladesh of July 8, 1979 was not significantly different from comparable policies of the pre-independence period. It emphasized the need for preservation and 'scientific management' of forests and the optimal extraction of forest produce for economic development and ecological balance. No attention was given to "people's participation" in the management of forest resources in the country (Halim, 1999: 86).

The current forest policy was adopted in 1994 and officially announced on 31 May, 1995 (Bangladesh Gazette, July 6, 1995, pp 241-244). The policy initiated a 20-year Forestry Master Plan (FMP). The Asian Development Bank (ADB) and the United Nations Development Programme (UNDP) took leading roles in preparing the FMP. The plan aims to optimize the forestry sector's ability to stabilize environmental conditions and assist economic and social development. Three imperatives were identified: sustainability, efficiency and people's participation. These agendas are in tune with the Forest Principles, which were adopted along with Agenda 21 at the United Nations Conference on Environment and Development at Rio, in Brazil in 1992 (Mustafa, 2002: 118). In addition to these framework policies, the most important forestry related law of Bangladesh is the Forest Act of 1927 (amended in 2000), from the British period, and which continues to apply – in amended form - in India as well.

Statistics on the extent of forests in Bangladesh tend to vary considerably from one source to another. The Forestry Sector Master Plan (FSMP) is considered as the key reference source; and its statistics are cited widely. According to the FSMP, forested land accounts for 2.56 million hectares or 17.8% of the total land area of Bangladesh. This includes classified forestland (1.49 m ha), unclassified forestland (0.73 m ha), state forestland (2.22 m ha), village forestlands or home gardens (0.27 m ha), and tea estates and rubber gardens (0.07 m ha) (GoB 1993). The Bangladesh Bureau of Statistics (BBS1999) estimates that the total forestland in the country is about 2.25 million hectares, i.e., about 14% of the total land area of Bangladesh. The World Bank (1997) reported that Bangladesh had forest cover of about 1.47 million hectares or 11% of the total land area and that 6% of the forestlands had a tree cover of at least

³ This finding is based on the interviews and FGDs with Anil Marand, Rabindra Shoren, (President & Secretary Jatiyo Adivasi Parishad & others) by the team leader, research associate and the adviser in Phulbari, August 2006.

20%. However, the striking reality is that much of the country's designated 'forestland' is devoid of trees (Khan et.al. 2004: 17). (See Appendix I for stock of Forest).

The forest laws and policies of the British period rejected recognition of community management of forests in favour of management through a government agency, namely, the Forestry Department. This department had two key functions, policing (or enforcement) and administration. It has been observed that the evolution of public forest policy and practice in post-colonial nation states in South Asia (including Bangladesh) manifest two interrelated trends: (i) state-sponsored commercialization of forestry; and (ii) the progressive alienation of forest based communities from forest use and management (Khan, 2001). The depletion of forest resources begun under colonial administrations continued unabated.

The government of Bangladesh has responded to the problem of deforestation in many ways, including by undertaking "social forestry" projects in degraded forest areas, imposing stricter penalties for theft of forest produce, declaration of moratoria on the extraction and sale of certain forest produce and so forth. In 2000, the GoB passed the Forest (Amendment) Act, 2000 (hereafter "*the 2000 Act*"), which amended certain provisions of Forest Act of 1927 and formally introduced the concept of social forestry. This law has however been severely criticized as being "anti-environment" and "anti-people" (Roy & Halim 2001; Halim and Roy; 2006:5; RIPP). The *Social Forestry Rules* of 2004 were passed in accordance with the newly introduced sections 28 (4) and 28 (5) of the 1927 Act. These rules contain detailed provisions for social forestry projects, and ethnic minorities (includes those groups legally classified as indigenous, tribal or aboriginal) are among those that are to be given priority in selection as beneficiaries of the project along with landless people and destitute women (Roy, 2006).

The 1927 Act provided limited scope for recognition of common user rights of the forest dwelling communities. Common lands became revenue lands and government acquired complete control over vast territories. This marked the beginning of "scientific management" of forests that led to the erosion of traditional rights of the people and the erosion of the rich tradition of forest conservation in the subcontinent. Although the underlying aim of the 1927 Act was said to be for the protection of forests, the over-arching aim of raising revenue and meeting industrial needs completely subverted conservationist approaches to forest management (Roy & Halim, 2001a:9).

Some of these measures were provided for in major policy documents such as the successive *National Forestry Policies* of 1979 and 1994 and the National Forestry Master Plan of 1994. Despite improved provisions for people's participation however, the emphasis on raising revenue and meeting industrial needs was not to change. Although forestry programmes of a more participatory nature were also implemented, the Forestry Department has consistently failed in its obligations and commitments to provide extension services to village communities or homestead foresters.

At the international level, the government continues to participate in various fora on forestry and biodiversity. Yet, on the ground, the situation continued to spiral in a negative direction, apart for some very limited exceptions, including the *strip plantation* project that involved the raising of trees on roads, embankment and dam

strips. It is in the strip plantation programme direct participation of people mostly women were ensured and regarded as more participatory. (Halim, 1999).

3.1.1 Management of Forestry

Forests in Bangladesh can broadly be classified into the following categories:

- Hill forests
- Un-classified state forests
- Plain land state forests
- Mangrove forests
- Coastal forests, and
- Home gardens

Classified government forestlands including reserved, acquired and vested forests are managed by the Forestry Department (FD). Privately owned plantations, tea estates, home gardens, etc are under private ownership. Between these two categories are what the Forestry Department refers to as 'un-classed state forests' (USF), which are under the control of the Ministry of Land. The land administration authorities generally regard these areas as *khas* (state-owned) lands while at the same time these lands are regarded by resident indigenous peoples as their traditional commons. These differing perspectives on the ownership and management of these lands, coupled with lack of interagency coordination, especially between the Forest and Land Revenue departments, makes the management of these lands complex. There has been a decline of 17% in the resource base of these forested lands in Bangladesh over the last 25 years (Bhuiyan, 1994; cited in Khan, et al, 2004:20). In comparison, home gardens have been far better managed. In addition, in the CHT there are the community-managed mauza reserves or *village common forests* and small plantations of farmers discussed above.

3.2 National Land Policy

After independence Bangladesh reformed the land laws of the country in the Land Reform Policy of 1972. The major characteristics of this policy are:

- The ceiling of maximum land ownership, which was fixed earlier at 125 acres or 375 *bighas*, was reduced to 33.33 acres or 100 *bighas*.
- The surplus land acquired by the government was decided to distribute among the peasants.
- The new diluvial as well as accelerated land would be acquired by the government and regarded as *khas* land
- Land owners having holding less than 25 *bighas* or 4.33 acres were exempted from paying land revenue
- A law relating to usufructory mortgage was adopted for a period of 7 years.

Further changes were introduced in 1984 with an amended Land Reform Policy which brought about the following changes:

- Reduction of the maximum land ceiling from 100 *bighas* to 62 *bighas*.

- Introduction of an ordinance prohibiting *benami* transactions i.e. purchase or transfer of land in the name of another person to conceal the actual possession of land holding.
- Prohibition of eviction of people from a paternal homestead
- Introduction of an ordinance recognizing the rights of *bargdari* or share croppers whereby the landowner would get one third of the produce and the share cropper one third for his labour and remaining one third would be distributed according to the proportion of the cost of cultivation borne by each

In 1997, the government has additionally created a policy for distribution of *khas* land, identifying the following applicable groups for land distribution.

- Landless families without a homestead and dependent on agriculture
- Landless families with homesteads and dependent on agriculture

It can be seen from these policies and laws that the government has introduced a number of efforts aimed at alleviating poverty and addressing issues of landlessness and mis-management. However the majority of the above described laws remain largely unimplemented. The reasons for such intractable non-implementation of policies over decades are deep seated. Barkat points to issues of inept and corrupt governance, alliances between wealthy and influential people to side-step national law, the innate power structures and class system in Bangladesh, widespread corruption and powerful market forces – among others. (Barkat, et.al. 2001:29-30).

3.3 Forestry in CHT

As mentioned earlier in section 3.1.2, the 1927 Forest Act is the major legal instrument used in the administration of forest management. The Act applies all over the country, but its application to the semi-autonomous CHT region is subject to the extent of its consistency with the CHT Regulation of 1900 and the rules framed there under (Roy, 2002). According to the CHT Regional Council Act of 1998, the government is obliged to consult the CHT Regional Council prior to the passage of any new laws on the hill region, although such consultation did not occur for the 2000 Forest Law amendment. Another recently passed set of rules, the Social Forestry Rules of 2004 which were developed through consultation over some years beforehand, has also been heavily criticized by indigenous people and environmentalists for being contrary to human rights (Roy & Halim, 2001a:6). The SF Rule provide for social forestry programmes involving the Forest Department, NGOs and landless rural residents (Ibid).

Foresters today recognize four kinds of forestland in the CHT. These are as follows:

- Reserved forest or RF which covers about a quarter of the CHT; administered by the FD;
- Protected forests (PF) which covered about 1% of the CHT but most of which have recently been re-categorized as RF; administered by the District Collectorate and forest resources are controlled and managed by the FD;
- Private forests, most of which are owned by small-scale indigenous farmers, except for a few plantations owned by non-resident individuals and companies based in

cities outside the CHT (their extent is unknown); and

- Unclassed state forest or USF which covers the rest of the CHT; USFs are a residual category of partly forested land under the control of the District Collectorate and District Councils, in conjunction with *mauza* headmen, which the indigenous peoples consider as their own forest and swidden commons. (Source: Roy, 2002a: 16-17).

The indigenous peoples of the CHT began to lose control over and access to many of their forests under the British colonial government, which took over the direct administration of the region. The trend of extending state control continued during the Pakistan-administered period (1947-1971) and has reinforced by the successive Bangladeshi governments from 1971 to this day, barring a few exceptions that brought in somewhat more participatory approaches to forest management.

Section 28 (1) of the 1927 Forest Act empowers the government to assign to any community the right to own and/or manage any land that has been declared a reserved forest. Since significant numbers of indigenous people live within reserved forest areas, in the CHT and in other parts of Bangladesh (such as northeastern Sylhet division, in the north-central greater Mymensingh, and within Chittagong and Cox's Bazar districts of Chittagong division), this provision has important implications for their rights. Section 5.1 of this report will discuss the situation of reserved forest communities of indigenous peoples in the CHT and elsewhere. In practice, however, this law has been invoked in a limited manner only in Sylhet division. This means that indigenous communities living in the reserved forests in the CHT, Cox's Bazar and elsewhere continue to have no formally recognized right over the lands in which they live (Roy & Halim 2001a:21 & Roy, 2006: 9). Apart from the provisions for social forestry, the major part of the 2000 Act deals with activities that are prohibited within reserved forest (RFs) and protected Forests (PFs) under sanction of imprisonment. Many RF and PF residents cultivate wet-rice and upland rice in RFs and PFs in the CHT (Roy & Halim, 2001a:13). Thus these types of sanctions have major implications for their rights and livelihoods.

With a narrow interpretation of the 1927 Forest Act, the ownership rights over reserved forests are vested in the state alone, all other minor rights, if any, of RF residents, are regarded at best as 'concessions' (Roy & Halim 2001a:9). The British Indian Forest Department used to consider the categorization of forestlands into "reserved forests" as the most efficient way to manage and protect forests, yet much of these lands were cleared of their natural stands and converted into industry-oriented plantations. This policy is essentially being followed until today by both the successor Pakistani and Bangladeshi Departments of Forest. The Pakistani government (1947-1971) started a number of "softwood" plantations of pulpwood species to feed pulp and paper factories, and this practice of maintaining similar plantations still persists. Similarly, the Government of Bangladesh declared a large part of Kukkachhari *mouza* of Rajasthali sub-district of Rangamati district (which includes the lands of the Khyang people),⁴ as a reserve forest in 1984-85 and trees such as Acacia, Gamar, Kadam (mostly used as pulp wood) were planted. No attempts have been taken to facilitate natural regeneration rather than planting of selected commercial species. The RF in Kukkachhari supplies the raw materials for state enterprises including the Karnafuli Paper Mills (KPM) and other industries. The Khyang community was

⁴ Khyang is one of the indigenous community with a small population (2,343 BBS, 1991). The Khyang community, the smallest and most disadvantaged of the indigenous peoples' 'are on the verge of total eviction from their ancestral land (Skinner, 2005).

displaced in the late 1990s when approximately 100,000 acres of land was declared reserved forest and almost all of the Khyang people have been evicted without compensation (Feeny, 2001). According to PCGSS the government has now undertaken a programme to acquire a further 218,000 acres of land, 72,000 of which fall under direct control of the Bandarban district (Skinner, 2005).

From the 1990s up to the first few years of the new millennium, the government has continued to expand its area of reserved forests within the CHT, a process that has been vehemently resisted by indigenous farmers who rallied round a mass organization known as the *Movement for the Protection of Forest and Land Rights in the CHT* (Roy, C.K., 2000:178-180). The last major forests of heterogeneous stands are confined to small parts of the Kassalong and Sangu reserves.

The USF lands are regarded as being owned by the state, but they also contain the common lands of hill peoples, including those that are used for their homesteads, swidden cultivation, grazing lands, village common forests, and other needs (Adnan, 2004:120). The USFs have been subjected to heavy illicit commercial exploitation. In addition to this, private forests have been built up by a number of hill peoples, involving 'tree farming' on lands under their possession. The largest section of the "USFs" that still contain large trees, bamboo brakes or other dense vegetation and wildlife include the *mauza* reserves or village forest commons that are managed by indigenous village communities. By law, the *mauza* headmen are formally charged with the management and administration of these forests, but there seems to be clear policy neglect concerning the protection of these forests on the part of the government (Halim & Roy, 2006; Roy & Halim, 2001b).

3.4 Land Laws of CHT

Unlike in the case of the forest-related laws, policies on the ownership and use of non-forest CHT lands underwent significant shifts, starting from the British period through the Pakistani period and post-independence Bangladesh. Private leases for plough lands started to be recognized in the first quarter of the 19th century. Private ownership of hillside lands, however, was recognized only since the 1950s (Roy, 2002a; Roy 2002b). However a more drastic change, at least in the eyes of the indigenous people, was to come with the opening up of land ownership within the CHT to non-resident individual and corporate bodies. An amendment to Rule 34 of the CHT Regulation of 1900 in 1971, and then again in 1979 (the 1979 law is almost a verbatim copy of the 1971 law) reducing the area of unclaimed public land that could be settled or leased out to local farmers from 25 acres to 5-10 acres (Roy, 2002:19-20; Roy & Halim, 2003). At the same time, the new law allowed non-residents to acquire land rights within the CHT for homesteads, commercial plantations and industrial plants. In the case of the latter, leases for hundreds of acres could now be obtained (by non-residents) without the knowledge and consent of the Chiefs and headmen, which was hitherto nearly impossible. This was contrary to the letter and spirit of the CHT Regulation, which regarded the CHT primarily as a homeland for its indigenous peoples, and whose primacy with regard to land and resource rights was guaranteed as against outsiders. The main land laws for the CHT are contained in the CHT Regulation of 1900 (Act I of 1900) and in the Hill District Council Acts of 1989.

With a narrow interpretation of the forest and land laws of the CHT, as is usually given by land administration and Forest and Fisheries Department officials, it is the

state which is the absolute owner of these resources. However, when we try to interpret the land and forest laws from a more pluralistic perspective, it is apparent that the state cannot totally exclude the local inhabitants' rights over their common resources, as the people are the owners of all state property according to the national constitution (Roy, 2002: 20, 21). This is also supported by the customary laws of the indigenous peoples as recognized by the CHT Regulation of 1900 and the Forest Act of 1927.

3.5 Customary Land and Forest Laws

Some of the customary laws of the indigenous peoples concerning rights over natural resources are recognized through formal legislation, such as in the CHT Regulation of 1900, and the Hill District Council Acts of 1989, while others are regulated by customs that have never been clearly defined by law. The table below mentions the most important customary resources rights of CHT.

The CHT laws mentioned above contain the most substantial provisions with regard to land administration in the CHT, but these are not the only sources of land law. Other important sources include customary law and the executive orders of the deputy commissioners (who are vested with powers of the collectorate at the district level). Some of the customary rights of the hill people have been directly acknowledged by formal legislation. These include the right to "occupy" homestead land (Rule 50, CHT Regulation) and the right to use timber, bamboo and other "minor forest resources" for domestic purposes (Rule 41A, CHT Regulation, CHT Forest Transit Rules, 1973) (See Appendix II). Some customary rights are indirectly acknowledged by the CHT Regulation, such as the right to engage in *jum* cultivation (Rule 41), and to use forest resources for domestic purposes (Rule 41A) without actually defining such land use as a "right". Rule 41 A of the CHT Regulation is directly protecting forest produce gathering rights. Yet other rights such as regarding hunting and the use of water resources, remain without any formal recognition at all (Roy, 2002b:25). The table below identifies some of these customary rights, including both those that are formally recognized and those that are not.

Table I
Important Customary Resources Rights of CHT

Natural resources	Right Holder	Regularity Law\ Custom	Regulating authority
Homestead lands	Indigenous family	Rule 50, CHT Regulation	Headman
Swidden (<i>Jum</i>) land	Indigenous family	Rule 41, CHT Regulation	Headman, DC
Used Swidden land	Indigenous family	Traditional Customs	Headman
Forest produce	Mauza residents	Rule 41A, CHT Regulation	Headman & Karbaries
Grazing land	Mauza residents	Rule 45B, CHT Regulation	Headman & DC
Grasslands	Mauza residents	Rule 45, CHT Regulation	Headman & DC
Wild game	Indigenous residents	Traditional Customs	Headman & circle chief
Marine resources	Mauza residents	Undefined	Headman
Large water bodies	Mauza residents	Undefined	Headman

Smaller aquifers	<i>Mauza</i> residents	Undefined	Headman
Natural resources	Indigenous family	Standing orders of DC, HDC (Amendment) Acts 1998	Headman & DC

Source: Roy (2002 a)

In addition to the laws specifically mentioned in the table above, other formal laws that directly acknowledge customary resource rights include the CHT Forest Transit Rules, 1973, the CHT Land Disputes Resolution Commission Act, 2001 (Act 53 of 2001)⁵ and the CHT Regulation (Amendment) Act, 2003 (Act 38 of 2003).⁶

In the case of several customary resource rights – such as for swidden or ‘*jum*’ cultivation, over grasslands and grazing lands – the regulating law, the CHT Regulation, 1900 additionally implicitly recognizes the concerned rights.⁷ The 2001 law on the Land Commission and the 2003 law that seeks to amend the system of administration of civil and criminal justice in the CHT both expressly recognizes the “laws, customs and usages of the CHT”. Both of the aforesaid laws were passed in accordance with the provisions of the CHT Accord of 1997.

3.6 The CHT Accord of 1997

Despite its various shortcomings, the CHT Accord of 1997 provides a reasonable basis upon which some of the aforesaid issues can be reasonably addressed, if not redressed in whole. Apart from recognizing the legislative prerogative of the CHT councils, the Accord and subsequent legislation provide two important safeguards for indigenous peoples and other residents of the CHT, although they are yet to be acted upon. One of these is the devolution of land administration to the hill district councils, without whose consent no lands are to be settled, leased out, mortgaged, transferred or compulsorily acquired (section 64, Hill District Council Acts, 1989). The other is the resolution of land related disputes by a Commission on Land that is required to adjudicate in accordance with the “laws, practices and usages of the CHT” (CHT Land Commission Act, 2000) (Roy and Halim, 2003).

The implementation of the CHT Accord has, however, run into severe difficulties (Roy, 2000a; Larma, 2003). Land administration is yet to be devolved upon the hill district councils as stipulated in the 1997 Accord and the Hill District Council (Amendment) Act of 1998. The dysfunctionalities within the CHT administrative system, including the lack of cooperation between the CHT councils and line ministries in Dhaka also needs to be addressed (Roy, 2000.b.).

⁵ Unlike in the case of the 2003 Act, the Land Commission Act, 2001 has been put into effect. However, the Commission, although formed, is not fully functional until now because of complaints that the law itself is contrary to the relevant provisions of the 1997 Accord. See Adnan (2004:178), Roy (2002, 33-34), Roy, (2004: 47).

⁶ The 2003 Act has not been put into effect as of the date of this study.

⁷ Roy (1994:16) writes that “[the CHT Regulation] was not intended to be a declaratory instrument that sought to identify, define and declare various customary rights and privileges, but a regulatory law that sought to regulate already existing rights...”

4. Institutional Framework: Land & Forest Management in the CHT

4.1 Land Administration Systems in CHT

There are two major types of land administration systems currently working in the CHT, one for the reserved forest areas and another for the rest of the region. The latter are administered by the Bangladesh Forest Department (BFD), while the former are administered by several authorities, including traditional headmen at the local levels, by *Upazila Nirbahi* Officers (UNOs) at the *upazilla* or sub-district levels, sometimes aided by Assistant Commissioners (AC) (Land), and the Deputy Commissioners (DCs) at the district level. The DCs are aided by the ADC (Revenue). The DC is responsible to Divisional Commissioner, who is in turn responsible to the Board of Land Administration and the Ministry of Land. In addition, the hill district councils exercise supervisory jurisdiction.

4.2 Categories of Land Grants in CHT

The different categories of land grants and the identity of the authorities concerned are provided in the table below.

Table II
Categories of Land Grants in CHT

Use of land	Identity of Leases	Nature of Grant	Granting authority	Amount (Acres)
Homestead (rural)	Hill people	Freehold	Headman	0.30 acres (0.13 ha)
Homestead (rural)	Any person	Leasehold	DC	Unspecified
Homestead (urban)	Any Person	Leasehold	DC	Up to 0.30 acres (0.13 ha)
Plough cultivation	CHT residents	Freehold	DC	Up to 5 acres (2.25 ha)
Orchard\Plantation	CHT residents	Freehold	DC	Up to 10 acres (4.5 ha)
Commercial plantation	Any Person	Leasehold	DC	Up to 25 acres (11.25 ha)
Commercial plantation	Any Person	Leasehold	Commissioner	Up to 50 acres (22.5 ha)
Commercial plantation	Any Person	Leasehold	Government	Above 100 acres (40.5 ha)
Industries	Any Person	Leasehold	DC	5-10 acres (2.25-4.5 ha)

Source: Roy (2000a)

4.3 Department of Forest in the CHT

In the CHT, the reserved forests are under the charge of two Conservators of Forest who are responsible to the Chief Conservator of Forests who reports to the Ministry of Environment and Forest. Other than for the administration of civil and criminal justice, the CHT self-government system has no role in the administration of these areas.

4.4 The Hill District Councils

The administration of the CHT is pluralistic in that it includes traditional, bureaucratic and elective regional authorities with specific and sometimes concurrent responsibilities (Roy, 2000). The district councils - called *hill district councils* (HDCs) - administer various “transferred” subjects at the district level, like primary education, health and public health engineering, fisheries and livestock, small and cottage industries, etc. In accordance with the Hill District Council Acts of 1989 (as amended in 1998), the HDCs are to exercise the most important land administration powers in the CHT, including on settlements and leases, transfers and compulsory acquisitions. No such parallels exist in the plains. However, in reality, administration of land, forests other than reserved forests, law and order, secondary education, etc. are yet to be formally and fully transferred to the HDCs. The CHT Regional Council (RC) supervises the work of the HDCs, general administration and local government institutions. The vast majority of these offices are held by indigenous people, who are predominantly male.

4.5 The District & Sub-District Administrations

This administrative set-up includes the institutions of the deputy commissioners (DCs), in charge of the administrative districts, and their subordinate staff, including the *Upazilla Nirbahi Officers* (UNOs).

4.6 The Traditional Administration

The areas outside the reserved forests are generally known, administratively, as the “mauza-circle” lands, as they are sub-divided into geographical units known as “circles” under circle chiefs or *rajas*, and below them, “*mauzas*”, under the *mauza* headmen (*mauza* chiefs or heads).⁸ The headmen are responsible for resource management, land and revenue administration, maintenance of law and order, and administration of traditional justice. The headmen in turn are assisted by *karbaries* or village heads, particularly in maintaining law and order and dispensing traditional justice.

5. Indigenous peoples and Natural Resource Management

5.1 Indigenous Communities & State Reserved Forests

⁸ The *mauza* is a unit of land and revenue administration for all parts of the country. In the CHT, however, it is also a unit for civil and judicial administration under the *mauza* headmen (predominantly male and largely from among the hillpeople), who number about 350.

In some state reserve forests, despite numerous instances of oppressive state action including arrest, prosecution, communities have been able to retain their possession, and at least partial control, of their homesteads and farmlands and avoid expulsion from their lands. To illustrate, in the Southern Reinghkhyong reserve near the Farua village the livelihoods of the inhabitants' are based on subsistence-based agriculture. Some farmers have opted for red chillies, tobacco production and *jum* cultivation. Although the state has the absolute *de jure* control over these forests the forest based indigenous communities have become the *de facto* managers of this reserve. In a similar manner in Northern Kassalong most of the inhabitants are internally displaced people exercising *de facto* management and practicing mixed agriculture.

This amount of autonomy over the management of RFs by the forest-based communities is only possible because most of these communities' settlements are in remote locations. It has been observed by the researchers that those forest areas which are physically in remote locations the FD for whatever reason has limited interference and the formal management is extremely weak. These forest-based communities are socially and economically extremely disadvantaged communities and have no choice other than to be dependent on these RFs. Since these inhabitants have no ownership over the trees; these RFs are getting denuded quickly. The researchers further observed that the tendency to grow trees (re-vegetate) is low.

The FD has appointed Forest Headmen (not to be confused with the more influential *mauza* headman in the *mauza* circle areas) to hold the influential leadership positions in the reserve forest areas, apart from the elected chairpersons and the members of the small union council areas (where the union council system has extended). Neither the elected representatives nor the Forest Headmen can exert effective power to take some measures for the communities. This is largely because these Forest Headman have to depend upon the FD to retain their offices, and moreover even they cannot call their homesteads their own land. For instance petitions were sent to the government to de-reserve a small area to enable the community get state subsidies for their school; however such subsidies could not be applied for in accordance with the Education Department rules which required school land to be formally registered as the property of the school managing committee, illegal in a reserved forest area (Roy, 2004; Mexico).

The reserved forest communities are technically quatters on their own lands, and cannot take any strong initiatives to lobby for their land rights and other facilities. They constantly live under the shadow of quit notices and prosecution as illegal squatters on state land, despite having lived in the areas for decades, or centuries. Theoretically, their situation is, in some respects, worse than that of the indigenous inhabitants of the *mauza* circle areas.

In the words of a Taunchangya leader that for the purpose of easy patrolling of the military in Reinghkhyong Reserve many trees have been felled. In this regard forest department could not play any role to stop such felling in terms of the question of providing security in the aforesaid area. Moreover, he pointed out that in Reinghkhyong area approximately 600 acres of forestland is under plough cultivation. The forest-based communities demands for freeing the cultivable forest land and villages from the RF administration and declared them as mauza forest or provide leases against the families living within the RF. Tejendrolal Taunchangya, Former UP Chairman, Farua U.P. Rangamati.

Taungya, a local NGO, and the Forest and Land Rights Committee have assisted forest communities in mobilizing and in community organizing. The election of an indigenous union council member in remote Reinkhyngkine Lake area in 2003 for the first time shows that these communities are eager to engage governmental and development agencies regarding their rights and welfare. It is particularly important because number of inhabitants of the reserved forest has actually increased, rather than decreased, since 19th century, accelerated after the displacement caused by the Kaptai Dam in 1960, and the resettlement of Bengali settlers in the 1980s, coupled with anti-insurgency military operations in the 1980s (IWGIA, 2004:295; cited in Roy, 2004).

5.2 Resource Management by the Chakma

Village Common Forests

A number of traditional institutions, and very recently, some local voluntary organizations, have been among the few who have sought to help protect village common forests through support of the villages responsible. Foremost among these is the CHT-based social organization called Taungya, which focuses on the protection of these forests, the “village common forests” or “VCFs”. The project is supported by the Danish development agency, Danida. Taungya's major activities in the current project are geared towards the achievement of three specific targets; firstly, to raise awareness among the concerned communities regarding their basic rights; secondly, to strengthen the organizational unity and efficiency of these communities, including through the promotion of gender and socio-economic equity; and thirdly, to prevent the privatization of these commons, including by strengthening the security of tenure or communal title of the communities over these lands (Taungya, 2003). The last report on the current project – which has central Rangamati district as its primary area of focus - states that Taungya has been encouraged by indigenous communities within and near its project area to entering a post-pilot phase in a larger area and with an expanded scope of activities.ⁱ A striking feature of Taungya's intervention impacts is the introduction of women into the somewhat more formalized forest management committees for the first time. However, to what extent this is leading to a strengthened role of women in actual decision-making processes of the forest communities concerned, it is perhaps still too early to tell. Moreover, a number of important questions remain with regard to the long-term future of these forests and the impact of Taungya's interventions upon them, and upon the communities who depend upon and manage these commons.

5.3 Resource Management by the Bawm

A Case Study on NRM from Bawm Community

Traditionally Bawm communities used to manage their natural resources. In the words of ex-Upazilla Chairman Daowlian Bawm (70 Years old) when the population size was small and land was abundant then they would have boundaries determining their community lands. Within the community land they would have *jum* fields, homesteads and land to be used for other purposes. According to Dawlian this arrangement of use of natural resources was managed in consultation with the families living within that community For example fishing was allowed according to set rules and if any one found to be killing fish through natural poison would have been fined. He also mentioned that now the government has laws to punish those who still indulge in this activity, although these laws are not implemented.

Currently most of the BAWM communities preserve some 20-25 acres of land surrounding their villages. This they usually term as ‘community forest’. No forest produce collected from the community forest is sold. Only the villagers have access to forest resources for their own consumption. Usually the *karbari*, and sometimes the village Headman if necessary, will consult with the villagers for all matters relating to NRM.

Usually 7-8 persons in a group will get involved to work in the *jum* fields. Old couples, women without partners, and children were exempted from this work. There was a system of 'exchange labour,' locally known in Bawn community as '*bala*' (which is still being practiced in other communities under different names) through which families who did not have able bodied labour could exchange other goods, usually food, for the labour of other people in the community. Also, Dawlian mentioned about another practice relating to *jum* cultivation - that while a *jum* field is being cleared a firing line is prepared collectively and in one day the villagers would set and complete the firing of that field. He pointed out that besides *jum* they produce vegetables, chilles, and paddy, and their main purchased items were salt, matches, scissors and kerosene from the local market. The usual commodities that the communities would sell were mustard seeds and *karpas* cloth. Women in the communities wove their own cloths for use and for sale.

FGD conducted in Ujani Para, Bandarban District (15-12-05)

5.4 Resource Management by the Tripura(edited by SH & Roy)

Nunchari village (Tholi Para) is close to the Khagrachari district headquarters and is inhabited by about 80 families, mainly Tripura. Among the major natural resources of the area are its hills, natural forests and water bodies, including the upstream lake locally known as *Matai Pukhiri* or 'a pond on the top of hills'. The lake is located at an altitude of 1,200 feet above sea level. Lake *Matai Pukhiri* contains stones brought down by the stream that flows into it.

The village's water supply is met by this flow from Matai Pukhiri. Villagers sell the stones to traders and earn a little additional income. However, the number of outsiders participating in stone collection is increasing. The removal of stone is leading to soil erosion and deforestation. Locals believe this will negatively affect the existence of what they believe is the lake god, and consequently, on the people.

Lake Matai Pukhiri has been regarded as one of the most valuable natural resources of this area. The local belief is that a god resides in the lake and that improper use of this lake for bathing and other purposes can incur the wrath of the god. Due to belief in the gods residing in the area, and the god of the lake, the locals have been preserving the natural resources surrounding Matai Pukhiri Hill. The locals also believe that the waterfall at the base of the hill around Matai Pukhiri has a sacred value because it comes down from the pond of the god. They think this is a pure source of drinking water. They worship the god of Matai Pukhiri lake by performing rituals known as *Puja*. They try to keep the water clean and they avoid using the lake water for daily necessities.

Women of the locality usually contribute to household work by collecting vegetables, fuel wood and water from Matai Pukhiri's waterfall and surrounding woods. Male villagers collect wood, bamboo and straw and sell them in the market. The latter also participate in the collection and sale of stone to traders. In this way the joint work of both male and female members of this locality help to provide a livelihood for these people.

The locals pointed out that there has been little governmental restriction on the consumption of natural resources on a commercial scale, and further, that the area is very likely to be declared a Reserved Forest. This would mean that the area's management would be given over to the Department of Forest. This may have severe consequences for the livelihood security of the locals and may even lead to their relocation or undue restriction of their sustainable use of these resources. This would also sever their spiritual connection with Lake Matai and their local god.

6. Ethnicity, gender, class and natural resource management

In order to obtain an in-depth understanding of the role of indigenous peoples in natural resource management in the CHT, it is important to analyze its ethnic, class and gender dimensions.

6.1 Ethnicity & Indigenous Resource Management

Article 28 of the Constitution of Bangladesh outlaws discrimination based on ‘religion, race, caste, sex or place of birth’ and further requires the state to make ‘special provisions’ to protect “backward sections of citizens”. However, such a policy of equality and non-discrimination is not reflected in the government’s land and forest management policies. Such policies actually tend to be both ‘gender blind’ and ‘ethnicity blind’ (in a negative sense). On the contrary, the implementation of such a non-discrimination clause leads to refusal to recognize customary resource rights of indigenous peoples, both in the plains regions, such as in the Madhupur ‘eco’ park, the Maulvibazar ‘national park’, and in the CHT, including through the denial of rights in the existing and new reserved forests areas.

In the special administrative system of the CHT (including the *karbaries*, headmen, chiefs, district and regional councils), indigenous people have a substantive level of participation in resource management in *mauza* circles or “USF” areas, but indigenous representation in the aforesaid institutions is not uniform. Many of the smaller ethnic groups have complained of non-representation or inadequate representation in the CHT governance system although their actual and positive role in natural resource management is quite substantive. Given the structure of the CHT institutions, and the structure of the interim district councils (some ethnic groups excluded), such under-representation cannot be denied. Given the rich store of knowledge, innovations and practices that the smaller indigenous groups are custodians of, it is unjust, and unwise to exclude the small groups’ from their due participation in policy decision-making processes. This goes for both the state system and the special regional institutions

6.2 Indigenous Resource Management & Class Dimensions

As in the case of smaller ethnic groups, the poorer sections of the CHT population are generally excluded from policy-making processes. However it is the poor, and particularly the rural poor, who not only suffer disproportionately from environmental degradation, but are also the major custodians of the country’s natural forests and water bodies. They need to be adequately represented in decision-making processes both on account of their direct experiences and knowledge, and also on account of the fact that poverty and deforestation and resource depletion are causally connected. Natural resource management, particularly in the case of the government-managed RFs and other common resources, has consistently been ineffectual and reductionist, not addressing the root causes of poverty, and there is no sign that this will change. Addressing the livelihood security of forest-adjacent communities, including by offering them a direct share of the income from the RFs and other common pool resources, may reduce tension between indigenous communities and the Forest Department and lead to better management and protection of the resources of the RFs.

6.3 Gender & Indigenous Resource Management

Natural resource management generally involves women more than men because women’s primary responsibilities, such as cooking, fetching water and gathering

firewood, are directly related to the use of natural resources. Women suffer numerous hardships when ecological degradation occurs in forests and other common pool resources. Researchers have pointed out that in developing countries it is women who are the most dependent upon forests for their sustenance (Shiva, 1989; Agarwal, 1989; Halim, 1999).

Promoting and strengthening equitable practices on gender and class (in the sense of socio-economic backgrounds) was regarded as a cross-cutting strategy issue as well as a specific goal of the NRM by the workshop participants and other respondents. Increased participation of women in the affairs of the NRM remains a continuing challenge for the indigenous communities. *The most glaringly negative feature that was perceived in the NRM workshop is the gender-blindness of the people who are concerned with forming committees having NRM functions.* The other troubling feature that was revealed in the workshops was the reluctance of forest-based and other communities to open up the group to new members.

In this context, the role of local NGOs like Taungya is perhaps even bigger than thought, and related challenges in the long term include how to bring changes in the perceptions of men to help them realize that women have as much capacity as men to make rational and intelligent decisions related to development, resource management and their family concerns. Members of Taungya staff working in remote areas have pointed out that management committees running local community forests (“VCFs”) have become more gender-sensitive than before. The number of general members of VCF committees has been increased, and women have become full members for the very first time. These instances of *positive impact of the project interventions might go beyond forest management to actually encouraging greater gender equity practices in CHT rural society in a general way.* This would of course depend upon the extent that VCF community practices are emulated by CHT communities outside of the small project area of Taungya (Halim and Roy, 2006). In this context, the impact of the gender equity components in ongoing development projects – including those funded by the Asian Development Bank and the Hill Tracts Facility managed by the UNDP – need to be studied.

6.3.1 Customary Land Rights: Gender Based Discrimination

The traditional division of labour in developing societies has allocated hazardous tasks as well as those requiring physical strength to men, and work that requires sustained effort and endurance to women. The division is strengthened by taboos and beliefs. Like Bengali women in the plains, the indigenous women of Bangladesh are also traditionally regarded as occupying a lower social standing than the men. Indigenous women’s status is low in terms of the right to inheritance, legal and political rights, decision-making powers and other spheres. One of the most acute problems faced by indigenous women is the denial of their access to customary owned land. Land scarcity among indigenous communities generally affects women more adversely than indigenous men. The inheritance laws of most indigenous peoples, including the most numerous groups such as the Chakma and the Santal, tend to be discriminatory against women. The notable exceptions are in the case of the Khasi in greater Sylhet and the Mandi or Garo in the plains, and to a lesser extent, the Marma in the southern Chittagong Hill Tracts. Apart from the above exceptions, the common trend of the indigenous communities is that only sons inherit landed property.

Some Garo⁹ women respondents pointed to a new trend in their communities whereby sons are allowed a share of the landed property. According to these women, this is largely on account of poverty and unemployment among their male youths. Another possible cause, which however was not discussed formally, was the fear of land passing on to outsider Bengalis through the marriage of Bengali men with Garo women (the same also applied to Khasi women). Thus this too shows an instance of discrimination due to gender, albeit in an indirect manner. A combination of patriarchal tendencies among both Mandi/Khasi and Bengali males marrying Mandi/Khasi women may have contributed to such phenomena and perceptions.

Although the Government of Bangladesh has ratified the ILO Convention on Indigenous and Tribal Populations (Convention No. 107, 1957), which recognizes the customary land rights of indigenous/tribal population groups, it has done little or nothing to protect the land rights of the Mandi/Garo and other indigenous peoples. Although the Constitution of Bangladesh formally recognizes equality irrespective of sex, race, caste or place of birth, in practice such provisions do not seem to have led to equal opportunity and safety for women in formal and informal sectors of work. Mandi women working in beauty parlours are not even entitled to similar rights as day labourers (since such parlours are considered as “informal” sectors) and are thereby deprived of their legal rights (Gulrukh, 2004).

It has been reported by indigenous Garo women from other research areas such as the greater Mymensingh that they play a primary role in production, especially in subsistence-oriented agricultural communities. Despite their contribution to production, these women are not in a position to utilize loans - where they can access some - to buy land. These women reported that sometimes they use their loans to recover mortgaged land, which in most cases is in the names of their male family members. These women also pointed out that if given the chance to buy land, they would do so, and have the same recorded jointly with their husbands. Further, some women respondents stated that they utilize part of the credit to start court cases to recover their alienated lands from Bengali grabbers. Some even managed to obtain decrees in their favour. However, most were still unable to recover possession of dispossessed lands on account of financial and procedural difficulties.

Another important area of concern is personal law dealing with family matters. Family laws deal with five areas of family life, including issues relating to (i) marriage, (ii) dissolution of marriage, (iii) custody of children (iv) guardianship of children and the (v) **restitution of conjugal life**, which are also considered part of citizens ‘religious personal’ lives. In all other areas such as inheritance or adoption, religious laws are applied, although indigenous and tribal peoples are excluded from such laws (both in the CHT and in other parts of the country). Only since 1995 have Family Courts been made available to non-Muslim citizens, applying non-Islamic laws, as a forum for adjudication. (Halim, 2003 a).

However Family courts are not operating in CHT. . In most cases the Headman and *karbari* of the village in CHT resolve dispute caused by a severed marriage, desertion by the husband, and other conjugal disturbances. If the Headman or *karbari*’s decision is disputed by one of the parties, the cases usually come to the respective circle chief. Indigenous women in CHT if required seeks justice from their traditional courts

⁹ This section is derived from the evaluation report of CARITAS where the team leader participated as a Gender Researcher and herself interviewed Garo women in greater Mymensingh, April 2006.

administered by three circle chiefs in three respective districts. It is observed that despite indigenous women's marginal presence in the power structures, these customary structures may actually be more sympathetic towards disadvantaged women than comparable *shalish*¹⁰ in the plains. For instance, in the rural areas of the plains, Bengali women have no voice in the local *shalish*, except NGO modified *shalish* and in most cases the verdict go against them in traditional *shalish*. On the contrary, in CHT, the traditional courts administered by Headman and 'Circle chiefs,' it seems that the judicial persons or bodies do make strong efforts to ensure that indigenous women's rights are treated with respect. This is quite rare in the plains. (Halim et.al. 2005 b: 16-20; Halim, 2006).

Matters that concern family or other disputes, generally fall under the jurisdiction of the Family Court (again with the exception of the CHT). There is a demand of mainstream women leaders for the adoption of uniform family laws covering all aspects of family life, including in the CHT, a demand not hitherto prominent in the women's rights movement. Given the presence of negatively discriminating provisions against women among most Bangladeshi peoples' inheritance laws, including that of the Muslims, Hindus and most of the indigenous or adivasi peoples (the Garo and the Khasi being notable exceptions), a gender-equitable Uniform Family Code that would apply to all peoples in all parts of the country may well be a desirable development. However, it ought to be considered whether that would be the *only* way to bring forth a more gender-equitable system in the case of some, such as (Garo or Khasi women) if not all, of the indigenous or adivasi peoples of the country (Halim, 2003 a).

6.3.2 Indigenous Women and Development

Rather than addressing indigenous women's specific problems, many of the government policies on women aim at the atypical cases of discrimination faced by ethnic Bengali women in the plains. Women from the most underprivileged sections of society are most affected by the depletion of natural resources since they have little or no access to private lands and are therefore highly dependent upon forests for their livelihoods. However, rural women from the middle and higher income classes are also dependent to a large extent upon forest resources where the economy is at least partially subsistence-oriented and where wage labour is scarce both for economic, social and cultural reasons (hill people are traditionally averse to doing domestic labour for others). Thus the problems faced by rural women, both poor and higher income, and including indigenous women, are closely related to environmental problems.

The state-sponsored development programmes in the CHT region remain largely welfare-oriented, and sometimes implemented at the costs of basic rights. They seem to have done little to bring about any favourable changes in indigenous women's lives. These welfare programmes have generally ignored indigenous women's productive role in the economy. Indigenous women, through their traditional role as *de facto* managers of the rural household, have the most intricate knowledge about

¹⁰ *Shalish* is an informal system of justice which has no legal form. It usually involves gathering of village elders, Union Parishad Chair and members and concerned parties, exclusively male for resolving disputes over marriage, dowry money, child custody & sexual assaults. For detail see Halim, S. . (2006). *Access to Justice: Situation of Rural Women and Urban –Rural Migrant Workers in Bangladesh*, in legal empowerment-a way out of poverty, Norwegian Ministry of Foreign Affairs, December 2006-issue2.

forest food items, their nutritional value and herbal medicinal plants. The degradation of natural forests results not only in the extinction of many plants, but also in loss of indigenous women's knowledge of their natural resources, along with the increased burden of having to fetch water and gather food items from places that are farther and farther removed from their homes. Thus the impact of deforestation on indigenous women is not only upon their knowledge systems, economic well-being and health, but on their status in society (Halim, 2002). Unfortunately, women's issues and natural resource issues are viewed separate problems. From the environmental perspective sustainable development emphasizes the prevention of pollution and environment degradation with a concern to contain economic and environmental costs. From the gender point of view, making people and their well being the objective requires that women be both agents and beneficiaries of the development process and social change (Roy and Halim, 2001a:29). Observation in the CHT reveals that women have crucial role in natural resource management. However it is rare for women to be considered full participants in natural resource regeneration and protection programmes, with some local NGOs such as Taungya providing the only exceptions to this.

The other important matter of concern is that the social and cultural contexts of the various indigenous communities are very different and that many of the laws and policies on resource management and other related spheres are not adequate to prevent discrimination against indigenous women. It is usually non-indigenous women's organizations and other development organizations that take up development issues like health issues related to reproductive health, violence against women, educational programmes, natural resource management programmes and land rights. Non-indigenous organizations and policy makers incorporate all these issues without a specific approach to the issues confronting indigenous women, who often face triple discrimination as women, as indigenous and often as the poor as well.

For instance, CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women) is a powerful tool, but fails to mention the right of self-determination for indigenous women. While CEDAW identifies unequal access to education, discriminatory wages, health, violence, human rights violations among the key threats to women, it does not reflect the fact that national policies drawing upon the provisions of CEDAW (for instance SF programmes where women are only taken as beneficiaries) may on occasions perpetuate the discrimination against indigenous peoples. These policies are employed not only as means of erasing their existence as indigenous peoples but also to dispose them of their rich ancestral land-the basis of their culture and survival.

6.3.3 Denial of Political voice

The denial of indigenous women's substantive participation in the political spheres further reinforces their low status in society. They remain invisible in the eyes of the policy makers, who are generally not women, or do not function in de-gendered ways even if a few among them are indeed women (consider the case of the present and former women prime ministers of Bangladesh). Various roles played by indigenous women during the conflict in the CHT were neither nationally awarded or recognized, nor received any formal recognition from their own communities. The struggle of indigenous women for autonomy and peace thus remained invisible next to the struggle of men, as in so many other spheres of women's lives and roles (Halim,

2003:97; Halim et.al. 2005b). Blind spots such as these have led some to refer to the CHT Accord of 1997 as a 'gendered' agreement (Mohsin, 2003:53).

The Accord makes no reference to the human rights violations committed against women in the CHT. There are no provisions for providing compensation to the women affected by violence, and nor is there any mention of rehabilitation, compensation or counseling for victims of sexual violence. This contravenes Bangladesh's responsibilities as a signatory to the International Criminal Court (ICC) convention that considers rape as a crime against humanity.

Women from indigenous communities are facing many different types of human rights violations. The various forms of abuse by Bengali settlers are in the increase. This may be because the settlers, who were mostly confined in military-protected "cluster villages" before, are now far more mobile because of the end of the guerilla war. Militarization, which still continues in the CHT in the name of keeping peace in the region, is resulting in much misery for innocent people, both men and women. Although the 1997 Accord provides for the dismantling of military camps (except for some specified large garrisons), this provision is still to be implemented in substance by the Government of Bangladesh (Halim, 2005 a; Halim et al. 2005 b).

In both the indigenous and in the state's political structures, indigenous women are often excluded from roles of political leadership. In the CHT, under the largely hereditary traditional system of governance, it is almost always men who hold key positions, such as *mauza* headmen, and even more so in the case of village *karbaries*. Apart from two notable exceptions of acting or *de facto* chieftainesses - in the case of in the Chakma Circle in the 19th century, and in the Mong Circle in the 1980s - the position of chiefs also is generally restricted to male heirs, to eldest sons of former chiefs in the case of the Chakma and Mong Circles, and to the fittest and eldest males of the royal family in the case of the Bohmong Circle. This patriarchal tendency is further reflected in the structure of interim regional and district councils in the CHT. In the case of the regional council, only 3 out of 22 members are women, and their voice in decision-making is yet to be heard or otherwise felt. In the case of the interim hill district councils, the situation is even worse, as none of the 6 members from each district council is a woman, excepting the chairperson of the Bandarban Council (Halim, 2002: 137-138).

The aforesaid shortcomings with regard to women's representation in the political and administrative institutions need to be addressed. The national forest, land and environment policies also need to be revised from a de-gendered perspective. Efforts of NGOs such as Taungya to enhance women's representation at village-level forest management need to be supported by governmental and developmental institutions, and mirrored at higher levels of natural resource management practices in particular, and in leadership structures in general.

7. The interface between indigenous and state processes of NRM

7.1 Indigenous People and Policy-Making

It is generally seen that the state's natural resources policies, like its development policies, are yet to directly and substantively acknowledge indigenous people as

legitimate rights-holders and stakeholders.¹¹ Historically, indigenous people have been systematically denied access to lands that were required by the empires, kingdoms or colonizers. The legacies of these past policies have continued in different forms up to the present day, particularly with regard to lands categorized as ‘forests’ or required for state forestry. A horticulture project for the dam-affected people of the 1960s, as mentioned in the box below, illustrates the point poignantly.

When the inhabitants of the middle Karnafuli valley – mostly Chakmas - were displaced by the Kaptai Dam in 1960, they were resettled in several places within the CHT. Some of them were resettled within Rangamati district and encouraged to create fruit plantations with direct government support under the auspices of the *Jum* Control Division of the Forest Department. This project continued until 1967 or so. The Deputy Commissioner was supposed to provide land settlement titles to these farmers but that happened only in a very limited number of cases. These same people are now threatened with eviction by the Forest Department as their lands were under process since the 1990s to be part of new reserved forests.¹²

While the fruit plantation project of the 1960s was solely funded and managed by government agencies (the Forest Department in particular), as was the trend of those days, policy formulation and project interventions on natural resource management in Bangladesh has in recent years been substantively influenced by priorities and perspectives of external donor and lending agencies. Sometimes the interests of these agencies are seen to enter into unhappy alliances with lobbies of vested interest groups within the country. One of the best examples of this dichotomy is the Forest (Amendment) Act of 2000. On the one hand, this Act formally introduces the concept of “social forestry”, while on the other hand, it strengthens policing powers and strengthens the immunity of Forest Department officials from prosecution. It has been said that there is little of ‘social’ or ‘forestry’ dimensions in the model prescribed under this Act, as the major decision-making powers are retained by the Forest Department, and the proposed programmes are oriented towards plantation programmes, rather than forestry (which would include natural regeneration and protection) (Halim, 1999; Roy & Halim, 2001a; Roy, 2002). There are a further two points that are noteworthy with regard to ownership and use rights over lands to be taken up for the SF (Social Forestry) Programs. **Firstly**, the definition of SF program as provided in the new section 28 A of 2000 Forest Act stipulates that SF programme will be carried out on only two categories of lands, the first of which includes land, which is ‘assigned’ to the government. **Secondly**, the 2000 Act authorizes the government to assign rights to others over land involved in the SF programmes, but the assigned rights are limited to user rights only. It seems that the possibility of assigning ownership rights over SF lands has not been considered. The “social” element of the proposed forestry programmes were weakened by providing some responsibility to the proposed participants of social forestry programmes, while keeping the major decision-making powers in the hands of the Forest Department officials (Roy & Halim, 2001).

The National Poverty Strategy Paper (PRSP) published in October 2005 refers to inadequate representation of *adivasis* / ethnic minorities at various levels of

¹¹ This section is mostly based on the comments provided by the representatives of various ethnic communities in a workshop which was held as partial activity of this report in Rangamati, CHT, 19-02-06..

¹² Based on the interviews done by Sudatta Bikash Tanchangya & Raja Devasish Roy with inhabitants of Barudgola, Ballalchara, Kutubdia, Kashkhali and Betbunia *mauzas* of Rangamati district several times between (2005-2006).

government and policy process, limiting their opportunities to influence policy decisions that affect their lives. Among actions recommended by the PRSP are the full implementation of the CHT Accord, activation of the CHT Land Commission and the Task Force on Refugees, resolution of land and forest related problems in the plains (particularly the Eco park) (Roy, 2006).

7.2 Ownership versus User Regimes

As mentioned in 3.5 above, some of the customary resource rights of indigenous people of the CHT have been partially recognized in the CHT Regulation of 1900. The Forest Act of 1927, which applies both in the CHT and in the plains, contains provisions (in section 28) that allow assignment of the government's rights over reserved forests. However, the ambit of the scope of assignment of the government's rights under section new 28A, as introduced by the 2000 Act, in comparison, is decidedly narrower. Section 28 of the 1927 Act allows the government to "*assign to any village community the rights of Government to or over any land which has been constituted into reserved forest...*" Therefore it is clear from the definition of SF as provided in the 2000 Act that government-led SF programmes will henceforth be confined to lands that are either under the ownership of the government or over which the government has been assigned rights by others. The question that arises here is why does ownership over SF lands needs to be vested upon the government when existing trends of resource management worldwide are leaning towards such programmes inclusive and participatory rather than centralized in the hands of government agencies? (Roy & Halim 2001a:22-23).

Indigenous communities in Bangladesh have quite rightly pointed out that they do not have sufficient access to farmlands and even where they do have access to lands, their tenure security is absent due to administrative bottlenecks and conflicts between customary and local laws on the one hand and national laws on the other. Most farmers do not own their own farmlands, leading to under-investment on these lands in terms of capital, labour and other inputs to add value to the farm produce. The proposed state-centric SF programmes are not only contrary to the rights and needs of forest communities, particularly those of indigenous peoples, but are likely to fail due to continued denial of tenure security.

As mentioned earlier in the section 3.5 the ADB has been a crucial actor in designing and supporting SF programmes all over Bangladesh, including in the so-called 'USFs' or *mauza* commons. Human rights activists in the CHT, with support from the civil society groups from the plains, have resisted the proposal of the FD because they pointed out that the model is unsuitable for the CHT as it would provide them less rights than they can now exercise under existing CHT laws, customs and usages. The CHT Regional Council is also known to have disagreed with the proposed programme in the 'USFs' (Roy, 2002 ICIMOD). Similarly, findings from the plains show that where SF has been implemented, the programmes do not account for local people's rights of titles and ownership, including in the Attia Forest area¹³ within greater Tangail District (Halim, 1999).

¹³ The area which is within Attia is 5 km from Tangail district where the team leader did her field work for the PhD dissertation in two villages. The study area was under Attia Zamindary rule. The Government of Bangladesh in 1982 announced the Attia Forest Ordinance for the sal forest area. This law was intended to bring Attia forests under FD management as reserve forest. (Halim, 1999)

There is also a conceptual problem with the notion of ‘USFs’ in CHT. What the Forest Department calls ‘USF’ is regarded as common property of the indigenous communities (Arnes, 1997), and a large part thereof is concurrently regarded as government “*khas*” land by the district land administration authorities under the Deputy Commissioner. Thus these three differing perspectives bring in three differing law and practice regimes – whatever their formal legal status may be – quite often conflicting with each other, especially that between the indigenous communities on the one hand and the government positions on the other.

Another government programme that has brought the indigenous people of the CHT into conflict with the Government is the expansion of the area of RFs by including privately titled and customarily owned lands of indigenous communities and some long-term Bengali residents of the CHT. This has drawn widespread protests from CHT communities, who have rallied around the previously mentioned mass movement, the *Forest and Land Rights Movement in the CHT* (Roy, 2002b; Roy, 2004). Although the government has avoided a conflict with the communities so far in the face of the mass protests and advocacy campaigns – including in the capital city, Dhaka – it is reported that ADB-funded SF programmes are being quietly re-introduced in some parts of the CHT.¹⁴

7.3 Re-Empowering the Status of Customary Resource Rights: The Legal Status of Customary Resource Rights

The tension and potential conflict between customary law regimes and essentially “statist” land and forest laws are yet to be resolved despite the promulgation of the Constitution of Bangladesh in 1972, which declares that the property of the Bangladeshi state belongs ‘to the people’. This tension is particularly high where it concerns rights of “ownership” over common resources. In comparison, the tension in the case of user regimes is far less, especially in the CHT. During the British period (1860-1947), and even up to the post-British period when British-born DCs were posted in the CHT (up to 1955), although full ownership rights over unsettled lands were always regarded as belonging to the state alone, “use” or “usufruct” rights based upon customary laws were acknowledged far more readily.¹⁵ Thus there are formalized laws that recognize the competence of headman to provide settlements of rural homestead plots to hillpeople without the requirement of sanction from the Deputy Commissioner,ⁱⁱ and laws recognizing the right of hillpeople to use, “minor forest produce” from the *unclassed state forests*.ⁱⁱⁱ In recent years, the clearest acknowledgement of customary resource rights was made in the CHT Accord of 1997 and the subsequent *CHT Land Disputes Resolution Commission Act of 2001*, that obliges the CHT Land Disputes Resolution Commission to act “in accordance with the laws, usages and practices of the region” in its decisions on land disputes in the CHT. How these customs, practices, etc. will be treated in practice by the commission, especially when it comes into conflict with codified law, is, however, a matter that remains to be seen. Another recent law that recognizes customary resource rights is the *Chittagong Hill Tracts Regulation (Amendment) Act of 2003* (Act No. 38 of 2003), which, while declaring the extent of jurisdiction to be exercised

¹⁴ Within Rangamati District in Rajsatali, 329 Kaptai mauza FD is implementing SF on USFs which is mostly used for jum by Khyang, Tripuras and Tanchangya communities.

¹⁵ See, e.g., the “Standing Order” of DC, CHT, dated 30.04.1954 as reproduced in Appendix 6, (Roy, 2002 b) which prohibits even the DC himself from issuing timber and related permits without the approval of the chief and headman concerned. See also CHT Forest Transit Rules, 1973.

by the soon-to-be appointed civil judges in the CHT, refers to the “... existing laws, customs and usages of the district concerned”.¹⁶

In the plains region, the overall situation of customary resource rights of indigenous people is far worse. Thus indigenous peoples’ rights over the Madhupur forest, the Attiya forest, and over the Barind tract in the northwest, have been denied through declarations of the former commons as reserved forests, vested forests, acquired forests or private forests. Lands of Santal, Oraon and other Adivasi communities in the Barind tract within the Rajshahi administrative division have been taken over both in the name of government forests (reserved or vested forests) and private forests, and even for “social forestry” in recent times. Likewise, both Bengali and Adivasi communities have suffered due to the unilateral declarations and legislation vesting all rights over the Attia forest upon the government alone, overriding all rights and claims of others (see further, section 7.2). The Madhupur forest - traditionally the home of Garo, Koch, Hajong and other indigenous groups – has seen a long conflict between the Forest Department and local residents, involving court cases, a controversial Asian Development Bank-funded project of the 1980s (Earth Touch, 2004) and the killing of an activist named Piren Snal in January 2004. A similar situation prevails in the Chittagong and Sylhet administrative divisions too, particularly in reserved forests. A singular exception where customary rights were acknowledged to an extent has been in the case of Khasi communities, who have entered into agreements with the Forest Department over parts of RFs inhabited by them, on the basis of section 28 of the Forest Act. However, this is the exception rather than the rule. The only other area where customary resource rights have been indirectly acknowledged is in the controversial Social Forestry Rules of 2004, in which “ethnic minorities” have been included among the disadvantaged groups that will become “beneficiaries” of the social forestry projects of the government.¹⁷

As the above discussion has shown, it is only *some* of the customary resource rights of the indigenous people that have been directly acknowledged by legislation. Moreover, the exact status of many of these laws has never been explored in detail, either through judicial pronouncements or legal commentaries or otherwise. Thus it is unclear how the matter would be decided either administratively, or judicially – in cases of conflict between the aforesaid laws and other statutes. In comparison, the status of the personal and family laws of the indigenous peoples – also based upon customs and usages – would seem to be somewhat higher, and less contested, particularly in the CHT. Thus in the CHT, practices of marriage, divorce, maintenance, child custody, inheritance, etc. are generally regulated by the customary law of the people or community concerned, and this is acknowledged both by legislation and judicial pronouncements, although these rights are not defined by formal laws. In addition, the judicial and other authority of traditional institutions, including the headmen and chiefs, is formally recognized by statute law. In the plains, the indigenous peoples’ personal and family laws are not expressly recognized by statutes, although the same continue to be practiced. However, the judicial institutions of the plains *adivasis* are not formally recognized, and this makes the position of *adivasi* customary law far more precarious.

¹⁶ This law has not been put into effect as yet through a formal gazette notification as is required by law.

¹⁷ Analysis from greater Sylhet is based on the interviews with Pidison Pradhan Suchiang, Chairperson Greater Sylhet, Indigenous Peoples’ Forum, March 2006.

Quite apart from the fact that custom is a recognized source of law under the Bangladeshi legal system, the status of customary laws in the CHT is unique because of three important factors. *Firstly*, so many aspects of the CHT legal and administrative system - including in the CHT Regulation of 1900 itself - have been and still are regulated by customs, usages and longstanding practices, that to deny the legal validity of such customs would leave a huge juridical vacuum in administrative law. *Secondly*, the CHT Regulation and many other enactments did and still do recognize the presence of many customary practices regarding the use of land and other natural resources. *Thirdly*, even where enactments do not specifically acknowledge the existence of customary resource rights, these laws do not necessarily negate the validity of such customs because according to the CHT Regulation (at section 4), all laws apply to the region only "so far as they are not inconsistent with [the Regulation] or the Rules for the time being in force". Therefore, it could be argued quite forcefully that the enactments applicable to the CHT are void to the extent of their inconsistency with these customary laws.¹⁸

Of course, even if the above contention is legally valid, it would still leave the question of the relative status of customary law and other laws unanswered, something that will have to be dealt with by the future CHT Commission on Land when it hears disputes presented before it. The absence of an unambiguous clarification of the status of these competing laws in the CHT Regulation has been thus explained:

"[The CHT Regulation] was not intended to be a declaratory instrument that sought to identify, define and declare various customary rights and privileges but a regulatory law that sought to regulate already-existing rights ... In the case of the special land rights of the indigenous peoples of the CHT, these rights are not theirs because the CHT Regulation] says so, but because [the indigenous people] have been exercising these rights uninterruptedly for so long. The [Regulation] merely contains the provisions relating to the control and regulation of already existing rights." ¹⁹

There is, therefore, a strong case for arguing that the indigenous peoples' customary practices over land have full legal validity as rights, notwithstanding that the government purports to qualify the manner of the exercise of such practices.

In one of the rare instances when a dispute over a customary law matter from the CHT reached the Supreme Court of Bangladesh, the court upheld the concerned customary law and censured the government for acting contrary to the concerned custom.²⁰ This,

¹⁸ Raja Devasish Roy, *Customary Land Rights in the Chittagong Hill Tracts*, paper presented at a seminar on "Land Laws, Land Management and the Land Commission in the Chittagong Hill Tracts" organized by the *Committee for the Protection of Forest and Land Rights in the CHT* in Rangamati, Chittagong Hill Tracts on 7 June, 2002, p. 6.

¹⁹ *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts* in Shamsul Huda (ed.), "Land: A Journal of the Practitioners, Development and Research Activists", Vol. 1, No. 1, pp. 11-25, Dhaka, February, 1994 at p. 56.

²⁰ See, for example, *Aung Shwe Prue Chowdhury vs. Kyaw Sain Prue Chowdhury & Others*, 18 BLD (AD), 33. In this case on the succession to the Bohmong Chiefship, the Appellate Division of the Supreme Court (vide judgment dated 11 December, 1997) held that "Both the Government and the Court have to recognize [the Bohmong Circle's] custom and usage and not to introduce any other criterion or factor which will add to the customary requirements of that office".

however, was a case concerning succession to the chiefship of the Bohmong Circle in the CHT, and therefore, a matter of customary personal law rather than custom-based resource rights. Therefore, the more crucial question is whether the Bangladeshi juridical system, or for that matter, the country's political system, will provide as much space in the context of customary resource rights it has in the case of indigenous customary law (Roy, 2003).

7.4 Settlement Policy of Landless Bengalis in CHT Bengali Re-Settlement & Its Impact on Natural Resource Management

An important development that affected resource management practices in the CHT and led to the violation of the indigenous peoples' rights was the population transfer programme of the 1980s that brought in hundreds of thousands of Bengali people into the CHT under direct government sponsorship. This not only led to a dramatic change in the demographic pattern in the CHT, but also brought in significant changes in the occupational patterns of the CHT communities, many of which affected existing resource management practices.²¹ Officially, low population density in the hills and over-population in the plains were used as the justification for the re-settlement. However, the underlying motive is believed to have been to outnumber the indigenous people and to "pacify" their resistance movement and demands for autonomy, as stated by several CHT researchers (Roy, 1997b; Arens, 1997; Adnan, 2004; Mohsin, 2002; Halim & Roy, 2005).

Respondents at the various workshop meetings and in focus group discussions held in the presence of the researchers claimed that the re-settlement of Bengalis had led to illegal encroachment on indigenous peoples' land, sometimes through the use of false or fraudulent land documents. The then government had decided to allot a combination of hillside lands, plain and paddy lands, and gently slopping or "bumpy lands" to the migrants. However, the Bengali migrants were not interested in hillside lands because they were not acquainted with hillside farming techniques, which are radically different from irrigated-oriented plough farming in the plains. However, CHT did not have much plain and bumpy land available; what little there is was already under the ownership and occupation of CHT residents, both indigenous and Bengali (Roy, 1997: 172). Thus what happened was that the settlers came to gradually re-settle themselves on plainlands and gently sloping lands that were already occupied by local hillpeople, and owned by them on the basis of formal private titles or customary law. In many instances, land-grabbing involved violence, in which state security forces have been directly implicated. Tens of thousands of indigenous people were forced to seek shelter in the remoter hill and forest areas, themselves causing pressure on existing inhabitants of those areas and depleting the available resources (Roy, 2002; Roy, 2004b). The settlers were given 2.5 acres to 5 acres of land and support in the forms of rations (Hume, 2003) which is still being continued till today; while the internally displaced are provided with no such assistance. The settlers were also priority over land with some forest areas in Rangamati being de-reserved for them. Mostly land belonging to indigenous people under customary law was taken and given to Bengali settlers (Hume: 2003). The overall impact of the trans-migration programme upon the ecology and natural resources of the region was hugely destructive, leading to deforestation, over-cultivation, inadequate use of fertilizers,

²¹ For detail see 'Occupations and Economy in Transition: A Case Study of the Chiitagong Hill Tracts,' by Raja Devasish Roy in *Traditional Occupations of Indigenous and Tribal Peoples: Emerging Trends*, ILO, 2000 b.

hill-cutting, landslides and soil erosion, and the contamination of rivers, lakes and other aquifers (Chakma & Hill, 1995).

7.5 Re-Empowering Customary Management Systems

The researchers will argue that strengthening customary management systems is the best way to reduce tension between state and customary systems, create synergy, and facilitate sustainable management.

The huge depletion of natural resources in Bangladesh, especially in the reserved forests and other state-managed forests and other natural resources, has gone hand in hand with centralized decision-making and a visibly weakened role of indigenous peoples in resource management. Among the clearest manifestations of this is the 2000 amendment to the Forest Act of 1927 (Halim, 1999; Roy, 2002b & Roy, 2004). This is not a mere coincidence and the main reason is not difficult to find. Where the rights and interests of the local communities are denied, and where their livelihood security is precarious, they can hardly be blamed if they fail to take steps to take measures to protect something that no longer “belongs” to them. Even where some of their members are party to unsustainable use, or “sale” of produce of such forests, it is a response to the situation in which they have been placed.

The aforesaid difficulties and defects in centralized state forest and natural resource management are not unknown to central policy-making institutions in Bangladesh and elsewhere. In fact, a number of policy shifts have taken place at international and national levels to de-centralize natural resource management practices, particularly in forestry and related fields. The most important international developments in this regard include the Rio Earth Summit in 1992, the Convention on Biological Diversity (including the special Working Groups on Access and Benefit Sharing and on Genetic Resources) that followed the Rio process, and the work of the Intergovernmental Panel on Forests. At the national levels, some of these developments resulted in a more “participatory” mode of forest and natural resource management, albeit with deep flaws. In South Asia, since the 1980s, we have seen the introduction of new models of forestry that were ostensibly far more participatory than before, including the ‘community forestry’ (CF) programmes in Nepal, the ‘Joint Forest Programmes’ (JFM) in India, and ‘participatory forestry’ (PF) and ‘social forestry’ (SF) programmes in Bangladesh.¹ The PF, and later, SF, programmes in Bangladesh did provide a stake to villagers, including a small number of indigenous people in the plains region, but this did not alter the manner in which the government-owned forests – particularly the reserved forests - were managed. The latter remained as state-centric as before, and despite some minor concessions to participatory modes of forest management that were acknowledged in policy documents – such as in the National Forest policies of 1979 and 1994 and in the Forestry Master Plan – they have largely failed to include indigenous people.

In many situations where indigenous communities were left in charge of managing their natural resources, including small forests, water bodies, grazing lands, etc. – largely on account of the locations’ remoteness or because the lands were not state-owned – the resources were seen to be far better managed than in the case of the state-managed lands and forests. Such successful examples include *mauza* forest commons or VCFs and small streams among Chakma villagers in Rangamati district (Halim & Roy, 2006) bison grazing grounds among the Bawm, Khumi, Mro and Tripura in the

highlands of the Bandarban-Rangamati border (Roy, 2004 & 2006). Such successful utilization of indigenous knowledge systems prove that the acknowledgement of the “traditional scientific knowledge” of indigenous communities in Agenda 21 (at Chapter 26) and in the Convention on Biological Diversity (particularly article 8j) has a continuing utility.

8. Conclusions and Recommendations

The regeneration of degraded forests and sustainable management of these and other forests, and other fragile ecological resources, is unlikely to be successful without the active involvement and cooperation of the indigenous peoples and other local communities. This will call for efforts to render existing NRM policies more inclusive, by providing adequate space to indigenous knowledge and practice systems, and by clearly acknowledging the rights of indigenous peoples and their communities, including the key right of secure tenure to customary lands. Possible ways and means to bring about such synergized state-indigenous management are discussed in more detail in subsection 8.1 below.

8.1 Acknowledgement of Customary Resource Rights

Indigenous peoples’ resource rights need to be unequivocally acknowledged. In the CHT, one of the best ways to do this would be to provide stronger recognition to the customary resource rights of the indigenous people following the examples already contained in the CHT Regulation of 1900 and within the broad ambit of such recognition as provided in the CHT Land Disputes Resolution Commission Act of 2001 and in the CHT Regulation (Amendment) Act of 2003. Moreover, section 28 of the Forest Act of 1927 may be invoked to assign rights of government to RF-inhabiting communities, both in the CHT, and in some of the *adivasi*-inhabited parts of the plains regions (such as in the northwestern, north-central and northeastern Bangladesh). This provision is far more equitable towards indigenous communities, and far more likely to result in be successful in promoting state-indigenous forestry, than the over-centralized and bureaucratized system currently practiced by the Forest Department.

Such acknowledgement of existing rights and active inclusion of indigenous peoples must be attuned to their development needs. These priorities may vary from people to people and may also depend upon such factors as education, location (rural/urban), economic situation (class) and sex, among others. Some of the most important issues would include those that were mentioned in the *Rangamati Declaration* of 1998²² that came out of the first people's conference on development in the CHT after the signing of the CHT Accord in 1997 (see Appendix II). Among these, the following are regarded as extremely crucial:

- Just resolution to land dispossession by non-indigenous settlers;
- Autonomy & self-government;^{iv}
- Protection of land & resource rights;
- Health;
- Human development (education for all, capacity-raising of NGOs);
- Protection of language and culture.

²² For detail recommendations see Appendix III.

8.2 Advocacy

In order to resolve land rights disputes in the CHT, it is important to develop effective strategies and tools for advocacy both at the national and international levels. National level advocacy programmes should focus on the implementation of the CHT Accord, and of the recommendations made in the PRSP and other relevant strategy documents. Strengthening the capacity of the both informal (headman, *karbaris* and other community level organizations) and formal institutions on customary laws and practices would enhance advocacy goals.

International advocacy should aim to make effective use of the international intergovernmental processes, including the mechanisms of the UN human rights treaty bodies, the Human Rights Council, and the offices of Special UN Rapporteurs. These should in particular refer to customary laws and practices, including the CHT Regulation of 1900, and crucial provisions of the CHT Accord and post-Accord laws, and international treaties ratified by Bangladesh, all of which are an *agreed* part of the Bangladeshi political and legal system.

Strengthening of existing networks, and creation of further networks would further enhance progress in this regard. Given the situation of extreme political, social and economic disadvantage suffered by most indigenous peoples, this needs to be an integral strategy perspective over the long term.

8.3 Policy Reform & Implementation of Policies

There are differing perspectives on the need for policy reform and policy implementation. Indigenous peoples put a high emphasis on recognition of customary laws and practices, especially upon those that remain wholly or partially unacknowledged. Land and forest officials, on the other hand, along with senior level political leaders and functionaries in Dhaka, have little or no understanding about natural resource management issues in areas outside those that are managed directly by Department of Forest. Thus, their views on policy and policy implementation are largely *ad hoc*, and remain as an obstacle in this regard. This will have to be remedied by efforts to sensitize the district and national-level land and forest administration departments, and political leaders. However, to what extent such support can be mobilized into action on policy reform will depend partly on the strength of the advocacy measures and partly upon the politics of the day.

Further, the implementation of policies in several areas may need to be complemented by detailed administrative guidelines, particularly on account of the absence of knowledge on indigenous culture, and the presence of discriminatory attitudes of non-indigenous officials in government positions. The following, among other, steps could be taken to help remedy this situation.

- Increasing indigenous representation in key decision-making bureaucratic positions;
- Dissemination of information to indigenous peoples regarding their rights;

- Providing greater access to information on indigenous peoples, their language, culture, economic systems and cultivation patterns, etc. to educational institutions, training academics of government functionaries and NGOs;
- Supplementing existing policies with indigenous-focused administrative guidelines and express references to customary laws and practices;
- Accepting the plurality of indigenous peoples' situations. It is vital for the interest of the indigenous peoples themselves that these differences are understood prior to major development interventions being designed and implemented;
- The principle of Free, Prior and Informed Consent (FPIC) must be applied prior to, and during, any major decision-making involving the rights and welfare of the indigenous peoples;
- Acknowledgement of indigenous technology and innovations as rational and scientific (such as practiced in agriculture, forestry, watershed management, etc), in line with Agenda 21 (Chapter 26) and the Convention on Biological Diversity and related processes that include indigenous peoples' representatives;
- Policies to redistribute state-appropriated common forest lands to indigenous communities conditional upon their sustainable use as forests;
- To involve indigenous peoples and other forest-dependent communities in the joint management of state-managed forests and to share the resources of such forests in an equitable and parctiable manner (Roy & Halim, 2003:46-47).
■
- Effective measures taken for the practice of autonomy or self-government by indigenous peoples, especially in relation to development issues, policies and programmes.

8.4 Removing Discriminatory Attitudes

Provision and understanding of correct information would go a long way towards adjusting the discriminatory attitudes that pervade much of the Bangladeshi state with regards to indigenous peoples. There must be acknowledgement of indigenous people's contributions towards the country's political, social, economic and cultural integrity and its development process, in the official versions of the national histories and in other national discourses and public information systems. Government functionaris with major responsibilities on poicy areas impacting on indigenous peoples should be provided with exposure to the reality of indigenous culture, history, life style etc.

State media should provide accurate information on indigenous peoples' social and economic contribution to the state, and information on indigenous knowledge in NRM. Private media should be encouraged to provide similar levels of accuracy.

8.5 Enhancing the Role of Indigenous Peoples

The role of indigenous peoples in the formal development process has been peripheral at best. This needs to be addressed through institutional reforms and capacity-raising initiatives. First, is the representation of indigenous peoples (both men and women), in decision-making, policy reforms and in programme implementation. This could be encouraged and ensured through legal and institutional reforms. Second, is an adaptive approach in participation that would account for the positive aspects of indigenous knowledge systems related to NRM.

8.5.1 Role of Traditional Leaders

The other major challenge is, at least in some cases, the pre-eminence of the traditional leaders (the *mauza* headman or the village *karbari*, as the case might be), which in some instances caused or contributed to conflicts of social class or interests. The last-named matter also had contrary examples where the community voluntarily sought to involve the headman or the *karbari* because of kinship unity or his close links with or influence over the community and district and sub-district senior administrative bodies. Thus, the role of the traditional leaders was seen to have both positive and negative features.

The major challenge, which may be said to be an amalgam of all the above problematiques, is the decision-making process that appeared far less *participatory* than is needed, especially since discussions at most committee meetings tend to be dominated by a few individuals, particularly men. However, to what extent the non-participation of some in the verbal deliberations of the NRM meetings actually can reflect their marginality or not, cannot be understood in depth without further enquiry. It is well to be aware that the authors' impression of dominant or marginal participation in NRM affairs is based upon their notions of what is *participatory*. It cannot be ruled out, therefore, that on account of the limited field studies they have done, the present researchers' understanding of decision-making methods is of a rudimentary level (Roy & Halim, 2005:39). A deeper understanding of the social, cultural and political contexts surrounding leadership and participation issues remains a daunting challenge for NRM actors and researchers on NRM in the CHT.

8.5.2 Role of Local NGOs

The other important challenge lies with the role of NGOs. Pro-people NGO interventions are especially pertinent to the CHT because of the disadvantaged situation of the region's population with regard to access to social extension services of the government. Organizations working to facilitate the spread of formal education, functional literacy, and vocational skill improvements, accelerating women's access to education and training opportunities are still very limited in the CHT. Strong local-level organizations like Taungya and others are important. Pro-people and grassroots-based NGOs can play a strong role in NRM as long as they maintain the requisite balance between inaction and overly active interventions that weaken local self-dependent efforts. Such efforts could act as a strong corollary to the communities' own efforts to bringing further strengthening and 'equitization' of the indigenous committees (Halim and Roy, 2004).

8.5.3 Role of National NGOs

The role of national NGOs in the CHT is quite complex and generally had little or nothing to do with NRM. The orientation of several national NGOs, and micro-credit institutions (like IDF), around the disbursement and collection of micro-credit showed visible concentration in urban and peri-urban settlements (particular in Bengali settlements) – with little relation to NRM activities – and absence or marginal presence in rural and remote areas. Given the lack of knowledge and experience of national NGOs regarding CHT culture and topography, perhaps this is a mixed blessing. As in the case of government agencies, national NGOs too need to be sensitized prior to starting operations in indigenous-inhabited areas. The NGO Bureau Guidelines of the Prime Minister's Office offer a basis for such guidance and direction.

8.6 Promoting Gender and Class Equity in NRM

Bringing about gender equity in NRM in the short term will be difficult without committed support from other actors, including political, social and community leaders, local NGOs and national NGOs due to longstanding gender-insensitive practices based on customary beliefs, religious and social conservatism, or otherwise, but it is a matter that requires consistent and urgent attention.

- - Many policies on indigenous women are aimed at the atypical cases of discrimination faced by ethnic Bengali women in the plains regions. Since the social, cultural and economic contexts in the hill areas and other regions inhabited by indigenous peoples is so different, many of these laws and policies are not appropriate for preventing discrimination against indigenous women. The inadequacies of these policies are however seldom recognised in the national discourses on women's rights, which are dominated by concerns for Bengali speaking and Muslim women, without accounting for the problems faced by minority and indigenous women (Halim, 2002).
 - Other important interventions should be made to address the human rights issues of *adivasi* women who are under-represented in political bodies and local and regional councils; and the lack of funds, necessary for mobilization drives.
 - Raise awareness about the negatively discriminatory inheritance laws towards women belonging to the most of the ethnic groups in the CHT.

It could be finally noted that many actors – including human right workers, development planners, and social scientists – believe that it would be useful to have comprehensive policy regarding the lands and other natural resources of the region to ensure equitable and environmentally sound resource use and practice. It calls for element of participatory justice, (Alston, 2001) as it has become clear that without the involvement indigenous peoples proper implementation of strategies would be useless. Therefore, any new policies that are framed will need to carry out with the indigenous people, including farmers, women, community leaders, and government officials. In any such reforms, the importance of traditional natural resource management process need to be acknowledged as far they are appropriate to the socio-economic and cultural needs of CHT today. Policy reforms also need to be cautious to incorporate representation on the basis of ethnicity, class and gender.

References

- Adnan. S. (2004) Migration, Land Alienation and Ethnic Conflict: causes of Poverty in the Chittagong Hill Tracts of Bangladesh, Research and Advisory Services, Dhaka.
- Agarwal, B (1989) *Rural Women, Poverty and Natural Resources Sustenance Sustainability and Struggle for Change for Change*, In: Economic and Political Weekly, Delhi, India.
- Arens. Janneke. (1997). *Winning Hearts and Minds Foreign Aid and Militarisation in the Chittagong Hill Tracts*, Economic and Political weekly, Vol.32, No 29 July 19, 1997, pp-19-25.
- Alston, P. (eds.) Peoples' Rights, (2001) Vol. IX/2, Oxford University Press.
- Asian Development Bank (2001) *Chittagong Hill Tracts Region Development Plan: Executive Summary*, Rangamati, Bangladesh.
- Barkat, A. et.al. (2001) Political Economy of Khas Land in Bangladesh Association for Land Reform and Development(ALRD), Dhaka, Bangladesh.
- Chakma, K. & Glen, H. (1995). *Thwarting the Indigenous Custodians of Bio-diversity*, in Philip Gain (eds.), Bangladesh Land Forest and Forest People, Society for Environment & Human Development (SEHD), Dhaka.
- Davidson, J. (2000) Social Forestry in Bangladesh and Social Forestry Research at the Bangladesh Forest Research Institute, Consultancy Report. ARMP, Bangladesh Forest Research Institute, Chittagong. 145 pp.
- Earth Touch, (2004) No.8 June, Society for Development and human Development (SEHD), Dhaka.
- Feeny T. 2004 The Fragility of Peace in the Chittagong Hill Tracts Land Situation (Dhaka, CARE, Bangladesh).
- Gadgil, M.; Guhan, R (1992) *This Fissured Land: An Ecological History of India*, University of California Press, Berkley, USA.
- Gain, P. (1998) *The Last Forests of Bangladesh*, Society for Environment and Human Development (SEHD), Dhaka, Bangladesh.
- Gain, P.; et al (1998) *Ways and Means of Capacity Building of Local Organisations in the Chittagong Hill Tracts*, a report prepared for NOVA Consultancy, Bangladesh.
- Gulrukh, Asfia, 2004. . *Ethnicity and Migration: The Case of Mandi Beauty Workers*, Department of Women's Studies, and University of Dhaka.
- Halim, S. (1999) *Invisible Again: Women and Social Forestry in Bangladesh*, an unpublished PhD dissertation, Department of Sociology, McGill University, Montreal, Canada.
- Halim, S. (2002) *Human Rights and the Indigenous Women: A Case from CHT* In: *State of Human Rights in Bangladesh: Women's Perspective*, Women for Women: A Research and Study Group, Dhaka.
- Halim, S. (2003a) *Gender Specific Human Rights Violation in Bangladesh*, in Role of NGO in Effective Implementation of PFA & CEDAW in Bangladesh, NARI, NGO Coalition on Beijing Plus Five Bangladesh (NCBP) pp 59-80.
- Halim, S. (2003 b) *Insecurity of Indigenous Women : A Case from the Chittagong Hill Tracts*, in Indigenous peoples have the right to self-determination, Solidarity, 2005, Bangladesh Indigenous Peoples Forum, Dhaka, Bangladesh, pp-95-105.
- , (2005 a). *Violation of Adivasi Women's Rights: Challenges Ahead*, in Indigenous peoples have the right to self-determination, Solidarity, 2005, Bangladesh Indigenous Peoples Forum, Dhaka, Bangladesh.
- , & Susmita C. & Rajib C. (2005 b). *Gender & Human Rights Violation in Chittagong Hill Tracts: The Post Accord Situation*, Women's Security Paper, Forum on Women in security and International Affairs Bangladesh Freedom Foundation.
- Halim, S. (2006). *Access to Justice: Situation of Rural Women and Urban –Rural Migrant Workers in Bangladesh*, in legal empowerment-a way out of poverty, Norwegian Ministry of Foreign Affairs, December 2006-issue2.

Halim, S. & Roy, D. (2004) Indigenous People's Rights and Equitable Livelihoods in Village Common Forests, Chittagong Hill Tracts, Bangladesh, a forthcoming publication by ICIMOD (Integrated Center for Mountain Development) Nepal.

Halim, S. & Roy, D. (2005) Population Transfer & Ethnic Conflict in the Chittagong Hill Tracts, Bangladesh, NCCR-North-South IP 7 SUB-Project 2, Indigenous Communities and Settlers: Resource Conflicts in Frontier Regions of South and Southeast Asia, Department of Social Anthropology, University of Zurich, March, 2005, (unpublished).

Halim, S. & Roy, D. (2006) Rights Based Approaches in Indigenous Forestry in the Chittagong Hill Tracts, Bangladesh: The Village Common Forest Project of Taungya, Lessons Learned Project (LLP) UNDP/RIPP, Bangkok.

Hume, I. 2003 *The Status of IDPs in the Chittagong Hill Tracts*, in Abrar and Lama eds. Displaced within Homelands: The IDPs of Bangladesh and the Region (Dhaka:RMMRU).

Ishaq, M. (1975) *Bangladesh District Gazetteers: Chittagong Hill Tracts*, Ministry of Cabinet Affairs, Dhaka, Bangladesh.

Khan, A. Niaz et al (2004) An Overview of Social Forestry in Bangladesh, Forestry Sector Project Bangladesh Forest Department, Government of Bangladesh, Department of Public Administration University of Chittagong, Chittagong, Bangladesh.

Larma, Jyotirindra, B. (2003) "The CHT and its Solution, paper presented at the Regional Training Programme to Enhance the conflict Prevention and Peace Building Capacities of Indigenous Peoples' Representatives of the ASIA-Pacific" organized by the United Nations Institute for Training & Research (UNITAR) at Chiang Mai, Thailand 7-12 April, 2003.

Mohsin. A. (2002) Security of Indigenous Women of Bangladesh, paper presented in the dialogue on Security of Indigenous Women of Bangladesh, organized by FOWSIA with Freedom Foundation, Chittagong, Bangladesh.

Mohsin. A. (2003). The Chittagong Hill Tracts, Bangladesh, On the Difficult Road to Peace, International Peace Academy Occasional Paper Series, Boulder, London.

Mustafa, M. Millat-e (2002). A Review of Forest Policy Trends in Bangladesh-Bangladesh Forest Policy Trends, Policy Trend Report 2002:114-121.

Roy, R.D. (1994) *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts* In: Shamsul Huda (ed.), *Land: A Journal of the Practitioners, Development and Research Activists Vol. 1, No. 1*, February, pp. 11-25. Dhaka, Bangladesh.

Roy, R.D. (1997a) *Jum (Swidden) Cultivation in the Chittagong Hill Tracts, Bangladesh*, IWGIA, 'Indigenous Affairs', No. 1, Copenhagen, Denmark.

Roy, Raja Devasish, (1997b). "The Population Transfer Programme of the 1980s and the Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts" in Subir Bhaumik et al (eds.), *Living on the Edge: Essays from the Chittagong Hill Tracts*, South Asia Forum for Human Rights, Kathmandu (1997), pp. 167-208.

Roy, R.D. (1998) *Land Rights, Land Use and Indigenous Peoples in the Chittagong Hill Tracts*, In: Philip Gain (ed), *Bangladesh: Land, Forest and Forest People* (2nd edn) SEHD, Dhaka, Bangladesh.

Roy, R.D. (2000a) *Administration*, In: Philip Gain (ed), *The Chittagong Hill Tracts: Life and Nature at Risk*, SEHD, and Dhaka, Bangladesh.

Roy, R.D. (2000b) *Occupation & Economy in Transition: A case Study of the Chittagong Hill Tracts* in Traditional Occupations of Indigenous and tribal Peoples: Emerging Trends, ILO.

Roy, R.D. (2002a) *Land and Forest Rights in the Chittagong Hill Tracts, Talking Points, 4/02*, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, Nepal.

Roy, R.D. (2002b) Background Study on the Chittagong Hill Tracts Land Situation, CARE Bangladesh, August 2002.

Roy, R. D. (2004). "The Politics of Safeguarding Traditional Resource Rights in the Chittagong Hill Tracts, Bangladesh: An Indigenous Perspective", paper presented at the Tenth Biennial Conference of the *International Association for the Study of Common Property* (IASCP), held in Oaxaca, Mexico, on 9-13 August, 2004 under the panel discussion on "Challenges of Globalizing Commons and Indigenous Peoples of the Eastern Himalayan Region" (12 August, 2004) (unpublished).

Roy, R.D. (2006) The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review, To be published (draft) study conducted at the request of ILO office Dhaka and the ILP Project to Promote ILO policy on Indigenous and Tribal Peoples, July, 2006.

Roy, R.D.; Halim, S. (March, 2001a) *Critique: The Forest (Amendment) Act, 2000 and the (draft) Social Forestry Rules, 2000*, Society for Environment and Human Development (SEHD) Dhaka, Bangladesh.

Roy, R.D., Halim, S. (May, 2001 b) *Valuing Village Commons in Forestry: A Case from the Chittagong Hill Tracts*, In: Chowdhury, Q.I. (ed) *Chittagong Hill Tracts State of Environment*, For a of Environmental Journalists of Bangladesh, Dhaka, Bangladesh.

Roy, R.D. & Philip Gain, (1999) "Indigenous Peoples and Forests in Bangladesh" in Minority Rights Group International (ed), *Forests and Indigenous Peoples of Asia*, Report No. 98/4, London, 1999, pp.21-23,

Roy, R. Chandra (2000). *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts*, Bangladesh, International Work Group for Indigenous Affairs (IWGIA), Document No. 99, Copenhagen.

Sarin, M. (1996) *From Conflict to Collaboration: Institutional Issues in Community Management* In: Poffenberger, M.; McGean, B. (eds.) *Village Voices Forest Choices: Joint Forest Management in India*, Delhi Oxford University Press.

Skinner, J. (2005) *Internal Displacement of Indigenous Communities in the CHT and Rights –based Approaches to Rehabilitation* (an unpublished report for RMMRU) , Dhaka, Bangladesh.

Shiva, V. (1989) *Staying Alive: Women, Ecology, and Development in India*, London: Zed Books.

"Social Forestry Rules (SFR) 2004. Bangladesh Gazzete Notification on 5 December vide: SRO No.-325/Act/2004 Ministry of Environment and forests, Government of Bangladesh."

Sopher, David.E. (1963) *Population Dislocation in the Chittagong Hills*, The Geographical Review , Vol. LIII, New York,

Suhrawardy, B. H. (1995) *Outline of the CHT Economy*, In: Tripura, A. et al (eds). Rangamati, Bangladesh.

Sutter, P. (year not mentioned) *Livelihood Security in the Chittagong Hill Tracts: Findings from a Rural Assessment Undertaken by CARE*.

Tripura, P.; Harron, A (2001) *Prabtya Chhattagrame Jum Chaasher Shamakalin, A Research Report on Current Aspects of Jum Cultivation in the Chittagong Hill Tracts*, Department of Anthropology, Jahangirnagar University, Dhaka, Bangladesh.

Webb, W.E.; Roberts, R. (1976) *Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh: Report on Forestry Sector, Vol. 2*, Asian Development Bank.

Newspaper

The Daily Star, (A National Daily) vol XVI NO.222, Dhaka Sunday August 27, 2006

The Daily Star, (A National Daily), Vol. XVI NO. 226, Dhaka Thursday August 31, 2006

The Daily Star, (A National Daily), vol XVI NO 227, Dhaka Friday, September 1, 2006

Appendix I

Spatial Distribution and Stock of Forest Resources in Bangladesh

Forest Type	Location	Area million Ha (% of land+)	Growing stock million m ³ (stocking ha++)	Remarks
Mangrove (evergreen) Sundarban Coastline	Southwest coast of the Bay of Bengal	0.57 (4.0) 0.11 (0.76)	13.19 (23.1) 5.05 (45.9)	includes 0.17 million ha of water
Hill forest (tropical moist semi-evergreen) Managed reserved Forest, Unclassed state Forests (scrub forest)	Eastern Hill Tracts Eastern Hill Tracts	0.67 (4.65) 0.72 (5.00)	28.32 (42.3) Negligible (Mainly treeless)	
Plain Land Forests (tropical moist deciduous)	Central and northwest	0.12 (0.83)	1.13 (0.94)	

Sub-total government forest		1.19 (15.2)		Excluding
Village Forest Groves (Mixed species)		0.27 (1.87)	54.68 (202.5)	
Total Forest		2.18 (17.1)		Excluding water bodies

Note: + rounding prevents figures from adding up exactly. ++ refers to wood volume, not total bio-mass.
Source: Davidson (2000: 62)

Appendix II

Rule 41 A CHT Regulation 1900

41A. The Headmen is responsible for the conservation of the resources of his mauza. For this purpose any headmen may –

- (a) prohibit the removal of bamboos, timber and other forest produce by residents of his mauza other than for their domestic purpose or by non-residents of his mauza for any purposes;
- (b) excluded any area or areas in his mauza from the jhuming area with a view to keeping such area or areas as a mauza reserve of bamboos, timber and other forest produce;
- (c) prevent newcomers from cutting jhums in his mauza if in his opinion their doing so is likely to result in a scarcity of jhum for his own tenants in future years; and prevent any person from grazing cattle in his mauza when such granting is harmful to his jhuming area

Appendix III

Rangamati Declaration

Rangamati, Chittagong Hill Tracts, 19 December, 1998

Adopted at a Conference on 'Development in the Chittagong Hill Tracts

Convened by

The Forum for Environment and Sustainable Development in the Chittagong Hill Tracts

Welcoming the signing of the Chittagong Hill Tracts Accord of 1997 between the Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti and congratulating the parties to the accord,

Concerned at the slow pace of implementation of the Chittagong Hill Tracts Accord,

Bearing in mind the Rio Conference on Environment and Development,

Reiterating our support to the aims and objectives of Agenda 21,

Recalling that the right to development is a basic human right,

Recognising that human rights, peace, sustainable development and the protection of the environment are interdependent and indivisible,

Recognising that the protection of land and resource rights is closely related to the achievement to sustainable development,

Recognising that the forests of the Chittagong Hill Tracts are the natural habitats of humans as well as animals, plants and other life forms,

Encouraged that rural communities in the Chittagong Hill Tracts have continued to play an important role in the development of the region without governmental and external assistance,

We, the representatives of different peoples, communities and organisations meeting in Rangamati at the Conference on *Development in the Chittagong Hill Tracts* on 18 and 19 December, 1998, proclaim this declaration, to be called the Rangamati Declaration, and recommend that:

The Chittagong Hill Tracts Accord of 1997

1. Measures be undertaken to achieve speedy implementation of the Chittagong Hill Tracts Accord of 1997;

Development Institutions, Policies and Processes

2. All development programmes for the Chittagong Hill Tracts be implemented in consultation with the future Chittagong Hill Tracts Regional Council;
3. The development budgets for the Chittagong Hill Tracts be formulated in consultation with the Chittagong Hill Tracts Regional Council;
4. No development programmes be undertaken in the region without assessing the likely social, cultural and environmental impacts in the region or if it is contrary to the provisions of the Chittagong Hill Tracts Accord of 1997;
5. No development programmes be undertaken in the region except on the basis of proposals by, or with the full, prior and informed consent of, the people of the area concerned;
6. All development programmes, projects and processes be transparent and open to public scrutiny;
7. A development trust fund be established and placed under the control of the Chittagong Hill Tracts Regional Council;
8. The agreed transfer of subjects to the hill district councils be effected expeditiously;
9. The agreed transfer of authority to the hill district councils on the subjects already transferred, and to be transferred, to these councils, be effected expeditiously;
10. The Chittagong Hill Tracts Development Board Ordinance of 1976 be amended to make the structure and process of the Board more democratic and transparent and the Board directly responsible to the Chittagong Hill Tracts Regional Council;

Land

11. No development projects related to land-use on disputed lands be undertaken before the disputes are resolved by the future commission on land;
12. The leases on lands to non-resident individuals and companies that have been illegally left un-utilised be cancelled and vested in the concerned hill district council;

Rehabilitation

13. Those of the returned international refugees who have not already been properly rehabilitated, and all the internally displaced indigenous people, be returned their lands and otherwise properly rehabilitated;

Water Bodies, Their Natural Resources and Biodiversity

14. No Water bodies, including the Karnaphuli reservoir (Kaptai Lake), be leased out or settled in the name of private individuals and companies without the prior consent of, and consultations with, the concerned hill district council and the people of the area concerned;
15. In the event that any part of water bodies, including the Karnaphuli reservoir (Kaptai Lake), is leased out, priority be given to the permanent residents of the area concerned;
16. The water level of the Karnaphuli reservoir (Kaptai Lake) be regulated in consultation with the Rangamati Hill District Council for the interest of the 'fringe-land' farmers. The periodical water level chart so agreed upon (the 'rule curve') be followed and the concerned farmers be provided due information about it;
17. The control and management of all water bodies and their natural resources, including the Karnaphuli reservoir (Kaptai Lake) and its resources, be vested in the concerned hill district council;
18. The introduction of non-local species of fish and other marine life that is harmful to the local environment or biodiversity be prevented;

Forests, Forestry and Biodiversity

19. The Forest Act of 1927, in its application to the CHT, be amended in consultation with the regional and hill district councils, the circle chiefs and the headmen;

20. Logging in the natural forests and their conversion into agricultural lands or plantations be totally prohibited. Similarly, the killing of, and trading in, endangered species of wildlife be totally prohibited;
21. The inhabitants of the areas living in the reserved forests be allowed a just share of the income from the utilisation of the resources of these forests;
22. The hill district councils be involved in the management and administration of the reserved forests;
23. The local residents be involved in the protection and management of the government-owned forests and plantations;
24. The procedures on the extraction and transit of the produce of privately-owned forests and plantations outside of the reserved forests be excluded from the system of extraction and export permits;
25. The village forests ('service' or 'mouza reserved' forests) situated outside the reserved forests be recorded as the common and collective property of the village community concerned;
26. No parts of the reserved forests be de-categorised as reserved forests without the consent of the regional council and the concerned hill district council;
27. The gazetted notifications of the 1980s and 1990s concerning the creation of new reserved forests be revoked and other measures be undertaken in consultation with the hill district councils to undertake community forestry and participatory forestry programmes;
28. The raising of industry-oriented plantations under the ownership and management of permanent residents of the region be assisted with soft-term credit on a long-term basis and no lands be compulsorily acquired for the raising of industry-oriented plantations;
29. The introduction of species of non-local trees and plants that are harmful to the local environment and biodiversity be prevented;
30. The customary rights and privileges of indigenous peoples and their communities over lands and territories in the forest areas be recognised in accordance with the ILO Convention on Indigenous and Tribal Populations (Convention 107) of 1957 and the Convention on Biological Diversity;

Horticulture

31. A horticulture development project in the manner of horticulture projects undertaken previously by the Bangladesh Agriculture Development Corporation (BADC) be started and the local farmers be provided with land grants, soft-term credit and technical and other assistance;

Mineral Resources

32. Mining activities be carried out only in consultation with the concerned hill district council and the Chittagong Hill Tracts Regional Council and in such a manner that they are not harmful to the natural environment or otherwise detrimental to the physical and material well being of the residents of the areas concerned;
33. All CHT residents being adversely affected by mining activities be adequately compensated with land grants and monetary compensation and otherwise rehabilitated in the event that they have to be relocated;
34. The terms and conditions of the compensation agreements between the concerned mining company and the affected people be determined in consultation with the Chittagong Hill Tracts Regional Council;
35. Priority be given to local residents in employing people in connection with the survey and extraction work of mining companies;

Environment

36. Logging, farming, tourism and other activities that are or are likely to be harmful to the environment be stopped and prohibited;
37. Urgent measures be undertaken in the Chittagong Hill Tracts to prevent deforestation and soil erosion in the lands and forests of the region;
38. Urgent measures be taken to protect the environment of the rivers, lakes, streams and other water bodies of the Chittagong Hill Tracts;

Human Development & Capacity Building

39. Special measures be undertaken for human development in the Chittagong Hill Tracts;

40. Special measures be undertaken to enhance the administrative and technical capacities of the local voluntary organisations (NGOs), traditional institutions, local government bodies and the regional and district councils;

Disabled People and Destitute Women

41. Priority be given for the education and employment of disable people;
42. Special measures be taken for providing employment to and in rehabilitating destitute women;

Women

43. All forms of social, cultural, economic and political discrimination against women be prevented;
44. Inheritance laws discriminating against women be amended with the consent of the people/community concerned;
45. Educational curriculums include subjects regarding the rights of women;

Health

46. Programmes of the control and eradication of malaria be re-introduced in the Chittagong Hill Tracts;
47. All hospitals and other medical centres in the Chittagong Hill Tracts be provided with the requisite personnel and equipment;
48. All medical practitioners who are permanent residents of the Chittagong Hill Tracts and are now serving outside the Chittagong Hill Tracts in government institutions be transferred to the Chittagong Hill Tracts;
49. Indigenous students who qualify for entry into the medical colleges in the general entrance examinations be not included within the 'tribal' quota system;
50. Medical colleges be established in the Chittagong Hill Tracts with a quota for indigenous peoples and other permanent residents of the of the region;
51. At least one trained para-medical and at least one trained midwife be appointed in each mouza for the welfare of mothers and infant children;
52. Indigenous and other herbal medical systems be recognised;

Education

53. Primary education be imparted in the mother tongue of the indigenous peoples of the Chittagong Hill Tracts;
54. Teachers of primary schools be employed from among the local people who speak the same language as the majority of the students of the area on a priority basis by relaxing the necessary qualifications and pre-requisites;
55. A Board of Secondary and Primary Education for the Chittagong Hill Tracts be established under the supervision of the Chittagong Hill Tracts regional Council;
56. Free education be provided to all students up to class X;
57. Schools be established on a priority basis in areas inhabited by the more disadvantaged indigenous peoples;
58. Preference be given to the members of the more disadvantaged indigenous peoples in gaining admission into institutions of higher learning;
59. Adequate funds and other assistance be provided to non-formal schools run by village communities;
60. The chairpersons of registered non-government colleges and registered non-government secondary schools be nominated by the regional and district councils, respectively;
61. Women be appointed as teachers on a priority basis;
62. Colleges offering Bachelor of Education (BEd.) courses be established in the Chittagong Hill Tracts
63. Honours and Master's course be fully introduced in the Rangamati Government University College and university colleges be established in the district headquarters of Bandarban and Khagrachari;
64. The involvement of the military in connection with the admission of indigenous students through the reserved quota basis in the medical colleges, engineering colleges and the Agricultural University

be stopped so that these institutions may carry out their admission procedures in an independent manner;

65. The existing quota of reserved seats for indigenous students in the institutions of higher education including those for medicine, engineering and agriculture be increased and a special quota of reserved seats be maintained for the ethnic Bengali permanent residents of the Chittagong Hill Tracts;
66. The residential hostels for indigenous students that were previously running in the district headquarters of the Chittagong Hill Tracts be revived and new hostels for indigenous men and women be established as required;
67. Training institutes for primary teachers (P.T.I.) be established in the district headquarters of Bandarban and Khagrachari;

Culture and Languages

68. The educational curriculum in the Chittagong Hill Tracts include courses on the languages and cultures of the indigenous peoples of the Chittagong Hill Tracts;
69. The languages of the indigenous peoples of the Chittagong Hill Tracts be included as a subject of study in the secondary schools of the region;
70. The existing inaccurate and disrespectful references to the languages and cultures of the indigenous peoples of the Chittagong Hill Tracts in the national educational curriculums be corrected in consultation with the leaders and representatives of the peoples concerned;

Data and Information

71. Measures be undertaken so that the general public have free and easy access to relevant information about the programmes and activities of the government, semi-government institutions and non-governmental organisations in the Chittagong Hill Tracts. Similarly, measures be also undertaken to ensure that relevant information about the social, cultural, economic and environmental conditions of the less developed areas are available to the government, semi-government and non-governmental organisations and institutions operating in the Chittagong Hill Tracts;

Sports

72. The administration and management of the district sports associations in the Chittagong Hill Tracts be handed over to the concerned hill district councils;
73. A regional sports association be established to manage the district sports associations of the Chittagong Hill Tracts and placed under the control and supervision of the Chittagong Hill Tracts regional Council;

NGOs

74. All NGO activities in the Chittagong Hill Tracts be supervised and coordinated by the Chittagong Hill Tracts Regional Council;
 75. Credit programmes by NGOs be conducted in the Chittagong Hill Tracts only in consultation with the Chittagong Hill Tracts Regional Council;
 76. NGOs operating in the Chittagong Hill Tracts be prohibited from charging interest and service charges in excess of the rates allowed by the laws applicable in the region;
 77. No programmes of NGOs that are contrary to the culture and traditions of the peoples of the Chittagong Hill Tracts be allowed;
 78. Local NGOs be given preference in the formulation and implementation of development programmes in the Chittagong Hill Tracts;
 79. Permanent residents of the Chittagong Hill Tracts be given preference in employment by NGOs operating in the Chittagong Hill Tracts.
-