

**International Indigenous Forum on Biodiversity  
Indigenous Peoples Conservation Committee**

**BANGLADESH Report  
on  
Indigenous Peoples and Protected Areas**

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**A VIEW OF KAPTAI LAKE IN CHITTAGONG HILL TRACTS (CHT)**

*Photo taken by Nirmal Kanti Chakma*

## I. Introduction

This is a short report on Protected Areas (PAs) and its effects on the rights of the indigenous peoples (IPs) in Bangladesh. It includes policies and management of the environment, forest, and land related to Indigenous Peoples (IPs) particularly Chittagong Hill Tracts (CHT) and few other parts like Mymensingh and Sylhet. The impact of policies and management of protected areas on the rights of the IPs as well as degradation of the environment, forest and land, is briefly discussed.

Bangladesh covers an area of 56,977 sq. miles or 147,570 sq. km. with a population of 150 million. It was once a part of Bengal Province in the British India and later became a part of Pakistan. It emerged as a nation state in 1971.

Like other regions in British India CHT was an 'Excluded Area' and administered under the "CHT Regulation of 1900." This Regulation was the main instrument until the new administrative arrangement was introduced in 1989 and renewed with the CHT Agreement signed between the Government and the PCJSS (Parbatya Chattagram Jana Samhati Samiti) in 1997.

Mymensingh and Sylhet, which were parts of Assam Province and inhabited by indigenous peoples, were also administered under certain rules of British India. Some provisions on land rights, continued until now under 'The State Acquisition and Tenancy Act of 1950.'

## IP Profile in Bangladesh

There are more than 10 multi-lingual indigenous ethnic groups in CHT, who collectively identify themselves as 'Jumma People' (People of Highland). More than 35 indigenous peoples groups are scattered in other parts of the country. The total population of indigenous peoples in Bangladesh is approximately 3 million, out of which, 0.85 million live in CHT, which covers an area of 5,089 sq. miles or 13,295 sq. km. The IPs in Mymensingh and Sylhet and other parts of Bangladesh have become absolute minority in their own lands. Presently they are scattered and are ruled under general arrangement. In 1947, the population ratio of IPs and Non-IPs in CHT was 98.5% and 2.5% respectively which reduced at present to 55% and 45%.

Bangladesh ratified ILO Convention 169 in 1972, which included IP rights. Bangladesh Constitution **retained** 'The Existing Laws', some of which recognized the existence of IPs and their rights over their lands and natural resources. Yet the Government of Bangladesh denies existence of any IPs in the country. With such denial, the government can hardly pass any positive policy for protection of IP rights in the country. This is especially true in this nation where majority of the rulers are extreme nationalist and fundamentalist with hostile attitude towards the IPs. Naturally, provisions of existing laws have not been executed in the interest of IPs. As a consequence, IP rights on land and natural resources have been grossly violated threatening the existence of their ethnic identity. This as well extremely affected their environment and biodiversity.

## II. National Laws and policies on Protected Area

### 1. Forest Act and Forestry policy

The British Indian Government declared **certain forests** of the natural forest areas of the then British India as protected areas for production of industrial wood and managed under the "Forest Act of 1865". The first Forest Policy was framed in 1894 aiming at collecting revenue from Reserved Forests and allowing people to use forest products. The Reserved Forests used to be the safe sanctuary for wildlife and plants as well.

**For the first time the British Indian Government declared and demarcated 1,224 square miles, which is 24% of CHT as 'Reserve' in 1875.** It was managed under the "Indian Forest Act of 1865," which was amended by the "Indian Forest Act of 1878" and later by the "Indian Forest Act 1927." The local IPs collect woods, bamboo, and other forest products to ensure food security during hard times Other forests were retained under the Land and Revenue Department. Community ownership of the IPs over CHT was recognized. Some natural forests particularly, Mymensingh and Sylhet, which

were inhabited by IPs were declared 'Reserved' and certain IP rights were recognized and enjoyed at a certain extent until the British rule was over in 1947.

In 1995, "The National Forestry Policy of 1994" was announced by the government, the purpose of which is for forestation of the denuded hills in the district/mouza forests, being inhabited by IPs. It also **aims** at increasing the coverage of protected areas to 10% of the Reserve Forest land by 2010.

Since 1992, the Ministry of Environment and Forests issued a series of notices for the creation of Reserve Forests over an area of 89,034 hectares of district/mouza forests.

## **2. Amendment of The Forest Act and The Social Forestry Rule Draft**

In 2000 'The Forest (Amendment) Act of 2000' was passed in the parliament for forestation in CHT and some other parts of the country with the participation of local communities. Eventually, the Government drafted 'The Social Forestry Rule of 2001'. All the local government institutions with IP representation and local people of CHT and IPs of other parts of the country rejected it because of non-recognition of IP rights and improper processes.

## **3. National Environmental Policy**

In 1992 the Government of Bangladesh announced 'The National Environmental Policy of 1992' for ecological protection from natural disaster, sustainable use of natural resources and other related programs. There were 15 identified sectors that included land, forest, wildlife, biodiversity, fishes and livestock. UNDP assisted the Government in coming up with the National Environmental Management Action Plan for 1995 to 2005. The National Environmental Council was made headed by the Prime Minister. **To be participatory, workshops were held in CHT and other parts of the country.** According to the new administrative arrangement, it is mandatory to have consultation with CHTRC and concerned HDCs on legislation and formulation of policy related to CHT. The ministry did not do it.

## **4. Bangladesh Wildlife Conservation Act**

The Government of Bangladesh passed 'The Bangladesh Wildlife (Preservation) Order' in 1973 and was amended as 'The Bangladesh Wildlife (Preservation) (Amendment) Act of 1974'. The government can implement and manage protected area by virtue of 'The Forest Act of 1927', 'The Private Forest Order of 1959' and 'The Bangladesh Wildlife (Preservation) (Amendment) Act of 1974'. But there has been hardly any progress in this respect.

In the 1960s, the government announced two sanctuaries in CHT for conservation of wildlife. These were:

1. ***Pablakhali Wildlife Sanctuary*** - over 42,067 hectares in the southeastern part of Kassalong Reserve Forest (presently in Rangamati Hill District) that was established in 1962. This sanctuary had been affected due to settlement of IPs in the CHT area. and

2. ***Rampahar Sitapahar Wildlife Sanctuary*** - covering an area of 3,026 hectares, which is 5 km. from Kaptai town. The Forest Department took maintenance of it in 1973.

III. Case Studies of the effects of Protected Area Policies on Indigenous Peoples

### **A. Chittagong Hills Tracts (CHT)**

The Government of Bangladesh framed the first Forest Policy in 1979 with an aim to implement a 20-year master plan. Asian Development Bank and United Nations Development Programme (UNDP) funded the plan. In fact, it was purposely made for the deforestation of CHT to combat the armed insurgency of IPs/Jumma people. The Forest Industrial Development Corporation and the Forest Department, initiated massive logging and extraction of bamboos, canes and creepers from the reserve forests. Simultaneously, the Forest Department in collaboration with the Army authority deployed soldiers to combat the armed insurgency through the implementation of the deforestation program, in the guise of forestation programme in other forests of the region.



*Partially denuded hills in CHT*

*Photo taken by Nirmal Kanti Chakma*

Every year, the army soldiers burn down forests of the hills and mountains in the region. It was accelerated with the settlement of half a million political migrants/non-IPs from other districts to CHT between 1979 and 1985 under the government plan to outnumber the IPs. These Non-IPs were resettled on the lands and villages, owned by IPs either collectively or individually. Both the non-IPs and IPs extracted forest products, legally and illegally, as livelihood in collaboration with the Forest Department officials. These activities resulted to extreme pressure and ultimate destruction of the environment.

In May 2005, the government with an aim to outnumber the IPs had taken up another move to allot budget for ration of 28,000 families of non-IPs for their resettlement from other parts of Bangladesh to CHT including Kassalong Reserve Forests. Such move must expedite the degradation of natural forests and environment, thereby resulting to extinction of plants and wildlife in the region.

The CHT Agreement was signed in December 1997 and the process for restoration of IP rights living in the area, commenced. There was a newly set up statutory bodies namely; *Hill District Councils* with executive powers on 33 subjects including management on land, environment and forest (Mouza forests), and the *CHT Regional Council* with supervisory powers on the HDCs, all other institutions of general administration, law and order and economic development in CHT.

According to 'The CHT Regulation of 1900 (1 of 1900)' and 'Rangamati/Khagrachari/ Bandarban Hill District Council Act of 1989' the Forest Ministry cannot acquire any land within CHT without prior approval from the HDCs. However, the IPs and HDCs were not consulted before the passing of said law. In fact, the regulation is a continuation of the deforestation program and land grabbing by the Forest Department to evict the IPs/Jumma people from their own lands. The final purpose is gradually to make the political migrants beneficiaries of the programme.

A delegation of CHT leaders including Chakma Circle Chief Barrister, Raja Devashis Roy went for representation at the Minister of Environment and Forest in August 1998 to revoke the notifications of new reserve forests within CHT. But it yielded no positive result.

### **B. Modhupur Eco-park Project of Netrakona District (Former Mymensingh)**

During the British period until 1947, Modhupur Hills and adjacent areas of Netrakona District (the then Mymensingh District) has been safe home for the Garo and the Koch people, IPs in the area. A part of the Modhupur hills was declared Reserved Forest for the production of industrial wood. The

other forests and lands were under the management of the Garo people and the Koch people. The IPs had been living in the Modhupur Forest for centuries as evidenced by individual legal land titles.

In 1962, the government established an agricultural farm over 500 acres of lands in Modhupur forests where non-IPs from other parts of Bangladesh were gradually resettled. In the same time, the government established a national park over 40 acres of land in the same Forests and resettled non-IPs there. In 1982, the government declared the other part of the Modhupur forest as national park without any consultation and consent from the IPs. As a result, the Garo and the Koch people did not only lost their territory but also have become absolute minority in their own homeland.

The project proposal includes among others the following; 10 picnic spots; 3 cottages; 9 lakes; 6 roads; 2 watch towers; 6 rest houses; several water tanks; 61,000 running feet boundary wall; and 6 staff quarters for the park. The estimated expenditure for the project is Taka 973 million.

The national park covers 20,244.23 acres of land of Modhupur Forest areas, continuation of which means lost of the villages, homes, and cultivated lands of the Garo people. The government has presently declared 3,000 acres of land as Core area and boundary wall is being made around it.

Once this project is implemented, the Garo people will be evicted from their paradise in Modhupur forest areas. Their land rights whether acquired through customs or by virtue of legal documents will be denied by Forest Department. In year 2000, the Forest Department announced the establishment of a new national eco-park over the Modhupur forests inhabited by Garo, which was implemented in 2003. It modified the name from Eco-park to Modhupur National park Development Project. The Garo people protested against the project and sent representation to the government.

On January 3, 2004 thousands of Garo people held a peaceful rally against the Eco-park project. Reacting violently, the police along with the Forest Department armed guard raided and fired a Garo village named Jalabada. A Garo named *Piren Snal* was shot dead on the spot and 25 others including women and children were injured. Among those injured is a ten-class schoolboy named *Utpol Nokrek*, who became physically crippled due to a gunshot wound on the leg. There are 25,000 Garo people presently living in the Modhupur area.

Reacting to this incident and protests, the Minister of Environment and Forest stated in a press conference on 26 January 2004 that the Garo people were unruly mob and the Park project would be implemented.

More than 20 false cases were filed against the indigenous peoples in Modhupur forest. Policemen arrested the leaders and placed them in jail for several days.

### **C. Eco-Park in Moulavi Bazar of Sylhet**

In July 2000, the government of Bangladesh declared and established an Ecopark in Sylhet without any consultation and consent from the IPs. The Ecopark covers an area of 1,500 acres of land inhabited by 1,000 families of Khasi and Garo people in Kulaura of Moulavi bazar District of Sylhet Division.

The Ministry of Environment and Forest created a six- member committee with non-indigenous persons on January 4, 2001. The IPs rejected both the Ecopark project and the creation of the committee. As a sign of protest, the IPs launched a hunger strike in Dhaka on February 22, 2001. Despite said protest against the project, it continued until 2003.

Jyotirindra Bodhipriya Larma, President of the PCJSS, and Chairman of the Bangladesh Indigenous Peoples Forum, visited the area and held public meetings in 2003. He took up the matter with the government.

The government postponed the project. However, there is no assurance that the government will not continue it.

### **D. Alutilla Eco Park of Khagrachari**

In year 2000, the Minister of CHT Affairs along with the Minister of Civil Aviation visited Khagrachari town and declared 500 acres of hilly lands of Alutilla as Eco Park. This is near Khagrachari District Hq. and is inhabited by 200 families of IPs (Particularly Tripura People).

Implementation of the project will mean eviction of the Tripura people. They protested against the project by sending representation to government. The CHT Regional Council and the government-appointed Khagrachari Hill District council joined the opposition. As a result, the government suspended the project but has yet to officially cancel it.

#### **E. Reingkyong Reserve Forests of Rangamati**

Reingkyong Reserve Forests is one of the six forest reserves in CHT. It is situated in the Belaichari and Kaptai Upazillas of Rangamati Hill District. In 1960 a big dam to produce hydro-electricity, affecting 256 sq. miles area was constructed over Karnaphuli, the biggest river of CHT located in Kaptai. The main granary of the region with 40,000 acres of cultivated flat lands was inundated in the Kaptai Lake. 100, 000 IPs were affected, and never received compensation nor rehabilitation. A number of families of them took shelter in the adjacent areas of the Reserve Forests. The Forest Department engaged them in growing trees and bamboos. Later many other families of IPs affected during armed conflicts in 1976-1997 resettled there. They are considered forest villagers with no rights land and forests resources. Employees of the Forest Department frequently file cases against them. Under this condition, approximately 40,000 IPs living in the area can hardly find any future.

#### **IV. Conclusion:**

Bangladesh is a nation state of the Bengali speaking people majority of whom are national chauvinistic and having religious fundamentalist views with hostile attitude toward the IPs. The Government of Bangladesh does not recognize the existence of the IPs. In 1997, an agreement was signed between the Government and the PCJSS. As a result of the said agreement, there is an ongoing transition period for restoration of IP rights and other local communities through devolution of power. Scattered IPs living in the country have uncertain future as their rights and ethnic identity are at stake.

There is degradation of the environment, forest and biodiversity as shown by soil erosion in the hills and mountains of CHT and other regions where IPs live. It is noted that some of the streams and fountains have dried up resulting to lack of drinking water and irrigation. It is inevitable to conserve and improve the environment and biodiversity in the country.

Presently, almost all the forests in Bangladesh lost their covers firstly, due to excessive irregularities in management and secondly, hostile policy of the government for demographic change of IP population in the regions. South Asia had an annual deforestation rate of 0.6% in 1981-1990 whereas Bangladesh reached to 3.3%. The Government authorities generally claim that shifting cultivation was responsible for degradation of forest, environment and soil in CHT. This claim is not true at all. It is very much important to note that during the armed conflict, most of the Reserve Forests in CHT were under the control of the PCJSS armed groups, which allowed restrictive gathering of forest products such as woods and bamboos and hunting of wildlife. This limited extraction of forest products left resources for others. However, as soon as the PCJSS deposited all its arms and its members returned to normal life, all the Reserve Forests were opened for massive extraction of forest resources whether legally or illegally.

The Government has a vision for expansion of protected areas to 10% by 2015. It also has a policy of changing the demographic figure of population through transmigration of non-IPs to IPs populated regions particularly in CHT.

#### **V. Recommendations:**

In Bangladesh most of the areas suitable for protected areas are situated in the IP populated regions including CHT. There is a need to take up some steps and measures for expansion of protected areas in the country. With this in view, the following recommendations be considered:

1. For Bangladesh government to follow the ILO Convention 169 for protection of the rights of IPs;

2. For government to recognize the existence of IPs as provided for in the National constitution;
3. Make national legislation in recognition of customary rights of IPs on lands and natural resources;
4. Ensure participation of IPs in the planning, implementation and benefit sharing of PAs;
5. Establish PAs in Bangladesh with free and prior consent of IPs; and
6. For government to stop transmigration of non-IPs to IP areas.

#### **About the Author**

*Goutam Kumar Chakma* is a member of the Parbatya Chattagram Jana Samhati Samiti (PCJSS), which has been involved in the movement for protection of IP rights [Jumma people] since early 1970s. This included rights over land, forest, environment and biodiversity of Chittagong Hill Tracts (CHT) in Bangladesh. He is also a member of the CHT Regional Council that was set up in 1998 by virtue of the CHT Agreement of 1997.

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