

## GREENING BANGLADESH I

Imagination is more important than knowledge -- Albert Einstein

## State versus people: The forest laws of 2000

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THIS article analyses the likely impact of the forestry-related legislation of 2000 on the rights and welfare of inhabitants of forests and adjacent areas. In the process, it examines the broader question of whether this legislation provides a scope for a more participatory approach to forest management or whether it supports the continuation of the existing manner of forest management that was introduced during the British period and which we consider to be too "statist".

The forestry legislation of 2000 concerns two laws. One of these is the Forest (Amendment) Act of 2000 (2000 Act) - passed in April 2000 - that has amended the Forest Act of 1927. The other law - which is still in draft form and yet to be passed - is the (Draft) Social Forestry Rules (SF Rules) formulated by a special committee constituted by the Ministry of Environment and Forest (MOEF). We have been told that these Rules are to be gazetted in July of this year. Although the 2000 sets out the formal definition of social forestry (SF), it leaves it to MOEF to determine the nature of the model(s) of SF details through the framing of rules and guidelines.

According to the CHT Regional Council Act of 1998, no law is to be made applicable to the CHT without consultations with the CHT Regional Council. Similarly, the concerned hill district councils also have a prerogative of consultation on legislative matters in accordance with the Regional Council Act and the Hill District Council (Amendment) Acts of 1998. We assume, therefore, that the 2000 Forest laws will not be made applicable to the CHT without consultations with the regional and district councils, which, we have been told, have not taken place as yet.

**Background to the Forest Act of 1927: The Empire Strikes at the Commons**

**Policing the Forests:** The Forest Act of 1927 (Act 16 of 1927), based upon the earlier Forest Act of 1878, was formulated during the British colonial period. Subject to certain modifications, the 1927 Act still applies in Bangladesh and in India. The main aim of this legislation was to regulate the administration of different types of forests. More efficient administration of these areas was necessary for two main purposes. One of these was to enhance the revenue earnings from this sector. The other main aim was to ensure the regular supply of raw materials for the military, railroads and other industries both within the then Indian colony and also for export into Great Britain.

The Forest Acts of 1878 and 1927 in turn were influenced by policies set by the *Forest Committee* of India, which was constituted in 1806. This committee aimed to have the government acquire total control over forest resources through a new department to be known as the Forest Department (FD). To enforce this policy, Captain Watson, a police official, was appointed the first *Conservator of Forest* in India. The appointment of a police officer as a conservator indicates the emphasis on the policing aspects of forest administration that inevitably implied the exclusion of indigenous peoples and other forest-dependent communities from forest management. This exclusionary policy met substantial resistance from the concerned communities and the process of this resistance is still seen in varying forms and degrees in India and in Bangladesh.

**Jum Lands to Wastelands to Reserved Forests:** The 1927 Act is largely based upon the Forest Act of 1878. During the formulation of the 1878 Act, the key issue seemed to be how state control could be established over lands managed and controlled by forest-dependent communities. Most of these lands were inhabited by indigenous peoples, who made a living out of cultivating a part of these lands in rotation through the swidden or "jum" method and by using other parts for hunting and gathering. These people did not distinguish between "forest" lands and other lands. This is because jum cultivation was necessarily done on land with forest cover, for the ash from burnt vegetation was essential as a fertilising agent. On the other hand, the lands used for jum cultivation had to be left for fallow, whereby they regenerated themselves into forests again. Thus, where the forest cover was dense, the lands were formally classified as "forests" and taken over under direct government administration. Lands with less dense forest cover were categorised as "wastelands". Such a categorisation suggested that the mode of cultivation of these lands was less intensive than prime agricultural lands - such as paddy-fields - but that they were nevertheless suitable to be taken over for "afforestation" or "reforestation", a right that was specially reserved for the government. In any case, the "rights" that were grudgingly "conceded" included the free collection of minor forest produce such as fuel, grass, bamboo, and more restrictively, grazing rights and rights to jum cultivation. This meant that the local communities' rights were not regarded as proprietary rights but merely as "user" rights, which would need to be proved by long-term use ("prescription") and/or uninterrupted possession to qualify as a legally recognised right.

**Total Annexation:** The debate over the process of acquisition revolved around three distinct positions: (a) total "annexation"; the people would have only concessions and the government would manage all land; (b) a decentralised position; all land used by the villagers would be theirs to manage; and (c) some land would be controlled by the government and some collectively held and managed by villagers. In the end British Government opted for the "annexationist" position and thus formulated laws and policies that provided for three main categories of government-controlled forests. These categories were (i) reserved forests (RF), to be controlled by the central government (in RFs, all types of land use was prohibited other than that specifically allowed by FDOs); (ii) protected forests (PF), to be controlled by the district administration but to involve the FD in the process of protecting its resources (in PFs, all types of land use was permitted unless they were specifically prohibited by regulation or otherwise); and (iii) unclassified forests (later, "unclassified state forests" or USFs), meaning lands containing forest cover but which have not been classified as RFs or PFs. Some of the latter category also coincided with lands categorised as wastelands.

In line with its annexationist position, the British government invoked its authority to convert most forest areas and other thinly-populated lands not under intensive cultivation into reserved forests (RF). After the partition of India in 1947, the forest cover of Pakistan decreased at a rapid pace. During the Pakistan period (1947-1971) emphasis was placed, as during British times, on the production of industrial timber and the harvesting of the plantations. This trend was carried through after the independence of Bangladesh in 1971 but with the addition of exploitation of the natural hill forests of the CHT, both legally and illegally. The needs of protecting the environment and the rights of indigenous peoples and other forest-dependent communities continued to be ignored both under Pakistani rule and after the independence of Bangladesh. As for the pace of deforestation, it reached crisis proportions especially in the post-1971 period. *Therefore, substantially, the "colonialist" orientation of forestry based upon the 1927 Act continued and continues to remain until today.*

**Background to Social Forestry & the 2000 Legislation: Supra-National Influences & Local Objectives**

**The FAO Invents Social Forestry:** Social Forestry policies in Bangladesh were largely based upon the concept of social forestry (SF) that was developed by the UN's Food and Agriculture Organisation (FAO) in the 1970s. A recent publication of the London-based Minority Rights Group (Report 98/4 of 1999) entitled "Forests and Indigenous Peoples of Asia" explains that the main aims of social forestry were "to leave natural forests under state control to be exploited by the commercial logger or conserved by the conservationist while alternative means were found to supply the fodder, fuel and wood needs of the poor by promoting small plantations on so-called 'waste land'". This was a reaction to views that held that the rampant deforestation in developing countries was being caused by rural poverty.

**Social Forestry in Bangladesh:** Bangladeshi policy-makers who were influenced by these developments felt the need to make forestry more "people oriented". This realisation was reinforced by seminars, workshops and aggressive encouragement from a number of UN agencies multilateral development banks. In this process, the Asian Development Bank (ADB) proved to be an active agent for change. The combined effect of these influences was the introduction of various types of "social" forestry projects

## Greening Bangladesh: A green policy-management framework

CONTINUED FROM PAGE 8 should be formed accordingly. But some problems persist, entailing the risk of presenting Bangladesh as a permanent novice in such negotiations. Delegation members are selected not with appropriate background, no continuity in participation and no institutional expertise/memory develops over time. The problem can partially be addressed by including an Expert in senior level delegations. Many developing countries do so. This will strengthen the fledgling bridge between executive power and expertise in Bangladesh. The little costs involved for an Expert will certainly be compensated many times over by earning lead role and project support from donors. At a time of sharply declining ODA, competition for scarce resources is intense. Compared to countries even in South Asia, Bangladesh lags far behind in tapping external resources for environmental protection.

Finally, the GOB can never do the job alone without a partnership with civil society and private sector. The latter as the engine of growth should also play *avante guard* in the greening process. Civil society is in a better position to develop environmental constituencies among the citizens and politicians. Most of the issues raised above were looked into by the UNDP-supported \$26mn SEMP with its 26 components covering policy/legislation, community-based resource/environmental management, advocacy/awareness and environmental education. Given proper implementation, SEMP - a partnership of GOB, civil society and private sector - shall make a real contribution to capacity building at national, local and community levels. One hopes this Grant-based Program be put back on track soon.

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in Bangladesh, including "woodlot" or fuelwood, agro-forestry and "strip" plantations in various parts of the country, excluding the CHT, where the internal conflict was then in full swing.

Most SF programmes in tropical countries ultimately became oriented towards commercially viable trees, irrespective of whether or not they met the biomass needs of villagers and irrespective of the harm they did to biodiversity. These plantations also failed to either reduce poverty or decrease pressure on the state-managed natural forests. This was the case both in India and Bangladesh.

**Indian & Nepalese Alternatives to Social Forestry: JFM and Community Forestry:** In the face of these negative developments, alternative approaches involving a more community-oriented and "participatory" mode of forestry was tried. These attempts gave birth to the "community forestry" model in Nepal, whereby the Nepalese Forest Department devolved the management of forests almost totally upon village communities, except for providing technical and advisory services. In India, through the "joint forest management" (JFM) system, the Forest departments of several states shared forest management with village communities. Both these models still continue today and are known to have attained at least limited success. In the circumstances, one would have expected a similarly revised approach to be taken in Bangladesh as well. That, however, was not to be. *Although SF programmes were meant to incorporate a "bottom-up" approach to forestry, SF policies in Bangladesh continued to remain top-heavy, structured and inflexible, and unresponsive to local needs and situations.*

**The People's Forest Bill of India:** It may be recalled that the 1927 Act replaced community management of forests with a statist and centralised approach to forest management. The only exception was the provision on "village forests" within reserved forests as contained in article 28 of the Act. This provision was, however, never invoked within Bangladesh to assign any substantive rights to "forest villagers". In India, JFM and other community-based forestry programmes were initiated on the basis of executive orders rather than through amendments to the 1927 Act. Attempts to amend the Act in India were strongly resisted by NGOs who felt that reforms would weaken rather than strengthen the rights of forest-dependent communities. NGOs came up with their own "People's Forest Bill", which was similarly rejected by the Government of India.

**The Asian Development Bank supports a Social Forestry Law in Bangladesh:** However, the ADB (which had a stake of millions of dollars of loans in



PHOTO: STAR

The process of denudation must stop. Now.

Bangladesh's social forestry plantations, seemed to be growing increasingly restive with the status quo. The bank sought to have a more sound legal cover over SF programmes, which then did not have a legal basis under the Forest Act. Hence came the 2000 legislation, the primary research work for which was done by expatriate consultants hired with money from ADB "TA" grants. No doubt, the provisions on SF were the main aims of the 2000 legislation, but it seems that senior FDOs could not resist the temptation to use this opportunity to strengthen certain regulatory and penal mechanisms as well (apart from some cosmetic changes towards environmental protection). *The net result, as we shall see in more detail below, is a piece of legislation that is anti-people and anti-environment and contradicts itself by advocating a centralised and state-oriented concept of forest management while paying lip service to participatory arrangements for forestry. Biodiversity and environment were totally forgotten.*

**National Forestry Policies, the Tropical Forestry Action Plan & the Asian Development Bank:** The introduction of social forestry in Bangladesh is also related to the adoption of the Forestry Master Plan (FMP) of Bangladesh in 1993. The FMP funded with ADB grants - linked Bangladesh to the Tropical Forestry Action Plan (TFAP). The TFAP was jointly launched in the 1980s by the World Bank, and two leading UN agencies, the UNDP and the FAO, in response to the growing global concern over deforestation in the tropical countries. US\$ 5 billion was allocated for programmes that identified poverty as one of the main agents of deforestation and supported intensive cultivation of fast-rotation crops with industrial and commercial interests in mind. The plan also recommended more efficient exploitation of forest resources. The TFAP, however, failed miserably in curbing deforestation and in some instances was known to have even accelerated deforestation. Reputable international NGOs soundly condemned the plan for ignoring the views and rights of indigenous peoples and other forest-dependent communities. The FAO and other leading agencies gradually withdrew from the plan.

The influence of the TFAP, and the influence of the FMP and other policy documents drafted with ADB-support, seems to have done more harm than good in Bangladesh. Recommendations of expatriate "experts" as contained in the FMP and the ADB-funded reconnaissance mission report on the CHT (W. Webb & R. Roberts, 1976) have induced the government to construct new roads and establish logging stations in hitherto remote natural forest areas of the CHT such as at Baghaihat and at Alikyadang ("Aikadang"). *Furthermore, the same Master Plan further recommends that the natural hill forests of the CHT be logged until 2013. We greatly fear that hardly any loggable trees will be left in these forests in the second decade of this millennium.*

**The Forest (Amendment) Act of 2000**

Apart from defining "social forestry" (SF), the 2000 Act contains provisions that reinforce the penal and regulatory provisions of the 1927 Act and strengthen the powers of FDOs in the administration of RFs and PFs. The Act also devolves huge powers on FDOs to regulate the mode of use of lands outside of forest areas, which is ostensibly for the protection of the environment, and government and private property. The implications of some of these changes are discussed below.

**Penal Sanctions for the Protection of Reserved, Protected and "Social" Forests:** The addition of cultivation and attempted cultivation of land within RFs and PFs to the existing list of prohibited activities was an exercise in redundancy since existing laws can easily be invoked to prosecute those indulging in these activities. However, to the tens of thousands of indigenous people living in these areas, both in the CHT and in the plains, it has a negative political significance to formally have their cultivation rights outlawed. Since SF programmes are to include the "char" areas, the Sal forest areas, the "unclassified state forests" in the CHT (more than half of the region) and Barind lands in northwestern Bangladesh, the number of affected people may be large.

**Prohibition of Activities to Protect Property and the Natural Environment:** There is wide range of prohibited activities, including "land clearing", use of pesticides, "harvest on steep slopes" and "other forest management activities", whenever they pose "a threat of harm to the environment or private or Government property" and whenever they pose "a threat to property, renewable natural resources or the productivity of land". "Land-clearing" and "harvest on steep slopes" are common activities of tens of thousands of farmers in the highlands and uplands of the CHT, where these lands need to be "cleared" after the monsoon overgrowth. Moreover, it is disturbing that this law should be used not only to protect government property but *private property*. The potential for misuse of this law to harass poor farmers is huge and we are extremely doubtful that this will actually prevent environmentally harmful activities.

**Appointment of Special Magistrates to try Forest Act-related Offences:** Ostensibly, the appointment of a special magistrate to try offences under the Forest Act seems to be justifiable having regard to the caseload of judicial magistrates. However, the assumption that the strengthening of the adjudication system to try Forest Act cases will actually lead to better protection of forests is an erroneous assumption, because it is a proven fact that penal sanctions have totally failed to minimise or control theft and pilferage from the government-owned forests. It is extremely unlikely that penal and regulatory measures can minimise theft unless local people are offered a direct stake in protecting the concerned forests or plantations. Moreover, it may be noted that FDOs may have a vested interest in initiating criminal actions, because wherever theft and pilferage is common, the only way that FDOs can demonstrate the efficacy of their forest protection duties

is by showing a large number of prosecutions. In Rangamati district, an estimated 70% of all criminal cases pending in the magistrates' courts in 1998 were based upon Forest Act offences. That does not of course mean that the government forests in Rangamati district were well protected in 1998! Far from it. A most disturbing fact is the baselessness of various charges. The high rate of acquittals bears testimony to this. Moreover, enquiries have shown cases had been filed against severely disabled people, or people who had either died or had migrated elsewhere from the scene of the crime much before the supposed date of the alleged crime. Local headmen and others have complained that many such cases were based upon names collected arbitrarily from the electoral registrars. Under section 74 of the 1927 Act, government servants are indemnified for acts done in good faith.

**The 2000 Act ignores Existing Land Disputes in Forest Areas:** Disputes over ownership and possession of lands claimed by the FD have led to severe difficulties in implementing forestry programmes such as in the Attia Forest tract and in several areas in the CHT both within the reserved forests and in areas that the government has proposed to convert into reserved forests despite protests from thousands of people. The 2000 Act could have been used to resolve some of these land-related disputes, but this was not done. Instead, it continues the annexationist perspective of the colonial period.

**Social Forestry as defined in the 2000 Act**  
Section 6 of the 2000 Act adding a new section 28A to the existing section 28 of the 1927 Act - defines "social forestry" ("SF") as follows: "On any land which is the property of the Government or over which the Government has proprietary rights, and on any other land assigned to the Government (emphasis added) by voluntary agreement of the owner for the purpose of afforestation, conservation or management through social forestry, the Government may establish a social forestry programme under sub-section. Sub-section 2 of the same sections further provides, "A social forestry programme is established when the Government by one or more written agreements assigns rights to forest-produce or rights to use the land, for the purposes of Social forestry, to persons assisting the Government in the management of the land". Subsection 4, 5, 6 and 7 of section 6 vest power to frame rules, guidelines and agreement forms on social forestry upon the government (in effect the MOEF).

**The (Draft) Social Forestry Rules of 2000**

The SF Rules, in conjunction with guidelines on the standard SF agree-

ments, set out the details of proposed SF programmes. Some of the most important elements of these Rules and their likely impact on the rights of the proposed "beneficiaries" of SF programmes are briefly discussed below.

**Land Ownership in SF Programmes: The Government remains the Landlord:** The 2000 Act stipulates that SF programmes will be limited to lands owned by the government, or lands which have been assigned to the government. The 2000 Act also authorises the government to assign rights to others over lands used for SF programmes (hereafter "SF lands"), but these rights are limited to "user" rights only. This is at variance with the existing provisions regarding reserved forests (section 28), which allow the government to "assign to any village community the right of Government to or over any land which has been constituted into a reserved forest...". The question that arises here is why ownership over SF lands needs to be vested upon the government alone.

**Equity in Forest Management and Operational Issues?** The proposed draft suggests that there will be a management committee that will be elected by the participants to operationalise the forest-related activities. However, it should be kept in mind that villages in Bangladesh are highly stratified, both in the plains districts and in the CHT, although it is less marked in the CHT. Therefore, unless these difficulties are accounted for in the formation of the management committee, the most needy persons without any kinship or political ties with the village elite may well be excluded from the SF programmes.

**The Selection of Participants: Will the Local Elite & NGOs nominate their "Own People"?** The proposed SF Rules suggest that the participants ("beneficiaries") of SF programmes will be "selected by the BFD in consultation with the concerned local government institutions and the concerned NGOs". Previous SF programmes in the plains districts also had some form of consultative arrangements with regard to the selection of participants, but it was never formalised to this extent. The concerned rule does not clarify what level of local government institution (LGI) will be involved and whether the elected leaders of the LGI will be involved. No doubt, elected local government leaders are the legitimate representatives of the people, and it is right that they should have a major say in the selection process, but due to the presence of local politics and partisan attitudes, their choices may not always reflect the choices of the people. Therefore the question of including traditional and other representatives of forest-dependent communities needs to be considered as well so as to ensure a more equitable manner of selection. This should apply both in the hill districts and in the rest of the country. As in the case of local leaders, NGOs too are not always apartisan. Since the selection of NGOs has been left upon the government, NGOs favourable to the ruling party could well bring in a partisan attitude in the selection of beneficiaries.

The priority provided to certain categories of people to be selected as participants, such as landless people and "desstitute" women is certainly a positive development and a laudable reform. However, to assume that people with landholdings over 50 decimals are necessarily in a better economic condition than those with lower landholdings may be an erroneous assumption, especially regarding hillside lands in the CHT. A Canadian soil scientists team in the 60s had concluded that *ten-twenty acres of hillside lands per family was far too small to satisfy the basic needs of a family. The Selection of NGOs*

The discretion to select the NGOs for SF programmes has been left totally upon the government, with priority to NGOs that have access to motor vehicles and have previous experience in SF programmes and disbursement of credit. This suggests the following. Firstly, small local NGOs will be excluded. Secondly, NGOs that have already contributed to the failure of SF programmes will be selected again. Thirdly, that only NGOs that have influence over the ruling party or the local elite will be selected.

**The Invisible Gender Dimension:** The proposed Rules mention the need to include women including "desstitute" women - as participants, but we feel that this is too reductionist an approach towards the integration of gender concerns into SF programmes. In developing countries victims of environmental degradation are affected in gender specific ways. Distribution of property, power, class and gender structures also affect people's interaction with nature. Deforestation affects women's work and lives, sometimes in more substantial ways than in the case of men, especially in the case of rural women from the poorer classes. This is because most women in rural areas bear the primary responsibilities of cooking, fetching water and gathering fuel wood and water, which are adversely affected due to the ecological degradation of forests. The effects show on women's health and in their constraints of time. The sustainability of natural resources is therefore critical to their well being.

Unfortunately, women's issues and environmental issues are viewed as separated realities. From the environmental vantage point, sustainable development emphasises the prevention of pollution and environmental 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. The linkage between poverty and the environment has forged a common ground among those concerned with protecting the environment. It is against this context that policy makers need to comprehend the need to analyse how women are affected by environmental degradation in developing societies, and how their knowledge on environmental issues may be utilised properly, elements which are sadly missing in the SF Rules and the preceding SF programmes in Bangladesh.

**Income-Sharing Arrangements:** The quantum of income to be received by SF participants is no doubt an important component of the success of SF programmes in the middle to long term. According to the (draft) SF Rules, the beneficiaries will be entitled to all the income from the agro and fruit products and the produce of the first thinning. The income from the subsequent "thinnings" and from the extraction of trees after their maturity will be shared between the participants and other parties with fixed percentages. The participants are to get the following percentage for the different categories of lands: (a) 45% from woodlot and agro-forests under the control of the BFD; (b) 25% from Sal (*Shorea robusta*) coppice forests; (c) 55% from Strip plantations owned by private entities or government departments other than the BFD; (d) 45% from Char lands; (e) 45% from the "unclassified state forests" of the Chittagong Hill Tracts; and (f) 45% from the gully and tank-bank Barind ("Barendra") lands.

The actual income that will be earned by the participants will be determined not only by the quantum of share of the income that will be earned from the SF programmes, but also by the pricing mechanism and the process of sale of the SF produce, which is discussed in the following sub-section.

**Process of Extraction & Sale of SF Produce: The FD controls the Market: Wither Free Market?** According to the (draft) SF Rules, the decision on such matters as when to harvest the trees, when and use intermediate products, how to market the produce, etc. is vested totally upon the government (in practice, the BFD), to the exclusion of the other parties to SF programmes, including the participants. This leaves a huge risk of corruption on the part of FDOs who could well sell the SF produce at less-than-market prices through underhand deals.

**A One-sided Agreement: "Heads I Win, Tails You Lose":** Even a simple analysis of the SF Rules and the terms of the draft agreements hitherto used by the FD show that responsibilities and powers over SF programmes have been divorced from each other as the BFD enjoy the powers over major decision-making processes while the participants will bear the most onerous responsibilities of managing and protecting the SF lands.

Clauses of existing SF agreements provide unfettered powers to the FD to rescind any agreement due to violation of any clauses. Moreover, it is difficult to reconcile the short period of the SF agreements - 20 years for Sal coppices and 10 years for other species - with the period of maturity, which is likely to be far longer than 10 or 20 years, respectively. This means that a participant's rights on the basis of the agreement will expire well before the trees reach maturity. The concerned participants have no guarantee that the agreement will be renewed for a further period. There are also no provisions for transferring rights over the SF projects. Therefore, if a participant wanted to transfer her or his rights any time before the expiry of the SF agreement period (say, during the last year of the agreement period), she or he cannot do so. Another biased arrangement is the arbitration clause used in SF programmes which vests the arbitration authority not upon a mutually acceptable neutral third party, but the Conservator of Forests, an employee of the FD. How a participant is to get justice from an FDO where the complaint is against an FDO is difficult to understand. These provisions clearly show that the SF programmes are a one-sided arrangement.

**The 2000 Legislation Revisited**

A careful analysis of the 2000 Act and the (draft) SF Rules suggests that these laws are the result of a compromise of several competing interests of vested interest groups that excluded indigenous peoples and other forest-dependent groups, environmentalists and NGOs, amongst others. Although a "participatory" element has been introduced through the provisions on social forestry, the reinforcement of the regulatory and state-centric approach towards forest management especially through the 2000 Act - has watered down whatever "socialisation" of forest management could have been achieved through these reforms. *The legislation has also totally ignored the needs of maintaining and enhancing biodiversity and paid only lip service to gender considerations.* The scope for natural regeneration through which method our forests have grown and lived through the millennia has been totally forgotten. This is clearly evidenced by the SF Rules, which have reduced social forestry into "social afforestation" (*shamajik bonayon*) through its Bengali translation. There have also been no attempts to prevent logging in the natural forests or to prevent the conversion of these heterogeneous forests into plantations. As regards the SF Rules, we find both the "social" and the "forest" elements missing, and see in management practices as suggested earlier - a clear case of divorce of powers from responsibilities.

**People's Forestry, Environment & Human Rights**

**The 2000 Legislation: A Missed Opportunity:** We are strongly of the opinion that the concept of SF - as defined by the 2000 legislation, and as practised in some tropical countries is too reductionist to be able to cope with the ecological, demographic, economic, social and cultural contexts of the geographical areas in which afforestation or reforestation can or should be done. How then is the participatory element to be incorporated in the management of such forests and plantations. We feel that through the 2000 legislation the opportunity to share the management of all types of forests with local communities has been lost. For if sharing is to be done, sharing should be for both responsibilities and benefits. And if such efforts are to be sustained over a long period of time, the management system must be fair and inclusive.

**People's Forestry in Bangladesh:** It is unfortunate that the success stories of people's efforts in forestry, both in the neighbouring countries and within Bangladesh have been totally ignored. We could certainly learn a lot from the Joint Forest Management (JFM) examples in India and the community forestry practices of Nepal. Of course, we should not blindly replicate these models but merely adopt whatever practices are deemed appropriate to Bangladesh or to any of its regions and sub-regions and in such sectors as appropriate. Similarly, the unstructured contributions of Bangladesh farmers to the forestry needs of the country have also not been accounted for. *It is an undeniable fact that the vast majority of the country's timber and other forest-produce needs are met not from the government-administered forests but from people's homesteads. Tree and bamboo plantations in the CHT are being successfully run and managed by indigenous farmers. Similarly, village communities in the CHT have for many decades managed what we shall call "village common forests" or VCFs of heterogeneous stand in the vicinity of their villages without any structuralised organisational system.* These forests are known generally known as "mouza reserves" or "service forests" and the mouza headmen are in charge of administering these forests according to Rule 41A of the CHT Regulation of 1900. These experiences could have helped formulate more practical methods of community forest management without the involvement of Forest Department, in addition to joint management of forests and plantations, which involves villagers and the Forest Department. The scope for innovations is endless, and Bangladesh can come out with its own models of social forestry, whatever name we call it by. It could combine structured approaches with unstructured or semi-structured forestry practices of village communities.

**Human Rights and Environmental Laws Ignored:** Since the passage of the 1927 Act major legal and other changes have taken place within Bangladesh and in international processes that have been ignored by the 2000 legislation. These include declarations and international treaties on gender, environment, elimination of racial discrimination, rights of indigenous peoples and minorities, integration of equity into development processes, etc. These include ratified instruments such as the ILO Convention on Indigenous and Tribal Populations (No. 107 of 1957), the Convention on the Elimination of Racial Discrimination (CERD), the Convention on the Elimination of Discrimination against Women (CEDAW) and the Biodiversity Convention, Agenda 21 as adopted at the Rio Earth Summit, and last but certainly not the least, the 1972 Constitution of Bangladesh (which outlaws racial and other discrimination and seeks to protect the rights of women and disadvantaged or "backward" (sic) groups). It seems that these developments have had no significant impact on the 2000 legislation.

**The Way Forward:** In the light of the above discussion, we reiterate our opinion that the 2000 Act should be repealed and the existing forest-related laws and policies should be revised through a consultative process that is open, transparent and democratic. *Such a process should offer a reasonable opportunity to forest-dependent communities and all sections of "civil society" to offer their informed opinion about the matter.* Only then should we consider which model or models of "social", "community" or "participatory" forestry is applicable, when, where and how, in combination with unstructured or semi-structured methods of forestry as practised by forest communities. Awareness-raising about these issues is of vital importance, and in this, Bangladesh NGOs have failed so far. This is of special importance in the plains districts, because there is no system of consultation with self-government units regarding legislative matters, unlike in the case of the regional and district councils of the CHT. NGOs, POs and social workers the world over have done more for the environment and forests than governments, both before and since Rio. It remains to be seen whether this will be true for Bangladesh. This may determine to a great extent the fate of the fragile ecology of Bangladesh.

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The topic of our next issue is: **Greening Bangladesh II.** Creative suggestions are invited from our esteemed readers. Please send your materials to: Dr Imtiaz Ahmed, Executive Director, Centre for Alternatives, Room No 431, Lecture Theatre, Arts Building, Dhaka University, Dhaka-1000. Tel: 9661900-19, Ext 4550; Fax (8802) 831679, e-mail: calter@bangla.net.