

WORLD ENVIRONMENT DAY

Our forests are disappearing when we need them most

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Bangladesh was once known for its lush greenery and biodiversity. But at present, the country faces significant challenges in preserving its forests, with the rate of deforestation almost double the global average due to land use change and human activities. According to the Food and Agriculture Organization (FAO), Bangladesh's forest cover is estimated to be 2.33 million hectares (15.78 percent of land), whereas the Forest Department says it is 2.57 million hectares (17.31 percent of land).

Over the past two decades, Bangladesh has witnessed a concerning loss of 8,390 hectares of humid primary forest, accounting for 3.5 percent of all tree cover depletion during this time. The country saw a significant decrease of 8.7 percent in the total area of humid primary forest. Land use change, primarily driven by agricultural expansion, urbanisation and infrastructure development, has led to the degradation and fragmentation of forest lands in Bangladesh.

While agriculture is a cornerstone of our economy, finding a balance between agricultural productivity and forest conservation is crucial. According to a report in 1973, 9,749.98 hectares of Madhupur forest was completely covered with sal forest, whereas in 2015 the forest converted to acacia, pineapple, rubber, banana plantation, mixed forestry, agriculture and marsh, leaving only 2,671.99 hectares of actual sal forest. Initiated in 1989-1990 with ADB funding, social forestry cleared natural sal forests for exotic eucalyptus and acacia plantations of around 5,000 acres. In recent years, the Chittagong Hill Tract (CHT) forests have been illegally razed for cassava farming, destroying rich biodiversity.

Social forestry initiatives, which involve planting fast-growing species like eucalyptus and acacia, aim to meet the demand for timber and fuelwood. However, these plantations are usually harvested within a short period, raising concerns about

their long-term sustainability and ecological benefits compared to natural forests. These fast-growing species of trees tend to dominate their locales, preventing ecological and biodiversity balance. Eucalyptus consumes 18-20 times more water than many other species and can negatively impact the water table. In areas with more limited rainfall, such as in northern Bangladesh and along the Barind Tract, this exacerbates environmental impacts.

According to the Forest Department, social forestry in Bangladesh has caused significant ecological and social issues. From 1981 to 2022, as many as 105,283 hectares of woodlot plantations and 78,832 kilometres of strip plantations were established, predominantly with harmful exotic species such as eucalyptus and acacia. Fundamentally with social forestry, these are trees being planted to be cut down. This cannot possibly be a replacement for the protection of our natural forests and, as such, the modality of social forestry must be rethought.

Development projects have emerged as a major threat to the conservation of our forests. Too often, forest land is seen as expendable and lucrative when allocating for large development projects, running contrary to environmental obligations. The development agenda has not as yet integrated sustainability and conservation into its ethos. Adverse environmental impacts are seen as unavoidable in the pursuit of economic growth.

The Chattogram-Cox's Bazar rail link, a major government project, threatens forests and wildlife habitats despite its benefits to communication and transportation infrastructure. Spanning 101km, the railway passes through Chunar Wildlife Sanctuary, Fasiakhali Wildlife Sanctuary, and Medhkachapia National Park, home to endangered species like Asian elephants. Despite plans of underpasses and overpasses for the elephants' movement, experts and

officials believe this is inadequate. It has been reported that the project cut over 720,000 trees and razed parts of 26 hills. The construction severely impacted wildlife, exacerbating human-wildlife conflicts. Repeated protests from forest authorities, local and national activists have been

land between Mirsharai of Chattogram and Teknaf of Cox's Bazar. Most of the Mirsharai mangrove forest has been leased out to Bangladesh Economic Zone Authority (BEZA). These coastal mangrove forests are important protective barriers to salinity and other dangers, including natural

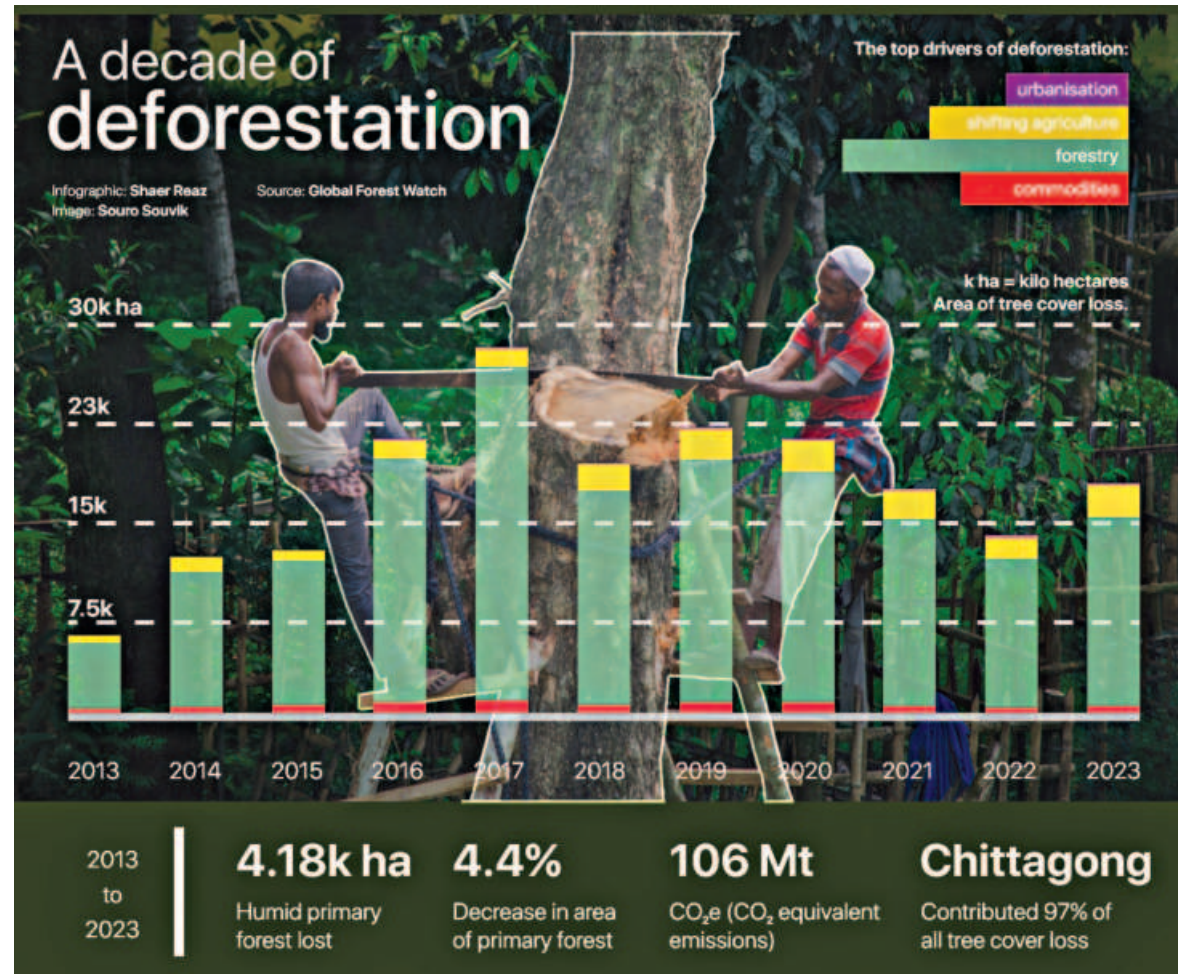
as far as to be said that the 1927 law lacks a conservation mandate. It does not define conservation, nor are there provisions for the specific conservation needs based on the type of forest, nor does it equip the state to deal with unique conservation challenges. While the law was promulgated to

management plans in consideration of the uniqueness of a forest ecosystem."

In 2023, two new forest laws were set to be passed in order to change the trajectory of forest loss. The Forest Bill, 2023 was set to replace the Forest Act, 1927, seemingly granting additional powers to conserve the forest, although sceptics have said it does not change enough to meet the need of the day. The Forest Conservation Bill, 2023 would go even further beyond forest lands. Saber Hossain Chowdhury, the current environment minister, highlighted that "globally, forests are no longer regarded as a source of government revenue," and encouraged that the focus has to change from revenue to conservation. Unfortunately, neither legislation has been made into law.

The Forest Department, which is the primary government agency overseeing the maintenance and protection of forests and wildlife in Bangladesh, lacks transparency and capacity. Transparency International Bangladesh (TIB) in 2020 found that a "lack of 'effective' oversight and monitoring of activities at all levels and lack of accountability contributes to the institutionalisation of forest sector-centric corruption". They also found that the Forest Department was passive in the face of environmentally devastating projects like coal-fired power plants and illegal occupation, which exacerbated the damage being done. Too often, the department lacks the standing to face up to land administration and other government agencies.

Desertification does not appear to be an immediate threat, but on World Environment Day, it is worth remembering that it is not an impossibility in Bangladesh. Especially in the northwest, in the Barind Tract, desertification is an emerging issue of concern. We often like to sell our vulnerability in the face of the climate crisis, but at the same time, not enough action is taking place in the country to protect our own environment. With the rapid rate of deforestation, at a time when we need to be consolidating our natural forests, we are instead losing them in the blink of an eye. We must immediately recognise the crucial role of our forests in acting as protective barriers against climate doom. And we then must thank our protectors and support them, building them up rather than cutting them down.



INFOGRAPHIC: SHAER REAZ

ignored. All this destruction for a train which Bangladesh Railways DG Sardar Shahadat Ali said "is not a regular train," and many have alleged is being disrupted by lobbying by bus owners.

While the government committed to increasing forest land to 20 percent of total landmass, every year forest cover decreases and land is lost to government projects. In 2019, the environment ministry said almost 160,000 acres of forest land had been handed over to various government agencies or used for development projects. At least 22 projects taken up by the government and deemed important for the nation are on forest

disasters like cyclones which batter our coastal districts every year.

To stem the tide of deforestation, we need adequate administrative and legal platforms to prevent it. But as of now, we have neither.

The public forests are governed by the Forest Act, 1927, a colonial era legislation which, typical of its age, considers forests largely as a source of revenue for the government. The objectives of the law are not necessarily primarily preoccupied with conservation, but rather with protection of capital forest resources and penalties for damages and theft of said resources. In fact, it could go

regulate access to the forest areas, we have seen unprecedented numbers of encroachments on forest areas with the government having no answer. Forest areas are often not clearly demarcated, with land disputes obstructing government actions to conserve forests. Negligence and a lack of capacity also play a major role here. BELA Chief Executive Syeda Rizwana Hasan says, "Conservation being a management approach that requires affirmative actions also is not something the Act of 1927 has been able to promote. In dealing with the responsibilities of the forest officials, the Act fails to require them to develop

When law enables environmental damage



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Remarkably, Bangladesh has more than 200 environmental protection laws. Yet, our environment and natural resources continue to see unprecedented pollution, encroachment, and degradation. Being one of the countries that are most vulnerable to climate change, the way and at the scale that the country's natural resources are being exploited is immensely worrying.

Despite laws designed to protect the environment growing in number, their implementation continues to see a striking failure. The core problematic aspect of these laws is that they are designed to protect and benefit humans, not the environment within which humans live. By disaggregating humans from nature and enabling them to exploit natural resources to fulfil their needs, environmental laws have ended up legitimising and rationalising the destruction of natural resources and the degradation of the environment.

To provide context, let's take the example of the Environment Conservation Act, 1995, considered as one of the key laws in Bangladesh. A close reading of some of this law's provisions reveals its pivotal role in legitimising environmental destruction and producing and sustaining harmful practices that contribute to the creation and perpetuation of unjust environmental conditions.

The law reflects an "injury-therapy" model by allowing the degradation of the environment (injury) on the one hand, and restricting the detrimental

activities to the environment (healing therapy) on the other hand. The law prohibits the cutting or razing of any type of hills and hillocks by any individual or institution. But it provides an exception allowing the Department of Environment (DoE) to issue a clearance certificate in favour of cutting or razing hills for the sake of "national interest." Similarly, the filling of reservoirs (river, canal, wetlands, etc) is prohibited, subject to an exception on the grounds of "national interest."

It is worth mentioning that the law does not provide any definition or explanation of the term "national interest." Naturally, this term, being overly broad and vague, leaves room for biased and arbitrary interpretation and provides space for manipulation. Now the question is, can the destruction of natural resources through razing mountains or filling reservoirs ever be justified in the national interest?

It is pertinent to note that the Supreme Court of Bangladesh recognised all rivers in the country as legal persons and living entities. Since the reservoir (river) is a legal entity, its loss or encroachment in the name of "national interest" is a clear violation of the apex court's ruling. While contradicting the framing of the rights of rivers and wetlands as separate living entities, the provisions also indicate how nature is treated as an object that can be tamed or exploited for satiating human needs. In this way, environmental damage is the intended outcome of a dysfunctional governance system where nature and humans do not co-exist, or only co-

exist for the latter's benefits.

In addition, the provisions regarding environmental pollution and degradation are too broad, vague, and loosely defined, providing ample scope for manipulation. Further, the provision regarding the prohibition of polythene shopping bags lacks clarity and precision. Although the production, import, marketing, and

eccentric provisions of environmental laws are not only inconsistent with international law, but also raise questions about their credibility and proper implementation.

It may be argued that the abuse of "vague and loosely defined provisions" can be checked or overcome if there remains a proper monitoring body. Here, the problem is more acute in

crimes. Rather the concerned law provides a limited jurisdiction to the Environment Court to adjudicate environmental disputes. The Environment Court law creates a bar for general people to file complaints directly. The DoE has been made the authorised body to file cases on behalf of the aggrieved individuals. Due to such limited jurisdiction, legal bar, and

rather to establish a culture of impunity.

It is worth mentioning that in order to address the widespread failure of the implementation of environmental law, UNEP offered an Environmental Rule of Law framework that aims to reduce the gap between environmental laws on the books and in practice. The core elements of the environmental rule of law include, among others, fair, clear and implementable environmental laws, access to environmental justice, public participation and community-based approach in environmental law-making, accountability and integrity of institutions and decision-makers, and accessible, fair, impartial, timely and responsive adjudication of environmental cases.

It goes without saying that Bangladesh's environmental law framework is inconsistent with the core elements of the environmental rule of law which requires transformative reforms through addressing the vague, inconsistent, and rather scattered legal provisions that hinder effective environmental governance. Environmental rule of law is necessary to formulate clear and just environmental laws, to build strong environmental institutions, and to improve transparency and accountability, thereby increasing trust in the institutions and fostering a culture of compliance.

The failure to enforce environmental laws not only hinders environmental objectives but also creates obstacles to ensure inclusive and sustainable socio-economic development. The unabated pollution, degradation, and damage to natural resources as well as the environment, if not prevented, will also intensify our climate crisis and multiply the burden of climate adaptation, mitigation, and loss and damage. In addition, it will be difficult for us to avail of necessary grants and compensations from the international climate funds or to negotiate at the international fora unless we can ensure strong environmental governance and the rule of law at the domestic level.



VISUAL: ANWAR SOHEL

sale of polythene is prohibited, its export has been allowed, which is a violation of the "no harm principle" of the overarching international environmental legal scheme. The principle requires state parties to prevent, reduce, and control the risk of environmental damage to other states. The question here is: if polyethylene is harmful for the environment in Bangladesh, will it be beneficial for other countries? Or how is it possible to export polythene bags whose production is banned? As a result, the reality is that even after all these years post so-called banning, polythene bags are sold in the market and widely used in our daily lives. Such

Bangladesh. The DoE is the core authority that is entrusted to control and oversee environmental pollution and undertake environmental protection measures. In outlining the DoE's role and functions, the law empowers the body with unfettered authority without inserting any corresponding duties or obligations. To put it simply, if the DoE fails or neglects to prevent environmental degradation and pollution, there is no provision to hold the agency accountable.

Apart from vague legal provisions and unaccountable institutions, the law fails to provide an effective forum to vindicate environmental harms and avail remedies against environmental

lengthy procedural complexity, access to environmental justice is severely restricted which is evident from the low filing of cases to the environment courts. In the last 21 years since the creation of the Environment Court in 2003 till December 31, 2023, a total of only 587 cases have been filed to the environment courts which is an average of less than 28 cases per year.

This low frequency of environmental cases coupled with the rampant violation of the laws also indicates how the laws not only provide a restricted approach to environmental justice but also create an enabling atmosphere for environmental offenders to commit wrongs, remain unaccountable and