Lessons Learned from the Application of Human Rights-Based Approaches in the Indigenous Forestry Sector in the Chittagong Hill Tracts, Bangladesh: A Case Study of the Village Common Forest Project implemented by Taungya

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Any errors and omissions remain the responsibility of the authors.
LIST OF ABBREVIATIONS USED:

ADB: Asian Development Bank  
CHT: Chittagong Hill Tracts  
CIFOR: Indonesian Centre for International Forestry Research  
CM: Community Mobilizer  
CSOs: Civil Society Organizations  
Danida: Danish Governmental Development Agency  
DC: Deputy Commissioner  
FGDs: Focus Group Discussions  
FS: Field Supervisor  
FEJB: Forum of Environmental Journalists of Bangladesh  
HDC: Hill District Council  
HRBA: Human Rights-Based Approach  
HTNF: Hill Tracts NGO Forum  
IPs: Indigenous Peoples  
IWGIA: International Work Group for Indigenous Affairs  
JFM: Joint Forest Management  
KIDs: Key Informant Discussions  
LCG: Local Consultative Group  
M&E: Monitoring and Evaluation  
NGOs: Non-Governmental Organizations  
PC: Project Coordinator  
PCJSS/JSS: Parbattya Chattagram Jana Samhati Samiti  
SEHD: Society for Environment and Human Development  
UK: United Kingdom  
UNCED: United Nations Conference on Environment and Development  
UNDP: United Nations Development Programme  
USA: United States of America  
USFs: Unclassed State Forests  
VCFs: Village Common Forests.  
WB: World Bank
1. Background and Rationale:

Programme Context: In order to assess the nature and extent to which the application of human-rights based approaches (HRBAs) can impact a community, this case study analyses the implementation of such approaches in a civil society-initiated project that focused on the protection of village forest management in areas inhabited by indigenous peoples (IPs). The project was based in the semi-autonomous region of the Chittagong Hill Tracts (CHT) in southeastern Bangladesh. The stakeholders of this initiative included:

(i) The local forest-dependent communities (in this case, local indigenous communities who are collectively known as the Jumma peoples);
(ii) A local non-governmental organization (NGO) named Taungya, which is based in Rangamati Hill District (the headquarters of the CHT);
(iii) Danida (the development aid section of the Danish government); and,
(iv) Concerned government officials of the forestry sector at the sub-district/district/regional and national levels.

The pilot phase of the project - entitled Project on the Protection of Village Common Forests in the Chittagong Hill Tracts – ended recently in December 2005, but a larger project focused on the same sector and concern is to commence soon. The primary focus of this study will be on the lessons learned from the application of HRBAs in this particular project within a two-year project time period; the study will also attempt to explore in brief the issues relating to the concerned communities’ rights to resources (in this case, their right to manage their own forest tracts) within the broader context of related policy and governance issues within Bangladesh, and particularly in the CHT region. It is thus imperative, at the outset, to provide a brief background on how rights and governance issues intersect under a policy framework in the country’s forestry sector.

Policy and Legal Framework on Forestry Issues: The commitment of the Bangladesh government to promote and protect human rights and to facilitate the participation of its citizens in governance has been expressed in several laws, policies and programmes. In certain areas, the government - although lagging behind in substantive concrete results with regard to its overall obligations - has been seen to have taken a number of concrete legal and procedural measures to deal with rights in general. Examples to this effect are the government’s efforts in the area of women’s
rights which have included the formation of a Women’s Affairs Ministry, and the establishment of cells within other ministries and departments.

In areas relating to forestry issues, the government currently has in place a formal National Forestry Policy (1979 and 1994), a Forestry Master Plan (1994-2013), as well as several programmes and projects. The government has also responded to forestry-related problems - like deforestation - via the initiation of social forestry projects in “degraded” forest areas by prescribing stricter penalties for theft of government forest produce. It has furthered this action by imposing moratoria on the extraction and sale of other specified forest produce and related matters. Some of these measures are also outlined in policy documents such as the successive National Forestry Policies of 1979 and 1994 and in the National Forestry Master Plan of 1994. The Asian Development Bank (ADB) was a key agent in the process of revision of the forestry laws and policies by providing both financial support and technical advice.

The Forest Act of 1927 is the major legal instrument concerning the administration and management of forest areas. 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). 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 for this region; however, such consultations are not known to have occurred in the context of the 2000 Forest Amendment Act. Moreover, recent government legislation on

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forestry issues has been severely criticized as being “anti-environment” and “anti-
people”; such perceptions assume more significance, especially in the context of the
passage of the above-mentioned *Forest (Amendment) Act of 2000*, which focuses,
among other concerns, on social forestry issues.

Another law passed recently - the *Social Forestry Rules of 2004* - which provides for
plantation programmes involving the government, NGOs, forest-dwelling and forest-
adjacent communities, has also been heavily criticized by IPs and environmentalists
for being contrary to the human (especially, land) rights of IPs and other forest users. 

**Gaps between Policy and Practice:** In Bangladesh, as seen in many other countries,
there is a lack of commitment to fulfil obligations that relate to specific rights in
various sectors - the forestry sector is a prime example of this dichotomy. Despite the
formal polices that are in place (as have been discussed in the preceding section),
resultant implementation of these policies continues to be an ongoing challenge for
the Bangladeshi political and administrative system. This inability to follow through
has been attributed to various factors, including what some consider being the
‘unhappy marriage’ between donor and lender prescriptions and lobbies of vested
groups within the country. The *Forest (Amendment) Act of 2000* discussed in the
preceding section is a case in point. On one hand, the Act formally introduces the
concept of “social forestry” that emphasizes a more participatory approach to forest
management. On the other hand, the Act enhances the policing powers of Forest
Department officials. Similarly, the “social” elements of the proposed forestry
programmes have been unceremoniously watered down - they delegate onerous
responsibilities of forest management to the proposed participants (the communities)
but the major decision-making powers are retained in the hands of the Forest
Department officials.

**Role of NGOs on Forestry-related Issues:** There is widespread belief in Bangladesh
(as in some other countries) that in comparison to government agencies, NGOs
possess a greater capacity to undertake ‘participatory’ projects that involve
communities as equal stakeholders. NGOs are seen to be skilled in lobbying,
advocacy and mobilisation - activities that are sometimes crucial in order to facilitate
policy changes and implementation. They can also help to monitor the selection

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7 Ibid. Refer to footnote above.
8 Ibid. Refer to footnote above.
process – where, for instance, villagers are inducted as “participants” into forestry projects - to ensure that the more dominant villagers do not sideline the marginal and weaker groups. Identifying or creating social units is a task that requires a culturally-informed understanding of what is to be done, and what methods and skills need to be employed for such social organizing. NGOs are usually seen to be equipped for such tasks. NGOs are therefore regarded as appropriate vehicles for running “people-oriented” programmes in cooperation with government agencies. Thus, widely respected scholars on forestry like Sarin support partially-structured and limited interventions by government agencies in association with NGOs in certain spheres related to forestry.

While these are some examples of the positive impact that NGOs have had on the sustainable management of village commons, there are other examples to the contrary, wherein the role of NGOs has been far more problematic. For example, the role of NGOs in “social forestry” programmes of the government’s Forest Department in various parts of Bangladesh on erstwhile village commons has been mixed at best. In one particular social forestry project site within Tangail District in north-central Bangladesh, it was seen that the interests of the NGO did not always coincide with that of the villagers who were a part of the social forestry programme. Therefore, the role of NGOs in promoting equitable and sustainable use of village commons, while potentially positive, may need to be treated with caution in some circumstances.

In the context of the CHT region, with the signing of a “peace” accord in 1997 between the government of Bangladesh and the then sole political party that represented the IPs of the region - the Parbatty Chattagram Jana Samhati Samiti


(PCJSS/JSS) - a firm basis for permanently ending the long drawn-out conflict and for resuming development initiatives in the region was created. Peace, however, still remains elusive in the CHT region and numerous reports abound that detail allegations of gross human rights violations that are being allegedly committed by the government (and which includes many occurrences of land-grabbing, militarization and forcible eviction of IP settlers). Thus, along with national and international development agencies, a number of CHT-based NGOs have come forward to directly participate in and facilitate the process of peace and development. Among other organizations that have since been established recently is the Hill Tracts NGO Forum (HTNF) - an association of CHT NGOs - to coordinate the activities of local NGOs and to provide necessary information and technical support to its member organizations. The Forum also seeks to help ensure that the development process in the region is people-oriented, environmentally friendly, and respects the cultural integrity and social values of the different peoples and communities (particularly IPs of the region)12.

Another organization that has been formed recently is the Movement for the Protection of Forest and Land Rights in the CHT - which emanated from an organized mass movement of indigenous farmers and other villagers who wanted to resist the Forest Department’s acquisition of lands, in the name of creating new reserved forests that they owned and occupied. Since the proposed acquisition included areas from all three districts of the region, the nucleus of the organization - hitherto called the Committee for the Protection of Forest and Land Rights in the Chittagong Hill Tracts – has spread out into various parts of the region and rallied mass public support around its cause. The activities of the Movement seem to have succeeded to a large extent in putting forward a united stand against the controversial forestry programme, although it has not yet been able to obtain the formal revocation of the concerned gazetted notifications that purported to declare new areas as reserved forests. Taungya – the NGO whose approaches are the subject of inquiry in this case study - is known to have maintained a networking relationship with the Movement, and has facilitated dialogues between the Movement’s members with the Village Community Forest (VCF) community leaders – the leaders of the IPs residing in these areas.

2. The Study of the Human Rights-Based Approaches used for the Protection of Village Common Tracts - A Case Study of the Village Common Forest Project of Taungya

Case Study/Project Context - Partially Autonomous Land Administration in the Chittagong Hill Tracts: When the CHT was first annexed to British Bengal as a district in 1860, about 80 per cent of the region was regarded as “forest” land \(^{13}\). Today, the area under forest cover is far smaller. About a quarter of the CHT (see diagram below) is directly administered by the government’s Forest Department and formally categorized as “reserved forests”\(^ {14}\). This implies, according to a narrow reading of the concerned law (The Forest Act, 1927) that entry into, occupation and other use of any part of a reserve forest area and the natural resources thereon, is illegal unless with the express consent of the government’s Forest Department.

Control/Management of the CHT Region

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The rest of the CHT region is included within what is generally known as the *mauza*-circle areas; these areas are included within the traditional jurisdiction of one of the three traditional paramount chiefs known as *rajas* or circle chiefs. Excluding the portion of the CHT that is owned by those holding private title deeds, the remainder of the *mauza*-circle areas are regarded by the Forest Department as “Unclassed State Forests” (“USF”); this Department, however have limited authority over these lands. The District Land Administration authorities - consisting of a Deputy Commissioner and subordinate bureaucratic functionaries at the district and sub-district levels - have more direct authority over these lands. They consider the land to be “khas” lands, thus denoting sole ownership by the state.

No changes to the status of ownership and title over these lands can take place without the consent of the concerned Hill District Council (HDC), which is headed, in accordance with law, by an “indigenous” person. The District Administration’s authority is therefore generally exercised, especially in the rural areas, in consultation with the traditional sub-chiefs known as *mauza* headmen (numbering around 380 in total) who owe traditional loyalty to one of the three traditional circle chiefs/rajas. The primary responsibility of protecting the *mauza* forests or VCFs is vested upon these *mauza* headman in accordance with the *CHT Regulation of 1900* (especially, Rule 41A), the main legal instrument on the administration of the CHT. However, although the existence of these *mauza* reserves is acknowledged by the Regulation - and the headmen are authorized to take steps to protect the same - neither the law concerned, nor subsidiary or ancillary rules, regulations or guidelines expressly provide for any system of titling or registration or other safeguards against privatization, alienation or permanent and detrimental change in resource use patterns.

Formally, the Deputy Commissioner wields more direct authority over the headmen than any other institution (including the power to dismiss the headmen from office), but due to the prevalence of longstanding customs and traditions and their usage, and the fact that the chiefs/rajas remain constant whilst the district and sub-district officers are constantly transferred, it is the chiefs/rajas who are seen, on a comparable level, to exercise the strongest supervisory authority over the headmen. However, on

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15 Revenue and administrative unit in the CHT composed of several villages or hamlets under the charge of a headman.

16 Un-allotted government agricultural land.

account of logistical and other constraints, the chiefs’ supervisory role is often light, leading to fairly autonomous functioning of the headmen, which has both positive and negative features.

IPs and their communities regard the very same lands that are regarded by state civil servants as state-owned “khas” lands as their community commons. These community commons are utilized for swidden cultivation\(^{18}\), hunting, trapping and gathering, grazing, or for use as community VCFs (otherwise known as “mauza reserved forests” or “service forests”). Thus, different agencies of the state and indigenous communities have differing perspectives with which they regard the lands concerned, some of which are reflected in the concurrently valid and often-conflicting forest management, land administration and customary resource rights regimes of the region.

_Village Common Forests - An Indigenous Innovation:_ With the beginning of British rule in the CHT in 1860, the IPs not only lost their right of access to a quarter of the entire area of the region (which came to be categorized as ‘reserved forests’ by the new Department of Forests); they also lost large forested tracts due to their conversion into plough lands and homesteads. The indigenous villagers who lost access to their former commons now found themselves with little choice but to devise new methods of sustainable use of their now-scarce common lands, including forests. The result was an innovation based upon their traditional resource management patterns to retain forest cover for long-term use. This gave birth to the mauza reserves or VCFs of today, which are not allowed to be used for swidden cultivation or otherwise by the communities themselves, on the strength of sanctions, and on occasions, by religious taboos. The maintenance of VCFs was combined with approaches to prevent a shortening of the fallow periods on swidden commons that were left outside of the VCFs. The latter proved to be even more difficult due to population growth and other causes. These socio-economic changes in turn affected the efficacy of the VCF-protection measures - thus posing other new and differing constraints and challenges that had to be constantly met by the VCF communities - as the region’s partially subsistence economy became more and more integrated into the national economy due to the enhancement of communication links with the rest of the country.

\(^{18}\)Clearing of land for cultivation by slashing and burning the forest vegetation cover.
Box 1- The Need to Recognize Indigenous Forms of Forestry Use: Since IPs in the CHT and elsewhere have proved themselves to be efficient managers and custodians of forests, it is only natural that their concepts of forest management be given their due recognition and application, as appropriate. In fact, indigenous knowledge has been recognized as "traditional scientific knowledge" in Agenda 21, which was adopted at the United Nations Conference on Environment and Development (UNCED) – also known as the “Earth Summit” - held in Rio de Janeiro, Brazil, in 1992. The 1993 Convention on Biological Diversity, which resulted from the Rio process, also acknowledges the importance of the "knowledge, innovations and practices" of IPs related to the conservation and sustainable use of natural resources (Articles 8j and 10c). The protection and promotion of the VCFs and of the concerned forest management knowledge and practices of the VCF communities therefore has a strong basis in international environmental standards that directly apply to the government of Bangladesh.

It is unfortunate that many of the aforesaid international standards are neglected in national policy-making. For instance, it has never been formally acknowledged that the *taungya* method of raising plantations in the CHT is a people's innovation based upon 'jum' or swidden methods. It is also hoped that the government of Bangladesh acts in consonance with its formal commitments in meetings of the Conference of the Parties to the Convention on Biological Diversity and related inter-governmental processes. Forest departments in Bangladesh, for instance, continue to use this indigenous technology without either recognizing the indigenous roots of this innovation or sharing its benefits with IPs, which violates the Convention on Biological Diversity.

A Rights-Based Programme – Understanding the rights-based Perspectives of Danida and Taungya: The project of *Taungya* that was focused on VCFs was *initiated at the desire of some village communities in the CHT who wished to maintain and protect their community VCFs in a more organized and coordinated manner than*

19 A method in which small-scale farmers are given agricultural plots and subsidies on state forest lands in return for planting and maintaining trees on the plots.

20 Expert Meeting on Traditional Forest Related Knowledge and the Implementation of related International Commitments, 8-10 December 2004, organized by International Alliance of Indigenous and Tribal Peoples of the Tropical Forest and et al, in San Jose, Costa Rica.

21 Ibid. Refer to footnote above.
was currently practiced. Taungya sought to facilitate this process and Danida agreed to support Taungya not only financially, but also via technical support in the form of capacity development (trainings, etc). The project started on 1st May 2003 and concluded on 31st April 2005.

Taungya is a strong believer in safeguarding the rights of IPs and their cultural integrity, including their traditional knowledge systems. The organization’s Constitution and general policy highlights three main pillars that focuses on: (i) respecting and protecting indigenous culture; (ii) respecting and protecting the environment; (iii) initiating people-oriented socio-economic advancement; and, (iv) promoting gender and equity issues. Equity – on the basis of ethnicity, gender, class, age or other differentiations – is also a mainstreamed cross-cutting issue that cuts across all its interventions.

Taungya’s main partner in this process – Danida - seeks to work on a pro-poor people’s model that places the poor at the center of all developmental interventions (see Box 2 below).

**Box 2 - Dandia’s Development Strategy – A Rights-Based Pro-poor People Centred Approach:** In accordance with Danida’s development strategy, poverty in the project intervention area is expected to be reduced through support for the acceleration of pro-poor economic growth. Support is given for several sectors, including agriculture and non-farm economic activities. Priority is given to poorer households, female-headed households and other disadvantaged groups, including to IPs.

**Governance** issues – in Danida project areas – are sought to be addressed systematically and in cooperation with development partners (governmental and/or NGOs) through policy dialogue and direct interventions. Danida maintains a focus on the promotion of accountability, transparency and the rule of law at all levels of society, and in particular, in relevant institutions (both governmental and non-governmental).

Promotion of democratization and respect for human rights is also pursued by Danida, in cooperation with its partners, through policy dialogue, via specific programmes, and as a crosscutting issue to guarantee the constitutional and other human rights of all citizens. In Danida-supported programmes, emphasis is placed on
protecting and promoting the rights of poor and vulnerable groups such as women, IPs and children.

A review of the Danish government’s Indigenous Peoples’ policy – the Strategy for Danish Support to Indigenous Peoples – by indigenous experts concludes that it has served as a fairly effective instrument in promoting IP rights, especially in international processes. The policy has helped facilitate greater indigenous participation in the relevant UN processes, and has also helped raise the capacities of IP representatives at national and international levels. These efforts have contributed significantly to the incorporation of the views, needs and aspirations of IPs in the international political process.

In this particular instance, Danida sought to intensify policy dialogues with the concerned partner government (in this case, the government of Bangladesh), the opposition parties and all other relevant stakeholders with a focus on accelerating the process of bringing about the desired changes that can help IPs access their rights relating to (including use of) their own VCFs. The process of dialogue also involved active participation in the Bangladesh Development Forum (a forum of the Bangladesh government’s major donor and lending agencies, which, at present, is coordinated by the World Bank {WB}) and by maintaining an active role in the local consultative group (LCG) - a grouping of active donor and lending agencies based in Dhaka - as well as in all the relevant LCG sub-groups and working groups.

Stakeholders Involved: The primary ‘stakeholders’ of Taungya’s VCF project were eleven VCF-dependent communities oriented around three forest sites in the mauzas of Daluchari, Begenachari and Madhyachara in the Rangamati Hill District.

The secondary stakeholders included, in a wider sense, all inhabitants of the target VCF-surrounding areas, in addition to members of the VCF associations (in areas where these organizations existed).


3. Process:

**Rights-Based Programming Strategies Used:** Way back in 1967, the District Administration issued a notification urging stricter protection of community forests; however, no steps have been taken by government agencies to protect and promote these forests. The policy neglect since the 1960s has led to further diminishment of the number and extent of VCFs. The remaining VCFs continue to be threatened from various sources and in various ways.

Detailed research into the causes behind such policy neglect remains to be done. However, discussions with Taungya staff, members of VCF communities, local leaders, and a survey of the available literature, point to four major reasons for such neglect. These are:

(i) Lack of information on the part of national government agencies regarding VCFs;
(ii) Absence of direct policy guidelines on VCFs from national level ministries and agencies;
(iii) Paucity of understanding of, and respect towards, indigenous forest management patterns on the part of Forestry and District Land Administration officials; and,
(iv) Insufficient dialogue and resultant absence of cooperation and collaboration between indigenous village officials and Forest Department and Land Department officials.

Also, as in the case of indigenous knowledge related to the use of other natural resources, a most important element in the protection of VCFs is the tenurial security of the communities over the lands concerned. It was felt that, as an overarching strategy, VCF communities needed to strengthen their organizational skills to enable them to mount efficient advocacy campaigns and to lobby more forcefully than at present to address policy gaps, secure their basic rights and to prevent adverse external interventions. Increased cooperation – in the spirit of stakeholder cooperation and collaboration - between VCF communities and the local administration was thus encouraged by Taungya.

The main strategies for Taungya’s interventions on the VCFs under this project included the following:

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Strengthening of VCF Committees/communities to facilitate equity practices within the communities and to undertake policy advocacy and lobbying via capacity development; and,

Facilitating stakeholder dialogue with duty-bearers - in this case, the local leaders and forestry officials – with the end objective of impacting policies on VCFs.

To complement the above, supplementary strategies used included:

- Facilitating – at the request of the community - access to healthcare, education, water, sanitation and income-generating-activity support for VCF communities to strengthen their livelihood security; and,

- Facilitating participatory internal and external monitoring and evaluation (M&E) systems.

Box 3 - Use of Focus Group Discussions and Key Informant Discussions:
Programming strategies used by Taungya were being facilitated, amongst others, through rights-based participatory tools like Focus Group Discussions (FGDs) and Key Informant Discussions (KIDs). FGDs and KIDs were held regularly in the three primary target VCF villages. The FGDs and KIDs were expected to assist primarily with, (i) the identification of VCF management problems and identification of possible solutions; (ii) the analysis of past decisions and future plans; and (iii) helping develop the villagers’ capacities in skills like problem-analysis, problem-solving and participatory decision-making processes (with a special focus on enlisting participation of women and other disadvantaged groups).

Recognizing that meaningful participation of the communities concerned is the key to achieving outcomes, Taungya sought to mobilize the primary stakeholders in the project areas in a manner that ensured that the process of decision-making of the relevant committees and other forums were inclusive and free from discrimination at all levels. An important task of the VCF communities was to identify the different arrays of stakeholders, helping bring them into one or more common forums, thereby encouraging open discussions in a democratic manner and seeking consensually-made decisions on relevant issues in VCF management. Many such democratic and
consensual decision-making modes were seen to be rooted in local indigenous traditions, although some were being eroded. In some instances, the major challenge was to attempt to revive some of these traditions, especially in the context of the rapidly changing social, economic and political circumstances in the post-conflict CHT. In other cases, the major challenges were to deal with patriarchal attitudes and practices that had somehow come to be regarded as a part of traditional customary law.

Efforts were made to raise the awareness of secondary stakeholders through advocacy, training and other “software” activities by Taungya - although their direct interaction with Taungya staff was less frequent and less intensive than in the case of the primary stakeholders.

**Capacity/Role of Duty-Bearers in Addressing Demands:** Any understanding of the HRBAs used in Taungya’s VCF project would be incomplete without a corresponding and critical examination of the role of the meso-level duty bearer. In this case, the role of the donor agency – Danida – which oversees the parameters of the project aims and targets prior to any agreement for funding assumes immense significance. Similarly, the role of the primary duty-bearer with regard to protecting the rights of VCF communities - the government of Bangladesh and its subsidiary agencies located in the capital city (Dhaka) and within the CHT region - is also equally important.

As highlighted in Box 2, Danida’s real and potential capacity to support HRBAs is partly apparent from its formal policies, including its general policy on development assistance, and its separate policies on NGOs and IPs. Danida (as stated in Box 2) is also among the very few bilateral development agencies that has a specific policy on IPs. The team that reviewed this policy recommended that it could be implemented more effectively if there were coordinated efforts to inform relevant Danish government officials – particularly those posted in missions abroad – about the contents of the policy, highlighting the importance of mainstreaming it into Danish development assistance. In the case of this project, the general commitment to the advancement of IP rights was clearly felt by Taungya members and staff (in interviews with the authors). However, closer attention through detailed monitoring and evaluation (M&E), including through field visits, may have helped further in

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25 Ibid. Refer to footnote No. 22.
strengthening HRBA among Taungya members, staff and other stakeholders in the project areas. The potential for such strengthening is quite high, particularly since the Danish mission in Dhaka has an independent Human Rights and Good Governance Unit to support HRBA-related development programmes (under their assistance to human rights programming in general).

In comparison to the role of Danida, the role of the government of Bangladesh (including the related regional and local institutions and agencies) in fulfilling obligations has been far less encouraging. Various instances of capacity gaps abound. Firstly, perspectives differ on what the duties and corresponding obligations were amongst the various agencies at local and national levels. Taungya staff, for instance, met some sub-district officers who were sympathetic to the cause of the IPs; there were, however, others who seemed to have little or no interest in protecting the VCFs. Land and forestry officials, including officials of the Statistics Department, did not possess any statistics on any issue related to the VCFs. Thus, most senior-level leaders, bureaucrats and officials in Dhaka have little or no understanding about forestry issues in areas outside those that are managed directly by the Department of Forest (and in this case, it is the District Land Administration authorities who are more in control of administering the VCFs). In comparison, officials in district and regional councils – wherein local indigenous leaders play a prominent role – were found to be far more sympathetic about the rights of VCF communities. This broad support has the potential to be translated into more focused support on advocacy for formal recognition of the VCF communities’ land rights. This will have to be supplemented by efforts to sensitize the district and national level Land and Forest Administration Departments, since the CHT councils do not enjoy totally autonomous authority over the VCF lands. However, to what extent such support can be mobilized into action to influence policy reform will depend upon the organizational strengths and weaknesses of the VCF communities, and in particular, the newly established District VCF Association.

**Monitoring to Ascertaining Rights-Based Outcomes from the Rights-Based Strategies:** M&E is used as a tool by Taungya to appraise project performance to ensure that objective-focused and multi-dimensional analyses of the project strategies were achieved. Thus, participatory internal M&Es were conducted among others, by committees formed by Taungya that included (i) members of Taungya’s executive committee or general body, (ii) representatives of VCF Committees as chosen by the committees themselves, and (iii) members of general civil society as identified and invited by Taungya.
The internal M&E conducted by Taungya came up with the following findings. Though not an exhaustive list, the positive outcomes with longer-term public impact in the project areas included: (a) heightened awareness and organizational and advocacy skills levels of disadvantaged communities; (b) reduction in gender and class-based discrimination levels; (c) enhancement in community leaders’ awareness and responsibilities’ levels regarding public duties, transparency and accountability roles; (d) production of culturally-appropriate community-leadership training modules and materials; (e) promotion of some good practice models on access to justice for women and disadvantaged groups; and, (g) availability of some documentation on data and experiences to promote research, advocacy and development interventions. External M&E is yet to be conducted by Danida (or by others) on this project’s outcomes and resultant impacts. However, Taungya has stated that in addition to an M&E that should be undertaken by the donor agency, it is imperative that a separate M&E be also undertaken with the purpose of evaluating the overall performance of the project and in ascertaining the level of incorporation of gender concerns (to assess sex-specific impacts). Taungya has shared the findings of the internal M&E with the VCF communities of the region; emphasis has been on sharing the results with the primary stakeholders of the project (by reducing the reports into a simple format for easier communication).

4. Outcome (Results): The strategies used by Taungya during the two-year project period - which were complemented by the policy-level strategies that Danida follows on HRBA and human rights - led to some immediate outcomes as follows:

**Organisational Capacities of Communities were Developed:** One of the main outcomes hoped for - that of organizational strengthening of the VCF communities - has been partially achieved. This outcome has occurred via the formation of VCF Management Committees and the District VCF Association and the developmental activities undertaken therein. The organisational skills of these committees were further strengthened via their participation in M&E missions and the use of tools like the FGDs and KIDs – these focused discussions helped identify the obstacles and challenges that hindered the realization of communities’ rights in relation to their VCFs. These forums also assisted in bringing into focus the issues of gender discrimination and participation and in identifying solutions that could bring about society-wide changes in how gender roles could be defined.

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26 Taungya Quarterly Reports.
Gender and Class Equity Issues were Enhanced: Promoting and strengthening practices on equity based on gender and class (in this case, “class” denotes a classification based on socio-economic status) was regarded as a crosscutting strategy issue as well as a specific goal of the project, and was actively promoted and advocated by Taungya. The new VCF Management Committees of the three “primary” project area villages were seen to have gradually become more inclusive and gender-sensitive than before. Not only did the number of general members in the committees increase but women were seen to have become members for the very first time. This was one of the major outcomes expected from the project and seems to have already occurred, at least partially, through the inclusion of women in VCF Management Committees for the first time. Higher women’s participation, especially in this project context, assumes significance since the project faced immense challenges in bringing about gender parity levels on community participation issues (and these are discussed in length in the Lessons Learned Section of this study).

Taungya, as reported to the authors, was now encouraged that the positive impact of the project interventions might go beyond just capacitating the communities on sustaining and managing their VCFs to actually encouraging greater gender equity practices in CHT rural society. Such an impact would, of course, depend upon the extent that these VCF community practices are emulated by CHT communities outside of the sites under this project.

5. Programming Lessons Learned From Using Rights-Based Strategies: The strategies used within a time-bound project framework produced some lessons as follows:

Developing Capacities and Resultant Usage of Such Capacities is Time-Inducive: Within a limited project period – in this instance, it was a two-year period - Taungya’s HRBA-focused interventions were directed to developing the capacities of the rights-unaware communities to enable them to undertake policy advocacy and lobbying and to dialogue with duty-bearers to bring about policy changes in the current manner in which access to VCFs and its resources were managed. This involved initiatives to raise awareness, mobilize people and encourage participation in community-focused forums. Such capacity development helped to identify issues amongst the claim-holders relating to the obstacles that hindered them from accessing and maintaining their forest resources. However, the HRBA strategies used could not go beyond this and develop capacities of duty-bearers; nor could the project develop linkages that
allowed opportunities for the claim-holders and the duty-bearers to come together on a common platform – a necessary corollary if a HRBA is to demonstrate outcomes that can lead to sustained impacts. Consequently the project, within its limited time period of operations, could not show any impact at the policy level both during and after implementation of activities. An important lesson learned is that using HRBAs to develop community capacities and to then assist communities in utilizing such capacities is time-inducive and often, outcomes from the usage of developed capacities are not visible within a project-focused time period.

Using Policy Frameworks is Essential: It is imperative to have enabling policy frameworks in place to secure outcomes that lead to the realization of rights. In this case, examples of such frameworks are the provisions of the CHT Accord of 1997, which was designed to end more than twenty-five years of political unrest and conflict in the region, and that sought, among other things, to strengthen the CHT self-government system. The Accord resulted in the passage of a number of laws that provides a strong basis to protect the rights of VCF communities and other CHT residents. These include the *CHT Regional Council Act of 1998*, the *Hill District Council (Amendment) Acts of 1998* and the *CHT Land Disputes Resolution Commission Act of 2000*. These laws:

(i) Recognize the prerogative of the regional and district councils (both of which are run by an indigenous majority of councilors) to advise the national government with regard to drafting legislations for the CHT;
(ii) Provide land administration powers to the three district councils, along with the right to a share of royalty earned from forest and mineral resources; and,
(iii)) Provide for the formation of a Commission on Land that is required to adjudicate in accordance with the "laws, practices and usages of the CHT" respectively.

Though the follow-up processes relating to the CHT Accord have run into severe difficulties and the agreed upon devolution has been effected only partially, nevertheless, the legal implications for VCF community rights, is marginally better now, than before the Accord was signed. Most importantly, the members of the regional and district councils are far more supportive of the rights and needs of VCF communities than non-indigenous state functionaries. Thus, the legislative and executive prerogatives of the CHT councils can be invoked to help prevent privatization of VCFs. Similarly, the Land Commission - when it does start to function - could help facilitate the restitution of dispossessed VCF lands to the rightful communities. However, the CHT councils are not fully autonomous of the
national government in legislative, executive and fiscal functions. Therefore, sustained lobbying and advocacy will be required, both to draw the attention of the CHT councils, and to help the councils to bring about further devolution to strengthen their roles in CHT administration. Given the acute deforestation crisis Bangladesh is going through, public support - at least with regard to the protection of VCFs - may be relatively easy to mobilize, given that the VCF communities can strengthen their alliances with other organizations across the country.

**Using Women as Leaders in Communities is Imperative:** Taungya has made strides in promoting women’s role in decision-making bodies by mobilizing them to participate in mixed groups. This participation has enabled many women to act in a more effective manner than before. *From the outset, this policy has been adopted by listening and responding to what women say they want, and showing flexibility in the face of their diverse requirements and circumstances.* This has helped to ensure that action is firmly rooted in local realities, whilst engendering a sense of ownership and a degree of commitment on the part of the membership that is unusual elsewhere.

**Focus on Understanding Local Systems is Vital:** Taungya’s deep understanding of the pluralistic CHT governance system has helped the organization pursue a reasonably functional HRBA in its programming. It has succeeded in obtaining the trust and confidence of the local bureaucracy and the traditional governance systems. Though it has faced tension in its interface with traditional structures occasionally, partnership efforts, on the whole, have been sustained with mutual respect.

**Balancing Self-Dependent Initiatives with Strategic Networking Alliances is Necessary:** An important challenge in any project is to guard the communities against the development of undue dependency on the external friend or ally – in this case, Taungya - while neglecting the community’s own self-reliant organizational strengthening. Such disruptions could be triggered by the discontinuance or changes in the nature of the input of the external intervener. The sudden discontinuance of an Education project in the CHT by an international NGO in 2004, on account of withdrawal of donor support, was seen, for instance, to lead to serious social disruptions and deprivation of education benefits for the communities concerned.27 Even today, the communities are struggling to finance their schools, hitherto run from NGO funds, and yet earlier on, funded by themselves. Therefore, an important long-term consideration is to ensure that self-dependent initiatives of these

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27 Interview with Taungya Staff, July 2005.
Balancing Service-Delivery with a Rights-Based Approach is Crucial: An important corollary to the above is that strong local-level organizations like Taungya can play a role in forest management since they maintain the requisite balance between inaction and overly active interventions that weaken local self-dependent efforts. 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 public extension services of the government. Moreover, it is extremely difficult for such groups to organize and mobilize themselves to strengthen their rights over their commons while also having to struggle to make a living out of swidden farming on constantly diminishing and over-cropped lands held under customary titles. Thus, if services like facilitating the spread of formal education, functional literacy, vocational skill improvements and accelerating women's access to education and training opportunities are delivered in a manner that has a combination of both a service-delivery and a rights-oriented mode, they could act as a strong corollary to the communities’ own efforts to bring about the further strengthening and ‘equitization’ of the VCF Committees. This combination of a dual-delivery approach holds immense significance not only because such communities have not been able to access public services but also due to the overriding constraints that implementing only a rights approach would entail; in this instance, it would not have been possible to view the higher levels of women’s participation in decision-making through mere awareness raising and advocacy, if accompanying service delivery mechanisms that focused on functional literacy were not provided for.

Issues Surrounding Participation of Stakeholders is a Challenge: Enlisting participation of all stakeholders is integral under a HRBA. In the early stages of the project period, the most glaringly negative feature that was visible in the villages was the gender-blindness of the VCF Committees; this was evident from the total exclusion of women from their participation and membership in the VCF Management Committees. Though the levels of women’s participation in the Committees increased over the project period, perhaps an even bigger and related challenge in the long term is how to bring changes in male perceptions to help them
realize that women have equal capacities as their male counterparts to make rational and intelligent decisions related to development, resource management and family-related issues. The second problematic feature was the reluctance of VCF communities to open up the VCF groups to new members. The third major challenge was, at least in some cases, the pre-eminence of the traditional leaders (the mauza headman or the village karbari, as the case might be); in some instances, their dominant presence caused or contributed to conflicts of social class or interests. This third challenge 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 fourth major challenge - which may be said to be an amalgam of all the above three problematiques – relates to the decision-making processes that appeared far less participatory than was expected, especially since discussions at most VCF Committee meetings tended to be dominated by a few individuals, particularly men. However, to what extent the non-participation of some in the verbal deliberations of these meetings actually reflected their marginality or not, cannot be understood in depth without further sociological enquiry. It is well to be aware that the authors’ impression of dominant or marginal participation in VCF affairs is based upon their notions of what is participatory, which they hold irrespective of their study on VCFs. A deeper understanding of the social, cultural and political contexts surrounding leadership and participation issues remains a daunting challenge for Taungya and other actors and researchers on VCF management in the CHT.

**Networking with Various Stakeholders Remains a Challenge:** Due to the various challenges encountered by the IP communities in protecting their customary rights to their VCFs, many community leaders felt that it was prudent for the community concerned to diversify its networking alliances to also include political groups. It was however seen that most local political groups in the CHT were unable to give much of their time and attention to such resource rights and livelihood issues due to their preoccupation with other more pressing campaigns – those related to political and civil rights issues in particular - which they considered to be issues of higher priority. Precious and much-needed stakeholder support – especially at the political levels and which is imperative for social mobilization of any nature, however nascent, to succeed – was thus not available.
**Strengthening Customary Resource Rights and Reducing Internal Inequities Remains a Major Constraint:** Apart from encountering threats from external sources, VCF communities also have to guard against inequitable practices within their communities - whether based upon gender, membership of kinship groups, or otherwise - which disrupt social cohesion, and which can lead to the abandonment of community efforts to continue to manage the forests concerned. In such matters, external interventions, including those used by *Taungya*, were genuinely accepted by the communities only because these were balanced/took into consideration other equity and sustainability concerns that were based upon social class structures, political dynamics and economic needs.
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Annexe 1:

List of People Consulted:

VCF Community Leaders

Mr. Amal Kanti Chakma, Chairperson, Daluchari VCF Management Committee, Kutukchari, Rangamati.

Ms. Arati Talukdar, Member, Langadu Union Council, and Member, Madhyachara VCF Management Committee, Langadu.

Mr. Gandhi Kumar Karbari, Chairperson, Nahbhanga VCF Management Committee, Barkal.

Mr. Kamalendu Bikash Dewan, Chairperson, Kusumchari VCF Management Committee, Barkal, and Chairperson, VCF Communities’ Association, Rangamati.

Mr. Lalton Pangkhua, Chairperson, Chandulung Para VCF Management Committee, Barkal.

Ms. Mamata Chakma, Member, Kutuk Chari Union Council, and Member, Daluchari VCF Management Committee, Rangamati.

Ms. Mamata Rani Chakma, Member, Begenachari VCF Management Committee, Barkal.

Mr. Motilal Chakma, Chairperson, Begenachari VCF Management Committee, Barkal.

Nirupam Karbari (Late), former chairperson, Maddhyachara VCF Management Committee, Langadu and former Chairperson, VCF Communities’ Association, Rangamati.

Ms. Purna Devi Chakma, Member, Kusumchari VCF Management Committee, Barkal.

Ms. Shapna Khisa, Member Begenachari VCF Management Committee, Barkal.

Mr. Shasanka Shekhar Chakma, Head Teacher, Attarokchara, Langadu.

Mr. Tulosi Ranjan Chakma, Member, Bhurbanya VCF Management Committee, Barkal.

Leaders of Indigenous Peoples and Civil Society Members

Mr. Bhabatosh Dewan, Advocate, and Secretary, Hill Tracts NGO Forum.

Mr. Gyana Lal Chakma, Chairman, Kutukchari Union Council, Rangamati.

Mr. Hari Kishore Chakma, Journalist, Prathom Alo, Rangamati.

Mr. Kalin Mitra Chakma, Headman, Langadu, Rangamati.
Mr. Nirupam Karbari, President, *Maddhyachara VCF Management Committee*, Langadu.


Mr. Shaktiman Chakma, Advocate, Rangamati.

Mr. Shasanka Shekhar Chakma, Head Teacher, *Attarakchara*, Langadu.

Mr. Shyama Ratan Chakma, Chairman, *Aimachara Union Council*, Barkal, Rangamati.

Ms. Tuku Talukdar, Coordinator, *HIMAWANTI*, Rangamati.

Mr. Zuamlian Amlai, President, *Bawm Social Council*, Bandarban.

*Taungya Members and Staff*

Mr. Amlan Chakma, Executive Director, *Taungya*.

Mr. Dhiman Khisa, Member, *Taungya*.

Mr. Newton Chakma, Community Mobilizer, VCF project, *Taungya*.

Mr. Nikhilesh Chakma, Project Coordinator, VCF Project, *Taungya*.

Dr. Parash Khisa, Secretary, *Taungya*, Rangamati.

Mr. Santosh Kumar Chakma, Community Mobilizer, VCF project, *Taungya*.

Mr. Sumon Chakma, Community Mobilizer, VCF project, *Taungya*.

Mr. Sudatta Bikash Tanchangya, Vice-Chairperson, *Taungya*, Member Secretary, Bangladesh Tanchangya Welfare Association, and Secretary, Movement for the Protection of Forest and Land Rights in the Chittagong Hill Tracts.

Ms. Susmita Chakma, Advocate, and Executive Member, *Taungya*.

Mr. Suvashis Chakma, Field Supervisor, VCF project, *Taungya*.

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