

Transparency and Accountability in Forest Conservation and Management: Problems and Way Out¹

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Executive Summary

1. The Context

Forest is an important renewable natural resource. It plays the invaluable role to keep the environment sustainable for human habitat. It also helps increase the humidity in the air and control the temperature, keep air fresh by producing oxygen (O₂) and reducing carbon-dioxide (CO₂), prevent flood, land erosion and desertification, increase the fertility of land, and preserve the biodiversity. In short, forest has important role both in terms of national economy and sustainable environmental development. In 2006-07, the contribution of forest sector in the GDP was 1.52%.

According to the Forest Department (FD), the total forest land in Bangladesh is 2.52 million hectares, which is almost 17.4% of the total land area. Of this, around 1.52 million hectares (10.30% of the total land) are controlled by the FD. This includes the hill forest, plain land forest, the *Sunderbans* or mangrove forest, coastal forest, and tea and rubber gardens. Among the rest, there are around 0.73 million hectares of Unclassified State Forest (USF) controlled by the district administration and 0.27 million hectares of village forest. However, a recent survey, jointly conducted by the FD and SPARSO with the help of FAO in 2005-07, reveals that the total forest land of the country is only 1.44 million hectares (9.8% of the total land area).

The rate of deforestation in Bangladesh was 8,000 hectares per year in 1980, which currently has increased to 37,700 hectares per year. According to a multi-sector development bank, the current deforestation rate is around 3.3%. Again, the per capita forest land was 0.035 hectares in 1969, which decreased to 0.002 hectares in 1990. This high rate of deforestation makes this sector most vulnerable and declining.

The FD is responsible for managing and protecting the natural forest. However, the administrative weakness and loopholes of the FD, i.e., lack of efficiency, lack of budgetary and logistic supports, and rampant corruption have been identified as the major causes of deforestation in a number of reports. Different electronic and print media often report on the involvement of FD officials in corruption and irregularities. Association with illegal loggers, anomalies in log auction, illegal toll collection from the collectors of forest produces, embezzling or misappropriating government revenues, and irregularities in recruitment, posting and transfer have already created a negative image of the FD.

1.1 Rationale and Methodology

Ensuring accountability and transparency in forest management to eradicate irregularities and corruption is a must to protect the prevailing natural forest from complete depletion. In-depth research and implementation of the recommendations are essential to do this. However, there is a dearth of such research revealing the nature of anomalies and corruption prevailing in the FD. In this backdrop, TIB initiated this study with the objectives of revealing the nature of irregularities and corruption in forest management and conservation, and proposing a set of recommendations to the concerned authority.

In conducting this study a qualitative approach was applied. Secondary information was collected from different published reports, official documents of FD, reports from newspapers and internet. Besides, several key informant interviews (KII), focus group discussions (FGDs) and case studies with the concerned authorities, different stakeholders, journalists, development activists of this sector were conducted. In this study only the reserved forests have been included. The research was conducted during the period December 2006 to March 2008.

2. Key Findings

2.1 Illegal logging and trafficking of logs out of reserved forests

One of the forms of corruption most rampant in the forest sector is illegal logging and trafficking logs out of the reserved forest. Here, the government loses a large amount of revenue and the nature loses its biodiversity and sustainability. In the reserved forests of the Chittagong Hill Tracts (CHT), the loggers mostly abuse the *jote*³ permit to traffic logs. Moreover, they exploit the transit pass (TP) to transport the logs out of the forest. Even carrying out logs without any document is not very unusual.

First the corrupt businessmen or the log traffickers collect the *jote* document from a local *jote* owner and apply to the office of the Deputy Commissioner (DC) for the permit. This document is attested by the local *Karbary* and the *Headman* illegally in exchange of money. According to the procedure, the officials from the DC office and the FD are supposed to inspect the *jote*, to mark the trees and to monitor the total procedure. But in reality, these officials are often managed illegally in exchange of financial benefit and they issue the permit without visiting or inspecting the *jote*.

On the other hand, a group of labours or lumbermen collect logs from a reserve forest by managing forest guards and stock those in a safe place. Later few other labours bring these logs to the city by trawlers. On the way to the city they have to manage the officials of several forest check-posts paying bribes. Besides, a number of local political parties also extort money from these log traffickers.

These illegal logs are again carried to various markets of Chittagong and Dhaka cities by trucks or covered vans. To transport these illegal logs, traffickers have to collect transit pass (TP) from the forest office paying bribes. They also have to pay bribes or toll to the DC office, local police station, press club, government and opposition party, various government intelligence agencies, check-post of Bangladesh Rifles (BDR) and several check-posts of the FD. They have to pay double if they do not have any valid document.

According to the study, to collect around 1500 cft logs from the reserve forest and to bring them up to Rangamati town, it takes almost Tk 120,000 paying at 14 points. To traffic these logs by truck to Chittagong, it takes around Tk 50,000 at 13 different points. According to this estimate, to traffic a truckload of 400 cft illegal logs from the reserve forest up to Chittagong, it takes on average Tk 84,000 paying money at 27 points. It takes Tk 50,000 more to carry the logs up to Dhaka city, where as the selling value is around Tk 800,000.

Trafficking logs from the reserve forests of Moulvibazar and Hobiganj is also a regular phenomenon. In these areas one has to avail the *home* permit similar to the *jote* permit to fell the trees in a private land. The procedure of issuing this *home* permit is equally time-

³ *Jote* refers to the document of the land owned by any individual. 'Jote Permit' is an official permission issued by the FD to fell trees from a particular *jote*.

consuming and complex. FD officials extort illegal tolls to issue such permits. Again they claim tolls to issue TPs to transport these logs out of these districts.

Businessmen of the adjacent areas of the *Sunderbans*, who are involved in log business, almost regularly traffic in valuable trees, including the *Sundari*, with the help of the corrupt FD officials. Besides them, few local politicians, journalists and officials of local administration are also involved in this process.

Loggers use different strategies to traffic in logs from the *Sunderbans*. There are a number of syndicates of log traffickers in the adjacent areas of the forest, especially in Mongla. They use low-cost one-time usable trawlers for this purpose and thus avoid monetary loss in case of any failure. However, most of the times they do it in connivance with the FD officials and the local police stations.

Another way of trafficking logs out of the *Sunderbans* is through the *bhoor*. The traffickers make a raft with logs and then cover it with the root (*merr*) of nypa (*Gol*) leaves. The logs remain under water and thus unnoticed from a distance. These logs usually are passed through the middle of the river during the high tide during the new moon. These *bhoors* are trafficked in a large scale mainly in the rainy season. Boleshwar, Pashur and Shibsha rivers are the main routes to carry out the *bhoors*. In this way logs worth almost Tk 60 millions are trafficked in a year through these three rivers.

Regular carriers of logs are the fishing boats, and the boats of nypa leaves and *Goran* collectors. Fishermen are allowed to collect firewood for their daily use. But almost every fishing boat abuses this provision by collecting excessive firewood for selling. Few of them also collect around 15 cft of illegal logs of *Sundari* and *Pashur* on an average. On the other hand, almost each and every boat carrying nypa leaves and *Goran* are engaged in trafficking logs in small scales through managing corrupt FD officials. Thus, in a year logs worth around Tk 1.35 billions are trafficked by the fishing boats and the boats of nypa collectors.

Corrupt officials of different forest stations and camps also privately appoint office labours and often traffic in logs collected by them to pay their wage. The drinking-water suppliers in different remote forest stations and camps are also paid *Sundari* logs and firewood instead of money.

2.2 Role of saw-mills and furniture shops

There is a significant role of saw-mills in trafficking and processing illegal logs in the adjacent areas of reserve forests. In the Rangamati Circle, almost one third of illegal logs are trafficked only after processing in different saw-mills. To process such illegal logs collected from the reserve forest, these saw-mills have to pay regular tolls to local FD offices, local police stations and the DC office. Similarly, almost 80% logs that are processed in the saw-mills of Banderban are collected from reserve forests illegally. In Chakaria of Cox's Bazar, one third of logs processed in saw-mills are illegally collected from reserve forests. It is a regular practice to pay bribes heavily to local forest and DC office to establish a saw-mill. Even saw-mills are established within 10 kms of a reserve forest, the limit set by the law, by paying bribes.

Few furniture outlets also have important roles in trafficking furniture made by illegal logs. They have to manage FD officials, DC office and local police administration for using illegal logs to make furniture and supply to different corners of the country. They have to pay monthly tolls to operate their factories and outlets. According to the study, in Banderban only

10 furniture outlets out of 700 have valid trade licence. In the CHT, almost 90% logs that are used to make furniture are illegally collected from reserved forests.

There is a provision of carrying a new set of furniture at the end of service tenure for the government officials. But there is a tendency of carrying more than one set of furniture through bribing forest officials and DC office. Moreover, by abusing this provision the corrupt businessmen are involved in trafficking furniture in large scale by collecting TP with the help of corrupt FD officials and DC office. These TPs are often used repeatedly violating the procedure.

2.3 Role of FD in excessive collection of forest produces

Corrupt FD officials regularly harass collectors of forest produce of the *Sunderbans* for extra tolls. They have to follow a certain procedure to collect the forest produces through which the government earns revenue. But at the same time the collectors are compelled to pay extra tolls at different stages. According to the study, *bawalis*⁴ with a boat of around 20 ton capacity have to pay almost Tk 32,000 each trip to the *Sunderbans*. However, of this amount only Tk 2,000 goes to government revenue and around Tk 23,500 are kept by the corrupt FD officials. Rest of the amount are illegally collected by the local police and pirates. To cope with such excessive tolls, *bawalis* have to collect nypa leaves four times more in quantity than they are permitted to. In such way, *bawalis* collect extra nypa leaves worth around Tk 300 million every year where the government loses revenue of around Tk 12.5 million. The corrupt FD officials extort almost Tk 62.5 million annually from the *bawalis*.

The collection targets of forest produces are usually set according to the reproduction capacity of the *Sunderbans* and its management plan. But due to corrupt practices of FD officials, the forest produces are extracted excessively crossing the officially set target. Thus the government loses revenue regularly on one hand, while on the other hand the excessive extraction of forest produces adversely affects its reproduction capacity.

2.4 Irregularities in fishing in the *Sunderbans*

Almost one-third of the *Sunderbans* is constituted by water bodies. There is a network of around 400 rivers and canals throughout the forest. Almost 10 million people of the adjacent areas are dependent on fishing. They collect different kinds of shrimps, crabs and fishes. According to the Forest Act 1927 they have to pay revenue to the FD for fishing inside the *Sunderbans*. However, corrupt officials regularly collect extra tolls along with the regular fees from these fishermen.

In case of boat license certificate (BLC), corrupt officials collect around Tk 200 whereas the government fee is only Tk 12. Thus they extort almost Tk 3 million annually from issuing or renewing BLC. Again the fishermen have to pay around Tk 200 in different check-posts during the fishing period. Moreover, they have to pay extra amount at the end of fishing without measuring the actual quantity. Thus corrupt officials extort almost Tk 2.3 million in a year from the fishermen.

Corrupt FD officials, in exchange of bribes, often allow the fishermen to catch fish within the prohibited areas such as wildlife sanctuaries. In such cases the fishing boats have to pay Tk 200-300 per week as tolls in different stations and forest camps for fishing in these sanctuaries. Few fishermen use insecticides or pesticides to collect fish in short times. Such indiscriminate fishing in these areas is adversely affecting the reproduction of fish and destroying the ecosystem.

⁴ Collectors of nypa leaves from the *Sunderbans*.

A lot of people are engaged in collecting shrimp fries though it is prohibited for the last few years. Corrupt FD officials collect around Tk 50 per week as tolls from each fry collecting boats.

2.5 Irregularities in honey collection

Honey is an important forest produce of the *Sunderbans*. People who are dependent on the forest produces collect honey during the specific period set by the FD. Those engaged in collecting honey traditionally are called *mowals*. The FD is supposed to collect certain fees for certain amount of honey or wax as government revenue from them. But in reality, FD officials collect a fixed amount as government fees without measuring the quantity. And again they collect 40 kilograms of honey from each boat as toll. According to the current study, each year the FD officials almost collect honey worth of Tk 0.8 million. Later this honey is distributed among the forest officials, up to the Chief Conservator of Forest (CCF) and even to the concerned ministry.

2.6 Activities of pirates in the *Sunderbans*

One of the serious problems is pirates in the *Sundarbans*. Almost 30 groups of pirates have developed a second administration parallel to the FD. It is nearly impossible to collect forest produces without paying tolls to these pirate groups. The collectors of forest produces and fishermen take money as toll for pirates before entering the forest. If they fail to fulfil their demand they keep the collectors or fishermen as hostage and plunder the boats. They often claim Tk 30,000 per person as ransom. The rate of casualties in resisting pirates is around 10 per year. Though the security of forest produce collectors are supposed to be ensured by the FD, the Coast Guard and local police, all of them have so far failed to thwart the pirates.

The FD mentioned shortage of manpower, lack of modern arms and ammunition, legal complexity in using arms, and lack of vehicles and fuel for regular patrolling and special drive as the main reasons for failing to prevent pirate activities. However, it is widely believed that there is connivance between the security forces and pirate groups, as a result of which they are informed about upcoming drive.

2.7 Irregularities regarding auction and forest cases

Different forest offices arrange need based auctions of confiscated logs every month. Corrupt FD officials often hide the original quality and quantity of logs and thus help buyers illegally to get logs at a cheaper rate. They even help certain businessmen or business syndicates to get the tender by providing secret data in exchange of bribes.

Corrupt FD officials often change the type of Offence Report violating the Forest Act in favour of the accused. Having connivance with the accused, they often register the Compound Offence Report (COR) instead of Prosecution Offence Report (POR), which enables the accused to become free and keep illegal forest produces by giving an insignificant penalty.

According to the Forest Act 1927, there is no provision to settle the forest produce that are confiscated from the reserve forest under COR. But in 2005, at the Rangamati Circle, almost 0.65 million cft logs confiscated from the reserve forest were sold to the accused party under the COR, which cost the government around Tk 270 million. Top officials of the FD, even the concerned ministry and the parliamentary standing committee were involved in this brief violation of the Act.

According to the Forest Act 1927, the eye witness reports of forest officials have a great significance in lodging forest cases and in proving the forest crimes in court. But the corrupt FD officials often abuse this provision and report false cases harassing innocent people for monetary benefits. Often they file cases picking names from the previous record for a new occurrence without any proof or knowing the fact. Thus, if someone gets registered in the offence file of the FD once, he will find several forest cases against his name. Sequentially, to get rid of the cases and to maintain the expenses, the poor fellow is often compelled to get involved in trafficking forest produces. In such way, there are evidences of filing 80-90 different cases against one person at the Tangail Forest Division. In an initiative of the last caretaker government such false cases were reduced to 150 from 7,252 in one and half year at Tangail.

Exploitation of the forest law by a few corrupt FD officials creates an overall negative impression about the whole FD and the procedure of filing forest cases. As a result, often the real culprits get bail and even preference in the final judgement.

Long procedure is a major problem in forest cases under POR. Only for this reason a lot of accused get bail and often manage to escape punishment. On the other hand, there are no financial allotment for filing and continuing cases, filing writ petition, even for appointing expert lawyers. The concerned FD officials have to bear such expenses on their own and have been told from their higher officials to manage it by themselves. In this way the managing process creates the opportunities of corruption.

2.8 Irregularities in recruitment, posting, promotion and transfer of FD officials

The most significant irregularity of the FD takes place with regard to the appointment, posting, promotion and transfer. Trade in transfer and posting is the main reason for entire irregularities in the FD. FD officials who secure transfer to a desired circle through a large amount of bribe will definitely try to regain his investment with profit through illegal way or getting involved in corruption. Getting transfer in a desired place and postponing or withdrawing the regular transfer order in exchange of money is a regular incidence in the FD. There are also complains of collecting tolls by threatening subordinates to transfer in remote areas, even for recommending regular transfer.

Besides this, irregularities and mismanagement in recruitment have been prevailing for a long time in the FD. Appointment in a cadre post is halted for 16 years (from 1984 to 2001) which created shortage of credible officers in the Department. A case filed by the Rangers remained pending for long time by not giving sufficient importance by the senior management of the Forest Division and concerned ministry. Now-a-days officers are working as 'in-charge' and responsible for more than one tasks as a result of insufficient manpower at officer level.

Irregularities with regard to promotion at any post in the FD are also a common incidence. It is alleged that auction was called for appointment in the post of CCF in the last 20-25 years. The last CCF paid more than Tk 10 million for getting this post. As the CCF gets an appointment in exchange of certain amount of money, later on, he demands the same from juniors to recommend for promotion.

Irregularity and bribe trade continues with regard to the recruitment of personnel in revenue section from several projects. So far 64 ACFs were replaced to the revenue section from Forestry Resource Management Project (FRMP) in 2000. But still they are not given the status of cadre-based posts.

2.9 Irregularity and corruption in FD initiated projects

Irregularity and corruption in managing and implementing projects is another issue of concern. Generally the Project Director has to pay a certain amount as bribe from the total budget before or as early as the project is approved. Afterwards financial irregularities persist at every level of project implementation. Irregularity in purchasing soil and cow-dung, overpricing of plants, irregularity in transportation and preservation – are some of the major financial irregularities that take place in projects such as plant raising, tree plantation and forestation. Huge amount of financial irregularities occur in awarding contractors and tender in building infrastructure of several development projects, purchasing office equipments and vehicles and every stage of construction.

Illegal financial transaction happens in tender invitation and recruitment process for appointing consulting firms and individual consultants. Low quality technical report submitted by the consultant at various stages of a project is accepted in return of bribes, while good reports are ignored if bribes are not paid. Bribes are paid to prepare audit and project evaluation reports in favour of development and managed implementation of projects and organized financial management. Corruption also takes place during inspection of the project area.

2.10 Encroachment of forest land

Another example of the incapability and mismanagement of the forest department is the failure in protecting forest land from land grabbers. Currently almost 270,570.98 acres of forest land are under the control of land grabbers.

There is little difference in causes and ways of land grabbing in different areas of forest, but everywhere corrupt FD officials play the role of the catalyst. The land form of Madhupur Sal forest area is slightly distinguished from other forest areas. There are scattered private low lands in between the high forest lands. The owner of these lands often merge the high forest land in their possession with the help of corrupt FD officials, who never protest or file cases against such land grabbers. Moreover these corrupt officials indirectly help these land grabbers later in court by not presenting the legal documents in favour of the FD.

In the CHT, the major cause of land grabbing is the remaining dispute regarding land rights of local ethnic people. The ethnic people claim the ownership of land as they have been living there for a long period and they have been traditionally enjoying group ownership of land. They are also traditionally habituated with the *jhum* (slash and burn) culture, which slowly makes a forest barren where the ethnic people later establish habitat. According to a report presented to the MOEF in 2006, almost 43.54% reserve forest lands are already encroached.

In the *Sunderbans*, almost 200 sq km areas in Jeudhara, Joymoni, Dhansagor, Boiddobari, Hoklabonia, Kachubonia are encroached by land grabbers. According to this study, the northern part of the Bhola River is already encroached. Several homesteads are built within the forest area due to the shrinking of this river and the Khorsha canal.

2.11 Violating forest policies and forest acts

Bangladesh government and the FD have allowed different foreign oil and gas companies several times to excavate and install pipelines, and to conduct seismic surveys for oil and gas exploration within the reserved forest violating the forest policy and the forest management acts.

In 2004, Unocal was allowed to install a gas pipeline in the Lawachara Reserve Forest of Moulvibazar without acknowledging the probable negative effect on the biodiversity and the wildlife. Again in 2008, another company Chevron was allowed to conduct a three dimensional seismic survey in search of new gas reserve. It must be mentioned that any accident in the process can destroy this last patch of rain forest in the country.

2.12 Unwillingness in providing information

Getting information from the FD and its divisional offices is a difficult task. The officials are often found unwilling to provide necessary information. Journalists, researchers, students, writers and various professionals never get assistance from these officials regarding information. They used the Official Secrets Act of 1923 as the shield from providing information. They often ask for a written permission from the ministry which is almost impossible due to bureaucratic complexity and the lengthy procedure. The departmental website is not updated regularly. The site provides revenue data only up to 2003.

The FD is responsible for forest conservation, effective forest management and sustainable development of forest resources. But due to the negligence and corruption of few forest officials the biodiversity of the country is at serious stake. Above all the lack of willingness of the political leadership is responsible for the existing anomalies and corruption at the FD. Moreover, absence of an updated and effective forest policy in conserving forest and its sustainable development, lack of participatory approach and several organizational limitations of the FD also play a key role in aggravating mismanagement and corruption in this sector.

3. Recommendations

A. Policy Level

1. Instead of revenue oriented policies, conservative policies should be adopted and implemented. The revenue target should be realistic and environment-friendly.
2. Forest lands that are already occupied or likely to be grabbed should be recovered. 'Community Forestry' engaging local people should be introduced in managing forests and reforestation.
3. To protect the biodiversity in the reserve forests, priority should be given to fruit-bearing, medicinal and local species, rather than exotic and expensive timber-producing plant species.
4. To meet up the high demand of woodlot, vast plantation program outside the reserve forest such as agro-forestry, woodlot forestry, and buffer zone should be initiated. In this regard, positive approach should be taken to import timber.
5. A comprehensive awareness campaign regarding the significance of forest conservation to protect the biodiversity should be undertaken.

B. Organizational Level

6. The IG post could be re-introduced to establish effective coordination among various government agencies.
7. Personal integrity, reputation and efficiency should be considered along with seniority in appointing different senior positions, such as IG and CCF.
8. The organogram of FD should be restructured to meet up the increasing demand of manpower, especially in the camps and stations of remote areas of reserve forest.
9. The posting of CCF should be on permanent basis instead of temporary. The existing rules regarding promotion should be reformed accordingly.

10. Forest officials should be transferred after two and three years from the division and circle respectively. Moreover, officials should not be transferred back to the previous work station within six years.
11. Forest officials have to disclose their wealth statement to the concerned ministry at regular intervals.
12. Forest officials involved in corruption must be brought under trial. Special tribunals can be formed to establish 'zero tolerance' policy regarding corruption.
13. To prevent illegal logging and smuggling of forest produces, a joint taskforce may be formed with participation of various government agencies, army and forest officials.
14. Saw-mills, furniture outlets and brickfields established within the prohibited limit of reserve forest must be evicted.
15. Businessmen willing to take part in forest auction must have licence from the concerned authority. A policy prohibiting the participation of defaulter or black-listed parties should be introduced.

C. Administrative Level

16. Salary and other benefits of the forest officials should be raised.
17. To ensure effective management at the field level, sufficient logistic support should be ensured.
18. Special incentives and rewards for integrity, efficiency and special performance should be introduced.
19. Risk allowance should be allocated for the officials working in remote places.
20. Source money for the informer should be arranged regarding smuggling of forest resources.
21. Modern fire arms and sufficient training should be provided to the officials working in remote places.