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INTEGRATED PROTECTED AREA CO-MANAGEMENT (IPAC)

A Summary Report on the Mission
by the Environmental Law Institute
to Analyze the Legal Framework
Governing Co-Management in
Bangladesh

December 9, 2008

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Table of Contents

1. Introduction	2
2. Summary of Observations	3
3. Thematic Issues	7
3.1 Definition of protected areas	8
3.2 Jurisdiction	8
3.3 Land ownership and long-term use rights	9
3.4 Zoning	9
3.5 Benefit sharing	10
3.6 Community-based organizations	12
3.7 Enforcement	12
3.8 Management plans	13
4. Sectoral Legal Issues	14
4.1 Fisheries	14
4.2 Forestry	14
4.3 Ecologically Critical Areas	15
5. Conclusion	16
6. Next Steps	18
Annex 1: First Mission Schedule	19
Annex 2: Second Mission Interview Schedule	20
Annex 3: Preliminary List of Laws, Policies, & Plans	22
Annex 4: Draft Manual for Co-Management of Protected Areas under Existing Law	24

1. Introduction

Staff Attorney Lisa Goldman undertook the Environmental Law Institute's (ELI) first mission to Bangladesh in October 2008 to provide legal analysis and support to the IPAC Project. The mission inquiry was two-pronged: first, to assess whether and to what extent Bangladesh's existing legal authorities can be used to support the development of a formal, "scaled-up" co-management strategy; and second, to identify gaps and recommend future changes or additions to strengthen the legal framework in support of a co-management approach. As described in the terms of reference for this mission, planned activities during and following the mission included: (1) a review of legal and policy documents concerning natural resource management; (2) interviews with government and NGO representatives about co-management; (3) a review of sources of authority for co-management in the existing legal framework; (4) identification of gaps and additions that would strengthen the legal framework in support of co-management; and (5) proposal of legal and policy recommendations for development of a protected area co-management strategy.

Much of the first mission was spent interviewing IPAC partners, government officials, and NGO representatives about issues relating to the legal framework for protected area co-management, with the remaining time spent reviewing legal and policy documents. Due to time constraints, it was not possible to go out into the field to meet with local communities, although their input should be obtained as well. On the last day of the mission, ELI held two briefings for the interviewees on our preliminary observations concerning the key legal issues relating to protected area co-management – one for the NGO and lower-level government officials, and one for the higher-level government officials and USAID project managers. The meeting schedule for the first mission is provided in Annex 1.

Senior Attorney John Pendergrass undertook ELI's second mission to Bangladesh in December 2008 as a follow-up to the first mission to provide additional legal analysis and to further develop the legal framework in support of the IPAC Project. The mission purpose was two-fold: first, to provide targeted analysis and further development of legal and regulatory frameworks in support of integrated protected area co-management; and second, to work with key Government of Bangladesh stakeholders and partners on the development of the Protected Areas strategy, emphasizing the identification of existing legal frameworks that support PA co-management and necessary policy and legal changes.

As described in the terms of reference for this mission, planned activities during and following the mission included: (1) compile and share relevant information from selected legal and policy documents from the South Asian sub-region (particularly India, Nepal and Sri Lanka); (2) propose/recommend common definitions for different types of Protected Areas (with different management objectives, management modalities, and varied levels of protection and permitted uses), drawing upon the international adopted standards and practices developed by IUCN and its member organizations, including references to use rights, provisions for zonation and legal standing of approved management and benefit distribution plans for PA co-management; (3) follow through on the elaboration of recommendations for the PA strategy concerning the legal issues that would need to be addressed to strengthen establishment of a co-management PA system(s) in the future; (4) review the existing legal framework in the Chittagong Hill Tracts and its applicability to PA co-management; and (5) while conducting the above activities, consider the following issues:

a. Analysis of constraints to the formalization of rights, authorities and responsibilities for Co-management institutions to intervene in management decisions affecting multiple use

zones of Protected Areas, allocation of revenue and other benefits, and affecting opportunities for recognized community organizations to benefit directly from conservation particularly through resource access, increased incomes and other economic incentives

b. Opportunities for integration to the global legal framework(s) for PA management, including those advanced by the IUCN

c. Rights relating to “tribal” or indigenous peoples, also called Adivasi in Bangladesh.

As with the first mission by Lisa Goldman, a substantial part of the mission was spent interviewing IPAC partners and government officials about issues relating to the legal frameworks for protected area co-management, with the remaining time spent reviewing legal and policy documents. Mr. Pendergrass also joined for one day a field trip by IPAQ staff to visit a fish sanctuary and meet with the local community Resource Management Organization (RMO). Due to two national holidays, a number of government officials were not available for meetings.

2. Summary of Observations

The interviews and background research conducted during these missions have generated several observations on the legal framework for protected area co-management. The summary of our findings is set forth below, followed by a more detailed analysis of the legal framework.

(1) Government and NGO staff support the co-management concept

The interviews with government and NGO decision-makers and resource managers generally reflect support for and acceptance of the co-management approach to protected area management, both as a way of meeting community subsistence needs and as a means to ensure more effective protection of valuable resources. There is a widespread sense that the models are working and that momentum for co-management is building – it is not a question of whether to scale up, but how. Of course, not everyone takes the same view of how co-management should function, and questions have been raised (among others) about such issues as the relative roles of communities and government in the co-management scheme; whether protected areas should be defined to include community resource use; and how to extend the co-management concept from fisheries to protected forest areas, given the significant distinctions in how these resources are classified and managed by the government. Nevertheless, the support of agencies and NGOs is crucial to both the continued implementation of co-management and the adoption of more fundamental legal changes to enable this approach in the long term.

(2) Although the framework environmental laws do not formally authorize co-management in protected areas (or elsewhere), they provide some authority for participatory resource management

Since the fundamental environmental and natural resource laws in Bangladesh (1927 Forest Act, 1950 Protection and Conservation of Fish Act, 1973 Wild Life (Preservation) (Amendment) Order, 1995 Environment Conservation Act) predate introduction of the co-management concept, there is no explicit mention of co-management in the current legal framework. However, this does not mean that Bangladesh lacks legal authority to undertake co-management projects. Some of the laws and their accompanying rules do espouse participatory concepts of resource management, and, as will be described more fully below,

agencies are using other legal tools at their disposal to move their co-management efforts forward pending more comprehensive changes to the legal framework at some later point.

The 1927 Forest Act (as amended in 2000) provides some authority for participatory approaches to forest management. Section 28 of the Forest Act authorizes “Village Forests” in reserve forests, authorizing the government to assign to “any village community” the rights of the government over any reserved forest. Despite the existence of such authority since 1927, no such Village Forests have yet been established, although rules have been drafted by an NGO and are being reviewed by a government committee. In addition, the 2000 amendments to the Forest Act created Section 28A, which authorizes “Social Forestry” on any government land and which triggered the development of Social Forestry Rules (and a social forestry program) in 2004, although the Forest Department first began experimenting with social forestry two decades ago. The Social Forestry Rules and current program are based on the experience gained during those two decades of ad hoc social forestry projects.

While these approaches do not specifically apply to protected areas (although there may be some social forestry agreements operating in protected areas, according to one interviewee), recognition of participatory approaches under the Forest Act is particularly significant given that the country’s forest protected areas (national parks, wildlife sanctuaries, and game reserves) all lie within reserve forest lands. Some ambiguity may exist over the appropriate application of social forestry. While Section 28A(1) of the Forest Act authorizes social forestry on any government land, which includes reserve forests, interviewees from both the Forest Department and an NGO indicated that social forestry is in fact intended for non-reserve forest areas, and even non-forested areas such as along railroads, for the purpose of afforestation. Nevertheless, one interviewee indicated that in recent years there has been some movement to allow social forestry in reserved forests under Section 28 (relating to village forests). It is noteworthy that the Forest Department has engaged in various experiments with participatory management of forest areas – whether classified as social forestry or village forests – over a number of years, despite the lack of specific legal authority governing those practices.

On the other hand, neither the 1973 Wildlife Order nor the 1950 Fish Act addresses community participation in resource management. As will be discussed below, some efforts are already under way to remedy these deficiencies. A large-scale proposed amendment to the Wildlife Order would incorporate the co-management approach for protected areas covered by the Order, and the Department of Fisheries is recommending new laws and changes to existing MOUs and guidelines to implement elements of a co-management approach. Additional co-management authority may be found in a number of legal and policy tools, as described below.

(3) Agencies are using administrative orders, policies, and strategies to implement pilot co-management activities, although a more coherent strategy is needed

Since the bedrock laws do not explicitly authorize co-management of protected areas, agencies are using administrative orders, policies, strategies, and related “soft law” authorities to implement their pilot co-management activities. In addition, some agencies are in the process of drafting rules to authorize and implement co-management in certain types of protected areas. For example, the National Forestry Policy (1994) espouses “active participation of the people” (along with NGO involvement) in promoting afforestation efforts, including in reserve forests. While not explicitly aimed at protected areas, the Social

Forestry Rules have also been cited as possible support for a co-management approach in forest protected areas. The two-volume 1993 Forestry Master Plan also discusses participatory approaches, although this document does not appear to be currently used by the Forest Department.

On the fisheries side, the Inland Capture Fisheries Strategy (2005) lists community-based co-management as a central component of its fisheries management plan, including plans to formalize co-management where it has already been established and to expand it to additional water bodies. The Department of Fisheries is also seeking to bolster its co-management approach through revisions to what appears to be a 2005 Memorandum of Understanding that it has with the Ministry of Lands. These revisions would institutionalize long-term fisheries leases to community organizations.

Other policies at the national and international level that support co-management, and that could be used by agencies to reinforce their existing co-management activities, include the Forest Department's Nishorgo Vision 2010, which focuses on co-management and community partnerships as strategies for strengthening the management of protected areas; and the National Biodiversity Strategy Action Plan for Bangladesh, which calls for enhanced protected area management, including co-management, and urges the adoption of participatory mechanisms to promote biodiversity conservation, use, and benefit sharing with local communities and other partners. The 2005 Poverty Reduction Strategy Paper and Climate Change Action Plan also address participatory resource management.

The Multilateral Environmental Agreements to which Bangladesh is a party (including the Convention on Biological Diversity (CBD) and the Ramsar Convention, among others) may also provide authority for participatory resource management. The CBD stresses the importance of preserving indigenous and customary practices for the conservation and sustainable use of biological resources and urges the adoption of economic and social incentives and public-private cooperation, among other measures.

(4) Certain legal changes are desirable in the long-term to formalize a co-management approach

Although agencies are relying on rules, policies, strategies, and similar tools to forge ahead with their pilot co-management activities, this approach is ad hoc, and certain changes to the country's framework environmental laws would help institutionalize a more formal co-management approach. These changes include a revision of the 1927 Forest Act, which has been interpreted to prohibit any investment by non-government parties in protected areas (see further discussion below); approval of the Draft Amended Bangladesh Wildlife Preservation Order 2008, which introduces the concept of co-management of Protected Areas and the creation of Community Conservation Areas; and language in the Protection and Conservation of Fish Act, or a new fisheries law, that would enshrine a co-management approach to fisheries, perhaps along the lines of the plans articulated in the Inland Capture Fisheries Strategy.

Agencies have proposed other laws, rules, and MOUs to strengthen the establishment of protected areas and institutionalize elements of a co-management approach. For example, the draft Fish Sanctuary Law prepared by the Department of Fisheries would create over two hundred additional wetland sanctuaries. The Department has also proposed rules regarding biological management of fisheries that would implement long-term (at least 10-year)

fisheries leases for community groups. The draft “Guideline for the Collection and Utilization of Revenue earned from the Protected Areas” (September 2008), proposed by the Forest Department and received by the Ministry of Finance, would institute a revenue-sharing system for communities near protected areas. The Bangladesh Environmental Lawyers Association (BELA) has drafted rules to implement village forestry under Section 28 of the Forest Act, which are now under review by a government committee. On the environment side, BELA has also prepared draft rules to establish Ecologically Critical Areas, although some revisions are desirable before the rules are finalized. All of these efforts are desirable but have proceeded with little coordination and thus are not consistent with each other in some specific areas.

These proposed changes raise the question of whether to focus efforts on developing a framework co-management law that would apply to all protected areas across different government departments and agencies, as opposed to a piecemeal approach that focuses on each agency’s sectoral authorities. While a framework co-management act offers the simplicity of formalizing the co-management approach through a single law, passing such a law could be complicated. For one thing, it might be difficult to tailor the law to the different circumstances presented by forests, fisheries, and other ecosystems in a way that would meet with the approval of all relevant agencies. In addition, agencies might refrain from pursuing individual legal and policy changes (such as rules, MOUs, and administrative orders that are easier to get approved) under the belief that they will not be necessary under a framework law, even though developing and approving this law could take a significant amount of time. This is not to suggest that a framework co-management law might not be a good approach, but the decision to develop such a law should be taken carefully. It is also, by its nature, a long-term solution and probably should be undertaken in conjunction with shorter-term approaches, such as Government Orders, MOUs, and rules.

A possible first step would be to draft a Government Order that would describe co-management as it is currently practiced for each type of Protected Area under the different authorities and by the different departments. Such an order would itself require coordination, cooperation, and approval by at least the Ministries of Environment and Forest, Fisheries and Livestock, Land, and Law – a complicated and time-consuming process. But it likely would take less time than issuing new rules or enacting new laws. The Manual for Co-Management attached as Annex 4 may provide a starting point for such an Order.

An alternative first step might be to revise the existing draft Amended Bangladesh Wildlife Preservation Order 2008, which authorizes co-management of Protected Areas and other areas or natural resources, and which authorizes the creation of Protected Areas in territorial waters as well as forests and any government land. The draft amended Wildlife Order should be reviewed to determine what revisions may be needed to authorize co-management on all existing Protected Areas as well as ones that may be declared in the future. This Order may be the most expeditious mechanism for institutionalizing co-management in protected areas.

(5) It is important to maintain flexibility in the legal framework and focus on authority, not details

In making changes to the legal framework, policymakers should be careful not to introduce too many specific requirements into the laws. Agencies should be given the flexibility to employ a variety of approaches to co-management within their general grants of

authority, rather than being forced to follow a prescribed approach. The details of an on-the-ground co-management strategy are likely to vary not only according to the targeted resource (forests, fisheries, wildlife reserves, etc.) but also according to the region, the community (its relationship to the resource, livelihood needs, cultural practices, etc.), participating government and NGO actors, and other factors specific to each geographical area. The buffer zone concept provides one example of such variation: while the conventional model envisions a core protected zone surrounded by a buffer zone allowing for some degree of community use, in some regions it is the inner forest areas that have become more denuded, giving rise to a greater need to protect the outer forest areas. That is, “protected forests” under Sections 29 – 34 of the Forest Act, which are distinct from, and lie outside the boundaries of, formally designated protected areas such as national parks, wildlife sanctuaries, and game reserves, in some cases harbor more diverse species than the reserve forests within which the formally designated protected areas have to date been declared.

One way to preserve the necessary legal flexibility vis-a-vis co-management is to give agencies the authority to write their own rules implementing co-management programs under their respective governing laws. This could be done by incorporating general co-management authority (including rulemaking authority) into the Forest Act (note that the Draft Amended Wildlife Preservation Order already adopts co-management authority for protected areas, and covers any government land and the territorial waters as well as forests), Protection and Conservation of Fish Act (or the draft Fish Sanctuary Law, when it is approved), and Environmental Conservation Act – although the latter raises special considerations regarding the Department of Environment’s role in protected area management. Not only is it comparatively easier for agencies to write their own rules, it might also be easier to obtain approval of new or amended laws that merely add general co-management authority rather than instituting a complex statutory co-management regime. One way to think about such an approach is to focus new legislation on enabling the co-management approaches that are already being used, as was done with the addition of Section 28A regarding social forestry.

(6) A developed legal framework is only the first step; on-the-ground implementation is equally important

While by no means simple, establishing the necessary legal framework is only the first step to formalizing a co-management approach for protected areas. Good laws on the books mean very little unless they are properly implemented – and this requires capacity, funding, and institutional will. As the Nishorgo experiences show, community empowerment does not automatically follow the granting of legal authority; rather, it entails a fundamental shift in mentality on the part of both communities and government that can be slow to occur. It is critical to help communities understand the rights that co-management affords them, and equally critical that government entities recognize and accept the authority that co-management vests in communities.

3. Thematic Issues

In analyzing the current legal framework governing protected areas, as well as potential changes to this framework, a number of thematic issues arise. These are briefly discussed below.

3.1 Definition of protected areas

One issue concerns whether, and how, the legislation should explicitly define protected areas. While there is no formal definition of the term under present law, the Wildlife Preservation Amendment Act does define national parks and wildlife sanctuaries so as to prohibit community access. In order to formalize a co-management approach, the Government might consider incorporating a legal definition of protected areas that supports co-management objectives, such as by explicitly allowing some degree of community access to resources or a community role in managing protected areas. A proposal along these lines would likely engender some debate, given the traditional view of protected areas as excluding all human activity, but it is worth considering.

3.2 Jurisdiction

The current legal framework in Bangladesh raises a host of jurisdictional issues with respect to protected areas management. One issue involves overlapping jurisdiction between the 1927 Forest Act and other laws, which creates a risk of regulatory conflicts. For example, because protected forest areas, which fall under the authority of the 1974 Wildlife Act, are located within reserve forests, they are also subject to the Forest Act. Similarly, while the treatment of fish falls under the Protection and Conservation of Fish Act, fish caught in forested areas are considered forest produce, and also implicate the Forest Act. The draft Ecologically Critical Area Rules also introduce jurisdictional confusion, by vesting the Department of Environment with authority over land use and zoning in areas, such as forests and fish sanctuaries, that fall under the authority of the Forest and Fisheries Departments and their respective laws. A countervailing question arises as to how to promote a landscape-level approach to protected area management when the resources within a single ecosystem or landscape fall under the control of different departments. Presently, the Forest Department cannot address activities, such as tea gardens, on the borders of protected areas that do not fall under its control (rather, these gardens operate on long-term leases from the Ministry of Lands).

A more fundamental issue arises from the way in which co-management would alter the balance of power between government agencies and local communities. Under the current legal framework, the government exercises direct control over protected area management, with specific rights granted to communities on a case-by-case basis (through social forestry, the fisheries leases, and coordination committees for Ecologically Critical Areas). A formalized co-management approach would redefine the traditional lines of authority in management of protected areas, granting new authority to communities while necessarily reducing the authority of government agencies. It may take some time before both government agencies and communities internalize the implications of such a shift. In addition, not everyone holds the same views on where government and community powers should be allocated – some may favor a 50-50 division, some may place the weight of authority closer to the government, and some may hew more closely to a community forestry model vesting primary decision-making authority within the local community. There is no single “correct” approach to this question, which will likely be resolved through hands-on experience with co-management in different regions of the country.

Another question, and source of potential conflict, concerns whether to designate a lead agency to oversee protected area management, or to continue with the sectoral responsibilities operating under the current framework. The Draft Amended Bangladesh Wildlife Preservation Order would give the Forest Department the authority to declare as sanctuaries any land in the country (thus vesting control over these areas, including fisheries,

in the Forest Department), while the draft Ecologically Critical Area Rules, as mentioned above, would give the Department of Environment a coordinating role over protected areas, including the authority to make land use and zoning decisions. Interviewees criticized the notion of vesting either Department with a lead role, believing that they lack sufficient capacity to assume the necessary responsibilities. The proposed roles for each department would take them beyond their current jurisdiction, authority, and areas of expertise, which would require significant adjustment and capacity building. Some interviewees also stressed the importance of maintaining a system of checks and balances, in which no agency assumes a master role.

3.3 Land ownership and long-term use rights

The volatile issue of land tenure, while far too complex to address under a co-management approach, illuminates some of the difficulties in determining how the legal system should facilitate community access, particularly for indigenous communities, to natural resources. In some cases, community resource use predates the establishment of protected areas, and tensions have arisen over the claims of communities that currently reside in protected areas. While traditional land reform based on large-scale redistribution of private land is considered unrealistic (given the shortage of land, the intensity with which it is used, and the number of small-holders), the Government has introduced a broad-based Land Use Policy that seeks to reform and update the current land administration system. The country's 2005 Poverty Reduction Strategy Paper emphasizes the importance of making title secure; bringing transparency to land administration; establishing community ownership, particularly for ethnic minorities; and creating collateral value for land, among other things. A protected area co-management strategy should at the very least operate in a way that is consistent with national laws and policies addressing land ownership and use.

At the same time, co-management can and should address long-term use rights by local communities, including historic claims to these rights. Granting or recognizing such rights, under appropriate conditions, can provide communities with incentives for sustainable, long-term resource management and strengthen both resource protection and community livelihoods. Elements of use rights that should be considered include (i) rights of exclusion; (ii) rules governing resource use; and (iii) rights of enforcement. Agencies have already begun to establish use rights through such initiatives as the draft Fish Sanctuary Law proposed by the Department of Fisheries and the Social Forestry Rules under the Forest Act.

3.4 Zoning

Another issue entails whether and how to institute a zoning system within the legal framework governing protected areas. While the laws do not formally provide for zoning, some protected areas appear to have de facto buffer zones, with income-generating activities operating around their borders. The Forest Department, in its report on Lessons Learned from Co-management under Nishorgo, has called for the delineation of buffer zones around protected forest areas for social forestry plantations, and staff members within the Department have even proposed the creation, through an administrative order, of separate buffer zones *within* select large-scale protected areas, such as Teknaf Game Reserve.

On the other hand, a zoning system – at least when it consists of a core protected area surrounded by a more flexible buffer zone – is not appropriate in all cases. For example, the establishment of such a zoning scheme under the draft Ecologically Critical Area Rules is

overbroad, since some of the ECAs that would be subject to this scheme include land uses, such as commercial and residential, that go beyond the conservation purposes for which the core zone concept was developed. A second problem is that most of the Nishorgo pilot protected areas do not border reserve forest land that could be used for buffer plantations (this land is under control of a different division of the Forest Department, and currently not available for benefit sharing). Additionally, in some regions the inner, less accessible protected areas are more degraded than the surrounding forests, which a conventional zoning approach would not protect. As a result, it may be more useful to provide legal authority to create flexible use zones that are tailored to particular areas (e.g. protected areas rather than larger landscapes), without mandating their establishment. Alternatively, a comprehensive ecological land use zoning system could be authorized for ecosystem-based areas that would recognize and allow for multiple uses within the area based on existing uses, ecological functions, resource availability, and sustainable development.

3.5 Benefit sharing

Benefit sharing is a critical component of the co-management approach, and arguably constitutes the foundation upon which co-management must be structured, for co-management will not succeed without addressing the subsistence and livelihood needs of local communities living near protected areas. Examples of benefit sharing approaches include the apportioning of revenue from resource-based activities such as ecotourism and resource harvesting (fisheries leases, timber sales); the sustainable harvesting by communities of resources (such as non-timber forest products and intermediate harvest) within and adjacent to protected areas; and support for alternative income-generating activities, such as sewing, trading, small-scale poultry farming, and medicinal gardens. Carbon sink projects have also been explored as a potential revenue source, although without success thus far.

Agencies are taking certain steps to promote benefit sharing as part of a co-management approach. One key example is submission by the Forest Department of a draft “Guideline for the Collection and Utilization of Revenue Earned from the Protected Areas” (September 2008) to the Ministry of Environment and Forests for review. This guideline would allocate 50 percent of entry fees to local communities, through the Co-Management Councils and Co-Management Committees. The Ministry of Environment and Forests has sent the Guideline to the Department of Revenue and the Joint Secretary has expressed approval of the concept, indicating that he would like to use it as a model for other similar situations.

The Department has also proposed an administrative order that would create buffer zones within protected areas for community activities. Similarly, the existing Social Forestry Rules allow communities to participate in, and receive revenues from, afforestation projects (albeit outside of protected forest areas). For its part, the Department of Fisheries has proposed an amendment to the Ministry of Land’s fisheries rule that would use a portion of lease revenue to support alternative livelihoods for local communities. At a more macro level, the 2005 Poverty Reduction Strategy Paper for Bangladesh also lays out plans for using natural resources such as fisheries, forests, livestock, and poultry to improve livelihoods, such as through an afforestation program that plants fruit trees alongside timber, fuel wood, and non-wood forest products.

While these initiatives should assist communities in several important ways, several obstacles to an expanded benefit sharing approach must be addressed. One significant

obstacle is that neither the 1974 Wildlife Act nor the 1927 Forest Act provide a formal role for local residents in protected area management or benefit sharing. Section 26(1) of the Forest Act, which sets forth a list of prohibited activities in reserve forests, has been read to forbid investment by anyone other than the government (such as communities, NGOs, and private groups) on reserve forest lands, including in protected areas. This means, as Abdul Mueyed Chowdhury noted in *The Daily Star* earlier this year, “there exists no viable policy or procedure by which the local poor can invest their time or capital in protecting and restoring forests and expect to have any benefit in return.”

This situation is hampering the Forest Department’s ability to promote co-management in protected areas. For example, although some government-approved management plans allow community patrollers to undertake certain activities, such as thinning operations, within the protected areas themselves, Forest Department field staff have refused to allow such these operations, arguing that the Wildlife Act prohibited any such resource extraction. A potential solution may lie in Section 26(2), which allows forest officers to authorize, in writing, specific actions that are otherwise prohibited in subsection (1). Section 26(2) also allows the Government to authorize such actions through the enactment of rules. By its terms, this section could be used to authorize community participation in protected area conservation and management, at least until affirmative co-management concepts are introduced into the law. One NGO interviewee, however, indicated a preference to authorize such activities more affirmatively through new legal authority, rather than relying on Section 26(2) to overturn the general prohibition in specific areas.

Even if Section 26(2) can be used to authorize community access to protected area resources, such access must also be allowed under the 1974 Wildlife Act. Although Section 23(3) of this Act essentially prohibits resource extraction from National Parks, under this same section the Government may relax these prohibitions “for betterment of the national park . . . or for any other exceptional reasons.” This language, together with Section 26(2) of the Forest Act, could be used to authorize limited community access to protected areas until a more robust legal framework in support of co-management is put in place.

Interviewees identified additional areas in which benefit sharing could be clarified or promoted. For example, a rule to determine how benefit revenues should be shared among community members would be helpful, as long as it does not impose stringent restrictions on how this money can be used. The authors of “An Exploratory Study on Performance and Capacity of Nishorgo Support Project (NSP) Co-Management Committees” have called for a separate, standardized benefit sharing contract for co-management activities that specifies the apportioning of benefits. Alternatively, benefit sharing approaches could be incorporated into “co-management agreements” for individual protected areas, such as those used in Uganda to allow limited resource harvesting from Bwindi Impenetrable National Park.

Of course, enabling benefit sharing also requires resources as well as legal authority. Because some departments have expressed their inability to adequately support alternative livelihood activities, they have suggested forming linkages with financial institutions to extend micro-credit to community-based organizations (while some people believe this is not necessary because micro-credit is already widely available, the Poverty Reduction Strategy notes that micro-credit has not reached the poorest of the poor). With respect to ecotourism, a rule instituting a sliding scale for entry fees to national parks could help ensure that greater revenue is captured for local communities. Another suggestion is to use available resources to provide core funds to community groups, such as the endowments given under MACH, to

offset the seasonal nature of ecotourism revenues. Finally, support for alternative livelihoods including medicinal gardens, betel nuts, and fruit production may be particularly useful for indigenous groups who have been strongly affected by the establishment of protected areas. However, these activities must be carefully designed so that communities do not use their newfound income to invest more heavily in resource extraction.

3.6 Community-based organizations

Community-based organizations (CBOs), including co-management councils and committees, resource user or management groups, and other community entities, lie at the heart of the co-management system. The MACH project and other initial experiences with co-management highlight some of the specific issues that have arisen with respect to CBOs. One very basic need is for national guidelines to regulate the formation, registration, and operation of community groups that are effective, equitable, and transparent. In particular, it is unclear how CBOs should be registered. The lack of clear rules in this regard means that some CBOs are registered under the Department of Cooperatives, while others (including the community organizations developed under MACH and Nishorgo) are registered under the Ministry of Social Welfare. As each avenue entails different advantages and disadvantages, rules that stipulate a single, coherent registration process would be useful, particularly if a unified system of co-management is to be established.

Another issue concerns the coordination of the different project committees with local administrative committees. The number of committees that exist at the local, upazila, and district levels, raises the question about how to integrate and make productive use of them. Officials at the Department of Environment have called for the integration of committees formed to manage ECAs under the Coastal and Wetland Biodiversity Management Project (including local government committees, administration committees, and village-level groups) with the Upazila and district-level committees, to ensure that project issues are addressed through the local administrative structure. These officials also suggest that the committees themselves can be integrated at the union level.

A more fundamental question is whether the co-management councils and committees established under the 2006 Gazette Notification can continue to operate after the Nishorgo project ends. The Notification does not appear to limit the committees' operation to the life of the Nishorgo project, as it provides for the members of the co-management council to be elected for four years, with new councils to be formed every four years through an Annual General Meeting. However, the Gazette does limit the CMCs to the eight protected areas targeted by the Nishorgo project. A new government order authorizing the formation of CMCs for other protected areas is currently under consideration and would be a useful first measure. The Draft Amended Wildlife Preservation Order (2008) would also authorize the formation of CMCs for protected area co-management purposes, but it has not yet been approved.

3.7 Enforcement

As a key component of protected area conservation, enforcement authority is essential to a successful co-management approach. It is clear that conventional approaches to enforcement have not been entirely successful – for example, brick-burning activities take place adjacent to protected areas in clear contravention of the Brick Burning Control Act of 1952, and resource plundering has taken place across a wide swath of protected areas.

One initial question concerns the extent to which existing legislation allows for a shift of enforcement authority to community organizations, and whether communities can help develop and enforce local regulations, as is done in West Africa and Brazil. As with the co-management concept generally, community enforcement is not currently addressed within the framework laws governing protected areas, and some Forest Department field officers have been reluctant to allow community patrols for this reason. Nevertheless, the developing co-management structures do give communities some enforcement authority. For example, the community organizations established under the MACH project can bring sanctions against poachers, although it is easier to do so through informal or local mechanisms than through the courts. The existence of long-term leases enables communities to take formal enforcement action, including in court. The advantages of holding long-term use rights are clear: as leaseholders, these communities can choose to take formal action against unauthorized users – a power that does not exist for communities living near protected forest areas.

The Department of Environment's Coastal and Wetland Biodiversity Management Project provides another model for how communities can play a role in enforcement efforts. The project incorporates prohibitions on fisheries activities from both the Department and communities themselves. These prohibitions will be included in the draft Ecologically Critical Area rules, thus validating the role of local communities in managing fisheries resources in these protected areas. Extending this approach to the forest sector might be one way to broaden the involvement of communities in the management of protected forest areas. Authorizing co-management organizations to take formal enforcement action likely would require legislative action, but various types of cooperative enforcement actions could be authorized by the different managing departments under their existing enforcement authorities.

3.8 Management plans

Over the years, a number of management plans have been prepared for protected areas pursuant to various projects, including the World Bank-supported Forest Resource Management Project, the Asian Development Bank-supported Forestry Sector Project, and the Nishorgo Project. In the past, some protected areas were also managed under the working plans for the reserve and protected forests out of which they were carved. The extent to which these successive management plans incorporate participatory management principles vary, and their implementation, which is dependent on project funds, has sometimes been hindered by a lack of resources.

It is not clear whether management plans are independently authorized under existing law, given that the 1974 Wildlife Act is silent on the topic, and the only reference to them in the Forest Act is found in the Social Forestry provision (Section 28A). The Draft Amended Wildlife Preservation Order does reference management plans in several places, although the relevant provisions presuppose their existence rather than mandate or authorize their creation. The draft Ecologically Critical Area rules require management plans for all ECAs, although it has been noted that such plans would likely conflict with existing management plans under the Forest and Fisheries Departments. It has been suggested instead that the ECA rules propose framework guidelines that would apply to the ECAs and the protected areas they contain.

Management plans can clearly support development of a co-management framework. The five-year plans prepared for three protected areas under Nishorgo include co-management agreements that focus on sustainable livelihoods through participatory forest use and alternative income generation. Management plans could also be used to resolve such issues as land use rights, zoning, and benefit sharing, among others. The management plan process could be improved through development of a code or manual to provide guidelines for plan preparation, in addition to simplifying the government approval process. It might also be useful to incorporate a provision into the Draft Amended Wildlife Preservation Order or other government order covering co-management that would specifically require management plans to be prepared for protected areas. The involvement of community groups in this process would further ensure that management plans reflect local concerns and address the needs of local communities as needed for a successful co-management approach.

4. Sectoral Legal Issues

Having examined the various cross-cutting themes underpinning protected area co-management in Bangladesh, this report turns to the identification of next steps to be addressed within each natural resource sector.

4.1 Fisheries

Perhaps the most important question with respect to fisheries is how to institutionalize the co-management model developed in large part through the MACH and Coastal and Wetland Biodiversity Management Projects. These projects amply illustrate the benefits of granting long-term leases to community groups for resource management. The Government has pledged to renew its wetland leases to Resource Management Organizations when they expire, but it has not committed to a specific length for the renewal lease term. In light of this concern, the Department of Fisheries has proposed an amendment to the existing Ministry of Lands fisheries policy that would incorporate longer leases (at least ten years), require that leases are given to community-based organizations in addition to fishing cooperatives, and implement three separate management approaches (including fish sanctuary management; production-based management; and community-based management). These changes seek to shift the emphasis on fisheries management from a revenue-earning goal to a biological management system. Obtaining approval of this document will be a key step towards institutionalizing co-management for inland fisheries.

It is also important to establish new community-based management organizations and leases to expand the co-management approach to other regions of the country. The Department of Fisheries has proposed a draft Fish Sanctuary Law that would create over two hundred additional sanctuaries (while Section 3 of the 1950 Fish Act provides implicit support for the fish sanctuary concept by allowing the Department to prohibit fishing in designated waters, it does not explicitly mention sanctuaries). Once approved, the Fish Sanctuary Law could be used to authorize rules that address co-management of fisheries more specifically, including committee formation and involvement in resource management. The Inland Capture Fisheries Strategy, which seeks to expand co-management as a central component of its fisheries management approach, should also play a primary role in the continued development of fisheries co-management.

4.2 Forestry

Developing a co-management approach for protected forest areas presents unique challenges. Unlike with fisheries, where community groups have been given management authority over wetlands and the opportunity to share in the resulting benefits, there is no specific legal provision by which local communities can assume such authority within reserve forests and the protected areas they contain. Part of this problem stems from fundamental differences between the institutional arrangements governing fisheries and forests (e.g. despite the existence of fish sanctuaries, fishing is not prohibited in all wetland areas managed by community groups – unlike the blanket restrictions on resource harvesting in protected forest areas). More specifically, community investment and participation in protected area management is not explicitly authorized under the Forest or Wildlife Acts.

One temporary response to this situation, as suggested above in the section on benefit sharing, is for the Forest Department to expand its reading of Sections 26(2) and 23(3) of the Forest and Wildlife Acts, respectively, to authorize limited community involvement until more established policies are put into place. Another approach recommended by the authors of “An Exploratory Study on Performance and Capacity of Nishorgo Support Project (NSP) Co-Management Committees,” is for the Ministry of Environment and Forests to promulgate a “general guideline” that would allow co-management committees and councils to undertake projects on protected forest lands.

Other issues to address in light of the current legal framework include the possibility of establishing a leasing mechanism for community groups similar to the fisheries approach; the redesignation of lands surrounding protected forest areas to allow for buffer-zone uses; new authority to create buffer zones in protected forest areas; extension of the 2006 Gazette Order establishing the CMCs beyond the Nishorgo project (as discussed above); a system to provide community patrollers with direct benefits in return for their efforts; and expanding the benefit sharing model embodied in social forestry to protected forest areas.

There are several priorities for near-term action. The first is to get the 2008 Amended Wildlife Preservation Act approved, although the Act could be strengthened by several additions, such as a general provision authorizing the participatory preparation of management plans for protected areas and measures to harmonize, or at least resolve jurisdictional conflicts between the Wildlife Act, (new) Wildlife Policy, and the Forest Act. Once the Amended Wildlife Act is finalized, specific co-management rules addressing such issues as benefit sharing for community patrols should be developed. A second priority is to approve the draft “Guideline for the Collection and Utilization of Revenue Earned from the Protected Areas,” which would institute a much-needed revenue sharing approach. A third priority is to approve the administrative order proposed by the Forest Department to create buffer zones in protected forest areas for community use.

In the medium-to-long term, revisions to the 1927 Forest Act could be used to considerably strengthen the legal framework in support of co-management in forest areas.

4.3 Ecologically Critical Areas

The designation of Ecologically Critical Areas, as authorized under the 1997 Environment Conservation Rules, holds the potential to enhance resource conservation and management at the landscape level and, in so doing, scale up co-management across different

protected areas and ecosystems. The Department of Environment, with the assistance of BELA, has prepared draft Ecologically Critical Area (ECA) Rules. However, as the initial responses to the draft Rules indicate, many are apprehensive about the impact these rules might have, as currently written, on forest and fisheries management. In fact, some government officials have questioned the purpose of the ECA Rules as an initial matter.

One key concern with the draft Rules is that they may engender jurisdictional conflicts by superimposing the authority of the Department of Environment over areas managed by the Forest and Fisheries Departments and the Ministry of Lands. Because the ECAs subsume areas that fall under the authority of various ministries, it is important that the ECA Rules add to, rather than duplicate or conflict with, other agencies' existing authority. One way to do so is for the Rules to set framework management guidelines for agencies operating within ECA areas. Among other things, such guidelines would regulate specific activities within the ECAs without supplanting existing approaches, thus allowing the Department of Environment to fulfill its traditional regulatory role.

As currently written, however, the Rules are likely to create conflicts in protected area management. They propose a detailed management plan for each ECA, which would conflict with existing plans prepared by other agencies for the areas under their management that are within the ECA. The draft rules also seek to implement a one-size-fits-all zoning system that does not account for variations in land uses. The Rules also lack a process for identifying and declaring ECAs, thus creating confusion about the added value of the ECAs. More analysis about the proposed Rules is contained in the Nishorgo report, "Select Observations on the Draft Ecologically Critical Area (ECA) Rules, 2007." Given the current concerns with the draft Rules, they should not be approved until the above issues have been resolved.

5. Conclusion

The above discussion indicates that while co-management has not been explicitly incorporated into Bangladesh's existing legal framework, support for participatory management concepts can be found in the sectoral laws governing forestry and fisheries. Certain provisions in the existing laws and policies can be used to bolster a co-management approach at the same time that more fundamental legal changes are contemplated. The options listed below identify some initial steps that IPAC can take, in the immediate and longer term, to strengthen the legal framework underpinning co-management in Bangladesh.

(a) How IPAC can support and scale up co-management within the existing legal and policy framework

- **Consult with Forest Department legal counsel** about relying on Section 26(2)(a) of the 1927 Forest Act and Section 23(3) of the 1974 Wild Life Act to temporarily authorize co-management activities in protected forest areas, pending passage of the amended Wildlife Preservation Order.
- **Use the Social Forestry Rules to establish more plantations in reserve forests outside of protected areas** and consider extension of social forestry into protected forest areas.

- **Extend the 2006 Gazette Notification** that created the co-management councils and committees beyond the eight protected areas targeted by Nishorgo, so that it applies to all existing and new protected areas without being limited to the life of a specific project.
- **Convene discussions with Departments/Ministries and their legal counsel to review the goals of the IPAC project and the role of the legal framework in co-management.** This will encourage agencies to actively consider how their sectoral laws can be used to promote co-management, and to identify additional legal changes that would strengthen a co-management approach.

(b) Critical gaps and areas to be strengthened

- **Give agencies rulemaking authority to develop co-management programs under their respective governing laws.** To do this, the GoB will need to incorporate general co-management authority into the Forest Act (or else pass the Draft Amended Wildlife Preservation Order), Protection and Conservation of Fish Act (or the draft Fish Sanctuary Law), and Environmental Conservation Act.
- **Secure passage of the Draft 2008 Amended Wildlife Preservation Order,** which authorizes a co-management approach for protected forest areas. While the Draft Order could be strengthened by several additions as noted in this report, finalization of the Act would allow for the development of specific co-management rules, as recommended above.
- **Convene a meeting of the Forest Department, Department of Fisheries, and Department of Environment to discuss the draft Ecologically Critical Area Rules,** including how the Rules can be used to improve protected area management and support co-management approaches without undermining existing agency authority.
- **Consider incorporating a legal definition of protected areas that supports co-management objectives,** such as by explicitly allowing some degree of community access to resources or a community role in managing protected areas. This definition could be introduced in the Draft Amended Wildlife Preservation Order and cross-referenced in other laws (including the Forest Act, Fisheries Law / draft Fish Sanctuary Law, and Environment Conservation Act).
- **Help move pending laws and regulations toward final approval.** As discussed above, efforts are under way to amend or write new laws, regulations, and policies to provide further support for a co-management approach. These include the Draft Amended Wildlife Preservation Order, draft Fish Sanctuary Law, draft “Guideline for the Collection and Utilization of Revenue Earned from the Protected Areas,” an administrative order proposed by the Forest Department to create buffer zones in protected forest areas for community use, and an amendment to the Ministry of Land fisheries policy that would incorporate longer leases, require that leases are given to community-based organizations, and implement new management strategies. Each of these legal instruments can play a role in formalizing elements of a co-management approach. As mentioned earlier, the draft Ecologically Critical Area Rules should not

be approved without further discussion to resolve issues of overlap and conflict with other laws.

6. Next Steps

Key contacts for follow-up interviews:

Ministry of Law

- Mr. Syed Ahmed, Deputy Secretary, Ministry of Law (recommended by Nasim Assiz with FD-IPAC; is an environmental law expert)

Department of Environment

- Director Reazuddin, Department of Environment: his name had been provided as the DoE contact knowledgeable about co-management

Wildlife Trust of Bangladesh

- Prof. Md. Anwarul Islam, Wildlife Trust of Bangladesh (WTB) (he was unable to meet with ELI on the first mission due to illness and could not be scheduled during the second mission)

Arannayk Foundation

- Farid Uddin Ahmed: due to scheduling problems, ELI was only able to meet with him for 15 minutes on the first mission.

IUCN

- Raquibul Amin or another staff person (perhaps Dr. Ainun Nishat, who was listed on the interview schedule), who could discuss implementation of the National Biodiversity Strategy Action Plan as one vehicle for promoting co-management.

Additional issues for discussion:

- Reason for the delay in approving the Draft Amended Wildlife Preservation Order, and steps that can be taken to move this process forward
- Status of the draft Village Forest Rules
- Source of legal authority for writing protected area management plans
- Completeness of the list of laws, regulations, and policies – this should be reviewed with the relevant departments

Key documents to obtain:

- administrative order proposed by the Forest Department to create buffer zones in protected forest areas for community use (this order was referenced in a separate IPAC report)
- draft Village Forest rules (Bangla draft prepared by Rizwana Hasan was given to IPAC, but has not yet been translated)
- copy of Rizwana Hasan's report on legal issues with respect to co-management

Annex 1: First Mission Interview Schedule

Wed., Oct. 22	Forest Department: CCF (name n/a); Legal Affairs contact (name n/a); Tariqul Islam, DCF (together with Bob Winterbottom and Ram Sharma) Bob Winterbottom, Ram Sharma, and Azharul Mazumder (USAID)
Thurs., Oct. 23	Paul Thompson, MACH Giasuddin Khan, World Fish Center Raquibul Amin, IUCN
Sun., Oct. 26	Farid Uddin Ahmed, Arannayk Foundation Md. Shahjahan, Mahbubur Rahman, Department of Environment Rafiqul Islam, DG, Department of Fisheries
Mon., Oct. 27	Masud Siddique, Shahin Akhter, Department of Fisheries Mujibur Rahman & Nishat S. Chowdhury, Bangladesh Centre for Advanced Studies
Tues., Oct. 28	Shimona Quazi, East-West Center
Wed., Oct. 29	Syeda Rizwana Hasan, Bangladesh Environmental Lawyers Association
Thurs., Oct. 29	Ishtiaq Uddin Ahmad, CF, Rafiq Sultana, Nasim Assiz, Forest Department
Sat., Nov. 1	Bob Winterbottom, Ram Sharma, Azharul Mazumder
Sun., Nov. 2	Debriefings: 2 PM and 6 PM

Annex 2: Second Mission Interview Schedule
Jay Pendergrass, Senior Attorney, Environmental Law Institute, Dec 10-19, 2008
(updated Dec 18, 2008)

<i>Date / Time</i>	<i>Activity</i>	<i>Person</i>	<i>Notes</i>
Dec 10, 15:15 h	Arrival on Jet airways 9w 272 from Delhi, India	Jay Pendergrass	IPAC Driver to pick up and transport to Lake Castle hotel, Gulshan
Dec 11, 9:30 am	Briefing at IPAC office	Bob Winterbottom COP and Ram Sharma, DCOP	To review TOR and confirm scheduled appointments
Dec 11, 11h30	Initial Meeting – Forest Dept	CCF Shamsuddin and Ishtiaq Uddin Ahmad	To discuss TOR for Jay, provide a copy of Lisa’s report and firm up mtg schedule
Dec 11, 1 pm	Initial Meeting - DOF	DG Rafiqul Islam, Aminul Islam and attorney	To discuss TOR for Jay, provide a copy of Lisa’s report and firm up mtg schedule, discuss draft fish sanctuary law
Dec 11, 4 pm	Briefing with USAID	Azharul Mazumder, team leader, Environment Program	At IPAC office in Banani
Dec 12-13	Review of documents; field trip and informal discussions with IPAC team	Jay	Visited fish sanctuary
Dec 14	Review of documents	Jay	Rescheduling meetings
Dec 15, 10 am	Follow up meeting – Forest Dept	Abdul Motaleb	To follow up on FD discussions and co-management of protected forest areas
Dec 15, 4:15 pm	Meeting with BELA	Rizwana Hassan	to discuss follow up to Lisa’s report and obtain copy of draft Village Forest rules
Dec 16	Review of documents/ drafting of initial findings	Jay	Holiday – offices closed
Dec 17, 10 am	Meeting – DOE	Ms. Afrin Akhter, Project Coordinator and Mahbubar Rahman, Project Manager CWBMP	To discuss issues related to co-management of ECA
Dec 17, 2 pm	Ministry of Finance Syed Monjurul Islam, Joint Secretary	Jay, Ram, and Mr. Khan	To discuss formal adoption and implementation of entry fee retention guidelines
Dec 17, 3 pm	Meeting – Ministry of Land	Jay and Ram	To discuss issues related to land leases
Dec 18	Draft revised Mission Report	Jay	
Dec 19, 11:40 am	Departure on Emirates 583 to Dubai	Jay	

Annex 3: Preliminary List of Laws, Policies, & Plans Relevant to Co-Management

Forest Department

- The Forest Act, 1927 (as modified up to 30th April 2000)
- Social Forestry Rules, 2004
- Draft Village Forest Rules (being prepared by BELA)
- Wild Life (Preservation) (Amendment) Act, 1974 (proposed amendments under way in the form of the Draft Amended Bangladesh Wildlife Preservation Order 2008)
- draft Guideline for the Collection and Utilization of Revenue Earned from the Protected Areas (September 2008) (replaces previous Guideline for the Management of Co-Management Committee (CMC) Funds)
- draft Wildlife Policy
- Forestry Master Plan, 1993 (2 volumes- i. Environment and Land Use; ii. Forest Institutions)
- National Forestry Policy, 1994
- draft “Participatory Protected Area Management Plans”
- draft administrative order to provide for zoning in protected areas (proposed by FD to MOEF)
- Brick Burning (Control) (Amendment) Act, 1992

Department of Fisheries

- Protection and Conservation of Fish Act, 1950 (most recently amended in 1995)
- National Fisheries Strategy (1998)
- National Fisheries Policy (1998)
- draft Fish Sanctuary Law
- MoL policy guidelines re: leasing (Jamohal public water leasing policy management document, Public water bodies management policy 2005) and 2007 suggested changes from DoF
- Inland Capture Fisheries Strategy

Department of Environment

- Environment Conservation Act, 1995
- Environment Conservation Rules, 1997
- Ecologically Critical Area draft rules (have new version from BELA)
- Gazette notification addressing coordination of DoE with other agencies
- DoE notification regarding prohibited activities in ECAs (various dates, 1999 and 2001)
- DoE policy concerning co-management committees (?)

Other national laws

- Section 29(g) of Agricultural Development Corporation Ordinance, 1961 (allows establishment of protected areas)
- Section 6 of Territorial Water and Maritime Zones Act, 1974 (establishes conservation zones)
- Section 28, Marine Fisheries Ordinance, 1983 (government may declare marine reserves)

National-level plans and strategies

- National Biodiversity Strategy and Action Plan (IUCN)
- National Conservation Strategy (listed in forestry master plan)
- National Environmental Management Master Plan
- Bangladesh Country Report for UNCED
- 1995 National Environmental Management Action Plan (NEMAP)
- 1997 National Conservation Strategy
- 2000 ADB Environmental Operational Strategy
- Bangladesh Biodiversity Conservation Strategy and Action Plan
- Aug. 10, 2006 Gazette Order creating Co-Management Councils & Committees
- 2005 Poverty Reduction Strategy Paper (PRSP)

International

- Ramsar Convention
- Convention on Biological Diversity
- CITES
- World Heritage Convention
- Convention on the Conservation of Migratory Species of Wild Animals
- International Convention to Combat Desertification

Annex 4: Draft Manual for Co-Management of Protected Areas under Existing Law

Definitions

Whenever the following terms are used in this Manual, whether in the singular or plural, abbreviated or non-abbreviated, future or past tense, they shall have the meanings provided below:

“Protected Area” or “PA” – means an area of land designated by the Government of Bangladesh under one or more of the authorities described below for any of the following purposes: protect, preserve, conserve, manage, or develop natural resources in a sustainable manner, including the following:

National Park, Wildlife Sanctuary, or Game Reserve under the Wild Life (Preservation) Order, 1973;

Fish Sanctuary under the Protection and Conservation of Fish Act, 1950;

Ecologically Critical Area under the Environment Conservation Act, 1995; and

Such other area as may be declared under appropriate legal authority for the above mentioned purposes.

“Co-Management” – means a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of the management functions, entitlements and responsibilities for a given territory, area or set of natural resources.

“Co-Management Council” or “CMC” – is the policy making and oversight body for participatory co-management by stakeholders in and around a PA as authorized under Government Order of August 10, 2006 or such other Government Orders as may be subsequently issued.

“Co-Management Committee” – is the executive body of the CMC and undertakes management activities with respect to co-management of the PA on behalf of and with full accountability to the CMC, as authorized under Government Order of August 10, 2006 or such other Government Orders as may be subsequently issued.

“People’s Forum” – is the policy making and oversight body for participatory co-management by stakeholders in and around a PA as authorized under Government Order.

“Resource Management Organization” – is a local community-based organization that manages a specific wetland area under a 10-year lease from the Ministry of Land and includes as members all local users of the wetland such as fishers, farmers, aquatic plant harvesters, women, and other resource users.

“Upazila Fisheries Committee” – coordinates wetland management activities within the Upazila, approves RMO management plans, arbitrates conflicts among wetland users, and includes as members Upazila administrators, elected local officials, representatives of RMOs and local Resource User Groups.

“Coordinating Committee” – coordinates resource management activities for Ecologically Critical Areas within the Union or Upazila and approves management plans of Village Conservation Groups.

“Village Conservation Group” – is a local community-based organization that manages a specific area within an Ecologically Critical Area (ECA) and includes as members local users of the ECA.

Implementation of Co-Management

Legal authority for co-management may be found in several acts and orders, including the following:

The Forest Act of 1927, Sections 26(2), 28, and 29 – 34;
Wild Life (Preservation) Order, 1973, Section 23(1) – (3);
Environment Conservation Act, 1995, Section 5(2); or
Such other similar legal authority as may be applicable.

The specific rights and responsibilities of the community-based organizations and coordinating bodies described above and the relevant government agencies will vary, depending on the type of PA under co-management and the authority of the government body. Similarly, the benefits to the local community associated with co-management will vary depending on the type of PA. For example, the CMC or People’s Forum may share proceeds from entry fees at National Parks, Game Reserves, and Wildlife Sanctuaries, while the benefits received by a community co-managing a fish sanctuary or wetland ECA may be in the form of improved productivity of nearby fisheries.

Similarly, the specific goals of co-management will vary depending on the type of PA, the resources found in the PA, and the legal authority establishing the PA. In all cases, the general goal is sustainable natural resources management and biodiversity conservation that results in responsible, equitable economic growth to the benefit of the local community.