



*Select Observations on the
Draft
Ecologically Critically Area (ECA) Rules, 2007*

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Prepared by:
Philip J. DeCosse

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These observations are made on the version of the Draft ECA Rules circulated at UNDP Bhaban on 19th September, 2007.

Summary of Principal Observations

1. The Draft ECA Rules lack a clear and functional definition of the full range of potential “Ecologically Critical Areas”. The Rules includes a smorgasbord of tenure or land cover types that do not constitute a viable definition of potential ECAs. This section of the Rules needs to be extensively re-thought and re-written.
2. The Draft ECA Rules call for “Management Plans” to be prepared once ECAs are declared. The stated content of these Management Plans exceed what is required to improve ECA management and are sure to create implementation conflicts with existing public and private authorities operating already within ECAs. The spirit of these proposed Plans (detailed programmatic activities and field operations within the ECAs) is not in keeping with the spirit of Section 5(2) of the Environment Conservation Act, 1995. Where the Act calls for the Government to identify acceptable or unacceptable “activities”, the proposal to require detailed Management Plans implies a far greater degree of new Government intrusion into existing activities. Management Plans should not be required for all ECAs.
3. The Draft Rules require that all declared ECAs will be managed by a newly created Environment Cell within the DoE. The delegation of authority to an Environment Cell to manage lands and resources which in virtually all cases are under the jurisdiction of other public and private institutions is virtually sure to create situations of confusion, overlapping jurisdiction and management gridlock. The DoE is established and described under the Environment Conservation Act 1995 as a regulatory body, not a field implementation body. The DoE should not try to do both oversight/monitoring as well as direct field implementation. A wide variety of social and government institutions are already involved in management of ecologically critical areas. The institutions include communities, enterprises, local Government departments, NGOs and national Government departments. This Draft ECA Rules proposes in effect that the DoE should take over all defined ECAs from these existing institutions. Such a change would constitute an important setback in the efforts of the Government to capitalize on existing capacity.

4. The Draft ECA Rules require (as a part of Management Plans) that a zonation process be undertaken, including declaration of “core zones”, “buffer zones” and “multiple use zones”. These zonation concepts derive from strict conservation management practices and will not be relevant in many likely future ECAs to be declared (e.g., fishing grounds, landscapes/seascapes). Such zonation concepts are inappropriate as now written and sure to lead to confusion. The concepts should not be required except in rare cases.
5. The general conclusion of this analysis is that there exist fundamental flaws in this Draft ECA Rules and that the Rules should be extensively re-drafted to address the above and other issues. The drafting of ECA Rules presents a critically important opportunity for the Government to clarify the full gamut of potential “ecologically critical areas” in the country. A careful and correct categorization of potential areas would provide a logical framework for a conceptual integration of “protected areas” of all kinds throughout the country, including those managed by a range of public and private actors, from the Forest Department to the Fisheries Department to private communities and even to national NGOs. The document as now written appears to be designed to thrust this newly created Environment Cell of the DoE into the role of taking over ECAs throughout the country from other capable private and public actors rather than in the public interest.

Background and Context

6. The Bangladesh Environmental Conservation Act, 1995, as published in the Government Gazette aims to “*provide for conservation of the environment, improvement of environmental standards and control and mitigation of environmental pollution*” (opening statement of the Act).
7. Within the Act, a framework is provided to empower the Government to identify and declare “ecologically critical areas” and to take steps to ensure that those areas are properly managed and/or conserved. The specific and brief language providing for this is shown below in italics. It accounts for the only sections of the Act with reference to Ecologically Critical Areas. The text of the relevant Act sections are as follows:

5. Declaration of ecologically critical area.-

(1) If the Government is satisfied that an area is in an environmentally critical situation or is threatened to be in such situation, the Government may, by notification in the official Gazette, declare such area as an ecologically critical area.

(2) The Government shall, in the notification published under subsection (1) or in a separate notification, specify the activities or processes that cannot be initiated or continued in an ecologically critical area.

8. Since the Act became official, a number of ECAs have been declared by the Government, including Gulshan Lake, the Sunderbans, the Teknaf Peninsula, Hakaluki Haor, St. Martin's Island and others. The rationale for declaration of these areas has not been entirely clear.
9. Pursuant to the declaration of these areas, efforts have been led by the Department of the Environment (DoE) to develop an approach for managing ECAs. To this end, the DoE has worked to mobilize field staff, hire NGOs, train staff, interact with communities, development management plans and undertake range of other activities.
10. As ECAs have been implemented, the issue of legal and institutional basis for management interventions has arisen. The basis for ECA declaration and management in the EC Act is only the few lines reproduced above, so it was perceived that a more detailed and careful description of the legal basis of ECA declaration and management should be delineated. In response to this need, a Draft ECA Rules has been prepared and circulated in September, 2007.
11. The purpose of this note is to comment on these Draft Rules. The critique includes a general response followed by a set of specific section-based observations included in the digital text of the draft Rules.

General Observations on the Draft ECA Rules

12. It is critically important to define a set of legal Rules for the declaration and management of ECAs. The jurisdiction of the Forest Department covers all those lands under its immediate tenurial control, including Reserve Forests, Protected Forest Areas (Parks, Game Reserves and Wildlife Sanctuaries) and a few other categories. On these lands, the Forest Department has a responsibility and obligation per the Forest Policy 1994 and both the Forest Act 1927 and Wildlife Act 1974 to manage resources and ecosystems sustainably.
13. FD lands constitute only a portion of the critical ecosystems of the country, however, and there is little the Forest Department can do to protect critical ecosystems outside lands under its direct jurisdiction. In most countries of the world, a single institution is given the authority at policy level to ensure that critical ecological systems are maintained and protected to ensure conservation and productivity of those systems. Typically, this is done by an environmental body given authority at policy level to make decisions cutting across and when absolutely necessary superseding the authorities of individual institutional or sectoral actors. The EC Act states that such threats to ecologically critical areas should be addressed through a declaration by the Government of legally defined ECAs and by taking steps to ensure their protection and ecosystem health. The ECA Rules are intended to provide this framework, and the development of draft Rules in this regard is a welcome and necessary development.

14. However, the Draft ECA Rules (Sept '07 edition) do not yet succeed in providing a sufficiently clear and unambiguous framework for ensuring that the spirit of the Act is adhered to concerning the safeguarding of ecologically critical areas of the country. The most glaring of shortcomings in the Draft Rules concerns the lack of a coherent process for identification and declaration of ECAs by the Government. Instead of defining those characteristics of lands needing to be declared as threatened, the Draft Rules now says that ECAs may be declared if they fall in any one of the 18 listed categories (see the 18 categories under Section 3(1)). This confusing listing of possible areas include such diverse concepts as:

- *New and heretofore undefined tenurial descriptions* (e.g., "Strict Natural Reserve", "Protected Landscape/Seascape", "Wilderness area"). These terms have no meaning at present in Bangladesh, except their brief definition included in Section 2 of the Rules. If they are only being defined in Section 2 for the first time, then why would the Government need to declare any of them as ECAs?
- *Land cover categories* (e.g., "forests", "natural forests"). These are two of many possible land cover categories.
- *Already defined and gazetted Protected Areas* (e.g., National Parks, Wildlife Sanctuaries, Game Reserves). Why would it be necessary for the Government to declare and gazette these areas as ECAs when they are already fully protected under the Wildlife Act?
- *Geo-morphological units* (e.g., "water shed"). The entire country is a water shed, so this term is sure to introduce either confusion or over-reaching.
- *And confusing ecological descriptions* (e.g., "mother fishery"). This term is clear to few practitioners.

15. It is critically important that the Rules include a careful, comprehensive and extensively reviewed set of definitions of the kind of areas that may be candidates for declaration as ECAs. For each of those areas, the Government's objectives for taking protective measures should be clear and stated. As currently written, the authors have started a hodge-podge list of all possible categories that might be declared as ECAs. But this is the wrong approach. The description of possible areas to be declared and the objectives of those areas when declared should be prepared exhaustively first. To this end, the authors may consider borrowing from well-researched and comprehensive descriptions of the full range of protected areas developed by the World Conservation Union.

16. In the table below, the definition of seven such protected area categories are included along with the Objectives for which they would be declared and the name given to them. The authors of the Rules should undertake a careful debate and discussion to develop their own comprehensive list or modify this sort. Without a clear statement of what areas might be declared as ECAs and why, it is not possible to arrive at a systematic application of the ECA concept in these Rules.

Table 1: Framework Definitions of Possible Ecologically Critical Area (ECA) Categories, Derived from Definitions of World Conservation Union (IUCN)

Definition & Description of Potential “Ecologically Critical Area”	Government’s Objective	Category Name
Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.	Strict protection	<u>Strict Nature Reserve</u> : protected area managed mainly for Science
Large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.	Strict protection	<u>Wilderness Area</u> : protected area managed mainly for wilderness protection
Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area, and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.	Ecosystem conservation and recreation	<u>National Park</u> : protected area managed mainly for ecosystem protection and tourism
Area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.	Conservation of natural features	<u>Natural Monument</u> : protected area managed mainly for conservation of specific natural features
Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.	Conservation through active management	<u>Habitat/Species Management Area</u> : protected area managed mainly for conservation through management intervention
Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinctive character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.	Landscape/seascape conservation and recreation	<u>Protected Landscape/Seascape</u> : protected area managed mainly for landscape/seascape conservation and recreation
Area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs. The area must also fit the overall definition of a	Sustainable use of natural ecosystems	<u>Managed Resource Protected Area</u> : protected area managed mainly for the sustainable use of natural ecosystems

protected area.		
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17. We would argue that this may be an opportune time for the Government to include in these Rules an over-arching description of all those lands or features that might be declared as ECAs in the country. At present, there is considerable confusion about what constitutes a “protected area” in Bangladesh. The typology developed here under these Rules should attempt to provide an over-arching framework under which the protected areas managed by the FD and other institutions could be included.
18. One category of areas that should “fit into” this framework are fish sanctuaries. Formally declared fish sanctuaries within the context of larger beels or haors have grown in number in recent years, with important pilot initiatives being carried out by the Ministry of Environment & Forests, the Ministry of Fisheries and other partners. The need for protection of sanctuaries as ecologically critical areas in future years is sure to grow as the natural flows and functions of wetlands continue to be modified through commercial human intervention. The ECA definition of potential protected areas should include room for this important community controlled/managed lands. The World Conservation Union definition of “Habitat/Species Protected Area” would cover this category of ecosystem need. This category may be what is meant by “mother fishery” in the draft Rules.
19. The definition of potential ECAs is the first important problem with the Draft Rules. The second important problem is the treatment of “management plan” as defined under Section 5 of the Draft Rules. A “management plan” for resources (agricultural lands, forest lands, etc.) under Government jurisdiction is commonly understood by Government civil servants to include a clear and well-defined set of financed activities for intervening in the stated areas. Typically, management plans included detailed year-to-year or month-to-month activity lists and include corresponding budgets and field staff to ensure their implementation. The very idea that the Government should undertake such detailed planning and management plan development for every single ECA is fundamentally inconsistent with the EC Act and will in any case be sure to create confusion and unrealistic expectations at field ECA level. This is particularly so because within defined ECAs (however they are defined) there are sure to be other Government departments that will be operating under their own management plans. Per the Draft Rules, the Management Plan proposed for development by the Government within a declared ECA will supercede and override management plans already in operation. If a “management plan” is developed for the entire Teknaf peninsula ECA, for example, what will be the relation of that management plan to the management plan already approved by the Government for the Teknaf Game Reserve that exists within the boundaries of the Teknaf ECA? Institutions such as Roads & Highways is also likely to have their own management plans for the Peninsula. The preparation and imposition of a new management plan with authority to supersede or override others is sure to cause confusion and is in any case unnecessary.

20. The fact that management plans developed and declared by the Government for established ECAs will cause confusion is not the only reason for removing this management plan concept from the Rules. There are other reasons.
- 20.1. Lands and resources likely to be included in ECAs will in no cases be under the jurisdiction of the DoE at the time of ECA declaration. The DoE (via its proposed Environment Cell) is to be the designated authority for developing and implementing the new ECA management plans. But the DoE does not have any clear jurisdictional authority over land included in an ECA. Thus if the ECA is a wetland, the DoE will be preparing a management plan on lands or fisheries under the statutory authority of either the Ministry of Lands or the Ministry of Fisheries. How will the DoE Environment Cell staff interact to those Government institutions that already have statutory responsibility for the resources within the ECA? This will be very confusing, and is not likely to lead to improved management of the ECA.¹
- 20.2. Even where the jurisdiction of the DoE is accepted by entities at ECA-level, other Government institutions have already established technical teams present on site that could undertake management interventions themselves. In many cases, they may also have already-approved and operational management plans of their own for the areas. Why should the DoE develop new management plans that risk duplicating or contradicting plans and capacities already in place of other Ministries? Requiring that the DoE develop and implement management plans will in this sense be a waste of government resources.
- 20.3. Section 5 (1)-(5) includes a detailed list of all elements that should be included in the Management Plans. If the implementer of these management plans (the Environment Cell of the DoE) executes management plan preparation and implementation per these processes, it would require clear and unambiguous authority of the DoE Cell on lands that are under the jurisdiction of other Government and private bodies. This is not likely to happen successfully, and is in any case unnecessary.
21. In sum, there is no convincing reason that the “ECA Cell shall prepare and implement management plans for each of the ECAs” (Section 5 (2)). However, a different approach can be taken that is more consistent with the EC Act and more consistent also with the work of actors already on the ground in ECAs. The approach should be that the DoE should have the authority to issue “framework management guidelines”, not “management plans” for the declared ECAs. These framework management guidelines would need to be followed by those land-owning agencies/departments with responsibility for the area. For example, the FD would be responsible for ECAs declared on FD land, while the Department of Fisheries might be responsible for wetlands under its authority.

¹ In fact, this lack of willingness to recognize and work with the DoE has already emerged as one of the obstacles to implementation of ECAs under the Coastal/Wetland Project.

22. These “guidelines” would not be as detailed or exhaustive as is called for in Section 5 of the Draft Rules, but would rather include a smaller set of important issues including the following:

- The specific management objectives of the declared ECAs
- The boundaries and descriptive characteristics of the ECA;
- An identification of the appropriate and competent authorities designated to take the leadership in preparation of management interventions to address the “threats” to the ECAs;
- The set of specific activities that would not be allowed or permitted within the ECA;
- The set of specific activities that would be allowed within the ECA;
- The outcome of any participatory processes undertaken to ensure that declaration of the ECA was done in a transparent and participatory manner.
- Indicators of ecological quality and change within the declared ECA.
- Measures for the protection of tribal and local communities
- Measures for coordination with other Government agencies and with non-Government actors, including the private sector.

23. With the DoE/ECA Cell focusing only and primarily on setting the broad framework management guidelines, the designated ECA authority (this should not be the DoE unless for some reason absolutely necessary) would follow up with identification of specific management interventions intended to address the needs/objectives identified in the management guidelines. The DoE’s Cell would focus on monitoring the specific proposals made by the designated management authority, rather than trying to do all the work itself through a management plan and large field staff.

24. It is worth reiterating that the candidate “designated management authorities” for developing and implementing management activities for the declared ECAs would be varied, and would only include the ECA in the case that no other more appropriate authority was already available on site. It is not appropriate for the DoE to duplicate existing capacities of local communities, local government officials or local private sector when declaring the competent authority for management of ECAs.

25. This brings us to one of the central problems of the Draft Rules. Section 6 includes specific categories of “zoning” of the Areas, which must be undertaken per Section 5’s language on management plans. Yet, the zoning process and concept is only appropriate for a particular type of protected area, such as a National Park or wilderness area (to use two IUCN categories as examples). The zoning concept has no relevance when talking of the important category of “managed resource protected area” and may not be appropriate in landscape/seascapes, species conservation areas or other categories of land/resource.

26. Let us take a simple example to illustrate the inappropriateness of this concept in this case. Let us say that the DoE were to identify a number of tributaries of the Buriganga river as ECAs on the grounds that the section of the river and its tributaries

were extremely important for fish reproduction spawning sites, and that the ecosystem at present is threatened. The concept of “core zone” that is “fully and strictly protected and maintained free of human disruption” (Section 6(2)) has no relevance in such an area, and yet if the Rules are adopted each such area would have to include either this “core zone” or the related concepts of “buffer zone” and “general or multiple use zone”. These very concepts are taken from the conservation literature, and are appropriate where lands are being deliberately set aside for protection in a natural state.

27. If every ECA must be zoned, enormous confusion will arise, not just because a concept such as “core zone” “free of human disruption” is difficult to find or create in Bangladesh, but also because the existing institutions with jurisdiction on the land will naturally balk at redesignation of their lands into such categories as “core”, “buffer” and “multipurpose”. These zonation concepts only apply to a subset of The ECA Rules should ecological systems much more encompassing than just the conservation areas for which these terms were developed.
28. In Bangladesh, likely candidates for ECAs are in many cases to fall under what the IUCN describes as “managed resource protected areas”. This is because of extensive human incursions into wilderness or natural areas. Apart from wetlands, there are few upland areas that one could identify as candidates for set asides as “strict natural reserves” or “wilderness areas”, or even as national parks (outside of the Forest Department lands). The use of “core zone” is not appropriate for lands/resources from which sustainable production is drawn.

Specific Observations on the Draft ECA Rules

29. In addition to these general observations on problems in the Draft ECA Rules, a number of specific additional issues merit mention and modification. Some of these are included as “comments” in the text of the Draft ECA Rules itself in an attached document. Others include the following:
30. *Concerning Section 7 on “Administration of the ECAs” and Section 8 on “Powers and Functions of the Board”*: One important lesson emerging from 30 years of the Wildlife Act is that the “Wildlife Advisory Board” as constituted in the Act has tended to occupy itself with non-technical rather than substantive scientific issues. Steps should be taken in this ECA Rules to correct this recurrent problem, in particular by distinguishing a “Board” to give “overall policy guidance” and a “Scientific Advisory Committee” to advise on scientific, conservation or technical matters. The current proposal that non-technical civil servants will be joined by members of academia or natural resource experts is not likely to result in a Board capable of taking important scientific decisions concerning ECA management.
31. Close examination of the role conferred to the proposed Board under the Section on “Powers and Functions of the Board/Committee” further highlight the problems that will arise. As proposed, the Board consists primarily of non-technical members. Yet

the Terms of Reference of the Board require it to both approve management plans for ECAs (this requires extensive technical knowledge) and approve/authorize changes to management plans (again require technical know-how). Giving such technical authority to the Board as constituted is sure to lead to inappropriate decisions. Technical decision-making concerning the management of ECAs should be given to a more technically competent Committee, while broad policy setting can be taken up by the proposed Board. These sections of the Rules need to be reviewed and changed to include both the policy Board and the technical Committee.

32. *On Section 3 concerning "Declaration"*. This text states that the Government may declare a "national park, game reserve or wildlife sanctuary" as an ECA. This is inappropriate and should be stricken from the text. Under what conditions would the Government deem it necessary to declare one of these three areas as an ECA when a Wildlife Act already provides protection to those areas?
33. *On Section 9 concerning "Powers and Functions of the Cell"*: Generally, the Draft Rules confer excessive authority on the proposed Cells. As stated above, the DoE Cell should identify major "management guidelines" and then identify competent local authorities for the actual development and implementation of management activities. This need not be, and should not be (unless absolutely necessary), the DoE's Cell. In light of this need to have other institutions identified for management plan development where necessary, this entire section on the Cell would need to be modified.

Discussion: How Might it Work for a Ecologically Critical Water Body?

34. Water bodies are excellent examples of ecological areas that are affected by multiple sectors, whether agricultural, industrial, forest, or urban. In the case of ecologically important water bodies it is often important for an environment department to prescribe certain activities to ensure that the water body remains sufficiently healthy to service the needs of the surrounding population. No institution from an individual sector would have the requisite authority or role to make such cross cutting decisions concerning the entire water body. An environment department is the best institution for setting rules concerning all sectors and their influence on the water body.
35. Let us say that the water body is of particular importance for a certain type of fish or a category of aquatic animals. In light of this importance the environment department may disallow the use of a particular category of chemicals by any actor impacting the water body. The Department may also prescribe specific effluents levels for all effluents introduced into the water body. And it may also set other environment standards for the water body that may even be more strict or severe than in other parts of the country.
36. This water body and example offers an insight into how the ECA rules should be structured and made effective. It would not in this simple case of a water body be necessary for the DOE to develop detailed management plans for all aspects of the

water body. Nor would it be necessary -- as is required in the draft rules -- for the DOE to undertake extensive field surveys, do a detailed zonation of the water body, nor put in place a large field staff including members of an environment cell. The role of the department rather would be to ensure that the health of this water body is secured for the well-being of the neighboring population.

37. The heart of the problem in the Draft ECA Rules is that the proposed solution to managing critical areas far exceeds (in terms of scope of management intervention and size of new field staff) what is likely to be required for those areas. It is not necessary to undertake exhaustive management planning, zonation, or staffing processes when a more simple solution may be achieved through a prescription of specific activities -- precisely as the Act calls for.

Discussion: How Might it Work for the *Teknaf Peninsula* Ecologically Critical Area (ECA)

38. Let us take a one more simple example – the Teknaf Peninsula – which has in fact been declared as one of the Ecologically Critical Areas. The Teknaf Peninsula includes beaches, Reserve Forests, a Game Reserve, more than 30 brick fields, and an estimated 200,000 inhabitants. Within the Reserve Forest and Game Reserve, Government-approved management plans already exist and call for management interventions for all lands under the Forest Department's jurisdiction. Other departments operating within the Peninsula also have their own management plans for resources under their control. Thus Roads & Highways has a plan of action for its road development process, and the Local Government Engineering Department has its own management plan for all activities in the area.
39. If the Draft ECA Rules are to be applied for a place such as the Teknaf Peninsula, an entirely new zonation of lands would be required for the full Peninsula. This is zonation would include some sort of core zone, multiple use economic zone, and the buffer zone. And yet such zones have already been declared within the forest areas and their surrounding landscape.
40. Furthermore the concept of core zone and buffer zone have little or no relevance when dealing with large landscapes or seascapes such as are found on the Teknaf Peninsula.
41. Rather than treating the ECA's as a new type of Protected Area (as the draft Rules does), the more relevant role for the DOE under the environment Conservation Act is to identify those important activities which may or may not be allowed across the entire peninsula. We know that the Teknaf Peninsula and the beaches along it are important nesting places for rare sea turtles. The new Rules should enable the DOE to have necessary authority to ensure that these nesting grounds are protected.
42. Similarly another important authority which should be conferred on the DOE is to disallow or limit the number or production levels of brick fields in the Peninsula.

While we know that bricks are necessary for construction in the Peninsula, we also know that to brick fields located there have caused -- and are continuing to cause -- extensive damage to the future opportunities for nature tourism in the area, principally because these brick fields operate using fuel wood cut down from the forest. Instead of writing specific management plans and designating core and buffer zones for the Peninsula, the DOE should focus its authorities on disallowing or restricting the number of brick fields are allowed to operate across the Peninsula.

Conclusion

43. The DoE has a limited presence at the field level and so there are automatically constraints for the implementation of any field level activities resulting from the new ECA Rules. The Rules are intended to provide a structure and institutional mandate under which the DoE can ensure the environmental management of declared ECAs. As now written, however, the draft Rules are sure to lead to increased confusion at the level of the ECA is rather than improved coordination. This is because the Rules propose a set of line management staffing and activities for the DoE that are sure to conflict with those line management activities already approved by the government for other sectors.
44. The underlying assumption in which the new Rules are written is that the DoE will manage a new Protected Area network within Bangladesh, with declared ECAs as a new "category" of Protected Areas. The language of the draft Rules is unmistakable in this regard. The draft Rules state that the DOE should undertake a land that zonation process within all the ECA's. In this zonation process, the DOE is to identify core zones, buffer zones, and multiple use economic zones. These are terms derived directly from the conservation world, and in particular from the IUCN categories of land designation around protected areas. It appears that the development of a parallel and overlapping zonation process is sure to conflict with operational practices already underway on the ground. In essence, the "solution" provided by the Draft Rules goes far beyond that which is required to resolve the environmental problems within a declared ECA. A sledgehammer is being proposed where a simple hammer would be sufficient.
45. In Areas where ecological processes are being poorly administered, it would suffice for the DOE to establish a set of specific activities and "management guidelines" applicable across the Area. This is in fact what subsection 2 of section 5 of the Act calls for.
46. The Draft Rules have far exceeded the spirit of the relevant ECA sections of the Environment Conservation Act. The Rules should be extensively revised so that they are put in accordance with the spirit of the Act while at the same time creating a framework under which critical ecosystems can be conserved or sustainably management for the future of the country.