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Preliminary Observations on the Legal Framework Supporting Co-Management in Bangladesh

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TOR of Mission

- Review legal & policy documents re: natural resource management
- Interview agency and NGO representatives about co-management
- Identify sources of authority for co-management in the existing legal framework
- Identify gaps and additions that would strengthen the legal framework in support of co-management
- Propose legal and policy recommendations for development of a protected area co-management strategy



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Interviews

- Forest Department
- Department of Environment
- Department of Fisheries
- MACH
- World Fish Center
- IUCN
- Arannayk Foundation
- Bangladesh Center for Advanced Studies
- East-West Center
- Bangladesh Environmental Lawyers Association



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Overview: Policy Framework

- **Nishorgo Vision 2010**
- **Inland Capture Fisheries Strategy (2005)**
- **Poverty Reduction Strategy Paper (revised 2nd draft 2008)**
- **National Biodiversity Strategy Action Plan (2006)**
- **Anything else?**



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Overview: Legal Framework

1927 Forest Act

- Social Forestry Rules (2004)
- (proposed) Village Forestry rules
- draft Protected Area Revenue guidelines

1974 Wildlife Preservation Act

- draft Amended Wildlife Preservation Act (2008)

1950 Fish Act

- draft Fish Sanctuary Act
- Proposed revision to 2005 MoL Leasing Policy

1995 Environment Conservation Act

- 1997 Environment Conservation Rules
- draft Ecologically Critical Area Rules (2008)

2006 Gazette Order establishing CMCs

Multilateral Environmental Agreements



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Preliminary Findings

- Although the laws do not formally provide for co-management, they do support participatory resource management concepts
- Government and NGO staff are supportive of co-management concept
- Agencies are using rules, administrative orders, policies, and strategies to develop a co-management strategy
- Certain legal changes are desirable in the long-term to formalize co-management
- Want to maintain flexibility in the legal framework- focus on authority, not details
- A developed legal framework is only the first step; on-the-ground implementation is also important



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Key Legal Issues

- Defining protected areas
- Jurisdictional issues
- Using legislation to enable the approaches already being used
- Coordination and communication between Ministries, Departments
- Whether and how to integrate zoning into the legal framework



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Key Issues: Fisheries

- 1950 Fish Act, Section 3, supports use of sanctuaries
- How to institutionalize long-term lease system (proposed revisions to 2005 MoL lease policy)
- Institutionalizing fish sanctuaries (draft Fish Sanctuary Law)
- Using Inland Capture Fisheries Strategy to promote co-management
- Registration of community organizations



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Key Issues: Forestry

- National Forest Policy- support for co-management
- Can the Government authorize co-management activities in reserve forests under Section 26(2)(a) of the 1927 Forest Act?
- 2004 Social Forestry rules- how to link participatory management of reserve forests to co-management in protected areas?
- (proposed) Village Forestry Rules



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Key Issues: ECA

- Respect other agencies' jurisdiction
- Specify process for identifying and declaring ECAs
- Set framework management guidelines for agencies operating within ECA areas
- Regulate specific activities within ECAs
- Integrate ECA Committees with Local Administrative Committees?



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Benefit-Sharing

- Revenue-sharing from entry fees (protected areas), fisheries leases, forestry timber sales
- Provide core funds (e.g. MACH endowments) to offset seasonal ecotourism
- Need rules for how benefits should be shared among participants
- Establish linkages with financial institutions to extend micro-credit to CBOs
- Include alternative livelihood/benefit-sharing provisions in protected area management plans
- Support traditional income-generating activities of indigenous groups



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Priorities for Moving Ahead

- **Pass Amended Wildlife Preservation Act**
 - develop specific Co-Management Rules under the amended Act?
- **Use Section 26(2)(a) of the Forest Act** to authorize community access to reserve forests (and protected areas)
- **Pass Fish Sanctuary Law**
- **Finalize Ecologically Critical Area rules**
- **Finalize Revenue Collection & Sharing guidelines**
- **Finalize rules to implement 10-year fisheries leases for community groups**