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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**
- **Poverty Reduction Strategy Paper**
- **National Biodiversity Strategy Action Plan**
- **Climate Change Action Plan**
- **Anything else?**



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# Overview: Legal Framework

## Forestry

- 1927 Forest Act
- Social Forestry Rules (2004)
- (proposed) Village Forestry rules
- draft “Guideline for the Collection and Utilization of Revenue Earned from the Protected Areas”
- Wild Life (Preservation) (Amendment) Act, 1974
- draft Amended Wildlife Preservation Act (2008)

## Fisheries

- 1950 Fish Act
- draft Fish Sanctuary Act
- Proposed revision to 2005 MoL Leasing Policy



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# Legal Framework: Continued

## Environment

- 1995 Environment Conservation Act
- 1997 Environment Conservation Rules
- draft Ecologically Critical Area Rules (2008)

## 2006 Gazette Order establishing CMCs

## Multilateral Environmental Agreements

- CBD
- Ramsar
- others



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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 implement pilot co-management activities, but a more coherent strategy is needed
- 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
- Land use rights





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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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## Near-Term Priorities

### Forestry

- Approve Amended Wild Life Preservation Act
  - develop specific Co-Management Rules under the amended Act?
- Approve draft Guideline for the Collection and Utilization of Revenue Earned from the Protected Areas
- Determine whether Section 26(2)(a) of the Forest Act can be used to authorize temporary community access to reserve forests (and protected areas)
- Extend 2006 Gazette Order establishing Co-management Councils and Committees beyond Nishorgo Project



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# Near-Term Priorities Continued

## Fisheries

- Approve Fish Sanctuary Law
- Finalize rules to implement biological management of fisheries (including long-term leases)

## Environment

- Finalize Ecologically Critical Area rules
- Finalize rules to implement biological management of fisheries (including long-term leases)