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
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
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?
Overview: Legal Framework

Forestry
- 1927 Forest Act
- (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
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
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.
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
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
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
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)