

## Development of the Collaborative Governance Model

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The central objective of Nishorgo was to develop a formal collaborative governance model (or models) for forest Protected Areas (PA). While senior Forest Department (FD) officials generally accepted that a new and more participatory approach to PA management needed urgent development, there was no common understanding of what that model would include. For most FD staff, the reigning idea of “participation” in PA governance was understood to mean little more than interaction between FD staff communicating with those contacts (referred to as “our people”) in and around the PAs. When Nishorgo began, many FD officers understood that collaborative PA governance would amount to an application of social forestry participative approaches (see box below) to the PAs. Concepts of inclusivity, transparency, and sharing power did not appeal to more than a small group of visionary FD staff.

### **Bangladesh Forest Department’s Social Forestry Model**

The Forest Department’s social forestry approach evolved through projects in the 1990s into two models that now cover millions of trees planted throughout the country:

1. For degraded and encroached FD lands, each settler household selected and approved by an Upazila level committee is granted usufruct rights to (typically) one hectare of land. A plantation of short rotation species is established there by FD, with each household holding use rights for that tree rotation (depending on the species, for example 10 or 15 years) including any thinning, any crops grown in that land, and a guaranteed share of the final felling value.
2. On other public lands (such as roadsides) groups of local people obtain benefit-sharing rights similar to those on FD lands, and in this case, in return for guarding the trees, they receive a share of the final harvest value, with the other shares going to the land owning authority and – usually – to the Union Parishad.

The initial challenge was to assess social conditions around the PAs and propose a new model of collaborative PA governance for testing under Nishorgo. Field teams mobilized to conduct initial Rapid Rural Appraisals at all sites followed by more extensive Participatory Rural Appraisals (see Studd (2004) and multiple reports by Mollah et al 2004). Proposals for governance structures were then discussed and debated extensively over the subsequent 18 months, with the process led by the then-Project Director of Nishorgo at the Forest Department (Monoj K. Roy) and a consultant to Nishorgo (Dr. Khawja Shamsul Huda) working with staff of Nishorgo Support Project and the FD. The outcome of this process called for a governance structure that included a broadly representative Co-Management Council of 55 members drawn from all walks of life around each PA. A smaller executive Co-Management Committee would be elected from the members of this Council, with each stakeholder sub-group of the Council represented on the Committee (see composition in box).

This Council and its executive Committee are referred to as the Nishorgo Co-Management Organization (CMO), when referring to the full organization. Reference within the chapter may

be made to either the Council or Committee when those are being referred to specifically.

The diversity of socio-economic and environmental conditions at each of the five sites supported an approach that would allow different models by site, with governing structures themselves adapted to the social groups at the sites. This was consistent with experiences compiled in Borrini-Feyerabund et al (2004) and analysis of efficiency for biodiversity conservation organizations in Gjertson and Barrett (2004). By 2005, however, it became clear that only one model for all sites could be proposed, principally because the novelty of the proposed power-sharing was such that it would be difficult to get even one model passed, much less multiple variations.

Approval of the co-management model rested with the Ministry of Environment and Forests, and during the planning process, staff of the Ministry requested on a number of occasions a greater role in terms of numbers and responsibilities for local government officials in the Council and Committee. Consequently, more seats were allocated for staff of technical agencies (Department of Livestock, Department of Agricultural Extension, etc.) and the Upazila Nirbahi Officer (UNO) was made the chair. (An Upazila is a sub-District, there are 64 Districts or Zilas in Bangladesh and over 460 Upazilas. In each Upazila, officers from a range of Government agencies are posted and the UNO is the highest administrative representative of the Government at this Upazila level.) In essence, a perspective was introduced under which the Government – while creating a participatory structure – did not allow too strong a role for community representatives.

### Co-Management Council and Committee Structure, 2006

#### Co-Management Council Structure

1 Upazila Nirbahi Officer (UNO) - Chairperson  
 1 Assistant Conservator of Forest or Range Officer – Member-Secretary  
 9 Representatives from the organized poor  
 13 Chairmen and members from relevant Union Parishads and Pourashava (closest wards to PA, at least 1 woman)  
 9 Representatives of poor resource users  
 6 Representative from resource owners (brickfields, sawmills etc)  
 3 Representatives from ethnic minorities  
 2 Representatives from local youth  
 6-8 Representatives from local elite  
 1 representative of other major stakeholders  
 1 Representative from law enforcing agencies  
 4-6 Representatives from other Government agencies  
 2-4 Representatives from local NGOs  
 Relevant Member of Parliament to act as Advisor  
 Maximum 55 members, including 10 women.  
 Term of those not officials or elected, 4 years.

#### Co-Management Committee Structure

1 Assistant Conservator of Forest or Range Officer - Member-Secretary  
 3-4 Representatives from local government (UP) (1 woman)  
 2-3 Representatives from civil society  
 2 Representatives from resource user groups  
 1 Representative from local youth  
 2 Representatives of resource owner group  
 2 Representatives from ethnic minorities  
 1 Representative of law enforcing agencies  
 2 Representatives from other Government agencies  
 1 Representative from NGOs  
 Upazila Nirbahi Officer (UNO) - Adviser  
 President and Vice-President to be elected by Committee members from among their membership. Term of office 2 years except for Member-Secretary and law enforcement agency representative

After review by the Nishorgo Project Government Steering Committee in 2005, the proposed model was formalized through a Government Order (GO). While not as strong or binding as a Law or Rules made under an Act, Government Orders are the usual means whereby the Government issues administrative decisions and carry great weight both for the concerned Department as well as the local communities. The Order was finally issued on August 10, 2006, and legitimized the already-formed Co-Management Councils and Committees. For the smaller Protected Areas, one CMO was put in place for the full PA, but for larger PAs, CMOs were established for each Forest Range within that PA. Thus, the 7,700 ha Chunati Wildlife Sanctuary had two CMOs while the 11,000 ha Teknaf Wildlife Sanctuary had three. Specific terms of reference for the CMO – including separate delineated activities for the Council and Committee – were fixed officially in this same Government Order (see box below).

This chapter examines the process of developing this formal collaborative governance model. We review the debate and discussion that led to the current Nishorgo model. The aim is to shed light on its underlying logic, and stimulate continued debate on what the most appropriate models for collaborative PA governance in Bangladesh should be.

(It should be noted that a new Government Order in 2009 has superseded this 2006 version, with the new GO now including all forest PA throughout the country. The new version was issued in 2009 after the end of the five year base period of the Nishorgo project, and after this chapter had been prepared. The analysis here is done on the 2006 version.)

## **Starting Assumptions and Subsequent Adaptation**

When Nishorgo began in 2003, neither the Forest Department nor the Project implementing team at IRG had proposed the makeup of the future governance structure for PAs. This was to be informed by the experience of the Department, experiences elsewhere in Bangladesh, and experiences from other countries.

For many of the FD staff, the closest approximation to broad and formal participation in forest management came from social forestry. Yet the social forestry model of participation was inappropriate to large PAs and was developed for use and settlement of users within degraded forest rather than conservation.

USAID's Management of Aquatic ecosystems through Community Husbandry (MACH) Project had been operating for five years when Nishorgo began in 2003, and had evolved a two-tier approach to collaborative governance of wetlands complemented by a parallel set of livelihood support organizations (MACH 2007). Initially, small Resource User Groups (RUGs), each comprising about 20-25 households, were formed to provide traditional NGO-based livelihood support (training and micro-credit) to diversify and reduce fishing pressure. At the same time, Resource Management Organizations (RMOs) were formed around defined waterbodies (beels – depressions holding permanent water – and rivers) and the Government reserved the leases to use these waterbodies for the RMOs. For a large wetland such as the 12,000 hectare Hail Haor near Srimongal, eight RMOs were formed, holding rights to 22 out of 84 waterbodies known as jalmohals (36% of jalmohal area within the haor) (Thompson 2008). Generally, more than 50% of RMO membership came from the RUGs, but also other fishers, farmers and local opinion leaders and elites (selected based on perceived support for

sustainable management) were included in these community or people's organizations. MACH also invested in building the capacity of women through RUGs, and despite conservative social norms around Hail Haor, eventually about 25% of women in the RMOs were women.

### Terms of Reference of Co-Management Council and Committee, 2006

Co-management Council	Co-management Committee
<ol style="list-style-type: none"> <li>1. Convene an annual general meeting and at least one meeting in addition to the annual general meeting.</li> <li>2. Provide pertinent suggestions to the Divisional Forest Officer (DFO) on any modification, addition or correction after reviewing the annual work-plan of the protected area.</li> <li>3. Take collective decisions on activities that have adverse effect on areas in and around the Protected Area.</li> <li>4. Provide required guidance to the Co-management Committee on Protected Area management.</li> <li>5. Develop policies for distribution of goods and services gained from the Protected Area among the stakeholders and also oversee such distribution among the stakeholders by the Co-management Committee.</li> <li>6. Provide required approval to the Protected Area Annual Work Plan developed by the Co-management Committee.</li> <li>7. Play an effective role in quelling any conflict that arises among the members of the Co-management Committee.</li> </ol>	<ol style="list-style-type: none"> <li>1. Act as the executive body of the Council and will be accountable to the Co-management Council for all their activities.</li> <li>2. Liaise with FD officials responsible for management of the Protected Area on local stakeholders' participation.</li> <li>3. Distribute the proceeds from goods and services from the Protected Area among the groups or teams linked with management activities according to the guideline developed by the Council.</li> <li>4. Support Forest Department in employing labor from groups/teams linked with Protected Area management in development activities undertaken by Nishorgo Support Project for Protected Area Management.</li> <li>5. Develop and submit project proposals requesting funds for development of the Protected Area and landscape zone.</li> <li>6. Develop a work plan for expenditure of funds collected locally through Protected Area management and will ensure spending upon approval from the respective Divisional Forest Officer.</li> <li>7. Maintain proper accounts of all local collection and expenditure from Protected Area Management. All accounts needs to be audited by institution/organization as directed by the Advisor.</li> <li>8. Take required steps, upon approval from the Divisional Forest Officer, to initiate patrols for maintenance of Protected Area resources.</li> <li>9. Play a supportive role in containing any conflict arising between local stakeholders and Forest Department or any other government/non-government organizations.</li> </ol>

From the early stages implementation of MACH, the main level of coordination with Government was through Local Government Committees. However, as the project evolved, these became co-management bodies with members comprising the leaders of the RMOs and of federations of RUGs (both types of organization having by then been legally constituted through registration as social welfare organizations), the chairmen of local councils (Union Parishads – the only tier of government other than national level in Bangladesh that is elected), and representatives of government agencies, including the UNO as chair and Upazila Fisheries Officer as member secretary. In early 2006, these committees were formalized by Government Order as Upazila Fisheries Committees. They form a platform for coordinating management between community organizations over the larger wetland areas and serve as venues at which stakeholders including RMOs could present their issues and find solutions to problems (Halder and Thompson 2007). Moreover, these Committees were adopted as part of a national strategy for inland capture fisheries (Department of Fisheries 2006).

A number of differences in the administration of wetlands and forest Protected Areas argued for a modified approach in forest PAs. Forest PAs are clearly under the legal jurisdiction of the Forest Department. Jurisdiction over wetlands is more complex – seasonally flooded areas are usually private land, but the permanent waterbodies (jalmohals) are state property under the Ministry of Land represented by the office of the Deputy Commissioner (highest administrative authority at the District level), who leases out use rights to these waterbodies with a preference for fisher cooperatives (Sultana and Thompson 2007); hence, there is a history of little direct use or management of these waterbodies by government agencies. Collaborative management of the interior of forest PAs would need to include a clearly demarcated and active role of the Forest Department, not least because whenever damage to a PA occurs (felling, fires or encroachment, for example), the Forest Department is answerable for it. Furthermore, apart from those “Forest Villagers” (usually from ethnic minorities) with de facto rights to live in and use PA resources, use by other people of forest PA resources is technically illegal, whereas the many users of wetlands have long established and recognized use rights through a mixture of private land, leases, and common property.



*Initial dialogue with community members at Satchari prior to formation of the first Council and Committee, 2004.*

[Nishorgo Support Project]

One additional and important difference between the MACH conditions for collaborative governance and those of Nishorgo derived from the rate of productivity changes at wetlands versus forests. At MACH sites, interventions by the RMOs (with MACH Project support) to create sanctuaries, observe closed seasons, and stop harmful practices such as drying out of beels were shown to lead within two years to dramatic increases in fishing productivity. The rapid response of wetland productivity to conservation raised the direct association between management of the resource and livelihood benefits. Community organizations could be formed under MACH with the basic association that better management of the wetlands (including conservation) would equal more fish income for the community. At Nishorgo forest sites, benefits to community groups would not be so direct or immediate. Indeed, because the PAs by definition restricted direct extraction from the core areas, less direct solutions would need to be found, which associated conservation of the core zone with other economic benefits outside the core zone. We recognized that this lack of direct association would make it difficult to engage local resource users in direct agreements for participatory conservation as had been undertaken for wetlands.

Initial studies confirmed the diversity of stakeholders around PAs, their sheer number, and the scale and pace of resource extraction (see multiple reports by Mollah et al, 2004 and Studd, 2004). It became clear that PAs had become accepted as lightly guarded resources, open to use against some unauthorized payments depending on the amount and value of resources being extracted.

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## Starting Point: Stemming Rapid Forest Destruction

As Nishorgo's team debated the structure for co-management in 2003 and 2004, a clash of perspectives occurred between the Nishorgo field teams and the senior staff of the Forest Department. The Nishorgo team had put equal weight on the two objectives of livelihood improvements and conservation. IRG and its NGO partners (Community Development Chittagong, or CODEC, and Rangpur-Dinajpur Rural Services, or RDRS) assumed that enough livelihood activities could be introduced such that poor households would reduce consumption of and pressure on forest products. The Forest Department had as its priority stemming the extraction of forest produce that was rapidly degrading forests.

At a meeting in 2004, the difference of views between the NGO field implementing team and the Forest Department came to a head. The IRG team was called to meet with senior staff of the Department, including the Divisional Forest Officer, Conservator for Wildlife, and Nishorgo Project Director at the 75-year-old Shyamoli Guest House inside Lawachara National Park. When asked by the Forest Department what the field project team was doing to slow increasing timber extraction, the following dialogue ensued:

“We are forming user groups of poor households. Once we introduce livelihood activities, they will no longer need to go to the forest,” responded the NGO field coordinator.

“How many have you formed so far?” asked the Conservator.

“Twelve”, answered the team.

“And how many people are in those groups?”

“240”, answered the Nishorgo team.

“But there are 13,000 people living in the immediate vicinity of Lawachara National Park. By the time you form more groups and give access to livelihood improvements, the forest will be gone.”

For the Nishorgo team, the message was clear. While group formation and household livelihood activities could continue, the focus had to shift dramatically towards addressing the rapid loss of forests. If forest loss was not slowed, then the very resource base from which long-term economic benefits might flow would be gone. Work on group formation with the poor had to be more closely and directly linked to conservation. That would be done by giving priority to participatory plantations in buffer areas, alternative income linked to protection, and community patrols as opposed to the standard set of individual livelihood activities familiar to field NGOs in Bangladesh.

This increase in emphasis on stopping forest loss played an important role in determining the co-management structure. The governance structure for PAs had to be capable of actually putting pressure on those directly involved in illegal felling of trees. Since it was widely understood that timber felling was coordinated at the highest levels (politicians, including

ministers), the implementing team knew that the governance structure for a given PA had to have authority and strength to confront these powers.

This explains why the final Nishorgo CMO structure included a range of Government agencies that could be drawn upon to check the felling. The Bangladesh Rifles was included, for example, in the logic that they had armed soldiers in the border forest areas where much of Bangladesh’s forests are found, including four of Nishorgo’s five pilot sites. This starting point also explains in part why “Resource Owning Groups” were included in the structure. In practice, their inclusion meant that some of the same timber traders and brick field owners that were destroying the forest were included in the structure intended to manage it. It was assumed that through a combination of social pressure and other means, those involved in forest destruction might be brought around to support conservation.

### Inclusion of Union Parishad

It was generally accepted amongst those who designed the approach that some value could be gained from including the concerned Union Parishads (UP) in the CMO, since they are the lowest level of representative government in Bangladesh. The UPs have limited institutional capacity, and lack formal powers over lands, but they, and especially UP Chairperson, wield considerable influence within their jurisdictions. It is widely accepted that UP Chairpersons are closely allied with, and answerable to, political parties. Their exclusion from the process would create other problems, not least that they may sabotage important activities in their areas of which they were not a part. It was subsequently agreed to give the UP members a fixed role in both the broad Co-Management Council (13 of the 55 seats) and the smaller executive Committee (3-4 of the 19 seats).



Publication of the Co-management Council and Committee structure and terms of reference in the official Government Gazette in 2005 provided initial policy recognition for the structure.

### Representational Inclusion of Those Living in or Immediately Adjacent to the PA

Union Parishad boundaries do not align with PA boundaries, and UP constituency populations represented by the UP members on Nishorgo CMO at Nishorgo sites included only a small portion that actually lived inside or adjacent to the concerned PA. With the objective of giving a more direct and guaranteed voice to those groups directly affected by the PA, three seats were allocated on the Council to “Ethnic Minorities” while another nine were allocated to

“Poor Resource Users.” But the process for including this representation was debated at some length. One option was to introduce a semblance of the panchayat system from India, in which those directly affected populations near the PA would convene as a whole to agree on their position on key issues and choose a representative to become a member of the Council. This approach was not followed in the end, principally because no recognized governing authorities that could be included by name existed at this local level. Thus, the final arrangement did not include a strong element of direct representative governance by those citizens living in the immediate vicinity of the PA.

## **Design for Effective Decision Making**

Attention was given to the balance between the inclusivity of a larger body and the agility and decision-making ability of a smaller Committee. Initially, a large body similar to the final Council had been proposed as the single management body for a PA. While this could include a wide range of key stakeholder representatives, such a large group would not be able to meet regularly and take rapid response decisions as needed. If the role as practical “co-manager” were to be fulfilled – meaning that management decisions could be taken in immediate response to management problems – then the CMO would need to be able to respond quickly and effectively on a host of issues. After some debate, it was agreed to include both an executive body (the Committee) selected from a broader and the more representative Council.

Representatives from each stakeholder group would be chosen by the respective groups themselves. Thus, the Forest Villagers would meet to select their representatives. But for more diffuse groups (such as “Resource Users” or “Resource Owners”) no process was stipulated for determining inclusion from that sub-group into the Council

## **Voice and Power Commensurate with “Stake” in the Resource**

One criterion considered for inclusion in the governing structure was the strength or importance of a group’s “stake” in the resource (DeCosse and Jayawickrema, 1997). During the site appraisals the extent or importance of the stakes of different groups was considered. A larger role in co-managed governance could be allocated to those stakeholders receiving more significant benefits from the resource. One of the obstacles to this approach was the definition of “stake” in the first place. When defined as depending on the resource for livelihood, then it would result in an enhanced role for local poor villagers including Forest Villagers. But a similar case could be – and was – made for inclusion of more sawmill owners, timber traders, and brick field owners who also gain their livelihoods through forest extraction. Indeed, for forests including highly valuable hardwoods along with other timber and non-timber products, it became clear that it would not only be the poor who claimed a direct stake in the resources, but rather all those who were already benefitting from the forests, or might stand to benefit from them in the future. In the end, the desire for inclusiveness of all those with even indirect stakes in the forest PA trumped a more narrow inclusion of those directly affected. Allocation of seats within the Committee was not set on the basis of level of benefit from the PA. The outcome of this inclusive orientation was most notably uneven for “forest villagers” living inside the PAs: in spite of being the only citizens living inside the PA, they were not explicitly allocated any seats on the Council or Committee, but were instead included in the category of “ethnic minorities,” which could include minority members from inside or outside the PA.

This has led to a number of anomalies. For example, Satchari is a small National Park (NP) tucked between tea estates in a relatively remote area of Hobiganj District. The closest towns are Deorgach, 8 km to the northeast, and Teliapara, 5 km to the west. Fuel wood traders park at edges of the forest and pay day laborers to fill their trucks with illegally extracted wood for later sale at Comilla or Dhaka. Few people live inside or at the edges of the PA, with exceptions including the Tripura Forest Village inside the Park and two small villages within a kilometer of it. Representatives from this Tripura Forest Village hold four of the 55 seats in the Council, a representation certainly not commensurate with their permanent presence inside the forest.

Meanwhile, the vast majority of Satchari Co-Management Council members reside from far away from the forest. Out of the 55 Council members, no more than six live within 2 km of the Park limits. Council meetings are typically held 5-8km away from the PA. The Committee's Chairman, Vice-Chairman and Treasurer (all Union Parishad members in 2008) each lived more than 4 kilometers from the Park, and had little or no interaction with the Park for immediate livelihood purposes.

Some critical anomalies of the Nishorgo representative structure were made clear from cases such as this at Satchari. The project team recognized that a smaller, and more immediately representative governing structure, would allow a more direct link between the resource itself – the Satchari PA – and the community of those most directly affected by changes in the resource's quality. A MACH-like adaptation – with an RMO representing those resource users of the Park – was considered and discussed. But it was determined that the Government – and particularly those at the Ministry of Environment and Forests that would need to approve the new governing bodies, would not allow this kind of adaptation to governing structures based on the needs at individual PA. A “one-size-fits-all” model would need to be adhered to.

Another similar imbalance between the importance of a group's livelihood stake in the resource and its role in the final CMO was made evident at Lawachara NP. Hundreds of destitute women from the northeast edge of Srimongal town walk 10 km every one or two days to take whatever fuel wood they can find in Lawachara NP. In the past, they have often had to pay a fee to the local Forest Guard to do so. They can be seen every day, walking single file back from the Park, each with bundles of fuel wood on their heads. The Participatory Rural Appraisal (PRA) process made it clear that these women depended to a high degree on what they could extract from the Park. The voice of such women – clearly with a large stake in the forest as it was managed at the time – would only have an opportunity for inclusion via the membership category of “Resource User Group Representatives” (male and female), with nine of 55 seats on the Council and two of 19 on the Committee. And even within this category, there would be no guarantee that such women – whose families' well-being depended on the forest – would be included at all. Living around Lawachara NP are thousands of poor who rely from day-to-day on the Park resources, and yet they ended up with relatively few seats in the Council or Committee.

## **Tea Estate Owners, Managers, and Laborers**

Tea estates abut some 20% of the boundaries of each of the three northern pilot forest PAs. Clearly, the tea estates at those PAs were important stakeholders. Tea estate laborers (women and men) enter these northern PA daily to extract fuel wood and bamboo, either for their own livelihoods or for



*Discussion in 2004 in Chunati as Council and Committee were being formed. [Philip J. DeCosse]*

sale, and it is widely assumed that the laborers are also involved in organized felling.

The CMO as finally released in the GO did not, however, include tea estate laborers, managers or owners. The tea estate owners generally maintain a well-coordinated national organization, and as a group are extremely careful in any interactions they have with Government. Tea estate owners and managers have been particularly careful with regard to interaction with the Forest Department, not least because of

conflicts that had occurred between Departmental staff and tea estates concerning rights to fell trees on the estate lands, all of which are under long-term lease from the Government. Although invited to take part in early convocations of the co-management councils, the estate owners and managers desisted. In light of continued unofficial dialogue with senior tea estate representatives, it gradually became clear that the owners and managers would not take part formally in any of the governing structures.

Part of the hesitancy of tea estate owners and managers stems from their own preoccupation with maintaining tree cover, albeit in the form of shade trees, for their tea. Shade trees – like the hardwoods in the forest PA – are subject to illegal felling by tea estate laborers, with significant costs in tea production. Not surprisingly, a number of managers made it clear in personal meetings that they would rather see the illegal fellers do their work within the PA if it meant that their own shade trees could be spared.

Without the participation of the tea estate owners and managers, it would not be possible to include the laborers. Tea estate owners and managers have been criticized for their treatment of tea estate laborers, and prefer to maintain tight control of access to any organized dialogue with those laborers. Any outside development organizations that wish to work with the tea estate laborers can only do this with approval of the estate owners. The team tried, but were unable to get approval from either the Tea Owner's Association or the Tea Laborers Association to include the estates and their laborers formally in the process. Without a green light from the Owner's Association for an individual estate manager to take part, there would be few opportunities to engage the laborers.

Thus, a number of critical stakeholders, at least for the three northern PAs, were not included in the CMOs as they evolved. Only later, in 2007 and 2008, did a number of tea estate managers (initially at Lawachara) begin to attend Co-Management Committee meetings, but even then their voice and participation was limited.

## **Role of the Forest Department**

At the time the CMO structure was being created, the role of the Forest Department in the Councils and Committees was very much debated, with a focus on two issues in particular: (1) whether FD staff would be members of the CMO like everyone else or have special pre-determined roles or powers; and (2) which level of FD staff should be included.

In the end, the Government Order allows for the Member-Secretary of both Council and Committee to be the “Assistant Conservator of Forests (ACF) or Range Officer (RO) in charge of Range.” As it has evolved, most of the Member-Secretary positions have been taken by the relevant ACFs rather than Range Officers. No formal role was given to the DFO, principally because it was assumed that he would be engaged actively in the process by providing support to the FD Member-Secretaries and through dialogue with high level local actors, particularly the UNO.

Allocating the important Member-Secretary positions to the FD raised concerns that the Department might wield too much power over the co-management process. An important counter-argument ran that the FD’s direct responsibility for accounting for the PA, and its existing internal systems of reporting, would increase the likelihood that the governance process would be supported by a person ready to provide necessary time, capacity, and logistics to support the process. Since participating in the governance process was assumed to be voluntary, the FD staff member would be the only one whose paid job would include the responsibility to support the Committee and Council through this role. This would – it was argued – increase the likelihood that the Committee and Council would continue to receive the uninterrupted support required to make and implement decisions.

As the process evolved, another FD-related issue became more important than the position held by the FD staff on the Committee and Council. It became gradually clear that, apart from the one member formally included in the structure, other FD staff from the PA sites were distancing themselves from process and the governing structures. FD staff at all local levels, and in some cases even the assigned Member-Secretaries, spoke and perceived of “us and them” when thinking of the FD and the Committee/Council. Although more senior and centrally-located staff of the FD (CF, DCCF, CCF) would remind PA-level staff of the importance of the participatory process, such advice was not routinely acted upon. Most damaging to the process was the distance taken by DFOs, who commonly felt that they had no role in the governance process. Indeed, the DFOs were not formally included or mentioned in the GO establishing the Councils and Committees. And without an active involvement of the DFOs, support for a range of PA initiatives from the FD hierarchy would prove limited, as became evident at a number of PA. The DFO’s participation is particularly critical for activities involving accounting of revenues or receipts, since the DFO is the audit point for divisional financial transactions. By 2007 and 2008, as PA entry fee sharing opportunities were being debated, the importance of including the DFO in the formal processes became increasingly clear.

Another practical problem emerged about the role of the Member-Secretary, designed to be a Range Officer or ACF. In many cases, the ACFs perceived themselves to be “above” the kind of minutiae of management issues presented by the Council/Committee process at a single PA. An ACF would normally have many ranges to oversee, and the CMO structure at Nishorgo sites each covered only one range. Many ACFs felt that they should not be taking so much time with the activities at a single range. Range Officers are assigned to a single range, and



*January 2005 Co-Management Committee meeting at Lawachara National Park. [Philip J. DeCosse]*

thus would seem in some ways to be the appropriate persons to take part in the day-to-day workings of a governing institution. But Range Officers are of a cadre calling for lower academic requirements than the ACF. In light of the inclusion of UNO, UP Chairpersons, and other elite, it became clear that Range Officers often did not possess the requisite background or experience to work on par with other CMO members.

In those CMOs where the Range Office plays only a minor role, however, other problems have arisen. As the FD's designated "Disbursing Officer" with a given range, the Range Officer manages expenditures across the Range, and accounts directly to the DFO, thus giving him a financial authority and role that bypasses that of his ACFs. Because of this authority, Range Officers have gained a power in the Department at times greater than their actual organizational level of authority. Because of this de facto authority, the inclusion of ACF in place of Range Officers as Member Secretaries could and did create new conflict. One of the proposed solutions to this ACF-Range Officer problem was to modify the GO to ensure that the Member-Secretaries would be designated administratively as "ACFs-in-charge-of-Range," thus ensuring that the ACF for a given range would maintain financial authority for that range as well as technical leadership.

## **Role of Other Government Officials**

Those involved in Nishorgo considered the extent to which other government bodies (apart from the FD) should have a role in the CMO structure. It was widely agreed that it would be good to include local representatives of technical agencies of the Government, under the assumption that such inclusion would assist in coordination of technical Government interventions in project areas. In the GO, these representatives were given four to six of the 55 seats on the Council and two on the Committee.

After three years of inclusion of such local representatives of national technical ministries in the CMO, however, few benefits have resulted. Concerned officers rarely come to meetings and have instead sent junior staff in their place. The contribution of these technical ministries to the PA governance process has been minimal.

It was widely agreed that the Upazila Nirbahi Officer (UNO) – as the highest administrative officer at sub-District level – should be part of the Committee and possibly the Council as well. As the designated "Advisor" to the Committee, the UNOs attend meetings periodically. It had been assumed that UNOs would ensure coordination of local administrative or civil actions. It was true that UNOs attended Council meetings (meeting dates were often organized around

their availability), but few of those UNOs have engaged sufficiently to understand issues of concern at the PA level, nor have they provided the coordination role expected of them. And their lack of understanding of participatory conservation, or even the terms or objectives of the Government Order for co-management, resulted in their playing a very limited supporting role in the governing process. Better organized efforts to orient and engage the UNOs – and more generally, members of the Local Government service – might assist in enhancing the value of their participation in the process. The UNOs remain the most important Government officials at the Upazila level, and at the least the CMOs need to be sure that UNOs will not oppose conservation management efforts.

The other controversial decision regarding Government participation was that of inviting the local Member of Parliament as Advisor to the full Council. Ironically, this decision was not made expecting a benefit, but rather because their exclusion was thought to be a risk to the Council and Committee. If they were excluded, they would find – it was assumed – ways of blocking the activities of the Council to benefit themselves. In the years since Council formation, the MPs have been virtually absent from the process. With hindsight, it appears that their inclusion did not cause any harm to the co-management governance process, and may have assisted it through avoided conflict.

### **“Landscapes” and the Physical Boundaries of Co-Management Governing Authority**

For each of the three smaller northern Nishorgo PAs, one CMO was assigned the role of governing the full PA. But in the larger southern PAs, it was not clear whether there should be a single CMO for the full PA or multiple CMOs. One option discussed was to align a number of CMOs with the boundaries of the Union Parishads covering the PA and its users. In the end, co-management areas were aligned with the boundaries of existing FD Ranges within the PA. This would allow the territory of the designated Range Officer for that given range to coincide with the territory of the newly declared Council. It would also allow the FD funding in support of co-management to be allocated to the same range and Range Officer associated with the Council. This has minimized potential administrative confusion between the CMO and the FD. Forest range boundaries within FD lands were fixed many years ago, and were typically determined on ease of access and management by the FD staff themselves, so it is not evident that these criteria would align with cohesive social units within those ranges. Such problems were considered at the time of fixing Council boundaries, but a more efficient solution than using the range alignment did not emerge, so the Nishorgo team proposed – and the GO included – the demarcation of Council boundaries to align with range boundaries for the Teknaf and Chunati PA. Future forest PA co-management development would probably be wise to follow this same approach.

### **Constitutions, Rules of Operation, and Registration**

Work began in 2004 on drafting constitutions and rules of order with the CMO. Constitutions for all the CMO were completed by 2005, but were not an active focus of attention until the formal release of the Government Order was completed. At that time, with the increasing recognition of the organizations by the Government under the 2006 GO, and opportunities arising for the organizations to manage finances (including grant funds under the Landscape Development



*The laying of a gas pipeline directly through Lawachara National Park in 2005. Controversy over the issue stimulated a more active early development of the Lawachara Co-Management Committee. [Philip J. DeCosse]*

Fund program), a reinvigorated focus on the social and legal status of the organizations returned to the forefront.

In early 2007, the Arannayk Foundation considered giving grants to the Nishorgo CMO, but noted that it could not do so without one of the three standard types of recognition given to community organizations: registration with the Social Welfare Office late at Upazila level, registration as a Joint Stock Company under the Society Act, or, in the event that funds might be given to the organization from

outside Bangladesh, registration with the NGO Affairs Bureau. The most common of these three is the Social Welfare registration, and it was this path that was followed. Registration with Social Welfare implies recognition by the local Government that the organization would work for the betterment of society, but does not confer the status of NGO on such organizations. Nor does it enable an organization to receive funds from outside the country.

As the CMO began to follow this path of Social Welfare registration, one difficult issue arose. Social Welfare-recognized organizations cannot include any positions allocated formally to Government. As the application process evolved, a number of FD staff members stated that they could not take part in any registration at Social Welfare, unless the FD was removed from the Co-Management organizations. The team learned later, however, that the Government members could include their names in the Social Welfare registration process, so long as they were not included by position or title. Thus, the FD Member Secretaries were included by name, rather than in a position allocated to the FD itself. (The GO ensured that the Member Secretary would be the ACF or Range Officer in any case.) Overcoming this constraint required considerable persuasion from the senior FD staff members, and particularly the Project Director, but in the end it largely succeeded. As of early 2008, six of the eight Nishorgo CMO had been recognized by Social Welfare.<sup>1</sup>

As part of this registration process, the constitutions required for Social Welfare registration received close attention and review by the Committees, and were all ultimately approved by the Councils. Constitutions for each of the Nishorgo sites were different due to debate by Committee and Council members, but the broad elements of the constitutions were similar. All of the constitutions were attached with the application (in Bangla) for Social Welfare registration.

<sup>1</sup> For reasons of internal disagreement, the other two have still not registered with Social Welfare.

## Lessons Learned

A number of lessons can be identified from Nishorgo's efforts in building a model for collaborative governance of Protected Areas:

*Nishorgo decided early to focus on stopping forest destruction and that decision was an important driver of the governance model subsequently developed.* In the light of escalating extraction of forest produce from the PAs, the Nishorgo team decided that it needed to stop the hemorrhaging of such loss, without which the entire Nishorgo pilot would have been deemed a failure. The Council and Committee structure was influenced by this concern, allowing as it did the inclusion of local elite persons assumed to be in a position to slow organized logging and fuel wood extraction. Powerful voices were included, giving a strong role for Union Parishad and commercial timber users (timber traders, brick field owners) that would in theory be brought around to advocate for the cause, and even the Police, the Bangladesh Rifles, and the Army. The governing structure thus became relatively elite-dominated in the expectation that it would be able to take social action against illegal fellers.

Time has shown that to a degree this approach was effective in slowing the loss (see chapter 8 monitoring and chapter 10 on bird indicators). Illegal felling – while not stamped out – slowed at Nishorgo sites. The pressure brought by these elites, and Committee-coordinated community patrolling have been two of the most important factors in that slowing. Given the urgency of minimizing loss of trees, it was probably both appropriate and necessary to include local elites. Moreover, this was still a broadening of participation compared to the FD-only management that had preceded co-management. But the inclusion of so many locally powerful stakeholders has silenced the less powerful. Women, the poor and ethnic minorities, while represented formally on the CMO structure, have not felt confident to make their voices heard forcefully and systematically.

*The Co-Management Organizations were not in the end as broadly representative as expected of the directly affected citizens of the area.* The structure of the CMO gave inordinate weight and authority to individuals and institutions not directly affected by the PA. The inclusion of Union Parishad (UP) Chairmen in the CMO represented a link to elected local officials, but the constituencies of these elected UP officials covered an area well beyond the boundaries of the PA. Overall, UP Chairmen have exercised disproportionate influence in all the Councils and Committees, in spite of the fact that only a small portion of UP constituents live in or near the affected PA. Inclusion of a more active and vibrant voice from local people with a direct stake in PAs would have made for a governance structure more directly concerned with the well-being of the forest (and their relation to it).

Some effort was made to allay this representational issue through formation of organized and associated Forest Resource User Groups (FRUG) made up of poor individuals within the immediate impact area of the forest PA. These were to be federated along the lines of the approach followed by partner NGO RDRS, with Federation directors taking seats on the Council reserved for the “representatives of resource user groups.” Two problems arose in applying this approach. First, the logic of Federation development followed by partner NGOs was targeted on inclusion of the poor, irrespective of their association to the target forest PA, so that although Federation user group members came from the forest vicinity, they were often

not directly impacted by or interested in forest PA issues. And, secondly, even where active Federations developed, they were only able to hold a maximum of two seats (out of 55) on the Council, since that was the maximum allocation allotted for them. So at best, their voice would be limited.

Federations of poor using PA resources and adjacent lands need a more explicit and potent role in future PA governance. Rather than being formed from only those user groups facilitated by the project partner NGO, such federations should draw from a wider representation of the poor from those villages directly linked to the PA. Such poor and resource-using groups for a given PA should have an increasing role in PA management as their capacity develops and they may themselves be registered as Social Welfare organizations.

It is worth noting such a federation of poor user groups has resulted in more effective participation in MACH and in other countries. One of the best examples is the Bunaken National Park co-management model in Indonesia. There, a “Management Advisory Board” includes representatives from national, provincial, and local government agencies; village stakeholders; the private tourism sector; academia; and environmental NGOs. This Board is complemented by a “Concerned Citizens Forum” independently representing the directly affected local population, including the poor, so that their voice can be heard by the Board (NDPA, 2004; Erdmann et al 2003).

*Both the voting weight and the composition of the CMO should be revised for future PA co-management sites.* A number of specific lessons have been learned about those Nishorgo CMO members who might be gainfully excluded, or have their roles limited, in the future. Most clearly, membership of Upazila level officers of government agencies (e.g. Department of Agricultural Extension) should be limited to only those who will or have played a significant role. While in theory they might be helpful, in practice these Council members have been virtually absent from the entire process. They can be contacted when and if the Committee should need information or support from these Departments.

It became clear during Nishorgo interventions that the responsible DFO should have a formal role in the governance arrangement as “Co-Advisor” to the Committee, principally as a means of ensuring his support of the process. Involving the relevant UNO as a co-advisor is also critical to success, but the UNOs rarely have the context or time to maximize their potential support to the process. DFOs, on the other hand, will be aware of relevant issues in the wider context of the FD. If both act as “Co-Advisors,” this might enhance links with the broader civil administration and the technical support of the Forest Department.

*Site-Specific Governing Structures Need to be Allowed for.* Nishorgo’s governing structures at pilot PA followed a “one-size-fits-all” approach, and there were sound reasons that it had to be that way in the beginning. But without greater flexibility to the governing model, and one in particular that would allow a greater role for those directly affected by the conservation or degradation of the PA, the model will continue to lack a focus and dynamism necessary to long term success. As noted above, a new structure would need to allow a greater voice to those directly affected. But it would also need to allow for considerably different structures depending on the social and ecological characteristics of a given PA. A PA such as Satchari – surrounded almost entirely by tea estates and with few residents in the immediate vicinity –

should have a significantly different composition than that of Chunati, with its large population in the immediate landscape.

The issue is even more significant where communities have lived inside the target forest areas since the colonial period or before. Such is the case for the Modhupur tract – including the territory of Modhupur National Park – and for much of the Chittagong Hill Tracts. The clear and historic presence of indigenous peoples in these areas speaks for a much more significant role in the governance structure than that defined in the strict allocation of seats within the Nishorgo model. Future Council-Committee structures need flexibility in numbers to ensure stronger representation of ethnic minorities where they are significant users, and other directly affected stakeholders.

*The governance structure should clarify a specific role for key levels of the Forest Department staff, not just the Member-Secretary.* The DFO clearly needs to be included in the governance process with an explicit role, the most optimal being that of Co-Advisor to the Committee. But the roles of other FD local staff should also be made explicit. Beat Officers are the front lines of the Department throughout PAs, and need a role within the organization. Where ACFs fill the position of Member Secretaries, the Range Officers also need an explicit role and inclusion. One of the central and critical roles of the FD is to provide facilitation and support to the Co-Management organizations, and without the explicit involvement of all levels of staff in that process, this commitment will be slow to develop.

## Conclusion

Nishorgo's model for collaborative management represents an important step forward. The Co-Management Council and Committee structure allows a clear measure of representation of stakeholders from the immediate vicinity of the PAs. By comparison with earlier management approaches – centered on the principle that the Forest Department made all the decisions – this new approach is an improvement. But gaps remain, most notably in the degree of representation of key stakeholders, the adaptability of the model to the social and ecological needs of different forest PA, the integration of the FD in the governing and facilitation process, and the dominance of select stakeholders (particularly UP Chairpersons) disproportionate to their numbers within the governing structures.

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