LEGAL FRAMEWORK FOR COMMUNITY PARTICIPATION IN
GOVERNANCE: THE ROLE OF CO-MANAGEMENT IN THE FOREST
PROTECTED AREAS MANAGEMENT OF BANGLADESH

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The work presented in this thesis is, to the 
best of my knowledge and belief, original 
except as acknowledged in the text. 

I hereby declare that I have not submitted this 
material, either in full or in part, for a degree 
at this or any other institution. 

A. Z.M. Manzoor Rashid

2012
TABLE OF CONTENTS

TABLE OF CONTENTS ..................................................................................................... iv

ACKNOWLEDGEMENTS ................................................................................................. xv

ABSTRACT ..................................................................................................................... xvii

LIST OF ACRONYMS ...................................................................................................... xix

LIST OF TABLES ............................................................................................................ xxii

LIST OF FIGURES ......................................................................................................... xxii

LIST OF BOXES ............................................................................................................. xxiii

LIST OF APPENDICES .................................................................................................. xxiii

Chapter 1 .............................................................................................................................. 1

INTRODUCTION .............................................................................................................. 1

I  Background .................................................................................................................. 1

II  Definitions and Scopes of the Study ........................................................................... 7

   A  Legal Context .......................................................................................................... 7

   B  International Laws, Standards and Guidelines for Participatory Governance of
      Protected Areas (PAs) ............................................................................................ 8

   C  North and South Perspectives on Protected Area (PA) Governance .................. 11
III Background and Context of Protected Area Management in Bangladesh .......... 13

IV Theoretical Context of the Study ................................................................. 15

V Research Questions ......................................................................................... 20

VI Significance of the Study ............................................................................... 21

VII Methodology ................................................................................................. 22

VIII Overview of the Study ............................................................................... 22

Chapter 2 .............................................................................................................. 25

SUSTAINABLE DEVELOPMENT AND RELATED ISSUES FOR PROTECTED AREAS GOVERNANCE AND MANAGEMENT ...................................................... 25

I Introduction ........................................................................................................ 25

II Sustainable Development—The Conceptual Attributes ................................. 26

A Definition ........................................................................................................ 27

B Basic Principles of Sustainable Development ................................................. 28

C International Legal and Policy Frameworks for Sustainable Development and Protected Area Governance ................................................................. 29

D Protected Area and the Convention on Biological Diversity (CBD) ............. 32

III Governance .................................................................................................... 33

E Theoretical Orientation on Governance ...................................................... 33

F Conceptual Attributes of Governance—An Overview ................................. 33
D Application of the IUCN Guidelines for Protected Area Management Categories for Co-management ................................................................. 90

V International Policy Frameworks, Guidelines and Trends of Protected Area Management ........................................................................................................ 92

VI Rights and Self Determination of the Indigenous and Local People-Brief Summary on the ILO Convention 169 and the CBD Article 8(j) ........................................ 94

VII Concluding Comments ................................................................................. 96

Chapter 5 ............................................................................................................. 98

COLLABORATIVE PROTECTED AREA MANAGEMENT IN THE NORTH AND SOUTH NATIONS – EXPERIENCES FROM AUSTRALIA AND NEPAL ........... 98

I Introduction .......................................................................................................... 98

II Participatory Management in the Protected Areas – The Co-management Approach . 98

III Protected Area Management in Australia – A Brief Account ......................... 100

A Terrestrial Protected Areas .................................................................................. 101

B Indigenous Protected Areas and their Management ............................................. 103

C Legal Frameworks for the Management of Protected Areas in Australia .......... 107

D Community Participation and Governance in the Protected Areas .................... 109

IV Community Forestry and PA Management in Nepal – A Brief Account .......... 112

E Legal Frameworks for the Management of Protected Areas in Nepal ............... 116

F Community Participation and Governance in the Protected Areas .................... 118
V Concluding Comments .............................................................................................................. 123

Chapter 6 ........................................................................................................................................ 125

THE FOREST PROTECTED AREAS OF BANGLADESH: HISTORY, CURRENT STATUS AND EVOLVING MANAGEMENT PARADIGMS ............................................ 125

I Introduction ...................................................................................................................................... 125

II History of Forest Management in Bangladesh ─Embracing Colonial Legacy and Neo-Colonialism ......................................................................................................................... 125

A The British Colonial Regime (1760-1947) ............................................................................... 128

B The Pakistan Era (1947-1971) ................................................................................................. 129

C Post Independent Period (1971-onwards) .................................................................................. 130

III Existing Legal and Policy Frameworks Related to Forest and PA Management of Bangladesh- A Brief Account .................................................................................................................. 130

D Forest Policy ............................................................................................................................... 131

E Forestry Master Plan ................................................................................................................... 133

F Forest Law ..................................................................................................................................... 133

G The Wildlife (Preservation) Act 1974 ....................................................................................... 134

H National Conservation Strategy ................................................................................................. 134

I National Biodiversity Strategy and Action Plan ......................................................................... 135

J National Environment Management Action Plan ....................................................................... 135
B Analysis of Case Study Research ................................................................. 169

C The Ethical Considerations and Research Norms for the Study ..................... 169

IV Limitations of the Study ............................................................................... 170

V General Descriptions of the Study Area .......................................................... 171

D The Study Area .............................................................................................. 172

E Demography and Livelihood of the Local People ............................................. 173

F Ecology and Environment of the Study Area .................................................. 175

G Management History of the Study Area – A Brief Account ............................ 177

VI Paradigm Shift in Forest Protected Area Management–The Co-management Approach .................................................................................................................. 181

VII Formation of the Co-management Organisations: Their Role in Protected Area Governance .................................................................................................................. 185

H Sustainability Issues of Co-management Organisations: Their Role in Achieving Sustainable Protected Area Management ......................................................... 189

I Institutional Attributes of the Co-management Organisations: Capacity Building and Legal Frameworks ........................................................................................................ 190

J Development of Legal and Policy Frameworks: Views of the Development Practitioners and Researchers .......................................................................................... 192

VIII Community Participation in the Governance of Protected Area–The Role of Co-management .................................................................................................................. 194
IX  Co-management as a Governance Option for the Sustainable PA Management: Roles and Perceptions of Major Stakeholders ........................................................................  199

X  The Basic Principles of Governance and their Application in Protected Area Management of Bangladesh ...........................................................................................................  203

XI  Institutional and Legal Frameworks for the Co-management of Protected Areas..  209

XII The Role and Performance of Co-management Committees: The Experiences of Five Pilot Protected Area Sites ......................................................................................  210

K  Participation and Livelihood ..................................................................................  211

L  Conservation and Protection ...................................................................................  212

M  Legal and Policy Issues ..........................................................................................  213

N  Management and Governance Features ...................................................................  214

XIII  Devolution of Power to Co-management Institutions...........................................  215

XIV  The Role of the Community Petrol Group (CPG) in Conservation and Sustainable Management of Protected Areas ....................................................................................  216

XV  Concluding Comments .........................................................................................  218

Chapter 8 .......................................................................................................................  220

LESSONS AND FUTURE DIRECTIONS FOR PROTECTED AREA MANAGEMENT IN BANGLADESH ...........................................................................................................  220

I  Introduction ...............................................................................................................  220

II Recapping the Concepts, Guidelines and Best Practices for Future Directions in Protected Area Governance .................................................................  221
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ABSTRACT

The co-management of protected areas (PAs) have been developed and supported in many countries through international and national approaches and practices as well as legal, policy and institutional frameworks. Many international standards, guidelines and best practices are non-binding principles (soft law) in international regimes, yet they have become embedded in national legal and policy frameworks in forest and PA management. Sustainable development (SD) requires livelihood support, capacity building of the stakeholders, widespread community participation and effective local governance. International law and policy particularly related to these attributes have been promoted through the Rio Declaration, Agenda21, the Convention on Biological Diversity (CBD) and the Forest Principles.

The research questions addressed in this thesis seek to identify the scope, problems and the challenges of implementing co-management in the forest PAs of Bangladesh. The main focus of research and analysis in this thesis is investigating whether co-management is an appropriate governance approach to contribute to sustainable development goals, particularly in context of community participation, livelihoods, tenural rights and capacity building for devolution of power (to communities) in the long term.

The long-established role of Community Forestry (CF), Social Forestry (SF) and Community-Based Environmental Management (CBEM) as participatory governance approaches for forest PAs in Bangladesh is critically reviewed. Through a case study of the Chunati Wildlife Sanctuary (CWS), the implementation of co-management regimes in Bangladesh is explored with particular regard to the needs and perspectives of community partners, other key stakeholders and the institutions through which they govern the sanctuary. This enables a deeper understanding of the strengths and weakness of the existing co-management regimes in Bangladesh.

As co-management in Bangladesh evolves from these examples, experiences, ad hoc case studies and pilot projects, developing supportive legal, policy and institutional frameworks will become increasingly important. Therefore, existing Bangladesh regimes for participatory governance and co-management are reviewed with the objectives of identifying the problems and challenges of the concept of co-management and to integrate them with best practices (internationally and nationally) in participatory governance of PA’s that incorporate SD
principles in a developing country context. This then provides the basis for making recommendations for improvements and identifying future governance through co-management that reflects the needs and aspirations of forest-dependent communities.
## LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACF</td>
<td>Assistant Conservator of Forest</td>
</tr>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>ADP</td>
<td>Annual Development Plan</td>
</tr>
<tr>
<td>AIG</td>
<td>Alternative Income Generation</td>
</tr>
<tr>
<td>BBS</td>
<td>Bangladesh Bureau of Statistics</td>
</tr>
<tr>
<td>BELA</td>
<td>Bangladesh Environmental Lawyers Association</td>
</tr>
<tr>
<td>BFRI</td>
<td>Bangladesh Forest Research Institute</td>
</tr>
<tr>
<td>CBD</td>
<td>Convention on Biological Diversity</td>
</tr>
<tr>
<td>CBNRM</td>
<td>Community-Based Natural Resource Management</td>
</tr>
<tr>
<td>CCA</td>
<td>Community Conserved Area</td>
</tr>
<tr>
<td>CCF</td>
<td>Chief Conservator of Forest</td>
</tr>
<tr>
<td>CEESP</td>
<td>IUCN Commission on Environmental, Economic and Social Policy</td>
</tr>
<tr>
<td>CF</td>
<td>Community Forestry</td>
</tr>
<tr>
<td>CGP</td>
<td>Coastal Greenbelt Project</td>
</tr>
<tr>
<td>CIFOR</td>
<td>Centre for International Forestry Research</td>
</tr>
<tr>
<td>CMC</td>
<td>Co-management Committee</td>
</tr>
<tr>
<td>CMO</td>
<td>Co-management Organisations</td>
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</table>
MoEF  Ministry of Environment and Forest
MOU  Memorandum of Understanding
NBSAP  National Biodiversity Strategy and Action Plan
NEMAP  National Environmental Management Action Plan
NRM  Natural Resource Management
NSP  Nishorgo Support Project
PA  Protected Area
SBCP  Sundarban Biodiversity Conservation Project
SD  Sustainable Development
SF  Social Forestry
TANDP  Thana Afforestation and Nursery Development Project
UNDP  United Nations Development Program
UNO  Upazilla Nirbahi Officer
UP  Union Parishad
USAID  United States Agency for International Development
WCPA  World Commission on Protected Areas
WPC  World Park Congress
WP  Working Plan
LIST OF TABLES

Table 1. Five Principles of Good Governance for Protected Areas (PAs) ......................... 36
Table 2. A Typology of Participation ................................................................................... 46
Table 3. The IUCN Protected Area Management Categories and their Primary Objectives .. 78
Table 4. World Park Congresses and the Subsequent Development of PA Management ...... 92
Table 5. Federal Governed Protected Areas and their Basic Features ............................... 102
Table 6. List of Protected Areas in Nepal: Types, Area and the Year of Establishment ...... 114
Table 7. Major Forest Types of Bangladesh ....................................................................... 127
Table 8. List of Declared Protected Areas of Bangladesh ................................................... 152
Table 9. Terms of Reference of the Co-management Organisations under Co-management Regime .......................................................................................................................... 157
Table 10. Number and Types of Interviewed Respondents’ During Field Study ............... 167

LIST OF FIGURES

Figure 1. Schematic View of the Different Phases of the Co-management Process ............ 89
Figure 2. Development of Key Legal and Policy Frameworks of Co-management of the PAs in Bangladesh .................................................................................................................. 148
Figure 3. Map Showing Land Use Areas of Chunati Wildlife Sanctuary ......................... 172
Figure 4. Schematic Presentation Showing Different Phases of the Formation of Co-management Organisations................................................................................................ 187

Figure 5. A Diagram Depicting the Structure of the Co-management Council along with Stakeholder Type............................................................................................................... 188

Figure 6. A Diagram Depicting the Structure of the Co-management Committee along with Stakeholder Type............................................................................................................... 188

Figure 7. Proposed Advisory Board to Support Protected Areas on Technical Issues........ 240

LIST OF BOXES

Box 1. Aziz’s Journey Towards Uncertainty – The Myths and the Reality of Protected Area Management ..................................................................................................................... 198

Box 2. Co-management – in the Eye of a Development Practitioner ........................................... 201

Box 3. The Role of the Community Petrol Group (CPG) in Sustaining Livelihood and Conservation of Protected Areas – Delwara’s Views................................................................. 217

LIST OF APPENDICES

Appendix 1. Sample Questions for Interview ................................................................. 288

Appendix 2. Case Study Interviewees and Coding Protocol ................................................. 290

Appendix 3. List of Available Plants and Climbers in the Study Area................................. 290
CHAPTER 1
INTRODUCTION

I BACKGROUND

Over the past decades, the threats to biodiversity have become an issue of global concern.¹ According to the Convention on Biological Diversity (CBD), biodiversity is the ‘variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, which includes diversity within species, between species and of ecosystem’.² The fragmentation of ecosystems, unregulated exploitation of resources, poverty and population explosion are some of the reasons behind the deterioration of biodiversity. The depletion of biodiversity is influencing conservation and development efforts and obstructing the notion of sustainable development (hereafter referred to as SD).³ One of the major global environmental challenges is the conservation of forest biodiversity.⁴ Many approaches to biodiversity conservation have failed to attain the desired goals. In fact, on the contrary, some actions have intensified the underlying causes of degradation.⁵ Bangladesh is no exception in this regard, where the situation has been further aggravated due to a population explosion, extreme poverty, over utilisation of natural resources, centralised decision-making and a weak governance system.⁶ Much field-based evidence has also confirmed that conventional conservation initiatives can be detrimental to communities.⁷ However, in recent decades there has been a noticeable shift in the governance of natural resources in Bangladesh whereby decentralised, site-specific and community-led management

³ Developments that meet the needs of the present keeping in mind the needs of the future generation.
⁷ Grazia Borrini-Feyerabend et al, (eds), ‘Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation (Best Practice Protected Area Guideline Series No.11, IUCN, 1998) 4.
activities are gradually taking the place of centralised ‘classical approach’\textsuperscript{8} to governance.\textsuperscript{9} The international community now also focuses on many complex strategies and processes in the attempt to improve SD outcomes.\textsuperscript{10} For example, biodiversity conservation, as part of SD, now involves poverty alleviation, sustainable conservation and use, livelihoods, good governance and legal and policy frameworks in accordance with policies, guidelines, international and regional conventions, treaties and protocols.\textsuperscript{11}

Participation in any decision-making processes, such as in natural resource management (hereafter referred to as NRM), is increasingly being recognised and practiced as a driving factor in SD.\textsuperscript{12} Community participation in the forestry sector of Bangladesh officially commenced during the 1980s, but participation only amounted to consultation instead of active community engagement. This process managed to achieve physical targets such as an increase in tree coverage and the creation of short-term employment but failed to address broader conservation goals.\textsuperscript{13} The legal and policy frameworks were not even conducive to decentralised, local and participatory governance.\textsuperscript{14} Bangladesh has recently changed policy direction and recognised the need to devise community-led management approaches to ensure sustainable

\textsuperscript{8} Classical approach sees conservation as an isolated process whereby people are excluded and are not allowed to be involved in any kinds of activities within the conservation area.


\textsuperscript{13} Niaz Ahmed Khan, ‘Land Tenuiral Dynamics and Participatory Forestry Management in Bangladesh’ (1998) 18 Public Administration and Development 335, 335; See also Mark Poffenberger (ed), ‘Communities and Forest Management in South Asia’ (A Regional Profile of WG-CIFM, 2000) 41.

conservation and development of forest biodiversity.\textsuperscript{15} The introduction of co-
management in forest protected areas (hereafter referred to as PAs) of Bangladesh is
an example of such an attempt.\textsuperscript{16}

The changing patterns of protected area (hereafter referred to as PA) management
from strict preservation to a more socially oriented philosophy are increasingly being
reflected through definitions and concepts developed by international institutions and
development partners such as the International Union for the Conservation of Nature
(IUCN).\textsuperscript{17} Such international legal and policy frameworks can now play an important
role in improving PA governance, if adequately represented in the respective country
policy, laws and implementation. PAs in developing countries are believed to have a
limited future without the support and active engagement of the local communities.\textsuperscript{18}

Ensuring effective community participation through ‘rights-based approaches’\textsuperscript{19} may
enhance the process further as conservation and developments related to local
people’s livelihood helps to achieve the goals of SD.\textsuperscript{20} Various management
approaches that have been undertaken in the forestry sector of Bangladesh showed
positive results initially, but failed to reach desired goals in the long run due to the
absence of effective stakeholder participation and legal and policy frameworks.\textsuperscript{21} In
this context, the introduction of co-management between the local community and the
state authority (forest department) as a means of PA governance hold much interest.

\textsuperscript{15} See, eg, Nur Muhammed, et al, ‘Quantitative Assessment of People-Oriented Forestry in Bangladesh:
\textsuperscript{16} Mohammad Shaheed Hossain Chowdhury and Masao Koike, ‘An overview on the Protected Area
\textsuperscript{17} Lisa M Campbell and Arja Vainio-Mattila, ‘Participatory Development and Community-Based
\textsuperscript{18} Michael P Wells and Thomas O Meshane, ‘Integrating Protected Area Management with Local
\textsuperscript{19} Fundamental human rights, capacity building, access to information and resources are widely
considered under this approaches by the development practitioners. These approaches aims at
strengthening the capacity building of the rights holders (the community) and the legitimate
institution responsible to ensure rights to the community.
\textsuperscript{20} Donna Craig and M Jeffery, ‘Non-Lawyers and Legal Regimes: Public Participation for Ecologically
Sustainable Development’ in David Leary and Balakrishna Pisupati (eds), The Future of
International Environmental Law (United Nations University Press, 2010) 103, 104; See also
Arian Spiteri and Sanjay K Nepal, ‘Incentive-Based Conservation Programs in Developing
Countries: A Review of Some Key Issues and Suggestion for Improvements’ (2006) 37(1)
Environmental Management 1, 3.
\textsuperscript{21} Stakeholders are those who have an interest in a particular decision either as individuals or
representatives of a group. This includes people who influence a decision or can influence it as
well as those affected by it. See for details Minu Hemmati, Multi-Stakeholder Processes for
Governance and Sustainability (Earthscan Publications, 2002) 250.
Recently, ‘pluralistic approaches’\(^{22}\) to governance have been getting global recognition for their decentralised and pro-democratic community-based concepts and activities.\(^{23}\) The governance and the process of declaring PAs are now increasingly being recognised and accepted as an approach to active community engagement.\(^{24}\) The distribution of management authorities to multiple institutions and stakeholders under co-management has become an emerging global trend.\(^{25}\) However, long-term experiences with co-management in the Asia-Pacific region, particularly in Australia, Canada and Nepal have showed some promising outcomes by delivering rights, recognition and participation in PA management and access to resources for the local communities.\(^{26}\) Much of the research, experiences and related literature on the history of community participation in PA management (and co-management as a particular arrangement) are based on the experiences of well-resourced developed nations such as Australia and Canada. Developing nations, such as Bangladesh and Nepal, have some experiences with community-based natural resource management (CBNRM), particularly in the fishery and forest sectors respectively. However, capacity building and improved governance of NRM have rarely been sustained in a Bangladeshi context due to the ad hoc nature of the donor-driven pilot projects, which are seldom ‘scaled up’\(^{27}\) through adequate local funding supported by a legal and policy frameworks.\(^{28}\)

\(^{22}\) It is based on democratic theory whereby power is dispersed among a variety of economic and ideological pressure group and is not held by a single elite or a group of elite. When applied to protected areas usually describe a multi-stakeholder approach to protected area governance.


\(^{27}\) Replication or expansion of a concept or programme in other places.

Chapter 1

A common and positive understanding of co-management is that it can enhance best practices for sustainable PA management. However, there are arguments that it can also escalate new conflicts if not handled adequately and holistically and are poorly resourced. Further, it has been suggested that co-management can be weak in regards to poverty reduction and the empowerment of the marginalised and can lead to the reinforcement of the local elite power or further strengthening of the state control. Balancing partnership, roles and responsibilities are still a challenge even under such socially oriented regimes. Therefore, it is necessary to go beyond the general notion of co-management to wider and integrated approaches with a view to addressing the interests of the diverse stakeholders.

There are many different forms of co-management in each individual country as well as diverse local, cultural, economic and ecological backgrounds particularly at the local level. In this respect, the efficacy of co-management as governance of PAs can be better understood through a series of structured case studies. The case study (undertaken as part of the research for this dissertation) is an attempt in this regard to explore evidence-based arguments for, and against this governance approach as applicable in a developing country such as Bangladesh. The case study of this thesis takes place within a forest PA context, to research perceptions and experiences of co-management as a form of governance and by applying qualitative research methods. Methods such as interviews, focus group discussion, field observations and secondary documentary and literature reviews are, applied to investigate co-management, experiences, approaches and practices, particularly from the perspective of engaged communities and other key stakeholders (see Ch.7 A for details). Furthermore, it is also necessary to investigate the existing legal and policy frameworks in order to suggest a better option for co-management as a form of PA governance in the forest PAs of Bangladesh.

29 The process by which nature conservation is carried out must be ecologically sound, socially and politically feasible and morally just. See Steven R Brechin et al, ‘Beyond the Square Wheel: Toward a More Comprehensive Understanding of Biodiversity Conservation as Social and Political Process’ (2002) 15 Society and Natural Resources 41, 44.
Chapter 1

The major focus of this thesis is on the legal, policy and institutional frameworks for co-management that are employed by the community in the process of PA governance in Bangladesh. Since all the declared PAs of Bangladesh are the forest PAs, the current study aims at exploring the role of co-management in one of these forest PAs named Chunati Wildlife Sanctuary (hereafter referred to as CWS). The topic was selected based on the zeal and engagement of the communities on participatory governance process. How co-management approaches usually involve multi-stakeholder in the governance of the PAs is the central theme of the discussion. The purpose of this thesis is to explore the nature of co-management and the extent to which it is, or should be, distinct from other participatory governance regimes and its applicability in the context of a developing country like Bangladesh.

Legal agreements between a park authority (state) and a community can be applicable at a local, national and international level and can influence each other in these various contexts.\(^{33}\) However, as the legal and policy frameworks for participatory and co-managed PA governance are very weak in developing countries, the case study investigates the adequacy of the current experiences and trends in regards to co-management of PAs in Bangladesh through a case study. International, regional and national policies and legal frameworks will be considered in exploring the context of a case study, since this focus provides an important dimension of PA governance. However, the overall objectives of PA governance needs to be expanded to explicitly include the broader aspects of SD, such as devolution of power, effective decision-making role by communities, poverty alleviation, recognition of the rights of women, minority groups and the Indigenous community, sustainable livelihood and resource use. The devolution of environmental management is a crucial dimension of ecological and economical sustainability.\(^{34}\) The case study chapter (chapter7) attempts to address the issues through locally based experiences in co-management of a Bangladesh forest PA.


II  DEFINITIONS AND SCOPES OF THE STUDY

Various forms of participatory governance regimes have been developed and implemented to facilitate SD and NRM, particularly in respect to forests (which varies from country to country as well as location). 35 The most notable forms are community-based natural resource management (CBNRM), social forestry (SF), community forestry (CF), joint forest management (JFM) and collaborative management. 36 Although community participation is the key element of all these approaches, as a means of governance, many of them lack the true devolution of power, legitimate local institutions and long-term legal and policy arrangements. Such an absence of legitimate local-level platforms jeopardises the zeal of community participation. 37 The co-management approach on the other hand not only addresses issues such as the livelihood security of traditional communities, but also deals with various management functions, rights, responsibilities and the scope of negotiation in a given set of areas and resources. 38 Such prescribed advantages of co-management over other forms of participatory forest and PA management, led to the selection of the dissertation topic and case study. Before elaborating on the details of these issues and associated research questions in more detail (in the following chapters) it is important to provide a brief summary of the various legal and policy aspects of PA governance, developed through international and regional research, standard setting and negotiation processes, that will continue to be influential in evolving legal and institutional governance for the management of PAs in Bangladesh.

A  Legal Context

Biodiversity loss and the issues of SD are the central concerns of global agenda such as in setting ‘Millennium Development Goals’ (MDGs) 39 to encourage development. 40

35 Poffenberger, above n 13, 7.
36 See, eg, Borrini-Feyerabend, above n 33, 65.
38 See Ashish Kothari, Neena Singh and Suri Saloni, People and Protected Areas: Towards Participatory Conservation in India (SAGE Publications, 1996) 26-27.
39 The action plan taken during the UN Millennium Summit to achieve eight anti-poverty goals by 2015 which was endorsed by 193 UN member states and 23 international organizations (See for more details United Nations (2010) <http://www.un.org/millenniumgoals/>.
40 Jagmohan S Maini, ‘Forest Policy, Management and Biodiversity’ in Fred L Bunnell and Jacklyn F Johnson (eds), Policy and Practices for Biodiversity in Managed Forest-The Living Dance (UBC Press, 1998) 19; See also Dilys Roe and Joanna Elliott, ‘Biodiversity Conservation and Poverty
Chapter 1

Many legal instruments such as ‘soft and hard law’ and policy guidelines are emerging globally to strengthen the process of SD by addressing both conservation and development. Declaring PAs and embracing different governance attributes like co-management is an attempt, in accordance with international commitments, to protect the depleting global biodiversity as well as to ensure sustainable livelihoods of local communities who traditionally own, use and are dependent on natural resources.

The law can play a substantive role in the management of natural resources. The development of related laws often takes into account the challenges of nature conservation and SD. Governance has particular and vital role in this regard, even though it entails a legal and policy frameworks of a broader magnitude. Better governance through co-management is promising as it embraces rights and access to resources, information, accountability and transparency in the overall decision-making process. Considering the relative potential of co-management over other approaches, it is worthwhile examining its efficacy as a governance approach for the forest PAs of Bangladesh.

B International Laws, Standards and Guidelines for Participatory Governance of Protected Areas (PAs)

Various international and regional legal and policy tools are steering the management of PAs under various governance regimes such as co-management. It is therefore necessary to understand the substantive and procedural aspects of this approach that

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Reduction: An Introduction to the Debate in Dilys Roe and Joanna Elliott (eds), Poverty and Biodiversity Conservation (Earthscan Publications, 2010) 1.

41 Soft law refers to quasi-legal instruments those are not legally binding and enforceable like Forest Principle of the Agenda 21 and Hard law is a binding and enforceable legal documents. Most international treaties and conventions are hard law such as the CBD and the UNFCC.

42 UNCED, Agenda 21, WSSD, CBD, MDGs all emphasized environmental conservation and sustainable livelihoods as an integral part of all the development efforts.


45 Governance is the interactions among institutions, processes and traditions that determine how power is exercised, how decisions are taken on issues of public concern, and how citizens or other stakeholders have their say. See for details Governance Principles for Protected Areas in the 21st Century (Discussion Paper, Institute on Governance, 2002) 2.

have an influence in the national conservation policy and implementation programmes of Bangladesh. Whether these standards and frameworks meet the needs and aspirations of local communities is a research issue that will be explored in this thesis. Furthermore, there is a need to critique the existing international and national legal and policy frameworks in regard to their recognition of the rights of local communities and co-management approaches in PAs. Such evaluation needs careful consideration as more marginalisation of local communities may occur in the name of new development and conservation policies.

International legal and policy frameworks (both soft and hard law) are playing significant role in developing guidelines for the governance of PAs. The Stockholm Declaration was a turning point of legal regimes for environmental management. In 1980, the IUCN (and partner organisations) published World Conservation Strategy based on the interconnectivity between conservation and SD. The Rio Declaration reiterated the need for protection as an integral part of SD, while Agenda 21 helped to integrate SD into national law and policies through preparing an implementation action plan. The United Nations Conference on Environment and Development (UNCED) resulted in some legally binding treaties, namely the United Nations Framework Convention on Climate Change (UNFCC) and the Convention

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47 International laws, policies and standards can also become conditions of development funding, loans and grants.

48 Borrini-Feyerabend, above n 33, 34.


52 It is the comprehensive action plan to implement the principles and agreement of Rio Declaration to deal the human impacts on the environment. See United Nations Division for Sustainable Development (2009) <http://www.un.org/esa/dsd/agenda21/ >.


54 UNFCC is an international environmental treaty produced at the UNCED. It sets overall framework for inter-governmental efforts to tackle the upcoming challenges on climate change. The UNFCC opened for signature on May 9, 1992 and entered into force on March 21, 1994 <http://unfccc.int/resource/docs/convkp/conveng.pdf; accessed on 15 April, 2012>. 

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on Biological Diversity (CBD), and played a decisive role in shaping various attributes of environmental governance at global, regional and national levels. To be effective, governance demands fair and equitable distribution of cost and benefits sharing through the recognition of community participation and their rights. The CBD is a comprehensive agreement that cuts across a very large number of issues including community rights and access to resources. In this regard, Article 8(j) and 10(c) of the CBD are important because of the provisions encouraging the recognition of customary law and traditional knowledge and the provision for benefit-sharing mechanisms for the use of Indigenous knowledge and resources in accordance with national legislation. The terminology of ‘in accordance with national legislation’ in Article 8(j) is problematic, but the intent that the principles contained in these provisions should be implemented in national legislation should be clearly understood. The major shift of power to developing countries in general, and local people in particular, has been a key aspect of the negotiation of the CBD. However, many of the detailed implementation issues related to pluralistic forms of stakeholder participation, like co-management, remain unsettled under the CBD. Although the conservation of biodiversity is recognised as a common concern, the primary rights and responsibilities regarding the implementation remain with the country. Rights to resources and access to information go hand in hand in achieving conservation and development goals. It is now unequivocally established and accepted that the integration of human-rights attributes and equity in management objectives are essential to achieving conservation goals and SD. The creation of such provisions may also assist in developing support from local communities and other stakeholders. Many international agreements embrace the same rights and

59 Ibid
61 Porter-Bolland et al, above n 24, 7.
approaches, such as the ILO Convention 169\textsuperscript{63} and the Aarhus Convention\textsuperscript{64}, that recognise the rights of Indigenous, tribes and communities, their access to information and their right to participate in environmental decisions.

The ‘Man and the Biosphere Programme’ of the United Nations Educational, Scientific and Cultural Organizations (UNSECO) was the pioneer initiative in establishing and governing PAs. A globally accredited, internationally recognised platform has been established in the name of the World Commission for Protected Areas (WCPA) that has developed various attributes and categories of PA governance that are elaborated through detailed Guidelines that are periodically changed and updated.\textsuperscript{65} This is primarily done through the World Park Congress (here after referred to as WPC), held every ten year, and the role of the Secretariat, based at IUCN. These guidelines and recommendations are the most highly regarded international standards in PA governance. Such diverse legal and policy initiatives and directives may assist Bangladesh find a better and sustainable governance approach for PA management that is adapted to the needs and capacities of the nation and local communities.

C North and South Perspectives on Protected Area (PA) Governance

In addition to a range of international legal and policy efforts, the ‘North-South’ debate is also playing a crucial role in negotiating the issues of SD and governance at various levels, particularly in developing countries.\textsuperscript{66} Generally, Northern actors (nations) contribute mostly in initiating, funding and operating the private-public partnership in environmental governance which is also supported by empirical

\textsuperscript{63} It is a legally binding international instrument that deals specifically with the rights of Indigenous and tribal people. Adopted in 1989 and entered into force as a legally binding instrument in the year 1991. So far 20 nations have ratified the convention <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm>.


\textsuperscript{66} North and South debate is the outcome of the socio-economic and political divisions between the countries grouped as developed and developing. The former are strong in economy thus have more capacity to tackle environmental consequences while the later are weak in economy so more vulnerable and exposed to environmental consequences. See for details Frederick E Dopfel, ‘The North-South Divide: Perspectives on Global Diversifications’ (2009) 36(1) Journal of Portfolio Management 69, 69; See also Michael Redclift and Colin Sage, ‘Global Environmental Change and Global Inequality- North/South Perspectives’ (1998) 13(4) International Sociology 499.
studies. However, the countries of the North and South are often in conflict over priority setting which was evident in negotiating the MDGs. The interconnectivity of the environmental issues across national borders still requires cooperation between the North and the South nations to overcome these dichotomies and conflicts. However, the realities of the North-South divide need to be addressed in setting the guiding principles of PAs so individual states can build capacity to govern their own PA systems. This may require an analogy to ‘common but differentiated responsibility’ for PA governance.

Chapter 5 discusses in detail the legal and policy frameworks for PA management and community participation, based on these principles by examining governance regimes in Australia and Nepal. These experiences and best practices (in a North and a South nation) can assist in developing appropriate co-management strategies for Bangladesh. Bangladesh needs to develop participatory PA governance within the context of its specific political, legal and policy frameworks and the needs and rights of its communities. Nevertheless, international organisations continue to play decisive roles in the discourse of SD, whereby project funding in the NRM sector continues to be influenced by the issue of post-colonial legacies that has significant influence both on development and in North-South relationships.

In the context of Bangladesh, it is necessary to evaluate the legal and policy frameworks for the co-management of PAs to determine its efficacy in promoting rights, livelihoods, access and active community participation and to consider recommendations for improving the long-term participation of communities in PA governance.

69 The principle evolved from the notion of the common heritage of mankind and is a manifestation of general principles of equity in international law. It recognises historical differences in the contributions of developed and developing states to global environmental problems and differences in their respective economic and technical capacity to tackle these problems. Rio Declaration and the UNFCC incorporated this principle in their respective manifestation.
70 Jeffery, above n 53, 33.
Chapter 1

III BACKGROUND AND CONTEXT OF PROTECTED AREA MANAGEMENT IN BANGLADESH

The forestry sector of Bangladesh plays an important role in combating poverty for the people living in and around the forest.\textsuperscript{72} The history of forest management in Bangladesh is quite old and was shaped and influenced by colonial forest policy.\textsuperscript{73} The Forest Policy, 1979, was the first of its kind and was very much influenced by the colonial policy of forest management.\textsuperscript{74} Over time this policy proved ineffective due to various socio-economic factors such as population growth, poverty, over exploitation of resources and top-down, centralised management approaches. It was felt by experts, communities, and policy makers that a new dimension to the existing forest policy was needed.\textsuperscript{75} The Forest Policy,1994 specifically recognised the importance of people’s participation in forest management.\textsuperscript{76} Another notable achievement of the 1994 policy was that it has succeeded in bringing tree plantation activities outside the forest area.\textsuperscript{77} Most importantly, all the significant developments in Bangladesh forest legal and policy frameworks took place after the formulation of the 1994 policy.

Community participation in the forestry sector of Bangladesh has a long history that can be traced back as early as 1871, to teak plantations of Chittagong Hill Tracts managed by the tribal swidden farmers.\textsuperscript{78} However, participation in the forestry sector officially began in 1980s. The donor (Asian Development Bank) assisted community forestry project in the north-western districts of Bangladesh was the first attempt of its kind. It gradually spread to other parts of the country through various projects and forms such as the Thana Afforestation and Nursery Development Project (TANDP), the Coastal Greenbelt Project (CGP) and the Forestry Sector Project (FSP). Despite the initial success in achieving physical targets i.e. increase of plantation coverage,

\begin{itemize}
  \item \textsuperscript{73} The basic goal of that policy was to maximise utilization of forest resources to generate revenue.
  \item \textsuperscript{76} Mahbubul Alam, ‘Evolution of Forest Policies in Bangladesh: A Critical Review’ 2009 2(2) International Journal of Social Forestry 149, 150.
  \item \textsuperscript{78} Poffenberger, above n 35, 41.
\end{itemize}
these projects failed to develop a mechanism to attract and engage local communities. They lacked institutional, personal and community capacity building, legitimacy on usufruct rights, active community participation and devolution of the decision-making power under the continued influence of ‘command and control’ strategies. The introduction of co-management in the forest PAs can be seen as an effort to overcome these limitations to incorporate active community participation as a core aspect of PA governance.

The Government of Bangladesh started introducing and implementing co-management in ‘five forest PAs’ under a pilot project titled Nishorgo Support Project (hereafter referred to as NSP) for a period of five years (2004-2009). Based on the initial success of NSP, the government decided to expand its coverage to other PAs under the name of the Integrated Protected Area Co-management Project (hereafter referred to as IPAC) that now also includes the wetlands. Today there are 34 forest PAs in Bangladesh (which includes national park and wildlife sanctuaries) comprising an area of about 270,478 hectares which represents 10.72 per cent of the total forest area of Bangladesh.

Co-management experiences globally suggest that a number of complex issues such as biodiversity conservation strategies, appropriate legal, policy and institutional frameworks, livelihoods, people’s perceptions and Indigenous, tribal and community knowledge and practices have immediate relevance for the performance of co-management approaches. Many countries have already developed enabling legal and policy frameworks to support community rights and access and have thereby offered

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79 It refers to the form of a direct regulation where the respective government or department exercises direct responsibility for making laws to govern specific activities. See for details Vijaya Nagarajan, ‘From ‘Command-and-Control’ to Open Method Coordination: Theorising the Practice of Regulatory Agencies’ (2008) 8 Macquarie Law Journal 5, 7.
82 Lawachara National Park, Rema-Kalenga Wildlife Sanctuary, Satchari National Park, Chunati Wildlife Sanctuary and Teknaf Wildlife Sanctuary. Co-management approach is being implemented in these protected areas under the financial and technical assistance of USAID.
better incentives in the governance of the PAs and the resources sustained by them.\(^{85}\) There is evidence from South Asia, and around world, that donor supported conservation programme often collapse as soon as the donors pull out from the programme, or as soon as it is completed. Pilot programmes and projects may embody useful experiences and good practice but they are ad hoc and usually not capable of delivering systemic change in governance. For this reason, the dissertation and case study focuses on the legal, policy and institutional frameworks for community participation in the governance of PAs in the developing nation context, particularly in Bangladesh.

IV THEORETICAL CONTEXT OF THE STUDY

Legal, policy and institutional changes are integral parts in achieving SD goals and strategies.\(^{86}\) To attain sustainability requires changes in policy formulation and underlying institutional setting in order to redirect the governance mechanism from strict regulatory measures to shared responsibility.\(^{87}\) Before exploring the role of participation in achieving PA governance, which is guided by the principles of SD, it is important to define the key concepts involved, such as ‘institution’ and ‘policy’.

‘Institutions are made up of persistent, dependable arrangements, rules, laws and processes designated to shape and coordinate social, economic, cultural and political relationships between individuals and groups in a society. On the other hand policies are produced through multiple components and processes that involve numerous players, including government and non-government organisations and the policy process operates within a complex institutional system’.\(^{88}\) Achieving sustainability in any development intervention widely depends on the functioning of the institution and their policies.\(^{89}\)

\(^{85}\) State of the World’s Forest 2011 (Food and Agriculture Organization of the United Nations, 2011) 82.


\(^{88}\) Ibid 24.

Chapter 1

Democracy is another fundamental aspect of SD whereby equity of power among stakeholders enables communities to play an active role in co-management. An increasing number of authors acknowledge the political influences on scientific knowledge and the organisations that undertake scientific research. Critical political theory can play a substantive role as it deals with the inequalities in power and resource sharing or distribution. Critical theory challenges the principles of ‘positivism’ by enabling synergies between empiricism and theoretical perspectives of a research theme. This is important in developing and improving governance regimes. Co-management also involves knowledge that is locally situated, grounded in social, historical and cultural patterns that are also endorsed by critical political theory. Adopting the knowledge of environmental science without acknowledging how it is affected by social and political factors undermines its utility in addressing environmental problems. In this regard, critical political theory gives more room to accept community knowledge, perceptions and practices as legitimate and valuable. Local knowledge and intellectual and cultural property rights have also received some recognition in international legal and policy instruments such as the CBD, the ILO 169 and the UN Declaration on the Rights of Indigenous Peoples.

The history of PA governance in Bangladesh indicates that a change to underlying power relationships is required for the implementation of co-management. The nature of this change is fundamental to devolution of power that requires power sharing among various stakeholders. High levels of participation may not be enough to achieve devolution of power. The level of participation and the existing legal and policy frameworks need to be studied through a qualitative research approach to determine their efficacy to support shared governance like co-management.

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90 There is a need for an approach to environmental science that offers the means to build environmental policy which is both biophysically effective and socially relevant.


92 Positivist approach assumes that findings of a study should be generalised, replicable and be valid for some period of time.


95 See Hemmati, above n 21, 249.
Chapter 1

The dissertation defines ‘participation’ as the ability of the community people to influence the co-management process that affects them both, directly and indirectly, so that they can then influence the economic and political processes on a local scale.¹⁹⁶

Co-management approaches need to be dynamic, adaptable in nature and case specific so that they are capable of addressing rights, equity and shared responsibilities. ¹⁹⁷ Community, environmental traditions and culture, current practices and capacities must be put in consideration to make co-management a success. Globally, more and more forest resources are now being managed by communities under collaborative arrangement and which is expected to increase up to 45 per cent by 2015. ¹⁹⁸ This sharing of governance is due to various reasons such as increasing recognition of human and Indigenous rights, emerging pressure from civil society, international commitments through convention, protocol and treaties and the willingness of many governments to decentralise power and responsibilities to local and community level. The growing diversification of legitimate interests and interest groups creates political pressure for pluralistic management regimes such as co-management.¹⁹⁹ Institutional support in the form of resources, capacity building and good governance is a prerequisite in this regard.¹⁰⁰ Distribution of management responsibilities across multiple local institutions can also be useful in governing PAs.¹⁰¹ Introduction and implementation of co-management regimes in a developing nation setting such as Bangladesh can learn a great deal from the strengths and weakness of forms of collaborative management that have already been implemented in many developed and developing nations such as Australia and Nepal.¹⁰²

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¹⁹⁹ Ibid 139.


More recently ‘good governance’ in PA management is getting priority attention as it helps PAs to achieve MDGs, particularly in respect to environmental sustainability. Weak governance creates an ineffective management system despite strong commitment from stakeholders, as observed in many of the community-based environmental management (CBEM) projects. However, lack of resources and capacity building can also influence the governance system as noticed in the African context. The lack of recognition of customary law in the national legal system may also be a significant impediment in regard to the development of co-management in the PA governance in cases such as Bangladesh.

Western conservation philosophies have influenced classical models of PAs. The overall consequences were the further deterioration of resources due to over exploitation, implicitly or explicitly. The literature review related to governance of PAs widely reflected that ‘technocentric’ approaches usually fail to address the dilemma of various socio-political contexts, like power imbalance and weak governance. Such imbalances create more vulnerability in terms of conservation and development efforts as decision-making often continues to be dominated by the local political elites. Furthermore, it does not provide strategies to promote or re-address the governance issues, as observed by researchers in the field of NRM. Pluralist approaches in this regard provide a more level playing ground that can operate against the domination of any single group or actors.

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103 In protected area context good governance is defined as the degree to which protected areas (PAs) decision making practices and structures follow fair, equitable and ethical principles cross cutting different PAs management types and categories as per the IUCN guidelines.


105 O P Dwivedi, ‘Environmental Challenges Facing India’ in Jordi Diez and O P Dwivedi (eds), Global Environmental Challenges Perspectives from the South (Broadview Press, 2008) 113, 123.


107 This philosophy was based on the principle of inherent isolation of the areas from human society and its intervention.


109 It is the application of rational and value free scientific and managerial techniques by professional elites who regarded natural environment as neutral stuff from which human being can profitably shape his destiny.

The classical forms of conservation approaches that are top-down in nature do not embrace pluralism or critical theory. New theoretical approaches are required by the practitioners that recognise the importance of active participation and empowerment of the community in governing natural resources like PAs. The ‘populist’ approach claims to satisfy these new demands and trends, while the ‘neo-liberal’ approach adds further importance by giving biodiversity a valuation in monetary terms. Due to this development in conservation principles and theory, the classical approach of conservation is being increasingly overtaken by the ‘populist’ and ‘neo-liberal’ approaches. Another related approach is the eco-centric approach. Co-management draws on all of these perspectives particularly participation, rights, access and governance principles.

To determine the role and trend of community participation in the governance of PAs, scientific and quantitative research processes are inadequate. They are relevant for the establishment of scientific baselines and ecological constraints in PA governance. The legal, policy and institutional frameworks for co-management, however, are the main focus of this thesis and thus the present study adopts qualitative methods to ascertain evidence based arguments for and against the notion of co-management as a PA governance approach in Bangladesh. Various research techniques under qualitative methods such as semi-structured interview, personal observation, focus group discussion (FGD) and secondary data review were applied to collect information and perspectives that helped to build a logical discussion cross cutting the theoretical framework of the study. Nowadays, civil society, NGOs and community organisations play important roles in promoting alternative perspectives and approaches to environmental management like PA governance by improving transparency and making national and international bodies accountable to their policy commitments. In this regard respondents were drawn from various quarters in order to identify and address major stakeholders in the process. The Bangladesh Forest Department (hereafter referred to as FD), as the official custodian of the forest PAs, was identified as an important stakeholder.

111 Populist approach sees participation and empowerment of local people as key to sustainability of conservation.
112 In addition to the populist principle neo-liberal approach puts monetary valuation on biodiversity.
113 All things moving according to natural law in which the most delicate and perfect balance was maintained up to the point at which man entered with all his ignorance and presumption.
The present study considered both top-down and bottom-up aspects of PA management, but emphasis was given to the local context of Bangladesh considering CBEM experiences which indicated that the success depends very much on how well participation involving devolution of power occurs at the grassroots level.

V RESEARCH QUESTIONS

The proposed study will address the following research questions in order to explore the relevance and importance of PA governance through co-management regimes in Bangladesh since the concept (described in detailed in Ch.4 IV) embrace the notion of good governance by giving greater emphasis on local aspirations, access, rights and devolution of power through a legal and policy framework:

1. What international and comparative concepts, political theories, legal frameworks, approaches and practices are relevant to co-management of protected areas (PAs)?

2. What legal and policy frameworks and approaches are in practice for the governance of PAs in developed and developing country contexts, particularly Australia and Nepal, and how appropriate are they for forest PA management in Bangladesh?

3. What legal, policy and institutional frameworks and management guidelines currently exist for implementing co-management in PAs of Bangladesh?

4. What are the perceptions and experiences of the local communities, and other stakeholders, on implementing sustainable development goals such as poverty alleviation, sustainable use and conservation of natural resources through co-management approaches? Do they believe that co-management will promote participatory resource management and governance through upholding rights, access and active participation of local community?

5. What is the adequacy of current experiences and trends in regards to co-management and collaborative management of forest PAs governance in Bangladesh having regards to international and national policies, guidelines and the aspirations of local community people?
Chapter 1

VI SIGNIFICANCE OF THE STUDY

The adoption and implementation of the co-management approach in the forest PAs of Bangladesh needs critical reviews to address disparities in power and the ad hoc and fragmented approaches evident in the existing pluralist approaches. The international and regional legal and policy frameworks that have developed so far in support of collaborative management, will be critically applied in developing Bangladesh’s participatory management regimes in regard to devolution of power at grassroots level that are pledged through a legitimate framework. The detailed theoretical and conceptual background in support of this argument has been delineated in the following chapters through reviewing, defining and elaborating various concepts, background and definitions related to SD, governance and existing and evolving trends of participatory forest and PA management. Experiences and approaches of participatory PA governance in Australia and Nepal are also reviewed in order to determine their applicability in PA management. Such experiences will be taken into consideration while designing a better governance approach for the PAs of Bangladesh.

The present study aims to generate systems of principles, knowledge and experience that will highlight the role, importance and potentials of community participation in the PA governance of Bangladesh. The focus on sustainable use and livelihoods as part of governance for SD will make PA governance more relevant to local communities. New legal and policy frameworks may have a key role in directly implementing organisations and practitioners to move away from the influence and domination of top-down approaches associated with neo-colonialism towards more bottom-up approaches, or a combination, in accordance with the situation and context of the management as there is no one prescribed ‘model’ that can be fit according to critical political theory.

The significant challenges to manage the PAs of Bangladesh are due to the limitations of the individual and institutional capacity to support biodiversity conservation and community development together. This study will help to investigate more effective participatory governance approaches in the management of PAs, such as co-
management that will not only help protect the rights and roles of communities but will also conserve the vanishing biological resources of Bangladesh.

VII METHODOLOGY

The nature of the research determines the basis for acting on theoretical framework and carrying out empirical investigations through case studies. The basic attributes of methodology is that it helps build an effective communication between researcher and the participants based on explicit rules and procedures. It also serves as a basis for logical reasoning to come to a conclusion.\textsuperscript{114} The present study has been conducted by engaging various stakeholders\textsuperscript{115} through participatory approaches.\textsuperscript{116} The field work was mainly based on qualitative research method that applied case studies and ethnographic methodologies.\textsuperscript{117} A combination of various data collection procedure popularly known as triangulation was adopted to provide more flexibility to obtain optimal results apart from reducing adverse effect of any particular method.\textsuperscript{118} The detailed methodologies adopted and applied in the study have been described in details in Chapter7.

VIII OVERVIEW OF THE STUDY

The thesis is broadly divided into two sections. The first section (chapters 2-5) reviews the related conceptual frameworks and existing scenarios related to the legal and policy frameworks for community participation in the governance of PAs in context of global, regional and Bangladesh perspectives. The second section (chapters 6-8) discusses in detail the existing legal and policy frameworks in order to provide a deeper understanding of the Bangladesh approaches to co-management through a case study and a secondary document review to explore the adequacy of these approaches as a form of governance. The current co-management approach in Bangladesh is critically analysed and recommendations are made (including further research)


\textsuperscript{115} Stakeholders include community people, forest department officials, researcher, NGO worker, community leaders, academia, project official, co-management institutions etc.

\textsuperscript{116} Stakeholders are those who have an interest in a particular decision either as individuals or representatives of a group. See Hemmati, above n 21, 2.

\textsuperscript{117} Catherine Dawson, Introduction to Research Methods- A Practical Guide for Anyone Undertaking a Research Project (How to Books, 4\textsuperscript{th}ed, 2009) 17.

\textsuperscript{118} Bruce L Berg, Qualitative Research Methods for the Social Sciences (Pearson Education, 5\textsuperscript{th}ed, 2004) 5-6.
Chapter 1

accordingly. The various chapters focus on relevant issues sequentially in order to address the research questions and to fulfil the objectives of the study.

Chapter 2 gives an overview of the different concepts, legal and policy frameworks and approaches relating to SD and PA governance, with a focus on community participation to formulate the background context related to co-management. The interconnectivity of these issues with regard to international, regional and national legal and policy frameworks for the PA governance is also reviewed in this chapter.

Chapter 3 examines the general concepts, definitions and background of participatory PA management. Different forms of participatory management like CBNRM and collaborative management are discussed by highlighting their characteristics, relative advantages and disadvantages along with examples, to consider the adequacy of co-management over other approaches for forest PA governance in Bangladesh. The general attributes, history and status of PAs are discussed by emphasising the international legal and policy guidelines for PA governance in general and co-management approach in particular.

Chapter 4 discusses existing and evolving governance approaches to PA management. The IUCN PA Management Guidelines and its various categories are reviewed to determine their appropriateness and limitations to support participatory governance process such as co-management. Various international conventions guiding the governance of PAs are also reviewed.

Chapter 5 outlines the status of PA governance from the perspective of North and South nations giving emphasis on countries like Australia and Nepal, who have successful, well recognised best practices and experiences of PA governance. This chapter further focuses on their legal frameworks and community participation processes with a view to identifying comparable approaches in participatory management particularly PA governance that may also be appropriate in governing forest PAs of Bangladesh.

After evaluating the status of PA governance in Australia and Nepal, Chapter 6 focuses entirely on various attributes of forest PAs of Bangladesh. Existing legal,
policy and institutional frameworks for the participatory NRM are reviewed to ascertain the adequacy of co-management as an approach to PA governance in Bangladesh. The chapter also explores the importance of international legal and policy guidelines influencing the notion of co-management as a means of PA governance in Bangladesh.

After setting the general background, history and evolving trends of forest management in Bangladesh and the introduction of co-management in PAs, an attempt has been made to acquire community perception in PA governance and related issues based on the outcomes of a case study. Chapter 7 describes the field study undertaken in one of the PAs of Bangladesh named Chunati Wildlife Sanctuary in order to address the major research questions through a field study related to the co-management and PA governance of Bangladesh. The case study has attempted to explore a demographic scenario, people’s perception on biodiversity conservation, the role of PAs in conservation and sustainable livelihoods, legal and policy frameworks for community participation and governance and the feasibility of co-management as a means of SD.

Chapter 8 brings together the results of the study findings and relates the outcomes to the problems and prospects of co-management as an approach to forest PA governance in Bangladesh. It provides concluding remarks based on the discussion and field study results. Future directions and recommendations are also proposed to strengthen co-management as a governance framework with better potential to empower local communities and to promote the sustainable use and conservation of natural resources in Bangladesh in the same chapter.

The field study site is located 21°40’ North Latitude and 92°07’ East Longitude. The Sanctuary was established in 1986 under the Wildlife (Preservation) Act, 1974 (amended) with a total forest area of 7,764 ha. It is one of the five protected areas where the co-management approach was initiated as pilot project under the support of USAID.
CHAPTER 2
SUSTAINABLE DEVELOPMENT AND RELATED ISSUES FOR PROTECTED AREAS GOVERNANCE AND MANAGEMENT

I INTRODUCTION

Sustainability and sustainable development (SD) are the most widely spoken terms as a basis for overcoming environmental challenges.\(^1\) The international community both individual and institutional, such as UNEP, World Bank, EU, national governments, regional and local authorities, civil society, academic and research institutes now focuses on diverse concepts, strategies and processes to address SD.\(^2\) They have all declared a practical commitment to SD through integrating environmental, economic and social considerations into their development programme.\(^3\) One of their growing concerns is with biodiversity conservation that involves sustainable livelihoods, good governance and active community participation.\(^4\) Biodiversity refers to the variety and variability of life on earth that emerged in 1980s in the midst of growing concern of the biodiversity loss mainly by the scientific community.\(^5\) The establishment and management of protected areas (PAs), in this regard, is one of the widely used approaches for ‘in-situ’ conservation of biodiversity that also recognised and reflected in international policy frameworks such as the Convention on Biological Diversity (CBD, Article-8). The normative principles of SD, particularly ‘common but differentiated responsibility’, participation and equity are the key determinants of participatory protected area (PA) governance using the co-management approach.\(^6\) The management of PAs through the co-management approach is an effort that also embraces active community participation as an essential element of governance. This chapter aims to examine these attributes through addressing the research question—

\(^3\) Ibid 5.
Chapter 2

‘What international and comparative concepts, political theories, legal frameworks, approaches and practices are relevant to the co-management of protected areas (PAs)’. Contemporary issues and normative principles of SD related to the thesis topic and research question are discussed in this chapter. The conceptual attributes of governance and their implications to PA governance are also reviewed in this chapter. This necessarily includes an understanding of community participation in its many forms and situations associated with co-management in respect to PA governance. Participation in any joint decision-making process such as co-management in PAs does not exist in a vacuum. International laws, policies, best practices and standards exist as rapidly evolving normative frameworks in this regard. Covenants are also included in international aid, debt swaps and debt re-structuring. For this reason, international legal frameworks and policy guidelines are widely acknowledging community participation as a means of governance, which is a pre-requisite to achieve the goals of SD and PA management.

II SUSTAINABLE DEVELOPMENT—THE CONCEPTUAL ATTRIBUTES

Accelerated social and environmental changes at various levels ranging from global to regional and local levels bring policy focus on sustainability and social equity agendas. The concept of SD is quite a recent phenomenon that has emerged as an effort to address the environmental consequence due to booming but unsustainable economic growth. Sustainability concepts have evolved since 1972 through the United Nation Conference on Human Environment (UNCHE) that basically integrates economic development, environmental quality, and sustainable use of natural resources, participation in decision-making, social justice and equity. The term sustainability emerged to bridge the disconnection between development and conservation and to address various issues such as governance, participation, rights

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Chapter 2

and access.\(^9\) The importance of sustainability further signified by the ‘Brundtland Report’\(^{10}\) that describes long-term perspectives of SD.\(^{11}\)

A Definition

The concepts and definitions of SD are dynamic in nature, depending on the context. The Stockholm Declaration has defined SD upon which the further development takes place during the last three decades.\(^{12}\) The declaration addresses SD as ‘the non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind’.\(^{13}\)

SD first appeared in the World Conservation Strategy as a process to enhance human welfare by combining conservation and development.\(^{14}\) This definition was redefined in 1987 by the World Commission on Environment and Development (WCED) in their report named ‘Our Common Future’, popularly known as the ‘Brundtland Report’. Since then, SD gained worldwide acceptance.\(^{15}\) According to the commission SD is ‘the development that can meet the needs of the present generation without compromising the ability of future generations to meet their own needs’.\(^{16}\)

This concept of SD integrates social and economic dimensions as essential aspects of ecosystem conservation by emphasising poverty alleviation, community participation, social justice and equity.\(^{17}\) Economic, environmental and social aspects of SD require sustainable livelihood support, capacity building of the stakeholder, widespread

\(^{10}\) The Brundtland Commission formally the WCED known by its chair Gro Harlem Brundtland that was convened by the UN in 1983.
\(^{13}\) Stockholm Declaration adopted by The UN General Assembly Resolution 2998 of December 15, 1972, (UN Doc A/CONF A/CONF.48/14), See Principles 5 and 13.
\(^{14}\) Indigenous People and Sustainability: Cases and Actions (IUCN Inter-Commission Task Force on Indigenous Peoples, Utrecht, Netherland, 1997).
\(^{15}\) Mebratu, above n 1, 494 & 496.
\(^{17}\) Baker, above n 2, 5.
community participation and local governance. Strong and effective local institutions, capacity building and long-term financial support from local and external sources are a prerequisite, particularly in the context of developing countries.

B Basic Principles of Sustainable Development

Although there are numerous definitions of SD, they all have in common a basic aim to describe the process of economic development without environmental destruction. Ecological resources like forestry, land and water are the backbone of the SD process. The continued evidence of trans-boundary environment degradation has made SD a global issue. For example water pollution upstream of a river may significantly affect the aquatic ecosystem in the downstream countries. The Mangrove forest situated between India and Bangladesh is a good example of trans-boundary issue. As a result international legal regimes alone are not sufficient to deal with the crisis. It thus demands regional and national legal and policy initiatives to address the issue. In a country like Bangladesh it is more vibrant in the sustenance of the poor and disadvantage community.

Theoretical connections between conservation and development in respect to social, economical and ecological dimensions present a number of perspectives on the relationship between biodiversity conservation and development, especially in terms of livelihood security. Importance of biodiversity for SD can be seen under the commonly used concepts of sustainability. The principles of conservation and SD now connect the economy at a large scale with the livelihood of community people at a local scale. As Indigenous people and local

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18 State of the World’s Forest 2011 (Food and Agriculture Organization of the United Nation (FAO), 2011) 85.
22 Solaiman, above n 20, 124.
25 Protected Area and Demographic Change: Planning for the Future, Working Report, IUCN IV World Congress on National Parks and Protected Areas, Venezuela 7; See also Michel P Pimbert and Jules N Pretty, ‘Parks, People and Professionals: Putting Participation into Protected Area Management’ (Discussion Paper No.57, UNRISD,1995) 5.
communities are directly related to the idea of SD and environmental protection, their identity and culture deserves special attention.\footnote{26} Integrating SD and the conservation of natural resources is a challenging task, especially in the developing countries with mounting population pressures, social and cultural conflicts, economic and environmental threats and constraints.\footnote{27} After the Sustainable Development Summit in Johannesburg in 2002 (widely dubbed as WSSD), the philosophy of partnership and community-based participatory approaches have gained further momentum and which are now a salient principles of SD.\footnote{28} The significant outcome of the WSSD is the framework of action on water, energy, health, and agriculture and biodiversity initiative known as WEHAB that recognises the critical role of biodiversity and ecosystem management as its priority programme.\footnote{29}

During the last three decades PAs have surfaced to a large extent as being mostly shaped and influenced by the discourses on globalisation and SD principles.\footnote{30} From the PA point of view, SD has become a central consideration in dealing the issues of biodiversity loss. In addition to the role of biodiversity conservation, PAs are now contributing to a broader extent that includes ecosystem services, sustainable resource use, poverty alleviation and improved well-being of the local community.\footnote{31}

C International Legal and Policy Frameworks for Sustainable Development and Protected Area Governance

The multiple definitions of SD are quite significant. The concept of SD has been adopted at various levels from regional to international agreements, conventions and

\footnote{27} Stephan K Ma, ‘Environmental Management in China’ in Jordi Diez and O P Dwivedi (eds), Global Environmental Challenges Perspectives from the South (Broadview Press, 2008) 44.
declarations as well as in the missions and goals of institutions and organizations. A good number of binding and non-binding legal tools have evolved through various initiatives and negotiations that encompass the attributes of participation as a means of good governance, the foundation of which was laid out by the Stockholm Conference on the Human Environment. Agenda 21 of the Rio Declaration and the CBD particularly marked public participation as a basic determinant to achieve sustainability in conservation and development paradigms. These approaches were further classified and expanded through the Millennium Development Goals (MDGs).

Agenda 21 and targets like achieving environmental sustainability, global partnership determined by the MDGs were developed to assist the practical application of the key principles of SD. Through the UN Millennium Summit, all member states have agreed to achieve the eight development goals by 2015. Agenda 21 reiterated the need for global partnership for SD in its preamble so as to address the environment and development in accordance with the UNCED. However, it clearly mentioned the importance of national plans, policies and processes in achieving the goals of SD. Eight goals were agreed to by the member countries during the UN Millennium Declaration, of which Goal 7 aims at ensuring sustainability in similar terms to Agenda 21. Although Agenda 21 put extra emphasis on the need to enhance the protection, sustainable management and conservation of all forest areas around the world. Development of such principles and policies has created ample scopes for the sustainable governance of the PAs of Bangladesh by adopting co-management concept that will promote active community participation and the devolution of power. Since the notion of co-management widely matches these principles and objectives, it therefore demands further evaluation before applying these concepts as a governance approach for the PA management in Bangladesh.

33 The United Nations Conference on Human Environment is popularly known as Stockholm Conference that held in Stockholm, Sweden from 5-16 June, 1972. It was the United Nations biggest event of that time that deals environmental issues.
34 Agenda 21: The United Nations Programme of Action from Rio Declaration (1993), The Preamble 1.1 and 1.3
35 Declaration made during The UN Millennium Summit, 2000 where they fixed eight goals as Millennium Development Goals (MDGs). 189 Heads of State and Government from North and South signed the declaration.
Chapter 2

Each country should devise its own mechanism to implement Agenda 21 in their national policies and programmes that will integrate environment and development simultaneously. Furthermore, Agenda 21 also gives direction as to how to ensure community participation in promoting equity.\(^{36}\)

The New Delhi Declaration\(^ {37}\) proposed seven basic principles of international law in regards to SD. It emphasised public participation as a major determinants of SD and good governance in addition to other features like ‘common but differentiated responsibilities’, equity, rights and access to information and justice.\(^ {38}\)

According to the charter of the United Nations and the principles of international law, each state has its sovereign right to explore, use and manage its own natural resources in support of their respective national policy and strategies, while in regard to the welfare of the neighbouring countries. This principle has been established through the Rio Declaration, the CBD, Forest Principles\(^ {39}\) and Agenda 21. The issues of governance and community participation in order to achieve SD are clearly manifested in Principle 22 of the Rio Declaration as:

> Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.\(^ {40}\)

One of the significant developments in the field of natural resource governance is the adoption of the CBD. Its significance lies mainly with the focusing of traditional practices, recognising and including all local communities and their rights on resources.\(^ {41}\) Principle 3 of the Rio Declaration echoed the same principle as denoted by the ‘Brundtland Commission’. The WSSD reaffirmed many of the commitments

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\(^{38}\) Rogers, above n 9, 197.


and principles adopted in the CBD and also promoted the partnership concept. The major focus of this study is on partnership as a specific form of participation in PA governance, commonly referred to as co-management.

D Protected Area and the Convention on Biological Diversity (CBD)

The CBD is a legally binding convention in the regard that all the participating countries that have signed, ratified and accessed to it are thus obliged to follow the principles by adopting them in their national law, policy and programmes. PA management is also greatly shaped and influenced by the determinants of the CBD. The fundamental goal of biodiversity conservation is to support SD by protecting and using the biological resources in a way that will sustain existing species or varieties along with habitats and ecosystems. In this regard the CBD has a substantive role to play. The CBD provides a practical means to translate the principle of Agenda 21 into reality. Article 2 of CBD defined PA as a ‘geographically defined area, which is designated or regulated and managed to achieve specific conservation objectives’.

Articles 8 and 10 of the CBD have immense significance in highlighting the importance of ‘in-situ’ conservation, the recognition of Indigenous people’s rights and their traditional knowledge, and the importance of public-private partnerships. Co-management in PA governance needs global policy and legal directives in order to mainstream it into national laws, particularly in developing nations. The key feature of the CBD articles related to PA management can be summarised as follows:

- Provisions on sustainable use (Articles 6 and 10) given the fact that PAs are increasingly managed for multiple purposes.

- Provisions on ‘ex-situ’ conservation (Article 9) and restoration to complement on site efforts to protect habitats and species.

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42 Ibid.
Chapter 2

• Provisions on tools important for PA management and planning such as biodiversity monitoring (Article 7) and impact assessment (Article 14).

III GOVERNANCE

E Theoretical Orientation on Governance

Governance is playing a significant role in meeting global and local challenges for achieving SD.46 It is about power, transparency, accountability and legitimacy and the voice of stakeholder’s in the decision-making process.47 Extensive policy reforms that took place during last two decades also influenced and fundamentally transformed the institutional conditions of natural resource governance. 48 Governance for sustainability demands an insightful shift towards conservation. It implies the spirit of ecological wisdom and community empowerment through taking part in the decision-making process.

F Conceptual Attributes of Governance-An Overview

For the last two decades the term governance has emerged to take a centre role in all SD discourses.49 Generally governance deals with the formation of rules and decision-making procedures and operating social institutions based on these measures. It differs from the notion of management. Governance addresses the features of the decision-making process and the participants behind making these decisions, whereas management addresses the outcome and implementation of any decision.50 Governance denotes the structure and process used by a different social actor to

Chapter 2

formulate and influence the decisions concerning community.\textsuperscript{51} Fundamentally, governance is about power, relationships and accountability. The Institute on Governance defines governance as ‘the interactions among institutions, processes and traditions that determine how power is exercised, how decisions are taken on issues of public and often private concern, and how citizens or other stakeholders have their say.’\textsuperscript{52}

The context of governance varies significantly, ranging from the global and national level down to the local level in settings that range from the social to the institutional.\textsuperscript{53} Governance differs from government in the sense that it implies more decentralised forms of institutional arrangements.\textsuperscript{54} As more and more instances of decentralisation and devolution of power are occurring in accordance with the international legal and policy frameworks to achieve SD, the importance of governance has become prominent in the field of natural resource management (NRM).\textsuperscript{55} The concept of governance requires a look beyond government control towards a public-private-civil society partnership in order to overcome the shortcomings of centralised top-down approaches.\textsuperscript{56} The introduction of collaborative management in PAs management is such an attempt whereby community stakeholders are awarded with user rights and operational responsibilities. With this development in place, the term governance also takes various forms like good governance, environmental governance and particularly PA governance. In order to address the research question that apprehends international and comparative concepts, political theories, legal frameworks, approaches and practices related to co-management of PAs, it is necessary to expand the concepts and definitions further.

\begin{itemize}
\item \textsuperscript{51} Peter Abrams, et al, Evaluating Governance- A Handbook to Accompany a Participatory Process for a Protected Area (PARKS CANADA and TILCEPA, IUCN, 2003) 11.
\item \textsuperscript{52} Governance Principles for Protected Areas in the 21\textsuperscript{st} Century (Discussion paper, Institute on Governance, 2002) 2.
\item \textsuperscript{53} Abrams, et al, above n 51, 11; See also Jane Carter, et al, (eds), ‘Forests, Landscapes and Governance-Multiple Actors, Multiples Roles (Swiss Agency for International Cooperation, 2009) 14.
\item \textsuperscript{54} Bosselmann, et al, above n 46, 4.
\end{itemize}
Good Governance and its Basic Principles

There is a growing concern and recognition for good governance within the SD paradigm. Many international policy instruments like the New Delhi Declaration and the MDGs repeatedly refer to good governance as a mainstay of SD. Good governance depends on the rule of law applied predictably, efficiently and fairly by institutions to all members of the society. It provides rights, means and the capacity to participate in a decision-making process. PAs are playing a crucial role in achieving SD goals that demands good governance in place as it strengthens the effectiveness of PAs. As co-management deals with the sharing of power between diverse actors or stakeholders, it is worthwhile to define good governance in the context of PAs.

Generally speaking, good governance is a fair and effective way of exercising governing power in order to meet the objectives of the PAs. The basic foundation of good governance is the capacity and reliability of the governing institutions to bring about effective consultation, negotiation and multi-party agreements. The process of good governance paves the route of legitimacy for the governing institutions. Principles, if properly upheld, can help make the co-management organisational setting stronger and more viable. The co-management agreement and the emergence of a pluralistic organisation can be a starting point in ensuring good governance in PA management.

Although good governance depends to a great extent on the cultural and socio-economic context of the respective country or location, some fundamental norms and values formulated by the UN can also be applied across cultural boundaries. The Institute of Governance has subsequently grouped these characteristics into five broad principles (Table 1) as follows:
### Table 1. Five Principles of Good Governance for Protected Areas (PAs)

<table>
<thead>
<tr>
<th>The five principles</th>
<th>UN principles on which they are based</th>
<th>Related PA governance responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legitimacy and voice</strong></td>
<td>Participation—all citizens should have a voice in any decision making process directly or by any legitimate institutions who represent their interest.</td>
<td>a. Views are freely expressed irrespective of gender, ethnicity, social class etc.</td>
</tr>
<tr>
<td></td>
<td>Consensus orientation—good governance mediates varied interests and opinions to reach a broad consensus on policies and procedures of their common interest.</td>
<td>b. Fostering relations of trust among stakeholders.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. Open dialogue and achieving collective agreement on the management objectives.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d. Making sure that rules are respected as they are owned by the people.</td>
</tr>
<tr>
<td><strong>Accountability</strong></td>
<td>Accountability—all decision makers, irrespective of organizations, are accountable for their activities to the public as well as to institutional stakeholders.</td>
<td>a. Making sure that stakeholders are enriched with adequate (quality and quantity) knowledge in relation to the decision-making process.</td>
</tr>
<tr>
<td></td>
<td>Transparency—it is based on the free flow of information. All concerned people must be informed about the process, institution and information they are connected with.</td>
<td>b. Assuring accessibility to the avenues i.e. process, institution and information for all while demanding accountability.</td>
</tr>
</tbody>
</table>

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Protected Areas-Experiences from the Parks in Peril Program in Latin America and the Caribbean (The Nature Conservancy, Virginia, USA, 2007) 3.
## Chapter 2

<table>
<thead>
<tr>
<th>Performance</th>
<th><strong>Responsiveness</strong></th>
<th>Institution and processes try to serve all stakeholders.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Effectiveness</strong></td>
<td>Processes and institutions produce results that meet needs while making the best use of resources.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficiency</strong></td>
<td>Processes and institutions produce results that meet needs while making the best use of resources.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. Ensuring a competent administration.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Ensuring sufficient institutional and human capacity to render duties with responsibility.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. Ensuring a management structure that is robust and resilient.</td>
</tr>
<tr>
<td>Fairness</td>
<td>Equity</td>
<td>Everyone have opportunities to improve or maintain their well-being.</td>
</tr>
<tr>
<td></td>
<td>Rule of law</td>
<td>Legal framework should be fair and enforced impartially irrespective of socio-economic strata.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. Making sure that conservation efforts are undertaken in a way that is not confronting or harming people.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Ensuring that the governing mechanisms i.e. law, policies, funding mechanism equally distribute the cost and benefits derived from conservation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. Being consistent through time in applying laws and regulations.</td>
</tr>
<tr>
<td>Direction/Leadership</td>
<td>Strategic vision</td>
<td>Leaders and the public have a broad and long term perspective on good governance and human development. There is also an understanding of the historical, cultural and social complexities on which the perspective is grounded.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. Listening to people, understanding their concerns and responding accordingly.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Providing effective leadership by supporting innovative ideas and process.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. Providing a model of good conduct.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d. Being consistent in what is said and done.</td>
</tr>
</tbody>
</table>

### Environmental Governance

Environmental governance is a pluralistic approach that originates from the core principles of good governance that aims to change environment related incentives,
knowledge, policy process and attitudes of the stakeholder and institutions. Environmental governance is concerned with the regulation, implementation and dissemination of knowledge related to the environment based on the standards formulated by national and international organisations. The root of global environmental governance can be found in international agreements that are developed to oversee the local, national and regional process. In the case of forest and PA governance, community participation, accountability, transparency and pro-poor policy change are considered as crucial dimensions of governance. With the growing concern of governance as a new mechanism, community people have started gaining their legitimate voice in the SD process. Furthermore, international policy instruments have developed best practice principles to enhance good governance in various sectors such as forestry. With the adoption of the action plan of the Rio Declaration through Agenda 21 and the CBD principles, the scope of governance has clearly extended into the environmental conservation and sustainable use of biological resources. It has remained dormant until very recently as the environment does not feature in the good governance policy books of international donor agencies or institutions like the OECD, the World Bank or the European Union. However, it is worthwhile mentioning that conservation alone cannot solve poverty, though it can significantly help to prevent and reduce it through maintaining ecosystem services and supporting livelihoods. A multi-faced concept and principles of governance is required that is democratic in nature and adopts good governance practices with the active public participation in decision-making process.

Chapter 2

Protected Area Governance and its Various Forms

Governance is a key concept in the field of biodiversity conservation. It is now also emerging as a key determinant of PA management. Finding the right mix of governance is a key factor for the sustainable management of PAs. In a PA context, governance has various dimensions that can influence the management objectives of the PAs, ranging from policy to practice, attitude to meaning and from investment to impact. PA governance concerns the structures, processes and traditions that determine how this power and responsibilities are exercised. It is exercised over a broad spectrum of management and must be backed by proper legal and policy frameworks to address multi-faceted goals and priorities. The conventional top-down approach of governance has increasingly been replaced by a people-centred management regime under different forms and subsequently more recognition, support and collaboration have been noticed from the government side.

A good number of international and regional initiatives have helped shape a new course of conservation governance applicable to PA management. PAs can only contribute significantly if they are managed effectively with the active community participation that assures equity in distribution of cost and benefit-sharing. In this regard, governance has a vital role to play. The importance and effectiveness of governance in PA management came to light during the 5th WPC of the IUCN (held in Durban, 2003). The CBD Programme of Work (PoW) on PAs adopted in 2004 at the 7th Conference of the Parties (COP) also generated new commitments and policy

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72 Nicole M Balloffet and Angela Sue Marin, ‘Governance Trends in Protected Areas-Experiences from the Parks in Peril Program in Latin America and the Caribbean’ (The Nature Conservancy, USAID, 2007) 2.
guidance for PAs worldwide.\textsuperscript{79} The Durban Congress also developed a set of ‘good governance’ principles for PAs (Table 1) based on the general attributes of the good governance principles and includes legitimacy and voice; fairness; direction; performance and accountability.\textsuperscript{80} Based on the notion of these characteristics the WCPA through the CBD PoW has identified four broad types of PA governance including co-management.\textsuperscript{81} These governance types are summarised according to the IUCN PA Management Guidelines as follows:\textsuperscript{82}

- State governance: It is applicable for the PAs managed by government or state whereby government agencies formulate and enforce the decisions simultaneously. This type of governance is common in developing countries whereby a designated government institution such as ministry, forest department or park authority holds the lone authority for determining and setting conservation goals and management objectives. Under this governance mechanism the state has no legal obligation to inform or consult with the relevant stakeholders regarding management decisions. It is top-down types of management approach.

- Shared governance: In this type of governance various actors jointly make and enforce the decisions. It is now an increasingly prescribed and applied governance model available in the co-managed PAs. Complex processes and institutional mechanisms are employed to share management authority and responsibility among diverse actors or stakeholders that includes state agency, local communities, and resource user group, private entrepreneurs NGOs, civil society.\textsuperscript{83} Various international legal and policy frameworks related to PA management largely prescribe to this version, particularly in developing countries where conservation is a challenging task due to their socio-economic and political situations. Community participation in the

\textsuperscript{79} Governance as Key for Effective and Equitable Protected Area Systems (Briefing Note No. 8, CBD PoW on Protected Areas, 2008) 1.
\textsuperscript{80} Borrini-Feyerabend, et al. above n 47, 136; See also Grazia Borrini-Feyerabend, Ashish Kothari and Gonzalo Oviedo, ‘Indigenous and Local Communities and Protected Areas-Towards Equity and Enhanced Conservation’ (Best Practice Protected Area Guideline Series No. 11, Cardiff University and IUCN, WCPA, 2004) 18.
\textsuperscript{81} Grazia Borrini-Feyerabend, Ashish Kothari and Gonzalo Oviedo, ‘Indigenous and Local Communities and Protected Areas-Towards Equity and Enhanced Conservation’ (Best Practice Protected Area Guideline Series No. 11, Cardiff University and IUCN, WCPA, 2004) 21.
\textsuperscript{82} Nigel Dudley (ed), ‘Guidelines for Applying Protected Area Management Categories’ (WCPA, IUCN, 2008) 26.
\textsuperscript{83} See, eg, Governance as Key for Effective and Equitable Protected Area Systems (Briefing Note No. 8, CBD PoW on Protected Areas, 2008) 3.
form of collaborative management or co-management is becoming more and more prominent in the governance of PAs.

- Private governance: This governance type is applicable in privately managed PAs, where private PA owners develop management guidelines and enforce them accordingly. This type of governance has a long historical background to when ancient kings and monarchies maintained huge tracts of land for hunting and played a passive role in conservation. Even today, private PAs are playing a significant role in conservation apart from generating income through tourism. Although the decision-making process lies with the owner, they must operate in accordance with strict state or national legislation formulated to oversee their management.

- Community governance: This governance type is applicable in community conserved areas popularly known as CCAs. In all such CCAs, the authority and management responsibilities lie with the Indigenous people or community and are guided by customary rules and regulations. However, there is always scope to negotiate with government for further intervention if required by the community. Both settlers and nomadic groups are related to this type of governance. They play these roles in conservation while maintaining their spiritual and cultural values. This is the oldest form of PA governance and is still widespread.

Despite the powerful forces behind the trends to centralise the governance process, the world is currently facing mounting pressure to undergo decentralisation through the initiatives and derivatives of various legal and policy frameworks. Shared governance approaches, such as co-management, is gaining momentum due to community participation being central to its nature of management. In the context of Bangladesh it carries more significance as the traditional forest and PA management failed to find a balance between conservation and development, which is the essence of sustainable development. To ensure better governance, community participation is indispensable since it provides scopes for shared rights and responsibilities through legitimacy. However, it may also pose challenges due to the overlapping of competing

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interest and expectation. Designation of community, its forms and roles in governance needs to be properly clarified in order to better achieve the goals of SD by addressing prevailing challenges.

J Global and Regional Trends in Participatory Governance

Community participation combined with local ‘traditional knowledge’ contributes in achieving the goals and objectives of SD as mentioned in the CBD. The New Delhi Declaration also signifies the importance of public participation as essential element for good governance and for the achievement of SD, while the Aarhus Convention provides scope for rights and access to information, participation in decision-making process related to environmental matters and access to justice. More fundamentally, participatory approaches to governance have their origins in the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. More recently this has been elaborated on the UN Declaration on the Rights of Indigenous Peoples. The articulation of these principles adds further credence to Indigenous and community peoples’ rights and responsibilities in favour of greater involvement in the PA decision-making process. Human rights and the environment are the core determinants of SD that needs to be critically examined before implementing any conservation initiatives like PA management.

Decision makers need a better understanding of community aspirations and needs in governing PA to enable a locally relevant and sustainable conservation approach.

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87 Long standing traditions and practices of wisdom, knowledge by certain regional, Indigenous or local communities.
Experience from around the world suggests that new forms of management, like co-management, can work properly if developed and executed with sufficient policy backup, enhanced institutional and individual capacity and good governance practices. Although social and economic justice is embedded in the fundamental principles of the ‘Bangladesh Constitution’, it is inadequately reflected in national governance processes and is particularly lacking in areas of NRM. Weak monitoring and enforcement systems are also badly affecting the process. As the principles of governance and its implication vastly depend on the nature of community participation, the following section attempts to explore the concepts and basic attributes of community participation particularly in context of PA management.

IV COMMUNITY PARTICIPATION

K Community and Participation—The Definition

Community can be defined socially, culturally or economically. Generally, community is a geographically demarcated and socially consistent (at least for some major attributes) group with a simple representative structure that tends to represent the multiple philosophy in a less conflicting way. From the NRM point of view Indigenous and local communities are defined as ‘social units that possess a strong, usually historical relationship with a given territory and natural resources and are involved in the different but related aspects of local livelihoods’.

Participation has its origin in urban planning and decision-making processes initiated and described by Arnstein’s ladder of participation theory. Community participation refers to the engagement of individuals with various structures and institutions of democracy. It is the process by which an organisation consults with the stakeholders

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96 Borini-Feyerabend, et al, above n 41, 43; See also Jim Ife and Frank Tesoriero, Community Development (Pearson Education, 3rd ed, 2006) 151.
while making a decision. Community participation is based on the credence that it requires both enabling public access to relevant information and resources and listening to their experience and opinion during the planning phases.\footnote{Donna Craig and M Jeffery, ‘Non-Lawyers and Legal Regimes: Public Participation for Ecologically Sustainable Development’ in David Leary and Balakrishna Pisupati (eds), Future of International Environmental Law (United Nations University Press, 2010) 103, 103.} It is a two-way communication and collaboration process to consensually resolving any problems or conflicts. From a forestry point of view participation is a dynamic process through which stakeholders of forest management institutions influence and share control over development initiatives.\footnote{Erdoğan Atmis et al, ‘Factors Affecting Forest Cooperative’s Participation in Forestry in Turkey’ (2009) 11 Forest Policy and Economics 102, 102.} They also take active control over decisions and resources that might affect them.\footnote{Himadri Sinha and Damodar Suhar, ‘Values and Peoples Participation in Community Based Forest Management’ (2003) 9(2) Journal of Human Values141, 142.}

The meaning of participation varies with context and situation but the basic notion is the same in that it is trust building through partnership.\footnote{Marlene Buchy and Digby Race, “The Twist and Turns of Community Participation in Natural Resource Management in Australia: What is Missing?” (2001) 44(3) Journal of Environmental Planning and Management 293, 295.} Public or community participation can be referred to as participatory governance and public engagement and applied particularly in respect of local actions like NRM.\footnote{Netra Prasad Timsina, “Promoting Social Justice and Conserving Montane Forest Environments: A Case Study of Nepal’s Community Forestry Programme” (2003) 169(3) The Geographical Journal 236, 236.} Basically it is a situation where two or more social actors with explicit interest and concerns about a set of natural resources are engaged in its management.\footnote{Grazia Borrini-Feyerabend and Christopher B Tarnowski, ‘Participatory Democracy in Natural Resource Management: A “Columbus’s Egg” in J Peter Brosius, Anna Lowenhaupt Tsing and Charles Zerner (eds), Communities and Conservation: Histories and Politics of Community-Based Natural Resource Management (ALTAMIRA Press, 2005) 71.} For better clarity and relevance to the study, the term ‘community participation’ will be used throughout the discussion. Community participation in NRM has proliferated during the recent past and is increasingly recognised as a better option to various environmental management initiatives.\footnote{Ryan Plummer and David Fennell, ‘Exploring Co-Management Theory: Prospects for Sociobiology and Reciprocal Altruism’ (2007) 85 Journal of Environmental Management 944, 944.} It is now a potential element for most environmental decisions as it brings greater understanding and coordination between government and non-government actors.\footnote{Craig and Jeffery, above n 98, 104.} In the governance of PAs, community participation is increasingly been formalised through legal and policy frameworks in the name of

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\footnote{Craig and M Jeffery, ‘Non-Lawyers and Legal Regimes: Public Participation for Ecologically Sustainable Development’ in David Leary and Balakrishna Pisupati (eds), Future of International Environmental Law (United Nations University Press, 2010) 103, 103.}

\footnote{Erdoğan Atmis et al, ‘Factors Affecting Forest Cooperative’s Participation in Forestry in Turkey’ (2009) 11 Forest Policy and Economics 102, 102.}

\footnote{Himadri Sinha and Damodar Suhar, ‘Values and Peoples Participation in Community Based Forest Management’ (2003) 9(2) Journal of Human Values141, 142.}

\footnote{Marlene Buchy and Digby Race, “The Twist and Turns of Community Participation in Natural Resource Management in Australia: What is Missing?” (2001) 44(3) Journal of Environmental Planning and Management 293, 295.}


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\footnote{Craig and Jeffery, above n 98, 104.}
community-based environmental management (CBEM), joint management and collaborative management or co-management.\textsuperscript{106}

L  Forms of Community Participation

The basic principle of community participation is the relationship between individual citizens and the state or an equivalent authority. According to Arnstein, citizen participation is citizen power and it only occurs when citizens have control, delegated authority and true partnership with a respective authority in achieving any desired goals and objectives.\textsuperscript{107} Arnstein’s ‘ladder of citizen participation’ described the continuum increasing of stakeholder engagement from passive to active engagement.\textsuperscript{108} However, critics of participation question the adoption and effectiveness of true power devolution.\textsuperscript{109} Participation in many instances is mere rhetoric, used to fulfil state controlled policies by passive consultation only.\textsuperscript{110} This has been the experience in the case of social forestry (SF) in Bangladesh.\textsuperscript{111} Therefore, there is an emerging consensus on effective and active community participation.\textsuperscript{112} A typology of participation as experienced in the conservation arena is outlined by Pimbert (Table 2) that places passive participation at the beginning of the range.\textsuperscript{113} Most forms of participation are merely ones of consultation without active engagement of the community and they often fail to achieve sustainable conservation goals.\textsuperscript{114}

\textsuperscript{106} Fikret Berkes, ‘Rethinking Community-Based Conservation’ (2003) 18(3) Conservation Biology 621, 622.
\textsuperscript{107} Arnstein, above n 97, 217.
\textsuperscript{108} Passive engagement consists of informing and consultation on a certain decision while active engagement involves partnership, delegation of power and citizen control over a decision or process.
\textsuperscript{110} See generally Robert Chambers, Ideas for Development (Earthscan Publication, 2005).
\textsuperscript{113} Michel Pimbert, ‘Reclaiming Diversity and Sustainability in Community-Based Conservation’ (2003) 12 Policy Matters 76, 79.
\textsuperscript{114} Ibid.
### Table 2. A Typology of Participation

<table>
<thead>
<tr>
<th>Typology</th>
<th>Nature and extent of participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive participation</td>
<td>A guided participation where people participate as they are instructed to do so. Unilateral process without the scope of giving feedback or response by people.</td>
</tr>
<tr>
<td>Participation in information deliberation</td>
<td>People are consulted to obtain information using various research techniques. The outcomes neither shared nor checked for accuracy with the respondents.</td>
</tr>
<tr>
<td>Participation by consultation</td>
<td>People participate by being consulted and external actors listen to views, which also define and devise problem and solutions.</td>
</tr>
<tr>
<td>Participation for incentives</td>
<td>People participate in exchange of materialistic support i.e. food for work. The participation stops as soon as the incentives are withdrawn from the process.</td>
</tr>
<tr>
<td>Functional participation</td>
<td>People participate in a group to meet pre-determined objectives related to the project or programme which can involve the development of externally initiated social organizations.</td>
</tr>
<tr>
<td>Interactive participation</td>
<td>People participate in joint analysis that leads to action plans and the formation of a new forum or the strengthening of the existing one. They have their own stake in decision, planning and execution.</td>
</tr>
<tr>
<td>Self-mobilisation</td>
<td>People participate by taking initiatives independent of external institutions or agencies in order to bring desired changes for the community.</td>
</tr>
</tbody>
</table>

High level (active) of community participation is essential to achieve any significant and elementary changes demanded by the policy goals and objectives of any
Chapter 2

development programme.\textsuperscript{115} There are now a growing number of instances of community participation in various conservation related programmes.\textsuperscript{116} Places with high conservation values like PAs, community participation must be in interactive and self-mobilised forms instead of passive forms.\textsuperscript{117} However, ensuring an active participation is usually confronted both by the power holders and the powerless which contradicts and influences their respective interests.

Participation of local communities is proving to be decisive for PA management.\textsuperscript{118} PA governance is now widely based on the management principles like active engagement, whereby various actors jointly make and enforce decisions. Under this purview, the role of various stakeholders are accepted, encouraged and increasingly being embraced in various geographical locations.\textsuperscript{119} To achieve effective community participation in environmental decision-making process like PA management, the following key features needs to be addressed:\textsuperscript{120}

- Timely, comprehensive and comprehensible information
- Early identification of potential stakeholders
- Promoting research monitoring and accountability

The best practice of community participation largely depends on the role, motivation and skills of the practitioners to engage participants in any development process.\textsuperscript{121} In this regard, capacity building and democratic decentralisation at every level of governance is crucial.\textsuperscript{122} Furthermore, the strategies need to be location specific depending on the respective socio-economic context. International bodies like the

\begin{itemize}
\item Lawrence Jones-Walters and Ayseguli Cil, ‘Biodiversity and Stakeholder Participation’ (2011) 19 Journal of Nature Conservation 327, 328.
\item Jessica Brown and Ashish Kothari, ‘Local Communities and Protected Areas- Editorial’ (2002) 12(2) PARKS 1.
\item Craig, above n 115, 630.
\item Craig, above n 115, 632.
\end{itemize}
IUCN develop a comprehensive best practice guideline for the conservation initiative that can be applied to the management of PAs if it fits and works with a local setting.123

M International Legal and Policy Frameworks of Community Participation in Protected Area Governance

Community participation in an environmental governance and decision-making process can be termed as international best-practice in environmental good governance discourse due to its increasing importance given by legal and policy instruments.124 Agenda 21 the action plan for the implementation of agreements and principles of the Rio Declaration is the international governance discourse, where the participatory paradigm was significantly raised, focused and discussed in dealing with SD and the issues of environmental protection.125 The role of community participation in the management of biodiversity is unambiguously recognised by Agenda 21.126 The pronounced endorsement of the greater degree of community participation is delineated in paragraph 2 in Chapter 23 of Agenda 21:

One of the fundamental pre-requisites for the achievement of sustainable development is broad public participation in decision making. Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. Accordingly, individuals, groups and organizations need to know about and participate in environment and development decisions, particularly those which can affect their communities in which they live and work.127

The Agenda 21 also emphasises the access to information by the community to make informed decisions on environment and development which also includes environmental protection measure that entails PA governance issue for its sustainable

123 See Craig, above n 115, 634.
Community participation and other social and cultural dimensions are central to SD that are also reflected in Agenda 21 and the Rio Declaration, Principle 10 of which states:

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

The empowerments of the Indigenous people and local community are also strongly supported by the Agenda 21 as an imperative for informed decision-making process in good governance of the PAs. To achieve ‘desired goals’ of PA management, the CBD also supports many aspects of the empowerment of Indigenous and local community in governance. In this regard, Article 8(j) states:

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Community participation, combined with local traditional knowledge contributes significantly in achieving the goals and objectives of SD which already reflected through the CBD article 8(j) and 10(c). The Aarhus Convention codified the process at global level urging for community participation in environmental decisions, access to information and justice to environmental issues. Article 1 of the Aarhus Convention provides sufficient determinants in favour of SD as:

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128 Michael Keating, Agenda for Change (Centre for Our Common Future, 4th ed, 1995) 42.
129 Achieving sustainable development agenda through addressing conservation and development goals together.
130 Handbook of the Convention on Biological Diversity, above n 45.
131 Craig and Jeffery, above n 98, 103.
Chapter 2

In order to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each party shall guarantee the rights of access to information, community participation in decision making, and access to justice in environment matters in accordance with the provisions of this convention.132

The New Delhi Declaration also signifies the importance of community participation as essential elements for ensuring good governance to achieve SD. It urges devising a country specific strategy based on the principle of ‘common but differentiated responsibilities’133 with the active support of international community, NGOs and civil society.134 This trend has continued and the Brisbane Declaration135 also magnifies the significance of community participation in order to develop a common understanding, shared vision and goals.

Role of Community Participation in Good Governance and Sustainable Development of the Protected Areas

Participatory development is a social dimension of SD through which stakeholder influence or takes control over any decisions, resources and outcomes.136 The conventional and ‘exclusionary approach’137 of establishing PAs has been overtaken by the decentralised community-based activities known as the ‘populist approach’.138 Decentralisation and community participation is increasingly considered imperative in conservation and development paradigms.139 Implementing the National Conservation Strategy (NCS) is a step forward in bringing the process of conservation and development together. Preparation of NCS involves all interest groups ranging from government agencies to local community whereby they analyse the issues of NRM

136 Craig and Jeffery, above n 98, 104.
137 In this approach communities living near the protected areas are excluded from the planning and decision-making process.
139 Berkes, above n 55, 489.
and set the priority of actions. A well-designed ecosystem conservation strategy contributes to the pre-dominant goals of SD in a number of ways.\(^{140}\) Bringing greater coherence and coordination in environmental policies and programs and integrating them in the process of economic development is the salient features of SD.\(^{141}\) However, the basic challenges to achieve SD are the lack of adequate resources (both financial and technical), coordination between agencies and absence of political commitment that embrace governance.\(^{142}\)

As PAs now attracts growing attention of practitioners, the public and the international community, it is necessary to evaluate the role of participation in governance. Community participation may take place if the rights and access are guaranteed to the poor people since lack of ownership and community engagement is responsible for the poor governance in NRM like PAs.\(^{143}\) Furthermore, legal and policy frameworks significantly influence the notion of SD. Re-formed policies and laws, supported by the increased capacity building is needed to achieve SD. In this regard legislation and international law can play a substantive role as they manifest SD as a basic principle.\(^{144}\) However, there is no easy answer to the question whether all development initiatives need to be sustainable according to international law.\(^{145}\)

Community participation for environmental governance is more widely used at present compared to any other time.\(^{146}\) Devolution of power to local institutions has created scopes for the increased community participation in the environmental decision-making process such as PA management.\(^{147}\) There is growing evidence that overall accountability increases due to active community involvement and better

\(^{140}\) Our Common Future, above n 16, 201.
\(^{141}\) O P Dwivedi, ‘Environmental Challenges Facing India’ in Jordi Diez and O P Dwivedi (eds), Global Environmental Challenges-Perspective from the South (Broadview Press, 2008) 12.
\(^{142}\) Rebeca Tiessen, ‘Cross-Pressures and the Pursuit of Sustainable Development in South Africa’ in Jordi Diez and O P Dwivedi (eds), Global Environmental Challenges-Perspective from the South (Broadview Press, 2008) 219.
\(^{143}\) Rogers, et al, above n 9, 52.
\(^{144}\) Ibid 184.
\(^{147}\) Dearden, et al, above n 78, 93; See also Mark S Reed, ‘Stakeholder Participation for Environmental Management: A Literature Review’ (2008) 141 Biological Conservation 2417, 2418; Hickey and Mohan, above n 121, 161.
communication with the stakeholders. Therefore, community participation in environmental decision-making process is inevitable as it entails a two-way communication process and is embedded in the institutions of PA governance.

Community Participation in the Co-management of Protected Areas

It is now well recognised that environmental problems cannot be resolved in isolation depending on the technocentric approach of the decision-making process. It is an indisputable fact in modern environment discourse that the promotion of environmental protection and SD largely depends on the engagement of community participation through securing their rights and access to information. Community participation in NRM is an age-old practice whereby the CCAs and sacred places are being managed by the Indigenous people and local community through shared responsibilities and rights. This experience is being expanded into co-management as a shared governance mechanism. Building upon the relative success of a bottom-up approach over a conventional top-down regime, co-management in PAs is showing promising results all over the world as it entails community participation as a pre-condition in any given legal and policy frameworks. Wider recognition of co-management and the devolution of power to the forest dependent communities can be made more equitable through state legitimatisation and formalised arrangements. It is believed in the co-management concept that, local institutions are competent enough to deal with local people’s needs and, resources status, while national or state agencies can generate scientific and technical knowledge through regional and international networking and platforms. Bridging this knowledge base with local

148 Dearden, et al, above n 78, 94.
152 Berkes, above n 73, 20.
153 Berkes, above n 56, 1693.
leadership is a key factor in making co-management functional.\textsuperscript{154} However community participation itself may not be sufficient to make community-based environmental management a success. States also needs to develop property ownership systems that establish community rights over the resources they depend on.\textsuperscript{155} To be effective, community participation needs supportive legislation, suitable methods, access to information and resource and economic benefits to the local communities.\textsuperscript{156} Furthermore, the existing laws need to be equally enforced or implemented to reap the benefits of decentralisation and devolution of power.

V CONCLUDING COMMENTS

Community participation in NRM has proliferated over the past decade and has become the global benchmark for environmental management.\textsuperscript{157} Sustainability in any environmental conservation programme demands good governance in practice. A clear understanding of environmental, economical and social factors at regional and local level is imperative in planning biodiversity conservation that leads to sustainable resource management.\textsuperscript{158} For PA management to be effective, we must ensure active community participation whereby rights, responsibilities and informed decision-making processes will be further accelerated. The local context of participatory environmental management is a positive strength in terms of decentralisation and devolution of power.\textsuperscript{159} The current chapter attempted to synthesise the basic ideas of SD principles and their relevancy in PA governance that aim to address community participation in the decision-making process. We need to address resource management problems through partnerships in order to make community driven environmental governance programmes a success, as determined in the discussion of governance type and their basic attributes. Co-management is a partnership approach

\textsuperscript{154} Ibid 1696.  
\textsuperscript{156} Q Liang, X H Wang and B G Lees, ‘Community Participation in the Management of Marine Protected Areas in China’ (2011) 11 Labour and Management in Development Journal 1, 8.  
\textsuperscript{157} Plummer and Fennell, above n 104, 944.  
\textsuperscript{159} Kapoor, above n 155, 276.
that can apply to sustainable PA management in Bangladesh provided adequate legal and policy frameworks are available and properly enforced.\textsuperscript{160}

\textsuperscript{160} Larson Carlsson and Fikret Berkes, ‘Co-management: Concepts and Methodological Implications’ (2005) 75 Journal of Environmental Management 65, 71; See also Thackway and Olsson, above n 158, 95.
CHAPTER 3
CONCEPTS, DEFINITIONS AND BACKGROUND OF PARTICIPATORY PROTECTED AREA MANAGEMENT

I INTRODUCTION

International legal and policy frameworks are playing a crucial role in achieving the goals and objectives of sustainable development (SD). At the same time, community participation is increasingly being recognised and is become an essential element in promoting good governance in the conservation and management of protected areas (PAs). The previous chapter (chapter 2) discussed the relevant legal and policy frameworks and trends related to SD. The interconnectivity of the principles and concepts of governance and community participation with regard to international, regional and national legal and policy frameworks for the protected area (PA) governance is also reviewed in this chapter. The current chapter examines the basic features of participatory forest and PA management. Different forms of participatory approaches such as community-based environmental management (CBEM), joint forest management (JFM) and collaborative management are discussed in order to evaluate the adequacy of co-management in context of the PA governance in Bangladesh, based on the current experiences and practices. The global trends on the conceptual and historical perspectives of PAs have also been discussed with a view to addressing the research question – ‘What international and comparative concepts, political theories, legal frameworks, approaches and practices are relevant to co-management of PAs?’

II IMPORTANCE OF FOREST FOR BIODIVERSITY CONSERVATION: THE ROLE OF AGENDA 21 AND THE CONVENTION ON BIOLOGICAL DIVERSITY

The importance of forests for biodiversity conservation is paramount.¹ It is now well accepted by the global community that an international platform is crucial to examine the issues of forest conservation and its sustainable uses in a manner which is

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scientifically and socially acceptable.\textsuperscript{2} In the 1990s, the United Nations (UN) dedicated itself to developing coherent policies in order to promote the sustainable conservation, management and development of forests and their resource bases.\textsuperscript{3} Despite many challenges and complexities, international cooperation for conservation and sustainable use of forest resources was agreed on during the United Nations Conference on Environment and Development (UNCED). It was well reflected in Agenda 21 of the Rio Declaration (Chapter 11, 11.10) as:

> Forests worldwide have been and are being threatened by uncontrolled degradation and conversion to other types of land uses, influenced by increasing human needs; agricultural expansion; and environmentally harmful mismanagement. The impacts of loss and degradation of forest are in the form of soil erosion; loss of biological diversity, damage to wildlife habitats and degradation of watershed areas, deterioration of the quality of life and reduction of the options for development.\textsuperscript{4}

Agenda 21 is a comprehensive plan under the UNCED to address the broad dimensions of SD.\textsuperscript{5} Sustainable forest management has been considered as one of the consistent additions of the basic principles of SD.\textsuperscript{6} Recognising the importance of forests as an avenue to achieve SD, the Forest Principles were adopted in the UNCED as an environmental governance instrument demanding adequate attention and necessary measures to be adopted by North and South nations. The importance of co-management or an appropriate sharing mechanism in natural resource management (NRM) was also mentioned in Agenda 21 whereby it signifies the responsibility of government to recognise the importance of categorising forest within the vision of

\textsuperscript{2} Richard G Tarasofsky, ‘Assessing the International Forest Regime: Gaps, Overlaps, Uncertainties and Opportunities and Opportunities’ in Richard G Tarasofsky (ed), Assessing the International Forest Regime (IUCN Environmental Policy and Law Paper No. 37, IUCN, 1999) 4-5.

\textsuperscript{3} Nur Muhammed, Masao Koike and Farhana Haque, ‘Forest Policy and Sustainable Forest Management in Bangladesh: An Analysis from National and International Perspectives’ (2008) 36 New Forests 201, 204.


\textsuperscript{6} Ian S Ferguson, Sustainable Forest Management (Oxford University Press, 1996) 110.
long-term forest conservation and management policies. Declaration and management of PAs is an effort under the purview of the agenda.

Another crucial aspect of PA management is community participation, which increasingly demands priority over the conventional methods of governance, which are top-down in nature and devoid of community engagement. Agenda 21 reiterated the importance of community participation as the fundamental pre-requisites for achieving SD in any environmental governance. The Forest Principles of Agenda 21 echoed the same notion as:

Launching or improving opportunities for participation of all people, including youth, women, indigenous people and local communities in the formulation, development and implementation of forest-related programmes and other activities, taking due account of the local needs and cultural values.

There is an inter-relation in realising the importance of forests both from conservation and development perspectives which was reinforced by the Convention on Biological Diversity (CBD). A major part of the terrestrial biological diversity (50-90 per cent of all flora and fauna) is present within the boundary of forests, thus the CBD emerged as an important global framework to deal with the diverse aspects of sustainable forest management.

Various principles of the CBD and their connectivity with the principles of SD have already been discussed in many articles whereby biological resources are sustainably used (Article 2) and equitably distributed (Article 1). It also reflects the notion of the Stockholm Declaration to affirm states' sovereign rights to explore their natural resources in a way that will not do any harm to neighbouring countries or nations. Article 8 of the CBD is a guiding principle to engage multiple stakeholders to establish a system of PAs to serve their varying needs.

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11 Tarasofsky, above n 2, 41.
importance of PA governance and the role of community participation in conservation is widely reflected throughout the CBD. The World Park Congress (WPC) is another international initiative that has led to the emergence of a separate commission dealing the overall issues of PAs namely the World Commission on Protected Areas (WCPA) under the auspicious of the International Union for the Conservation of Nature (IUCN).

Decentralisation has increasingly been advocated in NRM, particularly in forest and PA management. One of the major reasons behind this advocacy is to scale up community-based natural resource management (CBNRM). 13 CBNRM attracts widespread global interest although its practical implementation is often lagging behind the expectation particularly due to poor governance. 14 However, community-based conservation was the basis for the introduction of collaborative management in the PAs that believed to recognise the social difference and importance of local institutions in contributing towards sustainable conservation. 15 The following section discusses the basic attributes of CBNRM, its strength and weakness and the background of introducing the concept of shared governance i.e. co-management.

III COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT (CBNRM)—THE BASIC FEATURES

A Definitions

Decentralised and participatory forms of governance are increasingly being recognised and encouraged particularly in forest and PA sectors in the milieu of rapid degradation of the forest resources. 16 Therefore, community participation for governance is now widely recognised, based on the idea that it enhances the process of accountability through active engagement in conservation efforts. 17 Participatory

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14 Leach, et al, above n 7, 225.
15 Ibid 241.
management has developed with growing instances of marginalisation of communities through state ownership and control over natural resources. Increased reliance is being placed on decentralisation and devolution of power as a driving force of sustainable NRM. The CBNRM aims at ameliorating these problems and can be considered as a potential alternative to managing the natural resources in a sustainable manner that will also address the livelihood aspect through poverty reduction strategies. However, engaging local and Indigenous people in NRM is one of the greatest challenges. Many participatory processes in CBNRM are introduced and managed by the non-participatory mechanisms that eventually brought more problems than prospects. Various definitions have evolved to identify the concept of the CBNRM. In general, it is defined as ‘engaging local people in resource management by incorporating their ideas, experiences, values and capabilities, and sharing management benefits.

In CBNRM, communities have full and autonomous responsibilities to protect and use the natural resources such as forests. This approach is derived and influenced by the indigenous system of NRM where local wisdom, norms and organisations have co-evolved with the pace of time. It has showed greater compatibility with local culture and addresses the daily needs (timber, fodder, fuelwood, medicinal plants, food etc.) of primary stakeholders. In general, community-based approaches recognise and reinforce the stakeholder’s role, living in and around the resources for their personal

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Chapter 3

well-being as well as for the greater benefit of the society. Creating collaborative approaches for NRM generally addresses the need to integrate conservation and development, the legitimacy of the rights of local people to secure their economic benefits and the value of seeking the active involvement in the environmental decision-making process. Thus participatory concepts of conservation have managed to attract a growing consensus that a community-based conservation and effective co-management approach can be a legitimate approach to sustainable forest and PA management.

There is also a paradigm shift in forest management whereby timber and revenue focused management is changing to a multiple goods and services oriented management. Conservation represents a major shift in ideology and practice during the 1980s whereby state-centric management practices shifted to community level management. Modern forestry now encompasses the concept of sustainable forest management where community participation is a major determinant. Community engagement is motivated by the idea that integrated conservation and development can help significantly in fulfilling the interest of diverse stakeholders. Assurance of ownership and ‘usufruct rights’ and the nature of participation plays significant role in achieving sustainable NRM particularly the forest and the PA management.

Modern conservation ideas are heavily influenced by the principles and goals of SD that are encompassing sustainable conservation and utilisation of biological resources. Under this context, various collaborative approaches have evolved and

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25 Uphoff, above n 23, 4.
29 Maurizio Farhan Ferrari, ‘Rediscovering Community Conserved Areas in South-East Asia: People’s Initiative to Reverse Biodiversity Loss’ (2006) 16(1) PARKS 43, 43.
30 Oliver Dubois and Janet Lowore, ‘The Journey Towards Collaborative Forest Management in Africa: Lessons Learned and Some Navigational Aids’ (Forestry and Land Use Series No. 15, IIED, 2000) 5.
32 It is the right of the local forest dependent communities over the forest and its resources.
been applied in managing forests and their resources worldwide. Community-based forest management (CBFM), social forestry (SF), community forestry (CF), JFM and co-management or collaborative management in the PAs are widely known. Of them, CF became the mainstay in Nepal, while JFM gained momentum in India supported by legal and policy frameworks. CBFM become popular in the Philippines whereby management rights of forests is transferred to community organisations based on written agreement. Similarly, SF has become the mainstay of the forestry sector in Bangladesh with policy intent of making a shift to wider participation of local communities in the protection, production and regeneration of forest resources.

Although these approaches vary in terminologies, approaches, structures and organisational functions, they all have similar goals to achieve sustainable conservation and development through community participation. They all embrace the principle of ‘common but differentiated understandings and responsibilities’ based on their respective orientation, which are:

- People have the right to live a standard life
- People behave according to their life standard towards environment
- Active engagement of people in environmental decision-making process can add significantly towards better environmental management.

B Types and Characteristics of Participatory Forest and PA Management

1 Community-Based Forest Management

The CBFM builds upon the political pledge of the state (either national or local) and strong community platforms in place and depends on the guarantee of tenural rights and access to resources. The sustainability of CBFM widely depends on the enabling arrangements and equitable sharing of benefits from forests. This concept

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36 Fisher, above n 26, 6.
38 Ibid 92.
Chapter 3

of sustainable forest management gained impetus with the development of Agenda 21, the Forest Principles and the CBD. The basic attributes of CBFM starts with the initiation of SF whereby local villagers are hired or selected to establish wood lots to meet their daily needs of timber and fuel apart from commercial selling. This definition is further extended by putting emphasis on organising the resources through community involvement (particularly forest dependent communities) in the planning, implementation and management of the forest that is considered absent in many instances in the state-centric forest management system. There is a growing accord that, the CBFM is concerned with the negotiation process between different interest groups and stakeholders reliant on the forest for various goods and services. Equity and accountability are the important measures of better governance that the CBFM claim to address. However, this definition failed to provide clear directives on how and at what level participation should take place. Under this context, a new approach or concept is perceived to be important in that it would be able to address the power sharing mechanism for better governance. Collaborative forest management is such an attempt.

2 Collaborative Forest Management

Collaborative forest management is a dynamic process that evolves through working partnership among the major stakeholders in the management of a given forest. The system moves forward according to the local context, stakeholder interest and power. However, the sustainability of the forest management greatly depends on the active engagement of the community at different levels of the decision-making process as described in the ladder of participation by Arnstein.

3 Community Forestry

Community forestry evolved as a branch or programme of forest management that aims at generating income from timber and non-timber forest products with the

39 Mark Poffenberger (ed), ‘Communities and Forest Management in Southeast Asia’ (A Regional Profile of WG-CIFM, IUCN, 2000) 3.
41 Ibid 451.
42 Dubois and Lowore, above n 30, 7.
involvement of community as beneficiary of the programme. This approach has created scopes to enhance sustainable local livelihood and biodiversity conservation. Various interpretations emerged to define the concept but the basic notion is ‘the control and management of forest resources by the rural people who use them especially for domestic purposes and as an integral part of their farming system’. The basic concepts of CF, SF and rural forestry are more or less the same. Conceptually the local community controls a clearly and legally defined area and is supposed to be free from all sorts of immediate state influence on resource utilisation. Provision of tenural right over the forest enables the participants to be involved with the forest apart from ensuring sustainable resource management. Under this programme, devolution of management rights and responsibilities have been noticed in the case of forestry user groups (FUGs) in Nepal that have showed promising outcomes.

4 Joint Forest Management

Another form of participatory management that become popular in forestry is the joint forest management (JFM). It is a form of collaborative approach that was developed and adopted with a view to achieve sustainable forest resource management. In JFM, collaboration is made for management purposes between state forest agencies and the local forest dependent communities. The basic difference between CF and JFM is the extent of local control and collaboration. In India hamlet-based groups are given authority to act as custodians of the public forest area under this concept. It is based on the philosophy of forest conservation and livelihood improvement of the

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45 Fisher, above n 26, 17.
48 Poffenberger, above n 39, 58.
49 Fisher, above n 26, 22.
50 Poffenberger, above n 39, 9.
community through cooperation between state and local institutions. According to Fisher JFM is ‘the collaboration in forest management between agencies with legal authority over state owned forest and the people who live in and around these forests’.

JFM was highly integrated in the forest management of India through the National Forest Policy 1988. Emphasis was given to sharing responsibilities, control and decision-making authority over the forest and its resources. With the initiation of this concept, the role of the state and agencies were re-defined through legal agreement that helped forest departments to recover their trust, alliance and performance at the field-level in association of community people. JFM which had started initially in degraded forest land, gradually expanded to well-stocked reserves and PAs based on the initial success and experiences.

5 Co-management in the Protected Areas

Co-management is evolved based on the relative success and limitations of joint management where power and responsibilities are jointly shared between the state and the community. This concept of joint management is highly developed in Australia and Canada where they recognise the Aboriginal Native Title which have demonstrated promising achievements. However, in the case of co-management, the extent of the arrangement is rather complex due to its multiplicity in participation as well as governance attributes i.e. accountability, transparency, fairness and leadership. Despite the challenges and multiplicity, this concept has attracted global recognition as an option to addressing biodiversity loss and creating sustainable livelihood. The implication of co-management and its harmonisation with the

52 Fisher, above n 26, 17.
principles of PA governance and SD need clear understanding of the application over other forms of participatory management. The detailed features of this evolving approach are discussed in the following chapter (chapter 4).

IV CO-MANAGEMENT, GOVERNANCE AND SUSTAINABLE DEVELOPMENT OF PROTECTED AREAS–THE SYNERGIES

Community participation in forest management is increasingly becoming a pre-requisite as determined by the international legal and policy frameworks. Participatory forms of governance in the NRM sector evolved, aiming at creating a win-win situation between the state and the resource users, particularly the forest dependent communities. Decentralised, local and participatory forms of governance are increasingly being encouraged and implemented to come out of the state controlled conventional management system which is the continuation of colonial influence that experienced during early 1990s. In this regard, the development of co-management received extra attention and recognition globally due to its capacity to accommodate multiple goals and stakeholders to modify the state controlled top-down management system.

Decentralisation is believed to influence the institutional infrastructure of NRM to create a more agreeable environment for an equitable and efficient NRM and it may also be a means of leveraging the development of local democracy. However, most of the current decentralisation processes in the NRM sector are characterised by the insufficient transfer of power to local community and institutions and the authority still remains mostly with the state. Although various forms of participatory approaches have evolved and been implemented, forest dependent communities in

59 Nagendra and Gokhale, above n 16, 719.
62 Ribot, above n 60, 89.
Chapter 3

PAs are still experiencing a disabling environment of policies and practices that undermine the achievement of participation and tenural rights over forest resources.64

A review of the features and experiences of the participatory approaches such as CF and JFM, suggest that despite of having initial success, these concepts lack some essential attributes for active community participation and devolution of power to stakeholders. The local institutions implementing these programmes often lack true representation and accountability to local communities.65 In CF and JFM, power sharing mechanisms are often implemented without ensuring accountability that ends up with further conflict and resource degradation.66 Even collaborative management varies from the concept of co-management approach in the sense that it does not effectively embrace the devolution of state power to the respective stakeholders.67 The following sections review the salient features of the various forms of participatory forest management with country specific examples with a view to identify the adequacy of introducing co-management in PA governance.

Against a backdrop of growing concern and some likely limitations of ‘Panchayat Forestry’68 (described in detail in chapter 5), the CF programme was initiated in Nepal with the objective of engaging the local community in forest management. However, the CF programme was designed, controlled and implemented by a government department with extensive donor support and the community roles in the planning and implementation process was largely ignored.69 Communities had minimum rights over harvesting and selling of forest resources on commercial basis. Furthermore, the state holds the sole authority to terminate and dissolve community groups or federations whenever they like.70 In addition, shortcomings in appropriate legal and policy frameworks were also experienced and they were not conducive to support the implementation process.71

65 Ribot, above n 63, 1.
66 Ibid 2.
68 The forestry activities controlled and implemented under the auspicious of the Panchayat-the lowest political and administrative unit at village level established between 1960 and 1990.
69 Nagendra and Gokhale, above n 16, 721.
70 Ibid 731.
Chapter 3

JFM in India is another positive attempt to engage community in decentralising governance in order to regenerate degraded forest land.\(^\text{72}\) The concept is initiated and controlled by government and the policy failed to address many major issues and demands of the forest dependent communities.\(^\text{73}\) Despite the philosophy of sustainable forest conservation and livelihood improvement and the initial success, the JFM approach was found to be weak in conflict resolution along with fragile institutional arrangements, inadequate community participation, poor accountability and collaboration between stakeholders.\(^\text{74}\) Several structural and policy changes have been suggested to make JFM more gender and equity sensitive.\(^\text{75}\) Furthermore, a considerable amount of control remains with the state department along with the tenural rights.\(^\text{76}\) Active community participation and the devolution of power from state to the local level (grass roots) are often absent, questioning the efficacy of JFM as a means of biodiversity conservation and development.\(^\text{77}\) All these attributes are prerequisites to ensure better governance that in the end will support the process of SD.\(^\text{78}\) The transfer of power without accountable representation rarely brings the desired change aspired to by joint management.\(^\text{79}\)

A similar experience has been observed in the SF programmes of Bangladesh, where in most cases community participation was limited to consultation only.\(^\text{80}\) The overall decision-making process was still under the authority of the state forest agency (FD) with a top-down management approach.\(^\text{81}\) Ownership and the matters related to governance such as development and strengthening of local institutions, rights, responsibilities and accountability of the stakeholders were not addressed within the


\(^{\text{73}}\) Ibid 275.


\(^{\text{76}}\) Fisher, above n 26, 5.


\(^{\text{80}}\) Niaz Ahmed Khan, et al, above n 34, 108.

purview of SF (for details see chapter 6). It was also viewed by many quarters as an attempt to re-establish the control on encroached forest land by the forest department despite some positive achievements.  

The conservation process needs to identify and support the hopes and aspirations of the local communities and thus needs to be broader in magnitude. Many Indigenous and local communities are taking control of local forest resources with a view to ensuring better utilisation of the forest for their economic and social development. The fundamental requirement of NRM for conservation, development and livelihood is to integrate them as a participatory system in regard to institutional arrangements, economic impacts and local empowerment. Given the various limitations that have been experienced during the implementation of various participatory NRM processes, it is worthwhile to examine the efficacy of co-management as an approach to ensure better governance in NRM in general and PAs in particular. A number of studies consider that the scope and advantages of co-management make it a preferred strategy to address NRM at multi-stakeholder level, integrating principles of good governance. These include local community participation, decentralisation and devolution of power, which are also the core determinants of international legal and policy frameworks designed to deal ‘in-situ’ conservation of biodiversity through co-management of PAs. For PA management to be successful, it needs effective devolution on one side and time to bring desired changes to promote sustainability in PA governance on the other side.

Since the present study aims to examine the views of practitioner and community people through a case study about the efficacy of co-management in the forest PAs of Bangladesh, it is necessary to review the conceptual and historical perspectives of PAs before exploring further attributes of co-management.

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85 Troquebiau and Taylor, above n 27, 2545.
86 Cash, et al, above n 57, 8; See also Berkes, above n 79, 489.
87 See, Har Darshan Kumar, Biodiversity and Sustainable Conservation (Science Publishers, 1999) 313.
Chapter 3

V PROTECTED AREAS

C Definitions

The idea of protection against the loss of biological resources or degradation of any place of interest is universal and an age-old practice. Indigenous and local communities have long traditions of protecting their place and resources with economic, social, cultural and spiritual values by limiting or prohibiting the exploitation of particular species or resource in certain areas such as sacred groves.\textsuperscript{88} Since the 1960s, the conservation science and principles for establishing and managing PAs have developed enormously with a view to restraining biodiversity loss.\textsuperscript{89} PAs are now considered as the cornerstone of most conservation strategies which also consider livelihood and sustenance of the dependent community.\textsuperscript{90} The PA movement is based on the tradition and long heritage of countries like Australia, New Zealand, North America and South Africa.\textsuperscript{91} Establishment of the Yellowstone National Park in the USA in 1872 is often cited as the foundation for the modern era of PAs.\textsuperscript{92} However, during the 20\textsuperscript{th} century, the idea of PAs spread around the world. India is the pioneer in establishing forest PAs and recording the game law.\textsuperscript{93} The rapid destruction of the biological resources in developing countries influenced by socio-economic and political drivers brings the importance of PA conservation and management into the limelight.\textsuperscript{94} Public concerns for biodiversity conservation have also prompted the establishment of PAs worldwide.\textsuperscript{95} The fifth World Park Congress has exerted influence by initiating the platform for establishing a comprehensive


\textsuperscript{90} Marc Hockings, ‘Systems for Assessing the Effectiveness of Management in Protected Areas’ (2003) 53(9) Bio Science 821, 821.

\textsuperscript{91} Kevin Bishop, et al, (eds), ‘Speaking a Common Language-the Uses and Performance of the IUCN System of Management Categories for Protected Areas’ (Cardiff University and IUCN, 2004) 10.

\textsuperscript{92} Chape, et al, above n 88, 444; See also Marcus B Lane, ‘Affirming New Directions in Planning Theory: Comanagement of Protected Areas’ (2001) 14 Society and Natural Resources 657, 662.

\textsuperscript{93} Tony Prato and Dan Fagre, National Parks and Protected Areas- Approaches for Social, Economic and Ecological Values (Blackwell Publishing, 2005) 49.

\textsuperscript{94} Poverty, over population, resource scarcity and over exploitation of natural resource are the common drivers.

\textsuperscript{95} Michel K Masozera and Janaki R R Alavalapati, ‘Forest Dependency and Its Implications for Protected Areas Management: A Case Study from the Nyungwe Forest Reserve, Rwanda’ (2004) 19(Suppl.4) Scandinavian Journal of Forest Research 85, 85.
network of PA systems. According to recent information, PAs cover 13 per cent of the world’s land surface. With the growing global concern of sustainable use of forest resources to check rapid biodiversity loss and threatened ecosystem, each country has adopted some forms of legal and policy frameworks to deal the issues of PA declaration and governance shaped and influenced by international-scale governance principles. As PAs are central for many conservation discourses, particularly for shared governance approaches that also address the principles of SD, better understanding of the global concepts and local context are demanded. It is imperative to reveal the conceptual attributes of PAs before discussing the existing and evolving governance approaches to PA management (discussed in Chapter 4).

According to the WCPA, the PA is defined as: ‘an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and of associated cultural and natural resources, and managed through legal and other effective means’.

Recently IUCN redefined the concept of PA through its World Conservation Congress and provided a more comprehensive definition that mentions ecosystem services and conservation values as an integral part of the PA. According to them, a PA is: ‘a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values’.

The CBD also shed lights on the importance of establishing and managing PA through its programme of work (PoW) on PAs, and defined PA as a ‘geographically defined

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97 WCPA Strategic Plan 2005-2012 (World Commission on Protected Areas, IUCN, 2005) 3.
99 Orlovic-Lovren, above n 78, 49; See also Estienne Rodary and Johan Milian, ‘Expansion and Diversification of Protected Areas: Rupture or Continuity?’ in Catherine Aubertin and Estienne Rodary (eds), Protected Areas, Sustainable Land? (Ashgate Publishing, 2011) 13.
100 Chape, et al, above n 88, 444.
area which is designated or regulated and managed to achieve specific conservation objectives’. 102

D History and Characteristics of the Protected Areas Around the World- A Classical Model vs. a Populist Approach

In earlier periods, PAs were established keeping the local community and the forest dependent people living on the periphery with a view to restricting their access and rights over resources available within the PAs. 103 The majority of the parks established before the 1980s followed the exclusionary state-run approach, restricting customary usufruct rights of the local community. 104 One of the vivid examples of this type is the Kruger National Park of South Africa. In this case, the local community were forced to leave the area where they had lived for generations. 105 This conventional approach of PA management has largely been proved ineffective as it further deteriorates the situation through rapid destruction of biodiversity and its natural resource base. Such an exclusionary approach is also against the notion of SD and human rights as reflected in many international legal and policy instruments. 106

With the repeated incident of park-people conflict due to restriction and replacement, there has been a growing concern and understanding by the international community that– such isolation will only further deteriorate the situation and trigger the unsustainable use of the ecosystem. It has led to the emergence and wide scale adoption of shared governance with the decentralisation of the decision-making process under a participatory concept named co-management. 107 Community-based participatory approaches and local participation can therefore be regarded as significant achievement in recent decades. 108 Various legal and policy interventions have been devised that recognises local communities and other major stakeholders as

104 Ibid 166.
107 Ferrari, above n 29, 43.
108 Rodary and Milian, above n 99, 14.
an integral part of PA management. Active engagement and decision-making roles with the advent of a ‘populist approach’, the concept of PA has expanded from biodiversity conservation to include human welfare and livelihood perspectives.  

VI CONCLUDING COMMENTS

International policy instruments like Agenda 21 and the CBD are playing a commanding role in enhancing the efforts of biodiversity conservation to achieve SD goals as denoted in their principles and declarations. The roles of community participation in community-based NRM projects have experienced various participatory forest and PA management approaches such as CBEM, JM, CF and Collaborative-management. Time traditional approaches are being replaced or abandoned by a populist approach that recognises and requires active community participation as a means of better governance. Co-management in this perspective has gained legal and policy supports from various international and regional organisations thus managing to draw an initial community response while implementing the concept of PA governance.

CHAPTER 4
EXISTING AND EVOLVING GOVERNANCE APPROACHES TO PROTECTED AREA MANAGEMENT

I INTRODUCTION

The various forms of participatory natural resource management (NRM), particularly the forests and protected areas (PAs) management were reviewed in the previous chapter to determine their efficacy as well as limitations as a participatory management approach in order to determine the adequacy of co-management as a governance mechanism of PAs. Based on the appraisal of international legal and policy frameworks for protected area (PA) management, the adequacy of co-management as a PA governance approach is discussed in this chapter. International legal and policy frameworks and approaches relevant to co-management are explored to address the research question—‘What international and comparative concepts, political theories, legal frameworks, approaches and practices are relevant to co-management of protected areas (PAs)’. A detailed review of the IUCN Protected Area Management Guidelines – a globally recognised and accepted framework – has been carried out to evaluate the objectives, principles and basic elements guiding each of the categories for PA management. Other international legal and policy frameworks such as the Convention on Biological Diversity (CBD) and the ILO Convention 169, which have immediate relevance to PAs in general and co-management in particular are also discussed in this chapter to determine their appropriateness in supporting PA governance.

II THE IUCN GUIDELINES FOR THE PROTECTED AREA MANAGEMENT CATEGORIES

PAs are currently considered as an essential means of conserving biodiversity. All national and international conservation strategies, principles and frameworks now recognise PAs as a preferred method of biodiversity conservation, considering them a preamble to addressing the livelihood of the PA dependent communities. This idea of

conservation spread and gained momentum globally during the twentieth century.\textsuperscript{2} With the development of this new trend there was concern how these PAs should be better managed, given the types, governance models and management objectives of PAs vary significantly both within and between the countries.\textsuperscript{3} Several governance frameworks have been developed and are constantly being developing to address diverse PA systems.\textsuperscript{4} The necessity of developing a globally accepted framework began to take root through various efforts that eventually ended up with the guidelines being developed by the IUCN, which has played a crucial role in addressing PA management.\textsuperscript{5} The IUCN Guidelines for Protected Area Management Categories is a globally accepted standard that has been developed to create a common platform to assist the declaration, management and classification of PAs both within and between countries. This management category classifies PAs according to their management objectives, widely recognised by international bodies, individual states as well as by PA managers as a global standard for defining and recording PAs.\textsuperscript{6} Although the guidelines are not a treaty, many countries have incorporated them into their legal conservation framework to define, establish and compare PA management process in accordance with the global PA guidelines.\textsuperscript{7} Thus the guidelines can be considered in a similar way to an international standard organisation (ISO) regime. The major purpose and principles behind developing the IUCN categories system that signifies its importance and acceptance as a framework are:\textsuperscript{8}

- To encourage each individual country to develop its own PA system by setting management objectives that meet the needs, hopes and aspirations as per the national and local context.

- To reduce or minimise the confusion developed due to the adoption of multiple definitions and concepts in describing various PA types.

\textsuperscript{2} Speaking a Common Language-the Use and Performance of the IUCN System of Management Categories for Protected Areas (Cardiff University, IUCN and UNEP, 2004) 10.
\textsuperscript{3} Charlie J Gardner, ‘IUCN Management Categories Fail to Represent New, Multiple-Use Protected Areas in Madagascar’ (2011) 45(3) Oryx 336, 336.
\textsuperscript{4} Ibid.
\textsuperscript{5} Nigel Dudley, et al, ‘The Revised IUCN Protected Area Management Categories: The Debate and Ways Forward’ (2010) 44(4) Oryx 485, 486; See also Gardner, above n 3, 337.
\textsuperscript{6} Harvey Locke and Philip Dearden, ‘Rethinking Protected Area Categories and the New Paradigm’ (2005) 32(1) Environmental Conservation 1, 2.
\textsuperscript{7} Gardner, above n 3, 336.
\textsuperscript{8} (Speaking a Common Language), above n 2, 27.
Chapter 4

- To develop an international standard in order to assist global and regional database for research, study and other purposes.

- More importantly to provide a legal (though not a hard law) basis for PA management that can be used to develop policy frameworks that will address rights, responsibility and access to resources and information.

The CBD also recognises the importance of PAs and provides specific reference to PAs through Article 8 of the convention by encouraging Parties to:

- Establish a system of PAs where special measures need to be taken to conserve biological diversity.

- Develop where necessary, guidelines for the selection, establishment and management of PAs.

- Regulate or manage biological resources important for the conservation of biological diversity whether within or outside PAs with a view to ensuring their conservation and sustainable use.

- Promote environmentally sound and sustainable development in areas adjacent to PAs with a view to furthering protection of these areas.

- Cooperate in providing financial and other support for in-situ conservation particularly to developing countries.

The CBD programme of work (PoW) on PAs also ‘recognises the value of a single international classification system for PAs and the benefit of providing information that is comparable across countries and regions and therefore welcomes the ongoing efforts of the IUCN World Commission on Protected Areas to refine the IUCN system of categories’.  

The process of developing a guideline for PA management began during the first World Park Congress (WPC) that aimed to reduce the ambiguity created due to the

9 Dudley, above n 1; See also Gardner, above n 3, 336.
use of various terms and concepts regarding PAs. The WPC felt the need for a global standard for the effective and sustainable management of the world’s PAs. Since then it has been under constant revision and development through regular congresses and scientific conferences. With the initiation of PA management categories, governance becomes an increasingly important aspect whereby local communities, through shared cost and benefit and responsibilities such as co-management, can be involved in the establishment and management of PAs. The IUCN categories are increasingly being used globally in achieving the goals of sustainable PA management that also embraces the principles of sustainable development (SD) and Millennium Development Goals (MDGs) by emphasising and integrating rights, responsibilities and shared governance as major actors. However, constant monitoring and guidance on the designation and application of the categories is needed in order to apply them to each country’s individual context. The IUCN is actively promoting the understanding and the use of the categories system and have received spontaneous support by the CBD at the 7th Conference of the Parties (COP 7 2004). The ‘Durban Congress (2003)’ and the ‘Bangkok World Conservation Congress (2004)’ added further importance to this system by incorporating a governance aspect to the categories.

The recent guidelines are the outcome of the rigorous process of consultation and revision coordinated by the task force of World Commission on Protected Area (WCPA) with a view to creating a global platform for the planning, establishment and management of PAs. The guidelines support and actively encourage facilitating the planning of PAs, improving information management systems about PAs and helping to regulate activities within PAs. However, the use of the guidelines is also strongly

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11 Dudley, above n 1, 4.
12 (Speaking a Common Language), above n 2, 22.
13 WCPA Strategic Plan 2005-2012(World Commission on Protected Areas, IUCN, 2005) at 14.
15 The 5th World Park Congress popularly known as Durban Congress that represented largest and diverse stakeholders and experts working on PAs. See PARKS special issue on 5th WPC, (2003) 14(2).
16 World Conservation Congress held every 3 year by IUCN with a view to receive resolutions and recommendations on issues related to conservation. Such initiatives help to influence various international legal and policy instruments on conservation and development such as the CBD. See http://treatycouncil.info/PDF/Report_on_IUCN_ThirdWorldConference_onConservation.pdf.
17 Dudley, above n 1, 4.
contested as an excuse for any kind of displacement or exclusion of local communities from PAs and its management.  

The basic framework for PA management was developed through the IUCN Guidelines for Protected Area Management Categories in 1994 then revised and updated in 2008. With redefining the designation of PAs, the IUCN decided to apply it in context of a series of accompanying principles. The categories should also be applied according to each individual country’s context as well as part of the ecosystem approach to connect them within the broader scale of management and conservation strategies. The differences between the 1994 guidelines and the recent ones (2008) are mainly ones of emphasis and describing and differentiating the categories in greater detail apart from amending the system of PA categories. The recent PA management categories and their primary objectives in relation to PA management need to be evaluated to identify the scopes of community participation in the governance system and to address the research question stated at the beginning of this chapter—‘What international and comparative concepts, political theories, legal frameworks, approaches and practices are relevant to co-management of protected areas (PAs)?’ The outcomes can then be applied in answering a further research question—‘What is the adequacy of current experiences and trends in regards to co-management and collaborative management of forest PAs governance in Bangladesh in regards to international and national policies, guidelines and the aspirations of local community people?’ The detailed of the IUCN Guidelines for PA Management Categories and their management objectives are discussed herewith in details in order to have a better understanding of the system:

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18 Ibid 6.
21 Dudley, et al, above n 5, 486.
22 Tony Prato and Dan Fagre, National Parks and Protected Areas- Approaches for Social, Economic and Ecological Values (Blackwell Publishing, 2005) 39; See also Dudley, above n 1, 14; See, eg, Locke and Dearden, above n 6, 2.
Table 3. The IUCN Protected Area Management Categories and their Primary Objectives

<table>
<thead>
<tr>
<th>IUCN Protected Area Categories</th>
<th>Primary Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category Ia: Strict nature reserve</td>
<td>Protected area managed mainly for science</td>
</tr>
<tr>
<td>Category Ib: Wilderness area</td>
<td>Protected area managed mainly for wilderness protection</td>
</tr>
<tr>
<td>Category II: National park</td>
<td>Protected area managed mainly for ecosystem conservation and recreation</td>
</tr>
<tr>
<td>Category III: Natural monument or feature</td>
<td>Protected area managed for conservation of specific natural feature</td>
</tr>
<tr>
<td>Category IV: Habitat or species management area</td>
<td>Protected area managed mainly for conservation through management intervention</td>
</tr>
<tr>
<td>Category V: Protected landscape/seascape</td>
<td>Protected area managed mainly for landscape/seascape conservation and recreation</td>
</tr>
<tr>
<td>Category VI: Protected area with sustainable use of natural resources</td>
<td>Protected area managed mainly for the sustainable use of natural ecosystem</td>
</tr>
</tbody>
</table>

Source: Locke and Dearden, 2005

Category Ia is designated to protect the biodiversity under a strict regulation whereby the scopes of human interference, use and impacts are strictly controlled. Such types of PAs can only serve research and scientific purposes. The unique proposition of this category is that it is self-sustaining since community is excluded by regulation. However, this category is rarely implemented since the socio-economic context is a
limiting factor, especially in developing countries like Bangladesh with its mounting pressure of population, poverty and a growing demand of resources.

Category Ib is designated with a provision of limited human intervention or change option to retain its natural status. The basic aim of this category is to protect the long-term ecological integrity of natural areas. As the category has the scope of public access at a level that will support the sustainability of the area, it can be seen as a potential option for participatory management of the PAs. Indigenous communities can benefit from this category as it can help protect their traditional lifestyle, culture and spiritual values. In the context of Bangladesh, this type of PA can be a practicing community oriented PA management that may support a certain number of forest dependent people while keeping the biodiversity and ecosystem undisturbed.

Category II is usually bigger in size and natural or semi-natural in status and planned to protect ecological processes. Apart from serving conservation goals, it also promotes education, research and tourism at a broader magnitude. Most national parks belong to this category. These types of PA management guidelines generally take into account the subsistence need of the local communities and Indigenous people, provided these needs are not detrimental to the management objectives. Under this type, there is scope for developing eco-tourism based employment and income generation, which is an added advantage of this category. This category also has the scope of being integrated with larger ecosystem conservation plans. With the provision of zonation (core zone and buffer zone) it can significantly contribute both to conservation and community livelihood. However, with the growing uses of this type of PA as a commercial entity, there is a risk of displacement, isolation and further deterioration of the ecosystem if it is not properly handled. In addressing the management of national parks in Bangladesh, probable consequences should be considered.

Category III is a certain type of PA, set aside to protect natural monuments i.e. land forms, seamounts and living creatures of special concern. They are generally smaller in size but high in visitor value. The basic aim of this category is to preserve outstanding natural features and related biodiversity and habitats. Generally, areas with high spiritual and cultural values belong to this category, attracting a large
number of tourists irrespective of geographic and spiritual beliefs. However, management of this category is rather difficult since some of them are time bound, such as trees.

Category IV is the habitat or species management area that aims to protect, maintain and restore particular species and habitats. Most of the PAs under this type demand human intervention to address specific management requirements. Traditional practices are valued in this management system depending on the nature and size of the PA. To achieve success under this management regime requires adequate resources and community support. However, it is a challenging task in places with greater human interference occurring, both legally and illegally.

Category V is designated for the management of PAs with distinct ecological, cultural and scenic value developed through the interaction of people, particularly the local community and nature. It provides a framework to strengthen active community involvement in the management process that will act as a model of sustainability. This category intrinsically deserves the presence of traditional social organisations or local institutions thus need to devise a detailed guideline for the community involvement in the decision-making process through minimising the conflicts between local and national interest.

Category VI, the last of its kind under the IUCN PA Management Categories is the protected area with sustainable use of natural resources. The basic objective of this category is to protect natural ecosystems and to use its resources sustainably for shared benefits. A local community’s livelihood is the core consideration under this sustainability concept, apart from ecological considerations. The idea of a core zone and a buffer zone can be best applied under this management category to fulfil the management objectives. However, a careful selection of governance mechanisms is important to address the needs of multiple stakeholders and their diverse interests. Local institutions and their capacity building are also imperative in this regard to govern the process.

The appraisal of the IUCN Guidelines for PA Management Categories basically underlines the strict protection of ecosystems and habitats of ecological, cultural and
spiritual interest. These management goals are also reflected in their primary and general objectives. By reviewing the PA management categories, it is quite evident that more emphasis has been given in ensuring conservation with less emphasis on community participation, although the guidelines suggest that to deliver benefits to the local communities is consistent with the basic management objectives.\textsuperscript{23} The governance mechanism for participatory management is also obscure and needs detailed clarification to make any joint initiative such as co-management a success. Among the categories, categories IV and VI provides scope for participatory management for the sustainable use of the natural resources in line with the conservation objectives.\textsuperscript{24} However some studies concluded with differing explanations that the guidelines exhibited less focus on conservation than primary management objectives.

As the forest PAs of Bangladesh are increasingly being managed under the co-management approach, the IUCN Guidelines for PA Management Categories need to be adopted in Bangladesh legislation in a way that keeps in mind the socio-economic and site-specific context of the respective PAs. Failing to address the local context, governance types and management objectives may further deteriorate the status of the conservation initiative, questioning the role of declaring and managing PAs, as experienced in many countries.\textsuperscript{25} In order to assess the role of co-management as a governance approach, better understanding of the concepts, definitions and related legal and policy frameworks are needed. Furthermore, shortcomings in regards to technical, institutional and financial capacity need to be overcome to develop a comprehensive PA network capable of addressing social issues such as livelihood and poverty alleviation.\textsuperscript{26} The PAs of Bangladesh belongs to the IUCN Management Categories II and IV and have limited provision for community involvement as per the definitions of the categories and thus need careful consideration to identify the adequacy of the co-management approach in the governance of PAs unless redefined and revised as per the evolving context of PA governance. Conceptual and operational development in regards to cultural and social awareness, the acknowledgement of

\textsuperscript{23} Locke and Dearden, above n 6, 12; See also Dudley, above n 1, 12.
\textsuperscript{24} Dudley, above n 1, 22.
\textsuperscript{25} See, eg, Gardner, above n 3, 344.
\textsuperscript{26} (Speaking a Common Language), above n 2, 37.
human rights creates options to rethink PA categories.\textsuperscript{27} Therefore it is imperative to recognise inherent attributes such as local context, traditional knowledge and perceptions of the co-management approach that demand continuous review and improvement instead of applying strict guiding principles.\textsuperscript{28} Providing legal designation alone cannot ensure the protection of biodiversity and enhancing community livelihood, as evident in many studies.\textsuperscript{29} Making an effective partnership to accommodate the varying needs in a flexible and effective way is crucial in this regard.\textsuperscript{30}

\section*{III The Chronological History of Development of the IUCN Protected Area Management Categories}

During the twentieth century, the concept and management of PAs received special global attention despite the significant variations in terms of scale, spatial context and management objectives.\textsuperscript{31} The first formal initiative in developing common guidelines was taken in 1962 during the first WPC with a view to bringing all the PAs under a common platform. A first hand listing of the world’s national parks and similar reserves were made through this conference that was later revised in 1966.\textsuperscript{32} The second WPC (1972) called for defining various purposes of establishing PAs and developing suitable standards for such areas. Based on the recommendation of the conference, a report was produced in 1978 by the working group that proposed ten management categories. However, these categories had several limitations, such as the lack of the suitable definition of a PA and the problems of overlapping among various types of PA. Keeping these limitations in mind, a taskforce was formed in 1984 to update the categories and accordingly they have advised a new system of categories I-V, whilst abandoning the remaining categories VI-X. The proposed amendment was placed in the fourth WPC, who later agreed to include category VIII as an addition to the first five. With the support of the fourth WPC, the IUCN finally (through the

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\textsuperscript{27} Locke and Dearden, above n 6, 5.
\textsuperscript{31} Gardner, above n 3, 336.
\textsuperscript{32} Dudley, above n 1, 3.
\end{flushleft}
general assembly) approved the new system which is in the process of constant revision to meet the growing challenges of PA management irrespective of geographic location and individual country context. The revised management categories also received the endorsement of the system by the CBD through Conference of Parties (COP) 7. In addition to all these developments, the Durban Congress (5th WPC) made a proposal to add governance as an integral part of the categories whereby it clearly provides direction to ensure active community participation as a means of sustainable conservation and management of the PAs.

The PA management categories developed by the IUCN needs to be applied in accordance with each individual country’s context and as part of the ecosystem approach that embraces a broader scale of conservation strategy and includes livelihood, rights and cost and benefit-sharing mechanisms. The basic notion of the PA system is to enhance the effectiveness of the ‘in-situ’ conservation (Article 8 of the CBD) and, according to the IUCN, it depends on how well they represent the diverse ecosystem. The guidelines address the notion of sustainable conservation, protection and livelihood attributes through developing several categories as applied to a respective PA context. The efficacy of co-management as a governance approach demands careful consideration regarding the existing and evolving trends of community participation. Understanding the concept and salient features of co-management are vital in this regard. The following section has attempted to elaborate the basic features of co-management widely recognised as a governance approach to PA management.

IV CO-MANAGEMENT– AN APPROACH FOR PROTECTED AREA GOVERNANCE

A Definitions and Salient Features

Collective cooperation and action in regards to social and ecological issues are quite an old practice and the growing difficulties in managing the natural environment has

33 Ibid 4.
34 Gardner, above n 3, 336.
35 Brooks, et al, above n 20, 1082; See also Dudley, above n 1, 6.
36 Dudley, above n 1, 10.
Chapter 4

led to the re-emergence of cooperation among individuals and communities for their existence. Addressing poverty alleviation is recognised as a major imperative of SD and collaboration for conservation is one of the means to do so. One response to such a challenge is the establishment of PAs and the implementation of co-management regimes. The idea of stakeholders and their engagement in the environmental decision-making process is grounded in the United Nations Conference on Environment and Development (UNCED) with the identification of nine key stakeholder groups. With this in development, co-management has become in recent years the key issue of environmentally sustainable and culturally suitable development intervention in NRM. Several explanations have helped to determine the adequacies of the development of co-management in NRM with a view to addressing both conservation and development goals, such as livelihood. The salient features and experiences that are believed to influence the introduction of co-management globally also have relevance in the context of Bangladesh, particularly in the forest PAs. Some of the salient issues are as follows:

- Widespread conflict and mistrust in the conservation and development field: Widely practiced top-down management and development approaches in PA governance often entail an enormous social and ecological price on the forest dependent community. There are growing instances of isolation in the name of conservation programmes governed by the state. Such consequences have brought adverse effects on the food security and livelihood of the people living in and around the PA as their rights and access to resources are widely ignored in the name of conservation. The Indigenous and local communities are the most affected ones under such management interventions. A co-management process often provides a consensual remedy or answers to these problems.

- Increased complexity and uncertainty of ecosystem and natural resource management: Development and implementation of the policy for NRM always takes

39 Nursery-Bray and Rist, above n 37, 118.
42 See generally Borrini-Feyerabend, et al, above n 38, Introduction XXXI.
place without being able to predict the effects of different courses of action. Failure in accepting and embracing these uncertainties and limitations often questioned the role of conservation agency, thus creating confronting situations among state agencies and other stakeholders. In facing these challenges, co-management processes and flexible institutional settings are increasingly sought to ensure participatory decision-making processes and partnerships.

- Changing paradigm of globalisation and decentralisation: Growing trends of globalisation related to land, forest, water and public services have resulted in undermining of local resources and its knowledge base, inherited by the Indigenous and local communities. Local resource users are increasingly being trapped by global governance system where trans-national companies and bodies (i.e. WTO) are taking control of the economy. National interests and efforts are, in many instances, challenged by this global force. Co-management in this regard attempts to provide a win-win situation by setting up contracts, agreements and partnership with local actors.

- Emerging interest in good governance principle and processes: Good governance principles in NRM are getting increasing attention both nationally and internationally. Governance in general embraces elements like legitimacy and voice, accountability, leadership, all which have a direct relationship to human rights and international policy derivatives such as the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights. Co-management promotes decentralisation and devolution of power to bring grass root and poor communities into the decision-making process.

Co-management basically involves management by two or more actors and is increasingly being recognised and adopted due to its robustness in stakeholder engagement.\(^{43}\) Co-management agreements between park authorities and people, and both formal and informal consultation with communities dependent on PAs are now centre stage of various conservation initiatives.\(^{44}\) This concept is advocated for its role

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\(^{43}\) Ashish Kothari, ‘Collaboratively Managed Protected Areas’ in M Lockwood, G L Worboys and Ashish Kothari (eds), Managing Protected Areas: A Global Guide (Earthscan Publishing, 2006) 528, 528.

in reducing the social impacts whilst helping to achieve the conservation objectives of PAs. The IUCN governance type and management categories are increasingly concerned about the inclusion of legal frameworks recognising Indigenous and community participation in the decision-making process of PA management. Co-management in this regard is getting momentum not only because of its power sharing mechanism between state and forest resource users but also as an institutional platform for governance. It provides valid experience in legal and institutional arrangements for long term engagement and recognition of rights to resources. Furthermore, this approach is believed to support organisational development and the decision-making process. In addition, the perceived shortcomings of the community-based forest management (Ch.3 B 1) also bring into the limelight the introduction of co-management.

Numerous concepts and definitions have been developed and are constantly evolving in regard to co-management, varying in the context of literature as well as in practice. Co-management generally embraces the participation and roles of both ‘state and local level’ management interventions whereby it asserts priority over other participatory forms of NRM. It helps to minimise the mistrust and conflicts between resource users and a state authority. A widely accepted definition of co-management that is cutting across the features of many of the participatory forms of NRM arrangements is ‘a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of the management functions.

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45 Marcus B Lane, ‘Affirming New Directions in Planning Theory: Co-management of Protected Areas’ (2001) 14 Society and Natural Resources 657, 666.
50 State level management is a centralised authority based on scientific data and enforced by authority of government laws and regulation. On the other hand local level management is a self-regulatory, decentralised system of management which tends to be consensus based and enforced by social pressure. See, eg, Berkes, et al, above n 41, 12.
51 Berkes, et al, above n 41, 12.
entitlements and responsibilities for a given territory, area or set of natural resources’.

In recent literature, co-management has been redefined by putting emphasis on the terminology ‘de jure’ and ‘de facto’ whereby power sharing and community participation take place in a collaborative decision-making process instead of stated management objectives by the authority. Co-management is now widely used to define a situation where local communities or key stakeholders are engaged in partnership, though not necessarily sharing power with state. The basic notion behind co-management is that increased participation will enhance the efficiency and equity that will help to attain sustainability through effective governance. With respect to PAs in particular, the concept and definitions of co-management attempt to define it inclusively as the sharing of management responsibilities and rights between state authority and local community.

The definition that reflects the thematic title of the present study whereby it indicates the notion of the community participation as a perquisite for governance is best described by Kothari et al as the management of a protected area and its surrounds with the objective of conserving a natural ecosystem and its wildlife, as well as of ensuring the livelihood security of local PA dependent communities, through legal and institutional mechanisms which ensure an equal partnership between the communities and state agencies.

54 The distinction between de jure and de facto corresponds to the distinction between what is prescribed by norms and laws and what actually happens in real life context.
57 Ibid 231.
58 Ashish Kothari, Neena Singh and Suri Saloni (eds), People and Protected Areas: Towards Participatory Conservation in India (Sage Publications, 1996) 26&27.
B Salient Features of Co-management – A Précis

With the growing recognition of co-management as a governance approach for the management of PAs, the practitioners, researchers and the local communities have so far demonstrated the following attributes regarding co-management:59

- Co-management is generally based upon a negotiated, joint decision-making approach with some degree of power and benefits sharing mechanism among various legitimate actors.

- Co-management takes advantage of multiplicity and diversity whereby various social actors are associated and act together for collaboration instead of competition.

- Co-management is not only a multi-stake approaches but also multi-tier and multidisciplinary in nature. It attempts to include interests and concerns of all stakes willing to participate in the process.

- Co-management strives to assure active engagement of the relevant actors in the decision-making process as per their social entitlements.

- Co-management embraces the principles of bridging management rights and responsibilities to create a synergy within the process. Such linking helps to prevent or minimise the chances of conflict over resources and decisions.

- Effective co-management largely depends on the extent and nature of the community views and perception whereby they comprehend the consequences of their decisions and are ready to accept its outcomes accordingly.

- Co-management can take a large variety of forms and shapes and needs to be tailored as per the scopes and needs of the individual community’s context. Stakeholder participation should only be done through appraising the local history, culture and socio-economic context.

59 Grazia Borrini-Feyerabend, et al, above n 38, 103.
Finally, it is meaningful to realise that, co-management is a process that requires constant review and improvement according to the reality in the field instead of applying set rules and regulations. In this regard, making an enabling partnership to serve the varying needs in a flexible and effective way is crucial. Generally three phases can be broadly identifies in the co-management process as shown in the Figure-1. Moreover, it is necessary to recognise fundamental outcomes of the process, in which the management partnership is capable of addressing the varying needs in an effective and flexible way.  

Figure 1.Schematic View of the Different Phases of the Co-management Process

![Co-management Process Diagram]

C Pluralism in Environmental Governance –The Co-management Approach

Pluralism in environmental governance has recently emerged as a preferred option by the practitioners for its multiple-faceted nature. One of the comprehensive definitions of pluralism that entraps NRM is ‘a situation in which autonomous and independent (or inter-dependent) groups freely interact and collaborate on natural resource management issues on the basis of different views, interests and entitlements’.

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60 Jesse C Ribot, ‘Building Local Democracy Through Natural Resource Interventions–An Environmentalist Responsibility’ (Policy Brief, World Resources Institute, 2008) 4; See also Borrini-Feyerabend, et al, above n 38, 105.
Chapter 4

Pluralistic approaches generally focus on recognising, acknowledging and embracing multiple stakeholders and their interests, concerns and values that exist in a society.\textsuperscript{62} Such multiplicity of views and voices are crucial in any negotiation process in order to ensure equity and voice, which in the long run helps towards achieving the goal of SD.\textsuperscript{63} Co-management is well expressed as a pluralistic approach in which management decisions are made in a consensus among various stakeholders or social actors.\textsuperscript{64} This can substantially reduce the harmful social and cultural consequences that develop due to varied and conflicting interests.\textsuperscript{65} The level of co-management can be compared with the ladder of citizen participation where each stage corresponds to varying degrees of participation in the decision-making process.\textsuperscript{66} Co-management or collaborative management approaches were initiated and practiced in developed countries like Australia and Canada have been subsequently extended to other nations. The history of co-management of natural resources in South Asia has been long, but the systematic approach to the management of PAs is quite recent. Such pluralistic approaches to the governance of PAs in a developing nation's context such as Bangladesh’s requires careful and critical consideration as this approach is not well examined and embedded in our national, state or local systems, although it exists informally in various forms.

D Application of the IUCN Guidelines for Protected Area Management Categories for Co-management

The IUCN PA management categories classify PAs according to their management objectives and are increasingly being adopted as a global standard for defining and managing PAs due to their wider recognition by international institutions and governments. Based on this reliability and significance, many countries have incorporated these guidelines into their national legislation to govern their PAs.\textsuperscript{67} Even the CBD includes a single international classification system for PAs through which a common platform can be established for sharing national, regional and international experiences. Considering the importance of PAs in biodiversity

\textsuperscript{62} Jim Ife and Frank Tesoriero, Community Development (Pearson Education, 3\textsuperscript{rd} ed, 2006) 66.
\textsuperscript{63} Borrini-Feyerabend, et al, above n 53, 6.
\textsuperscript{64} Borrini-Feyrabend, et al, above n 38, 69.
\textsuperscript{65} Lane, above n 45, 664.
\textsuperscript{67} Dudley, above n 1, 1.
conservation, the CBD adopted a PoW on PAs based on the outcomes of the fifth WPC.  

The basic notion behind the development of the PA management guidelines is to create ‘common but differentiated understanding and responsibilities’ on PAs, both within and between countries. The IUCN PA management guidelines play a very decisive role in deciding the roles and responsibilities, although significant challenges remain with its proper application within an individual country’s context. There also exists some different opinions where researchers and policy makers are urged to limit the class to I—IV by merging V and VI into a group called Sustainable Development Area (SDA), which will serve social needs like poverty reduction in addition to conservation. The principal discussion issue in line with one of the research question of the present study is about achieving SD goals like poverty alleviation, sustainable use and conservation of natural resources. Availability of sustainable development areas (SDAs) can play a significant role by provisioning options like buffer zones.

Participation of local community is seen as a fundamental requirement of sustainable PA management. The legal and policy frameworks developed for the management of PAs are deemed as a strong catalyst to strengthen the management system and to expand the area coverage of the world’s PAs. It is also addressing the gaps of national PA systems that are bridging PA networks in a broader context through increased community participation. Such participation of local stakeholders in the decision-making process may be useful to achieve long term conservation goals that can also ensure sustainability and a strong bondage between people and nature.

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68 Ibid 2.
69 Ibid.
70 Locke and Dearden, above n 6, 8.
71 Locke and Dearden, above n 6, 1; See also Shawn J Leroux, et al, ‘Global Protected Areas and IUCN Designation: Do the Categories Match the Conditions’ (2010) 143 Biological Conservation 609, 615.
73 Ibid 501.
Chapter 4

**V INTERNATIONAL POLICY FRAMEWORKS, GUIDELINES AND TRENDS OF PROTECTED AREA MANAGEMENT**

It is important to understand and examine the contemporary developments in legal and policy frameworks in relation to PA management and governance. International legal and policy frameworks are constantly shaping the nature and extent of PAs. A good number of regional and international conventions, treaties and processes are supplementing or complementing the issues of biodiversity conservation. As co-management in PAs embraces both the conservation and the development through a shared responsibility and benefit-sharing agreement, it is crucial to investigate their adequacy before applying the concept on a large scale.

The WCPA of the IUCN is playing a leading role in regards to PAs and their related aspects. With the development of the IUCN PA management guidelines, an effort has been made to bring all PAs of the world under effective management systems in order to better reflect the goals and targets of international policy instruments like Agenda 21, MDGs and the CBD as well as the knowledge, best practices and experiences developed through many years of PA management around the world.

The WPC organised by the WCPA is another milestone in the development of the global PA movement. With its first congress in 1962, the WPC started playing a leading role in convening the constituencies of the PAs. The overall outcomes of the five WPCs is summarised (Table 4) to present the chronological development of PA management guidelines and categories.74

**Table 4. World Park Congresses and the Subsequent Development of PA Management**

- **First World Conference on National Parks, 1962, USA**—A formal movement for protected area started worldwide through this congress. Call for a UN list of PAs and recommend a category of system.

- **Second World Conference on National Parks, 1972, USA**—The thematic slogan

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92
Chapter 4

for the conference was ‘National Parks – A heritage for a better world’. This conference created the groundwork for World Heritage Convention and also produced the initial version of the PA management categories.

- **Third World Congress on National Parks, 1982**, Indonesia– With the theme ‘Parks for Development’, the conference promoted the idea of co-management by delivering a case study showing the relationship between a protected area and the local community.

- **Fourth World Congress on National Parks and Protected Areas, 1992**, Venezuela– ‘Parks For Life’ as a theme in focus, the congress promoted regional action plans for the first time. It also published the revised PA management categories.

- **Fifth World Park Congress, 2003**, South Africa– The congress produced the Durban Accord and Action Plan and the message to the CBD, whereby it led to the formation of PoW on PAs - the major initiatives to deal with PA management in a broader spectrum. It also reiterated the importance of management effectiveness and increased Indigenous and local community involvement. The theme of the congress was ‘Benefits beyond Boundaries’.

The Durban Accord determined a number (15) of targets to be achieved by 2014, ahead of the sixth WPC, where greater coherence has been sought for PAs through the CBD. The CBD through its PoW on PAs provides major support to the WCPA to strengthen its leadership in regards to PA management. 75 By using the platform (representing 188 countries as signatories) of the CBD, the WCPA can be proactive in exchanging and sharing experiences of diverse professionals for the effective management of PAs by ensuring socio-cultural diversity of Indigenous and local communities. 76 The CBD requires special focus and attention by addressing the issues of PAs management through ‘ex-situ’ 77 and ‘in-situ’ 78 conservation approaches

75 WCPA Strategic Plan 2005-2012, above n 13, 21.
77 It is the process of conservation where an endangered plant and or animal species are protected outside of their natural habitat.
78 It is the process of conservation where an endangered plant and or animal species are protected within their natural habitat.
delineated in Article 8 of the convention. The CBD has also delivered a mandate to the IUCN-World Conservation Monitoring Centre (WCMC) to produce extensive databases through World Database on Protected Areas (WDPA) which is the most comprehensive global database on PAs.\textsuperscript{79} The Durban Accord considered the adequacy of the legal framework to ensure community participation in governance. It also prioritised the active community engagement as a main determinant of effective PA governance systems.\textsuperscript{80} The Accord also reiterated the significance for increased recognition of cultural and spiritual values in PA management and thus regarded as a benchmark for PA governance.\textsuperscript{81} All PAs need to be managed as per the IUCN PA management guidelines as it is widely accepted as a common platform for the PA management provided that rights and access to resources, information and decision-making processes are ensured as per individual country and location context that has also been mentioned in the CBD Article 3 and 8(j).

VI RIGHTS AND SELF DETERMINATION OF THE INDIGENOUS AND LOCAL PEOPLE-BRIEF SUMMARY ON THE ILO CONVENTION 169 AND THE CBD ARTICLE 8(J)

Community participation in the governance of PAs management is an emerging issue that is increasingly reflected in various legal and policy frameworks in the midst of growing instances of forced evacuation and isolation of Indigenous and local communities in the name of conservation and management of PAs. Such displacement and isolation have ended up in further loss of biodiversity and forest resources, making the life and livelihood of the local community more fragile. Under this surge, rights-based approaches are getting significant attention and recognition in NRM like PA management.\textsuperscript{82} The international community is also giving more importance to shared governance of PA management such as co-management.\textsuperscript{83} Issues of the rights and access of Indigenous and local communities in NRM are more evident than ever. The basic idea behind this is that the recognition of rights and access helps to achieve sustainable conservation goals by ensuring good governance, which is based on the principles of legitimacy and voice for effective and enhanced participation and

\textsuperscript{79} Brooks, above n 20, 1082.
\textsuperscript{80} WCPA Strategic Plan 2005-2012, above n 13, 4.
\textsuperscript{81} Ibid 14.
\textsuperscript{82} Ife and Tesoriero, above n 62, 61.
\textsuperscript{83} Dudley, above n 1, 26.
Chapter 4

consensus based decisions, transparency, accountability and better performance. The ILO Convention 169 and the CBD Article 8(j) are imperative in this regard, since they recognise the importance of valuing the ethics and knowledge of Indigenous and local communities in PA management.

The ILO Convention 169 is the second international human rights instrument dealing specifically the human rights of Indigenous and tribal people after the ILO Convention 157. Consultation and participation forms an integral part of the convention on which all its provisions are based upon. It entails that Indigenous and tribal people need to be consulted on issues affecting them. According to the Convention it is stated as ‘the principles of consultation and participation in Convention No. 169 relate not only to specific development projects, but also to broader questions of governance and the participation of indigenous and tribal peoples in public life’.

Articles 6 and 7 of the Convention recognise the rights-based approaches of the Indigenous and tribal people as a means of achieving broad development goals. Article 6 of the Convention is concerned mainly with the guidelines for consultation that will enable Indigenous and local people to participate freely in formulation, participation and evaluation of programmes that affects them while Article 7 signifies the inherent rights of Indigenous and local people to decide their own priorities for the process of development to exercise control over their economic, social and cultural resources. Although the number of countries that ratified the convention is not significant, it has managed to influence many legal and policy documents at international, regional and in each individual country’s context. The development of co-management as an approach of shared governance can be traced within the notion of the convention that focuses on consultation and participation as a central idea.

The CBD also recognises the importance of rights and access of Indigenous and local communities in any biodiversity conservation initiatives as reflected in Article 8(j) as:

85 Nepal, above n 44, 760.
86 Adopted in 1989 and entered into force as a legally binding instrument in the year 1991. So far 20 nations have ratified the convention.
Chapter 4

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.  

Bangladesh has already ratified the ‘Biodiversity Convention of 1994’, and has taken various efforts to implement its goals through various conservation efforts. As part of the implementation process for assessing the status of biodiversity, Bangladesh produced a number of documents including National Conservation Strategy (NCS) and National Biodiversity Strategy and Action Plan (NBSAP), the salient features of which are described in chapter 6. Co-management as a process of sharing power and responsibility among relevant key stakeholders is one such effort to address biodiversity through empowering Indigenous, tribal and local communities for achieving the goals of SD through PA management. The CBD has a lot to do in this regard as it made the provision of adopting social and economic incentives for biodiversity conservation.

VII CONCLUDING COMMENTS

The IUCN PA Management Guidelines are playing a significant role as they are increasingly valued and accepted by many international institutions and individual countries. These guidelines are now being turned into a global platform and endorsed by international bodies apart from national governments. Careful consideration of the guidelines can help in selecting appropriate governance mechanisms for the PA management of Bangladesh. Rights-based approaches like co-management in this regard, recognise the role of Indigenous, tribal and local communities in decision-making and implementation processes, endorsed by legally bound policy instruments like the ILO Convention 169 and Article 8(j) of the CBD. Based on the ideas and

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88 Convention on Biological Diversity signed on 5.6.92 and ratified on 15. 4. 94 <http://www.doe-bd.org/agreement.html>, last accessed 12 November 2011.
90 Bangladesh Capacity Development Action Plan for Sustainable Environmental Governance, above n 76, 60.
Chapter 4

frameworks of these global instruments and the salient features of co-management as governance approach, the following chapter examines the best practices and experiences of North-South nations on collaborative PA management by taking into account the existing legal and policy frameworks for community participation in PA management of Australia and Nepal.
CHAPTER 5
COLLABORATIVE PROTECTED AREAMANAGEMENT IN THE
NORTH AND SOUTH NATIONS – EXPERIENCES FROM AUSTRALIA
AND NEPAL

I INTRODUCTION

Management experience that involves communities in the process and evolving
democratic approaches, particularly rights-based approaches, support participatory
governance in the management of protected areas (PAs) and in achieving the goals of
sustainable development (SD) through ensuring biodiversity conservation and
community development in a consistent way.¹ There is a common understanding and
instances that governance of PAs both in North and South nations are not adequately
recognised and supported through appropriate methods.² Co-management, in this
regard, has shown better acceptance over other forms of participatory natural resource
management (NRM) since it enables policy frameworks that support community
rights as an incentive for better management as well as for promoting governance.³
This chapter reviews the extent of the management of PAs in Australia and Nepal,
representing North and South nations respectively, with a view to addressing the
research question—‘What legal and policy frameworks and approaches are in practice
for the governance of PAs in developed and developing country contexts, particularly
Australia and Nepal, and how appropriate are they for forest PA management in
Bangladesh.’ Existing legal frameworks and the status of the community participation
in the governance of PAs of the two countries are examined. Their experiences may
have relevance in developing and planning sustainable PA management in Bangladesh.

II PARTICIPATORY MANAGEMENT IN THE PROTECTED AREAS – THE CO-MANAGEMENT
APPROACH

Partnership is recognised as a major determinant of PA management, both by
international and national organisations and they have developed various legal and

¹ Carol J Pierce, et al, ‘Understanding Patterns of Resource Use and Consumption: A Prelude to Co-
² Violeta Orlovic-Lovren, ‘The Role of Education in Protected Area Sustainable Governance’ (2011)
22(1) Management of Environmental Quality 48, 49.
policy frameworks accordingly.\textsuperscript{4} Co-management provides strategies related to community rights to work together for common goals and to ensure varying levels of community participation in achieving SD goals.\textsuperscript{5} Power sharing through an agreed mechanism is the essential component of co-management that can be applied in the governance of PA management. Furthermore, increased stakeholder participation helps to enhance the efficiency, transparency and equity of the resource management and social system.\textsuperscript{6} New institutional arrangements and local partnerships between various stakeholders can be effective in achieving strategic management objectives and improving the social system.\textsuperscript{7} Decentralisation, devolution of power and democratisation of the process through active engagement of the community can help in this regard.\textsuperscript{8} Australia, being a nation of the North, has commendably demonstrated and pioneered the co-management of terrestrial PAs and the management of Indigenous protected areas (hereafter referred to as IPAs).\textsuperscript{9} On the other hand, Nepal as a nation of the South has adopted and implemented the participatory forms of governance in the name of co-management of their PAs that has not only received global recognition but also the trust and support of the local communities. These achievements and growing acceptance require a review of existing legal and policy frameworks in relation to community participation and governance in identifying best practices that can be applicable in the governance of the PA management in Bangladesh.

\textsuperscript{9} Tony Corbett, Marcus Lane and Chris Clifford, ‘Achieving Indigenous Involvement in Management of Protected Areas: Lessons from Recent Australian Experience’ (Research Paper No. 5, Centre for Australian Public Sector Management, Griffith University, 2008) 2.
PA management in Australia is essentially a social process since environmental issues are the consequences of the various man-made factors like the destruction of forest and the degradation of biodiversity.  

The major advantage in regards to environmental management is the consolidation and reformation of the legal and policy frameworks to support the management process. PAs in Australia reflect the historical, social, legal and political contexts of the country, and have also received considerable guidance from the international organisations through the legal and policy guidelines to administer the management of PAs. However, until recent decades, PAs in Australia were seen as a further instrument of isolation and marginalisation of the local and the Indigenous people from their land in the name of biodiversity conservation. Indigenous people were heavily displaced from their own territory in the name of development and settlement. Since 1975, the growing recognition of the aboriginal cultural and economic integrity with respect to flora, fauna, and the landscape has made possible of the inclusion of the Indigenous people in the management of PAs. The Aboriginal Land Rights (Northern Territory) Act 1976 is one of the major impetuses to claim rights and recognition of the Indigenous community over their land and resources. The development and refinement of the governance and policy frameworks and increased rights, access and control by the Indigenous community over land and resources have made Australia an international pioneer in introducing co-management of terrestrial PAs and the declaration and management of IPAs. Co-management approaches have created opportunities for the

10 Graeme Worboys, Michael Lockwood and Terry De Lacy, Protected Area Management-Principles and Practice (Oxford University Press, 2001) 27.
12 Worboys, et al, above n 10, 27.
Indigenous and local community to participate in environmental decision-making process, particularly in PAs of various forms such as terrestrial, marine and Indigenous protected areas. The Environmental Protection and Biodiversity Conservation (EPBC) Act 1999 is a key federal legislation that creates provision for community participation, especially for the Indigenous people in conserving biodiversity and achieving SD goals through promoting the co-management concept in the name of joint management. The Act consolidates earlier provisions in the Australian national parks legislation. Joint management is the approach through which aboriginal land owners and parks authorities work together to protect and enhance the mutual interest and values. Joint management is the form of shared governance that originated in Australia for managing terrestrial PAs. There are other forms of co-management in Australia too. The PAs of Australia can be broadly classified into three major groups: terrestrial protected areas i.e. national parks; Indigenous protected areas (IPAs) and marine protected areas (MPAs). The salient features of each category are as follows:

A Terrestrial Protected Areas

PAs and the other conservation areas of Australia play a significant role in promoting biodiversity conservation and improving its cultural and ecological integrity. Co-management of PAs in the name of joint management began in late 1970s, while IPAs commenced in 1997. It is one of the most significant and sustainable patterns of cross-cultural resource management systems through PAs. PAs in Australia are declared and managed under different operational levels from federal (Commonwealth) to state and territory control.

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18 Ibid 249.
20 Craig, above n 11, 238.
22 Ross, et al, above n 17, 243.
23 See Bauman and Smyth, above n 15, 10.
25 Craig, above n 11, 240.
Chapter 5

State, territory and Commonwealth governments have so far demonstrated positive commitments to expanding the coverage of PA systems.27 Currently there are about 9,340 terrestrial PAs representing the different types and levels and covering 13 per cent of the total land area of Australia.28 Among the terrestrial PAs, six are under the management of the federal government and the rest belong to the jurisdiction of the state and territory government PA management authorities. The whole system of PA networks are supervised under the umbrella of National Reserve System (hereafter referred to as NRS) aimed at conserving the native biodiversity of Australia through establishing a comprehensive and representative PA system.29 A systematic planning criterion has so far been applied to facilitate the expansion of the terrestrial PAs that can help to reduce the trend of declination and extinction of floral and faunal species.30 According to the IUCN Protected Area Management Categories, three of the federal national parks belong to category II and the rest belongs to category IV. The salient features of the six federal governed PAs can be summarised as follows (Table 5):31

Table 5. Federal Governed Protected Areas and their Basic Features

<table>
<thead>
<tr>
<th>Name of the national park</th>
<th>Basic features of the park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Booderee National Park</td>
<td>Owned by the Wreck Bay Aboriginal Community. Well-known for faunal diversity. Joint management approach is in practice.</td>
</tr>
<tr>
<td>Christmas Island National Park</td>
<td>Situated in the hub of the Indian Ocean. Globally renowned as a seabird island.</td>
</tr>
<tr>
<td>Kakadu National Park</td>
<td>Located in the Northern Territory with a total area</td>
</tr>
</tbody>
</table>

27 Worboys, et al, above n 10, 76.
of 20,000 km$^2$. Listed as a World Heritage Site in 1992 both for its cultural and natural significance. Managed jointly by the Aboriginal traditional owner and the Director of National Parks.

| Uluru-Kata Tjuta National Park | Located in the Northern Territory. Declared as a World Heritage Site in 1987 and as a Biosphere Reserve. Jointly managed by Anangu traditional owners and ‘Parks Australia’. The land is owned by the Traditional Anangu owners (since 1985) and was leased back to government for 99 years. |
| Norfolk Island National Park | Established in 1984. Located in the south-west Pacific Ocean. |
| Pulu Keeling National Park | Smallest national park of Australia located in Indian Ocean. A Ramsar site famous for coral reefs. |

## B Indigenous Protected Areas and their Management

National parks and IPAs are significant for promoting Indigenous land rights and access to resource and benefit sharing agreements. About 16 per cent of the Australian land is owned by Indigenous people although they are very unevenly distributed around the continent.\(^3^2\) Co-management in the name of joint management offers a range of benefits to the Indigenous people.\(^3^3\) The history of the management of Australian land by Indigenous communities is a rich and age-old practice. Based on this heritage and knowledge, the IPAs are owned and managed by Indigenous people under a joint management agreement between the Australian Government and traditional owner to promote the conservation of biological resources. Varying levels of government support is made available to these IPAs. The aim is to assist Indigenous owners with additional resources and management support to enhance conservation and SD outcomes on land owned and occupied by the Indigenous custodians.\(^3^4\) IPAs are now making a significant contribution to the Australian

\(^3^2\) Pollack, above n 29, 8.
\(^3^3\) Corbett, et al, above n 9, 3.
\(^3^4\) Bauman and Smyth, above n 15, 5.
biodiversity conservation through representing 23 per cent of the Australian Reserve System. The first Indigenous Protected Area (IPA) of Australia, Nantawarrina, was declared in 1998 by the Indigenous community in the Flinders Ranges of South Australia by the South Australian state government. Currently, there are about 40 declared IPAs covering an area of 23 million hectares. The largest IPA in Australia, Ngaanyatjarra, is situated in Western Australia and covers an area of 9.8 million hectares, while the smallest one is in Tasmania, Patalina, covering an area of only 32 hectares.

Management of the Indigenous Protected Areas (IPAs)

The native title system is the fundamental principle for negotiating the Indigenous issues related to NRM in general and PAs in particular, where land rights are the key determinants of negotiation. The major strength of the Australian IPA system is that the inclusion of native lands for NRS is voluntary and the aboriginal community can determine the extent of state intervention in the management process of the IPAs. Co-management is the key to the Australian national approach in dealing with biodiversity conservation. Co-management exists in a variety of forms in Australia that usually involves formal arrangement between diverse agencies and stakeholders. Joint management agreements over PAs are the longest-established type of Australian participatory conservation regime. The federal government initiative called ‘Caring for our Country’ has supported IPAs to develop a co-management agreement with state or territory conservation agencies. Recognition of Indigenous native title, especially through the Indigenous Land Use Agreement (ILUA), has created opportunities for Indigenous people to negotiate in joint

36 Muller, above n 13, 29.
38 Worboys, et al, above n 10, 326.
41 Craig, above n 11, 209; See also Bauman and Smyth, above n 15, 5.
42 Craig, above n 11, 237.
43 Adams, et al, above n 26, 34.
management or other forms of participation in governing the PAs. The ILUAs were introduced as a result of amendments to the Native Title Act in 1998. The joint management regime aims at developing the decision-making process and governance structure, employment opportunities for Indigenous communities and other management issues that need special attention. The Indigenous communities seek support from government to determine the feasibility of declaring their land as an IPA. Accordingly, they apply to the respective government authority to support consultation with their community and other key stakeholders regarding various features of the IPA declaration. A management plan is developed prior to the declaration of an IPA that usually includes:

- Determining appropriate state or territory conservation agencies to be involved
- Identifying ecological, economical and cultural values of the proposed IPA through expert consultation
- Cross visits to other IPAs in order to physically experience their management approach and to share views with the owners and authority of the respective IPA.

The management plan identifies proposed interventions to manage the land and its cultural values and the governance structure in regards to the IUCN PA Management Categories that recognised management strategy and the aspiration of the Indigenous owner. After an IPA has been declared, they undergo constant monitoring and evaluation, both by internal and external agencies, to facilitate better performance in accordance with their goals and objectives. The Aboriginal Land Rights Act 1983 is also one of the major determinants of an IPA under which there are local, regional and state level Aboriginal Land Councils helping the Indigenous community to clasp free hold titles to former Aboriginal Trust lands. A growing number of specialised local

44 Bauman and Smyth, above n 15, 9.
48 Hanna Jaireth and Donna Craig, ‘Governance Structures for Indigenous Australian’s on and off Native Title Lands’ (Discussion Paper, 9, 1999) 10.
and regional land management agencies also look after the issues of conservation and land management including the IPAs.\(^\text{49}\)

Another form of PAs is Marine Protected Areas (MPAs) and is declared in coastal and marine areas around the globe, playing an important role in managing coastal resources.\(^\text{50}\) They vary from terrestrial PAs in terms of space and time scales of physical processes.\(^\text{51}\) There are about 200 MPAs in Australia which constitute about 10 per cent of the ‘Exclusive Economic Zone’ of Australia with an area of 88 million hectares. The National Reserve System and the National Representative System of Marine Protected Areas are the two main policy instruments governing the operational aspects of the MPAs. All MPAs are governed under the auspicious of the Environmental Protection and Biodiversity Conservation Act1999.\(^\text{52}\)

In addition to terrestrial, marine and Indigenous PAs, there is a particular type of reserve known as a ‘biosphere reserve’,\(^\text{53}\) which also plays a significant role in enhancing the process of sustainable conservation and development through diverse land uses and related activities while keeping the core area fully protected.\(^\text{54}\) Currently, there are 15 biosphere reserves in Australia representing 1.35 per cent of the land area of the country.\(^\text{55}\) The legal and policy frameworks that have developed to administer the various types of PAs of Australia are discussed in the following section.

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\(^{49}\) Ibid 11.


\(^{53}\) A unique concept that includes one or more protected areas and surrounding lands that are managed to combine both conservation and sustainable use of natural resources. See for more details at http://www.environment.gov.au/parks/biosphere/, accessed on 30\(^{th}\) April, 2012.


\(^{55}\) Ibid 89.
C Legal Frameworks for the Management of Protected Areas in Australia

The legal and policy frameworks supporting the management of PAs have evolved in the name of joint management. This concept has influenced PA management against the backdrop of growing international and national evolving trends with respect to decentralisation and devolution of power to share governance responsibility and recognition of Indigenous rights and the control over their land and natural resources.\(^56\) Devolution of power through decentralisation and strengthening of local institutions are getting extra attention in Australia, as in other countries of the world, for their better performance and untapped potentials.\(^57\) The EPBC Act 1999 is the major Commonwealth legislation for establishing and managing the PAs of Australia.\(^58\) It recognised the contributions of Indigenous Australian in attaining the goals of SD and conserving biological and cultural diversity.\(^59\) Various models of co-management in the name of joint management evolved through changing legal and political realities and community expectation.\(^60\) The Director of National Parks – an autonomous body is the outcome of the EPBC Act aimed at managing Commonwealth reserves. The Director is assisted by Parks Australia – a subsidiary of the Department of Sustainability, Environment, Water, Population and Communities. Various key policy documents are developed by the directorate to inform, direct and manage the conservation efforts which includes *Strategy for Australia’s National Reserve System 2009-2030; National Strategy for Ecologically Sustainable Development, 1992* and *National Strategy for the Conservation of Australia’s Biological Diversity, 1996.*

It is intended that all state governments and territory organisations should work together as part of the national conservation partnership.\(^61\) Public-private partnerships are widely valued in this respect.\(^62\) The NRS is the PA network system conserving natural landscape, native flora and fauna as part of the effort in achieving mission and objectives of SD goals. The NRS is also important in the evaluation of management effectiveness of the Australian PAs in line with the CBD Programme of Works (PoW)

\(^{56}\) Ross, et al, above n 17, 242.


\(^{58}\) Craig, above n 11, 238.

\(^{59}\) Ibid.

\(^{60}\) Ibid 240.

\(^{61}\) Adams, et al, above n 26, 34.

\(^{62}\) Thackway and Olsson, above n 7, 95.
on PAs. The NRS consists of designated federal, state and territory reserves, Indigenous lands and PAs run by non-profit organisations and the ecosystems protected by farmers on their own property. The NRS is governed by the Ministerial Council, which consists of ministers from both state and territory governments.

With a view to ensuring long term protection and sustainable management of the biodiversity, Strategy for Australia’s National Reserve System, 2009-30 was formulated by a task force convened under the National Resource Policies and Programme Committee. The main objective of the task force is to guide the functional aspects of the NRS during the planning period. Furthermore, the task force also provides guidance to the federal NRS component ‘Caring for our Country’. Even the biosphere reserves are managed by the same agencies responsible for PAs at federal, state or territory level. Each reserve develops their own management plan which has to be consistent with the ‘Australian Biosphere Reserve Management Principles’ set out in EPBC regulations. However, better outcomes from the biosphere reserves of Australia is lagging behind the expected outcome of community development through addressing the livelihood aspect since it is operating only in core areas, ignoring the importance of a cooperation zone. The importance of this ‘cooperation zone’ is that it is dedicated to promote and practice SD through active community participation and tends to be given low priority due to a growing demand for an integrated governance approach.

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65 The body or council constitutes of the environment and agriculture minister of Federal, State and Territory governments.


68 Also known as buffer zone where economic activities are generally carried out by the community people with consultation and approval by the park authority.

69 Matysek, et al, above n 54, 98.
Chapter 5

D Community Participation and Governance in the Protected Areas

The positive role of participation in any NRM like PAs is to build and improve relationship between communities and the respective management agencies. Increasing importance is given to involve multiple stakeholders in the planning and management of natural resources like forests. Co-management in this regard offers a range of benefits both to community and park people that ultimately help in achieving conservation and development goals in partnership. It is one of the effective means of mobilising diverse resources essential to conservation. Integrated approaches to governance embracing community engagement should include roles and functions of buffer zones and livelihoods to ensure sustainable PA management. This engagement needs to be undertaken in a way that considers socio-cultural characteristics of the particular community and the context of conservation. Community involvement in any intervention of PA management is crucial in that it has also been experienced in case of biosphere reserve programme of Australia. However, some recent instances of co-management programme in IPAs involving aboriginal communities have paved the path for local participation in decision-making process through institutional arrangements. Such developments can assist the process of empowerment and self-determination of the Indigenous communities if their land rights are established. Co-management of PAs emerged as a response to growing legal recognition of the rights of the Indigenous people over the land and its resources. In situations where aboriginal people are confident to secure land tenure they have demonstrated a positive attitude in engaging and developing effective conservation management strategies. Indigenous people are now driving PA management as managers, which

71 Ibid 298.
72 Corbett, et al, above n 9, 3.
75 Matysek, et al, above n 54, 95.
76 Castro and Nielson, above n 6, 236.
77 Muller, above n 13, 31.
78 Craig, above n 11, 240; See also Corbett, et al, above n 9, 4.
is substantially adding towards further expansion and acceptance of joint management concept. Girringun\textsuperscript{80} is a good example of such an initiative whereby they look after the interests of the traditional owner groups over a section of the Great Barrier Reef World Heritage area.\textsuperscript{81} However, strong legal and policy frameworks supported by good practice and evolving trust are also equally necessary in enhancing the zeal of community participation.\textsuperscript{82}

Community participation in the name of joint management of PAs started in 1981 in Garig Gunak Barlu National Park (formerly Gurig National Park) whereby Aboriginal land owners and respective state conservation agency came to a mutual agreement through an agreed power sharing mechanism.\textsuperscript{83} Various forms of joint management have reflected the changing dynamics of socio-political attributes and community participation.\textsuperscript{84} The Indigenous communities of Australia are now formally engaged in the PA management process through varied partnership arrangements.\textsuperscript{85} The following models manifested the nature of partnership developed through co-management and other distinguishing features:\textsuperscript{86}

The Gurig Model: Ownership lies with the aboriginal community. The management board is also dominated by the Aboriginal partners. Not leased back to government but an annual fee is determined by the traditional owners for the use of their land as a national park i.e. Garig Gunak Barlu National Park (formerly Gurig National Park).

The Uluru Model: Aboriginal ownership with a majority on the board of management. However, land is usually leased back to government agencies on long-term basis (99 years) under a negotiated payment agreement with traditional owners. Recognition of Aboriginal rights to live in; use and joint management are manifested in the lease

\textsuperscript{80} Aboriginal corporation representing the land and sea interest of nine traditional owner groups within the Hinchinbrook section of the GBRWHA; See Melissa Nursery-Bray and Phillip Rist, ‘Co-management and Protected Area Management: Achieving Effective Management of a Contested Site, Lessons from the Great Barrier Reef World Heritage Area (GBRWHA)’ (2009) 33 Marine Policy 118, 120.

\textsuperscript{81} Ibid.

\textsuperscript{82} Craig, above n 11, 201.

\textsuperscript{83} Ibid 240.

\textsuperscript{84} Craig, above n 11, 240; See also Hill, above n 40, 73.

\textsuperscript{85} Muller, above n 13, 33.

\textsuperscript{86} Corbett, et al, above n 9, 6.
document. Uluru-Kata Tjuta, Kakadu, Booderee National Parks are the examples of this model.

The Queensland Model: It is the modified form of the Uluru model. In this model ownership lies with the Aboriginal community but they do not necessarily lead the board of management. These types of PAs are leased back to the government for an indefinite period without any legal provision for financial payments.

The Witjira Model: Land ownership belongs to the government but such national parks are leased back to traditional owners for 99 years who also dominate the board of management. Recognition of Aboriginal rights and interests are the salient features of this model. Witjira National Park is the example of this model.

The above mentioned models are very early examples of engaging and empowering Indigenous communities in PA management through co-management approaches. Such initiatives have received growing recognition as they enhance the capacity of the Indigenous community to participate in environmental decision-making processes apart from developing local institutions like the Joint Management Board. The case of Nantawarrina IPA is a good example of directing Indigenous control in planning and management of the PA that might help in the decolonisation process through transfer of rights. Joint management also helped to avoid relocation and/or displacement of the local community whereby in many instances it has minimised the chances of conflict. The dominance of the traditional owners in the management board also signifies the practice of the democratic process is vital for increasing efficiency and ensuring equity in benefit-sharing agreements through decentralisation. Furthermore, these PAs are also required to be managed in line with the IUCN PA Management Categories that recognise the scopes for Indigenous communities to be integrated in the PA management as per the EPBC Act.

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87 Craig, above n 11, 241; See also Marcus B Lane, ‘Affirming New Directions in Planning Theory: Comanagement of Protected Areas’ (2001) 14 Society and Natural Resources 657, 663.
88 Muller, above n 13, 40.
89 Goodall, above n 79, 392.
91 Kakadu National Park-Management Plan 2007-2014, above n 21, 32; See also Corbett, et al, above n 9, 3.
Chapter 5

However, despite joint management having several advantages, it has got some limitations too that have been stated in a study by Bauman and Smith.\textsuperscript{92} The criticism of the top-down nature of management is due to poor park-people relationship, and, inadequate capacity building mechanisms that also ended up with a frequent turnover of the field-level staff. Besides, the lease-back system of the Indigenous lands is still a continuation of the colonial system. Some studies have also argued that joint management has failed to reflect Indigenous interests adequately in terms of economic or cultural concerns. At earlier stages of PA management regimes, most state and federal governments opposed native title claim and were reluctant to offer land tenural rights to the communities.\textsuperscript{93} Some studies also suggested co-opting Indigenous and local people as active partners in conservation management instead of imposing restrictions on them.\textsuperscript{94} Developing a meaningful two-way dialogue is essential to bringing communities into the active participation process of PA management.\textsuperscript{95} The success of the participatory approach like co-management in Australia can only be apprehended if the entire stakeholder groups manage to construct a shared vision and are ready to accept less than ideal outcomes.\textsuperscript{96} Furthermore, community empowerment, equity and social justice are cited as the crucial indicators to judge the success of co-management.\textsuperscript{97}

IV COMMUNITY FORESTRY AND PA MANAGEMENT IN NEPAL – A BRIEF ACCOUNT

The history of traditional and customary forest management systems in South Asia during ancient and medieval eras has largely been the practice of participatory approaches that addressed the livelihoods of the local communities.\textsuperscript{98} Among the South Asian countries in general, and ‘SAARC (South Asian Association for Regional

\textsuperscript{92} Bauman and Smyth, above n 15, 13.
\textsuperscript{93} Goodall, above n 79, 387.
\textsuperscript{94} Ibid 393.
\textsuperscript{95} Julie Carmody and Bruce Prideaux, ‘Enhancing the Role of Host Communities in the Management of Protected Areas through Effective Two-Way Communications: A Case Study’ (2011) 16(1) Asia Pacific Journal of Tourism 89, 102.
\textsuperscript{96} Buchy and Race, above n 70, 305.
\textsuperscript{97} Muller, above n 13, 33.
Chapter 5

Cooperation)’ 99 countries in particular, Nepal is demonstrating promising achievements through progressive conservation policies that allows active community participation through legitimate institutions. Nepal’s community forestry (CF) is a glowing example of the reflection of that conservation policy. 100 Based on the relative success of the CF, Nepal has developed a new system of managing its PAs through a community-based conservation approach and accordingly devised institutional, legislative and regulatory frameworks needed for the programme’s implementation. 101 Subsequently, they have also realised the importance of active community participation for the sustainable conservation of biological resources in PAs. 102

The PAs of Nepal are recognised as the most effective means of conserving biodiversity ‘in-situ’ and also influence the livelihoods of the local people. 103 PA management and related issues received attention in the 1970s when there was a growing recognition of the inadequacies of the exclusionary approach to forest management. 104 Most of the PAs were established following a strict protectionist approach that exhibited initial success in conservation, but also developed a number of issues such as park-community conflicts and displacements of communities from their land. 105 Re-engaging community people in the management is seen as the

99 South Asian Association for Regional Cooperation established in the year 1985 to enhance the economic, technological, social and cultural development among the member states that includes Afghanistan, Bangladesh, Bhutan, India, Maldives, Pakistan, and Sri Lanka along with some countries with an observer status.
paradigm shift through policy changes and directives on community forestry. The establishment of PAs and the increasing momentum for effective management for protection and conservation is the outcome of this paradigm shift. The Chitwan National Park was the first official attempt to establish a PA in 1973 and the Annapurna Conservation Area was the first conservation area of Nepal that directly involved local community in the management of that PA. Twenty PAs of various categories have so far been established, covering 23.23 per cent of the total land area of Nepal. These PAs also meet the standard of the IUCN PA Management Categories. According to the categories, the PAs of Nepal belong to II, IV and VI. The following table (Table 6.) represents the status and extent of PAs of Nepal:

**Table 6. List of Protected Areas in Nepal: Types, Area and the Year of Establishment**

<table>
<thead>
<tr>
<th>Name of the Park</th>
<th>Total Area(km²)</th>
<th>Year of establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Shey-Phoksundo National Park</td>
<td>3555(*BZ 1349)</td>
<td>1984</td>
</tr>
<tr>
<td>2. Khaptad National Park</td>
<td>225(BZ 216)</td>
<td>1984</td>
</tr>
<tr>
<td>4. Langtang National Park</td>
<td>1710(BZ 442)</td>
<td>1976</td>
</tr>
<tr>
<td>5. Bardia National Park</td>
<td>968(BZ 327)</td>
<td>1988</td>
</tr>
<tr>
<td>6. Rara National Park</td>
<td>106</td>
<td>1976</td>
</tr>
</tbody>
</table>

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### Chapter 5

<table>
<thead>
<tr>
<th>7. Sagarmatha National Park</th>
<th>1148</th>
<th>1976 (declared UNESCO heritage site in 1979)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Makalu Barun National Park</td>
<td>1500(BZ 830)</td>
<td>1992</td>
</tr>
<tr>
<td>9. Shivapuri Nagarjun National Park</td>
<td>159</td>
<td>2002</td>
</tr>
<tr>
<td>10. Banke National Park</td>
<td>550(BZ 343)</td>
<td>2010</td>
</tr>
</tbody>
</table>

**Wildlife Reserves**

<table>
<thead>
<tr>
<th>1. Parsa Wildlife Reserve</th>
<th>499</th>
<th>1984</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Koshi Tappu Wildlife Reserve</td>
<td>175(BZ 173.5)</td>
<td>1976</td>
</tr>
<tr>
<td>3. Shukla Phanta Wildlife Reserve</td>
<td>305</td>
<td>1975</td>
</tr>
</tbody>
</table>

**Hunting Reserve**

| 1. Dhorpatan Hunting Reserve | 1325 | 1983 |

**Conservation Areas**

<table>
<thead>
<tr>
<th>1. Gaurishankar Conservation Area</th>
<th>2179</th>
<th>2010 (not yet Gazetted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Api Nampa Conservation Area</td>
<td>1903</td>
<td>2010</td>
</tr>
<tr>
<td>3. Annapurna Conservation Area</td>
<td>7629</td>
<td>1992</td>
</tr>
</tbody>
</table>
Chapter 5

<table>
<thead>
<tr>
<th>5. Manaslu Conservation Area</th>
<th>1663</th>
<th>1998</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Blackbuk Conservation Area</td>
<td>15.95</td>
<td>2009</td>
</tr>
</tbody>
</table>

*BZ = Buffer Zone

Many of these PAs consist of buffer zones.¹⁰⁹ These buffer zones are set aside around the national parks and reserves aiming at providing a sustained source of forest resources to local communities in order to reduce pressures on core areas specifically protected for conservation purposes.¹¹⁰ The legal and policy framework that influenced and shaped the development of the participatory forestry and PA management is delineated in the following section.

E  Legal Frameworks for the Management of Protected Areas in Nepal

The community-based natural resource management (CBNRM) has been in progress since 1970s in the name of CF.¹¹¹ However, the organised form of participatory NRM evolved during 1990s by recognising management rights of the local communities and by institutionalising the system by giving legitimacy.¹¹² The Department of National Parks and Wildlife Conservation (DNPWC) is the principal authority responsible for providing general management and policy support for effective management of the PAs in Nepal. The Department of Forests has the mandate to manage the country’s forest resources for the conservation and sustainable supply of forest products to meet local and national needs. Both departments are under the direct control and

¹⁰⁹ An area of controlled land use separates the protected areas from direct human or other pressures and provides valued benefits to neighbouring rural communities. Buffer zone often considered as a means to substitute local people’s use of protected area resources.


¹¹² Ganga Ram Dahal, Hemant Ojha and Sandesh Silpakar, ‘Community Forestry Networks and Federation in Asia and Their Role in Democratizing Forest Governance’ (Paper presented in a regional workshop on Strengthening CF Networks and Federations in Asia, Bangkok, Thailand, 25-29 March, 2010) 5 ; See also Ojha, et al, above n 98, 5.
supervision of the Ministry of Forests and Soil Conservation and play an important role in providing legal and policy support for community participation.\textsuperscript{113}

Various legal and policy frameworks have so far been developed in Nepal, reinforcing the importance of wildlife conservation and sustainable PA management. The National Park and Wildlife Conservation Act, 1973 (amended up to 1989) is the legal basis in establishing PAs in Nepal.\textsuperscript{114} The Act has created the provisions of establishing national parks, wildlife reserves and multiple-use conservation areas. It has also created scope for the NGOs to participate in the management of PAs through their engagement in buffer zones.\textsuperscript{115}

Among the various approaches and interventions that have been deployed in the last two decades to conserve the biodiversity of Nepal, PAs are recognised as one of the most efficient strategies to address biodiversity conservation.\textsuperscript{116} Supportive legal frameworks for the management of conservation areas and the site-specific regulations formulated by local institution and NGOs is a step forward in addressing the issues of SD goals such as poverty alleviation, sustainable use and conservation of biological resources.\textsuperscript{117} For example, the Buffer Zone Management Act of 1993 and the Conservation Area Management Regulation of 1996 allowed local communities with management and user rights of the PAs. A National Conservation Strategy, formulated in 1988 in line with the World Conservation Strategy, has also influenced the process of PA establishment.\textsuperscript{118} While sustainable management of natural resources and socio-economic development of the village community are at the centre stage of establishing PAs.\textsuperscript{119} A revenue sharing mechanism has developed through the Buffer Zone Management Act for generating revenues (30-50 per cent) to support local community development programmes. This mechanism facilitates the process of conservation and strengthens local community institutions like the Village

\begin{thebibliography}{119}
\bibitem{115}Bajracharya, et al, above n 105, 2770.
\bibitem{117}Neema Pathak, ‘Community Conserved Areas in South Asia’ (2006) 16 (1) PARKS 56, 57.
\bibitem{118}Seedland, above n 114, 49.
\bibitem{119}Ibid.
\end{thebibliography}
Development Committee (VDC) that represents forest user groups and user committees.  

F  Community Participation and Governance in the Protected Areas

Community participation in any development programme is receiving growing recognition and importance in Nepal. It is one of the first Asian nations that have also recognised the need for community involvement in forest management. The conventional exclusionary approach was ineffective in facing the growing challenges of forest conservation. The government therefore invited community participation through formalised institutions with a view to providing shared or collective management responsibility and property rights to the local community living in and around the forest and PAs. The basic idea behind engaging local institutions is that devolution of power and management decisions helps generate people’s participation in the process. With these benefits in view, government has supported the decentralisation and devolution of management rights and responsibilities to forestry user groups (hereafter referred to as FUGs) in the buffer zones of the forests and PAs. Their inclusions have significantly helped to facilitate the implementation of decentralised policies.

The introduction of the co-management of PAs gained impetus through the CF programmes. Thus it is relevant to examine the basic characteristics and evolving trend of the CF in Nepal. The CF is the participatory environmental governance approach that is designed and supported by a well-defined policy and institutional framework with a view to ensure community empowerment for participation in

120 Mehta and Heinen, above n 101, 165.
122 Mark Poffenberger, ‘Communities and Forest Management in South Asia’ (A Regional Profile of WG-CIFM, IUCN, 2000) 161, 57.
125 Poffenberger, above n 122, 58; See also Agrawal and Ostrom, above n 101, 501.
126 Baral, above n 113, 521.
forestry programmes.\textsuperscript{127} Beginning with the technical support and financial incentives from multi-donor agencies, the programme was later owned and sustained by local actors and institutions.\textsuperscript{128} The CF is being shaped through a series of dialogues that developed a consensus to involve local people in forest management for protection as well as for meeting the forest product needs of the participants.\textsuperscript{129} Various policy interventions were attempted to scale up the CF. Under this surge, two amendments took place in the Forest Act in 1977 and 1978, whereby forests were handed over to ‘Panchayat’\textsuperscript{130} as a transferred responsibility. However, this system failed to address the livelihood issues of the community as responsibility was transferred without ensuring definite authority and rights. With the formulation of the Decentralization Act\textsuperscript{131} 1982, ‘Panchayat’ was empowered to form a people’s committee for the management of the forest, and consequently evolved as an influential political power at village level. They were given authority to oversee forests on behalf of the ‘Panchayat Forest’\textsuperscript{131} and the ‘Panchayat Protected Forest’.\textsuperscript{132} Despite the efforts for decentralisation and devolution of power, ‘Panchayat’ was still acting as a platform for elite people in forest management. Consequently more participation by the poor community members was urged.\textsuperscript{133} With these developments in progress, a major breakthrough occurred when the Forestry Sector Master Plan 1988 announced the handing over of all accessible forest of Middle Hills to Community Forest User Groups (hereafter referred to as CFUGs). The plan has also arranged provision for the allocation of half of the forest investment in the CF programme. The CFUGs emerged as an independent institution responsible for organising the CF projects while the ‘Panchayat’ system was abolished in the 1990s. With this declaration, the power dynamics were reshuffled whereby VDC took the place of Panchayat. Subsequently, CFUGs were provided with a strong legal basis to operate independently by forming a management committee that represents the group’s responsibility for development and execution of village-level management plans. This concept received formal

\textsuperscript{128} Ibid 4.
\textsuperscript{129} Dahal, above n 124, 19.
\textsuperscript{130} The lowest political and administrative unit at village level established between 1960 to 1990.
\textsuperscript{131} A village degraded forest handed over to the village Panchayat for reforestation purpose.
\textsuperscript{132} A village forest handed over to the Panchayat for protection purpose.
\textsuperscript{133} Ojha, et al, above n 98, 3.
recognition through the Forest Act 1993 and the Forest Regulation 1995, which provided them with a legal and procedural basis to evolve as local-level autonomous management bodies. With the development of legal and policy frameworks, institution for participation, benefit-sharing policy, 16000 CFUGs have been formed to date, managing 110,000 hectares of forest, whereby one third of the Nepali community has been brought under the umbrella of CFUGs.

Efficient mechanisms and dynamics in the formation of CFUGs and the monitoring and evaluation processes are perceived to be the key factors behind the success of the CF. CFUGs have the legal rights to claim support from the forestry departments and they are also allowed to develop networks with other agencies. CFUGs are united under the umbrella of a nationwide federation called Federation of the Community Forestry User Groups in Nepal (FECOFUN) that represents all the federation groups enlisted with them and subsequently they have emerged as a strong political force. CFUGs as a grassroots organisation were grown to own and manage their own development agenda. However, NGOs and community-based organisations were also playing substantial roles in strengthening the CFUGs. National forests were handed over to the CFUGs, provided the group was registered with the divisional forest office (DFO). In order to get the approval, these groups must formulate their own constitution. Governance arrangements for CFUGs are defined by a constitution and operational plan (OP), endorsed by the DFO. This comprehensive plan describes the status of the forest given to them, plans silvicultural practices and intercropping plans, protection approaches and other activities specified by the DFO. The OP is time-and place-specific for managing an individual community forest.

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134 Article 26 of the act says that local people once organized under the umbrella of CFUGs will have the unalienable rights over forest hence can enjoy 100 per cent products generated from the forest. The CFUGs remains perpetually self-governed and autonomous.


138 Ibid 17.


140 Ibid 2.

Chapter 5

CF policy continues to play significant role in transforming the power structure. The policy once developed only for forest resource management eventually turned to a means of achieving livelihoods and wider community development activities. CFs showed promising performance where the rights, responsibilities and the motivation were high both at authority as well as community levels. Based on the relative success of the CF and handing over of the forest to the CFUGs, new approaches to shared governance called co-management are being initiated through a stakeholder consultation process. Community representatives, under the banner of CFUGs, are actively taking part in the governance and sustainable utilisation of forest and PAs. Long term and ongoing capacity building, orientation and shared governance are recognised as the salient features for the success of CFs through effective community participation at various levels. However, some studies manifested the lack of good governance and passive participation as limiting factors in many instances.

Like CF programmes, community user groups are established in buffer zones of PAs whereby they are given access for a certain period to PAs and have harvest rights of certain products like grass and firewood. Although the decentralisation mechanism has some influence at the operational level, the community is still lacking in active participation to influence management or conservation outcomes. Annapurna Conservation Area (ACA) the first PA in Nepal engaged the local community directly to the conservation programme, thus managing to bring significant outcomes through co-management, such as better access to forest resources, improved livelihood and infrastructure support and the strengthening of local institutions. These Community Conserved Areas (CCAs) are managed under the sole supervision of an NGO named the King Mahendra Trust for Conservation (KMTC) and the community is engaged at the local level through the Conservation Area Management Committee (CAMCOM).

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143 Timsina, above n 111, 238.
144 Paudel and Vogel, above n 139, 4.
145 Dahal, above n 124, 17.
146 Agrawal and Ostrom, above n 101, 502; See also Müiller-Böker and Kollmair, above n 102, 330.
for conservation planning and management. The project has managed to sustain itself through tourism and multi-donors support. Non-bureaucratic self-governing local management and empowerment of the community were considered to be the salient outcomes of the participatory management approach of the ACA. However, issues of human-animal conflict are still required to be addressed more pragmatically, as raised by practitioners and researchers. Integrated conservation and development programmes like the ACA may require extended duration than it is normally anticipated since changing behavioural patterns of the target population is a complex and time consuming process.

Another PA, the Kanchenjungha Conservation Area has started operating under the joint initiative of DNPWC and WWF (Nepal) where CAMCOM was formed and given overall responsibilities of dealing with issues of conservation and community livelihood development. Kanchenjunga, with its decentralised management authority, has created a better platform to interact with state agencies, which added positively towards increased participation. However, the PA faced a number of difficulties in governance due to the uncertainty in financial allocation for development, which was not a case for the ACA. Furthermore, a diverse social structure was also creating conflict among the ethnic groups that influenced the extent of participation and consequently the outcomes.

The Chitwan National Park demonstrated a conflicting scenario at the beginning and urged for more initiative to meet subsistence requirements of the forest-dependent community, although it realised the importance of the PA as a social institution.

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149 Ibid 2770.


153 Pete Parker and Brijesh Thapa, ‘Distribution of Benefits Based on Household Participation Roles in Decentralized Conservation Within Kanchenjunga Conservation Area Project, Nepal’ (2011) 13 Environment, Development and Sustainability 879, 883; See also Müller-Böker and Kollmair, above n 102, 326.


155 Müller-Böker and Kollmair, above n 102, 330.
Sustainable resource management, with a clear understanding of the social and economic needs of the community, was recognised as imperative for active and successful community participation. The same feature was noticed in the case of Bardia National Park, which is also managed by DNPWC, where KMTNC was engaged in socio-economic development of the community, living around the periphery of the national park.

By reviewing the extent and nature of the community participation in the CCAs and NP, it has been revealed that joint management and active community participation were pronounced in CCAs, supported by legislation and institutional mechanisms, while in the case of the NP it was less focused, therefore creating conflict between park authority and the community who are living in and around the park. Such conflicts can only be minimised through changed management practices in the buffer zone. However, strengthening grassroots organisations are deemed important to convert policy into actions.

V CONCLUDING COMMENTS

The basic features of the participatory approaches to NRM are widely recognised and increasingly integrated in forest and PA management. Although the scopes and experiences of North and South nations vary significantly due to their socio-economic and political contexts, the zeal for community participation is felt explicitly on both sides. Dependency on top-down management in this regard is viewed inappropriate, thus constructive community engagement is urged. Despite these variations and limitations, private-public partnerships are getting momentum whereby they mutually agree on engaging in biodiversity conservation and sustainable resource development initiatives. Joint management or co-management seems to be growing concerns in forest and PA management, keeping in mind the cultural and social setting of the

156 Uday R Sharma, ‘An Overview of Park-People Interactions in Royal Chitwan National Park’ (1990) 19 Landscape and Urban Planning 133, 143; See also Parker and Thapa, above n 153, 897.
159 Baral, above n 113, 529.
161 Thackway and Olsson, above n 7, 95.
community in which it is implemented. In order to achieve conservation goals, a pro-active role of the state and respective agencies may be important to facilitate involvement and active participation of the community at various levels on the basis of equity, transparency, efficiency and effectiveness.\textsuperscript{162} The following chapter sheds light on the existing and evolving trends of the legal and policy frameworks governing PAs in Bangladesh by applying the co-management approach.

\textsuperscript{162} Derick W Brinkerhoff and Jennifer M Brinkerhoff, ‘Public-Private Partnerships: Perspectives on Purposes, Publicness and Good Governance’ (2011) 32 Public Administration and Development 2, 12; See also Carmody and Prideaux, above n 95, 102.
CHAPTER 6
THE FOREST PROTECTED AREAS OF BANGLADESH: HISTORY, CURRENT STATUS AND EVOLVING MANAGEMENT PARADIGMS

I INTRODUCTION

Many countries of North (developed) and South (developing) have shown zeal and progress in accepting and implementing shared governance in protected areas (PAs) through active community participation. Despite the varied socio-economic and political contexts and the nature of environmental governance, co-management has been increasingly accepted and practiced both in developed and developing countries in managing competing interest for a common good like PAs.\(^1\) Australia and Nepal are good examples of such arrangements, as discussed in chapter 5. The current chapter aims at revealing the history and evolving trends of forest and protected area (PA) management in Bangladesh. The changing paradigms of forest and PA management from conventional to participatory management (co-management) have also been reviewed in this chapter with a view to addressing the research question—‘What legal, policy and institutional frameworks and management guidelines currently exist for implementing co-management in PAs of Bangladesh?’.

II HISTORY OF FOREST MANAGEMENT IN BANGLADESH—EMBRACING COLONIAL LEGACY AND NEO-COLONIALISM

The multiple benefits of forestry have already been described in many studies.\(^2\) The forestry sector of Bangladesh has an important role to play in combating poverty through sustaining livelihoods, particularly for the communities living in and around the forests.\(^3\) It also plays a significant role in maintaining local and national environments.\(^4\) The forests of Bangladesh are mainly classified into four major types

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2 See, eg, Mohammed Jasimuddin and Makoto Inoue, ‘Management of Village Common Forests in the Chittagong Hill Tracts of Bangladesh: Historical Background and Current Issues in Terms of Sustainability’ (2012) 2(3) Open Journal of Forestry 118, 118; See also Mark Poffenberger, ‘Communities and Forest Management in South Asia’ (A Regional Profile of WG-CIFM, IUCN, 2000).
Chapter 6

based on the ecological characteristics. The Bangladesh Forest Department (hereafter referred to as the FD) is the official custodian of the major forest areas and oversees 1.52 million hectares of forest that comprises of both ‘reserved forests (RF)’ and ‘protected forests (PF)’ while the rest are managed by the district administration and community in the name of unclassed state forest (USF) and homestead forest (Table.7). The forestry sector is shaped by diverse political and management regimes but it is influenced by the colonial system and has multiple dimensions. The chronological development of public forest policies and practices in the Indian sub-continent has been impacted by the multi-faceted nature of management policies and practices. The choice is directed and influenced by the political, economic and physical actors as well as global trends. There is also a growing concern among practitioners and the policy makers that the traditional forestry practices need to be shifted towards more sustainable forestry practices, thus demanding a careful selection of approaches that will help address the diverse needs of the stakeholders, such as poverty alleviation and sustaining livelihoods.

6 The Government may constitute any forest land or waste-land or any land suitable for afforestation which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest product of which the Government is entitled, a reserved forest in the manner here in after provided.
7 The Government may by notification in the official gazette, declare the provision of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forests, but which is the property of Government or over which has proprietary rights or to the whole or any part of the forest-produce to which the Government is entitled.
10 Chowdhury, et al, above n 8, 361.
Table 7. Major Forest Types of Bangladesh

<table>
<thead>
<tr>
<th>Category</th>
<th>Area (million hectare)</th>
<th>Total land (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hill Forest</td>
<td>0.67</td>
<td>4.54</td>
</tr>
<tr>
<td>Sal Forest</td>
<td>0.12</td>
<td>0.81</td>
</tr>
<tr>
<td>Mangrove Forest</td>
<td>0.73</td>
<td>4.95</td>
</tr>
<tr>
<td>Unclassed State Forest(USF)</td>
<td>0.73</td>
<td>4.95</td>
</tr>
<tr>
<td>Homestead/Village Forest</td>
<td>0.27</td>
<td>1.83</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2.52</strong></td>
<td><strong>17.08</strong></td>
</tr>
</tbody>
</table>

Source: Chowdhury, M S H et al 2009.

The initial objective of Bangladesh forest policy was to increase revenue and for forests to be used for settlement. This eventually turned into the policy of protection through the declaration of reserved forests.\(^{13}\) Such trends continued even after the emergence of Bangladesh as a sovereign country in 1972. However, the outcome of such a policy was not satisfactory as it failed to protect the growing depletion of the forest resources.\(^{14}\) The notion of community participation and their active involvement in the decision-making process was not a priority for policy makers in Bangladesh until very recently. The forest management regime and its development towards participatory forms of management can be distinguished by analysing three distinctive management periods: the British colonial period, pre-independence and post-independence periods.

\(^{13}\) According to Forest Act 1927 of Bangladesh reserved forest are the forests where everything is prohibited unless permitted. See, eg, Biswas and Choudhury, above n 9, 634.

This analysis provides an example of the history, institutional development, impediments and the potential for participatory partnership in the PAs of Bangladesh. Community participation in forest management has a much longer history in Bangladesh. This history is considered to inform the conservation practitioners and policy makers on how the existing legal and policy frameworks may support (or impede) the effective development of co-management in Bangladesh.

A The British Colonial Regime (1760-1947)

The formal structure of forest management in the Indian sub-continent can be traced back to the rule of Chandra Gupta Maurya in 321 BC, when a full-fledged forest department was operating with a management objective of protection. Following the fall of the Maurya Empire, the sub-continent was ruled by several rulers, named Kushans, Guptas and Pals respectively. With the reunification of the sub-continent, the ‘Mughal’ emperors were eventually managing and using forests as hunting places and for agriculture and it was clear that forestry has been given a lower priority than other uses. Forest game reserves were gazetted for the purpose of hunting.

With the end of ‘Mughal’ supremacy, the British arrived and subsequently established the East India Company with a view to taking control over all resources, including the forests. The issue of forest management was incorporated in their policy during the colonial period. Dhaka was developed as a ship building centre and a source of railway sleepers based on the forest resources of the Chittagong Hill Tracts. Between the eighteenth and mid-nineteenth century, various parts of the Indian forests

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16 Ibid.
17 The Muslim dynasty founded by Emperor Baber that ruled India.
19 The British maritime organization chartered by Queen Elizabeth I in 1600 AD with rights of monopoly trading in the eastern waters and later founding a colonial state in India. See Banglapedia-National Encyclopedia of Bangladesh, URL http://www.banglapedia.org/htdocs/HT/E_0005.HTM, last accessed on September 5, 2012.
20 Chowdhury, et al, above n 8, 362.
22 Chowdhury, et al, above n 8, 362.
were heavily exploited by the East India Company.\textsuperscript{23} This unplanned extraction of forest resources continued until the middle of the nineteenth century largely ignoring the importance of forests for biodiversity conservation and as a means of achieving sustainable development (SD) goals.\textsuperscript{24}

The Indian Forest Act of 1865 was the first initiative to bring the RF and PF under a legal framework. The first formal forest policy of British India was articulated in 1894 under the active political and administrative influence of the British Government.\textsuperscript{25} The policy was heavily biased towards revenue collection and conversion of forest lands into agricultural lands and the communities were restricted in their rights and access to forests and its resources.\textsuperscript{26} However, the policy did demonstrate some limited conservation of forest, especially in the hilly areas. The Forest Act, 1927 was based on that policy and various forest-related rules were necessary to bring forest management under the umbrella of an official management authority.\textsuperscript{27} After this development, the British India fragmented with the emergence of Pakistan.

\textbf{B \ The Pakistan Era (1947-1971)}

After the separation of British India, two sovereign countries emerged in the name of Pakistan and India while Bangladesh remained a part of Pakistan with the name East Pakistan.\textsuperscript{28} Despite political and administrative reforms, very little changed in forest resource use and management.\textsuperscript{29} To a great extent forest policy was a continuation of the colonial regime.\textsuperscript{30} The first forest policy under the era of the Pakistan government was declared in 1955.\textsuperscript{31} This policy provided some direction towards the conservation of forest resources whereby priority was given to habitat protection and conservation of wildlife.\textsuperscript{32} Provisions to manage all forests under the prescribed working plans

\textsuperscript{23} Farooque, above n 18, 4.
\textsuperscript{24} Chowdhury, et al, above n 8, 364.
\textsuperscript{25} Millat-e-Mustafa, above n 15, 116.
\textsuperscript{26} Chowdhury, et al, above n 8, 364.
\textsuperscript{27} Ibid.
\textsuperscript{28} Muhammed, et al, above n 21, 208.
\textsuperscript{30} Golam Rasul, ‘State Policies and Land Use in the Chittagong Hill Tracts of Bangladesh’ (Gate Keeper Series 119, IIED, 2005).
\textsuperscript{31} Millat-e-Mustafa, above n 15, 117.
\textsuperscript{32} Chowdhury, et al, above n 8, 364.
were considered to be the key features of this policy. However, with the modification of that policy (in 1962) provision was redirected towards revenue earning instead of giving priority to conservation. Despite all of these policy efforts, conservation, welfare and community participation and rights in the forestry sector remained substantively ignored. Such moral and administrative hostility against the principles of conservation and sustainable development (SD) continued long after the independence of Bangladesh.

C Post Independent Period (1971-onwards)

Political and economic discrepancies fuelled the growing conflicts between the people of East and West Pakistan that ended up in the war of liberation and Bangladesh emerged as a sovereign country in 1971. Despite independence, forest management was still influenced and embedded in the colonial legacy, characterised by the top-down bureaucratic approach heavily inclined towards resource utilisation for revenue earning. The first Forest Policy of Bangladesh was formulated in 1979 with considerable input and suggestions from the first Bangladesh Forestry Conference (held in 1977). Representing an amendment of the first Forest Policy, the second Forest Policy was enacted in 1994 and led to the development of a 20-year master plan called the Forestry Master Plan (FMP). The detailed development of legal and policy frameworks and their contribution towards introducing community participation in environmental decision-making processes are discussed in the following sections of this chapter.

III EXISTING LEGAL AND POLICY FRAMEWORKS RELATED TO FOREST AND PA MANAGEMENT OF BANGLADESH- A BRIEF ACCOUNT

Sustainable forest management largely depends on the content and efficient implementation of the existing legal and policy frameworks. In a developing country like Bangladesh, legal and policy frameworks also contribute towards achieving the

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33 Muhammed, et al, above n 21, 209.
34 Chowdhury, et al, above n 8, 364.
35 Khan, above n 29, 18.
36 Millat-e-Mustafa, above n 15, 118.
37 Ibid.
goals of environmental protection and poverty reduction. Achieving sustainability in the forestry sector is a challenging task as it entails social, cultural and economic factors. The history of forest management in Bangladesh is quite old and it embraces defined policies, laws and policy instruments although it is heavily influenced by colonial characteristics. Since the emergence of Bangladesh, various efforts have been made to develop forestry management but how well they have addressed the requirements and aspirations of the community needs critical review. The following discussion attempts to review the existing legal and policy frameworks to provide the necessary background and context for the emergence of participatory forest and PA management regimes in Bangladesh.

D Forest Policy

The Forest Policy, 1979: The first forest policy of independent Bangladesh came into effect in 1979. The policy developed some statements based on the suggestions and inputs from the First National Forestry Conference. However, within the spectrum of policy statements, some confusion and contradictions were evident. For example, the policy stated that ‘the forest should be carefully preserved and scientifically managed for qualitative improvements, while at the same time it also denoted optimum extraction and utilisation of forest products using modern technologies’. This made the policy more obscure in terms of implementation. Any options of community participation in the development of the forestry sector were virtually absent within the preambles of the policy document. Rural forestry and community participation received very little attention except for a superficial call and statement in the policy documents. Furthermore, the ad hoc type development plan that was

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39 Salam and Noguchi, above n 12, 209.
40 Muhammed, et al, above n 14, 376.
42 Millat-e-Mustafa, above n 15, 118.
44 Khan, above n 29, 118.
designed and developed based on the donors support ended up being discontinued.\textsuperscript{46}

The situation was further worsened due to the bureaucratic nature of the forestry professionals responsible for implementing the policy agenda.\textsuperscript{47} Such inconsistencies in planning and execution necessitated the amendment of the forest policy in order to incorporate the provision of community participation in planning and management.

The Forest Policy, 1994: The first national forest policy had significant deficiencies (as mentioned in the earlier section). This required the revision and re-defining of policy statements in regards to this earlier experience and the current socio-economic perspectives.\textsuperscript{48} This led to the enactment of the Second National Forest policy in 1994.\textsuperscript{49} The contemporary policy significantly differed from the former one, as it recognised the importance of people’s participation in forest management.\textsuperscript{50} Another notable achievement of this policy was that it brought about tree plantation activities outside the forests through popularising participatory forestry especially on the roadside, the railway side and on local government lands.\textsuperscript{51} The policy kept the provision for expanding the PA coverage by 10 per cent of the reserved forests land by 2015.\textsuperscript{52} Furthermore, all the subsequent developments in legal and policy frameworks took place after the formulation of this policy. Among them, the Forestry Master Plan (1998-2015), the Forest Act 1927 (amended up to 2000), the Social Forestry Rules, 2004 (amended up to 2010) are the most important. The current policy, to some extent, shows commitment to SD by integrating it into the broader framework of development that embraces poverty alleviation and community participation.\textsuperscript{53} However, the policy lacks any specific institutional policy reform strategies to improve the efficacy of the sector. This has prompted calls for the review and amendment of the law.\textsuperscript{54}

\textsuperscript{46} Forest, Forest Biodiversity and Governance: Looking for a Pro-People Policy (Centre for Policy Dialogue, Report No. 50, 2002) 3.
\textsuperscript{47} Muhammed, et al, above n 21, 210.
\textsuperscript{48} Alam, above n 38, 150.
\textsuperscript{49} Government of Bangladesh (GoB) 1995. National Forest Policy, 1994 (Bangladesh Gazette, July 6, 1995) 241-244.
\textsuperscript{50} Alam, above n 38, 150.
\textsuperscript{51} Muhammed, et al, above n 21, 110.
\textsuperscript{53} Khan, et al, above n 45, 119.
\textsuperscript{54} Forest, Forest Biodiversity and Governance: Looking for a Pro-People Policy, above n 46, 8.
Chapter 6

E Forestry Master Plan

The Forestry Master Plan (FMP) was developed under the technical and financial assistance of the Asian Development Bank (ADB) with the objective of maximising the contribution of forest resources for environmental sustainability and socio-economic development of Bangladesh. The FMP was formulated to provide a framework to enhance the forestry sector’s ability to deal with the conservation and development agenda concurrently by considering three important imperatives: sustainability, efficiency and community participation. The 20-year plan (1993-2012) incorporated diverse thematic issues such as environmental management, participatory forestry, non-wood forest products, forestry research, extension, education and training, forest policy and human resource development. However, the issues of social development and poverty reduction strategy are poorly reflected in the main plan except in the chapter titled ‘Participatory Forestry’. Despite having some options for participation in plantation activities, the stakeholder consultation during the formulation of the plan was inadequate as forest-dependent communities were not consulted during the whole process. The plan did indicate some concern on the continuous depletion of forest resources. Necessary legal frameworks were also developed to execute the plan.

F Forest Law

The Forest Act, 1927 is the major legal instrument of the Bangladesh forestry sector. It was developed during the colonial regime through substantial revision of forest related legal instruments. Since then, it has undergone several amendments (most recently in the year 2000). Initially, the Act was amended in accordance with the basic features of exploitation and protection and paid little attention to the participatory aspects of the management. The 2000 amendment created the scope of accommodating social forestry (SF) as an official approach that resulted in the amendment of the Social Forestry Rules, 2004 (amended up to 2010). However, the Act has retained many of the flawed articles of the original Act and still provides

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55 Millat-e-Mustafa, above n 15, 120.
57 Alam, above n 38, 153.
room for the application of the conventional management approaches by the FD. In addition to these developments, a Private Forest Act was introduced in 1945, followed by the promulgation of the Private Forest Ordinance 1959 to regulate forest management on privately owned land. These legal instruments, along with the national and international policy frameworks, have resulted in the introduction of participatory forestry practices in varying contexts. The current trends in the declaration of PAs and the introduction of co-management in the RF are strongly related to the introduction and expansion of community forestry (CF).

**G The Wildlife (Preservation) Act 1974**

The wildlife law provides the basis of protection and sustainable management of the wildlife of Bangladesh. The subsequent amendment and notification of the Wildlife (Preservation) Act, 1974 created the scope for the declaration of PAs of various types. The Wildlife Act has complemented the Forest Act regarding the introduction of co-management in the forest PAs of Bangladesh, although there are criticisms of the Act (by the field staff) in dealing with forest offences or disputes (Ch. 7). A new act is being finalised in order to cover the broad spectrum of wildlife management that also includes PA management.

**H National Conservation Strategy**

The National Conservation Strategy (NCS) is a major intervention that attempts to achieve conservation goals through integrating diverse policies on the environment in aiding policy and the decision-making process. The strategy is also built on the salient features of the ‘Poverty Reduction Strategy Papers (PRSP)’ of Bangladesh and the Millennium Development Goals (MDGs). By adopting the NCS, the government reiterated its national and international commitments to ensure SD

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59 Alam, above n 38, 153.
through achieving conservation goals.\textsuperscript{63} The NCS consisted of 17 chapters that included appropriate policy, management and institutional attributes to establish SD practices through addressing conservation under the broad spectrum of the environment. The limitations and gaps determined in the NCS were further addressed and minimised by developing the National Biodiversity Strategy and Action Plan (NBSAP).

I National Biodiversity Strategy and Action Plan

The National Biodiversity Strategy and Action Plan (NBSAP) is part of the commitment made to the Convention on Biological Diversity (CBD) that Bangladesh signed and ratified in 1992 and 1994 respectively.\textsuperscript{64} The plan provides a framework for conservation, sustainable use and equitable distribution of biological resources through devising appropriate mechanisms such as cross-sectoral co-operation. Harmonisation of social and economic development also informed the preparation of the NBSAP in order to address poverty and SD in accordance with the PRSP of Bangladesh. Being prepared under a participatory process of consultation, the NBSAP enhanced the scope of owning the plan by diverse stakeholders. The plan also identified and prescribed short, medium and long term strategies to address biodiversity conservation and SD. Among the sixteen strategies developed to achieve goals of the NBSAP, strategy nine highlighted the importance of enhanced PA management through a co-management approach involving the local communities in the overall decision-making process.\textsuperscript{65}

J National Environment Management Action Plan

The National Environment Management Action Plan (NEMAP) was the first participatory plan.\textsuperscript{66} It was developed in 1996 with a series of community consultations at various levels and involving stakeholders. Conserving biodiversity and habitat and promoting sustainable development were among the major objectives


\textsuperscript{64} DeCosse, et al, above n 52, 21.

\textsuperscript{65} See for more details ‘National Biodiversity Strategy and Action Plan for Bangladesh’, above n 60.

of the plan. Based on the five identified focal areas such as governance, poverty and environment of NEMAP, the government initiated a project named Sustainable Environment Management Programme (SEMP) and one of the major goals was participatory ecosystem management. This emphasis on participation has created opportunities for the introduction of co-management of the PAs in Bangladesh.

IV DEVELOPMENT OF PARTICIPATORY FOREST AND PAMANAGEMENT REGIME IN BANGLADESH

Conventional management practices, along with the increasing population growth, exerts heavy pressure of Bangladesh forest resources and has resulted in the over extraction of forest resources. There is a growing recognition and consensus among the policy makers, communities, practitioners and other stakeholders that conventional forest management needs to be replaced by more sustainable management options such as participatory forestry. Participatory forestry in Bangladesh is regarded as a strategy for both forest resource management and community development. Participatory forestry in Bangladesh originated as an alternative to conventional forestry practice with a view to increasing the forest coverage while educating, engaging and encouraging active community participation in forest management. The success of participatory forestry largely depends on the frameworks of the participation that has to guarantee and address mutual trust and a sense of partnership as well as short and long term economic and environmental benefits. Encompassing greater control over the forests and their resources has created ample opportunities for participatory forestry and the possibilities to improve the livelihoods of the forest-dependent communities. However, community participation is a difficult task in any society and is more critical in developing countries like Bangladesh due to the socio-economic inequalities and absence of good

69 Salam and Noguchi, above n 12, 211.
72 Farooque, above n 18, 275.
The existing and evolving trends of participatory forest and PA management and their role in enhancing governance make it imperative to address SD principles. They will be discussed in the following sections, addressing the research question—‘What legal, policy and institutional frameworks and management guidelines currently exist for implementing co-management in PAs of Bangladesh’.

Community Participation in Forestry Sector—Existing and Evolving Trends

Community participation in forestry is a comparatively recent development that has received momentum in the face of global recognition on participatory management in a range of resource management, conservation and other contexts related to SD. The FMP mentioned participation as a new mission and challenge to help the forestry sector overcome the colonial influence characterised by bureaucratic and revenue oriented management policy and widespread isolation from community by ignoring their traditional rights, Indigenous knowledge and resource use practices. However, ensuring active community participation is a daunting task in a developing country like Bangladesh due to the varying structure of the community marked by wealth and power inequalities. Community participation in forestry in this region can be traced back to 1871 with the ‘taungya’ system in teak (Tectona grandis) plantation in hilly lands. However, the terminology of participatory forestry was officially coined through community forestry projects during the 1980s. It has been further expanded in various forms, namely the Thana Afforestation and Nursery Development Project (TANDP), the Forestry Sector Project (FSP), the Coastal Greenbelt Project (CGP) and the Sundarban Biodiversity Conservation Project (SBCP). Although the projects have made significant provision for community involvement in the name of participation, the nature and extent of participation varied significantly and was considerably

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74 Khan, et al, above n 45, 4.
75 Khan, above n 29, 28.
77 Khan, et al, above n 45, 4.
78 Taungya derived from the Burmese terms where taung means hill and ya means cultivation. It is the form of hill cultivation widely practiced by the tribal swidden farmers in the Chittagong Hill Tracts. Poffenberger, above n 2, 44.
influenced by the role of the bureaucrats.\textsuperscript{80} The issues of SD and the basic principles of good governance as a whole were strikingly limited in those projects as revealed through various studies.\textsuperscript{81} The following discussion attempts to underline the salient attributes of the various participatory forestry projects in regards to community participation and governance attributes.

1 Community Forestry Project (1981-1988)

This project was a pioneering attempt of the FD to mobilise rural communities towards plantations so they could benefit through producing fuel wood for domestic uses, fruits, construction timber, and fodder. Institutional capacity building of the FD was also among the other goals of the project to enable them with the capacity to expand social forestry throughout the country. The project was implemented in seven north-western districts of Bangladesh with the financial assistance of the ADB through a loan grant.\textsuperscript{82} Patches of ‘Sal forest’\textsuperscript{83} and marginal lands were brought under the coverage of the project.

The project set various physical targets such as the establishment of strip plantations, wood lot plantations, agro-forestry, training and institutional capacity building and it managed to increase biomass production quite significantly. Although the project has succeeded in achieving the majority of the project goals, it failed to address social goals adequately.\textsuperscript{84} This community forestry project barely reflected needs and aspirations of the participants. Participants were indifferent to the seedlings provided by the project authority because their choice of species was not considered during plantation. The extension service was even inadequate at the farmers’ level. The major limitation of the project in terms of community engagement was that it failed to come up with a written and formal benefit-sharing agreement of the resources upon maturity that was necessary to gain the support from the local community.\textsuperscript{85} Despite creating a

\textsuperscript{80} Khan and Harris-White, above n 56, 106; See also Saber Ahmed Chowdhury, ‘Participation in Forestry: The Role of Bureaucrats in Ensuring Peoples Participation in the Social Forestry Policy of Bangladesh’ (2005) 27(2) Asian Affairs 75, 77.
\textsuperscript{81} Khan and Harriss-White, above n 56, 103.
\textsuperscript{82} Salam, et al, above n 12, 44; See also Khan, et al, above n 45, 32.
\textsuperscript{83} One of the major forest types of Bangladesh characterised by dry and deciduous tree species dominated by tree species called Shorea robusta.
\textsuperscript{84} Khan, et al, above n 45, 32.
\textsuperscript{85} Ibid.
good number of short-term employment opportunities in nurseries and plantations, the basic features of shared governance were not accomplished. 86

2 Thana Afforestation and Nursery Development Project (TANDP)

The Thana Afforestation and Nursery Development Project was the follow-up project to the Community Forestry Project supported by the ADB and spanned over a period of 1989-1996. This project (like the Community Forestry Project) also aimed at increasing production of biomass fuel, enhancing institutional capacity of the FD to enable them to implement a self-sustaining SF programme. The project managed to achieve its physical targets. However, the project significantly varied from the CF project in terms of the operational area since it covered almost the whole of Bangladesh (61 districts out of 64 districts of Bangladesh). Forest lands are mainly brought under the operational coverage of this project.87

The level and content of the community participation varied significantly in the project although participation was mainly for the protection of the planted trees in strip or in block plantations.88 However, the absence of agreements for sharing the immediate benefits and the land tenural insecurity adversely influenced participation, apart from the influences of the patronage relationships between poor farmer and local elites.89 The institutional capacity building of the FD was also limited because large sections of the project staff were recruited on a temporary basis.90

3 Forestry Sector Project (FSP)

With the completion of the TANDP, the Forestry Sector Project was the focus of development support in the forestry sector over a period of nine years (1996-2004). Once again it was financed by the ADB. It is the largest public sector intervention in

86 Ibid.
88 Khan, et al, above n 45, 34.
90 See also Khan, et al, above n 45, 34.
90 Ibid.
Chapter 6

SF of Bangladesh. The designated aims of the project included the conservation of forest in selected PAs, increase wood production, institutionalisation of forest resource management through community participation, institutional capacity building and policy reforms. The ADB evaluated the project as a successful one, despite some limitations and pitfalls such as the failure in protecting natural forest through community participation.

A significant development took place during the project tenure in terms of institutional and policy reforms. The Forest Act 1927 was amended in the year 2000 and comprehensive stakeholder consultation took place to finalise draft rules and regulations in order to legalise the shape of SF. However, the Indigenous and ethnic minority groups questioned the process of consultation. The positive side of the project was the inclusion of NGOs as partners in the implementation process through legitimate agreement. The project has succeeded in increasing the green coverage of the country through partnership initiatives (public-private-NGOs), but the issues of governance still remained problematic.

4 Sundarban Biodiversity Conservation Project (SBCP)

The Sundarban Biodiversity Conservation Project is another initiative of the government with the support of the ADB to ensure sustainable management and biodiversity conservation of the Sundarban RF. The project aimed at reducing the poverty of 3.5 million people living in and around the impact zone of the Sundarban mangrove forest. It also aimed to address the following participatory and flexible approaches for social development within the impact zone and included:

• Assessment of base line data to determine socio-economic condition

• Organising and mobilising the resource users

91 Ibid 30.
92 Ibid 31.
Creation of alternative source of micro-credit support to the community-based groups to create alternative income generations

Social infrastructure development.

The SBCP was designed to implement various components related to participatory management of the Sundarban RF. However, the project was suspended on account of poor management and operational failure in engaging local communities and other stakeholders. Ineffective governance and poor financial management were the other major reasons behind this suspension. The donor advised the FD to re-formulate the project proposal through active community participation and consultation with various stakeholders, but the FD failed to act accordingly. After a long stalemate, another project named the Coastal Greenbelt Project was launched in the coastal districts of Bangladesh.

5 Coastal Greenbelt Project (CGP)

This ADB supported project was launched in the coastal districts of Bangladesh with a view to improving the coastal environment through tree plantations and to combat poverty by creating alternative income generation activities. The project has managed to raise 8934 kilometres of strip plantation by engaging 143,936 participants and more than 100 NGOs in the implementation process.\(^94\)

The participants benefited through the intercropping of the vegetables and by harvesting fuel wood, fodder and fruits. The project also generated employment for the participants. Furthermore, the frequency of women participating in the project was significantly higher compared to other participatory forestry programmes. However, land use and tenural rights remained big issues in the process of active community participation. Stakeholders’ involvement and the process of NGO engagement were also criticised by the participants due to the bureaucratic management style of the FD.\(^95\)

\(^{94}\) Muzaffar et al, above n 58, 1593; See also Zaman, et al, above n 87, 237.

\(^{95}\) Khan, et al, above n 45, 38.
Apart from these major interventions undertaken in the forestry sector, a few attempts were also made to introduce participatory forestry in the hilly districts of Bangladesh in the name of the Forest Resource Management Project, the Rubber Rehabilitation and Expansion Project and the Horticulture Development Project.

6 The Triumphs and Precincts of Participatory Forestry in Bangladesh

Several research and review studies have been conducted to evaluate the outcomes of the participatory forestry in Bangladesh. Most of the studies have highlighted the physical achievement of the targets and the initial success of bringing denuded and degraded land under tree coverage. Short-term employment opportunities and extended green coverage were considered to be significant outcomes by some of the studies. Plantations established under block, strip and wood lot plantation were seen as a remarkable achievement of the participatory afforestation programme. In addition to that, community stability, self-sufficiency and a reduction in social crime were also noticed in a very early study on pilot CF project ‘Betagi-Pomra Community Forestry Project’. Another study assessed the performance of participatory forestry in hilly regions of Bangladesh and observed the continuation of the top-down management and poor awareness raising and capacity building of the local forest staff. They urged an integrated approach to attain sustainability and to address the local people’s need. Some studies have also described the introduction of SF as a motivation to set free the encroached land from the local people. Several NGOs were directly involved in the implementation process and were playing significant roles as co-partners of the FD in environmental protection by increasing the tree coverage. Poor and marginalised people were included in ‘afforestation’ and

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96 Safa, above n 93, 227.
100 Ibid.
102 It is the process of establishing a forest on land that has not been a forest for a long time by planting trees.
Chapter 6

‘reforestation’\textsuperscript{103} programmes.\textsuperscript{104} Absence of active community participation and the top-down management approach were determined as the limiting factors of the sustainable participatory forestry in Bangladesh. The SF initially managed to create significant impact on resource management and rural development and it was therefore considered to be an approach with potential in developing SD strategies. However, the issues of social relations, institutional structures, supportive policy and devolution of power and tenural rights were found to be missing in the project outcomes.\textsuperscript{105} The limitations in land tenure and user rights were also mentioned during the consultation meeting and focus group discussions while preparing the NBSAP of Bangladesh in support of the framework for conservation of biodiversity.\textsuperscript{106} Participatory forms of forestry in practice deviated from the original concepts of people-oriented forestry in regards to governance, programme approaches and sustainable financial mechanisms.\textsuperscript{107} This high priority programme in the forestry sector proved to some extent over ambitious as it tried to integrate multiple goals in a single frame without proper groundwork.\textsuperscript{108} Community participation in the governance of participatory forest management and available legal frameworks were found inappropriate.\textsuperscript{109} Even the benefit-sharing arrangements were missing or inadequate.\textsuperscript{110} True forms of participation in forestry were also believed to be missing as revealed in several studies and described in the following section.

L Socio-Economic and Governance Attributes of the Participatory Forestry Programmes

Participatory forestry was officially launched in Bangladesh in the names of CF and SF. Several studies have attempted to evaluate the performance of various participatory forestry projects in order to explore the insights of the socio-economic

\textsuperscript{103} Re-establishing a forest by planting trees or seeding an area from which forest vegetation has been removed recently.
\textsuperscript{104} Das, above n 89, 192.
\textsuperscript{105} Islam, above n 101, 152; See also Khan, above n 70, 335.
\textsuperscript{106} National Biodiversity Strategy and Action Plan for Bangladesh, above n 60, 32.
\textsuperscript{107} Muhammed, et al, above n 71, 83.
\textsuperscript{108} Zaman, above n 87, 234.
and governance features implemented by the FD and concluded with the following findings.\textsuperscript{111}

Socio-economic attributes

- Participants selection was a crucial factor but in many instances this was influenced by patronage relationships. A significant portion of participants were drawn from large landowners, influential locals and representatives of the local government bodies.

- The participation of women in planning and decision-making process was marginal. However, their involvement in protection and maintenance of the plantation was found to be significant.

- Participants received a good amount of money as share from the harvested products which they further invested in various purposes such as debt repayment, purchasing of farming animals, buying land and in running small business.

- Participants received training on plantation technique and management both by the FD and NGOs. Community organising and mobilising strategy training were provided to FD officials as well as to the participants that helped in increasing awareness regarding participatory forestry approaches.

- Participatory forestry in the name of CF and SF enabled participants to be more respectable within the community. Their economic solvency achieved through harvest share helped to uplift their status and recognition in the society. However, access to better health, education and sanitation still remain a big issue.

Governance attributes

\textsuperscript{111} Muhammed, et al, above n 71, 90; See, eg, Khan, et al, above n 45, 106;See also Poffenberger, above n 2, 44; See generally Shampa Biswas, Mark E Swanson and Harald Vacik, ‘Natural Resources Depletion in Hill Areas of Bangladesh: A Review’ (2012) 9 Journal of Mountain Science 147, 152; See also Niaz Ahmed Khan and Showkat Ara Begum, ‘Participation in Social Forestry Re-Examined: A Case-Study from Bangladesh’ (1997) 7(3) Development in Practice 260-266, 263; Islam, above n 110, 152.
Chapter 6

- Passive community participation is experienced in most of the projects that can be termed as consultation. This scenario has also been mentioned in regional studies. Participants were not actively involved in the planning, monitoring and group formation process. The FD or nominated NGOs were mainly engaged in accomplishing all these activities. However, in some project areas local forest officials informed the participants about the project and the future benefits of being included as participants.

- Delayed processing of the agreements by the FD eroded the tenure security and motivation of the participants, leading to poor or unstable community participation in the process. Furthermore, a legal dispute on land ownership between government agencies significantly affected the programme, especially strip plantation programme.

- Conflict and mistrust was noticed among the FD, NGOs and other agencies.

- Conventional management approach is still in practice. The FD is seen as the sole authority in taking and implementing all the decisions. Formal procedures are maintained just by informing and receiving approval from the ‘Upazilla’ and ‘District’ coordination committees related to forestry.

- The land tenure situation was contested and highly complex in many project locations. However, in some project locations, participants expressed a sense of ownership, which was made possible by regular communication with the FD, regular vigilance in the plantation sites and presence at meetings.

- The coordination among various stakeholders often not satisfactory and consequently influenced the proper implementation of the project. To a significant extent top-down management approaches still continue in the name of participatory forestry.

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113 Upazillas are under the jurisdiction of districts. It is the lowest tier of formal government administration.

114 Local administrative units under the jurisdiction of the division. There are 64 districts in Bangladesh. Each of them again divided into several sub-districts known as Upazilla.
Fundamental policies to empower communities to be the real custodian of the public forest lands have not been forthcoming in these programmes.\textsuperscript{115} Like in other parts of South Asia, local level land use planning and development has long been obstructed by the top-down management favoured by bureaucratic systems.\textsuperscript{116} Such a centralist management approach significantly affects the efforts of biodiversity conservation and sustainable natural resource management (NRM). Gradually, the need for an alternative approach to address conservation and development has holistically gained increased support. The introduction of co-management of the PAs in Bangladesh is one of the strategies developed in support of more meaningful and empowered participation and change in PA governance.

M Development of Co-management Approach in the Forest Protected Areas of Bangladesh

Despite the repeated concern regarding participation, the extent of community involvement in participatory forestry programmes has been insignificant. Generally speaking, most of the past and present participatory forestry projects have managed to achieve physical targets but failed to meet social targets of community participation and equitable distribution of share and rights.\textsuperscript{117} SF policy is designed, implemented and monitored without giving proper consideration and attention to the socio-economic context of the respective areas.\textsuperscript{118} Achieving SD through forestry requires a sound management process that will expand the forest resources and their sustainable uses.\textsuperscript{119} The top-down approach is still persisting, ignoring the rich history of traditional practice and knowledge base. Recognising the weakness of conventional forest management and the continued depletion and degradation of the forest resources, the government started establishing PAs. Since the 1980s, the Bangladesh government started establishing PAs in the national forests and gradually adopted legal frameworks for community participation in governance through co-management.

\textsuperscript{115} Poffenberger, above n 2, 100.
\textsuperscript{116} Shimona A Quazi, Bryan R Bushley and Wendy B Miles, ‘Introduction: Participation and the Collaborative Management of Protected Areas in Bangladesh’ in Jefferson Fox, et al (eds), Connecting Communities and Conservation; Collaborative Management of Protected Areas in Bangladesh (East-West Center, BFD and USAID, 2008) 2.
\textsuperscript{117} Nath and Inoue, above n 99, 2; See also Khan, et al, above n 45.
\textsuperscript{118} Chowdhury, above n 80, 95.
\textsuperscript{119} Chowdhury, et al, above n 8, 361.
The concept of co-management is believed to be a timely approach that could better address the issues of SD by integrating both the conservation and livelihood goals. The Forest Act 1927 (amended up to 2000), the Wildlife (Preservation) Act 1974 and the Environmental Conservation Act, 1995 (amended up to 2002) have significantly influenced the development of co-management in the wetlands and forest PAs of Bangladesh. The following figure shows the development of the key legal and policy frameworks of co-management of PAs in Bangladesh (Figure-2).

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120 A H M R Sarker and E Røskaft, ‘Human Attitudes Towards the Conservation of Protected Areas: A Case Study from Four Protected Areas in Bangladesh’ (2011) 45(3) Oryx 391, 391; See also http://www.bforest.gov.bd/conservation.php(last accessed on 8th September, 2011).

Figure 2. Development of Key Legal and Policy Frameworks of Co-management of the PAs in Bangladesh

A community-led, eco-system-based strategy for biodiversity conservation was adopted for the aquatic resource management in the name of Management of Aquatic Resources through Community Husbandry (MACH) in 1998 on a pilot basis. The aim of the MACH project was to address poverty and to ensure sustainable management of wetland and aquatic resources by engaging the local community in the planning and decision-making processes. The initial response and success were

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123 Quazi, above n 116, 2.
promising in this regard. Considering the existing limitations of the forest management and recognising the relative success of the MACH project, the government of Bangladesh has taken similar initiatives in five forest PAs and their buffer zones in the name of the Nishorgo Support Project (NSP).124

In Bangladesh, the PAs quite often overlap with the forest areas since most of the PAs are forest PAs.125 Three types of PAs are designated under the Wildlife (Preservation) Act 1974: national parks, wildlife sanctuaries and game reserves. These PAs represent three major forest types of Bangladesh hill forest, sal (Shorea robusta) forest and mangrove forest and belong to the IUCN Guidelines of PA Management Categories II and IV.126 All of the forests PAs of Bangladesh fall under the designation of national parks and wildlife sanctuaries.127 However, the declaration of these PAs have added little to the management and protection of the depleting biodiversity because of the predominant classical approach to management with an ecological focus that often excludes local rights and access to resources and decision-making processes.128 Moreover, illegal extraction, wildlife poaching and trade, massive encroachment by local people and land use changes impede SD and biodiversity conservation. This was reflected in the national report of the CBD and the NBSAP.129

The co-management of forest PAs commenced in 2003 in the name of the NSP with a view to enhancing the conservation of biodiversity in the designated PAs, together with the active involvement of the forest dependent communities.130 The NSP was based on the normative framework of conserving vanishing forest biodiversity and

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124 Goutam Biswas and Abu Morshed Chowdhury, ‘Protected Area Co-management Lessons Learned: Co-management Organisation (CMO) Perspective’ (Paper presented in the 1st Bangladesh Forestry Congress, Bangladesh Forest Department, MOEF, 2011); See also Sarker and Roskaft, above n 120, 391.
125 A subset of all protected areas that includes a substantial amount of forest. This may be the whole or part of a protected area managed for biodiversity conservation and associated cultural values. See Nigel Dudley and Adrian Phillips, ‘Forests and Protected Areas-Guidance on the Use of the IUCN Protected Area Management Categories’ (WCPA, IUCN, 2006) 3.
127 DeCosse, et al, above n 52, 19.
129 Muzaffar et al, above n 58, 1593.
130 Quazi, et al, above n 116, 3.
ensuring livelihood support to the local community dependent on PAs.\textsuperscript{131} The NSP selected ‘five PAs’\textsuperscript{132} as pilot sites in order to develop a functional model for the formalised co-management of PAs.\textsuperscript{133} The main focus of the co-management approach under the NSP included protection and conservation of all natural forests and its biodiversity, conversion of the monoculture of exotic tree species with indigenous species, development of co-management agreements with key stakeholders and capacity building of the FD and other key stakeholders to ensure better administrative, management and policy support for the PAs.\textsuperscript{134} The development project proposal (DPP) of the NSP identified six separate but closely related objectives to be pursued in the selected PAs and their buffer zones.\textsuperscript{135}

V MANAGEMENT OF FOREST PROTECTED AREAS IN BANGLADESH

The key challenges of the forest PA management are mostly related to the decision-making process and the way stakeholders influence forest policies and practices. The PA governance approach can therefore be a starting point in addressing these challenges.\textsuperscript{136} Enabling better governance in the PAs can help in clarifying the relationship, rights, responsibilities and incentives for livelihoods and sustainable use. Based on these relative advantages, the government of Bangladesh initiated a co-management approach of the forest PAs in Bangladesh. The declaration of forest PAs began in the 1980s and continues up until today, the government having declared 34 PAs covering 10.72 per cent of the total forest area.\textsuperscript{137} All the PAs are managed independently under their respective management plans. However, the implementation of the plans remains weak due to financial, technical and institutional


\textsuperscript{132} Lawachara National Park, Rema-Kalenga Wildlife Sanctuaries, Satchari National Park, Chunati Wildlife Sanctuaries and Teknaf Wildlife Sanctuaries.

\textsuperscript{133} Quazi, et al, above n 116, 3.

\textsuperscript{134} Ram Sharma, et al, ‘Co-management of Protected Areas in South Asia with Special Reference to Bangladesh’ (NSP, Bangladesh Forest Department 2008).

\textsuperscript{135} See Nishorgo: Bangladesh Protected Area Management Programme (Bangladesh Forest Department, 2008) http://www.nishorgo.org , last accessed on 10\textsuperscript{th} January, 2011); See alsoMuzaffar et al, above n 58, 1593.


Chapter 6

limitations, according to some studies. Furthermore they do not even represent the diverse eco-regions of the country.

N Status of Protected Areas in Bangladesh: Location, Area and Types

Socio-economic factors are directly related to the depletion of the biological resources in the forest areas of Bangladesh. Well managed PAs may act as a refuge to safeguard the vanishing biodiversity and forest resources from further depletion. The roles of the PAs are to preserve ecosystems, habitats of flora and fauna as well as to protect communities through adopting sustainable management practices. Involving forest dependent communities in this process through addressing their livelihoods is a widely recognised approach around the world. Adoption of co-management approaches in the management of the forest PAs of Bangladesh is an attempt designed to meet conservation goals and the livelihood needs of the community. The first declaration of a PA was made under the provision of the Forest Act 1927. It got further momentum with the enactment of the Wildlife (Preservation) Act 1974 where the government recognised its responsibilities for the conservation and management of wildlife and their habitats.

The government has so far declared 34 PAs, representing three major ‘forest types’ in Bangladesh. These PAs fall under the two broad types: national parks and wildlife sanctuaries. However, there are some wetlands and seashore areas declared as Ecologically Critical Areas (ECAs) under the Environmental Conservation Act 1995 (amended up to 2002) and many of them are now being included in the co-management programme. If classified and notified, these ECAs may belong to the IUCN PA Management Categories VI (PAs with sustainable use of natural resources).


Muzaffar et al, above n 58, 1593.


Chowdhury and Koike, above n 138, 113.

Hill forest, Sal forest and Mangrove forest are the three major forest types of Bangladesh.
Chapter 6

The detailed listing of the notified PAs according to designation, location, forest type and area is presented as follows:143

Table 8. List of Declared Protected Areas of Bangladesh

<table>
<thead>
<tr>
<th>Name of the PAs</th>
<th>Location</th>
<th>Area (ha)</th>
<th>Year of Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Parks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Himchari</td>
<td>Cox’s Bazar</td>
<td>1729</td>
<td>1980</td>
</tr>
<tr>
<td>2. Modhupur</td>
<td>Tangail/Mymensingh</td>
<td>8436</td>
<td>1982</td>
</tr>
<tr>
<td>3. Bhawal</td>
<td>Gazipur</td>
<td>5022</td>
<td>1982</td>
</tr>
<tr>
<td>4. Lawachara</td>
<td>Maulavibazar</td>
<td>1250</td>
<td>1996</td>
</tr>
<tr>
<td>5. Kaptai</td>
<td>CHT</td>
<td>5464</td>
<td>1999</td>
</tr>
<tr>
<td>6. Ramsagar</td>
<td>Dinajpur</td>
<td>27.75</td>
<td>2001</td>
</tr>
<tr>
<td>7. Nijhum Dweep</td>
<td>Noakhali</td>
<td>16352.23</td>
<td>2001</td>
</tr>
<tr>
<td>8. Satchari</td>
<td>Habiganj</td>
<td>242.91</td>
<td>2005</td>
</tr>
<tr>
<td>9.Khadim Nagar</td>
<td>Sylhet</td>
<td>678.80</td>
<td>2006</td>
</tr>
<tr>
<td>10.Medha Kachhapia</td>
<td>Cox’s Bazar</td>
<td>395.92</td>
<td>2008</td>
</tr>
<tr>
<td>11. Baraiyadhala</td>
<td>Chittagong</td>
<td>2933.61</td>
<td>2010</td>
</tr>
<tr>
<td>12. Kuakata</td>
<td>Patuakhali</td>
<td>1613</td>
<td>2010</td>
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</tbody>
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<th>Chapter 6</th>
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<tbody>
<tr>
<td>13. Nababganj</td>
</tr>
<tr>
<td>14. Shingra</td>
</tr>
<tr>
<td>15. Kadigarh</td>
</tr>
<tr>
<td>16. Altadighi</td>
</tr>
<tr>
<td>17. Birgonj</td>
</tr>
</tbody>
</table>

**Wildlife Sanctuaries**

| 18. Char Kukri-Mukri | Bhola | 40 | 1981 |
| 19. Pablakhali | CHT | 42087 | 1983 |
| 20. Chunati | Chittagong | 7763.97 | 1986 |
| 21. Sundarban(South) | Khulna | 36970.45 | 1996 |
| 22. Sundarban (East) | Bagerhat | 31226.94 | 1996 |
| 23. Sundarban (West) | Satkhira | 71502.10 | 1996 |
| 24. Rema-Kalenga | Habiganj | 1795.54 | 1996 |
| 25. Fashiakhali | Cox’s Bazar | 1302.43 | 2007 |
| 26. Dudh Pukuria-Dhopachari | Chittagong | 4716.57 | 2010 |
| 27. Hazarikhil | Chittagong | 1177.53 | 2010 |
| 28. Sangu | Banderban | 2331.98 | 2010 |
Chapter 6

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<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>29. Teknaf</td>
<td>Cox’s Bazar</td>
<td>11615</td>
<td>2010</td>
</tr>
<tr>
<td>30. Tengragiri</td>
<td>Barguna</td>
<td>4048</td>
<td>2010</td>
</tr>
<tr>
<td>31. Sonarchar</td>
<td>Patuakhali</td>
<td>2026.48</td>
<td>2011</td>
</tr>
<tr>
<td>32. Dudhmukhi</td>
<td>Bagerhat</td>
<td>170</td>
<td>2012</td>
</tr>
<tr>
<td>33. Chadpai</td>
<td>Bagerhat</td>
<td>560</td>
<td>2012</td>
</tr>
<tr>
<td>34. Dhangmari</td>
<td>Bagerhat</td>
<td>340</td>
<td>2012</td>
</tr>
</tbody>
</table>

O Co-management Approach in the Protected Area Management of Bangladesh

The declared PAs of Bangladesh represent the major forest types such as hill forest, sal forest and mangrove forest and the co-management approach is an attempt to protect the vanishing biodiversity and the resources in these forests. In Bangladesh, the FD is acting as legal custodian of the PAs in cooperation with local and national stakeholders. The collaborative management concept was first applied in wetlands through MACH and then applied in forest PAs through the NSP. Based on the initial success and acceptance of the NSP, the co-management further scaled up as Integrated Protected Area Co-management (IPAC) with broader magnitude started covering wetlands along with the forest PAs to establish PA network. Until today, 18 PAs have been brought under the umbrella of co-management with a view to scaling up natural resource co-management both at a policy and operational level. The IPAC is committed to devise a visible, recognisable national and integrated system of co-managed PAs with a plan to cover 367 500 hectares area to support 2.5 million forest

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and wetland dependent communities. It also aims at increasing the number of PAs to 50 by 2013.\footnote{Fourth National Report to the Convention on Biological Diversity-Biodiversity National Assessment and Programme of Action 2020, above n 68, 117.}

**VI Legal Frameworks for PA Declaration and Community Participation in the PA Governance of Bangladesh**

The introduction of co-management and governance of PAs is a very recent development in Bangladesh. Existing legal and policy frameworks do not yet explicitly mention the concept and introduction of the co-management approach. Establishing legal frameworks and developing meaningful partnership between the FD and communities and undertaking institutional changes need time and experience as noted in case of joint forest management in India.\footnote{Poffenberger, above n 2, 117.} However, many of the legal and policy frameworks related to forests support it and link it to the provision of participatory resource management such as CF and SF. Various rules, administrative orders, policies, strategies and related soft laws are the basis for the introduction and implementation of co-management.\footnote{Integrated Protected Area Co-Management (IPAC) (A Summary Report on the Mission by the Environmental Law Institute to Analyse the Legal Framework Governing Co-management in Bangladesh, USAID, 2008) 3.}

The basic legal and policy frameworks of PAs are provided by the provisions of resource conservation and development in national policy. Issues of community engagement are also a growing concern with regards to biodiversity conservation.\footnote{National Biodiversity Strategy and Action Plan for Bangladesh, above n 60, 39.}

Until very recently, there was no explicit reference of co-management in the current legal framework and therefore the most important thing was to maintain flexibility within the legal frameworks in order to cope with the changing context and demands. The forest PAs of Bangladesh are the reserved forests under the Forest Act, 1927 (amended up to 2000) and are declared as PAs under the Bangladesh Wildlife (Preservation) Act 1974.\footnote{Laskar Maqsudur Rahman, The Forest Act, 1927(Lucky Publishers, Dhaka, 4th ed, 2008) 18.} Section 28 of the Forest Act does endorse SF in the reserved forests, which triggered the development of the Social Forestry Rules 2004 (amended up to 2010). The Bangladesh Wildlife (Preservation) Act 1974 is the modest legal effort to control and manage wildlife and their habitats. Article 23 of the Act is

\begin{itemize}
  \item [147] Fourth National Report to the Convention on Biological Diversity-Biodiversity National Assessment and Programme of Action 2020, above n 68, 117.
  \item [148] Poffenberger, above n 2, 117.
  \item [150] National Biodiversity Strategy and Action Plan for Bangladesh, above n 60, 39.
\end{itemize}
worth mentioning in declaring wildlife sanctuaries as one of the major types under the IUCN PA Management Categories. It also contains the official definitions of the various types of PAs such as national parks, wildlife sanctuaries and game reserves. The Environmental Conservation Act 1995 also plays a significant role in declaring ECAs and subsequently many wetlands are included in the co-management system.

The history of declaring PAs is quite old but the systematic approach for the management of the PAs is recent, both globally and locally. The co-management approach in the forest PAs are being initiated through the NSP that was eventually scaled up through the IPAC which now includes wetlands. Co-management entails multiple stakeholders actively participating in decision-making and the management process. The FD is the legal custodian while local forest-dependent communities are the major local stakeholders engaged in the management in cooperation with other stakeholders. Co-management organisations (CMOs) lie at the centre of the co-management system. Furthermore, the socio-economic dynamics in the rural setting is often dominated by rural elites, thus there was a need for an institutional platform to safeguard the interest of the local poor so that they can contribute significantly in the overall management and the decision-making process of the PAs. Keeping that objective in mind an institutional platforms called ‘Co-management Council’ and ‘Co-management Committee’ (hereafter referred to as CMC) are being established in five forest PA sites with a view to ensuring governance through local community participation. The concept will eventually be scaled up through replication in other PAs in Bangladesh.

CMOs are represented by various stakeholders drawn from civil society, local government, local communities and resource user groups and relevant government agencies. The Co-management Council and CMC members and their responsibilities are defined through a Government Order as described in the following table.

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152 Chowdhury, et al, above n 8, 365.
Initially, the CMOs were not adequately representing the affected PA dependent communities and many argued for the restructuring of the CMOs. According to a recent notification (Government Order), the number of the Co-management Council and CMC members increases from 55 and 29 to 65 and 29 respectively with a view to ensuring the greater participation of marginal and ultra-poor group members from the communities. Several other tiers are also in existence at community level such as the Village Conservation Forum (VCF) and People’s Forum (PF) and which are playing an important role in the formation and selection of the Co-management


Council and the CMC. Selection of the Council and CMC members are done through a democratic process involving members from various tiers. The CMC is primarily responsible for the overall governance of the respective PA at local landscape level that also includes an area covering five kilometres around the legal jurisdiction of the PA boundary.\(^{157}\) An Annual Development Plan (ADP) of the individual PA is now being prepared by the CMC under the active support of the project authority and the FD.

The CMC select Community Petrol Group (CPG) from local communities as per the guidelines to work closely and collaboratively with FDs for protection purposes.\(^{158}\) A provision has been made through a gazette notification to utilise 50 per cent of the total revenue generated from various eco-tourism based activities.\(^{159}\) Various alternative income generating (AIG) activities are being undertaken by the NSP in collaboration with the CMCs to support local stakeholders by forming forest user groups (FUGs) in order to reduce pressure on forest resources, namely non-timber forest products (NTFPs).\(^{160}\) However, the sustainability of CMCs is still a big challenge since there are no regular and viable sources of funding to support management and development costs of the respective CMCs.

P International Legal Regimes and the Protected Area Management of Bangladesh

Various participatory concepts and guidelines have been developed and promoted by international institutions and development partners, individually and collectively, to enhance the status of biodiversity and livelihood supports to rural people, and co-management is now a widely recognised strategy, embracing both traditional practice and recent policy developments.\(^{161}\) PAs are getting more and more recognition and acceptance as a viable approach for the conservation and sustainable management of the depleting biodiversity.\(^{162}\) However, it is not sufficient to address the causes of biodiversity depletion only through PAs, as the origin of depletion is deeply rooted in the socio-economic context of a country. Bangladesh is no different in this case,

\(^{157}\) Chowdhury and Koike, above n 138, 115.
\(^{158}\) Ibid.
\(^{160}\) Chowdhury and Koike, above n 138, 115; See also Cunningham, et al, above n 122, 8.
\(^{162}\) Dudley, above n 126, 2.
where local people often consider PAs as an attempt to isolate them through denying them their traditional rights and access to resources.\textsuperscript{163} The introduction of the co-management approach and commitment through participation in the various international forums also creates scope to overcome the underlying limitations of the other forms of participatory NRM. Being a signatory of the various international conventions, treaties and protocols, it is also Bangladesh’s moral and legal obligation to maintain and follow the international standards in managing its PAs.\textsuperscript{164} The World Commission on Protected Areas (WCPA) of the IUCN plays a significant role in regards to PA management. The IUCN Guidelines for PA management categories also act as a global platform to help design and implement programmes of the PAs in Bangladesh in accordance to global standards to ensure sustainability through achieving desired goals. Active community participation in PA governance is centre stage of all these developments. The CBD programme of works (PoW) on PAs provides directions in determining the best practices for community participation in the overall decision-making process. Bangladesh is being constantly informed and involved in the new developments in PA management through institutions like WCPA. The issues of community participation in the governance of PAs have also been recognised and included in the IUCN Guidelines for PA Management Categories.\textsuperscript{165} All these guidelines and developments have influenced Bangladesh in many ways to take appropriate measures to support biodiversity conservation. The introduction of co-management is a good example in support of this accelerated development, consistent with international standards, laws, policies and practices.

\textbf{VII CONCLUDING COMMENTS}

Forest policy in Bangladesh has been widely influenced and shaped by the colonial regime. The revenue centred policy that ignored active community participation in the planning and implementation process continued until recently. Participatory forms of forestry were initiated during the 1980s but the issues of active community participation in the governance process was found wanting. The recent introduction of co-management approaches of the forest PAs in Bangladesh has created opportunities

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{163} Roy, above n 144, 10.
  \item \textsuperscript{164} Chowdhury, et al, above n 8, 371.
  \item \textsuperscript{165} Dudley, above n 126, 26; See also Nigel Dudley, Jeffery D Parrish, Kent H Redford and Sue Stolton, ‘The Revised IUCN Protected Area Management Categories: The Debate and Ways Forward’ (2010) 44(4) Oryx 485-490.
\end{itemize}
\end{footnotesize}
for shared governance through institutionalising co-management of PAs aimed at enhancing the process of SD. Many legal and policy frameworks substantially influence the introduction and implementation of co-management of the forest PAs in Bangladesh. The Forest Act 1927, the Wildlife (Preservation) Act 1974, the Social Forestry Rules 2010, the Forest Policy 1994, NBSAP and NEMAP are the major role players in this context. Based on the relative strength and weakness of the participatory forestry practices like SF, the co-management concept has taken root and can be seen as the most suitable approach to PA governance. This analytical review will help to determine the adequacy of the concept by addressing the research question—‘What legal, policy and institutional frameworks and management guidelines currently exist for implementing co-management in PAs of Bangladesh’. Based on the review of the existing legal and management guidelines, the following chapter will help determine the frameworks to evaluate the stakeholders’ perception on various aspects of co-management through a case study carried out in the Chunati Wildlife Sanctuary.
CHAPTER 7
CO-MANAGEMENT IN CHUNATI WILDLIFE SANCTUARY:
STAKEHOLDERS’ PERCEPTION AND EXPERIENCE

I INTRODUCTION

Until very recently, colonial forest management practices persisted in the forest sector of Bangladesh and this is evident in the overview of relevant legal and policy frameworks (Ch.6 II). The absence of tenural rights, access to information and equitable benefit-sharing mechanism has impeded community participation, consequently influencing the governance process (Ch.6 K). The history of forest management in Bangladesh and the experiences associated with the emergence of participatory forestry also indicates that the influences of colonialism continue alongside more collaborative and community-based approaches. Chapter 6 provided insights into the evolving trends of participatory forest management, such as the eco-management approach in the forest protected areas (PAs) of Bangladesh. How existing legal and policy frameworks have shaped and influenced the introduction of co-management was also discussed in chapter 6. This discussion highlighted the inadequacies of the provisions for community participation as a means of shared governance (Ch.6. L).

Understanding the nature and extent of community participation in PA management of Bangladesh needs further research and critical assessment before recommending substantial expansion of co-management as a governance approach in forest PAs. In this regard, understanding the perceptions, capacities and experiences of the communities, and other major stakeholders’, is essential (based on the insights arising from comparative developing country approaches to co-management). This chapter explores the perceptions and experiences of the forest-dependent communities and other stakeholders in relation to sustainable development (SD) goals (Ch.2 A) achievable through the co-management approach in Bangladesh.

This case study was conducted in the Chunati Wildlife Sanctuary (CWS) and was based on qualitative research, designed to address specific research questions. (see Ch.1 V). The case study mainly addressed research question: ‘What are the perceptions and experiences of the local communities, and other stakeholders, on implementing sustainable development goals such as poverty alleviation, sustainable use and conservation of natural resources through co-management approaches? Do they believe that co-management will promote participatory resource management and governance through upholding rights, access and active participation of local community’ through evidence-based analysis of co-management as a PA governance system in Bangladesh. In order to understand the legal and institutional context, relating to the case study, this chapter will also address research question: ‘What legal frameworks and management guidelines currently exist for implementing co-management of PAs in Bangladesh?’ (expanding on earlier discussion in chapter 6).

Understanding the principles of good governance (Ch.2 G), and how these principles were applied in the implementation of co-management in CWS, was studied through stakeholders’ opinions and personal observation. The formation of co-management organisations (CMOs) and researching their role in governing PAs is particularly crucial to the efficacy and adequacy of the existing legal, institutional and policy for co-management as a governance mechanism. The role of co-management in promoting active community participation through community-based institutions for the governance of forest PAs in Bangladesh was a central theme of the case study. The changing patterns of the PA management were studied through the views and perception of the respondents, who were major stakeholders in the CWS. Research and discourse on whether co-management has the potential to facilitate participatory resource management and better governance needs to include community and stakeholder voices. Their perceptions and experiences are important in identifying the role of community-based local institutions in upholding rights, capacity building and facilitating the access of community to participate in PA management. Power relationships and the devolution of power are the core factors in co-management. Whether the present Bangladesh legal and policy frameworks support devolution of power, in reality, was also a focus of the case study. Power in protected area co-management cannot be understood in the abstract. The case study uses qualitative methodologies to investigate these perceptions and relationships in the context of the
research question stated on page two. The methodological approaches adopted for the case study are described in the following sections.

II  METHODOLOGICAL FRAMEWORKS FOR THE CASE STUDY

Co-management, like any other management approach, should have clear objectives and purposes. As a contemporary governance approach, co-management objectives include SD goals such as equitable participation in decision-making, poverty alleviation, sustainable use and conservation of resources. The focus of the study was to examine what the existing PA management practices under co-management regimes are achieving, or whether they have the potential to achieve these goals through an analysis of the stakeholders’ experience and insights. Local communities play the key role as beneficiaries of PAs. Thus the study relied upon the feedback and perceptions of local communities as the major determinants of the research objectives. In addition, the perception and views of other significant stakeholders involved in the co-management governance process were also taken into consideration in the study.

The present chapter combines critical political theory (discussed in chapter 1) and the insights provided by the case study, to analyse whether participatory approaches, decentralisation strategies and local institutions expedite SD objectives and the participatory devolution of power in PA co-management in developing countries such as Bangladesh. Legal, policy and institutional frameworks need to be supportive and build upon the experiences and best practices that are country and context specific, viable and draw upon the perceptions and aspirations of communities, comparative experiences in other countries and international standards.

III  RESEARCH METHODS

Research can be defined as the ‘entire process ranging from setting research question to planning and recommendations’ while method implies ‘the technique to gather research data’. The field study has been conducted by adopting case study and

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\[2\] Hillary P M Winchester and Mathew W Rofe, ‘Qualitative Research and Its Place in Human Geography’ in Iain Hay (ed), Qualitative Research Methods in Human Geography (Oxford University Press, 2nd ed, 2005) 1, 4.
ethnographic approaches. It includes semi-structured interviews, informal discussions, personal observations and focus group discussion (FGD). Triangulation was done to collect some information sources for better clarity and integrity. In addition, a literature search was undertaken through various recognised web engines and other data sources e.g. books, reports and conference proceedings as a review to aid the primary research process (discussed in detail in Ch.7) for the case study.

A Techniques and Tools of Data Collection

The main purpose of the research was to gain an understanding of the existing trends of PA management in Bangladesh and the implications for co-management as a governance mechanism through active community participation. The CWS was selected as a case study because it was one of the pilot sites where co-management was being implemented by the Bangladesh Forest Department (FD) in collaboration with the local community and other stakeholders. Research was carried out in two ‘forest ranges’ of the CWS: namely Chunati and Jaldi. Two factors were considered while selecting these sites. Firstly, co-management organisations (CMOs), namely Co-management Committees (hereafter referred to as CMCs), are located in these areas. Secondly, the FD intervention and the Integrated Protected Area Co-management (IPAC) project activities are also based and operating from these locations. The field study was undertaken over a period of eight months. The first phase extended from July 2010-December 2010 and the second phase from October 2011-November 2011. A number of qualitative methods were used to collect the data, in addition to consulting secondary data sources. The following section of this chapter discusses the key methods that were widely applied in the case study.

1 Literature Review

A literature review was done focusing on identifying relevant existing and evolving national and international trends in PA governance, in regard to the discourse on SD, legal and policy frameworks, community participation and participatory natural

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5 It is an administrative unit to manage forest smoothly. Usually run by a range officer that covers some manageable areas of forest.
Chapter 7

resource management (NRM). This is a big field of interdisciplinary study and it was necessary to exercise some judgement on scope, depth and context. This informed the development of the theoretical and conceptual framework of the case study. The major sources for the literature review were peer reviewed journal articles, government and NGO documents, country reports, books and research monographs. Various search engines, namely: ISI Web of Science, CABI, Scopus, Scirus, and National Library of Australia –TROVE were extensively used.\(^6\) Official websites of the IUCN, Centre for International Forestry Research (CIFOR), World Commission on Protected Areas (WCPA), Commission on Economic, Environment and Social Programme (CEESP), CBD Secretariat and International Institute for Environment and Development (IIED) were also frequently used to access various studies, legal and policy documents (treaties, conventions, protocols, reports and proceedings of the conferences).

Secondary data and information from the various sources of the government and non-government sector in Bangladesh have been accessed and analysed. The official websites and data bases of the Bangladesh Forest Department, Bangladesh Forest Research Institute, Statistical Bureau of Bangladesh, IUCN Bangladesh, University libraries, NGOs publication were regularly accessed.

2 Semi-Structured Interviews

The face-to-face interview\(^7\) was one of the widely used approaches in the case study. This approach provided insight into people’s perceptions, experiences and opinions and facilitated an understanding of the various attributes of co-management practice in context of Bangladesh. Purposive sampling techniques were used to collect information through interviews.\(^8\) One of the key sampling units for interviews were the members of communities who are directly, or indirectly, dependent on the CWS for their livelihoods, as distinct from other stakeholders. Respondents were also drawn from the following groups of stakeholders:

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Chapter 7

- Community people and members of the co-management organisations
- Officials from relevant Ministries, the Bangladesh Forest Department (FD); the Bangladesh Forest Research Institute; the Department of Environment and the Department of Agricultural Extension.
- NGOs working in the natural resource management (NRM) sector of Bangladesh i.e. IUCN, BELA (Bangladesh Environmental Lawyers Association), Proshika (A Centre for Human Development), CNRS (Centre for Natural Resource Studies), CODEC (Community Development Centre), WTB (Wildlife Trust of Bangladesh), and Arannyak Foundation
- Project officials of IPAC
- Local government representatives (Upazilla and Union Parishad)
- Academia and researcher working in the field of forest and NRM.

Interview questions varied according to the types and role of participants in the co-management process. Four basic stakeholder categories were identified and put into two groups. A standardised semi-structured questionnaire was used for each (divided into two broad groups) group during the fieldwork (Appendix-1). The key interview themes remained consistent (Ch.1) despite some variation in interview questions between two broad groups. Audio-visual recording and documentation through a field diary was also undertaken. The interview notes were used during analysis to check the interview transcripts. Anonymity and confidentiality were maintained during and after the interview in accordance with the ethical requirements of the University of Western Sydney, Australia and the national rules and procedures of the Government of Bangladesh (especially the Bangladesh Forest Department). Each interviewee was coded in order to maintain anonymity in terms of personal and official identity (Appendix-2). Free and prior informed consent was adopted as a standard ethical practice. Information sheets and consent forms were developed for

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9 Government institutions; research and educational institutions and NGO and civil society belong to one broad group and the forest dependent community and local government representatives were belongs to other group.
10 The major focus of the study title is the legal frameworks that employed community in the process of governance by looking into the role of co-management in the forest PAs management of Bangladesh.
participants (both in English and in local language). A summary of the respondents interviewed during the field survey is presented in the following Table:

Table 10. Number and Types of Interviewed Respondents’ During Field Study

<table>
<thead>
<tr>
<th>Categories</th>
<th>Numbers interviewed</th>
<th>Code</th>
<th>Other data sources used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-management organisations (Co-management Council, Co-management Committee and Community Petrol Group members)</td>
<td>2+6+12 (6 each of male and female)</td>
<td>CO</td>
<td>CMC meeting, personal observation, informal discussion and FGD</td>
</tr>
<tr>
<td>Forest user group; Community leaders, Local government representative and Indigenous community</td>
<td>7+2+2+2</td>
<td>LC</td>
<td>Personal observation, FGD</td>
</tr>
<tr>
<td>Ministries, the Forest Department (FD) and other government departments</td>
<td>8</td>
<td>GO</td>
<td>Informal discussion, website visit, publication review</td>
</tr>
<tr>
<td>Development practitioners (national and international NGOs)</td>
<td>7+2</td>
<td>DP</td>
<td>Publication, website and documents review</td>
</tr>
<tr>
<td>Project authority personnel (IPAC)</td>
<td>8</td>
<td>PA</td>
<td>Website visit, informal discussion, documents review</td>
</tr>
<tr>
<td>Academia, researchers and others</td>
<td>2+2</td>
<td>ED</td>
<td>Journal article, publication, books and informal discussion</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>62</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3  Focus Group Discussion

Focus group discussions (FGDs)\(^{11}\) were conducted to determine the individual and group opinions regarding the research issues and to identify the potential respondents

\(^{11}\) Berg, above n 4, 123; see also Marvasti, above n 8, 22.
for in-depth (face to face) interviews. Each FGD consisted of 6-7 members in order to keep the group manageable for the discussion. During the FGD sessions, I acted as facilitator. Four FGDs were conducted at different times and places involving elders, community leaders, school teachers, female members/housewives in order to discuss the study purposes. The outcomes of the FGD were grouped based on similarities and dissimilarities of the opinions and according to the priorities mentioned by the respondents using inductive coding method. The basic purpose of applying this method is to let the research findings to surface from regular, dominant themes intrinsic in raw data and to establish a logical and clear link between the research objectives and the summary determined from raw data. This approach is also free from the restriction imposed by structured methodologies such as experimental and hypothesis testing research.

4 Personal Observation

Personal observation also exerts significant influence on the subject matter that complements and contextualises other methods used in the study process. The subjectivity of this method has both strengths and weaknesses. I applied this approach to build an understanding of the everyday experience of communities in the study areas. Efforts were made to be engaged with local community, CMOs, IPAC and FD staff when and wherever, possible. Maintaining this practice widely helped to explore the attributes of the collaboration process between local and external actors. In order to retain the clarity of the observation, notations in the field diary and audio-visual documentation (i.e. voice recording and digital photography) were also made.

5 Informal Discussion

I engaged in informal discussions with academics, researchers and development practitioners, in the areas related to the case study, for the purpose of understanding the multi-disciplinary attributes of the study. During the data collection period, I also

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attended various meetings, information sharing forums and national and international conferences where issues relevant to the study were discussed. The monthly meetings of the CMCs in the CWS (attended 41st and 42nd meeting of Chunati CMC and 25th meeting of Jaldi CMC) were significant in gaining insights into the role of local institutions as governance bodies. Community dynamics and political drivers were better understood through this process.

B Analysis of Case Study Research

Analysis transforms data into meaning that helps to reveal outcomes. In this research I used content analysis in order to derive desired goals according to the research questions and objectives of the study. Similarities and differences were identified through coding. Interview transcripts and field notes were reviewed to identify emerging concepts. The handling of the raw data was done manually. Searches were performed and themes and sub-themes were identified through analysis using several approaches. I read and re-read the interview transcripts and personal field diaries to document emerging concepts. Frequently developed themes were then grouped to identify dominant themes by comparing interviews and field notes. After determining major themes, a further examination of the data done to find sub-themes represented as follows:

1. Participation and livelihood
2. Conservation and protection
3. Legal and policy issues
4. Governance and management features

C The Ethical Considerations and Research Norms for the Study

The study intended to explore views and perceptions of the local communities, forest user groups and other stakeholders regarding participatory PA governance. The government, through the FD is obviously a key stakeholder in this study as a

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15 Ibid 431.
16 Thomas, above n 13, 241.
custodian authority; however the major focus of the study was on community participation in forest PA governance under a co-management regime. Therefore, local institutions and individual community members were mainly interviewed to fulfil the objectives of the case study and to address the relevant research questions.

In order to make the study feasible, co-operation from national and local institutions such as the FD, and CMOs was essential. Necessary measures were taken to inform the respondents about the objectives of the intended study, both at institutional and community level. Prior informed consent (both written and oral form) was ensured at all stages. The overall process was performed as per the guidelines of the National Ethics Application Form (NEAF). A formal application was lodged to the Human Research Ethics Committee (EC00314) of the University of Western Sydney. The formal approval and detail of the ethical application can be reached through contacting NEAF authority (Approval No. H8492).

Since the fieldwork was conducted in the local setting of Bangladesh, all measures were also necessary to comply with the national (official requirements) rules and procedures while conducting the research study were complied with. An official approval in support of my study was issued by the Chief Conservator of Forest of the Bangladesh Forest Department. Official letters and relevant documentation were made available in support of my study to the respective authorities (for better clarification and necessary approvals). Official authentications, such as a business card and a letter of recommendation issued by supervisor were frequently produced to the authorities and individuals in order to provide a transparent idea about the researcher, the objectives of the study and the fact that it was undertaken independently of government and PA authorities. Such measures were important for a multi-disciplinary research project focusing on power relationships, transparency, representation and active community engagement in the process.

IV LIMITATIONS OF THE STUDY

The case study was undertaken in the Chunati Wildlife Sanctuary. Several issues were encountered during the study. Among the potential issues that could potentially influence the outcomes or reliability of study are as follows:
Chapter 7

- Resource constraints (physical i.e. time, budget and contextual limitations)

- Limited nature of co-management experience in Bangladesh. Some issues are beyond the scope of the present study and Bangladesh experience, but may need to be addressed in the future (e.g. ecosystem and biodiversity assessment; impacts of legal and policy change on PA management etc.).

- The methodological framework, based on the dissertation topic and the nature of research questions, are not comprehensive in relation to all aspects or perspectives relating to co-management governance. It is recognised that there are diverse interests, priorities, values and perspectives of individuals, communities, co-management institutions and other stakeholders involved in co-management. The focus of the case study was primarily on the legal, policy, institutional framework and practice facilitated participatory partnerships in forest PA management, in Bangladesh, involving a new paradigm of power devolution.

- Qualitative research methods struggle to balance the ‘richness’ of observation, interaction context and perception with the ‘objectivity’ valued in scientific research approaches. Qualitative methods were chosen because of the nature of the research questions but case study findings and interpretation needs to reflect the limits of qualitative methods, particularly when generalisations or comparisons are made.  

V GENERAL DESCRIPTIONS OF THE STUDY AREA

A description of the study site is necessary to provide a background for the case study objectives and goals. The fieldwork was conducted in the Chunati Wildlife Sanctuary (Figure 3) which was one of the pilot sites of Nishorgo Support Project (NSP) where co-management was initiated along with four other PAs (see Ch.6 M for details). Background information regarding ecological, demographic and existing management features of the study area is provided below.

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D The Study Area

The CWS, located at 21°40′N and 92°07′E, was established in 1986 under the Wildlife (Preservation) Act 1974.\(^{19}\) The CWS is situated about 70 km south of Chittagong\(^{20}\)

city, covering an area of 7763 hectares and offers a unique forested landscape with grassland, degraded forest, settlement and crop lands. Although the sanctuary originally supported mixed tropical evergreen and semi-evergreen forests, this has been degraded heavily over time. Massive encroachments have resulted in the conversion of forest area into agriculture land (mainly paddy and betel leaf cultivation).

The sanctuary falls under the administrative jurisdiction of three Upazillas: Lohagara and Banskhali Upazilla of Chittagong District and Chakaria Upazilla of Cox’s Bazar District. Seven Unions falls within the administrative boundary of the CWS: Chunati, Adhunagar, Herbang, Puichari, Banskali, Borohatia and Toitong. The Sanctuary is bordered on the north by the reserved forests (RF) of Chunati Range and in the southeast and south by the RF of Chunati and Barabakia.

E Demography and Livelihood of the Local People

Fifteen villages, having almost 70 settlements (hamlet/para) that are included in seven ‘mouzas’ are situated in and around the Sanctuary. Among the 70 settlements, 24 are located within the sanctuary, 13 are located near the boundary and five are located within five kilometres from the boundary. The total population in the area is about 21,428. The majority of the people are Muslim followed by Buddhist, Hindus and others. The illiteracy rate is higher than other regions (65 per cent). Among the literate

Livelihoods and Protected Area Management in Bangladesh (East West Center and Bangladesh Forest Department, 2007) 85.

Second largest city after capital Dhaka and the biggest port city of Bangladesh.

Revised Site-Level Field Appraisal for Integrated Protected Area Co-Management Project- Chunati Wildlife Sanctuary (IPAC Project, 2009) 5.


Upazillas are under the jurisdiction of districts. It is the lowest tier of formal government administration.

The lowest administrative unit of local government in the rural areas of Bangladesh.

Mouzas are the lowest revenue collection unit created during Mughal regime. Currently they are denoted more as social unit than revenue collecting unit. See Banglapedia-National Encyclopaedia of Bangladesh, URL http://www.banglapedia.org/httpdocs/HT/M_0338.HTM, last accessed on May, 13, 2012.


category, 24 per cent are primary educated while nine per cent are high school educated and the remaining two per cent are graduates. Madrasah\textsuperscript{28} education is common among the girls.\textsuperscript{29}

About 50,000 people depend on the CWS for resource collection. The primary occupation of the community living in and around the CWS is agriculture (mostly betel leaf and paddy cultivation), which accounts for 74 per cent of the total employment, followed by collecting fuelwood (10 per cent), day labourer (nine per cent), and others (two per cent). The agriculture labourers are usually employed for only six months of the year and remain jobless for a substantial period of the rest of the year. As a consequence, the biotic\textsuperscript{30} pressure on the CWS is significantly high, which also affects the wildlife conservation and management of the Sanctuary.\textsuperscript{31}

Land encroachment is a big problem in the study area. Encroachment of forest land for agriculture, betel leaf cultivation, brick field and settlements, both in temporary and permanent forms, is common inside the CWS. Betel leaf (Piper betle) cultivation is widely practiced in the study area by the local people as a major means of livelihood.\textsuperscript{32} Encroached forest lands are widely used for this purpose. A large number of veins\textsuperscript{33} have been established inside the CWS, particularly in Chunati, Aziznagar and Harbang forest beat. Bamboo stakes, sun grass and other forest materials used for fencing and roofing are cultivated and extracted from the CWS. Saw mills and brick fields are the two major threats, after betel leaf, for the continued destruction of the forest resources. The wood is used for furniture making as well as for burning in brick

\textsuperscript{28} Muslim educational institution specialized in Arabic language and Islamic studies. It derived from Arabic word darsun meaning lesson. See Banglapedia-National Encyclopaedia of Bangladesh, URL http://www.banglapedia.org/httpdocs/HT/M_0338.HTM, last accessed on May,13, 2012.

\textsuperscript{29} See generally Site Information Brochure: Chunati Wildlife Sanctuary-Saving Nature for Future Generations, NSP, and USAID.

\textsuperscript{30} Biotic components are the living things generally exert influence on ecosystem. Here it denotes the impact of human being affecting the ecosystem of the CWS.

\textsuperscript{31} Management Plans for Chunati Wildlife Sanctuary Volume-1, above n 26, 12.


\textsuperscript{33} The cultivation of betel leaf is called veins which are locally known as barouj fenced with forest materials. It is a creeper plant belongs to Piperaceae family.
kilns. Four brick fields owned by the local elites in and around the Sanctuary were observed during fieldwork.\textsuperscript{34}

\textbf{F Ecology and Environment of the Study Area}

The CWS originally supported mixed tropical evergreen and semi-ever green forests that have been substantially degraded due to biotic interference. Such interference has resulted in fragmented habitats that badly affect the general ecosystem and wildlife.\textsuperscript{35} Various tree species are also becoming extinct at an alarming rate, making the whole Sanctuary vulnerable in its ability to support biodiversity.

The CWS and the surrounding landscapes include terrestrial, aquatic and forest ecosystems and a wide range of plants, animals and micro-organism were observed during the field research. A typical ecosystem has developed in CWS influenced by predominant edaphic and microclimatic factors.\textsuperscript{36} It belongs to humid mega thermal (MAT$\geq$22 degrees) climate, with little or almost no water deficit. The temperature varies from a minimum of 14 degrees in January to a maximum of 32 degrees in May. Humidity is high; with an annual average rainfall of approximately 3000 mm. Maximum rainfall occurs during June to September, from the south-west monsoon. Five broad ecosystems (habitat types) have been identified in the CWS and its interface landscapes. They are:

- Remnant of secondary forest
- Forest plantations
- Grassland and bamboo
- Wetlands and water bodies
- Crop fields (paddy, betel leaf, and seasonal agri-crops)

\textsuperscript{34} This group of people are backed by political parties directly or indirectly thus hold enormous power to influence government machineries.

\textsuperscript{35} See Simplified Management Guidelines-Chunati Wildlife Sanctuary (Nishorgo Support Project, Bangladesh Forest Department, 2006).

\textsuperscript{36} Rainfall, humidity, aspect, sunshine and soil factors are among the major microclimatic factors. See for details Management Plans for Chunati Wildlife Sanctuary Volume-1, above n 26, 6.
Secondary forest, plantations and grasslands and bamboo groves are the major three types important from a management point of view. Various flora and fauna are supported by these ecosystem types. The major components of the CWS ecosystem are described in details as follows:

**Forests**

The Sanctuary is covered by 2370 hectares of bush with very low canopy, 3681 hectares of bush with low to medium canopy, 198 hectares of bush with medium canopy, 603 hectares of grass and bush and 1197 hectares of settlements. Heavy biotic interference due to shifting cultivation has resulted in developing characteristics with the appearance of secondary forest type. Natural forest has almost completely disappeared, except for a few patches of earlier planted Garjan (Dipterocarpus spp.) trees. Various tree species and regeneration is common in the area that grows concurrently with bamboos and grass. Dry hills are invaded by sun grass (Imperata cylindrical) while cane (Calamus spp.) and wild banana regenerate naturally along the sides of streams. A number of fodder and fruit bearing trees are also naturally regenerating in the area, due to a favourable environment. The major tree, bamboo and cane species available in the CWS are listed in the appendix (Appendix-3)

**Wildlife**

The forest ecosystem still supports a rich wildlife habitat despite the conversion of natural forest and massive encroachment. Various fauna species, both forest dwelling and wetland associated, have been reported by many studies in the study area, including mammals, birds, reptiles and amphibians. Large elephants use the CWS as a corridor for movement to the hill forest of Lama and Banderban and a viable population of small cats and pigs were found in the remaining patches of the secondary and fragmented forest. Among the aquatic species, turtles and frogs are common in the study area. A recent transect survey recorded two species of reptiles,

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37 Site Information Brochure: Chunati Wildlife Sanctuary-Saving Nature for Future Generations, NSP, and USAID.
Chapter 7

two species of mammals and 11 species of birds in the area, although many of them subsequently disappeared due to the huge destruction of the forest and habitat. The only surviving wildlife, with a considerable population, is the elephant. Therefore, the conservation value of the CWS mostly stems from the conservation of elephants and their favoured ecosystem.

Non-Timber Forest Products

Non-timber forest products (NTFPs) are playing a significant role in supporting the livelihoods of the rural poor living in and around the Sanctuary. Employment and income generation through NTFPs is also recognised as a means of poverty alleviation, biodiversity conservation and community empowerment. Fruits, medicinal plants, leaves, grasses, cane and bamboo species are the major NTFPs available in the CWS. Proper NTFPs management plans, along with the rights over these resources, can play a substantive role in sustainable PA management.

G Management History of the Study Area – A Brief Account

The CWS falls under the forest division called Chittagong Wildlife Management and Nature Conservation Division (CWNC), and consists of two forest ranges: Chunati and Jaldi. The CWS consists of 7 RF blocks that were declared reserves in the early nineteenth century under Section 3 of the Forest Act 1927. Working plans (WPs) were prepared with topographical maps and specific recommendations were given in order to maintain the legal boundaries of the forest ‘blocks’ and the

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44 State of the Bangladesh Forest Protected Areas (USIAD and Bangladesh Forest Department, 2010) 23.
46 A forest block is defined as a main territorial division of forest generally established by natural features and bears a local name.
“compartments”. However, the majority of the requirements have not been implemented, including the demarcation of boundaries, resulting in severe encroachment for cultivation and settlements. Encroachment caused fragmentation of the territory and wildlife habitat and has badly affected the corridors and breeding zones of the wildlife. Most of the plantations and regenerations have been lost because of betel leaf cultivation and brick kiln operations. Nevertheless, in some places, the natural regeneration and establishment of bamboo and grasses have enhanced the in-situ conservation value of the Sanctuary.

Early working plans (WPs) were developed based on the principles of revenue generation without taking into account community welfare and their engagement in the management process. Massive degradation of natural forest also took place that eventually affected the biodiversity. The first WPs for Chunati forest was prepared by Cowan in 1923 with a span of 20 years. It divided the forest into three working circles (WCs) namely; timber, bamboo and coppice WCs. These circles were marked to implement felling operations according to the available resources. This WP was cancelled in 1939 while the accessible forests were heavily exploited during the Second World War. The next WP was devised by M Q Ghani in the period from 1950-51 to 1969-70 for the Chittagong Forest Division that also included the CWS. The plan was later revised by Baten (1968-69 to 1977-78) based on the new schemes of clear felling of natural forest, followed by artificial regeneration. This plan also prescribed three working circles: long, short and bamboo WCs. This WP was later revised by S A Khan (1978-79 to 1987-88) with a view to achieving the conversion of high forest by fixing long, medium and short WCs. The participatory concept of forestry was initiated through the revision of Khan’s WP, whereby provision was made to meet local demand of forest resources. The environmental values of forestry were also recognised by creating a separate working circle in the name of preservation WC. Wildlife management, conservation of biodiversity and ecological gene pool resources and amenity areas were the major considerations behind the establishment of a new circle. Further revision of the plan was made by Chowdhury for the period of

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47 A compartment is a territorial unit of a forest permanently defined for the purpose of administration, description and record keeping. See Management Plans for Chunati Wildlife Sanctuary Volume-1 above n 26, 4.
Chapter 7

1991-92 to 2000-01 in order to accommodate higher plantation targets supported by the World Bank.\textsuperscript{50} Such interventions further degraded the natural resource base of the forest.

Special emphasis was also given in the CWS management plan to wildlife management, especially for elephant conservation, in addition to community engagement and the implementation of co-management. The management plans of Chowdhury (1991-92 to 2000-01) and Mabud (2000-2009) kept the provisions of the preservation WC for the management of PAs under Chittagong Forest Division. Commercial felling in the CWS was stopped, according to the prescription, but the wildlife management prescriptions failed to be implemented due to budget limitations. However, small projects to improve visitors’ facilities and planting fruit and fodder species for the wildlife were undertaken with government funding. These plans have also recommended a separate plan for the management of PAs. A separate PA management plan was developed for the CWS by Rosario (1997) accompanied by a two-year action plan (by Tecsort Consulting).\textsuperscript{51} However, these plans also failed to be implemented.

The most recent management plan for the CWS was developed through landscape approaches that include protection and conservation of all remaining ecosystems; rehabilitation of degraded forest ecosystems; identification and restoration of the interface of landscape and the development and the introduction of co-management for the PA through benefit-sharing agreement with key stakeholders. This plan aims at achieving sustainable livelihoods through participatory forest use and alternative income generation activities.\textsuperscript{52} The plan provides a five-year framework for the overall development and management of the CWS under the administrative management of CWNC. Planned development interventions of Nishorgo Support Project (NSP) and government projects were included along with other relevant activities for the development of the Sanctuary.

\textsuperscript{50} World Bank supported a project called Forest Resources Management Project under which a component titled ‘Participatory Forestry Development’ aimed to establish 850 hectares of plantation with local community support in Chittagong and Cox’s Bazar Forest Division.

\textsuperscript{51} First five Year Management Plan for Lawachara National Park, Forestry Sector Project (Tecsort, 2001).

\textsuperscript{52} Management Plans for Chunati Wildlife Sanctuary Volume-1, above n 26.
Chapter 7

One of the major objectives of the CWS management plan was to implement co-management by recognising major stakeholders (such as forest user groups) and institutionalising co-management organisations (such as co-management council and committee) that are to be responsible for the sustainable management of the Sanctuary. A buffer human and physical system was also created. This is a five kilometre wide landscape zone along the boundary of the Sanctuary delineated to be used for addressing the livelihood needs of the forest dependent communities. So far, 430 hectares of buffer zone plantations and 80 hectare of enrichment plantations have been established with the active engagement of the community beneficiaries.53

Forest Department (FD) Intervention under Co-management Regime

The CWS was declared a PA in 1986 but the collaborative governance process, with multi-stakeholder arrangements, began under the tenure of NSP. Currently, IPAC is promoting the co-management of biological resources for conservation and community development purposes. So far, two CMCs have been formed as part of this new process.54 These two CMCs consist of 60 Village Conservation Forums (VCFs), two People’s Forums (PFs) and 12 Community Petrol Groups (CPGs). IPAC is focusing on sustaining the CMCs, facilitation of the capacity building of VCF, PF, CPG and other stakeholders.55

This dissertation focuses on the legal and policy frameworks for community participation in the governance of PAs through the co-management approach. The CWS management plan was designed to facilitate community participation in co-management seeking to change the paradigm of management regimes from the traditional and top-down approach to shared management. Therefore, the case study explored the problems and effectiveness of this transition.

53 Sate of the Bangladesh Forest Protected Areas, above n 44, 23.
55 Sate of the Bangladesh Forest Protected Areas, above n 44, 24.
VI PARADIGM SHIFT IN FOREST PROTECTED AREA MANAGEMENT–THE CO-
MANAGEMENT APPROACH

Community participation is the major determinant of ensuring empowerment and raising awareness among the participants.\textsuperscript{56} Co-management in this regard is playing a crucial role in the forest PAs of Bangladesh. This section attempts to identify stakeholders’ views in regards to the existing and evolving trends in PA management. Before discussing community perceptions and experiences regarding their participation (discussed in Ch.7 VIII) it is meaningful to determine the views of the others stakeholders such as the FD, academia, researchers and IPAC staff. The case study used in-depth interviews to explore how they perceive the co-management as a form of participatory governance and poverty alleviating contributing to sustainable livelihoods (and implicitly SD and conservation). These stakeholder views are discussed in the following section.

Role and Perceptions of the Forest Department

There is a long history of community involvement in forest management that can be traced back to 1871 in teak plantation.\textsuperscript{57} Co-management has got some foundations in various forms of participatory forestry, namely community forestry (CF) and social forestry (SF). This experience is now being extended to co-management in the forest PAs of Bangladesh.

The respondents illustrated the development of co-management based on their observations, and involvement in forest management. Participatory forestry was pioneered in non-reserved forest that eventually extended to RFs as co-management. In participatory forestry, individuals and communities were beneficiaries, whereas in co-management the community has a formal institutional platform to facilitate sustainable use, management and benefit sharing in a more indirect way. Co-management was first introduced in five PAs as pilot projects and has been rapidly expanded in other PAs of Bangladesh (including wetlands). When FD (Forest Department) employees were asked about the level and nature of participation, their

\textsuperscript{56} Jim Ife and Frank Tesoriero, Community Development (Pearson Education, 3\textsuperscript{rd} ed, 2006) 145.
views and perceptions were significantly opposed to the process of participation. In response to a question on the rapid expansion of PA coverage and the introduction of the co-management approach, a forest official reacted [with anger]:

...still lots of confusion and contradiction about it [co-management] ... FD should not invite such rapid expansion without having [adequate] preparation. The fund and skill manpower are strikingly limited ... needs time to adopt the concept. So why [hurry]?... for whose interest? (donors)?... IPAC is seriously [misleading] CMC and community, creating a conflicting situation between FD and community. A recent amendment (amended in 2010) of the Social Forestry Rules 2004 is an example that has created scopes for the elites and influential to take advantage through misleading forest staff or in association [with them] even in PAs. We should keep in mind that policy is to support the law, not the law as helping hand of policy.58

Participatory management, sustainable conservation and community development are the salient features of co-management. Understanding the extent that co-management supports these roles in the PAs of Bangladesh is a major case study objective. In response to a related question one park ranger replied:

We have given forest land for cultivation and shelter [temporary allotment] to the [forest] villagers with a view to protecting forest and support FD activities ... but they are now in the front wheel of forest destruction...are we going to invite some [more] risk by engaging community in forest management [in the name of co-management]?... we should [seriously] think before it is too late.59

NGO, Researcher and Academic Perceptions

The opinions of development practitioners, academics and researchers regarding co-management are mixed. Some pointed out the limitations of co-management and its application in context of Bangladesh, while others manifested the positive views, considering it as an evolving trend of community participation in the PA governance. Various attempts were made during the NSP period to expand and implement co-management in the forest PAs of Bangladesh. Some respondents questioned the wisdom of the expansion without adequate ground work and technical, financial and

58 Interview with GO1 (face to face, 26 October 2010).
59 Interview with GO2 (face to face, 25 November 2010).
management support. According an official from international development agency working in NRM:

... situation is too wide but too thin. More emphasis is given on project and its expansion instead of consolidation on the activities of the earlier phase. Being asked about the demand side of the expansion, he replied: ‘... demand has created based on the initial success of the NSP project and the MAACH ... they [IPAC] should keep that in mind. Number of beneficiaries increased from 15000 to almost 100,000 ... do we have preparation [technical and financial] to address this growing demand?’.

Sustainable management of PAs largely depends on the awareness and rights offered to the community through improved partnerships. Human rights and equity in cost and benefit sharing are other important factors. In this context, the important role of IPAC and the FD in ensuring participation, especially by women, and providing basic support in the governance process has been identified by some respondents. Social motivation and the assurance of alternative livelihoods were considered to be crucial for the success in co-management. However, this role for the FD requires further action to ensure that the usufruct rights of the forest dependent communities are recognised, defined and exercised. Land conflict is a big issue in forestry that needs be better addressed through co-management. This will facilitate the support of the local administration. Some of these stakeholders perceived that a positive outcome of co-management was the increased participation of women due to policy provisions and awareness activities. Concerns still remain about the limitations of the FD as a custodian and co-management as a system. The key findings in this regard are:

... our government machineries [powered by imperialism] itself is a big threat to establish people-centred governance like co-management ... on the other hand attitude of the community is even a bigger issue for establishing people-oriented governance. Both party need to understand the concept properly otherwise it [co-management] will remain elusive.

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61 Interview with DP1 (face to face, 3 February 2011).
64 Interview with DP2 (face to face, 22 November 2010).
... no extensive assessment done by FD prior to the introduction of the concept ... they are still appraising the policing nature of management [top-down] and interested in plantation, infrastructure and revenue matters instead of dealing conservation and livelihood issues... it is like another step of bureaucracy. 65

... FD needs to provide [only] advisory services like Nepal. We failed to take lesson from them [Nepal]. ...their community organisations [like FECOFUN] are now the major factor in all management decision of CF. Even in national politics they are the important players. After 30 years of introducing participatory forestry we did little for community empowerment except giving them [some] harvest share ... do we want to do the same in PAs through co-management? 66

... responsibility gets diluted when resources are co-managed. In our context it [co-management] can be a salvage option if payment and responsibility are shared by everyone equally, instead of sharing benefits only. We have to come out of the relation of donor and receiver ... people have to be more pro-active in getting their rights established by ensuring contribution from their side too. 67

The Views of IPAC—the Project Authority

Co-management was extended from the pilot programme to other PAs in the name of IPAC. The perceptions of the project authority in relation to the scaling up of the programme has been revealed in this section, based on the interviews, personal observations and review of published and other literature. Although co-management and the IPAC project were designed with regard to the experience and initial success of NSP and Management of Aquatic Ecosystems through Community Husbandry (MACH), the implementation of IPAC seems to be more challenging, as forest and fishery management are different due to the nature of their ecosystems. They vary significantly in terms of management and ownership.

The co-management project of IPAC aimed at creating connectivity between FD and forest-dependent communities to overcome the prevailing mistrust and conflicts. Co-management initially focused on livelihoods but has now extended its physical and management coverage by concentrating more on conservation, governance and the

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65 Interview with DP3 (face to face, 8 January 2011).
66 Interview with DP4 (face to face, 21 September 2010).
67 Interview with ED1 (face to face, 27 October 2011).
capacity building of the co-management organisations (such as CMCs). Co-management gets institutional shape through a government order that is now applicable for all the declared PAs of Bangladesh.\(^6^8\)

One positive achievement of the IPAC regime is that it has been able to increase the scope of multi-donor engagement to support the programme directly through CMOs. Creation of such leverage is one of the reasons for the rapid expansion of the co-management concept in Bangladesh. In this regard, the response of a senior project official is significant:

... we have invested a lot in NSP and MACH project. Now we are ambitious for scaling up the programme in forest and wetlands together ... we are now [emphasising] more on capacity building and sustainability issues, so that it exists even after the phase out of the project. In addition to that, we are giving importance to governance and political commitment to accept and nurture it like micro-credit programmes.\(^6^9\)

Local institutions are key to co-management. In this regard, CMOs are playing the most crucial role in implementing co-management through active community participation. Before exploring various governance approaches, principles, existing legal and policy frameworks and their role in community participation, it is useful to discuss the basic structure of the co-management organisations and their role in PA governance.

VII FORMATION OF THE CO-MANAGEMENT ORGANISATIONS: THEIR ROLE IN PROTECTED AREA GOVERNANCE

Institutions are vital for ensuring community participation and enabling an environment for sustainable PA management.\(^7^0\) It is therefore imperative to determine the strength and weakness of the institutions involved in the process. The Forest Department of Bangladesh is the major state institution responsible for the management and development of forests. Their initial mandate was to increase revenue and maximise the profit, which seemed to be a continuation of colonial

\(^{68}\) Bangladesh Gazette Order No. pahama/parisha-4/nishorgo/105/sting/2006/398.

\(^{69}\) Interview with PA1 (face to face, 8 December 2010).

\(^{70}\) Aili Pyhala, ‘Institutions, Participation and Protected Area Management in Western Amazonia’ (Paper presented in the 9\(^{th}\) Biennial Conference of IASCP, Victoria Falls, Zimbabwe, June 17-21, 2002).
trend.\textsuperscript{71} For many years community engagement was not in the discourse of the NRM. However, with time, the context and scenario have changed, resulting in the recognition and acceptance of community participation in conservation.\textsuperscript{72} The FD, with the active support of the community, is now playing a central role in managing forest PAs with the objectives of poverty alleviation and biodiversity conservation. They also recognised the importance of transparency, accountability and other principles of good governance as preconditions for the active community participation that is now well established in national and international law and policy (particularly in regard to the Aarhus Convention).\textsuperscript{73} In the context of co-management, it followed that there was a need to develop effective local institutions.\textsuperscript{74} Equitable and efficient distribution of resources and cost and the benefit-sharing mechanisms required the umbrella of these institutions. Therefore, the FD created legal frameworks to establish various CMOs through the representation of key stakeholders in the overall management of PAs.

The co-management council and committee are the two major institutions established to plan and enforce decisions jointly in the governance of PAs. The formation of these organisations takes place through various phases depicted through the following diagram (Figure-4):

\textsuperscript{72} Mark S Reed, ‘Stakeholder Participation for Environmental Management: A literature Review’ (2008) 141 Biological Conservation 2417, 2417.
\textsuperscript{73} It is the convention on access to information, public participation and access to justice on environmental matters. See for more details http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf.
\textsuperscript{74} See, eg, S Faizi, ‘An Institutional Framework for Community Participation in Protected Area Management’ (2006) 7(2) Biodiversity 16, 18.
The number and the assortment of members varies between the Co-management Council and the CMC. The overall activities of the CMC are supervised by the Co-management Council and formal approval of the council is required in formulating management plans. The following diagrams described the structure of these two organisations based on the number and types of stakeholders’ involvement.

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Figure 5. A Diagram Depicting the Structure of the Co-management Council along with Stakeholder Type

Source: Based on the gazette notification No. pabama/parisha-4/nishorgo/105/sting/2006/398 dated 23.11.2009

Figure 6. A Diagram Depicting the Structure of the Co-management Committee along with Stakeholder Type

Source: Based on the gazette notification No. pabama/parisha-4/nishorgo/105/sting/2006/398 dated 23.11.2009
During fieldwork for the case study, I interviewed various stakeholders regarding their perception and experiences regarding CMOs. The following analysis draws upon these interviews. The sustainability and functioning of the Council and CMC as institutions was the central theme of discussion. Participants were asked to comment on the role played, or could be played, by these institutions for the improved governance of forest PAs in Bangladesh. Some of the major findings are grouped as per the following theme:

H Sustainability Issues of Co-management Organisations: Their Role in Achieving Sustainable Protected Area Management

Sustainability (particularly as legitimate participatory institutions) and the financial viability of the CMOs are crucial in achieving conservation and development goals. They act as active partners of the FD to improve PA governance. Incidents of illegal felling have been reduced considerably with their active involvement. Some illegal fellers joined community petrol groups and became involved in the protection work. This is a good success story for a local institution like the Community Petrol Group (CPG). How the respondents viewed the sustainability of the co-management organisations is evident from their responses:

... CMC need his [own] source of funding to sustain and to meet day to day expenditures. They need support like MACH [endowment fund] project. Massive scaling of the co-management programme is squeezing the budget to individual PAs. It is [seriously] limiting the funds and management efficacy of the individual CMC ... this is not a good start [planning]. Donors support will be withdrawn in near future ... how will they survive? ... need to think right from the beginning.\textsuperscript{76}

...we need to explore income generating activities to sustain CMCs and their members to be involved actively. How can you expect my time, effort without taking care of my livelihood? ... we also need to reduce too many tiers in the process ... this is just creating more gaps and diluting the responsibility in between.\textsuperscript{77}

CMCs and other related institutions need to take care of community interests. Efforts are underway to register all the CMCs with the Social Welfare Department to enable them to secure funds and other support independently in the long-term. Such self-

\textsuperscript{76} Interview with DP3 (face to face, 8 January 2011).
\textsuperscript{77} Interview with ED2 (face to face, 15 December 2010).
reliance may also reduce the forest dependency of the community by their engagement in various projects implemented by CMCs.

However, some interviewees had quite different views in this regard and urged attitudinal change and knowledge development of the community, CMC and relevant stakeholders. Ensuring equity is crucial to achieving these goals. Local political influence is also a growing concern and they insist on attention to this issue right from the planning stage of the project.

I Institutional Attributes of the Co-management Organisations: Capacity Building and Legal Frameworks

Without developing the capacity (of both the service provider and the receiver), it is hard to attain the desired goals in co-managed PAs. Some respondents mentioned inherent problems in the CMC structures and member selection process, while others praised its democratic nature and legal cohesiveness in addressing community participation. The following are some of the perceptions expressed in favour, or against, the institutional functionality of co-management organisations that can be taken into consideration for developing a better framework:

... there are inherent problems in the CMC structure. You will see many local elites [connected with major political parties] and government [FD and others] officials as the play maker. It is overshadowing the voice and existence of grass root people. We want to see FD as service provider not as administrator any more. We also [must] need to ensure sustainable funding of CMC. But what we see now is the [full] dependency on donors and FD. This will not help achieving sustainable PA management in the long run.\(^\text{78}\)

... the legal framework of the co-management council and committee still provides room for influential to be selected. You will find offenders [involved in forest destruction] in the management committee [council members] ... how do you expect better governance with the people [such as furniture proprietor, brick field owner] who are behind the scene of destruction? ... this is just an eye wash... biodiversity will continue to be destroyed and community will suffer. We do not have any long term vision in sustaining any programme so as co-management.\(^\text{79}\)

\(^{78}\) Interview with DP4 (face to face, 21 September 2010).

\(^{79}\) Interview with DP5 (face to face, 26 December 2010).
According to some respondents, the existing structure of the CMC does not reflect the true participation of forest user groups, although the numbers involved are quite significant. The actual power and voice still appears to remain with the bureaucrats, elites and professional representatives. Some people interviewed urged a revision of the legal and policy frameworks to improve the implementation process of the co-management in Bangladesh:

...existing mechanisms are not transparent in briefing legal issues to community. They need further orientation to update and inform legal aspects, rights, responsibilities and related governance aspects. PA Rules (if formulated) can overcome many of the existing shortcomings of co-management.\(^{80}\)

...inclusion of members in the CMC is not a problem but the functionality and the legal basis is a [big ] concern. It [functionality] depends on timely release and transformation of specific rules, orders.\(^{81}\)

...legal framework is quite democratic in nature. CMCs are now formed through election and with the scope of registration as a social organisation they can work independently ... I think it’s a good progress. The more the people you deal, the better the chance of reducing conflicts through mutual understanding ... so the large number of people in co-management council and committee is quite logical and a positive step forward.\(^{82}\)

The key concepts of co-management have been reasonably developed in Bangladesh law and policy, particularly under the revised Forestry Act, 1927.\(^{83}\) The project now needs to move beyond the limited pilots and programs to develop a robust national PA system based on the effective implementation of co-management approaches. Some respondents believed that CMOs are dealing with more focused issues, so there is less chance of conflicts among the stakeholders. With the initiative of developing Nishorgo Network, CMOs will benefit through the sharing of views, experiences and operational policies. There is also a need to develop strong community cohesion with the ability to articulate their aspirations and needs through their CMOs, as observed in the PA management of Nepal. Legal and policy frameworks need to address community and ecological demands together. In the long run, this will also increase

\(^{80}\) Interview with PA2 (face to face, 21 September 2010).
\(^{81}\) Interview with DP1 (face to face, 3 February 2011).
\(^{82}\) Interview with PA2 (face to face, 8 December 2010).
\(^{83}\) Section 28 and 28A of the Forest Act 1927 (amended up to 2000). See Rahman, above n 45, 18.
their social recognition and support. The following quotations highlight the importance of these issues:

...regular updating [which is a continuous process] of laws, acts and regulations is important. Recent amendment of the Social Forestry Rules 2004 is a positive outcome ... we have to create confidence among the participants. Law is one instrument to do so.\(^{84}\)

... to make co-management a success you have to engage CMC as a partner and share the legal disputes related to forests and PAs. Forest offences and cases should be discussed in CMC meeting and suggestion should be sought to win over people engaged in unlawful activities in and around the PAs.\(^{85}\)

J Development of Legal and Policy Frameworks: Views of the Development Practitioners and Researchers

Decentralization has increasingly been advocated for the NRM sector, facilitated by legal and policy frameworks that were intended to provide for the devolution of rights and responsibilities to grass root levels.\(^{86}\) Legal frameworks for PA governance need to be supportive with the provision of community engagement through accommodating and offering rights and responsibilities in the decision-making process along with the necessary resources and capacity building mechanisms.\(^{87}\) This is necessary to gain the confidence of the community for the legitimacy and fairness of the programme.\(^{88}\) The government needs to be a reliable partner by offering efficient legal structures, as demonstrated through the experiences with CF in Nepal and India.\(^{89}\)

The existing and evolving legal and policy frameworks are guiding the governance of PA management. Both global and national guidelines and frameworks have developed to help governments, communities, NGOs, multilateral aid agencies and financial

\(^{84}\) Interview with PA3 (face to face, 21 December 2010).
\(^{85}\) Interview with PA4 (face to face 10 October 2011).
\(^{89}\) See Thorkil Casse and Andres Milhøj, ‘Community Forestry and Forest Conservation: Friends or Strangers?’ (2011) 21 Environmental Policy and Governance 83-98.
Chapter 7

institutions, practitioners, researchers and academics to work on the sustainable management of PAs. The extent to which the notion of community participation and partnership has been implemented in practice is a thematic issue in the case study. The interviews revealed both the strength and weakness of this aspect in the context of Bangladesh.

According to one respondent, the existing Forest Act 1927 (amended up to 2000) is appropriate for PA management. In particular, Section 28 of the Forest Act 1927 was considered sufficient enough to operate co-management but this was not widely understood in the context of PA governance. Others believed that even the recently amended Social Forestry Rules 2004 is not an adequate legal basis for co-management. The village forest concept may be a better governance approach, as experienced in case of Nepal’s forest management. In this regard one quotation is very pertinent to mention that described ‘the major issue is whether we have sufficient legal basis to support co-management or not. We can overcome many shortcomings with the legal and policy frameworks in hand’. 90

Limitations of Legal Frameworks

Contradictions between the Forest Act, 1927 (amended up to 2000) and Wildlife (Preservation) Act, 1974, in principle and practice have already been observed. The penalty and punishment is less under the Wildlife Act, thus the FD officials are more interested in applying section 26(1) of the Forest Act 1927. All the PAs are declared under the Wildlife (Preservation) Act 1974 and this must be viewed as a comprehensive legal instrument for the control and management of wildlife within the PAs. However, considering the current context, there is a need to revisit the Act in order to include communities in the management, as suggested by the FD through prescribing an individual chapter on PAs.

Guidelines developed for the operational management of the CMOs are important. Absence of adequate and long-term funding provisions makes CMCs fully dependent on FD and donors and this is not sustainable. Recent amendments to the Social Forestry Rules 2004 (section 5A and 6 of the Rules) include provisions for private-

90 Interview with DP1 (face to face, 3 February 2011).
public partnership and this might also create conflicts between the CMC and the FD due to the lack of sufficient consensus and misinterpretation. It can also lead to further encroachment of forest lands by the influential individuals in the name of grass root people. Some respondents mentioned the selection of partner NGOs as a limiting factor, since most NGOs lack experience in dealing with NRM issues. Furthermore, the recently established Wildlife and Nature Conservation Divisions of the FD has been confronted with the regular territorial divisions since the jurisdiction and roles are not clearly defined or shared in accordance with the management needs of the co-management of PAs.

VIII COMMUNITY PARTICIPATION IN THE GOVERNANCE OF PROTECTED AREA–THE ROLE OF CO-MANAGEMENT

Participatory processes are now considered to be the most recognised and visible component in NRM programmes, since they intend to enhance sustainability through integrating community participation in the decision-making process. Community participation has a significant role in developing and delivering conservation policies and practices and various aspects of governance are affecting the conservation success of PAs. Community participation in this regard is considered to be decisive for sustainable PA management. PA governance is now based on the management principles i.e. active engagement, whereby various actors or stakeholders jointly make and enforce decisions. Global forums like WPC also endorsed recommendations that acknowledge co-management as one of the promising governance types for PA management.

Chapter 7

The role of multiple stakeholders is now being accepted, encouraged and increasingly being embedded in various geographical locations. Many PAs have limited future potential without active community participation, particularly in developing countries. There is a growing recognition and consensus among the policy makers and practitioners that traditional forestry practices of Bangladesh need to be replaced by a more sustainable option of management. Such a shifting paradigm of governance has influenced the forest PA management of Bangladesh, as described above.

Frameworks and principles developed by the international bodies such as the IUCN PA Management Guidelines (Ch.4 II) are relevant in providing governance frameworks that are particularly applicable to participatory and co-managed PA management. However, community participation, and particularly co-management, needs to be developed and adapted over time in regard to the experiences and expectation of the communities involved in the management of PAs and the resources contained in them. This is crucial to the effective application of the general standards, principles and guidelines in specific PAs.

The case study has provided insights into the actual experiences and perceptions in regard to community participation in Bangladesh forest PAs. The following quotes demonstrate the diversity of knowledge considered important in determining the role of community participation for sustainable PA management. Various local level institutions and platforms such as the Co-management Council and CMC, VCF, PF have been formed to ensure participation in the planning and decision-making process. How far these mechanisms are meeting the community aspirations demand rigorous

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100 Mutamba, above n 91, 106.
monitoring and evaluation. Some of the major insights from interviews and focus group discussions are as follows:

... ‘we are now[more] aware about biodiversity and its conservation. More and more people are interested to be engaged [directly or indirectly] in the process. Conservation can also ensure our livelihood’. 101

... getting involved in co-management [through CMC] increased my social status ... I am now being [more] important in my family and community. Such recognition helps me to play active role to aware community about the [importance] of conservation. FD now values our suggestion [more than before] while implementing programmes, although [we] are yet to get [full] tenural rights and access to resources and decision-making processes. 102

... we are living with forest and nature for generations. Now we are [actively] involved in protection of PA. Illicit felling and encroachment reduced [significantly] through our participation ... we like to know about it [co-management] and participate... but [we]are in dark. Nobody informed us about FD and PA management and about the [concept of] co-management ... although our participation is [significantly] assisting FD in their management activities. 103

... participation is still in paper and in documents ... poorly understood by the community. Earlier the decisions were imposed solely by the authority and now in many instances the local elites [representing the local institutions like CMC] are playing the same role. This is not community participation. 104

Livelihoods

One of the essential elements that influence governance in developing country PAs is sustainable livelihoods. Livelihoods significantly influence participation as observed in many forestry projects. 105 While conducting fieldwork at the CWS, I engaged with various communities of people living in and around the Sanctuary. Interviewing them magnified several issues that could be vital for the sustainable management of the PAs. Some of the salient findings are:

101 Interview with LC1 (face to face, 5 October 2011).
102 Interview with LC2 (face to face, 5 October 2011).
103 Interview with CO1 (face to face, 27 November 2010).
104 Interview with LC3 (face to face, 18 October 2011).
... I have to support my [five members] family. They [FD] give less than we [usually] get by working in private plantation and agriculture ... so what is the point of engaging in [forest] conservation and management activities? Furthermore, they [FD] harass us while harvesting [bare needed] timber and fuel wood [as it is not permitted].

... as participant [FUG members] got share of 0.5 hectares of plantations. I take care of that plantation and also collect some fuel wood [from forest] for sale and personal use ... I am expecting a good share once the plantation is harvested. My son is also working as carpenter. So life is sustaining [somehow]. PA conservation is needed for my future but can’t think [more] about it [with a fading smile]... expressing her hardship.

The growing instances of human-animal conflicts particularly with elephant are a significant concern now a day in CWS. Paddy and agri-crops of the farmers are quite often destroyed by elephants putting their (community) livelihoods vulnerable apart from making the conservation complicated.

... I work in a community school [as teacher] to support four member family. Besides, being the chairman [of VCF] I have [extra] responsibility to inform and aware people about the [importance] of conservation that can sustain [our] livelihood ... we[must] need to reduce dependency on forest to [ensure] sustainable management of the Sanctuary.

The following case story sketches a broader view of the role of co-management in sustaining livelihood and governing PA:

106 Interview with LC4 (face to face, 18 October 2011).
107 Interview with LC5 (face to face, 19 November 2011).
108 Interview with CO2 (face to face, 27 November 2010).
109 Interview with LC6 (face to face, 19 November 2011).
Chapter 7

Box1. Aziz’s Journey towards Uncertainty – the Myths and the Reality of Protected Area Management

The sun was setting and darkness almost grabbed the small village when we [team] were returning back for the day. On our way back we met Aziz (a pseudonym) whose tired, exhausted face tells [silently] everything about his hardship. A man in his 30s and a seasonal farmer who works in betel leaf plantation [inside the Sanctuary]. Aziz is struggling for subsistence with three children and a wife. We asked about [his] life and living:

‘... [I] am a seasonal labour. It is a struggle [for existence] all the way ... no works no pay ... life is uncertain under such condition. During the days with no work how can I feed my family? ... my wife cannot assist [due to sickness]. I cannot even afford sending children to school although primary education is free.’

Aziz started his career as a restaurant worker in the city but everything went wrong when he became jobless [all in a sudden]. Asked about [alternative] livelihood under such uncertainty, he stared at us for a while then started saying:

‘... The [only] hope is the Sanctuary and forest area. [I] enter the forest to collect fuel wood [small, big all trees] and sell in the local market. My [day long] efforts can only bring 150-200 taka [$2-2.5 US]. How you can you survive with that amount having a 4 member family with endless demands and debts?’

The local community, having widely experienced the corruption [sometime they are part of it] and poor management ability of the forest staff, believe that these management limitations have encouraged and facilitated encroachment [both temporary and permanent] inside the Sanctuary. Bureaucratic barriers [delayed decision and actions] are also responsible for the aggravated deterioration. While inquiring about the role of local FD staff he [with fear] was told that:

‘... you cannot do anything without satisfying them [FD staffs]. They demand money for each bundle of fuel wood [we collect]. You also need to give money [$30 US] to get permission for the cultivation [betel leaf]. Only then you can do many things out of
IX CO-MANAGEMENT AS A GOVERNANCE OPTION FOR THE SUSTAINABLE PA MANAGEMENT: ROLES AND PERCEPTIONS OF MAJOR STAKEHOLDERS

The concept of governance provides directives to look beyond the state domination (top-down approach) towards a public-private-civil society partnership and formal legal and policy arrangements. In this regard, how the FD as an official custodian of the PAs, plays its role in implementing co-management and embracing active stakeholder participation is one of the research issues of the study. This role requires an understanding of the changing dynamics of governance, community participation and their livelihood attributes. The earlier section of this chapter revealed the nature and perception of community participation and livelihood attributes. This section discusses the applicability of co-management as governance option for the forest PA management in Bangladesh. During the interview respondents were asked about the performance, attitudes and management of the FD and their role in fostering co-management in the PAs of Bangladesh. The perceptions varied with institutions, nature of engagement and individual orientation. Some of the major responses were:

... The major achievement of co-management is the establishment of a new philosophy [community participation in decision-making]. However, the mindset [of FD] is a critical issue.

for the success of co-management. They still perceive PAs as a punishment posting. Organisational restructuring\textsuperscript{111} and capacity building for implementing staffs needs time to bring about [desired] changes.\textsuperscript{112}

... the command and control system of forest management is still persisting as inherited from British colonial period... now you will also notice [lack] of hierarchy ... how do you expect better outcomes under such [poor] scenario? PAs are poorly addressed [managed] by FD ... they [FD] are lacking in motivation ... furthermore, frequent transfer of field staffs and excessive political influence aggravating the situation.\textsuperscript{113}

Lack of proper ground-work and assessments, appears to have influenced the management process. The FD is more comfortable in dealing with matters like revenue earning, nursery and plantation raising, infra-structure development instead of addressing community needs and aspirations. Following their long stalemates in receiving project funding it is believed by some that the FD adopted co-management to restore their image at a time of crisis.\textsuperscript{114} The major limitation in governing PAs is the continuation of the programme financial support. In this regard, a response from a researcher is worth mentioning:

... government hardly support any project or programme from its own budget [revenue budget] ... programmes and projects of FD are fully donors dependent. How can you expect to establish or reflect your vision, mission and goals with others [donors] money? We need to come out of this practice [complete reliance] ... this is the precondition of good governance.\textsuperscript{115}

NGOs, international development partners and individualshavelong been engaged in the forestry sector development of Bangladesh. They are actively engaged in developing and supporting plan, policy and programmes for forestry. The introduction of CF and SF, through partners such as ADB, has benefitted local people through receiving a harvest share of the plantation. This experience and achievements are crucial in shaping the perceptions of co-management. The insights into the efficacy of

\textsuperscript{111} Forest department should include social scientist, environmental scientist along with forester to serve the growing need of the community.
\textsuperscript{112} Interview with ED3 (face to face, 8 October 2010).
\textsuperscript{113} Interview with PA5 (face to face, 27 October 2011).
\textsuperscript{114} This crisis was created during 2002 when the donor (ADB) suspended funding from Sundarban Biodiversity Conservation Project on the ground of lack of proper financial management and implementation delays. After the withdrawal of the project FD was facing problems in getting further support in forestry programme until the NSP project funded by USAID in 2003-2004.
\textsuperscript{115} Interview with ED2 (face to face, 15 December 2010).
co-management as shared governance in forest PAs were revealed through an in-depth interview with a development practitioner. His rich experience (he had also worked as a park official) helped to draw a detailed scenario embracing his current role as a development worker.

**Box 2. Co-management – in the Eye of a Development Practitioner**

Our spontaneous and [fruitful] discussion removed all the frustration and standoff that mounted due to my long waiting period [as he was frequently involved in fieldwork and travel]. We started with general issues on NRM sector of Bangladesh, our hopes and frustration that eventually took [us] into the subject matter. [I] started conversation by asking [him] about the general views on co-management of PAs. He opined [based on his long working experience in one of the renowned PA, called Lawachara National Park]:

‘... the concept [co-management] is still not owned by FD. They are still with conventional management and [very much] reluctant to invite and engage community in the planning and decision-making process. Higher officials [of FD] still lacking in visualizing the approach ... it will be [very] difficult to disseminate the concept at field level under such mind setting.’

Our discussion moved ahead towards legal aspects of co-management. Issues related to acts, rules, policy and their implications in PA management were in our discussion agenda. How does he evaluate the legal and policy frameworks of the co-management as a governance approach of the PAs of Bangladesh? In answering that he has highlighted several issues:

‘... there is a contradiction between the Forest Act and Wildlife Act. Our PAs are declared under Wildlife (Preservation) Act, 1974. However, penalty and punishment under this Act is [very] nominal ... it failed to serve the purpose of protection thus FD officials [at field level] remain reluctant to apply this Act. We [FD] are more comfortable with section 26(1) of Forest Act, 1927[amended up to 2000] ... furthermore, no orientation has given to the FD official, community organization and individuals regarding existing and evolving legal instruments and their proper enforcement.’
While discussing the guidelines and the process of member selection in local institutions [mainly co-management council and CMC], he paused for a while then started revisiting his experiences as a park official and answered:

‘... it [guidelines] is not clear enough in describing roles and responsibilities. Even the selection criteria [especially at the beginning] were faulty ... it [badly] hampered the smooth operation of the CMCs. The number of the committee members should not be rigid [65 for council and 29 for committee] ... it should be flexible and determined, based on the individual site and local context. Why so many people in the committee [when u does nothing] ... it is just making the governance more complex.’

As the discussion goes on, we started discussing co-management in more depth. Participation for governance is a burning issue in PA management. In this regard power relation and devolution of power is crucial to assess. How does he perceive these [attributes]? .... his view was as follows:

‘... FD is [still] holding the power. FD [staff at various levels] is in fear of two things. Firstly losing [full] controls over forest and its management and secondly their [illegal] activities may be exposed to community. The level of community participation is still [below] 25 per cent. This is not a good indicator of the devolution of power. Community people need to maintain a direct and constant contact with senior officials. Such liaison will influence the process of shared management thus will enhance devolution. We need to devise and ensure mechanisms for this.’

What are the major issues to be considered in ensuring and enhancing sustainable PA management while applying co-management approach? He replied:

‘... a regular source of funding is decisive for the sustainability of the CMOs like CMC. Stakeholder identification and selection needs [further] revisiting. Isolation [managed PAs by the FD only] will not work. Coordination and support of local government is also important [must]. Furthermore, how can you expect sustainable conservation without [ensuring] livelihood? … we need to give [more] emphasis on that. We must ensure capacity building [both institutional and individual] ... it is[most] important for CMC, FD and implementing partners [at various levels]. Don’t forget
our [biggest] shortcomings ... discontinuation and [excessive] dependency on donors support ... we need to come out of this cycle as soon as possible to ensure sustainability.'

X THE BASIC PRINCIPLES OF GOVERNANCE AND THEIR APPLICATION IN PROTECTED AREA MANAGEMENT OF BANGLADESH

Until very recently, governance was not the key focus of conservationists, PA managers and practitioners, particularly in developing countries like Bangladesh. Of late, with global recognition and evolving standards and trends, governance has received a high level of importance for the sustainable management of PAs. This shift has helped support and legitimises the devolution of power among the communities and stakeholders, rather than a total reliance on state-based responsibilities. The local communities are now capable of organising, negotiating and lobbying government authorities to make policy makers accountable to key principles of good governance. The added advantage of good governance is that it increases the number of beneficiaries. Among the four governance types (Ch.2 I) identified by WPC, shared governance is gaining growing attention and recognition. Being a widely prescribed and used governance model for the PA management, it is imperative to determine its efficacy and appropriateness in managing PAs. The following section attempts to relate PA governance principles with the case study outcomes.

The importance of good governance is paramount in PA management as it entails power, legitimacy and the voice of stakeholders in the decision-making process (Ch.2 E) and it also takes a central role in achieving the goals of SD (Ch.2 F). Although the efficacy and applicability of good governance varies significantly in a regional or national context, some basic fundamental attributes can be applied irrespective of cultural and geographical dimensions (Ch.2 G) that also cross cut the UN principles,

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Chapter 7

namely participation, consensus orientation, equity, rule of law etc. (see Table -1 Ch.2 for details).

Legitimacy and Voice

The scope of community participation in the decision-making process was enhanced by the formation of CMOs. Legal and policy frameworks have enabled active community engagement in a better way compared to participatory forestry where participation was merely consultation under the influence of top-down approach. Engaging CPGs and forestry user groups (FUGs) as beneficiaries of the buffer zone plantation have also created opportunities for local communities to be involved in the protection of the PAs.

One third of the CWS area that has already been encroached is recoverable only with the active support of the local community. This is unlikely to happen unless they realise the importance of sustainable PA management to support their livelihoods. This requires the co-operation of all key stakeholders and adequate planning, administration and financing.

Political commitment and positive participation in the process is imperative to make the concept successful. However, the frequency of political influence is increasing and which was raised by many respondents while conducting interviews (Ch 7 VII). Co-management for governance is designed to accommodate multiple stakeholders in a single platform with a view to expedite consensus building and conflict resolution processes. The following quote reveals the difficulty with these issues in Bangladesh PA management:

... grass root people and FD staffs at field level were not consulted in formulating and amending legal and policy documents while introducing co-management. How can you expect consensus out of this?... beneficiary selection was not done in accordance with base line information thus experiencing difficulties during implementation process.\textsuperscript{119}

Accountability and Capacity Building

\textsuperscript{119} Interview with GO3 (face to face, 25 November 2010).
Stakeholders need to hold sufficient knowledge and access in relation to the decision-making processes. Capacity building in this regard plays a significant role. How well stakeholders are dealing with co-management is crucial from a governance point of view. The case study revealed a mixed scenario in this regard:

... being the official custodian of the Sanctuary, FD has many roles and accountabilities ... however, their accountability and belongingness is questioned due to the lack in owning the concept. They are more towards creating barrier than creating supportive environment for CMC to work ... is this the accountability we want to see in shared governance? They are in fear of losing their control over forest and PA with the increasing participation of the CMC and community. Lack of trust is still persisting between FD and community. Furthermore, mind setting and orientation of the FD officials on governance attributes are also crucial in this regard. Positive attitude of the park management that has been experienced in Teknaf Wildlife Sanctuary can be seen as a positive move forward.\(^{120}\)

... accountability created among general people about their rights although they are not yet capable of enforcing their rights. Vested interest of local influential needs to be eradicated or ignored to create environment for the grass root people to have their say on rights and responsibilities.\(^{121}\)

The success of PA governance to a great extent depends on the free flow of information and equity and transparency among the stakeholders. Some concerns relating to these issues are reflected by one of the respondents:

... CPG members have been engaged in the protection of the PAs. It is done to increase accountability of both the FD and the community. Reducing dependency on PA and ensuring protection was behind the notion of forming CPG. Initial response and outcome were encouraging but with the lack of transparency from FD in handing over agreement of the buffer zone plantation and the irregular support from the project authority influenced the process significantly ... members are losing faith thus reluctant to be involved in the process ... some already returned to old practice [illegal harvesting].

... you have to have trust on us [CMC] else how do you expect to get service and dedication from us?... such lacking in trust will ultimately hamper the performance of the co-management.\(^{122}\)

\(^{120}\) Interview with CO2 (face to face, 27 November 2010).
\(^{121}\) Interview with DP5 (face to face, 26 December 2010).
\(^{122}\) Interview with CO3 (face to face, 20 November 2011).
Chapter 7

Performance

Ensuring a competent administration equipped with sufficient institutional and human capacity is another important determinant of good governance. Co-management practice will not be sustained unless a robust and resilient management structure is in place. CMCs need to be self-sufficient to take on the challenges and needs to develop its own managerial capacity and expertise. The buffer zone plantation in the study area has been discontinued for two consecutive years, significantly influencing the level of participation. Even IPAC is not adequately staffed at the field level and this is further exacerbated due to frequent changing of the staff. Some experiences highlighted by the FD staff can be seen as significant impediments to effective performance:

... IPAC project selected various working partners to implement the programme in the PAs of Bangladesh. The notion behind the concept is good but failed to attain desired goals ... we have different views of IPAC regarding the governance mechanism and principles... our organisation advocates Indigenous rights and access to forest resources ... but they[the IPAC authority] are trying to implement co-management by replacing Indigenous community in some PAs ... how can you compromise when you see them going beyond that notion of rights, responsibility and access?.

Fairness

Ensuring equity and rule of law are the foremost important principles in enhancing good governance, whereas sustainable conservation is now closely linked with the issues of sustainable livelihoods of a forest-dependent community. It is therefore imperative to create opportunities for these communities to reduce their dependency on PAs (in situations where their livelihood activities are not sustainable). Furthermore, existing legal instruments should be enforced impartially, irrespective of socio-economic class. The following quotes from interviews help to understand the existing issues of fairness through the co-management in the CWS:

123 Interview with DP5 (face to face, 26 December 2010).
Chapter 7

...we have plenty of avenues to play [significant] role in ensuring sustainable livelihood for the forest dependent community although funding is a limiting factor. We cannot accommodate everyone who is in need of support ... such limitations are affecting the governance of CWS.\textsuperscript{124}

Lack of equity was perceived in many instances. Some participants, especially CPGs and FUGs, were receiving training or material support more than once while others received nothing. The FD needs to be more efficient and fair in delivering resources and capacity building. In relation to the application of the rule of law, the following quote highlights the selective enforcement issues:

... we [cut] small weeds, poles and collect litter as fuel wood thus identified as illicit feller ... what about the elites?... many of them are engaged in illicit timber and furniture business. Rules, acts and punishment all are only for us [poor] ... no equity and rule of law\textsuperscript{125}.

Co-management programmes, with the help of CMCs, have managed to reduce the forest dependency of poor people to some extent, although the coverage is small. More interventions are needed to address the demands of forest-dependent people. CMCs need to be more financially self-sufficient so that they can help to bring equity among the dependents. The FD has to play the leading role in cooperating with CMCs.

Leadership

Leaders and members from civil society should have long term vision to serve the community and be well aware of and acquainted with the socio-cultural background and historical context of their respective society and community. Leaders need to have the patience to listen to the community, attempt to resolve conflicts and develop consensus (where possible) and to act with fairness, equity and due process. The PA authorities have a lot to do in this regard: to increase capacity [of both the FD and CMCs] and to be consistent in their commitment and performance. The following quotes give the insight into some respondents’ views regarding leadership attributes:

... there is no coordination and cooperation between FD and local administration. They [local administration] have an important role to play in making co-management a success ... neither they are available in the meeting [monthly CMC] nor they have any belongingness to it as a

\textsuperscript{124} Interview with CO4 (face to face, 20 November 2011).
\textsuperscript{125} Interview with CO5 (face to face, 28 February 2011).
public initiative to conserve our natural resources ... IPAC is also giving too much hope to the community ... they are promising something that is beyond their jurisdiction. It is creating a conflicting situation between the community and the FD.\textsuperscript{126}

My personal observations relating to Jaldi CMC is also relevant to the nature of leadership at field level. I attended the 25\textsuperscript{th} meeting of the Jaldi CMC.\textsuperscript{127} The member secretary of the CMC is responsible [by constitution] for arranging meetings and circulating the meeting minutes. However, he was reluctant to undertake this task. He did not appear to have the meeting minutes of the day. The FD staff are seriously deficient in this aspect of governance and transparency. They may fear losing control and the exposure of their illegal activities to the community by participating in this shared governance mechanism.

Monitoring systems to evaluate the achievements of co-management appeared to be absent in the processes and guidelines developed so far. Managers and practitioners failed to develop indicators to evaluate governance. Inherent problems in the structure of Co-management Councils (headed by the political and government structure) may also be overshadowing the voices and the needs of the grass-roots poor. The community needs to be in a leadership role and the FD as service provider, particularly for technical and operational support. Logistic and adequate human resources are the two major elements that play important roles in governance since constant and appropriate monitoring and supervision are required to ensure efficacy and performance of the institutions engaged in the process. There is also an urgent need to integrate co-management concepts with other government services and programme to ensure community demands, i.e. that livelihoods, biodiversity conservation and sustainable development of PAs are properly and consistently addressed. The following responses provide suggestions for further development in this regard:

FD has to play the leading role in fostering co-management ... they need to change their management systems [command and control]. Despite of leadership crisis at different levels there are critical masses among FD officials to accept the new concept. Relevant ministry has much to do in creating good governance. Image is a crucial aspect of governance ... FD needs

\textsuperscript{126} Interview with GO1 (face to face, 26 October 2010).
\textsuperscript{127} Personal observation during CMC meeting held on 13-01-2011.
to be more concerned about this. Individual and institutional trust must be ensured among CMC, FD and ministry.\footnote{Interview with DP6 (face to face, 12 October 2010).}

... beneficiary selection is a challenging task to bring actual forest users into the management system while devising AIG activities. In case of present project it is not done properly. Partner NGOs are using [their] conventional techniques [which they often use for micro-credit programme] ... natural resource is [completely] a different perspective... it needs vision and massive awareness in support of conservation.\footnote{Interview with DP3 (face to face, 8 January 2011).}

**XI INSTITUTIONAL AND LEGAL FRAMEWORKS FOR THE CO-MANAGEMENT OF PROTECTED AREAS**

The establishment of pro-people legal and policy frameworks are the pre-conditions for making any conservation effort, such as co-management, sustainable.\footnote{Mutuso Dhlwayo, Charles Breen and Nyambe Nyambe, ‘Legal, Policy and Institutional Provisions for Community Participation and Empowerment in Transfrontier Conservation in Southern Africa’ (2009) 12 Journal of International Wildlife Law & Policy 60, 61; See also Nabin Baral and Marc J Stern, ‘Looking Back and Looking Ahead: Local Empowerment and Governance in the Annapurna Conservation Area, Nepal’ (2009) 37(1) Environmental Conservation 54, 60.} Local institutions have a substantive role is sustaining conservation and livelihoods associated with the governance of PAs and this has been demonstrated in the case study as well as Nepal’s participatory forestry and PA management.\footnote{See Hemant Ojha, Lauren Persha and Ashwini Chhatre, ‘Community Forestry in Nepal: A Policy Innovation for Local Livelihoods and Food Security (IFRI Working Paper No. W091-02, Michigan University, 2009) 3; See also Siddharta B Bajracharya, Peter A Furley and Adrian C Newton, ‘Effectiveness of Community Involvement in Delivering Conservation Benefits to the Annapurna Conservation Area, Nepal’ (2005) 32(3) Environmental Conservation 239, 239.} The competence, capacity and resources of local institutions in dealing with conservation planning at a local level are crucial as they are the nucleus within the framework of co-management.\footnote{Stoll-Kleemann et al, above n 93, 22.} Strong local institutions may also influence the state agency to interact with local institutional actors, as observed in the Garig Gunak Barlu and Kakadu National Parks in Australia.\footnote{Borrini-Feyerabend et al, above n 95, 101.} Collaborative forest and PA management is constructed on political commitment and strong community organisations that can help achieve rights and tenural security.\footnote{Stoll-Kleeman et al, above n 93, 22.} Long term financing of local institutions in co-management is also essential for sustainable management.\footnote{Making Protected Areas Relevant: A Guide to Integrating Protected Areas into Wider Landscapes, Seascapes and Sectoral Plans and Strategies (Secretariat of the Convention on Biological Diversity, CBD Technical Series No.44, 2010) 67.} So is the formation of
co-management organisations such as the Co-management Council and the CMC and their functional authority being accredited legally through the proclamation of the government order.\textsuperscript{136}

In addition to Bangladesh national legal and policy frameworks, international instruments also influence the process of achieving sustainable PA management under a co-management regime. The IUCN guidelines for PA management categories are very important in this regard (Ch.4 II). These guidelines are widely used and accepted by the international community and national governments for the purpose of establishing, managing and evaluating PAs. While discussing the efficacy and relevance of these principles in regards to Bangladesh, respondents expressed the following views:

... we respond [too] quickly in signing and ratifying ICTPs (International convention, treaties and protocols) ... neither we think of their efficacy nor we argue with the respective body in support of our specialised demand ... there is a clear indication in the CBD articles on benefit sharing mechanism and access to genetic resources as per the local needs and context that can ensure our rights, responsibilities and accountability in sustaining natural resources like PA. We need to devise our policy according to our local context considering socio-economic context otherwise everything will be meaningless.\textsuperscript{137}

... human rights and environmental protection goes hand in hand ...they also influence our life and livings ...we hardly consider these in our NRM planning ... need to work on that before expanding or scaling up any projects in the name of community participation. Related international and UN frameworks can be used as a guideline not as a discrete apparatus.\textsuperscript{138}

XII The Role and Performance of Co-Management Committees: The Experiences of Five Pilot Protected Area Sites

CMOs are the nucleus of co-management as a local institution that is representing community, forest user groups and other stakeholders under a common platform. CWS was the field selected for the case study, however other pilot sites of NSP\textsuperscript{139} were also taken into consideration for evaluating the performance of CMOs, particularly the

\textsuperscript{137} Interview with DP2 (face to face, 22 November 2010).
\textsuperscript{138} Interview with ED4 (face to face, 22 November 2010).
\textsuperscript{139} Lawachara National Park, Rema-Kalenga Wildlife Sanctuaries, Satchari National Park, Chunati Wildlife Sanctuaries and Teknaf Wildlife Sanctuaries were five pilot sites of NSP where co-management concept adopted.
C.MCs. Before revealing the stakeholders’ perception on legal and policy frameworks for the community organisations, the role of CMCs for better clarity and understanding of the concept that is being applied for governing PAs management of Bangladesh needs to be discussed. The experiences based on the performances of the five pilot PA sites (where co-management was pioneered) assist in understanding the perceptions and experiences of the local community and other stakeholders on implementing sustainable SD goals, particularly poverty alleviation and the sustainable use and conservation of natural resources.

CMCs play a central role (at local level) in the planning and implementation of the programmes with active support and guidance of the co-management council and the FD. It is therefore imperative to understand their role and performance in PA management. How these local institutions are addressing the broader goals of SD such as poverty alleviation, sustainable use and conservation of natural resources under co-management regime is also a major research question of the study.

This part of the case study was conducted to understand the role that CMCs are playing in regards to the conservation, participation and livelihood aspects in five PAs. Meeting minutes, spanning one year of the CMCs, were reviewed for this purpose. Based on the content analysis of the meeting minutes, four major thematic areas are identified that often affect the governance process of PA management in the following respective areas.

K Participation and Livelihood

Community participation is one of the key drivers of SD. While reviewing the issues, growing concerns were evident about the local political influence in beneficiary selection and in receiving support from the project authority. Apart from political influence, nepotism of the influential CMC members was also observed by some respondents. Two other issues were identified as significantly impeding community participation. One was the delay in transferring the benefit-sharing agreement of buffer zone plantation by FD and the other was the mistrust between the FD and local community on various issues.

140 Chunati Wildlife Sanctuary, Teknaf Wildlife Sanctuary, Lawachara National Park, Satchari National Park and Rema-Kalenga Wildlife Sanctuary.
Chapter 7

To address the livelihood needs of the communities, several projects were undertaken by the CMCs mostly involving fishery and nursery practices. In addition, various training sessions were organised to enhance the capacity of the FUGs. Decisions were made to give priority to CPG members in programmes such as home gardening, boutique and bamboo grove management. However, the impact of these capacity building initiatives needs to be assessed for future development of the programme.

L Conservation and Protection

Sustainable PA management clearly embraces both conservation and community development. Addressing biodiversity and the protection of the ecosystem is most important as it eventually supports community livelihoods. The concept of community patrolling was adopted and gained momentum at the beginning of the NSP period with considerable community support and involvement. Such initiatives even managed to convert many illicit loggers to become protectors of the forest. Motivation and incentive were behind this zeal. However, this enthusiasm faded with time due to the uncertainty and irregularity of support, as noted by the CMC members during monthly meetings.

The absence of PA demarcation and the staff shortages at field level were revealed as key factors behind the encroachment and illicit felling. Under these circumstances, CPGs were playing a vital role in assisting the FD to expedite patrolling for illicit felling. Awareness raising programmes on forest fires and the transportation of illicit forest products were performed by CMCs. Wildlife and ecosystem management is another component that is dealt with by CMCs as part of their job description. Creating an ecosystem to support habitat and food supply is a pre-requisite to manage wildlife sustainably. One CMC of the CWS discussed a project to grow fodder trees especially for elephants while two CMC members responded to the recent development of climate change issues and decided to submit projects under the Climate Change Trust Fund. The scope and potentials of earning through carbon trading was also discussed in one of the CMC meetings of the CWS.

Ecotourism is a widely accepted means of earning revenue with less likely destruction of the biodiversity. All the respective CMCs realised the importance of creating
required facilities to attract tourists to help bring regular income for their sustainability. Development of infrastructure and promotional activities in national and local media were the common agendas for discussion in the meetings. In addressing the Indigenous community, and their rich culture, some CMCs took initiatives to promote their handicrafts, heritage and culture in collaboration with national and international partners. This was a good step forward in presenting their rich cultural heritage to local and international visitors.

M Legal and Policy Issues

There are now two distinct forms of institutions involved in the management of PAs. One is the state agency (the FD), whose approach is widely visible, better structured and practical in operational attributes, while the other is locally operated inclusive and normative in nature (Co-management Council and CMC). While reviewing and summarising the outcomes of the monthly meetings of the respective CMCs, legal and policy issues were revealed as one of the major issues discussed on and off, during the meetings. The major findings of the analysis are discussed below:

Conflicts in the CMC and PA Management

Local politics significantly influence the formation and management of the CMCs. Beneficiary selection, illegal logging and instances of encroachment inside the PA was, on many occasions, patronised by local elites and political leaders. In many cases, local elites were found responsible for the encroachment and this was discussed during CMC meetings (i.e. 41st and 42nd meetings of the Chunati CMC). Another major issue raised through the meetings were the conflicts between the FD and local communities. Both parties blamed each other for the illegal activities taking place inside the PAs. For example, the FD was blamed by the CMC for allowing a private company to harvest palm oil seed in one national park without informing CMC at the Satchari National Park.

Forest Policy, Acts, Rules and Legislative Orders: Their Role in Protected Area Management
Various legal issues were raised, discussed and inquired into by the members during CMC meetings. Of them, the recent amendment of the Social Forestry Rules 2004 is worth mentioning. The Rules kept the provision for private investment in RF areas provided the participants fulfil the prescribed criteria to be selected as a participant. However, due to a lack of clear understanding and clarification by the FD, local elites and political leaders took advantage of this amendment by misleading local communities. This issue was discussed in a CMC meeting of the CWS. Land ownership conflict is another issue of concern in many PAs that has been proclaimed without resolving many disputes about encroached land in and around the PAs. Coordinated efforts were sought to tackle the problem of encroachment and it was decided that all forest offences were to be discussed at the CMC meeting before taking any legal action. The scopes and applicabilities of a social court as an alternative dispute resolution method in resolving forest offences were also discussed. The deteriorating law and order situation was also a major concern of the CMCs affecting PA governance.

Informing and capacity building in relation to legal and policy frameworks is very important in the management of PAs. Capacity building through intensive training and awareness raising may be useful in this regard to inform and update on issues and legal and policy changes. While reviewing CMC meetings, existing training approaches was perceived to be inadequate.

N Management and Governance Features

Governance at large embraces everything that influences management. General administrative management, capacity building and inter-sectoral co-ordination and development plans have been reviewed through content analysis as part of the case study. Most of the CMCs expressed their concerns regarding financial sustainability to run their day to day expenditures. One case of pending dues (salary) was repeatedly discussed in six consecutive meetings but was not resolved due to funding shortages. Poor supervision by the project authority at field level was also noted.

The CMC of Lawachara National Park appeared to performed better in terms of revenue collection and creating livelihood opportunities for the local community.
They urged coordinated efforts from local administration, the FD and other stakeholders to gear up the programme. Timely arrangement of meetings was emphasised in order to inform activities and to obtain necessary supports for the PA management. The CMCs are now preparing their own development plan (with active support and guidance from the FD and the project authority), discussing, describing and taking necessary actions to approve their annual development plan (ADP) from Co-management Council and respective forest divisions. This is a positive sign for the co-management approach.

XIII DEVOLUTION OF POWER TO CO-MANAGEMENT INSTITUTIONS

The devolution of power is a dynamic and radical initiative compared to decentralization as it delivers the authority from one agency (mostly state) to a completely new one (in particular an organisation of local origin).\(^\text{141}\) The local context of participatory environmental management is a positive strength in terms of devolution of power.\(^\text{142}\) Devolution of power is believed to increase community participation towards promoting equitable and efficient forms of management with effective decentralisation.\(^\text{143}\) Co-management, to be successful, requires local power and capacity to exist and perform.\(^\text{144}\) In this regard, community organisations like the Co-management Council and CMCs can play significant roles if properly resourced devolution of power takes place and it is exercised as efficiently and fairly as possible. How respondents perceive the changes towards decentralisation and devolution of power was discussed by interviewees and their responses provide an insight into this issue:

... it is [still] a top-down approach [except in paper]. The earlier success [achieved during NSP] is redefined to claim success ... in one side inputs are negligible compare to demand while on the other side there are instances of abuse and exploitation by some [influential] CMC

\(^\text{141}\) Borrini-Feyerabend, et al, above n 95, 357.
\(^\text{144}\) Borrini-Feyerabend, et al, above n 95, 357.
members ... the glowing example is the value chain programme whereby money and resources were [simply] expended without having any prior need assessment and monitoring system.\textsuperscript{145}

... CMC as a local institution has not yet been accepted by the community as their own entity. As long you do not own the identity how can you work for that? ... such change cannot be identified as devolution of power\textsuperscript{146}.

... it is [co-management project] like a step child of FD. They [FD] are less proactive in this programme. The PA staffs believe their posting in the PAs as punishment ... you cannot expect anything out of these mentality and orientation ... furthermore; lack of trust between CMC and FD is adding fuel to it\textsuperscript{147}.

XIV THE ROLE OF THE COMMUNITY PETROL GROUP (CPG) IN CONSERVATION AND SUSTAINABLE MANAGEMENT OF PROTECTED AREAS

The co-management concept was initiated through a pilot project that identified and organised FUGs under a platform called the Community Petrol Group (CPG) formed during the NSP period. The basic idea behind the formation of the CPG was to reduce the forest dependency of the FUGs and to ensure their attachment with PA management, particularly for protection. This initiative initially brought the issues to the attention of the local people and substantially helped to reduce illicit felling. Empowerment processes evolved with the formation of the CPG that helped to increase the confidence and role of the members in PA management.\textsuperscript{148} It also helped the FD through joint patrolling in the midst of a manpower shortage. Both male and female groups were established in the study area. Several CPG members were interviewed with a view to assessing their role and perception in regards to PA management. The following case story attempts to describe the role of a CPG member in conservation and SD of a PA:

\textsuperscript{145} Interview with PA6 (face to face, 26 October 2010).
\textsuperscript{146} Interview with PA7 (face to face, 24 October 2010).
\textsuperscript{147} Interview with PA8 (face to face, 9 December 2010).
Delwara (a pseudonym), a housewife and a mother of five children was [very] busy with household chores when we entered her [broken] cottage. She was arranging lunch [for family]. In the midst of her [household] chores we stared sharing our views. Asked about her life and livings she replied:

‘... it’s all about hardship. If you work [if available] you will survive for the day else it is just uncertainty and struggle for existence every single moment.’

While asking her about dependency on the PA and the role of forest in addressing her livelihood she replied:

‘... what is there now-a-days? ... you have to spend the whole day to collect a bundle of fuel wood ... if you have [money and power] life is easy for you ... for us so many restrictions, barriers, in the name of acts and rules. However, illicit felling is reduced significantly as many of us [CPG members] received a certain share of the buffer zone plantation and engaged in the PA protection.’

How do you assess the role of the FD in governing the PA? She answered:

‘... we collect [cut] small weeds, poles and fuel wood thus recognised as illicit feller ... what about the elites? ... many of them are engaged in illicit timber and furniture business ... they are [also] in the co-management council and committee as members.’

When asked to tell her name she got scared of harassment and ignored the question.

… Local FD staffs are patronising the whole [illegal] process since many of them are also the part of it. Rules, acts and punishment are only for us [poor].’

As a CPG member they are playing role for the protection and development of CWS. While inquiring about her role as CPG and how she evaluates this initiative and the co-management in general, she answered [with an angry face]:

217
‘... it is a good initiative but it needs to look after our basic needs [livelihood] ... only then we will be more proactive in the conservation and management of the PA. We need more room [voice] in the forums ... also need continuous training and capacity building ... then you can expect changes.’

XV CONCLUDING COMMENTS

Community and stakeholders’ perception and experiences are crucial in planning and managing any participatory governance approaches like co-management. The present case study at CWS enabled the identification of first-hand impressions on the governance role of co-management in addressing SD goals like poverty alleviation, sustainable conservation and the status of community participation. While addressing the research question – ‘What are the perceptions and experiences of the local communities, and other stakeholders, on implementing sustainable development goals such as poverty alleviation, sustainable use and conservation of natural resources through co-management approaches? Do they believe that co-management will promote participatory resource management and governance through upholding rights, access and active participation of local community?’ through the case study, it revealed the strengths and weakness of co-management as a governance approach of PA management.

The positive outcomes of the co-management practice are the primary grounding of the concept that managed to create zeal among stakeholders and the formation of legitimate local institutions. Initial enthusiasm was created with the initial involvement of the community in Co-management Council and CMC and was regarded as socially uplifting. The principles of participatory governance are also reasonably well reflected in legal and policy frameworks. However, the concept is still facing challenges in ensuring tenural rights, devolution of power, sustainable livelihood and active community participation in governance. Inadequacies in legal and policy frameworks, weak capacity building and livelihood support, a lack of motivation by the FD in owning the concept and rapid expansion without sustainable financial mechanism are the main shortcomings of the governance of PA management. The critical issue raised during interviews was the failure to implement prescriptions and plans developed for the better management of the PAs. Lack of responsibility
both from community and park authorities was significant and the probable reason is the lack of efforts in owning the concept.
CHAPTER 8
LESSONS AND FUTURE DIRECTIONS FOR PROTECTED AREA MANAGEMENT IN BANGLADESH

I INTRODUCTION

International and national practices, legal, policy and institutional frameworks have been developed to support co-management of protected areas (PAs) in many countries (including some transboundary PAs). And while many of these international standards, guidelines and best practices are non-binding principles (soft law) in international regimes, they have become embedded in national legal and policy frameworks in forest and PA management.

Integrating economic development and environmental protection was the key strategy behind the development of the international policy instruments like the Stockholm Declaration and the ‘Brundtland Report’. In doing so, they have required livelihood support, capacity building of the stakeholders, widespread community participation and effective local governance. International law and policy, particularly related to these attributes, have been promoted through the Rio Declaration, Agenda21, the CBD and the Forest Principles.

The research questions addressed in this thesis have sought to identify the scope, problems, and the challenges of implementing co-management of the forest PAs in Bangladesh. Whether co-management is an appropriate governance approach to contribute to sustainable development (SD) goals, particularly in context of community participation, livelihoods, tenural rights and capacity building for devolution of power (to communities) in the long run, has been the main focus of research and analysis in this thesis.

International and comparative literature on participatory natural resource management (NRM) has focused particularly on the needs of forest communities in South Asia and Bangladesh. There is limited experience with co-management in this region, but diverse and relatively extensive experience in participatory governance approaches through community-based environmental management (CBEM) approaches (Ch.3
B). There is some common ground between these approaches and co-management as these governance approaches have significantly contributed to sustainable livelihoods and SD strategies in the context of developing countries.

The discussion of the research questions draws on this participatory experience in the forest sector, international standards and best practices and a case study in Bangladesh to develop approaches to co-management that will improve existing approaches to governance in the context of developing countries, incorporate the principles of SD and reflect the aspirations of impacted communities. Through the case study, the implementation of co-management regimes in Bangladesh was explored in regard to the needs and perspectives of communities, other key stakeholders and the institutions through which they govern the Chunati Wildlife Sanctuary (CWS). This enabled a deeper understanding of the strengths and weakness of co-management regimes in Bangladesh and provides the basis for making recommendations for improvements and identifying future governance research needs in this concluding chapter.

As co-management evolves from ad hoc case studies and pilot projects in Bangladesh, developing supportive legal, policy and institutional frameworks will become increasingly important. Therefore, existing national regimes for participatory governance and co-management were reviewed (Ch.6 III) with the objectives of identifying their problems and challenges and to integrate them with best practices (internationally and nationally) in the participatory governance of PAs that incorporate SD principles.

II RECAPPING THE CONCEPTS, GUIDELINES AND BEST PRACTICES FOR FUTURE DIRECTIONS IN PROTECTED AREA GOVERNANCE

Community participation is the basic requirements to make co-management a success, as identified by international principles such as the CBD and Agenda 21. With the development of PA definitions and management principles, the CBD further highlighted the importance of PA conservation as a means of recognising Indigenous rights, their traditional knowledge base and the importance of public-private partnership such as co-management (as discussed in Ch.2 D). The importance of good governance is fundamental to PA management and planning (CBD, Articles 7 and 14). The New Delhi Declaration elaborated this further by requiring that SD should ensure
effective community participation. The application of good governance principles in PA management required a relationship between biodiversity conservation and SD strategies that could be practically implemented at the local level. This was further developed during the 5th World Park Congress (discussed in Ch. 2 I) and accordingly four broad governance types were identified by the CBD Programme of Works (PoW), based on the IUCN Protected Area Management Guidelines.¹

In determining the extent of community participation in participatory forestry, the nature, scope and limitations of the various forms of participation were discussed to identify the most useful typology of participation to facilitate co-management in PA governance. Community participation is directly informed by the knowledge, customary law and practices of local, Indigenous and tribal communities, all important elements of SD strategies, as also mentioned in the CBD article 8(j) and 10(c). Individual countries have also taken various measures to promote the concept of decentralisation and devolution of power through developing policies and guidelines in response to international commitments.²

The emergence of co-management as a governance approach has its root in community-based natural resource management which has been applied in different forms (as they vary in terminologies, approaches, structures and organizational functions) according to the nature and context of the individual country (Ch. 3 A). Co-management of PAs has evolved following a greater understanding of the relative success and limitations of these approaches. Although these experiences demonstrated some characteristics of co-management, their primary purpose was one of livelihood creation and many continued for only short periods of time. Usually, the decentralisation and devolution of power and rights was repeatedly advocated and prescribed, but most of the participatory structures failed to display adequate examples of power transfer to local community and institutions (Ch. 3 IV).

¹ Four governance types namely government managed, co-managed, private protected areas and community conserved areas are identified and mentioned in the CBD. See for details http://www.cbd.int/protected/pacbd/ <accessed on 15th September, 2012>.
Chapter 8

The emergence of co-management in PAs is based on the principles of SD, conservation science and the integration of the traditional knowledge, rights and practices of local communities. This development is widely shaped and influenced by the international legal and policy frameworks and the best practices around the world (Ch.3 C). The IUCN PA Management Guidelines has been central in this regard to create a common understanding, both within and between countries, in regard to PA management (Ch.4 II). The categories for declaring and managing PAs have been further developed by various conventions and guiding principles such as the CBD PoW and the World Park Congress.

New PA governance approaches, such as co-management, should be adaptive, designed for the specific contexts and needs (ecological, social and cultural) of the ecosystems and communities. Apparently good intentions should not deflect critical evaluation of co-management. The advantages of adopting co-management over other forms of participatory NRM was established through a comparative review in Ch.4 A. Institutional imperatives for improved governance have provided growing recognition of co-management approaches. A major concern about the application of the IUCN guidelines is the lack of sufficient flexibility or provisions in addressing rights and access to resources, information and the decision-making process as required in individual country contexts. Global treaties, such as the ILO Convention 169 and the CBD Article 8(j) and 10(c), provided more explicit recognition of the necessity for local participation in PA management. This is endorsed and reflected in the NRM policy of Bangladesh by developing the National Conservation Strategy (NCS), the National Biodiversity Strategy and Action Plan for Bangladesh (NBSAP) and the National Environment Management Action Plan (NEMAP) (Ch.4 VI).

Co-management frameworks and experiences that are predominantly derived from governance of PAs in developed and developing nations were discussed with a view to finding their appropriateness for Bangladesh PA governance. The experience of PA co-management in Australia and Nepal provided insights into legal and policy frameworks that support (or impede) co-management and community participation.

With the growing recognition of Aboriginal rights, access and authority over the Indigenous PAs, and the appreciation of their cultural and economic integrity,
Australia is regarded as the pioneer in co-management of PAs as well as declaring a new form of PA governance known as Indigenous Protected Areas (IPAs, Ch.5 III). The Environmental Protection and Biodiversity Conservation Act (EPBC) 1999 created a crucial legal framework for PA management that is inclusive of the principles of SD and conserves biological and cultural diversity (Ch.5 C).

The emergence of IPAs and the improved recognition of Indigenous native title and land rights over PAs (particularly in the Northern Territory by the federal government) accelerated community participation in the decision-making process in Australian PAs. Institutional arrangements have significantly helped the process. Indigenous communities are now formally and increasingly being engaged in the PA management process through a variety of partnership arrangements, as reflected through four main models of co-management (Ch.5 D). This initiative was further expedited with the domination of traditional owners on the management boards. However, the domination of the responsible minister and the leaseback system, adopted for some PAs has been perceived by some stakeholders and researchers as the continuation of the colonial system. The reluctance of state governments to settle land rights claims is also believed to be the impediment of community participation (Ch.5 D).

In the case of Nepal, it is community forestry (CF) that has provided the initial basis for developing legal and policy frameworks of PA governance (Ch.5 IV). The National Park and Wildlife Conservation Act, 1973 provides the legal basis to establish PAs (Ch.5 E). Multiple use conservation areas and buffer zones are two major developments supported in relation to co-management under the Buffer Zone Management Act of 1993 and the Conservation Area Management Regulation of 1996. Management and user rights to the local communities were offered through these regulations (Ch.5 E). Local institutions in Nepal were strengthened to promote devolution of power and management rights.

Understanding the legal frameworks, policies and management guidelines that currently exist for the implementation of co-management in Bangladesh PAs (research question 3, see Ch.1 V) requires a detailed background on how they developed as well as the contextual aspects of introducing co-management of the forest PAs in Bangladesh. The development of legal frameworks in NRM, particularly
forests, was significantly influenced and shaped by the colonial system that has been in force until recently (Ch.6 II). With the adoption of the Forest Policy 1994, an initial provision was made to involve community in forestry programmes in the name of social forestry (SF) and community forestry (CF) (Ch.6 K). Participatory forestry programmes not only created the scope of participation but also helped increase the tree coverage in the country (Ch.6 2, Ch.6 3 and Ch.6 5).

Various legal and policy frameworks have been developed to recognise the importance of community participation in forest management (Ch.6 III). The participatory forestry projects such as CF and SF have created scope for passive participation, usually characterised by consultation (the lowest form of empowerment). However, these participatory projects were lacking appropriate institutional arrangements and crucial governance attributes, mainly the devolution of power and rights and access to resources and information (Ch.6 M). Thus, co-management emerged as an option to introduce shared governance of the forest PAs in Bangladesh, based on the experiences of the Management of Aquatic Resources through Community Husbandry (MACH) project. The Forest Act 1927 and the Wildlife (Preservation) Act 1974 has significantly influenced the development of co-management.

III INSIGHTS FROM THE CASE STUDY

The case study was undertaken to research the implementation of PA management in the local Bangladesh context, with a particular focus on the perceptions and experiences of local communities and other stakeholders, with a view to assessing the role of co-management as a governance approach of the forest PAs in Bangladesh (Research question 4). Forest PA management in Bangladesh is widely influenced by the general characteristics of developing countries such as weak economic conditions, poverty and huge social expectations that demand multiple outcomes from the co-management of PAs.

Globally, over the last decade, the concept of collaborative management has had positive impacts on PA governance. This governance approach enhanced the scope of decentralised, site-specific and community based activities and decision-making
processes as compared to centralised management approaches. Of late, Bangladesh has responded to this development by introducing co-management in the forest PAs with a view to ensuring sustainable conservation and development by involving communities through co-management organisations (CMOs). The nature and extent of this paradigm shift in the governance of PA management is based on the perception and experiences of the stakeholders through a case study carried out in the Chunati Wildlife Sanctuary (CWS). The basic principles of governance and their application in the management of CWS were also assessed through in-depth interviews, focus group discussions, review of literature and documents and researcher observations (Ch.7). Legal and institutional frameworks were also studied using open-ended interview processes in examining the role of the local institutions, particularly the Co-management Committees (CMCs) and Community Petrol Groups (CPGs).

Co-management as a governance approach has managed to establish a new philosophy for the management of forest PAs in Bangladesh (Ch.7 IX). Active community participation in the decision-making process is the salient attribute of this philosophy. The distinct features of co-management that have evolved through participatory forestry practices in Bangladesh are the formalisation of the process by legitimate local institutions. Many respondents in the case study believed that co-management initiated through more enduring legal and institutional platforms has enhanced the acceptability and foundation of SD principles compared to the participatory management occurring in SF and CF. Community participation, scope for sustainable livelihoods through diverse activities and the establishment of legitimate institutions like Co-management Councils and CMCs are some of the major achievements of the co-management approach, elaborated on in Chapter 7.

Participation takes place when communities have the control, delegated authority and a good form of partnership under any formal and informal community organisations (Ch.2 L). In the case study, various platforms like Co-management Councils, CMCs, Village Conservation Forums (VCFs) and People’s Forums (PFs) were established to enhance and ensure community participation. An initial breakthrough took place that

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increased social status, zeal and eagerness to participate in the management process (Ch.7 VIII). Some respondents viewed their engagement in co-management as a means of improving their social status and this significantly influenced others to become a part of the process (Ch.7 VIII). Awareness of conservation and sustainable development issues were enhanced due to the active participation in legitimate institutions such as CMCs (Ch.7 VIII). However, the basic goals and objectives of the concept remained elusive among other tiers (particularly VCF and PF), in many instances, indicating the inappropriateness of the needs assessment survey and stakeholder analysis at the initial stage of programme implementation (Ch.7 VI).

In order to promote true devolution of power, engagement with local communities to share in the detailed development of the programme objectives and the expected goals for co-management of PAs is necessary. According to respondents, the major responsibilities for decisions and operation still lies with the influential members (local elites) of the CMOs and the FD officials as mentioned both by local community members (Ch.7 VII) and by a former park official (Ch.7 IX). To overcome these limitations extra effort needs to be made in awareness raising programmes and institutional, while individual capacity building is crucial (discussed further in the following sections).

Community participation, particularly by forestry user groups (FUGs), in co-management reflects how well they are represented in various local level institutions such as CMCs that negotiate rights through active participation. The introduction of co-management requires a careful selection of the decision-making processes to achieve the desired goals. Some respondents believe that co-management has shifted management power from the FD to local elite groups. According to respondents, the management decisions, formerly made by the FD under a top-down mechanism, are now influenced and settled by the local elites on the Council and the CMC, while real stakeholders still have little voice (Ch.7 VII).

Livelihood is one of the essential elements influencing participation and governance of PA management. Most of the respondents, particularly forest user groups (FUGs) and member of the Co-management Organizations (CMOs), described their life as a struggle for existence despite of receiving a share of the buffer zone plantation (Ch.7
VIII. 84.2 per cent of the respondents drawn from local communities were dependent on the CWS for collecting fuel wood, small trees and other items for their own consumption, as well as for selling in market. The rest (15.78 per cent) explained their independence by reference to two reason; some are economically better off while the others were afraid of telling the truth (as the collection process is not legally allowed).

Uncertainty in livelihoods, along with tenural conflicts and lack of basic amenities, can impede stakeholder’s involvement in co-management, as experienced in a rubber plantation project of Chittagong Hill Tracts of Bangladesh and the story of Aziz (a pseudonym) in the case study (Box 1 Ch.7 VIII). In the CSW, the top-down management practices of the FD, fuelled by the illegal engagement of the local park staff, appeared to be a persistent problem aggravated by poor accountability and management systems at the institutional level. Along with these shortcomings, bureaucratic barriers and local political influence invited encroachment inside the CWS.

Assurance of sustainable livelihoods of the forest-dependent communities is a major determinant in reducing dependency on PAs. FUGs and CPGs should come under the umbrella of livelihood development programmes to ensure their active participation in PA governance. Changes to attitudes and values towards SD demand adequate attention to community livelihoods and needs at the very beginning of a PA planning process. The alternative income generation (AIG) activities need be carried out based on an intensive needs assessment survey to identify real stakeholders and to reduce the impacts of misuse of the scarce budget (Ch.7 X). The policy makers need to emphasise and address these issues while planning co-management in PAs. Nepal showed promising outcomes in this regard, since they have managed to support decentralisation and devolution of management rights and responsibilities to FUGs in the buffer zones of PAs (Ch.5 F) The experiences of community forestry user groups (CFUGs) and the conservation area management committee (CAMCOM) of Nepal can be taken in to consideration while developing livelihood programmes in Bangladesh (Ch.5 F).

Chapter 8

Various social actors, including forest-dependent communities, are implementing co-management of the forest PAs in Bangladesh. The perceptions and concept in regards to co-management, varies widely along with a stakeholder’s type, characteristics and their role in PA management. One of the major actors in the co-management process is the FD. The paradigm shift in PAs is perceived differently by them due to their bureaucratic nature and mindset (Ch.6 L). They even blame the participatory forest management as one of the major factors responsible for forest destruction (Ch.7). They also question the legal and policy frameworks that conflict with the conventional ‘top down’ management system (Ch.7 VI). In this regard, formulating comprehensive legal instruments such as PA rules, legally binding management plans, buffer zone management and decentralisation legislation would give greater comprehensiveness, certainty and clarity to the governance of co-managed PAs (Ch.5 E and 5 F).

Assuring legal recognition of lands and resources is also crucial in ensuring active participation as demonstrated by co-management in Australia. Handing over of custodianship of the part of PA or the buffer zone to CMCs can be effective in creating the sense of ownership over PAs and to minimise the intra-conflicts between community members. Nepal attained better results by doing so. Furthermore, political issues are a major concern that needs more attention during the establishment and management of PAs (Ch.7 IX). Local representatives, who are the member of the Co-management Councils, have important roles to play in this regard.

The case study of CWS revealed that post-colonial influences remain pronounced in Bangladesh, with state-centric management approaches (Ch.7 IX) being accompanied by poor implementation processes and a lack of well resourced, planned and systematic capacity building for communities. Community development and sustainable conservation are the basic attributes of co-management and, to be successful, it demands true partnerships backed by tenural and resources security. However, the FD (particularly field-level forest officials) have different opinions for

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two key reasons; firstly, the fear of losing sole control over the forests and secondly, bitter experiences of the ‘forest villagers’ perception that they were a factor in the destruction of forests (Ch.7 VI).

IV IMPLEMENTATION PROBLEMS WITH THE CO-MANAGEMENT CONCEPT IN BANGLADESH

The co-management project (NSP and IPAC) managed to develop an initial harmonisation with communities. However, the rapid expansion of PA coverage has been questioned in the view of inadequate skilled human resources, funding and capacity building at different levels of co-management design and implementation. Some stakeholders now consider that the project is too complex due to the presence of many tiers of governance, such as the Co-management Council, CMC, VCF, PF, CPG, FUG, and the VCC. The NSP allocated its entire budget to only five PAs, whereas IPAC supports more than 18 PAs within a limited budget. Financial limits and budget decisions have significantly affected the implementation process of CMCs, including AIG activities, training and the capacity building programmes.

Another drawback experienced is the frequent change of (transfer) of the FD field staff (Ch.7 IX). This situation, along with the lack of motivation, is widely influencing the PA governance. Perceptions (assuming PA as a punishment posting, Ch. 7.7) of the staff can only be changed if they are deployed in PA management with adequate training and capacity building. A separate department, or section, for PAs can be helpful in this regard. Intra PA transfer, continuous training and cross visiting programmes will enhance the capacity of the PA managers, workers and CMCs. Such provisions would also help utilise limited resources in capacity building.

A Legal and Policy Frameworks

For the law to work properly in PA governance, it needs to be enabling as well as prescriptive. Minimum requirements should be provided in legislation in order to be exercised by a local body such as a CMC. In doing so, co-management should accommodate a combination of both a top-down and bottom-up approach that will serve the needs of the local community while meeting SD goals (that include conservation) and the essential elements of good governance. Therefore, guidelines
Chapter 8

and frameworks developed by international communities such as IUCN, and the goals determined by the Millennium Summit and SD principles needs to be taken into consideration while devising legal and policy frameworks for PA management. The case study indicated a need for integrated, cross-sectoral, legal and policy reform in Bangladesh to reflect these frameworks as well as the aspirations and needs of communities and stakeholders. The case study highlighted conflicts and ambiguities in enforcing the Forest Act and the Wildlife Act for management purposes (Ch.7 VII). The need for regular updating of the legal and policy framework can help in this regard, as also suggested during case study interviews (Ch.7 VII).

B Capacity Building

Co-management as a shared governance approach constantly requires essential support in the form of technical and financial resources, particularly at the initial stages. Enabling efficient local institutions and empowering communities are important tools to develop skilled people and organisations for PA governance. However management programs and institutions, such as the CMCs, need sustainable, continuous and predictable sources of funding and assistance. Provision of endowment funds, like the MACH project, to attain self-reliance is very important in this regard. In the future, the FD should enhance and expand their role in providing technical support for better governance of PAs. This is a crucial need, otherwise they will suffer the same fate as many forestry projects in Bangladesh (Ch.7 VI).

C Tenural Rights and Devolution of Power

PAs are increasingly recognised as a means of stemming biodiversity loss.\(^8\) Social and environmental indicators such as equity, empowerment, biodiversity protection and sustainable resource utilisation are the major determinants for the success of PA management.\(^9\) Access and user rights of local community and their engagement in developing management plans should be the priority in any PA management.\(^10\) The

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10 Arun Agrawal and Elinor Ostrom, ‘Collective Action, Property Rights and Devolution of Forest and Protected Area Management’ in Ruth Meinzen-Dick, Anna Knox and Monica Di Gregorio,
CPG concept at the initial stage attracted communities and was promising since it had even managed to involve many illegal loggers in the process, which substantially helped to reduce illegal logging, particularly during NSP period.\textsuperscript{11} However, over time this initiative appears to have become more dysfunctional as some members were motivated by material support instead of becoming more committed to the SD process. A respondent involved in the implementation of NSP was very critical of its poor planning and implementation mechanisms (Ch.7). AIG activities, during NSP and IPAC, seem inappropriate and insufficient to address livelihoods based on the economic and skill potentialities. Absence of equity in benefit and cost sharing was a problem. In most cases participants demanded only the benefits and were not ready to bear the costs of management (also evident during observations of the monthly CMC meetings at Chunati and Jaldi of CWS – 41\textsuperscript{st} and 42\textsuperscript{nd} meeting at Chunati and 25\textsuperscript{th} meeting at Jaldi).

Engaging local institutions in the forest and PA management of Nepal is widely accepted as a means of devolution of power and management decisions (Ch.5 F) that eventually helped to formulate policies of decentralisation.\textsuperscript{12} Such provisions should supplement the existing legal, policy and institutional instruments for PA governance in Bangladesh. The devolution of power to the grassroot forest-dependent communities should be promoted in PA governance in Bangladesh through long-term planning and execution processes.\textsuperscript{13} The case study and field research revealed significant difficulties that need to be overcome in Bangladesh co-management to achieve this crucial dimension of governance.


\textsuperscript{13}Arian Spiteri and Sanjay K Nepal, “Incentive-Based Conservation Programs in Developing Countries: A Review of Some Key Issues and Suggestions for Improvements” (2006) 37(1) Environmental Management 1, 3.
A content analysis was carried out to determine the role and responsibilities of the CMCs operating in five pilot PAs.\textsuperscript{14} One year of meeting minutes of each CMC was reviewed.(Ch.7 XII). Participation and beneficiary selection was heavily influenced by the local political environment, which is further aggravated by the bias of influential CMC members. Such scenario goes against good governance principles of PA governance (Ch.2 G Table-1). The benefits of decentralisation cannot materialise until the voices of grassroot people are ensured and the disproportionate power and influence of CMC members from local influential categories is controlled (Ch.7 X). In overcoming these prevailing limitations and to foster the process of decentralisation and devolution of power, the following measures are suggested for better results through co-management:

- Responsibility needs to be clearly assigned to various stakeholders or members based on their role and extent of engagement.

- Community participation needs to be ensured at every phase, such as planning, monitoring, evaluation and the decision-making process.

- Financial reward for good performance and disincentives for negligence and poor performance will help to maintain the standards of policies and management plans.

- The state may have the primary responsibility in decentralisation and devolution but the major planning and decision-making efforts need be taken at local level by institutions ensuring community representation.

V \textbf{Lessons for Bangladesh from International and National Experiences}

Reviewing the international legal and policy frameworks and best practices in the previous chapters (Ch.4, 5 and 6), it is evident that a number of measures were behind the success of collaborative management in many countries, particularly Australia and Nepal. They are:

- Appropriate legislative measures

\textsuperscript{14} Chunati Wildlife Sanctuary, Teknaf Wildlife Sanctuary, Lawachara National Park, Rema-Kalenga Wildlife Sanctuary and Satchari National Park.
Chapter 8

● Community involvement

● Political commitment

● Access to information and resources

● Strong organisational capacity

● Long term action plans

The overall achievement of co-management of PAs in Bangladesh can be summarised as follows, based on the perception, experiences and observations of the respondents and stakeholders in the case study:

● The number of beneficiaries have increased significantly with the expansion of the programme, but the technical and financial capacity remain as a limiting factor thus the development was termed as ‘too wide but too thin’.

● Sustainable PA management largely depends on the awareness and motivation by communities and the rights offered to them through consensus and negotiation. Gradual positive changes have taken place in terms of participation by women that is also reflected in local institutional frameworks such as CMC and CPG.

● Responsibility is diluted in co-management when communities demand and expect benefits without sharing the management costs. To attain desired goals, equity in benefit and cost sharing is important.\(^{15}\)

● The FD needs to change their management role to enhance community empowerment in the decision-making process through ensuring rights and access to resources and information. In a co-management scenario, the FD needs to act as a service provider, as experienced in the case of Nepal, where the government supported the devolution of management rights and responsibilities to FUGs in the

buffer zones of PAs. Guidance from international NGOs, communities and institutions are also imperative in devising an effective PA management regime, as evident in Australia.

- Co-management has created an escape route for the FD to improve their image but it needs further improvements in governance approaches, legal, policy and institutional frameworks and implementation mechanisms, as discussed below.

VI FUTURE CHALLENGES IN IMPLEMENTING CO-MANAGEMENT IN FOREST PROTECTED AREAS

D Proper Implementation of the Existing Legislative Process

The proper implementation of existing legal and policy instruments can help facilitate a better co-management regime, as illustrated by the case study. Communities need to be aware of the prevailing legal and policy frameworks related to co-management, through regular training (Ch.7). The need for any amendment or formulation of new legal and policy frameworks can also be identified through getting feedback from field practitioners (including communities).

E Development of New Legislative Processes to Meet Local Needs

Legislative changes and community development can play a decisive role for the recognition of rights, devolution of power and improved governance. While devising new legislative processes based on recognised and appropriate standards, principles and practical experience, it is also crucial to determine the existing customary laws that can be applied to co-management. Such local level governance can be imperative in meeting many of the challenges that national legislative frameworks cannot address, as well as respecting the rights of local peoples and communities. However, local laws and practices may require research, innovation and adaptation in developing co-management in specific contexts. Future devolution of power, with effective monitoring and evaluation mechanisms, can also be facilitated through this

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17 Graeme Worboys, Michael Lockwood and Terry De Lacy, ‘Protected Area Management-Principles and Practice’ (Oxford University Press, 2001) 68.
Chapter 8

development. During these processes, it is necessary to keep in mind that the law is a social tool which has limitations in addressing issues in such diverse situations. In the case of co-management, it is therefore important to have empowerment and incentives at the local level in order to address emerging and changing issues related to PA governance.

F Equity in Benefit and Cost Sharing

At the early stage of Nishorgo program, several studies and appraisals were carried out to determine the potential economic interventions and accordingly ten broad categories were identified. In the absence of a proper and detailed needs-based assessment, the co-management programme failed to identify resource-based market oriented AIG activities, thus the amount of resources expended in the name of livelihood training created little impact on community livelihoods. Money and other resources (i.e. technical support) were wasted in value chain programmes due to the absence of a proper needs assessment and monitoring (Ch.7 XIII). Although existing acts, rules and policies have manifested the notion of shared governance and community participation, the status of empowerment and accountability are still limiting factors. Strong monitoring and evaluation methods and indicators need to be developed to ensure the implementation and enforcement of the existing principles and guidelines. The expansion and improvement of PA systems in accordance with the principles of good governance can help through offering rights and access to resources and information, as observed in a number of studies. Current frameworks have fallen short in proper sharing of the management partnership, rights and responsibilities with communities (Ch.7 J) and this imbalance and dysfunctionality needs to be specifically addressed through legal frameworks, such as PA rules, as soon as possible.


The natural landscapes and the biodiversity of CWS have degraded heavily due to encroachment and illegal destruction of the forest resources (Ch.7 F). Such deterioration has significantly influenced the initiatives of biodiversity conservation. Insufficient resource allocation and poor management planning have further aggravated the problems, due to the destruction of habitat and ecosystem resulting in human–wildlife conflict and other socio-economic problems.\textsuperscript{20}

Growing instances of human–wildlife conflicts in the case study demands careful consideration of wildlife management while designing a management plan. In the CWS, habitat destruction, food scarcity and fragmentation of the corridors were the major factors in human–wildlife conflicts, especially with elephants (Ch.7 G). The absences of properly demarcated buffer zones in PAs have also had a significant impact, both on biodiversity conservation and community livelihoods.\textsuperscript{21} In order to ensure active community participation for better governance of the PAs and to consider the role of wildlife, the following measures should be taken to minimise the prevailing conflicts between humans and wildlife:

- Regular plantation, in regard to the food habit and biology of the wildlife, by engaging local PA dependent communities, with active supervision and support from the CMC and PA Advisory Board.

- Regular corridors for elephants must be maintained, even at the expense of human habitat replacement.

- Provisions of the recently approved Wildlife (Conservation and Security) Act 2012 needs be well understood by local communities, CMOs and by the FD. Training and orientation on legal issues needs to be arranged to inform participants about the scope of this legal instrument.

\textsuperscript{20} Lessons Learned from Co-Management under Nishorgo and Guidelines for Adopting Co-Management to Other Protected Areas (NSP, 2007) 14.

\textsuperscript{21} See, eg, Philip Nyhus and Ronal Tilson, "Agroforestry, Elephants and Tigers: Balancing Conservation Theory and Practice in Human-Dominated Landscapes of Southeast Asia" (2004) 104 Agriculture Ecosystem and Environment 87, 87.
Inclusion of wildlife specialists in wildlife sanctuaries, or assistance of PA advisory boards can further help during preparation of the annual development plan (ADP) and in addressing emergency situations.

Policy and planning should be developed based on an individual PA context.

Creation of buffer zones, corridor connectivity and integrating them with greater ecosystem networks. Such provisions will help resolve the conflict (both human–animal and park–people) substantially.

Finally, huge population growth, livelihood issues and the fragmentation of ecosystems and habitats need to be checked through effective development and implementation of the management plans.

VII IMPROVING GOVERNANCE ATTRIBUTES OF CO-MANAGEMENT IN BANGLADESH—CONCEPT AND REALITY

The basic principles of good governance in regards to PA management were examined, based on the outcomes of the respondent’s interviews in the case study. Community participation was enhanced through the formation of CMOs in co-management programmes (Ch.7 VII). This enthusiasm and positive development can also be successfully utilised in recovering encroached forest and PA lands. However, the process of consensus orientation was often weak (Ch.7 I) which created problems in achieving desired long term goals of PA management. Increasing awareness of rights and access to resources through formal institutional arrangements like CMCs and accountability processes are also important developments in this regard. Being a custodian of the CWS, the FD was perceived by some respondents to have failed to comply with its responsibilities relating to community empowerment (Ch.7 VI).

Finding the appropriate mix of governance is imperative, as no single model fits for all. Good governance can facilitate community rights and control over decision-making processes. The governance frameworks of Australian IPAs are the good examples whereby Indigenous communities’ takes control of their PAs and can decide
the level of state involvement in PA management.\textsuperscript{22} A stakeholder’s involvement in the decision-making process is imperative.\textsuperscript{23} In this respect leadership is an important issue that needs to be developed through intensive capacity building programmes. Keeping promises and efficient coordination are believed to induce good governance, which in CWS cases seemed blurred (Ch.7 XII). The office bearers of CMC and other CMOs need to be accountable to create confidence among the participants and they should be closely monitored within, and outside, the system for transparency. The role of member secretary of the Jaldi CMC (Ch.7 X) provides a vivid example of poor coordination and leadership at field-level and was found to be demoralising the stakeholders in co-management.

However, despite the leadership crisis at different levels there is now enough support among FD officials who have experienced co-management to accept the new concept. Under the Bangladesh legal framework for co-management, Co-management Councils are the supreme body in their respective PAs to supervise and administer overall management of CMOs, particularly CMCs, which are responsible for other local-level platforms, such as VCFs, PFs and CPGs. Taking advisory and approval support from Council seems to be a daunting task, due to the inherent structure of the council (frequency of meetings, number of members and their entitlements). The Co-management Council, with its structure, can be better utilised in resolving and dealing with conflicts and political issues (since MPs and local government representatives are the members of the Council) (Ch.6 VI).

In co-management regimes, PA governance relies on a legal framework that creates local organisations and institutions (the Co-management Council and CMC) as the nucleus of the decision-making process. However, in dealing with technical and bilateral management issues, an advisory board to provide technical and policy support for all the designated PAs (Figure-7) might be a good idea. In dealing with the political management, this board can also provide guidelines to be followed by the local management authority i.e. the CMC as the board will be composed of social and natural scientists.

The PA advisory board could function under following terms of reference:

● PA advisory boards will operate among four operational clusters of IPAC (i.e. Central, Sylhet, Sundarban and South-Eastern cluster). The board needs to be given a legal platform through a government order.

● The board will provide immediate and necessary support related to technical and operational management aspects to assist respective CMCs, when and while needed.

● The 21 member advisory board will be headed by the FD (as a custodian authority). The Deputy Chief Conservator of Forest (DCCF), Management Planning Division will be the chairman and the Conservator of Forest (CF), Wildlife and Nature Conservation Circle will act as the member secretary of the advisory board. Divisional Forest Officers (DFOs) belonging to each cluster will represent the board.

● The board will sit every three months with a provision for emergency meetings. However they will have the official power to take necessary action without formal meetings in case of emergency. The board will also have the authority to co-opt organisations and members as required.
Chapter 8

- Academic and research institutions will be selected depending on their relevancy to PA management and research issues. Forestry, botany, zoology and social science departments of the University of Dhaka, Jahangir Nagar University, Shah Jalal University of Science and Technology, Khulna University and Institute of Forestry and Environmental Sciences (IFESCU) of University of Chittagong and Bangladesh Agriculture University will represent the board to work for respective clusters based on their location and specialisation.

- The following research institutes – Bangladesh Forest Research Institute (BFRI), Bangladesh Agricultural and Livestock Research Institute (BARI and BLRI) and the Department of Environment (DoE) – will be the main institutions involved, with provision for co-opting other institutions when needed.

- Designated academic and research institutions will conduct research on priority areas required by the PA authority or the CMC. Graduate and postgraduate students will also have the opportunity of conducting advanced research related to PA management.

- Research and academic institutes will be provided with immediate and necessary field support when needed. Initially, the FD will create a research fund with the help of national and international donors. However, CMCs in the long run should also share the cost (according to their capacity).

- Ethnic organisations should represent the major ethnic groups on issues related to Indigenous culture, knowledge and management practice related to NRM.

- The state information department will be the focal point to disseminate any issues of concern regarding respective PA management. Such media coverage will create immediate impact that might help in resolving potential conflicts.

- The selection of international organisations will be done in accordance with the extent of engagement in the PA management process, in order to get necessary cooperation on international legal and policy frameworks. This will also broaden the
Chapter 8

scope of harnessing technical and financial support for the PA management in the long run.

H Legal and Institutional Frameworks for the Co-management of Protected Areas – Problems and Prospects

Creating a functional interdependence and strengthened strategic partnerships between communities and other stakeholders is believed to create a significant impact in the governance of PAs. In this regard, appropriate legal and policy frameworks addressing both national and global guidelines demands adequate attention.\textsuperscript{24}

International legal and policy instruments like the CBD, the ILO Convention 169, the Aarhus Convention and the IUCN Guidelines for PA Management Categories provide direction and inputs towards better PA governance. The establishment of local institutions under the co-management framework is the outcome of such policy development and negotiation. Co-management organisations can now play vital role in achieving sustainable management goals of PAs. The legal and policy frameworks in support of the co-management of PAs has evolved and influenced the governance system against the backdrop of growing international and national changes with respect to decentralisation and devolution of power to share governance and recognition of Indigenous people’s rights and control over their land and natural resources.\textsuperscript{25} Devolution of power through decentralisation and strengthening of local institutions are growing in importance in many countries around the world because of their better performance and also for their untapped potential.\textsuperscript{26} The IPAs of Australia are a good example in this regard, where the inclusion of native lands for National Reserve System (NRS) is voluntary and Aboriginal communities can determine the extent of state intervention in the management process (Ch.5 B). The EPBC Act 1999 recognised the contributions of Indigenous Australian in attaining SD and conserving biological and cultural diversity (Ch.5 C). With the development of NRS, a strong public-private partnership has been built that endorses the importance of

\textsuperscript{24} Visseren-Hamakers and Glasbergen, above n 15, 417.
evaluating management effectiveness of the PAs in line with the CBD PoW on PAs (Ch.5 C).

Bangladesh needs to formulate long-term strategies for further expansion of co-management of PAs in Bangladesh. However, the importance of buffer zones or economic zones must be given adequate priority to ensure SD conservation and livelihoods. The Forest Act 1993 of Nepal clearly manifested supreme authority of local institutions that eventually helped better governance of PAs.27 FUGs need a legal and procedural recognition to claim support from the FD and be given opportunity to develop external networks. Non-bureaucratic and self-governing local management with the empowerment of local communities, developed through the Annapurna Conservation Area (Ch.5 F), can be used as an example in amending legal frameworks for PA management in Bangladesh (particularly in devising PA rules). The lessons learned from Nepal’s and Australia’s experience can help assist in developing a better legal framework for PA management in Bangladesh.

Policy, funding frameworks, community participation by interest and place are also important in evaluating the participation in planning and management.28 In this regard, interests of forest-dependent communities in PAs, financial sustainability of CMOs and relevant and supportive legal and policy frameworks for PA governance may enhance active participation. Sustainability of the CMOs is crucial in achieving conservation and development goals. The experience from Nepal in this regard can help to understand the role of financial sustainability. The Kanchenjungha Conservation Area has faced several difficulties in governance due to the absence of sustained financial mechanisms (Ch.5 F). The case study respondents raised the sustainability issue of the CMCs and were concerned about their continuation after the withdrawal of the donor support (Ch.7 H). Even the active engagement of the committee members are influenced by the available support (both monetary and physical). CMC Members have shown their apprehension in regards to poor project support in sustaining CMCs. The history, current status and evolving management

27 Article 26 of the act says that local people once organized under the umbrella of CFUGs will have the unalienable rights over forest hence can enjoy 100% products generated from the forest. The CFUGs remains perpetually self-governed and autonomous.

paradigms of forest PAs (Ch.1 I and Ch.6 V) also highlight the issues of the ad hoc nature of the donor driven pilot projects. The majority of participatory forestry projects (Ch.6 K) are supported by external agencies (donor) and face with discontinuation at the end of project funding.

Capacity building of local institutions and individuals has direct relevance to the sustainability of PA management. Ensuring SD and meeting local community needs requires that extra attention be given to empowered and efficient local institutions. CMOs are the nucleus of the PA management and careful consideration in selecting members is required. With the recent amendment (government order) the numbers of members and member selection criterion have been changed. However, inherent problems of the CMC structures are still favouring the dominance of local elites and the government (FD) officials, as mentioned in other studies (Ch.1 IV). The terms of reference (ToR) for the Co-management Councils are somewhat ambiguous and responsibility is diluted among various actors. However, some case study respondents considered that the increased number of CMO members was a positive initiative in reducing conflicts through improved and mutual understanding. The provision for registering CMOs in the Social Welfare Department has also creates scope for harnessing funds from external agencies. The proposed PA advisory board can be a focal point in helping CMC to get connected with the donors (Ch.8 VII).

The voice and role of the grassroots members can be overshadowed due to the inherent problems of the CMC structure (Ch.7 I). Legal and policy frameworks alone cannot address the issues of PA management. They must be accompanied by proper implementation, enforcement and dissemination of legal instruments at grassroot level.\textsuperscript{29} Monitoring and evaluation needs to be strengthened both by the CMOs and the FD simultaneously. Regular orientation on legal issues at local level is important and this has to be done by the FD as part of their job as technical provider.

Co-management is enabled in the revised Forest Act 1927 of Bangladesh.\textsuperscript{30} This provision can help change community attitudes towards PA management, if properly

\textsuperscript{29}Albert Mumma, "The Role of Local Communities in Environmental and Natural Resources Management: The Case of Kenya in LeRoy Paddock et al (eds), Compliance and Enforcement in Environmental Law-Toward More Effective Implementation (Edward Elgar Publishing, 2011) 621.

\textsuperscript{30}See Section 28A and 28B of the Forest Act 1927 (Act xvi of 1927).
implemented and monitored through transparent legal, policy and institutional frameworks for governing PAs. Developing a network of PAs in Bangladesh can be useful in determining the role and responsibilities of local communities and the extent of interventions required from the state authority. The most critical and growing concern is the political influence that is believed to affect PA management significantly and this requires urgent attention (Ch.7 IX). The Co-management Council must provide decisive leadership and take adequate measures to resolve conflicts according to the decisions made by the Council and the CMC.

VIII  CONCLUDING COMMENTS

Making synergy between conservation and development is always challenging, as described in many studies and the discourse on SD. The interconnectivity of international legal and policy frameworks, and the basic attributes of SD, are not well reflected in various conventions, treaties and protocols as well as in domestic laws. Growing social, political and environmental challenges can only be minimised through adaptive and long term strategies. There will also be significant differences in the design and implementation of co-management governance in developing nations, as compared to developed nations. Nations such as Bangladesh require much greater attention to the role of local communities and SD strategies are a vital and integrated part of PA governance and which is currently evident in international laws, guidelines and ‘best practices’ in the co-management approaches of developed nations such as Australia.

A complement of different strategies will be useful to integrate a more resilient and robust PA governance approach for Bangladesh. In this case, poverty alleviation through livelihood creation, equity in benefit sharing, recognition of tenural rights, shared governance that involves the devolution of power to transparent participatory local institutions in accordance with the principles of SD and capacity buildings are the key drivers.

One of the most crucial factors for making co-management a success in the Bangladesh context is the provision and clear demarcation of community utilization areas or buffer zones. Without ensuring social and economic incentives, the
conservation initiatives will be further questioned by communities, as illustrated by the JFM programme in the state of Haryana in India, where absence of incentives accelerated the process of illegal extraction while participating in the programme.  

A detailed assessment needs to be done to understand the specific underlying problems and requirements for each PA, instead of applying the proto-type mechanisms. Additionally, co-management institutions and their processes need adequate and long term funding and strategies to improve their capacity to represent and empower communities and deal with the vested interest of elites.

A clear plan of research, organisational and operational development is needed for each unique PA. However, comparative experiences and approaches in Nepal and Australia may sometimes assist this process. These two nations have provided legal frameworks for their co-management processes and organisational structures that can be critically evaluated for potential application when Bangladesh reviews and expands their frameworks. These sources and experiences have helped distil some of the key characteristics of good governance. There is a clear understanding that there should not be imbalances of power in the participatory decision-making processes and in the co-management institutions.

The overview of past and current legal and policy regimes for participatory governance of NRM (particularly forestry) and PAs in Bangladesh shows that a promising framework is emerging to enable co-management. However, it is far from integrated, comprehensive or consistently reflective of SD principles and objectives. The case study illustrates the legacy of colonial and neo-colonial “top down” approaches and attitudes that impede the implementation of co-management of the forest PAs in Bangladesh. It also revealed other implementation problems that are characteristic of developing nations: entrenched poverty, inequality in social, economic and political power and lack of resources and capacity in the structure and operation of local co-management institutions and management activities.

A key reason for the focus on legal, policy and institutional dimensions of co-management is the magnitude of the governance challenge, in Bangladesh, to overcome these problems and limitations. International experience indicates that participatory, transparent and legitimate local institutions and processes can be facilitated by legal and policy change. This is particularly the case in establishing organisational, procedural, monitoring, accountability and resource requirements and recognising the existing substantive rights of stakeholders and formulating new environmental and human rights, including participatory governance requirements. This is a clear role for government leadership.

However, the reality is that the role of co-management in changing paradigms is very much a political process. These new frameworks can facilitate and enable greater local community engagement and institutional development. Real participatory governance needs to be fought for using strategies and experience that evolves over time. Community development and SD gains need to be guarded against encroachment by vested interests and institutionalisation. This requires a living political culture with strong enduring commitment by communities and key stakeholders. Bangladesh requires legal and policy frameworks that are appropriately designed and implemented to allow communities to develop their own specific forms of forest PA governance.
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* Rio Declaration*— It is the declaration made during the UN Conference on Environment and Development (UNCED) held in Rio-de-Janeiro, 1992. Popularly known as Earth Summit and consisted of 27 principles developed to guide global SD agenda


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Appendices

APPENDICES

Appendix 1. Sample Questions for Interview

Group-1 (park and project authority, NGOs, academic and researchers)

1. Please state your name and designation

2. State the major activities of your organization

3. What is your specific duty/job in the organization?

4. What is your view about biodiversity conservation and SD in respect to forest and PA management?

5. Is the declaration and management of PAs the right answer for the conservation and sustainable livelihood of the local people?

6. Do you think current legal and policy framework is appropriate to address these issues in the management of PAs?

7. Is the role of government/ non-government/ research institutions conducive towards a sustainable PAs management?

8. What is the status of Bangladesh in complying international regimes of PAs governance and management?

9. What is the status of community participation in the forest and PAs management in Bangladesh?

10. Is co-management the right approach to deal with governance, community participation in accordance with the existing legal and policy framework? - gives your views

11. How do you rank the governance system in the PA? 1,2,3,4 and 5

12. What are the major barriers in ensuring sustainable management of PAs in Bangladesh?

13. How can these limitations be overcome? - please state briefly

14. Do you have any further suggestions about the inclusion of any potential participant for the said study?
Appendices

Group-2 (Local community)

1. Please state your name, age and primary occupation (also secondary / seasonal one)

2. No. of family members / dependent

3. For how long are you and /or your family living in this area?

4. How are you dependent on this PA for your livelihood?

5. What is the role of forest department and/or its personnel in managing this PA?

6. Is the role of FD supporting your livelihood and conservation of the biodiversity? Is the role of FD acceptable to you? If not, why?

7. Have you heard about the co-management approach that is undergoing in this PA?

8. Is this new programme helping your livelihood by any means?

9. Do you have any role/ voice in this approach of governance- briefly discuss, please.

10. How do you rank the governance issues in the PA? 1-2-3-4-5

11. How can you/ local people be better engaged in the overall management of the PAs of Bangladesh?

12. How do you rank the current status of your participation in the PA management? 1-2-3-4-5

13. What is your suggestion to increase the local participation in the PA management?

14. How can the conservation and livelihood issues be better addressed through the governance of PAs? Give your views
Appendices

Appendix 2. Case Study Interviewees and Coding Protocol

<table>
<thead>
<tr>
<th>No.</th>
<th>Group Name</th>
<th>Coding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Government Organizations</td>
<td>GO</td>
</tr>
<tr>
<td>2.</td>
<td>Development Practitioners</td>
<td>DP</td>
</tr>
<tr>
<td>3.</td>
<td>Project Authority</td>
<td>PA</td>
</tr>
<tr>
<td>4.</td>
<td>Co-management Organizations</td>
<td>CO</td>
</tr>
<tr>
<td>5.</td>
<td>Local Community and Local Government Representatives</td>
<td>LC</td>
</tr>
<tr>
<td>6.</td>
<td>Academia, Researchers and Others</td>
<td>ED</td>
</tr>
</tbody>
</table>

Appendix 3. List of Available Plants and Climbers in the Study Area

<table>
<thead>
<tr>
<th>Local Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Bon chalta</td>
<td>Dillenia spp.</td>
</tr>
<tr>
<td>3. Chapalish</td>
<td>Artocarpus chama</td>
</tr>
<tr>
<td>4. Amloki</td>
<td>Phyllanthus emblica</td>
</tr>
<tr>
<td>5. Bohera</td>
<td>Terminalia bellerica</td>
</tr>
<tr>
<td>6. Dumur</td>
<td>Ficus hispida</td>
</tr>
<tr>
<td>7. Menda</td>
<td>Litsea spp.</td>
</tr>
<tr>
<td>Appendices</td>
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<tr>
<td>8. Gotguttya</td>
<td>Bursera serrata</td>
</tr>
<tr>
<td>9. Bazna</td>
<td>Zanthoxylum rhetsa</td>
</tr>
<tr>
<td>10. Muli bamboo</td>
<td>Melocanna baccifera</td>
</tr>
<tr>
<td>11. Dallu bamboo</td>
<td>Schizostachyum dullooa</td>
</tr>
<tr>
<td>12. Bandori</td>
<td>Calamus viminalis</td>
</tr>
<tr>
<td>13. Golla</td>
<td>Daemonorops jenkinsiana</td>
</tr>
</tbody>
</table>