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ইউএসএইড-এর বাঘ সংরক্ষণ প্রকল্প

**A National Dialogue
for
the Protection of Tigers in the Sundarbans**

**Dhaka - March 1, 2016
Sundarbans East - March 8 & 9, 2016**



Overview

USAID's Bagh Activity facilitated the "National Dialogue for the Protection of Tigers in the Sundarbans". The National Dialogue included a workshop in Dhaka on 1 March and a high-level dialogue in the Sundarbans on 8 and 9 March 2016. The goal was to convene high-level decision makers from relevant ministries, departments and stakeholder groups to strengthen the efforts for protecting tigers and the Sundarbans.

Initially, Bagh Activity expected the National Dialogue to produce an action plan amongst the relevant stakeholders to improve the protection of the Bengal tiger. This protection would range from the tigers' habitat in the mangrove forests to the law courts where poachers would be held to account. Discussions in the National Dialogue focused primarily on the following issues:

- Expedited trials of for those accused of wildlife crimes through mobiles courts and specialized tribunals;
- Hotspot those smuggling and poaching tigers and tiger parts;
- Combat wildlife crimes in all forms without regard to the species;
- More effective law enforcement with a focus on tiger protection;
- Increased institutional capacity for sustainable conservation efforts;
- Community engagement for protecting tigers;
- Robust inter-agency coordination to intensify conservation efforts;



The National Dialogue brought together dignitaries from the Ministry of Environment and Forests, Ministry of Home Affairs, Ministry of Law, Supreme Court of Bangladesh, Bangladesh Forest Department, US Embassy in Dhaka, USAID Bangladesh, Bangladesh Police and Border Guard Bangladesh (BGB).

Facilitated by Md. Yunus Ali, Chief Conservator of Forests, Bangladesh Forest Department; Prof. Dr. Md. Anwarul Islam, Chief Executive Officer, WildTeam; Dr. Atiq Rahman, Executive Director, Bangladesh Centre for Advanced Studies (BCAS); and Dr. Mahendra Shrestha, Program Director, Smithsonian Institution.

Strengthening law enforcement to reduce wildlife crimes in the Sundarbans

The first round of the National Dialogue in Dhaka discussed different aspects of wildlife crimes and agreed on a set of recommendations to expedite trials of wildlife crimes, mobiles court, and specialized tribunals. The Minister of Environment, Mr. Manju, and USAID Director Farhad Ghaussy assisted in opening the Dialogue.

Selected Comments by Participants on Expedited Trials of Wildlife Crimes, Mobiles Courts, and Specialized Tribunal

- Wildlife Conservation and Security Act 2012, Section 36 makes it a criminal offense to poach tigers. Section 42 states that Sessions Courts have jurisdiction over wildlife crimes. Wildlife crime investigations should be conducted more expeditiously and trials should follow immediately. The security of the witnesses should also be ensured.
- Specialized courts should be formed especially in the areas (districts) where the frequency of wildlife crimes is higher.
- As an interim initiative before the specialized courts are formed, a monitoring committee should be set up to oversee the work of these specialized courts. Joint district judges, senior assistant judges or senior judicial magistrates can be the members of this monitoring committee. The District Court Judges for Khulna, Satkhira and Bagerhat courts should ensure that the monitoring committees are functioning and properly overseeing the trials.
- Another option is wildlife crimes could be tried at mobile courts through the *DrutoBichar Tribunal Ain* (Speedy Trial Tribunal Act), 2002. However, Mobile Courts have some limitations. Mobile courts can only convict an accused based on a confession. Even possession of wildlife body parts will not suffice for conviction.
- If the Wildlife Conservation and Security Act 2012 are not scheduled in *DrutoBichar Tribunal Ain* (Speedy Trial Tribunal Act), 2002, then Mobile Courts cannot try wildlife crime related cases. In this connection, Bangladesh Forest Department should request the Ministry of Home Affairs through Ministry of Environment and Forests to list the Wildlife Conservation and Security Act, 2012, in the *DrutoBichar Tribunal Ain* (Speedy Trial Tribunal Act), 2002.

- The CCF was requested by the Deputy Secretary of MOHA to write to the MOHA through the MOEF to ensure with mobile court and law enforcement support to prosecute wildlife crimes.

Hotspot the Smuggling and Poaching of Wildlife

- Koikhali is the hotspot of trafficking and smuggling of wildlife. The area has approximately sixty kilometers of the country's border that is largely unguarded due to frequent tidal changes. Because of these tidal shifts, the construction of housing for guards is not possible. Currently, the BGB offices near that border are on a pontoon. To seal the unguarded Bangladesh border near Koikhali, the BFD in Haldibunia should be shared with BGB. Logistics and boat shortages could be discussed at the ground level of both the agencies. BCG has a station in Koikhali where a 7-member team works. However, there is no speedboat there. Thus, regular, coordinated operations among BCG, BGB, Police, and BFD are required.

Combating Wildlife Crimes

- A composite structure (of brigade strength) in combating wildlife crime should be formed and comprised of BFD, BCG, BGB, Police, RAB and other relevant law enforcement agencies.
- A national taskforce is being formed on wildlife crime control. The proposal is now in the cabinet division for approval. The taskforce will comprise police and other law enforcement agencies.
- Tigers are poached when the international smugglers make requests or place orders. Thus, BFD intelligence must monitor these activities and provide information to law enforcement officers.
- INTERPOL has identified some lawyers who defend the alleged poachers and successfully delayed their prosecution. At times, these lawyers receive ten times the usual legal fee when defending a poacher. We should explore whether the Bar Association or the judiciary can take action.
- Wildlife criminals from India illegally enter Bangladesh and wildlife criminals from Bangladesh are illegally entering India to commit their crimes. We need cross border communication and cooperation.
- BFD knows who the criminals are and BFD should produce a list of the poachers and forest criminals and share the list with law enforcement agencies.
- BCG West Zone has eleven station and outposts. In most cases, BCG uses mechanized boats for patrolling but this work requires faster boats. The criminals have better and faster boats than the law enforcement agencies. Better equipment is needed.

Tiger conservation in Bangladesh: challenges and solutions

At the second round of the National Dialogue in the Sundarbans, Government officials and civil society identified and categorized the key challenges in tiger conservation. They also proposed potential solutions to address these challenges.

Challenges and potential solutions at a glance

Law enforcement challenges

- Lack of awareness of existing laws relating to wildlife crimes conservation by the community.
- Lack of political commitment.
- Implementation of the existing laws is sporadic.
- Lack of logistics and capacity within the Government.
- Lack of coordination amongst law enforcement agencies.
- Lengthy and complex case disposal procedures.
- Corruption in the system.
- Witnesses for the Government are not protected and subject to retaliation.

Possible solutions

- Review and revise laws related to wildlife crimes.
- Inter-departmental task force for quick response for tiger conservation.
- Modern, interactive communications network established for all Government agencies.
- Sustainable coalitions, political commitment from all involved.

Institutional capacity challenges

- Shortage of manpower, logistics, resources, funds, modern equipment and technology
- Lack of infrastructure, inter-departmental coordination and good governance.
- Lack of rule of law, integrity, transparency and honesty, i.e., corruption.

Possible solutions

- Better recruitment of officials at all levels.
- Sufficient allocation of funds and resources for stable institutional capacity.
- Senior politicians step in and ensure taskforce effectiveness.
- More involvement of the communities in good governance in the form of oversight.

Community:

- Sustainability for VTRT and CPG (covered by CMC).
- Sustainable AIG (microcredit and endowment fund) and education to the targeted groups.
- Fostering a primary role of women in conservation
- Engage religious leaders for community awareness for conservation (need to go through Islamic foundations and Ministry for Religious Affairs).
- Reward mechanism for informants from the community,

Coordination:

Local level coordination among agencies should come from higher authorities for implementation through DC.

Recommendations

The National Dialogue offered detailed ideas and approaches on how the Government can better face the challenges and fill the gaps to conserve the tigers and the Sundarbans. The two-part session was a free exchange of ideas and it involved lively debates. The following are the recommended actions points for consideration:

For effective law enforcement:

- Wildlife crimes should be reviewed and revised as needed. Lessons can be learned from Nepal's Wildlife Law should be taken into consideration while reviewing and revising the laws.
- The existing penal code is vague. The Forest Act of 1927 allows both the Forest Department and Police to arrest and prosecute those charged with wildlife crimes. One agency should be given primacy. The government has also enacted the Wildlife (Conservation and Security) Act 2012 which empowers the forest officials and police to arrest suspects with or without a warrant; this maybe overly broad.
- There should be provisions in the laws for some kind of reward mechanism for citizens who report criminal acts.
- Enable law enforcement agencies take immediate action against wildlife crimes at the field level, depending on the nature of crimes. For example, the Forest Department should be able to arrest illegal poachers and those felling trees without hindrance. It is not clear to the FD what their authority is.
- Combine law enforcement agencies, Forest Department, RAB, BGB and Police to form a stronger, more capable wildlife crime fighting agency

- The authority of the Forest Department should be enhanced. It was pointed out that the Nepalese Forest Department has jurisdiction to take the criminals directly to the court for crimes committed in the reserved forests, leading to 15 years' imprisonment for the criminals, without going through the police.
- The Forest Department does not get needed assistance and cooperation from the Coast Guard, RAB, Police, BGB, or the judiciary. Forest Department officials working in the Sundarbans don't get any danger pay, but their counterparts get extra money for the same tasks.

For community engagement/empowerment:

- Formation of the Wildlife Conservation Rules, Ecologically Critical Area Management Rules, and Biodiversity Conservation Act are underway. These laws and rules will deal with community engagement for conservation of tigers and the biodiversity of the Sundarbans and they should be speeded up.
- The communities should not be used as informants by law enforcing agencies because this puts individuals at risk. Community patrolling teams could be good alternative in this regard.
- The religious leaders should be engaged to inspire the communities to contribute to tiger conservation. The religious leaders might need to be educated as well on the issue. The Islamic Foundation and Ministry of Religious Affairs should be involved in engaging local religious leaders in the conservation efforts.
- Initiatives by both the government and private sector are critical to ensure sustainable community engagement for conservation. Long-term initiatives should be taken in health and education sector.
- An enormous amount of people live in and around the Sundarbans but they are not dependent on forEnormous amounts of people liveThus, livelihood activities for the communities must identify the actual resources users and target them very specifically.
- Community livelihood and alternative income generation interventions should be long-term and round-the-year activities.
- Engaging more women in the conservation efforts is important for sustainable outcomes.
- Ensuring the sustainability of the Co-management Councils and committee (CMC) will also cover the VTRT and CPG.
- Alternative income generation (AIG) remains a challenge. The government has formed a bank (PalliSanchay Bank) for the rural poor people to promote AIG. The PalliSanchay Bank can be a platform for sustainable AIG through an endowment fund and microcredit. The Forest Department has already held a meeting with the bank to get banking support for sustainable AIG for conservation.

- The government already has a social safety net program in place. The communities critical to tiger and Sundarbans conservation should be brought under the social safety net program to ensure sustainable AIG and livelihood.

For more robust coordination:

- There is already an existing coordination mechanism in place. There are coordination committees in union, *upazila*, district and divisional levels. The existing laws also guide these committees. However, we will need to identify how these committees can work more effectively for tiger and Sundarbans conservation. Meeting agendas on tiger conservation should be placed at these meetings so that this issue can be discussed regularly at these coordination meetings.
- There is a serious lack of inter-ministerial cooperation. The Forest Department does not receive assistance and cooperation from other law enforcing agencies. Law enforcers sometimes refuse to take suspected criminals arrested by the forest officials. These gaps must be addressed.
- Clear instructions for taking action against wildlife crimes and coordination amongst various local-level agencies should come from senior Government authorities; the DCs should ensure implementation of the instructions at the local level while the Forest Department facilitates the process.
- There should be combined efforts comprising the religious leaders, political and local leaders in support of tiger and Sundarbans conservation.
- The media has been publishing a lot of news items on tiger poaching, wildlife trading and wildlife crimes. However, there is no information on law enforcement agencies' arrests of criminals. Government agencies should ensure the media has more information on government actions.

For institutional capacity building:

- Increase the capacity building at the lower levels of law enforcement agencies. Also build the capacity of communities to look after their lands and forests through education and training.
- The Forest Department should have an annual budget line to smoothly continue its efforts for tiger and biodiversity conservation and provide support to other stakeholders.
- The Department of Environment has proposed a Biodiversity Fund and it has been approved. The next steps regarding this fund should be taken with a view to putting the fund in place.

- The Forest Department does not have sufficient equipment, transportation and logistics. More investment in these tools is needed urgently.

About Bengal Tiger Conservation Activity (Bagh): The United States Agency for International Development (USAID) has joined hands with the Government of Bangladesh to protect wild tigers in Bangladesh through the Bengal Tiger Conservation Activity (Bagh). Under the leadership of the Bangladesh Forest Department, USAID's Bagh Activity is implemented by WildTeam and supported by the Smithsonian Institution and Bangladesh Centre for Advanced Studies (BCAS).

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