

GOVERNANCE AND MANAGEMENT OF ENVIRONMENTAL POLICIES IN BANGLADESH

Paper presented in the Conference Environmental Policy: A Multi-National Conference on Policy Analysis and Teaching Methods held in KDI School of Public Policy and Management, Seoul, Korea, 11 June – 13 June 2009

Mohammad Mohabbat Khan, Ph.D.
Professor
Department of Public Administration
University of Dhaka
Dhaka – 1000
BANGLADESH

E-mail: khanmm07@gmail.com

Abstract

Bangladesh is a least developed country with a meager resource base and huge population and a very low land-man ratio. The geographical location of the country makes it one of the most vulnerable place on earth to floods and cyclones. Major environmental concerns of Bangladesh include natural hazards, wetlands, deforestation, pollution, arsenic, solid waste management and global warming. Natural resources have already been over-exploited. So, governance and management of environmental policies is critical in the context of Bangladesh. The country is a signatory to a number of Multilateral Environmental Agreements (MEAs) still its capacity to implement the agreed decisions of MEA's are extremely limited. Environmental sector can boasts plethora of institutions and large number of laws, rules and regulations. In spite of the existence of multiplicity of institutions and the presence of an overarching legal regime, the governance and management of environment sector remains weak and disjointed. Lack of effective coordination among different governmental and non-governmental agencies; insignificant level of popular participation at the implementation stage of programs and projects, alleged corruption at different stages of the project cycle; lack of meaningful civil society initiative all contribute in different degrees to the present unsatisfactory state of environmental governance and management.

Bangladesh is a small country. The total area of the country is 147,570 square kilometer with a population of 140 million. Current population density is 1000 people per square kilometer of land area making the country most densely populated country in the world excepting the city- states. The current land-person ratio is very unfavorable and there is little scope to expand the land resource base. The geographic location of Bangladesh renders her one of the most vulnerable places on earth to flood and cyclones.

ENVIRONMENTAL PROFILE

Major environmental concerns of Bangladesh are (Rasheed, 2002: 547-556): natural hazards, wetlands, deforestation, water supply and sanitation, arsenic, pollution, solid waste management and global warming. Tropical cyclones and floods are two major natural disasters that Bangladesh faces regularly. Cyclones cause huge loss of life and property. Sixty percent of the country is flood-prone and twenty-two percent of the country's land area is flooded every year. Wetlands are vulnerable to degradation and covers about 11 percent of the total land area. Deforestation has given rise to serious environmental problems. Due to systematic deforestation the forest area in the country has been reduced to less than 6 percent. Deforestation is largely the result of poor management, illegal logging and unplanned land clearing. Ever increasing demand for drinking water supplied by groundwater sources result in increased abstractions to meet

increasing demands might cause environmental problems like lowering of water table and saline intrusion. Sanitary conditions are dismal in rural areas. Arsenic contamination of ground water has reached alarming proportions in many areas. Both water and air pollution are increasing at an alarming rate. Solid waste disposal is a serious problem primarily in high–population urban areas. Solid waste management is yet to be modernized and innovative approaches in collection, disposal and recycling of waste are few and far between. The country’s vulnerability to global warming is now increasingly apprehended.

In view of the alarming environmental scenario the paper will primarily focus on governance and management of environmental policies in Bangladesh. It is believed that though there are a number policies, rules, acts and regulations in the book like National Environmental Policy, 1992, National Environmental Action Plan, 1992, Environmental Conservation Act, 1995 (amended 2000 and 2002), Environmental Conservation Rules, 1997, National Conservation Strategy 1997, Environmental Court Act 2000 (amended 2002) and the existence of Ministry of Environmental and Forest with a number of related organizations under its jurisdiction, the institutional base of environmental governance and management in Bangladesh continues to remain weak, fragmented and insufficient to meet the enormous environmental challenges that lay ahead.

The paper within the broad compass of governance and management of environmental policies in Bangladesh will include discussion on environmental profile, discussion of institutions and policies in the environmental sector, recent developments and analysis of environmental management from governance perspective.

INSTITUTIONS AND POLICIES

Governance and management of the environmental sector is molded to a large extent by some key institutions and specific policies. Though it is realized that environment is a cross sectoral issue that cuts across many other institutions. Still we discuss below those institutions and policies that have a direct bearing on the state of environment in Bangladesh. These institutions were created and policies formulated to achieve sustainable development in the country.

INSTITUTIONS

Ministry of Environment & Forests

The Ministry of Environment & Forests (MOEF), created in 1989, is the pivotal governmental agency in the public sector in Bangladesh for the planning, promotion, co-ordination and overseeing the implantation of environmental and forestry programs (www.moef.gov.bd 2006:1). The MOEF is an active participant in the activities of the United Nations Environment Program (UNEP). The major functions of MOEF are: management of environment and ecology, environment and pollution control, conservation of forests and development of forest resources, research and training on forestry and tree plantation.

The MOEF consists of two major departments, i.e. the Department of Environment (DOE) and the Department of Forest (DOF). Three institutions, i.e., Bangladesh Forest Industries Development Corporation (BFIDC), Bangladesh Forest Research Institute (BFRI) and Bangladesh National Herbarium (BNH) remain under the control of MOEF.

Department of Environment

The Department of Environment (DOE) was created in 1977 and placed under the control of the Ministry of Agriculture. With the establishment of MOEF, DOE was shifted within its ambit in 1989. The DOE functions as the technical arm of MOEF.

The mandate of DOE is broadly to ensure conservation of the environment, improvement of environmental standard and control and mitigation of environmental pollution (www.doe-bd.org 2006:5). The DOE with expansion of its mandate over the years is expected contribute to sustainable use of land, water, biodiversity and other natural resources, and to facilitate the wove of all relevant stakeholders pertaining to environment like various public sector agencies, private sector organizations, non-governmental organizations (NGOs) and people.

The DOE carries out its responsibilities through a head office and six divisional offices under the overall leadership of the Director-General. The head office functions are divided into two broad categories – administration, planning and development and technical. Six divisional offices carry out enforcement activities including overall management of environment of the environment supported by laboratory analysis.

The major activities of DOE include policy analysis, planning and evaluation, program co-ordinations and monitoring and evaluation. In the area of policy analysis, DOE provides inputs to formulate environmental policy of various sectors; and undertakes analysis of government policies and gives advice to the government. In the planning and evaluation area DOE formulates a five-year annual development plan as a part of central planning requirements and undertakes periodic evaluation of the progress of implementation of projects. Program coordination involves ensuring coordination between projects and programs for effective project planning and implementation. Monitoring and evaluation entails periodic evaluation and reporting on the progress of project implementation.

Department of Forest

Department of Forest (DOF) was created way back in 1876 during the British rule of the Indian sub-continent. DOF's functions include forest resource conservation and management, protection and management of biodiversity and watersheds along with economic and ecological development of the country (www.bforest.gov.bd 2006:6).

Bangladesh Forest Research Institute

Bangladesh Forest Research Institute (BFRI) was established in 1955. The mandate of BFRI is to provide research support to the forestry sub-sector and all its organizations including DOF, Bangladesh Forest Industries Development Corporation (BFIDC), NGOs and relevant private organizations. BFRI's research aims to develop appropriate technologies to maintain sustainable productivity of forestland and out of forest industries without incurring resource depletion.

Bangladesh National Herbarium

Bangladesh National Herbarium is a plant survey, collection, identification and conservation organization (www.moef.gov.bd 2006:3).

Its functions include documentation of the plant biological diversity; serving as a repository of technical information on plant genetic resources; advising the government on technical aspects of flora and fauna; and providing direction for implementation of government policies relating to plant biodiversity conservation.

Bangladesh Forest Industries Development Corporation

Bangladesh Forest Industries Development Corporation (BFIDC) is mandated to undertake rubber plantation, processing and extract timber from inaccessible forest areas. It also provides technical assistance to private sector organizations for rubber plantation.

Disaster Management Bureau

Disaster Management Bureau (DMB) established in 1992 is the technical arm of the Ministry of Food and Disaster Management (MOF & DM). It provides professional support to the high-level inter-ministerial committee district and upazila (sub-district) authorities pertaining to disaster management. Also it coordinates all activities relating to disaster management from national to the grassroots level (MOE & F, 2007:13).

Bangladesh Water Development Board

Bangladesh Water Development Board (BWDB) operating under the Ministry of Water Resources is responsible for flood control, drainage and irrigation projects to enhance productivity in agriculture and fisheries. BWDB Act 2000 stipulates that the organization's functions are to be guided by the National Water Policy and National Water Management Plan (MOE & F, 2007:13).

Water Resources Planning Organization

Water Resource Planning Organization (WARPO) within the Ministry of Water Resources functions as an apex body in the water sector. It is a multi-disciplinary organization and acts as a clearinghouse for all water sector projects undertaken by any agency in the water sector (MOE & F, 2007:13).

In the overall management and governance of environment in Bangladesh a number of the other organizations are involved besides the ones mentioned above. These are ministries of agriculture, land, fisheries and livestock, power, industries and energy and mineral resources. Besides a number of research institutions under ministries of agriculture, fishers and livestock, commerce and environment and forests conduct research on different aspects of environment.

POLICIES

The policy framework for environment sector in Bangladesh consists of policies, guidelines, and action plan and supplemented by national capacity assessment exercise. Added to these Bangladesh has a number of laws and regulations pertaining to environmental issues.

The successive five- year plans, i.e. Fourth Five Year Plan and Fifth Five Year Plan emphasized government's environmental objectives as well as its need for environmental sustainability.

The Fourth Five Year Plan (1990 – 1995) described government's environmental objectives in the following manner: to control and prevent pollution and degradation pertaining to soil, water and air; promote environment friendly activities in the development process; preserve, protect and develop natural resource bases; strengthen the capabilities of public and private sectors to manage environmental concerns as a basic prerequisite for sustainable development; and create people's awareness for participation in environment promotion activities.

The Fifth Five Year Plan (1997-2002), on the other hand, focused more directly on the need for environmental sustainability. So the objectives of the Fifth Five Year Plan were: promotion of sustainable environmental management with a view to alleviating poverty; promotion of participatory and community-based environmental resource management; ensuring active participation of the poor and women in environmental protection activities, preserving, protecting and developing the natural resource base; preventing and controlling air, water and soil pollution; and creating public awareness on environmental protection.

Though a number of policies / acts have been formulated along with action plans only a few are relevant here.

National Environment Policy, 1992

The National Environment Policy (NEP), 1992 has set the policy framework for environmental action in combination with a set of sectoral guidelines (MOE&F, 1995:22). It emphasis the following: maintenance of ecological balance; protection of country against natural disasters; identification and control of all types of activities relating to pollution and environmental degradation; ensuring environmentally sound

development in all sectors, and ensuring sustainable, long-term and environmentally congenial utilization of all natural resources (Rasheed, 2002:557).

The major criticism leveled against NEP is that its “objectives and policy statements are too broad in nature, with no prioritization and no indication either of the tools or the institutional capability needed for their implementation” (Khan and Huq, 2007:303).

National Environmental Management Action Plan (NEMAP), 1992

NEMAP is an environmental planning exercise undertaken by the government through MOEF.

National Environmental Management Action Plan (NEMAP), a companion of NEP, was carried out in three phases between 1992 and 1994. During the first phase a number of areas were identified undergoing rapid environmental degradation. The second phase saw prioritization of sectoral issues and selection of sectoral projects for various government agencies after holding discussions with relevant government ministries and organizations. The third phase witnessed elaborate public consultation exercise with assistance from NGO personnel, academicians, lawyers, journalists and other professionals. This exercise was intended to reflect people’s concerns and priorities in the plan as well as raising public awareness about environmental issues.

A Coordination and Review Committee was set up with representatives from concerned government agencies and individuals from NGO community, journalism, academic, legal professional to develop a process of extensive public consultation taking into cognizance a number of minimum criteria. Major environmental concerns of people emanated from the consultation processing included lack of sanitation and clean drinking water, deforestation, pollution, natural disaster, floods, drainage and irrigation. Socio-environmental concerns of the people were poverty, illiteracy, unemployment and lack of awareness.

Environmental Conservation Act, 1995

The Environment and Conservation Act, (ECA) 1995 was enacted to ensure conservation and sustainable use of biological resources of the country as well as to protect the environment. The Act was subsequently amended twice in 2000 and 2002 and a number of notifications and circulars were issued to close the loopholes in the original Act.

The ECA was designed to preserve the environment through improving environmental standards and controlling and mitigating environmental pollution. The shortcoming of the Act as well as its subsequent circulars and notifications, lay in its failure to specify a monitoring mechanism for the enforcement of its provisions (MOE&F, 2006:24).

Environment Conservation Rules (ECR), 1997

ECR made it mandatory for all industries to carry out environmental impact assessment (EIA). Under ECR all industries are to install waste/pollutant treatment plants, conform to environmental quality standards, report accidents or unforeseen discharge of pollutants and take remedial measures (MOEF, 2006:24).

The DOE issues certificates to those industries that conform to mandated ECR standards.

The Environment Court Act (ECA), 2000

The Environment Court Act (ECA), 2000 was amended in 2002. The Act provides for setting up one or more environmental courts initially in every division of the country with clear and specific terms of reference to deal with environmental offences (MOEF, 2006:25)

The Act provides for wildlife protection and provision of penalties for violation of Wildlife Preservation Order, 1973, Wildlife Preservation (Amendment) Act, 1973 and subsequent notifications.

Although both ECA and ECR cover a wide range of environmental issues these are not comprehensive and unambiguous at best. As a result their long-term impact on environmental sustainability is somewhat constrained (Rasheed, 2002: 558).

The Forest Act, 1927

The Forest Act, 1927 was amended twice in 1990 and 2000. The Act empowers the government to declare any area of forest as reserved to take measures for conservation of biological diversity. The amendment in 2000 provided for the establishment of social forestry by encouraging participation of the local community in its management.

National Forest Policy (NFP), 1979

The NFP, 1979 intended to achieve a number of broad-based objectives. These included: careful preservation and scientific management of all forestlands; designating

all government forests as national forests; adoption of measures for manning the forest sector by members of a cadre of officers constituted for that purpose; research, education and training be organized to cater to the scientific, technological and administrative needs of the forests; adoption of measures for conservation of forests, protection of natural environment, and preservation of wildlife; and updating laws for implementation of the NFP (Khan, 1987: 68).

Sustainable Environmental Management Program

Sustainable Environmental Management Program (SEMP) was taken up as a follow up of NEMAP. SEMP was organized from 1998 to 2003 and funded by the UNDP. Earlier UNDP also funded NEMAP. SEMP included a number sub-programs: (a) policy and institution, (b) participatory ecosystem management, (c) community based environmental sanitation, (d) awareness and advocacy, (e) training and education (Islam, 2000: 325).

RECENT DEVELOPMENTS

National Biodiversity Strategy and Action Plan (NBSAP)

National Biodiversity Strategy and Action Plan (NBSAP) was prepared in 2006 to fulfill Bangladesh's commitment to Conservation on Biological Diversity (CVD). The NBSAP provides a framework for conservation, sustainable and sharing of the benefits of biodiversity of the country.

The NBSAP preparatory process followed participatory path so that relevant stakeholders could share its strategy and implementation responsibility.

Some of the major objectives of NBSAP are: conserving and restoring biodiversity of the country; maintaining and improving environmental stability for ecosystems; and ensuring long- term food, water, health and nutritional securities of the people met through conservation of biological diversity (MOE&F, 2006:X).

To achieve the objectives, sixteen strategies have been developed. Some of these strategies are: setting up institutions for inter-sectoral implementing mechanisms for NBSAP; establishing participatory mechanisms to receive and utilize inputs from private sector, civil society, academia and local communities about different processes leading to biodiversity conservation, use and sharing of benefits; reviewing and developing biodiversity related legislations and establishing a specific branch in the judiciary to deal

with biodiversity and environmental issues; and developing an appropriate financial strategy (MOE&F, 2006: X).

National Capacity Self-Assessment (NCSA)

In recent years there has been growing attention to capacity building for development countries like Bangladesh for comprehensive environmental management. A project titled National Capacity Self-Assessment (NCSA) was taken up by MOEF for implementation from early 2006 to the end of 2007. The overall objective of NCSA was to identify major capacity needs to effectively address crosscutting national regional and global environmental issues. Some of the major specific objectives of NCSA included: identification, confirmation and reviewing priority issues for climate change and desertification / land degradation; exploring related capacity needs within and across the three thematic areas; formulating and integrated institutional framework to coordinate and monitor implementation of the strategy and action plans; creation of fruitful partnerships and linkages within the institutional framework; and lining country actions to the broader international environmental management and sustainable development framework (MOE&F, 2007:5).

The NCSA report was prepared through an extensive consultative process with stakeholders, people and members of Project Steering Committee and Strategic Technical Committee. The report's chapter on capacity development and action plan, (CDAP) outlined possible outputs and tentative major activities that could be performed by government organizations, NGOs, other private organizations to overcome the capacity needs identified earlier. The last chapter proposes formulation of an institutional mechanism to implement CDAP in an effective and sustainable manner (MOE&F, 2007:9).

ANALYZING ENVIRONMENTAL MANAGEMENT FROM GOVERNANCE PERSPECTIVE

Discussions in the last two sections concentrated on institutions and policies in the environment sector. How does one evaluate the utility and effectiveness of the institutions and policies in terms of attaining environmental sustainability? To put it in other words the focus in this section is to analyze the deficiencies existent in institutions

and policies and makes recommendations as to how these deficiencies can be overcome.

In order to achieve the objectives set, a broad-based governance perspective is utilized to bring the relevant issues within a broad canvas.

The key variables of a broad-based governance framework include: accountability, transparency and information; effective and efficient public sector management; legal and policy frameworks; participation and voice, corruption prevention and civil society involvement (Khan, 2009).

Accountability, Transparency and Information

One of the key indicators of good governance is the state of accountability, transparency and capacity of information in a particular country with regard to policy making and policy implementation. Accountability mechanisms are hierarchy based and rule-driven. Naturally the mechanisms are deficient to serve the intended purpose. Transparency in decision-making is absent. Information sharing with intended beneficiaries usually does not take place.

Ensuring external accountability through use of relevant parliamentary committees can be one of the ways to make concerned public servants accountable. Transparency can only be realized if participants know decision premises. So the underlying premise of public decision making secrecy should be replaced by openness and information-sharing. This will be possible if public servants are willing to change their attitudes and behavioral patterns.

Effective and Efficient Public Sector Management

Effectiveness and efficiency of public sector management is a prerequisite for implementation of policies and programs. Public sector management is neither effective nor efficient. Institutional strengthening has not taken place. Institutional coordination is restricted by lack of coherence among key institutions. Weak and inappropriate training coupled with insufficient physical infrastructure and placement of generalists in specialist positions further contribute to ineffective and insufficient management in the environment sector. Also overlapping jurisdiction between and among key institutions add to further weakening of the organizations abilities to deliver the required services.

Hiring, retaining and placing appropriate and qualified specialists in key managerial positions and providing them with regular and job-related training would be the first step towards revamping environmental sector management. The second step would be to ensure creating and sustaining coordinating that would enable effective working together of highly specialized organizations towards achieving environmental sustainability. Third, overlapping jurisdictional problem can be avoided by clearly delineating roles and responsibilities of all institutions in the environment sector. Finally, obtaining feedback and incorporating those in the next cycle of activities would considerably improve effectiveness and efficiency in the management of environment sector.

Legal ad Policy Framework

Rules, regulations and polices pertaining the environment sector are weak and consequently create problems for their implementation. Guidelines for intersectoral joint action are also not available. Consequently, appropriate action plans are yet to be formulated.

Preparing appropriate rules, regulations and polices in a divergent sector like environment is not an easy task. But laws must be prepared in such a manner so that they are not in conflict with national development policies. If this is done then relevance of all rules and regulations would be established. So, a review of relevant laws and polices is in order to bring about harmony and avoid duplication.

Participation and Voice

Enabling citizens to have say in matters affecting their daily lives is now recognized by all. Any development program to be successful needs active support and collaboration of people. So far, though some efforts have been made to take into cognizance the opinion of people in making polices, but these have been few and far between. No meaningful improvement in environmental management is possible without active and meaningful participation by people at the grassroots level.

Immediate steps should be taken to encourage and promote public awareness in all facets of environmental management. Enforcement of laws needs to be participatory in nature. Continuous and meaningful exchange of ideas and opinions among people and concerned public officials need to be ensured. Necessary laws and policies must reflect

the opinions of people. Technical aspects of policies and laws need to be explained to target groups in simple terms using local jargons.

Anti-corruption Measures

Corruption is rampant in this country. All aspects of society have been affected by corruption and corrupt practices. It is widely believed that corruption is prevalent in the environment sector too. Existence of corruption considerably reduces the possibility of benefits for people in this area.

Corruption prevention measures need to include a strong anti-corruption body, a sustained anti-corruption campaign by non-governmental organizations and public awareness of and resistance to corrupt people and their activities.

Civil Society Involvement

Involvement of civil society has been recognized as an effective tool to mobilize grassroots participation for protecting the environment from degradation and maintaining its Sustainability.

CONCLUSION

Environmental management and governance in Bangladesh is not in a satisfactory state. There are a plethora of laws, rules and regulations as well as institutions to manage and govern the environmental sector. The legal regime is quite comprehensive yet little attempts have been made so far to iron out the contradictions and duplications among existing rules and regulations. Institutions continue to suffer because of a number of reasons. Environmental sector is yet to be accorded the status of specialist arena. This is manifested by generalist officials manning top-level policy making and directing positions in almost all environment-related ministries including environment and forest, agriculture, land, water resources, food and disaster management and livestock and fisheries. The training institutions operating in the sector are deficient due to lack of specialist and competent leadership at the top, lack of qualified and motivated trainers and insufficient logistic and technical support. Coordination among different ministries and other agencies in the governmental and non-governmental sectors is poor. Inter-organizational meetings and other follow-up meetings are not regularly held and usually fail to achieve their intended objectives. Though attempts have been made to involve people at the formulation stage of action plans but seldom people are taken

into confidence and consulted with when these plans are implemented. One of the consequences of such a situation is people's lack of interest in government-sponsored environmental protection programs.

REFERENCES

- Islam, A. (2000). "The Environment: Challenges Ahead" in Ahmed, M. ed. **Bangladesh in the New Millennium**. Dhaka: Community Development Library, pp. 293-328.
- Khan, M. M. (1987). "Policy Priorities in the Forestry Sector in Bangladesh", **Social Science Review** 4(2): 64-81.
- Khan, M. M. (2009). **From Government to Governance: Expanding the Horizon of Public Administration to Public Management**. New Delhi and Dhaka: South Asian Publishers and University Press Limited (UPL).
- Khan, M. and Huq, S. (2007). "I-PRSP of Bangladesh: A Critical Review Through an Environmental Lens" in Islam, M.F. and Andaleeb, S. S. eds. **Development Issues of Bangladesh-III: Human Development and Quality of Life**. Dhaka: UPL, pp. 281-332.
- MOE&F (1995). **National Environment Management Action Plan (NEMAP)**. Vol. II. Main Report. Dhaka: Ministry of Environment & Forest (MOE&F), Government of the People's Republic of Bangladesh.(GOPRB)
- MOE&F (2006). **National Biodiversity Strategy and Action Plan for Bangladesh**. Dhaka: MOE&F, GOPRB.
- MOE&F (2007). **Bangladesh Capacity Development Action Plan for Sustainable Environmental Governance**. Dhaka: MOE&F, GOPRB
- Rasheed, K. B. S. (2002) "Perspectives on the Environment of Bangladesh" in Chowdhury, A. M. and Alam, F.eds. **Bangladesh in the Threshold of the Twenty-First Century**. Dhaka: Asiatic Society of Bangladesh, pp. 545-560
- www.moef.gov.bd.2006
- www.doe-bd.org 2006
- www.bforest.gov.bd 2006