

Open letter to:

Shri Anil Madhav Dave
Minister of State, Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhavan, Jor Bagh Road
Aliganj, New Delhi- 110 003
Date: 6th October, 2016

Dear Sir,

Sub: Request to ensure that the FRA is implemented and its integrity upheld – as a vital measure for conservation

We are conservation organisations and ecological scientists working across India. We are disturbed by recent reports that the Environment Ministry is not prioritising the Forest Rights Act in its policy making and may be acting in ways that are not in consonance with that law. As the mandate of the Ministry is to ensure protection of the environment, we hope you will take cognizance of the following points that clearly show that disregarding the Forest Rights Act or undermining it will greatly damage environmental protection in the country. Here are our views on the value of the FRA:

1) The FRA strengthens conservation through globally recognized inclusive approaches:

The Forest Rights Act stands proudly along with a few other conservation legislations in the country as the only line of defense from wanton destruction of natural treasures of the country. The FRA is a significant step forward for conservation and environmental protection in India. For decades now, international conservation best practice has recognised that sustainable and effective protection of sensitive ecosystems requires the democratic involvement of those who live in and depend on those ecosystems (both terrestrial and marine) - as legally empowered rights holders. The International Union for the Conservation of Nature (IUCN) and the World Wildlife Fund (WWF) have formally recognised this in their policy documents on protection of ecosystems. The international community as a whole has recognised this in the Convention on Biodiversity (CBD), including in its Programme of Work on Protected Areas (PoWPA). Old models built around removing and excluding local communities have been shown to result in impoverishment of people while failing to protect the environment effectively (instead encouraging corruption and abuse of power). The Global Environment Outlook Report 5, mentions clearly, that world over while the number of protected areas has gone up the actual biodiversity has only decreased. One of the important reasons identified for this decrease in biodiversity has been lack of involvement of local people in governance and management of protected areas. Both academic literature and international policy documents demonstrate this in numerous contexts. Indian experiences as diverse as Uttarakhand's Van Panchayats, community forest management in Odisha; Recognition of rights and subsequent development of people's tiger conservation plan in BR Hills Tiger Reserve in Karnataka; Collective efforts of the administration, civil society and local people to recognise rights and work towards a co-existence plan in Simlipal Tiger Reserve in Odisha, Conservation of forests and wildlife after recognition of CFR rights, including by setting aside no go zones for them in villages such as Pachgaon and

Nayakheda in Maharashtra; and continuation of effective forest management by villages such as Mendha Lekha, among many others provide us with a wealth of local knowledge and examples to draw upon.

2) The FRA is a vital tool for community-based conservation movements:

The FRA is not only to be viewed as a social justice measure, but also as a tool to democratize environmental decision making and forest governance in India. It empowers forest communities to be a part of the decision making process, and therefore encourages a bottom up approach to natural resource governance in India. Across the world, there is growing evidence that involving local communities in environmental governance and protection plans promotes decisions that are environmentally sound. Yet government policy has focused solely on criminalising local communities and strengthening the powers of forest officials - a model that has either failed in many contexts or is increasingly being questioned as flawed, counter-productive and short-sighted. The Forest Rights Act represents for the first time, that Indian environmental policy has sought to incorporate these principles of respect for rights (including right to use, manage and conserve), transparency and accountability, in a clear legal framework. After the passage of the Act, communities across the country have also used it as an instrument of conservation, such as through stopping coupe felling in north Bengal, preventing wanton destruction of forests for private profit in Odisha, and as mentioned above sustainably using and conserving forests and biodiversity in Maharashtra, Odisha and elsewhere.

3) Wilful misinterpretation of the FRA legislation:

Many foresters mistakenly believe that the FRA will cause forest loss. Some have made simplistic calculations like number of Adivasis multiplied by 4 ha given equals the amount of forest area that will be lost. It must be noted that neither is 4 ha the amount to be 'handed out' (it is only the upper bound), nor is it "giving land" to all Adivasis. The Act only provides for all forest-dwellers whose historical residence and dependence over a particular forest land has not been recognized. Most important, individual forest rights correspond to historically settled or cultivated land, which in reality does not contain any forest cover anyway. So effectively implementing the individual rights provisions does not really involve any loss of actual forest cover.

Critics of the Act argue that there is a potential for misuse by vested interests. We do not support any misuse of the Act. However, that is not a valid ground for calls for scrapping or failing to implement an important Act. Any law including the Wild Life (Protection) Act has the potential for misuse and flawed implementation, but that does not mean that the law itself is wrong/or at fault.

In contrast, eviction drives and harassment of legitimate rights holders have led to a situation of continuous conflict in forest areas – which is hardly conducive to conservation.

In this context we are disturbed to find the Environment Ministry continuing to make policy in a manner that does not seem to respect this law or its mandate. Some recent examples include the laws and policies such as Compensatory Afforestation Fund Act and Wildlife Action Plan 2017-31, which make no reference to the Forest Rights Act and rights of local communities; and

reported moves to bypass the need for local communities' consent before diverting forests. Such steps increase the likelihood of maladministration, abuse of power against local forest dwellers, ecologically unfriendly and destructive policies, and the use of plantations as some kind of panacea for all forms of forest destruction. We see this as a failure to fulfil the Environment Ministry's primary mandate. We call upon you to, as a conservation measure, ensure that respect for and implementation of the Forest Rights Act becomes one of the top priorities of your Ministry and of the country's forest bureaucracy. We hope that steps in this direction can be taken.

Sincerely,

Dr. Nitin Rai, Ecologist, ATREE, Bangalore

Dr. Ravi Chellam, Ph.D., Executive Director, Greenpeace India

Dr. Sharachandra Lele, Environmental Researcher and Member, MoEF-MoTA Joint Committee on FRA

Ashish Kothari, Kalpavriksh, Pune

Neema Pathak Broome, Kalpavriksh, Pune

Dr. Aparna Watve, Assistant Professor, Tata Institute of Social Sciences

Janaki Lenin, Conservation Journalist and Writer, Tamil Nadu

Dr. Aparajita Datta, Scientist, Nature Conservation Foundation

Dr. T.R. Shankar Raman, Scientist, Nature Conservation Foundation

Dr. Divya Mudappa, Scientist, Nature Conservation Foundation

Dr. M.D. Madhusudan, Scientist, Nature Conservation Foundation

Dr. Charudutt Mishra, Scientist, Nature Conservation Foundation

Priya Pillai, Greenpeace India

Giri Rao, Vasundhara, Odisha

Tushar Dash, Vasundhara, Odisha

Aarthi Sridhar, Dakshin Foundation

Dr. Kartik Shankar, Dakshin Foundation

Marianne Manuel, Dakshin Foundation

Ananya Rao, Dakshin Foundation

Dr. Harini Nagendra, ecologist, Bangalore

Dr. Prashanth N S, Faculty & Tribal Health and Development Researcher, Institute of Public Health, Bangalore

Kalyan Varma, Associate and environmental photographer, Nature Conservation Foundation