

**Open letter to MoEF:
No more funds for relocation without establishing a democratic process**

To

The Minister
Ministry of Environment and Forests
Paryavaran Bhavan
New Delhi

1 July 2013

Dear Smt. Natarajan,

India's conservation policy claims to support participation. India is party to the Convention on Biological Diversity, whose Programme of Work on Protected Areas (PoWPA) explicitly requires countries to move towards participatory conservation with recognition of indigenous/local community rights. The PoWPA, framed in 2004, committed India to move towards full participation of adivasis and other local communities in the management of wildlife conservation, and in receiving benefits from such conservation, by 2008. The Wild Life Protection Amendment Act (WLPA) of 2006 and Forest Rights Act (FRA) of 2006, and subsequent circulars issued by both MoEF and MoTA (Ministry of Tribal Affairs), require that any relocation from a Critical Tiger/ Wildlife Habitat of a National Park, Sanctuary or a Tiger Reserve can only take place after recognition of rights, gram sabha consent to the relocation and case-by-case establishing that presence of local communities in the area is causing irreversible damage and there is no possibility of co-existence.

Yet in implementation, the focus continues on the old approach of relocation being the key strategy for tiger reserves, with huge amounts of money being pumped into it. In the garb of 'voluntary' relocation, people are being made to move out without complete knowledge of the options available to them under FRA and WLPA which include the option of staying on with rights and co-existence, and with relocation being *only* one of these optionsⁱ. Recently the National Tiger Conservation Authority (NTCA) has approved a proposal for diversion of Rs. 1000 crores per year for next 5 years from the funds of Compensatory Afforestation Fund Management and Planning Authority (CAMPA) for relocation from Critical Tiger Habitats (CTH)/ Critical Wildlife Habitats (CWH) of PAsⁱⁱ.

At the same time, provisions for participation or co-existence are being ignored:

- No detailed guidelines have yet been brought out on coexistence in Protected Areas even though Future of Conservationⁱⁱⁱ network had submitted draft comprehensive guidelines on identification, management and co-existence in CTHs and CWHs to MoEF in 2007.
- Except for a few fledgling examples, there have been no programmes or initiatives towards co-management in Protected Areas.
- Implementation of FRA in Protected Areas, especially Tiger Reserves is poor and almost no relocation has followed the requirement of prior recognition of rights.
- The legality of notifications of many critical tiger habitats is itself open to question for not having followed legally mandated procedures under WLPA 2006 and FRA.
- The guidelines for CWH are lying in cold storage since 2011^{iv}.
- Even in the case of Ajay Dubey vs. NTCA and others (the tiger tourism case), the guidelines submitted by NTCA focused merely on tourism, and not on detailed conservation and management (including on how co-existence will be achieved in buffer zones).

In such a scenario, we protest against the allocation of even more funds for relocation, and urge that relocation should be stopped until the following steps are undertaken:

- There is a detailed investigation of the ongoing violations in the relocation process and corrective actions are taken in revising the process of relocation. In sites from where people have been relocated, there needs to be long term monitoring to check whether conservation objectives envisioned have been met by the relocation;
- Detailed guidelines on co-existence in Protected Areas are finalised with public consultation;
- Programmes for co-management in Protected Areas are implemented where communities continue to stay within;
- A campaign for awareness regarding Community Forest Rights under FRA is initiated and process of recognition of rights is supported within protected areas.

At the same time, we urge that Govt. needs to put in attention and resources towards honouring our commitments as per the above mentioned national legal provisions and international obligations, towards:

1. supporting committees to be constituted under rule 4(1)e of the Forest Rights Acts to draft a forest management and conservation plan
2. supporting local biodiversity management committees towards documenting their biological diversity
3. integration of such village-level plans in the larger forest and wildlife management plans.

We are hopeful that your Ministry will give due consideration to our prayers.

Thank you,



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ⁱThe Future of Conservation (FoC) in India is “a network of ecological and social organizations and individuals committed to effective and equitable conservation of biodiversity. FoC’s objective is to foster dialogue and engagement in complex conservation issues, and help tackle the increasing threats that both biodiversity and people’s livelihoods face. It may be noted that the draft relocation protocol was finalised without taking on board many concerns raised in submissions by different groups. An example is Future of Conservation network’s comments available here:

[http://kalpavriksh.org/images/CLN/FOC/Relocation%20protocol Comments.pdf](http://kalpavriksh.org/images/CLN/FOC/Relocation%20protocol%20Comments.pdf)

ⁱⁱ The proposal will also have to be approved by the National CAMPA Advisory Council and the Supreme Court before being implemented.

ⁱⁱⁱ The proposed guidelines for CTH are available at <http://kalpavriksh.org/images/CLN/FOC/foc20073.pdf> and for CWH at <http://kalpavriksh.org/images/CLN/FOC/foc20074.doc>

^{iv}FoC’s comments on the draft CWH guidelines can be accessed here:

<http://www.fra.org.in/CWH%20Guidelines%20draft,%20MoEF,%20jt%20comments,%20final,%203.6.2011.pdf>