

## COMMUNITY RESERVES AND CONSERVATION RESERVES: MORE RESERVE AND LESS COMMUNITY!

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### Background

The Wildlife (Protection) Amendment Act (WLPAA) 2002 was excited awaited, as it had two new categories, which were thought to be aimed at supporting conservation efforts by people on private, community lands or government land. It was expected that these two categories would pave a way towards a more participatory model of conservation in the country. State declared Protected Areas (PA), that is, National Parks and Sanctuaries, have so far not envisaged any role for the presence or participation of the local inhabitants. Lack of acknowledgement of the needs of thousands of human communities residing in and around PA's has led to severe restrictions on their legal and customary rights, their physical displacement or relocation with consequent conflicts between traditional inhabitants and Forest Department. These conflicts have been detrimental to the cause of conservation and in many places set the stage for the poaching and timber mafia to enter. On the other hand administration or law has so far not recognized the fact that there exist numerous efforts by local communities, individuals and institutions at conservation of habitats and species. In the absence of any legal support to these efforts, they are under threat from a variety of forces.

Will the two categories, namely the conservation reserve and community reserve, in the WLPAA facilitate existing efforts of local communities at conservation? Will they encourage communities to take up conservation efforts? These were some of the questions debated at a workshop held in February 2004, in Mumbai, co-organised by Kalpavriksh, Wildlife Trust of India and Bombay Natural History Society (BNHS). A detailed discussion with presentations of case studies from across the country strongly suggested that one must tread with caution before declaring areas under these two categories.

In the following sections of this article, we explore whether and how effective these two categories would be.

Box 1: Conservation Reserves and Community Reserves as in the Wildlife (Protection) Amendment Act 2002 (WLPAA).

**Sec 36 A. Conservation Reserves:** *“The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and Sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat”.*

**Sec 36B.** *“The State Government shall constitute a conservation reserve management committee to advise the Chief Wildlife Warden to conserve, manage and maintain the conservation reserve”*

**Sec 36 C. Community Reserves:** “The State Government may, where the community or an individual has volunteered to conserve wildlife and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices”.

**Sec 36 D.** “The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for conserving, maintaining and managing the community reserve”. “The Committee shall consist of five representatives nominated by the Village Panchayat or where such Panchayat does not exist by the members of the gram sabha and one representative of the State Forests or Wildlife Department under whose jurisdiction the community reserve is located”.

*Prima facie*, it appears that these categories were brought in with the following intentions:

1. To provide legal support in areas, where local communities have already initiated some action towards conservation (see box 2);
2. To initiate participatory conservation in areas supporting human populations and rich biodiversity;

### **Application in existing Community Conserved Areas (CCAs)**

What we mean by conservation efforts by the communities or Community Conserved Areas (CCAs) is “*natural or modified ecosystems (including those from minimum to substantial human influence) containing significant biodiversity values, voluntarily conserved by indigenous, mobile and local communities through customary laws or other effective means*<sup>1</sup>”.

#### **Box 2: Some examples of Community Conserved Areas in India**

- Protection of 1800ha of reserved and protected forest, for more than two decades, by Gond tribals in Mendha (Lekha) village, Maharashtra. This is an offshoot of the struggle towards tribal self-rule;
- Regeneration and protection of 600-700ha of Reserved Forests and grasslands, struggle against limestone mining, and *in-situ* conservation of hundreds of varieties of indigenous crops by the villagers of Jardhargaon village, Uttaranchal;
- Protection of sea turtle eggs, hatchlings, and the nesting sites by fisherfolk community in Kolavipalam, Kerala;
- Traditional conservation of Painted Stork and Spot-billed Pelican nesting sites by villagers in Kokkare Bellur village, Karnataka;
- 600ha. of regenerated village forest in the Loktak Lake catchment by Ronmei tribe in Tokpa Kabui village, Manipur. Here hunting ban on endangered Sangai deer (Brow antlered deer) is self imposed;
- Thousands of sacred groves across the country, though fast depleting are still being preserved by the local communities;
- Regeneration of forests, revival of traditional water harvesting structures, regulated use of water and forests resources; ban on hunting of wild animals by villagers in and around Sariska National Park in Rajasthan, under the leadership of an NGO Tarun Bharat Sangh.

<sup>1</sup> A working definition being discussed globally.

### *Conservation Reserves*

Box 2 shows that there are numerous examples of communities taking *de facto* control over government lands and resources to regulate usage and protect them from destruction. In most of these situations, communities have established institutions, rules and regulations for the management of these areas. These institutions may not be perfect in all cases but do exist. The question what category would these areas fit in, if they needed legal support? Legally speaking these could be declared Conservation Reserves and not Community Reserves because the land is owned by the government. What would this mean for these areas in practice?

To begin with there is no clarity in the Act about the exactly process of declaration itself? Who initiates the process of It is clear that areas to be considered as Conservation Reserves would be inhabited by communities, who will have legal or traditional rights of use. What is the future of such rights once the Conservation Reserve is declared? Will they be accepted, changed or settled? What would be the process of settlement of rights?

Box 3: Will Mendha-Lekha want to be a Conservation Reserve?

*In case of Menha-Lekha mentioned above, all the decisions related to the forest use and conservation are taken and implemented by the gram sabha (village assembly), which also takes notice of the offences, fines and punishments. The gram sabha operates thorough a detailed set of rules and regulations about levels and permissions of extraction. All outsiders, including the forest department, play the role of supporters whenever needed by the village. How much and what to extract out of the forest is what has been worked out with the villagers, which may or may not be a part of written agreement with the government. If these forests are declared a Conservation Reserve, it is not clear who would take the initiative of declaring it? What would be the process of consultation mean? Would it mean that people have a right to reject the proposal? Who would decide what happens to the existing use and rights and how? The gram sabha which has a de facto right to take decisions about these forests, will be replaced by a Management Committee. The Management Committee would constitute of five representatives from the Village Panchayat (in this case members from other villages as this Village Panchayat is a joint Panchayat of three villages). Unlike the present situation where decisions are taken on consensus by the entire village, decisions will be made by a representative group. As against the present situation where responsibility of implementation rests with the entire village, this will now rest with the state forest department (so much for a sense of belonging!). To top it all the management committee will only be in a advisory capacity to the Chief Wildlife Warden, so how much power it would actually have is also under question? It is therefore, difficult to understand why would Mendha villagers want “their” forests to be declared a Community Reserve?*

The Act provides for a uniform institutional arrangement for all Conservation Reserves, namely the, “Conservation Reserve Management Committee (CRMC)”. This CRMC has the mandate to advise the Chief Wildlife Warden regarding the conservation of the area. If the community has no real role, power or responsibility, would they continue to protect the area? Ignoring the reality of dependence and stake of communities in natural resources could only lead to further conflict undermining both conservation and people’s rights.

### *Community Reserves*

The first point to note is that this category has clubbed three kinds of conservation efforts, voluntary conservation efforts on private lands, on the lands of the institutions and those on community lands. This is surprising because the rights and use regime, management system, rules and regulations in all these kinds of lands will be very different. These differences mean that, separate process of declaration and management is required. This is a fact completely overlooked by the Act.

In addition, it is also not clear what is meant by “community land”, does this mean village commons legally under the revenue department or only lands owned by the community like in the case of North-east India? This category will not be of much use to many existing community conservation effort because they largely exist on government lands (since most of the land in the country is owned by the government) and Community Reserves cannot be declared on government lands.

For those CCA’s that are on private/community owned land such as in the North-east India, and the Western Ghats, this provision is likely to (and in some cases has already) cause suspicion among local people. They will view this as another attempt by the government to gain control over community lands. These suspicions will emanate from the fact that once declared a Community Reserve the private body or the community more or less loses the mandate to manage and conserve this area with their own local rules, regulations, and institutions. As in case of a Conservation Reserve, the Act provides for a uniform institution consisting of panchayat representatives and Forest officials for the management of the reserve. Again there is no recognition of the fact that communities or concerned individuals may have their own systems for management in place or may have a vision about such systems. Such distrust of communities who are conserving biological diversity on their own lands, that too voluntarily and are ready to declare it a protected area! What kind of messages are we sending to the communities?

To top it all the Community Reserve management Committee recognizes the gram panchayats (village executives) which are often politicized bodies not truly representative of individual villages or communities instead of a more representative *gram sabha* (village assembly)! In the North-eastern states the panchayats don’t even exist. In most other parts of the country community conserved areas are governed by a diversity of institutions. Imposing a uniform, externally imposed institution will stifle a huge range of such institutions. This would also be a strong deterrent for many individuals and communities to come forward to declared their areas as community reserves.

The Act also specifies that once the area is declared a community reserve the community or the private body can no longer make any changes in the land use without the permission of the state government. It is understandable that checks and balances are needed to avoid misuse. However, this needs to be done through the management plans or memorandum of understanding with the concerned community or an individual. Involving the state government in the decisions related to community or individual owned lands will be another strong deterrent to declaration of these areas as Community Reserves.

### **Where community action has not yet been initiated**

#### *Conservation Reserves*

On ecologically sensitive government lands where community initiatives are not already in operation this category could be used to protected the area from threats to biodiversity. These could be land owned by the Irrigation Department, Armed forces, Railways, and other

government agencies where neither wildlife officials nor local communities currently have much say. It can be said that this category could be applied in these areas. However, if the intention is community participation then even in these situations, it would be appropriate to arrive at a locally suitable system of management based on dialogues, rather than a centrally prescribed formula. In fact, it appears from a closer examination of this category that it is indeed not much different from the already existing category of a wildlife sanctuary. In fact is a step backward as it doesn't even specify what happens to the existing rights and responsibilities! It is not at all clear whether consultation with the local communities mean informed consultation and consent? Or the participation of people will remain at the level of being informed! The mere rhetoric of community participation is not going to change attitudes and actual situation on ground.

### **Conclusion**

It is felt that these categories are at best a half-hearted attempt at supporting community conservation initiatives, and at worst prone to serious misuse by giving more power to governments and panchayat bodies on community and/or private lands. Some serious amendments will have to be made if we really want conservation of our natural resources to be more broad based and participatory. In addition to the amendments there will be a need for detailed operational guidelines clearly specifying process of declaration and management, systems of agreements and MOUs, checks and balances and implications of not honouring the agreements for the concerned individuals, communities and government agencies.

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