

People in Conservation

Biodiversity Conservation and Livelihood Security

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Editorial

Greetings!

*In this issue we continue our tryst with the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Laws and Policies section covers a two-day national consultation in Bhubaneswar- where the status of implementation of the Forest Rights Act was discussed. The consultation was attended by activists and researchers from eastern, central and western India. Various issues connected with the implementation of the Act in **Protected Areas** (sanctuaries and national parks) were discussed.*

In the CCA section you will read about a consultation, organized by Sahjeevan - an NGO working on issues of pastoralists and grassland conservation on Chhari Dhand Conservation Reserve in the Kutch region of Gujarat.

Just as there is good news on the CCA front, there is some bad news as well: the joint Van Panchayat of two revenue villages in Munsiari (Uttarakhand) are facing threats. Van Panchayat elections here were allegedly disrupted by local contractors and hired goons from the National Thermal Power Corporation (NTPC) which is currently engaged in the construction of a 261 MW Hydropower Project on the Gori river in this valley. Clearly the interests of the Van Panchayat seem to be contrary to those of the NTPC and local contractors, hence the disruption of democratic processes through coercion and intimidation.

Odisha, in many ways, can be said to be ahead of other states in terms of the progress made so far in the implementation of the Forest Rights Act. However, even today there are many well-meaning skeptics who still doubt the capacity of the act to set right historical injustices. Perhaps the case-study (3.1) on the Tentulipadar village in the Karlapat Wildlife Sanctuary (Kalahandi district) may set to rest some of these doubts. However, even if Sita Majhi from Tentulipadar is smiling now, it is still necessary to acknowledge at the outset that every law, no matter how well-intentioned it maybe, will inevitably have its own limitations. No single law can be expected to address all issues of equity and justice. Thus skeptics (well meaning or otherwise) will continue to have an important role to play here.

In the case study section you will also read how promoting community livelihoods and conservation of natural resources can go hand in hand. Meha Jain reports on how Bhaonta-Kolyala, a small pastoral community set in the Aravalli hills of Rajasthan, has been working to conserve its surrounding forest cover and water resources for the past twenty years.

On the international front you will hear why the declaration of new Protected Areas in Nepal has become a cause of serious concern. On a positive note you will also read about the success of the National workshop on Community Conserved Areas in Bangladesh.

Needless to say, we welcome your feedback.

In Solidarity!

Milind

¹ Also often referred to as the Forest Rights Act or simply the FRA.

1. Laws and Policies

1.1. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (TFRA)

1.1.1. News from Odisha - National Consultation on Protected Areas and the Forest Rights Act (7th-8th December 2009, Red Cross Bhavan, Bhubaneswar)

A two-day national consultation on the implementation of the Forest Rights Act in Protected Areas (sanctuaries and national parks) was organized by Odisha Protected Area Network (OPAN) and Vasundhara on 7th and 8th December 2009 in Bhubaneswar. The specific focus of discussion was the provisions for (i) recognition and exercise of Community Forest Resource (CFR) rights and (ii) identification of Critical Wildlife Habitats (CWH) under the Forest Rights Act in Odisha and states like Chhatisgarh, Madhya Pradesh, Maharashtra and Karnataka. Community representatives, NGOs, experts, researchers and activists working in different Protected Areas of the aforementioned states participated in the workshop. Some issues (among others) which came up during the deliberations are:

Deadline for completion of the process under the Act,

- Recognition of community forest resource (CFR) rights in Protected Areas,
- Habitat rights of Primitive Tribal Groups (PTGs).

Some of the recommendations (among others) emanating out of the workshop were:

- Ministry of Tribal Affairs should urgently clarify to the states that the Act itself does not provide for a deadline and that the procedural integrity of the Act and the Rules needs to be maintained by the implementing agencies,
- The Ministry of Tribal Affairs and state governments should take proactive steps to raise awareness about the diverse community forest rights provided for in the law and to provide necessary support to the Gram Sabhas and Forest Rights Committees,
- Implementing agencies and special agencies of the government should be asked to support and facilitate the process of claiming of habitat rights by the Primitive Tribal Groups (PTGs).

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Box 1: Status on implementation of Forest Rights Act

The latest status report on the implementation of Forest Rights Act, 2006 can be read at http://www.fra.org.in/fra_status.htm.

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2. Community Conserved Areas

2.1. News from Gujarat

2.1.1. A Consultation on Chhari Dhand Conservation Reserve (25th-26th December 2009, Bhuj, Kutch)

The Chhari Dhand ecosystem, which comprises huge grasslands surrounding a shallow to deep water body, supports a large diversity and number of local and migratory birds. At the same time a large number of buffalo, camel and sheep belonging to the local pastoralist community is also dependent on this ecosystem. Chhari Dhand is a common property resource for these traditional pastoralists who have developed their own local systems to use and manage these resources.

A consultation was organized by Sahjeevan, an NGO working on the issues of pastoralists and grassland conservation on Chhari Dhand Conservation Reserve. The objective was to identify issues and assess the potential and capacity for participation by the local pastoral communities in the vicinity of the Chhari Dhand. The management plan drafted by the forest department was circulated in advance to all participants and comments sought by Sahjeevan. The management plan did recognize the need to consult and seek participation of the local pastoralist; however it remained way short of detailing as to how exactly these people would be actually involved and what their level of participation would be. Would it mean actual decision-making powers or just a role in the decision making processes? These questions remained unanswered. The meeting was attended by local pastoralists, academics, researchers and forest department officials. The meeting was followed by a trip to Chhari Dhand and a long consultation between the Chief Conservator of Forests Mr. Meena and representatives of pastoralists dependent on Chhari Dhand, facilitated by other participants.

Note: Above note has been compiled by Neema Pathak (neema.pb@gmail.com). For more details please contact Sabyasachi Das (sabyasachidas131@gmail.com) or Sandeep Virmani (sandeep.i.virmani@gmail.com).

2.2. News from Uttarakhand

2.2.1. Workshop on Potential of Biodiversity Rich Community Conservation Areas (24th-25th November 2009, Uttarakhand)

The Energy and Resource Institute (TERI), in collaboration with Hemwati Nandan Bahuguna Garhwal University (HNBGU), organized a two day workshop at Chauras Campus of HNBGU Srinagar. The workshop was on the issue of the "Potential of Biodiversity Rich Community Conservation Areas in Uttarakhand". The workshop was inaugurated by the noted environmentalist Shri Chandi Prasad Bhatt. In his inaugural address, Shri Chandi Prasad Bhatt emphasized the importance of a village-forest for

every village in Uttarakhand and also highlighted the need to move from a participatory forest management to community forest management. Delivering the keynote address Dr. R B S Rawat, Principal Chief Conservator of Forests, Uttarakhand, recognized the existing policy provisions in the Wildlife (Protection) Act for involving local communities in the conservation of biodiversity and lauded the efforts of local communities in managing the Van Panchayats, a system of community forest management unique to Uttarakhand.

The workshop highlighted various practices and strategies, such as conserving sacred groves, convening Van Panchayats, and participatory forest management; that are being undertaken by the local communities in Uttarakhand for the conservation of forests. Presentations were made by members of local communities, wherein they shared their own experiences in managing forests. A total of ten scientific papers were presented along with five presentations by community members.

The workshop provided an opportunity to discuss conservation management issues of Community Conserved Areas (CCAs) in Uttarakhand, as well as to showcase TERI's ongoing project on 'Strengthening Community Based Biodiversity Conservation in India'.

Contributor: Yogesh Gokhale (yogeshg@teri.res.in), Fellow -The Energy and Resource Institute (TERI), New Delhi.

2.2.2. Threat to Munsiry Vana Panchayat

"I have been the Sarpanch of the Sarmoli Jainti Van Panchayat (Village Forest Council) since I was elected in July 2003. The Van Panchayat is jointly owned and managed by 2 revenue villages (Sarmoli and Jainti). Because of administrative delays elections for the new term were held in December 2009. Elections in our Van Panchayat were conducted on 3 separate occasions- the 12th and 20th of December 2009 and then on the 10th of January 2010. All three times the election process could not be completed as they were disrupted by an opposition of local contractors and employees of the National Thermal Power Corporation that is currently engaged in the construction of a 261 MW Hydropower Project on the Gori river in this valley..". **These are the words of Malika Viridi, who is also the District Coordinator, Uttarakhand Mahila Manch.**

Uttarakhand has for the past few years seen an increase in the number of Hydroelectric Projects. At the same time there has also been an increase in awareness amongst project affected communities of the extent of biodiversity loss and damage to the environment due to such projects.

Many large Hydroelectric Projects are in the process of being built on the Gori River as well as in the Kali watershed. However, as a result of a successful awareness and civil rights campaign against the destructive ways of private companies and local administration, people

from across the region are getting restive. Though the National Thermal Power Corporation (NTPC) has been in the process of acquiring land, at each stage they have had to face resistance. Communities have been making their voices heard and are consistently and successfully stopping the (VDAC) - Village Development Advisory Council (forum for land prices negotiations where the government dictates the price of sale) - consultations from taking place. As a result of this, the administration and the company are both getting frustrated at what should otherwise have been an easy job.

One of the core groups of the resistance is the village Sarmoli – which along with other villages (and affected communities) in the area - has been at the forefront of the struggle from the very beginning, from taking part in the first Jan Sunwai (public hearing) to participating in almost every VDAC and every other protest. One of the reasons for this success is that the people from the villages in this area have been able to run a successful community based nature tourism programme involving 25 home stay families that inter alia also provides livelihoods to local people (e.g. porters, guides and tourism assistance). This programme has earned the participating village(s) about 11 lakh rupees in the last 6 years. The people have also managed to get significant funds into the region for the much needed work without the usual 'contractor raj' or the usual commissions (bribes) that normally go along with such work. All these funds have directly benefited over 300 families. Apart from the financial benefits the communities in the area have also managed to rejuvenate water sources by:

- i. Making a forest pond (mesar kund),
- ii. Extensive plantation,
- iii. Conserving wild life (which is now far more visible than it was five years back).

Because all the processes that have been adopted so far have been fully democratic there is a very high percentage of direct participation and the political awareness and consciousness is also quite high. This is one of the reasons why this village is seen as the core of the struggles and there is a conscious effort to break village processes down. People have been threatened with violence and are also being subjected to continuous harassment in order to create an atmosphere of intimidation. For instance, as quoted in the beginning, in the Van Panchayat which is jointly managed by 2 revenue villages (Sarmoli and Jainti), elections were conducted on 3 separate occasions - the 12th and 20th of December 2009 and then again on the 10th of January 2010. All three times the election process could not be completed as they were disrupted by an opposition of local contractors and employees of the NTPC which is currently engaged in the construction of a 261 MW Hydropower Project on the Gori river in this valley.

Another round of elections was conducted on the 24th of January 2010. In reality this was also a mockery of the

electoral process as the authorities (local administration in tandem with NTPC and local contractors) have deemed this round to be successful in spite of protests from more than half the people who were present (and who subsequently walked out). The newly elected body has not yet convened a general body meeting in order to follow due process to initiate a handover. They are trying to do the handover secretly so that they won't have to face any public ire and they can go about their business of undoing the community efforts so far.

The local administration is in collusion with the opposition to ensure that Malika Viridi (who has been the Sarpanch of the Sarmoli Jainti Van Panchayat (Village Forest Council) since she was elected in July 2003) does not get re-elected at any cost, as they are presently acquiring land for this project and she along with others who are also part of a larger Uttarakhand wide "Save The Rivers Campaign" are opposing this undemocratic and high-handed way of working. There is an urgent need to ensure that:

1. Elections are held in a safe and neutral place in the presence of an independent and impartial senior Returning Officer,
2. Action is taken against elements that have repeatedly disrupted free and fair elections,
3. Action is taken against the interference and the connivance of NTPC in derailing free and fair elections,
4. The vicious campaign against the present woman Sarpanch and intimidation of woman supporters by goons hired by opposition (private contractor lobby) are stopped with immediate effect.

There is an imperative need to recognize the role played by the Van Panchayats in ensuring - good governance, their role in conservation of the village forest, water, flora and fauna and the natural resource base as well as their role in the strengthening of local livelihoods through a highly successful community owned eco-tourism enterprise.

Note: For more information on how you can help please contact Malika Viridi (malika.virdi@gmail.com, 9411194041(m)) or Theophilus (etheophilus@gmail.com, 9456105758(m)).

3. Case Study

3.1. Odisha-Successful implementation of the Forest Rights Act (making a difference in Karlapat Wildlife Sanctuary, Kalahandi district)

75 year old Sita Majhi of Tentulipadar village recalls the day when he first came to the forest area of present day Karlapat Wildlife Sanctuary along with his father who was a palanquin bearer for the king of Kalahandi. The

surroundings of Tentulipadar appealed to the boy so much that he preferred to stay back and today he claims to be a witness to all the developments in and around the area.

Brief History

Tentulipadar is a small village of 11 households situated inside the Karlapat Wildlife Sanctuary of Kalahandi district. All the residents belong to the Kandha Tribe (Scheduled Tribe -ST). As the tale goes the village got its name as 'Tentulipadar' because of the presence of large number of tamarind (*tentuli*) trees in its vicinity. The village has a history of over 100 years. According to Sita Majhi, his father used to carry the King and Queen as well as their luggage (*bigadi*) to Bhawanipatna. Their forefathers used to pay *khajana* (*tribute*) to the king and they were permitted to practice 'Podu chas'². Post independence, in the ex-state³ Kalahandi, *podu* cultivation was given a legal status. In this arrangement people were allowed to practice *podu* by paying a nominal fee of 50 paisa per tenant (*kodki*) and each tenant was permitted to practice this cultivation in a maximum area of 5 acres (Revised Working Plan Kalahandi Forest Division 1997-08 to 2006-07).

Sita Majhi and his family members say that though this village had a history of more than 100 years, the administrative apathy was such that they led a life of constant insecurity. They were always fearful of eviction from their own village, as even many years after independence they did not get legal ownership of the land on which they reside and neither did they get rights over their forest resources which they had been traditionally accessing and depending upon. *In this context, the Forest Rights Act has come as a boon for the villagers as it has given them social identity, economic stability and legal security over their culture and traditional rights over their resources.*

Status prior to the Forest Rights Act

Being an 'un-surveyed' village inside the sanctuary, the members of Kandha tribe were tagged with the label of 'encroachers' and they have been paying encroachment fine to the revenue department. The Kandha tribe worships nature and has a symbiotic relation with the forest. It is culturally and spiritually linked with the forest and the forest serves as the main source of livelihood for them. They have been traditionally accessing as well as protecting the forest resources. The forest provides food security to these tribals for a period of 4-6 months every year.

² Podu Chas refers to shifting cultivation practices.

³ Ex-states are the same as princely states. The Report on Land Tenures & The Revenue System of the Odisha and Chhatisgarh states (R.K Ramdhvani, Esq. I.C.S., Volume III – The Individual States) and Revised Working Plan for the Reserved Forest and Proposed Reserve Forest, Kalahandi (1997-98 to 2006-07) mentions such areas as 'Ex-states' areas. These areas were under the direct control of the traditional 'rajas'.

Box 2: Dependence chart on the forest resources (Seasonal basis)

Seasons	Forest Produce
Summer	Char, Sal seed, Mahula, Kendu, Mango, fuel wood.
Monsoon	Hoirada, Amla, Bahada, Sal, Shikakai, Mushroom, Konda of all varieties, fruits.
Winter	Siali, Alsi, Harada, Amla, fuel woods and fruits, Neem, Chirota (medicinal plants) etc.

Earlier, each household of Tentulipadar village would earn around Rs 10,000/- on an annual basis by selling Non Timber Forest Produce (NTFP). As the village is within the sanctuary, the Wild Life Protection Act, (1972), as well the Supreme Court’s order (year 2000) banning NTFP collection was strictly imposed on them. Since 2000, they have not been allowed to collect any forest produce or even till the forestland which was their primary source of livelihood. Forcible plantation was done on their agricultural land and they were forced into a life of distress and destitution.

Status after the implementation of Forest Rights Act

In January, 2008, they came to know about the new law ‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act’, popularly known as the **Forest Rights Act**. The 19 villages within the Karlapat sanctuary area, came together to form the ‘**Karlapat Bananchal Surakhya Parishad**’. The idea was to make a more concerted effort towards the implementation of the FRA. The women (from the area), who were also the worst sufferers due to the restrictions and impositions put on them, resolved to be in the frontline of the whole struggle to win back their rights over natural resources.

Consequently Forest Rights Committees were formed in each of the villages and one of the brightest examples of women’s empowerment could be witnessed in the fact that in each of the villages inside Karlapat Sanctuary, the president and secretary of the Forest Rights Committee (FRC) are women.

Under the Forest Rights Act, the villagers of Tentulipadar have reclaimed their agricultural⁴ land which they had been cultivating for ages but were not allowed to continue with, due to strict restrictions imposed by the Forest Department. The villagers have also identified various user groups within their village like NTFP gatherers, traditional healers, graziers, women’s groups, etc. who frequently access the forest for different purposes. Based on the nature and extent of dependence upon and access to the forest resources, the villagers thus determined their customary village boundary and have

⁴ Under the FRA, all the forest land under occupation prior to Dec 13th 2005 can be claimed. Hence villagers can also claim the land where they practice shifting cultivation. In the case of Tentulipadar, people practice settled as well as shifting cultivation and claims have been filed under FRA over all categories of land where they are cultivating land.

also claimed it as ‘Community Forest Resource (CFR)’ under the Forest Rights Act.

Each of the villages within the sanctuary has started the process of determination of rights. These relate to:

- i. Identification of rights (individual and community rights),
- ii. Filing and consolidating claims,
- iii. Evidence gathering and verification.

Along with the individual rights of occupation and self cultivation, the local community has made community claims on:

- iv. Minor forest produce, water bodies,
- v. Grazing, access to biodiversity,
- vi. Community right over intellectual property relating to:
 - a Local knowledge of biodiversity use,
 - b Local knowledge of medicinal plants etc., and
 - c Traditional rights of access and use of sacred forest patches worshipped by the community.

Now, happiness can be seen on the faces of the inhabitants as the verification process of the claims is already completed in the village and people have received titles over their land. The agricultural land brought under plantation, which the villagers have claimed under the FRA has also been verified by both - the Forest and the Revenue Departments - and it is expected that their claims over the same will soon be accepted.

The process of verification of CFR claims has also begun in the area and people are hopeful that they would very soon get rights over the CFR areas also. Now they would not only have ownership rights but also the right to protect, conserve and manage the area.

Odisha is the first state where the state government has proactively implemented the Act and titles have been given to claimants even within the sanctuary. So far nowhere else in India has any title been issued to people within a sanctuary or national park. Hence the Government of Odisha needs to be applauded for its efforts to implement the Forest Rights Act in letter and spirit.

Contributor: Sweta Mishra (swetamishra1@gmail.com), Vasundhara, Bhubaneswar, Odisha.

3.2. Rajasthan - Conservation wisdom of a pastoral community in the Aravalli hills

“If we don’t save our forests, then our livestock will starve. Where will the rain come from if the trees aren’t large enough?” exclaimed Kapoori, a young woman living in the small village of Bhaonta-Kolyala, Rajasthan. I was amazed by the amount of ecological knowledge that this

woman possessed about the forests that surrounded her village. Reflecting on my own education, I realized that I did not understand many ecological concepts until I took upper-level biology courses in high school. However, here was Kapoori, a woman without a formal education, lecturing me on the concepts of sustainable harvesting and watershed regeneration.

Box 3: Johad

Johad is a simple mud rubble structure built across a water channel to hold rainwater. Sometimes, a series of these are built along the catchments of the water channel. These structures have high embankments on three sides and the fourth side is left open for the entry of the rain water. The shape of a *johad* in most cases is concave and resembles a crescent. The height is sufficient to ensure that the capacity of the *johad* is more than the volume of run-off coming from the catchments. *Johads* require regular maintenance.

Bhaonta-Kolyala, a small pastoral community set in the Aravalli hills of Rajasthan, has been working to conserve its surrounding forest cover and water resources for the past twenty years. With the help of the NGO Tarun Bharat Sangh, Bhaonta-Kolyala formed a village governing body - a gram sabha - to create rules on how to preserve the village's natural resources as well as to serve as a forum for village discussions. As a result of these gram sabha meetings, Bhaonta-Kolyala was one of the first villages in the region to institute a set of laws to preserve its natural resources. To obtain fuel wood and fodder to feed livestock, villagers from Bhaonta-Kolyala predominantly remove dry branches and leaves that have fallen on the ground. Villagers are allowed to cut trees for livelihood needs only after obtaining permission from the gram sabha; illegal cutting leads to fines ranging from 101 to 1500 rupees, depending on the frequency and level of lopping. Thanks to these restrictions, most people in the village agree that the forests have significantly improved in quality over time, and the amount of forest produce that the community can extract has also increased. In addition, with help from Tarun Bharat Sangh, Bhaonta-Kolyala has built many *Johads*, which provide a steady supply of water for both household needs and crop irrigation.

Box 4: Why Not learn and replicate from good examples?

Less than 5 kilometers from Bhaonta-Kolyala is Boriavas, a village that has not established a village-wide conservation strategy to protect its water and forest resources. Instead, here families harvest whatever they need from the surrounding forests. This usually entails cutting trees down to a stump. Most villagers feel, that as of now, they have enough firewood to sustain their families. However, due to the high degradation of their forests, the villagers believe that they will fall short of their daily firewood requirements within a few years. In addition, most villagers complain of severe water shortages that reduce their ability to irrigate their farmlands.

Bhaonta-Kolyala's example shows that promoting community livelihoods and conservation of natural

resources can go hand in hand. Local communities everywhere, more than any other group, directly stand to benefit most from the forest, as along with the conservation of forest cover, also comes the sustenance of their livelihood needs. Therefore, it is time that we start giving village communities more credit for managing their own natural resources. In the decades to come, we should look towards community-based conservation to preserve vanishing forest cover while also promoting local livelihoods.

Contributor: Meha Jain (mehajain13@gmail.com) is a Ph.D. student in Ecology at Columbia University and is studying community management of natural resources in India.

4. International News

4.1. National workshop on Community Conserved Areas in Bangladesh

A national workshop on "Community Conserved Areas in Bangladesh" was conducted during 24-25 February, 2010 at the Bangladesh Institute of Administration and Management (BIAM) Foundation. The workshop was organized by the Wildlife Trust of Bangladesh and Kalpavriksh, India, with the support of the United Nations Development Programme. Over 60 participants from different sectors of Bangladesh participated in the workshop, including some large NGOs and donor agencies such as UNDP, IPAC, and ARANYAK Foundation. The participants also included members of Kalpavriksh, some representatives from Nepal, Pakistan and Sri Lanka, and members and staff of Wildlife Trust of Bangladesh. The main objectives of the workshop were-

1. To discuss CCA status, trends, challenges and potentials,
2. To identify ways and means for developing a sustainable CCA constituency in Bangladesh,
3. To discuss strategic provisions and priority actions in support of CCAs.

At the end of the workshop the participants were able to:

- i Get a lucid idea about CCAs in general;
- ii Know more about community based conservation programmes of different countries;
- iii Understand the values of CCAs and how to maintain them;
- iv Understand the challenges that CCAs face.
- v Understand the policy initiatives by other countries and their relevance for Bangladesh;
- vi Understand the importance of continuation of identification and documentation of CCAs;
- vii Garner major international support tools for CCAs;

viii Understand the needs of CCAs in Bangladesh and how to ensure adequate recognition for CCAs under existing and proposed laws and policies.

Note: For details please write to Gawsia Wahidunnessa Chowdhury (gawsia@gmail.com). She is an Assistant Professor at Noakhali Science and Technology University. She is also a member of Wildlife Trust of Bangladesh.

4.2 Recent declaration of new Protected Areas in Nepal

On December 4, 2009 the government of Nepal declared three new Protected Areas: Banke National Park, Gaurishankar Conservation Area and Api Nampa Conservation Area. The Federation of Community Forest Users Nepal (FECOFUN) and other civil society organizations in Nepal have condemned the declaration of these Protected Areas and charged that this was done without the free, prior, and informed consent of the relevant indigenous peoples and local communities.

Concerned activists and groups in Nepal are drawing attention to the fact that Nepal is partner to recent international agreements – in particular the Programme of Work on Protected Areas of the Convention on Biological Diversity (CBD), the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention 169 on Indigenous and Tribal Peoples. Thus it is obligatory on the Government of Nepal to clarify the current status

of the aforementioned “new” Protected Areas and the measures it took to consult and cooperate in good faith with the concerned indigenous peoples and local communities to obtain their free, prior and informed consent before declaring their establishment on December 4, 2009. In particular it is necessary to point to the fact that:

- These international obligations freely subscribed to by Nepal and fully endorsed by the International Union for the Conservation of Nature, of which Nepal is a much esteemed member, stress that the declaration and management of Protected Areas in Nepal **must be carried out in partnership with and with the full, prior and informed consent of relevant indigenous peoples and local communities.**
- Process of declaration and management of Protected Areas should take advantage of existing conservation initiatives such as ICCAs and in no case undermine local livelihoods and existing rights.
- The Conference of the Parties of the CBD in Decision VII/28 (2004) on Protected Areas **requests parties to ensure** by 2008 the full and effective participation of indigenous and local communities in the management of existing PAs as well as the establishment and management of new ones.

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