

People in Conservation

Biodiversity Conservation and Livelihood Security



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Special Issue on CBD CoP 11

Editorial

The Convention on Biological Diversity (CBD)¹ is an international treaty, with three main goals: conservation of biological diversity; sustainable use of its components; and fair and equitable sharing of benefits arising from genetic resources. The Convention was opened for signature at the United Nations Conference on Sustainable Development (UNCSD), also known as the Earth Summit, in Rio de Janeiro on 5 June 1992 and came into force on 29 December 1993. Its objective is to develop national strategies for the conservation and sustainable use of biological diversity. It is often seen as the key document regarding sustainable development.

For the first time the convention recognized in international law that conservation of biological diversity is a common concern of humankind and is an integral part of the development process. The agreement covers all ecosystems, species, and genetic resources. It links traditional conservation efforts to the economic goal of using biological resources sustainably. It sets principles for the fair and equitable sharing of the benefits arising from the use of genetic resources, notably those destined for commercial use. It also covers the rapidly expanding field of biotechnology through its Cartagena Protocol on Bio-safety, addressing technology development and transfer, benefit-sharing and bio-safety issues. Importantly, it is argued that the Convention is legally binding; countries that join it are obliged to implement its provisions. Also equally importantly, the convention reminds decision-makers that natural resources are not infinite and sets out a philosophy of sustainable use. The CBD has currently been signed by 193 nations (known as Parties) to combat the decline of biological diversity all over the globe.

Without a doubt the Earth Summit was an event of historical significance. October 2012 will see India host the Conference of Parties (CoP 11) in Hyderabad. This special issue is dedicated to exploring some of the challenges and concerns the CoP 11 will hopefully not only bring to the fore, but also indicate a path towards resolution.

The sincerity of the Indian government towards meeting of the CBD objectives can be measured against the rapidity and willingness with which contracts have been signed with multi-national corporations (MNCs) for the sake of what it calls 'development'-related projects,

There are any number of case-studies proving the harmful impacts such collaborations have had on India's natural resource systems and the rich biodiversity within them, as also on the people who depend on them. And yet, project clearances are being granted despite faulty or no implementations of mandated procedures like holding public hearings (PH), environment impact assessment (EIA), etc. As if this was not bad enough, some pro-sustainability decisions are rendered null through complicity between corrupt state officials and erring corporations, with the Ministry of Environment and Forest (MoEF) turning a blind eye. The Vedanta Group is one example. This was a project that was earlier stayed

1. See <http://www.cbd.int/>

using legal provisions due to the intervention of none other than Congress General Secretary, Rahul Gandhi. And yet MoEF had granted the Terms of Reference (TOR) to EIA consultants called Global Experts, for the expansion of the production capacity of the Alumina refinery of Vedanta Aluminium Ltd. If this can come to pass, what hope do we have where there is no high-profile intervention? Mercifully after a big hue and cry, the union Minister for environment and forest Jayanthi Natarajan ordered that the preliminary nod given by her Ministry to the expansion be held in abeyance which effectively puts the project on hold. Vedanta reminds us of the famous dictum on how history sometimes repeats itself twice, first as a tragedy and then as a farce!

More than 150 Memoranda of Understanding (MoUs) have been signed by the state government of Odisha for mining and other projects in the teeth of opposition by local communities. These would necessarily imperil the abundant biodiversity of the state. News from states of north-eastern India, which are planning to build more than 168 large hydro-electric projects, is another reason for raising serious concerns regarding the inadequacy of EIAs – especially considering the irreversible damage this will do to the abundant ecosystems and livelihoods dependent on them, as also the rich cultural heritage of the area. Plans are afoot to build 300 ports along India's coastline. That's about one port for every 25 km stretch. Everywhere, in the name of development, shoddy EIAs are cleared by a half-hearted MoEF, leading to large-scale deforestation, degradation, loss of biodiversity and dispossession and dislocation of local communities.

If the government is serious about meeting the objectives of the CBD convention, and a cursory reading of the National Biodiversity Action Plan (NBAP) might lead the uninitiated to believe that it is so, then why was a Delhi High Court order required for the MoEF to disclose (and that too with a disclaimer!), the summary of the Western Ghats Ecology Expert Panel (WGEEP) report of August 2011? What was it trying to hide?

The government's Janus-faced² attitude towards ecological conservation and economic development are aptly reflected in two recent public postures - one is the drafting of new guidelines for green clearances for companies setting up new project³ and the other by the forceful averment of the union minister for environment that the MoEF is not withholding development projects⁴. Does the ministry have an independent mandate or is it to toe the line of the economic Planning Commission as if it was a minor division of the latter?

However, as you will read, Balakrishna Pisupati, Chairman, National Biodiversity Authority, is more optimistic and less cynical than us. To what extent the October CoP 11 event at Hyderabad will prove him right, only time can tell.

milind

2. In ancient Roman religion and mythology, Janus is a two-faced god.
3. See *WHAT THE ENVIRONMENT MINISTRY PROPOSES, THE STRICT AND THE LAX*, Indian Express, June 5.
4. See *Jayanthi : No project stuck due to MoEF*, Indian Express, June 6.

Opinion piece - It's business as usual

By Milind Wani and Persis Taraporewala

In the context of the forthcoming CoP 11 event of the CBD convention, it will be interesting to explore if the world, and India in particular, is any closer to the vision and goals set by the Earth Summit.

One way to understand the current scenario would be to pay close attention to the answers given by Braulio Ferreira de Souza Dias - Executive Secretary of the Convention on Biological Diversity – in an exclusive interview published in the latest issue of Square Bracket⁵. Let us try and deconstruct at least some of his responses to the interviewers' questions.

At the very beginning of the interview, the secretary lists the "three priorities for the convention moving forward" as "implementation, implementation, and implementation". He then goes on to stress on the need to "start discussing how to implement the convention in a more effective manner". Start discussing... Now? One wonders if it is not a bit late in the day for this! Anyway, he gives us a list of major focus areas like streamlining the work of the Conference of Parties; integrating work programs and cross-cutting issues to fully explore synergies; mainstreaming of biodiversity into the development agenda; promotion of biodiversity issues to the wider society and across government departments/ ministries; resource mobilization; continuous monitoring of the Aichi⁶ targets; enhancing support to the Parties; promotion of scientific and technical cooperation to make it more effective; recognition and support for community-based approaches; expansion of the engagement with the business sector; and promotion of the Nagoya Protocol to ensure an early ratification.

It is clear from the above that if so much needs to be done after more than 20 years of the convention, it wouldn't be realistic to believe that the world has progressed much towards implementation. Rather this reminds us of Zeno's

paradox...one always remains on this side of the half-way-mark no matter how far one feels one has moved!

And we are not wrong in this. Consider this. By his own admission, the Secretary acknowledges that "Obviously we did not globally achieve the 2010 Biodiversity targets". He stresses upon the importance of creating "enabling conditions and process" to achieve the Aichi targets and there can be no disagreement about it. Sure, it is also a great idea to seek support for capacity building in developing countries. Great that CBD has already established new initiatives like the cities and biodiversity initiatives and the business initiatives. But even if all this be true, what, one may well ask, is the guarantee that, considering that the secretariat has limitations to its powers so far as decision-making and enforcement is concerned, these initiatives will not lose steam? Although the Secretary speaks about structural changes in the way governments and businesses deal with biodiversity, and the need to promote sustainable products so that "the market must internalize the responsibility towards biodiversity", how is this going to be enforced? Will the Market listen? Would governments stop being the handmaiden of corporate greed? Whether the new mechanisms, such as the Intergovernmental Platform for Science-Policy interface on Biodiversity and Ecosystem Services (IPBES), etc. that he speaks of, will have any real effect, only time will tell. But here's the rub! Does the world have the time?

Another point of concern is also what many in civil society allege as a lack of focus on the "legally binding" nature of the treaty - the fact that Parties are under an obligation to enforce it. However, the Secretary's response to a question on this stresses more upon the need for skeptics to realize that CBD is merely supposed to promote "a shift of paradigm...a culture change in how we relate to nature", and that this "of course takes time and is mostly the responsibility of countries at the national level". So is this a question of lack of focus, or that of clarity? Although he speaks about the need for capacity building of Parties and the role that the international community can and should play in this, one wonders if his optimism - that we have time on our side (when he says "especially now that we have a good timeframe in place, until 2020") - is not misplaced, considering the fact that not much progress has happened in the last 20 years (given that the 2010 biodiversity targets have not been achieved). Global warming and its assorted consequences viz. climate change, desertification, biodiversity loss, peak oil, rise in sea level, etc. are no longer concerns of the future, but

5. See *Fewer decisions, more implementation* at www.cbd.int/ngo/square-brackets/square-brackets-2012-05-en.pdf

6. The Nagoya Biodiversity Summit (Japan, October 2010) closed with agreement to adopt the Strategic Plan of the Convention on Biological Diversity or the 'Aichi Target'. The Plan includes 20 headline targets, organized under five strategic goals that address the underlying causes of biodiversity loss, reduce the pressures on biodiversity, safeguard biodiversity at all levels, enhance the benefits provided by biodiversity, and provide for capacity-building. For details see <http://www.cbd.int/sp/targets/>

are on the world's agenda today. Unless we completely revolutionize our ways of living – in the ways that we relate to the Earth and re-arrange our industrial, social and cultural life - in a manner that reverses much of the damage that our ecosystem has suffered, we are doomed. But somehow this urgency is not reflected in his answers.

It has been argued by many environmental thinkers that time, in the historical sense of the word, is precisely what humanity and many species threatened with extinction do not have (even if the Earth survives under conditions of geological time that extends across millions of years). And so it is a bit disconcerting that even while the CBD secretary doesn't completely elide the question of the secretariat's so-far dismal performance on the question of infractions, he doesn't exactly mention what counter-measures can be taken to preemptively nip in the bud any cases of this kind. What are the penalties? How would Parties be made accountable? What sanctions can be brought to bear on erring corporations? Why are the in-built mechanisms for dispute settlement never activated? Clearly he seems to be averse to look at the CBD as an instrument that would "fiscalize" and penalize countries if they don't follow the treaty, for he seems to prefer the long hard way of "promoting a culture change in how we relate to nature". And yet, these are important questions that need urgent and concrete answers if we don't want AICHI 2020 goals to share the fate of biodiversity 2010 targets.

Another worrying concern for many from NGOs, indigenous communities and local people is that of the risks involved in engagement of Parties with the business sector - that this would dilute or reduce the force of the environmental aspect of the CBD and hence its effectiveness. This worry is well justified considering the impact, largely deplorable, that the business sector has had on the environment and also on issues of governance, equity, social justice, livelihoods and culture of the farming community, fish workers and indigenous people. Despite this, the Secretary pins his hopes on the possibilities of the business sector changing for the better so that engagement with it will result in better business attitudes and it learning to respect the rights of the custodians of biodiversity by incorporating better business practices. In fact, this is a recurring motif of his interview – the need to mainstream biodiversity through engagement with the business sector. Such engagement, according to him is necessary because, "Business has a tremendous impact in the entire supply chain" and if we have to meet the AICHI targets, then, because these are

powerful stakeholders, unless we work with them "we will not change the way things are done". According to him the business sector is already showing an "increased understanding of the need to practice more sustainable ways" and it is also driven by consumer demand. It is interesting that there is no critique of how consumerism is itself artificially manufactured by the same business sector through advertisements, etc. Neither is there any critique of, or reference to the economic system (capitalism) which through a social-production process that is servile to and solely motivated by a greed for profit, produces surplus and often un-necessary goods and services at an enormous cost to society and damage of environment.

The question that needs to be answered here is not whether change in business practices and attitudes is required or necessary, but whether they can be at all brought about to the extent needed (in scale and depth) - not only because the time available to us is too short, but also because of the inherent limitations to the potentiality of this idea. What are these limitations? Firstly, it is a secular theodicy that at least a major part of the solution to the crisis can be addressed within the paradigm of free market economy, and a strategy of engagement with and persuasion of the business will work. But is this only a matter of persuasion? Karl Marx somewhere says to the effect that one who seeks to persuade already acknowledges the superiority of the other! To seek to persuade the business sector to forsake its free play in the market is to seek to change the system's *raison d'être*. Whether a sufficient percentage of private enterprise will have the wisdom to prioritize ecological sustainability over their greed for profits is the moot question. Secondly, and by implication, will not an over-dependence on the business sector to do the right thing increase the risk of slowly divesting the nation states (Parties) of their obligatory responsibility to enforce the convention, and hence of their power to act decisively in cases of infractions? Will this not add another impulse which will propel the retreat of the State (along with privatization of control over natural resources) even further?

In any case, how realistic are these noble aims in an era of neoliberal globalization, marked by a retreat of the nation state and an unfettered capitalism giving vent to its predatory instincts through an impersonal structural logic that results in privatization of profits/benefits, socialization of losses/costs, and untold ecological havoc and destruction? The issue is systemic and hence not

resolvable if we depend on the good will of a few well-intentioned individuals from within the business sector or the political class.

Relying upon market-mechanisms for biodiversity conservation is highly contested. In an article in the same issue of Square Brackets⁷ this problem has been stated as follows: "The financialization of biodiversity is a product of the neoliberal economic system where monetization is the main tool for using and conserving biological resources. It implies putting a price tag for the use and exchange of biodiversity ... Yet developing the necessary financial architecture for this purpose remains highly contestable, as pricing of many of the intangible benefits provided by nature is theoretically and practically impossible....there is a convergence that it is difficult to define biodiversity in monetary terms and that there are limitations to the use of markets in the protection of biodiversity. The State has the key role in rectifying the problems associated with market failures and scaling up finances".

Even the new WWF Living Planet Report warns of a significant decline in biodiversity, particularly in low-income countries, and a huge increase in the ecological footprint of high-income countries. Released ahead of the Rio+20 Earth Summit, it calls on the world to modify production and consumption patterns and turn to renewable energy sources. Jim Leape, Director General of WWF International, introducing the 2012 Living Planet Report on May 14 in Geneva, said, "It is an important moment to look at what is happening on the earth... The marketplace continues to send the wrong signals because so many costs are not built into the price system. Prices should tell the truth. Governments must eliminate subsidies for fossil fuels and commit to clean energy access for all⁸."

Surprisingly while mainstreaming biodiversity and involving business (in order to better focus on sustainable development) has been emphasized, the CBD Secretary has little to say about the concerns regarding access and benefit sharing of genetic resources, and how corporate greed has led to claiming of patents without respect either for traditional rights of people or for the

7. See *Scaling up biodiversity finance, resource mobilization and IFMs – the civil society view* compiled by Simone Lovera (Global Forest Coalition) and Rasheed Al Mahmud Titimu (Unnayan Onneshan for the CBD Alliance).

8. See *We Are Living As If We Had One and a Half Planets* by Isolda Agazzi at <http://www.ipsnews.net/news.asp?idnews=107782>

boundaries between sovereign nation states. He also does not have much to say about the role of what has come to be referred to, often pejoratively, as Agribusiness which "relies heavily on the promotion of pesticides, genetically modified seeds, and synthetic fertilizers, including chemicals such as nitrate (necessary to replace the nutrients lost during the phase of production, in an attempt to restore the "original" fertility). These large fields of industrial scale farming are harmful to wildlife, small farmers, and the environment⁹." Agribusiness is thus one of the main causes for the huge land cover change (LCC)—the substitution of natural habitats such as forests, swamps and grasslands by cropland, pasture, roads, and urban areas. Privatization of this sector has been, it has been argued, not only at an enormous cost to biodiversity (through stress on monoculture, pesticide dependency, diversions for bio-fuels, etc.) but also a human cost (over 2 lac farmers have committed suicide all over India since the onset of the liberalization process).

What is India's record vis-à-vis the CBD objective? What is the status of implementation of the CBD in India?

Going by India's Fourth National Report¹⁰ on the Convention on Biological Diversity, released in 2009, we are not very far from an ecological utopia. Some of it can sound downright ludicrous, as for instance "India has four global biodiversity hot spots (Eastern Himalaya, Indo-Burma, Western Ghats and Sri Lanka, and Sundaland)". Sundaland includes all of South-East Asia. One presumes in this context it refers to Andaman and Nicobar, and, in a lighter vein, one wonders what Sri Lankans would have to say about India's imperial interests!

Although the National Biodiversity Action Plan (NBAP) documents India's strategic response towards doing its bit to meet the global responsibility, in reality, the sincerity of the government can be measured against the rapidity and willingness with which state governments have signed contracts with multi-national corporations (MNCs) for the sake of what it calls 'development'-related projects, with no concern for biodiversity conservation

9. See *Marx's Ecology and the Understanding of Land Cover Change* by Ricardo Dobrovolski for the full essay please refer <http://monthlyreview.org/2012/05/01/marxs-ecology-and-the-understanding-of-land-cover-change>

10. This is the latest report available on the official web site of the Ministry of Environment and Forest at the time of writing this article.

and sustainability, shoddy environment impact assessments (EIAs) and little monitoring by the union MoEF.

In this context, how India, given its obsession with GDP-led growth, would integrate, streamline and mainstream the three objectives of CBD convention into its market-led development agenda is anyone's guess. One fears that it is going to be business-as-usual.



1. News and Analysis

Fishermen demand forest rights

Demanding their right to the forest, Sunderbans fishermen said that it is forest department officials who flout rules in the biosphere reserve, and not villagers.

"We want immediate implementation of Forest Rights Act, 2006, in the islands so that high-handedness of the forest officials stops," said Sunderbans Fishworkers Joint Action Committee member Pabitra Mondal. "They have been looting our nets and boats and taking arbitrary fines from us in the name of tiger protection."

About 300 fishermen from various far-flung islands of the Sunderbans converged on Canning on May 22nd to celebrate International Biodiversity Day ~ the theme this year is Marine Biodiversity ~ under the banner of the Sunderbans Fishworkers Joint Action Committee. According to the FRA, residents of forest villages have the right to collect minor forest produce such as honey and wax. But the forest officials prohibit the fishermen from entering the jungles in the core or buffer areas. National Fishworkers Forum secretary Pradip Chatterjee said that about twenty million people are involved in fishing in India, which is a signatory to the Convention on Biological Diversity. "The most neglected part of the treaty in our state is involvement of local communities in bio-diversity management," he said. Mahasweta Devi, the writer, who was present at the programme, said that the forest officials' high-handedness is the reason for the fishermen's miseries. She said she would fight for the fishermen, and that she hoped their problems would soon be sorted out, as the "new government is different from the previous one".

Source: http://www.thestatesman.net/index.php?option=com_content&view=article&id=410793&catid=42

Western Ghats Ecology Expert Panel (WGEEP) report¹¹ stirs a hornets' nest!

Biodiversity is not going to be conserved, nor the way to sustainable development be paved, by keeping people out of processes (EIA, PH, etc.). Nor is any progress going to be made by keeping them in the dark. How serious the MoEF is about conserving India's biodiversity and about encouraging people's participation can be judged by the recent order¹² issued by Justice Vipin Sanghi of the Delhi High Court, asking the MoEF to disclose the summary of the Western Ghats Ecology Expert Panel (WGEEP) report of August 2011 presided over by Prof. Madhav Gadgil. Why was the ministry trying to hide the report under the fig leaf of an excuse, that it was not a final draft (when it was clear to all that it was), and that making it public would hamper decision making? The MoEF had maintained that the report was against the economic interests of the states involved. It did finally make public the controversial report that was submitted almost a year ago, but with a disclaimer that the ministry has not accepted the recommendations of the report. Why does the MoEF insist on behaving like a department doing the biddings of the planning commission team (which is headed by Montek Singh Alhwalia, ex-official of the World Bank), and not as an independent ministry with a mandate of protecting the forests of India?

The WGEEP, in its report¹³, stated that "The Forest Rights Act (FRA), 2006, has yet to be implemented in its true spirit and the State Forest Departments to be alerted to the fact that implementation of this act is needed for future forestry governance" [WGEEP, Part II, p. 66]. The Act recognizes Gram Sabhas (village assemblies) as the authority with powers for protecting wildlife, forest and biodiversity from "destructive practices affecting their cultural and natural heritage" in the customary and traditional boundary of Adivasi villages recognized as community forest resource. Generally, the Panel observed "that there is a need for greater participation of local people and communities in formulation and implementation of the Western Ghats National Heritage proposal." [Part II, p. 322]. What could be the reason behind the MoEF taking such a recalcitrant position? In stern words, the court upheld a Central Information Commission (CIC) ruling asking MoEF to disclose the report, and upbraided the MoEF by stating unambiguously that "The scientific, strategic and economic interests of the state cannot be at cross purposes with the requirement to protect the environment". Pointing out the challenging of the CIC

11. This is based on various news reports in the print media.
12. See *Release Western Ghats report, Delhi high court tells environment ministry* by Abhinav Garg in The Times of India, May 20
at http://articles.timesofindia.indiatimes.com/2012-05-20/pune/31788144_1_moef-rti-applicant-wgeep
13. The report is available at <http://www.indiaenvironmentportal.org.in/reports-documents/report-western-ghats-ecology-expert-panel-2011>

ruling by the MoEF, the HC noted that “the endeavor of MoEF appears to be to withhold the WGEEP report so as to curb participation of the civil society and interested environmental groups as also the common man who is likely to be affected by the policy as eventually framed”.

The politics behind the economic interests that the MoEF serves becomes clear when we see what is at stake. Although IUCN has once again recommended to the UNESCO World Heritage Committee that it “Defers the examination of the nomination of the Western Ghats (India) to the World Heritage List”, MoEF lied out-right that “The matter of determining the inclusion/ exclusion of sites in the serial nomination has not been dealt by the Western Ghats Ecology Expert Panel and accordingly there are no recommendations on this issue.” In fact, the WGEEP report has dealt with the subject. The report raises questions over the very process of EIA required for various mining, infrastructure, power and tourism activities. The report states, “The EIA process which is so central to protect the ecosystems in the Western Ghats was found to be defective at several points. Not only were EIAs seen at times to be fraudulent, but it is found that minutes of public hearings were also manipulated. We have heard of and seen cases where the EIA consultant did not visit the village or did not conduct appropriate surveys and impact studies. Reliance on faulty EIA reports makes a mockery of the whole regulatory process....Illegal mining is observed in many parts of Western Ghats, both in terms of no clearances obtained, fraudulent EIAs and flouting of conditions of clearances. The view is emerging that there is government collusion with industry, in Goa; Sindhudurg and Ratnagiri in Maharashtra and Bellary in Karnataka”¹⁴.

What other reason could there be behind the MoEF’s desperation? Would the MoEF want the biodiversity rich Western Ghats as a flagship for its show of commitment towards meeting AICHI goals? Does the fact of CoP-11 being around the corner have anything to do with it?

NBA confirms Monsanto/Mahyco and others to be criminally prosecuted in Bt Brinjal Bio-piracy Case

In its first official confirmation, National Biodiversity Authority (NBA, India’s independent regulator on all matters pertaining to biodiversity protection, conservation and use) has stated that “it is proceeding with lodging of complaint against the alleged violators” of Biological Diversity Act on grounds of bio-piracy in promoting Bt Brinjal, India’s first transgenic GMO (Genetically Modified Organism) food. As per Indian law, the filing of the complaint against this serious

14. See *Gadgil panel: EIA process defective*, Indian Express, May 25, page 5.

environmental crime is like launching of a criminal prosecution against the violators. India has already enforced a moratorium on the commercial release of Bt Brinjal on various scientific, legal, health and community concerns.

Environment Support Group (ESG) had filed a complaint in February 2010, accusing the world’s largest agri-tech company, Monsanto, along with its Indian partner Mahyco, Sathguru Consultants (representing USAID and Cornell University) and various public-funded agriculture institutions such as University of Agriculture Sciences (Dharwar, Karnataka), Tamilnadu Agricultural University (Coimbatore) and Indian Institute of Vegetable Research (Uttar Pradesh), of accessing over 16 varieties of brinjal endemic to India in comprehensive violation of the Biological Diversity Act while promoting the commercial release of transgenic Bt Brinjal through 2005-2010.

Source: More details about ESG’s efforts to tackle bio-piracy in India, including documents listed above, are accessible at: www.esgindia.org

How serious is the MoEF about biodiversity conservation?

The Public Accounts Committee (PAC) of Parliament has highlighted in the report¹⁵ it presented to the Lok Sabha on April 27, 2012 that the MoEF has failed to effectively protect the environment of the country. The report shows serious inadequacies in the implementation of environmental programmes and in the functioning of institutions under the MoEF, working on afforestation, biodiversity conservation, pollution control and environmental education.

Providing incentives to hunting tribes of North-East India for community conservation of forests is the new mantra that wildlife officials have decided upon

Officials of security forces manning the borders in the region, customs, and the police force and forest departments were brought together by Traffic India and World Wildlife Fund for the first time to brainstorm over ways to control hunting amid concerns about the vulnerability of the region to illegal wildlife trade. It was hosted by the State Forest Department of Arunachal Pradesh.

The emerging tiger presence in forests like Dampa Tiger Reserve and Namdapha National Park in Arunachal Pradesh, besides the growing market demand for body parts of additional species such as pangolins, coupled with the growing fur and bone trade in Myanmar, have made it more imperative for the coming together of these agencies to control crime.

15. See *Environment ministry rapped* by Kumar Sambhav Srivastav at <http://www.downtoearth.org.in/content/environment-ministry-rapped>

One of the richest hot spots in biodiversity, the Morey border in Manipur was acting as a convenient transit point, not only for tiger parts but also for turtle meat and otter skin, besides scales and meat of pangolins for use in traditional Chinese medicine. These products make their way into Myanmar which is well connected not only with the Indian border but also with Bangladesh, Thailand and China.

Source: <http://dailypioneer.com/nation/63289-incentives-mulled-to-keep-ne-tribals-from-clutches-of-poachers.html>

Buffer Zones for Critical Tiger Habitats

The Supreme Court of India, on the 3rd of April 2012, directed state governments to notify buffer zones around core areas in critical tiger habitats (CTH) within the following three months. This was based on a directive issued in 2008 by the National Tiger Conservation Authority under the Wildlife Protection Act (WLPA), 1972. A buffer zone is the area around the core of a tiger reserve, which is meant to increase the space for tiger dispersal while also enhancing human-wildlife co-existence. The directive focused on creating these spaces to resettle tourism from core areas to buffer zones.

According to the WLPA, 1972, all relocations from within CTHs must be carried out with the consent and involvement of the Gram Sabha and on mutually agreed terms. However, the process has not been participatory, as the Gram Sabha and other local institutions are often ignored or superficially included in processes of demarcation and rehabilitation. This is in violation of the FRA, 2006, a law that the WLPA, 1972 recognises as valid within CTHs. Other issues with the buffer zone include redundancy, as demarcated areas within such zones are occasionally industrialised spaces with highways and railway tracks running through them, or have the potential to be controlled by the land and timber mafia. The concern of usurping village and agricultural land for buffer zones also involves the lives and livelihoods of local people.

Opinion is divided on whether or not buffer zones will improve the condition of tigers in India. Questions like how the decision was arrived at, whether its impacts vis-à-vis the social, cultural, political and ecological aspects of tiger reserves were considered at all; to what extent the opinion of those directly affected was taken into account; etc., remains a matter of conjecture.

Commentary by Persis Taraporevala, Kalpavriksh

Forests equal to half of Delhi lost, reveals report

Going by the latest report on deforestation, India has lost forest area equivalent to more than half of New Delhi, between 2007 and 2009 alone. The study conducted by a team of forestry researchers at the Indian Institute of Science (IISc), Bengaluru, shows that massive deforestation has been masked by the afforestation data provided by the Forest Survey of India (FSI). The IISc study contradicts FSI's forest-cover figures and highlights a loss of 99,850 hectares of forests in just the two years.

"The 99,850 hectares lost in two years is not small because this also includes natural forests...Our study demystifies the myth that there is no deforestation in India," said N H Ravindranath, lead author of the study 'Deforestation and forest degradation in India -implications for REDD+'.

Sourced from: <http://economictimes.indiatimes.com/environment/the-good-earth/forests-equal-to-half-of-delhi-lost-reveals-report/articleshow/12725480.cms>



2. CBD and CoP 11

Preparing for CBD COP 11

India's bid to host the eleventh meeting of Conference of Parties to the Convention on Biological Diversity (CBD CoP 11) comes at a very significant time when the confidence of countries in multilateralism has renewed, at least in the context of environmental debates and decision making. Such confidence comes from the progressive decisions made by 193 contracting Parties to the CBD in October 2010 during the CBD CoP 10 meeting at Nagoya, Japan. Coming as the first global meeting after the current decade was declared as the United Nations Decade on Biological Diversity (UNDB, 2011-2020) and the first such meeting after a new set of global targets and goals to conserve, sustainably use and share the benefits of use were adopted in 2010, this meeting attracts attention not only within the country but also globally.

In spite of the nail-biting finish of negotiations during the last CoP meeting (CoP 10) on critical issues such as the adoption of the Nagoya Protocol on Access and Benefit Sharing (ABS), the new Strategic Plan for the Convention and the new global biodiversity targets, there remained an un-finished point of agenda during this meeting, viz. that of financing. This point is expected to take centre-stage during the CBD CoP 11 in Hyderabad, in addition to key issues such as island biodiversity (slated for in-depth discussion), progress in ratification of the Nagoya Protocol on ABS and review of implementation of progress made by countries in developing national biodiversity targets. India has suggested a set of topics for discussion at the High-Level Ministerial Segment such as biodiversity and livelihoods, coastal and marine biodiversity, financing and accounting of biodiversity, status of implementation of ABS provisions, etc. India has earned a reputation to be a front-runner in handling several issues related to global policy making and implementation ahead of other countries. While countries struggled to make headway in deciding on the principles and framework related to ABS, India enacted the Biological Diversity Act in 2002 thus, providing for a broader and critical framework for

dealing with issues of ABS. Most of the Articles enshrined in the Nagoya Protocol on ABS seem to directly link to the Provisions of the Act in India. Whether it is the issue of what comprises the internationally recognized certificates of compliance or the provisions of benefit sharing, or that of putting mandatory disclosures in patent applications of the origin/source of the biological resource, India's foresight in legislating issues cannot be ignored.

Given this, India can showcase to the world the way to translate the intent of dealing with Access Benefit Sharing (ABS) besides instilling more confidence in the Nagoya Protocol on ABS. With the ratification process of the Protocol going a bit slow, sharing our experience can be very appropriate to encourage countries to come up with national administrative, regulatory and legal frameworks on ABS.

With an agenda focusing on biodiversity and livelihoods during the high level segment at CBD CoP 11, experiences in the country show that India is far ahead in interpreting and implementing local actions in securing the benefits of conservation and sustainable use for livelihoods. However, such experiences are scattered and 'stories' that are rarely told. A mere compilation of such experiences will go a long way in setting the global roadmap for conservation and development.

In addition, the ongoing process to revise the National Biodiversity Action Plan (NBAP), focusing on mainstreaming and synergies and developing a set of national biodiversity targets for the period 2012-2020 will also be relevant for the discussions at CBD CoP 11.

India's conservation ethics are time tested. A recent survey undertaken by the National Biodiversity Authority (NBA) has shown that we have close to 130 institutions working in the country on coastal and marine issues alone. However, there is very limited coming together of these institutions and information, making us quite weak when it comes to consolidation of expertise, experience and data.

All relevant stakeholders in India need to come together to show-case our experience and expertise in relevant areas besides presenting a collective resolve to deal with global challenges in biodiversity governance since India has the CoP Presidency from 2012 to 2014.

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The Nagoya Protocol: access without responsibility?¹⁷

The Nagoya Protocol adopted by the CBD in Japan in 2010 echoes the ambitions of the Convention on Biological Diversity (CBD), namely conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising from the use of genetic resources and traditional knowledge.

The crux of the Nagoya Protocol is the emphasis on access and benefit sharing (ABS). While issues of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) were already mentioned in the Bonn Guidelines (2003), the protocol was created to further internalize the issue of ABS in the convention. From the perspective of a provider country, the adopted protocol is a diluted version of the draft but is still important because of the rampant processes of bio-piracy across the globe, which could harm local ecologies and communities. Some believe that regulating access could convert bio-piracy into a form of bio-prospecting that allows for conservation, sustainable use of resources and empowerment of local communities. However it is important to analyze if this hypothesis holds true in reality.

There must be mechanisms of implementation and monitoring towards achieving the aims of the protocol. However, the protocol and the convention choose to be dependent on domestic laws and policies when it comes to implementing and monitoring ABS. This leaves the local communities and ecologies, in countries with weak domestic legislation, vulnerable and disadvantaged. Even the issue of PIC is subject to domestic laws, and can take place only if the provider parties find it appropriate¹⁸.

The protocol does not efficiently address the issue of multiple holders of resources and traditional knowledge that cut across cultural and geographic spaces. Furthermore, where intellectual property rights (IPR) are issued it may lead to spaces where unrecognized local communities may be prevented from the free use of their own resources and knowledge on the grounds that a separate group of people now have the right to control these resources.

The protocol has a non-exhaustive list of 27 monetary and non-monetary methods of benefit sharing. However these must be revisited because there is an increasing emphasis on monetary benefits and in the case of non-monetary benefits the options may not be appropriate for the local community, especially if 'benefits' are doled out to communities without PIC and MAT.

17. For more on this we would like to refer our readers to see: *The Nagoya Protocol on Access to Genetic Resources and Benefit Sharing: What is New and what are the Implications for Provider and User Countries and the Scientific Community?* by Kamau, Evanson Chege, Bevis Fedder, and Gerd Winter in Law, Environment and Development Journal 6, no. 3 (2010) and *Chasing Benefits: Issues on Access to Genetic Resources and Traditional Knowledge* by Kohli Kanchi, and Shalini Bhutani. Kalpavriksh, 2011.
18. Article 6.3.f (Nagoya protocol).

The protocol engages with a paradigm of conservation that is based on trade and has been criticized for analyzing biological diversity and traditional knowledge through the lens of the bio-industry rather than that of the environment or indigenous peoples. This is demonstrated through the term ABS which inextricably associates the notion of benefit sharing with access, despite the fact that the association is quite unreliable as access can occur without mandatory PIC and MAT.

There is no clarity about when the protocol will come into effect, or if the protocol will be retroactively applicable for benefits that were accrued prior to the signing of the convention and / or the protocol. Room has been created for easy access for non-commercial research. This is problematic because the boundaries between commercial and non-commercial research often blur. The issue of derivatives is also under contention since the adopted protocol does not discuss derivatives beyond a brief definition in article 2. This ambiguity might lead to situations where biochemical compounds can be accessed through biological resources without any formal access to the compound. In the absence of formal processes of access, benefit sharing can be side-stepped and this would leave local holders of resources disadvantaged.

A common theme that is implicit in all the issues raised above is the non-critical approach to analyzing the protocol by the CBD. There seems to be this belief that all the actors are equal and have the best interests of the other party in mind when engaging with the convention. However there are structural and political aspects of power that must be accounted for when creating and implementing ABS, along with issues of corruption and apathy within the system.

Compiled by Persis Taraporevala, Kalpavriksh.

CBD Alliance and COP11

Under the CBD framework, Parties periodically convene a Conference of the Parties (CoP) and negotiate new policies/guidelines and protocols related to a variety of issues relating to biodiversity.

In a world increasingly dominated by bilateral and multilateral trade agreements, the CBD is a key site of global policy-making with the potential to influence the shape of international trade regimes and to guide national level efforts for the conservation of biodiversity. Given the potential for changing both international and national norms, the CBD is an important forum for civil society to participate in.

Founded after the 6th CoP at The Hague, in the Netherlands (April 2002), the Convention on Biological Diversity Alliance (CBD Alliance) is a loose network of activists and representatives of non-governmental organizations (NGOs), community-based organizations (CBOs), social movements and Indigenous Peoples' Organizations (IPOs) advocating improved and informed participation in CBD processes. The Alliance does not act as a representative of civil society organizations (CSOs)

around the CBD, nor does it speak for the diversity of civil society's voices. Rather, it exists in order to facilitate more diverse, coordinated, and effective civil society input into CBD policy-making and processes. The Alliance is open to all CSOs working progressively on CBD issues and is governed by a representative board, democratically selected from the community. The CBD Alliance has as its ongoing mandate and mission: to ensure the diverse and effective participation of civil society in CBD processes - which are typically the purview of global elites, and increasingly, under the influence of powerful private sector forces.

The CBD Alliance will build civil society capacity around key CBD issues like marine and coastal biodiversity, ecosystem restoration, biodiversity and climate change (including REDD, geo-engineering), biodiversity and development.

In this regard, the CBD Alliance is already in the midst of organizing activities for critical negotiations that will take place in the lead up to CoP 11. Primarily, the CBD Alliance will:

1. Build civil society capacity around key CBD issues.
2. Continue to work with the CBD Secretariat to increase opportunities for civil society participation.
3. Continue to communicate the voices of civil society.

As usual, the Alliance will also be organizing the civil society strategy sessions so that participation by civil society can be as well-coordinated and strategically effective as possible, as also that summary briefings¹⁹ on the key issues for CoP 11 can be prepared.

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Legally binding or not?²⁰

Ecologists like S. Faizi (Member: CBD Expert Group on Biodiversity and Poverty; Board Member: CBD Alliance) argue that the CBD treaty is legally binding and that this aspect is not taken seriously enough. The convention is multilaterally negotiated in line with the terms of treaty-making set by the Vienna Convention on the Law of Treaties, and the articles of CBD are there for enforcement and not for further negotiation (barring a few exceptions). Faizi rues the fact that the CoP meets have never seriously reviewed and acted upon infractions, and, despite being a progressive treaty, the key reason why the CBD has failed to deliver is the "sidestepping of the legally binding nature of the treaty". This has led to escalating bio-piracy, zero reduction in the loss of biodiversity, continuing alienation of

19. These briefings are produced in full collaboration with the CBD Alliance community, who choose, draft and review the briefings before they are formalized . see <http://www.cbdalliance.org/top-10-for-cop-10/> to read briefings from COP10
20. This is based on a electronic communication with Dr. S. Faizi during which he shared his views.

Indigenous communities, and creation of several sets of administrative, policy and legal measures which remain paper-tigers. In a rather harsh indictment Faizi says "A legally binding treaty is put to disuse by straying away into legally non-binding programs of work, strategic plan, formulation of new and selective targets and so on, and the whole process undermines the fairly clear and categorical provisions of the treaty..." What about the access benefit regime?

Citing the example of the categorical and binding provisions relating to access to genetic resources by the concerned Party (15.1), based on mutually agreed terms (15.4), and prior informed consent (15.5), Faizi shows what happens when they are not enforced - "according to information released by the India's Ministry of Environment in 2010 over 2000 patents were taken abroad in the preceding year based on Indian genetic resources and traditional knowledge without the consent of the government. This continuing bio-piracy is in glaring violation of the binding provisions of CBD, but even then the binding provisions of CBD are not invoked. There is no secretariat (level) monitoring of infractions, no CoP reviewing the infractions/non-compliance whereas Article 15.7 requires Parties to take legislative, administrative and policy measures for benefit sharing. Yet in the past two decades the CoP has not reviewed or acted upon the failure of Parties to enact these enabling measures".

by 15 per cent since 2002, as the report claims, but in what condition are these PAs? And what happened to the people residing in them? Was settlement of rights done satisfactorily? Have people been relocated without coercion and rehabilitated according to norms? There may be 43 Conservation Reserves created since 2003, but how are they being managed and by whom? To what extent have local communities been empowered and given the right to 'conserve and manage'²² as required by the FRA? These are important questions demanding detailed extrapolations. Obscuring these details makes it possible to quietly subvert the aims of participatory and sustainable conservation. This creates a situation where, on paper, India is working towards fulfilling the needs of the convention, but at the grassroots level the traditional and exclusionary form of conservation, with strict hierarchies that determine who is qualified to speak for the forests and forest dwellers, continues to prevail. In a country like India with a strongly-embedded conservation structure, it will take time to implement new laws and programmes.

The CBD-inspired laws and programmes should work towards changing not just a legal system but a mindset of the ruling class and its bureaucracy as well.

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The Fourth National report – appearance versus reality!

There is a school of thought that argues that even though India has accepted the CBD, the nation is more adept at working on traditional models of conservation rather than participatory systems that link sustainable consumption with conservation. For instance, articles 6.a and 10.c of the CBD convention discuss issues of developing plans for conservation and sustainable use of biological resources, and the protection and encouragement of traditional use of biological resources. A study of India's Fourth National Report to the CBD demonstrates that indeed great strides have been made, but only at the policy level. Plans like the National Biodiversity Strategy and Action Plan (NBSAP), 2003, and National Biodiversity Action Plan (NBAP), 2008, are spaces where the objectives of 6.a could be realized. Through a combination of the Wildlife Protection Amendment Act, 2003, The Biological Diversity Act, 2002, and the Forest Rights Act, 2006²¹ (FRA), several legal spaces have been created for participatory conservation processes that acknowledge the legitimacy of traditional practices in conservation. The challenge is to translate these good intentions into practice.

Deeper readings of the fourth report reveal how a language of half-truths is used to mask the ground reality. The Protected Area network in India may have grown



Chinkara

21. i.e. The Scheduled Tribes and Other Forest Dwellers (Recognition of Rights), 2006, also known as the FRA, 2006.

22. Both are rights that can be claimed under the aforementioned FRA.

3. Workshop and Conference

Meeting on Coastal and Marine Biodiversity and Livelihoods

To ensure that Indian NGOs, local community organizations and other such groups have the opportunity to be heard at the CoP 11 meeting of the CBD, to be held in Hyderabad, the Bombay Natural History Society, along with WWF India, Kalpavriksh, Greenpeace, IUCN and certain other organizations formed the Indian NGO Forum for CBD (INFC).

At the behest of the INFC, Dakshin Foundation along with the National Fishworkers' Forum and BNHS organized a regional meeting for NGOs, fishworker unions and researchers working in the areas of marine and coastal biodiversity, island biodiversity and fisheries to discuss the upcoming CBD CoP 11 and their participation at the same. The meeting was held at ICSA Conference Hall in Chennai, on 18th Feb. 2012.

The National Fishworkers' Forum (NFF) is a national federation of trade unions and organizations of traditional artisanal fishworkers in India that has been campaigning across the country since 1978 for the rights of fishworkers. NFF played a leading role in the formation of the National Coastal Protection Campaign (NCPC), a coalition of several environmental organizations and fishworker associations working towards greater protection of India's coastline. A number of the organizations participating at the meeting, including Dakshin Foundation, are members of the NCPC and have a long history of dealing with issues of marine conservation, fisheries regulations and impacts on traditional fisher communities as well as coastal development and management.

Given that marine and coastal biodiversity is one of the main topics of discussion at the CBD CoP 11, the event presents this group with a unique opportunity to highlight key issues in this field. Some of the issues highlighted included problems with policies dealing with governance of high seas, creation of genetically modified fish, and impacts associated with ports, power plants and other structures associated with the current trend in coastal development. The meeting ended with the participants organizing themselves into a Working Group on Coastal and Marine Biodiversity which would implement specific tasks and activities around the identified issues, in the run-up to the CBD CoP 11 as well as at the event.

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Marine Protected Areas (MPAs) as a livelihood threat

Fishing communities are battling the loss of livelihood due to the creation of marine protected areas (MPAs) where access is restricted and resource extraction is banned. In March 2012, a workshop was held in Delhi to take forward the discussions on these issues. It was organized also keeping in mind the upcoming eleventh Conference of Parties (CoP 11) of the Convention on Biological Diversity (CBD) at Hyderabad.

Fishing community representatives from five MPAs - the Sundarbans Tiger Reserve in West Bengal, Gahirmatha (Marine) Wildlife Sanctuary in Orissa, Gulf of Mannar (Marine) National Park and Biosphere Reserve in Tamil Nadu, Malvan (Marine) Wildlife Sanctuary in Maharashtra, and Jamnagar (Marine) National Park and Wildlife Sanctuary in Gujarat - briefed participants, which included government officials from the relevant central ministries and state departments, and civil society groups, on the current situation in their area. Some of the problems highlighted were loss of livelihood due to reduced access to fishing grounds, confiscation of gear and catch, and arrest of fishers venturing into the MPA. In addition, fishers have been excluded from the management of MPAs. Neither is there recognition or support of community initiatives to self-regulate. The lack of options for dialogue between authorities and fishers has meant that fishers' concerns are not heard.

Connecting these problems with the legal framework governing MPAs, the Wildlife (Protection) Act (WLPA), 1972, the Biological Diversity Act (BDA) of 2002, the Environment (Protection) Act (EPA) of 1986, and the Coastal Regulation Zone (CRZ) Notification of 1991, the state Marine Fisheries Regulation Acts, and the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act of India were analyzed to understand how fishers' rights can be protected while promoting sustainable use of resources. Clauses on the right to innocent passage and on the occupational rights of fishers under the WLPA, creation of biodiversity heritage sites under the BDA, ecologically sensitive areas under the EPA, and critically vulnerable coastal areas under the CRZ, were looked into.

Some of the demands that the fishing community, under the banner of the National Fishworkers Forum (NFF), made were:

1. Restore fishing rights in marine and coastal national parks and sanctuaries (PAs) established under the WLPA, 1972;
2. Legally recognize the rights of fishing communities to marine and coastal natural resources and to protect and manage them along the lines of the FRA;
3. Draw up clear guidelines on operationalizing the provisions in the WLPA related to protecting the occupational interests of fishermen and on the right to innocent passage in PAs till all fishing rights are recognized and restored under the WLPA;

4. Not declare any Marine and Coastal PAs in future under the present WLPA in view of its inappropriateness for the purpose and to consider other suitable legal instruments;
5. Review the extent to which marine and coastal PAs are consistent with the Programme of Work on Protected Areas (PoWPA) of the Convention on Biological Diversity (CBD); in particular, review provisions related to governance, participation, equity and benefit sharing, prior to CoP 11 in Hyderabad in October 2012;
6. Put in place, through a consultative process, an integrated, holistic framework for conservation of marine and coastal biodiversity that regulates particularly the large-scale environmental impact of ports, power plants, oil and gas exploration, tourism, etc.

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Convention on Millets Closes with a Ringing Declaration

A two-day convention (14th and 15th December 2011) of millet farmers from the eastern Indian states of Odisha, Chhattisgarh and Jharkhand, organized at Ramiah Hall, Odisha University of Agriculture and Technology, concluded with the farmers bringing out a ringing declaration in support of millets in food and farming.

The convention saw panels, comprising of several eminent members of the farming, NGO and academic world, discussing different aspects concerning millets, including the identification of ways and means by which traditional millet-based mixed farming systems can be encouraged in the states under question. The panels discussed the changing land use patterns in eastern India; looked at how the millet-landscape in these states can be widened; tried to come up with an alternative vision for Public Distribution Systems; and tried to understand the contributions that millets in particular, and traditional mixed farming systems in general, can play in cushioning the poor and the marginalized from the effects of climate change.

There was a general agreement that millets needed a greater push through the initiatives of both state and non-state actors; so that the future of households that sustain themselves on these food crops can be secured and strengthened. An analysis by agriculture scientist Dr.A. K. Padhi indicated that the area under millets has been steadily declining over the last few decades; more so in the recent decades, thanks to the inroads being made by cash crops like cotton and maize. This, farmers and civil society activists alike felt, had to be reversed. Another concern that found resonance with the

farmers was that millets needed to figure in the Public Distribution System, and in other government food security programs. It was felt that only a decentralized PDS would really help the poor and the marginalized in achieving food sovereignty in the truest sense.

Millets (as against rice and wheat) are extremely hardy crops and therefore are climate change compliant. They can grow under conditions of low water and in poor soils. In light of the changing weather patterns, the eastern Indian states are a scene of intense contestations over land. The changing land use patterns wherein land is being diverted towards industries and towards industry-oriented crops, sounds the death knell for traditional systems of agriculture and livelihood; and therefore to the culture and lives of millions of communities living in these states. For biodiversity to survive, it is essential that land where food crops are grown is not diverted towards industries.

The Bhubaneswar Declaration is a reflection of some of these ideas and analyses put forth by the farmers. It demands that the government include millets in the public distribution system and in all the public food systems like mid-day meal scheme, etc. Further, the Declaration states the need for localized procurement and distribution of food grains. The Declaration further emphasizes the importance of biodiversity in agriculture and urges government to give due recognition to the farmers who are practicing such agriculture, as this is vital for the lives and livelihoods of scores of Dalit and Adivasi communities.

They demanded that farmers be given biodiversity bonus, water conservation bonus, nutritional bonus, climate change compliance bonus, etc.

The Declaration has been endorsed by many farmers from 18 districts of Odisha and from Chhattisgarh and Jharkhand; and was supported by several prominent people from the development firmament of India.

The Declaration can be accessed at:

<http://www.nirmanodisha.org/publications/Bhubaneswar%20Declaration%20on%20Millets.pdf>

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4. Case Studies

Gogelao Enclosure: A Conservation Reserve with many facets

The Recent declaration, in Rajasthan, of Gogelao Enclosure as a Conservation Reserve, brought it into the mainstream of Conservation Science. This is the 5th conservation reserve established in the state, and is unique in many ways. This area is part of village Gogelao.

The reserve is located on the western side of Nagaur city in an area called "Gogelao Enclosure" and is located 2 km away from any human settlements on the Nagaur-Bikaner National Highway No. 89. It is a refuge of large number of local species of flora and fauna. Having been under private ownership before independence, in 1962, it was given to state forest department specifically for development as gauchar land (grazing land) for the domestic livestock of the nearby villages. The donor was Seth Shri Balabh Ramdev ji Pitti of Nagaur city. The entire family is currently settled in Japan. This region is very prone to erratic rainfall and successive famines. The gravity of this situation motivated Shri Pitti to offer his entire land for development as gauchar land (land commonly held for livestock grazing). Later on, it was offered to the state forest department for appropriate development along lines of scientific management.

The total area is more than 700 hectares, and was developed into gauchar land in three phases by the State forest department which has been managing this land since 1962 as stated. It is a refuge for a large number of local species of flora and fauna rich in biodiversity.

The habitat of the enclosure is scrub-semi arid-xerophytes type, with a variety of arid vegetation. The enclosure is characterized by both semi-arid and desert scrub grassland type represented by *Prosopis cineraria*, *Capparis decidua*, *Acacia tortolis* and *Acacia nilotica* trees as a top canopy. But the threat of spreading dense *Prosopis juliflora* can be seen in patches in the enclosure. This area was also home to more than 250 Indian gazelle or Chinkaras in 2002; In fact, this area shows a high encounter rate of Chinkara, about 48 heads/km² with a total of 51 herds. However the population is slowly declining. It is home to various invertebrates and vertebrates. Other important mammals of this area are Desert Cat, Desert Fox, Indian Fox, Jungle Cat, Nilgai, Long-eared Hedgehog, Grey Mongoose, Black-naped Hare, Indian Gerbil, Indian Desert Gerbil, etc.



Indian desert Jird

However, currently this land is under high pressure from all sides. A 4-lane national highway (NH 89) passes along its northern boundary. The growth of Nagaur city is already encroaching upon it. Two large colonies have also been established on the western side. The RICCO (State Government's Industrial Cluster) has also been operationalized on the northern boundary of the reserve. Recently a few unscrupulous builders have also tried to grab portions of the area for building residential complexes.

However, the declaration of conservation reserve is a great step to give it a proper status of protected area, as it still supports various endangered wild species and hopefully the area can be saved from vested interests.

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On Community Forest Rights in Biligiri Rangaswamy Temple Sanctuary (BRT)

On 2nd October 2011, the Soliga adivasis of 25 Gram Sabhas within Biligiri Rangaswamy Temple Wildlife Sanctuary in Karnataka were granted community forest rights under the Forest Rights Act of 2006.

Significance of FRA

Following the 2002 amendment to the Wildlife (Protection) Act, 1972 (WLPA), a ban on non-timber forest produce (NTFP) collection was implemented in BRT in 2006. Prior to the ban on NTFP collection, Soligas derived around 60 percent of their income from the NTFPs through LAMPS (Large-Scale Adivasi Multi-Purpose Societies). The ban led to unemployment and an increase in migration seeking work as laborers or daily wage earners. Thus, when the FRA was notified, Soligas of three districts (Yelandur, Kollegal and Chamara Nagar) saw an opportunity and decided to apply for CFRs for NTFP collection and for other community rights in 2008. After receiving CFR titles (October 2, 2011), Soligas from those 25 gram sabhas have been able to collect lichen and other NTFPs without fear of penalties for the first time since the ban on the harvest of forest produce in 2006.

Process of claiming rights

With support from ZBGAS (Budakattu Zilla Girijana Abhivruddi Sangha, a community-based local organization), Gram Sabha meetings were held and the process of filing claims for rights under the FRA was initiated. The participants listed details regarding the NTFPs and their collection areas, the vegetables, tubers, fruits, mushrooms, etc. needed for daily consumption, geographical aspects like names of the water tanks used, sacred sites worshipped, and information regarding their

livestock and grazing areas. While filing claims, Soligas also proposed collaboration with the Forest Department to conserve and manage forests.

Getting CFR titles

Completed claim forms for community rights were sent to SDLC in 2008 by the 25 gram sabhas. However, at the meeting of the SDLC, the forest department opposed the granting of rights to the Soligas. It took 3 years of consistent effort and repeated meetings to have the claims cleared by the SDLC, after which it went to the DLC. The district level forest officers again opposed recognition of CFRs. After actively working with the District Commissioner, in October 2011, CFR titles were issued to 25 the Gram Sabhas formed by 35 podus or small settlements. Individual Forest rights (for land under occupation) were also recognized for 1516 families. The CFRs granted to the 25 gram sabhas cover 3 forest ranges (Yelandur, K. Gudi and Punjur) out of the 5 that cover BRT. The rights that have been granted to Soligas are those of ownership and collection of minor forest produce and products such as fish from water bodies, access to grazing and customary rights to seasonal resources, right to protect, regenerate or conserve or manage any community forest resources for sustainable use, right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity, right to visit, access and worship at the 489 sacred sites.

Post CFR recognition scenario

Soon after the CFR titles had been issued, the Divisional Conservator of Forests held a meeting with Soligas at Kanneri colony where he claimed that the rights claiming procedure was improper and that Soligas needed to map their areas again. His argument was that the presently mapped CFR areas of different gram sabhas overlap with each other, which needs to be avoided at all costs. For several years Soligas have been harvesting NTFP from areas far from their podus and their customary collection areas overlap with range boundaries. This is why they had

claimed CFRs for the entire forest range. Restricting CFR areas to podus is not conducive to either management or resource collection. It runs counter to their decades-long NTFP harvest practice as well as their recent plans for sanctuary management which are also centered on the idea that large areas need to see similar management rather than discrete management over small parcels of land around the podu. The post-rights scenario is unclear as the forest department has been indifferent about CFRs. A workshop for formulating details of a collaborative management plan was organized in BRT in July 2011, in which around 200 Soligas participated and exchanged ideas on forest governance, conservation and management with each other and with other NGOs.

Future challenges

Because of declaration of BRT as a Tiger reserve on 24th January 2011, it is feared that the tightening of protection and control by the Forest Department may impinge on the Soligas' hard-won rights. The WLPA mandates that critical tiger habitats be kept inviolate, to accomplish which, villages within the CTH will be voluntarily relocated following conditions set down in sections 38(V)5 of the WLPA. The podus located within the notified and mapped core have already received individual and community forest rights. If the state proceeds with relocation efforts within the CTH they can be expected to be met with resistance from the Soligas.

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