

Statement Against the Guidelines on Tiger Reserves Submitted by the National Tiger Conservation Authority (NTCA), Ministry of Environment and Forests (MoEF)

Issued by:
Tushar Dash, Vasundhara
Swathi Seshadri, EQUATIONS
15th October 2012

A side event was organised by Kalpavriksh on Protected Areas Governance in India on the 11th of October during CoP 11 in Hyderabad. One of the issues that strongly emerged was that the Government of India was far from complying with the commitments that it has made under Programme of Work on Protected Areas (PoWPA) of the CBD. In particular the element of this programme which relates to governance of Protected Areas or the issues of local people's participation and decisions in identification, establishment and management of PAs as well as equitable sharing of benefits and costs that arise from these PAs. A very clear illustration of this is the recent guidelines on tourism that the National Tiger Conservation Authority has submitted to the Supreme Court. One of the participants in the Side Event was also a member of a committee that was set up to draft these tourism guidelines and he along with one of his fellow committee member would like to share their experience about how the Government of India is not complying with its obligations.

Tourism in protected areas is currently a burning issue. Numerous arguments are currently flying around, some claiming that tourism has sustained tiger conservation in the country while others blaming tourism for the decline of wildlife and marginalisation of local people. This debate inadvertently has also brought to the fore the entire issue of protected area governance in the country.

The tourism debate began in October 2010 when, a case was filed in Madhya Pradesh High Court asking for a ban on tourism in Tiger Reserves. The case was eventually taken to the Supreme Court which passed an interim order disallowing tourism in core areas of Tiger Reserves. The court order was to contain another direction which was to further question the manner in which the country's protected areas are identified, designated and governed. The Court directed all states to notify buffer areas of tiger reserves within a short span of time, which would not allow for the mandated process to be followed. This led to the hasty declaration of a few more buffer zones around many tiger reserves, without the consent of local governance institutions as provided for in the law. This order generated a lot of debate in the country in which conservationists, tourism industry and forest rights activists have vociferously participated.

The interim order created a situation of serious illegalities. In their rush to notify buffer areas, state governments have bypassed and violated processes laid down in the Wild Life (Protection) Act, 1972 (WLPA) and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act), 2006 (FRA), necessary for such declaration.

In the course of various hearings, Court directed the Ministry of Environment and Forests (MoEF) that a Committee be constituted with the mandate of finalising guidelines for the demarcation of core and buffer as well as for tourism in and around the Protected Area. Hence what began with a case about whether or not tourism should be allowed in protected areas led to issues which would have serious implications on the lives of thousands of local communities.

The Committee was soon constituted by the MoEF, including representatives from NGO, tourism industry, conservation groups, and government officers, attempting to bring in the concerns of all sectors.

In the various discussions of the committee many very important issues came up for discussion. These included:

- There have been serious objections from the local communities and civil society about the manner in which core and buffer areas have been identified, notified and established in all tiger reserves in the country. Questions have been raised about the legality of this process in the absence of detailed site specific scientific studies and local consultations as mandated by the Wild Life Protection (Amendment) Act 2006.
- In the above context we suggested that the guidelines should include a clear statement that tourism is subject to compliance with all legal, procedural and rights related aspects of identification and designation of tiger reserves. Implying that tourism guidelines will not be implemented in tiger reserves unless the designation of core and buffer areas was revisited and legally carried out.
- The above point, was not taken into consideration, instead the guidelines made references to existing core and buffer areas as if they are legal and final.
- The final guidelines also provide for identification and mechanisms to secure “corridor connectivity / important wildlife habitats.” Any process related to such identification is outside the scope of the guidelines and are indeed not even provided for in the Wild Life (Protection) Act, 1972. Identification of corridors would impact many local communities and any such process must be arrived at in consultation with and consent of those communities (which is an obligation under Convention on Biological Diversity)
- Very importantly, in the guidelines, the tourism industry has been unjustifiably given a special role in allocation of funds collected from tourism facilities. This is again contrary to the commitment under CBD which obligates the parties to equitably share the benefits from conservation with the local communities and include them in the decision making.

The above objections were raised by us and sent to the Minister, MoEF. However, the Ministry has neither acknowledged nor responded to these. We feel that it is vital that much wider consultation involving all concerned stakeholders, particularly the local communities and groups working closely with them, are carried out while drafting guidelines for identification, establishment and governance (including co-existence of people and wildlife). A separate process therefore needs to be initiated for this and given sufficient time to ensure that such consultations are indeed carried out. If the current tourism guidelines are issued just as they have been submitted to the court, they are likely to have serious impacts both on the wildlife as well as the local people.

For more details contact;

1. Tushar Dash, Vasundhara: tushardash01@gmail.com Phone No: +919439542176
2. Swathi Seshadri, EQUATIONS: swathi.s@equitabletourism.org Phone No: +919448474911