

Shri Anil Madhav Dave
Minister of State, Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhavan, Jor Bagh Road
Aliganj, New Delhi- 110 003
Date: 6th October, 2016

Sub: Endorsement of Request by Indian Conservationists to uphold and implement India's Forest Rights Act, 2006

Dear Sir,

A number of eminent Indian conservationists have requested you to *ensure that the Forest Rights Act is implemented and its integrity upheld as a vital measure for conservation (please see attached)*. We strongly endorse this request and urge the Government of India to pay heed to the combined wisdom of India's conservationists. India's Forest Rights Act is a ground breaking law that empowers historically marginalized tribal and other forest dwelling communities to democratically protect, manage, and conserve their forests, natural resources, and biodiversity. It has already been shown that wherever the law has been implemented properly to date, forest communities have begun conserving their forests, while meeting their livelihood and development needs. As mentioned in their letter, the FRA is a vital tool for community based conservation movements.

We understand that through the FRA, there can be a community-led reversal of destruction and degradation of India's forests and rich biodiversity. As pointed out by Indian conservationists in their letter, one of the biggest obstacles has been the persistent myth that recognising tribal and forest dwellers' rights will lead to forest and biodiversity destruction. However, the FRA strengthens conservation through recognized inclusive approaches consistent with best practices from around the world.

We strongly urge the Government of India to implement the FRA in the true spirit and letter of the law. Proper implementation would redress historical injustices faced by more than 150 million tribals and forest dwellers, as well as ensure that India's forests and biodiversity are preserved. We would like to join our Indian colleagues in requesting your support to ensure that MoEFCC policies on compensatory afforestation and other conservation matters support FRA implementation and strengthen the stewardship of communities and village assemblies (Gram Sabhas), rather than undermine them.

Yours Faithfully,

1. Isaac Rojas, Friends of the Earth. <http://www.foei.org/>
2. World Agroforestry Centre (ICRAF)
3. International Forestry Resources and Institutions (IFRI)
4. Alfredo Quarto, Mangrove Action Project, PO Box 1854, Port Angeles, WA, USA
www.mangroveactionproject.org
5. Fiona Wilton and Hannibal Rhoades, The Gaia Foundation. www.gaiafoundation.org
6. Anuradha Mittal, Executive Director, The Oakland Institute www.oaklandinstitute.org
7. Elsa Matilde Escobar, Directora, FUNDACION NATURA 30 AÑOS. www.natura.org.co
8. DJ, TEIA, Taiwan Environmental Information Association
9. Helena Paul, Co-Director of EcoNexus <http://www.econexus.info/>
10. Taghi Farvar, UNINOMAD's and Center for Sustainable Development (CENESTA), Iran.
<http://www.cenesta.org/en/>

11. Carmen Miranda, President, SAVIA (The Association for Biodiversity Conservation and Research), Bolivia.
12. ICCA Consortium. www.iccaconsortium.org
13. Dr. Christopher Kidd, Forest Peoples Programme (FPP), England
14. Instituto Socioambiental (ISA), Brazil
15. Centre for the Environment and for Development (CED), Cameroon
16. Emily Caruso, PhD, Regional Programmes Director, Global Diversity Foundation. www.global-diversity.org; www.globalenvironments.org
17. Dil Raj Khanal, Federation of Community Forestry Users Nepal (FECOFUN)
18. Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC) – The Center for People and Forests
19. The African Women’s Network for Community Management of Forests (REFACOF)
20. Anne B Lasimbang, Founder & Executive Director, PACOS Trust. www.pacostrust.com
21. Laleh Daraie, GEF Small Grants Programme, National Coordinator in Iran
22. CALG (Coalition against Land Grabbing), Philippines
23. Sutej Hugu, Tao Foundation and Taiwan Indigenous Conserved Territories Union,
24. James Igoe, University of Virginia, Department of Anthropology
25. Hoang Xuan Thuy, Centre for People and Nature Reconciliation, Vietnam www.nature.org.vn/en
26. Almuth Ernsting, Biofuelwatch, UK/US
27. Adam Jadhav, PhD student, Geography, University of California at Berkeley
28. Fabrice Dubertret, PhD Candidate in Geography, IHEAL-CREDA - www.iheal.univ-paris3.fr/. Principal operator of the WAIPT project - www.iheal.univ-paris3.fr/en/recherche/waipt-project
29. Member of the LandMark Operational Team - www.landmarkmap.org
30. Prakash Kashwan, Ph.D. International Environmental Policy Academic, Storrs, CT
31. Neera Singh, Ph.D. Assistant Professor, Department of Geography and Planning, University of Toronto
32. Tahir Rasheed, Society for Awareness of Youth (SAY), Lahore
33. Fataï AINA, Amis de l'Afrique Francophone- Benin (AMAF-Benin). <http://www.amaf.site-fr.fr/>
34. Salatou Sambou on behalf of APACRM team KABEKA APCRM (Association of Rural Community Fishermen Mangagoulack) and KABEKA (Kamaloor Be Kafankanté), Casamance
35. Vivienne Solis Rivera, CoopeSoliDar R.L. Costa Rica. www.coopesolidar.orgx
36. Lili Fortuné Sarah Selvy, INTERNATIONALE TOUAREGUE
37. Semia Gharbi, AEEFG, Tunisie, Hub regional IPEN-MENA/ North Africa
38. Vololoniaina Rasoarimanana, TAFO MIHAAVO, Madagascar,
39. Samdhana Institute
40. Tebtebba

Open letter to:

Shri Anil Madhav Dave
 Minister of State, Ministry of Environment, Forests and Climate Change
 Indira Paryavaran Bhavan, Jor Bagh Road

Aliganj, New Delhi- 110 003

Date: 6th October, 2016

Dear Sir,

Sub: Request to ensure that the FRA is implemented and its integrity upheld – as a vital measure for conservation

We are conservation organisations and ecological scientists working across India. We are disturbed by recent reports that the Environment Ministry is not prioritising the Forest Rights Act in its policy making and may be acting in ways that are not in consonance with that law. As the mandate of the Ministry is to ensure protection of the environment, we hope you will take cognizance of the following points that clearly show that disregarding the Forest Rights Act or undermining it will greatly damage environmental protection in the country. Here are our views on the value of the FRA:

1) The FRA strengthens conservation through globally recognized inclusive approaches:

The Forest Rights Act stands proudly along with a few other conservation legislations in the country as the only line of defense from wanton destruction of natural treasures of the country. The FRA is a significant step forward for conservation and environmental protection in India. For decades now, international conservation best practice has recognised that sustainable and effective protection of sensitive ecosystems requires the democratic involvement of those who live in and depend on those ecosystems (both terrestrial and marine) - as legally empowered rights holders. The International Union for the Conservation of Nature (IUCN) and the World Wildlife Fund (WWF) have formally recognised this in their policy documents on protection of ecosystems. The international community as a whole has recognised this in the Convention on Biodiversity (CBD), including in its Programme of Work on Protected Areas (PoWPA). Old models built around removing and excluding local communities have been shown to result in impoverishment of people while failing to protect the environment effectively (instead encouraging corruption and abuse of power). The Global Environment Outlook Report 5, mentions clearly, that world over while the number of protected areas has gone up the actual biodiversity has only decreased. One of the important reasons identified for this decrease in biodiversity has been lack of involvement of local people in governance and management of protected areas. Both academic literature and international policy documents demonstrate this in numerous contexts. Indian experiences as diverse as Uttarakhand's Van Panchayats, community forest management in Odisha; Recognition of rights and subsequent development of people's tiger conservation plan in BR Hills Tiger Reserve in Karnataka; Collective efforts of the administration, civil society and local people to recognise rights and work towards a co-existence plan in Simlipal Tiger Reserve in Odisha, Conservation of forests and wildlife after recognition of CFR rights, including by setting aside no go zones for them in villages such as Pachgaon and Nayakheda in Maharashtra; and continuation of effective forest management by villages such as Mendha Lekha, among many others provide us with a wealth of local knowledge and examples to draw upon.

2) The FRA is a vital tool for community-based conservation movements:

The FRA is not only to be viewed as a social justice measure, but also as a tool to democratize environmental decision making and forest governance in India. It empowers forest communities to be a part of the decision making process, and therefore encourages a bottom up approach to natural resource governance in India. Across the world, there is growing evidence that involving local communities in environmental governance and protection plans promotes decisions that are environmentally sound. Yet government policy has focused solely on criminalising local

communities and strengthening the powers of forest officials - a model that has either failed in many contexts or is increasingly being questioned as flawed, counter-productive and short-sighted. The Forest Rights Act represents for the first time, that Indian environmental policy has sought to incorporate these principles of respect for rights (including right to use, manage and conserve), transparency and accountability, in a clear legal framework. After the passage of the Act, communities across the country have also used it as an instrument of conservation, such as through stopping coupe felling in north Bengal, preventing wanton destruction of forests for private profit in Odisha, and as mentioned above sustainably using and conserving forests and biodiversity in Maharashtra, Odisha and elsewhere.

3) Wilful misinterpretation of the FRA legislation:

Many foresters mistakenly believe that the FRA will cause forest loss. Some have made simplistic calculations like number of Adivasis multiplied by 4 ha given equals the amount of forest area that will be lost. It must be noted that neither is 4 ha the amount to be 'handed out' (it is only the upper bound), nor is it "giving land" to all Adivasis. The Act only provides for all forest-dwellers whose historical residence and dependence over a particular forest land has not been recognized. Most important, individual forest rights correspond to historically settled or cultivated land, which in reality does not contain any forest cover anyway. So effectively implementing the individual rights provisions does not really involve any loss of actual forest cover.

Critics of the Act argue that there is a potential for misuse by vested interests. We do not support any misuse of the Act. However, that is not a valid ground for calls for scrapping or failing to implement an important Act. Any law including the Wild Life (Protection) Act has the potential for misuse and flawed implementation, but that does not mean that the law itself is wrong/or at fault. In contrast, eviction drives and harassment of legitimate rights holders have led to a situation of continuous conflict in forest areas – which is hardly conducive to conservation.

In this context we are disturbed to find the Environment Ministry continuing to make policy in a manner that does not seem to respect this law or its mandate. Some recent examples include the laws and policies such as Compensatory Afforestation Fund Act and Wildlife Action Plan 2017-31, which make no reference to the Forest Rights Act and rights of local communities; and reported moves to bypass the need for local communities' consent before diverting forests. Such steps increase the likelihood of maladministration, abuse of power against local forest dwellers, ecologically unfriendly and destructive policies, and the use of plantations as some kind of panacea for all forms of forest destruction. We see this as a failure to fulfil the Environment Ministry's primary mandate. We call upon you to, as a conservation measure, ensure that respect for and implementation of the Forest Rights Act becomes one of the top priorities of your Ministry and of the country's forest bureaucracy. We hope that steps in this direction can be taken.

Sincerely,

Dr. Nitin Rai, Ecologist, ATREE, Bangalore

Dr. Ravi Chellam, Ph.D., Executive Director, Greenpeace India

Dr. Sharachandra Lele, Environmental Researcher and Member, MoEF-MoTA Joint Committee on FRA

Ashish Kothari, Kalpavriksh, Pune

Neema Pathak Broome, Kalpavriksh, Pune

Dr. Aparna Watve, Assistant Professor, Tata Institute of Social Sciences

Janaki Lenin, Conservation Journalist and Writer, Tamil Nadu

Dr. Aparajita Datta, Scientist, Nature Conservation Foundation

Dr. T.R. Shankar Raman, Scientist, Nature Conservation Foundation
Dr. Divya Mudappa, Scientist, Nature Conservation Foundation
Dr. M.D. Madhusudan, Scientist, Nature Conservation Foundation
Dr. Charudutt Mishra, Scientist, Nature Conservation Foundation
Priya Pillai, Greenpeace India
Giri Rao, Vasundhara, Odisha
Tushar Dash, Vasundhara, Odisha
Aarthi Sridhar, Dakshin Foundation
Dr. Kartik Shankar, Dakshin Foundation
Marianne Manuel, Dakshin Foundation
Ananya Rao, Dakshin Foundation
Dr. Harini Nagendra, ecologist, Bangalore
Dr. Prashanth N S, Faculty & Tribal Health and Development Researcher, Institute of Public Health,
Bangalore
Kalyan Varma, Associate and environmental photographer, Nature Conservation Foundation