

## **Side event on protected area governance focusing on India's performance in implementing the CBD Programme of Work on Protected Areas, and on the Forest Rights Act; organised by KV (11 October, 2012).**

**Context:** In the recent years various rights based acts regarding the use and ownership of biodiversity and forests have been enacted in India; such as the Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Rights Act (also called the Forest Rights Act). The changes in governance that these pieces of legislations could create have not yet reached their full potential because of a multitude of reasons and have been most contentious within Protected Areas (PAs). Over the past fifteen years or so, there have been many changes in policy framework (international and national) which have influenced or have potential to influence the PA governance structure and functioning. These include the Programme of Work on Protected Areas (PoWPA), and the Aichi targets for biodiversity conservation.

**About the event:** In this context, Kalpavriksh organised a side event during CBD COP-11 on 11 October 2012 for discussing the current situation of governance within PAs in India, in the light of the implementation of the Forest Rights Act (FRA) and PoWPA. The side event focused on the implementation of the FRA (especially the status of recognition of Community Forest Rights), or the lack thereof, in Protected Areas and the status of Critical Tiger Habitats and Critical Wildlife Habitats, in the context of their bearing on changes in conservation and governance. It was hoped that a discussion on these issues will create a deeper understanding of the status of governance in PAs.

### **Discussion during the side-event**

Through a panel discussion with policy makers, researchers, NGO members and community representatives, broadly the following themes were touched upon:

- Status of implementing PoWPA, particularly element 2 relating to governance of PAs
- Current trends related to governance of PAs in India, particularly issues of tenure, relocation, and coexistence
- Role of Forest Rights Act of India (applicability, implementation and potential) in improving forest governance

The panel included Nitin Rai (ATREE), Ravi Chellam (Madras Crocodile Bank Trust), Tushar Dash (Vasundhara), Mohan H.H. (Vrikshamitra), Aman Singh (KRAPAVIS), and Ashish Kothari and Neema Pathak Broome (Kalpavriksh).

The panel presented a review of the conservation policies in India and the changes it has undergone over the years. The trend showed an increased acceptance of local participation and voices in decision making within policy, but a continued predominant fixation with designated protected areas, at times neglecting larger landscapes. Some case studies of empowerment of communities through proactive implementation of such legal provisions were highlighted. At the same time, the lack of substantial on ground change in conservation paradigm in India was attributed to many reasons. These included instances of unwillingness of the Forest Department to give communities more decision making power, inadequate legal and technical facilitation to local communities for post CFR governance, tendency towards neglect of traditional knowledge and customary practices, on-ground indifference towards traditional institutional structures leading to their breakdown, insufficient staff for proper implementation of FRA and continued relocation and imposition of other restrictions in Tiger Reserves in

violation of the FRA and amendments to Wildlife Protection Act. The option of declaring areas within Protected Areas as Critical Wildlife Habitats (a provision of FRA) also has remained largely unexplored, with its guidelines lying in cold storage. The recent *Ajay Dubey vs. NTCA* case which has led to numerous debates on allowing tourism in inviolate areas of Tiger Reserves was also discussed for its much neglected side-effect of rushed process of notification of large areas of land as 'buffer' areas of tiger reserve without the mandated public consultations and in many cases in too short a period of time to follow a detailed scientific procedure.

Overall, the discussion highlighted the possibilities of moving towards a more democratic and socially just form of PA governance in India if the national and international legal provisions were followed in letter and spirit. It simultaneously presented a volley of institutional, attitudinal and implementation level challenges which need to be tackled in order to move closer to such forms of PA governance.