

Bugnaux sur Rolle (Switzerland), 23 January 2016

Mr Pinarayi Vijayan
Chief Minister, Govt of Kerala,
Trivandrum, Kerala, India chiefminister@kerala.gov.in
cc: Forest Minister of Kerala minister-forest@kerala.gov.in
cc: Chief Secretary of Kerala chiefsecy@kerala.gov.in

Ref: Proposed IMA biomedical waste disposal plant in the Myristica swamp of Peingammala Panchayat, Kerala

Honourable Chief Minister,

The ICCA Consortium is an international association under Swiss law uniting federations and organizations of indigenous peoples, local communities and civil society organisations concerned with the appropriate recognition of the **territories and areas conserved by indigenous peoples and local communities** (ICCAs) throughout the world. We are a partner organization of the Secretariat of the Convention on Biological Diversity (CBD), the United Nations Development Programme (UNDP GEF SGP) and the International Union for the Conservation of Nature (IUCN). Our direct Members and Honorary members span over seventy-five countries.

The ICCA Consortium's worldwide engagement is part of the global recognition of the importance of community conservation practices, including by those who define themselves as discrete indigenous peoples and those who do not, to achieve global conservation goals and targets. This recognition is enshrined in the Convention on Biological Diversity (CBD), which recommends Parties to "*recognize the role of indigenous and local community conserved areas in biodiversity conservation and diversification of governance types*" (CBD COP 10, Decision X 31), a role considered fundamental to reach Aichi Biodiversity Targets 11 and 18, among others.

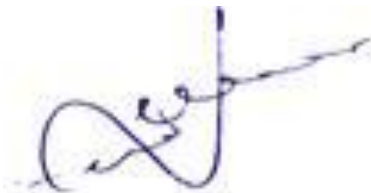
We are writing at this time to express our most **serious concern regarding the proposal of the Indian Medical Association (IMA) to construct a centralised hospital waste disposal plant at the Myristica swamps of Elavupalam in Peringammala Panchayat of Trivandrum district in Kerala**. We are deeply shocked to hear of this news because of both its ecological and socio-cultural consequences. We understand that Myristica swamp is a rare and highly threatened ecosystem and within India now restricted to about 100 ha in the Western Ghats forest range, including in the Trivandrum district of Kerala and North Canara in Karnataka state. We understand that the area where the disposal plant is proposed supports many different species of freshwater swamp-adapted trees and is located within an area hosting a large population of the endangered Nilgiri Tahr and Asian Elephants. This area is also part of the Agasthyavanam Biosphere Reserve, and the ecosensitive area of the Chenthuruni Sanctuary— both of which are protected under Indian legislation, including via the Wildlife Protection Act and Forest Conservation Act.

Peringammala Panchayat is known for its **rich and varied biodiversity** and **efforts of its people towards conservation of this biodiversity**. The Panchayat was featured in the UNDP book on biodiversity governance in India and in the UN CBD Bulletin Square Brackets. This Panchayat was also shortlisted for a UN award for biodiversity conservation, which is how we have known about it. We understand that the **village Panchayat** as well as the **Trivandrum District Panchayat** have **forcefully rejected the proposal for construction at this site**, and that these decisions are legally binding. Additionally, **the Kani Adivasi community**, whose rights are protected under the Forest Rights Act 2006 of India, are also **resisting this proposal**.

With deep concern for this globally rare ecosystem and deep respect for the sentiments and cultural security of the tribal and non-tribal communities in the area, we invite your kind consideration towards this globally renowned biodiversity hotspot, conserved effectively by its surrounding community. We encourage you to instruct the concerned statutory bodies to fulfil their mandate by refusing permission for any construction/development activity by IMA or anybody else at this site. And we recommend that you recognize the **Myristica swamps of Elavupalam as a Community Conserved Area of the local Kani community under the Forest Rights Act 2006**.

IMA may find many suitable alternative locations but the Myristica swamp and the community organised for its preservation and care have no alternative and it will not be possible to restore them once damaged. Please consider them as the “seed” of bio-cultural diversity they are, a jewel of Kerala, not to be spoiled but highly cherished.

We look forward to hearing from you. With most respectful and sincere regards,



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