

IMPLEMENT CRITICAL WILDLIFE HABITATS AND COMMUNITY FOREST RIGHTS FOR BETTER CONSERVATION!

Conservationists, social activists, and government officers from across the country today commended the Ministry of Environment and Forests for its recent circular requiring state governments to comply with provisions of the Forest Rights Act, when applying for diversion of forest lands for any non-forest use. This was cited as an example of how the Forest Rights Act 2006, could be a major tool for conservation, by participants at the 2nd National Workshop on Critical Wildlife Habitats and Community Forest Rights, held in Delhi on 17-19th August 2009. The Workshop was organized by the Future of Conservation Network, a coalition of conservation and social action groups.

The Workshop discussed the provisions of the Forest Rights Act 2006, and of the Wild Life (Protection) Amendment Act 2006, which enabled the declaration of Critical Wildlife Habitats, Critical Tiger Habitats, and Community Forests. These were highlighted as important new tools for safeguarding India's forests and wildlife, as also water sources. Additionally they are crucial for securing livelihoods of hundreds of millions of people. These points have been reinforced by the Prime Minister at the State Environment Minister's Conference in New Delhi where he stated that "*Tribal Rights Act is an opportunity to guarantee the legitimate rights of forest dwellers and to bring them in the frontline of the environment movement for regeneration*"

Initial implementation of these provisions has shown their potential. For instance, two communities in Maharashtra have just this week secured legal protection for their community conserved forests.

Participants however expressed concern regarding the following:

1. There are significant delays in most states, regarding the implementation of these provisions;
2. Community Forest Rights (*vis-à-vis* individual rights) have not been encouraged in many states.
3. Due democratic and knowledge-based processes (as required by both the Acts) are not being followed in many cases, for instance in many protected areas (national parks, sanctuaries, tiger reserves) where local communities are to be consulted.
4. In some areas, such as tiger reserves, communities are being told they cannot claim rights, though the Acts provide for it.
5. State governments are facing serious capacity constraints in implementing the Act, and at the Centre, the Ministry of Tribal Affairs has hardly any staff to handle an Act affecting millions of people.
6. Vested interests are attempting to misuse provisions of the Act in many places, to enlarge areas under encroachment, without adequate checks by the government.

Many of these issues emerge from a lack of understanding and misinterpretation of the Act and its rules.

The Workshop participants stressed the need to:

- Intensify processes of identifying Critical Wildlife Habitats through democratic means and using best available knowledge (modern and traditional).
- Ensure that threatened species are fully protected within the process and implementation of the Act.
- Encourage and facilitate Community Forest Right claims, especially to protect community conserved forest areas.
- Ensure full establishment of rights within protected areas including Tiger Reserves, and initiate a dialogue which would help secure such areas for conservation with the help of local communities.
- Use all available funds, including those under CAMPA, to facilitate community based forest conservation.
- Initiate a dialogue on the collaborative arrangements between communities and the Forest Department, in community forest areas and protected areas.

Participants also expressed the hope that states and the centre would strictly implement the new MoEF circular mentioned above, for this would be a strong tool to check the deforestation caused by mining, industries, expressways, and other such projects.

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